

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

## **Inter-session period between 44<sup>th</sup> and 45<sup>th</sup> ordinary sessions of the ACHPR**

This is a brief progress report about developments in the activity programme of the African Commission's Working Group on Indigenous Populations/Communities in Africa (WGIP) since its last meeting from 7<sup>th</sup> – 9<sup>th</sup> November 2008 in Abuja, Nigeria. The report describes the activities undertaken by the Working Group during the intersession period, and the activity plans of the Working Group for the next 6 months.

In general, the Working Group has upheld its high level of activity and made good progress, despite the fact that the majority of the planned activities of the Working Group were not included in the 2009 budget of the African Commission.

The main activities of the Working Group undertaken since the last session of the African Commission include the following.

### **1. Undertaking of country missions**

#### ***a. Country mission to Rwanda***

The Working Group undertook a country mission to Rwanda from the 1<sup>st</sup> to 5<sup>th</sup> of December 2008. The mission was undertaken by Commissioner Bitaye and Dr. Melakou Tegegn, expert member of the Working Group. The mission was assisted on the ground by Mr. Zephyrin Kalimba, expert member of the Working Group and coordinator of a Batwa organization in Rwanda. Furthermore, the mission was assisted by Mr. Francis Nadjita, Legal Officer from the Secretariat of the African Commission.

The mission met with national and local government institutions, the National Commission for Human Rights, representatives from the University of Rwanda and NGOs. The mission

also visited Batwa communities. Unfortunately the mission was unable to meet with international donors in Rwanda.

A draft report of the Rwanda mission is ready and the final report will be presented at the next session of the African Commission in November 2009.

***b. Country mission to Burkina Faso***

The Working Group undertook a country mission to Burkina Faso from the 2<sup>nd</sup> – 6<sup>th</sup> of February 2009. The mission was undertaken by Commissioner Maiga and Mr. Mohamed Khattali, expert member of the Working Group. The mission was assisted on the ground by Mrs. Saoudata Aboubacrine, member of the expert network of the Working Group and coordinator of a women Tuareg organization in Burkina Faso. Furthermore the mission was assisted by Dr. Robert Eno, Senior Legal Officer from the secretariat of the African Commission.

The mission met with national and local government institutions, the National Commission on Human Rights, non-governmental organizations and UN organizations. The mission also visited two indigenous Peul and Tuareg communities.

A draft report of the Burkina Faso mission is ready and the final report will be presented at the next session of the African Commission.

***c. Finalization of the Gabon mission report***

The Working Group undertook a research and information visit to Gabon in September 2007. The report has been finalized and will be presented by Mr Zephyrin Kalimba at the 45<sup>th</sup> session of the African Commission.

## **2. Publication of reports**

### ***a. Publication of Arabic report***

The summary version of the African Commission's report on indigenous peoples' rights has been published in Arabic. Copies are available at the front desk, and the report will be widely distributed in Arabic speaking member states.

### ***b. Uganda and Central African Republic reports***

The reports from the Working Group's missions to Uganda and the Central African Republic have been sent for comments to the respective governments and they will be published before the next session of the African Commission.

### ***c. Libya report***

The report from the mission undertaken to Libya has been finalized and will be published before the next session of the African Commission.

### ***d. Ethiopia seminar report***

A draft report from the Ethiopia sensitization seminar held in October 2008 has been produced and the final report should be available at the next session of the African Commission.

## **3. Research project**

Members of the Working Group participated from the 10<sup>th</sup> – 11<sup>th</sup> May 2009 in a research findings workshop relating to the research project on "Promotion of indigenous peoples' rights in Africa through the principles of ILO Convention 169 and the African Charter on Human and Peoples' Rights". This is a research project by the ILO and the African Commission's Working Group on Indigenous Populations/Communities that has been implemented by the Centre for Human Rights at the University of Pretoria. The research project has examined the extent to which the legal framework of African countries impacts on and protects the rights of indigenous peoples. Studies have been done of 24 countries,

out of which in depth studies have been carried out in 8 countries. Separate reports and background material from all these studies will be available at an online database, and a consolidated overview report will be published. The workshop that took place on the 10<sup>th</sup> – 11<sup>th</sup> May discussed the findings conclusions and recommendations of the overview report, and the report will be tabled for adoption by the African Commission during this session.

Participants in the workshop were members of the Working Group, commissioners and staff of the African Commission, representatives of the ILO and the University of Pretoria, researchers of the project, government representatives, representatives of NGOs as well as a representative of the Inter-American Commission for Human Rights.

#### **4. Meetings**

From the 17<sup>th</sup> – 21<sup>st</sup> March 2009 Commissioner Bitaye participated in the meeting of the UN Human Rights Council in Geneva. During this meeting he took contact to the AU representation in Geneva and informed them about the work of the African Commission and the work of the Working Group on Indigenous Populations in particular. The AU representation expressed great interest in this work as well as in the other aspects of the work of the African Commission and requested to receive on a regular basis all documents produced by the African Commission. All the reports produced by the African Commission's Working Group on Indigenous Populations as well as a number of other African Commission reports have been sent to the AU representation in Geneva.

#### **5. Collaboration with the UN system**

It is the wish of the Working Group to establish dialogue and mutually beneficial collaboration with relevant institutions of the United Nations and with the World Bank. The Chairperson of the Working Group has during this inter-sessional period received a letter from the United Nations Special Rapporteur on the Rights and Fundamental Freedoms of Indigenous Peoples where the Special Rapporteur expresses great appreciation of the

African Commission's work on indigenous peoples' rights and emphasizes the usefulness of the African Commission's reports on the rights of indigenous peoples. In his letter he encourages collaboration between himself and the African Commission's Working Group on Indigenous Populations/Communities, and in the inter-sessional period modalities for such collaboration will be explored.

During the sensitization seminar held in Ethiopia in October last year, the World Bank expressed similar appreciation of the African Commission's work on indigenous peoples' rights and interest in collaboration and regular exchange of information. In the inter-sessional period communication has been maintained with the World Bank to this effect.

## **6. Video production**

The Working Group has developed a draft concept note for the production of a video film on the work of the African Commission on the situation of indigenous peoples in Africa. More detailed terms of references will be developed during the forthcoming inter-sessional period.

The specific objectives of the video film are:

- To inform about the African Commission's work on the rights of indigenous peoples;
- To describe the situation of indigenous communities in different regions of Africa;
- To raise awareness among key stakeholders in Africa on indigenous issues in general.

The main target groups for the video film are African governments, civil servants, key civil society actors and other people who are interested in the subject. The idea is to produce a video of good quality that can be presented on national and local television stations and thereby reach a large audience in Africa. It can also be used by the African Commission and the AU as a promotional tool for its work and by different indigenous organizations, human rights organizations, teaching institutions etc. in Africa to raise awareness about indigenous issues.

## **7. Development of a training manual for indigenous peoples' advocates**

The Working Group has developed a draft concept note for the production of a manual for indigenous peoples' advocates.

The objectives of this manual are:

1. To inform indigenous peoples and their organizations about the African Commission's work on indigenous peoples.
2. To inform indigenous peoples and their organizations about the newly established African court.
3. To guide indigenous peoples' organizations on how they can make use of the African Commission's platform on indigenous peoples' rights and the African court.

## **8. Meeting of the Working Group on Indigenous Populations**

The Working Group held its regular meeting from 8<sup>th</sup> – 9<sup>th</sup> May 2009 in Banjul, the Gambia to discuss activities undertaken during the past six months and plan for future activities.

Since the costs for the regular meetings of the Working Group have not been included in the African Commission's 2009 budget, the Working Group was informed that it would not receive secretarial assistance from the African Commission secretariat for the preparation and holding of its meeting. Regrettably the Working Group therefore had to take charge of most of the logistics on its own, and the funding for the meeting was provided by the funding obtained from Danida via IWGIA to support the work of the Working Group.

Despite the difficult circumstances, the Working Group managed to hold a successful meeting.

During its planning for its 2010 activity programme, the Working Group identified a number of activities that it requests to be included in the African Commission's 2010 budget, and these include two country missions, one sensitization seminar and two meetings of the Working Group.

Since only one country mission was included in the 2009 African Commission budget, the Working Group will for the remaining part of 2009 continue to implement its other activities via the extra-budgetary funds obtained from Danida via IWGIA and with technical support from IWGIA. The planned activities for the remaining part of 2009 include the following:

1. The undertaking of three research and information visits to the Democratic Republic of Congo, Kenya and Ethiopia.
2. Publication of the mission reports to Uganda, Central African Republic and Libya and the report of the regional sensitization seminar held in Cameroon.
3. Publishing of a combined publication of the UN Declaration on the Rights of Indigenous Peoples and the African Commission's Advisory Opinion on the same.
4. Translation of the summary report of the African Commission's report on indigenous populations into Fulani.
5. Development of an advocacy manual for indigenous peoples.
6. 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.

7. Development of input to the revised Rules of Procedures of the African Commission relating to state reporting on indigenous issues and follow up to recommendations of reports and concluding observations.
8. Preparations for the production of a video film on the situation of indigenous communities in Africa.
9. Strengthening the collaboration between the African Commission and the UN system on matters relating to indigenous peoples' rights – specifically institutions such as the UN Special Rapporteur on the Rights and Fundamental Freedoms of Indigenous Peoples and the UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP). Two members of the Working Group are planning to participate in the forthcoming meeting of the UN Expert Mechanism to be held in Geneva in August this year.

The achievements made at the level of the African Commission to promote and protect the rights of indigenous peoples has unfortunately not yet translated into significant improvements on the ground. Indigenous peoples continue to face serious problems such as lack of recognition, land and natural resource dispossession, lack of access to health and education, lack of access to justice, lack of citizenship rights etc., etc. However, gradually progress is being made in countries such as the Republic of Congo with the development of a specific law for the protection of the rights of indigenous peoples, in Burundi with the provision of special seats in the Senate for the indigenous Batwa people, in Rwanda with the initiation of housing, health and education programmes for the Batwa and in Cameroon with the development of policies and legislation for the protection of vulnerable groups such as indigenous peoples. Despite the generally very precarious situation of indigenous peoples in Africa, such emerging progressive developments are much welcomed, and the Working Group sincerely hopes to be able to continue its dialogue with states and its sensitization work in the coming years to encourage more states to honour their responsibility to protect the rights of indigenous populations.