

PERMANENT COUNCIL OF THE
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

PROCEDURE FOR PROMPTLY CONCLUDING THE NEGOTIATIONS IN THE QUEST FOR
POINTS OF CONSENSUS OF THE WORKING GROUP TO PREPARE THE DRAFT
AMERICAN DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

The Working Group to Prepare the Draft American Declaration on the Rights of Indigenous Peoples hereby establishes the following procedure for the prompt conclusion of negotiations in the quest for points of consensus, pursuant to the General Assembly mandates contained in various resolutions on the subject, specifically AG/RES. 2073 (XXXV-O/05) and AG/RES. 2234 (XXXVI-O/06).

This procedure takes into account the one followed in the seven meetings of negotiation, the first of which was held in 2003.

During the Seventh Meeting of Negotiations in the Quest for Points of Consensus, held in Brasilia, Brazil, in March 2006, the Working Group concluded the first round of negotiations on the six sections of the Chair's consolidated text (GT/DADIN/doc.139/03). The Working Group has not negotiated the preamble.

In the interest of preserving the transparency and good faith that have characterized the negotiations, and so that the delegations of member states and indigenous peoples (represented by their Caucus) will be certain as to where things stand, the Working Group will observe the principles that "nothing is agreed upon until everything is agreed upon"; that "nothing will be agreed upon without the full and effective participation of the representatives of the indigenous peoples"; and that, according to the usual practice at the OAS, a consensus should be reached among member states. Accordingly, all parties are urged to show greater flexibility and willingness to reach consensus.

Procedure

- Meetings will be public and open; they may be attended by all indigenous organizations interested in the negotiation of the Declaration.
- The working document for negotiations will be GT/DADIN/doc.260/06 rev. 1, entitled "Record of the Current Status of the Draft American Declaration on the Rights of Indigenous Peoples," emphasizing consideration of the proposals of member state delegations and indigenous peoples' representatives set forth in documents GT/DADIN/doc.255/06 rev. 1 and

GT/DADIN/doc.259/06^{1/} as well as the “outcomes” and “results” documents of prior negotiating meetings, if raised.

- As each article from the working document is discussed, it will appear on the screens, in Spanish and English, to facilitate negotiations and consensus.
- The Meetings of Negotiation in the Quest for Points of Consensus will begin their consideration of the texts according to the ease with which agreement can be reached.^{2/}
- After reading out the article concerned, the Chair of the Working Group will invite the delegations of the indigenous peoples and the member states to refer to it in such a way as to facilitate a consensus, underscoring the need to find compromise solutions that address the most pressing concerns of the indigenous peoples as well as the needs of all member states in preparing the Draft Declaration.
- Should alternative proposals for texts under consideration be presented by the states or the Indigenous Peoples' Caucus, these will be submitted to the Working Group for consideration. Such proposals should be confirmed in writing. If the necessary consensus is not reached, proposals received in writing will be recorded in the official documents listing proposals submitted during the respective negotiation meeting. The basis and point of reference for those articles of the American Declaration on the Rights of Indigenous Peoples on which consensus has not been reached should be the provisions of the UN Declaration on the Rights of Indigenous Peoples. Document GT/DADIN/doc.317/07 corr. 1 will be used for that purpose.^{3/}
- Once consensus has been reached, the article will be shown, in Spanish and English, on the screens. The Chair will announce that it has been approved by consensus and the General Secretariat will include it in the official document of the respective meeting of negotiations, i.e., in the “Record of the Current Status of the Draft American Declaration on the Rights of Indigenous Peoples.”
- If no consensus is reached, the Chair of the Working Group will invite the delegations to hold informal consultations, working in drafting groups composed of representatives of the states and the indigenous peoples, to find a text acceptable to all parties.
- Should consensus still not be reached, the Chair will present an alternative proposal for consideration by the Working Group.
- If, after these efforts, no consensus has been reached, the word, phrase, or paragraph still pending will remain in square brackets.

1. Operative paragraph 3 of General Assembly resolution AG/RES. 2234 (XXXVI-O/06), “American Declaration on the Rights of Indigenous Peoples.”
2. Agreement on this paragraph was reached at the special meeting held in December 2008.
3. The delegations of Canada and the United States did not agree to this point.