

16th session of the Expert Mechanism on the Rights of Indigenous Peoples

Item 5:

Interactive dialogue with members of the Expert Mechanism on the Right to Development

Tuesday 18 July 10h00-12h00

Room XVII

Palais des Nations

Concept Note

Background

The Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) was established by the Human Rights Council, the UN's main human rights body, in 2007 under resolution 6/36 as a subsidiary body of the Council. Its mandate was then amended in September 2016 by Human Rights Council resolution 33/25. The Expert Mechanism provides the Human Rights Council with expertise and advice on the rights of Indigenous Peoples as set out in the United Nations Declaration on the Rights of Indigenous Peoples, and assists Member States, upon request, in achieving the ends of the Declaration through the promotion, protection and fulfilment of the rights of Indigenous Peoples.

During its 16th session the Expert Mechanism will hold an interactive dialogue with the Expert Mechanism on the Right to Development (EMRTD), which was 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.

This interactive dialogue has been conceived as a continuation of the interactive dialogue held in November 2022 at the invitation of the Expert Mechanism on the Right to Development during the [EMRTD sixth session](#). The aim was to discuss EMRIP country engagement mandate, interlinkages between the United Nations Declaration on the Rights of Indigenous Peoples and the Declaration on the Right to Development, as well as potential synergies and avenues of cooperation between the two Expert Mechanisms.

Objectives:

1. To continue the dialogue between the two Expert Mechanisms as well as by providing a space for dialogue between the Mechanisms and Indigenous Peoples, Member States and other stakeholders during the EMRIP 16th annual session.
2. To facilitate a better understanding the similarities and differences of the two mandates.
3. To discuss interlinkages between the United Nations Declaration on the Rights of Indigenous Peoples and the Declaration on the Right to Development.
4. To explore synergies, possible avenues of cooperation, better understanding cross-cutting themes of relevance between the EMRIP and the EMRTD.

Within the preamble of the United Nations Declaration on the rights of Indigenous Peoples, the recognition of the Right to Development is substantive. For instance, the preamble notes that due

to the historic injustices, such as, colonization and dispossession of their lands, territories and resources, this has prevented the exercise of a right to development in accordance with their own needs and interests, and there is a resulting need for Indigenous Peoples to promote their development in accordance with their aspiration and needs. In addition, the preamble recognises that the respect for Indigenous knowledge contributes to equitable development and importantly that the UN Charter affirms the fundamental importance of a right to self-determination by which Indigenous Peoples freely determine and pursue their own economic, social and cultural development. In addition, specific provisions of UNDRIP enshrine the rights of Indigenous Peoples to development such as article 23 and article 32. Finally, within the substantive articles the key right of self-determination captures the right of Indigenous Peoples to freely ‘determine their political status and freely pursue their economic, social and cultural development.’

FORMAT:

The duration of the panel discussion will be limited to two hours. Time will be set aside for the EMRIP expert’s opening statement, statements from the experts of the EMRTD, responses to the guiding questions from both mechanisms, and concluding remarks.

Expert Mechanism members and observers (States, Indigenous Peoples, NHRIs, NGOs, academic institutions, and others) will also intervene from the floor. Observers will have a maximum of two minutes of speaking time, for those who sign up for the speakers’ list.

Interpretation will be provided in the six United Nations official languages (Arabic, Chinese, English, French, Russian and Spanish)

Guiding questions:

How does the right to development play in realizing Indigenous Peoples’ rights? In this respect, what are the main interlinkages between the UNDRIP and the DRTD?

From your point of view, what are the main synergies and differences between the work of the EMRTD and the EMRIP? How do you view areas for potential collaboration?

Can advancement in the respective agendas pertaining to the rights of Indigenous Peoples and the right to development help mutually reinforce each other?

Chair

EMRIP member

Panelists:

Ms. Liliana Valiña, Chair of the Expert Mechanism on the Right to Development

Mr. Bonny Ibhawoh, Member of the Expert Mechanism on the Right to Developm