

# Indigenous Peoples Planning Framework

---

Document Stage: Draft for Consultation  
Project Number: 55346-001  
July 2023

## Nepal: Urban Resilience and Livability Improvement Project

Prepared by the Department of Urban Development and Building Construction, Federal Democratic Republic of Nepal for the Asian Development Bank.



## **CURRENCY EQUIVALENTS**

(as of 1 July 2023)

Currency unit - Nepalese rupee (NPR)  
NPR1.00 = \$0.01  
\$1.00 = NPR 73.53

## **ABBREVIATIONS**

ADB	-	Asian Development Bank
DUDBC	-	Department of Urban Development and Building Construction
DMS	-	detailed measurement survey
DSC	-	design and supervision consultant
GON	-	Government of Nepal
GRC	-	grievance redress committee
GRM	-	grievance redress mechanism
IPPF	-	indigenous peoples planning framework
IPP	-	indigenous peoples plan
NFDIN	-	National Foundation for Development of Indigenous Nationalities
ISCPC	-	institutional strengthening and community participation consultant
NGO	-	nongovernment organization
PCO	-	project coordination office
PIU	-	project implementation unit
PMCDC	-	project management and capacity development consultant
RIPP	-	resettlement and indigenous peoples plan
SDC	-	supervision and design consultants
SIA	-	social impact assessment
SSO	-	Social Safeguards Officer
SPS	-	Safeguard Policy Statement
URLIP	-	Urban Resilience and Livability Improvement Project

## **WEIGHTS AND MEASURES**

km - kilometer  
m - meter  
m<sup>2</sup> - square meter

## NOTE

In this report “\$” refers to United States dollars.

## GLOSSARY OF NEPALI TERMS

Dalits	–	the so-called lowest caste within the Hindu caste hierarchy
Khas Arya	–	refers to Bhramin/Kshetri or upper class
Madhesi	–	An indigenous caste living in the Terai landscape of Nepal
Tharu	–	Indigenous caste living in the Terai landscape of Nepal

This indigenous people planning framework is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature. Your attention is directed to the “terms of use” section of this website.

In preparing any country program or strategy, financing any project, or by making any designation of or reference to a particular territory or geographic area in this document, the Asian Development Bank does not intend to make any judgments as to the legal or other status of any territory or area.

## CONTENTS

	<b>Pages</b>
I. PROJECT DESCRIPTION	1
A. Background	1
II. INDIGENOUS PEOPLES IN PROJECT AFFECTED AREA	4
III. OBJECTIVES AND POLICY FRAMEWORK	6
A. Objectives	6
B. Policy Framework: Indigenous Peoples	6
C. Gap Analysis of Laws and Policies of Government of Nepal and ADB SPS (2009)	11
D. Objectives of the Indigenous Peoples Planning Framework	17
E. Indigenous Peoples Plan	18
IV. PROCEDURES FOR PROJECT PLANNING	18
A. Screening and Categorization of Impacts on Indigenous Plan/Minorities	18
B. Social Impact Assessment and Preparation of Indigenous Peoples Plan	19
V. CONSULTATION, INFORMATION DISCLOSURE AND GRIEVANCES	21
A. Consultation	21
B. Information Disclosure	22
C. Grievance Redress	22
VI. INSTITUTIONAL ARRANGEMENTS	26
VII. MONITORING AND REPORTING	33
A. Monitoring	33
B. Reporting	33

## APPENDICES

Appendix 1: Population Distribution of Nepal by Caste/Ethnicity, 2011	35
Appendix 2: Indigenous Peoples Impact Categorization	38
Appendix 3: Outline of Indigenous People Plan	41
Appendix 4: Indicative Checklist for Social Impact Assessment (Not Exhaustive)	43
Appendix 5: Sample Monitoring Template for Impacts on Indigenous Peoples/Minorities (Not Exhaustive)	45

## TABLES

Table 1: Poverty Rate among Different Castes and Ethnic Groups of Nepal	4
Table 2: Distribution of Indigenous Population with their Level of Marginalization	5
Table 3: Indigenous Peoples/Janajati by Ecological Regions	8
Table 4: Indigenous People/Janajati of Nepal and Their Degree of Marginalization	8
Table 5: Comparison of Government of Nepal and ADB Policy on Indigenous Peoples, Gap Analysis and Recommended Measures	11

## **FIGURES**

Figure 1: Grievance Redress Process (URLIP)	25
Figure 2: Implementation Arrangement for Safeguard Implementation	32

## I. PROJECT DESCRIPTION

### A. Background

1. In recent years, Nepal has made significant improvements in economic growth and poverty reduction at the national level. During fiscal years (FY) 2017–2019, gross domestic product (GDP) growth averaged 7.3% annually, and between 2011 and 2018 the poverty rate fell from 25.0% to 18.7%.<sup>1</sup> Despite these gains, the coronavirus disease (COVID-19) pandemic has posed a setback, shrinking national GDP growth to an estimated 2.3% in FY2021 and exacerbating vulnerability of the poorest. Despite ongoing uncertainty related to the pandemic, modest growth of 3.9% is expected for FY2022 as the country's vaccination rollout expands, industrial output rises, and tourist arrivals gradually increase.<sup>2</sup> In September 2021, the Government of Nepal (the government) and development partners endorsed the “Kathmandu Declaration,” a vision for Nepal's COVID-19 recovery that hinges on a green, resilient, and inclusive development strategy, while addressing the interlinked challenges of climate and rising inequality.<sup>3</sup>

2. The Constitution of Nepal (2015) entrusts provinces and local governments with the functions of developing public infrastructure and delivering services. Nepal's Fifteenth Plan, FY2020–FY2024 identifies sustainable urbanization as a key driver of the country's socioeconomic transformation to make cities inclusive, safe, resilient, and sustainable (footnote 4). Aligning with the government's National Urban Development Strategy (footnote 9), the fifteenth plan emphasizes improved service delivery, interlinked urban corridors, and targets high and inclusive economic growth through capital investment in quality and resilient urban infrastructure and services. Maintaining the cultural heritage assets of Nepal's cities is noted by the government as an integral part of urban development and livability improvement. Specific priorities of the government include a national program for integrated urban development, policies and investments implementation from urbanizing corridor strategies, heritage conservation, and tourism infrastructure thereby opening major opportunities for development and providing a significant source of employment and contribution to poverty reduction.<sup>4</sup> The government has identified several municipalities with high tourism potential, with recently improved access that is likely to increase visitors, and where investment is urgently required to safeguard heritage and enhance the visitor experience while improving quality of life for residents.

3. The project will contribute to achieving Sustainable Development Goals 1, 5, 10, 11, 12, 13, 16, and 17 as it supports to make resilient, inclusive, safe, and sustainable project municipalities. The project is aligned with the priorities of ADB Strategy 2030 for (i) addressing remaining poverty and reducing inequalities by establishing GESI-responsive infrastructure assets; (ii) accelerating progress in gender equality by benefiting women and girls from improved infrastructure; (iii) tackling climate change, building climate and disaster resilience, and enhancing environmental sustainability by supporting risk-informed urban plans and climate awareness; (iv) making cities more livable by improving urban infrastructure; (v) strengthening governance and institutional capacity by improving management functions and financial stability of entities; and (vi) fostering regional cooperation and integration as it supports a flagship initiative for SASEC as

---

<sup>1</sup> ADB. 2019. Country Partnership Strategy: Nepal, 2020–2024–Promoting Connectivity, Developed Services, and Resilience. Manila.

<sup>2</sup> ADB. 2022. Asian Development Outlook 2022: Transforming Agriculture in Asia. Manila.

<sup>3</sup> World Bank. 2021. Government of Nepal and Development Partners Join Forces on Nepal's Green, Resilient, and Inclusive Development. Washington, DC.

<sup>4</sup> Department Urban Development and Building Construction. 2019. *Integrated Development Strategies for Two Terai Corridors: Western Urbanizing Corridor and Easter Urbanizing Corridor*. Kathmandu.

a tourist destination, by supporting theme-based circuits, such as religious and ecotourism circuits.<sup>5</sup> It is aligned with the two pillars of the country partnership strategy for Nepal (2020–2024) on devolved services and strengthening resilience (footnote 1).

## B. Project Outputs

4. The project will be aligned with the following impact: inclusive economic growth and improved living standards.<sup>6</sup> The Project will have the following outcome: improved resilience, livability and sustainability of urban service delivery by project municipalities.<sup>7</sup> The outcome will be achieved through the following three outputs:

5. **Output 1: Municipal infrastructure for resilience improved.** Investments will use an integrated approach by ensuring a well-coordinated urban infrastructure system and, where feasible, employing green solutions to reduce inundation, improve mobility, and promote nonmotorized transport through cycle lanes and footpaths. Together, these investments aim to improve the livability of residents, support the sustainable growth of tourism, and enhance local economies. The project will (a) construct 150 kilometers (km) of stormwater drains; (b) reconstruct 100 km of urban roads with at least 45 km of footpaths with old age, women, children, and people with disabilities responsive features and cycle lane to promote nonmotorized transport; and (c) construct cold storage in Tilottama to ensure food security during climate and disaster events.

6. **Output 2: Tourism assets revitalized, and management improved.** The project adopts a combination of strategic planning, infrastructure development and customer service to support natural, cultural, and heritage-based tourism by enacting protective zoning around natural and heritage sites, expanding tourism activities, and promoting visitor's universal access and positive experience.<sup>8</sup> Output 2 will support to: (a) prepare and execute seven natural and heritage management plans through gender equality and social (GESI)-responsive, participatory approaches; (b) improve seven cultural and natural heritage sites with GESI-responsive tourism infrastructure and recreation amenities such as cycle route connecting seven lakes of Pokhara municipality, Bindabasini area street, Phewa organic trail, Pokhara SantiBan Batik (Forest) conservation, Janakpur Ratna Sagar Lumbini global park and Panchase eco-development, (c) improve 150,000 square meters of green spaces—Siddharthnagar Dandha River Corridor and greening initiatives of public spaces in all municipalities—with gender and climate-resilient-inclusive design feature; and (d) ensure at least 30% of the socio-economic development program spent on socioeconomic infrastructure and activities related to tourism and GESI. The project will construct at least seven GESI-friendly public toilets in cultural and natural heritage sites and support Lumbini Sarus Carne conservation and biodiversity awareness.<sup>9</sup>

7. **Output 3: Capacity of communities, municipalities, province, and Department of Urban Development and Building Construction strengthened.** The project supports implementing prioritized reforms, municipalities' digital transformation, institutional strengthening, and capacity-building actions. Key actions of output 3 include increasing own source revenue by implementing a comprehensive financial management improvement plan (CFMIP)—an institutional reform measure for revenue enhancement (broadening own source revenue coverage, digital tax billing and collection, and tax administration), budgeting procedure for better

<sup>5</sup> ADB. 2018. *Strategy 2030: Achieving a Prosperous, Inclusive, Resilient, and Sustainable Asia and the Pacific*. Manila

<sup>6</sup> Government of Nepal. National Planning Commission. 2020. *Fifteenth-Year*, FY2020-2024. Kathmandu.

<sup>7</sup> The design and monitoring framework is in [Appendix 1](#).

<sup>8</sup> Cultural, natural, and heritage assets under municipalities' jurisdiction.

<sup>9</sup> Public toilets will have male, female, and all-gender toilets with adequate wash facilities and design friendly to persons with disabilities.



expenditure management, internal and external audit, procurement and asset management, and financial management procedures. The second action is to address carbon emissions and climate and disaster-related risks by preparing decarbonization and risk-sensitive urban plans and enforcing development control,<sup>10</sup> preparing seven heat action plans to ensure well-coordinated response actions during an extreme heat event tailored to high-risk groups, establishing Pokhara municipal emergency operation center, installing an electronic building permit system that factors in climate and disaster risk zoning, and will also support the issuance of digital tax bills. The third action is strengthening institutions and capacity by establishing and equipping O&M units in each municipality, maintaining a robust database of public assets, including infrastructure, utilities, cultural and natural heritage sites, and public land, constructing an energy-efficient and disaster-resilient municipal office building for Lumbini Sanskritik municipality, conducting training and workshop for staff, including eligible women staff and female-elected representatives of cities, provinces, and DUDBC, on municipal finance, natural ecosystems, decarbonization, and urban resilience planning, and support internship, skill improvement in traditional and local art, and tourist guide certification programs for women and disadvantage group implemented.<sup>11</sup>

### **C. Implementation Arrangement**

8. The Department of Urban Development and Building Construction on behalf of Ministry of Urban Development will be the executing agency. A project coordination office (PCO) headed by a project director, will be established and will be responsible for overall project management. Seven project implementation units (PIUs) will be established in the project municipalities. PCO will be supported by Project Management and Capacity Development Consultant (PMCDC) in project management and implementation and will provide training and support in monitoring and reporting of safeguards compliance. PIUs will focus on day-to-day project implementation issues and ensure effective coordination.

### **D. Purpose and Objective of the Indigenous Peoples Planning Framework**

9. This indigenous peoples planning framework (IPPF) provides guidance for the screening and assessment of indigenous peoples impacts and for the preparation of indigenous peoples plans for Output 2 components that are identified or assessed or any changes in design after Board approval. Any proposed future project involving significant impacts to indigenous peoples will not be allowed.

10. This IPPF will be the reference document for the preparation of indigenous peoples plan in the proposed Project. This document is an extension to resettlement framework prepared for the URLIP and must be read conjointly with the resettlement framework document.

11. This IPPF outlines the objectives, policy principles and procedures for any land acquisition, if any; compensation, and other assistance measures for affected indigenous persons, if any. A detailed description of each compensation measure and assistance is provided in the entitlement matrix. The indigenous people planning framework will apply to all subprojects under URLIP and will be reviewed and updated to ensure relevance and consistency with applicable country legal frameworks and ADB's SPS, 2009, as amended from time to time.

---

<sup>10</sup> Including seismic microzoning and multi-hazard disaster risk assessment of Pokhara.

<sup>11</sup> GESI action plan (accessible from the list of linked documents in Appendix 2).

## II. INDIGENOUS PEOPLES IN PROJECT AFFECTED AREA

12. In Nepal, indigenous peoples are popularly known as *adivasi/janajati*. The national report on caste/ethnicity, language and religion (2021)<sup>12</sup> revealed that there are 142 castes/ethnicities in Nepal.<sup>13</sup> 124 languages are being spoken in Nepal whereas caste and ethnic groups are residing in a uniquely harmonized Nepalese society.<sup>14</sup> As per latest available Census (2011) data,<sup>15</sup> 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 Thakali. Appendix 1 provides a detailed breakdown 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.

13. 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
		<b>41.8</b>	<b>30.8</b>	<b>25.16</b>
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
<b>Total</b>		<b>46.1</b>	<b>31.3</b>	<b>12.34</b>

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

14. The NFDIN affiliated National Federation of Indigenous Nationalities (NEFIN) has classified IP into five different categories based on socioeconomic variables that include literacy, housing, occupation, language, area of residence and population size. Table 2 presents the distribution of the indigenous peoples with their Level of Marginalization.

<sup>12</sup> <https://censusnepal.cbs.gov.np/results/downloads/caste-ethnicity>

<sup>13</sup> 125 were reported in the earlier census (2011) and 17 are newly found based in the Census 2021. The newly added castes/ethnicities are Ranatharu, Bhumihar, Bankariya, Surel, Chumba/Nubri, Phree, Mugal/Mugum, Pun, Rauniyar, Baniyan, Gondh/Gond, Karmarong, Khatik, Beldar, Chai/Khulaut, Done and Kewarat.

<sup>14</sup> 111 were also reported in the earlier census 2011 and 13 are newly found in the census 2021. The newly added mother tongues are Bhote, Lowa, Chum/Nubri, Baragunwa, Nar-Phu, Ranatharu, Karmarong, Mugali, Tichhurong Poike, Sadri, Done, Munda/Mudiyari and Kewarat.

<sup>15</sup> The national report on caste/ethnicity, language, and religion (2021) was published in 2023 which provides statistical tables on caste-ethnicity, language, and regional at the national, provincial, and districts levels. The national report on national population and housing (census 2021) is also available; however, it does not include ethnicity-wise data/information. The latest available census is 2011 is used in this IPPF.

**Table 2: Distribution of Indigenous Population in Project Towns with their Level of Marginalization**

S. No.	Municipality	Total Population	Population of Janajatis	(%)	Endangered (%)	Highly Marginalized (%)	Marginalized (%)	Disadvantaged (%)	Advantaged (%)
1.	Tilottama	149479	56,222	37.61	0	107 <b>(0.20%)</b>	20863 <b>(38.07%)</b>	30794 <b>(56.19%)</b>	3044 <b>(5.55%)</b>
2.	Siddharthanagar	74,436	13182	17.71	0	100 <b>(.76%)</b>	1941 <b>(14.72%)</b>	8670 <b>(65.77%)</b>	2471 <b>(18.75%)</b>
3.	Sainam	78393	29020	37.02	0	74 <b>(0.25%)</b>	12367 <b>(42.62%)</b>	14342 <b>(49.62%)</b>	2237 <b>(7.71%)</b>
4.	Lumbini Sanskrit	87,383	1472	1.68	0	15 <b>(1.02%)</b>	1231 <b>(83.63%)</b>	151 <b>(10.26%)</b>	75 <b>(5.10%)</b>
5.	Devdaha	72,457	30,066	41.49	0	34 <b>(0.11%)</b>	7730 <b>(25.71%)</b>	20915 <b>(69.56%)</b>	1387 <b>(4.61%)</b>
6.	Janakpur	194,556	11,536	5.93	0	9671 <b>(83.8%)</b>	1031 <b>(8.9%)</b>	296 <b>(2.65%)</b>	538 <b>(4.7%)</b>
7.	Pokhara	513,504	195,315	38.04	0	930 <b>(0.5%)</b>	13331 <b>(6.8%)</b>	154926 <b>(79.3%)</b>	26128 <b>(13.4%)</b>

Source: <https://censusnepal.cbs.gov.np/results/downloads/caste-ethnicity>

### III. OBJECTIVES AND POLICY FRAMEWORK

#### A. Objectives

15. This indigenous peoples planning framework (IPPF) is prepared to provide guidance to the 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 for components under Output 2 that will be prepared after Board approval, 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/janajati 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 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.

16. Preliminary assessment of potential impacts to Indigenous Peoples in the project areas and 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 project 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.

17. The IPPF identifies the broad scope of the project and outlines the policy, procedures and institutional requirements for preparing indigenous peoples plans (IPP) for projects. 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 project concerned.

#### B. Policy Framework: Indigenous Peoples

18. This framework is prepared based on applicable legal frameworks of the government and ADB's SPS, 2009.

19. **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.

20. 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.

21. 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, 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).

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

23. 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.

24. 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.

25. 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 (lowland regions in southern Nepal) and mountain.

26. Tables 3 provides details of 59 Indigenous Peoples/*Janajati* in different ecological regions of Nepal. Table 4 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 3: Indigenous Peoples/Janajati by Ecological Regions**

Ecological Region	Indigenous Peoples				No.
Hill	1. Bankariya	13. Phree			<b>24</b>
	2. Kusbadiya	14. Sunuwar			
	3. Kusunda	15. Tamang			
	4. Lepcha	16. Chhantyal			
	5. Surel	17. Gurung (Tamu)			
	6. Baramu	18. Jirel			
	7. Thami (Thangmi)	19. Limbu (Yakthung)			
	8. Chepang	20. Magar			
	9. Bhujel	21. Rai			
	10. Dura	22. Yakkha			
	11. Hayu	23. Hyolmo			
	12. Pahari	24. Newar			
Mountain	1. Chhairotan	10. Mugali			<b>18</b>
	2. Tongbe	11. Lhopa			
	3. Topkegola	12. Walung			
	4. Thudam	13. Sherpa			
	5. Dolpo	14. Siyar			
	6. Tingaunle Thakali	15. Marphali Thakali			
	7. Thakali	16. Larke			
	8. Bahragaunle	17. Lhomi (Singsawa)			
	9. Bhote	18. Byasi			
Terai/Madhes	1. Raji	10. Jhangad			<b>17</b>
	2. Raute	11. Santhal (Satar)			
	3. Kisan	12. Darai			
	4. Meche (Bodo)	13. Kumal,			
	5. Bote	14. Dhimal			
	6. Danuwar,	15. Gangai			
	7. Majhi	16. Rajbanshi			
	8. Dhanuk (Rajbansi)	17. Tajpuriya			
	9. Jhangad				
<b>Total</b>					<b>59</b>

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

**Table 4: Indigenous People/Janajati of Nepal and Their Degree of Marginalization**

Region	Endangered Group	Highly Marginalized Group	Marginalized Group	Disadvantaged Group	Advantaged Group
<b>Hill</b>	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)

Region	Endangered Group	Highly Marginalized Group	Marginalized Group	Disadvantaged Group	Advantaged 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)		
<b>Total</b>	<b>10</b>	<b>12</b>	<b>20</b>	<b>15</b>	<b>2</b>

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

27. **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.

28. 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.

29. 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.

30. 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. Projects financed and/or administered by ADB are expected to observe the following policy principles related to IPs:

- (i) Screen early on to determine (i) whether IPs are present in, or have collective attachment to, the project area; and (ii) whether project impacts on IPs are likely.
- (ii) Undertake a culturally appropriate and gender-sensitive social impact assessment or use similar methods to assess potential project impacts, both positive and adverse, on IPs. Give full consideration to options the affected IPs prefer in relation to the provision of project benefits and the design of mitigation measures. Identify social and economic benefits for affected Indigenous Peoples that are culturally appropriate and gender and inter-generationally inclusive and develop measures to avoid, minimize, and/or mitigate adverse impacts on IPs.
- (iii) Undertake meaningful consultations with affected IPs Peoples communities and concerned IPs Peoples organizations to solicit their participation (i) in designing, implementing, and monitoring measures to avoid adverse impacts or, when avoidance is not possible, to minimize, mitigate, or compensate for such effects; and (ii) in tailoring project benefits for affected Indigenous Peoples communities in a culturally appropriate manner. To enhance IPs' active participation, projects affecting them should provide for culturally appropriate and gender inclusive capacity development. Establish a culturally appropriate and gender inclusive grievance mechanism to receive and facilitate resolution of the Indigenous Peoples' concerns.
- (iv) Ascertain the consent of affected IPs communities to the following project activities: (i) commercial development of the cultural resources and knowledge of Indigenous Peoples; (ii) physical displacement from traditional or customary lands; and (iii) commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of IPs. For the purposes of policy application, the consent of affected IPs communities refers to a collective expression by the affected IPs communities, through individuals and/or their recognized representatives, of broad community support for such project activities. Broad community support may exist even if some individuals or groups object to the project activities.
- (v) Avoid, to the maximum extent possible, any restricted access to and physical displacement from protected areas and natural resources. Where avoidance is not possible, ensure that the affected IPs communities participate in the design, implementation, and monitoring and evaluation of management arrangements for such areas and natural resources and that their benefits are equitably shared.
- (vi) Prepare an IPP/RIPP that is based on the social impact assessment with the assistance of qualified and experienced experts and that draw on indigenous knowledge and participation by the affected Indigenous Peoples communities. The IPP/RIPP includes a framework for continued consultation with the affected IPs communities during project implementation; specifies measures to ensure that IPs receive culturally appropriate benefits; identifies measures to avoid, minimize, mitigate, or compensate for any adverse project impacts; and includes culturally appropriate grievance procedures, monitoring and evaluation arrangements, and a budget and time-bound actions for implementing the planned measures.
- (vii) Disclose a draft IPP/RIPP, including documentation of the consultation process and the results of the social impact assessment in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected Indigenous Peoples communities and other stakeholders. The final IPP/RIPP



and its updates should also be disclosed to the affected Indigenous Peoples communities and other stakeholders.

- (viii) Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project involves (i) activities that are contingent on establishing legally recognized rights to lands and territories that IPs have traditionally owned or customarily used or occupied, or (ii) involuntary acquisition of such lands.
- (ix) Monitor implementation of the IPP/RIPP using qualified and experienced experts; adopt a participatory monitoring approach, wherever possible; and assess whether the IPP's objective and desired outcome have been achieved, taking into account the baseline conditions and the results of IPP/RIPP monitoring. Disclose monitoring reports.

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

31. 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 5: Comparison of Government of Nepal and ADB Policy on Indigenous Peoples, Gap Analysis and Recommended Measures**

<b>ADB Safeguard Policy Statement 2009 Indigenous people Policy Principle</b>	<b>Government of Nepal Policy Provision for Indigenous Peoples</b>	<b>Gaps between Government of Nepal Law and ADB Safeguard Policy Statement Requirements</b>	<b>Gap Filling Measures</b>
<b>1. Project Screening:</b> Screen early on to determine (i) whether IPs are present in, or have collective attachment to, the project area; and (ii) whether project impacts on IPs are likely.	Nepal recognizes the existence and the marginalized conditions of the indigenous nationalities. The Local Government Operation Act 2017 mandates that municipalities commit to the promotion, preservation, and protection of language, religion, culture of indigenous people.	Lack of specific guidelines pertaining to screening of project impacts on IPs	Project screening procedures are developed and included in project document. Training and capacity support program coupled with periodic refresher targeting to project stakeholder will regularly organized to internalize the IP issues solving mechanism in project implementation arrangement.
<b>2. Social Assessment</b> Undertake a culturally appropriate and gender-sensitive social impact	Framework policies, prepared by development projects are guiding the social assessment: stand alone GON policy	Specific guidelines for social assessment are not ex existed	Social assessment will be undertaken following standard procedures (as defined by SPS), to identify different levels of impact on Indigenous Peoples. The IPPF or IPP will includes the

<b>ADB Safeguard Policy Statement 2009 Indigenous people Policy Principle</b>	<b>Government of Nepal Policy Provision for Indigenous Peoples</b>	<b>Gaps between Government of Nepal Law and ADB Safeguard Policy Statement Requirements</b>	<b>Gap Filling Measures</b>
<p>assessment or use similar methods to assess potential project impacts, both positive and adverse, on IPs. Consider options for the affected IPs prefer in relation to the provision of project benefits and the design of mitigation measures. Identify social and economic benefits for affected Indigenous Peoples that are culturally appropriate and gender and inter-generationally inclusive and develop measures to avoid, minimize, and/or mitigate adverse impacts on IPs.</p>	<p>applicable to all development is not exist</p>		<p>process and area to be focused while designing SA.</p>
<p><b>3. Meaningful Consultation.</b> Undertake meaningful consultations with affected IPs Peoples communities and concerned IPs Peoples organizations to solicit their participation (i) in designing, implementing, and monitoring measures to avoid adverse impacts or, when avoidance is not possible, to</p>	<p>Meaningful participation in the political, social, and administrative spheres will be ensured for the economically, socially, and geographically backward citizens through 'positive discrimination' and reservation. <b>(15<sup>th</sup> Five-year plan)</b></p> <p>In states and districts in which several indigenous peoples live, the minority and</p>	<p>There is lack of regulation and guidelines for implementation of policy provision in practice.</p>	<p>Meaningful consultation will be carried throughout the project from the very beginning of project identification down to the monitoring of project results. Capacity of stakeholders on planning for impact mitigation will be developed for long term sustainability.</p>

<b>ADB Safeguard Policy Statement 2009 Indigenous people Policy Principle</b>	<b>Government of Nepal Policy Provision for Indigenous Peoples</b>	<b>Gaps between Government of Nepal Law and ADB Safeguard Policy Statement Requirements</b>	<b>Gap Filling Measures</b>
<p>minimize, mitigate, or compensate for such effects; and (ii) in tailoring project benefits for affected Indigenous Peoples communities in a culturally appropriate manner. To enhance IPs' active participation, projects affecting them should provide for culturally appropriate and gender inclusive capacity development. Establish a culturally appropriate and gender inclusive grievance mechanism to receive and facilitate resolution of the Indigenous Peoples' concerns.</p>	<p>marginalized indigenous peoples shall be ensured special representation in all decision-making levels, including at village, local, district and state levels.</p> <p><b>(Rights of Minorities and Marginalized Communities – constitution of Nepal):</b></p>		
<p><b>4. Broad Community Support:</b> Ascertain the consent of affected IPs communities to the following project activities: (i) commercial development of the cultural resources and knowledge of Indigenous Peoples; (ii) physical displacement from traditional or customary lands; and (iii) commercial development of</p>	<p>The ownership, occupation, possession and use of lands, territories and natural resources by indigenous peoples shall be protected through special measures that prevent land alienation and exploitation without the free, prior and informed consent of the legitimate representatives of the peoples concerned. <b>(Right on Natural</b></p>	<p>No specific regulations/guidelines to translate the constitutional guarantee</p>	<p>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.</p>

ADB Safeguard Policy Statement 2009 Indigenous people Policy Principle	Government of Nepal Policy Provision for Indigenous Peoples	Gaps between Government of Nepal Law and ADB Safeguard Policy Statement Requirements	Gap Filling Measures
<p>natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of IPs. For the purposes of policy application, the consent of affected IPs communities refers to a collective expression by the affected IPs communities, through individuals and/or their recognized representatives, of broad community support for such project activities. Broad community support may exist even if some individuals or groups object to the project activities</p>	<p><b>Resources, Economic Rights and Revenue Allocation Constitution of Nepal)</b></p>		
<p><b>5. Avoid Impacts:</b> Avoid, to the maximum extent possible, any restricted access to and physical displacement from protected areas and natural resources or ensure that project benefit are equally shared.</p>	<p>Principally, the national policy and plans broadly speaks on the protection of IPs,</p>	<p>No formal mechanism to integrate protection measure in development projects, Local laws are silent (not specific) on assessment of differential impact and vulnerability</p>	<p>Based on the social assessment, multiple social, economic and project design/ technical alternatives and options will be explored to avoid or minimize adverse impacts to Indigenous Peoples, Possible measures will be explored for protection of Indigenous Peoples and their inclusion in project benefits, both direct and indirect through the stand-alone document (IPP) or incorporated into RIPP</p>
<p><b>6. IPP Preparation</b></p>	<p>Project focused framework policies</p>	<p>The existing structure of GRC may lacking</p>	<p>Indigenous Peoples Plans (IPP) will be prepared wherever ADB SPS safeguards on Indigenous</p>

<b>ADB Safeguard Policy Statement 2009 Indigenous people Policy Principle</b>	<b>Government of Nepal Policy Provision for Indigenous Peoples</b>	<b>Gaps between Government of Nepal Law and ADB Safeguard Policy Statement Requirements</b>	<b>Gap Filling Measures</b>
<p>Prepare an IPP that is based on the social impact assessment with the assistance of qualified and experienced experts and that draw on indigenous knowledge and participation by the affected Indigenous Peoples communities. The IPP includes a framework for continued consultation with the affected IPs communities during project implementation; specifies measures to ensure that IPs receive culturally appropriate benefits; identifies measures to avoid, minimize, mitigate, or compensate for any adverse project impacts; and includes culturally appropriate grievance procedures, monitoring and evaluation arrangements, and a budget and time-bound actions for implementing the planned measures.</p>	<p>are guiding/ applicable to particular project only.</p> <p>Local self government Act 2017 includes the provision of GRC at municipal level.</p>	<p>the representation of IP in GRC. The GRC may require specific expertise to handle the specific natured grievances</p>	<p>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.</p> <p>A project specific grievance redressal mechanism will be crafted and placed with specific mandate.</p>
<p><b>7. Disclose IPP</b> Disclose a draft IPP, including documentation of</p>	<p>Public hearing on development project is widely exercised through</p>	<p>Specific mechanism essential to reach out to IPS may lacking in ongoing public hearing process</p>	<p>The IPP/RIPP will be disclosed following multiple channels ensuring that the contents of the plan are understandable to the concerned communities</p>

<b>ADB Safeguard Policy Statement 2009 Indigenous people Policy Principle</b>	<b>Government of Nepal Policy Provision for Indigenous Peoples</b>	<b>Gaps between Government of Nepal Law and ADB Safeguard Policy Statement Requirements</b>	<b>Gap Filling Measures</b>
<p>the consultation process and the results of the social impact assessment in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected Indigenous Peoples communities and other stakeholders. The final IPP and its updates should also be disclosed to the affected Indigenous Peoples communities and other stakeholders.</p>	<p>all three level of government. The local Government Operational Act recognizes the disclosure of information.</p>		
<p><b>8. Action Plan</b> Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project involves (i) activities that are contingent on establishing legally recognized rights to lands and territories that IPs have traditionally owned or customarily used or occupied, or (ii) involuntary acquisition of such lands.</p>	<p>All government project requires preparing annual action plan with project targets and integrate the cross-cutting issues</p>	<p>The Indicator is very generic (not disaggregate by IP)</p>	<p>Activity based action plan with implementation timeline and specific targets will be included as an integral part of IPP/RIPP. Project design monitoring framework will also include the indicators related to the IPP/RIPP.</p>
<p><b>9. Monitoring of IPP Implementation</b></p>	<p>No specific government</p>		<p>The IPP/RIPP will define the monitoring indicators ensuring enough resources as an integral</p>

ADB Safeguard Policy Statement 2009 Indigenous people Policy Principle	Government of Nepal Policy Provision for Indigenous Peoples	Gaps between Government of Nepal Law and ADB Safeguard Policy Statement Requirements	Gap Filling Measures
Monitor implementation of the IPP using qualified and experienced experts; adopt a participatory monitoring approach, wherever possible; and assess whether the IPP's objective and desired outcome have been achieved, taking into account the baseline conditions and the results of IPP monitoring. Disclose monitoring reports.	policies exist for IPP monitoring		part of IPP/RIPP. Project design monitoring framework will include specific monitoring indicator and targets from IPP/RIPP.

#### D. Objectives of the Indigenous Peoples Planning Framework

32. 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 Output 2 project components that will be prepared after Board approval, 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/RIPP 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.

33. Every effort would be made during 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**

34. 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.

35. 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 Resettlement and Indigenous Peoples Plan (RIPP) 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.

36. This framework seeks to ensure that Indigenous Peoples are informed, consulted, and mobilized to participate in all the projects. Their participation can either provide benefits with more certainty or protect them from any potential adverse impacts of the additional project. 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**

37. This section provides detailed procedures for screening, potential social impact assessment, meaningful consultation, and the formulation of IPP/RIPP for the project and project components. In preparing IPP/RIPP, 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 Peoples**

38. 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 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 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.



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

40. 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.

## **B. Social Impact Assessment and Preparation of Indigenous Peoples Plan**

41. 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.

42. 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.

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

44. 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. The consultation process should be wider, process oriented, inclusive, meaningful and in-depth. Potential mechanism of consultation (not exhaustive) could be (i) in-depth consultation with Indigenous Peoples organizations present at project area; (ii) consultation with Indigenous Peoples communities; and (iii) 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/RIPP will be prepared to ensure that the distribution of project benefits would reach Indigenous Peoples.

45. 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.

46. 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 PIU with the support of the DSC 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.

47. 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.

48. 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.

49. The IPP/RIPP 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.

50. The main components of an IPP/RIPP 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/RIPP to ADB for review and approval prior to commencement of any civil works.

51. If the Indigenous Peoples impacts are not significant or generally positive, the PIU in consultation with PCO and DSC 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 project location. Another way is to incorporate Indigenous People issues and their benefits into the resettlement plan (i.e., prepare a combined resettlement and indigenous peoples plan), to specifically include indigenous peoples in the project beneficiary group.

## **V. CONSULTATION, INFORMATION DISCLOSURE AND GRIEVANCES**

### **A. Consultation**

52. 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/RIPP. 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/RIPP, 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.

53. 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**

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

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

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

57. 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.

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

59. The project information leaflets and IPPs/RIPPs 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/RIPP and submit the same to ADB for reviews.

## **VI. GRIEVANCE REDRESS**

### **A. Common Grievance Redress Mechanism**

60. 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. The project adopts a three-tier GR and will ensure greater accountability of the project authorities towards affected persons. Grievances may be routed through letters, emails, text messages (SMS), verbal narration, grievance box and registers. The GRM is not intended to bypass the government's own legal

process, but to provide a time-bound and transparent mechanism to resolve such concerns that is readily accessible to all segments of the affected persons and community. The aggrieved party shall be free to approach the national legal system at any given time. All costs involved in resolving the complaints (meetings, consultations, communications, and reporting/information dissemination) will be borne by the project.

61. PIU will ensure local community meetings are held to notify users and affected persons about grievance redress mechanism of the project. Awareness of grievance redress procedures will be created through the public awareness campaign, with the help of print and electronic media and radio. The key functions of the GRC are to (i) provide support for affected persons or any aggrieved party to lodge their complaints; (ii) record the complaints; (iii) facilitate grievance resolution in consultation with affected persons and concerned authorities; (iv) report to the aggrieved parties about the decision/solution; and (v) forward the unresolved cases to higher levels.

62. Grievance redress committees (GRCs) will be formed at three levels viz. ward/field level, PIU level and PCO level as under:

63. **First Level GRC (Field/Ward-Level):** The contractors, PIU safeguards personnel can immediately resolve issues on-site in consultation with each other with the support the designated municipal ward chairperson and will be required to do so within seven days of receipt of a complaint/grievance. In addition, contractors will place complaint boxes at prominent places viz. public places, contractor camp site etc. where local community members can put their complaints/grievances and contractor's personnel should be in charge to collect and process the complaints/grievances as necessary. The PIU safeguards personnel, SDC safeguards consultants and contractor can immediately resolve the complaint on site. If the grievance remains unresolved within the stipulated time, the matter will be referred to the next GRC level.

64. The field/ward-level GRC will comprise of the following:

- (i) Ward Chairperson (Committee Chairperson)
- (ii) PIU Engineer
- (iii) Ward Member representing vulnerable community (one women and one *janjanati* representative, if required)
- (iv) Contractor's Representative
- (v) SDC Safeguards Specialist
- (vi) Ward Chairperson's secretary will act as complaint receiving office and provide secretarial services to GRC

65. The ward-level GRC shall have at least one women member. For project-related grievances, representatives of affected persons, and community-based organizations will be invited as observers during GRC meetings. In case of impact on indigenous peoples, the grievance team must have representation of the affected indigenous peoples, and or CSOs/NGOs working with the indigenous peoples' groups.

66. **Second Level GRC (Municipality/PIU-Level):** Any unresolved issues at ward level will be referred to the second level GRC chaired by Mayor/Deputy Mayor. The complainant will be notified by the ward-level GRC that the grievance is forwarded to the municipality (PIU) level. All evidence submitted while lodging the complaint by the affected will also be forwarded. After proper examination and verification of the grievances, the committee will facilitate affected persons, and concerned parties to agree on a time-bound action plan to resolve the grievance if found to be

valid. The GRC at this level will have to respond to its decision within 14 days of receipt of complaint from first level. The second level GRC will comprise the following:

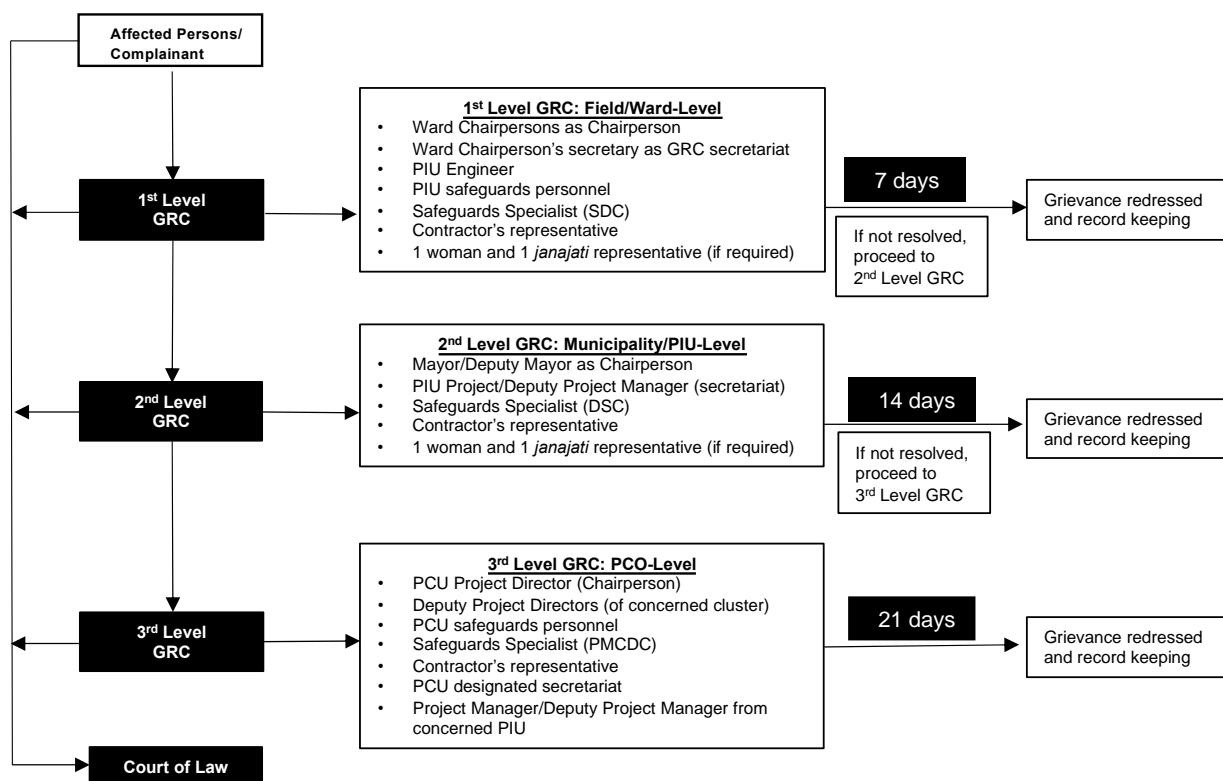
- (i) Mayor/Deputy Mayor (Committee Chairperson)
- (ii) PIU safeguard personnel
- (iii) SDC social/environment specialist
- (iv) Contractor's representative
- (v) Ward member representing vulnerable community (one women and one *janjanati* representative, if required)
- (vi) Project manager of the PIU will act as a secretariat.

67. **Third Level GRC (PCO-Level):** If the grievance remains unresolved within the stipulated time, the matter will be referred to the PCO level. The PIU safeguards team will refer any unresolved or major issues to the PCO-level GRC. The PCO-level will comprise the following:

- (i) Project Director (Committee Chairperson)
- (ii) Deputy Project Directors
- (iii) PCO Safeguards Personnel
- (iv) Safeguards Specialist
- (v) Contractor's Representative
- (vi) Project Manager/Deputy Project Manager from concerned PIU/municipality
- (vii) PCO-designated personnel who will act as secretariat.

68. The grievance redress process is represented in Figure 1.

**Figure 1: Grievance Redress Process (URLIP)**



69. **Record-keeping.** The PIU/PCO/DSC will keep records of grievances received, including contact details of complainant, date the complaint was received, nature of grievance, agreed corrective actions and the date these were affected and final outcome. All complaints should be signed with complete information on name, contact address, phone number if any so that the person can be contacted when required. A sample template is provided in Appendix 10. An acknowledgement to the effect that the complaint has been received by the coordinator's office should be promptly sent to the complaints. All complaints received should be first registered, categorized and prioritized. They should be analyzed and assessed the concerns raised by the affected parties and have discussion and consultation with them. Records of all such proceedings should be maintained, for future reference, and the attendance of all participants with their signature, in particular the complaints and affected groups should be recorded. The number of grievances recorded and resolved, and the outcomes will be displayed/disclosed in the PCO, PIU offices, and on the web, as well as reported in monitoring reports submitted to ADB on a semi-annual basis.

70. **Periodic review and documentation of lessons learned.** The PCO safeguards personnel will periodically review the functioning of the GRM in each municipality and record information on the effectiveness of the mechanism, especially on the project's ability to prevent and address grievances.

71. **Costs.** All costs involved in resolving the complaints (meetings, consultations, communication and reporting/information dissemination) will be borne by the PCO and concerned PIU.

72. **Accountability Mechanism.** 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. In the event that the established GRM is not in a position to resolve the issue, the affected person also can use the ADB Accountability Mechanism through directly contacting (in writing) the Complaint Receiving Officer at ADB headquarters or the ADB Nepal Resident Mission (NRM).<sup>16</sup> Before submitting a complaint to the Accountability Mechanism, it is necessary that an affected person makes a good faith effort to solve the problem by working with the concerned ADB operations department and/or NRM. Only after doing that, and if they are still dissatisfied, will the Accountability Mechanism consider the complaint eligible for review. The ADB Accountability Mechanism information will be included in the project-relevant information to be distributed to the affected communities, as part of the project GRM.

## VII. INSTITUTIONAL ARRANGEMENTS

### A. Institutional Arrangement

73. The Ministry of Urban Development through the Department of Urban Development and Building Construction will be the executing agency of the project, which will be supported by the Project Management and Capacity Development Consultant (PMCDC), and Institutional Strengthening and Community Participation Consultant (ISCPC). The PCO will be responsible for the overall management of the project. The municipalities will be the key implementing units of the project. The PIU with the support of the Supervision and Design Consultant (SDC) will be responsible for social safeguards compliance, monitoring, and reporting to ADB.

### B. Safeguards Implementation Arrangement

74. **Project Coordination Office (PCO).** The PCO will be headed by a Project Director, who will be responsible for the overall project management. The Project Director shall be supported by three Deputy Project Directors (DPDs) – DPD WUC cluster, DPD Pokhara and Janakpur cluster, and DPD for Urban Planning and Development. The PCO will have an environment and social safeguards officers of engineer rank, who will responsible for social safeguards compliance, planning, and implementation as per the agreed resettlement framework, resettlement plans/RIPP prepared consistent with the ADB's SPS and GON rules and regulations.

### 75. Roles and Responsibilities of the PCO (Social Safeguards) are as follows:

- (i) guide PMCDC and PIU social safeguards staff on all matters related to preparation, implementation and monitoring of social safeguards documents;
- (ii) review and finalize project involuntary resettlement and indigenous peoples category;
- (iii) oversee preparation of resettlement plans/indigenous people plans (IPPs)/RIPP; confirm existing resettlement plans/DDR/IPP/RIPPs are updated based on detailed designs, and that new project resettlement plans/DDR (output 2) are prepared in accordance with the resettlement framework prepared for the project;
- (iv) responsible for issuing the public notice to acquire a particular land/ property for the project along with project information/details as well as the project cut-off date;
- (v) ensure that resettlement plans/DDR/IPP/RIPPs are included in bidding documents and civil works contracts;
- (vi) provide oversight on social safeguard management aspects of projects and

<sup>16</sup> ADB. Accountability Mechanism. <https://www.adb.org/who-we-are/accountability-mechanism/main>



- ensure resettlement plans/IPP/RIPPs and impact avoidance measures outlined in the resettlement framework/environmental management plan/resettlement plans/IPP/RIPP are implemented by PIU and contractors;
- (vii) ensure and monitor the provision in the contract to include the indigenous people households/poor communities to be the beneficiaries of the facilities constructed;
  - (viii) monitor and ensure effective implementation the specific action plan as indicated in each RIPP/DDR;
  - (ix) facilitate and ensure compliance with all government rules and regulations regarding no objection certificates, third party certificates for negotiated settlement or voluntary land donation, land ownership and transfer details etc. for each site, as relevant;
  - (x) supervise and guide the PIUs to properly carry out the social safeguard monitoring (involuntary resettlement/indigenous people) as per the resettlement plans/RIPP;
  - (xi) review, monitor, and evaluate the effectiveness with which the resettlement plans/IPP/RIPPs provisions are implemented, and recommend corrective actions to be taken as necessary;
  - (xii) consolidate monthly social safeguard monitoring reports from PIUs and submit quarterly and semi-annual social safeguard monitoring reports (SSMR) to ADB;
  - (xiii) ensure timely disclosure of final resettlement plans/DDRs/IPP/RIPPs in locations and form accessible to the public and affected persons;
  - (xiv) address any grievances brought about through the grievance redress mechanism in a timely manner;
  - (xv) oversee training needs assessment of affected persons and vulnerable persons by PIUs/SDC, coordinate training activities and convergence with livelihood programs of the government;
  - (xvi) facilitate as resource person social safeguards training activities conducted by PMCDC/ISPC for the PIUs/ contractors/ community-based organizations for capacity building to implement the resettlement plans/IPP/RIPP, project GRM; and
  - (xvii) coordinate database management for social safeguards implementation and monitoring.

**76. Project Implementation Units (PIU).** The municipalities will act as the implementing agencies of the project, under the guidance and overall management of the PCO. The roles and responsibilities of the PIU (Social Safeguards) are as follows:

- (i) fill up involuntary resettlement and indigenous people impact checklist and classify safeguards categorization of the project;
- (ii) oversee and conduct census and socioeconomic surveys, detailed measurement surveys, and verification surveys of affected persons together with the SDC during detailed design;
- (iii) prepare list of affected persons and inventory of losses, and ensure that all data required to prepare and/or update the resettlement plan/RIPPs, including specific plan for benefit enhancement for indigenous people, if/as required, with the assistance of the social safeguards specialist;
- (iv) Ensure updated information is submitted to PCO for preparation and/or updating of documents with PMCDC and contractor's support;
- (v) hold consultations with affected persons, finalize list of affected persons prepare/update resettlement plan/RIPP with the assistance of SDC, and submit to PCO for review and approval and further submission to ADB;
- (vi) inform and/or disseminate information to the affected persons on (a) the project cut-off date; (b) public notice for schedule of land acquisition, if any (c) public notice

- on the start of construction works; (d) entitlement matrix; and (e) compensation packages against different categories of loss, and tentative schedule of land clearing/ acquisition for starts of civil works activities; issue identity cards;
- (vii) facilitate and oversee updating of resettlement plans/RIPP, with the support of SDC; coordinate valuation of assets, trees of various species, etc. Based on proper due diligence and assessment, finalize compensation packages;
- (viii) liaise/facilitate compensation processes in consultation with the chief district officer; coordinate, supervise and monitor disbursement of compensation;
- (ix) obtain NOCs, land documents, third party certifications for negotiated settlement and voluntary land donation as required for the project and ensure compliance with all government rules and regulations and ADB SPS safeguards requirements;
- (x) include resettlement plans/IPP/RIPP in bidding documents and civil works contracts;
- (xi) responsible for the day-to-day implementation and monitoring of resettlement plans/RIPP; and ensure timely payment of compensation and other assistance are provided prior occurrence of impacts;
- (xii) oversee resettlement plan/IPPs/RIPP and maintenance of data for monitoring;
- (xiii) take corrective actions when necessary to ensure no adverse social impacts;
- (xiv) Conduct continuous public consultation and information-disclosure with the support of the SDC social safeguards specialist and support staff;
- (xv) ensure timely report submission of monthly, quarterly progress reports and semi-annual social monitoring reports to PCO, with the support of SDC;
- (xvi) facilitate establishment of project-GRM at the ward-level and PIU level and ensure it is fully functional prior or during the award of the first contract or within one month of loan effectiveness, whichever is earlier; address any grievances brought about through the grievance redress mechanism in a timely manner as per the resettlement plans/ IPPs/RIPPs;
- (xvii) organize course for the training of contractors, preparing them on resettlement plan/IPP/RIPP implementation, social safeguard monitoring requirements related to mitigation measures, and on taking immediate action to remedy unexpected adverse impacts found during implementation.
- (xviii) Extend support in carrying out awareness campaigns, as needed.

77. The PCO and PIUs will be supported by PMCDC, ISPC and SDC. The PMCDC will support the PCO on its day-to-day operation. The PIUs will be supported by the SDCs. The ISPC will support the PCO and PIUs.

78. **Project Management and Capability Development Consultants (PMCDC).** PMCDC will provide capacity building support on safeguards, and safeguards compliance in line with ADB procedures. PMCDC will appoint a social safeguards specialist to carry out all social safeguards related tasks and provide support to PCO safeguards team to oversee the implementation of the safeguards framework/safeguards planning documents. The social safeguards specialist will guide the safeguards officers at the PCO and shall coordinate with the SDC's Social Safeguards Specialist (PIU-support) for carrying out all social safeguards related tasks.

79. The Social Safeguards Specialist (PMCDC) will be responsible for carrying out following tasks:

- (i) assist PCO in the overall management, implementation, monitoring and reporting of social safeguards compliance;

- (ii) screen/classify involuntary resettlement and indigenous peoples safeguards classification of the projects; finalize social safeguards documents, periodic social monitoring reports etc. prepared at PIU level and get ADB's timely approvals/clearances;
- (iii) resolve any issues, if involved; and, assist in obtaining all NOCs/permissions for project sites prior to civil works;
- (iv) guide PCO's safeguards officers in implementation of all social safeguards related tasks including grievances redressal;
- (v) develop periodic data collection/monitoring formats/indicators and guide safeguards officers and SDC in obtaining the information required for the same;
- (vi) Support PCO to prepare monitoring reports received from PIUs and submit to PCO for approval and submission to ADB;
- (vii) identify any non-compliances and help prepare time-bound corrective action plans, if and as required;
- (viii) maintain and update municipality-wise database of resettlement/grievance related issues and inform safeguards officers PCO for timely actions; and
- (ix) support ISPC in all awareness, training and capacity building activities related to social safeguards.

80. **Supervision and Design Consultant (SDC).** Two SDCs will be established – (i) the WUC cluster, covering Devdaha, Siddharthnagar, Tilottama, Sainama and Lumbini; and (ii) Janakpur. SDCs will be responsible to support the PIU in the implementation and monitoring of safeguards compliance. They will also be responsible to prepare Output 2 designs, prepare and/or update the municipality-level safeguards documents in line with the resettlement framework and shall include Output 2 components. The SDCs will be supported by two support staff per municipality who will handle gender, environment and social safeguards, community mobilization, and communication.

81. **Design Supervision Consultant (DSC).** The DSC will support Pokhara municipality in the design and supervision of infrastructure and greens solutions, implementing heritage and cultural improvement plans, and design of tourism infrastructure components. The DSC social safeguards specialist will be involved in detailed design and safeguards documents preparation and updating.

82. The **key social safeguards tasks** of the social safeguards (SDC and DSC) include:

- (i) based on final designs, conduct census and socioeconomic surveys/verification surveys/finalization of sites etc. and update resettlement plans/RIPP/due diligence reports;
- (ii) finalize the requirement for land certificates, NOCs for project sites in each municipality and assist PIUs in obtaining the same prior to start of civil works;
- (iii) assist PIUs in day-to-day implementation of DDRs/resettlement plans/RIPP activities, including specific plan for benefit enhancement of indigenous peoples and ensure contractors comply with conditions of resettlement framework/DDR/resettlement plan/RIPP;
- (iv) assist municipalities/PIUs (through the support staff) to ensure resettlement plans are implemented and all compensation paid prior to start of civil works and prior to occurrence of impact;
- (v) take proactive action to anticipate and avoid delays in implementation;

- (vi) under the guidance of SSS, develop system of indicators to monitor implementation of resettlement activities and ensure corrective actions are undertaken, if and as required;
- (vii) obtain resettlement related municipality level information with the help of field support staff and consolidate them; prepare periodic social safeguard monitoring reports;
- (viii) compile all monitoring inputs at PIU level for quarterly progress reports, for onward transmission to PCO and ;
- (ix) assist PIUs in conducting public consultation and disclosure activities related to social safeguards and that suggestions made by the affected persons will be documented and summarized in the monitoring reports ;
- (x) actively participate as member of ward-level and PIU-level GRCs, assist in grievance resolution and reporting;
- (xi) assist PIUs in monitoring the socioeconomic status of affected persons, post - resettlement plan/RIPP implementation;
- (xii) support ISCBC in all training and capacity building activities.

83. **Contractor/s.** The Contractor will have a dedicated Social Supervisor, who will engage with the PIU, and SDC on social safeguard, health and safety and core labor standards. Contractors are to carry out all the requirements and compliances as mentioned in their contract.

- (i) In close coordination with the PIU, SDC, and safeguards personnel, finalize detailed design keeping the safeguard principles adopted for the project.
- (i) With the assistance of engineers and social safeguard personnel of SDC, ensure that all design-related measures (e.g., special considerations for the vulnerable related to project locations or design, mitigation measures for affected persons, etc.) are integrated into project designs;
- (ii) Conduct joint walk-throughs with PIU, design engineers, and social safeguards personnel of SDC in sites/sections ready for implementation; assist to identify the need for detailed measurement surveys, and support SDC to jointly conduct detailed measurement surveys and census surveys to arrive at the final inventory of loss;
- (iii) Support project consultants in updating the draft resettlement plan/DDR/RIPP for submission to PIU/PCO and ADB for review and approval;
- (iv) Ensure strict adherence to agreed impact avoidance and mitigation measures in the resettlement plan/DDR/RIPP during implementation;
- (v) Assist with grievance redressal and ensure recording, reporting, and follow up for resolution of all grievances received; and
- (vi) Submit monthly progress reports including safeguards, health and safety, and sex-disaggregated data as required for monitoring.

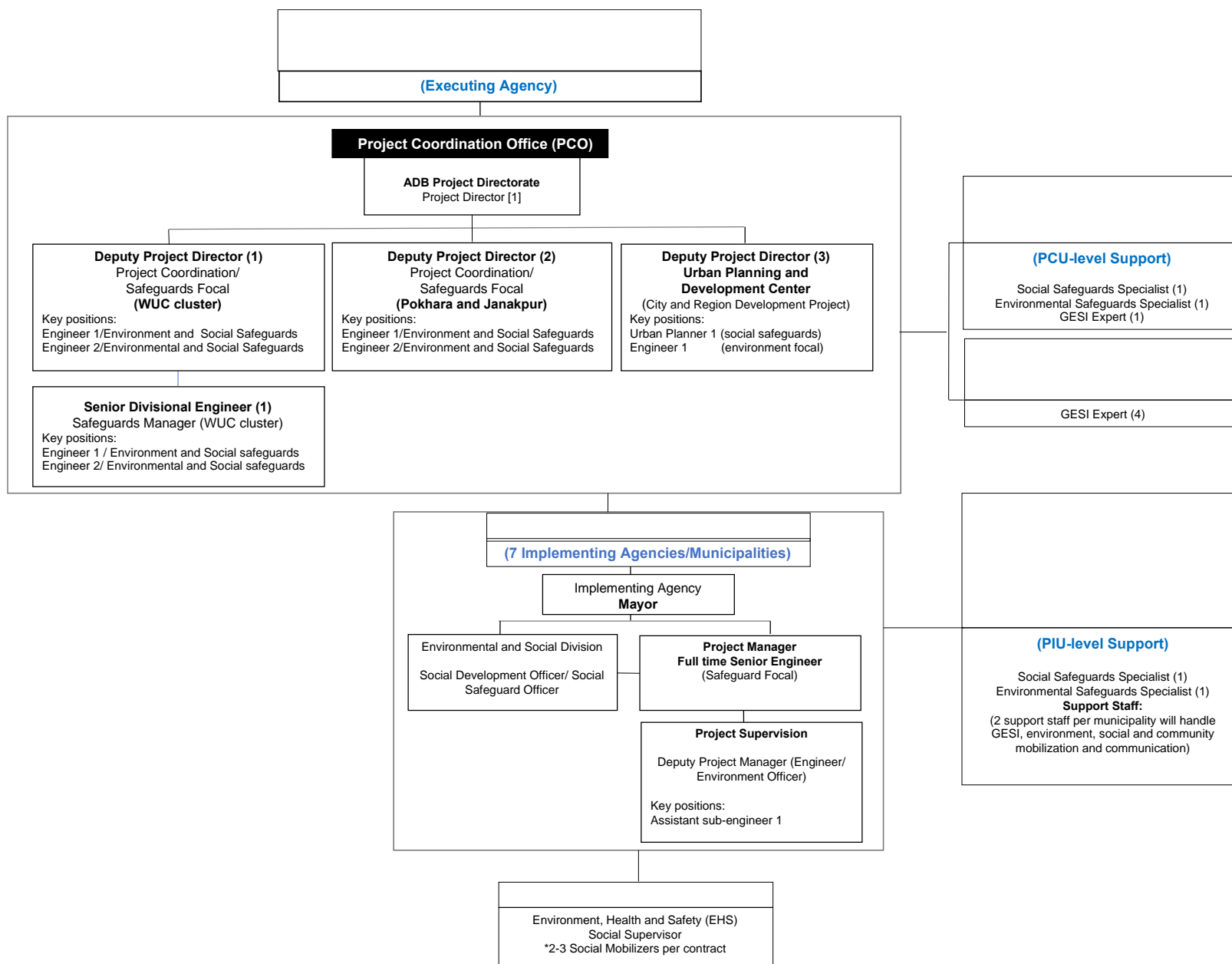
84. **Civil works contracts.** The resettlement plans/IPPs/RIPPs are to be included in bidding and contract documents and verified by the PIUs and PCO. All contractors will be required to designate a social supervisor to ensure implementation of resettlement plan/RIPP/DDR social safeguard provisions during civil works and O&M, who will also have the responsibility for communication with the public under the guidance of PCO/PIUs and grievance registration. Contractors are to carry out all mitigation and monitoring measures outlined in their contract.

85. The PCO and PIUs will ensure that bidding and contract documents include specific provisions requiring contractors to comply with: (i) all applicable labor laws and core labor standards on: (a) prohibition of child labor as defined in national legislation for construction and

maintenance activities; (b) equal pay for equal work of equal value regardless of gender, ethnicity, or caste; and (c) elimination of forced labor; and with (ii) the requirement to disseminate information on sexually transmitted diseases, including HIV/AIDS, to employees and local communities surrounding the project sites.

86. Figure 2 below depicts the implementation arrangement for safeguards (environmental and social), including gender-related aspects of the project.

**Figure 2: Implementation Arrangement for Safeguard Implementation**



## VIII. MONITORING AND REPORTING

### A. Monitoring

87. The executing agency will monitor and measure the progress of implementation of the IPP/RIPP. 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. Projects 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 project 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.

88. The executing agency/implementing agency will establish detailed implementation and monitoring plan and establish database management information system for rigorous monitoring of project implementation and ensuring fulfillment and implementation of the IPP/RIPP. 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/RIPP. 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/RIPP preparation period. Result of detailed SIA will be used for IPP/RIPP preparation. The negative and positive impacts of the projects will be clearly mentioned in monitoring indicators. The IPP/RIPP 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.

89. 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/RIPP 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/RIPP implementation status, effectiveness of grievance redress, levels of participation and satisfaction among Indigenous Peoples/Dalits, and changes in their socio-economic status post-IPP/RIPP implementation. The report(s) of the third party will identify hurdles to implementation if any, and course correction required.

90. The proposed URLIP does not envisage any significant negative impact on indigenous peoples. Any project with significant adverse impacts on indigenous peoples should be avoided for financing under the program.

### B. Reporting

91. The semiannual safeguards monitoring report should include the implementation of the IPP/RIPP 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.

92. 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/RIPP 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**

93. 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/RIPP will have its own budget and will form an integral part of the overall project cost and will be prepared by the PIU with the support of the DSC. The responsibility of financing, implementation and monitoring of the IPP/RIPP will rest with the executing agency. Any grievances under IPP will be redressed as per the same procedure prescribed under resettlement framework.

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



### Appendix 1: Population Distribution of Nepal by Caste/Ethnicity, 2011

S.N.	Caste/ Ethnic Group	Population	Percentage
<b>All Castes</b>		<b>264,94,504</b>	<b>100</b>
1	Chhetri	4,398,053	16.60
2	Brahmin/Hill	3,226,903	12.18
3	Magar	1,887,733	7.12
4	Tharu	1,737,470	6.56
5	Tamang	1,539,830	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	Nachiring	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

**Legend**

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

### Appendix 2: Indigenous Peoples Impact Categorization

Date: \_\_\_\_\_

<b>A. Project Data</b>			
Project Title	: <u>Urban Resilience and Livability Improvement Project (URLIP)</u>		
Municipality	: _____		
Project Components	: _____		
<b>B. Indigenous Peoples Category</b>			
<input type="checkbox"/> Category A	<input type="checkbox"/> Category B	<input type="checkbox"/> Category C	<input type="checkbox"/> Category FI
<b>C. Project requires the broad community support of the affected Indigenous Peoples communities.</b>			
	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
<b>Prepared by:</b>			
_____			
Name and Position,			
Date:			

#### Indigenous Peoples Impact Screening Checklist

KEY CONCERNS (Please provide elaborations on the Remarks column)	YES	NO	NOT KNOWN	Remarks
<b>A. Indigenous Peoples Identification</b>				
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?				

<b>KEY CONCERNS</b> (Please provide elaborations on the Remarks column)	YES	NO	NOT KNOWN	Remarks
6. Do such groups speak a distinct language or dialect?				
7. Has such groups been historically, socially and economically marginalized, disempowered, excluded, and/or discriminated against?				
8. Are such groups represented as "Indigenous Peoples" or as "ethnic minorities" or "scheduled tribes" or "tribal populations" in any formal decision-making bodies at the national or local levels?				
<b>B. Identification of Potential Impacts</b>				
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?				
<b>C. Identification of Special Requirements</b> <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?				

<b>KEY CONCERNS</b> (Please provide elaborations on the Remarks column)	<b>YES</b>	<b>NO</b>	<b>NOT KNOWN</b>	<b>Remarks</b>
17. Acquisition of lands that are traditionally owned or customarily used occupied or claimed by indigenous peoples?				

**C. Anticipated project impacts on Indigenous Peoples**

<b>Project component/ activity/ output</b>	<b>Anticipated positive effect</b>	<b>Anticipated negative effect</b>
1.		
2.		
3.		
4.		
5.		

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

### **Appendix 3: 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; and
- (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 (i) government institutions to address Indigenous Peoples issues in the project area; and (ii) Indigenous Peoples organizations in the project area to enable them to represent the affected Indigenous Peoples more effectively.

#### **H. Grievance Redress Mechanism**

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

#### **I. Monitoring, Reporting and Evaluation**

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



## Appendix 4: Indicative Checklist for Social Impact Assessment (Not Exhaustive)

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

1. **Baseline demographic data (sex disaggregated information)**
  - Age-sex composition,
  - caste/ethnic groups,
  - vulnerable groups,
  - disability,
  - socially excluded groups, etc.
  
2. **Baseline socioeconomic information**
  - Source of income,
  - Means of livelihoods,
  - Assess/estimate the areas of cultivated and grazing lands used by 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?

## **Appendix 5: 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