

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 the selection mechanism
[AS DELIVERED]

Mr. Chair,

Thank you. The Indian Law Resource Center is grateful for this opportunity to offer these comments regarding the selection mechanism. [We support the statement offered by the National Congress of American Indians/CCTHITA.]

The selection body will have the important role of ensuring that the new status and rules for indigenous peoples’ representative institutions apply only to *indigenous* peoples and not to ethnic, national, linguistic, racial, or other groups. As we have said on prior occasions, this process and all subsequent work on a resolution, is not intended to rework the entire system for indigenous participation. It is simply to accredit all genuine and legitimate indigenous peoples’ representative institutions for participation at the UN. These institutions, at present, have no way to participate at the UN. The task for the new selection body is to evaluate all applications fairly to determine whether the applicant meets established criteria and standards. While geographic balance may be relevant in organizing the work of this body, limiting representation on a regional basis is not workable. There are many indigenous peoples in some regions and few in others. It would be manifestly unfair to deny qualified applicants on this basis alone and reference to commensurate representation should therefore be deleted from the elements paper.

We support option one of the elements paper. The accreditation body must be composed of independent experts serving in their personal capacity. It must include some indigenous government leaders or, at minimum, must consult with indigenous government leaders, experts, or advisers.

We do not support options referring to existing UN bodies to complete the important work of accreditation. Existing bodies and mechanisms lack the expertise and capacity to take on this work. A body composed solely of state representatives would likewise lack the requisite expertise and could increase the risk of politicization of this process. Moreover, this work must be led by a United Nations, not a domestic, body. This new status will enable participation only in the United Nations and have no bearing on domestic processes. Requiring member states to develop domestic bodies to carry out this work would be impractical, it would result in fragmented standards, and it would greatly limit effective UN oversight of this new UN status. For these reasons, we do not support the last two options presented.

State input or participation in this body must be open and transparent, and applicants should have the opportunity to respond to any objections raised against their application. The reasoning behind any decisions to deny accreditation should be made public. Applicants that have been denied should be able to re-apply.

A no-objection procedure would lack transparency and accountability and could result in arbitrary and unfair decisions. The purpose of the process we are engaged in is to enhance the participation of indigenous peoples representative institutions. While strong and clear selection criteria are needed to ensure the integrity of this process, the creation of arbitrary, ad hoc roadblocks to participation is inappropriate. A right of final approval by the General Assembly would provide sufficient safeguard against erroneous decisions by this mechanism.

Transparent decision-making by independent experts will ensure that the mechanism operates fairly, that it accredits only qualified applicants, and that its decisions have credibility with both member states and indigenous peoples.

Thank you.