

# Summary Report:

## Third Global Virtual Informal Dialogue

**Organized by:** Indigenous Coordinating Group

**Purpose:** The virtual informal dialogues help amplify the purpose, work and principles of the ICB by becoming a forum to (i) address outstanding issues and foster discussion by bringing together Indigenous Peoples; (ii) help find common ground amongst Indigenous Peoples, and (iii) provide a forum to strategize on important aspects of the process to ensure that enhanced participation of representative institutions of Indigenous Peoples becomes a reality.

**Dialogues:** The dialogues are open to representatives of Indigenous Peoples' governments and representative institutions, representatives of Indigenous Peoples organizations with an interest in the enhanced participation process and other invited guests. The dialogues are facilitated by the ICB and focused on sharing thoughts, ideas, positions, and proposals. The sessions are not textual negotiations: they reference the specific areas/topics identified by the ICB. A summary report will be provided by the ICB after the session.

The third dialogue of the Indigenous Coordinating Body on Enhanced Participation of Indigenous Peoples in the United Nations was held on November 31 at 14:00 Central European Time.

Introduction was led by Aminata Gambo who presented the Indigenous Co-ordinating Body and explained its composition (two members per Indigenous socio-cultural region, one lead and one alternate) and its purpose, including but not limited to facilitate the coordination of Indigenous Peoples regarding the enhanced participation process, find common goals, and agree on strategy for the process.

Gambo explained that these virtual dialogues will take place under Chatham House Rules, and that the Indigenous Coordinating Body have been hosting a series of virtual dialogue ahead of the Expert Workshop held in Geneva in November.

### **Ghazali Ohorella**

Ohorella welcomed the audience at the virtual dialogue and introduced the subject matter of selection criteria and mechanism, noting the current situation where Indigenous Peoples are allowed to participate only as NGOs with ECOSOC status and the goal is to create a new status for the representative institutions to attend to other meetings, such as UNGA, to remedy the situation. The goal is to have a status equivalent to "permanent observers" in the UN.

Ohorella also noted that the wording of the workshop has been switched from indigenous peoples' representatives to Indigenous Peoples, which acknowledges the status of Indigenous Peoples.

Ohorella informed that the summary report produced by the workshop will include all submissions made for the workshop, noting that it is not necessary for participants to make submission for all questions addressed at the workshop.

### **Interactive Dialogue**

A member of the audience stated that, when talking about the selection mechanism and selection criteria, the wording is maybe not correct, and suggested the term "accreditation". They further suggested to test the usefulness of the three existing bodies for Indigenous Peoples in the UN, and the way representatives, experts and rapporteurs are chosen, bearing in mind that they are chosen by the President of HRC and GA, who listen to States who are possibility vetoing participation, and nomination. He emphasized that there is a lot of work desired to pressure these bodies as well.

They highlighted the practical difficulty to have seats in the HRC, given the logistical limitation, but noted the practical difficulties of sharing the seat with the State, and how being accredited by the State also imposes limitations on freedom of speech. They noted that Indigenous Peoples must also respect States as they must answer to the general public about statements made by Aboriginal Peoples. They suggested that the submitted documents by the participants should form the basis for discussion at the workshop.

A member of the audience shared her concern that while participation is granted in different mechanisms, it is not a true dialogue and a real participation, and there is a real sense of frustration of being undermined when Indigenous Peoples are excluded from discussing their participation. They stressed that there is a need to address the ECOSOC status as they have for so long spoken on behalf of Indigenous Peoples.

Concerns were shown over the idea of one representative per region due to its apparent limitation. They also shared concern about States interfering in the selection process of representatives. They concurred with the previous member of the audience to build capacity of Indigenous Peoples to write reports provided the format barrier and suggested that those with competence to write report can submit them with signatories.

A member of the audience echoed the problems related to ECOSOC status. They suggested the need for Indigenous Peoples to build their capacity to effectively engage in UPR. They highlighted her concern about poor implementation of decisions taken by the UN at the national level.

A member of the audience flagged Ohorella's presentation, noting that he did not mention the issue of participation in decision-making and how the current decision-making process itself does not respect Indigenous Peoples' cultures.

A member of the audience desired that participation should accord mutual respect between States and Indigenous Peoples, and that their voices should be weighed equally to those of States.

Ohorella informed that most questions raised for submissions are drafted by the UN, and that the goal is not just participation, but the right to self-determination and to be part of the decision-making process, as referenced in the Declaration. He admitted that word limit on submission is inadequate to express views on all questions raised by the UN for this workshop, but the most important matter is that many Indigenous Peoples actually submit and these submissions contain the highest expectations.

He reminded the audience that this workshop is only the first step. According to him, it is expected that there will be an invitation to elaborate more on the submitted views, which can be improved in due course. Ohorella emphasized that the most important is for the Indigenous Peoples to represent themselves.

A member of the audience stated that based on the political reality of the present, it would not be possible for representative institutions to have the same power as States, but they should be allocated the same amount of time as States. In the UPR process, they noted that ECOSOC Observers are only allocated 1 minute speaking time, where Indigenous Peoples NGOs rarely had opportunities to make interventions. They suggested that improvement is necessary, for example, to allow representative institutions to ask questions to the States, as UPR is the main tool to evaluate the respect for human rights by States.

They also commented that Indigenous expertise should be taken into account specially to select EMRIP members and the Special Rapporteur as it is highly problematic when experts are chosen on an individual capacity basis. They also commented that the observer status shouldn't be problematic for IPs who live across borders (e.g. Saami Council could represent Saami People, no matter the country of origin) and it should be pushed forward, based on the understanding that the observers need to receive support from States to be considered. They stated that he is eager to hear what other ideas could emerge from this process to improve the participation of IPs.

Ohorella informed the audience that submissions can be provided in English, Spanish or French. It is possible to submit them as public submissions or not. He further informed that the reports of the expert workshop are only available in English, but all the background documents can also be downloaded in different languages.

A member of the audience offered support to French speakers who want to have support to better understand the process and feed their submission.

They expressed her frustration in the UPR session, where, while Indigenous Peoples submit documents, they cannot be present in the session to support the document they have submitted. In concurring with another member, where States ally against some Indigenous

Peoples Organisation, they also gave an example where Conseil Mondial Amazigh could not have its status because China asks questions which do not seem relevant as they are not in the region. They highlighted the differences between the regions when it comes to Indigenous Peoples' abilities to access higher levels of representation and support from those who have access is necessary to close this gap.

A member of the audience emphasized the importance of this space where interesting points are being shared by those present. They commented that the process can learn from various bodies in which the Indigenous Peoples have achieved enhanced representation, such as UNPFII and UNFCCC, while FILAC still requires improvement to allow better representation, but she also noted that none of these are fully satisfactory. They also highlighted that some Indigenous Peoples organizations are not even constituted as NGOs, and as such they cannot receive ECOSOC status.

With regard to modalities, Ohorella suggested that representative institutions should have the same modalities as States, except the voting power. Ohorella emphasized that the representative institutions are asking for the reflection of what States can actually do in respective UN bodies or close to it.

A member of the audience commented that based on general observation from his region, the discussion is still broad with a lot of uncertainty. He emphasized that the challenge is not just recognition, but also not being able to get States on board in this process. He stated the need for the voices of Indigenous Peoples to be heard at the UN, since the countries in their region are far behind in implementing the Declaration. They noted that Indigenous Peoples have good examples of collaboration in terms of reaching a consensus with States, including the negotiation leading up to the adoption of the Declaration.

A member of the audience noted that they have some experience on being in their state delegation and to have to find a common ground to address a UN body, but on some issues, the opinion of IPs and states have diverged.

## **Closing**

Gambo closed the meeting by announcing dates for the next virtual dialogues:

- October 28: Selection Mechanism and Criteria
- October 31: Deadline for submissions.

### **For more information about the Enhanced Participation process**

UN website on enhanced participation:

<https://www.un.org/development/desa/indigenouspeoples/participation-of-indigenous-peoples->

[at-the-united-nations.html](#)

For more information about the ICB, the UNDRIP, the Alta conference, the World Conference and the Indigenous Preparation process for the Enhanced Participation process:

<https://bit.ly/3rw1rcE>

For more information on the Expert Workshop:

<https://www.ohchr.org/en/indigenous-peoples/expert-workshop-possible-ways-enhance-participation-indigenous-peoples-work-human-rights-council>