March 4, 2013

Dear Dr. Kim,

As we come up to the anniversary of your first year as the President of the World Bank Group, we congratulate you on your tenure to date. However in this letter, we would like to take the opportunity to reiterate some serious concerns we have with the on-going consultation process in the updating and reviewing of the World Bank’s current 8 social and environmental safeguards, and concurrent discussion of the identified emerging issues. These concerns are particularly worrisome in the context of the update of OP4.10 on Indigenous peoples and the discussion of possible inclusion of requirements for free, prior and informed consent from indigenous peoples.

These concerns are not new, and have been expressed to the Bank previously (Letter to Joachim von Amsberg Oct 2011, Letter to Dr Kim June 2012, Submission into the Safeguard Review September 2012, Informal Exchange in Doha December 2012) however as we approach the midway point of Phase 1 of the consultations these process concerns have not been addressed. We understand that resources and time are both limited, but we are convinced that the current process risks undermining the whole consultation and undermining the results gained. Concerns that we currently have include:

**No clear outreach for indigenous peoples.** There has been as yet no clear and specific outreach for indigenous peoples’ organisations. As raised in a number of the multi-stakeholder consultations to date, it is imperative that indigenous peoples’ organisations and institutions are consulted in a specifically targeted process. National legislation in some countries requires such specific consultation procedures, and under international law (UNDRIP Article 18) Indigenous peoples “have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures”. Although the Bank has indicated that such a process is being planned, no details have been provided and time is running short.

**Limited input on the key emerging issue areas.** For each of the emerging issues, there will be held a single expert forum in which approximately 10 experts will be asked for input. Written submissions are also accepted. However this means that for key areas of significant concern the external input will be limited to 70 individuals chosen by the Bank. There is no allowance for local, national or regional consultations among interested and concerned organisations, and specifically for the issue of FPIC of indigenous peoples and the key issue of land tenure, the chosen process of
'expert input' does not allow sufficient participation by representative organisations or authorities, denying them the means to influence the process, except through written submissions, a process of input which does not facilitate effective input by a broad array of peoples and organisations.

**Short, multi-stakeholder consultations confuse.** The period of time allocated for these consultations is far too short. The average time allowed is half a day (between 3 and 5 hours) and in this time there are eight safeguards and seven emerging issues to be discussed, and the discussions which take place are in a multi-stakeholder environment, which necessitates additional time for diverse view points.

**Limited lead time.** Each of the consultations is announced on the website between 3 to 6 weeks before it is held. Some have been announced with shorter lead times than this. Given that there are a limited number of consultations being held in each geographical region, a certain lead time is required to enable interested parties to prepare input, and also to arrange representation, funding and travel for those living outside the chosen consultation country.

Feedback that we have received from consultations already held in Washington, Olso, Paris and Lima echo the concerns raised here, with many participants reporting a lack of opportunity for in-depth discussions of specific issues, a lack of outreach to national non-governmental organisations and very short consultation times. Colleagues in Latin America have expressed their dismay with the organization of the consultation in Lima, concerned with many of the same issues raised here, and colleagues in Indonesia are already worried about the conduct of the upcoming consultations in Jakarta, highlighting concerns with participation, transparency and inclusion.

We respectfully recommend, building on recommendations previously provided to the Bank, that:

1. Advance notice of consultations is provided, at least six weeks, to enable appropriate preparation and consultation among interested attendees and to allow travel arrangements to be made.
2. Translation and dissemination of relevant documents relating to the review/update process should be provided in languages understood by indigenous peoples.
3. All input provided by indigenous peoples and others be put in a matrix with attribution and with reference to items included in the draft IP Policy and to be made public the earliest possible
4. Specific consultations with indigenous peoples are essential at the national, regional and global levels during the public consultations of the first draft and the second draft including comprehensive discussion of the indigenous peoples policy in particular, and safeguard policies in general
5. Ensure the effective participation of indigenous peoples in the conduct of in-country consultations with key actors and stakeholders
6. Ensure the effective participation of indigenous experts in UN bodies and mechanisms in the review/update process
7. Coordinate with indigenous peoples directly, including through the IP working group on the review process to be established by indigenous peoples to facilitate information dissemination and exchange, submissions and inputs, conduct of consultations at the regional and global levels.

8. Working groups on FPIC and land tenure be established to provide inputs and guidance in the drafting the IP Policy update, to widen the scope for comprehensive inputs on these key issues.

9. Provide for a mechanism for different stakeholders to exchange views on their recommendations to content of the safeguard policies especially on the IP Policy.

10. Hold a dialogue between indigenous leaders and the Executive Board of the WB relating to the IP Policy recommendations of indigenous peoples in particular and to other safeguards in general preferably after the first draft of the safeguard policies.

With regards,

Joan Carling
Secretary General, AIPP

CC:
Caroline Anstey (Managing Director): Canstey@worldbank.org
Rachel Kyte (Vice-President, Sustainable Development Network): rkyte@worldbank.org
Joachim von Amsberg (Vice-President, Concessional Finance and Global Partnership): Jvonamsberg@worldbank.org
Anne-Marie Leroy (General Counsel): aleroy@worldbank.org
Mary Barton-Dock (Director, Environment): Mbarton@worldbank.org
Benoit Bosquet (Lead Carbon Finance Specialist): bbosquet@worldbank.org
Peter Dewees (Advisor, Forests): Pdewees@worldbank.org
Patricia Bliss-Guest (Manager, CIF): Pblissguest@worldbank.org
Motoko Aiwaza (Head of the Safeguard Review Team): maiwaza@worldbank.org
Cyprian Fisiy (Director, Social Development): Cfisiy@worldbank.org
Stephen Lintner (Senior Advisor, Safeguards): Slintner@worldbank.org
Charles di Leva (Chief Counsel, Legal Department): cdileva@worldbank.org
Luis Felipe Duchicela (Indigenous peoples Advisor): lfduchicela@worldbank.org
ENDORSED BY THE FOLLOWING INDIGENOUS PEOPLES ORGANIZATIONS AND INSTITUTIONS

1. Adivasi Women's Network (AWN), Central India
2. Alyansi Masyarakat Adat Nusantara (AMAN- Indigenous Peoples Alliance of the Archipelago), Indonesia
3. Alyansi Masyarakat Adat Nusantara (AMAN- Indigenous Peoples Alliance of the Archipelago) Central Kalimantan, Indonesia
4. Ancestral land Domain Watch (ALDAW), Philippines
5. Aoke Langalanga Constituency Apex Association (ALCAA), Pacific
6. Asian Indigenous Women's Network (AIWN), Philippines
7. Association of Nepaliise Indigenous and Nationalities Journalists (ANIJ), Nepal
8. Bear Clan of Maxan lake B.C, Canada
9. Borok Peoples Human Rights Organization, Northeast India
10. Centre for Organisation Research & Education (CORE), Manipur, Northeast India
11. Centre for Research and Advocacy, Manipur, India
12. Chin Human Rights Organization (CHRO), Myanmar
13. CHT Indigenous Jumma Association Australia (CHTIJAA), Australia
14. Civil Society Women's Organization, Shillong, Northeast India
15. Community Knowledge Support Association (CKSA), Laos
16. Cordillera Indigenous Peoples Legal Center (DINTEG), Philippines
17. Cordillera Peoples Alliance (CPA), Philippines
18. Hmong Association, Thailand
19. Indigenous Knowledge and Peoples Foundation (IKAP), Thailand
20. International Council for the Indigenous Peoples of CHT (ICIP-CHT), Bangladesh
21. Jaringan Orang Asal SeMalaysia (JOAS), Malaysia
22. Karbi Human Rights Watch (KHRW), Northeast India
23. Kirat Welfare Society, Nepal
24. Lawyers Association for Human Rights of Nepalese Indigenous Peoples (LAHURNIP), Nepal
25. Maa Civil Society Forum, Kenya
26. Meghalaya Peoples Human Rights Council (MPHRC), Northeast India
27. Nepal Kirat Kulung Bhasa Sanskriti Utthan Sangh, Nepal
28. NGO Federation of Indigenous Nationalities (NGO FONIN), Nepal
29. NIRMAN, India
30. Northeast Peoples Alliance (NEPA), Northeast India
31. Ogiek Welfare Council, Kenya
32. Ogiek Council of Elders, Kenya
33. Pikhumpongan Dibon Subanen, Inc. (PDSI), Philippines
34. Sarawak Dayak Iban Association, Malaysia
35. SIPIBIL, India
36. Tebtebba (Indigenous Peoples' International Centre for Policy Research and Education), Philippines
37. The Jahalin Association (Al Khan el Ahmar), Jerusalem
38. Tribal Government of the Philippines
39. Zomi Human Rights Foundation (ZHRF), Northeast India

NONGOVERNMENT ORGANIZATIONS/ACADEMIC INSTITUTIONS

1. 11.11.11- Coalition of the Flemish North-South Movement, Belgium
2. All Loktak Lake Areas Fishermen's Union, Manipur (ALLAFUM), Northeast India
3. Alyansa Tigil Mina, Philippines
4. Bible Hill Youth Club, Manipur, Northeast India
5. Both ENDS, Netherlands
6. Building Community Voices (BCV), Cambodia
7. Center for Research and Development in Upland Area (CERDA), Vietnam
8. Civil Society Coalition on Human Rights in Manipur and the UN (CSCHR), Manipur, Northeast India
9. Committee on Natural Resources Protection, Manipur, Northeast India
10. Derecho Ambiente y Recursos Naturales DAR, Peru
11. EarthSavers Movement, Philippines
12. Environment and Human Development, Manipur (EHUD), Manipur, Northeast India
13. Flemish Centre for Indigenous Peoples, Belgium
14. Forest Peoples Programme (FPP), UK
15. Friends of the Earth, Japan
16. Gender and Development Initiative, Myanmar
17. Grupo Intercultural ALMACIGA, Spain
18. Humanity Watch, Bangladesh
19. Human Rights First Rwanda Association, Rwanda
20. Inclusive Development International, Cambodia
21. Incomindios, Switzerland
22. Indigenous Community Support Organization (ICSO), Cambodia
23. Indigenous Peoples Links (PIPLinks)
24. Netherlands Centre for Indigenous Peoples, Netherlands
25. NTFP Exchange Program (NTFP-EP), Cambodia
26. Ole Siosiomaga Society Incorporated (OLSSI), Samoa
27. OT Watch, Mongolia
28. Rainforest Foundation Norway (RFN), Norway
29. Rural Development Services Centre, Vietnam
30. Rural Missionaries of the Philippines-Northern Mindanao Region (RMP-NMR)
31. Shimin Gaikou Centre, Japan
32. SONIA, Italy
33. Spectrum – Sustainable Development Knowledge Network, Myanmar
34. Steps Without Border, Mongolia
35. University of Goraka, Papua New Guinea