



**ROYAL NORWEGIAN
MINISTRY OF FOREIGN AFFAIRS**

Office of the UN High Commissioner for Human Rights
Palais Des Nations
1211 Geneva 10

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**UN Expert Mechanism on the Rights of Indigenous Peoples – Norway’s
contribution to the Review of the Mandate of the Expert Mechanism**

Reference is made to your communication sated 25th January regarding Review of the Mandate of the Expert Mechanism on the Rights of Indigenous Peoples. Please find the Norwegian response to your questionnaire herewith.

1. What are the most valuable aspects of the current mandate of the Expert Mechanism on the Rights of Indigenous Peoples?

Norway would at the outset like to recognize that The Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) has produced important thematic advice to the Human Rights Council, including related to the integration of the rights of indigenous people in the ongoing work on human rights and business enterprises, and for greater protection of human rights defenders respectively.

We would also like to acknowledge the important contribution of the EMRIP meetings to promote dialogue and interaction between the UN-mechanisms, states and indigenous representatives on the rights of indigenous peoples. While reviewing EMRIP’s mandate, Norway believe that its role and importance as a platform for dialogue should be duly recognized and carried forward.

We would also like to acknowledge the importance of continued collaboration between EMRIP and the SR on the rights of indigenous peoples, including through participation in the annual EMRIP sessions.

All in all, Norway believes that EMRIP has contributed significantly to increase the attention to the rights of indigenous peoples in the Human Rights Council, as well as in the Office of the High Commissioner of Human Rights.

2. How can the Expert Mechanism's role in assisting States to monitor, evaluate and improve the achievement of the ends of the Declaration be strengthened?

Norway would like to refer to the recommendations made by the Secretary General in his report A/70/84-E/2015/76 on the progress made in the implementation of the outcome document of the World Conference on Indigenous Peoples. We agree that EMRIP could be mandated to play a larger role in assisting Member States in monitoring and evaluating progress on recommendations issued by human rights mechanisms and bodies concerning indigenous peoples. EMRIP could identify common concerns and areas of improvement raised by these mechanisms and bodies, and provide examples on how these have been addressed by Member States.

We also take note of the recommendation that EMRIP could prepare reports on the implementation of the Declaration on the Rights of indigenous Peoples worldwide. We believe this should be further explored in the review process, including possible implications for EMRIP's capacity to continue its thematic focus.

We agree that any reporting from Member States and indigenous peoples should continue to be based on a mechanism where information is submitted on a voluntary basis. We note, however, that the experience so far with respect to the use of questionnaires to seek Member States views on best practices, shows a varying level of participation, and that more needs to be done to get a representative picture of progress and challenges. While the use of questionnaires may have an important role to play in informing future agendas and debate, we would urge EMRIP to also consider alternative mechanisms, such as interviews, inter-active dialogues, web based surveys and commissioned studies.

3. Do you have any suggestions to strengthen the Expert Mechanism's collaboration with other bodies and mechanisms working on the rights of indigenous peoples?

Norway would like to recognize the importance of the participation of the SR on the rights of indigenous peoples in the annual EMRIP sessions, which allows for open consultation with indigenous representatives and Members States on cross-cutting themes. Closer collaboration with the Permanent Forum(PF) should be considered, including with respect to the use of questionnaires to engage Member

States in reporting. When revising EMRIP's mandate, efforts should be made to ensure continued delineation of roles and responsibilities between PF and the SR respectively, and maintaining or strengthening EMRIP's role as an expert body.

4. Do you envision a role for the Expert Mechanism in supporting States in the implementation of Universal Periodic Review, treaty body and special procedures recommendations relating to the rights of indigenous peoples?

While recognizing that many states would welcome a stronger mandate for EMRIP to assist in the preparation of national plans and strategies for implementing recommendations relating to the rights of indigenous peoples, Norway believes this has to be seen in relation to the available resources, and might be an overstretch. Further discussion on this issue should take into account the ongoing work to develop a UN System-Wide Action Plan, where one of the focus areas is to support the implementation of the Declaration on the Rights of Indigenous Peoples, particularly at the country level.

5. How could a new mandate for the Expert Mechanism contribute to greater engagement between States and indigenous peoples to overcome obstacles to the implementation of indigenous peoples' rights?

Norway would like to recognize the importance that EMRIP in its current format is playing as a platform for interaction and dialogue between States and representatives of indigenous peoples. The annual EMRIP meetings are well attended, and the discussions take place in a cordial and inclusive atmosphere.

A broadening of EMRIP's mandate, either to monitor and evaluate the follow up on recommendations from other human rights mechanisms, or to broaden its scope in assessing the progress on the implementation of the Declaration more generally, will create new opportunities for engagement between States and indigenous peoples.

6. Do you have any comments or suggestions concerning the composition and working methods of the Expert Mechanism?

Based on the current mandate, it is clear that capacity constraints has an impact on EMRIP's work and that access to resources, including to commission independent research and studies, is limited. Any broadening of EMRIP's mandate must be considered in relation to its capacity.

The legitimacy of EMRIP will, to a large extent, depend on the quality of their reports. We need to address the question of how to recruit the best possible members to EMRIP. The emphasis on ensuring that expert members have the

required expertise and qualifications should be continued. In addition, there may be a need for strengthened secretarial support from OHCHR.

Yours sincerely,



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