

DISCARDING PRO-PEOPLE DEVELOPMENT: ADB and the rights of Indigenous Peoples (IPs)

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I. The Adivasi of India

Indigenous peoples (IPs) are groups and communities with social or cultural identities distinct from that of the dominant or mainstream society. These communities are usually susceptible to vulnerabilities, especially from intrusions to their culture and livelihood.

Adivasi communities in India, also called IPs and original inhabitants, have been historically marginalized by the dominant interests that exploit tribal lands, resources, minerals, and forests. Their customary rights over natural resources such as forests, cultural identity, traditional knowledge including intellectual property rights, cultural heritage, and traditional wisdom have been continuously put at stake due to the current developmental paradigm of globalization, liberalization and privatization.

IP communities are considered one of the best custodians of the forests. However, they suffer most from negative impacts of mega-development projects of IFIs like the ADB and commercial forestry practices of private companies. Those displaced because of large-scale government interventions not only in the forest areas are usually IP communities (Gain, 1996).

One of the major agricultural practices of IP communities is slash-and-burn or shifting cultivation which gets a very negative publicity and is often blamed for destroying forest cover. Condemnation of such tribal agricultural practice is often used to establish the rationale for the IFI-supported commercial forestry projects. But what gets little recognition is that, if practiced in a traditional fashion, shifting cultivation is not destructive (Gain, 1996).

Indigenous peoples make up about eight percent of India's one billion people. There are over 600 different tribal groups in the country. They are among the poorest people in India. More than half of them live below the poverty line (HRO, 2005).

Despite a legal ban on the sale of tribal land to outsiders, nearly half a million cases of IPs losing their land to outsiders have been recorded by the government. The total tribal land lost is nearly half a million hectares. Moreover, over the past half century, IPs have been shifted in large numbers from their traditional homes by development projects like big dams and mining activity (Dogra, 2005).

II. ADB's take on IP issues

ADB approved its Indigenous Peoples Policy in 1998. The policy ensures that all ADB interventions affecting IPs are consistent with their needs and aspirations; compatible with their culture and social and economic institutions; conceived, planned, and implemented with their informed participation; equitable in terms of development efforts and impact; and not imposing the negative effects of development without appropriate and acceptable compensation.

In line with their policy, the ADB likewise required the drafting of an Indigenous Peoples Development Plan (IPDP). This is a planning document to incorporate IP concerns into the project design. It includes provisions for project implementation, monitoring, and evaluation (ADB, 1998).

All looks good in paper. However, the implementation of the policy still remains a challenge to both the ADB and the developing member countries (DMCs).

There are numerous ADB projects slated for India. Currently, there are 29 active ADB project loans and 18 proposed projects in India (ADB, 2005). However, a large chunk of this amount went to hard projects such as those related to the transport sector, energy and infrastructure and the finance sector. The only projects directly related to alleviating the conditions of IP communities are those related to the rehabilitation and construction of communities affected by disasters such as earthquakes and tsunami, like the Gujarat Earthquake Rehabilitation and Construction Loan and the Tsunami Emergency Assistance Project in the governments of Tamil Nadu and Kerala. These projects are not even directly related to the empowerment of IP communities. It just so happened that the areas affected were populated by IPs.

Most projects, especially massive infrastructure projects affect communities of IP groups. Such is the case in the Uttaranchal Power Sector Project and the Infrastructure Rehabilitation in Jammu and Kashmir. Forestry projects, which are heavily supported by the ADB, also cause displacement and encroachment in the tribal lands of these communities.

III. Forgetting the human face of development

Development needs not be stripped off its human aspect. Development projects in India, which usually come in the form of dams for power projects, roads for transportation and large communication infrastructure are almost always the source of disenfranchisement and disempowerment of the Adivasi communities, as well as all IP communities in other countries with the same situation.

Displacement in their tribal lands is not only the problem encountered by IP communities, but also the issue of resettlement. Usually, resettlement areas do

not have provisions for the communities' basic needs such as electricity, potable water and land for cultivation.

Another issue related to development projects is the question whether communities are consulted in all phases of the project cycle. IP communities must give their free, prior and informed consent or FPIC in all projects especially those that will affect their lives directly.

IV. Empowering IP communities

Forced eviction and land alienation are the two critical facets of tribal rights violations in India and other developing countries. Property rights over common property must be established and practical measures must be taken to make sure that the local communities do not lose their rights over their common properties. The ADB should include provisions in the policy to ensure that it does not finance or support any project unless the customary land use, land tenure and resource use and ownership rights of indigenous people and other traditional forest-dependent communities are fully recognized and protected by their national governments.

Recognition of self-determination and control over natural forest of the tribal and indigenous people is imperative for the protection and regeneration of the natural forest. This helps not only the local interests but also the international interest in the long run. The ADB must help the tribal and indigenous people in their struggle for recognition and control over local resources.

The ADB and the governments need to be more sensitive and specific on the land tenure especially of the IP communities. They must differentiate between the prior rights of indigenous communities and other tenured migrants and the claims of more recent migrants. Finally, governments should always take into consideration opinions of communities which may undergo suffering as a result of projects funded by the ADB and other IFIs.

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