

Expert Mechanism on the Rights of Indigenous Peoples

Item 3 – Intervention by the Danish delegation

Mr. Chairperson,

Distinguished Members of the Expert Mechanism, (Indigenous ~~Experts~~ and ~~State~~ ^{Representatives} ~~Representatives~~). of Member States

On behalf of my delegation, let me start by thanking the outgoing Chairperson and Vice Chairperson for their able leadership. ^{and congratulate you, Mr. Chairperson, on your election.} I would also like to congratulate the Expert Mechanism on the successful completion of the draft progress report on the Study on indigenous peoples and the right to participate in decision-making, which is to be reported to the Human Rights Council at its September meeting.

Denmark and Greenland already made a written submission to the Expert Mechanism in response to the request for contributions where we highlighted aspects of the Greenland Self-Government arrangement relevant to the right of indigenous peoples to participate in decision making.

We have studied the draft progress report carefully and our delegation would like to ^{offer} ~~propose~~ the following reflections as well as some suggestions to the Expert Mechanism for the inclusion of a couple of aspects into the final report ~~on the above study~~ to be presented to the Human Rights Council at its September session in 2011.

Firstly, we suggest that a reference to indigenous peoples' participation in the Arctic Council ~~should~~ be included. The Arctic Council is a high level intergovernmental forum dealing with arctic issues. It is a consensus forum where indigenous peoples participate alongside member states as Permanent Participants – a status created to provide for active participation of, and full consultation, with Arctic indigenous peoples within the Arctic Council.

The Government of Greenland and the Danish government in 2009 (8th session) jointly submitted a written report to the Permanent Forum on Indigenous Issues on the Greenland Self-Government process. Reference to the Act on Greenland of June 2009 and the Greenland-Danish Self-Government Commission's report on Self-Government in Greenland was included in the written submission to the Expert

^{is ongoing study}
~~Mechanism on the Rights of Indigenous Peoples for the Study on the rights of indigenous peoples and the right to participate in decision-making.~~

In paragraph 52 of the progress report it is stated that – quote: “it is important to distinguish indigenous parliaments from public governments such as Greenland, where the majority of people are indigenous.” End of quote.

While we do understand the need to distinguish between indigenous and public governments we are uncertain as to the purpose of drawing a parallel between parliaments and governments

Could you elaborate further on this?

In the same paragraph the report says that - quote: “At the same time, an indigenous majority in a country does not automatically mean that indigenous peoples have direct access to participation in decision-making in the structures of the State.” ^{end of quote} My ^{immediately} delegation fully concurs with this statement. However, since it is stated ~~right~~ ^{immediately} after the singling out of Greenland it might be appropriate at this place in the report to underline that Greenland is not one of those cases. The Government of Greenland is chosen by ^a the majority in the Greenland parliament which has been elected by the predominantly indigenous electorate of Greenland. Currently all members of the Greenland parliament are Inuit. It could be added that the mayors of all four municipal regions are Inuit – so are the two Greenlandic members of the Danish Parliament.

On a more general note, Mr. Chairman, we would like to provide to you and your distinguished colleagues in the Expert Mechanism our understanding of the essence of the requirement to consult. In our view this principle establishes an obligation on all parties involved in a decision to strive for an outcome acceptable to all. This requires ● states to involve and listen to indigenous peoples in good faith to make sure that their views are taken into consideration and respected. It also requires ● indigenous peoples, however, to engage just as constructively in the dialogue. In this spirit we ^(fully) align ourselves with the analysis made by the special rapporteur in para 46 to 49 of his report to the twelfth session of the Human Rights Council, where it, ~~inter alia, states that the obligation to consult doesn't provide indigenous~~

~~peoples with a general veto power. Such an interpretation will in our opinion pave the way for a trustful and fruitful dialogue to the benefit of all.~~

Finally, Mr. Chairman, Denmark and Greenland would like to reaffirm our commitment to continue working with the Expert Mechanism both in developing this study as well as following-up on the study next year in the Human Rights Council.