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REGULARIZING INDIGENOUS PARTICIPATION IN THE UNITED NATIONS Proposed Recommendation for the World Conference on Indigenous Peoples

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Indigenous peoples deserve a regularized and permanent status in the United Nations that enables their full and effective participation in all relevant UN activities. Many indigenous peoples have their own governments, and all have the right of self-determination. Yet, the existing rules for indigenous peoples' participation in UN activities do not take into account the distinct character of indigenous peoples and governments. Many indigenous peoples and governments are prevented from participating in meetings of the UN that concern them, because they do not have consultative status as non-governmental organizations. Indeed, they are not non-governmental organizations, and frequently they cannot meet the requirements for non-governmental organization status.

Some indigenous peoples have been advocating for a more appropriate status to participate in UN activities for many years. The Expert Mechanism on the Rights of Indigenous Peoples has recognized that current UN processes “can prevent indigenous peoples' governance bodies and institutions, including traditional indigenous Governments, indigenous parliaments, assemblies and councils, from participating in decision-making processes at the United Nations, as they are not always organized as non-governmental organizations”.¹ Yet, indigenous peoples and their governments are often relegated to participating, if at all, as non-governmental organizations, civil society actors, or as parts of State delegations – precisely what indigenous peoples and governments are not.

The World Conference on Indigenous Peoples presents an historic opportunity to take lasting action recognizing the value of indigenous peoples' contributions to UN activities. There appears to be worldwide support amongst indigenous peoples that action to enable their full and effective participation in UN activities is necessary. One group of indigenous nations in North America has made the following recommendation:

Recommends, That the UN World Conference decide to create a distinct and appropriate status for Indigenous Peoples within the United Nations system in order to regularize and facilitate the participation of Indigenous Peoples in the work of the United Nations. Such a status within the UN system must give appropriate recognition to Indigenous Peoples

¹ The Expert Mechanism on the Rights of Indigenous Peoples, *Report of the Expert Mechanism on the Rights of Indigenous Peoples on its fourth session*, U.N. Doc. A/HRC/18/43 (Aug. 19, 2011).

represented by their own governments. The Permanent Forum on Indigenous Issues [or the Expert Mechanism on Rights of Indigenous Peoples], in consultation with States and Indigenous Peoples, should be given responsibility for elaborating a resolution on this matter for adoption by the General Assembly at the earliest possible time.

Similar recommendations have been made by, at least, the Alta Outcome Document, the Inuit and Sami Peoples in the Nuuk Arctic Declaration and by the Preparatory Meeting of America Latina y el Caribe.

The recommendation quoted above is consistent with the views and recommendations of various bodies of the UN, including the Expert Mechanism, the Human Rights Council, and the Third Committee of the General Assembly, and consistent with a report of the Secretary-General. The Human Rights Council in 2009 requested the Expert Mechanism to produce a study on indigenous peoples and the right to participate in decision-making.² The Expert Mechanism recommended that the Council encourage the General Assembly to “adopt, as a matter of urgency, appropriate permanent measures to ensure that indigenous peoples’ governance bodies and institutions, including traditional indigenous Governments, indigenous parliaments, assemblies and councils, are able to participate at the United Nations as observers with, at a minimum, the same participatory rights as non-governmental organizations in consultative status with the Economic and Social Council.”³

At the Council’s request, the Secretary-General prepared a report on the issue, which recognized many functional advantages when indigenous peoples participate in UN processes, including the strengthening of cooperation between States and indigenous peoples.⁴ In 2012, the report was submitted to the Third Committee of the General Assembly, which recommended the General Assembly consider the issue at its sixty-ninth session, in 2014, the time set for the World Conference on Indigenous Peoples.⁵

This issue has been studied and discussed at length in the UN system, and the time is appropriate to take action to enable indigenous peoples’ full and effective participation in UN activities. Of course, after the States have made the decision to create a new and regularized status for indigenous peoples in the UN, it will be necessary to create a process to discuss and negotiate the details and rules of the new status, with the full and effective participation of indigenous peoples.

² H.R.C. Res. 12/13, U.N. Doc. A/HRC/RES/12/13 (Oct. 12, 2009).

³ The Expert Mechanism on the Rights of Indigenous Peoples, *Report of the Expert Mechanism on the Rights of Indigenous Peoples on its fourth session*, U.N. Doc. A/HRC/18/43 (Aug. 19, 2011).

⁴ The Secretary-General, *Report of the Secretary-General on Ways and means of promoting participation at the United Nations of indigenous peoples’ representatives on issues affecting them*, ¶ 13, U.N. Doc. A/HRC/21/24 (July 2, 2012).

⁵ Third Committee, *Report of the Third Committee on the Rights of indigenous peoples*, ¶ 11, U.N. Doc. A/67/454 (Dec. 3, 2012).