

## **Response from the Kingdom of Denmark to the questionnaire regarding the study of the Expert Mechanism on the Rights of Indigenous Peoples on free, prior and informed consent**

The Kingdom of Denmark wishes to refer to previously submitted responses to the Expert Mechanism on the Rights of Indigenous Peoples on the implementation of the UNDRIP, in particular its response of July 2017 to the questionnaire in relation to national action plans to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples, while highlighting the following:

As to the question of free, prior and informed consent, the Kingdom of Denmark notes that one of the most fundamental ways of ensuring this is by the State consulting and cooperating in **good faith** with indigenous peoples to obtain their free, prior and informed consent **before adopting and implementing legislative or administrative measures** that may affect indigenous peoples, cf. UNDRIP art. 19. This goes to the very root of decision-making itself and hence, the respect for free, prior and informed consent.

**The Act of Greenland Self-Government in many fields goes beyond ensuring free, prior and informed consent in this field.** The Act facilitates the transfer of a long range of competences and responsibilities to the Greenlandic Self-Government – or gives the Greenlandic Self-Government the option to have them transferred to it. **In this case, the question of consent from the Greenlandic people as such can be said not to arise since these competences and responsibilities are no longer exercised by the Danish government.**

Regarding competences and responsibilities still resting with the Kingdom of Denmark, **the Act of Greenland Self-Government article 17 further ensures the Greenlandic Self-Government authorities the right to be consulted on any of the Government's Bills, which comprise or may be brought into force for Greenland before such bills are presented to the Folketing (The Parliament of the Kingdom of Denmark).** If the bill contains provisions that exclusively apply to Greenland or are of particular importance to Greenland, the Government shall await the Self-Government authorities' comments before presenting the Bills to the Folketing. The same principles apply as to the drafting and issuing of administrative orders, cf. article 18 of the Act of Greenland Self-Government.