



International
Labour
Organization

Newsletter

The ILO and Indigenous and Tribal Peoples

2007

NEWSLETTER 2007

The ILO and Indigenous and Tribal Peoples

Theme: Discrimination



CONTENTS

| | |
|---|-----------|
| Introduction | 3 |
| Discrimination and Indigenous and Tribal Peoples | 5 |
| ILO standards regarding discrimination | 5 |
| Indigenous peoples, gender and discrimination in Peru | 7 |
| Discrimination among pastoralist communities in Kenya | 8 |
| Discrimination and Shifting Cultivation in Bangladesh | 9 |
| The ILO's contribution to the fifth session of the Permanent Forum on Indigenous Issues: The MDGs and Child Labour | 13 |
| Activities: News from PRO 169 and partners | 15 |
| Latin America: Challenges in the implementation of Convention No. 169 | 15 |
| Capacity-building for dialogue in South Asia | 16 |
| Activities in the Philippines | 17 |
| Advances and Challenges in the Cambodia Programme | 18 |
| Launch of a new project in Cameroon | 19 |
| Voices of Heritage: promoting and protecting the cultural heritage of the Laikipia Maasai | 20 |
| Spain ratifies Convention No. 169 | 22 |
| Building capacity | 24 |
| Interview with Ms. Fatuma Ibrahim, Kenya National Commission on Human Rights | 24 |
| Indigenous Fellowship Programme | 27 |
| Internship in an ILO field Office | 27 |
| New publications and reports | 28 |
| Contacts | 31 |

INTRODUCTION

The International Labour Organization (ILO) was founded in 1919 and became the first specialized agency of the United Nations (UN) in 1946. The ILO seeks the promotion of social justice and internationally recognized human and labour rights.

Indigenous and tribal peoples' cultures comprise a heritage of diverse knowledge that is a resource to the whole world. However, these peoples constitute the poorest segment of the societies where they live and they are disproportionately represented among the victims of human rights abuses, conflict discrimination as well as child labour and forced labour. Indigenous women face additional gender-based marginalisation. In this sense, promoting indigenous and tribal peoples' rights and improving their social and economic situation is crucial for achieving the broader development objectives such as respect for human rights, democracy, good governance and poverty reduction.

The ILO has adopted two international legal instruments that pertain specifically to indigenous and tribal peoples:

- The Indigenous and Tribal Populations Convention, 1957 (No. 107). Convention No. 107 is no longer open for ratification, but remains in force for 18 countries¹.
- The Indigenous and Tribal Peoples Convention, 1989 (No. 169). Convention No. 169 has been ratified by 18 countries² and is internationally recognized as the foremost instrument on the subject. It covers a wide range of issues, including land rights, access to natural resources, health, education, vocational training, conditions of employment and contacts across borders.

The ILO has a specialized project that aims to promote and support the application of the principles of Convention No. 169, the *Project to Pro-*

¹ Angola, Bangladesh, Belgium, Cuba, Dominican Republic, Egypt, El Salvador, Ghana, Guinea-Bissau, Haiti, India, Iraq, Malawi, Pakistan, Panama, Portugal, Syrian Arab Republic and Tunisia.

² Argentina, Bolivia, Brazil, Colombia, Costa Rica, Denmark, Dominica, Ecuador, Fiji, Guatemala, Honduras, Mexico, Netherlands, Norway, Paraguay, Peru, Spain and Venezuela.

mote ILO Policy on Indigenous and Tribal Peoples or PRO 169.

PRO 169 operates at various levels and through a variety of approaches and activities, including research, documentation, legal advice and technical assistance, facilitation of dialogue and direct support to project implementation by partners. Other main areas of work are training and support to longer-term capacity-building processes as well as mainstreaming of indigenous and tribal peoples' needs and priorities in the broader technical cooperation programmes of the ILO. In this regard, PRO 169 is working with a wide range of ILO units, field offices and programmes to contribute to the understanding and visibility of the linkages between indigenous and tribal peoples' issues and other thematic areas of ILOs work, including the promotion of decent work and initiatives to combat forced labour, child labour and discrimination.

The current newsletter gives an overview of recent developments and key projects within the ILO of relevance to indigenous and tribal peoples.

This edition of the newsletter highlights the issue of discrimination against indigenous and tribal peoples and how it relates to ILO Convention No. 111 on discrimination in employment and occupation. The ILO is currently undertaking a series of research initiatives to further explore and document various aspects of discrimination as it relates to indigenous and tribal peoples. This includes analysis of, *inter alia*, the generalised discrimination against indigenous and tribal peoples in the labour market; the particular discrimination experienced by indigenous and tribal women, discrimination within indigenous communities; and in particular; the causes and effects of discrimination relating to indigenous and tribal peoples' traditional occupations such as pastoralism and shifting cultivation. The latter is directly linked to the thematic focus of the 6th Session of the UN Permanent Forum on Indigenous Issues (UN-PFII) in May 2007, as access to land, territories and resources is often a prerequisite for exercising and strengthening indigenous and tribal peoples' traditional occupations.



“All human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity”.

(Article II (a), declaration concerning the aims and purposes of the International Labour Organization - Declaration of Philadelphia).

DISCRIMINATION AND INDIGENOUS AND TRIBAL PEOPLES

ILO standards regarding discrimination

The elimination of discrimination at work is one of the four areas considered by the ILO as a fundamental principle and right at work. To discriminate is to treat people differently and less favourably because of certain characteristics, such as race, colour or sex, religion, political opinion, national extraction or social origin.

ILO Convention No. 111

The Discrimination (Employment and Occupation) Convention, 1958 (No. 111) protects all workers, including indigenous workers, against discrimination. The grounds of race, colour and national extraction that are listed in the Convention have been interpreted as also covering discrimination based on

ethnicity or on belonging to an indigenous people. The Convention thus aims to eliminate discrimination and lack of equal opportunities in accessing work and employment experienced by indigenous workers due to the very fact that they belong to an indigenous people.

Convention No. 111 is one of the eight fundamental ILO Conventions and has been ratified by 165 countries. As it is much more broadly ratified than Convention No. 169, it provides an important entry point in many countries through which to address indigenous issues.

ILO Convention No. 169

The Indigenous and Tribal Peoples Convention, 1989 (No. 169) stipulates that indigenous and tribal peoples shall enjoy the full measure of human rights



Photographer: Mike Kollöffel

and fundamental freedoms without hindrance or discrimination (Article 3.1). This includes rights at work and access to work, whether it is in the formal or informal economy. The Convention provides for certain guarantees and measures to be taken by governments, with a view to ensuring the enjoyment of these rights.

Convention No. 169 also gives special attention to the protection and strengthening of indigenous and tribal peoples' economies, including handicrafts, rural and community-based industries, subsistence economies, hunting, fishing, trapping and gathering (Article 23). The Convention stipulates that governments shall ensure that these activities are strengthened and promoted as important factors in the maintenance of their cultures and in their economic self-reliance and development (Article 23.1).

The Convention also states that the rights to ownership and possession over the lands which these peoples traditionally occupy, shall be recognised and that measures shall be taken to safeguard their right to use lands not exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities.

The protection of indigenous and tribal peoples' lands territories and resources include the governments' obligation to prevent other people from taking advantage of indigenous and tribal peoples' lack of knowledge of national laws and policies related to land acquisition.

Article 7 of Convention No. 169 states that indigenous and tribal peoples shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use.

In respect to situations where indigenous and tribal peoples are integrated into mainstream labour markets, the Convention states that governments shall do everything possible to prevent any discrimination of indigenous and tribal workers (Article 20.2). Measures taken shall include ways to ensure that these workers enjoy the same protection afforded by national law and practice as other workers (Article 20.3.a). More generally, Article 4 of the Convention states that special measures shall be adopted for safeguarding the persons, institutions, property, labour, cultures and environment of indigenous and tribal peoples when this is in accordance with their freely-expressed wishes.

ILO Convention No. 107

The Indigenous and Tribal Populations Convention, 1957 (No. 107) was a first attempt to codify

international obligations of States in respect indigenous and tribal populations. Although Convention No. 107 was revised and improved in 1989 through the adoption of Convention No. 169, it is still in force for several countries.¹ The provisions of Convention No. 107 with regard to land, territories and resources have a wide coverage and are similar to those of Convention No. 169:

- Indigenous and tribal populations shall not be removed without their free consent from their habitual territories except in accordance with national laws and regulations for reasons relating to national security, or in the interest of national economic development or of the health of the said populations. (Article 12).
- In these exceptional cases, they shall be provided with lands of quality at least equal to that of the lands previously occupied by them, suitable to provide for their present needs and future development. (Article 12).
- National agrarian programmes shall secure to the 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 populations when they do not have 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 populations already possess. (Article 14).

Convention No. 111 as a framework for promoting indigenous and tribal peoples' right to engage in traditional occupations

Both Conventions Nos. 111 and No. 169 provide for equality of opportunity and treatment for indigenous workers, no matter whether they are engaged in wage employment or work in the informal economy, including in the subsistence economy and rural and community-based industries as well as other traditional livelihood activities.

Under Convention No. 111, countries must adopt and implement a policy to promote equality in employment and occupation, with a view to eliminating discrimination. Because this Convention 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, such a policy would need to create an environment that allows in-

¹ Convention No. 107 is still in force for countries such as India, Bangladesh and Pakistan.

indigenous and tribal peoples to engage in their traditional livelihood activities, if they decide to do so.

When developing and implementing an appropriate national equality policy under Convention No. 111, it is therefore important to examine how existing laws, policies and practices impact on the possibilities of indigenous and tribal peoples to engage in their traditional occupations and livelihood activities. Due to the close link between the exercise of traditional livelihood activities, the enjoyment of land rights, respect for indigenous culture and values, and access to training that meets the special need of the peoples concerned, it is necessary that such a process considers the laws, policies and practices relating to all these fields, as well as those generally dealing with development, labour and employment matters. Due to the fact that indigenous and tribal peoples' traditional livelihood activities are performed in and for the community and on the basis

of collective resources (particularly land and natural resources), both individual and collective rights should be taken into account.

Where laws, policies or practices concerning access to or possession of land, access to technology, material or financial resources, equally apply to everyone, but exclude or restrict indigenous and tribal peoples from exercising their traditional occupations, indirect discrimination under Convention No. 111 may have occurred. Due to the distinctiveness of indigenous peoples way of life, treating the indigenous and non-indigenous parts of the population in the same way would regularly lead to discriminatory outcomes and unequal opportunities for indigenous and tribal peoples. For instance, culturally or economically inappropriate training will not lead to increased skills and appropriate work opportunities.

Martin Oelz and Lelia Jiménez



Photographer: Alejandro Parellada. IWGIA.

Indigenous peoples, gender and discrimination in Peru

The project on *Forced labour, discrimination and poverty reduction amongst indigenous peoples in Bolivia, Peru and Paraguay*, implemented by the *Programme for the Promotion of the ILO Declaration on Fundamental Principles and Rights at Work* (hereafter Declaration), and the ILO Office in Peru carried out a study on “Indigenous populations, labour options and opportunities in Peru” in 2006. The results of this study will be published shortly. However, the preliminary results reveal interesting data on discrimination against indigenous peoples in this Latin American country.

The study includes the analysis of three labour markets: Lima, Cusco and Pucallpa. The three areas show different conditions for, and processes of development, and each case represents a unique and dynamic market.

According to data provided by the National Survey on Households (ENAH) in 2005, which were used for the first part of this study, between 25% and 50% of the Peruvian population live in households that can be considered of indigenous origin. The great difference between these percentages reflects the different definitions used to determine who is in-

digenous. The larger the number of criteria used, the lower the percentage of the population that is classified as being of indigenous origin.

According to ENAHO, households of indigenous origin register poverty and extreme poverty levels that are significantly higher than those of households of non-indigenous origin. Sixty-two percent of households of indigenous origin are poor compared to 35% of households of non-indigenous origin. Twenty-nine percent of households of indigenous origin live in extreme poverty compared to 10% of households of non-indigenous origin. Therefore, coming from a household of indigenous origin increases the probability of being poor.

For the research of the project undertaken by Declaration, a survey was carried out in 1000 households in the abovementioned regions. This information was completed with data from discussions in the

framework of focus groups. According to the preliminary results of the study, there are differences in salary between employees of indigenous origin and those of non-indigenous origin. This is due to the fact that: a) indigenous employees get lower salaries than non-indigenous employees with similar profiles, which indicates the existence of discrimination in remuneration; and b) employees from households of indigenous origin have fewer possibilities of getting jobs in the higher-income occupations and sectors due to lower levels of education as well as discrimination.

The study found that women of indigenous origin are most affected by the inequalities and discrimination.

Lelia Jiménez

(with special thanks to Manuela Tomei for her comments)

Discrimination among pastoralist communities in Kenya

There are inequalities that cut across all societies - horizontally and vertically - and which affect sections of wider communities that are often subjected to arbitrary discrimination and differentiation. These groups are often adversely affected by the opinions and decisions of the mainstream community, excluded from social benefits and distribution of resources, are not considered to be socially acceptable, and have to live on the margins of society. Unfortunately, these segments of society often accept the status quo and are doing very little to influence the processes of development and decision-making. In many cases, very little is known about these communities, as information is not readily available. In the case of pastoralist communities, internal discrimination has been overshadowed by the well-known discrimination against pastoralists by the broader society. Nevertheless, there are social groups within that have no particular distinction from the rest of the community, other than that they live by traditional occupations that are often considered to be "dirty, unclean, impure, abomination," by the mainstream community.

The II kunono (blacksmiths), Wata, Dorobo, Dahalo are just some of the social groups living

The II kunono are mainly found in Marsabit and Samburu districts of Kenya. They live among the Samburu and Rendile pastoralists. Their actual population, as compared to the Samburu and Rendile pastoralists, is not known as they normally identify themselves as Samburu or Rendile. They fear and feel ashamed of being identified as a different social group and the Government agencies and mainstream communities do not see them as any different from the communities in which they live.

The II kunono have no right of speech and would rarely stand up to speak before the rest of the Samburu proper, as in most instances they tend to remain silent for fear of being rebuked. They would deny of the suffering amidst the Samburu proper, not as a blatant acceptance of the situation but as a strategy of being accepted by the rest of the society. Their voicelessness makes them remain vulnerable, dominated and socially discriminated.

among the nomadic pastoralists proper as "service nomads". Since time immemorial, they have provided certain and specific services to the pastoralist communities and are socially discriminated-against on the basis of their traditional occupations and practices. They are subjected to various systematic forms of stigmatization that make them feel less human compared to mainstream commu-

nities. The blacksmiths make spears, swords and cowbells among other things. These are very important tools for the pastoralist livelihoods, yet the Il kunono are considered as of a lower caste. On average, the blacksmiths have few livestock, which they have acquired through the exchange of spears and swords for a goat or a cow. They have poor livestock management skills as compared to their handicraft making skills.

The Samburu and Rendile consider it a bad omen when an Il kunono comes to their homestead first thing in the morning. In order to counteract this, they perform a cleansing ceremony using a mixture of water and ashes and marking it on the forehead of the visiting Il kunono as a way to avoid bad luck associated with them. Most pastoralist communities use hides and skins to sleep on. The side with fur is normally used when resting or sleeping. When an Il kunono visits, the hide is turned the other way round so as to avoid the bad omen. Blacksmiths are a sign of poverty, doom and despair and no one wants to come into contact with them.

During social gatherings and rituals such as circumcision, Samburu and Rendile boys and girls undergo operations and subsequent rituals first and they hardly interact with the Il kunono. In social organizations, Il kunono women form their own women's groups as the Samburu women feel that they are of low status and reputation. Samburu men who have Il kunono girlfriends are rebuked and laughed at. Those who marry from the Il kunono are said to be

doomed and considered as outcasts. The interaction with the wider community is minimal and as such they rarely benefit from public resources.

At school, the children of the Samburu and Rendile proper, reject the Il kunono children. While the education system does affect and discriminate against them the same way, the Il kunono children grow up, knowing that they occupy a lesser social status and suffering a double form of discrimination. This affects their participation in education and many end up dropping out of school. Consequently, the Il kunono children are more vulnerable to becoming victims of child labour.

There are few Il kunono leaders participating in governance and decision-making. They identify themselves as Samburu or Rendile when engaging with the outside society, and have been dominated by fear of being seen as repelling the glaring and dominance of the wider Samburu community.

Discrimination based on descent is and will remain a social and ideological construction, with a global character created and promoted by dominant segments of the tribe as a strategy of creating and sustaining dominance and hegemony by ways of cultural norms, values, traditional knowledge, education and practices.

Johnson Ole Kaunga,

Team leader, IMPACT, expert consultant to ILO PRO 169-INDISCO and honorary project advisor, Maasai Cultural Heritage

Discrimination and Shifting Cultivation in Bangladesh

Most indigenous peoples are dependent on their access to lands, territories and natural resources, particularly where they still engage in traditional livelihood strategies such as pastoralism, hunting and gathering and multi-crop shifting cultivation, also known as swidden cultivation or rotational agriculture.

Although these forms of livelihood generally entail a sustainable use of natural resources and the protection of the environment, they are often seen as unproductive or regarded as environmentally harmful. Moreover, they pose serious challenges to the

dominant development paradigm and the concept of individual land ownership and occupation. Most land reforms promote or impose individual land ownership, constantly pressurizing indigenous communities into abandoning collective land tenure and land use practices. With accelerated land alienation through the non-recognition of traditional indigenous land rights and the privatization of former commons, such livelihood strategies and occupations are in many cases becoming under-productive, and consequently, unsustainable or unfeasible. In many instances, this leads to out-migration from indigenous communities to urban areas, where they are faced with an array of new circumstances, problems and challenges. This however, need not necessarily be the case.



Photographer: Christian Ermi, IWGIA.

Bangladesh, home to around three million indigenous people from around 45 different ethnic groups, is no exception.

Shifting cultivation in Bangladesh

The Chittagong Hill Tracts (CHT) has the largest concentration of indigenous peoples in the country (about 0.8 million), a large part of whom still depend on shifting cultivation for their livelihood². The CHT peoples have cultivated *jhum* - a rotational integrated agricultural system on both flat lands and hilly slopes - for centuries. As such, the practice of *jhum* is central to their identity and survival as indigenous peoples - a fact reflected in the name by which they collectively refer to themselves: 'Jumma people'³. *Jhumming* has also played a central role in their struggle to retain control of their traditional lands, which has seen over two decades of armed conflict between indigenous guerrillas and government security forces, ending in the signing of a Peace Accord in 1997.⁴

Despite the onset of the market economy, *jhumming* remains the principle means of livelihood for numerous indigenous communities in the CHT. This is particularly the case in remote areas, where large-scale market-oriented agriculture is not viable and no other alternative livelihood options are available, except in the case of light and durable products such as dried spices. Moreover, transportation of purchased food-grain to such areas is prohibitively expensive and difficult. Therefore, rice-grain-oriented *jhum* (supplemented with other grains, vegetables and fruits, which may be marketed) provides food security to indigent farmers. Traditional *jhumming* is also closely related to communally managed forests (which serve as a repository of house-building material, traditional medicinal plants and herbs, and food sources) and to traditional community labour-contribution safety-net customs.

Despite its centrality to the traditional economy and culture of the CHT, *jhumming* has been successively discouraged by the state and other 'main-

stream' development actors, who regard it as outdated, anachronistic and destructive of environment and wildlife. On the contrary, *jhum* cultivation involves the least soil disturbance through the 'dibble' method. Therefore, it is actually regarded by soil scientists as a sustainable response to the problem of soil erosion and environmental degradation inherent in the use of ploughing and hoeing systems on monsoon rain-fed hillside lands in tropical and sub-tropical regions. However, dispossession of traditional lands through so-called afforestation programmes, population transfers and land alienation, including the promotion of mono-cropping and plantations, have impacted heavily on the practice and sustainability of *jhum* cultivation, leaving hundreds of indigenous families without a means of livelihood. This has exacerbated their poverty and accelerated cultural and social erosion.

Even in instances where communities have moved away from subsistence based *jhumming* to more market-orientated *jhumming*, they may face inequalities in selling their produce at the market place, which is dominated by non-indigenous middle men from the plains, who often double up as money-lenders and cartels. They may also face unequal access to credit, marketing facilities, agricultural extension and skills training facilities, or these may not be suitable for their needs in relation to the practice of shifting cultivation or other highland production systems about which little is known of by mainstream society.

The discrimination of indigenous peoples in the CHT with regards to employment and occupation is reflected by national laws, policies and practices, which discourage traditional land use patterns, such as shifting cultivation. The non-implementation of regional and customary laws, which are favourable to shifting cultivation and customary land use, together with the lack of state support towards the empowerment of regional and local institutions, is another major area of concern. This itself is intricately related to the question of land rights - an issue yet to be solved in the CHT.

Indigenous and tribal peoples' right to maintain and pursue traditional livelihood strategies and the related forms of employment and occupation is part of their right to exist and to have their cultures and ways of life recognized and protected. Restriction of their rights to maintain traditional economies may also be conceptualized as discrimination in employment and occupation based on their indigenous identity or origin. The denial of indigenous peoples' access to the land, territories and natural resources that constitute the basis for the pursuit of their traditional forms of employment and occupation may

² The CHT has a semi-autonomous governance system, which has significant differences with the rest of the country and includes the traditional indigenous institutions of chiefs and headmen as well as district and regional councils.

³ Jummas make up less than 1% of the total Bangladesh population. Other indigenous groups outside the CHT, such as the Garos and Khasis in Greater Mymensing and Sylhet and other areas bordering India, also traditionally practiced shifting cultivation. However the institutionalization of individual land ownership and the banning of shifting cultivation in the 1950s has forced these peoples to find alternative livelihood options. Here the link between loss of communal land rights and the ability to engage in traditional occupations is very evident.

⁴ The setting up of a Commission to settle land claims was a major element of the accord; however, to date this commission has not been activated.

therefore be seen as a form of discrimination impairing their equality of opportunity and treatment as envisaged by Convention No. 111.⁵ This could also be seen as contrary to the right of peoples not to be deprived of their means of subsistence, as provided for in the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

⁵ Convention No. 111 was ratified by Bangladesh in 1972. Convention No. 107 on Indigenous and Tribal Populations, ratified by Bangladesh in 1972, also provides for the effective protection of indigenous and tribal peoples' rights to land.

In order to make explicit the linkages between indigenous peoples' (collective) rights to land, territories and natural resources and their rights to exercise their (collective and individual) traditional economies and forms of employment and occupation, the Project to Promote ILO Policy on Indigenous and Tribal Peoples has recently commissioned a series of case studies; one of which is currently underway in Bangladesh.

Sarah Webster

(with special thanks to Devasish Roy for his inputs and comments).

CONVENTIONS NOS. 107 AND 169 HAVE SIMILAR PROVISIONS REGARDING EQUALITY IN RELATION TO ACCESS TO AND DEVELOPMENT OF LANDS

Convention No. 169, Article 19 stipulates that:

National agrarian programmes shall secure to the peoples concerned treatment equivalent to that accorded to other sectors of the population with regard to:

- a) the provision of more land for these peoples 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 populations already possess.

THE ILO'S CONTRIBUTION TO THE FIFTH SESSION OF THE PERMANENT FORUM ON INDIGENOUS ISSUES: THE MDGS AND CHILD LABOUR

At each annual Session of the UN Permanent Forum on Indigenous Issues (UNPFII), one of the aims is to evaluate past work and to chart the priorities for the future. In order to focus the discussion, a special theme is elected. In 2006, the Session marked the beginning of the United Nations Second Decade for the World's Indigenous peoples, and its purpose was to discuss the ways in which the Millennium Development Goals (MDGs) could be redefined in order to foster greater inclusion of indigenous peoples.

This grew out of the awareness that hegemonic development frameworks that seek to measure development progress according to universal indicators are often linked to a static and uniform vision of prosperity that does not correspond with the diversity of indigenous peoples' aspirations. Indeed, most people agree that such a vision does not only passively ignore indigenous peoples, but also actively threatens to perpetuate their exclusion from political and developmental processes. Dominant interpretations of poverty may not accommodate the ways indigenous peoples evaluate their own well-being. For example measuring poverty in terms of income makes little sense for those indigenous communities whose livelihoods lie outside of the cash economy.

These issues, amongst others, were those presented and discussed at the ILO side event, held in the first week of the Session of the PFII and entitled: Achieving the MDGs and combating child labour. The Panel was chaired by Mr Tyge Lehmann, Human Rights Ambassador from the Danish Ministry of Foreign Affairs. Mr Djankou Ndjonkou, Director of the ILO office in New York, closed the event.

Pablo Chalco Sillo, the Mallku (traditional authority) of Jhatun Ayllu Amarete, a Quechua community in Bolivia, gave an emotive address at the Side Event:

To improve life in Amarete what we need is to direct the course of our own development; our own authorities know what our communities need, we speak the same language as the people, we understand what the people feel¹.

¹ *Para mejorar la vida en Amarete lo que necesitamos es que nosotros mismos dirigimos nuestro desarrollo, nuestras propias autoridades, sabemos que necesitan nuestras comunidades, nosotros hablamos el mismo idioma de la gente, comprendemos lo que la gente siente.*

Amarete was chosen for a case study on the MDGs, because it is a 97% Quechua-speaking indigenous municipality that manages its own lands and environment according to well-preserved pre-Columbian principles. It also has its own traditional government. The Mallku commented on the way in which government institutions arrived in his communities, made rapid surveys, took photos and then left to make plans without informing the people as to their intentions. This occurs despite the fact that these communities are organized to manage their affairs effectively. As a result of this top-down intervention, the state's provision of maternity, health care and education services to the communities is experienced as humiliating, with teachers who instruct Quechua speaking children in Spanish and expectant mothers who are undermined and maltreated by the health services.

The people of Amarete became very involved in the study, reflecting upon the ways in which state services were imposed and did not work in consort with the community's modes of self-organization. It is clear that as well as stimulating discussions of the MDGs in international fora, the study may be important in giving Amarete leverage in negotiations with state actors in their particular municipality.

At the Session, the ILO presented a series of similar community case studies, from Guatemala, Cameroon and Cambodia. Each study documents specific indigenous communities' own perceptions of the MDGs, their current status of implementation, and the strategies needed to achieve the MDGs in their communities. These studies speak loudly of the analytical capacity and the resources of local communities – if only they could gain control over their own development, and were invited to contribute to global processes.

Joan Carling, Chairperson of the Cordillera Peoples Alliance, Philippines, and consultant for the ILO on child labour issues and Johnson Ole Kaunga from the Masai community in Kenya both gave presentations about child labour among indigenous and tribal peoples communities within their respective countries.

Their presentations drew attention to child labour as a phenomenon which is at the core of the ILO's



Photographer: Mike Kollöffel

mandate but which has so far been grossly overlooked in the context of indigenous peoples. Making links between the different MDGs and child labour, Johnson Ole Kaunga and Joan Carling illustrated how a human rights based-approach was necessary as an encompassing framework for development practitioners.

Johnson Ole Kaunga gave an overview of some of the forms of child labour on the rise in Kenya's Maasai communities, focusing on the ways in which transformations in indigenous economies, such as commercialization of cattle and rural tourism were drawing children into work. However, because of the lack of data specific to indigenous peoples, it is very difficult to know the figure for the Maasai in particular. He emphasized that there can sometimes be a blurred boundary between the work that children do as part of their traditional upbringing, and work that is exploitative. However, the volume and the kinds of work that children are doing are in important ways unprecedented. For example the commercialisation of cattle has meant that Maasai children work much longer hours herding, and increased tourism in Maasai regions has meant an increase in activities such as selling artefacts to tourists or performing for them. Maasai children are also involved in mining, smuggling in border towns and domestic labour and have long been amongst the beach boys working along Kenya's coast. Intense armed conflict amongst indigenous peoples in the north of Kenya, largely the result of ongoing land dispossession which has led to increased competition for grazing land and water, has had an unfortunate impact on this situation. Maasai women and girls are increasingly drawn into prostitution

in these regions, partly as a result of the loss of traditional livelihoods through conflict and partly due to the permanent military presence on indigenous peoples' lands.

Clearly an analysis of child labour reveals how poverty and historical marginalization, conflict, land dispossession, and social disruption are all implicated in an issue such as child labour; revealing the extent to which it is inseparable from those the MDGs attempt to address

As Birgitte Feiring, Chief Technical Advisor to PRO 169, emphasized in her presentation, a human rights based approach needs to be encompassing, covering indigenous peoples' rights to land, to participation in all matters of policy that affect them to culturally appropriate education amongst others. She spoke of the importance of keeping human rights instruments such as the Convention on the Rights of the Child, and ILO instruments on indigenous peoples' rights and child labour at the forefront of development practice in order to avoid instrumentalist approaches to development, which may negatively impact those who are relatively powerless to influence mainstream processes.

Chloe Nahum-Claudel



Djankou Ndjonkou, Johnson Ole Kaunga, Tyge Lehman, Birgitte Feiring, Pablo Chalco, Joan Carling.

ACTIVITIES: NEWS FROM PRO 169 AND PARTNERS

Latin America: Challenges in the implementation of Convention No. 169

The situation in Latin America differs from that of other regions in the world. Whilst unfortunately Convention No. 169 has not been ratified in Asia and Africa, this international treaty has already been ratified by a large number of Latin American countries (Argentina, Bolivia, Brazil, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Paraguay, Peru and Venezuela have already ratified it). Likewise, important steps have been taken to implement the Convention. Practically all State Parties in Latin America have introduced legislative reforms which, in one way or another, include provisions relating to

indigenous peoples. Some of these countries have also created programmes and public policies in order to improve the situation of indigenous peoples. However, the region still faces great challenges in the implementation of the Convention.

In 2006, the ILO carried-out various activities in Latin America to support the implementation of Convention No. 169 including:

a) A high-level technical workshop on “The provisions of Convention No.169 concerning consultation” held in the Guatemala City from 29th November to 1st December 2006. Indigenous and government representatives participated in this workshop, as well as academics and civil society organizations. The discussions and recommendations confirmed that, although progress has been made, there are



Photographer: Mike Kollöffel

still a number of challenges in the implementation of the Convention such as the need for specific consultation mechanisms for indigenous peoples.

b) In Bolivia, a bilateral programme is being supported by the Danish Government. Its aim is to promote the implementation of Convention No. 169. This includes: providing titles for the communal lands of indigenous peoples; territorial management of communal lands; and mainstreaming of the rights of indigenous peoples in public policies and institutions. In 2006, the ILO provided technical assistance to those responsible for the implementation of the programme to support its reorientation, in accordance with the new political and institutional context in Bolivia. In addition, PRO 169, in coordination with the Ministry of the Presidency and UNDP, organized a seminar on "The provisions of Convention No. 169 concerning consultation" which was held in August 2006.

c) In Honduras, PRO 169 supported and participated in a training seminar on the achievements and challenges in the application of Convention No. 169. The seminar was organized by the Confederación Nacional de Pueblos Autóctonos de Honduras

(CONPAH) and Alianza Verde. Meetings were held with government representatives and members of indigenous and Afro-descendants' organizations, as well as academics and employers' representatives in order to study the possibility of providing long-term technical assistance in Honduras. The following were identified as the fundamental needs of these communities: legal advice and training for the implementation of the Convention; and the improvement of working conditions of indigenous peoples and Afro-descendants. The major areas of concern were child labour and the situation of Miskito divers.

Among the activities foreseen for 2007 is a regional training workshop, to be held in Argentina.

PRO 169 also intends to strengthen its support to countries that have ratified Convention No. 169 by facilitating dialogue and contributing to training for its implementation. For this reason, the ILO intends to expand the existing technical cooperation programme in the region with the support of the ILO Office in Lima.

Birgitte Feiring and Lelia Jiménez



Photographer: Krishna Bhattachan.

Capacity-building for dialogue in South Asia

Activities under the project, 'Capacity building for dialogue on Indigenous and Tribal Issues in South Asia', have been running for one year with funding from the EIDHR initiative of the European Commission. Encouraging progress has been made in Nepal and Bangladesh in terms of promoting ILO standards on indigenous and tribal peoples (Conventions Nos. 169 and 107 respectively), particularly in the context of advocating effective participation in national decision-making processes and in promoting dialogue and cooperation between and among indigenous peoples and the respective governments. In both these countries, dialogues are helping to contribute to efforts to promote confidence and understanding in conflict situations between indigenous peoples and the state.

The main outcomes of the project so far have been: Research and national dialogues on indigenous and tribal peoples' rights in Bangladesh; development of training materials and training courses in South Asia generally; national dialogues for rati-

Nepal

The re-establishment of democracy in Nepal, declaration of a ceasefire and the formation of an interim government comprised of major political parties and the Maoists, presents a new window of opportunity for the creation of a multi-ethnic state which reflects the genuine aspirations and social diversity of its citizens.

The indigenous peoples movement in Nepal have been lobbying for a secular federal state system, in which their rights to self-determination and ethnic and linguistic autonomy are ensured, and affirmative action measures are undertaken to secure them equality of opportunity. In addition, they want the new constitution to ensure proportionate representation of all ethnic groups through elections. Convention No. 169 is being promoted as a framework for dialogue on these key issues of concern. In this context the ILO, in conjunction with its indigenous partner organizations has been promoting ratification and implementation of core principles of Convention No. 169 in ongoing peace negotiations. In particular, emphasis is being placed on the need to apply the core principles of consultation and participation of previously excluded groups, including indigenous peoples, in processes related to the forthcoming constituent assembly. Sustained lobbying and orientation sessions have resulted in a resolution being passed by Parliament, directing the government to ratify Convention. The process is ongoing.

fication of ILO Convention No. 169 in Nepal as an important element of the peace negotiations; and the development of a decent work agenda for indigenous peoples in Nepal.

New PRO 169 initiatives in South Asia for the coming months include: research into discrimination and shifting cultivation in Nepal and Bangladesh;

studies on gender and discrimination among indigenous peoples (Nepal and Bangladesh); follow-up research on inclusion of indigenous peoples in Poverty Reduction Strategies (PRS) in Nepal; and case studies from India on progressive legislation and practices related to indigenous and tribal peoples.

Sarah Webster

Activities in the Philippines

Around 18% of the total Filipino population of 76.5 million is indigenous,¹ belonging to one of the approximately 110 tribal groups found in country. Indigenous peoples are among the poorest sections of society but also confront other issues such as lack of land or resources, human rights violations, limited political representation, and limited access to basic services and relevant development programmes.

The enactment of the Indigenous Peoples Rights Act (IPRA) in 1997 provided indigenous peoples with hopes for a better life and more empowered communities through the recognition, promotion and protection of their rights, including the recognition of their ancestral domains. The National Commission on Indigenous Peoples (NCIP) was created as the primary agency to implement the policies, plans and programs of the IPRA. Currently, NCIP is being challenged by indigenous organizations and NGOs regarding their efficient and effective delivery of services that truly benefits the indigenous women and men in the country.

ILO engagement with indigenous peoples in the Philippines

ILO was involved in the discussions during the development of the IPRA – an instrument that basically reflects the intent of ILO Convention No. 169. Within the framework of the Decent Work Country Programme, the ILO (PRO 169 and INDISCO) is providing support to indigenous and government partners in the Philippines, through a rights-based approach. The programme utilizes a dual strategy of promoting the rights and reducing poverty of indigenous peoples.

The following main activities were undertaken in 2006:

1. The **ex-post self-evaluation workshop** conducted in May 2006 assessed the impact of several pilot projects implemented by INDISCO in the past. The workshop was attended by indigenous partner organizations and consisted of two-full days of sharing and learning on good practices and challenges in project implementation, with a particular focus on the sustainability and replicability of projects.

2. In June, the three-volume publication “A Journey of Hope: Implementing the IPRA of the Philip-

¹ May 2000 official NCSO data.

pires” was published and launched. The publication summarizes the reports and case studies elaborated under the Support to Policy and Programme Development (SPPD) project collaboratively undertaken by the ILO, the NCIP and UNDP and funded by New Zealand Agency for International Development (NZAID). Another set of 13 case studies covering other areas of IPRA implementation is currently being finalized and will be published in early 2007.

3. Under the project partnership agreement between ILO office in Manila and the Embassy of Finland, a project on processing and milling rice and corn was launched by the indigenous community in Barangay Barake, Aborlan, Palawan, in May 2006. During the second half of 2006, the ILO office in Manila and the Embassy of Finland also engaged in partnership on the project “Support to Poverty Reduction and Promotion of Human Rights among the IPs in the Philippines in the Context of Ancestral Domain Development and Protection”. This three-year project in Lake Sebu, South Cotabato, Mindanao aims at enhancing the capacity of indigenous peoples to protect their rights and reduce poverty within the framework of the development and protection of their ancestral domain.

4. The celebration of the **International Day of the World’s Indigenous Peoples** was organized in collaboration with the Delegation of the European Commission and the Canadian Embassy in Manila, with a week-long exhibit launched on 9 August 2006. The NCIP and Chair of the UN Permanent Forum for Indigenous Issues graced the opening night. Several indigenous organizations and NGOs participated and showcased their programmes, products and communities. The ILO office in Manila will again organize an activity to celebrate the event in 2007 in partnership with other UN and international agencies.

5. The **promotion and advocacy for the ratification of ILO Convention No. 169** continued through several activities. Several training activities were undertaken to strengthen the capacities and develop advocates within government and the trade unions in the Philippines. Similarly, NCIP and the Department of Labour and Employment (DOLE), in partnership with the ILO, initiated a round-table meeting to discuss the status of the ratification of the Convention in the Philippines. The Commission on Human Rights (CHR) followed this initiative by organizing their own orientation on ILO Convention No. 169 for their staff that enabled them to come up with an official endorsement to ratify the convention. For 2007, there will be continuing discussion and advocacy for the ratification of ILO Convention No. 169 which will be spearheaded by DOLE, NCIP and the NGO consortium, CORE 169.

New projects and activities to be organized under this programme will include the following:

- A case study on good practices for implementing ILO Convention No. 169 will be produced by Dr. Erwin Vargas of UP-ERP. This will focus on implementation of the provisions on consultation and participation, making policy recommendations with regard to indigenous communities’ participation in the protection and sustainable development of their ancestral domains.
- Other activities will address issues related to discrimination, tedious land titling procedures for ancestral domains, poverty, poor governance structures and other concerns affecting the empowerment and strengthening of indigenous peoples. Case studies, research, workshops and trainings will be organized in this regard.

Ma. Theresa Padilla-Matibag

Advances and Challenges in the Cambodia Programme

PRO 169 has been implementing a national project to promote a rights-based approach to indigenous peoples’ development since April 2005.

Within the framework of this project, the main activities have focussed on promoting and facilitating the registration of indigenous communities’ land rights within the framework of the 2001 Land Law of Cambodia, including training for indigenous communities in

this regard; and on capacity building for national and provincial government officials on the rights of indigenous peoples. One particular focus of this undertaking has been the registration of indigenous communities as legal entities, in order to enable them to register their lands for collective title. In addition, the project has undertaken research on indigenous peoples’ priorities for poverty reduction, and this will be followed up within the context of a project aiming to integrate the concerns of indigenous peoples into national poverty reduction efforts. Since initiation of this project in April 2005, significant progress has been made:

- 2 indigenous communities in Ratanakiri province have been registered and recognized by Ministry of Interior
- 1 indigenous community in Mondulakiri province is on the way toward registration at Ministry of Interior
- A number of local organizations have requested PRO 169 to assist with replication of this process in other indigenous communities is possible.

The communities that are involved in these ILO activities have undergone a number of processes, such as trainings to strengthen internal community cohesion and decision-making structures, participatory land use planning exercises (PLUP), and land demarcation. This has been a pilot process that has addressed what the ILO initially identified as one of the main obstacles to the implementation of the specific provisions of the Land Law that are of relevance to indigenous peoples.

Another objective of PRO 169 is capacity building. This is a long-term process in Cambodia, necessitating the development of highly adapted tools in order to ensure relevance and efficiency of the process, and the tools that are used for capacity-building purposes. Since 2005 a series of trainings has been conducted on indigenous rights for various actors at national, provincial and local levels.

However the programme is challenged with several issues in implementation. These include: the absence of broad recognition of indigenous rights to territory and lands, despite the existence of legal provisions; and lack of capacity and understanding of indigenous issues within government institutions. The increasing number of development projects within provinces inhabited by indigenous peoples,



Photographer: Christian Erni, IWGIA.

economic land concessions for rubber and pine tree plantations, and for mining – most often established without the free, prior and informed consent or often even the knowledge of indigenous peoples, also constitutes a major threat to indigenous rights in general. In addition, the North of the country is currently earmarked as the 4th pole of development in 2015 after Phnom Penh (capital city), Siem Reap, and Sihanoukville. Differing concepts of development at national/policy level, and at local level among indigenous peoples also constitute a real obstacle to the effective protection of the rights of these peoples.

Sek Sophorn

Launch of a new project in Cameroon

In Cameroon, PRO 169 has initiated a project with the overall objective of facilitating and improving dialogue on the rights of indigenous peoples. Following a number of research initiatives during 2004-2006, a National Project Coordinator (NPC) was recruited and the project became operational in October 2006. The project has the following four main outputs:

- Training of trainers regarding legislation and mechanisms available for the protection of the rights of indigenous peoples;
- Training for ILO tripartite partners on indigenous issues as they pertain to fundamental principles and rights at work, and on methodologies for working with these peoples;
- Technical and organizational support to the associations and networks of indigenous peoples in Cameroon;

- A national strategy for improving the manner in which indigenous issues are addressed in national poverty reduction efforts.

The project will be implemented in partnership with government, indigenous and other relevant institutions. A national project launch workshop was held in December 2006, in order to undertake participatory identification of the main criteria for identifying the project partners at the national level, as well as to identify the priority activities under each of the project's main outputs. The workshop

also served to map existing initiatives in the areas of work of the project, and main challenges to take into consideration in these areas. Participants at the workshop included representatives of a number of Government Ministries with mandates of relevance to indigenous peoples, representatives of indigenous peoples and their organizations, NGOs and other key actors.

A report of the workshop will soon be available at www.ilo.org/indigenous. Further information about the project can also be found here.

Voices of Heritage: promoting, and protecting the cultural heritage of the Laikipia Maasai.

Indigenous cultures comprise a heritage of diverse knowledge that is a resource to the whole world. So far, the Maasai community has managed to overcome the strong currents of Western cultural influence but it remains faced with threats of cultural erosion and dispossessions as well as piracy affecting its cultural and natural resources.

The Maasai are pastoralists who derive their livelihood from the traditional management of livestock. Through their long-term direct and sustained interaction with nature, the Maasai have developed, evolved and propagated unsurpassed indigenous skills, knowledge and practices that has enabled the community to survive in areas considered as wastelands, dry lands or rangelands. The social organization of the Maasai is based on an integrated clan and age-set system, which informs and forms their traditional decision making as well as governance and social institutions and systems. Through history, the Maasai have developed skills and customary laws, which ensure that natural resources are utilized in a sustainable manner.

This sustainability, however, has been affected with outsiders' demands and greed for land and other natural resources, including the rangelands that the Maasai depend on for their livelihood.

A strong culture has converted the Maasai into trophies for tourists.

In Kenya, tourism is a leading income earner and often related to the Maasai culture and the wildlife that have co-existed with the Maasai for ages. The best conserved and most favourable environments

for both human and wildlife settlement are found in Maasai lands, but this rich and sustainable culture has never been documented or protected. On the contrary, people have been abusing this culture for their own commercial benefits, through exploitation of culture-based resources such as traditional herbs, patenting of traditional knowledge as well as commercialization of culture and appropriation of culture without consent and adequate benefit sharing.

There was a time when the Maasai people were respected for their advanced spiritual and traditional knowledge and were often sought out as healers, trackers and animal behaviourists. However, due to marginalization and commercialization under colonialism and thereafter, their ancestral lands and natural resources have been expropriated from them and are now exclusive world class tourism destinations.

The culture, traditional occupations and economies of the Maasai are thus at risk due to national policies and practices that do not take their needs and knowledge into account. In such cases where people are not part of the national development planning, they can become victims of progress that ends up destroying the wealth of skills, heritage, livelihood practices and cultures that has been built over years.

Redress/intervention by Maasai Cultural Heritage Foundation.

All of these threats to Maasai culture have prompted the Laikipia Maasai community to establish the Maasai Cultural Heritage Foundation (MCH). The MCH is a community-owned and managed Trust, with the following main objectives:

- Promotion and protection of Maasai cultural heritage and resources.



- Promotion of peace and conflict resolution among different indigenous groups and neighbouring communities using Maasai folklore, music and poetry.
- Promotion of cultural diversity through documenting, recording, and sharing the heritage of the Laikipia Maasai.
- Promotion of respect, recognition, and fulfilment of human rights for marginalized indigenous communities and using culture as a foundation for human rights activism.
- Working to eliminate all forms of violence against indigenous women.

The development approach of MCH is to harmonize the traditional system of governance with modern ways, building on and strengthening already-existing community systems. This is the starting points in order to empower the community to participate in their own development and avoid confusion in the different development approaches.

More specifically, the MCH leads a collaborative process of establishing a cultural resource museum to promote, protect and preserve this culture and enhance full and effective participation of this community in protecting its culture for future generations.

In Kenya, a Task Force on the Development of Laws for the Protection of Traditional Knowledge, Genetic Resources and Folklore has been set up, under the office of the Attorney General and chaired by the Registrar General. The Task Force is expected to:

- Develop a policy framework which would promote economic development and environmental sustainability;
- Develop a legal framework and recommend legislation;
- Incorporate the provisions of international, regional and national laws and policies in such new legislation;
- Establish linkages with on-going processes and projects; and
- Develop a plan of action on the monitoring, evaluation and enforcement of policies and laws.

The task force has shown interest in visiting the community and soliciting community inputs to the ongoing policy formulation process.

MCH also intends to record, document and use the Maasai songs in conflict mitigation and resolution. Maasai songs relay specific information and most songs were used to praise cattle rustlers and

raids, which is the major source of conflict in the northern districts. Through the unique approach adopted by MCH, the same indigenous songs are used to discourage such acts that often, even cause deaths. Instead, songs are used to promote peace and to advocate for the development of the entire community. The Laikipia Maasai are proud of their culture. They are in close collaboration with the foundation, and will obviously enhance such initiatives. It is also proposed to use the songs to create awareness on HIV/AIDS.

Partnership between MCH, ILO and the World Intellectual Property Organization (WIPO)

This partnership was initiated in 2006, based on initial discussions between the MCH, ILO and WIPO, as well as community consultations undertaken with the Laikipia Maasai in October 2006. The objectives of the partnership are to:

- Reach a consensus agreement within the Laikipia Maasai on how to protect and manage the cultural heritage of the community.
- Develop adequate mechanisms for intellectual property protection of the Laikipia Maasai cultural heritage, particularly music, handicrafts and traditional medicine.
- Develop capacity and institutional structures within the Laikipia Maasai community for the recording, protection, management, strengthening and promotion of cultural heritage as well as for the management and sharing of derived economic benefits.
- Determine possible business models for the development, production and marketing of products based on the Laikipia Maasai cultural heritage (particularly music, handicrafts and medicine).

The partnership attempts at bringing the different resources, experiences and approaches of the various partners together in an innovative process towards achieving these common objectives. It is also expected that the partnership can generate valuable experiences that can enrich the broader work of the involved partners and serve as a model for other indigenous communities as well as for the Kenyan Task Force on traditional knowledge.

The partnership is based on the following principles:

- The collaboration with indigenous communities, as well as the relations between the partners, will be guided by the principles of free and prior informed consent as well as the principles established by ILO Convention No. 169, in particular with regards to consultation and participation.
- The partners will define a series of common objectives that each of the partners will contribute to, in accordance with their different mandates, resources and experiences.
- The partnership is conceptualized as an evolving process that should be dynamic and flexible enough to accommodate emerging ideas, new partners and also allow the individual partners to pursue specific objectives related to their particular mandate and area of work.
- The partnership is exploring new ground in the field of protection of cultural heritage and will prioritize the documentation of the experiences throughout the process, for the benefit of the partners and other interested parties.

Johnson Ole Kaunga,
Team Leader, IMPACT, and expert consultant to ILO PRO169-INDISCO and Project advisor, Maasai Cultural Heritage

Spain ratifies Convention No. 169

On February 15, 2007, Spain ratified the ILO Convention No. 169. This is very encouraging news, for indigenous and tribal peoples as well as for the ILO, which will now count with yet another ally in the promotion of this important instrument. The ILO is thus keen to collaborate with Spain in its efforts to promote the implementation of this international treaty.

The Spanish Agency for International Cooperation (AECI) in Madrid informs us:

The Spanish Agency for International Cooperation (AECI) is the body in charge of administrating Spain's policy on cooperation for development. Since its creation in 1998, the Indigenous Programme (www.aeci.es/indigena) within the AECI is the unit charged with the administration, coordination and follow-up of Spain's cooperation with indigenous peoples.

In the last few years, cooperation with indigenous peoples has become one of the priorities of Spanish cooperation strategy. This has resulted not only in an increase in the amount of Official Aid to Development allocated to it but also in the approval of documents for its planning. Thus, in 2006 the new Strategy for the Spanish Cooperation with Indigenous Peoples was approved. Its fundamental objective is to contribute to the recognition and the effective exercise of the rights of in-

digenous peoples to coordinate their own processes of social, economic, political and cultural development.

To this effect, Spain concluded the ratification process of ILO Convention No. 169 in December 2006. During 2007, it plans to implement a programme for the correct inclusion of the Convention in Spain's policy on cooperation with indigenous peoples, which would include the preparation of studies and reports, workshops and seminars relating to this.

Countries that have ratified Convention No. 169

| <i>Country</i> | <i>Ratification Date</i> | <i>Country</i> | <i>Ratification Date</i> |
|----------------|--------------------------|-----------------|--------------------------|
| 1. Argentina | 03/07/2000 | 10. Guatemala | 05/06/1996 |
| 2. Bolivia | 11/12/1991 | 11. Honduras | 28/03/1995 |
| 3. Brazil | 25/07/2002 | 12. Mexico | 05/09/1990 |
| 4. Colombia | 07/08/1991 | 13. Netherlands | 02/02/1998 |
| 5. Costa Rica | 02/04/1993 | 14. Norway | 19/06/1990 |
| 6. Denmark | 22/02/1996 | 15. Paraguay | 10/08/1993 |
| 7. Dominica | 25/06/2002 | 16. Peru | 02/02/1994 |
| 8. Ecuador | 15/05/1998 | 17. Spain | 15/02/2007 |
| 9. Fiji | 03/03/1998 | 18. Venezuela | 22/05/2002 |

BUILDING CAPACITY

In line with recommendations of the Permanent Forum on Indigenous Issues (PFII), the ILO prioritises training and capacity-building as one of the main elements for ensuring adequate implementation of indigenous and tribal peoples' rights, including implementation of ILO Conventions Nos. 107 and 169. To this effect, the ILO organised a series of training activities in 2006, and will continue to do so in 2007.



Interview with Ms. Fatuma Ibrahim, Kenya National Commission on Human Rights.

In September 2006, PRO 169 and the ILO's International Training Centre in Turin organised a one-week inter-regional training in Turin. The overall objective of the training was to ensure that selected national and international professional staff has the capacity to promote and apply indigenous peoples' rights in the context of policy development and dialogue as well as technical cooperation programmes.

Ms. Fatuma Ibrahim is the Vice-Chair of the Kenya National Commission on Human Rights and one of the very active participants who attended the training. In an interview with the ILO Ms. Ibrahim tells about her commitment to human and indigenous peoples' rights and gives her assessment of value and impact of training¹:

What made you devote yourself to the promotion of human rights?

In 1984, while in high school (I was just 17 ½ years old) in one of the schools in North Eastern Province of Kenya, thousands of innocent and defenseless men were killed, women tortured and raped and properties destroyed by the security forces of the Kenya government. Many of my friends, neighbors, schoolmates and others lost their beloved ones and thousands became orphans and were destitute and dropped out of schools as a result of loss of the bread winners.

This was the first time I really encountered the actual violations of the rights of people by their own state. Several and similar incidents of grave violations of human rights of pastoralists and minorities happened in other parts of the country. During this period there were gross human rights abuses by the state and powerful tribes, very few national and international actors highlighted the plight of these groups. From 1984 to date, my passion for the protection and promotion of human rights continued to be raising and sustained, particularly defending the rights of pastoralists, nomads, indigenous, minorities, women and vulnerable groups in society.

From 1988, I worked with communities at local level, particularly districts inhabited by pastoralist communities. I worked in programmes targeting women's development and later joined GTZ to work in a conservation project at the refugee camps. The project supported energy-saving devices to reduce the frequency of women and children collecting firewood and to prevent violence during these events. My early years of exposure in this region really gave me a picture of the true situation of indigenous and pastoralist people, which is a total exclusion from mainstream agenda.

Through my social, work and study environment, my interest in contributing to the agitation and protection of human rights increased. I worked with UNIFEM-Somalia on economic empowerment, women leadership and gender justice, which has given me a broader clarity and knowledge on human rights and its implication on policy and programmatic issues.

While with the National Commission on Human Rights, it became evident that the institution is skewed, championing broader human rights issues without a specific focus on indigenous issues. However, its framers are sympathetic to indigenous and minority rights. Human rights of indigenous and minority groups are regarded as very sensitive and con-

¹ The opinion expressed are those of the interviewee. The interview has been edited by PRO 169.

controversial issues and is therefore not an easy topic for human rights defenders, unless one is passionate.

Considering the perceived sensitivity of these issues, which are the major challenges you face as a Commissioner in the Kenya National Commission on Human Rights?

Some of the challenges I face as a commissioner include:

- Demystifying attitudes and perceptions on the whole issue of indigenous peoples and addressing their unique human rights concerns in Kenya. The most frustrating scenario would be if the National Commission shared or kept the same perception and suspicions as the wider Kenyan communities, instead of protecting the human rights of all people in Kenya, particularly the indigenous people who have suffered marginalization by successive government regimes. For instance, staff and commissioners of this public institution continuously ask who is an indigenous people? Aren't all Kenyans indigenous? All these questions are unprogressive and affect the momentum of championing indigenous peoples' rights and making meaningful gains. I, as a commissioner, and others, are engaged in a continuous fight to ensure we expand our space
- Difficulties of working with very broad and entrenched historical injustices against indigenous and pastoralists' communities, which demand for a revision of laws and policies specific to such groups. It requires continued agitation to recognize the fundamental human rights of indigenous peoples and their development concerns.
- Very few institutions, including state departments, allocate specific resources for indigenous peoples' rights. This affects the possibility of sustained activities to create powerful publicity and influence decision and policy makers. The network advocating for indigenous peoples' issues is limited.
- The knowledge and expertise on indigenous rights is lacking in Kenya and this hinders undertaking quality dialogue, advocacy and influencing state policy and programmatic issues including in our Commission

What are the main difficulties faced by indigenous peoples in Kenya?

- Non-recognition and unwillingness by the state and public institutions/policy makers to make indigenous peoples' issues a central focus.

- Historical injustices with regards to land, economic and social marginalisation, inexistence of infrastructure and human rights atrocities.
- Indiscriminate alienation of indigenous peoples' land and natural resources by the state for mega development investments. Also, insensitive and inappropriate government policies which has huge implications on indigenous livelihood systems and their sustainability.
- Deliberate exclusion and inequitable resource allocation by successive government regimes. This has contributed to high level of poverty among indigenous peoples in Kenya. Statistically, these are the most vulnerable groups in the country.
- Limited representation in policy processes, particularly in public institutions. Indigenous peoples elect non-responsive political leaders, which is an indication of a low level of understanding on the role and responsibilities of leaders, who must be accountable to the electorate.
- The government of Kenya has not ratified relevant human rights conventions and other international directives.
- Indigenous peoples in Kenya are vulnerable to natural calamities although some could be mitigated if proper planning and implementation systems were entrenched. A majority of indigenous people depend on relief food every season of the year and the government has not invested adequately to reduce over-reliance on external support. Many indigenous people are seriously affected and many die as a result of hunger and lack of basic facilities

What would you highlight from the training in Turin?

From an honest perspective, the training in Turin was my first formal capacity enhancement forum on indigenous peoples' issues, and it has greatly shaped my knowledge and skills. The training was comprehensive and included practical sessions and experience-sharing from the actual field people. The participants were drawn from all the continents, diverse indigenous groups, public institutions, donors, policy makers and practitioners. The resource persons were very knowledgeable and experienced in the field of indigenous issues, from theory to practice, since they included local advocates, lobbyists, lawyers, parliamentarians and UN experts. All the topics were relevant but the following areas struck my attention:

- Sharing experiences and best practices on main challenges and opportunities in Asia, Africa, Latin America and International and UN levels.



Participants to the ILO inter-regional training in Turin (September 2006).

- A tour of the international context for the protection and promotion of indigenous peoples' human rights and its linkage to the international movements of indigenous peoples.
- Exposure to ILO Convention No. 169 and building clarity on concepts and definition issues at national, regional and global levels.
- Practical case study on the evolution and application of indigenous peoples' rights in Latin America.
- Exposure to the ILO supervisory system and technical assistance to promote application of ILO conventions relevant to indigenous peoples.
- Discussions on labour issues, land rights, poverty, conflict resolution, peace-building and discrimination and their implications for indigenous peoples.
- Specific presentations and discussions from Africa, Asia and Latin America on main issues to land, territories and resources, gender, etc.
- Exposure to the UN processes, UNFII work and donor policies, and their implications for the indigenous peoples.
- Close interaction and experience-sharing with participants during various group discussions
- Availability of abundant resource materials.

I really enjoyed all the sessions but the one-week programme was a little bit packed, with limited time for individual interaction to share tribulations and experiences.

How has the experience of the training contributed to your daily work?

My confidence and clarity on indigenous issues has greatly improved and helps in directing activi-

ties. It has helped ensure the awareness of indigenous issues in the Commission, and now we have specific commissioners working on Indigenous and Minority Issues (official allocation of duties). As a result of the training, I am bold in championing indigenous issues in the Commission and outside where indigenous peoples themselves must take the lead role without fear or intimidation. I have crafted a space by being the focal point for indigenous issues and winning new friends.

What should the ILO do to promote and raise awareness of indigenous peoples' rights ?

ILO should assist local actors to undertake advocacy activities and ensure sustained campaigns, by engaging parliamentarians, policy makers, various commissions and other relevant groups. The ILO should provide support to a baseline study on the core issues that affect indigenous peoples in Kenya, such as access to land, territories and resources, which is the thematic focus of the next 6th session of the UNPFII. The ILO should also support key actors to implement the recommendations of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, who visited Kenya last year.

Our commission is keen to partner with the ILO in presenting the actual situation of indigenous peoples in Kenya and in pushing for the ratification and domestication of ILO Convention No. 169 and other international directives and support implementation of certain provisions. We should start engaging the state actors and the international community representatives in Kenya to create sufficient dialogue on indigenous peoples' issues.

Indigenous Fellowship Programme

The ILO collaborates with the Indigenous Fellowship Programme organized by the Minorities and Indigenous Populations Unit at the Office of the United Nations High Commissioner for Human Rights (OHCHR). The aim of this programme is to give indigenous peoples the opportunity to increase their knowledge of the UN system and mechanisms dealing with human rights, in particular with indigenous issues, so that these Fellows may subsequently help their organizations, communities and people protect and promote their rights.

Each year, OHCHR invites indigenous people to Geneva, where they are given the opportunity to participate in the activities organized by OHCHR and other UN agencies, such as the ILO, as well as assist in training sessions. For this, Fellows are divided into four different groups depending on their language (English, Spanish, French or Russian).

More information available on:

<http://www.ohchr.org/english/issues/indigenous/fellowship.htm>

Internship in an ILO field Office

One of the modalities for building the capacity of indigenous partners and the ILO itself to adequately address indigenous peoples' needs and priorities is to directly engage indigenous interns in the work of the ILO.

In 2006, Ms. Hy Somaly from the Phnong indigenous group in Mondulakiri province, Cambodia did an internship in the ILO National Office in Phnom Penh. Mr. Sek Sophorn, PRO 169 National Programme Coordinator in Cambodia, interviewed her².

What were you doing before the internship? How did you know about the ILO?

Before the internship in ILO, I was a teacher at a primary school in Mondulakiri, and I knew about the ILO through my friend, Ms Yun Mane who is currently working for UNDP. Before that, I had never heard about the ILO.

² The opinions expressed are those of the interviewee. The interview has been edited by PRO 169.

What did you do during your internship?

I assisted the National Project Coordinator in tasks, such as attending meetings or trainings; I had computer and English lessons, and I facilitated community meetings, for example with the Cambodian NGO Forum. I learnt a lot about indigenous groups in other provinces through regional workshops and so on.

How are you using what you learned?

I used it to apply for another job after my internship with ILO. I am now working as a facilitator and disseminator for community development in Mondulakiri, with the World Wildlife Fund (WWF) Conservation Program in Cambodia. I can now use the computer and have improved my understanding of English through conversation with colleagues from the Philippines and Africa. I do filing, take minutes and facilitate meetings in the village.

How did your community react towards your experience as an intern in the ILO?

Generally, there was no reaction but when some research was conducted in the provinces on the use of fire to clear land for agriculture, some people were afraid that I would convey information to the governor. In another case when I was interviewing a woman, the husband reacted by saying that I was asking too many questions although I already knew the answers. However after clarification there was no further reaction.

Some villagers saw me as a Khmer, not as a Phnong woman from Mondulakiri, because my accent in Khmer was so good.

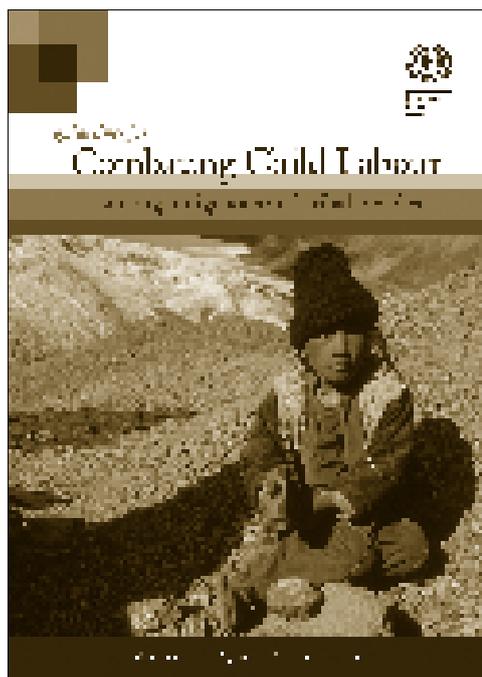
What should the ILO do to raise awareness of indigenous rights and to promote them?

The ILO should help to build the general knowledge and also the language skills of indigenous peoples. This is particularly important for women, because they do not learn much and when the organization needs to recruit people, no women apply. Only men.

The ILO should also support university education. In Mondulakiri, there is only Ms. Mane, who has studied at the university. And we want the villagers to see that studying is important. The examples they have seen is that the learning at school was useless for their lives, as there afterwards was no money and no job for the learner.

NEW PUBLICATIONS AND REPORTS

All these publications and reports can be found at: www.ilo.org/indigenous, or obtained on request from PRO169@ilo.org. Additional reports pertaining to specific projects are mentioned elsewhere in this newsletter.



“We fight the Worst Forms of Child Labour and often end up finding indigenous children”.

IPEC staff

New publication of the International Programme on the Elimination of Child Labour (IPEC) and PRO 169:

Handbook on Combating Child Labour among indigenous and tribal peoples

The handbook has been elaborated in order to provide practical guidance to ILO staff and partners on how to address the specific needs and rights of indigenous peoples – and thus combat child labour among indigenous children. The handbook is based on consultations and input from indigenous experts in Guatemala, Kenya and the Philippines and provide guiding principles on I) Adopting a rights-based approach to indigenous child labour; II) Improving education of indigenous children to combat child labour; III) Operationalizing the participation of indigenous peoples in the programming cycle. Finally, the Handbook presents an overview of additional references and resources.

Report of the Workshop to determine the scope and methodology of a regional research project on the rights of indigenous peoples in Africa

The ILO is implementing a 3-year research project with the Working Group on Indigenous Populations/Communities of the African Commission on Human and Peoples Rights (ACHPR), funded by the European Commission through the European Initiative for Democracy and Human Rights. Within this context, a workshop was held in Yaoundé in September 2006.

The research aims to examine the extent to which legal frameworks of African countries impact upon and protect the rights of indigenous peoples. The workshop aimed to gather views and recommendations from indigenous representatives, other experts, and various resource persons. Workshop participants determined the methodology and scope of the proposed desk research, and identified criteria for selecting specific countries for more in-depth research, mapped existing research initiatives of this nature in the African region to avoid duplication, and identified possible partners and resource persons to assist in the research, which is ongoing.

Report of the sub-regional training on indigenous issues in Central Africa

A sub-regional training on indigenous issues was held in Yaoundé, Cameroon in November 2006. This training constituted a collaboration between the ILO's International Training Centre in Turin, the ILO's

Subregional Office for Central Africa and the Great Lakes in Yaoundé, and PRO 169. The training brought together representatives of governments, indigenous peoples and civil society organizations from 7 countries in the Central African region to focus on issues of specific relevance to the so-called “Pygmy” peoples of the region.

Report of the regional training on indigenous issues for Asia

A one-week regional training for Asia was held in Chiang Mai, Thailand in June 2006. The training was conducted in collaboration with the Asia Indigenous Peoples Pact (AIPP) and the International Work Group for Indigenous Affairs (IWGIA). The training brought together indigenous resource persons, international experts, government, donors and agency staff working at the levels of policy dialogue and development as well as field implementation.

Report of the international training on indigenous peoples: Rights and good practices

This one-week training, held in Turin in September 2006, Italy, constituted a collaboration between PRO 169 and the ILO's International Training Centre in Turin. The overall objective of the training was that selected national and international professional staff has the capacity to promote and apply indigenous peoples' rights in the context of policy development and dialogue as well as technical cooperation programmes.

NOTES

CONTACTS

If you require further information on anything you have read in this newsletter, advice, or copies of our publications, please do not hesitate to contact us:

Project to Promote ILO Policy on Indigenous and Tribal Peoples (PRO 169)

Standards Department
International Labour Office
4 Route des Morillons
CH - 1211 Geneva 22
Switzerland
E-mail: PRO169@ilo.org

Geneva headquarters:

Birgitte Feiring

Chief Technical Adviser
Tel.: + 41 (0)22 799 7921
Fax: + 41 (0)22 799 6344
E-mail: feiring@ilo.org

Francesca Thornberry

Project Co-ordinator
Tel.: + 41 (0)22 799 7685
Fax: + 41 (0)22 799 6344
E-mail: thornber@ilo.org

Mangeye Terumalai

Secretariat
Tel.: + 41 (0)22 799 7556
Fax: + 41 (0)22 799 6344
E-mail: terumalai@ilo.org

Emilia Cereza

Secretariat
Tel.: + 41 22 799 8338
Fax: + 41 22 799 6344
E-mail: cereza@ilo.org

Regional and National Programmes:

South Asia

Sarah Webster

Delhi
webster@ilodel.org.in

Cambodia

Sek, Sophorn

Phnom Penh
sophorns@ilo.org

Cameroon

Serge Bouopda

Yaoundé
bouopda@ilo.org

Phillipines

Tes Matibag

Manila
matibag@ilomnl.org.ph

South Africa

Thwadi Komane

Pretoria
komane@ilo.org

INDISCO:

Jens Dyring Christensen

Local Economic Development
dyring@ilo.org

Equality, Migrant Workers and Indigenous and Tribal Peoples Team

(Legal supervision of Conventions No. 107, 169 and 111)

Shauna Olney

Coordinator
olney@ilo.org

Graciela Jolidon

Legal Officer
jolidon@ilo.org

Martin Oelz

Legal Officer
oelz@ilo.org

