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Enabling the Participation of Indigenous Governing Institutions At the United Nations

Oral comments on how “to enable the participation of indigenous peoples’ representatives and institutions in meetings of relevant United Nations bodies on issues affecting them” as called for in A/RES/69/2 and A/RES/70/232 [AS DELIVERED]

June 30, 2016

The third compilation of views has made progress in clarifying some of the remaining issues regarding how to enable the participation of **indigenous governing institutions** at the United Nations. The discussion paper further identifies some important questions in the work to enable such participation. We wish to make two main points for your consideration.

First, we wish to clarify the purpose of this process. As stated in the Outcome Document, this process is intended to enable the participation of indigenous peoples’ representatives and institutions in the work of the United Nations. The third compilation also recognizes, “that qualification for a new category of participation should center on indigenous peoples [*sic*] representative institutions and not on indigenous peoples as such.” Yet, the compilation continues to refer to participation in the United Nations by “indigenous peoples” generally, as well as by “indigenous peoples’ organizations”, “indigenous peoples’ institutions”, and “indigenous peoples’ representative institutions and organizations” without clearly identifying what these terms mean.

It would be helpful if states and indigenous participants could be clear when they make their submissions about what indigenous groups they are referring to. We suggest that indigenous groups or organizations that are not “peoples” in the proper sense should be referred to as indigenous groups, organizations, or non-governmental organizations. Without doubt these organizations and groups should continue to participate fully, but the existing rules of the United Nations appear to accommodate their participation already, and there does not appear to be any serious problem in that regard.

We believe it is a mistake to turn the present process into an effort to create a new status for *all* indigenous participants. Such an effort goes far beyond what has been called for by the

World Conference and related resolutions and reports of the Human Rights Council, the Expert Mechanism, and the Secretary-General, and by the many recommendations of indigenous and state participants. Such a broad effort will inevitably be complex and difficult. Instead, the present process should address the need to enable genuine indigenous governance institutions to participate in the work of the United Nations.

Second, we wish to respond to some of the so-called “options” outlined in the discussion paper, especially those relating to what level of participation indigenous governing institutions will have in the United Nations.

The UN Declaration recognizes, as a minimum standard, the right of indigenous peoples (represented by their governing institutions) to participate in decision-making in matters which would affect their rights. The United Nations system, in many of its bodies, often deals with issues affecting indigenous peoples’ rights. We therefore urge states and others to adopt a generous view of what it will mean to “enable” participation of indigenous governing institutions. In practice, it will mean that indigenous governing institutions, as representative governmental entities with decision-making authority in their own affairs, should necessarily enjoy participation beyond that exercised by non-governmental organizations in consultative status with the Economic and Social Council, including priority in regard to seating and order of speaking, and relaxed limitations and rules on the length of oral statements and written submissions.

Indigenous governing institutions are the best voices to speak to matters that affect them in the United Nations, such as violence against indigenous women, climate change, sustainable economic development, and protecting indigenous cultures, lands, and resources. They are responsible and accountable to their people. As such, indigenous governing institutions should be enabled to participate in a greater number of United Nations meetings, activities, *and* bodies. The Outcome Document recognizes the need to enlarge the scope of participation and not simply replicate that enjoyed by NGOs. The Outcome Document states that participation should be enabled in “meetings of relevant United Nations *bodies*” and not simply “mechanisms and processes,” as used in the General Assembly resolution to enhance the participation of national human rights institutions. In order to actually *enable* indigenous governing institutions to participate in meetings of relevant United Nations *bodies*, at minimum, indigenous governing institutions should enjoy opportunities to contribute to the work of, among others, the Economic and Social Council and its subsidiary bodies, the Human Rights Council and its subsidiary bodies, the treaty bodies, and in meetings of the General Assembly and its Main Committees. All are bodies dealing with issues relevant to indigenous peoples.

Enabling indigenous governing institutions to speak for themselves is not only the right thing to do in principle to meet the call of the World Conference Outcome Document, it will yield significant benefits to the UN system and will result in more informed deliberations, better decisions, more successful programs, greater security for indigenous rights, and progress toward achieving the objectives of the UN Declaration.