

The World Bank Safeguards Policy Review and the UN Permanent Forum on Indigenous Issues

THE CHANCE TO SEEK
PROTECTION OF ALL
COMMUNITIES FROM
UNSUSTAINABLE
DEVELOPMENT PROJECTS.

The World Bank is currently in the process of reviewing its social and environmental safeguard policies, including the Indigenous Peoples Policy. These safeguard policies are critical for ensuring that indigenous peoples and other communities are not harmed by Bank projects. They also serve as the standard for many other development banks and institutions, as well as global climate programs. It is critical that indigenous peoples are aware of this review process and what is at stake. We all must make our voices heard to ensure that the safeguard policies protect the rights of indigenous peoples and all local communities. **The Bank is currently holding consultations and gathering public comments for the review. In addition, the United Nations Permanent Forum on Indigenous Issues will host a discussion this May, where indigenous peoples can present their concerns and recommendations.**

The Indian Law Resource Center is working to ensure that the shortcomings of the existing safeguard policies are fully addressed, that the rights of indigenous peoples are respected, and that indigenous peoples are properly consulted about development activities that affect them. Please find additional information below and visit our website for critical updates: www.indianlaw.org/mdb. To join our email list, send a request to dcoffice@indianlaw.org.

What is the World Bank? What are safeguard policies?

The World Bank is an international organization comprised of and governed by 188 national governments, through a Board of Executive Directors. It makes loans to governments in developing countries to finance development projects, from road construction to land policy reform. After public outcry over Bank-sponsored projects that resulted in human rights abuses and environmental destruction, the Bank developed a series of social and environmental safeguard policies designed “to prevent harm to people and the environment.” The safeguard policies resulted in some improvements, but Bank projects conceived from a western point of view and promoted by the Bank’s member countries continue to have devastating human rights impacts on indigenous peoples and other communities. For example, the Chixoy Dam Project in Guatemala, a project funded by the World Bank and the Inter-American Development Bank, among others, resulted in the forced relocation of approximately 11,383 people, the majority Maya Achi.

Is there a World Bank policy that protects your community?

If a Bank project violates the safeguard policies and causes harm to a local community, the community may bring a claim before the World Bank’s Inspection Panel. The Inspection Panel will investigate the situation and recommend actions the Bank should take to address the harm. But because the existing safeguard policies are not strong enough, the Bank is falling short in preventing harm to vulnerable communities, especially indigenous communities. Only two of its ten safeguard policies address social issues: one on indigenous peoples and one on involuntary resettlement. Surprisingly, there is no policy providing for the protection of women’s rights, labor rights, or the rights of persons with disabilities. While the Bank requires borrowing countries (developing countries) to assess projects’ potential environmental impacts, there is no policy that requires assessment of potential human rights impacts.



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During this review, the Bank will be examining the existing policies as well as areas that it hasn't previously addressed, including human rights, climate change, land tenure and natural resources, and free, prior and informed consent. The Bank will consider whether, and in what form, these issues might be integrated within the framework of existing policies.

Does the Bank follow the UN Declaration on the Rights of Indigenous Peoples?

The UN Declaration on the Rights of Indigenous Peoples was passed by the UN General Assembly in 2007, and is now the internationally recognized minimum standard for the protection of indigenous peoples' survival and well-being. The Bank's existing policies, however, fall short of the standards of the UN Declaration, and the Bank has not yet revised them to reflect the UN Declaration. World Bank policies, for instance, don't adequately respect indigenous peoples' right of self-determination or adequately protect indigenous peoples' rights to their lands, territories, and resources. As a specialized agency of the United Nations, the Bank and its Member Countries have an obligation to update the Indigenous Peoples Policy and other policies relevant to indigenous peoples so that they are consistent with the UN Declaration.

Will the World Bank consult with Indigenous Peoples during the Policy Review?

The Bank has stated that during the next two years it will seek input from various stakeholders, including indigenous peoples' representatives, through in-country meetings, dialogues, and online consultations. It is unclear, however, what the Bank's specific plan is for consulting indigenous peoples, and whether the Bank will conduct meaningful and effective dedicated consultations with indigenous peoples' representatives at the global, regional, national, and local levels. It is critical that indigenous peoples and communities affected by Bank projects are able to influence the direction and outcome of the Bank's review.

What is the UN Permanent Forum on Indigenous Issues saying about the Bank?

The Permanent Forum on Indigenous Issues is the United Nations advisory body with a mandate to discuss indigenous issues related to economic and social development, culture, the environment, education, health and human rights. The Forum has repeatedly urged the Bank to update its policies to bring them in line with the UN Declaration. For the Forum's May 2013 annual session, it has invited the World Bank to participate in an intensive half-day discussion to review the Bank's policies, impacts, and obligations regarding the rights of indigenous peoples. Indigenous leaders will be able to join the discussion in New York City with Permanent Forum members and government representatives to offer their perspectives and recommendations on how to improve Bank policies and projects that have often brought harm to their communities and environments.

What can you do?

The Safeguard Review and the Permanent Forum discussion provide you with several opportunities to improve the practices of the Bank and to help ensure that your community is protected.

1. Contact your [country's representative on the World Bank Board of Directors](#), your national legislative representatives, as well as the World Bank President, and urge them to:
 - Ensure a full and effective consultation of indigenous peoples.
 - Bring the Bank's policies in-line with the UN Declaration on the Rights of Indigenous Peoples.
 - Institute mandatory human rights impact assessment for all Bank projects and programs.
2. Participate in a consultation by emailing a request to: safeguardconsult@worldbank.org. Find a list of consultations or submit recommendations electronically at: www.worldbank.org/safeguardsconsultations.
3. Participate in or submit a statement to the Permanent Forum discussion on the World Bank. More information at: <http://social.un.org/index/IndigenousPeoples.aspx>.
4. Please share copies of your correspondence with us so that we can help amplify your concerns. If your community has been or may be affected by a World Bank project, contact us at dcoffice@indianlaw.org.
5. Follow us at www.indianlaw.org/mdb and www.facebook.com/IndianLawResourceCenter.