

SUDAN REDD+ PROGRAMME

Indigenous Peoples Planning Framework

Prepared for the Forests National Corporation
of Sudan and the World Bank

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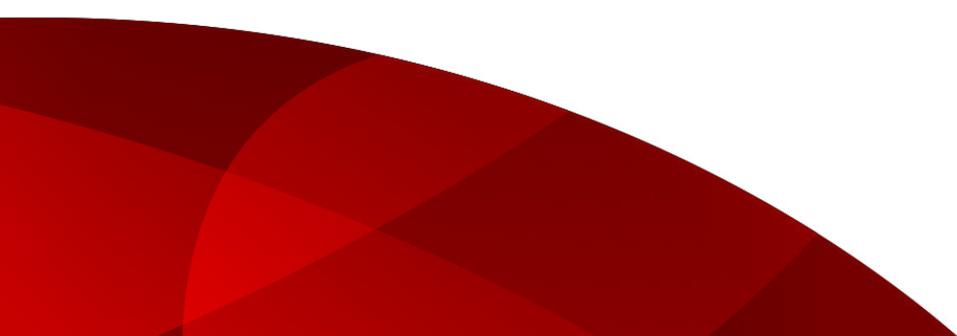


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ABBREVIATIONS AND ACRONYMS

AP Action Plan
ARAP Abbreviated Resettlement Action Plan
CSOs Civil Society Organizations
ESMF Environmental and Social Management Framework
ESS Environmental and Social Standards
FAO Food and Agriculture Organization
FCPF Forest Carbon Partnership Facility
FGRM Feedback and Grievance Redress Mechanism
FNC Forest National Corporation
FRL Forest Reference Levels
GHGs Green House Gases
GRM Grievance Redress Mechanism
HCENR Higher Council for Environment and Natural Resources
ILO International Labour Organization
IP Indigenous People
IPP Indigenous People Plan
IPPF Indigenous Peoples Planning Framework
NDCs Nationally Determined Contributions
NFMS National Forest Monitoring System
NRS National REDD+ Strategy
OP Operational Policy
PA Protected Areas
PF Process Framework
R-PP Readiness Preparation Proposal
RAP Resettlement Action Plan
REDD+ Reducing Emission from Deforestation and Forest Degradation
RPF Resettlement Policy Framework
SESA Strategic Environmental and Social Assessment
UNDRIP United Nations Declaration on the Rights of Indigenous Peoples
UNDP United Nations Development Programme
UNEP United Nations Environmental Programme
UNFCCC United Nations Framework Convention on Climate Change
WB World Bank



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2. DEFINING INDIGENOUS PEOPLE FOR THE PLANNING FRAMEWORK

As outlined in the WB Environmental and Social Framework (ESF), Environmental and Social Standard (ESS) 7, it is important to recognize that the situation of Indigenous Peoples/Sub-Saharan, African Historically Underserved Traditional Local Communities, varies from region to region and from country to country. Indeed, in some countries, such groups are comprehensively referred to as, “*Indigenous Peoples*.” In other countries they may be referred to by other terms, such as “*Sub-Saharan African historically underserved traditional local communities*”; “*indigenous ethnic minorities*”; “*aboriginals*,” “*hill tribes*”; “*vulnerable and marginalized groups*”; “*minority nationalities*”; “*scheduled tribes*”; “*first nations*”; or “*tribal groups*”. *As the applicability of the term “indigenous peoples” varies widely from country to country, the Borrower (or beneficiary of the World Bank fund) may request the Bank to use an alternative terminology for the indigenous peoples as appropriate to the national context of the Borrower.*

In addition to the WB’s reference, Article 33 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) refers to the rights of indigenous peoples to decide their own identities and procedures of belonging. The International Labour Organization (ILO) Convention No. 169 does not define who indigenous peoples are; rather, it contains criteria for the identification of these peoples in the countries where they exist. ILO Convention No. 169, Arts 1(1) (a) and 1(1) (b)¹. Objective criteria include peoples in independent countries who are regarded as indigenous on the basis of historical precedence; and peoples who retain some or all of their own social, economic, cultural and political institutions, whose social, cultural and economic conditions distinguish them from other sections of the national community, or whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations. The WB has developed the specific standard, ESS7, to “support identification of measures to address concerns that project activities may exacerbate tensions between different ethnic or cultural groups”. In support of these identification measures, the consultant proposes the WB ESS7 definition as a guiding framework for identification and aligning it with a grey and scientific literature review on the matter for the Sudan context (see sub-section 2.1).

Thus, for the purposes of this framework and to be aligned with ESS7, the consultants have incorporated the terms “Indigenous peoples” and “Sub-Saharan African Historically Underserved Traditional Local Communities” (IPs hereafter) in a generic sense to refer exclusively to distinct social and cultural groups in Sudan possessing the following characteristics in varying degrees and described further in the next section:

- a) Self-identification as members of a distinct indigenous social and cultural group and recognition of this identity by others;**
- b) Collective attachment to geographically distinct habitats, ancestral territories, or areas of seasonal use or occupation, as well as to the natural resources in these areas;**
- c) Customary cultural, economic, social, or political institutions that are distinct or separate from those of the mainstream society or culture; and**
- d) A distinct language or dialect, often different from the official language or languages of the country or region in which they reside.**

With this in mind, it is important to note that ESS7 also applies to communities or groups of IPs who, *during the lifetime of members of the community or group, have lost collective attachment to distinct habitats or ancestral territories in the project area because of forced severance, conflict, government resettlement programs, dispossession of their land, natural disasters, or incorporation of such territories into an urban area. This ESS also applies to forest dwellers, hunter-gatherers, pastoralists, or other nomadic groups.*

2.1 The Concept Behind the Involuntary Resettlement

There is no accurate demographic data in Sudan. Previous censuses are widely regarded as being of poor quality. However, what is clear is that Sudan is home to an immense range of peoples - according to one estimate, more than 500 tribes and ethnic groups speaking more than 400 languages live within the borders of Sudan². Considering this, given the lack of a commonly agreed-upon definition of the concept IPs, as well as a general consensus that, a universal definition of IPs may not be a constructive approach, and may serve to exclude some groups, the consultant has applied an assessment of ESS7 on the main ethnic groups of Sudan deemed to be indigenous and the main groups found to be located in the currently proposed emissions reductions programme (ERP) area for Sudan’s REDD+ Programme.

The main ethnic groups in Sudan consist of Sudanese Arabs (approximately 70%) , the Fur and Zaghawa in Darfur, the Beja in the east, the Nuba in the mountains in southern Kordofan (assumed to be the original inhabitants of the region) and the Nubians in the far north.

¹ https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312314

² <https://minorityrights.org/country/sudan/>

The constituent characteristics of Sudan's mosaic are tribalism, religion, ethnicity, cultural differences, language, and political affiliation, also evident from tribal and religious leaders, who inherited their position over generations, and were officially empowered during the Condominium rule (1898-1956) as it was recognized that the Native Administration was useful both in accommodating the traditions and diversity of the country as well as in governing the country through local leadership.

IPs are likely to be casualty of the large-scale movement of people in Sudan and accompanying social changes. More recently, the 2005 constitution declared further that "*all indigenous languages of the Sudan are national languages and shall be respected, developed, and promoted*", and it allowed any legislative body below the national level to adopt any other national language(s) as additional official working language(s) within that body's jurisdiction. The new constitutional powers (amending Article 43 of Sudan 2005 interim constitution) gave the president sole right to allocate and confiscate land for investment purposes across the country without restriction. This undermines the indigenous and minority tribal people right to their ancestral lands and their right to free and prior informed consent. A complete list of policies and legislation potentially affecting the property of Project Affected Peoples (including IPs in Sudan), is presented in the RPF.

2.2 Types of subprojects likely to be proposed for financing

While currently no voluntary carbon forest projects exist in Sudan, the current state of development of Sudan's national REDD+ Programme will soon lead to moving from the "readiness" into the "implementation" stage.

As described in the December 2020 version of the NRS, the structure of the ERP *consists of an overall (regional) programme with three (jurisdictions) state-level sub-programme projects/units. The state level sub-programme projects/units will reflect the specific nature of the land use and drivers of deforestation and forest degradation in each state, however, the general circumstances in the three states are very similar. The state level sub-programme projects/units will be located in selected forest circles in each state. Most of the activities implementation will be centered in the Dahara forests, as these are the most affected by deforestation and forest degradation as compared to the riverain (Sunt forests) and this is where most if not all the deforestation and degradation effects are occurring. The selection of forests that are considered as potential locations for the ERP, in each state was based on stakeholder consultation.*

As part of the first proposed draft NRS of Sudan's REDD+ programme, three sub-programme areas were proposed. In the absence of implemented programmes, these previously planned ERPs will be left for reference purposes only and are as follows:

1. The ERP for the gum Arabic belt (the gum Arabic belt REDD+ Programme).
2. The ERP for the Montane watershed ecosystems (the montane Watershed REDD+ Programme).
3. The sustainable forest management ERP in the Blue Nile riverian ecosystem (the Blue Nile, Sinner and Gezira states REDD+ Programme).

Should any projects or programmes of these areas or sub-areas move into implementation and planning stages, the corresponding Indigenous People Plan (IPP) should be activated and a screening of IPs in these areas should be carried out.

More recently the FNC with an external consultant have been preparing an ERP in Blue Nile, Sinnar and Gedarif States.

Sudan planned to start piloting the implementation of REDD+ activities in the South East region, which comprises three states (subnational administrative units) namely, Blue Nile, Sinnar and Gedarif states. This region covers an area of about 7.2% (134,918 km²) of the country total area and about 11% of the total forest land of Sudan (Africover 2012).



Recommendations on IPs in proposed subprojects

The proposed ERP in Blue Nile, Sinnar and Gedarif States will concern the Magano community, specifically in Dinder National Park (Blue Nile, Sennar and Gadarif states)⁴. The following text is an extract of the Ramsar Information Sheet (RIS) for Dinder National Park, Sudan summarizing the IPs in Dinder National Park. This should complement Table 1 as there is some additional information on more specific groups: *The Magano population is not from a single ethnic group. Originally the area was under the authority of the Hamaj since the Fung Sultanate (5 centuries ago). The dominant group now is the Hadarba. Size-wise the Gumuz are the second distinctive ethnic group inhabiting the Magno Mountains. Ethnically, the population of Magano Mountain Community belongs to four major tribal groups: Hamaj, Funj, Gumuz and Abu Ramala. The percentages of these tribal groups make 82.9% of the population. The remainder belongs to the Halloween, Agallen, Nuba, and Dinka. The Hamaj is the third significant group. They are alienating of the Funj in the kingdom of Sinnar who historically inhabited this area. Other minor groups who found their way to the Magano village are, for example, Halloween, Kawahla, Mesaleit, Dinka and many other smaller tribes. The Gumuz have their distinctive dialect and cultural practices, yet this has been subdued by the dominant culture of the Abrmlaween (Hadarba). This materializes in the dialect of the Hadarba being the medium of communication. It also has another cultural manifestation that is the dominant music is the Bajindo which pertains to the Hadarba Culture. Although the Gumuz has their own cultural performances, yet the Bajindo remains the sole music that accompanies most of their rituals.*

For the purposes of this framework, the consultant proposes adopting the identification criteria for IPs outlined in Section 2, underlining, but not limiting this list to, the main and cultural plurality of Sudan and the dominant groups found within the current ERP proposal area (mentioned above). The assessment of these ethnic groups against ESS7 and the need for activation of a subsequent **Indigenous People Plan (IPP)** based on the lack of national policy to protect these groups, is outlined in Table 1.

All the ethnic groups described in Table 1 have in common that they all self-identify or recognized themselves as distinct cultural group and have a collective attachment to land and natural resources.

⁴ Ramsar Information Sheet (RIS) for Dinder National Park, Sudan. The compiler: Dr. Salwa Mansour Abdel Hameed, E. mail: salwa39@hotmail.com Mr. Abdelhafes Osman Eljack, Government Project Coordinator, Dinder National Park Project. E-mail: hcenr@sudanmail.net. <https://portals.iucn.org/library/sites/library/files/documents/NS-001.pdf> of the Magano Community

Table 1. ESS7 IPs Identification and assessment of most important ethnic groups in Sudan relevant to the REDD+ Programme

Community	State	Customary cultural, economic, social, or political institutions distinct from majority	Language or dialect, often different from the official language(s)	Population size	Recommendation of the assessment	
					Based on ESS7	Based on Sudan laws
Beja	Red Sea, River Nile, Al Qadafir, Kassala, Northern	Yes	Yes	Approx. 2.2 Million	Activation of IPP if REDD+ project and/or sub-programs are implemented in these regions.	Important ethnicity to consider given past conflicts and land tenure and distribution issues. While there is representation of Beja peoples in local political institutions, there are no specific laws to protect them, and the local traditional institutions are insufficient at doing so.
Nubians	Northern	Yes	Yes	Estimated 50,000	Activation of IPP if REDD+ project and/or sub-programs are implemented in these regions.	Important ethnicity to consider given past conflicts and land tenure and distribution issues. While there is representation of Nubian peoples in local political institutions, there are no specific laws to protect them, and the local traditional institutions are insufficient at doing so.
Fur	Darfur	Yes	Yes	744,000	Activation of IPP if REDD+ project and/or sub-programs are implemented in these regions.	Important ethnicity to consider given past conflicts and land tenure and distribution issues. While there is representation of Fur peoples in local political institutions, there are no specific laws to protect them, and the local traditional institutions are insufficient at doing so.
Beja	Red Sea, River Nile, Al Qadafir, Kassala, Northern	Yes	Yes	Approx. 2.2 Million	Activation of IPP if REDD+ project and/or sub-programs are implemented in these regions.	Important ethnicity to consider given past conflicts and land tenure and distribution issues. While there is representation of Beja peoples in local political institutions, there are no specific laws to protect them, and the local traditional institutions are insufficient at doing so.
Nubians	Northern	Yes	Yes	Estimated 50,000	Activation of IPP if REDD+ project and/or sub-programs are implemented in these regions.	Important ethnicity to consider given past conflicts and land tenure and distribution issues. While there is representation of Nubian peoples in local political institutions, there are no specific laws to protect them, and the local traditional institutions are insufficient at doing so.
Fur	Darfur	Yes	Yes	744,000	Activation of IPP if REDD+ project and/or sub-programs are implemented in these regions.	Important ethnicity to consider given past conflicts and land tenure and distribution issues. While there is representation of Fur peoples in local political institutions, there are no specific laws to protect them, and the local traditional institutions are insufficient at doing so.
Nuba	South Kordofan	Yes	Yes, multiple	A group of 50+ autonomous & ethnically diverse communities, numbering some 3.7 million people	Activation of IPP if REDD+ project and/or sub-programs are implemented in these regions.	Important ethnicity to consider given past conflicts and land tenure and distribution issues. While there is representation of Nuba peoples in local political institutions, there are no specific laws to protect them, and the local traditional institutions are insufficient at doing so.
Zaghawa	Northern Darfur	Yes	Yes	239,000	Activation of IPP if REDD+ project and/or sub-programs are implemented in these regions.	Given past conflicts and land tenure and distribution issues in Darfur, the situation is still complicated. There are no specific laws to protect these people and the local traditional institutions are insufficient at doing so.
Hadarba	Blue Nile, Sinnar, Gedarf	Yes	Yes	Not found	Given the overlapping of current ERP proposal in Sudan, application of IPP is suggested	Local and traditional institutions insufficient, no specific national or state policy or law
Gumuz	Blue Nile	Yes	Yes	96,000	Given the overlapping of current ERP proposal in Sudan, application of IPP is suggested	Local and traditional institutions insufficient, no specific national or state policy or law
Hamaj	Blue Nile	No	Yes	Not found	Given the overlapping of current ERP proposal in Sudan, application of IPP is suggested	Local and traditional institutions insufficient, no specific national or state policy or law
Funj	Blue Nile, Sinnar and Gedarf	No	Yes	Not found	Given the overlapping of current ERP proposal in Sudan, application of IPP is suggested	Local and traditional institutions insufficient, no specific national or state policy or law

⁵ <https://www.ethnologue.com/language/bej>

⁶ <https://minorityrights.org/minorities/beja/#:~:text=Beja%20of%20the%20deserts%20of,extend%20into%20Egypt%20and%20Eritrea.>

⁷ <https://minorityrights.org/minorities/fur/#:~:text=Fur%20are%20a%20people%20of,%2C%20to%20some%20extent%2C%20dress> and <https://www.culturalsurvival.org/publications/cultural-survival-quarterly/closer-look-sudan-peoples-darfur>

⁸ <https://minorityrights.org/minorities/nuba/>

⁹ <https://www.peoplegroups.org/Explore/groupdetails.aspx?peid=42863>

¹⁰ https://joshuaproject.net/people_groups/11992/SU

2.3 SESA Consultations and IPs

As part of the SESA, specific information obtained as a result of consultations with IPs and representatives of IPs can enrich future IP planning. For detailed information on the consultation methodology for the SESA and IPs, the approach, numbers of respondents, their views, risks and recommendations on the strategy options in Sudan, see the SESA report and consultation report. **Policy and law assessment against ESS7 for IPs in Sudan**

As part of the SESA and ESMF processes, a legal and policy assessment was carried out to understand the potential gaps that existed and that needed to be closed to reach the standards of ESS7. Table 6 presents the results of this analysis. This information can enrich the IPP and consultation with the relevant legal institutions connected to these policies should take place, where necessary, as part of the consultation plan developed with the IPP.

Table 2. Assessment of policies and laws against ESS7

Standard	Sudan Policies Laws and Regulations relevant to the WB Environment and Social Standards	Conclusions and Recommendations
<p>ESS7: IPs</p> <p>Objective: to respect the rights, dignity, aspirations, identity, culture, and natural resource-based livelihoods of IPs</p> <p>Provisions include:</p> <ul style="list-style-type: none"> - Avoid negative impacts - Mitigation and development benefits - Free, prior and informed consent (FPIC) - Grievance mechanism 	<p>The constitution provides equal rights for all. Article 25 states that “recognition of the need for the involvement and participation of all Sudanese people, at all levels of government as an expression of the national unity of the country”. Article 32 (2), states that “the State shall promote women’s rights through affirmative action”.</p> <p>The revision of the Forests Act in 2015 (not yet enacted) provides for most of the environment and social safeguards in ESS7 as it includes international best practices as contained in the criteria and indicators for sustainable forest management (SFM).</p> <p>The criteria and Indicators (criteria and indicators were approved by the federal Minister of Agriculture, it is not enforced) for SFM endorsed and adopted by Sudan provides for protection of the rights of IPs. But the provisions have not been implemented in practice.</p> <p>The 1992 Convention on Biodiversity and its associated Aichi Principles and draft Nagoya Protocol.</p> <p>The Wildlife Conservation and National Parks Act (1986) prohibits settlements in National Parks and does not recognize rights of indigenous peoples such as the Megano living in Dinder national park.</p> <p>The Forests Act 2002 and supporting regulations cover many of the requirements of the ESS7. A revised Act was developed in 2015 and is currently going through the process of approval (currently in the Min of Justice).</p> <p>The Ministry of Agriculture endorsed the criteria and Indicators for SFM in Sudan in 2003. They include many of the requirements of the WB safeguard particularly in relation to FPIC, GRM and stakeholder involvement. However there has not been progress in implementing the SFM. To date, no forests in Sudan have been certified as SFM.</p>	<p>Conclusion: the constitution provides for equal rights and protection of all Sudanese people including indigenous peoples and for respect for customary laws and practices and local heritage.</p> <p>The gaps in current forest legislation (Forests Act 2002) relevant to ESS7 are:</p> <ul style="list-style-type: none"> - Settlement in forest reserves (FRs) is illegal but there are traditional forest dwellers living in FRs in several parts of the country (as discussed under ESS5). - There is no provision for joint forest management (but it is occurring through Taungya system). - Disclosure of plans is not specifically required but is happening in practice. - Stakeholder involvement not specifically provided for in the Act, but in practice this is beginning to happen. <p>Recommendation:</p> <ul style="list-style-type: none"> - Enact the provisions of the revised Forests Act 2015 which provides for most of the safeguards in ESS7. - Clarify the policy in relation to settlements in FRs and involuntary resettlement. - An IPPF has been developed for REDD+ implementation in Sudan to cover ESS7. The provisions of ESS7 should be applied during project and sub-programme implementation. - National policy and REDD+ implementation and the IPPF should also refer to international standards as referenced in Section 2, such as: <ul style="list-style-type: none"> • United Nations Development Group’s Guidelines on Indigenous Peoples’ Issues, 2009 • The UN Declaration on the rights of indigenous peoples (link is external) (UNDRIP)

3. THE COMPONENTS OF THE FRAMEWORK

3.1 Objectives of the IPPF

As stated by ESS7, the purpose of the IPPF is to establish the requirements of ESS7, organizational arrangements, and design criteria to be applied to sub-projects or project components to be prepared during project implementation when IPs may be present in, or have collective attachment to, the project area. According to the ESS7, the IPPF sets out:

- The types of subprojects likely to be proposed for financing under the project.
- The potential positive and adverse impacts of such programs or subprojects.
- A plan for carrying out the social assessment for such programs or subprojects.
- A framework for ensuring the meaningful consultation tailored to IPs and in the specified circumstances as per ESS7 paragraphs 24-25, a framework for ensuring their Free, Prior, and Informed Consent during project implementation.
- Institutional arrangements (human resource, budget, and logistics), including capacity building where necessary, for screening project-supported activities, evaluating their effects on IPs, preparing IPPs, and addressing any grievances.
- Accessible and functional FGRM.
- Monitoring and reporting arrangements, including mechanisms and benchmarks appropriate to the project.

With this in mind, the consultant proposes the following main objective for the IPPF and aligns it with the ESMF, RPF and PF. The main objectives are to **ensure that the development process fosters full respect for human rights, dignity, aspirations, identity, culture, and natural resource-based livelihoods of Sudan IPs.**

The specific IPPF objectives include to:

- Avoid adverse impacts of projects on Sudan IPs, or when avoidance is not possible, to minimize, mitigate and/or compensate for such impacts.
- Promote sustainable development benefits and opportunities for Sudan IPs in a manner that is accessible, culturally appropriate and inclusive.
- Improve project design and promote local support by establishing and maintaining an ongoing relationship based on meaningful consultation with the Sudan IPs affected by a project throughout the project's life cycle.
- Obtain the FPIC of affected Sudan IPs.
- Recognize, respect and preserve the culture, knowledge, and practices of Sudanese IPs, and to provide them with an opportunity to adapt to changing conditions in a manner and in a timeframe agreed with them prior to implementation and in a meaningful and inclusive way.

3.2 Approach of IPPF

The approach to framing and assessing the IPs is defined by identifying who they are and what the policies relative to them are. As with the approach for involuntary settlement, this includes the ESS7 on IPs, including screening, social assessment on risks and impacts, grievance redress, and FPIC. The structure of such a framework, based on the ESS 7 is laid out in the following sub-sections.

ESS7It is not necessary to detail explicit information on the types of projects and sub-programmes for this IPPF as to date, there has only been one proposed ER sub-programme. This IPPF shall be applied for all future projects and sub-programmes and details of them must be outlined in the IPP.

3.3 Implementation arrangements for IPPF

The IPPF implementation at federal and state level will follow the implementation arrangements of the **ESMF**. Institutional arrangements for implementation will follow the Government's institutional structure, with the FNC as the lead agency, and including the state focal points supporting specific state level projects and/or sub-programmes. The **State Project Implementation Unit** will identify appropriate **IPPF implementation authorities** (IAs), including members from traditional/tribal administrations, third party non-governmental organization (NGO) with expertise in the specific Sudan IPs and a social safeguards expert as appropriate to help screen, identify, assess and support the IPs following screening. The IA will support the SPIU in their implementation of the IPPs.

As subprojects are identified, **ESIA screening**, carried out as part of ESMF processes, will determine whether IPs are located in the target area and, if so, **IPPs will be developed**, following the guidelines of the present IPPF. Safeguard specialists of the IA will need to ensure that any IPPs are in line with other project safeguard documents being developed,

such as **ESMP**, **RPF** and **PF** (see parallel policies), **Resettlement Action Plans** (RAPs) or **Process Plans** (PPs), and vice versa.

During project implementation, FNC, in conjunction with the state-specific REDD+ focal points, the SPIU and IAs, will need to ensure that, as necessary, **social assessments** are undertaken by experts for specific project components. This will likely involve hiring external experts who can conduct a mixture of literature review and field work to screen the groups in the area and lead consultations, among others, as further described in this IPPF. **Consultations** will have to be a continuous process with relevant government agencies, NGOs, IP groups, and the SPIU, with FNC needing to ensure that these groups are invited to relevant meetings and workshops. Based on the social assessment and consultations, **the EA will need to draft an IPP** for specific project's subcomponents and ensure these plans include consultation arrangements which should be **transparently disclosed and made available to IP groups** as per the guidelines in this IPPF.

In consultation with relevant agencies and groups, the FNC, with IAs, will need to **define the most appropriate monitoring mechanism for IPPs**. It may also be appropriate for IP groups themselves to be involved in monitoring, or NGOs or external experts. As with other matters relating to IPPs, this will need to be defined based on consultations with relevant groups.

3.4 Social assessment of IPs for REDD+ programs or subprojects in Sudan

A meaningful participatory consultation approach with IPs is required at all stages of REDD+ planification and implementation of projects, as requested by ESS7. Participatory approaches will generally be community-based and will aim, as outlined by ESS7, to: (a) *involve Indigenous Peoples' representative bodies and organizations (e.g., councils of elders or village councils, or chieftains) and, where appropriate, other community members;* (b) *provide sufficient time for Indigenous Peoples in decision-making processes;* and (c) *allow for Indigenous Peoples effective participation in the design of project activities or mitigation measures that could potentially affect.*

Firstly, **consultative meetings need to take place** with local authorities and communities (see implementation arrangements proposed for IP's consultation) for project screening (for screening form see Appendix 1), **designing, social assessment, project implementation and monitoring**.

A key aspect of the social assessment is **understanding the relative vulnerabilities** of the affected IPs and how the project may affect them. Indeed, in line with ESS7 *the assessment shall be proportionate to the nature and scale of the proposed project's potential risks to, and impacts on, as well as the vulnerability of the IPs. The assessment should consider differentiated gender impacts of project activities and impacts on potentially disadvantaged or vulnerable groups within the community of IPs.*

During implementation, the following steps would need to be followed in terms of screening, social assessment, and preparation of an IPP.

- **Joint screening by the SPIU, FNC and IA** to identify whether IPs are present in, or have collective attachment to, the project / target areas (see screening form in Appendix 2).
- **Conducting social assessment** by the relevant authority and safeguards experts within the relevant administrative authorities, with assistance from consultants with social safeguard background, if the screening concludes that the IPs are present in, or have collective attachment to, the project area. The breadth, depth, and type of analysis in the social assessment is proportional to the nature and scale of the proposed project's potential effects on the IPs, whether such effects are positive or adverse. Free, prior and informed consent approach should be used (see next section).
- The preparation and enrichment of an IPP will be based on the outcomes of the social assessment and consultation with the affected IPs. The IPP will ensure that (a) IPs affected by the project receive culturally appropriate social and economic benefits; and (b) when potential adverse effects on IPs are identified, those adverse effects are avoided, minimized, mitigated, or compensated for.

The social assessment should be updated during project implementation as part of monitoring process in order to identify unexpected adverse impacts and/or to propose mitigation measures. If the impact is significant, the IPP will also be updated to cover the current impacts. An FPIC approach should be used (see next sub-section). Consultations should continue throughout project design and implementation.

With this in mind, the social assessment will follow the same approach as that proposed by ESS7. This is outlined in Appendix 1.

3.5 Free, prior, and informed consent with affected IPs' definition and application

With reference to the revised consultation approach laid out during the development of the REDD+ Consultation Plan for Sudan and the Consultation Plan for the SESA, FPIC is the principle according to which a community has the right to give or withhold its consent to proposed REDD+ projects or sub-programmes that may affect the lands they customarily own, occupy or otherwise use. FPIC is well articulated in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)¹¹. However, for the purposes of ESS7, FPIC is prescribed as follows:

- (a) The scope of FPIC applies to project design, implementation arrangements and expected outcomes related to risks and impacts on the affected IPs;*
- (b) FPIC builds on and expands the process of meaningful consultation described in ESS10 and previously, and will be established through good faith negotiation between the project implementer and affected IPs;*
- (c) The project implementer will document: (i) the mutually accepted process to carry out good faith negotiations that has been agreed by the project implementer and Indigenous Peoples; and (ii) the outcome of the good faith negotiations between the project implementer and IPs, including all agreements reached as well as dissenting views; and*
- (d) FPIC does not require unanimity and may be achieved even when individuals or groups within or among affected IPs explicitly disagree.*

The FPIC process requires that communities are provided with accurate and complete information regarding the issues, that may affect them; that they are consulted in accordance with their customary decision-making processes; that they are given the freedom, time and space to conduct their internal decision-making process without interference; and that their collective decision to give or withhold consent including setting conditions for consent is recognized and respected with proper and accurate documentation of the decision¹². The following steps are taken from ESS7 and must be followed for FPIC during project planning:

- Document efforts to avoid and otherwise minimize the area of land proposed for the project.
- Document efforts to avoid and otherwise minimize impacts on natural resources subject to traditional ownership or customary use or occupation.
- Identify and review all property interests, tenurial arrangements, and traditional resource usage prior to purchasing, leasing or, as a last resort, undertaking land acquisition.
- Assess and document IPs' resource use without prejudicing any IPs' land claim. The assessment of land and natural resource use will be gender inclusive and specifically consider women's role in the management and use of these resources.
- Ensure that affected IPs are informed of: (i) their land rights under national law, including any national law recognizing customary use rights; (ii) the scope and nature of the project; and (iii) the potential impacts of the project.
- Where a project promotes commercial development of their land or natural resources, afford due process, and offer compensation together with culturally appropriate sustainable development opportunities to IPs, at least equivalent to that to which any landowner with full legal title to the land would be entitled.

In planning for implementation of the project or sub-programme, the proponent shall develop an IPP that incorporates these specifications including methods and approaches of how the IPs will be contacted when undertaking the REDD+ project or sub-programme. This plan will form part of the planning elements defined in IPP outline and follow the WB ESS7 requirements for IPPs.

3.6 Evaluating property and effects of IPs

Evaluating property and other effects of IPs, and grievance redress will be carried out as part of the methodology indicated in the complementary RPF and PF produced in conjunction with the SESA and ESMF.

¹¹ Articles 18, 19, 26, 32 and 36

¹² Asia Indigenous Peoples Pact, 2014 and UN-REDD Programme Guidelines on Free, Prior and Informed Consent, 2012

3.7 Grievance redress

For the purposes of addressing any grievances that may arise from project implementation, a grievance redress mechanism (GRM) shall be established for the project, this will follow the GRM of the ESMF for the Sudan REDD+ Programme and will be adapted to ensure its cultural appropriateness and accessibility to affected IPs, and takes into account the availability of judicial recourse and customary dispute settlement mechanisms among IPs.

3.8 Preparing the IPP

Once a REDD+ project or sub-programme has been proposed for implementation by the project proponent to the implementation authorities, an IPP must be implemented. To align with the requirements of ESS7 on the elements to include in an IPP, in most cases, the following outline lists the elements to include and must build on the information presented in this IPPF:

- a) A summary of the Targeted Social Assessment, including the applicable legal and institutional framework and baseline data.*
- b) A summary of the results of the meaningful consultation tailored to IP, and if the project involves the three circumstances¹³, then the outcome of the process of FPIC carried out with the affected IP during project preparation.*
- c) A framework for meaningful consultation tailored to IP during project implementation.*
- d) Measures for ensuring IP receive social and economic benefits that are culturally appropriate and gender sensitive and steps for implementing them. If necessary, this may call for measures to enhance the capacity of the project implementing agencies.*
- e) Measures to avoid, minimize, mitigate, or compensate IP for any potential adverse impacts that were identified in the social assessment, and steps for implementing them.*
- f) The cost estimates, financing plan, schedule, and roles and responsibilities for implementing the IP Plan.*
- g) Accessible procedures appropriate to the project to address grievances by the affected IP arising from project implementation, as described in paragraph 34 of ESS7 and in ESS10 paragraph 26 and 27.*
- h) Mechanisms and benchmarks appropriate to the project for monitoring, evaluating, and reporting on the implementation of the IP Plan, including ways to consider input from project-affected IP in such mechanisms.*

¹³ Specified in paragraph 24 of ESS7



APPENDICES

Appendix 1 Social assessment approach and minimum contents

The following points define the approach and minimum components, and their contents (information), to include in the social assessment for an IPP for an IP assessment during project and/or sub-programme planning:

1. The breadth, depth, and type of analysis of the social assessment is proportionate to the potential risks and impacts of the proposed project on the IPs. The social assessment referred to is conducted as part of the environmental and social assessment under ESS1 and the ESMF's ESIA and will include preliminary screening for IPs based on the elements listed within the screening form (see Appendix 2 for note on this).
2. The social assessment should include the following elements, as needed:
 - A review of the legal and institutional framework applicable to IPs (see the ESMF, RPF and PF for more in-depth policy assessment of relevant frameworks).
 - Gathering of baseline data on the demographic, social, cultural, and political characteristics of the IPs; the land and territories that they have traditionally owned or customarily used or occupied; and the natural resources on which they depend.
 - Taking the review and baseline data into account, the identification of project-affected parties and the elaboration of a culturally appropriate process for involving and consulting with the IPs at each stage of project preparation and implementation.
 - An assessment, based on meaningful consultation tailored to IPs, of the potential adverse and positive effects of the project. Critical to the determination of potential adverse impacts is an analysis of the relative vulnerability of, and risks to, the affected IPs, given their distinct circumstances and close ties to land and natural resources, as well as their potential lack of access to opportunities relative to other social groups in the communities, regions, or national societies in which they live. The assessment should consider differentiated gender impacts of project activities and impacts on potentially disadvantaged or vulnerable groups within the community of IPs.
 - The identification and evaluation of measures necessary to avoid adverse impacts, or if such measures are not feasible, the identification of measures to minimize, mitigate, or compensate for such impacts, and to ensure that the IPs receive culturally appropriate benefits under the project. This is based on meaningful consultation tailored to IPs and, where relevant, pursuant to FPIC (outlined in the next section).

Appendix 2 Environment and Social-Screening Form (ESSF)

The ESSF is designed to assess potential environment and social impacts, including those of IPs, of subprojects proposed under the REDD+ Programme in Sudan and enable implementers and reviewers to determine if further environmental and social assessment is required. The ESSF also identifies potential socio-economic impacts that may require mitigation measures and/or resettlement and compensation. The ESSF will be completed by the project proponent and attached as an annex to the project proposal. For the full ESSF, see the ESMF. The following list the minimum contents required when screening for indigenous peoples during planning for REDD+ implementation in Sudan.

ESS7. Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities	Answer
Are there any self-proclaimed Indigenous Peoples present in the project area?	
Who are they	
Do they have a distinct language or dialect different to the national language?	
What is it	
Do they have collective attachment to any natural resources within the proposed project area and potentially impacted by the project?	
Please list and describe them in full	
Do they have collective attachment to any cultural and heritage resources within the proposed project area and potentially impacted by the project?	
Please list and describe them in full	
Do they recognise any customary cultural, economic, social, or political institutions that are distinct or separate from those of the mainstream society or culture?	
Please list and describe them in full	

Appendix 3. List of additional experts and representative organizations for IPs in Sudan

Category	Contact
Information and civil society organizations representing IPs	http://adroub.blogspot.com/
	http://raparuk.weebly.com/about-us1.html
	http://www.sudouk.org/
	http://www.nubamountains-pf.org.uk/
	http://www.tomokrizar.com/index.php/ct-menu-item-17
	http://www.nubasurvival.com/Nuba_Culture/Nuba_Culture_index.htm
	http://www.occasionalwitness.com/
	http://www.thenubian.net/read.php
	http://www.ancientsudan.org/author.htm
	https://sudosudan.org/new/
Representative scientists and experts	https://www.scribd.com/user/9258241/Johanna-Granville
	Professor Amir Idris
	Professor Dr. Mohamed A. Salih
	Omer Ibrahim (omer.ibrahimm@gmail.com)



