

Indigenous Peoples and the Commonwealth: Reflections on the Abuja CHOGM, December 2003

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The Commonwealth remains a quarter of a century behind the United Nations in regards to recognition and protection of the human rights of Indigenous Peoples, and has lost an opportunity to modernise its values.¹

This remark was made by the Commonwealth Policy Studies Unit (CPSU) and the Commonwealth Association of Indigenous Peoples (CAIP) in their Abuja Press Release, 'Communiqué Fails the Challenge of the Decade', following the failure of Heads of Government to make reference to the rights of indigenous peoples in the Aso Rock Declaration.

The Abuja Commonwealth Heads of Government Meeting (CHOGM) was the last occasion for Commonwealth leaders to review their commitment made in Lusaka, 1979, to the rights of the approximately 150 million indigenous peoples living in the Commonwealth, before the end of the United Nations International Decade on the World's Indigenous People (1995-2004).

Commonwealth Policy Studies Unit

During 2001-2004, the CPSU, an independent think-tank, based at the University of London, which conducts research and advocacy on contemporary policy issues concerning the Commonwealth, has been home to the Indigenous Rights in the Commonwealth Project. The research based advocacy Project has tried to sensitise the Commonwealth association – at both the official and unofficial level - to the need to recognise the rights of indigenous peoples and to place the issue firmly on the Commonwealth agenda.

Research undertaken by the Project on the status of indigenous peoples in twenty Commonwealth countries highlights the markedly similar experiences of indigenous peoples living in the Commonwealth - whether they live in an industrialised country or a developing one, in a rural or urban area, indigenous peoples routinely suffer from discrimination, social, economic and political marginalisation and poverty.

The CPSU believes it is time the Commonwealth came into line with current international thinking and formulated an explicit position on indigenous peoples. In 'Recognising and Protecting Indigenous Peoples Rights in the Commonwealth', the CPSU Memorandum to the Abuja CHOGM 2003, the CPSU urged Heads of Government to include a statement on indigenous rights in the Abuja Declaration.²

The Project, which concludes in March 2004, is funded by the European Commission and the Department for International Affairs (DfID), UK.³

Commonwealth Association of Indigenous Peoples

The CPSU has worked closely with CAIP, a pan-Commonwealth network of indigenous peoples, established in 1999.⁴ CAIP actively lobbies the Commonwealth and its member states at both Commonwealth and UN fora to recognise the rights of indigenous peoples. In its Abuja CHOGM Press Release, 'Invisible Peoples in the Commonwealth', CAIP called for Heads of Government to make a strong statement in support of indigenous peoples. It stated: "CAIP believes that most governments support the view that CHOGM can, and should, acknowledge the needs of Indigenous Peoples." It went on to say the "invisibility" of indigenous peoples "needs to be addressed, because it allows a history of inattention to continue, at the regional, national and local levels of government."⁵

Indigenous Peoples and the Commonwealth

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, Zambia, 1979.

However, Commonwealth Heads of Government have not followed up on this commitment, nor have they acknowledged the UN Decade. To date, the Commonwealth, unlike most other inter-governmental and regional associations, like the UN, the European Union, the Caribbean Community (CARICOM), the African Union, and the Organisation of American States, has no official policy on the rights of indigenous peoples – it is left up to each member state to decide upon their own policy for indigenous peoples. The reality is that many Commonwealth member states do not promote and protect the rights of their indigenous peoples and continue to turn a blind eye to international norms concerning indigenous rights.

Commonwealth Peoples' Forum, Abuja, December 2003

Fourth Dialogue on Indigenous Rights in the Commonwealth

As part of the Commonwealth Peoples' Forum, the CPSU, in association with CAIP, organised its Fourth 'Dialogue on Indigenous Rights in the Commonwealth'.⁶ The Dialogue, which was the only forum-related activity that focused on the rights of indigenous peoples, included indigenous speakers from Australia, New Zealand and Nigeria. There was a consensus at the Dialogue that it is time the Commonwealth adopt a policy on indigenous peoples.⁷

It was noted that the indigenous peoples living in Abuja and the Federal Capital Territory had experienced displacement and loss of lifestyle due to the development of the national capital and the Statement of the Dialogue called on the government of Nigeria to renew its efforts to provide them with compensation.

Civil Society Meeting on Development and Democracy

The rights of indigenous peoples was placed firmly on the agenda of the Civil Society Meeting on Development and Democracy - a three-day meeting of representatives of civil society organisations from across the Commonwealth - including indigenous peoples, organised by the Commonwealth Foundation. The Abuja Civil Society Statement included a paragraph on 'The rights of Indigenous Peoples and the right to Self-determination':

In this, the penultimate year of the UN Decade for Indigenous Peoples, we ask the Commonwealth to acknowledge that many Indigenous Peoples in the Commonwealth continue to be significantly disadvantaged and that special measures should be encouraged to overcome the continuing effects of racism, colonialism, or globalisation, with their full participation and consent. Further, we urge the establishment of mechanisms to guarantee the rights to self-determination of people in the overseas territories of member countries.

The Civil Society Meeting Press Release reiterated the importance of including indigenous peoples in the development process.⁸

Commonwealth Youth Forum

The issue of indigenous peoples, in particular, the impediments facing indigenous youth enterprises, was also discussed at the Abuja Commonwealth Youth Forum (CYF).⁹

Commonwealth Human Rights Forum

The rights of indigenous peoples was raised at the Commonwealth Human Rights Forum, however, disappointingly, the Communiqué made no reference to the rights of indigenous peoples.¹⁰ This is unfortunate since in 'Put Our World to Rights', 1991, one of the organisers of the Forum, CHRI, made indigenous rights one of its eight human rights priorities for the Commonwealth. The CHRI recommended:

Commonwealth human rights policy must recognise the special situation of Indigenous and tribal peoples. It must recognise their marginalisation, their vulnerability and the legitimacy of their goals of distinct group survival.¹¹

Commonwealth Heads of Government Meeting, Abuja, December 2003

Aso Rock Declaration, Abuja, 2003

Unfortunately, despite the concerted lobbying of the CPSU and CAIP, Heads of Government made no reference to the rights of indigenous peoples in the Aso Rock Declaration. In its Press Release the CPSU and CAIP stated: "The Commonwealth has not lived up to its claims of human rights and equality for all citizens." It went on: "Indigenous Peoples remain the most disadvantaged

and oppressed peoples throughout the Commonwealth, and are suffering from ongoing colonialism and racism.”

Report of the Commonwealth Expert Group on Development and Democracy

However, the Report of the Commonwealth Expert Group on Development and Democracy, ‘Making Democracy Work for Pro-Poor Development’, endorsed by Commonwealth Heads of Government in Abuja, clearly recognises the serious economic, social, and political marginalisation faced by indigenous peoples in the Commonwealth. The Expert Group notes:

Around half of the world’s 300 million indigenous peoples live in the Commonwealth, and frequently suffer discrimination, intolerance and prejudice, and violation of their land rights.¹²

Looking ahead - Malta CHOGM, 2005

Despite the setback at the Abuja summit, as their Press Release states, ‘The CPSU and CAIP will continue the campaign for reform in the Commonwealth’. While the Indigenous Rights in the Commonwealth Project will conclude its work this spring, CAIP will continue to lobby the Commonwealth and its member states to ensure that the rights of indigenous peoples are recognised in the Malta Commonwealth Declaration, 2005.

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¹ For a copy of the CPSU/CAIP Press Release, December 8th, see:
<http://www.commonwealthpeople.com/main.htm>

² For a copy of the CPSU Memorandum, Abuja 2003, see:
http://www.cpsu.org.uk/projects/indigenous/indig_advoc.htm

³ Further details of the Indigenous Rights in the Commonwealth Project can be found on the CPSU website: www.cpsu.org.uk

⁴ Further details about CAIP can be found on the CPSU website at:
<http://www.cpsu.org.uk/projects/CAIP.HTM>

⁵ For a copy of the CAIP Press Release, December 1st, see:
<http://www.commonwealthpeople.com/main.htm>

⁶ For a copy of the CPSU Report of the Dialogue see:
http://www.cpsu.org.uk/projects/indigenous/indig_advoc.htm

⁷ For a copy of the Statement issued at the Dialogue see:
<http://www.commonwealthpeople.com/main.htm>

⁸ For a copy of the Civil Society Meeting Statement, December 3rd, and Press Release, December 6th, see: <http://www.commonwealthpeople.com/main.htm>

⁹ CYF Abuja Communiqué, Section 3, ‘Resource Management Frameworks’, p. 17.

¹⁰ For a copy of the Communiqué from the Human Rights Forum, December 3th - 4th, see:
<http://www.humanrightsinitiative.org/>

¹¹ For a copy of ‘Put our World to Rights’ see <http://www.humanrightsinitiative.org/>

¹² For a copy of the Report see: <http://www.thecommonwealth.org/>