

No. 30177

MULTILATERAL

**Agreement establishing the Fund for the Development of the
Indigenous Peoples of Latin America and the Caribbean.
Concluded at Madrid on 24 July 1992**

Authentic texts: Spanish, Portuguese and English.

Registered ex officio on 4 August 1993.

MULTILATÉRAL

**Convention portant création du Fonds pour le progrès des
populations autochtones d'Amérique latine et des Caraï-
bes. Conclu à Madrid le 24 juillet 1992**

Textes authentiques : espagnol, portugais et anglais.

Enregistré d'office le 4 août 1993.

AGREEMENT¹ ESTABLISHING THE FUND FOR THE DEVELOPMENT OF THE INDIGENOUS PEOPLES OF LATIN AMERICA AND THE CARIBBEAN

The High Contracting Parties:

Meeting in the City of Madrid, Spain, on the occasion of the Second Summit of the Ibero-American States on July 24, 1992;

Recalling the terms of the Universal Declaration of Human Rights,² the International Agreement on Economic, Social and Cultural Rights³ and the International Agreement on Civil and Political Rights;⁴

Considering the international rules set forth in the International Labour Organization's Convention on Indigenous and Tribal Peoples, adopted by the International Labour Organization in 1989;⁵

Hereby adopt, in the presence of representatives of indigenous peoples of the region, the following AGREEMENT ESTABLISHING THE FUND FOR THE DEVELOPMENT OF THE INDIGENOUS PEOPLES OF LATIN AMERICA AND THE CARIBBEAN.

ARTICLE 1

PURPOSE AND FUNCTIONS

- 1.1 Purpose. The purpose of the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean, hereinafter the "Indigenous Fund", is to establish a mechanism designed to support the self-development processes of the indigenous peoples, communities and organizations of Latin America and the Caribbean, hereinafter referred to as "Indigenous Peoples."

¹ Came into force on 4 August 1993, the date of deposit of the instrument of ratification by three States of the region, in accordance with article 14, section 14.2.

| <i>Participant</i> | <i>Date of deposit</i> |
|--------------------|------------------------|
| Bolivia | 4 August 1993 |
| Mexico..... | 12 July 1993 |
| Peru..... | 19 April 1993 |

² United Nations, *Official Records of the General Assembly*, Third Session, Part I, p. 71.

³ United Nations, *Treaty Series*, vol. 993, p. 3.

⁴ *Ibid.*, vol. 999, p. 171; vol. 1057, p. 407 (rectification of authentic Spanish text); vol. 1059, p. 451 (corrigendum to vol. 999).

⁵ *Ibid.*, vol. 1650, No. I-28383.

The term "Indigenous Peoples" shall be understood to mean those indigenous peoples who descend from populations that inhabited the country, or the geographic region to which the country belongs, during the period of the conquest or colonization of the region, or of the establishment of the present state frontiers, and who, whatever their legal situation, retain all their own social, economic, cultural and political institutions, or part thereof. In addition, awareness of their indigenous identity shall be considered a fundamental criterion for determining the groups to whom the provisions of this Agreement shall apply.

The use of the term "Peoples" in this Agreement shall not be interpreted as having any implications whatsoever in regard to rights which may be inferred from this term under International Law.

1.2 Functions. In order to attain the objective set forth in paragraph 1.1 of this article, the Indigenous Fund shall have the following basic functions:

a) To provide a forum for dialogue for the achievement of the concerted formulation of development policies, technical assistance operations, and programs and projects of interest for the Indigenous Peoples, with the participation of the Governments of the States of the region, Governments of other States, financing institutions and the Indigenous Peoples themselves.

b) To channel financial and technical resources for the priority projects and programs agreed upon with the Indigenous Peoples, ensuring that they will contribute to create conditions conducive to the self-development of these Peoples.

c) To provide training and technical assistance resources to support institutional strengthening, development of management capacity, human resource formation, and information and research capabilities for Indigenous Peoples and their organizations.

ARTICLE 2

MEMBERS AND RESOURCES

2.1 Members. Members of the Indigenous Fund shall be such States as deposit the ratification instrument with the General

Secretariat of the United Nations Organization, in accordance with their internal constitutional requirements and with the provisions of Article 14.1 of this Agreement.

- 2.2 Resources. The resources of the Indigenous Fund shall consist of the Contributions of the Member States, donations and other assistance from other States, multilateral, bilateral and national agencies of a public or private nature and from institutional donors, and the net income generated by the activities and investments of the Indigenous Fund.
- 2.3 Contribution Instruments. The Contribution Instruments shall be protocols signed by each Member State to establish its respective commitments to contribute resources to form the capital of the Indigenous Fund, in accordance with paragraph 2.4 below. Other donations or assistance shall be governed by the provisions of Article 5 of this Agreement.
- 2.4 Nature of the Contributions. Contributions to the Indigenous Fund may be made in foreign exchange, local currency, technical assistance and in kind, in accordance with the rules established by the General Assembly. Contributions in local currency shall be subject to value maintenance and exchange rate conditions.

ARTICLE 3

ORGANIZATIONAL STRUCTURE

- 3.1 Organs of the Indigenous Fund. The organs of the Indigenous Fund are the General Assembly and the Board of Directors.
- 3.2 General Assembly.
- a) Composition. The General Assembly shall be composed of:
- (i) one delegate from each of the Member State, duly accredited by the respective Government; and
 - (ii) one delegate of the Indigenous Peoples of each State of the region that is a Member of the Indigenous Fund, duly accredited by his respective Government, after consultations carried out with

the Indigenous Peoples' organizations of that State.

b) Decisions.

(i) Decisions shall be adopted by the unanimous affirmative vote of the delegates of the States of the region that are Members of the Indigenous Fund, together with a majority of affirmative votes of the representatives of the other Member States and a majority of affirmative votes of the delegates of the Indigenous Peoples.

(ii) In matters that affect the Indigenous Peoples of one or more countries, the affirmative vote of their delegates shall also be required.

c) Regulations. The General Assembly shall issue its By-laws and such other regulations as it deems necessary for the functioning of the Indigenous Fund.

d) Functions. The functions of the General Assembly shall include, without being limited to:

- (i) the formulation of the general policy of the Indigenous Fund and the adoption of such measures as are necessary for the accomplishment of its objectives;
- (ii) the approval of the basic criteria for preparation of the plans, projects and programs to be supported by the Indigenous Fund;
- (iii) the approval of membership status in accordance with the stipulations of this Agreement and with the rules established by the General Assembly;
- (iv) the approval of the annual program and budget, and of the periodic statements of account, of the resources of the Indigenous Fund;
- (v) the election of the members of the Board of Directors to which reference is made in paragraph 3.3, and the delegation to said Board of the faculties necessary for the functioning of the Indigenous Fund;