

**INDIGENOUS PEOPLES
HUMAN RIGHTS DEFENDERS
FIELD HANDBOOK ON
EXTRACTIVE INDUSTRIES
AND ENERGY PROJECTS**



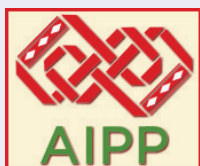
**Book title: Indigenous Peoples Human Rights Defenders
Field Handbook on Extractive Industries & Energy Projects**

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**INDIGENOUS PEOPLES
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FIELD HANDBOOK ON
EXTRACTIVE INDUSTRIES
AND ENERGY PROJECTS**

Introduction

As per an informal trend analysis of human rights violations of Indigenous Peoples reported in the Indigenous Peoples Human Rights Defenders Network of Asia Indigenous Peoples Pact, business activities especially extractives and hydropower industries such as mining and dams cause the most violations of land and resource rights and/or against Indigenous Peoples Human Rights Defenders.

These activities are usually accompanied by militarization or heavy use of security forces to tackle opposition, which results in more violations. The concerns for documentation or fact finding of such business activities have become a big hurdle due to lack of existing information and awareness. There is a lack of consolidated information and documentation related to extractives and hydropower companies. Indigenous Peoples Human Rights Defenders need to be more equipped in engaging with companies and be well informed with the three existing mechanisms that are formulated by international bodies.

This handbook is a compilation of information, which have been widely requested by the Indigenous Peoples Human Rights Defenders, during the “strategic meeting on extractive industries” held in Siem Reap, 2019.

However, to be more effective in engaging with these three mechanisms, IPHRDs must have sufficient skills in evidence-based documentation, and for those who preferred to enhance their capacity on Human Rights Documentation, a handbook is also available online at www.aippnet.org

Gam A. Shimray
Secretary General, AIPP

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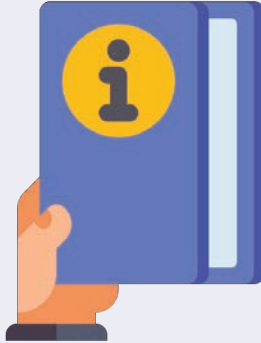
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What is this Manual Book?

This manual book is comprised of three international bodies: Aluminum Stewardship Initiative (ASI), International Hydropower Association (IHA), and the International Council of Mine and Metal (ICMM). These mechanisms are governing the investment activities on extractive mining and energy projects.

The manual is intent to provide information of the international mechanisms relating to the governance of business sectors involved in the mining and energy investment processes that have been properly designed to mitigate and avoid the violation of human rights at all stages and management plan for potential risks. Meanwhile, the effective and meaningful participation of stakeholders will be enhanced under these mechanisms; a consultation process is also highlighted in this handbook particularly on how to apply Free Prior and Informed Consent as a tool for consultation to seek the consent from indigenous communities.

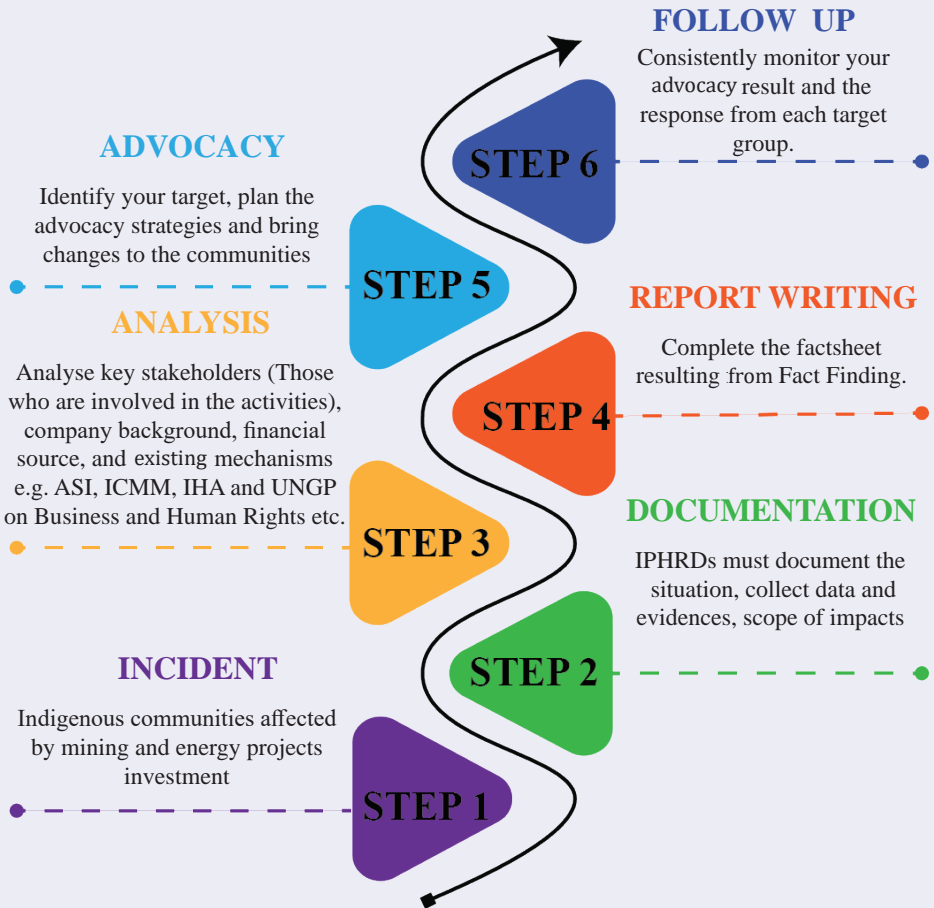


Who can use this Manual Book?

Indigenous Peoples Human Rights Defenders who are fighting cases on business activities relating to extractives and hydropower dams are the target users of this handbook. It is intended to guide members of the existing IPHRDs network and their organizations, institutions and communities in gathering information on specific cases of human rights violations.

It is pertinent that users of this handbook are already familiar with Indigenous Peoples' human rights in general especially the United Nations Declaration on the Rights of Indigenous Peoples and are actively fighting cases on the ground.

Steps of Engagement







ASI

Aluminium Stewardship Initiative

Bauxite mine at Weipa,
North Queensland, Australia,
John Carnemolla, Shutterstock'



What is the ASI?

The Aluminium Stewardship Initiative, or ASI, is a standards and certification body that oversees standards for the production, recycling and trading of aluminium which aims to ensure that aluminium is produced, recycled and traded to high social and environmental standards.

The ASI was established in 2015 and has a Secretariat based in Australia, Europe and Canada, which oversees the development and use of two standards: the Performance Standard, and the Chain of Custody Standard. Social and environmental conditions for ASI certification are primarily found in the Performance Standard, a document negotiated between 2012 and 2017, and within this Standard there are two Criteria of particular concern to Indigenous Peoples, Criterion 9.3 and Criterion 9.4.

9.3 Indigenous Peoples. The shall implement Policies and processes to ensure respect for the economic, social and cultural and environmental rights and interests of Indigenous Peoples, consistent with international standards, including ILO Convention 169 and United Nations Declaration on the Rights of Indigenous Peoples. This criteria applies where the presence of Indigenous Peoples or their lands, territories and resources is identified.

9.4 Free, Prior, and Informed Consent (FPIC). Where new projects may have significant impacts on the Indigenous Peoples associated culturally with and living on the relevant lands, the shall consult and cooperate in good faith with the Indigenous Peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

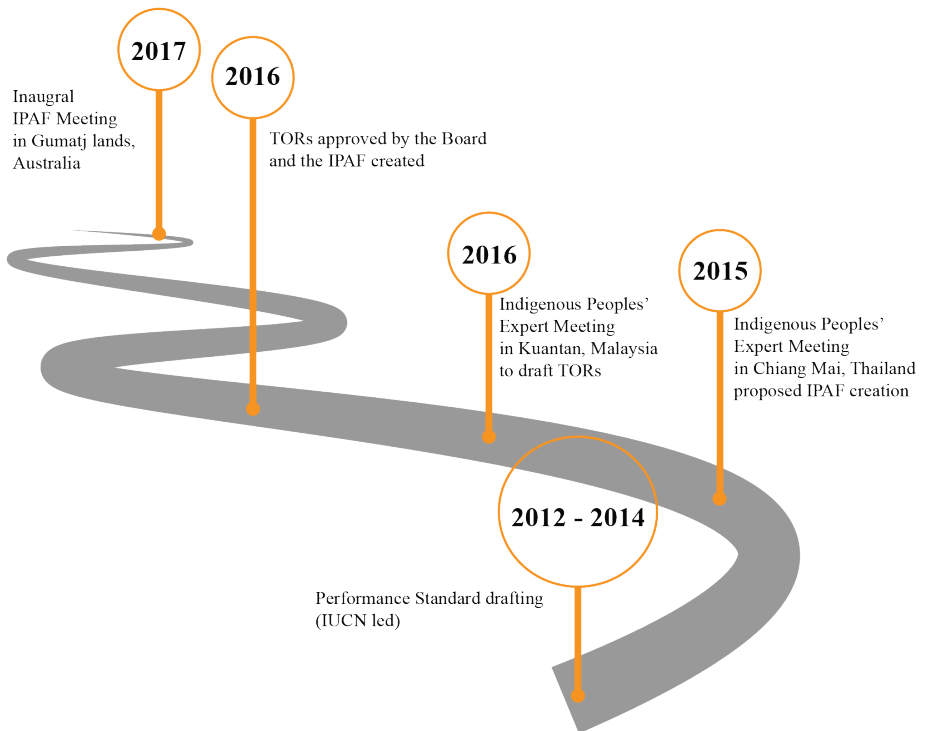
In addition to these two criteria, other environmental and social principles and criteria in the Standard relate to the rights and interests of Indigenous Peoples and have the potential to significantly improve outcomes for Indigenous Peoples affected by the aluminium supply chain. For more information on the ASI, see <https://aluminium-stewardship.org/>

Indigenous Peoples Advisory Forum to the Aluminium Stewardship Initiative

In 2015, a group of Indigenous Peoples' organisations, representatives and supporters met in Chiang Mai, Thailand¹, to review the content of the proposed ASI Performance Standard, indicators to measure whether companies are meeting the Standard and possible governance of the Standard. This expert group meeting advised the ASI that an Indigenous Peoples Advisory Group be established to support the implementation of elements of the Performance Standard that directly impact on Indigenous Peoples .

The ASI Board has later approved this proposal, and in 2016 marked it first year of an official establishment.

Timeline of the creation of IPAF

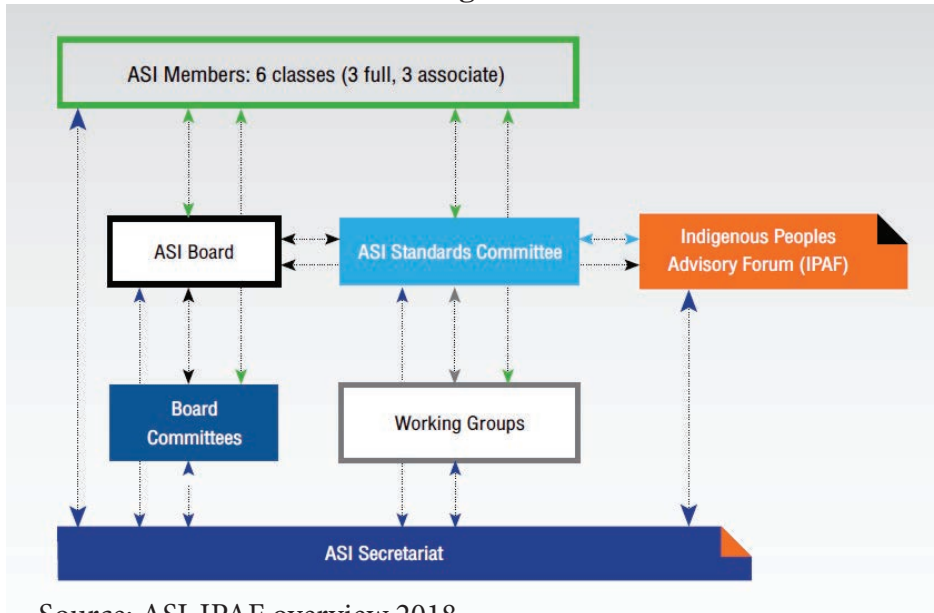


1. The meeting was facilitated by the Asia Indigenous Peoples Pact Foundation (AIPP) and the Forest Peoples Programme (FPP), in partnership with IUCN as the coordinating body for the preparatory stage of ASI.

Why is this important for Indigenous Peoples Impacted by Bauxite mining or the Aluminium supply chain?

The ASI Indigenous Peoples Advisory Forum (IPAF) is a platform for Indigenous Peoples to speak directly to, and have direct influence on, companies across the Aluminium supply chain. Current members² of the ASI include companies involved in mining, in conversion and production, and in product development and sales. The ASI also has human rights and environmental NGOs as members, who support tracking the impact of aluminium in these areas as well.

ASI Governance Framework Diagram



Source: ASI-IPAF overview 2018.

2. The ASI members consist of more than 170 organizations/companies, categorized into 6 different groups including civil society organizations such as WWF, WCS, IUCN etc.

What does the IPAF do?

Here are three key functions of IPAF:



The IPAF elects two of its members to serve on the Standards Committee, this body has a mandate to develop the core standards, and oversee the development of implementation guidance



The IPAF will provide an advisory function for complaints impacting on Indigenous Peoples when complaints involving Indigenous Peoples.



The IPAF meets annually to discuss issues relevant for Indigenous Peoples related to the aluminium supply chain, and to undertake research and documentation as decided by the Forum members.

Who can be members of the Forum?

The IPAF network is open to any Indigenous person, people or organisation impacted by any part of the aluminium supply chain based on interest to be engaged and commitment to provide input based on experience to the IPAF. Members of the Forum will be regionally self-selected considering geographical representation of various regions with a maximum number of 15 members. Gender balance, and representation of youth and elders and persons with disabilities.

15 Members

from self-selected considering...



Geographical balance.



Gender balance, elder and youth representatives.



Representatives of Indigenous person with disabilities

What is expected from members of the Forum?

Members of the Forum are expected to provide time and expertise to:



Review documents of the ASI relevant to Indigenous Peoples and coordinate collective inputs of the Network on those documents;



Attend in-person and Skype meetings of ASI to provide comments of the IPAF as its representatives;

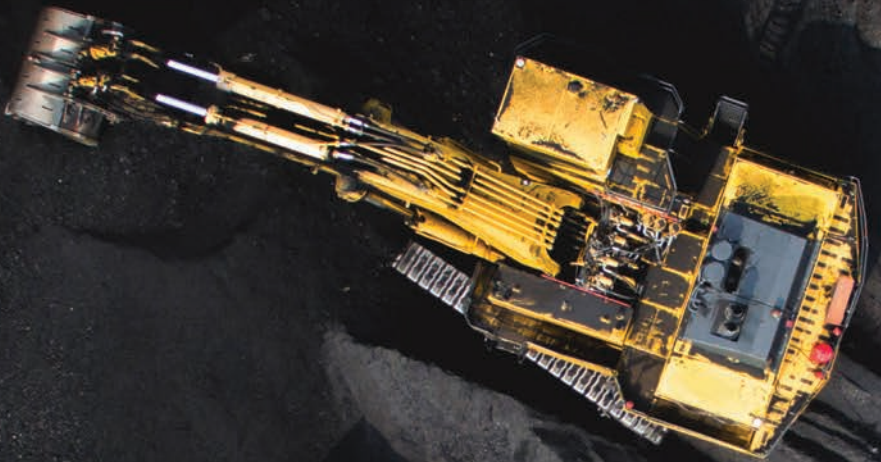


Advise ASI in development and implementation of its Standards for certification in compliance with respect for the rights and interests of Indigenous Peoples; and



Undertake other tasks as discussed and decided in the annual meetings and other deliberations of IPAF.

Annual IPAF meetings are held with participation of at least 15 members of the IPAF in dates and place as decided within the IPAF network. IPAF members are mainly voluntary and part-time representatives with some resources available for their time and work.





ICMM

International Council on Mining & Metals

Caption: Coal mining on open pit
by Mark Agnor, Shutterstock



ICMM

According to the statement declared on its website, The International Council on Mining & Metals (ICMM) is an international organization dedicated to a safe, fair and sustainable mining and metals industry. Bringing together 27 mining and metals companies and over 30 regional and commodities associations to strengthen environmental and social performance.

To ensure that the mining and metal industries are conducting their business with mindful of sustainable development methods, ICMM memberships are required to undertake number of responsibilities against leading international standards such as the Rio - Declaration, the Global Reporting Initiative, the Global Compact, OECD Guidelines on Multinational Enterprises, World Bank Operational Guidelines, OECD Convention on Combating Bribery, ILO Conventions 98, 169, 176, and the Voluntary Principles on Security and Human Rights. And particularly to undertake the 10 principles created by ICMM as a governance policy of the member companies,

10 PRINCIPLES

ICMM's principles for sustainable development framework, each member company is required to take these principles into account to their investment activities.

1

Apply ethical business practices and sound systems of corporate governance and transparency to support sustainable development

2

Apply ethical business practices and sound systems of corporate governance and transparency to support sustainable development

3

Respect human rights and the interests, cultures, customs and values of employees and communities affected by our activities

4

Implement effective risk-management strategies and systems based on sound science and which account for stakeholder perceptions of risks

5

Pursue continual improvement in health and safety performance with the ultimate goal of zero harm

6

Pursue continual improvement in environmental performance issues, such as water stewardship, energy use and climate change

7

Contribute to the conservation of biodiversity and integrated approaches to landuse planning

8

Facilitate and support the knowledge-base and systems for responsible design, use, re-use, recycling and disposal of products containing metals and minerals

9

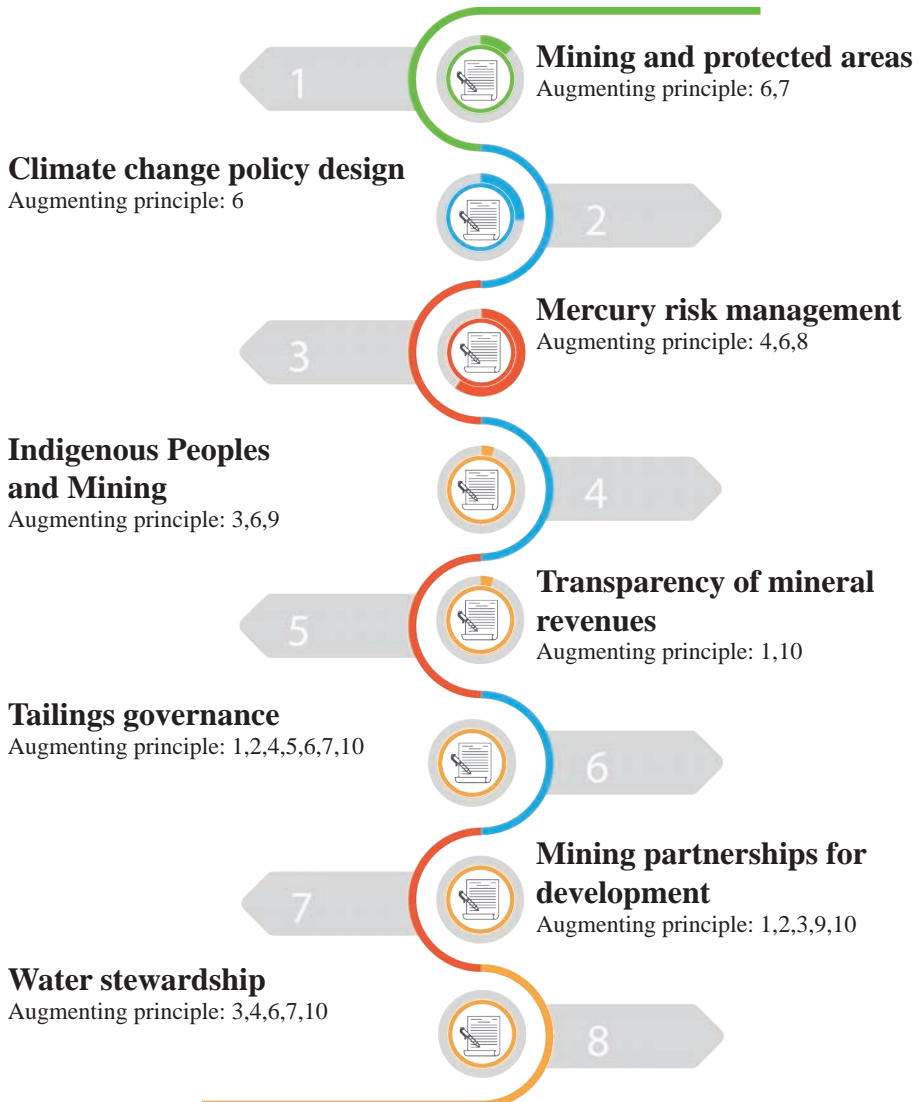
Pursue continual improvement in social performance and contribute to the social, economic and institutional development of host countries and communities

10

Proactively engage key stakeholders on sustainable development challenges and opportunities in an open and transparent manner. Effectively report and independently verify progress and performance

ICMM Position Statements

ICMM has developed a series of position statements to augment the ICMM 10 Principles for sustainable development. These statements are endorsed by its council and include a number of mandatory requirements that members must implement, one of these was a position statement on “Indigenous Peoples and Mining”



Position Statement on Indigenous Peoples and Mining May 2013

This position statement sets out ICMM members' approach to engaging with Indigenous Peoples and to free, prior and informed consent (FPIC) and replaces ICMM's 2008 Mining and Indigenous Peoples position statement. ICMM's vision is for constructive relationships between mining and metals companies and Indigenous Peoples that are based on mutual respect, meaningful engagement, trust and mutual benefit.

Recognising the potential vulnerability of Indigenous Peoples, the commitments in this position statement may be summarised as requiring members to:

Respect the rights, interests, special connections to lands and waters, and perspectives of Indigenous Peoples, where mining projects are to be located on lands traditionally owned by or under customary use of Indigenous Peoples.

Adopt and apply engagement and consultation processes that ensure the meaningful participation of Indigenous communities in decision making, through a process that is consistent with their traditional decision-making processes and is based on good faith negotiation.

Work to obtain the consent of Indigenous Peoples where required by this position statement.

In ICMM's view, FPIC comprises a process, and an outcome. Through this process Indigenous Peoples are:

- (i) Able to freely make decisions without coercion, intimidation or manipulation;
- (ii) Given sufficient time to be involved in project decision making before key decisions are made and impacts occur; and
- (iii) Fully informed about the project and its potential impacts and benefits.

The expected outcome is that Indigenous Peoples can give or withhold their consent to a project, through a process that strives to be consistent with their traditional decision-making processes while respecting internationally recognised human rights and is based on good faith negotiation.

The commitments in this position statement relating to consent apply to new projects and changes to existing projects that are likely to have significant impacts on Indigenous communities. The position statement will not apply retrospectively. Where both Indigenous and non-Indigenous Peoples are likely to be significantly impacted, members may choose to extend the commitments embodied in this position statement to non-Indigenous people.

Recognition statements

ICMM members recognise that:

1. Indigenous Peoples often have profound and special connections to, and identification with, lands and waters and these are tied to their physical, spiritual, cultural and economic well-being. They may also have valuable traditional knowledge and experience in managing the environment in a sustainable manner. Indigenous Peoples in many regions of the world have been historically disadvantaged and may often still experience discrimination, high levels of poverty and other forms of political and social disadvantage. Mining and metals projects can have significant impacts on local communities, both positive and negative.
2. The interests of Indigenous Peoples in mining and metals projects are generally recognized as one or more of the following: owners of formal title to land or recognised legal interests in land or resources; claimants for ownership of land or resources; customary owners or occupants of land or resources; users of land or resources for purposes such as hunting, fishing, gathering of seeds/fruits and medicines, or for spiritual or ritual purposes; in material objects or resources of cultural

significance; in landscapes which have special significance because of association, tradition or beliefs; members of host communities whose social, economic and physical environment may be affected by mining and associated activities.

3. Indigenous Peoples have individual and collective rights and interests and it is internationally recognised that their rights should be protected by governments and respected by companies. Two of the key international instruments in this area are International Labour Organization (ILO) convention No. 169 on Indigenous and Tribal Peoples (1989), and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) adopted by the UN General Assembly in September 2007. 'UNDRIP sets out rights that countries should aspire to recognise, guarantee and implement' and 'establishes a framework for discussion and dialogue between Indigenous Peoples and States.
4. Successful mining and metals projects require the support of a range of interested and affected parties. This includes both the formal legal and regulatory approvals granted by governments and the broad support of a company's host communities. Indigenous Peoples often have cultural characteristics, governance structures and ways of interacting and decision making that sets them apart from the non-Indigenous population. This requires companies to engage in ways that are culturally appropriate and to pay special attention to the capacities, rights and interests of Indigenous Peoples, within the context of broader community engagement. States have the right to make decisions on the development of resources according to applicable national laws, including those laws implementing host country obligations under international law. Some countries have made an explicit consent provision under national or sub-national laws. In most countries however, 'neither Indigenous Peoples nor any other population group have the right to veto development projects that affect them', so FPIC should be regarded as a 'principle to be respected to the greatest degree possible in development planning and implementation'.

5. States also have an important role to play in the process of engaging with Indigenous Peoples. They may be involved in determining which communities should be considered Indigenous, in shaping the process for achieving FPIC and in determining how this relates to regulated processes for ensuring community participation in decision making. Given their role in balancing the rights and interests of Indigenous Peoples with the wider population, states may also play an important role in supporting the resolution of disagreements that may arise between Indigenous Peoples and companies in the pursuit of FPIC.

6. In some countries, the term Indigenous may be controversial and local terms may be in use that are broadly equivalent (such as tribal peoples, first peoples, native people, aboriginal people). In other situations, there may be no recognition of indigeneity by states, or the term may have negative associations that discourage people from acknowledging Indigenous identity. Irrespective of the local context, ICMM members reject any discrimination or disadvantage that may be related to culture, identity or vulnerability and will seek to apply the principles embodied in this position statement to groups that exhibit the commonly accepted characteristics of Indigenous peoples.

Commitments

In addition to existing commitments under the ICMM Sustainable Development Framework ICMM member companies commit to:

1. Engage with potentially impacted Indigenous Peoples with the objectives of: (i) ensuring that the development of mining and metals projects fosters respect for the rights, interests, aspirations, culture and natural resource-based livelihoods of Indigenous peoples; (ii) designing projects to avoid adverse impacts and minimising, managing or compensating for unavoidable residual impacts; and (iii) ensuring sustainable benefits and opportunities for Indigenous Peoples through the development of mining and metals projects.
2. Understand and respect the rights, interests and perspectives of Indigenous Peoples regarding a project and its potential impacts. Social and environmental impact assessments or other social baseline analyses will be undertaken to identify those who may be impacted by a project as well as the nature and extent of potential impacts on Indigenous Peoples and any other potentially impacted communities. The conduct of such studies should be participatory and inclusive to help build broad cross-cultural understanding between companies and communities and in support of the objectives described in commitment 1 above.
3. Agree on appropriate engagement and consultation processes with potentially impacted Indigenous Peoples and relevant government authorities as early as possible during project planning, to ensure the meaningful participation of Indigenous Peoples in decision making. Where required, support should be provided to build community capacity for good faith negotiation on an equitable basis. These processes should strive to be consistent with Indigenous Peoples' decision-making processes and reflect internationally accepted human rights, and be commensurate with the scale of the potential impacts and vulnerability of impacted communities. The processes should embody the attributes of good faith negotiation and be documented

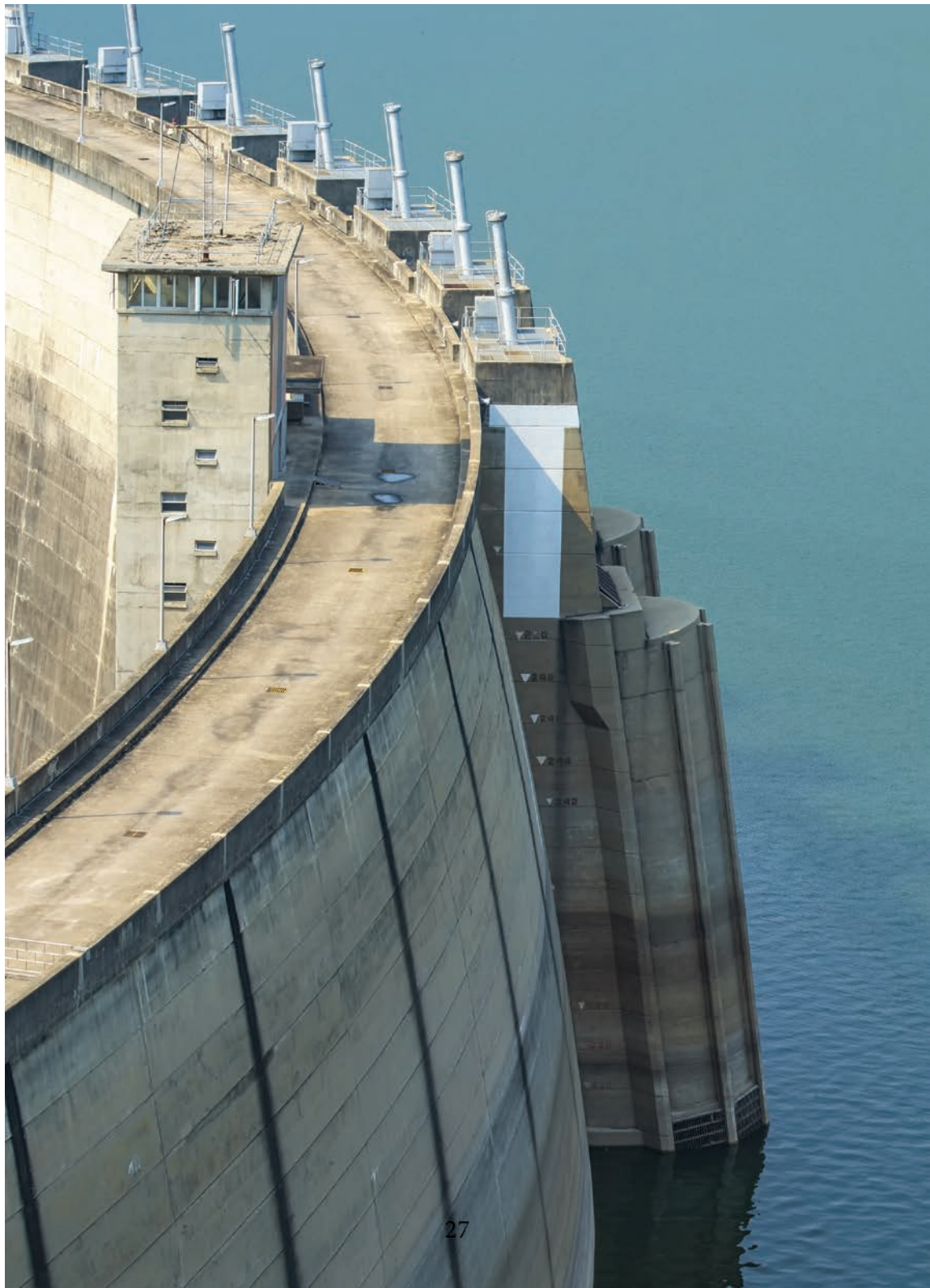
in a plan that identifies representatives of potentially impacted Indigenous communities and government, agreed consultation processes and protocols, reciprocal responsibilities of parties to the engagement process and agreed avenues of recourse in the event of disagreements or impasses occurring (see commitment 6 below). The plan should also define what would constitute consent from Indigenous communities that may be significantly impacted. Agreed engagement and consultation processes should be applied in collaboration with potentially impacted Indigenous communities, in a manner that ensures their meaningful participation in decision making.

4. Work to obtain the consent of Indigenous communities for new projects (and changes to existing projects) that are located on lands traditionally owned by or under customary use of Indigenous Peoples and are likely to have significant adverse impacts on Indigenous Peoples, including where relocation of Indigenous Peoples and/or significant adverse impacts on critical cultural heritage are likely to occur. Consent processes should focus on reaching agreement on the basis for which a project (or changes to existing projects) should proceed. These processes should neither confer veto rights to individuals or sub-groups nor require unanimous support from potentially impacted Indigenous Peoples (unless legally mandated). Consent processes should not require companies to agree to aspects not under their control.
5. Collaborate with the responsible authorities to achieve outcomes consistent with the commitments in this position statement, in situations where governments responsible for managing Indigenous Peoples' interests in a way that limits company involvement. Where a host government requires members to follow processes that have been designed to achieve the outcomes sought through this position statement, ICMM members will not be expected to establish parallel processes.
6. Address the likelihood that differences of opinion will arise, which in some cases may lead to setbacks or delays in reaching a negoti-

ated agreement in good faith. Companies and potentially impacted Indigenous communities should agree on reasonable tests or avenues of recourse at the outset, to be applied where differences of opinion arise. This might include seeking mediation or advice from mutually acceptable parties. Where commitment applies and consent is not forthcoming despite the best efforts of all parties, in balancing the rights and interests of Indigenous Peoples with the wider population, government might determine that a project should proceed and specify the conditions that should apply. In such circumstances, ICMM members will determine whether they ought to remain involved with a project.

ICMM Membership Companies

- | | | | |
|-----|--------------------------|-----|-----------------------|
| 1. | African Rainbow Minerals | 14. | Lonmin |
| 2. | Anglo American | 15. | Mitsubishi Materials |
| 3. | AngloGold Ashanti | 16. | MMG |
| 4. | Antofagasta Minerals | 17. | Newcrest Mining |
| 5. | Barrick | 18. | Newmont |
| 6. | BHP Billiton | 19. | Orano |
| 7. | Codelco | 20. | Polyus |
| 8. | Freeport-McMoRan | 21. | Rio Tinto |
| 9. | Glencore | 22. | South32 |
| 10. | Goldcorp | 23. | Sumitomo Metal Mining |
| 11. | Gold Fields | 24. | Teck |
| 12. | Hydro | 25. | Vale |
| 13. | JX Nippon | | |



IHA

International Hydropower Association

Caption: A dam water tank
by People Image Studio, Shutter Stock

IHA

The International Hydropower Association (IHA) formed in 1995 and composed of over 100 organizations engage in hydropower development its mission is to “advance sustainable hydropower by building and sharing knowledge on its role in renewable energy systems, responsible freshwater management and climate change solutions”.

The IHA has developed its key guidelines to ensure that the member organizations or companies are perform their activities in sustainably ways in compliance with the criterions determined by IHA and take into account of social responsibilities. Some of these guidelines some are related to Indigenous Peoples for instance the Hydropower Sustainability Assessment Tools (HSAT): 2006 and Hydropower Sustainability Guidelines on Good International Industry Practice (HGIIP) 2004.

The Hydropower Sustainability Guidelines, a compendium and reference manual, is the culmination of two decades of discussions about what constitutes good practice in hydropower development. These discussions have involved a broad range of stakeholders, from hydropower companies, to social and environmental NGOs, intergovernmental organisations, financial institutions and governments.



The definitions and examples that have emerged were agreed through a collaborative multi-stakeholder process which began with the publication, by the International Hydropower Association (IHA), of the first IHA Sustainability Guidelines in 2004, leading to the formation of the Hydropower Sustainability Assessment Forum between 2008 and 2010, which delivered the Hydropower Sustainability Assessment Protocol.

A process of drafting and expert review by leading authorities in their fields took place during 2018, resulting in the 26 chapters presented in this compendium. The Hydropower Sustainability Guidelines were reviewed and approved by the Hydropower Sustainability Assessment Council (HSAC), through its governance committee, leading to their publication in December 2018.

IHA's Guiding Principles

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.

General Guide: Assessment tools

- Preparation Stage: Stakeholder mapping has been undertaken to identify and analyse stakeholders, to establish those that are directly affected, and to establish communication requirements and priorities, with no significant gaps.
- Implementation Stage: Communications and consultation requirements and approaches have been identified through an assessment process involving stakeholder mapping, supported by ongoing monitoring.
- Operation Stage: Ongoing or emerging issues relating to hydropower facility communications and consultation have been identified; requirements and approaches are determined through a periodically updated assessment process involving stakeholder mapping; and effectiveness is monitored.

Management

Management criterion - Preparation, Implementation and Operation Stages: Communications and consultation plans and processes, including an appropriate grievance mechanism, have been developed at an early stage applicable to project preparation, implementation and operation that outline communication and consultation needs and approaches for various stakeholder groups and topics.

Stakeholder Engagement

- Stakeholder Engagement criterion – Preparation, Implementation and Operation Stages: The project preparation, implementation and operation stages have involved appropriately timed communications and engagement, often two-way, with directly affected stakeholders on topics of interest and relevance to them; engagement is undertaken in good faith; ongoing processes are in place for stakeholders to raise issues and get feedback.

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.
- Implementation and Operation Stages: Ongoing and mutually agreed processes are in place for Indigenous Peoples to raise issues and get feedback.
- 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.

Guideline on Indigenous People

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.
- **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.
- **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

- **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.
- **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.
- **Operation Stage:** Measures are in place to manage identified issues and formal agreements with Indigenous Peoples are publicly disclosed

Types of Agreements with Indigenous Peoples

- **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.

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.
- **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.

Outcome 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.

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

