

COMMITTEE ON JURIDICAL AND POLITICAL AFFAIRS

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

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

(United States, Washington, D.C. – December 9 to 12, 2008)

I. MANDATE

The Working Group to Prepare the Draft American Declaration on the Rights of Indigenous Peoples held a special meeting in the city of Washington, D.C., United States, from December 9 to 12, as provided in General Assembly resolution AG/RES. 2368 (XXXVIII-O/08). In that resolution, adopted at its thirty-eighth regular session, in June 2008, the Assembly reaffirms that the adoption of the American Declaration on the Rights of Indigenous Peoples remains a priority for the Organization of American States and renews the mandate of the Working Group to continue holding its meetings of negotiations in the quest for points of consensus, so as to complete the drafting of the Declaration. In that connection it requests the Permanent Council “to instruct the Working Group to (a) hold, between September 2008 and March 2009, up to three meetings, each of up to five days, one of them a special meeting for evaluation and strengthening of the negotiation process and to propose specific actions for addressing the issues ... .”

II. MEANS OF PARTICIPATION BY THE INDIGENOUS PEOPLES

The meeting of the Indigenous Peoples’ Caucus that preceded the special meeting took place in Washington, D.C., United States, from April 6 to 8, 2008, and was attended by representatives and specialists.

The aim was to share ideas and seek points of consensus among the various indigenous representatives of North, Central, and South America and the Caribbean. The Caucus included representatives who received financial support from the Specific Fund established for the drafting of the American Declaration and other indigenous representatives who covered their own expenses.

III. SELECTION OF INDIGENOUS EXPERTS OR LEADERS BY THE SELECTION BOARD OF THE SPECIFIC FUND TO SUPPORT THE PREPARATION OF THE DRAFT AMERICAN DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

The Selection Board of the Specific Fund to Support the Preparation of the Draft American Declaration on the Rights of Indigenous Peoples met on November 6, 2008, to consider and approve the list of indigenous representatives and leaders to be assisted by the Fund. According to the report on the selection process provided in information bulletin # 14, document GT/DADIN/doc. 355/08 rev. 1, and all statutory requirements having been met, the Board chose the following representatives:

Argentina: Sandra Paineofilu  
Barbados: Damon Gerard Corrie  
Bolivia: Adolfo Chávez Beyuma  
Bolivia: Alejandro Chipana Yahuita  
Brazil: Ubiratán de Souza Maia  
Canada: Gabriel Ellen  
Canada: Annick Dauphinais  
Chile: María Teresa Huentequeo  
Colombia: Jaime Enrique Arias Arias  
Costa Rica: Alancay Morales Garro  
Dominica: Charles Williams  
Ecuador: Raúl Ilaquiche Licta  
Ecuador: Teresa Jimbicti Pandama  
El Salvador: Félix Ramos Guzmán  
Guatemala: Carlos Chex  
Guatemala: Manuela Ixtos Cotiy  
Honduras: Edgardo Benitez Maclin  
Mexico: Adelfo Regino Montes  
Nicaragua: Roy Wislat Saires  
Panama: Héctor Huertas Gonzáles  
Paraguay: Alberto Vásquez Ayala  
Peru: Heraclio Hugo Tacuri Huamani  
Peru: Irinea Bardales Díaz  
Suriname: Aloema Tokoe Josien  
United States: June Lorenzo  
United States: Liselote Naniki Reyes Ocasio

It was also reported that the Specific Fund would cover the expenses incurred by the indigenous members of the Selection Board: José Carlos Morales, representing Central America and the Caribbean (Costa Rica); Beverley Jacobs, representing North America (United States of America); and Azelene Inácio, representing South America (Brazil).

Note: The representatives of Brazil and Dominica announced they would be unable to attend, as did Azelene Inácio, Gabriel Ellen, and Beverly Jacobs. Their travel arrangements, therefore, were cancelled.

#### IV. ADOPTION OF THE AGENDA

The draft agenda and draft schedule were adopted by the Working Group at the beginning of the special meeting, on December 9, 2008

#### V. PROCEEDINGS

##### A. Procedure

Because it was not a negotiation meeting, the procedure established for the special meeting was as follows:

1. The sessions would be public;
2. Presentations:
  - a. To keep the discussion on track, the member state and indigenous peoples' representatives were requested to make their statements specific and germane to the matter at hand;
  - b. Each statement was to be no longer than five minutes, requiring ideas to be presented succinctly;
  - c. Statements were to be respectful and constructive.
3. Indigenous representatives wishing to speak to the plenary should have authorization from the Caucus;
4. The reference document for the special meeting was the Chair's working document. Another reference would be the Record of the Current Status, GT/DADIN/doc. 334/08 rev. 1, dated April 25, 2008.

Once those items had been presented, in the absence of any objections the meeting proceeded accordingly.

##### B. Documents

Participants at the special meeting had the following documents: Draft Agenda, GT/DADIN/doc.351/08; Draft Schedule/Agenda, GT/DADIN/doc.353/08 rev. 1; Record of the Current Status of the Draft American Declaration on the Rights of Indigenous Peoples, GT/DADIN/doc.334/08 rev. 1 in Spanish and GT/DADIN/doc.334/08 rev. 1 corr. 1 in English; and the Chair's procedural proposals for the special meeting, GT/DADIN/doc.357/08 rev. 1.

##### C. Participants

The list of member state and indigenous peoples' representatives attending the meeting is included in the annexes to this report.

##### D. Inaugural session

The inaugural session was held on December 9, 2008, beginning with the traditional indigenous invocation. The speakers were the Chair of the Working Group, the Ambassador of Bolivia to the OAS, Reynaldo Cuadros; representing the indigenous peoples, Mr. Karl Hill; and,

representing the General Secretariat, the Assistant Secretary General of the OAS, Ambassador Albert R. Ramdin.

All the presentations emphasized the need to achieve tangible results and that it was crucial to strengthen the process and expedite the negotiations in order to attain a satisfactory outcome in the near future.

Some of the statements are included in the annexes to this report.

E. Deliberations:

First working session (informal)

The draft agenda and draft schedule of the special meeting were approved at this session, as stated earlier. Suggestions made by the Caucus and the member states on the procedure for the special meeting were also put together and approved. As stated earlier, the meeting following the parameters presented by the Chair and the Secretariat.

At this informal first working session an open discussion was also held among representatives of the Caucus and the member states. This produced an exchange of views, as well as a general sense of the meeting on the process of negotiating the Declaration on the Rights of Indigenous Peoples within the OAS and expectations for the future of the Declaration.

The Chair gave a preliminary explanation of his document GT/DADIN/doc.357/08 rev. 1, concerning the sequence established in the work schedule for the special meeting. This opened the friendly debate and exchange of proposals that would set the guidelines for the next day's discussions.

The comments made at this working session were as follows:

The negotiation process at the OAS had been very time-consuming and now lagged behind world developments. This did not mean that the progress made was not highly significant. On the contrary, that progress should be examined to determine the best way to complete the negotiation of the Declaration.

The first thing was to study the present status of the negotiation process and of the Declaration itself. Once that had been done, the indigenous peoples and member states should work together to forge an instrument that reflected their common interests. The proposals might not completely satisfy all parties but could reflect a broad consensus.

The Indigenous Caucus emphasized its entire readiness to strengthen the negotiation process and work closely with the states to achieve concrete results in the near term. It also voiced its concerns over certain topics such as the simplification of language in the Declaration, fearing that under the pretext of doing so the scope of the rights they had fought to defend could be curtailed. The issue of consensus also concerned them, since some countries were openly opposed to certain items. On the other hand, the Caucus noted the importance and necessity of taking into account the specific realities of the American states, especially now with so many changes at the political level.

In response to the concerns voiced by the Caucus, the Chair commented that, as for simplifying the language, the intent clearly was to come up with a vital, assertive Declaration. What was said with fewer words was not necessarily less weighty; on the contrary, it might successfully express the essence and importance of the Declaration.

The Chair added that a strong and solid Declaration could serve as the basis for various instruments. In that sense, the challenge was to reconcile the desirable and the possible, making the Declaration a springboard for new dialogue and a new era of attention to the problems of indigenous peoples. This would promote the implementation of programs and projects. He concluded by saying that the challenge was to “define what we can commit to and thus what we can do.”

#### Second working session

In keeping with the schedule, this session was devoted to a diagnostic assessment of the present status of the Draft American Declaration on the Rights of Indigenous Peoples.

The first matter of business was an analysis of the recognition of indigenous rights in the world context. The Caucus, represented by Mr. Paúl Joffe, presented an analysis emphasizing the importance of dealing with issues pertinent to current indigenous affairs. He said that the adoption of the United Nations Declaration had generated positive developments. It had brought hope and become the most complete instrument (at the international level) dealing with indigenous rights.

The distinguished representative of the Caucus concluded by noting that the United Nations Declaration had clearly played an important role in the area of human rights and, to the extent approved, had received support. It was a valuable instrument for various organizations, in various continents, and various regional bodies had already cited it. Despite this recognition, however, terrible violations of the rights of indigenous peoples continued. It was, therefore, undeniable that emphasis must be placed on the level of recognition of those rights at the regional and global levels.

After that presentation, a number of delegations reaffirmed their commitment to carrying the OAS Declaration forward. Some delegations, such as those of Mexico, Nicaragua, Colombia, Chile, and Venezuela, took the opportunity to report on progress and activities in their countries on indigenous issues.

The meeting then proceeded to analyze the characteristics of the articles of the OAS Declaration that had been approved and of those pending. The Caucus presented a document entitled “Current Status of the Articles of the Draft Declaration, Prepared by the Indigenous Peoples’ Caucus,” based on the Chair’s document GT/DADIN/doc.357/08 rev. 1. After a brief explanation, several delegations expressed agreement with the Caucus’ analysis and said it would be advisable to study the table, since it provided a clear view of the present status of the negotiation process.

After an ample discussion of the procedure for negotiations at the next meeting, the Chair concluded as follows:

- a. That a change in procedure had been made implicitly. The negotiation of the Declaration would follow a sequence of progressive approximation to agreement. I.e., the articles would be taken up in the order of ease of agreement, not in the order in which they appeared in the Declaration.

- b. He invited the states to eliminate the difference between the articles marked as agreed and approved. He invited them to reflect on the observations that had led to that difference.
- c. The following paragraph would be included in the document on procedure, GT/DADIN 246 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.”

Once this day’s session had concluded, a small joint working group was formed by the Technical Secretariat of the Caucus and the OAS to review the record of the Eleventh Meeting of Negotiations in the Quest for Points of Consensus (document ). The objective was to correct the list of articles and paragraphs approved to date. Upon reviewing the record and the corresponding minutes from the Chair’s reports, the group found that the following corrections were necessary:

Art. 6, item 1, has not been approved.

Art. 21, item 3, was approved at the Fourth Meeting of Negotiations, in November 2004.

Art. 26, items 1 and 2, were approved at the Sixth Meeting of Negotiations, in October 2005.

Art. 27, item 2, was approved at the Sixth Meeting of Negotiations, in October 2005.

Art. 31, item 2, was approved at the Seventh Meeting of Negotiations, in 2006.

With this information, a second revision (rev. 2) of the Record of the Current Status was issued. This resulted in amendments to the Caucus document Current Status of the Articles of the Draft Declaration.”

The table is attached hereto.

### Third working session

This session was devoted to discussing expectations and possible ways to advance the negotiation of the Draft American Declaration on the Rights of Indigenous Peoples.

The first item was the distinctive topics of the OAS Declaration. After examining one by one the topics proposed by the Caucus and by the Chair, the meeting came up with a list of seven distinctive topics. The majority agreed that these could add value to the OAS Declaration and make it of a regional nature. The list is provided in document GT/DADIN/doc. 360/08 rev. 1, attached hereto.

As for the possible reference to the United Nations Declaration on certain topics, the Caucus recalled that this had been discussed at a prior meeting and the matter resolved. The Chair concluded that indeed such reference had been discussed at the meeting of reflection, that the Chair’s report provided a text drafted jointly by the Caucus and the states, and that, accordingly the United Nations Declaration would be treated as a reference.

In the discussion of simplifying the language, there were problems in establishing clearly what was meant by simplification. Although the Chair and most states agreed that simplification of the language of the Declaration was intended only in a way that would adhere to the nature of the Declaration, never detract from or weaken the rights recognized, it was impossible to reach a specific agreement on the matter. This is reflected in the attached document, GT/DADIN/doc. 360/08 rev. 1. A major sticking point was defining whether “simplifying the language” would apply to the entire text or

only to what would be negotiated from here on out. One argument repeatedly raised was that the language was excessively legal and more characteristic of a treaty than of a declaration, which made negotiation of the text difficult.

Lastly, as for the time needed to complete the process, the Chair made a few comments. He said the negotiation had been a difficult exercise and taken considerable time; that delaying it significantly would have not only political but financial repercussions; and that it was therefore necessary to maintain interest in the process, produce results, and complete it in a reasonable amount of time.

The Chair proposed setting a deadline of completing the negotiations before the General Assembly session of 2010. He said that the political will of the states could be clearly expressed if a commitment were made to complete the process at a specific time. In addition, the Caucus should adjust its schedule so as to coordinate its meetings and conclude at a specific time. If a deadline were set, the parties could be assured that it would be met and that precise plans would be made for attaining an effective outcome in the near term.

Note: At this session, the Caucus appealed to the Chair to communicate with the Inter-American Commission on Human Rights (IACHR), whose absence had been felt in recent years, and enlist its more active participation. The Caucus believed the contributions of the IACHR and of the Inter-American Court of Human Rights were highly valuable and their effective participation could expedite the negotiations.

The IACHR rapporteur, Leonardo Alvarado, who was present, reported that actually the Commission and its rapporteur were very interested in the Declaration's negotiation. He reaffirmed their commitment to following the process more closely. He also stressed that the Commission could make greater contributions in the area of jurisprudence, its body of decisions being among the most advanced in Latin America.

#### Fourth working session

At this session, devoted to the necessary steps for strengthening the process of negotiation of the Draft American Declaration on the Rights of Indigenous Peoples, the major ideas and conclusions of the three preceding days were compiled. The overall conclusions are presented in document GT/DADIN/doc. 360/08 rev. 1, attached hereto.

The following items were also addressed:

- A. Possible dates for the next meeting of negotiations in the quest for points of consensus. The following dates were proposed:
  1. February 23 to 26, 2009
  2. February 17 to 20, 2009
  3. March 30 to April 3, 2009

Of these proposals, the second one met with the most support.

- B. Preamble of the Declaration: Throughout the session, the question of the need to reincorporate the preamble into the Declaration was raised several times. Concern was also expressed

as to why the preamble had been removed from the Declaration and when this had happened. Dr. Luis Toro gave an explanation of the evolution of the preamble in the working group. He stated that the document "Record of the Current Status" was the third text; the first was the one presented by the IACHR in 1997. Between 1999 and 2001, the preamble had been revised. In 2003, the Chair's Consolidated Text of the Draft Declaration had been issued; this contained a six-part preamble. But it had been decided from 2006 onward to examine only the operative section. The preamble was provided in document GT/DADIN/doc.139/03, dated June 17, 2003.

C. The indigenous representatives of the various regions were presented as members of the Selection Board.

- d. Mr. Carlos Chex of Guatemala was to represent Central America and the Caribbean.
- e. Mr. Rex Lee Jim of the Navajo Nation was to represent North America.
- f. Mr. Jaime Enrique Arias of Colombia was to represent South America.

The letters pertaining to these appointments are attached to this report.

The meeting concluded with the customary traditional invocation by the Caucus and with its closing remarks, attached hereto.

## VI. DOCUMENTS PUBLISHED AT THE CONCLUSION OF THE TENTH MEETING

The documents published at the conclusion of the meeting are the "Record of the Current Status of the Draft American Declaration on the Rights of Indigenous Peoples," GT/DADIN/doc. 334/08 rev. 3, and the "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," GT/DADIN/doc.360/08 rev.1.

## VII. ACKNOWLEDGMENTS

The Chair offers his thanks and recognition to all the participating delegations and to the staff of the General Secretariat, the legal department, and the Inter-American Commission on Human Rights, for their effective contributions to the special meeting.

He also thanks most especially the Permanent Missions to the OAS of Bolivia, Canada, Chile, and Mexico and the Permanent Observer Mission of Spain, who hosted luncheons and receptions on the days of the meeting.

Ambassador Jorge Reynaldo Cuadros  
Chair of the Working Group to Prepare the Draft  
American Declaration on the Rights of Indigenous Peoples



## **SUGGESTIONS BY THE CHAIR**

In addition to the conclusions set forth in this report, the Chair wishes to offer the following suggestions:

1. The essence of the Declaration should be to restore spirituality as the backbone of indigenous cultures and a holistic ecological outlook will benefit society overall.
2. The prologue should be seen as a possible tool for facilitating the treatment of complex issues and giving direction to the Declaration as a whole, facilitating its simplification.
3. The development of self-sufficient, sustainable territories for indigenous communities can serve as an implementation plan with substantive impacts and benefits for the communities and for the states.
4. The design of an Inter-American Anthropology Institute to preserve languages, cultures, and ancestral knowledge can be considered as a rights implementation program which would open the door to cooperation and exchange among people and states, and to the use of such knowledge to improve their quality of life.
5. Seeking in the future to establish a unit that would coordinate and guide activities under this Declaration could allow this task to be completed in a reasonable amount of time and with highly productive results.

**SPECIAL MEETING 2008**

**WORKING GROUP TO PREPARE THE DRAFT AMERICAN DECLARATION  
ON THE RIGHTS OF INDIGENOUS PEOPLES**

**LIST OF PARTICIPANTS - REPRESENTATIVES OF THE PERMANENT MISSIONS TO THE OAS  
AND OTHER GOVERNMENT OFFICIALS**

COUNTRY	REPRESENTATIVE	TITLE
Mission of Argentina	Ana Pastoriano	Minister, Alternate Representative
Mission of Bolivia	Ambassador Reynaldo Cuadros William Torrez	Ambassador, Permanent Representative Minister Counselor
Government of Bolivia	Gabriel Flores Pallí Severo Pacaja Chujllo Tomas Yarhui Jacome	National Deputy, Indigenous Parliament of Bolivia National Deputy, Indigenous Parliament of Bolivia National Deputy, Indigenous Parliament of Bolivia
Mission of Brazil	Michel Arslanian	Counselor, Alternate Representative
Mission of Canada	Keltie Paterson	First Secretary, Alternate Representative
Government of Canada	Paul Gibbard	Director, “Aboriginal and Circumpolar Affairs Division, Foreign Affairs and International Trade Canada”
Mission of Chile	Ambassador Pedro Oyarce  Christian Rehren Pamela Albornoz	Ambassador, Permanent Representative of Chile to the OAS Alternate Representative to the OAS Alternate Representative to the OAS

Government of Chile	Jessica Fuentes Gerardo Arteaga Castillo	Advisor to the Presidential Commissioner for Indigenous Affairs Attorney, Office of Human Rights, Ministry of Foreign Affairs
Mission of Colombia	Juan Claudio Morales	Counselor, Alternate Representative
Mission of Costa Rica	Danilo González	Minister Counselor, Alternate Representative
Mission of the Dominican Republic	Francisco Cruz	Counselor, Alternate Representative
Mission of Ecuador	Elizabeth Moreno	Counselor, Alternate Representative
Mission of El Salvador	Carlos Acosta	Counselor, Alternate Representative
Mission of Guatemala	Jorge Contreras	First Secretary, Alternate Representative
Mission of Guyana	Deborah Yaw	First Secretary, Alternate Representative
Mission of Honduras	Guadalupe Carias	Counselor, Alternate Representative
Mission of Mexico	Luis Javier Campuzano Alonso Martínez	Minister, Alternate Representative Second Secretary, Alternate Representative
Mission of Nicaragua	Ambassador Denis Ronaldo Moncada Luis Exequiel Alvarado	Ambassador, Permanent Representative Minister Counselor, Alternate Representative
Mission of Panama	Guillermo Jaén	Economic Counselor, Alternate Representative
Mission of Paraguay	Claudia Medina	
Mission of Peru	Giancarlo Gálvez	Third Secretary, Alternate Representative
Mission of the United States	Daniel Cento	Alternate Representative
Government of the United States	Eric Bruce Wilson	Program Analyst, U.S. Department of the Interior
Mission of Uruguay	María del Luján Flores Adriana Rodriguez	Ambassador, Permanent Representative to the OAS Counselor, Alternate Representative
Mission of the Bolivarian Republic of Venezuela	María Eugenia de los Rios	First Secretary, Alternate Representative

\* In some cases delegates from some missions changed during the course of the meeting. It is therefore likely that not all names have been included in this list.



**SPECIAL MEETING 2008**

**WORKING GROUP TO PREPARE THE DRAFT AMERICAN DECLARATION  
ON THE RIGHTS OF INDIGENOUS PEOPLES**

**LIST OF INDIGENOUS REPRESENTATIVES AND GENERAL PARTICIPANTS**

Prepared by the Department of International Law

<b>COUNTRY</b>	<b>NAME OF THE INDIGENOUS REPRESENTATIVE</b>	<b>TITLE</b>	<b>ORGANIZATION</b>
ARGENTINA	Sandra Paineofilu	Secretaria	Comisión de Juristas Indígenas
BARBADOS	Damon Gerad Corrie	Chief of the Eagle Clan and Representative for:	Barbados United Confederation of Taino People
BOLIVIA	Adolfo Chávez Beyuma	Presidente	Confederación de Pueblos Indígenas de Bolivia “CIDOB”
BOLIVIA	Alejandro Chipana Yahuita	Dirigente Agrario y Coordinador Institucional Agrario	Asoc. Produc. Agropecuarios Mixto Salviani- Pomasara
CANADA	Paul Gibbard	Director Circumpolar Affairs	Foreign Affairs “International Trade”
	Annick Dauphinais	President	Association Terra Nation
CANADA	Laurie Pelly	Legal Counsel	Invit Circunpolar Council
CANADA	Clement Chartier	President	Métis National Council
CANADA	Víctor Manuel Gavilán	Coordinator	Comité de Apoyo al Pueblo Mapuche
CANADA	Celeste Mckay	International Affairs & Human Rights Consultant	Native Women´s Association of Canada
CANADA	Paul Joffe	Lawyer	Grand Council of the Crees
CANADA	Roslyn Whitaker	Director, International Relations	Indian & Nor them Affairs Canada

CHILE	Aucan Huilcaman Paillama	Encargado de Relaciones Exteriores	Consejo de Todas las Tierras
CHILE	María Teresa Huentequero	Encargada de Derechos Humanos	Consejo de Todas las Tierras
COLOMBIA	Jaime Enrique Arias Arias	Cabildo Gobernador	Pueblo Indígena Kankuamo Organización Nacional Indígena de Colombia
COSTA RICA	José Carlos Morales	Miembro fundador de Kus Kura	Representante de Centroamérica y el Caribe
COSTA RICA	Alancay Morales Garro	Youth Coordinador	Kus Kura S.C.
ECUADOR	Raúl Ilaquiche Licta	Vicepresidente	“CITIGAT”
ECUADOR	Teresa Jimbicti Pandama	Vicepresidenta	Consejo Nacional de Mujeres Indígenas del Ecuador “CONMIE”
EL SALVADOR	Félix Ramos Guzmán	Secretario de Actas	Asociación Nacional Indígena Salvadoreña, ANIS
EL SALVADOR	Francisco Santos	Segundo Coordinador Consejo de Ancianos	Asociación Nacional Indígena Salvadoreña, ANIS
EL SALVADOR	Higinio Bautista Méndez	Vicepresidente, Consejo de Ancianos	Asociación Nacional Indígena Salvadoreña, ANIS
EL SALVADOR	Josefina Jiménez de García	Primer vocal, Consejo de Mujeres	Asociación Nacional Indígena Salvadoreña, ANIS
EL SALVADOR	María Elena González de la Cruz	Segunda vocal, Consejo de Mujeres	Asociación Nacional Indígena Salvadoreña, ANIS
EL SALVADOR	Narciso de la Cruz	Primer Coordinador, Consejo de los Ancianos	Asociación Nacional Indígena Salvadoreña, ANIS
EL SALVADOR	Francisco Acosta	Voluntario	Asociación Nacional Indígena Salvadoreña, ANIS
EL SALVADOR	Miguel Ángel Piecho	Consejero de Ancianos	Asociación Nacional Indígena Salvadoreña, ANIS
EL SALVADOR	Sandra Carolina Piecho	Consejero De Ancianos	Asociación Nacional Indígena Salvadoreña, ANIS
EL SALVADOR	Esperanza Santos	Consejo de Ancianos	Asociación Nacional Indígena Salvadoreña, ANIS

EL SALVADOR	Miguel González	Consejo de Ancianos	Asociación Nacional Indígena Salvadoreña, ANIS
EL SALVADOR	Santos Figueroa Posada	Tesorero	Asociación Nacional Indígena Salvadoreña, ANIS
EL SALVADOR	María Celia Durant	Vicepresidenta	Asociación de Indígenas Latinoamericanos en el Exilio
EL SALVADOR	Alfredo Pérez Ramos	Miembro	Asociación de Indígenas Latinoamericanos en el Exilio
EL SALVADOR	Flor González	Consejo de Anciano	Asociación Nacional Indígena Salvadoreña, ANIS
EL SALVADOR	Margarito Esquino	Cacique	Asociación Nacional Indígena Salvadoreña, ANIS
GUATEMALA	Carlos Chex	Coordinador Programa de Derechos Indígenas	Asociación Sotz'il
GUATEMALA	Manuela Ixtos Cotiy	Representante Legal de ADIMG	Asociación de Desarrollo Integral Multiétnica de Guatemala Q'anil No`jib'al. "ADIMG"
HONDURAS	Edgardo Benitez Maclin	Coordinador General	Alianza Verde
MEXICO	Adelfo Regino Montes	Coordinador Ejecutivo	Servicios del Pueblo Mixe
MEXICO	Gabriela Garduza Estrada	Directora de Asuntos Internacionales	Comisión Nacional para el Desarrollo de los Pueblos Indígenas
MEXICO	Gabriela Nava Domínguez	Subdirectora de seguimiento y participación del Área de Asuntos Internacionales	Comisión Nacional para el Desarrollo de los Pueblos Indígenas
NICARAGUA	Roy Wislat Saires	Miembro y Funcionario del Gobierno Local	Yapti Tasba Masraka Nanih Asla Takanka "YATAMA"
PANAMA	Héctor Huertas Gonzáles	Asesor Jurídico de Asuntos Internacionales	Congreso General Kuna y Congreso General Embera
PARAGUAY	Alberto Vásquez Ayala	Delegado	Organización Indígena de Paraguay "CAPI"
PERU	Diana Carolina Rivera Mata	Coordinadora de	Productores Agropecuarios Frutales del Central Perú APCA

PERU	Felicia Huarcuya Villasante	Presidenta	Coordinadora Indígena Campesina Agroforestales del Perú “COICAP”
PERU	Fiorella Viviana Tabraj Rosales	Delegada	Asociación de Mujeres Indígenas Tawuntinsuyo
PERU	Inet Guzmán Valencia	Secretaria Regional de Mujeres	Asociación de Mujeres Quechua Ayllu Puno – Perú
PERU	Heraclio Hugo Tacuri Huamani	Secretario de Economía	Confederación de las Nacionalidades Indígenas del Perú “CONAIP”
PERU	Marino Barrios Micuylla	Facilitador Comunal	Proyecto de Desarrollo del Corredor Puno - Cusco
PERU	William Rafael Alfaro Rivasplata	Promotor voluntario del Medio Ambiente de Comunidades	Movimiento por la Autonomía Regional Quechuas- Aymaras – Perú
SURINAME	Aloema Tokoe Josien	Board Member of the	Organization of Indigenous People in Sua. O.I.S.
UNITED STATES	Armstrong Wiggins	Director Washington D.C. Office	Indian Law Resource Center
UNITED STATES	Duane H. Yazzie	Chairperson NNHRC	The Navajo Nation Human Rights Commission
UNITED STATES	June L. Lorenzo	In House Attorney	Pueblo of Laguna
UNITED STATES	Darwin Hill	Delegate	Handenosaunee
UNITED STATES	Karl Hill	Delegate	Handenosaunee
UNITED STATES	Stuart Patterson	Delegate	Handenosaunee
UNITED STATES	Leonardo Crippa	Attorney	Indian Law Resource Center
UNITED STATES	Liselote Naniki Reyes Ocasio	Representative	Caney 5 <sup>to</sup> Mundo United Confederation of Taino People
UNITED STATES	Pettuche Gilbert	Realty Officer	Pueblo of Acoma



UNITED STATES	Rex Lee Jim	Navajo Nation Council Delegate	The Navajo Nation
UNITED STATES	Rodney L. Tahe	Policy Analyst	The Navajo Nation Human Rights Commission
UNITED STATES	Shayda Naficy	Human Rights Policy Specialist	Indian Law Resource Center
UNITED STATES	Kristine Aiello	Legal Intern	
UNITED STATES	Ramón Jiménez	Journalist	

Commission on Human Rights – IACHR  
Rapporteurship for Indigenous Peoples

Isabel Madariaga  
Leonardo Alvarado  
Ivonne Barrios

Technical Secretariat  
Department of International Law

Luis Toro Utillano, Principal Legal Advisor  
Johanna Salah, Legal Officer  
Magdalena Veliz, Consultant  
Martha Ramos, Secretary  
Karen Thompson, Administrative Assistant

Permanent Council

María Juliana Ruiz, Committee Secretary  
Adriana Numbela Soliz, YABT, Assistant to the Chair of the PC



**ANNEX III**

**Opening Statement of the Indigenous Peoples Caucus at the Special Meeting of the Working Group to Prepare the Draft American Declaration on the Rights of Indigenous Peoples  
Washington, D.C., December 9-12, 2008**

Ambassador Jorge Reynaldo Cuadros, Dr. Luis Toro of the Department of International Law, Maria Juliana Ruiz, Committee Secretary, Isabel Madariaga of the Inter-American Commission on Human Rights, distinguished representatives of Nation-States to the Organization of American States, my Indigenous brothers and sisters.

My name is Karl Hill and I am from the Cayuga Nation of the Haudenosaunee. In my language: “Nya-weh sgeno ga gwe-goh,” which translates to “I am thankful you are well.”

On the occasion of this Special Meeting of the Working Group to prepare the Draft American Declaration on the Rights of Indigenous Peoples, we are presented with a unique challenge. It is a time of historic change in the Americas, marked by the election to the Presidency of the United States of America of former Senator Barack Obama – a transformative individual, a citizen of the world, in whom people of all colors see themselves reflected, and who has succeeded in inspiring hope for humanity.

Today the world faces climate change and global economic crises. Much of it is caused by greed and the intent to make profit at any cost. As a result, Indigenous Peoples, their lands, territories and resources are being endangered and exploited. Thus, the Indigenous Peoples of the Americas are at the center of both of these crises. As the most marginalized peoples in the hemisphere, Indigenous Peoples stand to suffer the most from the global economic downturn and have the most to lose from the monumental and unpredictable effects of climate change.

The devastating early effects of global warming are being witnessed right now in the Arctic, as melting ice caps and coastal erosion cause Indigenous homes and schools to fall into the sea, and species such as seals and polar bear – on which the Inuit depend for food – are losing their prime habitat. In the Amazon and Meso-America, deforestation and forest fragmentation result in droughts and fires. These have traumatic effects on Indigenous Peoples of the region. Elsewhere in the

Americas, extreme or unpredictable weather is causing floods and destroying Indigenous Peoples' crops, homes and livestock. This has led and will lead to food shortages, poverty, migration and the deaths of many people.

Throughout the Americas, Indigenous Peoples are the targets of human rights violations associated with efforts to confiscate, control or develop our lands and exploit our water without our consent. These acts are often perpetrated by multinational corporations, assisted by the very international development organizations that were created to relieve debt and poverty among the poor.

Indigenous Peoples are people of peace who can contribute significantly towards resolving the many crises facing humanity today. The American Declaration is of critical importance. It will address the regional challenges of Indigenous Peoples in the Americas while fully respecting the standards of the universal United Nations Declaration on the Rights of Indigenous Peoples. During this Special Meeting, we will engage in a discussion of the numerous ways in which the American Declaration can give regional focus to Indigenous rights. Some of the key issues include:

- the detention and persecution of Indigenous leaders;
- the militarization of Indigenous lands;
- threats to Indigenous Peoples' water rights;
- food security issues, including loss of traditional food sources, environmental degradation and genetically modified organisms;
- climate change impacts—cultural, spiritual, physical and economic;
- the importance of treaties and Native governance institutions;
- the needs of isolated or un-contacted Indigenous Peoples;
- lands and territories being used without our free, prior and informed consent for hydro-electric projects, extractive industrial projects and transnational highways;
- political participation of Indigenous Peoples; and
- the situation of urban Indigenous Peoples.

Notwithstanding the multitude of daunting issues pressing upon us, we have reason to be optimistic. Despite the setbacks in support from the United States and Canada, who were previously

involved in our journey to draft an American Declaration, we have reason to believe that the new administration in Washington, D.C. may mean a change in position on the UN and American Declarations, before long. We invite Canada and Colombia to revisit their positions. The other OAS States may be in positions to influence that change in these States. The Indigenous Peoples Caucus urges the States' representatives turn your minds to such possibilities.

We call on the States to provide additional funding to the Specific Fund to ensure that we, as members of the Indigenous Peoples Caucus, can fully and effectively participate in this important process. We also invite you to join us in the International Day of Action for Indigenous Rights across the Americas, which calls for an end to human rights violations against Indigenous Peoples. Lastly, we call for the States to adopt and implement a strong American Declaration and fully implement the United Nations Declaration.

As we begin the work of the Special Meeting, the Indigenous Peoples Caucus calls on the Working Group to rise to the historic occasion for change and to respond with renewed vigor and determination to meet the needs, aspirations and rights of the Indigenous Peoples of the Americas.

Thank you.

**Declaración de Apertura del Conclave de Pueblos Indígenas**  
**Sesión Especial del Grupo de Trabajo encargado de la Elaboración del Proyecto de Declaración**  
**Americana sobre los Derechos de los Pueblos Indígenas**  
**Washington DC, 9-12 de Diciembre de 2008**

Embajador Jorge Reynaldo Cuadros, Dra. Luis Toro del Departamento de Derecho Internacional, Maria Juliana Ruiz, Secretaria de Comité, Isabel Madariaga de la Comisión Interamericana de Derechos Humanos, distinguidos representantes de los Estados Miembros de la Organización de Estados Americanos, mis hermanas y hermanos indígenas.

Mi nombre es Karl Hill y soy de la Nación Cayuga de los Haudenosaunee. En mi lengua materna: “Nya-weh sgeno ga gwe-goh,” lo cual significa “Estoy complacido que Ustedes se encuentren bien.”

En ocasión de esta Sesión Especial del Grupo de Trabajo encargado de la Elaboración del Proyecto de Declaración Americana sobre los Derechos de los Pueblos Indígenas, estamos ante un desafío único. Es tiempo de cambios históricos en las Américas, marcada por la elección del ex-Senador Barack Obama como Presidente de los Estados Unidos de América, un individuo con capacidades de cambio, un ciudadano del mundo, en quien las personas de color nos vemos reflejados, y quien ha triunfado con añoranzas de cambio para la humanidad.

En estos días, el mundo enfrenta al cambio climático y a una crisis económica global. En gran parte esto ha sido causado por el énfasis en la persecución de lucro a cualquier costo. Como resultado, las tierras, los territorios y los recursos de los pueblos indígenas están siendo explotados. En este sentido, los pueblos indígenas de las Américas yacen en el centro de ambas crisis globales. Siendo los más pobres y marginalizados del Hemisferio, los pueblos indígenas estamos enfrentando la crisis económica global y tenemos mucho que perder ante los efectos de un cambio climático monumental y sin-precedentes.

Los tempranos efectos devastadores del cambio climático están siendo presenciados en estos momentos en el Ártico, y sus pueblos indígenas lo están sufriendo en la medida que los hielos continentales se descongelan y las costas erosionan. Esto ha provocado que las escuelas y los hogares de los pueblos indígenas en el Ártico se pierdan en el océano, y que especies tales como focas y osos polares pierdan su hábitat natural. Es así como, los pueblos indígenas del Ártico están perdiendo fuentes de alimentación de las cuales dependen. En la Amazonia y en Mesoamérica, la deforestación y la fragmentación del bosque resultando en incendios, han producido considerables efectos negativos en los pueblos indígenas ubicados en tales regiones. En otros lugares de las Américas, el clima de naturaleza extrema y sin-precedentes ha provocado inundaciones destruyendo así las plantaciones de maíz, los hogares y la tradicional forma de vida de los pueblos indígenas. Esto ha conducido y seguirá conduciendo a la falta de alimentos, pobreza, migraciones y muerte de numerosos pueblos.

A lo largo de las Américas, nosotros los pueblos indígenas constituimos el centro de violaciones de derechos humanos asociadas a los esfuerzos por confiscar, controlar y desarrollar nuestras tierras; como así también explotar nuestras aguas sin nuestro consentimiento. Estos actos, por lo general, han sido perpetrados por corporaciones multinacionales asistidas por organizaciones internacionales de desarrollo que fueron creadas para aliviar deudas y pobreza en los países en vías de desarrollo.

Los pueblos indígenas son pueblos de paz que pueden contribuir decididamente a la resolución de las numerosas crisis que enfrenta la humanidad en estos días. Esta Declaración Americana es de suma importancia. La misma considerara los desafíos regionales de los pueblos indígenas en las Américas en el marco de la afirmación de la Declaración de Naciones Unidas sobre los Derechos de los Pueblos Indígenas. Durante esta Sesión Especial, nos involucraremos en las discusiones sobre las numerosas formas en virtud de las cuales la Declaración Americana puede tener un enfoque regional sobre los derechos indígenas. Algunos de estos temas centrales incluyen:

- Persecución y detención de líderes indígenas por la reivindicación de sus derechos;
- Militarización de tierras y territorios indígenas;
- Amenazas al derecho al agua de los Pueblos Indígenas
- La cuestión de la seguridad alimentaria, incluyendo la pérdida de fuentes tradicionales de alimentos, degradación ambiental y organismos genéticos modificados.
- Los impactos del cambio climático – cultural, espiritual, físico, y económico;
- Importancia de los tratados entre naciones indígenas y Estados;
- Pueblos indígenas en aislamiento voluntario o no-contactados;
- La utilización de nuestras tierras y territorios sin nuestro consentimiento libre, previo e informado para la realización de proyectos hidroeléctricos, de industria extractiva y carreteras transnacionales;
- Participación política de los pueblos indígenas según sus formas tradicionales de organización colectivas;
- La situación de Indígenas urbanas

Sin renunciar a las numerosas cuestiones que hoy pesan sobre nosotros, tenemos razones valederas para ser optimistas. A pesar de los retrocesos sufridos por la falta de apoyo de Estados

Unidos, Canadá y Colombia – Estados que estuvieron involucrados en nuestro viaje hacia el Proyecto de Declaración Americana – tenemos razones valederas para creer que la nueva administración en Washington DC puede implicar cambios en sus posiciones respecto de la Declaración de la ONU y de la Declaración Americana. Invitamos a Canadá y a Colombia a re-visitarse sus posiciones. Los restantes Estados de la OEA pueden estar en la posición de influenciar esos cambios en los Estados mencionados. El Conclave de Pueblos Indígenas urge a los representantes de los Estados a considerar tales posibilidades.

Llamamos a los Estados a proveer recursos adicionales al Fondo de Contribuciones Voluntarias para asegurar que nosotros, como miembros del Conclave de Pueblos Indígenas de las Américas, podamos participar en forma plena y efectiva en este importante proceso. También los invitamos a sumarse al Día Internacional de Acción por los derechos indígenas a lo largo de las Américas, el cual llama a poner punto final a las violaciones sistemáticas de derechos humanos contra los pueblos indígenas. Finalmente, solicitamos a los Estados que adopten una fuerte Declaración Americana sobre los Derechos de los Pueblos Indígenas e implementen en forma integra la Declaración de la ONU.

En tanto comenzamos con esta Sesión Especial, el Conclave de Pueblos Indígenas urge a este Grupo de Trabajo a alcanzar los anhelos de este cambio histórico en respuesta a esta nueva determinación para satisfacer la necesidad, aspiraciones y derechos de los pueblos indígenas de las Américas.

Gracias.



CONSEJO PERMANENTE DE LA  
ORGANIZACIÓN DE LOS ESTADOS AMERICANOS  
COMISIÓN DE ASUNTOS JURÍDICOS Y POLÍTICOS

**ANNEX IV**

OEA/Ser.K/XVI  
GT/DADIN/doc. 360/08 rev. 1  
12 diciembre 2008  
Original: español

Grupo de Trabajo Encargado de Elaborar  
el Proyecto de Declaración Americana sobre  
los Derechos de los Pueblos Indígenas

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DOCUMENTO DE PROPUESTAS DE LA PRESIDENCIA

BORRADOR DE PROPUESTAS DE LA PRESIDENCIA EMANADAS DE LA SESIÓN  
ESPECIAL DEL GRUPO DE TRABAJO ENCARGADO DE ELABORAR EL PROYECTO DE  
DECLARACIÓN AMERICANA SOBRE LOS DERECHOS DE LOS PUEBLOS INDÍGENAS

Segunda sesión: Diagnóstico

- La presidencia incorporará en su informe la propuesta presentada por el Caucus Indígena sobre la situación actual de los artículos del Proyecto de Declaración.
- El párrafo que se incluirá en el documento de metodología GT/DADIN doc. 246/06 rev. 7, será el que aparece a continuación:  
“Las reuniones de Negociación para la Búsqueda de Consensos comenzaran el análisis de los textos tomando en cuenta el grado de facilidad para alcanzar acuerdos.”

En virtud de lo anterior esta presidencia propone iniciar las negociaciones de la próxima reunión de Negociaciones para la Búsqueda de Consenso a partir de los artículos semi-aprobados que se encuentran próximos a un acuerdo, tal como está reflejado en el documento de la presidencia.

- La presidencia ha hecho una invitación para que aquellos Estados que hayan presentado observaciones a los artículos aprobados a partir de la décima reunión de negociaciones para la búsqueda de consensos, hagan un esfuerzo para retirar sus observaciones en esos artículos específicos, antes de la próxima reunión de negociación.
- La presidencia propone que se reinserte el preámbulo contenido en el documento “texto consolidado de la presidencia GT/DADIN doc. 139/03”. Adicionalmente, dicho texto debe ser actualizado y discutido cuando el Grupo de Trabajo lo considere pertinente, ya que pudiera ser un factor que facilite la redacción y el acuerdo sobre los mismos.

### Tercera Sesión: Diálogo

- La presidencia circuló una lista tentativa de temas distintivos. Dicha lista surgió de propuestas presentadas por la presidencia y por el Caucus para posterior consideración del Grupo de Trabajo Encargado de Elaborar el Proyecto de Declaración Americana sobre los Derechos de los Pueblos Indígenas.

#### LISTA DE TEMAS DISTINTIVOS CUYA INCLUSIÓN EN EL PROYECTO DE DECLARACIÓN DE LA OEA HA SIDO PROPUESTA EN LA SESIÓN ESPECIAL DEL GT POR LA PRESIDENCIA Y EL CONCLAVE INDÍGENA COMO CARACTERÍSTICOS DE LA REGIÓN

1. La situación de los indígenas urbanos y de los indígenas de las comunidades rurales
2. La situación de los indígenas migrantes.
3. El impacto del cambio climático, del deterioro ambiental y de los desastres naturales en los pueblos y territorios indígenas.
4. La persecución y detención de líderes indígenas por la reivindicación de sus derechos
5. La situación de la seguridad alimentaria incluyendo la pérdida de fuentes tradicionales de alimentos
6. Las personas indígenas con discapacidad
7. El examen transversal de factores como la educación, salud, el hábitat y la protección contra la discriminación.

#### Temas distintivos ya considerados en el Proyecto de Declaración de la OEA

8. El reconocimiento de la personalidad jurídica. Contenido en el artículo 9
  9. El reconocimiento del derecho de los Pueblos Indígenas de permanecer en aislamiento voluntario o en contacto inicial. Contenido en el artículo 26.
- Respecto a la posible referencia de la Declaración de Naciones Unidas el presidente recordó los términos de su informe relativo a la sesión de reflexión GT/DADIN doc 321/07. parte del texto se presenta a continuación y hacen parte de las recomendaciones de esta presidencia.  
“La mayoría de los Estados y todos los representantes indígenas apoyaron el uso de la “Declaración de la ONU como base de negociaciones e indicaron que esto representaba un estándar mínimo para la Declaración de la OEA. En este sentido, las normas desarrolladas en la Declaración de la OEA deben ser coherentes con las disposiciones contenidas en la Declaración de la ONU. Además, la Declaración de la OEA debe desarrollar los aspectos generales contenidos en la Declaración de la ONU atendiendo las particularidades de los pueblos indígenas de las Américas, y a la par, debería llenar los vacíos o las lagunas normativas respecto de aquellos temas que no fueron suficientemente abordados en la Declaración de la ONU. Las delegaciones de Canadá y los Estados Unidos sin embargo, indicaron que no podrían aceptar el texto de la declaración de la ONU como punto de partida

o como estándar mínimo para estas negociaciones. La delegación de los Estados Unidos recordó a los participantes acerca de su reserva general y le propuso a este Grupo de Trabajo que se enfocase en tomar medidas de acción en lugar de entrar en negociaciones a través de un intercambio de información y de mejores prácticas con relación a los temas y la negociación.”

- En cuanto a la simplificación del lenguaje la presidencia entiende que es necesario continuar las discusiones.
- En cuanto al tiempo requerido para culminar el proceso, la presidencia sugiere que se establezca una fecha límite.
- Las fechas propuestas para la próxima reunión de Negociación son del 17 al 20 de febrero de 2009.
- Finalmente, la presidencia apoyó la sugerencia del Caucus de realizar una reunión del equipo técnico del Conclave Indígena por un espacio de dos días previos a la sesión del referido conclave en la siguiente reunión de negociación.



**ANEXO IV**

PERMANENT COUNCIL OF THE  
ORGANIZATION OF AMERICAN STATES  
  
COMMITTEE ON JURIDICAL AND POLITICAL AFFAIRS

OEA/Ser.K/XVI  
GT/DADIN/doc.360/08 rev. 1  
12 December 2008  
Original: Spanish

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

10. The situation of the urban indigenous population and indigenous peoples from rural communities.
11. The situation of indigenous migrants
12. Impact of climate change, environmental degradation and natural disasters on indigenous communities and territories
13. The persecution and detention of indigenous leaders for asserting their rights
14. The food security situation, including the loss of traditional food sources
15. Indigenous persons with disabilities
16. 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

17. Recognition of juridical personality, addressed in Article 9
  18. 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.

<http://scm.oas.org/pdfs/2009/DADIN00260E.pdf> (ANEXO V ENGLISH)

<http://scm.oas.org/pdfs/2009/DADIN00260c.pdf> (ANEXO VI CARTAS)

<http://scm.oas.org/pdfs/2009/DADIN00260p.pdf> (ANEXO VII palabras)