

STRATEGIC ENGAGEMENT WITH THE UN SPECIAL RAPPORTEUR ON THE RIGHTS OF INDIGENOUS PEOPLES

Africa Regional Meeting
5-6 March 2025, Boma Hotel, Kenya



"The rights of Indigenous peoples in Africa are not favors to be granted, but inherent freedoms to be recognized to their land, their languages, their cultures, and their future"



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I. Introduction

On 1st January 2025, **Dr. Albert Kwokwo Barume** was appointed as the **UN Special Rapporteur on the Rights of Indigenous Peoples**. He is the first African person, to assume that mandate. Dr. Barume's experience as a legal expert on Indigenous Peoples' rights, with a particular focus on Africa, and his decade-long contributions to the **African Commission on Human and Peoples' Rights** underscore the potential for impactful engagement in the region.

Responding to Indigenous Peoples' human rights challenges in Africa requires deep knowledge and understanding of the changing dynamics that affect them, such as negative cultural perceptions, exclusive governance, information gaps, climate change, insecure tenure rights, fortress conservation and business investments in Indigenous lands and territories without free, prior and informed consent.

The Regional Meeting was convened by the **Indigenous Movement for Peace Advancement and Conflict Transformation (IMPACT)** on 5-6 March 2025 in Kenya. It brought together fifty three Indigenous leaders from across the continent, including the historical leaders who started the struggle for recognition of Indigenous Peoples' rights in the African context.



The **objectives** of the Meeting were to:

1. Leverage the mandate of the UN Special Rapporteur on the Rights of Indigenous Peoples to advance the rights of Indigenous Peoples in Africa.
2. Identify key priorities and actionable steps for engaging the Rapporteur.
3. Strengthen Indigenous Peoples' leadership and advocacy capacities.
4. Develop strategies for education and awareness to counter misconceptions and resistance to recognition of Indigenous Peoples' rights.

The meeting participants were welcomed by **Hon. Josphat Lowoi Lodeya**, Principal Secretary, the Minorities and Marginalized Affairs Unit of the Executive Office of the President. He emphasized that in the African context, the concept of Indigenous Peoples is used to denominate those who have suffered from marginalization through past policies and who remain marginalized on their own lands, even today. Governments must ensure that all communities enjoy rights. Governments have responsibilities, as members of the United Nations and the African Union, they are the primary duty-bearers of human rights. Kenya is in the process of mainstreaming consideration for Indigenous Peoples across government institutions. In this regard, Kenya wants to lead by example and hopes other African countries will follow.

II. The mandate of the UN Special Rapporteur on the Rights of Indigenous Peoples

Dr. Barume initiated the discussion by providing a short overview of the mandate of the UN Special Rapporteur on the Rights of Indigenous Peoples.

The **UN Special Rapporteur on the Rights of Indigenous Peoples** is a special procedure established by the **Human Rights Council**, with a mandate to report and advise on Indigenous Peoples' human rights at a global scale. Core elements of the mandate include:

- Promoting **good practices**, including new laws, government programs, and constructive agreements between Indigenous Peoples and states, to implement international standards concerning the rights of Indigenous Peoples.
- Making **recommendations and proposals** on measures to prevent and remedy violations of the rights of Indigenous Peoples.
- **Reporting** on the human rights situations of Indigenous Peoples around the world.
- **Addressing** specific cases of alleged violations of Indigenous Peoples' rights.

These core elements of the mandate translate into four main pillars of work:



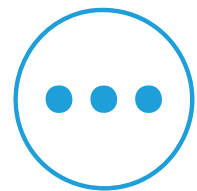
1. Country visits



2. Thematic studies



3. Communications



4. Other mandated areas

2.1. Country visits

Country visits give the Special Rapporteur the possibility to analyze the situation of Indigenous Peoples in a given country in depth and provide contextualized guidance on the implementation of their rights with a view to overcoming barriers and highlighting examples of good practice. The Special Rapporteur can only undertake such visits through an invitation from the government, which in some cases can be a challenge to obtain. The Special Rapporteur is able to undertake 1-2 such country visits per year, depending on the availability of budget through the Office of the High Commissioner for Human Rights (OHCHR). The Special Rapporteur is currently exploring the possibility of undertaking country visits to a few African countries, but confirmation of the arrangements with concerned governments is still pending.

In situations where budgetary resources are not available or the government has not invited the Special Rapporteur to visit, civil society can invite the Special Rapporteur to undertake an **academic visit** to a country. While such a visit will not entail an analysis of the country situation or an official report, it can be used as an opportunity to engage actors at the country level.

Previous Special Rapporteurs have undertaken both official country visits and academic visits to African countries. Such visits help shed light on the salient issues in the countries and serve to motivate Indigenous Peoples in their struggle for human rights.

After the workshop, it has been confirmed that the Special Rapporteur will undertake a country visit to Botswana in the second half of 2025. The current President of Botswana has previously been the lawyer for the San communities in the Central Kalahari Game Reserve, and, after his inauguration, demonstrated commitment to these communities by personally accompanying the burial of a deceased San leader on ancestral land.¹ This is an unprecedented gesture from a Head of State in an African country.

2.2. Thematic studies

Thematic studies comprise two studies per year: one to be presented to the UN Human Rights Council and the other to the UN General Assembly. The Special Rapporteur decides on the themes for these reports and publish a call for contributions from governments, Indigenous Peoples, academia and others, to share their insights and experiences on the topics of the reports.

The two thematic reports planned for 2025 are on: 1) Practices and lessons learned on the identification, documentation, demarcation, registration, and titling of Indigenous Peoples' lands², and 2) ways and means of overcoming obstacles and promoting best practices related to the recognition by States of Indigenous Peoples.³

Thematic report on recognition of Indigenous Peoples

In 2025, the Special Rapporteur will publish a thematic report on the topic of recognition of Indigenous Peoples. In particular, the report will discuss the understanding of the concept of Indigenous Peoples, and what distinguishes this concept from other groups, such as local communities, minorities etc. It is an attempt to clarify the semantic issues that some countries are still grappling with, and an opportunity to bring the African understanding of the concept to the global arena; explain what it means to be an Indigenous People in Africa.

There are unique regional nuances to the understanding of the concept. In Africa, **the Working Group on Indigenous Populations/Communities**⁴ was able to come up with a **landmark report**⁵ on the understanding of the concept in the African context. While it is still under discussion in other regions, Indigenous Peoples in Africa have made it clear that their right to self-determination, under the framework of Indigenous Peoples' rights, should be understood within the context of the nation states where they currently live; it does not include the right to secession. This clarification addresses one of the top fears of African governments.

Prior to the adoption of the **UN Declaration on the Rights of Indigenous Peoples** (UNDRIP) by the UN General Assembly in 2007, a small group of Indigenous experts went to New York to explain the concept of Indigenous Peoples to the African Permanent Missions. Based on these conversations, article 46 was added to the UNDRIP, as an African imprint on the Declaration. Article 46 stipulates that: *"Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States"*.

1. See more [here](#)
2. See more [here](#)
3. See more [here](#)
4. See more about the Working Group [here](#).
5. The report is available [here](#).

2.3. Communications

Communications are sent by the Special Rapporteur to governments and other duty-bearers on alleged cases of violations of Indigenous Peoples' human rights. Communications are often based on information sent to the Special Rapporteur by the Indigenous Peoples who are victims of such violations.

Once the information is received by the Special Rapporteur, he will analyze the case and decide whether to proceed with communication on that case. Before doing so, the Special Rapporteur will ensure that the concerned community or individual give their consent to taking the case further and making it public. The ability to send such communications on alleged violations and abuses of the rights of Indigenous Peoples and engage in dialogue with the concerned duty-bearers is a unique feature of the mandate of the Special Rapporteur.

Most communications are directed to governments, but communications can also be addressed to other implicated duty-bearers, such as private enterprises, intergovernmental organizations, UN-agencies, among others. If a situation is very alarming, the Special Rapporteur can also send the communication as an urgent appeal, which has a shorter timeframe for processing. All communications issued by the Special Rapporteur are contained in a report that is presented to the Human Rights Council during each of its sessions, which happen three times per year⁶.

Only few Indigenous Peoples from Africa have made use of the possibility to send information about alleged human rights violations and abuses to the Special Rapporteur. To make use of this possibility, information about alleged violations and abuses should be sent to the Special Rapporteur by email, providing as detailed and precise information and documentation about the case as possible.

The email address for sending such information is:

hrc-sc-indigenous@un.org

2.4. Other mandated areas

This pillar comprises several types of activities and engagements such as capacity-building and awareness raising, technical advice, engagement with media, academic visits⁷ and other events, as well as engagement with national human rights institutions, regional human rights mechanisms and other institutions. All these activities serve to strengthen the impact of the mandate; ignite support; address specific challenges in specific regions; transfer knowledge and leave a legacy for the youth to build on. Specifically, such activities can help amplify the voices of Indigenous Peoples in Africa and generate visibility and support to the work in the region. Dr. Barume intends to include an element of legacy in the realization of his mandate; to pass on knowledge and experience to the younger generation of Indigenous leaders. With that purpose, he will seek to raise resources and establish partnerships to implement a programme on human rights training, advocacy for young leaders.

6. Read more about communications [here](#).

7. See more on academic visits in section 2.1. of this report

III. Collaboration with regional and national human rights institutions

The presentation of the Special Rapporteur's mandate was followed by experience-sharing and discussion about the role of the African regional human rights system, and the role of National Human Rights Institutions (NHRIs).

3.1. Working Group on Indigenous Populations/Communities in Africa

The African Commission on Human and Peoples' Rights (ACHPR) has played a key role in raising awareness and addressing the human rights situation of Indigenous Peoples in Africa⁸. In 2005, its Working Group on Indigenous Populations/Communities issued a landmark report that clarified the understanding of the concept 'Indigenous Peoples' in the region. Unfortunately, not all Africa countries and their ambassadors are aware of the Working Group and its advances and therefore make statements that are contradictory to the position adopted by the ACHPR, including by saying that the concept is not known in the regional context. That makes the region looks disorganized, and there is a need to highlight the important work of the Working Group.

In recent years, the Working Group has been less active or visible, and the Indigenous movement is no longer participating actively in the ACHPR sessions. When the Working Group is not functional, we are voiceless. Hence, it is a very strategic institution to engage with, including to build capacity of governments and draw lessons from other countries to showcase feasible and constructive ways of protecting Indigenous Peoples' rights at the country level.

The Indigenous movement should reactivate its engagement with the ACHPR and build alliances with the CSOs participating in ACHPR sessions. Likewise, the UN Special Rapporteur should offer his assistance to the Working Group.

The **Hon. Dr. Litha Musyimi-Ogana**, Commissioner of the ACHPR and Chairperson of the Working Group underlined that UN mandate-holders like the Special Rapporteur has the entire world to deal with, while the ACHPR concentrates on the African region. Therefore, the ACHPR and the UN mandate-holders have to work closely together.

The ACHPR has a mandate to promote and protect human rights in the region. It has special mechanisms, such as the Working Group, but also country rapporteurs, and can send letters of urgent appeal. If human rights violations persist, the ACHPR can write to heads of state.

There are some similarities between the struggle of women and that of Indigenous Peoples. For women, it took 30 years for the world to understand the concepts and norms. Only then could they start focusing on implementation. Implementation is slower, harder, and comes with a need to strategize. Over the past 20 years, a lot of work has been done on the notion of Indigenous Peoples, now it is time to implement.

The ACHPR has issued important rulings on Indigenous Peoples, but previous governments have not implemented. We need to go back to the drawing board with current African governments, and devise strategies for implementation. The ACHPR is ready to collaborate with the UN Special Rapporteur on the Rights of Indigenous Peoples, to consolidate efforts on implementation.

⁸. See more about the ACHPR Working Group [here](#)

3.2. Collaboration with National Human Rights Institutions

National Human Rights Institutions (NHRIs) constitute a critical element in the human rights architecture and must be mobilized to act on Indigenous Peoples' rights. Recently, the Global Alliance of NHRIs (GANHRI), and its regional branch, the Network of African NHRIs (NANHRI) have established a network on Indigenous Peoples' rights.

Dr. Rai from the Kenyan National Commission on Human Rights (KNCHR) highlighted that KNCHR is an "A status" NHRI (fully independent). KNCHR uses different approaches to fulfill its mandate, including advocacy, training, public litigation and alternative dispute resolution. It has a focal point for Indigenous Peoples, which collaborates with civil society. KNCHR has affiliate status with ACHPR and has been actively involved in the Ogiek and Endorois cases. Unfortunately, there seem to be impunity of implementation of court orders and nothing have been done to implement the rulings on Endorois and Ogiek. KNCHR is still pushing and is a strategic partner of Indigenous Peoples.

IV. Sub-regional contexts

Participants worked in subregional groups to identify the main human rights challenges, key obstacles, and potential opportunities to address and foster recognition and respect of Indigenous Peoples' rights in their respective sub-region. The key issues per sub-region are summarized below.



4.1. Southern Africa

The Basic challenge in the sub-region is non-recognition of Indigenous Peoples; an issue that is closely linked to land rights.

The San communities of Southern Africa (South Africa, Botswana and Namibia) are historically hunter-gatherers, but due to the legacy of colonialism, many Indigenous communities have been dispossessed and no longer live on their traditional land. This is a huge challenge when communities are faced with exploitation of resources and other negative impacts; they have no influence.

In South Africa, over a few decades, there was a possibility to institute land claims in the context of the 1996 land reform that opened opportunity for land restitution and possibility of litigating land claims. Now there is a need to be creative to apply different strategies to obtain access to lands. Recently, there have been some advances around fisheries, and recognition of aboriginal fishing rights.

Other challenges in the sub-region are non-recognition of Indigenous languages and cultures, impact of climate change and conservation and wildlife policies. Recognition of Indigenous Peoples traditional knowledge can present an opportunity in that context.

Countries in Southern Africa have been visited by previous Special Rapporteurs on the Rights of Indigenous Peoples, and the human rights issues are well documented. For example, a previous Special Rapporteur report on tourism evidences how Indigenous communities are affected by conservation policies of global north. However, the recommendations of previous Special Rapporteurs are not implemented.



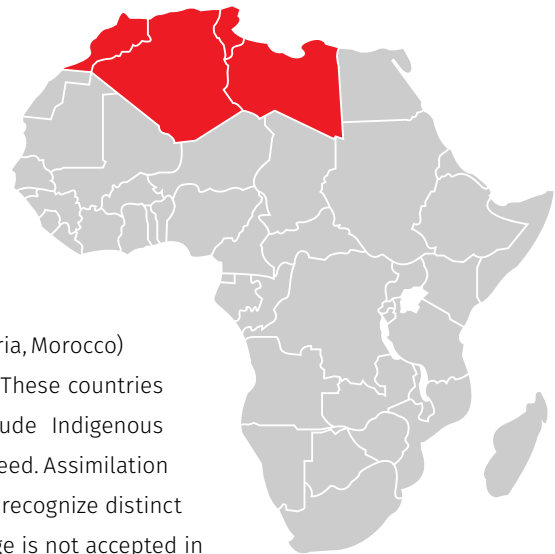
4.2. Central Africa

The Central African sub-region has some good practices on Indigenous Peoples. Two countries have adopted specific laws on Indigenous Peoples, namely the Democratic Republic of Congo (DRC) and the Republic of the Congo (Congo-Brazzaville). The Central African Republic has ratified ILO Convention No. 169 and specifically recognized Indigenous groups by names. Cameroon has also passed policies, recognizing Indigenous Peoples. Laws have been passed but implementation is weak. Chad and Gabon are lacking behind.

On the negative side, the sub-region is severely affected by insecurity and armed conflicts; in DRC (frontiers with Rwanda), Uganda and Cameroon where, given the secessionist movement, pastoralists are attacked on daily basis. Indigenous Peoples become trapped in the conflicts that also involve foreign militia.

The sub-region has strong Indigenous movements, alliances and platforms, such as REPALEAC and women's networks. There are also new alliances between Indigenous Peoples and local communities.

The sub-region needs attention from the Special Rapporteur, including for the implementation of laws as it may otherwise face regression. Positive laws, policies and programs in some countries can serve as steppingstones for capacity-building and strengthening of state institutions.



4.3. North Africa

Indigenous Peoples in the North African sub-region (Libya, Tunisia, Algeria, Morocco) are generally not recognized as such by the respective governments. These countries have nationalistic and centralized governance systems, that exclude Indigenous Peoples from decision-making, resulting in policies that exclude their need. Assimilation policies suppress Indigenous cultures and languages. Some countries recognize distinct Indigenous cultures, e.g. the Amazigh are recognized but their language is not accepted in communication and education.

Moreover, Indigenous Peoples are economically marginalized, face social and economic disparities and see very limited investments in their areas. Climate change and desertification threaten the nomadic ways of life of pastoralists.

Legal and political reforms in some countries constitute an opportunity. Other priorities are cultural and linguistic revitalization, climate resilience and environmental justice, and initiatives to strengthen Indigenous participation in political processes. The sub-region is calling for international collaboration and support for advocacy.



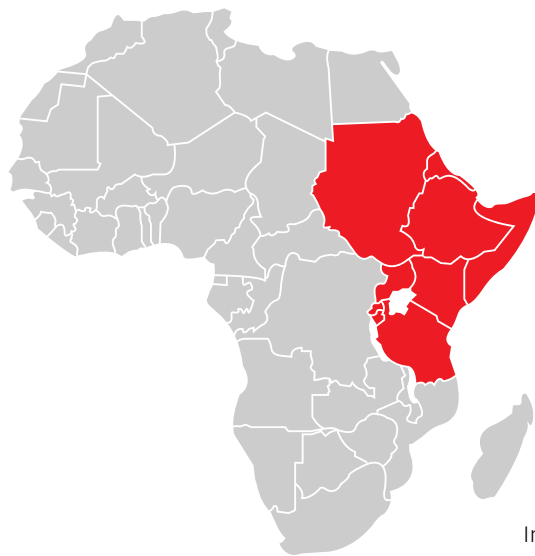
4.4. West Africa

The populations that self-identify as Indigenous Peoples are the Mbororo and Fulani, who are present throughout West Africa; from Gambia to Nigeria, including Cameroon. They are mainly pastoralists and, in the south, fisherfolks (e.g. Ogoni). Key challenges are recognition as self-identified Indigenous Peoples with a right to self-determination, and recognition of lands rights.

The sub-region is affected by climate change, compounded by exploitation of resources by private sector, energy transition, lack of participation and exclusion from benefits. Education is problematic; it is not adequate, and Indigenous children have limited access.

Especially pastoralist communities are affected by both climate change and conflicts and are sometimes labelled as terrorists. This is used as an excuse to exclude them in policies and let them suffer from hunger when they cannot find grazing.

The Special Rapporteur should visit that part of Africa.



4.5. East and Horn of Africa

In Kenya, Uganda, Ethiopia, South Sudan and Tanzania, most Indigenous Peoples do not benefit from laws to protect their lands. Hence, the issue of lands cuts across all countries as a priority. There is also a long history of oppression of traditional hunter-gatherers and pastoralists due to conservation. This is compounded by the effects of climate change.

Some countries have not committed to UNDRIP and, in some countries, favorable court orders remain unimplemented.

Indigenous youth is generally not familiar with human rights issues and need to be trained to understand rights. They should also be informed and motivated by the gains and the strategies that the Indigenous movement has done right: convey snapshot of successful community mobilization; see how communities conserve and protect nature. Solutions include budget increase for ministries/institutions dealing with Indigenous Peoples; capacity-building and awareness raising, including on issues such as recognition of Indigenous Peoples and understanding of their lifestyles.

V. Input for thematic reports of the Special Rapporteur

Participants discussed the topics of the Special Rapporteur's thematic reports planned for 2025 and provided input on these topics from an African perspective.

5.1. Recognition by States of Indigenous Peoples

In Africa, the lack of recognition is a main challenge across the region. It is intertwined with the non-recognition of rights to land and resources and rights to identity, practices, cultures and livelihoods.

The question of who are Indigenous Peoples in Africa has already been analyzed and resolved by the ACHPR. There is no need to go back to discussion of definitions. Rather, the common approach should be to help countries and civil society case by case see to better master the concept of Indigenous Peoples, in a constructive and positive manner. The Special Rapporteur has an important role in contributing to such processes.

Some governments state that all citizens of their countries are Indigenous. However, when it relates to accessing money, e.g. from the World Bank, governments are ready to acknowledge the existence of Indigenous Peoples.

There is growing concern over the conflation of Indigenous Peoples and local communities by some African governments and by donors. They want to recognize local communities at the expense of Indigenous Peoples. This will take us back from achievements in recognition of Indigenous Peoples' rights. At the global scale, the Special Rapporteur should clarify the risks of conflating Indigenous Peoples and local communities.



I don't need anybody to assess whether I'm Indigenous or not. I know who I am,

Workshop participant.

5.2. Land demarcation, registration and titling

Participants shared a wealth of knowledge, experiences and insights regarding land in the African region:



Land is Life:

- The question of land is related to existence. Land, languages and humans are tied together. Land determines our existence. Indigenous Peoples have lost a lot, they are defending the last pieces of land; after this they shall disappear. Let us remain with our last pieces of lands.



The colonial legacy:

- The mess with land tenure of Indigenous Peoples is common across Africa, due to colonization. Customary land rights prevailed before colonization and was then replaced by colonial legislation. The mess that we are trying to correct now is a result of colonization. French and British colonization left different legislative systems. The British practice was not a written law, while French colonization introduced French legislation in our countries.
- In North Africa, states were created by European colonizers. Before colonization, land belonged to communities and tribes; it could not be sold and could not be individual property. The French colonizers said that to prove you are owner, you need a title deed - but that is not our custom. The colonizers took our land and broke the Indigenous societies, the local governance structure, that allowed us to manage our affairs locally.

When the colonialist left, they left the control to the Arab people who came from the East. Colonization continued through religion and language, leading to loss of Indigenous identity. The State says we no longer have tribes and there is no recognition of communal land. Land can only be claimed as private title.



Displacement due to protected areas:

- Many Indigenous Peoples across Africa have experienced land grabbing and displacement due to establishment of protected areas.
- Conservation organizations want to increase conservation areas to 30%, in line with the 30 x 30 target of the Global Biodiversity Framework. Already, almost 50% of Maasai land is conservation area (Serengeti, Ngorongoro, game reserves etc.). If that is further increased, it will result in evictions of pastoralists and hunter-gatherers.



Land titling:

- If you get a paper, it increases security of tenure. The paper is more important than your inherent rights. When land is registered, it improves tenure security. This, however, only works if there is rule of law, if government respects land titles.
- There has been some progress, on land titling, including through World Bank funding for governments. In Tanzania, lands of the Hadzabe were titled in Mbolu and Kalama districts.
- There are different land tenure systems and legal regimes in East Africa. In Tanzania, communal land titles, are supposed to give security of tenure. However, there is now conflict between those titles and conservation laws. Tenure is overruled by conservation. Land is acquired by force, and people are evicted despite titles. Paper is not enough if there is no rule of law or political will. In Kenya, when land is registered, you can organize yourself as a conservancy.



Trust lands:

- The President of Tanzania is trustee of all land and can do anything with community land in interest of the nation. Defining the interest of the nation is a different case.



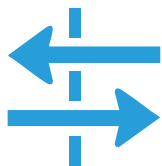
Access to remedy:

- International court cases (through ACHPR), help when communities have exhausted national remedies.



Mapping pastoralist land use:

- Government calls our land for “empty land” as it does not recognize the pastoral way of life. We depend on our livestock grazing these areas, but government calls it empty land, as there are no houses. We know where there is grazing in dry and wet season, where there is salt lick, but this is not documented. Therefore, we map and explain the details of land use within our community and produce a report to get certification of those traditional lands. After certification, we lobby for the communal grazing land to be gazetted by the Ministry of Livestock. The certificate can register farming, grazing, community forest and sacred sites within the land.
- We do not traditionally demarcate our lands, but we have traditional knowledge of what areas belong to which tribes. Customary rights are recognized, but protection is very weak, and is further undermined by economic crises, climate change and the security crisis, which has led to millions of Internally Displaced Persons in West Africa.



Cross-border cooperation:

- The British colonization of Kenya and Tanzania put Maasais on both sides of the border. Cultural ceremonies bring communities together from both sides. The East African community has not put in place policies or legal frameworks to reflect those practices. This is not only a cultural but also a livelihood issue, as mobility is a key pillar for pastoralists to mitigate and adapt to climate change. Without mobility, we are more vulnerable to drought. Because of the border, Tanzanian Maasai are accused of hosting Kenyan Maasai, but the border is against our cultural practices.
- East-African governments should allow cross-border mobility for livelihood, cultures, conservation etc. They can learn from good practice from the Latin American region and the Nordic countries that facilitate cooperation among Saami etc.
- Kenya has signed the IGAD Transhumance Protocol. This could be a starting point for Kenya to explore possibility of developing a protocol with Tanzania.



The ripple effect of evictions:

- During evictions in Tanzania, people and livestock were put in trucks and taken to lands already occupied by other Maasai communities. These communities were not informed or consulted. They are the same people, but the land will be overcrowded and does not have capacity to handle all the people and livestock. This is creating a serious conflict between Maasais themselves.



Kenya:

- Kenya is a country of diverse communities and land-uses. Kenya recognizes: 1) public land, 2) private land, 3) community land, which constitute 70% of the territory. Indigenous Peoples have faced historical dispossession

during colonial time and their community land has never been registered. Indigenous Peoples regard the land as theirs; they have spiritual sites, it is linked to their traditional knowledge and livelihood. However, the same land may be declared as public and used by government for conservation, carbon credit, among other purposes. Indigenous peoples are therefore at the forefront of securing community land. The Ogiek and Endorois took their cases to the ACHPR.

- The Kenyan constitution of 2010 recognizes community land, and some communities got land rights in accordance with the Land law of 2016. It is a long and expensive process, and many more are still trying.
- We need to highlight the economic arguments for land rights; pushing Maasai off their lands has economic consequences, including for tourism etc.



Beyond land registration:

- Beyond registration, the question is how to manage that land and protect it from alien interests; how to make land titling meaningful to the community. Owning 10 million HA of land, while communities are still impoverished, is not good enough. Economic self-determination is the baseline, in addition to spiritual and cultural meaning. Land must make economic sense.
- In Kenya, the main focus is on land registration, but Laikipia and Samburu districts are slightly ahead. In these areas, Indigenous Peoples are now developing land use and management plans as well as laws and by-laws developed by communities. These are based on maps capturing communities' memories (50 years back approximately) of all institutions, practices, land uses, access to water, ceremonies, etc. These cultural maps are then used to draw contemporary maps and to strengthen by-laws, including a commitment that land is for collective prosperity. Maps drawn by women, men and youth are completely different. Women's maps are more detailed. We ended up adopting maps drawn by women, as they indicate all details.
- In the future, we want these community by-laws to become part of the spatial plans of the country. This also implies that if investors or conservation agencies

come, the map already indicate community plans. They will then have to negotiate with the community and go through a free, prior and informed consent (FPIC) process. This can be done, even when communities do not have titles.



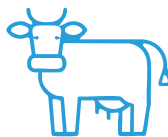
When Indigenous Peoples have already been displaced:

- In South Africa, most communities lost land during colonial and apartheid times and no longer live on their land. This is the reality of the majority of Indigenous Peoples in South Africa. In that context, we focus largely on FPIC, use traditional knowledge to get access to land. We undertake mapping, draw biocultural protocols that identify traditional lands, and test claims through court cases. This is a bio-cultural approach. We do not have any practices of demarcation and titling.



Rights and disadvantages:

- In Namibia, the Jul'hoansi and !Xung communities have tenure rights. These were recognized as during colonial time and maintained until today. This means they have free movement and can make customary use of the land. Other communities can come to our land and do business within a 5-kilometer radius of the bigger communities with schools and clinics, if the chief allows them. However, only inhabitants of the tribe have rights to go beyond the 5 kilometers, which is considered a Conservancy. This is a good thing. However, you need to have a title deed to get loan from bank. You can get a title deed within the 5-kilometer perimeter, but our people are not educated and do not know how to read and write. Therefore, they do not know how to get individual title deeds. This means that only outsiders benefit.
- In Western Africa, including in Nigeria, there is recognition of customary land rights. States grant land occupancy for 99 years, or customary ownership. The problem is to raise resources for developing the land. Banks do not recognize customary lands and title deeds are necessary for accessing both state and private resources.



Pastoralism:

- Pastoralists suffer from pejorative view on their practices and lands; therefore we need to value their ways of lives, cultures, and relationship with lands, which are essential in the fight against climate change. We must make pastoralists' contribution to mitigation visible and highlight the use of traditional knowledge for adaptation.
- Pastoral communities constitute 20% of the population in Ethiopia. Land is the subject of a full conflict. In the 20th century, land became privatized, but there was no private ownership in pastoral communities. In 1974, the military government declared that all land belongs to the government, without considering pastoral notions of collective lands. When land became state property, it paved the way for massive corruption as large tracts of lands were given to "developers", both local and foreigners. This resulted in conflicts with pastoral communities in many parts of Ethiopia, which have never been resolved. Many pastoralists were evicted to give space for state farms and parks. Those evicted have been appealing for the return of their lands; some for 60 years, but nothing has been done. Pastoralist organizations have been involved in advocacy with the new government, which came up with a Policy on Pastoral Development. The initiative was welcomed, but it is a deception. The policy provides for agricultural production in pastoral areas, which is a conflict of interests. Pastoralism is about livestock, not agriculture. The government is asking pastoralists to become farmers; this will again ignite conflict for many years to come.

VI. Other thematic issues addressed at the workshop



6.1. Peace and security

Often, Indigenous communities in remote areas are completely abandoned by the States. Then they become easy prey for other forces, such as armed groups or organized crime. Then, States start seeing Indigenous Peoples as enemies or terrorists. Thereby, States are acting against their own interests.

Indigenous Peoples live in remote areas with little state presence; they have the traditional knowledge for living in hostile environments and climates. States must see these Indigenous Peoples as partners in solutions, not enemies. There has been some progress of States entrusting Indigenous Peoples with land and natural resources. Now, there is a need to trust Indigenous Peoples as security actors.



6.2. Carbon credits

The issue of carbon credits has rapidly emerged as a central discussion in many communities. It is linked to land rights, and the fundamental question is who have the carbon rights. In some areas, Indigenous Peoples are proponents of carbon credits; in other contexts, they protest carbon credits. This is creating divisions and only few fully understand the issues and implications. There is an urgent need to better understand this issue, have technical analysis and discussions, so that communities can have clear picture of the implications of engaging, and come up with common positions.



6.3. The implementation challenge

After exhausting domestic remedies, Indigenous Peoples in Africa have made use of national, regional and international human rights mechanisms, to seek redress and reparations for human rights violations. They feel their only hope is through such mechanisms, as they otherwise don't get response from governments. In many cases, they have achieved favorable recommendations and court orders, including from the UN Special Rapporteur on the Rights of Indigenous Peoples and the African Court of Human and Peoples' Rights. The problem is that these recommendations and rulings remain unimplemented, even decades after they were submitted to governments.

UN mechanisms are by nature persuasive and not binding. These mechanisms are not perfect and do not have the power we would want them to have. But they are still the best possible allies that we have. The question is how these mechanisms, including the mandate of the UN Special Rapporteur, can contribute to push governments. There is a need to change strategy, to form alliances with broad support to engage with national governments and institutions to enable implementation of recommendations. One concrete starting point would be to ensure consistent monitoring and tracking of implementation of such recommendations.

VII. Ways forward

7.1. The need for a strategy

Participants agreed that there is a need for an overall regional strategy to advance Indigenous Peoples' rights in the African context. The challenges are twofold; on the one hand many governments do not have the political will to recognize Indigenous Peoples. On the other, the Indigenous movement in the region is fragmented, and not working together to address the big and burning issues. Even if different Indigenous organizations have different positions and views, they can still work together under a common strategy to address the common challenges..

Principles of a regional strategy for advancing Indigenous Peoples' human rights

The strategy should:

- Be firmly anchored in human rights and maximize the impact of the three-tiered human rights system:
 - o International human rights mechanisms (the UN Special Rapporteur and others),
 - o The regional human rights system (the African Commission and Court on Human and Peoples' Rights and its bodies such as the Working Group) and,
 - o National Human Rights Institutions.
- Ensure inclusivity by engaging Indigenous women, youth, children and persons with disabilities.
- Identify the burning issues and priorities that need to be addressed collectively.
- Acknowledge the differences between African sub-regions, and encourage the development of tailored approaches at sub-regional and national levels.
- Facilitate knowledge sharing, documentation of good practice, exchange of experiences, capacity-building and coordination.
- Strengthen the coordination, collective voice and engagement of African Indigenous Peoples in international forums and processes such as the UNPFII, EMRIP, UNFCCC, CBD and others.
- Build alliances with academic institutions, civil society and others, who can help build capacity and amplify the voices of African Indigenous Peoples.
- Work with States to identify good practice, push for policy and legislative change, and strengthen States' implementation of favorable laws and policies.
- Facilitate concerted efforts to address the

implementation gap related to recommendations and rulings of national, regional and international courts and human rights mechanisms.

Human rights anchorage

In the African context, Indigenous Peoples' rights must be anchored in the ACHPR, which is an institution established by the African Union, where all African States are members. Engagement with the ACHPR and its Working Group could include:

- Participation by UN officials and the UN Special Rapporteur on the Rights of Indigenous Peoples in ACHPR sessions and meetings of the Working Group.
- Inviting the Working Group chair and members to attend relevant events by UN, Indigenous Peoples and governments, e.g. sessions of the UNPFII and the EMRIP.
- Facilitating dialogue between current and former members of ACHPR Working Group and active Indigenous Peoples' organizations from across Africa
- Active participation by Indigenous organizations (including young leaders) in the sessions of the ACHPR and the preceding NGO Forum.

7.2. Priorities and operational approaches

Participants discussed the thematic priorities that a regional strategy should address. It was agreed that human rights is not a separate issue but cross-cutting and need to guide all actions on other thematic priorities.

The specific thematic priorities that need to be addressed are:

Recognition as Indigenous Peoples

Recognition by African governments as Indigenous Peoples with rights enshrined in the UN Declaration on the Rights of Indigenous Peoples is a top priority across the region. The struggle continues until all are recognized. Countering the conflation of Indigenous Peoples and local communities is also part of the struggle for recognition.

Lands and natural resources

Recognition of rights to lands and natural resources is a common priority across the region. Under this priority, operational approaches should address factors that currently undermine land rights (conservation, national parks, climate

change, green transition, tourism) and also highlight the enormous contribution of Indigenous Peoples and their livelihood practices (e.g. small-scale fishing, pastoralism) to biodiversity conservation, climate change mitigation and adaptation and sustainable development.

Peace and security

Throughout the continent, conflicts are causing poverty, undermining sustainable development and leading to violations of human rights. Indigenous Peoples should be positioned as partners and allies in achieving peace and security.

Climate change and just transition

Indigenous Peoples are severely affected by climate change but also become victims of human rights violations in the context of measures to combat climate change. For example, their land become the frontiers for expansion of land-based energy projects, carbon trading or extraction of critical minerals, without considerations for human rights.

Operational approaches

Operational approaches to address these priorities include:

- Conducting an annual African regional preparatory meeting to set priorities and coordinate engagement with regional and international processes (inspired by the Asia regional preparatory meeting, facilitated by the Asia Indigenous Peoples Pact).
- Securing invitation to the UN Special Rapporteur to undertake official country visits and/or academic visits to guide governments
- Submitting complaints to the Special Rapporteur under the “communications” procedure.
- Sensitization and awareness-raising of decisionmakers within governments and among the general population
- Document and share examples of good practice (e.g. on countries that have adopted legislation on Indigenous Peoples or Indigenous Peoples’ contribution to sustainable development).
- Capacity-building of key institutions, including ACHPR-related bodies, NHRIs, government institutions as well as Indigenous Peoples’ organizations and communities.
- Mapping of key institutions and resource persons who can be strategic partners and allies and drive the agenda forward.
- Mapping of supportive donors and resource mobilization to initiate agreed actions

7.3. Continuation of dialogue

Participants discussed how to build on the discussions and conclusions of the regional meeting and build a structure to continue the dialogue and follow-up on agreed action points.

The decisions were to:

- To establish a small task force for coordination with representation from all sub-regions and major networks such as invite all networks; IPACC, REPALEAC and ICCA.
- Request IMPACT to coordinate and lead the process for the next 2 years.
- Start looking for resources to sustain the initiative.

Annex A:

List of participants

S/N	Name	Country	Organization
i.	Ademola Jegede	South Africa 	Ismail Mahomed Centre for Human and People's Rights, University of Venda, South Africa
ii.	Lesle Jansen	Cape Town 	Jamma International
iii.	Belkacem Lounes	Algeria 	Congrès Mondial Amazigh / Amazigh World Congress
iv.	Hawe Hamman	Cameroon 	AIWO_CAN
v.	Melakou Tegegn	Uganda 	Panel of Experts on Indigenous Peoples' Rights in Africa
vi.	Hannah Longole	Uganda 	Ateker Cultural Center
vii.	Marriane Jensen	Denmark 	IWGIA
viii.	Lola Garcia	Denmark 	IWGIA
ix.	Saoudata Walet	Burkina Faso 	Tin Hinan Association
x.	Espoir Tshakoma	DRC 	UN SRRIP
xi.	Barume Albert	DRC 	UN SRRIP
xii.	Litha Ogana	South Africa 	African Commissioner on Human and Peoples Rights
xiii.	Edward Porokwa	Tanzania 	PINGOs Forum
xiv.	Edward Loure	Tanzania 	UCRT
xv.	Gideon Sanago	Tanzania 	PINGOs Forum
xvi.	Joram Useb	South Africa 	IPACC
xvii.	Handaine Mohamed	Morocco 	IPACC
xviii.	Kendi Borona	Kenya 	Nia Tero
xix.	Fernanda Venzon	Brazil 	EDLC
xx.	Malih Ole Kaunga	Kenya 	IMPACT Kenya
xxi.	Jacqueline Macharia	Kenya 	Azimuth World Foundation
xxii.	Daniel Kobei	Kenya 	Ogiek Peoples' Development Program (OPDP)
xxiii.	Hon. Lowoi Josphat Lodeya	Kenya 	Minorities and marginalized Affairs executive office of the president
xxiv.	Alice Rana	Kenya 	IMPACT Kenya
xxv.	Siaanoi Bernice	Kenya 	IMPACT Kenya
xxvi.	Lucy Lemaikai	Kenya 	IMPACT Kenya
xxvii.	Elijah Lempairi	Kenya 	IMPACT Kenya
xxviii.	Brigite Feiring	Denmark 	Rapporteur during the Workshop
xxix.	Faith Nataya	Kenya 	Indigenous Information Network

S/N	Name	Country	Organization
xxx.	Irene Senei	Kenya	 IMPACT Board of Trustees Member
xxxi.	Charles Kibiwot	Kenya	 Minorities and Marginalized Affairs Executive Office of the President
xxxii.	Namwezi H Zitah	Kenya	 Minorities and Marginalized Affairs Executive Office of the President
xxxiii.	Marvin Orenge Olele	Kenya	 Minorities and Marginalized Affairs Executive Office of the President
xxxiv.	Raymond Nyeru	Kenya	 KNCHR
xxxv.	Elijah Toirai	Kenya	 Conservation international
xxxvi.	Christine Kandie	Kenya	 Endorois indigenous Women organization
xxxvii.	Magarida Ravara	Portugal	 EDLC
xxxviii.	Fiesta Achayo Warinwa	South Sudan	 AICA
xxxix.	Salina Sanou	Kenya	 FSC-IF
xl.	Hamisi Mzee	Kenya	 Indigenous Information Network
xli.	Timothy Hinga	Kenya	 Indigenous Information Network
xlvi.	Abdulrahman Kimangi	Kenya	 Indigenous Information Network
xlvi.	Aziz Ramndani,	Kenya	 Indigenous Information Network
xliv.	Kamichina Meshami	Kenya	 Traditional elder for opening prayers
xl.	Nanyoe Silele	Kenya	 Traditional elder for opening prayers
xlvi.	Naomi Kipuri	Kenya	 TICA
xlvi.	Ndinina Loure	Tanzania	 UCRT
xlvi.	Koninah Edward	Tanzania	 UCRT
xl.	Joseph Ole Simel	Kenya	 MPIDO
l.	Vital Bambanze	Burundi	 L'Unissons nous pour la Promotion des Batwa (UNIPROBA) / United Nations Permanent Forum on Indigenous Issues (UNPFII)
li.	Diel Mochire	DRC	 REPALEAC
lii.	Hindou Oumarou Ibrahim	Chad	 International Indigenous Peoples Forum on Climate Change / United Nations Permanent Forum on Indigenous Issues (UNPFII)
lii.	Veronica Gonzalez	Chad	 International Indigenous Peoples Forum on Climate Change /

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Their support enabled Indigenous leaders, community representatives, and advocates from across the continent to share experiences, build alliances, and strengthen strategies for meaningful engagement with the UN human rights mechanisms. We recognise and deeply value their dedication to amplifying Indigenous voices and to fostering inclusive dialogue that advances justice, equity, and the recognition of Indigenous rights. This report stands as a testament to their partnership and to the collective efforts of all who contributed to the success of the meeting.





STRATEGIC ENGAGEMENT WITH THE UN SPECIAL RAPPORTEUR ON THE RIGHTS OF INDIGENOUS PEOPLES

Africa Regional Meeting

5-6 March 2025, Boma Hotel, Kenya

