



PRESIDENT OF THE GENERAL ASSEMBLY

Third Informal Interactive Hearing with Indigenous Peoples
20 April 2023, New York

Summary of the President of the General Assembly

On 20 April 2023, on the margins of the Permanent Forum on Indigenous Issues, the President of the United Nations General Assembly, H.E. Csaba Kőrösi, convened the third informal interactive hearing with Indigenous Peoples. The meeting was held in accordance with the General Assembly resolution 71/321 of 8 September 2017, which requests the President of the General Assembly to organize and preside over informal interactive hearing and to prepare a summary of the hearing. The third and final mandated interactive hearing, initially planned for the seventy-fourth session, had been postponed due to the COVID-19 pandemic.

Following the second hearing that took place in April 2019, this was an occasion to exchange on potential further measures to enhance the participation of Indigenous Peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them. The hearing served to voice recommendations for eventual consideration by the General Assembly during its seventy-eighth session, where the intergovernmental process will continue in accordance with resolution 77/203.

Structure

The informal interactive hearing consisted of an opening segment and a plenary meeting. The opening segment featured a traditional opening ceremony by **Mr. Brennen Ferguson** of the Tuscarora nation, and opening statements delivered by **H.E. Csaba Kőrösi**, President of the General Assembly and **Mr. Dario Jose Mejia Montalvo**, Chair of the United Nations Permanent Forum on Indigenous Issues. This was followed by a panel discussion, composed of representatives of nominated Indigenous Peoples, namely, (i) **Mr. Kenneth Deer**, Chief Administrative Officer of Indigenous World Association; (ii) **Prof. Claire Charters**, Professor at the University of Auckland and (iii) **Dr. Mariam Wallet Aboubakrine**, President of Tin Hinan Association. The panel discussion was followed by an interactive dialogue. Here, Member States, Observers of the General Assembly and Indigenous Peoples' representatives and institutions from all seven socio-cultural regions of the world exchanged views on the matter and reacted to panelists' comments. This part of the meeting also included statements by the Special Rapporteur on the Rights of Indigenous Peoples and the Chair of the Expert Mechanism on the Rights of Indigenous Peoples.

Interactive dialogue

After the opening segment, the floor was opened for the informal interactive hearing, where 17 Indigenous Peoples representatives and 13 representatives of Member States and Observers shared their comments and positions on the venues of participation, modalities for participation, selection criteria, and an eventual selection mechanism for the enhanced participation of Indigenous Peoples in meetings of relevant UN bodies on issues affecting them.

It was recalled that in 1923, Chief Cayuga Deskaheh, who travelled to Geneva to address the League of Nations about the right of his people to live freely on their own lands and practice their own religion, was denied the opportunity to speak. Making a parallel to the contemporary circumstances, some panelists considered that the exclusion of self-governing Indigenous Peoples from the UN was a direct consequence of colonial thinking, which included dehumanizing narratives of Indigenous Peoples.

In this regard, the discussion proceeded to indicate that participation of Indigenous Peoples at the UN should be conceptualized as an important part of the decolonization process. On the other hand, it was also noted that the United Nations has gradually opened its doors and broadened the participation of Indigenous Peoples in its work and meetings, including on topics regarding climate change, biodiversity and food security, among others.

As stressed by many speakers, the process of enhanced participation must build upon the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted by General Assembly Resolution 61/295 in September 2007. The fundamental norm in the Declaration is the right to self-determination, recognized in Article 3: “Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.” Additionally, Articles 5 and 18 explicitly define the rights of Indigenous Peoples to participate in decision-making on matters that relate to them. Participants recalled that Member States have an obligation to implement and promote the UNDRIP. Enhanced participation of Indigenous Peoples at the UN can be seen as an example of this.

It was also mentioned that, in September 2014, the United Nations held the World Conference on Indigenous Peoples in order to share perspectives and best practices on the realization of the rights of Indigenous Peoples, including to pursue the objectives of the UNDRIP. Some speakers regretted the lack of actions at all levels, including the national level, to implement the UNDRIP and relevant GA resolutions. The opinion was expressed that, with Indigenous Peoples participation, specific measures at the global level could be encouraged, following best practices. Furthermore, several speakers called for a concrete follow-up and review mechanism, and many welcomed the proposal to hold the World Conference on Indigenous Peoples plus 10 in 2025, also recalling the importance of the regional consultations with the Secretary-General of the United Nations on the matter, in line with resolution A/RES/71/321.

Indigenous Peoples Representatives expressed their concerns that, with the exception of the UN Permanent Forum on Indigenous Issues, they are unable to attend and participate in UN meetings. They further highlighted that they are not non-governmental organizations, and therefore would not enter into the process envisioned for civil society through the corresponding committee of the Economic and Social Council.

Consequently, it was suggested that the enhanced participation of Indigenous Peoples should be addressed at the General Assembly, as it needs to be implemented across the entire UN system. Some participants pointed to the existing intergovernmental process on revitalization of the General Assembly as a vehicle to improve participation of the Indigenous Peoples in this regard.

Member States who spoke acknowledged the right of Indigenous Peoples to participate debates affecting them. Meanwhile, Indigenous Peoples representatives stressed that their participation is not only a right, but by participating in the UN meetings and addressing its organs, they will be enabled to share traditional and unique knowledge of Indigenous Peoples and thus contribute to efforts towards achieving the Sustainable Development Goals. A recurrent point made by speakers was that Indigenous Peoples were interested in assisting the international community by providing solutions to contemporary challenges.

On this point, it was remarked that such constructive disposition could not be fruitful unless participation was ensured. Member States were in turn urged to recognize the benefits of the enhanced participation of Indigenous Peoples across all bodies of the UN for an inclusive negotiation process, adding legitimacy. The role of Indigenous Peoples in shaping the decisions that are to be made by Member States was stressed by many speakers. Some speakers called for a follow-up mechanism to ensure follow up of the UN Declaration on the Rights of Indigenous Peoples and relevant GA resolutions, proposing that this substantive goal be the primary objective of enhanced participation.

The efforts of the Temporary Committee for the Indigenous Coordinating Body for Enhanced Participation in the United Nations, established as an outcome of the 2020 Dialogue Meeting in Quito, were recognized and appreciated.

Participants stressed that the process of enhanced participation in other UN related meetings should not affect the existing procedures which enable the current participation of Indigenous Peoples such as the Permanent Forum on Indigenous Issues and the expert mechanisms on the right of Indigenous Peoples. Links to other processes, i.a. in the framework of the Human Rights Council, the upcoming 16th session of the Expert Mechanism on the Rights of Indigenous Peoples will be held in July 2023, where the enhanced participation of Indigenous Peoples will be discussed were also mentioned.

On the matter of **modalities of participation**, Indigenous Peoples' representatives called for the continuation of a process of participation under a new, adequate and distinct status. Such a status would not be non-governmental organizations, civil society, Observers, or States. Participants felt that a new status should reflect the right to self-determination of Indigenous Peoples and allow their participation in decision-making at the UN. Several Member States echoed this approach. In expending further, it was mentioned that eventual participation modalities should not be inferior to those for NGOs. Member States were of the view that modalities of participation should be in line with the adopted UN Declaration on the Rights of Indigenous Peoples at a minimum.

In terms of **fora or venues of participation**, it was suggested that the Chair of each meeting should consider whether the topic to be discussed merits the opportunity for Indigenous Peoples from all socio-cultural regions to effectively participate in decision-making affecting them. In turn, greater engagement and coordination at the regional level was called for, with some participants expressing concerns that existing global inequalities in access to decision-making would be amplified and exacerbated.

Some speakers shared that Indigenous Peoples have their own sovereign governments, and therefore, **accreditation** mechanisms at the UN should reflect this. This was also mentioned during the Indigenous Leaders Workshop on “Enhancing Participation in the Human Rights Council”, held in Geneva from 21 to 24 November 2022, upon request of the Human Rights Council. The conversations held in Geneva were considered by attendees to be a significant step in preparation for the upcoming intergovernmental process in New York.

On the **process** going forward, it was recommended that the President of the 78th session of the General Assembly appoints two co-facilitators and two indigenous advisors. The two co-facilitators would be nominated by Member States, while the two advisors would be nominated by Indigenous Peoples to assist the President in conducting open, transparent and inclusive consultations. Those who spoke on the outcome of the negotiations envisioned a draft on the modalities for enhanced participation of Indigenous Peoples in the work of the UN. In several instances, the need for clarity was mentioned, including through the prompt appointment of co-facilitators/advisors and the dissemination of a roadmap.

Some participants proposed that the upcoming intergovernmental negotiations to be negotiated by the General Assembly should focus primarily on the accreditation criteria and accreditation mechanism, instead of selection criteria and selection mechanism as has been the case in the past. Participants also expressed that the selection process should be open, fair, and transparent.

In reference to the **selection criteria**, a flexible approach was advocated for an equitable geographical representation. Participants stated their desire to ensure that Indigenous Peoples and their organizations are fairly represented, highlighting again the diversity coming from the seven socio-cultural regions that Indigenous Peoples have identified, but also considering the need for gender balance, and ensuring participation of youth and persons with disabilities.

It was observed that one of the challenges is that while some Member States might formally recognize Indigenous Peoples institutions, others might not. Some participants opined that recognition by national governments should not be a prerequisite for their participations at the UN. Other speakers called for the elimination of marginalization, discrimination and violence against Indigenous Peoples at the national level, indicating that participation at the UN would be a positive step in this direction.

A recurring point from Indigenous Peoples was a call for the United Nations and its Member States to provide financial support to ensure their participation. The existing Trust Fund was appreciated as a tool enabling the engagement and promotion of Indigenous Peoples’ rights, as well as the participation of Permanent Forum members at international meetings of significance for its mandate. Further funds were requested to finance all activities to be undertaken by Indigenous Peoples and to ensure all can be represented.

Speakers addressed as well other questions related to the rights of Indigenous Peoples. They urged for the international community to strengthen its efforts to promote the cultural heritage of Indigenous Peoples and protect their lands. There was a call to close the existing digital divide faced by Indigenous Peoples in the digital industry to ensure equal access to opportunities offered by technology.