



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

Date: September 24, 2014

Location: New York, USA

Audience: Indigenous Peoples organizations and representatives

Overview and Key Issues Discussed:

Specific Feedback from Stakeholders
1. Environmental and Social Standard 7 (ESS7): Indigenous Peoples
<p><i>Comments:</i></p> <ul style="list-style-type: none"> • Some participants commended the World Bank for the progress and work done on the new framework, especially on the proposal to include Free, Prior and Informed Consent in ESS7 on Indigenous Peoples. • A participant pointed out that the Bank would be adopting a colonial approach if it heeds some Borrowers who oppose the Indigenous Peoples policy. Many of the Borrowers have enacted a draft regulation on IPs. They are also members of the African Union which has adopted UNDRIP, have ratified ILO 169, and as such have recognized the existence of Indigenous Peoples. • A participant stressed that the Bank should recognize the existence of Indigenous Peoples regardless of the region or country in which they may live. • A participant pointed out that some African Borrowers claim that they may seek funding from China if the Bank does not exempt them from applying the Indigenous Peoples policy. This shows certain governments are not pursuing the interest of the people, and the Bank should discourage such behavior and acknowledge that the African Commission on Human Rights has recognized Indigenous Peoples. • A participant urged the Bank to be a standard setter. AFDB should follow the Bank by adopting an IP policy. The participant highlighted the fact that safeguards tend to solve conflicts between groups. The participant also stressed that it would be acceptable if a country wants to call its Indigenous Peoples “marginalized” (or another term) while still applying the Bank’s Indigenous Peoples policy. • By introducing the alternative approach, the Bank not only diluted but also neutralized the existing OPs by giving the Borrowers the right not to apply the standard on Indigenous Peoples (ESS7). • It is unacceptable to give the Borrower a blank check not to apply the policy. If this is

Specific Feedback from Stakeholders

the direction that the Bank is taking then we, the Indigenous Peoples, would rather stop the review. Africa is advanced on the issues of Indigenous Peoples. The working group of the African Commission on human rights has clear instructions and advanced mechanisms for application of international standards in this regard.

- A participant spoke on behalf of the Indigenous Peoples of Africa and said they refuse the alternative approach. He pointed out that Borrowers will always find a way not to apply it. Indigenous Peoples will be excluded if the term “vulnerable and marginalized groups” is introduced.
- Moving from the term ‘policy’ to ‘standard’ is a dilution.
- Lack of recognition is denial of rights. Whether to have a policy on Indigenous Peoples is an old debate that has been overcome. Legal international documents such as ILO 169, and UNDRIP have already been established. To revisit this debate is negating the fight of Indigenous Peoples over the years.
- It is not good practice to remove any of the rights contained in the current OP4.10.
- A participant asked how the Bank would ensure that IP leaders and communities understand the text in order to give constructive feedback.

Recommendations:

- The Bank should ensure it takes into account and follows-up on the recommendations received during the consultation phase. Consultations with Indigenous Peoples should be numerous during phase 2.
- The phase 2 consultations should be extended in order to give more time to Indigenous Peoples to express themselves.
- The Bank needs to establish an advisory body on Indigenous Peoples to help Indigenous Peoples and their leaders to study the document and to share it with their communities.
- Making a distinction in the draft Framework between Borrowers and beneficiaries is illogical. The participant recommended the Bank to eliminate this distinction.
- The proposed standard on Indigenous Peoples is comprehensive, especially by including pastoralists, moving from consultation to consent, and including the notion of non-discrimination. However, introducing the alternative approach negates all these rights. The Bank is privileging the voice of the Borrower. In order to move towards the Bank’s twin goals of eradicating poverty and promoting shared prosperity, the alternative approach should be removed completely.
- The proposed framework should incorporate the social development aspects of the United Nations Declaration on Indigenous Peoples.
- The Bank should take concrete steps to ensure that the Bank country offices understand how to apply the proposed Framework.