

## BP 4.10 - Indigenous Peoples

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

BP 4.10  
July, 2005

Note: [OP/BP 4.10, Indigenous Peoples](#), were revised on April 2013 to take into account the recommendations in “*Investment Lending Reform: Modernizing and Consolidating Operational Policies and Procedures*” (R2012-0204 [IDA/R2012-0248]), which were approved by the Executive Directors on October 25, 2012. As a result of these recommendations: (a) [OP /BP 10.00, Investment Project Financing](#), were revised, among other things, to incorporate, and [OP/BP 13.05, Supervision](#) and [OP/BP 13.55, Implementation Completion Report](#), (which have accordingly been retired); and (b) [OP 8.60, Development Policy Lending](#), and [OP 9.00, Program-for-Results Financing](#), have also been revised. [OP/BP 4.10](#) have consequently been updated to reflect these three changes, as well as to clarify the extent of applicability of this [OP/BP](#) to Development Policy Financing and Program-for-Results Financing and reflect the updated title of the Bank’s policy on access to information.

Questions on this [OP/BP](#) may be addressed to the Safeguards Helpdesk in OPCS ( [safeguards@worldbank.org](mailto:safeguards@worldbank.org)).

Revised April 2013

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.<sup>1</sup>
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, headmen, and tribal leaders, and pay special attention to women, youth, and the elderly;
  - (c) the consultation process starts early, since decision making 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,<sup>2</sup> and 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 Access to 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/BP 10.00](#), *Investment Project Financing*, 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.

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- 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.