

**Statement by National Congress of American Indians and Native American Rights Fund  
On the EMRIP's Draft Methods of work for Reports to the Human Rights Council and  
country engagement  
10<sup>th</sup> Session of the Expert Mechanism on the Rights of Indigenous Peoples  
July 10, 2014**

[Intro]

On behalf of NCAI and NARF, I want to congratulate the Human Rights Council on its adoption of Resolution 33/25, which improved the mandate of the Expert Mechanism on the Rights of Indigenous Peoples. The new mandate provides the EMRIP with expanded functions and autonomy to assist Indigenous Peoples in realizing the rights enshrined in the UN Declaration on the rights of Indigenous Peoples, and it enables the EMRIP to assist Member States in a meaningful and focused manner to work to implement the UN Declaration.

We convey our gratitude to the members of the EMRIP for their hard work and dedication to protecting the rights of Indigenous Peoples, and we commend the members of the mechanism for their efforts since the passage of 33/25 in September 2016, to ensure that new methods of work are set out to realize the potential held by the new mandate, and to take a strong approach to fulfilling the new mandate. We also commend the Secretariat for the support and commitment they continue to provide to the EMRIP on these areas.

The draft working methods are generally very well thought out and provide flexibility and guidance in a balanced way. We are pleased with ~~them~~.

We have three discrete points where we believe improvement or clarifications could be beneficial.

In the introductory section of the document, it states that the EMRIP's new mandate instructs it to "assist Member States, upon request, in achieving the ends of the Declaration through the promotion, protection and fulfillment of the rights of indigenous peoples." We think this general statement about the new mandate needs to be amended to reflect that EMRIP is also mandated to assist Indigenous Peoples, and the private sector, in achieving the ends of the Declaration.

In the provisions pertaining to the selection of the topic for the annual thematic report, it is unclear how or at what point Indigenous Peoples will have meaningful and timely input into the selection of the topic for the annual thematic report, given the timeframes set forth in the current document. The document states that topics will be chosen in June, prior to the EMRIP session, and then announced formally during the EMRIP session. If that is the case, then there is little opportunity for input from Indigenous Peoples, unless it is sought out during the session a year in advance, which may not provide for timely meaningful input. We think this should be adjusted or amended to provide that a topic will not be chosen until during the actual EMRIP session when substantial engagement with Indigenous Peoples is most feasible.

At the end of the document, in the section on Invitations and Requests for Country Engagement, we believe that it should be clarified that in setting an agenda for such visits, Indigenous Peoples

should be consulted. The current language only states that EMRIP should consult with requesters. EMRIP should include consultation with Indigenous Peoples whose rights are at issue in the setting of any agenda related to country engagement, or on other issues.

Again, we offer these suggestions consistent with our long-stated objective to enable the EMRIP to fulfill a strong mandate, consistent with the provisions of the UNDRIP.