

## ***Indigenous Rights in Commonwealth Africa***

On 16<sup>th</sup>-18<sup>th</sup> October, 2002, the Indigenous Rights in the Commonwealth Project held an expert regional meeting on Indigenous Rights in Commonwealth Africa on association with the Indigenous Peoples of Africa Coordinating Committee (IPACC), in Cape Town, South Africa.<sup>1</sup>

The purpose of the meeting was for Indigenous Peoples and experts from Commonwealth African countries to discuss the issue of Commonwealth responsibility to Indigenous Peoples in Africa.

The meeting sought to bring to an end the invisibility of Indigenous Peoples in Commonwealth Africa.

The delegates called on the Commonwealth of fifty four nations to create greater awareness of the issues which affect Indigenous peoples in all its member countries.<sup>2</sup>

The meeting brought together approximately 20 Indigenous Peoples and experts from the following Commonwealth African countries: South Africa, Botswana, Namibia, Cameroon, Uganda, Nigeria, and Kenya. The meeting was also attended by Njuma Ekundanayo, African Government Representative to the United Nations Permanent Forum, Congo and Mr Les Malezer, Coordinator, Commonwealth Association of Indigenous Peoples (CAIP), Australia.

### ***Indigenous Rights in the Commonwealth Project***

The Indigenous Rights in the Commonwealth Project is a three year research/advocacy programme (2001-2004), designed to encourage the Commonwealth to include in its human rights programme a commitment to Indigenous rights. The Project is mandated to carry out research on Indigenous rights issues in twenty Commonwealth countries and, in association with Indigenous Peoples and organisations in the Commonwealth, to lobby the Commonwealth to address the needs of its Indigenous Peoples. The Project is funded by the European Commission and the Department for International Development (UK).

The Project is based at the Commonwealth Policy Studies Unit (CPSU), an independent think-tank, based at the University of London, UK, which conducts research and advocacy on human rights issues relating to the Commonwealth.

There are approximately 150 million Indigenous Peoples living in the Commonwealth, making up a third of the worlds' Indigenous Peoples. Yet wherever they may live, in an industrialised country or a developing one, Indigenous Peoples in the Commonwealth are frequently disempowered and subjected to discrimination with regard to jobs, education, welfare, culture, language and especially in relation to their land rights.

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<sup>1</sup> For further information on IPACC, see: [www.ipacc.org.za](http://www.ipacc.org.za)

<sup>2</sup> For a full list of the fifty-four members of the Commonwealth or further information on the association see: [www.thecommonwealth.org](http://www.thecommonwealth.org)

In 1979, the Commonwealth made a rare commitment to pay ‘special attention’ to ‘Indigenous minorities’ and to make ‘special provisions’ for ‘Indigenous populations’ in the Lusaka Commonwealth Declaration, issued at the Commonwealth Heads of Government Meeting, in Lusaka, Zambia, 1979.<sup>3</sup>

However, the Commonwealth has not followed up on this commitment. The Harare Commonwealth Declaration, 1991, which commits the fifty-four member states to protecting and promoting human rights, did not include any reference to the rights of Indigenous Peoples.<sup>4</sup>

Today, the Commonwealth is one of the last inter-governmental agencies to recognise and accept responsibility for the promotion and protection of Indigenous Peoples. While other inter-governmental agencies such as the UN, the EU, the ILO, CARICOM, and the OAS have been working hard to define and protect Indigenous Peoples’ rights, cultures and habitats, the Commonwealth has remained apparently oblivious to the situation of its most vulnerable citizens. This is the case despite the fact that many of the problems facing Indigenous Peoples today are the direct result of colonialism.

There is currently no Commonwealth consensus or policy as such on the rights of its Indigenous citizens. It is left up to each Commonwealth Government to respond to Indigenous People’s concerns in the context of their own national policies. The reality is that many of the fifty-four member states in the Commonwealth do not promote and protect the rights of their Indigenous Peoples.

It is time that the Commonwealth had an explicit position with regard to its Indigenous Peoples.

The establishment of the Indigenous Rights in the Commonwealth Project in early 2001 marked the beginning of an important process ensuring that the Commonwealth accepts its responsibility to Indigenous Peoples.

### ***Commonwealth Association of Indigenous Peoples***

The Project works closely with the Commonwealth Association of Indigenous Peoples (CAIP), which was established in 1999.<sup>5</sup> The Coordinator of CAIP, Mr Les Malezer, an Aborigine from Australia, is based in Geneva. CAIP is a pan-Commonwealth network of Indigenous Peoples, with members from all regions of the Commonwealth. CAIP had accreditation at the Commonwealth Heads of Government Meeting in Durban, 1999, and at the summit in Coolum in March 2002, and has been actively lobbying the Commonwealth at various fora since.

### ***Regional Expert Meeting, Cape Town, South Africa, October 16<sup>th</sup>-18<sup>th</sup> 2002***

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<sup>3</sup> For the full text of the 1979 Commonwealth Lusaka Declaration see: <http://www.thecommonwealth.org/whoweare/declarations/lusaka.html>

<sup>4</sup> For the full text of the 1991 Commonwealth Harare Declaration see: <http://www.thecommonwealth.org/whoweare/declarations/harare.html>

<sup>5</sup> For further details of CAIP see: [www.cpsu.org.uk](http://www.cpsu.org.uk)

As part of its commitment to conducting research on Indigenous rights issues in the Commonwealth, and in order to support and strengthening the pan-Commonwealth network of Indigenous Peoples, the Project is holding four regional expert meetings. The meeting held in Cape Town, South Africa, in October 16<sup>th</sup>-18<sup>th</sup> 2002, was the third such regional expert meeting.<sup>6</sup>

The two and a half day meeting was opened by Patrick McKenzie, Minister for Cultural Affairs, Provincial Government of Western Cape, who said: “*Indigenous Peoples in Commonwealth Africa have been systematically forgotten, as if they did not exist*”.

He said the “*horror*” of the genocide of the Khoi and the San in South Africa has not come to an end, and that the struggle for the human rights of Indigenous Peoples in Commonwealth Africa is not over.

Lucie Edwards, Canadian High Commissioner to South Africa, who hosted a Reception for the delegates, also participated in the meeting. In her paper, which contrasted Indigenous rights issues in Canada and Africa, she reflected on the issue of definition in the African context:

*‘While all Africans are native, they are not all considered indigenous, at least for the purposes of the global indigenous rights movement.’<sup>7</sup>*

During the meeting, the Indigenous representatives discussed the particular issues in South Africa, Botswana, Namibia, Kenya, Uganda, Cameroon, and Nigeria,<sup>8</sup> and they determined that the Heads of States and Government in Commonwealth African countries should, *inter alia*:

- Recognise the right of Indigenous Peoples to identify themselves as ‘Indigenous’;
- Make Constitutional provisions to promote and protect the rights of Indigenous Peoples;
- Note the cultural and linguistic diversity that Indigenous Peoples bring to Commonwealth African countries, and which are threatened by policies that marginalise and discriminate against Indigenous Peoples;
- Call for recognition and use of Indigenous languages in local education and media;
- Note the critical role that Indigenous Peoples play in sustainable development in Commonwealth African countries;
- Note and take lead from the South African Government’s efforts towards a full recognition of the rights of its Indigenous Peoples;
- Take a more active and supportive role in the United Nations Working Group on the Draft Declaration on Indigenous Peoples; and
- Observe with concern the fact that activities and programmes of transnational corporations and other organizations such as the World Bank, IMF, and WTO, impugn on the rights of Indigenous Peoples, and should pressurise these

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<sup>6</sup> For further details of the four regional expert meetings see: [www.cpsu.org.uk](http://www.cpsu.org.uk)

<sup>7</sup> For copies of all the papers presented at the meeting see: [www.cpsu.org.uk](http://www.cpsu.org.uk)

<sup>8</sup> For the full text of the Cape Town meeting Communiqué see: [www.cpsu.org.uk](http://www.cpsu.org.uk)

bodies to ensure that free, prior and informed consent of Indigenous Peoples is obtained in all matters of development that affect Indigenous Peoples.

Amongst the issues highlighted by delegates was the importance of Indigenous women's participation in local or national decision-making processes. Delegates noted with concern the multiple discrimination against Indigenous women in Commonwealth African countries and their poor access to health care, employment opportunities, and welfare facilities, preventing Indigenous women's essential contribution to the development processes of their communities.

***Commonwealth Heads of Government Meeting, Abuja, Nigeria, December 2003***

At the meeting, Indigenous Peoples called on the Commonwealth African Heads of State to ensure that at the next Commonwealth summit, to be held in Abuja, Nigeria, in December 2003, Heads of State include in their Declaration a commitment to promote and protect the rights of Indigenous Peoples. Delegates expressed the hope that the South African Government, as Chair of the African Union, would take the initiative.

At the United Nations World Summit on Sustainable Development (WSSD), Indigenous Peoples lobbied hard to get Paragraph 22 accepted into the Declaration. The strategy was to formulate and agree upon one sentence and to push for that to be adopted. A similar strategy should be pursued by Indigenous Peoples in the run up to the Commonwealth summit in Nigeria, 2003. One sentence should be formulated and agreed upon by Indigenous Peoples in the Commonwealth to be presented at the summit for inclusion in the Declaration.

In order to encourage Heads of State to accept this sentence, it should be closely based on the commitment made in the Lusaka Commonwealth Declaration, 1979, whilst ensuring that the term "Indigenous Peoples" is recognised. Such a statement could read: *'We recognise that the history of the Commonwealth and its diversity require that special attention be paid to the situation of Indigenous Peoples.'*

The delegates to the Cape Town meeting were united in their fight for recognition of the rights of Indigenous Peoples in Commonwealth countries. Delegates stressed that the time had come for the issue of Indigenous Peoples' rights to be put firmly on the Commonwealth agenda.

**For further information on the Indigenous Rights in Commonwealth Africa meeting or about the Indigenous Rights in the Commonwealth Project contact: Dr Helena Whall, Project Officer, Commonwealth Policy Studies Unit (CPSU), [hwhall@sas.ac.uk](mailto:hwhall@sas.ac.uk) or see the CPSU website: [www.cpsu.org.uk](http://www.cpsu.org.uk)**