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Consultation on how to enable the participation of indigenous peoples' representative institutions at the United Nations

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Thank you, Mr. Chair.

The Indian Law Resource Center thanks the President and the advisers for their good work to prepare the zero draft resolution. The text, overall, is a very good starting point for the beginning of intergovernmental negotiations and the culmination of decades of work by courageous indigenous leaders. We wish to offer a few comments today to ensure the document remains responsive to the call of the World Conference Outcome Document and other United Nations reports and resolutions recognizing the important contributions indigenous peoples' decision-making institutions have to make to the United Nations.

Regarding the preambular paragraphs, there remains some confusion in the text in the use of the term "Indigenous Peoples," which is inconsistent with not only the title of the document, but also the purpose of this entire process. To ensure consistency throughout the document, and with the World Conference Outcome Document, we recommend replacing "Indigenous Peoples" with "Indigenous Peoples' representative institutions" in preambular paragraphs 13 through 16.

Regarding operative paragraph 6 on venues, we support option one. The Outcome Document calls for participation "in meetings of relevant UN bodies." Relevant bodies include both the GA and its main committees and subsidiary bodies as reflected in option one. Indigenous peoples' representative institutions' ability to not only attend meetings of relevant UN bodies, but to actually participate by making written and oral contributions, *and* to exercise the right of reply where necessary, is imperative to ensure that indigenous peoples, through their representative institutions, are able to contribute in meaningful ways to the UN.

Of course, some practical constraints on participation will be necessary because of time and space considerations. However, we are extremely concerned by attempts to limit the ability of indigenous peoples' representative institutions to participate on their own behalf by prescribing a regional formula for seating and speaking slots as indicated by operative

paragraphs 12(c) and 12 (e). Operative paragraphs 20 and 21, which propose that the selection body seek commensurate regional representation in making its accreditation decisions are troubling for the same reasons. Participation cannot be rationed out. Indigenous peoples' representative institutions are the duly comprised governments of their constituents, and they simply can not be representative of any other indigenous people but themselves.

The task for the new selection body is simply to evaluate all applications fairly to determine whether the applicant meets the objective 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 and not every indigenous people will seek to participate in every meeting, and the resolution must not insist on exact parity by region in this process. It would be manifestly unfair to deny qualified applicants on this basis alone and any reference to commensurate representation across regions, such as that in paragraph 20, should therefore be deleted. Paragraph 20 would make it possible and even likely that some institutions would be excluded for no other reason than simply that others from the region have already been accredited. What possible reason could there be for excluding any genuine legitimate institution?

Regarding the selection committee, we would support an option comprised of experts serving in their personal capacity. The committee must include some indigenous government leaders or, at minimum, must consult with indigenous government leaders, experts, or advisers. We do not support options proposing to use existing UN bodies to complete the important work of accreditation, including the receipt, review, or evaluation of applicants. 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. Reference to the need for the committee to be balanced by considerations for gender, youth, and persons with disabilities is also not appropriate for the purpose of accrediting indigenous representative institutions to the UN.

Finally, regarding the selection criteria, we support consideration of the listed relevant factors, and we would suggest adding to the list that the institution seeking accreditation must be a legitimate representative institution, that is an entity that is duly constituted by, and accountable to, the people, though no particular form of government should be required. And while reference to a democratic election is important in 37(b), many governments are appointed by traditional authorities and this fact should also be taken into consideration.

Thank you for the opportunity to contribute to the process. It has now been 94 years since my great-grandfather, Haudenosaunee Chief Deskaheh, attempted to address the League of Nations in 1923, a dream that would have been realized had this important question been answered then.