



Florida High Schools Model United Nations

## FHSMUN GULF COAST 8

# **Organization of American States** **IMPROVING INDIGENOUS REPRESENTATION IN THE** **OAS<sup>1</sup>**

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## **Abstract**

The Indigenous peoples of the Americas are culturally distinct tribes and nations who maintain an ancestral connection to the land where they live or wish to live. The Indigenous tribes of the Americas resided in North, Central, and South America long before settlers from other parts of the world colonized the Americas and still maintain much of their cultural heritage passed down for generations. Since the settlement of the Americas by European Nations, Indigenous peoples have faced many difficulties and have often been underrepresented or ignored in decisions that affect their people or their ancestral land. The Organization of American States (OAS) seeks to protect and promote the rights and well-being of Indigenous tribes still living in the Americas.<sup>2</sup> Over the past few decades, there has been an increased effort by the OAS to help recognize and represent Indigenous tribes within the Americas, but there will always be more to do. From the first Indigenous Leaders' Summit of the Americas (ILSA) held conjointly with the third Summit of the Americas in Canada, 2001,<sup>3</sup> to the current Draft American Declaration on the Rights of Indigenous Peoples,<sup>4</sup> the OAS has made it an essential topic of discussion within the Organization. It is vital the OAS not only continue their current support of Indigenous tribes within the Americas, but increase their representation within the OAS, help address current and past problems faced by Indigenous tribes, and work to protect the rights of Indigenous peoples.

## **Introduction**

The Organization of American States, the world's oldest regional organization since the First International Conference of American States in 1889, first came to being in 1948 with the signing in Bogotá, Colombia, of the Charter of the OAS.<sup>5</sup> The OAS brings together all 35 states of the Americas to achieve, as written in Article 1 of the Charter, "an order of peace and justice, to promote their solidarity, to strengthen their collaboration, and to defend their sovereignty, their territorial integrity, and their independence."<sup>6</sup> For the past three decades, the OAS has held the Summits of the Americas, the first held in Miami, USA, 1994 and the ninth and most recent in Los Angeles, USA, from June 6-10, 2022. During these summits, heads of state gather to discuss common policy issues and commit to action towards challenges faced on the regional, national, and international scale.<sup>7</sup> The Summits are seen as an important forum for the exercise of democracy across American nations.

In 2001, alongside the 3rd Summit of the Americas in Quebec City, Canada, the 1st Indigenous Leaders' Summit of the Americas (ILSA) was held. The ILSA was supported and

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<sup>2</sup> OAS, "Indigenous Peoples," 2022, [https://www.oas.org/en/topics/indigenous\\_peoples.asp](https://www.oas.org/en/topics/indigenous_peoples.asp).

<sup>3</sup> OAS, "Indigenous Peoples and the Summits of the Americas," 2022, [http://www.summit-americas.org/cs\\_ind.html](http://www.summit-americas.org/cs_ind.html).

<sup>4</sup> OAS, "Supporting preparation of a Draft American Declaration on the Rights of Indigenous Peoples," 2022, [https://www.oas.org/en/sla/dil/indigenous\\_peoples\\_supporting\\_draft\\_american\\_declaration.asp](https://www.oas.org/en/sla/dil/indigenous_peoples_supporting_draft_american_declaration.asp).

<sup>5</sup> OAS, "Charter of the Organization of American States (A-41)," 1997, [https://www.oas.org/en/sla/dil/inter\\_american\\_treaties\\_A-41\\_charter\\_OAS.asp](https://www.oas.org/en/sla/dil/inter_american_treaties_A-41_charter_OAS.asp).

<sup>6</sup> Ibid

<sup>7</sup> Summits of The Americas, "Background and Previous Summits," 2022, [http://www.summit-americas.org/previous\\_summits.html](http://www.summit-americas.org/previous_summits.html).

attended by leaders from the OAS who participated alongside Indigenous Leaders attending.<sup>8</sup> There have been two additional ILSAs since, in Argentina, 2005; and in Panama, within the framework of the Summit of Trinidad in 2009.<sup>9</sup> There had been a 4th ILSA held simultaneously with the 6th Summit of the Americas in Cartagena, Colombia in 2012. The 4th ILSA however, is poorly reported on despite its attendance by both OAS officials and Indigenous Leaders.<sup>10</sup> In addition, a 5th ILSA was planned to be held alongside the 7th Summit of the Americas in Panama, 2015, but was canceled due the Panamanian government pulling funding and recognition of the Indigenous Leaders of Panama as part of the Summit just weeks before the Summit itself.<sup>11</sup> Furthermore, it is reported that Indigenous leaders and peoples from the Amazon were denied entry to the most recent 9th Summit of the Americas in Los Angeles, 2022.<sup>12</sup> According to Atossa Soltani, the founder and president of the NGO Amazon Watch, “Indigenous voices are not being heard at the summit, indigenous delegates are being denied entry,”<sup>13</sup> Indigenous peoples from various parts of the Amazon rainforest had traveled to the U.S. in hopes of participating in talks about climate change and the land that their families have lived on for centuries. Delegates to the OAS must take definitive action to ensure that Indigenous people always have a seat at the table when it comes to matters of regional, national, and international diplomacy. To protect the rights and promote respect of Indigenous tribes and peoples, delegates to the OAS must work harder to keep the promises and treaties their member states have made with the Indigenous peoples of the Americas.

### **Fostering an Inclusive Relationship**

The Organization of American States can do more to support the Indigenous tribes of the Western Hemisphere, but that is not to say support from the OAS is nonexistent. Since before the 1st ILSA, Native American tribes and leaders have worked on an American Declaration on the Rights of Indigenous Peoples, which was later adopted by the OAS and worked on by an OAS supported working group. The American Declaration was officially ratified and adopted in 2016.<sup>14</sup> The Declaration reaffirms the cultural, environmental, and historical importance of Indigenous peoples while recognizing their struggles and rights as human beings and independent tribes.<sup>15</sup> The American Declaration mentions the importance of other similar declarations such as the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) adopted

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<sup>8</sup> OAS, “Indigenous Peoples and the Summits of the Americas,” 2022, [http://www.summit-americas.org/cs\\_ind.html](http://www.summit-americas.org/cs_ind.html).

<sup>9</sup> Ibid.

<sup>10</sup> Damon Gerard Corrie, “Insider’s Report from the 4th Indigenous Leaders Summit of the Americas,” May 23, 2012, <https://intercontinentalcry.org/insiders-report-4th-indigenous-leaders-summit-americas/>.

<sup>11</sup> Chief Phil Lane Jr., “A vital opportunity for solidarity and healing with our indigenous brothers and sisters,” 2012, <https://www.indiegogo.com/projects/indigenous-summit-cumbre-de-las-americas#/>.

<sup>12</sup> France 24 News, “Amazon’s Indigenous Leaders Make Plea at Americas Summit,” August 6, 2022, <https://www.france24.com/en/live-news/20220608-amazon-s-indigenous-leaders-make-plea-at-americas-summit>.

<sup>13</sup> Ibid.

<sup>14</sup> OAS, “American Declaration on the Rights of Indigenous Peoples,” 2016, <https://www.oas.org/en/sare/documents/DecAmIND.pdf>.

<sup>15</sup> Ibid.

in 2007<sup>16</sup>, and the International Labour Organization's (ILO) Convention No. 169 adopted in 1989.<sup>17</sup> The adoption of the American Declaration on the Rights of Indigenous Peoples represents a major step for Indigenous tribes of the Western Hemisphere in gaining recognition from the leaders of the nations of the Americas.

In addition to adopting declarations written and supported by Indigenous peoples, OAS leaders should look to other nations for examples of positive policy regarding Indigenous tribes. In 1840, the New Zealand government, at the time the British Crown, adopted the Treaty Waitangi with one of its Native peoples, the Māori, which protects Māori culture and land while giving the government the right to govern New Zealand and the interests of all New Zealanders.<sup>18</sup> The Treaty has been misinterpreted by both sides over the years, with the British thinking they were getting full sovereignty while the Māori interpreted the treaty to mean protection of their land and culture under the British Crown.<sup>19</sup> While this ultimately led to flaws in the treaty and the Māori's interests not being fully represented in New Zealand, it is an important part of the self-determination that the Māori, and many Indigenous tribes, seek. Self-determination is an important goal of most Indigenous tribes and refers to the right of an Indigenous tribe to not recognize the sovereignty of the nation that the tribe exists in. Self-determination is an important part of both the UN and American Declarations on the Rights of Indigenous Peoples but the Declarations also stress that under Self-determination, sovereignty is shared and should they wish, Indigenous peoples have a right to the sovereignty provided by their tribe or the Nation where their land is located. While it is important for American nations to recognize and respect the shared sovereignty and self-determination of Indigenous American tribes, it is equally important to provide them with equal access to the health, education, employment, and other resources provided by the state.

### **The Scope of the Problem**

One of the largest issues faced by Indigenous peoples is limited or sometimes no access to reliable health and education systems, usually stemming from the larger issue of land rights.<sup>20</sup> Indigenous peoples have been historically forced off their ancestral homes for others to exploit their land for its resources, a practice which still continues today. When this happens, it strips their ability to obtain access to the health, spiritual, and cultural benefits provided by their land.<sup>21</sup> While laws to protect Indigenous peoples do exist, they are often ignored or not enforced. When combined with the exclusion of Native peoples from political forums that could be used to defend their rights and land, it leaves many Indigenous peoples and tribes almost completely defenseless against exploitation. Reports show that Indigenous people make up the poorest

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<sup>16</sup> UN DESA, "UN Declaration on the Rights of Indigenous Peoples," 2007, <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>.

<sup>17</sup> ILO, "Indigenous and Tribal Peoples Convention," 1989, (No. 169), <https://www.ilo.org/dyn/normlex/en/>.

<sup>18</sup> Ministry of Justice New Zealand, "The Treaty of Waitangi," 2020, <https://www.justice.govt.nz/about/learn-about-the-justice-system/how-the-justice-system-works/the-basis-for-all-law/treaty-of-waitangi/>.

<sup>19</sup> Ibid.

<sup>20</sup> First Peoples Worldwide, "The Challenges We Face," 2022, <http://www.firstpeoples.org/the-challenges-we-face.htm>.

<sup>21</sup> Ibid.

demographic in every Latin American nation.<sup>22</sup> They face infectious diseases at significant higher rates than the rest of the world,<sup>23</sup> low literacy rates, and loss of their native languages.<sup>24</sup> Alongside the prominent systemic issues that Indigenous peoples battle are other current and concerning issues. The continued disappearances and murders of Indigenous women on Native land and the history of North American assimilation schools are just some of many problems different tribes face. Each tribe often has their own specific issue brought on by either the state they share land with or corporations wishing to have access to the resource rich Indigenous land. It is the responsibility of OAS members to provide the Indigenous peoples they share land with equal access to healthcare and education systems, while protecting their land, self-determination, and human rights.

The Organization of American States works hard to support and protect Indigenous peoples living in the Western Hemisphere by providing them with a voice in the Summits of Americas, but there are times when Indigenous voices have been ignored or silenced. During the first ILSA in Canada, 2001, Indigenous leaders felt suspicious of the Canadian government as the intention of the Canadian government appeared to be to get Native tribes to endorse globalization efforts such as the Free Trade Area of the Americas.<sup>25</sup> The Indigenous representatives reportedly were given a draft document by the Assembly of First Nations but rewrote most of it after claiming it undermined their rights. Their final document was also softened before presentation to the heads of state, much to the disappointment of the indigenous leaders who wanted to hear their document discussed.<sup>26</sup> Furthermore, the ILSA held three weeks before the Summit of the Americas when originally planned for three days before, as an attempt to stop anti-globalization protests by Indigenous peoples. A Canadian government official said bluntly, “The Canadian government will pay for the meeting but does not want indigenous peoples joining anti-globalization protests.”<sup>27</sup> The theme of attempts to silence or downplay the voices of Indigenous leaders has continued across ILSA summits as well. Several Indigenous representatives split off from the 2nd ILSA in Argentina and held their own “Continental Summit” in Mar de Plata, Argentina, 2005.<sup>28</sup> In 2009, at the third ILSA in Trinidad and Tobago, the host government only allowed for one person, Chief Ed John of the Assembly of First Nations of Canada (AFN) to address the OAS heads of state for 5 minutes.<sup>29</sup> The 4th ILSA hosted in Cartagena, Colombia, 2012 reports that the host government of Colombia gave the

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<sup>22</sup> Ibid.

<sup>23</sup> Gracey & King, “Indigenous health part 1: determinants and disease patterns,” 2009, [https://doi.org/10.1016/S0140-6736\(09\)60914-4](https://doi.org/10.1016/S0140-6736(09)60914-4).

<sup>24</sup> First Peoples Worldwide, “The Challenges We Face,” 2022, <http://www.firstpeoples.org/the-challenges-we-face.htm>.

<sup>25</sup> Cultural Survival, “Indigenous Peoples Present Demands at Fourth Summit of the Americas,” 2005, <https://www.culturalsurvival.org/news/indigenous-peoples-present-demands-fourth-summit-americas>.

<sup>26</sup> Nilo Cayuqueo & Abya Yala Nexus, “Indigenous Peoples Build Their Own Strategy at the Fourth Summit of the Americas,” 2005, [http://www.cumbrecontinentalindigena.org/nilo\\_en.php](http://www.cumbrecontinentalindigena.org/nilo_en.php).

<sup>27</sup> Ibid.

<sup>28</sup> Cultural Survival, “Indigenous Peoples Present Demands at Fourth Summit of the Americas,” 2005, <https://www.culturalsurvival.org/news/indigenous-peoples-present-demands-fourth-summit-americas>.

<sup>29</sup> Damon Gerard Corrie, “Insider’s Report from the 4th Indigenous Leaders Summit of the Americas,” May 23, 2012, <https://intercontinentalcry.org/insiders-report-4th-indigenous-leaders-summit-americas/>.

ILSA a high degree of prominence and respect.<sup>30</sup> The 4th ILSA was however, very poorly reported on and there fails to be any official mention of its happening on the OAS website.<sup>31</sup> Finally, the Panamanian government, after agreeing to fund and provide space for the 5th ILSA during the 7th Summit of the Americas, pulled almost all of its funding the week before the scheduled date and refused to recognize the Indigenous Leaders of Panama as an official part of the Summit.<sup>32</sup> Over time, it seems the OAS has made less and less of an effort to recognise Indigenous rights as a topic of importance during the Summits of the Americas. With Indigenous peoples continuing to face conflict and oppression today, it is important that delegates to the OAS bring Indigenous rights back into the conversation.

### **An Opportunity for Change**

The Organization of American States represents all 35 of the independent states of the Americas but fails to fairly represent the Indigenous tribes of America. It is the responsibility of the heads of state of the Americas to change this and foster a new future of inclusivity and respect for the Indigenous tribes and people of the Western Hemisphere. Delegates representing the OAS might consider ways to better recognize the Indigenous tribes they share land with and giving them a voice within matters of government that concern the tribes. There have been many promises to protect Indigenous peoples over the years, many of which are not kept. Delegates must consider stronger ways to protect Indigenous tribes without threat of those promises being broken with a change in leadership. One example delegates may wish to look to is the relationship of nations such as New Zealand with their Indigenous tribes. While not a perfect relationship, New Zealand has worked to repair some of the damages done to the Māori and other indigenous tribes of the nation. One way that New Zealand recognises and respects Māori rights is through the Māori council. The Māori council was officially recognized by the New Zealand government in 1962 and its roles include promoting Māori social and economic development and working with the state on various Māori affairs. The council is also empowered to make Māori representations to the government.<sup>33</sup>

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<sup>30</sup> Ibid.

<sup>31</sup> OAS, "Indigenous Peoples and the Summits of the Americas," 2022, [http://www.summit-americas.org/cs\\_ind.html](http://www.summit-americas.org/cs_ind.html).

<sup>32</sup> Chief Phil Lane Jr., "A vital opportunity for solidarity and healing with our indigenous brothers and sisters," 2012, <https://www.indiegogo.com/projects/indigenous-summit-cumbre-de-las-americas#/>.

<sup>33</sup> Shireen Morris, "Lessons From New Zealand: Towards a Better Working Relationship Between Indigenous Peoples and the State," 2014, <http://www.jstor.org/stable/26423291>.

## RESOURCE REVIEW

### Guiding Questions

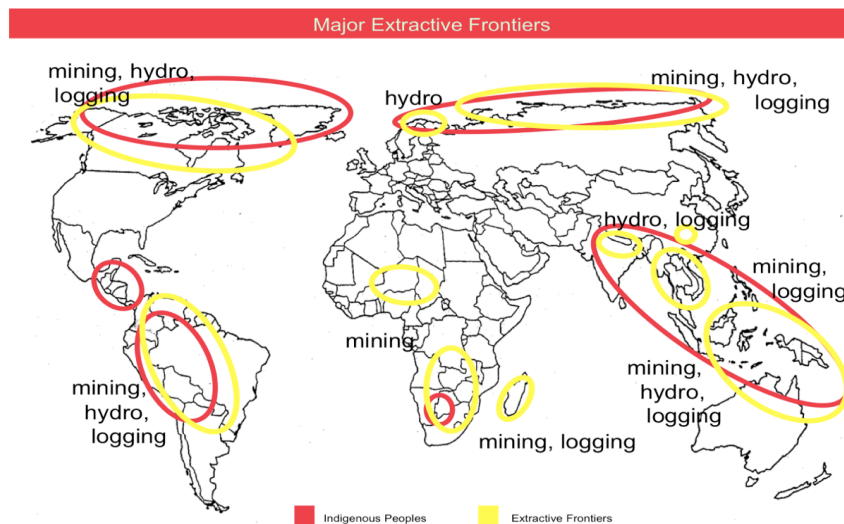
What Indigenous Tribes/People does your nation share land with? What percent of the population do they represent? What does their standard of living look like?

How has your country supported Indigenous tribes over the years? Has there been any treaties, protection laws, etc? Have any political actions been upheld or broken?

Has your nation committed any grievances against Indigenous tribes? If so, what specifically and how can you work to remedy them?

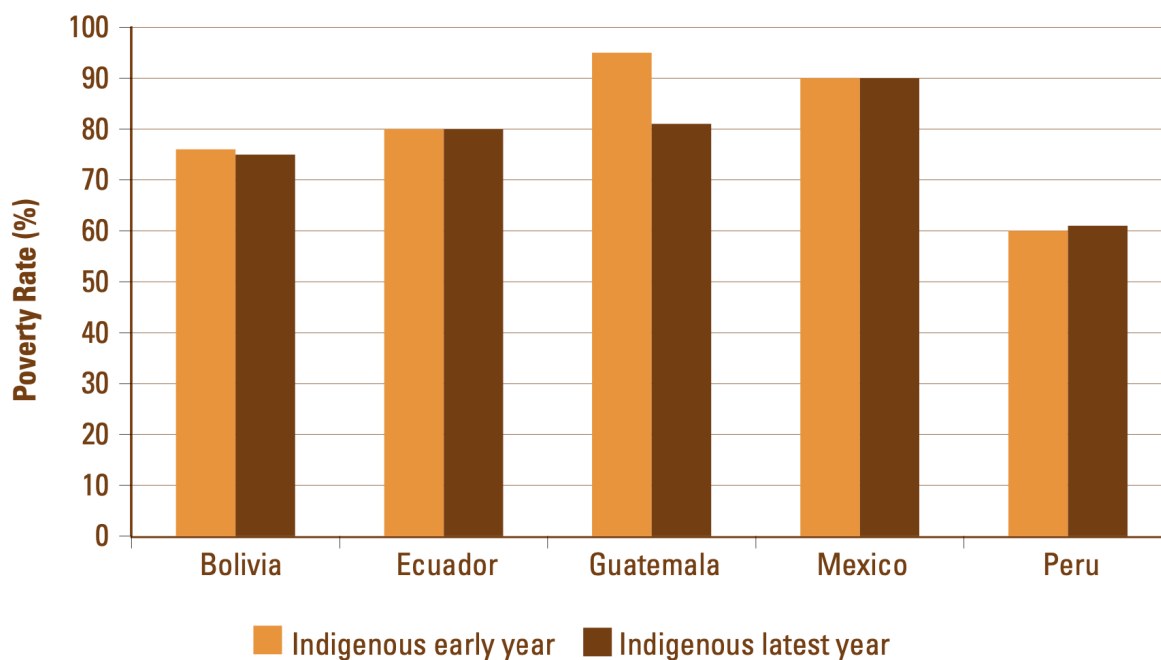
How active is your country within the OAS? Have they worked on any major resolutions? What issues/topics does your nation care most about within the OAS?

### Exhibits

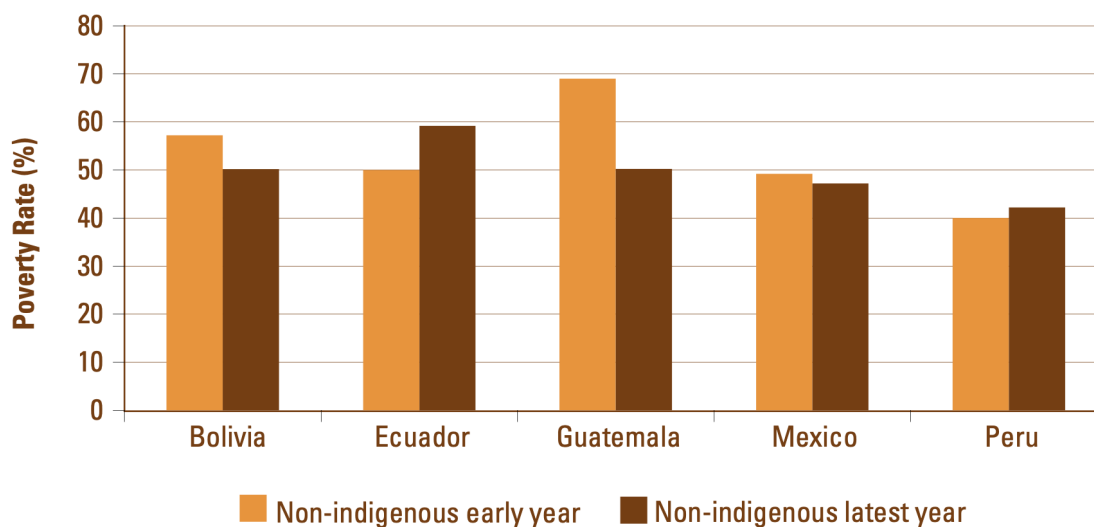


Produced by Russell Barsh in cooperation with First Peoples Worldwide

### Poverty for indigenous and non-indigenous peoples in Latin America, 1980s to 2000s



Source: World Bank (2007).



Source: World Bank (2007).



Chief Phil Lane Jr., “A vital opportunity for solidarity and healing with our indigenous brothers and sisters,” 2012,  
<https://www.indiegogo.com/projects/indigenous-summit-cumbre-de-las-americas#/>.

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Nilo Cayuqueo & Abya Yala Nexus, “Indigenous Peoples Build Their Own Strategy at the Fourth Summit of the Americas,” 2005,  
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[https://www.oas.org/en/sla/dil/inter\\_american\\_treaties\\_A-41\\_charter\\_OAS.asp](https://www.oas.org/en/sla/dil/inter_american_treaties_A-41_charter_OAS.asp).

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