

## **Review of EMRIP Mandate as per OP 28 of the Outcome Document of the WCIP**

*(Albert Barume, April 2016)*

I consider: (1) the lack of constructive dialogues between States and indigenous peoples at national level with a view to instilling the UNDRIP, relevant standards and HRC-related recommendations, including by the UPR and special procedures (2) and lack of awareness of indigenous peoples' rights among states' officials and other stakeholders at regional and national as the two the major gaps that should shape a revised EMRIP mandate.

On the basis of the above, I would consider the following four new areas of work for EMRIP

### **The following five areas of work should be part of a revised EMRIP mandate**

- 1. Catalysing constructive dialogues between indigenous peoples and States at national level,** including on the implementation of recommendations by treaty bodies, special procedures and those voluntarily taken through UPR. Let me first underline that none of the existing UN mechanisms on indigenous peoples is explicitly mandated to promote such dialogue on indigenous peoples' human rights at country level. Such constructive dialogues would among others inform policies and legal reforms and serve as channel to infuse the UNDRIP and other relevant standards into domestic legal and policy framework. These dialogues would also serve to mainstream HRC-generated materials, documents and decisions, including EMRIP studies, advices and UPR's indigenous peoples-related agreed upon recommendations. On these occasions, EMRIP members would also provide on-request technical assistance to States and other key stakeholders, including the private sector. Among other means of interventions, EMRIP members could undertake "promotion missions" to be differentiated from "country visits" by the Special Rapporteur. And National human rights institutions would be key partners of EMRIP for this type of activity.

**2. Holding regional forums on indigenous people's rights in collaboration with regional human rights institutions** to discuss and share developing good practices on indigenous peoples' rights. Such meetings would also institutionalize the collaboration between EMRIP and regional human rights institutions. In the same vein, EMRIP members would participate in relevant sessions and activities on these regional institutions, including as resource person for trainings and capacity building activities. Such regional forums by EMRIP and regional human rights institution would lead to a gradual integration of the UNDRIP into relevant regional human rights standards. Joint capacity building or training programmes by EMRIP and regional human rights institutions would also fit such design and address the lack of understanding of indigenous peoples' rights by many national and regional stakeholders, including the private sector. Several other actors, including training and research centers, could be associated to such activity by EMRIP and regional human rights institutions.

**3. *Having a standing agenda item on dialogue with national human rights institutions.*** At all its annual sessions, EMRIP would have at least half a day to dialogue with NHRIs, with a view to offering a sharing of national experience platform.

EMRIP will never have enough human and financial resources to provide timely technical support in every national context. It should therefore catalyze enhanced capacity of legitimate national actors in charge of monitoring human rights and advising states. And National Human Rights Institutions emerges as unique partner to that end.

**4. *Safeguarding a particular attention to indigenous peoples' rights within the developing UN framework on business and human rights.*** The particular impact of businesses on human rights is undeniable because of numerous factors including indigenous peoples' political marginalisation,

overall numerical insignificance in many cases, and lack of leverage on mainstream decision-making process or development paradigms. Also, indigenous peoples' lands are generally rich in minerals and natural resources. Businesses are also showing particular interests in indigenous peoples' rights. A renewed mandate of EMRIP could institutionalize or formalise the participation of EMRIP into the work of the working group on business and human rights. For the same purposes, EMRIP members would actively engage the private sector at national and regional levels.

### **Proposed principles of engagement for the new mandate**

- Dialogue-driven and multi-stakeholders approaches;
- Fostering home-grown dialogues and interest in indigenous peoples' rights among national policy and decision makers, key stakeholders, private sector, civil society organisation
- EMRIP acting as facilitator and not as active player of policy dialogue at national level;
- Demand-driven technical assistance that focuses on processes and initiatives relevant to indigenous peoples' rights at country level;
- Country and regions-focussed interventions;