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COMMITTEE ON JURIDICAL ANDS POLITICAL AFFAIRS

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Working Group to Prepare
the Proposed Declaration on the Rights
of Indigenous Populations

SPECIAL MEETING

**Working Group to Prepare the “American
Declaration on the Rights of Indigenous Populations”**

APRIL 2 TO 6, 2001

**WASHINGTON, D.C.
ORGANIZATION OF AMERICAN STATES**

(Considered at the meeting of February 15, 2001)

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Background

Under resolution AG/RES. 1022 (XIX-O/89), issued in 1989, the OAS General Assembly requested that the Inter-American Commission on Human Rights (IACHR) prepare a draft declaration on the rights of indigenous populations.

Pursuant to that mandate, the Committee held a number of meetings and consulted with government representatives, international experts, Indian leaders, and jurists specializing in this topic, with a view to drawing up the preliminary draft. In April 1997, the Permanent Council received from the Committee the “Proposed American Declaration on the Rights of Indigenous Peoples,” which the IACHR had approved as presented in February of that year.

In June of that same year, the OAS General Assembly expressed the view that the text of the draft should reflect the observations and recommendations of member states as well as the opinions of specialized organizations, such as the Inter-American Juridical Committee and the Inter-American Indian Institute. In subsequent years, the states submitted specific comments and observations and participated in two meetings of government experts to study and discuss the initial draft.

In 1999, the General Assembly, at its twenty-ninth regular session, established a working group of the Permanent Council to continue consideration of the Proposed American Declaration on the Rights of Indigenous Populations.

The hemispheric importance of the content of the proposed Declaration and the progress made by the Working Group in its study and discussion of the proposed Declaration prompted the General Assembly, at its thirtieth regular session, held in Canada in June 2000, to extend the mandate for these efforts by way of resolution AG/RES. 1708 (XXX-O/00).

Mandates Issued by the General Assembly and Progress Made by the Working Group

At its thirtieth regular session, the OAS General Assembly resolved as follows with regard to the Proposed American Declaration on the Rights of Indigenous Populations, under resolution AG/RES. 1708 (XXX-O/00):

1. To request the Permanent Council to renew the mandate of the Working Group so that it may continue to consider the Proposed American Declaration on the Rights of Indigenous Populations and hold at least a second meeting before the thirty-first regular session of the General Assembly, in accordance with the resources allocated in the program-budget and other resources.

2. To recommend to the Working Group that it follow the procedures agreed upon for suitable participation in its work by representatives of indigenous communities, so that their observations and suggestions may be considered.

3. To request the Inter-American Indian Institute and the Inter-American Juridical Committee to continue to advise the Working Group as necessary.

4. Also to request the General Secretariat to publicize the efforts of the Working Group as necessary and consider the necessary measures to promote more representative involvement in the Working Group by the Hemisphere's indigenous community organizations.

5. To request the Permanent Council to present a report to the General Assembly at its thirty-first regular session on the implementation of this resolution.

The Working Group was installed in September 2000 and has since held a number of meetings to establish a procedure that would ensure compliance with the mandates from the General Assembly. The procedure agreed to by the Working Group provided for the holding of a special meeting, with the participation of representatives of the indigenous populations of the Hemisphere.

This meeting will be held at the headquarters of the Organization of American States, in Washington, D.C., from April 2 to 6, 2001. Participants will consist of the representatives of the States Parties at the highest possible level and representatives of the indigenous populations of the Hemisphere.

Purpose of the Meeting

To hold a meeting of the States Parties and representatives of the indigenous populations of the Hemisphere to discuss the Proposed Inter-American Declaration on the Rights of Indigenous Populations, with a view to implementing resolution AG/RES. 1708 (XXX-O/00), moving ahead in the discussion of the proposed declaration, and reviewing the possibility of its being adopted by the States Parties.

Procedure

The procedure approved in the Working Group for participation by representatives of indigenous populations is as follows:

- a. There is a background document that includes the remarks made during the meeting of November 1999. That document should be used as a guide for the discussions.

- b. The document contains two types of text:
 - Text on which consensus has been reached;
 - Text on which consensus has not been reached, enclosed in square brackets.
- c. Discussion of the document will be based on points of disagreement. Articles already agreed upon will not be discussed.
- d. Discussion will proceed chapter by chapter, according to the sequence of chapters. Government representatives will be invited to speak during the discussion of each article. Representatives of indigenous populations shall intervene at the start of the discussion of each chapter and shall present in writing alternative drafts of any articles they might wish to amend, so that their proposals can be included in the debate among States and, if considered appropriate, incorporated into the respective texts.
- e. In the interest of avoiding fragmentation in the debate, government representatives and those of indigenous populations shall be asked to make their statements specific and to focus on clearly defined proposals. As the consideration of each article concludes, text upon which consensus has been reached will be read aloud. If any points of disagreement remain, these will be indicated.
- f. At the end of the discussion of each chapter, the representatives of the indigenous population shall be offered the floor, to make any comments they might have with respect to points arising during the debate of each article. During the debate of the articles, the representatives of indigenous groups may only intervene when clarification of specific points is required.

Organization of the Meeting and Funding

The Meeting is being organized by the Working Group to Prepare the American Declaration on the Rights of Indigenous Populations of the Committee on Juridical and Political Affairs, which is a committee of the Permanent Council of the Organization of American States.

The cost of logistical arrangements for the Meeting, such as meeting rooms, translation, materials, and documentation, will be defrayed by the Working Group and the resources allotted to it for that purpose in the Organization's program-budget.

In view of the financial constraints faced by the Working Group and the Organization, the cost of air travel, accommodations, food, and any other type of expenditure incurred by the participants, whether they represent the States Parties or the indigenous populations, will be covered by the governments or the organizations, respectively, as appropriate.

Convocation and Participation

The Meeting's convocation will be widely publicized. It will be disseminated in writing or electronically on the Web page of the Organization.

Participants representing indigenous populations are expected to complete an application form, which should be returned no later than March 23, 2001 to the Secretary General of the Organization, who will arrange for the necessary accreditations.

As application forms are received, applicants who have been accredited will receive more information on the meeting rooms and on discussion materials, which will be sent to the applicants by e-mail.

Agenda and Further Information

The Agenda for the meeting,, logistical aspects, the order of presentations, and other matters pertaining to the proceedings will be sent to participants once their application forms have been received.