

INDIAN LAW RESOURCE CENTER

CENTRO DE RECURSOS JURÍDICOS PARA LOS PUEBLOS INDÍGENAS

www.indianlaw.org

MAIN OFFICE
602 North Ewing Street, Helena, Montana 59601
(406) 449-2006 | mt@indianlaw.org



WASHINGTON OFFICE
601 E Street, S.E., Washington, D.C. 20003
(202) 547-2800 | dcoffice@indianlaw.org

Statement by the Indian Law Resource Center, a non-governmental organization in consultative status with ECOSOC

At the Ninth Session of the Expert Mechanism on the Rights of Indigenous Peoples

*Item 3: Follow-up to the World Conference on Indigenous Peoples –
Briefing and discussion on the consultation process to enable the participation of
indigenous peoples' representatives and institutions in meetings of relevant United Nations
bodies on issues affecting them (11 July 2016)*

Mr. Chair,

The Indian Law Resource Center welcomes the work of the advisers, with the President of the General Assembly, to produce the final compilation of views and related addendum on how to enable the participation of indigenous peoples' representative institutions in relevant United Nations meetings on issues affecting them. Together, these two documents provide a strong starting point for action at the General Assembly. We wish to make a few comments for your further consideration.

We believe the new status should apply to indigenous peoples' governing institutions, which are the authoritative and duly constituted decision-making bodies of their constituent indigenous people, including, among others, customary, traditional, or constitutional governments, indigenous parliaments and assemblies of councils. It will be necessary to assure that the new status is limited to governing institutions of *indigenous peoples*, as that term is used and understood in the United Nations and other intergovernmental bodies, such as the International Labour Organization, the World Bank, and the Inter-American Development Bank, among others. It will be important to assure that the new status and rules for indigenous governing institutions apply only to indigenous peoples and not to ethnic, national linguistic, racial, or other groups that are not, in fact, indigenous.

Whether the General Assembly decides to use an existing committee or working group or to create a new body to process applications and recommend the accreditation of indigenous governing institutions, the accreditation body must include some indigenous government leaders or, at minimum, must consult with indigenous government leaders, experts, or advisers. Accreditation standards must be strong but flexible and responsive to the differences among indigenous governing institutions around the world. Indigenous governing institutions 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, though no particular form of government should be required.

Once accredited, indigenous governing institutions should be able to participate in meetings of relevant UN bodies, as specified by the Outcome Document. At minimum, these should include 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. Beyond attending, indigenous governing institutions should have the opportunity to submit documents and proposals, make statements, and take part in United Nations activities on a permanent or ongoing basis. They should have priority over NGOs with regard to seating and order of speaking, as National Human Rights Institutions do. Yet, these new rules should not impact existing arrangements for indigenous peoples' organizations and NGOs accredited by the Economic and Social Council.

We look forward to contributing to the good work ahead, to recognize that indigenous peoples have the right to self-determination and self-government and have a permanent right to exist as peoples, nations, cultures, and societies, and to establish new rules that will enable them to rejoin the world community and make valuable contributions to the United Nations.

Thank you.