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Panelist	Sara Olsvig
Panel	Panel 3: Monitoring by Indigenous Peoples
Time	14.00 – 15.30
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Location	<i>(Remote via Zoom)</i> Robert H. Lee Alumni Centre University of British Columbia 6163 University Blvd Vancouver, BC

I have four main points on this topic: 1) Knowing your rights is key to do monitoring, 2) Having a common understanding of the rights of Indigenous Peoples and what it means to implement them is necessary, 3) Making sure that existing monitoring mechanisms and institutions actually know and work with Indigenous Peoples' rights is important, and finally 4) Efforts must be at least two-sided to ensure both disaggregated data on issues pertaining to the rights of Indigenous Peoples in order to do meaningful monitoring of developments, and at the same time make sure that Indigenous Peoples' own observations, knowledge and world-views are included in monitoring.

For developing successful monitoring mechanism by Indigenous Peoples, first step must be to ensure that the people concerned have knowledge of their human rights, and in particular, their rights as Indigenous Peoples. Indigenous Peoples' human rights are not only laid out in the UN Declaration on the Rights of Indigenous Peoples or the ILO convention 169. All human rights instruments apply to Indigenous Peoples, and a broad focus on implementing the human rights of Indigenous Peoples must include all human rights instruments.

Therefore, it is a big and resource heavy task to ensure knowledge about all human rights and it must be remembered, that it is first and foremost the duty of states to ensure that all citizens know their rights. More resources and efforts should be put into developing context specific programs on increasing the general knowledge about human rights among Indigenous Peoples and in their societies, including in state institutions, national human rights institutions (NHRI's) and alike.

This goes for the individual level, but also on the collective institutional level, which I think is an overlooked issue facing many nations and societies. Many institutions have their proud traditions and specific focuses, and all institutions should make sure to be open to processes of decolonization, and to including worldviews that may not have been represented in the institutions before. Particularly issues pertaining to collective rights must be further advanced in existing



conventional or so-called Western human rights institutions, which often mostly focus on individual human rights and often have little knowledge about the rights of Indigenous Peoples.

An example is the high degree of self-determination in Greenland, which seems to have created doubt and confusion about what the rights of Indigenous Peoples are, and what their relevance is for the Greenlandic governmental systems, institutions and societies.

In Greenland there are several institutions and councils that work with human rights and are mandated to monitor the human rights situation. The Human Rights Council of Greenland was established by law in 2012 to advise the Danish National Human Rights Institution, which holds responsibility as an NHRI to both Greenland and Denmark. Although one of thirteen members of the Human Rights Council of Greenland is appointed with a mandate to focus on Indigenous Peoples' rights, the institution as such has not yet fully integrated the rights of Indigenous Peoples into its work and in many reports, such as parallel reports and publications, the rights of Indigenous Peoples are not the main focus. With a secretariat established in 2020, the council's work (which is based on voluntary memberships appointed by parliament) is only getting started, and efforts are done to implement the rights of Indigenous Peoples into the work of the council and its secretariat. Here a challenge is the lack of individual expert knowledge on the matters, which has also been evident in the Danish NHRI, although there are improvements.

Greenland also has several spokespersons institutions; A children's spokespersons institution, a spokesperson for persons with disabilities, a spokesperson for elders, while also a Gender Equality Council was established already in the 1990'ies. Each of these institutions have very different approaches to implementing specifically the rights of Indigenous Peoples, although they are almost all mandated to monitor the human rights development. While there are some efforts done to base the human rights work on an Indigenous worldview and methods developed for and by indigenous experts, especially in the children's spokespersons institution, a lack of overall recognition, also on a governmental level, means that the right of Indigenous Peoples is not included in the laws and acts, and thus the mandates, of these institutions.

From the civil society side, the Inuit Circumpolar Council works on the international level to promote the rights of Inuit, but rather than being an institution, like the above mentioned, the Inuit Circumpolar Council is an Indigenous Peoples' Organization, ECOSOC accredited as an NGO, and is not established by the parliament or government of Greenland.¹

¹ As noted during an expert seminar on the enhanced participation of Indigenous Peoples in the UN in November 2022, the lines between being rights holders and duty bearers must be further discussed when it pertains to Indigenous Peoples' own representative institutions.



Currently, there are debates in Greenland about establishing Greenland's own national human rights institution. This would be an important chance to include the rights of Indigenous Peoples into an institutional development from the bottom up, and in the laws and mandates for such an institution.

There is a paradox in implementing the right of self-determination, which is also visible and under debate in Greenland, and that is that with self-determination comes responsibility, and the lines between being a duty bearer and rights holder can be blurred in an effort is not made to be very specific in the implementation of self-determination, in relation to Indigenous Peoples' rights and their implementation.

Human rights and human rights work can be complex and there are often matters of proportionality that can make situations nuanced and in need of further analysis and care.

On one side, there is, in Greenland and elsewhere, a lack of disaggregated data pertaining to Indigenous Peoples and the human rights issues and violations they face. On the other side, there is also a lack of focus on worldviews within the human rights work, nationally and internationally. We must remember that there is a dark side to human rights, as many human rights instruments are developed in a biased setting. Efforts to include diverse and in particular Indigenous worldviews into the overall human rights work are therefore necessary. At the same time, focus must also be on the indivisibility, interconnectedness, and interdependence of all human rights, and what that means in Indigenous Peoples contexts.

Whose truth are we seeking when monitoring human rights, and are our focuses the most relevant ones? These kinds of questions are increasingly being asked at for example many universities and among Indigenous scholars. Increased efforts should be done to engage and promote knowledge exchange and mutual partnerships among Indigenous experts, through academic networks and other kinds of workshops, recognizing that not all experts need to be academics.

Nevertheless, Indigenous academia has developed and is developing, and to make sure to gather the resources and learn from each other will be of great value and will only be an asset for Indigenous Peoples themselves, but also for the institutions around us and built by us.