

Annex I: Draft Indigenous Peoples Planning Framework



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Draft Indigenous Peoples Planning Framework (IPPF)

Sudan National child project under the GEF Africa Minigrids Program
(UNDP-supported, GEF-financed during the PPG phase)

GEF Project ID:	10413		
Country/Region:	Sudan		
Project Title:	National child project under the GEF Africa Minigrids Program		
Project Duration:	48 months		
GEF Agency:	UNDP	UNDP PIMS ID:	6321
Project Executing Entity:	Ministry of Energy and Petroleum		
Type of Trust Fund:	GEF Trust Fund	GEF 7 Focal Area (s):	
GEF-7 Component (s):	CCM-1-1 Promote innovation and technology transfer for sustainable energy breakthroughs for decentralized power with energy usage		
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PIF Approval:		Council Approval/Expected:	
CEO Endorsement/Approval	Pending	Expected Project Start Date:	

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Executive Summary

Sudan is the third largest country on the African continent, and has a land area of 1.9 million square kilometres. Within this vast country's population of 42.8 million people are a number of groups who may be considered indigenous peoples under the UNDP's Social and Environmental Safeguards (SES) Standard 6 criteria.¹ These populations are largely pastoralists, with a few hunter-gatherer descendent peoples and groups who now focus on agriculture. The government does not apply the term indigenous peoples within the country and the issue of indigenous identity has not been well examined by the state and national institutions.

UNDP SES Standard 6 requires that, in cases where indigenous peoples are found within project sites, an Indigenous Peoples Plan (IPP) must be developed with the purpose of promoting participation of those groups in the project, mitigating risks from the project and ensuring equal and relevant benefits from the project alongside other participants. This Indigenous Peoples Planning Framework (IPPF) is a precursor to that plan, and sets out the frameworks, issues and requirements for IPP development, which will take place before any activities commence that include indigenous peoples, and within 6 months of minigrid site identification. IPP preparation is linked to other processes, such the Environmental and Social Impact Assessment (ESIA), and drafting of the Environmental and Social Management Plan (ESMP) and any other management plans.

The IPPF has been prepared by UNDP for the UNDP-supported, GEF-financed project: *“National Child Project under the GEF Africa Minigrids Program – Sudan”*, which will promote the use of solar PV mini-grids to expand access to electricity in Sudan. This will be achieved through three project components: Component 1: improving relevant policy and regulation; Component 2: project and business model innovation with private sector engagement, including trialling pilot minigrid sites; Component 3: innovative financing opportunities for minigrid development, and Component 4: digital knowledge management and M&E

This IPPF highlights potential risks, identified in the Social and Environmental Screening Procedure (SESP) and Environmental and Social Management Framework (ESMF), that are of particular relevance to indigenous peoples and identified overall as 'substantial risk' under the SES risk ratings. It also makes recommendations for further assessments and management measures, and for free, prior and informed consent (FPIC) consultation procedures, monitoring, and options for grievance redress.

This IPPF applies directly applies to Component 2, if supported pilot minigrid sites include areas with indigenous peoples, and Component 4, where data collection and monitoring will include indigenous peoples if they are affected by the project. Indirect effects on minority groups from Component 2's policy and regulation development, and Component 3's innovative financing scaling, and will have to analysed in the ESIA (Environmental and Social Impact Assessment) and Indigenous Peoples Plan (IPP).

¹

https://info.undp.org/sites/bpps/SES_Toolkit/SES%20Document%20Library/Uploaded%20October%202016/Final%20UNDP%20SES%20Indigenous%20Peoples%20GN_Jan2017.pdf

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Abbreviations and Acronyms

AMP	Africa Minigrids Program
CO	Country Office
EIA	Environmental Impact Assessment
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
FPIC	Free, Prior and Informed Consent
GEF	Global Environment Facility
GHG	Green House Gases
GRM	Grievance Redress Mechanism
IPP	Indigenous Peoples Plan
IPPF	Indigenous Peoples Planning Framework
MoEP	Ministry of Energy and Petroleum
M & E	Monitoring and Evaluation
MTR	Mid-Term Review
NGO	Non-Governmental Organisation
PIF	Project Identification Form
PIR	GEF Project Implementation Report
PMU	Project Management Unit
PPG	Project preparation phase
PV	Photovoltaic
SECU	Social and Environmental Compliance Review Unit (UNDP)
SEDC	Sudanese Electricity Distribution Company
SEP	Stakeholder Engagement Plan
SES	Social and Environmental Standards
SESP	Social and Environmental Screening Procedures
SRM	Stakeholder Response Mechanism (UNDP)
TE	Terminal Evaluation
UNDP	United Nations Development Programme

1. Project Description

This Indigenous Peoples Planning Framework (IPPF) for Sudan has been prepared by UNDP in collaboration with the national partner, the Ministry of Energy and Petroleum (MEP), for a child project under the GEF-7 Africa Minigrids Program (AMP). The social and environmental objectives of the AMP are:

- Promote energy access through renewable technology systems;
- Strengthen the enabling conditions, including legal frameworks, institutional arrangements, and institutional and individual capacities, required for transition to mini-grid systems based on clean energies;
- Promote sustainable livelihoods and management practices in relation to people and the environment;
- Increase climate resilience and adaptive capacity of communities; and
- Strengthen knowledge, information management, and monitoring systems on people and the environment, and the value of the AMP in the country.

Sudan is the third largest country on the African continent, and has a land area of 1.9 million square kilometres. Sudan is bordered by seven countries: Egypt, Eritrea, Ethiopia, South Sudan, the Central African Republic, Chad, and Libya. Sudan has a population of 42.8 million (2019) with approximately 35% living in urban centres. About 15% of the population lives in extreme poverty (less than US\$1.9 per day), and the Human Development Index is low at 0.502.

For most of its independent history, the country has been beset by conflict. The secession of South Sudan induced multiple economic shocks, of which the most important and immediate was the loss of the oil revenue that accounted for more than half of Sudan's government revenue and 95% of its exports. Sudan is in debt distress, reducing its capacity to mobilize domestic resources or to borrow from international markets. By September 2019, outstanding public and publicly guaranteed external debt was estimated at about \$60 billion, up from \$53.6 billion in 2016 and \$56 billion in 2018.

Although Sudan has one of the largest power systems in Sub-Saharan Africa, including 3,500MW of electricity generation capacity from hydro and thermal sources, power availability and reliability remains a challenge. Electricity demand doubles in summer (June and July) due to the need for air conditioning, which represents the largest energy consumption category of residential and commercial in Sudan. Additionally, due to the ongoing fuel crisis, the country is experiencing power interruptions and load shedding have increased, as a result of fuel shortages.

Access to electricity is low (at 38.5% in 2016), and there is a large discrepancy between the population with access to electricity in urban areas (70%) and those in rural areas (22%). The residential sector consumed 56.7% of all electricity in 2015. Also, where it is available, the reliability of electricity is not assured. To address the low electricity access, the Sudanese Electricity Distribution Company (SEDC) is undertaking "The Rural Area Electrification by Solar Energy Project", which aims to serve over one million households by 2031 with solar home systems. Sudan has set a target of achieving 80% electricity access by 2030.

Sudan presents a high opportunity for renewable energy mini-grids, but the uptake of this technology solution for rural electrification has been overlooked in the past. The Sudanese Electricity Distribution Company (SEDC) operates around a handful of the so-called diesel off-grid stations, which are essentially diesel mini-grids. The operation of these diesel-based state-owned infrastructures are expensive, and Ministry of Energy and Petroleum (MoEP) and SEDC are looking into retrofitting the existing power generation infrastructure with solar PV power plants. Additionally, MoEP and other actors recognize that in smaller towns and communities there are several informal mini-grids serving basic level of electricity to their neighbours with diesel generation. These informal electricity providers are not legally recognized, nor licensed, but are serving a market.

1.1 Project Description

This Africa Minigrids Program national child project for Sudan will support the uptake of solar PV in mini-grids, as a cornerstone to help Sudan's renewable energy uptake, decrease their fuel dependency (in particular in

off-grid settings), boost new electricity connections and piggyback on previous, and existing efforts towards gender equality and gender opportunities.

The project will be implemented over 48 months, with a total budget of USD 2,937,246. Implementation will take place through four components:

Component 1: Policy and Regulation

This component will work on having the necessary policy dialogues and producing the right regulations at the right time as the mini-grid market evolves. As the minigrid market in Sudan is in its infancy, continuous dialogue through working groups and capacity building is essential under this component, as an attractive, enabling environment for mini-grids is yet to be developed in Sudan in comparison with other countries.

Component 2: Project and Business Model Innovation with Private Sector Engagement

This component will target deploying solar PV mini-grid pilots in Sudan. The pilots will aim at developing, implementing, operate and maintain, and monitor at least two projects piloting the retrofitting (i.e. hybridization) of existing diesel based mini-grids (or off-grid stations as per the term used by MoEP and SEDC) in order to reduce the O&M costs of operating these power plants with fuel only. It is recommended that the implementation of these solar PV power plants and its associated infrastructure will be done by the private sector, through a Build, Own, Operate and Transfer mode over two phases, with a low solar share energy penetration in the first phase followed by more complex medium to high solar share penetration retrofitting in the second phase.

Component 3: Innovative Financing

As this child project aims at helping Sudan in transitioning from almost no experience in private sector participation into a more inclusive, multilateral rural electrification approach for other actors (private sector, states and potentially cooperatives or non for profit), innovative and adequate financing mechanisms need to be formulated and availed to support the financing needs of eventual projects. Similarly, it will be essential for this child project to identify and help other actors in developing a list of sites that are best served by mini-grid technologies, in order to bring these sites into funding stages and support pipeline development activities.

Component 4: Digital, Knowledge management and M&E

The project will promote increased awareness and network opportunities in the sustainable energy markets and among stakeholders, and lessons learned for scaling up rural electrification using solar PV-battery minigrids.

UNDP SES 6 requires that, in cases where indigenous peoples are found within project implementation areas, an Indigenous Peoples Plan (IPP) must be developed with the purpose of achieving the full, effective and meaningful participation of indigenous peoples, in a manner which aligns with their distinct vision and development priorities, and building sustainable partnerships with indigenous peoples as companions in development and conservation efforts. Through implementation of Standard 6, UNDP aims to avoid adverse impacts on indigenous peoples, their rights, lands, territories and resources; mitigate and remedy impacts that cannot be avoided; support countries to implement human rights obligations; and ensure equitable and culturally appropriate benefit sharing with indigenous peoples.

Due to the national approaches in Sudan regarding the limited application of the term 'indigenous peoples' by the government, the terminology Indigenous Peoples Plan may be replaced with other terms used in the region, which include 'minority groups', 'ethnic minorities' or 'vulnerable groups'. None of these alternative terms are equivalent to 'indigenous peoples', however UNDP recognises differing terminology that is used within states.

This IPPF applies to any activities involving indigenous peoples directly or indirectly. In direct terms this may include Component 2, where pilot minigrid sites are supported with the presence of indigenous groups, and Component 4, where data collection and monitoring may include indigenous groups. However, indirect effects

on indigenous groups from Component 1's policy and regulation discussions is also possible, and will have to be analysed through screening and the Environmental and Social Impact Assessment (ESIA) process – see the screening section of this document and the project's Environmental and Social Management Framework (ESMF) for further details. If indigenous peoples are affected by the project, management and mitigation measures will be reflected in an Indigenous Peoples Plan (IPP).

This Indigenous Peoples Planning Framework (IPPF) is a precursor to that plan, and sets out the frameworks, issues and requirements for IPP development, which will take place before any activities commence that include indigenous peoples, and within 6 months of minigrid site identification. IPP preparation is linked to other processes, such as the Environmental and Social Impact Assessment (ESIA), and drafting of the Environmental and Social Management Plan (ESMP) and any other management plans.

The IPPF highlights risks, identified in the Social and Environmental Screening Procedure (SESP) and Environmental and Social Management Framework (ESMF), that are of particular relevance to indigenous groups. It also makes recommendations regarding free, prior and informed consent (FPIC) consultation procedures, monitoring and options for grievance redress.

2. Description of Indigenous Peoples

There is no one universally accepted definition of indigenous peoples or minority groups. It is critical to note that states and such groups might differ regarding official recognition. For purposes of the SES, UNDP will identify distinct collectives as “indigenous peoples” if they satisfy any of the more commonly accepted definitions of indigenous peoples, regardless of the local, national and regional terms applied to them.

Criteria for defining groups relevant under SES Standards 6 include, among other factors, consideration of whether the collective:

- self-identifies as indigenous peoples (though this may be limited due to prejudice and other limited factors);
- has pursued its own concept and way of human development in a given socio- economic, political and historical context;
- has tried to maintain its distinct group identity, languages, traditional beliefs, customs, laws and institutions, worldviews and ways of life;
- has exercised control and management of the lands, territories and natural resources that it has historically used and occupied, with which it has a special connection, and upon which its physical and cultural survival as indigenous peoples typically depends; and
- whether its existence pre-dates those that colonized the lands within which it was originally found or of which it was then dispossessed.

As with other countries in the region, identification of indigenous peoples under UNDP SES 6 criteria is complex in Sudan due to the country’s rich profusion of ethnic groups, overlapping ethnic identities, mixed livelihoods, extensive clan systems, complex history and conflicts, and in particular the lack of significant state, academic, institutional and community fundamental information and analysis in regard to the international concept of indigenous peoples.

The Government of Sudan has stated that 8% of the Sudanese population are nomads², but despite this efforts to uplift and integrate nomadic groups, some of whom may be considered indigenous peoples under SES 6 guidance, into national policy, to realise their human rights, to access services and to improve livelihoods have been limited.

The UNDP has previously engaged with Sudan under former governments and with communities on the issue of indigenous peoples. For example, the 2006 UNDP report ‘UNDP and Indigenous Peoples: Towards effective partnerships for human rights and development’³ contains several references to Sudan. Significant work has also been carried out by UNDP in the past on nomadic populations.⁴ However, definitive application of the concept of indigenous peoples in Sudan is lacking, therefore a wider overview of the potential application of the UNDP criteria in Sudan is provided below, including a summary of groups who may meet the SES 6 criteria.

Minorities and indigenous peoples

While intermarriage and the coexistence of Arab and African peoples in Sudan over centuries had blurred ethnic boundaries to the point where distinctions are often considered ambiguous, ethnic boundaries have re-emerged in response to decades of conflict fuelled by the politics of identity. This has resulted in the political, economic, and cultural marginalisation of groups residing outside of the capital Khartoum and has furthermore contributed to the outbreak of several conflicts within Sudan.

Sudan voted in favour of the United Nations Declaration on the Rights of Indigenous Peoples. Ethnic groups in Sudan are numerous, nomenclature is complex with multiple names in established use for a single group, and individual group identities have multiple aspects. Sudanese people are differentiated using a range of overlapping criteria: lines of descent from a single ancestor, a common language or place of origin, mode of livelihood, physical characteristics,

² https://www.achpr.org/public/Document/file/Any/sudan_mission_report.pdf

³ https://www.undp.org/content/undp/en/home/librarypage/civil_society/UNDP-and-Indigenous-Peoples-towards-Effective-Partnerships.html

⁴ <http://www.undp.org/content/dam/sudan/docs/NOMADS%20SETTLEMENT%20IN%20SUDAN.pdf>

and political or religious affiliation. Approximately 70% of Sudanese are characterised as Sudanese Arabs, with a significant black African minority at 30%, including Fur, Beja, Nuba and Fallata.

Groups who may meet UNDP SES Standard 6 criteria

The following is not a comprehensive list of indigenous peoples in Sudan, a task that would require a thorough and in-depth research at institutional rather than project level, due to the country's ethnic and social complexities and limited available studies or reports on defining such groups in Sudan. As detailed below and summarised in Table 1, these groups meet at least some of the criteria required for identification of indigenous peoples in SES 6, and are cross-referenced in academic sources as potentially or identified as indigenous peoples. Ideally, at a later date, a comprehensive examination of this issue under United Nations or other another institutions, including dialogue with government and communities, will provide a more conclusive basis to apply SES Standard 6.

1.1. Beja

Beja of the deserts of eastern Sudan and arid mountains of the Red Sea Hills are among the country's longest established peoples, having been resident for over 4,000 years. They are a confederation of related clans, extending into Egypt and Eritrea and number approximately 2.2 million in total, with the majority speaking the Beja language and observing shared customary law (*silif*, which includes natural resources usage). They inhabit large areas of Sudan between the Egyptian border, Eritrea and the River Setit, and from the Red Sea coast to the River Atbara and the Nile.

Beja have traditionally followed a nomad pastoralist way of life, mostly as camel and small stock herders. Following the devastating droughts of the 1970s and 1980s, many Beja people lost their traditional livelihoods. While pastoralism continues, adapted livelihoods and urbanisation are increasingly influential.⁵ Overviews of selected Beja resettlement schemes are given in the UNDP report *Nomads' Settlement in Sudan: Experiences, Lessons and Future Action*. Overall, the east remains one of the poorest areas of Sudan, with a shortage of public services, lack of schools and health care, and a dismal job market. Furthermore, Beja relations with the state have tended to be poor, and the Beja have aligned with separatist movements in the Darfur region.

1.1. Beri (Zaghawa)

The Beri are a historically nomadic population found in western Sudan and Chad, related to the neighbouring Toubou, and numbering over 180,000 in Sudan. They traditionally herded camel and cattle, though have adapted increasingly to sedentary agriculture and other livelihoods. In Sudan they are a minority group but are a politically dominant group in Chad. They are locally identified as 'African' as opposed to 'Arab' and have been subject to violence during the Darfur conflict partly as a result of this. Beri separatist groups have been involved in violence in Darfur and in Libya.

1.2. Dinka

The Dinka are the largest single southern Nilotic group—a sizeable population in South Sudan and a minority group in Sudan, as well as a significant diaspora group. They are pastoralist and practice sedentary agriculture and likely migrated from elsewhere in Sudan around 70 years ago. They are speakers of the Dinka language, with some variety between Dinka clans, and many still practise the traditional animist religion. The Dinka have been involved in political violence and conflicts over resources—principally in conflict with the Nuer but also against other groups, and have also suffered violence including attacks in the past by the military and militias.

1.3. Fur

Fur are a people of the Darfur region in western Sudan. As sedentary farmers, Fur rely mainly on the cultivation of millet during the rainy seasons. Fur communities are matrifocal, so Fur elders are surrounded by daughters and their daughters' husbands. One of the long-term effects of the war in Darfur has been to change the pattern of land distribution. More than 2.7 million people remain displaced, with hundreds of thousands of refugees outside the

⁵ Pantuliano, Sara. (2006). Comprehensive Peace? An Analysis of the Evolving Tension in Eastern Sudan. Review of African Political Economy. 33. 709-720.

country. The government has repeatedly threatened to close the displaced camps, despite continued violence and the lack of any clear lasting solutions or proper reintegration plans.

1.4. Kunama

The Kunama are a small ethnic group, of perhaps 100,000, residing mostly in Eritrea and in fewer numbers in eastern Sudan.⁶ They are considered descendants of earliest inhabitants of the area over 2,000 years ago. The Kunama speak a Nilo-Saharan language unrelated to the dominant languages in Eritrea and Ethiopia. They are believed to have been the pre-historic inhabitants of this region. Formerly nomadic, they were displaced from the majority of their ancestral land and today they are farmers and pastoralists.⁷ The Kunama have been recognised as indigenous peoples in several publications⁸ and IWGIA reports.⁹

1.5. Nuba

A group of 50 or more autonomous and ethnically diverse communities, numbering some 3.7 million people, the Nuba inhabit the mountainous Kordofan region in central Sudan, historically inhabiting the area between 2,000 and 700 years ago depending on the group. The Nuba speak several dialects of the Cushitic group of the Hamito-Semitic languages. Some traditional religions survive but most Nuba have converted to Islam or Christianity. These diverse peoples have found a common identity as 'Nuba' through their shared mountain homeland and a history of shared oppression. Some Nuba self-identify as indigenous peoples and have made submission to treaty bodies (for example, CERD).

1.6. Nubians

The Nubians are a sizable population in Egypt and northern Sudan, and while separate from the Nuba peoples, likely share common ancestry which dates back perhaps 7,000 years. Some Nubian groups have assimilated culturally with Arab groups, some have urbanised, others continue to farm and sharecrop. Some Nubians migrated to the Nuba Mountain areas, likely over 700 years ago, and are sometimes referred to as "Hill Nubians", and may be considered grouped under the Nuba (above). In Egypt some limited efforts have been made by Nubians to engage in the international indigenous peoples discourse¹⁰, but with little progress.

1.7. Shilluk and Anuak

The Shilluk are the fourth largest ethnic group of South Sudan, and found in smaller numbers in south-east Sudan. The closely related Anuak (Anywaa) are largely found in the Ethiopian region of the Gambela, and both previously had mixed hunter-gatherer and pastoralist livelihoods, now with many practising sedentary agriculture. They Nilotic peoples, and speak the Anuak language, while practising a mix of Islam, Christianity and their own animist religion. As with many Sudanese groups, they have been the victims of considerable violence and subject to displacement, though they also perpetrated violence.

The Anuak complain of being subject to considerable marginalisation and discrimination, as well as victims of slavery as late as post-second world war.¹¹ Due to conflict and land reallocation the Anuak have lost access to large areas of their traditional lands.

SES 6 Groups Present in the Project Areas

⁶ <https://www.iwgia.org/en/eritrea/3482-iw2019-eritrea.html>

⁷ Magnet, Joseph, Indigenous Peoples in Eritrea (February 27, 2018). Ottawa Faculty of Law Working Paper No. 2018-09, Available at SSRN: <https://ssrn.com/abstract=3159973>

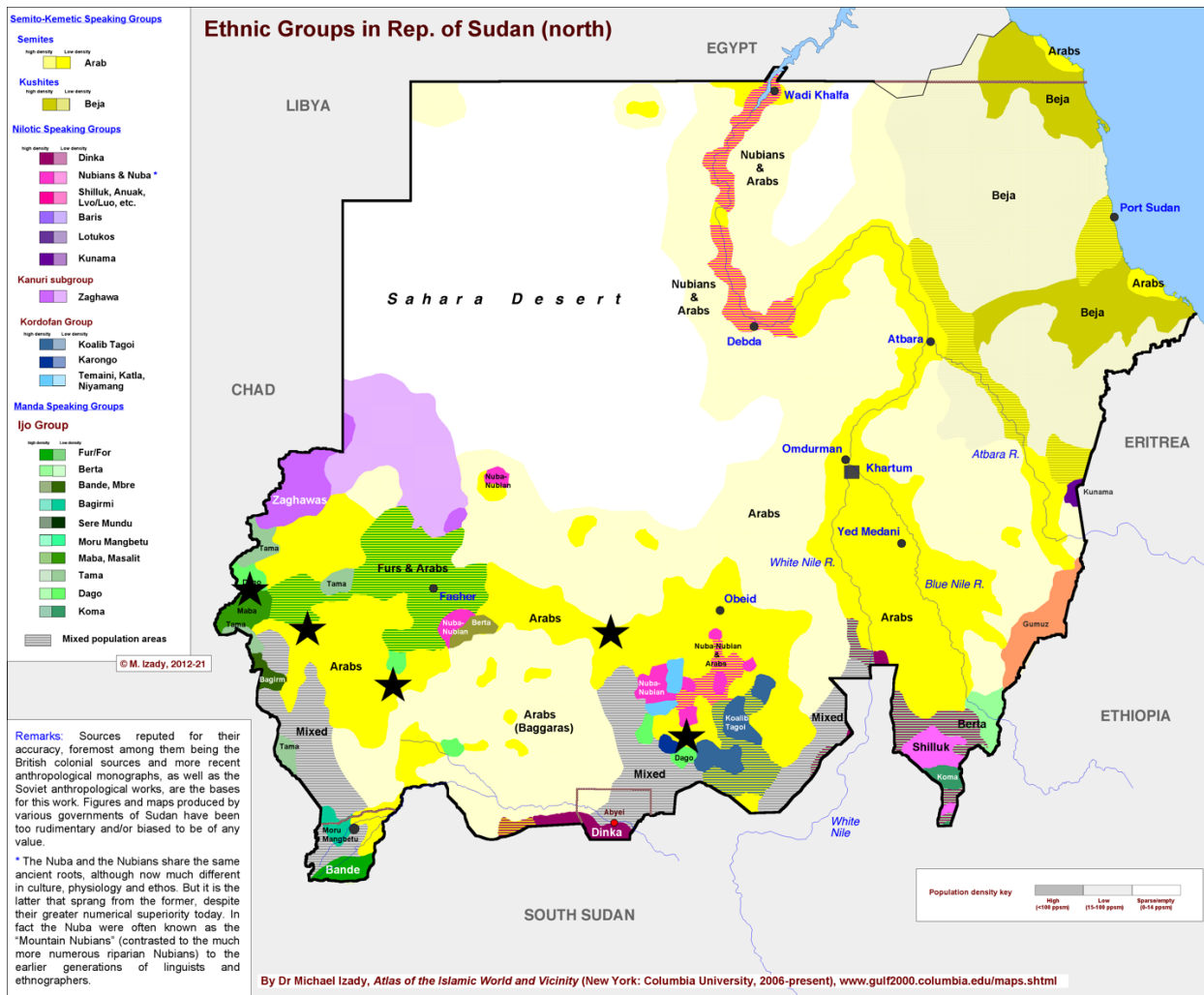
⁸ ibid

⁹ <https://www.iwgia.org/en/eritrea.html>

¹⁰ Maja Janmyr (2017) Human rights and Nubian mobilisation in Egypt: towards recognition of indigeneity, Third World Quarterly, 38:3, 717-733, DOI: [10.1080/01436597.2016.1206454](https://doi.org/10.1080/01436597.2016.1206454)

¹¹ <https://www.culturalsurvival.org/publications/cultural-survival-quarterly/anuak-threatened-culture>

In map below, one the most comprehensive sources of ethnic information available, does not infer that these groups are present in the current site selection for the project. Hence the application of SES Standard 6 will rely on screening procedures detailed in later sections.



Map 1: A map indicating ethnic groups in Sudan (courtesy Dr M Izady)¹², with the five proposed project sites marked

¹² Source: Dr M Izady, *Atlas of the Islamic World and Vicinity* (New York, Columbia Univ., 2006-present) at gulf2000.columbia.edu/maps.shtml. Not to be reproduced or altered without prior permission of the author.

Table 1: SES Standard 6 – Sudan Summary

SES 6 Indigenous Peoples Criteria	Ethnic groups							
	Beja	Beri/Zaghawa	Dinka	Fur	Kunama	Nuba	Nubians	Shilluk & Anuak
Livelihoods	Nomadic pastoralist/ adapting	Nomadic pastoralist/ adapting	Pastoralist/ agriculture/ adapting	Agriculture	Nomadic pastoralist/ adapting	Nomadic pastoralist/ adapting	Agriculture and employment	Agriculture/ adapting
Self-identify as indigenous peoples*	Unknown	Unknown	Unknown	Unknown	Unknown	Partial (numerous groups)	Partial (greater movement in Egypt)	Unknown
Own development in socio-economic/political/historical context	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Maintain identity, languages, traditional beliefs, customs etc	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Control of lands, territories & natural resources/special connection/dependence **	Yes	Yes	Yes	Yes	Partial, displaced	Yes	No	Yes, but displaced
Existence pre-dates those that colonized the lands	Yes	Yes	Unknown	Unknown	Yes	Unknown	Unknown	Unknown
Recognised by international institutions as indigenous	No	No	No	No	No	No	No	No
Notes	Referenced as indigenous in various academic sources	Referenced as indigenous in various academic sources	Referenced as indigenous in some academic sources	Referenced as indigenous in some academic sources	Considered indigenous peoples in Eritrea	Referenced as indigenous in various academic sources	Referenced as indigenous in some academic sources	Anuak are referenced as indigenous in various academic sources

*Concept has not been popularised in Sudan

**Difficult to establish due to prolonged insecurity

3. Summary of Substantive Rights and Legal Framework

3.1 Domestic Law and the rights of indigenous peoples in Sudan

Domestic law with direct relevance to indigenous peoples or nomadic communities in Sudan is sparse. As noted in the ESMF, due to the 2019 coup in Sudan, the state currently utilises an Interim Constitutional Declaration of August 2019, in place of the 2005 Interim National Constitution of the Republic of the Sudan. This replaced the 2005 Interim National Constitution of the Republic of the Sudan, which in turn replaces the 1998 Constitution. As such, the legal institutional framework of Sudan faces instability.

Given the political situation around the drafting of the Interim Constitutional Declaration, as expected it focuses on defining roles and powers of governance in Sudan. Of relevance to this project, the Interim Constitutional Declaration does declare that the State must “perform an active role in social welfare and achieve social development by striving to provide healthcare, education, housing and social security, and work on maintaining a clean natural environment and biodiversity in the country and protecting and developing it in a manner that guarantees the future of generations” (Article 7). It also enshrines women’s rights as follows (Article 48):

“The state shall guarantee to both men and women the equal right to enjoy all civil, political, social, cultural, and economic rights, including the right to equal pay for equal work, and other professional benefits.”

The 2001 Environment Protection Act is likely the only other act that may provide some protections to indigenous peoples or minority groups in Sudan, albeit through protection of habitats and the environment.

A 2015 report on a joint mission report to Sudan by the ACHPR mentions a council that “oversees issues pertaining to” nomadic communities¹³. The same report mentions efforts in health outreach, mobile schools and empowerment of women from nomadic communities. Previous ACHPR reports mention limited involvement by the Ministry of Justice in addressing issues of indigenous and nomadic peoples.¹⁴

3.2 International Law and the rights of indigenous peoples in Sudan

Sudan is party to a number of treaties and processes relevant to indigenous peoples and local communities. International conventions relevant to indigenous peoples to which Sudan is a signatory include:

- United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP): Sudan is a signatory though no further major involvement has been seen.
- African Commission on Human and Peoples’ Rights (ACHPR): Sudan is member and previously reported to the commission, as mentioned above, up to 2012. The ACHPR has not been deeply involved in indigenous peoples rights in Sudan.
- Universal Periodic Review (UPR): Sudan continues its engagement with UPR processes, with the next review due in October 2021. A few submissions have made limited reference to indigenous peoples or nomadic groups, but no substantive engagement on the topic has been seen.
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
- ICCPR - International Covenant on Civil and Political Rights
- CEDAW - Convention on the Elimination of All Forms of Discrimination against Women
- ICERD - International Convention on the Elimination of All Forms of Racial Discrimination
- ICESCR - International Covenant on Economic, Social and Cultural Rights
- CRC - Convention on the Rights of the Child

¹³ https://www.achpr.org/public/Document/file/Any/sudan_mission_report.pdf (Paragraph 91, page 21)

¹⁴ <https://www.achpr.org/states/statereport?id=68>

3.3 Project relevance to the legal recognition of rights to lands, resources, or territories

The Project activities do not require additional legal recognition of rights to lands, resources, or territories, for indigenous peoples or other Sudanese groups.

3.4 Project relevance to the recognition of the juridical personality of Indigenous Peoples

In terms of indigenous peoples, recognition of the juridical personality is the recognition of a group, association or organisation of indigenous peoples within the legal system, which acknowledges that a group, association or organisation of indigenous peoples has certain rights, protections, privileges, responsibilities, and liabilities in law, similar to those of an individual human being (e.g. recognising a group in a similar manner to an individual, for reasons of legal standing and collective recognition).

The Project activities do not rely on issues of recognition of indigenous peoples. The Project will observe additional measures as required to address consultations, concerns, complaints and project benefits of indigenous peoples who are not represented in existing formal structures at local level.

3.5 UNDP Social and Environmental Standards (SES)

This IPPF has been prepared in line with UNDP's Social and Environmental Standards (SES) Policy, which came into effect 1 January 2015. These standards underpin UNDP's commitment to mainstream social and environmental sustainability in its programs and projects to support sustainable development and are an integral component of UNDP's quality assurance and risk management approach to programming. Through the SES, UNDP meets the requirements of the GEF's Environmental and Social Safeguards Policy.

The objectives of the UNDP SES are to:

- Strengthen the social and environmental outcomes of Programs and Projects
- Avoid adverse impacts to people and the environment
- Minimize, mitigate, and manage adverse impacts where avoidance is not possible
- Strengthen UNDP and partner capacities for managing social and environmental risks
- Ensure full and effective stakeholder engagement, including through a mechanism to respond to complaints from project-affected people

In accordance with UNDP SES policy, the Social and Environmental Screening Procedure (SESP) has been applied to the Project during the project development phase (both at PIF and PPG stages). In accordance with UNDP SES policy, a SES principle or standard is 'triggered' when a potential risk is

identified and assessed as having either a 'moderate' or 'high' risk-rating based on its probability of occurrence and extent of impact. Risks that are assessed as 'low' if they do not trigger the related principle or standard.

The screenings conducted during project development indicate that seven of the nine social and environmental principles and standards have been triggered across the Project due to 'high' and 'moderate' risks:

- Principle 1: Human Rights – to ensure the participation, benefit and mitigation of potential negative consequences of all communities targeted within the project activities.
- Principle 2: Gender Equality and Women's Empowerment – to ensure the full participation of women in the project and counter any discrimination or patriarchal systems in target communities.
- Standard 1: Biodiversity Conservation and Sustainable Natural Resource Management – as the focal area of the project.
- Standard 2: Climate Change Mitigation and Adaptation – due to the arid environment and climate associated risks.
- Standard 3: Community Health, Safety and Working Conditions – due to risks association with HWC and WC.

- Standard 5: Displacement and Resettlement – due the limited risk of changes to land management and access due to project activities and the inclusion of national parks, where land rights are limited.
- Standard 6: Indigenous Peoples – due to the presence of indigenous peoples within target landscapes.

The purpose of SES Standard 6: Indigenous Peoples is to design projects not only with the full, effective and meaningful participation of indigenous peoples, but also in a manner which aligns with their distinct vision and development priorities in order to build sustainable partnerships with indigenous peoples as companions in development and conservation efforts. UNDP will not participate in projects or project activities that are not supported by the indigenous peoples concerned.

Through implementation of Standard 6, UNDP aims to avoid adverse impacts on indigenous peoples, their rights, lands, territories and resources; mitigate/remedy impacts that cannot be avoided; support countries to implement human rights obligations; and ensure equitable and culturally appropriate benefit sharing with indigenous peoples.

The objectives of Standard 6 are:

- To recognize and foster full respect for indigenous peoples' human rights as recognized under Applicable Law, including but not limited to their rights to self-determination, their lands, resources and territories, traditional livelihoods and cultures
- To support countries in their promotion and protection of indigenous peoples' rights, through implementation of domestic laws, policies, and project activities consistent with the State's human rights obligations
- To ensure that UNDP projects that may impact indigenous peoples are designed in a spirit of partnership with them, with their full and effective participation, with the objective of securing their free, prior, and informed consent (FPIC) where their rights, lands, territories, resources, traditional livelihoods may be affected
- To promote greater control and management by indigenous peoples over developments affecting them, including their lands, resources and territories, ensuring alignment of projects with indigenous peoples' distinct vision and self-identified development priorities
- To avoid adverse impacts on the rights of indigenous peoples, their lands, territories, resources, to mitigate and remedy residual impacts, and to ensure provision of just and equitable benefits and opportunities for indigenous peoples in a culturally appropriate manner

Summary of Requirements of Standard 6 Indigenous Peoples (refer to full text of SES Standard 6):

Respect for domestic and international law: Ensure respect for domestic and international law regarding rights of indigenous peoples. Do not participate in a project that violates the human rights of indigenous peoples as affirmed by Applicable Law and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) (Para. 4)

Identification of indigenous peoples: Identify indigenous peoples who may be affected by project activities utilizing range of criteria (Para. 5)

Land, territory and resources: Recognize collective rights of indigenous peoples to lands, territories and resources. Include measures to promote such recognition when necessary for project activities (Para. 6)

Legal personality: Recognize rights of indigenous peoples to legal personality. Include measures to promote such recognition when necessary for project activities (Para. 7)

Involuntary resettlement: Prohibit forcible removal of indigenous peoples from lands and territories and ensure no relocation without FPIC (Paras. 8, 9)

4. Potential Impacts on Indigenous Peoples

4.1 Potential Positive Impacts

A range of positive impacts are predicted for indigenous peoples who are included in or indirectly benefit from the project, mainly due to the range of benefits that rural electrification provides to communities. These include:

- Employment opportunities for both professional and unskilled workers in construction and maintenance phases.
- Expenses, time and labour relating to cooking, lighting, fetching water and other services will likely be reduced.
- Social and service provision benefits from improved communications from electricity availability (e.g. more mobile phone towers, charging mobile phones, internet access, access to service providers).
- Reduction in pollution from combustion of wood, paraffin and other cooking, light and heating resources.
- Livelihood diversification is likely to increase due to improved access to communications and power, from small service businesses to small scale irrigation.
- Improved food availability and quality due to improved local refrigeration at shops or home (also may improve market access for meat, dairy products and farming due to increased shelf-life).
- Improved study conditions for children and those in education, from lighting and access to resources through communications and the internet.
- Improved security with external lighting and improved communications, less time spent accessing/collecting resources such as firewood.
- Positive health service delivery impacts from electricity for clinical equipment and medical refrigeration.
- Increased participation of women in non-domestic activities.
- Inclusion of all ethnic groups in projects with broad benefits for the community at large may increase cohesion.

4.2 Potential Negative Impacts

4.1 Social and Environmental Risk Ratings under the UNDP SES

All risks to community members identified in the SESP apply to indigenous peoples if present in the project area, and some may have particular relevance over others due to the differing circumstances of indigenous peoples where they are a minority population. The project does not currently present additional risks beyond those listed below that would apply to indigenous peoples, though new information from additional screening, identification of new risks and changes to the project require a reassessment of risks to indigenous peoples. The project risks are listed with a description where issues may be of particular relevance to indigenous peoples, whereas other risks apply to all community members as described in the SESP:

The Project SESP identifies and ESMF details the following risk as specific to indigenous peoples:

RISK 18: Risk to indigenous peoples.

Indigenous Peoples may be excluded at the participatory/beneficial activities of the project.

Cause: The formal oriented nature of energy and the limited social statuses and opportunities identified for Indigenous Peoples.

Impact: This may pose a challenge to ensure that Indigenous Peoples will have the chance to participate at the decisions-making level.

In addition, the following risks identified in the SESP, while relevant to all communities, may be of particular relevance to indigenous peoples due to marginalisation, relative levels of poverty, reliance upon natural resources, and local social or political hierarchy:

- **Risk 1: Risk on lack of capacities.**
- **Risk 2: Risk of project activities not being safeguards responsive during the project life cycle.**

Where indigenous peoples form minorities and are considered by majority groups as having lower social and economic status, negative impacts from lack of safeguards may be more severe than with other groups.

- **Risk 3: Risk of exclusion of affected stakeholders due to their vulnerability and/or potential concerns about the project.**

Indigenous peoples and those relying on pastoralism or hunting and gathering may have lower incomes and be more affected by private provider pricing of electricity. In addition, social and political dynamics in a given area may reduce access to electricity to those of a lower social status (for example preferential routing of electricity infrastructure). Where indigenous peoples form minorities, and are considered by majority groups as having lower social and economic status, a lower level of participation by indigenous peoples may be likely.

- **Risk 4: Risk on Women.**

Where indigenous peoples form minorities and are considered by majority groups as having lower social and economic status, exclusion, risks and impacts for indigenous women are likely to be greater.

- **Risk 5: Risk of damage to biodiversity and natural resources due to land changes and new productive uses of the energy.**

Damage to biodiversity and natural resources may affect the livelihoods of groups that rely on pastoralism and natural resource harvesting, which are relevant portions of livelihoods for many indigenous peoples.

- **Risk 6: Adverse transboundary environmental concerns.**

As above.

- **Risk 7: Risk due to electrical shocks/effects on fauna, flora and people.**
- **Risk 8: Risk of local climate change events, and weather & hydro related disasters.**
- **Risk 9: Risk of overestimated emissions due to embedded activities.**
- **Risk 10: Risk of overestimated emissions due to aggregation to a third-party project**
- **Risk 11: Risk on the community due to hazardous materials (mainly batteries, e-waste, chemicals for land clearance).**

Increased risk may be envisaged for groups of lower economic status and higher unemployment, including children, due to unfavourable siting of settlements, greater informal housing and collection of materials, hence may have a greater impact on indigenous peoples.

- **Risk 12: Ambient perturbation on the community due to intense works locally at construction and decommissioning, and new economic activities subsequent from productive use of the energy.**
- **Risk 13: Risk on community health, safety and/or security due to the influx of people, mainly project workers and other new comers subsequent to the new economic activities resulting from the productive use of the energy.**

Non-local workers who will be engaged in the construction activities may increase the community risk of sexually transmitted diseases, and risks to women and girls if not adequately supervised and trained. If indigenous peoples are viewed as lower social or economic status by neighbouring ethnic groups, women and girls from the indigenous groups may face higher risks in this regard.

- **Risk 14: Risk on damage of cultural heritage.**

Damage, removal or destruction of cultural heritage may have a disproportional effect on indigenous peoples, due to imbedded belief systems, cultural value and minority cultural identities, but can be mitigated through the effective participation of indigenous peoples in project sites.

- **Risk 15: Risk of physical displacement and loss of livelihood due to eviction from land.**

In the event that any displacement or resettlement cannot be avoided, an appropriate resettlement plan and remuneration measures will be undertaken. In addition, the project will not comprise any activity that involves

the permanent acquisition or transfer of tenure of land that the indigenous peoples have traditionally owned or customarily used or occupied. If state land is utilised, consultations with communities must therefore include confirming that the state's acquisition of that land is not in question.

Temporary interruption in the use of property or land may occur due to infrastructure construction and similar consultations would be required before activities begin.

Any project activities that affect indigenous peoples lands or territories must be subject to a process of Free, Prior and Informed Consent before those activities begin.¹⁵

- **Risk 16: Risk of economic displacement due to loss of income from fuel selling.**

Decreased demand for timber/natural resource harvesting for firewood may have a disproportionate effect on indigenous peoples, but would likely vary between project sites.

- **Risk 17: Risk of economic displacement towards the payment of energy services replacing the previous options.**
- **Risk 18: Risk to indigenous peoples.**

Indigenous peoples and those relying on pastoralism or hunting and gathering may have lower incomes and be more affected by private provider pricing of electricity. In addition, social and political dynamics in a given area may reduce access to electricity to those of a lower social status (for example preferential routing of electricity infrastructure).

- **Risk 19 Risk on labour conditions.**

Increased risk may be envisaged for groups of lower economic status and higher unemployment, including indigenous peoples.

- **Risk 19b: Risk on labour opportunities.**

Increased risk may be envisaged for groups of lower economic status and higher unemployment, including vulnerable groups.

As risks are reassessed during the project (see the Environmental and Social Management Framework (ESMF) for further information), further risks may be identified that were not apparent at the planning stage, or have developed due to factors within or external to project activities. This, for example, may include the development of policies under Component 1 that affect indigenous peoples.

- **Risk 20: Risk on pollution and resource efficiency.**
- **Risk 20: Upstream risks due to policy or regulatory changes.**

Risks related to stability and conflict

In addition to the project risks, at this time due to ongoing instability in Sudan, there is increased risk of conflict and violence. Often groups meeting SES 6 criteria occupy the periphery of mainstream society, culture and the economy, and therefore (while all Sudanese are affected) they may be an increased risk from instability and conflict. Any related risks resulting directly or indirectly from project activities require a high degree of caution and analysis for mitigation and avoidance measures.

¹⁵ **Free** - consent given voluntarily and absent of coercion, intimidation or manipulation, using languages and locations agreed with the community in question; **Prior** - consent is sought a period of time in advance of an activity or process.; **Informed** - the nature of the engagement and type of information that should be accessible, clear, consistent, accurate, constant, and transparent, in appropriate language, location and format; **Consent** - the freely given collective decision made by the rights-holders and reached through the customary decision-making processes of the affected peoples or communities. For further resources see for example: <https://www.unredd.net/documents/un-redd-partner-countries-181/templates-forms-and-guidance-89/un-redd-fpic-guidelines-2648/8717-un-redd-fpic-guidelines-working-final-8717.html?path=un-redd-partner-countries-181/templates-forms-and-guidance-89/un-redd-fpic-guidelines-2648>

5. Procedures for carrying out the screening, assessment and development of the IPP

In order to identify the presence of indigenous peoples at the minigrid sites, a basic initial screening, with some questions adapted from the SESP, should be carried out at each site. This screening should be carried out at each site during the Environmental and Social Impact Assessment (ESIA) – see the ESMF for further details on the ESIA. The purpose of the screening is to ensure the identification of vulnerable groups/indigenous peoples in target sites, or lack thereof, given the limited information and mixed ethnicities present in much of the country.

The screening may be carried out by project staff, NGOs or local government, though in each case it is important to verify findings. Ideally screenings will be carried out in a cooperative manner between stakeholders. It is important that this and other activities related to SES Standard 6 are approached with cultural and social sensitivity: firstly, local government, local NGOs and community leadership should be consulted to ensure their participation and understanding; the purpose of inclusion will be explained to community leaders where appropriate, with care taken to not exacerbate any tensions that may be present in settlements.

The questions that need to be answered to formulate and consult communities and stakeholders on IPP development include:

- 1 Which ethnic groups are currently present in the project pilot site (including Project area of influence)?
- 2 Are pastoral or hunter-gatherer livelihoods practised in or near the Project area?
- 3 What are the approximate numbers of the different ethnicities in the area of the project pilot site?
- 4 Do communities in the area share the same local representation, or do they have different representatives or leadership? Do they all participate in decisions about the area?
- 5 Is it likely that the project or portions of the project will be located on community lands? If so, of which groups?
- 6 Will the project potentially temporarily affect access to land, resources, or grazing for any of the local communities? (specify which)
- 7 Are there local or national organisations that represent the interests of minority groups/ vulnerable peoples in this area?

An initial screening is also included in Annex 2. This can be used as a tool for a basic assessment of a site in terms of SES Standard 6 - In cases where groups meeting SES 6 may be present, further information will be collected by project staff to verify and identify such groups. Screenings will be analysed by the PMU M&E officer in consultation with the UNDP country office. Where answers suggest the possible presence of groups meeting SES 6 criteria, in depth full screenings should be made, in line with the SES 6 guidance note, and with the guidance of UNDP Regional Experts (refer to SES 6 Guidance Note section 3.1).

5.1 Consultation with indigenous peoples

If indigenous peoples are identified within the project area through the screening procedure, the ESIA and/or targeted assessment (including the later ESMP and IPP process) will include consultations with this group, while observing the need to avoid exacerbating divisions in communities, and observing local governance structures. Consultations will follow principles of being free, prior and informed – consent is necessary where triggered under SES Standard 6 requirements.

SES Standard 6 states that “project activities that may adversely affect the existence, value, use or enjoyment of indigenous lands, resources or territories are not conducted unless agreement has been achieved through the FPIC process”. The key circumstances where FPIC is required are:

- Loss, restrictions or modification of rights to and use of lands, territories, resources, and livelihoods, including the development, utilization, or exploitation of mineral, forest, water or other resources on lands and territories traditionally owned, occupied or otherwise used, acquired by indigenous peoples, including lands and territories for which they do not yet possess title, and in some circumstances from where they were displaced.

- Relocation, which cannot occur without the FPIC of the indigenous peoples concerned and only after agreement on just and fair compensation, and where possible, with the option of return. Forcible removal is prohibited in UNDP projects.
- Cultural heritage, including not appropriating the cultural, intellectual, religious and spiritual property of indigenous peoples without their FPIC

See chapter 6 for additional details on consultations and FPIC.

The main aim of initial consultations are to explain the objectives of the project, possible positive outcomes and risks from activities. The consultations should seek to gain the community members' views and perceptions of those benefits and risks, and level of acceptance and wish to participate in project activities. Consultations must be carried out appropriately and include the following elements:

- Identification of parties to the negotiation and decision-makers
- Elaboration of the decision-making processes of the respective parties
- The role if any of outside counsel and expertise, including e.g. a third party mediator/negotiator
- Agreement on relevant time periods
- Applicable community protocols that must be respected
- Steps to guarantee an environment without coercion or duress
- The manner in which analysis and results of the prior social and environmental assessments shall be incorporated into the process
- The format for benefit sharing discussions and arrangements
- Sharing of information in meaningful, accessible and culturally appropriate manner

And where consent is required:

- Identification of other project activities or circumstances that will trigger additional consent processes.
- The format for documenting the agreement, conditions that attach, and/or other conclusions of the process.

5.2 Mitigation and Management Measures

To avoid or minimise adverse impacts to indigenous peoples or minority groups, while at the same time ensuring their inclusion in benefits and full participation the project will:

- i. The site-level ESIA process and/or targeted assessment process and PMU will consult local government and community leaders, as well as local organisations and experts, to ensure a good understanding from multiples sources of community and ethnic dynamics at each implementation site. The approach to indigenous peoples will be designed to avoid isolating ethnic groups or exacerbating local tension. Measures to ensure avoidance of discrimination and conflict will be included in the national level ESMP and IPP, except for circumstances where a site-level Environmental and Social Management Plan (ESMP) is required. In these cases the site level ESMP will require a site-level IPP.
- ii. The PMU will ensure key project stakeholders, principally representatives of MoEP, local government and principal private sector partners, are sensitised by a consultant with appropriate experience of vulnerable communities in Burkina Faso on relevant groups to SES Standard 6, and the SES requirements under UNDP projects. This will also be a key intervention to ensure vulnerable communities' inclusion in discussions, policy development and investment within project components 1 and 3, and wider inclusion in project processes and benefits.
- iii. Where project activities may result in upstream effects, with particular relevance to activities in project components 1 and 3, risks will be assessed and measures to mitigate effects under a Strategic Environmental and Social Assessment (SESA) process. Refer to the ESMF for details.

- iv. The PMU will ensure that indigenous peoples in project areas (as well as any national organisations) are informed of activities, design, and implementation processes to seek input and to provide clarification. This should include informing national or local NGOs.
- v. PMU will ensure that consultations are carried out inclusively, for example ensuring that locations, languages, timings and pre-notification are done in non-discriminatory and culturally appropriate manners. This includes understanding limits to communications access, and providing full or summary documentation in a language and format that is accessible to communities.
- vi. Minority groups/vulnerable peoples will have equitable access to opportunities, such as employment within project activities, and benefits of electrification.
- vii. The GRM will contain additional measures to ensure maximum accessibility to the mechanism by community members, including the nomination of a trusted local focal point(s) by the communities in question.

SEPs, screening reports, both draft and final ESIA/ESMPs and IPP/IPPFs, if needed, and monitoring reports are to be disclosed, including translation and/or presentation where necessary. Measures must be developed, consulted on, publicly disclosed and put in place prior to the start of any activities that might cause adverse impacts.

6. Participation, Consultations and FPIC Processes

Consultations with indigenous peoples during Project planning and activities, listed in the table below, will be undertaken using internationally-recognised guidelines for Free, Prior and Informed Consent (FPIC), as reflected in the UNDP-SES Policy and following best practice, for example procedures developed through UN-REDD.¹⁶

The indigenous groups who may be affected by the Project will have a central role in defining the FPIC process. They must be consulted and included in the process from the outset. A facilitator should support this process, a person who will be available throughout the Project, who speaks the necessary languages and is aware of the project context, and is culturally and gender-sensitive. While the objective of the FPIC process is to reach an agreement (consent) between the relevant parties – be it a signed agreement or an otherwise-formalized oral contract – this does not mean that all FPIC processes will lead to the consent of and approval by the rights-holders in question.

FPIC consultations must be made in good faith along the following principles:

Free - consent given voluntarily and absent of coercion, intimidation or manipulation, using languages and locations agreed with the community in question.

Prior - consent is sought a period of time in advance of an activity or process.

Informed - the nature of the engagement and type of information that should be accessible, clear, consistent, accurate, constant, and transparent, in appropriate language, location and format.

Consent - the freely given collective decision made by the rights-holders and reached through the customary decision-making processes of the affected peoples or communities.

No activities requiring FPIC should be initiated until the outcomes of the FPIC process are validated and any required mitigation measures are in place, though the project activities that require FPIC are few.

Table 2: Project activities and circumstances that require consultation and FPIC during ESMP/IPP preparation

¹⁶ <https://www.unredd.net/documents/un-redd-partner-countries-181/templates-forms-and-guidance-89/un-redd-fpic-guidelines-2648/8717-un-redd-fpic-guidelines-working-final-8717.html?path=un-redd-partner-countries-181/templates-forms-and-guidance-89/un-redd-fpic-guidelines-2648>

Project Outputs	Requirement(s)
Component 1: Policy and Regulation	
<ul style="list-style-type: none"> • Output 1.1.1 A full minigrid regulatory framework is in place and adopted by MoEP and ERA through a series of inclusive national dialogue, with a streamlined licensing process and clear rules and requirements defined. • Output 1.1.2 Capacitate public institutions, in particular MEM and ERA on technical, managerial, and regulatory issues 	<p>Consultation if implemented in local sites with indigenous peoples.</p> <p>FPIC, if triggered by project activities, as per Standard 6 requirements.</p>
Component 2: Project and Business Model Innovation with Private Sector	
<ul style="list-style-type: none"> • Output 2.1.1 Two to four solar PV diesel hybrids successfully implemented, operational, and maintained by the private sector, involving women’s vocational training and participation • Output 2.1.2 A “solar sister” (brand name) programme is in place, that supports and capacitates Sudanese women on technical, managerial, and economic aspects of solar hybrid minigrids 	<p>Consultation and inclusion in ESMF/IPP preparation if activities will be implemented in local sites where screenings identify indigenous peoples. Management measures must be completed, disclosed, and discussed with stakeholders in line the SES 6 Guidance Note.</p> <p>Initial FPIC, if activities are implemented with indigenous peoples, or in their current settlements, or on land and with resources utilised by indigenous peoples, must be completed as part of IPP preparation.</p> <p>Sensitisation for key stakeholders on indigenous peoples and their inclusion in project benefits, including requirements of SES Standard 6.</p> <p>Upstream issues will be included in a SESA as appropriate.</p>
Component 3: Innovative Financing	
<ul style="list-style-type: none"> • Output 3.1.1 Solar PV minigrids financed or funded through new financing schemes • Output 3.1.2 A pipeline of investible assets in unelectrified communities in Sudan 	<p>Sensitisation for key stakeholders on indigenous peoples and their inclusion in project benefits, including requirements of SES Standard 6.</p> <p>Upstream issues will be included in a SESA as appropriate.</p>
Component 4: Digital Knowledge management and M&E	
<ul style="list-style-type: none"> • Output 4.1.1 A resulting monitoring framework with entries in at least the 2 pilot projects 	<p>Management measures are formulated in line the SES 6 Guidance Note to include consultation with and participation of indigenous peoples in monitoring (if monitored activities</p>

	include areas or activities indigenous peoples).
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The requirements for FPIC and consultations during full implementation of project will be presented in the ESMP/IPP (and updated Stakeholder Engagement Plan, as appropriate); the requirements above apply only to the preparation of the ESMP/IPP.

7. Appropriate Benefits

Obvious benefits from the project include employment and equitable access to electricity, along with other direct and indirect benefits listed under section 4.1 above. There may also be benefits of participation in the project, for example community cohesion and communications with local leadership and the state.

In order to ensure inclusion of minority groups, guided by this Indigenous Peoples Planning Framework, the project will develop an Indigenous Peoples Plan (IPP) that will detail the agreements with the indigenous peoples concerned regarding their participation in the project and equitable benefits, in a manner that is culturally appropriate and inclusive. These benefits must not impede land rights or equal access to basic services including health services, clean water, energy, education, safe and decent working conditions, and housing (Standard 6: 6.11).

These arrangements should be detailed in the ESIA, including consultation and consent processes undertaken. Indigenous peoples should be provided with full information on the scope of potential services, income streams, and benefits that the Project may generate for all potential beneficiaries.

It should be noted that local governance, leadership systems and resource sharing arrangements may already be established with the local community. In such cases, the ESIA must confirm that equitable arrangements are established and are non-discriminatory, and the communities concerned, and any additional measures recommended should be made with consent of both parties, hence not undermine currently established local agreements and relations.

8. Capacity support for implementation of the Indigenous Peoples Plan

The IPP will detail actions to be taken within the Project to ensure that sufficient capacity is allocated to meet the objectives of the SES Standard 6 and the specific measures agreed within the IPP. Where capacity may be limited, the IPP will include additional actions to increase capacity in the short- or long-term to the same ends. As with other activities under the IPP, it is important to maximise the participation of indigenous peoples in capacity support measures.

At minimum, the IPP will provide:

- i. A description of Project activities aimed at increasing capacity within the government and/or the affected indigenous peoples, and facilitating exchanges, awareness, and cooperation between the two.
- ii. A description of measures to support social, legal, technical capabilities of indigenous peoples' organizations in the project area to enable them to better represent the affected indigenous peoples more effectively
- iii. Where appropriate and requested, a description of steps to support technical and legal capabilities of relevant government institutions to strengthen compliance with the country's duties and obligations under international law with respect to the rights of indigenous peoples.

The ESIA process will assess where and the extent capacity support needed both in community settings and government.

9. Grievance Redress Mechanism

As described in the ESMF, the Project will establish a project-level Grievance Redress Mechanism (GRM) during the six months of implementation. The GRM is a way to provide an effective avenue for expressing concerns and achieving remedies for complaints by communities, to promote a mutually constructive relationship and to enhance the achievement of project development objectives. A community grievance is an issue, concern, problem, or claim (perceived or actual) associated with the Project that an individual, or group, or representative wants to address and resolve.

The following principles should govern the grievance redress system to be implemented by the project:

- Legitimate, accountable, without reprisal.
- Accessible
- Predictable and timebound
- Equitable
- Transparent
- Rights compatible
- Used to improve policies, procedures, and practices to improve performance and prevent future harm.
- Based on engagement and dialogue

The full details of the GRM will be agreed upon during the Inception Phase, a process that will be overseen by the Project Manager with a Project Monitoring and Evaluation Officer, Safeguards Officer or alternative responsible staff member.

The grievance and response mechanism helps all stakeholders involved in the project – be it the affected groups and or UNDP's partners in particular governments and others to jointly address grievances or disputes related to the social and/or environmental impacts of UNDP supported projects. While grievance and response mechanism is important for all project stakeholders, it is particularly key for the minority group, who are often marginalised. As at least one of the proposed project sites will be in an area where minority groups are found, it is critical that there is a transparent grievance redress mechanism for any eventualities. Aggrieved stakeholders can approach the Project Management Unit and the Implementing Partner (MoEP) to register their grievances. In cases when the agencies are not able to address the grievances, or in cases when the grievances have not been addressed successfully, the aggrieved stakeholders have recourse on other national grievance mechanisms.

Local measures will be put into place to receive complaints:

- a hotline will be created for stakeholders to use for questions, recommendations and grievances with signage displaying the number at project sites
- two boxes installed at the pilot project sites to receive complaints
- the phone numbers for the Project Manager and M&E Officers will be displayed at several sites around the pilot locations.

It is also recommended, due to barriers of language, access to communications, potential issues of discrimination, and perceived issues of safety where protection of the identity of complainants may be required, that a local NGO, trusted community members in various locations, trusted person of authority, community association, or other point of contact agreed through consultations with community members, and particularly with minority groups where they are included in project activities.

It is critical that this point of contact understands the need for community complaints to be anonymous where issues of individual or group safety are perceived, and that the point of contact has direct access to the PMU staff. In the case of a complaint where anonymity is requested, the PMU and any resulting grievance process must respect this condition.

Those able to access and communicate with national grievance mechanisms may have the option of contacting the National Commission for Human Rights, Sudan (NCHR). The offices can be reached at:

National Commission for Human Rights, Sudan (NCHR)

Neighborhood Buildings, Box 12, Plot no. 39.
Sudan, Khartoum.
Telephone: +249 (0)183 574 864 – +249 (0)183 574 874
E. mail: sud.nhrc@gmail.com

In the case of serious allegations of fraud, misconduct or safety issues, complaints may choose to access the UNDP Office of Audit and Investigation (OAI) via email (reportmisconduct@undp.org) or reverse charge telephone call (+1-844-595-5206).

10. Institutional arrangements

The IPP, ESIA and ESMP will take into account the needs and concerns of indigenous peoples involved in project activities around minigrad sites, with direct consultations within the IPP and ESIA processes. Monitoring activities will involve the participation of minority groups, where defined within the IPP and/or ESIA and ESMP, and the Independent Mid-term Review (MTR) and Terminal Evaluation (TE) will include sections on the Project's engagement with minority groups.

Capacity support for implementation of the Indigenous Peoples Plan

The IPP will detail actions to be taken within the Project to ensure that sufficient capacity is allocated to meet the objectives of the SES Standard 6 and the specific measures agreed within the IPP. Where capacity may be limited, the IPP will include additional actions to increase capacity in the short- or long-term to the same ends.

At minimum, the IPP will provide:

- i. A description of Project activities aimed at increasing capacity and/or sensitisation within the implementing partner, government and/or the affected minority groups, and facilitating exchanges, awareness, and cooperation between the two.
- ii. Where appropriate, a description of measures to support social, legal, technical capabilities of minority groups' organizations in the project area to enable them to better represent the affected minority groups more effectively.
- iii. Where appropriate and requested, a description of steps to support technical and legal capabilities of relevant government institutions to strengthen compliance with the country's duties and obligations under international law with respect to the rights of minority groups.

The IPP preparation will include consultations carried out by an expert familiar with indigenous peoples in Sudan and any other communities in question, and should be approved within the first 6 months of implementation, and before activities in areas with indigenous peoples commence.

11. Monitoring and reporting

- i. **Mechanisms and benchmarks appropriate to the Project for transparent, participatory joint monitoring, evaluating, and reporting.**

Project-level monitoring and evaluation will be undertaken in compliance with UNDP requirements as outlined in the UNDP POPP and UNDP Evaluation Policy. The UNDP Country Office is responsible for ensuring full compliance with all UNDP project monitoring, quality assurance, risk management, and evaluation requirements.

Additional mandatory GEF-specific M&E requirements will be undertaken in accordance with the GEF Monitoring Policy and the GEF Evaluation Policy and other relevant GEF policies. The costed M&E plan included below, and the Monitoring plan in Annex, will guide the GEF-specific M&E activities to be undertaken by this project. In addition to these mandatory UNDP and GEF M&E requirements, other M&E activities deemed necessary to support project-level adaptive management will be agreed during the Project Inception Workshop and will be detailed in the Inception Report.

Further to this, SES Standard 6 requires that transparent participatory monitoring arrangements be put in place wherein the minority groups concerned will jointly monitor Project implementation (Standard 6: 6.15). The IPP will define the methods of information disclosure from the Project to minority groups, taking into account appropriate language, mechanisms and format, and allowing for the participation of minority groups (both women and men), consultations and feedback for corrective actions within the Project where necessary. These duties are recommended to be periodically carried out by the SESO throughout the project duration, though may require minority groups' specialists for certain activities. This requirement should be defined after community consultations related to the ESIA and IPP formulation.

In order to ensure participation of minority groups in the monitoring process, the IPP should detail, at a minimum:

- the manner in which minority groups will participate in monitoring activities
- progress indicators and an estimated budget to ensure robust monitoring
- the participatory selection and involvement of an independent expert, where needed
- schedules for monitoring activities
- the mechanism for redress and corrective action

Additionally, the Independent Mid-term Review (MTR) and Terminal Evaluation (TE) will both provide analysis of the Project's engagement with minority groups.

ii. Mechanisms to allow for periodic review and revision of the IPP in the event that new Project circumstances warrant modifications developed through consultation and consent processes with the affected minority groups.

IPP review and modification due to changes in the project would be undertaken after one of the periodic consultations and monitoring activities undertaken by the SESO/M&E officer, or any minority groups specialists, or ad hoc consultations and consent with minority groups should the need arise. Any changes should reflect the needs, concerns and benefits to minority groups, and be agreed by the PMU, UNDP and MoEP.

12. Budget and Financing

The costs below are only related to the preparation of the IPP. This may be carried out under the ESMP preparation activities, as a sub-contract or a standalone contract. In all cases the PMU and specifically the SESO will ensure a coordinated approach to ESMP and IPP development. Implementation costs of the IPP during the Project, for example a proportion of SESO or M&E Officer costs, are included under the ESMF implementation budget. Additionally, costs associated with the coordination of IPP implementation by the PMU or UNDP are not fully costed. Hence refer to the budget of the ESMF and Project Document in regard to implementation costs.

Breakdown of costs for IPP Preparation

Item	Budget Cost (USD)
International or national consultants (IPP preparation 18 days, plus 6 days for additional inputs for within project duration for IP specialist)	\$14,400
International travel expense and accommodation costs for consultant (if required)	\$1,400
National travel expense for consultations and FPIC if required (transport and accommodation)	\$2,600
Print production expenses	\$750
Dissemination of materials costs to minority groups	\$500
Total:	\$19,650

Note: The *IPP* will be implemented as part of Project implementation. However, in no case shall Project activities that may adversely affect minority groups – including the existence, value, use or enjoyment of their lands, resources or territories – take place before the corresponding activities in the *IPP* are implemented. The relationship between the implementation of specific *IPP* measures and the permitted commencement of distinct Project activities shall be detailed within the *IPP* to allow for transparent benchmarks and accountability.

Where other Project documents already develop and address issues listed in the above sections, citation to the relevant document(s) shall suffice.

Annex I: Indicative Outline of an Indigenous People's Plan

This outline guides the preparation of an Indigenous Peoples Plan, although not necessarily in the order shown.

With the effective and meaningful participation of the affected peoples, the IPP shall be elaborated and contain provisions addressing, at a minimum, the substantive aspects of the following outline:

1. Executive Summary: Concisely describes the critical facts, significant findings, and recommended actions
2. Description of the Project: General description of the project, the project area, and components/activities that may lead to impacts on indigenous peoples
3. Description of Indigenous Peoples: A description of affected indigenous people(s) and their locations, including:
 1. description of the community or communities constituting the affected peoples (e.g. names, ethnicities, dialects, estimated numbers, etc.);
 2. description of the lands, territories and resources to be affected and the affected peoples connections/ relationship with those lands, territories and resources; and
 3. an identification of any vulnerable groups within the affected peoples (e.g. uncontacted and voluntary isolated peoples, women and girls, persons with disabilities, elderly, others).
4. Summary of Substantive Rights and Legal Framework: A description of the substantive rights of indigenous peoples and the applicable legal framework, including:
 1. An analysis of applicable domestic and international laws affirming and protecting the rights of indigenous peoples (include general assessment of government implementation of the same);
 2. Analysis as to whether the project involves activities that are contingent on establishing legally recognized rights to lands, territories or resources that indigenous peoples have traditionally owned, occupied or otherwise used or acquired. Where such contingency exists (see Standard 6 Guidance Note, sections 5.1., 5.2), include:
 - i. identification of the steps and associated timetable for achieving legal recognition of such ownership, occupation, or usage with the support of the relevant authority, including the manner in which delimitation, demarcation, and titling shall respect the customs, traditions, norms, values, land tenure systems and effective and meaningful participation of the affected peoples, with legal recognition granted to titles with the full, free prior and informed consent of the affected peoples; and
 - ii. list of the activities that are prohibited until the delimitation, demarcation and titling is completed.
 3. Analysis whether the project involves activities that are contingent on the recognition of the juridical personality of the affected Indigenous Peoples. Where such contingency exists (see Standard 6 Guidance Note, section 5.2):
 - i. identification of the steps and associated timetables for achieving such recognition with the support of the relevant authority, with the full and effective participation and consent of affected indigenous peoples; and
 - ii. list of the activities that are prohibited until the recognition is achieved.
5. Summary of Social and Environmental Assessment and Mitigation Measures
 1. A summary of the findings and recommendations of the required prior social and environmental impact studies (e.g. targeted assessment, ESIA, SESA, as applicable) – specifically those related to indigenous peoples, their rights, lands, territories and resources. This should include the manner in which the affected indigenous peoples participated in such study and their views on the participation mechanisms, the findings and recommendations.

2. Where potential risks and adverse impacts to indigenous peoples, their lands, territories and resources are identified, the details and associated timelines for the planned measures to avoid, minimize, mitigate, or compensate for these adverse effects. Include where relevant measures to promote and protect the rights and interests of the indigenous peoples including compliance with the affected peoples' internal norms and customs.
6. Participation, Consultation, and FPIC Processes
 1. A summary of results of the culturally appropriate consultation and, where required, FPIC processes undertaken with the affected peoples' which led to the indigenous peoples' support for the project.
 2. A description of the mechanisms to conduct iterative consultation and consent processes throughout implementation of the project. Identify particular project activities and circumstances that shall require meaningful consultation and FPIC (consistent with section 4 of the Standard 6 Guidance Note).
 7. Appropriate Benefits: An identification of the measures to be taken to ensure that indigenous peoples receive equitable social and economic benefits that are culturally appropriate, including a description of the consultation and consent processes that lead to the determined benefit sharing arrangements.
 8. Capacity support: Description of measures to support social, legal, technical capabilities of indigenous peoples' organizations in the project area to enable them to better represent the affected indigenous peoples more effectively. Where appropriate and requested, description of steps to support technical and legal capabilities of relevant government institutions to strengthen compliance with the country's duties and obligations under international law with respect to the rights of indigenous peoples.
 9. Grievance Redress: A description of the procedures available to address grievances brought by the affected indigenous peoples arising from project implementation, including the remedies available, how the grievance mechanisms take into account indigenous peoples' customary laws and dispute resolution processes, as well as the effective capacity of indigenous peoples under national laws to denounce violations and secure remedies for the same in domestic courts and administrative processes.
 10. Institutional Arrangements: Describe schedule and institutional arrangement responsibilities and mechanisms for carrying out the measures contained in the IPP, including participatory mechanisms of affected indigenous peoples. Describe role of independent, impartial experts to validate, audit, and/or conduct oversight of the project.
 11. Monitoring, Reporting, Evaluation: Describe the monitoring framework for the project and key indicators for measuring progress and compliance of requirements and commitments. Include mechanisms and benchmarks appropriate to the project for transparent, participatory joint monitoring, evaluating, and reporting, including a description of how the affected indigenous peoples are involved. Indicate process for participatory review of IPP implementation and any necessary modifications or corrective actions (including where necessary consent processes).
 12. Budget and Financing: Include an appropriately costed plan, with itemized budget sufficient to satisfactorily undertake the activities described.

Note: The IPP will be implemented as part of project implementation. However, in no case shall project activities that may adversely affect indigenous peoples take place before the corresponding activities in the IPP are implemented. Such activities should be clearly identified. Where other project documents already develop and address issues listed in the above sections, citation to the relevant document(s) shall suffice.

Annex 2: Example of an initial screening questionnaire for identification of populations meeting SES 6 criteria

Remote initial screening tool for identification of populations meeting SES 6 indigenous peoples criteria

State and locality:		Date returned:	
Contact person:		Date sent:	
Contact telephone:		Contact email:	

This questionnaire related to an upcoming project, 'GEF Africa Minigrid Programme in Sudan', to be implemented by Ministry of Energy and Petroleum and UNDP, financed by the Global Environment Facility, with the aim of providing electricity to rural communities.

This will include activities with vulnerable communities. As such, it is necessary to establish the identification of vulnerable groups and minorities in areas included in the project. The information you provide will assist with the planning and implementation of components within the project.

We ask you to provide information as accurately as possible in consultation with your colleagues. Please type your answers within the document and return it via email.

We appreciate the completion of this questionnaire by ____ (date)_____, to be sent to ____ (name & email address of Project SESO/M&E officer)_____.

Should you require further information regarding this questionnaire, please contact ____ (name & telephone & email)_____.

Please fill in the information in the spaces provided below, using as much space as need.

<p>1. Within your locality are there communities considered to be particularly vulnerable by your office? (Yes/No). If yes, please identify the group(s) and their approximate locations.</p>

<p>2. Within your locality, are there communities who speak minority languages? (Yes/No). If yes, please identify the group(s) and their approximate locations.</p>

<p>3. Within your locality, have you identified groups who, in the recent past or currently, did not develop agricultural practices and relied on hunting or other forms of livelihoods that rely on natural resources? (Yes/No). If yes, please identify the group(s) and their approximate locations.</p>

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4. Are there groups within your locality, who continue to practice pastoralism include seasonal migration? (Yes/No). If yes, please identify the group(s) and their approximate locations.

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5. Please provide any other information or resources that may be relevant.

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