

INDIAN LAW RESOURCE CENTER

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MAIN OFFICE
602 North Ewing Street, Helena, Montana 59601
(406) 449-2006|mt@indianlaw.org



WASHINGTON OFFICE
601 E Street, S.E., Washington, D.C. 20003
(202) 547-2800|dcoffice@indianlaw.org

ROBERT T. COULTER, ESQ.
Executive Director
JANA L. WALKER, ESQ.
Admitted only in AZ, DC, NM
CHRISTOPHER T. FOLEY, ESQ.
Admitted only in PA

ARMSTRONG A. WIGGINS
Director, Washington Office
LEONARDO A. CRIPPA, ESQ.
Admitted only in Argentina
KARLA E. GENERAL, ESQ.
Admitted only in NY

March 18, 2015

Report from the Open-Ended Meeting of Indigenous Peoples on the Follow-up to the World Conference on Indigenous Peoples, March 3-6, 2015, Geneva, Switzerland

On March 3-6, 2015, Indian Law Resource Center Attorney Karla General participated in the “Open-ended meeting of indigenous peoples on the follow-up to the World Conference on Indigenous Peoples” hosted by the Sami Parliament, the International Indian Treaty Council, the National Congress of Australia’s First Peoples, and the Asian Indigenous Peoples Pact. The first part of this report will address the document produced from the meeting (attached). The second part of this report will address the roadmap of important upcoming meetings (attached). Also attached is a list of participants, as well as contact information for state representatives we met with.

1. Report on the Discussion on Improving EMRIP’s Mandate and Participation of Indigenous Peoples’ Representative Institutions.

The meeting focused primarily on two important follow-up items from the World Conference: an implementing body for the UN Declaration and participation of indigenous peoples’ representative institutions (governments) in the United Nations. The resulting report includes some of the elements supported by our group of 136 tribal nations and 23 organizations, but some of the proposals in the report are inconsistent and in conflict with the positions of our group. Therefore, we cannot agree with the document in its entirety and attach three short memos which restate and update the proposals made by our group of 136 tribal nations and 23 organizations to the World Conference last year concerning details for the implementing body, the question of indigenous government participation, and future UN action to combat violence against indigenous women.

Our proposals for new rules regarding enhanced participation include the following elements: (1) the new rules should apply only to indigenous peoples’ representative institutions (or

governments); (2) there must be a new process for accrediting indigenous peoples' representative institutions; (3) the General Assembly should create a new committee to carry out the accreditation process; (4) participatory rights should include attending meetings, submitting written statements and making oral statements with decreased limitations, and proposing agenda items, with priority over NGOs in seating and speaking order; and (5) participation should be permitted in all bodies and agencies relevant to indigenous interests.

Our proposals for the implementing body for the UN Declaration include the following elements: (1) regarding its mandate, the body should have the authority to a) gather, receive, and consider information from all sources, including states and indigenous peoples, among others; b) make country visits; c) conduct studies; d) prepare and disseminate reports and recommendations; e) issue general observations relating to the rights of indigenous peoples and individuals; f) share information about best practices; g) issue interpretations of provisions of the Declaration on the Rights of Indigenous Peoples; and h) collaborate and take joint action with other special mandate holders; and (2) regarding its structure and composition, the body should have a balance of indigenous and other experts selected by both states and indigenous peoples' representative institutions, it must include an increase in number of experts, no less than 10, to accommodate its expanded mandate, and it must meet at least twice per year.

2. Roadmap of Important Upcoming Meetings

During the week, the group met with the Office of the High Commissioner, which, as chair of the Inter-Agency Support Group of Indigenous Issues, along with the Permanent Forum on Indigenous Peoples Secretariat, are the offices responsible for coordinating indigenous input into follow-up to the World Conference Outcome Document. We also met with several states' representatives to gain more information about future work in the UN – in both their New York and Geneva offices.

There are two parallel or simultaneous processes related to implementation of the World Conference Outcome Document on three important points requiring significant follow-up work: the implementing body for the UN Declaration, the question of indigenous government participation, and future UN action to combat violence against indigenous women.

In New York, during the 70th session of the UN General Assembly (in September 2015), the Secretary-General is expected to introduce a report with recommendations to address progress made to implement the Outcome Document and recommendations on (1) how to use, modify and improve existing UN mechanisms to achieve the ends of the UN Declaration; (2) ways to enhance a coherent, system-wide approach to achieving the ends of the Declaration; and (3) proposals to enhance the participation of indigenous peoples' representatives and institutions on issues affecting them. The report will be introduced through the Economic and Social Council (ECOSOC) which meets throughout July in New York. The Permanent Forum Secretariat will draft the report with the input of indigenous peoples and states through a questionnaire due April 6th. The questionnaire must be completed online at: <https://www.surveymonkey.com/r/WCIP>. The Permanent Forum will also receive input during its meetings in New York on April 20 and April 22. Indigenous peoples in consultative status with ECOSOC will also be able to submit written and oral statements during the ECOSOC review of the report. However, more direct consultations between indigenous peoples' representative institutions and member states are

necessary.

In Geneva, during the September session of the Human Rights Council, states intend to introduce the annual indigenous peoples resolution and, potentially, a resolution in furtherance of the World Conference Outcome Document, specifically its call for the Council to review its existing mechanisms with a view to improving the Expert Mechanism on the Rights of Indigenous Peoples to achieve the ends of the UN Declaration. To receive indigenous input to inform the review, the Expert Mechanism will dedicate the first day of its annual session on July 20 to receive proposals from indigenous peoples. Again, however, this limited input from indigenous peoples is not sufficient. It will therefore be important to arrange more meetings with states during the June and September sessions of the Human Rights Council so they can consider proposals directly from indigenous peoples, their representatives and institutions.

Finally, some states mentioned the possibility of a joint report by the Special Rapporteur on indigenous peoples and the Special Rapporteur on violence against women to address the issue of violence against indigenous women. The report appears to be in a very initial stage and it is not yet clear when the report will be presented, or how indigenous peoples can inform the report.

**OPEN-ENDED MEETING OF INDIGENOUS PEOPLES ON THE FOLLOW-UP TO
THE WORLD CONFERENCE ON INDIGENOUS PEOPLES
FOCUSING ON OP 28 AND OP 33 OF THE WCIP OUTCOME DOCUMENT**

**March 3-5, 2015
Club Suisse de la Presse,
Route de Ferney 106, 1202
Geneva, Switzerland**

**REPORT ON THE DISCUSSION ON IMPROVING EMRIP'S MANDATE AND
PARTICIPATION OF INDIGENOUS PEOPLES' REPRESENTATIVE INSTITUTIONS**

The Asian Indigenous Peoples Pact, the International Indian Treaty Council, the National Congress of Australia's First People and the Sami Parliament of Norway hosted an open-ended meeting of Indigenous Peoples on 3 - 6 March 2015 in Geneva. The meeting brought together an ad-hoc group of representatives of Indigenous Peoples institutions and organizations from all seven regions to discuss the follow-up of the World Conference on Indigenous Peoples, in particular paragraphs 28 and 33 of the outcome document. The purpose of the meeting was to discuss informally about possible ways forward including potential options for further discussion in the regions.

I. Discussion on Improving the Mandate of the EMRIP

In reference to Operative Paragraph of the Outcome document from the World Conference on Indigenous Peoples which states, “[w]e invite the Human Rights Council, taking into account the views of indigenous peoples, to review the mandates of its existing mechanisms, in particular the Expert Mechanism on the Rights of Indigenous Peoples, during the sixty-ninth session of the General Assembly, with a view to modifying and improving the Expert Mechanism on the Rights of Indigenous Peoples so that it more effectively promotes respect for the Declaration including by bettering assisting member states to monitor, evaluate and improve the achievement of the ends of the Declaration”, Indigenous Peoples representatives attending the meeting from all 7 Indigenous regions made the following recommendations:

1. The Human Rights Council should initiate, preferably by resolution, the process of reviewing the mandate of EMRIP as called for in OP 28 of the Outcome Document of the World Conference on Indigenous Peoples, in a way which ensures the full and effective participation of Indigenous Peoples.
2. An improved EMRIP mandate should complement the mandates of the Special Rapporteur on the Rights of Indigenous Peoples and the Permanent Forum on Indigenous Issues to achieve the ends of the Declaration, and to collaborate and take actions on issues concerning Indigenous Peoples.

3. In addition, an improved EMRIP mandate must include:

(1) facilitating face to face dialogue between States and indigenous peoples' representatives, including possibly at the national level;

(2) providing technical assistance and advice to States, Indigenous Peoples and the private sector to overcome obstacles to implementing the Declaration;

(3) providing, upon request by states or indigenous peoples practical and technical advice to member States and Indigenous Peoples to prepare and monitor the implementation of achieving the ends of the Declaration, including the national implementation plans and legislative, policy and administrative measures;

(4) providing advice for the implementation of recommendations of UN human rights bodies for which there is substantial consensus between States and Indigenous Peoples;

(5) gathering, receiving, and considering information from all sources, including states, indigenous peoples and UN expert bodies and mandate holders, among others; preparing and disseminating reports and recommendations; carrying out country visits; issuing general observations relating to the rights of Indigenous Peoples and individuals; sharing information about best practices; issuing interpretations of the provisions of the Declaration; and collaborating and taking joint action with other special mandate holders;

(6) seeking and receiving communications and other information from States and Indigenous Peoples on specific cases and matters of concern for the rights in the Declaration, including conducting thematic, country or case specific hearings with the participation of States and Indigenous Peoples addressing core issues of cross cutting relevance to the implementation of the Declaration;

(7) building the capacity of Indigenous Peoples to engage effectively with States and the United Nations, including technical assistance and facilitating issues and complaints being channeled more effectively to existing UN human rights mechanisms;

(8) contributing to the work of the Universal Periodic Review process and the Treaty Bodies, which have an existing role in ensuring states meet their obligations;

(9) making proposals to the Human Rights Council regarding gaps in existing standards or norms for the protection of Indigenous Peoples' human rights;

(10) undertaking studies and research at the request of Indigenous Peoples, States and the Human Rights Council, taking into account submissions and proposals from States and

Indigenous Peoples and providing expert advice and recommendations to the Council based on these studies;

(11) providing continuing follow up for key studies elaborated by the Working Group on Indigenous Populations, in particular the studies on Treaties, Agreements, and Constructive Arrangements and Indigenous Peoples' Permanent Sovereignty over Land and Natural Resources.

(12) recommending themes and assisting the Office of the High Commissioner of Human Rights to organize expert seminars addressing issues related to the rights of Indigenous Peoples based on identification of overarching themes and concerns presented by States and Indigenous Peoples;

(13) providing input to Working Group on Human Rights, Transnational Corporations and other Business Enterprises and other UN mechanisms and bodies regarding implementing the Rights of Indigenous Peoples; and

Structural Points

1. The EMRIP must be composed of independent experts with relevant expertise, capacity, and experience.
2. The process for selecting experts must include both states and Indigenous Peoples' representative institutions.
3. The EMRIP should have adequate financial and human resources to effectively fulfill its mandate.
4. The criteria for EMRIP members, as a whole, should be strengthened to require indigenous legal expertise, including judicial and/or Indigenous traditional legal expertise. Regional and gender balance should be taken into account.
5. The EMRIP should have at least ten days of meeting time each year, to include open, closed, and intercessional meetings.

II. Discussion on Participation

1. Consistent with the right of self-determination, we strongly recommend broad, full and effective participation in all bodies of the United Nations in terms of where Indigenous Peoples' representative institutions themselves determine that issues under discussion in those bodies and processes would affect their rights. Indigenous Peoples'

- representative institutions will determine which bodies and processes are relevant to their rights.
2. We emphasize the UN Declaration on the Rights of Indigenous Peoples as the minimum standard for Indigenous Peoples' participation, in particular Articles 3 and 18. In this regard, we also recall Articles 5, 6, 26 and 41.
 3. The current rules for engagement are deficient for ensuring the full and effective participation of Indigenous Peoples' representative institutions in United Nations processes.
 4. We recall Theme 2, paragraph 10 of the Alta Outcome Document, which calls for "*at a minimum, permanent observer status within the UN system enabling our direct participation through our own governments and parliaments. Our own governments include inter alia our traditional councils and authorities*". The focus and primary purpose of Operative Paragraph 33 is to find ways and means for these representative bodies to function under a new status allowing them to participate fully and effectively.
 5. We recall the Report of the United Nations Secretary-General, "*Ways and Means of Promoting Participation at the United Nations of Indigenous Peoples' Representatives on Issues Affecting Them*", stating, "[t]o the extent that it has been permitted to date, indigenous peoples' participation at the United Nations has been a positive experience. It has enabled indigenous peoples who had been historically excluded to work together peacefully and in partnership with States to advance their issues and rights. It has been a process of mutual trust-building, premised on equality and equity among stakeholders, and had led to fruitful outcomes and greater commitments by indigenous peoples, States and the United Nations system to strengthen recognition and respect for indigenous peoples' rights." [A/HRC/21/24].

Proposals for Further Discussion

1. A new category of Permanent Observer Status should be created for Indigenous Peoples' representative institutions and other representatives chosen by themselves in accordance with their own procedures.
2. There should be a new process and body for accrediting Indigenous Peoples' representative institutions. The General Assembly, with the full and effective participation of Indigenous Peoples' representative institutions, should create a new committee to carry out the accreditation process, taking into account regional differences.
3. Participation of Indigenous Peoples' representative institutions should include attending UN meetings and conferences, including country reviews by the Treaty Bodies and the Universal Periodic Review, submitting written statements, making oral statements and proposing agenda items; they should have priority in regard to seating and order of speaking and should have the same ability to submit written and oral statements and participate in drafting resolutions as member states.

4. Participation should be permitted in all bodies and agencies relevant to indigenous interests, as determined by Indigenous Peoples' representative institutions.
5. Indigenous Peoples' representatives from all regions should be able to fully participate in the process of accreditation, including determining criteria for accreditation and implementing an accreditation process.

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Admitted only in NY

Follow-up to the World Conference on Indigenous Peoples Roadmap of Important Meetings Compiled March 18, 2015

Road Map of Important Meetings in 2015

Date	Meeting	Action
April 6	On-line Questionnaire: https://www.surveymonkey.com/r/WCIP	Deadline for the indigenous peoples' questionnaire to inform the Secretary-General's report and recommendations on the System-Wide Action Plan (OP 31), participation of indigenous peoples in the UN (OP 33), and review of the EMRIP mandate and UN mechanisms (OPs 28 and 40)
April 20-May 1	Permanent Forum on Indigenous Issues, 14 th Session, New York	April 20: Agenda item on follow-up to the World Conference April 22: Consultation on input to the Secretary-General's report
Mid-May		PF Secretariat to submit draft report to the Secretary-General
June 15-July 3	Human Rights Council, 29 th Session, Geneva	Possible: US side event on violence against indigenous women
July 20-22	Economic and Social Council, New York	Secretary-General report tabled
July 20-24	Expert Mechanism on the Rights of Indigenous Peoples, 8 th Session, Geneva	July 20: Agenda item to discuss follow-up to the World Conference (proposals may be included as an annex to EMRIP report)

September 14-October 2	Human Rights Council, 30 th Session, Geneva	Annual resolution on indigenous peoples
September 15, 2015	General Assembly, 69 th Session, ends	The Human Rights Council is expected to review the mandates of its existing mechanisms, in particular EMRIP, during the 69 th session of the General Assembly, with a view to modifying and improving the EMRIP so that it can more effectively promote respect for the Declaration, including by better assisting Member States to monitor, evaluate and improve the achievement of the ends of the UN Declaration (OP 28)
October	Third Committee meeting of the General Assembly	Annual resolution on indigenous peoples
September 16, 2015-September 20, 2016	General Assembly, 70 th Session	<p>Report of the Secretary-General tabled through ECOSOC on progress made on the System-Wide Action Plan (OP 31)</p> <p>General Assembly will consider ways to enable the participation of indigenous peoples' representatives and institutions in meetings of relevant UN bodies on issues affecting them (OP 33)</p> <p>Report of the Secretary-General tabled through ECOSOC on progress made to implement the Outcome Document and recommendations on (1) how to use, modify and improve existing UN mechanisms to achieve the ends of the UN Declaration; (2) ways to enhance a coherent, system-wide approach to achieving the ends of the Declaration; and (3) proposals to enhance the participation of indigenous peoples' representatives and institutions on issues affecting them (OP 40)</p>

**OPEN-ENDED MEETING OF INDIGENOUS PEOPLES ON THE FOLLOW-UP TO THE
WORLD CONFERENCE ON INDIGENOUS PEOPLES**

Focusing on OP 28 and OP 33 of the WCIP's Outcome Document

Geneva, March 3- 5 2015

List of participants		
Name	Organisation	E-mail
Mexico, Central and South America		
Estebancio Castro Diaz	CICA, CIMA, FPCI, AIA + NAPGUANA	castroestebancio@gmail.com
Margarita Gutiérrez Romero	Enlace Continental de Mujeres Indígenas	margargut@yahoo.com.mx
José Carlos Morales	Kus Kura s.c – Costa Rica	jcarlosm6@gmail.com
Sonia Patricia Murcia Roa	CISA + Maloca Internationale	soniamurciar@malocainternationale.org
Leonardo Rodríguez Pérez	CISA + Maloca Internationale	leonardorodriguez@malocainternationale.org
Manuel Max Castillo	Maya Scholar – Leiden University	maycastillo@gmail.com
Rosario Luque Gil	CAPAJ Internacional Comisión Jurídica Andina	rosario.gilluquegonzalez@unifr.ch
Tomas Condori	Consejo Indio de Sud America (CISA)	tcondori@puebloindio.org
Lázaro Pari	Tupac Amaru	
North America		
Heather Whiteman Runs Him	Native American Rights Fund	heatherw@narf.org
Kenneth Deer	Haudenosaunee	kennethdeer@gmail.com
Karla General	Indian Law Ressource Center	kgeneral@indianlaw.org
Perry Bellegarde	Assembly of First Nations	pbellegarde@afn.ca
William David	Assembly of First Nations	wdavid@afn.ca
Andrea Carmen	International Indian Treaty Council	andrea@treatycouncil.org
Frank Ettawageshik	National Congress of American Indians	fettawa@charter.net
Chief Wilton Littlechild	International Chief for Treaties 6, 7 and 8; EMRIP member, WEOG region	wilton.littlechild@xplornet.ca
Pacific		
Cathryn Eatock	Aboriginal Rights Coalition +	cathy.eatock@gmail.com

	IPMSDL + Mudgin-gal	
Les Malezer	National Congress of Australia's First Peoples	les.malezer@gmail.com
Tracey Whare	Aotearoa Indigenous Rights Trust	wharetracey@gmail.com
Arctic		
Hjalmar Dahl	Inuit Circumpolar Council (ICC)	hjalmar@inuit.org
Thomas Aslak Juuso	Sámi Parliamentarian Council	tajuuso@hotmail.com
John B. Henriksen	Sami Parliament of Norway	john.henriksen@samediggi.no
Africa		
Elizabeth Pantoren Letiyon	Nomadic Indigenous Integrated Development Foundation (NIDP) + MPIDO	Nalawan2000@yahoo.com
Kayombya Jean	Batwa Foundation	fonbat42@yahoo.com
Russia		
Berezhkov Dmitry	Center for Support of Indigenous Peoples (Russia)	dmr.bkv@gmail.com
Rodion Sulyandziga	CSIPN / Russia	rodion@csipn.ru
Asia		
Mrinal Kanti Tripura	Maleya Foundation	mrinaltripura@maleya.org hapang.tipra.mk@gmail.com
Joan Carling	Asia Indigenous Peoples Pact	joan@aippnet.org
Victoria Tauli Corpuz	UN Special Rapporteur on the rights of indigenous peoples	unsr@taulicorpuz.org
Observers		
Hee-Kyong Yoo	UN-OHCHR- SR	yoo@un.org
Rachel Singleton-Polster	Canadian Friends Service Committee (Quakers)	rachelgsp@gmail.com
Lola Garcia-Alix	IWGIA	lga@iwgia.org
Pierrette Birraux	Docip	pierrette@docip.org
Andrés Del Castillo	Docip	andres@docip.org
Patricia Borraz	SR-Support Team	pborraz@internet-link.com

Dialogue meeting with the representatives of the OHCHR and the Permanent Forum Secretariat on the 5th of March, 2015

Name	Institution	e-mail
Antti Korkeakivi	OHCHR/Indigenous Peoples and Minorities Section	akorkeakivi@ohchr.org
Juan Fernando Nuñez	OHCHR/ Indigenous Peoples and Minorities Section/EMRIP	jnunez@ohchr.org

Broddi Sigurdarson	UNPFII Secretariat/New York	sigurdarson@un.org
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Dialogue meeting with the delegations from Mexico and Guatemala on the 5th of March, 2015

Name	State delegation	E-mail
Gisele Fernández Ludlow,	Mexico	gfernandez@sre.gob.mx
Juan Antonio Benard	Guatemala	jbenard@minex.gob.gt

Dialogue meeting with Governmental delegations on the 6th of March 2015

Name	State Delegation	E-mail
Leslie Marks	Unites States Mission to the United Nations and Other International Organizations	marksle@state.gov
Leigh McCumber	Government of Canada	leigh.mccumber@international.gc.ca
Luis E. Chávez Basagoitia	Peru Ministry of Foreign Affairs, Permanent Mission of Peru in Geneva	lchavezb@onuperu.org
Rodriguo Paillalef	Government of Chile	rpaillalef@minrel.gov.cl
Erling hoem	Permanent Mission of Norway in Geneva	erling.hoem.mfa.no
Carlos Eduardo Da Cunha Oliveira	Permanent Mission of Brazil to the UN	carlos.cunha@itmaraty.gov.br
Stefan Lee	Permanent Mission of Finland, Geneva	stefan.lee@formin.fi
Jarrood Clyne	New Zealand United Nations Security Council 2015-16	jarrod.clyne@mfat.govt.nz
Emily Hill	Australian Permanent Mission to the United Nations	emily.hill@dfat.gov.au

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FOLLOW-UP TO THE WORLD CONFERENCE ON INDIGENOUS PEOPLES

Creating a permanent body in the UN system to monitor and encourage implementation of the UN Declaration on the Rights of Indigenous Peoples

February 2015

The UN General Assembly in ¶ 28 of its Outcome Document invited the Human Rights Council to assess how existing UN mechanisms, including its Expert Mechanism on the Rights of Indigenous Peoples, can be modified and improved to achieve the objectives of the UN Declaration. In undertaking this assessment, the Council must take into account the views of indigenous peoples.

The Indian Law Resource Center believes that the improved body should have a broad and far-reaching mandate, perhaps with new and innovative elements to promote respect for indigenous rights and to discourage violations.

The body should, at a minimum, have the authority to invite, receive, gather, and consider information from all sources including states, indigenous peoples, UN bodies and agencies, and NGOs about developments relating to the rights in the UN Declaration. It should be mandated to conduct studies on its own initiative or in response to information received from states, indigenous peoples, or others, and to conduct country visits. The body should be authorized to prepare and issue reports with recommendations for actions by relevant actors, including the Human Rights Council. A body with such authority is consistent with past practices of the Council.¹ An innovative measure of the body could be to provide states and indigenous peoples with a fair, expert body in which to seek consensus resolutions on issues they face. This sort of process could be initiated and continue on the basis of the consent of both parties, and could seek to avoid or resolve any conflicts using cooperative measures.

¹See, e.g., Working groups on human rights and transnational corporations and other business enterprises, A/HRC/RES/17/4 (July 6, 2011); enforced or involuntary disappearances, A/HRC/RES/27/1 (Oct. 1, 2014); and arbitrary detention, A/HRC/RES/24/7 (Oct. 8, 2013).

The body must also have authority to issue general observations or comments to address recurring or general issues. Observations could take the form of interpretations or opinions about the UN Declaration. Such general observations and comments would provide states, international agencies, businesses, and indigenous peoples with expert interpretation and analysis of the Declaration and discussions of possible means for achieving its objectives at both the national and international levels. These general observations would, among other things, share information and best practices and make recommendations about general problems or situations affecting indigenous rights. It would be useful to encourage the body to issue joint observations with other special mandate holders and bodies of the UN dealing with indigenous peoples' rights. Authority to issue general observations should include the review of new developments regarding indigenous peoples' rights.

We do not suggest nor recommend creating a new reporting requirement for states. It is not clear that adding another reporting requirement would significantly enhance implementation and compliance with the Declaration.

The structure or composition of the body should be one that is efficient, workable, productive, and cost-effective. The body must be composed of independent experts, including both indigenous and non-indigenous experts. States as well as indigenous peoples must play a role in nominating and selecting the experts, having in mind the need to include experts from all regions of the world. They should be nominated and chosen based on their recognized competence and should serve in their personal capacity. Existing human rights treaty bodies that do similar kinds of work consist of 10 to 25 experts who meet from four to nine weeks per year. It appears that such larger bodies meeting periodically throughout the year are helpful. This improved body should meet three times per year for two weeks at a time. It must meet twice per year at the very least. These details, however, should be resolved later, in light of decisions about the body's methods, responsibilities, and expected workload.

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FOLLOW-UP TO THE WORLD CONFERENCE ON INDIGENOUS PEOPLES

Participation of Indigenous Peoples' Governing Institutions in the United Nations

February 2015

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 of Indigenous Peoples. Specifically, Article 18 states the right of indigenous peoples to

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.

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.

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MAIN OFFICE
602 North Ewing Street, Helena, Montana 59601
(406) 449-2006 | mt@indianlaw.org



WASHINGTON OFFICE
601 E Street, S.E., Washington, D.C. 20003
(202) 547-2800 | dcoffice@indianlaw.org

FOLLOW-UP TO THE WORLD CONFERENCE ON INDIGENOUS PEOPLES

Actions to Address Violence Against Indigenous Women in the Commission on the Status of Women and the Human Rights Council

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The World Conference Outcome Document in ¶ 19 calls on the UN Commission on the Status of Women (Commission) to “consider the issue of the empowerment of indigenous women” and on the Human Rights Council (Council) to “consider examining the causes and consequences of violence against indigenous women and girls, in consultation with the Special Rapporteur on the rights of indigenous peoples and other special procedures mandate holders.”

The Indian Law Resource Center calls for the following actions by the Commission and the Council to implement this decision: (1) Adoption by the Commission of the subject of empowerment of indigenous women as an emerging issue to be considered at its next session in 2016; and (2) a decision by the Council to hold a panel discussion to examine the causes and consequences of violence against indigenous women and girls during its annual discussion on the rights of women and to request a research-based report from the Secretary-General on the issue, including recommendations to the Human Rights Council, with a view toward enhancing the mandates of its existing special procedures to request regular joint reports on the issue of violence against indigenous women and girls. Any such reviews or discussions by the Council or the Commission should of course be conducted in consultation and cooperation with indigenous peoples, including indigenous women.

Action in the Commission on the Status of Women

To implement the Outcome Document the Commission should address the empowerment of indigenous women as an emerging theme at its 60th session in 2016. The Commission at its annual sessions, in addition to consideration of priority and review themes,¹ engages in “discussion of emerging issues, trends and new approaches to issues

¹While the formal criteria for selection of priority themes are broad enough to include “empowerment of indigenous women,” previous priority themes have been general and nearly universal in scope and this topic would seem to be an

affecting the situation of women or equality between women and men that require urgent attention.”² In selecting emerging issues themes, “the Commission may wish to bear in mind opportunities for contributing to, and strengthening coherence with, the thematic work of the Economic and Social Council or with other relevant intergovernmental processes.”³

Designating “empowerment of indigenous women” as the emerging theme for its 60th Session would allow the Commission to follow through on the General Assembly’s specific invitation. It would also strengthen the coherence of the work of the Commission with other intergovernmental processes, including the development of the UN’s system wide action plan as called for by the Outcome Document in ¶ 40.

Action in the Human Rights Council

In order to “examin[e] the causes and consequences of violence against indigenous women and girls,” the Council should request a report on this topic from the Secretary-General, and also decide to hold a panel or roundtable as part of an annual discussion on the rights of women held in June or at another session. These steps would allow the Council to gather information about this complex topic from within the UN system and to then also engage with outside experts about the report of the Secretary-General, its conclusions, and its recommendations.

As an additional step, the Council could also enhance the mandates of existing special procedures, and create a specific mandate for the new implementing body requested in ¶ 28, to better address the issue of violence against indigenous women and girls. The resolution establishing the Council’s modalities states that the “Council should always strive for improvements” and that “[a]reas which constitute thematic gaps will be identified and addressed, including by means other than the creation of special procedures mandates, such as by expanding an existing mandate, bringing a cross-cutting issue to the attention of mandate-holders or by requesting a joint action to the relevant mandate holders.”⁴

A revision of the mandates of these special rapporteurs could thus identify violence against indigenous women and girls as a cross-cutting issue and request regular joint-reports on violence against indigenous women and girls, perhaps on a regional basis.

unlikely selection. Review themes are simply past priority themes.

²*Ways and means to further enhance the impact of the Commission on the Status of Women* E/CN.6/2014/14 (Dec. 19, 2013) para. 18.

³*Id.* at page 12.

⁴HRC 5/1 (2007), Annex, Para. 58.