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III Indigenous Leaders Summit of the Americas Plan of Action

III Indigenous Leaders Summit of the Americas **PLAN OF ACTION**

We, Indigenous Leaders of the Americas, gathered together on April 14-15, 2009, in Panama City, Panama, with the purpose of deliberating on a range of issues related to the work of the Organization of American States (OAS), and specifically the work to be conducted during the Fifth Summit of the Americas, do hereby call upon all States of the Americas to implement, in conjunction with Indigenous Peoples, the following Plan of Action:

Promoting Human Prosperity

1. Take effective measures to reduce the extreme impoverishment and social and economic marginalization of the Indigenous Peoples of the Americas as an urgent priority of the Fifth Summit of the Americas Declaration of Commitment.
2. Take effective measures to ensure protection against human rights violations related to child labour, forced conscription into armed conflict and trafficking, migration, forced displacement and forced relocation of Indigenous Peoples. (article 10 of the UN *Declaration on the Rights of Indigenous Peoples* (UN DRIP))
3. Facilitate, support, and promote the appropriate use and development of information and communications technologies (ICTs) by Indigenous Peoples to strengthen their legal, political, social, educational, cultural, spiritual and economic well-being, including Indigenous educational systems.
4. Take effective measures to support Indigenous Peoples' efforts toward sustainable human development through environmentally responsible economic empowerment and trade.
5. Take effective measures to ensure the rights of Indigenous children and youth to a clean, healthy, sustainable and prosperous future, and to an adequate standard of life, to be able to maintain their cultures and traditions. (article 29 of the UNDRIP)

Intellectual and Cultural Property and Traditional Knowledge

6. The Intellectual Property, Traditional Knowledge, and Traditional Cultural Expressions of the Indigenous Peoples of the Americas (which includes entire cultures, heritages, sports/traditional games, languages and peoples), must not be threatened or damaged through exploitation, appropriation, misappropriation, dispossession, or any other means of colonization. (article 31 of the UN DRIP)

Promoting Energy Security

7. Efforts to ensure energy security, that may impact the lands and territories of Indigenous Peoples, must be done in conjunction with Indigenous Peoples, and after obtaining their free, prior and informed consent, recognizing our close relationship with the natural world and the necessity to uphold the entirety of our rights, and also considering the devastating impacts of climate change as a result of fossil fuel development. (article 29 of the UN DRIP)

Free, Prior and Informed Consent

8. The free, prior and informed consent of Indigenous Peoples must be required when:
 - a) their inherent rights may be affected, particularly rights related to lands, water, resources (including sub-surface) and territories (article 26 of the UN DRIP); and/or
 - b) trade and development activities are being contemplated, including free trade agreements and extractive industry activities, involving transnational corporations in Indigenous Territories.
9. Respect and ensure Indigenous Peoples' right to the conservation and protection of the environment, including its productive capacity (lands, territories, water, natural and genetic resources) and its biological diversity and ensure Indigenous Peoples' access to sacred sites. (articles 11 and 29 of the UN DRIP)

Promoting Environmental Sustainability

10. States must take effective measures to support Indigenous Peoples' efforts toward sustainable human development through environmentally responsible economic empowerment and trade, including the consideration of the devastating impact of climate change.

Strengthening Public Security

Crimes Against Humanity

11. States, and international criminal justice bodies are urged to establish appropriate and effective mechanisms to investigate, prosecute, punish and provide redress for crimes committed against Indigenous Peoples, including crimes of genocide, ethnocide, ecocide, crimes against humanity, rape as a weapon of war, the targeted physical elimination of Indigenous Leaders, the sterilization of Indigenous women against their will and the taking of Indigenous children from their homes and communities.

Voluntary Isolation

12. States must adopt adequate measures to recognize, restore and protect the lands, territories, environment and cultures of Indigenous Peoples in voluntary isolation or in initial contact.

Strengthening Democratic Governance and Strengthening the Summit of the Americas

13. States must fully uphold the principles of non-discrimination and equality in relation to Indigenous Peoples throughout the Americas. The proposed American Declaration on the Rights of Indigenous Peoples must fully recognize the rights of Indigenous Peoples as Peoples with the right of self-determination without discrimination. This applies to Indigenous Peoples in non-self governing territories. (article 3 of the UN DRIP)

14. States must take effective measures to eradicate discrimination and violence against Indigenous Peoples, particularly Indigenous women and children. The full and effective participation of Indigenous women and youth must be ensured. (article 21 of the UN DRIP)
15. States must respect and uphold the principles of non-discrimination and equality in relation to Indigenous Peoples of the Americas as affirmed by the United Nations Declaration on the Rights of Indigenous Peoples as Peoples equal to all other Peoples of the world.

The International Labour Organization Convention #169 (ILO Convention #169)

16. Member States of the Organization of American States who have ratified the International Labour Organization Convention #169 (ILO Convention #169) are urged to fully implement the Convention and we further urge those member States who have not yet ratified it to do the same. These efforts must be made with the full and effective participation of the Indigenous Peoples concerned.

Treaties and Agreements

17. States must honour, respect and uphold the Treaty rights of the Indigenous Peoples of the Americas in accordance with their original spirit and intent as understood by Indigenous Peoples. Discriminatory legal doctrines and practices related to Treaties between Indigenous Peoples and States must be renounced by all member States of the Organization of American States. Effective corrective actions must be taken to cease the abrogation of Treaty rights, return and restore lands and resources which have been appropriated in violation of these Treaties, and ensure adequate enforcement of Treaty rights. (article 37 of the UN DRIP)

Follow-Up and Implementation Effectiveness

18. States are urged to initiate the establishment of a Permanent Forum on Indigenous Peoples within the Organization of American States with the full and effective participation of the Indigenous Peoples of the Americas.