

Statement of the Indian Law Resource Center
Eleventh Session of the United Nations Permanent Forum on Indigenous Issues
(May 15th, 2012)

Supported by the Latin American & Global Indigenous Caucus

**The World Bank's safeguards policy review:
Updating its Indigenous Peoples Policy in light of the UN Declaration on the Rights of Indigenous Peoples and Seeking Inputs in a Half-Day Discussion**

Agenda Items: 4. Human Rights-Implementation of the United Nations Declaration on the Rights of Indigenous Peoples
 5. Draft Agenda for the Twelfth Session of the Permanent Forum

Speaker person: Leonardo Crippa, Senior Attorney, Indian Law Resource Center

Thank you Madam Chairperson

Distinguished Brothers, Sisters and Permanent Forum Members,

Today's discussion on the "*Implementation of the United Nations Declaration on the Rights of Indigenous Peoples*", is critical for the overall well being of indigenous peoples around the world. However, the Center believes that particular attention should be given to how the World Bank (Bank), as a UN specialized agency, is contributing to the fulfillment of the rights protected by the UN Declaration. Clearly, Articles 41 and 42 of the UN Declaration call upon all UN specialized agencies and the Permanent Forum to not only promote respect for the rights recognized in the UN Declaration, but also to ensure effective participation of indigenous peoples in these policy developments given that they may affect them.

We cannot ignore the human rights impacts of the Bank's practices. The Bank and its Member Countries must implement the UN Declaration. Development policies and projects conceived from a western point of view and promoted collectively by countries under the clothing of the Bank, continue to have devastating human rights impacts on indigenous peoples in the developing world. The Bank's OP/BP 4.10 Indigenous Peoples policy must be updated in light of the UN Declaration. There is a need of stronger safeguard measures to protect indigenous peoples' lands, natural resources and self-determined governing institutions, among other issues. The World Bank should promote development which improves the ability of indigenous peoples to fully realize their rights. At a minimum, forced relocation of indigenous peoples from their traditional lands, taking of Indian lands and natural resources, and harms to indigenous peoples' livelihoods and cultures must be prevented.

Distinguished Brothers, Sisters and Permanent Forum Members,

This is the right time to make decisions and commit to address this issue. This year, the Bank is initiating a two to three years review process of its social and environmental safeguards policies, including the Indigenous Peoples Policy. By the next session, the Permanent Forum should start a timely discussion on this critical issue, so that indigenous peoples around the world can inform the Permanent Forum's approach and actions to take within the Bank's safeguards policy review.

A half-day discussion on the role of the Bank is needed. As acknowledged by the Secretariat in its February 2012 Report on *Implementation of the recommendations of the Permanent Forum*, "[s]pecial themes

and special half-day discussions play a key role in highlighting particular issues or regions, creating an impetus for the implementation of relevant recommendations.” The review of the Bank’s safeguard policies is a critical issue that deserves special attention.

The Permanent Forum has successfully engaged with similar policy developments in the past. For example, the Permanent Forum made recommendations to the International Finance Corporation (IFC) during its 2011 policy review, securing critical improvements in its Performance Standard 7: Indigenous Peoples.

Distinguished Brothers, Sisters and Permanent Forum Members,

The Center encourages the Permanent Forum to take actions regarding the Bank’s safeguards policy review by carrying out the following activities:

1. Commit to have a half-day related discussion within the next session of the Permanent Forum, in order to seek the views of indigenous peoples from all regions regarding the Bank’s OP/BP Indigenous Peoples Policy, among other relevant policies;
2. Request the Bank to inform the Permanent Forum regarding the status of implementation of the rights recognized in the UN Declaration within Bank policies and activities, and the future measures that will be taken to fulfill those rights as well as to secure the effective participation of indigenous peoples within the review of its safeguards policies;
3. Ensure that the Bank require human rights impact assessments to be performed by borrower countries, in order to assess the human rights risks and impacts that a supported-project may entail affecting the rights of indigenous peoples; and
4. Work with other special mechanisms, including the Special Rapporteur on the Rights of Indigenous Peoples, and the Expert Mechanism on the Rights of Indigenous Peoples to take a more active role within the Bank’s safeguards policy review, and policy development related to indigenous peoples.

The Permanent Forum has a critical role to play in ensuring that the World Bank meet its obligations to implement the rights of the UN Declaration, and the upcoming safeguard review presents a unique opportunity to do that. Indigenous peoples, and especially those directly impacted by the World Bank’s activities, must have the opportunity to provide the Permanent Forum members and its Secretariat with relevant input and material on this issue. For this purpose, at least, we will need to have a half-day discussion during the 12th Session.

Thank you, and I hope to see you again next year to discuss this critical issue. We are happy to provide you with relevant information.

Attachments:

- Letter from the Permanent Forum, Expert Mechanism on the Rights of Indigenous Peoples and Special Rapporteur on the Rights of Indigenous Peoples to World Bank President regarding the IFC policy review (2010)
- Center letter to Bank on the safeguards policy review (2011)
- Indigenous Peoples’ letter to Permanent Forum regarding a half-day discussion about the Bank safeguards policy (2012)