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Enabling the Participation of Indigenous Governing Institutions at the United Nations

Supplemental submission to inform the second draft compilation of views as called for in A/RES/70/232

1. Don't change the system for indigenous participation beyond what is required to permit indigenous governments to participate in UN meetings.

Some written submissions and some comments by participants in the consultation held on May 11, 2016 seemed to imply or suggest that the entire system by which all indigenous groups participate in United Nations meetings should be changed. Such a total reworking of the entire system was not called for by the World Conference Outcome Document, and it would be a very complex task. The only serious problem with the system has been the inability of indigenous governments or governing institutions to be accredited for participation except in very limited situations. This is the problem that the Outcome Document sought to address.

In general, the system for permitting the participation of indigenous groups has worked quite well for many years, except for indigenous governments. As you are aware, there is at present no formal way for indigenous peoples as sovereign nations to participate in relevant United Nations activities. Indigenous individuals and groups however, are already able to participate as indigenous peoples' organizations in the work of the Expert Mechanism and Permanent Forum; as non-governmental organizations in consultative status with ECOSOC in the work of the Human Rights Council, the ECOSOC, and other subsidiary bodies; and as civil society actors through some ad hoc mechanisms. Very few complaints or problems have been raised about the system for other indigenous groups and indigenous NGOs. Attempting to change this existing system as a whole will risk disrupting a system that is working well apart from the problem for indigenous governments.

2. Indigenous governments 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.

These three factual elements should be the fundamental requirements for accreditation as an indigenous government. Naturally, additional, detailed information about the identity,

location, and nature of the government will also be required. The first requirement is that the government represent a people, that is, a people distinct from others and having 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 in the United Nations and in other international bodies. No particular, technical definition should be required, but the people must be indigenous according to some definition and as the term is used in the United Nations. This is a question of fact and history, and it cannot be determined by self-identification alone. 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 responsible to the people and democratic in nature. No particular form of government should be required.

A government that meets these requirements and other related requirements should be accredited to participate permanently, subject to periodic reporting on a reasonable basis. Such a government would then designate the individual or individuals to represent it in particular UN meetings.

This submission supplements our original submission of April 8, 2016.