

ADDITIONAL INFORMATION TO PROGRAM SAFEGUARD SYSTEMS ASSESSMENT

1. This document includes environment and social safeguard frameworks that will be updated, approved, and implemented during School Sector Development Plan (SSDP), FY2017–FY2021, by the Government of Nepal and Development Partners under the sector-wide approach. Building on the achievements and implementation of environment and social safeguard under the School Sector Reform Plan (SSRP), FY2009–FY2016 and the program safeguard systems assessment (PSSA)¹ of SSDP, the environment and social safeguard frameworks need to be updated. This is expected to further streamline and strengthen compliance and monitoring of safeguard requirements of the government, and development partners for SSDP under the sector-wide approach.
2. **Involuntary resettlement.** There will be no involuntary resettlement under the program since infrastructure construction (civil works) will be of small-scale and within school premises in most cases. Framework for land acquisition through voluntary donations and willing buyer and seller prepared in 2009, updated in February 2015 was used in the SSRP.² Further refinement is necessary for more systematic documentation and ensuring the legal basis for voluntary land donations to avoid disputes subsequently and to eliminate potential impoverishment due to donation. This will be confirmed by the government and joint financing partners by March 2017.
3. **Indigenous Peoples.** It is anticipated that Indigenous Peoples (IP) will benefit from the program through improved access to higher quality and culturally appropriate education. The program will ensure culturally-sensitive and relevant academic curriculum and pedagogy which will be developed in a culturally appropriate way. A Vulnerable Community Development Framework (VCDF) that includes a section on IPs was developed and used for SSRP.³ The World Bank is currently reviewing the need to update the VCDF for SSDP. Asian Development Bank (ADB) and World Bank have agreed that a common approach will be finalized for possible updating of the VCDF that incorporates an IP framework. Draft IP Framework to be agreed with the government and joint financing partners of the SSDP is in the Annex.
4. **Environment.** In order to manage and monitor potential small scale environmental impacts, an Environmental Management Framework (EMF) will be used for SSDP. The government and the development partners have used a robust EMF for the SSRP, a predecessor to the SSDP, prepared in 2009 and updated in February 2015⁴. It is anticipated that this EMF will be further refined and updated as necessary, in consultation with other development partners, particularly the World Bank. The procedures within the EMF being updated for SSDP will be mutually agreed by the joint financing partners supporting the SSDP

¹ Program Safeguard Systems Assessment (accessible from the list of linked documents in Appendix 2).

² Government of Nepal, Department of Education. 2015. *Land Acquisition Framework-Revised*. Bhaktapur. <http://www.doe.gov.np/allcontent/Detail/279>

³ Government of Nepal, Department of Education. *Vulnerable Community Development Framework (VCDF)*. Bhaktapur. <http://www.doe.gov.np/allcontent/Detail/281>

⁴ Government of Nepal, Department of Education. 2015. *Environmental Management Framework for School Sector Reform Program (SSRP)*. Bhaktapur. <http://www.doe.gov.np/allcontent/Detail/280>

ANNEX

Draft Indigenous Peoples Framework

A. Indigenous People in Nepal

1. The Adhibasi/Janjatis (Indigenous Peoples) constitute 35.81% of the total population of Nepal. Many live in rural and mountainous areas characterized by household poverty.⁵ The National Federation of Indigenous Nationalities has classified the indigenous people (known as Adivasi Janajati in Nepal) into five different categories on the basis of their economic and social indicators (Table 2). Of these five sub-groups, the two most-disadvantaged are referred to as 'endangered' and 'highly marginalized groups' respectively while the other three groups are well integrated into the national education system, participation rates for these two groups ('endangered' and 'highly marginalized groups') are not proportional to their share in the national population. These groups continue to experience marginalization, exclusion and discrimination because of their social and economic identities.

2. Opportunities for earning livelihood in rural and mountainous areas, where a large majority of these peoples are inhabiting, is limited by slope and soil conditions, weak infrastructure, limited access to skills and market information, and other factors. As a result, visible disparities in educational attainment can be seen between mainstream caste groups and marginalized indigenous peoples including, Dalits, Terai middle castes, Muslims and other lower castes. These persistent disparities in education can be attributed to factors including asymmetrical inter-group power relations, class disparities, monocultural and mono-lingual education, lack of inclusive educational policy (non-recognition and non-acceptance of sociocultural diversity and diverse traditions of knowledge systems), inappropriate pedagogical practices, politicization of teachers and educational institutions and reduced access to schools and higher education institutions by children belonging to marginalized groups.

3. The implementation of the School Sector Development Plan (SSDP) triggers Asian Development Bank's (ADB) Safeguard Policy Statement 3 on Indigenous People (IP) because of the presence of Adivasi Janajatis (Indigenous Peoples) across the country. The ADB's results-based lending program is categorized as category B for indigenous people. Positive impacts are expected on the IPs (Adivasi/Janajatis) due to affirmative actions of the program, which will increase participation and enhance learning of the IP communities. Negative impacts on IPs are not expected. However, special attention is required to ensure equitable access to the benefits from the Program for IPs as a large chunk of out of school children belong to marginalized IPs groups. Thus, special safeguard provisions have been built while designing

⁵ Examining the poverty rate across different caste and ethnic groups reveals significant disparities. The highest poverty rates in the 2010/11 NLSS data are found among the hill Dalit group, followed by Terai Dalits, Terai indigenous peoples and hill Indigenous peoples. The poverty rates of hill and Terai Dalits are 43.6 and 38.1 percent of their population, respectively. Hill indigenous peoples account for 27.4 percent of Nepal's total population. Among hill indigenous peoples, nearly one-fourth (24.6 percent) are living below the poverty line. Within the indigenous peoples group, too, poverty is not distributed proportionately. While the poverty rate of all indigenous peoples, when taken together, is on par with the national average, there is enormous variation between the more economically privileged indigenous groups and other indigenous groups. The aggregate poverty rate of all indigenous peoples is pushed down by the relatively low poverty rates of Newar and Gurung groups, and the Sherpa, Bhujel, Bhote and Thakali cluster. Nearly half the population of hill Dalits other than Kamis suffers from chronic poverty. Similarly, about 40 percent of the Kumal, Sunuwar, Majhi and Chepang cluster are living below the poverty line. Lawyers' Association for Human Rights of Nepalese Indigenous Peoples (LAHURNIP) and The International Work Group for Indigenous Affairs (IWGIA). 2014. *A Study on the Socio-Economic Status of Indigenous Peoples in Nepal (2014)*. Kathmandu.

SSDP in order to ensure their access to schools, abolish discrimination, and ensure access to education in languages they understand and use, including in their mother tongues or linguistic groups. The major feature of the SSDP has been to reduce disparities within the society. The interventions focusing on impacts on IP culture and knowledge as a result of any project and program implementation has not been assessed in detail. This Indigenous People Framework (IPF) has been prepared to fulfill the gap on safeguard impact assessment and used to screen the program activities to be implemented in school level using IP screening check list. This will enable to confirm there won't be adverse impact on IP culture and practices.

B. Objectives of the IPF

4. The framework has been prepared to guide the screening, planning, implementation and monitoring process of the proposed SSDP activities including new school infrastructure, additional classroom construction and expansion and whether they pose any negative impacts on the IP communities. The framework comprises a due diligence exercise for screening of the proposed SSDP activities and its impact including consultations and participation by IPs. The IPF is developed based on Government of Nepal national policies/strategies as well as ADB's Indigenous Peoples Policy (will be further harmonized with the World Bank requirements), and findings of the PSSA. The specific objectives of the IPF are to:

- (i) design and provide implementing guidance for the proposed school activities under SSDP (new school infrastructure or additional classroom construction or expansion) to screen for IP presence in the school area and any possible negative impacts on them;
- (ii) ensure the participation of the potentially beneficiary IPs in the entire process of preparation, implementation, and monitoring of the proposed school activities;
- (iii) ensure that the IP communities receive culturally appropriate social and economic project benefits; and
- (iv) define the institutional arrangements for IP screening and monitoring.

C. Strategy & Steps for IP Participation and Impacts Screening

a. Meaningful Consultation and Enhancing Participation

5. After a school has been selected for SSDP activities including new school infrastructure or additional classroom construction or expansion, the School Management Committee (SMC) with support of Head Teacher, and others will conduct a brief social mapping of the communities around the School (school catchment area) and collect socio-economic data on residents in school catchment area and will screen for IP presence. The SMC will begin consultations and coaching with IPs to enhance their meaningful participation in proposed SSDP activities. Such consultation and coaching must begin early and is carried out on an ongoing basis throughout the program period. The key activities during consultation and coaching include: (i) timely disclosure of relevant and adequate information; (ii) ensure the proposed school infrastructure activities are undertaken in an atmosphere free of intimidation or coercion, are gender inclusive and responsive, and are tailored to the needs of disadvantaged and vulnerable groups; (iii) and ensure that the views of all categories of beneficiaries are incorporated into decision making.

b. Screening for Negative Impacts

6. An Indigenous Peoples impact screening checklist has been prepared (Table 1) that will be used to screen the program activities to be implemented in each school under SSDP to confirm

there will not be adverse impact on IP culture and practices. The SMC and Head Teacher will screen for IP presence and impacts on them using the IP impact screening checklist. In case of only positive impact, specific actions for IPs group will be spelled out in School Improvement Plan (SIP) to enhance distribution of program benefits within their regular intervention. If the screening identified some negatives impacts on IPs, the SIP should come up with additional resource arrangements and alternative actions to mitigate the negative impacts. If the answer for questions 3-5 and 7-8 is a 'Yes', the subproject is non-compliant and inconsistent with the requirements for IP safeguard category 'B', and will be dropped.

c. Institutional Arrangement

7. IP issues and activities, along with other program safeguards which are interrelated, including capacity building to enhance program outcomes for IPs will be the responsibility of the SMC of the respective schools. The social safeguard officer at District Education Office (DEO) will train SMC members for screening and consultation with and coaching of IP communities to enhance their participation. He/she will monitor the screening and IP enhancement activities carried out by SMC.

d. Grievance Redress Mechanism

8. The IPs grievance redress mechanism will be the same as set out in the PSSA for SSDP. A Grievance Redress Mechanism (GRC) will be established in each project school to receive, evaluate, and facilitate resolution of affected people's concerns, complaints, and grievances about the social and environmental performance of the activities under SSDP. The GRC at school comprises five members representing head teacher, parents, community and IP group representatives. The GRC can invite others to participate in its discussions as appropriate to the case.

9. A complainant can register grievances in the "grievance register book" kept in the School or SMC office. The register will document (i) date of grievance registered, (ii) name/address of complainant, and (iii) nature of grievance. The GRC will prepare a written assessment that describes the complaint and confirms whether the grievance is genuine. A response on the matter will be provided to the complainant within 7 days by the GRC. The corrective action will be carried out as agreed and documented in the grievance register book. In case the GRC is unable to resolve the issue in 7 days, the matter will be forwarded to the district level GRC. After receipt of grievance, the GRC at district level shall take the matter during the immediate next monthly meeting and initiate measures for redress. No grievance can be kept pending for more than a month. The decisions of GRC will be implemented by DEO with the support of DOE. If the aggrieved party is not satisfied with the decision of GRC at district level, it can approach to the Ministry of Education level GRC. No grievance can be kept pending for more than three months. The outcome shall also form part of the progress reports to ADB. During the entire process, the alternative to appeal at court will remain open if the complainant wishes. The details and information on use of this grievance redress mechanism will be communicated to the local stakeholders by School/ SMC.

e. Monitoring

10. Planning and implementation of IPF will be monitored by social safeguard officer at DEO. Some of the key indicators to be considered for while monitoring IPSF outcomes would be as follows:

- (i) Level of participation of Indigenous Peoples in decision-making compared with other beneficiary groups;
- (ii) Level of benefits provided to Indigenous Peoples compared with other beneficiary groups;
- (iii) Changes to socioeconomic conditions in Indigenous communities compared with other beneficiary communities.
- (iv) Numbers of land donations by IPs processed and documented;
- (v) Number of “willing buyer/willing seller” land transactions by IPs processed and documented;
- (vi) Numbers of IP related grievances submitted;
- (vii) Numbers of IP related grievances addressed within an agreed timeframe; and
- (viii) Numbers of grievances satisfactorily resolved.

Table 1: Indigenous Peoples Impact Screening Checklist

Name of School		Region	
District:	VDC/Municipality:	Ward No:	Village/Tol:
Brief description of the proposed Activities(new school infrastructure or additional classroom construction or expansion):			
Impact on indigenous peoples (IPs)	Yes	No	Please provide brief description on either response
1. Are IPs belonging to the Endangered category listed below present in and around proposed school locations? <i>(Bankariya, Hayu, Kusbadiya, Kusunda, Lepcha, Surel Raji, Raute Kisan, Meche/Bodo)</i>			
2. Are other IPs present in and around the proposed school locations?(see Table 2 for list of IPs)			
3. Will the proposed SSDP activities including of school construction/ improvement restrict their economic and social activity and make them vulnerable?			
4. Will the proposed SSDP activities including of school construction/ improvement cause a change to their socioeconomic and cultural integrity?			
5. Will the proposed SSDP activities including of school construction/ improvement disrupt their community life?			
6. Will the proposed SSDP activities including of school construction/ improvement positively affect their livelihoods?			
7. Will the proposed SSDP activities including of school construction/ improvement alter or undermine the recognition of their traditional knowledge, preclude customary behaviors?			

8. Will there be loss of incomes and livelihoods as a result of the proposed activities of school construction/ improvement?			
<p>Summary of the screening findings (based on responses of the questions particularly, 3-5 & 7-8). If the answer for questions 3-5 and 7-8 is a 'Yes', then the proposed activities of school construction/ improvement is non-compliant and inconsistent with the requirements for IP safeguard category 'B' and will be dropped.</p>			

Table 2: Indigenous Peoples in Nepal and their Level of Marginalization

Ecological Zone	Categories of Indigenous Groups/Nationalities/Adivasi Janajatis					Total
	Endangered	Highly Marginalized	Marginalized	Disadvantaged	Advantaged	
Mountain		Shiyar, Shingsawa (Lhomi), and Thudam	Bote, Dolpo, Larke, Lhopa, Mugali, Tokpegola, and Walung	Bara Gaule, Byansi (Sauka), Chhairrotan, Maparphali Thakali, Sherpa, Tangbe, and Tingaunle Thakali	Thakali	18
Hill	Bankariya, Hayu, Kusbadiya, Kusunda, Lepcha, and Surel	Baramu, Thami (Thangmi), and Chepang	Bhujel, Dura, Pahari, Phree, Sunuwar, and Tamang	Chhantyal, Gurung (Tamu), Jirel, Limbu (Yakthumba), Magar, Rai, Yakkha, & Hyolmo	Newar	24
Inner Terai	Raji, and Raute	Bote, Danuwar, and Majhi	Darai, and Kumal			7
Terai	Kisan, and Meche (Bodo)	Dhanuk (Rajbansi), Jhangad, and Santhal (Satar)	Dhimal, Gangai, Rajbansi (Koch), Tajpuriya, and Tharu			10
Total	10	12	20	15	2	59

Source: The National Foundation for Development of Indigenous Nationalities. 2005. Patan.