



Call for Inputs

“Green Financing, a just transition to protect Indigenous Peoples’ rights”

In relation to the call for inputs “Green Financing, a just transition to protect Indigenous Peoples’ rights”, the International Labour Organisation (ILO) would like to recall that the [Indigenous and Tribal Peoples Convention, 1989 \(No. 169\)](#) remains key in achieving a just transition for all. In this regard, Article 7(1) recognizes that indigenous peoples have the right to “participate in the formulation, implementation and evaluation of plans and programmes for national and regional development which may affect them directly”, including in the development and implementation of DFI-funded projects related to conservation, clean energy, transition and carbon markets.

Moreover, Convention No. 169 explicitly protect indigenous and tribal peoples’ ownership and control rights over their lands, territories and resources. In this regard, Article 17 states that:

1. “Procedures established by the peoples concerned for the transmission of land rights among members of these people shall be respected.
2. The peoples concerned shall be consulted whenever consideration is being given to their capacity to alienate their lands to otherwise transmit their rights outside their own community.
3. Persons not belonging to these people shall be prevented from taking advantage of their customs or of lack of understanding of the laws on the part of their members to secure the ownership, possession, or use of land belonging to them.”

The State plays a fundamental role in establishing appropriate institutional mechanisms for protecting indigenous and tribal peoples’ rights in green or development projects, even when DFIs have developed safeguards. In this regard, the report [“Implementing the ILO Indigenous and Tribal Peoples Convention No. 169: Towards an inclusive, sustainable and just future”](#) emphasises the importance of States setting up appropriate institutional and legal frameworks.

Besides Convention No. 169, other international labour standards are key in protecting indigenous and tribal peoples’ rights, such as the [Discrimination \(Employment and Occupation\) Convention, 1958 \(No. 111\)](#) and the [Violence and Harassment Convention, 2019 \(No. 190\)](#). These latter provide a rights-based and common framework to address discrimination in employment and occupation against indigenous and tribal peoples, as well as all forms of violence and harassment, including gender-based violence and harassment against them, in the world of work.

In recent years, the ILO has published several reports and briefs that could provide useful insights and elements on the topic under discussion. In particular:



- In 2023, the ILO published a study on the potential of green jobs for indigenous youth in Colombia, which explores the possibilities of creating green jobs to strengthen employability of indigenous youth and contribute to the just transition to a socially, economically, and environmentally sustainable economy (see [“La creación de empleos verdes para los jóvenes indígenas en Colombia”](#)).
- In 2022, the ILO published a policy brief, [“Nothing about us without us” – Realizing disability rights through a just transition towards environmentally sustainable economies and societies](#)” which highlights the involvement of indigenous persons with disabilities to achieve a just transition, stating that: [t]o enhance the readiness of persons with disabilities to actively contribute to a just transition, it is essential for governments and social partners to promote inclusive education and skills development. [...] This requires allocating resources to promote equity in skills acquisition and recognition for all persons with disabilities, including children, youth and older adults, women, refugees and internally displaced people, racialized, indigenous and tribal peoples, people living in poverty and people from LGBTQ+ communities [...]. However, solely focusing on the skills development of individuals does not address the wider issue of discrimination towards persons with disabilities, nor does it meet the needs of employers or the labour market. Governments and social partners can support effective job-matching initiatives to advance inclusive employment, including green decent jobs”.
- In 2019, the ILO published a policy brief titled, [“Indigenous Peoples and a Just Transition for All”](#), which builds a link between indigenous peoples’ issues and a just transition, while underlining the role of Convention No. 169 in achieving a just transition for all. This brief provides relevant examples worth noting:
 - The involvement of the Mapuche Huilliche community in the photovoltaic electrification project in Isla Huapi, an island in the southern part of Chile, and the way in which Convention No. 169 can provide a framework for projects based on dialogue and cooperation between indigenous peoples, governments, and companies: Chile ratified Convention No. 169 in 2008 and addressed indigenous peoples’ participation and their right to decide on their own priorities regarding their development process, as enshrined in the Convention, in a standalone chapter in its 2050 energy policy. The Mapuche Huilliche community, one of the last groups to have access to safe energy in the district of Futrono, demanded that the electrification project be carried out using renewable energy and include the active participation of its beneficiaries. The community was involved in the project from the outset: from deciding that access to electricity was a priority, to attending discussions to understand the bidding process and its results, and in the establishment of a committee for the electrification of the island, where 40 community members participate. This committee plays an important role in making the connection between the Mapuche Huilliche community, the authorities, and the company responsible for implementing the project (Ibid, 13).
 - The indigenous peoples and climate change regulation in Peru. Peru ratified Convention No. 169 in 1994, and ever since it has passed legislation on the regulation of consultations with indigenous peoples, instituted a dedicated



Vice-Ministry responsible for indigenous peoples' affairs and a Working Group on Indigenous Policies, which is a permanent body for indigenous peoples' participation. In 2018, Peru passed the [Framework law on Climate Change \(Law 30754\)](#), which expressly acknowledges the role of indigenous peoples in the response to climate change and provides a framework for their participation in designing and implementing mitigation and adaptation strategies, recognising indigenous knowledges as a key tool for the design of such strategies. A process for the formulation of a regulation implementing Law 30754, approved in early January 2020, included the participation of indigenous peoples throughout the country via a series of workshops, as well as the participation of indigenous people's organisations, including indigenous women's organisations, and training and technical assistance to these organisations. One of the most relevant results of this consultation process was the creation of the [Indigenous Peoples' Platform to Combat Climate Change](#) in 2020, composed by representatives of each of the seven national indigenous peoples' organisations and tasked with the systematisation and diffusion of indigenous peoples' proposals for climate action; participation in monitoring and evaluating of the implementation of existing national regulations related to forests and climate change; and strengthening the knowledge systems, practices and ancestral knowledge of indigenous and tribal peoples on climate change (ibid, 14).

- In 2016 the ILO prepared the [“Guidelines for a just transition towards environmentally sustainable economies and societies for all”](#), providing both a policy framework and a practical tool to help countries at all levels of development manage the transition to low-carbon economies and help them achieve their INDCs and the 2030 Sustainable Development Goals. While the term is increasing being interpreted differently by different stakeholders, the Guidelines provide with an ILO understanding of a just transition.
- In addition, the ILO developed the [“Inclusion of lesbian, gay, bisexual, transgender, intersex and queer \(LGBTIQ+\) persons in the world of work: a learning guide”](#) aimed at representatives of governments, employers' and workers' organisations and other relevant stakeholders, and to help in the process of identifying and designing tailor-made local responses to ensure equal opportunities and treatment for LGBTIQ+ persons at work.

Finally, the ILO would like to draw the Special Rapporteur's attention on the upcoming International Labour Conference (ILC), during which a general discussion on [“Achieving a just transition towards environmentally sustainable economies and societies for all”](#) will take place. A report has been published, where issues related to the protection and participation of indigenous and tribal peoples are included. The agenda of the meeting and the work of the ILC Committee working on this issue can be accessed [here](#).