

A quick guide to the **EIB's Standard 7**

# Vulnerable Groups, Indigenous Peoples and Gender

This factsheet presents the major requirements for project promoters (the EIB's counterpart in an operation/project) in assessing, managing and monitoring project impacts, risks, and opportunities related to Indigenous Peoples and persons or groups that are vulnerable, marginalised, excluded or discriminated against on the basis of their socioeconomic characteristics. For details, refer to the [EIB's Environmental and Social Standards](#).

## This standard applies when its relevance is determined during the EIA or ESIA process where:

Vulnerable, marginalised or discriminated-against persons and/or groups are affected by the project as defined by Standard 7, points 1-4;

Indigenous Peoples are present in or have collective attachment to: a proposed project area or an area that will be impacted by the project, regardless of whether Indigenous Peoples are positively or negatively affected by the project. In this standard, the term 'Indigenous Peoples' is used in a generic sense to refer exclusively to a distinct and/or vulnerable sociocultural group possessing the following characteristics in varying degrees:

- Self-identification as members of a distinct ethnic or cultural group and recognition of this identity by others; and

- Collective attachment to geographically distinct habitats, ancestral lands, or areas of seasonal use or occupation, as well as to the natural resources in these areas and use thereof; and
- Customary cultural, economic, social or political institutions, laws or regulations that are distinct or separate from those of the dominant society or culture; and
- A language or dialect, often different from the official language or languages of the country or region in which they reside.

## Promoters' responsibilities

- Respect the rights and interests of vulnerable, marginalised or discriminated-against persons and groups, and the identity, culture and livelihoods of Indigenous Peoples;
- Ensure effective participation of these individuals and/or groups in the design of project and mitigation and/or compensation measures;
- Promote sustainable development gains and opportunities in an accessible, culturally appropriate and inclusive manner, enable these individuals/groups to benefit from EIB financed projects;
- Promote gender equality as a basic human right; consider and address gender specific impacts, vulnerabilities and barriers;
- Carry out good faith negotiations with Indigenous Peoples; obtain their free, prior and informed consent (FPIC), when required;
- Respect the rights of indigenous communities in voluntary isolation and the principle of no contact;
- Identify and avoid potential project risks and impacts affecting the lives and livelihoods of vulnerable individuals and groups and/or Indigenous Peoples, and/or reduce, minimise, mitigate or effectively compensate/remedy such impacts.

## General requirements

Projects located in EU, European Free Trade Association (EFTA), and EU candidate and potential candidate countries must comply with national and EU legislation. As part of the environmental impact assessment (EIA) process, the promoter should assess if there are any vulnerable groups of people or Indigenous Peoples who could be disproportionately affected by the project, or if the project is likely to affect human or community health or welfare. If such impacts were not identified in EIA, the promoter should supplement its assessment with such information in line with Standard 7.

Projects located in the rest of the world must comply with the national legislation of the country where the project is located and the provisions of this standard.

## Specific requirements for projects affecting vulnerable, marginalised and discriminated-against persons and groups

- **Screening** – As a part of the ESIA, with qualified specialists if needed, identify the likelihood of disproportionate impacts and risk of these individuals/groups being excluded from the intended benefits of the project due to their socioeconomic characteristics, including gender related ones.
- **Assessment** – if such risks were identified, more in-depth assessment can be part of ESIA or separate, such as **social impact assessment or a gender assessment**. Further details can be found in point 24 of the Standard;
- **Stakeholders Engagement** – consider special efforts to overcome the barriers that prevent vulnerable individuals and groups from participating in or accessing the project-level grievance mechanism and mitigate them to the extent possible. Details in points 25-27 of the Standard;
- **Monitoring** – the system should be adjusted to effectively respond to the rights and interests of the vulnerable and ensure non-discrimination and equal treatment. Monitored indicators shall be disaggregated by sex, age, and/or other relevant socioeconomic characteristics. Track and document the implementation of the engagement processes, mitigation and remedial measures.

## Requirements for projects affecting Indigenous Peoples

- **Screening** – report the confirmed or potential presence of Indigenous Peoples and likelihood of impacts on them to the EIB; the promoter should seek input from appropriate specialists;
- **Assessment** – the promoter must undertake or commission a study (as a part of an ESIA or separate) by appropriate specialists to identify Indigenous Peoples, assess the potential project impacts on indigenous peoples and gather their views regarding the project. Where the project-related activities have already started, the promoter must demonstrate that it has sought and acted upon the opinions of Indigenous Peoples. If the requirements of this Standard have not been met, the promoter must carry out or commission an **independent assessment**. A **remedial action plan** may be required before the EIB decision. Standard points 35-40;
- The assessment process may also include obtaining **free, prior and informed consent** (FPIC) from the **Indigenous Peoples and the development of an Indigenous Peoples development plan, community development plan or Indigenous Peoples planning framework**. Indigenous Peoples shall be engaged in their preparation and when finally agreed and adopted by the Indigenous Peoples they should be made available to them;
- **Meaningful consultation** – involvement of legitimate Indigenous Peoples' traditional authorities, representative bodies and organisations as well as members of the affected communities of Indigenous Peoples; consideration of and respect for customary laws; sufficient time for Indigenous Peoples' collective decision-making processes; obtaining FPIC;

- **Free, prior and informed consent (FPIC)** – required where a project: affects the lands, territories or resources that Indigenous Peoples customarily own, occupy or otherwise use; relocates Indigenous Peoples from land and natural resources subject to traditional ownership or under customary use or occupation; affects or exploits Indigenous Peoples' cultural resource or their ways of life. **Qualified specialists** to assist in conducting and documenting the good-faith negotiations and FPIC process is required. FPIC must be mutually agreed and documented. Agreement and an Indigenous Peoples development plan, including all mitigating measures and benefit-sharing agreements, shall be evidenced. Standard points 43-49;
- **Compensation and benefit-sharing** – Standard 6 applies. Promoters must provide opportunities for culturally appropriate development benefits. Detailed actions must be included in the **indigenous peoples development plan**;
- **Cooperation with public authorities** – in the case of approved decisions or granted land concessions, the promoter will verify and the EIB will determine whether the authority has followed the FPIC process in compliance with this Standard;
- **Grievance mechanism** – the grievance mechanism must take into account the availability and acceptability of judicial recourse and customary dispute settlement mechanisms for the affected Indigenous community;
- **Monitoring** – the system must be adjusted to effectively respond to the rights and interests of Indigenous Peoples, and to safeguard them from instances of discrimination and unequal treatment. Monitored indicators should be disaggregated by sex, age and/or other relevant socioeconomic characteristics. The promoter should track and document the implementation of the engagement processes, implementation of the Indigenous Peoples development plan, or any other project activities and/or mitigation and remedial measures.