



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

AGENDA ITEM 9: Future work of the Expert Mechanism, including focus of next annual study

Statement by:

EWIIAAPAAYP 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.

We congratulate the members of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) on the authority granted by the Human Rights Council through Resolution 33/25 and offer our support, guidance and assistance for your immediate and continued endeavors under this new mandate.

Please recall Resolution 33/25 item 1. that amends the mandate of the EMRIP to provide the Human Rights Council with "expertise and advice on the rights of indigenous peoples as set out in the United Nations Declaration on the Rights of Indigenous Peoples, and assist Member States, upon request, in achieving the ends of the Declaration through the promotion, protection and fulfillment of the rights of Indigenous peoples."

An immediate opportunity for the Expert Mechanism is in the consideration of enhanced participation status for Indigenous peoples' representative institutions within the United Nations system. 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.<sup>1</sup> In the United States, of the 567 Indian

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<sup>1</sup> 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

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.

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 ...<sup>2</sup>”

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. Since 2014, the President of the General Assembly facilitated informal consultations between indigenous peoples and member states to develop a General Assembly resolution to implement the WCIP Outcome Document and intent of the Declaration.

Whatever the outcome of intergovernmental negotiations, and we hope the General Assembly adopts the strongest possible resolution, we encourage the Expert Mechanism to focus its new mandate under Resolution 33/25 via its methods of work and country engagement to address emergent threats to Indigenous peoples and their representative institutions. Future work of the Expert Mechanism should include immediate reports on violence against Indigenous peoples as they occur, and to report on threats to Indigenous peoples rights, lands and resources as they emerge, and particularly in response to petitions from Indigenous representative peoples institutions.

We recommend the Expert Mechanism annual study address means and measures necessary to authorize enhanced participation for Indigenous peoples’ representative institutions within all United Nations system venues, including the General Assembly.

We also urge the Expert Mechanism to immediately apply its methods of work to study the essential role of strong and effective Indigenous peoples representative institutions in the development of Indigenous economies and economic systems pursuant to Articles 3, 5, 20, 21, and 23 of the Declaration as a necessary means to improve the economic conditions for Indigenous peoples pursuant the Article 21 of the Declaration.

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

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\* 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,

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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.

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

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, Ione 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 River 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.