

Environment & Social Framework for IPF Operations

Good Practice Note

Managing the Risks of Projects Involving Protected and Conserved Areas

Annex X

The following annex is part of the GPN on Managing the Risks of Projects Involving Protected and Conserved Areas. For ease of use, it will be uploaded as a separate file and will have links provided to it in the full text of the GPN, which will also be available online at the following URL:

<https://thedocs.worldbank.org/en/doc/345f6737b55b565433d838862b5d56f9-0290012026/original/pca-gpn-with-annexes-i-iii.pdf>

Annex X. Checklist Related to Indigenous Peoples and Sub-Saharan African Historically Underserved Traditional Local Communities

The following annex is part of the Good Practice Note on Managing the Risks of Projects Involving Protected and Conserved Areas, which is accessible at the following URL: <https://thedocs.worldbank.org/en/doc/345f6737b55b565433d838862b5d56f9-0290012026/original/pca-gpn-with-annexes-i-iii.pdf>

1.0 Screening and Recognition of Rights of Indigenous Peoples and Sub-Saharan African Historically Underserved Traditional Local Communities (IPs/SSAHUTLCs) within the Protected and Conserved Areas (PCAs) and Their Buffer Zones

Questions

1. **Has the Bank carried out a screening process to determine whether IPs/SSAHUTLCs**, as defined in Environmental and Social Standard 7 (ESS7), paragraph 8, are present within or have collective attachment to the PCAs or buffer zones within the project area?
2. If IPs/SSAHUTLCs are not permanently present within the project's PCAs and/or buffer zones, **do they nonetheless use or access these areas and resources in temporary ways**, for example, during certain seasons or as corridors critical for human or livestock mobility?
3. **If ESS7 is currently not being applied in the country:**
 - Are there groups in the country recognized or seeking recognition as Indigenous Peoples by the government or other international bodies who could potentially meet the definition of IPs/SSAHUTLCs under ESS7? Is their geographic location well mapped?
 - Has the Bank carried out a country- or regional-level ESS7 screening process that could be referenced within the project's ESS7 screening process? Is a broader screening process merited to inform the project-level application of ESS7?
4. **If IPs/SSAHUTLCs are present within the project area, does the country's legal framework recognize:**
 - IPs/SSAHUTLCs as distinct socio-cultural groups with collective rights? If so, has the country recognized such groups within the project area?
 - Customary and collective rights of IPs/SSAHUTLCs to lands and natural resources? If so, do these rights have to be legally registered and/or titled, or do customary use and presence suffice? Have the IPs/SSAHUTLCs within the project area had these rights recognized?
 - The existence of, and protections for, IPs/SSAHUTLCs with limited external contact, also known as peoples "in voluntary isolation," "isolated peoples" or "in initial contact"?
 - Unique access, use and management rights of IPs/SSAHUTLCs in PCAs and their buffer zones, including for example, specific rights related to management and/or continued access to specific areas (i.e., sacred sites) or use of specific resources? Have these rights been established within the project's PCA sites and buffer zones?

- IP/SSAHUTLC traditional governance structures¹ and/or ways of organizing and making decisions? If so, to what extent are these structures provided legal recognition, autonomy in certain decision-making, and/or resources from the government? Within the project area, has the stakeholder mapping identified these traditional governance structures and their customary processes for decision-making?
5. **Is the project contingent on acquiring or establishing legally recognized rights to lands and territories** that IPs/SSAHUTLCs have traditionally owned or customarily used or occupied? *If so*, has the project incorporated a plan for the legal recognition of ownership, occupation, or usage by IPs/SSAHUTLCs, as required by ESS7, paragraph 29?

Relevant Resources, Examples & Tools:

- Landmark Country Maps: <https://landmarkmap.org/map>
Landmark is the first online, interactive global platform that compiles Indigenous and Community land maps, concluding that 30% of the world’s land is held or used by Indigenous Peoples and Communities globally,” although data gaps still exist and definitions do not all align with those of the Bank.
- [World Bank Country Profiles of IPs/SSAHUTLCs](#)
- [Examples of National Screening Processes](#)
- Country examples of recognition of IPs/SSAHUTLCs rights and governance in conservation (including of PCAs) please see:
 - [Example of IPs as Env Authorities: Colombia](#)
 - Self-Governed Conservation: [Guatemala – 48 Cantones](#)

2.0 Understanding the Context & Impacts on IPs/SSAHUTLCs of PCA Management & Restrictions of Access, and Ensuring Appropriate Mitigation Measures

Questions

1. **Is a Social or Socio-Cultural Assessment being planned, underway or completed**, to identify IP/SSAHUTLC customary lands and uses of natural resource that overlay the PCAs and/or buffer zones in the project area, including the potential impacts of the project on these lands and access to natural resources, and potential IP/SSAHUTLC contributions and benefits from the project (ESS7, paragraphs 20–22)?
2. **Legacy/Context Issues that could affect the project or aggravate impacts:**
 - (a) Are there legacy issues of physical displacement and or restrictions of access of IPs/SSAHUTLCs from PCAs in the project area? In nearby areas or in the country?
 - (b) Are there trust issues or any legacy or existing conflict or violence issues among key potential stakeholders (i.e., PCA authorities, military/police, and/or between diverse IPs/SSAHUTLCs) that could impede project implementation?

¹ ESS7 defines traditional governance structures as: customary cultural, economic, social, or political institutions that are distinct or separate from those of the mainstream society or culture. Examples of these may be community councils, councils of elders, spiritual or other traditional leaders.

- (c) Do the PCA authorities in the project area have a working relationship with the traditional governance leaders and systems of the IPs/SSAHUTLCs? Do conflicts exist between them?
 - (d) What are the local mechanisms utilized by IPs/SSAHUTLCs and communities to address disputes? Are these mechanisms accounted for within the project's Grievance Mechanism (GM)?
 - (e) Does the project area include IPs/SSAHUTLCs with limited external contact, also known as peoples "in voluntary isolation," "isolated peoples" or "in initial contact"?
3. **Does the project have impacts on IPs/SSAHUTLCs in the following respects:**
- (a) **Social** – Do IPs/SSAHUTLCs use these areas for social gatherings, community meetings, intergenerational transfer of knowledge, etc.?
 - (b) **Spiritual** – Does the PCA and/or buffer zone include sites or natural resources of significance for cultural ceremonies and rituals, tangible or intangible cemeteries or places where deceased ancestors are buried, sites believed to be the place of cosmic origin, etc.?
 - (c) **Cultural** – Does the PCA and/or buffer zone include sites critical for ceremonies or practices that are vital for cultural identity (ceremonies, festivals, gatherings, funerals, rites of passage, etc.)?
 - (d) **Food Security** – Do the IPs/SSAHUTLCs depend on the natural resources within the area for daily dietary needs, including those critical for protein, plants/minerals, or grazing?
 - (e) **Water Security** – Do the IPs/SSAHUTLCs depend on water sources produced or located within the PCA and/or buffer zones for cooking, bathing, cultivation, livestock, and other needs?
 - (f) **Housing, medicinal, and other subsistence purposes** – Are there materials, including wood, plants, herbs, and/or other natural resources within the PCA and/or buffer zones upon which the IPs/SSAHUTLCs depend for construction of homes, community infrastructure, and/or for medicinal purposes?
 - (g) **Livelihoods** – Does the PCA and/or buffer zone include resources critical for the IP/SSAHUTLC livelihoods, including materials for inputs, resource cultivation/extraction, spaces needed for grazing, mobility, training of youth in traditional practices, and/or other monetary and/or non-monetary livelihoods?
 - (h) **Voluntary Isolation or Limited Contact** – Does the project introduce measures that could result in undesired contact with IPs/SSAHUTLCs living in voluntary isolation or limited contact? Has the project introduced measures specific to these peoples that recognize, respect, and protect their land and territories, environment, health, and culture? *If there are aspects of the project that would result in such undesired contact, these should not be processed further (ESS7, paragraph 19).*
4. Has the Borrower, in consultation with the affected IPs/SSAHUTLCs (see more on consultation in Section 3.0 below), agreed on measures and actions to: (a) avoid and mitigate risks and impacts (in ways that are proportionate to these risks and impacts), and (b) enhance the delivery of culturally appropriate and sustainable development benefits of the project (ESS7, paragraphs 13–22)?
5. If so, have these been documented in a time-bound plan, such as an Indigenous Peoples Plan (IPP) (ESS7, paragraph 13)?

Relevant Resources, Examples & Tools:

- “Beautiful Beasts, Beautiful Lands” by Mark Infield.

3.0 Participation, Meaningful Consultation and Free, Prior, and Informed Consent (FPIC) of IPs/SSAHUTLCs in PCA Management & Restrictions in Access

Questions

Key aspects of PCAs’ planning, management, and enforcement critical for IP/SSAHUTLC participation processes

1. How will IPs/SSAHUTLCs participate in defining the conservation and use objectives for the PCA and/or buffer zones, and the associated access restrictions under the project?
2. How will IPs/SSAHUTLCs participate in the identification and assessment of potential impacts from changes in rights or access regimes and access restrictions under the project, taking into account the range of impacts highlighted above (Section 2.0 of Checklist)?
3. How will IPs/SSAHUTLCs take part in the project’s Livelihood Restoration Plan (LRP)/Process Framework (PF), Stakeholder Engagement Plan (SEP) and Indigenous Peoples Plan (IPP), including the acknowledgement of customary and cultural management practices (i.e., identification of sacred sites and sites of cultural value; identification of need for access to critical natural resources; identification of cultural uses and management of natural resources, etc.)? To what extent does the PCA’s management plan reflect such an approach?
4. To what extent will IPs/SSAHUTLCs be granted continued access rights to sites and resources critical for spiritual and cultural practices in the project area? Will those rights and access modalities be documented in the LRP/PF or other governing documents (e.g., PCA management plan)?
5. To what extent are IPs/SSAHUTLCs given an opportunity to participate in the management and enforcement of PCA rules under the project, including assurances that any views they may voice regarding the project will be welcome and not subject to retaliation, and their traditional practices will be considered and protected?

Meaningful Consultation (ESS7, paragraph 23)

6. **Where Free, Prior, and Informed Consent (FPIC) is not required under the project, did the Borrower carry out meaningful consultation tailored to IPs/SSAHUTLCs as required under ESS7, paragraph 23, with all IPs/SSAHUTLCs in or near the PCA that are potentially affected by project activities?**

FPIC

7. **Determining if FPIC applies to the project under ESS7, paragraphs 24–33. Will the activities supported by the project, in and around the PCA:**
 - (a) Have adverse impacts on land and natural resources subject to traditional ownership or under customary use or occupation? (ESS7, paragraph 24(a) and paragraphs 29 and 30 for specific guidance);
 - (b) Cause relocation of IPs/SSAHUTLCs from land and natural resources subject to traditional ownership or under customary use or occupation (ESS7, paragraph 24(b) and paragraph 31 for specific guidance); or

- (c) Have significant impacts on IP/SSAHUTLC cultural heritage that is material to the identity and/or cultural, ceremonial, or spiritual aspects of the lives of the affected IPs/SSAHUTLCs? (ESS7, paragraph 24(c) and paragraphs 32 and 33 for specific guidance).

If yes to any of the above, FPIC is required and the related provisions of ESS7 apply.

8. Attaining and maintaining FPIC (ESS7, paragraphs 25–28). The scope of FPIC applies to project design, implementation arrangements and expected outcomes related to risks and impacts on the culturally appropriate and sustainable development benefits. ***in cases where FPIC does apply to the project:***

- (a) Are plans in place for the Borrower to engage independent specialists to assist in the identification of the project risks and impacts?
- (b) Are plans in place to directly engage affected IP/SSAHUTLC representatives to mutually agree to carry out a good faith negotiations FPIC process and document both: (i) how this process will be carried out; and (ii) the outcome of the good faith negotiations, including all agreements reached as well as dissenting views, and how that outcome will be implemented and monitored?
- (c) If FPIC is to be carried out as part of the LRP/PF, have specific and dedicated pre–dialogues been carried out with representatives of the affected IPs/SSAHUTLCs to ensure that the process:
- Is considered legitimate and meets the criteria of ESS7;
 - Builds upon their preferred and customary ways for collective decision-making; and
 - Puts in place necessary provisions to either carry out a stand-alone process and/or to merge processes in ways that will not undermine the overall legitimacy of the FPIC process?
- (d) If FPIC has already been carried out, has the outcome of the good faith negotiations between the Borrower and IPs/SSAHUTLCs, including all agreements reached as well as dissenting views, been documented in the Environmental and Social Commitment Plan (ESCP) and integrated in all relevant management plans and environmental and social (E&S) documents?
- (e) During implementation, has the Bank supervised the implementation of the Borrower’s agreed actions, benefits, or improvements to maintain IP/SSAHUTLC support for the project?

9. **When FPIC is not attained.** When the FPIC of the affected IPs/SSAHUTLCs cannot be ascertained by the Bank, the aspects of the project relevant to those affected IPs/SSAHUTLCs whose FPIC cannot be ascertained will not be processed further. Where the Bank has made the decision to continue processing the project other than the aspects for which the FPIC of the affected IPs/SSAHUTLCs cannot be ascertained, the Borrower will ensure that no adverse impacts on such IPs/SSAHUTLCs result during the implementation of the project (ESS7, paragraph 27).

Relevant Resources, Examples & Tools:

- [ESS7 Guidance Note for Borrowers](#)