

Concept paper for the World Conference on Indigenous Peoples 2014

28 July 2011

1. Background

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 be ready by 5 August 2011.

As a result of those consultations, the beginnings of an indigenous global coordinating committee were also created with 2 representatives from each of the 7 socio cultural regions as well as a youth representative. Those people agreed to hold the positions temporarily until they have consulted with their regions as to whether they will continue or be replaced by others.

Three indigenous organizations agreed to draft the concept paper to formulate issues and ideas that indigenous peoples need to consider as part of the preparation for the WCIP 2014. Those three organizations are: Aotearoa Indigenous Rights Trust, Asia Indigenous Peoples Pact and the Sámi Parliament of Norway/Sámediggi/Sametinget. This document is the concept paper.

Lastly, the EMRIP, in its 4th session report proposed to the Human Rights Council (HRC) (A/HRC/18/XX):

[that the Council] welcome the decision made by the Sami Parliament (in Norway) to host an indigenous preparatory conference in 2013 for the World Conference on Indigenous Peoples 2014, and requests the General Assembly and States to ensure that the outcome of indigenous peoples' preparatory process is integrated into the outcome of the World Conference of Indigenous Peoples 2014.

2. What is a high level plenary meeting?

High level plenary meetings are United Nations (UN) meetings attended by heads of States and government officials. Civil society and the private sector may attend at the invitation of States. High level plenary meetings normally occur at the same time as the General Assembly meets in New York. This ensures that it is cost effective as well as guaranteeing the highest possible numbers of State representatives attend. It has not yet been decided where the WCIP 2014 will be held however some States may already be assuming that it will be held during the UN General Assembly (UNGA) in New York at the UN headquarters.

Previous high level plenary meetings have consisted of plenary meetings where heads of State speak, thematic panel discussions and interactive round table meetings. Informal interactive hearings can also be held before the high level plenary meeting with civil society. The high level plenary meeting may conclude with an outcome document for example, an action orientated political Declaration as well as pledges (financial commitments) by different parties.

3. The purpose of the WCIP 2014

The objective of the WCIP 2014 is set out in the resolution calling for the organization of the WCIP 2014. The resolution states:

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.

The resolution focuses on the rights of indigenous peoples and in particular the UN Declaration on the Rights of Indigenous Peoples (the Declaration).

The resolution then goes on to say how the preparations for the WCIP 2014 will be undertaken:

The President of the General Assembly [will] 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 process envisaged by the resolution calls for States as well as the three organs of the UN that deal specifically with indigenous peoples' rights to determine the preparations of the WCIP 2014 including the participation of indigenous peoples at the WCIP 2014.

4. Issues relating to the preparatory process

A number of issues need to be addressed by indigenous peoples in preparation for the WCIP 2014. At this initial stage, the focus of indigenous peoples must be to understand the process leading up to the WCIP 2014 and, to ensure the full and effective participation of indigenous peoples at all stages of preparation and decision making.

In regards to ensuring the full and effective participation of indigenous peoples at all stages of decision making, including at the WCIP 2014 itself, the EMRIP's **Final study on indigenous peoples and the right to participate in decision-making** (A/HRC/EMRIP/2011/2) and its progress report of 2010 (A/HRC 15/35) offers a valuable overview on lessons learnt and good practices of indigenous participation. Particular attention should be given to the following recommendation:

The United Nations should, in accordance with the Declaration on the Rights of Indigenous Peoples, establish a permanent mechanism/system for consultations with indigenous peoples' governance bodies, including indigenous parliaments, assemblies, councils or other bodies representing the indigenous peoples concerned, to ensure that such bodies have a consultative status enabling them to participate effectively at all levels of the United Nations. (Annex Advice No. 2, paragraph 35, HRC/EMRIP/2011/2)

The UN will start implementing the resolution of the Third Committee of the UNGA soon. In September 2011, a new President of the UNGA will be appointed from Qatar. The new President will appoint coordinators to work with States and others on the modalities (form and logistics) of the WCIP 2014. The PFII has called upon the UN to adopt the modalities by the end of this year.

The Economic and Social Council (ECOSOC) meeting will be held during the 2 last weeks of July 2011 in Geneva. The 10th session report of the PFII will be tabled. Once the ECOSOC takes note of the report, the Secretariat of the PFII will start implementing the recommendations that relate to the WCIP 2014.

It is critical that indigenous peoples participate in the modalities of the WCIP 2014 and are not relegated to an observer position.

5. Strategies to define the outcome of the WCIP 2014

As indigenous peoples, we need to take a pro-active role in the preparatory process leading up to the WCIP 2014 in order to influence the outcome. This will require a concerted and collective effort on our part and a willingness to engage in volunteer work. We also need to work in an organized, coordinated and timely manner in order to effectively influence the outcome of the WCIP 2014 based on the aspirations of indigenous peoples.

It is likely that the UN system and States will base their work on the modalities of previous high level plenary meetings and may not consider the need to include indigenous peoples or our perspectives. As such we must be prepared to lobby and maintain a consistent and collective position on the importance of our input and participation at all stages of the WCIP 2014. Working closely and effectively with the three organs of the UN that deal specifically with indigenous peoples' rights, the coordinators appointed by the President of the UNGA and, with States that support indigenous peoples' rights is critical in meeting our objectives for the WCIP 2014.

Our right to full and effective participation at all stages of the preparation and decision making of the WCIP 2014 is supported by the Declaration. The WCIP 2014 provides an important opportunity for the UN and States to implement and put into practice the Declaration, particularly articles 5, 18, 38, 39, 41 and 42 affirming the right to participation in decision –making and the implementation of the Declaration.

Strategies which indigenous peoples have voiced can be grouped under two key themes. Both themes are complementary and connected and, will effectively influence the outcome of the WCIP 2014.

5.1 Full and effective participation in the UN preparatory process of the WCIP 2014

- a. Work closely with the PFII, the EMRIP, the Special Rapporteur on the Rights of Indigenous Peoples (SR) and the coordinators appointed by the President of the GA regarding the preparations of the WCIP 2014, especially in defining the modalities of the preparatory process.
- b. Draft clear recommendations for the modalities of the preparatory process (with the support and endorsement of the PFII, the EMRIP and the SR). Lobby States that support indigenous peoples' rights, including the European Union (EU) and the UNGA Presidency to support and endorse the recommendations of indigenous peoples. Such recommendations shall include amongst other things the creation of indigenous people's global and regional preparatory processes.
- 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 for example, in September the HRC will hold its 18th session. 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.

5.2 Initiating an organized, coordinated and transparent preparatory process of indigenous peoples

- a. Maintain an open and transparent process amongst ourselves utilizing face to face discussions, online resources and existing indigenous networks to disseminate information.
- b. 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.

- c. Engage in a multi pronged approach including global, regional and national initiatives in order to effectively prepare for the WCIP 2014.
- d. Establish an indigenous global coordinating 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.
- e. 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.
- f. 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.
- g. 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.
- h. Undertake fund-raising to hold national and regional preparatory meetings/ activities.
- i. Hold an IP global preparatory meeting in Alta, Norway in June 2013 to be hosted by the Sámi Parliament of Norway.
- j. 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.
- k. 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.
- l. 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.
- m. Ensure that all key documents including this concept paper 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.
- n. Create and implement a strategy as to how to influence the UNGA this autumn for a resolution on indigenous peoples having global and regional preparatory processes.

GLOSSARY OF ABBREVIATIONS USED IN THIS CONCEPT PAPER

- 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
- SR Special Rapporteur on the Rights of Indigenous Peoples
- the Declaration United Nations Declaration on the Rights of Indigenous Peoples
- UN United Nations
- UNGA United Nations General Assembly
- WCIP 2014 World Conference on Indigenous Peoples 2014