



***United Nations Expert Mechanism on the Rights of Indigenous Peoples
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Item 3

Study and advice on Constitutions, laws, legislation, policies, judicial decisions, and other mechanisms through which States have taken measures to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples, in accordance with Article 38 of the Declaration.

Distinguished Chair, Members, and Delegates:

Thank you for the opportunity to address the session on behalf of The Implementation Project, a joint initiative of the Native American Rights Fund and the University of Colorado Law School, in the United States. The Project works collaboratively with American Indians, Alaska Natives, and Native Hawaiians on education and advocacy to implement the Declaration. We appreciate EMRIP for citing our research in the Study.

We suggest two points for consideration in the Advice section: First, EMRIP should encourage States to heed the words of Indigenous Peoples who call for implementation of the Declaration. States are already required by both Article 38 and the 2014 Outcome Document to take measures to achieve the ends of the Declaration.

However, some States, including the United States, have undertaken only modest and incremental efforts in this regard, as the Study shows. In the U.S., the National Congress of American Indians, the Inter-tribal Council of the Five Civilized Tribes, and others have invested time, energy, and resources encouraging the U.S. to develop a “national action plan” to achieve the aims of the Declaration. They have passed resolutions, asked for meetings, held seminars, and are here at EMRIP – all calling for implementation in the U.S. Indigenous Peoples should not have to fight for States to abide by commitments they have already made – and States should not ignore them when they do, but rather follow Indigenous Peoples’ calls to begin the process of cooperative implementation now.

Secondly, we welcome the Advice’s paragraph 12, indicating that States should provide civil servants with training on the Declaration and its implementation. U.S. federal employees often lack familiarity with the Declaration and existing federal guidance is both outdated and hard for non-lawyers to digest. Many government agencies still maintain the mindset of 2007 when the U.S. voted against the Declaration. But, of course, times have changed and the U.S., along with the rest of the global community, now supports the Declaration. To address these issues, we suggest EMRIP add some detail about **how** to provide training. For example, the Advice could recommend that States provide civil servants with easy-to-use fact sheets that explain

the Declaration and key developments in implementation since 2007. States should be encouraged to help civil servants understand how the Declaration can be used to address Indigenous Peoples' issues in legislative, judicial, and administrative processes, even if the State has not fully adopted it as a matter of law. Finally, States should consider experience with international human rights, including the Declaration, as a qualification for civil servants in Indigenous Affairs.

Thank you.