

June 6, 2012

Dr. Donald Kaberuka
President
African Development Bank

Subject: Concerns and recommendations of Indigenous Peoples on the Integrated Safeguards System of the African Development Bank

We, the undersigned Indigenous Peoples organizations from Africa and partner organisations, request that the African Development Bank (AfDB) substantively and meaningfully remedy the continued lack of protection for Indigenous Peoples within the proposed Integrated Safeguards System (ISS). We also wish to express our serious concerns over the lack of concrete steps to engage and consult with Indigenous Peoples during the ISS' development process.

We appreciate the efforts that AfDB has put into the development of the ISS. Indeed, we believe the ISS is an important undertaking that should be supported toward the goal of ensuring the environmental and social sustainability of its projects. Further, we appreciate AfDB's inclusion and mention of Indigenous Peoples for the first time in the Bank's history; within the context of its latest draft ISS. However, we note that the current proposal on Indigenous Peoples falls far short of existing international norms and standards.

Right from the period of discovery in the 15th century Indigenous Peoples all over the world and in Africa in particular, have suffered injustices including dispossession of their lands and territories for various reasons, including development projects. It is against this background that the evolution in the recognition of rights of Indigenous Peoples has been continuous, and culminated in the UN General Assembly's adoption in September 2007 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). This landmark declaration sets forth the responsibility of governments to secure the **Free, Prior, and Informed Consent (FPIC) of indigenous peoples** in projects that could impact their lives, livelihoods, traditional land rights and cultures among other rights.

We note that **all multilateral development banks (MDBs) have adopted standalone policies to protect the rights of Indigenous Peoples** within their safeguard frameworks. This includes all MDBs that operate in Africa, including the World Bank Group, European Bank for Reconstruction and Development (EBRD), and European Investment Bank (EIB). In fact, the International Finance Corporation (IFC) and EBRD – the only MDBs to revise their safeguards framework since UNDRIP's passage – adopted the principle of FPIC for Indigenous Peoples.

In addition, we note the positive momentum within Africa toward greater recognition of the rights of Indigenous Peoples and urge the AfDB to build on this momentum. In particular, we cite the seminal work of the **African Commission on Human and Peoples' Rights (ACHPR)**

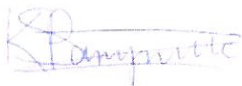
whose 2006 report¹ unequivocally affirmed the existence and rights of Indigenous Peoples in Africa. The decisions of the Africa Commission have been adopted by African heads of state. We also bring to your attention the fact that several African countries have or are in the process of taking legislative steps to address the rights on Indigenous Peoples in their respective countries. For example, the Republic of Congo has adopted an Indigenous Peoples law, the Central African Republic has adopted ILO 169 on the rights of Indigenous Peoples, Kenya recognises indigenous peoples in its new constitution, and South Africa is currently in the process of formulating an Indigenous Peoples law. Further, all the 18 African countries participating in either the UNREDD or Forest Carbon Partnership Facility, of which the AfDB is interested in being a delivery partner, have adopted specific measures to address Indigenous Peoples issues in the design of their national REDD+ strategies. The Climate Investment Funds, of which AfDB is an implementing agency, have African Indigenous Peoples representatives in its committees.

Given this context, the adoption of a policy governing Indigenous Peoples within AfDB programmes is therefore long overdue. **Thus, we urge the African Development Bank to adopt an additional Operational Safeguard on Indigenous Peoples within the AfDB's Integrated Safeguards System that is consistent with UNDRIP and international standards and best practices.**

Likewise, **the African Development Bank should hold a dedicated consultation process, consisting of regional face-to-face consultations with Indigenous Peoples and enabling representatives of Indigenous Peoples to participate in AfDB processes, to enable their full and effective participation in the development of AfDB's Indigenous Peoples standards.**

We make this request in good faith, and thank you in advance for your support.

Endorsed by the following organisations and individuals,



Mr. Kanyinke Sena

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CC:

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¹ [Indigenous Peoples In Africa: The Forgotten Peoples? The African Commission's work on indigenous peoples in Africa](#)

Signed by:

No.	Name / Organization	Country
1.	Friends of Lake Turkana	Kenya
2.	Mercy Mbogho, Kwetu Training Centre	Kenya
3.	Kene Joy Lenu, Ogoni Women Development Institute	Nigeria
4.	West Africa Coalition for Indigenous People's Rights (WACIPR)	Nigeria
5.	Gino Cocchiaro	South Africa
6.	Movement for the Survival of the Ogoni People (MOSOP)	Nigeria
7.	Muliro Farmers Conservation Group	Kenya
8.	Unusa Karimu	Cameroon
9.	Kapupu Diwa Mutimanwa	DRC
10.	Margaret Lomonyawy	Uganda
11.	Jennifer Koinante	Kenya
12.	Daniel M. Kobei, Ogiek Peoples Development Program	Kenya
13.	Baba Festus, !Khoa Ttu	South Africa
14.	Martha Ntoipo, Lonuido Community Development Organization	Tanzania
15.	Nama Traditional Leaders Association	Namibia
16.	Sada Albachir	Niger
17.	Sindayigaya J. Baptiste	Burundi
18.	Messe Venant	Cameroon
19.	Goreth Mutarutwa	Burundi
20.	Handaine Mohamed	Morocco
21.	Diane Nduwimana	Burundi
22.	Imelde Sabushimike	Burundi
23.	Dieudonné Ndayikeje	Burundi
24.	Saoudata Aboubacrine, Tin Hinan	Niger
25.	Luc Dieudonné Kounouho, Nature Tropicale ONG	Benin
26.	Jean Paul Ntungane	Rwanda
27.	Kone Lassana	Cote d'Ivoire
28.	Marthe Muhawenimana	Rwanda

29.	Mohamed Almoctar Ag Mohamed	Mali
30.	Doweri Dismas	Burundi
31.	John Koringo	Kenya
32.	Keikabile Mogodu	Botswana
33.	L. M. Ole Kosyando	Tanzania
34.	Evariste Ndikumana	Burundi
35.	Latifa Douch	Morocco
36.	Agnes Leina, Il'laramak Community Concerns	Kenya
37.	Abdi Kadir Kurewa	Kenya
38.	Alice Nyamihanda	Uganda
39.	Vidal Bambanze	Burundi
40.	Emmanuel Nengo	Burundi
41.	Lucy Mulenkei	Kenya
42.	Penninah Zaninka	Uganda
43.	Aline Wetewabo	DRC
44.	Albachir Aboubacar	Niger
45.	Jean Nganga	Rep. of Congo
46.	Aissatou Oumarou	Chad
47.	Bayaga Evariste	Burundi
48.	Dominique Bikaba	DRC
49.	Beatrice Kabinogo	Uganda
50.	Aliye Dallu	Ethiopia
51.	Kebele Anota	Ethiopia
52.	Gambo Aminatu Samira	Cameroon
53.	Gladman Chibememe	Zimbabwe