

MARK GOLDSMITH
Chairperson
The Inspection Panel

February 16, 2024

IPN REQUEST 24/01

**MEMORANDUM TO THE EXECUTIVE DIRECTORS AND ALTERNATES
INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT**

**Inspection Panel Notice of Non-Registration
on a
Request for Inspection
Republic of India: India Ecosystem Services Improvement Project (P133803)**

Summary

1. In accordance with paragraph 18 of the Resolution of the Inspection Panel (the “Panel”)¹, I hereby inform you that on February 1, 2024, the Panel received a Request for Inspection (the “Request”) related to the India Ecosystem Services Improvement Project (P133803) (ESIP or the “Project”).
2. The Request was submitted to the Panel by two individuals from a non-governmental organization in India working on the rights of Scheduled Tribes and women. The Requesters asked the Panel to keep their identities confidential. The Request alleges that the Project has led to the deterioration of women’s access to community forests, denial of their constitutional and cultural rights to access the forest resources, and this has led to negative impacts on women’s livelihoods and incomes. They add that the Project has resulted in serious lapses in accountability and compliance with national law and has fallen short of fulfilling restoration of biodiversity and livelihoods of Indigenous Peoples. Furthermore, it adds that the Project has no functional grievance redress mechanism for the Project-affected communities. The Request alleges that several constitutional violations, and conceptual and methodological flaws in the implementation of the Project occurred in six villages of Bhaura range², Madhya Pradesh. It also alleges that the Project, rather than bringing development or ecological restoration to women, has negatively impacted their rights and livelihoods.
3. The Panel acknowledges the seriousness of the concerns raised in the Request. The Panel’s initial due diligence concluded that the Request did not meet all the necessary criteria for admissibility, as the Panel noted that the Project was closed at the time the Request was received by the Panel.

The Project

4. The Project was approved by the Board on July 6, 2017, for a total cost of US\$ 24.64 million, through a Global Environmental Facility (GEF) grant financing. The closing date of the Project was

¹ The World Bank Inspection Panel, [Resolution No. IBRD 2020-0004, September 8, 2020](#) (the “Resolution”).

² A forest range is a term used to define administrative regions containing resource-managed forests usually demarcated and protected.

July 30, 2023. It is an Environmental Category B project that triggered the safeguard policies on Environmental Assessment (OP/BP 4.01), Natural Habitats (OP/BP 4.04), Indigenous Peoples (OP/BP 4.10) and Forests (OP/BP 4.36).

5. The Project Development Objective was to improve forest quality, land management and non-timber forest products (NTFP) benefits for forest dependent communities in selected landscapes in Madhya Pradesh and Chhattisgarh.³ The Project has four components.

- Component 1 enhances the capacity and skills of the State Forest Departments, the Forest Development Agencies, and local communities for improving management of forest and land resources and ensuring the delivery of sustainable benefits to local communities that depend on these resources.⁴
- Component 2 improves the quality and productivity of the existing forests so as to ensure sustained flows of ecosystem services and carbon sequestration, and to ensure the sustainable harvesting and value addition of NTFP to provide economic benefits to forest dependent communities that promote conservation and improve ecological connectivity between critical biodiversity areas.⁵
- Component 3 prevents land degradation and desertification and increases above-ground forest carbon stock through a combination of activities to implement and scaleup tried-and-tested Sustainable Land and Ecosystem Management (SLEM) best practices, to increase national capacity for monitoring land degradation, and to track associated indicators and generate knowledge exchange on SLEM approaches.⁶
- Component 4 establishes a Project Management Unit to coordinate and monitor project implementation and progress towards the envisaged development objective.

The Request

6. The Request contended that the Project was implemented in areas predominantly inhabited by communities from Scheduled Tribes. The Request alleged that the Project proceeded without obtaining the consent of these communities, without confirming the ownership and occupation of the land, and without ensuring appropriate rehabilitation and resettlement measures. It claimed that the communities were excluded from the consultation processes conducted by the forest department. It also claimed that communities were not informed about the consultation meetings, or were given notice too late, and only a select few were invited to participate. The Request alleged that no information regarding the Project was shared with the communities or the *Gram Sabhas*⁷, which are the constitutional authorities as per India's Panchayats Extension to Scheduled Areas⁸ Act, 1980 (PESA). According to the Request, the PESA Act requires Free, Prior and Informed Consent (FPIC)

³ Project Appraisal Document (PAD), p. 7, para. 21. India - Ecosystem Services Improvement Project (English). Washington, D.C.: World Bank Group. Available at: <http://documents.worldbank.org/curated/en/687551499565843778/India-Ecosystem-Services-Improvement-Project> [Accessed February 15, 2024].

⁴ PAD, pp. 7 and 8, para. 22.

⁵ PAD, p. 8, para. 23.

⁶ PAD, pp. 8 and 9, para 26.

⁷ *Gram Sabha* is community decision meeting at habitation level where all adult members of the village attend.

⁸ Scheduled Areas in India refer to officially notified areas marked by significant presence of tribal population, geographic compactness, and social and economic underdevelopment.

as outlined in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and International Labour Organization Convention No. 169. The Request added that some community members, specifically women from the Scheduled Tribes, had no access to project information. It also added that the few women who attempted to participate felt intimidated because the meetings were held in male-dominated, non-tribal areas of the villages and were not conducted in the local tribal language.

7. The Request claimed that 1101 hectares of forest land was fenced for plantation activities under the ESIP without proper consultation with the local communities. It added that local communities depend on the forest land for cultivation (both individual and community), firewood, cattle grazing and NTFP collection for their sustenance and livelihoods. It alleged that the loss of cattle grazing sites has seriously impacted the food security and income generation capacity from dairy and dairy products for women and that each of the six villages lost about 70 percent of their livestock (a household that originally owned 10-15 cattle, owns only 3-4 cattle made up of cows, buffalos, or goats). The Requesters claimed that because of the restrictions to access to grazing land, the cattle either died, were sold or set free. The Request further stated that these restrictions led to inter-village disputes over grazing land. The Request alleged that in one of the six villages, women were deprived of access to forest resources impacting their livelihoods and food security.

8. The Request alleged that the women lost their spiritual and cultural rights, having lost access to forests. The Request stated that these forests are home to sacred groves, which are of significant, cultural, spiritual, and user value to the local communities and their belief systems.

9. The Request added that the Project's provisions to improve the livelihoods of community members are inadequate, unsustainable and fall short of meeting any economic needs of the women or the "*pre-existing livelihoods enjoyed by women vis-à-vis forest produce, agriculture, cattle rearing, and firewood collection for cooking*". The Request further added that the provision of Mahua nets,⁹ fish seeds, tailoring workshops for women who could not afford to purchase sewing machines, "*is very inadequate and unsustainable and falls far short of meeting any economic needs of women.*" The Request alleged that this is a direct negative impact to addressing any of the Sustainable Development Goals relating to gender, food security and in reducing hunger or poverty.

10. The Request argued that the World Bank requires that projects which fall under their Indigenous Peoples or involuntary resettlement policy are classified as Category A. Despite this requirement, the Project was classified as a Category B project. The Request added that the ESIP Project's justification in terms of site selection, species selection and in other aspects, is very ad hoc and does not correlate with the biodiversity losses or needs of local communities. It added that public disclosure of environment assessment documents is a mandatory requirement, however, the environment assessment was not posted on the websites of GEF or the World Bank.

11. The Request alleged that the Bank did not ensure that a functioning grievance redress mechanism exist under the Project. The Request also alleged that there was no access to any grievance redress mechanism for local communities under the Project. It added that there is no structure or report in the public domain that provides the list of complaints the Project received, and action taken to address them.

⁹ Mahua nets are used to collect Mahua flowers. Mahua flowers are edible and are used for medicinal purposes.

12. The Request alleged non-compliance with the World Bank's operational policies and procedures (OP/BP) concerning Environmental Assessment (OP/BP 4.01), Indigenous Peoples (OP/BP 4.10), and Gender and Development (OP/BP 4.20).

Panel's Observation and Determination

13. After receiving the Request and in accordance with its Operating Procedures, the Panel conducted its due diligence by reviewing the information contained in the Request and Project documents, as well as by speaking with the Requesters on February 14, 2024. The Panel verified that the Request is not frivolous, absurd, or anonymous, and was submitted by two individuals who work on the rights of Scheduled Tribes and women in the Project area. The Panel reviewed correspondence from the Requesters to the Bank's Project staff dated June 7, 2023.

14. The Panel noted that the subject matter of the Request does not concern issues of procurement and, at the time of receipt of the Request, the Project was less than 95 percent disbursed. The Panel has not previously made a recommendation on the issues raised in this Request. However, the Panel notes that the Project closed on July 30, 2023, which is six months before the submission of the Request.

15. While acknowledging the seriousness of the concerns raised in the Request, the Panel noted that the Project was closed at the time it was received. According to the Panel's Resolution,¹⁰ the Panel shall not hear Requests filed after the project's closing date for projects approved before September 8, 2020. Therefore, in light of the foregoing, in accordance with the Panel Resolution and its Operating Procedures, and after reviewing the information gathered through its own due diligence, I am informing you that the Panel is not registering this Request for Inspection.

Yours sincerely,



Mark Goldsmith

Attachment

Copy to:

Mr. Ajay Banga, President, International Bank for Reconstruction and Development
Mr. Carlos Manuel Rodríguez, Chief Executive Officer, Global Environment Facility
Requesters (confidential)

¹⁰ The Resolution, para. 15 (c)(i) and footnote 2. In considering Requests, "the following requests shall not be heard by the Panel: [...] (c) Requests filed: (i) with respect to any project approved by the Executive Directors before the date of this Resolution, after the Closing Date of the loan financing the project or after the loan financing the project has been substantially disbursed." "This will be deemed to be the case when at least ninety five percent of the loan proceeds have been disbursed."