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FOLLOW-UP TO THE WORLD CONFERENCE ON INDIGENOUS PEOPLES

Participation of Indigenous Peoples' Governing Institutions in the United Nations

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In ¶ 33 of the World Conference Outcome Document, UN member states commit to address the issue of participation of indigenous peoples' governing institutions in the United Nations, including consideration of any proposals developed by the Secretary-General requested in ¶ 40.

Existing rules do not permit indigenous peoples' governing institutions to participate as representatives and governing institutions in UN meetings that impact their interests unless they are able to acquire consultative status as non-governmental organizations, which is an entirely inappropriate and incorrect status.¹ Indeed, many indigenous governing institutions refuse to even apply because acquiring consultative status as a non-governmental organization is inconsistent with their governmental nature.

Indigenous peoples' governing institutions must be able to participate in UN activities at the very minimum in a manner comparable to that exercised by accredited NGOs in consultative status. Indigenous peoples' governing institutions must be able to participate in relevant meetings of all UN bodies; have access to the relevant documents that states have access to during the meetings; and have the opportunity to propose agenda items where their interests may be affected.

Full, effective, and meaningful participation of indigenous peoples' governing institutions in the UN is supported by several articles in the UN Declaration on the Rights

¹ Lack of effective means of participation for indigenous peoples' governing institutions has been recognized by several UN bodies, including the Secretary-General, the Human Rights Council, the Expert Mechanism on the Rights of Indigenous Peoples, and the Third Committee of the General Assembly. *See* A/HRC/21/24, Ways and means of promoting participation at the United Nations of indigenous peoples' representatives on issues affecting them, Report of the Secretary-General (2 July 2012); A/HRC/18/42; Final report of the study on indigenous peoples and the right to participate in decision-making, Report of the Expert Mechanism on the Rights of Indigenous Peoples, ¶ 36 (17 August 2011); A/HRC/18/43, Report of the EMRIP on its Fourth Session (Geneva, 11-15 July 2011) (19 August 2011); A/67/454, Report of the Third Committee (3 December 2012), ¶ 11.

of Indigenous Peoples. Specifically, Article 18 states the right of indigenous peoples to participate in decision-making in matters affecting their rights, and Article 19 recognizes the obligation of states to consult and cooperate with indigenous peoples through indigenous peoples' governing or representative institutions before adopting or implementing measures that may affect them. Articles 3 and 4 recognize the right of self-government and autonomy, and Articles 41 and 42 calls on the UN system to ensure participation of indigenous peoples, to provide financial and technical support, and to promote respect for and full application of the Declaration.

Existing practices for allowing indigenous participation are positive developments in the UN system but remain inadequate. Indigenous peoples' governing institutions should be able to participate in an effective and meaningful way in all relevant UN meetings, and not just the indigenous-specific mechanisms such as the Permanent Forum on the Rights of Indigenous Peoples and the Expert Mechanism on the Rights of Indigenous Peoples.

Effective and meaningful participation means indigenous peoples' governing institutions have the opportunity to attend meetings, to submit written information, and make oral interventions, all subject, of course, to reasonable rules for the conduct of meetings. We believe that as governing institutions, they should have priority over NGOs with regard to seating and order of speaking. Indigenous peoples' governing institutions should also be accorded extended limits for oral and written statements.

The process of accreditation for indigenous governing institutions must assure that indigenous peoples are in fact indigenous, and are genuine, duly chosen representatives of the indigenous people or peoples they purport to represent. Indigenous governing institutions must be duly established, authentic, indigenous institutions. The individual representatives must be duly chosen by the people or governing institutions they purport to represent.

Yet, the standards for accreditation must remain flexible. The process of accreditation should be adapted to the needs and characteristics of indigenous peoples in various parts of the world. To achieve this, one possible approach might be for the General Assembly to create a Committee on Indigenous Government Observers to be responsible for elaborating standards and procedures for accreditation. Mere self-identification should not be sufficient alone for accreditation. Rather, an applicant should provide documentary or other evidence of its identity as indigenous and of its status as an authentic government of the people or peoples concerned. No particular form or structure of government should be required, and all genuine, indigenous governing institutions should have an opportunity to apply and to demonstrate their qualifications for accreditation. The Committee should consider evidence and views from all relevant sources. The Committee should be authorized to recommend to the General Assembly the accreditation of indigenous governing institutions that meet the requirements. Indigenous peoples and their governing institutions must, of course, be consulted in the process of creating the standards and procedures for accreditation.