

**STATEMENT OF INDIAN LAW RESOURCE CENTER
PERMANENT FORUM
MAY 15, 2002**



Mr. Chair, members of the Permanent Forum, government delegates and indigenous representatives:

My name is Vanessa Jimenez, staff attorney for the Indian Law Resource Center. My comments at this time are directed to the World Bank.

On March 15, 2002, 48 indigenous representatives from the Caribbean, Central, South and North America signed and delivered a letter directed to the Bank's President, James Wolfenson. In this letter, they expressed their deep concern and frustration about the current revision of the Bank's Operational Directive on Indigenous Peoples.

This letter expressed concern over the substance of the revised policy – particularly its failure to recognize and guarantee indigenous rights to lands, territories and resources and its failure to establish informed consent of indigenous peoples as a prerequisite to pursuing bank-assisted projects that will effect them

These 48 leaders also expressed their concern in this letter over the manner in which the Bank conducted its consultations regarding the policy review. During consultations, bank staff have said that issues of land rights, the right to free and informed consent, and self-determination would not be addressed as part of the revision of the policy subsequent to the consultation. They stressed that revisions were only limited to technical matters. Removing from discussion the issues most important to indigenous peoples is not good faith consultations.

Mr. Chair, as expressed in this letter to the Bank, member states of the World Bank must not collectively, through use of the Bank, violate the rights they are bound to uphold as states. For these reasons, we ask the following questions of the World Bank:

- 1) Will Bank lawyers finally sit down with indigenous peoples and eminent experts in international law to discuss the proposed policy's compatibility with international human rights standards and the international legal obligations of the Bank to respect and implement these standards; and
- 2) Will the Bank delay its final revision of its policy on indigenous peoples and the presentation of its revised policy to the Board until good faith consultations can take place with indigenous peoples and until the Bank's own Operations Evaluation Department first completes its review and evaluation of its currently existing policy.

Mr. Chair, these are some of the Indian Law Resource Center's preliminary comments and we look forward to hearing the Bank's response to our questions in the near future, perhaps even at the lunch session on indigenous peoples and large scale development projects being held later this afternoon.

Thank you.

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