

Governing Body

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GB.335/POL/2

Policy Development Section
Employment and Social Protection Segment

POL

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SECOND ITEM ON THE AGENDA

Strategic plan for engagement with United Nations system bodies and relevant regional organizations regarding the Indigenous and Tribal Peoples Convention, 1989 (No. 169)

Purpose of the document

The present document sets out a strategic plan as requested by the Governing Body at its 334th Session (October–November 2018). The Governing Body is invited to review the strategic plan and provide related guidance for its implementation (see the draft decision in paragraph 20).

Relevant strategic objective: All.

Main relevant outcome/cross-cutting policy driver: Outcome 2: Ratification and application of international labour standards.

Policy implications: None.

Legal implications: None.

Financial implications: None.

Follow-up action required: As set out in Part III of the document.

Author unit: Conditions of Work and Equality Department (WORKQUALITY).

Related documents: GB.334/POL/2; GB.334/POL/PV; Indigenous and Tribal Peoples Convention, 1989 (No. 169); International Labour Conference resolution concerning ILO action concerning indigenous and tribal peoples.

I. Introduction

1. At its 334th Session (October–November 2018), the Governing Body followed up on the Strategy for indigenous peoples' rights for inclusive and sustainable development, which it had endorsed in November 2015. On that occasion, the Governing Body requested the Director-General to submit to it, at its 335th Session, a “strategic plan to ensure understanding of the scope and application of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), according to ILO criteria, among the other United Nations system bodies and the relevant regional organizations.”¹
2. In response to the Governing Body's request, Part III of this paper sets out a strategic plan for engagement with the United Nations (UN) system and regional organizations. The plan ultimately seeks to draw on the ILO's mandate and its contributions to improving coherence and synergies across the multilateral system in order to promote and realize indigenous and tribal peoples' rights. This is an integral part of inclusive and sustainable development and is in line with the 2030 Agenda for Sustainable Development. Part II of the paper provides relevant background information.

II. Indigenous peoples' issues, the UN system and regional organizations: background

3. The ILO has historically been at the forefront of international efforts to support indigenous peoples' rights and to actively promote UN system-wide collaboration in this area.
4. Prior to the adoption of Convention No. 169, the Indigenous and Tribal Populations Convention, 1957 (No. 107), had been elaborated with the participation of UN agencies, and the ILO had led a major regional technical cooperation programme benefiting indigenous peoples in the Andean region, which lasted from the 1950s to the 1970s. Since its adoption, UN agencies have been invited to submit relevant information to and address the Committee of Experts on the Application of Conventions and Recommendations (CEACR) in connection with the examination of reports under article 22 of the ILO Constitution regarding Conventions Nos 107 and 169.
5. The Office regularly interacts with UN agencies, bodies and mechanisms on this theme. It provides summaries of the comments and reports of the ILO supervisory bodies that address indigenous issues, in the context of Conventions Nos 107, 111 and 169 and other relevant instruments, to the UN treaty bodies and, on occasion, ILO officials attend their sessions.² The ILO is a founding member of both the Inter-Agency Support Group (IASG) on Indigenous Issues and the UN Indigenous Peoples' Partnership.³
6. Since the adoption of Convention No. 169 three decades ago, there has been a steadily increasing recognition of indigenous and tribal peoples' issues and concerns by the

¹ See: [GB.334/POL/PV](#), para. 56(c).

² Among the UN treaty bodies, the Committee on the Elimination of Racial Discrimination, the Committee on Economic, Social and Cultural Rights, the Human Rights Committee and the Committee on the Elimination of Discrimination against Women frequently address indigenous issues.

³ The UN Indigenous Peoples' Partnership was established in 2012 in order to step up UN system operational support to member States in implementing the rights of indigenous peoples.

international community. This has been evidenced by the creation of several bodies, mandates and instruments dedicated to indigenous peoples. The adoption of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) by the UN General Assembly in 2007 and the American Declaration on the Rights of Indigenous Peoples by the General Assembly of the Organization of American States in 2016 have been major developments in this regard.

7. Three UN mechanisms are now specifically dedicated to indigenous peoples: the Permanent Forum on Indigenous Issues, which is an advisory body to the Economic and Social Council; the Special Rapporteur on the rights of indigenous peoples; and the Expert Mechanism on the Rights of Indigenous Peoples. Both the Special Rapporteur and Expert Mechanism report to the Human Rights Council.
8. The secretariats of numerous UN system organizations have established focal points, units or programmes, or engage in activities regarding indigenous peoples, increasingly at country level. The indigenous peoples' focal points of over 40 UN system agencies are connected through the IASG,⁴ which facilitates the exchange of information, sharing of experiences, collective reflection and expression of common views. It has also served as a space for initiating collaboration and engaging with indigenous peoples' representatives. The UN Department of Economic and Social Affairs (DESA) acts as permanent IASG Chair, together with an annually rotating Co-Chair. In the light of the Governing Body discussion on indigenous peoples' rights for inclusive and sustainable development in November 2018, the ILO has assumed the role of Co-Chair of the IASG for 2019, coinciding with the ILO's Centenary and the 30th anniversary of the adoption of Convention No. 169. The ILO will host the IASG's Annual Meeting in September 2019.
9. The IASG has supported the development of a system-wide action plan. Following the 2014 World Conference on Indigenous Peoples, the UN Secretary-General entrusted DESA with the task of leading the development and coordination of a system-wide action plan to ensure a coherent approach to achieving the ends of UNDRIP.⁵ The system-wide action plan was developed in the framework of the IASG and shared with the UN System Chief Executives Board in November 2015. IASG members report to DESA once a year on their activities related to the system-wide action plan, and DESA submits synthesis reports to the Permanent Forum on Indigenous Issues.⁶
10. At the regional level, the Inter-American Court of Human Rights and the Inter-American Commission of Human Rights have specifically referred to Convention No. 169 in relation to their mandate concerning the American Convention on Human Rights. The African Commission on Human and Peoples' Rights and the African Court on Human and Peoples' Rights have also examined indigenous issues under the African Charter on Human and Peoples' Rights. In Europe, the engagement of the Council of Europe with indigenous peoples' issues has been limited.

⁴ In Latin America and the Caribbean, a regional inter-agency group on indigenous peoples (Grupo Interagencial Regional de Pueblos Indígenas, GIRPI) exists, which is currently chaired by UNWOMEN and the ILO.

⁵ See: [E/C.19/2016/5](#).

⁶ Synthesis and agency reports for 2018 are available here: <https://www.un.org/development/desa/indigenouspeoples/unpfii-sessions-2/2017-2.html>.

III. A plan for strategic engagement

11. While UNDRIP is the most recent instrument of global reach regarding indigenous peoples, Convention No. 169 is the only treaty of the multilateral system open for ratification that specifically and comprehensively addresses the rights of indigenous and tribal peoples. Many of the provisions in UNDRIP have been inspired by Convention No. 169, and the effective implementation of the Convention contributes to the accomplishment of UNDRIP's objectives. The CEACR has noted that "the Convention and the United Nations Declaration on the Rights of Indigenous Peoples, adopted in 2007, constitute two legal instruments of different nature and scopes which complement and reinforce each other".
12. With Convention No. 169 and UNDRIP in place, member States and UN system organizations have a solid basis for taking action to promote and protect the rights of indigenous and tribal peoples as an integral part of inclusive and sustainable development. It is therefore the ILO's mandate and responsibility to provide guidance on the scope and meaning of the Convention's provisions, and the supervisory bodies play a key role in this regard.
13. Clarity as regards the scope and meaning of the Convention's provisions is important for member States to ensure their effective application, but can be challenged by the existence of multiple bodies and mechanisms, particularly when non-ILO bodies or mechanisms attach interpretations to the provisions that may diverge from ILO positions. For this reason, the strategic plan focuses on enhanced dissemination and communication of the guidance of the supervisory bodies, as well as other ILO guidance such as the 2013 handbook on the Convention.⁷
14. As it is the lead agency regarding Convention No. 169 and is grounded in its normative mandate, the ILO has contributed significantly to the UN system's efforts to advance indigenous and tribal peoples' rights and well-being: through standards supervision, tripartism and social dialogue; the positive role that constituents can play at the country level in promoting, guiding and contributing to implementation; technical expertise and practical approaches for translating rights into a lived reality; and the capacity to reach out to indigenous and tribal peoples as rights holders and actors in development and in tackling climate change. The strategic plan seeks to enhance and maximize these contributions through new and innovative channels for dialogue and collaboration, involving the ILO's constituents, as a means of promoting coherence.

A. Better visibility and dissemination of the guidance of the supervisory bodies

15. The Office will design and make available tools for the active dissemination of the comments, conclusions, recommendations and guidance provided by the supervisory bodies with respect to Convention No. 169 to relevant UN system and regional actors, including the respective expert bodies and their secretariats. This will include the production of an annual compilation of CEACR comments and related conclusions of the International Labour Conference Committee on the Application of Standards (CAS) on Convention No. 169, country fact sheets on measures taken to apply the Convention and related guidance from the supervisory bodies, and a thematic compilation of excerpts from CEACR comments and reports of tripartite committees regarding representations under article 24 of the ILO Constitution. In addition, user-friendly access to NORMLEX entries regarding the

⁷ See: https://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/indigenous-and-tribal-peoples/WCMS_205225/lang--en/index.htm.

Convention will be available on the global and regional ILO web-portals on indigenous peoples.

16. These tools will not only enable information to be disseminated to UN bodies and mechanisms and regional organizations, but will also make it easier for constituents and ILO field offices and specialists to access the guidance of the supervisory bodies with a view to strengthening their engagement with UN partners at the country level. Given the many linkages between the Convention and the Sustainable Development Goals, the tools can also help constituents and the Office to highlight issues relating to Convention No. 169 in the context of Decent Work Country Programmes, national future of work strategies, UN Common Country Assessments and UN Development Assistance Frameworks.

B. Dialogue with the UN system and regional organizations

17. In addition to ensuring ILO participation in relevant meetings of UN bodies and mechanisms and regional organizations, the Office proposes holding periodic dialogues on matters of mutual interest and concern regarding Convention No. 169. These dialogues would bring together ILO constituents and representatives of UN bodies and mechanisms and regional organizations. In 2019, a dialogue could be organized in Geneva to mark the 30th anniversary of the Convention during, or back to back with, the annual session of the Expert Mechanism on the Rights of Indigenous Peoples in July. Participants could include members of the Permanent Forum on Indigenous Issues; members of the Expert Mechanism; the Special Rapporteur on the rights of indigenous peoples; members of the CEACR; and representatives of the employers' and workers' groups and of interested governments. The meeting could discuss ways and means for regular exchanges, including at the regional and country levels, between ILO constituents, UN bodies and mechanisms and regional organizations. Subject to the Governing Body's guidance, the Office will initiate the necessary consultations, including with UN counterparts, and preparations in order to hold such a dialogue.

C. Improving UN system-wide coherence

18. While the ILO supervisory bodies and UN and regional bodies and mechanisms exercise their respective mandates independently, it is the role and collective responsibility of the UN system organizations to take action in support of indigenous peoples' rights and development in a coherent and coordinated manner. While the system-wide action plan has been developed for this purpose, the Office considers that initiatives to evaluate the action plan would be timely. While the action plan has served as a framework for reporting by UN agencies, its potential as a tool for strengthening coherence and a One-UN approach has not yet been realized. Such an effort could lead to a revised action plan that is adjusted to the UN system architecture created by the UN reform, in the light of lessons learned. In this context, the action plan could be complemented by a high-level UN system policy statement, which is currently lacking. The Office will initiate consultations with UN partners in this regard.

D. Capacity-building

19. UN agencies and regional organizations are involved in a number of activities to build the capacity of stakeholders at the national level with regard to indigenous and tribal peoples' rights. However, at present there is no common methodology or training materials or joint training activities. The Office will engage with other IASG members to review existing

materials, with the participation of indigenous peoples' representatives, and explore the development of new tools for One-UN capacity-building that include Convention No. 169 and related ILO guidance. Such tools will likewise be needed to train UN system personnel, including newly incoming resident coordinators, to ensure their understanding and knowledge of Convention No. 169. The ILO will also explore joint awareness-raising training efforts with relevant organizations, offering its expertise on Convention No. 169.

Draft decision

20. *The Governing Body requested the Director-General to:*

- (a) *implement the strategic plan, taking into account guidance given by the Governing Body;***
- (b) *take into consideration the strategic plan and the guidance given in the discussion in the preparation of future programme and budget proposals in order to enable the Office to engage in a sustained and strategic manner with the UN system and regional organizations in all regions, with a special emphasis on Latin America; and***
- (c) *report on the strategic plan's implementation at the Governing Body's next follow-up discussion on the Strategy on indigenous peoples' rights for inclusive and sustainable development.***

Appendix

Tentative action plan

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| Visibility and dissemination of the guidance of the supervisory bodies and the 2013 handbook | Annual compilation of CEACR comments and CAS conclusions regarding Convention No. 169 | 30 April 2019 |
| | Thematic compilation of excerpts of CEACR comments and Article 24 reports | 30 April 2019 |
| | Thematic access to NORMLEX from the global and regional ILO web-portals on indigenous peoples | 30 June 2019 |
| | Country fact sheets | 28 February 2020 |
| Dialogue with UN bodies and regional organizations | Consultations with UN bodies and mechanisms with a view to holding a dialogue meeting with ILO constituents at ILO headquarters in July 2019 | April 2019 |
| | Consultations with UN bodies and mechanisms with a view to enabling inclusive dialogue on implementation measures at the country level | April–September 2019 |
| | 18th Session of the UN Permanent Forum on Indigenous Peoples, New York: a side event to mark the 30th anniversary of Convention No. 169 involving constituents | April 2019 |
| Improving UN system-wide coherence | ILO co-chairing IASG and the Latin American and Caribbean Inter-Agency Group on Indigenous Peoples (GIRPI) | 2019 |
| | Building support for an evaluation of the system-wide action plan (SWAP) in 2019 | 31 December 2019 |
| | High-level panel on the occasion of the 30th anniversary of Convention No. 169 as opening for the Annual Meeting of the IASG | September 2019 |
| Capacity-building | Review of existing UN system and regional training materials on indigenous peoples' rights | December 2019 |
| | Consultations with relevant UN agencies and regional organizations with a view to developing joint training materials and activities | December 2019 |