



INDIGENOUS PEOPLES INDIGENOUS VOICES

BACKGROUND

Good Governance and Indigenous Peoples

Thirteenth Session of the UN Permanent Forum on Indigenous Issues

Discussion on Monday, 12 May 2014, 3p.m. – 6p.m.

The special theme of the thirteenth session of the UN Permanent Forum on Indigenous Issues – Good Governance – refers to a set of principles that are inter-related and mutually reinforcing. Such principles include transparency, responsiveness, effectiveness, efficiency and accountability of Governments with respect to the rights, interests and needs of indigenous peoples. Such elements cannot be enforced without the affirmation of equality and non-discrimination for indigenous peoples.


For indigenous peoples, good governance is grounded in the right to self-determination, and the essential right to freely determine their political status and freely pursue their economic, social and cultural development. This core right is regarded as a pre-requisite to the exercise and enjoyment of all other human rights.¹

Good governance encompasses the right of Indigenous peoples to fully and effectively participate in decision-making in all matters that impact their rights, lives, communities, lands, territories, and resources. It is founded on consultation and consent, especially in development-related decisions at all levels ranging from the international to the local level. It requires the recognition of indigenous forms of autonomy, self-governance and ancestral authorities, as well as of customary governance systems and land tenure systems over lands, territories and natural resources.

¹ Human Rights Council, *Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, James Anaya*, UN Doc. A/HRC/12/34 (15 July 2009), para. 41: "The right of self-determination is a foundational right, without which indigenous peoples' human rights, both collective and individual, cannot be fully enjoyed." See also Human Rights Committee, *General Comment No. 12, Article 1*, 21st sess., A/39/40 (1984), para. 1: "The right of self-determination is of particular importance because its realization is an essential condition for the effective guarantee and observance of individual human rights and for the promotion and strengthening of those rights."



United Nations



The international community has reaffirmed that "human rights, the rule of law and democracy are interlinked and mutually reinforcing and that they belong to the universal and indivisible core values and principles of the United Nations".² Whether considered as part of the rule of law or in their own right, respect and protection for human rights are key principles essential for good governance.

Good governance must be consistent with the *UN Declaration on the Rights of Indigenous Peoples* (UNDRIP) which affirms the distinct status and human rights of indigenous peoples.

Good governance needs to be inclusive and must ensure equality in order for indigenous peoples to maintain and improve their individual and collective well-being.

In addition to panel presentations on good governance, a study will be presented on best practices and examples in respect of resolving land disputes and land claims, including consideration of the National Commission on Indigenous Peoples (Philippines) and the Chittagong Hill Tracts Land Dispute Resolution Commission (Bangladesh).

The discussion between Member States, indigenous peoples, United Nations agencies, funds and programmes, non-governmental organizations and other key players will highlight current conditions and good practices and will contribute to identifying the necessary reforms towards the full and effective implementation of the UN Declaration.

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<http://www.un.org/en/media/accreditation> or call +1 212-963-6934 or 212-963-6937

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For more information on the thirteenth session of the United Nations Permanent Forum on Indigenous Issues, please see: <http://undesadspd.org/IndigenousPeoples.aspx>

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² *Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels*, GA Res. 67/1, 24 September 2012 (adopted without vote), para. 5.

