

**The 6th session of the Expert Mechanism on the Right to Development
Item 5 (b) of the Provisional Agenda**

Implementation of the mandate and programme of work
Tuesday 1st November 2022, 11h – 13h Central European Time

**Interactive dialogue with members of the Expert Mechanism on the Rights of
Indigenous Peoples to exchange good practices
Concept Note**

Introduction

The Expert Mechanism on the Right of Indigenous Peoples (EMRIP) was created in 2007 pursuant to Human Rights Council resolution [6/36](#), as a subsidiary body of the Council to provide it with thematic expertise on the rights of indigenous peoples by focusing mainly on studies and research-based advice. In September 2016, the Human Rights Council extended its mandate (resolution [33/25](#)) and requested the EMRIP to identify, disseminate and promote **good practices and lessons learned** in achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples. It also requested the EMRIP to assist Member States and/or indigenous peoples, upon request, in identifying the need for and providing technical advice on relevant domestic legislation and policies, and to assist and advice Member States, upon their request, in implementing the recommendations of human rights mechanisms. Since its establishment in 2007, the EMRIP has held 15 annual sessions, issuing annual reports per each, has developed a number of thematic reports and has carried out visits to some countries in the discharge of its country engagement mandate.

The Expert Mechanism on the Right to Development (EMRTD), on the other hand, is a rather recent mechanism, established by the Human Rights Council in 2019 under resolution [42/23](#), also as a subsidiary body of the Council to provide it with thematic expertise on the right to development in searching for, identifying and sharing **best practices** with Member States and to promote the implementation of the right to development worldwide. The EMRTD's mandate was extended pursuant to Human Rights Council resolution [45/6](#) to, among others, engage with Member States and other stakeholders by undertaking country study visits in the search for, identification and sharing of **best practices** with Member States.

The EMRTD seeks to engage in an interactive dialogue with the EMRIP to better understand the latter's experiences in addressing and implementing its mandate to identify, disseminate and promote good practices and lessons learned including through its country engagement mandate. The EMRTD would also like to discuss interlinkages between the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Declaration on the Right to Development (DRTD) and the potential synergies and avenues of cooperation between the two Expert Mechanisms.

The human right to development is key to fulfil the standards embraced by the UNDRIP. Preambular paragraphs 6, 10, 11, 12, 16, 21 and 22 of UNDRIP refer to indigenous peoples' right to development in terms of control and self-determination over their lands, territories and resources, respect for their knowledge, cultures and traditional practices in pursuing sustainable and equitable development, and in terms of equally and non-discriminatorily benefiting from

development. In addition, specific provisions of UNDRIP enshrine the rights of indigenous peoples to development (article 23) and their right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources (article 32). Finally, UNDRIP provides for indigenous right to self-determination as intimately related to the acknowledgement of indigenous peoples' right to development (articles 3 and 4).

Purpose

1. Exchange experiences in the discharge of both Expert Mechanisms' mandates to identify and share/promote good practices and lessons learned and in assisting Member States including through country engagement and study visits.
2. Discuss interlinkages between the United Nations Declaration on the Rights of Indigenous Peoples and the Declaration on the Right to Development.
3. Explore possible avenues of cooperation and synergies between the EMRIP and the EMRTD and identify cross-cutting themes of relevance to their work.

Guiding questions:

1. How has the EMRIP interpreted and implemented its mandates i) to identify, disseminate and promote good practices and lessons learned in achieving the ends of the UNDRIP, and ii) of country engagement. What have been the main obstacles and elements of success?
2. What role does the right to development play in the realization of indigenous peoples' rights? In this respect, what are the main interlinkages between the UNDRIP and the DRTD? Can advancement in the respective agendas pertaining to the rights of indigenous peoples and the right to development help mutually reinforce each other?
3. What are the areas of potential collaboration and synergies between the EMRIP and the EMRTD?

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