



The Expert Mechanism on the Rights of Indigenous Peoples (EMRIP)



What is EMRIP?

The Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) is a subsidiary body of the United Nations Human Rights Council (HRC). The HRC was established in 2006 by the UN General Assembly and is the main UN intergovernmental body dealing with human rights. The Human Rights Council created EMRIP in 2007. The Expert Mechanism holds an annual meeting for one week in Geneva. Since 2017, under its new mandate, The Expert Mechanism carries out technical cooperation and country engagement activities, including with country missions.

Purpose

The purpose of the EMRIP is to provide technical advice on the rights of indigenous peoples to the HRC and to requesting Member States, as indicated in the Declaration on the Rights of Indigenous Peoples (UNDRIP). To this end, the mechanism strives to achieve goals set out in the UNDRIP, which are promotion, protection and fulfilment of the right of Indigenous peoples (Art. 1).

Structure

The EMRIP is composed of seven independent experts on the rights of Indigenous Peoples. These experts are appointed by the HRC which is to give due regard to recognized competence and experience in the rights of indigenous peoples, experts of indigenous origin, and gender balance. They are appointed for a period of three years and renewable once.

What does EMRIP Do?

The EMRIP provides indigenous-based expertise to the HRC. The Expert Mechanism principally carries out research work and studies, which are based on information provided by all observers, including representatives of Indigenous Peoples, as well as those of States. It proposes study themes and recommendations for review and approval by the HRC. It is therefore very important that indigenous organizations respond to information requests from EMRIP experts.



How do Indigenous Peoples' representatives engage at EMRIP?

There are two ways in which Indigenous Peoples' can engage with the EMRIP. The first way of engagement is to respond to calls for submission of reports, as announced by EMRIP. The second way of engagement is by delivering oral statements in the annual session held in Geneva. The eligible representatives who can be registered to deliver oral statements are;

- (a) Representatives of non-governmental organizations (NGOs) in consultative status with the United Nations Economic and Social Council (ECOSOC),
- (b) Representatives of Indigenous Peoples organizations and representatives of NGOs not in consultative status with ECOSOC,
- (c) Representatives of NGOs not in consultative status with ECOSOC,
- (d) Academics and experts on Indigenous Peoples and
- (e) National Human Rights Institutions (NHRIs).



United Nations Mechanisms for Engagement of Indigenous Peoples

For decades, indigenous peoples have mobilized themselves to influence the UN systems to assert and establish the recognition and inclusion of their rights in global processes and mechanisms. In 2007, this culminated in the achieving the adoption of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) by the United Nation. Since then three other mechanisms have followed the UNDRIP under the Human Rights Council to further the rights of Indigenous Peoples, these are: the UN Permanent Forum on Indigenous Issues (UNPFII), the Special Rapporteur on the Rights of Indigenous Peoples (SSRIP) and the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP).¹



Who are Indigenous Peoples?

An official definition of “indigenous” has not been adopted by any UN-system body due to the diversity of indigenous peoples. Instead the system has developed a modern understanding of this term based on the following:²

1. Have a historical continuity with pre-invasion and pre-colonial societies that developed on their territories;
 2. Consider themselves distinct from other sectors of the societies now prevailing in those territories;
 3. Form at present non-dominant sectors of society;
 4. Are determined to preserve, develop and transmit to future generations their own cultural patterns, social institutions and legal systems.
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- A photograph of a group of indigenous people, including children and adults, working in a field of tall grass. They are wearing traditional headwear and clothing. The scene is outdoors and appears to be a rural or agricultural setting.



Indigenous Peoples in the Context of Myanmar ³

In Myanmar, Indigenous Peoples are broadly sub-grouped under eight categories- Kachin, Kayah, Kayin, Chin, Mon, Bamar, Rakhine, and Shan. This broad categorization is contested however. For example, the Naga, Danu and Tavoy (Dawei) Indigenous Peoples do not identify themselves as belonging to any of those broad categories. Likewise, the term taing-yin-tha in Burmese (sometimes officially translated as national races by the government, or ethnic nationalities) is used to refer to those who have been present in the current geographical area of Myanmar/Burma since before the beginning of the first British annexation, and is usually used to refer to the main eight ethnic categories, including the majority group of Bamar.

Indigenous Peoples' use the terminology htanay-taing-yin-tha for Indigenous Peoples', which translates as "original dwellers who have strong ancestral ties to the present territories", based on the concept of self-identification, and using the criteria of non-dominance in the national context, historical continuity, ancestral territories, and cultural values.

Htanay-taing-yin-tha have their own traditional systems of self-governance. Some indigenous areas were later colonised by Bamar kingdoms, but many continued with self-governance until British annexation (such as Chin, Kachin and Shan). Other indigenous areas such as Naga were never colonised by the British and were considered to be 'unadministered areas' during the colonial era.

References

¹— Right! Volume 2: Updated training manual on Indigenous Peoples, 2015, AIPP.

²— UNDP Factsheet: Who are Indigenous Peoples and POINT's who are IPs?

³— IP Coalition of UPR report in Myanmar 2020

https://www.docip.org/fileadmin/documents/Docip/Fiches_pratiques/Fiches_EM RIP/EN/Factsheet_EM RIP_2019-en.pdf

<https://www.docip.org/en/indigenous-peoples-at-the-un/permanent-forum/>

