

# INDIAN LAW RESOURCE CENTER

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### UN EXPERT MECHANISM ON THE RIGHTS OF INDIGENOUS PEOPLES 10<sup>TH</sup> SESSION 10-14 JULY 2017

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

Statement by the Indian Law Resource Center, a non-governmental organization in consultative status with ECOSOC

Thank you Mr. Chair,

In the World Conference on Indigenous Peoples' Outcome Document member states committed to consider ways to enable the participation of Indigenous Peoples' representatives and 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.

Existing rules do not permit indigenous peoples' governing institutions to participate as 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.<sup>1</sup> Indeed, many indigenous governing institutions refuse to even apply because acquiring consultative status as a non-governmental organization is inconsistent with their governmental nature.

<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 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.

The Expert Mechanism has recognized this problem and has encouraged the General Assembly to adopt

appropriate permanent measures to ensure that Indigenous Peoples' governance bodies and institutions, including traditional indigenous Governments, indigenous parliaments, assemblies and councils, are able to participate at the United Nations as observers with, at a minimum, the same participatory rights as non-governmental organizations in consultative status with the Economic and Social Council.<sup>2</sup>

Despite a lengthy process of constructive and open informal dialogue with indigenous peoples, and multiple rounds of intergovernmental negotiations, the General Assembly has not yet been able to reach consensus on this matter.

We urge member states to continue intergovernmental negotiations; to adopt the strongest possible resolution; and to commit, at minimum, to the ongoing consideration of this issue together with indigenous peoples, and to the development of concrete recommendations on possible measures to enhance the participation of indigenous peoples' representative institutions at the United Nations.

We also urge this body to continue addressing this issue, to consider what measures the Expert Mechanism can adopt to ensure that indigenous peoples' representative institutions are able to participate fully in its sessions in ways commensurate with their status, and also to offer expert advice to the Human Rights Council on steps it may take in this regard.

Thank you.

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