

Operational Policy on Indigenous Peoples
and
Strategy for Indigenous Development

Inter-American Development Bank

Washington, D.C.

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Foreword

The Report on the Eighth General Increase in the Resources of the Bank, adopted in 1994, requires the systematic inclusion of indigenous issues in Bank policies and projects (document AB-1704, paragraph 2.27). This new proactive approach complements the earlier focus on avoiding or mitigating the adverse impacts of Bank projects on indigenous peoples, and coincides with the growing importance of the role played by indigenous peoples and organizations in their countries and at the international level.

As a result of its experiences, the Bank has come to appreciate the needs, rights, demands, and aspirations of indigenous peoples, which stem from their own worldviews. Consequently, the Bank seeks to support sociocultural development processes that are appropriate to the economy and governance of indigenous peoples, giving priority to territorial and cultural integrity, to a harmonious relationship with the environment, and to security in the face of vulnerability, while respecting the rights of indigenous peoples and individuals. The Bank recognizes the need to consolidate the conditions that enable indigenous peoples to exercise the right to participate effectively in determining their own political, economic, social, and cultural future within the framework of participation in democratic systems and of the construction of multicultural states. This policy and strategy seek to strengthen the Bank's role and renew its commitment to the development with identity of indigenous peoples.

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Part I

Operational Policy on Indigenous Peoples

Operational Policy on Indigenous Peoples

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I. Definitions

For the purposes of this policy, the term *indigenous peoples*¹ refers to those who meet the following three criteria: (i) they are descendants from populations inhabiting Latin America and the Caribbean at the time of the conquest or colonization; (ii) irrespective of their legal status or current residence, they retain some or all of their own social, economic, political, linguistic and cultural institutions and practices; and (iii) they recognize themselves as belonging to indigenous or pre-colonial cultures or peoples.

Indigenous rights include the rights of indigenous peoples and individuals,² whether originating in national indigenous legislation, in other relevant national legislation, in applicable international norms in force for each country,³ or in the indigenous juridical systems⁴ of each people, hereinafter collectively referred to as the “applicable

¹ The terms “peoples,” “territorial integrity,” and “territory” are used in this policy in their generic sense and their use is not intended to be interpreted as having any implication regarding rights that might pertain to those terms under international law. The scope of these terms as used in the policy is subject to the same limitations attributed to them in International Labor Organization (ILO) Convention 169.

² When valid collective and individual rights co-exist, deference will be given to collective rights particularly with regard to rights over land, territory, and natural resources.

³ International legislation includes, as in force for each country, the United Nations Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966), the American Convention on Human Rights (1969), the International Covenant on Economic, Social, and Cultural Rights (1976), the International Convention on the Elimination of all Forms of Racial Discrimination (1966), the Convention on the Rights of the Child (1990), the International Labor Organization (ILO) Convention 107 concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries (1957), ILO Convention 169 concerning Indigenous and Tribal Populations in Independent Countries (1989), Agenda 21 adopted by the United Nations Conference on Environment and Development (UNCED) (1992), and the International Convention on Biological Diversity (1992), as well as the corresponding international jurisprudence of the Inter-American Court of Human Rights or similar bodies whose jurisdiction has been accepted by the relevant country. Other international instruments currently in preparation, such as the draft United Nations Declaration on the Rights of Indigenous Peoples and the draft American Declaration on the Rights of Indigenous Peoples, establish aspirational principles that may be taken into account to the extent that these instruments are finalized and subscribed by the relevant country.

⁴ The concept of indigenous juridical system, also known as internal or self-generated juridical system, includes laws of origin, customary rights, customs and uses, and indigenous justice and juridical systems. Seventeen out of 19 countries with indigenous populations in Latin America and the Caribbean recognize customary law. A comprehensive overview and comparative analysis of legislation pertaining to indigenous peoples in all countries of the region has been prepared by the Bank and can be found at: www.iadb.org/sds/ind.

legal norms.”⁵ Indigenous juridical systems will be taken into account according to the rules for their recognition established in the legislation of each country. In the absence of such rules these systems will be recognized whenever they are consistent with national legislation and do not contradict fundamental rights established in national legislation and in international norms.⁶

Indigenous governance is defined as the scope of governance by indigenous peoples that, within the structure of the applicable legal norms and of the nation-states of which these peoples are part, and in keeping with indigenous peoples’ own organizational structures, contemplates control of their own economic, social and cultural development, internal management of their own lands and territories⁷ in recognition of the special relationship that exists between the land and ethnic and cultural identity, and effective participation in local, provincial, and subnational government.

Development with identity of indigenous peoples refers to a process that includes the strengthening of indigenous peoples, harmony with their environment, sound management of territories and natural resources, the generation and exercise of authority, and respect for indigenous rights, including the cultural, economic, social and institutional rights and values of indigenous peoples in accordance with their own worldview and governance. This concept rests on the principles of equity, wholeness, reciprocity, and solidarity and seeks to consolidate the conditions for indigenous peoples and their constituents to thrive and grow in harmony with their surroundings, and in so doing, tapping for that purpose, in accordance with their own priorities, the potential of their cultural heritage, natural assets, and social capital.

⁵ All references in the text of this policy to “applicable legal norms” will be understood to have the scope established in the definition contained in this paragraph on indigenous rights.

⁶ In case of discrepancies, the Bank will not assume the role of arbiter or intermediary between the interested parties, but will require evidence of a satisfactory resolution before proceeding with the corresponding activity.

⁷ See footnote 1.

II. Objectives and Goals

The objective of this policy is to enhance the Bank's contribution to the development of indigenous peoples by supporting the region's national governments⁸ and indigenous peoples in achieving the following objectives:

- (a) *Support the development with identity of indigenous peoples*, including strengthening their capacities for governance.
- (b) *Safeguard indigenous peoples and their rights* against adverse impacts and exclusion in Bank-funded development projects.

III. Scope of Application of the Policy

The policy applies to the Inter-American Development Bank and the Multilateral Investment Fund. Activities and instruments subject to the present policy include all Bank-supported operations and activities, including financial and nonfinancial products.

IV. Policy Directives

The policy contains two sets of directives. The first requires the Bank to use its best efforts to *promote the development with identity* of indigenous peoples. The second creates *safeguards* designed to prevent or minimize exclusion and adverse impacts that Bank operations might generate with respect to indigenous peoples and their rights.

Promoting Development with Identity

The Bank will use its best efforts to support the region's national governments and indigenous peoples, as well as relevant private sector and civil society actors, in mainstreaming indigenous issues in local and national development agendas and in the Bank's project pipeline. It will pursue this through specific initiatives and, where technically feasible and appropriate, the integration of comple-

⁸ The references to "national governments" are understood to encompass all government entities within the national realm, including decentralized, as well as state and local entities.

mentary activities, operations, and general initiatives.

Mainstreaming specifically indigenous issues in development agendas through independent operations. The Bank will seek to support the initiatives of governments and indigenous peoples designed to promote indigenous social, economic, political, and organizational development through socioculturally appropriate activities and operations and innovative mechanisms. The Bank will conduct participatory diagnostic studies and promote the inclusion of the corresponding conclusions and recommendations into the design of projects, programs, and technical cooperation operations. To be considered by the Bank, these operations specifically targeting indigenous beneficiaries must have the respective country's support or nonobjection and be based on socioculturally appropriate processes of consultation with the indigenous peoples concerned. The consultations will be carried out in a manner appropriate to the circumstances, with a view to reaching agreement or obtaining consent.⁹

Mainstreaming indigenous specificity in projects with a general approach. For activities and operations not specifically targeting indigenous peoples but of potential benefit to them, the Bank will promote and support the implementation, by borrowing member countries or project proponents,¹⁰ of the appropriate adjustments to address the needs and development opportunities of indigenous peoples. This includes technically feasible complementary measures to: (i) identify and target indigenous peoples that could potentially benefit; (ii) implement socioculturally appropriate and effective consultation processes with these peoples; (iii) respect the traditional knowledge, cultural heritage, natural assets, social capital, and the systems specific to indigenous peoples with respect to social, economic, linguistic, spiritual and legal¹¹ systems; (iv) adapt services and other activities to facilitate access to them by indigenous beneficiaries, including equitable treatment and, whenever feasible, adequate pro-

⁹ For purposes of this policy, agreement and consent have to be free from coercion or undue influence and based on the provision of proper information to affected persons as to the nature, scope, and impact of the activities concerned.

¹⁰ "Project proponents" include public and private sector borrowers during the preparation as well as execution stages of projects.

¹¹ Within the scope defined in the paragraph on indigenous rights in section I of this policy.

cedures and criteria, and programs for capacity-building and compensation of exclusion factors; and (v) design complementary measures and activities through a process of good faith negotiation with affected indigenous communities.

In its efforts to facilitate dialogue and support the mainstreaming of indigenous issues, the Bank will seek to address the various facets of development with identity, as far as is feasible and appropriate. The ten activities described below are especially important.

- (a) *Improve the visibility and understanding of the challenges to indigenous development, in rural and urban contexts*, including the dynamics of internal and external indigenous migration, with a view to promoting effective development programs that undertake geographic targeting of rural and urban indigenous settlements, neighborhoods, or communities.
- (b) *Develop socioculturally appropriate solutions to increase the availability and quality of social services, particularly health and education* for indigenous peoples, through the development of systems of their own, the adaptation of general services, the articulation of traditional elements with general systems that employ an intercultural perspective, and training for indigenous professionals and staff.
- (c) *The recognition, articulation, and implementation of indigenous rights* in accordance with the applicable legal norms, as well as providing support for processes requested by national governments to improve normative frameworks in conjunction with indigenous peoples.
- (d) *Support for indigenous culture, identity, language, traditional arts and techniques, cultural resources, and the intellectual property of indigenous peoples*,¹² including providing assistance to national governments and indigenous peoples in strengthening the corresponding legal frameworks.

- (e) *Strengthening of titling and physical management processes for territories, lands, and natural resources* traditionally occupied or used by indigenous peoples, in accordance with applicable legal norms, and with environmental protection objectives. These processes include the promotion of sustainable cultural land uses, the promotion of investment in community assets and productive projects in indigenous areas, and indigenous environmental management of their lands and territories.
- (f) In natural resource management and extraction and protected area management projects, the *promotion of mechanisms for appropriate consultation, participation in natural resources management, and benefit sharing* by the indigenous peoples on whose lands and territories the projects are conducted.
- (g) Development of specific initiatives to implement socioculturally appropriate project alternatives for *better access by indigenous peoples to labor, production, and financial markets*, technical assistance, and information technology.
- (h) *Support for indigenous peoples governance* by strengthening capacity, institutions, management processes, decision-making, and territorial and land administration at the local, national, and regional levels; improving management of the public budget in order to promote the effective, efficient, equitable, and transparent use of public investment in the territories of indigenous peoples; and institutionalizing mechanisms to undertake consultation and good faith negotiation between governments and indigenous peoples, especially in the design and implementation of strategies and public policies that affect these peoples.
- (i) *Support for the participation and leadership by, and protection of women, the elderly, youth and children*, and for the promotion of equal rights.
- (j) *Strengthening the institutional capacity* of indigenous peoples, government entities, the private sector, civil society, and the Bank itself to address indigenous issues in all areas. Special attention will be given to the development of

¹² The definitions of “indigenous knowledge,” “cultural resources,” and “intellectual property” in applicable national and international law will be used as a reference standard.

indigenous leaders for project, community and business management, as well as to the generation of indigenous capacity to participate effectively in consultation and negotiation processes.

Safeguards in Bank Operations

In order to be eligible for Bank financing, operations need to comply with applicable legal norms, satisfy the safeguards established in the present policy and set forth in paragraphs below, and be consistent with other Bank policies.

Adverse impacts. The Bank will conduct its operations in a way that prevents or mitigates direct or indirect adverse impacts on indigenous peoples or their individual or collective rights or assets. For this purpose, the Bank will adopt the technical criteria and procedures and implement the mechanisms necessary to identify, assess and prevent or mitigate said impacts. To this end, in a manner commensurate with the nature and intensity of each project's potential adverse impacts, the Bank will apply the following specific safeguards, in accordance with the procedures outlined in the paragraph on operational measures that appears in section V of this policy.

- (a) The Bank will require and verify that the project proponent conduct an evaluation to determine the seriousness of potential adverse impacts on physical and food security, lands, territories, resources, society, rights, the traditional economy, way of life and identity or cultural integrity of indigenous peoples, and to identify the indigenous peoples affected and their legitimate representatives and internal decision-making procedures. This evaluation will include preliminary consultations with potentially affected indigenous peoples.
- (b) When potential adverse impacts are identified, the Bank will require and verify that the project proponent incorporate the design and implementation of the measures necessary to minimize or prevent such adverse impacts, including consultation and good faith negotiation processes consistent with the legitimate decision-making mechanisms of affected

indigenous peoples or groups, mitigation measures, monitoring, and fair compensation.

- (c) For cases of particularly significant potential adverse impacts that carry a high degree of risk to the physical, territorial or cultural integrity of the affected indigenous peoples or groups, the Bank will further require and verify that the project proponent demonstrate that it has, through a good faith negotiation process, obtained agreements regarding the operation and measures to address the adverse impacts as necessary to support, in the Bank's judgment, the sociocultural viability of the operation.

Territories, land, and natural resources. Operations that directly or indirectly affect the legal status, possession, or management of territories, lands, or natural resources traditionally occupied or used by indigenous peoples will include specific safeguards, consistent with the applicable legal framework regarding ecosystem and land protection. One of those safeguards is respect for the rights recognized in accordance with the applicable legal norms. In projects for natural resource extraction and management and protected areas management, safeguards include: (i) prior consultation mechanisms to preserve the physical, cultural, and economic integrity of the affected peoples and the sustainability of the protected areas and natural resources; (ii) mechanisms for the participation of indigenous peoples in the utilization, administration and conservation of these resources; (iii) fair compensation for any damage these peoples might suffer as a result of the project; and (iv) whenever possible, participation in project benefits. Where legal or administrative protection is insufficient to ensure that the project will not directly or indirectly cause the deterioration of the physical integrity or legal status of the affected lands, territories or resources, the project will include the pertinent restrictions or corrective or compensatory measures.

Indigenous rights. The Bank will take into account respect for the rights of indigenous peoples and individuals as established in the applicable legal norms according to their relevance to Bank operations.

Prevention of ethnically based discrimination. The Bank will not finance projects that exclude indigenous peoples on the basis of ethnicity. In Bank projects where implicit factors exist that exclude indigenous peoples and individuals from the benefits of Bank-funded activities on ethnic grounds, the project activities will include such corrective measures as: (i) informing indigenous organizations and individuals of their rights under labor, social, financial, and business legislation and of the recourse mechanisms available; (ii) dissemination, training, and measures to eliminate barriers to benefits and resources such as credit, employment, business services, health services and education services, and other benefits generated or facilitated by the projects; (iii) granting to indigenous workers, entrepreneurs, and beneficiaries the same protection afforded under national legislation to other individuals in similar sectors and categories, taking into account gender issues and ethnic segmentation in goods and labor markets, as well as linguistic factors; and (iv) assuring equal opportunity for proposals submitted by indigenous peoples.

Indigenous culture, identity, language, and traditional knowledge. In recognition of the special sociocultural and linguistic characteristics of indigenous peoples, Bank operations will include such measures as are necessary to protect these assets from potential adverse impacts. In relevant projects, a consultation and good faith negotiation process will be used to identify the potential risks and impacts and to design and implement socioculturally appropriate measures. In case of commercial development of indigenous cultural and knowledge resources, the Bank will require prior agreement by the affected peoples that includes safeguards for intellectual property and traditional knowledge, as well as provisions for their equitable participation in the benefits derived from such commercial development.

Transborder indigenous peoples. In regional projects involving two or more countries or in border areas where indigenous peoples are present, the Bank will adopt such measures as are necessary to contravene adverse impacts of its projects that might affect transborder peoples. These will include consultation and good faith negotiation processes, legal security and territorial control programs, and other culturally appropriate programs related to

rights and priorities in health, freedom of movement, dual nationality (within the context of the applicable legal norms), and cultural, social, and economic integration between the affected peoples, among others.

Uncontacted indigenous peoples. In view of the exceptional nature of uncontacted indigenous peoples, also known as “peoples in voluntary isolation,”¹³ as well as their special vulnerability and the impossibility of applying prior consultation and good faith negotiation mechanisms, the Bank will only finance projects that respect the right of these peoples to remain in said isolated condition and to live freely according to their culture. In order to safeguard the collective and individual physical, territorial, and cultural integrity of these peoples, projects that may have potential impacts on these peoples, their lands and territories, or their way of life will have to include the appropriate measures to recognize, respect and protect their lands and territories, environment, health and culture, and to avoid contact with them as a consequence of the project.

V. Implementation

The Bank will adopt the necessary measures to implement or verify the implementation of the safeguards established in this policy and to identify opportunities to actively include the development with identity of indigenous peoples in general development plans and in the Bank’s project portfolio. These measures will be described in detail in specific guidelines regarding procedural and technical matters approved for this purpose in accordance with section VI on coordination and internalization of indigenous issues and, as far as possible, will follow existing Bank procedures for the environmental and social review of its operations.

Strategic measures. For countries with indigenous populations of significant size, diversity, or vulnerability, the Bank will propose to the governments, as part of the country strategy and programming

¹³ The scope of this safeguard is limited to cases of small groups and peoples living mainly in the Chaco and the Amazon jungle refuge areas who do not wish to establish contact with Western civilization, and whose health, culture, and way of life are extremely vulnerable to external contact.

processes, as well as sector, national subregional and operational strategy processes, the inclusion of development with identity issues. In its preliminary analysis for these processes, the Bank will consider the following aspects of indigenous issues in each country or region: (i) the identification of priorities for development with identity and the challenges and opportunities involved; (ii) normative and institutional conditions; (iii) the experience of the Bank and of other multilateral agencies; (iv) the setting of strategic priorities for the Bank; (v) country policies with respect to this matter; and (vi) inputs from a sample of affected or knowledgeable parties, including particularly specialized government agencies and indigenous organizations, groups and experts. The Bank will discuss with the government the strategic objectives and possible actions to address priority issues for the development with identity of indigenous peoples in the country, and reflect the agreements reached in the strategy papers. Where appropriate, the programming paper will include specific activities and goals for development with identity to be included in the Bank's pipeline for the country, and preliminary risk management measures and criteria to facilitate the application of the safeguards established in this policy.

Operational measures. The procedures for the application of this policy will include the requirements detailed below for the approval, execution, and supervision of Bank projects.

Taking into account the perspectives of indigenous peoples, the Bank will systematically perform a technical review of all operations submitted for its consideration in the programming and identification stages in order to determine whether indigenous peoples might be affected by the operation and identify potential impacts and benefits, be they direct, indirect, cumulative or regional. Depending on the nature, scope, and intensity of the impacts and benefits identified, the Bank will determine the level of analysis needed to address indigenous issues, including sociocultural analyses and consultation and good faith negotiation processes. This review will be performed by the responsible Bank division. If the project so warrants, the review will rely on experts in indigenous issues and, whenever possible, on inputs from the indigenous peoples who might be affected by the project. The findings

of this review will be incorporated into the Project Concept Document.

Once the decision to proceed with the processing of a project with potential adverse impacts has been made, the Bank will provide guidance and verify compliance by the project proponent with the following three requirements. This will be done to the Bank's satisfaction and as early as possible in the project cycle: (i) the preparation of sociocultural evaluations as inputs for the loan document, analysis mission, and the project environmental and social review process; (ii) the implementation of socioculturally appropriate and duly documented consultation and good faith negotiation processes¹⁴ with the affected indigenous peoples in relation to project design, analyses of alternatives, preparation, due diligence, and execution;¹⁵ and (iii) the incorporation into the project of enforceable measures for mitigation, restoration, and compensation reflected in the content of the loan document and of project contractual documents¹⁶ and detailed in plans for indigenous protection, compensation, and development or in other instruments in a timely manner.

In addition to the requirements described in the preceding paragraph, in the case of projects with particularly significant adverse impacts on indigenous peoples or groups, the Bank will require that the project proponent provide, no later than by the date of consideration of the operation by the Board of Executive Directors, evidence duly verified by the Bank and to the Bank's satisfaction of the agreements reached with the affected peoples, as stipu-

¹⁴ In countries that have government agencies specialized in indigenous issues and in the protection of indigenous rights, the project proponent will seek the participation of these agencies in all stages of the consultation process.

¹⁵ As an exception, when the indigenous peoples who might potentially be affected by a project show no interest in taking part in the consultation process, the project proponent may satisfy this requirement by presenting evidence of the following: its good faith efforts to consult with the affected peoples; the fact that there are no enabling conditions to carry out the consultation along with an analysis of the reasons and circumstances for this situation and the basis for both; and the alternative means used to identify necessary and socioculturally appropriate mitigation measures.

¹⁶ These documents include the loan contract, operating regulations, and bidding documents in accordance with the provisions of the respective project report.

lated in section (c) of the paragraph on adverse impacts in section IV of this policy.¹⁷

The Bank will adopt supervision and evaluation measures designed to verify that the project proponent fulfills, to the Bank's satisfaction, the agreed to measures to meet the requirements of this policy with respect to each project, including socioculturally appropriate mechanisms for the participation of affected indigenous peoples in the monitoring and evaluation of those measures. If these requirements are not met, the Bank will take the corrective actions necessary for the project proponent to correct the problems identified within an acceptable time-frame.

VI. Coordination and Internalization of Indigenous Issues

The Bank will implement dissemination and training measures to raise awareness of indigenous issues within the institution and in the region, and to improve the degree of knowledge and sensitivity of its staff and local counterparts with regard to indigenous peoples.

The Bank will implement the necessary measures to eliminate the barriers to entry faced by indigenous peoples and, whenever technically viable and feasible, will ensure equality of conditions for indigenous participation as direct beneficiaries, permanent staff, and suppliers of goods and services in Bank-financed contracts. Such measures will be consistent with the Bank's procurement norms and may include special instruments and procedures designed to identify and implement eligibility criteria and simplified, differentiated procedures in line with the particular characteristics of indigenous candidates, information and training programs, and other appropriate measures.

¹⁷ As an exception, evidence of agreements may be presented: (i) before the first disbursement for operations where the proponent can demonstrate that it agreed with affected indigenous peoples that the circumstances of the operation justify additional rounds of negotiations in order to finalize said agreements; and (ii) throughout operations with investments not specified *a priori*, provided there is a plan for consultation and negotiation agreed with the affected indigenous peoples identified in the early stages of project processing that also provides for inclusion of any indigenous peoples identified in later stages.

The Bank's application of this policy will be consistent with all relevant Bank policies, strategies, and guidelines, and particularly other safeguard policies, including Operational Policy on Involuntary Resettlement (OP-710). In case of conflict, the standard that offers the highest degree of protection of indigenous peoples and their rights will govern.

The Programming Committee of Management will issue guidelines to facilitate the implementation of this policy. The Strategy for Indigenous Development will also guide implementation of this policy. The operational guidelines for sociocultural evaluation, the Environment and Safeguards Compliance Policy, the specific, applicable sector instruments, and methodological tools and guidelines issued from time to time by the Bank will serve this same purpose. Bank management will update the guidelines periodically to reflect the evolution of international good practices. The guidelines will be made publicly available.

VII. Indicators, Monitoring, and Reports

The guidelines for this policy will set out verifiable indicators of compliance with it and of its effectiveness, including the effectiveness of projects in improving the living conditions of indigenous peoples and in considering their cultural specificity. The Bank's evaluation instruments will be used, as applicable, to monitor these indicators.

The Bank will periodically evaluate the implementation of this policy and the achievement of its objectives through independent reviews that will include consultations with national governments, indigenous peoples, the private sector and civil society. The first evaluation will take place no later than five years from the entry into effect of the policy, with the understanding that the Administration or the Board of Executive Directors may initiate partial evaluations prior to this date. The results of the evaluations will be presented to the Board of Executive Directors and disseminated in accordance with the Bank's Policy on Disclosure of Information (OP-102).

VIII. Entry into Force

This policy enters into effect six months after its approval by the Bank's Board of Executive Directors, in order to allow time to implement administrative changes and procedures within the institution. The policy will apply to operations that enter the Bank's pipeline¹⁸ after the policy enters into effect, and to country strategy papers and, as pertinent, to sector or regional strategies, that have not yet been initiated at that time.

The reformulation of previously approved operations that require approval by the Bank's Board of

Executive Directors will be assessed in terms of sociocultural viability, in accordance with the safeguard framework of this policy. The responsible Bank division must make a judgement as to whether the reformulation raises significant new impacts and risks for indigenous peoples, their rights or assets. In such cases, this policy would be applicable to these new impacts and risks and approval of the reformulation will be subject to securing necessary agreements or consent of applicable borrowers pursuant to the relevant legal documentation. The reformulation proposal documents should address the fulfillment of this requirement.

¹⁸ For purposes of this paragraph, the date of entry into the Bank's pipeline will correspond to: the date of signature of the mandate letter for private sector projects; and the date of issue of the project number for public sector projects.