



Inter-Parliamentary Union
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Beyond numbers: the participation of indigenous peoples in parliament

Survey report



September 2014

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Cover photo: Tuareg tribe celebrating traditional culture, folklore and heritage. Political representation is critical to safeguarding the rights and traditions of indigenous peoples. © Reuters/E. Al-Fetori, 2013

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Introduction

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) highlights the importance of ensuring effective participation by indigenous peoples in decision-making at all levels. Notably, Article 5 of the UNDRIP differentiates between indigenous peoples' right to internal decision-making (developing and maintaining their own institutions of self-governance) and their right to external decision-making (participating fully in the political, economic, social and cultural life of their respective States). The significance of indigenous peoples' involvement in external decision-making is underscored by the 2014 IPU Declaration of Santa Cruz de la Sierra, which affirms that meaningful participation of indigenous peoples at all levels of government and parliament is necessary in order to ensure public policies that are sensitive to their situation, needs and aspirations, and that are accompanied by sufficient resources.

This report examines the extent to which indigenous peoples are participating meaningfully in external decision-making processes through parliamentary structures. It is based on a survey of countries known to have indigenous populations (26 of 77 parliaments participated), as well as on secondary data for another 10 parliaments.¹ Because of the relatively limited data available, the report seeks not to quantify, but to provide a deeper understanding of indigenous peoples' participation in parliaments. It analyzes the data against other research findings about their political participation as well as external variables, such as the kind of electoral system in place in each country.

All in all, the report corroborates the well-established view that the number of indigenous representatives in parliaments is an important symbolic indicator for the representative nature of parliaments, and that the unique interests and possible contributions of indigenous peoples need to be better recognized through the political process. The report also identifies parliamentary bodies that can enable indigenous representatives to shape the legislative agenda and influence decision-making more effectively. This report consists of two parts: Part 1 deals with the representation of indigenous peoples by indigenous parliamentarians; Part 2 provides a glimpse of how parliaments are implementing the UNDRIP and the principle of free, prior and informed consent.

Part 1: The representation of indigenous peoples in parliament

Parliamentary representation of indigenous peoples, a traditionally underrepresented and historically marginalized group, can help ensure that their rights are protected, and their unique interests are heard and translated into relevant policies, while at the same time preventing conflict. Indigenous representation in parliament can also benefit society at large, because indigenous practices and knowledge can provide solutions to complex environmental, developmental and governance problems that all societies face today.

Without legal recognition, the number of indigenous parliamentarians is difficult to establish

The representation of indigenous peoples in parliament is first and foremost a reflection and symbol of the State's recognition of the unique interests, needs and rights of indigenous peoples. Such representation presupposes the recognition of indigenous peoples as a distinct identity and legal category in each country. Indigenous peoples are all too often lumped together with minorities or other vulnerable sectors of society. Their rights, however, unlike those of any other group, are rooted in the principle of self-determination, entailing the right to self-government in internal and local affairs, and to the ways and means needed to finance their autonomous functions (UNDRIP, Article 4).

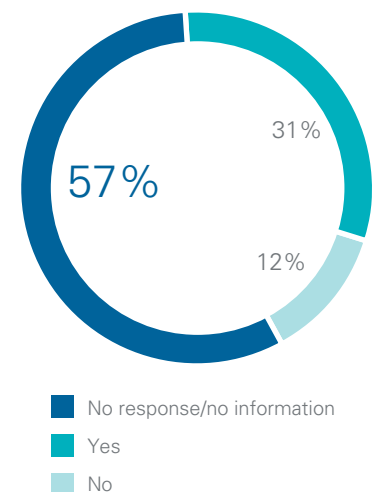
Based on both primary and secondary sources, the survey identified a mere 24 parliaments (31% of the 77 surveyed) with representatives self-identifying as indigenous². Nine of the parliaments for which data are available (12% of those surveyed) have no representatives self-identifying as indigenous. No data are available for 44 of the parliaments surveyed (57%).

This data set, however, does not accurately reflect the representation of self-identified indigenous peoples not recognized as such by many States, particularly in the African and Asian regions. Of the parliaments that responded to the survey, six (France, India, Kenya, Namibia, South Africa and Zambia) stated that the concept of indigenous peoples does not exist in the national context. Where the concept of indigenous peoples is not legally recognized, representatives of indigenous backgrounds may still serve in parliament but would not be identified as such.³

In a number of parliaments there are representatives of groups fitting the definition of indigenous that are commonly accepted but not legally recognized by the States.⁴ Japan's Okinawan people, for example, are represented in parliament but not recognized as indigenous. Algeria's Front of Socialist Forces is a Berber-based political party holding 21 seats in parliament and advocating, among other things, official recognition of the Berber language. On the flipside, some of the data collected through the survey (shown in Appendix II) may reflect State policies that lump groups not identified as indigenous by international bodies together with groups that are so identified. This is the case, for example, in Myanmar, whose concept of "indigenous" is broader than the one used by international organizations. Other countries, such as China, include indigenous groups within the larger category of ethnic minorities.⁵

Chart 1

Breakdown of parliaments reporting indigenous members



As reported to the IPU, the Government of **India** treats the country's entire population at the time of Independence, and their successors, as being indigenous. The term "indigenous people" is therefore not applicable to the Indian context. However, recognizing that certain tribes have lagged behind – due to their unique cultures, distinctive customs and lack of contact with the community at large, as well as geographical isolation, particularly in terms of educational and economic development – the Indian Constitution provided for "scheduling", i.e. the listing of such tribes, with specific social, economic and political provisions to ensure their all-round development. To that end, 47 seats in parliament are reserved for representatives of scheduled tribes.

Several parliaments can claim proportional representation of indigenous peoples

Parliaments, as the most representative decision-making bodies, should normally aim to mirror the diversity of the society outside. This involves trying to ensure that all groups are represented in parliament, and that each group is represented more or less proportionally to its share of the general population. A lack of such proportionality for groups with specific political interests may indicate barriers to political participation that prevent such groups from voting and running for office. Proportionality is therefore generally considered a reflection of the strength of a democratic system.

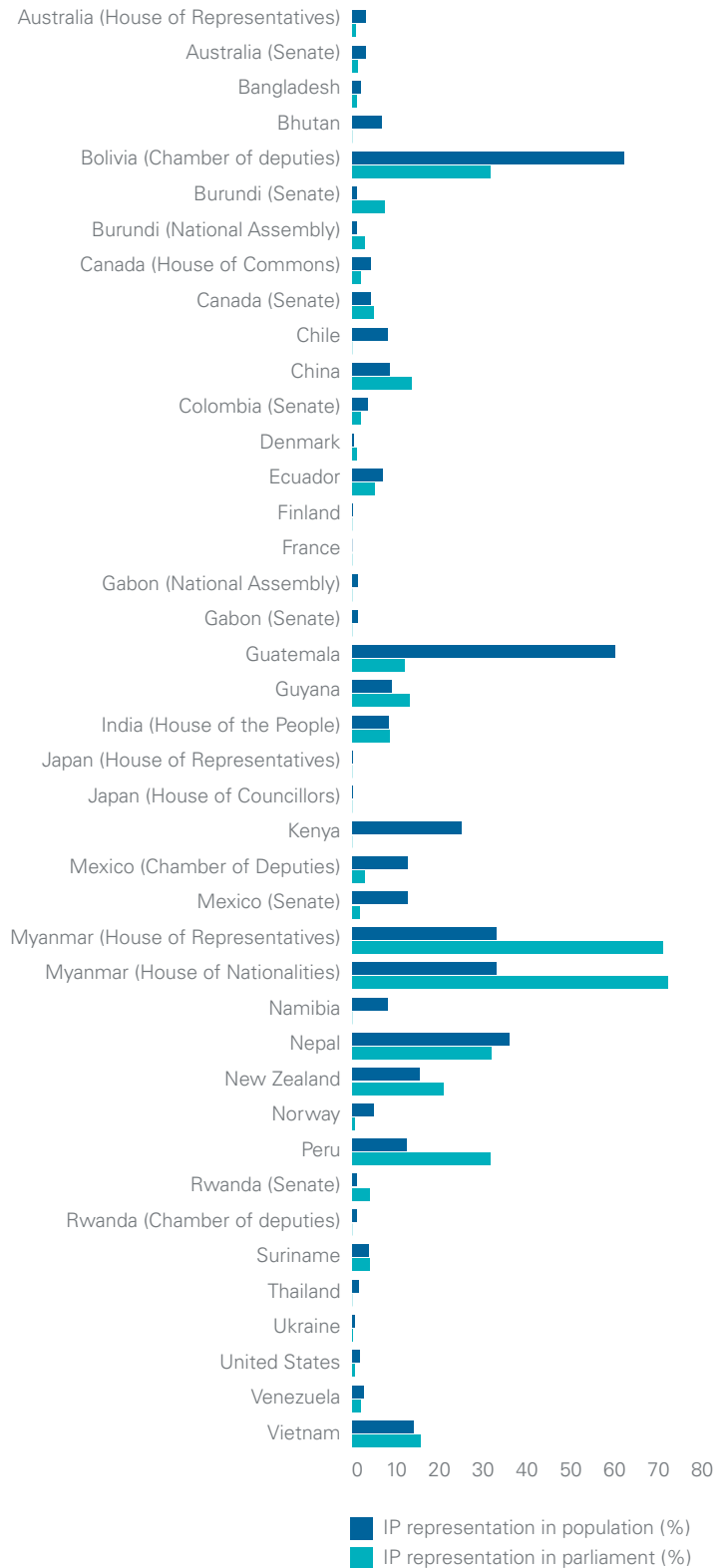
The survey identified 979 indigenous parliamentarians concentrated in 24 parliaments (or 29 parliamentary chambers if counted separately in the bicameral parliaments).⁶ In the parliaments for which data are available, either through the survey or through secondary data sources, the representation of indigenous peoples through indigenous representatives is close to par.⁷ When the percentage of indigenous representatives in these parliaments is compared to the percentage of indigenous peoples in the countries as a whole, representation of indigenous peoples stands at 81 per cent.⁸ Indigenous peoples are proportionally represented or overrepresented in a number of parliaments, namely, Burundi, Canada (Senate only), China (reflecting all ethnic minorities), Denmark, Guyana, India (House of the People only), Myanmar, New Zealand, Peru, Rwanda (Senate only), Suriname and Vietnam.

Among the parliaments for which data are available, indigenous peoples are proportionally underrepresented in 12 parliaments (13 parliamentary chambers) and not at all represented in nine parliaments (12 parliamentary chambers). A few countries with fairly large indigenous populations, such as Bolivia, Guatemala, and Mexico, stand out with a proportionally low number of indigenous Members of Parliament (MPs). Underrepresentation is likely due to a combination of actual barriers to participation and an overall sense of alienation from mainstream electoral processes. Barriers to participation include, but are not limited to, undue conditions for voter registration, access to the voting booth in rural areas, the political parties' unwillingness to find indigenous candidates or place them high on their party lists, and a lack of adequate political party funding.⁹

Traditional and historical discrimination against indigenous candidates, the limited impact that indigenous representatives have had on indigenous peoples' lives, and a general lack of confidence in national decision-making bodies, where experience may be at odds with existing indigenous decision-making institutions, may explain the relative apathy of indigenous voters and the low representation of indigenous peoples in parliament.¹⁰

Chart 2

Ratio of indigenous peoples (IP) and indigenous MPs by country



Few parliaments have adopted special measures to ensure a minimum level of representation for indigenous peoples

Among the parliaments that responded to the survey or for which secondary data are available, a mere nine have measures in place to facilitate access for indigenous peoples: eight through reserved seats, two through voluntary quotas for political parties; three through appointments of indigenous representatives; and one through the adjustment of electoral district boundaries to ensure that indigenous peoples can elect their own representatives.

Many countries that legally recognize indigenous peoples are taking proactive measures to remove the barriers indigenous peoples face when running for office or participating in elections. Such measures include support for the political organization of indigenous groups, as well as national and international efforts to build capacity among indigenous peoples. Greater participation in electoral politics at the national level may also be a function of the extent to which indigenous peoples are politically active at the subnational or local level.

The electoral system may be a factor in the number of indigenous peoples who gain access to parliament

A comparison between the number of indigenous MPs and the electoral system in place in each country suggests that proportional representation and mixed electoral systems are the most likely to facilitate access to parliament.¹¹ Of the 20 countries that have adopted elements of proportional representation, 85 per cent have indigenous representatives in parliament. By contrast, of the 12 countries that have adopted single-member-district voting systems (plurality and simple or absolute majority systems) only 58 per cent have indigenous representatives in parliament. A more complete data set would be necessary to arrive at a more definitive conclusion on the relationship between electoral systems, special measures and indigenous representation.

The case of **New Zealand** provides a best-case example in which a set of different measures led to indigenous representation that surpasses indigenous representation in society. As reported by New Zealand’s parliament, the number of Māori electoral districts increased from four in 1996 to seven since 2002. That number is based on the Māori electoral population, including persons who have registered to vote in Māori electoral districts, plus the estimated number of persons of Māori descent who have not registered or who are under 18. Another 15 representatives of Māori descent have gained seats aided by the Mixed Member Proportional electoral system adopted in 1993, which allows for a number of strategies to elect Māori representatives to parliament.

The overrepresentation of the Māori in parliament has led to debate on whether Māori electoral districts have become irrelevant. The Māori position is that the reserved seats are a symbol of the State’s acknowledgement of the Māori people’s right to self-government. At the same time, political parties’ willingness to place Māori members high on their party lists is an indication of the integrated nature of New Zealand’s society at large. Only three out of the 22 Māori representatives are members of the self-styled Māori Party, while the other 19 are members of mainstream political parties.

Indigenous women remain underrepresented in parliament

Even where indigenous peoples are represented in parliament, indigenous women remain significantly underrepresented. Out of the 923 MPs for which gender-disaggregated data are available, 742 (80 per cent) are men and only 181 (20 per cent) are women. Vietnam is the only parliament where indigenous women and men are represented in equal numbers (39 seats for each group).

This picture closely resembles the larger picture of gender inequality in parliaments generally. According to IPU data, women hold only 21.9 per cent of parliamentary seats worldwide.¹² Indigenous women, however, face a “triple challenge”: being women, poor and indigenous. Achieving gender parity among indigenous parliamentarians will require a stronger set of political, social and economic measures.

Chart 3

Breakdown of special measures to facilitate entry into parliament (number of parliaments)

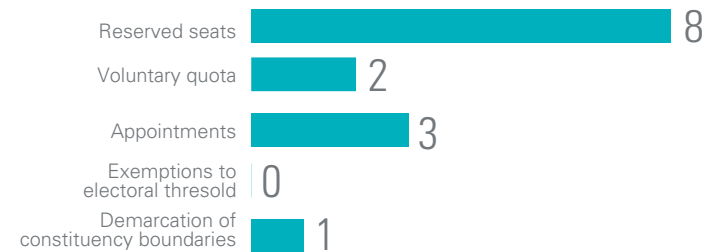
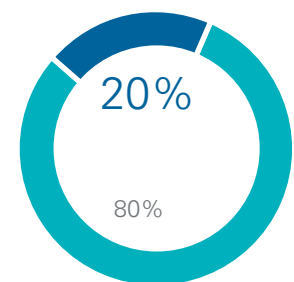


Chart 4

Women-to-men ratio of indigenous MPs



■ Women ■ Men

The way in which indigenous parliamentarians gain access to office influences their mandate as representatives of indigenous peoples

Parliamentary representatives of indigenous descent do not necessarily represent the concerns of indigenous constituents. Some responses to the survey indicate that the ways in which indigenous representatives gain access to their parliamentary seat have an impact on their mandate.

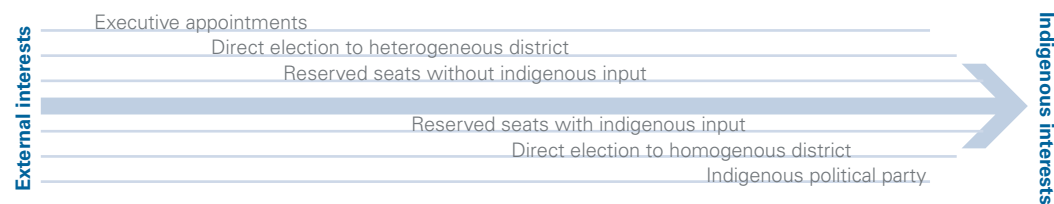
Two indigenous MPs from Greenland, a self-ruling political entity within the **Danish Kingdom**, are elected to the Danish Parliament. As the Danish Parliament emphasizes, however, these two MPs are elected as representatives of Greenland, not of Greenland's indigenous inhabitants. In other words, they are not necessarily MPs because of their indigenous roots.

On one end of the spectrum are representatives of indigenous political parties, who have won their seats through direct elections and have a strong mandate to represent the interests of indigenous peoples. If an electoral district is largely indigenous, as a result of natural concentration or boundary demarcation as in the case of New Zealand (see page 7), its representative is likely to represent indigenous interests. If the district is heterogeneous, the representative's mandate will be broader, and competing interests will have to be reconciled. In closed-list proportional representation systems, where party leaders control the ranking of party lists, and thus an individual member's chances of winning, indigenous representatives may be given incentives to toe the party line on issues at odds with indigenous interests. This can be a deterrent to running for office or on voting in parliament on issues that promote rights of indigenous peoples.

On the other end of the spectrum are reserved seats and executive appointments aimed at ensuring the representation of indigenous peoples. The likely impact of reserved seats depends on whether indigenous populations can actually influence the choice of representatives – through the creation of indigenous electoral districts, for instance – or whether the choice is made by non-indigenous decision-makers in leadership positions, as in the case of executive appointments. In the latter case, where indigenous representatives feel a stronger affinity with or sense of loyalty towards a political leader than they do towards the indigenous peoples themselves, such appointments may prove to be of only limited token value. It follows that the actual impact of indigenous parliamentarians depends on a variety of factors that can only be assessed in each country's particular context.

Chart 5

Mandate to represent indigenous interests in perspective



Proportional representation of indigenous peoples in parliament may not be sufficient to make representation meaningful

Meaningful representation of indigenous peoples and their concerns depends on the ability of individual representatives to set the agenda and influence decision-making. But this can only be a factor in countries where the indigenous population is sufficiently large to elect a significant number of indigenous MPs. As confirmed by the survey, there are only a few countries – Bolivia, Guatemala and Nepal – where parliamentary representation proportional to the share of indigenous populations in society would give indigenous representatives the critical mass they need to effectively influence parliamentary debates and ensure that indigenous interests are effectively addressed.¹³

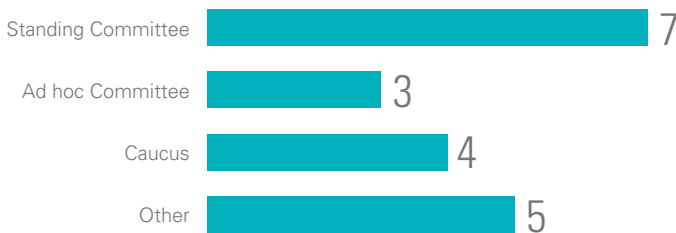
In most countries, proportional representation or even overrepresentation does not provide such critical mass. New Zealand and Vietnam stand out as countries where indigenous peoples potentially constitute a politically significant sector of society – 15.4 per cent and 14 per cent, respectively – and are overrepresented in parliament. In other cases, indigenous peoples constitute such a small percentage of the overall population that proportional representation, where applied, does not give them the number of representatives needed to effectively shape parliamentary debates.

Dedicated parliamentary bodies can strengthen the representation of indigenous interests

Beyond numbers, meaningful representation requires that indigenous peoples be consulted and involved in decision-making. Collective as opposed to individual decision-making is an inherent characteristic of indigenous life that pervades the way many indigenous peoples see themselves represented in mainstream electoral politics. Collective decision-making means the right of a group, in this case a *people*, to exercise decision-making authority. As noted by the United Nations Expert Mechanism on the Rights of Indigenous Peoples, the participation of indigenous peoples in public affairs, such as elections, is only one specific expression of participation, which also includes civil, cultural and social activities of a public nature.¹⁴

Chart 6

Breakdown of dedicated parliamentary bodies (number of parliaments)



It follows that in order to reconcile collective decision-making with representative democracy, parliamentary structures should allow indigenous communities to be part of the decision-making process, beyond representation through individual MPs. Such participation may also help crystallize the different voices within the indigenous communities at large. In addition to the common interests and concerns of such communities, there are also multiple distinct voices that need to be heard. Indigenous public opinion is not homogeneous.

Meaningful representation, thus, requires parliamentary bodies that allow indigenous MPs to address issues pertaining to indigenous rights through institutional channels, to establish support among non-indigenous representatives and to involve the indigenous peoples at large. While the issues of concern to indigenous peoples can, in principle, be mainstreamed through all parliamentary bodies, greater policy coherence is more likely in systems that have set up parliamentary bodies dedicated to those issues. Such parliamentary bodies may be particularly important in countries where indigenous representatives do not have the numbers needed to influence parliamentary debates and thus require institutions that allow them to cooperate more effectively with non-indigenous parliamentarians.

Bolivia's Commission on Indigenous Peoples, for example, is tasked with drafting laws, representing the interest of indigenous peoples in parliamentary processes, promoting the development of indigenous peoples' values and cultures, upholding their rights and fostering relationships with other parliaments in these regards.

Surprisingly few parliaments have such parliamentary bodies in place: only 12 (55 per cent) of the 22 parliaments for which data are available have any parliamentary body in place. Of these, seven have a Standing Committee (in either parliamentary chamber, in the case of bicameral parliaments), three have set up ad hoc committees, four have parliamentary caucuses and five have other parliamentary bodies in place (mostly parliamentary commissions).

Kenya's Parliamentary Pastoralist Group (PPG) has been an intrinsic force in securing rights and a more positive recognition of the country's vast pastoralist communities. During the 10th Parliament (2008–2013), PPG successfully lobbied for the recognition of pastoralists as a marginalized group in the country's new constitution. The PPG ensured that pastoralist concerns were addressed in the *Wildlife and Conservation Management Act of 2013* and the *Kenya Police Service Act of 2014*, and it is currently working on a Mining Bill, a Water Bill, and a Climate Change Bill. In order to translate positive constitutional and legislative reforms into tangible benefits for the pastoralist communities, the PPG is currently establishing a permanent Secretariat with a coordinator, a gender adviser and an administrator. A critical role of the Secretariat will be to support the PPG's current membership of 85 MPs in their efforts to communicate with pastoralists on the ground.

The existence of internal decision-making structures is likely to affect participation in external decision-making structures

Some of the survey responses indicated that internal decision-making structures need to be taken into consideration when evaluating the political representation of indigenous peoples. These structures tend to allow for collective decision-making, taking the views and best interest of the whole community into account. The relevance of external decision-making processes – such as parliaments – to indigenous peoples may vary considerably depending on the existence and overall strength of parallel or subnational (internal) decision-making structures. Conversely, indigenous representatives in parliament may be able to perform their role more meaningfully if strong internal decision-making structures are in place.

Internal decision-making structures include the following:

- indigenous parliaments, such as the Sami Parliaments in the Scandinavian countries;
- autonomous regions, such as the Autonomous Regions of the South and North Atlantic in Nicaragua; and
- indigenous organizations established at the local, national, regional and international levels that are tasked to engage with the State on various matters, such as the National Congress of Australia's First Peoples.

Part 2: Parliamentary action for the implementation of indigenous rights

Endorsed by all Member States of the United Nations, the UNDRIP sets the international standard for the treatment of indigenous peoples. Parliaments have an intrinsic role in the implementation of the UNDRIP through their legislative, oversight and representative mandate. To that end, two IPU Declarations – the 2010 Chiapas Declaration and the 2014 Declaration of Santa Cruz de la Sierra – call on parliaments to adopt a Plan of Action to make the right to equal participation and non-discrimination a reality for indigenous peoples.¹⁵

To date, few States have established a National Action Plan for implementing the UNDRIP. Among the parliaments that responded to the survey, only five reported that a National Action Plan was in place. However, a few parliaments reported that initiatives to implement the UNDRIP were in place.

The principle of free, prior and informed consent is not consistently applied or understood in actual practice

Of particular relevance to parliaments are provisions relating to the principle of free, prior and informed consent (FPIC). The principle of FPIC was formally laid out in its various dimensions by the International Labour Organisation's 1989 Convention on Indigenous and Tribal Peoples in Independent Countries (ILO 169), which establishes that consent must be obtained before indigenous communities are relocated or before development is undertaken on their land (Articles 6, 7, and 9). The duty of States to obtain, or in some cases seek to obtain, indigenous peoples' FPIC is clearly expressed in the UNDRIP, especially in relation to indigenous peoples' interests in lands, territories and resources (Articles 10, 11, 19, 28, 29(2) and 32(2)). Consent is mandatory under the UNDRIP for the relocation of indigenous peoples, and the disposal or storage of hazardous waste in the lands or territories of indigenous peoples. A consensus has emerged that consent is also required in cases where the impact of an activity on indigenous peoples will be serious, major and direct.

Peru's parliament reports that a 2011 law gives indigenous communities the right to request the opening of a consultation process for issues affecting their lands. The consultation process begins with the government entity that has promoted the legislative or administrative measure at issue. If that entity rejects the petition, the indigenous community may appeal to a Specialized Technical Entity on Indigenous Affairs. Once the administrative instance has been exhausted, the case may be taken before the courts.

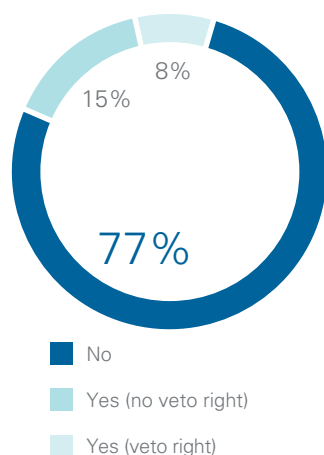
Only 6 of the 26 parliaments that responded to the survey have reported embedding the principles of FPIC into an actual legal framework. One of these, the Parliament of Bolivia, is currently debating a bill on FPIC drafted in consultation with 36 indigenous groups and other relevant organizations. The FPIC provisions in the five cases in which FPIC is already legally embedded include the right to redress when FPIC is violated.

Only two parliaments (Bhutan and Guyana) reported that the law on FPIC includes the right of indigenous peoples to veto a proposed action by the government. This points to an ongoing debate on how to interpret the concept of *consent* as something that involves much more than mere *consultation*.

In November 2012, as reported by the parliament, **Canada** formally endorsed the UNDRIP, which includes a number of provisions relating to FPIC. In its Statement of Support, Canada expressed its confidence that it could interpret the principles set out in the declaration in a manner consistent with its constitution and legal framework, and in particular, its constitutional duty to consult and accommodate Aboriginal peoples regarding matters that could affect their rights. While federal and provincial governments have a legal duty to consult with and, where appropriate, accommodate Aboriginal peoples when contemplating conduct that may adversely affect their Aboriginal or treaty rights, domestic case law has not recognized the right of Aboriginal communities to veto such conduct. In addition to common law, requirements to consult with Aboriginal peoples may also be found in legislation, such as the Canadian Environmental Assessment Act, and government policies, such as the Updated Guidelines for Federal Officials to Fulfill the Duty to Consult (2011). Two recent Supreme Court of Canada cases (Delgamuukw v. British Columbia [1997] 3 SCR 1010 and Tsilhqot'in Nation v. British Columbia, 2014 SCC 44) have found that where there is serious impact, then it is necessary to seek to obtain the consent of the indigenous peoples concerned.

Chart 7

FPIC embedded in law (per cent of countries)



Conclusion

As discussed in this report, the number of indigenous parliamentarians in any given country does not by itself say enough about the depth of indigenous representation or the extent of political participation by indigenous peoples. Factors such as the way indigenous representatives gain office, the relationship between indigenous parliamentarians and their political parties, the kind of electoral system in place, the ratio of indigenous peoples in the general population, the weight of self-governance structures, and of course whether or not indigenous peoples are legally recognized all come into play to determine the actual impact of indigenous representatives in each country.

That said, it is also evident that indigenous representation in parliament, both on the individual and group level, can help to ensure the implementation of indigenous rights. Indigenous representation in parliament is ultimately a sign of a healthy democracy. The data collected for this report suggest some positive developments in States that recognize indigenous peoples. Special electoral and capacity-building measures among indigenous peoples have helped to give indigenous peoples access to parliamentary seats.

Our research shows that there are at least 979 indigenous representatives – a sizeable portion of the 44,000 MPs around the world. This global picture is highly uneven, however, since indigenous populations are large in only a few countries and their proportions vary considerably from country to country. The representation of indigenous peoples by indigenous MPs is proportional or disproportionately high in several parliaments. In others, the percentage of indigenous MPs is well below that of the indigenous population. It should not be concluded, however – given the factors that limit the impact of indigenous representatives, as discussed in this report – that a policy of proportionality should be pursued in every country where indigenous peoples appear to be underrepresented. There can be no blanket approach in this respect. At the operational level, at least, any effort to boost the number of indigenous peoples in parliament should be considered on a country-by-country basis and in consultation with indigenous peoples.

Looking beyond the narrow question of “numbers,” meaningful representation ultimately must result in the effective pursuit of indigenous interests. Even where indigenous peoples are proportionally represented in parliament, meaningful representation is not guaranteed. This is especially so where the number of indigenous representatives does not reach critical mass or where they lack incentives to represent the unique interests of indigenous peoples. In order to ensure meaningful representation, parliamentary institutions need to be in place that allow and encourage indigenous members to represent indigenous interests effectively, while building support among non-indigenous representatives.

Meaningful representation also requires institutions that allow indigenous peoples to participate in decision-making processes, either through representatives or as a collective. Such participation is also an important step towards building mutual trust between indigenous peoples and the institutions of government.

Recommendations

- Parliaments need to ensure the legal recognition of indigenous peoples as a prerequisite for guaranteeing their rights and, in particular, for collecting the disaggregated data needed to understand the levels of indigenous participation in public life, identify challenges and find solutions.
- Parliaments should consider the varied ways in which the number of indigenous representatives can be increased through the electoral process. These include special measures to guarantee representation in parliament, adjustments to electoral systems and districts to increase the chances that indigenous representatives will be elected, and capacity building among the indigenous communities. Parliaments must also address barriers that deter indigenous voter participation.
- From the perspective of gender equality in politics, a cornerstone of democracy, parliaments need to take steps to improve the representation of indigenous women in parliament.
- Parliaments need to strengthen or create parliamentary bodies that allow indigenous representatives to build support among all MPs, and to mainstream indigenous issues through the political process.
- Parliaments need to strengthen or create parliamentary institutions that enable the participation of indigenous peoples as a collective and that institutionalize meaningful communication with indigenous peoples on the ground. These institutions may include parliamentary bodies, such as parliamentary caucuses, but also institutionalized channels of communication with indigenous peoples.
- Self-governance, and other traditional or communal decision-making structures often complement representation of indigenous peoples through formal electoral processes. More empirical studies will be needed to understand the interrelationship between internal and external modalities of indigenous participation in politics.

Appendix I: Questionnaire

The following questionnaire was sent to 79 parliaments (see Appendix III for a full list).

1. Please provide the number of parliamentarians after the most recent election who self-identify as being from indigenous groups.¹⁶

Male	Female
<input type="checkbox"/>	<input type="checkbox"/>

If available, please provide a list of names of the individual parliamentarians and the indigenous groups they identify with.

2. Are any specific measures instituted to ensure or facilitate the presence of parliamentarians from indigenous groups in parliament?
Yes No

If yes: Which of the following special measures are in use?

	Yes	No	Do not know
Reserved seats ¹⁷	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Voluntary quotas ¹⁸	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Appointments ¹⁹	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Exemption from electoral thresholds ²⁰	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Demarcation of constituency boundaries ²¹	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other, please specify:			

3. Is there an active parliamentary body that deals specifically with indigenous issues?

Yes No

(Check all that apply)

Standing Committee

Ad hoc Committee

Caucus

Other:

If any of the above exists, please describe the main functions of this body [for example, consult with indigenous groups, oversight, legislative, etc.]:

4. Is there a National Action Plan in place for the implementation of the UN Declaration on the Rights of Indigenous Peoples?²²

Yes No

5. Is the free, prior and informed consent (FPIC) of indigenous peoples required by law?²³

Yes No

If yes:

- a. Does the law give indigenous peoples the right to veto?

Yes No

- b. Are indigenous peoples given the right of redress in case of violations of the law?

Yes No

If no, are there any parliamentary or governmental initiatives in place to implement FPIC under the law that you can share with us?

Yes No

Appendix II: Data overview

A questionnaire was sent to 79 parliaments (see Appendix III for a full list). The following is an overview of the responses received.

- Please provide the number of parliamentarians after the most recent election who self-identify as being from indigenous groups
Male (M); Female (F)
- Are any specific measures instituted to ensure or facilitate the presence of parliamentarians from indigenous groups in parliament?
Reserved seats (RS); voluntary quota (VQ); appointment (App); exemption from electoral threshold (TH); demarcation of constituency boundaries (D); other
- Is there an active parliamentary body that deals specifically with indigenous issues?
Standing Committee (S Ct.); Ad hoc Committee (AH Ct.); caucus (C); other
- Is there a National Action Plan (NAP) in place for the implementation of the UN Declaration on the Rights of indigenous Peoples?
- Is the free, prior and informed consent (FPIC) of indigenous peoples required by law?
 - Does the law give indigenous peoples the right to veto (V)?
 - Are indigenous peoples given the right of redress in case of violations of the law (R)?
- Electoral system: closed-list proportional representation (PR); mixed system (MS) with features of PR and single-member district (SMD) electoral systems; SMD electoral systems found in plurality (P), and simple or absolute majority (M) electoral system; and indirectly elected (IE).

√:	Yes, in place
X:	No, not in place
P:	Parliament
S:	Secondary
n/a:	Not applicable
NA:	Not available

Country	# of indig. MPs		Special measures to increase # of indig. MPs						Relevant parliamentary bodies				NAP	FPIC			Electoral system	Source
	M	F	RS	VQ	App	TH	D	Other	S Ct.	AH Ct.	C	Other		Yes	V	R		
Australia (House of Representatives)	1	0	NA	NA	NA	NA	NA	NA	√	NA	NA	NA	NA	NA	NA	NA	M	S
Australia (Senate)	0	1	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	M	S
Bangladesh	4	0	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	M	S
Bhutan	0	0	X	X	X	X	X	X	X	X	X	X	X	√	√	√	P	P
Bolivia	32	9	√	X	X	X	X	X	X	X	√	√	√	X	n/a	n/a	MS	P
Burundi (Senate)	1	2	√	√	X	X	X	X	X	X	X	X	X	X	n/a	n/a	IE	P
Burundi (National Assembly)	3	0	X	X	√	X	X	X	X	X	X	X	X	X	n/a	n/a	PR	P
Canada (House of Commons)	4	2	X	X	X	X	X	X	√	√	√	X	X	√	X	√	P appointed	P
Canada (Senate)	3	2																
Chile	0	0	X	X	X	X	X	X	√	X	X	X	X	X	n/a	n/a	M	P
China ²⁴	409		NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	M	S
Colombia (Senate)	2		√	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	PR	S
Denmark	0	2	X	X	X	X	X	X	X	X	X	X	X	X	n/a	n/a	PR	P

Country	# of indig. MPs		Special measures to increase # of indig. MPs						Relevant parliamentary bodies				NAP	FPIC			Electoral system	Source
	M	F	RS	VQ	App	TH	D	Other	S Ct.	AH Ct.	C	Other		Yes	V	R		
Ecuador	5	2	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	MS	S
Finland	0	0	X	X	X	X	X	X	X	X	X	X	X	√	X	√	PR	P
France (National Assembly) ²⁵	0	0	X	X	X	X	X	X	X	X	X	X	n/a	n/a	n/a	n/a	M	P
France (Senate)	0	0	X	X	X	X	X	X	X	X	X	X	n/a	n/a	n/a	n/a	IE	P
Gabon (National Assembly)	0	0	X	X	X	X	X	X	X	X	X	X	X	X	n/a	n/a	M	P
Gabon (Senate)	0	0	X	X	X	X	X	X	X	X	X	X	X	X	n/a	n/a	IE	P
Guatemala	18	2	X	X	X	X	X	X	X	X	X	√	X	X	n/a	n/a	MS	P
Guyana	2	7	X	X	√	X	X	X	X	X	X	X	X	√	√	√	PR	P
India (House of the People) ²⁶	47		√	X	X	X	X	X	X	X	X	X	n/a	n/a	n/a	n/a	M	P
India (Council of States) ²⁷	n/a	n/a	X	X	X	X	X	X	√	X	X	X	X	X	n/a	n/a	M	P
Japan (House of Representatives)	0	0	X	X	X	X	X	X	X	X	X	X	√	X	n/a	n/a	MS	P
Japan (House of Councillors)	0	0	X	X	X	X	X	X	√	√	X	X	√	X	n/a	n/a	MS	P
Kenya ²⁸	0	0	X	X	X	X	X	X	X	X	X	X	X	X	n/a	n/a	P	P
Mexico (Chamber of Deputies)	10	4	X	X	X	X	X	X	NA	NA	NA	NA	NA	NA	NA	NA	MS	S
Mexico (Senate)	2	0	X	X	X	X	X	X	X	X	X	√	X	X	n/a	n/a	MS	P
Myanmar (House)	288	24	X	X	X	X	X	X	X	√	X	X	√	√	X	√	M	P
Myanmar (Senate)	158	4	X	X	X	X	X	X	X	√	X	X	√	√	X	√	M	P
Namibia	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	PR	P
Nepal	121	62	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	MS	S
New Zealand	13	12	√	X	X	X	√	X	√	X	√	X	X	X	n/a	n/a	MS	P
Norway	0	1	X	X	X	X	X	X	X	X	X	X	X	X	n/a	n/a	PR	P
Peru	35	6	X	X	X	X	X	X	X	X	√	√	√	√	0	0	PR	P
Philippines	1		NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	MS	S
Rwanda (Chamber of Deputies)	0	0	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	PR	S
Rwanda (Senate)	1		√	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	IE & appointed	S
South Africa ²⁹	n/a		n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	PR	P
Suriname	2	0	X	X	X	X	X	X	X	X	X	X	X	X	n/a	n/a	PR	P
Thailand ³⁰	0	0	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	PR	P
Ukraine	1	0	X	X	X	X	X	X	X	X	X	√	X	X	n/a	n/a	MS	P
United States	2		X	X	X	X	X	X	NA	NA	NA	NA	NA	NA	NA	NA	P	S
Venezuela	3		√	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	MS	S
Vietnam	39	39	√	√	√	X	X	X	√	X	X	X	√	X	n/a	n/a	M	P
Zambia ³¹	n/a		n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	M	P

Appendix III: Parliaments included in study

Parliaments that participated in the survey are indicated in **bold**.

Parliaments for which secondary data were available are indicated in *italics*.

Algeria, Angola, Argentina, *Australia*, *Bangladesh*, Belize, **Bhutan**, **Bolivia**, Botswana, Brazil, **Burundi**, Cambodia, Cameroon, **Canada**, Central African Republic, **Chile**, *China*, *Colombia*, Congo, Costa Rica, Democratic Republic of the Congo (DRC), **Denmark**, *Ecuador*, El Salvador, Equatorial Guinea, Ethiopia, **Finland**, **France** (in regard to the indigenous population of French Guiana), **Gabon**, **Guatemala**, **Guyana**, Honduras, **India**, Indonesia, Israel, **Japan**, **Kenya**, Kiribati, Lao People's Democratic Republic, Libya, Malaysia, Mali, Marshall Islands, **Mexico**, Micronesia (Federated States of), Morocco, **Myanmar**, **Namibia**, *Nepal*, **New Zealand**, Nicaragua, Niger, Nigeria, **Norway**, Pakistan, Panama, Paraguay, **Peru**, *Philippines*, Russian Federation, *Rwanda*, Saint-Lucia, Saint Vincent and the Grenadines, **South Africa**, Sri Lanka, **Suriname**, Sweden, **Thailand**, Timor-Leste, Tunisia, Tuvalu, Uganda, **Ukraine**, United Republic of Tanzania, *United States of America*, *Venezuela*, **Vietnam**, **Zambia**, Zimbabwe³²

End notes




1. The countries surveyed, by means of questionnaires sent to parliaments as well as desk research of secondary sources, were selected based on data from the International World Group for Indigenous Affairs (IWGIA), a well-established and noted authority in the field of indigenous peoples, that quantifies indigenous populations around the world. Estimates of the number of countries that have self-identified indigenous groups range from 72 to 90 countries. A full list of the countries surveyed can be found in Appendix III. Data from the UNDP on the number of indigenous MPs in parliament were also used to help provide as composite a global picture as possible. A full overview of the responses received from parliaments and the data collected through secondary sources is in Appendix II.
2. The survey included Micronesia and Tuvalu, as indicated in Appendix III. Since the populations of these two States are predominantly indigenous, their data have been excluded from the analyses in this report. Although many of the concerns at international level apply to their indigenous populations, the focus of this study is on the political participation of indigenous peoples as a potentially vulnerable group *within* States.
3. The low response rate to the survey may be partially a reflection of the low number of countries that legally recognize indigenous peoples. While there is no official list of such countries, the low ratification rate for the International Labour Organisation's 1989 Convention on Indigenous and Tribal Peoples in Independent Countries (ILO 169), the most important operative international law guaranteeing the rights of indigenous peoples and a forerunner of the UNDRIP, provides an indication of the challenges to obtaining such recognition.
4. Considering the diversity of indigenous peoples, no official definition of "indigenous" has been adopted by any UN-system body. The system has instead developed a modern understanding of this term based on the following: individual self-identification as indigenous and acceptance by the community as one of its members; historical continuity with regard to pre-colonial and/or pre-settler societies; a strong link to territories and surrounding natural resources; distinct social, economic or political systems; distinct language, culture and beliefs; formation of non-dominant groups of society; and resolution to maintain and reproduce ancestral environments and systems as distinctive peoples and communities.
5. It could be argued that the number should not only include representatives that States identify as indigenous. In fact, no UN-system body has adopted a formal definition of the concept of "indigenous peoples". The prevailing view today is that no formal universal definition of the term is necessary, given that a single definition will inevitably be either over- or under-inclusive, which makes sense in some societies but not in others. It is, however, the assumption of this research that the unique basis for indigenous rights means that representation of indigenous rights cannot occur when peoples are not recognized as such.
6. The number of indigenous representatives in China's parliament is not included here, because it refers to all 55 recognized ethnic groups. There are currently representatives of all ethnic groups in parliament, but no break down by the individual groups is yet available.
7. These data, and the data sets below, include representatives of India's Scheduled Tribes. While Scheduled Tribes are not referred to as indigenous per se, the Indian Parliament provided information on groups that are so identified by external organisations. Similarly, parliamentary responses are incorporated even when the concept of "indigenous peoples" is not recognized (see Appendix II). In an effort to provide a more complete picture, data from secondary sources were used for a number of countries, as follows: [Australia](http://www.aec.gov.au/indigenous/milestones.htm) (Australian Electoral Commission at <http://www.aec.gov.au/indigenous/milestones.htm>); [Bangladesh](http://www.iwgia.org/iwgia_files_publications_files/0671_12014eb.pdf) and [Nepal](http://www.iwgia.org/iwgia_files_publications_files/0671_12014eb.pdf) (IWGIA at http://www.iwgia.org/iwgia_files_publications_files/0671_12014eb.pdf); [Colombia](https://www.constituteproject.org/constitution/Colombia_2005.pdf) (see Article 176 of the country's Constitution, at https://www.constituteproject.org/constitution/Colombia_2005.pdf); [China](http://www.npc.gov.cn/englishnpc/news/Focus/2013-02/27/content_1759084.htm), (National People's Congress of the Peoples of China at http://www.npc.gov.cn/englishnpc/news/Focus/2013-02/27/content_1759084.htm); [Bolivia](http://www.latinamerica.undp.org/content/rblac/en/home/presscenter/pressreleases/2013/05/22/indigenous-peoples-in-latin-america-improve-political-participation-but-women-lag-behind-says-undp/) and [Ecuador](http://www.latinamerica.undp.org/content/rblac/en/home/presscenter/pressreleases/2013/05/22/indigenous-peoples-in-latin-america-improve-political-participation-but-women-lag-behind-says-undp/) (UNDP's publication *Intercultural Citizenship-Contributions from the political participation of indigenous peoples in Latin America* at <http://www.latinamerica.undp.org/content/rblac/en/home/presscenter/pressreleases/2013/05/22/indigenous-peoples-in-latin-america-improve-political-participation-but-women-lag-behind-says-undp/>); [Rwanda](http://journals.sub.uni-hamburg.de/giga/afsp/article/viewFile/712/710) (Report titled *Political Representation of Minorities as Collateral Damage or Gain: The Batwa in Burundi and Rwanda*, at <http://journals.sub.uni-hamburg.de/giga/afsp/article/viewFile/712/710>); [Venezuela](http://venezuela-us.org/nacional-assembly-2011-2015/) (Venezuela's National Assembly at <http://venezuela-us.org/nacional-assembly-2011-2015/>).
8. This finding should not be taken as an indication for indigenous representatives worldwide, as it is based only on the data available and mostly from countries where the concept of indigenous peoples is recognized. Also note that the number of indigenous peoples in the individual countries is based on estimates given by a number of different sources. The number is derived by dividing the average level of representation among all parliaments for which data were available (8.78 per cent) by the average representation of indigenous peoples in society (10.9 per cent). Again, the number available for China is not included in this figure, since it includes other ethnic minority groups.
9. For an excellent illustration of the many barriers to participation in democratic processes, see the report of the United Nations Permanent Forum on Indigenous Issues titled *Examination of the situation of indigenous peoples and their participation in democracies and electoral processes in Latin America under the United Nations Declaration on the Rights of Indigenous Peoples*, available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N14/247/25/PDF/N1424725.pdf?OpenElement>.

10. See the 2011 report of the Expert Mechanism on the Right of Indigenous Peoples entitled *Final report of the study on indigenous peoples and the right to participate in decision-making*, available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/154/84/PDF/G1115484.pdf?OpenElement>.
11. Information about the electoral systems that are in place in the individual countries was retrieved from IPU's database PARLINE. The relatively small number of parliaments for which data are available make these findings inconclusive. Stronger conclusions can only be drawn when more data on indigenous representatives in parliaments become available.
12. See IPU's data on "Women in Parliaments," available at <http://www.ipu.org/wmn-e/world.htm>.
13. Critical mass is generally assumed to be around 30 per cent. Indigenous peoples in Bolivia constitute about 62 per cent, in Guatemala about 60 per cent, and in Nepal about 36 per cent.
14. See Advice No. 2 (2011) and No. 4 (2012) to the United Nations Human Rights Council. Also, Article 25 of the International Covenant on Civil and Political Rights, and Articles 2, 5–7, 15–17, 20, 22, 23, 25, 27, 28, 33, and 35 of the Indigenous and Tribal Peoples Convention (1989) of the International Labour Organization.
15. The Chiapas Declaration can be found at <http://www.ipu.org/splz-e/chiapas10/declaration.pdf>; The Declaration of Santa Cruz de la Sierra can be found at <http://www.ipu.org/splz-e/bolivia14/declaration.pdf>.
16. The term "indigenous" is used as a generic term for groups that identify as such. The term is interchangeable with other expressions, including tribes, first peoples/nations, aboriginals, ethnic groups, adivasi, janajati, or occupational and geographical terms, including hunter-gatherers, nomads, peasants and hill peoples.
17. Reserved seats are a form of legal quotas, which guarantee indigenous peoples a minimum number of seats in parliament. Such quotas are legal in nature.
18. The category refers to quotas that increase the pool of potential and actual indigenous candidates for office. These quotas are usually found on the political party level and are often of voluntary nature.
19. This category refers to seats guaranteed to indigenous representatives, who are appointed by the executive.
20. This measure applies to proportional representation systems where a minimum percentage of votes may be required to gain parliamentary seats.
21. This refers to measures taken to redraw constituency boundaries to increase the chances of indigenous representatives.
22. An Action Plan could consist of a single document, such as a strategy paper, or a number of Acts of Parliament that were meant to implement the UNDRIP.
23. The UNDRIP affirms the States' obligation to obtain FPIC before removing indigenous peoples' from their land (Art. 10), before adopting and implementing legislative or administrative measures (Art. 19), before storing or disposing of hazardous materials on their land (Art. 29), and before the approval of any development project affecting indigenous peoples' land or resources (Art. 32).
24. This number includes representatives from 55 recognized ethnic minorities. China does not recognize the concept of indigenous peoples. Therefore, the number given here does not reflect the actual number of indigenous peoples. However, according to Chinese official sources, all recognized 55 ethnic minorities won seats in the 2013 general elections.
25. France does not recognize in its territory, the concept of "indigenous peoples" under international law. It is, under Article 1 of its constitution, an indivisible republic.
26. Please note that India considers their entire population as indigenous and the term does not, therefore, apply in the way it is used in this study. However, India recognizes the distinct culture and lifestyle akin to the definition of indigenous peoples of some 460 ethnic groups, which are referred to as scheduled tribes. The number and other information provided in this report refers to scheduled tribes.
27. The Rajya Sabha (the Council of States) reports that the Upper House of the Indian Parliament represents the States and that there is no provision either in the constitution or law to differentiate the members on the basis of their indigenous status. There may be some Members who represent the tribal or ethnic groups/communities, but no such information is maintained separately.
28. Kenya does not recognize the concept of "indigenous peoples".
29. The parliament reports that the Constitution of the Republic of South Africa, 1996, as well as the Electoral Laws, promote a system of multiparty democracy in which all citizens enjoy political rights on an equal basis. These rights are enshrined in the Bill of Rights contained in the constitution, which serves as the cornerstone of democracy in the country. The Bill of Rights enshrines the rights of all people in the country and affirms the democratic values of human dignity, equality and freedom. As such, the system of governance in South Africa does not make provision for the representation of any individual groupings of people in parliament specifically.
30. This number refers to the previous parliament. Currently, there is no active parliament in place.
31. The concept of "indigenous peoples" does not exist in Zambian law.
32. The populations of Micronesia and Tuvalu are predominantly indigenous. Although many of the concerns on the international level apply to the indigenous populations of these two States, the focus of this study is on the political participation of indigenous peoples as a potentially vulnerable group *within* the State. The data obtained from these two States have therefore not been included in the analyses.



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