

United Nations Expert Mechanism on the Rights of Indigenous Peoples

Eighth session July 20 – 24, 2015

Agenda Item 3 (a): Follow up to Outcome of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples

Joint report submitted by the International Indian Treaty Council (IITC), Asian Indigenous Peoples Pact, Sami Parliament of Norway and the National Congress of Australia's First Peoples

Presented by Andrea Carmen, International Indian Treaty Council

Thank you Mr. Chairman

The Asian Indigenous Peoples Pact, the International Indian Treaty Council, the National Congress of Australia's First People and the Sami Parliament of Norway hosted an open-ended meeting of Indigenous Peoples on 3 - 6 March 2015 in Geneva. The meeting brought together an ad-hoc group of 30 representatives of Indigenous Peoples representative institutions and organizations from all seven regions to discuss the follow-up of the World Conference on Indigenous Peoples, in particular paragraphs 28 and 33 of the outcome document. The purpose of the meeting was to discuss informally about possible ways forward including potential options for further discussion in the regions.

In reference to Operative Paragraph 28 of the Outcome document from the World Conference on Indigenous Peoples which states, *"[w]e invite the Human Rights Council, taking into account the views of indigenous peoples, to review the mandates of its existing mechanisms, in particular the Expert Mechanism on the Rights of Indigenous Peoples, during the sixty-ninth session of the General Assembly, with a view to modifying and improving the Expert Mechanism on the Rights of Indigenous Peoples so that it more effectively promotes respect for the Declaration including by better assisting member states to monitor, evaluate and improve the achievement of the ends of the Declaration"*, Indigenous Peoples representatives attending the meeting from all 7 Indigenous regions made the following recommendations:

1. The Human Rights Council should initiate, preferably by resolution, the process of reviewing the mandate of EMRIP as called for in OP 28 of the Outcome Document of the World Conference on Indigenous Peoples, in a way which ensures the full and effective participation of Indigenous Peoples.
2. An improved EMRIP mandate should complement the mandates of the Special Rapporteur on the Rights of Indigenous Peoples and the Permanent Forum on Indigenous Issues to achieve the ends of the Declaration, and to collaborate and take actions on issues concerning Indigenous Peoples.
3. In addition, an improved EMRIP mandate must include:
 - (1) facilitating face to face dialogue between States and indigenous peoples' representatives, including possibly at the national level;

- (2) providing technical assistance and advice to States, Indigenous Peoples and the private sector to overcome obstacles to implementing the Declaration;
- (3) providing, upon request by states or indigenous peoples practical and technical advice to member States and Indigenous Peoples to prepare and monitor the implementation of achieving the ends of the Declaration, including the national implementation plans and legislative, policy and administrative measures;
- (4) providing advice for the implementation of recommendations of UN human rights bodies for which there is substantial consensus between States and Indigenous Peoples;
- (5) gathering, receiving, and considering information from all sources, including states, indigenous peoples and UN expert bodies and mandate holders, among others; preparing and disseminating reports and recommendations; carrying out country visits; issuing general observations relating to the rights of Indigenous Peoples and individuals; sharing information about best practices; issuing interpretations of the provisions of the Declaration; and collaborating and taking joint action with other special mandate holders;
- (6) seeking and receiving communications and other information from States and Indigenous Peoples on specific cases and matters of concern for the rights in the Declaration, including conducting thematic, country or case specific hearings with the participation of States and Indigenous Peoples addressing core issues of cross cutting relevance to the implementation of the Declaration;
- (7) building the capacity of Indigenous Peoples to engage effectively with States and the United Nations, including technical assistance and facilitating issues and complaints being channeled more effectively to existing UN human rights mechanisms;
- (8) contributing to the work of the Universal Periodic Review process and the Treaty Bodies, which have an existing role in ensuring states meet their obligations;
- (9) making proposals to the Human Rights Council regarding gaps in existing standards or norms for the protection of Indigenous Peoples' human rights;
- (10) undertaking studies and research at the request of Indigenous Peoples, States and the Human Rights Council, taking into account submissions and proposals from States and Indigenous Peoples and providing expert advice and recommendations to the Council based on these studies;
- (11) providing continuing follow up for key studies elaborated by the Working Group on Indigenous Populations, in particular the studies on Treaties, Agreements, and Constructive Arrangements and Indigenous Peoples' Permanent Sovereignty over Land and Natural Resources.

(12) recommending themes and assisting the Office of the High Commissioner of Human Rights to organize expert seminars addressing issues related to the rights of Indigenous Peoples based on identification of overarching themes and concerns presented by States and Indigenous Peoples; and

(13) providing input to Working Group on Human Rights, Transnational Corporations and other Business Enterprises and other UN mechanisms and bodies regarding implementing the Rights of Indigenous Peoples.

The participants also recommended changes in the EMRIP's structure to better accommodate this strengthened mandate as follows:

1. The EMRIP must be composed of independent experts with relevant expertise, capacity, and experience.
2. The process for selecting experts must include both states and Indigenous Peoples' representative institutions.
3. The EMRIP should have adequate financial and human resources to effectively fulfill its mandate.
4. The criteria for EMRIP members, as a whole, should be strengthened to require indigenous legal expertise, including judicial and/or Indigenous traditional legal expertise. Regional and gender balance should be taken into account.
5. The EMRIP should have at least ten days of meeting time each year, to include open, closed, and intercessional meetings.

We express our appreciation that many of these proposals for strengthening the EMRIP's mandate were included in the Report of the Secretary-General, "Progress made in the implementation of the outcome document of the high-level plenary meeting of the General Assembly, known as the World Conference on Indigenous Peoples", [A/70/84, 18 May 2015]. We look forward to further discussions with States and Indigenous Peoples leading towards the timely adoption by the UN Human Rights Council of a resolution to strengthen EMRIP's mandate and structure *to improve the achievement of the ends of the Declaration*.

We close by informing participants that the full text of the report from the March meeting is now posted as CRP 2 and is available in English and Spanish on the EMRIP web page.

Thank you Mr. Chairman.