

1st session of the Permanent Forum on Indigenous Issues

Agenda item 6:

Review of the activities of the United Nations system



Theme: Human Rights

Intervention by Naomi Kipuri, a member of the Working Group for human rights and indigenous communities of the African Commission for Human and peoples' Rights

Mr chairman,

Let me begin by congratulating all the members of the Permanent Forum and you for your appointment as Chairman of the Permanent Forum. There is no doubt that indigenous peoples and communities all over the world have a great deal of confidence in your capability and commitment to these important issues.

I speak to you as one of the members of the Working Group for Human rights and Indigenous communities in Africa. The Working group was created by the African Commission for Human and peoples' rights about two years ago specifically for the purposes of informing the Commission about indigenous issues in an African context.

As you are all aware, the question of identification of indigenous peoples in Africa has been riddled with controversy. It is this controversy that explains the fact that no African government has so far ratified ILO Convention 169. Yet, indigenous issues in Africa are quite similar, and indeed they completely replicate the exact situations of indigenous peoples in other parts of the world. A few examples would suffice to make the point.

Indigenous peoples are evicted from their lands and territories without consultation and without alternative settlement so that the resources in their areas – forest products, wildlife resources, oil and precious stones, etc. could be expropriated for the benefit of others. ~~We have heard~~ during this meeting the cries of the Ogoni of Nigeria and the desecration of their lands by international oil corporations while they remain the poorest of the poor. ~~We have heard~~ of the cries of the Maasai of both Kenya and Tanzania and how they are losing all their territory through state manipulations. The Ogiek, the San, ~~Batwa~~ Batwa, Tamachek, the Amazigh or Berbers, the Hadzabe, the Barabaig, Turkana, Karamojong and others all have tales to tell of deplorable conditions and very serious human rights violations which cannot be resolved through local courts.

Besides resources, the political, social and cultural rights of indigenous peoples in Africa are not respected such that some languages and cultures are suppressed or outrightly denied. Political representation is either weak or non-existent.

As mentioned by the previous speaker, the historical significance of the working group, initiated at around the same time as the permanent forum ought to be linked to the broader agenda of the Permanent Forum for Indigenous issues.

The first time indigenous issues in the African context was mooted during the meetings of the ACHPR was during the 28th session in Cotonou, Benin in the year 2000. The item “indigenous people” was listed as an agenda item. Although the issue was not positively received, its inclusion in the official agenda was a crucial historical step forward, since it gave the possibility to the commission and indigenous peoples to pursue the matter further. Six months later, in the commission’s meeting held in Libya, indigenous peoples representatives attending the meeting, were given the opportunity to brief the commission on the issues of indigenous peoples in Africa. This became the basis upon which the commission discussed and reached an agreement to establish a small working group to work further on the issue and prepare a conceptual framework paper on indigenous issues in the African context. The Working Group comprises four indigenous experts and four commissioners. The working group has now prepared a first draft of this paper which was presented during the commission’s last meeting held in Pretoria a few weeks ago.

Moreover, it was also agreed that the commission holds a consultative meeting with the objective of presenting and discussing the findings of the conceptual framework paper prepared by the working group to a broader audience of indigenous peoples and experts on the issues. It is expected that the final results of this exercise would be submitted to the commission in the near future.

Another important activity of the commission is the preparation of an analysis of indigenous peoples and the African Charter for Human and peoples’ Rights. With this background, we believe that the Permanent Forum can play a key role in this process and hereby suggest concrete ways in which it can assist in the promotion of indigenous peoples’ issues and rights in the African continent. I recommend the following:

Recommendations

1. The Permanent Forum should facilitate the work of the African Commission on Human and Peoples’ Rights through invitation by the Permanent Forum of members of the ACHPR to present its deliberations during the next meeting of the permanent forum.
2. The Permanent Forum should be observer during meetings of the African Commission for Human and Peoples’ Rights.
3. The Permanent forum should facilitate processes of dialogue among indigenous peoples and Governments in Africa, as well as other interested institutions as UN agencies and multilateral institutions on issues of mutual concern.
4. The Permanent Forum should join efforts with other UN mechanisms, specially with the Special Rapporteur on the Situation of Indigenous Peoples to raise awareness of the situation of indigenous peoples in Africa and to promote the recognition of their human rights as well as their economic, social and political development.
5. Finally, I would like to encourage other members of the Permanent Forum to involve themselves in indigenous peoples issues in Africa without leaving it all to the two African members of the Permanent Forum.

I thank you for your attention and I hope that the suggested recommendations would be considered seriously so that indigenous issues and human rights in the African context would take centre stage in the deliberations of the permanent forum.