



IWGIA

INTERNATIONAL WORK GROUP FOR INDIGENOUS AFFAIRS

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Item 4: Human Rights Situation in Africa

Statement by:

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Marianne Wiben Jensen

Indigenous Peoples in Africa are increasingly losing their ancestral lands through land grabbing and forced evictions, which threaten their future existence. The land grabbing and evictions are done in violent ways and in blatant discard for international law, including the African Charter on Human and Peoples' Rights.

The human rights violations happening in relation with the land grabbing and forced evictions include:

- illegal confiscation of land and property,
- burning and destruction of homes,
- illegal seizing of livestock and destruction of food,
- extortion of money from victims,
- harassment of community members and leaders,
- arbitrary arrests, torture, and killings.

All of this leads to massive trauma and fear within the affected communities, to food insecurity and to impoverishment.

Indigenous Peoples' human rights defenders who try to protest these violations are often criminalized, harassed, and attacked. This is part of a worrying global trend of increased persecution of human rights defenders, where it was in 2021 reported by Frontline Defenders and HRD Memorial that at least 358 human rights defenders were killed, out of which nearly 60% were land and Indigenous rights defenders.

The land grabbing and forced evictions are driven by powerful forces, including extractive industries, large scale agribusiness enterprises, big infrastructure projects and tourism developments.

Increasingly – and paradoxically - the land grabbing, forced evictions and human rights violations are also driven by nature conservation and protected area activities. As documented by IWGIA and many other organizations, this is for instance happening in Tanzania, Kenya, Uganda, DRC and Cameroon. A recent example are the serious human rights violations committed against the Maasai people in northern Tanzania in the name of conservation, which have been condemned by many



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organizations, including the United Nations and the African Commission, which issued an Urgent Call in June this year.

A few days ago, on the 12th of October, the UN Special Rapporteur on the Rights of Indigenous Peoples presented his report about protected areas and Indigenous Peoples' rights before the UN General Assembly.

In his report, he points out that Indigenous Peoples are, in most cases, not consulted when protected areas are planned and that they do not participate in the management of, or derive benefits from, State conservation projects. He further emphasizes that Indigenous Peoples are often forced to relocate to temporary resettlement camps without access to essential services, and that the forced evictions lead to loss of irreplaceable lands and natural resources, sacred places, culture, identity and livelihoods.

The UN Special Rapporteur acknowledges that establishment of protected areas are important seen in the light of the serious global climate and biodiversity crisis. However, he underlines that it must be done together with those who have protected these areas of rare biodiversity for thousands of years.

In his report he emphasizes – and I quote - : *“Indigenous Peoples must be recognized not only as stakeholders, but as rights holders in conservation efforts undertaken in their lands and territories. Their way of life and knowledge need to be preserved and protected, together with the lands that they inhabit. Respect for the rights of Indigenous Peoples, and not their exclusion from their territories in the name of conservation, will ultimately benefit the planet and its peoples as a whole”*.

These demands were re-iterated by Indigenous Peoples from all over Africa when they recently met in Kigali in Rwanda during the 1st IUCN Africa Protected Areas Congress in July this year.

The risk of land alienation in the name of conservation can potentially be further boosted via the so-called “30 by 30 target”. This target is aimed at protecting at least 30% of the world’s land and ocean areas by 2030 and is being negotiated under the UN Convention on Biological Diversity. This ambitious target can in principle carry important potential for the survival for Indigenous Peoples and the preservation of their lands and natural resources. However, it can also become a major threat to Indigenous Peoples if carried out along the lines of the old-fashioned fortress conservation model, characterized by top-down and militarized governance, community exclusion, dispossession and human rights violations.

Re-iterating the calls of Indigenous Peoples in the Kigali declaration of July this year, IWGIA hereby recommends to the African Commission on Human and Peoples’ Rights and its Working Group on Indigenous Populations and Minorities to:

1. Urge African Union member states to recognize that secure collective land ownership is a basic prerequisite for sustained community led conservation resulting in protection of natural resources



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2. Urge member states to advance their efforts to recognize and respect the customary collective tenure rights of Indigenous Peoples in line with the African Charter on Human and Peoples' Rights and the United Nations Declaration on the Rights of Indigenous Peoples
3. Urge member states to implement rulings and decisions of the African Commission and the African Court that relate to Indigenous Peoples' rights to land. And specifically urge the government of Kenya to implement the important rulings on the Ogiek and Endorois people.
4. Urge member states to ensure that implementation of the 30 x 30 target will not result in the loss of Indigenous Peoples' lands
5. Urge members states to ensure that the upholding of human rights must guide every aspect of conservation in Africa, including preventing mass evictions.
6. Urge member states to ensure that conservation staff in all sectors are held accountable when they kill, maim, or otherwise abuse Indigenous people