

## **Participation of indigenous peoples at the United Nations: Overview of responses by indigenous peoples and Member States to a 2015 questionnaire**

In the outcome document of the 2014 World Conference on Indigenous Peoples, the General Assembly requested the Secretary-General, to begin the development, within existing resources, of a system-wide action plan to ensure a coherent approach to achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples. The General Assembly also requested that this action plan be developed in consultation with indigenous peoples and Member States.

In March-April 2015, as a part of these consultations, UN-DESA prepared a questionnaire that was disseminated electronically to all Permanent Missions to the United Nations and a separate online questionnaire for indigenous peoples and their organizations. The covered issues related to the follow-up to the World Conference on Indigenous Peoples.

Three questions dealt explicitly with the issue of participation.

**Please provide concrete proposals as to how indigenous peoples' participation at the United Nations could be strengthened.**

**How can the United Nations better recognize the specific status of indigenous peoples?**

**What are some good practices from within the UN system regarding indigenous peoples' participation that should be promoted and replicated?**

Overall, the responses from both indigenous peoples and Member States expressed a recognition that current processes at the United Nations do not recognize the status of those indigenous organizations that are governance institutions that represent significant numbers of indigenous peoples. These indigenous institutions are often recognized by the relevant Member States as representative institutions, but at the international level, the only category that exists is the status of Non-Governmental Organizations and this status does not reflect the status of indigenous peoples. The responses from both indigenous peoples and States also emphasised that the participation of indigenous peoples, to the extent permitted, has been a positive experience, enabling them to work together to build trust and partnerships. There is no doubt that indigenous peoples bring important perspectives to the work of the United Nations, not only on “indigenous issues” but overall to a range of themes that the Organization concerns itself with.

## **Responses from indigenous peoples**

The responses of indigenous people overwhelmingly requested that the United Nations establish a new specific category of Indigenous Peoples to facilitate their participation at the United Nations. This would be consistent with a range of articles of the United Nations Declaration on the Rights of Indigenous Peoples that recognize the rights of indigenous peoples to participate in decision making (Article 18), the obligation of states to consult with indigenous peoples (Article 19), the right of self-government and autonomy (Articles 3 and 4) as well as Articles 41 and 42 that call on the UN system to ensure the participation of indigenous peoples and to promote respect for and full application of the Declaration.

The responses emphasised that this status must be clearly distinct from NGO status and should be for indigenous peoples representative organizations, or governing institutions. It is important to establish criteria for and to establish an accreditation system that would apply such criteria and accredit indigenous peoples' governance bodies. It is important to note that such a new process should in no way prejudice indigenous peoples' non-governmental organizations that can and should continue to work within existing ECOSOC processes. This new process and criteria would need to be implemented by a new body or committee established by the General Assembly.

Respondents requested that such a status should afford indigenous peoples the following rights:

- The right to inscribe on the list of speakers under agenda items at relevant meetings;
- The right to make interventions, including during consultations on draft resolutions;
- The right to propose agenda items;
- The right to submit documents and communications relating to the work of the General Assembly;
- Adequate seating arrangements for indigenous peoples at the relevant meetings;

In their responses indigenous peoples also highlighted a range of issues, including practical matters such as financial resources and capacity development. Although this may be outside the scope of the mandate given by the General Assembly, it is worth noting that an essential prerequisite to adequate participation of indigenous peoples at the UN is that they have access to adequate funding to allow for participation and that indigenous peoples are provided with the necessary information and training to allow for such participation.

Other responses stressed the need for improved flows of communication and information from the United Nations to indigenous peoples, that many indigenous people are unaware of ongoing processes at the UN that affect them. The questionnaire also displayed a strong desire of indigenous peoples for UN officials to visit indigenous peoples in their communities, to acknowledge them and their situation. Many respondents requested or invited the UN to make greater efforts to visit indigenous communities. It is worth noting that the Secretary-General is already addressing these concerns, and making efforts to visit indigenous peoples in their communities when feasible.

Many respondents highlighted the sessions of the Permanent Forum on Indigenous Issues and the Expert Mechanism on the Rights of Indigenous Peoples as good examples of UN processes that allow for the participation of indigenous peoples, where indigenous peoples and member states participate as observers. At these sessions indigenous peoples have the same right to make interventions that states have and indigenous peoples organizations are recognized as such. Indigenous peoples' organizations are accredited to attend these sessions with no requirement for a consultative status with the Economic and Social Council. Another example that was mentioned was the process of World Conference on Indigenous Peoples, where the President of the General Assembly conducted consultations with the assistance of four Advisers, two from Member States and two from indigenous peoples. At these consultations, indigenous peoples' representatives in the negotiations on the outcome document of the World Conference.

### **Responses from Member States**

Member States in their responses stressed the need to strengthen both the Voluntary Fund for Indigenous Peoples as well as the Indigenous Fellowship Programme of the High Commissioner for Human Rights, both of which provide important opportunities for indigenous peoples and to participate in relevant meeting of the United Nations and to develop the capacity of indigenous peoples, in particular of indigenous youth, to do so effectively.

In their responses, Member States recognized that current opportunities for participation are not adequate for indigenous peoples, as they do not reflect the unique status of indigenous peoples. Current status does not adequately reflect unique status of those indigenous peoples' organizations that are government institutions and that have a unique relationship with the particular Member State where they live. This relationship is not been recognized by the United Nations.

In order to recognize these indigenous peoples' institutions and to establish a new indigenous category or observer status, it would be necessary to identify a set of criteria that would address whether the indigenous organization has a constituency that accepts them as a representative, their history, size, and structure. Such criteria would be applied by a body consisting of both Member States and Indigenous Peoples that would consider the accreditation of indigenous peoples' organizations.

In their responses, most Member States did not go into detail considering exactly which rights would be included in a new indigenous observer status. Some did mention that such a status should as an absolute minimum be equal to the rights accorded to NGOs with consultative status with the Economic and Social Council.

In their responses, states also considered the process of considering such a status, proposing a consultations process that would be led by facilitators with the full and effective participation of indigenous peoples.