



Inter-Parliamentary Union

For democracy. For everyone.

7th EXPERT MECHANISM ON THE RIGHTS OF INDIGENOUS PEOPLE

ITEM 7: United Nations Declaration on the Rights of Indigenous Peoples

Panel discussion on the role of parliaments in the implementation of the Declaration

The Inter-Parliamentary contribution to the promotion of the rights of indigenous peoples

Presented by Akiyo Afouda, Human Rights Officer

A. BRIEF INTRODUCTION ON THE INTER-PARLIAMENTARY UNION, IPU:

THE IPU AND ITS OBJECTIVES

The IPU is the international organization of Parliaments. It was established in 1889.

It is the focal point for world-wide parliamentary dialogue and **works for peace and co-operation among peoples and for the firm establishment of representative democracy.**

To that end, it:

- ✓ Fosters contacts, co-ordination, and the exchange of experience among parliaments and parliamentarians of all countries;
- ✓ Considers questions of international interest and concern and expresses its views on such issues in order to bring about action by parliaments and parliamentarians;
- ✓ Contributes to the defence and promotion of human rights – an essential factor of parliamentary democracy and development;
- ✓ Contributes to better knowledge of the working of representative institutions and to the strengthening and development of their means of action.

The IPU is composed of 164 member parliaments and 10 associated members from regional parliaments.

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The main functioning bodies of the IPU are:

1. The Assembly, which is the IPU' statutory body and expresses its views on political issues. It brings together the IPU members twice a year in spring and in autumn. Four standing Committees assist IPU statutory Assembly in its works. These are:
 - Peace and international security;
 - Sustainable development, finance and trade;
 - Democracy and human rights;
 - United Nations Affairs.

2. The Governing Council, the plenary policy-making body of the IPU, which establishes the annual programme and budget of the Union, is responsible for the admission or suspension of members and Associate Members, and adopts thematic resolutions and policy statements. It is composed of three parliamentarians of each IPU member on a gender-balance base. It meets during the IPU Assemblies.

3. The Executive Committee which advises the Governing Council on matters relating to affiliation and reaffiliation to the IPU, fixes the date and place of the Governing Council sessions and establishes their provisional agenda. It also proposes to the Governing Council the annual work programme and budget of the IPU. The Executive Committee controls the administration of the Secretariat as well as its activities in the execution of the decisions taken by the Assembly and the Council. It is composed of 17 members, 15 elected by the Governing Council, the President of the IPU an *ex-officio* member and President of the Committee and The President of the Co-ordinating Committee of Women Parliamentarians as an *ex officio* member.

4. The Secretariat implements the annual programme established by the Governing Council. It's composed of four divisions:
 - Division of Programmes including human rights, technical cooperation, information, gender partnership and international development. The Division of Programmes provides parliaments with capacity building assistance for strengthened representative democracy.
 - Division for Member Parliaments and External Relations;
 - Communications Division;
 - Division of support services.

The IPU supports the efforts of and works in close co-operation with the United Nations, whose objectives it shares.

The Union also co-operates with regional inter-parliamentary organizations, as well as with international intergovernmental and non-governmental organizations which are motivated by the same ideals.

The IPU is financed primarily by its members out of public funds. The IPU's Headquarters is in Geneva.

In October 2011, the IPU adopted its Strategy for 2012-2017 under the overall title "Better parliaments, stronger democracy" with the following objectives:

- ✓ Strengthen democracy through parliament;
- ✓ Advance gender equality;
- ✓ Promote and protect human rights;
- ✓ Develop a parliamentary dimension to the work of the United Nations and other multilateral institutions;
- ✓ Build parliamentary support for international development goals;
- ✓ Contribute to peace building and conflict prevention;
- ✓ Achieve universal membership and enhance relations with members;
- ✓ Enhance the IPU's visibility through a modern communications strategy;
- ✓ Improve operational management, governance and internal oversight.

B. THE IPU WORK ON MINORITIES AND INDIGENOUS PEOPLE ISSUES

At the IPU we believe that Parliament is the cornerstone of democracy. It must embody core democratic values in their work. Democratic parliament should reflect the diversity of the population in terms of gender, religion, ethnicity, and political spectrum. Parliament is the national forum for mediating competing interests in society. It is precisely in parliament where fundamental issues confronting society can be resolved through dialogue. Parliament has a vested interest in ensuring that all citizens can participate equally in politics. Where there are cases of exclusion, it must correct them. Yet a representative parliament offers a national platform for a free and open inclusive exchange of views from which stem important decisions that affect the life of the society in a whole. Hence inclusive parliament strengthen democracy, promote social peaceful coexistence.

The presence of representatives of minorities and indigenous peoples in parliament is important both symbolically and substantively. Symbolically, it transmits a clear message that they are part of the national community; that they take part in the decisions about the future of the nation. Substantively, minority and indigenous parliamentarians can provide a direct

channel to influence the work of parliament and promote the interests and concerns of their communities.

Yet minority and indigenous issues are not the sole responsibility of minority and indigenous parliamentarians. They are the responsibility of all parliamentarians, and indeed all of us. Great inclusion in politics has a positive impact on the social and economic well-being of minorities and indigenous peoples; it decreases the marginalization, poverty and exclusion.

Parliaments have an important role to play in the protection and promotion of the rights of indigenous peoples through the constitutional prerogatives. Hence they need to be empowered and have the requisite means to carry out their constitutional functions, such as:

- The law-making process by reflecting relevant international instruments – including the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) – in the domestic legislation and ensuring that they are translated into appropriate programmes;
- Oversight by seeing to the implementation of the national legislation on the rights of indigenous peoples and the related programmes;
- Representation: by ensuring that indigenous peoples are represented in the parliament and that their interests are taken into account.

CONCRETE ACTIVITIES ON THE PROMOTION OF THE RIGHTS OF INDIGENOUS PEOPLES INCLUDING THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

The IPU's contribution to the promotion of the rights of indigenous peoples draw inspiration from the work it has carried out for the last 30 years to promote women's political participation. We help raise awareness of the need for women to be an integral part of parliaments. We identify ways to bring more women into politics. We track progress and we help hold countries to account. We identify ways in which parliament can become more gender sensitive, more receptive to women members of parliaments and more effective in mainstreaming a gender perspective in all legislation. Concrete IPU's activities on indigenous peoples are:

1. JOINT IPU AND UNDP PROJECT ON THE REPRESENTATION OF MINORITIES AND INDIGENOUS PEOPLES IN PARLIAMENT 2009

Many findings resulted from this project:

- a. The difficulty of gathering precise data on minority and indigenous peoples who are members of parliament. There are obvious ethical reasons why it is difficult to gather this data. From a human rights perspective, everyone has the right to choose their own identity, or multiple identities. Self-determination should be the norm when determining who makes up a minority or indigenous people.
- b. The issue of recognition of minorities and indigenous is a challenge for many countries. Recognition of the rights of minorities and indigenous people is an important precondition for their effective participation in politics. The task of recognizing minorities and indigenous peoples and defining their legal status ultimately rests with parliaments. The IPU encourages parliaments that have not already done so to adopt resolutions or motions that recognize diversity in their societies and the importance of reflecting this diversity in public institutions including parliament.
- c. This project found support from parliamentarians from all background for special electoral measures to ensure the presence in parliament of minority and indigenous representatives. Many parliaments have already adopted special measures in the form of reserved seats and lower electoral thresholds. Parliament should consider a periodic evaluation of the effectiveness of such measures together with minorities and indigenous peoples, and adjust them where necessary.
- d. Political parties have responsibilities to bring greater diversity into parliament. Even in the absence of special provisions in electoral laws, parties can be much inclusive, open to dialogue with minorities and indigenous communities and preparing candidates for office.
- e. Resources must be provided to ensure that the participation of indigenous peoples can also be effective.
- f. Parliaments will need to do a better job at holding government to account for the implementation of laws, including the UNDRIP, and other measures intended to fulfil minority and indigenous rights. Implementation is a huge challenge in many countries, not only in the area of minority and indigenous rights. Successful implementation requires resources and political will. It's our belief that Parliament can do much to ensure this happens. It has a powerful oversight role. It must be put to good use.

2. THE INTERNATIONAL PARLIAMENTARY CONFERENCE IN CHIAPAS, NOVEMBER 2010

This conference focussed on ways to overcome the challenges to effective participation of indigenous peoples and minorities in politics. The Chiapas Declaration recommended parliamentary actions including the elaboration of Action Plans to:

- ensure that the right to Free, Prior and Informed Consent is observed in every step leading to the adoption of legislative and administrative measures affecting indigenous;
- make regular use of plenary sessions in parliament and other parliamentary forums to discuss indigenous and minorities' issues in order to raise awareness and combat prejudice in society;
- allocate sufficient resources to establishing dialogue between minority / indigenous peoples and public institutions and to parliamentary committees on minority and indigenous issues so as to allow them to carry out effective outreach activities such as public hearings with minority and indigenous peoples;
- increase parliaments' familiarity with the work being done within the United Nations system so as to equip them to better hold governments to account for their international commitments.

Participants suggested to meet again few years later to follow up on the implementation of the recommendations of the Chiapas Conference.

3. THE INTERNATIONAL PARLIAMENTARY CONFERENCE IN SANTA CRUZ DE LA SIERRA, APRIL 2014

This Conference that took place in Santa Cruz de la Sierra, Bolivia, from 7 to 9 April 2014, gathered around 110 Indigenous parliamentarians, parliamentary staff and other actors involved in indigenous issues from 22 countries. its objective was to exchange information about the experiences, good practices and challenges encountered by parliaments in their efforts to guarantee the political representation of indigenous peoples and the effective protection of their rights, and also to generate positive contribution from parliaments to the World Conference and to promote their adhesion to and interest in the United Nations Declaration and the World Conference.

The Declaration of Santa Cruz de la Sierra together with concrete recommendations is the main outcome of this parliamentary meeting. Copies of these documents are available on the table in the room.

The role of parliaments in implementing the UN Declaration on the Rights of Indigenous Peoples has been discussed during the Santa Cruz Conference and concrete recommendations are made about it in the outcome of the meeting.

The International Parliamentary Conference in Santa Cruz de la Sierra focused on three main points of the UN Declaration on the Rights of Indigenous Peoples, which the IPU proposes to use as a basis for its input to the World Conference. These are: the political

participation of indigenous peoples, application of the principle of free, prior and informed consent; and the formulation and adoption of national action plans for implementing the UN Declaration on the Rights of Indigenous Peoples.

I would like to emphasize the Free, Prior and Informed Consent, FPIC and the necessity of the Action Plans on the UN Declaration on the Rights of Indigenous Peoples.

Regarding the principle of free, prior and informed consent, we consider that it is an inextricable part of the process of self-determination of indigenous peoples, and promotes their involvement in processes that impact their way of life, such as the extraction of natural resources often located in their territories.

To this end, the Santa Cruz de la Sierra recommendations propose:

- Incorporating the principle of free, prior and informed consent in domestic legislation and ensuring its implementation. We are convinced that once it exists in law, measures can be taken to ensure that the principle is indeed implemented;
- Making sure that indigenous peoples are involved at all levels of the decision-making process relating to their rights and, in particular, implementation of the principle of free, prior and informed consent; and
- Paying special attention to the full implementation of free, prior and informed consent in relation to the extractive industries.

As to Action Plans on the UN Declaration on the Rights of Indigenous Peoples, from the moment it is adopted, it is recommended that national action plans be drawn up to enable its implementation. At the International Parliamentary Conference in Santa Cruz de la Sierra, the participants undertook to take this measure. To this end, it was recommended that ownership of this Declaration be viewed as a first step in its application from a parliamentary perspective. The idea of involving parliament in multi-sectorial commissions tasked with drawing up these plans was also put forward. The IPU recommends that the conclusions of the World Conference on Indigenous Peoples set timelines for the formulation of these national action plans and stress the need to involve all national stakeholders, including parliament, in this endeavour.

4. THE IPU CONTRIBUTION TO THE WORLD CONFERENCE ON INDIGENOUS PEOPLE, SEPTEMBER 2014

Regarding the World Conference, our contribution is twofold:

- The sharing of the findings of the survey we are currently conducting on the representation of indigenous peoples in parliaments. This survey is designed to establish whether indigenous peoples are represented in parliament and whether parliament is engaged in the implementation of the 2007 United Nations Declaration on the Rights of Indigenous Peoples;
- The contribution of the IPU to the outcome document of the World Conference which will highlight indigenous representation in parliaments; the recognition in law of the principle of free, prior and informed consent and its incorporation in domestic legislation; and the elaboration of national Action Plans on the UN Declaration on the Rights of Indigenous Peoples.

I thank you for your attention