

United Nations World Conference on Indigenous Peoples (WCIP)

Establishing a Seat at the International Table: Indian Government participation and Agenda for the High Level Plenary Meeting of the UN General Assembly

September 2014

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(This report #7 in a series surveys the successive meetings and preparations conducted since the 10 August 2011 report of Aotearoa Indigenous Rights Trust, Asia Indigenous Peoples Pact and the Sámi Parliament of Norway/Sámediggi/Sametinget. The report provides a background on the World Conference on Indigenous Peoples, discusses the involvement of American Indian nations in the World Conference on Indigenous Peoples scheduled for September 2014 at the United Nations in New York City.)

Introductory Glossary of Terms:

- ECOSOC: Economic and Social Council
- EMRIP: Expert Mechanism on the Rights of Indigenous Peoples
- EU: European Union HRC: Human Rights Council
- IP: Indigenous Peoples
- PFII: United Nations Permanent Forum on Indigenous Issues
- Special Rapporteur: A person designated by the Committee to prepare reports, carry out studies

- SR: Special Rapporteur on the Rights of Indigenous Peoples
- the Declaration: United Nations Declaration on the Rights of Indigenous Peoples
- UN: United Nations UNHCR: United Nations Commission on Human Rights (now NRC)
- UNGA: United Nations General Assembly
- WCIP 2014: World Conference on Indigenous Peoples 2014

Background

The Third Committee of the United Nations General Assembly considered and adopted resolution (A/C.3/65/L.22/Rev.1) deciding to organize and convene a High Level Plenary meeting of the UN General Assembly “to share best practices on the realization of the rights of Indigenous peoples” and to “pursue the objectives of the United Nations Declaration on the Rights of Indigenous Peoples. “The General Assembly allocates to its Social, Humanitarian and Cultural Affairs Committee, commonly referred to as the “Third Committee,” according to the Third Committee mission agenda items relating to a range of social, humanitarian affairs and human rights issues that affect people all over the world.¹ The resolution was submitted at the request of the Plurinational State of Bolivia

Establishing a Seat at the International Table: Indian Government part. & Agenda for High Plenary

and with the endorsement of Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, Guatemala, Honduras, Mexico, Nicaragua, Norway, Panama, Peru, Uruguay and the Bolivarian Republic of Venezuela.

On 16 November 2010, the Third Committee of the United Nations General Assembly adopted the following resolution (A/C.3/65/L.22/Rev.1):

Decides to organize a high-level plenary meeting of the General Assembly, to be known as the World Conference on Indigenous Peoples, to be held in 2014, in order to share perspectives and best practices on the realization of the rights of Indigenous peoples, including to pursue the objectives of the United Nations Declaration on the Rights of Indigenous Peoples, and invites the President of the General Assembly to conduct open-ended consultations with Member States and with indigenous peoples' representatives in the framework of the Permanent Forum on Indigenous Issues, as well as with the Expert Mechanism on the Rights of Indigenous Peoples and the Special Rapporteur in order to determine the modalities for the meeting, including indigenous peoples' participation at the Conference.

The proposal for a World Conference on Indigenous Peoples (WCIP 2014) was presented by The Plurinational State of Bolivia.

The following States endorsed the resolution: Argentina, Australia, Benin, The Plurinational State of Bolivia, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, Guatemala, Honduras, Mexico, Nicaragua, Norway, Panama, Peru, Uruguay and the Bolivarian Republic of Venezuela.

During the 10th session of the Permanent Forum on Indigenous Issues (PFII) held in May of this year in New York, an initial dialogue was held with the Office of the President of the General Assembly to hear indigenous people's views about the WCIP 2014. (E/2011/43E/C.19/2011/14)

Further, in support of the resolution of the Third Committee of the United Nations General Assembly, the PFII (E/2011/43E/C.19/2011/14) welcomed the invitation of the Sámi Parliament of Norway to host a preparatory meeting of indigenous peoples in June 2013 to consolidate indigenous people's strategies and inputs for the WCIP 2014.

On 15 July, 2011, at the end of the 4th session of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) in Geneva, an indigenous caucus meeting was held to discuss the WCIP 2014. The caucus was informed about consultations held during the week by a number of indigenous peoples and the consensus that had emerged regarding the creation of an indigenous global coordinating committee and the drafting of a concept paper. The caucus welcomed the initiatives taken during the week and noted that the concept paper would

The Committee discusses the advancement of women, the protection of children, indigenous issues, the treatment of refugees, the promotion of fundamental freedoms through the elimination of racism and racial discrimination, and the right to self-determination. The Committee also addresses important social development questions such as issues related to youth, family, ageing, persons with disabilities, crime prevention, criminal justice, and international drug control.

Extracted from the "Draft Concept Paper for the World Conference on Indigenous Peoples 2014 compiled by the International Indian Treaty Council.

be ready by 5 August 2011.²

United Nations Declaration on the Rights of Indigenous Peoples

The World Conference on Indigenous Peoples 2014 is mainly focused on measures to be considered by States' Governments to implement the UN Declaration on the Rights of Indigenous Peoples adopted by the General Assembly in 2007.

Indigenous governments may get a copy of the Declaration from the CWIS website (cwis.org) or on the UN Permanent Forum on Indigenous Issues website:

<http://social.un.org/index/Indigenous-Peoples/DeclarationontheRightsofIndigenous-Peoples.aspx>

In the year 1973, the United Nations Sub-Commission on the Prevention of Discrimination and Protection of Minorities decided to undertake a ten-year study of the "situation of indigenous peoples" and designated Jose R. Martinez Cobo, the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities authored "Study on the Problem of Discrimination against Indigenous Populations." Before Dr. Martinez Cobo's study was completed in 1983, the Sub-Commission under the Economic and Social Council decided to form the UN Working Group on Indigenous Populations (1982) with the mission to consider "the situation of Indigenous Peoples." Beginning in the early 1980s the Working Group (made up of five members assigned from the Human Rights Commission with a settled membership led by the Chairperson-Rapporteur Dr. Erica-Irene A. Daes (of Greece)) who began conducting Working Group meetings in Geneva, Switzerland annually with participation from states'

government representatives (members of the UN) and representatives of non-governmental organizations and representatives of indigenous communities and governments. No prohibition was set regarding participation as was the usual practice of UN agencies and Councils. The Working Group was mandated:

- To review events relating to the promotion and protection of human rights and fundamental freedoms of indigenous peoples; and to analyze this material and send its report to the Sub-Commission on the Promotion and Protection of Human Rights. For this, the Working Group receives and analyses oral and written information presented to it by indigenous organizations, governments, specialized agencies and other UN organs.
- To give particular attention to changes in international standards relating to the human rights of indigenous peoples.
- The Working Group was not authorized to examine concrete complaints of alleged human rights violations with the aim of formulating recommendations or adopting decisions on concrete cases or countries though in fact such matters were frequently presented to the Working Group.

The Working Group decided that participation was open to any and all representatives registered to participate. The result was that upwards to 600-700 representatives functioning as delegations from non-governmental organizations, indigenous communities and indigenous governments traveled to Geneva over a period of ten years to present testimony, comments, remarks and "interventions"

Establishing a Seat at the International Table: Indian Government part. & Agenda for High Plenary

(prepared statements) that were dully recorded by the Working Group. Between 25 and 40 states' governments also participated as did non-governmental organizations and specialized agencies of the United Nations. As the years passed the Working Group decided in 1986 that they had received sufficient information to warrant drafting of a Declaration that could be considered by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, then by the Economic and Social Council and finally by the UN General Assembly. The Working Group's agenda for the years following 1986 focused on drafting the Declaration. During that time following ten years, the United States, Canada, New Zealand, Australia, Brazil and others objected to the use of the following language proposed for inclusion in the draft Declaration:

1. Peoples
2. Territory
3. Collective Rights
4. Self-Determination

These terms are terms of art used in international law; and opposition from the various states including the United States, Australia, and Canada, judging from their repeated remarks, was based on their desire to prevent consideration by the UN to "internationalize" Indigenous peoples' rights and to ensure that indigenous peoples would remain under domestic control of each government.

Preparatory Initiatives: Indigenous Global Coordinating Group

The Indigenous Global Coordinating Group (IGCG) was established during the

Indigenous Peoples' Brainstorming Meeting held in Copenhagen January 12-13, 2012 to organize participation in the UN World Conference on Indigenous Peoples during the preparatory period leading up to the Conference in 2014, and organize participation in the Conference. The IGCG expects to serve as the organizational mechanism that will review and report the priority topics to the World Conference sessions. The IGCG convened a 2-day planning session in Thailand's border-town of Chiang Mai on October 4 and 5 2012. Kenneth Deer (a member of Mohawk from Kanawake) of and Alyssa Macy (member of Confederated Tribes of Warm Springs) have been participating in the IGCG as the North American Delegation. Their principle emphasis in terms of policy has been "treaty enforcement and preservation."

The IGCG urged in January 2012 that the President of the UN General Assembly appoint Ambassador Luis Alfonso de Alba (Mexico) and Mr. John Henricksen (Saami Parliament, Norway) as facilitators for the World Conference preparatory process.

Members of the Indigenous Global Coordinating Group (2012) are³:

- Africa: Joseph Ole Simel
- Asia: Joan Carling
- Central & SA Carib Am: Florina Lopez
- Arctic Region: Hjalmar Dahl
- Eastern Eur, Russ, Cnt Asia: Rodiyon Sulyandziga
- North America: Kenneth Deer

3. This list was reported by the United Nations Permanent Forum on Indigenous Issues. The Permanent Forum on Indigenous Issues is serving as the official "touch stone" for the preparatory process and formulation of participation modalities. <http://social.un.org/index/IndigenousPeoples/WorldConference/IndigenousPeoplesVoicesontheWorldConference.aspx>

Establishing a Seat at the International Table: Indian Government part. & Agenda for High Plenary

- Women's Caucus: Alyssa Macy
- Youth Caucus: Tania Pariona

Regional Indigenous Preparatory meetings convened beginning in Nairobi, Kenya Africa (20-21 November 2012), Bangkok, Thailand, Asia (8-9 November 2012), Nuuk, Greenland, Arctic (23 – 24 October 2012) and other regional sessions are planned as follows:

- North America: 27-28 February 2013
- Indigenous Women's Caucus: 27-30 March 2013
- Central and South America and the Caribbean: Dates to be confirmed
- Eastern Europe Russian Federation, Central Asia and Transcaucasia: Dates to be confirmed
- Pacific: Dates to be confirmed Indigenous Youth Caucus: Dates to be confirmed
- **Meeting to be held in Alta, Norway in June 2013 hosted by the Sami Parliament of Norway**

To facilitate indigenous peoples' preparations for the World Conference, the Sami Parliament of Norway has extended an invitation to indigenous peoples to attend a Global Preparatory Indigenous Peoples' Conference on the World Conference on Indigenous Peoples, to be held in Alta, Norway from 8th to 13th June 2013, to consolidate indigenous peoples' strategies and priorities for the World Confer-

ence. For more information about Indigenous Peoples Preparatory Conference in Alta 2013, please contact:

Mr. John B. Henriksen
International Representative Sámediggi - the Sami Parliament in Norway
John.henriksen@samediggi.no

Mrs. Hege Fjellheim
Departemental Director for Rights and International issues Sámediggi - the Sami Parliament in Norway
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North American Indigenous Peoples' Preparatory Meeting – Feb 28 – Mar 1 2013

Debra Harry (dharry@ipcb.org), Executive Director of the Indigenous Peoples Council on Biocolonialism⁴ (a non-governmental organization) and Arthur Manuel, former Chief of the Neskonlith Band of the Secwepemc Nation and Spokesperson for the Indigenous Network on Economies and Trade (INET) (amanuel@telus.net) are co-coordinators for this meeting of North American indigenous peoples to consider agenda items and position to be taken at the World Conference on Indigenous Peoples in September 2014. The Preparatory Meeting is planned to convene at Kumeyaay Territory at the Sycuan Resort (sycuanresort.com). Participants must register for the session by or before February 22, 2013 following the link: <http://www.eventbrite.com/event/5180499012> . A separate registration is required to participate in the North American

4. The IPCB's mission is: The IPCB is organized to assist indigenous peoples in the protection of their genetic resources, indigenous knowledge, cultural and human rights from the negative effects of biotechnology. The IPCB provides educational and technical support to indigenous peoples in the protection of their biological resources, cultural integrity, knowledge and collective rights. The Board of Director Chair is Judy Gobert, Dean, Math and Science, Salish Kootenai College; Vice Chair is Jonathan Marks, Ph.D., Department of Sociology and Anthropology, University of North Carolina; Secretary is Pemina Yellow Bird, member of the North Dakota Intertribal Reinterment Committee. <http://www.ipcb.org/>

Indigenous Peoples' Caucus Preparatory Meeting convening at Sycuan on March 2-3. Register following the link: <http://www.eventbrite.com/event/5174280412>

Basic Global Organizing Group Strategy for Indigenous Peoples' Participation

- a. Work closely with the United Nations Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), the Special Rapporteur on the Rights of Indigenous Peoples (SR) James Anaya and the coordinators appointed by the President of the General Assembly regarding the preparations of the WCIP 2014, especially in defining the arrangements for the preparatory process.
- b. Draft clear recommendations for the arrangements for the preparatory process (with the support and endorsement of the United Nations Permanent Forum on Indigenous Issues, the EMRIP and the SR).
- c. Ensure consistent and effective participation of indigenous peoples (IP) in all preparatory activities organized by the UNGA President and related bodies including the development of the agenda, the implementation of the WCIP 2014 itself, the development and adoption of its outcome document and follow-up and implementation.
- d. Lobby States, including the EU, and gain their support for the common position of indigenous peoples for the WCIP 2014. The common position will be reached through regional and global meetings of indigenous peoples.
- e. Conduct technical workshops with States

that support indigenous peoples' rights in order to gain their support for the IP common position and to discuss strategies regarding how to gain the support of other States.

- f. Consistently raise the WCIP 2014 and the issue of indigenous peoples' participation in all UN fora. The HRC will receive reports from the EMRIP as well reports of the SR. This is an opportunity for indigenous peoples to raise the issue of full and effective participation of indigenous peoples at all stages of preparation and decision making of the WCIP 2014.
- g. Undertake fundraising to ensure indigenous peoples participation in the preparatory stages of the WCIP 2014 as well as the Conference itself.
- h. Lobby States, including the EU, to gain support for the concerted input and influence of indigenous peoples at the different preparatory stages of the WCIP 2014 in the UN system.

Ensuring an Open and Transparent Process

- a. Ensure that we do not lose what we have already gained. The Declaration is the most comprehensive and advanced of international instruments dealing with indigenous peoples' rights. Any outcome document of the WCIP 2014 must be consistent with the Declaration and not seek to minimize or define the rights within it.
- b. Engage in a multi pronged approach including global, regional and country level initiatives to effectively prepare for the WCIP 2014.
- c. Establish an indigenous global coordinat-

- ing committee for the WCIP 2014 and its mandate to conduct the preparatory process with representation of the seven socio cultural regions, indigenous women and youth. This body shall be established by September 2011.
- d. It is critical that the indigenous global coordinating committee members are finalized soon in order to continue our work for the WCIP 2014 in a more coordinated fashion. An email group consisting of the committee members will be created. This email group will serve as a link between the regions and the indigenous global steering committee.
 - e. The indigenous global coordinating committee shall design the framework for the desired outcome of the WCIP 2014 by indigenous peoples, and coordinate regional meetings/workshops and meetings of women and youth.
 - f. Hold national and regional preparatory meetings to draw up the priority issues and concerns that shall be addressed by the WCIP 2014 and include clear recommendations.
 - g. Undertake fund-raising to hold national and regional preparatory meetings/ activities.
 - h. Hold an IP global preparatory meeting in Alta, Norway in June 2013 to be hosted by the Sámi Parliament of Norway.
 - i. Have a consensus document adopted at the IP global preparatory meeting in Alta, Norway. Such a document must be drafted and agreed to amongst indigenous peoples prior to the IP global preparatory meeting in Alta, Norway. The document could be adopted by consensus in Alta, Norway.
 - j. The consensus document of the IP global preparatory meeting in Alta, Norway shall formulate the common position of indigenous peoples and shall be presented to States, including the EU, for their support and endorsement.
 - k. Ensure that advocacy work and lobbying regarding the common position of indigenous peoples continues after the Alta Meeting until the holding of the WCIP 2014.
 - l. Ensure that all key documents including this document and the common position of indigenous peoples are translated from the source language into English, French, Russian and Spanish to ensure a common understanding amongst indigenous peoples.
 - m. Create and implement a strategy as to how to influence the UNGA for a resolution on indigenous peoples having global and regional preparatory processes.

Considerations for Indian Government Agenda at the WCIP 2014

UN General Assembly Draft Conference Procedures:

The UN Secretariat began developing a Draft Resolution for consideration by the UN General Assembly providing an explanation of the Conference procedures. Here are the main elements of that draft as edited to the present date:

- 1. Decides that the high-level plenary meeting of the General Assembly, to be known as the World Conference on Indigenous

Establishing a Seat at the International Table: Indian Government part. & Agenda for High Plenary

- Peoples, will be held on Monday 22 of September and the afternoon of the Tuesday 23 of September 2014⁶;
2. Encourages all Member States to consider being represented in the World Conference on Indigenous Peoples at the Head of State or Government Level;
 3. Decides that the organizational arrangements of the World Conference on Indigenous Peoples shall be as follows:
 - i. The World Conference will be composed of two plenary meetings, in the form of an opening and a closing session, three interactive round tables and one informal panel discussion. The opening meeting will start at 9:00 a.m and on the afternoon of Monday 22 of September two round tables will take place simultaneously;
 - ii. The speakers at the opening session will be the President of the General Assembly, Heads of the Secretary-General, the High Commissioner for Human Rights, the Chair of the Permanent Forum, three representatives of indigenous peoples who will be proposed [Reference to EMRIP and the Special Rapporteur deleted and moved to d) below; 9 Indigenous reps reduced to 3; 'after consultations with Indigenous peoples' replaced with 'after consultations with Member States']
 - iii. The informal round tables and the interactive panel discussion will be chaired by one Member State and of indigenous peoples [requirement for consultation with Indigenous peoples deleted,]
 - iv. The Chair of the Permanent Forum, the Chairperson Rapporteur of the Expert Mechanism and the Special Rapporteur on the Rights of Indigenous Peoples should be invited to participate in the interactive panel discussion;
 - v. the proceedings of the round tables and interactive panel discussion shall be webcast;
 - vi. The co-chairs of the round tables and the panel discussion will present summaries of the discussions at the closing plenary meeting⁷;
4. Organizations and institutions of indigenous peoples interested in participating in the high-level plenary meeting of the General Assembly, to be known as the World Conference on Indigenous Peoples, and whose aims and purposes are in conformity with the spirit, purposes and principles of the Charter of the United Nations, should be invited to submit applications to the Secretariat through an open and transparent accreditation procedure, in accordance with established practices for the accreditation of representatives of organizations, and institutions of indigenous peoples observed by the UN Permanent Forum on Indigenous Issues and the UN Expert Mechanism on the Rights of Indigenous Peoples, and consultation with States concerned; [Deletes: Indigenous peoples, nations, councils, parliaments, governments, organizations and institutions, interested in participating in the World Conference are encouraged to register with the Secretariat of the Permanent Forum; participation of Indigenous

6. The Indigenous Global Coordinating Group originally proposed 3 days for the Conference and the earlier draft of the proposed procedures stated 2 days and now the present draft indicates 1 ½ days.

7. The previous item (vi.) has been deleted, which stated: f) The outcome document of the World Conference will be adopted at the closing plenary meeting;

peoples organizations and institutions to be decided by Member States;]

5. Decides that the high-level plenary meeting of the General Assembly, to be known as the World Conference on Indigenous Peoples, shall resulting in a concise action oriented outcome document, [NEW TEXT] and requests the President of the General Assembly to prepare a draft text on the basis (DELETES: an inclusive process] of consultations with Member States, as well as indigenous peoples, [DELETES REFERENCE TO THE UNPFII, EMPRIIP AND SR] and by taking into account the views emerging from the preparatory process and the informal interactive hearing referred to in the paragraph above of the present resolution [NEW TEXT] and to convene an inclusive and open informal process of consultations at an appropriate date in order to provide input for sufficient consideration by Member States and agreement by the of the outcome document by the General Assembly prior to formal action at the high level meeting. (edits appear in original text)⁸

Indigenous Nations' Topics and Proposals

As the Draft Procedures being considered by the UN General Assembly suggest, indigenous nations (read: "institutions") and their non-governmental organizations are invited to submit topics and policy proposals concerning the implementation of the UN Declaration on the Rights of Indigenous Peoples. The preparatory process contemplates the following steps for developing the topics and policies to be considered"

1. Indian governments have their own very specific topics affecting their interests.
2. Regional Intertribal organizations consolidate those topics and policies.
3. Indian governments and organizations participate in an Indigenous Global Coordinating Group sponsored Regional Preparatory Meeting where topics and policies are discussed and further refined.
4. Regional Preparatory Meeting topics and policies are submitted to the Indigenous Global Coordinating Group for final refinement and submission to the UN Secretariat.
5. UN Secretariate distributes topics and policies to member states' governments for the Plenary Meeting of the United Nations.

Conclusion

Indigenous nations and peoples have been a subject of international discussion, debate and agreements for more than 80 years, but only since 1972 when the matter of indigenous peoples' rights was placed on the table of the United Nations Economic and Social Council have indigenous nations actively made efforts to enter into a direct dialogue with States' governments at the international level. During the last thirty years indigenous nations have actively participated in United Nations Working Group on Indigenous Populations sessions to help frame the language for what became the UN Declaration on the Rights of Indigenous Peoples adopted finally in 2007 by the UN General Assembly.

8. This sentence makes the outcome document solely in the hands of Member states and replaces previous text: "in order to prepare an action oriented document for its adoption during the World Conference."

Owing to the initiative of the Bolivian government (whose president is an Aymara Indian, President Evo Morales) the UN received a resolution to convene a World Conference on Indigenous Peoples.

While Indigenous nations and organizations are invited to “actively participate” in the proceedings, their credentials are likely to be classified as “non-governmental.” This remains a serious impediment to “sitting at the table” to engage on policies that directly affect the rights and interests of indigenous peoples.

The “outcome document” from the Conference is presently slated to be a “sense of the conference” instrument that will not be placed for the UN General Assembly for adoption.

Indian governments will be in the position of continuing (as has been the pattern for the last thirty years) to “lobby” states’ government delegations to establish informal relations while seeking to establish more formal relations on a government, by government basis.