

# Leaflet no. 1

## Indigenous Peoples and the United Nations System: An overview

### *Introduction to the UN System*

#### Key Words and Ideas

UN General Assembly  
Economic and Social Council  
Secretariat  
Commission on Human Rights  
International Court of Justice

Security Council  
Specialized agencies  
Secretary-General  
Charter of the United Nations

**Summary:** *The UN is an international organization composed of a number of separate bodies that are responsible for addressing economic, social, cultural or humanitarian issues. The Charter of the United Nations describes the purposes of the UN, which include the preservation of peace and the promotion of human rights, justice, respect for treaties and international law, social progress and better standards of life for all. Since the Universal Declaration of Human Rights was adopted in 1948, a number of other human rights instruments have been adopted by the UN to set international standards related to human rights.*

#### **The establishment of the United Nations**

As the Second World War drew to a close, the victorious powers decided to establish a world organization that would prevent further conflict and help build a better world. This new organization, the United Nations (UN), was founded in 1945 to pursue three primary goals: to ensure peace and security, to promote social and economic development, and to ensure that human rights are respected around the world. To achieve these goals, the UN set up a large and complex network of organizations that cover virtually every area of human activity.

#### **Features of the United Nations**

It is important to realize that the UN is a *voluntary* association of independent and sovereign *governments* (also known as member States):

- The UN is *not* a world government with powers to compel its members to take a particular action, such as to respect human rights. The UN is only as effective as its member governments are and as they want the organization to be. The UN can only do what its member governments allow it to do. If any member government resists or ignores a UN recommendation, there is little the UN can do to force that government to change its ways.
- The UN does not allow non-governmental organizations (NGOs) or members of the public to have any decision-making role in its deliberations. Sometimes the UN does allow NGOs to speak at its meetings, but their influence is limited and final decision-making is restricted to member governments.

This manual aims to encourage indigenous peoples to use the opportunities available within the UN system. However, it is important for indigenous peoples to be aware of the UN's limitations, its strengths and its weaknesses. With that understanding, indigenous peoples can increase their chances of obtaining favourable results when working with the organization.

## **Structure of the United Nations**

Since the UN is a large and complex organization, it is useful to be familiar with its organizational structure. Figure 1 shows those parts of the UN that are particularly relevant to indigenous peoples.

The highest body of the UN is the **General Assembly**, in which each member state has one vote. The UN General Assembly (UNGA) meets annually from September to December at UN headquarters in New York to review all the UN's activities.

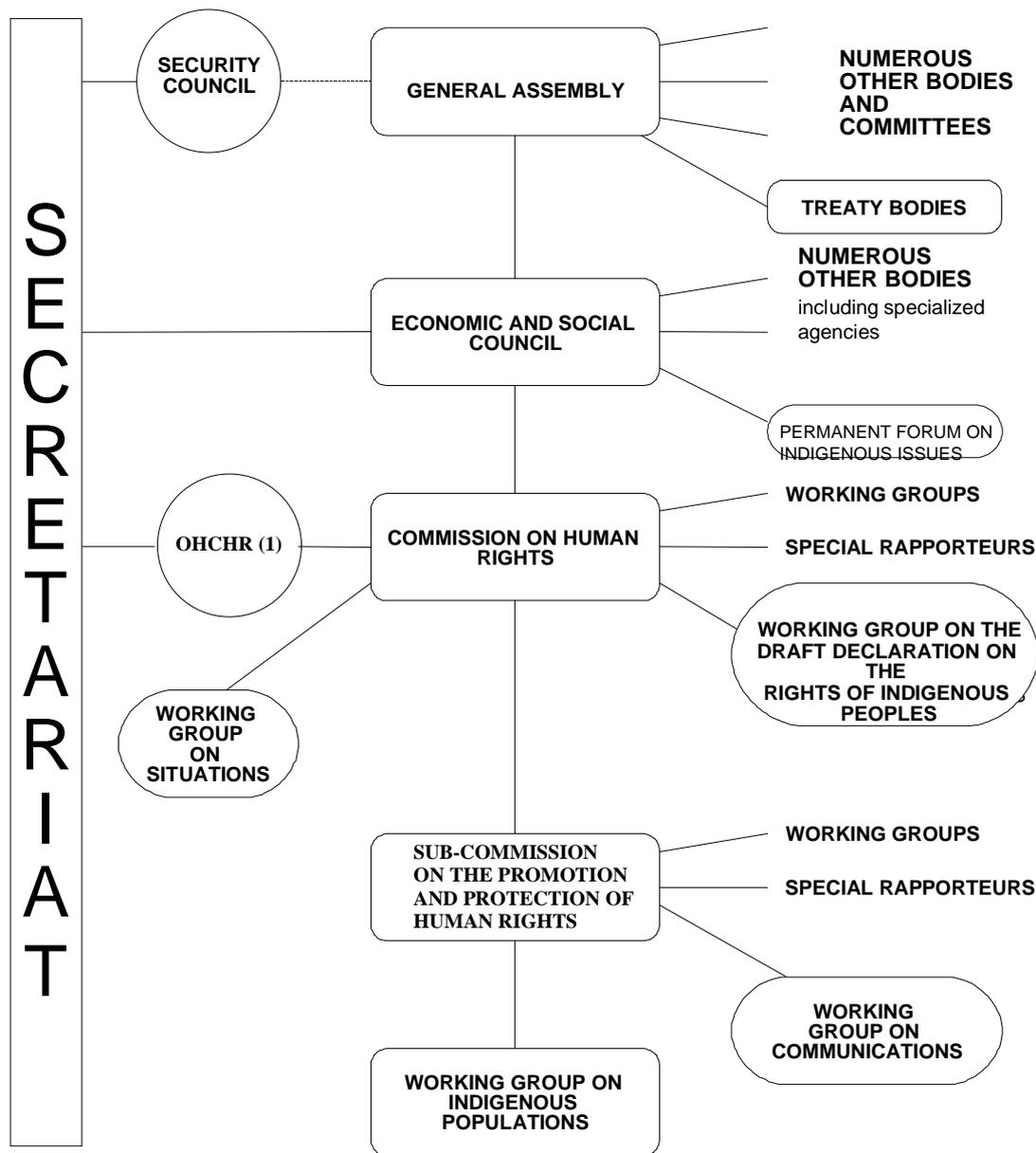
While the General Assembly is the highest body, the **Security Council** is the most powerful body of the UN. As its name implies, the Security Council deals with issues related to peace and security. It has the power to take decisions that are binding on UN members, such as the decision to impose trade sanctions on a particular country. Since the Security Council does not get directly involved in human rights issues, it is difficult to see how it would become involved in issues related to indigenous people.

There are a large number of officials or civil servants working for the UN. The UN civil service is called the **Secretariat**. The most senior UN official is the **Secretary-General**. The current Secretary-General is Mr. Kofi Annan, who is from Ghana.

The UN comprises a great number of subsidiary bodies covering issues as diverse as peace and security, disarmament, economic and development issues, the environment, legal issues, human rights, women's issues and drugs. Many of these bodies come under the umbrella of the **Economic and Social Council** (ECOSOC), which, in turn, reports to the General Assembly.

The UN is also composed of many bodies that have a considerable degree of independence. Some of these are called **specialized agencies**. They address specific issues, such as health, food, education and international communications, and include such organizations as the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Labour Organization (ILO) and the World Health Organization (WHO), each of which has an interest in the situation of indigenous peoples.

**STRUCTURE OF THE UNITED NATIONS, WITH PARTICULAR REGARD TO INDIGENOUS PEOPLES**



(1) Office of the High Commissioner for Human Rights

The UN system also includes the **International Court of Justice (ICJ)**, which has a limited role in considering human rights violations. For example, several human rights treaties provide for the International Court of Justice to consider disputes between governments. Given that the International Court of Justice considers *only* disputes between governments and does not receive submissions from individuals, it is unlikely that indigenous peoples will have occasion to work with the International Court of Justice.

## ***Indigenous issues at the UN***

### **Key Words and Ideas**

**Working Group on Indigenous Populations  
Sub-Commission on the Promotion and Protection of Human  
Rights  
International Year and Decade of the World's Indigenous Peoples**

**Summary:** *Protecting the rights of indigenous peoples is relatively new to the work of the UN. One of the principal fora through which indigenous issues are addressed is the Working Group on Indigenous Populations.*

### **Indigenous peoples in the world**

There are an estimated 300 million indigenous people in more than 70 countries worldwide. Indigenous peoples<sup>1</sup> are the inheritors and practitioners of unique cultures and ways of relating to other people and to the environment. Indigenous peoples have retained social, cultural, economic and political characteristics that are distinct from those of the dominant societies in which they live. Despite their cultural differences, the various groups of indigenous peoples around the world share common problems related to the protection of their rights as distinct peoples.

Indigenous peoples around the world have sought recognition of their identities, their ways of life and their right to traditional lands and resources; yet throughout history, their rights have been violated. Indigenous people are arguably among the most disadvantaged and vulnerable groups of people in the world today. The international community now recognizes that special measures are required to protect the rights of the world's indigenous peoples.

### **A little history**

Thanks to the lobbying efforts of indigenous representatives over the past 30 years, the rights of indigenous peoples have received greater attention in the UN and in the international community, as a whole.

In 1971, the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities, which is composed of 26 independent human rights experts, appointed one of its members, Mr. Martinez Cobo, as Special Rapporteur. He was asked to conduct a comprehensive study on discrimination against indigenous populations and recommend national and international measures for eliminating such discrimination.<sup>2</sup>

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<sup>1</sup> There is a significant difference between the words "indigenous people" and "indigenous peoples". "Peoples" - with an "s" - implies that there are distinct groups of indigenous people in the world, each of which is a "people" with distinct characteristics and legal character. Thus we can talk about the Cree People or the Yanomami People and when you group together more than one "people", you have "peoples". This emphasises the collective character of indigenous culture and rights. It is particularly important when talking about self-determination, because Article 1 of the Charter of the United Nations recognises the "principle of equal rights and self-determination of peoples".

<sup>2</sup> See 'Study of the problem of discrimination against indigenous populations', UN Sub-Commission on the Prevention of Discrimination and the Protection of Minorities, by Special Rapporteur, Mr Martinez Cobo, UN Doc. E/CN.4/Sub.2/1986/7 (1986).

The Martinez Cobo study addressed a wide range of human rights issues affecting indigenous peoples, including health, housing and education. The study called on governments to formulate guidelines for their activities concerning indigenous peoples on the basis of respect for the ethnic identity, rights and freedoms of indigenous peoples. The report, now out of print, represented an important development in recognizing the human rights problems confronting indigenous peoples.

### **The Working Group on Indigenous Populations as a shared experience**

In 1982, before the Martinez Cobo study was completed, the Working Group on Indigenous Populations<sup>3</sup>(WGIP) was established by the United Nations Economic and Social Council. The WGIP, which is the focal point in the UN system for the promotion of indigenous peoples' rights, consists of five independent experts who are members of the Sub-Commission on the Promotion and Protection of Human Rights.

Meetings of the WGIP are open to representatives of all indigenous peoples, their communities and their organizations. As such, they have become some of the largest human rights meetings held by the UN. Indigenous people have come from all over the world to participate in the WGIP: Aboriginals and Torres Strait Islanders from Australia, Maoris from New Zealand, Native Americans from North and South America, Inuit from the Polar regions, Saami from Northern Europe, Ainu from Japan, and other groups from the Asia and African regions and the Russian Federation. Through this international meeting, indigenous peoples have recognized that they share a common experience and a common cause.

The Working Group has been the catalyst for many initiatives related to indigenous peoples. Perhaps most important, the Working Group elaborated a draft United Nations declaration on the rights of indigenous peoples, in collaboration with governmental, indigenous and non-governmental participants. The draft declaration was adopted by the Sub-Commission and sent to the Commission on Human Rights. The Commission set up its own working group in 1995 to review the draft. Further information about the working group and draft declaration can be found in Leaflet no. 5.

Over the years, there have been numerous recommendations for studies and expert seminars. Ms. Erica-Irene Daes, Chairperson of the Working Group from 1983 to 1999, has authored two of these works: a study on protecting the heritage of indigenous peoples and a study on the relationship of indigenous peoples to their lands. Miguel Alfonso-Martinez, Chairperson of the Working Group in 2000, completed a study on treaties, agreements and other constructive arrangements between States and indigenous populations in 1999. These three reports are available on the OHCHR web site. Both the expert studies and seminars offer opportunities to examine new human rights issues or sensitive questions in a less political context. Two expert meetings, one on indigenous self-government in 1989 and the other on indigenous peoples' land rights in 1996, were particularly useful for sharing positive national experiences and making recommendations for future UN activities. Indigenous peoples who want to help shape international policy can participate in these activities by providing information, ideas and comments.

### **Indigenous people at the UN**

There are now some 16 organizations of indigenous peoples that have consultative status with the UN Economic and Social Council (a list of the organizations can be found at the end of this Leaflet). Consultative status means that these organizations can attend and contribute to a wide range of international and intergovernmental conferences. There are also hundreds of representatives of indigenous peoples and their organizations who participate in UN meetings, such as the Working Group on Indigenous Populations. NGOs interested in human rights also help promote indigenous peoples' rights and actively support indigenous peoples' causes.

In addition to participating in large numbers in the Working Group on Indigenous Populations and other meetings, indigenous people are also becoming more prominent as individual players on the

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<sup>3</sup> Many governments do not want to use the term "indigenous peoples", because they do not want to extend the scope of self-determination to indigenous peoples. For this reason, the name of the Working Group refers to Indigenous "Populations".

world stage. In 1989, Chief Ted Moses, of the Grand Council of the Crees in Canada, was the first indigenous person elected to office at a UN meeting to discuss the effects of racial discrimination on the social and economic situation of indigenous peoples. Since then, increasing numbers of indigenous persons hold office at meetings related to indigenous matters.

Hundreds of indigenous people attended, and some addressed, the second World Conference on Human Rights in Vienna in June 1993. The Conference recognized the responsibility of all UN member States to respect the human rights and fundamental freedoms of indigenous peoples and recommended consideration of a permanent forum at the UN for indigenous peoples. Indigenous peoples have also participated in major world conferences, such as the UN Conference on Environment and Development (Earth Summit), held in Rio de Janeiro in 1992, the World Conference on Women, held in Beijing in 1995, and the 1996 Social Summit. Indigenous peoples will be prominent in the 2001 World Conference against Racism, which will be held in Durban, South Africa.

The latest step in expanding the role of indigenous representatives in UN activities was the establishment of the Permanent Forum on Indigenous Issues in 2000. The Forum is an advisory body that reports to the Economic and Social Council. It is composed of 16 experts, eight of whom are proposed by indigenous peoples. Further information on the Forum is contained in Leaflet no. 6.

### **International Year and Decade of the World's Indigenous Peoples**

The United Nations proclaimed 1993 as the International Year for the World's Indigenous Peoples. At the opening ceremony in New York, leaders of indigenous peoples spoke from the podium of the General Assembly for the first time in the history of the United Nations. Rigoberta Menchu Tum, a Mayan Indian who was awarded the 1992 Nobel Peace Prize, was appointed the UN's Goodwill Ambassador for the Year.

In 1994, the United Nations General Assembly launched the International Decade of the World's Indigenous Peoples (1995–2004) to increase the United Nations' commitment to promoting and protecting the rights of indigenous peoples worldwide (see Leaflet no. 7). As part of the Decade, several UN specialized agencies are working with indigenous peoples to design and implement projects on health, education, housing, employment, development and the environment that promote the protection of indigenous peoples and their traditional customs, values and practices.

Although there are more opportunities for indigenous peoples to participate in UN activities than ever before, the issues they confront are increasingly controversial, both politically, as in the case of the draft declaration, and technically, as in cases of cultural and intellectual property. It is, therefore, important to develop partnerships between UN agencies and indigenous organizations and communities so obstacles to progress can be overcome.

The following organizations of indigenous peoples have consultative status with the United Nations Economic and Social Council (ECOSOC):

- Aboriginal and Torres Strait Islander Commission
- Asociación Kunas Unidos por Nabguana
- Four Directions Council
- Grand Council of the Crees (Quebec)
- Indian Council of South America
- Indian Law Resource Centre
- Indigenous World Association
- International Indian Treaty Council
- International Organization of Indigenous Resource Development
- Inuit Circumpolar Conference
- National Aboriginal and Islander Legal Services Secretariat
- National Indian Youth Council
- Saami Council
- Sejekto Cultural Association of Costa Rica
- Yachay Wasi
- World Council of Indigenous Peoples

Requests for consultative status are handled by the Non-Governmental Organizations Section of the Department of Economic, Social and Cultural Affairs (DESA) in the United Nations in New York. The person in charge of the section is Ms Hanifa Mezoui, Tel. (212) 963 4842, FAX: (212) 963 92 48. In Geneva you can contact the NGO Liaison Officer, Mrs. Raymonde Martineau, at the Office of the Director General, Tel.: +41-22-917 21 27, FAX: +41-22-917 05 83, E-mail: [martineau@unog.ch](mailto:martineau@unog.ch). Organizations applying for consultative status must fill in a questionnaire which, when completed, will be submitted to the Committee on Non-Governmental Organizations. This Committee makes its recommendations to ECOSOC, which takes the final decision. For more information, consult the UN web site: [www.unog.ch](http://www.unog.ch) (UN and the NGOs).

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