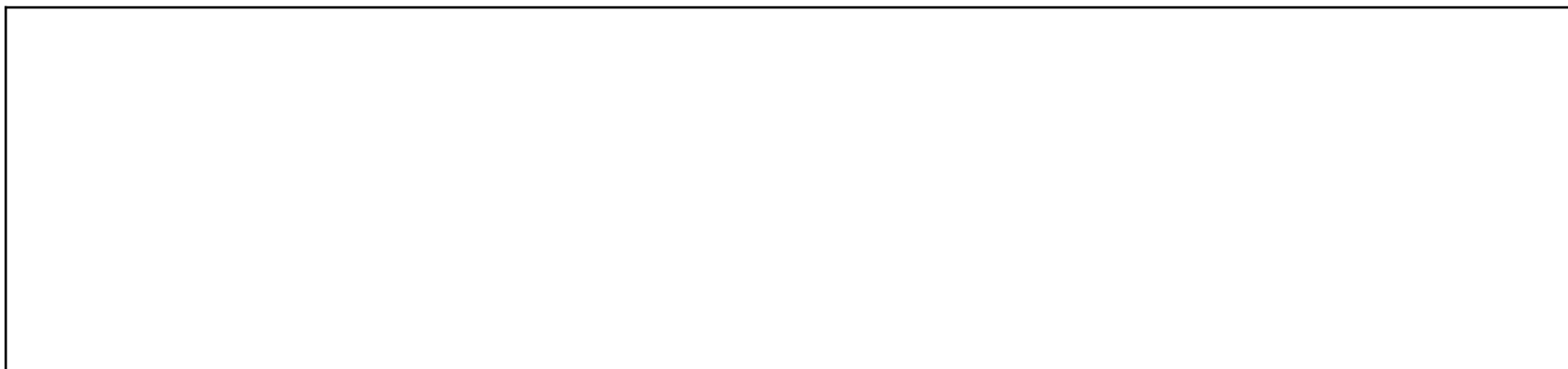




New! An Indigenous Peoples Participation & Partnership Paradigm



Gregory Eliyu Guldin

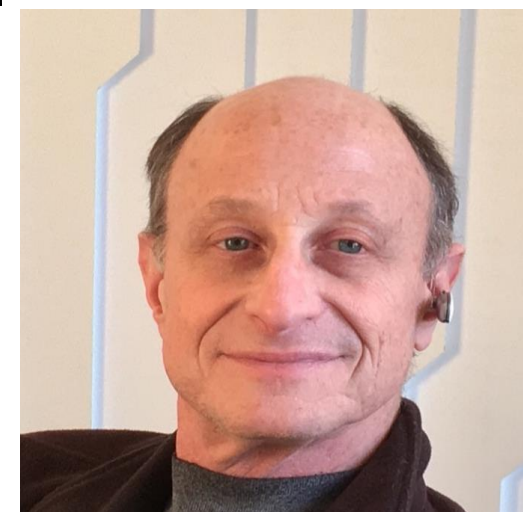
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A New Paradigm in Indigenous Peoples- Project Engagement is Needed. Why?

Because the world has changed since the first Indigenous Peoples Policies were formulated—Indigenous Peoples are more prominent and **FPIC** has been adopted:

- 1982 World Bank OMS 2.34 “**Tribal Peoples** in Bank-Financed Projects”
- 1989 ILO Convention No. 169: consultation, with the objective of achieving agreement or consent
- 1991 World Bank OD 4.20 on Indigenous Peoples: **from tribal to global**
- 2000 United Nations Permanent Forum on Indigenous Issues: FPIC key demand
- 2007 United Nations Declaration on the Rights of Indigenous Peoples: **FPIC**
- **2008-Today: MDB Indigenous Peoples policies incorporate FPIC (e.g., WB ESS7)**

The Pre-FPIC Paradigms of IP-Project Engagement



1990s: “Safeguards” Do No Harm



2000s: Benefits as well as mitigation measures; “meaningful consultation/Broad Community Support”



2010s: MORE consultation (ICP)



But with FPIC, the game changes!

What's FPIC



Free



Prior



Informed



Consent

FPIC as Game Changer


While “not a veto” FPIC does empower groups designated as Indigenous Peoples by giving them sole control over a valued commodity:

their consent



To achieve Consent,

- Must change the way you do business: old consultation methods and community development plans must give way to a new approach--more participatory to engage Indigenous communities as co-partners
- from the beginning of the FPIC process through negotiating FPIC agreements to implementing FPIC agreements
- Project-affected Indigenous communities need to be recognized as co-decision-makers at the table and need to be on board, so Good Faith Negotiation and new approaches are necessary



The New Approach? The Indigenous Peoples Participation & Partnership Paradigm (IP PPP)*: FPIC-Infused

- integrates an FPIC-approach to project-indigenous community interaction
- from project preparation (including a bottom-up needs assessment [community mapping])
- through Project implementation (including FPIC-standard IPPs)

**Developed jointly with the Nepal Federation of Indigenous Nationalities (NEFIN)
and many Indigenous People on Sakhalin, RF*



The New Approach? The Indigenous Peoples Participation & Partnership Paradigm (IP PPP): Agreements

- (i) a definition of consent a priori
- (ii) a process for carrying out good faith negotiations between partners
- (iii) an ultimate statement of consent with associated documents



Proposal for a New Paradigm: Based on Some Lessons Learned Implementing FPIC*

Consent Achieved

- **Upper Trishuli-1 HEP (UT-1; Nepal):** MDBs, 2018
- **Sakhalin Energy LNG (RF):** private, 2010, 2015, 2020

FPIC Initiated

- Standard Gauge Railway Project (Tanzania): Bilaterals; in process, 2020-
- Upper Arun HEP (Nepal): WB+; in process, 2020-
- Horn of Africa Highways (Ethiopia): WB; in preparation



Nivkh community, on Strait of Tartary,
Trambaus, Sakhalin, RF



Tamang Village, Rasuwa,
Nepal



A New Paradigm needs a New Stakeholder Engagement Strategy: Participation Enhanced During FPIC Process

FPIC Bodies Set Up

- Advisory Council (AC) of IP community representatives set up as highest authority for FPIC and community development plans
- Working Group, subset of AC, co-produces key documents/agreements along with project and local government

Key Elements

- 3 rounds of FPIC consultations, including FPIC mobilization, in the communities
- 3 rounds of AC and WG Meetings
- Capacity-building critical for IP communities, project staff
- FPIC Facilitator Organization (FFO) oversees the process, conducting a bottom-up Needs Assessment & Legacy Issues review
- Designated FPIC Specialist keeps the process on track



A New Paradigm needs a New Set of Agreements: Partnership Enhanced During FPIC Process

- **Consent Process Agreement (CPA):** FPIC communities decide on the specifics of how the consent process will be played out and agree on this early in the FPIC process
- **Consent Set of Documents (4 in 1, as appropriate) [CSD]**
 - A.Statement of Consent (SC)
 - B.FPIC-Standard Indigenous Peoples Plan (IPP)
 - C.Legacy/Outstanding Issues Document ([LID]; as necessary)
 - D.Tripartite IPP Implementation Agreement (TIA)

If FPIC changes consultation:

- Then Indigenous Peoples Plans (IPPs)' preparation and implementation must change too: IP dominance on an Advisory Council and a Working Group (for FPIC) and a Governing Board for the IPP
- This addresses the old disconnect between intensive consultation prior to project launch and anemic or intermittent community development plan implementation
- So FPIC principles of inclusion, transparency, shared decision-making, community empowerment and cultural respect imbues entire project-community interface with the IP Participation & Partnership Paradigm



FPIC-Standard IPPs: Governance Reconceptualized

- Preparing IPP: Collaborative w/IP
- Implementing IPP: budget allocations, monitoring, and evaluation with Indigenous Peoples predominating
- AC of IP community representatives continues as highest authority for IPP implementation and related agreements
- Post-FPIC, WG becomes the IPP Governing Board (GB)
- IPP Program Committees, all IP, are decision-makers on Plan activities



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At the Sakhalin consent meeting one community votes as a block against the majority



In Nepal, Signing the Consent Statement

Tripartite IPP
Implementation
Agreement, Sakhalin
2015

*Company,
Government,
IP Council*



Consent Achieved

At the very spot aside the Trishuli River where the intake tunnel will be placed, the NWEDC CEO (r) receives the consecrated FPIC documents from the chair of the Adivasi Janajati Advisory Council (himself a former critic of the project), 2 November 2018



Who does
the Work?

Assemble a
new Cast of
Engagement
Players

FPIC Facilitator Organization
FPIC Specialist

Community IPP Governance
Body Members

FPIC/IP/IPP assigned project
staff



IP Participation & Partnership Paradigm

Is it Worth It?

Greater Inputs

More time and resources up front

- 3 consultation rounds vs. standard
- FFO & FPIC Specialist
- IPP Governance costs: ongoing
- IPP probably more generous

Greater Returns

- Project meets lender policy requirements
- Lowered social risks throughout the project
- Increased likelihood of effective social plans
- Good PR for Project & Lenders: anticipates rising attention and awareness among all stakeholders
- Empowerment of Indigenous communities

Let's continue the conversation!

Post questions and comments via chat in the IAIA22 platform.



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