



UN EXPERT MECHANISM ON THE RIGHTS OF INDIGENOUS PEOPLES
10TH SESSION
JULY 12, 2017

AGENDA ITEM 7: Indigenous peoples' participation in the United Nations system as follow-up to the World Conference on Indigenous Peoples

Statement by:

EWIIAAPAYP BAND OF KUMEYAAY INDIANS, a traditional, indigenous peoples' representative institution within its aboriginal territory, also a non-governmental organization in consultative status with ECOSOC;

CENTRAL COUNCIL OF TLINGIT AND HAIDA INDIAN TRIBES OF ALASKA, a traditional, Indigenous peoples' representative institution within its aboriginal territory; and

CALIFORNIA ASSOCIATION OF TRIBAL GOVERNMENTS*, a tribally chartered, non-profit, inter-tribal association of 33 Indigenous peoples' representative institutions within their aboriginal territories.

Existing United Nations rules do not permit the participation of indigenous peoples' representative institutions in UN meetings that impact their interests unless accepted in consultative status by ECOSOC as a non-governmental organization, which is contrary to their inherent sovereign status as Indigenous governments.¹ In the United States, of the 567 Indian tribes only the Ewiiapaayp Band of Kumeyaay Indians has sought and received NGO status, and specifically for the sole intent of access to UN bodies despite the incongruity of this status.

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.

In 2011 by resolution 18/43 the Expert Mechanism encouraged the United Nations General Assembly to adopt “appropriate permanent measures to ensure that Indigenous Peoples’ governance bodies and institutions ... are able to participate at the United Nations ...²”

In the World Conference on Indigenous Peoples’ Outcome Document committed General Assembly Member States to consider ways to enable the enhanced participation of Indigenous peoples’ representative institutions in meetings of relevant United Nations bodies on issues affecting them. For two years, indigenous peoples and member states have worked hard to develop a General Assembly resolution to implement this decision.

The authors of this statement has participated extensively and to the limits permitted over the past five years for the purpose of acquiring such enhanced participation status.

Despite a two year period of informal consultation with Indigenous peoples representative institutions by the President of the General Assembly and Member States, the prospect for a resolution proposing meaningful enhanced participation is unlikely. Decision under a Chair’s text that requires consensus agreement of Member States is, in our view, empowering the hegemony of coercive dissent within the intergovernmental process by a small minority of Member States to threaten not just agreement upon enhanced participation status, but a roll-back of rights and principles guaranteed by the Declaration.

Whatever the outcome of intergovernmental negotiations, and we hope the General Assembly adopts the strongest possible resolution, we encourage the Human Rights Council and the Expert Mechanism to authorize enhanced participation for Indigenous peoples’ representative institutions within their venues.

We also urge the Expert Mechanism to immediately apply its methods of work to study the benefits of enhanced participation in all venues of the United Nations system as guidance to the UN General Assembly.

I thank you for the opportunity to comment. [end]

*Big Lagoon Rancheria, Big Pine Rancheria, Big Sandy Rancheria, Cahuilla Band of Mission Indians of the Cahuilla Reservation, Cher–Ae Heights Indian Community of the Trinidad Rancheria, Cloverdale Rancheria, Enterprise Rancheria of Maidu Indians of California, Ewiiapaayp Band of Kumeyaay Indians, Greenville Rancheria of Maidu Indians of California, Habematolel Pomo of Upper Lake, Hoopa Valley Tribe, Hopland Band of Pomo Indians of the Hopland Reservation, Lone Band of Miwok Indians of California, Jamul Indian Village, Karuk Tribe of California, Kashia Band of Pomo Indians of the Stewarts Point Rancheria, Los Coyotes Band of Cahuilla and Cupeno Indians, Mesa Grande Band of Kumeyaay Indians, Morongo Band of Mission Indians, Northfork Rancheria of Mono Indians of California, Pit Rive Tribe, Ramona Band of Cahuilla Indians, Resigini Rancheria, Scotts Valley Rancheria Band of Pomo Indians of California, Smith River Rancheria, Soboba Band of Luiseno Indians, Susanville Indian Rancheria, Sycuan Band of the Kumeyaay Nation, Washoe Tribes of California and Nevada, Wiyot Tribe, Yurok Tribe of the Yurok Reservation.

² A/HRC/18/43, Report of the EMRIP on its Fourth Session (Geneva, 11-15 July 2011) (19 August 2011).