

INDIGENOUS PEOPLES' LETTER TO THE INCOMING PRESIDENT OF THE WORLD BANK

Dear Dr. Kim,

We, the undersigned indigenous peoples' organizations from across the globe and civil society organizations, would like to congratulate you on your appointment to the position of President of the World Bank Group. We wish you success during your tenure, which is a turbulent time economically and environmentally as well as socially. We look forward to working closely with you towards achieving our collective goals of improving the livelihoods and well-being of 370 million indigenous peoples throughout the world.

At the outset, we wish to state the challenges that confront us today. The historical legacy of the World Bank with indigenous peoples has been marked by persistent instances of serious violations of our human rights. Indigenous peoples are rights holders under international law. We hold not only rights to our lands, territories and resources but also to self-determination of our ways of life, including self-determined development. Human rights violations of indigenous peoples have taken place across all investment sectors in which the Bank is financing and are structurally linked to the western development model that the World Bank has promoted and financed for the last 6 decades. For indigenous peoples' communities, the core poverty alleviation objective of the Bank is unachievable as long as the Bank's projects, designed to benefit dominant populations, bring about further impoverishment of our communities in economic terms and marginalization in social and cultural terms. These issues of human rights, social equity and ecological harm will be reiterated in the Rio+20 processes as core issues for sustainable development.

We feel that these adverse impacts on indigenous peoples are rarely acknowledged and addressed by the World Bank. This was substantiated by the Bank's own internal review (August 2011) of the implementation of the current Operational Policy on Indigenous Peoples (OP/BP 4.10). The review led by the Bank's Indigenous Peoples Advisor found, *inter alia*, (i) systemic failure to prepare indigenous peoples-appropriate planning documents; (ii) wide-spread failure to appropriately disclose planning documents to impacted indigenous peoples; (iii) lack of documentation related to the required broad community support (and therefore inability to confirm its existence); (iv) consistent inability to address land and resource rights appropriately in projects where such rights are relevant; (v) widespread failure to establish local or national level complaints mechanisms; and (vi) failure to establish the required benefit-sharing agreements for projects where lands or cultural resources are commercially developed.

Central to the failure of this policy to effectively address indigenous peoples' concerns with Bank-financed projects are two key factors. First, the current Operational Policy on Indigenous Peoples itself is not based on a human rights-based approach; for example, it is inconsistent with the UN Declaration on the Rights of Indigenous Peoples (UNDRIP); adopted by the UN General Assembly in September 2007) and the International Labour Organization (ILO) Convention # 169. The Policy therefore fails to recognize the right scope of considerations from the outset. It is particularly a glaring fact that the World Bank is the only MDB that does not recognize the rights of indigenous peoples to free, prior and informed consent. The IFC within the World Bank Group as well as the regional

MDBs (ADB, IADB, EBRD, etc.) recognize these rights. The second key factor is the persistent lack of political will within the Bank's Senior Management to effectively enforce the requirements under the existing operational policy framework, let alone to attempt to go beyond them to meet the existing international standards on indigenous peoples.

In the past, the World Bank Senior Management and indigenous peoples were engaged in a High-Level Dialogue. The global indigenous peoples' community participated in the dialogue in the spirit of good faith, yet many of the concerns that we had articulated at length were not addressed by the Bank and our recommendations, not taken into consideration. Moreover, the World Bank Senior Management has unilaterally suspended the High-Level Dialogue with indigenous peoples without any consultation and explanation. These factors have severely compromised one of the key central goals of the dialogue – to build a working relationship of trust between the Bank and indigenous peoples. In view of the above, we reiterate here our demands to the Bank to effectively address concerns that are critical to indigenous peoples. This includes a comprehensive review of the Bank's existing portfolio to ensure that it is – at a minimum – consistent with the recommendations of and responsive to the findings of the Bank-commissioned studies and processes, in particular the Extractive Industries Review and the World Commission on Dams. We are in fact alarmed by the big investment portfolio of the World Bank to energy development, which includes increased support to large hydro-dam projects.

Finally, we would like to state our frustrations with regards to the on-going review of the social and environmental safeguards of the Bank. We are very concerned at the continuing delay with this review process and urge the Bank to take rapid steps towards establishing a comprehensive consultative process with all involved rights-holders and stakeholders. We of course reiterate our demands for these standards to be brought into line with existing international standards and laws on the rights of indigenous peoples, including the UNDRIP. This includes explicit respect for our collective rights to our lands, territories and resources, and our specific right to give or withhold our free, prior and informed consent with regards to actions or decisions which impact upon us. We also demand the recognition of pastoralism as a livelihood and a lifestyle and the inclusion of indigenous pastoralist's peoples, as indigenous peoples in World Bank policies, in particular in the Indigenous Peoples Policy.

Despite the above mentioned concerns however, we would still like to take this opportunity to express our vision for emerging mechanisms of partnership and engagement between the World Bank and indigenous peoples. As we see it, the following areas provide a real opportunity for positive engagement between us:

1. Establishment of an independent World Bank Indigenous Peoples Advisory Council (similar to the World Bank External Advisory Group on Forests). It should be established by respecting the self-selection process of indigenous peoples during its composition and be based on Terms of References that have been developed with indigenous peoples' substantive involvement and input.
2. Establishment of consultative mechanisms at the national and regional levels to better provide indigenous peoples with the ability to provide effective inputs to the Bank's operational units and influence at all levels of decision-making within the Bank, as well as contributing to the work of the Indigenous Peoples Advisory Council.
3. Recruitment of a senior-level staff as a dedicated Focal Point for Indigenous Issues with the mandate to coordinate with key UN mechanisms, dealing with the rights of indigenous peoples (UN Permanent Forum on Indigenous Issues, UN Expert Mechanism on the Rights of Indigenous Peoples,

UN Special Rapporteur on the Rights of Indigenous Peoples) and providing secretariat support to the Indigenous Peoples' Advisory Council. The current Indigenous Peoples Advisor was asked by the Senior Management to take an early retirement and he has not been replaced. He should be replaced by a senior, director-level position.

4. Internal capacity-building of the staff of the Bank to ensure that staff is better informed and better able to implement the requirements of both Bank policy and international standards on the rights of indigenous peoples

5. Dedicated financial support for the capacity building for indigenous peoples

We continue to seek to build effective engagement processes with the Bank and would like to see positive indications of how the Bank can put indigenous peoples at the center of its development interventions following the framework of respecting the rights of indigenous peoples and ensuring their full and effective participation. If our proposals for effective engagement are not responded to and the Bank practice will not evolve to respond to emerging circumstances, then the existing mistrust that indigenous peoples feel towards the Bank will persist and worsen. This will inevitably constrain the Bank's global efforts and may lead to further conflicts between indigenous peoples and the Bank both at the individual project-level and at the institutional level, further reinforcing the negative World Bank legacies of the past.

Indigenous peoples are looking forward to engaging in a constructive dialogue with you and to discuss our concerns and provide our expertise to your work. Once again, we wish you success during your tenure at the World Bank.

Signatories to the letter

98 Indigenous Peoples' Organizations and Institutions

Asia Indigenous Peoples Pact (AIPP)-Thailand, Asociacion De Autoridades Tradicionales Y Cabldos De Antioquia-(O.I.A), Association of Indigenous Peoples in the Ryukyus (AIPR)-Japan, Aotearoa Indigenous Rights Trust, Aotearoa/New Zealand, Association for Law and Advocacy for Pastoralists (ALAPA)-Tanzania, Alyansi Masyarakat Adat Nusantara, Indonesia (Alliance of Indigenous Peoples of the Archipelago)-Indonesia, Alliance of Indigenous Peoples of the Archipelago, Jambi Province, Sumatra-Indonesia, Alliance of Indigenous Peoples of the Archipelago, Palangka Raya Province, Central Kalimantan-Indonesia, Alliance of Indigenous Peoples of the Archipelago, RIAU Province, Sumatra-Indonesia, Adivasi Mahila Mahasangh, Chhattisgarh-India, Association of Nepalese Indigenous Journalists (ANIJ)-Nepal, Ainu People's Council-Japan, Asia Pacific Indigenous Youth Network (APIYN)-Philippines, Adivasi Women's Network-Central India, Bangladesh Indigenous Peoples' Network on Climate Change and Biodiversity (BIPNET)-Bangladesh, Chuulangun Aboriginal Corporation-Australia, Chirapaq, Centro de Culturas Indígenas del Perú-PERU, Citizens Concern for Dams and Development (CCDD)-North East India, Cabildo de los Pueblos Indígenas Urbanos de-Colombia, CHT Indigenous Jumma Association Australia (CHTIJAA)-Australia, El Consejo Indígena de Mesoamerica (CIMA), Cambodia Indigenous People Alliance (CIPA)-Cambodia, Cambodia Indigenous Youth Association (CIYA)-Cambodia, Community Knowledge Support Association- Laos, Continental Network of Indigenous Women of the Americas-ECMIA, Continental Network of Indigenous Women of the Americas, North Region-USA, Centro Nacional de Promoción y Desarrollo Indígena y Social de Colombia YANAPANAKUY-Colombia, Center for Orang Asli Concerns-Malaysia, Centre for Organisation Research & Education (CORE)-Manipur, India, Cordillera Peoples Alliance (CPA)-Philippines, Community Research and Development Services (CORDS)-Tanzania, Center for Sustainable Development in Mountainous areas (CSDM)-Vietnam, Ethnic Community Development Organization (ECDO)-Bangladesh, Ethnic Media Foundation-Nepal, La Eed Xicana Indígena-USA, Flemish Centre for Indigenous Peoples-Belgium, Fundacion para la Promocion del Conocimiento Indígena (FPCI), Franco Uiteri FONFENIDE, Ecuador, Gender and Development Association (GDA)-Lao PDR, Greater Sylhet Indigenous Peoples Forum (GSIPF)-Bangladesh, Hmong Association-Thailand, Incomindios-Switzerland, International Council for the Indigenous Peoples of Chittagong Hill Tracts-Bangladesh, Indigenous Concerns Resource Center (ICRC)-Kenya, Indigenous Community Support Organization (ICSO)-Cambodia, Indigenous Development Initiatives-Kenya, The Indigenous Environmental Network (IEN)-International (United States) Indigenous Information Network-Kenya, Indigenous Knowledge and Peoples Foundation (IKAP)- Thailand, Inter-Mountain Peoples' Education and Culture (IMPECT)-

Thailand, INNABUYOG, an alliance of indigenous women in the Cordillera Region-Philippines, Indigenous Peoples' Organizations Network of Australia-Australia, Ivaldo Andre Macuxi/Roraima/conselho Indigena/RR, The Japan Citizens' Coalition for the UN International Decade of the World's Indigenous Peoples (INDEC)-Japan, Indigenous Peoples of Africa Coordinating Committee, (IPACC)-South Africa, Indigenous Peoples' Foundation for Education and Environment (IPF), Thailand, Indigenous Peoples Issues and Resources-USA, International Work Group on Indigenous Affairs (IWGIA), Jumma Net-Japan, Kapaeeng Foundation-Bangladesh, Kalipunan ng mga Katutubong Mamamayan sa Pilipinas (KAMP)-Philippines, Karbi Human Rights Watch (KHRW)-India, Kirat Yakthung Chumlung-Nepal, Kayan National Development Foundation (KNDF)-Burma, Lawyers' Association for Human Rights of Nepalese Indigenous Peoples (LAHURNIP)-Nepal, Luis Evelin Andrade. Organizacion Nacional Indigenz de Colombia: ONIC-Colombia, The Jahalin Association-Palestine, Maleya Foundation-Bangladesh, Maasai Heritage Preservation Foundation (MHPF)-Kenya, Movement for the Survival of the Ogoni People (MOSOP)-Kenya, Mainyoto Pastoralist Integrated Development Organization (MPIDO)-Kenya, Meghalaya Peoples Human Rights Council (MPHRC)-India, NGO-Federation of Nepalese Indigenous Nationalities (NGO-FONIN)-Nepal, The Network of the Indigenous Peoples-Solomons (NIPS)-Solomon Islands, Network of Indigenous Peoples in Thailand (NIPT)-Thailand, National Indigenous Women Federation (NIWF)-Nepal, Naga Peoples Movement for Human Rights (NPMHR)-Nagaland (India), Ogiek Council of Elders-Kenya, Organizacion Indígena de Antioquia-Colombia, Organization of Indigenous People in Suriname (OIS)-Suriname, ONG de jóvenes indígenas sin ánimo de lucro-Amazonas, Ogiek Welfare Council, Kenya Partners of Community Organisations (PACOS Trust) of Sabah, Malaysia Pastoralist Development Network of Kenya (PDNK)- Kenya, Red Indígena de Turismo de México. A.C. (RITA)-Mexico, Saami Council-Norway, Spectrum-Sustainable Development Knowledge Network-Myanmar, Simba Maasai Outreach Organization (SIMOO)-Kenya, Shimin Gaikou Centre-Japan, Society for New Initiatives and Activities (SONIA)-Italy, TARA-Ping Pu (Taiwan Association for Rights Advancement of Ping Pu Plains Aborigine Peoples)-Taiwan, Taungya-Bangladesh, Tebtebba Foundation-Philippines, Tribal Government of the Philippines-Philippines, UMDA Lopez-Bolivia, Unissons nous pour la Promotion des Batwa (UNIPROBA), Zomi Human Rights Foundation-North East India, Zomi Human Rights Foundation-Burma Region

43 Non-Governmental Organizations (NGOs)

Ateneo School of Government-Philippines, Asociación Tejiendo Amazonas TEJAMA-Leticia, Building Community Voices-Cambodia, Bank Information Center-USA, Burlington Permaculture-USA, Bretton Woods Project-UK, Climate Emergency Institute,-Canada, 11.11.11- Coalition of the Flemish North-South movement-Belgium, Center for International Environmental Law (CIEL)-United States, Cook Islands Civil Society Organization (CICSO)-New Zealand, Centre for Research and Advocacy, Imphal Manipur-North East India, Center of Research and Assistance for Development Projects (CORADP)-Viet Nam, Centre of Research & Development in Upland Area (CERDA)-Vietnam, Earth Savers Movement-Philippines, Ecological Society of the Philippines-Philippines, Friends of the Earth-Japan, Friends of the Earth-USA, Fundación Pachamama-Ecuador, Forest Peoples Programme (FPP)-UK, Gender and Development Initiative-Myanmar, Greenpeace International Grupo Intercultural ALMACIGA- Spain, Groupe de Travail Climat REDD (GTCR)-Democratic Republic of Congo, Humanitywatch-Bangladesh, Inclusive Development International-USA, International Rivers-USA, Jamaa Resource Initiatives-Kenya, LifeMosaic-UK, National Coalition Against Racial Discrimination (NCARD)-Nepal, Non-Timber Forest Products-Exchange Programme for South and Southeast Asia-Philippines, Observatoire congolais des droits de l'Homme-Republic of Congo, OCEAN (Organization of Congolese Ecologists and Friends of Nature)-Democratic Republic of Congo, Oyu Tolgoi Watch-Mongolia, Ole Siosiomaga Society Incorporated (OLSSI)-Samoa, Philippine Association For Intercultural Development, Inc. (PAFID)-Philippines, Philippine Rural Reconstruction Movement (PRRM)-Philippines, Réseau des communicateurs de l'environnement (RCEN)-Democratic Republic of Congo, Rural Development Services Centre-Vietnam, Roots for Equity, Pakistan Rainforest Foundation Norway-Norway, Rainforest Foundation UK-UK, Yayasan PADI Indonesia, Middlesex University, Department of Law-United Kingdom, London