



ANNUAL GENERAL ASSEMBLY
July 9, 10, 11, 2024, Montreal, QC

Resolution no. 49/2024

TITLE: **Advocating for full and effective participation of Indigenous Peoples at the United Nations**

SUBJECT: Rights, Health, Education, Treaties

MOVED BY: Chairperson Khelsilem, Squamish Nation, BC

SECONDED BY: Don Tom, Proxy, Oregon Jack Creek Band, BC

DECISION Carried by consensus.

WHEREAS:

A. The *United Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:

- i. Article 1: Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.
- ii. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.
- iii. 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.
- iv. 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.
- v. Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

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- vi. 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.
- B. In 1923, Deshaqueh, a Cayuga Chief and speaker of the Six Nations Haudenosaunee Confederacy Council of Chiefs, travelled to Geneva to seek an audience with the League of Nations (the predecessor to the United Nations), to bring attention to rights violations against his people.
- C. Since this initial audience, First Nations, and Indigenous Peoples, have been participating actively in many United Nations bodies and mechanisms to advance the protection, safeguarding, and respect for their Inherent and Treaty rights.
- D. A result of this international advocacy was the formal adoption of the UN Declaration in 2007, twenty-five years following the creation of the Working Group on Indigenous Populations (WGIP) in 1982, the first body created to provide opportunities for Indigenous Peoples to share their experiences and raise their concerns at the United Nations.
- E. Since the adoption of the UN Declaration, Indigenous Peoples have been working actively to breathe life into Article 41, "...ways and means of ensuring participation of Indigenous Peoples on issues affecting them shall be established" through different forums, including the Expert Mechanism on the Rights of Indigenous Peoples, the Human Rights Council (HRC), and the UN General Assembly (UNGA).
- F. The 2013 Outcome Document from the Alta Indigenous Preparatory Conference, a conference hosted by Indigenous Peoples in advance of the 2014 World Conference on Indigenous Peoples, called for the appointment of an Undersecretary General for Indigenous Peoples and "at a minimum, permanent observer status within the UN System enabling our direct participation through our own governments and parliaments." This status has been colloquially understood as 'Enhanced Participation'.
- G. Following this, a concerted effort for Enhanced Participation began in the UNGA and the HRC. An initial round of UNGA negotiations in 2017 was unsuccessful, and the process was delayed by the onset of the Global Pandemic.
- H. However, the process was re-started in the HRC with an intersessional roundtable in 2021, and an Expert Workshop on possible ways to enhance the participation of Indigenous Peoples in the work of the Human Rights Council in 2022.
- I. At the UNGA, Co-Facilitators have been newly appointed in 2024, and an informal interactive hearing was hosted by the President of the UNGA and the Co-Facilitators at the 2024 UN Permanent Forum on Indigenous Issues. Both processes are advancing quickly, with 2 intersessionals at the HRC in July and October 2024, and a projected resolution at the UNGA in September 2024.
- J. Indigenous Peoples have hosted their own dialogues on this process to advance concrete proposals and recommendations on the Enhanced Participation status, including in Thailand (2016) and Ecuador (2020). The discussions also created an interim Indigenous Coordinating Body with two members from each of the seven Indigenous sociocultural regions, for consultation and coordination and to facilitate cooperation among Indigenous Peoples.

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- K. The Assembly of First Nations (AFN) has been playing a facilitation role within these discussions in order to create appropriate space for First Nations themselves, through their representative institutions, including, inter alia, their governments, traditional councils and other authorities.
- L. In the federal UN Declaration Action Plan, shared Action Priority Measure 72 speaks to the role of First Nations in the global arena, directing Global Affairs Canada to: ...co-develop with First Nations, Inuit, and Métis right holders or their national designates distinctions-based, whole of government policy guidelines on fully and effectively engaging Indigenous [P]eoples on international issues affecting them, with a commitment to explore the development of policy in specific areas where appropriate. This work will seek to enhance the participation of Indigenous [P]eoples in decision-making on matters which would affect their rights and to advance Canada's contribution to the work of the entities of the UN system and other intergovernmental organizations in their implementation of Article 41."

THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:

1. Call on the United Nations (UN), in both the General Assembly and the Human Rights Council, to support the Enhanced Participation of Indigenous Peoples within the UN system, ensuring the direct participation of First Nations through their representative institutions.
2. Reiterate the distinct status and rights of First Nations, as distinct from local communities, vulnerable groups, and ethnic minorities, in line with the minimum standards reaffirmed in the *UN Declaration on the Rights of Indigenous Peoples*.
3. Direct the Assembly of First Nations (AFN) to advocate, in partnership with rights and title holders, specific priorities for First Nations on venues of participation, participation modalities, selection criteria, and selection mechanisms, in national and international contexts for the Enhanced Participation of Indigenous Peoples in the UN.
4. Direct the AFN to seek funding to hold information sessions and collaborative discussions with First Nations rights and title holders to explore the concept of Enhanced Participation and proposed tangible recommendations to the UN.
5. Direct the AFN to work with First Nations rights and title holders to advocate for sufficient and sustainable funding for First Nations to participate actively in ongoing efforts towards Enhanced Participation at the UN.
6. Direct the AFN to work collaboratively with Indigenous Peoples to see the full implementation of this resolution.
7. Call on Global Affairs Canada to accelerate implementation of Action Plan Measure 72 (APM 72) to enhance the participation of Indigenous Peoples in decision-making on matters which would affect their rights internationally.
8. Call on Global Affairs Canada and the Department of Justice to co-develop, with First Nations, a fund to support the participation of First Nations delegations in international fora which may impact Indigenous rights.

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