Statement to the 18th Session of the UN Permanent Forum on Indigenous Issues (UNPFII) on World Bank’s new Environmental and Social Framework (ESF) and engagement with the Indigenous Peoples

Under Agenda Item 6: Dialogue with Indigenous Peoples

By Asia Indigenous Peoples Pact (AIPP)

Thank you, Sir Moderator,

In this dialogue, Asia Indigenous Peoples Pact would like to draw the attention of the Permanent Forum to the World Bank’s new Environmental and Social Framework and engagement with the Indigenous Peoples.

We would like to recall the Forum’s recommendation from last year that the World Bank’s Environmental and Social Safeguard 7 (ESS7) on Indigenous Peoples should ensure that they maintain their collective rights to lands, territories and resources in all projects funded by the Bank. However, we remain concerned that the ESS7 and its Guidance Note continue to allow the potential of collective lands and resources transformed into individual ownership rights through changes in customary land tenure systems or compensation of affected lands under the project. At the same time, the ESS7 and its Guidance Note do not adequately reflect the aspirations of indigenous peoples for requirement of their FPIC in the Bank’s projects. FPIC, particularly in the Guidance Note, continues to be interpreted as negotiated settlements, which can be achieved when there is collective support despite explicit disagreement of groups within or among indigenous peoples.

We thus urge the Permanent Forum to call on the World Bank to strengthen the requirement of FPIC in its projects and ensure genuine implementation thereof while ensuring that its projects promote and enhance customary land tenure systems. Specifically, the World Bank should, in consultation with indigenous peoples, develop more detailed guidance on the proper implementation, review and monitoring of FPIC building on the lessons learnt so far. The guidance should establish minimum criteria to obtain and ascertain FPIC in its projects, including effective access to information by affected indigenous peoples in understandable format and with adequate time, their involvement since the early stages of the project and throughout the project cycle, etc. We have many indigenous communities affected by the Bank financed projects in Bangladesh, Nepal and India that have faced related challenges for even consultation – let alone consent – in various projects under the earlier operational policies of the Bank. They have successfully filed complaints at the Bank’s accountability mechanism, the Inspection Panel, for remedy to a certain extent though the Panel also has its own limitations in mandate and procedure.

At the same time, we note that the World Bank, in partnership with indigenous peoples’ organizations, is forming an Inclusive Forum for Indigenous Peoples to identify and share good practices and deepen understanding of initiatives to advance integration of indigenous peoples’
issues in development efforts, which will build on regional and global dialogues and engagement with the Bank.

This is another area where we urge the Permanent Forum to remind the World Bank that what indigenous peoples seek, beyond dialogue and engagement, is to ensure that the Bank effectively implements the recommendations from such engagement with necessary institutional or other framework for monitoring and review. For that, we will require capacity building of the World Bank (board and staff) on indigenous peoples’ issues as well as of indigenous peoples to effectively engage with the Bank in its policies and projects. The Bank should seriously consider these recommendations to ensure self-determined development of indigenous peoples so that they are not pushed or left behind on the way to achieving the 2030 Agenda.

Thank you

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