

Indigenous Peoples Planning Framework

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CURRENCY EQUIVALENTS

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NRs1.00 = \$0.01161

\$1.00 = NRs86.1500

ABBREVIATIONS

ADB	–	Asian Development Bank
AEPC	–	Alternative Energy Promotion Centre
CBO	–	Community Based Organization
CM	–	Community Mobilizer
CUGs	–	Community User Groups
DDC	–	District Development Committee
EA	–	Executing Agency
ESSMU	–	Environment and Social Safeguard Management Unit
GoN	–	Government of Nepal
IPPF	–	Indigenous People Planning Framework
MMHP	–	Mini-micro hydropower project
MoSTE	–	Ministry of Science, Technology and Environment
NGO	–	nongovernment organization
NEFIN	–	Nepal Federation of Indigenous Nationalities
NFDIN	–	National Foundation for Development of Indigenous Nationalities
RF	–	Resettlement Framework
RSCs	–	Regional Service Centres
SIA	–	Social Impact Assessment
SPFGs	–	Subproject Functional Groups
SPS	–	Safeguard Policy Statement
SPEP	–	South Asia Subregional Economic Cooperation (SASEC) Power System Expansion Project
SREP	–	Scaling Up Renewable Energy Project
SWHS	–	Solar Wind Hybrid System

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INDIGENOUS PEOPLES PLANNING FRAMEWORK

I. SCOPE AND OBJECTIVE

1. The Indigenous Peoples Planning Framework (IPPF) has been prepared for the proposed Project, “South Asia Subregional Economic Cooperation (SASEC) Power System Expansion Project (SPEP)” to be funded by Asian Development Bank (ADB). The framework will be applicable to Mini-grid based renewable energy systems in off-grid areas for Alternative Energy Promotion Centre (AEPC) which includes installation of up to 4.3 MW of aggregated mini hydro-electric power plants and up to 0.5 MW of aggregated mini-grid based solar or solar/wind hybrid systems, in selected rural communities. This component is being structured in a sector approach where small scale subprojects will be added after the board approval. Five sample subprojects have been assessed for which due diligence was done. Future subprojects will be addressed as per this IPPF.. The basic objective and principle upon which subprojects are to be selected is to exclude indigenous peoples groups while selecting the subprojects. Therefore, this is a concise IPPF which outlines how projects will be selected and screened and how it will ensure that IPs are excluded in the subproject selection. Future subprojects will not involve IPs. Therefore, ADB’s safeguard requirement-3 (SR-3) related to indigenous peoples will not be triggered.

2. The project is not expected to have impact of involuntary resettlement under any component. However, the Mini-micro hydropower project (MMHP) and Solar Wind Hybrid System (SWHS) components may involve certain cases of voluntary land donation for construction of the power houses and transmission lines respectively. When there is a need of voluntary land donation for MHEP and SWHS, Community User Groups (CUGs) and/or Subproject Functional Groups (SPFGs) are responsible for identifying, handing over access (negotiated land donations), and/or making available the required land to the EA with the endorsement of the Village Development Committee (VDC) or relevant government institution. AEPC, the EA, is responsible for coordinating all aspects of the transactions with the support of Regional Service Centres (RSCs). Therefore, the communities will organize themselves to establish CUGs to implement and manage each subproject in coordination and with support from the EA and/or RSCs. CUGs will be established as per the Guideline for Community User Groups. It is obvious that the MMHP subprojects need a small portion of land for the sand flushing channel, headrace channel, and powerhouse (about 1 Rupani for a 200 kW powerhouse). A plot of land (about 0.5 Rupani) is essential to establish the solar panels and/or wind mill in all selected subprojects under SWHS. Therefore, the impacts are insignificant.

II. IDENTIFICATION OF INDIGENOUS PEOPLES

A. Indigenous Peoples in Nepal

3. Nepal is a culturally and ethnically diverse country, populated by numerous castes and ethnic groups. The original inhabitants of the country are migrants of various ethnic groups and the migration process can be trace back to two thousand years. The Parbatiyas

(‘people of the mountains’), whose culture and language has dominated the Nepalese state, migrated into Nepal from the west and south over several centuries. The Tibeto-Burman-speaking peoples, the largest linguistic grouping in the Nepal hills following the Parbatiyas, which consist with ethnic groups such as the Tamang, Gurung and Sherpa, migrated at different times from regions across the Himalayas. The Newars, another Tibeto-Burman-speaking group, have been living in the Kathmandu Valley for over two millennia.¹ Other Tibeto-Burman groups, such as the Limbu, Rai, Sunuwar and Chepang, are considered as migrated from the east. Most of these ethnic groups were there before the Khasas, the linguistic ancestors of the Parbatiyas.² The Terai plains have been occupied by groups such as the Tharu for over two millennia, while others, such as the Maithili speakers of the eastern Tarai, arrived later.³

4. Nepal’s ethnic diversity is acknowledged in the Interim Constitution (2007), which declares the country as multi-ethnic, multi-lingual, multi-religious and multi-cultural which include and explain “all the Nepali people collectively” constituting the nation. The earlier Constitution of 1990, drawn up after the overthrow of the *Panchayat* system by the ‘people’s movement’ of 1990, similarly defined the country as multi-ethnic and multi-lingual. The 2001 Census identified 100 specific social categories (castes, ethnic groups and religious groups), more than the 59 caste/ethnic groups recorded in the 1991 Census. The increase in the number of recorded caste/ethnic groups is attributed to “the efforts of the rising ethnic awareness and identity among various groups of people in Nepal after 1990.”⁴

5. Various groups are often classified in terms of the hierarchical caste-structured groups (*Jats*) and the more egalitarian ethnic groups (*Janajatis*), as well as by broad ecological zone (hill/mountain and Tarai plains).⁵ The anthropologist Dahal, for instance, classifies the various caste/ethnic groups as follows:

¹ R. Pradhan & A. Shrestha. *Ethnic and Caste Diversity: Implications for Development*. ADB, Nepal Resident Mission. Working Paper, Series No.4; June 2005. P. Whelpton (2008). *A History of Nepal*. Cambridge University Press).

² The Khasas are thought to have reached the Karnali basin from the west early in the first millennium AD (P. Whelpton, *ibid*).

³ R. Pradhan & A. Shrestha (footnote 2).

⁴ Three of the 103 groups recorded in the Census were broad, unspecified groups (e.g. ‘unidentified caste’); thus 100 specific caste/ethnic groups were recorded (D.R. Dahal. *Social Composition of the Population: Caste/Ethnicity and Religion in Nepal*).

⁵ R. Pradhan & A. Shrestha (footnote 2).

- (i) Caste-Origin Hindu Groups, with a further subdivision between Caste-Origin Hill Hindu Groups and Caste-Origin Terai Hindu Groups;
- (ii) Janajati, ethnic groups/nationalities officially defined as groups who have their own mother tongue and traditional culture and who do not fall under the conventional four-fold Varna of Hindu or Hindu hierarchical caste structure; with a further subdivision between Mountain/ Hill *Janajati* and Terai *Janajati*;
- (iii) the Newar (officially classified as a *Janajati* group but whom Dahal and others consider as a special case);⁶
- (iv) Muslim cultural groups; and
- (v) Other religious and social groups such as Sikh/Punjabi, Bengali and Jain.⁷

6. A broadly similar classification was made for a recent World Bank/DFID study, although groups such as the Jain/Jaine and Bengali were classified as Terai Hindu caste groups.⁸ These simplified classifications show that Hindu caste-structured groups accounted for between 57% and 59% of the country's population in 2001, *Janajati* (including Newar) between 36% and 37%, Muslims around 4% and other groups up to 1%.

7. A distinction is also made between Pahadis and Madhesis. Pahadis are "people of hill origin, including the people of the high mountain with close cultural and social affinity to the people of the Tibet Autonomous Region of China" while Madhesis are "people of Terai origin. The Pahadis comprise diverse groups such as the Nepali-speaking Parbatiya castes as well as ethnic groups such as Tamang, Magar and Rai, each with its own language, culture and religion. Similarly, the Madhesis are composed of various [Hindu] castes linguistic groups ethnic groups such as Tharu and Danuwar and religious groups such as Hindus and Muslims. The Pahadis consider themselves culturally distinct from the Madhesis even though there are many similarities among the caste groups who are Hindus and speak Indo-European languages."⁹

8. Prior to the overthrow of the *Panchayat* regime in 1990, ethnic affiliations were generally discouraged or disregarded by previous governments, which had aimed to portray Nepal as a homogenous country. The earlier Rana regime provided a substantial impetus to the process of Sanskritization, while the *Panchayat* regime (1960-1990), although endorsing traditional customs and religion, was based on an ideology of cultural integration and assimilation around a national standard, as evidenced in the fact that the three decennial censuses (1961, 1971 and 1981) conducted during the *Panchayat* era collected no information on caste/ethnicity.

9. Many ethnic organizations were established in the wake of the 'people's movement' of 1990. The Nepal Federation of Nationalities (*Nepal Janajati Mahasangh*) was launched in the same year, growing from a seven member organization in 1990 to a 21 member organization in 1995. The term *Adivasi* (indigenous or original dweller) was added later in

⁶ The Newars are treated differently from the other hill ethnic groups because they have a caste system like the Parbatiyas, and because of their long tradition of urbanisation (J. Whelpton (2005). *A History of Nepal*. Cambridge University Press.

⁷ D.R. Dahal. *Social Composition of the Population: Caste/Ethnicity and Religion in Nepal*.

⁸ World Bank/DFID (2006). *Unequal Citizens: Gender, Caste and Ethnic Exclusion in Nepal*.

⁹ R. Pradhan & A. Shrestha (footnote 2).

order to emphasize the claim that all Janajati groups are indigenous to Nepal.¹⁰ The Nepal Federation of Indigenous Nationalities (*Nepal Janajati Adivasi Mahasangh*, or NEFIN) currently has 48 member organizations representing the various indigenous peoples of the country. NEFIN aims to document, preserve and promote the cultures, customs/traditions, languages and religions of the indigenous nationalities of Nepal and to “assist them in developing and obtaining equal rights.”¹¹

10. A government task force was set up in 1996 to consider the establishment of an agency to deal with indigenous peoples’ issues, leading to the promulgation of an Act in 2001¹² and the establishment of the National Foundation for Development of Indigenous Nationalities (NFDIN) in 2002 to work for and promote the upliftment of *Janajati/Adivasi*. In terms of the Act by which NFDIN was established, *Adivasi/Janajati* means “a tribe or community as mentioned in the schedule having its own mother language and traditional rites and customs, distinct cultural identity, distinct social structure and written or unwritten history.” In the same year, the government published an official list of 59 *Janajati* groups in Nepal.¹³ These groups were subsequently classified into five categories by NEFIN (based on a range of demographic and socio-economic variables): endangered (10 groups), highly marginalized (12 groups), marginalized (20 groups), disadvantaged (15 groups) and advanced (two groups).¹⁴

11. Table 01 provides a breakdown of the indigenous nationalities according to the five-fold NEFIN/NFDIN classification, ecological region and 2001 Census data. Where no percentage is indicated for a particular group, it means the group (16 in total) was not recognized in the 2001 Census, and the corresponding group population figure is therefore an estimate.¹⁵ The largest indigenous groups are the Magar (7.14% of the population), Tharu (6.75%), Tamang (5.64%), Newar (5.48%), Rai (2.79%), Gurung (2.39%) and Limbu (1.58%).¹⁶ Many of the remaining indigenous groups are small: 42 have populations/estimated populations smaller than 50,000; twenty-three have less than 5,000 members, including the 10 groups classified as endangered.

¹⁰ According to Gellner “the stress on indigenesness came with the UN declaration of a Year of Indigenous Peoples in 1993.”

¹¹ NEFIN website (nefin.org.np).

¹² National Foundation for Development of Indigenous Nationalities Act, 2000 (Adibasi Janajati Utthan Rastriya Pratishthan, 2058 BS).

¹³ An earlier list published in 1996 identified 61 Janajati groups; the final list of 59 resulted from the mergers of some groups and the confirmation of a new group. The Census of 2001, which was undertaken prior to the official publication of the list of 59 indigenous nationalities, recorded 43 indigenous groups.

¹⁴ Primary indicators used in the classification include literacy rate, housing unit, landholding and other economic assets; secondary indicators include educational level and population size.

¹⁵ Source: D. Gellner. *Caste, Ethnicity and Inequality in Nepal*. Economic and Political Weekly; 19 May 2007.

¹⁶ No single caste or ethnic group forms a majority in Nepal. The largest group, Chhetri, constituted only 15.8% of the population in 2001, followed by the hill Brahmins (Bahun), with 12.7% (R. Pradhan & A. Shrestha, footnote 2).

Geographically, 18 of the indigenous nationalities are classified as from the Mountain Region, 24 from the Hill Region, seven from the Inner Terai and 10 from the Terai. Of the 16 groups not recognized in the 2001 Census, 13 are from the Mountain Region and three from the Hills. Although the various groups have historically occupied specific areas in the country, and continue to do so, there is an increasing spatial mobility as people move to other areas for economic and social reasons. It is estimated that 52% of the indigenous nationality population lived outside their original native areas in 2001¹⁷. For the population as a whole, inter-regional migration doubled from approximately one million in 1981 to two million in 2001, with the major trajectory being from the hills to the Terai.

Table 01: Classification of Indigenous Nationalities Accepted by NEFIN and NFDIN*

Indigenous Group	Population	%	Main Location in Nepal
1. Endangered Groups (10)			
Lepcha (Lapcha, Lapcha Rong)	3660	0.02	Hill Far-East
Hayu	1821	0.01	Hill East
Surel	149	-	Hill East
Bankariya	44	-	Hill Mid-West
Kusunda	162	0.00	Hill Mid-West
Raji	2399	0.01	Inner Terai Mid and Far-West
Raute	658	0.00	Inner Terai Far-East
Kisan (Kuntum)	2876	0.01	Terai Far-East
Meche (Bodo)	3763	0.02	Terai Far-East
Kusbadiya	552	0.00	Terai Mid-West
2. Highly Marginalized Groups (12)			
Singsawa (Lhomi, Karbothe)	c. 2000	-	Mountain Far-East
Thudam	c. 200	-	Mountain East
Shiyar (Chumba)	c. 1000	-	Mountain Mid-West
Thami (Thangmi)	22999	0.10	Hill East
Baramu	7383	0.03	Hill Mid-West
Chepang	52237	0.23	Hill Mid-West
Bote	7969	0.04	Inner Terai Mid-West
Danuwar	53229	0.23	Inner Terai Mid-West
Majhi (Bhumar)	72614	0.32	Inner Terai Mid-West
Dhanuk (Rajbansi, Khumu)	188150	0.83	Terai Far-East
Dhungar (Ghangar, Jhangad, Dhangad)	41764	0.18	Terai Far-East
Santhal (Satar)	42698	0.19	Terai Far-East
3. Marginalized Groups (20)			
Bhote (Bhotiya)	19261	0.08	Mountain
Topkegola (Dhokpya)	c. 2-3000	-	Mountain East
Walung	1448	0.01	Mountain East
Dolpo	c. 20000	-	Mountain Mid-West
Larke (Nupriiba)	c. 4000	-	Mountain Mid-West
Lhopa (Mustang)	c. 5000	-	Mountain Mid-West
Mugali (Mugu, Magal)	c. 10-12000	-	Mountain Far-West
Sunuwar	95254	0.42	Hill East
Pahari	11505	0.06	Hill Central
Tamang	1282304	5.64	Hill Central
Phree (Free)	-	-	Hill Central
Bhujel	117568	0.52	Hill Mid-West
Dura	5169	0.02	hill Mid-West
Darai	14859	0.07	Inner Terai Mid-West
Kumal	99389	0.44	Inner Terai Mid-West
Dhimal	19537	0.09	Terai Far-East
Gangai	31318	0.14	Terai Far-East

¹⁷ R. Pradhan & A. Shrestha (footnote 2).

Indigenous Group	Population	%	Main Location in Nepal	
Rajbansi (Koch)	97241	0.43	Terai	Far-East
Tajpuriya	13250	0.06	Terai	Far-East
Tharu	1533879	6.75	Terai	
4. Disadvantaged Groups (15)				
Sherpa	154622	0.68	Mountain	East
Baraghaule (Bargaule)	c. 2000	-	Mountain	Mid-West
Chhairrotan (Tamang Thakali, Panchgaule)	c. 200	-	Mountain	Mid-West
Marphali Thakali (Puntan, Punel)	c. 2000	-	Mountain	Mid-West
Tangbe (Tangbedani)	c. 400	-	Mountain	Mid-West
Tingaule Thakali (Yhulkosompaimhi)	c. 1500	-	Mountain	Mid-West
Byansi (Sauka, Byasi, Rang)	2103	0.01	Mountain	Far-West
Limbu (Yakthung)	359379	1.58	Hill	Far-East
Yakkha (Dewan)	17003	0.07	Hill	Far-East
Jirel	5316	0.02	Hill	East
Rai	635151	2.79	Hill	East
H Yolmo (Yolmo, Helambu)	579	0.00	Hill	Central
Chantyal	9814	0.04	Hill	Mid-West
Gurung (Tamu)	543571	2.39	Hill	Mid-West
Magar	1622421	7.14	Hill	Mid-West
5. Advanced Groups (2)				
Thakali	12973	0.06	Mountain	Mid-West
Newar	1245232	5.48	Hill	Central

Source: D.N. Gellner (undated): Ethnic Rights and Politics in Nepal, University of Oxford.

* The statistics used by the Author based on 2001 Census. The order of the list in original table changed in this table according to location of each group.

B. Indigenous Peoples as per ADB's Safeguard Policy Statement

12. The objective of ADB's SPS (2009) on indigenous peoples is to help design and implement projects in a manner that would foster respect for Indigenous Peoples' identity, dignity, human rights, livelihood systems, and cultural uniqueness, as defined by the Indigenous Peoples themselves, so that they: (i) receive culturally appropriate social and economic benefits, (ii) do not suffer adverse impacts as a result of projects, and (iii) can participate actively in projects that affect them. The SPS uses the term 'Indigenous Peoples' in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees:

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

The IP safeguards in SPS trigger when a project affects the dignity, human rights, livelihood systems, or culture of Indigenous Peoples or affects the territories or natural or cultural resources that Indigenous Peoples own, use, occupy, or claim as an 'ancestral domain' or asset. However, there is no such impact on their livelihood as a result of voluntary land donation. Land is not a scarce resource for them and they expect energy

which is the scarcest thing in their livelihood. Also, the selection of subprojects will exclude IP lands. The IPPF has been prepared to guide the formulation of project components and subprojects ensuring that equal distribution of project benefits among IPs and non-IPs who are influenced by the Project. The principal objectives of the IPPF are to:

- Screen early project components to assess their impacts on IP households;
- Ensure meaningful participation and consultation with influenced *Janajati* persons in the process of preparation, implementation, and monitoring of project activities;
- Prepare a due diligence on how IPs have been excluded as far as impacts are concerned;
- Ensure IP receive culturally appropriate social and economic benefits;
- Define the institutional arrangement for screening, planning and Implementation of IP plans for sub-projects; and
- Outline the monitoring and evaluation process.

III. PROCEDURE FOR SUBPROJECT PLANNING

A. Subproject Selection

13. Subprojects will be selected based on the fact that land will be mutually donated by the people. AEPC will ensure that there is no land acquisition in any subproject location. However, if in case, there will be negotiated land donation through CUGs under the direct observation of AEPC. In case of land donation, The EA should ensure that none of the donors will become severely affected or will be forced to donate their lands. Physical displacement shall be avoided. CUGs will ensure that IPs is not disproportionately impacted.

B. Screening Exercise (Social Survey)

14. A Social impact assessment (SIA) survey will be undertaken in the subproject area to determine the magnitude of impact and prospective losses, identify vulnerable groups, ascertain losses other than land donation such as temporary impacts, severity of impacts by the donors etc. The PMU and PIU will arrange public meetings at IP communities to provide information regarding the proposed sub-project. During these meetings, community leaders and other participants will be given an opportunity to present their views and concerns. An initial screening will check for the following:

- (i) Name(s) of IP community group(s) in the area;
- (ii) Total number of IP community groups in the area;
- (iii) Percentage of IP community population in the area compared with the total population; and
- (iv) Number and percentage of IP households to be affected by the sub-project site.

15. A project's Indigenous Peoples category is determined by the category of its most sensitive component in terms of impacts on Indigenous Peoples. The significance of impacts of an ADB supported project on Indigenous Peoples is determined by assessing (i) the

magnitude of impact in terms of (a) customary rights of use and access to land and natural resources; (b) socioeconomic status; (c) cultural and communal integrity; (d) health, education, livelihood, and social security status; and (e) the recognition of indigenous knowledge; and (ii) the level of vulnerability of the affected Indigenous Peoples community.

16. The screening and social assessment shall identify that there are no such distinct habitats or ancestral territory where these IP groups are attached with and they don't have separate or distinct economic activities. The assessment will find out the type of economic and livelihood activities such as farming, wage earning etc along with other people. Language pattern needs to be assessed to see if IPs in the project area are just categorized as IPs with various segments such as endangered, highly marginalized, marginalized, disadvantaged groups and advanced groups etc as per the laws mentioned above. However, they should not be historically or socially marginalized by others. Clear understanding needs to be derived from the social assessment whether IPs/Janjatis under the Nepali law are similar to the definition of ADB's SPS.

IV. CONSULTATIONS AND GRIEVANCE REDRESS

17. Meaningful consultations will be undertaken with all stakeholders to share project benefits and to seek their involvement in the project. Meaningful consultation is a process that: (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues. Consultation will be carried out in a manner commensurate with the impacts on affected communities such as (i) Heads and members of households who are likely to be affected by the project, (ii) Vulnerable households, (iii), Affected women, (iv) VDC, DDC, elected representatives, (v) community leaders (vi) representatives of community-based organizations, (vii) CBOs and NGOs and (viii) Government agencies and departments. Consultation process will include to identify if impacts on IPs are envisaged and how the same can be avoided. Common grievance redress mechanism will be followed for voluntary and donation related issues.

V. INSTITUTIONAL ARRANGEMENTS

18. The AEPC will be the EA and IA, which will establish a special arrangement for the project and will be headed by a Project Manager (PM). The AEPC will have a dedicated Environment and Social Safeguard Management Unit (ESSMU) to handle social and environment safeguard issues related to SPEP. The project social safeguard specialist will be responsible for coordination and implementation of tasks related to social safeguards such as land donation and other activities related to grievance redress, consultations and monitoring etc. The PM will manage the activities of the ESSMU and undertake evaluation of the progress. The EA will recruit RSCs for each sample subproject to deal with all safeguard

issues related to environment and social aspects. The subproject CM who works under RSC will manage all social mobilization activities with CUGs at the subproject location. In addition, CMs will disseminate necessary information for the needy people at each subproject location. Therefore, ESSMU will also work closely with RSCs and CMs at subproject level. A third party and independent organization or NGO will also be involved that negative impacts on IPs are avoided.

VI. MONITORING AND REPORTING

19. Monitoring of a development project implemented with certain goals and objectives in general, needs to assess the output, effects and impact of the strategies. Therefore, monitoring is a major part of social safeguard management system to ensure its goals and objectives are adequately met. The social safeguard implementation will be monitored internally. The safeguards staff within the ESSMU will monitor implementation of social issues related to each subprojects with support of CMs and RSCs. The project social safeguard specialist of ESSMU will prepare quarterly progress reports and submit them to the PM. The PM/EA will prepare six monthly monitoring reports and submit to ADB. These reports will describe the progress of the implementation of land donation issues and compliance issues, if any and corrective actions taken to address them. Monitoring will also keep in consideration if any IPs are impacted and how subproject selection excluded the IPs and how safeguard requirement-3 is not triggered.