



SIMDP-2 CONSULTATION ROUND ONE GUIDELINES

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- Functions of First Round of Consultations
- Principles of Engagement: Which Standard(s)?
- Process of Engagement
- Community Meetings Protocol and Agenda

A. Functions of First Round of Consultations

- Receive suggestions as to the objectives of the SIMDP 2; i.e., how the SIMDP 2 should be used to benefit the Indigenous Peoples of Sakhalin
- Receive suggestions as to the broad component structure of SIMDP 2 (e.g., social, economic, strategic planning)
- Receive suggestions as to the sub-component structure of SIMDP 2 (e.g., what types of social, economic, or strategic planning activities)
- Receive suggestions as to the broad governance structure of SIMDP 2 (e.g. independent fund vs. SIMDP committees, governing board, etc.)

The Working Group should use the above to begin determining:

- How to strategically use the SIMDP 2 to benefit the Indigenous Peoples of Sakhalin
- Which components and sub-component should make up the SIMDP 2
- How to structure the governance of SIMDP 2 (What role for the Mini-Grant Fund or any independent fund; should there be committees, an Executive committee, and a Supervisory Board)

B. Principles of Engagement: Which Standard(s)?

There are a number of standards for community consultations which the international financial institutions have developed. They are fairly similar and for the SIMDP 2, we can adopt one based on the emerging global standard of seeking “broad community support” for project development plans such as the SIMDP. This is the standard of both the IFC and the World Bank. Recently, the Asian Development Bank and the European Bank for Reconstruction and Development have taken inspiration from the UN Declaration on the Rights of Indigenous Peoples and included in their consultation requirements the need to obtain “consent” from the project-affected peoples or Plan beneficiaries.

Broad community support means “broad support from representatives of major sections of the community” (World Bank, Bank Procedures 4.10, paragraph 7) obtained through a process of free, prior and informed consultation, which refers to a “culturally appropriate and collective decision-making process subsequent to **meaningful and good faith consultation and informed participation** regarding the preparation and implementation of the project. It does not constitute a veto right for individuals or groups” (OP 4.10, footnote 4). The emphasis here is on creating a process of **meaningful consultations**. Also critical is the possibility that “good faith negotiations” might become necessary.

C. Process of Engagement: Meaningful consultations

Meaningful consultation goes beyond simple information disclosure. It involves two-way communication between the Plan and the affected communities, as well as the active participation of affected communities in Plan design and implementation. The objective of such consultation and participation is to engage project affected people and communities in a genuinely deliberative process regarding choices they can make concerning their future.

An objective of meaningful consultation is to achieve the “informed participation” of affected Indigenous Peoples. Informed participation can be enhanced by providing adequate

and relevant information to project-affected Indigenous Peoples and by establishing Plan management structures which encourage a more than token presence of indigenous representatives or of indigenous perspectives in decision-making forums. Such partnership arrangements have demonstrated increased local ownership of Plans and higher levels of community satisfaction with Plan and project results.

Begins early and carried out on an ongoing basis. Meaningful consultations with and within affected communities of Indigenous Peoples need to take place over an extended period of time.

Timely disclosure of relevant and adequate information. “Timely disclosure” means the affected communities of Indigenous Peoples should have access to relevant Plan information prior to any decision-making that will affect them.

Free of intimidation or coercion: Consultation occurs freely and voluntarily, without any external manipulation, interference, or threat of retribution, and is conducted in an atmosphere of transparency.

Incorporation of all relevant views. All views should be studied and considered when making decisions on the SIMDP2 design, the proposed activities, mitigation measures, as well as the accrual of benefits.

Indigenous representatives. Indigenous Peoples should be able to participate through their own freely chosen representatives and customary or other institutions. Religious/spiritual specialists, councils of elders, clan leaders or others may be sought out or proposed by local Indigenous Peoples as appropriate “representatives.” Indigenous Peoples Organizations (IPOs) may also be consulted for their suggestions as to appropriate spokespeople. All groups—Nivkh, Uilta, Evenki, and Nanaisy—need to be included proportionately.

Ensuring Inclusiveness. An emphasis on customary leaders and other representatives needs to be balanced by consideration for those often marginalized, such as people with disabilities, the elderly, and others. Promotion of active strategies to include such groups may need to be included in planning the consultation process. Young adults may sometimes be marginalized in consultations and need to be included as well.

Be alert also to the possibility that “Good Faith Negotiations” might be necessary to solve some disagreements as to plan design.

Whatever agreements reached for the SIMDP 2 need to be confirmed in a follow up second round of consultations. At that second round, the broad community support or “consent” of the population is sought. Such consultations need to be adequately documented and appropriately carried out.

Determining adequacy of support. It is a reasonable expectation that “broad community support” refers to at least a majority of the affected Indigenous Peoples and communities favoring the proposed SIMDP2 activities. Not all people and not all communities (settlements or social groups such as clans) need support the proposed SIMDP2, but for broad community support for the Plan to be claimed, most affected indigenous communities should clearly support it.

D. SIMDP 2 Community Meeting Discussion Protocol

These meetings should be hosted by RCAR, SOA, and SEIC jointly.

Some general points need to be shared with the community participants at the start of the meeting:

- We are here as representatives of the RCAR, SOA, and SEIC.
- The process is designed to engage the local community to ensure that community traditions, concerns, and aspirations are heard and understood in the development of SIMDP 2
- We need the permission of the meeting to take photographs and audio/visual recordings; if one person refuses, none will be taken
- We are not SEIC (or not here as SEIC representatives) and cannot speak for the Company. Questions regarding specific company programs and activities should be addressed directly to SEIC through appropriate channels.
- The outcomes of these consultations will be made public, and any person who wishes to receive a copy of future reports can register their contact information with us after the discussion.
- Any personal information you give or opinions shared is strictly voluntary—including names. Our reports will be made public, but no personal information will be disclosed.

Agenda:

- Introductions of SIMDP2 team
- Brief overview of SIMDP 1
- Brief overview of SIMDP 2 Planning process
- Outline of the meeting
 - Meeting should gather information as to preferences of community for components; preferably in some participatory and quantitative manner.
 - Ask for suggestions of how to involve community in operation of the Plan
- Next Steps