INTERSESSION ACTIVITY REPORT OF THE CHAIRPERSON OF THE WORKING GROUP ON INDIGENOUS POPULATIONS/COMMUNITIES

This Report covers the intersession period of the 46th and 47th Ordinary Session of the ACHPR. During this period the following activities were carried out by myself as Chairperson, as well as by other members of the Group. The report also describes activities of the Working Group planned for the next intersession.

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

1. Country Missions and Information and Research visits

   a. Information and Research visit to the Republic of Kenya
   The Working Group undertook a Research and Information visit to the Republic of Kenya from 1 to 17 March 2010. The mission was undertaken by Dr. Melakou Tegegn, expert Member of the Working Group and Dr. George Mukundi, member of the Working Group’s Advisory Network of Experts.

   The delegation held meetings with stakeholders such as government ministries, national and international NGOs and indigenous communities in order to gather information about the human rights situation of indigenous populations in the country, and to provide information about the Working Group’s report and the position of the African Commission on the rights of indigenous populations. The mission met with many indigenous communities in the different regions of Kenya, including, among others, the Mau Forest, the lake Beringo, Nanyuki, and Garissa. A draft report of the Kenya mission will be ready this month.

   b. Country Mission to the Republic of Congo
   The Working Group undertook a country mission to the Republic of Congo from 15-24 March 2010. The mission was undertaken by myself and Commissioner Soyata Maiga, as
well as Dr Albert Barume, expert member of the Working Group. The delegation was assisted by Dr Robert Eno, Senior Legal Officer at the Secretariat. The mission was kindly facilitated by the Ministry of Justice of the Republic of Congo.

The delegation held meetings with different stakeholders including many government ministries, national and international NGOs and indigenous communities in order to gather information about the human rights situation of indigenous populations in the country, and to provide information about the Working Group’s report and the position of the African Commission on the rights of indigenous populations. The delegation also conducted the mission to follow up the drafting of a specific law on indigenous peoples initiated by the Government of Congo. The delegation met indigenous communities in Sibiti in the southern part of Congo. A draft report of the mission will be tabled to the 48th session of the Commission.

2. Publication of reports

a. Publication of the Libya and Gabon Reports
The reports of the Information and Research visits to Gabon and Libya have been published in both French and English. The report will be widely distributed to the relevant stakeholders.

b. Rwanda Report
The report of the Country Mission undertaken to the Republic of Rwanda in December 2008 has been finalized and will be presented at this session for adoption.

c. Democratic Republic of Congo Report
The report of the Information and Research visit to the DRC in August 2009 will be finalised during the next intersession and presented to the 48th ordinary session in November 2010.
d. United Nations Declaration on the Rights of Indigenous Peoples and African Commission’s Advisory Opinion

The Working Group plans to publish the UN Declaration on the Rights of Indigenous Peoples together with the Advisory Opinion of the African Commission on Human and Peoples’ Rights on the said Declaration. This document will be published this month.

e. Summary Report

The Summary of the Commission’s 2003 Report on Indigenous Populations has been translated in Fula and Tamazight, and will be published during the intersession. The Summary will also be translated and published in Kirundi and maa later in 2010.

f. Manual for indigenous peoples' rights advocates

Dr. Korir Sing'oei, a consultant from the Working Group’s advisory network of expert, has been engaged to develop a manual for indigenous peoples’ rights advocates on how to use efficiently the African Commission platform as well as other African mechanisms such as the African Court.

g. Manual on best practices

A concept note for developing a manual on best practices has been drafted by the Working Group. The manual's objective is to document best practices by African governments, NGOs and other non-state actors on indigenous peoples' rights.

4. International collaboration

Mr. Kalimba Zephiryn, expert member of the Working Group, attended a seminar in Bangkok in December 2009 on the role of national human rights institutions in promoting the implementation on the UN Declaration on the Rights of Indigenous Peoples organised
by the OHCHR. His contribution was to provide an overview of the work of the Working Group and the challenges of indigenous peoples in Africa.

Mr. Mohamed Khattali, expert member of the Working Group, attended a seminar in Geneva, in March 2010, on the participation of indigenous peoples in decision-making, organised by the UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP).

I attended the first week of the 9th session of the UN Permanent Forum on Indigenous Issues in April 2010 in New York. The focus was on development, culture and identity. I had the opportunity to meet with different stakeholders as well as with the Indigenous African Caucus.

5. Video film

The Working Group is now in the process of producing a video film. The Working Group has selected a producer and the filming has already taken place in Kenya in April 2010, at the Working Group’s meeting in May 2010 and is now taken place at the 47th session. Filming will also be done in Cameroon in June 2010. It will be a 45 minutes film on the situation of indigenous peoples in Africa and the work of the African Commission on indigenous issues. The overall aim of the film is to provide the ACHPR with a strong awareness raising tool for the promotion and the protection of the rights of indigenous populations in Africa.

6. Meeting of the Working Group on Indigenous Populations

The Working Group held its regular meeting from 8 to 10 May 2010 in Banjul, the Gambia to discuss activities undertaken during the past six months and plan for future activities. The Working Group also held an informal meeting with the indigenous people’s representatives attending the 47th session to explore ways of collaboration and share information.
The planned activities for the intersession are the following:

1. The undertaking a country mission to Tanzania or the Democratic Republic of Congo.

2. Publication of the report of the sensitization seminar held in Ethiopia.

3. A combined publication of the UN Declaration on the Rights of Indigenous Peoples and the African Commission’s Advisory Opinion on the same.


5. Translation and publication of the summary report of the African Commission’s Working Group into Kirundi and Maa.

6. Drafting of an advocacy manual for indigenous peoples on how to use the African Commission platform as well as other African mechanism such as the African Court.


8. Holding of a regional sensitization seminar in the southern African region, planned to take place in September 2010 in Botswana.

9. Strengthening the collaboration between the African Commission and other international mechanisms on matters relating to indigenous peoples’ rights – specifically institutions such as the UN Special Rapporteur on the Rights and Fundamental Freedoms of Indigenous Peoples, the UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), the ILO and the OHCHR.
10. The employment of an assistant to the Working Group.

Conclusion

The situation of the indigenous populations has enjoyed the attention of the African Commission on Human and Peoples Rights for almost 10 years. The Working Group has carried out a wide range of activities, including country visits, publication and research, seminars, and international and regional collaboration as well as the production of a video film. The work of the African Commission on the rights of indigenous peoples is constantly growing and it appears to have a positive impact on African countries. For example, the Republic of Congo is in the process of adopting a specific law on the rights of indigenous peoples, the Central African Republic just ratified the ILO Convention 169 on the rights of indigenous peoples, Kenya has committed to implement the ACHPR ruling in favour of the Endorois peoples and Burundi provides special seats in the Senate as well as at the communal level for Batwa peoples.

However, indigenous peoples continue to face serious problems in relation to lack of recognition, limited or no access to land and natural resources, poor access to health and education, as well as lack of access to justice and citizenship. But despite the precarious situation of indigenous peoples in Africa, the new positives developments bring hope and encouragement to the Working Group. The Working Group wishes to continue its fruitful dialogue with states and its sensitization work in the coming years to ensure that more states will honour their responsibility to protect the rights of indigenous peoples.

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