

International Labour Conference
76th Session 1989

Report IV (1)

Partial revision of the Indigenous
and Tribal Populations Convention,
1957 (No. 107)

Fourth item on the agenda



International Labour Office Geneva

ISBN 92-2-106661-4

ISSN 0074-6681

First published 1988

The designations employed in ILO publications, which are in conformity with United Nations practice, and the presentation of material therein do not imply the expression of any opinion whatsoever on the part of the International Labour Office concerning the legal status of any country, area or territory or of its authorities, or concerning the delimitation of its frontiers.

The responsibility for opinions expressed in signed articles, studies and other contributions rests solely with their authors, and publication does not constitute an endorsement by the International Labour Office of the opinions expressed in them.

Reference to names of firms and commercial products and processes does not imply their endorsement by the International Labour Office, and any failure to mention a particular firm, commercial product or process is not a sign of disapproval.

ILO publications can be obtained through major booksellers or ILO local offices in many countries, or direct from ILO Publications, International Labour Office, CH-1211 Geneva 22, Switzerland. A catalogue or list of new publications will be sent free of charge from the above address.

CONTENTS

	Page
INTRODUCTION	1
PROPOSED TEXT	3
Proposed Convention concerning indigenous and tribal (peoples/populations) in independent countries	5

INTRODUCTION

On 21 June 1988 the International Labour Conference, meeting in Geneva at its 75th Session, adopted the following resolution unanimously:

The General Conference of the International Labour Organisation,

Having adopted the report of the Committee appointed to consider the sixth item on the agenda,

Having in particular approved as general conclusions, with a view to the consultation of governments, proposals for the partial revision of the Indigenous and Tribal Populations Convention, 1957 (No. 107);

Decides that the question of the partial revision of the Indigenous and Tribal Populations Convention, 1957 (No. 107), shall be included in the agenda of its next ordinary session for a second discussion with a view to the adoption of a Convention.

By virtue of this resolution and in accordance with article 39, paragraph 6, of the Standing Orders of the Conference, the Office is required to prepare the text of a proposed Convention, on the basis of the replies to the questionnaire annexed to Report VI (1) prepared for the first discussion by the Conference and on the basis of that discussion. The Office is also required to communicate this text to governments so as to reach them not later than two months from the closing of the 75th Session of the Conference, asking them to state within three months, after having consulted the most representative organisations of employers and workers, whether they have any amendments to suggest or comments to make.

The purpose of the present report is to transmit to governments the text of the proposed Convention, based on the Conclusions adopted by the Conference at its 75th Session.

Governments are requested, in accordance with the Standing Orders of the Conference, to submit any amendments or comments with regard to the proposed text as soon as possible and in any case so as to reach the Office in Geneva not later than 30 November 1988. Governments which have no amendments or comments to put forward are asked to inform the Office by the same date whether they consider that the proposed text is a satisfactory basis for discussion by the Conference at its 76th Session.

Governments are also requested, in accordance with article 39, paragraph 6, of the Standing Orders of the Conference, to consult the most representative organisations of employers and workers before they finalise their replies and to indicate which organisations they have consulted. This is also required by Article 5 (1)(a) of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), for countries which have ratified that Convention. The results of the consultation should be reflected in the governments' replies.

Attention is drawn to the recommendation of the Committee appointed by the Conference at its 75th Session to consider the revision of Convention No. 107 that all governments be urged to consult organisations representing

indigenous and tribal peoples during their preparations for the 76th Session of the Conference. This has already been done by some countries at earlier stages of the revision procedure, and the Conference Committee considered it essential that the views of those most directly affected be taken into account in considering the subject.

PROPOSED TEXT

The text of a proposed Convention concerning indigenous and tribal peoples (or populations) in independent countries will be found below. This text is based on the Conclusions adopted by the International Labour Conference at its 75th Session.

Reference should also be made to the report of the Committee appointed by the Conference to consider this item. In a departure from past practice, this report is not summarised in the present volume but is being communicated to member States in its entirety, together with the record of the discussion in plenary session (see *Provisional Record* No. 32 and No. 36 attached).

Only a very small number of changes from the Conclusions adopted by the Conference are included in the text of the proposed Convention, mostly for editorial reasons. Where necessary, they are discussed below. Special attention is drawn in this respect to the discussion below of the Part of the text dealing with land rights.

Proposed Convention

Preamble

The text of a draft Preamble is being submitted for the first time. It appears appropriate to refer in particular to the development of international human rights law since Convention No. 107 was adopted in 1957, as well as to other developments which affect indigenous and tribal peoples more directly. The reference to the co-operation of other international organisations is taken from Convention No. 107, with the addition of a reference to the Inter-American Indian Institute in view of the valuable collaboration which has been taking place with that organisation.

Article 1

The use of the term “(peoples/populations)” reflects an agreement in the Committee that the question could not be satisfactorily resolved during the 75th Session; reference is made to paragraphs 30 to 39 of the report of the Committee. There did appear to be widespread, though not universal, agreement that the term “peoples” should be used if an acceptable formula could be found to ensure that it did not imply rights beyond the scope of the revised Convention, in particular with regard to self-determination in the sense of separation from the State.

Part II. Land

The text of the proposed Convention is taken directly from the Proposed Conclusions contained in Report VI (2) submitted to the 75th Session of the Conference. Following its referral to a working party and a general discussion in the Conference Committee, this subject was set aside for more detailed consideration at the 76th Session. The text of the proposed Convention thus does not reflect either the agreements which were reached on similar language in respect of other parts of the Conclusions, or the elements of agreement which appeared to emerge during the working party's discussions. Governments and other respondents may therefore wish to take the following considerations into account in preparing their comments.

Lands/territories. A discussion was held in the working party on this issue which is not fully reflected in the Committee's report but which may assist in clarifying the issues raised. Two basic positions became apparent. First, the indigenous and tribal representatives, supported by the Workers' members and some governments, felt that the word "lands" is too restrictive and does not express the relationship between these peoples and the territories they occupy. Nor, on a purely practical level, does the word "lands" cover elements such as sea ice for the northern peoples, which are parts of their territories but are not land. It also does not reflect other elements which are inherent in their concept of territory, such as the flora and fauna, waters and the environment as a whole. On the other hand, a number of governments and the Employers' members pointed out that some internal legal systems are based on the concept of lands and not territories, at least where the acquisition of enforceable rights is concerned. Furthermore, the word "territories" is used in many national legal texts only to refer to the national territory as a whole, and its use in this context might raise problems in connection with national sovereignty.

While this issue remains to be explored fully at the 76th Session of the Conference, the Office points out that both terms were already used in Part II of Convention No. 107 and that no problems have arisen in interpreting them since 1957. It appears that the issues raised during the Conference discussion might be resolved if the word "lands" were used in connection with the establishment of legal rights, while "territories" could be used when describing a physical space, when discussing the environment as a whole or when discussing the relationship of these peoples to the territories they occupy.

Ownership, possession or use. Some consensus appeared to be emerging to use this expression uniformly instead of more limited expressions such as "rights of ownership and possession" (Article 13 of the proposed Convention).

Seek the consent. The use of this phrase in the Proposed Conclusions (see especially Proposed Conclusion 30) evoked considerable concern among some delegates that the right of States to take final decisions on the disposition of the national territory was being called into question. In fact, it was meant to indicate that a serious attempt should be made to obtain the consent of the inhabitants of the areas concerned before undertaking activities which affected them. There was no intention to imply a veto power and no implication that the State's power to decide be limited. It should be noted that the continued use of this

phrase in Article 14, paragraph 2, of the proposed Convention derives from the Committee's decision to use the corresponding text of the Proposed Conclusions without modification as the basis for the proposed Convention. Moreover, where this phrase was used in another part of the Proposed Conclusions, it was modified by the Committee to "consult fully" (see Article 6(a) of the proposed Convention).

Surface and subsoil resources. While these phrases were used in the Proposed Conclusions, some consensus appeared to be emerging in the working party to use instead the concepts of renewable and non-renewable resources. Respondents may wish to take this into account in framing their comments.

Proposed new Point

Attention is drawn to paragraphs 216 and 217 of the Conference Committee's report, where a proposed new Point concerning indigenous and tribal peoples in frontier areas is discussed. While no new Article is included in the text of the proposed Convention, the Office will examine the question more fully for the final report to be put before the Conference. It is pointed out that an obligation for two States, each of which has ratified a given Convention, to conclude agreements between themselves to regulate the matters covered in the Convention is well established in ILO standards. Reference may also be made to Part X of Recommendation No. 104.

Proposed Convention concerning indigenous and tribal (peoples/populations) in independent countries

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 76th Session on 7 June 1989, and

Noting the international standards contained in the Indigenous and Tribal Populations Convention and Recommendation, 1957, and

Recalling the terms of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and the many international instruments on the prevention of discrimination, and

Considering that the developments which have taken place in international law since 1957, as well as developments in the situation of indigenous and tribal (peoples/populations) in all regions of the world, have made it appropriate to adopt new international standards on the subject, and

Recognising the aspirations of these (peoples/populations) to control over their own institutions, ways of life and economic development, within the framework of the States in which they live, and

Noting that in many parts of the world these (peoples/populations) have been unable to enjoy their fundamental human rights to the same degree as the rest of the populations of the States within which they live, and

Calling attention to the vital contributions of indigenous and tribal traditions to the cultural diversity and social and ecological harmony of humankind and to international co-operation and understanding, and

Noting that the following standards have been framed with the co-operation of the United Nations, the Food and Agriculture Organisation of the United Nations, the United Nations Educational, Scientific and Cultural Organisation and the World Health Organisation, as well as of the Inter-American Indian Institute, at appropriate levels and in their respective fields, and that it is proposed to continue this co-operation in promoting and securing the application of these standards, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Indigenous and Tribal Populations Convention, 1957 (No. 107), which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention revising the Indigenous and Tribal Populations Convention, 1957;

adopts this day of June of the year one thousand nine hundred and eighty-nine the following Convention, which may be cited as the Indigenous and Tribal (Peoples/Populations) Convention (Revised), 1989:

PART I. GENERAL POLICY

Article 1

1. This Convention applies to:

- (a) tribal (peoples/populations) in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;
- (b) (peoples/populations) in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.

2. Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply.

3. The indigenous and tribal (peoples/populations) mentioned above are referred to hereinafter as "the (peoples/populations) concerned".

Article 2

1. Governments shall have the responsibility for developing, with the full participation of the (peoples/populations) concerned, co-ordinated and

systematic action to guarantee respect for the integrity of these (peoples/populations) and their rights.

2. Such action shall include measures for:

- (a) enabling members of these (peoples/populations) to benefit on an equal footing from the rights and opportunities which national laws and regulations grant to other members of the population;
- (b) promoting the full realisation of the social, economic and cultural rights of these (peoples/populations) with respect for their social and cultural identity, their customs and traditions and their institutions;
- (c) assisting the members of the (peoples/populations) concerned to raise their standard of living to that enjoyed by other members of the national community, in a manner compatible with the aspirations and ways of life of these (peoples/populations).

Article 3

1. Indigenous and tribal (peoples/populations) shall enjoy the full measure of human rights and fundamental freedoms without hindrance or discrimination.

2. No form of force or coercion shall be used in violation of the human rights and fundamental freedoms of the (peoples/populations) concerned, including the rights contained in this Convention.

Article 4

1. Special measures shall be adopted as appropriate for safeguarding the institutions, persons, property, labour and environment of the (peoples/populations) concerned.

2. Such special measures of protection shall not be contrary to the wishes of the (peoples/populations) concerned.

3. Enjoyment of the general rights of citizenship, without discrimination, shall not be prejudiced in any way by such special measures of protection.

Article 5

In applying the provisions of this Convention:

- (a) due account shall be taken of the cultural and religious values and practices of these (peoples/populations), and of the nature of the problems which face them both as groups and as individuals;
- (b) the integrity of the values, practices and institutions of these (peoples/populations) shall be respected;
- (c) policies aimed at mitigating any difficulties experienced by these (peoples/populations) in adjusting to new conditions of life and work shall be adopted, with the full participation and co-operation of the (peoples/populations) affected.

Article 6

In applying the provisions of this Convention, governments shall:

- (a) consult fully the (peoples/populations) concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly;
- (b) establish means by which these (peoples/populations) may freely participate at all levels of decision-making in elective institutions and administrative and other bodies responsible for policies and programmes which may affect them directly;
- (c) make available to these (peoples/populations) opportunities and resources for the full development of their own institutions and initiatives.

Article 7

1. The improvement of the conditions of life and work and level of education of the (peoples/populations) concerned, with their participation and co-operation, shall be a matter of priority in plans for the overall economic development of areas inhabited by them. Special projects for development of the areas in question shall also be so designed as to promote such improvement.

2. The (peoples/populations) concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, territories, institutions and spiritual well-being and to exercise control, to the extent possible, over their own economic, social and cultural development. In addition, they shall be involved in the formulation and implementation of plans and programmes for national and regional development which may affect them directly.

3. Governments shall ensure that studies are carried out, in collaboration with the (peoples/populations) concerned, to assess the social, spiritual, cultural and environmental impact of planned development activities on them.

Article 8

1. In the application of national laws and regulations to the (peoples/populations) concerned, due regard shall be had to their customary laws.

2. These (peoples/populations) shall have the right to retain their own customs and institutions, where these are not incompatible with fundamental rights defined by the national legal system or with internationally recognised human rights.

3. The application of paragraphs 1 and 2 of this Article shall not prevent members of these (peoples/populations) from exercising the rights granted to all citizens and from assuming the corresponding duties.

Article 9

1. To the extent compatible with the national legal system and internationally recognised human rights, the use of methods customarily practised by the (peoples/populations) concerned for dealing with crimes or offences committed by their members shall be respected.

2. The customs of these (peoples/populations) in regard to penal matters shall be taken into consideration by the authorities and courts dealing with such cases.

Article 10

The exaction from the members of the (peoples/populations) concerned of compulsory personal services in any form, whether paid or unpaid, shall be prohibited and punishable by law, except in cases prescribed by law for all citizens.

Article 11

1. In imposing penalties laid down by general law on members of these (peoples/populations) account shall be taken of their economic, social and cultural characteristics.

2. Preference shall be given to methods of punishment other than confinement in prison.

Article 12

The (peoples/populations) concerned shall be safeguarded against the abuse of their fundamental rights and shall be able to take legal proceedings for the effective protection of these rights. Members of these (peoples/populations) shall have the right to use their own languages in any legal proceedings.

PART II. LAND **Article 13*

1. The rights of ownership and possession of the (peoples/populations) concerned over the lands which they traditionally occupy shall be recognised.

2. Governments shall take steps as necessary to identify the lands which the (peoples/populations) concerned traditionally use and occupy, and to guarantee effective protection of their rights of ownership and possession.

* Part II of this proposed Convention is based directly on the Proposed Conclusions contained in Report VI (2) to the 75th Session of the Conference. In preparing comments on this Part, please refer to the relevant section of the Office commentary (*Provisional Record* No. 32) to the general discussion of this subject contained in paragraphs 125-136 of the Conference Committee's report.

Article 14

1. Special measures shall be taken to safeguard the control of the (peoples/populations) concerned over natural resources pertaining to their traditional territories, including flora and fauna, waters and sea ice, and other surface resources.

2. Governments shall seek the consent of the (peoples/populations) concerned, through appropriate mechanisms, before undertaking or permitting any programmes for the exploration or exploitation of mineral and other subsoil resources pertaining to their traditional territories. Fair compensation shall be provided for any such activities undertaken within the territories of the said (peoples/populations).

Article 15

1. Subject to the following paragraphs of this Article, the (peoples/populations) concerned shall not be removed from their habitual territories.

2. Where the removal of the said (peoples/populations) is considered necessary as an exceptional measure, such removals shall take place only with their free and informed consent. Where their consent cannot be obtained, such removal shall take place only following appropriate procedures established by national laws and regulations, including public inquiries, which provide the opportunity for effective representation of the (peoples/populations) concerned.

3. In such exceptional cases of removal, these (peoples/populations) shall be provided with lands of quality and legal status at least equal to that of the lands previously occupied by them, suitable to provide for their present needs and future development. In cases where chances of alternative employment exist, and where the (peoples/populations) concerned prefer to have compensation in money or in kind, they shall be so compensated under appropriate guarantees.

4. Persons thus removed shall be fully compensated for any resulting loss or injury.

Article 16

1. Procedures for the transmission of rights of ownership, possession and use of land which are established by the customs of the (peoples/populations) concerned shall be respected, within the framework of national laws and regulations.

2. The consent of the (peoples/populations) concerned shall be sought when considering the adoption of national laws or regulations concerning the capacity of the said (peoples/populations) to alienate their land or otherwise transmit rights of ownership, possession and use of their land.

3. Persons who are not members of these (peoples/populations) shall be prevented from taking advantage of the customs referred to in paragraph 1 of

this Article or of lack of understanding of the laws on the part of the members of these (peoples/populations) to secure the ownership, possession or use of land belonging to them.

Article 17

Unauthorised intrusion upon, or use of, the lands of the (peoples/populations) concerned shall be considered an offence. Adequate penalties for such offences and appropriate recourse procedures shall be established by law.

Article 18

National agrarian programmes shall secure to the (peoples/populations) concerned treatment equivalent to that accorded to other sections of the national community with regard to:

- (a) the provision of more land for these (peoples/populations) when they have not the area necessary for providing the essentials of a normal existence, or for any possible increase in their numbers;
- (b) the provision of the means required to promote the development of the lands which these (peoples/populations) already possess.

Article 19

Adequate procedures shall be established within the national legal system to resolve land claims by the (peoples/populations) concerned, including claims arising under treaties.

PART III. RECRUITMENT AND CONDITIONS OF EMPLOYMENT

Article 20

1. Governments shall, within the framework of national laws and regulations, and in full co-operation with the (peoples/populations) concerned, adopt special measures to ensure the effective protection with regard to recruitment and conditions of employment of workers belonging to these (peoples/populations), to the extent they are not effectively protected by laws applicable to workers in general.

2. Governments shall do everything possible to prevent any discrimination between workers belonging to the (peoples/populations) concerned and other workers, in particular as regards:

- (a) admission to employment, including skilled employment, as well as measures for promotion and advancement;
- (b) equal remuneration for work of equal value;
- (c) medical and social assistance, occupational safety and health, all social security benefits and any other occupationally related benefits, and housing;

(d) the right of association and freedom for all lawful trade union activities, and the right to conclude collective agreements with employers or employers' organisations.

3. The measures taken shall include measures to ensure:

- (a) that workers belonging to the (peoples/populations) concerned, including seasonal, casual and migrant workers in agricultural and other employment, as well as those employed by labour contractors, enjoy the protection afforded by national law and practice to other such workers in the same sectors;
- (b) that workers belonging to these (peoples/populations) are not subjected to working conditions hazardous to their health, in particular through exposure to pesticides or other toxic substances;
- (c) that workers belonging to these (peoples/populations) are not subjected to coercive recruitment systems, including bonded labour and other forms of debt servitude;
- (d) that workers belonging to these (peoples/populations) enjoy equal opportunities and equal treatment in employment for men and women, and protection from sexual harassment;
- (e) that workers belonging to these (peoples/populations), including seasonal and migrant workers employed in agriculture or in other activities, are fully informed of their rights under labour legislation and of the means of redress available to them.

4. Particular attention shall be paid to the establishment of adequate labour inspection services in areas where workers belonging to the (peoples/populations) concerned undertake wage employment, in order to ensure compliance with the provisions of this Part of this Convention.

PART IV. VOCATIONAL TRAINING, HANDICRAFTS AND RURAL INDUSTRIES

Article 21

Members of the (peoples/populations) concerned shall enjoy opportunities at least equal to those of other citizens in respect of vocational training measures.

Article 22

1. Measures shall be taken to promote the voluntary participation of members of the (peoples/populations) concerned in vocational training programmes of general application.

2. Whenever existing programmes of vocational training of general application do not meet the special needs of the (peoples/populations) concerned, governments shall, with the full participation of these (peoples/populations), ensure the provision of special training programmes and facilities.

3. Any special training facilities shall be based on the economic environment, social and cultural conditions and practical needs of the (peoples/populations) concerned. Any studies made in this connection shall be carried out in co-operation with these (peoples/populations), who shall progressively assume responsibility for the organisation and operation of such special training programmes, if they so decide.

Article 23

1. Handicrafts, rural and community-based industries, and subsistence economy and traditional activities of the (peoples/populations) concerned, such as hunting, fishing, trapping and gathering, shall be recognised, strengthened and promoted as important factors in their economic development. The integrity of these traditional activities shall be protected.

2. Upon the request of the (peoples/populations) concerned, appropriate technical and financial assistance shall be provided, taking into account traditional technologies and the cultural characteristics of these (peoples/populations), as well as the importance of sustainable and equitable development.

PART V. SOCIAL SECURITY AND HEALTH

Article 24

Social security schemes shall be extended progressively to cover the (peoples/populations) concerned, and applied without discrimination against them.

Article 25

1. Governments shall ensure that adequate health services are made available to the (peoples/populations) concerned, or shall provide them with resources to allow them to design and deliver services under their own responsibility and control, so that they may enjoy the highest attainable standard of physical and mental health.

2. Health services shall, to the extent possible, be community-based. These services shall be planned and administered in co-operation with the (peoples/populations) concerned and take into account their economic, geographic, social and cultural conditions as well as their traditional preventive care, healing practices and medicines.

3. The health care system shall, to the extent possible, allow for the training and employment of local community health workers, and focus on primary health care while maintaining strong links to other levels of health care services.

4. The provision of such health services shall be co-ordinated with other social, economic and cultural measures in the country, with the full participation of the (peoples/populations) concerned.

PART VI. EDUCATION AND MEANS OF COMMUNICATION*Article 26*

Measures shall be taken to ensure that members of the (peoples/populations) concerned have the opportunity to acquire education at all levels on at least an equal footing with the rest of the national community.

Article 27

1. Education programmes and services for the (peoples/populations) concerned shall be developed and implemented in collaboration with them to address their special needs, and shall incorporate their histories, their knowledge and technologies, their value systems and their further social, economic and cultural aspirations.

2. The competent authority shall ensure the training of members of these (peoples/populations) and their involvement in the formulation and implementation of education programmes, with a view to the progressive transfer of responsibility for the conduct of these programmes to these (peoples/populations).

3. In addition, governments shall recognise the right of these (peoples/populations) to establish their own educational institutions and facilities. Appropriate resources shall be provided for this purpose.

Article 28

1. Children belonging to the (peoples/populations) concerned shall be taught to read and write in their own indigenous language or in the language most commonly used by the group to which they belong, as decided by these (peoples/populations).

2. Adequate measures shall be taken to ensure that these (peoples/populations) have the opportunity to attain fluency in the national language or in one of the official languages of the country.

3. Effective measures shall be taken to preserve and promote the development and practice of the indigenous languages of the (peoples/populations) concerned.

Article 29

The imparting of general knowledge and skills that will help children belonging to the (peoples/populations) concerned to participate fully and on an equal footing in their own community and in the national community shall be an aim of education for these (peoples/populations).

Article 30

1. Governments shall adopt measures appropriate to the traditions and cultures of the (peoples/populations) concerned, to make known to them their rights and duties, especially in regard to labour, economic opportunities, education and health matters, social welfare and their rights deriving from this Convention.

2. If necessary, this shall be done by means of written translations and through the use of mass communications in the languages of these (peoples/populations).

Article 31

Educational measures shall be taken among all sections of the national community, and particularly among those that are in most direct contact with the (peoples/populations) concerned, with the object of eliminating prejudices that they may harbour in respect of these (peoples/populations). To this end, efforts shall be made to ensure that history textbooks and other educational materials provide a fair, accurate and informative portrayal of the societies and cultures of these (peoples/populations).

PART VII. ADMINISTRATION

Article 32

1. The governmental authority responsible for the matters covered in this Convention shall create or develop agencies or other appropriate mechanisms to administer the programmes affecting the (peoples/populations) concerned, and provide them with the means necessary for the proper fulfilment of the functions assigned to them.

2. These programmes shall include:

- (a) planning, co-ordination, execution and evaluation, in co-operation with the (peoples/populations) concerned, of the measures provided for in this Convention;
- (b) proposing of legislative and other measures to the competent authorities and supervision of the application of the measures taken in full co-operation with the (peoples/populations) concerned.

PART VIII. GENERAL PROVISIONS

Article 33

The nature and scope of the measures to be taken to give effect to this Convention shall be determined in a flexible manner, having regard to the conditions characteristic of each country.

Article 34

The application of the provisions of this Convention shall not adversely affect rights and benefits of the (peoples/populations) concerned pursuant to other Conventions and Recommendations, under treaties or international instruments, or under national laws, awards, custom or agreements.

PART IX. FINAL PROVISIONS

Article 35

This Convention revises the Indigenous and Tribal Populations Convention, 1957.