



INTER-PARLIAMENTARY UNION

Third Committee Agenda item 66: Indigenous issues United Nations, 19 October 2009

STATEMENT by Ambassador Anda Filip, Permanent Observer

Mr. Chairman,

The rights contained in the United Nations Declaration on the Rights of Indigenous Peoples are not special rights: they are fundamental human rights, elaborated in a way that takes account of the specific cultural, historical, social and economic circumstances of indigenous peoples.

Article 38 of the Declaration highlights States' obligation to "take appropriate measures, including legislative measures", to achieve the goal of the Declaration. It is clear therefore that parliament, as the foremost legislative authority in a country, is either part of the solution, or it is part of the problem. The question is: are parliaments doing enough to promote, protect and fulfil the human rights of indigenous peoples?

One of the criteria for a democratic parliament is that it should reflect the social diversity of the population in terms of gender, language, religion, ethnicity, or other politically significant characteristics. A parliament which is unrepresentative in this sense will leave some social groups and communities feeling disadvantaged in the political process or even excluded altogether, with consequences for the quality of public life or the stability of the political system and society in general. More inclusive parliaments strengthen democracy, promote integration within society and prevent conflict.

The IPU and the United Nations Development Programme are seeking to obtain a deeper understanding of this question through a project launched in 2008. This project aims at promoting inclusive parliaments through the representation of minorities and indigenous peoples in parliament. It tackles the issue from three angles.

Firstly, to gain a clear picture of the number of parliamentarians who self-identify as indigenous peoples. It is clear that in many countries with large indigenous populations, the number of indigenous parliamentarians bears little relation to their actual numbers in society. The project also aims to better understand the mechanisms by which indigenous peoples enter parliament, the obstacles that they face and the role of political parties as gatekeepers. With the rapid growth in the number of multi-party states and the diffusion of democratic norms and standards, the ability of indigenous peoples to be included and represented in parliament and government has taken on increasing importance. The protection of indigenous rights is best achieved and articulated through a combination of majority sensitivity and minority inclusion. Indigenous voices are heard, and indigenous rights more respected when representatives of indigenous groups enjoy full access to participate in the political sphere, public life and the relevant areas of decision making.

Though statistical data on indigenous parliamentarians is not yet available, the public perception is generally that indigenous peoples are not fairly represented in parliament. In a recent worldwide public opinion survey commissioned by the IPU, only between 4 and 33% of respondents in four countries with significant indigenous populations considered that indigenous peoples were fairly represented. Clearly there is much more to do to lower the barriers of access to parliament.

It goes without saying that indigenous parliamentarians should be held accountable in the same ways as those from the majority communities. If they become unpopular and do not serve the interest of the electorate, the voters should be able to vote them out of office them during regular free and fair elections, and if they transgress parliamentary law they should be held to the same standards. But in the case of indigenous parliamentarians it is particularly important that they are valid and legitimate representatives of that indigenous community – especially if they owe their seat to a special provision for indigenous representation. There is little more unrepresentative than an indigenous parliamentarian who is window dressing for the majority and is seen as an illegitimate representative of the indigenous community they notionally represent.

Secondly, the project aims to go beyond numbers to understand to what extent indigenous parliamentarians have real, as opposed to symbolic opportunities to contribute to the work of parliament. What is the relationship between presence and influence, between indigenous peoples being included in institutions of governance and the protection and status of those indigenous peoples? Clearly this is a much broader and more complex question than simply discovering how many indigenous parliamentarians are elected. But as a starting point, one could posit the number of indigenous parliamentarians against measures of indigenous rights and the security climate within which indigenous groups live. It is fair to assume that if indigenous peoples are represented in parliament they are less likely to be discriminated against, and if they are mis-treated there is at least a mouthpiece to call attention to the mis-treatment. There is a relationship between the inclusion of indigenous peoples in government and a country's adherence to international standards, norms and good practices on indigenous rights, but more often than not indigenous parliamentarians are the leading voices for indigenous protections and human rights norms.

The third dimension concerns the efforts made by parliament as an institution to be inclusive of indigenous peoples and to incorporate indigenous perspectives in parliamentary work. This should not be limited to laws specifically affecting indigenous peoples, but also concerns the broader legal structure in key areas such as health, education and employment. We can note that a number of parliaments have created specialized committees to address issues from an indigenous perspective, such as the Committee on Andean, Amazonian and Afro-Peruvian Peoples in the Peruvian parliament.

Parliaments and the legal framework are of course only one element in the realization of indigenous rights. The linkages between parliaments and the autonomous institutions set up by indigenous peoples must be strengthened. Passing laws is necessary but not sufficient. Continued parliamentary oversight and the vigilance of indigenous and civil society organizations is necessary to ensure that laws are correctly implemented and bring about actual changes in the daily lives of indigenous peoples.

Thank you.