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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-eighth session
Agenda item 14

DISCRIMINATION AGAINST INDIGENOUS PEOPLES

Mr. Alfonso Martínez, Mr. Bossuyt, Mr. Boutkevitch, Mr. Fix, Mr. Guissé,
Mr. Ibarra, Mr. Khalil, Ms. Koufa, Mrs. Mbonu, Ms. Warzazi, Mr. Yimer,
Mr. Yokota and Mr. Zhong: draft resolution

1996/... Protection of the heritage of indigenous people

The Sub-Commission on Prevention of Discrimination and Protection of
Minorities,

Recalling its resolution 1991/32 of 29 August 1991, in which it decided
to entrust Mrs. Erica-Irene A. Daes, as Special Rapporteur, with the task of
preparing a study of measures which should be taken by the international
community to strengthen respect for the cultural property of indigenous
peoples,

Recalling also its resolution 1993/44 of 23 August 1993, in which
it expressed its deep appreciation to the Special Rapporteur,
Mrs. Erica-Irene A. Daes, for her comprehensive study on the protection of the
cultural and intellectual property of indigenous peoples
(E/CN.4/Sub.2/1993/28), and requested her to expand her study with a view to
elaborating draft principles and guidelines for the protection of the heritage
of indigenous people,

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Recalling further its resolution 1995/40 of 25 August 1995, in which it expressed its deep appreciation to the Special Rapporteur for her excellent report on the protection of the heritage of indigenous people (E/CN.4/Sub.2/1995/26) and the draft principles and guidelines annexed thereto, and requested her to prepare a supplementary report including a chapter concerning relevant activities undertaken in other forums, and to submit it to the Sub-Commission at its forty-eighth session,

Noting Commission on Human Rights decisions 1992/114 of 3 March 1992 and 1994/105 of 4 March 1995, and Commission on Human Rights resolution 1996/63 of 26 April 1996,

Noting also Economic and Social Council decisions 1992/256 of 20 July 1992, 1994/274 of 25 July 1994, and 1995/297 of 25 July 1995,

Considering that a majority of governments have recognized the need to respect, preserve and maintain the knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation of biological diversity, as described in article 8 (j) of the Convention on Biological Diversity,

Recognizing that an objective of the International Decade of the World's Indigenous People, proclaimed by the General Assembly in its resolution 50/157 of 21 December 1995, is the promotion and protection of the rights of indigenous people and their empowerment to make choices that enable them to retain their cultural identity while participating in political, economic and social life, with full respect for their cultural values, languages, traditions and forms of social organization,

Recognizing also the urgency, repeatedly expressed by representatives of indigenous people at the Working Group on Indigenous Populations, with respect to the need for international standards and cooperation in this field,

Having considered the supplementary report submitted by the Special Rapporteur (E/CN.4/Sub.2/1992/22),

Believing that the principles and guidelines for the protection of the heritage of indigenous people, annexed to the final report of the Special Rapporteur (E/CN.4/Sub.2/1995/26), are consistent with existing standards in the fields of human rights, environment and trade,

Bearing in mind the recommendation of the General Assembly, in its resolution 50/157 of 21 December 1995, that the Secretary-General undertake a

review of existing mechanisms, procedures and programmes within the United Nations concerning indigenous people and report to the General Assembly at its fifty-first session,

1. Commends the Special Rapporteur, Mrs. Erica-Irene A. Daes, for the additional information, clarifications, and recommendations contained in her supplementary report (E/CN.4/Sub.2/1996/22);

2. Takes note with satisfaction of the detailed comments which the Special Rapporteur received from Governments, specialized agencies and intergovernmental organizations;

3. Decides to transmit to the Commission on Human Rights the principles and guidelines annexed to the final report of the Special Rapporteur (E/CN.4/Sub.2/1995/26), with the recommendation that they be adopted;

4. Welcomes the decision of the World Intellectual Property Organization, in cooperation with the United Nations Educational, Scientific and Cultural Organization, to organize an international symposium on preservation and legal protection of folklore, and authorizes the Special Rapporteur to participate in the symposium;

5. Also welcomes the high priority given to protection of the traditional knowledge of indigenous peoples by the States parties to the Convention on Biological Diversity, as well as the technical work that is being undertaken by the Executive Secretary of the Convention;

6. Acknowledges the importance of harmonizing the efforts of the various United Nations forums and intergovernmental organizations which have undertaken standard-setting initiatives in the field of intellectual property rights, including the rights of indigenous peoples with respect to their traditional knowledge;

7. Requests the Secretary-General to convene, at the earliest possible opportunity, a technical meeting of representatives of the World Intellectual Property Organization, the United Nations Educational, Scientific and Cultural Organization, the United Nations Environment Programme, the United Nations Development Programme, the Food and Agriculture Organization of the United Nations and the World Trade Organization with the Special Rapporteur, to consider improving coordination and cooperation in this field, and to transmit the report of this meeting to the Sub-Commission and the Commission on Human Rights;

8. Endorses the recommendation of the Special Rapporteur that a member of the Working Group on Indigenous Populations should be entrusted with a mandate to exchange information with all parts of the United Nations system involved in activities concerned with the heritage of indigenous people in order to facilitate cooperation and coordination and to promote the greatest possible level of participation of indigenous people in their efforts;

9. Recommends to the Commission on Human Rights the following draft decision for adoption:

"The Commission on Human Rights, taking note of resolution 1996/... of ... 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and considering the recommendations contained in the supplementary report submitted by the Special Rapporteur, Mrs. Erica-Irene A. Daes, on protection of the heritage of indigenous people (E/CN.4/Sub.2/1996/22), recommends that Mrs. Erica-Irene A. Daes be entrusted with a continuing mandate to exchange information with all parts of the United Nations system involved in activities concerned with the heritage of indigenous people, with the purpose of facilitating cooperation and coordination and of promoting the full participation of indigenous people in these efforts. The Commission requests the Secretary-General to convene, at the earliest possible opportunity, a technical meeting of representatives of the World Intellectual Property Organization, the United Nations Educational, Scientific and Cultural Organization, the United Nations Environment Programme, the United Nations Development Programme, the Food and Agriculture Organization of the United Nations and the World Trade Organization with the Special Rapporteur to consider improving coordination and cooperation in this field, and to transmit the report of this meeting to the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Commission on Human Rights. The Commission also requests the Secretary-General to provide the Special Rapporteur of the Sub-Commission with all the assistance necessary to accomplish her work."

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