

PROGRESS REPORT OF THE ACHPR'S WORKING GROUP ON INDIGENOUS POPULATIONS/COMMUNITIES

Inter-session period between 43rd and 44th ordinary sessions of the ACHPR

1. This is a brief progress report about developments in the activity programme of the ACHPR Working Group on Indigenous Populations/Communities in Africa (WGIP) since its last meeting from 4-5 May 2008 in Manzini, Kingdom of Swaziland. The report describes the activities undertaken by the Working Group during the intersession period. The activities include the meeting of the Steering Committee to organise a Sensitisation Seminar held in Banjul, The Gambia from 11 – 14 August 2008, the organisation of the Sensitisation and Consultative Seminar of Stakeholders on the Rights of Indigenous Populations from 13 – 16 October 2008 in Addis Ababa, Ethiopia and the meeting of the WGIP held in Abuja, Nigeria from 7 – 9 November 2008.

Meeting of the Steering Committee to organise the Sensitisation Seminar

2. At its meeting in Manzini, Kingdom of Swaziland, the Working Group established a Steering Committee comprising the Chairperson of the Committee, Commissioner Musa Ngary Bitaye, Commissioner Soyata Maiga, Dr. Melakou Tegegn and Dr. Naomi Kipuri, to work with the Secretariat to organise the four day Sensitisation Seminar on the rights of indigenous populations/communities to be held in Addis Ababa, Ethiopia.
3. The Steering Committee met from 11 – 13 August, 2008 in Banjul, The Gambia and developed the concept note, identified resource persons and participants to be invited to the Seminar, identified the themes and topics to be discussed. The Steering Committee maintained close contact with the Secretariat to ensure proper organisation of the Seminar.

Sensitisation and Consultative Seminar on the rights of indigenous populations

4. The Seminar took place from 13 – 16 October and was attended by most of the members of the Working Group on Indigenous Populations. The objectives of the Seminar included inter alia, to sensitise stakeholders on the work of the WGIP/African Commission on the rights of indigenous populations. The overall objective of the Seminar was to establish a framework of dialogue and constructive exchange of information relating to the rights of indigenous populations/communities. Other objectives included to ensure a better understanding by stakeholders of issues relating to the rights of indigenous populations and to inform stakeholders, in particular State Parties and organs of the African Union of the work of the African Commission on the rights of indigenous populations in Africa.
5. The Seminar was well attended with about twenty representatives of AU Member States, representatives of AU Organs, National Human Rights Institutions, NGOs and Indigenous Communities.
6. During the Opening Ceremony, Commissioner Soyata Maiga, delivered a statement on behalf of the Chairperson of the Working Group, Commissioner Musa Ngary Bitaye. Mr. Zepherin Kalimba delivered a statement on behalf of indigenous communities. The Seminar was officially opened by the Permanent Representative of the Federal Democratic Republic of Ethiopia to the African Union, Her Excellency Ambassador Sahlework Zewde.
7. During the Seminar, various issues relating to the human rights of indigenous populations in Africa were discussed by the participants. The issues discussed include inter alia:
 - The situation of indigenous populations/communities in Africa,
 - Social development and indigenous populations/communities,
 - Consequences of marginalisation of indigenous populations/communities,

- Best practices on the protection of indigenous populations,
 - Challenges in the protection of the rights of indigenous populations
8. The Final Report of the Seminar as well as the Final Communique are available at the Secretariat of the African Commission. The recommendations are however attached to this report for consideration and adoption by the Commission.

Invitation to attend a meeting on indigenous peoples in Asia

9. The WGIP had been invited to attend a meeting on indigenous peoples held in Thailand in October 2008. Asian human rights and indigenous organisations expressed interest in the work of the ACHPR WGIP, and appear keen to learn more about it. Due to short notice of invitation the WGIP was unfortunately not able to participate in this seminar. However, a contact has now been established and future collaboration will be pursued.

Meeting of the Working Group on Indigenous Populations

10. The Working Group held its regular meeting from 7 – 9 November in Abuja, Nigeria to discuss activities undertaken during the past six months and plan for future activities. During this meeting, the Working Group discussed among other things, the funding situation of Special mechanisms and the status of the funding obtained from Danida via IWGIA to support the work of the WGIP. .
11. During its meeting the WGIP finalised the reports of the information and research visits to Uganda, Central African Republic, Gabon and Libya. The reports of the Uganda and Central African Republic visits will now be sent to the respective governments for their comments. The Gabon and Libya reports will be presented to the African Commission at its next session. The meeting further finalised the Report of the Regional Sensitisation Seminar held in Yaounde, Cameroon in 2006 and the recommendations thereto are attached here for consideration and adoption by the

Commission. The report from the Cameroon seminar will be posted on the ACHPR website as soon as possible.

12. The Working Group also evaluated the Sensitisation Seminar held in Addis Ababa, Ethiopia from 13 – 16 October 2008 and agreed that the Secretariat should finalise the Report and distribute it to all the participants. The report will include all the papers presented during the Seminar. It was agreed that the Final Communique be attached to the present report. The Final Communique will be posted on the ACHPR website as soon as possible.

13. The reports and other documents so far published by the African Commission relating to indigenous populations' rights include the following:

- The Report of the African Commission's Working of Experts on Indigenous Populations/Communities published in English, French and Arabic.
- The summary version of this report entitled "Indigenous Peoples in Africa: the forgotten peoples?" published in English, French and Portuguese
- The Advisory Opinion of the African Commission on Human and Peoples' Rights on the United Nations Declaration on the Rights of Indigenous Peoples.
- Reports from the country missions to Botswana, Namibia and Niger
- Reports from the research and information visits to Burundi and the Republic of Congo

14. The Working Group was informed that preparations for the country visits to Burkina Faso and Rwanda are on the way and that the visits are likely to take place in December 2008. The visits will be headed by Commissioner Maiga and Commissioner Bitaye respectively. As usual these missions will consist of meetings with government authorities, national human rights commissions, NGOs, indigenous peoples' organizations, indigenous communities etc.

15. The Working Group was further informed that no budget had been allocated to the activities of the group in the African Commission's 2009 budget. This is a serious concern to the Working Group since it remains committed to continue to effectively

carry out its mandate - as listed in the ACHPR's Resolution on the current mandate of the Working Group - and to uphold its high level of activity, The Working Group agreed that this notwithstanding, it should continue to work to implement those activities in its three year action plan that do not require any substantial involvement of the Secretariat of the Commission. To this end, the Group agreed that its activities for 2009 will include the following:

- The undertaking of two research and information visits. The countries that the WGIP will like to visit in 2009 include Ethiopia, Kenya, Tanzania and Cameroon. Hopefully positive responses will be received from at least two of these countries.
- Translation of the summary report of the African Commission's report on indigenous populations into local languages, namely Tamazigh and Fulani in 2009.
- Preparation of a format for state reporting on indigenous issues to provide input to the ongoing revision of the ACHPR guidelines for state reporting.
- Preparation of a document on best practices of African states relating to the promotion and protection of the rights of indigenous populations. This document will be a follow-up activity to the recently held sensitization seminar in Ethiopia, and will document legislative and other measures that African states have undertaken to promote the rights of indigenous populations.
- A combined publication of the UN Declaration on the Rights of Indigenous Peoples and the African Commission's Advisory Opinion on the same.
- Preparations for the production of a video film on the situation of indigenous communities in Africa.
- The further development of the distribution strategy of the WGIP's publications.
- Strengthening the collaboration between the ACHPR and the UN system on matters relating to indigenous peoples' rights – specifically institutions such as the UN Special Rapporteur on the Rights of Indigenous Peoples and the UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP).
- Strengthening the collaboration between the ACHPR and the World Bank. This is a follow up to the sensitization seminar held in Ethiopia where the World Bank participated and expressed its appreciation of the African Commission's work on the rights of indigenous peoples. The World Bank stated that the work of the African

Commission on the rights of indigenous peoples would greatly help the World Bank to develop its own work on indigenous issues on the African continent. The Working Group decided to ignite this collaboration with a letter of intentions to the World Bank.

16. The Working Group was also briefed by a representative of the ILO on the progress of the joint research project between the African Commission and the ILO relating to the legislative and administrative measures in African States for the promotion and protection of the rights of indigenous populations. This research will cover 24 countries in Africa, out of which in-depth research will be conducted in 10 countries. The research will be finalized by the beginning of 2009, and a consolidated research report will be presented to the African Commission at its extraordinary session in the first half of 2009.

17. Despite the ongoing efforts of the Working Group on Indigenous Populations/Communities, the situation of indigenous populations on the African continent continues to be of great concern. Of particular concern is the human rights situation of Batwa indigenous peoples living in the eastern part of the Democratic Republic of Congo who are living under extremely precarious conditions due to the intensified conflict and the occupation of their lands and territories by numerous militias. The Batwa communities the eastern DRC are suffering from serious human rights violations and Batwa women and children are particularly vulnerable. Indigenous communities living in western Africa, such as in the northern parts of Niger, are equally affected by armed conflict and insecurity. Land dispossession remains an issue for thousands of indigenous peoples in southern, eastern and central Africa, where logging, mining, creation of national parks and protected area as well as industrial farming continue to push several communities out of their ancestral territories. The access of indigenous women and children to education and basic health care is, in many countries, far below national standards and death mortality rates among indigenous children continue to be alarmingly high.

18. The African Commission through its Working Group on Indigenous Populations aims to promote a constructive dialogue between States and indigenous communities. Some progress has been achieved in this respect through the various sensitization activities, and the efforts of the African Commission on Human and Peoples' Rights are increasingly being appreciated worldwide.