

As we have said on previous occasions, this study is of great importance to supporting sd; since it shows that ip were regarded as free + indep. nations prior to <sup>this</sup> Colonization or occupation by others.

We studied the 1992 progress report w/ great interest + we regret that a ~~more~~ ~~substantive~~ further ~~substantive~~ progress report is not yet available to us at this session, including some idea of how the SR will use the very substantial <sup>supp</sup> reply to his q's we submitted since last year in W.G.B.

However, we would like to make two suggestions for the continuing analysis by the S.F., and two proposals for raising the visibility and impact of this work.

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## ARCHIVES

Briefly, our analytical suggestions are as follows:

(1) To explore the role of the Holy See in the earliest treaties made with i. nations of the Americas and Asia. In the 16<sup>th</sup> + 17<sup>th</sup> centuries, we believe, treaties in Spanish + French territories were made by the Church - since the sep. of Church + nation-state had not yet been fully realized except in G.B. Our first treaty, e.g., was in 1610 with Holy See; pioneer orders did same throughout east Canada, + Latin America, s.e. Africa.

We suggest some explorations in Rome, +, as we have begun some of this work ourselves, we can help plan + pursue

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Q) A related point - there is increasing evidence of a pattern of <sup>extensive</sup> treaty-making in the Southern Cone, i.e. Arg + Chile - at least as rich as in No America, both before + after independence. Greater attention to Latin America is now possible, + in interests of a balanced + thorough analysis, very much justified. Here we strongly agree w/the Argentine speaker

Now as for proposals of an institutional nature, we'd like to explore some options for giving the ongoing study greater weight. The original idea - of providing background for the relevant ~~article~~ <sup>of</sup> Dec'tn - is now somewhat overtaken by events. We should now be looking towards implementation.

With this in mind, we believe the SR + WGR should consider tying the study to the ongoing work of the ILC on treaty and diplomatic law. As a first step, the SC + CTR might be asked to invite the ILC to discuss the qt of indig treaties, with the SR, at its next session. We think this would have an important educational + promotional effect + may result in further consid by the ILC.

international law commission

(5)

The second proposal has to do with new treaties rather than old ones. We'd like to suggest the organizing of <sup>UN</sup> seminars, on the use of modern-day treaties in strengthening i. rights. The participants would include, of course, the SR, as well as IP + govt experts from some countries that have <sup>recently</sup> negotiated treaties, such as Canada, and some that have not - but where negotiations of reconciliation settlement might be useful. The exchange of experience among all of the participants could have a considerable practical pay off.

We make these only as suggestions to the SR, + hope we can consult further informally w/ him + other interested i. nations.

In closing, may I respectfully suggest that indig peoples may be given an incentive to assist the SR, if he could help establish an official UN registry of ip's treaties, to which i. nations could submit their relevant documentation.