

ILO 169

THE INTERNATIONAL LABOUR
ORGANISATION'S CONVENTION FOR
INDIGENOUS AND TRIBAL PEOPLES



ILO 169 IS THE ONLY INTERNATIONAL LAW THAT EXISTS FOR TRIBAL PEOPLES.

It recognises their rights to:

- 1 The land they traditionally use and live on
- 2 Meaningful consultation about projects affecting them
- 3 Freedom from discrimination

Governments that ratify the Convention are legally bound to abide by it.

The UK says it will not ratify ILO 169 because:

>> 'THERE ARE NO TRIBAL PEOPLES LIVING IN THE UK' BUT:

- Spain and the Netherlands have ratified ILO 169. Neither has a tribal population.
- The UK would not have to enforce those parts of ILO 169 which have no direct application to the country.
- To ratify ILO 169 is to support its principles. Since abolishing capital punishment the UK has ratified international protocols to demonstrate an 'unequivocal stance against the death penalty'.
- The UK is involved in projects which affect tribal peoples. ILO 169 offers a framework for these projects to ensure tribal peoples' rights are respected.

>> 'THE UK ALREADY SUPPORTS THE UN DECLARATION ON INDIGENOUS PEOPLES' BUT:

- The UN Declaration is not legally binding. ILO 169 is an international treaty; it recognises tribal peoples' legal – not just moral – rights.
- The UK can help to cement tribal rights as an international standard. Current World Bank policy precludes adopting ILO 169, because it does not yet represent 'universally accepted principles of international law'. This perception will change as more countries ratify the Convention.

>> 'COMPANIES, NOT GOVERNMENTS, ARE THE REAL THREAT TO TRIBAL PEOPLES' BUT:

- The International Finance Corporation points out that ignoring ILO 169 may harm relations between governments and local communities and lead to project delays, while compliance is likely to 'promote the interests of private business'.
- UK ratification of ILO 169 will make it easier for UK based companies to encourage host governments to observe the Convention.

>> 'THE UK ALREADY HAS GOOD POLICIES FOR ITS WORK OVERSEAS' BUT:

- There is no UK policy on tribal peoples. ILO 169 is the most effective way to remedy this omission.
- The 2004 DFID Human Rights Review identified ILO 169 as defining the rights of tribal peoples.
- The UK, through the Council of Europe, has identified protecting European national minorities as a task 'within the scope of international cooperation'. ILO 169 merely extends this principle worldwide.

The movement for tribal peoples.

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