

## TABLE OF CONTENTS

Acknowledgements .....	4
How to use this Guide .....	6
<b>I. Identification of indigenous and tribal peoples.....</b>	<b>8</b>
1.1. Coverage of ILO Convention No. 169 .....	9
1.2. Identification of indigenous peoples in statistics .....	10
1.3. Comments by the ILO supervisory bodies: Coverage .....	11
1.4. Practical application: Statement of Coverage.....	13
<b>II. The concept of indigenous peoples in the context of rights .....</b>	<b>24</b>
<b>III. Government responsibilities .....</b>	<b>28</b>
3.1. Coordinated and systematic action .....	29
3.2. Fundamental rights.....	32
3.3. Special measures .....	35
3.4. Key provisions for implementation .....	36
3.5. Comments by the ILO supervisory bodies: Coordinated and systematic action .....	37
3.6. Practical application: Government responsibilities .....	39
3.6.1. Coordinated and systematic action .....	39
3.6.2. Combating discrimination and closing the socio-economic gaps .....	44
<b>IV. Indigenous institutions .....</b>	<b>48</b>
4.1. Retaining and developing indigenous customs, traditions and institutions .....	49
4.2. Practical application: Respect for indigenous institutions .....	50
<b>V. Participation, consultation and consent .....</b>	<b>58</b>
5.1. Consultation and participation: The cornerstone of the Convention .....	59
5.2. Comments by the ILO supervisory bodies: Consultation and participation .....	64
5.3. Practical application: consultation and participation .....	66
5.3.1. Procedures for consultation .....	66
5.3.2. Establishment of consultative bodies .....	69
5.3.3. Participation in elective bodies .....	75
5.3.4. Participation in local governance .....	77
<b>VI. Customary law, penal systems and access to justice .....</b>	<b>80</b>
6.1. Customs and customary law .....	81
6.2. Offences and penal systems .....	83
6.3. Access to justice .....	84
6.4. Practical application: Customary law .....	86
<b>VII. Land and territories.....</b>	<b>90</b>
7.1. The concept of land .....	91
7.2. Protecting the right to ownership and possession.....	91
7.3. Displacement .....	97
7.4. Comments by the ILO supervisory bodies: Right to lands and territories .....	99
7.5. Practical application: Lands and territories .....	100

<b>VIII. Natural resources .....</b>	<b>106</b>
8.1. Rights to natural resources, consultation, benefits and compensation .....	107
8.2. Comments by the ILO supervisory bodies: natural resources .....	108
8.3. Practical application: natural resources .....	112
<b>IX. Development .....</b>	<b>116</b>
9.1. The right to development .....	117
9.2. Practical application: Development .....	122
<b>X. Education .....</b>	<b>128</b>
10.1. Individual and collective aspects of the right to education .....	130
10.2. The quality of indigenous peoples' education .....	133
10.3. Diminishing discrimination and prejudices through education .....	136
10.4. Practical application: The right to education .....	136
<b>XI. Health and social security .....</b>	<b>144</b>
11.1. Equality and adequacy of services .....	145
11.2. Practical application: Health and social security .....	148
<b>XII. Traditional occupations, labour rights and vocational training .....</b>	<b>152</b>
12.1. Respect for indigenous peoples' traditional occupations .....	153
12.2. Respecting labour rights .....	153
12.3. Access to vocational training .....	159
12.4. Practical application: Employment and labour rights .....	160
<b>XIII. Contacts and Cooperation across borders .....</b>	<b>164</b>
13.1. People and peoples divided by borders .....	165
13.2. Practical application: Cross-border contact and collaboration .....	166
<b>XIV. Convention No. 169: Ratification, implementation, supervision and technical assistance .....</b>	<b>172</b>
14.1. History of the ILO's involvement with indigenous peoples .....	173
14.2. The ILO's tripartite structure .....	173
14.3. Ratification .....	174
14.4. Implementation in good faith .....	176
14.5. Accompanying implementation: The process of regular supervision .....	177
14.6. Complaints regarding non-observance of Convention No. 169 .....	182
14.7. The Convention in national courts .....	182
14.8. Entry into force and retroactivity .....	183
14.9. Flexibility in the implementation .....	184
14.10. Possibility of seeking clarification on provisions of ILO Conventions .....	184
14.11. ILO technical cooperation and advisory services .....	185
14.12. ILO information resources .....	185
<b>Annexes:.....</b>	<b>186</b>
Annex A: Convention No. 169 .....	187
Annex B: The UN Declaration on the Rights of Indigenous Peoples .....	192
Annex C: Further reading .....	197
Annex D: Index of country cases and references .....	198