Article 7 of Convention No. 169 – Participation, Development and the Environment

Article 7 of Convention No. 169 reads:

1. The peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development. In addition, they shall participate in the formulation, implementation and evaluation of plans and programmes for national and regional development which may affect them directly.

2. The improvement of the conditions of life and work and levels of health and education of the peoples concerned, with their participation and co-operation, shall be a matter of priority in plans for the overall economic development of areas they inhabit. Special projects for development of the areas in question shall also be so designed as to promote such improvement.

3. Governments shall ensure that, whenever appropriate, studies are carried out, in co-operation with the peoples concerned, to assess the social, spiritual, cultural and environmental impact on them of planned development activities. The results of these studies shall be considered as fundamental criteria for the implementation of these activities.

4. Governments shall take measures, in co-operation with the peoples concerned, to protect and preserve the environment of the territories they inhabit.

This Article has no immediate predecessor in C. 107. It is an extension and development of the concepts contained in Article 6, and much of the background to Article 6 which is reproduced in the chapter on that Article applies equally here. The right of indigenous and tribal peoples to participation and to an active role in determining their own future and priorities is another step beyond the concept of consultation.
A The Meeting of Experts

The first suggestion of what was to become Article 7 is found in a proposal made during the 1986 Meeting of Experts, which has already been reproduced earlier:

54. After considerable discussion, a group of experts and observers offered the following text as an attempt to meet the objections which had been raised while reflecting the principles included in the concept of self-determination:

*Replace the fourth preambular paragraph of Convention No. 107 with:*

*Considering that the International Covenant on Economic, Social and Cultural Rights affirms the fundamental importance of the right to self-determination, as well as the right of all human beings to pursue their material, cultural and spiritual development in conditions of freedom and dignity;*

*Recognising that these rights are fundamental to the survival and future development of indigenous and tribal peoples as distinctive and viable societies;*

*Replace Articles 2 and 5 with:*

*Article 2*

In co-operation with indigenous and tribal peoples, governments shall have the responsibility for developing co-ordinated and systematic action to ensure:

(a) that indigenous and tribal peoples are able to enjoy the full measure of human rights and fundamental freedoms without hindrance or discrimination;

(b) that indigenous and tribal peoples' territorial rights, economic rights, and political, social, cultural, and religious institutions are recognised and protected;

(c) that indigenous and tribal peoples be accorded the respect of determining for themselves the process of development as it affects their lives and institutions.

55. This proposal received substantial general support among many experts, who endorsed the ideas contained in it. They felt that, while it was clear that the present Meeting had not been convened to offer specific amendments to the text of the present Convention, the text quoted above reflected many elements of consensus among them. All of the employer experts and some government experts, expressed reservations, however.