


ILO Convention on Indigenous and Tribal Populations, 1957 (No.107)

How useful as a policy instrument?

Background

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- First international convention on the subject
 - Adopted in 1957 by ILO, with support of UN system
 - To address 'the social problems of indigenous populations in independent countries'
 - Ratified by 27 countries (still binding on 18, including Bangladesh, Brazil, India and Pakistan)
 - Good protections (land and human rights)
 - But has integrationist approach
 - Revised by Convention No. 169 in 1989

Status of C.107 today

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- No longer open for ratification
 - C. 107 automatically denounced once country ratifies C.169 (Argentina, Bolivia, Brazil, Colombia, Costa Rica, Ecuador, Mexico, Paraguay & Peru)
 - Remains binding on countries which have ratified it.
 - Reports on implementation of C.107 due every 5 years.

C.107: integrationist approach in perspective

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- Approach to ITP development at the time of adoption was paternalistic, with integration being a major aim.
 - Pioneering and progressive for its time

BUT.....

- Integrationist approach is no longer supported by the ILO.
- Provisions relating to integration are regarded by the supervisory bodies as defunct and outdated.
- International law is a dynamic concept which evolves over time with new understanding of issues.

C.107 remains a valuable tool for protecting and promoting ITP rights

Why?

- Provides strong safeguards for ITP rights and land rights
- Many provisions are almost identical to the revised Convention, No. 169
- Can provide persuasive arguments for strengthening rights in countries which have ratified this convention.
- Useful as a framework for ITP development
- Provides legitimacy for ILO and other organisations to work on ITP issues in ratifying countries.

Summary of Convention No. 107



Aim:

- Progressive integration into national life (without forced assimilation)
- Protection of the populations concerned

Scope:

- Indigenous populations
- Tribal or semi-tribal people (semi tribal no longer relevant, instead the concept of 'self identification' should be considered)

Issues addressed

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- Equality and non discrimination in employment and occupation
 - Mother tongue language instruction for children
 - Freedom of association
 - Improvement of living and working conditions
 - Promotion and protection of social, economic and cultural rights of ITPs
 - Protection from forced displacement
 - Provision of health and social services
 - Recognition of cultural and religious values and customary laws
 - Recognition of traditional land rights (collective and individual aspects)
 - Special educational programs

Progressive application needed

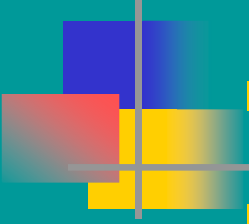


Apply key provisions in light of approach of
C.169:

- E.g. empowerment not integration
- Right-based not welfare-based approach
- Aim is to improve living and working conditions of ITPs

.....in this way, C.107 can be a useful and productive development framework.

Actions required by governments

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- Coordinated action and monitor compliance
 - take necessary measures to ensure conformity with the Convention
 - Special measures to protect these populations, taking into account their cultural characteristics.
 - Persist in addressing problems faced by ITPs until they are satisfactorily resolved

Application of Convention 107

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- The Committee of Experts have drawn attention to the situation of ITPs in most countries they have examined, including Argentina, Bangladesh, Brazil, Colombia, Ecuador, India, Iraq and Pakistan
 - Issues raised have included:
 - forced labour
 - health
 - human rights abuses
 - land rights



C. 107 in force:

1. Angola
2. Bangladesh
3. Belgium
4. Cuba
5. Dominican Republic
6. Egypt
7. El Salvador
8. Ghana
9. Guinea-Bissau
10. Haiti
11. India
12. Iraq
13. Malawi
14. Pakistan
15. Panama
16. Portugal
17. Syrian Arab Republic
18. Tunisia

Convention 107 in action

ILO is working with governments and IP partners on implementation of C.107 in Bangladesh, India and Pakistan, where it remains in force.

Activities include:

- Awareness raising (national and international community)
- Training of government and IP representatives
- C.107 as development framework in Bangladesh
- Promoted for use in court cases and Parliamentary debates in India (Forest Rights Act, R&R policies, Displacement cases). And CHT cases in Bangladesh
- Capacity building in Pakistan on special needs of ITPs.
- Development of training manual on C.107