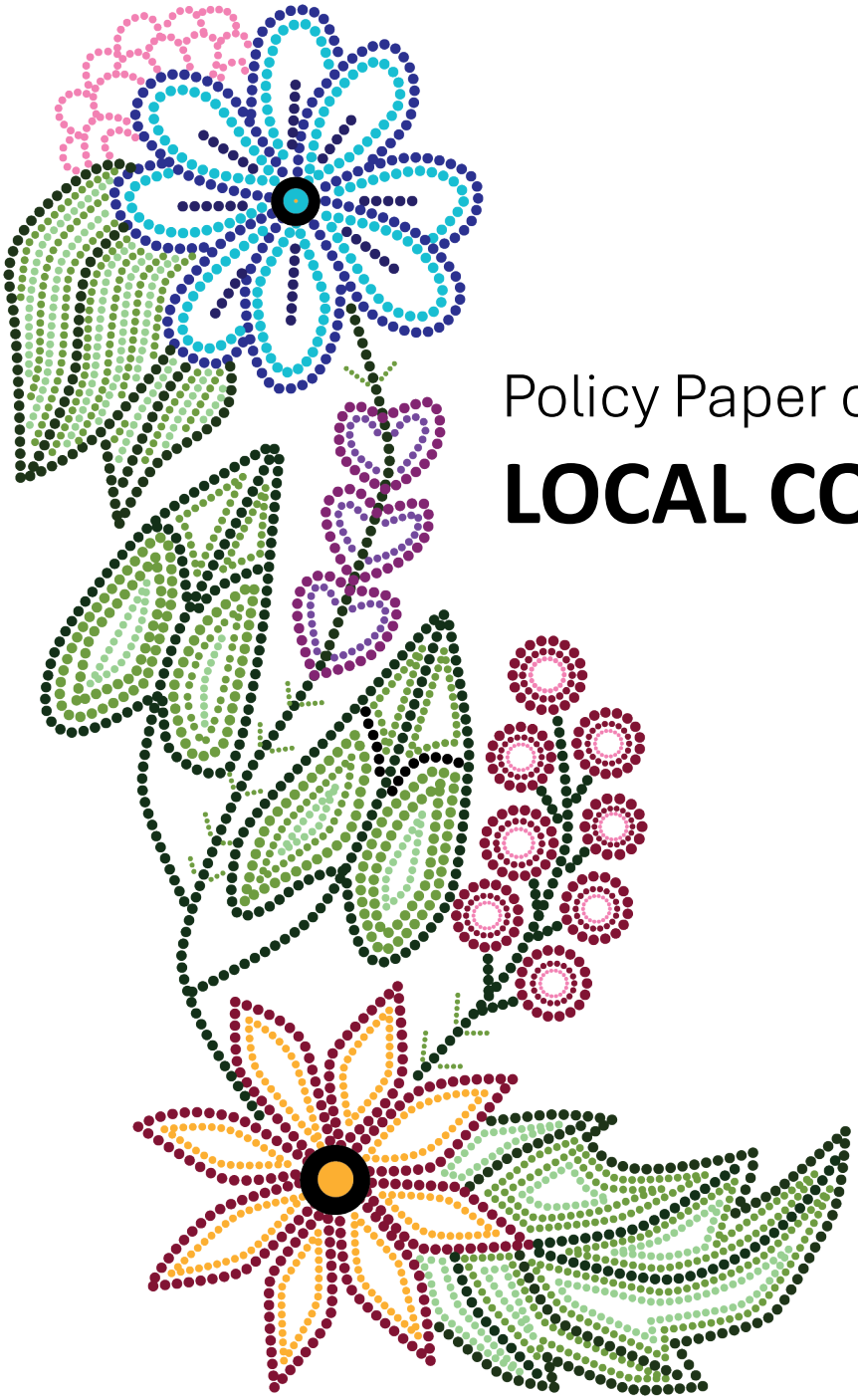


Policy Paper on the Matter of

LOCAL COMMUNITIES

RALLIEMENT NATIONAL DES MÉTIS NATIONAL COUNCIL

POLICY PAPER ON THE MATTER OF "LOCAL COMMUNITIES"

MÉTIS NATIONAL COUNCIL

Executive Summary

Purpose

This policy paper outlines the Métis National Council's (MNC) position on the use of "Indigenous Peoples and local communities" in international agreements, conventions, and UN processes. The MNC strongly opposes this grouping, which creates a false equivalency between Indigenous Peoples—recognized rights-holders under international law—and the undefined category of "local communities."

Background

Indigenous Peoples have achieved hard-fought recognition of their distinct rights and status, most notably through the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Despite these gains, international agreements increasingly conflate Indigenous Peoples with "local communities."

Problem

- "Local communities" is undefined in international law and may include any group of people without collective rights or self-determination.
- This conflation erodes the distinct, inherent, and collective rights of Indigenous Peoples and undermines the effectiveness of Indigenous advocacy.
- The grouping obscures accountability for States and dilutes Indigenous participation in decision-making processes.

Evidence

UN mechanisms specific to Indigenous Peoples—the Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples, and the Special Rapporteur—have repeatedly urged States and UN entities to stop combining the terms. This position has been adopted by groups such as the International Indigenous Peoples Platform for Climate Change, as well as a multitude of Indigenous Representative Institutions globally.

Recommendations

The MNC calls on States, UN entities, and intergovernmental organizations to:

1. Remove the term “local communities” when used alongside “Indigenous Peoples” in all agreements, decisions, and communications.
2. Recognize UNDRIP as the minimum standard for all language, policies, and frameworks affecting Indigenous Peoples.
3. Establish a distinct participation status for Indigenous Peoples within the UN system, modeled on existing permanent observer arrangements.
4. Uphold clear distinctions between “Indigenous knowledge” and “local knowledge” in all international processes.

About the Métis National Council

Since 1983, the Métis National Council has been the national and international voice of the Métis Nation within Canada. Through the Canada-Métis Nation Accord, the MNC advocates on behalf of its Governing Members to advance Métis rights and interests within their respective jurisdictions, including the implementation of the Métis Nation's inherent right to self-determination and self-government. The MNC represents Métis citizens internationally, including at the United Nations, as well as at other international forums to advance Métis priorities.

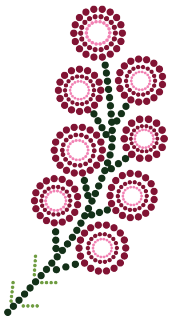
National Recognition

The Métis Nation established themselves as a distinct people in the historic Northwest during the 18th century. Through a process of ethnogenesis that occurred as a result of the unions of First Nations women and European fur traders, distinct communities were established along the fur-trading routes that span the Métis Homeland. Métis means a person who self-identifies as Métis, is distinct from other Indigenous Peoples, is of historic Métis Nation ancestry, and who is accepted by the Métis Nation.

While Métis bear inherent rights as Indigenous Peoples, the path to national recognition in Canada was long and hard-fought. In 1982, the existing Aboriginal and Treaty rights of the Aboriginal Peoples in Canada were recognized and affirmed in Section 35 of the Constitution Act, 1982. This was a watershed for the Métis Nation, with the explicit recognition of the Métis as one of the three distinct Indigenous Peoples in Canada. In 2003, the Supreme Court of Canada in R. v Powley reaffirmed these rights, recognizing that Métis rights are protected as Aboriginal rights in Section 35 of the Constitution Act, 1982. Furthermore, the 2016 Supreme Court decision in R. v Daniels recognized the Métis as "Indians" under Section 91(24) of the Constitution Act, 1982. This decision affirmed the Government of Canada's fiduciary relationship with the Métis. The ruling in this case brought broader, significant impacts upon the Nation-to-Nation, Government-to-Government relationship as it pertains to land rights and areas of federal jurisdiction

International Participation

The Métis National Council's international work is guided by one fundamental objective: To achieve sustainable, systemic change for the Métis Nation by leveraging opportunities internationally. Decision-making processes at the international level have a direct impact on the rights, prosperity, and well-being of Métis citizens. Internationally agreed upon decisions, treaties and legislation trickle down to federal, provincial, municipal, and community policies and practices. Through strategic engagement in international fora, the



MNC works to advocate for and affirm the Métis right to self-government and self-determination in the Homeland, holding Canada accountable to its past commitments and ensuring that Canada pursues international endeavours in a good and inclusive way. Objectives of international participation are to build capacity, capability, and international opportunity across the Métis Nation; ensure the inclusion of the Métis Nation in international decision-making processes; cultivate meaningful relationships with Indigenous Peoples internationally. Recognizing the solidarity and common experiences of Indigenous Peoples globally, MNC is committed to advocating for the rights of Indigenous Peoples, in line with the Declaration of the Rights of Indigenous Peoples, to be affirmed and upheld across the world.

Métis Nation delegations are active participants in multiple international bodies, including the United Nations Permanent Forum on Indigenous Issues (UNPFII), the United Nations Framework Convention on Climate Change (UNFCCC), the Convention on Biological Diversity (CBD), and the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), and participate in United Nations Intergovernmental Negotiating Committee processes, among other mechanisms. Through these engagements, the MNC has increasingly been confronted with the grouping of Indigenous Peoples with the undefined entity of "local communities". The grouping and conflating of Indigenous Peoples with "local communities" in conventions and multilateral agreements has resulted in the slow and incremental erosion of the interrelated, interdependent and indivisible rights of Indigenous Peoples, and diminishes the effectiveness and impacts of Indigenous advocacy and representation, as well as the effectiveness and impacts of the conventions and agreements that employ such language. These actions are part of an alarming trend in the behaviour of States to diminish the standards in the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP), including actions to devalue Indigenous Peoples' status, rights and participation rather than upholding them.[1]

Introduction

Since their initial attempts to engage with the League of Nations in the 1920s, Indigenous Peoples have consistently sought the cooperation of the international community, including the United Nations and its various agencies, funds, and programmes. Although their request to address the League of Nations was denied in 1923, Indigenous Peoples involvement at the United Nations and its associated entities has increased over the years, resulting in significant achievements and advancements. Notable examples of this progress include the Indigenous and Tribal Peoples Convention (No. 169) adopted by the International Labour Organisation in 1989; the United Nations Declaration on the Rights of

[1] *Policy Paper on the Matter of "Local Communities."* Inuit Circumpolar Council. (2020). https://www.inuitcircumpolar.com/project/policy-paper-on-the-matter-of-local-communities/

Indigenous Peoples (UNDRIP), adopted in the General Assembly in 2007; and the 2017 Resolution, "Enhancing the participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them."

Despite these positive developments, Indigenous Peoples have been grouped with "local communities" in international conventions and multilateral agreements by States and intergovernmental organizations. This categorization falsely implies an equivalence in the rights between Indigenous Peoples and local communities, which undermines the progress achieved over the past century in gaining recognition of distinct status and rights, as exemplified under UNDRIP.

This position paper provides background information on "local communities" as a term and its usage in international conventions and multilateral agreements. It additionally presents the reasoning behind the Métis opposition to this categorization and urges States to recognize the distinct status of Indigenous Peoples, as established in the United Nations Declaration on the Rights of Indigenous Peoples.

Background

Text grouping Indigenous Peoples with "local communities" was first introduced in 1992 at the United Nations Conference on Environment and Development in three documents: *Rio Declaration on Environment and Development; Agenda 21;* and the *Convention on Biological Diversity*.

1992 Earth Summit

The United Nations Conference on Environment and Development was hosted in Rio de Janeiro from June 3-14, 1992. The meeting on sustainable development identified three natural processes at high risk: desertification, biodiversity loss, and climate change. The Summit resulted in the establishment of the Convention on Biological Diversity (CBD) and the United Nations Framework Convention on Climate Change (UNFCCC).

The final report of the Summit, known as the "Rio Declaration," further engrained the coupling of Indigenous Peoples and local communities within its identified principles towards global sustainable development and environmental protection. Principle 22 states that: "Indigenous peoples and their communities and other local communities have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognize and duly support their identity, culture and interests and enable their effective participation in the achievements of sustainable

development."[2] Interestingly, the text here clearly separated Indigenous Peoples and their communities from other local communities, but as time has gone on, text has preferred the joining of "Indigenous Peoples and local communities," which in addition to the UNFCCC and CBD texts, can be seen in documents such as the 2015 Paris Agreement.

Agenda 21

A product of the Earth Summit, Agenda 21 is a United Nations action plan regarding sustainable development. It calls on the UN, other multilateral organizations, and individual governments around the world to develop a way forward to achieve global sustainable development by 2000. The Agenda consists of four sections: *Social and Economic Dimensions; Conservation and Management of Resources for Development; Strengthening the Role of Major Groups;* and *Means of Implementation*. Local communities are grouped with Indigenous Peoples throughout the text, including references to traditional lifestyles and livelihoods, security of tenure for land-users; protected areas; access to resources; improving opportunities for participation, etc.[3]

Convention of Biological Diversity

What has come to be recognized as Article 8(j) of the convention, states: "Subject to national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices."[4]

Article 8(j) has since become a pillar of the Convention of Biological Diversity, sculpting the definition of "traditional knowledge" on the international stage. The Conference of Parties established a working group, then in 2024 established a first of its kind permanent subsidiary body, specifically to address the implementation of Article 8(j), which is "open to

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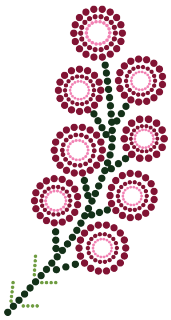
[2] *Report of the United Nations Conference on Environment and Development,* United Nations General Assembly, 12 August 1992, A/CONF.151/26 (Vol. I). https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_CONF.151_26_Vol.I_Declaration.pdf

[3] *Agenda 21 : programme of action for sustainable development, Rio Declaration on Environment and Development,* United Nations Conference on Environment and Development, 1993. https://digitallibrary.un.org/record/170126

[4] *Convention on Biological Diversity,* United Nations Environment Programme, 5 June 1992. https://wedocs.unep.org/handle/20.500.11822/8340



all Parties and, indigenous peoples and local community representatives play a full and effective role in its work."[5]

In 2022, the Convention of Biological Diversity published a "Glossary of Relevant Key Terms and Concepts Within the Context of Article 8(j) and Related Provisions," which states: "The Convention on Biological Diversity does not define the terms "indigenous and local communities" or "indigenous peoples and local communities." The United Nations Declaration on the Rights of Indigenous Peoples does not adopt a universal definition for "indigenous peoples", and a definition is not recommended."[6]

While both terms go undefined, in 1982 the Special Rapporteur, Mr. José Martínez Cobo, published the *Study of the Problem of Discrimination Against Indigenous Populations*.[7] Chapter V of the text, titled "Definition of Indigenous Populations," concludes that "in any event, it should be established that the indigenous populations themselves must be consulted about the criteria they consider valid, since it is their right to determine who belongs to those populations, and who does not."[8] This is further articulated in UNDRIP Article 33 which states, "Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions."[9]

United Nations Framework Convention on Climate Change

In accordance with the 2015 Paris Agreement, the report of the 21st Session of the Conference of Parties: "*Recognizes* the need to strengthen knowledge, technologies, practices and efforts of local communities and indigenous peoples related to addressing and responding to climate change, and *establishes* a platform for the exchange of experiences and sharing of best practices on mitigation and adaptation in a holistic and integrated manner."[10] States came to call the exchange platform the "Local Communities

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[5] *Article 8(j),* Convention on Biological Diversity, 2021. https://www.cbd.int/traditional/intro.shtml

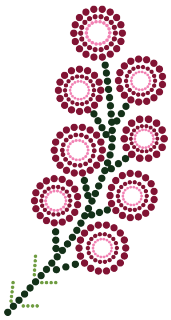
[6] *Glossary of Relevant Key Terms and Concepts within the Context of Article 8(j) and Related Provisions*, Convention on Biological Diversity, 2019, page 2. https://www.cbd.int/doc/guidelines/cbd-8j-GlossaryArticle-en.pdf

[7] *Study of the Problem of Discrimination Against Indigenous Populations Final report submitted by the Special Rapporteur,* Mr. José Martínez Cobo, 1982. https://social.desa.un.org/publications/martinez-cobo-study

[8] *Study of the Problem of Discrimination Against Indigenous Populations Final report submitted by the Special Rapporteur,* Mr. José Martínez Cobo, 1982, page 5. https://social.desa.un.org/publications/martinez-cobo-study

[9] *United Nations Declaration on the Rights of Indigenous Peoples,* Office of the High Commissioner for Human Rights, 13 September 2007. https://www.ohchr.org/en/indigenous-peoples/un-declaration-rights-indigenous-peoples

[10] *Report of the Conference of the Parties on its twenty-first session,* United Nations Framework Convention on Climate Change, 29 January 2016. https://unfccc.int/resource/docs/2015/cop21/eng/10a01.pdf



and Indigenous Peoples Platform" (LCIPP), and it continues to work towards the following functions contained within Decision 2/COP 23:[11]

- full and effective participation of Indigenous Peoples;
- equal status of Indigenous Peoples and Parties, including in leadership roles;
- self-selection of Indigenous Peoples representatives in accordance with indigenous peoples' own procedures; and
- adequate funding from the secretariat and voluntary contributions to enable the functions.[12]

The decision text additionally recognizes the specific rights of Indigenous Peoples through "*recalling* the United Nations Declaration on the Rights of Indigenous Peoples." This leads to further confusion as to why local communities were included within the platform, considering the language of "local communities" had never been used within UNFCCC text until 2015.

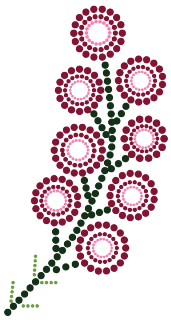
Pact for the Future

At the United Nations Summit of the Future on 22 September 2024, world leaders adopted the Pact for the Future and its annexes: the Global Digital Compact and Declaration on Future Generations. The Pact commits States to Actions towards sustainable development, international peace and security, science, technology and innovation, youth and future generations, and transforming global governance. While Indigenous Peoples are included in the Pact, this document also conflates Indigenous Peoples with local communities, furthering the false equivalency in international texts. Action 32 seeks to "protect, build on and complement Indigenous, traditional and local knowledge":

> "We recognize the need for science, technology and innovation to be adapted and made relevant to local needs and circumstances, including for local communities, traditional Afrodescendent populations, and Indigenous Peoples, in line with the principle of free, prior and informed consent, as appropriate. We decide to:

[11] *Report of the Conference of the Parties on its twenty-third session,* United Nations Framework Convention on Climate Change, 8 Feb 2018. https://unfccc.int/documents/65126

[12] *The Distinct Status and Rights of Indigenous Peoples and the Separation of Local Communities in the work of the UNFCCC,* International Indigenous Peoples Forum on Climate Change (IIPFCC), Presented for review by the IIPFCC on June 8, 2023, during the 58th meeting of the UNFCCC SBSTA. https://static1.squarespace.com/static/5627862ce4b07be93cfb9461/t/65c7afc985dc4c5193bbc73a/1707585481464/IIPFCC+Policy+Eng.pdf



(a) Foster synergies between science and technology and traditional, local, Afrodescendent and Indigenous knowledge, systems, practices and capacities."[13]

Current Considerations

There has been a growing movement amongst Indigenous Peoples to decouple the terms where they appear in conventions and texts. This issue has been taken up by the United Nations mechanisms specific to the rights of Indigenous Peoples, as well as Indigenous Peoples' representative institutions independently.

Permanent Forum on Indigenous Issues

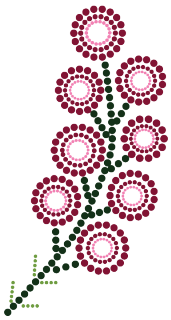
The final report of the 22nd Session of the Permanent Forum on Indigenous Issues (UNPFII), which took place in April of 2023, included a paragraph on the distinction between Indigenous Peoples and local communities, stating that:

> "The Permanent Forum reiterates its call at its twenty-first session for a clear distinction between Indigenous Peoples and local communities. All United Nations entities and States parties to treaties concerning the environment, biodiversity and climate are encouraged to eliminate the use of the term "local communities" in connection with Indigenous Peoples, so that the term "Indigenous Peoples and local communities" would be abolished."[14]

The 22nd Session of UNPFII also offered recommendations specific to the Convention of Biological Diversity directly relating to the specific rights of Indigenous Peoples, including to:

> adopt a programme of work on article 8 (j) and other provisions of the Convention on Biological Diversity and strengthened institutional arrangements through a permanent subsidiary body to take forward the Kunming-Montreal Global Biodiversity Framework and to ensure a human rights-based approach, and full and effective participation of Indigenous Peoples, by the sixteenth meeting of the Conference of the Parties to the Convention. The Permanent Forum recommends ensuring direct access to financial resources for Indigenous Peoples, inclusive of all landscapes and seascapes, more efficient financial mechanisms managed by Indigenous Peoples and the inclusion of Indigenous Peoples' representatives in the governance of the Framework to better design and implement grants. In that

[13] *Pact for the Future, Global Digital Compact and Declaration on Future Generations,* United Nations General Assembly, September 2024. https://www.un.org/sites/un2.un.org/files/sotf-pact_for_the_future_adopted.pdf
[14] *Report on the twenty-second session,* United Nations Permanent Forum on Indigenous Issues, 2023. https://docs.un.org/en/E/2023/43



> respect, the modus operandi and methods of work for enhanced Indigenous participation under article 8 (j) and related provisions must be the minimum standard and be prioritized as an essential prerequisite for the full implementation of target 31 of the Framework (Para 28)[15]

In its final report on the 23rd Session of UNPFII in 2024, the Forum reiterated its stance on the issue of local communities:

> The Permanent Forum reiterates that it has urged all United Nations entities and States parties to treaties concerning the environment, biodiversity and climate change to eliminate the use of the term "local communities" in conjunction with Indigenous Peoples, and to distinguish between the terms, in ongoing processes, policies and new international agreements at all levels." (Para 119)[16]

In 2025, the 24th Session of UNPFII made further recommendations on the new program of work of the Convention on Biological Diversity:

> "The Permanent Forum urges Member States, and the Convention on Biological Diversity secretariat's permanent subsidiary body on article 8 (j), in its new work programme, to include Indigenous Peoples' leadership at all levels, including as Co-Chairs, working group leads, expert groups and Bureau members from the seven sociocultural regions. The Forum reiterates its call upon United Nations entities and the Parties to biodiversity and climate agreements to recognize the distinct identities and specific rights of Indigenous Peoples. The Forum encourages the use of accurate and differentiated terminology and recommends avoiding the combined or interchangeable use of the terms "Indigenous Peoples" and "local communities" as a single category" (Para 78)[17]

Expert Mechanism on the Rights of Indigenous Peoples

In 2021, the report of the United Nations Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) to the 48th session of the UN Human Rights Council, titled "Efforts to Implement the UN Declaration on the Rights of Indigenous Peoples," A/HCR/48/75. Paragraph 34 states:

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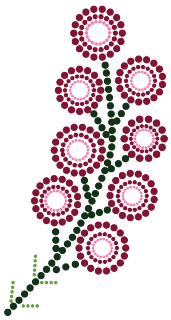
[15] *Report on the twenty-second session,* United Nations Permanent Forum on Indigenous Issues, 2023, paragraph 28. https://docs.un.org/en/E/2023/43

[16] *Report on the twenty-third session,* United Nations Permanent Forum on Indigenous Issues, 2024, paragraph 119. https://docs.un.org/en/E/2024/43

[17] *Report on the twenty-fourth session,* United Nations Permanent Forum on Indigenous Issues, 2025, paragraph 78. https://docs.un.org/en/E/2025/43



> "...one of the concerns expressed by some indigenous peoples is the tendency to lump indigenous peoples together with "local communities" within multiple international conventions and other multilateral agreements. This development may have the impact of undermining indigenous peoples' rights under the Declaration, in particular their right to self-determination, a concern shared by some States."[18]

Joint Statement by Permanent Forum on Indigenous Issues, Special Rapporteur on the Rights of Indigenous Peoples, and Expert Mechanism on the Rights of Indigenous Peoples

In July 2023, a joint statement was released by the Permanent Forum on Indigenous Issues, the Special Rapporteur on the Rights of Indigenous Peoples, and the Expert Mechanism on the Rights of Indigenous Peoples to:

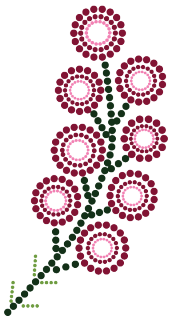
> "Urge all UN entities in their methods of work to refrain from conflating, associating, combining, or equating Indigenous Peoples with non-indigenous entities, such as minorities, vulnerable groups, or "local communities." We further request that all UN Member State parties to treaties related to the environment, biodiversity, and climate cease using the term "local communities" alongside "Indigenous Peoples," so that the term "Indigenous Peoples and local communities" is no longer used."[19]

In February 2024, the three mechanisms met in Rome to discuss the issue further. Their aim was to strengthen the implementation of the *UN Declaration on the Rights of Indigenous Peoples* and address the problematic use of the term "local communities" in conjunction with Indigenous Peoples. The outcome document released following this meeting provides eight recommendations to address the challenges posed by the use of the "Indigenous Peoples and local communities" terminology and to recognize, respect, and promote the distinct, inherent rights of Indigenous Peoples:

> "...the implementation of the following recommendations will help to enhance the realization of the *UN Declaration on the Rights of Indigenous Peoples* and avoid perpetuating violations of human rights and the challenges faced by Indigenous Peoples due to grouping and conflating them with the term "local communities" or

[18] *Efforts to implement the United Nations Declaration on the Rights of Indigenous Peoples: indigenous peoples and the right to self-determination – Report of the Expert Mechanism on the Rights of Indigenous Peoples*, United Nations Human Rights Council, 2021. https://docs.un.org/en/A/HRC/48/75

[19] *Outcome Document,* United Nations Expert Mechanism on the Rights of Indigenous Peoples, Feb 2024, https://social.desa.un.org/sites/default/files/Outcome%20document_Rome%20Meeting%20UN%20Mechanisms%20Indigenous%20Peoples'%20rights.pdf



other categories. It will also help to ensure that the distinct rights, status, and differentiated role of Indigenous Peoples are recognized, respected, and promoted in international agreements, treaties, and conventions or other constructive arrangements."[20]

Assembly of First Nations

The Métis National Council acknowledges and reiterates the positions of other Indigenous Peoples' representative institutions calling for a decoupling of the terms. In 2024, the Assembly of First Nations published the *AFN Position Paper on the Terminology "Indigenous Peoples and local communities."* The MNC reiterates the AFN's calls to reaffirm the distinct status and rights of Indigenous Peoples and remove the false equivalency of rights between Indigenous Peoples and local communities to reflect the rights reaffirmed in the *UN Declaration*.[21]

Inuit Circumpolar Council

While Indigenous Peoples' rights are enshrined in international documents, local communities are neither defined nor necessarily subject to particular collective rights. The Inuit Circumpolar Council, in their 2020 *Policy Paper on the Matter of "Local Communities"*[22] , identified four primary reasons Indigenous Peoples should not be grouped with local communities, which the Métis National Council re-affirms here:

1) **Grouping Indigenous Peoples with local communities diminishes the distinct rights and status of Indigenous Peoples:** The legal status of Indigenous Peoples is premised on our collective right to self-determination as peoples. Indigenous Peoples are therefore distinct from minority populations or other civil society stakeholders. Grouping and conflating Inuit and other Indigenous peoples with local communities suggests a false equivalency of rights between Indigenous Peoples and local communities.
2) **Grouping Indigenous Peoples with local communities is incongruous with the recognition of Indigenous rights in domestic law and policy:** Section 35 of the Canadian Constitution recognizes three distinct Indigenous Peoples in Canada:

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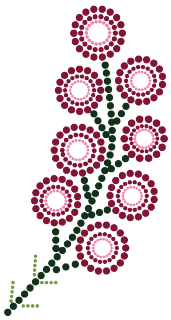
[20] *Outcome Document,* United Nations Expert Mechanism on the Rights of Indigenous Peoples, Feb 2024, https://social.desa.un.org/sites/default/files/Outcome%20document_Rome%20Meeting%20UN%20Mechanisms%20Indigenous%20Peoples'%20rights.pdf

[21] *AFN Position Paper on the Terminology "Indigenous Peoples and local communities,"* Assembly of First Nations, 2024. https://afn.bynder.com/m/731677d1e91cd5b3/original/AFN-Position-Paper-on-the-Terminology-Indigenous-Peoples-and-local-communities.pdf

[22] *Policy Paper on the Matter of "Local Communities."* Inuit Circumpolar Council. (2020). https://www.inuitcircumpolar.com/project/policy-paper-on-the-matter-of-local-communities/



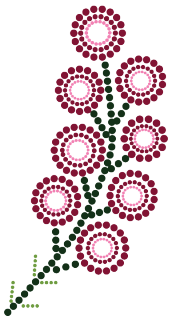
First Nations, Inuit, and Métis. This status is further affirmed through the Canada's United Nations Declaration Act.

3) **The legal status of local communities and the meaning of this term is uncertain:** The term "local communities" has not been defined by States or inter-governmental organizations, and local communities are not a self-organized constituency within any intergovernmental organization. The opaqueness of the term suggests that it may encompass any or all individuals or groups of stakeholders, irrespective of their legal, political, or cultural orientation vis-à-vis Indigenous peoples. Grouping Indigenous Peoples with local communities therefore has the potential to undermine the effectiveness and impact of Inuit advocacy, the advancement of our priorities, as well as the equitable participation of Inuit in intergovernmental fora and organizations where our rights are implicated.
4) **Local communities are likely already represented by States:** The distinct rights and status of Indigenous Peoples is premised on our inherent and collective rights to our lands, territories, and resources, as well as our right to self-determination as peoples, which is the prerequisite to the exercise and enjoyment of all our rights. Indeed, Inuit have insisted on participating in the development of international conventions and multilateral agreements based on our right to self-determination as a people, rather than as civil society stakeholders. The collective nature of Indigenous Peoples' human rights is among the fundamental differences between Indigenous Peoples and various other stakeholders that are already represented by States. Grouping Indigenous Peoples and local communities therefore likely provides a platform to a constituency that is already represented by States.[23]

Next Steps

The Métis National Council aligns with the joint statement by the United Nations Permanent Forum on Indigenous Issues; Special Rapporteur on Indigenous Issues; and the Expert Mechanism on the Rights of Indigenous Issues in urging all "UN entities in their methods of work to refrain from conflating, associating, combining, or equating Indigenous Peoples with non-indigenous entities, such as minorities, vulnerable groups, or "local communities." Additionally, we support the call to request "that all UN Member State parties to treaties related to the environment, biodiversity, and climate cease using the

[23] *Policy Paper on the Matter of "Local Communities."* Inuit Circumpolar Council. (2020). https://www.inuitcircumpolar.com/project/policy-paper-on-the-matter-of-local-communities/



term "local communities" alongside "Indigenous Peoples," so that the term "Indigenous Peoples and local communities" is no longer used."[24]

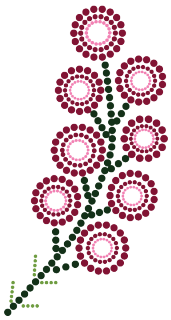
It is essential that States, United Nations bodies and mechanisms, and additional international organizations recognize the United Nations Declaration of the Rights of Indigenous Peoples as a standard and framework in the development of any documentation or agreement implication the rights and status of Indigenous Peoples. Additionally, we call upon all States to work in consultation and cooperation with Indigenous Peoples to implement UNDRIP at a national level.

In accordance with UNDRIP and Resolution 71/321, "Enhancing the participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them," we further advocate for the establishment of a distinct category or status within the United Nations Framework that explicitly recognizes the unique identity and role of Indigenous Peoples similar to permanent observer status.

The Métis National Council reiterates the joint recommendations of the United Nations Permanent Forum on Indigenous Issues; the United Nations Expert Mechanism on the Rights of Indigenous Peoples; and the United Nations Special Rapporteur on the Rights of Indigenous People, shared in the outcome document of their February 2024 meeting. The MNC supports the experts in calling on Member States, UN Entities, including the Secretariats of treaties, multilateral and bilateral financial institutions, intergovernmental organizations, international organizations, foundations, funders and Non-Governmental Organizations to implement the following recommendations:

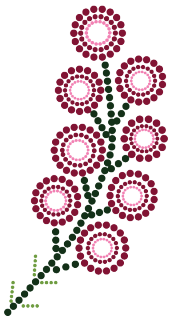
1. **Promote respect for, recognition of, and full application of IP rights**: respect the distinct rights and status of Indigenous Peoples, consistent with the *UN Declaration on the Rights of Indigenous Peoples* and other international human rights instruments, such as conventions, treaties, and norms, acknowledging Indigenous Peoples as collective rights-holders rather than *stakeholders, minorities, or local communities*. This includes refraining from using language that is not pertinent to the Indigenous Peoples' specific nature and avoiding combining the term Indigenous Peoples with other categories introduced in new international agreements, guidelines, or documents. Indigenous Peoples must be included appropriately in decision-making processes, ensuring that the corresponding implementation processes have the direct and effective participation of Indigenous

[24] *Statement by the United Nations Permanent Forum on Indigenous Issues Special Rapporteur on the Rights of Indigenous Peoples, and the Expert Mechanism on the Rights of Indigenous Peoples,* United Nations Expert Mechanism on the Rights of Indigenous Peoples, July 2023. https://www.culturalsurvival.org/sites/default/files/Statement_Three%20Mechanisms%20%281%29.pdf



Peoples through their procedures and pertinent language, and based on their right to self-determination.

2. **Update working methods**: Practices, procedures, and scenarios for the participation of Indigenous Peoples should strictly adhere to the standards set forth and affirmed in the United Nations Declaration on the Rights of Indigenous Peoples. This is to ensure that those processes do not give rise to changes in names or other types of conflation that may diminish the levels and effectiveness of Indigenous Peoples' participation. The appointment of representatives of Indigenous Peoples in various participation scenarios at different levels should be exclusively for Indigenous Peoples and not subject to additional limitations, where their participation is conditioned to participate with other actors or when there is confusion of their selection procedures that differ from their own norms, resulting from the combination of their name with other categories. In all cases, avoid the use of acronyms or names other than "Indigenous Peoples" to identify their representatives.
3. **Ensure accurate data and relevant information**: When data, information, programs, policies, and funding concerning the situations or contributions of Indigenous Peoples are presented in combination or jointly with other groups or categories, they often lead to misinformation and promote assimilationist approaches, ultimately eroding Indigenous Peoples' rights.
   The naming of discussion forums such as seminars or workshops, as well as publications and the production and dissemination of data and information pertaining to Indigenous Peoples' knowledge, territories, resources, and rights, must explicitly acknowledge their status as Indigenous Peoples and recognize them as collective rights-holders. This necessitates applying the appropriate rights framework, including the right to self-identification, regardless of the geographic location of these Indigenous Peoples.
   Likewise, programs, policies, budget allocations, and funding from diverse sources should be named in a manner that reflects their denomination as Indigenous Peoples. This ensures that their status, rights, and contributions are not overlooked or wrongly attributed to other groups or categories.
4. **Avoid discrimination**: The recognition of Indigenous Peoples in international law entails overcoming policies based on cultural assimilation or the denial of their cultural identity. UN entities, Member States, NGOs, academic institutions, and donors, among others, should adopt affirmative measures to support the realization of their fundamental rights and freedoms, the right to self-identification, access to goods and services, and the protection of their resources for their wellbeing in all territorial and political contexts. This is considered an effective measure for



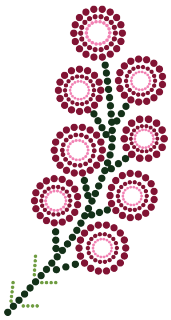
achieving the Sustainable Development Goals. Any restrictive or discriminatory measures based on the condition or self-identification as "Indigenous Peoples" are "scientifically false, legally invalid, morally condemnable, and socially unjust."

5. **Use the *UN Declaration on the Rights of Indigenous Peoples* as minimum standard**: Use *the UN Declaration on the Rights of Indigenous Peoples* as a normative framework in the development of any documentation or agreement that impact the rights, status, and role of Indigenous Peoples. This includes discontinuing the use of outdated language and engaging directly with Indigenous Peoples in the development of new language.
6. **Reform procedural rules**: Reform their procedural rules to ensure the full and effective participation of Indigenous Peoples. Outdated procedures have led to abuses against Indigenous Peoples and should be reformed to safeguard their rights, the international human rights system, and the rule of law. This reform should involve the active, direct participation of Indigenous Peoples in a spirit of partnership and mutual respect.
7. **Adopt distinctions-based policies:** Adopt and implement distinctions-based policies that respect and enhance the status and rights of Indigenous Peoples. These policies should acknowledge Indigenous Peoples as separate from categories or terms different from their own denomination such as “local communities”, especially where their rights are concerned. Direct multilateral and bilateral engagement with Indigenous Peoples’ representatives should be prioritized.
8. **Utilize distinctions-based language**: Distinction-based language should be utilized in the development of documentation and agreements that reference Indigenous Peoples. This language, developed in partnership with Indigenous Peoples, should clearly delineate Indigenous Peoples as rights-holders and support their right to self-determination.[25]

Building on the work of other Indigenous Peoples Representative Institutions, the Métis National Council further calls on States, intergovernmental organizations and UN agencies to implement the following recommendations:

1. Reaffirm the distinct status and rights of Indigenous Peoples, as affirmed within the UN Declaration on the Rights of Indigenous Peoples.

[25] *Outcome Document,* United Nations Expert Mechanism on the Rights of Indigenous Peoples, Feb 2024, https://social.desa.un.org/sites/default/files/Outcome%20document_Rome%20Meeting%20UN%20Mechanisms%20Indigenous%20Peoples'%20rights.pdf



2. Use the language of the UN Declaration as a standard and framework in the development of any documentation or agreement implicating the rights and status of Indigenous Peoples.
3. Remove the false equivalency of rights between Indigenous Peoples and local communities to reflect the rights reaffirmed in the UN Declaration.
4. Uphold and maintain the clear distinction between “knowledge of Indigenous Peoples” and “local knowledge” in all UN discussions and cease the use of the term “Indigenous and local knowledge”.
5. Separate “Indigenous Peoples and local communities” as a collective concept in all UN discussions, including climate, biodiversity, and intellectual property.
6. Support Indigenous Peoples as they push for enhanced participation status in all elements of the United Nations.

Conclusion

In conclusion, the Métis National Council strongly asserts its position against the categorization of Indigenous Peoples alongside "local communities" in national and international conventions and multilateral agreements. This grouping falsely implies an equivalence in rights between Indigenous Peoples and local communities, undermining the significant progress achieved in gaining recognition of their distinct status and rights. We stand in solidarity with the growing movement among Indigenous Peoples to address this issue and applaud the recent efforts of the United Nations Permanent Forum on Indigenous Issues, the Special Rapporteur on the Rights of Indigenous Peoples, and the Expert Mechanism on the Rights of Indigenous Peoples in urging all UN entities and Member States to refrain from conflating Indigenous Peoples with non-Indigenous entities. We further call upon States, international organizations, and United Nations bodies to develop UNDRIP implementation strategies in collaboration with Indigenous Peoples. Lastly, we continue to advocate for the establishment of a distinct category or status within the United Nations Framework that explicitly recognizes the unique identity and role of Indigenous Peoples. The Métis National Council reiterates our commitment to protecting the rights of Indigenous Peoples on the international stage.