

## World Bank Safeguard Policies Review and Update

### Dialogue with Indigenous Peoples

October 2013- March 2014

#### SUMMARY

#### 1. Objectives

The dialogue with Indigenous Peoples is a dedicated global series of meetings for Indigenous Peoples which supports the process of World Bank's safeguard policies review and update. In this dialogue, the Bank aims to seek Indigenous Peoples' views and insights not only on how the Bank can improve the effectiveness and efficiency of the safeguard policies, but also on how the Bank can strategically address broader development issues of interest to Indigenous Peoples.

#### 2. The meetings

The meetings were held from October 2013 to March 2014 at the locations listed below. These locations were selected by the World Bank, taking into consideration a balanced representation of range of countries and regions, presence of Indigenous Peoples and the Bank's operational relevance. Indigenous Peoples representatives were invited to the dialogue in close coordination with regional and national Indigenous Peoples communities. In total, approximately 240 representatives of Indigenous Peoples participated in the dialogue.

- National dialogue with **Russian Indigenous Peoples**, Moscow, Russia, October 3-4, 2013
- National dialogue with **Philippine Indigenous Peoples**, Manila, Philippines, November 5, 2013
- Regional dialogue with **Southeast Asian Indigenous Peoples**, Manila, Philippines, November 6-7, 2013
- National dialogue with **Chinese Ethnic Minorities**, Beijing, China, November 12-13, 2013
- Regional dialogue with **African Indigenous Peoples**, Cape Town, South Africa, December 4-6, 2013
- Regional dialogue with **Latin American Indigenous Peoples**, Guna Yala, Panama, January 30-31, 2014
- National dialogue with **Nepali Indigenous Peoples**, Kathmandu, Nepal, March 20-21, 2014

### 3. Key messages

The following is a synthesis of key comments, observations and recommendations made by Indigenous Peoples representatives during the dialogue.

#### 1) Vision and Aspirations for Development

- a) The vision and aspirations expressed by Indigenous Peoples include:
  - The holistic concept of '**good living**' (*buen vivir*), '**culture of sharing**' and **spiritual values** need to be understood and incorporated in the development;
  - Self-determination, identity, dignity and human rights** of Indigenous Peoples must be respected;
  - **Ownership and customary rights to lands, territories and natural resources** must be recognized; and
  - **Indigenous traditional knowledge** should be promoted to their benefit.
- b) National Context and Relations with the Government:
  - The national context varies regionally. Some representatives mentioned the importance of **working with the governments** to allow indigenous communities access to World Bank resources.
  - Other representatives emphasized the need to **participate in state mechanism and policy making** to address their concerns.
  - A gap between national legislation and the country's international obligations** on Indigenous Peoples' rights, **the lack of enforcement of national laws, the weak capacity of relevant government agency** and other **governance issues** are common concerns.

#### 2) The Bank's Role and Assistance

- a) **World Bank as facilitator:** The World Bank has facilitated dialogue between governments and Indigenous Peoples at the regional and national levels. Furthermore, the Bank should not be just an actor, but **act as a catalyst** so that governments take more responsibility for international obligations.
- b) **Participation in the Bank's programs and projects:** The Bank should promote more effective mechanisms for the participation of Indigenous Peoples in the Bank's national or regional programs that may affect them. Representatives also see the need for **a more meaningful role in the Bank's strategic planning process** with governments. **Engaging Indigenous Peoples in project preparation and all key stages** is vital to ensure project sustainability.
- c) **Technical and financial assistance:**
  - Capacity building** of Indigenous Peoples institutions and relevant government agencies should be promoted for better project implementation.
  - Consideration should be given to set up a **trust fund for Indigenous Peoples** in which funds are directly channeled to Indigenous Peoples.
  - The Bank should also enhance support **community rural development** and **livelihood opportunities** for Indigenous Peoples.
- d) **Carbon finance operations** should be responsive to the specific circumstances of Indigenous Peoples. **Forest Carbon Partnership Facility (FCPF)** should be more effectively implemented in collaboration with UN-REDD program.
- e) **Dialogue with the Bank:** The Bank should facilitate opportunities for Indigenous Peoples to voice their concerns directly to the **Board of Directors and Senior Management**. The Bank should **enhance the capacity of the country office** for better project implementation and communication with Indigenous Peoples. On a possible World Bank's **Indigenous Peoples advisory council**, the Bank should consult with Indigenous Peoples on the details, such as the selection process, roles and functions, financial resources and access to information.

3) Implementation of the Bank's Operational Policy on Indigenous Peoples (OP4.10)

- a) **A distinct policy for Indigenous Peoples** should be maintained. The policy is a valuable entry point for Indigenous Peoples to have their voice heard and helps enforce their rights and foster dialogues with the government. It also **serves as a model for national legislations**. However, it shows **weakness in project implementation. Lack of capacity** of the Bank's Country Office, the Borrower and Indigenous Peoples communities to implement the policy must be addressed. **Clarity of the policy** needs to be enhanced.
- b) The participants stressed the importance of **the legal recognition of their rights over the lands, territories and natural resources** they have traditionally occupied or used. **Collective land ownership** and **tenure security** must be promoted in the policy. Indigenous Peoples' **traditional knowledge** should be respected and promoted to their benefit. Funding the development of **protected areas** should avoid involuntary restrictions to Indigenous Peoples' access to resources.
- c) African participants gave overwhelming priority to the issue of **pastoralism** and requested that the Bank specifically recognize pastoralist groups as Indigenous Peoples in the policy.
- d) Lack of capacity to undertake **social assessment** should be addressed and participation of Indigenous Peoples in the assessment needs to be promoted. The Bank should ensure that **effective, inclusive and ongoing consultations** are conducted with affected Indigenous Peoples communities at all stages of project identification, design, implementation and evaluation in languages understandable to the Indigenous communities. **Access to Bank information** in general, and project information in particular, should be strengthened. There are no indicators to measure **broad community support** and difficult to document it.
- e) **Involve Indigenous Peoples communities in the monitoring and evaluation process**. The Bank should prepare a manual for this purpose and identify **monitoring indicators**. Responsive, accessible and transparent **grievance redress mechanism** must be systematically incorporated into Bank operations.
- f) Strengthen the concept of **benefit sharing** with Indigenous Peoples in the policy. The Bank must establish mechanisms to ensure **restitution or compensation** for Indigenous Peoples when they have been negatively affected by Bank-financed projects.
- g) Include **gender aspect** as a cross cutting agenda. **Indigenous youth** should be also included in the development process.

4) Specific Issues Recommended for Consideration in the Safeguard Policies Review

- a) Adopt **Free, Prior and Informed Consent (FPIC)**, replacing Free, Prior and Informed Consultation and Broad Community Support in the current OP4.10. **The mechanism and process of FPIC** should be established to help operationalize FPIC. **Best practices, indicators and guidelines** are necessary.
- b) Harmonize with the **UN Declaration on the Rights of Indigenous Peoples (UNDRIP)**. The Bank should raise awareness of UNDRIP from the management level down to lower level staff.
- c) Explicitly address **human rights** issues and ensure that they are reflected in the policy.
- d) Refrain from supporting projects that would lead to **forced eviction** of Indigenous Peoples.
- e) While maintaining a global Indigenous Peoples Policy, **flexible application of the policy** should be allowed at the country level, including the use of an alternative terminology.
- f) Address the needs of **other marginalized groups**, which include Dalits in Casteism.

## 4. Summary of Indigenous Peoples feedback

The matrix below presents a more detailed summary of the feedback from Indigenous Peoples representatives, categorized in key issues. Further details can be found in the individual summary of each dialogue on the World Bank website.

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## 1. Vision and Aspirations for Development

### 1-1. Vision and Aspirations for Development

#### LATIN AMERICA

- **Integration of the concept of ‘good living’:** The participants emphasized that it is necessary to drive the tone and objectives of the Indigenous Peoples Policy (OP 4.10) away from a western concept of development (based on capital accumulation and prioritizing economic development), to the holistic concept of ‘good living’ (buen vivir). Such concept encompasses economic, political, cultural, and spiritual well-being, and is rooted in a harmonious and reciprocal relationship with the natural environment. It can be also summarized as ‘plentiful living’ (vida plena).

#### AFRICA

- As part of their vision for sustainable development in Africa, participants “expressed aspiration for all African countries to recognize Indigenous Peoples, adopt human rights approach, and give a human face to development.” Indigenous Peoples wish to be self-determined, self-realized, and united in promoting development options that are aligned with their values and ways of life. The following characteristics were highlighted by participants as foundational to their vision for achieving sustainable development in Africa:
  - **Environmentally sustainable; mindful of next generations and collective rights:** Participants underscored Indigenous Peoples’ deep and intrinsic connection to land and natural resources.
  - **Self-driven** – Participants deplored that most development projects are selected and designed without IP input. They called for more self-driven projects which would allow them to develop on their own terms and implement their vision of sustainable development.
  - **Culturally sensitive and inclusive:** Participants called for an approach to development that is more aware and sensitive to Indigenous Peoples’ cultural distinctions. Governments should recognize that assimilation is a real problem leading to loss of Indigenous Peoples’ identity and community. To be sustainable, development should not be at the cost of social cohesion but rather should aim for more collective involvement, particularly of elders, women, youth.
  - **Human rights approach:** Participants advocated for a rights-based approach to development. They raised concerns about poor governance practices which either lead to ad-hoc consultations of Indigenous Peoples without proper representation or invalidate the FPIC process (e.g., cases where consent may have been coerced).

#### SOUTHEAST ASIA (Indonesia)

- **Sovereignty:** in the sense of promoting Indigenous Peoples’ self-determination as the way to attain overarching goals. In championing their goals, they have agreed to refuse any interventions from outsiders

in their self-determination, especially in the decision making process.

- **Dignity:** Indigenous Peoples' commitment that their dignity, which is part of their cultural identity, should be strongly upheld together with all their fundamental human rights. This gives them pride in their cultural identity when interacting with other communities.
- **Prosperity:** self-determinations as a key to supporting multi-faceted prosperity, and to lessen dependence
- Indigenous Peoples' common "culture of sharing" should be applied to all resources rather than the "culture of individual ownership."
- Equity should be promoted, including affirmative action for most marginalized people (women, single parents, elderly, orphans, disabled, etc.).
- A collective obligation to use lands and natural resources for the equal benefit of different communities should be promoted, e.g., the practice of Indigenous Peoples in Moluccas, Iban, etc.
- Culture-based participatory land use mapping should be promoted. Also, culture-based spatial planning for economic, political, social and cultural development should be promoted.

#### **SOUTHEAST ASIA (Vietnam)**

- **Ownership of land and forests (land)** (allocating to Indigenous Peoples the land and forestry land which they inhabit).
- Special priority for social development policies such as education, health care, transportation, etc. and enhancement of social security policies.
- Respect for and promotion of traditional custom and practice, and cultural identity of Indigenous Peoples.

#### **SOUTHEAST ASIA(Lao PDR)**

- **Official recognition of Indigenous Peoples' rights.**
- **Full and effective participation in decision making on issues related to Indigenous Peoples.**
- **Respect for Indigenous Peoples' knowledge and their autonomy.**
- Transfer of knowledge to young Indigenous Peoples (capacity building, network of Indigenous Peoples).
- Indigenous Peoples in government staff positions at policy level (education plus National Assembly).
- Mainstreaming of Indigenous Peoples' vision and needs in government policy, for example village, district and provincial level on economic, political, social-cultural environment.
- Sharing of good practices of Indigenous Peoples and widely scaling up to other communities.
- Work with government, donors (World Bank, Asian Development Bank, etc.), CSOs, and private sector.
- Access to information in their own language in order to help Indigenous Peoples get involved in the development process.

### **SOUTHEAST ASIA (Cambodia)**

- **Human rights of Indigenous Peoples** (Customary Land Titles (CLTs), culture, identity) should be respected.
- **Perspective of Indigenous Peoples on land and forest (spiritual forest) should be understood and respected.**
- Support Indigenous Peoples land registration (CLTs).
- Community-based forest management more extensively implemented.
- Customary practice of Indigenous Peoples should be respected (e.g., elder system structure).
- Planning should be done together with Indigenous Peoples regarding development in their areas.

### **PHILIPPINES**

- **All tribes (inclusive) at all levels, participants in development, not as recipients only.**
- **Indigenous Peoples should be regarded as solution**, not as problem, in pursuing self-determined development (sustainable communities/ecosystems).
- **Strengthening of customary laws** and self-reliance of communities and support of good practices.
  - Documentation of customary laws (customary governance and legal system).
  - Documentation of customary laws of different tribes. These laws represent our local constitution, our ‘bible’.
  - Customary laws are part of IKSP (Indigenous Knowledge System and Practices) and should be protected and properly documented.
- Literacy rate increased to 90%.
- Discrimination/social injustice towards Indigenous Peoples fully eliminated.
- Registration of Indigenous Peoples without birth certificates.
- Indigenous Peoples leaders fully protected.
- Genuine recognition of ancestral land rights. Unawarded Certificates of Ancestral Domain Titles (CADT)/Certificates of Ancestral Land Titles (CALTs) granted/released. Development on CADTs must be concrete and sustainable. Programs should focus on CADTs (focused intervention in ancestral domain).
- Sustainable development of ancestral domain—Indigenous Peoples can’t do it alone. This is a good opportunity to ask support from World Bank.
- Indigenous Peoples provided with livelihoods at sustainable level.
- Priority given to Indigenous Peoples’ education, provision of **basic social services** and protection of environment.
- Indigenous Peoples should be key participants in the Indigenous Peoples project itself. They should not only be engaged as guides for enumerators, but could themselves be project enumerators.

- There is still no official data on Indigenous Peoples from the National Statistics Office (NSO) (no Indigenous Peoples data in NSO documents). Such information and data would be useful for community planning.

#### NEPAL

- The vision and aspirations expressed by Indigenous Peoples in Nepal include: ***Self-determination, identity and dignity of Indigenous Peoples should be respected; ownership and customary rights to lands, territories and traditional knowledge should be recognized.*** Ethnic diversity should be regarded as an opportunity, rather than a challenge.
- Indigenous Peoples are presumed to be poor or under-developed at the outset. In reality, they are ***marginalized through disadvantages in education and language and lack of recognition of their lands and traditional knowledge.*** For example, many natural protected areas were established by the government in the 1970s on Indigenous Peoples' territories.
- Mainstream development views trees as a commodity, whereas Indigenous Peoples see them as spiritual. There is a big difference in the understanding of development. The Bank should consider Indigenous Peoples' ***spiritual values*** as a contributor to sustainable development. The Bank should consider intangible assets, not only tangible ones. Global institutions, including the World Bank and the Asian Development Bank, often objectify Indigenous Peoples. This is a misinterpretation of who Indigenous Peoples are.
- Indigenous Peoples are excluded not only from economic development, but also from formulation of development plans. ***Recognition of Indigenous Peoples as a legal entity*** is key to economic growth of indigenous communities. It should be acknowledged that Indigenous Peoples are rights holders, rather than stakeholders.
- Nepal is in a state building process. A root cause of Nepal's internal conflict in the past is that Indigenous Peoples were ignored. Involving Indigenous Peoples' institutions in the process should be considered as a lesson learned for the Bank.
- Elites in ***Casteism*** capture local resources, hampering participation of Indigenous Peoples and Dalits in economic development. Community perception based on Casteism affects participation of Indigenous Peoples and other marginalized groups in project development and outcomes. Participation of Indigenous Peoples from the start of planning, including engineering design, is important.
- Not just equality but equity is important. ***Affirmative action*** is needed.
- For Terai Madhesh:
  - the government must allocate the annual budget of 51 percent for the people of Madhesh proportionate to its population.
  - the people below the poverty line must be identified in all 75 district of Nepal.
  - vocational education through polytechnic institutes should be provided to people whose income is

below the poverty line.

- general awareness should be raised through mass communication; redundant laws should be amended in favor of Indigenous Peoples.
- the government and the Bank should promote the employment of the peoples of Terai Madhesh in different industries and enterprises.

#### **RUSSIA**

- The Bank will need to take into account the many IP groups as well as diverse regions – a multi-pronged approach is necessary in Russia. Discussions of ethnicity in the Russian Federation are both complex and sensitive due to historical legacies of state- and nation-building.
- The concept of indigeneity has considerably evolved throughout the recent history of the Russian state. The Russian Unified Register enumerates a list of formally recognized indigenous groups. It now comprises 47 ‘numerically small’ minority peoples, of which 40 inhabit territories belonging to Siberia, the Russian North or the Russian Far East. Other indigenous groups include IPs living in the Caucasus, the Volga, and the steppe zone, as well as the small peoples of north-west Russia. In the modern Russian state, official identification of ethnic groups as “Indigenous Peoples” is based on the following criteria: a) Living in the historical territories of their ancestors; b) Preserving their traditional way of life, occupations, and folk art [handicrafts]; c) Self-recognizing themselves as a separate ethnicity; d) Numbering at most 50,000 people within Russia
- There is a gap between formal IP rights under the Russian legislation and their practical implementation. Formally, IPs in the Russian Federation have a wide range of special benefits and rights guaranteed to them, broadly paralleling the special considerations and requirements for participation and consultation called for in OP 4.10. However, they are not always attainable. Contradictory laws and regulations as well as a lack of enforcement can result in the de facto denial of many of the fundamental rights accorded to IPs like land rights and access to traditional subsistence activities. Many IP organizations maintain that the Constitution actually affords little space to IP *communities* (as differentiated from individuals).

#### **CHINA**

- In order to rapidly reduce poverty:
  - Strengthen cooperation with the Bank to expand procurement by Fortune 500 companies of products from Ethnic Minority enterprises.
  - Work together with the Bank to support development of handicraft industry in Ethnic Minority areas, using the Bank’s experience in management, marketing, technical training and beneficiary

	<p>participation to expand employment and increase income of Ethnic Minority groups.</p> <ul style="list-style-type: none"> <li>– Provide employment opportunities and skills training to Ethnic Minorities, support to set up businesses, and invest more in education for Ethnic Minority people.</li> <li>• There is a need to further study how to achieve economic development of Ethnic Minorities while maintaining their culture and identity, as well as how to balance short term economic benefits with longer term sustainable livelihoods. Economic benefits can be achieved in the short term through significant investment in tourism and other suitable activities, but if local environment and unique culture are compromised, they can be almost impossible to repair.</li> <li>• To expand the role of IP in sustainable development, involve Ethnic Minority communities in follow-up management of projects.</li> <li>• Key lessons in supporting the development and engagement of IP: Develop and implement special plans targeted at Ethnic Minorities.</li> </ul>
<p><b>1-2. National Context and Relations with the Government</b></p>	<p><u><b>LATIN AMERICA</b></u></p> <ul style="list-style-type: none"> <li>• IP representatives mentioned the importance of working with the States to allow indigenous communities access to World Bank resources.</li> </ul> <p><u><b>AFRICA</b></u></p> <ul style="list-style-type: none"> <li>• <b>Relations with government:</b> Participants observed that some governments have impoverished Indigenous Peoples in their territories. The Bank should make funds available to help Indigenous Peoples communities in those countries. When government officials come to consult, people are not able to speak freely because they do not feel comfortable airing their grievances against the government. This makes the "free" part of free, prior and informed consent (FPIC) impossible. Governments should be required to demonstrate that they have contacted Indigenous Peoples organizations, so that they cannot assert that they spoke with Indigenous Peoples, when in fact the community was not consulted. The Bank should monitor the situation alongside the government.</li> <li>• <b>Progress at national and regional levels:</b> The work and support of the AU Commission was underscored and appreciated. While participants felt that individual governments lagged in adopting the AU Commission’s recommendations, they praised Kenya for the very progressive stance the country has taken on Indigenous Peoples issues in its constitution. They also recognized the support of vibrant human rights bodies in Cameroon, Kenya, Uganda and Zimbabwe. Moreover, various platforms at national and continental level have fostered knowledge sharing among Indigenous Peoples and helped support national Indigenous Peoples organizations.</li> <li>• <b>Improvement of legal framework:</b> Participants advocated for national legal frameworks that not only</li> </ul>

address Indigenous Peoples' issues (i.e., recognition of Indigenous Peoples and of their collective rights) but also provide the means for effective enforcement of legislation. Participants also identified the establishment of national guidelines on FPIC as a significant next step.

#### SOUTHEAST ASIA (Philippines)

- The Philippines has good policies on safeguards but implementation problems, especially with the government, do occur.
- **Reform National Commission on Indigenous Peoples (NCIP)**
  - Indigenous Peoples-defined selection process for Commissioners.
  - Better accountability mechanisms for erring NCIP staff.
  - Enhanced capacity of NCIP.
  - Key career officials hired from indigenous communities.
- **Indigenous People Mandatory Representative (IPMR) recognition**
  - The process is reported to be manipulated by the LGUs, e.g., local officials who select/appoint the IPMR in a ceremonial fashion, but with a hidden agenda in relation to Indigenous Peoples-related concerns (logging, mining issues, etc.)
  - IPMRs should be fully institutionalized (with adequate budget).
  - Lack of IPMR institutionalization (not the fault of Department of Interior and Local Government—it is good that this department initiated this).

#### SOUTHEAST ASIA (Cambodia)

- Monitoring of and follow-up with the government with regard to grants.
- **Encourage the government to respect the United Nations Declaration on the Rights of Indigenous People (UNDRIP).**

#### SOUTHEAST ASIA (Indonesia)

- **Reaching out from both directions:** in some countries of Southeast Asia, both the government and Indigenous Peoples themselves together with other actors are taking initiatives to cooperate in various projects. Such two-way reaching out should be replicated in Indonesia, where participation of Indigenous Peoples is weak.
- Southeast Asian countries have showed the significance of **transparency at all levels of development, an area** where Indonesia could improve. With more transparency, Indigenous Peoples are less vulnerable to government irregularities or manipulation.

#### NEPAL:

- Nepal's Indigenous Peoples' vision is not limited to economic development: they wish to **participate in**

**state mechanisms and policy making.** Until Indigenous Peoples are able to be represented in state and local political mechanisms, nothing will change economically, socially or culturally. The Bank should play a catalyst role in making government accountable for the political, economic and social rights of Indigenous Peoples.

- **International obligations:** While Nepal is a signatory of ILO 169 and UNDRIP, the country's situation and national sovereignty issues are being used as an excuse to violate Indigenous Peoples' rights. The Bank should review the country's laws before signing any financing agreement.
- **Constitution:** Nepal is still in the process of drafting a new constitution and there is still no consensus on identity-based federalism. While Nepal has ratified ILO 169, there is no mechanism to implement it. It is important for global institutions like the World Bank to take concrete and strong steps to positively influence this situation.

#### CHINA

- The Chinese Government's policy on Ethnic Minorities is in line with the Bank's Operational Policy in terms of: (a) promoting development of Ethnic Minorities; and (b) minimizing negative impacts on Ethnic Minorities.
- The Chinese Government has supported development of Ethnic Minorities by implementing targeted policies, plans and twinning mechanisms/arrangements, and by providing earmarked financial support.

#### RUSSIA

- **Economic risks and opportunities.**
  - **The creation of model territories of traditional natural resources use for IPs in the Russian Federation:** Khabarovskiy Krai has been working since 2009 to designate a special location to preserve the traditional livelihood of IPs, sustain their cultural heritage, and offer them full social protection.
  - **Economic support to IPs:** Khanty Mansiyskiy Autonomous Okrug (KMAO) presented its experience in this area. Its policy is to provide IPs with incentives to find jobs and reduce dependency on federal and regional support funds. KMAO invested 2.5 billion rubles in housing for IPs and also closely monitors the payment of compensation to IPs for any commercial use of natural resources on IPs' historic lands. A problem that the government of KMAO encounters is that IPs often prefer to use the compensation money to settle in cities, and abandon their traditional lands. For this reason, the costs of developing traditional settlements are overly high.

- **Social and environmental risks and opportunities**
  - **The negative effects of extractive industries:** This topic was discussed primarily in the context of the oil and mining industries in KMAO and coal production in Kemerovo Region. Extractive companies are very active in the region and the government works with them on a variety of matters related to IP protection. In particular, the companies currently have an obligation to consult with IPs and fully compensate them for loss of land and income as a result of extractive activities on their lands. However, in some cases compensation is not paid in full, and in other instances IPs lack awareness of their rights vis-à-vis extractive companies. The rights of IPs should be protected in industrial development.
  - **The negative effects of natural disasters:** The contamination of the Amour river and severe flooding in the area led to the loss of IPs' traditional sources of revenue. IPs, who often belong to the poorest groups of the population and heavily depend on governmental support, are gravely affected by such natural disasters. Different possibilities of offering help to such IPs were discussed.
  - **The challenge of intangible culture preservation:** Participants raised the preservation of IPs' intangible culture as a challenge and discussed possible approaches to address this matter. The model territory created by Khabarovskiy Kray is one potential approach. KMAO is also currently working to set up a registry of intangible IP heritage (dances, songs, stories, language). KMAO also restricts all commercial activities in sacred sites and places of cultural importance for IPs (16 locations will be designated).
  - **The challenge of language preservation:** Two problems that contribute to the danger of losing indigenous languages were discussed. First, indigenous languages are often not taught in schools and children do not have sufficient exposure to them (some of the regional representative responded that the option to learn an indigenous language in school exists, but the choice to do so often depends on the parents). Second, for various reasons, indigenous populations may not use their own languages and as a result the language is gradually lost. Teaching of indigenous languages should be mandatory.
  - **The challenge of resettlement:** This is often a challenge as in some cases IPs have been forced to leave their territories, and cannot return to them even if no one else uses the land. Even if the land is abandoned, IPs still remain in the vicinity in order to preserve ties to their historic roots.
  - **Alcoholism:** Alcohol abuse is a major cause of mortality for IPs. Governmental and developmental programs should better address this problem, and introduce new approaches

to promote healthy lifestyle among IPs.

**1-3. Governance of Indigenous Peoples Institutions**

**LATIN AMERICA**

- The discussions also touched upon the necessity of **supporting and strengthening the indigenous governance and administration institutions** to develop the necessary capacity to engage with the Bank as partners.

**PHILIPPINES**

- **Indigenous Peoples groups should be strengthened**; conflicts between and among Indigenous Peoples' groups should be minimized if not avoided (there is a tendency for the Indigenous Peoples' groups not to be heard if they themselves are divided); and adoption of indigenous political structure; before strengthening NCIP, we as Indigenous Peoples need to strengthen ourselves.
- Indigenous Peoples' community-based mechanisms (implementation and programs): IPMR, local school board and legislative council have not yet been established.

**NEPAL**

- **The challenge in project implementation is that community members may have different views on the project.** The community leaders should try to understand everyone's view and achieve consensus.
- **Governance of Indigenous Peoples communities:** Indigenous Peoples' traditional structure has been spoiled and weakened by NGOs, which establish new structure for project purposes. It should also be noted that the governance system of Indigenous Peoples' institutions is not necessarily inclusive and democratic.

**RUSSIA**

- **Representation:** The role and legitimacy of IP representative organizations was raised by several participants. While the Association of Indigenous Peoples of the North, Siberia and Far East is the largest IP organization in the RF, several participants noted that it does not offer full representation to all IP groups in the country and other organizations should be actively involved in the IP dialogue as well. In particular, these IP organizations should be able to take an active part in the tripartite agreements that are signed among federal government, regional government, and RAIPON. It is important to note that RAIPON does not represent all IPs.

**2. The World Bank's Role and Assistance**

**2-1. Expected Role of the World Bank**

**AFRICA**

- **World Bank as facilitator:** Participants praised the World Bank for having succeeded to a large extent in facilitating dialogue between governments and Indigenous Peoples at the regional and national levels,

	<p>which has led to the adoption of positive guidelines to promote sustainable development (e.g., positive outcomes of FCPF dialogue). Participants indicated that when their own national systems failed them, very often international and regional mechanisms supporting Indigenous Peoples' strategies have fostered Indigenous Peoples' contribution to and engagement in the development process.</p> <p><b>NEPAL</b></p> <ul style="list-style-type: none"> <li>• While the Bank sets a high target for poverty reduction and shared prosperity, it should not be just an actor, but undertake a <b>catalyst role</b> so that the country takes more responsibility for its international obligations.</li> <li>• The international obligations that Nepal signed should be monitored and enforced by the Bank.</li> </ul>
<p><b>2-2. Participation in the Bank's Programs and Projects</b></p>	<p><b>LATIN AMERICA</b></p> <ul style="list-style-type: none"> <li>• <b>Broader participation in national and regional programs and strategic planning:</b> The participants agreed that the Bank should promote more effective mechanisms for the participation of Indigenous Peoples in national or regional programs where they could be affected or benefit. In particular, they mentioned the need for a more meaningful role in the Bank's strategic planning processes with governments in countries where they have a significant presence.</li> <li>• <b>Enhanced participation in project design and development:</b> The discussion of this topic was centered around changing Indigenous Peoples' role in the IP policy from passive actors or receptors of impacts/benefits to becoming an active player and partner in project design and implementation.</li> <li>• Furthermore, the participation of indigenous peoples all projects in which they are stakeholders must be full and effective, and it must encompass all stages of the project including design, implementation, and monitoring and evaluation.</li> </ul> <p><b>AFRICA</b></p> <ul style="list-style-type: none"> <li>• <b>Indigenous Peoples' participation in projects:</b> Bank projects often contribute to land grabbing and do not support Indigenous Peoples' development. Bank staff knows the project's location, and help with acquisition of project land. Indigenous Peoples' play little or no role. The Bank should revisit the process to ensure Indigenous Peoples' participation. Often the borrower does not include concerns from Indigenous Peoples on the ground. It is important to have someone from outside to listen to both sides. The Inspection Panel can address disputes but another layer is needed.</li> <li>• <b>Critical need to involve social scientists in project identification and preparation:</b> Participants deplored the frequent absence of social scientists with proven expertise on Indigenous Peoples' issues in project teams, particularly on the government side. Participants proposed that one way to address this issue is to build the capacity of Indigenous Peoples and increase their presence in government. When compensation</li> </ul>

is involved, there's a drought: the social network is broken and is very difficult to rebuild or to compensate for. There is a need for social scientists focused on Indigenous Peoples and with the required expertise to be involved in project preparation.

- **Attracting development projects based on Indigenous Peoples' interests and values:** Participants proposed to explore ways in which Indigenous Peoples can attract economic development based on their interests and values, which would give them a stronger voice in the planning and decision-making process.
- An indigenous person should be part of the project team so that issues specific to indigenous communities can be adequately addressed and reflected in project design.

#### **SOUTHEAST ASIA (Vietnam)**

- Stakeholders, including those affected by the project (Indigenous Peoples) directly participate in the planning process.

#### **SOUTHEAST ASIA (Cambodia)**

- Planning should be done together with Indigenous Peoples regarding development in their areas, and encourage Indigenous Peoples' participation in all development activities at their local level.

#### **SOUTHEAST ASIA (Indonesia)**

- To effectively involve Indigenous Peoples in planning and decision making processes, they need to be represented so that their needs and concerns can be raised, and to help in monitoring the overall process.
- It is urgent, at least in Indonesia, that Indigenous Peoples' communities be encouraged to fully and effectively engage in all levels of planning, implementation, monitoring as well as in decision-making processes.

#### **PHILIPPINES**

- **Participation from project preparation stage**
  - At project preparation, form an appraisal team which is composed of Indigenous Peoples to ensure that customary laws and practices are taken into consideration.
  - Projects implemented by certain agencies undergo pre-project preparation where an appraisal team composed of Indigenous Peoples, NGOs, and civil society groups is created. However, in reality, most of the projects are already approved, and this violates the Indigenous Peoples' rights. In this case, Indigenous Peoples are treated as mere beneficiaries and not as partners.
- Indigenous Peoples' information and data
  - Community-driven or determined; communities themselves to do the work, i.e., enumeration, facilitation.
- Assistance in budget preparation and management of information system

- Ancestral domain recognition
  - Alienable areas are still a part of ancestral domain.
  - Support for title rights of Indigenous Peoples is needed.
  - Assistance to ancestral domain sustainable development formulation and implementation (sustainable mechanism).
- Indigenous Peoples have limited participation in activities related to environmental and climate change.
- Recognition and acceptance of customary law in the context of global guidelines.

#### NEPAL

- Currently, project design is communicated to Indigenous Peoples in a top-down direction, whereas it should go the other way. The **needs assessment** in the Indigenous Peoples communities should be done first, and then the project design should follow to respond to the communities' needs.
- **Access to information:** The Bank's country program needs to be more transparent, accessible and inclusive.
- **Full participation in all key stages:** Indigenous Peoples communities should participate in the project from the initial stage, at the decision-making level. Effective participation in design and monitoring stages is key. It is also important to involve Indigenous Peoples communities in the project steering committee. Project management should be responsive to Indigenous Peoples' concerns.
- It is also important to consider the **mechanisms and processes for effective participation**.
- **Benefit sharing:** The Bank should incentivize participation through benefit sharing, and encourage Indigenous Peoples to participate in the whole process as beneficiaries.
- **Financial resources:** Financial resources need to be allocated and audited to ensure Indigenous Peoples' participation.
- Indigenous Peoples' **skills and capacities** are important to be able to participate in the planning process.

#### CHINA

- **Borrowing countries need to improve coordination among line ministries** to integrate resources for holistic project design, so that budget earmarked for specific purposes can be mobilized to fund relevant components of the project. For example, the budget from Commission of Ethnic Minority Affairs could be integrated into a project if the Commission is involved early on during project preparation.
- **Design of project activities should reflect local needs, which may change over time.**
- **It is very important to engage Ethnic Minorities so as to hear their voices during project preparation; this will help to ensure project sustainability.**
- Innovation in community organizations should be fostered so that they can take a leading role in

	<p>community development and management and participate fully in project preparation, implementation, monitoring and evaluation.</p> <ul style="list-style-type: none"> <li>• Project preparation should respect local knowledge to capture and reflect reality on the ground.</li> <li>• It is helpful to link Ethnic Minority policy implementation with local poverty reduction policies in order to ensure political and financial support.</li> <li>• PMOs should identify local needs by conducting household interviews on a regular basis.</li> <li>• Critical infrastructure should be provided to local communities, development of local unique industries should be supported and measures taken to ensure protection and development of Ethnic Minority culture, including non-physical cultural resources.</li> <li>• <b><i>Ethnic Minorities should be mobilized to participate in project implementation by providing them with temporary employment opportunities in the project.</i></b></li> </ul>
<p><b>2-3. Technical and Financial Assistance</b></p>	<p><b><u>LATIN AMERICA</u></b></p> <ul style="list-style-type: none"> <li>• <b><i>Support for Indigenous Peoples’ own institutional organizing and capacity:</i></b> There should be more support to the Indigenous Peoples’ own institutional organizing and capacity to engage as partners with the Bank in the shared prosperity agenda.</li> <li>• According to the participants, this entails establishing mechanisms where the Bank can work directly with indigenous peoples through support for their projects, technical assistance, knowledge, and convening services.</li> </ul> <p><b><u>AFRICA</u></b></p> <ul style="list-style-type: none"> <li>• <b><i>Capacity building of Indigenous Peoples:</i></b> In some consultations, the people with whom the Bank is engaging in fact have little capacity to engage. Funds should be made available for capacity building, so that people are aware of and can defend their rights.</li> <li>• Participants made the case for IFIs like the World Bank to include resources earmarked for Indigenous Peoples’ capacity building in project implementation budgets. Several participants indicated that women would need to be at the center of capacity building initiatives. Further, the importance of recruiting Indigenous Peoples’ experts whenever the skills and expertise sought by a project are available in Indigenous Peoples’ communities was highlighted as another way to build capacity. Moving forward, participants stressed that it would be crucial for Indigenous Peoples to build their own body of research on Indigenous Peoples’ issues and take ownership of their research processes.</li> <li>• Consideration should be given to set up a <b><i>trust fund for Indigenous Peoples</i></b> outside the traditional Bank lending instruments to help build their capacity outside the borrower’s influence. <b><i>The funds should be channeled directly to Indigenous Peoples.</i></b> The Bank’s support for Indigenous Peoples is scattered, e.g., FCPF, Climate Investment Funds (CIFs), Investment Project Financing (IPF), etc.</li> <li>• Approaches to <b><i>funding Indigenous Peoples’ livelihoods</i></b> as a way to support borrower capacity. The “do</li> </ul>

	<p>good” aspects are often taken hostage by the Bank and the Bank is taken hostage by the state.</p> <ul style="list-style-type: none"> <li>Participants recommended that progress in that area could be achieved by: (i) addressing Indigenous Peoples’ issues through regional projects; (2) building Indigenous Peoples’ capacity to establish cooperative relations with their respective governments; (3) helping Indigenous Peoples to organize themselves in working groups to tackle common issues; and (4) tapping the Indigenous Peoples community first for expertise and skills on development issues affecting Indigenous Peoples instead of turning to external experts.</li> </ul> <p><b><u>SOUTHEAST ASIA(Vietnam)</u></b></p> <ul style="list-style-type: none"> <li>Capacity building, including institutional and policy capacity.</li> </ul> <p><b><u>SOUTHEAST ASIA (Cambodia)</u></b></p> <ul style="list-style-type: none"> <li>Provide opportunity for Indigenous Peoples representatives to raise their concerns/issues at national, regional and international levels.</li> <li>Fund Indigenous Peoples institution directly. And Community rural development (according to the needs of Indigenous Peoples community).</li> </ul> <p><b><u>PHILIPPINES</u></b></p> <ul style="list-style-type: none"> <li>The National Commission on Indigenous Peoples (NCIP) website has very interesting maps, information and data on Indigenous Peoples. It is good that the Bank provided technical assistance to the NCIP in terms of maintaining the website.</li> </ul> <p><b><u>RUSSIA</u></b></p> <ul style="list-style-type: none"> <li>IPs in Russia are losing sources of income. The Bank could engage in projects that <b>support livelihood opportunities for IPs as part of reimbursable advisory services.</b></li> <li>It would be good for the Bank to offer training abroad and capacity building initiatives for IP representatives on issues of priority that are identified by IPs (e.g., economic development, cultural heritage, etc.).</li> <li>Support is needed at the level of the local communities, for example, <b>workshops for local governments, municipalities, those who live the life of local communities, to learn best practices.</b> There is a need for technical assistance.</li> </ul>
<p><b>2-4. Forest Carbon Partnership Facility (FCPF)</b></p>	<p><b><u>AFRICA</u></b></p> <ul style="list-style-type: none"> <li>The right to carbon, isolated from trees or land, should be captured in OP 4.10. <b>The Forest Carbon Partnership Facility (FCPF) represents good practice of the Bank.</b></li> <li>Carbon finance operations should be responsive to the specific circumstances of Indigenous Peoples.</li> <li>They called on the Bank to engage more closely with the Government of the Republic of Congo in the</li> </ul>

	<p>context of ongoing operations, especially REDD+, in order to ensure that Indigenous Peoples' issues receive attention and priority and to implement a new law on the rights of Indigenous Peoples.</p> <p><b><u>SOUTHEAST ASIA (Cambodia)</u></b></p> <ul style="list-style-type: none"> <li>• <b>Forest Carbon Partnership Facility (FCPF) more effectively implemented in collaboration with UN-REDD program.</b> Forestry Carbon Partnership Facility (FCPF) should fund in terms of capacity development for Indigenous Peoples – education, scholarship for poor Indigenous Peoples students, health program for Indigenous Peoples.</li> </ul>
<p><b>2-5. Dialogue between Indigenous Peoples and the World Bank</b></p>	<p><b><u>LATIN AMERICA</u></b></p> <ul style="list-style-type: none"> <li>• <b>Greater access to senior management and board.</b> The Bank should facilitate an opportunity for Indigenous Peoples to voice these proposals directly to the Board of Director or Sr. Bank Management at a high level meeting.</li> </ul> <p><b><u>AFRICA</u></b></p> <ul style="list-style-type: none"> <li>• <b>World Bank Indigenous Peoples advisory council:</b> Participants wished to know how the Bank would establish and strengthen the council and how representatives can present community concerns. They asked the Bank to make some commitment toward that process. They also hoped that there would be opportunities for the council to engage with local communities even in challenging governance contexts.</li> <li>• <b>Creation of enabling structures as platforms for engagement:</b> Participants advocated for the creation of advisory bodies on Indigenous Peoples at national, regional, and continental levels to bring Indigenous Peoples, the World Bank (and other development partners) and governments together in an ongoing dialogue. Such platforms would help improve coordination among Indigenous Peoples working groups on interventions regarding key issues (conservation, energy, land).</li> <li>• <b>Training of WB staff:</b> Concern was raised about the need to “de-colonize” the World Bank. The Bank should recruit staff with a background in human rights and working with Indigenous Peoples. Bank staff should be better trained on how to engage with indigenous communities.</li> <li>• Some participants wanted more information on the <b>change process</b> underway in the World Bank and its implications for Indigenous Peoples. Several asked how this dialogue with African Indigenous Peoples will be factored into the ongoing safeguard review and update, and the other changes in the World Bank.</li> <li>• <b>A further consultative meeting to be held in Africa</b> once a draft of the new policy on Indigenous Peoples is available, to include representatives from North Africa.</li> <li>• <b>Communication:</b> Participants would have preferred to receive the agenda for the dialogue before the meeting and to have been involved in preparation. The participation of the African Union (AU) Commission is important. This dialogue contributes to creating trust in the Bank. Participants were concerned about the absence of colleagues from North Africa. Some dissatisfaction with World Bank regional groupings in Africa was expressed.</li> </ul>

- **Dialogue and sensitization program between World Bank Headquarters and Country Offices** should be conducted.
- **Ensure the visibility of Indigenous Peoples in Africa in the Bank reorganization**, with a special arrangement if necessary. The earlier dialogue with Indigenous Peoples should not be diminished.

#### **SOUTHEAST ASIA**

- The objectives of the Indigenous Peoples dialogue should be defined by both Indigenous Peoples and the Bank.
- Advisory Council: **Key is for the Indigenous Peoples groups to have regular dialogue with the Bank, not only with staff but also with Bank management and the Board.**
- Draw lessons from existing advisory councils, e.g., IFAD Permanent Forum, Indigenous Peoples Forum. See how they are being organized and conducted.
- The strength of the UNDP Global Advisory Council for CSOs and UNFPA Global Advisory council is that they are able to provide a venue for the concerned stakeholders to meet with top management and have a genuine dialogue with them. The kind of meeting needed brings together the people who make decisions. Indigenous Peoples feel insulted when top management is not present.
- **Provide resources to invite Indigenous Peoples to the Council.**
- **Selection:** regions to self-select and selection should be validated.
- **Roles and functions of the council:**
  - Inclusive process to formulate terms of reference.
  - Clear function and role of this body (protection of Indigenous Peoples' rights and welfare should be the main objective).
  - There should be a clear terms of reference (what level of decision making capacity). One major expectation is for the council to be the body of Indigenous Peoples representatives that can influence the Bank (in the areas of energy, infrastructure and other relevant projects that have impacts on Indigenous Peoples at the level of policy and programs).
  - Implementing Indigenous Peoples' related activity.
- **Access to information:**
  - Important to share documents ahead of time so that Indigenous Peoples representatives will be well prepared before the meeting; determine what kind of information each level receives. Indigenous Peoples and the Bank both need to be prepared for the meeting. Otherwise, the meeting will just be a waste of time. Choose a topic/issue and focus on that.
  - How to facilitate information flows--how information will be disseminated to the local, national and global levels. Indigenous Peoples representatives are accountable. There is a need to set criteria (what

	<p>kind of information and communication at what level, channels of feedback, level of accountability).</p> <ul style="list-style-type: none"> <li>• Track milestones – the Council’s milestones and progress should be clearly identified and regularly updated.</li> <li>• Scoping exercise on lessons learned and gaps will help guide in the design of the proposed council.</li> <li>• Increase the number of Indigenous Peoples representatives for the Bank’s Annual Meeting.</li> </ul> <p><b>NEPAL</b></p> <ul style="list-style-type: none"> <li>• Participants noted that they would make a written submission on their concerns and issues related to the Bank. A participant said that, while the engagement with the Bank clearly has some positive aspects, they had different positions regarding other issues involving the Bank, such as the Khimti-Dhalkebar Transmission Line Project.</li> <li>• Regarding Advisory council, the participants noted that they would need to consult with other Indigenous Peoples organizations in the country, should the Bank consider establishing such a council in the future. Also, the rules and processes of the council would need to be clarified, as well as the impact it would have on Bank decision making and its access to Bank projects and programs.</li> </ul>
<p><b>2-6. Cooperation with Regional Organizations</b></p>	<p><b>AFRICA</b></p> <ul style="list-style-type: none"> <li>• <b><i>Strengthened relationship of the Bank with the AU Commission and its Working Group on Indigenous Peoples, as well as other relevant institutions on the continent.</i></b></li> </ul>
<p><b>3. Implementation of the Bank’s Operational Policy on Indigenous Peoples (OP4.10)</b></p>	
<p><b>3-1. General Comments</b></p>	<p><b>AFRICA</b></p> <ul style="list-style-type: none"> <li>• <b><i>Safeguard policies on Indigenous Peoples adopted by International Financial Institutions (IFIs), including AfDB, have proven to be valuable entry points for Indigenous Peoples to have their voices heard</i></b> as their issues are often addressed in the context of project safeguards. Participants noted that OP 4.10, for example, has helped enforce Indigenous Peoples’ rights and foster dialogues between Indigenous Peoples and their respective governments. Safeguard standards in the private sector have also much improved with IFC’s adoption of FPIC in the forefront.</li> <li>• “Doing good: It seems that Indigenous Peoples are at the mercy of government. <b><i>The policy should be formulated to “do good” in projects</i></b> and the relationship with government should be sustained.</li> </ul> <p><b>SOUTHEAST ASIA</b></p> <ul style="list-style-type: none"> <li>• Participants have requested by letter to have <b><i>the safeguard policy applied on a broader scale (national</i></b></li> </ul>

*laws and policies), not only to investment/development loans.*

**SOUTHEAST ASIA (Lao)**

- ***Bank should avoid funding projects involving mining and mega hydropower projects located in Indigenous Peoples' areas.***

**SOUTHEAST ASIA (Cambodia)**

- Profile of the contractor thoroughly studied by Bank.

**NEPAL**

- While it is often said that ***OP 4.10 is a good policy that supports Indigenous Peoples, participants did not have this impression on the ground.*** Before signing any project financing agreement with the government, the Bank should confirm whether or not Indigenous Peoples are present in the project area and if so, that they have been duly consulted.
- ***A distinct policy for Indigenous Peoples should be maintained.*** Other marginalized groups, e.g., Madhesh, Dalit, should be addressed separately.
- ***Staffing of the country office*** – The Bank's country office should enhance staffing from Indigenous Peoples communities for better implementation of the Indigenous Peoples policy.

**RUSSIA**

- The Bank's definition of IPs is broader, more flexible than the Russian Federation's definition. It includes or is "based on vulnerability". OP 4.10 is definitely applicable in Russia.

**CHINA**

- ***Bank policies on Ethnic Minorities have helped China improving its own policies for Ethnic Minorities.*** For example, China's Resettlement Policy No.17 was enhanced by including 'resettlement should observe tradition, cultural habits of Ethnic Minorities' after implementing World Bank projects.
- In some cases where the policy on Ethnic Minorities was triggered, the local project management office (PMO) was inclined to drop the area concerned because they lacked resources to prepare and implement the required Ethnic Minorities Plan. To tackle this problem, it should be made clear that borrowers must prepare a budget for this purpose.
- During project preparation, social experts were involved at a later stage than technical experts, and the opportunity to integrate social issues into project preparation early on was lost. Therefore it is suggested that ***social experts should be involved early in project preparation.***
- ***Lack of capacity is a challenge especially at lower levels of PMOs.*** Capacity building should be provided as

	<p>was done for the involuntary resettlement policy.</p> <ul style="list-style-type: none"> <li>• Internal approval processes require a feasibility study approved by the government. If the feasibility study does not cover compliance with Ethnic Minority requirements, then it becomes difficult to adjust project design to address social impacts and meet the needs of Ethnic Minorities.</li> <li>• Pressure from the government and the World Bank regarding project schedules can impede effective participation of communities in Ethnic Minority areas as community participation often takes time to achieve.</li> <li>• Project design, preparation and implementation should respect local knowledge and customs.</li> <li>• Minority development needs to be integrated with local poverty risk reduction.</li> <li>• Further clarify criteria for identifying Ethnic Minorities: whether one or all four criteria shall be satisfied; whether the majority of Ethnic Minority people benefiting from a project refers to the majority under a component or the entire project.</li> <li>• Clarify specific circumstances that require compliance with OP 4.10.</li> </ul>
<p><b>3-2. Indigenous Lands, Territories and Natural Resources</b></p>	<p><b><u>LATIN AMERICA</u></b></p> <ul style="list-style-type: none"> <li>• <b><i>Recognition of indigenous lands and territories:</i></b> The participants stressed the importance of the legal recognition of their rights over the lands and territories they have traditionally occupied or used, as a prerequisite for any intervention.</li> </ul> <p><b><u>AFRICA</u></b></p> <ul style="list-style-type: none"> <li>• Another important point was with regard to <b><i>rights to land and natural resources</i></b>. A participant noted that “local investors” disadvantage Indigenous Peoples by alienating land and natural resources that should otherwise be under communal ownership and management. Another participant stated that landlessness is a particularly “traumatic experience” for Indigenous Peoples that makes it impossible for them to practice their culture given the inextricable linkages between land and culture.</li> <li>• Participants requested the Bank to ensure that “<b><i>collective land ownership</i></b>” is recognized as a legitimate form of land ownership in its member countries.</li> <li>• Further, participants requested the Bank to “sensitize” governments through its dialogue with them, and to promote the link between secure tenure to land and natural resources for Indigenous Peoples and overcoming poverty. They asked that the Bank finance only projects that promote <b><i>tenure security</i></b>.</li> </ul> <p><b><u>SOUTHEAST ASIA (INDONESIA)</u></b></p> <ul style="list-style-type: none"> <li>• Relationship between Indigenous Peoples and land: social, economic, political, spiritual, cultural integrity.</li> <li>• <b><i>Bank should promote recognition of Indigenous Peoples’ rights to land, territories and resources.</i></b></li> </ul>

- **Ensure genuine implementation of safeguards.**

#### **SOUTHEAST ASIA (Cambodia)**

- Gaps or law against Communal Land Titling registration (CLTs), including economic land concession (ELCs), sub-decree, regulation, Mining Concession Law, political context, private land registration, trend development of the government, private sector globalization.
- Specific example and background
  - Mission of volunteer student measuring private land registration for Cambodian people includes indigenous communities, which is contrary to their traditional system (old policy, new action).
  - Government strongly encourages private sector to invest (for mining, rubber plantation, among others).
  - Influx of immigration from outside into Indigenous Peoples' villages.
  - Government limits CLTs (only 3 communities a year).
  - Very slow and complicated process for CLTs.
  - Local authorities are not willing to support CLTs.
- Recommendations:
  - **More support for communal land registration (CLTs and mapping, boundary demarcation).**
  - Clear mechanism and monitoring system for follow up on the government.
  - Funding directly to Indigenous Peoples' institutions and communities.
  - Proof of FPIC from Indigenous Peoples representative(s) and/or Indigenous Peoples before government grants concession to private sector.
  - Indigenous Peoples public consultation at various levels.

#### **NEPAL**

- Lands, territories and resources are imbued with Indigenous Peoples' history, oral tradition and ancestral actions, through which sacred relationships are maintained with the ancestors and sovereignty is established over the lands.
- **Fully comply with international instruments of collective rights**, particularly UNDRIP, ILO Convention 169, Convention on Biological Diversity (CBD) 8 (J), UNFCCC Cancun Agreement on Safeguards, paragraph 72 and Nepal Treaty Act, 1991, Article 9.
- Shift from welfare approach to rights-based approach.
- **Conduct extensive and in-depth study on land injustice** prior to project intervention.
- Facilitate World Bank member countries to comply with the safeguards policies.
- Ensure access of Indigenous Peoples to benefits and revenues.

<p><b>3-3. Protected Areas</b></p>	<p><b><u>LATIN AMERICA</u></b></p> <ul style="list-style-type: none"> <li>• <b>World Bank projects funding the development of protected areas should avoid involuntary restrictions to indigenous peoples' access to resources.</b> Any development of protected areas in indigenous land or territories should be subject to free prior and informed consent.</li> </ul>
<p><b>3-4. Pastoralism</b></p>	<p><b><u>AFRICA</u></b></p> <ul style="list-style-type: none"> <li>• Participants gave overwhelming priority to the issue of <b>pastoralism</b>. They mentioned that 40 percent of the African landscape depends on pastoralism and many Africans depend on pastoralism for their livelihood. They therefore place a high premium on integrated rangeland management systems, and are keen to see national policies that promote adaptive strategies to support a pastoralist lifestyle – which is both a climate change mitigation and adaptation approach. They felt that national policies currently misunderstand the nature of this lifestyle and unfairly characterize it as wasteful. They would like more voice in national dialogue processes regarding the place of pastoralism in modern economies and want <b>the Bank to specifically recognize as Indigenous Peoples any pastoralist groups that meet the criteria spelled out in OP 4.10.</b></li> <li>• <b>Stop gap measures for pastoralists</b> so that they are on par with hunter gatherers - ensure no loss of land for them. Recognize them as Indigenous Peoples under OP 4.10.</li> </ul>
<p><b>3-5. Traditional Knowledge and Cultural Heritage</b></p>	<p><b><u>NEPAL</u></b></p> <ul style="list-style-type: none"> <li>• <b>Indigenous Peoples' traditional knowledge and practices are not recognized as contributing to economic growth</b> by the government. For example, "Matwaali", indigenous liquor, cannot be sold in the market. There are many dimensions of Indigenous Peoples' knowledge and practices that are not captured in economic growth.</li> <li>• <b>Tourism, such as Himalayan trekking, handicrafts and herbal dyes, should benefit the local communities.</b> Currently, all resources are brought from Kathmandu. Government should provide funding and a legal framework, so that local Indigenous Peoples communities can take part in economic growth. Because of the Forest Act and National Park Act, indigenous communities have lost access to traditional local resources.</li> <li>• Globalization goes two ways: it is important not only to localize global goods; indigenous knowledge also should be globalized.</li> <li>• Indigenous Peoples' health knowledge is not recognized as a health option by the government. Because of <b>lack of education</b>, Indigenous Peoples have no access to the government's incentive system.</li> <li>• Valuable Indigenous Peoples' traditional knowledge, such as medicinal practices, is not documented. It</li> </ul>

	<p>should first be documented, and then <b>the government should strategically market traditional knowledge through subsidies and policies</b>. A one stop window should be established for the promotion of Indigenous knowledge, instead of many different government agencies.</p>
<p><b>3-6. Social Assessment</b></p>	<p><b><u>AFRICA</u></b></p> <ul style="list-style-type: none"> <li>• <b>Social assessment by indigenous expert:</b> The social assessment should be carried out by a social scientist who is an indigenous person. An indigenous person should be part of the project team so that issues specific to indigenous communities can be adequately addressed and reflected in project design.</li> <li>• Several participants noted that the World Bank should carry out a <b>political economy analysis</b> of the project site so that broader macro issues in the project area that are affecting indigenous communities could be identified.</li> </ul> <p><b><u>SOUTHEAST ASIA (Vietnam)</u></b></p> <ul style="list-style-type: none"> <li>• In the process of project identification, possible adverse effects of the project taken into account. Full information collected on affected people living in the project area: economic, social and cultural issues.</li> </ul> <p><b><u>SOUTHEAST ASIA (Lao)</u></b></p> <ul style="list-style-type: none"> <li>• Multi-election system (CSOs-government-private sector) of external expert for conducting environmental and social assessment of the project.</li> </ul> <p><b><u>SOUTHEAST ASIA (Cambodia)</u></b></p> <ul style="list-style-type: none"> <li>• <b>Consideration for Indigenous Peoples to be part of Environmental Impact Assessment process.</b></li> </ul> <p><b><u>NEPAL</u></b></p> <ul style="list-style-type: none"> <li>• <b>Lack of Capacity to undertake social assessment</b> – In general, staff assigned to carry out social assessment lack capacity to identify the social issues of the affected communities in an effective way. Also, regardless of whether project impact is positive or negative, the affected communities do not have capacity to enable effective participation in the social assessment. The validity of data also should be improved.</li> <li>• The social assessment should consider the varying circumstances and implications in terms of land or water, and focus on the people whose livelihood directly depends on natural resources, such as fishermen.</li> </ul> <p><b><u>CHINA</u></b></p> <ul style="list-style-type: none"> <li>• Environmental Impact Assessment (EIA) and Resettlement Action Plans (RAP) have been included as mandatory requirements in China’s project approval process, and resources are thus allocated to carry them out. Social Assessment (SA) and Ethnic Minorities Development Plans (EDMP) should also be included as mandatory requirements to improve enforcement of the policy. SA and plans are important because</li> </ul>

	<p>they directly impact resource redistribution, which is key in promoting shared prosperity.</p> <ul style="list-style-type: none"> <li>• Often only children and elderly people are available in rural areas when the social assessment is undertaken. This weakens the quality of community participation, and makes it challenging for social experts to achieve full and appropriate representation during the SA. To address this issue, mobile phones and the internet may be used to ensure participating in community decisions/villager assemblies.</li> </ul>
<p><b>3-7. Consultation</b></p>	<p><b><u>AFRICA</u></b></p> <ul style="list-style-type: none"> <li>• <b>Effective consultation:</b> Participants noted that in the case of the Natural Resources Management Project in Kenya, which was the subject of an Inspection Panel complaint, a number of lessons have been learned that should be taken into consideration in future projects where the Indigenous Peoples policy is triggered. Key among these were that more consultations need to be carried out with affected indigenous communities, a detailed stakeholder analysis should be carried out, and the social assessment needs to be more robust in identifying the needs and priorities of indigenous communities. In addition, consultations need to be respectful of language barriers – consultations in foreign languages have been imposed on indigenous communities. Overall, more emphasis needs to be placed on ensuring effective consultation and access to project information.</li> <li>• They also noted that one of the weakest aspects of the World Bank’s implementation of Indigenous People Plans was <b>lack of ongoing consultation</b> with communities during project implementation. Furthermore, it is often difficult for Indigenous Peoples to speak to Bank staff; sometimes it has been easier to speak to the Inspection Panel or Vice President than to the Country Director.</li> </ul> <p><b><u>SOUTHEAST ASIA(Cambodia)</u></b></p> <ul style="list-style-type: none"> <li>• <b>Pre-design and design stage (when proposal was made and submitted) not made known to people – no pre-consultation with local communities (potentially affected people) prior to implementation.</b> People only get to know about project when it has been approved and is being implemented. NGOs, CSOs and Indigenous Peoples community not involved from the beginning of the project.</li> <li>• <b>Potentially affected Indigenous Peoples involved in all stages of the consultation and project implementation process.</b></li> <li>• Engagement from and dissemination to relevant parties regarding safeguard policy (all levels of government, private sector, Indigenous Peoples groups).</li> <li>• Since there are different local languages among different Indigenous Peoples groups, <b>an interpreter should be used to ensure communication.</b></li> </ul> <p><b><u>SOUTHEAST ASIA (Vietnam)</u></b></p> <ul style="list-style-type: none"> <li>• Open dialogues with people, especially those affected directly by the project; consultation carried out to</li> </ul>

seek opinions about optimal design and construction options.

- Careful preparation of consultation contents: easy to understand presentations, in a way relevant to Indigenous Peoples; democracy should be promoted to reach consensus on the basis of FPIC principles. An example of this is in the Provincial Road 264 project in Thai Nguyen province, Vietnam.

#### **SOUTHEAST ASIA(Philippines)**

- *Due process in decision-making, not simply in consultation*
- ***Include women and youth; all members of the community.***
- Communities directly and indirectly affected; not limited to government agency, LGU and Indigenous Peoples Mandatory Representative (IPMR).
- According to pace defined by the affected communities.
- At all stages of project implementation, including assessment, validation and evaluation.
- ***Respect for customary law and practice on decision-making; collective consensus-building***, not defined by NCIP.
- Addressing manipulation, fraud, intimidation:
  - Cancellation of project/moratorium.
  - Damages.
  - Disciplinary action against officials and staff.
  - Penalties under customary justice systems or public tribunals/peoples' courts (no immunity from suit).
- We are only consulted once a project is planned and will be implemented in our ancestral domain (cases in Bukidnon).
- Consultation with grassroots Indigenous Peoples and not limited to NCIP-recognized and registered IPOs and LGUs.
- Consultation of Tribal Council or ancestral domain-based leaders. Conscious involvement of tribal council or ancestral domain based group, not only tribal leaders (and dealers).
- Bank funded projects are usually implemented by Local Government Units (LGU); consultation process is done through public hearing to get support from the people without really considering/consulting the Indigenous Peoples who will be affected by the project.

#### **NEPAL**

- Mandatory international obligations as well as national laws relating to Indigenous Peoples need to be considered when conducting consultations with Indigenous Peoples.
- ***Mother tongue*** – Regarding communication with Indigenous Peoples, the mother tongue should be respected, rather than the local language.

### 3-8. Access to Information

#### LATIN AMERICA

- **Enhanced communication and socialization:** The discussion emphasized the need to develop more adequate communication tools to allow indigenous peoples to be informed and participate in Bank projects.
- Social assessments and indigenous peoples planning frameworks and plans should not only be made available to affected communities, but should also be socialized as in many cases there are people in these communities that cannot read or write. The language of the instruments should be simple and easily understood.

#### AFRICA

- Participants noted **the lack of awareness of OP4.10** and the need for **simplifying the language** of the policy in a way that makes it more understandable to Indigenous Peoples.
- **Better knowledge sharing** approaches through publications on policy and project interventions that worked should be utilized.
- Expanded access to regional projects to ensure **sharing of information**. There is a need to study Bank projects for lessons learned; Indigenous Peoples don't know which projects are funded by the Bank.

#### SOUTHEAST ASIA(Cambodia)

- Commune Council and District Council familiar with safeguard policy and laws related to Indigenous Peoples and other relevant instruments.
- **Information disclosure via multimedia.** Information translated and disseminated in local language.

#### SOUTHEAST ASIA (Vietnam)

- **Dissemination of project information in full and transparent manner** (and prior development of proper compensation and support policies related to resettlement, fixed cultivation and livelihood opportunity creation).
- Indigenous Peoples often live in disadvantaged areas where socio-economic conditions are poorer than the national average. Therefore, disclosure of project information should be made in a scientific, comprehensive and creative manner and relevant at the local level. The following should be taken into consideration:
  - Information should be adequate; data and facts should be accurate and transparent.
  - Policies should be implemented properly and consistently.
  - Method: documents, models, diagrams, tables and charts should be adequately prepared.
  - Presentation should be made clearly and smoothly. In areas where education levels are lower, Indigenous

	<p>Peoples representatives should help to present and disseminate selected information; attention should be paid to content related to policies, society and culture of Indigenous Peoples.</p> <ul style="list-style-type: none"> <li>Information can be disseminated through local radio broadcasting or public loudspeakers; people’s questions and opinions should be listened to and answered.</li> </ul> <p><b><u>SOUTHEAST ASIA(Philippines)</u></b></p> <ul style="list-style-type: none"> <li>Billboards at project sites, publication in newspapers of general circulation, and posting in public areas.</li> <li><b>Popularize the Indigenous Peoples policy.</b> And translate the policy into languages that Indigenous Peoples understand. Communication should not be limited to government and private consultants – should also include IPOs and CSOs. Create a database on Indigenous Peoples in each country.</li> </ul> <p><b><u>SOUTHEAST ASIA(Lao)</u></b></p> <ul style="list-style-type: none"> <li>World Bank policies and related information should be shared in multi-media.</li> </ul> <p><b><u>NEPAL</u></b></p> <ul style="list-style-type: none"> <li>Information disclosure and Inspection Panel case: Regarding the Khimti-Dhalkebar Transmission Line Project, access to project information has been very difficult, even for lawyers. Both the implementing agency and the country office were not cooperative regarding information disclosure. In the Inspection Panel case, Bank management seems to be trying to justify itself, rather than sitting with project affected communities in open dialogue.</li> </ul>
<p><b>3-9. Broad Community Support</b></p>	<p><b><u>LATIN AMERICA</u></b></p> <ul style="list-style-type: none"> <li>The participants said that <b><i>the current principle of broad community support in OP4.10 was too ambiguous and difficult to document.</i></b></li> </ul> <p><b><u>AFRICA</u></b></p> <ul style="list-style-type: none"> <li><b><i>There are no indicators to measure broad community support.</i></b> In one case in Kenya the community was completely intimidated and could not make their concerns known. The policy's objectives – poverty reduction, human rights, inclusion, etc. – sometimes are not respected.</li> </ul> <p><b><u>SOUTHEAST ASIA (Philippines)</u></b></p> <ul style="list-style-type: none"> <li>Resources to enable Indigenous Peoples to participate in due process, understand the policy.</li> <li>Evidence of agreement – Memorandum of Agreement (MOA) or contract:             <ul style="list-style-type: none"> <li>If rejected, do not come back repeatedly. “No” means “no” and “yes” means “yes.”</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>– Agreement sealed in accordance with customary law.</li> <li>• No manipulation:             <ul style="list-style-type: none"> <li>– Conduct with same community.</li> <li>– Do not create new organizations, leaders or councils.</li> <li>– Do not divide affected areas into phases.</li> </ul> </li> </ul>
<p><b>3-10. Instruments</b></p>	<p><b><u>CHINA</u></b></p> <ul style="list-style-type: none"> <li>• <b>Action plans need to be included in the EMDP so that they are effectively implemented.</b></li> <li>• Supervision of EMDP implementation will improve enforcement of the plan.</li> <li>• Clearly define the scope of the EMDP and sources of funding for IPP preparation.</li> <li>• Clearly define what types of projects need to prepare and EMDP and ensure that there are operational guidelines and rules governing EMDP preparation.</li> <li>• <b>Build capacity of grassroots level implementing units in preparing EMDP through training and other approaches.</b></li> <li>• <b>Simplify EMDP:</b> whether activities already covered in the SA can be dropped and if yes, whether a 2-4 page improved action plan would be sufficient, or whether a stand-alone EMDP is still needed.</li> <li>• <b>EMDP design and implementation should respect local culture and customs.</b></li> <li>• EMDP implementation and monitoring should be supported with adequate funding.</li> </ul>
<p><b>3-11. Compensation</b></p>	<p><b><u>LATIN AMERICA</u></b></p> <ul style="list-style-type: none"> <li>• The policy should also establish mechanisms to ensure restitution or compensation for indigenous peoples when their lands, territories or socio-cultural environments have been negatively affected by Bank-financed projects.</li> </ul> <p><b><u>AFRICA</u></b></p> <ul style="list-style-type: none"> <li>• Review of redress and compensation for communities forced out of their lands in past and present Bank projects.</li> </ul> <p><b><u>SOUTHEAST ASIA(Cambodia)</u></b></p> <ul style="list-style-type: none"> <li>• Resettlement plan that allows people to be better off (appropriate compensation to Indigenous Peoples community site if any impact).</li> </ul> <p><b><u>SOUTHEAST ASIA (Vietnam)</u></b></p> <ul style="list-style-type: none"> <li>• Compensation requested if project affects livelihood of Indigenous Peoples (resettlement, land compensation, job creation, etc.) In addition to compensation, creation of employment (especially for displaced Indigenous Peoples) and proper provision of resettlement.</li> </ul>
<p><b>3-12. Benefit Sharing</b></p>	<p><b><u>AFRICA</u></b></p>

	<ul style="list-style-type: none"> <li>Some participants questioned why the World Bank does not <b>more strongly support the concept of benefit sharing with indigenous communities</b>. The policy should be strengthened to more specifically include provisions for benefit sharing with affected indigenous communities.</li> </ul> <p><b><u>SOUTHEAST ASIA(Cambodia)</u></b></p> <ul style="list-style-type: none"> <li><b>Community rural development strengthened (scholarship, etc.).</b></li> </ul>
<p><b>3-13. Gender and Youth</b></p>	<p><b><u>AFRICA</u></b></p> <ul style="list-style-type: none"> <li><b>Indigenous youth:</b> This issue is never discussed. Youth representatives should be included on the advisory council.</li> </ul> <p><b><u>SOUTHEAST ASIA (LAO)</u></b></p> <ul style="list-style-type: none"> <li>Nam Theun 2 case: gender blind; no compensation for women, women were not counted. The women are the ones who take care of the household’s livelihood support, crop planting, livestock, and land. So <b>when Indigenous Peoples are displaced, women are the ones who are affected the most</b>. Women tend to have less participation in project planning and implementation. Recommendations: <b>Bank policy to include gender aspect</b>; ,monitoring is not enough in terms of gender assessment on who gets what, Customary law – men dominate; need to <b>empower women through capacity building</b>.</li> </ul> <p><b><u>PHILIPPINES</u></b></p> <ul style="list-style-type: none"> <li>In relation to the conditional cash transfer project, “4 Ps” (Pantawid Pamilyang Pilipino Program) an Indigenous Peoples consultation was held in August 2013 and one issue raised was the seeming lack of sensitivity regarding indigenous women’s situation, for example, by requiring indigenous women to be checked by a nurse in a clinic.</li> </ul> <p><b><u>NEPAL</u></b></p> <ul style="list-style-type: none"> <li><b>Gender should cut across the issues.</b></li> </ul>
<p><b>3-14. Monitoring and Results Indicator</b></p>	<p><b><u>LATIN AMERICA</u></b></p> <ul style="list-style-type: none"> <li><b>Increased focus on indicators and results:</b> World Bank policies should have a greater focus on indicators and results, including indicators to measure “good living”.</li> </ul> <p><b><u>AFRICA</u></b></p> <ul style="list-style-type: none"> <li><b>The community also should be involved in the monitoring. The cost of monitoring over the long term should be covered.</b></li> </ul>

	<p><b><u>SOUTHEAST ASIA (Lao)</u></b></p> <ul style="list-style-type: none"> <li>Monitoring mechanism on financial transparency. Follow-up mechanism to track the results or impacts of the project at post-implementation stage.</li> </ul> <p><b><u>SOUTHEAST ASIA (Indonesia)</u></b></p> <ul style="list-style-type: none"> <li>Highly recommended that all projects be equipped with monitoring as well as grievance mechanisms to undergird Indigenous Peoples' concerns.</li> </ul> <p><b><u>NEPAL</u></b></p> <ul style="list-style-type: none"> <li><b>Third party and community participatory monitoring</b> should be considered.</li> </ul> <p><b><u>CHINA</u></b></p> <ul style="list-style-type: none"> <li><b>Involve Ethnic Minority communities in the monitoring and evaluation process, in particular of any Ethnic Minorities Plans.</b> Community members may take a leading role in project monitoring, as has been done in some projects.</li> <li>Clarify objectives of EMDP monitoring and evaluation and develop guidelines, similar to those on involuntary resettlement; prepare a monitoring and evaluation manual and identify monitoring indicators.</li> <li>Effective monitoring and evaluation of EMDP contributes to optimizing project design and adapting implementation plans as needed.</li> </ul>
<p><b>3-15. Grievance Redress Mechanism</b></p>	<p><b><u>LATIN AMERICA</u></b></p> <ul style="list-style-type: none"> <li><b>Improved grievances redress mechanisms:</b> The Bank should establish a grievance redress mechanism beyond a project context that would allow indigenous peoples to resolve issues efficiently without the need to go through the Inspection Panel.</li> </ul> <p><b><u>AFRICA</u></b></p> <ul style="list-style-type: none"> <li>An independent mediation mechanism should be established to address the grievances of indigenous communities.</li> <li><b>Grievance redress mechanisms</b> should systematically be incorporated into Bank operations</li> </ul> <p><b><u>SOUTHEAST ASIA (Indonesia)</u></b></p> <ul style="list-style-type: none"> <li>Highly recommended that all projects be equipped with monitoring as well as grievance mechanisms to undergird Indigenous Peoples' concerns.</li> </ul> <p><b><u>NEPAL</u></b></p> <ul style="list-style-type: none"> <li><b>Local grievance redress mechanism:</b> Even if there is a grievance redress mechanism at the Bank's country</li> </ul>

office, it is not easily accessible and transparent to project affected communities. **Grievance redress mechanisms at the local level should be considered to monitor project implementation on the ground.**

#### 4. Specific Issues Recommended for Consideration in the Safeguard Policies Review

##### 4-1. Free, Prior and Informed Consent (FPIC)

##### LATIN AMERICA

- **Adoption of free, prior, and informed consent:** The participants asked for the adoption, in line with the UN, IFC, and other multilaterals, of language that provides a more explicit recognition of their rights in regards to decision making and participation in projects that affect their territories and/or natural resources, including free, prior and informed consent on aspects of projects that directly affect them, as opposed to OP 4.10's current principle of broad community support, which the technical committee found too ambiguous and difficult to document.

##### AFRICA

- Indigenous Peoples note that the policy came into force before UNDRIP. Therefore **free, prior and informed consultation must be replaced with FPIC**. FPIC must be included in the policy paper, and in realities on the ground. **There should be best practices, indicators and guidelines**. Participants also wished to contribute to establishment of national FPIC guidelines.
- Participants from the “francophone group” raised concern about the Bank’s standard of consultation, asking that FPIC be incorporated into the Bank’s new policy as a matter of priority. They emphasized that FPIC is a “legal standard” that guarantees Indigenous Peoples a right to be consulted and that such consultations should lead to consent or lack of it – not a lesser standard.

##### SOUTHEAST ASIA(Cambodia)

- Free, Prior and Informed Consent (FPIC) principle should be implemented.
- Proof of FPIC from Indigenous Peoples representative(s) and/or Indigenous Peoples before Bank signs any loan agreement/implementation.

##### SOUTHEAST ASIA (Indonesia)

- **Suggest the use of “CONSENT” to replace “Consultation.”**
- Taking seriously the implementation of FPIC mechanisms in Indigenous Peoples communities by providing clear information. **The more local Indigenous Peoples are involved in such FPIC mechanisms, the more likely they are to actively engage in the project process.** Central to the success of the project’s implementation, according to the group, is the multi-dimensional transparency among the parties in doing the project.
- Implementation of FPIC mechanisms in Indonesia is not fully implemented, and therefore local Indigenous

Peoples remain uninformed. Another weak point at grassroots level was the absence of Indigenous Peoples' representation in various institutions, which as a result have not included them in decision making processes.

**SOUTHEAST ASIA (Lao)**

- Acceptance of FPIC.

**SOUTHEAST ASIA (Vietnam)**

- FPIC implemented effectively. However, assessment should be done by an independent party to find out what is missing or needed in each region in order to inform the planning and decision-making process of the project in a timely fashion.

**SOUTHEAST ASIA (Philippines)**

- ***Genuine FPIC, based more on customary decision making processes of Indigenous Peoples*** and less on the process designed by NCIP.

**NEPAL**

- ***Consultation with Indigenous Peoples should be conducted in good faith.***
- Indigenous Peoples' institutions (NEFIN, IPOs and traditional institutions) should be brought into the process. Their traditional systems and mechanisms should be respected.
- FPIC is the special right of Indigenous Peoples, not others. The concept of "broad community support" is secondary. ***The Bank's free, prior and informed consultation should be replaced by FPIC.***
- The Bank should ***clearly define the parameter of the consultation.*** So far, all international organizations, including the Bank, have no clear parameters. The suggested parameters include:
  - consult in advance of key decisions.
  - be inclusive, representative and accessible by offering opportunities for informed inputs, and not just for the sake of consultation. Indigenous Peoples' inputs should not be considered as advice only.
  - inform Indigenous Peoples about the results of the consultation process.
- It should be clear that "consent" does not always mean "yes", but can sometimes mean "no" or "wait until Indigenous Peoples make a decision." ***The mechanism and process of "consent" should be set by the Bank. Otherwise "FPIC" would complicate and confuse not only the Bank, but also the indigenous communities.***
- A good example of FPIC is a project in Morang: a proposed landfill site in an indigenous village was canceled as a result of FPIC. NEFIN supported this process.
- ***UN-REDD has already a guideline on how to implement FPIC.*** So, as a UN specialized agency, the Bank should not have a problem in introducing FPIC. NEFIN is finalizing its FPIC guideline. ***This can be used for***

	<p><b>the Bank's consideration.</b></p> <ul style="list-style-type: none"> <li>• <b>Grassroots projects will have no problem with FPIC</b>, in which communities are by definition well consulted and consent can be obtained. <b>The problem lies in large scale projects</b>, which are centrally decided by policy makers and ministries, and which do not involve or consult indigenous communities in the planning and implementation.</li> <li>• Also, it needs to be considered how to operationalize FPIC when <b>unequal power differences exist among indigenous communities</b> or benefits are not shared equally.</li> </ul> <p><b>RUSSIA</b></p> <ul style="list-style-type: none"> <li>• The core issues of Free, Prior and Informed Consent and IP cultural heritage (intangible cultural heritage, preservation of languages) should be considered in the policy update.</li> </ul>
<p><b>4-2. UN Declaration on the Rights of Indigenous Peoples (UNDRIP)</b></p>	<p><b>AFRICA</b></p> <ul style="list-style-type: none"> <li>• <b>The adoption of UNDRIP</b> and the establishment of three UN bodies focused on indigenous peoples' issues (including funding for Indigenous Peoples): the Permanent Forum on Indigenous Peoples, the Expert Mechanism on the Rights of Indigenous Peoples and the Special Rapporteur on the Rights of Indigenous Peoples. Participants particularly appreciate their observer status at the Permanent Forum, which has given them a voice on issues that affect them. UNDRIP should be a minimum standard.</li> </ul> <p><b>SOUTHEAST ASIA</b></p> <ul style="list-style-type: none"> <li>• Apart from improving implementation, there is a call to <b>review the policy itself because it does not seem consistent with the UN Declaration on Rights of Indigenous Peoples (UNDRIP)</b>.</li> </ul> <p><b>NEPAL</b></p> <ul style="list-style-type: none"> <li>• <b>Awareness and understanding of UNDRIP in the Bank is very limited.</b> The Bank should raise awareness of this UN declaration, from the management level down to lower level staff.</li> </ul> <p><b>RUSSIA</b></p> <ul style="list-style-type: none"> <li>• The update of the policy should not lead to its weakening. <b>OP 4.10 is lagging behind the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and should be revised.</b> There is a need for harmony and balance.</li> </ul>
<p><b>4-3. Human Rights</b></p>	<p><b>AFRICA</b></p> <ul style="list-style-type: none"> <li>• The issue of human rights was also strongly raised. Participants questioned when the World Bank would <b>explicitly address human rights issues and reflect them in a policy.</b></li> </ul> <p><b>SOUTHEAST ASIA</b></p>

	<ul style="list-style-type: none"> <li>• Even though there is no specific operational guideline or indicator, <b><i>respect for human rights should be a fundamental component.</i></b></li> </ul>
<p><b>4-4. Forced Eviction</b></p>	<p><b><u>AFRICA</u></b></p> <ul style="list-style-type: none"> <li>• They requested <b><i>the Bank to refrain from supporting projects that would lead to forced evictions from Indigenous Peoples’ lands.</i></b> They termed forced evictions as a serious violation of “human rights” that Bank support should not condone. Participants demanded that, in view of the long-term nature of the policy review and update process, an immediate “interim” measure against forced evictions in any Bank-financed projects be implemented.</li> <li>• When Indigenous Peoples are evicted under Bank projects, the Bank should supervise the process closely.</li> </ul> <p><b><u>SOUTHEAST ASIA (Vietnam)</u></b></p> <ul style="list-style-type: none"> <li>• In Vietnam, land belongs to all people in the country and is managed by the government. The government thereby grants land use rights to people and other organizations (50 years for forest land and 20 years for forestry land). However, when the government acquires the land, compensation at prescribed prices for development projects is made (in other cases, compensation is agreed upon by related parties). Thus, there is a need to clarify specific situations where forced relocation is required and should be done. These are cases when projects are of high value and serve the mass population in terms of socio-economic benefits.</li> <li>• However, it is important to consult effectively with stakeholders and consider related factors affecting Indigenous Peoples’ resettlement and policies of the national government. The government sets compensation price and provides stable employment opportunities and incomes. In Vietnam, there are projects affecting environment and causing chaos to the lives of Indigenous Peoples such as hydropower projects and bauxite exploitation projects in the Central Highlands which have attracted wider public attention.</li> </ul> <p><b><u>SOUTHEAST ASIA(Indonesia)</u></b></p> <ul style="list-style-type: none"> <li>• <b><i>Zero tolerance for resettlement in indigenous territories.</i></b></li> </ul>
<p><b>4-5. Voluntary Isolation</b></p>	<p><b><u>LATIN AMERICA</u></b></p> <ul style="list-style-type: none"> <li>• <b><i>Respect for Indigenous peoples in voluntary isolation.</i></b> The Bank should recognize the existence of indigenous peoples in voluntary isolation and respect their autonomy and self-determination to live as such in their harmonic relationship with nature. There should be no interventions or interference in the territories of indigenous peoples in voluntary isolation.</li> </ul>

	<p><b><u>SOUTHEAST ASIA (Indonesia)</u></b></p> <ul style="list-style-type: none"> <li>• Should be left alone and protection provided. Special effort for Indigenous Peoples who live in voluntary isolation. Should not impose “modern/outside” concept of development.</li> </ul>
<p><b>4-6. Policy Flexibility</b></p>	<p><b><u>AFRICA</u></b></p> <ul style="list-style-type: none"> <li>• <b><i>Global policy and flexible application:</i></b> It was suggested that the Bank could have a global Indigenous Peoples policy, but which could have a flexible application at the country level, such as using a term other than Indigenous Peoples, for example “marginalized” or “vulnerable” people.</li> </ul>
<p><b>4-7. Other Marginalized Groups</b></p>	<p><b><u>NEPAL</u></b></p> <ul style="list-style-type: none"> <li>• <b><i>Continued application of Casteism as a tool of social exclusion in Nepal.</i></b> Principles of Casteism marginalize, discriminate against and exploit Indigenous Peoples, Dalits, Madhesh, Muslims, disabled persons, backward region, third gender and LGBT.</li> <li>• Marginalized groups lack access to:             <ul style="list-style-type: none"> <li>– recognition of identity, citizenship and property rights.</li> <li>– education, health, resources, decision making power in state organs.</li> </ul> </li> <li>• The Bank’s development programs and projects should <b><i>pay special attention to marginalized groups.</i></b></li> <li>• Issues of Indigenous Peoples and marginalized groups should not be regarded as problems, but as potential contributors to nation building and empowering diversity.</li> <li>• <b><i>The World Bank and the Asian Development Bank should have a policy to address development issues of Dalits at the South Asian sub-regional level. Dalit communities wish to initiate a dialogue with the Bank.</i></b></li> </ul>