

# AMNESTY INTERNATIONAL

## Public Statement

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### **Too many obstacles to participation of Indigenous Peoples in negotiations of new OAS declaration risks its legitimacy**

Amnesty International is urging Member States of the Organization of American States (OAS) to ensure that a proposed regional Declaration on the Rights of Indigenous Peoples properly reflects the views and experiences of those whose rights are at stake. Legitimacy cannot be achieved if text is brought forward without the support of Indigenous Peoples.

On Wednesday 11 March, the OAS concluded the second of at least four meetings planned this year in an attempt to finalize a proposed regional declaration that has been under development for almost two decades. The document provides an opportunity to strengthen regional compliance with a similar United Nations declaration adopted in 2007 and can also support the strengthening of the international human rights system in relation to the specific needs of Indigenous Peoples in the Americas.

However, late notice of this year's meetings, and severely limited financial support for Indigenous representatives to attend the negotiations in Washington, have created significant barriers to the effective participation of Indigenous Peoples from all countries in the region. Pressures to quickly wrap up negotiation on numerous outstanding issues also make it harder for Indigenous Peoples' voices to be heard and properly considered.

The UN Declaration, and the jurisprudence of the Inter-American Human Rights system itself, require the full and effective participation of Indigenous Peoples in all decisions affecting their rights.

The barriers to their participation are all the more concerning given the continued efforts of some states to weaken the draft declaration, including by rolling back standards and principles accepted in previous negotiating sessions. Particularly concerning are attempts to condition the application of the international instrument "to national legislation", which may be inadequate to protect Indigenous peoples' rights or even discriminatory.

Amnesty International welcomes that States have already adopted the position that no provisions should fall below the standards set by the UN Declaration on the Rights of Indigenous Peoples and calls on them to honour this commitment. This declaration represents a globally accepted minimum standard for the human rights of Indigenous peoples and has already been used in the jurisprudence of the Inter-American Court. Efforts to use domestic legal standards to limit the internationally recognised rights of Indigenous peoples would clearly breach this minimum standard.

In addition, Amnesty International is urging the member states of the OAS to uphold the terms of the General Assembly resolution under which these negotiations are being conducted. That resolution explicitly called for measures to ensure that the financial constraints of the OAS don't affect "the quality or representativeness of indigenous participation in the negotiation process, both of which are essential elements in upholding its legitimacy."

If OAS member states want to show real commitment towards Indigenous Peoples' rights, they have to use this opportunity to work collaboratively with them to build on existing standards, including the UN Declaration and the jurisprudence of the Inter-American system, and strengthen the application of these standards to the specific situations of Indigenous Peoples in the Americas.