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Summary

The ILO's written submission to the United Nations Permanent Forum on Indigenous Issues (PFII) at its Fifth Session (May 2006) outlines the current status of a number of ILO projects and programmes addressing indigenous issues. The report has been coordinated by the ILO's recently formed Inter-Sectoral Advisory Group on Indigenous Issues. It brings together information and inputs relevant to indigenous and tribal peoples (ITPs) from diverse programmes within the ILO, focusing on those relevant to the redefinition of the Millennium Development Goals. Within the context of relevant sections of this report, there are also a number of suggestions and recommendations arising from the information therein.

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Part I: Response to recommendations addressed exclusively to the particular agency/fund/programme/department

Recommendation No. 31

1. This recommendation refers to several distinct priorities and processes. In the ILO's experience, capacity building implies a process of medium- and long-term interventions preceded by research and consultation to identify specific needs to be addressed by such capacity building. This is the case both for indigenous communities and organizations, as well as for the institutions that seek to improve their ability to address indigenous and tribal peoples. Indeed, these two types of capacity building go hand in hand, since official institutions must work in collaboration and consultation with indigenous peoples' organizations when addressing the challenges they face.

2. Thus, whilst workshops are useful in that they bring together multiple stakeholders, generate a shared understanding of indigenous concerns, and enable actors to attend more effectively to indigenous development issues, care is taken to ensure that they are not stand-alone events but part of ongoing and longer-term programmes.

Currently, the ILO is engaging a number of needs-identification and capacity building activities that can help contribute to the capacity building concerning the Millennium Development Goals (MDGs) that is suggested in the Forum's recommendation.

Examples of needs-identification activities in this regard are as follows:

- A series of research projects, including:
- Analysis of 14 national Poverty Reduction Strategy Papers (PRSPs) for their ethnic content;

- Three country studies on participation of indigenous and tribal peoples in the development and implementation of national PRSPs, and indigenous perceptions of poverty;
- In-depth national consultations on PRSPs and Decent Work in Nepal
- Five micro-case studies on achieving the MDGs in selected indigenous communities in Bolivia, Cambodia, Cameroon, Guatemala and Nepal.

3. This research thus deepens our understanding of, *inter alia*, the capacity-building needs that need to be addressed in a number of contexts, thus helping to outline strategies and priorities for working towards the inclusion of indigenous issues in MDG processes. This research has addressed challenges at multiple levels, from the international to the local. One of the overall objectives of such research has also been to identify the particular capacity-building needs of a range of specific actors - institutions, governments, and indigenous peoples' communities and organizations – that are key to achieving the MDGs.

4. As regards capacity-building, the ILO is engaged in medium and long-term capacity building at international, national and local levels with UN and other multilateral agencies, governments and indigenous peoples' organizations.

At the national level, examples are as follows:

- At national, provincial and community levels in Cambodia, in the context of the project on a rights-based approach to indigenous peoples' development
- At the national level in Kenya, with a number of indigenous organizations

- In Nepal, with the national umbrella organization of indigenous peoples (NEFIN) and the Nepali government

5. At the institutional level and on the basis of its technical experience, the ILO continues to organise capacity building between UN agencies, NGOs and the multi-lateral donor community, to assist these actors in developing the tools that enable them to work effectively in concord with ITPs. Examples of such activities are:

- A technical seminar on development cooperation and indigenous and tribal peoples in October 2005 for representatives from UN-System agencies and departments, and donors, in order to enable different agencies faced with similar challenges in the field of indigenous rights to share their experiences.
- A training seminar in Turin for key staff from the ILO, UN agencies and donors. This was intended to build upon the tools and competencies of these actors to address indigenous sustainable development issues.
- Building on the experiences of 2005, this year ILO training activities will expand and the technical seminar will again be hosted in October 2006.

6. All these activities, which are further detailed in Part IV of this report, attest to the ILO's ongoing contribution to capacity building for the sustainable development of indigenous communities and to its active participation in the MDG process.

Part II: Response to recommendations addressed to one or more agencies or to the United Nations system in general

7. Below are brief responses to the recommendations of relevance to the ILO. These responses are not extensive, but where necessary, references to further information

sources are included. Most of the information pertaining to these recommendations is included under other subject headings in the report, to avoid duplication, and ensure proper contextualization.

Recommendation No. 8

8. The ILO calls attention to the research and awareness raising it is undertaking in collaboration with the African Commission on Human and Peoples' Rights (ACHPR), outlined in part 4.2.2(B) of this document.

Recommendation No. 15

9. The ILO compiles data on indigenous issues as a by-product of –

- Country reporting on their application of the Indigenous and Tribal Populations Convention, 1957 (No. 107) and the Indigenous and Tribal Peoples Convention, 1989 (No. 169); and
- Output from technical cooperation projects relating to indigenous issues undertaken with ILO technical support (for example, on the rights of indigenous peoples, or on forced labour).

These statistics are therefore not fully representative of all indigenous groups either at country or global level. There are considerable gaps in the quantitative information on indigenous and tribal peoples available to the ILO

10. However, some work has been undertaken recently by the Project to Promote ILO Policy on Indigenous and Tribal Peoples. In this regard, three case studies on indigenous participation in poverty reduction (PRS) processes have been carried out in Cambodia, Cameroon and Nepal, in consultation with indigenous peoples. The main conclusions of these studies are outlined in section 5.2.2 of this report. Aside from these conclusions, however, the studies raised important concerns regarding

indigenous and tribal peoples' perceptions of poverty, which are often quite different to those of the mainstream population.

11. The studies from Cambodia and Cameroon, for example, were based on in-depth consultations with a number of indigenous communities, and the following general commonalities concerning indigenous peoples' own indicators of poverty can be drawn from them:

- Indigenous peoples' perceptions of poverty are not static, but change according to their levels of integration into mainstream society/the market economy, and the specific problems of lack of access to land and resources that indigenous communities face.
- Lack of land and resource rights were cited as a major indicator of poverty by the communities consulted.
- The lack of recognition of the collective rights of indigenous peoples was also felt by the peoples concerned to be a hindrance to the design of effective and more appropriate ways of addressing their poverty situation.
- Access to services (education, health) is an important indicator of poverty
- Food security is key to indigenous peoples' own perceptions of poverty
- Cultural poverty (with particular reference to the gradual erosion of traditional decision-making) was also highlighted as an important indicator of poverty
- Lack of knowledge and information is also an important contributing factor to their situation of poverty.

12. These conclusions constitute the results of consultations with specific indigenous communities and organizations. It must be highlighted, therefore, that further work needs to be done in this area in order to generate results that can be more widely applicable. However, these studies can provide guidance for further work to develop

indicators. It is of utmost importance that any development of indigenous-specific indicators must be based on consultations with the representatives of the communities and peoples concerned.

13. The ILO is about to start a review of possible indicators concerning the economic activity and conditions of work of indigenous groups, in the context of other projects about to get under way. These will not yet be of general application, but may provide a basis for further work.

Recommendation No. 16

14. As mentioned above, capacity-building to address indigenous issues is a key part of the work of the PRO-169 team within the ILO. Institutional, regional and country - specific capacity building activities are outlined in Part IV of this document.

Recommendation No. 70

15. The ILO has funded the translation of Convention No. 169 into several languages, including indigenous languages. These translations are available at <http://www.ilo.org/indigenous>. It is foreseen also that various training materials will be translated into indigenous languages, for the purposes of country-level activities.

Recommendation No. 73

16. As outlined in section 4.3.1 of this report, ILO support was provided to Brazil's National Indian Foundation (FUNAI), in the organization of the First International Symposium on Isolated Indigenous Peoples of the Amazon and Paraguay precisely to respond to the need to formulate common protection policies for isolated indigenous peoples.

Part III: Obstacles to implementation of recommendations of the Permanent Forum, or other policies relevant to indigenous peoples

Recommendation No. 22

17. For a discussion on the issues pertaining to the establishment of partnerships between international organizations and indigenous peoples, please see section 5.6 of this report. The ILO operates on the basis of consultation and participation with indigenous and tribal peoples, but is also mindful of the challenges of working with small indigenous organizations, particularly in respect of the organizational gap that often exists between the international and the local levels. It is also important to bear in mind the problematic of imposing the organizational logic of international organizations on indigenous peoples.

Part IV: Other significant information regarding recent policies, programmes, or activities regarding indigenous issues within the ILO

18. Many of the activities outlined below are covered in more detail in the ILO's most recent *Newsletter on Indigenous Issues*, which is available on the ILO's website <http://www.ilo.org/indigenous>, and in hard copy from the PRO 169 Project.

Inter-Sectoral Advisory Group on Indigenous Issues

19. To ensure the coordination of rights and poverty reduction activities of ILO departments addressing indigenous and tribal peoples, an advisory group has recently been formed. As well as enabling the development of an overall strategic framework for the ILO's work on ITP issues, the group aims to make the linkages between ITP issues and the core areas of ILO's work more evident. For example, fundamental rights, poverty, child labour, forced/bonded labour, migration and discrimination

activities are increasingly incorporating an indigenous and tribal peoples' rights agenda. As such, the advisory group plays an important role in the broader agenda of mainstreaming ITP concerns into all areas of the ILO.

Project to Promote ILO Policy on Indigenous and Tribal Peoples (PRO-169)

21. Priority areas and future strategies:

- **Staff training:** Initial experiences in this area have been very positive, and we aim to continue to build the capacity of ILO staff to address indigenous issues through continued training in 2006. In addition to inter-regional training, two regional activities will be held in Africa and Asia, where the needs are greatest.
- **Mainstreaming:** PRO 169 continues to identify and pursue entry points through ILO initiatives in other areas, for example under the Declaration on Fundamental Principles and Rights at Work, and under the International Programme to Eliminate Child Labour (IPEC). As such, PRO 169 acts as the focal point for the ILO's inter-sectoral advisory group on indigenous issues (see 4.1 above).
- **Implementation:** Whilst Convention No. 169 provides a guiding framework for consultation and participation, there is a pressing need to examine the specific processes entailed in implementation of its principles. In line with this objective and as an initial step to developing guidelines for governments, indigenous peoples and other relevant actors, PRO 169 will begin to document good practices in this area.

PRO 169 work funded by EIDHR

22. PRO 169 has recently secured funding from the European Commission's Initiative for Democracy and Human Rights (EIDHR) to cover a three-year work plan. It includes the following three components:

A The exchange of experiences on the implementation of the principles of ILO Convention No. 169 at a global scale

23. As a first step, regional consultations with governments and indigenous organizations in Africa, Asia and Latin America will be held in order to identify partnerships for research on good practices related to the implementation of the principles of Convention No. 169. The research will cover: impact assessments, constitutional reform and development of adequate institutional framework, self-management, land rights and natural resources, customary law, conflict prevention and resolution, development cooperation, employment and traditional economies, health and education. The results of the research will be used to elaborate a series of best practices with particular focus on consultation and participation.

B Promotion of the rights of indigenous populations/communities in Africa through documentation and discussion of relevant legal and constitutional provisions

23. A collaborative project will be undertaken with the Working Group on Indigenous Populations/Communities of the ACHPR to conduct research on legislative and constitutional provisions and their implementation in a series of African countries. A project steering committee has been created to manage the collaboration between the ACHPR, PRO 169 and implementing institutions. The main outcome of the research will be a comprehensive document and database of relevant African legislation to be

disseminated to and used by all actors engaged in the promotion and protection of indigenous and tribal peoples' rights in Africa.

C Capacity-building for dialogue in South Asia

25. This component will focus on facilitating dialogue on indigenous issues in Nepal, Bangladesh, India and Pakistan; involving government, indigenous institutions and civil society organizations. Dialogue networks will enable the development of properly targeted training for indigenous organizations, government institutions and civil society organizations. Where Convention No. 107 is in force (in Bangladesh, India and Pakistan) it will be used as a platform for dialogue and capacity building activities to raise awareness of indigenous issues. Additionally, a focus on Decent Work will identify the main barriers to employment and economic development of indigenous and tribal peoples in the areas concerned.

Training of staff

26. PRO 169 organized a training seminar in Turin in September 2005 for key staff from ILO headquarters and field offices, and bilateral and multilateral agencies. The aim of the seminar was to build participants' capacity to promote and apply the principles of Convention No. 169. Indigenous resource persons were present to share their experiences with the participants. Beginning in 2006, further training seminars will be organized at the regional level in Latin America, Asia and Africa.

Technical seminar

27. In October 2005, the ILO hosted a technical seminar for representatives from UN system agencies and departments, and donors, to allow different agencies faced with

similar challenges in the field of indigenous rights to share their experiences. The event was also an opportunity to strengthen inter-agency relationships and to identify areas for future collaboration and joint action.

PRO 169 activities in Nepal

- PRO-169 launched two publications in Nepal in December 2005; *Convention No. 169 and Peace Building in Nepal*; and *Indigenous Peoples, Poverty Reduction and Conflict in Nepal*.
- Representatives from PRO 169 participated in the first regional consultation on Decent Work for indigenous peoples, held in Dharan, and in a seminar on the human rights of indigenous nationalities in Nepal. Both proved effective platforms to raise awareness of ILO's work for indigenous and tribal peoples in Nepal and addressing issues of social exclusion and peace building.
- A micro study on achieving the MDGs is being carried out in an endangered Janajati group in the northern part of Dolakha district (see section 4.2.7 of this document).
- PRO 169 is organizing two advocacy workshops to raise the profile of indigenous women's issues in Nepal: one for government and national NGOs (Nepali); and the other for Indigenous NGOs, to take place in 2006.

Projects in Cambodia and Cameroon

28. PRO 169 has undertaken case studies in Cambodia and Cameroon on the relevance of PSRPs for ITPs, and their participation in the PRSP process. During 2005, these were finalised and launched at the international level (at the Permanent Forum in May), and in their respective countries. For information on the

recommendations from these reports and follow-up work, see section 5.2.2 of this report.

A Cameroon

29. PRO 169 and the ILO Subregional Office in Yaoundé have been working on indigenous issues for over 2 years. As follow-up on this work, a national workshop was held in Cameroon from 15 to 17 June 2005. The workshop aimed to facilitate a constructive national dialogue between indigenous and tribal peoples, state actors, trade unions and other concerned actors and to come to a common understanding of the working and living conditions of indigenous and tribal peoples in Cameroon.

30. The workshop also built on the recommendations of two research projects: a study on the legal framework for the protection of the rights of indigenous peoples in Cameroon (a participatory undertaking comprising desk study and consultations with indigenous representatives, government officials and NGOs in three provinces of Cameroon¹); and a study on indigenous participation in the development of the national poverty reduction strategy, and indigenous perceptions of poverty². As the first national workshop to bring together representatives of all the groups who consider themselves as indigenous and tribal peoples in Cameroon, this in itself was a significant event.

31. In order to follow-up on the recommendations of this consultative workshop, a 2-year capacity-building project is currently being designed.

¹ See Barume, A., K., *Cadre légal pour la protection des droits des peuples indigènes et tribaux au Cameroun*, PRO 169, ILO Geneva, 2005 (French only).

² See Tchoumba, B., *Indigenous and Tribal Peoples and Poverty Reduction in Cameroon*, Project to Promote ILO Policy on Indigenous and Tribal Peoples, International Labour Office, Geneva, and Centre for Environment and Development, Yaoundé, 2005.

B Cambodia

32. A workshop was held in May 2005 to launch the project “Rights-based approach to indigenous peoples’ development in Cambodia”. This project aims to improve the legislative and policy environment for indigenous and tribal peoples in Cambodia and to strengthen these peoples’ own representative organizations to play a more active role in decision-making and development processes. The workshop involved consultation with 27 indigenous representatives from 14 provinces all of whom met and prepared for a day prior to meeting with other stakeholders and with bilateral and multilateral donors.

33. As a result of the workshop, the national project is now focusing on two main objectives: Improvement of the policy environment concerning indigenous and tribal peoples in Cambodia and facilitation of the effective implementation of legislation; and strengthening of indigenous and tribal peoples’ own representative organizations to play a more active role in decision-making and development processes.

MDG micro case-studies

34. Micro studies are currently being undertaken in Bolivia, Cambodia, Cameroon, Guatemala and Nepal. In each country, research focuses on one indigenous community or village to analyse the micro and macro-scale factors that need to be addressed in order to achieve the MDGs. Along with the PSRP studies, these studies thus contribute to the work of the Permanent Forum in its task to advise the UN system on the implementation of the MDGs for indigenous and tribal peoples.

Project to examine indigenous customary law in Morocco

35. How can Moroccan indigenous customary law be integrated into mainstream national legislation in order to consolidate the participation of indigenous peoples in the social and development processes that affect them? Research into this question is the outcome of a collaborative project by TAMAYNUT (An indigenous peoples' association in Morocco) and the ILO.

36. The immediate objectives of the study are: that customary laws be taken into account in national legislation in diverse juridical domains; and to facilitate a discussion at the national level on the creation of systematic procedures that allow for the participation of Amazigh communities' own economic, social and cultural organizational structures in programmes, projects or politics concerning the development of their lands.

37. To this end a compendium of Amazigh customary laws will be published in Amazigh, Arabic and French along with a comparative analysis of national legislation and customary law; both to form the platform for dialogue between the Government, indigenous peoples, media, NGOs and other concerned parties.

ILO Regional Activities in South America

First International Symposium on Isolated Indigenous Peoples of the Amazon

38. ILO support was provided to Brazil's National Indian Foundation (FUNAI), in the organization of the First International Symposium on Isolated Indigenous Peoples of the Amazon and Paraguay. FUNAI proposed the symposium to establish a dialogue towards the formulation of common protection policies for isolated or uncontacted indigenous groups in the Amazon region.

Training on national and international indigenous rights law for indigenous leaders and lawyers

39. The two-and-a-half-day training was held at the ILO in Brasilia in July 2005 to promote a better understanding of national and international procedures and consolidate and strengthen the capacity of indigenous peoples to defend their own rights and interests. The training will be replicated in 2006.

A joint PRO 169 and IPEC Initiative: Combating Child Labour Among Indigenous and Tribal Peoples

See part 5.3 of this document.

The ILO-INDISCO Programme

40. The ILO-INDISCO Programme continues its efforts to alleviate poverty and strengthen the economies of indigenous and tribal peoples in Africa and Asia. Focus remains on strengthening livelihoods and supporting participation in development processes through their own institutions, anchored in their own cultures and needs. Efforts to mainstream gender equality are made at all levels of implementation: both in its work on employment policies and programmes and in the capacity building of indigenous communities.

41. INDISCO Experiences show that poverty reduction and development among indigenous and tribal peoples must be based on a fundamental respect for their cultures and own perceptions of poverty. Community development projects in the Philippines expanded in 2005 with a stronger focus on linking grassroots experiences with policy development. One of the major challenges in this is to strengthen the participation of indigenous peoples in this process and to promote the inclusion of

indigenous peoples' aspirations and needs in national employment policies and programmes.

42. Looking ahead, community development initiatives in the Philippines, Vietnam and Cambodia will focus on strengthening indigenous economies and linking local participation with national policy. Consultative processes and mechanisms for dialogue on employment and poverty reduction will be strengthened with respect for gender equality.

In-Focus Programme to Promote the ILO Declaration on Fundamental Principles and Rights at Work (Declaration)

43. Declaration has undertaken two major activities of direct relevance to ITPs: The Ethnic Audit of PRSP processes in 14 countries (see section 5.2.1 of this document) and research on indigenous peoples and forced labour in Latin America.

Special action programme to combat forced labour

44. In 2005, the Special action programme to combat forced labour (SAP-FL) published three studies which documented coercion and debt bondage against indigenous peoples in the rural areas of Bolivia, Paraguay and Peru. These studies were discussed in a series of workshops with governments, and with workers' and employers' organisations. This led to important policy developments. Both Bolivia and Peru have now set up national commissions mandated to develop effective policies against forced labour practices, while Paraguay has announced that it will open an office of the Ministry of Labour in the Chaco region. A new 1-year ILO project, funded by Sweden, will provide an opportunity to support these developments and to scale up cooperation on the larger issue of discrimination against indigenous

people in the labour market. This project seeks to promote an integrated approach to the fight against forced labour and discrimination, connecting anti-forced labour initiatives with broader social policies aimed at combating ethnic discrimination and promoting ethnic justice in the world of work.

Relevance to indigenous and tribal peoples can be found in Part V of this report.

Inter-agency activities

45. As well as regional and national inter-agency cooperation, the ILO has been actively involved in ongoing work at the international level on indigenous issues.

Some examples of ILO contributions in 2005 include –

- Hosting a technical seminar in October 2005 on ITP issues for representatives from UN system agencies and departments, and donors.
- A substantial contribution to the International Expert Workshop on MDGs, indigenous participation and good governance.
- Participation in the Inter-Agency Task Force on Indigenous Women.
- Recommendations on priorities for a new International Decade for the World's Indigenous People.
- Hosting of English and Spanish-speaking fellows from the OHCHR Fellowship Programme in June and July.
- Participation in the Inter-Agency Support Group (IASG) meeting on indigenous issues in Panama City in September.

Part V: Information and suggestions regarding the special theme of the fifth session, “Millennium Development Goals and Indigenous Peoples: Redefining the Goals”

The ILO’s general contribution to the Millennium Development Goals (MDGs)³

46. The goal of Decent Work for All and the pledges in the Millennium Declaration go hand-in-hand and the ILO works closely with other multilateral organizations and civil society in support of the Millennium Declaration. The ILO also stresses the importance of country ownership of Decent Work Programmes and of the Poverty Reduction Strategies through which the poorest countries are working towards the MDGs. This is manifest through the ILO’s participation in formulating National Poverty Reduction Strategy Papers (PRSPs) and Decent Work Programmes – the two going hand in hand - in the poorest countries. Increasingly, it is also being recognized that PRSPs also need to take into account the diverse needs of peoples *within* each national context since groups like indigenous and tribal peoples are often disproportionately subject to chronic poverty and hunger.

47. In a review of the impact of the ILO’s engagement with the PRSPs, the ILO Governing Body’s Committee on Employment and Social Policy commented (November 2005):

The ILO has now consolidated an approach and methodology to working on PRSPs which will continue to be grounded in capacity building for constituents and maximizing the broader benefits from engagement in poverty policy dialogues, the ILO will now need to become increasingly active in helping to evaluate PRSPs globally and at the country level, in seeking to

³ For further information on the ILO’s general contribution to the MDG process, see the ILO’s Policy Integration Unit website <http://www.ilo.org/bureau/integration/index.htm>.

influence budgetary processes, in advocating for an employment-based growth strategy and for the inclusion of the rights of sometimes neglected groups such as agricultural and informal economy workers, migrants, indigenous and tribal peoples.⁴

48. Whilst the ILO's core institutional inputs to the MDG process come under Policy Integration's Decent Work mandate (with specific focus on decent work for youth), many of the ILO's programmes addressing indigenous and tribal peoples intersect with the MDGs, and research from a broad spectrum of departments can be brought to bear on the question of how to redefine the MDGs with a view to promoting the inclusion of ITPs.

49. Last year's submission to the Permanent Forum dealt uniquely with MDGs 1 and 2. Here ILO progress in these two areas will be reported, focusing specifically on the question of how the goals can be redefined to address the particular challenges facing indigenous and tribal peoples. New information regarding the ILO's contribution to an understanding of goals three, seven and eight will also be presented, with particular emphasis on the final MDG.

Follow up on MDG No. 1: Eradication of extreme poverty and hunger

50. Several ILO departments address the need to develop measures for the participation of indigenous and tribal peoples in development, poverty reduction efforts and decent work initiatives. These are detailed below.

⁴ See <http://www.ilo.org/public/english/standards/relm/gb/docs/gb294/pdf/esp-5.pdf>

Ethnic audit of selected Poverty Reduction Strategy Papers in 14 countries

51. This audit was carried out to ascertain whether the rights and needs of indigenous and tribal peoples had been taken into account, given that the PSRP process was meant to reach out to traditionally marginalized groups.

52. **Amongst the main findings of the study were the significant regional differences in the visibility of indigenous and tribal issues in the PRSPs. Whilst in Africa the debate is still at an incipient stage; in Latin America indigenous poverty and underpinning causes are identified and addressed in the PRSPs, although implementation may be lagging behind. In Asia, concern for the unequal development of indigenous and tribal peoples swings from genuine concern, passing attention to total neglect.**

- **Only two out of the fourteen PRSPs successfully mainstreamed indigenous and tribal issues.**
- **Whether targeted action is directed at poor areas where indigenous peoples live or at the indigenous and tribal communities themselves, neither action guarantees that the structural causes of indigenous poverty are addressed.**
- **There is a lack of reliable, accurate and up-to-date statistics disaggregated by ethnic origin.**
- **Only a few PRSPs examine the gendered dimensions and dynamics of indigenous and tribal impoverishment.**

53. **The participation of indigenous and tribal peoples in the PRSP-related consultations (if any) is inadequate because of invisibility of their issues in national development agendas, lack of readily identifiable indigenous**

organizations, geographical remoteness and language “barriers” and restrictive eligibility requirements for participating in PRSP-related consultation.

54. The following action points are highlighted as important for the future inclusion of indigenous peoples in the PRSP processes:

- **Identification of mechanisms that allow indigenous organizations to participate, e.g. mapping of existing indigenous organizations.**
- **Finding the most cost-effective mechanisms for bringing them in at different levels of the process to deal with different issues at different stages.**
- **Recognition of the fact that indigenous and tribal peoples do not constitute a homogenous group, and therefore there is a need for different focus groups to cover different groups.**

Inclusion of ITPs in Poverty Reduction Strategy Papers: Case studies from Cambodia, Cameroon and Nepal.

55. These case studies have been undertaken to complement the ethnic audit of PSRPs carried out under Declaration (see section 5.2.1, above). Although these 3 studies were conducted in very different contexts, it was found that indigenous peoples were not involved in a meaningful manner in the process of developing the PRSP in any of the countries studied. In most cases, at the local level, indigenous representatives were not aware of the existence of such a process.

A. Cameroon

56. The study from Cameroon ⁵ evaluated the level of participation of indigenous and tribal peoples in the elaboration and implementation of Cameroon's PRSP, through a combined analysis of government policies, and information gained directly from consultation with indigenous and tribal peoples. It concludes that their aspirations and rights are taken very little into account, and there is a risk that the application of the current unitary development model expressed in the PRSP will actually result in the further impoverishment of these peoples.

57. Recommendations for integrating indigenous peoples' concerns into Cameroon's PRSP:

- **In order that their views be taken into account, consultations with indigenous and tribal peoples must be based on a recognition of their collective rights as peoples with specific cultures.**
- **Their modes of land and resource use must be taken into account.**
- **PRSPs need to be based on reliable disaggregated data, collected on the bases of indigenous peoples own criteria for and indicators of poverty. Appropriate studies need thus to be undertaken to better understand the specific aspirations of these peoples.**
- **Indigenous and tribal peoples should be consulted on and participate actively in the definition of their development priorities.**
- **Traditional knowledge should be identified and integrated into poverty reduction strategies.**

⁵ Tchoumba, B., *Indigenous and Tribal Peoples and Poverty Reduction in Cameroon*, Project to Promote ILO Policy on Indigenous and Tribal Peoples, International Labour Office, Geneva, and Centre for Environment and Development, Yaoundé, 2005.

58. The recommendations that are of direct relevance to the ILO (notably training and dialogue-building) are being followed up within the context of the current work of the ILO in Cameroon.

B. Cambodia

59. The study in Cambodia ⁶ focused on indigenous peoples' own perceptions of poverty. The current Cambodian PRSP reflects the fact that the Government is becoming more aware of the social exclusion and political marginalization of ethnic minorities in Cambodia, but there is as yet no specific strategy to address the concerns of indigenous peoples.

60. Land for cultivation, land security and having enough food for the whole year were the most quoted priorities indigenous peoples in Cambodia have for their lives reflecting the fact that indigenous communities today face competition for their ancestral lands with outsiders.

61. Cambodia has recently undergone a process of decentralization, and new administrative structures such as village chief, commune, district and provincial authorities impose different ways of decision-making that conflict with traditional collective structures by transferring instructions and orders from the top down.

62. The report makes practical recommendations for development collaboration with ITPs and these are being followed up within the context of the ILO's national project on indigenous peoples in Cambodia, including in training at national and provincial levels.

⁶ Chhim, K. *Indigenous and Tribal Peoples and Poverty Reduction in Cambodia*, Project to Promote ILO Policy on Indigenous and Tribal Peoples, International Labour Office, Geneva/Centre for Advanced Study, Phnom Penh, 2005.

C. Nepal

63. Nepal's PRSP and the Tenth Five Year Plan (2002-2007) are the same. This is the first ever strategy/plan with exclusive focus on poverty reduction. Unfortunately, Nepal's 59 indigenous nationalities were not consulted during the formulation of the PRSP. This study reveals the consequences of poor consultation in the PRSP process: indigenous peoples are alienated from governance; lack ownership of government/donor's programmes; and above all participation of indigenous peoples in internal armed conflict is ever rising. The ILO activities outlined immediately below aim to create opportunities for dialogue and participation of ITPs in the national context.

Nepal's Decent Work Programme: Incorporating indigenous concerns

64. Nepal's PRSP has opened the avenue for the promotion of decent work for indigenous nationalities. The Kathmandu Adivasi Janajati Declaration (January 2005) made a specific recommendation to the ILO to 'design, in conjunction with the ILO constituents and indigenous nationalities, a Decent Work Plan for Indigenous Nationalities, in a public-private partnership framework'. The ILO is responding to indigenous nationalities' demands and concerns by facilitating continuous dialogue between themselves and the government, offering training and capacity-building on indigenous rights and identifying the main elements of a 'Decent Work Agenda' for indigenous nationalities.

65. Preliminary consultations have highlighted some means of promoting decent work for indigenous and tribal peoples:

- Creating sustainable employment through entrepreneurship and skills training for traditional occupations;

- Facilitating initiatives through cooperatives/self-help groups for traditional livelihoods;
- Working with indigenous nationalities' traditional labour organizations;
- Working with trade unions and focusing on rights issues, especially access to natural resources and forest, land and citizenship certificates.

Follow up on MDG No. 2: Achievement of universal primary education

IPEC and PRO 169 Guidelines

66. Indigenous children are disproportionately affected by the worst forms of child labour, and specific approaches are needed to address their needs and rights effectively. With this objective in mind, three national workshops were organized, in the Philippines, Kenya and Guatemala, bringing together ILO staff, partners and indigenous representatives to identify country-specific concerns and provide recommendations for child labour programmes with ITPs. For example the workshop in Kenya in October 2005 explored the specific vulnerabilities of children belonging to pastoralist and hunter-gatherer communities and identified a number of challenges to combating child labour for these groups.

67. As a result of this research throughout 2005, PRO-169 and IPEC are developing practical guidance notes to ILO staff and partners on how to combat child labour among indigenous peoples.

IPEC study: Social exclusion and child labour in Nepal, with special reference to Janajatis (Indigenous Nationalities)

68. Child labour exploitation is an alarming problem in Nepal where landlessness, illiteracy, exploitative labour relations and poverty are the basic long-term causes of

child labour. For example 58 per cent of children engaged in the worst forms of child labour come from landless families. This study explored the causes, effects and nature of discrimination against indigenous Nepali, Janajati child labourers in the context of their broader exclusion from national society.

69. This study clearly shows that Janajati child labour is a complex phenomenon interlinked with poverty, social exclusion and discrimination. It is clear that child labour is a political as well as a social problem since Janajati economic empowerment is hampered by their social exclusion, their non-representation in decision-making processes and their lack of access to resources resulting from discriminatory government policies. In addition, education is in Nepali and not the Janajatis' mother tongue, alienating this indigenous group from education. An approach that recognises these peoples' rights and social mobilization may be an important device for building awareness and bringing about positive change. Thus far, there has been no clear and inclusive policy of the government or NGOs addressing Janajati child labour and their situation remains poorly documented in Nepal. There is a need for further research.

MDG No. 3: Promote Gender Equality and Empower Women

70. The ILO has identified gender as an issue cutting across all of its programmes and activities in the world of work.

International Programme for the Elimination of Child Labour (IPEC)

- Qualitative research on the gender dimensions of indigenous child labour has been carried out in several indigenous communities in Peru.
- Follow up is under way on a study on child labour among Amazonian indigenous peoples. It aims to identify strategies that contribute to combating child labour among indigenous peoples, through an evaluation of socio-

cultural and economic factors that determine the use of time of indigenous children.

PRO-169

71. PRO-169 has sought to encourage the participation and consultation of women in the decision-making processes that are an integral aspect of all the projects undertaken. In some instances, the lack of participation by women has necessitated project activities (within the framework of national projects) that are specifically directed at mainstreaming gender concerns into projects.

MDG 7: Ensure environmental sustainability

72. REDTURS is a network of rural and indigenous communities, institutions and technicians devoted to supporting the sustainable development of tourism and eco-business in Latin America, seeking compatibility between the objectives of economic efficiency, social equity and cultural identity. REDTURS strengthens networks of community-based tourism, by delivering a set of business support services that enable them to more effectively access new markets, improve the quality of their services and increase their competitiveness.

73. In 2005 REDTURS provided:

- Access to communication technologies to promote and commercialise nearly 200 community tourist destinations through ‘The Portal of Living Cultures’ (www.redturs.org).
- Knowledge and experience sharing through a regional consultation in Panama, where representatives of 10 countries adopted *codes of conduct* and a *collective trademark* to market their services.

74. REDTURS is also developing measures to assess the economic, social, cultural and environmental sustainability of community-based experiences in tourism and has carried out two studies to document the supply of community tourism services in Ecuador and Latin America. A policy paper on Decent Work and Sustainable development with indigenous communities in Latin America will be published shortly.

75. In 2006 REDTURS will be continuing its capacity building work for the sustainable development of eco-businesses in Latin America, for example with training in tourism management in 5 countries and the publication of a manual for community tourism training.

MDG 8: Partnerships for development

76. This goal is extremely broad. Therefore we have chosen to focus on the ILO's work to promote good governance with regard to indigenous and tribal peoples in accordance with Convention No. 169. This includes demonstrating how the ILO itself promotes these principles throughout the design and implementation of its own programmes and projects, and the related issues regarding partnerships with indigenous peoples.

Good governance and indigenous and tribal peoples: The main challenges

77. The final report of the UN Millennium Development Project (2005) identifies governance failures as one of the four main reasons for shortfalls in achieving the MDGs and underlines the need for governments to work with all constituencies and involve all population groups in decision-making processes. This is echoed by the

IASG,⁷ which emphasizes that rights-based approaches to development and good governance are key to achieving the MDGs for indigenous peoples and for attaining the broader goals of democratization and construction of more inclusive societies.

78. A number of ILO instruments concerning the administration of labour in general, as well as ILO instruments on discrimination, in addition to Convention No. 169, contain a series of provisions and principles for good governance. The basic approach is that indigenous peoples have the right to benefit on an equal footing from the rights and opportunities provided to the general population - while at the same time benefiting from special rights and measures to protect their institutions, culture, languages, lands etc.

A Convention No. 169 and Good Governance

79. This Convention can provide a useful framework for dialogue, good governance, and the inclusion of indigenous and tribal peoples in the decision-making and development processes that affect them. It puts special emphasis on the principles of consultation and participation, stipulating that governments shall:

- **Consult the peoples concerned through appropriate procedures and through their representative institutions⁸**
- **Establish means by which indigenous peoples can freely participate at all levels of decision-making;⁹**
- **Establish means for the full development of indigenous peoples' own institutions and initiatives.¹⁰**

⁷ Report of the Inter-Agency Support Group on Indigenous Issues on its 2004 session, UN Doc. E/C.19/2005/2

⁸ Article 6, Convention No. 169.

⁹ Ibid., Article 6.1(b).

¹⁰ Ibid., Article 6.1(c).

80. These provisions concerning consultation and participation are directly related to other provisions of the Convention that concern the development process, which stipulate that indigenous peoples have the right to:

- Decide their own priorities for the process of development as it affects their lives, beliefs, institutions, spiritual well-being and lands;
- Exercise control over their own economic, social and cultural development; and
- Participate in the formulation and implementation of development plans, which may affect them directly.¹¹

81. According to the Convention, the main responsibility for safeguarding indigenous and tribal peoples' rights lies with governments, but it also emphasizes that ITPs have their own social, economic and political institutions. Therefore, ensuring good governance would imply inclusive governance structures that provide the framework for recognition of indigenous rights as well as the recognition of indigenous and tribal peoples' own governance structures that must be respected and strengthened in the process of development. Underlying the Convention is the importance of bringing parties together, by means of dialogue, so that for the benefit of both, they work together in the development of a more inclusive society.

82. The main challenge remaining in countries that have ratified Convention No. 169 is the implementation of coherent and comprehensive mechanisms and legislative frameworks to deal with consultation and land rights issues. Consultation is often lacking, particularly in the exploitation of natural resources and in cases of mining and forestry activities on indigenous and tribal peoples' lands. Improved procedures for consultation with indigenous and tribal peoples on matters pertaining to lands and

¹¹ Ibid., Article 7.1.

resources, but also relating to a range of other questions, can help to substantially improve governance, leading to more sustainable development, as well as improved relations between indigenous and tribal peoples and states.

Current ILO activities and strategies relevant to the inclusion of indigenous and tribal peoples in MDG 8

83. All of the projects outlined in part IV of this report are relevant to furthering MDG 8, understood in its broadest terms. For example, research on the extent to which legalisation and constitutions in Africa protect the rights of the indigenous populations is a prerequisite for establishing steps towards good governance practices there. Similarly research into Moroccan indigenous customary law and processes of dialogue building there are geared towards the harmonisation of indigenous and dominant elements of national society. The ILO will also be addressing the challenges for implementation of the principle of consultation at a sub-regional seminar in Guatemala this year, focusing on the responsibilities of countries in this region that have ratified Convention No. 169.

84. As discussed in part I of this report, capacity-building is a primary concern for all the ILO's activities in this field and as such is an element of all its programmes. The goal of conflict resolution, where relevant, is also a major part of the ILO's national level activities that connect governments and ITPs. Developing indicators and disaggregated data for ITPs is currently a key focus across UN agencies and the ILO along with its statistics department will be looking at ways to address this concern in the following year.

The ILO and Indigenous Peoples: The challenges of Partnership for Development

85. The concept of partnership is of vital importance to the ILO in its work with indigenous and tribal peoples and thus the principles of consultation and participation enshrined in Convention No. 169 inform our working methodologies and are the key way in which we strive to ensure that ITPs' are involved in the development processes that affect them. However, dealing with governments and with indigenous and tribal peoples' organizations of greatly differing organisational capacity is no small challenge.

86. In *Cambodia*, for example, organisational structures beyond the village level are constrained by a general lack of education, legal literacy and knowledge of the Khmer language as well as by limited physical accessibility. As a result, indigenous communities' participation in any development project is limited to the village level. This situation makes it difficult for the ILO to work directly with the traditional structures. In order to minimize this gap, the ILO has entered into partnerships with NGOs on the ground that have significant experience of working in indigenous communities.

87. The need for such intermediate organisations is clear if one considers the ILO's mandate as an international organization, whose added value lies in the area of its normative mandate and its capacity for policy work. Technical and research components are a necessary complement to these priorities and entering into partnerships with implementing organizations is often essential to achieve these goals. This can often be an intermediate step to capacity building of indigenous peoples themselves since it creates a means of linkage between international, national and local level frameworks.

88. PRO 169 has supported a series of activities in *Kenya*, aimed at strengthening pastoralists' and hunter-gatherers' organizations and their voice in relevant policy discussions, especially with regards to their participation in the Constitutional Review Process in Kenya. The challenges posed by these partnerships proved very different from those in Cambodia, and being of longer standing, they can already be evaluated.

89. In Kenya, the level of organisation is relatively high, though somewhat fragmented. This seems to be due both to geographical distances and lack of resources, which complicate organisational meetings, and also to conflicts of interest and power between different groups. Indigenous organisations increasingly enter into partnership relations with NGOs.

90. Some of the joint lessons learned from the Network that the ILO has worked with in this capacity are as follows:

- The support from ILO had allowed the pastoralists and hunter-gatherers to define a common position in the constitutional review process; draft papers on the most important substantial issues; have their representatives appointed for key positions in the process; have their main concerns reflected in the draft constitution and communicate and consolidate this position through community consultations and training.
- The direct support of the ILO to additional projects had to some degree ensured the involvement of youth and women in the process and the direct support to an indigenous women's organization had had a legitimizing

function for the organization when later approaching other potential donors.

- The requirement of most donors to channel funds to individual member organisations of the network through the hosting organisation did not take into account the diversity on the ground and even created competing interests of individual member organisations.

91. Based on the ILO's experiences in these two countries, the following conclusions can be drawn, as essential elements for the effective efficient partnerships with indigenous and tribal peoples:

- **Convergence of substantial objectives between the partners rather than separate institutional objectives**
- **Focus on strengthening indigenous peoples influence and participation in policy and decision-making processes that affect their lives – and involving the diversity of actors that have influence on such processes**
- **Prioritization of capacity-building – and conceptualization and designing of such capacity-building as a long-term process with clear progression and benchmarks.**
- **Involvement of indigenous peoples as well as governments, agency staff and other relevant actors in the capacity-building process – in order to bridge the gaps from both sides.**
- **Undertaking of joint assessments and evaluations with partners and understanding partnerships as shared learning processes.**
- **Documentation of experiences and lessons learned and sharing with other partners.**
- **Accordance of special attention to the participation of women and discussion of gender issues with partners.**