



Secretariat of the Permanent Forum on Indigenous Issues, Department of Economic and Social Affairs
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6 February 2015

Dear Dr. Jim Yong Kim,

I have the honour of addressing you in my capacity as the chairperson of the United Nations Permanent Forum on Indigenous Issues. The Permanent Forum has been entrusted by the Economic and Social Council with the mandate to “raise awareness and promote the integration and coordination of activities relating to indigenous issues within the United Nations system” (E/RES/2000/22). It is in accordance with this mandate that we write to you in connection with the proposed World Bank Environmental and Social Policy and associated Environmental and Social Standards, and in particular the proposed safeguards for indigenous peoples (ESS7), which were released on 30 July 2014 by the World Bank’s Executive Committee on Development Effectiveness.

We have attached herewith the Observations of the Permanent Forum on Indigenous Issues on the proposed safeguards. We have also attached for reference the past recommendations made by the Permanent Forum during its thirteen sessions held to date addressed to the World Bank. We note that the draft policy contains some positive elements, which we describe in more detail in the attached observations. However, important aspects of the Environmental and Social Policy in general and the associated Environmental and Social Standard on indigenous peoples in particular fall short of protections provided by current safeguard standards and already agreed-upon international human rights standards, including those contained in the UN Declaration on the Rights of Indigenous Peoples. In particular, we make the following recommendations, which are discussed in more detail in the attached document:

- The World Bank should remove the so-called 'alternative approach' provision (ESS7, paragraph 9), which allows States to opt out of the ESS7 safeguards, should they be ‘concerned that the process of identifying groups for purposes of applying this ESS would create a serious risk of exacerbating ethnic tension or civil strife, or where the identification of culturally-distinct groups as envisioned in this ESS is inconsistent with the provision of the national constitution’;
- The proposed safeguards must refer to the Declaration on the Rights of Indigenous Peoples as the guiding human rights framework, which encapsulates the minimum human rights standards to safeguard the rights and lives of indigenous peoples, and emphasize that the rights enshrined in the Declaration are inter-connected, inter-related, indivisible and inter-dependent;

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- The safeguards should make clear that the enumerated list of situations (ESS7, paragraph 9) under which the borrower is required to obtain the free, prior and informed consent of indigenous peoples is not exhaustive, and that obtaining free, prior and informed consent of affected indigenous peoples must be the objective of all consultations carried out;
- ESS7 must make clear that consultations with potentially affected indigenous peoples should start at the moment programs or projects are conceived, at the earliest possible stage, in order to ensure that indigenous peoples can genuinely influence the project design in a spirit of partnership with the borrower;
- The safeguards must incorporate measures to address inequality in bargaining power between the borrower (usually States) and indigenous peoples. This persistent asymmetry must not be exploited by larger, more powerful, resourced forces, especially against the backdrop of the distinct rights of indigenous peoples to self-determination, lands, territories and resources, and free, prior and informed consent.

We believe that the World Bank has the opportunity to ensure its policies and safeguards are fully aligned with, and in accordance to international human rights standards with particular reference to the UN Declaration on the Rights of Indigenous Peoples, and place human rights firmly on the agenda as the guiding principle for the Bank. We hope that the attached observations are of use to the World Bank as it continues to revise and improve its safeguard standards. It is of course also necessary to continue to consult with indigenous peoples throughout this process.

The Permanent Forum offers its assistance and advice to the World Bank in adopting safeguards and standards that are grounded in human rights, accountability, equality and equity for indigenous peoples and that recognize the rights of indigenous peoples to their lands, territories and resources, to define their own priorities for development with identity and culture, and with their free prior and informed consent. In this regard, we would like to inform you that the fourteenth session of the Permanent Forum on Indigenous Issues will take place from 20 April to 1 May 2015. You may wish to avail of this global forum to share widely and gather input on the next iteration of the draft policy as part of the public consultation process.

We take this opportunity to reiterate to the World Bank the assurances of our highest consideration.

Yours sincerely,

A handwritten signature in black ink, reading "Dalee Sambo Dorough". The signature is written in a cursive, flowing style.

Dalee Sambo Dorough, Ph.D.
Chairperson
United Nations Permanent Forum
on Indigenous Issues

Observations of the Permanent Forum on Indigenous Issues on proposed World Bank Environmental and Social Policy and associated Environmental and Social Standards, especially the proposed safeguards for indigenous peoples (ESS7)

6 February 2014

The Permanent Forum has been entrusted by the Economic and Social Council with the mandate to “raise awareness and promote the integration and coordination of activities relating to indigenous issues within the United Nations system” (E/RES/2000/22). It is in accordance with this mandate that we write to you in connection with the proposed World Bank Environmental and Social Policy and associated Environmental and Social Standards, and in particular the proposed safeguards for indigenous peoples (ESS7), which were released on 30 July 2014 by the World Bank’s Executive Committee on Development Effectiveness. During the Permanent Forum’s May 2013 annual session, the World Bank participated in an inter-active discussion regarding review of the Bank’s policies. Further, the past recommendations made by the Permanent Forum to the World Bank are attached to this document for reference.

We note that the draft policy contains some positive elements. Importantly, the policy recognizes that indigenous peoples have unique concerns that merit specific attention in the context of development projects. In particular, the draft points out that “Indigenous Peoples are inextricably linked to the land on which they live and the natural resources on which they depend” and that they are “therefore particularly vulnerable if their land and resources are transformed, encroached upon, or significantly degraded” (ESS7, paragraph 3). In this regard, we are pleased that a key purpose of the safeguards is “to ensure that Indigenous Peoples present in, or with collective attachment to, the project area are fully consulted about, and have opportunities to actively participate in, project design and the determination of project implementation arrangements” (ESS7, paragraph 10).

However, important aspects of the Environmental and Social Policy in general and the associated Environmental and Social Standard on indigenous peoples in particular fall short of protections provided by current safeguard standards and already agreed-upon international human rights standards, including those contained in the UN Declaration on the Rights of Indigenous Peoples. The Declaration on the Rights of Indigenous Peoples conceptualizes global consensus on indigenous peoples’ rights and provides the normative and operational basis to guide work within the UN system related to indigenous peoples. In this regard, an overarching concern with the safeguards, which has both substantive and symbolic significance, is the lack of reference in the draft safeguards to the UN Declaration on the Rights of Indigenous Peoples or other relevant international human rights instruments that are of relevance to indigenous peoples.

We welcome the consultation process with indigenous peoples in various regions, which the World Bank has embarked on for the development of ESS7. However, these consultations should be inclusive by ensuring adequate representation of indigenous peoples as well as allocating sufficient time for presentations of indigenous peoples and discussions.

The first round of consultations with indigenous peoples have converged around the same issues, including (1) as just noted, that the policy lacks reference to agreed-upon standards concerning the rights of indigenous peoples, in particular the UN Declaration on the Rights of Indigenous Peoples; (2) that the environmental and social safeguards only apply

to investment loans, which constitute only a small portion of the Bank's lending; (3) that under certain circumstances, borrowers may 'opt out' of ESS7 concerning indigenous peoples, referred to as the 'alternative approach' clause; (4) that the provisions regarding consultation and free, prior and informed consent in certain aspects fall short of international standards; and (5) that the policy relies too heavily on the borrower's determination of critical issues such as the impact of a project on indigenous peoples. We reiterate these concerns and also provide specific observations related to the 'alternative approach clause', paragraphs of the safeguards that deal with consultation and free, prior and informed consent and related issues.

The alternative approach clause

Of particular concern is the 'alternative approach' clause, which allows States to opt out of the ESS7 safeguards, should they be 'concerned that the process of identifying groups for purposes of applying this ESS would create a serious risk of exacerbating ethnic tension or civil strife, or where the identification of culturally-distinct groups as envisioned in this ESS is inconsistent with the provision of the national constitution' (ESS7, paragraph 9). In such cases, the borrower may request the Bank to agree on an alternative approach and other safeguards would apply – safeguards that have not been developed to address the particular vulnerabilities faced by indigenous peoples that are recognized in the introduction to ESS7.

We recognize that in some countries, the use of the term 'indigenous peoples' to describe certain groups is a subject of debate. However, this issue has already been raised and dealt with in various contexts, including during the process of adoption of the United Nations Declaration on the Rights of Indigenous Peoples by the General Assembly in 2007, which was adopted without any definition of indigenous peoples by an overwhelming majority of states. To allow an 'alternative approach' would also go against progress made within the Bank itself, which has been applying its specific policy on indigenous peoples since 1991. For the World Bank to now adopt a policy that leaves the applicability of specific international protections for indigenous peoples to the discretion of individual states and other borrowers would undermine gains that have been made at the international level and also set a troubling precedent.

Further, we believe that the detailed provisions regarding the scope of application of the safeguards will not adequately address any concerns related to the identification of 'indigenous peoples' in certain contexts (ESS7, paragraphs 4, 5, 6 and 7). These provisions clarify that the term 'indigenous peoples' in the safeguards is used in a generic sense, to refer to those groups that share certain characteristics, including (a) self-identification as members of a distinct indigenous social and cultural group and recognition of this identity by others; (b) collective attachment to geographically distinct habitats, ancestral territories, or areas of seasonal use or occupation, as well as to the natural resources in these areas; (c) customary cultural, economic, social, or political institutions that are distinct or separate from those of the mainstream society or culture; and (d) a distinct language or dialect, often different from the official language or languages of the country or region in which they reside (paragraph 6).¹ The draft further allows that 'the Borrower may agree with the Bank on an alternative

¹ There appears to be a drafting error in paragraph 7 of the safeguards, which states that "This ESS applies to communities or groups of Indigenous Peoples who, during the lifetime of members of the community or group, have lost collective attachment to distinct habitats or ancestral territories in the project area, because of forced severance, conflict, government resettlement programs, dispossession of their land, natural disasters, or incorporation of such territories into an urban area". Given other provisions of the document that contradict this

terminology for the Indigenous Peoples as appropriate to the circumstances of the Borrower' (ESS7, paragraph 8). We believe that this flexibility adequately responds to concerns over situations in which use of the term 'indigenous peoples' may be a subject of debate.

It is also important to note that it is very difficult to reasonably argue that application of ESS7 to groups that meet the criteria outlined in paragraph 6 of ESS7 would pose a 'serious risk of exacerbating ethnic tension or civil strife'. To the contrary, differentiated protections for indigenous peoples (including the rights enshrined in the UN Declaration on the Rights of Indigenous Peoples) are grounded in principles of equality and non-discrimination. They are designed to remedy the historical and systemic violation of indigenous peoples' rights – violations that in fact occur precisely *because* indigenous peoples specific characteristics have been ignored or disregarded by the mainstream societies in which they live and by international actors, and not because these are afforded protection. In any case, the Permanent Forum would welcome any information from the World Bank on which it based its concerns that application of ESS7 in certain cases could pose a serious risk of exacerbating ethnic tension or civil strife, if this is available.

Provisions regarding consultation and free, prior and informed consent and related issues

We believe that a positive aspect of the draft safeguards is that they incorporate language concerning the requirement of the borrower to obtain the free, prior and informed consent of indigenous peoples under certain circumstances – the first time the standard is included in World Bank safeguards. The draft requires that free, prior and informed consent be obtained in three circumstances, when the project will: "(a) have impacts on land and natural resources subject to traditional ownership or under customary use or occupation; (b) cause relocation of Indigenous Peoples from land and natural resources subject to traditional ownership or under customary occupation or use; or (c) have significant impacts on Indigenous Peoples' cultural heritage" (ESS7, paragraph 19).

We note that these criteria are substantially in line with international standards and jurisprudence that has been developed to date regarding the circumstances requiring free, prior and informed consent of indigenous peoples. However, the framework for the requirement for the FPIC of indigenous peoples should be explicitly linked to the recognition and respect of their collective rights to their lands, territories and resources, to their cultural integrity, and to self determination, and not merely on their "vulnerability". Bearing this in mind, the safeguards should also make clear that this list is not exhaustive, and that there could be other circumstances in which the borrower may be required to obtain the consent of indigenous peoples, depending on the potential impact of the initiative on the rights of affected indigenous groups at stake, such as on programs and projects relating to basic social services. It is also important to make clear that obtaining consent should be an objective of *all consultations* carried out, beyond these specific circumstances in which consent is an express precondition for moving forward with the project.

In addition, we would like to express our concerns related the second enumerated circumstance in which free, prior and informed consent is required, that is if the project will "(b) cause relocation of Indigenous Peoples from land and natural resources subject to

statement (e.g. paragraph 4), we imagine that the word "also" has been omitted from the sentence, and suggest that this be added to make clear that the safeguards apply both to indigenous peoples that retain connections to their traditional lands and those that do not due to circumstances outside of their control.

traditional ownership". The specific requirements under this provision are outlined further in paragraph 25 of ESS7, which notes that the borrower must avoid the relocation of indigenous peoples from their traditional lands and if such relocation is unavoidable, must obtain the free prior and informed consent of the indigenous peoples concerned. While this provision is fundamental and is consistent with article 10 of the Declaration on the Rights of Indigenous Peoples, we are concerned about footnote 14 of the ESS7, which states that "Where Indigenous Peoples individually hold legal title, or where the relevant national law recognizes customary rights for individuals, the requirements of ESS5 will apply" rather than the paragraph 25 of ESS7. ESS5 focuses on land acquisition, restrictions on land use and involuntary resettlement. This safeguard does not contain a specific focus on indigenous peoples.

We remind you that the special protections concerning indigenous peoples rights over their lands, territories and resources, as reflected in the Declaration and other international instruments, have been developed bearing in mind the connections that indigenous peoples have over their traditional lands, connections that are fundamental to the exercise of a range of other recognized rights, including rights to self-determination and culture, among others. These connections to land may persist even in situations included in footnote 14: when indigenous peoples hold individual title and 'where the relevant national law recognizes customary rights for individuals' (although it is somewhat unclear what is meant by this latter point). The footnote could result in the troubling situation of excluding from the protections regarding removal from traditional lands and free, prior and informed consent, those indigenous peoples that continue to maintain a traditional and collective attachment to lands but who, in absence of a domestic legal framework that allows for titling of collective lands, hold individual titles.

We also believe that the provisions regarding consultation and consent in the draft safeguards need to make it very clear that indigenous peoples should be involved at the outset of the design and development of the proposed project, which they currently do not. While the draft notes that meaningful consultations with indigenous peoples are required "to promote effective project design [and] to build local project support," among other reasons, the overall tenor of the safeguards may be interpreted to imply that consultations should take place only after the project has already been substantially developed. For example, in paragraph 24, the draft notes that "If the Borrower proposes to locate a project, or commercially develop natural resources, on land traditionally owned by, or under the customary use or occupation of, Indigenous Peoples, and adverse impacts can be expected, the Borrower will take the following steps and obtain their FPIC...". We would strongly recommend that rather than assume a model in which an initiative is developed and designed by the borrower and then presented to affected indigenous peoples, the safeguards should make clear that indigenous peoples must be involved in the development of the initiative from the earliest stages.² It is also important to reflect in the safeguard policies that processes of consultation and free, prior and informed consent should be oriented at arriving at mutually beneficial arrangements, for both indigenous peoples and the borrower, and should not be viewed as a process through which the affected indigenous peoples are expected to merely ratify or consent to 'adverse impacts'.

² Related to this and as many others have mentioned, the World Bank should remove the qualifier "where applicable" from the requirement to "allow for Indigenous Peoples' effective participation in the design of project activities or mitigation measures that couple potentially affect them either positively or negatively" (paragraph 18(c)).

The draft policy also does not take measures to address the clear difference in bargaining powers between the borrowers, which are usually states, and indigenous peoples. In the introduction, the safeguards recognize that indigenous peoples "are among the most economically marginalized and vulnerable segments of the population. Their economic, social, and legal status frequently limits their capacity to defend their rights to, and interests in, land, territories and natural and cultural resources, and may restrict their ability to participate in and benefit from development projects" (ESS7, paragraph 2). Despite this recognition, there are no provisions in the safeguards to identify the need to balance the unequal bargaining powers, or that offer assistance, such as by ensuring capacity building, access to outside advisors and experts, and by providing financial resources towards that end. Support to ensure an equal playing field is necessary in order to create the necessary environment of trust and confidence for effective, meaningful and good faith consultation process. We recommend that the safeguards require that mechanisms be put in place in order to balance the bargaining powers between the borrowers and affected indigenous peoples.

We would like to make a comment related the provisions of ESS5 on land acquisition, restrictions on land use and involuntary resettlement. Paragraph 5 excludes from the protections of the safeguards processes of land titling and regularization. We stress that land titling and regularization processes can potentially have serious impacts on individual and collective attachment to lands and we hope that the safeguards will ensure that safeguards are in place to protect against violations that can occur in the context of processes of land titling and regularization.

Finally, we also wish to draw your attention to the internal review of the World Bank on its indigenous peoples policy entitled Implementation of the World Bank Indigenous Peoples Policy- Learning Review (2006-2008) published in August 2011. This report clearly highlights some serious gaps and weaknesses are not clearly addressed in current draft ie, strict monitoring of the World Bank staff on the implementation of the policy especially on the free prior and informed consultation, the formulation of concrete Indigenous Peoples Plan and its implementation, weak monitoring of the implementation of the indigenous peoples policy, weak provision on protection of land tenure among others. We therefore expect that these gaps and weaknesses be fully addressed with clear measures in the revised policy.

RECOMMENDATIONS TO THE WORLD BANK BY THE PERMANENT FORUM ON INDIGENOUS ISSUES BY SESSION

1st SESSION

25. d. The World Bank should take into account the outcome of the assessment being made of its current operational guidelines on indigenous peoples before completing the drafting of new guidelines on the matter. It should also re-evaluate the manner in which it has held consultations on the new guidelines;

49. At the 4th meeting, on 14 May, statements were made by the representatives of the United Nations Human Settlements Programme and the World Bank. In the interactive discussion that followed, statements were made by the following members of the Forum: Ida Nicolaisen, Zinaida Strogalschikova, Ayitegau Kouevi, Yuji Iwasawa, Antonio Jacanamijoy, Willie Littlechild, Parshuram Tamang, Mililani Trask and Njuma Ekundanayo. Statements in that connection were also made by the representatives of UNITAR, UNDP, ILO and the World Bank.

2ND SESSION

15. Aware of the massive exodus of indigenous youth to the alien environments of cities around the world and the discrimination, socio-economic hardships, weakened family networks and drug abuse, inter alia, affecting those youngsters and street children, the Forum requests the World Bank, the ILO and UNICEF to conduct an in-depth comparative study of legal frameworks and social programmes addressing indigenous urban youth in selected countries. The study should assess key problems and best practices and should provide recommendations for the formulation of policies and strategies for future action.

26. The Forum recommends that the agencies and bodies of the United Nations, the World Bank, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank and the International Monetary Fund rethink the concept of development, with the full participation of indigenous peoples in development processes, taking into account the rights of indigenous peoples and the practices of their traditional knowledge.

29. The Forum, taking into account that States recognized the vital role of indigenous peoples in sustainable development at the World Summit on Sustainable Development, held in Johannesburg, South Africa, calls upon the United Nations system, other intergovernmental organizations and Governments to establish processes of meaningful participation and partnership with indigenous communities in those processes, including within the context of the United Nations Development Assistance Framework and the poverty reduction strategy papers of the World Bank. The Forum recommends, through the Economic and Social Council, that all States, organs and agencies of the United Nations take into account the Kimberley Declaration adopted by the Summit of Indigenous Peoples on Sustainable Development, held in the territory of the Khoi-San People from 20 to 23 August 2002, as well as the plan of implementation of indigenous peoples on sustainable development, when States begin to implement the Plan of Implementation of the

World Summit on Sustainable Development. The Permanent Forum, through the Economic and Social Council, invites United Nations agencies, bodies, funds and programmes to identify areas of work within their mandates for collaborative implementation with indigenous peoples. Kimberly proposals, taking into account the report of the Commission on Sustainable Development on its eleventh session and the multi-year programme of work of the Commission, for the further implementation of Agenda 21 and the Johannesburg Plan of Implementation as well as the fulfilment of the Millennium Development Goals.

33. The Forum, taking into account the meetings between the World Bank and indigenous peoples held during its second session on the guidelines and operative policies and procedural norms of the Bank, recommends that the Bank:

(a) Continue to address issues currently outstanding, including Bank implementation of international customary laws and standards, in particular human rights instruments, full recognition of customary land and resource rights of indigenous peoples, recognition of the right of free, prior informed consent of indigenous peoples regarding development projects that affect them, and prohibition of the involuntary resettlement of indigenous peoples;

(b) Compile examples of best practices in development projects with indigenous peoples and include those best practices in future policies;

(c) Discuss the issues of forced relocation and land rights;

(d) Facilitate and support the exchange of knowledge and information between indigenous organizations;

(e) Facilitate and support the exchange of information on the implementation of policies on indigenous peoples by international financial institutions, such as the World Bank, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank and the International Monetary Fund.

34. The Forum welcomes the new initiative of the Bank entitled .Grants facility for indigenous peoples., and urges the Bank to organize consultations with indigenous peoples. organizations to further the process.

38. The Forum recommends that the United Nations system, the World Bank, the Inter-American Development Bank and the International Monetary Fund formulate development policies for indigenous peoples that affirm their identity and include the participation of indigenous citizens so as to highlight and initiate programmes and projects based on the perspective of the indigenous way of life.

45. The Forum reiterates its recommendation that the Economic and Social Council approve the creation, under the auspices of the Forum, of a three-year working group on free, prior informed consent and participatory research guidelines, with the participation of stakeholders concerned, namely Governments, indigenous peoples. organizations, corporations and States and the United Nations system, with combined funding provided partly by the regular budget and partly through the Voluntary Fund, the World Bank and corporations, that includes a focus on how free,

prior informed consent and participatory research guidelines relate to economic, social and environmental projects and the protection of indigenous knowledge and natural resources.

51. The Forum recommends that the United Nations system, particularly the Office of the United Nations High Commissioner for Human Rights and UNEP, taking note of the World Bank's extractive industries review, organize a workshop on resource extraction and indigenous peoples to further discuss such issues as corporate accountability and the rehabilitation of mined out areas, polluted water bodies and compensation of adversely affected communities, sustainable development and land rights, with a view to developing a mechanism to address the issues.

52. The operational policy of the World Bank regarding forests is under review. The Forum recommends to the Bank that it take into account the recommendations made by indigenous peoples and calls for the involvements of Forum members in the Bank's process of review and revision.

55. The Forum recommends that United Nations bodies, in particular the Convention on Biological Diversity, in coordination with the World Bank, UNDP, FAO and IFAD, and UNEP, organize a workshop on protecting sacred places and ceremonial sites of indigenous peoples with a view to identifying protective mechanisms and instituting a legal framework that make cultural, environmental and social impact assessments studies mandatory and ensure the environmental accountability of economic, social and environmental projects that are proposed to be conducted on sacred sites and on lands, territories and waters traditionally occupied or used by indigenous peoples.

60. The Forum recommends that all United Nations environmental bodies, in particular the Food and Agriculture Organization of the United Nations, the International Fund for Agricultural Development, UNEP, GEF, the World Bank and the United Nations Development Programme, make the necessary efforts to mobilize resources for projects by indigenous peoples, and provide financial support to strengthen the international indigenous peoples Forum on biodiversity and the Permanent Forum on Indigenous Issues.

117. The Forum expresses its satisfaction that the Inter-Agency Support Group has met since the first session of the Forum to organize its input to the second session, and expresses appreciation to the ILO and the World Bank for having convened the Group. The Forum requests the Group to extend its membership to other United Nations system entities so as to promote the largest possible participation of the system in the work programme of the Forum, and requests the secretariat of the Forum to provide substantive support to the rotating Chair of the Group. The Forum also expresses appreciation for the active participation of agency focal points in a constructive dialogue during its second session, and expresses the hope that focal points will continue to participate at its third session.

118. The Forum recognizes the efforts of the World Bank in the consultation process and the review of its policy on indigenous peoples. The members of the Forum request that the final draft policy be made available to them before its presentation to the Board of the World Bank. The members of the Forum express

their great interest in reviewing the draft policy and making recommendations, as well as in meeting with the Board of Executive Directors of the World Bank.

119. The Forum recommends that the World Bank continue dialogue and direct consultation with indigenous peoples, and that a permanent dialogue be held among indigenous peoples, the World Bank and the Forum.

3rd session

61. The Forum requests international financial institutions, such as the World Bank, the International Monetary Fund, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank and other regional organizations, to design special programmes for indigenous women to provide them with access to capital and microfinance programmes, taking into account the traditional mechanisms of each community.

85. The Forum recommends that the Convention on Biological Diversity and other relevant United Nations bodies such as UNEP, the Global Environmental Facility (GEF), UNDP, the United Nations Framework Convention on Climate Change, the World Bank, WIPO, the United Nations Convention to Combat Desertification, the Convention on International Trade in Endangered Species of Wild Fauna and Flora and the Ramsar Convention on Wetlands, support indigenous peoples' organizations in order to develop capacity on research, work and proposals on human indicators applicable to the implementation of the environmental conventions and the plans and programmes of work of the Convention on Biological Diversity.

102. Recalling its workshop on data collection and disaggregation concerning indigenous peoples (see E/C.19/2004/2), the Forum takes note with satisfaction of the recommendations and intends to:

(a) Request the World Bank to undertake a study on poverty and indigenous peoples in connection with disaggregation of data, and to present the results to the Forum at its fifth session.

4th session

25. The Forum encourages the World Bank to ensure the full and effective participation of indigenous peoples in the formulation of the forthcoming indigenous peoples' guidebook and any revision to the operational policy BP 4.10 on indigenous peoples. The policy and practice of the World Bank and other multilateral development banks should be consistent with internationally recognized human rights of indigenous peoples. The results of the International Expert Workshop on Methodologies regarding Free, Prior and Informed Consent should serve as a guide to the World Bank in its practices pertaining to indigenous peoples.

39. The Forum welcomes the offer of the World Bank to host a workshop on indigenous peoples and poverty, and looks forward to receiving the results of the workshop in its fifth session.

50. The United Nations Children's Fund (UNICEF), UNESCO, the United Nations

Development Programme (UNDP), the World Bank, the International Fund for Agricultural Development and other agencies should continue to support, in cooperation with indigenous peoples, intercultural and bilingual education programmes and to promote in particular the right to education, with emphasis on indigenous children; direct financial assistance to indigenous educational institutions should be considered.

82. The Forum welcomes the contributions of the United Nations Development Programme, the World Bank and the Inter-American Development Bank to data collection and disaggregation projects and recommends that these processes develop indicators that are culturally sensitive to indigenous peoples.

5th session

40. Considering the commitment made by the World Bank at the Conference on Poverty Reduction and Indigenous Peoples (New York, 9 and 10 May 2006) to further explore inter-agency mechanisms to support the inclusion of indigenous peoples in national poverty reduction strategies in a limited number of pilot countries, the Permanent Forum recommends that Governments, indigenous organizations, United Nations organizations and bilateral donors fully contribute to that initiative and report back to the Permanent Forum on the progress made and the opportunities and limitations encountered, with a view to replicating the initiative in other countries.

115. The Permanent Forum recommends that Governments, indigenous organizations, organizations and bodies of the United Nations system and bilateral donors work together to collect disaggregated data on Africa's indigenous peoples and their poverty situation and to report thereon to the Permanent Forum at its sixth session. The World Bank made a commitment at the Conference on Poverty Reduction and Indigenous Peoples (New York, 9 and 10 May 2006) to further collaborate with the Inter-Agency Support Group on Indigenous Issues in collecting disaggregated data.

124. The Permanent Forum urges the World Bank and other international financial institutions to ensure the effectiveness of their mechanisms to protect the rights of indigenous peoples (as in the cases, for example, of the Chad-Cameroon and Niger Delta pipelines).

165. The Permanent Forum congratulates IFAD for the work undertaken in India on disaggregating the human development index and associated development indicators for indigenous and non-indigenous peoples. It further recommends that the Fund, in collaboration with the World Bank, the Inter-American Development Bank and other appropriate organizations, undertake similar work in any developing country where existing data allow for estimates of disaggregated development indicators.

166. The Permanent Forum supports the willingness of IFAD to consider continuing to operate the World Bank's Grants Facility for Indigenous Peoples. It recommends that IFAD make every effort to substantially enhance this Facility through its own grant funding mechanism as well as through seeking the contributions of other

international financial institutions as well as bilateral and multilateral donors.

6th session

28. The Permanent Forum calls upon United Nations agencies, the World Bank, the Asian Development Bank, other multilateral financial institutions and bilateral donors to establish clear policy commitments to protect the ancestral lands of indigenous peoples.

29. The Permanent Forum urges the World Bank to work on a sustained basis with the Government of Cambodia to effectively implement the management action plan resulting from the inspection panel case for the "Forest concession management and control pilot project", which includes the termination of all existing logging concessions and the promotion of equitable and sustainable alternatives for forest management. The Permanent Forum welcomes the preparation by the World Bank, in coordination with the Democratic Republic of the Congo, of a management action plan to address the findings of the inspection panel concerning two forestry-related lending operations in that country.

48. The Permanent Forum welcomes the initiative of the World Bank in compiling and analysing disaggregated data on indigenous peoples, poverty and human development in South-East Asia and Sub-Saharan Africa, and urges the World Bank to present the results of those studies to the seventh session of the Permanent Forum in 2008.

67. Drawing attention to the dramatic changes in the lifestyles of indigenous peoples and the ensuing deterioration of indigenous health due to malnutrition and obesity, including record high rates of diabetes and related illnesses such as hypertension, heart attacks, kidney failure and blindness, the Permanent Forum calls upon WHO, UNICEF, the United Nations Development Programme (UNDP), the World Bank, WFP and FAO to develop joint strategies to address the problem of diabetes and related non-communicable lifestyle illnesses. Given the alarming prevalence of diabetes among indigenous peoples, the Permanent Forum calls upon WHO and the Joint United Nations Programme on HIV/AIDS (UNAIDS) to establish a systematic working relationship with the Permanent Forum and the Inter-Agency Support Group to exchange experiences on health initiatives in the area of treatment and prevention of the illness, especially given their role in the implementation of the Millennium Development Goals.

99. The Permanent Forum calls on the European Commission, United Nations agencies, the World Bank Group, the Asian Development Bank, bilateral development agencies, export credit agencies and international and regional financial institutions, such as the Japan Bank for International Cooperation, to review, strengthen and implement their policies with regard to indigenous peoples in general, and indigenous peoples in Asia in particular, and to use the United Nations Declaration on the Rights of Indigenous Peoples,¹ as a framework for reference.

8th session

6. The Permanent Forum has paid particular attention to the significant increase

in the infrastructure budget of the World Bank, from \$15 billion to \$45 billion in 2009, for the primary economies of developing States. The implications of this development in relation to the respect and protection of indigenous peoples' rights have to be clearly understood, and the imperative of getting the free, prior and informed consent of indigenous peoples affected by infrastructure projects has to be guaranteed. The Forum also urges the World Bank to provide additional operational budget to manage this large increase in infrastructure spending. The Permanent Forum reiterates its previous recommendations that the World Bank revise its operational safeguard policies to be consistent with the provisions of the United Nations Declaration on the Rights of Indigenous Peoples.

22. The Permanent Forum commends the inclusion by the European Bank for Reconstruction and Development of free, prior and informed consent in its policy on indigenous peoples, and strongly urges other multilateral and bilateral financial institutions to follow this example. In particular, the Forum calls upon the Asian Development Bank to ensure that free, prior and informed consent and the provisions of the United Nations Declaration on the Rights of Indigenous Peoples are integrated into its revised policy on indigenous peoples. It also calls upon the World Bank and the International Finance Corporation to review their policies and adopt free, prior and informed consent as the central principle in their dealings with indigenous peoples instead of the present free, prior, informed consultation. The international financial institutions should develop a strategy to raise staff awareness at the national and headquarters levels on indigenous peoples' rights and development perspectives and thereby improve their relationships with indigenous peoples at the country level.

9th session

31. The Permanent Forum recommends that the United Nations system, the World Bank Group, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank and other multilateral development banks formulate policies to ensure that indigenous education projects that are financed take into account the use, protection and intercultural preservation of indigenous languages through supporting bilingual, intercultural and multilingual education in indigenous languages. The International Monetary Fund should respect the rights of indigenous peoples recognized in international law.

10th session

20. OHCHR, the secretariat of the Permanent Forum, ILO, the World Bank Group and other relevant United Nations entities, including United Nations country teams, should focus on increasing the understanding of indigenous peoples' underlying material rights to land and the need to give material rights priority over process rights. These agencies should undertake analytical work on how the intensity and exclusivity criteria that are commonly encompassed in domestic property rights systems could be understood in the context of international human rights standards related to indigenous property rights.

11th session

40. The Permanent Forum recommends that the full, effective and direct representation and participation of indigenous peoples, including their indigenous governments, councils, parliaments and other political institutions, should be ensured at all United Nations forums and multilateral and bilateral negotiations, and in the drafting processes of the corresponding emerging instruments, for example, those under discussion at the World Bank, the World Intellectual Property Organization (WIPO), the secretariat of the Convention on Biological Diversity. Such instruments must be harmonized with the Declaration, which is regarded as a reflection of the minimum human rights standards necessary for the promotion and protection of indigenous peoples, nations and communities. Such instruments should be consistent with or exceed those minimum standards.

67. The Permanent Forum urges relevant United Nations agencies, funds and programmes, including FAO, IFAD, ILO, UNEP, the United Nations Educational, Scientific and Cultural Organization, the United Nations Institute for Training and Research, UN-Women and the World Bank, to recognize and support this form of cultivation.

102. The Permanent Forum appoints Ms. Biaudet to review World Bank operational policies, analyse participation mechanisms on indigenous peoples and determine to what extent those policies respect the Declaration, with her findings to be submitted to the Forum at its twelfth session.

119. The Permanent Forum invites the World Bank and regional banks to a half-day in-depth session to review the development and adoption of comprehensive indigenous peoples' policies and mechanisms for the effective engagement and participation of indigenous peoples, consistent with the Declaration.

12th session

Paragraph Number	056
Addressee	World Bank
Session	12
Area of Work	Economic and social development
Status of Implementation	Ongoing
Priority	
Summary of Recommendation	The Forum recommends that the World Bank brings its policy on indigenous peoples (OP 4.10) into full compliance with the UNDRIP, especially with the standard of free, prior and informed consent.
Full Text	The Permanent Forum recommends that the World Bank brings its policy on indigenous peoples (OP 4.10) into full compliance with the United Nations Declaration on the Rights of Indigenous Peoples. The Forum attaches particular importance to the need for the Bank to adopt the standard of free, prior and informed consent and, in general, to institutionalize and operationalize an approach based on human rights. The Forum reiterates its recommendation, made at its twelfth session that the emerging instruments of the Bank and other agencies must be harmonized with the Declaration, which is regarded as a reflection of the minimum human rights standards necessary for the promotion and protection of indigenous peoples, nations and communities. Such instruments should be consistent with or exceed those minimum standards. The Forum underlines the need for the Bank's operational policies to use language that is consistent with the Declaration.
Description of Implementation	

Paragraph Number: 057

Addressee	World Bank
Session	12
Area of Work	Economic and social development
Status of Implementation	Ongoing
Priority	
Summary of Recommendation	The Forum recommends that efforts be directed towards compliance machinery within the Bank, both up front, when dealing with projects and design and approval processes, and in post-project enforcement mechanisms.
Full Text	The Forum notes with concern the unsatisfactory implementation of the World Bank's policy on indigenous peoples, as documented by many of the Bank's internal reviews, most notably the 2011 internal review report and the 2010 report by the Independent Evaluation Group, Safeguards and Sustainability Policies in a Changing World. Strict adherence to safeguards of indigenous peoples' rights is necessary. The Forum recommends that efforts be directed towards compliance machinery within the Bank, both up front, when dealing with projects and design and approval processes, and in post-project enforcement mechanisms.
Description of Implementation	

Paragraph Number	058
Addressee	World Bank
Session	12
Area of Work	Economic and social development
Status of Implementation	Ongoing
Priority	
Summary of Recommendation	The Forum recommends that the outcome target of the Bank's process to review and update its safeguards be a set of safeguards and follow-up mechanisms covering all finance instruments and all other Bank operations.
Full Text	The Forum also notes with concern that the World Bank's operational policies, including its policy on indigenous peoples, have limited application, covering only investment lending and not other Bank operations. The Forum recommends that the outcome target of the Bank's process to review and update its safeguards be a set of safeguards and follow-up mechanisms covering all finance instruments and all other Bank operations.
Description of Implementation	

Paragraph Number	059
Addressee	World Bank
Session	12
Area of Work	Economic and social development
Status of Implementation	Ongoing
Priority	
Summary of Recommendation	The Forum calls upon the World Bank to strengthen its accountability mechanisms and also to proactively implement specific measures to meaningfully contribute to the progressive realization of the right of indigenous peoples to self-determination.
Full Text	The Permanent Forum calls upon the World Bank to strengthen its accountability mechanisms so that they focus on situations in which its funded projects adversely affect indigenous peoples and also to proactively implement specific measures to meaningfully contribute to the progressive realization of the right of indigenous peoples to self-determination.
Description of Implementation	

Paragraph Number	060
Addressee	World Bank
Session	12
Area of Work	Economic and social development
Status of Implementation	Ongoing
Priority	

Summary of Recommendation	The Forum recommends that the World Bank, in consultation with the Forum and the EMRIP, examine the involuntary resettlement of indigenous peoples in connection with projects financed by the Bank and submit a report thereon in 2014.
Full Text	The Permanent Forum recommends that the World Bank, in consultation with the Forum and the Expert Mechanism on the Rights of Indigenous Peoples, examine the involuntary resettlement of indigenous peoples in connection with projects financed by the Bank and submit a report thereon in 2014.
Description of Implementation	

Paragraph Number	061
Addressee	World Bank
Session	12
Area of Work	Economic and social development
Status of Implementation	Ongoing
Priority	
Summary of Recommendation	The Forum takes note of the announcement by the World Bank concerning the establishment of an indigenous peoples advisory council and will take into consideration the proposal on the understanding that the objective of such an initiative will be to ensure the participation of indigenous peoples.
Full Text	The Permanent Forum takes note of the announcement by the World Bank concerning the establishment of an indigenous peoples advisory council. The Forum recognizes the need for dialogue and will take into consideration the proposal on the understanding that the objective of such an initiative will be to ensure the participation of indigenous peoples and that the final outcome will be full compliance of the Bank's policies, guidelines and activities with the provisions of the United Nations Declaration on the Rights of Indigenous Peoples.
Description of Implementation	

Paragraph Number	062
Addressee	World Bank
Session	12
Area of Work	Economic and social development
Status of Implementation	Ongoing
Priority	
Summary of Recommendation	The Forum calls upon the World Bank to include the rights of indigenous peoples in its knowledge and learning activities for staff and management.
Full Text	The Permanent Forum calls upon the World Bank to include the rights of indigenous peoples in its knowledge and learning activities for staff and management. Instruments for learning, such as the Nordic Trust Fund, should include training on how operational policies in place regarding the rights of indigenous peoples should be fully implemented.
Description of Implementation	

Paragraph Number	029
Addressee	WB, African Member States and IP
Session	13
Area of Work	Environment, Traditional Knowledge, Method of Work
Status of Implementation	
Priority	
Summary of Recommendation	The Forum recommends the World Bank to initiate immediate consultations with Member States and Indigenous Peoples in Africa, as part of its safeguards policy review, and ensure the application of safeguards to Indigenous Peoples of Africa, as directed by articles 19 and 41 of the Declaration.
Full Text	Alarmed at attempts to exclude indigenous peoples of Africa in the application of World Bank Operational Policy 4.10, the Permanent Forum recommends that the World Bank immediately initiate consultations with States and indigenous peoples in Africa as part of its safeguards policy review and ensure the application of safeguards to indigenous peoples of Africa, as directed by articles 19 and 41 of the Declaration.

Description of Implementation

Paragraph Number

030

Addressee

WB, African Member States, investor Governments, Private Sector, and IP

Session

13

Area of Work

Human Rights, Method of Work

Status of Implementation

Priority

Summary of Recommendation

Calls upon the World Bank, African Member States, investor Governments and the private sector to disclose information about the "billion-dollar map" project and requests that commitments to international norms and standards in relation to the rights of indigenous peoples be recognized and respected. The Forum also recommends that the World Bank involve indigenous peoples' representatives in the mapping process and that indigenous peoples' free, prior and informed consent be respected, consistent with the Declaration.

Full Text

The Permanent Forum takes note of the concerns expressed by the African Indigenous Peoples Caucus on the announcement by the World Bank in February 2014 of its intention to map Africa's mineral resources by using satellites and airborne mineral surveys. The Forum calls upon the World Bank, African Governments, investor Governments and the private sector to disclose information about the "billion-dollar map" project, prior to any intervention and in a transparent manner, and requests that commitments to international norms and standards in relation to the rights of indigenous peoples be recognized and respected. The Forum also recommends that the World Bank involve indigenous peoples' representatives in the mapping process and that indigenous peoples' free, prior and informed consent be respected, consistent with articles 19 and 41 of the Declaration.

Description of Implementation