

## INDIGENOUS HERITAGE RIGHTS AND APEC

*The Aboriginal Policy Roundtable on Indigenous Heritage Rights and APEC was held at the Native Law Centre of Canada, University of Saskatchewan, on April 4-6, 1997. Participants included Mildred Poplar from the Union of BC Indian Chiefs, Andres Lix Lopez from the Institute of Indigenous Government, Marie Batiste from the University of Saskatchewan, Russel Barsh from the University of Lethbridge.*

The following actions aimed at the economic empowerment of all indigenous peoples in APEC countries should be considered as potential Canadian government initiatives at APEC--in ongoing collaboration with Aboriginal peoples.

1. Launching work on a NAFTA-style "side agreement" on environmental issues. The existing *North American Agreement on Environmental Cooperation* (1993), creates a special international commission to promote scientific cooperation, public awareness, training, and stronger environmental standards and machinery in the three NAFTA countries. The Commission can also establish dispute-resolution panels to consider complaints by State Parties that other Parties have failed to adopt--or consistently to enforce--adequate standards for environmental protection.

An even stronger side agreement on the environment could be proposed for APEC: one that explicitly provides for the participation of indigenous peoples (and perhaps other grassroots groups) in APEC regional ecological monitoring, training and research, and in the submission of complaints.

2. Establishing a sub-routine in the existing APEC process on intellectual property rights to seek agreement on the outlines of an APEC model national law on *sui generis* protection for indigenous heritage. This task might best be incorporated into the work that is currently assigned to Australia and should be informed by the draft *Principles and Guidelines for the Protection of the Heritage of Indigenous Peoples* prepared by the UN Special Rapporteur Erica Irene Daes.

Indigenous participation in the process is crucial, and could be arranged--with the least likelihood of resistance by more sensitive countries such as Indonesia and Malaysia--through an expert advisory group convened by the lead economy. It would be wise, with a view to gaining political support within APEC, to emphasize the scale of the potential economic benefits which APEC members could realize, if they tapped the full potential from the knowledge and creativity of indigenous peoples.

3. Establishing a sub-routine in the existing APEC process on intellectual property rights to seek agreement on the importance of standards for identifying or certifying goods as the authentic work or produce of indigenous peoples. This task could be included in the trademark work currently assigned to Thailand and the United States, or to another relevant economy such as Canada (which has some