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March 2016

**Report of the Asian Development Bank for the  
Fifteenth Session of the United Nations  
Permanent Forum on Indigenous Issues (UNPFII)**

## **Executive Summary**

This report contains the responses of the Asian Development Bank (ADB) to the Questionnaire addressed to UN Agencies, Funds, Programs and other inter-governmental organizations for the fifteenth session of the United Nations Permanent Forum on Indigenous Issues. The report specifically highlights on ADB's initiatives with respect to: (i) initiatives for countries under fragile and conflict-affected situations; (ii) ADB-financed projects approved in 2015 that will benefit Indigenous Peoples communities; (iii) initiatives to support countries' efforts to attain the Sustainable Development Goals; (iv) capacity development initiatives; and (v) key provisions of ADB's Safeguard Policy Statement of 2009. As mentioned in previous reports, this report reiterates ADB's commitment for ensuring that the projects it finances fully respect Indigenous Peoples' identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by Indigenous Peoples themselves. The Indigenous Peoples safeguard requirements prescribe in the Safeguard Policy Statement provide the guidance for its staff and borrowers and/or clients the process and approach for dealing with Indigenous Peoples in ADB operations.

## Questionnaire

1. Please provide information on how your agency is working on issues of conflict, peace and resolution for indigenous peoples in the seven socio-cultural regions of the Permanent Forum. In particular, the situation of indigenous women should be highlighted in your responses.

- Many of the poor and most vulnerable people in Asia and the Pacific who live in the developing member countries (DMCs) of the Asian Development Bank (ADB) are affected by fragility and conflict. ADB's fragile and conflict affected states are: Afghanistan, Fiji, Kiribati, Myanmar, Nepal, and Papua New Guinea. ADB is committed to supporting DMCs that are experiencing fragile and conflict-affected situations (FCAS). ADB has helped some of these DMCs make a successful transition out of fragility and conflict. Taking off from its experience in implementing its 2007 "Approach to Engaging with Weakly Performing Countries," ADB adopted differentiated approaches in its FCAS DMCs based on their specific fragility characteristics, and national priorities. The 2013 FCAS operational plan<sup>1</sup> articulates ADB's commitment to finding ways of engaging with FCAS countries to achieve peacebuilding and state building goals to: (i) foster inclusive political settlements and conflict resolution; (ii) establish and strengthen people's security; (iii) address injustices and increase access to justice; (iv) generate employment and improve livelihoods; and (v) manage revenue and build capacity for accountable and fair service delivery. The FCAS Operational Plan emphasizes on delivering timely and predictable aid through a simplified, faster, and better tailored mechanism by using country systems and strengthening capacities. To improve the responsiveness of ADB operations in FCAS, the plan encourages ADB staff to be innovative in identifying initiatives and adapting business processes, while still ensuring adequate fiduciary controls. These innovative initiatives and processes should respond to the unique challenges of FCAS, including weak institutional capacity in procurement, financial management, and safeguards.

- Where Indigenous Peoples are present in project areas in FCAS, the requirements of ADB's 2009 Safeguard Policy Statement (SPS) are applied. Safeguard review procedures for projects in FCAS, however, adopt an approach that allows for procedural flexibility in addressing the environmental and social impacts of ADB operations. Specifically, where the formulation of standard environmental impact assessment, resettlement plan, and/or Indigenous Peoples plan is not feasible before Board approval, an environmental assessment framework, resettlement, and/or Indigenous Peoples planning framework may be submitted in lieu of safeguard plans when there is a potential for such risks. The project document (specifically the Report and Recommendation of the President for specific projects) justifies any deviation from the general required safeguard requirements. Safeguard plans based on the approved frameworks are formulated and approved before any physical activity starts during the project implementation phase.

- In terms of past efforts for peacebuilding-related initiatives, ADB takes pride in being the first international financial institution to engage in development activities in the Chittagong Hill Tracts after the signing of the peace accord in 1997. ADB assistance for the development of the Chittagong Hill Tracts is intended to build on the peace process. Two projects have been

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<sup>1</sup> Asian Development Bank. 2013. *Operational Plan for Enhancing ADB's Effectiveness in Fragile and Conflict-Affected Situations*. Manila. <http://www.adb.org/sites/default/files/institutional-document/33825/files/operational-plan-fcas.pdf>

supported by ADB – the 2000-approved Chittagong Hill Tracts Rural Development project<sup>2</sup> and the 2011-approved Second Chittagong Hill Tracts Rural Development project<sup>3</sup>. The first project, which was completed in 2010, had four major components: (i) rehabilitation and upgrading of feeder roads and rural roads (including bridges and culverts, and road safety structures); (ii) community development, to fill gaps in community-based small economic and social infrastructure and improve the socioeconomic condition of the people; (iii) microenterprise development, to build the capacity of local nongovernment organizations (NGOs) to provide efficient and cost-effective microfinance services that would generate income and saving opportunities for the poor, especially the women; and (iv) capacity building for the executing and implementing agencies at both the national and local levels. Building on the lessons from the first project, the second project will have five main outputs: (i) institutional development and capacity building; (ii) rural roads and markets; (iii) community infrastructure; (iv) micro agribusiness development; and (v) project management. ADB supports appropriate devolution of development activities to the Chittagong Hill Tracts Regional Council (CHTRC) and the three hill district councils (HDCs). Strengthening the local institutions—CHTRC, the HDCs and the Ministry of Chittagong Hill Tract Affairs with hands on knowledge and experience in development, have been integral elements of ADB’s assistance to the Chittagong Hill Tract districts.

2. With respect to the implementation of the recommendations of the Permanent Forum addressed specifically to your agency.

- (i) Please provide information on the status of implementing the recommendations of the Permanent Forum addressed specifically to your agency
- (ii) What are some of the obstacles your agency has encountered in implementing the recommendations of the Permanent Forum?
- (iii) What are some of the drivers that facilitate your agency’s implementation of the recommendations of the Permanent Forum?

• There were no recommendations directed specifically to ADB or to international financial institutions in the fourteenth session of the Forum. ADB’s previous reports<sup>4</sup> provided relevant responses to recommendations of pre-2015 sessions of the Forum.

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<sup>2</sup> ADB. 2000. Loan 1771 for the People’s Republic of Bangladesh for the Chittagong Hill Tracts Rural Development. Manila, <http://www.adb.org/projects/32467-013/main>

<sup>3</sup> ADB. 2011. Loan 2763 for the People’s Republic of Bangladesh for the Second Chittagong Hill Tracts Rural Development Project. Manila. <http://www.adb.org/projects/42248-013/main>

<sup>4</sup> ADB. 2012. *Report of the Asian Development Bank to the Eleventh Session of the United Nations Permanent Forum on Indigenous Issues (UNPFII)*. Manila. <http://www.un.org/esa/socdev/unpfii/documents/2012/session-11-Asian-development-bank.pdf>;  
ADB. 2013. *Report of the Asian Development Bank to the Twelfth Session of the United Nations Permanent Forum on Indigenous Issues (UNPFII)*. Manila. [http://www.un.org/esa/socdev/unpfii/documents/2013/agencies/2013\\_ADB.pdf](http://www.un.org/esa/socdev/unpfii/documents/2013/agencies/2013_ADB.pdf);

ADB. 2014. *Report of the Asian Development Bank to the Thirteenth Session of the United Nations Permanent Forum on Indigenous Issues (UNPFII)*. Manila. <http://www.un.org/esa/socdev/unpfii/documents/2014/adb.pdf>;

ADB. 2015. *Report of the Asian Development Bank to the Fourteenth Session of the United Nations Permanent Forum on Indigenous Issues (UNPFII)*. Manila. <http://www.un.org/esa/socdev/unpfii/documents/2015/agencies-info/ADB.pdf>

3. Please provide information on the following:

- a) Please include information on programs, projects or other activities that are specifically aimed at promoting the implementation of the UN Declaration on the Rights of Indigenous Peoples, or activities where indigenous peoples are among the major beneficiaries. Where possible, please provide links to websites, publications or other sources of relevant information.

- In 2015, ADB approved projects to support its DMCs' programs in geographical areas where the majority of the population are considered Indigenous Peoples. Four projects were specifically designed to support DMCs' programs in relation to conservation and protection of the environment and the productive capacity of lands or territories and resources (UNDRIP Article 29). These four projects are in the People's Republic of China (PRC) and targets ethnic minority autonomous prefectures and/or provinces of Hubei, Hunan, and Xinjiang.

- **Hubei Enshi Qing River Upstream Environment Rehabilitation Project, PRC.** The project<sup>5</sup> supports government efforts by investing in reducing water pollution in the Qing River, expanding wastewater management, reducing flood risk, and providing capacity development and institutional strengthening support. The Enshi prefecture is a Tujia and Miao Autonomous Prefecture which has an ethnically diverse population of 4.01 million; 45% are Han, 46% Tujia, 6.5% Miao, and 2.5% belong to other ethnic groups. Project impacts will be accrued by the ethnic minority population in terms of increased security from floods and involvement in nonstructural measures as laid out in the ethnic minority development plan (EMDP). Negative impacts of land acquisition on ethnic minority households will be mitigated through the resettlement plans.

- **Hunan Dongjiang Lake Integrated Environmental Protection and Management Project, PRC.** The project<sup>6</sup> has five major outputs or components: (i) improved pollution control; (ii) established urban–rural water supply system; (iii) river course rehabilitation; (iv) integrated ecosystem rehabilitation and management, which includes livelihood training; and (v) strengthened environmental and project management capacity, which includes public awareness on water pollution, solid waste, and ecological protection. The project is located in Hunan Province and will be implemented in four townships and/or towns (Huangcao town, and the townships of Lianping, Longxi, and Qinjiang) and four villages with the Yao ethnic minority. An EMDP was prepared to ensure that the Yao ethnic minority people are able to participate and benefit directly from the project, and that any foreseen or anticipated negative impacts determined through meaningful consultations are either avoided or mitigated. Adequate provisions to enhance economic conditions of the Yao villagers have been integrated into the project design.

- **Xinjiang Akesu Integrated Urban Development and Environment Improvement Project, PRC.** The project<sup>7</sup> is to build basic urban infrastructure and improve the urban

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<sup>5</sup> ADB. 2015. *Report and Recommendation of the President to the Board of Directors: Proposed Loan to the People's Republic of China for the Hubei Enshi Qing River Upstream Environment Rehabilitation Project*. Manila. <http://www.adb.org/projects/47048-002/main>

<sup>6</sup> ADB. 2015. *Report and Recommendation of the President to the Board of Directors: Proposed Loan to the People's Republic of China for the Hunan Dongjiang Lake Integrated Environmental Protection and Management Project*. Manila. <http://www.adb.org/projects/47070-002/main>

<sup>7</sup> ADB. 2015. *Report and Recommendation of the President to the Board of Directors: Proposed Loan to the People's Republic of China for the Xinjiang Akesu Integrated Urban Development and Environment Improvement Project*. Manila. <http://www.adb.org/projects/46049-002/main>

environment in Akesu city to improve the investment climate, and to ensure sustainable economic development and appropriate environmental management. The scope of the project entails seven engineering components and a technical assistance on capacity building and institutional strengthening. The project will directly benefit 263,830 local residents in the project areas of Akesu city, of which 122,420 or 46.4% belong to ethnic minority groups, including 21,750 poor people (17.77%). The project will also indirectly benefit 509,230 local residents in Akesu City, of which 273,920 or 53.79% are ethnic minority people in the indirect project area. An EMDP has been prepared to ensure that ethnic minority people are able to benefit equally from the project, and that any negative impacts that might affect them are either reduced or mitigated. Adequate provisions to enhance economic conditions of minority groups have been integrated into the project design. Special mitigation measures have also been included in a resettlement plan to help ensure that ethnic minorities affected by land acquisition and resettlement are meaningfully consulted and will receive adequate compensation and rehabilitation support, as well as benefit from the project.

- **Xinjiang Tacheng Border Cities and Counties Development Project, PRC.** The project<sup>8</sup> is implemented by the Xinjiang Uygur Autonomous Region Government. The project will affect Tacheng City and the county seats of three counties of the Tacheng Prefecture: Emin, Tuoli, and Yumin. Project components will include: (i) rehabilitation of Kalanguer river; (ii) district heating improvement; (iii) municipal solid waste management improvement; (iv) alley rehabilitation in Tacheng City; (v) urban roads and bridges; (vi) municipal services improvements in Tacheng City and counties of Emin, Tuoli, and Yumin; and (vii) capacity development and institutional strengthening during project implementation. The project will directly benefit a total of 256,751 people, including about 34,533 poor (13.5% of the total beneficiaries), 127,268 female residents (49.6% of the total beneficiaries), and 120,183 ethnic minority people (46.8% of the total beneficiaries). The project will contribute to poverty reduction by: (i) improving access of urban, rural, and peri-urban residents to municipal services such as transportation, water supply, sewerage, wastewater treatment, and heating; and (ii) support direct and indirect employment opportunities with expanded tertiary industries and an enabling investment environment. An EMDP has been prepared to ensure that ethnic minority people are able to benefit equally from the project, and that any negative impacts that might affect them are either reduced or mitigated. Adequate provisions to enhance economic conditions of minority groups have either been integrated into the project design or specified separately in the EMDP. Special mitigation measures have also been included in the resettlement plans to ensure that ethnic minorities affected by land acquisition and resettlement are consulted, compensated, and will benefit from the project.

- Please refer to ADB's previous reports<sup>9</sup> for information on earlier approved projects that were targeted for Indigenous Peoples areas or where Indigenous Peoples are among the beneficiaries.

b) How is your organization planning to support Indigenous Peoples within its programs, projects or any other activities in line with the aims of the 2030 Agenda for Sustainable Development?

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<sup>8</sup> ADB. 2015. *Report and Recommendation of the President to the Board of Directors: Proposed Loan to the People's Republic of China for the Xinjiang Tacheng Border Cities and Counties Development Project*. Manila. <http://www.adb.org/projects/46063-002/main>

<sup>9</sup> See footnote 4.

- With 17 Goals and 169 targets, the Sustainable Development Goals (SDGs) present widespread opportunities for development partnerships at various levels—subnational, national, cross-country, and global. Asia Pacific countries recognize the necessity of going beyond traditional development cooperation anchored in official development assistance to meet the goals. Given the expanse and the robust aspiration of the SDGs, no single international or multilateral body can help countries achieve the goals alone. As such, partnerships will be key to implementation. Towards this, ADB has already signed onto several collaborations to help countries meet the goals.<sup>10</sup> The regional tripartite between ADB, the United Nations Development Programme and the United Nations Economic and Social Commission for Asia and the Pacific will continue from its Millennium Development Goals (MDG) partnership to produce bi-annual regional SDG Reports. ADB is also part of the Multilateral Development Banks (MDB) working group on SDGs and Financing for Development. ADB will also continue to work with the private sector, other development partners, think tanks, and civil society to catalyze greater financial resources and knowledge to better assess gaps and policy engagement.
- As the SDGs start in January 2016, ADB's response is driven by its: (i) immediate short-term implications under the current Strategy 2020; and (ii) medium-to-longer-term implications as Strategy 2030 develops and is operationalized.

**ADB action:**

- **ADB strengthens support for SDGs in developing member countries.** ADB's statement at the September UN Sustainable Development Summit and at the October Lima Development Committee meeting, ADB underscored the importance of achieving the SDGs for Asia and the Pacific and confirmed support together with the global community. ADB is poised to evolve from a financier to a stronger catalyzer, project developer, and global partner and will contribute through: (i) investments in human needs, infrastructure, and cross-border public goods; and (ii) helping countries access wider financing for sustainable development. This will help the region make progress on many of the goals.
- **ADB has initiated work on a new corporate Strategy 2030 to respond more effectively to the SDGs.** It will take into account the Paris climate deal, the Addis Ababa Action Agenda on financing, and the fast-changing development landscape in the region. Work on the new long term strategy, along with a new results framework that will take ADB to 2030, will draw upon implications of and opportunities from the SDGs. The strategy will help ADB make the best use of its expanded financing capacity through investments in human needs, infrastructure, and cross-border public goods. These will help to mitigate poverty, promote inclusive growth, and help DMCs achieve progress toward the SDGs. At the operational level, ADB's support for the SDGs will be country-specific, in line with their respective development plans and priorities. More regional opportunities will also be supported, in accordance with ADB's mandate and comparative advantage.
- **Interlinking targets instead of a Goal by Goal approach to assist countries better in meeting and tracking the SDGs.** All of the SDGs are interlinked and

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<sup>10</sup> <http://www.adb.org/site/sdg/main>

most development work undertaken at all levels, national or subnational does not occur in sectoral silos influenced by specific goals. For example, an infrastructure project has implications for targets relating to Infrastructure, sanitation, water, education, and in some cases, gender goals. This is why as a significant response to the SDGs, ADB is attempting the formulation of an interlinking SDG Targets framework, which will not only showcase our development work better but also advise us on new sustainable investment opportunities. This framework could also assist countries in building their own frameworks in order to have a more streamlined and integrated implementation of their respective SDG plans.

- ADB's engagement with Indigenous Peoples will also be evident in the various development projects supportive of SDGs that it finances. ADB's activities with Indigenous Peoples will be within the ambit of ensuring that safeguard requirements are applied following the ADB's safeguards principles and requirements in relation to environment, involuntary resettlement, and Indigenous Peoples as articulated in the SPS.

c) Any capacity development initiatives your organization is involved in that is aimed at indigenous peoples, governments, UN agencies or others which feature the rights and well-being of indigenous peoples?

- ADB is the first of the multilateral financial institutions to introduce provisions for the use of country safeguard systems (CSS) for ADB-financed projects in its safeguard policy. The intention is to enhance country ownership, reduce transaction costs, and extend development impacts over the long term. The use of CSS for ADB-financed projects is neither automatic nor mandatory. ADB may consider application of the CSS for ADB-financed projects provided that: (i) the CSS is equivalent to ADB's (determined through an equivalence assessment); and (ii) the borrower has the acceptable capacity to implement applicable laws, regulations, rules, and procedures (established through an acceptability assessment).

- ADB has taken a lead in working with DMCs in Asia and the Pacific to address the needs for CSS strengthening through policy dialogue and technical assistance. ADB is currently assisting 29 DMCs improve their respective country environmental and social safeguard systems through technical assistance projects worth a total of more than \$36 million. These initiatives are focused on enhancing regulatory frameworks for environment, involuntary resettlement and Indigenous Peoples, training, and development of tools/guidelines on impact assessment and mitigation.

- Specific to Indigenous Peoples safeguards, ADB has collaborated with World Bank in supporting regional training centers in Asia and the Pacific to provide training on Indigenous Peoples issues and safeguards. In 2015, support was provided to the Asian Institute of Technology (AIT) in Viet Nam to conduct a 6-day trainers training on ethnic minorities development in Da Nang City, Central Viet Nam. The training was attended by a select set of 21 development practitioners who are currently assisting government agencies prepare Indigenous Peoples plans for development projects. Agreement with AIT-Vietnam includes conducting the training as one of their regular training offering. In 07–11 March 2016, ADB and World Bank also collaborated with the University of the Philippines College of Engineering and Technology in the conduct of the initial run of the Training on Indigenous Peoples Safeguards which was provided to government officials as well as local consultants working with governments in designing and preparing projects for financing by ADB or World Bank or other international

donor. Support for another learning center and a similar Indigenous Peoples training to be held in Indonesia is also being planned.

- Capacity development activities for staff at ADB headquarters and in resident missions are annually conducted. In 2015, two training sessions were held on safeguards at the ADB Headquarters. The training sessions are interactive discussions on safeguard principles and practical application of the SPS in ADB-financed projects. ADB's Social Safeguard Network also conducts brown bag seminars which serve as the main avenue for social development specialists within ADB to discuss evolving and current thinking and practices on involuntary resettlement and Indigenous Peoples safeguards and issues.

- Starting in 2016, training on safeguarding Indigenous Peoples will be part of a modularized training program on ADB's SPS which will be provided to staff and consultants. The Indigenous Peoples session will initially focus on (i) identification of Indigenous Peoples affected by projects; (ii) assessment of project impacts on Indigenous Peoples communities; and (iii) designing culturally-appropriate mitigation and beneficial measures for affected Indigenous Peoples communities. Safeguard briefings and seminars will also be provided in ADB resident missions throughout the year as staff from headquarters conduct project review missions. Plans for more intensive modules focusing on specific safeguard requirements (e.g., identification of Indigenous Peoples, determining culturally-appropriate mitigation and enhancement measures, ascertaining consent of affected Indigenous Peoples communities) are also in progress for implementation in 2016 and beyond.

d) Any activities to raise awareness on indigenous peoples, including publications, films, audio material, maps, or other materials that feature or focus on indigenous peoples? Include the name, a brief description and information on how to access the material.

- Under a regional TA project, ADB is in the process of supporting a regional mapping exercise of all its DMCs' safeguard systems. This involves initial diagnostic assessments of DMCs' legislations, policies and institutional capacities for safeguard assessment, planning, and implementation. To date, 40 assessments have been completed for environment, 13 for involuntary resettlement, and 5 for Indigenous Peoples. Arrangements are being undertaken to convert the mapping results into interactive maps accessible through the internet.

e) Does your organization collect or assist with the collection of statistical data on indigenous peoples? If so, then please provide further information, including on how to access this information.

- On a project to project basis, ADB requires its borrowers to determine Indigenous Peoples who are affected by projects it supports. The project-specific information will be available from the project executing agencies.

f) Does your organization support the participation of indigenous peoples at the United Nations or elsewhere, in decision making processes that affect them? This includes financial support, policies on participation, consultative mechanisms, or any other initiative that promotes the participation of indigenous peoples.

- ADB consults and collaborates with a wide range of stakeholders, including its 67 members (its shareholders), investors, the public and private sectors, financing and knowledge partners, civil society and nongovernment organizations (NGOs), academics, youth, Indigenous Peoples, project beneficiaries and affected persons, suppliers, staff members, and former employees, and the media. Where relevant, Indigenous Peoples organizations are invited to consultations and other fora conducted at the ADB headquarters.

- While ADB works directly with governments, Indigenous Peoples and their organizations can get involved with ADB in a variety of ways. Indigenous Peoples and their organizations could coordinate with representatives of the host country government or ADB resident missions to identify other opportunities for collaboration. Indigenous Peoples, as part of the broader group “civil society” is actively consulted in the development and review of institution-wide policies and strategies. ADB also engages with civil society, including Indigenous Peoples organizations, at ADB Annual Meetings.

g) Any information on conferences and other meetings organized or supported by your organization on indigenous peoples for 2016 and 2017 or to which indigenous peoples will be invited to participate?

- Under the regional technical assistance for Strengthening and Use of CSS,<sup>11</sup> a regional and two subregional workshops will be conducted in 2016 with the aim of promoting the sharing of experiences, innovative approaches, and challenges in applying environmental and social safeguards among practitioners in countries. Participants will represent key partners from governments and private sector, development partners, members of civil society, including Indigenous Peoples organizations, and other stakeholders. The first of the subregional workshops will be held in 30 May–1 June 2016 for the Central, West, and East Asia subregions and will target practitioners from Afghanistan, Armenia, Azerbaijan, Georgia, Kazakhstan, the Kyrgyz Republic, Mongolia, Pakistan, Tajikistan, Turkmenistan, and Uzbekistan. A subregional workshop targeting practitioners from Southeast Asia’s DMCs will be held sometime in October 2016. Finally, a regional workshop to bring together participants from DMCs, international development organizations, civil society, the private sector, and ADB staff is scheduled sometime in November 2016. The regional workshop will reflect on achievements on CSS across the Asia and the Pacific and share innovations in safeguard policymaking and implementation.

h) Does your organization support or have long standing partnerships (including of multi-stakeholder character, with non-UN Partners of relevance to indigenous peoples such as the private sector, academia and research centers as well as regional or national networks representing indigenous peoples) towards achieving the goals of the UN Declaration on the Rights of Indigenous Peoples?

- Please see response to question 3 (c) above.

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<sup>11</sup> ADB. 2010. *Technical Assistance for Strengthening and Use of Country Safeguard Systems*. Manila. <http://www.adb.org/projects/44140-012/main>

- i) Does your organization include social safeguards at programmatic and project work which include a specific policy or principle on indigenous peoples? Has your organization adopted the principle of free, prior and informed consent as a requirement for project development with indigenous peoples?

- The SPS is a cornerstone of ADB's support for sustainable development and poverty reduction.<sup>12</sup> It is a state-of-the-art and robust policy that brings ADB's policies on environment, involuntary resettlement and Indigenous Peoples under a coherent and comprehensive framework. ADB is committed to working with governments, borrowers/clients, and civil society to apply SPS in all its projects.

- The SPS articulates ADB's environmental, involuntary resettlement, and Indigenous Peoples policy principles, requirements for borrowers/clients, and ADB's internal procedures for delivery. It aims to avoid and minimize, if possible, and/or mitigate adverse project impacts on people and the environment, and helps clients improve the ability to address environmental/social impacts and risks.

- SPS requirements safeguard the rights of Indigenous Peoples to maintain, sustain, and preserve their cultural identities, practices, and habitats, and ensure that projects affecting them will take the necessary measures to protect these rights. ADB's SPS requires that "meaningful consultations" with affected Indigenous Peoples communities are conducted at every stage of the project. Meaningful consultation is defined as a process that (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as during project design, for mitigation measures, for sharing development benefits and opportunities, and pertaining to implementation issues. Consultation will be carried out in a manner commensurate with the impacts on affected communities. The consultation process and its results will be documented and reflected in the Indigenous Peoples plan. This plan will be prepared by the borrower/client and will include the proposed mitigation measures, monitoring, and reporting requirements, etc.

- Paragraph 55 of the SPS specifically stipulates that the consent of affected Indigenous Peoples communities should be sought by the borrower and ascertained by ADB when the following project circumstances arise: (i) commercial development of the cultural resources and knowledge of Indigenous Peoples; (ii) physical displacement from traditional or customary lands; and (iii) commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of Indigenous Peoples. For the purposes of policy application, the consent of affected Indigenous Peoples communities refers to a collective expression by the affected Indigenous Peoples communities, through individuals and/or their recognized representatives, of broad community support for such project activities. The borrower/client will submit documentation of the engagement process to ADB for review and for ADB to ascertain and to conduct its own investigation to assure itself of broad community support for the project activities. ADB will not finance the project without such support.

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<sup>12</sup> ADB. 2009. *Safeguard Policy Statement*. Manila. <http://www.adb.org/site/safeguards/policy-statement>