



## **Permanent Forum on Indigenous Issues Eighth Session, May 2009**

### **ILO Contribution**

#### **Summary**

*The ILO's submission to the United Nations Permanent Forum on Indigenous Issues (UNPFII) at its Eighth Session (May 2009) outlines the current status of a number of ILO projects and programmes addressing indigenous issues, and highlights the main substantial areas of ongoing ILO work on indigenous issues. This report brings together information and inputs relevant to indigenous and tribal peoples (ITPs) from different programmes within the ILO.*

***Note:** This report is structured according to the questionnaire provided by the secretariat of the Permanent Forum. In order to avoid duplication under several sections of this report, various issues are cross-referenced.*

## **Part 1: Follow up to recommendations by the Permanent Forum**

### **1.1 Economic and Social Development**

The ILO has a double role with regard to the promotion of indigenous peoples' rights to economic and social development. First, through the promotion, protection and supervision of the indigenous people's rights based on Convention No. 169 and other ILO Conventions, including, where applicable, Convention No. 107; secondly, through its two technical cooperation programmes which provide and ensure that indigenous and tribal peoples' rights through policies and legal recognition are protected and that indigenous peoples fully participate and define their own priorities for development.

**Recommendation No. 63:**  
indicators of well-being, poverty and sustainability relevant to indigenous peoples

Over the last few years, the ILO has, through a series of national, regional and international processes, helped define indicators relevant for indigenous peoples, including in the areas of measuring status and trends in indigenous peoples' traditional knowledge as well as measuring progress towards the achievement of the MDGs and the implementation of indigenous peoples' rights. In November 2008, the ILO collaborated with the International Indigenous Forum on Biodiversity (IIFB), the Tebtebba Foundation and the Secretariat of the Convention on Biodiversity (SCBD) in organizing an international workshop on further developing work on indicators.

The ILO is committed to furthering this work by exploring the use of "traditional occupations" as an indicator, including the elaboration of operational definitions, refinement of concepts; consultations with indigenous peoples; elaboration of a concept and methodological guide for indigenous peoples and field testing in selected countries.

**Recommendation No. 64:**  
UN agencies to support efforts of states to integrate indigenous issues into PRSPs and action to achieve the MDGs; and Recommendation No. 70: ILO to work with the UNPFII, UN agencies, IFIs, bilateral donors and other interested parties to further the inclusion of IPs' rights in high-level development policies and PRSPs such as by raising indigenous peoples' issues with the OECD and its related development Assistance Committee

The ILO continues to work for the inclusion of indigenous peoples' rights in PRSPs, particularly in the context of national-level projects and through training and capacity-building of partner organisations, donor and UN agency staff. Particularly, national-level projects in Cameroon, Cambodia, Nepal and, more recently, Bangladesh are aimed at having indigenous peoples' rights and needs reflected in national policies to eliminate poverty.

### **1.2 Indigenous women**

**Recommendation No. 8:**  
UN agencies to mainstream gender/indigenous issues and integrate the special needs of indigenous women into programmes and policies

Building on the recent guidance material produced by PRO 169 and the Equality Team of the ILO on Discrimination in Employment and Occupation among Indigenous and Tribal Peoples, which addresses discrimination on the grounds of ethnicity, PRO 169 in collaboration with the ILO Bureau for Gender Equality is finalizing a working paper on indigenous women in the world of work based on case studies from Bangladesh, Nepal, and Latin America. This working document corresponds to ILO's concern to develop and apply a more intersectoral approach to gender analysis when addressing the situation of indigenous women under the global decent work deficit. It addresses the disadvantages of

indigenous women in the world of work through the examination of different discriminatory contexts and the relation of gender to ethnicity and other relevant axes of social differentiation, which together structure relative position of a woman, as an individual and as a member of the community. The working paper also highlights some critical issues and challenges, particularly on the issue of disaggregated data on the situation of indigenous women in the employment and occupation sector.

Most importantly, the programme is mainstreaming the concern of gender issues into its activities at all levels and in all areas. For example, by ensuring equal representation of men and women in training activities and consultation workshops; by providing gender-disaggregated data, findings and recommendations in reports and publications and; by detailing gender-specific activities and outcomes for men and women in the context of project activities.

### **1.3 Second International Decade of the World's Indigenous People**

Recommendation No. 103:

UN system to support UNDG Guidelines for indigenous peoples' issues

See outline of activities concerning UNDG Guidelines and training for UNCT staff under section 4.1 of this report.

### **Parts 2 and 3: Obstacles to implementation of recommendations of the Permanent Forum; and Facilitating factors for the implementation of the recommendations of the Permanent Forum**

The interaction between the IASG and the members of the Forum could be enhanced through improved information/knowledge sharing and by involving Forum members more actively in the activities of the various agencies. This is particularly important when new members join the Forum.

A regular way of communication between the Forum and the IASG should be established. This could begin, for example, with inviting members of the Forum to participate in a session with the IASG prior to the Annual sessions of the Forum. This would be particularly useful to inform members of the Forum about the mandates and activities of the Agencies and enable them to make feasible recommendations to the Agencies.

### **Part 4: ILO policy and tools on indigenous issues**

The ILO has a normative mandate in the area of indigenous peoples' rights, through its responsibility for Conventions Nos. 107 and 169. A number of other ILO instruments are indirectly related to the protection of the rights of indigenous peoples, including the Discrimination (Employment and Occupation) Convention, 1958 (No. 111); the Forced Labour Convention, 1930 (No. 29); the Abolition of Forced Labour Convention, 1957 (No. 105); the Minimum Age Convention, 1973 (No. 138); and the Worst Forms of Child Labour Convention, 1999 (No. 182). These instruments are among the ILO's fundamental Conventions, and as such they are of relevance to indigenous peoples. Moreover, these Conventions are generally very broadly ratified by the ILO's Member States, and therefore can be used by indigenous peoples as tools for the protection of their rights in countries that have not yet ratified Convention No. 169. The latest ratification of (by Chile) Convention No. 169 took place in August 2008. The Convention has now been ratified by 20 countries.

The ILO has regular, institutionalized mechanisms to monitor the implementation of all its conventions – in law and in practice. The organ responsible for the regular supervision of

ILO Conventions is the Committee of Experts on the Application of Conventions and Recommendations (CEACR). The ILO's Governing Body and the International Labour Conference also play a role. The year 2008 was a "reporting year" for Convention No. 169, and thus all ratifying countries were required to submit reports under this Convention, which were examined by the CEACR at its annual session in November-December 2008. The CEACR issued a series of observations addressed to governments of ratifying States assign compliance with the Convention and need for further action in this regard. It also issues a general observation focussing on the challenges of ensuring consultation and participation in accordance with the Convention. Furthermore, the CEACR addressed indigenous issues under other relevant ILO Conventions including Convention No. 111 on Discrimination in Employment and Occupation, and Convention No. 29 on Forced Labour.

The observations of the CEACR are available to the public in the ILOLEX database on the ILO website (<http://www.ilo.org/ilolex/english/index.htm>). The observations of the CEACR are followed-up through technical cooperation of the ILO to the country concerned, as well as through a broader range of capacity building and other outreach activities undertaken by the ILO's PRO 169 Programme.

The PRO 169 Programme is a global programme of the ILO to promote and implement the rights of indigenous peoples. Its overall objective is that indigenous and tribal peoples' rights are promoted and their socio-economic situation improved, in compliance with the principles of ILO Convention No. 169.

The immediate objectives of the programme are as follows:

- The principles of ILO Convention No. 169 and other international labour standards of key importance for indigenous and tribal peoples are being promoted and implemented.
- Indigenous and tribal peoples' rights and priorities are addressed in ILO Decent Work Country Programmes, based on the principles of ILO Convention No. 169.

PRO 169 is funded by the Danish International Development Agency, the European Commission (EC), the Spanish Agency for International Cooperation for Development (AECID), and other donors at the country level, and works in partnership with international, regional and national institutions, including indigenous peoples' organisations, and has 22 staff in 9 countries, and at ILO headquarters in Geneva.

The following is an overview of PRO 169's activities and initiatives over the last year. Further information can be found at [www.ilo.org/indigenous](http://www.ilo.org/indigenous), or by writing to [PRO169@ilo.org](mailto:PRO169@ilo.org)

#### **4.1 Coordination with and contribution to international processes**

PRO 169 has continued its technical support to the development of indicators relevant to indigenous peoples and participated in two international events to this effect: a seminar organised in Mexico by the IADB and Fondo Indígena and a seminar organized in the Philippines with the secretariat of the Convention on Biodiversity (CBD) and the International Indigenous Forum on Biodiversity (IIFB).

A practice guide for the inclusion of indigenous peoples in PRSPs has been published and distributed to partners in three languages. Follow-up at the country-level is undertaken in the context of national programmes in Cambodia, Cameroon and Nepal.

A comprehensive ILO delegation participated in the annual session of the UN Permanent Forum in May 2008. PRO 169 co-sponsored the participation of a high-level delegation from Nepal, headed by the Minister for Local Development, and a media delegation. A video describing the Nepali process and participation in the Forum ("The Long Journey" by Navin Subba), is available on request.

The ILO participates in the annual sessions of the Inter-Agency Support Group on indigenous issues (most recently in 2008 in Paris). Key areas for discussion and coordination have been the joint promotional efforts of the UN Declaration on the Rights

of Indigenous Peoples and Convention No. 169; country-level coordination and the elaboration and roll-out of the UNDG Guidelines to Country Teams. For the latter, a special “Management Committee” was established under the UNDG, in which the ILO is participating. For 2009 it is foreseen that training for UNCT staff will be organized jointly with the ILO International Training Centre in Turin and country-level training was organised in Nepal in February.

## **4.2 Contribution to ILO technical cooperation policies and programmes (mainstreaming)**

A series of case studies on discrimination against indigenous peoples’ traditional occupations has been published. A publication with ILO GENDER on discrimination against indigenous women in employment and occupation has also been published.

## **4.3 Dissemination of information about ILO activities on ITPs**

The ILO official website on indigenous peoples was restructured, updated and expanded to include a comprehensive series of materials, documents, publications etc. ([www.ilo.org/indigenous](http://www.ilo.org/indigenous))

PRO 169 continues to reprint and disseminate publications and materials on C111, C169, child labour and other core issues to partners all over the world. A comprehensive database for distribution has been developed.

A 2009 calendar, focusing on key messages from C169, was prepared and widely distributed to partners.

## **4.4 Regional initiatives**

### **4.4.1 Collaboration with the African Commission**

A total of 24 desk studies as well as 7 in-depths studies based on country visits have been finalised, to document the situation of indigenous peoples Africa. The research has been undertaken in collaboration with the African Commission on Human and Peoples’ Rights and the University of Pretoria. The research will constitute the first ever attempt to do a comprehensive overview of the situation of African indigenous peoples. An overview report of the status and trends in the legal protection of the rights of indigenous peoples in Africa will be published in the first half of 2009, and discussed at regional workshops. A database of legislation is in progress and will soon be available online

### **4.4.2 Best practices for the implementation of Convention No. 169**

A total of 18 case studies as well as additional research and a compilation of comments of the ILO supervisory bodies have been finalised and constitute the basis for the elaboration of a comprehensive Practice Guide for the implementation of C169. The Guide will be discussed at a series of regional workshops in Africa, Asia and Latin America.

### **4.4.3. Subregional capacity building for Central Africa**

A sub regional project has been initiated in central Africa with EC funds. It is aimed at dialogue and capacity building on indigenous issues. Ten training modules have been developed on issues of direct relevance to indigenous peoples in Central Africa, for use in the project. Two training seminars are foreseen for 2009, and two for 2010.

#### 4.4.5. Promotion and implementation of Convention No. 169 in Central and Latin America

A comprehensive regional programme to promote and implement C169 is being developed with Spanish funds. The programme will be coordinated from Lima, with additional staff in Guatemala to cover the Central American region.

#### 4.4.6. Technical Assistance in Southern Africa

A programme aimed at dialogue and technical assistance with the aim of improving participatory development for indigenous San communities has been initiated, with Spanish funds.

### **4.5 National level efforts to promote the rights and improve the socio-economic situation of indigenous peoples**

#### 4.5.1 Bangladesh

A dialogue seminar was organised in Bangladesh and has resulted in the development of a national project proposal, which will be initiated in 2009. A national coordinator will be hired in January 2009.

#### 4.5.2. Cambodia

A large national project in Cambodia, funded by the Danish Embassy in Phnom Penh and aimed at implementing legislation on collective land rights for indigenous peoples, and associated capacity building, continues. The project has secured additional funds for 2009, in order to assist indigenous communities who have registered as legal entities to increase their income, address some of the economic problems they face, and secure more sustainable livelihoods. This will complement the existing activities to secure land rights for these communities.

#### 4.5.3. Cameroon

PRO 169's national project in Cameroon is aimed at capacity building. During 2008, this included capacity building for indigenous peoples' organisations on organisational strengthening and advocacy. Training activities during 2009 and 2010 will be linked directly to the Central Africa capacity building project (see 4.4.3., above).

In 2008, through dialogue workshops and lobbying, and with various indigenous representatives, PRO 169 consultation took place. This allowed indigenous people's participation in the revision of the Poverty Reduction Strategy Paper (PRSP) of Cameroon. Under a concerted action between PRO 169, UNHCHR, UNICEF and the Government, the International Day of the World Indigenous Peoples Celebration was held in Cameroon.

#### 4.5.4. Indonesia

PRO 169 is working with partners and indigenous organizations in the country to promote the ratification of ILO Convention No. 169.

#### 4.5.5 Kenya

Small-scale activities for local economic development were undertaken with the Maasai Cultural Heritage Foundation in the Laikipia District. In addition, PRO 169 has collaborated with the Kenya National Human Rights Commission to implement a National Seminar on Good Practices on indigenous peoples' rights in order to enhance the understanding and capacity of national institutions to address such issues in Kenya.

#### 4.5.6 Namibia

A specific proposal for “promoting and implementing the rights of the San peoples of Namibia” was developed and will start early 2009 with Spanish funding.

#### 4.5.7. Nepal

Large-scale activities for the implementation of C169 in Nepal have been initiated, with separate funding from the Danish and Norwegian Embassies in Kathmandu. A Draft Action Plan for the implementation of the Convention, which was discussed and endorsed by national stakeholders in a 3-day workshop in the country, is now being finalized and a Task Force on the Implementation of the Convention is now also in place. The Task Force is composed of representatives from the various government institutions which are directly involved in the implementation of the ILO Convention in Nepal.

### **Part 5: ILO capacity-building programmes on indigenous issues**

Training and capacity building are key components of PRO 169’s activities. In 2008, PRO 169 organized trainings at the national, regional, and headquarters level as part of its broader mainstreaming and capacity building strategy:

6.1 An international training course was organized with the ILO Training Centre in Turin in English and Spanish and convened participants from all over the world. The course focused on indigenous peoples’ rights and development and was, in the second part, merged with an international conference on strategies for local economic development. There will also be a course in Turin in 2009.

6.2 Training and capacity-building was provided to the regional indigenous network, Asian Indigenous Peoples Pact (AIPP) during the AIPP Regional Conference on Indigenous Development in Malaysia and at the Asia Regional Indigenous Fair in Chiang Mai. The two events also served to develop partnership ideas with AIPP for 2009. A regional training program will also take place during the first half of 2009 and will be merged with the regional “good practice seminars” in Asia (Nepal), Africa (Kenya) and Latin America.

6.3 PRO 169 has developed a training website which comprises all necessary materials for a one week course on indigenous peoples’ rights and development, including video-interviews with ILO officials and partners, presentations, background documents etc. The training website is now available in English and translation of the website in French and Spanish is under way ([www.pro169.org](http://www.pro169.org)). The above training materials are made available to partners in a “training tool box”, comprising two CDs and 5 DVDs.

6.4 The ILO contributes on an annual basis to the Indigenous Fellowship Programme of the UN High Commissioner for Human Rights. In 2008 Spanish, English, and Russian speaking indigenous fellows attended courses one- and two-week courses at ILO headquarters. ILO staff and partners were invited to join with the fellows in order to maximize the output of this resource-demanding undertaking.

6.5 PRO 169 has now established a practice, where possible, of engaging indigenous interns to undertake on-the-job training in ILO offices. Such internships not only contribute to the capacity building of the interns, but also enable the ILO to benefit from their perspectives, experience and knowledge.

In 2008, there were three indigenous interns with PRO 169 in headquarters, one in Cambodia, and one in India. Three indigenous interns joined the HQ team in January 2009

## **Part 6 ILO Focal points on indigenous issues**

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Besides the PRO 169 Staff in the headquarters and in the regional and country offices, an Advisory Group on indigenous issues also exists in the ILO and meets regularly. The ILO Advisory Group supervises the mainstreaming of indigenous issues in key areas in the organizations various works and activities. The Advisory Group meet twice in 2008.

*Part 7: List of ILO events on indigenous issues in 2009*

In the context of ongoing country-level programmes, a series of activities are foreseen in Bangladesh, Cambodia, Cameroon, Peru and Nepal. In addition, the following major regional or international events are foreseen.

- First National Workshop on Indigenous Peoples' Rights, Nairobi, Kenya; February 22-25, 2009; in collaboration with the Kenya National Commission for Human Rights.
- Regional Good Practice Seminar in Asia, Kathmandu, Nepal; April 2009.
- Regional Good Practice Seminar in Africa, Nairobi, Kenya, May 2009.
- Workshop to launch the Research on the Legal Framework for the Protection of the Rights of Indigenous Peoples in Africa (in collaboration with the African Commission on Human and Peoples' rights), May 2009 (venue to be determined).
- International seminar and celebration of the 20th anniversary of the adoption of ILO Convention No. 169, Geneva, 1-2 June 2009.
- ILO Component of the OHCHR English Speaking Indigenous and Minority Fellows, ILO Headquarters, Geneva; June 29- July 10, 2009.
- ILO Component of the OHCHR Spanish speaking Indigenous Fellows, ILO Headquarters, August 3-7, 2009.
- ILO Celebration of the International Day of the World Indigenous Peoples, ILO Headquarters, Geneva, August 2009.
- International Training Course on Indigenous Peoples Rights and Development, ILO-ITC Training, Turin, Italy, October 2009.