



**EMRIP Expert Seminar on
Establishing effective mechanisms at the national and regional levels for
implementation of the UN Declaration on the Rights of Indigenous Peoples**

University of British Columbia

Vancouver, Canada

23-24 February 2023

Concept Note

Background

1. Established by the United Nations Human Rights Council in 2007, the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) provides the Council with thematic advice on the rights of indigenous peoples in the form of studies and research. The studies and advice of the Expert Mechanism are meant to provide a better understanding of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), hereafter refer to as “the Declaration”, and to propose concrete actions that States, Indigenous Peoples, civil society organisations, international organizations, national human rights institutions, and others can take to further its implementation.

2. In September 2016, in its resolution 33/25, the Human Rights Council amended and expanded the mandate of the Expert Mechanism on the rights of Indigenous Peoples. Among other things, the Council decided that the EMRIP should identify, disseminate, and promote good practices and lessons learned regarding the efforts to achieve the ends of the Declaration, including through reports to the Council.

3. To date, the EMRIP has developed several reports on good practices and lessons learned, including, for example, Ten-years of the implementation of the United Nations Declaration on

the rights of Indigenous Peoples: good practices and lessons learned (2017), Indigenous Peoples rights with respect to: Recognition, reparations, and reconciliation (2019), Reparation of ceremonial objects, human remains and intangible cultural heritage (2020), Indigenous Peoples and the right to self-determination (2021). The Office of the High Commissioner for Human Rights (OHCHR) provides substantive and administrative support to the Expert Mechanism.

4. During its 15th session held from 4 to 8 July 2022, the EMRIP decided to prepare a report focusing on *establishing effective monitoring mechanisms at the national and regional levels for implementation of the UN Declaration on the Rights of Indigenous Peoples*.¹ The report will emphasise on the procedural aspects of the Declaration to ensure its effective implementation. It also aims to facilitate increased dialogue and collaboration with national human rights institutions. This report will be presented to the fifty-fourth session of the Human Rights Council in September 2023.

5. The decision to focus on establishing effective monitoring mechanisms for implementation of the UN Declaration on the Rights of Indigenous Peoples at the national and regional levels is to help advancing, as well as monitoring progress its implementation at the regional and national levels. In its preamble, the Declaration encourages States to comply with and effectively implement all their obligations as they apply to indigenous peoples under international instruments, particularly those related to human rights, in consultation and cooperation with the peoples concerned. Furthermore, Article 3 provides for the right of self-determination where Indigenous Peoples have the right to freely determine their political status and freely pursue their economic, social, and cultural development. Article 38 requires States in consultation and cooperation with indigenous peoples, to take the appropriate measures, including legislative measures, to achieve the ends of this Declaration. Article 42 establishes that States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.

6. In addition,² the Outcome Document of the high-level plenary meeting of the UN General Assembly known as the World Conference on Indigenous Peoples (WCIP 2014) recognises the

¹ A/HRC/51/49

² A/Res/69/2

global commitment by Member-States to achieve the ends of the Declaration. The Outcome Document contains the recommendation to adopt national action plans, in consultation and cooperation with Indigenous Peoples, to achieve the end of the Declaration. It also recognises the important role of national and regional human rights institutions in contributing to the achievement of the ends of the Declaration.

7. The purpose of this seminar is to provide the EMRIP with contextualised information, in achieving the ends of the Declaration through the establishment of monitoring mechanisms. The seminar will also provide an opportunity for exchange among academics, practitioners, and other experts on the issue.

8. The University of British Columbia (UBC) is organizing it in support of the United Nations Expert Mechanism on the Rights of Indigenous Peoples (EMRIP). The hybrid seminar will take place on UBC's Vancouver campus, Canada on the 23-24 February 2023. The UN Office of the High Commissioner for Human Rights is a co-sponsor of the event.

9. The University of British Columbia (UBC) is a global centre for teaching, learning and research, consistently ranked among the top 20 universities in the world. In its 2020 Indigenous Strategic Plan, UBC committed to becoming a leading voice in the implementation of Indigenous peoples' human rights, as articulated in the UN Declaration on the Rights of Indigenous Peoples, and other human rights law. The Expert Seminar is hosted by Dr. Sheryl Lightfoot, Canada Research Chair of Global Indigenous Rights and Politics, and co-sponsored by the Office of Indigenous Strategic Initiatives, the Department of Political Science and the School of Public Policy and Global Affairs.

Objectives

- Hold an in-depth discussion on the topic to provide an opportunity for broad input to EMRIP's 2023 report on establishing effective monitoring mechanisms at the national and regional levels for implementation of the Declaration.
- Discuss the latest related developments in the policy, legal and institutional fields, at national and regional levels; and
- Identify examples of good practices of existing monitoring mechanisms, and lessons regarding the implementation of the Declaration.

- Provide concrete suggestions and recommendations and agree on the principle framework for establishing and providing advice for states and indigenous peoples in their co-designing of effective monitoring mechanisms for implementation of the Declaration.

Participants

The Seminar will bring together approximately 30 participants, including:

- Members of the Expert Mechanism on the Rights of Indigenous Peoples
- Representatives from First Nations, the Metis Nation and the Inuit in Canada and Indigenous Peoples' organisations
- Experts on Indigenous Peoples and practitioners from different regions
- Representatives from government of Canada
- Staff of the Office of the High Commissioner for Human Rights
- Academics
- Staff from relevant UN agencies
- Representatives of National Human Rights Institutions/Commissions or other national and regional monitoring mechanisms
- Academic friends of the Expert Mechanism working on the report.

In addition, students will be welcomed to observe the proceedings of the Seminar.

Structure of the seminar

It is intended that the focus of each session will be on suggestions for key considerations, language, case studies, examples, and other ideas for inclusion in the report.

A preliminary list of topics to be addressed in the report is as follows:

- The international legal framework pertaining to the establishment and promotion of monitoring mechanisms regarding the implementation and achieving the ends of the Declaration.
- Priorities of the monitoring mechanisms relative to Indigenous Peoples rights: *inter alia*: self-determination; free, prior and informed consent; equality and non-

discrimination, culture; land, territories and resources; constitutional and legal reform, establishment of treaties and agreements, the development of a national plan of action to facilitate better implementation of the Declaration.

- Participation of Indigenous Peoples in the establishment and the implementation of various forms of monitoring mechanisms.
- State and regional practices on existing monitoring mechanisms for the implementation of the Declaration, including existing examples on the purpose and the mandate of those mechanisms and how these existing mechanisms could be more effective in the implementation of the Declaration.
- National human rights institutions existing practices in the monitoring of the Declaration in their work, including through awareness raising activities, the analysis and reporting about the compatibility of existing laws with the Declaration, level of implementation of existing legal frameworks, national standards, plans and corporate policies compliant with the Declaration, creating mechanisms to receive complaints about violations of the rights enshrined in the Declaration, and the production of annual reports on the implementation of the Declaration for national, regional and international bodies, including the EMRIP;
- Taking into account, the importance of obtaining the free, prior, and informed consent of indigenous peoples before establishing or developing monitoring mechanisms for the implementation for the Declaration, and further the importance of collaborating with Indigenous Peoples' institutions and representatives in these processes, how to ensure that Indigenous Peoples are meaningfully engaged throughout the entire process.
