

# Indigenous Consultation Checklist

The following list is designed to serve as a starting point for analyzing whether Indigenous consultation aligns with international law. All of the questions in this list are based on international human rights principles, and more specifically, are drawn from ILO Convention 169. That said, this list **SHOULD NOT BE** interpreted as being an exhaustive list of all the legal requirements for Indigenous consultation to comply with international law. Rather, it is merely a starting point.

## Questions about the Government's Actions

Yes No

- |   |                          |                          |
|---|--------------------------|--------------------------|
| Did the government ask indigenous peoples with whom they should consult?  | <input type="checkbox"/> | <input type="checkbox"/> |
| Were the consultation procedures agreed upon by both Indigenous peoples and the state?  | <input type="checkbox"/> | <input type="checkbox"/> |
| Did the process of consultation begin before the government actually made any decisions with regard to the proposed project?                                    | <input type="checkbox"/> | <input type="checkbox"/> |
| Did the consultation process start early enough that it is still possible for proposed plans to change?   | <input type="checkbox"/> | <input type="checkbox"/> |
| Did the government enter the consultation process with a willingness to cancel or change their proposed plans?  | <input type="checkbox"/> | <input type="checkbox"/> |
| Were indigenous peoples provided with all of the information they need to make a rational and informed decision?  | <input type="checkbox"/> | <input type="checkbox"/> |
| Was the information that the Indigenous peoples received provided in a way that they could read and understand the information?                                 | <input type="checkbox"/> | <input type="checkbox"/> |
| After receiving information, were indigenous peoples given enough time to analyze and discuss that information within their community and formulate a response? | <input type="checkbox"/> | <input type="checkbox"/> |
| Indigenous consultation should be viewed as a process of dialogue and not merely a one-time event. Was the consultation process part of a sustained dialogue?   | <input type="checkbox"/> | <input type="checkbox"/> |
| Were indigenous peoples given an opportunity to provide information, ask questions, and offer opinions to the state regarding the project in question?          | <input type="checkbox"/> | <input type="checkbox"/> |

## Questions about the Actions of Indigenous Peoples

Yes No

- |  |                          |                          |
|--|--------------------------|--------------------------|
| Did Indigenous peoples explicitly inform the government with whom—the organizations and/or individuals—the government should consult?  | <input type="checkbox"/> | <input type="checkbox"/> |
| Consultation must take place with the Indigenous peoples' representative institutions. For purposes of the consultation, were the Indigenous peoples' representatives selected by the Indigenous peoples themselves? | <input type="checkbox"/> | <input type="checkbox"/> |
| Did the Indigenous peoples' representatives enter into the consultation process willing to change their viewpoint or position on the proposed project?   | <input type="checkbox"/> | <input type="checkbox"/> |