



# International Indian Treaty Council

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Esteemed Advisers to the President of the General Assembly  
H.E. Mr. Kai Sauer, Permanent Representative of Finland  
H.E. Mrs. Martha Ama Akyaa Pobee, Permanent Representative of Ghana  
Dr. Claire Winfield Ngamihi Charters, Indigenous Peoples, Pacific Region  
Dr. James Anaya, Indigenous Peoples, North America Region  
Via email: [ipadvisers@un.org](mailto:ipadvisers@un.org).

Re: request for proposals on how to enable the effective participation of Indigenous Peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them, through representatives chosen in accordance with their own procedures.

Respectful Greetings,

The International Indian Treaty Council (IITC) is pleased to submit our comments and proposals for this important dialogue towards implementation of Operative Paragraph 33 of the United Nations World Conference on Indigenous Peoples addressing the effective participation of Indigenous Peoples' representatives and Institutions within the UN System.

The IITC, founded in 1974, is an organization of Indigenous Peoples, Nations, Tribes, Societies, Councils, networks and organizations from North, Central and South America, the Caribbean, Arctic and Pacific. A list of IITC's affiliates is enclosed, and includes Indigenous Peoples' governments, authorities, Councils and other kinds of representative entities.

In 1977 IITC became the first Indigenous organization to receive Consultative Status with the United Nations Economic and Social Council (ECOSOC). In 2011, IITC was the first Indigenous organization to be upgraded to "General Consultative Status" in recognition of its long-standing participation in many areas of the United Nations system representing the rights, concerns and struggles of Indigenous Peoples.

One of IITC's written guiding principles affirms that "Indigenous Peoples speak for themselves before the world community" as an integral aspect of self-determination and free prior and informed consent. The issue of representation and standing of Indigenous Peoples' representatives at the United Nations, including elected and traditional leaders and authorities, Parliaments, Councils and other governing bodies has always been important for the IITC and its affiliates. It is closely aligned with the rights affirmed in the UN Declaration on the Rights of Indigenous Peoples including, inter alia, Articles 3, 5 and 18.

Regarding our proposals for improved methods and status of participation for Indigenous Peoples' representatives and institutions, the IITC reaffirms our support for the following recommendation from **the Alta Outcome Document from the** Global Indigenous Preparatory Conference for the United Nations High Level Plenary Meeting of the General Assembly to be known as the World Conference on Indigenous Peoples, 10 – 12 June 2013, Alta Norway, *Para. 10 Theme 2: United Nations system action for the implementation of the rights of Indigenous Peoples:*

*“Pursuant to the universal application of the right of self-determination for all Peoples, recommends that the UN recognize Indigenous Peoples and Nations based on our original free existence, inherent sovereignty and the right of self-determination in international law. We call for, at a minimum, permanent observer status within the UN system enabling our direct participation through our own governments and parliaments. Our own governments include *inter alia* our traditional councils and authorities;”*

In addition we express our support for the proposals on this topic contained in the **REPORT OF THE OPEN-ENDED MEETING OF INDIGENOUS PEOPLES ON THE FOLLOW-UP TO THE WORLD CONFERENCE ON INDIGENOUS PEOPLES FOCUSING ON OP 28 AND OP 33 OF THE WCIP OUTCOME DOCUMENT which took place March 3-5, 2015 in Geneva Switzerland.** The Asian Indigenous Peoples Pact, the International Indian Treaty Council, the National Congress of Australia's First People and the Sami Parliament of Norway hosted this open-ended meeting which brought together an ad-hoc group of representatives of Indigenous Peoples institutions and organizations from all seven regions to discuss the follow-up of the World Conference on Indigenous Peoples, in particular paragraphs 28 and 33 of the outcome document. The purpose of the meeting was to discuss informally about possible ways forward including potential options for further discussion in the regions.

Regarding OP 33 the following proposals were included in the report, which IITC continues to support and endorse:

1. Consistent with the right of self-determination, we strongly recommend broad, full and effective participation in all bodies of the United Nations in terms of where Indigenous Peoples' representative institutions themselves determine that issues under discussion in those bodies and processes would affect their rights. Indigenous Peoples' representative institutions will determine which bodies and processes are relevant to their rights.
2. We emphasize the UN Declaration on the Rights of Indigenous Peoples as the minimum standard for Indigenous Peoples' participation, in particular Articles 3 and 18. In this regard, we also recall Articles 5, 6, 26 and 41.
3. The current rules for engagement are deficient for ensuring the full and effective participation of Indigenous Peoples' representative institutions in United Nations processes.
4. We recall Theme 2, paragraph 10 of the Alta Outcome Document, which calls for *“at a minimum, permanent observer status within the UN system enabling our direct participation through our own governments and parliaments. Our own governments include *inter alia* our traditional councils and authorities”*. The focus and primary purpose of Operative Paragraph 33 is to find ways and means for these representative bodies to function under a new status allowing them to participate fully and effectively.
5. We recall the Report of the United Nations Secretary-General, *“Ways and Means of Promoting Participation at the United Nations of Indigenous Peoples' Representatives*

*on Issues Affecting Them”, stating, “[t]o the extent that it has been permitted to date, indigenous peoples’ participation at the United Nations has been a positive experience. It has enabled indigenous peoples who had been historically excluded to work together peacefully and in partnership with States to advance their issues and rights. It has been a process of mutual trust-building, premised on equality and equity among stakeholders, and had led to fruitful outcomes and greater commitments by indigenous peoples, States and the United Nations system to strengthen recognition and respect for indigenous peoples’ rights.” [A/HRC/21/24].*

We emphasize our preference in this regard for the mechanism for Permanent Observer Status (POS) to be amended to specifically include a credential status for Indigenous Peoples’ Representative Institutions. The criteria should be partially based on self-identification, but should include questions regarding traditional/precolonial land base and historical and current governing functions and structures. We are well aware of the regional and country specific differences which include the failure of some States to recognize Indigenous Peoples and their governing institutions. This must not be an impediment to the consideration of Indigenous Peoples’ governments, governing bodies and representative institutions under this process.

The value of this approach is that it utilizes a current United Nations process and mechanism which provides access to high-level accreditation and participation that is not currently accessible through participation as Non-Governmental Organizations (NGOs). It avoids the need to create a new separate process that may or may not provide enhanced or additional levels of access and participation than is already available to Indigenous Peoples as Consultative Status NGOs. Indigenous Peoples could either utilize the categories currently available under the POS, or if preferred by all parties, the UN General Assembly could implement an additional “Indigenous Peoples” category for participation under the Permanent Observer Status.

Indigenous Peoples will need to be consulted regarding the specific criteria and process for this new POS category if that is the option that is decided upon by the General Assembly. However, if so, all rules and opportunities for participation in the UN General Assembly and all other UN bodies currently available to other entities holding POS must also be afforded to Indigenous Peoples Representative Institutions credentialed in this way.

The IITC looks forward to further dialogue on this matter. We do not object to our contribution being posted on the UN Web Site and hope that it can be helpful to this discussion. We thank you for your work and express our best regards,



Andrea Carmen  
Executive Director, International Indian Treaty Council