



DOCIP CONFERENCE

INDIGENOUS PEOPLES RIGHTS SAFEGUARDS IN AFRICA

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By

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AFRICAN UNION

- African Charter on Human and Peoples' Rights
- African Commission on Human and Peoples' Rights
- Working Group on Indigenous Populations /Communities in Africa
- The African Charter on the Rights and Welfare of the Child;
- The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa;
- The Protocol to the African Charter on Human and Peoples' Rights on the establishment of an African Court on Human and Peoples' Rights
- African Union Policy Framework for Pastoralism in Africa

AFRICAN DEVELOPMENT BANK GROUP

- ▣ Integrated Safeguards System (ISS):
- ▣ Policy Framework for Development and Indigenous Peoples in Africa:
- ▣ *AfDB's policies are designed to promote environmental sustainability and to prevent and mitigate undue environmental and social harm by integrating environmental and social management plans into its programmes and projects*

UNITED NATIONS

- United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)
- UNDP Policy on engagement with Indigenous Peoples based on its mandate from the Charter of the United Nations
- Universal Periodic Review (UPR) Mechanism of the United Nations
- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)

There is an obligation on African states to honour rights granted to indigenous peoples under common article 1 of the ICCPR and ICESCR, as well as article 27 of the ICCPR

UN CONTD'....

- Special United Nations Rapporteur for Indigenous Peoples
- United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)
- International Labour Organization (ILO) has elaborated a policy in support of Indigenous Peoples (with a special focus on Indigenous Peoples in Africa and Asia)
- ILO's Convention 169 is the only binding international instrument
- International Fund for Agricultural Development (IFAD)

UN CONTD'...

- The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD),
- The Convention on the Elimination of Discrimination against Women (CEDAW),
- The International Convention on the Elimination of All Forms of Racial Discrimination (CERD)
- The Convention on the Rights of the Child (CRC)
- United Nations Scientific, and Cultural Organization (UNESCO)

EUROPEAN INVESTMENT BANK (EIB) & THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT (EBRD)

- Both banks now require project promoters to ensure a free, prior and informed consent (FPIC) by affected people
- European Union recognizes Indigenous People based largely on the UN Declaration on the Rights of Indigenous Peoples.
- The EU supported the adoption of the UN Declaration on the Indigenous Peoples' Rights in 2007
- The European Union External Policy on Indigenous Peoples

MULTILATERAL INSTITUTIONS

- ▣ Department for International Development-United Kingdom (DFID)
- ▣ Danish International Development Agency (DANIDA)
- ▣ Norwegian Agency for Development Cooperation (NORAD)
- ▣ Global Environment Facility (GEF); the GEF identifies Indigenous People as pivotal partners in attaining the goals in conservation

THE WORLD BANK GROUP

- The World Bank Group: was the first multilateral development bank to introduce an Indigenous Peoples Policy. The World Bank's first policy on Indigenous Peoples was adopted in 1982 as Operational Manual Statement (OMS 2.34).
 - The policy focused on numerous areas including:
 - (a) the recognition and protection of Indigenous Peoples' land rights;
 - (b) the provision of health, education, and other services to Indigenous Peoples;
 - (c) the strengthening of government agencies responsible for protecting indigenous lands and providing services to IPs; and,
 - (d) the preparation of special components within World Bank-financed projects to address the needs of IPs

WB GROUP CONTD'...

Environmental and social safeguard policies;
The social safeguard policies on involuntary
Resettlement; and Indigenous Peoples
In 2018, the Environmental and Social
Framework (EFS) will come into effect and will
gradually replace the Safeguard Policies
The two sets of policies will operate in parallel
for about 7 years
The EFS builds on the experience and good
practice the Bank has developed implementing
the safeguards

QUESTION TO PONDER

□ With the existence of this array of safeguards, why is it that the situation of Indigenous Peoples in Africa is perpetually teetering on the brink?

□

ENDS

- Ashe
- Merci
- Asante
- Thank you