PHILIPPINES: SOCIAL INCLUSION AND ALTERNATIVE LIVELIHOOD FOR THE INFORMAL WASTE SECTOR

INDIGENOUS PEOPLES PLANNING FRAMEWORK

The Project

The development objective of the proposed Social Inclusion and Alternative Livelihood for the Informal Waste Sector Project is to improve the livelihood and social inclusion of waste pickers and their communities through development of alternative livelihood opportunities and incorporation into the evolving formal solid waste management sector.

The grant includes the following components, namely:

- Participatory strategic planning - This component will support the participatory planning structure and strategic planning process for implementation of the innovations under the components as part of the social inclusion in the waste sector (component 2) and alternative livelihoods (component 3). A baseline social survey and assessment for each community will be conducted to identify the key beneficiary groups, their skills, social challenges and other relevant information.

- Social inclusion in waste management systems – This component will implement innovations to increase income and empowerment as identified in the strategic plan developed under Component 1 for each of the participating 5 LGUs. Each plan will involve sub-grants to the participating organizations. The sub-grants will fund investments, organizational capacity building and training in support of the integration of the informal sector in the waste management system with local governments using approaches to increase incomes and empowerment as outlined in the Plan. The grant will fund a combination of goods, works and training provided directly to the informal waste sector participants. The component will also support youth development programs for self esteem building, job placement, and supplementary education as identified in the plan. The sub-grant would also fund the support to informal waste sector members of cooperatives in Metro Manila focusing on programs to implement innovative models to improve incomes and empowerment among these groups, as identified in the consultative process in component 1.

- Alternative livelihoods for the informal waste sector - This component will develop livelihood opportunities for informal waste sector participants in the program municipalities that are investing in the modernization of their solid waste system. These opportunities are outside of the opportunities found as part of the formalization of the solid waste management system undertaken in component 2. This component will cover employment training and placement and entrepreneurial business development.

- Management, monitoring and evaluation and knowledge dissemination - In order to help ensure good project management, and governance and accountability including financial management for within the project implementing agency and the associated partners, this component will provide financing for basic grant administration and monitoring and evaluation. It will also help ensure the lessons from the work are properly shared through a knowledge dissemination sub-component.

Benefits to Communities and Indigenous Peoples

A Project Management Office (PMO) will be established and headed by the Solid Waste Management Association of the Philippines (SWAPP) and composed of representatives from Government, NGO, and Informal Waste Sector. The implementation and coordination of the sub-projects will be done through the PMO with administration of funds done either by the local government itself, solid waste operators, or a local NGO chosen on a competitive basis. The typical sub-projects would include small scale construction works connected to buildings renovation and reconstruction, e.g., community training multipurpose centers, composting facilities, all of which have minimal environmental impact and a significant amount of social and economic benefits.

The sub-grants will continue to ensure that Indigenous Peoples (IP) groups, when present, are part of the beneficiaries in the overall project and that they are active participants in the social assessment, community planning and sub-project identification and management processes. To support the strategy development process, a baseline social survey and assessment of the project communities will be conducted to identify the key beneficiary groups, their skills, social challenges and other relevant information.

While the Project does not anticipate negative impacts on IPs, this IP Planning Framework is prepared as a safeguard for IPs and to provide further guidance to project staff when working on developmental aspects with IPs. Being demand-driven in character, the exact location and nature of the community sub-projects are still undetermined. The Project will, therefore, prepare IPP in subprojects, when appropriate. See Attachment on IPP subproject format and elements of the plan.

Framework Objectives

The IP Planning Framework seek to ensure that Indigenous Peoples are informed, meaningfully consulted and mobilized to participate in the identification, planning, implementation, monitoring and evaluation of sub-projects to be supported by Social Inclusion and Alternative Livelihood for Informal Waste Sector Project. Their participation can provide them benefits with more certainty and/or protect them from any potential adverse impacts of sub-projects to be financed by the Project.

Definitions

For purposes of this policy, the term “Indigenous Peoples” is used in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees:

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.

Legal Framework

The IP Planning Framework supports the priority given to Indigenous Peoples by the Government of the Philippines, embodied foremost in the 1987 Constitution, which recognizes the rights of the IPs to their ancestral domains and their power of dominion over their lands and resources. Among its pertinent provisions are:
Section 17, Art. XIV: “customary laws governing property rights or relations shall be applied in determining the ownership and extent of ancestral domains; and

Section 22, Art. II, Section 5, Art. XII: “…the rights of indigenous peoples to natural resources pertaining to their lands shall be specially safeguarded…” These rights include the right of the IPs to participate in the use, management and conservation of natural resources.

The right to stay in their territory and not be removed there from except when relocation is necessary as an exceptional measure, as in the case of an ecological disaster or armed conflict. IPs have a right to return to their territories once the ground for relocation ceases.

Another nationally legislated instrument protecting the rights of IP is the Indigenous Peoples Rights Act (IPRA or RA 8371), which state certain requirements in activities and programs affecting Indigenous Peoples. Some relevant provisions include:

✓ Chapter III, Section 7b: “...IPs have the right to an informed and intelligent participation in the formation and implementation of any project, government or private, that will impact on their ancestral domain...”;

✓ Chapter IV, Section 16: “...IPs have the right to participate in decision-making, in all matters which may affect their rights, lives and destinies, through procedures determined by them as well as to maintain and develop their own indigenous political structures...”

Additionally, the Philippines supported various international agreements and conventions to protect the rights and culture of IPs, among them: Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities; United Nations Draft Universal Declaration on the Rights of Indigenous Peoples.

Framework Guiding Principles

The Social Inclusion and Alternative Livelihood for Informal Waste Sector Project shall ensure that poor communities of Indigenous Peoples are given priority in the consultation and decision-making processes, especially when sub-projects pose potential adverse impacts to them as a community. The Project must, with absolute certainty, assure that IPs do not suffer adverse effects during and after the project implementation as well as receive culturally compatible social and economic benefits. Implementing structures ensure at all times that development processes implemented by the Project will foster full respect for the Indigenous Peoples’ dignity, human rights and cultural uniqueness.

Consensus of all IP members affected must be determined in accordance with their respective laws and practices, free from any external manipulation, interference and coercion, and obtained after fully disclosing the intent and scope of the sub-project activity, in a language and process understandable to the community. The process of obtaining the Free and Prior Informed Consent (FPIC) shall take into consideration the primary and customary practices of consensus-building, and shall conform to Section 14 (Mandatory Activities for Free and Prior Informed Consent) of NCIP Administrative Order No.3, series of 2002.

The Inclusion and Alternative Livelihood for Informal Waste Sector Project must ensure that none of its community infrastructure or related subprojects will damage non-replicable cultural property. In cases where the community infrastructure subprojects are proposed to be located on sites considered as ancestral domain and/or cultural/sacred properties of the IPs, the Project will request, through its negative list, that the subproject be relocated or redesigned, so that these sites can be preserved and remain intact in situ. However, if the IP community wishes to have an eligible community infrastructure located on its ancestral domain and a FPIC is obtained from the group, then the subproject will be considered for funding. For IP communities in the process of securing an ancestral domain title for an area where a potential new infrastructure can be located, the community will be advised to begin with a non-
infrastructure subproject and sequence the infrastructure proposal to a later cycle when the title is secured. For rehabilitation of community infrastructure, an approved subproject can be implemented at any time.

Subproject designs must at all times be consistent with the traditional and cultural practices of the IP group in the area.

Framework Operational Strategies

Technical Assistance for IP Communities. The IPs in project sites shall participate in the identification and planning for sub-projects that will impact them. In informal waste sector where IPs are not dominant, the Project shall ensure that technical assistance is provided to enable the IPs to participate meaningfully in the planning process. This may mean deployment of competent and committed Project partners who can work with IP groups and ensure that IP prioritized plans and projects are integrated and supported by project partners, as reflected in the their projects, and into investment plans.

Use of Appropriate Communication Media, Strategies and Tactics for Mobilization. Presentation meetings must be conducted in the local or native language. In addition, facilitators must use simple and uncomplicated process flows during these sessions.

Proper Documentation of Interactions with IP Communities and Compliance to Agreements Made. Project implementers must adhere to the requirements for documentation of meetings and consultations conducted with IP communities.

The PMO shall not proceed with sub-project endorsements or appraisal processes, unless the corresponding documentation of meetings and consultations with the IP communities are attached to the sub-project proposals submitted for review/approval.

Coordination, Supervision and Monitoring

To ensure compliance by concerned Project stakeholders to the guidelines set forth in this Policy Framework, the following mechanisms and processes will be followed during Project implementation:

- The PMO will facilitate the deliberate inclusion of IP representatives in all aspects of the sub-projects where they will be present.
- Relevant staff from the National Commission of Indigenous Peoples at the regional or provincial offices will be invited to the various planning, monitoring and evaluation activities with or in IP communities, with the objective of establishing strong coordination for project planning, supervision and monitoring.
- Sub-project proposal format will include screening for safeguard issues, including for the IP groups, and for special needs with regards to appropriate consultation, participation, implementation procedures and monitoring.
- Supportive Monitoring will be done regularly, involving affected IP communities and NCIP representatives, with emphasis on the following concerns:
  - Verification as to whether the guiding principles for implementing subprojects with IP groups or communities are followed;
  - Implementation review of subprojects with or in IP communities to determine whether these are being implemented as designed and approved;
  - Verify if funds for the IP subprojects are provided in a timely manner and that the amounts released are sufficient for their purposes and that such funds are used judiciously;
  - Assess whether recommended solutions discussed during previous supportive monitoring visits have been implemented as committed.
Complaints and Grievances

In the course of subproject implementation, complaints or grievances from stakeholders are inevitable. All such complaints must be discussed in the specific IP community or locality where the subproject is implemented using the still practiced traditional conflict resolution procedures. The formal local leadership at the barangay, together with the tribal leaders of the affected areas, will be tasked to facilitate public hearings and negotiations to resolve or provide redress to these complaints. Where necessary when a second level appeal process is needed, an outside arbiter, preferably from the NCIP will be asked to participate in these discussions and/or negotiations. The concerned sub-grantee project team will observe and document all the proceedings of the discussions or negotiations.

If negotiations are stalled, or if the IP communities disagree with the resolutions and all the possible options presented to them, they should be allowed to elevate such complaints to the third level appeal process to the Provincial Representative of NCIP, with copies furnished to the PMO and the LGU concerned. A final appeal will be to the NCIP at the national level.

Consultation and Disclosure

Consultations on the draft Indigenous Peoples Planning Framework will be conducted with IP leaders and the National Commission on Indigenous Peoples. For consultations with IPs for community subprojects, please refer to the Attachment on IPP. The documents will be disclosed in the various Knowledge and Development Centers in the country (including Davao, Cotabato City and Zamboanga City in Mindanao) and in the Bank’s Infoshop once it is finalized and approved.
Attachment
Indigenous Peoples Plan for Subprojects

Approach

1. If IPs are majority in the community selected for project:
   a. They will use their community plan for the sub-project (instead of preparing a separate IP Plan)
   b. No special social assessment will be needed.
2. If IPs are a minority in the community:
   a. The normal community assessment conducted for the sub-project will have a section on the social assessment of IPs included
   b. The community plan will have a section on the IPs and their participation in the subproject.

Format for Indigenous Peoples Plan for Subprojects

The IPP will be mainstreamed into the existing implementation procedures, as reflected in the forms, for the Social Inclusion Component as follows:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Screening</td>
<td>Screening checklist at the beginning of entry into a community will include, among others (e.g. environment and resettlement), the following items on IP:</td>
</tr>
<tr>
<td></td>
<td>D. Indigenous Peoples</td>
</tr>
<tr>
<td></td>
<td>1. Are there Indigenous Peoples targeted as beneficiaries of the project?</td>
</tr>
<tr>
<td></td>
<td>2. Are there Indigenous Peoples living in the sub-project community?</td>
</tr>
<tr>
<td></td>
<td>3. What is the percent of IP to the total community population?</td>
</tr>
<tr>
<td></td>
<td>4. Will the sub-project affect the rights, traditional land and cultural property of the IPs</td>
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<tr>
<td></td>
<td>5. How will IPs participate in the subproject activities?</td>
</tr>
<tr>
<td></td>
<td>6. What mitigation measures will be put in place to ensure that IPs do not lose access to resource and land rights?</td>
</tr>
</tbody>
</table>

Note: If yes to the above questions # 1-4, refer to the Indigenous Peoples Policy Framework for instructions on how to proceed.

Community Social assessment

The Community Assessment undertaken for every project community will include an additional section on IPs if they are present in the community. The IP section will include the following:

- Basic data
- Socio-political profile
- Development needs and intervention
- Culturally appropriate approaches for consultation and implementation of sub-project

Required

The Project has the following requirements for approval and downloading of the first
documentation for approval of sub-project and download of funds: tranche for each sub-project grant:
- Certificate of PO’s Registration
- PO’s Bank Account with Certification from the Bank & photo copy of the bank book
- Procurement Plan
- Work and Financial Plan
- Subproject Implementation Agreement
- Organizational Structure/Committees
- Subproject Proposal

In addition to the above, if there are IPs in the community, the following will be required:
8. Signed endorsement for the subproject from the IP tribal leader or IP Representative
9. Clearance from the World Bank (see below)

Clearance

World Bank clearance will be required before final approval and downloading of the 1st tranche for the subproject in communities where IPs live.3

Training of Staff

Before the additional financing phase begins, safeguards training will be provided to the PMO and line agency staff involved in the Project. During implementation, the PMO Safeguards Specialist will provide training to all concerned field staff involved in the project.

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2 The signed endorsement will represent a FPIC (which will be stronger than the free, prior and informed consultation required under WB OP 4.10). The consultation will be conducted at a Barangay Wide Assembly required for all communities (the details of how to conduct a BWA are in the Operations). This will be sufficient for a community where IPs are the majority. For communities where the IPs are a minority, another special consultation will be conducted just for the IPs.

3 The World Bank will provide clearance for the first three subprojects involving IPs and will continue to do so until after the Project Management Office (PMO) is found capable of undertaking the task. WB will include the review of this clearance work during supervision.