

## INDIGENOUS PEOPLES POLICY FRAMEWORK

### I. OBJECTIVES

World Bank's OP 4.10 Indigenous Peoples is triggered when Indigenous Peoples are present in the project area, whether in an ancestral domain or not. This framework has been prepared to ensure that Indigenous Peoples are informed, meaningfully consulted and mobilized to participate in the identification, planning, implementation and monitoring of subprojects to be supported by ASEP. By doing so, benefits may be shared with them in greater certainty and/or protection from any potential adverse impacts of subprojects to be financed by the Project may be mitigated if not fully avoided.

### II. DEFINITIONS

"Indigenous Peoples" (IP) will be used to refer to cultural communities, tribal groups that 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.

### III. LEGAL FRAMEWORK

This IPPF is consistent with World Bank policies which ensure that the development process fully respects the Indigenous Peoples' dignity, human rights, economies, and cultures; and their right to participate in decision-making on development projects, programs and plans that affect their rights, lives and well-being.

The principles and objectives embodied in Republic Act 8371, also known as the Indigenous Peoples Rights Act (IPRA), are adopted in this IPPF. The IPRA enumerates and explains the basic rights of IPs to their ancestral domains, self-governance, social justice, cultural integrity, and the primacy of customary laws.

Pertinent provisions of this law include:

- **Right to decision-making and participation.** The IPRA upholds the right of IPs to “determine and decide priorities for development affecting their lives, beliefs, institutions, spiritual well-being, and the lands they own, occupy or use. They shall participate in the formulation, implementation and evaluation of policies, plans and programs for national, regional and local development which may directly affect them”.
- **Establishment of the National Commission on Indigenous Peoples (NCIP) and defining its powers and functions.** The NCIP “shall be the primary government agency responsible for the formulation and implementation of policies, plans and programs to for the IPs
- **Free and prior informed consent (FPIC).** The FPIC is the basis for approval of development initiatives within ancestral domains, and of planning interaction between government, private individuals, and groups entering the ancestral domain. It is defined under IPRA as “the consensus of all members of the IPs/ICCs, to be determined in accordance with their respective customary laws and practices, free from any external manipulation, interference and coercion, and obtained after fully disclosing the intent and scope of the activity in a language and process understandable to the community”.

#### IV. GUIDING PRINCIPLES

The preparation of this IPPF is governed by the following principles:

- a. Project design and implementation shall foster full respect for the Indigenous Peoples’ dignity, human rights, and cultural uniqueness so that they receive culturally appropriate social and economic benefits, and are not adversely affected during the development process.
- b. The full and effective participation of Indigenous Peoples shall be ensured in the development, implementation, monitoring and evaluation of project activities.
- c. There should be broad-based involvement of IP communities throughout the project cycle.
- d. Public consultations with Indigenous Peoples are to be carried out in a transparent and open manner.
- e. Free and prior informed consent (FPIC) shall be secured for the subproject, if required.

## **V. OPERATIONAL STRATEGIES**

The subprojects are screened to determine if it can affect IPs which could be present in the project location. The results of the screening will determine the safeguards instruments to be prepared and measures to be undertaken. For subprojects which will have impacts on the IPs, the following shall be undertaken:

- a. Social assessment to gather baseline demographic data and information on the living conditions of the IPs, and identify challenges to their effective participation in the subproject. The results of the social assessment will be used in the development of measures to maximize benefits of the subproject to the IP communities and avoid adverse impacts.
- b. Consultations with IP communities to solicit their participation in designing, implementing and monitoring measures to avoid adverse impacts or when avoidance is not possible, to minimize, mitigate, or compensate for such effects. IPs shall be informed of such impacts and their rights to compensation. Compensation for land and other assets to be acquired for the subproject will follow the ASEP Policy Framework on Land Acquisition, Resettlement and Rehabilitation.
- c. Preparation of an Indigenous Peoples Plan (IPP) that is based on the social impact assessment data, and that draws on indigenous knowledge and participation by the affected IP communities.
- d. Monitoring and Evaluation

Monitoring and supervision of subprojects will be carried out in a culturally sensitive manner. It will be determined whether the IPP is carried out as planned, and in accordance with this IPPF. The NCIP will be involved in the monitoring and evaluation.

## **VI. INDIGENOUS PEOPLES PLAN**

The Indigenous Peoples Plan (IPP) to be prepared will contain the measures to minimize, mitigate and compensate for the negative impacts, and ensure that the IP population is not disadvantaged in any way because of the subproject; the IP groups have culturally-appropriate participation in the planning and implementation of the subproject; and that project benefits are culturally-appropriate. The IPP may follow the attached outline.

The subproject proponent shall integrate the IPP into the project design. All IP-related activities will be carried out as part of the normal subproject development activities.

IP issues will be resolved or compensated through the agreed subproject mechanisms, and as established in the subproject's RAP and in this IPPF. Implementation of the IPP will be in partnership with the NCIP, the LGUs, and other concerned agencies.

## VII. IMPLEMENTATION ARRANGEMENT

The responsibilities and guidelines for implementing the policies laid down in this IPPF are as follows:

<b>Subproject Stage</b>	<b>Tasks</b>	<b>Responsible Unit</b>	<b>When</b>
Project Screening	<ul style="list-style-type: none"> <li>• Screen subproject for presence of IPs that could be affected by the subproject</li> <li>• Accomplish Project Screening Form 1 (Annex D) and submit to NPC-PMO</li> <li>• Evaluate/Validate Project Screening Form 1 submitted by subproject proponent</li> <li>• Accomplish Project Screening Form 2 (Annex D) and determine required social safeguards instruments</li> </ul>	<p>Subproject proponent and NPC-PMO</p> <p>Subproject proponent</p> <p>NPC-PMO</p> <p>NPC-PMO</p>	Feasibility Study
Social assessment and public consultation	<ul style="list-style-type: none"> <li>• Gather baseline data/information on the IPs and the ancestral domain</li> <li>• Conduct consultation with IP communities</li> <li>• Secure Free and Prior Informed Consent</li> </ul>	Subproject proponent in coordination with LGU, NCIP and other relevant agencies and with the assistance of NPC-PMO	Feasibility Study
Preparation of Social Safeguards Instrument	Prepare an IPP based on social assessment data and results of consultation with the IP communities	Subproject proponent with the assistance of the NPC-PMO	Feasibility Study

Implementation of IPP	Carry out activities contained in the IPP	Subproject proponent in coordination with NCIP and LGUs	Pre-construction
Monitoring and Evaluation	Submit progress report to NPC-PMO on the implementation of IPP  Submit to World Bank report on the compliance of subproject proponent with IPPF	Subproject proponent  NPC-PMO	Project implementation

## VIII. IPP CLEARANCE AND DISCLOSURE

The subproject's IPP shall be submitted to the World Bank for clearance prior to approval of the subproject. Upon approval by the Bank, the IPP is disclosed in the NPC and NEA websites and in the InfoShop of World Bank. A copy will be made available in the public library of the municipality where the subproject is located.

## IX. MONITORING AND REPORTING

The subproject proponent shall monitor the implementation of the IPP and submit progress reports to the NPC-PMO regularly. The NPC-PMO shall evaluate the submitted progress reports with emphasis on the following:

- i. Verification of compliance with the requirements in this IPPF;
- ii. Determination as to whether the IPP is implemented as planned;
- iii. Documentation on all meetings, assemblies and other gatherings done during the monitoring period, with copies furnished the affected IP community, LGU concerned at the barangay, municipal and provincial levels, NCIP Provincial and Regional office, and the NPC.
- iv. Assessment of whether recommended actions in the previous monitoring report have been implemented.

The NPC-PMO shall submit to the World Bank a report on the subproject's performance of the IPP and compliance with the IPPF.

## **X. COMPLAINTS AND GRIEVANCES**

In the course of subproject implementation, complaints or grievances from stakeholders are inevitable. The ASEP's grievance redress mechanism (GRM) will be used as the mechanism for IPs to air project-related complaints or grievances. All the affected IP households will be informed of the GRM by means of community assemblies and/or the IP community leaders. The assistance of IP community leaders will be obtained to ensure that the GRM is accessible to the members of the community.

Project-related complaints must be discussed in the specific IP community or locality where the sub-project is implemented. Said complaints may be raised with the subproject proponent, NPC, NEA, or the LGU. To the extent possible, resolution of grievances involving IP communities related to project implementation shall be through traditional IP grievance resolution processes and systems, following the principle of precedence of customary laws in the IPRA.

Cases of grievances will be documented so as to establish a record of the nature of the grievance, the parties involved, the details of the discussion or deliberation on the case, and the agreement or decision reached which shall be signed or attested to in a manner customarily practiced by the parties concerned. The subproject proponent and NPC-PMO shall monitor the developments of filed cases.

## **Attachment 1**

### **Outline of an Indigenous Peoples Plan**

- A. **Executive Summary.** This section concisely describes the critical facts, significant findings, and recommended actions.
- B. **Description of the Subproject.** This section provides a general description of the subproject; discusses project components and activities that may bring impacts on IPs; and identifies the subproject area.
- C. **Social Impact Assessment.** This section:
- Reviews the legal and institutional framework applicable to IPs in the subproject context
  - Provides baseline information on the demographic, social, cultural, and political characteristics of the affected IP communities; the land and territories that they have traditionally owned or customarily used or occupied; and the natural resources on which they depend
  - Identifies key project stakeholders and elaborate a culturally appropriate and gender-sensitive process for meaningful consultation with IP at each stage of project preparation and implementation, taking the review and baseline information into account.
  - Assesses, based on meaningful consultation with the affected IP communities, the potential adverse and positive effects of the subproject. Critical to the determination of potential adverse impacts is a gender-sensitive analysis of the relative vulnerability of, and risks to, the affected IP communities given their particular circumstances and close ties to land and natural resources, as well as their lack of access to opportunities relative to those available to other social groups in the communities, regions, or national societies in which they live.
  - Includes a gender-sensitive assessment of the affected IPs' perceptions about the subproject and its impact on their social, economic, and cultural status.
  - Identifies and recommends, based on meaningful consultation with the affected IP communities, the measures necessary to avoid adverse effects or, if such measures are not possible, identifies measures to minimize, mitigate, and/or compensate for such effects and to ensure that the IPs receive culturally appropriate benefits under the subproject.
- D. **Information Disclosure, Consultation and Participation.** This section:
- Describes the information disclosure, consultation and participation process with the affected IP communities that was carried out during project preparation;

- Summarizes their comments on the results of the social impact assessment and identifies concerns raised during consultation and how these have been addressed in project design;
- In the case of subproject activities requiring broad community support, documents the process and outcome of consultations with affected IP communities and any agreement resulting from such consultations for the subproject activities and safeguard measures addressing the impacts of such activities;
- Describes consultation and participation mechanisms to be used during implementation to ensure IPs participation during implementation; and
- Confirms disclosure of the draft and final IPP to the affected IP communities.

- E. Beneficial Measures.** This section specifies the measures to ensure that the IPs receive social and economic benefits that are culturally appropriate, and gender responsive.
- F. Mitigative Measures.** This section specifies the measures to avoid adverse impacts on IPs; and where the avoidance is impossible, specifies the measures to minimize, mitigate and compensate for identified unavoidable adverse impacts for each affected IP groups.
- G. Capacity Building.** This section provides measures to strengthen the social, legal, and technical capabilities of (a) government institutions to address IP issues in the subproject area; and (b) IP organizations in the subproject area to enable them to represent the affected IPs more effectively.
- H. Grievance Redress Mechanism.** This section describes the procedures to redress grievances by affected IP communities. It also explains how the procedures are accessible to IPs and culturally appropriate and gender sensitive.
- I. Monitoring, Reporting and Evaluation.** This section describes the mechanisms and benchmarks appropriate to the project for monitoring, and evaluating the implementation of the IPP. It also specifies arrangements for participation of affected IPs in the preparation and validation of monitoring, and evaluation reports.
- J. Institutional Arrangement.** This section describes institutional arrangement responsibilities and mechanisms for carrying out the various measures of the IPP. It also describes the process of including relevant local organizations and NGOs in carrying out the measures of the IPP.
- K. Budget and Financing.** This section provides an itemized budget for all activities described in the IPP.