



Environmental & Social Management System (ESMS)

Standard on Indigenous Peoples

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Code Version Control and History

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Purpose	To establish risk assessment and management requirements for IUCN projects to avoid negative impacts on indigenous peoples
Is part of	IUCN Environmental and Social Management System (ESMS)
Conforms to	Internationally accepted environmental and social standards and safeguards; in particular with the GEF Policy on Agency Minimum Environmental and Social Standards and the Green Climate Fund's Environmental and Social Safeguards
Related Documents	ESMS Manual, IUCN ESMS Standards on Involuntary Resettlement and Access Restrictions, on Biodiversity and Sustainable Use of Natural Resources and on Cultural Heritage
Distribution	available on the Union Portal and IUCN website

Document History

Version	Release date	Summary of changes
Version 1.0	Released in May 2014	
Version 1.1	Released in March 2015	Small adjustments
Version 2.0	Released in May 2016	Refinement of scope description and conditions of applicability, clarification of risk assessment and risk management requirements.

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Environmental and Social Management System Policy Framework

Environmental and Social Management System (ESMS) is an intrinsic part of IUCN's project cycle. It provides systematic steps and operational tools for managing the environmental and social performance of projects implemented or supported by IUCN. The system allows IUCN to identify potential negative environmental or social impacts of its projects and develop suitable measures to avoid, minimise, or compensate for these impacts. It also ensures that the implementation and effectiveness of mitigation measures are monitored and that any impacts arising during execution of the project are addressed.

The ESMS is guided by eight overarching principles and four standards which reflect key environmental and social areas and issues at the heart of IUCN's conservation approach.

Principles

- Principle on Taking a Rights-Based Approach
- Principle on Protecting the Needs of Vulnerable Groups
- Principle on Gender Equality and Women Empowerment
- Principle on Stakeholder Engagement
- Principle on Free, Prior and Informed Consent
- Principle on Accountability
- Principle on the Precautionary Principle
- Principle on Precedence of the Most Stringent Standards

Standards

- Standard on Involuntary Resettlement and Access Restrictions
- Standard on Indigenous Peoples**
- Standard on Biodiversity Conservation and Sustainable Use of Natural Resources
- Standard on Cultural Heritage

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A. Introduction

1. The **Standard on Indigenous Peoples** is a component of the IUCN Environmental and Social Management System (ESMS).
2. This standard stems from the recognition that many indigenous and traditional peoples inhabit a significant part of the Earth's most biodiverse regions, cultivate strong economic, cultural and spiritual relations with their natural environment on which their livelihood systems depend, have developed and often maintain traditional ecosystem management practices that contribute to biodiversity conservation, and are holders of unique knowledge systems valuable for biodiversity conservation. Diverse and important ecosystems are located in areas and territories under indigenous peoples' and traditional communities' ownership, control and/or management. At the same time, these peoples and communities are often significantly affected by the degradation and loss of their natural environments, and they can be directly affected, both positively and negatively, by conservation and development projects and other public and private interventions.
3. For this standard, the term 'indigenous peoples' follows the definition or 'statement of coverage' contained in the International Labour Organisation Convention on *Indigenous and Tribal Peoples in Independent Countries*.¹ Therefore, it includes:
 - i. peoples who identify themselves as 'indigenous';
 - ii. tribal peoples 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;
 - iii. traditional peoples not necessarily called indigenous or tribal but who share the same characteristics of social, cultural, and economic conditions that distinguish them from other sections of the national community, whose status is regulated wholly or partially by their own customs or traditions, and whose livelihoods are closely connected to ecosystems and their goods and services.
4. The need for policies and measures that specifically address the impacts of programmes and projects on indigenous peoples is justified by the fact that they are often among the most marginalised and vulnerable groups in society. Affirmative action is therefore needed to strengthen their capacity to defend their rights to, and interests in, lands and resources, and to allow them to participate in, and benefit from, development processes. Because of the status of indigenous peoples and communities and because of the issues that affect them, specific and comprehensive approaches are required to integrate the economic, social, cultural and environmental dimensions of development and to pay special attention to cultural identity, resilience, health and nature-based livelihoods.
5. IUCN policies on human rights and conservation require that in its conservation work, IUCN respects and, where possible, promotes human rights, protects the vulnerable and encourages good governance. IUCN applies and actively promotes rights-based approaches. IUCN's policy objectives with respect to indigenous peoples in the context of its work are hence to:

¹ International Labour Organisation, 1989, Convention 169 on *Indigenous and Tribal Peoples in Independent Countries*, available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C169.

- i. recognise the social, economic and cultural rights of indigenous peoples such as their right to their lands, territories and natural resources, and respect their social and cultural identity, customs, traditions and institutions;
 - ii. respect indigenous peoples' knowledge and innovations, and their social, cultural, religious and spiritual values and practices;
 - iii. ensure the full and effective participation of indigenous peoples in all relevant conservation activities supported and implemented by IUCN;
 - iv. support indigenous peoples' right to make their own decisions on matters affecting their lands, territories and resources, as well as their right to control and manage natural resources on which their social and livelihood systems rely, and to this end support the strengthening of their traditional institutions and their management capacities;
 - v. strengthen the capacity of indigenous peoples to ensure the protection of their knowledge and the fair access to and equitable sharing of any benefits arising from its use;
 - vi. support indigenous peoples' livelihood security, improvement of their living conditions, reduction of poverty and sustainable community development, with due attention to local wisdom and local values and to gender, inter-generational and intra-community equity;
 - vii. support processes for improving the national and international legal and policy frameworks relevant to the rights of indigenous peoples in the context of the environment and biodiversity conservation.
6. Projects undertaken or supported by IUCN aim at promoting positive measures for supporting indigenous peoples, and enabling and promoting their role in conservation and sustainable resources management. However, IUCN also recognises that there is a risk that its conservation projects and programmes might inadvertently affect rights of indigenous peoples if no special attention is taken.

B. Purpose of the standard

7. The purpose of this standard is to assure that IUCN projects:
- i. anticipate and avoid negative economic, cultural, social and environmental impacts on indigenous peoples or, if avoidance is not possible, minimise and/or compensate for impacts;
 - ii. take specific conditions, rights and needs of indigenous peoples – including their social, economic and cultural rights – fully into account in project planning and implementation and ensure that their social and cultural identity, customs, traditions and institutions are fully respected, including their cultural and spiritual values and perspectives on the environment;
 - iii. optimise opportunities for providing culturally appropriate and gender inclusive benefits to indigenous peoples as agreed with them.

C. Guiding principles

8. The following principles inform all stages of the application of this standard. These are complementary to the overarching ESMS principles in the ESMS Policy Framework, the policy objectives stated in section A (paragraph 5) and the purpose statement in section B.
- i. IUCN projects intentionally and proactively support the rights and livelihoods of indigenous peoples and indigenous communities (in particular their rights to lands, territories and resources) and include specific measures to avoid any negative impacts on them; if avoidance is not possible, appropriate mitigation measures including compensation are put in place to prevent any net loss of rights and livelihoods.
 - ii. Project proponents and executing entities are aware of customary management regimes and support their improvement as required from a perspective of environmental sustainability, and these are integrated into planned processes and activities.
 - iii. Partnerships with other actors are designed and implemented in ways that intentionally support the rights and livelihoods of indigenous peoples whenever possible, and at minimum do not undermine them.
 - iv. Indigenous peoples' right to self-determination is respected and supported in project planning and implementation.
 - v. Traditional ecological knowledge is recognised, respected and protected.
 - vi. In recognition of the ESMS Principle on Accountability, indigenous peoples must have access to information on the project and activities relevant to their issues at all stages of project development in a way that is culturally and technically appropriate.
 - vii. Indigenous peoples must be consulted in a culturally appropriate way and be active and effective participants in decision-making processes relevant to them in the context of IUCN projects. In adherence to the ESMS Principle on Free, Prior and Informed Consent, free, prior and informed consent is obtained for any intervention that:
 - a. takes place on their lands, waters, or territories;
 - b. may have negative economic, social, cultural or environmental impacts on their rights, resources or livelihoods;
 - c. involves the use of their traditional knowledge; or
 - d. promotes the development and generation of social or economic benefits from cultural heritage sites or resources to which they have legal (including customary) rights.
 - viii. The ESMS Principle on Gender Equality and Women Empowerment and considerations of intergenerational equity are properly integrated, with due consideration to indigenous peoples' contexts and culture-specific situations.
 - ix. In accordance with the ESMS Principle on Protecting the Needs of Vulnerable Groups, particular emphasis is given to the most vulnerable groups within the indigenous communities (for example, women, girls and the elderly). Mitigation strategies should take into account the social, economic, cultural and environmental causes of vulnerability, including climate change, and seek opportunities for reducing vulnerability, building resilience and promoting equity.

- x. IUCN does not take part in or support forced relocation of indigenous peoples as a result of conservation initiatives.
- xi. Benefits from conservation activities must be justly and equitably shared among all stakeholders, based on appropriate understanding of their rights and entitlements and within principles of social and gender equity.

D. Conformity and relationship with other systems and policies

9. This standard is consistent with internationally accepted norms and standards related to indigenous peoples, notably Performance Standard 7 of the International Finance Corporation's *Performance Standards on Environmental and Social Sustainability*² and the World Bank's Operational Policy on Indigenous Peoples.³ It also meets the Global Environment Facility's Policy on *Agency Minimum Standards on Environmental and Social Safeguards* in its provisions for indigenous peoples.⁴

10. The standard also reflects or has been guided by:

- i. IUCN's policies relevant to indigenous peoples and conservation contained in the resolutions and recommendations from its Congresses;⁵
- ii. IUCN's *Policy on Conservation and Human Rights for Sustainable Development* (2012)⁶ and the *Policy on Social Equity in Conservation and Sustainable Use of Natural Resources* (2000);⁷
- iii. IUCN Resolutions on *Integrating Culture and Cultural Diversity into IUCN's Policy and Programme* (2008)⁸ and on *Recognition of the Diversity of Concepts and Values of Nature* (2008);⁹
- iv. The United Nations *Declaration on the Rights of Indigenous Peoples*,¹⁰ endorsed by IUCN in 2008;
- v. The Convention on Biological Diversity's *Convention on Biological Diversity's Akwé: Kon Guidelines*.¹¹

² International Finance Corporation, 2012, *Performance Standards on Environmental and Social Sustainability*, Washington DC: IFC. Available from <http://tinyurl.com/IFC2012PS>.

³ World Bank, 2013, *Operational Policy on Indigenous Peoples, OP 4.10*, available at <http://tinyurl.com/WorldBankIP>.

⁴ Global Environment Facility, 2015, *Policy on Agency Minimum Standards on Environmental and Social Safeguards*, available at <http://tinyurl.com/GEFSafeguards2015>.

⁵ Relevant IUCN Resolutions and Recommendations are referenced in IUCN IP report 2011, Annex and in IUCN report on IP, update April 2013, available on request from IUCN.

⁶ IUCN, 2012, *Policy on Conservation and Human Rights for Sustainable Development*, available at <http://tinyurl.com/IUCNPolicyConservation-HR2012>.

⁷ IUCN, 2000, *Policy on Social Equity in Conservation and Sustainable Use of Natural Resources*, available at https://cmsdata.iucn.org/downloads/sp_equity_policy.pdf.

⁸ IUCN, 2008, *Resolution on Integrating Culture and Cultural Diversity into IUCN's Policy and Programme*, available at https://portals.iucn.org/library/sites/library/files/resrecfiles/WCC_2008_RES_55_EN.pdf.

⁹ IUCN, 2008, *Resolution on Recognition of the Diversity of Concepts and Values of Nature*, available at https://portals.iucn.org/library/sites/library/files/resrecfiles/WCC_2008_RES_99_EN.pdf.

¹⁰ United Nations, 2007, *Declaration on the Rights of Indigenous Peoples*, available at <http://tinyurl.com/UNDRIP2007>.

¹¹ Convention on Biological Diversity, 2004, *Akwé: Kon Guidelines, Voluntary guidelines for the conduct of cultural, environmental and social impact assessments regarding developments proposed to take place on, or which are likely to impact on, sacred sites and on lands and waters traditionally occupied or used by indigenous and local communities* available at <https://www.cbd.int/doc/publications/akwe-brochure-en.pdf>.

E. Scope of application

11. The standard applies in any of the following situations:

- i. Indigenous peoples are present in the proposed project area.
- ii. Indigenous peoples have a collective attachment to the area.
- iii. Indigenous peoples could be affected negatively by the project (even without being present in the project site).

12. The standard's applicability is determined through a case-by-case examination as part of the ESMS screening.¹² The screening is a preliminary desk assessment of potential impacts and their significance. It is based on information, including the ESMS Screening Questionnaire, provided by the project proponent and is conducted by the ESMS Coordinator in consultation with members of the IUCN ESMS Expert Team and, as needed, with staff from IUCN regional programmes. The screening determines the project's risk level and requirements to further assess social impacts, as needed.

13. The screening uses the characteristics listed in paragraph 3 as criteria to determine whether groups are considered indigenous peoples. Specific expertise may be needed to ascertain whether a particular group should be considered as an indigenous people for the purpose of this standard.

14. The screening also takes relevant national legislation and policies into account, including the use of different terminologies and characterisations. However, in accordance with the ESMS Principle on Precedence of the Most Stringent Standard, the most stringent standard related to indigenous peoples must be given precedence. If IUCN ESMS standards and procedures on indigenous peoples' matters are more rigorous than those of national laws, IUCN projects will adhere to the more stringent IUCN standards. The overall rule is that in applying this standard, the scope should be as inclusive as possible and should avoid restrictive interpretations of the term 'indigenous peoples' that may result in leaving vulnerable communities outside of safeguard, protection and promotion measures.

15. Negative impacts might include:

- i. any form of material or non-material livelihood risks for indigenous peoples, for instance:
 - a. loss of customary rights to lands and natural resources; or
 - b. changes in land and natural resource use promoted by the project that result in vulnerability of livelihoods.¹³
- ii. disturbances of social, spiritual and cultural identity and social cohesion within communities, for instance, through projects that bring disruptions from external factors;

¹² See the ESMS Manual for further details about the ESMS screening at www.iucn.org/esms.

¹³ The ESMS Standard on Indigenous Peoples is the ESMS's specific tool for assuring that negative impacts on indigenous peoples are avoided or mitigated in IUCN projects. However, all instances where indigenous peoples face potential impacts through access restrictions are covered by the provisions in the ESMS Standard on Involuntary Resettlement and Access Restrictions.

- iii. restrictions to indigenous peoples' right to self-determination, values, cultural practices and expressions;
- iv. risks of fuelling or generating ethnic conflicts, stimulated by project activities curtailing resource use or promoting conflicting cultural practices;
- v. inequitable or culturally inappropriate benefits provided by the project with the risk of leading to alienation or inter- or intra-community conflicts.

F. Requirements

16. If the ESMS screening has determined that indigenous peoples might be significantly affected by a project, the project will be classified as high-risk project and a full Environmental and Social Impact Assessment (ESIA) will be carried out. If the impacts are less adverse and can be addressed by mitigation measures, the project will be classified as moderate-risk project and a partial ESIA (e.g., a Social Impact Assessment) is necessary.¹⁴
17. The expert(s) responsible for the ESIA or Social Impact Assessment (SIA) will assess, in adherence to the consultation requirements laid out in paragraphs 22–23, the project site, produce a comprehensive map of all indigenous communities, analyse the risks in depth and identify a suitable risk management strategy.¹⁵
18. Risk management must first explore options to avoid impacts on the livelihoods, cultures and rights of indigenous peoples. This can be done by identifying and assessing the feasibility of different siting alternatives or an alternative project design.
19. If avoidance is not possible, measures are identified that minimise the adverse impacts, secure and, when appropriate, enhance the economic, social, environmental and cultural benefits to these communities and/or provide adequate and fair compensation for impacts. This is done in consultation with affected communities, with scientific advice from experts in relevant disciplines and with a careful analysis of options to ensure that interventions are culturally appropriate, suited to local needs and conditions and give due attention to gender and inter-generational and intra-community equity.
20. IUCN's preference is always to avoid impacts on indigenous peoples and to proactively support their rights and livelihoods. It should be critically judged whether a project's expected conservation benefits substantially outweigh the social, economic and cultural risks caused by the project and the decision may be taken not to support the project.
21. The mitigation measures developed as part of the ESIA/SIA will be either incorporated into the project's Environmental and Social Management Plan (ESMP)¹⁶ or, if provisions and measures are substantial, articulated in a separate Indigenous Peoples Plan (IPP).¹⁷
22. Free, prior and informed consent must be obtained for any intervention as defined in paragraph 8 (vii). Consistent with the ESMS Principle on Free, Prior, and Informed Consent, affected communities must be:

¹⁴ See the ESMS Manual for types of impact assessments and how they are determined, available at www.iucn.org/esms.

¹⁵ Please refer to the ESMS Guidance Notes on Environmental and Social Impact Assessments (ESIA) and on Social Impact Assessments (SIA) for more detail, available at <https://portals.iucn.org/union/cont/documents/686/11388>.

¹⁶ See the ESMS Manual for more details on the Environmental and Social Management Plan, available at www.iucn.org/esms.

¹⁷ Please see the ESMS Guidance Note on the Indigenous Peoples Plan, at www.iucn.org/esms.

- i. informed of proposed interventions and notified of their rights under national law and under the standards and procedures of all agencies involved in the proposed intervention (including their right to decline consent);
 - ii. fully engaged and consulted in the ESIA process, notably the identification of impacts, development of mitigation measures (including forms compensations, if relevant) and the preparation of the ESMP or IPP; and
 - iii. provided with information disclosed in a culturally appropriate manner, with legitimate and representative community institutions fully involved, and with time and resources provided to allow for effective participation in analysis and decision making.
23. The outcome of consultations and negotiations must be documented and the implementation of the ESMP or IPP monitored. It is good practice to involve representatives of indigenous communities in monitoring.
24. If it is determined that the project will result in involuntary resettlement or restriction of access to areas and/or use of natural resources, the provisions of the ESMS Standard on Involuntary Resettlement and Access Restriction will apply.
25. If indigenous peoples' cultural heritage is affected by an intervention, the provisions of the ESMS Standard on Cultural Heritage will apply in a complementary way.

G. Specialised expertise

26. General roles and responsibilities are described in the ESMS Manual¹⁸. Additional expertise can be sought as necessary from expert networks within the IUCN Commissions – such as the Commission on Environmental, Economic and Social Policy (CEESP), the World Commission on Protected Areas (WCPA), Theme on Indigenous Peoples, Local Communities, Equity and Protected Areas (TILCEPA), and the Specialist Group on Indigenous Peoples, Customary & Environmental Laws & Human Rights (SPICEH), as well as from IUCN Members and partners. To check alignment with related national legislation and practices, the IUCN World Commission on Environmental Law and its network might be consulted.¹⁹

¹⁸ Available at www.iucn.org/esms.

¹⁹ See IUCN website for contact details.