

# 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 “Elements for discussion at the seventy-first session of the General Assembly” regarding selection criteria  
[AS DELIVERED]*

Mr. Chair,

On behalf of the Indian Law Resource Center, we thank you for the opportunity to comment on the standards and criteria for accrediting indigenous peoples’ representative institutions to participate in the work of the United Nations.

The elements paper provides a very good starting point for the standards and criteria to be employed by the accreditation committee, listing nine criteria. Importantly, these factors are in keeping with over thirty years of UN practice and custom of identifying who is indigenous for various purposes, and they should be evenly, fairly, and flexibly applied. Some common elements of existing and emerging international standards and customary practice used 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, the existence of distinct social, economic, cultural, and political institutions, and self-identification as a distinct people. Importantly, the accreditation standards should remain flexible to allow further development through time and practice.

Regarding the application process, 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.

A government that meets these 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, that they are genuine, duly chosen representatives of the people and governing institution they purport to represent, and it will assure their most meaningful and effective participation while using the least amount of limited UN and other resources.

Finally, regarding the review of the accreditation process, we support the idea of a review process to allow development and improvement through time. We would also recommend a request to the Secretary-General to produce and submit a report to the General Assembly at its seventy-second session on the progress and implementation of this process.

Thank you.