

# INDIAN LAW RESOURCE CENTER

## Ten Critical Points on the World Bank Safeguard Review and Indigenous Peoples

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The World Bank should respect the rights of indigenous peoples by undertaking the following actions:

1. Maintain a distinct safeguard policy for indigenous peoples recognizing indigenous peoples as rights-holders, not merely stakeholders.
2. Incorporate the standards reflected in the United Nations Declaration on the Rights of Indigenous Peoples into relevant safeguard policies, among other relevant international law standards, especially into the Indigenous Peoples Policy and the Involuntary Resettlement Policy.
3. Guarantee the exercise of self-determination and self-government rights in the development process by allowing indigenous peoples to determine their own development means and administer development programs through their own institutions.
4. Adopt as a governing policy requirement legal recognition of indigenous peoples' full collective ownership rights to their lands and natural resources, including those lands that they have acquired by means other than traditional or customary occupation or use. Ensure that benefit-sharing with indigenous peoples is consistent with ownership rights.
5. When lands and natural resources have been taken from indigenous peoples, ensure that the redress measure take the form of lands, territories and resources equal in quality, size and legal status.
6. Expressly prohibit involuntary resettlement of indigenous peoples, including involuntary restrictions on livelihood activities or access to natural resources.
7. Respect the rights of indigenous peoples living in voluntary isolation, proscribing financing for any activities that may potentially impact such peoples.
8. Include due process of law rights into all consultation proceedings where indigenous peoples' interests and/or rights are subject to determination for development purposes.
9. Require that project proponents obtain the free, prior and informed consent of indigenous peoples, with third party verification, for any projects (1) on or involving indigenous peoples' lands, territories or resources, or (2) which may substantially affect their lands, territories or resources or may affect their human rights.
10. Adopt a human rights-based approach to development, including a mandatory human rights impact assessment in all Bank-financed projects and programs at all major stages of design, implementation and evaluation.