

# Participation of Indigenous Peoples in the Inter-American System: Mechanisms and New Tools Proposed



Organization of  
American States





# INTRODUCTION

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The Organization of American States (OAS) has several mechanisms for participation by indigenous peoples. Several of the Organization's areas are implementing specific projects that seek to promote the protection, wellbeing, and development of our Hemisphere's indigenous peoples and communities.

Within the OAS, indigenous issues have been addressed by numerous resolutions of the General Assembly which, in recent years, has spoken out in favor of the adoption of the Proposed American Declaration on the Rights of Indigenous Peoples. Similarly, the Summits of the Americas and the agencies of the inter-American human rights system encourage indigenous participation and play an essential role in making constant efforts to defend and promote those peoples' rights.

In order to promote and strengthen the participation of indigenous peoples in the inter-American system, in June 2010 several areas of the OAS with responsibilities for the topic met with representatives of the Hemisphere's indigenous peoples at the Seminar on Mechanisms for Participation by Indigenous Peoples in the OAS and the Inter-American System, held in Washington, DC, USA.

Jointly organized by the Department of International Law, the Summits of the Americas Secretariat, the Executive Secretariat of the Inter-American Commission on Human Rights, and the Secretariat for External Relations of the OAS, this event enabled

the indigenous peoples' representatives to receive information on the mechanisms for participation that exist and, at the same time, allowed them to discuss, with the OAS and among themselves, strategies for strengthening those mechanisms and for analyzing the creation of new ones.

This publication contains a summarized overview of the participation mechanisms that exist for indigenous peoples in different areas of the Organization, as they were set out to the indigenous representatives at the seminar, including the possibility of registering as civil society bodies, attending the meetings on the Proposed American Declaration on the Rights of Indigenous Peoples, participating in the human rights protection and promotion system, and participating in the Summits of the Americas process. Its final section also contains the recommendations offered by the participants during the event, presented as a declaration made by the indigenous representatives themselves.

In this context, this publication provides the indigenous representatives, and any person interested in indigenous participation, with a deeper understanding of the structure of the OAS and of its activities in this field. The starting point for the works published herein is a consideration of indigenous peoples as key players in decision-making regarding the planning, implementation, and monitoring of the OAS's activities, programs, and/or projects that could have a direct or indirect impact on their lives.





**Department of International Law**

Secretaría De Asuntos Jurídicos

Within the General Secretariat, the Department of International Law is in charge of coordinating matters related to indigenous peoples.

In that context, the Department of International Law provides legal advice to the Working Group charged with preparing the Draft Declaration on the Rights of Indigenous Peoples. The Department also serves as the administrator of the Specific Voluntary Contributions Fund that provides financial support for indigenous representatives to attend negotiation process meetings. As of February 2011, this fund has enabled more than 300 leaders of indigenous organizations from 28 member states to participate.

It should also be noted that the Department of International Law has a Program of Action on indigenous peoples in the Americas, through which it carries out training activities and promotes indigenous peoples' rights. The training programs include activities on good governance, the inter-American system, and political participation by indigenous women, along with workshops for preparing the logical frameworks of projects. These are all directed at indigenous leaders, government officials, or representatives of NGOs active in the field.

Similarly, the promotional and outreach activities are targeted at officers of the General Secretariat, members of the permanent missions to the OAS, and the general public. Since its launch in 2009, the training cycle has served a total of over 90 indigenous representatives, while the outreach activities have had a total of 60 participants. Some of the participants have pursued replication efforts in their communities, while others have presented development projects to cooperation agencies.

All these activities are framed by respect for gender awareness, cultural diversity, and balanced geographical distribution.

Additional information on the requirements for submitting applications may be found at the following address:

[www.oas.org/dil/esp/indigenas.htm](http://www.oas.org/dil/esp/indigenas.htm)





**Department of International Affairs**

Secretaría de Relaciones Exteriores

There are three mechanisms through which civil society organizations and indigenous peoples can participate in OAS activities:

### 1) **Registry of Civil Society Organizations in the OAS**

Registration with the OAS facilitates participation in meetings of the OAS political bodies, the exchange of views with governments, and the ability to contribute to and accompany the implementation of initiatives in the hemisphere. Civil society organizations that work in the topic of Indigenous peoples seeking to be registered to participate in OAS activities must send a letter to the OAS Secretary General indicating their interest in registering, and comply with the guidelines set forth in CP/RES. 759.

Among the multiple benefits of being part of the Registry, CSOs can contribute recommendations and, with the approval of the Chair of the meeting, can present written documents or make presentations to the Committees and Working Groups of the Permanent Council on issues that fall within their particular areas of expertise and that appear on the agenda of the meeting. The OAS body addresses the topic of indigenous peoples is the Working Group to Prepare the Draft American Declaration on the Rights of Indigenous Peoples of the Committee on Juridical and Political Affairs of the Permanent Council.

### 2) **Special Guest Status in OAS Meetings**

CSOs that are not registered in the OAS can participate as “Special Guests” in the specialized conferences or ministerial-level meetings of the OAS. CSOs that wish to participate in these meetings must

send a letter to the General Secretariat at least 30 days prior to the event indicating their interest in participating as a “Special Guest.” The same procedure applies for the General Assembly.

### 3) **Cooperation Agreements**

CSOs wishing to establish a general or specific cooperation agreement with the OAS General Secretariat must identify the Department of the General Secretariat that handles the thematic area in question and submit a proposal with clearly defined objectives. The CSO is required to have the economic resources and staff to implement and follow up as necessary with the obligations and stipulations set forth in the agreement. If a preliminary agreement is reached between the General Secretariat and the CSO, a document will be drawn up for the Secretary General's approval and signature. The Department of International Law is responsible for topics related to indigenous peoples in the OAS General Secretariat and serves as the technical secretariat of the Working Group to Prepare the Draft American Declaration on the Rights of Indigenous Peoples.

**For more information, please visit the website:**

[www.oas.org/dil/esp/indigenas.htm](http://www.oas.org/dil/esp/indigenas.htm)





## **Summits of the Americas Secretariat (SAS)**

Participation of Indigenous Peoples in the Inter-American System

The Summits of the Americas are institutionalized gatherings of the heads of state and government of the Western Hemisphere where leaders discuss common policy issues, affirm shared values and commit to concerted actions at the national and regional level to address continuing and new challenges faced in the Americas.

In the declarations and plans of actions of the Summits of the Americas held to date, the Leaders of the hemisphere have affirmed their commitment to improve the quality of life of indigenous peoples and facilitate their broad and full participation throughout the Inter-American system. Additionally, Member States have promoted the formulation of strategies to increase the access of indigenous peoples to health-related benefits, technology and education, among other topics. Through Summit commitments, they have also committed to continue supporting the elaboration of the Draft American Declaration on the Rights of Indigenous Peoples.

The SAS actively works to create concrete mechanisms, through which indigenous peoples can engage in the Summits of the Americas process, including:

- **Facilitation of political dialogue:** participation of indigenous peoples in meetings of the Summits process, including the Dialogue between Ministers of Foreign Affairs and Social Actors in the framework of the Summits of the Americas, and in consultative meetings in advance of Inter-American ministerials;
- **Direct Communication and Outreach:** update of a listserv within the OAS General Secretariat, in coordination with the Department of International Law,

to deliver information directly to indigenous peoples on Summit issues and activities;

- **Resource mobilization:** financed projects of indigenous peoples' organizations and advocacy groups working to support the implementation of mandates of the Summits of the Americas Process;
- **Indigenous Leaders' Summits of the Americas (ILSA):** Support the organization of meetings in preparation and follow up to the three ILSAs that have been held to date within the framework of the past three Summits (in Canada, 2001; Argentina, 2005; and Panama –in the framework of the Summit in Trinidad and Tobago, in 2009);
- **Summits Virtual Community (SVC):** Support the participation of indigenous peoples in the SVC, an interactive website designed to foster dialogue and collaboration in discussions revolving around OAS and Summit activities, in particular, through the Virtual Group on Indigenous issues.
- **Follow-up and Implementation System (SISCA):** provide indigenous peoples with access to information on implementation of Summit commitments;

**For more information, please visit the website:**

[www.summit-americas.org/cs\\_ind\\_sp.html](http://www.summit-americas.org/cs_ind_sp.html)

**For participation in the Summits Virtual Community,**

**join at**

[www.summit-americas.org/svc](http://www.summit-americas.org/svc)



**OAS**

**Department of Economic Development,  
Trade and Tourism**

## The Value of Traditional Products: How to Protect the Creations of Indigenous Communities

The Department of Economic Development, Trade and Tourism supports indigenous communities by raising awareness about the use of intellectual property (IP) as a tool to protect the intangible value of their traditional products in order to generate income and promote innovation and competitiveness.

Although indigenous communities in the Americas have distinctive traditional products, unfortunately, they are often unable to obtain economic benefits from products embodying their cultural and traditional heritage. They usually have to deal with falsified products that unfairly compete with them in their potential markets.

The main challenge is to empower indigenous communities to use and manage IP as a means to promote innovation and competitiveness. The goal is to train communities to differentiate their products and improve their capacity to transform the “intangible value” into tangible economic benefits, by capturing niche markets in their own countries as well as beyond their borders. Moreover, their ability to negotiate and collect information with respect to the value chain is considerably enhanced.

To achieve this objective, the OAS organizes workshops aimed at supporting indigenous communities and the institutions designing and implementing public policy in these areas on how to use IP as a tool to build not only economic value, but also to preserve cultural heritage in a social and sustainable manner.

### Recent Events:

- Regional Workshop “Harnessing IP to Protect and Promote Traditional Arts and Crafts and to Empower Women”, Mexico City, November 8-10, 2010.
- Regional Dialogue on “Intellectual Property Policies to promote Innovation and Competitiveness”, San Jose, Costa Rica, November 4-5, 2010.
- “Workshop on Creative Industries and IP Open House”, Quito, Ecuador, December 2009.

**For more Information, please visit the website:**

<http://www.oas.org/en/sedi/dedtt/>



Entrepreneurship for young indigenous people in the Americas: Collaborating with indigenous communities to create an appropriate business development model

The Young Americas Business Trust, non-profit organization working in cooperation with the Organization of American States (OAS), supports indigenous communities through skills building in business creation to generate employment opportunities and confront poverty through entrepreneurship programs.

YABT adapts its programs in collaboration with and to the realities of Indigenous People.

In 2003, in collaboration with the Native Law Center of the University of Saskatchewan in Canada, YABT created the Young Indigenous Circle in order to identify best practices related to indigenous youth entrepreneurship. Consultations with indigenous youth allowed for the development of a pilot workshop to develop managerial skills in indigenous youth. These youth indigenous participated in the design phase through implementation and follow-up; since then the Business Lab methodology has been implemented in many Indigenous Communities.

“YABT’s methodology combining knowledge and practice means that Kab’awil and all young participants are “LEARNING BY DOING”. The methodology implemented has been both theoretical and practical and has culminated in business design, innovation and product sales. The participants work directly with costs, raw materials, profits, losses, marketing, product diversification, etc. All this has led to concrete and real businesses.”

We believe that entrepreneurship is one of the most important tools for development

**For more Information, please visit the website:**

[www.ybiz.com](http://www.ybiz.com)





**Inter-American Commission on Human Rights**

The Inter-American Commission on Human Rights (IACHR) is an autonomous organ of the Organization of American States (OAS). Its mandate is found in the OAS Charter and the American Convention on Human Rights. The IACHR represents all of the member States of the OAS. It has seven members who act independently, without representing any particular country. The members of the IACHR are elected by the General Assembly of the OAS.

The IACHR is a permanent body which meets in ordinary and special sessions several times a year. The Executive Secretariat of the IACHR carries out the tasks delegated to it by the IACHR and provides legal and administrative support to the IACHR as it carries out its work.

The mechanisms for indigenous people's participation in the Commission are:

### **Rapporteurship on the Rights of Indigenous Peoples ([www.cidh.oas.org/Indigenas/](http://www.cidh.oas.org/Indigenas/))**

In 1990, the Inter-American Commission on Human Rights created the Rapporteurship on the Rights of Indigenous Peoples, for the purpose of promoting, systematizing, strengthening and consolidating the actions developed by the IACHR in this field.

The Rapporteurship on the Rights of Indigenous Peoples has strived to foster a better knowledge of the Inter-American system of human rights protection

in general, and of the Inter-American Commission and Court of Human Rights in particular, facilitating access by indigenous peoples to the system.

### **List of cases published by the Inter-American Commission and the Inter-American Court of Human Rights ([www.cidh.oas.org/Indigenas/Casos.htm](http://www.cidh.oas.org/Indigenas/Casos.htm))**

Within the Inter-American Human Rights system, the number of claims presented to both the Commission and the Court relating to the defense of indigenous peoples' rights has steadily increased. In addition, over the last years the jurisprudence of the inter-American human rights system has achieved important advances in the field of indigenous peoples' rights, both at the level of the Inter-American Commission on Human Rights—as reflected in friendly settlement procedures, individual case decisions and precautionary measures- and at the level of the Inter-American Court of Human Rights—as reflected in several resolutions and judgments. .

**For more information, please visit the website:**

[www.cidh.oas.org](http://www.cidh.oas.org)

# DECLARATION FROM THE INDIGENOUS REPRESENTATIVES

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The Seminar on Mechanisms for Participation by Indigenous Peoples concluded with the 24th OAS Policy Round Table: “Participation of Indigenous Peoples in OAS Activities: Recommendations and Next Steps,” at which the indigenous representatives shared, with the member states and other participants, their conclusions, outlooks, and recommendations on how to improve the mechanisms for their participation in the inter-American system, in order to make it more effective.

As a result, the indigenous peoples’ representatives presented a Declaration during the Seminar, which is included below. This Declaration may serve as a framework for actions taken toward the more effective and solid participation of indigenous peoples in the OAS and in the inter-American system:

## DECLARATION OF THE INDIGENOUS PEOPLES’ REPRESENTATIVES IN THE FRAMEWORK OF THE SEMINAR ON THE MECHANISMS OF INDIGENOUS PEOPLES PARTICIPATION IN THE ORGANIZATION OF AMERICAN STATES (OAS)

We, the representatives of the indigenous organizations and peoples of Abya Yala, in response to the call of the Organization of American States, pursuant to the mechanisms for the participation of indigenous peoples in that system:

### CONSIDERING:

That we, the united Peoples and Nations of Abya Yala, are peoples who existed before the creation of the States, and that we have suffered systematic violations of our collective rights at the hands of those States;

That we, the indigenous peoples, are not civil society; we are peoples, as recognized by international law;

Bearing in mind the Declarations of the Indigenous Peoples Summits of the Americas of Ottawa in 2001, Buenos Aires in 2005, and Panama City in 2009, at which we, the indigenous peoples, set out our position regarding our right to full and effective participation in the Organization of American States;

Bearing in mind the Declarations of the Summits of the Americas, which note the need to strengthen democracy in the Americas through the genuine and effective participation of indigenous peoples within the OAS;



### WE RESOLVE:

1. To support the Declarations of the Indigenous Peoples Summits of Ottawa in 2001, Buenos Aires in 2005, and Panama City in 2009, and we request that the OAS implement the UN Declaration on the Rights of Indigenous Peoples.
2. To request the establishment of a PERMANENT FORUM of indigenous peoples within the OAS, as part of the diplomacy of peoples and of the mechanisms for binding consultation with the Indigenous Peoples of Abya Yala.
3. We request that a regional consultation be organized on the mandate, composition, and participation methods of this Forum, or in coordination with the Indigenous Summits of the Americas.
4. Bearing in mind resolution AG/RES. 2612 (XL-O/10) "Increasing and Strengthening the Participation of Civil Society and Social Actors in the Activities of the Organization of American States and the Summits of the Americas Process," Resolution CP/RES. 759, which establishes the guidelines for civil society participation, should be amended to include guidelines for the participation of indigenous peoples and to ensure that indigenous peoples' organizations can participate in the General Assemblies, Ministerial Meetings and Summits of the Americas, the Department of International Law, the Inter-American Commission on Human



## CONCLUSION

The Organization of American States currently provides various mechanisms for the participation of indigenous peoples. Those mechanisms, from their corresponding areas and activities within the framework of the OAS and the inter-American system, seek to promote the protection, wellbeing, and development of our Hemisphere's indigenous peoples and communities.

The General Secretariat has developed these participation mechanisms and initiatives and has obtained highly positive outcomes at numerous levels. In general, the achievements made in expanding and diversifying indigenous participation in the OAS have covered a wide range of social, political, legal, and economic issues with a direct impact for indigenous peoples, and they have helped transform the real living conditions of individuals, families, communities, and entire indigenous peoples throughout the Americas.

Those achievements include the protection and promotion of human rights, the development of inter-American jurisprudence on the rights of indigenous peoples, and political participation in multilateral negotiation and decision-making processes at the

highest hemispheric level; they have also helped provide a greater understanding of the issue and raise the profile of and attention paid to the challenges still facing indigenous peoples.

At the same time, these participation mechanisms have given the Organization's member states greater opportunities to hear the voices of indigenous peoples and to learn about their current concerns and their proposals for their integration into the inter-American system.

The OAS General Secretariat continues to work with the region's different indigenous peoples to expand and strengthen their participation through the existing mechanisms, to observe best practices, and to explore new initiatives that will allow us to make progress, together, with the proposals and recommendations regarding their participation that the indigenous peoples themselves have put forward.



The Organization of American States (OAS) brings together the countries of the Western Hemisphere to strengthen cooperation and advance common interests. It is the region's premier forum for multilateral dialogue and concerted action. At the core of the OAS mission is an unequivocal commitment to democracy, as expressed in the Inter-American Democratic Charter: "The peoples of the Americas have a right to democracy and their governments have an obligation to promote and defend it." Building on this foundation, the OAS works to promote good governance, strengthen human rights, foster peace and security, expand trade, and address the complex problems caused by poverty, drugs and corruption.

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