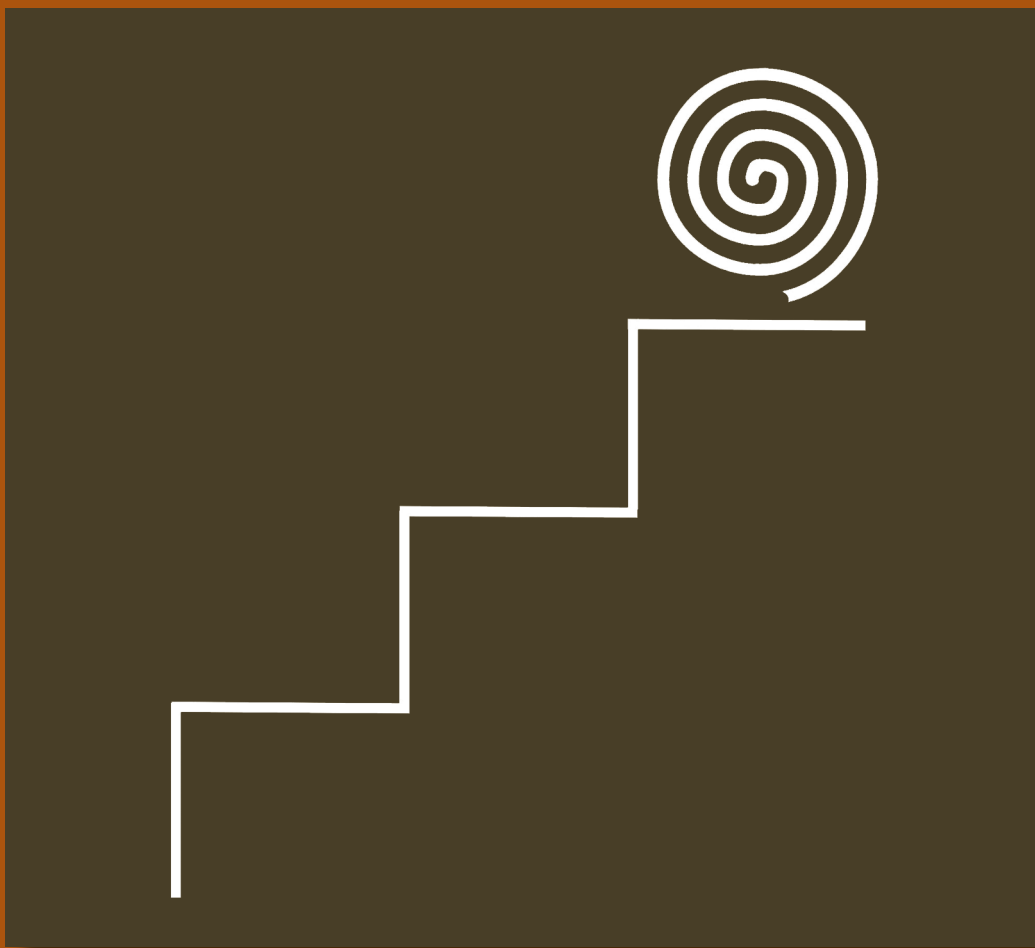


The Role of Indigenous Peoples in Biodiversity Conservation

The Natural but Often Forgotten Partners



THE WORLD BANK

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The Natural but Often Forgotten Partners



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*“ I do not see a delegation
For the four-legged.
I see no seat for the eagles.*

*We forget and we consider
Ourselves superior.*

*But we are after all
A mere part of Creation.*

*And we must consider
To understand where we are.*

*And we stand somewhere between
The mountain and the Ant*

*Somewhere and only there
As part and parcel
Of the Creation.*

Chief Oren Lyons

Source: Steve Wall and Harvey Arden, *Wisdomkeepers,*
Beyond Words, Hillsboro, 1990, p. 71.

*“The more deeply I search for the roots of the global environmental crisis,
the more I am convinced that it is an outer manifestation of an inner crisis that is,
for lack of a better word, spiritual... what other word describes the collection of values
and assumptions that determine our basic understanding of
how we fit into the universe?”*

Al Gore,

Source: Al Gore, *Earth in the Balance,*
Plume, New York, 1993, p. 12.

*“The Indians feel...but they cannot help. They are too small in culture.
They are too small in the essence of the world. Their help is their being and culture.
Combined they are a minority. In combination they are faith—a faith of earth.
Let them push their being, their earth and their love of themselves
to help those who took their earth and their being”*

Anonymous

Source: Ricardo Humano, *The New Book,*
SOAR Ediciones, Cusco, Peru, 2000, p.23

Abbreviations and Acronyms

ACU	Areas of Cultural Use
ANPN	National Agency of National Parks (Gabon)
BCM	Biodiversity Conservation and Management
BP	Bank Procedure
BPM	Beneficiary Participation Manuals
CABI	Capitania del Alto y Bajo Isozu (Bolivia)
CBD	Convention on Biological Diversity
CCA	Community Conservation Area
COMSTEC	Community Managed Sarstoon Temash Conservation Project (Belize)
DRC	Democratic Republic of Congo
EIA	environmental impact assessment
FIEB	Federation of Indigenous Peoples of Bolivar State
FSP	full size project
GEF	Global Environment Facility
GNPAS	Guyana National Protected Areas System
IBRD	International Bank for Reconstruction and Development
IDA	International Development Association
ILO	International Labour Organization
INRENA	National Institute of Natural Resources (Peru)
IP	Indigenous People
IPDP	Indigenous Peoples Development Plan
IUCN	World Conservation Union
LAC	Latin America and the Caribbean

Lao PDR	Lao People's Democratic Republic
MEFEPEPN	Ministry of Forest Economy, Water, Fisheries, and Environment, in charge of Nature Protection (Gabon)
MSP	medium sized project
NBCA	National Biodiversity Conservation Area (Lao PDR)
NGO	Nongovernmental Organization
NPA	National Protected Area
OD	Operational Directive
OED	Operations Evaluation Department
OP	Operational Policy
PROFONANPE	Peruvian Trust Fund for National Parks and Protected Areas
PSFE	Forest, Fisheries, Biodiversity and Environment Sector Program (Gabon)
RFTF	Rain Forest Trust Fund
SATIIM	Sarstoon Temash Institute for Indigenous Management (Belize)
TBA	Traditional Birth Attendants
UNDP	United Nations Development Programme
VHW	Village Health Workers
VCMU	Village Conservation Monitoring Units (Lao PDR)
VNP	Virachey National Park (Cambodia)
WB	World Bank
WBG	World Bank Group

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Executive Summary

A principal aim of this study is to get a better sense of what the World Bank (WB) needs to know in order to engage Indigenous Peoples (IPs) more effectively in biodiversity conservation projects and programs. It is in this sense that the reporting is geared to Bank Task Team leaders, advisors, directors, and managers and also government and nongovernmental organization (NGO) personnel engaged in biodiversity conservation programs. Indigenous peoples might also benefit from the report's presentation of tools to seeking international funding for biodiversity-related activities in their ancestral territories. In addition, the report assesses some of the current forms of engagement with indigenous peoples in biodiversity and identifies concrete recommendations for improving that engagement. These recommendations will give Bank management an opportunity to lead the way among many development agencies and governments toward different forms of engaging indigenous peoples; respecting and realizing the rights to their territories, culture, and spirituality; enhancing their environment and development; and satisfying the IPs' aspirations contained in the United Nations Declaration on the Rights of Indigenous Peoples. The report's findings are relevant to other Bank's programs such as the Climate Change strategic framework and the Carbon Finance initiatives and can be used to incorporate the lessons learned from 18 years of biodiversity portfolio experience into these new programs.

The findings of this report support the contention that engaging IPs more effectively in biodiversity conservation represents a win-win situation, as the following concrete examples illustrate:

- *Expanding Beyond National Parks.* Many or most of the world's major centers of biodiversity coincide with areas occupied or controlled by

Indigenous Peoples. Traditional Indigenous Territories encompass up to 22 percent of the world's land surface and they coincide with areas that hold 80 percent of the planet's biodiversity. Also, the greatest diversity of indigenous groups coincides with the world's largest tropical forest wilderness areas in the Americas (including Amazon), Africa, and Asia, and 11 percent of world forest lands are legally owned by Indigenous Peoples and communities. This convergence of biodiversity-significant areas and indigenous territories presents an enormous opportunity to expand efforts to conserve biodiversity beyond parks, which tend to benefit from most of the funding for biodiversity conservation.

- *Tapping on Ancestral Knowledge.* Indigenous Peoples are carriers of ancestral knowledge and wisdom about this biodiversity. Their effective participation in biodiversity conservation programs as experts in protecting and managing biodiversity and natural resources would result in more comprehensive and cost-effective conservation and management of biodiversity worldwide.
- *Addressing the Climate Change Agenda.* Indigenous Peoples have played a key role in climate change mitigation and adaptation. The territories of indigenous groups who have been given the rights to their lands have been better conserved than the adjacent lands (i.e., Brazil, Colombia, Nicaragua, etc.). Preserving large extensions of forests would not only support the climate change objectives, but it would respect the rights of Indigenous Peoples and conserve biodiversity as well. A climate change agenda fully involving Indigenous Peoples has many more benefits than if only government and/or the private sector are involved. Indigenous peoples are some of the most vulnerable groups to the negative effects of climate change. Also, they are a source

of knowledge to the many solutions that will be needed to avoid or ameliorate those effects. For example, ancestral territories often provide excellent examples of a landscape design that can resist the negative effects of climate change. Over the millennia, Indigenous Peoples have developed adaptation models to climate change. They have also developed genetic varieties of medicinal and useful plants and animal breeds with a wider natural range of resistance to climatic and ecological variability.

- *Complying with Agreed Policies.* Focusing on Indigenous Peoples' leadership is consistent with the World Bank's implementation of the Operational Policy on Indigenous Peoples. The IP policy is a key instrument to ensure that the voices of IP are heard and that projects address their interests.

Since it was put into place, the old and revised World Bank Operational Policy (OP) and Bank Procedure (BP) 4.10 on Indigenous Peoples (July 2005) has aimed to ensure that the voices of Indigenous Peoples in and around biodiversity and protected-areas projects are heard and that conservation objectives never undermine inalienable indigenous rights; rather, the two should be integrated in the search for truly sustainable development. The report shows that this policy has been applied unevenly in the Bank portfolio.

The overall analysis of the Bank biodiversity portfolio reveals that there are 109 projects out of the 596 that have supported or are supporting Indigenous Peoples programs and needs (only 18.3 percent of the Bank biodiversity portfolio). However, of the 109 projects analyzed only 32% have full engagement (stand alone IP projects or biodiversity projects that support in their totality the IP programs and needs). This number is extremely low considering that a large diversity of IPs are the inhabitants of areas rich in biodiversity and forests.

Fifteen projects were analyzed in more detail to extract some lessons learned. To facilitate the analysis and discussion, project activities are categorized into nine common themes: 1) Indigenous Peoples and protected-areas co-management, 2) titling and demarcation of indigenous lands, 3) indigenous life plans, 4) establishment of indigenous conservation areas, 5) indigenous community management and zoning plans, 6) indigenous community mapping and conservation, 7) community sustainable livelihood, 8) capacity building and training, and 9) Indigenous Peoples Development Plan. Projects that included activities within each thematic area are presented in detail. The final topic discussed is why some projects failed.

The report identified key factors for successful interventions, which include:

- Assign indigenous rights to land tenure and/or access to resources
- Implement projects directly by the right indigenous organization/s in the specific project location/s
- Respect IPs' own decision-making processes and traditional authorities' structure
- Strengthen cultural integrity in parallel with technological capacities
- Allow for flexibility in timing and processes to reach agreement on project design
- Provide adequate resources for capacity building in different aspects of project development

Why is work more successful in some parts of the world and less in others? The report shows that the main answers to this question are:

- Uneven legislation regarding Indigenous Peoples and their resource rights
- Greater difficulties where there is no in-country legislation (i.e., Guyana, Democratic Republic of Congo)
- IP population numbers low compared with other groups considered to be poor

- Overlap between IP ancestral lands and other land use designations (protected areas, extractive industries), which is difficult to undo
- Working with IPs perceived as “risky”, especially in complex conditions (e.g., post-conflict countries)

LESSONS LEARNED FROM BANK PORTFOLIO

Experience drawn from its extensive portfolio has enabled the World Bank to derive key lessons learned from interviews with Indigenous Peoples, Bank task managers, NGOs, and governments. The key lessons identified for improving indigenous participation in biodiversity projects include:

1. *Create indigenous-led conservation areas:* The cases reviewed in this study show that empowering Indigenous Peoples to manage biodiversity in their own territories has resulted in a more sustained and cost-effective way to protect biodiversity.
2. *Assign indigenous lands rights:* Projects that have assigned indigenous groups their ancestral lands experience much less conflict during implementation. Protected areas adjacent to these areas become either a target for co-management with Indigenous Peoples (Bolivia and Colombia) or they are managed by protected-areas officials with minimal conflict (Brazil). Many projects that experienced conflicts did so because indigenous lands claims were not initially addressed (Peru, Guyana, Cameroon).
3. *Cooperatively map community assets:* More projects have been requesting that mapping activities be supported. These mapping activities include training, equipment, and participatory workshops with all community members so that their hunting places, sacred sites, agricultural plots, etc. are mapped. These exercises represent a very important empowering

- tool for Indigenous Peoples and facilitate future claims of their ancestral lands (Belize, Colombia).
4. *Promote full participation:* There is a need to ensure that prior consultation, participation, and consent procedures are designed to be acceptable to the Indigenous Peoples and are culturally appropriate. One of the best practices is to establish signed formal agreements between indigenous organizations and the government authorities before the project starts (Venezuela, Central America).
 5. *Respect organizational structure of Indigenous Peoples:* It is important to maintain the Indigenous Peoples' own institutional arrangements and decision-making processes and avoid the inclination to create new institutional arrangements. Over the long term, this approach will save time and effort, reinforce community organization and capacity, and foster better achievement of project objectives and sustainability.
 6. *Create cooperative governance:* If institutional arrangements beyond indigenous institutions are needed, unnecessary complexity should be avoided. Decision-making processes through voting tend to create winners and losers, which may result in conflict. Instead, projects that support forums for reaching consensus and avoid voting are preferred.
 7. *Develop flexibility of rules and processes:* Indigenous Peoples place great importance on processes versus products. Processes can themselves be outcomes in project designs, therefore specific process-oriented indicators should be given more careful consideration.
 8. *Provide adequate time:* The application of Bank procedures and timing should be simplified to ensure that Indigenous Peoples are able to participate. Also, projects with Indigenous Peoples require more time for reaching agreements or making decisions, and Bank management should be aware of these needs.
 9. *Strengthen cultural integrity:* Indigenous communities that have strong historical continuity and cultural and spiritual heritage should be supported. These communities are more determined to preserve, develop, and transmit their ethnic identity and ancestral territories to future generations as the basis of their continued existence as peoples and in accordance with their own cultural patterns, social institutions, and legal systems. Contributions to cultural revitalization (traditional knowledge and spiritual beliefs) can therefore reflect back well on improved conservation efforts.
 10. *Advance income-generating activities:* Due to the widespread nature of these types of activities, more in-depth understanding and review is needed to identify challenges, opportunities, and best practices for improving the quality of outcomes and increasing sustainability. It is important to avoid requiring that development benefits be made available only to indigenous communities that live outside parks, discriminating against groups who live inside.
 11. *Utilize culturally appropriate indicators:* What Indigenous Peoples value might not be the same as what conservationists and economists value. It is important to assist indigenous groups in establishing adequate indicators for the projects they implement.
- There is an incredible opportunity lying ahead to work with Indigenous Peoples toward the protection of their environments in areas of the world very rich in biodiversity. In order to increase this opportunity, key actions need to be taken by all national governments and international organizations and funders:
- First**, support processes toward the recognition of the rights of Indigenous Peoples to their ancestral lands and natural resources.
- Second**, ensure that any conservation or development projects or programs fully respect

the WB policy BP and OP 4.10 on Indigenous Peoples and/or the United Nations Declaration on the Rights of Indigenous Peoples.

Third, dedicate funding for supporting Indigenous Peoples in biodiversity conservation and climate change. Currently, the funding has been limited. Indigenous Peoples' programs have been excluded from large funding mechanisms. (In the WB biodiversity portfolio, only 18 percent goes to IP programs.) Funding needs to address technical assistance needs for building the capacity of indigenous communities to receive support.

Fourth, support training programs to enhance Indigenous Peoples' skills for accessing funding, developing programs and projects according to their needs, and communicating with the external world. This would improve their capacity to negotiate on any activities that happen in their lands.

Fifth, support the development of global databases that track the status of Indigenous Peoples, their rights, land claims, and biodiversity. These databases are urgently needed and could serve as a tool for avoiding controversial land issues and conflicts between indigenous groups, conservationists, and all the extractive industries that seek the same remote areas. Indigenous Peoples should be responsible for developing these databases with the full funding and support by non-indigenous organizations, governments, and international funders and organizations. This should be a global coordinated effort.

Sixth, support a comprehensive program of asset mapping and demarcation for Indigenous Peoples in the areas under greatest threats as a tool for empowerment and for protecting their heritage, lands, and biodiversity. Such a program should include training and support for individual on-the-ground activities and for regional and global workshops for training, exchange of ideas, and sharing of lessons learned.

Seventh, facilitate the regular participation of Indigenous Peoples in dialogues and negotiations of biodiversity, forestry, climate change strategies, and ongoing portfolio and programs reviews. Research and monitoring of their participation in biodiversity conservation should be regularly carried out with them.

Eight, support the research and documentation of best practices of ongoing indigenous initiatives in biodiversity, climate change, carbon sequestration, forestry, and so on so that governments, funders, and international organizations appreciate the value and importance of indigenous-led conservation programs.

Nine, support Indigenous Peoples' networks whose aim is to promote IP rights to land and ancestral recovery, biodiversity conservation, and development. An initial project is being developed with First Peoples World Wide to carry out three regional workshops to assess Indigenous Peoples' access to biodiversity funding. This initiative, while completely run by an indigenous-led organization, should not preclude the Bank from engaging as international financiers in other initiatives, particularly in Africa and Asia, where the current Bank portfolio is still weak.

Ten, support the creation of indigenous elders' networks. Many elders have started to come out and speak about their concerns, the urgency of rescuing traditional knowledge, and their visions of the solutions. The two greatest threats faced by Indigenous Peoples are the loss of their lands and the loss of their cultural and spiritual identity and ancestral knowledge. This is as serious a threat as the massive extinction of species on Earth. Gatherings of elders where they share their knowledge with other ethnic groups and with westerners can be an effective mechanism for ensuring that knowledge is not lost, especially if two conditions are met: indigenous youth are active participants, and the recording and archiving of information is supported. Support for indigenous women's

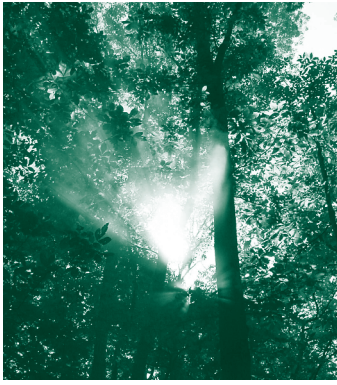
networks is also needed, as they are in many societies the carriers of ancestral knowledge.

Eleven, contribute to the establishment and operation of effective indigenous advisory groups in the new global initiatives for biodiversity, forest, or climate change that affect IP livelihood and programs.

Five thousand ethnic groups currently comprise only 4 percent of the population. Because they are such a small interest group, representing a tiny fraction of the global human population, they are not on the radar screens of governments or international financiers. However, these groups do represent 95 percent of the global cultural diversity and are replete with traditions, cultures, and knowledge of their environments, plants, medicine, astronomy, inner science, and land and soil management. In many ways they are considered poor, but they are also viewed as scientists in their own ways. The richness that they contribute is an invaluable asset for build-

ing peaceful, harmonious, wise, and balanced societies. The Bank and other international financiers need to take a more proactive role in ensuring that the needs these groups have identified are supported through programs and projects.

In conclusion, the principal finding of this report is that creating a sustainable future for biodiversity conservation worldwide will critically depend on the active and effective engagement of Indigenous Peoples. Without their full engagement, major conservation initiatives under way today—both public and private—will be compromised, and all citizens of the world will lose as a result. Indigenous peoples are the forgotten partners in biodiversity conservation, and this report makes the case for their immediate incorporation into all forms of development interventions that have to do with their land, resources and environment. This is an issue not only of rights but also of development effectiveness and social equity in all their tenor and scope.



Introduction

BACKGROUND

The rights of Indigenous Peoples (IPs) and biodiversity conservation have taken a prominent role in many sectors of our society including international fora, economic development organizations, policy research groups, conservation and environmental organizations, local human rights groups, corporations, national and international nongovernmental organizations (NGOs), and indigenous organizations. There has been a surge in NGOs defending nature conservation and indigenous rights. Yet experience shows that the IP rights and the biodiversity conservation movements have had a tradition of operating separately. In recent years, there has been much debate regarding whether and to what extent the conservation community has embarked upon a global biodiversity conservation effort that, as some observers say, excludes Indigenous Peoples in the process. The perception has been that biodiversity conservation is sometimes pursued without regard to the rights and social realities of Indigenous Peoples who have, in many cases, been important stewards of that biodiversity for millennia.

If we examine why the two stakeholders have not worked more closely during the past 15 years, experiences seem to point to the process used for developing the initial political mandates and funding sources for protected areas and biodiversity groups (including governments and environmental NGOs) as one of the potential causes. These mandates and funding sources were designated *before* significant political support and funding were made available to Indigenous Peoples and their territories and *before* recognizing their crucial role in biodiversity conservation. Another cause may be simply

the fact that the conservation and indigenous rights movements developed independently and were motivated by different reasons and advocacy groups.

The main international legal framework for biodiversity conservation is the *Convention on Biological Diversity (CBD)* established during the Earth Summit of 1992, which drew over 100 world leaders and about 30,000 participants to the U.N Conference on Environment and Development. The Convention's three main goals are: conservation of biodiversity, sustainable use of biodiversity, and the fair and equitable sharing of benefits arising from the commercial and other utilization of genetic resources.

At the Rio Earth Summit, the indigenous delegation wrote the "Indigenous Peoples Earth Charter" during the Kari-Oca conference, May 25–30, 1992. The Earth Charter declared several issues that are important to indigenous groups, including: 1) human rights and international law, 2) lands and territories, 3) biodiversity and conservation, 4) development strategies, and 5) culture, science, and intellectual property. For Indigenous Peoples, conservation of biodiversity is not new; on the contrary, it is part of their own culture, history, and spirituality. The Earth Charter stated that most Indigenous Peoples still living in their territories or continuing their ancestral customs and spirituality are key actors in nature conservation due to their strong ties to wildlife, biodiversity, and all the elements—water, fire, moon, and stars. However, the Earth Charter was not recognized by or incorporated into the negotiations of the CBD.

In article (8J), the CBD made references to the importance of recognizing the rights of Indigenous Peoples to use, own, and control their traditional territories and to protect their ancestral knowledge and skills. This article also espouses developing working partnerships with Indigenous Peoples based upon the principle of full and informed consent, while also gaining equitable shares of conservation

benefits. At that time the International Labour Organization's (ILO's) Article 169 was the only internationally accepted instrument that defined the rights of Indigenous Peoples. The ILO refers to the importance of securing Indigenous Peoples' lands and traditional knowledge and linking these to biodiversity conservation.

After the CBD convention was approved and its financial mechanism put in place (by the Global Environment Facility, GEF), the creation of programs responding to biodiversity conservation spread very rapidly in many developing countries. The governments of those countries that signed the CBD became rapidly eligible for GEF funding and started putting their biodiversity inventories, strategies, protected-areas systems, and other biodiversity conservation programs in place.

Since the Rio Earth Summit, the Indigenous Peoples' rights groups continued to request a "binding international legal convention" protecting and incorporating indigenous rights and aspirations and creating a financial mechanism for the implementation of many crucial programs and projects in their territories. Several Indigenous Peoples charters and declarations were issued during the following years (i.e., The Leticia Declaration and Proposals for Actions, 1996; The Charter of the Indigenous and Tribal Peoples of the Tropical Forests, New York, 2002; The Kimberley Declaration, South Africa, 2002; The Indigenous Peoples Political Declaration, Bali, 2002). It was not until 2007 that the official UN Declaration on the Rights of Indigenous Peoples was passed at the UN General Assembly (Annex 1). This declaration marked an important moment for the Indigenous Peoples global movement.

The premise behind this report is that creating a sustainable future for biodiversity conservation worldwide will critically depend upon the active and effective engagement of Indigenous Peoples. Without their full engagement, major conservation initiatives under way today—both public and private—will be

compromised, and all citizens of the world will lose as a result. Indigenous peoples are the forgotten partners in biodiversity conservation, and this report makes the case for their immediate incorporation into all forms of development interventions that have to do with biodiversity, forests, and climate change. This is an issue not only of rights but also of development effectiveness and social equity in all their tenor and scope.

INDIGENOUS DIVERSITY IN THE WORLD

The global indigenous population of approximately 300 million people is composed of about *5,000 distinct indigenous cultures* worldwide, living in every climate from the Arctic Circle to the tropical rain forests. Although Indigenous Peoples make up only 4 percent of the world's population, they represent 95 percent of the world's cultural diversity.

Table 1 illustrates the variation that exists between the total number of Indigenous Peoples and the number of ethnic groups. For example, in Mexico and China the total population of Indigenous Peoples is large (12.7 million and 105 million respectively), while the diversity of ethnic groups is relatively low (62 and 55). In contrast, Brazil, Indonesia, and the United States have a low number of indigenous inhabitants (734,000, 1.1 million, and 2.4 million, respectively) while their diversity is relatively high (250, 365, and 335). Where the population of Indigenous Peoples is low, they tend to face greater threats because they represent true minority groups. Many indigenous ethnic groups are considered to be among the poorest population segments in their countries (in Africa and Asia and in some parts of Bolivia, Peru, Mexico, and Guatemala).

Indigenous Peoples live in about 75 of the world's 184 countries and are inhabitants of practically each main biome of the earth. IPs, also called tribal, aboriginal or autochthonous peoples, national minorities,

or first peoples, are best defined by using several criteria. Indigenous peoples may have all or some of the following criteria: (a) are the descendants of the original inhabitants of a territory that has been overcome by conquest; (b) are "ecosystem peoples," such as shifting or permanent cultivators, herders, hunters and gatherers, fishers, and/or handicraft makers who adopt a multiuse strategy of appropriation of nature; (c) practice a small-scale, labor-intensive form of rural production that produces little surplus and has low energy needs; (d) do not have centralized political institutions, organize their life at the level of community, and make decisions on a consensus basis; (e) share a common language, religion, moral values, beliefs, clothing, and other identifying characteristics as well as a relationship to a particular territory; (f) have a different worldview, consisting of a custodial and nonmaterialistic attitude to land and natural resources based on a symbolic interchange with the natural universe; (g) are subjugated by a dominant culture and society; and (h) consist of individuals who subjectively consider themselves to be indigenous (Toledo 2000).

According to the World Bank (WB) policy on Indigenous Peoples, the term "Indigenous Peoples" is used in a generic sense to refer to a distinct, vulnerable, social, and cultural group possessing the following characteristics in varying degrees:

- a. self-identification as members of a distinct indigenous cultural group and recognition of this identity by others
- b. collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories
- c. customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture
- d. an indigenous language, often different from the official language of the country or region

Table 1: Indigenous Populations and Number of Indigenous Ethnic Groups in Selected Countries (from IWGIA 2007 "The Indigenous World 2007")

Country	Indigenous Population	Indigenous Groups
North America		
Canada	976,305	52
USA	2,377,913	335
South and Central America		
Argentina	485,460	27
Bolivia	5,000,000	32
Brazil	734,127	250
Chile	692,192	9
Colombia	1,400,000	87
Ecuador	1,000,000	14
Guatemala	6,000,000	23
Mexico	12,700,000	62
Nicaragua	239,000	7
Panama	200,000	7
Paraguay	87,099	20
Peru	8,700,000	65
Venezuela	5,700,000	40
East Asia		
Cambodia	101,000	17
China	105,000,000	55
Indonesia	1,100,000	365
Laos	6,000,000	49
Malaysia	3,400,000	53
Myanmar	30,000,000	100
Papua NG	1,240,000	253
Philippines	8,400,000	17
Taiwan	469,000	13
Thailand	923,257	9
South Asia		
Bangladesh	2,500,000	45
India	84,200,000	461
Nepal	8,400,000	59
Africa		
Angola	6,209	2
Botswana	50,000	18
Burundi	80,000	1
Cameroon	104,000	5
Central Africa Republic	41,880	2
Congo	16,142	1
DRC	270,000	4
Ethiopia	1,000,000	80
Gabon	20,000	1

(Continue on next page)

Table 1: Indigenous Populations and Number of Indigenous Ethnic Groups in Selected Countries (from IWGIA 2007 “The Indigenous World 2007”) (Continued)

Country	Indigenous Population	Indigenous Groups
Kenya	3,000,000	14
Mali	1,100,000	2
Niger	1,000,000	3
Rwanda	33,000	1
South Africa	470,000	3
Tanzania	514,268	143
Uganda	955,000	3
TOTAL	306,685,852	2,809

BIODIVERSITY AREAS AND INDIGENOUS TERRITORIES OVERLAP

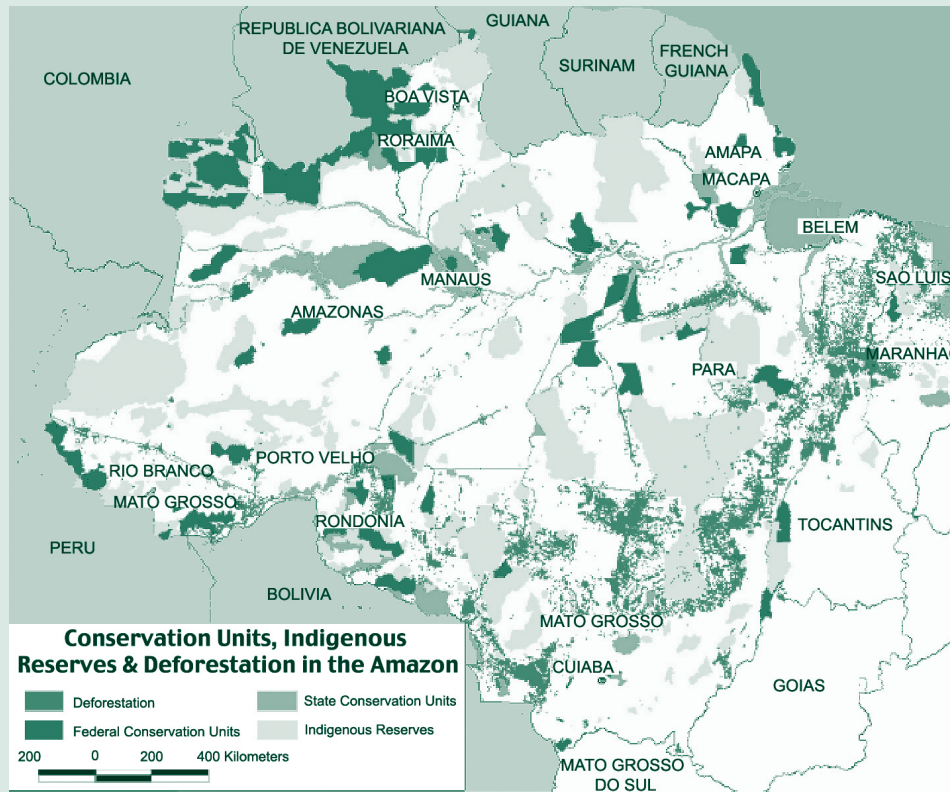
Many areas inhabited by Indigenous Peoples coincide with some of the world’s remaining major concentrations of biodiversity. Traditional indigenous territories encompass up to 22 percent of the world’s land surface and they coincide with areas that hold 80 percent of the planet’s biodiversity (WRI 2005). Also, the greatest diversity of indigenous groups coincides with the world’s largest tropical forest wilderness areas in the Americas (including Amazon), Africa, and Asia, and 11 percent of world forest lands are legally owned by Indigenous Peoples and communities (White et al. 2004). Recent efforts to map centers of biodiversity in the Brazilian Amazon reveal a high degree of overlap between indigenous territories and areas of exceptionally high biodiversity. This correlation is also notable in montane areas rich in biodiversity, such as the Andes and Himalayas. Even in biomes less rich in biodiversity, such as the boreal forests of the Northern Hemisphere, the most pristine habitats tend to be occupied by native populations. This convergence of biodiversity-significant areas with indigenous territories presents an enormous opportunity to expand biodiversity conservation efforts beyond national parks and reserves.

INDIGENOUS PEOPLES AS BIODIVERSITY STEWARDS

The Amazon forests in Brazil have been dwindling for decades. There is evidence that the scope of destruction depends upon who uses the land. A recently produced map of the Brazilian Amazon shows that natural ecosystems have improved conservation potential when Indigenous Peoples inhabit them. (See Map 1.) The researchers from the Brazilian Institute for the Environment and Renewable Natural Resources and the World Wildlife Fund overlaid indigenous territories onto a map showing forest cover. The result reveals a strong correlation between indigenous presence and the protection of natural ecosystems.

A similar map of the indigenous territories, forests, and marine resources of Central America and southern Mexico was produced showing the same results. It is logical to assume that intact habitats support greater biodiversity, and environmentalists have long pointed to a link between cultural and biological diversity. The late geographer Bernard Nietschmann called it “the rule of indigenous environments—where there are Indigenous Peoples with a homeland, there are still biologically rich environments.” This map is part of a recent effort to bring the tools of cartography to

Map 1: Overlaid Forest Cover, Protected Areas, and Indigenous Reserves in the Brazilian Amazon



indigenous cultures. Activists hope that it empowers the native peoples of Central America and southern Mexico to preserve their cultures and ancestral lands.

INDIGENOUS DOMAINS AND PROTECTED AREAS

Human societies have long set aside special areas of the natural environment to meet ecological and cultural needs. Such areas have ranged from the communal resource areas and the sacred trees and groves of traditional societies to more formal reserves for hunting or other recreational interests of the nobility and other social elites. However, the modern

era of protected-area management can be considered to originate with the establishment of the world's first national park at Yellowstone. Established on a Crow, Blackfeet, and Shoshone-Bannock territory in the United States in 1872, Yellowstone was selected because of its outstanding natural features.

Today there has been a large expansion of protected areas that now cover more than 10 percent of the Earth's terrestrial surface. This has provided society with many benefits in terms of ecosystem preservation, provision of environmental services, and opportunities for recreation and tourism, all particularly vital in light of the rapid economic development and the consequent extensive modification of natural environments that is occurring worldwide.

Despite their well-documented roles as responsible environmental stewards on all continents, Indigenous Peoples have frequently been marginalized in past efforts to conserve biodiversity. Conflicts have long simmered between conservationists and Indigenous Peoples. From the nineteenth century on, game reserves, national parks, and other protected areas were frequently carved out of Indigenous Peoples' territories. Such expulsions continue today, particularly in Africa and parts of Asia, where the legal rights of traditional peoples are more tenuous (Brechin et al. 2003, Neumann 1998, Colchester 1997).

We can illustrate this issue with a well-known example. Yellowstone was conceived as a wilderness area, a place without people, and in 1871 the Shoshone-Bannock inhabitants were relocated to the Wind River reservation. The historical evidence about their willingness to move is mixed, but it is known that in 1877 a series of pitched battles occurred between tribal groups and the civilian superintendents. These resulted in the death of more than 300 people, and the administration of the park was subsequently turned over to the US Army in 1886.

The adoption of the "Yellowstone" model of protected areas has historically resulted in the forced relocation of Indigenous Peoples in a number of other areas, including the expulsion of the Ik to create the Kidepo National Park in Uganda and the Mongondwo people to create Domonga-Bone National park in Sulawesi. The policy of attempting to create protected areas without people has often had undesirable consequences for both the affected people and the areas that governments and conservation agencies were attempting to protect. In many of these areas, there is now a legacy of distrust between affected or potentially affected people and the governments and conservation agencies.

It has been estimated that as much as 85 percent of the world's protected areas are inhabited by Indigenous Peoples (IUCN/WCPA 2000, 2004). This issue is not to be taken lightly, given these statistics. These complexities were recognized by the 2003 IUCN World Parks Congress. Recom-

mendation 24 of the Congress noted that many protected areas overlap with the lands, territories, and resources of indigenous and traditional peoples. The recommendation further noted that in many cases the establishment of protected areas has affected the rights, interests, and livelihoods of Indigenous Peoples and that this has subsequently resulted in persistent conflicts.

Additionally, the recommendation noted that effective and sustainable conservation can be better achieved if the objectives of protected areas do not violate the rights of Indigenous Peoples living in and around them. It continued that it is widely acknowledged that successful and enduring implementation of conservation programs can only be guaranteed when there is consent for and approval by Indigenous Peoples, among others, because their cultures, knowledge, and territories contribute to the building of comprehensive protected areas. Recommendation 24 also noted that there is often a commonality of objectives between protected areas and the need of Indigenous Peoples to protect their lands, territories, and resources from external threats.

The World Parks Congress Resolution 1.53, which was built upon a previous resolution adopted by members of the World Conservation Union–IUCN at the first World Conservation Congress in Montreal in 1996, promoted policy based on the principles of:

1. Recognition of the rights of Indigenous Peoples with regard to their lands or territories and resources that fall within protected areas
2. Recognition of the necessity of reaching agreements with Indigenous Peoples prior to the establishment of protected areas in their lands or territories
3. Recognition of the rights of Indigenous Peoples concerned to participate effectively in the management of the protected areas established on their lands or territories, and to be consulted on the adoption of any decision that affects their rights and interest over those lands or territories

INDIGENOUS PEOPLES ANCESTRAL LAND RECOGNITION

Indigenous peoples are a distinct population in that the land on which they live and the natural resources on which they depend are inextricably linked to their identities and cultures. For Indigenous Peoples, conservation of biodiversity is not an isolated, compartmentalized concept but an integrated part of their lives. They view conservation areas as integral, functional parts of the landscapes in which they live (i.e., sacred places, repositories for game, etc.). Therefore, dispossession from the land or restriction of access to natural resources has brought not only economic impoverishment but also loss of identity and threats to their cultural survival.

In recent years there has been a global trend to divest public lands to traditional communities, most of which are indigenous. Some numbers are presented in Table 2. Today approximately 11 percent of the world's forestlands are legally owned by or administered by such communities; in developing countries, the figure is 22 percent (White and Martin 2002). At current rates of divesture, it

is projected that up to half of the forestlands in developing countries will be communally owned or administered by 2015. In the Amazon Basin, indigenous communities have legal rights over an area greater than 20 percent of the region, compared with only 8 percent that is set aside as conventional protected areas for biodiversity conservation (NRIC 2005).

The situation varies widely from country to country, as seen in Table 3. But evidence suggests that indigenous communities worldwide are gaining increasing legal recognition of their rights over territories and resources, including areas essential for maintaining globally significant biodiversity. As a result of this trend, a comprehensive biodiversity conservation strategy must necessarily include indigenous territories to achieve results at required scales.

Although the territorial rights of Indigenous Peoples in many countries have been strengthened in recent decades, economic forces and policies continue to result in the exploitation and extraction of the resources and ancestral lands of Indigenous Peoples, impoverishing formerly asset-rich communities. These trends continue today as roads and other infrastructure, extractive industries, and

Table 2: Forest Ownership by Community/Indigenous Groups in Six of the Most Forested Countries in Latin America

Country	Total Forest Estate	Forest Owned by Community/Indigenous Groups		
		Public	Private	Total
Brazil	550.3	74.5 (13.0)	0.0 (0.0)	74.5 (13.0)
Peru	68.2	8.4 (12.3)	22.5 (33.0)	30.9 (45.3)
Mexico	55.1	2.75 (5.0)	44.0 (80.0)	46.75 (85.0)
Colombia	53.2	n.d.	24.5 (46.0)	24.5 (46.0)
Bolivia	52.9	16.6 (31.3)	2.8 (5.3)	19.4 (36.7)
Argentina	27.8	0.0 (0.0)	0.0 (0.0)	0.0 (0.0)
Total	807.5	102.25 (12.7)	93.8 (11.6)	196.05 (24.3)

Source: White and Martin 2002

Figures in million hectares, with percentages of the countries' total forest estate in parentheses

The total area of forest in these countries owned by community/indigenous groups is almost as large as Mexico. It represents, in sum, 11 percent of the total area of the six countries combined.

Table 3: Comparison of Land Rights of Indigenous Peoples in Latin America

Land-Right Requirement Country	Legal Framework ^a	Enabling Policies ^b	De-Facto Recognition ^c
Bolivia, Brazil, Colombia, Costa Rica, Panama, Paraguay, Peru			
Ecuador			
Argentina, Guatemala, Honduras, Mexico, Nicaragua, Venezuela			
Chile			
El Salvador, Guyana, Surinam, Uruguay			

Source: Roldán 2004

Under each land-right requirement, shaded cells signify substantial fulfillment and blank cells lack of fulfillment

^a Establishment of constitutional provisions and/or acceptance of international instruments (e.g., Agreement 169 of the International Labour Organization) recognizing the rights of IPs to their own lands and to a high degree of autonomy in administering those lands.

^b Approval and implementation of policies promoting effective legal recognition of indigenous land rights.

^c Recognition of indigenous land rights in practice, with or without a legal framework or enabling policies.

streams of settlers penetrate even the most remote indigenous areas on the globe.

Indigenous peoples' extraordinary knowledge of their natural resource base has been extensively documented by scientific research worldwide (Posey 1999, Toledo 2002), which shows that traditional knowledge provides the foundation for intricate resource management systems that have sustained indigenous societies for millennia (Clay et al. 2000, Posey 1999, Silvius et al. 2005). Research has consistently revealed that traditional ways of using and managing biodiversity are grounded in progressive principles of sustainability. In short, indigenous knowledge and management systems represent critical yet frequently untapped resources in global conservation efforts.

SHIFTING THE PARADIGM

While Indigenous Peoples are increasingly invited to participate in the management of biodiversity on their lands (e.g., assets mapping,

demarcation, life and cultural development plans, and livelihood activities), the majority of international and national biodiversity funding still goes to government agencies, NGOs, and western scientists.

Historically, the financing of biodiversity programs has focused on conventional protected areas. For example, recent analysis of approximately US\$200 million per year in conservation investments in the Amazon Basin revealed that 46 percent went to protected areas and only 9 percent to IP territories (NRIC 2005)—even though the latter are far more extensive (> 2.5 times larger) and equally intact (Nepstad et al. 2006). International organizations, the private sector, and governments spend over US\$800 million annually to support biodiversity conservation in protected areas, and most of these resources are used for infrastructure and equipment needs, management plans, and the hiring of outside administrators, park guards, and land management specialists (Bruner et al. 2004).

James et al. (2001) estimated that the shortfall in biodiversity funding for protect-

ed-area management is between US\$1 billion and US\$1.7 billion per year. In addition, expanding the current protected-area systems to include the highest-priority terrestrial sites increases total management cost to US\$4 billion per year (Lapham and Livermore 2003). Costs for new protected areas to include those sites would require either purchase or compensation equivalents totaling as much as US\$9 billion per year for the next 10 years (Rodrigues et al 2004). In short, the total costs for expansion and management of protected areas would be equal to US\$13 billion per year over the next decade.

Indigenous agendas almost invariably begin with the claim of their ancestral territories to assure the long-term protection of their lands and natural resources. A logical next step in this process would be to develop natural resource and biodiversity conservation and management plans. According to scattered literature and unpublished sources, efforts by Indigenous Peoples to plan and implement conservation programs do exist and appear to be increasing, especially as Indigenous Peoples in many countries gain greater control over their territories and resources. Yet knowledge about such indigenous areas remains scattered and incomplete.

In contrast with hired outsiders, Indigenous Peoples already live on the land, reducing the cost of a labor force to maintain and protect the area. The existing decision-making structures that govern indigenous communities lead to greater local buy-in on the decisions reached. Local populations have a far greater stake in the successful outcome of conservation and management initiatives on their territories—a critical consideration for initiatives to maintain protected areas over the long term. Traditional resource management systems tend to incorporate the long-term perspectives required for sustainability. Box 1 presents an example of the main aspirations that a group of Indigenous Elders discussed at a Council meeting in 2004. Their aims are

clearly related to land claims, biodiversity and sacred sites conservation, cultural and spiritual preservation, education, and medicine.

FINAL POINTS

Some scientists have raised issues about the role of Indigenous Peoples in biodiversity conservation (Terbourgh 1999, Wilshusen et al. 2002), but in general there is presently an emerging recognition of the opportunities (Adams and McShane 1996, Borrini-Feyerabend 1997, 2002, Brechin et al. 2003). One could argue that biodiversity conservation with the participation of Indigenous Peoples presents *both* many challenges and great opportunities. This report endeavors to contribute toward bridging the gap between conservationists' efforts and the aims and aspirations of IP groups, thereby broadening support for biodiversity preservation. As presented in this report, there are significant global benefits that could be achieved by supporting biodiversity conservation with the active participation of Indigenous Peoples, "*the natural but forgotten partners.*"

This report thus addresses several fundamental questions:

1. Is the Bank biodiversity portfolio engaging Indigenous Peoples in a significant way?
2. What are the trends as regards the meaningful participation of Indigenous Peoples in the different regions of the Bank?
3. What are some of the best practice examples of real participation of Indigenous Peoples in the Bank projects and programs?
4. What are the lessons learned from projects that have not performed well?
5. What are the most commonly held views of Indigenous Peoples on biodiversity conservation and sustainable development, which have been portrayed in fora, and the views of indigenous elders and indigenous women regarding their participation in biodiversity conservation?

Box 1: Excerpt from the Indigenous Council of Elders 2004

The following details the main outcome of the Indigenous Council of Elders meeting in Jalapa, Mexico in 2004. A dialogue and exchange of views took place among the elders from 27 different ethnic groups and can be summarized as:

Identity and Spirituality The elders recognize that all members of their community are united because they have a common origin and a spirituality that is founded on love and respect for nature. Their knowledge is practical and collective and is directly linked to people's daily lives. They also acknowledge the respect that they have for their elders as they are the carriers of knowledge and history and they remind them of conserving and preserving their own culture and history.

Territories and Sacred Sites The discussion of territories and sacred sites also includes the topic of environment and biodiversity. The first thing that elders mention is the importance of the lands and territories to their survival and that they understand how important it is to live in harmony with nature. They have preserved certain areas within their territories that are sacred, such as rivers, caves, lakes, springs, islands, etc. They acknowledge their common history of the loss of territories. For this reason, they think that the land cannot be sold and they request common titles to their lands through presidential decrees or other similar means. They call to all humanity so that together we can preserve nature and avoid water and air pollution, deforestation of our forests, and the indiscriminate exploitation of resources.

Education and Medicine The elders see education as a constant practice during one's life journey. They acknowledge that education comes from the parents and family, from their elders and community, and while they work as adults. Their language is part of their identity and is the spirit of their cultures. They address their concern that many institutional education systems do not value their culture, history, and aspirations. They state clearly that they will not abandon their own education system, but on the contrary they will enrich it for posterity. For them, it is important to take care of certain plants and animals that constitute their food and medicine and they request that everybody respect these. They request respect from government and outsiders toward their sacred plants, instruments, ceremonial objects, etc. They also raise the issue of the need to stop any patenting of their plants, minerals and, animals.

The Future of Their Peoples and Traditional Knowledge Elders recognized the importance of gatherings among other elders because they believe that this strengthens the unity of indigenous peoples, instead of accentuating the differences. They acknowledge the need to disseminate the experiences and knowledge of their ancestors among our peoples. With respect to participation, the indigenous peoples of the Americas request to be consulted on time and meaningfully by the governments and the private sector regarding any action or program that may directly or indirectly affect their territories. They also recognized the equality of men and women in their communities, as a form of substantial equilibrium, and also recognize the dignity of their grandmothers, mothers, and sisters, who represent life and the future of their communities.

6. How can the Bank contribute to filling the gap between conservationists' efforts and the aspirations of indigenous groups to broaden support for biodiversity conservation?

The main objective of this study is to examine what the World Bank needs to know to more effectively engage Indigenous Peoples

in biodiversity conservation projects. The report is intended for Bank Task Team leaders, advisors, directors, and managers and also government and NGOs engaged in biodiversity conservation programs. Indigenous peoples seeking international funding for biodiversity-related activities in their ancestral territories might also benefit from the tools generated by this study.



The Bank Biodiversity and Indigenous Peoples Portfolios

This chapter focuses the discussion on two broad analyses: 1) the World Bank's policy and legal framework for supporting Indigenous Peoples and 2) an examination of the World Bank portfolio on biodiversity and Indigenous Peoples.

LEGAL FRAMEWORKS

The World Bank's engagement in the complex area of Indigenous Peoples, biodiversity conservation, and protected-areas projects is guided by both the general framework of international law and the Bank's own safeguard policies.

International Law

The Bank seeks to assist countries implementing international agreements that they have ratified and does not finance projects that contravene applicable international environmental agreements. With regard to the issue of Indigenous Peoples and protected areas, the main international legal framework supporting Indigenous Peoples' rights is provided by the International Labour Organization Convention 169 and the Convention on Biological Diversity.

As mentioned earlier, the CBD was adopted by the 1992 United Nations Conference on Environment and Development. The CBD's three main goals are: conservation of biodiversity, sustainable use of biodiversity, and fair and equitable sharing of the benefits arising from the commercial and

other utilization of genetic resources. The CBD contains a full article (8J) on the importance of recognizing the rights of Indigenous Peoples to use, own, and control their traditional territories and to protect their traditional knowledge and skills. The article also espouses the development of working partnerships based upon the principle of full, prior, and informed consent of Indigenous Peoples and that IPs also gain equitable shares of conservation benefits. Complementary to this, the ILO Convention refers to the importance of securing Indigenous Peoples' lands and traditional knowledge, linking it to biodiversity conservation. In their essence, the two conventions support a more equitable society where Indigenous Peoples and biodiversity are respected, secured, and maintained.

In certain countries where the World Bank works, the legal recognition of Indigenous Peoples is still not fully incorporated in governmental agendas. In April 2007, the World Bank financed a workshop that brought Pygmy groups from the Congo Basin together with government officials, NGOs, and international financiers to discuss their participation in forestry and biodiversity projects. Box 2 presents a summary of the declaration voiced by Pygmies at that meeting and shows that unless the basic survival, identity, and rights of Pygmies are recognized and addressed, the successful implementation of programs and projects in natural resources management will be difficult.

Bank Safeguard Policies

The original World Bank Operational Manual Statement on "Tribal Peoples in Bank-Financed Projects" (OMS 2.34) and its Operational Directive (OD) on Indigenous Peoples (OD 4.20) have been key instruments for protecting the land and rights of Indigenous Peoples. The broad objective outlined in this directive is to ensure that the development process fosters full respect for the dignity, human rights, and cultural uniqueness of Indigenous Peoples.

More specifically, the directive seeks to ensure that Indigenous Peoples do not suffer adverse effects during the development process, particularly from Bank projects, and that they receive culturally compatible social and economic benefits. In OD 4.20, Indigenous Peoples are defined as social groups with a social and cultural identity distinct from the dominant society, making them vulnerable to development decisions made without their participation. OD 4.20 requires borrowers to prepare an Indigenous Peoples Development Plan (IPDP) for any project affecting Indigenous Peoples.

OD 4.20 was updated after an extensive period of consultation, during which the rights of Indigenous Peoples were debated extensively. The Bank's new policy on Indigenous Peoples (OP 4.10) aims to "ensure that the development process fully respects the dignity, human rights, economies and cultures of Indigenous Peoples" and "requires the borrower to engage in a process of free, prior, and informed consultation" with Indigenous Peoples in all projects that are proposed for Bank financing and affect Indigenous Peoples and that "such Bank-financed projects include measures to: (a) avoid potentially adverse effects on the Indigenous Peoples' communities; or (b) when avoidance is not feasible, minimize, mitigate, or compensate for such effects. Bank-financed projects are also designed to ensure that the Indigenous Peoples receive social and economic benefits that are culturally appropriate and gender and inter-generationally inclusive." This policy was approved by the World Bank's executive directors on May 10, 2005 (Annex 2).

With regard to its policies, the Bank understands and respects the historical and present situation of indigenous (and other traditional) peoples' rights vis-à-vis the need to preserve/ conserve remaining areas of high biodiversity. The safeguard policies require *consultation, disclosure, and involvement in planning* and efforts to develop *alternatives* in situations where projects may not serve the best interests of Indigenous Peoples and other vulnerable groups. The most succinct statement on the Bank's ap-

Box 2: Declaration of Indigenous Peoples (Populations Autochtones) of the Democratic Republic of Congo

Your Excellency Mr. Minister of forest economy
Mr and Mrs. Ministers
Mr. Maire of the Likouala Department
Mr. President of the council of Likouala Department
Mr. Assistant Maire of the District of Impfondo
Mr and Mrs. Representatives of the international financial institutions
Mr and Mrs. Delegates of different indigenous peoples of Central Africa

Distinguished Guests.

DRC is one of the countries of Central Africa with a land surface of approximately 2,345,000 km² and a population of 60 million inhabitants, including the indigenous populations. We are approximately 250 to 300,000 indigenous peoples known as the Bambuti, Batwa, Baca. Our life style is hunter-gatherers.

In parallel to the problems that most indigenous peoples in the world and in Central Africa suffered, we, in DRC, have the following serious problems:

We recommend to the governments and to the international community the following:

- A difficult relationship with our neighbor, the Bantu, that do not recognize us as citizens with full rights as they and others enjoy.
- The lack of legal recognition of our rights as indigenous peoples from the different instances of the government.
- The lack of access to education which exacerbates the social discrimination against us and gives us less opportunities to come out of poverty.
- Facilitate the strengthening of capacity for our indigenous leaders and elders to promote and protect our rights and ensure the sound development of our peoples.
- Request free educational support in order for our children to complete primary and secondary education and provide our youth scholarships to complete university degrees.
- Request DRC government to strongly engage in the problems faced by indigenous peoples by launching specific programs to promote and protect them.
- Request that indigenous peoples be represented in the Parliament in order to address their issues in the Central Africa countries discussions.
- Request that the government subscribes to the ILO 169.
- Request to all international financiers to assess and determine the transparency and accountability of fund disbursements.
- Request to all indigenous peoples to awaken to their own consciousness so that they can take their own destiny in their hands.

This is in brief the declaration of the indigenous peoples of DRC.

May the international forums for indigenous peoples for Central Africa live!

May the indigenous peoples from DRC live!

Thank you very much.

Impfondo, April 13, 2007

(on the occasion of the international forum of indigenous peoples of Central Africa 2007)

proach to Indigenous Peoples' rights and the sustainable management of protected areas and parks is contained in the OP 4.10. Para 21:

In many countries, the lands set aside as legally designated parks and protected areas may overlap with lands and territories that Indigenous Peoples traditionally owned, or customarily used or occupied. *The Bank recognizes the significance of these rights of ownership, occupation or usage as well as the need for long-term sustainable management of critical ecosystems.* Therefore, involuntary restrictions on the access of Indigenous Peoples to legally designated parks and protected areas, in particular access to their sacred sites, should be avoided. In exceptional circumstances, where it is not feasible to avoid restricting access, the borrower prepares, with the free, prior, and informed consultation of the affected Indigenous Peoples' communities, a process framework in accordance with the provisions of OP 4.12. The process framework provides guidelines for preparation, during project implementation, of an individual parks and protected areas' management plan and ensures that the Indigenous Peoples participate in the design, implementation, monitoring, and evaluation of the management plan, and share equitably in the benefits of the parks and protected areas. *The management plan should give priority to collaborative arrangements that enable the Indigenous Peoples, as the custodians of the resources, to continue to use them in an ecologically sustainable manner.*

The World Bank has three additional safeguard policies that relate to issues of forest, biodiversity, and environment and that are indirectly linked to the interests of Indigenous Peoples. These include:

- Environment Assessment (EA) OP/BP 4.01
- Natural Habitats Policy 4.04
- Forests OP/BP 4.12

Environment Assessment (EA) OP/BP 4.01:

3. "EA takes into account the natural environment (air, water, and land); human health and safety; social aspects (involuntary resettlement, Indigenous Peoples, and cultural property); and transboundary and global environmental aspects. EA considers natural and social aspects in an integrated way."

14. "For all Category A and B projects proposed for IBRD or IDA financing, during the EA process, the borrower consults project-affected groups and local nongovernmental organizations (NGOs) about the project's environmental aspects and takes their views into account. The borrower initiates such consultations as early as possible."

15. "For meaningful consultations between the borrower and project-affected groups and local NGOs on all Category A and B projects proposed for IBRD or IDA financing, the borrower provides relevant material in a timely manner prior to consultation and in a form and language that are understandable and accessible to the groups being consulted."

Natural Habitats Policy 4.04:

4. "The Bank does not support projects that, in the Bank's opinion, involve the significant conversion or degradation of critical natural habitats." Critical natural Habitats are defined to include "areas initially recognized as protected by traditional local communities (e.g., sacred groves, and sites that maintain conditions vital for the viability of these protected areas)."

10. "The Bank expects the borrower to take into account the views, roles, and rights of groups, including local nongovernmental organizations and local communities, affected

by Bank-financed projects involving natural habitats, and to involve such people in planning, designing, implementing, monitoring, and evaluating such projects. Involvement may include identifying appropriate conservation measures, managing protected areas and other natural habitats, and monitoring and evaluating specific projects. The Bank encourages governments to provide such people with appropriate information and incentives to protect natural habitats.”

Forests OP/BP 4.12:

3. “This policy applies to the following types of Bank-financed investment projects:”

- 3 b “projects that affect the rights and welfare of people and their level of dependence upon or interaction with forests”
- 3 c “projects that aim to bring about changes in the management, protection, or utilization of natural forests or plantations, whether they are publicly, privately, or communally owned.”

10. “To be acceptable to the Bank, a forest certification system must require”

- 10 b “recognition of and respect for any legally documented or customary land tenure and use rights as well as the rights of indigenous peoples and workers”
- 10 c “measures to maintain or enhance sound and effective community relations.”

11. “In addition, the system’s (certification) standards must be developed with the meaningful participation of local people and communities; indigenous peoples; non-governmental organizations.”

BIODIVERSITY PORTFOLIO & INDIGENOUS PEOPLES

The World Bank has been engaged in financing projects involving Indigenous Peoples through different instruments across different depart-

ments (Human Resources, Education, Rural Development, Land Administration, Social Justice, Land Degradation, as well as mitigation programs of road, mining, and dam development). Many of these projects are active and still disbursing funds. These projects are located in all of the World Bank regions. Examples include capacity building for Indigenous Peoples organizations; educational and health programs that are tailored to Indigenous Peoples’ needs; legal and judicial reforms that address Indigenous Peoples’ rights; conservation and biodiversity programs that build on Indigenous Peoples’ knowledge; and development of sustainable livelihoods that directly address the poverty among Indigenous Peoples.

All these projects are subject to the Bank’s Indigenous Policy. This is a rich source of operational experience. However, the analysis presented below is limited to the engagement of Indigenous Peoples in the Bank environmental and biodiversity portfolio, specifically summarizing the impact of the World Bank biodiversity portfolio and projects on indigenous communities between 1988 and 2008.

The Bank portfolio includes projects financed through the International Bank for Reconstruction and Development (IBRD), International Development Association (IDA), the Rain Forest Trust Fund (RFTF), and the Global Environment Facility executed through the World Bank. To a lesser extent, the International Finance Corporation has contributed to biodiversity conservation through private sector investments. The portfolio includes regular Bank lending projects as well as regular and medium-sized GEF projects (MSPs) and enabling activities.

To assess the role of Indigenous Peoples in the World Bank Biodiversity Portfolio, we used a five-step methodology: 1) *Compilation* of data from relevant Bank databases, 2) *Update of Project List* by cross-checking with archived project documents, 3) *Comprehensive Database Creation*, 4) *Peer Review* and revision of preliminary portfolio listings and data with task managers and the Bank biodiversity and

Indigenous Peoples specialists, and 5) *Database Analysis* to produce summary tables and figures of regional and annual funding, funding source, biodiversity conservation programs, and indigenous participation. Projects were assigned to a fiscal year based on their date of approval by the World Bank Board or, in the case of MSPs, by the country management unit. The data range from FY 1988 to FY 2008.

Co-financing amounts include contributions from borrower governments, local beneficiaries, NGOs, bilateral donors, regional development banks, and United Nations organizations. For each project, figures have been computed for total cost, total biodiversity costs (World Bank Group (WBG) funds plus associated co-funding), and Bank biodiversity funding. It was not possible to accurately judge the funding that has been destined for Indigenous Peoples needs and programs. A more detailed analysis would be needed to collect this type of information.

Biodiversity activities supported by Bank projects or project components were put into the following 10 categories of explicitly stated,

and funded, activities: 1) *Institutional building, policies, and strategic planning*; 2) *Inventories, research, and monitoring*; 3) *Public awareness and education*; 4) *Protected area*; 5) *Production landscape*; 6) *Sustainable financing and market mechanisms*; 7) *Nature tourism*; 8) **Indigenous Peoples**; 9) *Agrobiodiversity*; and 10) *Invasive species*. The present analysis covers category 8 on Indigenous Peoples and does not include local communities.

Results

The Bank, through IDA, IBRD, and GEF funding, has been one of the largest financiers of biodiversity projects. The portfolio of the World Bank Group has grown steadily over the past 20 years and especially over the last decade. Between 1988 and 2008, the Bank approved assistance totaling US\$6,177 million through 596 projects that fully or partially supported biodiversity conservation in all major ecosystems.

The distribution of these projects by region is presented in Figure 1 :

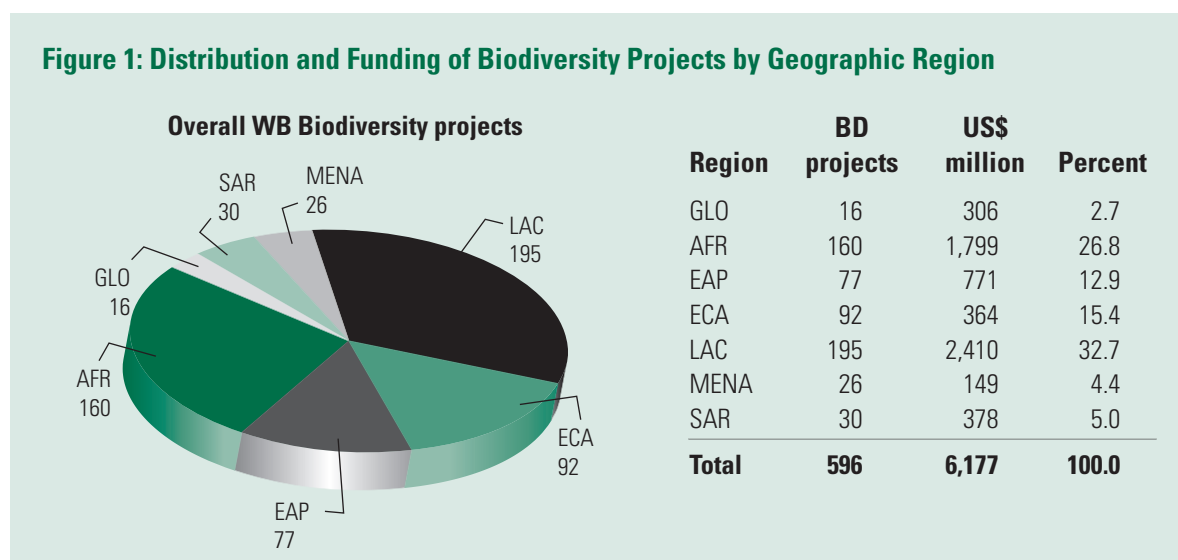
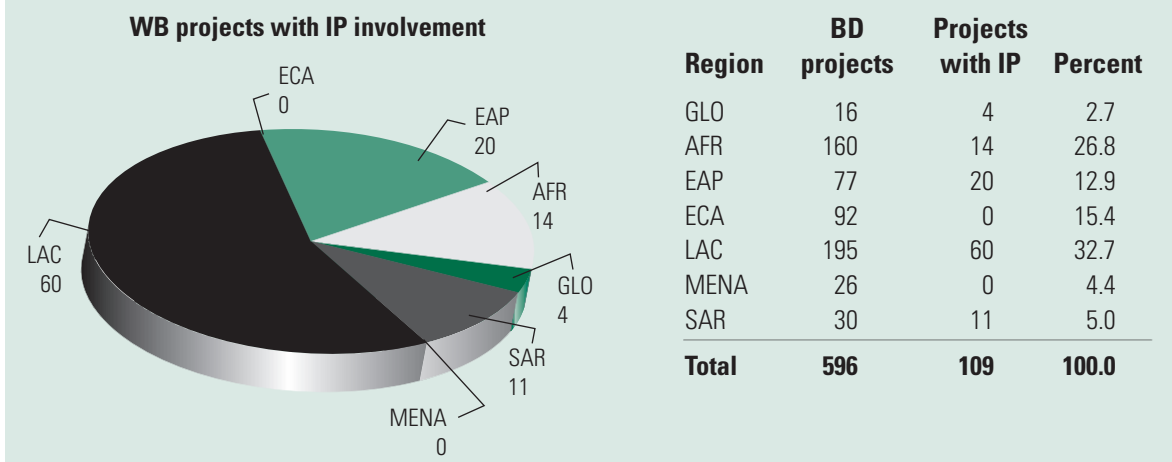


Figure represents number of projects and total funding per World Bank geographic region from 1988 to 2008 where AFR = Africa region, GLO = global, EAP = East Asia and Pacific region, ECA = Europe and Central Asia Region, LAC = Latin America and the Caribbean region, MENA= Middle East and Northern Africa region, SAR= South East Asia region and percents represent the proportion of total projects funded in that region during that time period.

Figure 2: Number of Active WB Biodiversity Projects That Support Indigenous Peoples



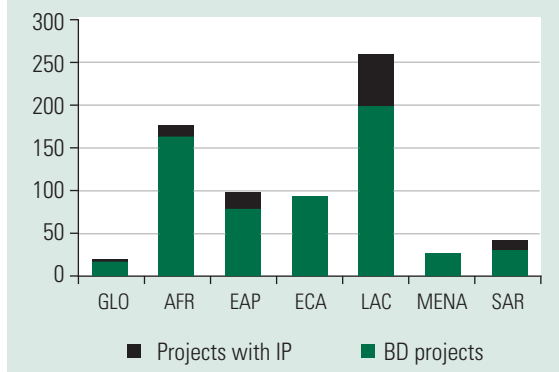
The largest group of biodiversity projects is in the Latin America and Caribbean region, with 32.7 percent of the total projects funded worldwide (195 projects amounting to US\$2.4 billion). The next largest share is from the Africa region, with 26.8 percent (160 projects amounting to US\$1.8 billion), followed by the remaining regions.

The analysis undertaken allowed us to assess how many of the biodiversity projects are supporting Indigenous Peoples programs and livelihoods. A first level of analysis reveals that there are 109 projects out of the 596 that have supported or are supporting Indigenous Peoples programs and needs. In other words, in terms of number of projects, 18.3 percent of the Bank biodiversity portfolio supports Indigenous Peoples’ objectives. The distribution of projects that support Indigenous Peoples objectives across the different regions is presented in Figure 2.

The Latin America and Caribbean region supports the largest number of biodiversity projects that include support for Indigenous Peoples programs (60 projects). The next largest number of projects with positive impacts on Indigenous Peoples is East Asia Region, with 20 projects, followed by the Africa and South Asia.

The number of biodiversity projects that are supporting Indigenous Peoples is still relatively marginal, as can be observed in Figure 3, where the number of biodiversity projects that do not address IP objectives is represented in lighter shade and the number of projects that have a positive impact on IP objectives is represented in darker shade. In Figure 3 the lighter shade shows projects mainly supporting protected areas and biodiversity projects without

Figure 3: Proportion of Biodiversity Projects with and without Impacts on Indigenous Peoples



the involvement of IPs. This analysis did not provide sufficient data to know if some of these projects overlap with Indigenous Peoples, but this could be the case.

A deeper analysis of the portfolio reveals that the participation of Indigenous Peoples is quite variable between one project and another. For the purposes of this analysis, the 109 WB projects that involved Indigenous Peoples were subdivided into three categories. The first category, labeled “full engagement,” included projects that were either designed exclusively to benefit Indigenous Peoples or were implemented by an indigenous organization. The second category, labeled “IPDP prepared,” included projects that had complied with the Bank Policy OP/BP4.10 and were benefiting Indigenous Peoples but not as the prime objective of the project. The application of Bank Policy OP/BP 4.10 that included the preparation of Indigenous Peoples Development Plans has strengthened project effectiveness in terms of meeting their global objectives by facilitating IP participation as partners and principal actors in conservation actions. The third category, labeled “marginal involvement,” includes projects without an initial IPDP but benefit to Indigenous Peoples or communities was established as an outcome of the project upon its completion.

The results show that of the 109 projects analyzed only 32% have full engagement (stand alone IP projects or biodiversity projects that support in their totality the IP programs and needs) and the largest number of full engagement projects is in the Latin America and Caribbean region while the other regions have only started to fully engage IP in very few projects (Figure 4). There is a need to increase this type of engagement in the immediate future. The data also show that in the Latin American and Caribbean and the East Asia and Pacific regions, recent projects have applied IPDPs to biodiversity projects, but that in the Africa region projects continue to involve IPs in a marginal way. The Europe and Central Asia and the Middle East and Northern Africa regions do not have any biodiversity projects directed at IP activities.

There are some countries that have consistently directly incorporated Indigenous Peoples objectives into biodiversity projects (Figure 5). The top-ranking countries with the largest number of projects that support IPs beyond the IPDP requirements are Peru, Mexico, Costa Rica, Colombia, India, Laos, Ecuador, and Brazil. These projects have borrowed from the WB or have fully endorsed GEF funds toward Indigenous Peoples’ traditional knowledge, land demarcation, capacity building, etc. The top-

Figure 4: Distribution of the Level of Engagement of Indigenous Peoples in Biodiversity Projects

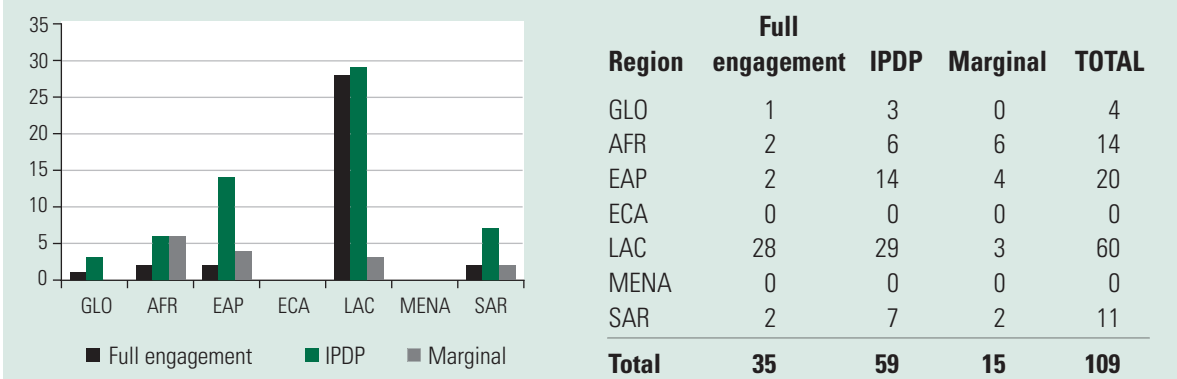
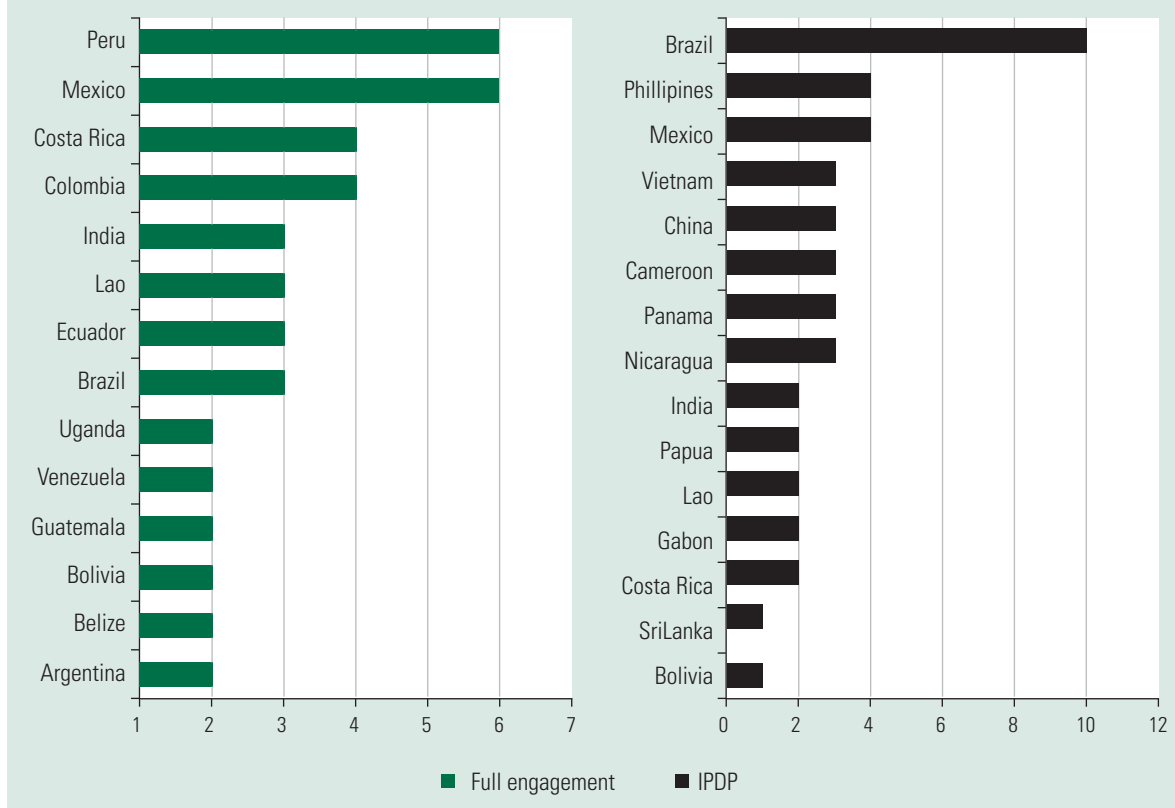


Figure 5: Top-Ranking Countries with the Largest Number of Projects That Support IPs

ranking countries that support IPs within the Safeguard policies by preparing IPDPs are Brazil, the Philippines, Mexico, Vietnam, China, Cameroon, Panama, and Nicaragua.

The results from this analysis have some similarities with those of a 2004 review of the LAC portfolio, which examined Indigenous Peoples' participation and biodiversity conservation (World Bank 2004b, GEF 2006). The review covered 48 projects, including 8 completed projects, 32 under active implementation, and 8 under preparation. The geographic span was dominated by the two mega-biodiversity regions, with 22 projects in the Andean subregion and 19 in Mesoamerica countries. In terms of investment volume, the largest project was in Brazil and the second largest in Mexico.

The results of the review indicated that almost all projects involved IP as beneficiaries, and 35 projects (73 percent) specifically included provisions to comply with OD 4.20 (new OP/BP 4.10) to ensure that IP become beneficiaries of project activities. Nine projects included Indigenous Peoples Development Plans, 14 projects had IP as the primary beneficiaries and were therefore considered IPDPs in themselves, and 12 projects prepared Indigenous Peoples Strategies to ensure that IP benefit from project activities. These Plans and Strategies have strengthened project effectiveness in terms of meeting global objectives by facilitating IP participation as partners and principal actors in conservation actions.

Most of the World Bank projects supporting Indigenous Peoples consist of individual

country projects except for one regional project in Central America, *Integrated Ecosystem Management by Indigenous Communities*. This project includes, among other activities, the strengthening of indigenous networks for ecotourism, organic cacao production, and payment for environmental services. An analysis of this project shows that Indigenous Peoples value the active support provided by networks, since these provide information and services to indigenous organizations to increase their capacities in an effective way. The World Bank has had very limited funds to support networks.

In 2006, the Bank supported a workshop to strengthen the Latin American Network of Indigenous Women for Biodiversity. During the

workshop, 20 indigenous women representing Argentina, Chile, Bolivia, Panama, Costa Rica, Guatemala, El Salvador, and Mexico gathered to discuss issues and actions to strengthen the participation of indigenous women in biodiversity conservation. Box 3 summarizes the main recommendations from the meeting and illustrates the priorities of indigenous women, who are very supportive of biodiversity conservation.

Yearly Trends

Figure 6 shows the yearly trends in engaging IP in biodiversity projects. The figure shows that between 1990 and 1995, biodiversity projects

Box 3: Recommendations from a Meeting of Latin American Network of Indigenous Women for Biodiversity (Panama, 2006)

Improve Communication

To the participants, it is important to raise awareness among municipal governments of the importance of biodiversity and indigenous peoples' role and to ensure that municipal zoning plans regulate biodiversity use. They also see that workshops to exchange information and experiences of the in-situ conservation of seeds and medicinal plants would strengthen their work. The use of publications and videos to communicate their best practices at regional and national events would raise their visibility. Radio programs have been successful, and they see the need for increased support for this type of activity.

Capacity Building

The need for capacity building continues to be a strong element that all women at the workshop recognized. In addition, the women's organizations are weak and there is a need to increase their administrative capacity.

Increase Participation

Support the participation of women in international forums that discuss biodiversity; promote the participation of youth to all the international meetings of the CBD; prepare tools and materials to monitor the implementation of the application of Article 8-j.

Conservation

Recovery of endangered wildlife; reforestation of degraded watersheds and conservation of wildlife; develop indigenous seed banks to bring back to local communities as a strategy for climate change adaptation.

(Continue on next page)

Box 3: Recommendations from a Meeting of Latin American Network of Indigenous Women for Biodiversity (Panama, 2006) (Continued)

Preservation of Ancestral Knowledge

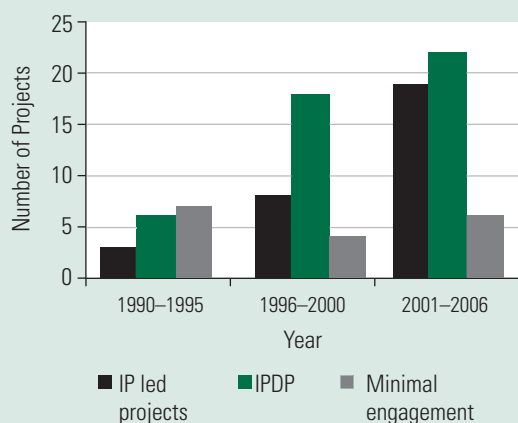
Develop local programs to recover indigenous knowledge; carry out programs to collect stories, legends, and videos of the traditional knowledge held by indigenous peoples; recover traditional art-crafts and agricultural products; develop indigenous traditional recipes; develop national programs in indigenous languages that disseminates ancestral knowledge in the school curricula; promote national trade fairs to promote traditional art-craft; protect indigenous emblems and traditional medicine; develop an international red book of endangered indigenous ancestral knowledge; hold regional and international workshops to exchange experiences in preserving traditional knowledge; prepare publications and annual reports on the progress made by countries to protect traditional knowledge; develop a legal framework to assist IPs in the disputes regarding property rights of traditional knowledge; support policy preparation to protect traditional knowledge.

The vision of indigenous women and particularly of elders reflects very clearly a need to support their traditional and ancient forms of spirituality, language, culture, and medicine. The ethical question that needs to be asked is how many projects from the international funders and government have been supporting indigenous women's work.

were marginally engaging Indigenous Peoples. Between 1996 and 2000, when the IP Policy was fully put in place at the Bank, many projects started complying with the policy and were engaging IP in different manners. The most

significant trend occurred between 2001 and 2006, when many more projects were designed to include stand alone IP projects supporting biodiversity objectives rather than the other way around. While this is a positive trend, there were some projects during this time period where biodiversity objectives and Indigenous Peoples objectives overlapped, yet IPs were still marginally engaged despite the safeguard policy on Indigenous Peoples. This is something that will be carefully addressed in the final chapter.

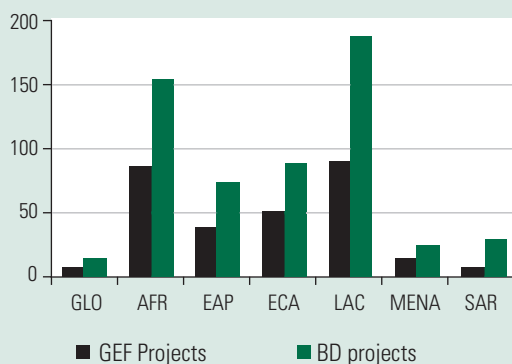
Figure 6: Yearly Trends in Engaging IP in WB Biodiversity Projects



GEF-WB Financed projects

Many of the GEF biodiversity projects implemented by the World Bank have been supporting protected areas around the world as well as the development of corridors, long-term financing mechanisms, and payment for ecosystem services. The portfolio was analyzed in a somewhat different manner to assess the contribution of GEF-WB funding to support Indigenous Peoples' programs and technical assistance.

Figure 7: Distribution of GEF Projects across Regions



Region	GEF-WB Projects	GEF US\$ million	WB US\$ million	BD projects	Total US\$ million
GLO	8	70	266	16	306
AFR	90	400	796	160	1799
EAP	40	168	244	77	771
ECA	53	136	199	92	364
LAC	94	509	1065	195	2410
MENA	16	64	196	26	149
SAR	8	67	101	30	378
Total	309	1414	2866	596	6177

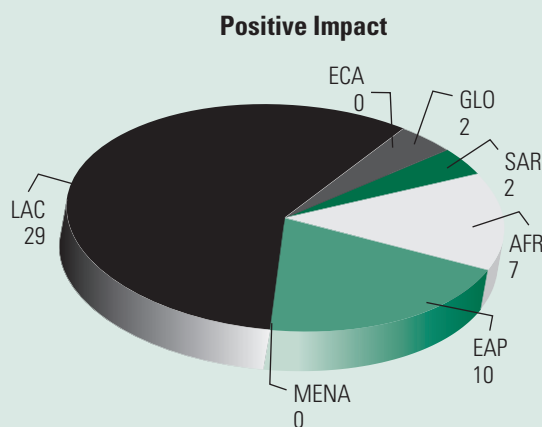
Between 1988 and 2008, GEF supported a total of 309 GEF-WB Biodiversity projects amounting to US\$1.4 billion (GEF Funding). This represents about 45 percent of the total Bank financing in biodiversity. Figure 7 shows the distribution of GEF projects across the regions and compares the amount of projects financed by GEF to those with overall biodiversity Bank financing.

Fifty GEF-WB projects out of the 309 have supported or are supporting Indigenous

Peoples' programs and needs. This represents 16 percent of the GEF-WB biodiversity portfolio, compared with 18 percent observed in the overall Bank portfolio, which includes GEF, IBRD and IDA loans, the Rain Forest Trust Fund, Development Grant Facility funds, and other sources of funding.

The trends in the distribution of these projects across the different regions can be observed in Figure 8. The GEF funds have supported biodiversity projects with Indigenous

Figure 8: Distribution across Regions of the GEF Biodiversity Projects with a Positive Impact on IPs



Region	GEF-WB Projects	GEF-WB Projects with IP	Percent
GLO	8	2	2.6
AFR	90	7	29.1
EAP	40	10	12.9
ECA	53	0	17.2
LAC	94	29	30.4
MENA	16	0	5.2
SAR	8	2	2.6
Total	309	50	100.0

Peoples involvement to a larger extent in the LAC region and to a lesser extent in the Africa region and the East Asia and the Pacific region. These results are very similar to the analysis of the overall WB biodiversity portfolio.

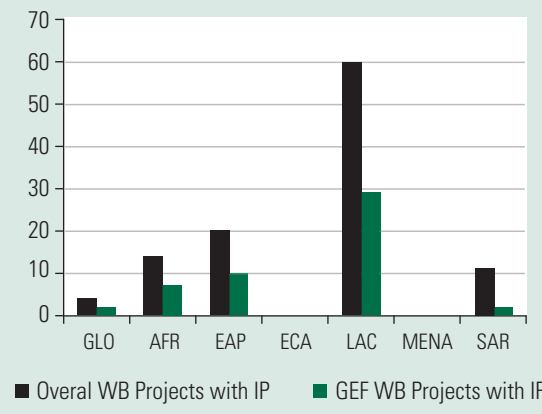
Figure 9 illustrates how GEF compares with the overall Bank portfolio. There are no major differences between the overall portfolio trends and the GEF trends with respect to positive impact on Indigenous Peoples.

Existing Financing Gaps

There are many ways to look at whether the funding of biodiversity projects has captured the diversity of indigenous populations and cultures around the world. The World Bank is indeed the largest financier of biodiversity projects in the world. The global distribution of the Bank biodiversity portfolio is represented in Map 2. Brazil, Mexico, India, China, several South and East African countries, as well as Pacific Island countries have received a large share of the funding. On the other hand, if we look at a similar map (Map 3) where only the projects with indigenous components are mapped, we see clearly that the African and Pacific Island countries have received a lot less funding from the biodiversity share of resources.

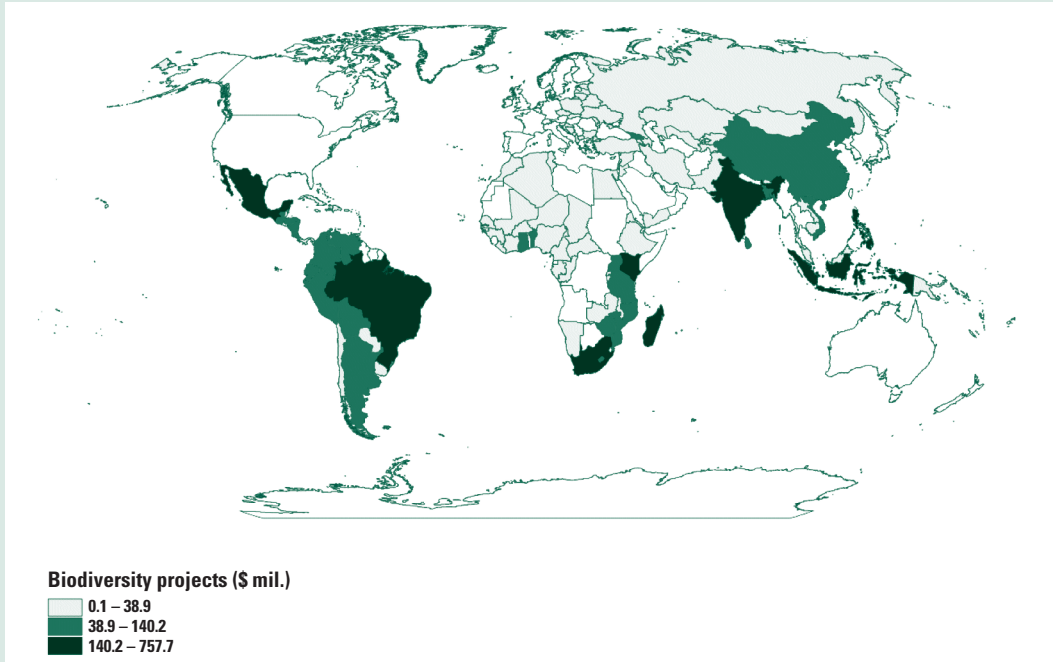
If we look at the diversity of ethnic languages in the world (Map 4), which is correlated

Figure 9: Comparison between GEF and Overall WB Portfolio in the Number of Projects with Positive IP Impacts across Regions



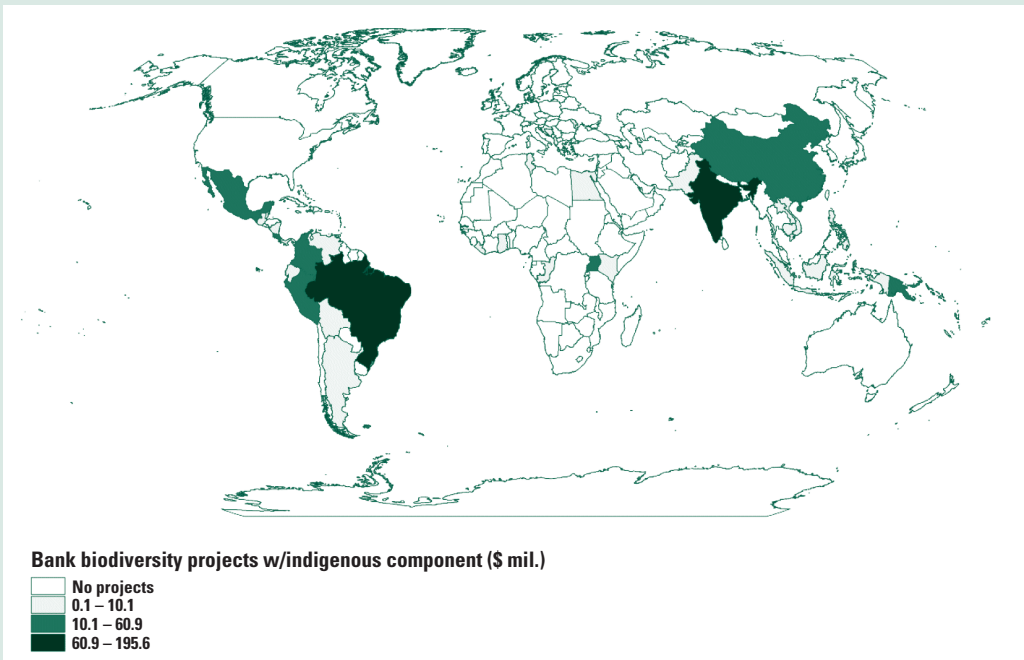
with the diversity of indigenous cultures and ethnic groups, we observe that there is a high diversity of ethnic cultures in the countries where significant WB biodiversity and indigenous funding has previously been allocated (i.e., Brazil, India, Mexico). However, there are some countries in West and Central Africa that have a high diversity of ethnic groups, yet almost no funding has gone to support indigenous groups. This result requires further thought and evaluation and leads to the discussion in the next section.

Map 2: Number of Bank Biodiversity Projects around the World



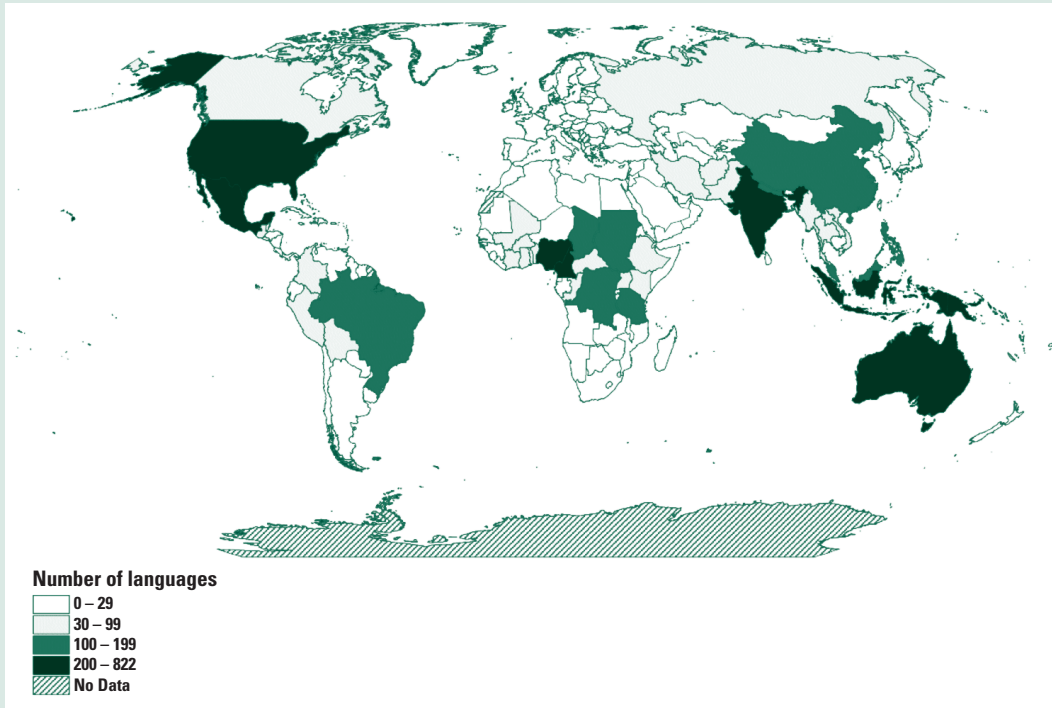
Source: DEC 2007. The World Bank

Map 3: Number of Projects with Indigenous Components



Source: DEC 2007. The World Bank

Map 4: Diversity of Ethnic Languages in the World





Lessons Learned from Biodiversity Projects

The portfolio review reveals that several biodiversity projects have effectively incorporated indigenous community participation, and these projects vary in how they engaged Indigenous Peoples in their design and implementation. Therefore, in lieu of providing a full description of all the different types of projects implemented with Indigenous People, this section of the report instead presents a general overview and analysis of the *types of activities* that projects have supported. Some of the best examples of effective participation are discussed in detail.

The analysis presented in this section is based on data from 15 projects that have completed their implementation or that have had a very thorough preparation phase integrating Indigenous Peoples' views (e.g., Venezuela Canaima project, Gabon). The projects reviewed cover a geographic range from Central and South America to Africa and Asia. Five of the World Bank projects reviewed exemplify current best practices in terms of engaging IP priorities within the overall project design and results framework. The five projects listed below are good examples of projects that *were initiated by indigenous groups* and support IP objectives:

1. Ecuador Biodiversity Conservation in Pastaza Project (WB/GEF) supported *management plans, community livelihood, and capacity-building activities*.
2. Central America Regional Indigenous Ecosystem Management Project (WB/GEF full-size project (FSP), active) supported the establishment of conservation areas, community livelihood, and capacity-building activities.

3. Belize Community Managed Sarstoon-Temash Conservation Project (WB/GEF MSP, active) supported *land mapping, establishment of conservation area, management plans, and community livelihood activities*.
4. Brazil Indigenous Lands Project (WB/RFTF) supported *land titling and demarcation activities*.
5. Colombia Conservation and Sustainable Development of the Mataven Forest (WB/GEF MSP, closed) supported *community mapping and establishment of a new indigenous conservation area*.
7. Bolivia, Sustainability of Protected Areas Project (WB/GEF) supported the *co-management of protected areas*.
8. China Gansu and Xinjiang Pastoral Development Project (WB/GEF) supported *land use management plans and rehabilitation of wetlands*.

The remaining two projects that experienced challenges during implementation are also discussed:

1. Guyana Protected Areas Project
2. Cameroon Campo-Maan Reserve Project

Eight of the projects reviewed include indigenous activities within the scope of large protected area or natural resource management projects. These eight projects included Indigenous Peoples as intermediaries to the government-led effort:

1. Venezuela Expanding Partnerships for the National Parks System (WB/GEF FSP, under development, transferred to U.N. Development Programme (UNDP) due to political situation in the country) supported the *preparation of a life plan for the indigenous groups*.
2. Cambodia Biodiversity and Protected Areas Management (WB/GEF) supported *indigenous community management and zoning plans*.
3. Peru Indigenous Management of Protected Areas (WB/GEF) supported the *co-management of protected areas*.
4. Panama Atlantic Mesoamerican Forest Corridor Project (WB/GEF) supported *capacity building and training*.
5. Gabon Forest and Environmental Sector Program (Natural Resources Management Development and Policy Loan) (WB/IDA/GEF) supported *Indigenous Peoples Development Plan*.
6. Lao Peoples Democratic Republic (PDR) District Upland Development and Conservation Project (WB/IDA) supported *community livelihood activities*.

To facilitate the analysis and discussion, project activities are categorized into nine common themes: 1) Indigenous Peoples and protected-areas co-management, 2) titling and demarcation of indigenous lands, 3) indigenous life plans, 4) establishment of indigenous conservation areas, 5) indigenous community management and zoning plans, 6) indigenous community mapping and conservation, 7) community sustainable livelihood, 8) capacity building and training, and 9) Indigenous Peoples Development Plan. Projects that included activities within each thematic area are presented in detail. The final topic discussed is why some projects failed.

INDIGENOUS PEOPLES AND PROTECTED-AREAS CO-MANAGEMENT

Bolivia Sustainability of Protected Areas Project

The Bolivia Sustainability of Protected Areas Project is one of the Bank's best examples of a co-management model. The WB/GEF has been financing Kaa-Iya National Park, the largest protected area in Bolivia, covering almost 3.5 million hectares. Adjacent to the western boundary of this park, the government has established a 1.9-million-hectare Indigenous Peoples' territory belonging to the Isozuguarani indigenous population. The Park is

being managed by the indigenous organization Capitania del Alto y Bajo Isozu (CABI) as the co-management agency in partnership with the protected-area agency, Servicio Nacional de Areas Protegidas. The GEF provides 70 percent of the annual recurrent costs for park management as well as additional financial support to the management council and capacity-building programs. Also, the indigenous territory adjacent to the Park has benefited from additional external financing due to a US\$3.7-million allocation for the implementation of an Indigenous Peoples Development Plan as part of the mitigation package for a WBG-loan-financed gas pipeline that crosses Isozu-Guarani territory. The US\$3.7-million investment for the IPDP, for which CABI is the implementing agency, covers issues of land tenure resolution and community-based social and economic development projects such as irrigation projects, educational facilities, and the construction and refurbishing of one hospital.

Peru Indigenous Management of Protected Areas Project

The Peru Indigenous Management of Protected Areas Project also constructed a co-management model. This form of participatory protected-area conservation was a new experience for the main implementers of this project: the park agency (National Institute of Natural Resources, INRENA) and the government of Peru. This project helped to change the prevailing conservation paradigm of establishing national parks and sanctuaries that prohibit human occupation and uses. The following lessons enriched INRENA's capacity to collaborate with Indigenous Peoples in protected areas and resulted from combining traditional knowledge of Indigenous Peoples with modern conservation techniques:

Social Approaches to a Participatory Conservation Model: While establishing the co-management mechanisms for

protected areas, the State experienced initial difficulties in interacting with the indigenous population that necessitated the construction of a social space based on mutual trust between the State and Indigenous Peoples. Conservation proposals were integrated with cultural aspects of Indigenous Peoples, forming the basis for an intercultural dialogue to build co-management processes for the categorization of protected areas, the introduction of control instruments, and biological monitoring, among others.

Social Participation Strategy: The project designed, tested, and implemented the tools for a conservation strategy based on the active participation of local inhabitants through: (i) the establishment of National Protected Area (NPA) Management Committees; (ii) the organization of communities for the design, prioritization, and execution of productive subprojects; (iii) the establishment of surveillance committees; and (iv) participation in the biological and social Monitoring and Evaluation System. As shown in beneficiaries' surveys, this approach promoted project ownership and contributed to the success of the activities and their sustainability.

Community-based Subprojects (Bio-investment Projects): "Bio-investment projects," a concept developed in this project, combine the sustainable use of natural resources in the NPA's buffer zones with the community's livelihood. This concept has proved to be an excellent instrument for providing local communities with viable economic alternatives allowing the sustainable use of natural resources. Traditionally, the implementing agency considered economic or productive activities around protected areas as secondary or the responsibility of other government agencies. In this case, carrying out these subprojects in buffer zones has proved

to be effective in reducing pressures on protected areas. It also helped to promote conservation activities in the context of co-management of protected areas with Indigenous Peoples.

The Power of Training: Indigenous organizations have consistently requested training for indigenous persons, and responding to this demand was an essential project activity. Training was a key element in the development of the co-management model because: (i) it has helped to strengthen and empower people to achieve social change; (ii) the process incorporated intercultural dialogue, and (iii) it was relevant and timely. This process was applied in stages, was permanent, custom-made to local needs, and was perceived as a mutually beneficial process. The premise that “we all learn in an intercultural dialogue” has helped to adapt and improve project implementation.

Intercultural Dialogue: The project verified that intercultural dialogue includes not only defining the subjects of the dialogue but also the cultural rules that determine those subjects and the way in which this dialogue takes place. The cultural dialogue as tested and executed in the project had the following basic conditions: (i) mutual respect, (ii) willingness to reach mutual understanding, (iii) equity in the information exchange, (iv) abandonment of all forms of imposition or violence, and (v) transparency. The main results of this intercultural dialogue were the consultation agreements, design of the legal framework, and the realization of Communal Reserves.

Communal Work: Indigenous communities have been a relevant element in the success of the project: (i) they played an important role in the categorization

process and supported the agreement reached despite opposition from national organizations; (ii) they actively participated in the identification, selection, and implementation of community-based subprojects; (iii) they organized surveillance groups that have been officially recognized by INRENA; (iv) they contributed to the design and preparation of the participatory Monitoring and Evaluation System; and (v) their participation in surveys helped to prepare the project’s evaluation report. In addition, they were a mechanism of social control that helped to ensure the good use of project resources and their benefits.

Institutional Limitations: The difficulties experienced in the first years of project implementation demonstrated the need to address institutional constraints and prepare an institutional strengthening program upfront. While the establishment of the Project Implementation Unit and the incorporation of the Peruvian Trust Fund for National Parks and Protected Areas (PROFONANPE) helped to overcome INRENA’s lack of expertise in certain areas, it also created some coordination problems. The resolution of these issues took time and distracted the project’s attention from other important tasks. The main lesson here is that the plan for appropriate institutional arrangements merits major attention during the design phase of the project.

Participatory Conservation: The model of participatory conservation is the project’s more notable result because it combines the conservation and sustainable use of natural resources in the National Protected Areas System with the priorities of indigenous communities. The model has three main characteristics: (i) indigenous organizations are directly in charge of the conservation of commu-

nal reserves through administration contracts; (ii) productive subprojects to promote sustainable use of natural resources are managed by the communities; and (iii) community organizations participate in the monitoring and evaluation of social and environmental factors. These activities were implemented under the framework of participatory master plans for the protected areas, the establishment of communal reserves, and the bylaws for management that have been officially recognized by INRENA.

Categorization of the Reserved Zones: Under Peruvian legislation, indigenous territories are not legally recognized. However, the aspiration of the indigenous communities living inside the protected areas was to receive a legal recognition for their ancestral lands. This controversy could not be resolved by INRENA, which lacks decision-making authority on this issue. Nevertheless, the project was able to categorize the four protected areas that were *zonas reservadas* at the beginning of the project. The implemented model of Communal Reserves provided an alternative acceptable to both sides. However, Peruvian society has yet to resolve the above-mentioned controversy with the participation of the appropriate State institutions in a suitable negotiation scenario.

TITLING AND DEMARCATION OF INDIGENOUS LANDS.

Many within and outside the Bank consider the Brazil Indigenous Lands Project a best-practice example of a project that strategically fulfills the needs of large populations of Indigenous Peoples in Brazil, particularly in the Amazon region. Since the beginning of the twentieth century, Brazilian law has accorded legal recognition to Indigenous Peoples' land rights,

which constitute about 103 million hectares, or 20.6 percent of the Legal Amazon. Legalization of indigenous lands requires that they be formally identified, delimited, demarcated, decreed, and registered. When the Brazil Indigenous Lands Project was prepared in 1994–95, only 50 percent of 556 Indigenous lands recognized by Brazil's National Indian Foundation had been legalized. In 1996, the Indigenous Lands Project began to enhance the well-being of Indigenous Peoples and promote the conservation of their natural resources by completing the legalization and assisting in the protection of approximately 121 Indigenous areas in the Brazilian Amazon. It has also sponsored targeted studies, capacity building, and community-driven protection activities. This US\$22-million project was financed by the Rain Forest Trust Fund, the German government, and Brazilian counterpart funds.

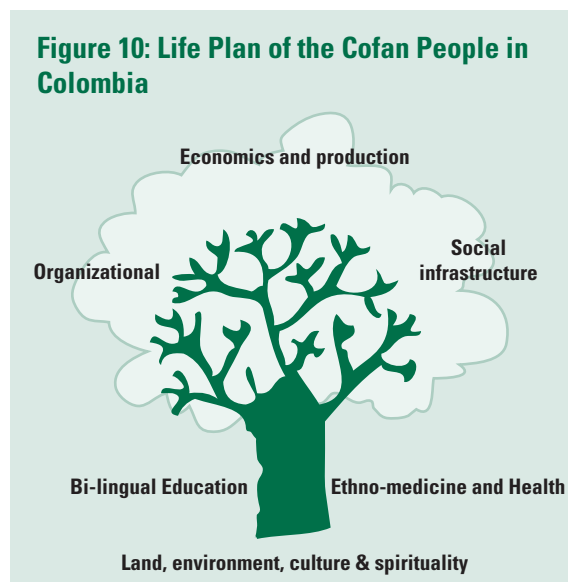
By now, more than 65 Indigenous territories have been demarcated, covering 45 million hectares (equivalent to more than 10 percent of the Amazon forest or an area larger than Germany, the Netherlands, and Switzerland combined). This project has been an innovative and pioneering effort not only to regularize indigenous lands in the Brazilian Amazon but also to improve technical quality and increase indigenous participation and control in the processes of regularizing, protecting, and managing their lands. Satellite maps clearly show that the area of the Amazon covered by indigenous lands represents one of the largest remaining reserves of essentially intact tropical forest. After many years of conflict and unresolved land tenure, the Indigenous Peoples of the upper and middle Rio Negro in Brazil are finally having their lands legally recognized. The 106,000-square-kilometer area is home to 19 ethnic groups. Especially satisfying to everyone concerned is that the project supports an alternative way of demarcating the land. The regional indigenous organization and a national NGO (the Socio-Environmental Institute) are actively involved in the process, as are all the indigenous communities who live there.

INDIGENOUS LIFE PLANS

The life plan has become an increasingly strong planning tool for Indigenous Peoples in Latin America. These plans are guided by the elders of the communities and follow two steps. The first step is to search for unity and reach a common identity as a people. The second step is to have an agreed understanding of the quality and living conditions they want to achieve or maintain as a people during the next seven generations, at a minimum. During this process of building a common identity, communities organize themselves around a clear Life Plan, apply a common methodology, and define a spiritual common thread to guide the people from generation to generation. These generations should be capable of autonomously and adequately planning their proposals and taking the necessary steps to design their own Life Plans without depending on homogenous proposals. Indigenous peoples can no longer wait for government or academic institutions to take the initiative and formulate such proposals. The Life Plan allows Indigenous Peoples to

move forward in defining policies and generating autonomy in decision-making.

A good example of an indigenous community's life plan was prepared for the "Pemons" of Canaima National Park through the Venezuela—Expanding Partnerships for the National Parks System Project. The objective of this project is to implement a co-management model that guarantees the sustainable management of Canaima National Park through an alliance between Indigenous Peoples, private sector institutions, and government agencies. With funding from the GEF, this project provides an opportunity to fulfill the aspiration of Indigenous Peoples to participate in the park's management— an aspect considered fundamental to the project's success. The Indigenous Life Plan, originally written in Spanish and entitled *Plan de Vida de los Pueblos Indigenas de 8 Sectores de la Federacion de indigenas del Estado Bolivia* (FIEB—Federation of Indigenous Peoples in Bolivar State) was elaborated through a highly participatory process involving all interested indigenous groups residing in the eight local sectors governed by the FIEB. Initial consultations began in 2004, culminating in the final drafting of the Life Plan in early 2006. Both the FIEB and the World Bank provided consultants throughout the entire process to facilitate the community consultations, meetings, and drafting of the document. As part of the Life Plan, an Inter-Institutional Agreement between the Venezuela Park Service, the Electric Corporation of Venezuela, and FIEB was signed and constitutes one of the most innovative agreements between IPs and private and government sectors. As per the request of the Venezuelan government, the project was transferred to UNDP, through which it is currently being implemented.



Source: Fundacion Zio Ai (2002)

This figure illustrates how elders and communities see the priority investments for the welfare of their peoples.

ESTABLISHMENT OF INDIGENOUS CONSERVATION AREAS

The first large-scale project devoted to strengthening Indigenous Peoples' role in biodiversity

conservation and management is the Regional Integrated Ecosystem Management Project by Indigenous Communities in Central America. This project has a strong focus on biodiversity conservation, institutional strengthening, and cultural preservation. The project was originally designed to work in 10 biodiversity priority areas that were selected following strict selection criteria to ensure that biodiversity impacts are significant. The criteria used include:

- diversity of ecoregions
- presence of indigenous groups
- land titles preferably assigned to indigenous communities
- presence of indigenous organizations
- located within the Mesoamerican corridor
- under threat of environmental degradation
- located close to protected areas
- presence of flora and fauna in threat of extinction
- water source
- significant landscape value
- supports indigenous livelihood (agricultural productivity).

Under the project, indigenous communities are setting aside two types of conservation

areas: Community Conservation Areas (CCA) and Areas of Cultural Use (ACU). In the CCAs, communities commit themselves to preserving biodiversity and make an agreement with all surrounding communities that these areas are not to be degraded or utilized except for conservation and limited tourism. In the ACUs, the extraction and utilization of biodiversity is done according to ancestral customs. These areas can preserve sacred sites and areas traditionally used by their ancestors. At the design stage, the project set aside 135,000 hectares for targeted flora and fauna conservation and water resource protection through the CCAs and 45,000 hectares for improved agro-ecological productivity through the ACUs. In February 2008, progress to meet these targets was measured during the project's mid-term review and is presented in Table 4.

The results of the mid-term review also showed that 193 indigenous and rural communities participated in the conservation and agro-ecological productivity systems. Community organizations were strengthened; farmers received technical assistance in agro-ecological systems management without the use of agro-chemicals; and training in biodiversity conservation and ecotourism was provided.

In the Mataven project in Colombia, 16 indigenous communities lead the land planning

Table 4: Progress Made in Establishing Conservation Areas by Indigenous Communities

Type of Conservation Areas	Ecoregions in Central America where the project is intervening									
	Talamanca		Bocas		Darien Kuna		Altiplano		RAAN	
	Base line	Base 10/07	Base line	Base 10/07	Base line	Base 10/07	Base line	Base 10/07	Base line	Base 10/07
Community Conservation Areas	6,000	41,025	n.d.	5,000	n.d.	10000	n.d.	1,000	n.d.	5,000
Areas of Cultural Use	0	17,486	0	5,000	0	2,000	0	—	0	16,000

process to establish a conservation area extension to their already demarcated indigenous territory. This MSP has assisted six different ethnic groups—the Piapoco, Piaroa, Cubeo, Sikuani, Curripaco, and Puinave in the Mataven Forest—to map natural resources, demarcate their lands, produce and market crafts, and strengthen their organizations.

INDIGENOUS COMMUNITY MANAGEMENT AND ZONING PLANS

Ecuador Biodiversity Conservation in Pastaza Project

The Ecuador Biodiversity Conservation in Pastaza Project was designed to improve the sustainable use of biodiversity through the creation and implementation of community management plans in three Quichua communities located in the southeastern Amazon region of Ecuador. The project closed in 2007 with very positive results. The communities designed management plans that assessed the key biological resources in a 250,000-hectare area spanning the community territories of Yana Yacu, Nina Amarun, and Lorocach. The plans included three principal components: a proposal for community zoning based on ancestral criteria of land use, a proposal of Community Standards for the sustainable management of the principal biological resources of the territory, and a proposal for projects to recuperate the quality of life of the families in the three communities. Criteria utilized in developing the management plans included the existence of ancestral spaces, the validity of community regulations oriented toward the conservation of the principal threatened species of fauna and sacred places, and the ancestral forms of administration of community justice. Considering its participatory and culturally sensitive approach, this management proposal should be replicable for other indigenous territories in the Amazon.

Cambodia Biodiversity and Protected-Areas Management

Another good example of community management plans is from the highlands of northeastern Cambodia, where Bank/GEF financing is supporting the protection and management of Virachey National Park (VNP) in the province of Ratanakiri. Encompassing 350,000 hectares of forest and mountain habitats, VNP is one of the largest expanses of intact forest left in Cambodia. It also adjoins protected areas in neighboring Laos and Vietnam to form part of a tri-national conservation triangle. The region is home to numerous ethnic minorities who have lived in the project area for many generations but moved settlements many times during the political strife and warfare that ravaged the region during the Vietnam War and subsequent Khmer Rouge regime. These communities are now settled along the rivers at the edge of the park. Park staff and the indigenous Brou, Kravet, and Krueng communities are working together to articulate and implement long-term community resource management plans in lands that overlap park boundaries. These plans will assist the communities to assert their rights against large-scale timber interests, which are moving into the region.

INDIGENOUS COMMUNITY MAPPING AND CONSERVATION

The Community Managed Sarstoon Temash Conservation Project (COMSTEC) in Belize was originated by five indigenous communities (four Q'eqchi' Maya groups and one Garifuna) to preserve their ancestral lands, which included the Saarstom Temash conservation area in the Sarstoon Temash region. The International Fund for Agricultural Development and the World Bank have supported this project since 2002 and funding has resulted in the establishment of the Sarstoon Temash Institute for Indigenous Management (SATIIM), a formally registered NGO. This project has

supported the gathering of comprehensive baseline data on flora, fauna, soils and geology, hydrology, socioeconomic situation, and indigenous traditional knowledge. Participatory conservation community mapping identified 4,026 hectares of coastal marine protected areas within the buffer zone that the indigenous communities claimed as ancestral lands. The Sarstoon Temash Marine Management Area was established in May 2005 through arrangements with the Belize Fisheries Department. It encompasses 4,026 square kilometers of coastal waters adjacent to the national park and is managed by SATIIM in conjunction with coastal communities. A Co-management Agreement was signed with the government. Five Village Resource Centers have been established, and 38 kilometers of trails, 15 bridges, and four visitation areas have been constructed for eco-ethno-tourism.

One of the foremost success stories of this project is that the empowerment of the indigenous communities to own and manage their lands bolstered their ability to fight an oil extraction claim within their territory. SATIIM brought this case to the Supreme Court in May 2006, challenging the legality of the permission granted to the oil company by the Forestry Department. This action resulted in an injunction on oil exploration in the Park until a judicial review was complete. On September 27, 2006, the judicial review found that the permission granting the oil company entry into the National Park was illegal because no Environmental Impact Assessment (EIA) was prepared. The permission was then revoked and an EIA was required.

COMMUNITY SUSTAINABLE LIVELIHOOD

Ecuador Biodiversity Conservation in Pastaza Project

In the Ecuador project, participating community families consider that they have improved their local economy. The project increased

productivity of their crops and established microprojects with species of short-cycle crops. The resulting surplus from the production (particularly from the short-cycle crops) allowed the community to have a seed bank for future crops and to trade or exchange for corn, peanuts, or other managed vegetable species (at small scales). The project allowed indigenous farmers to plant 40 hectares of organic cacao in the buffer zone.

Belize Community Managed Sarstoon-Temash Conservation Project

Also facilitating sustainable resource use by communities, the COMSTEC project has affected three sectors:

- Indigenous subsistence systems where the use of non-timber forest products in the protected area is now legally permitted and monitored
- Indigenous agro-forestry sector where organic cacao production and sales through the Toledo Cacao Growers Association has been expanded and is being marketed in Europe through a fair trade agreement
- Eco- and ethno-tourism sector, which has been strengthened through investments in infrastructure, training, and marketing, thus expanding visitation to the Sarstoon-Temash National Park and buffer zone communities.

Additionally, 100 Maya and Garifuna students and 95 farmers were trained; 135 indigenous villagers regularly participate in park management activities.

Lao PDR District Upland Development and Conservation Project

The Lao PDR District Upland Development and Conservation Project exemplifies how community livelihood initiatives can be well

supported. The development objective of the project was to improve the livelihoods of local communities while conserving the biodiversity of a high-priority protected area through the adoption of more-intensified agricultural practices by farmers in the pilot areas. The communities involved are recognized as the poorest in the country, and the conservation of biodiversity is intimately linked with the welfare of these communities. The project is located within a National Biodiversity Conservation Area (NBCA) that is considered to be of great significance for global biodiversity. This area also contains significant cultural diversity; that is, the area consists of around 5,000 people of various ethnic groups living in 32 villages speaking 28 languages in four major language families. Most of them face severe poverty, expanding populations, and deterioration of their resource base. The main response to their situation has been to further reliance on forest products, expand swidden agriculture, and collect wildlife and forest products for cash income. The expansion of swidden and increasing demand on the natural resources was compromising the biodiversity of the NBCA. The NBCA addressed by the project covers three sub-watersheds (zones) of the Nam Theun watershed area, with the 32 villages inhabited by several indigenous ethnic minority groups.

The project design chose 3 pilot villages for the Agriculture Support component, one from each watershed; 15 villages for the Social Support component; and 6 villages for the Conservation Support and Awareness component. These villages are remote, lying between one and two-and-a-half days of travel (by boat and walking) from the district town of Nakai. The project supported ethnic groups through the following activities:

- Establishment of six Village Conservation Monitoring Units (VCMUs) (doubling the project target) that are now equipped and trained for patrolling and monitoring of wildlife and human impacts on the NBCA. Each VCMU consisted of six villagers.

- Construction, staffing, furnishing, and supplying of six schools in the target area. To solve the problem of maintaining teachers from the public sector in such remote areas, the project arranged training for 17 young villagers chosen by the villages.
- Training of six district nurses sent to the three pilot village dispensaries. The volunteer training for village health workers (VHW) and traditional birth attendants (TBA) was successfully organized in several sessions by the provincial and district medical staff.
- Training of 28 VHWs and 22 TBAs. In general, those volunteers met the villagers' satisfaction in the improvement of health conditions.
- Establishment of 15 village medical kits that were kept reasonably replenished (57 percent of the target of 60 percent). Training on data collection was also proposed for project monitoring and evaluation purposes but was not systematically followed up on by the health authorities.
- Improvement of wet rice cultivation, leading to a doubling of the annual rice cropping area.
- Improvement of home gardens, increasing the area of settled vegetable and fruit tree gardens and stabilizing the areas cultivated in second-choice staple foods (maize and cassava).
- Involvement of 150 out of 160 households (94 percent) in the three pilot villages in demonstrations of different types.

China Gansu and Xinjiang Pastoral Development Project

The objective of the Gansu and Xinjiang Pastoral Development Project is to sustain the natural resources and improve the lives and livelihoods of herders and farmers in the project areas in China. The main targeted beneficiaries in both Gansu and Xinjiang are ethnic minority semi-sedentary herders (sedentary in

winter, nomadic during summer) and farmers belonging to the Dongxiang, Hui, Kazakh, Mongol, Sala, Uyghur, and Yugu ethnic groups. During project preparation, extensive social assessments were carried out in both Gansu and Xinjiang by Chinese social scientists. Participatory Rapid Appraisals involved focus group discussions, village-wide meetings, household case studies, and householder interviews. In order to “stream-line” beneficiary participation during implementation, innovative Beneficiary Participation Manuals (BPM) were prepared. The purpose of the BPMs is to formalize and describe in detail the consultation and participation process with affected groups. As such, they define a strategy for allowing stakeholders to influence the decisions and resources that affect them. By 2007, project beneficiaries were found in 359 villages of the 24 project counties/cities. In addition, 2,107 households chosen utilizing the selection criteria benefited from the project directly; of these, 358 households were Han nationality, 756 Kazaks, 659 Uyghurs, 212 Mongols, Hui 69, and Kerkez 53. The project supported the rehabilitation of an important wetland site in Suzhou district where herders voluntarily imposed a grazing ban on 44 percent of the 20,000 mu degraded land. A monitoring system was put in place and showed that the project resulted in improvement in biomass and ground cover in the grazing areas compared with the grazed area.

CAPACITY BUILDING AND TRAINING

The Ecuador Biodiversity Conservation in Pastaza Project

The Ecuador Biodiversity Conservation in Pastaza Project implemented a community-level capacity-building program that helped develop skills for the sustainable management and conservation of the ecosystems and biodiversity of the indigenous territories of Pastaza. The program emphasized participatory diagnostic methodologies, design of management plans,

management of biodiversity, socio-environmental monitoring, and evaluation of the indigenous territories and their management plans.

Panama-Atlantic Mesoamerican Biological Corridor Project

The Panama-Atlantic Mesoamerican Biological Corridor Project provides an excellent example of how the embracing of indigenous lands is central to achieving a country’s overall conservation vision. This project integrated indigenous groups as major participants in all components of the project and treated indigenous *comarcas*, or territories, as important foci for conservation action. At the outset, the project signed formal agreements with indigenous communities guaranteeing their participation in planning and implementation of the Mesoamerican Biological Corridor in their *comarcas*. Capacity-building activities specifically targeted indigenous communities, and two-thirds of the community leaders who received training on environmental legislation, the biological corridor, and participation and organization were indigenous. The project supported meetings of the General and Regional Indigenous Congresses, as well as meetings to discuss the protection of indigenous territories and the resolution of land tenure conflicts between indigenous communities and settlers. Indigenous communities were supported on 15 exchanges with communities inside and outside Panama to build capacity for sustainable development subprojects. Finally, indigenous communities accounted for 75 percent of the 100 alternative livelihoods subprojects financed by the project, at a total cost of almost US\$2 million.

The Mesoamerican Biological Corridor project had substantial institutional development impact. The project supported the establishment of a new *comarca* for the Naso Teribe territory, which overlapped with an important protected area, and was subsequently taken under consideration by the national Con-

gress. With project support, volunteer patrols were created in some territories, and action plans were written for areas where indigenous territories overlap with protected areas. Also, protected-areas management was better integrated with *comarca* management through the opening of regional offices of the national protected-areas management agency in the Kuna Yala and Ngobe-Bugle *comarcas*. The project also supported a more visible and active role for indigenous authorities at the national level by financing the preparation of a proposal for the establishment of the National Council for Indigenous Development. The Council would provide the mechanism for Indigenous Peoples to be directly involved in defining their own development strategy and to be included in the national government's social agenda.

INDIGENOUS PEOPLES DEVELOPMENT PLAN

The Indigenous Peoples Development Plan prepared by the Gabon Forest and Environmental Sector Program (also called Natural Resources Management Development and Policy loan) is potentially a good example of indigenous support in the Africa region. The project is currently under implementation. The Babongo, Bakoya, Baka, Barimba, Bagama, Bakouyi, and Akoa—the “pygmies”—were identified as Indigenous Peoples affected by the project. Indigenous Peoples are depending on forests and forest resources within the following national parks: Minkebe, Ivindo, Akanda, Pangara, Waka, Birougou, Lopé, Plateau Batéké, and Moukalaba-Doudou (the final three will be supported by the GEF project).

The Forest, Fisheries, Biodiversity and Environment Sector Program (PSFE), the GEF project, and the government of Gabon have approved 19 activities within five objectives of the IPDP:

Establish equal legal opportunities

1. Put in place the capacity and structures needed to implement the Indigenous

Peoples Development Plan in accordance with the OP 4.20.

2. Provide Indigenous Peoples with ID cards and establish through that equity in the legal domain for the Babongo, Bakoya, Baka, Barimba, Bagama, Bakouyi, and Akoa.
3. Recognize the settlements of Indigenous Peoples as villages equal to all other settlements.
4. Establish community forests for Indigenous Peoples with at least 1 square kilometer per capita.
5. Recognize and protect the land use areas of Indigenous Peoples—especially within national parks and protected areas—and legalize access and utilization (subsistence as well as income-generating).
6. Elaborate a national policy on how to address illegal immigrants.

Establish equal technical opportunities

7. Provide Indigenous Peoples with the capacities to participate actively in the management of natural resources.
8. Enhance the capacities staff and all other relevant civil servants of the Ministry of Forest Economy, Water, Fisheries, and Environment, in charge of Nature Protection (MEFEPEPN) and of the National Agency of National Parks (ANPN) in intercultural communication so that they can actively cooperate with Indigenous Peoples.
9. Enhance research on Indigenous Peoples to provide baseline information for a well-informed decision-making process.

Establish equal financial opportunities

10. Make sure that Indigenous Peoples receive a fair share of the redistribution of forest revenues.
11. Offer special conditions for Indigenous Peoples to receive employment in jobs being established in the context of the PSFE (eco guides, etc.).
12. Assist in the establishment of priority access to jobs in the forestry sector for Indigenous Peoples.

Establish equal organizational opportunities

13. Facilitate the participation of Indigenous Peoples in all forest-related decision-making processes.
14. Assist Indigenous Peoples to create independent structures to represent and communicate their interests and needs.
15. Invite Indigenous Peoples to participate in all relevant structures of the PSFE.
16. Establish a participatory monitoring and evaluation system for the IPDP of the PSFE.

Establish equal cultural opportunities

17. Sensitize Indigenous Peoples on the risks of the development process.
18. Support the Indigenous Peoples associations in the area of capacity building to protect their traditional knowledge, their culture, and their livelihoods.
19. Promote the establishment of discussion fora in which Indigenous Peoples and their neighbors can discuss relevant issues.

The main actors of the IPDP are MEFEPEN, CNPN/ANPN, national and international NGOs working on Indigenous Peoples issues in Gabon, the associations of the Indigenous People, and the Babongo, Bakoya, Baka, Barimba, Bagama, Bakouyi, and Akoa themselves. The 19 activities of the IPDP of the PSFE, with a financial volume of US\$ 455,000 (< 0.4 percent of the overall PSFE budget for more than 5 percent of the rural population), are able to guarantee that the PSFE is executed in accordance with the OD 4.20.

WHY SOME PROJECTS FAILED

Over the past 15 years the Bank has supported some projects that had difficulties during the design or implementation stage. In order to effectively manage projects that address Indigenous Peoples participation and biodiversity conservation and to harmonize their objectives, it is important to understand both

what has failed in the past and the perceived differences between Indigenous Peoples and conservationists.

A detailed review of project documents at completion concluded that the following are the most common challenges faced by projects:

- Indigenous communities' traditional lands overlap with many protected areas, and those communities were never adequately consulted about the establishment of the protected area. An example in Cameroon below illustrates this situation.
- Establishment of protected areas places strict controls on indigenous community access to forest and natural resources. Projects restrict the Indigenous Peoples' traditional use of forest resources without providing adequate compensation and viable alternatives. Restrictions imposed on their customary resource use were unjust, as IP consider their traditional livelihood activities sustainable.
- The country legislation to protect Indigenous Peoples' rights is weak and the Bank is not able to change the framework that is in place to have adequate recognition of indigenous rights. An example in Guyana is presented below.
- The main implementers chosen for a project are not the most adequate to promote effective indigenous participation. Some government officials who are in charge of project design and implementation lack sufficient skills and experiences in carrying out adequate consultation process with IPs.
- The views of government-led protected areas continues to prevail in many countries, and some government officials still have a perception that involving Indigenous Peoples will threaten the biodiversity conservation aspects.
- Projects have difficulty working harmoniously in conflicts arising between indigenous groups and non-native colonists and outsiders who claim land and natural resources access rights.

- When issues of land tenure are not adequately addressed, much distrust exists between indigenous groups and other actors and the projects struggle taking off.
- There is a cultural disconnect between the Bank staff and indigenous communities regarding the meaning of “effective participation and project timing.”
- Many Bank managers and staff consider that working with Indigenous Peoples is risky, so many projects avoid working altogether in areas inhabited by Indigenous Peoples.

Weak Indigenous Legislation in the Country: Guyana National Protected Areas System (GNPAS) Project

Since 1994 the government of Guyana has been seeking international support to establish a system of protected areas. It was in this context that the Guyana National Protected Areas System (GNPAS) project was initially conceived as a component of a World Bank/IDB Natural Resources Management Project. Guyana’s National Strategy for the Establishment a Protected Areas System was being conceived within a country that had no national legislation to protect Indigenous Peoples’ rights. These concerns were raised by Indigenous Peoples. To address those concerns, the Bank conditioned its approval of GNPAS on the passage of an Ameridian Law that would protect the Indigenous Peoples of Guyana. After several years of negotiating the language of this law, the Bank decided to pull out of the GNPAS because the Ameridian Law had not reached a level of satisfaction compared to other standards in the region.

Limiting Access to Traditional Uses: Cameroon Biodiversity Conservation and Management Project

One of the most delicate and frustrating issues for Indigenous Peoples is the establishment

of protected areas within their ancestral territories and the enforcement of new rules that affect and restrict their livelihoods. This type of project should not happen with Bank financing, but unfortunately it has happened and is illustrated by the Cameroon Biodiversity Conservation and Management (BCM) project.

This project was initiated with funding from the GEF (48 percent), with contributions from the governments of Cameroon, the Netherlands, Germany, France, the UK, and the European Union. The BCM project aimed to consolidate and upgrade the management of protected areas in Cameroon, and this included the identification of core conservation zones and external boundaries of the six Priority Project Sites. Campo Ma’an was one of the Priority Sites. In 1999, Campo Ma’an Reserve became a national park, and in 2000 the government of Cameroon demarcated the area as part of an environmental offset to mitigate the impacts from the Chad-Cameroon oil-pipeline project (partly funded by International Finance Corporation, WB). Indigenous Bagyeli lands used for traditional hunting and gathering were affected since they overlapped with the new national park. The Chad-Cameroon oil pipeline project went to the inspection panel of the WB. Bagyéli people claimed that they were never adequately consulted about the establishment of this park, the pipeline project, or the new management plan. As a result of these complaints, a more detailed IPDP was prepared to protect the indigenous communities. The new program promoted the participation of local population and stakeholders in biodiversity conservation at all sites and supported the creation of numerous community-based organizations and NGOs; it also created sustainable management plans for protected areas, which included production of non-timber forest products (e.g., beekeeping, *Prunus* bark, and giant snails).

There are other examples of WB projects that have had negative impacts on Indigenous Peoples. For a detailed review, see *Forest Peoples Programme 2007*.



Synthesis and Recommendations

The previous chapter identified key factors for successful interventions in the Bank biodiversity portfolio. To name a few, it is important in designing projects to:

- Assign indigenous rights to land tenure and/or access to resources
- Implement projects directly by the right indigenous organization/s in the specific project location/s
- Respect IPs' own decision making processes and traditional authorities' structure
- Strengthen cultural integrity in parallel with technological capacities
- Allow for flexibility in timing and processes to reach agreement on project design
- Provide adequate resources for capacity building in different aspects of project development

On the other hand, the main reasons interventions are more successful in some parts of the world than in others can be summarized in a few issues that are recurrent:

- Uneven legislation regarding Indigenous Peoples and their resource rights
- Greater difficulties where there is no in-country legislation (i.e., Guyana, Democratic Republic of Congo)
- IP population numbers low compared with other groups considered to be poor
- Overlap between IP ancestral lands and other land use designations (protected areas, extractive industries), which is difficult to undo

- Working with IPs perceived as “risky,” especially in complex conditions (e.g., post-conflict countries)

LAND RIGHTS AND CONSERVATION SUCCESS

Over the past two decades, many governments have ratified constitutional provisions recognizing the rights of Indigenous Peoples. Territorial rights are a central claim for IPs, and many governments have assigned large territories to them. These territories often contain high biodiversity richness, and through GEF biodiversity focal area projects the WBG provides assistance in biodiversity management in countries such as Brazil, Mexico, Colombia, and Bolivia. In other countries, indigenous lands legislation is not always clearly defined, creating less enabling environments for carrying out development or conservation projects. Frequently, governments have established protected areas overlapping with territories claimed by Indigenous Peoples (although the national legislation might not be there to support these claims), causing conflicts between protected-area managers and indigenous groups.

The results of our review of WB projects suggest that where indigenous legislation framework is stronger, conflicts between Indigenous Peoples and protected-area projects are less severe. For example, Brazil and Colombia have some of the strongest indigenous rights legislation, and the collaboration between protected-areas specialists, biodiversity specialists, and Indigenous Peoples is clearer and less conflictive. The exceptions to this usually occur when, although the legislation exists, it is not enforced.

Because territorial rights are a central claim for Indigenous Peoples throughout the world, it is critical to understand the processes and framework that are found in different countries. These rights form the basis for their abilities to survive as peoples, uphold their spirituality and culture, maintain and develop their organizations and productive systems, and conserve their natural

resources. A recent World Bank review of indigenous lands titling in Latin America brings an objective understanding of this complex issue (Roldan 2004). The paper recognizes the complexity of land rights and titling systems, which must be immediately confronted by policy makers or they will continue to be ignored in the public debate. Accordingly, policy coherence and legislation will ultimately benefit Indigenous Peoples and the rural poor who live from the land. The report also demonstrates that land is not only a physical asset with economic and financial value but also an intrinsic dimension of peoples’ lives and belief systems.

PROTECTED AREAS AND INDIGENOUS PEOPLES

Indigenous peoples have raised many concerns about the establishment of protected areas in their ancestral territories. These concerns are mainly land-related, likely resulting from decision makers’ lack of recognition of Indigenous Peoples’ history with the land. That being said, the results of this study indicate that the Indigenous Peoples’ situation continues to evolve through time despite shortcomings. In Latin America, particularly, serious efforts have been made to remedy IP concerns regarding the legal status of their land. Bolivia, Brazil, Colombia, Mexico, Peru, and Ecuador have all developed different models of assigning land rights. Also, in some areas of Southeast Asia and Nepal, many efforts undertaken by officials have been successful at attenuating anxieties that may arise during the creation of protected areas.

As discussed in Chapter 3, Indigenous Peoples’ participation in biodiversity conservation efforts empowers them and reduces the incidence of conflict. Indigenous participation can be defined as the direct role they play in applying their traditional knowledge to further conservation goals; the contribution they make by sharing their knowledge to outsiders, particularly for scientific purposes; or their active role in the management and operations

of protected areas. Projects in Latin America have provided outstanding examples of the latter, and in those cases where participation has been weak, efforts have been made to make sure that those people are better represented through the establishment of new committees. Conversely, the most failures with respect to Indigenous Peoples' active management and operational participation are observed in Africa, particularly Campo Ma'an (Cameroon), where denial of the local peoples occurred.

As we see in the case of Africa, where the worst cases have occurred, emphasis should be put on local decision makers to promote a better future. Although we have cited only a very few cases from Africa, they are representative of a common pattern, as Africa is one of the areas where Indigenous Peoples have been more frequently evicted from protected areas (Brockington and Igoe 2006). Most of those protected areas from which evictions have been reported were set up before 1980 (Brockington and Igoe 2006).

LESSONS LEARNED FROM BANK PORTFOLIO

Experience drawn from its extensive portfolio has enabled the World Bank to derive key lessons learned from interviews with Indigenous Peoples, Bank task managers, NGOs, and governments. The key lessons identified for improving indigenous participation in biodiversity projects include:

1. *Create indigenous-led conservation areas:* The cases reviewed in this study show that empowering Indigenous Peoples to manage biodiversity in their own territories has resulted in a more sustained and cost-effective way to protect biodiversity.
2. *Assign indigenous land rights:* Projects that have assigned indigenous groups their ancestral lands experience much less conflict during implementation. Protected areas adjacent to these areas become either a tar-

get for co-management with Indigenous Peoples (Bolivia and Colombia) or they are managed by protected-areas officials with minimal conflict (Brazil). Many projects that experienced conflicts did so because indigenous lands claims were not initially addressed (Peru, Guyana, Cameroon).

3. *Cooperatively map community assets:* More projects have been requesting that mapping activities be supported. These mapping activities include training, equipment, and participatory workshops with all community members so that their hunting places, sacred sites, agricultural plots, etc. are mapped. These exercises represent a very important empowering tool for Indigenous Peoples and facilitate future claims of their ancestral lands (Belize, Colombia).
4. *Promote full participation:* There is a need to ensure that prior consultation, participation, and consent procedures are designed to be acceptable to Indigenous Peoples and are culturally appropriate. One of the best practices is to establish signed formal agreements between indigenous organizations and the government authorities before the project starts (Venezuela, Central America).
5. *Respect organizational structure of Indigenous Peoples:* It is important to maintain Indigenous Peoples' own institutional arrangements and decision-making processes and avoid the inclination to create new institutional arrangements. Over the long term, this approach will save time and effort, reinforce community organization and capacity, and foster better achievement of project objectives and sustainability.
6. *Create cooperative governance:* If institutional arrangements beyond indigenous institutions are needed, unnecessary complexity should be avoided. Decision-making processes through voting tends to create winners and losers, which may result in conflict. Instead, projects that

support forums for reaching consensus and avoid voting are preferred.

7. *Develop flexibility of rules and processes:* Indigenous Peoples place great importance on processes versus products. Processes can themselves be outcomes in project designs, therefore specific process-oriented indicators should be given more careful consideration.
8. *Provide adequate timing:* The application of Bank procedures and timing should be simplified to ensure that Indigenous Peoples are able to participate. Also, projects with Indigenous Peoples require more time for reaching agreements or making decisions, and Bank management should be aware of these needs.
9. *Strengthen cultural integrity:* Indigenous communities that have strong historical continuity and cultural and spiritual heritage should be supported. These communities are more determined to preserve, develop, and transmit their ethnic identity and ancestral territories to future generations as the basis of their continued existence as peoples and in accordance with their own cultural patterns, social institutions, and legal systems. Contributions to cultural revitalization (traditional knowledge and spiritual beliefs) can therefore reflect back well on improved conservation efforts.
10. *Advance income-generating activities:* Due to the widespread nature of these types of activities, more in-depth understanding and review is needed to identify challenges, opportunities, and best practices for improving the quality of outcomes and increasing sustainability. It is important to avoid requiring that development benefits be made available only to indigenous communities that live outside parks, discriminating against groups who live inside.
11. *Utilize culturally appropriate indicators:* What Indigenous Peoples value might not be the same as what conservationists and economists value. It is important to assist

indigenous groups in establishing adequate indicators for the projects they implement.

BANK OPERATIONAL POLICY ON INDIGENOUS PEOPLES

The original World Bank Operational Manual Statement on Tribal Peoples in Bank-financed Projects (OMS 2.34) and its current Operational Directive on Indigenous Peoples (OD 4.20) have both been instrumental to protecting the land and other rights of Indigenous Peoples. In OD 4.20, Indigenous Peoples are defined as social groups with a social and cultural identity distinct from the dominant society that makes them vulnerable to being disadvantaged in the development process. OD 4.20 requires borrowers to prepare Indigenous Peoples Development Plans for any project affecting Indigenous People.

The results of this project analysis reveal that the Latin America and Caribbean region engages in the largest number of projects that have either stand alone IP projects or biodiversity projects that support, in their totality, IP programs and needs. Both the LAC and the East Asia and Pacific regions consistently demonstrate due diligence in applying OD 4.20 and IPDPs to biodiversity projects. However, it is also evident that the West and Central Africa and the Pacific regions lag behind the others in fully engaging Indigenous Peoples in biodiversity projects, where the actual projects and their components are carried out by indigenous communities and their organizations.

Furthermore, OED conducted an evaluation of the application of OD 4.20 on Indigenous Peoples. The report concludes that the OD objectives are consistent with the Bank's poverty reduction strategy. In some countries and regions, however, there is insufficient ownership of the OD approach, in part because some of its features may not be aligned with domestic approaches toward protecting such vulnerable groups. The Bank's response has varied,

given the ambiguity of the policy. In general, the Bank's approach has been to work within the country's legal framework in order to meet the objectives of the policy. In countries where no specific legal framework exists, the Bank sometimes opted to not raise the issue. In those cases, expert opinion secured by the Operations Evaluation Department suggests a need to be more proactive in order to meet the spirit as well as the letter of the policy. Coherence with the application of other safeguard policies (for example, resettlement and environment) and harmonization with other multilateral agencies have also proved to be challenges.

Based on the Phase I review, the OED recommended that the Bank:

- i. Clarify the intent, scope, and requirements of the revised OP.
- ii. Distinguish clearly between the safeguard (do no harm) aspects of the revised OP and its do-good aspects. The OP should clearly delineate the extent of the Bank's safeguard responsibilities. On the other hand, many of the do-good aspects would be better specified in the Source Book. The policy relating to projects where IP are only beneficiaries should be moved out of the safeguard section of the policy and placed in the second section in the proposed OP 4.20.
- iii. Identify indigenous and tribal groups in a manner consistent with the country's legal framework. In countries where the legal framework does not meet the standards of the policy relating to coverage of IPs, the Bank should ensure that IP are protected within the overall framework of its poverty reduction policies and establish a project-level system to monitor disaggregated impact on IPs. In addition, the Bank should address the issue wherever appropriate in its country dialogue.
- iv. Ensure that in countries with significant IP populations the Country Director, in consultation with the Environmentally and Socially Sustainable Development Network,

engage the Borrower in discussions on how the Bank can best assist the country in providing culturally appropriate assistance to IPs within the context of the Country Assistance Strategy and agree with the Borrower on IP poverty monitoring indicators. The proposed Bank Procedure should specify clear accountabilities to this end.

- v. Design regional and subregional strategies to implement the OP given the significant differences in circumstances faced by Bank staff in implementing the policy.

INDIGENOUS PEOPLES' PERSPECTIVES IN BIODIVERSITY CONSERVATION

Indigenous peoples have voiced their aspirations in all the forums and meetings they have engaged in during the past years. Table 5 presents the list of recommendations drawn from a consultation of the many different documents generated from these forums and meetings. The first column lists priority actions that are spelled out in many of these declarations by IPs. In the other columns we have counted the number of WB projects that have exercised best practices with Indigenous Peoples. The WB projects accounted for only include biodiversity projects and do not include other Bank projects in health, education, and other sectors. In those sections of Table 5 without any crosses, we can see that the Bank has room to grow to complete the biodiversity investments and fully engage Indigenous Peoples' participation in many of their aspirations. We also observe that most projects have supported co-management programs (line with more crosses) with National Parks agencies.

The Bank's indigenous policy has been a key legal instrument in the development of the biodiversity portfolio and recognizes that conservation objectives should never undermine inalienable indigenous rights; rather, the two should be integrated in the search for truly sustainable development. The Bank has also gained a vast operational experience given the

Table 5: Synthesis of the Aspirations of Indigenous Peoples Based on Meetings, Workshops, and Declarations from Forums

Recommendations	
Legal & Political Framework	
Develop legislation /IP rights	
Develop legislation /land access/Intellectual property rights	
Enforce legislation	
Provide seats to IP leaders in state decision making	
Territories and Land Use Zoning	
Provide land title	XXXXX
Assign access rights	XXXXX
Land mapping	XXXXXXXXXX
Carry out land demarcation	XXXX
Develop life plan/community plans	XXXXXXXXXXXX
Regulate plan through community statuses	
Environment and Cultural Sites	
Co-management programs	XX
Protect sacred sites	
Protect endangered species	XXX
Restoration and reforestation	XXX
Controlling invasion	
Managing fire	
Education & Professional Training	
Ensure bilingual system	XXX
Develop IP university	
Targeted capacity-building activities	XXXXXXXXXXXXXXXXXXXX
Health & Traditional Medicine	
Recover traditional medicine	XX
Youth transmission programs	
Cultural & Spiritual Knowledge	
Ethno historical recovery	
Elders knowledge preservation	
Youth apprenticeship program	
Recovery of seed banks and plants	
Social Infrastructure to achieve a minimum standard of living	
Health care facilities	
Education facilities	
Water supply and treatment	
Community facilities (markets, assemblies, workshops...)	
Transport	

(Continue on next page)

Table 5: Synthesis of the Aspirations of Indigenous Peoples Based on Meetings, Workshops, and Declarations from Forums *(Continued)*

Recommendations	
Public Awareness & Communications	
Radio programs	
Workshops	xxxxxxx
Documentaries to recover TK	
Exchange programs with others	
Best practices	
Production and Economic Alternatives	
Provide food security	
Payments for ecosystem services	
Agro-biodiversity	xxxxx
Crafts	
Tourism	xxxxx
Improve markets	
Research new products	

large portfolio of protected-areas projects in the world that it manages, some of which interact closely with Indigenous Peoples’ lands and their interests. In some cases, these projects have worked in a positive way to find win-win solutions, but other projects have had challenges in meeting both the human and biodiversity goals.

As can be noted in Table 5, programmatic areas that have not yet been supported by WB biodiversity projects with indigenous participation include legal and political framework, health and traditional knowledge, cultural and spiritual knowledge, and social infrastructure to achieve a minimum standard of living. By also supporting activities in these areas, the Bank will contribute to improved community health, quality of life, strengthened community and cultural identity, and enhanced sustainable development, ultimately resulting in less environmental degradation, especially in those areas where indigenous territories overlap with areas rich in biodiversity. In these geographic areas of overlap the threats and potential for loss of cultural and biological diversity are great. The governments and financiers have a

tremendous responsibility to ensure that this potentially irreversible loss is averted, as there is probably only a short window of time to address these threats effectively.

This discussion paper has allowed us to reflect on the gaps in financing and supporting activities that are part of the future of Indigenous Peoples and their lands and environment. The World Bank through the environment portfolio is financing a very limited number of activities, as seen in Table 5. The areas of high biodiversity and Indigenous Peoples are under tremendous threats to be eliminated, along with the knowledge that these societies still hold. The responsibility of government and financiers is tremendous and there is probably only a short window of time to address these threats, otherwise the loss can be irreversible.

WIN-WIN SITUATION BY ENGAGING IPS MORE EFFECTIVELY

The findings of this report support the contention that engaging IPs more effectively in

biodiversity conservation represents a win-win situation, as the following concrete examples illustrate:

- *Expanding Beyond National Parks.* Many or most of the world's major centers of biodiversity coincide with areas occupied or controlled by Indigenous Peoples. Traditional Indigenous Territories encompass up to 22 percent of the world's land surface. They coincide with areas that hold 80 percent of the planet's biodiversity (WRI 2005). Also, the greatest diversity of indigenous groups coincides with the world's largest tropical forest wilderness areas in the Americas (including Amazon), Africa, and Asia and 11 percent of world forest lands are legally owned by Indigenous Peoples and communities (White et al. 2004). This convergence of biodiversity-significant areas and indigenous territories presents an enormous opportunity to expand efforts to conserve biodiversity beyond parks, which tend to benefit from most of the funding for biodiversity conservation.
- *Tapping on Ancestral Knowledge.* Indigenous Peoples are carriers of ancestral knowledge and wisdom about this biodiversity. Their effective participation in biodiversity conservation programs would result in more innovative and cost-effective conservation and management.
- *Addressing the Climate Change Agenda.* Indigenous Peoples have played a key role in climate change mitigation and adaptation. The territories of indigenous groups who have been given the rights to their lands have been better conserved than the adjacent lands (i.e., Brazil, Colombia, Nicaragua, etc.). Preserving large extensions of forests would not only support the climate change objectives, but it would respect the rights of Indigenous Peoples and conserve biodiversity as well. A climate change agenda fully

involving Indigenous Peoples has many more benefits than if only government and/or the private sector are involved. Indigenous peoples are some of the most vulnerable groups to the negative effects of climate change. Also, they are a source of knowledge to the many solutions that will be needed to avoid or ameliorate those effects. For example, ancestral territories often provide excellent examples of a landscape design that can resist the negative effects of climate change. Over the millennia, Indigenous Peoples have developed adaptation models to climate change. They have also developed genetic varieties of medicinal and useful plants and animal breeds with a wider natural range of resistance to climatic and ecological variability.

- *Complying with Agreed Policies.* Focusing on Indigenous Peoples' leadership is consistent with the World Bank's implementation of the Operational Policy on Indigenous Peoples. The IP policy is a key instrument to ensure that the voices of IP are heard and that projects address their interests.

HOPE FOR A BETTER FUTURE

Most people and organizations want to see material progress, wealth, and higher standards of living. Many actions in society that could be interpreted as violations of indigenous rights and destruction of the environment are justified in the name of progress, growth, development, etc. Everywhere the world is struggling to reconcile the different human actions taken by individuals, groups of individuals, governments, private companies, multinational corporations, etc. We live in a very diverse world with many points of view, particularly in the areas of ethics, respect for each other's well-being and for nature, generosity, responsibility, caring for communities and the world, and taking care of the environment.

With respect to Indigenous Peoples and biodiversity conservation, it seems that the ground is prepared for a more positive integration of understanding the synergies and addressing the respective challenges. The key need is to develop a shared, long-term vision of the issues of biodiversity conservation and Indigenous Peoples' rights. The societal trends show an increase in Indigenous Peoples' rights approaches to development, which is more likely to have many positive outcomes in the eradication of poverty and elimination of conflicts. This implies that over the long run, national legislation is increasingly likely to address many of the indigenous rights' issues mentioned in this report. For example, it is likely that countries will continue to give more land rights to poor and indigenous communities, and indeed this trend can already be seen in the actions of many governments around the world.

There is an incredible opportunity lying ahead to work with Indigenous Peoples toward the protection of their environments in areas of the world very rich in biodiversity. In order to increase this opportunity, key actions need to be taken by all national governments and international organizations and funders:

First, support processes toward the recognition of the rights of Indigenous Peoples to their ancestral lands and natural resources.

Second, ensure that any conservation or development projects or programs fully respect the WB policy BP and OP 4.10 on Indigenous Peoples and/or the United Nations Declaration on the rights of Indigenous Peoples.

Third, dedicate funding for supporting Indigenous Peoples in biodiversity conservation and climate change. Currently, the funding has been limited. Indigenous Peoples' programs have been excluded from large funding mechanisms. (In the WB biodiversity portfolio, only 18 percent goes to IP programs.) Funding needs to address technical assistance needs for building the capacity of indigenous communities to receive support.

Fourth, support training programs to enhance Indigenous Peoples' skills for accessing funding, developing programs and projects according to their needs, and communicating with the external world. This would improve their capacity to negotiate on any activities that happen in their lands.

Fifth, support the development of global databases that track the status of Indigenous Peoples, their rights, land claims, and biodiversity. These databases are urgently needed and could serve as a tool for avoiding controversial land issues and conflicts between indigenous groups, conservationists and all the extractive industries that seek the same remote areas. Indigenous Peoples should be responsible for developing these databases with the full funding and support by non-indigenous organizations, governments, and international funders and organizations. This should be a global coordinated effort.

Sixth, support a comprehensive program of asset mapping and demarcation for Indigenous Peoples in the areas under greatest threats as a tool for empowerment and for protecting their heritage, lands, and biodiversity. Such a program should include training and support for individual on-the-ground activities and for regional and global workshops for training, exchange of ideas, and sharing of lessons learned.

Seventh, facilitate the regular participation of Indigenous Peoples in dialogues and negotiations of biodiversity, forestry, climate change strategies and in on-going portfolio and programs reviews. Research and monitoring of their participation in biodiversity conservation should be regularly carried out with them.

Eighth, support the research and documentation of best practices of on-going indigenous initiatives in biodiversity, climate change, carbon sequestration, forestry, and so on so that governments, funders, and international orga-

nizations appreciate the value and importance of indigenous-led conservation programs.

Nine, support Indigenous Peoples' networks whose aim is to promote IP rights to land and ancestral recovery, biodiversity conservation, and development. An initial project is being developed with First Peoples World Wide to carry out three regional workshops to assess Indigenous Peoples' access to biodiversity funding. This initiative, while completely run by an indigenous-led organization, should not preclude the Bank from engaging as international financiers in other initiatives, particularly in Africa and Asia, where the current Bank portfolio is still weak.

Ten, support the creation of indigenous elders' networks. Many elders have started to come out and speak about their concerns, the urgency of rescuing traditional knowledge, and their visions of the solutions. The two greatest threats faced by Indigenous Peoples are the loss of their lands and the loss of their cultural and spiritual identity and ancestral knowledge. This is as serious a threat as the massive extinction of species on Earth. Gatherings of elders where they share their knowledge with other ethnic groups and with westerners can be an effective mechanism for ensuring that knowledge is not lost, especially if two conditions are met: indigenous youth are active participants and the recording and archiving of information is supported. Support for indigenous women's networks is also needed as they are in many societies the carriers of ancestral knowledge.

Eleven, contribute to the establishment and operation of effective indigenous advisory groups in the new global initiatives for biodiversity, forest, or climate change that affect IP livelihood and programs.

Finally, 5000 ethnic groups currently comprise only 4 percent of the population. Because they are such a small interest group, representing a tiny fraction of the overall global human

population, they are not on the radar screens of governments or international financiers. However, these groups do represent 95 percent of the global cultural diversity and are replete with traditions, cultures, and knowledge of their environments, plants, medicine, astronomy, inner science, and land and soil management.

The models of development in the modern world that we are following have not used the ancestral knowledge accumulated during thousands of years of interactions between humankind and nature. Ignoring these past innovations has brought us to many of the global problems that we are facing with biodiversity extinction, climate change, and other ecological problems. In recent years, we have seen more appreciation for ancestral knowledge. King, in his book *Farmers of Forty Centuries* (2004) presents soil and farming techniques 40 centuries old and acknowledges their usefulness to modern organic agriculture and soil conservation and management. Also, the discovery of "Indian black soil," an old technique used by Amazonian Indigenous Peoples to manage soils, has proved to be one of the most effective ways to store large quantities of carbon in the soil for long periods of time and is becoming an inspiration for the development of new technologies to combat climate change.

One of the most unique qualities of the World Bank is that it is a global institution and is like a small macrocosm in itself. This puts the Bank in a unique position of influence to help re-establish the harmonious interaction between men and nature. The wisdom of Indigenous Peoples has not made it into the Bank thinking but could potentially support new ways of approaching problems and appropriate processes to find more long-lasting solutions. But most of all, supporting the conservation of Indigenous Peoples and their knowledge could help many societies in the world. On one hand, our societies depend on modern scientists who look into the technical solutions through the power of the intellect. On the other hand, our societies have not relied enough on Indigenous Peoples who look into the power of nature,

based on thousands of years of experience and wisdom. Ideally, a marriage between modern science and indigenous wisdom would make a greater contribution to help our planet and maintain a balance. In many ways, Indigenous Peoples are also viewed as scientists in their own right. The richness that they contribute is an invaluable asset for building peaceful, harmonious, wise, and balanced societies. The Bank and other international financiers need to take a more proactive role in ensuring that the needs these groups have identified are supported through programs and projects.

In conclusion, the principal finding of this report is that creating a sustainable future

for biodiversity conservation worldwide will critically depend on the active and effective engagement of Indigenous Peoples. Without their full engagement, major conservation initiatives under way today—both public and private—will be compromised, and all citizens of the world will lose as a result. Indigenous peoples are the forgotten partners in biodiversity conservation, and this report makes the case for their immediate incorporation into all forms of development interventions that have to do with their land, resources and environment. This is an issue not only of rights but also of development effectiveness and social equity in all their tenor and scope.



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Annexes



Annex 1

United Nations Declaration on the Rights of Indigenous Peoples

Adopted by General Assembly Resolution 61/295 on 13 September 2007

THE GENERAL ASSEMBLY,

Guided by the purposes and principles of the Charter of the United Nations, and good faith in the fulfilment of the obligations assumed by States in accordance with the Charter,

Affirming that indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such,

Affirming also that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind,

Affirming further that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust,

Reaffirming that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind,

Concerned that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests,

Recognizing the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources,

Recognizing also the urgent need to respect and promote the rights of indigenous peoples affirmed in treaties, agreements and other constructive arrangements with States,

Welcoming the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement and in order to bring to an end all forms of discrimination and oppression wherever they occur,

Convinced that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs,

Recognizing that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment,

Emphasizing the contribution of the demilitarization of the lands and territories of indigenous peoples to peace, economic and social progress and development, understanding and friendly relations among nations and peoples of the world,

Recognizing in particular the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child,

Considering that the rights affirmed in treaties, agreements and other constructive arrangements between States and indigenous peoples are, in some situations, matters of international concern, interest, responsibility and character,

Considering also that treaties, agreements and other constructive arrangements, and the relationship they represent, are the basis for a strengthened partnership between indigenous peoples and States,

Acknowledging that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights (2) and the International Covenant on Civil and Political Rights,² as well as the Vienna Declaration and Programme of Action,⁽³⁾ affirm the fundamental importance of the right to self-determination of all peoples, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Bearing in mind that nothing in this Declaration may be used to deny any peoples their right to self-determination, exercised in conformity with international law,

Convinced that the recognition of the rights of indigenous peoples in this Declaration will enhance harmonious and cooperative relations between the State and indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith,

Encouraging States to comply with and effectively implement all their obligations as they apply to indigenous peoples under interna-

tional instruments, in particular those related to human rights, in consultation and cooperation with the peoples concerned,

Emphasizing that the United Nations has an important and continuing role to play in promoting and protecting the rights of indigenous peoples,

Believing that this Declaration is a further important step forward for the recognition, promotion and protection of the rights and freedoms of indigenous peoples and in the development of relevant activities of the United Nations system in this field,

Recognizing and reaffirming that indigenous individuals are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples,

Recognizing that the situation of indigenous peoples varies from region to region and from country to country and that the significance of national and regional particularities and various historical and cultural backgrounds should be taken into consideration,

Solemnly proclaims the following United Nations Declaration on the Rights of Indigenous Peoples as a standard of achievement to be pursued in a spirit of partnership and mutual respect:

Article 1

Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights(4) and international human rights law.

Article 2

Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

Article 3

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 4

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

Article 5

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

Article 6

Every indigenous individual has the right to a nationality.

Article 7

1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
2. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any

other act of violence, including forcibly removing children of the group to another group.

Article 8

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
2. States shall provide effective mechanisms for prevention of, and redress for:
 - a. Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
 - b. Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
 - c. Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
 - d. Any form of forced assimilation or integration;
 - e. Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

Article 9

Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

Article 10

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

Article 11

1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 12

1. Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.
2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

Article 13

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
2. States shall take effective measures to ensure that this right is protected and also

to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

Article 14

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

Article 15

1. Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.
2. States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.

Article 16

1. Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms

of non-indigenous media without discrimination.

2. States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity. States, without prejudice to ensuring full freedom of expression, should encourage privately owned media to adequately reflect indigenous cultural diversity.

Article 17

1. Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law.
2. States shall in consultation and cooperation with indigenous peoples take specific measures to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.
3. Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary.

Article 18

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Article 19

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institu-

tions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Article 20

1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

Article 21

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

Article 22

1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.
2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

Article 23

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

Article 24

1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.
2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

Article 25

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

Article 26

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership

or other traditional occupation or use, as well as those which they have otherwise acquired.

3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

Article 27

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Article 28

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

Article 29

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of

their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.

2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.
3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

Article 30

1. Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.
2. States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities.

Article 31

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over

such cultural heritage, traditional knowledge, and traditional cultural expressions.

2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

Article 32

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

Article 33

1. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.
2. Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

Article 34

Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality,

traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

Article 35

Indigenous peoples have the right to determine the responsibilities of individuals to their communities.

Article 36

1. Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.
2. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.

Article 37

1. Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.
2. Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.

Article 38

States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

Article 39

Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

Article 40

Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

Article 41

The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.

Article 42

The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.

Article 43

The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

Article 44

All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.

Article 45

Nothing in this Declaration may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future.

Article 46

1. Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.
2. In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law and in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.
3. The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.

(2) See resolution 2200 A (XXI), annex.

(3) A/CONF.157/24 (Part I), chap. III.

(4) Resolution 217 A (III).



Annex 2

Operational Policies

These policies were prepared for use by World Bank staff and are not necessarily a complete treatment of the subject.

INDIGENOUS PEOPLES

Note: OP and BP 4.10 together replace OD 4.20, *Indigenous Peoples*, dated September 1991. These OP and BP apply to all projects for which a Project Concept Review takes place on or after July 1, 2005. Questions may be addressed to the Director, Social Development Department (SDV).

1. This policy¹ contributes to the Bank's² mission of poverty reduction and sustainable development by ensuring that the development process fully respects the dignity, human rights, economies, and cultures of Indigenous Peoples. For all projects that are proposed for Bank financing and affect Indigenous Peoples,³ the Bank requires the borrower to engage in a process of free, prior, and informed consultation.⁴ The Bank provides project financing only where free, prior, and informed consultation results in broad community support to the project by the affected Indigenous Peoples.⁵ Such Bank-financed projects include measures to (a) avoid potentially adverse effects on the Indigenous Peoples' communities; or (b) when avoidance is not feasible, minimize, mitigate, or compensate for such effects. Bank-financed projects are also designed to ensure that the Indigenous Peoples receive social and economic benefits that are culturally appropriate and gender and intergenerationally inclusive.

2. The Bank recognizes that the identities and cultures of Indigenous Peoples are inextricably linked to the lands on which they live and the natural resources on which they depend. These distinct circumstances expose Indigenous Peoples to different types of risks and levels of impacts from development projects, including loss of identity, culture, and customary livelihoods, as well as exposure to disease. Gender and intergenerational

issues among Indigenous Peoples also are complex. 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 limits their capacity to defend their interests in and rights to lands, territories, and other productive resources, and/or restricts their ability to participate in and benefit from development. At the same time, the Bank recognizes that Indigenous Peoples play a vital role in sustainable development and that their rights are increasingly being addressed under both domestic and international law.

3. *Identification.* Because of the varied and changing contexts in which Indigenous Peoples live and because there is no universally accepted definition of “Indigenous Peoples,” this policy does not define the term. Indigenous Peoples may be referred to in different countries by such terms as “indigenous ethnic minorities,” “aboriginals,” “hill tribes,” “minority nationalities,” “scheduled tribes,” or “tribal groups.”

4. For purposes of this policy, the term “Indigenous Peoples” is used in a generic sense to refer to a distinct, vulnerable, social and cultural group⁶ possessing the following characteristics in varying degrees:

- a. self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;
- b. (b) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories;⁷
- c. (c) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and

- d. an indigenous language, often different from the official language of the country or region.

A group that has lost “collective attachment to geographically distinct habitats or ancestral territories in the project area” (paragraph 4 (b)) because of forced severance remains eligible for coverage under this policy.⁸ Ascertaining whether a particular group is considered as “Indigenous Peoples” for the purpose of this policy may require a technical judgment (see paragraph 8).

5. *Use of Country Systems.* The Bank may decide to use a country’s systems to address environmental and social safeguard issues in a Bank-financed project that affects Indigenous Peoples. This decision is made in accordance with the requirements of the applicable Bank policy on country systems.⁹

PROJECT PREPARATION

6. A project proposed for Bank financing that affects Indigenous Peoples requires:

- a. screening by the Bank to identify whether Indigenous Peoples are present in, or have collective attachment to, the project area (see paragraph 8);
- b. a social assessment by the borrower (see paragraph 9 and Annex A);
- c. a process of free, prior, and informed consultation with the affected Indigenous Peoples’ communities at each stage of the project, and particularly during project preparation, to fully identify their views and ascertain their broad community support for the project (see paragraphs 10 and 11);
- d. the preparation of an Indigenous Peoples Plan (see paragraph 12 and Annex B) or an Indigenous Peoples Planning Framework (see paragraph 13 and Annex C); and

- e. disclosure of the draft Indigenous Peoples Plan or draft Indigenous Peoples Planning Framework (see paragraph 15).

7. The level of detail necessary to meet the requirements specified in paragraph 6 (b), (c), and (d) is proportional to the complexity of the proposed project and commensurate with the nature and scale of the proposed project's potential effects on the Indigenous Peoples, whether adverse or positive.

Screening

8. Early in project preparation, the Bank undertakes a screening to determine whether Indigenous Peoples (see paragraph 4) are present in, or have collective attachment to, the project area.¹⁰ In conducting this screening, the Bank seeks the technical judgment of qualified social scientists with expertise on the social and cultural groups in the project area. The Bank also consults the Indigenous Peoples concerned and the borrower. The Bank may follow the borrower's framework for identification of Indigenous Peoples during project screening, when that framework is consistent with this policy.

Social Assessment

9. *Analysis.* If, based on the screening, the Bank concludes that Indigenous Peoples are present in, or have collective attachment to, the project area, the borrower undertakes a social assessment to evaluate the project's potential positive and adverse effects on the Indigenous Peoples, and to examine project alternatives where adverse effects may be significant. The breadth, depth, and type of analysis in the social assessment are proportional to the nature and scale of the proposed project's potential effects on the Indigenous Peoples, whether such effects are positive or adverse (see Annex A for details). To carry out the social assessment, the borrower engages social scientists whose quali-

fications, experience, and terms of reference are acceptable to the Bank.

10. *Consultation and Participation.* Where the project affects Indigenous Peoples, the borrower engages in free, prior, and informed consultation with them. To ensure such consultation, the borrower:

- a. establishes an appropriate gender and intergenerationally inclusive framework that provides opportunities for consultation at each stage of project preparation and implementation among the borrower, the affected Indigenous Peoples' communities, the Indigenous Peoples Organizations (IPOs) if any, and other local civil society organizations (CSOs) identified by the affected Indigenous Peoples' communities;
- b. uses consultation methods¹¹ appropriate to the social and cultural values of the affected Indigenous Peoples' communities and their local conditions and, in designing these methods, gives special attention to the concerns of Indigenous women, youth, and children and their access to development opportunities and benefits; and
- c. provides the affected Indigenous Peoples' communities with all relevant information about the project (including an assessment of potential adverse effects of the project on the affected Indigenous Peoples' communities) in a culturally appropriate manner at each stage of project preparation and implementation.

11. In deciding whether to proceed with the project, the borrower ascertains, on the basis of the social assessment (see paragraph 9) and the free, prior, and informed consultation (see paragraph 10), whether the affected Indigenous Peoples' communities provide their broad support to the project. Where there is such support, the borrower prepares a detailed report that documents:

- a. the findings of the social assessment;
- b. the process of free, prior, and informed consultation with the affected Indigenous Peoples' communities;
- c. additional measures, including project design modification, that may be required to address adverse effects on the Indigenous Peoples and to provide them with culturally appropriate project benefits;
- d. recommendations for free, prior, and informed consultation with and participation by Indigenous Peoples' communities during project implementation, monitoring, and evaluation; and
- e. any formal agreements reached with Indigenous Peoples' communities and/or the IPOs.

The Bank reviews the process and the outcome of the consultation carried out by the borrower to satisfy itself that the affected Indigenous Peoples' communities have provided their broad support to the project. The Bank pays particular attention to the social assessment and to the record and outcome of the free, prior, and informed consultation with the affected Indigenous Peoples' communities as a basis for ascertaining whether there is such support. The Bank does not proceed further with project processing if it is unable to ascertain that such support exists.

Indigenous Peoples Plan/Planning Framework

12. *Indigenous Peoples Plan.* On the basis of the social assessment and in consultation with the affected Indigenous Peoples' communities, the borrower prepares an Indigenous Peoples Plan (IPP) that sets out the measures through which the borrower will ensure that (a) Indigenous Peoples affected by the project receive culturally appropriate social and economic benefits; and (b) when potential adverse effects on Indigenous Peoples are identified, those adverse effects are avoided, minimized, mitigated, or compensated for (see Annex B for details). The

IPP is prepared in a flexible and pragmatic manner,¹² and its level of detail varies depending on the specific project and the nature of effects to be addressed. The borrower integrates the IPP into the project design. When Indigenous Peoples are the sole or the overwhelming majority of direct project beneficiaries, the elements of an IPP should be included in the overall project design, and a separate IPP is not required. In such cases, the Project Appraisal Document (PAD) includes a brief summary of how the project complies with the policy, in particular the IPP requirements.

13. *Indigenous Peoples Planning Framework.* Some projects involve the preparation and implementation of annual investment programs or multiple subprojects.¹³ In such cases, and when the Bank's screening indicates that Indigenous Peoples are likely to be present in, or have collective attachment to, the project area, but their presence or collective attachment cannot be determined until the programs or subprojects are identified, the borrower prepares an Indigenous Peoples Planning Framework (IPPF). The IPPF provides for the screening and review of these programs or subprojects in a manner consistent with this policy (see Annex C for details). The borrower integrates the IPPF into the project design.

14. *Preparation of Program and Subproject IPPs.* If the screening of an individual program or subproject identified in the IPPF indicates that Indigenous Peoples are present in, or have collective attachment to, the area of the program or subproject, the borrower ensures that, before the individual program or subproject is implemented, a social assessment is carried out and an IPP is prepared in accordance with the requirements of this policy. The borrower provides each IPP to the Bank for review before the respective program or subproject is considered eligible for Bank financing.¹⁴

Disclosure

15. The borrower makes the social assessment report and draft IPP/IPPF available to the affected Indigenous Peoples' communities in an appropriate form, manner, and language.¹⁵ Before project appraisal, the borrower sends the social assessment and draft IPP/IPPF to the Bank for review.¹⁶ Once the Bank accepts the documents as providing an adequate basis for project appraisal, the Bank makes them available to the public in accordance with *The World Bank Policy on Disclosure of Information*, and the borrower makes them available to the affected Indigenous Peoples' communities in the same manner as the earlier draft documents.

SPECIAL CONSIDERATIONS

Lands and Related Natural Resources

16. Indigenous Peoples are closely tied to land, forests, water, wildlife, and other natural resources, and therefore special considerations apply if the project affects such ties. In this situation, when carrying out the social assessment and preparing the IPP/IPPF, the borrower pays particular attention to:

- a. the customary rights¹⁷ of the Indigenous Peoples, both individual and collective, pertaining to lands or territories that they traditionally owned, or customarily used or occupied, and where access to natural resources is vital to the sustainability of their cultures and livelihoods;
- b. the need to protect such lands and resources against illegal intrusion or encroachment;
- c. the cultural and spiritual values that the Indigenous Peoples attribute to such lands and resources; and
- d. Indigenous Peoples' natural resources management practices and the long-term sustainability of such practices.

17. If the project involves (a) activities that are contingent on establishing legally recognized rights to lands and territories that Indigenous Peoples have traditionally owned or customarily used or occupied (such as land titling projects), or (b) the acquisition of such lands, the IPP sets forth an action plan for the legal recognition of such ownership, occupation, or usage. Normally, the action plan is carried out before project implementation; in some cases, however, the action plan may need to be carried out concurrently with the project itself. Such legal recognition may take the following forms:

- a. full legal recognition of existing customary land tenure systems of Indigenous Peoples; or
- b. conversion of customary usage rights to communal and/or individual ownership rights.

If neither option is possible under domestic law, the IPP includes measures for legal recognition of perpetual or long-term renewable custodial or use rights.

Commercial Development of Natural and Cultural Resources

18. If the project involves the commercial development of natural resources (such as minerals, hydrocarbon resources, forests, water, or hunting/fishing grounds) on lands or territories that Indigenous Peoples traditionally owned, or customarily used or occupied, the borrower ensures that as part of the free, prior, and informed consultation process the affected communities are informed of (a) their rights to such resources under statutory and customary law; (b) the scope and nature of the proposed commercial development and the parties interested or involved in such development; and (c) the potential effects of such development on the Indigenous Peoples' livelihoods, environments, and use of such resources. The

borrower includes in the IPP arrangements to enable the Indigenous Peoples to share equitably in the benefits¹⁸ to be derived from such commercial development; at a minimum, the IPP arrangements must ensure that the Indigenous Peoples receive, in a culturally appropriate manner, benefits, compensation, and rights to due process at least equivalent to that to which any landowner with full legal title to the land would be entitled in the case of commercial development on their land.

19. If the project involves the commercial development of Indigenous Peoples' cultural resources and knowledge (for example, pharmacological or artistic), the borrower ensures that as part of the free, prior, and informed consultation process, the affected communities are informed of (a) their rights to such resources under statutory and customary law; (b) the scope and nature of the proposed commercial development and the parties interested or involved in such development; and (c) the potential effects of such development on Indigenous Peoples' livelihoods, environments, and use of such resources. Commercial development of the cultural resources and knowledge of these Indigenous Peoples is conditional upon their prior agreement to such development. The IPP reflects the nature and content of such agreements and includes arrangements to enable Indigenous Peoples to receive benefits in a culturally appropriate way and share equitably in the benefits to be derived from such commercial development.

Physical Relocation of Indigenous Peoples

20. Because physical relocation of Indigenous Peoples is particularly complex and may have significant adverse impacts on their identity, culture, and customary livelihoods, the Bank requires the borrower to explore alternative project designs to avoid physical relocation of Indigenous Peoples. In exceptional circumstances, when it is not feasible to avoid

relocation, the borrower will not carry out such relocation without obtaining broad support for it from the affected Indigenous Peoples' communities as part of the free, prior, and informed consultation process. In such cases, the borrower prepares a resettlement plan in accordance with the requirements of OP 4.12, *Involuntary Resettlement*, that is compatible with the Indigenous Peoples' cultural preferences, and includes a land-based resettlement strategy. As part of the resettlement plan, the borrower documents the results of the consultation process. Where possible, the resettlement plan should allow the affected Indigenous Peoples to return to the lands and territories they traditionally owned, or customarily used or occupied, if the reasons for their relocation cease to exist.

21. In many countries, the lands set aside as legally designated parks and protected areas may overlap with lands and territories that Indigenous Peoples traditionally owned, or customarily used or occupied. The Bank recognizes the significance of these rights of ownership, occupation, or usage, as well as the need for long-term sustainable management of critical ecosystems. Therefore, involuntary restrictions on Indigenous Peoples' access to legally designated parks and protected areas, in particular access to their sacred sites, should be avoided. In exceptional circumstances, where it is not feasible to avoid restricting access, the borrower prepares, with the free, prior, and informed consultation of the affected Indigenous Peoples' communities, a process framework in accordance with the provisions of OP 4.12. The process framework provides guidelines for preparation, during project implementation, of an individual parks and protected areas' management plan, and ensures that the Indigenous Peoples participate in the design, implementation, monitoring, and evaluation of the management plan, and share equitably in the benefits of the parks and protected areas. The management plan should give priority to collaborative arrangements that enable the

Indigenous Peoples, as the custodians of the resources, to continue to use them in an ecologically sustainable manner.

INDIGENOUS PEOPLES AND DEVELOPMENT

22. In furtherance of the objectives of this policy, the Bank may, at a member country's request, support the country in its development planning and poverty reduction strategies by providing financial assistance for a variety of initiatives designed to:

- a. strengthen local legislation, as needed, to establish legal recognition of the customary or traditional land tenure systems of Indigenous Peoples;
- b. make the development process more inclusive of Indigenous Peoples by incorporating their perspectives in the design of development programs and poverty reduction strategies, and providing them with opportunities to benefit more fully from development programs through policy and legal reforms, capacity building, and free, prior, and informed consultation and participation;
- c. support the development priorities of Indigenous Peoples through programs (such as community-driven development programs and locally managed social funds) developed by governments in cooperation with Indigenous Peoples;
- d. address the gender¹⁹ and intergenerational issues that exist among many Indigenous Peoples, including the special needs of indigenous women, youth, and children;
- e. prepare participatory profiles of Indigenous Peoples to document their culture, demographic structure, gender and intergenerational relations and social organization, institutions, production systems, religious beliefs, and resource use patterns;
- f. strengthen the capacity of Indigenous Peoples' communities and IPOs to pre-

- pare, implement, monitor, and evaluate development programs;
- g. strengthen the capacity of government agencies responsible for providing development services to Indigenous Peoples;
- h. protect indigenous knowledge, including by strengthening intellectual property rights; and
- i. facilitate partnerships among the government, IPOs, CSOs, and the private sector to promote Indigenous Peoples' development programs.

¹ This policy should be read together with other relevant Bank policies, including *Environmental Assessment* (OP 4.01), *Natural Habitats* (OP 4.04), *Pest Management* (OP 4.09), *Physical Cultural Resources* (OP 4.11), *Involuntary Resettlement* (OP 4.12), *Forests* (OP 4.36), and *Safety of Dams* (OP 4.37).

² "Bank" includes IBRD and IDA; "loans" includes IBRD loans, IDA credits, IDA grants, IBRD and IDA guarantees, and Project Preparation Facility (PPF) advances, but does not include development policy loans, credits, or grants. For social aspects of development policy operations, see OP 8.60, *Development Policy Lending*, paragraph 10. The term "borrower" includes, wherever the context requires, the recipient of an IDA grant, the guarantor of an IBRD loan, and the project implementing agency, if it is different from the borrower.

³ This policy applies to all components of the project that affect Indigenous Peoples, regardless of the source of financing.

⁴ "Free, prior, and informed consultation with the affected Indigenous Peoples' communities" refers to a culturally appropriate and collective decisionmaking process subsequent to meaningful and good faith consultation and informed participation regarding the preparation and implementation of the project. It does not constitute a veto right for individuals or groups (see paragraph 10).

- ⁵ For details on “broad community support to the project by the affected Indigenous Peoples,” see paragraph 11.
- ⁶ The policy does not set an *a priori* minimum numerical threshold since groups of Indigenous Peoples may be very small in number and their size may make them more vulnerable.
- ⁷ “Collective attachment” means that for generations there has been a physical presence in and economic ties to lands and territories traditionally owned, or customarily used or occupied, by the group concerned, including areas that hold special significance for it, such as sacred sites. “Collective attachment” also refers to the attachment of transhumant/nomadic groups to the territory they use on a seasonal or cyclical basis.
- ⁸ “Forced severance” refers to loss of collective attachment to geographically distinct habitats or ancestral territories occurring within the concerned group members’ lifetime because of conflict, government resettlement programs, dispossession from their lands, natural calamities, or incorporation of such territories into an urban area. For purposes of this policy, “urban area” normally means a city or a large town, and takes into account all of the following characteristics, no single one of which is definitive: (a) the legal designation of the area as urban under domestic law; (b) high population density; and (c) high proportion of nonagricultural economic activities relative to agricultural activities.
- ⁹ The currently applicable Bank policy is OP/BP 4.00, *Piloting the Use of Borrower Systems to Address Environmental and Social Safeguard Issues in Bank-Supported Projects*. Applicable only to pilot projects using borrower systems, the policy includes requirements that such systems be designed to meet the policy objectives and adhere to the operational principles related to Indigenous Peoples identified in OP 4.00 (see Table A1, section E).
- ¹⁰ The screening may be carried out independently or as part of a project environmental assessment (see OP 4.01, *Environmental Assessment*, paragraphs 3, 8).
- ¹¹ Such consultation methods (including using indigenous languages, allowing time for consensus building, and selecting appropriate venues) facilitate the articulation by Indigenous Peoples of their views and preferences. The “Indigenous Peoples Guidebook” (forthcoming) will provide good practice guidance on this and other matters.
- ¹² When non-Indigenous Peoples live in the same area with Indigenous Peoples, the IPP should attempt to avoid creating unnecessary inequities for other poor and marginal social groups.
- ¹³ Such projects include community-driven development projects, social funds, sector investment operations, and financial intermediary loans.
- ¹⁴ If the Bank considers the IPPF to be adequate for the purpose, however, the Bank may agree with the borrower that prior Bank review of the IPP is not needed. In such case, the Bank reviews the IPP and its implementation as part of supervision (see OP 13.05, *Project Supervision*).
- ¹⁵ The social assessment and IPP require wide dissemination among the affected Indigenous Peoples’ communities using culturally appropriate methods and locations. In the case of an IPPE, the document is disseminated using IPOs at the appropriate national, regional, or local levels to reach Indigenous Peoples who are likely to be affected by the project. Where IPOs do not exist, the document may be disseminated using other CSOs as appropriate.
- ¹⁶ An exception to the requirement that the IPP (or IPPF) be prepared as a condition of appraisal may be made with the approval of Bank management for projects meeting the requirements of OP 8.00, *Rapid Response to Crises and Emergencies*. In such cases, management’s approval stipulates a timetable

and budget for preparation of the social assessment and IPP or of the IPPF.

- ¹⁷ “Customary rights” to lands and resources refers to patterns of long-standing community land and resource usage in accordance with Indigenous Peoples’ customary laws, values, customs, and traditions, including

seasonal or cyclical use, rather than formal legal title to land and resources issued by the State.

- ¹⁸ The “Indigenous Peoples Guidebook” (forthcoming) will provide good practice guidance on this matter.

- ¹⁹ See OP/BP 4.20, *Gender and Development*.

Bank Procedures

These procedures were prepared for use by World Bank staff and are not necessarily a complete treatment of the subject.

INDIGENOUS PEOPLES

Note: OP and BP 4.10 together replace OD 4.20, *Indigenous Peoples*, dated September 1991. These OP and BP apply to all investment projects for which a Project Concept Review takes place on or after July 1, 2005. Questions may be addressed to the Director, Social Development Department (SDV).

1. For all investment projects in which Indigenous Peoples are present in, or have collective attachment to, the project area, the Bank's task team (TT) consults with the Regional unit responsible for safeguards and with the Legal Department (LEG) throughout the project cycle. The *Indigenous Peoples Guidebook* (forthcoming) provides good practice advice to staff on application of the policy.¹

2. *Free, Prior, and Informed Consultation.* When a project affects Indigenous Peoples, the TT assists the borrower in carrying out free, prior, and informed consultation with affected communities about the proposed project throughout the project cycle, taking into consideration the following:

- a. "free, prior and informed consultation" is consultation that occurs freely and voluntarily, without any external manipulation, interference, or coercion, for which the parties consulted have prior access to information on the intent and scope of the proposed project in a culturally appropriate manner, form, and language;
- b. consultation approaches recognize existing Indigenous Peoples Organizations (IPOs), including councils of elders, head-

men, and tribal leaders, and pay special attention to women, youth, and the elderly;

- c. the consultation process starts early, since decisionmaking among Indigenous Peoples may be an iterative process, and there is a need for adequate lead *time to fully understand and incorporate concerns and recommendations of Indigenous Peoples into the project design*; and
- d. a record of the consultation process is maintained as part of the project files.

PROJECT IDENTIFICATION

3. *Screening.* Early in the project cycle, the task team leader (TTL) initiates a process to determine whether Indigenous Peoples (see OP 4.10, paragraph 4) are present in, or have collective attachment to, the project area. In doing so, the TTL seeks technical advice from qualified social scientists with expertise on the social and cultural groups in the project area. If adequate information is not available, the TTL holds direct consultations with the Indigenous Peoples who would be affected by the proposed project.

4. *Consultation with the Borrower.* If the screening indicates that Indigenous Peoples are present in, or have collective attachment to, the project area, the TTL:

- a. informs the borrower that the Indigenous Peoples policy applies to the project and brings the provisions of OP/BP 4.10 to the borrower's attention;
- b. discusses with the borrower its policies and institutional and legal arrangements for Indigenous Peoples;
- c. reaches agreement with the borrower on how the policy will be implemented under the project;² and
- d. discusses any technical assistance to be provided to the borrower.

5. *Documentation, Review, Clearance, and Disclosure.* The TT summarizes in the Project Concept Note (PCN) and Project Information Document (PID) the results of the screening and the agreements reached with the borrower to comply with policy requirements, and notes in the Integrated Safeguards Data Sheet (ISDS) that OP 4.10 is triggered. The TTL seeks comments on and clearance of the PCN, PID, and ISDS from the Regional unit responsible for safeguards. Once the PID is cleared, the TTL sends it to the InfoShop.

PROJECT PREPARATION

6. *Social Assessment.* Where screening reveals that Indigenous Peoples are present in, or have collective attachment to, the project area, the TTL asks the borrower to undertake a social assessment (SA) in accordance with the requirements of paragraph 9 and Annex A of OP 4.10 to evaluate the project's potential positive and adverse effects on Indigenous Peoples and, where adverse effects may be significant, to examine project alternatives. The TT:

- a. reviews the terms of reference for the SA, ensuring in particular that they provide for the affected Indigenous Peoples to participate in the SA through a process of free, prior, and informed consultation (see paragraph 2 of this BP); and
- b. comments on the qualifications and experience of the social scientists who will carry out the SA.

7. *Broad Community Support.* When the borrower forwards to the Bank the documentation on the SA and the consultation process, the TT reviews it to verify that the borrower has gained the broad support from representatives of major sections of the community required under the policy. The TT proceeds with project processing once it confirms that such support exists. The Bank does not proceed further with

project processing if it is unable to ascertain that such support exists.

8. *Decision on Instruments.* Taking into account the nature of the project and a review of the relevant Indigenous Peoples issues, the TTL agrees with the Regional unit responsible for safeguards on the type of Indigenous Peoples instrument (Indigenous Peoples Plan or Indigenous Peoples Planning Framework) and other instruments (Resettlement Action Plan, and/or process framework for national parks and protected areas) to be prepared by the borrower and on the scope and level of detail required. The TTL conveys this decision to the borrower, discusses with the borrower the actions necessary to prepare the instrument(s), and agrees on a timeline for preparation and delivery to the Bank.

- a. *Indigenous Peoples Plan (IPP).* The borrower prepares the IPP in accordance with the requirements of Annex B of OP 4.10 and integrates it into the design of the project. The IPP has a level of detail that is proportional to the complexity of the proposed project and commensurate with the nature and scale of the proposed project's potential effects on Indigenous Peoples (see OP 4.10, paragraph 7). If project activities are contingent on establishing legally recognized rights to lands or territories that Indigenous Peoples have traditionally owned, or customarily used or occupied, the IPP outlines the steps and timetable for achieving legal recognition of such ownership, occupation, or usage (see OP 4.10, paragraph 17). For projects involving the commercial development of natural resources on such lands or territories or of the cultural resources and knowledge of Indigenous Peoples, the IPP includes arrangements to enable the Indigenous Peoples to share equitably in the benefits to be derived and to receive these benefits in a culturally appropriate way (see OP 4.10, paragraphs 18–19).

Additionally, for projects involving commercial development of Indigenous Peoples' cultural resources and knowledge, the IPP documents the agreement reached with the affected communities for such development. When Indigenous Peoples are the sole or the overwhelming majority of direct project beneficiaries, a separate IPP is not required and the borrower includes elements of an IPP in the overall project design. The TT prepares a brief summary of how the project complies with the policy, in particular the IPP requirements, as an annex to the Project Appraisal Document (PAD).

- b. *Resettlement Action Plan (RAP)*. If the borrower proposes the physical relocation of Indigenous Peoples, the TT ascertains specifically that (a) the borrower has explored alternative project designs to avoid physical relocation; and (b) the borrower has obtained broad support from the affected communities as part of the free, prior, and informed consultation process, and has documented it. The borrower also prepares a RAP in accordance with the requirements of OP 4.12, *Involuntary Resettlement*, and of OP 4.10, paragraph 20.
 - c. *Process Framework for Parks and Protected Areas*. When the access of Indigenous Peoples to legally designated parks and protected areas is restricted, the borrower prepares a process framework with the free, prior, and informed consultation of the affected Indigenous Peoples' communities, and in accordance with the provisions of OP 4.12, *Involuntary Resettlement*, and of OP 4.10, paragraphs 20 and 21.
 - d. *Indigenous Peoples Planning Framework (IPPF)*. For projects that involve the preparation and implementation of annual investment programs or multiple subprojects, the borrower prepares an IPPF in accordance with the requirements of Annex C of OP 4.10 and integrates it into the project design.
 - e. *Preparation of Program and Subproject IPPs*. If the screening of an individual program or subproject identified in the IPPF indicates that Indigenous Peoples are present in, or have collective attachment to, the area of the program or subproject, the TT ensures that the borrower carries out an SA and prepares an IPP and other relevant instrument(s) in accordance with the requirements of OP 4.10. The borrower provides each relevant instrument to the Bank. The TTL forwards the instrument(s) to the Regional unit responsible for safeguards for review and clearance before the respective program or subproject is considered eligible for Bank financing. Where the Regional unit responsible for safeguards considers the IPPF as adequate for policy compliance, the TTL may agree with the borrower that the Bank's prior review of IPPs or other instrument(s) for individual programs or subprojects will not be needed. However, the TT supervises the preparation of the SA (see paragraph 6 of this BP), and the formulation of any IPPs and other instrument(s) and their implementation by the borrower (see OP 4.10, paragraph 14 and footnote 15).
9. *Instrument Review and Disclosure*. When the borrower submits the draft instrument(s) to the Bank, the TT reviews each instrument to ensure that it complies with the policy set out in OP 4.10; has been made available to the affected Indigenous Peoples' communities at an accessible place and in a culturally appropriate form, manner, and language; has been appropriately reflected in the project design; and can serve as the basis for project appraisal. The TT forwards the draft instrument(s) to the Regional safeguards unit for comments and clearance. Once the documents are cleared, the TT makes them available to the public in accordance with *The World Bank Policy on Disclosure of Information*.

PROJECT APPRAISAL

10. The TTL ensures that appraisal includes appropriate social science expertise to assess the feasibility and sustainability of specific measures reflected in the relevant Indigenous Peoples and other instrument(s) and appropriate legal expertise to assess the country's legal and policy framework related to the project. The TT reflects the provisions related to Indigenous Peoples in the PAD and attaches the relevant instrument(s) to the PAD as an annex. When Indigenous Peoples are the sole or the overwhelming majority of direct project beneficiaries, the annex to the PAD includes a summary of how the project complies with the policy. In addition, when the borrower proposes the physical relocation of Indigenous Peoples or restrictions of their access to resources, the RAP or process framework is included as an annex to the PAD. The TTL seeks comments on and clearance of the PAD package (which includes the IPP, IPPF, or summary, together with any RAP or process framework, if applicable) from both the Regional unit responsible for safeguards and LEG.

NEGOTIATIONS AND DISCLOSURE

11. Prior to negotiations, the TT confirms that the responsible authority of the borrower has provided final approval of the relevant IPP, IPPF and other instrument(s). The Loan Agreement provides for the borrower's obligation to implement the relevant instrument(s). After the borrower and the Bank agree to the final instrument(s) and the project has been approved, the Bank makes the PAD and the final instrument(s) available to the public in accordance with the Bank's policy on disclosure. The borrower makes the documents available to the affected Indigenous Peoples' communities at a locally accessible place and in a culturally appropriate form, manner, and language, in the same manner as for the draft instruments (see paragraph 9 above).

SUPERVISION

12. The Regional vice president, in coordination with the relevant country director, ensures the availability of resources for effective supervision of projects affecting Indigenous Peoples. Throughout project implementation, the TTL ensures that Bank supervision includes appropriate social science and legal expertise to carry out the provisions of the Loan Agreement. The TT also ascertains whether the relevant legal covenants related to the Indigenous Peoples and other instrument(s) are being implemented. When the instruments are not being implemented as planned, the Bank calls this to the attention of the borrower and agrees with the borrower on corrective measures (see OP/BP 13.05, *Project Supervision*).

IMPLEMENTATION COMPLETION REPORT

13. Upon completion of the project, the Implementation Completion Report (see OP 13.55, *Implementation Completion Reporting*) evaluates project compliance with OP 4.10 and assesses:

- a. the degree of Indigenous Peoples' participation in the project cycle;
- b. the impact of the project, both positive and adverse, on the affected Indigenous Peoples;
- c. the achievement of the objectives of the relevant instrument(s), as relevant; and
- d. lessons for future operations involving Indigenous Peoples.

If the objectives of the relevant instrument(s) have not been realized, the Implementation Completion Report may propose a future course of action, including, as appropriate, continued post-project supervision by the Bank.

Country Assistance Strategy and Policy Dialogue

14. In countries with a series of operations affecting Indigenous Peoples, the ongoing country and sector dialogue with the government includes any issues pertaining to the

country's policy, institutional, and legal framework for Indigenous Peoples, including the groups to whom this policy applies. Outcomes of this dialogue are reflected in the Country Assistance Strategy.

¹ The *Indigenous Peoples Guidebook* (forthcoming) provides good practice advice to staff on application of the policy.

² If there is disagreement with the borrower on the application of the policy, the TTL seeks advice from the Regional unit responsible for safeguards and LEG for a final technical judgment.



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