

INDIGENOUS PEOPLES AND
RESETTLEMENT POLICY

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INDIGENOUS PEOPLES AND RESETTLEMENT POLICY

PREFACE

As part of our efforts to deliver our Sustainability Vision, we at JSW Energy Limited (**'JSW'**) have established this Policy to demonstrate our commitment to:

- Protecting and supporting indigenous peoples*; and
- Managing sympathetically any resettlement activities which we are unable to avoid.

Background of the Issue

The land upon which Indigenous Peoples live is home to over 80% of our planet's biodiversity and rich in natural resources, such as oil, gas, timber and minerals. However, these lands have historically been routinely appropriated, sold, leased or simply plundered and polluted by governments and private companies and many Indigenous Peoples have been uprooted from their land due to discriminatory policies or armed conflict. Indigenous land rights activists have faced violence and even murder when they have sought to defend their lands.

In many parts of the world, many Indigenous Peoples have been forced to leave their traditional lands and this has resulted in marginalisation, poverty and disease; and, in some instances, the extinction of a people and the loss of their unique identities, customs and traditions.

How it Relates to JSW

As modern society's requirements for raw materials and resources continues to grow, the search for such materials and resources can sometimes bring companies such as ours and the businesses we work with into direct contact with Indigenous Peoples.

In pursuance of our stated commitments to protect and support Indigenous Peoples, we have adopted a number of aims towards which we will strive.

These aims are supported by a range of actions and improvements through which those aims are to be achieved.

We aim to gain a full and detailed understanding of where and how our current operations have interacted with Indigenous Peoples, both now and in the past.

To do this we will:

- Undertake assessment at all our sites to identify any historical or current instances where our activities directly or indirectly impact upon Indigenous Peoples.

Where such instances of interaction are identified, we aim to ensure that those interactions were/are undertaken in an open, fair and balanced way.

To do this we will:

- Review our previous assessments of any and all impacts on Indigenous Peoples to ensure:
 - They were comprehensive and fair;
 - Included a respectful, collaborative process of open dialogue;
 - Recognised and integrated into JSW's decision making the perspectives, concerns and traditional rights and knowledge of the Indigenous Peoples;
 - Delivered the promised benefits (and compensations, if appropriate) to the Indigenous Peoples whilst protecting their rights, culture, interests and aspirations.
- Identify any instances where our interactions with Indigenous Peoples have fallen below our expectations and those of wider society
- Take immediate and comprehensive action to address any weaknesses or failures;
- Openly report on any instances where redress was required as a clear indicator of our desire for transparency.

For all future projects, including work in new locations or expansion of existing sites, we aim to minimise any disruption to livelihoods, ensuring we fully understand and respect the rights, interests and perspectives of Indigenous Peoples.

To do this we will:

- Undertake detailed assessment processes as part of the initial project feasibility studies to
 - Identify any and all Indigenous Peoples who may be affected;
 - Identify all the potential impacts upon those Indigenous Peoples;
- Engage an independent expert to help prepare an engagement plan to obtain and maintain the Free Prior Informed Consent (FPIC) of the affected Indigenous Peoples;
- Ensure access for Indigenous Peoples to resources such as specialist lawyers and experts;
- Undertake a detailed impact assessment leading to a binding agreement;
- Implement agreed actions within agreed timescales whilst constantly sharing information;
- Ensure the provision of a robust and balanced system for reporting and addressing grievances;
- Ensure a comprehensive and independent evaluation and review of the resettlement project at its conclusion to confirm all commitments have been honoured;
- Report on the status of all projects where interaction with Indigenous Peoples have been identified, including details relating to resettlements undertaken and compensations paid.

In the event that resettlement of Indigenous Peoples cannot be avoided, we aim to minimise the negative impacts of any displacement of people and ensure that the rights, interests, culture, traditions and perspectives of Indigenous Peoples are respected and protected as much as possible.

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To do this we will:

- Undertake any unavoidable resettlement in a humane, participative, informed and transparent manner;
- Ensure the impacts of both physical and economic displacement are recognised in discussions and catered for in a binding agreement reached with the Free Prior Informed Consent (FPIC) of the affected Indigenous Peoples;
- Ensure there is fair and just compensation and that it is paid in full as per agreed timescales;
- Explore all options of additional assistance for those who are physically or economically displaced, placing particular emphasis on any vulnerable groups;
- Provide support and resources to protect vulnerable customs, cultures and traditions;
- Ensure that, where possible, the option of return is explored;

We aim to promote respect of the rights of Indigenous Peoples across all our suppliers and business partners.

To do this we will:

- Define and openly share in a Code of Practice the minimum expectations we have of our suppliers and business partners in relation to their interactions with Indigenous Peoples;
- Evaluate suppliers & partners for their attitude, risk profile and performance towards sustainability & climate change including Indigenous Peoples
- Encourage those suppliers and business partners whose attitudes and performance most closely matches our own aims and aspirations.

We will continue to be fully committed to our statutory and voluntary obligations relating to Indigenous Peoples.

These include:

- UN Declaration on the Human Rights of Indigenous Peoples;
- National Guidelines on Responsible Business Conduct;
- All local and national statutory regulations relating to the protection and support of Indigenous Peoples;
- Reporting of our performance on the issue of the rights of Indigenous Peoples through GRI (Global Reporting Initiative) and against the United Nation's Sustainable Development Goals.

We will prohibit:

- **any removal by force of any Indigenous Peoples from their lands or territories;**
- **any forced assimilation or destruction of the culture of Indigenous Peoples;**
- **any discrimination against Indigenous Peoples by way of discriminatory conditions of labour and, inter alia, employment;**
- **any activities or actions which threaten the customs or traditions of Indigenous Peoples.**

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The achievement of our aims and the delivery of the improvements to achieve them, the fulfilling of our compliance obligations, and the enforcement of our prohibitions will all be managed through the Sustainability Framework that JSW is committed to implementing and maintaining across all our sites.

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PRASHANT JAIN
JMD & CEO
JSW ENERGY LIMITED

* the International Labour Organisation's Convention concerning Indigenous and Tribal People (ILO No.169 defines indigenous People as:

(a) tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;

(b) peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.