

**Permanent Forum on Indigenous Issues
First Session
New York 13-24 May 2002
Agenda Item 6**

**Review of the activities of the United Nations system
Theme: Economic and Social Development**

**JOINT STATEMENT PRESENTED BY LES MALEZER (FOUNDATION FOR
ABORIGINAL AND ISLANDER RESEARCH ACTION), AUSTRALIA**

On behalf of

**ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION (ATSIC); FOUNDATION
FOR ABORIGINAL AND ISLANDER RESEARCH ACTION (FAIRA); NATIONAL
ABORIGINAL AND ISLANDER LEGAL SERVICES SECRETARIAT (NAILSS); NATIONAL
SECRETARIAT OF TORRES STRAIT ISLANDER ORGANISATIONS; TORRES STRAIT
REGIONAL AUTHORITY (TSRA)**

Thank you, Mr Chairperson

On behalf of our organizations I would like to congratulate the members of the Permanent Forum, yourself as Chairperson, the Rapporteur and the Vice Chairpersons, on being appointed and elected to your positions.

We wish you well in your exciting and challenging task ahead, as you working for due recognition and exercise of the rights of Indigenous Peoples within the United Nations structures.

You have our support and our faith in your work.

Mr Chairperson

In this intervention we draw the attention of the Permanent Forum to the operations of the World Bank.

We are please that the World Bank has in recent years become more aware of the Indigenous Peoples, and our status at the bottom of the global economic order.

As our inalienable human entitlement to determine our lifestyle and futures are slowly being acknowledged, as the continuing, wanton exploitation of our territories and resources is exposed, and as our right to give or withhold consent to use of our territories and resources is enforced, the World Bank is becoming aware of its enormous responsibilities.

Its responsibilities are, not only to ensure that active discrimination against Indigenous Peoples in its programs and policies is avoided or removed, and that global economic wealth is more equitably shared, but also to ensure that we are quickly and positively elevated from the ranks of exploited 'Peoples'.

The Aboriginal and Torres Strait Islander Peoples in Australia have not had much experience directly with the World Bank.

However it is a concern to us, from the information provided by the World Bank to the Permanent Forum, and the World Bank web site, that their policy articulation is not 'rights-based'.

The World Bank seems to recognise only a right to participate and be consulted by governments in funded development programs.

The World Bank overlooks that 'participation' and 'consultation' are only part of a suite of human rights to be promoted and protected, including Indigenous Peoples' land rights and right to self-determination.

While the World Bank 'recognises the need to protect indigenous peoples against potential harm or damage from development projects and promotes indigenous participation in the development process'

(page 3, E/CN.19/2002/2/Add.12). it does not acknowledge that the best way to do this is to promote and protect all of our rights.

We therefore disagree with the World Bank's description of Indigenous Peoples 'as groups who maintain social and cultural identities distinct from those of the national societies in which they live, who have close attachments to their ancestral lands, who speak an indigenous language and who are vulnerable to being disadvantaged in the development process' (page 3, E/CN.19/2002/2/Add.12).

And while the World Bank shows 'an increased awareness of the need to promote indigenous participation in development-related activities and to protect indigenous peoples' rights to their lands, resources, ethnic identities and cultural autonomy' (page 3, E/CN.19/2002/2/Add.12), the briefings, regarding the projects they fund, do not go beyond concepts of participation and consultation.

We are pleased that the World Bank has foreshadowed two new principles regarding the commercial use of natural resources, including forest, mineral, and hydro-carbon resources, and the commercial use of cultural resources, including indigenous knowledge.

However the document does not clarify that it is necessary to acknowledge and protect all of our rights, especially land rights and self determination.

To this point, the World Bank's discussion on traditional knowledge does not canvass, or at least does not adequately address, Indigenous Peoples' economic rights to equitable outcomes through sharing of benefits.

Mr Chairperson

We note with concern that the World Bank convenes forums of representatives of Indigenous Peoples from time to time, but does not have a 'standing' or ongoing communication with Indigenous Peoples.

However we are pleased that the World Bank does advocate such relationship with Indigenous Peoples for its member governments.

It is our view that this situation should be reviewed in dialogue between the Permanent Forum and the World Bank.

Finally, Mr Chairperson

We believe the content of our submission regarding the World Bank may also be applicable to the United Nations Development Program (UNDP)

That is, the UNDP developmental activities and advocacy programs should be underpinned by the recognition of all our rights, not limited to a right of participation or consultation.

Thank you, Mr Chairperson.