This guideline expands on what is expected by the criteria statements in the Hydropower Sustainability Tools for the Indigenous Peoples topic, relating to assessment, management, conformance/compliance, stakeholder engagement, stakeholder support and outcomes. The good practice criteria are expressed for different life cycle stages.

Indigenous peoples require particular attention because, as social groups with identities distinct from dominant groups in national societies, they are often the most marginalised and vulnerable segments of the population. Indigenous people’s

This guideline accompanies and is additional to that provided on Project Affected Communities and Livelihoods, to be applied if there are indigenous peoples among these communities. The good practice requirements for potentially affected indigenous peoples are in line with those outlined in the Project Affected Communities and Livelihoods guideline in terms of establishing a socio-economic baseline, assessing risks, analysing the degree and nature of potential impacts, identifying opportunities, and outlining impact avoidance, minimisation, mitigation and compensation measures to be embedded into management plans for construction and operation. This guideline is focused on supplementary measures or extra care in approaches that constitute international good practice with indigenous peoples.

Indigenous peoples refers to a distinct social and cultural group possessing the following characteristics in varying degrees:

- self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;
- collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories;
- customary cultural, economic, social or political institutions that are separate from those of the dominant society or culture; and
- an indigenous language, often different from the official language of the country or part of the country within which they reside.

In the Hydropower Sustainability Assessment Protocol (HSAP), this topic is addressed in P-15 for the preparation stage, I-11 for the implementation stage and O-11 for the operation stage. In the Hydropower Sustainability ESG Gap Analysis Tool (HESG), this topic is addressed in Section 7.
collective attachment to land, water and natural resources can pose particular challenges for hydropower developments that cause significant changes to the landscape. Indigenous people can be particularly vulnerable to the impact of hydropower projects because of their typically high dependence on natural resources, as well as the sometimes limited recognition of their rights with regard to land tenure and access to natural resources.

The intent is that the hydropower project and operating facility respect the dignity, human rights, aspirations, culture, lands, knowledge, practices and natural resource-based livelihoods of indigenous peoples in an ongoing manner throughout the project life.

Ethnic minorities may share a number of characteristics as indigenous peoples, often including being among the more vulnerable and marginalised, and this guidance may also be useful in relation to these groups. Ethnic minorities are defined as a group of people who have a different ethnicity, religion, language or culture to that of the majority of people in the place where they live. The concept of ethnicity is rooted in the idea of societal groups, marked especially by shared nationality, tribal affiliation, religious faith, shared language, or cultural and traditional origins and backgrounds. Countries often have ethnic minorities living in particular regions, sometimes due to historical social migrations or changes in national boundaries. The distinction between ethnic minorities and indigenous peoples is that indigenous peoples have a collective attachment to geographically distinct habitats or ancestral territories and the natural resources of these areas, as well as customary traditions and spiritual beliefs that are strongly rooted in the location in which they live.

Assessment

Assessment criterion - Preparation Stage: An assessment of the representation of indigenous peoples in the project affected community, their rights, risks and vulnerabilities, and any cultural sensitivities and needs has been undertaken with no significant gaps, utilising local knowledge and expertise.

Each country is unique in its recognition of indigenous peoples. The legislative and policy context for indigenous peoples must be well-understood when planning the project impact assessment process. National approaches may influence how impact assessments and engagement are conducted for indigenous peoples. The developer needs to use all means possible, including appropriate expertise and local knowledge, to determine if indigenous peoples are represented within the project affected communities. There may be different views within an indigenous community on the methods used to determine recognition as part of a particular group.

Local knowledge is essential for the assessment process and the methods used should be designed with regards to the needs, situation and sensitivities of the indigenous communities. Any expert assessment of indigenous issues should include members of the community that represent different perspectives within that community (e.g. men, women, elderly, leaders, youth) as a source of information. Professionals that may be involved in the assessment and management of indigenous issues include archaeologists, social anthropologists, environmental anthropologists and indigenous language specialists. These experts are usually not members of the indigenous communities that are the subject of the assessment. In some cases, these experts may act as representatives for indigenous people in engagement or participatory processes, usually through organisations such as social NGOs or appointed indigenous councils.

Not only should local knowledge inform the assessment of indigenous peoples’ issues and risks, but it can be a valuable input for the overall Environmental and Social Impact Assessment (ESIA) process. Indigenous peoples have extensive experience and unique knowledge of lands, water, animals, plants and their use by members (e.g. where fish spawn, animals migrate, rare plants are found). This local indigenous knowledge is proprietary and it is up to the indigenous peoples if and how it will be shared. This knowledge, when respectfully used by a developer and with the communities’ permission, enables a greater understanding of how a project may affect the people and the environment as it is
built and operated. Affected communities will be more comfortable sharing traditional knowledge if a developer clearly acknowledges and demonstrates an understanding of its importance and indicates how this knowledge may influence the project.

Issues for indigenous peoples with natural resource development projects such as hydropower can be complex. Indigenous issues can in cases be highly politicised and susceptible to political interference in assessment processes and decision-making. Some jurisdictions may not recognise indigenous people as members of the community with equal rights or land tenure status. The barriers to effective assessment, engagement and management of indigenous peoples are often political, institutional, cultural (e.g. the attitudes of the broader community towards indigenous rights), and legal. It will be beyond the ability of the developer to address these issues, but there are options for corporate governance measures to be put in place, such as the development of a corporate policy or a public statement of adherence to internationally recognised frameworks addressing indigenous peoples and/or human rights.

There can be a number of challenges and barriers at a practical level to communications and the effective assessment and management of issues. The ability or willingness of the indigenous community to participate in an impact assessment and management process may be influenced by factors such as:

- previous experience with development projects or government interventions;
- legal recognition and land tenure status;
- cultural differences that create challenges for information exchange;
- consultation and agreement to plans; and
- the level of community organisation for representation and decision-making.

The baseline studies for the ESIA should include consideration of those aspects of the environment that are of special importance to indigenous peoples, such as heritage sites or special plants used in traditional medicine. Resource uses and links to the livelihoods of indigenous people (which may be based on non-monetary economies) must be captured in the baseline studies, even in cases where land tenure and resource use may not be officially recognised. The baseline study should also identify important social and cultural practices distinct to the indigenous community (e.g. resource harvesting activities) and include a description of other social and economic circumstances relevant to the indigenous community. These could include, for example: rights, risks and vulnerabilities; cultural sensitivities and needs; ancestral or traditional use territories; geographically distinct habitats; commercial, domestic and traditional resource access and use; customary traditions; land tenure; migration practices; livelihood, livelihood strategies and living standards; the health and safety situation; heritage and cultural practices and sensitive areas; the socio-political setting and community institutions; differing needs, interests, values and aspirations of the various sub-groups of the affected communities; gender roles; sub-groups within the community warranting special attention (e.g. women, elders, minorities); and legacy issues and experience of past projects. Legacy issues are the impacts of previous projects that are unmitigated or not compensated with a similar good or service, long-standing issues with a present (existing) project, or pre-existing issues in the present location of a new project.

Issues that may affect indigenous peoples should ideally be self-identified. This does not mean that the community must have identified the issue, but that if suggested by others the community concurs. Any views expressed as community views should come from members of the community or their appointed leaders. Any of the hydropower project impacts listed in the Project Affected Communities and Livelihoods guideline may affect indigenous peoples in ways different to or more severely than for other segments of the affected population. Examples of impacts from the experiences of hydropower to date, for which particular care should be taken, include: impacts of project activities and infrastructure on cultural practices; direct or indirect impacts to traditional lands; impacts to community cohesion; public health risks; disturbance of customary practices; issues for sacred sites; impacts to burial grounds; and impeded access to natural resource-based livelihoods.

Opportunities to improve the status of indigenous peoples through project benefits should also be considered. Opportunities or
benefits should clearly be additional to actions to mitigate or compensate impacts. A number of examples are listed under the guidelines for Project Benefits and for Project Affected Communities and Livelihoods, and any of these could be tailored specifically to fit the interests, requirements and needs of the indigenous peoples in the project area. Opportunities, and the approaches taken to assess and manage them, should ideally be self-identified and informed by the communities themselves. Examples from experiences globally include: training; support for improved community governance capacity; employment and business opportunities; investment revenues; land titles; improved community services; and programmes targeting livelihoods and also vulnerable groups. Particular attention should be paid to opportunities for improved access to resources; improvements to the quality of accessible resources; support for cultural traditions and sites of cultural heritage or spiritual value; and measures to address legacy issues from other projects.

Indigenous communities may contain a diversity of views and social impact studies should aim to understand these to ensure any sub-groups within these communities are also represented. For example, the priority issue for youth in a community might be training and employment opportunities; for the men, access to traditional hunting grounds; for the elderly, the preservation of cultural traditions; and for women, easy access to safe drinking water. Hearing the views of women and evaluating gender-related impact are essential aspects of the assessment process.

Further to the above guidance, assessment requirements at the implementation and operation stages are consistent with those outlined in the Project Affected Communities and Livelihoods guideline. Notably, the developer and owner/operator should ensure processes are in place to identify any ongoing or emerging issues for the indigenous peoples in relation to the project or operating facility activities, and monitoring should ensure any required management measures are being implemented effectively.

Relevant management plans should identify the monitoring indicators or parameters and targets, the time span for the monitoring, frequency, location, monitoring techniques, responsibilities, measurement metrics criteria for acceptability, and costs. Adaptive management processes should be included in the plans, to be followed when the monitored outcome differs from the predicted outcome or if new opportunities arise.

Responsibilities for monitoring, issues identification and follow-up may be handed over to government agencies over time. Regardless of who has direct responsibility, it is a good practice expectation that the owner/operator of a mature hydropower facility will remain engaged (either directly or indirectly through government or nominated institutions) with all project affected communities on issues that evolve over time in relation to the hydropower operations and activities. This engagement in understand issues arising would use the same culturally sensitive approaches as outlined under the Stakeholder Engagement criterion for this topic.

**Assessment**

**Assessment criterion - Implementation Stage:** Issues that may affect indigenous peoples in relation to the project have been identified through an assessment process utilising local knowledge; and monitoring of project impacts and effectiveness of management measures is being undertaken during project implementation appropriate to the identified issues.

**Assessment criterion - Operation Stage:** Ongoing or emerging issues relating to the operating hydropower facility that may affect indigenous peoples have been identified, and if management measures are required then monitoring is being undertaken to assess if management measures are effective.

**Management**

**Management criterion - Preparation Stage:** Plans and processes have been developed for project implementation and operation to address issues that may affect indigenous peoples in relation to the project; and formal agreements with indigenous peoples are publicly disclosed.

**Management criterion - Implementation Stage:** Measures are in place to address identified issues that may affect indigenous peoples in relation to the project, and to meet commitments made to address these issues; and formal agreements with indigenous peoples are publicly disclosed.
Management criterion - Operation Stage: Measures are in place to manage identified issues; and formal agreements with indigenous peoples are publicly disclosed.

Measures to address issues and needs for indigenous communities need to be incorporated into plans within the overall Environmental and Social Management Plan (ESMP). It is not essential that there is an ‘Indigenous Peoples Plan’ or something comparably named. There may be a number of plans with content relevant to indigenous communities, such as a resettlement action plan, project development agreement, a cultural heritage plan, a livelihood enhancement plan, or a biodiversity management plan. Within the content of the ESMP, it needs to be demonstrably clear that the management plans fully address the issues identified as important for or of concern to indigenous peoples.

Plans and processes should be clearly linked to identified impacts and issues for indigenous peoples. If there are significant shortcomings in the assessment or issues identification process, the plans will also have shortcomings. Measures to mitigate issues that may affect indigenous peoples should ideally be self-identified. Mitigation measure examples from the experience of hydropower projects globally include: impact avoidance measures through siting and design choices, protection of cultural practices, land entitlement and protection, health assistance, scheduling of project activities to not disturb customary practices, support for festivals or traditions, and improved or more secure access to natural resource-based livelihoods. As with any management plan, all measures need to have clearly allocated responsibilities, appropriate funding and resources, objectives and targets, and monitoring and evaluation provisions.

Further good practice inclusions in relation to plans affecting indigenous peoples are:

- incorporating the insight and input of local indigenous peoples to ensure that mitigation measures take into account sensitive natural features and social issues of importance to indigenous communities and groups;
- ensuring all legal requirements relating to indigenous peoples are met;
- providing adequate training to personnel involved in implementation of the management plan components;
- incorporating processes and programmes to support communities to cope with change (e.g. rituals to celebrate the old and the new); and
- considering lessons learned from other projects and how to maximise opportunities for positive impacts.

Ensuring cultural awareness and sensitivity training for all project staff interacting with or affecting the indigenous peoples, along with an effective grievance mechanism, would assist in demonstrating respect for the people and their rights as per the Outcomes criterion below.

Good practice requires the developer to enter into formal agreements with the indigenous communities regarding arrangements that may affect these communities. Agreements are a recorded understanding between the developer and the indigenous communities or another agreed entity. A formal agreement is one in which the commitments are recorded, documented, witnessed and publicised with mutual parties present and fully engaged. This may be in the form of a contract, a Memorandum of Understanding, a letter of intent, minutes of a meeting, a joint statement of principles, or an operating licence granted by a relevant regulator with the legal mandate to represent indigenous peoples or with the direct involvement and support of the indigenous peoples. The comprehensiveness, complexity and form of the agreement will depend on the circumstances, including factors such as: significance of impacts; number of indigenous communities and individuals; preferences of the indigenous communities; willingness and ability of the developer; and national laws and regulations. The developer may also need to invest in capacity building for the communities, with the agreement of the communities, to enable them to fully understand what they are being asked to sign off on. This may take place through the development of community representatives or providing the communities with the resources to engage, such as legal representation and financial advice.

Examples of types of agreements developed with indigenous communities include:

- **Adverse Effects Agreements.** These document the commitments made by the developer to measures to avoid, minimise, mitigate and compensate project impacts on indigenous communities.
• **Impact Benefit Agreements.** These include the same elements as Adverse Effects Agreements, but with the addition of commitments by the developer to provide positive impacts or benefits to the communities.

• **Benefit Sharing Agreements.** These deal exclusively with the positive impacts or benefits of the project for the indigenous communities. They may be in parallel with Adverse Effects Agreements.

• **Project Development Agreements.** These include the same elements as Impact Benefit Agreements, but with the addition of a more direct provision of benefits from the project to the indigenous community through means such as royalty payments or a share of gross or net income from the project.

The arrangements described above could include some form of joint ownership by the community of the project, and/or a role for the community in the governance and operation of the project. They may or may not require any investment by the community. These agreements may be tied to documented community support for or agreement with the project and/or its plans.

Any agreement with indigenous peoples needs to be signed off in some manner by legitimate representative(s) of the community. The signing off can consist of physical signatures on the documents or by some other verifiable means. For example, witnessed fingerprints are valid if the indigenous peoples’ representatives cannot write and this approach is accepted by the other signatory parties. If the agreement is not in the form of a contract but one of the other possibilities such as statements in an operating licence, there needs to be some means to confirm that the community representatives concurred. The community representative must be someone selected by and confirmed by the community in a legitimate process. The legitimate representative need not be a community member and can be someone such as a legal representative elected or designated by the community.

The agreements should be publicly disclosed. Public disclosure involves the public being informed the agreement has been reached, and the agreement is made available through some form of document distribution or by public posting or upon request. Exceptions for portions of the agreements could include proprietary information, commercially or financially sensitive information, personal information, or indigenous knowledge. For example, an agreement with a family which includes personal information would not need to be publicly disclosed. The developer should be able to demonstrate the legitimacy of the reasons. The process for the publication of agreements and dissemination of information can be contained in the relevant agreement or engagement plan. This requirement could be fulfilled with a process for indigenous peoples and key stakeholders to access the agreements, and culturally appropriate activities and materials to present the contents of the agreement (e.g. presentations, focus groups, community meetings).

If agreements are not pre-existing, they can still be developed during the implementation and operation stages and even for older operating facilities. Of importance in relevant management plans is that a process by which the indigenous peoples can self-identify and raise issues should be agreed and followed. Mechanisms to raise concerns and resolve complaints and grievances should be designed and agreed with the involvement of the indigenous peoples to ensure they are culturally appropriate. Responsibilities should be clear and effectiveness should be monitored.

### Stakeholder Engagement

**Stakeholder Engagement criterion - Preparation Stage:** Engagement with indigenous peoples has been appropriately timed, culturally appropriate and two-way with self-selected community representatives; and ongoing processes are in place for indigenous peoples to raise issues and get feedback.

The same expectations on stakeholder engagement apply as outlined in the guideline for Project Affected Communities and Livelihoods. Stakeholders that may be involved in engagement relating to indigenous peoples’ issues include representatives of: potentially affected indigenous peoples’ associations; potentially affected indigenous communities; elders and leaders (both male and female); government institutions representing indigenous peoples and/or responsible for approving indigenous peoples’ studies and plans; and local NGOs working with indigenous peoples.
The indigenous peoples within the project affected communities and broader stakeholder groups may have particular communications and consultation needs and preferences relating to timing, culturally appropriate methods, and modes for two-way dialogue. The developer should ask indigenous communities how they would prefer to be consulted. The initial contact with indigenous peoples is an important step that can lay the foundation for all future interactions on the project. In addition to being respectful and knowledgeable of the local customs, history and legal status, the proponent should ensure that local entry protocols are followed when determining who to make contact with and how to ask permission to enter and engage with the community.

Formal processes for communications and engagement may be unfamiliar and threatening for the indigenous peoples. Issues that will need to be incorporated into the design of engagement processes may include:

- language barriers;
- levels of literacy for written material;
- suitable locations for meetings (preferably in the communities);
- inclusion of children and family members;
- flexibility with time frames and logistics;
- avoidance of cultural taboos; and
- availabilities during times of cultural activity.

Engagement should be with self-selected community representatives, i.e. individuals chosen by the indigenous community who are usually community members. If representatives are chosen from outside the community, it is important to establish how the community has endorsed a person or group as a representative. Different representatives may be put forward for different issues; for example, female community leaders may speak on behalf of women’s issues. Other sub-groups with different perspectives may include youth, elders, and various resource users (e.g. hunters, fishers, gatherers, farmers).

The proponent should ensure sufficient time is allowed to enable indigenous communities or groups to fully participate in the engagement process, understand issues, and have the opportunity to voice their concerns, including opportunities to identify benefits. The developer should be aware that the representatives chosen by the affected indigenous peoples for discussions about options may have limited expertise with regards to negotiation. Internal mechanisms available for the rest of the community to access information on issues under negotiation and project aspects may be limited, especially if there is poor level of literacy in the community as frequently occurs. Community processes may be lengthy in time due to use of traditional decision-making customs. Given this, a developer should build extra time into scheduled engagements to work with affected indigenous peoples in a manner which allows for the growth and development of community and representative capacity so that engagement can be meaningful.

Engagement processes need to recognise and accommodate the culture of the community. This should take into account aspects such as: language; use of written versus oral media; selection of engagement representatives on the part of the proponents; location and timing of meetings; dress; how meetings proceed and who speaks when; appropriate days and times; and how agreements are recorded and signed off.

The developer should seek to provide a variety of mechanisms to communicate and receive feedback and to engage in ongoing dialogue. This may include efforts to select mechanisms, venues and events that encourage maximum participation, free exchange of views, and opportunities for informal engagement and ensuring information can be accessed in local languages. It may also include, where appropriate and feasible, funding for community members to facilitate timely and efficient communications (e.g. transportation, translation, community process and advisor costs) and to contribute to the development of positive community relationships. Providing cash to the communities or their representatives to participate in engagement opportunities should be reasonably limited and controlled as it may be counter-productive.

Technical information should be provided in an easily understood form. Any misinformation should be quickly identified and corrected. Feedback received should be documented and reported on, including how participants’ feedback
has influenced the project. A commitment to a minimum time within which feedback will be provided can help ensure regular contact with the community and may assist in enhancing trust.

**Stakeholder Engagement**

*Stakeholder Engagement criterion - Implementation and Operation Stages: Ongoing and mutually agreed processes are in place for indigenous peoples to raise issues and get feedback.*

Planning for and engagement with indigenous peoples during construction and operation should take into account:

- when, how and who will provide regular updates to the indigenous peoples on the project construction;
- special communications and consultation requirements related to project milestones, for example the filling of the reservoir or start of operations. This could involve community celebrations and/or ceremonies;
- special communications and consultation requirements related to emergency events, for example cofferdam or dam breaks;
- involvement of indigenous peoples in implementing measures and monitoring related to environmental issues, impact minimisation and benefit maximisation;
- identification of and responses to unexpected impacts or new benefit opportunities;
- methods of periodic engagement activities to discuss specific issues of concern with different community sub-groups;
- when, how and who will track conformance with plans and compliance with legal requirements relating to indigenous peoples;
- lessons learned implementing the management plans; and
- roles and responsibilities in implementing all activities.

The methods of engagement should be agreed on with the indigenous peoples. Some methods may be more appropriate and effective during construction, such as periodic focus group meetings and continuous liaison with social experts present on-site who are accepted by the community and speak their language. This will allow the developer to react quickly enough if any new adverse impacts or risks emerge.

Experience has demonstrated that having ongoing communications and liaison with the community during the operation stage is beneficial in maintaining and developing a relationship which is positive, or at least less negative. This will assist in being more able to deal with problems and issues effectively when they arise, which inevitably does happen. Operation of a hydropower facility still requires community engagement so that issues can be identified early on and to ensure that the plans have reached their intended results. This may be facilitated through various formats, such as regular engagement activities to provide information and receive community perspectives regarding operational issues.

**Stakeholder Support**

*Stakeholder Support criterion - Preparation and Implementation Stages: Directly affected indigenous groups generally support or have no major on-going opposition to the plans for issues that specifically affect their group.*

The developer’s engagement with the indigenous peoples should be effective in providing a platform for the directly affected indigenous groups to generally support or have no major ongoing opposition to the plans for issues that specifically affect their group. Temporary opposition that has been resolved would satisfy this criterion. This stakeholder support criterion relates to plans for issues affecting the indigenous group, not to support or opposition to the project itself.

This stakeholder support criterion does not require unanimity or consensus in the community. It is not unusual for there to be some disagreement from a subset within a community on such major issues. However, care must be taken that the support or lack of opposition relates generally to the community as a whole and is not from just an elite or small portion of the community membership. It is also important to understand the issue consideration and decision-making processes within an individual indigenous community before drawing any conclusion on whether they are supportive or not.
Stakeholder support may be expressed through community members or their representatives, and may be evidenced through means such as surveys, signatures on plans, records of meetings, verbal advice, public hearing records, public statements, governmental licence, and court decisions.

**Conformance/Compliance**

Conformance/Compliance criterion - Implementation Stage: Processes and objectives relating to issues that may affect indigenous peoples have been and are on track to be met with no major non-compliances or non-conformances, and any indigenous peoples related commitments have been or are on track to be met.

Conformance/Compliance criterion - Operation Stage: Processes and objectives in place to manage issues that may affect indigenous peoples have been and are on track to be met with no significant non-compliances or non-conformances, and commitments made to indigenous peoples have been or are on track to be met.

Good practice expectations for conformance and compliance relating to assessment, management and engagement with indigenous peoples are consistent with those set out in the Project Affected Communities and Livelihoods guideline. Legal requirements and national policies for approaches involving indigenous peoples should be understood and adhered to. Agreed plans should be implemented as per the measures specified in the plans, and any variations justified, documented and approved with authorities and with the engagement and support of the affected parties. Commitments should be fulfilled in a timely manner.

**Outcomes**

Outcomes criterion - Preparation and Implementation Stages: Plans provide for major negative impacts of the project to indigenous peoples and their associated culture, knowledge, access to land and resources, and practices to be avoided, minimised, mitigated or compensated with no significant gaps, and some practicable opportunities for positive impacts to be achieved.

To show that hydropower development plans avoid, minimise, mitigate and compensate negative impacts to indigenous peoples from project activities, mitigation measures in the plans should be able to be directly linked to all identified issues and risks. The assessment and planning should be informed by appropriate expertise. The assignment of responsibilities and resource allocation for implementation, monitoring and evaluation should be appropriate to the planned actions.

An evidence-based approach should demonstrate that negative impacts to indigenous peoples arising from project implementation and operation activities are avoided, minimised, mitigated and compensated with no significant gaps. The developer, owner and operator should demonstrate that responsibilities and budgets have been allocated to implement relevant plans and commitments. Monitoring reports and data in the implementation and operation stages should clearly track performance against commitments and objectives and capture any impacts to indigenous peoples. It should be possible to provide examples to show how identified risks from the assessment were avoided or minimised. It should also be possible to table evidence to show that mitigation plans have been implemented and are being monitored. Implementation of measures for improvements in pre-project conditions for indigenous peoples, such as livelihood enhancement, better access to resources, cultural support, and support for capacity building, should be evident and monitoring should show how they are achieving their stated objectives.

Outcomes criterion - Operation Stage: The rights of indigenous peoples affected by the operating hydropower facility are respected in an ongoing manner.

The rights of indigenous peoples are enshrined in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). The UNDRIP was adopted by the General Assembly in 2007, by a majority of 144 states in favour, four votes against (Australia, Canada, New Zealand and the United States) and 11 abstentions (Azerbaijan,
Bangladesh, Bhutan, Burundi, Colombia, Georgia, Kenya, Nigeria, Russian Federation, Samoa and Ukraine). All objecting countries have since, to various degrees, changed their vote. The UNDRIP is not a legally binding instrument under international law but sets an important standard for the treatment of indigenous peoples towards eliminating human rights violations and helping combat discrimination and marginalisation.

The UNDRIP refers to the individual and collective rights of indigenous peoples, as well as their rights to culture, identity, language, employment, health, education and other issues. It emphasises the rights of indigenous peoples to maintain and strengthen their own institutions, cultures and traditions, and to pursue their development in keeping with their own needs and aspirations.

It prohibits discrimination against indigenous peoples and promotes their full and effective participation in all matters that concern them and their right to remain distinct and to pursue their own visions of economic and social development. There is an emphasis on indigenous peoples being able to protect their cultural heritage and other aspects of their culture and tradition.

Demonstration of respect for these rights relates to all aspects covered in this guideline and the associated Project Affected Communities and Livelihoods guideline. Credible records should be kept in order to demonstrate processes taken, results, and commitments. Independent review by an appropriate expert can be an effective form of evidence.