



## Module 1:

# Learning & Early Discussions

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[Learn how to identify potentially impacted IPLCs via desk research and interviews](#)

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[Agree on the best way to begin dialogue](#)

### Wenland Case Studies:

[1A. TNC in Wenland \(SCENARIO 1\)](#)

[1B. TNC in Wenland \(SCENARIO 2\)](#)

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## Introduction

**T**his module provides guidance, tips, and tools TNC staff can use to: (1) identify Indigenous Peoples and Local Communities who might be affected by conservation activities; (2) determine the most appropriate, equitable way to approach and talk to those IPLCs; and (3) better understand their social and political structures, goals, aspirations and the resources they rely on.

Although most of TNC's work involves place-based projects, this module applies to all types of engagements, including on-the-ground projects; landscape-level projects; programmatic, regional or country-based strategies; and policy initiatives. So it's important to analyze possible impacts on IPLCs even if it's not immediately obvious that IPLCs will be affected, as in a national policy engagement. If analysis reveals potential impacts, TNC staff should continue through the module.

This process might seem most applicable to situations where TNC comes up with a project idea and then approaches IPLCs to seek support. However, TNC projects get started in many ways. TNC will sometimes identify one or more IPLCs who are important natural resource stewards in a certain geography and approach them to develop plans jointly. Or an IPLC might approach TNC for support on a conservation initiative. In these cases, the module will still have useful tips and tools on how to proceed. For example, if IPLCs are the ones approaching TNC, the process of identifying affected IPLCs can be skipped. But TNC should still use the tips in this module to learn about the IPLCs' governance structures, decision-making processes and the resources the IPLC deems most important. This process will also help assess and strengthen established partnerships.

## Principles and Safeguards

The [Introduction](#) includes a discussion of all the Principles and Safeguards that apply to equitable partnerships. Four are particularly important for building relationships in early discussions.

### Key Principles and Safeguards for Early Discussions

#### **Prior Engagement and Collaboration:**

TNC should support the IPLC's central role in designing the initiative and decision-making, rather than bringing a full plan to the IPLC for a stamp of approval.

#### **Equity:**

Fairness and trust-building should be at the forefront, ensuring the IPLC has full access to power, opportunities and resources.

#### **Inclusion:**

Non-discriminatory dialogue is required and should incorporate contributions from all social identities. Provisions should be made for accessibility and physically and emotionally safe forums and processes.

#### **Accountability:**

Accountability can be assured when parties take responsibility for their actions, correcting their mistakes, rebuilding trust and improving approaches going forward.

#### **Overarching Good Faith:**

Showing good faith, respect, humility and Integrity Beyond Reproach from the very first step is critical to building trust. It can be difficult to overcome mistakes in this regard if they are made early on.

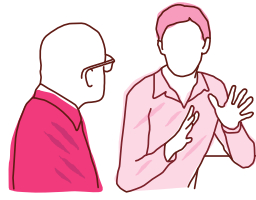
## Guidance

### Step One: Identify Relevant Indigenous Peoples & Local Communities

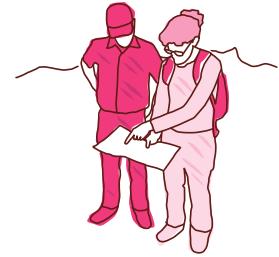
To identify relevant IPLCs, the following three phases are required at a minimum:



**1. Initial Desk  
Research**



**2. Preliminary Expert  
Interviews**



**3. Preliminary Field  
Research**

#### **1. Initial Desk Research**

The TNC team explores existing publicly available information on the potentially impacted IPLCs and relevant issues.

#### **2. Preliminary Expert Interviews**

The team deepens its learning with experts who have broader, longer-term engagements with the IPLCs.

#### **3. Preliminary Field Research**

The team talks with IPLC leaders and representatives to learn how to engage with the IPLCs without yet getting into the substance of consultation, which should occur after an Engagement Plan has been developed.

Staff should create a file for future reference and save helpful information from the following resources:

For the **Initial Desk Research**, staff should consider the resources cited throughout this module, as well as the following:

- Online searches (e.g., Google Scholar, HeinOnline, LexisNexis, ProQuest) using the names of groups, regions, cities, monuments, leaders or notable figures and historical events. Save useful articles for colleagues and future participants.
- Government resources: Make a list of government agencies with any degree of geographic or subject-matter jurisdiction (e.g., departments of environmental protection, natural resources, conservation, energy, interior, development, indigenous affairs, aboriginal affairs, cultural affairs) and search agency websites for reports, agency stakeholder engagement, and applicable regulatory procedures.
- Civil society resources: Make a list of civil society organizations with any history of geographic or subject-matter involvement, ranging from big international peer organizations to small local interest and issue groups, and search websites for reports, advocacy, evidence of past stakeholder engagement processes. IPLCs may also have websites, Facebook pages and other online informational resources.
- Expert and academic resources: Identify names of key scholars from the searches above. Browse faculty bios at local universities. Consult reference librarians at local universities.

For **Preliminary Expert Interviews**, TNC staff should:

- Document each interview.
- Ask about the scope of the expert's work and engagement with the IPLCs, as well as any findings or conclusions.
- Ask who else they know who works with the IPLCs on relevant issues. Map out a network of intersecting individuals and organizations.
- Ask about key resources they rely on in engaging with the IPLCs.
- Ask if they're willing to provide feedback on the questions or concerns identified from your Desk Research.
- Record the expert or scholar's interest or willingness to be consulted in the future.

For **Preliminary Field Research**, TNC staff should remember:

- The point is not to jump into the substance of the project or key issues. The focus is understanding who the IPLCs are and gathering information for the [Engagement Plan](#).
- It's crucial to keep notes on each interview.
- In a contentious environment, the mere act of talking with certain people could be interpreted as taking sides. It's best to reach out to official IPLC associations or institutions first, for example, the IPLC's main governance association, or the natural resources management department. If there are concerns, go slowly. Emphasize that TNC is just listening and open to all stakeholders and rights holders without restrictions.

#### Tip: Lean On In-House Expertise

TNC staff can consult [TNC's Global Indigenous Peoples and Local Communities Team](#), who have a wealth of in-house resources and can connect staff with colleagues around the world in the [Network for Strong Voice, Choice and Action](#).

#### Resource: LandMark Mapping Platform

[LandMark](#) is a mapping platform that provides information on the land and natural resource rights of IPLCs around the world, created by the World Resources Institute and partners.

- LandMark provides more comprehensive information on some parts of the world (Latin America and Southeast Asia) than others (Africa).

**Key Issue: TNC Staff Capacity**

It's crucial that TNC staff participating in early stage engagement have the experience, training and capacity they need. Culturally responsive engagement does not come automatically to everyone. Once learned, the skills for cross-cultural and participatory approaches need to be practiced and honed. The [Diversity Learning page](#) on TNC's CONNECT intranet has a number of resources on topics like leveraging differences and facilitating inclusion.

**Key Issue: Who are Considered IPLCs?**

There is no single definition of indigenous peoples or IPLCs. However, many definitions reference a set of experiences common to most IPLCs around the world. "According to the UN the most fruitful approach is to identify, rather than define indigenous peoples. This is based on the fundamental criterion of self-identification as underlined in a number of human rights documents."<sup>[1]</sup>

Common IPLC experiences include:

- Self-identification as indigenous peoples at the individual level and accepted by the community as their member
- Historical continuity with pre-colonial or pre-settler societies
- Strong links to territories and natural resources
- Distinct social, economic or political systems
- Distinct language, culture and beliefs
- Being a part of non-dominant groups of society
- Commitment to maintain and perpetuate their ancestral environments and systems as distinctive peoples and communities

It's also important to recognize the negative effects that colonialism has had - and may continue to have - on IPLCs. These experiences include:

- Catastrophic suffering during the colonial and post-colonial eras
- Forcible relocation
- Populations decimated by violence or disease
- Children stolen away to boarding schools

Faced with this reality-based experience, and acknowledging the diversity of indigenous peoples, authorities often avoid defining communities as "indigenous." One of the most important indigenous land-rights cases (*Saramaka People vs. Suriname*) applied indigenous rights principles to a community of African descendants living in South America. The community was founded by enslaved people who had escaped and forged a largely self-contained culture with a profound relationship to the land that sustained them. In many other cases, indigenous peoples who were forcibly removed from their traditional lands are still fighting to get it back.

TNC and many other conservation and development organizations choose to extend the benefits of protection required for indigenous peoples by law to a wider range of potentially affected local communities. Because of the type of work TNC does, our focus is on communities with a profound relationship with their natural landscape.

### Resource: UN Indigenous Peoples Factsheet

For more information on the term “indigenous,” see the [UN Permanent Forum on Indigenous Issues Factsheet](#).

### Resource: Context of the Term “IPLC” at TNC

For context on TNC’s use of the term “IPLCs,” see the [VCA Framework](#) (page 6). TNC uses the term **indigenous peoples and local communities** to refer to peoples and communities who possess a profound relationship with their natural landscapes, which they depend on for cultural, spiritual, economic and physical well-being. Original inhabitants and migrants who have a close relationship with the landscape are likewise considered to be IPLCs. TNC recognizes the collective rights of indigenous peoples as codified in international law. In this Guide, “IPLCs” is used to refer to all indigenous peoples and local communities.

### Key Issue: Scope of Inquiry

IPLCs who might be impacted by the initiative must be identified. If the initiative is place-based, the identification process involves mapping the project’s boundaries and determining whether there are IPLCs that live on, use or value the lands, waters and resources within or in close proximity to those boundaries. Planners should consider nomadic herders or hunter/gatherers who might not be currently present, but who use the land at other times. For work that is not place-based or readily mappable, such as policy initiatives, it’s still important to identify IPLCs who might be impacted.

The initiative boundary map (whether geographical, policy- or strategy-related) should include areas where activities will occur or effects will be felt. The protection of a river’s headwaters could affect a downstream community, or grasslands management in one area may impact grasslands in another area if it changes the grazing patterns of nomadic herders.

The scope of inquiry shouldn’t be limited to present-day land use; historical use should be included. Nor should the inquiry be limited to land to which IPLCs have title or officially documented use rights. Many IPLCs will have customary occupancy or use rights that are not recognized by the state. It can be hard to know whether communities will be affected by an initiative, so staff should take a broad perspective. Activities on a piece of land will affect the community with registered title to the land, and they might affect other communities who have

no legally recognized rights but consider the land sacred or use it for religious or other purposes. Going beyond legal and economic interests is crucial; considering the IPLC's cultural, spiritual, health and, subsistence interests ensures a well-rounded inquiry.

#### Resource: Native Land Searchable Map of Territories



[Native Land](#) includes a searchable, interactive map of traditional territories, languages and treaties around the world, as well as resources on territory acknowledgment.

#### Key Issue: Conflicting IPLC Views or Rights Claims



It's not uncommon to find two or more IPLCs who claim traditional ownership, access or use rights to the same land. One community might have traditionally used the land for religious ceremonies, whereas another has a long history of grazing cattle there. Or there might be disagreement over boundaries. It's important to identify all relevant IPLCs and understand the distinct nature of each claim.

Staff may decide that the conflicting or competing claims are too numerous or contentious for a project to move forward. In other cases, helping communities work together despite competing claims and bringing them together to pursue conservation goals could lead to a stronger initiative and more sustainable results. However, TNC should not be the arbiter of disputes between communities. That is a complex and difficult role that falls outside TNC's areas of expertise.

#### Resource: More on Competing Territorial Claims



For staff who want to learn more about facilitating talks between IPLCs with competing claims, [Namati's Community Land Protection Facilitator's Guide](#) includes helpful chapters on Harmonizing Boundaries and Resolving Land Conflicts (pages 151-166). These chapters cover topics such as how to form teams from each community to take the lead on resolving disputes, how to provide conflict resolution and mediation training, and how to select a good mediator.

**1A. Wenland Case Study**  
**TNC in Wenland (SCENARIO 1)**



TNC has several offices in mainland Alban and in Alban cities in Wenland.

We have managed and participated in several Alban conservation initiatives since the late 1980s. Our only project in the Wend to date was a coastal conservation easement funded by a private donor in 1997.

[View Case Study](#)

**Step Two:**  
**Consultation**  
**Plan and**  
**Process**

**Template: Engagement Plan**



[View the Engagement Plan Template](#)

Once IPLCs have been identified, the process of developing an Engagement Plan will help determine culturally responsive and equitable means of interaction. Learning about the customs, social structures, gender relations, power dynamics and hierarchies within the IPLC is crucial. The primary goal of this step is to ensure that TNC works with the IPLC’s governance institutions and respects their customs, laws, social norms and traditions. In doing so, staff should also take an inclusive approach that recognizes and engages all social identity groups.

Using the Desk Research, Expert Interviews and Preliminary Field Interviews undertaken in [Step One](#), the TNC team can ask the IPLC whether and how they would like to engage with TNC. The decision-making processes used by the IPLC should be well understood by this point; if not, staff should seek guidance from IPLC leaders and outside experts. If the IPLCs have participated in previous consultation processes, ask them about their experiences, both positive and negative. Staff should ask if engagement protocols or examples of past engagement processes exist and can be shared. Additionally, ask these leaders and experts to assess the IPLC’s capacity to engage with TNC.

The Engagement Plan sets the ground rules for the process ahead. It can be a simple summary prepared jointly by TNC staff and IPLC leaders. Or it can be a full Engagement Plan detailing a series of steps or procedures that need to be followed for decision-making affecting different issues or community groups.

In many instances, a one-page document consented to by both TNC and the IPLC, and covering the following topics, should suffice: following topics, should suffice:

<p><b>What</b></p> <p>What the IPLC wants to discuss</p>	<p><b>When</b></p> <p>The time, place, format of the discussions</p>	<p><b>Who</b></p> <p>Who from TNC and the IPLC will be involved in the discussions</p>	<p><b>How</b></p> <p>How the IPLC will make decisions and convey them to TNC</p>
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- What the IPLC wants to discuss
- The time, place, format of the discussions
- Who from TNC and the IPLC will be involved in the discussions
- How the IPLC will make decisions and convey them to TNC

Because it's important to hold off concept development until the IPLCs are engaged, TNC should be careful in the initial engagement with the IPLC to focus, as much as possible, on who should be involved in discussions and what the discussion will be about at a general level, rather than getting into the details about the work. The initial approach is: "We would like to talk with you about a conservation project or environmental issue. Who should we talk to? How does that work?"

It is best practice to develop an Engagement Plan on how to approach this early phase, even though the initial conversations aren't seeking consent the way later conversations, like those contemplated in the [FPIC Module](#) will. It's also best to get consent for each new engagement. The formality of the consent, and detail of its documentation, will vary. For example, documentation of consent by a village elder to meet with her family might be documented in a simple text exchange or in-person exchange that TNC staff then documents in the file, whereas consent by a council of elders to hold an initial series of community meetings might be documented more formally. See the [Documentation Module](#) of this Guide for more information.

#### Resource: Guiding Questions on Governance

For a helpful set of guiding questions to ask community members about their institutions and governance, see Text Box 2 in Holly Shrumm and Harry Jonas' article, "Understanding and facilitating a biocultural community protocol process." in the Participatory Learning and Action, Issue 65, 2012, 179-183, [Biodiversity and culture: exploring community protocols, rights and consent](#).

#### Resource: Fauna & Flora International's Social Mapping

Fauna & Flora International's Toolkit: [Tools for Participatory Approaches](#) includes social mapping guidance that provides a framework for identifying households, groups, organizations and social structures.

#### Key Issue: Ensuring Inclusion

Engaging people who don't have legitimacy in the eyes of the community they purport to represent leads to mistrust and resistance. An inclusive participatory approach is needed to work through the IPLC's established institutions. Sometimes, approaching all sectors of the IPLC is limited by cultural norms or local governance. Increasing inclusion may be ongoing work as TNC builds trust with the IPLC.

If IPLC structures exclude women, elders, youth, people with disabilities or other social identities, TNC staff should encourage broader participation from those groups. TNC may engage them separately, taking into account their preferred time of day, location, language and format for the meetings. But roadblocks might arise from the IPLC's existing structures. Staff should be transparent about TNC's desire to include participation from all social identities, while acknowledging that this might need time and trust to develop. Staff should ask members of different social identities how they want to be involved. It is critical to take a culturally responsive approach to inclusive participation, to avoid cultural bias and assumptions that TNC might bring, and any unintended negative consequences that may result. For example, TNC staff assumptions of what gender integration looks like in a particular place may not be fully informed or appropriate for that IPLC. Processes to include people from different social identities should be led by the vision and priorities of those people themselves.

### Resource: Questions for Greater Participation



The [Shrumm and Jonas](#) article includes, in Text Box 3, a good set of questions to ask community members to enhance participation from different groups.

### Resource: USAID Guide to Understand Gender Inequalities



Regarding gender:

- [USAID's Guide to Gender Integration and Analysis](#) includes helpful tips for conducting an initial gender analysis to identify and understand gender differences and the impact of gender inequalities within a community.

## 1B. Wenland Case Study

### TNC in Wenland (SCENARIO 2)



Unlike Scenario 1, TNC has a large office in a southern Wenland city and a small office in a northern Wen town, where there are three ethnic Wen on staff. TNC has helped Wenec communities near its northern office fund and manage numerous conservation and community development projects over the years. We have not worked much with the other two Wen Camps.

[View Case Study](#)

## Step Three: Begin Initial Engagement & Dialogue

With an Engagement Plan that reflects understanding of the key institutions, individuals and social identities of an IPLC, TNC should invite the appropriate people to a conversation. The IPLC should set the time and place for these meetings, and the dialogue should happen at a pace and manner of their choosing. The initial focus should be on the IPLC's goals, and to the extent they're willing to share, their vision for the future, including economic development, perpetuation of cultural values, and protection of long-held knowledge about how to steward and manage their lands. This is the foundation for project design, impact assessment and the FPIC process, if the relationship develops.

Early dialogue is more about getting to know one another and finding areas of mutual interest and shared goals. This rationale should be shared with the IPLC so that there's no expectation for agreeing on project scope or design yet, since those details require careful deliberation and learning to inform decisions.

Guidance on this kind of consultation and learning—often part of an FPIC process—is provided in the [FPIC Module](#). Before that happens, TNC must ensure that there is sufficient IPLC interest, support and cooperation to proceed, as described below.

### Tip: Communicate Expectations Up Front



Accurately communicating the purpose and scope of these conversations is key for managing expectations both within the smaller group of initial contacts and the larger community. Doing this up front and throughout the IPLC engagement process can help avoid disappointment and disengagement.

### Tip: Address All Layers of Governance



An IPLC may have multiple decision-making bodies or layers of governance, and different people may need to be consulted at different steps in the project life cycle, such as obtaining consent or addressing grievances. TNC staff will need to confirm they're engaging with the appropriate person or people.

### Key Issue: Scope of Engagement



Again, the purpose of dialogue at this phase is not to agree on details, but simply for the IPLC to learn about TNC and vice versa. An IPLC might begin by inviting TNC staff to community events. Or they might want to use storytelling to explain their values, history and relationship to their lands and waters. Still others might want to show that relationship through a mapping exercise. Note that formal resource mapping usually comes after a long period of relationship building and establishing trust, so it may be more appropriate for the consultation phase discussed in the [FPIC Module](#). Whatever form these conversations take, TNC should approach them humbly, as a listener and learner.

**Tip: Ask for Existing Maps and Databases**

Some IPLCs may already have maps, electronic databases or written records depicting their ownership, knowledge, management and use of resources. These may range from sophisticated GIS products to rudimentary sketches. TNC staff should ask what is already available and not assume the need to start from scratch. At the same time, staff should be sensitive to any hesitation the IPLC may have about sharing resources and respect a decision not to share, or any conditions placed on sharing.

**Tip: Ensure IPLC Can Store and Use Digital Resources**

Make sure that the end product of any mapping process is one the IPLC will be able to store and use. For example, the IPLC might not have a good place to store paper maps or might have technological limitations for accessing and using GIS data. If so, consider financial support to build storage and data management capacity.

**Key Issue: Cooperation Sufficient to Proceed**

IPLCs might be hesitant to share information with TNC, be it historical or ecological knowledge, cultural or spiritual beliefs and practices, maps, data or other information collected or owned by the IPLC. Putting in the time to build relationships and trust is important, as is sharing information about TNC so the learning process is mutual. TNC should not pressure the IPLC for information. Waiting until the relationship is well established will mean the IPLC can consent to the dialogue with an understanding of how it will happen and why.

The IPLC may never be comfortable sharing certain information, and TNC should not put any pressure on them about it. Many IPLCs have been approached by outsiders seeking information for their own self-interest rather than for the best interests of the IPLC, so their hesitation is understandable. TNC should ensure that the shared information will be used to benefit the IPLC

and help advance their goals. TNC needs to clearly articulate how the information will be used, and later, follow through on any assurances the team has given about information sharing. In cases where the IPLC does not want to share information, TNC should respect that decision.

**Tip: Consult on Intellectual Property**

Understand the IPLC's definition of their intellectual and cultural property, and implement a code of ethics that outsiders must observe when recording or transmitting this knowledge in visual, audio or written form. This may require broader agreement from the IPLC, going beyond the smaller representative body engaged in initial conversations. The same applies when photographing indigenous individuals, especially children. Indigenous peoples cannot waive their rights to photos; they always maintain their rights and can always revoke permission for others to use them. When possible, use indigenous peoples' own intellectual property and photo release templates, rather than TNC's, which are likely to be inadequate for this context. Always consult TNC's legal team about intellectual property.

**Resource: World Intellectual Property Organization Brief**

The World Intellectual Property Organization has produced a helpful [background brief](#) on traditional knowledge and intellectual property concerns.

**1C. Wenland Case Study****The Permafrost Crisis**

In July 2019, a groundbreaking study on data gathered from a global network of permafrost test sites confirmed what climate experts had long feared: permafrost throughout the subarctic is thawing and beginning to release massive amounts of stored methane and CO<sub>2</sub> into the atmosphere.

[View Case Study](#)

**1D. Wenland Case Study****Wen Self-Government**

Most Wen live and work alongside the Albian population in Wenland society under the Wenland territorial government, but Wen self-government persists to an extent. The three Wen Camps occupy areas that partially overlap, and they each maintain a quasi-executive Camp Council.

[View Case Study](#)

## Learning & Early Discussions Checklist

### Step One: Identify Relevant IPLCs

- Desk research, expert interviews and field interviews
  - Geographical analysis with upstream/downstream impacts
  - Temporal or historical analysis
  - Resource use analysis, including seasonal use
  - Other impact analysis, especially if the project is not place-based, for example, an overarching strategy or a national policy initiative (see also [Human Rights Impact Assessment](#) in FPIC Module)
  - In addition to environmental impacts, consideration of legal, social, health, subsistence, political, economic, spiritual and cultural impacts
- Cross-check identification results as part of initial contacts with IPLC
- Analysis of competing IPLC claims or interests
- Analysis of IPLC claims or interests disputed by government or other authorities

### Step Two: Develop an Engagement Plan

- Consider TNC team capacity, including language, cultural experience, training needs
- Consider existing or established IPLC engagement processes
- Solicit and defer to IPLC preferences on [Engagement Plan](#) options. Assess if there's sufficient cooperation to proceed
  - Preliminary Inclusion analysis
- Documentation (see "Documentation to Save" below)

### Step Two: Begin Initial Engagement & Dialogue

- Continuous development and adaptation of the Engagement Plan

## Learning & Early Discussions (Continued)

### Step Two: Begin Initial Engagement & Dialogue (Continued)

- Co-learning - TNC learns about the IPLC and introduces itself to the IPLC
- Continuous development of dialogue objectives
- Data sharing and the consideration of limits, conditions and parameters on data

## Documentation to Save

See [Documentation Module](#) for additional context and considerations for documentation

- Research file on the process used to identify potentially impacted IPLCs
  - Notes and list of resources from desk research
  - List of people engaged during screening for IPLC impacts and notes from each of the conversations, including when, where and what was discussed
  - List of people consulted during the engagement planning process and notes from each of the conversations, including when, where and what was discussed
  
- An [Engagement Plan](#) for each IPLC partner and correspondence or notes reflecting how the Engagement Plan was formulated in collaboration with IPLC members and how the final terms were communicated to the IPLC. The requirements of an Engagement Plan will vary, but ideally, plans will include information reflecting:
  - The matters the IPLC would like to discuss
  - How those discussions should occur (time, place, format)
  - Who is involved in those discussions for both TNC and the IPLC
  - How the IPLC will make and convey decisions to TNC
  
- Documentation reflecting agreements on objectives, goals and conclusions as they emerge from Initial Dialogue



## Notes

<sup>[1]</sup> United Nations Permanent Forum on Indigenous Issues. Who Are Indigenous Peoples?  
[https://www.un.org/esa/socdev/unpfii/documents/5session\\_factsheet1.pdf](https://www.un.org/esa/socdev/unpfii/documents/5session_factsheet1.pdf)



## **T**NC has several offices in mainland Albian and in Albian cities in Wenland.

We have managed and participated in several Albian conservation initiatives since the late 1980s. Our only project in the Wend to date was a coastal conservation easement funded by a private donor in 1997.

The donor allocated funding to pay a Wenebe community to steward the land and provide annual reports. The extent of consultation on the project is unknown. The agreement was purportedly signed by a Wen leader that today, no one has heard of. We have no evidence of reports or documentation of any discussions and the funding ran out in the early 2000s.

Soon after, the rapid growth of a nearby town, now populated by more Albian oil workers and their families than Wenebe, led to the construction of an Albian commuter suburb not far from the easement.

### Lets Say

### Thoughts and Guidance

1

**Wenland's TNC team would like to increase conservation activities in the Wend, and has lots of ideas, starting with using the old easement as an inroad. The team knows that it needs to consult the Wenebe and is excited to hear their views. Are there any other considerations?**

*The TNC team can initiate research and early discussions with the Wenebe and should engage in discussion with all three Camps, following guidance in the Learning and Early Discussions Module. However, if the Wen have not actively sought our involvement, TNC needs to exercise special care to make sure the IPLC perspective and right of self-determination are at the center of the process.*

*TNC should acknowledge that as a large U.S.-based conservation organization, we are an outsider (see How to Use This Guide and When It Applies section of the Introduction to this*

*Guide). TNC's identity and privilege could lead to displacing prerogatives that belong to the Wen, since TNC doesn't have deep roots in the Wen or close connections with the Wen people. Before coming in and proposing to help, a more gradual development of these relationships, not in pursuit of any specific initiative, may be more welcome and yield better results.*

2

**As regards the old easement, it seems clear that no FPIC was conducted at the time. Does TNC need to conduct an FPIC process now?**

*FPIC is an evolving standard. It is not necessarily wrong that prior interactions did not adhere to a standard that didn't yet exist. At the same time, TNC's Principles and Safeguards such as Respect for Self-Determination and Overarching Good Faith are forward-looking and not satisfied by technical defenses of past events. If the easement negatively impacts the Wen's right to self-determination, or if there is lingering resentment about the lack of consultation, an FPIC process may be needed.*

3

**A local Albian conservation group, Albian Trust, has contacted TNC to sponsor the Trust's proposal for new government funding to steward the land and expand the easement. Is an FPIC process with the Wen required before TNC can agree?**

*In this case, the legacy project is being updated and reworked. Contemporary standards apply, so yes, an FPIC process is needed.*

4

**Albian Trust's proposal describes the easement as being located on untitled government territory. When TNC says FPIC is needed, the Trust responds that the Wen have no territory and are not indigenous since they came to Wenland at the same time as the Albian. The Trust further notes that the Albian government has decreed that the Wen have no collective or other special land rights and that TNC must respect national law. How should TNC react?**

*It is not for TNC to determine the indigenous status of the Wen people. And while TNC cannot violate national law, we can maintain our own commitments, which include actively supporting indigenous self-determination. The Wen have a profound, ancestral relationship to the landscape despite their relatively recent arrival, and they have maintained their culture and language despite significant integration with Albian society. Most critically, the Wen consider themselves indigenous. Thus, there are plenty of reasons for TNC to condition our own involvement on rigorous compliance with the Principles and Safeguards in this Guide.*

5

Same as above, except that instead of arguing against FPIC, Albian Trust gladly agrees to any process that TNC or the Wen feel is necessary. However, it notes that a residential suburb of Albian oil workers is closest in proximity to the easement. *Should the suburb be included in Wen dialogue and FPIC? Does it have the same right to grant or withhold consent as the Wen?*

*Absent more facts, an Albian residential suburb (built recently and for occupational purposes) would not appear to satisfy even the broad standard of profound connection to landscape that TNC uses. Thus, the residents of that suburb would not have the same right to grant or withhold consent as the Wen. That said, the principle of Inclusion would weigh in favor of including the suburb residents and other stakeholders as much as possible, in consultation with the Wen as indigenous rights holders.*

6

Same as above, but instead of a suburb of oil workers, the closest community is a commune of young Albian back-to-the-land families who focus on sustainable agriculture and living by traditional Albian religious values. They believe the Albian people were guided to Wenland by God, and they consider protecting the land to be a sacred trust. They also view the easement as critical to protecting their fresh water supply and right to a healthy environment.

*The prior analysis stands, but it need not be exclusionary. To the extent the Albian community is motivated by a genuine connection to the land and sees its rights as intertwined with the land, its inclusion as a stakeholder can reflect its relationship to the land, even if it doesn't exercise indigenous rights.*



## TNC in Wenland (SCENARIO 2)

### 1B. Wenland Case Study

**U**nlike Scenario 1, TNC has a large office in a southern Wenland city and a small office in a northern Wen town, where there are three ethnic Wen on staff. TNC has helped Wennec communities near its northern office fund and manage numerous conservation and community development projects over the years. We have not worked much with the other two Wen Camps.

#### Lets Say

#### Thoughts and Guidance

1

As in Scenario 1, the TNC team is considering program activities regarding an old easement project for which no FPIC process was conducted. The idea of initiating activities around the easement has come up informally several times in conversations with Wen contacts, and everyone seems in favor. *In this Scenario, is a broader FPIC process still necessary?*

*TNC may not need to immediately address the lack of FPIC in every legacy project; however, modifying, expanding, or revisiting a project may trigger that need. Because FPIC is such a powerful relationship-building tool, TNC should not shy away from exploring it. It's not clear whether the Wennec Camp would be able to authorize further development of the project without involvement from the other Camps or broader Wen authority. An open FPIC process would answer this question and help TNC build trust and relationship with the Wenna and Wenebe Camps as well.*

2

**The Wennec Camp wants TNC's help in developing a herd management program for the Wendbok, a culturally significant reindeer. In the past, Wendboks were a staple of the Wen diet, but overpopulation has become an issue in some regions where fewer Wen youth are taking up hunting.**

*The fact that the proposed action would affect a migratory herd means a management plan is more likely to affect the other Wen Camps as well. And an additional inquiry and consultation are warranted to ensure that all Wen people are being considered in the decision-making.*

3

**Following on the above, when TNC asks to begin a broad consultation process about the Wendbok, Wennec leaders firmly object, saying that there are political considerations TNC wouldn't understand. They also say that a core tenet of Wen self-government is that individual communities control local land- and resource-use decisions — and this authority extends to migratory herds.**

*This scenario introduces tension related to the principle of Respect for Self-Determination, which urges TNC to respect the Wennec's own understanding of their authority within broader Wen society. Without any clear evidence that this understanding is problematic, TNC should probably defer to the Wennec's process. At the same time, TNC should let the Wennec know they will be checking in with the Wenna and Wenebe authorities, since TNC owes a duty of Respect for Self-Determination to the Wen people as a whole. TNC should be prepared for difficult cases where respecting a decision from one community could undermine self-determination of another or the community at large.*

4

**The Wennec move forward with their herd management program. TNC wildlife specialists who look at their initial plan are dismayed, saying it doesn't take into account data about the whole ecosystem. The Wen individuals on staff at TNC tell their colleagues that the whole thing is probably just an attempt by local big shots to get around Wenland hunting permit restrictions that the Wen have long objected to. *Can TNC take a stand against the program or at least its hasty implementation?***

*TNC does not have the agency to decide what's best for the Wen. Instead, staff should defer to the Wen's authority to exercise their self-determination. The fact that the Wennec Camp's plan does not immediately meet the ideals or expectations of TNC is no reason to depart from Respect for Self-Determination, though it may lead to discussion with the Camp and an offer of assistance.*

*In any relationship with an IPLC, there is much that TNC likely doesn't see; here, the Wennec Camp's plan may rest on indigenous knowledge about the herd and the ecosystem that is not stated in the plan documents. The fact that TNC has Wen staff members doesn't negate the fact that TNC is an outsider organization. However, TNC's commitments to Informed Decision-Making, Meaningful Consultation, and Inclusion could lead*

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*TNC to advocate for more discussion of the herd management plan, as long as it does so with respect for the Camp's ultimate right to decide for itself.*

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# The Permafrost Crisis

## 1C. Wenland Case Study

**In July 2019, a groundbreaking study on data gathered from a global network of permafrost test sites confirmed what climate experts had long feared: permafrost throughout the subarctic is thawing and beginning to release massive amounts of stored methane and CO<sub>2</sub> into the atmosphere. A rapid meltdown could double the amount of CO<sub>2</sub> in the atmosphere, and unstable thawed permafrost could trigger massive erosion and threaten infrastructure such as roads, bridges and buildings across the subarctic. In August 2019, TNC received a large private grant to explore permafrost preservation and mitigation strategies.**

A few months later, FrostLock, a permafrost technology company, approaches TNC with an idea. FrostLock has developed and patented the use of hydrofracking technology and proprietary liquid gas mixtures to stabilize permafrost at a massive scale. In press releases, FrostLock touts its venture capital funding, its recruitment of the world's leading permafrost geologists, and the minimal environmental impacts of its technology — which they claim could not only save the planet but generate tens of thousands of jobs. FrostLock proposes using the Wend to test its technology and pledges to compensate for the minimal environmental impact by funding a Conservation Management Area that would encompass most of the undeveloped Wend. FrostLock agrees to an FPIC process, which they will fund, but they want to approach the Wen arm-in-arm with TNC because TNC is trusted by the Wen.

### Lets Say

### Thoughts and Guidance

1

***Before TNC is contacted by Frostlock, we want to talk to the Wen about deploying the permafrost conservation grant funding we received from the private donor. Can TNC initiate discussions even though the Wen have not raised the issue?***

*Yes. TNC can pursue our own conservation agenda as long as we follow the Principles and Safeguards. The caution recommended by this Guide should not be read as discouraging TNC from offering our services. Often TNC's ability to secure funding for conservation work is a key contribution we bring to an IPLC relationship. Initiating the discussions*



*ensure that any efforts are consistent with the Wen's exercise of self-determination. The important fact is that, consistent with the principle of Prior Engagement and Collaborative Relationships, TNC is not bringing a fully developed plan to the Wen for approval but is initiating a discussion.*

2

**Regarding the FrostLock proposal, can or should TNC negotiate certain terms of cooperation, such as the extent of the Conservation Management Area, before agreeing to approach the Wen?**

*A transparent, multi-stage process may be appropriate, starting with informing the Wen of FrostLock's proposal and seeking guidance on how to proceed.*

*The principle of Prior Engagement counsels against negotiating with FrostLock before discussion with the Wen. The reason is that having a discussion with FrostLock carries a risk of making decisions about the initiative before incorporating IPLC perspectives. TNC should be clear in discussions with the Wen that we have not yet vetted the initiative with FrostLock, much less endorsed the proposal.*

3

**Should TNC simply tell the Wen about FrostLock's proposal and hand over negotiation to Wen leadership? What if the TNC team is concerned about the Wen's practical ability to negotiate equitably with FrostLock?**

*TNC should be careful. Even handing over a proposal might be taken as an endorsement. And while TNC should scrutinize the basis for our concern over the Wen's negotiating abilities, there will be circumstances where such concern is warranted. This project could have major impacts on the Wen and their land; as such, their right to self-determination is activated at its highest level, along with the underlying principle of FPIC. TNC cannot usurp the Wen's role or undermine their self-determination, but respect for the Wen's rights might require a more engaged approach.*

4

**Initial dialogue with Wen leaders shows that they don't like the idea and just want to be left alone. Should TNC proceed with further consultation? What if TNC adamantly believes that FrostLock's technology is the only hope to guard against catastrophic CO2 and methane emissions that could destroy all prior climate efforts?**

*Some degree of advocacy is appropriate, and it may be tempting to rely on the Informed Decision-Making principle to justify pushing the Wen into further consultation to educate them about the initiative's importance. But neither the principle of Free Choice nor the Wen's right to self-determination are served by forcing them to engage*

## Lets Say

## Thoughts and Guidance

*in unwanted processes. The balance will depend on the circumstances. TNC staff must be prepared to set aside even our strongest organizational commitments in order to respect the Principles and Safeguards, especially Indigenous Self-Determination.*

5

**Same as the above, but TNC is aware of several committed Wen climate activists who are trying to convince the Wen Councils to see things differently. Does this change the analysis?**

*Conflicting intra-community views might justify some effort to support processes that ensure all views are heard. But this must be done through IPLC institutions and processes. If Wen institutions have not clearly spoken, there may be more room to work alongside community members who share TNC's own views. To preserve Overarching Good Faith, TNC must be careful to avoid sowing conflict in a community or Camp by supporting one group over another (see [Wen Self-Government hypothetical scenario](#)).*

6

**Alternative to the above, the Wennec leadership that TNC approaches for Initial Dialogue about FrostLock's proposal is quickly and strongly interested and begins discussions about future meetings and consultation. Shortly thereafter, leadership from the Wenebe Camp sends a fiery letter to TNC saying that it has authority to speak for the Wen regarding any consultation process. What does TNC do now?**

*After receiving the Wenebe letter, TNC should slow down our work on the substance of the proposal and revisit the question of how we are engaging with the Wen. Once an Engagement Plan is in place, we can resume work on the proposal.*

*Situations like this are why the Guide recommends establishing an Engagement Plan as early as possible. The choice of who to talk with is often freighted with implications that outsiders don't understand. TNC should have conducted enough research to know to start dialogue with all three Camps simultaneously.*



## Wen Self-Government

### 1D. Wenland Case Study

**M**ost Wen live and work alongside the Albian population in Wenland society under the Wenland territorial government and the Albian national government, but Wen self-government persists to an extent. The three Wen Camps occupy areas that partially overlap, and they each maintain a quasi-executive Camp Council.

The Councils, which are majority male but have some female representation, typically focus on efforts to preserve and promote Wen culture. There are also quasi-judicial Elder Councils composed of only men, who advise the Camp Councils and help resolve disputes. The authority of all these Councils has almost never been tested in Albian courts, which exercise civil and criminal jurisdiction over the Wen population.

#### Lets Say

#### Thoughts and Guidance

1

Following up on point 6 in the “Permafrost Crisis” scenario, TNC is now working with all three Wen Councils to agree on an Engagement Plan. The Wenebe and Wennec Councils vehemently disagree on the amount of consultation needed. Both Councils acknowledge that neither is superior and that decisions affecting the Wen can only be made by consensus. Three months go by and the disagreement persists. FrostLock is considering abandoning its Wenland project, which neither Council wants. *Can TNC adjust its involvement to pressure the Councils to agree on an approach?*

*The simple but profound truth is, TNC’s work with IPLC institutions must persevere even when things are hard or frustrating. True collaborative relationships and respect for self-determination aren’t contingent on things going as planned. TNC teams have to live with IPLC governance procedures we may find frustrating or counterproductive, but we need to work according to the rules and expectations of the system. Whether TNC can increase advocacy and try to pressure the Councils for legitimate purposes will depend on Wen rules and expectations—but this must be pursued in the spirit of Free Choice and zero tolerance for coercion.*

2

**In response to the disagreement, FrostLock suggests that TNC should work with FrostLock on a Plan B to conduct an FPIC process exclusively with the Albian government, noting that the Wen Councils are “just advisory anyway.” Can TNC entertain this suggestion?**

*No. Regardless of what authority the Wen Councils presently exercise under Albian law, indigenous self-determination and self-government are larger, global commitments that TNC respects and upholds. TNC should embrace any opportunity to support indigenous self-determination, even if there is an arguable basis not to.*

3

**While working with the Wen Councils, TNC is approached by a Wen splinter group, Wenza, that has a longstanding list of grievances about the Councils. Wenza claims that its voice will not be heard in the Council-led consultation process being planned. Does TNC have an obligation to hear Wenza out? What if the Councils tell TNC not to pay attention to Wenza? If TNC does listen to them and believes that Wenza has a legitimate distinct viewpoint that will not otherwise be included in the consultation process, does TNC have an obligation to take steps to include them?**

*TNC must adhere to the rules and expectations of established IPLC institutions, and we don't get to decide how IPLC institutions should work. At the same time, we must uphold the Principles and Safeguards. Depending on the circumstances, the principles of Equity and Inclusion and Informed Decision-Making might justify encouraging the Councils to include Wenza, or proposing a process for its views to be heard. Any such action should be pursued in service of self-determination, as embodied in the Wen's established institutions and processes.*

4

**Same as the above, except Wenza is a group of Wen women who have spent years fighting for more recognition and influence in the face of what they see as discriminatory practices enacted by the male-dominated Councils.**

*This is a difficult but not unusual scenario. The principles of Equity and Inclusion call for some effort at intervention. Given the existence of gender equity issues and the impact that the massive FrostLock initiative could have on Wen self-government and culture, gender should be considered a key issue. A collaborative analysis should be conducted using TNC's Guidance for Integrating Gender Equity in Conservation. TNC's participation lies within a continuum of attention to gender equity — from gender-blind, which often perpetuates entrenched discriminatory practices, to gender-balanced, -sensitive, -responsive and -transformative approaches. TNC does not have the power to dictate an approach to the Wen Councils, but staff should monitor gender equity and determine whether the Equity principle is being observed before proceeding with any initiative.*

5

**Same as the above, except that (a) the Councils don't exclude women from informational sessions, only from having a final vote; (b) TNC becomes aware of claims that most Wen women oppose Wenza's agenda; and (c) TNC hears from both men and women that Wen women have a strong voice in decision-making via family-based customs and cultural privileges.**

*This scenario is merely designed to illustrate how nuanced and difficult these situations can be. Cultural practices are not necessarily discriminatory just because they don't map neatly onto the anti-discrimination norm as certain societies understand it. On the other hand, words like "nuance" and even the concept of cultural relativism is sometimes used to sustain problematic privilege models. This further underscores the importance of applying the principles of Equity and Inclusion in a culturally responsive approach.*

## Template:

# Engagement Plan

This template is a starting point for developing the Engagement Plan described in [Step Two of the Learning & Early Discussions Module](#) of the Guide. The Engagement Plan should be focused on the “who” and “how” of early discussions, as TNC and the IPLC are getting to know each other, not on the detailed “what” that follows later and is guided by the Consultation Plan referenced in Module Two. This template also includes some questions for TNC and the IPLC to consider when putting the plan together. Agreement on the contents of this Engagement Plan should be documented in a culturally responsive manner, which may include signatures or initials on the plan, an exchange of emails, a show of hands at a meeting, a protocol or ceremony.

Content entered into this form **will not be saved** if filled out in a browser. [Learn more](#)

Initiative: \_\_\_\_\_

Time period: \_\_\_\_\_

Date: \_\_\_\_\_

Updated as of: \_\_\_\_\_

Approved by:

Organization or group:

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

**1. TNC team capacity**, including language, cultural experience and training needed for working with IPLCs.

a. Staff training and workshops taken, and other learning experiences:

b. Other capacity needs:

c. How capacity needs will be filled, e.g., internal or external resources

**2. Key issues to be discussed by TNC and the IPLC.** This list should reflect the high-level topics the parties will discuss when getting to know each other; the points listed in (a) through (c) below are examples only.

a. IPLC development goals and natural resource priorities:

b. TNC's conservation priorities:

c. Potential areas of alignment between (a) and (b) and opportunities for collaboration:



**3. Means by which discussions will occur,** describing how different social identities will be meaningfully included

a. Frequency and timing:

b. Place:

c. Format:

**4. Key participants from TNC and the IPLC.** Include the name and title of each participant and the topics to be discussed; some participants may be important for some discussions and not others. Review this list to ensure representation from IPLC institutions and inclusion of different social identities.

a. TNC:

i. Name and title	Issue(s) to be discussed
<hr/>	<hr/>

ii. Name and title	Issue(s) to be discussed
<hr/>	<hr/>

iii. Name and title	Issue(s) to be discussed
<hr/>	<hr/>

b. IPLC:

i. Name, title and organization	Issue(s) to be discussed
<hr/>	<hr/>

ii. Name, title and organization	Issue(s) to be discussed
<hr/>	<hr/>

iii. Name, title and organization	Issue(s) to be discussed
<hr/>	<hr/>

## 5. Existing IPLC engagement processes.

a. Describe established engagement processes the IPLC prefers to follow, if the IPLC is willing to share this information:

b. Describe prior consultations with other NGOs and the positive and negative aspects of those experiences, if the IPLC is willing to share this information:

c. Describe the IPLC's preferred engagement processes:

## 6. IPLC Decision Making

a. Describe how the IPLC will make decisions during initial engagement:

b. Describe how those decisions will be conveyed to TNC:

c. Assess whether there's sufficient cooperation to proceed:

## 7. Documentation of the Engagement Plan

a. Notes or correspondence on how the Engagement Plan was created in collaboration with the IPLC:

b. Describe how the final terms of the plan were communicated to the IPLC:

## 8. Review and update the Engagement Plan

a. Dates for periodic reviewing and updating:

--

b. Dates of updates reflecting changes in the TNC team, IPLC or goals, work plan or budget of the initiative:

--

### Questions to Consider for the Engagement Plan

- Would it help to reach out to other organizations who have worked with the IPLC to learn more about the IPLC's formal and informal decision-making process?
- What steps have you taken to ensure that the IPLC representatives with whom you are speaking have legitimacy in the eyes of the wider community they purport to represent?

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