

**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 the International Work Group for Indigenous Affairs (IWGIA)**

Mr chairman,

We take the floor in order to call to the attention of the Permanent Forum of a process that might have far-reaching impact upon your efforts and also other UN agencies' efforts dealing with indigenous issues in Africa. In short, I refer to the African Commission on Human and Peoples' Rights that two years ago, and for the first time ever, decided to take up indigenous issues for discussion. Last year this resulted in the establishment of a working group under the Commission. Mr. Chair, I will not talk about the work as such by the African Commission and its working group as this is being dealt with by another speaker today, but since my organisation, The International Work Group for Indigenous Affairs, was involved when the first African indigenous representatives about 12 years ago systematically started to turn up at UN meetings dealing with the rights of indigenous peoples, we feel it appropriate to take a quick look at this process.

Who could imagine 12 years ago when the first African indigenous representative came to the Working Group on Indigenous Populations in Geneva that in 2001 indigenous persons from Africa would equal to or even being more numerous in number than those from Latin America, North America and Asia. However, the numbers should not blind us because when we take a look upon the *de facto* improvements of the rights of indigenous peoples on that continent the picture is quite different.

The appearance of such a number of indigenous persons from Africa to the Working Groups on Indigenous Populations and other UN bodies dealing with indigenous issues indicates that there are at the moment very few mechanisms for these peoples to defend their rights and to have a meaningful dialogue with states and state institutions. As all of us know, the governments of Africa consider indigenous issues a highly controversial one and until now there has been very little, if any, room within existing state structures to seriously take up indigenous issues. Mr. Chair, allow me to illustrate this situation with a personal experience.

It was in the 1980s that IWGIA was contacted by an indigenous pastoralist Maasai from Tanzania who requested that we take up African indigenous land rights issues in the United Nations. He was a member of the Tanzanian parliament and I recall myself being a bit sceptical when I decided to approach him in the parliament building in Dar Es Salaam during a parliamentary session. I came there, but everyone claimed not knowing him. After having gone in and out of offices there was someone who knew him. Yes this person said, that is the 'cow-man'! However, I was not allowed to see him but I left a letter for him that he naturally never received. But we continued to be in touch with each other and in 1989 he brought indigenous issues from Africa to Geneva and the year after the first representative of the African hunters and gatherers appeared at the Working Group on Indigenous Populations. Unfortunately, I am not able to give you a happy end to the story. Even though being a member of parliament, he continued to be harassed in a number of ways, among other reasons for

embarrassing the government by taking up indigenous issues <sup>in</sup> ~~to~~ the United Nations and <sup>he</sup> other international fora. He defended the right of his own Maasai people to their lands and territories. Today, despite representation in parliament the Maasai as well as other indigenous peoples continue to lose their lands, they are being evicted from their lands and denied access to resources that have been theirs since time immemorial.

I give you this short story only to indicate how difficult it has been for indigenous persons, even a member of parliament, to raise their problems within existing institutions. It is on this background that the efforts taken by the African Commission on Human and Peoples' Rights gain significance and it is with these realities that indigenous peoples of Africa turn to the UN system to raise their concerns.

Maybe the African Commission has opened the first door for a general dialogue between indigenous peoples and the African states. The initiative for this opening came from the African Commission, and the cautious approach they have taken may point at a long process. However, the critical situation of indigenous peoples in Africa demands the special attention of the Permanent Forum, and we believe that the PF can play an important role in this process, and we would like to take the opportunity to suggest to the Permanent Forum to support and to encourage the African Commission in their efforts. This can take place in a number of ways, but we will limit ourselves to suggest that since the African Commission has very limited funds, the Permanent Forum should urge the High Commissioner of Human Rights and other specialised agencies to financially contribute to the African Commissions' work with indigenous issues.

To end this presentation Mr. Chair, it is our judgement that there can be a significant synergetic effect if the efforts taken by the African Commission are being endorsed by the Permanent Forum and used for common initiatives by the African Commission, the Permanent Forum and the Special Rapporteur, Mr. Rodolfo Stavenhagen.

Thank you.