

# African Human Rights Body Warns World Bank on Proposals to Reverse Decades of Advancement in Protection of Indigenous Peoples' Rights

By [Forest Peoples Programme](#)

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Region: [sub-Saharan Africa](#)

Theme: [Environment](#), [Global Economy](#),  
[Police State & Civil Rights](#)

*In February 2015, the African Commission on Human and Peoples' Rights met in Banjul, Gambia, for its 17<sup>th</sup> Extra-Ordinary Session, to deal with critical matters pending since the cancellation and delay of previous sessions due to the spread of Ebola during 2014.*

One critical matter in front of the Commission was the new environmental and social safeguards being proposed by the World Bank and the Commission was very clear in its concerns. In its Resolution on the topic, the Commission noted the very real advances achieved in promoting and protecting the rights of indigenous peoples in Africa, both at the normative level and with regard to the development of relevant plans, policies and programmes". The possible cooling effect of the World Banks proposals on such progress was noted, with the Commission calling for all "international organizations to further promote human rights on the continent and *abstain from taking initiatives that could have a negative impact* on policies for the promotion and protection of the rights of indigenous peoples". [Emphasis added]

The Commission expressed strongly worded views on the proposed opt-out provided for in ESS7 (the Standard for indigenous peoples), highlighting that the opt-out "would have the effect of removing all the safeguard obligations designed to protect the fundamental human rights of indigenous peoples provided therein" and that the opt-out "would encourage States not to comply with their international and regional obligations and commitments, and discourage the evolving State practice for the enhanced protection of indigenous peoples in Africa".

This powerful statement to the international community was followed with specific requests from the Commission that "the World Bank align its Environmental and Social Safeguards Policy and associated Environmental and Social Standards (ESS) with international and regional legal frameworks for the protection of indigenous peoples" and that this must include "removing the 'opt-out' clause included in Environmental and Social Standard 7 (ESS7)".

In Africa, two sub-regional meetings among indigenous peoples' representatives were convened on the edges of the sub-regional World Bank consultations in Francophone Africa (Yaoundé, March 3<sup>rd</sup>) and Anglophone Africa (Nairobi, February 27<sup>th</sup>). In Nairobi, Peter Kitelo from the Forest Indigenous Peoples Network in Kenya said "this Resolution underlines the dangers posed to us, and our communities, if the World Bank introduces this so-called 'alternative approach' and renders the protection of our fundamental rights as optional".

Increasingly Governments sitting on the Executive Board of the World Bank are expressing concern at the proposed amendment, with the Executive Director of the Nordic and Baltic States issuing the following statement:

“The proposal to introduce an alternative approach to the standard on Indigenous Peoples (ESS7) is a great concern. In our view, this poses a risk to internationally agreed indigenous peoples’ rights and might derail a process that has gradually increased countries recognition of indigenous peoples’ rights. The proposed approach leaves excessive discretion to borrowers and the bank to disregard international norms. For these reasons we see it as contradictory to the promise of “no dilution” and very far from the ambition of the Bank to showing leadership.”

Joji Carino, Director of the Forest Peoples Programme, said “the international human rights community could not be clearer about the need to remove the ‘alternative approach’ from the currently proposed safeguards, first the UN Special Rapporteurs and now this critical statement from the African Commission on Human and Peoples’ Rights - we hope the Bank is listening.”

### **Background documents:**

Resolution on the World Bank’s draft Environmental and Social Policy (ESP) and associated Environmental and Social Standard (ESS)

<http://www.achpr.org/sessions/17th-eo/resolutions/301/>

Final Communiqué of the 17th Extra-Ordinary Session of the African Commission on Human and Peoples’ Rights (link to PDF)

[http://www.achpr.org/files/sessions/17th-eo/info/communique17eos/achpr17eos\\_-\\_fincom\\_eng.pdf](http://www.achpr.org/files/sessions/17th-eo/info/communique17eos/achpr17eos_-_fincom_eng.pdf)

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