

EM12 NORWAY 091

EMRIP fifth session 2012

Statement by Norway

Item 4: *Study on Extractive industries*

Chair,

Norway would first like to express appreciation to the Expert Mechanism for their excellent work and for the very valuable studies they have provided in order to improve the basis for discussions on the rights of indigenous peoples. Hopefully these studies will help to trigger practical action and the establishment of concrete measures and mechanisms in states and areas concerned.

The report on indigenous peoples and the right to participate in decision-making, with focus on extractive industries is a very timely study addressing urgent issues (A/HRC/EMRIP/2012/2). Indigenous peoples are disproportionately negatively affected by business-related activities, such as natural resource extraction and infrastructure development.

Lately we have also seen attempts by both governments and industries to seriously operate in compliance with the human rights. The UN Guiding Principles on Business and Human Rights play a key role in this development. These principles constitute an overarching authoritative global standard on business and human rights that provides for a robust governance framework on this issue. The Guiding Principles are there to be a common point of reference for more concrete and operational action.

EMRIP's report is an important contribution to the operationalization of the Guiding Principles as it focuses on how the principles relate to indigenous peoples affected by extractive industries.

The report focuses on the State's obligation to *protect* against human rights abuses committed by third parties, and bears the main responsibility to conduct consultations with indigenous peoples. Third parties, including business enterprises, do, however, have the responsibility to *respect* the rights of indigenous peoples, and corporations must ensure that they do not contribute to violations of those rights.

In this context the report addresses the need for more clarity regarding policy and legislative framework when reconciling the rights of indigenous peoples in the context of extractive activities. The need for clarity on consultation and consent seeking are in particular highlighted in the report.

*We will ask the Expert Mechanism if they have good examples to share regarding consent seeking in relation to extractive activities.*

In the annex to the report the Expert Mechanism has come up with a number of concrete advices to be considered. We think these are important recommendations which ought to be taken very seriously, and look forward to forthcoming discussions on these topics.

As the Special Rapporteur is currently focusing his thematic work on indigenous peoples and extractive industries, we find it very important that the work of the Expert Mechanism on the same topic has been developed in coordination with the Special Rapporteur and makes clear references to his work.

*We will ask the Expert Mechanism to further elaborate on how you see the future collaboration with the Special Rapporteur on this thematic issue.*

The Special Rapporteur has also been advocating exploring opportunities for establishing sustainable and *just partnerships* between business enterprises and indigenous communities. This approach is interesting, and should be further developed.

In September, together with the *Working Group on Indigenous Peoples in the Barents Euro-Arctic Council*, the Norwegian Government is arranging a seminar focusing on experiences with mining activities in indigenous peoples' communities in the Barents region. We expect this seminar to be a welcome arena of contact between governments, indigenous peoples and corporate enterprises in this region.

Thank you