

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

OUTCOMES OF THE MEETING FOR REFLECTION ON THE MEETINGS
OF NEGOTIATIONS IN THE QUEST FOR POINTS OF CONSENSUS

(Document prepared by the Department of International Law)

Explanatory Note

This document brings together the results, conclusions, and recommendations of the “Meeting for Reflection on the Meetings of Negotiations in the Quest for Points of Consensus,” held from November 26 to 28, 2007, and their subsequent follow-up by the Permanent Council.

The table contains elements from three reference documents:

- “Outcomes and Recommendations Presented to the Permanent Council on November 28, 2007” (GT/DADIN/doc.324/08 rev. 1, of February 14, 2008);
- Report of the Chair on the Meeting for Reflection (GT/DADIN/doc.321/08, of January 14, 2008); and
- Comments presented by some states to the Permanent Council: Argentina, Bolivia, and Ecuador (compiled in document CP/doc.4263/08) and the United States (CP/doc.4263/08 add. 1).

Reference is also made to the opinions expressed during the Meeting for Reflection and during discussions on this subject by the Permanent Council.

The table is divided into three columns: the first contains comments on the United Nations Declaration on the Rights of Indigenous Peoples; the second, on the Draft American Declaration on the Rights of Indigenous Peoples and the OAS negotiation process; and the third, alternative proposals presented in the aforementioned documents.

**RESULTS OF THE MEETING FOR REFLECTION ON THE MEETINGS OF
NEGOTIATIONS IN THE QUEST FOR POINTS OF CONSENSUS**

OAS - UN	OAS TEXT	ALTERNATIVE PROPOSALS
<p>The UN Declaration represents a minimum standard for the OAS Declaration. Importance of consistency between standards (Conclusions, first segment of the Meeting for Reflection).</p>	<p>Take into account the specific characteristics of the indigenous peoples of the Americas (Conclusions, first segment of the Meeting for Reflection).</p>	<p>Establish a coordination office, of a technical, not political, nature, primarily to perform a facilitation function (Report of the Chair of the Working Group).</p> <p>Some members of the Indigenous Caucus considered that it was not advisable to set up an office at that time (Meeting for Reflection).</p>
<p>The text of the UN Declaration cannot be used as the starting point or minimum outcome for the OAS negotiations (Canada and the United States, Meeting for Reflection).</p>	<p>The document “Identification of Issues of Great Interest” and the discussion of “sensitive issues” have been superseded (Conclusions, second segment of the Meeting for Reflection – informal consultations).</p>	<p>Establish a plan of action parallel to the negotiation process, in accordance with indigenous peoples’ priorities (Report of the Chair of the Working Group).</p>
<p>It was suggested that an in-depth comparative analysis be made between the OAS and UN Declarations in order to identify gaps, address specific regional points, and move forward systematically (Comments by Argentina and Ecuador to the Chair of the Permanent Council and by the Indigenous Caucus; also a proposal by the Brazilian delegation during the Meeting for Reflection).</p> <p>That the comparative study be presented by an expert in the area (Comment by Bolivia to the Chair of the Permanent Council).</p> <p>The OAS secretariat was asked to complement the comparative analysis by contacting the Office of the United Nations High Commissioner for Human Rights in Geneva (Proposal by the states, fourth segment of the Meeting for Reflection – new proposals).</p>	<p>Accelerate the negotiation process within the OAS (Conclusions, second segment of the Meeting for Reflection – informal consultations).</p>	<p>Strive to recreate an updated indigenous institute that would make full use of the assets of the Inter-American Indian Institute, which was now nearing its end (Report of the Chair of the Working Group).</p> <p>The Indian Institute has exhausted its potential. It should be dismantled and replaced by a new body with full and effective participation (Proposal by the Indigenous Caucus during the fourth segment of the Meeting for Reflection).</p>

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<p>For articles on which no consensus is reached, resort to wording similar to that in the United Nations Declaration (Indigenous Caucus, fourth segment of the Meeting for Reflection).</p>	<p>The preamble still needs analysis and negotiation (Indigenous Caucus – item 3, Meeting for Reflection).</p>	<p>In this process there must be up to three (3) meetings of negotiations per year or one every six (6) months (Proposal by the Indigenous Caucus during the fourth segment of the Meeting for Reflection).</p>
<p>Continue working on the OAS text as a basis for negotiation (Argentine statement at the Permanent Council meeting on the recommendations of the Meeting for Reflection of the Working Group).</p>	<p>Continue working on the OAS text (Conclusions, second segment of the Meeting for Reflection – informal consultations).</p>	<p>Whenever circumstances so warrant, the Caucus will hold meetings of a technical team, which should receive OAS support (Proposal by the Indigenous Caucus during the fourth segment of the Meeting for Reflection).</p>
<p>Use the UN Declaration as an inevitable reference point for negotiations (Argentine statement at the Permanent Council meeting on the recommendations of the Meeting for Reflection of the Working Group).</p>	<p>Establish clear rules to continue the negotiation of issues and to identify obstacles and topics on which progress has been made (Conclusions, second segment of the Meeting for Reflection – informal consultations).</p>	<p>That the Working Group organize a year of action with a view to achieving a real impact, by establishing specific actions and activities based on best practices in the region (United States comment under item 4 of the Meeting for Reflection).</p> <p>This type of initiative could be viable providing that the American Declaration on the Rights of Indigenous Peoples is adopted (Caucus and some states). That this type of initiative be postponed until the Declaration is adopted so as not to detract from the negotiation process (Comments by Argentina and Venezuela under item 4 of the Meeting for Reflection).</p>

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<p>The principle of the complementarity, and not competitiveness, of the declarations, enriching the contents with aspects peculiar to the Hemisphere Avoid saying that one declaration or one specific article is better or worse than the other (Comments by Bolivia to the Chair of the Permanent Council).</p>	<p>International law must be the standard according to which the draft American Declaration is addressed (Conclusions, second segment of the Meeting for Reflection – informal consultations).</p>	<p>Need to strengthen the Specific Fund and that its resources come not only from countries in the Americas; funding from countries outside the Americas is also welcome (Indigenous Caucus proposal during the fourth segment of the Meeting for Reflection).</p>
<p>The American Declaration should contain a set of norms that in no way detracts from or undermines the contents of the UN Declaration (Comments by Ecuador to the Chair of the Permanent Council).</p>	<p>Favoring consensus as a means of achieving a strong instrument that would express the genuine views of the Americas in this regard (Argentine statement at the Permanent Council meeting on the recommendations of the Meeting for Reflection of the Working Group).</p> <p>Pursue the process to reach consensus (Comments by Ecuador to the Chair of the Permanent Council).</p>	<p>Proposal for drawing up a plan of action to implement the United Nations Declaration in the Hemisphere (Indigenous Caucus under item 4 of the Meeting for Reflection).</p>
	<p>The Draft American Declaration should contain its own and substantive aspects (Comments by Ecuador to the Chair of the Permanent Council).</p>	<p>Avoid the implementation of parallel initiatives that could lead to a dispersal of efforts (Argentine statement at the Permanent Council meeting on the recommendations of the Meeting for Reflection of the Working Group).</p>
	<p>No further delays in the negotiating process. Focus efforts on resuming a pace leading to a settlement of differences and positions (Comments by Ecuador to the Chair of the Permanent Council).</p>	<p>Regional dialogue. Extending the analysis to various forums and settings and hold thematic seminars (Comments by Bolivia to the Chair of the Permanent Council).</p>
	<p>That the regional instrument be as comprehensive as possible. Find language that guarantees the inclusion of basic rights and addresses concerns and fears regarding the political consequences of specific articles (Comments by Ecuador to the Chair of the Permanent Council).</p>	<p>Complementarity of processes: Parallel dialogue aimed at a Plan for Implementation of the Rights of Indigenous Peoples. Exchange and classification of best practices (Comments by Bolivia to the Chair of the Permanent Council).</p>

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	<p>Hold meetings for comparison, breaking down the declaration (Comments by Bolivia to the Chair of the Permanent Council).</p>	<p>Dissemination of information Public dissemination and contact with the indigenous organizations. Simple bulletin prepared by the General Secretariat. Develop computer and communications strategies in this regard (Comments by Bolivia to the Chair of the Permanent Council).</p>
	<p>Dynamic role of proposals. Positive and proactive exchange (Comments by Bolivia to the Chair of the Permanent Council).</p>	<p>Lecture Series of the Americas. Reaffirm OAS interest in the topic and its importance (Comments by Bolivia to the Chair of the Permanent Council).</p>
	<p>General reservation by the United States to the entire text (reiterated in the comments to the Chair of the Permanent Council).</p> <p>The United States proposes that the Working Group focus on taking action, rather than engaging in negotiations, through an exchange of information and best practices in relation to the issues under negotiation. The United States considers that the reservation will allow the Group to more quickly develop a text without brackets or footnotes that is acceptable to most of the states and to the Indigenous Caucus (Meeting for Reflection).</p>	
	<p>Canada proposes that thematic seminars be held on the topics of interest to the Working Group instead of devoting the next meetings of negotiations to exchanges of proposals and counter-proposals (Meeting for Reflection).</p>	