Mid-term evaluation
Second International Decade of the World’s Indigenous People
2005-2014

Questionnaire for UN system and other intergovernmental organizations

Information submitted by International Labour Organization (ILO)

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Mid-term evaluation of the 
Second International Decade of the 
World’s Indigenous People, 2005-2014: 
ILO Contribution

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Part A. General questions on the implementation of the Second International Decade of the World’s Indigenous People

1. Has the agency/organization established specific plans and activities or benchmarks to implement the goal and objective of the Second International Decade of the World’s Indigenous People? If so please describe them.

The work of the ILO in the field of indigenous and tribal peoples falls into two categories; promotion and supervision of relevant ILO conventions and technical cooperation to build capacity for the implementation of indigenous peoples’ rights through international cooperation. The objectives of the ILO’s work in this area thus coincide with the goals and objectives of the Second International Decade of the World’s Indigenous Peoples.

Since the proclamation of the Second Decade, the ILO has considerably scaled-up its work on indigenous peoples’ issues and has further strengthened the links between its supervisory bodies and its technical cooperation programmes. At the moment, there are a number of specific programmes that address indigenous peoples’ issues within the organization, thus creating synergies and further building the capacity and expertise of the ILO to mainstream indigenous peoples’ issues throughout the organization.

The main programme that deals with indigenous issues is the Programme to Promote ILO Convention No. 169 (PRO 169). The programme operates through a wide variety of approaches and entry points, including on developing sustainable economic strategies for indigenous peoples through the component on Indigenous Peoples Local Economic Development (IP/LED).

Operating as one global programme based on ILO Convention No. 169, PRO 169 builds on the organizations strong mandate on indigenous peoples’ rights and has developed multi-faceted interventions and activities at the global regional and national levels that are closely link to the objectives of the Second International Decade and the ILO’s Decent Work Country Programmes (DWCP) in targeted countries of operation.
2. **How does the agency/organization perceive the impact of the Declaration on the Rights of Indigenous Peoples in its activities and overall direction?**

The ILO has welcomed the adoption of UNDRIP as a milestone and is committed to promoting it. The ILO believes that the UNDRIP reaffirms the importance of the principles and approaches provided for under Convention No. 169. The UNDRIP therefore also provides a fresh impetus for promoting the ratification and implementation of Convention No. 169. UNDRIP has contributed to raising awareness on indigenous peoples’ rights and the related international standards within the ILO including in the context of ILO Descent Work Country Programmes (DWCP).

Since the adoption of the Declaration in 2007, the ILO has been promoting joint dissemination of UNDRIP and Convention No.169 and includes the Declaration in its training packages and curricula.

3. **Does the agency/organization celebrate the International Day of the World’s Indigenous People?**

The Celebration of the International Day of the World’s Indigenous Peoples has been an annual event at the ILO and an occasion for the ILO's Director General to issue a statement on the situation of indigenous peoples. Moreover, celebrations also take place in ILO regional, sub-regional and country offices.

This year, the ILO, in collaboration with the Office of the High Commissioner for Human Rights (OHCHR), celebrated the International Day of the World’s Indigenous Peoples in conjunction with the 2nd Session of the UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) at the UN Office in Geneva.

4. **What has been the agency/organization’s most significant and main contribution to the implementation of the goal and objectives of the Second Decade?**

ILO’s main contribution to the implementation of the goals and objectives of the Second Decade includes the promotion of non-discrimination and inclusion of indigenous peoples in the design, implementation and evaluation of international, regional and national processes regarding laws, policies, resources, programmes and projects and the promotion of full and effective participation of indigenous peoples in decisions which directly or indirectly affect them.

Detailed information on ILO’s most significant and main contribution in the implementation of the Second Decade is outlined in Part A, Question 6 & Part B, Objective 4 of the questionnaire.

5. **How does the agency/organization plan to enhance the awareness of indigenous peoples’ issues amongst its staff?**

The ILO has established an internal Advisory Group on Indigenous Issues, which convenes a number of Departments and Units to share information and experiences regarding indigenous peoples’ rights.

Furthermore, training and capacity building are key components of ILO work with indigenous peoples and ILO staff is encouraged to actively participate in trainings at country, regional and headquarters levels. PRO 169 is 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.
Another main strategy is to undertake research and develop tools to relate the situation of indigenous peoples to other key areas of the ILO’s work, for example employment generation and the combating of discrimination, child labour and forced labour.

Also, specialised staffs conduct orientation sessions for colleagues in field offices during missions.

6. **In what types and sectors of indigenous issues has the agency/organization been most involved during the last five years?**

Through its unique mandate on indigenous issues, the ILO is promoting indigenous peoples’ rights as enshrined in ILO Convention No. 169 and other international standards of key importance for indigenous peoples and undertakes regular supervision of the implementation of these Conventions in countries that have ratified.

In addition, through its technical cooperation programmes, the ILO is involved in the promotion and protection of indigenous and tribal peoples’ rights based on the principles of ILO Convention No. 169 and in addressing indigenous and tribal peoples' rights to development through technical cooperation.

During the last five years, the ILO has been most involved in the following sectors of indigenous issues:

- **Coordination with and contribution to international processes** which includes active participation and technical contributions to the UN Permanent Forum on Indigenous Issues, the Inter-Agency Support Group, the United Nations Development Group, the Task Force on Indigenous Women, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, the Expert Mechanism on the Rights of Indigenous Peoples and others. The technical work has, for example, included the definition of indicators for the implementation of indigenous peoples’ rights and a Guide for inclusion of indigenous peoples’ rights in poverty reduction strategies.

- **Contribution to ILO technical cooperation policies and programmes (mainstreaming).** Activities under this heading include integration of indigenous peoples’ rights and needs in Decent Work Country Programmes (DWCPs) in Bolivia, Cambodia, Cameroon, Chile, Paraguay, Indonesia, Nepal, Peru, Philippines, Namibia; Local Economic Development (LED) programmes for indigenous peoples; research, tools and programmes to combat child labour among indigenous peoples; publication of tools on ILO Convention No. 111 on Discrimination in Employment and Occupation as it relates to indigenous peoples; case studies, publications and programmes to address gender discrimination against indigenous women, and; staff training.

- **Dissemination of information about ILO activities on Indigenous and Tribal Peoples.** The ILO publishes a broad range of newsletters (the previous printed annual newsletter has been replaced with a quarterly electronic newsletter in four languages), publications on thematic issues (e.g. on discrimination of indigenous workers and indigenous women in the context of Convention No. 111; on efforts to combat child labour among indigenous peoples; the use of Convention No. 169 in Latin American courts etc.) and a website in three languages (www.ilo.org/indigenous). Information packages and publications on core ILO labour standards have been published and broadly disseminated.

- **Capacity-building for indigenous, government and social partners.** These training and capacity-building activities include an annual international training course on indigenous peoples’ rights and development in collaboration with the ILO Training Centre in Turin, regional conferences and trainings held in Asia and Africa, an ILO component of the OHCHR Indigenous Fellowship Programme held at headquarters in four languages (English, French, Spanish and Russian), a series of national-level training courses as well as development of a training website (www.pro169.org) and an electronic training tool box. Furthermore, the ILO has been expanding the Indigenous Internship Programme.

- **Support to regional initiatives.** The ILO has undertaken a series of regional initiatives, including a comprehensive documentation of African legislation pertaining to indigenous
peoples. This constitutes the first ever attempt to do a comprehensive overview of the situation of African indigenous peoples and has been undertaken in collaboration with the Working Group on Indigenous Populations/Communities of the African Commission on Human and Peoples Rights (ACHPR). Another initiative is the documentation of good practices for implementing indigenous peoples’ rights, based on Convention No. 169 and UNDRIP. A comprehensive Practice Guide has been published and disseminated in four languages. The Guide has been discussed at a series of regional workshops in Africa, Asia and Latin America. In Latin America, the ILO has recently established a comprehensive regional programme to promote and facilitate the implementation of Convention No. 169 in the region. In both Southern and Central Africa, the ILO has developed sub-regional programmes to build capacity for the implementation of indigenous peoples’ rights.

- National level efforts to promote the rights and improve the socio-economic situation of indigenous peoples in target countries, such as Bangladesh, Cambodia, Cameroon, India, Indonesia, Namibia, Nepal and Kenya.

Part B. Evaluation of the degree of implementation of the goal, objectives and Programme of Action of the Second International Decade of the World’s Indigenous People (Objectives 1 – 5 of the Second Decade)

**Objective 1 of the Second Decade**

a. Assess the progress made and degree of implementation in relation to promoting non-discrimination and inclusion of indigenous peoples in the design, implementation and evaluation of international, regional and national processes regarding laws, policies, resources, programmes and projects.

1. *Please identify existing challenges and institutional limitations in the agency’s/organization’s capacity to approach indigenous issues.*

The issues of indigenous peoples’ rights remain sensitive in many countries. This is further aggravated with politically unstable and difficult contexts, for example in some countries in Africa and Asia. The ILO overcomes these difficulties by following a flexible implementation strategy with a wide variety of entry points and by working with a variety of implementing partners from government and indigenous peoples’ side. Furthermore, capacity-building constitute a key element of this strategy.

Another challenge is that such an implementation strategy is very demanding in terms of human resources due to the large number of differentiated and often small-scale activities needed.

2. *Has the agency/organization developed guidelines or a policy of how to engage with indigenous peoples in its work*

The ILO has a normative mandate in the area of indigenous peoples’ rights, through its responsibility for Conventions No. 169 which is the basis for the ILO’s engagement with indigenous peoples. As a specialized agency of the United Nations, the ILO is also guided by the UNDRIP. A number of other ILO instruments contribute 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. 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.
An ILO Inter-Sectoral Advisory Group on indigenous issues has been established to share experiences among relevant ILO departments and promotes mainstreaming of indigenous peoples’ rights. Since 2005, the ILO Advisory Group meets regularly to discuss the implications of the adoption of the UNDRIP; follow-up to the annual UNPFII sessions; to assess progress and coordinate the ILO’s work on indigenous peoples, and; to meet with indigenous fellows and other visitors to the ILO.

3. The purpose of the UN Declaration on the Rights of Indigenous Peoples is to constitute the legal basis for all activities in the areas of indigenous issues; it has built a new foundation for the rights of indigenous peoples. What is the position of the Declaration in the overall strategy of the agency/organization?

As a specialized agency of the United Nations, the ILO promotes UNDRIP within the framework of its constitutional mandate and established means of actions, in particular the promotion of ratification and full implementation of relevant ILO instruments. The ILO believes that ILO Convention No. 169 and the UNDRIP are fully compatible and mutually reinforcing. The promotion and implementation of both instruments are vital for the realization of indigenous peoples’ rights. The ILO is looking at UNDRIP as a guide and as an instrument for dialogue and a tool in creating new entry points.

4. Which are the main strategies; policies and activities that the agency/organization is considering in the future to support the implementation of UNDRIP and raise awareness about its content at the international and country level?

The ILO is promoting UNDRIP in its training and capacity-building activities. The ILO has been supporting the translation and publication of both Convention No. 169 and UNDRIP in national and indigenous languages.

Information about the UNDRIP is also included in the newly developed ILO Training Tool Box on Indigenous Peoples’ Rights, which is available in three languages (English, Spanish & French).

At the regional and country levels, the ILO is engaging in long-term processes to promote the implementation of indigenous peoples’ rights, as enshrined in the UNDRIP and Convention No. 169.

5. How does the agency/organization intend to mainstream indigenous peoples’ issues in its work especially in relation to the key areas of its mandate?

The ILO has developed a multi-faceted strategy for mainstreaming indigenous peoples’ issues in key areas of its mandate such as:

- Training of staff from all sectors and field offices through participation in various training courses organized in Geneva and at the regional and national levels. ILO staff has increased capacity to promote and implement UNDRIP, Convention No. 169 and integrate indigenous peoples in Decent Work County Programme (DWCP).

- Research and publication on International Labour Standards as they relate to indigenous peoples, particularly regarding discrimination of indigenous workers and indigenous women in the context of Convention No. 111 as well as efforts to combat child labour and forced labour among indigenous peoples. Extensive research and development of strategies to combat child labour among indigenous peoples in Latin America have been undertaken by the International Programme to Eliminate Child Labour (IPEC).

- Mechanisms for strengthened coordination and sharing of information with relevant entities at HQ and field offices have been established. These include a training website for staff and partners (www.pro169.com), which features all the necessary materials for a one-week course on indigenous peoples’ rights and development, including video-interviews with ILO officials and partners, power point presentations (some with speeches), documentary films, background documents, etc.. An internal resource platform
is currently being developed to facilitate the sharing of tools, materials and information among programme staff and other units across the ILO.

- Indigenous people’s issues are included and incorporated in strategies, projects and training materials regarding Local Economic Development, rural employment and sustainable enterprise development, particularly in projects in Cambodia, Cameroon, Nepal and Latin America.

6. **Does the agency/organization promote the inclusion of indigenous peoples through its programmes and projects and how?**

The principles of consultation, participation and consent are the cornerstone of the ILO’s work on indigenous issues as stipulated by the ILO Convention No. 169. The inclusion of indigenous peoples in decision-making processes through its programmes and projects is therefore fundamental. In its technical cooperation, activities and projects are mainly implemented through partnerships and collaboration with indigenous organizations at country, regional and headquarters levels.

All programmes of PRO 169 in Asia, Africa and Latin America started with a series of consultation and active participation of indigenous peoples. Indigenous peoples are involved in all stages of project development, from planning, implementation and monitoring to evaluation.

The ILO also makes an effort to employ indigenous consultants and staff, inter alia by stressing knowledge of indigenous languages and experience in working with indigenous communities as important technical criteria.

Since 2005, about fifteen young indigenous professionals from Asia, Africa and Latin America have benefitted from the Indigenous Internship Programme with PRO 169 in Geneva and country offices. After their internship, some of these interns have been retained by the ILO as fixed term employee and as consultants.

Recently, PRO 169 underwent an external evaluation by three indigenous experts from Africa, Asia and Latin America. The main purpose of the evaluation was to assess the results achieved so far, but the evaluators were also requested to provide recommendations for further strengthening the programme implementation. The selection of indigenous consultants for the tasks ensured a strong focus on the relevance of the programme for indigenous peoples.

b. **Identify key priority areas and strategies for strengthened action in relation to promoting non-discrimination and inclusion of indigenous peoples in the design, implementation and evaluation of international, regional and national processes regarding laws, policies, resources, programmers and projects.**

The ILO promotes non-discrimination and inclusion of indigenous peoples, mainly through Conventions Nos. 111 and 169. A key element in this regard is promoting consultation, participation and consent of indigenous peoples in decisions that affect them, including provisions and resources for the full development of the institutions and initiatives of the peoples concerned. In many countries where the ILO works, this implies sustained long-term efforts of dialogue and capacity-building to gradually close the gaps between indigenous peoples and decision-makers; including with local and national governments.

Based on Convention No. 111, the ILO is promoting equality for indigenous peoples with regards to employment and occupations. This Convention, which is amply ratified, requires governments to ensure substantial equality, not only with regards to employment in the formal and informal sector but also with regards to respecting indigenous peoples’ traditional occupations, such as hunting, gathering, pastoralism and shifting cultivation. The ILO has engaged in partnerships with a number of indigenous organizations in Africa and Asia to start focusing more on the situation of indigenous peoples within the context of Convention No. 111.
Identify examples of “Good Practice” in the promotion of non-discrimination and inclusion of indigenous peoples in the design, implementation and evaluation of international, regional and national processes regarding laws, policies, resources, programmers and projects.

One of the good practices in the promotion of non-discrimination and inclusion of indigenous peoples is the comprehensive documentation of legal and constitutional provisions for indigenous populations/communities in African countries.

The ILO, in collaboration with the Working Group of the ACHPR and implemented with the University of Pretoria/Centre for Human Rights, has undertaken comprehensive research to document the situation of legal protection of indigenous peoples in Africa. A total of 24 country reports have been elaborated and the key findings and recommendations have been compiled in the: “Overview report of the Research Project by the ILO and the African Commission on Human and Peoples’ Rights on the constitutional and legislative protection of the rights of indigenous peoples in 24 African countries”. The Report was adopted by the ACHPR at its 45th Session in May 2009. The adoption is very important in terms of the legitimacy of the Report with African governments and is a very positive indication of the ownership that was generated in the process. All materials, including a database of African legislation, are available on-line and the Overview Report is printed and distributed in four languages.

For more information on ILO good practices, see the recent publication: “Implementing Indigenous Peoples’ Rights: A Practice Guide to ILO Convention No. 169”. The Guide summarizes the experiences, best practices and lessons learned in the implementation of indigenous peoples’ rights across the globe. Though making no claims to offer a model for implementation, the Guide is a catalogue of ideas that can be used as a source of inspiration by indigenous organizations and governments and is based on sources of information such as analyses and comments made by the ILO supervisory bodies, case studies and short examples of practical experiences from all regions of the world.

The Guide is available in Spanish, English, French and Russian and is available for downloading at www.ilo.org/indigenous

Objective 2 of the Second Decade

Assess the progress made and degree of implementation in relation to promoting full and effective participation of indigenous peoples in decisions which directly or indirectly affect their lifestyles, traditional lands and territories, their cultural integrity as indigenous peoples with collective rights or any other aspect of their lives, considering the principle of free, prior and informed consent.

Has the agency/organization developed guidelines on as to how to apply the principle of free, prior and informed consent?

The ILO is strictly following the principles of consultation and participation and free, prior informed consent, as stipulated by the ILO Convention No. 169 and the UNDRIP. In this regard, the multiple comments provided by the ILO supervisory mechanisms concerning the application of these concepts contribute to a better understanding for anybody involved with indigenous peoples’ issues, including the ILO itself. Through the recently published: Implementing Indigenous Peoples’ Rights: A Practice Guide to ILO Convention No. 169”. The ILO is making these comments available at a global scale, thus contributing to the operationalization of these principles.
2. **Does the agency/organization provide information material in indigenous languages if implementing or supporting activities in indigenous peoples’ areas?**

The ILO tries its best to provide information materials in indigenous languages in the context of its programmes with indigenous peoples. For example, the ILO Convention No 169 has been translated in over 20 languages, including indigenous and local languages spoken by indigenous peoples in Asia, Africa and Latin America.

The ILO is also supporting the translation of training materials on relevant Conventions to indigenous languages and often engages in partnership with indigenous organizations for such purposes.

3. **Has the agency/organization developed any experience in entering into dialogue with local or national indigenous peoples’ organizations?**

The ILO has developed a rich experience in facilitating and entering into dialogue with local and national indigenous organizations during its long history of work on indigenous issues.

In South Asia, the ILO has been promoting national dialogues with national indigenous and government institutions in Nepal, Bangladesh and India as well as key civil society organizations including workers and employers. Using ILO Conventions 107 & 169 as a framework for dialogue and training on indigenous issues in the three target countries has proved to be a successful strategy for enhancing understanding of complex and sensitive issues among government, donors and civil society organizations.

In Nepal, the work resulted in the unexpected ratification of ILO Convention No. 169 in September 2007, as an integral part of the Nepali peace process. Since then, the recognition and implementation of indigenous peoples’ rights has been at the core of the ongoing state reform process and state restructuring. A national dialogue seminar undertaken in February 2008 resulted in the drafting of a national strategy and work plan for the implementation of Convention No. 169 along with the establishment of a government task force to coordinate the further work.

In Bangladesh, the activities have contributed to opening a high-level political dialogue and increased acceptance of indigenous peoples’ rights, for example reflected in renewed efforts to implement the Chittagong Hill Tracts Peace Accord and targeting indigenous peoples in the national Poverty Reduction Strategy (PRS).

In Bangladesh and India, increased awareness among diverse stakeholders of the existence and provisions of Convention No.107 has provided a solid point of reference for indigenous organizations, activists and donors, to put pressure on the respective governments to respect international standards on this subject and to lay the ground work for promoting ratification of Convention No.169 in Bangladesh. Ongoing trainings have provided a dynamic arena for interaction and dialogue between diverse stakeholders on indigenous issues, as well as for sharing experiences from different countries.

For Nepal and Bangladesh, the dialogues has resulted in larger-scale national programmes on indigenous peoples’ rights implemented by the ILO and supported by the European Commission, Danida and NORAD, in addition to other donors.

4. **Does the agency/organization participate in any institutionalized forum or formalized round table with indigenous peoples at national level?**

The ILO implements its projects and activities on indigenous peoples through its vast network of partners in the countries and regions. This has enabled the ILO to work closely with various indigenous networks and organizations and has help to establish institutionalized forums or formalized round tables for indigenous peoples at the national level. To name a few:

In Kenya, the ILO has been supporting the Pastoralist Hunter-Gatherer’s Ethnic Minority Network (PHGEMN), which was created as a loose network of indigenous organizations in 2001.
The primary mandate of the PHGEMN is to bring the pastoralists and hunter-gatherers organizations together, to ensure that their voice is heard in the constitutional review processes (2001, 2009) and other main policy processes.

In Nepal, the ILO works closely with the Nepal Federation of Indigenous Nationalities (NEFIN) - an autonomous and politically non-partisan, national level indigenous organization which currently consists of 54 indigenous member organizations widely distributed throughout the Terai, Hills and Himalayas of Nepal. The ILO has organized national consultation workshops in Nepal in collaboration with NEFIN and members of the organization has benefited in training and capacity building activities of the ILO.

At the regional level, ILO has entered into partnership with some of the largest regional organizations. In Asia, the ILO is working very closely with the Asia Indigenous Peoples Pact (AIPP) whose membership spans over 14 countries in the region. AIPP and the ILO have co-organized regional training workshops in Asia for the past 4 years. This collaboration has resulted in a new initiative; a legal research project on national legislations on indigenous peoples’ rights in ten countries in Asia. The inspiration for this initiative came from by the 24 country studies done in Africa by the ILO and the ACHPR.

5. Does the agency/organization have its own consultative body comprised of indigenous peoples and if so at what level (national/regional/global)?

**ILO Inter-Sectoral Advisory group on Indigenous Issues**

In 2005, the ILO established an Inter-sectoral advisory group on indigenous issues at the headquarters representing the organization’s various departments, units and programmes. The Advisory Groups meets twice a year to ensure coordination and synergy of works in the promotion of indigenous rights and poverty reduction activities of ILO. Although the advisory group does not comprise indigenous peoples, it has become a practice that one of the meetings of the group takes place during the ILO component of the OHCHR Indigenous Fellowship Programme, where fellows are invited to attend the meeting and encouraged to provide feedback to the groups in the meeting.

**PRO 169 National Steering Committee - Cambodia**

Within the context of the national programme in Cambodia, a national steering committee has been institutionalized in order to help monitor the implementation of the programme and raise awareness on indigenous issues in the country. The committee is composed of 3 representatives from indigenous organizations (Highlander Association -Ratanakiri, OPKC-Preah Vihear Province and IRAM-Modulkiri) and 2 government representatives (Ministry of Rural Development/Department of Ethnic Minority Development, Council of Ministers (2005-2007) and Ministry of Interior/Department of Local Administration (2008-9-10)); 1 representative from an NGO (NGO Forum on Cambodia) and the PRO 169 National Project Coordinator.

The NGO Forum of Cambodia is a consultative group at the national level with very strong indigenous peoples’ representation and membership. IRAM (Indigenous Rights Active Members) is one of the key indigenous organizations in Cambodia, which plays a vital role in connecting indigenous peoples from local to national level. It was established in 2004-5 from a series of consultative workshops organized and supported by the ILO at the provincial and regional levels. This is one the biggest network of indigenous activist in Cambodia.
b. Identify key priority areas and suggest strategies for further and strengthened action in promoting full and effective participation of indigenous peoples in decisions which directly or indirectly affect their lifestyles, traditional lands and territories, their cultural integrity as indigenous peoples with collective rights or any other aspect of their lives, considering the principle of free, prior and informed consent.

See feedback at Part B, Section B of the questionnaire

c. Identify examples of “Good Practice” in promoting full and effective participation of indigenous peoples in decisions which directly or indirectly affect their lifestyles, traditional lands and territories, their cultural integrity as indigenous peoples with collective rights or any other aspect of their lives, considering the principle of free, prior and informed consent.

Some examples have been highlighted in the context of the supervision of Convention No. 169 (for examples of ILO policy projects, please refer to questions 2 and 5):

- In Norway, which ratified Convention No. 169 in 1990, a new way of taking advantage of the ILO's supervisory mechanisms has been developed. Based on a suggestion contained in the Report Form for Convention No. 169, the Government of Norway sends its reports to the Saami Parliament for comments. Norway has also asked the ILO to engage in a parallel dialogue with the Saami Parliament, thus enabling Saami representatives to play a formal part in the supervisory process.

For more information, see feedback at Part B, Section C of the questionnaire

Objective 3 of the Second Decade

a. Assess the progress made and degree of implementation in relation to redefining development policies that depart from a vision of equity and that are culturally appropriate, including respect for the cultural and linguistic diversity of indigenous peoples

1. Does the agency/organization promote the implementation of international treaties regarding indigenous issues when entering into partnership with governments or others, and if so how?

All programmes and projects of the ILO on indigenous peoples’ rights are based on international standards. The ILO is responsible for a number of instruments that are directly relevant for indigenous peoples, such as the Indigenous and Tribal Peoples Convention, 1989 (No. 169); the Indigenous and Tribal Populations Convention, 1957 (No. 107). 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 are considered as some of the ILO’s core Conventions, and as such they are of relevance to indigenous peoples.

The ILO also draws on the UNDRIP and other relevant human rights instruments within the UN system (namely the human rights treaties) when entering into partnership with any stakeholders.

2. Has the agency/organization developed a practice to incorporate and preserve indigenous learning and knowledge systems into its activities with indigenous peoples?

Guided by the fundamental principles of consultation and participation, the ILO is incorporating and preserving indigenous learning and knowledge system in its activities and
works with indigenous peoples. Two examples to illustrate this are the PRO 169 National Project in Cambodia and the project to examine indigenous customary law in Morocco.

**PRO 169 National Project in Cambodia**

The ILO project in Cambodia started in 2005 with the 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. Through a series of national consultation workshops, the project has taken off with funds from the Danish mission in Phnom Penh.

Recognizing the traditional structures of indigenous peoples in Cambodia has been of utmost importance from the outset of the partnership. This is particularly the case with regards to determining how the project, through its implementing partners, will assess and address the needs of the indigenous communities. Through the training and community organizing activities that constitute the capacity building component of the project, the priorities and needs, as expressed by the traditional structures (elders) within the communities have been sought as a fundamental basis of the needs assessments. Providing adequate capacity building of indigenous peoples’ own structures and organizations, so that they are in a position to represent themselves in matters that concern them is paramount. Coupled with the capacity building of indigenous leaders (elders as well as officials), it has also been essential to engage with the governmental bodies that address issues that are related to indigenous peoples. Capacity-building for government officials is coupled with direct assistance in ongoing processes, in order to ensure that methodologies adopted in these processes are adequate for ensuring the full and effective participation of indigenous peoples. Capacity building is undertaken at two levels - national and provincial - in order to assist the government in its efforts to address indigenous issues in a manner that is culturally appropriate and fully inclusive - in both the development of policies at national level, and in their implementation at provincial level.

**Project to examine indigenous customary law in Morocco**

As a follow-up to the recommendations of a workshop on indigenous peoples’ rights held in 2003 in Rabat, Morocco, the ILO and TAMAYNUT entered into partnership in early 2005 in examining and documenting the indigenous customary law in Morocco. The customary laws of the Amazingh people of Morocco govern a number of aspects of their lives, such as land and resource ownership and management, social structures, gender questions and cultural life. The project examined and documented customary laws and their compatibility with national legislation and international law, and promoted a national dialogue on the integration of certain aspects of indigenous customary law into the legal system. The project also looked at ways in which customary laws governing societal structures could be used as a basis for the conceptualization of mechanisms for dialogue with indigenous peoples.

A compendium on the indigenous customary law of Morocco has now been published 2007 in French, Arabic and Amazingh - the indigenous languages of the Amazing people of Morocco. Included in the compendium is an analysis of national legislation and customary laws; both to form the platform for dialogue between the Government, indigenous peoples, media, NGOs and other concerned parties in Morocco.

3. **Has the agency/organization employed indigenous staff (where and how many)?**

Although there is no exact number of how many employees of indigenous origin is employed in the organization, within the context of PRO 169, particular importance is given to technical criteria such as knowledge of indigenous languages and experience from indigenous communities. Over the last two years, eight out of ten new professional staff in PRO 169 belong to an indigenous people.

For the most part, PRO 169 consultants are indigenous experts from various regions of the world specializing in diverse fields.

In 2009, the ILO is undertaking a study on behalf of the Inter-Agency Support Group (IASG) on the barriers for indigenous professionals in gaining employment within the UN system – and ways to overcome these barriers. The study will be presented to the IASG in 2010.
4. **Does the agency/organization involve indigenous peoples and their knowledge prior to the implementation of programmes and projects in indigenous peoples’ territories? (Please provide examples)**

The ILO operates on the basis of consultation, participation and consent of indigenous and tribal peoples and involves indigenous peoples and their knowledge prior to the implementation of its programmes and projects in targeted countries and communities. In most cases, programmes at the national level are designed upon initial request from indigenous organizations.

At the project development level, there are a number of approaches that are used by the ILO in respect of indigenous and tribal peoples:

**Programme to Promote ILO Convention No. 169 (PRO 169)**

The approach to project design, development and implementation varies according to the specific circumstances of a given project country.

Priority countries are identified according to a number of considerations, including: the legislative and policy framework for the protection of the rights of indigenous and tribal peoples; requests from governments for assistance; requests from indigenous and tribal peoples for assistance; and the general situation of indigenous and tribal peoples in specific countries. In all cases, an initial assessment of the policy framework for the protection of the rights of indigenous and tribal peoples is undertaken as an initial step.

In Cameroon, an initial study on the situation of indigenous and tribal peoples in the Central African region was undertaken in 2001. This identified a number of concerns regarding their situation. In November 2002, the ILO was contacted by a number of indigenous representatives from the region for assistance. In 2005, the ILO commissioned a study on the integration of indigenous peoples’ needs and priorities into the PRSP process. On the basis of the recommendations of this research, a National Seminar was held in 2005, whose recommendations provided the basis for the development of a national project for capacity building on indigenous issues, and for the integration of indigenous issues into the PRSP process. This project officially began in October 2006, and actively collaborates with the Ministry of Social Affairs, the Ministry of Planning, UN agencies, and NGOs working on indigenous issues. The project aims to reinforce the capacity of actors involved in addressing indigenous issues in Cameroon, and to facilitate dialogue between these actors in two main areas: for a more systematic consideration of the rights, needs and priorities of indigenous peoples and for improved mechanisms for their effective participation in legislative, administrative and development processes affecting them. As such, the project contains 4 main components: training of trainers and ongoing coaching on indigenous questions, in particular on legislative and development processes affecting them; support to networks of indigenous organizations and directly to indigenous organizations; training and sensitization of the ILO’s tripartite partners on indigenous issues, and on methodologies for working with these peoples; and development of a strategy to strengthen the consideration of indigenous peoples in national poverty reduction efforts. Since 2006, a national project coordinator has been put in place, a national steering committee has been established and a training needs assessment of indigenous, trade union and government partners has been initiated. Through its works and experience on PRSPs, PRO 169 in Cameroon has provided inputs into the Development Plans for indigenous peoples in 3 provinces in Cameroon, under the National Indigenous Peoples Development Plan (Ministry of Planning). The activities of the project have been expanded due to additional funding made available from the European Commission, and a series of training materials as well as training seminars are currently being elaborated. The project has also trained UN Country Team staff on indigenous issues. Support and backstopping has been provided to an ILO LED project in the Northern part of Cameroon, which include indigenous Mbororo among its target groups. Special efforts have been made to integrated gender in the project strategy.

For more information on PRO 169 activities, see feedback on **Part A, Question 6 & Part B, Objective 4** of the questionnaire.
5. *Does the agency/organization have a specific unit or focal point on indigenous issues (national/regional or global). If so please indicate shortly the terms of reference for this function.*

ILO Focal points on indigenous issues are as follows

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**PRO 169 and Regional and National Programmes**

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The PRO 169 Team is responsible for the promotion and implementation of ILO Convention No.169 through technical cooperation, mainstreaming, research, information dissemination, training and capacity building. The team operates on the global scale and works closely with a large number of ILO units and field offices, particularly the Equality Team, the Gender Bureau, the International Training Centre in Turin and labour standards specialists in Africa, Asia and Latin America. It also coordinates the ILO Inter-Sectoral Advisory Group on Indigenous Issues.

**Equality, Migrant Workers and Indigenous and Tribal Peoples Team**

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### ILO Advisory Group Members & Focal Persons on Indigenous Issues

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b. Identify key priority areas strategies for further strengthened action in relation to redefining development policies that depart from a vision of equity and that are culturally appropriate, including respect for the cultural and linguistic diversity of indigenous peoples.

The ILO considers the following priority areas for further action:
Concerted efforts of UN agencies, indigenous organisations, bi- and multilateral donors and governments to include indigenous peoples in poverty reduction strategies, with a particular focus on the risks that the current focus on Aid Effectiveness (as stipulated by the Paris Declaration) implies for indigenous peoples.

Strengthened efforts to eliminate discrimination against indigenous peoples in employment and occupation (in the context of ILO Convention No. 111), including eliminating discrimination against indigenous peoples’ traditional occupations (such as pastoralism, hunting, fishing etc).

Strengthened efforts to combat forced and child labour among indigenous peoples.

See below for examples of ILO’s previous work in these areas.

c. Identify examples of “Good Practice” in relation to redefining development policies that depart from a vision of equity and that are culturally appropriate, including respect for the cultural and linguistic diversity of indigenous peoples.

ILO works on PRSPs

ILO works on the inclusion of the Decent Work agenda into national Poverty Reduction Strategy Papers (PRSPs) and processes, aiming at alleviating poverty in the poorest countries of the world. Within this broader framework, the ILO has undertaken groundbreaking work to document PRSP processes at the country level, looking specifically at the inclusion of indigenous peoples’ needs and priorities in the PRSPs and related strategies, inter alia through an “ethnic audit” of 14 PRSPs and case studies in Nepal, Cambodia and Cameroon the publication of the comprehensive publication: Including Indigenous Peoples in Poverty Reduction Strategies: A Practice Guide.

The Ethnic Audit of PRSP

This audit was carried out by ILO Declaration, to ascertain whether the rights and needs of indigenous and tribal peoples had been taken into account in 14 PRSPs, given that the PRSP process was meant to reach out to traditionally marginalized groups.

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.

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.

The following action points were highlighted as important for the future inclusion of indigenous peoples in the PRSP processes:
• Identification of mechanisms that allows 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.

In Nepal, Cambodia and Cameroon, the ILO’s works on PRSPs has been developed through the following implementation strategies and processes:

Assessment of needs and priorities which includes: gender-sensitive documentation of indigenous peoples’ needs and priorities for poverty reduction, by a team of indigenous and development experts; mapping of government and donor support in priority sectors, publication of main findings, results and recommendations in local languages.

Capacity-building and dialogues at national level, involving a series of training and dissemination workshops for indigenous organisations, with the participation of men and women, based on the assessment and mapping study; capacity-building workshop for key government officials, indigenous organisations and development partners on indigenous peoples’ rights and institutional policies for the support of indigenous peoples; national dialogue workshop on inclusion of indigenous peoples’ needs and priorities in PRSPs and related programmes, with a particular concern for the participation of indigenous women; development of country-specific strategies, including development of mechanisms for consultation, monitoring and appropriate indicators and, where necessary and feasible; focused programmes for the gender-sensitive inclusion of indigenous peoples’ needs and priorities in priority sectors.

Documentation of experiences: documentation of the country experiences and summarising of more general findings, conclusions, lessons learned and recommendations. This resulted in the publication: Including Indigenous Peoples in Poverty Reduction Strategies: A Practice Guide. The publication is published in three languages (English, Spanish and French) and has been widely disseminated to indigenous peoples’ networks at national and international levels, the PFII, donors and UN agencies and concerned government officials.

The ILO’s work on PRSPs has confirmed that although indigenous peoples are disproportionately represented among the poor, their needs and priorities are generally not reflected in the strategies employed to combat poverty. On the contrary, there is a risk that development programmes may adversely affect indigenous peoples if their particular rights and aspirations are not taken into account. The studies also highlighted the need to address the differentiated needs and priorities of indigenous men and women and outlined existing mechanisms for consultation and participation of indigenous peoples at the local and national levels.

The research produced by the ILO has been crucial in generating debate at the 2005 and 2006 Sessions of the UN Permanent Forum on Indigenous Issues (PFII) and within the Inter-Agency Support Group (IASG) and been shared with other stakeholders, including governments and indigenous organizations.

ILO Studies on indigenous peoples’ rights to lands, territories and resources and discrimination in employment and occupation

In collaboration with the Equality Team of the ILO, PRO 169 has initiated work to raise awareness of the potential of ILO’s Convention No. 111 on discrimination in employment and occupation as a framework for the promotion and protection of indigenous and tribal peoples’ right to decent work opportunities. Convention No.111 is based on the right to engage in the work or occupation of one’s choice without distinction on grounds such as race, colour ethnicity or indigenous identity. Therefore, national policies and programmes to promote Convention No. 111 need to create a conductive environment for allowing indigenous and tribal peoples to engage in their traditional livelihood activities, if they decide to do so.
The ILO has undertaken three case studies and an overview study to address the interlinked issues of rights to lands, territories and resources, traditional occupations and other forms of subsistence activities, and discrimination in employment and occupation. The studies were undertaken in Bangladesh, Nepal and Kenya. All three countries have ratified Convention No. 111; Nepal has ratified Convention No. 169 and Bangladesh has ratified Convention No. 107.

The overall objective of the studies is to contribute to the understanding of indigenous and tribal peoples’ rights to land, territories and resources as a precondition for the recognition of their traditional occupations, with specific reference to ILO Convention No. 111.

Based on these studies, the ILO has published a Guide to Convention No. 111: Eliminating discrimination against indigenous and tribal peoples in employment and occupation. The Guide has been published in three languages and widely distributed to indigenous peoples.

**Research on indigenous peoples and forced labour in Latin America**

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’ organizations. This led to important policy developments. All three countries have now set up national commissions mandated to develop effective policies against forced labour practices, and launched and started to implement national action plans to combat forced labour. Paraguay has opened an office of the Ministry of Labour in the Chaco region, and Peru has created a special labour inspection group to investigate forced labour situations in different parts of the country. In Bolivia special attention has been paid to the situation of Guarani workers in the Chaco region, and an emergency plan to free the workers is being implemented with wide support from government institutions, UN agencies and indigenous organizations. Trade unions have also played an important role in the region by disseminating information and working together with indigenous peoples’ organizations to combat forced labour.

An ILO project, funded by Sweden between 2006 and 2008, provided 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 promoted 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.

After 2008, SAP-FL continued to support activities in the region through core funding, mainly from DFID. In Peru, a new project funded by AGFUND, starting in 2009 will provide opportunity to involve indigenous peoples in the prevention of trafficking for labour exploitation in the country. It aims at enhancing the knowledge of indigenous organizations about their collective rights and reinforces their capacity to participate to the implementation of the National Plan against Forced Labour.

In 2009, the ILO participated in a country visit of the UNPFII to Bolivia and Paraguay, to assess the situation of forced labour of indigenous peoples. Based on the report, the ILO will contribute to follow up in the context of its regional programmes to combat forced labour and promote Convention No. 169.
Objective 4 of the Second Decade.

a. Assess the progress made and degree of implementation in relation to adopting targeted policies, programmes, projects and budgets for the development of indigenous peoples, including concrete benchmarks, and particular emphasis on indigenous women, children and youth.

1. Does the agency/organization have specific programmes or projects targeting indigenous peoples?

The ILO has several projects and programmes that specifically address indigenous and tribal peoples, and several that affect indigenous and tribal peoples, although these peoples may not be the specific target group of these projects or programmes.

All ILO projects or programmes that affect indigenous and tribal peoples follow the principles of Convention No. 169 and the UDNRIP, including the principles of consultation, participation and consent.

Programme to Promote ILO Convention No. 169 (PRO 169) and Indigenous Peoples and Local Economic Development (IP-LED)

There are two programmes at the ILO that specifically targets indigenous peoples: The Programme to Promote ILO Convention No. 169 (PRO 169) and Indigenous Peoples and Local Economic Development (IP-LED). PRO 169 & IP-LED are complementary programmes that operates on a global scale with an overall objective of promoting and implementing indigenous and tribal peoples’ rights and development 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 & IP-LED are funded by the Danish International Development Agency (Danida), the European Commission (EC), the Spanish Agency for International Cooperation for Development (AECID), and other donors at the country level. The Programme works in partnership with international, regional and national institutions, including indigenous peoples’ organisations, and has over 20 staff in 9 countries, and at ILO headquarters in Geneva.

PRO 169 & IP-LED operates at the national, regional and global levels. Activities of the programme have been highlighted under Part B, question 6 under mainstreaming. The next part focuses on additional support to regional initiatives and national level efforts to promote the rights and improve the socio-economic situation of indigenous peoples:

Latin America: A comprehensive regional programme to promote and implement Convention No. 169 is being implemented with support from the Spanish Agency for International Development Cooperation (AECID). The programme is coordinated from Lima, with additional staff in Guatemala to cover the Central American region. Priorities include documentation and dissemination of lessons learned and good practices and capacity-building efforts at a regional scale.

Bangladesh: Small-scale initiatives regarding research, dialogue and capacity-building. A dialogue seminar was organised in Bangladesh and has resulted in the development of a national project proposal, which will be funded by Danida (through the Dhaka Embassy). A national coordinator has been put in placed since June 2009.

Cambodia: Issues related to land have been a priority since the inception of the programme in 2005. The work in Cambodia has resulted in the generation of data concerning the number of communities targeted for land registration. At least 133 indigenous communities have been included in the data base which is targeted for registration in the provinces of Ratanakiri and Mondulkiri. A specific LED project for indigenous communities has been developed and
started since January 2009, with funding from ILO Regional Office in Bangkok. There is now a team of three project staff in Cambodia.

**Cameroon:** Training, capacity-building and dialogue activities continues in the context of the national project in Cameroon. Activities focus on inclusion of indigenous peoples’ rights in national policies (including the PRSP); training and capacity-building. The activities of the project have been expanded due to additional funding made available from the European Commission grants, and a series of training materials as well as training seminars are currently being planned. The project has also trained UN Country Team staff on indigenous issues. Support and backstopping has been provided to an ILO LED project in the Northern part of Cameroon, which include indigenous Mbororo among its target groups. Special efforts have been made to integrated gender in the project strategy.

**Indonesia:** Tripartite partners and indigenous peoples have engaged in dialogue regarding ratification of Convention No.169. Input has been provided to an advisory paper on ratification of Convention No. 169 by Indonesia. ILO staff and national partners have been trained on indigenous peoples’ rights, through international and regional activities and PRO 169 has organized a national workshop in Indonesia in the second half of 2009, to promote ratification.

**Kenya:** Through collaboration with the Maasai Cultural Heritage Foundation, the local economic potential of Maasai communities in the Laikipia region has been assessed, and local economic development interventions have been defined and implemented. Following a mission to Kenya in March 2009, a 2nd phase of the partnership has been agreed with implementation starting in June 2009. The project focuses on economic activities based on the cultural heritage of the Maasai (e.g. beadwork; camel safaris; traditional dances and songs). In March 2009, the 1st National Training on Indigenous Peoples Rights in Kenya was organized in collaboration with the Kenya National Commission for Human Rights. The training convened 50 participants from indigenous and government institutions as well as MePs.

**Namibia:** A specific proposal for “promoting and implementing the rights of the San peoples of Namibia” has been developed with funding from the Spanish government. Starting October 2009, the component will be expanded to the sub-regional level with a coordinator based in Pretoria.

**Nepal:** A large-scale national programme for implementation of Convention No. 169 is implemented, with funding from the Danish and Norwegian Embassies in Kathmandu.

Further information on PRO 169’s activities and initiatives over the last year can be found at www.ilo.org/indigenous

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2. **Has the agency/organization allocated specific budgets to support specific indigenous people’s issues, and have such allocations changed during the last five years? If so, indicate the degree of increase.**

The ILO allocates specific budgets to support indigenous issues. In addition, the ILO receives external funds from donors that are specifically earmarked to indigenous issues. These donors are primarily the Danish International Development Agency (Danida) the European Commission (EC) through its Instrument for Democracy and Human Rights (EIDHR), the Spanish Agency for International Development (AECID) and Norway (NORAD).

3. **Has the agency/organization implemented any programmes or projects using indigenous peoples’ languages during the activities implemented?**

Dissemination of information in indigenous languages is undertaken wherever necessary, within the framework of any projects and programmes addressing indigenous peoples.

See www.ilo.org/indigenous for translation of the ILO Convention No. 169 into indigenous and local languages spoken by indigenous peoples.

See www.pro169.com, PRO 169 training website for an adaptable wealth of information and resources (videos and video clips, power points with voice over, background materials, etc.) relevant for indigenous organizations who are involved in training and capacity building.
4. **How does the agency/organization approach the issue of gender equality and indigenous peoples in the programmes and projects implemented with involvement of indigenous peoples or in their territories?**

The ILO integrates the concern for gender as a crosscutting issue in all of its programmes and activities, in particular paying special attention to consultation with and participation of indigenous women. This may involve developing or acquiring gender-sensitive data, development tools and indicators, and methodologies for analysis to ensure that gender concerns are incorporated into planning, programming, implementation, monitoring and evaluation of ILO projects and programmes. This is to ensure that there is not only an equal participation of men and women in the consultative processes with indigenous communities, but that indigenous women are provided with a space to participate and to voice their concerns. The main objective is to mainstream gender into ongoing initiatives, ensuring equal opportunities for the participation of men and women.

**Collaboration between PRO 169 & ILO Bureau for Gender Equality**

ILO Bureau for Gender Equality (GENDER) and PRO169 collaborates to follow-up on the UNPFII Recommendation No. 8 to mainstream indigenous gender issues and to integrate the special needs and concerns of indigenous women into programmes and policies.

Based on three research studies in Latin America, Bangladesh and Nepal, ILO’s Bureau for Gender Equality (GENDER) has adopted a comprehensive approach to addressing multiple discrimination and exclusion for being a woman and a member of an indigenous community. The initiative builds on ILO Discrimination Convention No. 111 (in Employment and Occupation). In addition to the Resolution on Gender Equality adopted at the 2009 International Labour Conference, GENDER’s approach to gender inequality and discrimination against indigenous women also corresponds to the normative framework of the UN human rights treaty bodies, particularly to the UN Committee on Economic Social and Cultural Rights’ General Comment No. 20 on non-discrimination (July 2009).


5. **Has the agency/organization established specific targets or benchmarks for the improvement of indigenous peoples’ lives?**

**ILO efforts to develop relevant indicators of the well-being of indigenous peoples**

Developing culturally sensitive and appropriate indicators, which describe and measure changes and trends in the overall situation of indigenous peoples, has been recognized as a major challenge in promoting indigenous peoples’ rights whether at the national, regional or international level. The UNPFII has already highlighted this issue and called on the UN system to further developed existing indicators that captures and reflect the situation of indigenous peoples. Most importantly, it calls for full and effective participation of indigenous peoples in the development of these indicators.

In response to this call, the ILO, through PRO 169 is contributing to the global efforts to developing culturally sensitive indicators responsive to indigenous peoples’ realities and aspirations. The aim is to strengthen compliance and monitoring of indigenous peoples’ rights, using ILO Conventions Nos. 111 and 169 UNDRIP as the basis.

**Status and trends in traditional occupations as an indicator**

The ILO believes that traditional occupations is a meaningful indicator to measure traditional knowledge, innovations and practices of indigenous peoples. It is expected that this indicator would be flexible enough to capture the diversity of indigenous peoples’ occupations; e.g. hunting, gathering, fishing, shifting and settled agriculture, handicrafts, healing etc. Traditional occupations is the manifestation of traditional livelihood practices that include cultural, social, economic and political aspects, it depends on availability of land and resources and is the basis for the preservation and further transmission of knowledge, innovation and practices. ILO Convention No. 111 prohibits discrimination in employment
and occupation. Furthermore, ILO Convention No. 169 on indigenous and tribal peoples (article 23), states that: *Handicrafts, rural and community-based industries, and subsistence economy and traditional activities of the peoples concerned, such as hunting, fishing, trapping and gathering, shall be recognised as important factors in the maintenance of their cultures and in their economic self-reliance and development. Governments shall, with the participation of these people and whenever appropriate, ensure that these activities are strengthened and promoted.*

Although ILO Convention No. 111 does not define the term "occupation" and does not explicitly refer to "traditional occupations", traditional occupations are covered in the Convention and the ILO supervisory bodies have stressed on various occasions that the Convention applies to non-wage workers, own-account workers, and, more broadly, to the informal economy. The Committee of Experts on the Application of Conventions and Recommendations is also increasingly directing questions to governments regarding the specific situation of indigenous and tribal peoples with regards to employment and occupation.

ILO has recently published a *Guide to ILO No. 111* in order to raise awareness on this broadly ratified ILO Convention which could serve as an entry point in promoting indigenous peoples rights especially in developing relevant indicators of their situation.

In 2008, ILO co-sponsored an International Technical Workshop on Indicators held in the Philippines together with the International Indigenous Forum on Biodiversity (IIFB) Working Group on indicators and commissioned an indigenous expert to undertake preparatory tasks leading to the international expert workshop. The indigenous expert has visited Cambodia and Nepal and met with indigenous organizations, government bodies, UN agencies, and researchers on recent global developments on indicators relevant for indigenous peoples.

In 2009, the ILO has contracted a consultant to identify key elements of a monitoring framework for the implementation of indigenous peoples’ rights, based on the UNDRIP and Convention No. 169, including relevant indicators, links to existing monitoring mechanisms and identification of data sources.

6. **Has the agency/organization provided priority attention to indigenous women, children and youth?**

Some of the organizations works and activities with specific focus on indigenous women and children are as follows:

**The ILO’s International Programme on the Elimination of Child Labour (IPEC)**

Although child labour is a problem of immense global proportions which exist in any region in the world, linking indigenous peoples and child labour has not been systematically explored until recently; and as an issue, it has received little attention from governments and international institutions as well as from indigenous peoples themselves. In response to this, the ILO’s International Programme on the Elimination of Child Labour (IPEC) in collaboration with other ILO programmes has been in the forefront in addressing this issue, both on the application of international labour standards and technical cooperation.

On the normative framework, the ILO has a double mandate to combat child labour and to promote the recognition of indigenous and tribal peoples’ rights, based on ILO Convention No. 138 on Minimum Age, Convention No. 182 on the Worst Forms of Child Labour, Convention No. 107 & 169 on Indigenous and Tribal Peoples. Furthermore, ILO Conventions Nos. 138 and 182 are fundamental Conventions of the ILO. Under the ILO 1998 Declaration on fundamental principles and rights at work, even the member States that have not yet ratified these Conventions should respect, promote and realize the principles embedded in them.

In order to fully realize the ILO’s mandate on child labour, in 1992, the ILO institutionalized the International Programme on the Elimination of Child Labour (IPEC). Since then, IPEC has become the largest technical cooperation programme of the ILO, with a presence today in 88 countries all over the world. Through IPEC, the ILO has included forced and bonded labourers (workers), trafficked children and children in hazardous working conditions and
occupations as main targets. Indigenous children are often found to be found in all these situations.

In Latin America specifically, IPEC has defined three strategic areas of focus: child labour and indigenous people’s issues, child domestic labour, and migration and child labour; all extremely relevant to indigenous children. Although there is a lack of disaggregated and available data on the link between child labour and indigenous peoples in many parts of the world, the ILO, through its work has often seen this link. As and example one can mention Ecuador, where 24.3% of working children are indigenous, whereas the indigenous population of the country is barely 7%.

From 2006-2009, IPEC implemented a project on the “Prevention and elimination of child labour and hazardous work in Panama”. The project aims to contribute to the elimination of the worst forms of child labour in Panama. One of the immediate objectives includes sustainable and quality education, vocational and income generation activities to withdraw and prevent 1500 children from worst forms of child labour and this project has showed that majority of the targeted children that were involved in worst forms of child labour are of indigenous origins.

Building on other regional experiences, IPEC is embarking on a 4 year project on “Combating the worst forms of child labour through horizontal cooperation in South America (Bolivia, Brazil, Ecuador, Paraguay)” targeting the governments, workers and employers organization, and NGOs of Bolivia Brazil, Ecuador and Paraguay, including community based organizations. This project is focusing on the following main interventions: discrimination and social exclusion, labour inspection, enforcement of labour law and other relevant legislation & provision of quality services to beneficiaries (e.g. education, health, and other services). Furthermore, the project will play a role in complementing and strengthening “south-south” initiatives existing in the region aiming at the exchange of experiences and good practices in combating the worst forms of child labour among the countries themselves. The main target groups for the project’s interventions are those suffering from discrimination and social exclusion, in particular indigenous peoples and afro-descendants.

In Mexico, a new 4 year project is recently launched: “Stop Child Labour in Agriculture: Contribution to the prevention and elimination of child labour in Mexico, in particular the worst forms of in the agricultural sector, with special focus on indigenous children and child labour as a result of internal migration.” This project is specifically targeting indigenous children involved in worst forms of child labour in the agricultural sector as a result of migration, which is a known phenomenon not only in Mexico but in most part of Central America.

In Asia, the ILO has been implementing Education and Skills Training for Youth Employment (EAST Project. This is a specific Indigenous Child labour research in Papua aims at: (a) assessing the indigenous child labour situation disproportionately affected by the worst forms of child labour and (b) identifying specific approaches needed to effectively combat child labour among indigenous peoples. This project started in November 2006, targeting indigenous children and youth in Papua, Indonesia. The ILO employed an indigenous expert as a consultant to do the research and final study will be submitted by the end of 2009.

In addition to its technical cooperation projects, the ILO is very much involved in raising awareness on child labour and indigenous peoples rights. In collaboration with UNICEF, IPEC organized a Sub-regional Expert Meeting on Child Labour and Indigenous Peoples in March 2008, with specialists from Bolivia, Ecuador and Peru. As a result of the workshop, a concept paper, proposing some action guidelines and indications concerning a strategic policy focus regarding the issue of indigenous child labour has been published by the ILO following the exchange of experiences concerning indigenous child labour at the Sub-regional Experts’ Meeting.

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1 INEC-SIMPOC: Informe de la Segunda Encuesta de Trabajo Infantil, draft, Quito, INEC, 2009-10-09
Building on this experience, the ILO is organizing a Latin American Encounter of Indigenous Peoples and Governments on Child Labour which will take place under the auspices of institutions of the United Nations System, including the ILO, UNICEF, the UNPFII and the Expert Mechanism on the Rights of Indigenous People., as well as of international and regional multilateral organizations and the Spanish Development Cooperation Agency (AECID). Its main goals are the presentation of the situation concerning child and adolescent indigenous labour, the establishment of a position on the issue which is shared by both governments and indigenous peoples, and the definition of a set of goals and strategic actions in the form of an Action Plan. The activities include panel presentations of studies, debates and the elaboration of conclusions around three thematic axes. Targeted stakeholders will be representatives from indigenous peoples' organizations coming from 17 Latin American countries and their governments, social partners, international agencies, academia and indigenous children and adolescents (150-200 participants).

Publications

The ILO is building its capacity in developing research specifically addressing child labour and indigenous peoples. Several national studies have been carried out and published by the ILO on this subject. A Handbook on combating child labour among indigenous and tribal children in collaboration has been jointly elaborated and published by IPEC and ILO's Programme to Promote ILO Convention No. 169 (PRO 169 on. Likewise, promotional and awareness raising material has been develop in the form of several audio clips in the Quechua language.

The In-focus Programme to Promote the ILO Declaration on Fundamental Principles and Rights at Work (DECLARATION), in collaboration with the ILO Office in San José, Costa Rica, commissioned a paper measuring the gender and ethnic inequalities in the labour market of Guatemala. The paper is based on data of ENCOVI 2000 (Guatemalan household survey) which covers both urban and rural households, as well as the eight regions into which the country is administratively divided.

See related feedback on Question 3, Objective b of the Second Decade

b. Identify key priority areas and strategies for further strengthened action in relation to adopting targeted policies, programmes, projects and budgets for the development of indigenous peoples, including concrete benchmarks, and particular emphasis on indigenous women, children and youth

The ILO wishes to further strengthen its actions to support the implementation of indigenous peoples' rights at a global scale. Interventions will address the global, regional and, not the least, the national levels.

Priority areas will be:

- Long-term country-level interventions to facilitate dialogue between governments and indigenous peoples; promote the inclusion of indigenous peoples in decision-making at all levels and build capacity of both government and indigenous partners.

2 Development Fund for the Indigenous Peoples of Latin America and the Caribbean (Fondo para el Desarrollo de los Pueblos Indígenas de América Latina y el Caribe), as well as the Iberoamerican States’ Education, Science and Culture Organization (Organización de Estados Iberoamericanos para la Educación, la Ciencia y la Cultura, OEI).

3 the General Secretariat of the Andean Community, and the Secretariat of the Central American Social Integration (Secretaría de la Integración Social Centroamericana, SISCA).

4 These have taken place in a preliminary fashion in Bolivia, Colombia, Ecuador and Peru. In the case of Costa Rica, Guatemala, Honduras, Nicaragua and Panama a regional synthesis for Central America has been produced.

5 The files can be found on http://white.oit.org.pe/ipec/pagina.php?pagina=329.
• Technical assistance to implementation of Convention No. 169 including responses to supervisory comments, for countries that have ratified Convention No. 169.

• Continued support to the African Commission on Human and Peoples Rights and other African partners to further advance the promotion of indigenous peoples’ rights in the African region.

• Legal research to document the situation of indigenous peoples in a number of Asian countries.

• Global thematic interventions, focusing on development of strategies to combat discrimination against indigenous peoples in employment and occupations (based on ILO Convention No. 111); development of a monitoring framework for assessing the level of implementation of indigenous peoples’ rights; research and development of tools concerning the inclusion of indigenous peoples’ rights in constitutional reform processes; development of sustainable economic development strategies for indigenous communities; documenting the effects and promoting the participation of indigenous peoples in the context of the “Aid Effectiveness Agenda”.

The situation of women, youth and children will be specifically addressed within all of the abovementioned priorities.

c. Identify examples of “Good Practice” in relation to adopting targeted policies, programmes, projects and budgets for the development of indigenous peoples, including concrete benchmarks, and particular emphasis on indigenous women, children and youth.

Bangladesh PRSP

The outcome of the 2008 election in Bangladesh offered renewed hope for the promotion and implementation of indigenous and tribal peoples’ rights in the country. Besides committing itself to honouring the 1997 Peace Accord with the Jumma indigenous peoples of the CHT, the new government has also incorporated indigenous issues in its newly revised & adopted Poverty Reduction Strategy Paper: Steps towards Change; National Strategy for Accelerated Poverty Reduction (NSAPR II) FY 2009 – 11.

The poverty reduction strategy framework of Bangladesh consists of five strategic blocks and five supporting strategies. The strategic blocks includes: managing macroeconomic environment for pro-poor growth; increase in investments in critical areas for pro-poor growth; building essential infrastructures for pro poor growth; ensure social protection for the vulnerable and disadvantaged; and ensure human development. The supporting strategies are: ensuring participation, social inclusion, and empowerment; entrenching solid democratic processes for good governance; ensuring efficient delivery of public services; caring for environment & tackling climate change; and enhancing productivity and efficiency through science and technology. Indigenous peoples are highlighted as one of the priority sectors under the first strategy on participation, social inclusion & empowerment of women.

In response to the current favourable political climate in Bangladesh, the ILO Office in Dhaka has recently appointed a National Coordinator to scale up activities related to indigenous peoples in Bangladesh, building upon previous work undertaken in the country.

Most importantly, in order to support the implementation of Bangladesh PRSP II (2009-11) for indigenous communities, a national project entitled "Building Capacities on Indigenous and Tribal Peoples" Issues in Bangladesh: Rights and Good Practices' is under formulation. The project aims to set the initial ground work for a longer-term strategy of capacity-building and advocacy at the national level, to ensure the integration of indigenous peoples' rights in the legal and policy development in the country through piloting a targeted training and advocacy strategy based primarily on the principles of ILO Conventions on Indigenous and Tribal Peoples and in line with the aspirations outlined in the PRSP II and international standards on indigenous and tribal peoples.
Objective 5 of the Second Decade.

a. Assess the progress made and degree of implementation in relation to developing strong monitoring mechanisms and enhancing accountability at the international, regional and particularly the national level, regarding the implementation of legal, policy and operational frameworks for the protection of indigenous peoples and the improvement of their lives.

1. **In its annual reporting process (country level) does the agency/organization provide information and disaggregation of data with special emphasis on 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.

However, the ILO also believes that it is important not only look at indicators but to consider the proposed monitoring processes in their entireties in order to make sure that these are feasible mechanisms. In the case of the ILO, Conventions ratified by a given country imply institutionalised monitoring mechanisms, whereby the concerned governments submit periodic reports to the ILO’s Committee of Experts. Such reports are in accordance with the specific reporting formats, developed for each Convention. The Committee of Experts then analyses and comments upon the reports and, in this sense, engages in a continuous dialogue with the governments concerning the implementation of ratified Conventions. The supervision of ILO Conventions Nos. 107 and 169 are of course of particular relevance to this discussion but also ILO Convention No. 111 concerning discrimination in employment and occupation, which has been widely ratified, has an enormous potential for addressing the situation of indigenous peoples.

The ILO will be working together with the Secretariat of the CBD and the Indigenous Working Group on Indicators to further explore the use of “traditional occupations” as an indicator related to the implementation of Article 8J of the CBD, including the elaboration of operational definitions, refinement & elaboration of concepts, consultations with indigenous peoples and look at existing mechanism to monitor the progress being made in this area. In addition, the ILO in collaboration with the OHCHR and the SPFII will organize an international technical expert meeting in June 2010 to further discuss the elaboration of a consolidated monitoring framework for the implementation of indigenous peoples’ rights, as enshrined in the UNDRIP and Convention No. 169.

2. **Has the agency/organization established any specific monitoring mechanism targeting indigenous peoples?**

The ILO has regular, institutionalized mechanisms to monitor the implementation of all its conventions, including ILO Convention Nos. 107 & 169. 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 to ensure compliance with the Convention and need for further action in this regard. It also issued a general observation focusing 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.

3. How does the agency/organization address the issue of indigenous peoples in its targeting of the MDGs

The ILO anchored its Decent Work Agenda where the promotion of indigenous peoples’ rights is embedded, on the Millennium Development Goals (MDGs). Together with governments, employers and worker’s organizations, including indigenous organizations, the ILO contributes to the goals of MDGs through policy advice, information dissemination, research, statistics, technical assistance, capacity building, standards and advocacy.

The ILO recognizes that indigenous peoples have been largely excluded from national development plans and poverty reduction strategies such as the MDG and PRSP processes, despite the fact that they were set up to combat poverty and exclusion and intended to be open and participatory.

In 2005, as a contribution to the UNPFII call for inclusion of indigenous peoples in these processes, the ILO has undertaken a series of case studies to document if and how indigenous peoples’ rights, needs and priorities were reflected in national poverty reduction strategies (PRSPs) in Nepal, Cambodia and Cameroon- thus paving a way to exploring how PRSPs can potentially include and benefit indigenous peoples.

The overall conclusion of these studies was that the marginalisation of indigenous peoples was largely reproduced in these national strategies. Indigenous peoples were generally not involved, their priorities were generally not reflected, and the PRSPs were therefore not likely to solve the poverty situation of indigenous peoples.

Through this process, it became clear that very little is known about indigenous peoples’ own perceptions of poverty and that very few indigenous communities had the opportunity to reflect and to contribute to making the MDG strategies relevant to their needs and priorities.

On this background, the ILO decided in 2005 to commission a new series of case studies, documenting specific indigenous communities’ own perception of the MDGs, their current status of implementation – and the strategies needed to achieve the MDGs in their communities. The studies were undertaken in four different countries in the following indigenous communities:

- Jhatun Ayllu Amarete, Bolivia;
- El Porvenir II, Guatemala;
- Baka communities, Cameroon; and
- Toey and Leu Coun, Cambodia.

These case studies are all results of participatory processes of reflection, assessment and strategising, which speak loudly about the analytical capacity and the resources of local communities – if only they gain ownership of their own development process and are invited to contribute to the qualitative development of global processes.

The case studies has been finalized and presented to the UNPFII session in 2006 and generated a lot of interest from various partners, including members of the IASG and governments.

Results of the PRSP and MDG studies have been a source of guidance in developing ILO national programmes and strategies in working with indigenous peoples in Cameroon, Cambodia, Nepal and Bangladesh.

ILO’s work on PRSPs and MDGs has also inspired the organization to look into other related issues, including issues of data, indicators, monitoring and reporting. The lack of reliable data
and inadequacy of existing indicators on indigenous peoples is seriously hampering monitoring and reporting efforts on indigenous peoples’ situation—thus making it impossible to assess which policies are needed.

b. Identify key priority areas and strategies for strengthened action in relation to developing strong monitoring mechanisms and enhancing accountability at the international, regional and particularly the national level, regarding the implementation of legal, policy and operational frameworks for the protection of indigenous peoples and the improvement of their lives.

The ILO wishes to further strengthen its actions in relation to developing strong monitoring mechanisms and enhancing accountability at the international, regional and particularly the national level, regarding the implementation of legal, policy and operational frameworks for the protection of indigenous peoples and the improvement of their lives.

**Priority areas will be**

- Continued monitoring of ratified conventions by the ILO supervisory system and providing more opportunities for indigenous peoples to get involved in the monitoring process (e.g., participation of the UNPFII in the ILO Conference); make the recommendations of the Committee of Expert on the Application of Conventions and Recommendation (CEARC) on specific conventions relevant to indigenous peoples more accessible to indigenous peoples and link it to national monitoring mechanisms established by indigenous organizations coming from countries that have ratified the relevant conventions (e.g., Defensoría del Pueblo in Latin America).

- Strengthening the existing national steering committees within the context of ILO’s national programmes at the country level (e.g., Nepal, Cambodia, Cameroon, etc) through continuous training and providing updated information through research.

- Building on and consolidate work in developing indicators specifically on traditional occupation as an indicator by linking it to already existing institutional monitoring and data gathering mechanisms.

- Continued collaboration and partnership with the ILO constituents (governments, employers and worker’s organization) and indigenous organizations in the implementation of ILO programmes on indigenous and tribal peoples at the international, regional and internal levels.

c. Identify examples of “Good Practice” in relation to developing strong monitoring mechanisms and enhancing accountability at the international, regional and particularly the national level, regarding the implementation of legal, policy and operational frameworks for the protection of indigenous peoples and the improvement of their lives.

**National Implementation Plan for Convention No. 169 in Nepal.**

A year after Nepal’s ratification of ILO Convention No. 169 on Indigenous and Tribal Peoples, the ILO has initiated a national programme called “Promotion of indigenous peoples’ rights in the constitution-making and state-reform process in Nepal”. The Project has the twin objective of supporting a) meaningful consultation and participation of indigenous councils/communities in the constitution-making process, and b) that key policy-making institutions integrate Convention No. 169 in the state-reform process. At the moment, implementation of the Convention is the top priority of the ILO and currently a series of large-scale activities are being initiated in collaboration with national partners, including the National Foundation for the Development of Indigenous Nationalities (NFDIN), concerned Ministries and indigenous peoples’ organizations, including the Nepal Federation of Indigenous Nationalities (NEFIN).
Task Force in the Implementation of the Convention

Following extensive consultations and discussions, a draft National Action Plan for implementation of the Convention, has been finalized by a Task Force on the Implementation of the Convention. The Task Force is composed of representatives from the various government institutions, which are directly involved in the implementation of Convention No. 169. The draft National Action Plan includes revision of domestic laws on land, natural resources, education, social security and others in line with the provisions of the Convention No. 169 as well as formulation of necessary policies and programmes.

Furthermore, Nepal is currently in the middle of a Constitutional Reform process and in this regards, the ILO is supporting dialogue between the Constituent Assembly members and indigenous women and men, their organizations and experts to ensure the inclusion of indigenous peoples’ rights in the new constitution. The project also supports the Ministry of Local Development which is the main government agency for providing training and capacity building on Convention No. 169.