

**Mekong Integrated Water Resource Management
Project Phase 3**

**Cambodia: Indigenous Peoples
Policy Framework (IPPF)**

April, 2014

PREFACE

This document is called the Indigenous Peoples Policy Framework (IPPF) for MIWRMP3 dedicated for Cambodia. It is developed on a basis of outcomes from the Initial Environmental and Social Examination (IESE) as a standalone document. The IPPF is connected to the overall mitigation instrument namely the Environmental and Social Management Framework (ESMF) for the Mekong Integrated Water Resource Management 3 (M-IWRM3) project for Cambodia. This framework will be applied to all investments to be financed by the World Bank (WB) for technical and/or financial support from the M-IWRM3 project for Cambodia that involve Indigenous Peoples (OP 4.10).

The project would comprise two components as specified in Section I of this documents. The project will be executed by the Cambodia National Mekong Committee (CNMC), while Component 1 will be implemented by the Fisheries Administration (FiA). FiA has assigned Inland Fisheries Research and Development Institute (IFREDI) to manage the implementation. CNMC and IFREDI have established respective component management units (CMUs), namely CMU1 for component 1 and CMU2 for component 2. Safeguards implementation will be carried out by CMUs for Component 1 and 2 respectively.

This document is considered a living document and could be modified and changed in line with the changing situation or scope of the activities. Close consultation with the World Bank and clearance of the revised IPPF will be necessary.

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SECTION I. INTRODUCTION

1. The specific *Project Development Objective* (PDO) of M-IWRM3, which contributes to the overall program, is to *improve fisheries and river basin management in selected areas of Northern Cambodia. Selected areas are of national and regional importance to the Mekong River watershed*. The Project would have the following two components;
 - ***Component 1: Support for Fisheries and Aquatic Resources Management. (US \$10.8 million)***. The component objective is to establish sound management in the mainstream Mekong between Kratie and Stung Treng, and the Sekong River, in Northern Cambodia where significant number of critical habitats are located. This would be achieved through: (a) establishment of community fisheries (CFi), and (b) strengthening public sector capacity regarding surveillance and monitoring, research, and restocking. The component has been designed based on the experience of various Civil Society Organizations (CSOs) that are active in the field, and would comprise the following sub-components similar to Component 3-2 of M-IWRM1.
 - (1-1) Fostering development of Community Fisheries including: (a) establishment of community-based fisheries management organizations; (b) development of fisheries management plans; (c) demonstration of supplementary livelihood activities; and (d) providing support for local government capacity building and rural infrastructure;
 - (1-2) Strengthening public sector fishery management, including: (a) fish catch data collection, monitoring and enforcement of regulation; (b) supporting indigenous species aquaculture and stocking through construction of a small hatchery in Stung Treng; (c) technical studies for assessing water resources infrastructure impacts on the fisheries, (d) technical research on key selected species; and
 - (1-3) Component management and administration, including support for logistics, office equipment, and incremental operating costs.
 - ***Component 2: Support for River Basin Management and Coordination with Riparian Countries (US\$5.4 million)***. The component's objectives are to: (a) assist the Government of Cambodia to promote IWRM in the 4P sub-basin covering two provinces of Kratie and Mondulhiri; and in the 3S Sekong-Sesan-Srepok (Lower) sub-basin covering three provinces of Strungtreng, Mondulhiri and Rotanakiri; (b) strengthen trans-boundary cooperation with Vietnam in the 3S sub-basin.. The component's activities are being designed to build on the experience on IWRM implementation for the 3S sub-basin and the work in the 4P basin supported by GWP/ADB and MRC. The work in the 3S sub-basin would initially focus upon the 2S sub-basin, shared by Cambodia and Vietnam, and would contribute to the development of bi-lateral forum with Vietnam for coordination on water resources management. This Component would include the following activities in the 3S and 4P sub-basins:

(2-1) Support for the implementation of IWRM in Northeastern Cambodia covering 3S and 4P Basin, including: (a) strengthening the PDOWRAM capacity in the four target provinces (Kratie, Stung Treng, Mondulki and Roathanakiri), (b) support for legal, institutional and technical frameworks for IWRM-based River Basin Management, (c) water resources planning (updating basin profile and planning) in 3S and 4P sub-basins, (d) technical studies on water resources (sediment management, water quality), and (e) engagement of the local governments and communities in water resources management (awareness raising on Integrated Water Resources Management (IWRM) and Disaster Risk Management (DRM), participatory water quality monitoring, demonstration activities)

(2-2) Support for water resources monitoring, information management and transboundary dialogue, including: (a) Reviewing and updating the architecture of the National Information System for water resources management, (b) Developing an integrated database for the Department of Hydrology and River Work, and Department of Meteorology for the water resources management in the 3S and 4P basin, and (c) Strengthen hydro-meteorological information management systems (including upgrading and construction of hydromet stations in the 4P and 3S basin); and (d) Support for investments for transboundary sharing information to be identified under the on-going transboundary dialogue under APL-1 Component 1-1.

(2-3) Project and Component management, including support for logistics, office equipment, and incremental operating costs, overall monitoring and evaluation, safeguards and financial management.

2. In compliance with the World Bank (WB)'s safeguard policy on Indigenous peoples (OP 4.10), an Indigenous Peoples Policy Framework (IPPF) has been developed to ensure that these indigenous peoples would be sufficiently and meaningfully consulted leading to their free, prior and informed consent to project interventions, that they would have equal opportunity to share the project benefits, and that any potential negative impacts are properly mitigated. The IPPF will form a basis for project implementation and for monitoring and evaluation of how the project deals with indigenous peoples issues. The IPPF also follows Royal Government of Cambodia regulations.

3. Section II below outlines background condition regarding indigenous peoples and related regulations in Cambodia while Section III describes the objective and basic principles of OP 4.10 and how it is applied to the M-IWRM (the Project), including actions that have been and will be undertaken by M-IWRM. Section IV provides a technical guideline for consultation framework with indigenous peoples which has been applied during the preparation of M-IWRM. Scope for preparation of an Indigenous Peoples Development Plan (IPDP), which will be prepared annually if indigenous peoples are found to be present in project affected areas without regard to the nature of impact, is also provided under the consultation framework.

SECTION II. BACKGROUND

2.1. Overview of Indigenous Peoples in Cambodia

4. The population of Cambodia is 13.7 million of which 90-95 percent are Khmer. The remaining 5-10 percent is composed of ethnic minorities such as the Muslim Cham, Chinese and Vietnamese, and seventeen indigenous ethnic minority groups also called “Khmer Loeu” or “hill tribes” who are ethnically non-Khmer. These groups are estimated to comprise around 120,000 persons and constitute about 1percent of the Cambodian total population. There are seventeen indigenous minority groups which range from 300 to 19,000 members and include Phnong, Kouy, Mil, Kraol, Thmorn, Khaonh, Tompoun, Charay, Kreoung, Kavet, Saouch, Lun, Kachak, Proav and others minority group namely Vietnam, Laotian and Khmer Islam.¹ Indigenous groups constitute the majority in the provinces of Rattanakiri (67.9 percent) and Mondulkiri (59.3percent).

5. In Stung Treng Province, according to the provincial database in 2010 produced by the Ministry of Interior reported that there are 22,870 households, with total population of 112,237. Among these, 12.38percent of the total population are contributed from 10 indigenous people groups and 3 other minority groups namely: Phnong (652 persons, equals to 0.58 percent), Kouy (4,358 person, equals to 3.88 percent), Stieng (151 persons, equals to 0.13 percent), Tompoun (17 persons, equals to 0.02percent), Charay (3 persons, equals to 0.003 percent), Kreoung (882 persons, equals to 0.79 percent), Kavet (3,041 persons, equals to 2.71percent), Lun (549 persons, equals to 0.49 percent), Kachak (3 persons, equals to 0.003 percent), Praov (591 persons, equals to 0.53 percent) and Khmer Islma (3,170 persons, equals to 2.82 percent), Vietnamese (437 persons, equals to 0.39 percent) and Laos (43 persons, equals to 0.04percent).

6. In Kratie province, there are 68,171 households, with total population of 331,592 (NCDD, 2010). Among these, 17.18percent of the total population are contributed from 7 indigenous people group and other 3 minority groups namely: Phnong (13,934 persons, equals to 4.20percent), Kouy (9,194 persons, equals to 2.77 percent), Stieng (5,595 persons, equals to 1.69percent), Mil (3,696 persons, equals to 1.11percent), Kraol (3,758 persons, equals to 1.13percent), Thmorn (1,011 persons, equals to 0.30percent), Khoanh (871 persons, equals to 0.26percent) and Khmer Islam (16,771 persons, equals to 5.06percent), Vietnamese (2,121 persons, equals to 0.64percent) and Laos (12 persons, equals to 0.004percent).

7. In Ratanakiri, there are 32,947 households, with total population of 156,705 (NCDD, 2010). Among these, 71.42percent of the total population are contributed from 9 indigenous people and 3 minority groups namely: Phnong (466 persons equals to 0.30percent of total population), Kouy (1 person, equals to 0.001percent), Stieng (121 persons, equals to 0.08percent), Tompoun (33,506 persons, equals to 21.38percent), Charay (24,834 persons, equals to 15.85percent), Kreoung (22122 persons, equals to 14.12percent), Kavet (2,497 persons, equals to 1.59percent), Lun (492 persons, equals to 0.31percent), Kachak (4,356

¹ *Pathways to Justice: Access to Justice with a Focus on Poor, Women and Indigenous People*, Ministry of Justice, UNDP, September 2005, p. 59.

persons, equals to 2.78percent), Proav (8,985 persons, equals to 5.73percent) and other minority groups namely Islam (2,501 persons, equals to 1.6percent), Vietnames (795 persons, equals to 0.51percent) and Loatian (11,249 persons, equals to 7.18percent).

8. In Mondulkiri, there are 13,257 households, with total population of 62,218 (NCDD 2010). Among these, 70.70percent are contributed from 9 indigenous people groups and 3 minority groups namely: Phnong (36,992 persons, equals to 59.46percent of the total population within the province), Kuoy (23 persons, equals to 0.04percent), Stieng (492 persons, equals to 0.79percent), Mil (355 persons, equals to 0.57percent), Kraol (1081 persons, equals to 1.74percent), Thmorn (49 persons, equals to 0.08percent), Tompoun (32 persons, equals to 0.05percent), Charay (225 persons, equals to 0.36percent), Kreang (80 persons, equals to 0.13percent) and other minority group namely Khmer Islam (3,455 persons, equals to 5.54percent), Vietnamese (87 person, equals to 0.13percent) and Laos(1.130 persons, equals to 1.82percent).

9. In terms of ethnic relations, the Cambodian people in Stung Treng, Kratie, Ratanakiri and Mondulkiri often refer to themselves as *Nek Srok Lue* (literally ‘uplanders’) which denotes people who inhabit the agricultural zone and who grow rice and cash crops for either their own consumption or for sale. Hill tribes or *Khmer Lue*, as they are collectively known, are concentrated in the mountainous regions of northeast Cambodia.

2.2 Legal Framework and Regulations

10. *The constitution* of Cambodia, Article 31.2 stipulates that “Khmer citizens shall be equal before the laws and shall enjoy the same rights, freedom and duties, regardless of their race, color, sex, language, beliefs, religions, political tendencies, birth of origin, social status, resources, and any position”. Article 44 guarantees the legal right to own land equally for all Khmer citizens: “All persons, individually or collectively, shall have the right to ownership. Only Khmer legal entities and citizens of Khmer nationality shall have the right to own land”

11. *The Land Law 2001* recognizes the right of indigenous communities in Cambodia to own immovable property - their land - with collective title. Article 23 in the law defines an indigenous community as:

- A group of people who manifest ethnic, social, cultural and economic unity,
- Who practice a traditional lifestyle, and
- Who cultivate the lands in their possession according to customary rules of collective use

Article 25 in the law defines indigenous community lands: “The lands of indigenous communities are those lands where the said communities have established their residencies and where they carry out their traditional agriculture”, and these lands “include not only lands actually cultivated but also includes reserves necessary for the shifting cultivation which is required by the agricultural methods they currently practice”. Article 25 also states that “the measurement and demarcation of boundaries of immovable properties of indigenous communities shall be determined according to the factual situations as asserted by the communities, in agreement with their neighbors”. Article 26 states that “ownership of the immovable properties described in Article 25 is granted by the State to indigenous

communities as collective property. This collective property includes all the rights and protections of ownership as are enjoyed by private owners”.

12. A Policy on Registration and Right to Use of Indigenous Communities in Cambodia was approved by the Council of Ministers on April 24, 2009, and a Sub-decree on procedures of registration of Land of Indigenous Communities was signed on June 9, 2009 by the Prime Minister. This policy takes as its basis the recognition in the Land Law of 2001, of the right of indigenous communities to possess and use land as their collective ownership. The policy states that the registration of indigenous communities as collective ownership is different from the registration of individual privately owned land parcels because the land registration of the indigenous communities is the registration of all land parcels belonging to the communities as a whole, consisting of both State Public Land and State Private Land in accordance with the articles 25, 26, and 229 of the Land Law and related Sub-decrees. These land parcels are different in size and can be located within the same or different communes/sangkat. Therefore, the registration of land parcels of indigenous communities requires a separate Sub-decree supplementing existing procedure of sporadic and systematic land registration.

13. *The Forest Law 2002 (Article 11, 15, 16, 40)* guarantees and recognizes the right of indigenous peoples to continue the use and access to certain forest areas which these groups traditionally use and to practice their way of living in term of enjoyment of benefits from the forest.

SECTION III: KEY ISSUES AND APPLICATION OF IPPF TO M-IWRM3

3.1 World Bank's Operational Policy: Indigenous People (OP 4.10)

14. The WB's Operational Policy 4.10 (Indigenous Peoples) requires that special planning measures be established to protect the interests of indigenous peoples with a social and cultural identity distinct from the dominant society that may make them vulnerable to being disadvantaged in the development process.

15. The Policy defines that indigenous peoples can be identified in particular geographical areas by the presence in varying degrees of the following characteristics:

- (a) Self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;
- (b) Collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories;
- (c) Customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and
- (d) An indigenous language, often different from the official language of the country or region.

16. As a prerequisite for Project approval, OP 4.10 requires the borrower to conduct free, prior and informed consultations with potentially affected indigenous peoples and to establish a pattern of broad community support for the Project and its objectives. It is important to note that the OP 4.10 refers to social groups and communities, and not to individuals. The primary objectives of OP 4.10 are:

- to ensure that such groups are afforded meaningful opportunities to participate in planning project activities that affects them;
- to ensure that opportunities to provide such groups with culturally appropriate benefits are considered; and
- to ensure that any project impacts that adversely affect them are avoided or otherwise minimized and mitigated.

17. Indigenous Peoples are known to be present in the four provinces where the project will be implemented. However, beneficiary villages will be selected and thus exactly which IPs will be affected under the project will be known only during implementation, when the exact list of subprojects is to be developed. Following OP 4.10, this Indigenous Peoples Planning Framework (IPPF) was developed to provide processes and procedures for the screening and review of such subprojects in a manner consistent with the policy.

18. In the context of M-IWRM3, the indigenous peoples in the four project provinces are likely to receive a long term project benefits through the support on community fisheries and

small scale livelihood demonstration activities (Component 1) and participation in the river basin planning and improved flood forecasting (Component 2), but they may be negatively affected by the temporary loss of livelihood and restrictions due to sustainable fishery arrangements (Component 1). In this context, the IPPF sets out processes and procedures to be followed during implementation to make sure that the indigenous peoples are adequately consulted with project activities, given an opportunity to voice concerns and participate in and benefit from the Project. During preparation, free, prior and informed consultations were carried out with indigenous peoples communities in project provinces. Participants of such consultations expressed broad community support to the project. Subsections 3.2, 3.3, and 3.4 below describe the activities that have been undertaken during preparation of M-IWRM3 and those to be carried out during implementation.

3.2 Outcome of the Stakeholder Consultation and Approaches taken under M-IWRM3

19. Component 1 of the Project was designed to incorporate the need to promote a meaningful participation by the poor and disadvantaged segments of society in the development of the community-based fisheries management. Component 2 of the Project was also designed to formalize the participation of the concerned communities, including ethnic minority ones, in the river basin management planning process, and ensure the benefits of the flood forecasting and warning.

20. A series of stakeholder consultation workshops were conducted by the CNMC and FiAas part of the Initial Environmental and Social Examination (IESE) and preparation of safeguard instruments (including this IPPF) of the Project. These consultations aimed to support the indigenous peoples screening process by providing additional data to identify ethnic minority communities in the project areas and also to confirm that the sustainable fisheries and water resources management mechanisms to be developed under the Project has broad and strong support from local communities.

21. The stakeholder consultations confirmed that the indigenous peoples in the Project areas (the four project provinces, namely Stung Treng, Kratie, Ratanakiri and Mondulkiri) would receive the overall positive impacts but may be affected by the resource uses restriction. Agreement was reached between participants of consultation meetings, inter alia, local community members, local government officials, and national and international non-governmental organizations active in project areas that the following approach would be used under the project;

22. For Component 1, the following approaches have been agreed;

- First, better fisheries management would benefit the local communities in the long run by establishing sustainable fisheries management;
- Second, the fisheries management plan would be developed through full participation and ownership of the respective communities, including the indigenous people; and
- Third, the Project would provide small scale livelihood demonstration activities (which will be selected through participatory planning with affected populations) including

aquaculture, agriculture and livestock demonstration activities, etc in order to mitigate potential negative impacts on livelihoods.

- Fourth, the Project also envisage to support implementation of the Commune Development Plan of the respective communes through awareness raising of the commune officials regarding the importance of fisheries management and provision of small rural infrastructure.

23. For Component 2, the following approach has been agreed;

- First, awareness raising about the importance of river basin planning, and identifying critical environmental hotspots by the concerned communities, including ethnic minority communities;
- Second, developing a mechanism for river basin management such as establishment of river basin committee, ensuring reflection of the voices of concerned communities for river basin management; and
- Third, developing a mechanism to ensure full benefits of the improved hydromet data.

3.3 Principles and Procedures of the Consultation Applied to M-IWRM

Selection of beneficiary villages

24. While the ‘long list’ of candidate villages where the Project Component 1 may be implemented has been developed, the final selection of beneficiary villages will only be conducted during implementation when subprojects are developed under the annual implementation plan, and beneficiary villages will be selected based on the following criteria:

- Distance to the mainstream Mekong and Sesan River;
- Number of the important deep pools, which are potential refuges for the spawners within the territory of the villages;
- Prior support for communities fisheries supported by development partners; and
- Commitment of leaders of the respective communes and communities

25. Once the villages have been selected and approved by the FiA, free, prior and informed consultations will be carried out for each of the target villages and the respective communes, ascertaining their broad community support and determining the demonstration activities and rural infrastructure. In addition, through participatory rapid appraisal (PRA) techniques, initial social assessment will be conducted together with the basic social and economic profile of beneficiary population or project affected people. The outcome of this process will be the basis to develop an annual Indigenous People’s Development Plan (IPDP) and Resettlement Action Plan (RAP) as part of the annual implementation plan (para. 29). The outline of the annual IPDP is described in para. 43 of this document, while the outline of the annual RAP is described in the Resettlement Policy Framework (RPF).

26. Annual IPDP, RAP, and outcome of the PRA shall be submitted to the Bank by September 1 every year as part of the annual implementation plan, starting September 1, 2014, and these plans needs to be disclosed upon approval of the Bank.

Community participation processes

27. The project will adopt full consultation and stakeholder participation for both Components 1 and 2. An initial social assessment has been conducted through the PRA method during project preparation, which is summarized in the IESE. As stated in Section 3.2 above, a detailed consultation and social assessment will be carried out every year once the target villages are selected.

28. During the consultation, detailed procedures would be determined on a village-by-village basis the procedures to determine the protect areas and permissible gears; identify the livelihood demonstration activities and prioritize the rural infrastructure to be supported under the project (refer Section 3.3 for details). Further, a conflict resolution system would be defined to ensure reflection of voices of the affected people (particularly regarding the designation of protected areas) and grievance mechanisms (particularly for land appropriation). If a beneficiary community includes ethnic minority communities that do not belong to the majority ethnic group of the community, their representatives will be included in the conflict resolution mechanisms. This will ensure cultural appropriateness, and community involvement particularly of the ethnic groups in decision-making processes regarding efficient and effective use of existing community resources.

29. In the process, free, prior and informed consultations will be undertaken in a language spoken by, and location convenient for, potentially affected indigenous peoples. The views of indigenous peoples are to be taken into account during implementation of projects, while respecting their current practices, beliefs and cultural preferences. The outcome of the consultations will be documented into the periodical reports and submitted to the Bank for review.

30. For each year, the Project (both CMU1 and 2) shall prepare an annual implementation plan indicating the location of the target villages and identified investments. The implementation plan shall include the following;

- For Component 1, the CMU 1 shall carry out a more detailed assessment of the nature and extent of positive and negative impacts on indigenous peoples, confirm that the identified priority investments are in consistent with the respective villages' priorities. The plan shall be associated with the annual RAP and IPDP (refer para. 43). The plan shall also be approved by the target villages prior to the commencement of the investment under the project.
- For Component 2, the CMU 2 shall set out an annual plan for stakeholder consultation regarding technical assistance (technical studies, basin profiling, institutional studies) indicating the plan to outreach and consult the concerned ethnic minority communities to seek for their inputs to and obtain their broad community support for the TA activities.

31. During implementation of the project, an updated social assessment shall also be carried out to monitor the positive and negative impacts of the project, and obtain feedback from the project affected people. Based on the outcome of the social assessment, further measures shall be taken to ensure full benefits and mitigation of the negative impacts envisaged. If necessary, additional activities for institutional strengthening and capacity building of indigenous people communities working with the investments shall be carried out.

32. In addition, the project envisages that a series of training will be provided to all implementers and local agencies preparing and implementing plan. The Government agencies responsible for overseeing the indigenous issues and/or local civil society organizations who are active in the areas will be invited as resource persons to provide training and/or the Government perspectives.

3.4 Monitoring, Documenting, and Reporting for M-IWRM

33. The overall responsibilities for complying with the safeguards matter, including this IPPF lies with the Cambodia National Mekong Committee (CNMC), which is the executing agency for the whole Project. CNMC will engage CMU2 established at CNMC. CMU 2 will be responsible for safeguards compliance for Component 2. Day-to-day management of the IPPF compliance for Component 1 will be carried out by the CMU 1 established at IFREDI. The CMU1 will be responsible for implementation of the agreed safeguards related actions, monitoring of indigenous peoples related issues, including monitoring, documentation (particularly annual IPDP, RAP, results of consultations and updated social assessment related to Component 1 activities) and reporting. The outcome shall be summarized in a report and submitted to the CMU2, which will compile the report and submit to the Bank.

34. Given the small scope of civil works to be carried out under the Project (both Component 1 and 2) and the fact that selection of priority investment would follow the participatory planning and consultation process described in this policy, significant adverse negative impacts to indigenous peoples are not expected to occur. Also, developing the capacity of local communities to manage natural resources including with regard to monitoring of negative impacts is critical for the success of the project. The project will therefore seek to strengthen the self-monitoring and problem resolution capacity of local communities including but not limited to indigenous peoples communities. Participatory Monitoring and Evaluation (M&E) will be carried out during implementation to allow affected population to assess project effects and identify measures to broaden positive benefits and address negative impacts. Also, whether conflicts involving ethnic groups have occurred and been resolved in compliance with this document will be monitored and reported by project staff who will be charged to strengthen the community-based fishery management during the implementation.

SECTION IV. TECHNICAL GUIDELINES FOR CONSULTATION FRAMEWORK WITH INDIGENOUS PEOPLES AFFECTED BY INVESTMENT

35. The consultation framework is designed to help to ensure that indigenous peoples are well informed, consulted and mobilized to participate in the investments to be supported under an investment project. Their participation will not only make the community-based fisheries management more sustainable but also provide benefits with more certainty, or protect them from any potential adverse impacts of investments to be financed by the project. The main features/process of the consultation framework includes an environmental and social impact assessment to determine the degree and nature of impact supported by the project. An annual Indigenous Peoples Development Plan (IPDP) will be developed if indigenous peoples communities are found to be present in or have collective attachment to areas affected under the respective annual implementation plan. Consultations with and participation of indigenous peoples, their leaders and local government officials will be an integral part of the overall IPDP, which should be prepared along with the project feasibility report. Key elements of the guidelines are discussed in more details in Subsections 4.1-4.8 below.

4.1 Preliminary Selection of Target Villages

36. The preliminary selection of the target villages will be carried out during project implementation using the criteria specified in para. 23. A consultation process involving indigenous groups would provide a comprehensive baseline data on social, economic and technical aspects of each investment particularly for those areas that have been identified with ethnic groups during the project preparation. This also includes participatory mapping of community access to road and other key services. The social assessment will indicate specific potential social issues on indigenous populations because of the investments, the responsible project sponsor will undertake specific measures to consult with, and give opportunity to indigenous populations to participate in decision making related to the investments, should they so desire. The social assessment process itself is often the method by which such consultations are undertaken however they can be undertaken as a separate exercise.

37. All target villages that have indigenous people communities and are candidates for project support will be visited (at the time of first consultation with communities) by the project financier and relevant local authorities, including personnel with appropriate social science training or experience. Prior to the visit, the project (CMU1 or CMU2) will send notice to the communities informing their leaders that they will be visited by the respective CMUs and local authorities and that consultation will be conducted on the demonstration activities and rural infrastructure. The notice will request that the communities invite to the meeting representatives of farmers, fishermen, women association and village leaders for discussion on the investments. During the visit, the community leaders and other participants will present their views with regards to the proposed activities.

38. The project will identify and utilize the existing community grievance mechanism to take into account specific cultural attributes as well as traditional-cultural mechanisms for raising and resolving issues— to ensure that the concerns of different ethnic groups are

received and addressed during project preparation, implementation and beyond project completion. To achieve this, projects would: (a) identify and determine culturally acceptable ways to address grievances from significantly different ethnic groups within affected communities, including different ethnic or cultural groups within the project-affected area; (b) understand cultural attributes, customs, and traditions that may influence or impede their ability to express their grievances, including differences in the roles and responsibilities of subgroups (especially women) and cultural sensitivities and taboos; and (c) agree on the best way to access grievance mechanisms, taking into consideration the ways communities express and deal with grievances.

39. At this visit, personnel with social science training or experience will undertake a screening for indigenous people population with the help of indigenous people leaders and local authorities. The screening will check for the following:

- (a) names of ethnic groups in the affected village
- (b) total number of ethnic groups in the affected villages
- (c) percentage of ethnic people in affected villages;
- (d) number and percentage of ethnic households within a described zone of influence of the proposed investments. (The zone of influence should include all areas in which investments-related benefits and adverse impacts are likely to be relevant.)

40. If the results show that there are indigenous people communities in the zone of influence of the proposed investments, a social assessment will be planned for those areas.

4.2 Social Assessment

41. In addition to the initial social assessment to be carried out at the selection of the target villages, updated social assessment will be periodically undertaken (at least every year) by qualified social development specialist knowledgeable about the culture of the concerned ethnic minorities. The social assessment will not only gather relevant information on the following: demographic data; social, cultural and economic situation, but also project impacts covering and social and economic aspects, either positive or negative.

42. Free, prior and informed consultations will be conducted through a series of meetings, including separate group meetings: ethnic village chiefs; ethnic men; and ethnic women, especially those who live in the zone of influence of the proposed work under subproject. All consultation will be conducted in easily accessible locations. All will be carried out in relevant local languages. Discussions will focus on investments impacts, positive and negative; and recommendations for design of investments. If during the series of consultation meetings the communities reject the proposal even after all measures to mitigate negative impacts are considered, the investments will not be approved (and therefore no further action is needed).

4.3 Indigenous Peoples Development Plan (IPDP)

43. An annual IPDP will be developed covering all project target villages to ensure that the ethnic groups receive culturally appropriate opportunities to benefit from the investments activities, and to address any concerns or negative impacts associated with the investments. This IPDP would also include the following:

- A summary of results of the free, prior, and informed consultation with the affected Indigenous Peoples' communities that was carried out during subproject preparation and that led to broad community support for the subproject;
- Summary of social assessment
- Specific framework to allow meaningful participation of the affected Indigenous Peoples communities in subproject implementation and ensure their receiving project benefits;
- Description of likely negative impacts of the project and measures to mitigate them;
- Grievance redress and project monitoring mechanisms including participatory M&E processes
- Legal framework
- Target villages and baseline data;
- Land tenure information;
- Institutional arrangement;
- Implementation schedule; and
- Cost and financing plan

4.4 Schedule

44. An annual IPDP shall be prepared and submitted to the Bank as part of the annual implementation plan by September 1 each year starting September 1, 2014. Prior to the commencement of the implementation of the annual plan, the annual IPDP shall be disclosed.

4.5 Budget

45. The IPDP will include information on detailed cost of mitigation measures and other rehabilitation entitlements for Indigenous in the affected areas. Sources of funding for the various activities and financing plans has been included in the cost. Costs for land appropriation shall be financed by the counterpart funds, while the training and consultation cost shall be financed by the Bank (IDA).

4.6 Transparency and Grievance Mechanism

46. A grievance mechanism will be applied for acquisition of assets and restriction of access to resources, including those for indigenous people. The grievance mechanisms under the Project will be two-tiered: one internal to the communities concerned and the other, involving third-party/external mediation. At the beginning of the project implementation, Grievance Redress Committees will be established from villages to provincial levels built on the existing structures consisting of concerned departments, mass organizations, women and ethnic

representatives. At the village level, community based fishery management will incorporate the existing grievance mechanisms that will be chaired by elder and/or spiritual/tribal leaders, which are largely acceptable to local communities, particularly the indigenous minority groups. The grievance mechanism and procedures would thus be built upon local social and cultural resources to help resolve conflicts and mitigate impacts during project preparation, implementation and operation phases. The grievance mechanism will be applied to persons or groups that are directly or indirectly affected by a project, including indigenous people, as well as those that may have interests in a project and/or have the ability to influence its outcome either positively or negatively. The project will provide training and support to strengthen these existing structures for effectively and collectively dealing with possible grievances that may be raised by local population within the project affected areas, including indigenous people.

47. Those people affected by project interventions may raise their complaints to the village committees, if not satisfied or unclear about project interventions. The claim may be made orally or in writing with assistance from the village committees who shall provide response to the claimant within 5 days after receipt of the grievance. If the claimant is not satisfied with the decision made at the village level, s/he may submit the claim to the district level committee with support from the CMUs. Within 15 days after receipt of the claim, the district committees shall make decision and provide response to the claimant. The claim may be lodged with Provincial Court of Law whose judgment would be final.

48. All complaints and grievances will be properly documented and filed by the district and village committee as well CMUs addressed through consultations in a transparent and proactive manner. These grievance documents and report will be made publicly accessible. All costs associated with grievance handling process incurred by the claimant and /her/his representatives are to be covered by the counterpart funds. The grievance handling process is described below:

| Procedures | Venue | Response Time | Responsible Unit/Institution | Means of Verification/Documentation |
|------------------------|--|----------------------|--|--|
| Step 1 – Village Level | Public place accessible to complainant/beneficiaries or PAPs | Within 5 days | Community Fishery Association Village Committee Leaders | Written record of grievance, through the assistance of the respective CMU1/CMU2. Quarterly submission of names and pertinent information about the complainants, nature of complaint, dates the complaints are lodged, and resolution of the same to CMU1/CMU2. |

| | | | | |
|---------------------------------|--------------------------------------|-------------------|--|--|
| Step 2 - District Level | District authority's office | Within 15 days | District Authority/CM U1/CMU2 | <p>Written record of grievance from the village committee, through the assistance of CMU1/CMU2.</p> <p>Quarterly submission of names and pertinent information about the complainants, nature of complaint, dates the complaints are lodged, and resolution of the same to CMU1/CMU2.</p> |
| Step 3 – Provincial Level | Provincial government's office | Within 10 days | Provincial government/ CMU1/CMU2 | <p>Written record of grievance from the village committee and District authority, through the assistance of CMU1/CMU2.</p> <p>Quarterly submission of names and pertinent information about the complainants, nature of complaint, dates the complaints are lodged, and resolution of the same to CMU1/CMU2.</p> |

ANNEX 1: PRELIMINARY SCREENING OF INDIGENOUS PEOPLE

When to do the screening: At the time of the first consultation with a commune/village
What information to collect: The screening will collect demographic data of **Indigenous People** who live along the subproject area
How to collect the information: It can be obtained from ethnic leaders, village leaders and commune authorities
Who will do the screening: Consultants or Trained District staff

Province: _____ **District:** _____ **Commune/Village:** _____

| Name of Villages, communes along the subproject area | Name of indigenous peoples along the subproject area | No. of indigenous peoples Households | No of Total Indigenous Peoples Persons | |
|--|--|--------------------------------------|--|-----|
| | | | Women | Men |
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ANNEX 2 - INFORMATION REQUIRED FOR THE PREPARATION OF IPDP

- The basic census, socio-economic data and inventory of affected assets;
- Household ownership of economic and productive assets
- Annual income from primary and secondary employment opportunities
- Economic information of community (e.g. brief information on economic and natural resources, production and livelihood systems, tenure systems)
- Social information of community (e.g. description of kinship, value system, types of social organizations of formal and informal groups)
- Potential impact of proposed subproject on basic social services (e.g. water supply, health clinics and schools)
- Potential impact of subproject on the social and economic livelihood.