

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

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DOCUMENT OF PROPOSALS BY THE CHAIR

DRAFT PROPOSALS BY THE CHAIR EMANATING FROM THE SPECIAL MEETING OF THE  
WORKING GROUP TO PREPARE THE DRAFT AMERICAN DECLARATION  
ON THE RIGHTS OF INDIGENOUS PEOPLES

Second meeting: Diagnostic assessment

- The Chair will incorporate in his report the proposal submitted by the Indigenous Peoples' Caucus regarding the current status of the articles in the Draft Declaration.
- The following paragraph will be included in the document on methodology, GT/DADIN doc. 246/06 rev.7:  
"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."

With that in mind, this Chair proposes initiating the next Meeting of Negotiations with those "semi-approved" articles on which agreement appears to be close at hand, as indicated in the document of the Chair.

- The Chair has issued an invitation to those states that presented observations to the articles approved as of the tenth Meeting of Negotiations in the Quest for Points of Consensus to strive to withdraw their observations to those specific articles prior to the next Meeting of Negotiations.
- The Chair proposes reinserting in the preamble contained in the Chair's Consolidated Text (document GT/DADINdoc.139/03). They considered, furthermore, that said text needed to be updated and discussed whenever the Working Group deemed it best to do so since this could be helpful in facilitating drafting and agreement on the articles.

Third meeting: Dialogue

- The Chair circulated a tentative list of distinctive topics. That list arose out of proposals presented by the Chair and by the Caucus for subsequent consideration by the Working Group to Prepare the Draft American Declaration on the Rights of Indigenous Peoples.

LIST OF DISTINCTIVE TOPICS, CHARACTERISTIC OF THE REGION, PROPOSED BY  
THE CHAIR AND BY THE INDIGENOUS PEOPLES' CAUCUS DURING THE SPECIAL  
MEETING OF THE WORKING GROUP  
FOR INCLUSION IN THE DRAFT DECLARATION OF THE OAS

1. The situation of the urban indigenous population and indigenous peoples from rural communities.
2. The situation of indigenous migrants
3. Impact of climate change, environmental degradation and natural disasters on indigenous communities and territories
4. The persecution and detention of indigenous leaders for asserting their rights
5. The food security situation, including the loss of traditional food sources
6. Indigenous persons with disabilities
7. Crosscutting aspects to be considered, such as education, health, habitat, and protection against discrimination

Distinctive topics already considered in the Draft Declaration of the OAS

8. Recognition of juridical personality, addressed in Article 9
  9. Recognition of the right of indigenous peoples to remain in voluntary isolation or initial contact. addressed in Article 26
- Regarding possible reference to the United Nations Declaration, the Chair recalled the remarks contained in the Chair's Report on the meeting of reflection (GT/DADIN/doc.321/07), some of which are cited below and form part of this Chair's recommendations.  
"The majority of States and all of the indigenous representatives supported the use of the UN Declaration as the baseline for negotiations and indicated that this represented a minimum standard for the OAS Declaration. Accordingly, the provisions of the OAS Declaration have to be consistent with those set forth in the United Nations Declaration. Moreover, the OAS Declaration should expand on the general concepts of the United Nations Declaration by addressing the particular characteristics of the indigenous peoples of the Americas, while at the same time filling in any gaps or regulatory lacunae in those areas that were insufficiently addressed in the United Nations Declaration. The delegations of Canada and the United States, however, indicated that they could not accept the UN Declaration text as the starting point or minimum outcome for these negotiations. The delegation of the United States reminded the participants of their General Reservation, and proposed that the Working Group focus on taking actions, rather than engaging in negotiations, through an exchange of information and best practices in relation to the issues under negotiation."

- As for simplifying the language, it is the Chair's understanding that discussions should continue.
- As for the time needed to complete the process, the Chair suggests that a deadline be set.
- The dates proposed for the next Meeting of Negotiations are February 17 to 20, 2009.
- Lastly, the Chair supported the Indigenous Caucus's suggestion to hold a two-day meeting of its technical team prior to the Caucus's meeting at the same Meeting of Negotiations.