Namibia intervention: Review of EMRIP mandate

Thank you Mr Chair, and thank you to the OHCHR for arranging this important and timely workshop. We also thank the experts for their presentations. We had the privilege of welcoming Prof Anaya as SR to Namibia in 2012.

Mr Chair, As the EMRIP serves as an advisory body, which has as its aim the advancement of indigenous rights, we should when considering enhancement or review of the mandate of EMRIP, revert to the GA resolution Res 5/1 on Institution-building of the United Nations Human Rights Council and specifically para 54, which states that:

The review, rationalization and improvement of mandates, as well as the creation of new ones, must be guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation, with a view to enhancing the promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development.

Also para 57: Any decision to streamline, merge or possibly discontinue mandates should always be guided by the need for improvement of the enjoyment and protection of human rights.

In line with the objectives of the Declaration, we are of the opinion that the EMRIP can play a very positive role in rendering technical assistance for the effective implementation of the Declaration. We also believe that the thematic studies provide us with valuable information, which we use at national level to guide us. Any possible report to be presented by the EMRIP

should be objective and should contain a best practices section, which States can use to better collaborate with partners and stakeholders.

Namibia believes that capacity of NHRI's should be enhanced to enable them to play an active role on the implementation of the Declaration, as EMRIP will not be able to engage on all national activities even if adequately resourced. In Namibia, the Office of the Ombudsman, which has a hybrid mandate, recently completed a draft white paper on the rights of Indigenous Peoples and we foresee that upon moving forward we might face challenges with technical expertise. EMRIP engagement at country level could for example include assistance in the rollout of such a project, which inevitably contributes to implementation of the Declaration.

The functions of the SR remain very important especially as far as addressing violations and country visits are concerned and for us it essentially differ from the mandate of the EMRIP and whilst complementarity should be encouraged, we do not see an overlap justifying any merger of the mandates.

The experts appointed to the EMRIP should be experts in every sense of the word and should not only have knowledge, but also thorough insight into the needs of Indigenous Peoples.

We support the proposal that The Forum on Business & HR should include EMRIP participation. This is essential especially in the light of remedies for Indigenous Peoples with regards to the extractive industries.
The new mandate should indeed be dialogue driven with a multi-stakeholder support and engagement. Implementation of the Declaration remains the responsibility of all actors at national level and not of the EMRIP. The advisory function of the EMRIP could be extended to include technical support as far as it is possible and we are cognizant of the financial implications.

In 2007, at the GA, Namibia stated that we understood that the exercise of the rights set out in the Declaration was subject to the constitutional

frameworks and other national laws of States. Ever since, we've worked tirelessly to streamline the rights of Indigenous Peoples in various laws and policies to ensure the fulfillment and protection of their rights as they are regarded as a marginalized group in Namibia.

We look forward to further engage on this exercise and value the discussions and input from all speakers.