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**Rights of indigenous peoples: follow-up to the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples**

## **Enhancing the participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them**

### **Report of the Secretary-General**

#### *Summary*

The present report is submitted pursuant to resolution [71/321](#), in which the General Assembly requested the Secretary-General to report on achievements, analysis and concrete recommendations on the possible further measures necessary to enable the participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them.

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\* [A/75/150](#).



## I. Introduction

1. The present report is submitted pursuant to resolution [71/321](#), in which the General Assembly requested the Secretary-General to report on achievements, analysis and concrete recommendations on the possible further measures necessary to enable the participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them. It builds upon the report of the Secretary-General on ways and means of promoting participation at the United Nations of indigenous peoples' representatives on issues affecting them ([A/HRC/21/24](#)), the report of the Secretary-General on progress made in the implementation of the outcome document of the high-level plenary meeting of the Assembly known as the World Conference on Indigenous Peoples ([A/70/84-E/2015/76](#)) and the compilation of views transmitted by the President of the Assembly ([A/70/990](#)), as well as upon the informal discussions convened during the seventy-first session of the Assembly, as reflected in the relevant correspondence of its President. The report also builds upon information received from indigenous peoples, including information presented in informal interactive hearings conducted by the President of the Assembly in 2018 and 2019.<sup>1</sup>

2. The request for the report is consistent with the following articles of the United Nations Declaration on the Rights of Indigenous Peoples:

### 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.

### Article 18

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

### Article 41

The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.

3. The request for the report is also consistent with the outcome document of the World Conference on Indigenous Peoples, held in 2014, in which Member States committed themselves to considering, at the seventieth session of the General Assembly, ways to enable the participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them (resolution [69/2](#), para. 33). At its seventy-first session, the Assembly decided to continue its consideration of the matter at its seventy-fifth session (resolution [71/321](#)).

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<sup>1</sup> Summaries, agendas and concept notes for the hearings, as well as relevant correspondence of the President of the General Assembly, are available from [www.un.org/development/desa/indigenouspeoples/participation-of-indigenous-peoples-at-the-united-nations.html](http://www.un.org/development/desa/indigenouspeoples/participation-of-indigenous-peoples-at-the-united-nations.html).

## II. Background

4. Since making initial attempts to engage with the League of Nations in the 1920s, indigenous peoples have consistently sought the cooperation of the international community, including the United Nations and its agencies, funds and programmes. Although their request to address the League was denied in 1923, their participation at the United Nations and its agencies, funds and programmes has increased over the years, resulting in major achievements and gains. These include the adoption by the General Assembly of the United Nations Declaration on the Rights of Indigenous Peoples by an overwhelming majority of Member States in September 2007; the establishment of three specific mandates, namely the Permanent Forum on Indigenous Issues, the Special Rapporteur on the rights of indigenous peoples and the Expert Mechanism on the Rights of Indigenous Peoples; and the organization of a high-level event of the Assembly, known as the World Conference on Indigenous Peoples, which was held in September 2014.

5. Over the years, indigenous peoples have brought forward their concerns and priorities, asserted their rights and been represented by their governance bodies, parliaments, assemblies, councils and other entities at various United Nations forums. Many of those representative institutions are recognized at the national level through treaties, agreements, legislation and other constructive arrangements. However, at the United Nations, there is no arrangement for the formal recognition of those institutions.

6. Concerns regarding the lack of international recognition of indigenous peoples' representatives and institutions were raised in 2011 by the Expert Mechanism, which proposed that the Human Rights Council encourage the General Assembly to adopt measures to ensure that indigenous peoples' governance bodies and institutions, including traditional indigenous governments, indigenous parliaments, assemblies and councils, were able to participate at the United Nations as observers with, at a minimum, the same participatory rights as non-governmental organizations (NGOs) in consultative status with the Economic and Social Council ([A/HRC/18/43](#), proposal 3 (d)).

7. In response, the Human Rights Council requested the Secretary-General, in cooperation with the Office of the United Nations High Commissioner for Human Rights, the Office of Legal Affairs and other relevant parts of the Secretariat, to prepare a detailed document on ways and means of promoting participation at the United Nations of recognized indigenous peoples' representatives on issues affecting them, as they were not always organized as NGOs, and on how such participation might be structured (resolution [18/8](#), para. 13).

8. In the report issued in 2012 on ways and means of promoting participation at the United Nations of indigenous peoples' representatives on issues affecting them ([A/HRC/21/24](#)), the Secretary-General considered relevant existing procedural rules and identified possible measures to further promote such participation. It was suggested in the report that, before specific procedures could be considered, it would be necessary to address several important questions, including the criteria for determining the eligibility of indigenous peoples' representatives for accreditation and the nature and membership of a body to determine their eligibility. The Secretary-General suggested that the President of the General Assembly might consider appointing facilitators to lead an open-ended consultation process involving, among others, Member States, indigenous peoples' representatives and relevant mandates of the United Nations, such as the Permanent Forum, the Expert Mechanism and the Special Rapporteur on the rights of indigenous peoples, to discuss possible procedural and institutional steps and selection criteria (*ibid.*, para. 59).

9. It was noted in the 2012 report that, consistent with the Declaration, it was important for indigenous peoples to be actively involved in the determination of such issues in partnership with Member States.

10. It was also noted in the report that participation at the United Nations had been a positive experience for indigenous peoples, who had been excluded historically, enabling them to work peacefully and in partnership with States on issues of concern, leading to fruitful outcomes and the greater commitment of indigenous peoples, States and the United Nations system to strengthening recognition of and respect for the human rights of indigenous peoples. Such cooperation would be improved by the further enhancement of procedures to enable the participation of indigenous peoples in all relevant work of the United Nations, in a way that realized, respected, promoted and protected their rights under the Declaration and other relevant international human rights standards.

11. Lastly, possible ways were outlined in the report to facilitate the development of procedures to promote the participation of indigenous peoples' representatives at the United Nations.

## **A. World Conference on Indigenous Peoples**

12. The decision by Member States to organize a high-level meeting of the General Assembly, known as the World Conference on Indigenous Peoples, in September 2014 (see resolution [65/198](#), para. 8), brought an increased focus on the participation of indigenous peoples at the United Nations, beginning with resolution [66/296](#) on the organization of the meeting.

13. In April 2012, the President of the General Assembly appointed a representative of a Member State and a representative of indigenous peoples to facilitate discussions on the format and organizational arrangements of the World Conference. In its resolution [66/296](#), the Assembly determined the scope and organizational arrangements for the World Conference, including the designation of speakers and participants and the fact that the meeting should result in an action-oriented outcome document. The elaboration of the resolution, facilitated on behalf of the President by one Member State representative and one indigenous peoples' representative, initiated a practice that Presidents of the Assembly have followed throughout the World Conference process and its follow-up consideration of the enhanced participation of indigenous peoples at the United Nations.

14. The outcome document of the World Conference (resolution [69/2](#)) was facilitated by two Member State advisers and two indigenous advisers. In the document, Member States committed themselves to considering, at the seventieth session of the General Assembly, ways to enable the participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them (*ibid.*, para. 33). That was based on a recommendation by indigenous peoples at the Global Indigenous Preparatory Conference for the World Conference, held in Alta, Norway, in June 2013. In the outcome document of the Preparatory Conference, indigenous peoples called for, at a minimum, permanent observer status within the United Nations system, enabling direct participation through their own governments and parliaments, and stated that their own governments included traditional councils and authorities ([A/67/994](#), annex, theme 2, para. 10).

15. At its seventieth session, in follow-up to the commitment made at the World Conference to consider the participation of indigenous peoples' representatives and institutions in relevant United Nations bodies, the General Assembly requested its President 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, including procedural and institutional steps and selection criteria, necessary to enable the participation of such representatives and institutions in meetings of relevant United Nations bodies on issues affecting them (resolution [70/232](#), para. 19).

## B. Consultations

16. In February 2016, consideration by the General Assembly of the enhanced participation of indigenous peoples at the United Nations was initiated by the appointment of four advisers – two indigenous advisers and two Member State advisers – by the President of the Assembly at its seventieth session.<sup>2</sup> In September 2016, the President of the Assembly at its seventy-first session reconfirmed the appointment of those advisers to continue the process.

17. In 2016 and 2017, the Presidents of the General Assembly organized consultations on the margins of the annual sessions of the Permanent Forum on Indigenous Issues, to ensure the broad participation of indigenous peoples' representatives and institutions already in attendance. Led by the four advisers, four main elements related to a possible new status of indigenous peoples at the United Nations were considered during the consultations, namely venues of participation, modalities of participation, selection criteria and selection mechanisms.

18. During the consultations, indigenous peoples placed strong emphasis on their rights to self-determination, self-identification and to select their own representatives in accordance with their own procedures. Among Member States, there was general support for pursuing the enhanced participation of indigenous peoples at the United Nations. Some Member States supported indigenous peoples' requests for a new status of participation. Others expressed reservations, citing the lack of an internationally recognized definition of the term "indigenous" and pointing to processes already in place for the participation of indigenous peoples at the United Nations. Indigenous peoples' representatives responded that the definitional issue had been raised during the drafting process for the United Nations Declaration on the Rights of Indigenous Peoples and was not considered to be an essential element in identifying indigenous peoples, given that the Declaration was adopted in September 2007 without such a definition.

19. The consultations held in 2016 and 2017 culminated in the adoption by the General Assembly on 8 September 2017 of resolution [71/321](#) on enhancing the participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them. In the resolution, the Assembly did not establish a new status of participation for indigenous peoples at the United Nations, reflecting a lack of consensus on the issue. However, it was agreed to consider the matter further, and the Secretary-General was requested to prepare the present report.

20. The General Assembly also requested its President to organize interactive hearings with indigenous peoples at the seventy-second, seventy-third and seventy-fourth sessions of the Assembly in order to consider further measures to enhance their participation at the United Nations. Their input would contribute further to the

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<sup>2</sup> On 18 February 2016, the President of the General Assembly appointed the following four advisers to conduct consultations: two from Member States, namely the Permanent Representative of Finland, Kai Sauer, and the Permanent Representative of Ghana, Martha Ama Akyaa Pobee; and two indigenous advisers, namely Claire Winfield Ngamihi Charters of the Pacific region and James Anaya of the North America region.

renewed consideration by the Assembly of the participation of indigenous peoples at its seventy-fifth session (see resolution [71/321](#), para. 7).

### **III. Compilation of views on possible measures necessary to enable the participation of indigenous peoples' representatives and institutions**

21. On 25 July 2016, the President of the General Assembly transmitted a compilation of views on possible measures necessary to enable the participation of indigenous peoples' representatives and institutions in relevant United Nations meetings on issues affecting them, and of good practices within the United Nations regarding indigenous peoples' participation ([A/70/990](#)). The compilation was intended to form the basis of a draft text to be finalized and adopted by the Assembly at its seventy-first session.

22. The compilation reflected responses provided to the President of the General Assembly at consultations and meetings that he and the four advisers conducted from March to June 2016. The authors of the compilation attempted to summarize the views that appeared to have some support, while also noting points of difference. Guided by the report of the Secretary-General on progress made in the implementation of the outcome document of the high-level plenary meeting of the Assembly known as the World Conference on Indigenous Peoples ([A/70/84-E/2015/76](#)), the compilation contained considerations for the participation of indigenous peoples' representatives at the United Nations.

#### **A. Suggested venues of participation**

23. In paragraph 11 of the compilation, it was noted that considerable, but not uniform, support had been expressed for a separate category of participation at the United Nations for indigenous peoples, given that the current procedures and practices, such as those applicable to NGOs accredited to the Economic and Social Council, did not naturally or sufficiently accommodate the participation of indigenous peoples as indigenous peoples in United Nations bodies.

24. It was also noted that there appeared to be a convergence of views that, at a minimum, the level of participation of indigenous peoples at the United Nations should not fall below that of NGOs accredited to the Economic and Social Council and should not undermine existing procedures that permitted the participation of indigenous peoples at the United Nations.

25. The matter of the participation of indigenous peoples in the General Assembly was raised during the consultations, in which it was noted that the specific forms of participation for observers in the Assembly were regulated by organization-specific resolutions of the Assembly. It was also noted that, in practice, few entities that were not intergovernmental organizations had received a standing invitation to participate as observers in the Assembly.

26. Participation in other venues was also considered, including the Economic and Social Council and the Human Rights Council and their subsidiary bodies. Many contributors mentioned the importance of the participation of indigenous peoples in all United Nations agencies, funds and programmes, as well as at meetings of the conferences of the parties to United Nations treaties. It was suggested in the compilation that the General Assembly did not have the authority to require the participation of indigenous peoples in all activities or entities associated with the United Nations, and that the Assembly also did not determine procedures for

participation in the Economic and Social Council. It was observed, however, that the Assembly could recommend that the United Nations as a whole, including its associated entities and processes, enhance the participation of indigenous peoples, and it was suggested that such a recommendation would be influential. It was also noted in paragraph 21 of the compilation that considerable support had been expressed for such a recommendation of the Assembly.

## **B. Participation modalities**

27. It was noted in the compilation that some contributors had called for the participation of indigenous peoples in the General Assembly consistent with that of the vast majority of holders of observer status, which would include the right to speak, but not the rights to reply, take initiatives or vote. Others did not share that view. Participation in consultations on resolutions was also discussed, with some contributors favouring the inclusion of indigenous peoples while others did not.

28. Some suggested that indigenous peoples should be given priority in speaking order and seating arrangements in the Economic and Social Council and the Human Rights Council over NGOs accredited to the Economic and Social Council when issues especially relevant to indigenous peoples were addressed. Others did not agree.

29. It was noted, however, that there appeared to be a convergence of views that, at a minimum, the modalities of participation of indigenous peoples at the United Nations should not fall below those of NGOs accredited to the Economic and Social Council.

## **C. Method of selection and recognition (accreditation)**

30. In most proposals, the establishment of a new body to accredit indigenous peoples' representative institutions for a new category of participation was recommended. They included suggestions that the body consist of indigenous and State representatives or indigenous and State-nominated experts. Some contributors rejected the idea of a body external to indigenous peoples for accreditation, while others suggested a body composed mainly of Member States and the use of a "no-objection" procedure. Proposals were also made for two-step procedures, with an indigenous accreditation body reviewed by a parent body such as the General Assembly or the Economic and Social Council. A number of contributors recommended that membership in a new body be geographically and regionally balanced.

## **D. Additional relevant factors for indigenous peoples' representative institutions to qualify for a new category of participation**

31. In the compilation, it was highlighted that there was neither a definition of the term "indigenous" nor a common understanding of the term "indigenous peoples' representative institutions". It was noted that there were different views on whether such institutions should be limited to indigenous governance institutions or understood more broadly and flexibly. Many indigenous peoples have multiple representative institutions within and across States and at different levels. It was noted in paragraph 41 of the compilation that there appeared to be considerable agreement that indigenous peoples and their representative institutions needed to be distinguished from NGOs, organizations composed of indigenous voluntary members or non-indigenous peoples' organizations. Many of those organizations were already recognized by States at the country level.

32. According to paragraph 44 of the compilation, there was considerable support for the view that State recognition of an organization as representative of indigenous peoples, although a relevant factor, should not be a prerequisite for eligibility for accreditation at the United Nations as an indigenous peoples' representative institution. Many took the view that a factor necessary for an institution to qualify as a representative institution was that it genuinely represented one or more peoples who self-identified as indigenous. Other factors cited as relevant included the fact that the institution represents a people with ancestral connections with its lands, territories and resources; shares history, language and culture, exercises the collective rights of the people and has the authority to practise self-government; and, where relevant, has entered into treaties, agreements or other constructive arrangements.

## **IV. Consultations with indigenous peoples**

### **A. Interactive hearings**

33. In its resolution [71/321](#), the General Assembly requested its President to organize and preside over informal interactive hearings during the seventy-second, seventy-third and seventy-fourth sessions of the Assembly. The hearings were aligned with the sessions of the Permanent Forum on Indigenous Issues held in 2018 and 2019 to ensure the greatest possible participation of indigenous peoples.

34. At the first two hearings, indigenous peoples expressed their disappointment with the lack of progress in enhancing their participation at the United Nations. They reiterated their rights to self-determination and self-identification, as recognized in the United Nations Declaration on the Rights of Indigenous Peoples. Although they indicated that they appreciated the establishment of the Permanent Forum and the Expert Mechanism, they stated that those were United Nations expert bodies and that the participation of indigenous peoples at their annual sessions was distinct from the current process for enhanced participation that included other relevant processes and bodies. In addition, they reiterated that existing United Nations practices of accreditation did not recognize indigenous peoples' governance structures and representative entities, as called for in articles 3, 18 and 19 of the Declaration.

35. Indigenous peoples' representatives reiterated that the participation of indigenous peoples at the United Nations had been a positive experience, through which they had consistently demonstrated their willingness to work constructively and in partnership with Member States. The representatives emphasized that the participation of indigenous peoples must be effective. That would entail not only making oral and written statements, but also participating in the development of resolutions and other decisions on matters affecting them.

36. During the hearings, indigenous peoples' representatives emphasized the fact that the institutions for which they sought greater participation were already engaged in self-governance, and that many were also recognized by Member States in a number of countries. They also stressed that any accreditation criteria to be developed must respect indigenous peoples' rights to self-identification and self-determination.

37. Owing to the coronavirus disease (COVID-19) pandemic, the annual session of the Permanent Forum was not held in April 2020 as originally scheduled, and the anticipated interactive hearing was also not held. Indigenous peoples' representatives requested that an online hearing not be organized, since it would not allow for the full and effective participation of indigenous peoples owing to a variety of barriers, including the digital divide. They recommended that informal hearings be postponed until in-person meetings could be held again, allowing the broadest and most inclusive participation possible of indigenous peoples and Member States.

## **B. Indigenous peoples' initiatives**

38. Indigenous peoples organized two international dialogue meetings to discuss their enhanced participation. At the meetings, held in Bangkok on 11 and 12 November 2016 and in Quito from 27 to 30 January 2020, they stated that they should be able to participate at the United Nations at all levels, including in the General Assembly and its subsidiary bodies and conferences. In Bangkok, participants also specified that a new accreditation body would need to be established to enable that. It was further concluded in Bangkok that a definition of indigenous peoples was neither appropriate nor necessary.

39. In the outcome document of the meeting held in Quito, it was recommended that States support the inclusion of indigenous peoples in all consultations and negotiations on their enhanced participation at the United Nations, including the appointment of two of the four advisers to the President of the General Assembly. Participants also recommended that States request the President to hold a series of informal high-level meetings with States on the enhanced participation of indigenous peoples at the United Nations.

40. At the same meeting, indigenous peoples decided to establish a coordinating body, with two members from each of the seven indigenous sociocultural regions, for consultation and coordination and to facilitate cooperation among indigenous peoples with regard to the enhanced participation process. Participants established a temporary committee to prepare for the establishment of the coordinating body. Owing to the COVID-19 pandemic, the establishment of the coordination body has been delayed but the temporary committee continued to function as of June 2020.

## **C. Online survey on participation**

41. In December 2019 and January 2020, the Department of Economic and Social Affairs conducted an online survey to solicit the input of indigenous peoples on possible further measures necessary to enhance the participation of their representatives and institutions in relevant United Nations meetings on issues affecting them. The survey was aimed at enabling the voices of a greater number of indigenous peoples' representatives to be heard in addition to those participating in person at the annual sessions of the Permanent Forum. It included questions on venues of participation, modalities of participation and methods of selection. The survey was answered by 151 respondents from all seven indigenous sociocultural regions.

42. A total of 84 per cent of respondents stated that a separate category of participation should be established for indigenous peoples' representatives at the United Nations, given that the current modalities did not adequately accommodate their participation. Some 80 per cent strongly agreed that it was necessary to strengthen the participation of indigenous peoples' representatives and institutions in the General Assembly, the Economic and Social Council, the Human Rights Council and their subsidiary bodies. Similarly, 80 per cent called for participation that was at least equivalent to that of NGOs accredited to the Economic and Social Council. Over 90 per cent strongly agreed or agreed that self-identification as indigenous peoples should be regarded as a fundamental criterion to determine indigenous peoples' own identity or membership in accordance with their customs and traditions. Over 80 per cent agreed that a new body, composed equally of representatives of indigenous peoples and Member States, would be required to address the accreditation of indigenous peoples' representative institutions at the United Nations.

43. The results of the survey confirmed the views that indigenous peoples' representatives had stated in person at the interactive hearings of the President of the General Assembly and at the sessions of the Permanent Forum.

## **V. Examples of existing opportunities for the participation of indigenous peoples' representatives at the United Nations**

44. The report of the Secretary-General on ways and means of promoting participation at the United Nations of indigenous peoples' representatives on issues affecting them (A/HRC/21/24) provides detailed information about participation opportunities through the Permanent Forum and the Expert Mechanism. Those are the principal mechanisms at the United Nations that have been established to solicit information, recommendations and advice from indigenous peoples and incorporate them into the work of the United Nations system. Indigenous peoples' representatives may be accredited as observers to meetings of the bodies as either NGOs in consultative status with the Economic and Social Council or indigenous peoples' organizations. The procedures and rules for the accreditation of indigenous peoples' representatives at the Permanent Forum and the Expert Mechanism are described in the report of the Secretary-General.

45. Some of the good practices of participation in other United Nations system processes that bear relevance to the discussion are set out in the present section. The information provided is descriptive and is aimed at demonstrating the range and depth of such practices, but is not exhaustive.

### **A. United Nations Framework Convention on Climate Change**

46. The Local Communities and Indigenous Peoples Platform was established at the twenty-first session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, held in Paris in 2015. It is intended to bring together indigenous peoples and local communities to work with States parties on achieving a climate-resilient world for all. The Facilitative Working Group of the Platform was established at the twenty-fourth session of the Conference of the Parties and comprises an equal number of indigenous peoples' representatives and representatives of Member States. Its three core functions are related to knowledge, capacity for engagement and climate change policies and actions.

47. Established by the Conference of the Parties to the Convention in 2010, the Green Climate Fund is the world's largest fund dedicated to supporting developing countries in reducing their greenhouse gas emissions and enhancing their ability to adapt to climate change. Its policy on indigenous peoples, adopted by its Board in 2018, provides for the establishment of an indigenous peoples advisory group that will enhance coordination between the Fund, accredited entities and executing entities, States and indigenous peoples. As stated in the policy, the group will be made up of four indigenous peoples' representatives from the regions of developing States in which the Fund may support activities. Members of the advisory group will be selected through a self-selection process for each region led by indigenous peoples, and the group should have gender balance.

### **B. World Intellectual Property Organization**

48. The Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore of the World Intellectual Property

Organization (WIPO) accredits organizations that are not members of WIPO as ad hoc observers. Accreditation is carried out by member States at the beginning of each session of the Intergovernmental Committee. Indigenous peoples' organizations have been accredited and have provided the Intergovernmental Committee with information, comments and suggestions. WIPO supports the participation of indigenous peoples at sessions of the Intergovernmental Committee through a voluntary fund. During meetings of the Intergovernmental Committee, indigenous participants may take the floor on any agenda item and have been invited to participate in informal consultations and drafting groups.

### **C. International Fund for Agricultural Development**

49. The Indigenous Peoples' Forum at the International Fund for Agricultural Development (IFAD) was established in 2011 as a permanent process of consultation and dialogue between representatives of indigenous peoples' institutions and organizations, IFAD and its member States. The Forum meets every other year in conjunction with the meetings of the Governing Council of IFAD. The Forum focuses on the involvement of indigenous peoples in the development of IFAD country strategies, project design, implementation and monitoring processes, policy dialogue and advocacy. It also promotes accountability by encouraging indigenous peoples' representatives to provide feedback on operations supported by IFAD. In addition, IFAD has created a steering committee that is composed of seven indigenous representatives, four indigenous young persons, a representative of the Board of the Indigenous Peoples Assistance Facility, a member of the Permanent Forum and a representative of IFAD. The Steering Committee advises IFAD on the implementation of the IFAD policy on engagement with indigenous peoples.

50. The members of the Steering Committee identify participants for the regional consultation meetings and the global meetings of the Indigenous People's Forum from among the regional and subregional networks and constituencies of indigenous peoples on the basis of established criteria. The participants in the global meetings consist of 30 to 40 indigenous peoples' representatives, including representatives of indigenous peoples' communities and organizations at the local, national and regional levels; members of the Board of the Indigenous Peoples Assistance Facility; and representatives of the Permanent Forum, the Expert Mechanism and the Special Rapporteur on the rights of indigenous peoples.

51. Accreditation to the processes of the Indigenous People's Forum is based on the principles of self-identification and self-determination of indigenous peoples, given that the selection of participants is made by indigenous peoples themselves.

### **D. United Nations Educational, Scientific and Cultural Organization**

52. The work of the United Nations Educational, Scientific and Cultural Organization (UNESCO) with indigenous peoples is guided by its policy on engaging with indigenous peoples,<sup>3</sup> a document that was noted with satisfaction at the 202nd session of its Executive Board. UNESCO offers observer status for NGOs, a process that is open to indigenous peoples' organizations. In its policy, UNESCO considers participation to be one of the rights of indigenous peoples that are of specific relevance for its work, and explicitly adheres to article 41 of the United Nations Declaration on the Rights of Indigenous Peoples, in which it is stated that the organs and specialized agencies of the United Nations system and other intergovernmental

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<sup>3</sup> See <https://unesdoc.unesco.org/ark:/48223/pf0000262748>.

organizations should establish ways and means of ensuring the participation of indigenous peoples on issues affecting them. In its policy, UNESCO also puts special emphasis on the participation of indigenous women.

53. UNESCO has 34 international and intergovernmental bodies and instruments, many of which have their own governance mechanisms and modalities. They include the Convention for the Protection of the World Cultural and Natural Heritage, which is aimed at protecting and preserving cultural and natural heritage sites of outstanding universal value. A number of the sites are in territories inhabited by indigenous peoples, and indigenous peoples' organizations may attend the annual sessions of the Intergovernmental Committee for the Protection of the World Cultural and Natural Heritage as observers. The autonomous International Indigenous Peoples' Forum on World Heritage, established in July 2017 by indigenous delegates at the forty-first session of the Committee, held in Krakow, Poland, is recognized by the Committee as an important platform for the involvement of indigenous peoples in the identification, conservation and management of world heritage properties.

## **E. Convention on Biological Diversity**

54. In 1998, the Conference of the Parties to the Convention on Biological Diversity decided to establish the Ad Hoc Open-ended Inter-sessional Working Group on Article 8 (j) and related provisions. In that article, States parties committed themselves to respecting, preserving and maintaining knowledge, innovations and practices of indigenous and local communities and encouraging the equitable sharing of the benefits arising from the utilization thereof. In its decision IV/9, the Conference of the Parties decided that the mandate of the Working Group was to provide it with advice relating to the implementation of the article and to review progress in the implementation of the priority tasks of the programme of work. The Working Group has met nine times since its establishment and, through its work, has raised the profile of indigenous peoples and local community issues throughout the Convention process.

55. The Working Group has adopted practices to ensure the effective participation of indigenous peoples and local communities in its work. Enhanced participation practices in the Working Group include the nomination of an indigenous Co-Chair to assist the Chair of the meeting, as well as an indigenous peoples and local community bureau, Co-Chairs for sub-working groups and contact groups, and enhanced opportunities to speak on all agenda items. In addition, to further support the effective participation of indigenous peoples and local communities in the work of the Convention, the secretariat has established specific web pages and web-based tools, including the traditional knowledge information portal, facilitates regular capacity development efforts and manages a voluntary funding mechanism for the participation of indigenous peoples and local communities in meetings held under the Convention.<sup>4</sup> The work of the secretariat to engage indigenous peoples and local communities is seen as a good practice for the rest of the United Nations system.<sup>5</sup>

## **F. High-level political forum on sustainable development**

56. At the United Nations Conference on Environment and Development, held in Rio de Janeiro, Brazil, in 1992, indigenous peoples were recognized as one of nine major groups in relation to sustainable development. Since then, the indigenous peoples major group has nominated various representatives as organizing partners to

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<sup>4</sup> See [www.cbd.int/traditional/fund.shtml](http://www.cbd.int/traditional/fund.shtml).

<sup>5</sup> CBD/WG8J/10/8, para. 8.

serve as facilitators to engage in the work of the United Nations, in particular in relation to the 2030 Agenda for Sustainable Development, the Sustainable Development Goals and the annual high-level political forum on sustainable development.

## **VI. Conclusions and recommendations**

**57. In paragraph 57 of the report on ways and means of promoting participation at the United Nations of indigenous peoples' representatives on issues affecting them (A/HRC/21/24), the Secretary-General suggested that any preliminary or preparatory process that explored the participation of indigenous peoples' representatives should consider a number of important questions, including the following:**

- (a) Criteria for determining eligibility of indigenous peoples' representatives for accreditation as such;**
- (b) Nature and membership of the body to determine the eligibility of indigenous peoples' representatives for accreditation;**
- (c) Details of the process, including the information required to be submitted to obtain accreditation as an indigenous peoples' representative;**
- (d) Procedures that will make the participation of indigenous peoples' representatives meaningful and effective.**

**58. Those questions have subsequently been at the core of consultations regarding the enhanced participation of indigenous peoples at the United Nations. In the report, the Secretary-General noted the importance of indigenous peoples having the opportunity to be actively involved in the determination of such issues, in partnership with Member States, consistent with the United Nations Declaration on the Rights of Indigenous Peoples. He further identified three possible forms that a consultation might take:**

- (a) Appointment of facilitators by the President of the General Assembly to lead an open-ended process involving Member States, indigenous peoples and relevant mandates of the United Nations;**
- (b) Establishment by the Assembly of a working group to provide guidance on possible procedural and institutional steps and selection criteria;**
- (c) Establishment by the Assembly of a mandate for the Economic and Social Council or the Human Rights Council to set up such a working group.**

**59. The Secretary-General reiterated those observations and possible ways forward in 2015 in his report on 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 Peoples (A/70/84-E/2015/76).**

**60. The third hearing requested by the General Assembly in resolution 71/321 was not organized owing to the COVID-19 pandemic. To ensure the widest and most inclusive consultations with indigenous peoples, the Secretary-General recommends that the Assembly organize further informal consultations with indigenous peoples.**

**61. It is also recommended that States organize, in cooperation with indigenous peoples, national and regional consultations on the enhanced participation of indigenous peoples at the United Nations.**

62. In the consultations that have already been held, a lack of common understanding of the terms “indigenous peoples’ representatives” and “indigenous peoples’ representative institutions” has become apparent. This has complicated the consultations, as some Member States have raised questions about the feasibility of developing an accreditation process for entities that are not commonly understood. At the same time, indigenous peoples have stressed that many of their representative institutions are already recognized by States through treaties, agreements and other constructive arrangements. An in-depth study of existing representative institutions and their practices may thus be useful to advance discussions on the matter.

63. The consultations have also revealed that there is a lack of information and understanding on the process among all parties, and therefore a need for further consultations with indigenous peoples in all regions. There is also a need to share information about the process in languages that indigenous peoples understand.

64. In that regard, the Secretary-General notes the decision by indigenous peoples to establish a coordinating body of indigenous representatives from all seven indigenous regions for consultation and coordination. This is a good practice, similar to the practice successfully utilized in the preparations for and organization of the World Conference on Indigenous Peoples in 2014. The Secretary-General encourages indigenous peoples to become involved to ensure that information is disseminated among them in all regions and to cooperate and coordinate on such an important matter, in full cooperation with Member States. Such involvement requires resources, and the Secretary-General encourages Member States to consider supporting indigenous peoples in that endeavour.

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