



**Review and Update of the World Bank's Environmental and Social Safeguard Policies**  
**Phase 2**  
**Feedback Summary**

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**Date:** February 27, 2015

**Location:** Nairobi, Kenya

**Audience:** Indigenous Peoples (IP) Representatives from Burundi, Ethiopia, Kenya, Tanzania, and Uganda

**Overview and Key Issues Discussed:** On February 27, 2015, the World Bank held a Consultation Meeting with African Indigenous Peoples in Nairobi, Kenya. The meeting was held in the context of the World Bank's multi-phased process to review and update its environmental and social safeguard policies. The purpose of the meeting was to obtain Indigenous Peoples' views and insights with the intent of ascertaining how to improve the effectiveness and efficiency of its safeguard policies, as well as to inquire on how it can address broader development issues of interest to Indigenous Peoples in the region. Indigenous Peoples representatives were invited to the dialogue in close coordination with Indigenous Peoples communities.

A brief overview of the Draft Environmental and Social Framework (ESF) was presented at the beginning of the consultation meeting and prior to initiating the dialogue. It is important to underscore that although participants could comment on any issue, most remarks focused on Environmental and Social Standard 7 (ESS 7) on Indigenous Peoples. Indigenous Peoples representatives requested to film the session. The World Bank respectfully asked that the session not be recorded to guarantee that Chatham house rules were respected.

Due to work-related activities, two of the six World Bank staff that led the consultation had to temporarily remove themselves from the meeting. Participants manifested displeasure of the fact that they had left and asked that it be reflected in this text. **This summary is subject to change after review and comments from consultation participants.**

## Stakeholder feedback

### 1. General Comments

#### *Comments*

- Participants expressed contentment with the Bank's commitment to an international consultation process with Indigenous Peoples (IPs).
- The World Bank is a leading voice in the field of Safeguards and changes to its policy will impact those of other International Organizations. The Bank must therefore think cautiously about how it modifies its policies, how that will affect the policies and standards of other institutions, and how policy changes will affect the lives of people around the world.
- Several IP Representatives manifested interest in establishing working partnerships with the World Bank.
- Non recognition of IPs has led to their marginalization. Recognition creates unity, not divisions.
- The Bank cannot assume that the borrower is operating in good faith and should work towards increasing borrower transparency.

#### *Inquiries*

- How is disbursement monitored?
- Can the Bank act as a facilitator between Indigenous Peoples and national governments?
- Does the World Bank only lend to countries, or does it also lend to other international organizations such as the African Development Bank?
- What has been the scope of the Indigenous Peoples Dialogue and what has been its regional composition?

#### *Recommendations*

- Representatives requested the creation of an Indigenous Peoples Advisory Council that would make recommendations to the World Bank.
- Participants manifested that Indigenous Peoples should form part of project design teams.
- The borrower should not be the only entity responsible of monitoring projects. The Bank cannot assume that the borrower will not engage in corruption and that it will monitor projects appropriately.
- The World Bank needs to be better informed about countries that do not respect IP rights and limit lending to them.
- The World Bank should invest in improving the capacity of Country Offices to engage with Indigenous Peoples.
- The World Bank should continue increasing its engagement with Indigenous Peoples.
- The World Bank should have an Indigenous Peoples Trust Fund for IP-led development projects.
- The World Bank should move from a benefit sharing approach with Indigenous Peoples to a profit sharing approach.
- The World Bank should promote the use of the term Indigenous among African governments.
- The World Bank should inform Indigenous Peoples about the projects that are being carried out in the countries where they live.
- Indigenous Peoples have no representation at the Board level. The World Bank should act as their representative on the Board of Directors.

<ul style="list-style-type: none"> <li>• The World Bank should promote the legal recognition of the right of Indigenous Peoples to protect and control their lands.</li> <li>• The World Bank should have an Indigenous Peoples Advisory Council with good technical skills so that they can be a link between projects, the World Bank, and indigenous communities.</li> <li>• The World Bank should translate the current Operational Policies and future Social and Environmental Framework into indigenous languages.</li> </ul>
<b>2. A Vision for Sustainable Development</b>
N/A
<b>3. World Bank Environmental and Social Policy</b>
<p><i>Inquiries</i></p> <ul style="list-style-type: none"> <li>• Participants asked how project risk ratings would be determined and if the inhabitation of IP communities in project areas would be a factor that would increase the risk rating of a project.</li> <li>• Participants asked if the Bank would determine project risk ratings or if IP communities would also be involved in that process.</li> <li>• Participants inquired what the Bank envisioned as the role of IP communities during project design and implementation.</li> </ul> <p><i>Recommendations</i></p> <ul style="list-style-type: none"> <li>• The ESF states that Environmental and Social Commitment Plans (ESCP) must be developed as early as possible, but it does not specify when that is. This could make the timeline for creating them discretionary. There needs to be a proper timeline for ESCPs.</li> </ul>
<b>4. Environmental and Social Standard 1 (ESS1): Assessment and Management of Environmental and Social Risks and Impacts</b>
N/A
<b>5. Environmental and Social Standard 2 (ESS2): Labor and Working Conditions</b>
N/A
<b>6. Environmental and Social Standard 3 (ESS3): Resource Efficiency and Pollution Prevention</b>
N/A
<b>7. Environmental and Social Standard 4 (ESS4): Community Health and Safety</b>
N/A

**8. Environmental and Social Standard 5 (ESS5): Land Acquisition, Restriction on Land Use and Involuntary Resettlement**

*Recommendations*

- Communal land should not be viewed as property, but as the inheritance of future populations.

**9. Environmental and Social Standard 6 (ESS6): Biodiversity Conservation and Sustainable Management of Living Natural Resources**

N/A

**10. Environmental and Social Standard 7 (ESS7): Indigenous Peoples**

*Inquiries*

- To what extent will a government's request to use the "alternative approach" be scrutinized by the Bank? How does the Bank ensure that the request is legitimate?
- What measures are in place to ensure that the rights of forest dwellers are protected and promoted?
- Paragraph 3 of ESS 7 states that "Indigenous Peoples are inextricably linked to the land on which they live and the natural resources on which they depend. They are therefore particularly vulnerable if their land and resources are transformed, encroached upon, or significantly degraded." If IPs are considered to be particularly vulnerable to the transformation of their lands, will disputes over land and its resources become a suitable reason for rejecting a project? If so, will the Bank also consider historical injustices as a basis for not going through with a project?
- What will the World Bank do when the ESF is not consistent with national law? For example, when at the national level there is no compensation for land acquisition.

*Comments*

- Representatives welcomed the inclusion of FPIC and stated that it should be kept in the final draft of the ESF.
- The alternative approach was rejected by IP Representatives.

*Recommendations*

- Ethnic tension should not have been included in the text of the Standard as one of the reasons for requesting the alternative approach. Borrowers may now look to exacerbate ethnic tensions amongst groups with the purpose of requesting the alternative approach.
- The construction of dams and other issues pertaining to water management should be included in ESS 7.
- The Standard should clearly state that consent must be reached for a project to be approved, otherwise FPIC will be ineffective.

- The borrower must ensure that IPs are consulted prior to project implementation, and that they agree on grievance redress and compensation measures.
- The Standard should include a commitment to IP capacity building.
- Paragraph three states the benefits that arise from development projects but does not adequately outline adverse impacts. Representatives requested the inclusion of adverse impacts into the text.
- There should be means for IP communities to monitor projects after disbursement has finished.
- The World Bank needs to ensure that borrowers conduct consultations with project-affected indigenous communities in an appropriate and timely manner and that they later participate in the monitoring process.
- Paragraph 31 states that “The borrower will ensure that a grievance mechanism is established for the project...” The Bank should establish an alternative a grievance redress mechanism for cases where the borrower is the source of complaints.
- World Bank Staff and Government Officials need to improve their capacity to implement ESS 7.
- The World Bank should harmonize ESS 7 with the standards and policies of other international organizations.

**11. *Environmental and Social Standard 8 (ESS8): Cultural Heritage***

N/A

**12. *Environmental and Social Standard 9 (ESS9): Financial Intermediaries***

N/A

**13. *Environmental and Social Standard 10 (ESS10): Information Disclosure and Stakeholder Engagement***

N/A