SAFEGUARD ON
INDIGENOUS PEOPLES
2023

Scope of application

This safeguard applies to WWF's place-based activities (hereafter ‘activities’) that may affect Indigenous Peoples, and/or their rights, lands, territories, resources, traditional livelihoods and cultures. It applies in any of the following situations:

- Indigenous Peoples are present in the area;
- Indigenous Peoples have a collective attachment to the area;
- Indigenous Peoples and/or their lands, territories, resources could be affected by the activities.

While there is no single globally-recognised definition of Indigenous Peoples, for the purposes of this safeguard WWF is guided by the statement of coverage contained in International Labour Organization Convention 169 (ILO 169), which includes both Indigenous and tribal peoples. In certain countries, these peoples may or may not be formally identified as "Indigenous or tribal" and should be referred to using contextually appropriate terminology.

This safeguard also covers peoples who have been extended the rights of Indigenous Peoples under national law and/or rulings by applicable regional human rights courts.

Specific expertise may be needed to ascertain whether a particular group should be considered as Indigenous Peoples for the purpose of this safeguard.

Objectives

Within the scope of application, the objectives of this safeguard are to:

- Respect and promote the rights of Indigenous Peoples, including but not limited to, their rights to self-determination, Free, Prior and Informed Consent (FPIC), and to make their own decisions over their lands, territories, resources, traditional livelihoods and cultures
- Enable Indigenous Peoples to meaningfully engage in identifying any potential impacts of the activities on their communities, lands, territories, resources, livelihoods and cultures,
and to take their own decisions on whether to proceed, and if so, to co-design mitigation measures within the context of the activities

- Optimise opportunities for providing just, equitable and gender inclusive benefits for Indigenous Peoples in a culturally appropriate manner as agreed with them.

Requirements

When the Safeguards Screening determines that this safeguard applies, the following is required.

Efforts to fulfil these requirements must be proportionate to the potential adverse impacts and WWF's role with respect to the impacts.

1. At the outset of designing activities, Indigenous Peoples (as per the understanding of this safeguard) are identified, including their representative organisations as well as indigenous lands, territories, and resources. This includes identifying and analysing as appropriate:
   a. Their legal tenure and/or customary rights (including any claims to land and/or resources that they have used, owned or occupied for generations);
   b. Their livelihoods, governance systems or institutions, and important cultural values and practices;
   c. Any specific groups or subgroups within the Indigenous communities that may be in vulnerable situations, paying particular attention to their rights and special needs.

2. Prior to the implementation of activities that may impact the rights, lands, territories, resources, livelihoods and cultures of Indigenous Peoples an assessment of the potential impacts and benefits is carried out. This includes the exploration of alternative strategies, designs and locations or consideration of not proceeding with the activities.

3. The right of Indigenous Peoples to Free, Prior and Informed Consent (FPIC) is respected. During the safeguards process, Indigenous Peoples must be consulted in a culturally appropriate way and be enabled to participate actively and effectively in decision-making.
processes relevant to them. Activities that this safeguard applies to can only proceed once
the principles of FPIC have been followed and consent has been granted.

4. Where all feasible alternatives have been exhausted and adverse impacts cannot be
avoided, Indigenous Peoples must be enabled to self-determine whether the activities in
question should proceed, and if so, measures to minimise and respond to these impacts
must be co-designed. Mitigation measures must be fair and meaningful to affected
peoples, responding to the potential impacts.

5. The sharing of benefits derived from the use of Indigenous Peoples' lands, territories or
resources including from their cultural heritage and/or traditional ecological knowledge is
mutually agreed through the FPIC process, culturally appropriate and equitable.

6. In situations where there are known to be, or where there may be Indigenous Peoples
living in isolation and/or initial contact, their wishes to remain isolated must be respected
and activities that may result in such undesired contact must not be pursued.

7. Where WWF funds or supports a government to carry out activities that may affect
Indigenous Peoples, and/or their rights, lands, territories, resources, traditional livelihoods
and cultures, WWF expects this party to fully observe safeguards requirements in such
activities, including with respect to upholding the principles of Free, Prior, and Informed
Consent. WWF reserves the right to withdraw support if its safeguards requirements are
not met.

**Relationship to other safeguards**

Where activities may involve the cultural heritage of Indigenous Peoples, WWF will apply this
standard alongside the WWF Safeguard on Cultural Heritage.

Where activities may involve access restrictions or resettlement of Indigenous Peoples, WWF will
apply this standard alongside the WWF Safeguard on Restriction of Access.