

FPIC-Like Consent for Indigenous Peoples: Lessons from a Tanzanian Railway



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Agenda

1. Project Context
2. Gaps in Knowledge and Approach
3. Additional Consultation
4. Application of FPIC
5. Documentary by TRC
6. Severance Management Plan
7. Applications for Future Work



The Story in Summary

- Project already under construction when Lenders got involved
- Indigenous Peoples identified late in the impact assessment process
- Impacts identified, driven by severance
- Retroactive strategy to engagement developed
- FPIC not “strictly” triggered but some elements required
- Developed “FPIC-like” approach to close the gaps



Source: Arup, visit by the Arup to the Project: Dump Site, November 2023

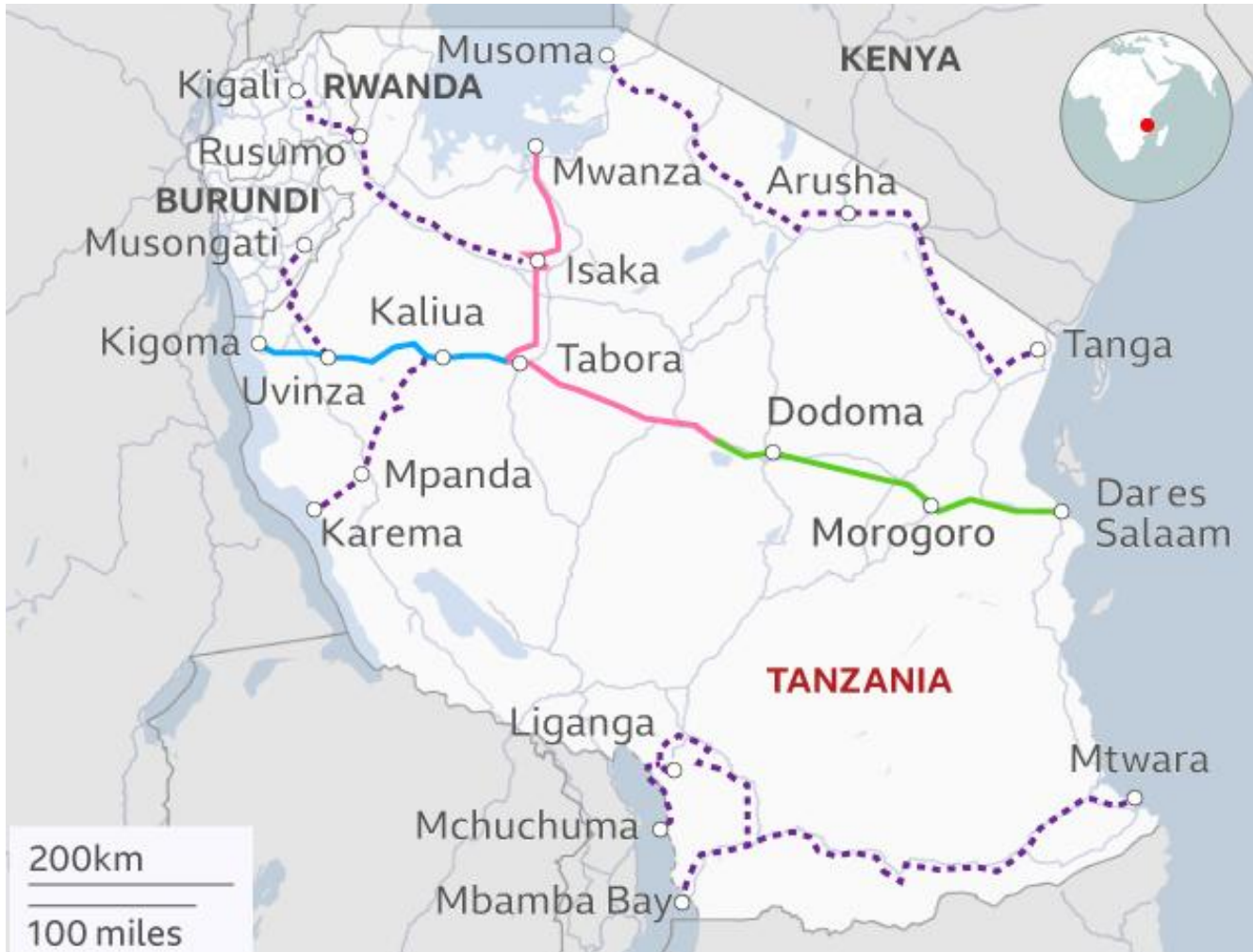


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1. Project Context

Tanzania's SGR Network

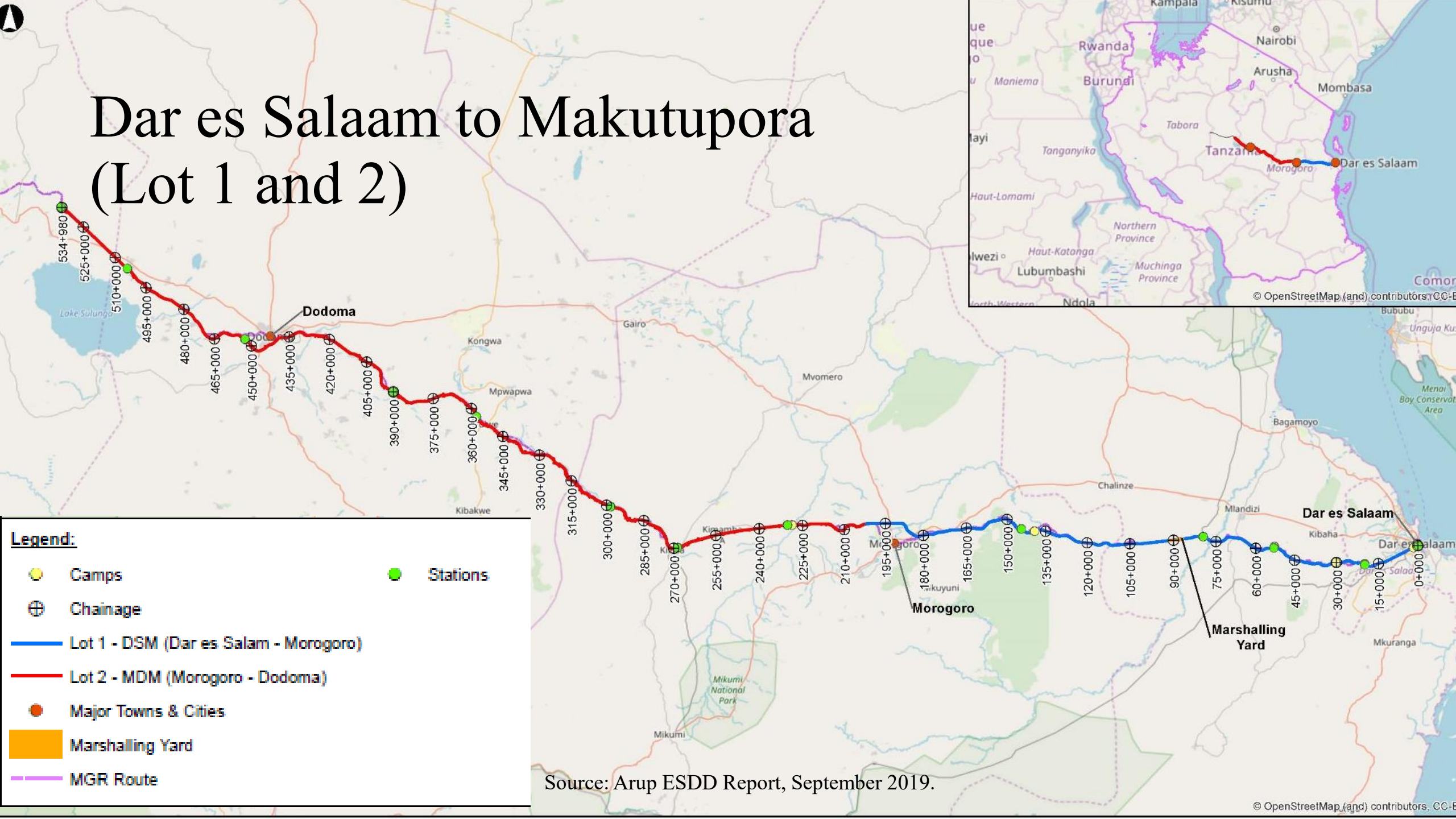


- Complete
- Due by 2026
- Due by 2027
- Construction planned



Source (image): BBC Website. Source (photograph): Arup, taken during visit to the Lot 1 / 2: Dar es Salaam Station, Circa 2025

Dar es Salaam to Makutupora (Lot 1 and 2)



Legend:

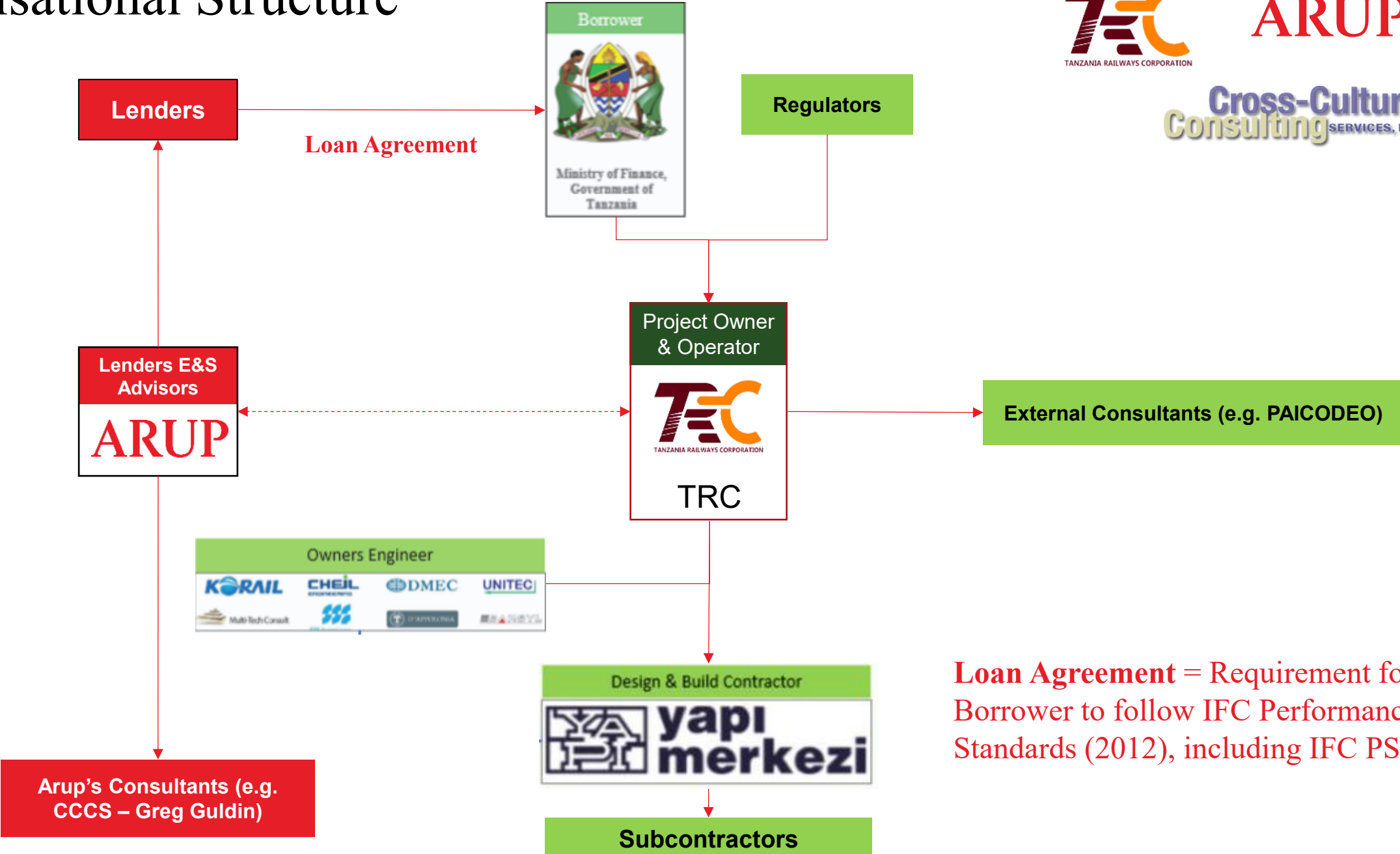
- Camps
- Stations
- ⊕ Chainage
- Lot 1 - DSM (Dar es Salam - Morogoro)
- Lot 2 - MDM (Morogoro - Dodoma)
- Major Towns & Cities
- Marshalling Yard
- MGR Route

Source: Arup ESDD Report, September 2019.



Source: Arup, visit by Arup to the Project: Dar es Salaam Station, Circa 2025

Organisational Structure



Loan Agreement = Requirement for Borrower to follow IFC Performance Standards (2012), including IFC PS7

Project Development





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2. Gaps in Knowledge and Approach

Potential IPs Impacted

- Railway crosses pastoralist lands of Maasai and Barabaig communities
- Some communities could be classified as Indigenous Peoples (IPs) as defined in IFC PS7 / World Bank ESS7
- Following assessment, it was determined that IPs **were** present and therefore needed to be treated appropriately in alignment with the standards...
- ...but how many, locations and details of potential impacts, remained unknown



Potential Impacts and Risks for IPs

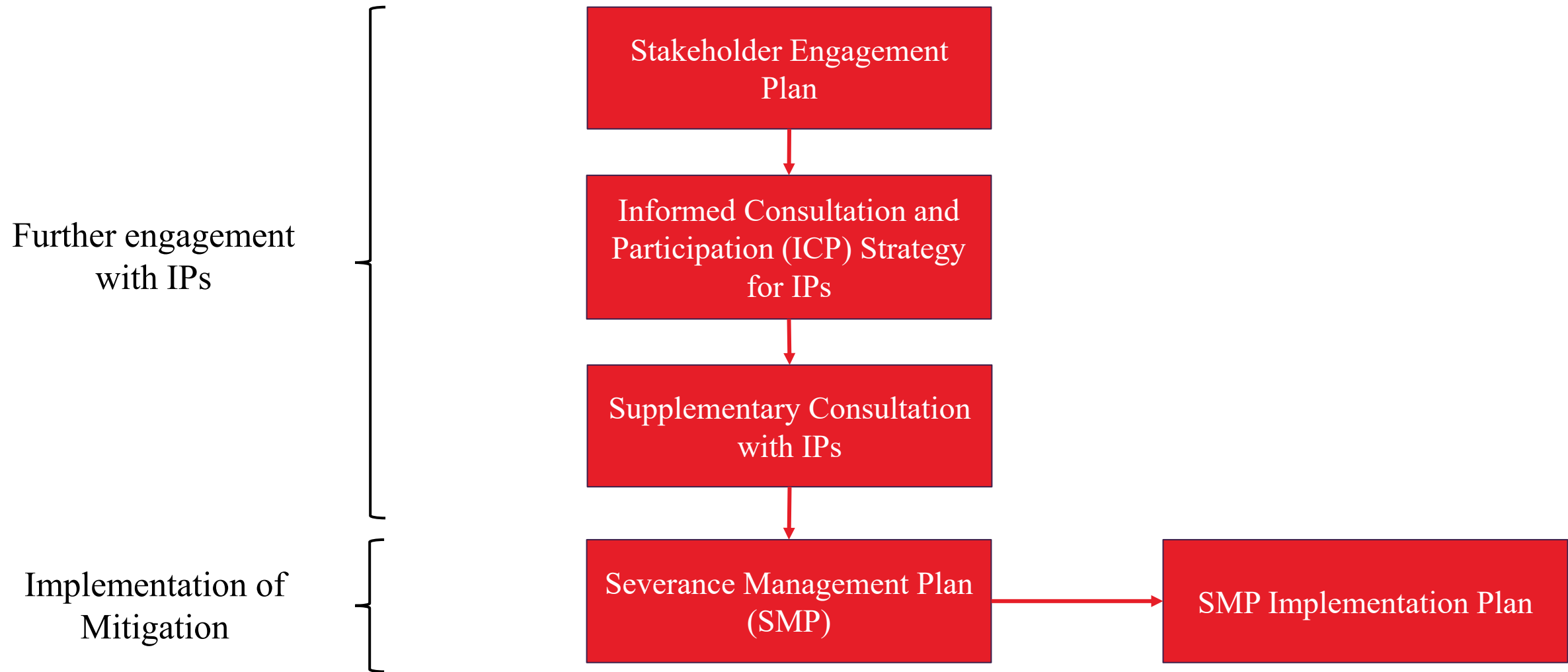
Key potential impacts on IPs:

- Disrupted livestock movement
- Limited access to water
- Increased travel distance
- Safety risks
- Social fragmentation



Source: Arup, Visit by Arup/Lenders to the Project: Parakuyo Village, November 2019

Proposed Approach to Addressing Gaps





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3. Additional Consultation

ICP Strategy for IPs

- Established a structured approach to engagement with IPs
- Ensured culturally appropriate consultation methods are used
- Improved understanding of IP livelihoods and project impacts
- Supported development of mitigation and livelihood restoration measures
- Enabled ongoing participation, grievance handling, and monitoring
- Engaged a neutral third-party FPIC Facilitator Organization (PAICODEO)



Source: Arup, visit by the Arup to Lot 1 / 2: Msua Village, January 2024.

Supplementary IP Consultation Report



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- Developed by **PAICODEO*** to:
 - Identify and map IPs along the SGR corridor
 - Develop a robust socio-economic and land-use baseline
 - Assess impacts on IP livelihoods and resource access
 - Evaluate **FPIC applicability** and engagement processes
 - Provide evidence base to inform mitigation and SMP design



Metric	Estimate
Total villages / areas	~6–10 core locations
Total households	~150–280 households
Total IP population	~1,000 – 2,000 people



Report concluded that formal FPIC may not strictly apply but enhanced engagement was nonetheless required.



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4. Application of FPIC

What is FPIC?

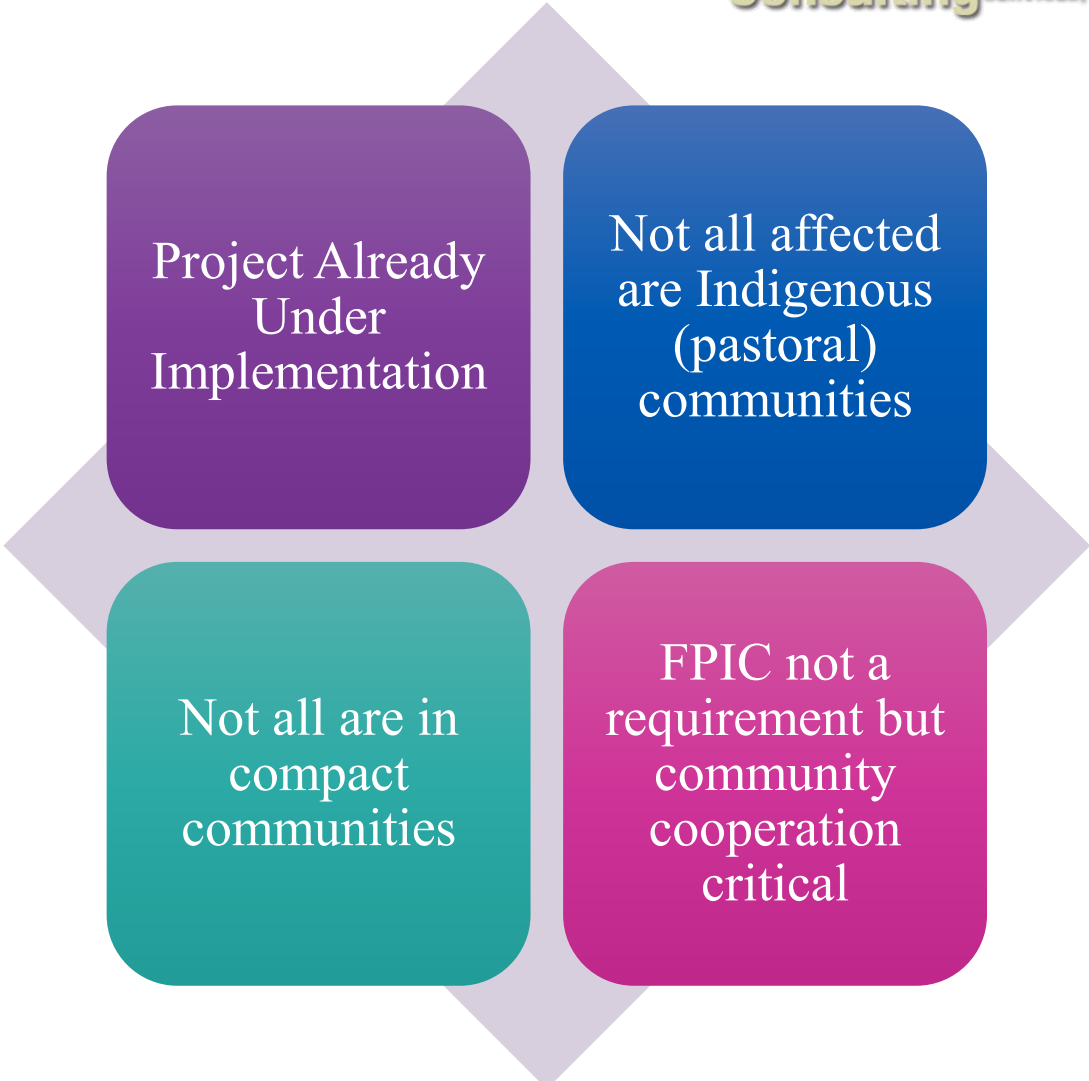
- **Free** – No coercion, intimidation, or manipulation
- **Prior** – Obtained before project impacts or activities begin
- **Informed** – Based on clear, accessible, and culturally appropriate information
- **Consent** – Collective agreement of affected Indigenous Peoples



Source: Arup, visit by Arup to the Project: Domestic livestock using the borrow pit at KM 486.

Did FPIC apply to this Project?

- Indigenous Peoples are present and affected
- Impacts relate to customary land use (not displacement)
- FPIC applicability assessed as a “grey area” under PS7
- Formal FPIC not required in this case
- FPIC principles still applied through a “FPIC-like” approach



Project Already
Under
Implementation

Not all affected
are Indigenous
(pastoral)
communities

Not all are in
compact
communities

FPIC not a
requirement but
community
cooperation
critical

What is “FPIC-Like”?

- Not formal FPIC (no single consent decision point)
- FPIC-Like approach agreed upon with communities
- Iterative consultation and validation process; multiple rounds
- Focus on demonstrable community agreement
- Applies FPIC principles in a constrained context



Source: Arup, visit by the Arup to Lot 1 / 2: Dar es Salaam, circa 2022.

FPIC-Like Minimums



Source: Arup, visit by Arup/Lenders to the Project: Parakuiyo Village, November 2019.

- Preparation of a validation process (“consent”) for mitigation and benefits plan approval
- Community review of validation process
- Inclusive community representation
- Minimum two rounds of consultation
- Independent facilitators of an FPIC or FPIC-like process
- Collaborative mitigation and benefits planning
- Validation process successfully completed



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5. Documentary by TRC (10 minutes)



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6. Severance Management Plan

Severance Management Plan (SMP)



Source: Arup, visit by the Arup to Lot 2, circa 2023.

- Defined how to manage severance and access restrictions for IPs.
- Translated consultation findings into targeted mitigation measures.
- Integrated culturally appropriate, livelihood-based solutions.
- Established an **FPIC-like engagement and decision framework**.
- Created implementation, monitoring, and grievance mechanisms.

Inclusion of FPIC-Like in SMP

- Validated mitigation measures with IP communities.
- Used iterative engagement to refine design solutions.
- Enabled communities to accept, adapt, or challenge proposals.
- Ensured inclusive participation (women, vulnerable groups).
- Documented agreement and integrated feedback into design.



Source: Arup, visit by Arup/Lenders to the Project, November 2019.

Outcomes of the SMP



Photograph: Visit by the Arup to Lot 1 / 2: Lot 2, circa 2023.

- Water access improvements (wells and borrow pits).
- Safety measures installed (signage).
- Crossing infrastructure maintained (culverts and underpasses).
- Mitigation measures largely implemented.
- Ongoing engagement with Indigenous Peoples.
- Other projects within Tanzania and nearby countries wanting to learn.



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7. Applications for Future Work

Globalising Our Experience



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Photograph: Visit by the Arup to Lot 1 / 2: Lot 2, circa 2025.

- SGR Experience informed World Bank FPIC Implementation Technical Guidelines (Greg Guldin of CCCS was co-author)
- SGR experience unlike most FPIC cases: linear (RR), mixed IP and other local communities, FPIC not required by policy

Broadened FPIC Approaches

- FPIC 1 “Standard”: for high-risk projects affecting Indigenous communities
- FPIC 2 “Linear”: for moderate-risk projects affecting Indigenous / mixed communities
- FPIC 3 “FPIC-Like”: for high/moderate risk projects affecting local communities when FPIC not formally required



Photograph: Sourced from Revised Final Report of Additional Consultation of Indigenous Peoples for the Standard Gauge Railway (SGR) Project – Lots 1 & 2.



So FPIC-Like: for high/moderate risk projects to access key FPIC positives--e.g., negotiated/validated agreements—when FPIC not required but improved community engagement desired



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Photograph: Visit by the Arup to Lot 1 / 2: Lot 2 Borrow Pit, circa 2025.

Key Lessons for Future Projects

1. Identify Indigenous Peoples early in project development.
2. Assess severance and mobility impacts as primary risks for linear projects.
3. Embed consultation into design and mitigation (not separate).
4. Adapt engagement approaches where standard FPIC is not practical to utilize an FPIC-Like approach.
5. Engage a neutral third-party consultations partner knowledgeable about local communities to facilitate an FPIC-Like process.
6. Get communities buy-in to FPIC-Like process.
7. Focus on demonstrable outcomes (i.e., negotiated agreements such as those within the SMP) not just process compliance.

Q&A



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Let's continue the conversation!

Message me your questions or comments in the IAIA26 app.



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