



ASIA INDIGENOUS PEOPLES PACT FOUNDATION

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19 September 2012

Dr. Jim Yong Kim

President
World Bank Group
Washington DC

Dear Dr. Kim,

We appreciate your response to our letter last June 24, 2012. We welcome your positive response to our recommendations particularly on the recruitment of a senior-level staff as a dedicated Focal Point for Indigenous Issues and the establishment of an independent Indigenous Peoples Advisory Council.

With regards to the review of the Indigenous Peoples Policy, we would again like to refer to our recommendations to the said policy in a letter we sent to Mr. Joachim von Amsberg last October 17, 2011 which are as follows:

The Indigenous Peoples Policy should be maintained as a stand-alone policy with the incorporation of the following elements:

1. *The right to Free Prior Informed Consent (FPIC) in accordance with the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) along with the recognition and respect of the rights of indigenous peoples.*
2. *Recognition of pastoralism as a livelihood and a lifestyle in the Indigenous Peoples Policy.*
3. *The recognition and respect of the rights of Indigenous Peoples in voluntary isolation. In particular, no project shall take place in their territories.*
4. *The effective and immediate solution of the gaps and shortcomings of the implementation of OP4.0 based on the IP Policy Learning review. These gaps and shortcomings include the following problems:*
 - 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.*

A transparent consultation mechanism with indigenous peoples at the global, regional and national levels should be established for the review of the OP/BP 4.10.

Attached herewith is the more detailed recommendations of indigenous peoples to the Bank's Operational Policy on Indigenous Peoples for your consideration. Additional endorsement by indigenous organizations and institutions especially amongst Spanish and French speakers shall be sent to you later.

We look forward to your positive response to our recommendations.

Respectfully,

Joan Carling,
Secretary General
Asia Indigenous Peoples Pact (AIPP)



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Indigenous Peoples Inputs to the World Bank Operational Policy/Bank Procedure 4.10

Backgrounder

World Bank-funded projects implemented in indigenous peoples' territories have in many cases failed to take into account the impacts of the projects on the general well being of the affected indigenous peoples. Even with the Bank's recent Operational Policy on Indigenous Peoples (OP/BP 4.10), many indigenous communities continue to be forcibly displaced from their lands and territories and their fundamental rights violated to give way to projects that were implemented without their consent and full and effective participation in the process. The failure of the policy to effectively address indigenous peoples' concerns with bank-financed projects are attributed to the absence of a human rights based approach in the policy as exemplified by its inconsistency with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and ILO Convention 169 and the persistent lack of political will within the Bank's Senior Management to effectively enforce the requirements under the existing operational policy framework and ensure that the policy meet the existing international standards on indigenous peoples.

Further, the current review on the policy of the Bank on indigenous peoples without the full and effective participation of indigenous peoples raises a concern among indigenous peoples that the policy resulting from the review would again not meet the existing international standards on indigenous peoples rights as stipulated in the UNDRIP. It also raises a serious concern that the indigenous peoples' policy will be incorporated into a broader social safeguard policy instead of retaining it as a standalone policy for indigenous peoples.

The World Bank has to be more receptive and proactive in responding to the concerns of indigenous peoples to prevent conflict between indigenous peoples and the Bank at the individual project level and at the institutional level. This is also to ensure that the existing mistrust felt by indigenous peoples towards the Bank will not worsen and persist.

MINIMUM REQUIREMENTS FOR AN UPDATED IP POLICY

These following bullet points are intended to establish a preliminary and draft framework for the areas of concern to be addressed more fully and potentially expanded and/or changed leading to an updated IP Policy of the Bank.

- Maintain a distinct and targeted World Bank safeguard policy for indigenous peoples
- Establish policy coherence with international standards on the rights of indigenous peoples, including the United National Declaration on the Rights of Indigenous Peoples (UNDRIP), ILO Convention No. 169 on Indigenous and Tribal Peoples and related international human rights and environmental agreements, standards and laws
- Require that project proponents acquire the free, prior and informed consent (FPIC) of indigenous peoples with regards to decisions which impact on them, including any impacts on lands, territories or resources. It should be clear that the right to FPIC gives the affected community the right to give or withhold their consent to any programs and projects to be implemented in their territories.
- Ensure the full and effective participation of indigenous peoples in all programs, activities and projects affecting them to make the development process more inclusive of indigenous peoples
- Include strengthened protections for indigenous peoples' land and territorial rights, including requirements to respect and safeguard collective and customary rights to lands, territories and resources
- Recognition and respect of the rights of Indigenous Peoples living in voluntary isolation. Under no circumstances should projects be undertaken in their territories, nor projects with an assessed risk of impacting on them be funded.
- Recognition of pastoralism as a livelihood and a lifestyle in the Indigenous Peoples Policy.



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- Include an explicit prohibition on the forced relocation of indigenous peoples from their territories and resources (including involuntary restrictions on livelihood activities and access to natural resources)
- Incorporate culturally appropriate consideration of gender dimensions of all project stages and all areas of policy implementation
- Include measures to support, promote and respect traditional knowledge at all stages in projects, including assurances that no traditional knowledge will be appropriated, used or developed without explicit, free, prior and informed consent
- Effective solutions must be sought and found for the following gaps and shortcomings of the implementation of OP4.0 based on the IP Policy Learning Review conducted by the World Bank:
 - 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.
- The process and results of the safeguard update process must explicitly show how past failures of Bank policy and practice have been addressed, including those identified in the Bank's own reviews, including the Learning Review of OP4.10, the Extractive Industries Review and the recent Independent Evaluation Group review 'Safeguards in a Changing World'

Endorsed by the following Indigenous Peoples' Organizations and Institutions:

1. Asia Indigenous Peoples Pact (AIPP), Thailand
2. Association of Indigenous Peoples in the Ryukyus (AIPR), Japan
3. Asia Indigenous Women Network (AIWN), Philippines
4. Aliansi Masyarakat Adat Nusantara (AMAN), Indonesia
5. Association of Nepalese Indigenous/ Nationalities Journalist (ANIJ), Nepal
6. Asia Pacific Indigenous Youth
7. Alyansa Tigil Mina (ATM), Philippines
8. Adivasi Women Network, Mainland India
9. Bugkalot Confederation, Philippines
10. Borok Indigenous Tribal Peoples Development Centre (BITPDC), North East India
11. Bantay Kita, Philippines
12. Borok Peoples' Human Rights Organisations (BPHRO), North East India
13. Citizens Concern for Dams and Development, North East India
14. Cambodia Indigenous Youth Association (CIYA), Cambodia
15. Center for Indigenous Peoples' Autonomy and Development, Nicaragua
16. DINTEG- Cordillera Indigenous Peoples Legal Center, Philippines
17. Community Knowledge Support Association, Lao PDR
18. Center for Orang Asli Concerns, Malaysia
19. Cordillera Peoples Alliance, Philippines
20. The Centre for Research and Advocacy, North East India
21. Center for Sustainable Development in Mountainous areas, Vietnam
22. Cordillera Youth Center, Philippines
23. DICE Foundation, Nagaland, India
24. Dulal, Peoples Organization for Development Action
25. Egongot/Bugkalot Confederation of the provinces of Aurora, Nueva Vizcaya and Quirino, Philippines
26. Grupo Intercultural ALMACIGA, Spain
27. Gender and Development Association, Lao PDR
28. Flemish Centre for Indigenous Peoples, Belgium



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29. Federation of Indigenous Community of Kenya, Kenya
30. Fundación Pachamama, Ecuador
31. Hmong Association, Thailand
32. International Council for the Indigenous Peoples of CHT (ICIP-CHT)
33. Indigenous Community Support Organization (ICSO), Cambodia
34. Indigenous Information Network (IIN), Kenya
35. Inter-Mountain Peoples' Education and Culture (IMPECT), Thailand
36. Indigenous Peoples' Foundation for Education and Environment, Thailand
37. International Work Group for Indigenous Affairs (IWGIA), Denmark
38. Indigenous Women's Network of Thailand (IWNT)
39. Jamaa Resource Initiatives, Kenya
40. Keonjhar Integrated Rural Development and Training Institute (KIRDTI), Odisha, India
41. Kayan National Development Foundation (KNDF), Myanmar
42. Lawyers' Association for Human Rights of Nepalese Indigenous Peoples (LAHURNIP), Nepal
43. The Missing Link (TML-India), Nagaland, India
44. Meghalaya Peoples Human Rights Council, Meghalaya, India
45. Nepal Federation of Indigenous Nationalities (NEFIN), Nepal
46. Network of Indigenous Peoples in Thailand (NIPT), Thailand
47. The BAI- National Network of Indigenous Women, Philippines
48. National Network of Indigenous Peoples of Malaysia
49. Naga Peoples Movement for Human Rights (NPMHR), North East India
50. Ole Siosiomaga Society Incorporated (OLSSI), Samoa (in the Pacific)
51. Partners of Community Organisations (PACOS Trust), Malaysia
52. Provincial Federation of Egongot Tribe of Aurora, Inc, Philippines
53. Papora Indigenous Development Association (PIDA), Taiwan
54. Philippine Indigenous Peoples Links (PiPLinks)
55. Sustainable Development Forum Nagaland (SDFN), Nagaland, India
56. TARA-Ping Pu, Taiwan
57. TEBTEBBA Foundation, Philippines
58. Zo Indigenous Forum, India

Non-Government Organizations:

1. Association for Land Reform and Development (ALRD), Bangladesh
2. Ateneo School of Government, Philippines
3. Center for International Environmental Law, USA
4. Center for International Environmental Law, Switzerland
5. Climate Justice Programme, Australia
6. Center of Research and Assistance Development Projects, Vietnam
7. Centre of Research & Development in Upland Area (CERDA), Vietnam
8. Centre for Organisation Research & Education, North East India
9. Gender and Development Initiative, Myanmar
10. Greenpeace International, Netherland
11. Friends of the Earth Japan
12. Forest Peoples Programme, UK
13. Humanity Watch, Bangladesh
14. Indigenous Peoples Issues and Resources, United States
15. The Jahalin Association, Palestine
16. Non-Timber Forest Products Exchange Programme for South and Southeast Asia (NTFP-EP), Philippines
17. OT Watch Mongolia
18. Rainforest Foundation Norway
19. SONIA (Society for New Initiatives and Activities for a Just Free World), Italy
20. Spectrum - Sustainable Development Knowledge Network (SDKN)-Myanmar

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