

ACHPR/Res.176(XLVIII)10:RESOLUTION ON THE DETERIORATING SITUATION OF INDIGENOUS PEOPLE IN SOME PARTS OF AFRICA

The African Commission on Human and Peoples' Rights meeting at its 48th Ordinary Session held in Banjul, The Gambia, from 10 to 24 November 2010

Recalling its mandate under the African Charter on Human and Peoples' Rights (African Charter) to promote and protect human and peoples' rights in Africa;

Underscoring the principle of non-discrimination recognized under Article 2 of the African Charter and other international human rights instruments particularly the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights;

Underscoring further that peoples' rights, including indigenous peoples rights, are recognized and protected under Articles 19, 20(1), 21 and 22 of the African Charter and the UN Declaration on the Rights of Indigenous Peoples;

Recalling ACHPR/Res.121 (XXXXII) 07: Resolution on the United Nations Declaration on the Rights of Indigenous Peoples adopted during the 42nd Ordinary Session of the African Commission held from 15 to 28 November 2007; (include NUE)

Concerned with the increased and continued killings of the Batwa in Burundi and the intended eviction of the Ogiek in Kenya;

Deeply concerned with the decision (add the number of the decision) of the HIGH Court of Botswana that have denied the San Bushmen of the Central Kalahari Game Reserve their right to access water within their ancestral lands;

Further concerned with the displacement of indigenous pastoralists in Tanzania from their ancestral lands;

Noting with concern the harassment, intimidation, arbitrary arrest, illegal detention and the killing of indigenous communities and their advocates in Burundi and Tanzania:

- I. **Urges** the Governments of Burundi and Botswana to investigate the violation of human rights committed against indigenous people within their respective territories and bring those responsible to justice;
- II. **Urges** the Government of Kenya to stop the intended eviction of the Ogiek community from Mau Forest and to facilitate the mapping of Ogiek territories;
- III. **Calls** upon the Government of Tanzania to recognize and respect the rights of indigenous communities in Tanzania.

