



THE PRESIDENT  
OF THE  
GENERAL ASSEMBLY

31 May 2018

Dear Indigenous Peoples Representatives,

I am pleased to enclose herewith the summary of the first informal interactive hearing with indigenous peoples, held on Tuesday, 17 April 2018.

The summary contains the key messages and views shared by Member States and indigenous peoples' representatives during the interactive hearing. I trust that this outcome will assist Member States in their consideration of possible further measures necessary to enhance the participation of indigenous peoples in relevant United Nations meetings on issues affecting them, which will continue at the seventy-fifth session of the General Assembly. Additional interactive hearings with indigenous peoples will also be held during the seventy-third and seventy-fourth sessions.

I have encouraged Member States to remain engaged in this process and to support and facilitate the organization of regional consultations with indigenous peoples, in preparation of the Secretary-General's report to be submitted to the Assembly at its seventy-fourth session.

I am grateful to delegations and indigenous peoples' representatives who contributed to this informal interactive hearing.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'M. Lajčák', written over a light blue horizontal line.

Miroslav Lajčák

To:  
All Representatives of Indigenous Peoples

## First Informal Interactive Hearing with Indigenous Peoples

*New York, 17 April 2018*

### PRESIDENT'S SUMMARY

#### Introduction

1. Pursuant to paragraph 8 of General Assembly resolution 71/321 of 8 September 2017, the President of the United Nations General Assembly, **H.E. Mr. Miroslav Lajčák**, convened on Tuesday, 17 April 2018, an informal interactive hearing with indigenous peoples to reflect on possible further measures necessary to enhance the participation of indigenous peoples' representatives and institutions in relevant United Nations meetings on issues affecting them, as part of the preparatory process for the consideration of the General Assembly at its seventy-fifth. The informal interactive hearing consisted of an opening segment, followed by an interactive discussion with Member States and indigenous peoples.

#### Opening Segment

2. The opening segment featured welcoming remarks by **H.E. Miroslav Lajčák**, President of the General Assembly, followed by statements from **Mr. Andrew Gilmour**, Assistant Secretary-General for Human Rights and **Ms. Miriam Wallet Aboubakrine**, Chair of the Permanent Forum on Indigenous Issues. Further, two distinguished indigenous leaders delivered keynote addresses, namely **Grand Chief Wilton Littlechild**, a Cree lawyer, advocate and former Member of Parliament of Canada, and **Ms. Myrna Cunningham Kain** of Nicaragua, Miskita feminist, indigenous rights activist and President of the Fund for the Development of Indigenous Peoples of Latin America and the Caribbean.
3. **H.E. Mr. Lajčák** noted that it has been nearly 100 years since indigenous peoples first asserted their rights on the international stage, but progress in realizing their rights has been slower than expected. He observed that rights were not aspirational nor ideals. They constitute *minimum* standards for indigenous peoples that must be respected and promoted. He called on indigenous peoples to be forthright and to present concrete and innovative proposals on how to carve out more space for themselves on the international stage. The President of the General Assembly specifically requested participants to focus on the four critical issues: venues of participation, modalities of participation, selection criteria and selection mechanisms. Discussing the next steps of the process, he noted that two further hearings will take place on the margins of the Permanent Forum on Indigenous Issues in 2019 and 2020, before resuming negotiations during the 75<sup>th</sup> Session of the General Assembly.
4. **Mr. Andrew Gilmour** acknowledged that the participation of indigenous peoples at the United Nations has been increasing since the 1980s, emphasizing that their participation has contributed to the mutual understanding of some vital global issues, especially relating to human rights and climate change. As such, efforts have been made to allow for the United

Nations to become more inclusive to indigenous peoples' representatives. He underlined that indigenous peoples face different realities around the world. While some States recognize indigenous peoples' governance institutions, others do not. He added that it is critical to ensure that indigenous peoples can participate at the United Nations regardless of their status in their own countries.

5. **Ms. Aboubakrine commended** the President of the General Assembly on his commitment to the process of enhancing indigenous peoples' participation at the United Nations and recognized the existing good practices within the system, particularly in the Economic and Social Council and the Human Rights Council. She noted, however, that current processes do not **recognize the status of indigenous peoples' governments and representative institutions**, which are not NGOs. Ms. Aboubakrine further stressed the need for the United Nations to develop a mechanism that recognizes indigenous representative institutions and noted that many are duly recognized by governments at the national level. Furthermore, she highlighted that indigenous peoples' participation at the United Nations has been a positive experience that has enabled them to advance their issues and rights **peacefully and in partnership with Member States**, and address issues of common concern such as sustainable development and climate change.
  
6. **Grand Chief Littlechild** expressed strong disappointment with the status of the ongoing deliberations on the participation of indigenous peoples at the UN, given some States' firm opposition. He added that said opposition is a failure to respect the United Nations Declaration on the Rights of Indigenous Peoples and international human rights law, especially the ones pertaining to indigenous peoples' **right to self-identification and self-determination**. Addressing Member States that continue to have concerns about the enhanced participation of indigenous peoples, Chief Littlechild noted that there was no substantive reason for that and reassured Member States that indigenous peoples have made significant contributions to the international system and will continue to work closely with them to advance this agenda. He further underlined that Member States and indigenous peoples have already demonstrated that they can work together to promote harmonious and cooperative relations, mutual respect, and shared prosperity. Failing to enhance the participation of indigenous peoples at the United Nations was inconsistent with United Nations Declaration on the Rights of Indigenous Peoples. As such, the process moving forward should strengthen indigenous peoples' participation through their own institutions, representative bodies and organizations. He called for a resolution, elaborated in cooperation with indigenous peoples and Member States, that supports the indigenous peoples and adequately recognizes their representative institutions. Chief Littlechild then made the following recommendations:
  - a) The **Expert Mechanism on Rights of Indigenous Peoples** should examine all relevant documentation emanating from the closed meetings, among Member States and the ones from the Secretary-General, with a view to provide a principled approach to enhance the participation of indigenous peoples in UN bodies;
  - b) Such examination should be fully consistent with OP33 and other relevant provisions of the Outcome Document of the World Conference on Indigenous Peoples, the Declaration on the Rights of Indigenous Peoples and other international human rights instruments;

- c) In this context, the Expert Mechanism on the Rights on Indigenous Peoples should elaborate ways and means of ensuring enhanced participation of indigenous peoples at the United Nations, and identify, disseminate and promote good practices and lessons learned, including through reports to the Human Rights Council for the consideration of Member States and Indigenous Peoples.
7. **Ms. Cunningham** explained that indigenous people seek participation in the United Nations to exercise their rights established under the Declaration on the Rights of Indigenous Peoples. She called for **participation in the General Assembly and its subsidiary organs**, including the Third Committee, conferences and high-level meetings. Ms. Cunningham further requested the General Assembly to invite the Human Right Council and Economic and Social Council to strengthen the participation of indigenous peoples' representative institutions and organizations. The same should apply to UN funds, programs and specialized agencies. Ms. Cunningham recommended that the General Assembly ensure a regionally balanced participation of indigenous peoples, taking as an example the Permanent Forum on Indigenous Issues, where indigenous experts work in parity with Member State experts. She observed this proposal would require the General Assembly to facilitate the participation of indigenous peoples from all seven socio-cultural regions that indigenous peoples have identified. Ms. Cunningham further proposed that indigenous peoples' representative institutions participate in the process of drafting resolutions in in different bodies and processes of United Nations. She stressed that **indigenous peoples' governments** are not recognized by the United Nations, adding that autonomous indigenous governments ought to have their own forms of accreditation at the international, regional and state level. Finally, she identified existing **good practices of partnerships between indigenous peoples and governments** in implementing the System-wide action plan on the rights of indigenous peoples (SWAP) and recommended that more dialogues be held between governments and indigenous peoples to monitor the implementation of policies.

### **Interactive Discussion**

8. After the keynote speakers, the floor was opened for an interactive discussion, where **16 indigenous peoples' representatives, 7 Member States and the European Union** shared their perspectives and made recommendations around four main clusters: (1) Venues of participation, (2) Participation modalities, (3) Selection Mechanism and (4) Selection Criteria.
9. The informal interactive hearing provided an opportunity for all relevant stakeholders to reflect on possible further measures necessary to enhance the participation of indigenous peoples' representatives and institutions in relevant United Nations meetings on issues affecting them, as well as to inform the intergovernmental process of the General Assembly that will resume at its seventy-fifth session.

### **Proposals from Indigenous Representatives**

10. At the interactive hearing, indigenous representatives expressed their deep frustration with their slow integration into the UN system and for the long waiting periods between each interactive hearing. They noted that their stance had not changed, and expressed appreciation

for the existing mechanisms like United Nations Permanent Forum on Indigenous Issues and the Expert Mechanism on Rights of Indigenous Peoples. They emphasized their demand to participate in other spaces and to increase their visibility and contribution to the United Nations. They also identified that most ongoing practices were still inconsistent with important frameworks such as the United Nations Declaration on the Rights of Indigenous Peoples. Therefore, they encouraged **the President of the General Assembly to continue supporting their work with Member States** and bridge the gap between policy and implementation, and specially to ensure their participation in major decision-making processes. Many representatives also re-emphasized the constructive contributions that indigenous peoples make on human rights and environmental issues, health and wellbeing, peacebuilding, among others.

11. Some indigenous peoples' representatives pointed out that the very existence of indigenous peoples is at stake at the domestic level due to lack of recognition, oppression, human rights violations, occupation and cultural assimilation. They also noted that they seek support at the international level for peaceful co-existence and democracy, and called for the **protection of human rights and their specific indigenous identities**.
12. Indigenous peoples' representatives reiterated their willingness to continue to work with Member States on this matter. They requested the organization of regional consultations as per resolution 71/321 and called for a multi-year program that sets out a road map for this process leading up to the 75<sup>th</sup> session of the General Assembly.
13. They also called on the United Nations to provide **financial, technical and logistical support** to indigenous representatives for their participation, i.e. through the Voluntary Fund for Indigenous Peoples. Some **good practices** were identified through where governments recognize indigenous peoples and their representative institutions through different mechanisms.

### **Venues of participation**

14. Indigenous peoples' representatives reiterated their previous calls for participation at the General Assembly, Economic and Social Council and the Human Rights Council and their subsidiary bodies. Indigenous peoples also called for participation in other conferences, summits and meetings convened by the United Nations.

### **Modalities of participation**

15. Indigenous peoples' representatives reiterated their call for effective participation in decision making at all UN fora on matters that affect them. Such participation would **include making oral and written statements and participating in the elaboration of resolutions on matters that affect them**. Some called for participatory rights on the same level as permanent observers.

## Selection mechanism

16. Indigenous peoples' representatives emphasized their right to self-determination and self-identification. They recognized **that a selection mechanism will be necessary and that it should be comprised of Member State and indigenous peoples' representatives.** Indigenous peoples have called for equal membership of indigenous representatives in such a body, citing the Permanent Forum as a successful example of a body where independent experts nominated by Member States work side by side and on an equal footing with experts nominated by indigenous peoples.

## Selection criteria

17. Indigenous peoples' representatives emphasized that they are calling **for participation of indigenous peoples' representative institutions** that are already engaged in self-government and have a variety of shapes and forms. Indigenous peoples have also stressed that **any criteria developed must respect indigenous peoples' right to self-identification and self-determination** as is enshrined in the Declaration on the Rights of Indigenous Peoples. Some speakers referred to the importance of gender and regional balance.

## Proposals from Member States

18. In general, delegations expressed their support or commitment to the process of enhancing indigenous peoples' participation. A majority of States agreed that the voices of indigenous representatives need to be heard and respected. Some States agreed with the frustration expressed by indigenous representatives on the slow pace of the process as well as with the resolution adopted at the 71<sup>st</sup> session. Some States noted the need for a new category for indigenous peoples' representatives and institutions, and that they should not be categorized as NGOs; neither should they be regarded the same as Member States. It was proposed that documents on the issue of participation from the past two General Assembly sessions should be compiled to pave the way towards its 75<sup>th</sup> session. States also expressed concerns over the lack of an internationally agreed definition of the term *indigenous peoples*.
19. The issue of regional balance was also highlighted where Member States emphasized the need for balanced participation of indigenous peoples from all regions. States from the Latin America and Caribbean region stressed the importance of adequate participation of indigenous peoples from their region.
20. Referring to the mandate of paragraph 6 the resolution 71/321, which requested the Secretary-General to report to the General Assembly by the end of 74th session, Member States stressed that all efforts should be undertaken to listen to concerns and views of indigenous peoples from all regions of the world, including through national and regional consultations, in the process of preparation of the Secretary-General's report.

21. They also emphasized that continued and respectful partnership between indigenous peoples and Member States is the only way to ensure the fulfillment of commitments made in the United Nations Declarations on the Rights of Indigenous Peoples and in the outcome document of the 2014 High-Level Meeting of the General Assembly known as World Conference of Indigenous Peoples.

### **Venue of participation**

22. Some Member States emphasized the participation of indigenous peoples' representatives in all General Assembly meetings, Economic and Social Council and Human Rights Council; while other stressed that existing mechanisms such as the United Nations Permanent Forum on Indigenous Issues and Expert Mechanism on the Right of Indigenous Peoples that facilitate indigenous peoples' participation at the United Nations should be enhanced for broader participation of indigenous peoples.

### **Modalities of participation**

23. It was noted that the modalities for enhanced participation of indigenous peoples' representatives institutions in the work of the United Nations should not go below those rights granted to Non-governmental organizations.

### **Selection Criteria**

24. Some Member States stressed that self-identification, with consideration of history and regional elements, should be the main selection criteria. There was also a view that the accreditation and selection process should be flexible, open and transparent. Other states called for the inclusion of a non-objection clause in any selection criteria, while other opposed inclusion of non-objection clause.
25. They observed that the enhanced participation of indigneous peoples should respect the intergovernmental nature of the United Nations, weight regional characteristics, maintained the existing means of participation of indigenous peoples and expanded the in the future.

### **Selection mechanism**

26. There was suggestion for establishment of a new application committee, comprised by Member States and indigenous peoples to ensure that indigenous peoples can fairly participate at the United Nations.