

AFRICAN CAUCUS STATEMENT

Geneva 15 juillet 2010

Item 4. Implementing the Declaration in Africa

The success of the UN Declaration on the Rights of Indigenous Peoples in Africa is dependent on several factors:

- the capacity of the indigenous peoples' civil society to advocate for implementation, monitor progress and provide systematic alternative reporting;
- close cooperation between national human rights commissions and indigenous peoples organisations and networks;
- a culture of human rights and the integrity and independence of human rights organisations, watch-dogs and court mechanisms;
- the role of the media in understanding the issues and keeping them visible in public – this implies education of the public media and increased indigenous media and reporting;
- the continued role and support from complaints mechanisms and monitoring mechanisms at the UN and African Union level, notably the UN Special Rapporteur, Treaty / Covenant review committees and the African Commission;
- the harmonisation of the African Court with the African Commission and the willingness of the Court to work closely with civil society in bringing serious issues in front of the Court where national redress has failed or is inadequate;

In July 2009, members of IPACC gathered in Bamako, Mali for three days to develop a strategy on implementing UNDRIP in Africa. During the closing ceremony, Mme Zeinabou Walet Mohammed Ali of Tin Hinan read out the major recommendations which were welcomed by the Malian authorities. These highlight the role of indigenous peoples themselves in ensuring implementation of the Declaration and specifying capacity. In July 2010, the NGO Imuhagh IT met the Nigerian authorities to talk about the UPR and their position on UNDRIP. The suspicions that surround the word 'indigenous' and the ignorance concerning the contents of UNDRIP have prevented from a real dialogue.

We recommend

1. the promotion of the 2007 UN Declaration on the Rights of Indigenous Peoples at local level with indigenous peoples, with local and national governments, with national human rights commissions, with traditional leaders, with the African Commission on Human and Peoples Rights and its expert Working Group;
- 2 the multiplication of forums in Africa for the promotion and the vulgarisation of the UNDRIP.
3. IPACC will work closely with the African Commission to submit shadow reports on human rights, promote missions to African communities, and lobby for the creation of the post of a Special Rapporteur on the Rights of Indigenous Peoples in Africa;

4. IPACC will work with its members to train indigenous leaders, human rights defenders, lawyers, judges and human rights officials in the legal and conceptual aspects of the UN Declaration on the Rights of Indigenous Peoples and the relevant Articles of the African Charter on Human and Peoples Rights;
5. IPACC commits to educating indigenous leaders and communities about the international standards with regards to women's rights and the elimination of gender-based discrimination of rights violations. IPACC affirmed that if indigenous peoples are to benefit from international and regional standards and norms, then this must be made equally accessible to indigenous women.;
6. IPACC commits to engaging with UN and African instruments to protect the rights of women. This includes CEDAW, the Commission on the Status of Women (CSW) and the Maputo Protocol. IPACC will work with its members to submit reports on rights violations and harmful practices experienced by indigenous women in Africa.

The Declaration's future in Africa is likely tied to the vigour and application of the African Charter, the African Commission and the new African Court. Only a handful of African States have embedded the Charter's principles and jurisprudence into their national constitutions. One of the challenges for indigenous activists and human rights specialists will be to introduce UNDRIP principles into African national courts and policy processes. This is more likely to be effective if UNDRIP is recognised as being authentically part of the African regional system, which requires close cooperation with the African Commission and likely also the Court.

In her 2009 article on UNDRIP, anthropologist Naomi Kipuri makes a series of recommendations for the effective implementation of the Declaration in Africa. These include:

1. Indigenous peoples need training on Declaration and now it can be used nationally and regionally;
2. Indigenous peoples need affordable or pro bono legal support to pursue legal cases related to indigenous rights through the court systems;
3. There needs to be good cooperation and interaction between UN mechanisms and agencies with indigenous peoples' organisations and networks in Africa;
4. The UN Permanent Forum on Indigenous Issues has an important role to keep States informed and provide oversight to UN agencies implementing programmes related to the Declaration;
5. The International Union for the Conservation of Nature has adopted UNDRIP as a standards document, and this opens up important advocacy opportunities in relation to natural resources and protected areas;

Thank.