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Building relationships with Project-Affected Indigenous Peoples – SERD experience

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IPs in SERD DMCs

- Ethnic Minorities – some groups may or may not trigger ADB Indigenous Peoples safeguard
 - 3 Category A (ANR, TRA)
 - 65 Category B (ANR, TRA, Edu)
- Viet Nam: 19 Cat B (6 – ANR, 4 – Transport)
- Philippines: 2 Cat A (Transport, ANR), 5 Cat B
- Cambodia: 10 Cat B (4 WUS, 3 EDU)
- Indonesia: 1 Cat A (ANR), 6 Cat B (3 ANR, 3 ENE)
- Lao PDR: 12 Cat B (6 ANR)
- Myanmar: 9 Cat B (4 ANR, 2 TRA)
- Thailand: -
- Timor Leste: -



Meaningful Consultation with IPs – lesson learned

- Persistent Challenge: Meaningful and culturally appropriate consultation
- IP Status in SERD DMCs: variable.
 - Adoption of UNDRIP
 - Recognition (PHI, INO); “Ethnic Groups/Nationalities” (CAM, MYA)
 - Use of “assimilatory terms”, mainstreaming (protect rights and maintain distinct cultures and way of life?)
 - Proper SIA >> Vulnerabilities (poverty in VIE, LAO; SES, reliance on natural resources in CAM; history of non-recognition in urban areas/“exception” from application for CADT in PHI)
- Implications on meaningful consultation:
 - Included and represented in consultations, but is the consultation meaningful?
 - Resources, including time >> processing timeline
- Need **RELATIONSHIP-BUILDING** through process of research, evaluation, strategizing, presenting, evaluating, customizing
 - VIE Song Bung 4 Hydropower Project: Community facilitators, community immersion of ADB safeguards staff, emphasize respecting and maintaining local sociocultural characteristics
 - INO: community mapping of the territory, use of local language



Addressing non-tangible impacts other than IR related

Challenge: legal recognition and/or enforcement of laws and regulations related to ancestral domains in the DMCs

Status to date: CAM, INO, MYA recognizes IPs and/or collective attachment to land/territories. VIE situation varies per province; Overlap of state land registration with the IP territories/ancestral domains.

Implications: Weak and inadequate SIA and meaningful consultation do not allow to make informed decision on SR3 trigger; “Soft components” cause adverse impact on IPs



Addressing non-tangible impacts other than IR related

Areas for improvement:

- Regular update of legal and regulatory framework related to/affecting IPs in the DMCs
- Comprehensive mapping of the provinces/areas with presence of IPs (*last ADB publication on IPs for CAM dated 2002*)
- Mapping/creating pool of qualified consultants with IP safeguards experience
- Close cooperation with multilateral and bilateral organizations, including UN (*UN-REDD is working on collective land tenure in VIE. Possible cooperation can be explored*)
- Tighten due diligence and supervision of projects during implementation (*subprojects/components, scope changes*)

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Thank you.

