

PERMANENT COUNCIL OF THE
ORGANIZATION OF AMERICAN STATES

COMMITTEE ON JURIDICAL AND POLITICAL AFFAIRS

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

OEA/Ser.K/XVI
GT/DADIN/doc.213/05
10 February 2005
Original: Spanish

FOURTH SPECIAL MEETING OF THE WORKING GROUP

(Hall of the Americas, February 10 and 11, 2005)

REMARKS BY THE ACTING SECRETARY GENERAL, AMBASSADOR LUIGI R. EINAUDI
OPENING SESSION

REMARKS BY THE ACTING SECRETARY GENERAL, AMBASSADOR LUIGI R. EINAUDI
OPENING SESSION

Ambassador Juan León Alvarado, Chair of the Working Group to prepare the Draft American Declaration on the Rights of Indigenous Peoples and Alternate Representative of Guatemala to the Organization;

Counselor Ana Peña, Vice Chair of the Working Group and Alternate Representative of Peru to the Organization;

Mr. Jorge Fredrick, Chair of the Indigenous Caucus

Representatives and Government Experts of member states;

Permanent Observers to the OAS;

Representatives of the Indigenous Organizations and Peoples of the Americas,

Dr. Luis Alberto Rodríguez and the Summit of the Americas Secretariat team supporting the Working Group;

Dr. Luis Toro, Legal Officer of the Office of Inter-American Law and Programs of the Department of Legal Affairs and Services, and Legal Advisor to the Working Group;

Ms. Isabel Madariaga, Principal Specialist of the Office of the Rapporteur on the Rights of Indigenous Peoples of the Inter-American Commission on Human Rights and Advisor to the Working Group;

Mr. Alejandro Aritzabal and all the personnel responsible for different areas in the Secretariat for the Working Group;

Donors to the Specific Fund to Support the Preparation of the American Declaration on the Rights of Indigenous Peoples;

Special Guests, Ladies and Gentlemen:

It is a singular honor for me to offer you another warm welcome to the headquarters of the Organization of American States: an Organization opening itself not only to American states but to American peoples as well.

The subject that brings us together today has been an ongoing concern of the Inter-American system. It is an area in which much remains to be done. However, it suffices to recall the first steps we had to take down this path in the past to realize how much we have achieved.

It was the Seventh International Conference of American States, held in Montevideo in 1933, that charged “the Pan American Union with the organization in Mexico City, of an Inter-American Conference of Experts on Indian Life in the Americas, with the participation of all countries which

might consider advantageous an interchange of information and opinions on the problem of the protection of the native races and the civilization of the tribes in the great forests.”

Later, the Eighth International Conference of American States, held in Lima, Peru in 1938, declared that “As at the present time the Indian populations in the several American countries are in different degrees of assimilation into the social order, it shall be the purpose of all governments to promote policies tending to their complete integration into the national life. In this connection, there should be recognized the positive autochthonous contributions in the material as well as the spiritual order of the nation, and an endeavor made to effect the assimilation in accordance with measures which, considering these valuable features, should enable the aboriginal population to participate effectively and with a concept of equality, in the life of the nation.”

As far as I am concerned, it suffices to repeat the key phrases cited above of “Experts on Indian Life... protection of the native races and the civilization of the tribes in the great forests,” “positive autochthonous contributions,” “valuable features,” and “should enable the aboriginal population” to make me bristle. They strike me as paternalistic, even alien, perceptions, riddled with implicit prejudice.

In any event, such comments and the adoption in 1940 of the historic Pátzcuaro Convention paved the way for today’s discussions. The points of consensus that do exist today are born precisely of what was lacking before: the acceptance of universal human rights, that is to say, the recognition that human beings are equal irrespective of race, class, or ethnic origin; the acknowledgment that no one is free if others are not; progress based on recognition of the existence of indigenous peoples, the need for ample dialogue, and the gradual process of designing specific strategies and policies for the development of these peoples.

Since I took up the post of Assistant Secretary General almost five years ago, I have kept close track of the work and negotiations undertaken in this process. I have had the pleasure of talking to you on various occasions about progress or the lack of progress in these matters.

In the course of those years I have observed how participants have learned how to engage in dialogue and develop their points of view. The forum provided by this Organization has been clearly intended to advance the debates needed to lead to a Declaration. I am grateful that you have understood that this forum does not lend itself to purposes other than the crafting of that long-awaited Declaration, however important other aspects might be and regardless of whether they have, or lack, other appropriate fora to address them.

I am worried that of the 35 Articles in the Draft Declaration, only 23 have been reviewed and only 3 adopted by this forum.

I should remind you, too, that of their very nature working groups are temporary bodies normally devoted to drafting documents on special topics or concerns. For that reason, I think the time has come to ask all those gathered here today to redouble their efforts to bring this process to a close.

From the General Secretariat’s standpoint, I believe it is important to focus on completing the draft Declaration. Ideas have to materialize to address specific concerns, because time flies and the

situations we talk and fret about today affect increasing numbers of people, some of them enduring situations that nowadays should be unthinkable.

I am relieved to note the increasingly close coordination among the different units in the General Secretariat that support the Working Group. The areas that, once again, have striven to assist the Working Group as best they can are: the Summits of the Americas Secretariat, the Office of Inter-American Law and Programs of the Department of Legal Affairs and Services, the Rapporteurship on the Rights of Indigenous Peoples of the Inter-American Commission on Human Rights, and the Secretariat of the Permanent Council. I would like to pay tribute publicly to the strenuous efforts of Ambassador Juan León Alvarado to expedite the work of the Working Group.

The Specific Fund to Support the Preparation of the American Declaration on the Rights of Indigenous Peoples has contributed enormously to the extensive participation of representatives of indigenous peoples and organizations in the meetings of the Working Group. I thank the governments of Brazil, the United States, and Finland for their recent contributions to the Specific Fund.

This will be the last time I address you, at least in my capacity as Acting Secretary General of the Organization. I would like to thank you for having listened to my remarks. It would have been a source of great personal and institutional satisfaction for me to have witnessed, on behalf of the Organization of American States, the conclusion of these rounds of negotiation. Well, let me impart one last piece of advice: take advantage of the opportunity afforded by the Summit of the Americas being organized for the first week in November in Mar del Plata, Argentina.

Some of you have mentioned to me the importance of further developing this forum and lending it more institutional support. The Heads of State and Government are those best positioned to take that decision. However, to avail ourselves of the opportunity, we will need somewhat more than what is now envisaged. We will need substantial progress toward a pioneering, formative Declaration. It will have to be in the form of guidelines, because we cannot hope to resolve every problem in a declaration of principles. Our goal must be to be formative in the sense of guiding our respective national institutions toward taking the appropriate concrete decisions.

Acknowledging that it is within your grasp to achieve our shared goal of completing the Draft American Declaration on the Rights of Indigenous Peoples and thereby paving the way for new forms of institutional cooperation, I have every confidence that you will find a way to advance the progress of our America.

Thank you very much.