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12.08.'09 Item 4

**The 2<sup>nd</sup> session of the UN Expert Mechanism on the Rights of Indigenous Peoples**

**Statement by the Arctic Caucus**

**Agenda item 4: United Nations Declaration on the Rights of Indigenous Peoples**

Thank you Mdm Chairperson,

The Saami Council and the Inuit Circumpolar Council welcomes this specific item to consider the United Nations Declaration on the Rights of Indigenous Peoples an agenda item on this its 2<sup>nd</sup> session. We hope to see the Declaration as a standard agenda item at the Expert Mechanism on the Rights of Indigenous Peoples sessions. We are also happy to be part of the joint statement presented by the Grand Council of the Crees of Canada including a comprehensive overview on the positive initiatives and serious concerns regarding the implementation process of the Declaration.

Mdm Chairperson,

The Saami Council and The Inuit Circumpolar Council, along with other indigenous organizations and individuals, were directly involved in the negotiations resulting in the adoption of a strong and comprehensive Declaration addressing the fundamental rights of Indigenous Peoples. We are satisfied that the Declaration specifically addresses Indigenous Peoples' economic, social, cultural and spiritual, political and environmental rights, including the right to self-determination and land rights. The strong value and applicability of the declaration is that it gives possibility for the States and Indigenous Peoples to strengthen their relationships in order to establish good relations, practices and partnerships, and not least its compatibility to other international legal human rights laws.

During the last two years, initiatives have been taken towards the process of implementing the Declaration, and we have learned that several States has taken steps to *reconsider* their position regarding the Declaration in positive ways.

Mdm Chairperson;

The Saami Council and the Inuit Circumpolar Council have received these initiatives positively and hope that more initiatives will bring more optimism in the future to come.

In our own Arctic region some positive steps has also been taken. The Nordic governments were in partnership with the Saami and the Inuit committed to the successful deliberations on the Declaration. Now steps are taken to implement the Declaration in our region.

As the Premier of Greenland Mr. Kuupik Kleist mentioned in his statement, a new era in the history of Greenland started when the new Self-government status was inaugurated June 21st this year. Following this status, the people of Greenland is recognized as a people according to international law and we are satisfied that the Danish and Greenlandic governments are intending to inform the United Nations of this new status of Greenland in the nearest future. Furthermore, the Greenlandic language is now recognized as the official language of Greenland, and Greenland's ownership and control of natural resources is now a reality.

The Premier also stated in his speech that the Greenland Government is working on establishing a Human Rights centre in Greenland. Inuit Circumpolar Council has a similar project in collaboration with various institutions. We hope that the Greenland Self-government and Inuit Circumpolar Council can jointly work on the establishment of the initiative and we recommend, that the centre will have a special focus on Indigenous issues and Indigenous Peoples rights.

The Saami people is involved in constant negotiations with the governments aiming

at gradually realizing and effectuating the Saami people's right to self-determination, mainly by transferring increasingly more mandate areas from the national parliament, government and authorities to the Saami parliaments. In this context, we want to particularly highlight recent positive developments on the Russian side of the Saami area, where the regional Russian Kola Peninsula Duma in cooperation with the Saami people is working towards establishing a particular Saami branch in the Kola Duma.

Mdm. Chairperson;

Inuit Circumpolar Council and the Saami Council hope that these important steps will be a source of inspiration to other regions of the Arctic and other parts of the world. We think that the Declaration on Rights of Indigenous Peoples is of paramount importance to the decolonization processes of all Indigenous Peoples.

The Declaration now constitutes *the* universally applicable human rights instrument specifically addressing the rights of indigenous peoples. As such, the Declaration obviously is the standard that must guide the work of this body. The EMRIP's main task *is* to contribute to realization of the rights enshrined in the Declaration, on a grass-root level. Elaborating and concretizing the rights in the Declaration should, in our opinion, therefore be the main focus of this body.

Mdm. Chairperson,

There are also precedents for the EMRIP undertaking work on interpreting the Declaration on the Rights of Indigenous Peoples for the purpose of facilitating its effective implementation. The Saami Council would like to draw the EMRIP members' and participants' attention to UN Doc. E/CN.4/Sub.2/AC.5/2005/2. This document constitutes an official commentary by the UN Working Group on Minorities on the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Of course, compared to the Minority Declaration, the Declaration

on the Rights of Indigenous Peoples is a much more extensive and elaborative document. Consequently, the EMRIP can hardly cover the entire Indigenous Peoples Declaration in one single commentary. Rather, we are looking forward to a series of official comments addressing different sets of rights enshrined in the Declaration, perhaps in the style of the Advice No. 1 presented to this session.

Mdm. Chairperson,

Given that it is widely accepted that the effective implementation of the right to self-determination constitute a pre-requisite for the effective enjoyment of all other rights, the Saami Council and Inuit Circumpolar Council submits that it is pertinent that the EMRIP's first official commentary addresses the right to self-determination.

We thank you, Mdm Chairperson, qujanaq