

DRAFT RESOLUTION BY THE GENERAL ASSEMBLY ON ENABLING THE PARTICIPATION OF INDIGENOUS PEOPLES' REPRESENTATIVES AND INSTITUTIONS IN MEETINGS OF RELEVANT UNITED NATIONS BODIES ON ISSUES AFFECTING THEM

PREAMBULAR PARAGRAPHS:

1. Reaffirming the purposes and principles contained in the Charter of the United Nations, including developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, achieving international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all as well as the sovereign equality, territorial integrity and political independence of all its Members. *(Based on A/RES/60/251 PP1 and UN Charter article 2)*
2. Recalling that membership in the United Nations is open to all peace-loving States which accept the obligations contained in the Charter of the United Nations and, in the judgment of the Organization, are able and willing to carry out these obligations and reaffirming the intergovernmental nature of the United Nations in this regard. *(Based on UN Charter article 4)*
3. Reaffirming the United Nations Declaration on the Rights of Indigenous Peoples (hereinafter "the Declaration") adopted by the General Assembly on 13 September 2007, and our commitments made in this respect to consult and cooperate in good faith with the Indigenous Peoples concerned through their own representative institutions. *(Based on WCIP outcome document A/RES/69/2 article 3)*
4. Reaffirming the solemn commitment to respect, promote and advance and in no way diminish the rights of Indigenous Peoples and to uphold the principles of the Declaration, including the rights to self-determination and to participate both at national levels as well as in the UN in decision-making that affects them in accordance with articles 3, 5, 18, 19, 20, 32, 33, 39, 41 and 42 of the Declaration. *(Based on WCIP outcome document A/RES/69/2 article 4)*
5. Reaffirming the Outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, by which it committed to consider ways to enable the participation of Indigenous Peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them. *(Based on A/RES70/232 PP8)*
6. Recalling its resolution 70/232 of 23 December 2015 in which it requested the President of the General Assembly to conduct consultations with Member States, Indigenous Peoples' representatives and institutions from all regions of the world, and existing relevant mechanisms of the United Nations, on the possible measures necessary to enable the participation of Indigenous Peoples' representatives and

institutions in meetings of relevant United Nations bodies on issues affecting them, and also requested the President to prepare a compilation of the views presented during the consultations, including good practices within the United Nations regarding Indigenous Peoples' participation, which will form the basis for a draft text to be finalized and adopted by the General Assembly during its seventy-first session. *(Based on OP 19 A/RES/70/232 and OP24 and OP25 of A/RES/71/178)*

7. Recalling relevant Human Rights Council resolutions, including its resolution 18/8 (A/HRC/RES/18/8) of 29 September 2011 and resolution 21/24 (A/HRC/RES/21/24) of 28 September 2012.
8. Building on the reports by the Secretary-General on ways and means of promoting participation in the United Nations of Indigenous Peoples' representatives on issues affecting them¹ and on the progress made in the implementation of the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples², in which the Secretary-General encouraged Member States to move forward on developing measures 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. *(Partly based on paragraph 48 of Secretary-General's report A/70/84-E/2015/76)*
9. Noting the outcome document of the Alta Conference³, in which Indigenous Peoples made recommendations for consideration at the United Nations high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples and called for, at a minimum, an observer status for Indigenous Peoples within the United Nations system, and other contributions made by Indigenous Peoples to the consultations conducted on the possible measures necessary to enable the participation of Indigenous Peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them. *(Based on WCIP outcome document A/RES/69/2 article 2)*
10. Recalling the arrangements made for participation by Indigenous Peoples, including in the UN Permanent Forum on Indigenous Issues and the Expert Mechanism on the Rights of Indigenous Peoples as well as arrangements made for UN Conferences, Summits and UN General Assembly High-Level Events.
11. Noting that the deliberations at the United Nations meetings have become richer and more diverse with the participation of Indigenous Peoples.
12. Convinced that the participation of Indigenous Peoples, including indigenous women, youth, older persons and persons with disabilities, from all regions contributes to knowledge and expertise in the United Nations as well as to facilitating the

¹ A/HRC/21/24

² A/70/84-E/2015/76

³ A/67/994, annex

strengthening of cooperation between States and Indigenous Peoples in a peaceful and constructive fashion. *(Partly based on SG report A/HRC/21/24 paragraph 13)*

13. Encourages Indigenous Peoples to include indigenous women, youth, older persons and persons with disabilities onto their delegations. *(Based on GA resolution A/RES/66/296. Organization of the high-level plenary meeting of the sixty-ninth session of the General Assembly, to be known as the World Conference on Indigenous Peoples OP5)*
14. Noting the efforts by the UN system, through the System-Wide Action Plan for ensuring a coherent approach to achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples, to take concrete and practical steps towards increased full and effective participation by Indigenous Peoples in processes that affect them. *(Based on System-wide Action Plan on the Rights of Indigenous Peoples in document E/C.19/2016/5, in particular paragraph 35).*
15. Further noting that existing arrangements for participation by non-State Entities within the United Nations system do not adequately enable Indigenous Peoples' representatives participation in decision making affecting them, as Indigenous Peoples are not non-governmental organizations, *(Based on SG report A/HRC21/24, paras 3 and 7; HRC resolution A/HRC/RES21/24 PP7 and A/HRC/RES/18/8 OP13)*
16. Conscious that any new arrangements of participation of Indigenous Peoples within the United Nations system shall not undermine the existing participation by Indigenous Peoples and other non-State actors in the UN, including in the Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples and in those bodies where participation is regulated in accordance with resolution 1996/31 of the Economic and Social Council regarding Consultative relationships between the United Nations and non-governmental organizations.

OPERATIVE PARAGRAPHS

Cognizant of the need to make arrangements to enable Indigenous Peoples' effective participation in relevant meetings of United Nations bodies on issues affecting them, through their representative institutions,

- 1) Approves the following modalities for Indigenous Peoples' representative institutions participation at the UN:
- 2) Agrees that the selection of Indigenous Peoples' representative institutions to attend and participate in the United Nations in accordance with the principles and criteria set herein does not imply recognition of those institutions under international or domestic law or policy for any purpose other than participation in meetings of relevant United Nations bodies on issues affecting them.
- 3) Further agrees that the selection under this resolution on its own does not imply that the represented peoples are 'indigenous' or 'peoples' for any other purpose under international or domestic law or policy.

- 4) Decides that the provisions of the present resolution shall in addition to the UN General Assembly apply to its Main Committees *mutatis mutandis* and invites the Human Rights Council to apply the provisions of the present resolution *mutatis mutandis* *(Based on ECOSOC resolution 1996/31, paragraph 16)*
- 5) Invites the Economic and Social Council (ECOSOC) and its functional commissions, within their respective mandates, to apply the provisions of the present resolutions *mutatis mutandis*. *(Based on ECOSOC resolution 1996/31, paragraph 16)*

Venues of participation

6) **OP 6 Alternative 1**

Decides to invite Indigenous Peoples' representative institutions to attend and participate in all meetings of the General Assembly and its Main Committees on issues affecting them and to invite the Human Rights Council to make the necessary arrangements for Indigenous Peoples' representative institutions to attend and participate at its meetings.

OP 6 Alternative 2

Decides to invite Indigenous Peoples' representative institutions to attend and participate in all meetings of the General Assembly as well as the General Assembly's Second Committee and Third Committee on issues affecting them and to invite the Human Rights Council to make the necessary arrangements for Indigenous Peoples' representative institutions to attend and participate at its meetings.

Also decides that the President of the General Assembly may invite Indigenous Peoples' representative institutions to attend and participate in additional meetings on issues affecting them in the General Assembly Main and other Committees and its subsidiary bodies to be determined by the President of the General Assembly in consultation with the UN Permanent Forum on Indigenous Issues during its session.

Text after either OP 6 alternative 1 or alternative 2:

- 7) Invites the Economic and Social Council, no later than by the end of the 72nd session of the General Assembly, to ensure that Indigenous Peoples' representative institutions can attend and participate in all its meetings on issues affecting them, including in all its functional commissions.
- 8) Invites the Human Rights Council, no later than by the end of the 72nd session of the General Assembly, to make the necessary arrangements to ensure that Indigenous Peoples' representative institutions can attend and participate in its meetings in accordance with this resolution.
- 9) Reaffirms that Indigenous Peoples' representative institutions may be invited to attend conferences, summits and other meetings convened by the General Assembly on issues affecting them, in accordance with the relevant decisions established by the General Assembly for those meetings.

10) Commits to ensure that in modalities for future conferences convened by the General Assembly, Indigenous Peoples' representative institutions are granted, as a minimum, similar rights to attend and participate in those conferences as established in the modalities herein.

11) Urges other bodies and organisations throughout the UN system, including United Nations funds, programmes and specialized agencies, to enable the participation of Indigenous Peoples' representative institutions on issues affecting them.

Participation modalities and arrangements

12) Decides that:

- a) Indigenous Peoples' representative institutions attending United Nations meetings prescribed in this resolution have the right of inscription on the list of speakers and to make oral statements in one of the official languages of the United Nations. They shall furthermore have the right to submit written statements in one of the official languages of the United Nations.
- b) Where appropriate, and when invited by the chairperson of the meeting, Indigenous Peoples can be offered the right to reply.
- c) The allocation of speaking slots for Indigenous Peoples' representative institutions attending meetings of the United Nations shall be arranged in a balanced way, taking into account the efficient functioning of the United Nations meetings, geographic representation and fairness between all participants. The arrangements should not be such as to overburden the work of the concerned body.
- d) Indigenous Peoples' representative institutions will not be permitted to vote, to raise points of order, to co-sponsor resolutions, to move amendments to resolutions, or submit resolutions, take decisions or other prerogatives of Member States
- e) Indigenous Peoples' representative institutions shall be allocated appropriate seating arrangements in meetings they attend. These seating arrangements shall not be overly burdensome for the Organization, but shall, however, seek to accommodate regional representation of Indigenous Peoples' representative institutions. *(Based on ECOSOC resolution 1996/31, paragraph 67)*

Selection mechanism

13) Decides to establish a new mechanism to select Indigenous Peoples' representative institutions for participation at the United Nations, called hereinafter the Selection Committee.

14) Decides that the composition of the Selection Committee shall be:

Alternative 1 to OP14:

A committee made up of fourteen (14) experts on the rights of Indigenous Peoples. On the basis of a proposal by the Permanent Forum on Indigenous Issues, prepared in consultation with Indigenous Peoples' institutions from all the seven indigenous socio-cultural regions, seven shall be appointed by the President of the General Assembly from each of the Indigenous socio-cultural regions of the world, and seven shall be appointed by the President of the General Assembly from each of the Indigenous socio-cultural regions of the world, in consultation with Member States.

Alternative 2 to OP14:

A committee comprised of [ten (10)] experts on the rights of Indigenous Peoples with an equal number of Member State and Indigenous proposed members appointed by the President of the General Assembly after consultations with States and Indigenous Peoples. The Indigenous nominated experts are to be appointed among the members of the Permanent Forum on Indigenous Issues, and States representatives shall be appointed among those represented in the bureau of the Third Committee of the General Assembly.

Alternative 3 to OP14:

A committee appointed by the President of General Assembly comprised of [5] state-appointed experts/state representatives, one representative from each geographical region OR A committee appointed by the President of General Assembly comprised of [7] state-appointed experts/state representatives, one representative from each indigenous socio-cultural region.

15) Recommends that in appointing the members to the Selection Committee, the President of the General Assembly on the basis of a proposal by the Permanent Forum on Indigenous Issues, prepared in consultation with Indigenous Peoples' institutions from the 7 indigenous socio-cultural regions, shall take into consideration the candidates' competence and experience on the rights of Indigenous Peoples as well as the need to ensure gender balance, and the desirability of including youth and persons with disabilities, to ensure diversity of the Committee.

16) Decides that the expert members of the Selection Committee shall serve for a three year term, and may be reappointed for one additional term; [and that State representatives serve on a yearly basis based on participation in the Bureau of the Third Committee of the General Assembly (applies only to option 2 and possibly option 3 to OP 14)].

17) Also decides that, within its mandate established by this resolution, the Selection Committee shall determine its own methods of work, guided by the need for financial responsibility, fairness and efficiency.

18) Decides that the relevant Member States are notified when there is an application from an Indigenous Peoples' representative institution to the Committee and that they are invited to provide information with respect to the applicant.

19) **Alternative 1 TO OP19**

Decides that the decisions of the Committee shall be taken by a majority of the members present and voting (simple majority) OR two-thirds majority of members

ALTERNATIVE 2 TO OP19 (if no IP representatives on Selection Committee as anticipated by alternatives 1 or 2 of OP14)

Decides that the selection process shall be comprised of two stages: first, review by [7] experts selected by the President of the General Assembly, on the basis of a proposal by the Permanent Forum on Indigenous Issues, prepared in consultation with Indigenous Peoples' institutions from the 7 socio-cultural Indigenous regions; second, decision by [5/7] state experts/representatives taking into account the review by the 7 socio-cultural Indigenous regions. The experts in the first and second stages shall take decisions with a majority.

20) Decides that the Selection Committee will be guided by the need for geographical and regional balance among Indigenous Peoples' representative institutions. To this end, it shall seek to ensure commensurate representation from each Indigenous socio-cultural region.

21) Emphasizes that the Selection Committee, in considering applications, should ensure, to the extent possible, participation of Indigenous Peoples' representative institutions from all regions, in order to help achieve just, balanced, effective and genuine involvement of Indigenous Peoples' representative institutions from all regions and areas of the world.
(Based on ECOSOC resolution 1996/31 paragraph 5)

22) Stresses that the decisions of the Selection Committee must be transparent and based on the application of objective criteria as set out in this resolution. Applications shall be handled without undue delay and decided upon efficiently and expeditiously. The application process should not be overly onerous for the applicants.

23) Decides that the Selection Committee shall provide written reasons when an applicant institution is denied participation as an Indigenous Peoples' representative institution and that the applicant shall have the opportunity to present its response for appropriate consideration by the Selection Committee as expeditiously as possible.

Appeal procedure

24) Member States and Indigenous applicants shall have an equal opportunity to appeal the recommendation to grant or decline participation as Indigenous Peoples' representative institutions through a written submission. Written submissions must contain rationale

for the appeal and be submitted to the Selection committee within 30 days of the issuing of the recommendation that is being appealed.

- 25) Appeal submission(s) will be published on the United Nations website concerning Indigenous Peoples (Secretariat/DSPD/Indigenous Peoples) issues and distributed to Member States and Indigenous Peoples through appropriate channels, electronically wherever possible.
- 26) Appeal submission(s) will be considered by the Selection Committee within 90 days of receiving it. The Selection Committee may discuss the appeal with the objecting Member State and Indigenous applicant to obtain further information. The Selection Committee will issue its final recommendation to grant or decline participation as Indigenous Peoples' representative institutions based on the further information presented in the appeal submission(s) and its outreach. The final recommendation of the Selection Committee will be disseminated in the same manner as appeals in paragraph 25.
- 27) Member States and Indigenous Peoples can object to the Selection Committee's final recommendation on granting or declining participation as Indigenous Peoples' representative institutions. Member States and Indigenous peoples must formally advise the Selection Committee, the President of the General Assembly and the Chair of the Permanent Forum on Indigenous issues of their objection to the final decision within 30 days of the final recommendation being issued.
- 28) Confirms that the Selection committee submits its recommendation regarding granting an Indigenous Peoples' representative institution the right to attend and participate at the United Nations to the General Assembly.
- 29) Further decides that applicants denied participation as Indigenous Peoples' representative institutions may re-apply.
- 30) Decides that the Selection Committee shall meet up to [15] days a year, allowing for flexibility in accordance with the number of applications for Indigenous Peoples' representative institution participation over time. Meetings could be immediately prior or subsequent to relevant meetings at the UN (for example the permanent forum session) for cost efficiency. Videoconferencing should be used whenever possible.
- 31) Decides that the Selection Committee is supported by the Secretariat of the Permanent Forum on Indigenous Issues. The Secretariat shall be, amongst others, responsible for the receipt and preliminary evaluation of applications by Indigenous Peoples' representative institutions to the Selection Committee.
- 32) Requests the Secretary-General to provide all human, technical and financial assistance necessary for the Selection Committee, including the Secretariat of the Permanent Forum on Indigenous Issues, to fulfil its mandate fully and effectively. *(based on A/HRC/RES/33/25 Expert Mechanism on the Rights of Indigenous Peoples, OP17)*

33) Requests the Secretary-General to make every effort to enhance and streamline, as appropriate, Secretariat support arrangements, to improve practical arrangements on such matters with greater use of modern information and communication technology, establishment of an integrated database of Indigenous Peoples' representative institutions, wide and timely dissemination of information on meetings, distribution of documentation, provision of access and transparent, simple and streamlined procedures for the attendance of Indigenous Peoples' representative institutions at United Nations meetings and to facilitate their broad based participation.

Selection criteria

34) Decides that Indigenous Peoples' representative institutions selected for participation as such should be genuinely representative of one or more people that qualify as indigenous.

35) Recognizes that the situation of Indigenous Peoples varies from region to region and from country to country and that the significance of national and regional particularities and various historical and cultural backgrounds should be taken into consideration.

36) Underlines that the Selection Committee shall take into account relevant factors in determining whether the applicant qualifies as an Indigenous Peoples' representative institution. Such factors are to be flexibly considered in accordance with current practice within the United Nations system and in light of the United Nations Declaration on the Rights of Indigenous Peoples.

37) Decides that

- a) relevant factors, which can be present to a varying degree, that need to be considered include, inter alia:
- self-identification;
 - state recognition;
 - where applicable, recognition under domestic laws and policies
 - history of dispossession and/or colonisation;
 - a unique relationship with lands, territories and resources;
 - cultural distinctiveness including Indigenous languages;
 - the exercise of collective rights as recognized, inter alia, by the UN Declaration on the Rights of Indigenous Peoples;
 - the practice of self-government;
 - traditional authority under Indigenous law;
 - occupation of ancestral lands, or at least part of them, territories and resources over a long period of time; often reflected in prior occupancy;
 - entry into treaties, agreements or other constructive arrangements;
 - recognition as Indigenous by other Indigenous Peoples historically and/or now;

- b) Institutions seeking selection as Indigenous Peoples' representative institutions must show persuasive evidence that they are the legitimate representative of an Indigenous people. Relevant evidence might include but is not limited to the following:
- authority under Indigenous law and customs;
 - election as the representative body.
 - permanent physical presence of the institution and its personnel within the territory of the people they represent and the representative institution should be based there;
- c) Relevant evidence may include written documentation and, where appropriate, oral testimony. Evidence must not be so difficult to establish as to limit the ability of an Indigenous Peoples' representative institution to be selected.
- d) The aims and purposes of Indigenous Peoples' representative institutions selected must be in conformity with the spirit, purposes and principles of the Charter of the United Nations and should pursue the goals of promotion and protection of human rights. The institution shall undertake to support the work of the United Nations and to promote knowledge of its principles and activities in accordance with its own aims and purposes and the nature and scope of its competencies and activities. They shall not, either directly or through its affiliates or representatives, abuse their participatory rights by engaging in a pattern of acts contrary to the purposes and principles of the Charter of the United Nations.
- 38) Decides that the selection mechanism may recommend to revoke or suspend the Indigenous Peoples' representative institution with final action to be taken by the General Assembly in a case where there is credible evidence that the concerned Indigenous Peoples' representative institution no longer fulfils the above mentioned criteria.
- 39) Confirms that once selected, the Indigenous Peoples' representative institutions shall have full authority to select their own delegates.
- 40) Strongly encourages Indigenous Peoples' representative institutions to consult with indigenous women, youth, older persons and persons with disabilities, as well as include them on their delegations. *(Based on GA resolution A/RES/66/296. Organization of the high-level plenary meeting of the sixty-ninth session of the General Assembly, to be known as the World Conference on Indigenous Peoples OP5.)*

General principles and implementation of the resolution

- 41) Noting that nothing in this resolution may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States. *(Based on Article 46 of UNDRIP)*
- 42) Decides to expand the mandate of the United Nations Voluntary Fund for Indigenous Peoples so that it can assist representatives of Indigenous Peoples' representative institutions to participate in the meetings of the General Assembly and its Main Committees and the Economic and Social Council as determined by this resolution. *(Based on A/RES/70/232, OP8)*
- 43) Urges Governments and intergovernmental and non-governmental organizations to continue to contribute to the United Nations Voluntary Fund for Indigenous Peoples. *(Based on A/RES/70/232, OP7)*
- 44) Requests the Secretary General together with the Presidents of the General Assembly, the Economic and Social Council (ECOSOC) and the Human Rights Council to ensure that the arrangements decided upon in this resolution shall be fully implemented at the latest by the end of the 72nd session of the General Assembly.
- 45) Requests the Secretary-General to make the present resolution widely known, through proper channels, to facilitate the involvement of Indigenous Peoples' representative institutions from all regions and areas of the world. *(Based on ECOSOC resolution 1996/31, paragraph 70)*

Reporting and Review

- 46) Further requests the Secretary General to report, by its 75th session, on the implementation of this resolution, including on the possible measures based on modern information and communication technology taken by the Secretariat to enhance the participation of Indigenous Peoples in relevant meetings of the United Nations
- 47) Decides to review the arrangements for Indigenous Peoples' representative institutions participation as established by this resolution within 5 years of the arrangements having been put into place with a view to assessing whether they adequately ensure Indigenous Peoples' participation in the United Nations.