

Summary Report:

Fourth 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 fourth 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.

Gambo mentioned that the discussion may entail the establishment of a new body to be created to give accreditation to Indigenous Peoples.

Ghazali Ohorella

Ohorella welcomed the audience at the virtual dialogue and introduced the subject matter of selection criteria and mechanism, referring to the Alta Outcome Document as the source mandate, which called for the Indigenous Peoples to enhance the participation of their

representative institutions at the United Nations General Assembly and the Human Rights Council.

Ohorella mentioned that the coming workshop in Geneva is organized by the OHCHR, which allows for a wider participation, without requiring ECOSOC status. The workshop is in-person and he stressed that everybody wishing to attend must register as soon as possible to ensure that OHCHR can prepare logistics.

He also stressed that participants should submit views on the themes of the workshop in advance, so that they can be considered at the workshop. Ohorella emphasized that in this process, the Coordinating Body is not interested in discussing who is or who is not Indigenous, or definition of Indigenous Peoples.

Ohorella also mentioned the example of National Institutions for Promotion and Protection of Human Rights, which uses principles instead of criteria, and the independent body it has established to ensure the compliance of NHRIs with its principles through peer review, as a key mechanism for enabling their participation in HRC. Indigenous People may be inspired to learn from their experience, for example, having an independent mechanism with participation of States and Indigenous representative institutions.

Interactive Dialogue

An audience member noted the history of their Peoples' participation at the United Nations dating back to 1923, where they were unable to speak. While many states have supported their participation and application to join the League of Nations, it was never considered, in violation of the rules set out by the League. They also noted that the United Nations have up until now engaged in a pattern of actions designed to deny Indigenous Peoples to participate, and showed disapproval in forcing Indigenous Peoples to participate as non-governmental organizations.

They demanded that Indigenous Peoples be recognized so that Indigenous Peoples can access UN, to attend meetings, make comments on resolutions and so on and suggested that a step that must be taken by Indigenous Peoples is to prove that they are governments despite the preferred language by the states being representative institutions, though the most important that each Indigenous People is able to determine what it is.

Having said this, they also recalled the intervention made at the UNGA, stating that self-identification is insufficient given the concern that it can be exploited by ineligible groups claiming to be Indigenous Peoples, as well as by the States. Important for them is that Indigenous Peoples should be able to decide who are Indigenous, as States do amongst States. He desired that Indigenous Peoples should strive to be on the same page before the workshop commenced in Geneva.

A member of the audience expressed his support for the intervention made by the previous member to strive for a united front coming into the workshop in Geneva. They raised a concern

that whereas some Indigenous Peoples were able to maintain their respective Indigenous governments, others had their respective governments destroyed by their colonial powers. They stressed that such factors should be considered under this thematic area. He added that the selection mechanism should be inclusive and transparent with all the regions represented and that Indigenous Peoples should be able to participate in selecting their representatives.

Ohorella continued to stress that Indigenous Peoples should refrain from having a discussion on the definition of Indigenous Peoples. They considered the idea of mutual recognition to be an interesting process or criteria similar to the Montevideo Convention, but ultimately the process must be in compliance with the United Nations Declaration on the Rights of Indigenous Peoples, while minimizing interference from States and other entities which might impose criteria detrimental to self-determination, including social norms of gender balance in determining Indigenous Peoples' representation as a whole.

A member of the participant expressed thanks to the Coordinating Body and that this work is very important as it is the most crucial political question with regard to participation, which started in Alta. They stressed that Indigenous Peoples should have a strong position before the workshop in order for all seven regions to prepare for it. They also suggested that Indigenous Peoples should be aware of which States are friendly and which are not, and anticipate questions which may be raised by them, but they also pointed out that the UN charters do not specifically mention States, emphasizing that Indigenous Peoples are also "We the Peoples and Nations."

They also mentioned the situation in their own country, where their governments are recognized, so the use of the term representative institutions remains adequate. They stressed in the end that this is just the beginning of the process, and that Indigenous Peoples should prepare to ensure a united front in their endeavors.

A member of the audience raised a concern in their territory, where non-Indigenous NGOs have a strong grip on the affairs of their People, and that they have a negative impact on enabling their People to be heard. Where Indigenous people work for these organizations, they claim that they represent their People, so the definition of representative institutions is important in case multiple claims of representation emerges. With this in mind, having a separate mechanism who can validate representation is important, and for their region, they emphasized that their region should be able to lead the process.

A member of the audience thanked the member who shared the history of their nation's participation in the United Nations. They shared the inadequateness of the existing structure where Indigenous Peoples were given limited space and time to make intervention on issues that are affecting them. They supported the need for objective criteria that does not lower the positions of Indigenous Peoples with governments, and hoped that this issue will be discussed in detail at the workshop. They emphasized the establishment of a new and unique mechanism which is led fully by Indigenous Peoples, transparent, with explanations for rejection and an appeal mechanism.

A member of the audience stated that their People are not recognized by the State, but appreciated the vibrant conversation in this dialogue, which captures the prominent issues facing Indigenous Peoples. They also stressed the right to self-determination and not engaging in defining the Indigenous Peoples as an important position of Indigenous Peoples in this process, and reference to the rights of Indigenous Peoples to participate in meetings on issues affecting them and the United Nations Declaration on the Rights of Indigenous Peoples as a whole.

A member of the audience showed concern in his country where the State has a role in choosing the representative of Indigenous Peoples, who are friendly to the State. They suggested that the peer review of representative institutions should occur at the national level to ensure their legitimacy. They emphasized that Indigenous Peoples should be weary of States, who are keen to play a role in generating representative institutions.

A member of the audience explained that some representative institutions have links with the State structures, for example, in Bolivia, and requested the Coordinating body to consider how their participation can be enabled.

A member of the audience flagged the current geopolitical climate and how it may affect the concerns of Indigenous Peoples, especially with regard to this work.

A member of the audience desired States to surrender some power and prestige to Indigenous Peoples, and Indigenous Peoples to generate a proposal which would be acceptable to States. Ohorella thanked the members of the audience for raising these questions. He emphasized that open communication is important. He recognized the importance of thinking about how to validate representative institutions and how they can meaningfully participate in a way that raises their profile, compared to NGOs with ECOSOC status. He acknowledged that there are UN processes where IPs can participate as IPs organizations (EMRIP, UNPFII), but emphasized the necessity of having a specific status for representative institutions to detach themselves from NGOs and other institutions that are quasi-indigenous.

He also noted that some members of the Coordinating Body desired regional consultation on this theme, and that Indigenous Peoples around the world have varying degrees of relations with their respective State structures. He cautioned the audience to pay attention to languages used by States and other actors, which are contrary to the right to self-determination, such as gender balance. He noted that The EP process with almost 200 countries is very challenging, but the process for the HRC limits the number of States to the members with others as observers.

Looking forward, he observed that the membership of the HRC is to become more favorable for this process, but the lobbying effort should remain consistent, especially towards countries in Latin America and Africa who are not vocal, and the aim is to get them to speak internally about this process. He also observed that there are challenges within the movement as well and

encouraged Latin America to be more active in this process.

A member of the audience noted that there are 44 million Indigenous persons around the world who are disabled. They suggested that there should be a clear boundary between representative institutions and NGOs. They emphasized that the process should also strive for regional balance as well as balance with respect to youth, women and disabled persons. Ohorella informed that the summary notes and the slides for this dialogue as well as the report of the workshop will be made public.

He noted the idea of a selection mechanism composed of States, which is unfavorable, as well as a selection mechanism that is regionally based. He also noted the idea of an appeal mechanism, but with caution as States may also activate such mechanisms.

A member of the audience emphasized that this question will be addressed by the Human Rights Council, which does have its own participation modalities that can be a barrier for the representative institutions to participate. He suggested that the proposition made at the UNGA may be useful, as well as seeking advice from the representatives that participated in the Declaration's negotiation process.

A member of the audience informed that they had meeting with their State with regard to this process and, especially it being incremental, starting with achievable objectives and then improving them, which raises interesting questions about strategy, whether the enhanced participation should be achieved step by step, assuming it may not be possible to achieve it all at once.

Closing

Ohorella thanked the audience and informed them that there is a full day preparatory meeting on November 20, 2022, in Geneva, with the workshop being led by two co-facilitators, one from the State and another from Indigenous Coordinating Body.

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>