

STATEMENT

12th Session of the Permanent Forum on Indigenous Issues



International
Labour Office

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STATEMENT BY

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Agenda Item 7(a):

Human Rights - Implementation of the United Nations Declaration on the Rights of Indigenous Peoples

Mr. Chair,
Distinguished members of the Forum.
Dear indigenous representatives,
Distinguished delegates,
Ladies and gentlemen,

The International Labour Organisation (ILO) is honoured to participate in this 12th session of the United Nations Permanent Forum on Indigenous Issues (UNPFII) and wishes you a successful and a fruitful session

The ILO has submitted to the Forum an extensive report on its recent activities regarding indigenous peoples' rights, which I would strongly recommend to anyone interested in the work of the ILO.

On this occasion, the ILO would like to bring to the attention of the Forum growing calls for the wide ratification of ILO Convention on indigenous and tribal peoples.

ILO Convention 169 is a legally binding treaty adopted in 1989 and built on the principles of consultation and participation as means to enable indigenous peoples to play a leading role in shaping their development and future while maintaining their cultures and livelihoods.

The Convention covers a wide range of rights, including lands, education, health, employment, natural resources and participation in public affairs. To date, the Convention has been ratified by 22 states including 14 in Latin America (*Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Paraguay, Peru, and Venezuela*), one in the Carabean (*Dominica*), four in Europe (*Denmark, Norway, the Netherlands and Spain*), two in Asia and Pacific (*Fiji and Nepal*) and one in Africa (*Central African Republic*).

Mr Chair, distinguished members of the Forum,

The ILO notes with interest recurrent demands and strong voices calling for wide ratification of ILO Convention 169 which is often seen as an enabling instrument for an effective implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and relevant national laws or policies at the country level. These persistent calls are coming from indigenous peoples, regional human rights mechanisms, civil society organisations and key UN mechanisms.

Several reports by the UN Special Rapporteur on the rights of indigenous peoples highlight and illustrate the complementarity between the UNDRIP and ILO Convention 169 as two key instruments whose implementation at country level are bound to be mutually reinforcing.

The latest calls for wide ratification of ILO Convention 169 came from indigenous peoples from Africa gathered in Nairobi on 20-21 November 2012, indigenous peoples from the Arctic gathered in Nuuk- Greenland on 23-24 October 2012, indigenous peoples from Asia gathered in Bangkok on 8-9 November 2012, indigenous peoples from Latin America and the Caribbean gathered in Iximulew, Guatemala on 11-13 April 2013 and indigenous peoples from the Pacific gathered in Sydney, Australia on 19-21 March 2013 in preparatory meetings for the 2014 World Conference on indigenous peoples.

At the ILO 9th European Regional Meeting held in Oslo 8-11 April 2013 to discuss “unemployment rising to alarming levels... increasing job insecurity, growing inequalities, weakening of social protection...”, the Chairperson of the Forum made a statement that indicates: *“together [ILO Convention 169] with the United Nations Declaration on the Rights of Indigenous Peoples, these two instruments provide a solid basis for concrete action towards more effectively recognising, implementing and protecting indigenous peoples rights”*.

The Human Rights Council-led Universal Periodic Review (UPR) process echoes a similar trend, with an increasing number of countries making commitments or recommending others to ratify ILO Convention 169 as a way to enhance legal protection of indigenous peoples’ rights and support the implementation of the UNDRIP. For instance, at the UPR session held in May 2012, Finland “reported on [its] intention ... to ratify ILO Convention No. 169 by 2015”. The Republic of Congo has voiced its willingness to *“accede to ILO Convention N° 169 concerning Indigenous and Tribal Peoples in Independent Countries”* at the Human Rights Council session held in 2009. The commitment by the Republic of Congo has been reiterated by its President at the UNPFII pre-session meeting hosted by the country in March 2013.

As the standard setting UN agency responsible for key conventions on indigenous peoples, the ILO welcomes these calls for wide ratification of ILO Convention 169. It is the view of indigenous peoples that the binding effect of the Convention combined with ILO supervisory mechanisms that it comes with, its related jurisprudence and build-in states reporting mechanism are key to an effective implementation and monitoring of the

UNDRIP as well as relevant national laws or policies on indigenous peoples at the country level. In addition, wide ratification of ILO Convention 169 by other countries in Europe, Asia and Africa would provide a global dimension to the instrument and thereby support indigenous peoples' movements and relevant efforts by Governments in Latin America.

Mr Chair, distinguished members of the Forum,

ILO's commitment to the rights of indigenous peoples is a resilient and constantly renewed one, as illustrated by the following examples. A 2012 International Labour Conference report on Fundamental principles and rights at work concluded that "*certain population groups ... are clearly more exposed to violations of Fundamental Principles and Rights at Work (FPRW) than others. The most at risk groups usually have limited access to state protection and collective action, may suffer from multiple forms of discrimination, and be trapped in a vicious circle of informality and poverty. [These include] indigenous people [who] are widely affected by structural discrimination. Their way of living, including their traditional occupations and the use of their land, are often not recognized as part of the "normal" economic system, and their participation in public decision-making is often limited.*"

The ILO Director General has initiated a wide-ranging reform of the Organisation, which makes strong and clear reference to indigenous peoples as one of the social groups at high risk of unequal access to rights and social exclusion. Indigenous peoples' issues are a key thematic focus of the new ILO department which addresses working conditions, equality and diversity.

The ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) has also kept its focus on indigenous peoples issues. During its 2012 session, the Committee addressed the concerns of indigenous peoples' rights through numerous ILO Conventions, including on indigenous and tribal issues, child labour, forced labour and discrimination at work, in countries across Latin America, Asia, Europe, Pacific and Africa. The ILO encourages the Forum, indigenous peoples and other stakeholders to engage more fully with and utilize the ILO supervisory bodies.

Furthermore, the ILO's unique programme on indigenous peoples, known as PRO 169, continues to be operational in more than twenty countries with indigenous peoples. In Latin America, our efforts focus on capacity development, legal advice and awareness-raising. In Asia and Africa, two regions where legal standards for the protection of indigenous peoples' rights remain weak, the ILO is actively supporting on-going states reforms, promoting indigenous peoples' land rights through domestic legislation, supporting traditional occupations-based businesses of indigenous peoples and increasing dialogue on indigenous peoples and natural resources.

In Cambodia for instance, by 2012 the ILO has supported the identification of 57 communities and the registration of 43 of them as legal entities entitled to collective land titles. The ILO focusses also on knowledge sharing, including south-south study visits, as is currently being organised for indigenous peoples and Government officials from Bangladesh to the Philippines.

The ILO Programme on indigenous peoples (PRO 169) has now fully integrated the UNDRIP into its overall strategic framework for 2013-2016. All new publications, outreach materials and training programmes developed by PRO169 include extensive sections on the Declaration. For instance, an ILO Handbook on ILO Convention 169 for ILO Tripartite constituents published this year (2013) discusses among others instruments the UNDRIP. Similarly, an annual five-day intensive course on indigenous peoples' rights in Africa, in collaboration with the South African University of Pretoria's Human Rights Centre, the African Commission Working Group on indigenous populations/communities and the International Work Group on Indigenous Affairs (IWGIA) contains substantive sections dealing with the Declaration and other relevant instruments.

The ILO takes this opportunity to express its gratitude to the partners that have provided targeted support to its work on indigenous peoples. We thank the Governments of Denmark, Spain, Finland, Sweden and Germany as well as the European Instrument for Democracy and Human Rights for their vital and continued support. The ILO warmly invites other partners to provide support to its programme on indigenous peoples.

Mr Chair, distinguished members of the Forum,

As host of the Technical Secretariat of the United Nations Indigenous Peoples Partnership (UNIPP), the ILO would like to update the Forum on this rights-based inter-agency collaborative framework, established by ILO, OHCHR, UNDP, UNICEF and UNFPA in response to the Forum's recommendation. Launched in May 2011, UNIPP is now fully operational in six countries, namely Bolivia, Nicaragua, Cameroon, Central African Republic, Republic of Congo and Nepal. A Progress Report on UNIPP-supported projects was presented at a side event yesterday (21 May 2013).

It states that in all target countries, UNIPP has succeeded in raising the profile and importance of indigenous peoples' issues. It has underscored indigenous peoples' importance and firmly centres them on the development agendas of governments and UN Country Teams (UNCTs), through a combination of technical, policy and legal advice as well as advocacy and support to consultative mechanisms involving indigenous peoples. The progress reports further indicates that UNIPP-supported projects have served as catalysts in mobilizing additional resources for initiatives that address indigenous peoples' issues at the country level.

On behalf of UNIPP, the ILO takes this opportunity to thank UNIPP's pioneering partners, notably the Governments of Denmark, Finland and Ireland. Their contributions to UNIPP Multi Donor Trust Fund have enabled unprecedented country-level partnerships between Governments, indigenous peoples, and UN Country teams that are critical for implementation of indigenous peoples' rights. The ILO calls upon new partners to join UNIPP and contribute to its Trust Fund in order to ensure that its strategic objectives for 2012-2015 are achieved.

I thank you.