

# INDIAN LAW RESOURCE CENTER

## CENTRO DE RECURSOS JURÍDICOS PARA LOS PUEBLOS INDÍGENAS

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### **Enabling the Participation of Indigenous Governing Institutions At the United Nations**

*Comments related to the “Potential elements for discussion during the seventy-first session of the General Assembly” A/70/990 regarding accreditation standards  
[AS DELIVERED]*

**ON BEHALF OF THE INDIAN LAW RESOURCE CENTER, THE CITIZEN  
POTAWATOMI NATION, THE HALIWA-SAPONI TRIBE, THE METIS NATION,  
AND THE TONAWANDA SENECA NATION**

Mr. Chair,

On behalf of the Indian Law Resource Center, with the Citizen Potawatomi Nation, the Haliwa-Saponi Tribe, the Metis Nation, and the Tonawanda Seneca Nation, we thank you for the opportunity to comment on the standards for accrediting Indigenous governing institutions to participate at the United Nations.

While the accreditation body or committee should be responsible for further elaborating standards and procedures for accreditation, we want to offer some initial thoughts and guidance as to what could be a preliminary set of criteria for considering applications.

Indigenous governing institutions should be accredited if they demonstrate that: (1) they represent a people; (2) the people is Indigenous; and (3) the government is duly established by the people. The first requirement is that the government represents a *people*, that is, a people distinct from others and having shared bonds of history, language, culture, ethnicity, location, self-government, or other social or political bonds. Secondly, the people must be shown to be *Indigenous*, as that term is used in practice and understood in the United Nations and other international intergovernmental bodies, such as the International Labor Organization, the World Bank, and the Inter-American Development Bank, and as discussed in the Martinez-Cobo study. Some common elements these sources use to identify Indigenous peoples include descent from a

people existing prior to the development of the present state or prior to conquest or colonization, connection to an ancestral territory, having distinct social, economic, cultural, and political institutions, and self-identification as a distinct people. The people must not be ethnic, national linguistic, racial, or other groups that are not, in fact, Indigenous. This is a question of fact and history, and it cannot be determined by self-identification alone, but no particular definition should be required. The third requirement is that the government be *duly established* by the Indigenous People that it purports to represent. Naturally, such a government must be democratic in nature, as well as representative of, and responsible and accountable to, the people. No particular form of government should be required, and the accreditation standards should remain flexible to allow further development through practice.

Initially, an applicant should be requested to provide documentation or other reliable evidence establishing their existence as a governing institution. Documentation could include written or oral testimony or statements. Each applicant should, for example, briefly describe the people, Indigenous nation, or community that it represents, the governing powers or authority that it exercises, and the principal officials or office holders in the government. The accrediting body should consider evidence and views from all relevant sources and give some consideration to recognition of the applicant by the relevant state or states and by other Indigenous Peoples, though this alone cannot be determinative. Whatever accreditation standards are decided upon, they must be strong but flexible and responsive to the differences among Indigenous governing institutions around the world.

A government that meets these requirements and other related requirements should be accredited to participate permanently, subject to periodic reporting on a reasonable basis, and the accredited government would then designate individuals to represent it in particular UN meetings. Giving sufficient consideration to each of these factors during the process for accreditation will assure that applicants are in fact Indigenous and are genuine, duly chosen representatives of the people and governing institution they purport to represent, and it will assure that Indigenous leaders are always at the UN to directly assert and defend their rights.

Thank you.