

Annex I: Draft Vulnerable Groups Planning Framework



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Draft Vulnerable Groups Planning Framework (VGPF)

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

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|----------------------------|---|------------------------------|-------------|
| GEF Project ID: | 10474 | | |
| Country/Region: | Burkina Faso | | |
| Project Title: | National child project under the GEF Africa Minigrids Program | | |
| Project Duration: | 48 months | SESP Categorization: | Substantial |
| GEF Agency: | UNDP | UNDP PIMS ID: | 6510 |
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Executive Summary

Burkina Faso has a population exceeding 20 million people and presents diverse multicultural landscape of more than 20 ethnic groups. The Government of Burkina Faso strives to ensure that all ethnic groups are treated equally. Within the country's population are a number of groups who are considered indigenous peoples under the criteria within the UNDP's Social and Environmental Standards (SES) 6.¹ These include the widespread Peul or Fulani, who are traditionally nomadic pastoralists but are adapting to sedentary and urban lives in some areas, and the Tuareg. Both groups have been recognised by the state during presentations to the United Nations Permanent Forum on Indigenous Issues, and to a number of treaty bodies. The small populations of Bozo and Dogon, among other groups, may also meet SES Standard 6, but only the Peul or Fulani are likely found within project implementation areas.

UNDP SES Standard 6 requires that, in cases where indigenous peoples/vulnerable groups 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. Due to the national approaches in Burkina Faso, the preferred term of Vulnerable Groups Plan (VGP) is used.

This Vulnerable Groups Planning Framework (VGPF) is a precursor to that plan, and sets out the frameworks, issues and requirements for Vulnerable Groups Plan (VGP) development, which will take place before any activities commence that include vulnerable groups, and within 6 months of minigrid site identification. VGP 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 VGPF has been prepared by UNDP in collaboration with the Burkina Faso Rural Electrification Agency (ABER) for the UNDP-supported, GEF-financed project: *"National Child Project under the GEF Africa Minigrids Program – Burkina Faso"*, which will showcase derisking instruments and cost reduction levers by linking minigrid development to productive energy uses. The project will support associated policy and regulation, business model innovation for minigrids in partnership with the private sector, scale-up investment in minigrids and improve knowledge management.

This VGPF highlights potential risks, identified in the Social and Environmental Screening Procedure (SESP) and Environmental and Social Management Framework (ESMF) and rated under SES criteria as 'substantial', that are of particular relevance to indigenous peoples/vulnerable groups. 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 VPPF will apply 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 1's policy and regulation development, and Component 3's innovative financing scaling, and will have to be analysed in the ESIA 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

Contents

| | |
|---|------------|
| Executive Summary..... | i |
| Abbreviations and Acronyms..... | iii |
| 1. Project Description..... | 1 |
| 2. Description of Vulnerable Groups | 2 |
| 2.1 Minorities and indigenous peoples/vulnerable groups in Burkina Faso | 3 |
| 2.2 SES 6 Groups Present in the Project Areas and VGPF Application | 5 |
| 2.3 Summary Application of SES 6 Criteria in Burkina Faso | 7 |
| 3 Summary of Substantive Rights and Legal Framework | 8 |
| 3.1 Domestic Law and the rights of vulnerable groups (indigenous peoples) in Burkina Faso | 8 |
| 3.2 International Law and the rights of vulnerable groups (indigenous peoples) in Burkina Faso | 9 |
| 3.3 UNDP SES Standards | 9 |
| 3.4 Project relevance to the legal recognition of rights to lands, resources, or territories | 10 |
| 3.5 Project relevance to the recognition of the juridical personality of Indigenous Peoples or Vulnerable Groups..... | 10 |
| 4. Potential Impacts on Vulnerable Groups | 11 |
| 4.1 Potential Positive Impacts..... | 11 |
| 4.2 Potential Negative Impacts | 11 |
| 5 Procedures for carrying out the screening, assessment and development of the VGP | 13 |
| 5.1 Screening..... | 13 |
| 5.2 Consultations with Vulnerable Groups | 14 |
| 5.3 Mitigation and Management Measures | 15 |
| 6 Participation, Consultations and FPIC Processes | 17 |
| 7 Appropriate Benefits..... | 18 |
| 8 Capacity Support..... | 18 |
| 9 Grievance Redress..... | 19 |
| 10 Institutional arrangements..... | 20 |
| 11 Monitoring and reporting..... | 20 |
| 12 Budget and Financing | 21 |
| 12 Annex I: Indicative Outline of an Indigenous People’s Plan | 23 |
| 13 Annex 2: Example of an initial screening questionnaire for identification of populations meeting SES 6 criteria | 25 |

Abbreviations and Acronyms

| | |
|-------|--|
| ABER | Burkina Faso Rural Electrification Agency |
| 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 |
| 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) |
| 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 |
| VGP | Vulnerable Groups Plan |
| VGPF | Vulnerable Groups Planning Framework |

1. Project Description

This Vulnerable Groups Planning Framework (VGPF) has been prepared for a child project under the GEF-7 Africa Minigrids Program (AMP). There are eleven child projects under the AMP (Angola, Burkina Faso, Comoros, Djibouti, Ethiopia, Eswatini, Madagascar, Malawi, Nigeria, Somalia and Sudan). 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.

Access to electricity in Burkina Faso has improved significantly as evidenced by an increase in the rural electrification rate from 3.2% in 2016 to almost 10% in 2019 (World Bank, 2020). Despite this level of progress, grid extension continues to be the primary method of electrification. The Government of Burkina Faso (GoBF)'s efforts to increase electricity access to rural communities have not been able to keep pace with increasing demand. In addition, Off-grid electrification faces key barriers such as inadequate policy and regulatory framework, lack of access to financing, lack of local technical capacity and high-cost of new connection, among others.

However, decentralized renewable energy technologies, particularly solar minigrids, offer opportunities to deliver clean and cost-effective solutions to off-grid areas as a result of falling hardware costs, a digital revolution and innovative private sector business models.

Against this background, the National Child Project under the Africa Minigrids Program (AMP) in Burkina Faso will promote solar minigrids with storage in the ecovillages and Northern, Central North, Central and Boucle du Mouhoun regions by scaling-up private investments. The proposed project will showcase derisking instruments and cost reduction levers by linking minigrid development to productive energy uses. The project will directly support the GoBF's strategies for poverty reduction through socioeconomic development in rural areas, and its climate change mitigation objectives as indicated in the Nationally Determined Contribution (NDC) of the country.

The project will be implemented through four components:

- Component 1: Policy and Regulation. Stakeholder ownership in a national minigrid delivery model is advanced, and appropriate policies and regulations are adopted to address barriers and facilitate investment in low-carbon minigrids with storage.
- Component 2: Business Model Innovation with Private Sector Engagement. Innovative business models based on cost reduction operationalized, with strengthened private sector participation in low-carbon minigrid development.
- Component 3: Scaled-up Financing. Financial sector actors are ready to invest in a pipeline of low-carbon minigrids and concessional financial mechanisms are in place to incentivize scaled-up investment.
- Component 4: Data, Knowledge Management and Monitoring and Evaluation. Increased awareness and network opportunities in the minigrid market and among stakeholders, and lessons learned for scaling up rural electrification using solar PV-battery minigrids.

Component 2 of the project includes pilot minigrid development at nine sites, and is likely the main area of the project where UNDP Social and Environmental Standards (SES) Standard 6 will apply. Component 4, where data is collected on or with community members as requires the application of SES Standard 6.

Components 1 and 3 will be unlikely to directly involve vulnerable groups/indigenous peoples. However, decisions made by indirectly affect such groups, especially in terms of their inclusion in benefits from minigrid development and possible effects on access land and livelihoods. Additionally, activities with possible upstream effects will be assessed under a Strategic Environmental and Social Assessment (SESA), the procedure for which is detailed in the ESMF.

Therefore, the implementation of components 2 and 4 will require screening activities for further information and steps to ensure benefits and inclusion in the project at a community level, whereas components 1 and 3 will require sensitisation for stakeholders, and in particular ABER staff, to ensure the rights and needs of vulnerable communities are included in policy development and investment.

The UNDP SES 6 policy 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, resources and livelihoods; 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 Burkina Faso regarding the application and acceptability of the term 'indigenous peoples' by the government, while acknowledging the governments recognition that certain groups may experience historical and current marginalisation, the preferred terms of Vulnerable Groups Planning Framework and Vulnerable Groups Plan are used.

This Vulnerable Groups Planning Framework (VGPF) 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 vulnerable groups, and within 6 months of minigrid site identification. VGP 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 VGPF has been prepared by UNDP in collaboration with the Burkina Faso Rural Electrification Agency (ABER), which is the Implementing Partner for this project. The VGPF 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 peoples. It also makes recommendations regarding free, prior and informed consent (FPIC) consultation procedures, monitoring and options for grievance redress.

2. Description of Vulnerable Groups

There is no one universally accepted definition of indigenous peoples or vulnerable 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.

As mentioned in the previous section, the term vulnerable groups is preferred in Burkina Faso, though the government has taken part in international human rights processes which include the recognition of the concept of indigenous peoples.

Factors 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 to 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.

In similarity to the other countries in the region, Burkina Faso presents a complex arena for the analyses of ethnic groups due to the profusion of overlapping ethnic identities, mixed livelihoods, tribal or clan systems, complex history and conflicts, and the limited availability of significant information and analysis in regard to the international concept of indigenous peoples within the country.

Sub-groups of the Peul (often referred to as Fulani in Burkina Faso; this report will use the latter 'Fulani'), labelled as Fulbe or Mbororo among other terms (sometimes pejorative, literally meaning "cattle herders"; this report will use the 'Fulbe'), appear to meet SES 6 criteria for indigenous peoples, as do the Tuareg. In the case of Burkina Faso this is not only reinforced by international institutions, but state reporting to the United Nations Permanent Forum on Indigenous Issues.²

The adoption of the SES standard 6 by UNDP in Burkina Faso requires discussions within UNDP and with country partners on its usage. A primary concern of applying SES 6 in any country with ongoing conflicts involving ethnic division is the safety and security of the communities concerned. Local consultations should be carried out on whether the identification of one community may be perceived as carrying negative connotations from other neighbouring groups, though it should be remembered and emphasised that the rights of indigenous peoples (for example as detailed in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) to which Burkina Faso is a signatory) does not ascribe rights above and beyond the rights of other citizens, and may be rather viewed as a different pathway to realising rights enshrined under the Universal Declaration of Human Rights (UDHR) and national rights under the Constitution.

If identification of indigenous peoples is perceived by local experts and partners as a threat to safety and security of communities, wider application of consultation measures detailed within this document may be considered, or considering other measures of application such as vulnerability (this should not however remove all references to the existence of indigenous peoples). It is recommended that any measures are taken in consultation with community members, or at minimum with organisations that represent their interests.

Secondly, in terms in of the application of SES 6 and recognition of indigenous peoples, and the scope for its application. In the case of Burkina Faso, for example, a proportion of Fulani may be practicing nomadic pastoralists, and appear to meet the SES 6 identification criteria, while other members of the same group may be generationally sedentary or urban, and less firmly correspond to some the identification criteria.

However, the state has promoted the Fulani group as indigenous peoples without defining between nomadic and sedentary groups within the population, hence it may be politically easier to adopt a wider than narrower application of SES 6.

A secondary issue, beyond this project's requirements, but perhaps beneficial to future engagements by UNDP, would include further examining Dogon and Bozo, and possibly other groups who may not be affected by this project, but may meet SES 6 in future projects in Burkina Faso.

2.1 Minorities and indigenous peoples/vulnerable groups in Burkina Faso

The Fulani (Fulbe/Mbororo/Wodaabe Peul nomadic pastoralists) and the Tuareg are the main indigenous groups of Burkina Faso but are not recognized as such in laws and policies - Burkina Faso has no specific national laws or policies on indigenous peoples. However, Burkina Faso is a signatory to the UNDRIP and has sent delegations to sessions of UN Permanent Forum on Indigenous Issues (UNPFII). Submissions by the state to the UNPFII identified Tuareg and Fulani (Peul) as indigenous, though noting that all ethnicities are equal and subject to non-discrimination policies and approaches within the ethnically diverse country.

The Peul and the Tuareg often live in geographically isolated, dry and economically marginalised areas. Both groups have been subject to, and in some cases contributed, to violence in recent times, especially attacks by Islamic extremist groups. HRC, ICCR and CERD reports have taken note of the exclusion of nomads from national development and conflicts between herders and farmers. The ICCR indirectly references the Fulani as indigenous peoples and the Committee on Economic, Social and Cultural Rights direct references the "Tuareg, Mbororo and Wodaabe" (the latter two similar or the same group of nomadic pastoralists, also referred to as Fulani).

The International Work Group for Indigenous Affairs (IWGIA) also identifies the Tuareg and "Mbororo Fulani" as indigenous peoples in Burkina Faso. Minority Rights Group International (MRGI) identifies minority groups in

² <https://www.un.org/esa/socdev/unpfii/documents/E.C.19.2010.12%204%20EN.pdf>

Burkina Faso (who may or may not meet the criteria for indigenous peoples) as Dyula, Fulani and related groups, Lobi, Dagiri and related groups, Bwa, Bobo and Gurunsi peoples. It should also be noted that larger groups such as the Mossi also have long cultural links in the country, including cultural attachment to land.

2.1.1 The Peul or Fulani (including Mbororo or Wodaabe)

Many Fulani pastoralists remain nomadic, following seasonal migrations and traveling hundreds of kilometres to neighbouring countries. Across the Sahel, the term 'Mbororo' (sometimes perjorative) generally represents the nomadic pastoralist members of the larger Fulani group, the latter who may also be nomadic, but seemingly more often semi-nomadic or sedentary. In Burkina Faso it appears the terms are somewhat mixed - Fulani most often interchangeable with Peul, but sometimes used to refer to the nomadic groups. Fulbe is a term often used specifically to the nomadic groups, as well as Mbororo and Wodaabe (the latter more regionally than nationally). All of these groups speak the Fula language.

The culture and way of life of nomadic Peul pastoralists remains a subject of discrimination against them, and their basic rights are still being violated both within Burkina Faso and in neighbouring countries. Many Fulbe are displaced by force and subject to fierce competition for resources, and the main problem is their security. A considerable number of nomadic Peul pastoralists have suffered cattle theft, which in recent years has led to the emergence of local self-defence groups known as Koglweogo, intended to help ensure the safety of nomadic pastoralists. At the same time they have also been subject to violence due to intense competition with other ethnic groups for land and resources, including self-defence militia groups of neighbouring ethnic groups, a situation that has ensured acts of violence are committed by both sides. While initially seen as assisting government actions against Islamic militant groups, state control of these self-defence groups has become limited. Additionally, the Fulbe and wider Peul population have been subject to attacks by those extremist religious groups the self-defence groups originally we meant to defend against.

Recommendation: Nomadic Fulani cattle herders (Fulbe/Mbororo) meet SES 6 identification criteria and have been identified as indigenous peoples by the government and should therefore be included in Vulnerable Groups Plan. Other Fulani populations, who may be sedentary agriculturalists or peri-urban, are less certain to meet SES 6 identification criteria, however should likely be included due to lack of government distinction between these Peul populations.

2.1.2 The Tuareg

The Tuareg are a grouping of nomadic pastoralist and trader tribes spread across the Saharan regions of Libya, Algeria, Mali, Mauritania, Niger, and Burkina Faso. Their population in Burkina Faso is likely 350,000-400,000 people, consisting mostly of Burkinabé Tuareg, and some Tuareg migrants. Little has been written about Tuareg involvement in the current security situation within Burkina Faso, in contrast to neighbouring Mali where Tuareg groups (especially those displaced from Libya) played a key role in the conflict, resulting in an estimated 10,000 Tuareg refugees from Mali entering Burkina Faso a decade ago. It appears that Burkinabe Tuareg consider themselves somewhat integrated in Burkina Faso, including some degree of intermarriage with neighbouring ethnic groups, though despite this their access to education and government services remains low due to marginalisation and limited association with the state. They are speakers of the Tamasheq language, though non Burkinabé Tuareg may speak other Tuareg languages such as Tamahaq (more frequently in Libyan and Niger Tuareg) or Tawellemet (spoken in Mali and Niger, including areas bordering Burkina Faso).

Recommendation: The Tuareg are widely identified as indigenous peoples in international fora, have been identified as indigenous peoples by the government and meet SES 6 identification criteria.

2.1.3 The Bozo

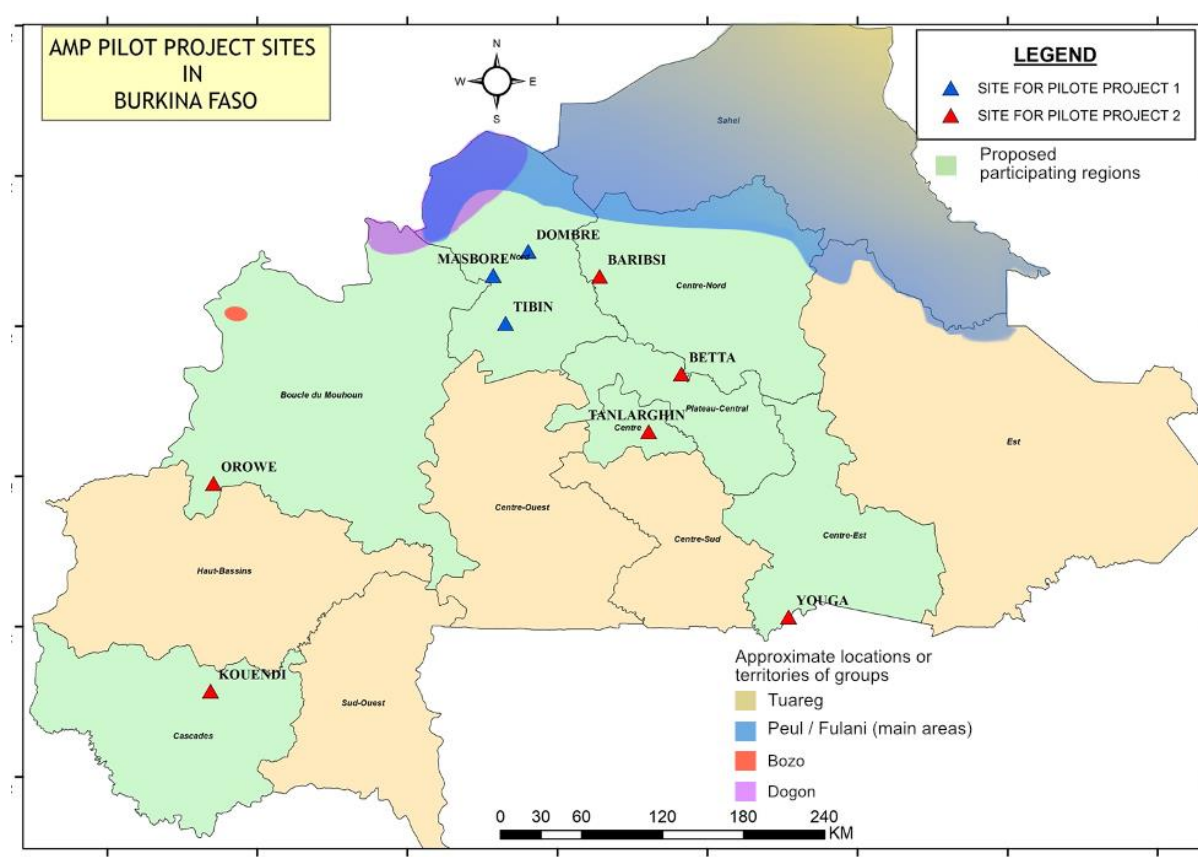
The Bozo are predominantly located along the Niger River in Mali and are famous for their fishing expertise, with traditional livelihoods being centred around semi-nomadic fishing and trading of fish. A smaller population of approximately 4,000 Bozo are found in Burkina Faso. They are predominantly Muslim but preserve some animist traditions, and speak one of four dialects of the Bozo language (of the Mande language family). Unlike the Fulani and Tuareg, the Bozo have not been classified by the state as indigenous peoples, but may meet SES 6 criteria.

Recommendation: The Bozo meet a number SES 6 identification criteria but are not in areas of project implementation. However research and discussion should be carried out by UNDP to understand whether they meet SES 6 identification criteria for future projects.

2.1.4 The Dogon

The Dogon likely migrated into their current territories from south west Mali and north east Guinea between 1,000 and 700 years ago, and are found in Yatenga Province, especially Bangrin and Bobossin districts. They are a larger and more dominant population in Mali, and are principally subsistence agriculturalists but are also known as hunter-gatherers, and have surviving animist beliefs and their own language. They speak one of five or more dialects of the Dogon language, some of which are mutually intelligible and others not. The Dogon are known for their cultural practices and crafts, especially masks, as well as the layout and construction of their villages. The Dogon and Fulani remain in frequent conflict over resources, especially with the emergence of self-defence groups as described above, and the complicated situation around Islamist Militants. Like the Bozo, the Dogon have not been classified by the state as indigenous peoples, but may meet SES 6 criteria.

Recommendation: The Dogon meet a number SES 6 identification criteria and have been referenced as indigenous peoples in some academic research, but are not in areas of project implementation. However research and discussion should be carried out by UNDP to understand whether they meet SES 6 identification criteria for future projects.



A map showing proposed pilot sites, participating regions and ethnic groups mentioned in this plan

2.2 SES 6 Groups Present in the Project Areas and VGPF Application

In the current site selection for the project, the proposed sites of Dombre and Baribsi are situated close to but not within major indigenous peoples territories according to various studies and reports on the Fulani, Tuareg and other populations in Burkina Faso.

However, local sources state that Fulani groups are found much more widely, and Fulani villages are found as far as southern areas of Centre-Nord and Nord Regions³ (though this may refer more to sedentary Fulani groups

³ Issa Diallo (2021), senior research fellow at the National Center for Scientific and Technological Research, personal communications and IWGIA articles (<https://www.iwgia.org/en/burkina-faso.html>)

than the Fulbe and other pastoralists). A variety of news reports on violence in Burkina Faso reference the presence of Fulani pastoralist groups in Yatenga Province within the immediate area of the project site of Dombre.⁴ From this information and due to ongoing conflicts displacement of people in northern Burkina Faso, it is presumed the project has a substantial likelihood of implementation in areas with Fulani populations, but not other populations identified as actually or potentially meeting SES 6 criteria.

As with all nomadic groups, transhumance routes and grazing areas (competition for the latter a source of conflict in Burkina Faso and the region) are of a key importance to such groups, and a focus of the project should be the minimal disturbance of livelihoods, including the avoidance of competition and conflict between ethnic groups for resources as a consequence of land use changes or resettlement.

While the presence of Vulnerable Groups does increase risk in the project, given the relatively small scale of infrastructure development, the expected low operational impact of minigrid systems, and benefits of access to electricity for communities and service provision, the scope for positive impacts is high if community relations are well balanced and risk of conflict affecting infrastructure is low.

⁴ <https://www.aljazeera.com/news/2020/3/9/dozens-killed-in-attacks-on-burkina-faso-villages>

2.3 Summary Application of SES 6 Criteria in Burkina Faso

| SES 6 Criteria / Other indicators | Peul / Fulani (wider group) | Nomadic Peul (Fulbe/ Mbororo / Wodaabe) | Tuareg | Bozo | Dogon |
|---|--|--|--|-----------------------------------|---------------------------------|
| Control, management of and dependence on lands/ territories and natural resources | Limited | Frequently | Frequently | Moderately | Frequently |
| Own human development in a given socio-economic, political and historical context | Frequently | Frequently, including livelihoods | Frequently, including livelihoods | Frequently, including livelihoods | Frequently |
| Maintain distinct group identity, languages, traditional beliefs, customs, laws and institutions | Yes | Yes | Yes | Yes | Yes |
| Distinct language or dialect | Yes, though part of extensive language family | Yes, though part of extensive language family | Yes, though part of extensive language family | Yes | Yes |
| Self-identify as indigenous peoples | Limited | Moderate | Moderate | Limited | Limited |
| Pre-dates those who colonized the lands | N/A | N/A | N/A | N/A | N/A |
| Forest dwellers or hunter-gatherers | No | No | No | Previously/ partially | Previously/ partially |
| Pastoralists or other nomadic | Limited | Frequently | Frequently | Moderately | Moderately |
| Recognition by other institutions | -Mentioned in state report at UNPFII -Highlighted by ACHPR & AfDB as indigenous peoples | -Mentioned in state report at UNPFII -Frequently recognised as IPs in Sahel by UN bodies, NGOs and academia | -Mentioned in state report at UNPFII -Frequently recognised as IPs in Sahel by UN bodies, NGOs and academia -Highlighted by ACHPR & AfDB as indigenous peoples | -Not mentioned in state reports | -Not mentioned in state reports |

Table 1: Summary of application of SES Standard 6 to a selection of relevant groups in Burkina Faso

3 Summary of Substantive Rights and Legal Framework

3.1 Domestic Law and the rights of vulnerable groups (indigenous peoples) in Burkina Faso

The 1991 **Constitution of Burkina Faso** (revised by Law No. 33 2012/AN of 11 June 2012) does not provide any specific reference or protections for indigenous peoples or nomadic peoples. It does however promote the public participation in and protection of the environment. The Constitution also provides the right to petition, for the benefit of communities, against any activity that can harm the environment or cultural and historical heritage (Article 30). The Constitution promotes a monist approach (Article 151), providing that “Treaties or agreements which have been duly ratified or adopted shall upon their publication have a higher authority than the laws, provided that each agreement or treaty is applied by the other party”.

Law No. 034-2002/AN of 14 November 2002, which defines regulations governing pastoralism in Burkina Faso, guarantees pastoralists the right to pastoral land and mobility of livestock, while promoting the sustainable use of natural resources and sharing of resources between stakeholders, though its implementation and relevance to issues experienced in communities is criticised. It states that areas allocated to pastoral activities confer collective rights (real rights) on settled pastoralists. They may be deprived of their rights only in the public interest and subject to fair and prior compensation (Sections 13, 16).

Law No. 055- 2004/AN of 21 December 2004 establishing the general code for territorial authorities in Burkina Faso provides devolved powers to territorial authorities, especially for socio-economic, cultural and service provision activities, and in theory also increased transparency for local communities.

Other Relevant Legislation to nomadic pastoralists include: ⁵

- 2007 Decree no 2007-408 on the usage of water resources for pastoral purposes
- 2007 Decree no 2007-415 on the rights of pastoral usage
- 2007 Decree no 2007-416 on the process for identifying and securing special pastoral development areas and land areas reserved for livestock grazing
- 2000 Joint Decree no. 2000-30 regulating the grazing and transhumance of livestock in Burkina Faso
- 2002 Joint Decree n°2003-22 approving the Specific Specifications of the Tapoa-Boop Pastoral Zone

Decree No. 2006-362 of 20 July 2006 provides national land-use planning policy, including public participation in land use planning and sustainable use of natural resources. **Law No. 034-2012/AN of 2 July 2012**, the **Land and Agrarian Reorganisation Law (RAF)** defines usage and governance of natural resources, including land-use planning guidelines, and allocation and management of rural and urban lands. While protections are provided for community lands, State can expropriate where needed for national use with limited compensation afforded when expropriated for public utilities. Law No. 034-2009 / AN of July 24, 2009 on the Rural Land Regime (RFR) relating to land tenure security in rural areas, in particular customary land rights and local land management procedures. **Section 37 of Law No. 024-2007/AN on protection of the cultural heritage** is relevant where works are carried out on customary land.

Decree No. 2009/672 of 8 July 2009 on the National Gender Policy (PNG) defines the general objective of promoting participatory and equitable development of men and women and realisation of related fundamental rights.

Law No.006-2013/AN Environmental Code of April 02, 2013 is the principal environmental law in Burkina Faso. The principles for environmental and social assessment are set out in **Decree No. 2015-1187 of 22 October 2015**.

The main responsibilities for Vulnerable Groups rights fall under the Ministry for the Promotion of Human Rights, and possibly also the Ministry of Women, National Solidarity, Family and Humanitarian Action.

⁵ Dyer, N (2008). Securing Pastoralism in East and West Africa: Protecting and Promoting Livestock Mobility
Review of the legislative and institutional environment governing livestock mobility in East and West Africa. IIED

3.2 International Law and the rights of vulnerable groups (indigenous peoples) in Burkina Faso

Burkina Faso is party to a number of treaties and processes relevant to indigenous peoples/vulnerable groups and local communities. International conventions relevant to indigenous peoples to which Burkina Faso is a signatory include:

- United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP): Burkina Faso is a signatory and has attended the United Nations Permanent Forum on Indigenous Issues
- African Commission on Human and Peoples' Rights (ACHPR): Burkina Faso is member and reports to the commission. The state report of 2015 answers comments in relation to indigenous peoples, referring to the Fulani and Tuareg.
- 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.
- ICESCR - International Covenant on Economic, Social and Cultural Rights mentioned indigenous peoples in the 2016 Concluding Observations.
- ICCPR - International Covenant on Civil and Political Rights mentioned indigenous peoples in the 2016 Concluding Observations.
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
- CEDAW - Convention on the Elimination of All Forms of Discrimination against Women
- ICERD - International Convention on the Elimination of All Forms of Racial Discrimination
- CRC - Convention on the Rights of the Child

3.3 UNDP SES Standards

The project is implemented under the UNDP Social and Environmental Standards. The Environmental and Social Management Framework (ESMF) and Project Document give a fuller overview of the standards, details of which and guidance can be found on the UNDP website.⁶

The objectives of the SES application across UNDP projects is to:

- Strengthen the quality of programming by ensuring a principled approach;
- Maximize social and environmental opportunities and benefits;
- 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; and
- Ensure full and effective stakeholder engagement, including through a mechanism to respond to complaints from project-affected people.

These are attained through programming principles of: Leave No One Behind; Human Rights; Gender Equality and Women's Empowerment; Sustainability and Resilience; Accountability, and project level principles and standards that are applied as relevant from project to project:

- Principle 1: Human Rights – to ensure the participation, benefit and mitigation of potential negative consequences of all communities targeted within the project activities.

⁶ <https://www.undp.org/accountability/social-and-environmental-responsibility/social-and-environmental-standards>

- 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
- Standard 2: Climate Change and Disaster Risks
- Standard 3: Community Health, Safety and Security
- Standard 4: Cultural Heritage
- Standard 5: Displacement and Resettlement
- Standard 6: Indigenous Peoples
- Standard 7: Labour and Working Conditions
- Standard 8: Pollution Prevention and Resource Efficiency

During the project preparation phase, and updated during implementation, risks are assessed using a Social and Environmental Screening Procedure (SESP) to Identify potential social and environmental risks and their significance; determine the project's risk category (Low, Moderate, Substantial, High); and determine the level of social and environmental assessment and management required to address potential risks and impacts. This project is rated as substantial risk.

Standard 6: Indigenous Peoples seeks to ensure that projects are designed and implemented in a way that fosters full respect for indigenous peoples and their human rights, livelihoods, and cultural uniqueness. The need for the Standard is an acknowledgement of a history of discrimination and exclusion of vulnerable communities or indigenous peoples that has limited or prevented them from directing the course of their own development and well-being.

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)

3.4 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 vulnerable groups or indigenous peoples or other groups in Burkina Faso.

3.5 Project relevance to the recognition of the juridical personality of Indigenous Peoples or Vulnerable Groups

In terms of indigenous peoples, recognition of the juridical personality is the recognition of a group, association or organisation of vulnerable groups or 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 vulnerable groups or indigenous peoples. The Project will observe additional measures as required to address consultations, concerns, complaints and project benefits of vulnerable groups or indigenous peoples who are not represented in existing formal structures at local level.

4. Potential Impacts on Vulnerable Groups

4.1 Potential Positive Impacts

A range of positive impacts are predicted for Vulnerable Groups 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

All risks to community members identified in the SESP apply to vulnerable groups in the project area, and some may have particular relevance over others due to the differing circumstances of vulnerable groups where they are a minority population. New information from additional screening, identification of new risks and changes to the project require a reassessment of risks to vulnerable groups.

The project risks are listed with a description where issues may be of particular relevance to vulnerable groups, whereas other risks apply to all community members as described in the SESP:

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

Where vulnerable groups 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.**

Vulnerable groups 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 vulnerable groups are minorities and are considered by majority groups as having lower social and economic status, a lower level of participation by vulnerable groups may be likely.

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

Where vulnerable groups form minorities, and are considered by majority groups as having lower social and economic status, exclusion, risks and impacts for women from vulnerable groups 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 vulnerable groups.

- **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 vulnerable groups .

- **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 vulnerable groups are viewed as lower social or economic status by neighbouring ethnic groups, women and girls from the vulnerable 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 vulnerable groups, 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.**

The project aims to use state land and the relocation of people is not likely. In the event that any displacement or resettlement cannot be avoided, following a process of free, prior and informed consent, an appropriate resettlement plan and remuneration measures will be undertaken. In addition, the project will not support any activity involves acquisition of land that the vulnerable groups 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 vulnerable groups' lands or territories must be subject to a process of Free, Prior and Informed Consent before those activities begin.⁷

- **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 vulnerable groups, 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.**

Vulnerable groups, 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 working conditions**

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

- **Risk 20: Risk on labour opportunities**

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

- **Risk 21: Risk on pollution and resource efficiency.**

Additional risks related to conflict

In addition to the project risks listed in the SESP, as described in section 2, a small proportion some groups relevant to the VGPF, including nomadic pastoralists, have been involved in violence as victims or perpetrators.

The Fulani have been involved in conflicts over land and resources with other groups in Burkina Faso, especially in northern areas of the country. The presence of "self-defense" groups (including those of the Fulani) in different communities should be assessed during the Environmental and Social Impact Assessment (ESIA), and reflected through mitigation measures in resulting project management plans (ESMP and VGP), and any potential for resource competition or land disputes resulting directly or indirectly from project activities should be assessed and avoided through consultations and planning activities.

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

5.1 Screening

As up-to-date local information on vulnerable groups is limited in the pilot sites (and where any other project activities are implemented in community settings), a screening should be carried out at each site during the ESIA – see the ESMF for further details. The purpose of the screening is to ensure the identification of vulnerable

⁷ **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>

groups /indigenous peoples in target sites, or lack thereof, given the limited information and mixed ethnicities present in much of the country. This will directly inform activities within components 2 and 4 of the project, and present additional information for components 1 and 3.

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 screening provides a basic assessment to identify such groups – the information gathered will be verified with project staff (including the PMU M&E officer), and findings discussed with UNDP regional technical advisors to determine the applicability of SES Standard 6. The PMU should observe guidance in gathering such data directly and through partners, ensuring risks are mitigated in regard to community relations, objectivity, safety and COVID-19.

Initial Screening

In some project sites good quality information about vulnerable groups in the area may already be available, in which case a full screening will be carried out (see below). In other sites, information about vulnerable groups may be insufficient or lacking, or more than one vulnerable group may be present in the project site. In these cases an initial screening should be carried out by project staff or through partners to verify the presence or absence of groups meeting SES 6 criteria and supplement information available in the SESP.

An example of a screening questionnaire that can be adapted for project staff, local government or civil society use and distributed remotely (via email, Whatsapp, etc.) is included as Annex 2, to assist in identifying groups that may potentially meet SES 6 criteria. The questionnaire can quickly gather information from people familiar with the project site and its communities that can be used to assess the relevance of SES 6 application. Where this or similar short screening questionnaires are used, the PMU should not rely on information from a single source only. Two or more institutions with detailed local knowledge should be contacted and may include, for example, local government officials, civil society organisations, community leaders, academic experts or civil servants familiar with the area of the project site.

Answers to the questionnaires will be shared with the UNDP CT and Regional Expert, to assess whether SES 6 will be applied to a given project site, and to further inform SESP and project design processes where relevant.

Full Screening

In project sites where groups meeting SES 6 criteria are already known to reside, or, in cases where initial screenings indicate the presence of groups meeting SES 6 criteria, full screenings will need to be made. This full screening will be in greater depth in order to gather data necessary to make informed consultation, inclusion, mitigation and management plans based upon the positive and negative possible impacts of the project on those vulnerable groups. Screenings will 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 and particularly 3.2), and will require participation of vulnerable communities to complete. The full screening will directly inform and should be coordinated with the ESIA process, as well informing any FPIC requirements, ESMP and IPP. The results will update the SESP.

Verification

Before and during project implementation, the updated SESP Checklist will be used to help ensure that all risks and impacts on vulnerable communities are being adequately addressed (e.g. as identified in the ESIA) and resulting management requirements are in place. Where this is not the case UNDP should suspend support for those activities affecting vulnerable communities.

5.2 Consultations with Vulnerable Groups

If vulnerable groups are identified within the project area through the screening procedure the ESIA and/or targeted assessment (and, ultimately, ESMP/VGP) 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.

5.3 Mitigation and Management Measures

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

- 1 The site-level ESIA screening and/or targeted assessment processes 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 Vulnerable Groups 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 VGP, 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 VGP.

- 2 The PMU will ensure key project stakeholders, principally representatives of ABER, 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 well as components 2 and 4 in community settings.
- 3 Where project activities may result in upstream effects, with particular relevance to policy, planning and investment 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.
- 4 The PMU will ensure that Vulnerable Groups 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. These may include for example:
 - Ministry for the Promotion of Human Rights
 - Ministry of Women, Social Action and National Solidarity
 - Ministère de la femme, de la solidarité nationale
 - UNHCR (UN High Commissioner for Refugees)
 - International Committee of the Red Cross (ICRC)
 - Burkinabe Movement for Human and Peoples' Rights
 - Burkina Faso Movement for the Emergence of Social Justice (MBEJUS)
 - Inter-African Union of Human Rights (UIDH)
 - Women in Law and Development in Africa (WILDAF)-Burkina Faso office
 - Plateforme d'Actions à la Sécurisation des Ménages Pastoraux
- 5 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.
- 6 Vulnerable Groups will have equitable access to opportunities, such as employment within project activities, and benefits of electrification.
- 7 The Grievance Redress Mechanism (GRM) will contain additional measures to ensure maximum community accessibility, 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 VGP/VGPFs, 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 Vulnerable Groups during Project planning and activities (listed 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.⁸ The Vulnerable 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/VGP preparation

| Project Outputs | Requirement(s) |
|--|---|
| <u>Project Component 1 (PC1): Policy and Regulation</u> | |
| 1.1. Multi-Stakeholders Platform Operationalized 1.5. Capacity building of the regulator ARSE to fully play its role (tariffs, etc.) vis-à-vis texts emanating from the Energy Law 1.9. Support provided to establish waste management policies and plans to ensure mini-grid hardware and batteries are properly handled at end-of-life | Sensitisation for key stakeholders on vulnerable communities and their inclusion in project benefits, including requirements of SES Standard 6. Upstream issues will be included in a SESA as appropriate. |
| <u>Project Component 2 (PC2): Project and Business Model Innovation with Private Sector Engagement</u> | |
| Output 2.1: Pilots developed, including on productive use/innovative appliances and modular hardware/system design, leading to cost-reduction in mini-grids | Consultation if implemented in local sites with Vulnerable Groups. FPIC, if triggered by project activities, as per Standard 6 requirements.. |

⁸ <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 Component 3 (PC3): Scaled up Financing | |
|--|---|
| 3.1 Domestic financial sector capacity-building on business and financing models for minigrids | <p>Sensitisation for key stakeholders on vulnerable communities and their inclusion in project benefits, including requirements of SES Standard 6.</p> <p>Upstream issues will be inclusion in SESA as appropriate.</p> |
| Project Component 4 (PC4): Data, Knowledge Management and Monitoring and Evaluation | |
| All outputs | <p>Participatory project monitoring for activities affecting Vulnerable Groups, as per Standard 6 requirements.</p> <p>Monitoring of IPP and other relevant mitigation/management plans, review of complaints, corrective actions and disclosure, as per Standard 6 requirements.</p> |

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

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 Vulnerable Groups, guided by this Vulnerable Groups Planning Framework, the project will develop an Vulnerable Groups Plan (VGP) that will detail the agreements with the Vulnerable Groups 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. Vulnerable Groups 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

Where possible, if appropriate vulnerable peoples' organisations exist, capacity support will be given to social, legal, technical capabilities of those organisations in and around the project sites (or national organisations that operate in those areas) to enable them to better represent the affected vulnerable peoples more effectively.

The inclusion of NGOs that have experience of working with these communities in consultation or advisory roles may also require additional capacity support to carry out activities. Vulnerable peoples should be consulted in decisions to involve organisations to represent or work with them.

Capacity support to government should minimally involve sensitisation of key staff on vulnerable peoples' issues in Burkina Faso, a brief overview of regional and international concepts of indigenous peoples rights and Burkina Faso's engagement with these, and SES Standard 6 requirements. Further capacity support in government may warranted.

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

9 Grievance Redress

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 indigenous people, who are often marginalised. As at least one of the proposed project sites will be in an area where Vulnerable 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 (ABER) 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 Vulnerable 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 have established options in Burkina Faso. These include the National Commission of Human Rights (Commission Nationale des Droits Humains du Burkina Faso), which promotes and protects human rights of all citizens. The office can be reached at:

Commission Nationale des Droits Humains du Burkina Faso (CNDH)

Postal address: BP 526 Ouagadougou 01

Telephone: 00 226 257355

Email: frbado@yahoo.fr

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 VGP, ESIA and ESMP will take into account the needs and concerns of Vulnerable Groups involved in project activities around minigrad sites, with direct consultations within the VGP and ESIA processes. Monitoring activities will involve the participation of Vulnerable Groups, where defined within the VGP 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 Vulnerable Groups.

Capacity support for implementation of the Vulnerable Groups Plan

The VGP 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 VGP. Where capacity may be limited, the VGP will include additional actions to increase capacity in the short- or long-term to the same ends.

At minimum, the VGP will provide:

- i. A description of Project activities aimed at increasing capacity and/or sensitisation within the implementing partner, government and/or the affected Vulnerable Groups, and facilitating exchanges, awareness, and cooperation between the two.
- ii. Where appropriate, a description of measures to support social, legal, technical capabilities of vulnerable groups or indigenous peoples' organizations in the project area to enable them to better represent the affected Vulnerable 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 Vulnerable Groups.

The VGP preparation will include consultations carried out by an expert familiar with the Fulani and any other communities in question, and must be approved before any activities commence that include vulnerable groups.

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 Vulnerable Groups concerned will jointly monitor Project implementation (Standard 6: 6.15). The VGP will define the methods of information disclosure from the Project to Vulnerable Groups, taking into account appropriate language, mechanisms and format, and allowing for the participation of Vulnerable 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 Vulnerable Groups' specialists for certain activities. This requirement should be defined after community consultations related to the ESIA and VGP formulation.

In order to ensure participation of Vulnerable Groups in the monitoring process, the VGP should detail, at a minimum:

- the manner in which Vulnerable 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 Vulnerable Groups.

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

VGP 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 Vulnerable Groups specialists, or ad hoc consultations and consent with Vulnerable Groups should the need arise. Any changes should reflect the needs, concerns and benefits to Vulnerable Groups, and be agreed by the PMU, UNDP and ABER.

12 Budget and Financing

The costs below are only related to the preparation of the VGP. This may be carried out under the ESMP preparation activities, as a sub-contract or a standalone contract. The PIU's M&E officer will work with a subject matter specialist to produce the VGP for the minigrid activities in question.

In all cases the PMU and specifically the SESO will ensure a coordinated approach to ESMP and VGP development. Implementation costs of the VGP 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 VGP 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 VGP Preparation including FPIC

| Item | Budget Cost (USD) |
|---|-------------------|
| National consultant support: IP subject matter specialist | \$10,920 |

| Item | Budget Cost (USD) |
|--|-------------------|
| (VGP preparation support 22 days, plus 4 days for additional inputs for within project duration for IP specialist) | |
| National travel expense for consultations (transport and accommodation) and FPIC (if required) | \$1,800 |
| Print production expenses | \$500 |
| Dissemination of materials costs to Vulnerable Groups | \$300 |
| Total: | \$13,520 |

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

12 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.

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

| | | | |
|--------------------|--|----------------|--|
| District: | | Date returned: | |
| Contact person: | | Date sent: | |
| Contact telephone: | | Contact email: | |

This questionnaire related to an upcoming project supporting electrification, to be implemented by the Burkina Faso Rural Electrification Agency (ABER), financed by the Global Environment Facility, and implemented by the UNDP.

This project may include pilot sites for minigrid development. The information you provides will assist with the planning and implementation of components within the project. The aim of gathering this information is to ensure all people are included in project benefits, and community relations are understood and respected within project activities.

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)_____.

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.

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

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

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| 3. Within your district 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. |
| |

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| 4. Are there groups within your district 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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