62nd Ordinary Session of the African Commission on Human and Peoples’ Rights

Intersession Activity Report

of

Honourable Commissioner Soyata Maïga

Chairperson of the African Commission on Human and Peoples’ Rights and Chairperson of the Working Group on Indigenous Populations/Communities in Africa

Nouakchott, Mauritania, 25 April – 9 May 2018
Introduction

1. This report is submitted in accordance with Rules 23(3) and 72 of the Rules of Procedure of the African Commission on Human and Peoples’ Rights (the Commission). It outlines the activities undertaken since the 61st Ordinary Session of the Commission held from 1 to 15 November 2017 in Banjul, The Gambia.

2. The report is divided into five parts. Part I includes the activities undertaken in my capacity as the Chairperson of the Working Group on Indigenous Populations/Communities in Africa (WGIP). Part II provides information on the activities undertaken by Members of WGIP. Part III consists of an analysis of the situation of the rights of indigenous populations during the reporting period; Part IV lists upcoming activities of the WGIP; and Part V contains recommendations.

Part I: Activities undertaken in my capacity as the Chairperson of the Working Group

- **Request to Undertake Promotion Mission**

3. With a view to undertake promotion mission to monitor the human rights situation of indigenous communities in South Africa, Democratic Republic of Congo and Nigeria, Notes Verbale all dated 9 November 2017 were sent to the relevant Government ministries of the said States. So far, only the Government of South Africa responded acknowledging receipt and requesting for the postponement of the proposed mission dates.

Part II: Activities undertaken by Members of the WGIP

- **Launching of the Extractive Industries Report at the UN Business and Human Rights Forum**

4. It will be recalled that the Working Group launched its report on extractive industries and indigenous peoples at the 61st Ordinary
Session of the Commission in Banjul, The Gambia. With a view to ensure wider dissemination and outreach, the report was also launched at the 6th UN Forum on Business and Human Rights on 26 November 2017. The launching event was held together with the Inter-American Commission on Human Rights and the UN Expert Mechanism on the Rights of Indigenous Peoples. A similar report on the Americas by the Inter-American Commission was also launched at the event.

➤ **Publication of the 2nd edition of the e-newsletter of the WGIP**

5. During the inter-session, the 2nd edition of the e-newsletter of the WGIP – The Voice of the Indigenous – was finalized and published on the website of the Commission. This edition besides highlighting major activities undertaken by the WGIP in 2016-17, it also includes short articles on the situation of indigenous communities in Africa. The e-newsletter is available in English and French and can be accessed at [www.achpr.org](http://www.achpr.org).

6. The WGIP has already started receiving contributions for the 3rd edition. Therefore, individuals and/or organizations that are interested to submit a brief article of not more than three pages on any issue related and relevant to the indigenous peoples discourse can send their contributions, in English or French, to Mr. Samuel Tilahun at samiazeb2005@yahoo.com. Contributions in other AU working languages or African languages are also welcome as long as they are accompanied by a good quality English or French translation of the same.

➤ **Participation in a Workshop on the CoNGOs project**

7. Ms. Hawe Bouba, a member of the WGIP, participated in an experience sharing workshop organized in Kribi, Cameroon, by the CoNGOs, a consortium of NGO’s working towards ameliorating the livelihoods of local communities through the development of community forest enterprises in the Congo Basin with funding from
DFID. The project covers Cameroon, the Republic of Congo, The Democratic Republic of Congo, Central African Republic and Gabon.

8. During the Workshop, the findings of a study conducted in all the above countries of intervention to establish a baseline on community forest enterprises was presented and discussed. According to the study, despite all that is being said, community forest enterprises are almost inexistent and that local communities and indigenous peoples are living in very precarious conditions in the Congo Basin.

Part III: Human Rights Situation of Indigenous Communities

9. During the inter-session, the WGIP has received reports that the Government of Kenya has established a Taskforce for the implementation of the Ogiek decision of the African Court on Human and Peoples Rights. However, the WGIP has not yet received any official confirmation from the Government regarding the establishment, mandate and composition of the said Taskforce. If true, the establishment of the Taskforce is a commendable step towards the implementation of the Ogiek judgment, and the Government of Kenya needs to make sure that the Ogiek community are fully and actively represented and consulted in the establishment and the execution of the mandate of the Taskforce.

10. There were no other major positive developments reported during the inter-session period.

11. On the negative side, in Nigeria, deadly inter-communal conflicts between Fulani pastoralists and neighboring farming communities have continued, and the WGIP is yet to receive a response from the Government of Nigeria to the Urgent Appeal sent on 17 July 2017.

12. In Tanzania, the harassment and intimidation of indigenous communities and activists has continued unabated despite several letters of Appeal I sent to the Government.
13. In Kenya, notwithstanding the establishment of a Taskforce in 2015 by the Government for the implementation of the Endorois decision of the Commission, no report has been submitted on work done or progress achieved in the implementation of the decision. It will be recalled that the Government has still not responded to the repeated requests by the Commission to undertake mission to the country.

14. Similarly, the Government of Ethiopia has not heeded to repeated calls by the Commission and the international community to stop the land grab and villagization policy, which have proved to be detrimental to the survival and wellbeing of indigenous communities in the Gambella Regional State and the lower Omo Valley in the Southern Nations, Nationalities and Peoples Regional State.

15. Conflicts in different parts of the continent especially in Central Africa have also continued to disproportionately affect indigenous communities.

16. Policy of ‘assimilation and modernization’ that is also followed by many African countries is causing the destruction of the social fabric and unique identity of indigenous groups which is expediting their gradual annihilation.

**Part IV: Planned Activities**

17. Below is a table of planned activities of the WGIP for the upcoming inter-session period.

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<thead>
<tr>
<th>No.</th>
<th>Activity</th>
<th>Date</th>
<th>Venue</th>
<th>Remark</th>
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<tbody>
<tr>
<td>1</td>
<td>National Dialogue on Extractive Industries and Indigenous Peoples</td>
<td>TBD</td>
<td>Uganda</td>
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<tr>
<td>2</td>
<td>Promotion Mission</td>
<td>TBD</td>
<td>South Africa, DRC or Nigeria</td>
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<tr>
<td>3</td>
<td>Workshop on the Impact of Conflicts on Indigenous</td>
<td>TBD</td>
<td>Chad or Cameroon</td>
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Part V: Recommendations

18. Considering the current dire situation of indigenous communities on the continent and the serious challenges faced in advancing their cause, it is recommended that:

States Parties:

i. Engage in frank discussions with the WGIP on the concept of indigeneity in Africa with a view to clear current misconceptions and reach on a common understanding;

ii. Give timely and adequate response to inquiries and correspondences of the WGIP;

iii. Reach out to indigenous communities within their jurisdictions in order to better understand their plight and predicament, and to get their views and perspectives on policies, laws and practices that affect them;

iv. Ensure that indigenous communities are represented in all levels of government, and their voices and concerns are heard;

v. Repeal laws and policies that have adverse impact on the rights, wellbeing and survival of indigenous communities; and eradicate and, when necessary and feasible, penalize discriminatory and patronizing practices and attitudes towards indigenous communities;
vi. Give legal recognition to the existence and rights of indigenous communities; and

vii. Ratify ILO Convention 169;

**Indigenous organizations and representatives/advocates:**

viii. Coordinate efforts nationally to be able to speak in one voice;

ix. Work closely with national and international funding organizations to solicit funds to build the capacity of community members to be able to speak for themselves and the community; and

x. Engage regularly and work closely with the WGIP.