

UN Permanent Forum on Indigenous Issues

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Collective Statement of the Asia Caucus and the Forest Peoples Programme (FPP)

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Endorsed by:

Chin Human Rights Organization, Taungya, AMAN, Cordillera Peoples Alliance, Bangladesh Indigenous Peoples Forum, Jumma Peoples Network International, North East Peoples Alliance on Trade, Finance and Development, Kirat Rodu Nachhiring Sakham Central Committee, Lohorung Yakhkhaba Yuyong, NGO Forum on Cambodia

On Agenda Item 6: Half-Day Discussion on Asia

Thank you, Madam Chair.

Given the UN Permanent Forum's special attention to Asia in this half-day session, we would like to draw attention to the Asian Development Bank's (ADB) current 'updating' of the safeguard policies of the Bank. In late 2006 the Bank announced that it would undertake a comprehensive review and updating of all three of its safeguard policies, the Involuntary Resettlement Policy, the Environment Policy and the Indigenous Peoples Policy. We have grave concerns about the process and content of this review process as it has been carried out to date, and the planned 'consultations' to take place later this year.

While we acknowledge and appreciate some level of informal consultations between ADB officials and some leaders of indigenous peoples, and the efforts of individual members of the Bank to provide information, we are concerned that the Bank has not committed to full and effective consultations with indigenous peoples in Asia. This is in contravention of its existing policy which clearly states “initiatives should be conceived, planned and implemented, to the maximum extent possible, with the informed consent of affected communities, and include respect for indigenous peoples’ dignity, human rights and cultural uniqueness”.¹ The initiative of updating existing safeguard standards clearly falls under the requirement to 'conceive, plan and implement with the informed consent' of indigenous peoples. We call on the ADB to publicly commit to ensuring full and effective

¹ Asian Development Bank, *Indigenous Peoples Policy*, p. 17

consultation with indigenous peoples throughout Asia, and to establish the consultation process in partnership with indigenous organizations in Asia.

In addition for the need to have an effective and transparent consultation process, we also wish to express our deepest concern about the direction the policy review has taken to date. Although no final outcomes have been determined, study of the discussion notes and special evaluations done by the Bank indicate strong support in the bank for leaning towards increased reliance on country safeguard systems instead of upholding existing international standards on environment protection, human rights and sustainable development. While we are aware that influential recipient and donor governments in Asia have been pressuring the ADB to move towards country systems in relation to safeguards, civil society organizations have been strongly opposed to this. It will only lead to weaker regulations and a lower level of accountability for the Bank and States for the adverse impacts of projects funded fully or partially by ADB. Thus, we ask the ADB to explicitly and publicly state its commitment to strengthening the safeguard policies, to ensure they are consistent with international standards of environment protection, respect for human rights and for sustainable development.

The history of ADB-funded projects in Asia and their impacts on indigenous peoples has been well documented, both by indigenous organizations and support organizations. To provide a current example, in Indonesia, the Central Sulawesi Integrated Area Development and Conservation Project (CSIADCP) has resulted in increased conflict in local social relations between the indigenous Kahu people and the social elite supporting the project, in increased marginalization of poorer farmers through introduction of inaccessible technologies, and in increased conflict in land management through increased size of national parks and evictions of indigenous peoples from their traditional lands.

In the primarily Khasi Indigenous People territory of Meghalaya which is situated in North East India, ADB funded the French cement company Lafarge to mine limestone and sandstone for a cement factory situated in Bangladesh. The land where the mining is taking place is under the authority of the local indigenous institutions and cannot be transferred to others. Despite repeated requests, the loan agreement between Lafarge Cement and the ADB has not been provided to the indigenous peoples on whose traditional territories the mining is taking place.

It is clear to us that the safeguards of the ADB with regards to funding projects on the

traditional lands of indigenous peoples need to be significantly strengthened, to bring them into conformity with international law and best practice.

Given the urgency of the current update process, we would like to request that the Permanent Forum should provide the following recommendations to the ADB:

1. To request that the ADB commit to consulting fully and effectively with indigenous peoples and their representative organizations in the updating of the safeguard policies, including the indigenous peoples' policy
2. To request the Inter-Agency Support Group to provide assistance to the ADB and other multilateral finance institutions in the coordination of effective consultation processes, as well as in monitoring and documenting the impacts of ADB funded projects
3. To reiterate the importance of the recognition of the fundamental rights of indigenous peoples in development finance safeguard policies, for multilateral, bilateral and export credit agency funding mechanisms
4. To support the establishment of, and be a part of, a monitoring mechanism for all activities potentially impacting on indigenous peoples funded by multilateral and bilateral development financing institutions, in reference to international human rights standards, and in reference to the implementation of their own safeguard standards, guidelines or policies. The accountability of these institutions must include projects and programmes, project areas of influence, and all associated facilities and infrastructure.

Further we request that the ADB:

1. Uphold the UN Declaration on the Rights of Indigenous Peoples in all work impacting indigenous peoples, including the key principles of free, prior and informed consent and full and effective consultation
2. Publicly commit to upholding international human rights standards and best practice in any re-formulated version of the current Indigenous Peoples Policy and other relevant safeguard policies.
3. Publicly commit to holding a process of full and effective consultations with indigenous peoples in the review of the Indigenous Peoples Policy

Thank you Madam Chair