



**Organization of
American States**

**CONCEPT DOCUMENT
SEMINAR ON THE MECHANISMS FOR INDIGENOUS PEOPLES'
PARTICIPATION IN THE INTER-AMERICAN SYSTEM**

**Washington DC, USA
June 22-24, 2010**

I. Introduction

The General Secretariat of the Organization of American States, through the Department of International Law of the Secretariat of Legal Affairs, the Summits of the Americas Secretariat, the Department of International Affairs and Inter-American Commission of Human Rights will hold the *Seminar on the Participatory Mechanisms of Indigenous Peoples at the Organization of American States* on June 22nd, 23rd and 24th, at the OAS Headquarters in Washington D.C.

In recent years, indigenous issues in the OAS have been the topic of numerous General Assembly resolutions in favor of the adoption of the Draft American Declaration on the Rights of Indigenous Peoples. Additionally, in the five Summits of the Americas held to date, the Heads of State and Government of the hemisphere have affirmed their commitments to a full and equal protection of indigenous peoples in the hemisphere. In the same way, they have recognized the need to promote a common vision to improve the lives of indigenous peoples and to facilitate their participation in the Inter-American system. Moreover, they have also developed strategies to increase the access of indigenous peoples to health-related benefits, technology and education, among other topics, and to continue providing support to the development of the Draft American Declaration on the Rights of Indigenous Peoples.

In parallel to the decisions of Member States in the Summits of the Americas, the OAS has supported and participated in the organization of the Indigenous Leaders Summit of the Americas (ILSA). Three ILSAs have been held to date within the framework of the past three Heads of State's Summits. The ILSA has been organized jointly by groups of indigenous leaders, women leaders, as well as youth and elder leaders of the region, and this activity is considered as complementary to the presidential summits as well as an independent process of the negotiation of the Draft Declaration. As a result of these activities, the OAS has received very important contributions and inputs to be considered in the planning and implementation of joint activities between the OAS and the indigenous peoples.

Similarly, the OAS has acquired considerable experience regarding the participation of civil society in general and in particular indigenous peoples in their activities, which may be a needed reference for the practices of the organs, agencies and entities of the Organization.

In this context, the seminar aims to present the mechanisms for indigenous peoples' participation in the OAS activities, to enrich the knowledge of these mechanisms and to promote a dialogue which allows us to deepen and further integrate these mechanisms.

II. Seminar Objectives

The main objective of the *Seminar on Mechanisms of Indigenous Peoples' Participation in the Organization of American States* is to illustrate the methods of intervention and participation of indigenous peoples within the OAS.

To this end, the seminar will provide to the participants a deeper understanding of the structure of the OAS and its activities on indigenous issues.

Likewise, the seminar aims to stimulate a fruitful discussion about the identification of the conditions of indigenous peoples' participation in OAS activities and to have insights and comments from the participants on such available opportunities for participation in the Organization.

As outcome of the event, we expect to produce a publication on the *indigenous peoples' participation in the OAS*.

III. Seminar Activities

The seminar will be divided in various panels of work, followed by a round table dialogue. Within the panels, there will be presentations on the following topics:

- Structure, functioning of the OAS and its relationship with civil society.
- Participatory mechanisms for indigenous peoples in different areas of the OAS, including as civil society, in the Summits of the Americas, the Draft American Declaration and the system of protection and promotion of human rights.
- Projects being implemented by different departments of the General Secretariat (Program of Action of the Department of International Law, the Young Americas Business Trust, etc.).
- Proposals from the indigenous representatives on the best ways to get involved and participate in the framework of the OAS.

Additionally, the round table will allow discussion and exchange of proposals between the participants, the General Secretariat staff and the representatives of indigenous peoples of the Americas.

IV. Date and venue

The Seminar will be held on June 23-24, 2010 in the OAS headquarters, at the Hall of the Americas, located in the Main Building (17th St. & Constitution Ave., NW, Washington DC, USA).

This event will be preceded by a Training Workshop on the functioning of the Inter-American system of human rights protection, with an emphasis on the mechanism of requests and precautionary measures and on the Inter-American jurisprudence on indigenous people's rights. The Training Workshop will be organized by the Rapporteurship on the Rights of Indigenous Peoples of the Inter-American Commission of Human Rights, and will be celebrated on June 22nd.

The Rapporteurship on the Rights of Indigenous Peoples will be in charge of the agenda, the planning and the overall coordination of this Workshop.

V. Open Invitation

The Seminar is open to the all people interested in this theme. If you would like to participate, please fill out the registration form and email it to summitcso@oas.org and dil@oas.org. The registration form can be found on the Web Page www.oas.org/dil/indigenous_peoples.htm. Please note that each participant must cover his or her own expenses. For those who cannot attend the event, the sessions will be broadcast live on the OAS Web page: www.oas.org/en/media_center/webcast.asp.

Also, it is our pleasure to announce that the General Secretariat of the OAS has financed the participation of 37 representatives from indigenous organizations, so as to assure both geographical and

gender representation of the different countries in the region. We expect these representatives to share the information discussed in the seminar with their respective communities and countries.

Participants from representative organizations of Indigenous Peoples in the Americas from, at least, 26 OAS Member States will participate in the event. The final list of participants will be published on the website of the Department of International Law before the event (www.oas.org/dil/esp/indigenas.htm).

VI. Work Methodology

The seminar anticipates a broad and open virtual consultation with indigenous peoples in the Americas prior to the face-to-face event in order to gather comments on most appropriate mechanisms for involvement and participation within the OAS. To this end, the OAS Summits of the Americas Secretariat (SAS) will host a virtual forum that will facilitate this consultation process. This Community provides a virtual space designed to offer its visitors the opportunity to register and participate in forums and discussion groups, as well as obtain materials, such as documents, videos, links, etc. In the SVC, the visitor can also share comments and opinions with other people who are interested in common themes. To participate, go to the following website: www.summit-americas.org/svc.

With regards to the indigenous representatives funded by the OAS, work will begin in efforts to approach and facilitate networking of the participants by region. Participants in each of these regional groups will discuss among them and prepare a paper that will be presented during the seminar. It is expected that each regional Group submit a document to be presented in the working sessions. This work will be used as input for the publication of a volume on the participation of indigenous peoples in the inter-American system.

A CD containing these presentations will be distributed at the end of the event. This information will also appear on the website of the Department of International Law.

VII. Expected outcomes of the Seminar

1. The publication of the papers of the *seminar on the Mechanisms for Indigenous Peoples Participation in the Organization of American States*, which will incorporate the presentations of each panel and the discussions held during the roundtable.
2. The discussions and the volume to be published will be posted in the website of the Department of International Law.
3. The Summits Secretariat will make available for the general public and the participants of this seminar a virtual permanent network for the promotion and discussion of indigenous issues in the Americas. This will be done through the Summits Virtual Community.

ANNEX



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Participation of Indigenous Peoples in the Inter-American System

The indigenous peoples of the Americas are culturally differentiated groups which maintain an ancestral binding with the territories they live in, or in which they wish to live.

Within the Organization of American States, the indigenous issues have been the topic of numerous General Assembly resolutions in favor of the adoption of the Draft American Declaration on the Rights of Indigenous Peoples la temática indígena ha sido objeto de múltiples resoluciones de la Asamblea General, que durante los últimos años se ha pronunciado en favor de la adopción del Proyecto de Declaración Americana sobre los Derechos de los Pueblos Indígenas.

As you will see below, several areas of the OAS General Secretariat are currently developing particular projects in order to promote the protection of rights, the well-being and the development of the Indigenous Peoples and communities in our hemisphere. Likewise, the Summits of the Americas and the organs of the inter-American System of Human Rights play a fundamental role and develop continuous efforts in defense and promotion of the rights of indigenous peoples.

The situation of indigenous peoples in the Americas

- **Rapporteurship on the Rights of Indigenous Peoples at the Inter-American Commission on Human Rights – IACHR (<http://www.cidh.oas.org/Indigenas/Default.htm>)**

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 \(http://www.cidh.oas.org/Indigenas/Casos.htm\)](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-.

[Indigenous Peoples and the Summits of the Americas \(www.summit-americas.org/sisca/ip.html\)](http://www.summit-americas.org/sisca/ip.html)

Indigenous Peoples, considered one of the most important social actors participating in the Summits process, have been consolidating this participation since 2001 through the Indigenous Leaders' Summit of the Americas (ILSA), which have taken place parallel to the Summits of the Americas (Quebec, 2001; Mar del Plata, 2005; and Port of Spain, 2009).

ILSA participants are, in general, Leaders of indigenous populations from the region, women indigenous representatives, elders and young leaders, who have been invited to participate to this event in coordination with the ILSA Planning Committee, composed by representatives from North, Central and South America, lead by the Assembly of First Nations (AFN) and the Native Women's Association of Canada (NWAC).

Since 2001, the Summits of the Heads of State and Governments of the Americas have established mandates and adopted plans of actions to ensure the implementation of this mandates in relation to indigenous issues. In the Summits context, the Heads of State have recognized, among others, the value of world views, uses, customs and traditions of the indigenous peoples. The Summits have also promoted access to education for women, children and indigenous youth according to their values, traditions and forms of organization, as well as the development of hemispheric and national meetings to exchange experiences between indigenous peoples in implementing activities to promote sustainable development, cultural, economic and social matters along with other fields of interest that have been identified by the indigenous themselves.

The most recent mention made by Heads of State and Government is paragraph 86 of the Declaration of Commitment of Port of Spain (Trinidad and Tobago, April 2009):

Recognizing the diversity and the traditional and ancestral nature of the cultures, histories and demographic, socio-economic and political circumstances of indigenous peoples, we reaffirm our commitment to respect their rights and we will promote the successful conclusion of negotiations on the American Declaration on the Rights of Indigenous Peoples.

Recognition of the rights of indigenous peoples is essential for their existence, welfare, and integral development. In accordance with the domestic laws of each State, we will promote the exercise of their rights, their full participation in national activities and the creation of the conditions that allow them to overcome poverty, social exclusion, and inequality.

Projects from the OAS General Secretariat in indigenous issues

Several areas of the General Secretariat have begun initiatives in favor of the indigenous communities in our countries.

- **OAS Department of International Law (DIL) and the indigenous peoples in the Americas**
(http://www.oas.org/dil/indigenous_peoples.htm)

The Department of International Law (DIL) of the Secretariat for Legal Affairs of the Organization of American States (OAS) provides legal advice to the organs, agencies, and entities of the Organization; serves as depository of multilateral treaties and bilateral agreements; promotes and disseminates international law; and carries out specific projects for the advancement of vulnerable sectors (indigenous peoples, persons of African descent, etc.). In coordinating matters related to indigenous peoples within the OAS General Secretariat, the DIL executes the following mandates:

(a) Program of Action on Indigenous Peoples

In 2009, the Department of International Law established a Program of Action for the participation of indigenous peoples in the inter-American system aimed at boosting their participation in the various spheres of national and regional life.

The program envisages a set of training and empowerment courses for indigenous leaders on good governance, the inter-American system, and women's participation in politics, as well as logical framework workshops.

(b) Promotion of indigenous peoples' issues in the Americas

The DIL promotes the rights of indigenous peoples' rights in the Americas through: (1) Dissemination of information in leaflets, newsletters, guides, manuals, books and web pages on the Internet; (2) Seminars for OAS and Permanent Mission staff, as well as civil society representatives; (3) Inclusion of indigenous issues in International Law Course programs and in the International Law Workshops, organized by the DIL.

(c) Mainstreaming of the indigenous perspective in OAS projects

The DIL supports the mainstreaming of the indigenous perspective in OAS programs, projects, and activities.

(d) Attention to specific needs

The DIL is planning to develop legal aid programs for indigenous persons deprived of their liberty, internally displaced indigenous persons, and indigenous migrants.

Preparation of the Draft American Declaration on the Rights of Indigenous Peoples

The OAS is currently in the process of negotiating a Draft American Declaration on the Rights of Indigenous Peoples. To that end, it has established a [Working group in the Committee on Juridical and Political Affairs of the OAS Permanent Council](http://www.oas.org/consejo/CAJP/Indigenous.asp) (<http://www.oas.org/consejo/CAJP/Indigenous.asp>) Representatives of the states and representatives of the indigenous peoples are taking part in the talks and [negotiation sessions](http://www.oas.org/OASpage/Events/default_ENG.asp?eve_code=11) (http://www.oas.org/OASpage/Events/default_ENG.asp?eve_code=11).

Within that framework, the [OAS Department of International Law](http://www.oas.org/dil/indigenous_peoples_preparing_draft_american_declaration.htm) (http://www.oas.org/dil/indigenous_peoples_preparing_draft_american_declaration.htm) performs the following tasks: It advises the Working Group and its Chair; coordinates and convenes the meetings of the Working Group; liaises with the representatives of the indigenous peoples of the Americas.