**Written Contribution to the expert workshop on possible ways to enhance the participation of Indigenous Peoples in the work of the Human Rights Council**

During the 15th Session of Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) that held on July (4-8), 2022, one of the board members of the Voluntary Fund for the Indigenous Peoples shared about the fund. The board member proudly stated that the fund has supported hundreds of Indigenous Peoples to participate in the work of the Human Rights Council (HRC). I want to take this opportunity to thank the UN member States who have contributed to the fund and continue to support it. My gratitude also goes to all the board members for their hard work in managing the fund to ensure that Indigenous Peoples are present in UN forums especially within HRC.

The participation of the Indigenous Peoples at the UN mechanisms especially in the work of the HRC is recent as Indigenous Peoples and their issues were not a priority. We need to remind ourselves that, UN (previously known as League of Nations) had denied access to Haudenosaunee Chief Deskaheh (in 1923) who wanted to speak to the League of Nations and defend the rights of his people to live under their own laws, on their own land, and under their own faith[[1]](#footnote-1). A similar journey was made by Māori religious leader T.W. Ratana. To protest the breaking of the Treaty of Waitangi concluded with the Māori in New Zealand in 1840 that gave Māori ownership of their lands, Ratana first traveled to London with a large delegation first to petition King George, but he was denied access. He then sent part of his delegation to Geneva to the League of Nations and arrived there later himself, in 1925, but was also denied access.

With the adaptation of ILO’s Indigenous and Tribal Peoples Convention No. 69 of 1989, Indigenous issues started to be visible at the global stage, and doors started to open for Indigenous Peoples and their voices (both nationally and internationally). Similarly, the creation of the United Nations Voluntary Fund for Indigenous Peoples in 1985 opened the doors for Indigenous Peoples to participate in discussions that affect them. Since then, Indigenous Peoples have opportunities to participate in different spaces within the work of HRC. Consequently, we have the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) that was widely supported by the UN member States in 2007. Today,

Indigenous Peoples have access to numerous platforms within the Human Rights Council, where they can participate and express their concerns without being judged.

To sustain the impacts of UNDRIP, and the milestones achieved together by Indigenous Peoples and HRC in safeguarding and promoting their rights, it is crucial that Indigenous Peoples continue to actively participate in the work of HRC. The implementation of the UNDRIP is a work in progress however, the pace is slower. The speed at which the UN Member states, UN Bodies & programs, and private sector or business are integrating and domesticating the UNDRIP, it might take longer for Indigenous Peoples to enjoy their full rights as self-determined peoples. HRC might have to declare another decade for Indigenous Peoples.

In this context, a continued participation of Indigenous Peoples is essential in safeguarding and promoting their rights. Moreover, HRC can take the following steps listed below to increase the impact to wider Indigenous Peoples and support them in further protecting and promoting their rights.

1. **Voluntary Fund for Indigenous Peoples**

As per its report, the fund claims that only ⅓ of the applicants receive the fund. With the rising debates and talks on the rights of Indigenous Peoples, the fund should grow exponentially or at least proportionally in order to allow a higher number of participations of Indigenous Peoples to compensate for the time Indigenous Peoples were denied access to the United Nations.

In addition, Asia is home to ⅔ of the Indigenous Peoples of the world and thus population size should be considered undeniably while disbursing/allocating funds.

The fund is for Indigenous Peoples; hence the board of the fund should publish their financial report each year (not just to the donors). This is not only that Indigenous Peoples have the right to know about the fund but for transparency and accountability to those who it should serve.

1. **Special Rapporteur on the Rights of Indigenous Peoples**

There is only one mandate holder for about 479 million Indigenous Peoples living in 90 countries. Considering the gravity of the human rights violations around the world with regards to Indigenous Peoples rights and rising incidents against Indigenous Peoples, be it in a small Indigenous rich village of Nepal in Asia or Amazonia region of Latin America, HRC must appoint Special Rapporteur for each geographical regions for a larger and effective engagement with the Indigenous peoples of each region. The issues in each region could be more prioritized and lead to wider impact through speeding up the actions.

1. **Expert Mechanism on the Rights of Indigenous Peoples**

The 5-day event each year in Geneva is a unique opportunity for Indigenous Peoples from all geographical regions to share their challenges, and issues to the UNPFII members and the members of the EMRIP. Since its establishment, EMRIP has accumulated many research and recommendations; however, there is little to insignificant follow up on the items recommended. Engaging Indigenous Peoples could be one viable strategy to bring Indigenous Peoples perspective and maintain a continuum of follow up on the recommendations by OHCHR.

1. **Indigenous Fellowship and Senior Indigenous Fellowship**

Both fellowships are unique opportunities for Indigenous Peoples to acquire deeper insights on the rights of Indigenous Peoples. The fellowship is quite an empowering experience; however due to COVID restrictions, the OHCHR has not accepted any fellows recently. At the soonest possible, OHCHR should resume the fellowship so that Indigenous Peoples are not left behind due to the limited opportunities that they have as such.

Additionally, OHCHR can have an incremental impact of such fellowship by twofold if Indigenous fellows are invited to be part of the fellowship in their own region. This strategy could promote the “*think locally, grow globally”* concept. Furthermore, encourage the past fellows in the region to join and facilitate such that there is continuity in knowledge and talent sharing. Work with Indigenous organizations in the region to facilitate such events would be a viable option. We can take the lead to organize Indigenous Fellowship Program in each geographical region to reach more Indigenous Peoples.

Hence, each year organize:

1. 7 regional Indigenous Fellowships *(25 fellows per region x 7 regions = 175 Indigenous Fellows)*
2. 1 in Geneva (25 Fellows)

*In total, each year the OHCHR could provide opportunities to 200 Indigenous Fellows.*

**Senior Indigenous Fellowship** opportunities can be opened in the regional headquarters of OHCHR including one in Geneva *(minimum one fellow from each geographical region).*

1. **Universal Periodical Review (UPR)**

Existing UPR restricts Indigenous Peoples organization without ECOSOC consultative status to participate in the UPR meetings. This in fact limits a significant number of institutions that work in the field of Indigenous Peoples rights and well-being. It would be better to find an alternative verification mechanism to engage Indigenous Peoples and their organizations without ECOSOC consultative status.

1. **Online Courses for Capacity Building**

OHCHR has started online courses that Indigenous Peoples can take online and continues to expand on the e-learning curriculum by involving Indigenous peoples in at all levels of the curriculum development. OHCHR can also develop training that raises awareness about Indigenous Peoples’ governance systems, law and their land tenure. There is a significant scope to expand on this initiative to provide the courses in various languages. To begin with, OHCHR can start translation of courses in the languages as per the larger population size and wider language spoken by the Indigenous Peoples.

1. **Regional and National Engagements**

There is a significant scope for OHCHR country offices and regional offices to engage more with the Indigenous Peoples and facilitate the dialogue between the State agencies and the Indigenous Peoples. This would foster a relationship between two parties and reduce unforeseen or avoidable conflicts or timely resolution of potential conflicts.

1. **Recruitment of Indigenous Peoples at HRC or OHCHR**

To fully internalize the principles of UNDRIP, HRC/OHCHR should actively audit their HR policies and recruitment trends. Increase the Indigenous Peoples as staff in the HQ or regional offices or national offices. Similarly, Indigenous organizations should be also prioritized for short term contracts and consulting opportunities at all levels to work with Indigenous Peoples.

1. United Nations, Department of Economic and Social Council. “*Indigenous Peoples.”* [*Indigenous Peoples at the United Nations | United Nations For Indigenous Peoples*](https://www.un.org/development/desa/indigenouspeoples/about-us.html) [↑](#footnote-ref-1)