



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 Social 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/MoALD. 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

यस आदिवासी जनजाती योजना ढांचाले आदिवासी जनजातीमा रणनीतिक सडक कनेक्टिभिटी तथा व्यापारिक सुधार पुर्वाधार आयोजना (एस.आर.सि.टि.आई.पि.) वाट पर्नसक्ने प्रतिकूल प्रभावको पहिचान गर्न, प्रतिकूल प्रभावहरू सकेसम्म निषेध गर्न वा न्युनिकरण गर्न तथा सो सम्भव नभए उचित क्षतिपूर्तिका लागि उपयुक्त संगठनात्मक व्यवस्थाहरू र डिजाइन मापदण्ड लागू गर्न र आवश्यक आदिवासी जनजाति विकास योजना निर्माण गर्न नीति, रणनीति, प्रक्रिया र कार्यविधिहरू प्रदान गर्दछ । एस.आर.सि.टि.आई.पि. को व्यापार सहजिकरण कम्पोनेन्ट विश्व बैंकको आर्थिक सहयोगमा उद्योग, वाणिज्य तथा आपूर्ति मन्त्रालय र कृषि तथा पशुपन्छी विकास मन्त्रालयले कार्यान्वयन गर्नेछ । यो आदिवासी जनजाती योजना ढांचा नेपाल सरकारको प्रचलित कानून र र विश्व बैंकको वातावरणीय तथा सामाजिक ढांचा/रूपरेखा (ई.एस.एफ.) को स्ट्याण्डर्ड ई.एस.एस ७ (आदिवासी जनजाती) अनुसार तयार गरिएको छ ।

२। परियोजना विवरण तथा एस.आर.सि.टि.आई.पि. व्यापार सहजिकरण कम्पोनेन्ट

एस.आर.सि.टि.आई.पि.को व्यापार सहजिकरण कम्पोनेन्टको उप आयोजनामा मोटामोटी रूपमा विराटनगर, वीरगञ्ज तथा भैरहवाका इनल्याण्ड कन्टेनर डिपोमा सीमा पुर्वाधार र प्रयोगशालाहरूको निर्माण तथा सुधार कार्यहरू हुनेछ । सम्बन्धीत स्थानहरूमा चयन गरिएका पहुँच सडक सुधार तथा पार्किङ्ग यार्डहरूको विकास गरिनेछ । व्यापार सहजिकरण कम्पोनेन्टका गतिविधिहरू पहिलेनै सरकारद्वारा अधिग्रहण गरिएको जग्गा भित्र हुने भएकोले यस अन्तर्गतका उप आयोजनाका गतिविधिहरूका लागि भुमी अधिग्रहणको अपेक्षा गरिएको छैन, तथापी, भौतिक एवं आर्थिक विस्थापन भने हुनसक्ने छन् ।

यस कम्पोनेन्ट अन्तर्गत कार्यान्वयन हुने परियोजनाहरूको स्केल र स्थान अझै यकिन नभएको चरणमा यस आदिवासी जनजाती योजना ढांचाको विकास गरिएकोछ । सम्भाव्यता अध्ययन तथा विस्तृत डिजाइनको चरणमा गरिने वातावरणीय तथा सामाजिक अध्ययनका समयमा आदिवासी जनजाती योजनाको विस्तृत रूपरेखा यकिन गरिनेछ । यस रूपरेखा अनुरूप परियोजना क्षेत्रमा आदिवासी जनजातीहरूको बसोबास वा सामुहिक उपयोग यकिन भएमा परियोजनाले आदिवासी जनजाती विकास योजना तयार गर्नुपर्ने छ । यसको यकिन एस.आर.सि.टि.आई.पि.को व्यापार सहजिकरण कम्पोनेन्टले परियोजना स्किनिंग र वातावरण तथा सामाजिक मुल्यांकनका गर्ने समयमा गरिने छ ।

३। आदिवासी जनजाती पर्नसक्ने सम्भावित प्रभावहरू

अहिले यस कम्पोनेन्ट अन्तर्गत कार्यान्वयन हुने परिपयोजनाका गतिविधिहरू तथा स्थानहरू यकिन नभएको हुँदा सम्भाव्यता अध्ययन तथा विस्तृत डिजाइनको चरणमा गरिने वातावरणीय तथा सामाजिक अध्ययनका समयमा विस्तृत परिपयोजनाका गतिविधिहरू तथा कार्यान्वयन स्थानहरू यकिन गरिनेछ। तथापि, एस.आर.सि.टि.आई.पि. को व्यापार सहजिकरण कम्पोनेन्टमा देहाय बमोजिमका क्रियाकलापहरू अपेक्षित छन्:

का. मुमी अधिग्रहण

ख. कूनैपनि आदिवासी समूदाय वा समूहको पूर्णवास

ग. कूनैपनि सांस्कृतिक सम्पदा वा अभ्यासमा असर

एस.आर.सि.टि.आई.पि.को सडक कम्पोनेन्टका कारण आयोजनाको समग्र वातावरणीय तथा सामाजिक जोखिमको वर्गिकरण उच्च छ, तथापि, व्यापार सहजिकरण कम्पोनेन्टमा धेरैजसो उप आयोजनाहरूमा विद्यमान सीमा पुर्वाधार तथा प्रयोगशालाहरूको सुधार वा पुनस्थापनाको कार्य भएको हुँदा वातावरणीय तथा सामाजिक जोखिम र प्रभाव मध्यम देखी पर्याप्त हुनसक्ने छ। उप परियोजनाहरू र तीनको साइटहरू यकिन नभए तापनि परियोजनाका केहि निर्माण कार्यका असरहरू आदिवासी समूदायमा पर्नसक्ने छ यद्यपी तिनको प्रभाव भने व्यवस्थापन गर्न सकिने अनुमान गरिएको छ। त्यस्तै, नेपालका अन्य परियोजनाहरूको अनुभवका आधारमा केहि प्रत्याशित प्रभावहरू जस्तै व्यवसायिक र सामूदायिक स्वास्थ्य र सुरक्षा, वाह्य कामदारहरूको ठुलो संख्यामा आगमन, लैभिक हिंसा, यौन शोषण, यौन उत्पिडन र दुरुपयोग, बाल श्रम, जबरजस्ती श्रम, र कार्यस्थलको खराब व्यवस्थापन आदिले आदिवासी जनजाती समूदायमा पनि समान रूपमा प्रभाव पर्नसक्ने छ।

४। कानुनी, नीति र नियामक रूपरेखाहरू

नेपालमा आदिवासी जनजाति संबन्धि कूनै एउटा छुट्टै नीति बनेको छैन तापनि आदिवासी/जनजाती समूदायको अधिकार सुनिश्चित गर्न थुप्रै कानुनी आधारहरू भन्ने छन्। नेपालको संविधान, नेपाल आदिवासी/जनजाती उत्थान तथा प्रवर्धन ऐन २००२, स्थानिय सरकार संचालन ऐन २०१७, वन ऐन १९९३, वन नियमावलि १९९५ र पंच वर्षिय योजनाले आदिवासी जनजाती तथा उनीहरूको सांस्कृतिक संपदाको सुरक्षणको लागि महत्वपुर्ण आधारहरू तय गरेको छ। सन् २००७ मा साधारण सभाले आदिवासी जनजातिको अधिकार सम्बन्धी संयुक्त राष्ट्र संघको घोषणलाई पारित गरेको थियो भने सेप्टेम्बर १४, २००७ मा आई.एल.ओ. कम्मेन्सन नं. १६९ अनुमोदन गरेको थियो।

विश्व बैंकको वातावरणीय र सामाजिक स्ट्याण्डर्ड ई.एस.एस. ७ ले परियोजनाले आदिवासी जनजाती पहिचान गरी, परामर्श गर्न, उनीहरूको सहभागित सुनिश्चित गर्ने, बैंकको अर्थिक सहयोगमा संचालित क्रियाकलापबाट हुने प्रतिकूल प्रभावहरूबाट उनीहरूलाई जोगाउने वा संभव नभएको खण्डमा प्रभाव न्युनीकरण गरी सांस्कृतिक रूपमा उपित तरिकाले लाभ प्राप्त गराउनु पर्नेमा विशेष जोड दिएको छ ।

एस.आर.सि.टि.आई.पि.को व्यापार सहजिकरण कम्पोनेन्टमा आदिवासी जनजातीको स्वामित्वमा भएको भुमी अधिग्रहण वा पुनर्वास आवश्यक नहुने तथा उनीहरूको संस्कृतिक अभ्यासमा विशेष प्रभाव नपर्ने हुनाले आदिवासी जनजाती समुदाय संग स्वतन्त्र र पुर्व सहमति प्रकृया आवश्यक देखिदैन । तथापि, आदिवासी समुदायसंग अर्थपुर्ण परामर्श भने गरिने छ । स्वतन्त्र र पुर्व सहमति आवश्यक भए नभएको विस्तृत डिजान गर्ने समयमा सुनिश्चित गरिने छ ।

५। आदिवासी जनजाती विकाश योजनाको तयारी

यदि उप परियोजनाले आदिवासी जनजातीमा विशेष प्रभाव पर्ने निश्चित भएमा, एस.आर.सि.टि.आई.पि.को व्यापार सहजिकरण कम्पोनेन्टको परियोजना समन्वय एकाई र वातावरणीय र सामाजिक टोलीले परामर्शदाताको सहयोगमा आदिवासी जनजाती विकाश योजना तयार पार्ने छ । परियोजना समन्वय एकाईले आदिवासी जनजाती विकाश योजना प्रतिवेदन विश्व बैंकमा अन्तिम स्वीकृतिका लागि पेश गर्ने छ ।

आदिवासी जनजातीको परियोजना क्षेत्रमा सामुहिक संलग्नता यकिन गर्न उप परियोजनाको योजना तथा डिजान गर्ने चरणमा उप परियोजना क्षेत्रमा समुदाय संग छलफल गरी स्क्रिनिङ्ग सर्वेक्षण गरिने छ ।

आदिवासी समुदाय र उनीहरूको लागि काम गरिरहेको संस्थाहरूको सहयोगमा सामाजिक प्रभाव मुल्यांकन गर्न र कार्य योजना तयार गर्न परियोजना जिम्मेवार हुनेछ । सामाजिक प्रभाव मुल्यांकनमा आदिवासी समुदायको सान्दर्भिक जनसंख्या, सामाजिक, सांस्कृतिक, आर्थिक र संजालका सुचना प्रस्तुत गरिने छ ।

६। आदिवासी समुदायमा विशिष्ट उपायहरूको कार्यान्वयन

विकासका विभिन्न रणनीतिहरूको कार्यान्वयन जस्तै समावेशीकरण, क्षमता विकाश कार्यक्रम योजना आदि आदिवासी समुदायमा विशिष्ट उपायहरूको कार्यान्वयन भित्र समावेश गरिने छ ।

७। सार्वजनिक सहभागिता, परामर्श र प्रकाशन

परियोजना योजना र विकास प्रक्रियामा आदिवासी समुदायको भुमिका सबल पार्न आदिवासी जनजाती योजना रूपरेखा/आदिवासी जनजाती विकास योजना सहभागिता मुलक दृष्टिकोण अवलम्बन गर्नेछ ।

विस्तृत परियोजना गतिविधिहरू र सो को स्थान निर्धारण भए पश्चात कारण विशेषले परियोजना कार्यान्वयनका कारण प्रभावित आदिवासी जनजाति पहिचान गरी परियोजना कार्यान्वयनमा उनीहरूको आवश्यकता, प्रथमिकता बृम्भ व्यक्तिगत अन्तर्वाता, सामुहिक छलफल तथा बैठकहरूमा परामर्श गरीने छ । आदिवासी समुहमा परियोजनाको प्रभावहरू तथा उपलब्धिहरू मुल्यांकन गर्न यी समुदाय संग छुट्टै फोकस ग्रुप छलफल गरिने छ । छलफलमा प्राप्त प्रतिक्रिया तथा सिफारिसहरू पुर्ण रूपमा विचार गरी वातावरणीय र सामाजिक मुल्यांकन र आदिवासी जनजाती विकास योजना तयार परिने छ ।

मार्च २, २०२० मा सरोकारवालाहरू संग परामर्श तथा प्रकाशन कार्यशाला गोष्ठिको आयोजना गरिएको थियो । यस कार्यशाला गोष्ठिको मुख्य उद्देश्य परियोजनाका बारे जानकारी प्रस्तुत गरी परियोजनाको सम्भावित प्रभाव तथा तिनको निदानका उपाय बारे जागरुकता सिर्जना गर्नु थियो । कार्यशाला गोष्ठिमा परामर्शको क्रममा प्राप्त सूझावहरू मुख्य प्रतिवेदनमा समावेश गरिएको छ ।

८। आदिवासी जनजाती विकास योजनाको अनुगमन तथा मुल्यांकन

आदिवासी जनजाती विकास योजनाको कार्यान्वयनको नियमित अनुगमन परियोजना समन्वय एकाई र वातावरणीय र सामाजिक टोलीले परामर्शदाताको सहयोगमा गर्ने छ ।

९। गुनासो संयन्त्र

एस.आर.सि.टि.आई.पि.को व्यापार सहजिकरण कम्पोनेन्टका हकमा प्राप्त गुनासोहरू सम्बोधन गर्न एउटा परियोजना स्तरमा र अर्को केन्द्रिय (मन्त्रालय) स्तरमा गरी दुई तहको गुनासो निवारण समिति गठन हुनेछ । परियोजना स्तरको गुनासो निवारण समितिले साईट अफिसमा सबै गुनासोहरू रेकर्ड तथा विश्लेषण गरी तिनको सिफारिस केन्द्रिय स्तरको गुनासो निवारण समितिमा पेश गर्नेछ । केन्द्रिय स्तरको गुनासो निवारण समितिले गुनासो उपर निर्णय गरी गुनासो कर्तालाई प्रशारणका लागि परियोजना स्तरको गुनासो निवारण समितिलाई पठाउने छ । गुनासो निवारण समितिल परियोजना चक्र भरिने क्रियाशील हुनेछ ।

१०।कार्यान्वयन व्यवस्था

उद्योग, वाणिज्य तथा आपूर्ति मन्त्रालय र कृषि तथा पशुपंछी विकास मन्त्रालयले कार्यान्वयन निकाय हुनेछु सो अर्न्गत परियोजना समन्वय एकाईको स्थापना गरिने छ । परियोजना समन्वय एकाईले वातावरणीय र सामाजिक विशेषज्ञ/परामर्शदाता भर्ती गर्नेछ । साथै परियोजना समन्वय एकाईले कार्यान्वयन निरीक्षणका लागि निर्माण पर्यवेक्षण परामर्शदाता पनि भर्ती गर्नेछ ।

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 prepared relevant strategies in full compliance with Government of Nepal (GON) and World Bank's Environmental and Social Framework, specific objectives of Environmental and Social 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 possessing the following characteristics in varying degrees:

- a) Self-identification as member of distinct indigenous social and cultural group and recognition of this identity by others; and
- b) 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
- c) 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

Region	Classification of Adivasi Janajatis				
	Endangered (10)	Highly Marginalized (12)	Marginalized (20)	Disadvantaged (15)	Advantaged (2)
Mountain (18)		<i>Shiyar, Shingsawa (Lhomi), and Thudam</i>	<i>Bote, Dolpo, Larke, Lhopa, Mugali, Tokpegola, and Walung</i>	<i>Bara Gaule, Byansi (Sauka), Chhairrotan, MaparphaliThak ali, Sherpa,</i>	<i>Thakali</i>

				<i>Tangbe, andTingaunleThakali</i>	
Hill (24)	<i>Bankariya, Hayu, Kusbadiya, Kusunda, Lepcha, and Surel</i>	<i>Baramu, Thami (Thangmi), and Chepang</i>	<i>Bhujel, Dura, Pahari, Phree, Sunuwar, and Tamang</i>	<i>Chhantyal, Gurung (Tamu), Jirel, Limbu (Yakthumba), Magar, Rai, Yakkha, &Hyolmo</i>	<i>Newar</i>
Inner Terai (7)	<i>Raji, andRaut e</i>	<i>Bote, Danuwar, and Majhi</i>	<i>Darai, and Kumal</i>		
Terai (10)	<i>Kisan, and Meche (Bodo)</i>	<i>Dhanuk (Rajbansi), Jhangad, and Santhal (Satar)</i>	<i>Dhimal, Gangai, Rajbansi (Koch), Tajpuriya, and Tharu</i>		

Source: NEFIN, 2004

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* Act 2002, 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

1 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 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

Project Milestone	Description	Activities
Feasibility Study (By December 2020)	Commission a consultant assesses and advise on whether the project is technically feasible, financially viable, socially acceptable, and environmentally friendly	➤ Screening whether community get affected or not
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.	➤ Types of Impact ➤ Proposed Mitigation measures ➤ Preparation of IPDP
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.	➤ 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

Proposed Strategies	Sources of Funding	Agencies Responsible
A. Inclusion		
• 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	Sources of Funding	Agencies Responsible
Launch project information campaign to inform the target groups about the key features of the project and sub project.		
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.	GON	PCO / MoICS / NITDB / MoALD
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	GON	PCO / MoICS / NITDB / MoALD

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. Until 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 encroachments, squatters and economically displaced people due to the implementation of the project needs to be addressed 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 analyze 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 send 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 and Livestock Development (MoALD) 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 PCU 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.