

Factsheet: Proposed¹ Environmental and Social Standard 7:

Indigenous Peoples

What is the proposed ESS 7 about?

There is a need to recognize, respect and preserve the culture, knowledge, and practices of Indigenous Peoples—as laid out in international conventions. Indigenous Peoples have identities and aspirations that are different from mainstream groups. They are often economically marginalized. Their economic, social, and legal status frequently limits their ability to defend their rights to land and natural and cultural resources. To ensure that they benefit from development as any other group, the World Bank requires Borrowers to take special considerations for Indigenous Peoples (see current [Operational Policy on Indigenous Peoples](#)).

Indigenous Peoples are often inextricably tied to the land on which they live and to the natural resources on which they depend. The proposed ESS 7 would therefore apply whenever Indigenous Peoples live in the project area or are otherwise attached to it, regardless of potential risks or impacts.

The proposed Standard first lists the criteria for identifying Indigenous Peoples. If approved, the Borrower would be required to consult with them on the design and the implementation of a project. In some circumstances, their free, prior, and informed consent would be required. Throughout the project life-cycle, the Borrower would avoid adverse impacts on Indigenous Peoples, and where avoidance is not possible, would minimize, mitigate and compensate for such impacts.

The draft World Bank Environmental and Social Policy, the World Bank's responsibilities would include screening the project to determine whether Indigenous Peoples are present in, or have collective attachment to the project area; reviewing the assessments conducted by the Borrower; assisting the Borrower in developing measures and actions required for the project to comply with ESS7; and agreeing with the Borrower on the measures and actions they would take over a specified time frame in the Environmental and Social Commitment Plan (ESCP). Throughout implementation, the World Bank would then monitor performance and provide support and capacity building, as needed, in accordance with the legal agreement, including the ESCP.

What's new?

- **Free, Prior, and Informed Consent:** The proposed ESS 7 proposes to introduce Free, Prior, and Informed Consent (FPIC). If approved, the Borrower would be required to obtain FPIC of the affected Indigenous Peoples when projects (a) impact lands and natural resources traditionally owned, used, or occupied by Indigenous Peoples; (b) cause relocation of Indigenous Peoples; or (c) have significant impacts on Indigenous Peoples' cultural heritage. The Borrower would then document the mutually accepted process as well as evidence of agreement between the parties. The proposed FPIC would not require unanimity and could be achieved even when individuals or groups within or among affected Indigenous Peoples explicitly disagree. The proposed Standard suggests that when the Bank cannot ascertain the FPIC of the affected Indigenous Peoples, the aspect of the project relevant to those Indigenous Peoples would not be processed further. In such cases, the Borrower would ensure that no adverse impacts result on such Indigenous Peoples during the implementation of the project.

¹ The content of the proposed Standard is for consultation purposes. It has not been endorsed by the Executive Directors of IBRD/IDA. The Board of Executive Directors will make the final decision on the content.

To review the proposed framework, including the full text of all ten standards, and provide feedback, please visit <http://consultations.worldbank.org/consultation/review-and-update-world-bank-safeguard-policies>

- **Clearer Recognition of pastoralists:** Some groups of Indigenous Peoples move with their herds (pastoralists) or are otherwise nomadic. The proposed Standard clarifies that these groups would be recognized as Indigenous Peoples and protected under the proposed ESS 7.
- **Protection of Indigenous Peoples in voluntary isolation:** The proposed ESS 7 would require Borrowers to take appropriate measures to protect Indigenous Peoples in voluntary isolation.

What stays the same?

- Indigenous Peoples are currently protected through a [dedicated safeguard policy](#), whose requirements are preserved in the proposed ESS 7.