

cooperation, coordination and the promotion of the full participation of indigenous peoples in work related to the protection of their heritage. Following a request by the Sub-Commission, a technical meeting was held in March 1997, attended by representatives of the World Intellectual Property Organization (WIPO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Environmental Programme (UNEP), the United Nations Development Programme (UNDP), the Food and Agricultural Organization (FAO) and the World Trade Organization (WTO). The purpose of the meeting was to consider how these agencies could contribute to the work of the SR. The report of the technical meeting (E/CN.4/Sub.2/1997/15) included summary comments on discussions of the draft principles and guidelines elaborated by the SR and noted the importance of, for example: informed consent and the negotiating environment; fact-finding investigations; the protection against the destruction of indigenous cultures through, *inter alia*, ethnocide or cultural genocide; and, remuneration rights and control by indigenous peoples over their own knowledge.

(e) **Special Rapporteur on indigenous land rights:** In 1997, on the recommendation of the Sub-Commission, the Commission appointed a Special Rapporteur of the Sub-Commission to conduct a comprehensive study on the problem of recognition of and respect for indigenous land rights. The study was intended to include: (a) a detailed and updated account of the status of efforts to secure indigenous land rights and the problems that continue in that area; and (b) a catalogue of existing national laws, policies and procedures concerning indigenous land rights. The preliminary working paper on this subject was submitted to the 1997 Sub-Commission (E/CN.4/Sub.2/1997/17) and included commentary on: the relationship of indigenous peoples to their lands, territories and resources; history and background-the impact of the doctrines of dispossession; a framework for the analysis of contemporary problems regarding indigenous land rights; and, efforts to resolve indigenous land issues.

(f) **Special Rapporteur on treaties:** In 1989, the Commission confirmed the appointment of a Sub-Commission Special Rapporteur (SR) to undertake a study on treaties, agreements and other constructive arrangements between states and indigenous populations. The final report of the SR was not issued for or considered at the 1997 Sub-Commission and remains pending.

Resolutions of the Sub-Commission:

At its 1997 session, the Sub-Commission adopted resolutions on: a permanent forum for indigenous peoples (1997/10); the study on indigenous land rights (1997/12); protection of the heritage of indigenous peoples (1997/13); the Working Group on Indigenous Populations (1997/14); and the International Decade of the World's Indigenous People (1997/15). The Sub-Commission transmitted for action by the 1998 Commission, draft decisions on the permanent forum, the protection of the heritage of indigenous peoples and the Working Group on Indigenous Populations.

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INTERNALLY DISPLACED PERSONS

Representative of the Secretary-General on internally displaced persons (E/CN.4/1997/43)

The mandate of the Representative of the Secretary-General on internally displaced persons was established in 1992. In 1997, the Representative was Mr. Francis Deng (Sudan). The emphasis in the mandate was to establish a better understanding of the general problems faced by internally displaced persons and their possible long-term solutions including, where required, recommendations on the ways and means of improving protection for and assistance to internally displaced persons. The work has evolved since that time and, in 1996, the three main areas of activity for the Representative were: development of appropriate legal standards for meeting the needs of the internally displaced; promoting the most effective international institutions to meet the challenges of protection; and, assisting the internally displaced and undertaking visits to countries with serious displacement problems to examine them on the ground. Corresponding responses to these three areas have been defined as being: the development of measures for pre-empting and preventing displacement; provision of adequate means of protection and relief assistance during displacement; and, establishment of durable solutions through voluntary and safe return, resettlement, rehabilitation, reconstruction, and self-reliant development.

At the 1997 session of the Commission, work on the situation of internally displaced persons was considered to include five elements:

- ▶ development of country profiles-to assist in the understanding of generic problems of displacement and create a dialogue with authorities on specific problems in the country concerned;
- ▶ development of a system for the collection of information on the problems of internal displacement around the world;
- ▶ assessment and evaluation of existing international law to determine the degree to which it provides an adequate basis for the protection of internally displaced persons and the development of an appropriate framework to ensure adequate protection;
- ▶ review and evaluation of existing international institutions, their mandates and operations, to determine the extent to which they provide protection for internally displaced persons; and
- ▶ development of a global strategy to enable the international community to respond coherently to the problem of internal displacement.

The report to the 1997 Commission builds on work in previous years and reviews key aspects in the normative framework through which protection of the rights of internally displaced persons is either guaranteed or not. Commentary on this subject covered a number of key points including that:

- ▶ gaps in international protection arise in certain areas such as those related to personal documentation or restitution or compensation for property lost during displacement;