

**Indigenous Peoples' Development, Diversity, and Inclusion:
Emerging and Ongoing Issues in Asia-Pacific
A Webinar Series**

**Webinar 1: Development, Diversity and Inclusion - Indigenous Peoples' Perspective
Friday, 7 August 2020
2:00 – 3:30 pm**

WEBINAR PROCEEDINGS

About

This webinar provided an overview of perspectives on diversity and inclusive development with respect to the needs and aspirations of indigenous people (IP) in Asia and the Pacific. Panelists discussed IPs' perspectives on how development processes can be more inclusive, respectful, and effective in integrating IP concerns into projects and development interventions and how the Asian Development Bank (ADB) and other multilateral actors can improve their engagement with IP stakeholders. This webinar was held to commemorate International Day of the World's Indigenous Peoples 2020 and to launch an 11-part webinar series on IPs' development, diversity, and inclusion.

Speakers

Moderator: Madhumita Gupta, Principal Social Development Specialist (Safeguards), Safeguards Division, Sustainable Development and Climate Change Department, ADB (Moderator)

Opening Remarks: Bambang Susantono, Vice President for Knowledge Management and Sustainable Development, ADB

Panelists:

- Joan Carling, Indigenous Activist; Foundation Board Member, Asia Indigenous Peoples Pact; and Co-Convener, The Indigenous Peoples Major Group for Sustainable Development
- Liby T. Johnson, Executive Director, Gram Vikas
- Indira Simbolon, Principal Safeguards Specialist, Private Sector Transaction Support Division, Private Sector Operations Department, ADB

Discussion

1. Ms. Gupta opened the session by highlighting the webinar's objective to put the focus on indigenous people and development, including core priorities such as participation, equality, and environmental sustainability. She introduced the three panelists and their experiences with working with IPs and inclusive and sustainable development.

Setting the scene

2. Mr. Susantono began by commemorating the International Day of the World's Indigenous Peoples, celebrated every year on 9 August since 1982 and which aims to raise awareness of the specific needs of the world's indigenous peoples. The theme for 2020 is on COVID-19 and IPs' resilience, focusing on IPs' traditional knowledge and practices.

3. He noted that IPs make up 6% of the world's population, the majority (70%) of which live in Asia and the Pacific, and represent a rich diversity of cultures with a wealth of traditional knowledge on healing practices and protecting and managing their land and resources. However, IPs and IP priorities are often excluded from decision-making related to development, resulting in degradation of or displacement from their traditional lands. Furthermore, IPs are three times more likely to live in extreme poverty than non-indigenous populations, subject to systemic discrimination and with little access to social services. Nonetheless, IPs demonstrate extraordinary resilience, stemming from the close connection with their lands and natural environments, a strong sense of cultural identity, and extensive traditional knowledge and practices that enable them to adapt to changing conditions.

4. ADB's 2009 Safeguard Policy Statement (SPS) ensures that projects are designed and implemented in a way that respects the identity, dignity, human rights, livelihood systems, and cultural uniqueness of IPs. It also ensures that indigenous communities actively participate through meaningful consultations, maintain broad community support, and receive culturally appropriate benefits from development projects, while not suffering from adverse impacts.¹ However, there is still a need to improve recognition and understanding of IP issues, so that adequate and appropriate impact assessments and mitigation measures are undertaken in project design and implementation.²

5. Mr. Susantono noted that the webinar series will cover a broad range of issues affecting IPs and their inclusion in development processes, all of which link with Strategy 2030 Operational Priorities. The webinars will also include the participation of indigenous community members and civil society organization (CSO) representatives, as well as serve as a venue for ADB staff to discuss these issues, in conjunction with the upcoming review of the SPS.

6. Mr. Susantono closed his remarks by calling on project teams to develop projects that directly target or closely involve indigenous communities and to encourage developing member countries (DMCs) to work with IPs, so that more inclusive development outcomes can be achieved.

IPs', CSOs', and ADB and multilateral actors' perspectives on diversity and inclusive development

7. Ms. Carling stated that, from her perspective as an indigenous person, inclusive development must be respectful of different cultures and anchored on respect for collective rights and people's wellbeing. Furthermore, development is also anchored on the sustainable use, management, and conservation of resources to meet the needs of current and future generations. It is important to maintain a reciprocal relationship between people and the natural environment, where resources are used only according to people's needs. Extractive, commercial, and market-driven approaches to development are in contradiction to IPs' perspectives of development and have led to current crises like climate change.

8. There must also be an inclusive framework for engaging IPs that respects IPs' rights and wellbeing. For example, promoting access to education is not just about acquiring formal education, which can be alienating to IPs' traditional knowledge and cultural identity. Education should also help indigenous people learn and sustain their own cultures, such as through bilingual education using their mother tongues. Another example is that IPs' traditional practices for

¹ ADB. 2009. *Safeguard Policy Statement*. Manila. <https://www.adb.org/documents/safeguard-policy-statement>.

² Independent Evaluation Department. 2020. *Effectiveness of the 2009 Safeguard Policy Statement*. Manila: ADB. <https://www.adb.org/documents/effectiveness-2009-safeguard-policy-statement>.

managing biodiversity and healing have not been integrated into modern development, which may be linked with the spread of infectious diseases like the COVID-19 pandemic. It is especially important that IPs' perspectives are heard and understood, as they are sometimes seen as barriers to development, due to their opposition to projects with harmful impacts like large dams and mining.

9. Mr. Johnson's intervention is grounded in the experience in Odisha in southeastern India, where 23% of the population are Adivasi or Scheduled Tribes, who are considered the original inhabitants of the Indian subcontinent. According to Mr. Johnson, the notion of development has evolved over the last four and a half decades. Governance and administrative structures facilitated a shift from traditional practices (such as shifting cultivation in agriculture) to those that promoted economic growth. Furthermore, traditional custodians of common resources such as forests are not recognized as such by governments. Historically low access to transport and communication facilities contributed to discrimination and exclusion of IPs from decision-making. Larger scale issues such as climate change have also negatively impacted these communities' economic security.

10. Improvements in education and technology have raised awareness among these communities of their entitlements and rights and contributed to bridging the divide between IPs and the greater community. Mr. Johnson shared that there are opportunities to use education and technology to influence government processes as well as indigenous communities' own internal processes and to better understand diversity and inclusive development. IPs cannot continue to be kept as a separate category of people, as they are citizens of the same world and must enjoy the same rights and access to resources.

11. Ms. Simbolon provided an overview of ADB's engagement with indigenous communities. ADB's involvement with IPs is embodied in its Policy on Indigenous Peoples, which was introduced in 1998, updated in 2006, and then integrated into the SPS in 2009.³ This policy update from 2006 to 2009 put IPs at the center of the policy update process, when indigenous peoples' organizations and networks such as the Asian Indigenous Peoples Pact specifically asked for IP-only consultations, after concerns that the policy update would be easily molded by other stakeholders. Under the SPS, Safeguard Requirement 3 specifically covers IPs and outlines requirements for meaningful consultation, participation, information disclosure, and grievance redress.⁴ These requirements aim to ensure that projects are designed and implemented in a way that fosters full respect for IPs' identities, dignity, human rights, livelihood systems, and cultural uniqueness, so that they receive culturally appropriate benefits, do not suffer adverse effects as a result of projects, and are able to participate actively in projects that affect them. This is in line with the greater objectives of the SPS, which are to avoid adverse impacts of projects when possible and to minimize, mitigate, and compensate for adverse project impacts when avoidance is not possible. As such, the SPS provides the most needed protection of IPs by avoiding adverse impacts on indigenous communities and, at the same time, respecting their unique diversity in ensuring inclusiveness and accrual of benefits.

12. This approach emerged in response to historical tensions between maintaining diversity and promoting inclusive development. In 1957, the International Labour Organization (ILO) introduced the Indigenous and Tribal Populations Convention, which promoted an assimilationist

³ ADB. 1998. *Policy on Indigenous Peoples*. Manila. <https://www.adb.org/documents/policy-indigenous-peoples>.

⁴ ADB. 2009. *Safeguard Policy Statement*. Manila. <https://www.adb.org/documents/safeguard-policy-statement>.

approach that assumed that IPs had to be integrated into mainstream society.⁵ Following criticism from IPs and development practitioners, the ILO updated the convention in 1989, which recognized IPs' right to be consulted and their aspirations to exercise control over their ways of life, economic development, and identities.⁶ In 1992, the Convention on Biological Diversity promoted the concept of equitable sharing of benefits.⁷ Finally, the United Nations (UN) Declaration on the Rights of Indigenous Peoples passed in 2007 codified the need for free, prior, and informed consent before undertaking any measures affecting indigenous communities, including relocation.⁸

13. Ms. Gupta summarized some of the key takeaways from this discussion:

- Inclusive development must be anchored on human rights.
- IPs have the right to be consulted on development interventions that affect their communities.
- There should be equitable sharing of benefits.
- IPs' traditional knowledge should not be excluded or eliminated.
- Development should be sustainable and meet the needs of current and future generations.
- Technology can be maximized to create new opportunities for representation, decision-making, empowerment, and benefit-sharing.

Making development processes and project design and implementation more inclusive and more respectful of IPs' diversity

14. Mr. Johnson shared three key factors inhibiting project design that is respectful and inclusive of IPs' concerns. First, legal and policy frameworks and large-scale interventions tend to be top-down and assume a one-size-fits-all framework, without accounting for or accommodating the needs and location-specific interests of IPs. Policies are created to meet the needs of the average person, so people in the periphery are left out and do not have their interests served. Second, there is administrative apathy and alienation from administrative mechanisms among indigenous communities, due to historical disenfranchisement and low education levels. Third, even with strong governance frameworks on paper, there is little focus on actual implementation. For example, India's local government system includes an enabling provision for IPs through the Provisions of the Panchayats (Extension to Scheduled Areas) Act (PESA).⁹ However, many states do not give them the value that is required. Mr. Johnson concluded that there is a need to have continued affirmative action that combines recognition of merit and acknowledgement of historical factors that have kept IPs excluded, in order to safeguard the interests of IPs and ensure inclusive development.

15. Ms. Carling stated that there must be a common understanding of where IPs are coming from and co-ownership and partnership between IPs, governments, and other development actors over the process of development. IPs' needs and their stewardship of their resources must be recognized and accounted for before introducing development interventions from the outside,

⁵ International Labour Organization (ILO). 1957. *Indigenous and Tribal Populations Convention*, 1957. Geneva. https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C107.

⁶ ILO. 1989. *Indigenous and Tribal Peoples Convention*, 1989. Geneva. https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C169.

⁷ United Nations. 1992. *Convention on Biological Diversity*. Rio de Janeiro. https://treaties.un.org/doc/Treaties/1992/06/19920605%2008-44%20PM/Ch_XXVII_08p.pdf.

⁸ United Nations (UN). 2007. *United Nations Declaration on the Rights of Indigenous Peoples*. New York. <https://undocs.org/A/RES/61/295>.

⁹ Government of India. 1996. *Provisions of the Panchayats (Extension to Scheduled Areas) Act*, 1996. Delhi. <http://pesadarpan.gov.in/legislations>.

otherwise there is no real co-ownership and creates an unequal and coercive power dynamic that does not respectfully engage IPs. IPs must work with states so that they gain a better understanding of IPs and their needs. Multilateral actors like ADB must help bridge that gap and help states to understand and include IP participation, rather than assume the narrative of the state. It is not enough to conduct consultations but proceed with separate approaches to development. Furthermore, there should not be an underlying assumption that IPs want the kind of modern, growth-oriented development that is happening now, as many communities also want to maintain their traditional ways of living. Through equal participation in development, there is an opportunity to share knowledge and mutually learn from each other. Clear principles and a common framework of respecting human rights, sustainability, and equitable benefit sharing will also lead to better decisions and genuine co-ownership and partnership in process and substance.

16. Ms. Simbolon shared that there must be a space for understanding IPs' unique cultures and needs, while also mainstreaming development processes that can combat social exclusion, break down barriers of discrimination, and improve IPs' access to social services and national economic benefits. However, without clear communication or consultation with IPs, these processes will be difficult to implement. Inclusive development must require integration of principles on cultural diversity and incorporate cultural dialogue in all development policies, whether at the state or multilateral financing institution (MFI) level. IPs' way of life, perspectives, and aspirations should matter and be respected in all development programs, projects, and policies. There must also be respect for the diversity of perspectives within indigenous communities on the kind of development they want, whether they want more modern forms of development or are more resistant. Consultations with indigenous communities are important, because the same development approaches cannot be applied to all communities. Targeted and differentiated treatment, accounting for specific vulnerabilities and context of each community, can only be effective with a proper assessment of IPs' needs and interests. Without the inclusion of IPs, the objectives of ADB's Strategy 2030 to achieve a prosperous, inclusive, resilient, and sustainable Asia and the Pacific cannot be achieved.

17. Ms. Gupta summarized some of the key takeaways from this discussion:

- Legal frameworks are created without consulting or being flexible enough to suit the needs of indigenous communities.
- Representation and governance structures exist in many of ADB's DMCs but may not be implemented properly.
- Projects and programs must be designed in partnership with indigenous communities, so that there is a sense of co-ownership.
- Targeted and differentiated treatment is only successful if there is a proper assessment of who IPs are and what they want.

Improving inclusiveness of development programs in operations: Actions points for ADB and other multilateral financing institutions

18. Ms. Simbolon shared three ways that ADB and other multilateral financing institutions can improve support for and engagement with indigenous communities. First, there is a need to strengthen IP safeguards, because this is the only safeguard policy with a specific rights-bearer, targeting and ensuring the rights of IPs in development processes. Second, it is important to incorporate concerns and interests specific to indigenous communities into all poverty reduction and social inclusion programs. While these programs may target all vulnerable people, not all actually look at the issues of identity and dignity due to the status of IPs. Third, MFIs need to

recruit more IP experts to tackle both safeguards and social inclusion programs, with stronger cooperation between both. This expertise can be extended to government and private sector clients to deliver better outcomes benefiting IPs.

19. Mr. Johnson said that, even if ADB has policies and products that are designed in a sensitive and inclusive manner, the actual delivery will depend on local systems. Nonetheless, ADB still has room to improve its approach. For example, an ongoing ADB program focuses largely on skilling for mainstream market jobs, which excludes many IPs who don't meet the threshold qualifications. In the project design phase, ADB can start by bringing in a more nuanced and properly contextualized approach to consult with IPs and integrate IP concerns by asking the right questions and going beyond standard approaches to development.

20. Ms. Carling stated that IPs must be at the table when planning interventions to achieve the Sustainable Development Goals (SDGs). There must be broad-based consultations taking place at the national level for how ADB can best support the sustainable development aspirations of IPs and how these can be integrated into national strategies and plans. There must also be a mechanism for continued engagement of and learning from IPs throughout programs and project cycles, rather than one-off interventions. She reiterated that indigenous communities also support projects that benefit the wider needs of society, as long as they are respectful of the rights and cultures of IPs. Inclusive development and respecting cultural diversity can still move forward even while implementing programs to achieve the SDGs, because these will not be met unless IPs are engaged early and respectfully, with co-ownership and in partnership in the development process.

21. Ms. Gupta summarized some of the key takeaways from this discussion:

- ADB must have discussions with clients and governments at the macro level to design policy frameworks to insure IPs' sustainable development.
- Projects must have better designed tools and ensure that project teams can better assess the specific needs of indigenous communities and design programs from which they can derive appropriate benefits.
- IPs must have a sense of ownership and partnership through a process of continuous engagement and consultation.

Plenary discussion

22. Ms. Gupta opened up the floor to questions from the audience.

23. The first question from Syarifah Aman-Wooster was about how to ensure that enough time is allocated in the project cycle, particularly in the preparation phase, to conduct proper and respectful consultations with IPs and incorporate their concerns into project design. Ms. Carling answered that, in the project planning stage, sufficient time must be provided to adequately prepare, design, and implement projects incorporating IPs' needs. If not done right from the beginning, it may cause project implementation to be longer, conflicts to arise, or costs to increase.

24. The second question from Ms. Aman-Wooster was about whether there are any success stories for mother tongue education, particularly for using indigenous languages in textbooks. Ms. Carling answered that mother tongue education using IP community languages is already a reality in a number of countries. In Peru, the Quechua language is now recognized as one of the national languages and is used in education and national media, thanks to activism by Quechua people.

In the Philippines, mother tongue education is happening at the primary school level in regions where there are IPs, and indigenous teachers are being employed to this end. However, developing textbooks in indigenous languages has not proceeded as it should, since it requires sizable resources and the focus has largely been at the primary school level.

25. The third question from Amrita Kumar Das was about whether ADB's SPS was enough to ensure participation of IPs in the early stages of project preparation. Ms. Simbolon answered that the SPS does adequately support IP participation, since it requires meaningful consultation and participation. However, ADB's business processes must be aligned with SPS requirements and allow and account for realities on the ground. She reiterated that respectful engagement of indigenous communities must allow adequate time and space for IPs to internally discuss and agree across their whole community, otherwise project teams may only facilitate the process of elite capture, where only a few privileged members of the indigenous community are able to express their needs and therefore benefit from the project. Furthermore, consultations do not just take place during the project preparation stage, but also throughout project implementation, since the affected community's aspirations or understanding may change along the way. ADB business processes must accommodate these realities, so that IPs can be properly and respectfully engaged.

26. The fourth question from Laxmi Subedi was about what process to adopt to ensure meaningful consultation and participation of indigenous people in project design, particularly in contexts where land ownership and livelihood patterns are registered on an individual basis. Mr. Johnson answered that the suitability of a project proposal is not always limited by resource ownership, since communities and families have relationships beyond those physical resources. There are also common facilities that everybody shares, such as roads and water sources. Therefore, individual land ownership should not prevent meaningful community consultation from taking place, and it may help to capture the range of individual interests within that community to inform project design.

27. The fifth question from Rangina Nazrieva was about panelists' experiences and recommendations to effectively involve IPs in project design, when, across DMCs, collective rights to land or ancestral domain may legally become challenging.

- Mr. Johnson answered that, while he has no definite answer or solution, he can relate to the experience, as communities in Odisha have struggled against investment projects for this reason.
- Ms. Carling answered that the first step is to consult with IP about their customary or ancestral lands. Even if not recognized by government records or land titles, IPs know their customary boundaries. She related the example of one World Bank-financed project where an indigenous community's ancestral domain was actually delineated, despite the lack of legal recognition from the government. It is now part of World Bank policy to put that in place and to ensure that the rights of IPs to their lands and resources are still being respected and protected, notwithstanding legal recognition. She also noted that conflicts often arise from the lack of recognition and protection of collective rights and participation of IPs in decision-making on the use of these lands and resources.
- Ms. Simbolon answered that many governments in Asia and the Pacific do not even acknowledge the existence of IPs, which makes it more difficult to recognize customary lands. Under the SPS, the starting point should be whether an indigenous community claim customary land, regardless of whether it is recognized by the government. She shared the example of a gas project in Indonesia, where gas was extracted from below the seabed. An indigenous community claimed that territory as theirs; however, Indonesian law claims that anything under the surface belongs to the government. Since

there was no choice but to respect the government's regulations, the solution for the project proponent was to recognize the indigenous community's ownership by providing social benefits, such as housing, health, and education programs.

28. The sixth question from Claire Luczon was about how to strengthen gender mainstreaming in development programs and projects involving IPs. Ms. Carling answered that there is recognition that indigenous systems do not always allow the full and equal participation of women. The perspectives of indigenous women need to be better incorporated into consultation processes, decision-making, and project design. One solution is to ensure that women are present at consultations, and if they are not comfortable speaking out, there will be a separate focus group discussion for women. There also need to be ways to integrate women in the broader consultation process. Another solution is to account for the specific needs of indigenous women and girls in project planning, such as reproductive health, livelihoods, and education.

Closing

29. Mr. Tulsi Bisht, Senior Social Development Specialist (Safeguards), Safeguards Division, ADB shared an overview of the 11-part webinar series, which will run from August to December 2020 and aims to highlight IPs' development concerns and core priorities, including participation, equality, and environmental sustainability. The webinars will cover topics such as health and COVID-19, inclusion and the SDGs, gender and development, environment and climate change, MFIs, fragile and conflict-affected situations and small island developing states, and the SPS, among others. These will also feature indigenous speakers or representatives of CSOs working with indigenous communities.

30. Ms. Gupta thanked the speakers and noted that ADB endeavors to do its best in its assessments and consultations while striving to do more and do it better. She closed the webinar by summarizing the key takeaways and lessons from the session:

- Develop partnerships
- Anchor IPs' development on the principles of human rights
- Allow adequate time for consultations
- Strike a balance between the mainstream definition of development and what indigenous communities value as development