



International Expert Seminar on

***Indigenous Peoples' right to traditional economies, sustainable development,
and food security in an age of climate change***

**In support of the work of the UN Expert Mechanism on the Rights of Indigenous Peoples
(EMRIP)**

University of British Columbia

Vancouver, Canada

8-9 February 2024

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), treaties, agreements and other constructive arrangements (2022) and the impact of militarization on the rights of Indigenous Peoples (2023). The Office of the High Commissioner for Human Rights (OHCHR) provides substantive and administrative support to the Expert Mechanism.

4. During its 16th session in July 2023, the EMRIP dedicated a panel discussion to the topic of Indigenous Peoples' right to engage freely in all their traditional and other economic activities, with a focus on fishing practices. The panel aimed to identify the main challenges faced by Indigenous Peoples in relation to access and control of their traditional lands, territories and resources, and the impact this has on their ability to engage freely in traditional fishing practices and also to identify gaps and barriers to fishing practices not only from the perspective of economic activities, subsistence, and food security of Indigenous Peoples, but also as a part of their culture and traditional knowledge. Discussions on this panel reaffirmed the recognition and protection of Indigenous Peoples rights in fisheries, as enshrined in the United Nations Declaration on the rights of Indigenous Peoples and the International Labour Organization Tribal Peoples Convention 169. These instruments recognize the rights of Indigenous Peoples to lands, territories, and resources; the right to practice and revitalize their cultural traditions and customs as well their right to engage freely in their traditional and other economic activities. Moreover, they specify the rights to consultation and participation, including free, prior, and informed consent, whenever projects or other measures are likely to affect them.

5. During its intersessional meeting 9-10 November 2023, the EMRIP decided to prepare a report focusing on **traditional economies, sustainable development, and food security in an age of climate change**. This report will be presented to the sixtieth session of the Human Rights Council in September 2025.

6. The UN Declaration on the Rights of Indigenous Peoples in Article 20 affirms that Indigenous Peoples have the right to maintain and develop their political, economic, and social

systems, including the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities. This article recognises Indigenous Peoples' distinct economic systems based on traditional knowledge, practices, and resources. It recognises the right of Indigenous Peoples to practice and strengthen these economic systems, as well as to develop new ones that are consistent with their cultures, traditions, values, and aspirations. It also affirms that Indigenous Peoples who have been deprived of their means of subsistence and development are entitled to fair and just redress.

7. Furthermore, Article 29 affirms that Indigenous Peoples have the right to the conservation and protection of the environment and the productive capacity of their lands, territories and resources. States have the responsibility to establish and implement programs for such conservation and take effective measures to guard the health of Indigenous Peoples and their lands and territories, including refraining from storing or disposing of hazardous materials on Indigenous Peoples' lands and territories without their free, prior and informed consent.

8. Article 32 affirms that Indigenous Peoples have the right to determine and develop their own priorities and strategies for development of their lands, territories and resources. States are obligated to consult and cooperate with Indigenous Peoples in good faith, through their own representative institutions, in order to obtain their free, prior and informed consent prior to approving projects that affects their lands and territories, and to provide effective mechanisms for just and fair redress and take appropriate measures to mitigate adverse impacts.

9. The UN Framework Convention on Climate Change was adopted in 1992, followed by the 1997 Kyoto Protocol, and the 2015 Paris Agreement known as Climate Accord. 2015 was the year that the UN General Assembly adopted its 2030 Agenda for Sustainable Development, including the global Sustainable Development Goals (SDGs). The right to *sustainable development is explicitly incorporated in numerous international instruments including the Convention on Biological Diversity, the Nagoya Protocol on Access to Genetic Resources, ILO Convention 169 on Indigenous and Tribal Peoples, and the American Declaration on the Rights of Indigenous Peoples.*

10. The objective of this International Expert Seminar is to broaden the analysis to inform the Expert Mechanism on the theme as reflected in UN Declaration on the Rights of Indigenous Peoples. The seminar will provide an opportunity for exchange among both Indigenous and

non-Indigenous academics, practitioners, advocates, and other experts on the issues concerning Indigenous Peoples human rights.

11. The University of British Columbia (UBC) is organizing this international expert seminar 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 8-9 February 2024.

12. 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, Professor of Political Science and in the School of Public Policy and Global Affairs. and co-sponsored by the Office of Indigenous Strategic Initiatives.

Objectives

- Hold an in-depth discussion on the topic to provide an opportunity for broad input to EMRIP's 2025 report traditional economies, sustainable development and food security in an age of climate change.
- Discuss the latest related developments in the policy, legal and institutional fields, at national and regional levels; and
- Identify examples of good practices, models and lessons learned; and
- Provide concrete suggestions and recommendations and agree on the principle framework for establishing and providing advice for states and Indigenous Peoples.

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' rights and practitioners from different regions
- Staff of the Office of the High Commissioner for Human Rights

- Academics
- Academic friends of the Expert Mechanism working on the report.

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