

INDIAN LAW RESOURCE CENTER

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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 Recognition/selection mechanism
[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,

Thank you. The Indian Law Resource Center, the Citizen Potawatomi Nation, the Haliwa-Saponi Tribe, the Metis Nation, and the Tonawanda Seneca Nation are grateful for this opportunity to offer these comments regarding the accreditation body that will need to be established to enable the participation of indigenous governing institutions at the United Nations.

While we will discuss in detail the criteria this new accreditation body will use in its work this afternoon, it is important to note this morning that the body will have the important role of ensuring that the new status and rules for indigenous governing institutions apply only to *indigenous* peoples and not to ethnic, national, linguistic, racial, or other groups that are not, in fact, indigenous. This work will require careful consideration of all applications, expertise among its members, and the ability to seek out additional information when necessary in order to make sound decisions.

The focus of this process must be on the accreditation of all genuine and legitimate, indigenous governing institutions. The task for this new body is to evaluate all applications evenly and fairly to determine whether the applicant meets established standards and operates as an indigenous governing institution, it is not to select certain indigenous governing institutions to participate in the United Nations. Limiting representation on a regional basis is not workable.

To do this important work, the General Assembly could create a new committee or working group to carry out the accreditation process, that is, to decide whether an applicant is qualified to participate as an indigenous governing institution in the work of the United Nations. The UN Charter recognizes the authority of the General Assembly to create such a committee or working group, providing that the “General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions.” Creation of a separate accreditation process and accrediting body by resolution of the General Assembly has occurred, for example, with respect to National Human Rights Institutions. Once authorized, the accrediting body can then establish its own working methods.

Whether the General Assembly decides to use an existing committee or working group or to create a new body, the accreditation body must include some indigenous government leaders or, at minimum, must consult with indigenous government leaders, experts, or advisers. Accreditation standards must be strong but flexible and responsive to the differences among indigenous governing institutions around the world, and the accreditation body must have the expertise and authority to make the necessary determinations.

Thank you.