



## Policy on Indigenous Peoples

### Introduction

Many of the world's remaining areas of high biodiversity and critical ecosystem service provision overlap with lands owned, occupied, and/or utilized by indigenous peoples (IPs). WWF has engaged with indigenous peoples in a range of ecosystems and capacities, from community-based work to support the sustainable and traditional uses of medicinal plants and animals to working with indigenous groups in managing traditional lands to support biodiversity conservation and ecological processes that maintain their lives and livelihoods.

The WWF Network's policy on **Indigenous Peoples and Conservation: WWF Statement of Principles**<sup>3</sup>—is to ensure that indigenous rights are respected in WWF's work, that indigenous peoples do not suffer adverse impacts from projects, and that they receive culturally appropriate benefits from conservation. WWF must ensure that:

- Projects respect indigenous peoples' rights, including their rights to FPIC processes and to tenure over traditional territories;
- Culturally appropriate and equitable benefits (including from traditional ecological knowledge) are negotiated and agreed upon with the indigenous peoples' communities in question; and
- Potential adverse impacts are avoided or adequately addressed through a participatory and consultative approach.

Further, the WWF Network's Indigenous Peoples and Conservation: WWF Statement of Principles endorses the provisions regarding indigenous peoples established in International Labor Organization (ILO) Convention No. 169<sup>4</sup> and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).<sup>5</sup> WWF's policy was first adopted in 1996 and was updated and re-published in 2008 following the United Nations General Assembly adoption of UNDRIP.

In 2008, the WWF Network also developed implementation guidelines to serve as a resource to support the implementation of the WWF Statement of Principles on Indigenous Peoples and Conservation: "**Mainstreaming WWF's Principles on Indigenous Peoples and Conservation in Project and Program Management**,"<sup>6</sup> which describes practical ways of mainstreaming the WWF Network policy commitments to indigenous peoples and their rights in the context of applying WWF Project and Program Management Standards (PPMS).

The above-mentioned implementation guidelines also contain a specific annex with detailed guidance on:

- Identifying indigenous peoples;
- Identifying representative and indigenous organizations; and
- Identifying indigenous lands, territories, and resources.

### Mitigation Measures

Should the SST identify impacts on indigenous peoples, WWF requires the development of an action plan, and WWF has developed procedures for an Indigenous Peoples Plan (IPP), generic terms of reference (ToR) for an IPP, and generic ToR for an Indigenous Peoples Planning Framework (IPPF).

**Annex 7** provides more details about this policy.

## ANNEX 7

# Procedures for Implementation of Indigenous Peoples Policy

### 7.1 Introduction

WWF recognizes the unique cultural and socioeconomic circumstances, historic and current vulnerability, place-based culture, and internationally recognized rights afforded indigenous peoples, as recognized under International Labor Organization's Convention No. 169 and the United Nations Declaration on the Rights of Indigenous Peoples.

Indigenous people are defined by ILO Convention No. 169 as: (a) tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations; or (b) peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions. Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply. WWF at minimum adheres to the ILO definition of indigenous people when determining if the Indigenous Peoples Policy should apply to projects, and will apply a more inclusive definition if determined appropriate

International instruments recognize the right to free, prior, and informed consent (FPIC) for indigenous/tribal peoples alone. However, in practice, the principles underlying FPIC are increasingly extended to local communities and project-affected communities, as well. This extension is consistent with the Convention on Biological Diversity (CBD), which recognizes that both indigenous and local communities have rights to FPIC. In short, FPIC has emerged as a best-practice standard for all project-affected communities.

In WWF's work, the processes of consultation and obtaining FPIC will be applied to all project-affected communities, with the distinction that indigenous peoples enjoy a higher standard of protection based on their vulnerability and place-based culture. Thus, for indigenous peoples, WWF would place greater priority on avoidance of adverse impacts compared with other local communities, for which mitigation or compensation may be more feasible without damage to the community. This section thus guides our work with all communities and outlines these best-practice standards consistent with WWF policies.

### 7.2 Applicability and Objectives

WWF's Statement of Principles on Indigenous Peoples and Conservation recognizes the distinct circumstances that expose indigenous peoples to different types of risks and impacts from development projects. As social groups with identities that are often distinct from dominant groups in their national societies, indigenous peoples are frequently among the most marginalized and vulnerable segments of the population. As a result, their economic, social, and legal status

often limit their capacity to defend their rights to lands, territories, and other productive resources, and restricts their ability to participate in, and benefit from, development.

At the same time, WWF recognizes that indigenous peoples play a vital role in sustainable development and emphasizes that conservation should benefit indigenous peoples, thereby ensuring long-term sustainable management of critical ecosystems and protected areas.

### 7.3 Project Risks to Indigenous Peoples

Many areas with threatened species and other biodiversity values overlap with lands or territories traditionally owned, customarily used, or occupied by indigenous peoples. In this way, WWF projects can provide valuable long-term opportunities for sustainable development for indigenous peoples and other local communities. On the other hand, projects supported by GEF and GCF could also adversely affect indigenous peoples and the lands and resources on which they depend. Potential impacts and risks may include the following (which are illustrative only and do not exclude other impacts in particular cases):

- Loss of customary rights to land and natural resource use areas as well as areas used for social, cultural, and spiritual purposes. Such rights would need to be identified and recognized in specific projects;
- Changes in land and natural resource use that do not take into consideration traditional resource use practices. Activities that support land and natural resource use changes based on unfounded assumptions that these are unsustainable may inflict both adverse social consequences (e.g., decreased food security) and environmental consequences (e.g., over-exploitation of remaining land use areas). Such activities should only be undertaken based on a thorough understanding of both biological and social evidence, and through consultations with indigenous peoples;
- Loss of culture and social cohesion. Given indigenous peoples' social and political marginalization and their distinct cultures and identities, which are often intertwined with their land and natural resource use practices, interventions may adversely affect their culture and social organization, whether inadvertently or not. While indigenous communities may welcome and seek change, they can be vulnerable when such change is imposed from external forces without their full participation and consent; and
- Inequitable benefits and participation. Given their social and political marginalization, indigenous peoples may not reap the benefits of conservation projects. The costs (e.g., in time and resources) of participating in project activities may also outweigh the benefits to indigenous peoples. Participation design may not include appropriate capacity building (when needed) or appropriate representation of indigenous peoples in decision-making bodies or may not take into consideration local decision-making structures and processes. This may lead to alienation of indigenous peoples or conflicts with and/or between communities.

## 7.4 Indigenous Peoples Safeguard Requirements

WWF's Policy on Indigenous Peoples applies to projects that affect indigenous peoples, whether adversely or positively. Such projects need to be prepared with care and with the participation of affected communities.

Policy requirements include early screening for indigenous peoples; an environmental and social impact assessment with the participation of indigenous peoples to assess risks and opportunities and to improve the understanding of the local context and affected communities; a consultation process with the affected indigenous peoples' communities to fully identify their views and to obtain their free, prior, and informed consent to project activities affecting them; and development and inclusion of the elements of a project-specific Indigenous Peoples Plan (IPP) with measures to avoid adverse impacts and enhance culturally appropriate benefits in each project.

The level of detail necessary to meet the requirements of this planning framework is proportional to the complexity of the proposed project and commensurate with the nature and scale of its potential effects on the indigenous peoples, whether adverse or positive. This is determined by the Environment and Social Safeguards Coordinator in consultation with the Project Team and is based on a subjective assessment of project activities, circumstances of indigenous peoples, social risks, and project impacts.

Projects are required to screen for the presence of indigenous peoples early during project preparation. Indigenous peoples are identified as—among other criteria—a distinct, vulnerable, social, and cultural group possessing (i) self-identification and/or identification by others as indigenous peoples and (ii) collective attachment to land, presence of customary institutions, indigenous language, and primarily subsistence-oriented production.

The screening process can be based on literature review and secondary sources, but would usually also include consulting experts on the local context. Screening may also involve consultations with affected communities, indigenous peoples' organizations, NGOs, and government representatives, as appropriate.

Once it has been determined that indigenous peoples are present in the project area, the Project Team utilizes a Social Impact Assessment (SIA) (**please see Annex 2**) to assess the particular circumstances of the affected communities and the project's positive and adverse impacts on them. The SIA will be used to identify means to avoid or mitigate adverse impacts, ensure that project activities are culturally appropriate, enhance benefits to target groups, and determine whether the project is likely to succeed in the given socioeconomic and cultural context. In this way, the SIA informs the preparation of the project and, if warranted, the preparation of an Indigenous Peoples Plan. The SIA would confirm what, if any, impacts the project might have on indigenous groups and identify any particular issues to consider in project design and during project implementation concerning indigenous peoples. This SIA is discussed with the indigenous communities during the consultation process (see below).

## 7.5 Consultations

WWF adheres to a policy of FPIC based on International Labor Organization (ILO) Convention No. 169 Concerning Indigenous and Tribal Peoples in Independent Countries and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

The terms in FPIC are as defined by the United Nations Economic and Social Council (2005): Free: without coercion, intimidation, or manipulation; Prior: before the start of any activity while also respecting indigenous consultation/consensus processes; Informed: indigenous peoples have full information about the scope and impacts of the proposed activity on their lands, resources, and well-being; Consent: right to say yes or no as a result of consultation and participation in good faith.

The Project Team undertakes a process of consultations with the indigenous peoples during project preparation to (i) inform them about the project, (ii) fully identify their views, (iii) inform/adapt the project design, and (iv) obtain their free, prior, and informed consent to project activities affecting them and, if its development is required, the Indigenous Peoples Plan (IPP).

The extent of consultations depends on the project activities, their impacts on indigenous peoples, and the circumstances of the communities. As a minimum (e.g., for projects with no impacts on, or no direct interventions with, the indigenous communities), indigenous peoples are informed about the project prior to its implementation, asked for their views on the project, and assured that they will not be affected during project implementation.

For projects affecting indigenous communities, whether positively or adversely, a more elaborate consultation process is required. This may include, as appropriate:

- Informing affected indigenous communities about proposed project objectives and activities prior to project approval so that their concerns can be addressed in project development;
- Discussing and assessing possible adverse impacts and ways to avoid or mitigate them;
- Discussing and assessing potential project benefits and how these can be enhanced;
- Discussing and assessing land and natural resource use and how management of natural resources may be enhanced;
- Identifying customary rights to land and natural resource use and identifying possible ways of enhancing these or at least safeguarding them;
- Identifying and discussing (potential) conflicts with other communities and how these might be avoided;
- Discussing and assessing community well-being and food security and how this might be affected or enhanced through project interventions;
- Eliciting and incorporating indigenous knowledge into project design, as appropriate;
- Ascertaining the affected communities' consent to project activities affecting them; and
- Developing a strategy and process in conjunction with the community for indigenous peoples' participation and consultation during project

implementation, including for participatory monitoring and evaluation, and through which consent can be obtained at multiple stages throughout the life of the project.

Any and all consultations should be conducted in accordance with the following guidelines:

- The consultations should be conducted in a manner that is culturally appropriate, taking into consideration the indigenous communities' decision-making processes. All project information provided to indigenous peoples should be in a form appropriate to their needs, and taking into account literacy levels. Local languages should usually be used and efforts should be made to include all community members, including women and members of different generations and social groups (e.g., clans and those of different socioeconomic backgrounds). The consultations should occur without any external manipulation, interference, or coercion. Communities should have prior access to information about the intent and scope of the project, including possible positive and negative results, and should be allowed to have discussions among themselves before agreeing to project activities.
- When seeking affected indigenous peoples' consent for the project, it should be ensured that all relevant social groups within the community have been adequately consulted (e.g., women, elders, etc.). The decision-making process of the affected indigenous peoples should determine the appropriate approach for ascertaining that they have provided their agreement to the proposed project activities.

The Project Team is responsible for the oversight of the implementation of a consultation process. If the indigenous communities are organized in community associations or umbrella organizations, these may also be consulted. In some cases, it may be necessary to include in the process independent entities that have the affected communities' trust. The experience of (other) locally active NGOs and an Indigenous Peoples Expert may also be useful when necessary.

The consultations will be documented, and agreements or special design features providing the basis for the affected indigenous peoples' consent to the proposed project should be described in the full proposal and, if required, the Indigenous Peoples Plan; any disagreements raised will also be documented, including how they were resolved or addressed.

### **7.6 Guidance on Preparing an Indigenous Peoples Plan**

Based on the social assessment and consultations, the project is designed to address issues pertaining to indigenous peoples. If a project may potentially have adverse impacts on, or have direct interventions with, indigenous communities, an Indigenous Peoples Plan is prepared. Whether a project requires an IPP is determined by the Environment and Social Safeguards Coordinator in consultation with the Project Team.

If a project also involves involuntary restrictions on access to natural resources, a Resettlement Action Plan or Process Framework and an Indigenous Peoples Plan should be prepared in tandem and with the participation of affected indigenous communities. In cases where indigenous peoples are the sole or the overwhelming majority of direct project beneficiaries and the project focus is

delivery of these benefits, a stand-alone IPP is not required; instead the elements of an IPP can be included in the overall project design document.

The contents of the IPP depend on the project activities and impacts on indigenous peoples. As a minimum, the IPP should include:

- A description of the indigenous peoples affected by the proposed project;
- A summary of the proposed project;
- A detailed description of the participation and consultation process during implementation;
- A description of how the project will ensure culturally appropriate benefits and avoid or mitigate adverse impacts;
- A budget;
- A mechanism for complaints and conflict resolution; and
- A monitoring and evaluation system that includes monitoring of particular issues and measures concerning indigenous communities.

The following elements and principles may be included in the IPP, as appropriate:

- Specific measures for implementation, along with clear timetables of action, budget, and financing sources. The IPP measures should also be incorporated into the general project design as appropriate. Emphasis should be on enhancing participation and culturally appropriate benefits. Adverse impacts should be contemplated only when absolutely necessary and when agreed to by the affected communities;
- A description and documentation of the free, prior, and informed consent reached during the project preparation consultation process;
- Clear output and outcome indicators developed with the affected indigenous peoples;
- A project design drawing upon the strengths of indigenous peoples' communities and their local institutions, taking into account their languages, cultural and livelihood practices, social organization, and religious beliefs;
- Use of indigenous and traditional knowledge and local resource management arrangements in project design as appropriate and with the community's consent;
- Special measures for the recognition and support of customary rights to land and natural resources. This is particularly the case for projects that support the development of management plans and other forms of land and natural resource use planning. Projects that support policy development may also affect indigenous peoples' customary rights;
- Special measures concerning women and marginalized subgroups in the communities to ensure inclusive development activities;
- Capacity-building activities for the indigenous communities to enhance their participation in project activities;
- Capacity building of the Project Team (and any other implementing agency) concerning indigenous peoples' issues;
- If the Project Team does not possess the necessary technical capacities concerning working with indigenous peoples, the involvement of experienced local community organizations and NGOs acceptable to the affected indigenous peoples;
- A grievance mechanism taking into account local dispute resolution practices; and

- Monitoring and reporting arrangements, including mechanisms and benchmarks appropriate to the project and affected communities. Participatory monitoring and evaluation exercises adapted to the local context, indicators, and capacity should be included.

### 7.7 Standard Outline for an Indigenous Peoples Plan

The Indigenous Peoples Plan (IPP), while adhering to the policies and practices described herein, is prepared in a flexible and pragmatic manner, and its level of detail varies depending on the specific project and the nature of effects to be addressed.

The IPP includes the following elements, as needed:

- A summary of the legal and institutional framework applicable to indigenous peoples in the area and a brief description of the demographic, social, cultural, and political characteristics of affected indigenous peoples' communities, the land and territories that they have traditionally owned;
- A summary of the social assessment;
- A summary of results of the participatory consultation with the affected indigenous peoples' communities that was carried out during project preparation and that led to their free, prior, and informed consent to the project;
- A framework for ensuring free, prior, and informed consent with the affected indigenous peoples' communities during project implementation;
- An action plan of measures to ensure that the indigenous peoples receive social and economic benefits that are culturally appropriate, including, if necessary, measures to enhance the capacity of the project executing entities to ensure that they are delivered and/or sustained;
- When potential adverse project effects on indigenous peoples are identified, an appropriate action plan of measures to avoid, minimize, mitigate, or compensate for these adverse effects;
- The cost estimates and financing plan for the IPP coordinated to ensure consistency with the overall project budget;
- Accessible procedures appropriate to the project to address grievances by the affected indigenous peoples' communities arising from project implementation. When designing the grievance procedures, the Project Team takes into account the availability of judicial recourse and customary dispute settlement mechanisms among the indigenous peoples; and
- Mechanisms and benchmarks appropriate to the project for monitoring, evaluating, and reporting on the implementation of the IPP. These monitoring and evaluation mechanisms should include arrangements for consultation with and the free, prior, and informed consent of the affected indigenous peoples' communities with respect to monitoring and evaluation.



### 7.8 Standard Outline for an Indigenous Peoples Planning Framework

The project involves the preparation and implementation of annual investment programs or multiple subprojects. Since initial screening indicates that vulnerable indigenous peoples (IP) are likely to be present in, or have collective attachment to, the project area, but the potential for adverse impacts cannot be determined until the programs or subprojects are identified, the Indigenous Peoples Planning Framework (IPPF) provides for the screening and review of these programs or subprojects.

The IPPF should embody the following elements:

- An introduction to the types of components, subcomponents, and subprojects likely to be proposed for financing under the project;
- A short introduction to the vulnerable/marginalized indigenous peoples who might be affected by the project (ethnicity, demographics, socioeconomic situation, etc.);
- The potential positive and adverse effects of the project on the IP;
- A plan to carry out social assessments for such programs/subprojects;
- A framework to ensure FPIC and consent processes with the affected IP's communities at each stage of the preparation and implementation of the project;
- Institutional arrangements (including capacity building where necessary) for screening project-supported activities, evaluating their effects on IP, preparing IPPs, and addressing any grievances;
- Monitoring and reporting arrangements, including mechanisms and benchmarks appropriate to the project; and
- Disclosure arrangements for IPPs to be prepared under the IPPF.

### 7.9 Institutional Arrangements, Monitoring, and Disclosure

The Project Team is responsible for incorporating recommendations from the IPP/IPPF into project design and executing the project in conformity with WWF's Policy on Indigenous Peoples. This includes defining monitoring indicators and reporting on progress of their achievement.

The WWF Environment and Social Safeguards Coordinator will monitor implementation of the IPP. The Environment and Social Safeguards Coordinator will approve the ToR for the IPP and the IPP report. In addition, the Environment and Social Safeguards Coordinator will review and approve the elements of project-specific IPPs and other measures concerning indigenous peoples and will monitor the implementation of these plans. During project preparation and implementation, the Environment and Social Safeguards Coordinator may request further information concerning the project's effects on indigenous peoples, and request further assessment or consultations as well as work on the IPP.

IPPs prepared for projects under this framework should be disclosed in a culturally appropriate manner in draft form to affected communities prior to approval by the Environment and Social Safeguards Coordinator and again after project approval and prior to implementation. Language is critical and the IPP should be disseminated in the local language or in other forms easily understandable to affected communities; oral communication methods are often needed to communicate the proposed plans to affected communities.