

# INDIAN LAW RESOURCE CENTER

CENTRO DE RECURSOS JURÍDICOS PARA LOS PUEBLOS INDÍGENAS

Anne Deruyttere  
Indigenous Peoples & Community Development Unit  
Inter-American Development Bank  
1300 New York Avenue, N.W.  
Washington, D.C. - Stop W-0502

August 12, 2005

Dear Anne,

I am writing to express my utmost concern and serious disappointment with the recent conduct of Mr. Carlos Perafán. While acting as Director of the Indigenous Peoples and Community Development Unit in your absence, Mr. Perafán abruptly hung up on a colleague of mine during a telephone conversation held today, August 12, 2005. My colleague, Ms. Esperanza Luján, was contacting the Unit to find out how the Indian Law Resource Center could register to participate in the IDB's consultation- to be held August 21-22, 2005 in San Jose, Costa Rica- regarding the IDB's Draft Operational Policy on Indigenous Peoples. During the conversation, Mr. Perafán disrespectfully hung up on my colleague in mid sentence. We consider his conduct to be extremely unprofessional and offensive.

We are concerned not only about the manner in which Mr. Perafán conducted himself, but about also about the fact that Mr. Perafán stated that the Indian Law Resource Center is not able to participate in the IDB's consultation because the IDB does not consider the Indian Law Resource Center to be a grassroots indigenous organization. We were informed that the consultation is only open to grassroots indigenous organizations and not to NGOs. We would like to know why, and using what criteria, the IDB has arbitrarily chosen to classify the Indian Law Resource Center as an NGO rather than an indigenous organization. We strongly oppose our exclusion from the consultation, which is supposed to be a forum for participation, transparency, and mutual respect. Furthermore, we do not believe that other serious indigenous leaders would wish to bar the Indian Law Resource Center from attending the consultation.

We believe that the Indian Law Resource Center has a right to participate in the IDB's consultation. As you know, the Indian Law Resource Center is a non-profit law and advocacy organization founded and directed by indigenous peoples. As an Indigenous Organization, we seek to protect and promote the rights of indigenous peoples. Founded in 1978, the Center provides assistance and legal representation to indigenous peoples in the United States, Canada, and Latin America, and it is has consultative status with the United Nations and the Organization of American States. As an indigenous organization, and as legal

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counsel for several indigenous nations throughout the Americas, we have a vested interest in the impact of IDB activities on indigenous lands and territories.

For several years the Center has advocated for strong operational policies that will protect indigenous peoples' rights at the World Bank, IDB, and other international financial institutions. After several years, the IDB is finally developing, for the first time, an operational policy regarding indigenous peoples. The Indian Law Resource Center has been very active in encouraging this development since its initial stages. I, along with seven other indigenous representatives from the OAS Indigenous Caucus, was selected by the Caucus to meet with President Iglesias in April of 2004 to express the importance of guaranteeing the full and effective participation of indigenous peoples and organizations throughout the consultation process.

In January of 2005 the Indian Law Resource Center, along more than twenty indigenous representatives from the OAS Indigenous Caucus, participated in an IDB "socialization" meeting regarding the operational policy. We again stressed the importance of ensuring transparency in the consultation process during that meeting.

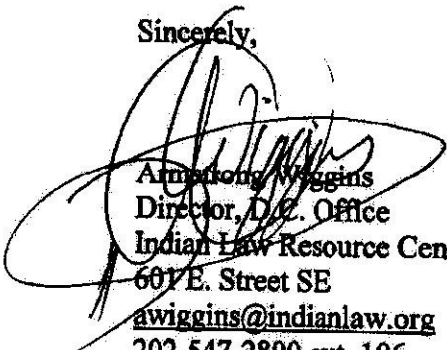
The Indian Law Resource Center has repeatedly informed you that the Center is interested in engaging in all processes related to the development of the operational policy. In addition to participating in the meetings mentioned above, the Center has contributed written comments in August of 2004 and most recently on July 30, 2005 regarding the substance of the policy. Given these precedents, it is unclear why the Indian Law Resource Center is being denied participation in the consultation to be held on August 21-22, 2005.

As a public institution, the IDB has a responsibility to perform its responsibilities in an open, transparent, and democratic manner. The website of the Indigenous Peoples and Community Development Unit mentions no specific information about the conditions and restrictions governing the consultation on August 21-22, 2005. Since no information is publicly available on the website regarding the consultation- including location, agenda, participant list, etc. - we telephoned the Unit to gather more details. We were shocked to learn that not only could we not receive those details, but that the Indian Law Resource Center was not able to participate. We hope that such actions and attitudes will be corrected, and that the Indian Law Resource Center and all other interested indigenous organizations from throughout the Americas and the Caribbean, are able to participate in this upcoming consultation, and in all future dialogues about the operational policy.

It is disappointing to note that the IDB will only conduct one consultation on the actual draft of the policy, and that to date the draft policy is only available in Spanish- which limits the participation of indigenous representatives that speak English and Portuguese. In light of these obstacles and limiting factors, it is all the more disheartening to learn that the full participation of all indigenous organizations is arbitrarily being denied. An operational policy drafted and approved under such conditions reflects poorly on the Inter-American Development Bank and raises grave concerns about the Bank's efforts to genuinely safeguard the rights of indigenous peoples.

We look forward to your prompt response regarding this unfortunate matter.

Sincerely,



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