

Statement of Indian Law Resource Center
Permanent Forum on Indigenous Issues - Human Rights
May 20, 2002

Mr. Chairman, Permanent Forum members, colleagues and friends –

Human rights provide the essential framework for progress and accountability in the areas of indigenous education, culture, health, the environment, and economic and social development. We advance human rights for indigenous peoples through meetings such as this and through campaigns to shame governments and others when they violate human rights. It is not possible, however, to have enough meetings and enough campaigns to address all of the abuses, problems and challenges that indigenous peoples face in their daily lives in their homelands. For success in the long term, we must build strong systems of justice to uphold the rule of human rights law for all indigenous peoples every day at every level.

This requires strengthening customary indigenous law and institutions of indigenous self-government; reforming state justice systems so that national laws will protect the human rights of indigenous peoples; and reforming the governing policies and systems of accountability of international institutions so that they will consistently respect and advance indigenous rights in all of their activities. With this understanding, the Indian Law Resource Center recommends that the Permanent Forum consider the following two proposals:

First, given the severe limitations in the funds, it will be necessary to rely to some extent on the voluntary efforts of the Permanent Forum members and the voluntary contributions and submissions of states, agencies, and indigenous peoples' organizations. We suggest that the Permanent Forum consider, as one method of work, the possibility of appointing one or more members of the Permanent Forum to conduct studies, to gather information, and to prepare reports and recommendations about topics and issues of great importance. With this method of work in mind, we draw special attention at this time to the World Bank, a multilateral institution that has a great impact, for better and for worse, on the development, environment and general well-being of indigenous peoples. As discussed last week, the Bank's indigenous policy is currently being revised. That new policy will govern the Bank's activities in indigenous communities for many years to come. The Bank's indigenous policy must be strengthened so that it will uphold international human rights law and respect the property rights and resource rights of indigenous peoples. For this reason the Indian Law Resource Center proposes that the Permanent Forum appoint a special rapporteur or committee within the Forum to work between the

sessions on the issue of the policies and practices of the multilateral development banks, particularly the World Bank, with respect to indigenous peoples. Such a rapporteur or committee could gather and disseminate information, prepare reports or summaries, and could serve as a focal point for receiving information from states, indigenous peoples, multilateral development banks, non-governmental organizations and others. Based on such investigations, the rapporteur or committee could assist the Permanent Forum in preparing recommendations to ECOSOC that would ensure that multilateral economic development projects undertaken within indigenous lands and territories respect the property rights of indigenous peoples, are planned and conducted with the participation and consent of indigenous peoples, and will result in real benefits for indigenous peoples.

Second, the Permanent Forum is in a unique position to assist in the effort to adopt the Declaration on the Rights of Indigenous Peoples, the foundation for further advances in international law. We need better mobilization and coordination of the resources of the UN system to support this effort. We suggest that the Permanent Forum recommend to ECOSOC that the Council direct (or encourage as appropriate) each agency, fund, and program in the UN system, on a priority basis, to review the text of the draft Declaration and identify the provisions that relate to the mandate or field of competence of that agency, fund or program. Each should then identify in a report to ECOSOC and the Permanent Forum how it could contribute information, experience, and expertise to the consideration of the Draft Declaration. Any agency, fund, and program not contributing should explain why it is not contributing. The Permanent Forum would use these reports to help coordinate and mobilize support throughout the UN system for early adoption of the draft Declaration.

Thank you, Mr. Chairman.