

November 21-24,2022

Expert Workshop on Possible ways to Enhance the Participation of Indigenous Peoples in the work of the Human Right Council (HRC).

Item: Venue of Participation

Thank you, Madame Co facilitator, for giving me the floor,

EMRIP and PFII are some venues that Indigenous organizations participates to express their concerns. These bodies are important but cannot address all indigenous issues. Indigenous people have the right to self-determination and some degree of autonmy.

I support what other experts said that indigenous people should be in all venues of participation including the Human right council itself and the various sessions within the Human Rights Council like UPR and other treaty bodies where Indigenous Peoples and their rights are affected.

In addition to Indigenous Peoples Representatives institutions for the case of Africa I encourage the participation of indigenous peoples in various sessions since there are no really existing institutions in Africa.

Also, in Africa some indigenous peoples are still facing challenges of recognition in their countries like the indigenous Pastoralists, they are considered as normards and strangers.

I will plead on friendly states here present to also encourage our African states to attend this important workshop.

I will like to thank the UN Voluntarily fund for giving me the opportunity to be here and contribute.

On Yettama.
Isa Adamu
SAMUSA-Santa

Selection Criteria: Wednesday
Participation Modalities; Tuesday

Self determination
No violence, No Harassment
Speak independently
Enhance participation used an asset for decision making capacity
Clarify modality and way forward

Note: This non-paper contains a compilation of views expressed during the preparatory meeting for the Expert Workshop held at the World Council of Churches on Sunday November 20, 2022. The list is neither exhaustive nor in order of importance and provides a general overview of the discussion that has taken place.

Framing / Overarching principles

- ● The enhanced participation process is for **Indigenous Peoples' representative institutions** in line with their right to self-determination, self-governance, and self-selection.
- ● Call for a new status for Indigenous Peoples' representative institutions under the Human Rights Council, the status would be similar to Observer status of States to the HRC.

- ● The Human Rights Council refers to itself as an organ of the United Nations and therefore shall contribute to the full realization of the provisions of the UN Declaration including the establishment of ways and means of ensuring participation of Indigenous Peoples on issues affecting them, in accordance with Article 41 of the UN Declaration.

Venues of participation

- ● Venues of participation concern Universal Periodic Review, regular sessions, special procedures, and other venues within the Human Rights Council where Indigenous Peoples and their rights are affected.
- ● The provisions of the Declaration and the Human Rights Council resolutions support the positions of Indigenous Peoples that the Human Rights Council is an organ and as such the Human Rights Council as a venue of participation by Indigenous Peoples' representative institutions is justified.
- ● Venues of participation should extend to having access to the works and information of OHCHR Secretariat, which has the role of administering programs related to Indigenous Peoples.

Participation modalities

- ● Calls for a new status for Indigenous Peoples' representative institutions at the Human Rights Council.
- ● The underlying principle guiding modalities being the right to self-determination and equality among family of nations, getting as close to the modalities of States as possible, or at minimum, Observer States.
- ● The practical consideration of limited space and time, taking into account the congestion of States and observers wishing to be on the speakers' list.

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- ● Preference between direct representation of Indigenous Peoples' representative institutions or their representation through seven regions, or groupings similar to like-minded States.
- ● Mixing speaking list between States and Indigenous Peoples' representative institutions.

Selection criteria and mechanism

- ● The question of whether the accreditation should be based on an objective, absolute criteria (satisfying all criteria) or threshold criteria (satisfying sufficient criteria).
- ● The need to avoid discussing the definition of Indigenous Peoples, and focusing instead on Indigenous Peoples' representative institutions. The body must only determine the eligibility of the Indigenous peoples' institution rather than the status of any group as an Indigenous people or not.
- ● Constitutional recognition is a problematic criteria for those Indigenous Peoples' representative institutions which are not constitutionally recognized.

- ● Overlap between different sources of governing authority within Indigenous Peoples and Nations.
- ● Montevideo Convention as a basic criterion (population, territory, government, and ability to

conduct foreign relations) that categorizes the objective criteria that are based on the UN

Declaration.

- ● Avoiding criteria which are vulnerable to manipulation by States.
- ● Establishing an independent body for selection mechanisms.
- ● The composition of the selection mechanism could be 7 Indigenous representatives from 7

socio-cultural regions with an equivalent number of state representatives; or 7 Indigenous representatives from 7 socio-cultural regions and 5 States from 5 UN regions to discourage States from possessing veto power.

- ● Decision-making modality of the selection mechanism can be consensus-based or majority-based.
- ● Inclusion of an accessible, effective and timely appeal mechanism into the selection mechanism.