



INDIGENOUS PEOPLES & WORLD BANK PROJECTS



**A Community Guide to the
World Bank's Indigenous
Peoples Policy (OP/BP 4.10)**



INDIGENOUS PEOPLES POLICY

If the Government wants to set up a project in your area, funded by the World Bank, it must follow rules set by the World Bank's Indigenous Peoples Policy (OP/BP 4.10). The Policy says that the Bank will not fund projects that indigenous peoples do not support. Its rules say how the Government and the World Bank must plan and carry out projects that could affect indigenous peoples and how they must try to prevent, or at least reduce, any harm that the project might cause to them.

This guide tells you about the rules that World Bank projects must obey. It explains your people's rights to be consulted fairly and honestly about World Bank projects, to participate in them, and to refuse a project if it does not respect your community's rights and needs. It says how to tell the Government and the World Bank about your people's needs, concerns and any objections to the project.

It is important that your community speaks out while the project is being planned because when the World Bank finally decides to fund the project, it is usually too late to make changes.

Boxes in this Guide explain the official words the Bank uses in the Policy's rules. Your communities, organisations and leaders should understand what these words mean, so that you can talk to the Bank in its own language and have a better chance that the Bank and Government will listen to you.

Page 7 tells you where to get more information, both from the World Bank and from support organisations that help indigenous peoples.

This Guide may also help you and your communities discuss projects funded by other agencies that have similar rules to the World Bank.

This Guide is written by the Forest Peoples Programme (FPP) based on FPP's understanding of the main rules that the World Bank and its Borrowers (Governments) must follow under the Bank's Indigenous Peoples Policy.

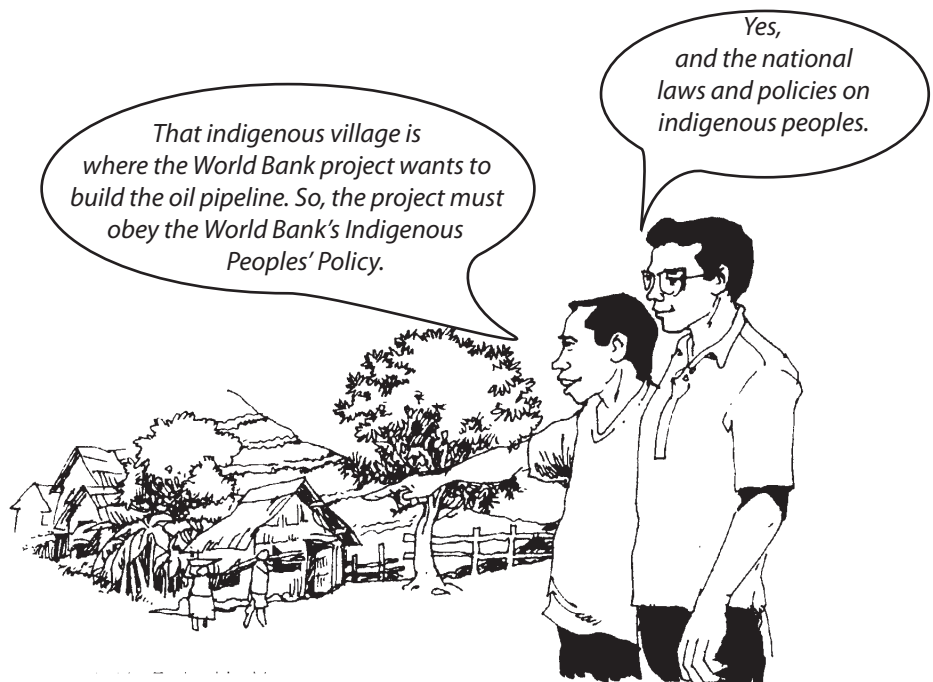
There are also other ways you can react to a World Bank project, as well as contacting the Bank directly. Your Government is bound by national laws. If you think the project violates these laws, you may be able to use your national courts to hold your Government to account. If this is not possible, but your country has ratified international human rights treaties, you might be able to use the treaties' complaints or reporting procedures to raise concerns about violations of your human rights. To find out your options to complain or appeal about a project, it is a good idea to consult an indigenous peoples' organisation or support NGO in your country or internationally.

1 THE START OF A WORLD BANK PROJECT - SCREENING

When a Government proposes a project to the World Bank, the Bank must find out whether the project has to obey the World Bank's Indigenous Peoples Policy.

To do this the World Bank must study documents about the area. It might also send 'consultants' to find out about the indigenous peoples in the project area. This early stage is called 'screening'. Often the first time indigenous peoples know about a project is when the consultants come to visit them.

If the screening shows that indigenous peoples live near where the project will be carried out (called the 'project area'), or if the project could affect the attachment indigenous peoples have had for generations to their lands and territories (called 'collective attachment') including sacred sites and areas which they only use seasonally, the World Bank and the Government must obey the Policy.



Illustrations adapted from "Where there is no artist" by Petra Röhr-Rouendaal

What the policy says



2 YOUR RIGHTS TO PARTICIPATION

The Government must consult (discuss) with your people at each stage of the project, from screening right up to the end of the project. This is to find out about your community's opinions on the project, what you think it should do and whether you support the project (see Box 4). If the project goes ahead, the Government must regularly ask your community's opinions and tell you about the project and how it is doing. You may be visited several times by consultants, Government officials or Bank staff during the project.

Every consultation must be free, prior and informed.

- **'Free'** means your community gives its opinions willingly and is not persuaded, tricked or forced to say certain things.
- **'Prior'** means the Government tells you in advance when it will consult with you and does the consultations before decisions are made, not afterwards.
- **'Informed'** means the Government tells the whole truth about the project, including the good things and the bad things that may happen. The Government must give you information in the right languages and in a way that your communities can understand.

Free, prior and informed consultation means that the Government must carry out the consultations honestly and sincerely, in 'good faith'. The consultations must be done in a way that respects your indigenous culture, including your traditional ways of making community decisions.

Free, prior and informed consultation means more than just giving you information and listening to you. It means that your people are actively involved in making decisions about the project.

This is called **'informed participation'**.



3 SOCIAL ASSESSMENT

The Government must carry out a **Social Assessment (SA)** to collect information about your people, after 'screening' and before the project starts. The Government and the Bank must make sure that your communities and organizations can participate in the 'Social Assessment' (see Box C).

The Social Assessment must record your people's 'customary rights'. This means your customary laws and traditions for owning and using your lands and the gifts of nature such as plants, animals, water, rocks and fire ('natural resources') to provide for your daily needs ('livelihoods') and your spiritual customs. The Social Assessment must also look at lands and natural resources which your community only uses some of the time.

The aim of the Social Assessment is to find out how the project could affect your people and, in some cases, how the environment could be affected as well.

What the policy says

4 BROAD COMMUNITY SUPPORT

The Social Assessment must be done through free, prior and informed consultation. It must also find out if your community gives its **'Broad Community Support'** to the project during the planning stages ('project preparation', see Boxes 1-6) and later on when the project documents are reviewed ('project appraisal' - see Box 7).

Broad Community Support means that the main groups in your community agree with the project and want it to take place.

If the Government cannot prove that the indigenous peoples have given their Broad Community Support, the World Bank will **NOT FUND** the project. To object to the project, the main groups in your community must refuse it. Just a few people against the project is not enough to show there is no community support.



5 INDIGENOUS PEOPLES PLAN

If there is Broad Community Support for the project, the Government must write an **Indigenous Peoples Plan (IPP)**.

The Indigenous Peoples Plan says how the project will work with your people. It says what the project will do to avoid or reduce harmful effects on your community and how you can complain about the project if things go wrong.

If you agree that the project can develop your people's indigenous knowledge and culture to make money, the Indigenous Peoples Plan must state that you agree. It must also describe any conditions that you have set governing the project's use of your culture and knowledge.

The Indigenous Peoples Plan also contains **Action Plans** describing how the project will provide social and economic benefits to your community, in a way that fits with your indigenous culture.

If the project wants to build a road, pipeline, dam, powerline or any other long-lasting structure on your lands, the World Bank says that the Government must officially recognise that it is using your land, and legally register the customary lands that belong to your people. The Indigenous Peoples Plan must include an Action Plan for this legal recognition.

In projects which won't build lasting structures but where the project may affect your lands in other ways, you may decide to give your Broad Community Support only if the Government will legally recognize your lands. In these cases the Indigenous Peoples Plan must again contain an Action Plan for this.

The Indigenous Peoples Plan must also contain the budgets and the timetables for the activities that are meant to benefit indigenous communities.

6 PROTECTION AGAINST FORCED RELOCATION

Under the World Bank's rules, the Government cannot make your community relocate (move to another place), unless you have first given your Broad Community Support to being moved.

PROTECTED AREAS

If the project involves national parks or other protected areas, the project should avoid making you reduce or change your use of those areas, unless your community agrees to this, after free, prior and informed consultation and giving your Broad Community Support.

The World Bank says there may be some 'exceptional circumstances' when a project will reduce or stop your community's use of national parks or protected areas. In this case the Government must write a document called a **Process Framework** that says how the Government will obey the rules of another Bank Policy on forced resettlement (called OP 4.12) and obtain your Broad Community Support.

What the policy says

7 APPRAISING AND APPROVING THE PROJECT

At this stage, the Government must give your community the Social Assessment Report, the draft Indigenous Peoples Plan and the draft Process Framework. It must give these documents in the right language and in a form that your communities can understand.

The World Bank visits your country and 'appraises' (reviews) all the information about the project, including the results of its consultations with your communities. If you are unhappy about the project you should make every effort to meet with the World Bank's appraisal team during their visit to your country.

The Bank updates the Project Identification Document (see Box 9) and makes sure that the Government finalises the Indigenous Peoples Plan according to the Bank's rules in the Policy. The Bank makes any Environmental Assessments that were done available to the public. If the Bank does not have proof that your community has given Broad Community Support, project appraisal stops.

If there is Broad Community Support, the Bank writes a **Project Appraisal Document (PAD)**, explaining how the project meets the Bank's Policy on Indigenous Peoples. The Bank does not publish the Project Appraisal Document until AFTER the project is approved.

The Bank and the Government negotiate the amount and the terms of the loan. The Bank's Board of Directors approves the legal agreement governing the loan.

8 DOING THE PROJECT

The Government must give your community the Project Appraisal Document and the final project documents in a language and form that respects your culture, and at a place that you can get to easily.

The Government must set up the project's complaints system. It must monitor how the project is carried out and involve your community, using free, prior and informed consultation.

The Bank must make sure that the Government is carrying out the project according to the legal agreement of the loan.

9 UNDERSTANDING THE WORLD BANK'S LANGUAGE

The World Bank policy uses particular words to explain what its rules mean ('definitions'). Your communities, organisations and leaders should become familiar with what these words mean so you can try to make sure the Bank and the Government listen to you.

This guide has already explained some key policy terms:

Free, prior and informed consultation - see Box 2

Broad Community Support - see Box 4

Informed participation - see Box 2

Collective Attachment - see Box 1.

Other important words that the Bank will use and which you need to understand are:

➤ **Project Information Document (PID):** A short document published by the World Bank describing the aim of a project, the cost and if or how indigenous peoples and other social issues will be dealt with under the project. This document must be made available to the public after project screening. .

➤ **Integrated Safeguards Data Sheet (ISDS):** A short, but important, paper published at the same as the initial PID (see above). It says which World Bank rules must be followed in a project and records whether the Bank thinks that the Indigenous Peoples Policy must be applied. You may disagree with the Bank's decisions in the ISDS as to whether the project may harm or benefit your people.

➤ **Project Appraisal:** The final part of preparing a project when the World Bank collects all the reports and information collected by the government, consultants and the Bank itself. At this stage, the Bank decides whether the project will properly obey all the Bank's rules, including its Indigenous Peoples Policy, and whether the Bank will fund it or not. The Bank may send its staff to your country and your area during the appraisal stage to check up on information and make sure any agreements are correct. You should ask the World Bank when the project appraisal will be, because this is your last chance to make your views known.

➤ **Project Appraisal Document (PAD):** A big document that describes a project, its budgets and how indigenous peoples' issues will be dealt with. The document must have the summary of the Social Assessment, final Indigenous Peoples Plan and other studies and plans included as annexes, including a record of the process of free prior and informed consultation and what your people and organisations say about the project. This document is sent to the leaders of the World Bank (Executive Directors) who decide whether to accept a project, reject it or ask for further changes. Officially, the final PAD is only made publicly available if the Bank's leaders say they will lend money for the project (that is, after project approval).

➤ **Process Framework:** This is a short general plan for dealing with indigenous peoples and other social issues during project implementation (after a project has already started). It is required in projects on conservation and protected areas. The World Bank must make sure you participate in developing it.

➤ **Loan Agreement:** A legal agreement between the World Bank and your Government about the way a project must be carried out, including activities to protect or benefit indigenous peoples. Sometimes this agreement is secret, but not always. You can ask for a copy of this agreement from your Government.

➤ **Task Team Leader:** The World Bank staff person who is in charge of a particular Bank project. This person may be based in the Bank's headquarters or in one of the Bank's offices in a country in your region. The PID document should contain his/her contact details.

COMMUNITY ACTION

A GETTING INFORMATION ABOUT A PROJECT

- Ask other indigenous peoples or your NGO partners for help. (See page 7 for contact details).
- Get as much information about the project as you can from the World Bank's office in your country, and from indigenous organisations and NGOs.
- Ask the Bank for copies of the 'Project Information Document' (PID) and the 'Integrated Safeguards Data Sheet'. These documents give the aims of the project, its timetable and how to contact the person responsible in the Bank (the 'Task Manager' or 'Task Team Leader'). See page 7 on how to get these documents on the internet. If the Bank's office in your country will not provide the documents, ask the Government.

If you get no information, you should write a complaint to the Indigenous Peoples Unit at the Bank's headquarters (see page 7).

- Do these documents correctly record your people and all your communities and their lands and natural resources that could be affected by the project?
- Start discussing the project with community members.



Government Consultation



B GOVERNMENT CONSULTATIONS WITH YOUR COMMUNITY

- Did the Government tell your community about the consultation in good time, and make arrangements for you to participate?
- Were your traditional leaders, elders, women and other important community groups included?
- Did you get enough information, in the right languages, so that you could understand the project?
- Were you told about the bad things as well as good things that could happen in the project?
- Did the consultation respect indigenous culture and traditional ways of making decisions as a community?
- Did the consultation find out the whole community's opinion, not just the views of some individuals?
- Did the community members talk about what is most important to them and their worries about the project, and did the consultation record these things?
- Were your questions properly answered? Are you happy with the information you received?
- Does community think that Government consulted with you honestly and sincerely?
- Did the consultation allow your communities, and the leaders and organisations that speak for your people, to make decisions about the project and change how the project will be planned and carried out?

If you think any consultation was not done properly according to Box 2, or that your right to informed participation was not respected, write to the project Task Manager at the World Bank, and send a copy of the letter to the Bank's Indigenous Peoples Unit (see page 7 for addresses).

ABC of what you can do



C PARTICIPATING IN THE SOCIAL ASSESSMENT

- How would the project affect your customary rights to your lands and resources, your livelihoods and your spiritual practices?
- Mobilise your community to discuss the project. Is the Government following the rules of the Policy, and will the project truly respect your 'collective attachment' to your lands and resources (see Box 1).
- If you think the project could damage your community, tell the consultants carrying out the Social Assessment how and why the project might be harmful for your people.

Write down what you say, or ask someone to help you write it. Send your written statement to the World Bank office in your country, with a copy to the World Bank headquarters in the United States (see page 7 for addresses).



REMEMBER!

Keep written and dated copies of everything that you tell the Bank, in case you have to prove this later.

D RESPONDING TO THE PROJECT

- If your community decides that it does not want the project, tell the consultants and send a written copy of your statement to the project's Task Manager at the World Bank. If possible, get an outside person or organisation whom you trust to witness your decision. The World Bank will not fund the project if it receives clear proof that your community objects.
- If your community thinks the project might be a good thing, ask the consultants to tell you what they will write in their report, including any agreements they have made with you about what the project will do.
- If you are still worried about some parts of the project, tell the consultants how the project must change before you can give your support. Be confident and explain clearly to the consultants that your community has its own way of making decisions that the Government and the Bank must respect.
- If your community might accept the project, tell the consultants that you will confirm your support **ONLY** after you have seen all the final project documents and have checked that the Government has, **in writing**, agreed to fully respect your rights and interests and has set out the protections and benefits it will give your community.

Do not sign any document giving your Broad Community Support until you have studied and understood the final project documents. You can see these later on at the Appraisal stage of the project (see Box 7).

COMMUNITY ACTION

E YOUR COMMUNITY'S INPUT TO THE INDIGENOUS PEOPLES PLAN

- Find out from the consultants or your NGO partners when the Government will consult with you about the Indigenous Peoples Plan, and how it will arrange for your informed participation in preparing and carrying out the plan.
- Mobilise your community to decide what you want the project to do for your people, both to avoid harm and to provide benefits. If possible, work out how much money it will cost to carry out these activities.
- Did the Government use the right procedures (Box 2) for consulting with your community about the Indigenous Peoples Plan? Will your community be involved in planning and carrying out the Plan?
- Ask the consultants to tell you what they will write in the Indigenous Peoples Plan. Are you satisfied that the Plan will deal properly with the things that are most important for your community?

So we want the IPP to train us to run a community clinic. Anything else?

We also want water wells. Let's make sure these are written in the IPP before we give our support to the project.



Do not rely on verbal agreements with the consultants. Write down what your community said, and what the consultants said. If you can't write, ask someone to help you do it.

Remember, it's a World Bank Project so the Government cannot force you to leave your lands if you don't want to.



F PROTECTION FROM FORCED DISPLACEMENT

- Did the Government use the right procedures in Box 2 for free, prior and informed consultations?
- Follow the guidelines in Box D about accepting the Government's plans or not.
- Did the consultants record any objections from your community to relocation or changing the way you use protected areas?
- If your community will **probably** agree to relocate or change its use of protected areas, make sure the consultant has recorded your demands for alternatives or compensation for loss of lands, resources, livelihoods and spiritual practices.

Remember: in a World Bank project, the Government cannot force you to move off your lands or change your customary use of natural resources.

ABC of what you can do

Make sure you check that all the project documents are correct. If they are not, write to the World Bank.



G PROJECT APPRAISAL & APPROVAL

- Write to the World Bank to find out when the Bank's appraisal team will visit your country. Ask the team to meet with the leaders and groups that speak for your community. Try to have your own observers at the meeting as witnesses to the discussions.
- Have you received project documents in the right languages and in a way you can understand?
- Ask for a copy of the draft Project Appraisal Document and the full Social Assessment. The Bank does not have to give you these, but it is worth trying.
- Make sure you get a copy of the updated Project Identification Document and any Environmental Assessments. Do you agree with their contents?
- Does the Social Assessment report properly describe your people, your customary rights, your lands and resources? Does it state how your community thinks the project will affect you?
- If the Government has made agreements with your community about the project, do the documents record these correctly, as well as your community's worries and objections to the project?
- Do you agree with the draft and the final Indigenous Peoples Plan, especially its aims, Action Plans, methods of monitoring the project, complaints system, budgets and contracts for who will carry out the work (implementation plans)?
- Do you agree with the draft Process Framework's plans for your community and protected areas?

If you do not agree with the documents or they do not clearly state how the project will respect your people's rights and meet your needs, write to the World Bank to say that you cannot support the project as it stands, and ask for changes. Ask the Bank to provide written proof of how it has responded to your request.

If you are not satisfied with the Bank's reply, write to it again stating your objections so that your letter can be presented to the Bank's Board before the project is approved.

- If you still have objections to the project ask to meet your country's representative on the Bank's Board of Directors before the Board meets to approve the loan.

H DOING THE PROJECT

- Did your community receive the project documents in the right way?
- Is your community fully involved in the project through free, prior and informed consultation? Do you get regular information on how the project is doing, how the budget is being spent, and the action plans agreed with you?
- Is the Government respecting its agreements with you in good faith?
- Do you understand the project's complaints system? Is it easy for you to use and do they respond quickly?
- Ask for copies of the project's monitoring reports, and make sure they record any problems you have raised.

- Ask for a copy of the Banks' Annual Operational Plan so you know the government's plans for the project each year and the budgets for different activities
- If there are still problems with the project or the Government is not respecting the project documents, write to the Project Task Manager at the Bank. You can also ask for help from your National Human Rights Commission, Public Defence Organisations, and national and international NGOs.
- The Government agencies implementing the project are bound by your country's laws. If a project violates these, you may be able to use national courts or appeal processes to stop or change a project. Consult an indigenous peoples' organisation or support NGO for advice.
- You may also wish to make a formal complaint to the World Bank Inspection Panel. The Panel cannot solve the problems itself, but it can prove to the top people in the Bank that your concerns are valid.

FOR MORE INFORMATION & HELP

FROM THE WORLD BANK

In your country

Many countries have a World Bank office in the capital city. To find out if there is an office in your country you can search on the website:

<http://www.worldbank.org/countries>

By following the links you will reach the site for your country (if it has an office). The country site will have reports, project documents and research about that country. Some documents are not allowed to be read by the public and are not on the site. For projects that have not yet started (still under preparation), go to 'projects and programs' and select 'proposed projects', then click on the project name, which will take you to the page with the Project Information Document (PID) and other relevant documents.

The World Bank country site will also give you the address of the External Affairs officer in your country who you can contact directly. Select your country, then select 'contact us/get involved'.

World Bank headquarters

If you want information about projects in your country, you will usually be more successful if you contact your country office. But you can also send emails or letters directly to the Indigenous Peoples Coordinator at the Bank's headquarters, in Washington DC, USA, at the address below. You should copy any letters or emails you send during the project planning and appraisal to your country office and to the headquarters.

Fax: +1 202 477 0565
Email: indigenouspeoples@worldbank.org
Post: World Bank
Mail Stop Number MC5-523
1818 H Street, NW
Washington, D. C. 20433 USA

You can get copies of the two documents which form the Indigenous Peoples Policy on the World Bank website or by writing to the Bank. The documents are

Operational Procedure 4.10: Indigenous Peoples
Bank Procedure 4.10: Indigenous Peoples.

These are available in Bengali, English, French, Hindi, Russian, Spanish and Vietnamese.

<http://go.worldbank.org/1Y5C9H1Q50>

SUPPORT NGOS AND ORGANIZATIONS

In your country

In many countries there are also NGOs (non-governmental organisations) already working on issues to do with World Bank projects or who may have had difficulties with a World Bank project in the past. It is a good idea to search for NGOs with World Bank experience in your country for advice or assistance.

International support

Forest Peoples Programme (FPP) is an NGO that supports the rights of indigenous peoples to self-determination and to challenge top-down and destructive projects of international agencies like the World Bank. FPP can give advice on the Bank's rules and your options for responding to World Bank projects, including legal options in relation to your government's role in a project.

FPP's web site is: <http://www.forestpeoples.org>

Tel: +44 1608 652893
Fax: +44 1608 652878
Email: info@forestpeoples.org
Post: FPP, 1c Fosseyway Business Centre, Stratford Road, Moreton-in-Marsh, GLOS. GL56 9NQ, UK

The **Bank Information Center (BIC)** is an NGO that works with civil society in developing countries to influence the World Bank and other international financial institutions to promote social and economic justice and ecological sustainability. The BIC website has a lot of information about World Bank projects that are planned or being carried out around the world.

BIC's website is: <http://www.bicusa.org>

Tel: +1 202 737 7752
Fax: +1 202 737 1155
Email: info@bicusa.org
Post: BIC, 1100 H Street, NW, Suite 650
Washington, D.C. 20005, USA

BIC also has the contact addresses of people at many international financial institutions. On the BIC website, search on your region at: <http://www.bicusa.org/en/Regions.aspx>

The site will show the most important contact people for the World Bank, and then other financial institutions such as the Asian Development Bank, the Inter-American Development Bank and the African Development Bank.

The **International Accountability Project (IAP)** is an international NGO that gives advice to indigenous and local communities about how to make complaints about international financial institutions and aid agencies, including the World Bank.

IAP's web site is: <http://www.accountabilityproject.org>

Tel: +1 510 759 4440
Post: IAP, 657 Mission Street, Suite 500
San Francisco, CA 94105, USA

NOTES

IMPORTANT

Make sure that you get copies of the complete Indigenous Peoples policy documents:

OP4.10 and BP 4.10 and all of their annexes.

If you consider that a World Bank-funded project may potentially affect your communities and their territories, it is important that you obtain a full copy of the complete World Bank policy. This is made up of two documents: the Operational Policy 4.10 on Indigenous Peoples and the Bank Procedure 4.10 on Indigenous Peoples.

These are available on the internet at:

<http://go.worldbank.org/1Y5C9H1Q50>



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