

ACHPR/Res. 372 (LX) 2017: Resolution on the Protection of Sacred Natural Sites and Territories

The African Commission on Human and Peoples' Rights, meeting at its 60th Ordinary Session held from 8 to 22 May 2017 in Niamey, Niger;

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

Bearing in mind the definition of "indigenous" in an African context, given in the report "Indigenous Peoples in Africa: The Forgotten Peoples?" (ACHPR, 2003), as consisting of several shared characteristics, most notably that "survival of their particular way of life depends on access and rights to their traditional lands and the natural resources thereon";

Recognising that sacred natural sites are one of the oldest forms of culture-based conservation, defined as "areas of land or water having special spiritual significance to peoples and communities" (IUCN, 2008) and often harbouring rich biodiversity contributing to connectivity, resilience and adaptability of valuable landscapes and ecosystems;

Recognising the centrality of sacred natural sites and territories to protecting and supporting the relationship between peoples, land and culture, especially for indigenous populations/communities;

Recognising also that custodian communities, who maintain customary governance systems to protect sacred natural sites and territories, play an essential role in preserving the traditional values of Africa, and require legal recognition and support to do so;

Recalling international treaties that support the protection of sacred natural sites, including the UNESCO Universal Declaration on Cultural Diversity (2001), the UNESCO Convention for the Safeguarding of Intangible Cultural Heritage (2003), the UNESCO Convention on the Protection and Promotion of Diversity of Cultural Expressions (2005) and the United Nations Declaration on the Rights of Indigenous Peoples (2007);

Recalling the preambular text to the African Charter relating to the importance of peoples' rights in addition to, and in harmony with, fundamental and individual human rights;

Recalling the provisions of Articles 22 and 24 of the African Charter relating to the right of peoples to economic, social and cultural development and the right of peoples to a satisfactory environment favourable to their development;

Recalling its Resolution ACHPR/Res.73 (LXXIII) 04 on the importance of economic, social and cultural rights;

Recalling also its Resolution ACHPR/Res.51 (LI) 00 on the rights of indigenous populations/communities as well as Resolutions ACHPR/Res.257 (CCLVII) 13 and ACHPR/Res.197 (CXCVII) 11 which relate to the protection of the land rights of specific indigenous communities;

Welcoming the support already undertaken for sacred natural sites and territories by States Parties, including Benin's 'Sacred Forest Law' and the regional protection in areas such as Sheka and Bale in Ethiopia;

Concerned by the continued rapid growth of environmentally damaging industrial activity and infrastructure development which cause irreparable damage and which impact, directly or indirectly, on sacred natural sites and territories;

Concerned that many governments do not have laws, policies or appropriate measures to protect sacred natural sites and territories;

The Commission:

1. Calls on States Parties to recognise sacred natural sites and territories, and their customary governance systems, as contributing to the protection of human and peoples' rights.
2. Calls on States Parties to uphold their obligations and commitments under regional and international law on sacred natural sites and territories and their customary governance systems, and the rights of custodian communities.
3. Urges States Parties, civil society, businesses and other stakeholders concerned to recognize and respect the intrinsic value of sacred natural sites and territories.

Done in Niamey, Republic of Niger, on 22 May 2017