

Resolution on the recognition and protection of the right of indigenous and local populations in Africa to participation, governance and use of natural resources - ACHPR/Res. 489 (LXIX)2021

Dec 29, 2021

The African Commission on Human and Peoples' Rights (the Commission), meeting on the occasion of its 69th Ordinary Session, organized virtually from November 15 to December 5, 2021;

Recalling its mandate to promote and protect human and peoples' rights in Africa under Article 45 of the African Charter on Human and Peoples' Rights (the African Charter);

Recalling its Resolution ACHPR/Res.51 (XXVIII) 2000, adopted by its 28th Ordinary Session and relating to the creation of a Working Group on Indigenous Populations/Communities (the Working Group) to promote and protect the rights of the continent's indigenous populations/communities;

Taking into consideration Articles 21 and 22 of the African Charter which guarantee the right of all peoples to freely dispose of their wealth and natural resources and their right to economic, social and cultural development with strict respect for their freedom and their identity and concerning the equal enjoyment of the common heritage of humanity;

Bearing in mind the Report of the Working Group on the Rights of Indigenous Populations/Communities in Africa, adopted in 2003, by its 28th Ordinary Session, which recognizes, in particular, that the protection of rights to land and natural resources is essential to the survival of indigenous populations/communities in Africa;

Noting the worsening of rural poverty in the world, particularly on the continent, the loss of wildlife and habitats, the non-participation of communities in decision-making and the failure to respect the specific rights of populations indigenous and local in Africa;

Concerned that the rapid changes facing Africa in terms of increasing poverty and inequality and that the impacts of climate change and increasing land transformation could destabilize the continent's economies;

Recognizing the role of indigenous peoples & local communities in the management of wild flora and fauna resources on their land;

Aware that indigenous communities are on the front line in the fight to protect natural resources and against illegal wildlife trade;

Noting that a key element of Africa's economic potential lies in its biodiversity and wildlife economy, as well as the use of Community-Based Resource Management, that community-based conservation efforts offer a unique competitive advantage in combating poverty and build resilient indigenous and local communities;

Recognizing and respecting the right to participation, governance and use of natural resources of indigenous populations and local communities as shareholders and not as simple stakeholders;

The Commission :

1. Calls on African States to recognize the rights of indigenous populations & communities to the conservation, control, management and sustainable use of their natural resources, particularly wild fauna and flora;
2. Urges African States to take the necessary measures to strengthen governance and community institutions;
3. Strongly encourages Governments, indigenous and local populations, intergovernmental organizations, national human rights institutions, civil society organizations and academic institutions to assist the Working Group on Populations/Communities and Minorities indigenous people in Africa to strengthen and improve the local capacities of communities to administer and use their natural resources in a sustainable manner and to benefit from them;
4. Instructs the Working Group, through the Commission, to support indigenous communities and minorities, with regard to their rights to natural resources in the territories where they live;

5. Encourages States to adhere to the Guidelines and Principles for Status Reporting under Articles 21 and 24 of the African Charter relating to extractive industries, human rights and the environment

Done virtually, December 5, 2021