

STATEMENT

70th Session of the United Nations General Assembly - Third Committee



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STATEMENT BY

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70th Session of the United Nations General Assembly - Third Committee
Agenda Item 69: Rights of Indigenous Peoples

Chairperson,

Since the establishment of the International Labour Organization (ILO) nearly 100 years ago, the rights of indigenous peoples has been an issue of great importance to our organization.

The ILO has taken a number of concrete steps since last year's World Conference on Indigenous Peoples to enhance efforts to ensure the rights of indigenous peoples – recognized in the ILO's Convention 169 and the UN Declaration on the Rights of Indigenous Peoples (DRIP) – become a reality.

It is crucial that we turn our attention to implementation at the national level and achieve progress that indigenous women and men around the world can feel and benefit from in their daily lives. The commitments set out in the outcome document of the World Conference provide a progressive and inspiring roadmap in this regard.

Last year, the ILO celebrated the 25th anniversary of the adoption of its Indigenous and Tribal Peoples' Convention (No. 169). The Convention has had a far-reaching impact on the laws and societies of ratifying Member States. Major reforms have been achieved, such as the constitutional recognition and protection of the rights of indigenous peoples, their identification and visibility in census data and the recognition of land rights. Member States that have ratified Convention 169 have developed specific laws on consultation, often with ILO support.

Yet, Convention 169's influence goes beyond ratifying countries: it has also helped shape laws and policies in many other countries as well as influenced the work of international organizations at the global and regional levels. The Human Rights Council and the UN General Assembly both have highlighted the contribution of Convention 169 in promoting and protecting the rights of indigenous peoples. Most recently, the outcome document of the World Conference on Indigenous Peoples (A/RES/69/2 – para 6), called upon Member States to ratify Convention 169

so they may develop coordinated and systematic action to protect the rights of indigenous peoples.

Chair,

In November 2014, the ILO joined the Governments of Denmark and Mexico and other partners, in convening a stocktaking seminar on Convention 169's twenty-five years of experience and, in a truly innovative manner, brought together government delegates, indigenous peoples' representatives, workers' and employers' representatives, as well as independent experts.

The seminar generated valuable recommendations to strengthen the Convention's reach and impact. Participants called for strengthening consultation mechanisms, participation and institutional dialogue but also stressed the need for better protection of land rights and interventions in areas such as education, employment, health and social protection.

At this year's International Labour Conference, the ILO adopted an increased programmatic focus on indigenous peoples outlining policy outcomes that call for targeted interventions with related indicators to measure progress. Additionally, a new cross-cutting policy driver on "Gender-equality and non-discrimination" will address the needs of indigenous peoples across all policy outcomes, in addition to mainstreaming gender and disability concerns.

A dedicated strategy for ILO action on indigenous peoples is now under preparation that will support the implementation of the ILO's overall strategic framework. The strategy will strengthen the ILO's capacity to respond effectively to the needs of governments, workers' and employers' organizations, as well as indigenous peoples. The strategy will be central to the upcoming ILO Governing Body session in November and is expected to identify priorities and entry points for future ILO action regarding indigenous peoples.

Chair,

The ILO would like to thank the Special Rapporteur for referring to Convention No. 169 in her report focusing on international investment and free trade. It is important that ratifying Member States take into account their obligations under the Convention when entering into other international agreements and avoid situations where such agreements could affect their ability to give full effect to the provisions of ILO Convention 169.

The ILO also wishes to emphasize the importance of promoting Convention 169 and the UN Declaration on the Rights of Indigenous Peoples (DRIP) together, in a coherent and consistent manner. Though different in nature, the two instruments strongly complement each other and are consistent in setting out key rights and approaches, such as the right of indigenous peoples to be consulted on measures that may affect them directly and the right to participation. Both instruments call for good faith consultations processes with the objective of achieving consent on proposed measures (Article 6 of the Convention, and Articles 19 and 32 of the Declaration).

In this connection, the ILO would welcome the Special Rapporteur's further elaboration of references in her report, particularly in paragraph 31, which refers to a "right to free, informed

and prior consent ... included within the United Nations Declaration on the Rights of Indigenous Peoples”, which seems to be juxtaposed to the right to consultation in Convention 169. In this regard, we would again highlight that Article 6 of Convention 169, like Articles 19 and 32 of the Declaration, which looks to consultations as a way of achieving agreement or consent. From a legal viewpoint, both instruments are fully consistent on this measure.

Chair,

The ILO considers enhanced UN system cooperation on providing support for indigenous peoples’ issues to Member States to be a priority. As an active member of the Inter-agency Support Group on Indigenous Issues, the ILO is participating in the elaboration of the UN system-wide action plan to ensure a coherent approach to achieving the ends of the UNDRIP.

The ILO looks forward to the action plan’s finalization and implementation, as there is an urgent need to ensure that the UN system joins forces in providing effective and coherent support to national stakeholders, including indigenous peoples, taking into account both the Declaration and Convention 169.

The ILO is also engaged in discussions with sister agencies with the objective of renewing and enhancing the UN Indigenous Peoples’ Partnership (UNIPP) which over recent years has made a real difference in supporting national level action to promote the realization of indigenous peoples’ rights. UNIPP’s experiences has shown that joint UN country programmes can provide the support that national partners, including indigenous peoples, need to come together and take significant steps for policy reform and implementation.