

Addendum to the Compilation

Discussion paper for the consultation meeting on 18 May

In this document we summarise the views that seem to have a significant amount of support as well as some of the points of difference at this stage of the process. We also identify some relevant considerations regarding existing arrangements for participation by observers within the United Nations.

1. Many expressed support for a distinct Indigenous peoples' category for participation, with some highlighting the need for a specific category for indigenous governance institutions in particular. However, the view was also expressed that there should not be a distinct category of participation for indigenous peoples.
2. Many, but not all, supported a "permanent observer status" for indigenous peoples akin to that accorded existing observer entities in the General Assembly. Some objected to the use of the term permanent observer status for Indigenous peoples.
3. Many supported Indigenous peoples' participation in all bodies of the United Nations with some specifically mentioning that this should extend to the General Assembly, Economic and Social Council (ECOSOC) and its functional commissions, the Human Rights Council and all associated bodies, and so on. Some also mentioned the need for participation in all UN programmes, funds and specialized agencies as well as in conferences of the parties to UN treaties. On the other hand, some do not support participation beyond what is already permitted under existing rules and practices. Some others propose that Indigenous peoples should determine the bodies in which they participate. One proposal was to begin with enhanced participation in only some bodies, such as ECOSOC and its functional commissions, and the Human Rights Council.
4. It was highlighted by many that any enhanced participation is not to do away with or undermine existing rules and practices that enable participation for Indigenous peoples, organizations and individuals.
5. It was broadly affirmed or understood that Indigenous peoples' participation must not fall below that of ECOSOC accredited non-governmental organisations.
6. Some addressed whether or not there should be provisions made for participation on a regional basis with views expressed both ways.
7. Some highlighted a need to ensure that enhanced participation for indigenous peoples does not contribute to unwieldy or cumbersome processes within the UN.
8. There were many different views of the form that participation should take with respect to, for example, speaking rights, rights to circulate written statements, rights to participate in the drafting of negotiations and so on. The specific rights might differ according to the particular UN body.
9. Many supported the view that eligibility for a new status should be confined to Indigenous peoples' institutions that bona fide represent Indigenous peoples such as Indigenous peoples' governance bodies. Consistently, most expressed the view that the criteria should not permit the accreditation of organizations that do not in fact represent an Indigenous people.
10. There was strong support for the view that Indigenous peoples' institutions should select their own representatives to represent them.
11. Many supported establishment of a new body to determine eligibility for participation under a new indigenous peoples category, with some suggesting that such a body be composed of both state and indigenous representatives, and others

- suggesting that it be composed of independent experts. Some expressed the view that states should have the ultimate authority to determine which groups or entities qualify on a “non-objection” basis. Another view was that the eligibility of Indigenous peoples’ institutions should be determined by Indigenous peoples only.
12. Many expressed the view that there should be flexibility in the identification and application of any criteria to determine eligibility for participation under a new Indigenous peoples category. Some emphasized the need for objective criteria to define eligibility.
 13. Many suggested criteria to be used to determine eligibility, including self-identification, state recognition, recognition by other Indigenous peoples, shared language, culture and history, the parameters set by the Declaration on the Rights of Indigenous Peoples, evidence of the practice of self-determination, a strong relationship with a territory and so on.
 14. Many perceived a need for the criteria of self-identification and state recognition to be balanced and that neither could alone be determinative.
 15. Some recommended that Indigenous peoples’ institutions ensure gender balance when selecting their representatives.

Considerations:

- In most cases and in accordance with rules and practice, permanent observer status within the General Assembly only permits observers a seat in the General Assembly room and in practice there are limited opportunities to speak.
 - Under current rules and procedures, observer status alone does not determine the form of participation i.e., the specificities of how participation is ensured. Each observer to the General Assembly has a separate resolution determining its participation rights. There is, however, no rule that would prevent the General Assembly from deciding to establish a new participatory category, including for its subsidiary bodies, such as the Human Rights Council (where important dialogues with the Special Rapporteur and Expert Mechanism on the Rights of Indigenous Peoples are held). Also the General Assembly Third Committee dialogue with the Special Rapporteur is at the moment not open to Indigenous peoples' participation.
 - What are the minimum modalities for participation of Indigenous Peoples at the General Assembly and/or its subsidiary bodies that could be agreed upon?
- The General Assembly might only be able to encourage Indigenous participation in UN programmes, funds and specialized agencies or conferences of the parties to specific treaties as well as other UN main bodies such as ECOSOC, the Security Council, the Trusteeship Council, the International Court of Justice, and the UN Secretariat, inasmuch as the General Assembly does not control or in fact determine the rules of participation in such other UN mechanisms.
- Forms of participation in various UN bodies may differ from body to body with greater participation in some bodies when compared to others. The consultation process might aim to give possible recommendations for Indigenous participation to the various bodies.