

INDIAN LAW RESOURCE CENTER

CENTRO DE RECURSOS JURÍDICOS PARA LOS PUEBLOS INDÍGENAS

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THE I.D.B. INVEST POLICY REVIEW PROCESS



The Indian Law Resource Center is a non-profit law and advocacy organizations established and directed by American Indians. The Center provides legal assistance without charge to Indian and Alaska Native Nations and other indigenous communities in the Americas that are working to protect their lands, resources, human rights, environment, and cultural heritage. Our principle goal is the preservation and well-being of Indian and other Native Nations and tribes.

The Inter-American Development Bank Invest (I.D.B. Invest) has officially launched the review and update of its Environmental and Social Sustainability Policy (Sustainability Policy) in order to develop a new policy framework. As part of this process, the I.D.B. Invest will hold public consultations on the [draft of the new Sustainability Policy](#) beginning on June 17, 2019, for a period of 120 days. At the close of the consultation period, a new policy is expected to be presented to the Board of Executive Directors for approval by fall 2019. Once adopted, the new I.D.B. Invest Environmental and Social Sustainability Policy will replace the current policy.

The Indian Law Resource Center (the Center) is working to ensure that a consultation process dedicated to indigenous peoples is carried out, the shortcomings of the existing policy are fully addressed, the rights of indigenous peoples are protected by strong safeguard measures, and indigenous peoples are properly consulted about the development activities that could potentially affect them. Please find additional information below on the I.D.B. Invest policy review process and how to get involved. Please also visit our website for critical updates: <https://indianlaw.org/mdb/idbinvest>. If you would like to join our I.D.B. listserv to receive regular updates on the I.D.B. Invest policy review process, please send a request to dcoffice@indianlaw.org.

What is the I.D.B. Invest?

The Inter-American Investment Corporation was established in 1984 as the Inter-American Development Bank Group's private sector arm; however, it was rebranded as "I.D.B. Invest" in 2017. It is governed by 45 member countries, including 26 countries from Latin America and the Caribbean, and finances private sector companies that operate in the region's developing countries. In other words, it is a regional multilateral development bank committed to supporting the private sector in Latin America and the Caribbean in order to supplement the activities of the I.D.B. The I.D.B. Group's Board of Executive Directors (the Board) is responsible for the financial and administrative operations of the I.D.B. Invest. It exercises all the powers granted to it under the Agreement Establishing the Inter-American Investment Corporation or delegated to it by the Board of Governors.

What is the Environment and Social Sustainability Policy?

The I.D.B. Invest adopted the [existing Sustainability Policy](#) in 2013. In general, it contains standards and guidelines to ensure that the investments and technical assistance services it undertakes and supports are environmentally and socially sustainable. Those standards include the I.D.B. Environment and Safeguards Compliance Policy, other I.D.B. safeguard policies and sector guidelines, the Performance Standards on Environmental and Social Sustainability of the International Finance Corporation (I.F.C.), and the World Bank Group/I.F.C. Environmental Health and Safety Guidelines.

Does the Sustainability Policy follow the U.N. and O.A.S. Declarations on the Rights of Indigenous Peoples? Why?

Like the I.D.B. Operational Policy on Indigenous Peoples, the I.D.B. Invest Sustainability Policy does not follow the 2007 U.N. Declaration or the 2016 O.A.S. Declaration. In light of the legal standards crystallized in both Declarations, the Sustainability Policy is an outdated policy instrument that falls short not only in meeting such standards, but also in upholding the safeguard measures that are consistent with them. Rather, the Sustainability Policy follows the relevant I.D.B., World Bank Group, and I.F.C guidelines as benchmarks for best practices when designing, implementing, and operating projects and activities. For example, the I.D.B. Invest requires its clients to practice “participation and inclusion for indigenous peoples and other vulnerable groups, prevention or minimization of adverse impacts on indigenous peoples and other vulnerable groups in accordance with I.D.B. Operational Policy on Indigenous Peoples and I.F.C. Performance Standard 7 on Indigenous Peoples.”

Will the I.D.B. Invest consult with indigenous peoples during the Policy Review?

The I.D.B. Invest will seek inputs from internal and external stakeholders, including indigenous peoples, throughout the review process; however, specific plans for consulting indigenous peoples and whether the I.D.B. Invest will conduct meaningful and effective dedicated consultations with indigenous peoples’ representatives at the regional and national levels is unclear. General consultations are conducted through in-country meetings, in-person dialogues, and virtual platforms. In-country consultations will take place in Colombia and Argentina on September 4th, in Jamaica and Panama on September 6th, and in Washington, D.C. on September 10th. Virtual consultation sessions will be held on September 12th for English and Spanish speakers and on September 13th for Portuguese speakers. To register for either the in-country or virtual consultations, please register here: <https://www.idbinvest.org/en/consultation/environmental-and-social-sustainability-policy>. For more information, please refer to the [I.D.B. Invest Consultation Plan](#), the document governing the review process and points out the policies that are subject to review as well as the plans on how the review process ought to be carried out.

What can you do?

The Policy Review Process provides you with opportunities to help improve the policies and practices of the I.D.B. Invest, and more importantly, to help ensure that your community is better protected from future I.D.B. Invest-funded projects.

1. Contact your [country’s representative on the I.D.B. Invest Board](#) and the I.D.B. Group’s President Luis Enrique Moreno, and urge them to:
 - Carry out dedicated consultations with indigenous peoples at the regional and national levels.
 - Align the I.D.B. Invest Sustainability Policy with the U.N. and O.A.S. Declarations on the Rights of Indigenous Peoples.
 - Institute mandatory human rights impact assessment for all I.D.B. Invest-funded projects and programs.
2. Submit inputs on the Sustainability Policy through <https://www.idbinvest.org/en/consultation/environmental-and-social-sustainability-policy> or by sending an email to: SustainabilityPolicy@idbinvest.org. You may also submit inputs by postal mail: Environmental and Social Sustainability Policy, 1350 New York Avenue, NW, Washington, D.C., 20577, U.S.A.
3. Please share copies of your correspondence with us so that we can help amplify your concerns. If your community has been or may be potentially affected by a project financed by the I.D.B. Invest, please compile all relevant information and contact the Center at dcoffice@indianlaw.org.
4. Follow us at <https://indianlaw.org/mdb/idbinvest> or <https://www.facebook.com/IndianLawResourceCenter> to learn about future developments and opportunities to get involved.