

No. 4738

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## INTERNATIONAL LABOUR ORGANISATION

**Convention (No. 107) concerning the protection and integration of indigenous and other tribal and semi-tribal populations in independent countries. Adopted by the General Conference of the International Labour Organisation at its fortieth session, Geneva, 26 June 1957**

*Official texts: English and French.*

*Registered by the International Labour Organisation on 5 June 1959.*

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## ORGANISATION INTERNATIONALE DU TRAVAIL

**Convention (n° 107) concernant la protection et l'intégration des populations aborigènes et autres populations tribales et semi-tribales dans les pays indépendants. Adoptée par la Conférence générale de l'Organisation internationale du Travail à sa quarantième session, Genève, 26 juin 1957**

*Textes officiels anglais et français.*

*Enregistrée par l'Organisation internationale du Travail le 5 juin 1959.*

No. 4738. CONVENTION<sup>1</sup> (No. 107) CONCERNING THE PROTECTION AND INTEGRATION OF INDIGENOUS AND OTHER TRIBAL AND SEMI-TRIBAL POPULATIONS IN INDEPENDENT COUNTRIES. ADOPTED BY THE GENERAL CONFERENCE OF THE INTERNATIONAL LABOUR ORGANISATION AT ITS FORTIETH SESSION, GENEVA, 26 JUNE 1957

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fortieth Session on 5 June 1957, and

Having decided upon the adoption of certain proposals with regard to the protection and integration of indigenous and other tribal and semi-tribal populations in independent countries, which is the sixth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, and

Considering that the Declaration of Philadelphia affirms that all human beings have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity, and

Considering that there exist in various independent countries indigenous and other tribal and semi-tribal populations which are not yet integrated into the national community and whose social, economic or cultural situation hinders them from benefiting fully from the rights and advantages enjoyed by other elements of the population, and

Considering it desirable both for humanitarian reasons and in the interest of the countries concerned to promote continued action to improve the living

<sup>1</sup> In accordance with article 31, the Convention came into force on 2 June 1959, twelve months after the date on which the ratifications of two Members had been registered with the Director-General of the International Labour Office. Thereafter, the Convention shall come into force for any Member twelve months after the date on which its ratification has been registered. The ratifications on behalf of the following Members have been registered with the Director of the International Labour Office on the dates indicated :

|                                |              |      |
|--------------------------------|--------------|------|
| Haiti . . . . .                | 4 March      | 1958 |
| Cuba . . . . .                 | 2 June       | 1958 |
| Dominican Republic . . . . .   | 23 June      | 1958 |
| India . . . . .                | 29 September | 1958 |
| El Salvador . . . . .          | 18 November  | 1958 |
| Belgium . . . . .              | 19 November  | 1958 |
| Ghana . . . . .                | 15 December  | 1958 |
| United Arab Republic . . . . . | 14 January   | 1959 |
| Costa Rica . . . . .           | 4 May        | 1959 |
| Mexico . . . . .               | 1 June       | 1959 |

and working conditions of these populations by simultaneous action in respect of all the factors which have hitherto prevented them from sharing fully in the progress of the national community of which they form part, and

Considering that the adoption of general international standards on the subject will facilitate action to assure the protection of the populations concerned, their progressive integration into their respective national communities, and the improvement of their living and working conditions, and

Noting that these standards have been framed with the co-operation of the United Nations, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, at appropriate levels and in their respective fields, and that it is proposed to seek their continuing co-operation in promoting and securing the application of these standards,

adopts this twenty-sixth day of June of the year one thousand nine hundred and fifty-seven the following Convention, which may be cited as the Indigenous and Tribal Populations Convention, 1957 :

## PART I. GENERAL POLICY

### *Article 1*

1. This Convention applies to—
  - (a) members of tribal or semi-tribal populations in independent countries whose social and economic conditions are at a less advanced stage than the stage reached by the other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;
  - (b) members of tribal or semi-tribal populations in independent countries which are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation and which, irrespective of their legal status, live more in conformity with the social, economic and cultural institutions of that time than with the institutions of the nation to which they belong.
2. For the purposes of this Convention, the term “ semi-tribal ” includes groups and persons who, although they are in the process of losing their tribal characteristics, are not yet integrated into the national community.
3. The indigenous and other tribal or semi-tribal populations mentioned in paragraphs 1 and 2 of this Article are referred to hereinafter as “ the populations concerned ”.

*Article 2*

1. Governments shall have the primary responsibility for developing co-ordinated and systematic action for the protection of the populations concerned and their progressive integration into the life of their respective countries.

2. Such action shall include measures for—

- (a) enabling the said populations to benefit on an equal footing from the rights and opportunities which national laws or regulations grant to the other elements of the population;
- (b) promoting the social, economic and cultural development of these populations and raising their standard of living;
- (c) creating possibilities of national integration to the exclusion of measures tending towards the artificial assimilation of these populations.

3. The primary objective of all such action shall be the fostering of individual dignity, and the advancement of individual usefulness and initiative.

4. Recourse to force or coercion as a means of promoting the integration of these populations into the national community shall be excluded.

*Article 3*

1. So long as the social, economic and cultural conditions of the populations concerned prevent them from enjoying the benefits of the general laws of the country to which they belong, special measures shall be adopted for the protection of the institutions, persons, property and labour of these populations.

2. Care shall be taken to ensure that such special measures of protection—

- (a) are not used as a means of creating or prolonging a state of segregation; and
- (b) will be continued only so long as there is need for special protection and only to the extent that such protection is necessary.

3. Enjoyment of the general rights of citizenship, without discrimination, shall not be prejudiced in any way by such special measures of protection.

*Article 4*

In applying the provisions of this Convention relating to the integration of the populations concerned—

- (a) due account shall be taken of the cultural and religious values and of the forms of social control existing among these populations, and of the nature of the problems which face them both as groups and as individuals when they undergo social and economic change;

- (b) the danger involved in disrupting the values and institutions of the said populations unless they can be replaced by appropriate substitutes which the groups concerned are willing to accept shall be recognised;
- (c) policies aimed at mitigating the difficulties experienced by these populations in adjusting themselves to new conditions of life and work shall be adopted.

#### *Article 5*

In applying the provisions of this Convention relating to the protection and integration of the populations concerned, governments shall—

- (a) seek the collaboration of these populations and of their representatives;
- (b) provide these populations with opportunities for the full development of their initiative;
- (c) stimulate by all possible means the development among these populations of civil liberties and the establishment of or participation in elective institutions.

#### *Article 6*

The improvement of the conditions of life and work and level of education of the populations concerned shall be given high priority in plans for the over-all economic development of areas inhabited by these populations. Special projects for economic development of the areas in question shall also be so designed as to promote such improvement.

#### *Article 7*

1. In defining the rights and duties of the populations concerned regard shall be had to their customary laws.

2. These populations shall be allowed to retain their own customs and institutions where these are not incompatible with the national legal system or the objectives of integration programmes.

3. The application of the preceding paragraphs of this Article shall not prevent members of these populations from exercising, according to their individual capacity, the rights granted to all citizens and from assuming the corresponding duties.

#### *Article 8*

To the extent consistent with the interests of the national community and with the national legal system—