

# Justice and Peace/Integrity of Creation

Missionary Oblates of Mary Immaculate, United States Province

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North American Representative Office  
815 Connecticut Avenue, NW Suite 325  
Washington, DC 20006.  
October 9, 2008.

Cc: Ms Hua Du, Country Director -ADB Bangladesh Resident Mission.  
: Missionary Oblates JPIC office, Rome.

## **Ref: Comments on the ADB Operational Policy on Indigenous People in Asia.**

We, Missionary Oblates of Mary Immaculate are writing to emphasize and urge the Asian Development Bank to strengthen the policy on the Rights of Indigenous Peoples and Tribal groups. As a worldwide catholic organization with strong presence in Bangladesh, Sri Lanka and Philippines, we work and support the Indigenous peoples' communities. We believe indigenous peoples should have their economic, social, spiritual and cultural rights respected and protected by corporations operating within their areas. In order to ensure full respect and protection for the rights and interests of indigenous peoples where the Asian Development Bank operate; we are proposing to you some fundamental operational policy issues to take into consideration.

- Recognize the International Law on the Rights of Indigenous Peoples.  
The ADB must ensure that its staff follows international principles in dealing with Indigenous Peoples especially the landmark **2007 United Nations Declarations on the Rights of Indigenous People**. The U.N. declaration mandates that indigenous peoples cannot be forcibly removed from their lands; and they are have a right to territories and resources that they have traditionally owned or acquired to use, develop and control over these lands. Further, it mandates the right to restitution and compensation for any land taken and confirms that Indigenous Peoples have a right to self-government, culture, identity, language, employment, health, education and control their own development. ADB must not support governments whose national Indigenous law violates international rights of indigenous peoples.
- Protect the Indigenous People's Rights to Landownership, Customs and Access to Natural Resources.  
Rights of Indigenous people to land ownership must be recognized and respected by ADB. Taking into consideration of customary land ownership and usages, Indigenous peoples have rights of ownership over land, territories and natural resources. Former United Nations High Commissioner for Human Rights, Mary Robinson, in her 2001 Presidential Fellow's Lecture at the World Bank affirmed the following on the indigenous peoples and land;  
Economic improvements cannot be envisaged without protection of land and resource rights. Rights over land need to include recognition of the spiritual relation indigenous peoples have with their ancestral territories. And the economic base that land provides needs to be accompanied by recognition of indigenous peoples' own political and legal institutions, cultural traditions and social organizations. Land and culture, development, spiritual values and knowledge are as one. To fail to recognize one is to fail on all.<sup>1</sup>

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<sup>1</sup> *Bridging the Gap Between Human Rights and Development: From Normative Principles to Operational Relevance.* Lecture by Mary Robinson, United Nations High Commissioner for Human Rights, World Bank, Washington D.C., Preston Auditorium, 3 December 2001.

- Recognize the Right of Indigenous Peoples to a Free Prior and Informed Consent.  
For any ADB project and assisted activity, free prior and informed consent of Indigenous peoples must be recognized and respected. In numerous situations, indigenous peoples are not fully informed about potential devastating impact of projects which consequently lead to disregarding indigenous people's interests. We therefore ask the ABD to ensure that any consent is freely given, obtained prior to starting the project and full knowledge of issues and impact of the project. This is a collective decision which an individual indigenous person can not authorize alone.
- Ensure Access to Bank Funded projects on Health and Education programs.  
In its operational policy ADB must ensure that Indigenous People have access to health and education programs which is funded or assisted by ADB resources. This will require that ADB emphasize and make it clear to the borrower governments that access to health and education programs by all indigenous peoples' children and women is mandatory when using ADB funds. This policy must be a mandatory requirement during monitoring and evaluation of all ADB projects.
- Avoid Involuntary relocation and recognize the Right to self determination.  
ABD must prohibit forced relocation, displacement and pressure to vacate territories and ancestral land of indigenous peoples. It is fundamental that Indigenous peoples have a right to self determination, a principle which is embodied in the charter of the United Nations; that all people have a right to pursue their own economic, social, political and economic development.

As missionary Oblates, we are impassioned for Jesus Christ and Mission; we recognize the dignity of all human beings as echoed by the Catholic Social Teaching. We believe that the above principles if properly implemented as mandatory ADB operational policies in Asia would guarantee the rights of and direct benefits to Indigenous peoples.

Respectfully Submitted,

George Ngolwe, Advocacy Associate,

On behalf of **Rev. Fr Seamus Finn, OMI, Director - Missionary Oblates JPIC Office.**

*The Missionary Oblates Justice and Peace/ Integrity of Creation Office (OMI JPIC) is located in Washington, DC. It serves as a resource for Oblates in the U.S. and throughout the world to help them advocate on behalf of the poor and abandoned. The JPIC Office represents the Oblates in advocacy efforts with the US government and International Institutions such as the World Bank, the IMF, and the United Nations. We collaborate with other NGOs to promote peace, justice and the integrity of creation through education and advocacy.*