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**Third Session of the Permanent Forum
Agenda Item 4(d) Human Rights**

Collective Statement of the Indigenous Caucus on the World Bank

We request that the Permanent Forum make the following recommendations:

1. The Permanent Forum, through ECOSOC, calls upon member states, UN bodies, the Bretton Woods Institutions, multi-lateral development banks and international financial institutions to adopt Indigenous Peoples policies in keeping with their international obligation to "promote and encourage respect for human rights." According to the U.N. Charter, the duty to promote respect for human rights is based on "respect for the principle of equal rights and self-determination of all peoples." (drawing upon the recommendations expressed in para. 38; 119 E/C.19/2003/22)
2. The Permanent Forum, through ECOSOC, encourages the World Bank to convene a legal roundtable on Indigenous Peoples and International Law, prior to the final approval of Policy 4.10 by its Board, to address outstanding issues and the Bank's obligations under international law. The roundtable shall be planned and implemented in full collaboration with indigenous people. (drawing on recommendations expressed in para. 33b E/C.19/2003/22)
3. Reiterate the recommendation that the World Bank continues to address outstanding issues in their proposed Operational Policy 4.10, including Bank implementation of international customary law and standards, in particular human rights instruments; full recognition of customary land and natural resource rights of indigenous peoples; recognition of the right of free prior and informed consent of indigenous peoples regarding development projects that affect them; and prohibition of the involuntary resettlement of indigenous peoples (as affirmed in para. 33a E/C.19/2003/22).
4. The Permanent Forum takes notes of, and calls for, the implementation of the recommendations of the World Bank's Extractive Industries Review that indigenous peoples' customary land, territory, and natural resource rights be recognized prior to the development of extractive projects in indigenous land and territories and that project financing not proceed without the free prior and informed consent of indigenous peoples.
5. The Permanent Forum notes the deep and widespread concerns among indigenous peoples about the World Bank's Grant Facility for indigenous peoples. The World Bank's lack of transparency in the appointment of board members of the Grant Facility and its other activities is fomenting disunity and conflict among indigenous peoples organizations and detracts attention from the serious problems affecting indigenous peoples arising from the World Bank's policies, programs, and projects. The Permanent Forum reiterates the priority that the World Bank adopts an adequate safeguard policy OP 4.10 which fully respects the rights of indigenous peoples.

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The Permanent Forum is aware that within the next few months, the World Bank will proceed with the adoption of its safeguard policy OP 4.10 on Indigenous Peoples.

On Wednesday, 19 May, a meeting of indigenous representatives will take place with the World Bank, here in New York. It is expected that the Draft Policy will be made public, followed by a 90-day consultation period from 8 June next month. After the public consultation period, the policy will be brought for approval of the Board in October 2004.

The Indigenous Peoples Caucus attaches great importance to the holding of a Legal Roundtable on Indigenous Peoples and International Law and the World Bank's policies, prior to the final Board approval of OP 4.10. We take the view that this week's meeting with the World Bank provides a timely opportunity for a frank exchange of views on the draft Operational Policy 4.10, particularly on the outstanding issues which have been identified, but that this meeting cannot substitute for a legal roundtable. The Indigenous Peoples Caucus considers a jointly prepared and substantive Legal Roundtable with the World Bank as a critical part of the consultation process on OP 4.10. The Indigenous Peoples Caucus also calls for participation by members of the Permanent Forum on Indigenous Issues in this important activity.

The Permanent Forum may also be aware that the Report on the World Bank's Extractive Industries Review (EIR) was submitted by the Eminent Person Dr. Emil Salim early this year, which made the following recommendations:

"The third key EIR recommendation regarding WBG involvement in extractive industries is to respect human rights. The WBG and its clients have obligations under international law to promote, respect and protect human rights. A system-wide policy needs to integrate and mainstream human rights into all areas of WBG policy and practice. The WBG should ensure that it does not undermine the ability of its member countries to faithfully fulfill their international obligations or that it facilitates or assists violation of those obligations. It should systematically incorporate experienced, independent, and reputable third parties to verify the status of human rights in all relevant projects. A Central Human Rights Unit is essential, with regional counterparts, together with clear policy and mandate for monitoring, verification, and transparent annual audits." (Executive Summary page 5)

- * The current draft Safeguard Policy on Indigenous peoples (OP 4.10) should be reviewed and there should be high-level discussions with indigenous peoples on its revision, including a legal roundtable on making the policy consistent with internationally guaranteed human rights." (Executive Summary page 6)

A letter signed by over a hundred indigenous peoples organizations and support organizations was sent to World Bank's President Mr. James Wolfensohn, on February 2004 calling for the implementation of the EIR Recommendations.

In its report of its 3rd Session, we call upon the UN Permanent Forum, to take note of the recommendations from the World Bank's Extractive Industries Review (EIR) and to lend its full support for their full implementation.