



Sommet des peuples autochtones des Amériques

CUMBRE DE LOS PUEBLOS INDÍGENAS DE LAS AMÉRICAS

Indigenous Peoples Summit of the Americas

Connecting to the New Economy

RELACIONANDO A LA ECONOMÍA NUEVA

Branché sur la nouvelle économie

Declaration of the Indigenous Peoples Summit of the Americas

Ottawa, Canada, March 31, 2001

Preamble

We, the representatives of Indigenous Peoples, Nations and organizations from the North, Central and South Americas and the Caribbean, have met in Ottawa, Canada at the “Indigenous Peoples Summit of the Americas”, in unity and on the critical importance of protecting the inherent rights of Indigenous Peoples and becoming part of the new economy.

We have come together in one voice and, as a result of our deliberations on the present situation and future of our Peoples, we hereby declare:

Affirming that all of the Indigenous Peoples of the Americas are Peoples with the inalienable human right of self-determination, including the right of self-identification;

Affirming the Supremacy of the Great Creator – Our Maker, our provider, our protector, our very life essence, and the source of all our power.

Stating that Indigenous Peoples have, and have had since time immemorial, unique spiritual and physical relationships with the universe, Mother Earth, and the natural world, including with our traditional lands and waters, and with the air and coastal waters, shorelines, ice, flora, fauna and minerals;

Emphasizing that Indigenous Peoples, have inherent, traditional and other collective systems for control and use of land and territories, including subsoil, bodies of water, coastal areas, islands, keys and coral reefs, and are a necessary condition for our economic, social and cultural survival and our collective and individual well-being;

Expressing deep concern about safeguarding the integrity of our environment, conserving the biodiversity of our territories, and exercising our responsibility for stewardship of Mother earth;

Recognizing that Indigenous Peoples are subjected to racism and racial discrimination, and have been and continue to be the victims of genocide, ethnocide, colonization, exclusion, marginalization and the dispossession of our lands, territories and resources;

Understanding that these actions continue to prevent us from exercising our rights to our own means of subsistence, to freely dispose of our own natural wealth and resources, and to economic, social, cultural and political development in accordance with our own values, priorities, needs and interests;

Insisting that economic initiatives should only proceed within a framework that upholds the principles and traditions of Indigenous Peoples and the imperative to respect our human rights;

Remembering that economic actions and agreements, such as the North American Free Trade Agreement (NAFTA) and the Market of the Southern Cone (MERCOSUR), that excluded Indigenous Peoples' effective participation, consultation and consent, have threatened international peace and security and violated Indigenous Peoples' human rights;

Noting that such trade and economic development agreements have had devastating adverse effects on the lives, health, cultures, economies, environment and territories of Indigenous Peoples;

Noting moreover that such devastating adverse affects have been suffered disproportionately by Indigenous women and children;

Concerned that by the year 2005, State leaders are seeking to create a Free Trade Area of the Americas (FTAA) that would cover South, Central and North America and the Caribbean (except Cuba) and would result in similar problems, violations and impacts as past economic and trade agreements;

Also deeply concerned that States continue to dispossess Indigenous Peoples by privatizing or otherwise exploiting and transferring our lands and resources, or the rights therein, to government entities, transnational corporations and other third parties without our consent;

Alarmed that the economic policies promoted by States, state affiliated corporations and such transnational financial institutions as the World Bank, the International Monetary Fund (IMF), the World Trade Organization (WTO) and the Inter American Development Bank (IDB), constitute grave breaches of the public trust and have transformed States into mere instruments of corporations under the WTO, interfering with the capacity of States to enact measures to protect the environment, the rights, and the social, economic and cultural well-being of Indigenous Peoples;

Recognizing the holistic and essential contributions of Indigenous women as the source of life, knowledge and skills which are fundamental to the worldview of Indigenous Peoples, and their ongoing contributions to the cultural, social, spiritual, economic and political development of Indigenous Peoples.

Recognizing also the important and unique contributions of our youth – who are the future of our Peoples -- and Elders – who are the carriers of our wisdom and history, and ensuring their basic human rights and participation in all stages of policy and decision-making.

Therefore, the following principles and conclusions must be recognized, respected and followed by all member States, the Organization of American States (OAS), and other regional, national and international agencies or institutions that may, or have the power to, adversely affect the human rights of Indigenous Peoples of the Americas;

Basic Human Rights and Fundamental Freedoms of Indigenous Peoples

1. The fundamental collective human rights of Indigenous Peoples as Peoples including particularly our right of self-determination, must be recognized and respected in accordance with international law. As such our rights are inalienable and not subject to extinguishment or termination.
2. These fundamental rights must include, *inter alia*:
 - a) The right to our lands and territories, including subsoil and natural resource rights;

- b) Self-determination and self-governance and recognition of traditional authorities;
 - c) Respect and protection of our sacred cultural and ceremonial sites;
 - d) Protection of our heritage, and our intellectual and cultural property rights;
 - e) Respect for our oral histories and laws.
3. The human rights of Indigenous Peoples in all regions of the world must be recognized and respected in a fair and equal manner, on the same footing, and with the same emphasis. States with lesser democratic traditions than other American States must be held equally accountable for the human rights abuses against Indigenous Peoples.
 4. States in the Americas must not invoke the particularities of their own legal and political system as an excuse for refusing to recognize and respect the human rights of Indigenous Peoples. This is especially important in regard to the territorial, land and resource rights, including subsoil rights, of Indigenous Peoples.
 5. Where our rights may be affected, Indigenous Peoples have the right to full, direct and effective participation in domestic, regional and international institutions and processes, as a democratic entitlement. This right includes access to adequate financial resources for these purposes and right to share in the benefits of resource projects
 6. Crimes committed against Indigenous Peoples, including crimes of genocide, ethnocide and crimes against humanity, must be investigated, prosecuted and punished by governments and international criminal justice bodies. Such crimes include crimes committed against our Peoples in Guatemala, Colombia, Peru, Mexico and other States, the targeted physical elimination of our leaders, the sterilization of our women against their will, and the taking of our children from our homes and communities.

United Nations Declaration on the Rights of Indigenous Peoples

7. The rights recognized in the *United Nations Declaration on the Rights of Indigenous Peoples* constitute the minimum standards for the survival, dignity and well-being of the Indigenous Peoples of the world. Efforts should be made to accelerate the work on the UN Declaration in order to be adopted and proclaimed by the UN General Assembly.

Proposed American Declaration on the Rights of Indigenous Peoples

8. Member states must ensure that the norms in the *Proposed American Declaration on the Rights of Indigenous Peoples*, or in other OAS standard setting processes, are not less than those in the *U.N. Declaration on the Rights of Indigenous Peoples* (as adopted by the Sub-Commission on the Prevention of Discrimination and Protection of Minorities).
9. In particular, the Proposed Declaration must fully recognize the right of Indigenous Peoples as Peoples with the right of self-determination without discrimination.
10. The Proposed Declaration shall not be approved or otherwise adopted without the free and informed consent of Indigenous Peoples.

Necessary Principles for Trade

11. It must be explicitly recognized, in the text of the Free Trade Area of the Americas (FTAA), that the principles of democracy and respect for human rights are inseparable from free trade

and that our fundamental human rights, including our right of self-determination, are paramount.

12. It must be explicitly recognized, in the text of the FTAA, that protection of the environment must be safeguarded, particularly in or affecting Indigenous territories and lands. Trade and development must be environmentally, socially and culturally sustainable and equitable from the viewpoint of Indigenous Peoples.
13. The text of the FTAA must also provide mechanisms for the full implementation, monitoring and enforcement of environmental protection and the human rights of Indigenous Peoples.
14. Indigenous Peoples must have full, fair, adequate and effective participation at all stages of the FTAA process.
15. The FTAA must holistically benefit Indigenous Peoples, in accordance with our world view and aspirations and unique spiritual relationships, and include active measures to participate in resource development including employment, supplier development and joint ventures as measures to reduce the extreme impoverishment and socio-economic marginalization suffered by Indigenous Peoples.
16. More particularly, Indigenous women must participate equitably in the planning and decision-making concerning resources and investment, as well as in the implementation and evaluation of those decisions, and ensure access to the benefits generated by those resources. To ensure such full, active and effective participation in all aspects of trade and development, Indigenous women must have access to education and training.
17. That if a FTAA is developed, Indigenous Peoples adopt a strategy that ensures that Indigenous expertise is utilized throughout processes that involve the possibility of contracting with Indigenous business concerns, and that Indigenous Peoples be actively and meaningfully involved in all aspects of identification, approval and implementation of such contracts.

Reforms Within the OAS

18. The central purpose of the OAS must be to promote and protect human rights of all peoples without discrimination.
19. The OAS, in conjunction with Indigenous Peoples, must ensure that:
 - a) the status and human rights of Indigenous Peoples are advanced in a manner that is wholly consistent with international law and without discrimination;
 - b) Indigenous Peoples are able to directly access and advance our rights at the OAS, particularly through an uncomplicated and non-bureaucratic complaints process; and
 - c) the Inter-American Commission on Human Rights and Inter-American Court on Human Rights are provided with adequate resources to devote full-time to the promotion and protection of human rights and the conservation and protection of the environment, including our lands, territories and resources.
20. The Inter-American Indian Institute must be completely restructured and reconceived consistent with the concerns and proposals of Indigenous Peoples.
21. The OAS must take active and concrete steps to establish an effective and fully funded Permanent Forum of Indigenous Peoples within the organization.

World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR)

22. Indigenous Peoples and Nations have experienced discrimination within the WCAR. There has been a consistent refusal to recognize Indigenous Peoples as Peoples with the right of self determination and a refusal to ensure the full, direct and effective participation of Indigenous Peoples at all stages of the WCAR.
23. The WCAR *Declaration* and *Programme of Action* must be formulated with the full participation of Indigenous Peoples and Nations and must include sufficient detail regarding Indigenous Peoples' concerns and recommended actions for follow up.

International Labor Organization Convention #169 on Indigenous and Tribal Peoples, 1989

24. All member States of the OAS who have ratified the ILO Convention #169 must comply with it and fully implement it, and member States who have not done so, must ratify this Convention.
25. Efforts must be made to improve upon this Convention in the future, without prejudice to national and international measures which may exceed the standards set out in this Convention.

Eradicating Impoverishment

26. The eradication of the extreme impoverishment suffered by Indigenous Peoples throughout the hemisphere must be established as an urgent priority in the *Declaration* of the Summit of the Americas, 2001; and the *Plan of Action*, therefore, must include comprehensive and concrete actions to solve this problem.
27. These concrete actions and plans must be developed in close cooperation and conjunction with Indigenous Peoples.

United Nations Permanent Forum on Indigenous Issues

28. It is recommended that the Leaders of the Summit of the Americas and the OAS member States actively support the recently established United Nations Permanent Forum to ensure that it is provided with adequate financial resources from the United Nations Regular Budget, broad powers, and a far-reaching mandate.

Protection of Indigenous Intellectual Property, Culture and Heritage

29. The past few centuries have witnessed the extinction of entire Indigenous Nations in the Americas and the extinguishments of entire cultures, heritages, languages and peoples, through colonization, dispossession, disease, poverty, displacement, genocide and ethnocide. Our cultures are under serious threat throughout the Americas.
30. This extinction, exploitation, appropriation and dispossession of our cultural resources is ongoing, particularly under WTO international trade agreements such as the Agreement on Trade-Related Intellectual Property. Indigenous women have particularly been affected by the inadequate protection of their unique knowledge.
31. The knowledge and culture of Indigenous Peoples cannot be separated from our unique spiritual and physical relationship with our lands, waters, resources and territories.

32. Accordingly, to protect the traditional knowledge, culture and heritage of Indigenous Peoples from extinction, the OAS must immediately recognize our rights as Peoples which include, *inter alia*:
- the right to control our lands, territories, and resources, including our cultural and intellectual resources;
 - the right and obligation to develop our own cultures and knowledge systems and to transmit this knowledge to future generations.
33. Indigenous Peoples are the exclusive owners and primary guardians and interpreters of our traditional knowledge and culture, whether created in the past or developed in the present or future.
34. Where the intellectual property of Indigenous Peoples is being used, particularly where it is being exploited for commercial purposes or studied with a view to commercial use, the free and fully informed consent of the Indigenous Peoples concerned must be obtained; Indigenous Peoples must be the primary beneficiaries; and must receive ongoing and objectively just and equitable compensation.
35. The intellectual property of Indigenous Peoples is collective, inalienable and intergenerational. No agreements with Indigenous Peoples with respect to our intellectual property can seek in any form to extinguish, terminate, alienate, or transfer ownership of these rights.
36. The intellectual property rights of Indigenous Peoples, as recognized in the *Convention on Biological Diversity*, must be fully respected and implemented. Indigenous Peoples must have full, direct and effective participation in the Working Group on the implementation of Article 8(j) of this Convention.

Treaties and Agreements

37. All Member States of the OAS must recognize and renounce their discriminatory legal doctrines and attitudes concerning Treaties between Indigenous Nations and States, as well as taking corrective actions related to the abrogation of Treaty rights and the recognition of the status of such Treaties. Furthermore, the Indigenous Peoples' Summit of the Americas proposes the implementation of the recommendations contained in the U.N. Study on Treaties, Agreements and other constructive arrangements.
38. The Indigenous Peoples' Summit of the Americas calls upon the O.A.S. Members to honour and respect the Treaties as international agreements and that Indigenous Peoples have the right to the recognition, observance and enforcement of Treaties according to their original spirit and intent, and, according to Indigenous Peoples' understanding. Conflicts and disputes which cannot be otherwise settled should be submitted to competent international bodies such as the United Nations' Permanent Forum on Indigenous Issues.

Coordination and Cooperation Among Indigenous Peoples, Nations and Organizations

39. We are taking this historic opportunity, at this Indigenous Peoples Summit of the Americas, to strengthen the relationships between Indigenous Peoples Nations and Organizations in the Americas and to make a reality of the dream of our ancestors of the union of the Eagle and the Condor.
40. From this time forward we are committed to working together in unity to ensure the rights of our Indigenous Peoples, Nations and Organizations are promoted and protected in every forum.


41. We plan to intensify our spiritual, social, cultural, political and economic relationships and work together to achieve our common aspirations as Indigenous Peoples, Nations and Organizations.

The Spanish and English versions of this document are equally authoritative.

We, the undersigned Co-chairs of the Indigenous Peoples Summit of the Americas, do hereby ratify and affirm that the foregoing Declaration was adopted by the Summit participants on the 31st of March, 2001.



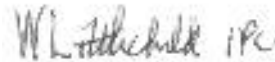
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