Review of the mandate of the Expert Mechanism on the Rights of Indigenous Peoples

Written submission from current Members of the Expert Mechanism

1. What are the most valuable aspects of the current mandate of the Expert Mechanism on the Rights of Indigenous Peoples?

- The Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) should remain as a unique subsidiary body of the Human Rights Council and maintain certain elements of its current mandate.
- Thematic studies are one of the hallmarks of EMRIP's work and should continue to be undertaken.
- EMRIP's sessions should also continue to serve as a space for constructive dialogue between States and Indigenous Peoples, particularly in relation to implementation of the Declaration on the Rights of Indigenous Peoples.
- EMRIP should continue to be consulted regarding the selection of themes for the annual half-day discussion on indigenous peoples at the Human Rights Council.
- EMRIP should also continue to collect and disseminate information on good practices in the implementation of the Declaration, and issue general observations regarding the provisions of the Declaration. An expanded role for EMRIP would enhance international advancements in this area.
- EMRIP must continue to exercise follow-up to its previous studies and advice. However, this part of EMRIP's work should be enhanced, including through more focused follow-up studies.
- One of the strongest aspects of EMRIP's current work is its engagement with academia. This engagement should be continued and strengthened.

2. How can the Expert Mechanism's role in assisting States to monitor, evaluate and improve the achievement of the ends of the Declaration be strengthened?

- As requested in OP 28 of the outcome document of the World Conference on Indigenous Peoples, EMRIP's current membership envisions a stronger role in terms of facilitating the implementation of the Declaration at the national and international level. To that end, the new EMRIP mandate should aim at promoting national dialogue, enhancing States' capacity and providing on-demand policy advice. This would include, for example supporting States in the preparation of national strategies or action plans for the implementation of the Declaration; and engaging all national stakeholders, including the private sector, in order to overcome obstacles to the implementation of the Declaration. EMRIP would also undertake "policy dialogue country missions" on request.

3. Do you have any suggestions to strengthen the Expert Mechanism's collaboration with other bodies and mechanisms working on the rights of indigenous peoples?

- EMRIP cooperates closely with the Permanent Forum on Indigenous Issues and the Special Rapporteur on the Rights of Indigenous Peoples. There have also been meetings between the indigenous-specific mechanisms and the USG of DESA in his capacity as Senior UN Official responsible for coordinating follow-up action for the

World Conference on Indigenous Peoples. However, these meetings should be institutionalized and held on an annual basis.

- EMRIP should interact more with the Presidency and Bureau of the Human Rights Council, including through at least one annual meeting with its President.
- EMRIP should hold regular meetings with various regional groups of the Council during the Council's sessions.
- EMRIP should have a hybrid status as a special procedure and a subsidiary body of the Human Rights Council. As such, EMRIP should participate in the annual meetings of special procedures mandate-holders.
- Also, to strengthen the mandate of EMRIP, it should be requested to report before the UN General Assembly on a biennial basis, in addition to its annual reporting to the HRC. This would enable EMRIP to keep the GA updated.
- The Expert Mechanism should also provide thematic advice to Organs and Specialized Agencies of the United Nations, in keeping with Article 41 of the Declaration. EMRIP should participate in meetings of the Inter-Agency Support Group.

4. **Do you envision a role for the Expert Mechanism in supporting States in the implementation of Universal Periodic Review, treaty body and special procedures recommendations relating to the rights of indigenous peoples?**

- Under its new mandate, the Expert Mechanism should engage more actively with the Universal Periodic Review, the Special Procedures and the Human Rights Treaty Bodies. This should include playing an active role in assisting States to implement recommendations relating to indigenous peoples issued by these mechanisms, and also serving as a bridge between indigenous peoples, states and the UN human rights system.
- EMRIP should support on-demand national dialogues on implementation of recommendations from the UPR and treaty bodies, in close collaboration with National Human Rights Institutions.
- EMRIP should provide on-demand guidance on national policies, action plans and legislation regarding indigenous peoples.
- EMRIP's advice should be used by member states as a reference while reporting to the UPR. EMRIP members could participate in UPR-related country consultations.

5. How could a new mandate for the Expert Mechanism contribute to greater engagement between States and indigenous peoples to overcome obstacles to the implementation of indigenous peoples' rights?

- The Expert Mechanism should be allowed to play an increased role in facilitating dialogue between States and Indigenous Peoples to discuss issues of mutual concern. This should also include engagement with regional level organizations and with national human rights institutions.

- EMRIP should facilitate regional policy dialogues on the rights of indigenous peoples, with a view to sharing and capturing good practices. This would also enable EMRIP to enhance the interface between international and regional standards. These would consist of multi stakeholder gatherings, bringing together CSOs, private sector, government officials, IFIs, and academic institutions.

- EMRIP's mandate could be given an added value, if in addition to thematic studies and advice, it could conduct on-request country-specific advice. In this regard, EMRIP could be mandated to undertake seminars or workshops in countries and country visits. For example, EMRIP could be mandated to provide capacity building seminars in countries aimed at assisting member states, indigenous peoples and the business sector in better understanding and therefore, implementing the Declaration on the Rights of Indigenous Peoples as well as EMRIP's own recommendations. Such seminars could also highlight best practices, and help stakeholders establish or enhance dialogue and cooperation.
- EMRIP's participation in UN meetings on issues that have crucial importance for indigenous peoples should be financed to a greater degree. This includes international dialogues on climate change; implementation of the Sustainable Development Goals; preservation of languages and cultures; health; access to justice; and participation in decision making.
- EMRIP should also have a role in follow-up of the implementation of the UN's System-Wide Action Plan for ensuring a coherent approach to achieving the ends of the Declaration on the Rights of Indigenous Peoples.

6. Do you have any comments or suggestions concerning the composition and working methods of the Expert Mechanism?

- In addition to annual sessions, support should be provided for inter-sessional meetings of EMRIP, consistent with the level of support provided to the Permanent Forum on Indigenous Issues. This would provide an opportunity for greater discussions on best practices, experience and challenges as well as to follow-up progress made in the implementation of the Declaration and EMRIP's advice in particular countries. This would also allow for more in-depth inter-session work related to the preparation of studies and advice.
- In order to comply with increased duties, EMRIP's membership could be doubled: two independent expert members from each geopolitical region could be elected, one from each region being of indigenous origin, another possessing strong academic and legal knowledge in the field of indigenous peoples' rights.
- The secretariat should be increased from one to at least three professional staff, to support a proposed broadened mandate. This would include: travel for 10 members, two sessions (one open, one closed), travel to UN conferences, cooperation between indigenous specific mandates, possible activities at country level, at least two workshops or capacity building seminars in countries per year, expert seminars or expert group meetings, biennial reporting to the General Assembly, annual reporting to the Human Rights Council, and travel to annual meetings of mandate holders.
- The Human Rights Council should also consider allocating funds for the webcasting of EMRIP sessions.