

# INDIGENOUS METHODOLOGICAL APPROACH FOR A/THE RELATIONSHIP IN THE FRAMEWORK OF THE EIS PREPARATION

## 1 INTRODUCTION

The purpose of this paper is to present a methodology for engaging working with indigenous groups in the context of the environmental assessment process of the projects that are located within their recognized and/or claimed territories.

Why we need a special way to relation with the indigenous people in the context of environmental assessment process? Because in Chile there isn't a participatory stage before the ESIA (Environmental and Social Impact Assessment Study), review by authorities, which means that there small possibilities to change the structure of the project in case of impact. Also the time frame for the participatory stage, when the study get in the environmental assessment process, is limited and does not always match the community's time frame.

To address these issues, this methodology articulates different participatory techniques used for developing inclusive process of ESIA, these techniques have to be: flexible, as it can be used in just one or all the stages; it have to Involves the company as a whole and finally it has to be adaptable depending on: the company's strategies; stakeholders; the availability of human and economic resources; and time frame.

The central point of this methodology is that it is based on the inclusion of the indigenous view in an ESIA through a participatory methodology. It reconcile a collaborative work methodology, which involve identifying representatives of each indigenous organization, group or individual that will participate in the process, as well as the procedures and scopes of work to be conducted, both with the representatives and their communities.

In this paper I will focus on the stage in which the studies are developed. In this stage we build the basis for the future relation and it's here where we gain trust or distrust.

## 2 PROPOSED METHODOLOGY

### 2.1. Central Principles

The proposed methodology is based on the following three (3) transverse principles regarding engagement with indigenous peoples:

- **Act in good faith:** Doubts, concerns, observations and complaints expressed by the participants will be recorded and answered in a timely and transparent fashion, all relevant information will be shared with all participants, and the timeframes and decision-making processes of the indigenous people and actors will be respected. The indigenous peoples' culture will be actively recognized and valued during the process.
- **Act in a way that is appropriate to the circumstances:** The reality of the indigenous population that forms part of the area of influence will always be considered during the process, including at a minimum their past and recent history as well as their concerns and experience with other projects that are similar or nearby the Project being evaluated. Moreover, this principle implies that proponents will sustain a systematic relationship, with a strong presence in the field. Participative methods will be used to address all the issues of interest of the indigenous actors in a manner that is appropriate to the styles and priorities of the different indigenous organizations, groups and people.

- Tend towards the development of agreements:** Participation will be viewed as a human right and a viable method to find mutually beneficial solutions. Consequently, it is necessary that all efforts be made to reach agreements during the evaluation of the Project without coercion of any type. Agreements can range from an initial agreement on the methodology to be used, to agreements on partial validation of the information that was gathered in a participative way, up to agreements on the final content that the EIS will contain. Proponents will be clear and upfront about the extent of participation that will be sought during the process, which in turn requires that the proponent establish beforehand the depth to which they are willing to give to the participative process, be it at the informative, consultative or decisive level. If the proponent decides that they are not willing to arrive to the decisive level, this will be made explicit to participants at the onset and the proponent will commit to responding with clear reasons for not responding to the observations made by the participants. The exception to this situation is the case where the Project involves the resettlement of indigenous populations, in which case prior, free and informed consent is essential (IFC, 2012).

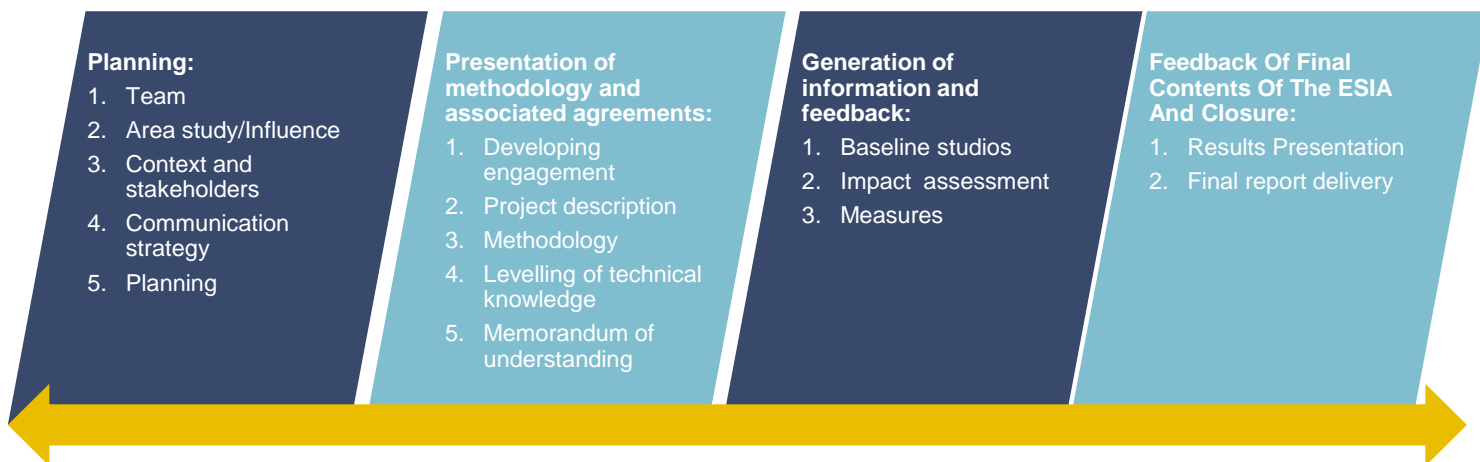
## 2.2. Structure and Content of the Proposed Participative Methodology

The proposed methodology of indigenous participation during process assessment is structured into a systematic set of 4 phases, each of them with their respective activities. This sequential method has the purpose of progressively advancing in the engagement with the indigenous population to reach increasing degrees of trust, quality of information and mutual benefits that are required to contribute to a sustainable relationship between the proponent and the indigenous actors within the area of influence.

Bearing the abovementioned perspective in mind, the following **Figure 1** presents a guideline of the minimum actions and logical development to follow.

It should be made clear that this structure is not to be considered or implemented as a rigid formula since there are often overlaps between phases and their respective activities. This occurs because each indigenous organization or group of actors operates in parallel with their own rhythms, dynamics and complexities and/or because the proponent itself has different working groups associated with indigenous engagement divided into segmented tasks. Therefore, not all activities and phases can be conducted linearly nor simultaneously. Nevertheless, each of the phases and activities plays a critical role and should not be discarded, nor should their implementation be intentionally postponed because it can often delay the progression of the other critical phases and activities.

**Figure 1: Proposed Participative Methodology Structure**



This phase includes a set of activities of internal desktop work that represent the general plan of how to organize the work, it involves:

- How to organize the team that will be responsible for the indigenous component, including both client representatives, the consultant, and other possible agents that establish direct relationships with the indigenous actors, as well as defining the roles and functions of each team member.
- Gathering and analyzing information to understand the context and the indigenous actors in order to develop a map of external actors and defining the Area of Influence of the ESIA for the indigenous actors, based on a set of criteria defined by the impacts that the Project could potentially have on their ways of life.
- Formulating a communicational strategy for indigenous issues.
- And finally developing a general work plan to begin, which will later be specified in the agreements regarding work procedures with each organization or indigenous group.

**b) Presentation of methodology and associated agreements:**

These are activities that begin the contact with indigenous people. The types of activities to be conducted largely depend on the outcome of the initial engagement. The contact with the indigenous actors is conducted through a cycle of meetings involving the following actions:

- Present the Project, proponent, consultant and other participants who intervene in the indigenous engagement as well as the tasks to be conducted in the territories of indigenous interest.
- Continue presenting the areas where Project infrastructure and stages are expected to develop, highlighting that the ESIA development stage progresses in par with the engineering definitions. In that regard, the general structure of an ESIA should be presented, explaining what it represents and the important role that the baseline information plays in the ESIA.
- Continue presenting the proposed participative methodology to: collect baseline information of the components of indigenous interest; identify potential impacts and risks of the project to the indigenous population; define measures that are feasible in cost and duration; and formulate participative monitoring plans.
- Continue offering training to the indigenous actors who will participate as representatives in order to strengthen them as counterparts in the participative process of the ESIA. Relevant training topics may include: laws and international instruments for indigenous populations, environmental legal framework, environmental impact assessment system and legislation, and methods and tools for effective dialogue and participation.
- Reiterate the criteria for the Work Plan during the ESIA development with each indigenous organization or group, with the objective of developing and signing a Work Protocol.

**c) Generation of information and feedback:**

This phase involves recursive activities that require more development time to match the characteristics of organizations, groups and indigenous people allowing sufficient time for reflection and internal discussion within each organization.

The purpose is to utilize methodologies that incorporate indigenous actors within the Project Area of Influence in order to develop the baseline characterizations in such a manner that contains the relevant components of their culture and receives their validation. Also it search include the vision

of indigenous people in the identification and evaluation of positive and negative impacts of the Project, develop jointly a plan of measures to strengthen the positive impacts and to reduce the negative impacts from the Project and define a participatory monitoring plan to check the effectiveness of the measures and detect potentially unforeseen impacts.

This phase seeks to exhaust all possible opportunities of discussion so that participants are satisfied with the achieved results. Meetings, workshops, site visits to areas of indigenous interest, or other activities are conducted to find agreement on baseline information, impacts, measures and monitoring plans.

**d) Feedback of final contents of the ESIA and closure:**

Activities should be considered during this phase that complete the participatory process of ESIA development and allow a final review of indigenous content that will be included in the ESIA for submittal to the authorities.

Also do other activities of more ceremonial character during closure of the ESIA consist of symbolically returning the collected information back to the indigenous population. This may be in the form of a published book, posters, cards, pamphlets, or any other material that is considered to be relevant to the actors and community.

### 3 CONCLUSIONS

To conclude is important to mention that this methodology will contribute in a better way for engagement with indigenous people in the context of the develop of the environmental assessment process of the projects and tends to generate more equal and long term-oriented relations.

This methodology is created to guide the work with the indigenous, defining tasks and actions to meet the requirements and expectancies of the authorities, indigenous and international standards. Also, it is an invitation to think differently, to approach in other way to environmental assessment.

One of the central points of this methodology is to have a special focus, during the assessment, on the identification of both concern, raised by negative impacts, and expectations, generated by positive impacts.

Finally, I believe that this methodology for engaging working with indigenous groups is a long term investment .....not a cost.

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