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ORGANIZATION OF AMERICAN STATES

COMMITTEE ON JURIDICAL AND POLITICAL AFFAIRS

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Working Group to Prepare the  
Draft American Declaration on the Rights  
of Indigenous Peoples

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OPENING STATEMENT OF THE INDIGENOUS PEOPLES CAUCUS  
AT THE XIII MEETING OF NEGOTIATIONS IN THE QUEST FOR POINTS OF CONSENSUS  
OF THE WORKING GROUP TO PREPARE THE DRAFT AMERICAN DECLARATION ON  
THE RIGHTS OF INDIGENOUS PEOPLES

Washington D.C.  
January 18 to the 20, 2011

Mr. Michel Arregui, Legal Affairs Secretary of the OAS, Ambassador Guillermo Cochez, Permanent Representative of Panama to the OAS, and Chairman of the Working Group, Dinah Shelton, rapporteur of the Inter-American Commission on Human Rights, distinguished representatives of States of the Organization of American States, and my Indigenous brothers and sisters.

My name is Grand Chief Edward John, Hereditary Chief of the Tl'azt'en Nation and representative of the First Nations Summit and the Assembly of First Nations. I am also the new North American Indigenous representative to the UN Permanent Forum on Indigenous Issues.

On behalf of Indigenous Peoples in the Americas who are participating in the XIII Session of Negotiations for the Quest of Consensus for the Draft Declaration on the Rights of Indigenous Peoples, we look forward to the conclusion of the negotiation of the draft American Declaration on the Rights of Indigenous Peoples.

While we are negotiating this draft American Declaration, violations against collective human rights of our peoples continue in many states. Examples were brought to the Indigenous caucus including from Chile, Mexico, Ecuador, Peru, Uruguay and Argentina. In defending our territorial rights against mega projects and extractive industries our peoples are persecuted, criminalized and in some cases forcibly evicted. In this regard, we denounce the repressive military actions of Chile against the Rapa Nui people, including women and children, who are struggling to defend their lands. We strongly and urgently recommend good faith negotiations to resolve this crisis. We also deplore the violent displacement against the Toba community La Primavera in Argentina and the lack of response to this situation.

For Indigenous women, gender based violence continues to be shaped by discrimination. Also militarization, racism and social exclusion, poverty inducing economic policies contribute to the systemic violence of our collective rights.

These contradict the most basic principles of human rights and democracy which guide the OAS and its member states. We strongly urge the Inter-American Commission on Human Rights and its relevant rapporteurships to act promptly and effectively to investigate and propose solutions to these violations on an urgent basis.

As Indigenous peoples with historic relationships with states in the Americas we participate as Indigenous peoples, governments and nations in our own right, not as civil society. We call for the establishment of effective participation mechanisms for Indigenous peoples in all entities of the Inter-American system, the Summit of the Americas and in particular the summit in Cartagena in 2012.

In a similar vein, we urge the OAS to support the full and equal participation of Indigenous representation in the planning and implementation of the 2014 UN World Conference of Indigenous Peoples including the outcome document.

We respectfully remind all delegates that in this Working Group a commitment has been made to ensure that the UN Declaration on the Rights of Indigenous Peoples is being used as “the baseline for negotiations and ... a minimum standard” for the draft American Declaration on the Rights of Indigenous Peoples. In these negotiations we urge a holistic approach as we know our survival and well being is inextricably linked to the survival and well being of Mother Earth.

We welcome the recent endorsement of the United Nations Declaration on the Rights of Indigenous Peoples by the governments of Colombia, Canada and the United States of America. We emphasize that the UN Declaration is now a consensus instrument and we call on all states to engage in its full and effective implementation and ensure no state withdraws from implementation. We also encourage all States who have not done so, to ratify the ILO Convention 169.

The Indigenous Peoples’ caucus reminds states, financial institutions and international corporations of the principle of free, prior and informed consent which must be respected in all situations concerning Indigenous peoples. We call upon states to recognize, respect and implement positions adopted by Indigenous peoples in climate change negotiations. Indigenous peoples have knowledge to contribute to slow down the destruction of Mother Earth.

We thank those governments which contribute to the Specific Fund, making possible our participation in these negotiations. We call upon States to continue contributing with funds for the development of future meetings of negotiation that will allow us to conclude the American Declaration on the Rights of Indigenous Peoples. There is a need for funding for the technical team and co-chairs, in addition to the delegates. We note that only two member states contributed to the Specific Fund, and two observer states. Other member states must show commitment by donating to the Specific Fund.

Finally, as Indigenous peoples we reiterate our commitment and call upon the member States of the OAS, as committed to in paragraph 86 of the Declaration of the Port of Spain, to work for a successful conclusion of the negotiations of the American Declaration on the Rights of Indigenous Peoples. The American Declaration should be finalized before the Summit of the Americas in 2012.

In order for this to succeed, we repeat that there is a critical need for all States to contribute more money to the Specific Fund. We respectfully remind states that the General Assembly has renewed the mandate of this Working Group and we need to meet as frequently as the mandate dictates.