Government of Nepal
Ministry of Industry, Commerce and Supply
Ministry of Agriculture and Livestock Development

Strategic Road Connectivity and Trade Improvement Project (SRCTIP)
Trade Facilitation Component

Indigenous Peoples Planning Framework (IPPF)

April, 2020
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Executive Summary

1. Introduction

This Indigenous Peoples Planning Framework (IPPF) outlines the policy, process and procedures to understand project impacts on Indigenous Peoples (IPs) under the Strategic Road Connectivity and Trade Improvement Project (SRCTIP)-Trade Facilitation Component, to be implemented by the Ministry of the Industry Commerce and Supply (MoICS) and Ministry of the Agriculture and Livestock Development (MoALD), with financial support from the World Bank. This IPPF has been prepared in full compliance with Government of Nepal (GON) policies and with the World Bank’s Environmental and Socials Standard (ESS) 7 on Indigenous People.

2. Project Description and: SRCTIP-Trade Facilitation Component

The SRCTIP-Trade Component activities broadly cover the construction and improvement of the boarder infrastructure and laboratories at the various location of the Inland Container Depot viz; Biratnagar, Birjung and Bhairawaha. Likewise the selected access road improvements and parking yard development will be carried out in corresponding location.

The IPPF has been developed at this stage of the project given that the scale and exact locations of project activities to be implemented under this component are not yet determined. Details will be determined when the relevant feasibility studies as well as Environmental and Social Studies are conducted during the detail design phase. Adhering to this framework the project/sub project should develop Indigenous People Development Plan (IPDP), where it is determined that indigenous peoples (IPs) are living in or have collective attachment to land in the subproject area. This will be identified during the project screening and ESA (if any) by the SRCTIP-Trade Component.

3. Potential Impacts on Indigenous Peoples

At this stage the exact locations of project activities to be implemented under this component are not yet determined. Details of the implementation will be determined when the relevant feasibility studies as well as Environmental and Social Studies are conducted during the detail design phase. However, the SRCTIP-Trade Facilitation Component is not expected to:

- Require the acquisition of any land of IP communities
- Relocate any IP communities from their location
- Have any significant impact on the cultural practices of IP communities

Whilst the overall environmental and social risk classification of the project is high due to the road component of the SRCTIP, the Trade facilitation component will likely have moderate to substantial environmental and social risks and impacts given that most of the subprojects will involve rehabilitation and improvements of existing border infrastructure and laboratories. Specific sites and subprojects have not been selected yet some of the construction-related impacts might expected on IPs and IP communities although the scale is expected to be manageable. Also,
based on experience in Nepal, occupational and community health and safety, labor influx, gender-based violence, child and forced labor and poor labor and working conditions of workers are the some of the anticipated impacts that equally impact on the IP communities if any.

4. Legal, Policy and Regulatory Frameworks

Nepal does not have a standalone policy on Indigenous Peoples. However, in the Tenth Plan significant emphasis has been placed on delivering basic services to the disadvantaged people such as indigenous community. Likewise, the 14th Development Plan adopts an inclusive and equitable development strategy to uplift the living standard of the Adibasi/Janajati. In 2007 the UN Declaration on the Rights of Indigenous Peoples was adopted by the General Assembly. Nepal ratified ILO Convention No. 169 on September 14, 2007.

The World Bank ESS on indigenous peoples, ESS7, underscores the need for the project to identify indigenous peoples, consult with them, ensure that they participate in, and benefit from Bank-funded operations in a culturally appropriate way - and that adverse impacts on them are avoided, or where not feasible, minimized or mitigated.

As the SRCTIP-Trade Facilitation component is not expected to require the acquisition of any land belonging to IP communities, nor relocate any IP communities from their location, nor have any significant impact on the cultural practices of IP communities, a process of Free and Prior Informed Consent (FPIC) of the Indigenous communities is not expected to be required. However meaningful consultation with IP communities will be conducted. Whether FPIC is required will be confirmed during detailed design.

5. Preparation of the Indigenous People Development Plan (IPDP)

The SRCTIP-Trade Facilitation Component’s Project Coordination Unit (PCU) environmental and social (E&S) team, with the support from the consultant, will prepare an Indigenous People Development Plan (IPDP) if it is determined that the sub project will have significant impacts on IPs. The PCU will submit the IPDP to the World Bank for final approval.

During the planning and design phase of the sub project, a screening survey will be carried out based on group discussions with the communities in the sub project area in order to identify presence of any IP communities which have a collective attachment to the project area.

The project will be responsible for conducting a social impact assessment (SIA) and the development of an action plan with the help of IP communities and organizations working for them. The SIA will gather relevant information on demographic, social, cultural; economic and networking aspects of the IPs.

6. Implementation of the Specific Measures to IPs

Specific implementation measures for indigenous peoples cover the development and implementation of various strategies such as inclusion, program planning and capacity development etc.
7. Stakeholder Engagement, Public Consultation and Disclosure

The development of the IPPF/IPDP will follow a participatory approach to enable IPs to have a role in project planning and the development process. Once the detailed project activities and location of activities have been determined, and any impacted IPs identified IPs due to the implementation of the project, IPs will be interviewed on an individual basis, and also consulted in group discussions and meetings in order to understand and collect their views on their needs, priorities, and preferences regarding the project implementation. Separate focus group discussions will be held with indigenous communities to assess the project impacts and benefits to these groups. Accordingly, the environmental and social impact assessment (ESA), and IPDP will be prepared with their feedback of concerns, requests and recommendations fully considered.

A stakeholder’s consultation and disclosure workshop was conducted on March 2, 2020. The main objectives of the workshop were to create awareness about the project and benefits through disclosing the information about potential impact of the project and corresponding mitigation measures. The feedbacks and suggestion received during the consultation was incorporated in the main report.

8. Monitoring and Evaluation of IPDP

Regular monitoring of IPDP implementation will be conducted by the PCU E&S Team through the help of the consultant.

9. Grievance Redress Mechanism

In order to address the incoming grievances in regards to implementation of the SRCTIP- Trade Facilitation Component, a two-level grievance redresses committee (GRC) will be formed, one at the project level and one at the Central (Ministry) Level. The project level GRC will record all the grievances at the site office and will analyze the grievances and submit its recommendation to the central level GRC for further action. The central level GRC will make a decision regarding the grievance and will send the decision to the project level GRC for disclosure to the complaining parties. The GRM will be functional throughout the project cycle.

10. Implementation Arrangement

The MoICS and MoALD will be the implementing agencies of the Trade component. As such, a PCU will be established within MoICS/MoA. The PCU will recruit specialists/consultants for procurement, environmental and social safeguards and engineers. The PCU will also hire a Construction Supervision Consultant to oversee and supervise the implementation.
आदिवासी जनजाती योजना ढांचा

कार्यकारी सारांश

१। परिचय

यह आदिवासी जनजाती योजना ढांचा आदिवासी जनजातीय मान्यता स्तर निर्माण योजना द्वारा व्यापारिक संसार पुर्वाधार आयोजना (ए.ए.आर.सी.टी.आई.पी.) वाट पर्यावरण प्रतिकूल प्रभावको परिचय गर्न, प्रतिकूल प्रभावको संरक्षण निर्माण या सुनिर्धारण गर्न तथा सो सम्बन्धमा उभय नैपत्रिका लागि उपयुक्त सामाजिकात्मक व्यवस्थाहरू र डिजाइन मापदण्ड लागू गर्न र आयोजक आदिवासी जनजाति विकास योजना निर्माण गर्न भीति, रचनात्मक प्रतिबन्ध र कार्यक्षेत्रमा प्रमाण गर्नुहोस्। ए.ए.आर.सी.टी.आई.पी. को व्यवहार सहजज्ञान कंप्यूटर विविध बैठकको आधारित सहयोगमा उपचार, वैज्ञानिक तथा सूचना संचार र सुनिर्धारण तथा पुरातत्त्वीय विवाह मन्त्रालयको कार्यान्वयन गर्नुहोस्। यो आदिवासी जनजाती योजना ढांचा नेपाल सरकारको प्राप्तिलाई कानून र विविध बैठको पातालपरीक्षा तथा सामाजिक ढाँचा/सर्कर्करा (ई.एस.एस.ए.) को स्टाइलिझ ई.एस.एस.ए ७ (आदिवासी जनजाती) अनुसार तयार गरिएको छ।

२। परियोजना विवरण तथा ए.ए.आर.सी.टी.आई.पी. व्यवहार सहजज्ञान कंप्यूटर

ए.ए.आर.सी.टी.आई.पी. को व्यवहार सहजज्ञान कंप्यूटर कंपनीको उप आयोजनामा मोटामोटा रूपमा विनाशनार, बीमारया र भेदभावका इन्फॉर्मेशन कंटेंट क्विनस लाई सुनिर्धार र प्रयोगशीलताहरूको निर्माण तथा सुनिर्धारण कार्यक्रम हुनेछ। सम्पन्नता तथ्यात्मक विपरीतता धराया गरिएका पूर्ण स्तर स्वास्थ तथा पालिका वातावरणको विभाग गरिएको छ। प्रतिकूल विश्वास निर्माणको गतिशीलता गरिएको सरकारको अधिग्रहण गरिएको जरा भनिन्छ यहाँ भएकोले यस अन्तर्गतका उप आयोजनाको गतिशीलताहरूलाई लागि भूमी अधिग्रहणको अपेक्षा गरिएको हुनेछ, तथापि, भौतिक एवं आधारित विश्लेषण भने हुनेछन्।

यह कंपनीने अन्तर्गत कार्यान्वयन हुने परियोजनाहरूलाई व्यापक र व्यापक अनुसार यी धर्म अन्तर्गतको धर्ममा यस आदिवासी जनजाती योजना ढाँचाको विवरण गरिएको छ। सम्भाव्यता अध्ययन तथा विश्लेषण डिजाइनको समर्थन गर्ने वातावरणीय तथा सामाजिक अध्ययनका समयमा आदिवासी जनजाती योजनाको विनाश र सुनिर्धारण गरिएको छ। यस परियोजना अनुसंधान परियोजना खेलमा आदिवासी जनजातीहरूको विकास क्षेत्र तथा सामाजिक विकासका आधारमा भएका परियोजनालाई आदिवासी जनजाती विकास योजना तयार गरिएको छ। यसको यी धर्म ए.ए.आर.सी.टी.आई.पी.को व्यवहार सहजज्ञान कंपनीले परियोजना विकास र वातावरण तथा सामाजिक मुद्दाहरूका गर्न समयमा गरिएको छ।
3. आदिवासी जनजातीय पर्यावरण सम्बन्धित प्रभावहर

अभी हाल कम्पनीने अन्तर्गत कार्यान्वयन हुने परियोजनाको गतिविधिहरू तथा स्थानहरू यथािवि नयाँ हुँदा समावेशता अध्ययन तथा विश्लेषण डिजाइनको वर्गण गरि वातावरण प्रभावहरू र सामाजिक अध्ययनका समयमा विश्लेषण परियोजनाको गतिविधिहरू तथा कार्यान्वयन स्थानहरू यथािवि गरि छेँ। तथापि, एउटा अरु.मिटि.अर्जि. को व्यापार सहजीकरण कम्पनीका देखाय व्यवस्थितका नियमावलीकार आफ्नो व्यवस्थित छिन।

क. सूची अधिध्रुवहर

ख. कृपया आदिवासी समूहहरू वा समुहहरू पूर्वार्थ गरि

ग. कृपया सांकेतिक सम्पर्क द्वारा अथवा स्थानीय अन्तराल

एउटा अरु.मिटि.अर्जि. को व्यापार सहजीकरण कार्यान्वयन सम्बन्धी वातावरणीय र सामाजिक जोखिमको वर्गण उपर छ, तथापि, व्यापार सहजीकरण कम्पनीका अन्तर्गत उप अध्ययनहरूको विषयमान सौभाग्य पुरस्कार तथा प्रयोगशालाहरूको सूची वा पुस्तकावलीको कार्यकारण हुने वातावरणीय र सामाजिक जोखिम र प्रभाव मध्यम देखि पर्याप्त हुन्छ र उप परियोजनाहरू र तीनको सादृश्य यथािवि नयाँ हुनेको लागि सानो दर्जा परियोजनाको को निर्माण कार्यको अन्तर्गत आदिवासी समूहहरू सम्बन्धी गरिन पूर्वार्थ हुन्छ। त्यसैलाई, नेपालको अन्तर्गत परियोजनाहरूको अनुपमका आधारमा कोहे प्रमाणित प्रभावहरू जसले ज्‍यादातर कार्यक्रमको तथा वातावरणका स्थान र प्रभाव, वाहन कामदारहरूको ठुलो संख्या आवश्यक, नैसर्गिक हित, यीन जीवन, यीन उल्टोडन र दूरभाग, वाहन अभ्यास, उडान र वाहन दोनो, र कार्यक्रमको खराब व्यवस्थापन आफि आदिवासी जनजातीय समूहहरू पैन समान रुपमा प्रभाव गरेको छ।

4. कार्यकाल, नीति र नियमहरू व्यवस्थापन

नेपालको आदिवासी जनजाती संगठन कृपाल एउटालाई कृपया नीति बनेको छैन तपाईं आदिवासी/जनजाती समूहहरूको अधिकार र गृहीतिहरू गरि ध्वनि बनेको छैन आदिवासी अधिकार र छैन। नेपालको सांसदीय, नेपाल आदिवासी/जनजाती उपनिवेशता तथा पूर्वाधिकार ए.सी.सी. २००२, स्थायित्व संचालन ए ए.सी.सी. २०१९, वि.एल. १९९३, बन र सांसदीय ए.सी.सी. १९९५ धृष्टि योजनाले आदिवासी जनजाती तथा उनीहरूको सांस्कृतिक सघनता गृहीतिहरू लागि महत्वपूर्ण आधिकार र गरेको छ। तत्परता २००७ छ। सांसदीय उन्नयन आदिवासी जनजातीको अधिकारको समस्याहरू सूचक राष्ट्र संघको ख्यातिलाई पारित गरेको छिन र बने सेप्टेम्बर १४, २००७ मा आई.एल.ओ. कम्युनिटी नं. १६१, अनुदान गरेको छिन।
विषय बैठको वातावरणीय र सामाजिक स्थापान्तर हुँदै. एस.एच. 7 ले परियोजनाले आदिवासी जनजातीय परिवार गरी, परमार्ग गर्नु, युवनादो सहभागिता पुनर्निर्माण गर्न, बैठको अधिक सहयोगमा संयोगिता रिकाल आयोजना गर्ने प्रतिकूल प्रभावहरू उनीहरुलाई जोड्ने या समय नभएको खाना प्रभाव पुनर्निर्माण गरी सांस्कृतिक रूपलाई उभिएर तरिकौले लामा प्राप्त गर्नु पर्नसा विशेष जोड लिएको छ।

एस.आर.पी.टी.आई.पी.को व्यापार सहजिकरण कमेंटेस्टमा आदिवासी जनजातीय परिवारले व्यापारी आदिवासी जनजातीय कमेन्टर्स भएको सूची प्रदान गर्नु सँग स्वतन्त्र र पुर्व सहभागिता प्रकृति आवश्यक देखिदै। त्यसैले, आदिवासी समुदाय आधुनिक परिवर्तन भएको विस्तृत विवाद गर्न समयमा सुनिर्णित गरिएको छ।

5. आदिवासी जनजाती विकास योजनाको तयारी

यदि उप परियोजनाले आदिवासी जनजातीय परिवारले विवेचन प्रभाव गर्न निर्धारित भएको, एस.आर.पी.टी.आई.पी.को व्यापार सहजिकरण कमेंटर्स परियोजनाले समन्य एकाइ को वातावरणीय र सामाजिक स्थानीय र रामरक्षक मार्गदर्शन बाट सहयोगमा आदिवासी जनजाती विकास योजनाले तयार गर्न सकिएको छ। परियोजनाले समन्य एकाइले आदिवासी जनजाती विकास योजना संयुक्त विशेष वैज्ञानिक अन्तिम व्यवस्था पेश गर्न सकिएको छ।

आदिवासी जनजातीय परियोजनाको क्षेत्रमा सामूहिक संगठन यथांतर गर्न उप परियोजनाको योजनाले विवेचन गर्न चरणमा उप परियोजना क्षेत्रमा सम्मान गर्न छलफल गरी हिन्तिङ्गहरू सर्वजन गरिएको छ।

आदिवासी समुदाय र युवनादोले काम गरिएको सहयोगमा सामाजिक प्रभाव मुख्यान्तर गर्न र अर्थ योजनाले तयार गर्न परियोजना बिनिर्मित गरेको छ। सामाजिक प्रभाव मुख्यान्तरमा आदिवासी समुदायको सामान्य र आदिवासी सांस्कृतिक, अर्थ र संज्ञानका तुलना प्रतिस्पर्धा गरिएको छ।

6. आदिवासी समुदायको विशिष्ट उपायहरूको कार्यान्वयन

विकासका विभिन्न रणनीतिको कार्यान्वयन जसलो समायोजन गर्न समयमा उपयोगी आदिवासी समुदायको विशिष्ट उपायहरूको कार्यान्वयन भित्र समावेश गरिएको छ।
III नायाङ्क नुमान र निविषेक

परियोजना योजना र विकास क्रियाप्रणाली आदिवासी समुदायको सुधारको सङ्ग राखा आदिवासी
जनजातीय योजना लागू योजना नुमान सहभागिता मुलुक दुटिकोण
अवलम्बन गरेकोछ।

मल्टी परियोजना गतिविधिहरू र सोहो को उच्च निर्धारण भए परस्परको कारण विवेशले
परियोजना कार्यक्रमको कारण प्रभावित आदिवासी जनजाति पहिचान गरी परियोजना
कार्यान्वयनमा उपलब्धको आवश्यकता, प्रयोगमा प्रबुद्ध व्यक्तिगत अन्तर्भाषा, सामुहिक ज्ञानको
तथा वैज्ञानिकको परम्परा गर्ने छ। आदिवासी समुदाय परियोजनाको प्रभावहरू तथा उपलब्धको
मुल्यांकन गर्नेछ यी समुदाय सङ्ग छुट्टी लागेको गुण छलक गरिने छ। छलफलको प्रभाव प्रतिकृत
तथा सिफारिसको पुष्टि युग्म विज्ञान गरी वातावरणीय र सामाजिक मुल्यांकन र आदिवासी
जनजातीय विकास योजना तयार परिचित गरेको छ।

मार्च २, २०२० मा सरोकारकालिन सङ्ग राष्ट्रिय तथा प्रकाशण कार्यालय गोष्टि गरिएको प्रमाण
हो। यस कार्यालय गोष्टिको मूल्य उद्देश्य परियोजनाको बारे जानकारी प्रस्तुत गरी
परियोजनाको समावेश प्रभाव तथा तिनको निर्देशनका उपयोग बारे जागरूकता गरिन्छ।
कार्यालय गोष्टिमार्ग राष्ट्रियको कम्युनिटी प्रात्र पुष्टि वातावरण र सामाजिक गरिएको हुन्छ।

5. आदिवासी जनजातीय विकास योजनाको अनुमति तथा समर्थन
आदिवासी जनजातीय विकास योजनाको कार्यान्वयनको निर्धारित अनुमति परियोजना समन्वय
एकाइ र वातावरणीय र सामाजिक कार्यलाई प्राप्त दीएका सहयोगमा गर्ने छ।

6. गृहस्थ योजना
एस.आर.सि.टि.आई.प्रि.को ज्यापर सहजकरण क्षेत्रोमा स्थापनालाई हक्कमा प्राप्त गृहस्थ
सम्पत्ति एउटा परियोजना स्थलमा र अर्को केन्द्रिय (संगठन) स्थलमा गरी हुने ।
तहको गृहस्थो निवास समिति गठन हुनेछ। परियोजना तर्क गृहस्थो निवास समिति लाईट अधिकृत
बने गृहस्थ रेक्का र विवेकमा गरी तिनको सिफारिस केन्द्र लाई गृहस्थो निवास
समितिमा पेश गरनेछ। केन्द्र तर्क गृहस्थ निवास समितिले गृहस्थो उपर नियोजन गरी
गृहस्थो कर्त्तालाई प्रतिकृत प्राप्तस्क लागि परियोजना तर्क गृहस्थो निवास समितिलाई पटाउने छ।
गृहस्थो निवास समिति परियोजना एक भूमिका नियाङ्कित हुनेछ।
10. कार्यर्यन्यन व्यवस्था

उद्योग, वाणिज्य तथा आयुर्विज्ञान मन्त्रालय र कृषि तथा पशुपालन मंत्रालयले कार्यर्यन्यन विकास मन्त्रालयले कार्यर्यन्यन निकाय हुनेका भने अर्नत परियोजना सम्बन्धी एकाईको स्थापना गरिने छ। परियोजना सम्बन्धी एकाईले वातावरणीय र सामाजिक विशेषता/परामर्शकाता भर्ने गर्ने छ। साथै परियोजना सम्बन्धी एकाईले कार्यर्यन्यन निरीक्षणका लागि निर्माण परिवेश परामर्शकाता पात्र भर्ने गर्ने छ।
1. Introduction

This Indigenous Peoples Planning Framework (IPPF) provides the policy, process and procedures to understand project impacts on Indigenous Peoples (IPs) under the Strategic Road Connectivity and Trade Improvement Project (SRCTIP) – Trade Facilitation Component implemented by the Ministry of the Industry Commerce and Supply (MoICS) and Ministry of the Agriculture and Livestock Development (MoALD) and funded by the World Bank. This IPPF has prepare relevant strategies in full compliance with Government of Nepal (GON) and World Bank’s Environmental and Social Framework, specific objectives of Environmental and Socials Standard 7: Indigenous People (ESS7).

The IPPF is developed at this stage of the project given that the scale and exact locations of project activities to be implemented under this component are not yet determined. Details of the investments will be determined when the relevant feasibility studies as well as Environmental and Social Studies are conducted during the detail design phase. Adhering to this framework the project/sub project should develop Indigenous People Development Plan (IPDP) when needed. This will be identified during the project screening and ESA (if any) by the SRCTIP-trade Component.

2. Project Description: SRCTIP-Trade Facilitation Component

The objective of the SRCTIP components together is to improve the efficiency and safety of select transport infrastructure, improve the efficiency of cross-border trade, and strengthen capacity for strategy road network management in Nepal. The specific objective of the Trade component is three-fold: (i) reduce the time taken for goods transit at selected border crossing points; (ii) improve capacity and efficiency for sanitary and phyto-sanitary (SPS) management at selected locations for targeted products; (iii) enhance capacity for managing trade.

3. Potential Issues and Impacts on IPs

3.1 Situation of IP communities in Project Area

As per the World Bank Environment and Social Standard 7 (ESS7) on Indigenous Peoples, the term indigenous people is used in a generic sense to refer exclusively to a distinct social and cultural group processing the following characteristics in varying degrees:

- Self-identification as member of distinct indigenous social and cultural group and recognition of this identity by others; and
- Collective attachment to geographically distinct habitats, ancestral territories, or areas of seasonal use or occupation, as well as to the natural resource in these areas; and
- Customary cultural, economic, social, or political institutions that are distinct or separate from those of the mainstream society or culture; and
d) A distinct language or dialects, often different from the official language or languages of the country or region in which they reside.

The indigenous (Adibasi/janajati) groups in Nepal are defined as social groups with a social and cultural identity distinct from the dominant society. The National Foundation for Upliftment of Adivasi/Janjati Act (2002) defines those ethnic groups and communities who have their own mother language and traditional rites and customs, distinct cultural identity, distinct social structure and written or unwritten history. The Act has recognized 59 indigenous communities in Nepal.

These indigenous communities are known as Adivasi/Janjati in Nepali and Indigenous Nationalities in English as per the Act. These groups as a whole are generally considered to be the marginalized segment of the population who engage in economic activities ranging from hunting and gathering, and shifting agriculture in or near forests, to wage laborers or even small-scale market-oriented activities. However, Adibasi/janajati amongst themselves are diverse groups who do not all come under one economic system.

There are disparities amongst different Adivasi Janajati groups in Nepal. While Adivasi Janajati groups such as Rautes are still engaged in hunting and collecting food, Chepangs and Kusundas practice slash and burn, shifting cultivation and depend mainly on natural resources. On the other hand, Newars, Thakalis and Gurungs are more exposed to modernity and are involved in foreign employment, government and non-government services, industry and commerce.

Considering their diverse socioeconomic status, the Nepal Federation of Indigenous Nationalities (Adivasi Janajati) (NEFIN) 2004, an umbrella organization of Adivasi Janajati groups has classified Adivasi Janajati groups into five categories (Table 1). Of the total 59 Adivasi Janajati groups, 10 groups are categorized as "endangered," 12 groups as "highly marginalized", 20 groups as "marginalized", 15 groups as "disadvantaged" and 2 groups as "advanced" or better off on the basis of a composite index consisting of literacy, housing, land holdings, occupation, language, education, and population size.

Table 3.1: Classification of Adivasi Janajatis in Nepal

<table>
<thead>
<tr>
<th>Region</th>
<th>Classification of Adivasi Janajatis</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Endangered (10)</td>
</tr>
<tr>
<td>Mountain (18)</td>
<td>Shiyar, Shingsawa (Lhomi), and Thudam</td>
</tr>
</tbody>
</table>
The proposed project area is a mixed type of community and there are no homogenous settlements for any particular group. The indigenous (Adivasi Janjati) communities of the project area, although belong to a different ethnicity and/or group, and share a common approach to their economic and livelihood activities. These groups will experience similar impacts from the project as part of a mosaic community.

### 3.2 Potential Impacts on IPs

At this stage the exact locations of project activities to be implemented under this component are not yet determined. Details of the implementation will be determined when the relevant feasibility studies as well as Environmental and Social Studies are conducted during the detail design phase.

The SRCTIP-Trade Facilitation Component is not expected to:

- Require land acquisition
- Relocate any IP community from their location
- Have any significant impact on the cultural practice of IP communities.

The Indigenous People Planning Framework (IPPF) is designed to ensure safeguard of the indigenous people affected by the implementation of the SRCTIP-Trade Facilitation Component. The SRCTIP-Trade Facilitation component is not expected to take any of the land hence is not expected to require the relocation of any IP communities. Similarly, by the nature of the project it can be expected that the culture and customary right of the IP communities is not have any significant adverse impacts.
There are no specific impacts especially for this group. A common package that is developed for the project impacts will be applicable to all the affected population. However, the magnitude of these impacts for these groups might be higher because of their low marketing skills and lack of professional competencies. Therefore, the project will consider indigenous people that will minimize the magnitude of impacts and provide benefits; and will ensure their participation in the project cycles.

Whilst the project will have some adverse impact on indigenous communities, it has been assessed that they will also experience some positive impacts due to various development interventions like improved road access which come during the implementation of the SRCTIP-Trade facilitation component.

Given the employment and supply chain opportunities that will be created from the project, labor influx in project areas is expected and is assessed as Substantial risk. The focus of the SRCTIP-Trade Facilitation Component’s operational procedure is to localize the economic benefits with minimal opportunities for outside labor to service work that require specialized/skilled labor that is not present in project localities. The priority for local labor (dependent on skill, experience capacity) is expected to minimize the risk of influx, where there is a requirement for special skills. For external workers, proper labor camp will be established. If it is necessary, there will be dedicated camps established for worker accommodation in the project.

Specific requirements to manage risks associated with labor influx, related to the interaction between project workers, local communities and IPs, such as gender-based violence (GBV) most specifically sexual exploitation and abuse (SEA) and sexual harassment (SH), will be managed through contractual requirements, code of conduct and training set out in this document. These procedures are guided by national legislation, ESS2 and ESS4. The sub–component are located near the big cities viz: Birjung, Biratnagar, and Bhairawha so the impact of the labor influx will be manageable.

The GBV risk assessment for the project is Substantial, indicating the potential for labor to create or exacerbate patterns of GBV, SEA risk. A large influx of male labor may lead to an increase in exploitative sexual relationships and human trafficking whereby women and girls are forced into sex work. This can lead to inappropriate and criminal behavior, such as sexual harassment of women and girls, exploitative sexual relations, and illicit sexual relations with minors from the local community in general and IP community in particular.

Trafficking in persons is defined as the recruitment, transportation, transfer, harboring or receipt of persons by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power, or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purposes of exploitation. IPs as well as women and children are particularly vulnerable to trafficking practices. Some of the sub-projects are
located near the Nepal-India boarder area where the occurrence of human trafficking is existing. The project will enforce stringent requirements to against trafficking.

After the finalization of the relevant environment and social studies and the impact on the Indigenous people get identified, the project will develop a separate Indigenous people development plan (IPDP). The IPDP may include some IP specific programs will be prepared and implemented to minimize adverse impacts while maximizing project benefits to indigenous people. These program activities are proposed based on the assessment of project impacts, both positive and negative, and the consultation feedback of concerns and requests from the indigenous communities

### 4. Legal, Policy and Regulatory Frameworks

#### 4.1 Relevant Policies on Indigenous Peoples

Nepal does not have a standalone policy on Indigenous Peoples, however in the Tenth Plan significant emphasis has been placed on delivering basic services to the disadvantaged people such as indigenous community. One of the main thrusts of the Tenth Plan is the implementation of targeted programs for the uplift, employment and basic security of indigenous people.

The policy provision also outlines that the government should pilot strong and separate package of program of basic security for vulnerable sections of society. Policies and action for their protection and development have also been developed in the plan. The plan states that targeted and empowerment programs shall be promoted to enhance the wellbeing of the vulnerable, disadvantaged and exploited groups.

The 14th Development Plan adopts an inclusive and equitable development strategy to uplift the living standard of the excluded groups including, Adibasi/Janajati, women, people with disability and remote geographical areas and poor people of the various regions of the country from the prevailing discriminatory practices in the society. One of the strategies of its Social Development Policy is to increase the accessibility of socially, economically and geographically deprived class, region and community in the available resources by empowering them through the principles of equity and inclusion.

The plan emphasized to increase investment to support development by promoting inclusion of excluded communities, region and gender in all structure, sector and processes of the nation. The plan has given emphasis in implementing different types of income generation supportive program targeting the poor and vulnerable people.

Similarly, the National Foundation for Upliftment of Adivasi/Janjati Act2002, the National Human Rights Action Plan 2005, the Environmental Act 1997, and the Forest Act 1993 have emphasized protection and promotion of indigenous peoples’ knowledge in particular.

In 2007 the UN Declaration on the Rights of Indigenous Peoples was adopted by the General Assembly. Nepal ratified ILO Convention No. 169 on September 14, 2007.

Article
l of the Convention provides a definition of tribal and indigenous peoples. Article 6 requires consultation with the peoples concerned through appropriate procedures and, in particular, through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly. In Article 15, it states that indigenous and tribal peoples shall, wherever possible, participate in the benefits of natural resource utilization activities and shall receive fair compensation for any damages which they may sustain as a result of such activities. Article 16(2) clearly mentions that where the relocation of these peoples is considered necessary, such exceptional measures and such relocation shall take place only with their free and informed consent. Where their consent cannot be obtained, such relocation shall take place only following appropriate procedures established by national laws and regulations, including public inquiries where appropriate, which provide the opportunity for effective representation of the peoples concerned. Article 16(3) mentions that, whenever possible, these peoples shall have the right to return to their traditional land as soon as the grounds for relocation cease to exist. Article 16(5) specifies the persons thus relocated shall be fully compensated for any resulting loss or injury.

The World Bank Standard on indigenous peoples, ESS7 underscores the need to identify indigenous peoples, consult with them, ensure that they participate in, and benefit from Bank-funded operations in a culturally appropriate way - and that adverse impacts on them are avoided, or where not feasible, minimized or mitigated.

Requirements of FPIC (Free and Prior Informed Consent)

The concept of FPIC has emerged as an international human rights standard that recognizes the collective rights of indigenous peoples to self-determination and to their lands and territories. FPIC is usually considered as considered as a collective right of indigenous peoples to make decisions through their own freely chosen representatives and customary or other institutions and to give or withhold their consent prior to the approval by government, industry or other outside party of any project that may affect the lands, territories and resources that they customarily own, occupy or otherwise use. It is thus not a stand-alone right but an expression of a wider set of human rights protections that secure indigenous peoples’ rights to control their lives, livelihoods, lands and other rights and freedoms. In these regards, although Nepal does not have any explicit legal and policy provisions on FPIC, the Constitution of Nepal 2015, Article 51, sub-article J(8) has some implicit elements requiring FPIC of Indigenous Nationalities while making any decisions concerning these people. The essence of this constitutional provision is to ensure the indigenous nationalities participate in decisions concerning their community by making special provisions for opportunities and benefits in order to ensure the right of these peoples 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.
As noted above the SRCTIP-Trade Facilitation Component is not expected to:

- Require land acquisition
- Relocate any IP community from their location
- Have any significant impact on the cultural practice of IP communities.

The above criteria of the project generally do not require to conduct Free and Prior Informed Consent (FPIC) of the Indigenous community. However in case any of the sub project is fall beyond the above mentioned criteria, Free and Prior Informed Consent (FPIC) of the Indigenous community will be conducted.

5. **Preparation of the Indigenous People Development Plan (IPDP)**

The SRCTIP-Trade Facilitation Component’s Project Coordination Unit (PCU) E &S team with the support from the consultant, will prepare Indigenous People Development Plan (IPDP) if the sub project has found of having significant impact on IP. The PCU will submit the IPDP to The World Bank for final approval. The components of IPDP are as follows:

5.1 **Objectives of IPDP**

The principal objectives of the framework are to:

i. ensure that project engages in free, prior, and informed consultation with the IP communities wherever they are affected

ii. ensure that project benefits are accessible to IP communities living in the project area

iii. avoid any kind of adverse impact on the IP Communities to the extent possible and if unavoidable ensure that adverse impacts are minimized and mitigated

iv. ensure IP Communities’ participation in the entire process of preparation; implementation and monitoring of the sub project activities

v. minimize further social and economic imbalances within communities; and

vi. develop appropriate training / income generation activities in accordance to their own defined needs and priorities.

5.2 **Steps for IPDP preparation**

The steps to be followed for IPDP are as follows:

i. Screening to identify whether Indigenous communities are present or have collective attachment to, the project area

ii. Social assessment and analysis to be carried out to address the social concerns of the subcomponent area from identified IP groups
iii. Identifying views of the affected communities at each stage of the project, and particularly during project preparation

iv. Since FPIC is not necessary, meaningful consultation is needed, and document the consultation process

v. Institutional arrangements (including capacity building wherever necessary) for screening project-supported activities, evaluating their effects on IP, preparing IPDP (if required), and addressing grievances

vi. The preparation of IPDP and approved and disclosed by MoCIS, MoALD SRCTIP-Trade component PCO and World Bank

vii. Monitoring and reporting

5.3 Screening

During the planning and design phase of the sub project, a screening survey will be carried out based on group discussion with the communities in the sub project area in order to identify the presence of any IP communities that have collective attachment to the project area. Apart from the consultations with the community members, consultations / in depth interviews will also be carried out with the NGOs working in the area and representative of local self-government. The screening will look into the details of tribal/IP households, assessing the number of such households along the zone of influence of the proposed sub project. If the result shows that there are tribal/IP communities, the issues related to the community will be included in the social impact assessment (SIA) survey.

5.4 Social Impact Assessment

The project will be responsible for conducting an SIA and the development of an action plan with the help of IP communities and organizations working for them. The SIA will gather relevant information on demographic, social, cultural; economic and networking aspects of each household and needs of the community as a whole. The information on individual household will be collected through household survey whereas community based needs would be assessed through group discussions with the community as a whole as well as in discussion with the community leaders and other stakeholders. The discussion will focus on both positive and negative impacts of the sub project. The suggestion and feedback of the community taken through meaningful consultation will be incorporated into project design hence to ensure the broader community support for the project.

5.5 Suggested format for IPDP

The suggested format for the IPDP is as follows

- Description of sub projects and implications for the IP community
- Gender disaggregated data on number of IP households by impact category
• Social, cultural and economic profile of the households/communities
• Land tenure information
• Documentation of consultations with the community to ascertain their views about the project design and mitigation measures
• Since FPIC is not required consultation exercise need to be documented
• Findings of need assessment of the community
• Community development plan based on the results of need assessment
• Modalities to ensure regular and meaningful engagement with the community
• Institutional arrangement and linkage with other national or state level programs
• Institutional mechanism for monitoring and evaluation of VCDP implementation and grievance redress
• Implementation Schedule and cost estimate for implementation

Further details outlining the main elements required in an IDPD are provided at Annex 1.

5.6 **Sub-Project Approval**

In the event that a sub-project has IP group in its project area, the project shall not approve the subproject until a satisfactory IPDP has been prepared and shared with the affected IP community. When a standalone IPDP is not needed because the majority of beneficiaries of the sub-component are specific IPs, the project design should ensure that all elements of ESS7 are incorporated into the sub-project.

5.7 **Key Milestone Linked with the Project Implementation**

Following Table provides the key milestone with the project implementation of the IPPF

**Table 5.1: Key Milestone Linked with the Project Implementation**

<table>
<thead>
<tr>
<th>Project Milestone</th>
<th>Description</th>
<th>Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Feasibility Study (By December 2020)</td>
<td>Commission a consultant assesses and advise on whether the project is technically feasible, financially viable, socially acceptable, and environmentally friendly</td>
<td>➢ Screening whether community get affected or not</td>
</tr>
</tbody>
</table>
| Detail Design (By June 2021) | Based on the finding of the Feasibility Study, number, nature infrastructure will be identified, and corresponding design will finalized | ➢ Information disclosure of the project  
➢ Consultation with the IPs |
| E &S Assessment (By July 2021) | Detail assessment of the Environmental and Social Impact is E &S Assessment done based on the provided feasibility study and | ➢ Identification of the affected IP Communities |
detail project design. All the potential environmental and social impact will be assessed, and corresponding mitigation measures will be proposed.

| Bidding and Contract (By December 2021) | Based on the Feasibility Study, Detail Design and E&S study the findings are incorporated in the bid document. The bidders are examined and selected, and the contract will be awarded to the successful bidders. | ➢ Types of Impact  
➢ Proposed Mitigation measures  
➢ Preparation of IPDP  
➢ Incorporation of the requirement in the contract document |
| Construction (By December 2023) | Once the contract is awarded to the successful bidders the contractors have to fulfill all the requirements as listed in the Bidding document and construction is started once all the clearance is received | ➢ Implementation of the IPDP  
➢ Mitigation of the Potential Impact  
➢ Enhancement of the benefit  
➢ Monitoring of the IPDP implementation |
| Closure (By December 2024) | This is also called the end of the implementation at this stage the project almost implemented | ➢ Monitoring and Evaluation of the IPDP and Post Audit |

### 6. Implementation of the Specific Measures to IPs

Specific implementation of measures for indigenous peoples are outlined in table below. Source of funding and the agencies responsible to implement the proposed strategies are included in the table.

**Table 6.1: Specific Measures for Indigenous People**

<table>
<thead>
<tr>
<th>Proposed Strategies</th>
<th>Sources of Funding</th>
<th>Agencies Responsible</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Inclusion</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| • Ensure awareness raising, active participation and capacity building of the IP communities  
• Ensure of participation in awareness campaign, project implementation and monitoring  
• Ensure equal wages for similar work during implementation | GON  
MoICS / NITDB / MoALD |                      |
### Proposed Strategies

<table>
<thead>
<tr>
<th>Proposed Strategies</th>
<th>Sources of Funding</th>
<th>Agencies Responsible</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Launch project information campaign to inform the target groups about the key features of the project and subproject.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### B. Programme Planning

- • Asses and analyze the presence of indigenous people’s communities in subcomponent sites
- • Treat and support indigenous people, preferentially
- • Involve indigenous people in beneficiary groups to increase their participation.
- • Define training/income generation activities based on the identified needs and priorities of IP in the subproject area.

<table>
<thead>
<tr>
<th></th>
<th>GON</th>
<th>PCO / MoICS / NITDB / MoALD</th>
</tr>
</thead>
</table>

### C. Capacity Building

- • Conduct project related meetings in indigenous community areas to encourage their participation. Ensure a quorum which includes representation from IP groups.
- • Provide targeted assistance/training aimed at IP groups to enhance livelihoods and participation in the subcomponents
- • Built in awareness campaign about the project in the subproject
- • Build capacity of indigenous peoples, promoting necessary knowledge and skills to participate in subcomponent activities
- • Develop capacity through trainings on application of Agriculture Information system to small farmers

<table>
<thead>
<tr>
<th></th>
<th>GON</th>
<th>PCO / MoICS / NITDB / MoALD</th>
</tr>
</thead>
</table>

### 7. Stakeholder Engagement, Public Consultation and Disclosure

The development of the IPPF/IPDP will follow a participatory approach to enable indigenous peoples have a role in the project planning and development process. Unil the date the detail project activities is yet to be finalized, once the detail project activities and location will be identified the indigenous people that may have impact due to the implementation of the project have been interviewed on an individual basis, consulted in group discussions and meetings in order to understand and collect their views on their needs, priorities, and preference regarding the project implementation. Separate focus group discussions were held with indigenous communities to assess the project impacts and benefits to these groups. Accordingly, the ESA, IPDP, RAP, will be prepared with their feedback of concerns, requests and recommendations fully considered.
The IPPF/IPDP implementation will continue this participatory approach to enable meaningful and effective participation of indigenous and other vulnerable communities. The project’s IPPF includes a strategy for the ongoing involvement of Indigenous People, in project preparation and implementation. The core components of this strategy are: (a) the representation of Indigenous people on IPPF/IPDP implementation structures; (b) a grievance management system for the resolution of grievances and disputes; and (c) monitoring and evaluation mechanisms to track implementation issues. The detailed implementing plans will be developed jointly with the indigenous and other vulnerable communities. The project team will work with them on the community schemes. For household-specific schemes and activities, the project team will work with individual households belonging to indigenous people to develop and implement their household-specific schemes.

Outcomes of IPPF/IPDP programs and plans developed for IPs will be disseminated through appropriate means of communication. The SRCTIP-Trade Component will use a range of communication/information dissemination mechanisms, including written documents (information sheets and newsletters), Social Media, FM radio broadcasts through local radio stations, community meetings, focus group discussions, participatory appraisal techniques, household interviews and social mobilization techniques. A key focus of these consultations will be the project’s Entitlement Matrix and impact mitigation measures. These topics will be further discussed extensively to ensure that individual households are aware of the different compensation and impact mitigation measures so that they can make informed choices. In particular, it will be important for the indigenous and other vulnerable households to have a thorough understanding of the following:

- Entitlements for the loss of private assets (land, trees and other assets);
- Entitlements for the loss of access to communal resources; and
- Entitlement eligibility criteria.

The project will adopt mainstreaming and targeted approaches to maximize the project benefits and opportunities for indigenous people.

Mainstreaming approach includes increased participation and proportionate representation of indigenous communities in various user groups and committees formed under the project promoted and sponsored social development activities so that their needs, priorities, interests and perspectives are reflected in project planning and implementation.

Targeted approach will cater indigenous people through livelihood enhancement skills training activities to enable them to take full advantage of project opportunities and benefit, including employment opportunities. Livelihood enhancement skills training will be targeted to these groups on the basis of their specific needs and priorities. Further details regarding the approach for stakeholder engagement with IPs are detailed under the project’s Stakeholder Engagement Plan.
The Ministry of Industry Commerce and Supplies (MoICS) and Ministry of Agriculture and Livestock Development (MoALD) jointly organized a consultation and disclosure workshop on 2nd March, 2020 at Nepal India Regional Trade and Transport Project’s Project Coordination Office meeting hall, Bhadrakali, Kathmandu. The main objectives of the Workshop were:

- Create awareness about the project, location, and benefits
- Disclose information about potential impacts of the project;
- Solicit feedback from stakeholders
- Meet regulatory requirements: GoN and World Bank
- Draw suggestions to enhance project design and impact mitigation

The invited stakeholders from respective ministries and departments have actively participated and shared their views and feedback. The main feedbacks received regarding IPPF were: ensure that provision for encroaches, squatters and economically displaced people due to the implementation of the project needs to be address clearly; due care should be given for the conservation of the local indigenous cultural values.

8. **Grievance Redress Mechanism**

In order to address the incoming grievances in regard to implementation of the SRCTIP-Trade Facilitation Component, a project-based two level grievance redresses committee will be formed; one at the project level and next at the Central (Ministry) Level. The project level GRC has recorded all the grievances at site office and will analyzed the grievances and central submit its recommendation to the central level GRC for further action. The Central Level GRC will take the decision of the grievance and sent the decision to the project level GRC for disclosure to the complaining parties. The complaining parties will be notified about the decision through appropriate means. The GRM will be functional throughout the project cycle. Details of the project-level GRM are provided in the Stakeholder Engagement Plan for the project.

9. **Implementation Arrangement**

The Ministry of Industry, Commerce and Supplies (MoICS) and Ministry of Agriculture (MoA) will be the implementing agencies of the trade component. A Project Coordination Unit (PCU) will be established within MoICS/MoALD. The PCU will be responsible for the day-to-day implementation of the component and for coordinating with the Department of Roads and other the relevant implementing ministries/agencies. The PCU will have Project Director, a full-time Project Coordinator and a Finance Specialist. The PCO will also recruit Specialists/Consultants for procurement, environmental and social safeguards
and engineers. The PCU will also hire Construction Supervision Consultant to oversee and supervise the implementation.

MoICS/MoALD has experience in managing environmental and social risks and impacts safeguard issues related to the Bank-funded projects. The PCU will be included in E&S capacity building program for MoICS and MoALD supported by the World Bank.

10. Monitoring and Evaluation of IPDP

Regular monitoring of IPDP implementation will be conducted by the PCU E&S Team through the help of the consultant to verify:

- Actions and commitments described in the IPDP are implemented fully on time;
- Eligible affected people received their full compensation entitlements within agreed timeframe;
- IPDP actions and mitigation measures are effective in sustainably enhancing the livelihood of IPs affected peoples;
- Complaints and grievances lodged by IPs are followed up and that where necessary, appropriate corrective actions are implemented; and
- If necessary, changes in IPDP procedure are made to improve delivery planned action to IPs

The PCU E&S Team will prepare the monitoring and evaluation report of IPDP and will submit the report to the WB periodically. The frequency of the reporting will be determined based on the project’s impact level to IP communities and will be endorsed by the World Bank during IPDP preparation.
Annex 1: Outline of elements in an IPDP

Outline of elements required for an Indigenous Peoples Development Plan (IPDP) include the following:

a. A summary of the targeted social assessment, including the applicable legal and institutional framework and baseline data.

b. A summary of the results of the meaningful consultation tailored to IPs, and if the project involves the three circumstances specified in paragraph 24 of ESS7, then the outcome of the process of FPIC carried out with the affected IPs during project preparation.

c. A framework for meaningful consultation tailored to IPs during project implementation.

d. Measures for ensuring IPs receive social and economic benefits that are culturally appropriate and gender sensitive and steps for implementing them. If necessary, this may call for measures to enhance the capacity of the project implementing agencies.

e. Measures to avoid, minimize, mitigate, or compensate IPs for any potential adverse impacts that were identified in the social assessment, and steps for implementing them.

f. The cost estimates, financing plan, schedule, and roles and responsibilities for implementing the IPDP.

g. Accessible procedures appropriate to the project to address grievances by the affected IPs arising from project implementation, as described in paragraph 35 of ESS7 and in ESS10.

h. Mechanisms and benchmarks appropriate to the project for monitoring, evaluating, and reporting on the implementation of the IPDP, including ways to consider input from project-affected IPDP in such mechanisms.