

GENERAL ASSEMBLY



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Item 31 on the agenda

DRAFT RESOLUTION

AMERICAN DECLARATION ON THE RIGHTS  
OF INDIGENOUS PEOPLES

(Approved by the Permanent Council at its meeting of May 18, 2004)

THE GENERAL ASSEMBLY,

RECALLING its resolutions AG/RES. 1022 (XIX-O/89), AG/RES. 1479 (XXVII-O/97), AG/RES. 1549 (XXVIII-O/98), AG/RES. 1610 (XXIX-O/99), AG/RES. 1708 (XXX-O/00), AG/RES. 1780 (XXXI-O/01), AG/RES. 1851 (XXXII-O/02), and AG/RES. 1919 (XXXIII-O/03);

BEARING IN MIND that, since resolution AG/RES. 1022 (XIX-O/89) of 1989, the General Assembly has requested the Inter-American Commission on Human Rights “to prepare a juridical instrument relative to the rights of the Indian peoples” and that, through resolution AG/RES. 1610 (XXIX-O/99), the General Assembly established a Working Group of the Permanent Council to consider the “Proposed American Declaration on the Rights of Indigenous Peoples” presented by the IACHR (CP/doc.2878/97 corr.1);

CONSIDERING the commitments undertaken by the Heads of State and Government in the Declaration and Plan of Action of the Third Summit of the Americas, held in Quebec City, and renewed in the Declaration of Nuevo León, at the Special Summit of the Americas, in Monterrey, Nuevo León, Mexico, in January 2004, when they supported an early and successful conclusion of negotiations on the Draft American Declaration on the Rights of Indigenous Peoples;

ACKNOWLEDGING the important contributions received by the Specific Fund to Support the Preparation of the American Declaration on the Rights of Indigenous Peoples and the efficient work of the Selection Board in choosing representatives of the indigenous peoples to receive financing from the Specific Fund;

NOTING WITH SATISFACTION the holding of three meetings of the Working Group to Prepare the Draft American Declaration on the Rights of Indigenous Peoples in the final phase of negotiations in pursuit of points of consensus among representatives of the member states and representatives of the indigenous peoples, in keeping with the mandate issued in operative paragraph 4, subparagraphs (a), (b), and (d), of resolution AG/RES. 1919 (XXXIII-O/03); and

HAVING SEEN the report of the Chair of the Working Group on activities carried out over the past year, which pointed out, in particular, the progress made at the three meetings held in the final phase of negotiations in the quest for points of consensus in Washington D.C., in November 2003 and in January and April 2004,

RESOLVES:

1. To reaffirm as a priority of the Organization of American States the adoption of the American Declaration on the Rights of Indigenous Peoples, emphasizing the importance of effective participation by the indigenous peoples in the process of preparing the Draft Declaration.

2. To commend the final phase of negotiations initiated by the Working Group to Prepare the Draft American Declaration on the Rights of Indigenous Peoples, in which negotiation meetings were arranged in pursuit of a consensus and an early and successful conclusion of the Draft Declaration.

3. To renew the mandate of the Working Group so that it may continue the final phase of negotiations on the Draft Declaration, starting from the consolidated text of the Draft Declaration prepared by the Chair of the Working Group (GT/DADIN/doc.139/03) and considering the Draft Declaration presented by the Inter-American Commission on Human Rights (CP/doc.2878/97 corr. 1) and the proposals by member states, representatives of indigenous peoples, specialized agencies of the inter-American system, and other entities.

4. To request the Permanent Council to instruct the Working Group:

- a) In the framework of the next meeting of negotiations, to recommend a date for conclusion of the final phase of negotiations for the adoption of the Draft American Declaration on the Rights of Indigenous Peoples, with participation by one indigenous representative from each member state of the Organization, designated by the respective indigenous peoples. The Permanent Council will be informed of the said decision through the Committee on Juridical and Political Affairs.
- b) When the Permanent Council has been informed of the said date, to continue to strengthen the methodology for the process and to establish the dates and procedures for the meetings needed to reach the aforementioned objective, taking into account the participation of the indigenous peoples.<sup>1</sup>

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1. The following statement by Canada has been presented regarding operative paragraphs 4.a and 4.b:

Canada's understanding of the resolution is that one of the possible outcomes of the decision to be taken at the next meeting of negotiations on a date for the conclusion of the final phase of negotiations for the adoption of the draft American Declaration on the Rights of Indigenous Peoples is that it may be inappropriate or premature to fix a date at that time. It is also our understanding that in discussions on the strengthening of the methodology of the process and the establishment of dates and procedures for the relevant meetings, it will also be necessary to discuss the financing of this process.

- c) To take the appropriate measures to ensure continuing transparency of and effective participation by representatives of indigenous peoples in the meetings for negotiation in pursuit of points of consensus;
- d) To convene, when appropriate, a special meeting of the Working Group, with broad and effective participation by representatives of indigenous peoples, which should examine the status of the process and assess the level of consensus reached on the Draft Declaration; and
- e) To determine, when appropriate, the steps to be taken for final adoption of the Draft American Declaration on the Rights of Indigenous Peoples, should substantial progress be achieved in the negotiations phase.

5. To thank the member states, permanent observers, and institutions for their valuable contributions to the Specific Fund to Support the Preparation of the American Declaration on the Rights of Indigenous Peoples and to invite them to continue supporting the objectives of the Fund with their contributions.

6. To invite the governments of the member states to continue to conduct domestic consultations with their indigenous peoples on the Draft Declaration and to promote information exchanges among countries regarding those consultations.

7. To request the Secretary General to enhance coordination, awareness, and promotion of activities on indigenous issues among the various pertinent organs, agencies, and entities of the Organization and to promote the exchange of information and coordination with multilateral organizations, development banks, and specialized multilateral agencies of the Hemisphere on these activities.

8. To request the Inter-American Commission on Human Rights and its Special Rapporteur on Indigenous Peoples, and the General Secretariat of the Organization to continue to lend their valuable support to the process of drafting the American Declaration on the Rights of Indigenous Peoples; and to thank them for their ongoing contributions to that process.

9. To invite the multilateral organizations, development banks, and specialized multilateral agencies of the Hemisphere to contribute, in their areas of competence, to establishing a process of dialogue and consultation with indigenous peoples and to facilitate the exchange of information and coordination with other bodies of the inter-American system on activities relating to indigenous peoples, including activities undertaken in the context of the Summits of the Americas process.

10. To request the Permanent Council to follow up on this resolution, which will be implemented within the resources allocated in the program-budget of the Organization and other resources, and to present a report on its implementation to the General Assembly at its thirty-fifth regular session.