



REPUBLIC OF KENYA



REPORT OF THE ADVANCED HUMAN RIGHTS COURSE (AHRC) ON THE RIGHTS OF INDIGENOUS PEOPLE IN AFRICA, 2025

UNIVERSITY OF PRETORIA 24th – 30th November 2025



Published by
National Gender and Equality Commission
1st Floor, Solution Tech Place, 5 Longonot Road, Upper Hill, Nairobi
P.O BOX 27512-00506
Nairobi, Kenya
Mobile: +254 (709)375100
Toll Free: 0800720187
www.ngeckkenya.org
Twitter: @NGECKENYA
www.facebook.com/NGECKKenya

Kisumu Regional Office
Reinsurance Plaza, 3rd Floor, Wing B,
Oginga Odinga Street,
Kisumu Town.

Nakuru Regional Office
Tamoh Plaza, 1st Floor, Kijabe Street,
Nakuru Town.

Garissa Regional Office
KRA Route off Lamu Road, Province,
Garissa Town.

Kilifi Regional Office
Malindi Complex, off Lamu-Malindi Road,
Malindi Town.

Kitui Regional Office
Nzambani Park, off Kitui Referral Hospital Road,
Kitui Town.

Isiolo Regional Office
County Estate, Along Kiwanjani Road
Isiolo Town



Usawa kwa Wote: Equality for All

VISION

An inclusive society free from gender inequality and all forms of discrimination

MISSION

To promote and protect gender equality and freedom from all forms of discrimination in Kenya, especially for Special Interest Groups through ensuring compliance with policies, laws and practice

CORE VALUES

***Dignity
Equality
Teamwork
Integrity
Inclusivity***

Table of Contents

1.0 INTRODUCTION	1
1.1 About the Course	1
1.2 Introductory Remarks.....	1
2.0 SESSION PRESENTATIONS.....	3
2.1 Presentation Title 1: The concept of indigeneity in Africa, the general outlook of the situation of Indigenous Peoples in Africa	3
2.2 Presentation Title 2: Indigenous Peoples’ Land Rights In Africa: Legal Basis, Scope, Right Holders, Jurisprudence and Challenges	4
2.3 Presentation Title 3: International Human Rights Mechanisms and the Rights of Indigenous Peoples.....	5
2.4 Presentation Title 5: Enhancing the Participation of Indigenous Peoples in the United Nations.....	5
2.5 A Presentation of IWGIA’s Yearbook The Indigenous World 2025	6
2.6 Presentation Title 6: Indigenous Peoples' rights in the African regional human rights system.....	8
2.7 Presentation Title: The Rights of Indigenous Children in Africa	9
2.8 Presentation Title 7: Strategic Litigation on the Rights of Indigenous Peoples in Africa: The Ogiek and Endorois Cases	10
2.9 Presentation Title 8: Indigenous Peoples, Climate Change, and Climate Change Processes	12
2.10 Presentation Title 9: Business and Indigenous Peoples’ Rights – Tensions Between Enterprises and Livelihoods in the Congo Basin	13
2.11 Presentation Title 10: Conservation and Indigenous Peoples in Africa	14
2.12 Presentation Title 10: The Right to Free, Prior, and Informed.....	15
2.13 Presentation Title 11: The Rights of Indigenous Women in Africa	16
2.14 Presentation Title 12: Indigenous Peoples and Intellectual Property Rights..	17
2.15 Presentation Title 12: The Right to Culture for Indigenous Populations in Africa.....	18
2.16 Presentation Title 13: Student Debate – How to Mainstream Indigenous Peoples’ Rights at a Country Level in Africa	19
2.17 Presentation Title 13: The Maasai of Loliondo and Ngorongoro (Tanzania) and the question of access to justice	20
2.18 Presentation Title 15: UN Treaty Bodies and Indigenous Peoples.	22
3.0 CASE STUDIES	25
3.1 Case Study 1: Lake Turkana Wind Power Project in Kenya	25
3.2 Case Study 2: The Rooibos community of South Africa	27

3.3 Case Study 3: The Batwa community of DRC	28
4.0 Award of Certificates, Closing and Reflections	30
5.0 A Visit to Lesedi Cultural village.....	32
6.0 A Summary of Participants	35

1.0 INTRODUCTION

1.1 About the Course

The Centre for Human Rights, Faculty of Law, University of Pretoria, hosted the 2025 Advanced Human Rights Course on the Rights of Indigenous Peoples in Africa from 24–30 November 2025. The Programme convened 60 participants, 40 attending in person and 20 joining online, representing diverse Indigenous communities, civil society organisations, legal practitioners, scholars, and human rights defenders across Africa.

The purpose of the annual advanced course was to deepen understanding of Indigenous Peoples' rights under international and regional human rights frameworks, enhance practical skills for advocacy and litigation, and strengthen continental networks engaged in advancing Indigenous rights. The course was coordinated by University of Pretoria staff in the Centre for Human Rights; Dennis Antwi and Mansah Amoah, with expert contributions from the United Nations, African Union institutions, universities, and Indigenous rights organisations.

1.2 Introductory Remarks

The Programme began with remarks from Prof. Ebenezer Durojaye, followed by key introductory presentations from: Dr. Albert K. Barume, UN Special Rapporteur on the Rights of Indigenous Peoples; Hon. Dr. Litha Musyimi-Ogana, Chairperson of the ACHPR Working Group on Indigenous Populations/Communities; Lola Garcia Alix (IWGIA) and Belkacem Lounes (UNPFII). The opening set the conceptual and legal foundations for Indigenous Peoples' rights globally and in Africa.

In his introductory remarks, Dr Barume commended the Centre for Human Rights for sustaining this important platform, which continues to shape informed, critical, and practice-oriented engagement on the rights of indigenous peoples across the continent. He observed that in Africa, particularly, indigenous peoples continue to face profound and persistent challenges, including loss of land and territories, marginalisation in political decision-making, discrimination, poverty, environmental degradation, and the impacts of climate change and large-scale development projects.

He pointed out that his mission is rooted in international human rights law, especially the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), along with various regional agreements and legal precedents, including those established by the African Commission on Human and Peoples' Rights. In Africa, he noted that the Commission's Working Group on Indigenous Populations/Communities has been a trailblazer in asserting that being indigenous isn't just about who got there first; it's about the ongoing patterns of marginalisation, unique cultures, ways of life, and identities that need safeguarding. He stressed that land, territories, and natural resources are crucial in discussions about Indigenous Peoples, highlighting that for them, land is not just an economic resource but the very essence of their identity, spirituality, culture, and survival. Unfortunately, across the continent, issues like evictions, land dispossession, and exclusion from conservation areas, extractive industries, and infrastructure projects continue to occur, often without any real consultation or consent. This situation highlights the pressing need to put Free, Prior and Informed Consent (FPIC) into practice as a genuine right, rather than just a box to check. He also brought up that though Indigenous peoples have contributed the least to climate change, they face its most severe consequences. He pointed out that IP's traditional knowledge systems hold valuable insights for adapting to and mitigating climate impacts. Therefore, protecting indigenous rights is essential for addressing climate and environmental challenges. He mentioned that courses like this are vital for developing the skills needed to turn these principles into action.

In her speech, the Chairperson of the Working Group on Indigenous Populations/Communities and Minorities of the ACHPR, Hon. Dr. Litha Musyimi-Ogana, highlighted that the African Commission on Human and Peoples' Rights has consistently emphasised that safeguarding the rights of indigenous populations, communities, and minorities is crucial for achieving equality, non-discrimination, and human dignity across Africa. Through the Commission's efforts and its Working Group, they continue to clarify the responsibilities of states to acknowledge indigenous peoples as rights holders, especially concerning land, natural resources, culture, participation, and development. She pointed out that truly protecting the rights of indigenous peoples requires turning these standards into action through legislation, policy changes, strategic litigation, and inclusive governance. She urged meaningful discussions that reflect the real-life experiences and voices of indigenous



communities, stressing the importance of collaboration with regional and national institutions to promote justice, inclusion, and sustainable development throughout the continent.

2.0 SESSION PRESENTATIONS

2.1 Presentation Title 1: The concept of indigeneity in Africa, the general outlook of the situation of Indigenous Peoples in Africa

Session Presenter: Samuel Tessema- Member of the Working Group on Indigenous Populations/ Communities and Minorities of the ACHPR

Understanding indigeneity in Africa requires an understanding of the continent's complex historical, social, and political landscape. Unlike some places where being indigenous is about who got there first, in Africa, it's more about the experiences of marginalisation faced by certain groups. These communities, with their unique cultures, ways of life, and identities, often find themselves sidelined by the dominant political, economic, and social systems. The African Commission on Human and Peoples' Rights has made it clear that indigenous peoples in Africa are those who identify as such and face systemic discrimination. These include pastoralists, hunter-gatherers, and other culturally distinct groups whose lives are intricately linked to their land and natural resources.

Unfortunately, the situation for indigenous peoples across the continent is one of ongoing vulnerability. Many are still grappling with the loss of their ancestral lands, forced evictions, limited access to essential services, and a lack of say in decisions that impact their lives. Development projects, extractive industries, and conservation efforts often roll out without proper consultation or the necessary Free, Prior and

Informed Consent, which deepens poverty and threatens cultural survival. These issues are made worse by weak legal recognition of collective land rights, poor enforcement of regional and international human rights standards, and limited access to justice in many countries in Africa.

Despite these challenges, there's a growing recognition of indigenous peoples' rights at the regional level, bolstered by legal rulings from the African Commission, which has increased advocacy and accountability efforts. Indigenous communities are becoming more organised and assertive, actively engaging with national institutions, courts, and regional bodies to assert their rights.

2.2 Presentation Title 2: Indigenous Peoples' Land Rights In Africa: Legal Basis, Scope, Right Holders, Jurisprudence and Challenges

Session Presenter: Dr. Albert K. Barume, UN Special Rapporteur on the Rights of Indigenous Peoples

Indigenous Peoples' land rights in Africa are founded in both international and regional human rights laws. Key documents include the African Charter on Human and Peoples' Rights and the UN Declaration on the Rights of Indigenous Peoples, along with the African Commission on Human and Peoples' Rights' interpretations. They touch on individual ownership, collective rights to lands, territories, and natural resources that indigenous communities have traditionally owned, occupied, or utilised. This reflects IP's cultural, spiritual, and economic ties to land. Regional court decisions, such as *Endorois v. Kenya* and *Ogiek v. Kenya*, have reinforced the obligation of states to acknowledge traditional land tenure, ensure participation, and uphold Free, Prior and Informed Consent, as well as to provide compensation for dispossession. However, the challenge of implementation remains due to weak domestic legal frameworks, conflicting development and conservation priorities, a lack of political will, and ongoing marginalisation in many countries of Africa. This has created a significant conflict between the recognition of the legal rights of IPs and their experience.

2.3 Presentation Title 3: International Human Rights Mechanisms and the Rights of Indigenous Peoples

Session Presenter: Lola Garcia, Alix, Senior Advisor on Global Governance, IWGIA

International human rights mechanisms are important in recognising, protecting, and promoting the rights of Indigenous Peoples as they set global standards and create a pathway for accountability. The UN Declaration on the Rights of Indigenous Peoples (UNDRIP) emphasises collective rights to self-determination, land, territories, resources, culture, and involvement in decision-making processes. The principles are also supported by binding treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, along with ILO Convention No. 169. While the ILO Convention 169 is not widely ratified in Africa, it still serves as an important reference. Collectively, these instruments outline the obligations of states to recognise Indigenous Peoples as distinct rights holders and to tackle historical and structural discrimination. These instruments also provide monitoring, reporting, and complaint procedures that indigenous peoples and their advocates can engage with. UN treaty bodies review state reports and issue concluding observations that highlight gaps in law and practice affecting indigenous communities. The Special Rapporteur on the Rights of Indigenous Peoples also conducts country visits, receives communications, and issues thematic reports that draw attention to violations and good practices. Universal Periodic Reviews also offer a peer-review platform through which states' treatment of indigenous peoples is assessed, and recommendations are made.

The success of international human rights mechanisms depends on how well they're implemented at the national level. Challenges of a lack of awareness about these mechanisms within indigenous communities, limited resources, and insufficient follow-up by governments on their recommendations and decisions have been cited. To enhance the effectiveness of these mechanisms, there is a need to domesticate international standards into local laws and policies, encourage participation from national human rights institutions and civil society, and ensure that indigenous peoples are consistently involved.

2.4 Presentation Title 5: Enhancing the Participation of Indigenous Peoples in the United Nations

Session Presenter: Belkacem Lounes, Member, Panel of African Experts on the Rights of Indigenous Peoples

The active involvement of Indigenous Peoples in the United Nations system is important if their human rights are to be upheld and to ensure that global decisions are legitimate and representative of their needs. For IP's, participation relates to their rights for self-determination, equality, and non-discrimination as contained in the UN Declaration on the Rights of Indigenous Peoples. When Indigenous Peoples participate, therefore, they can share their unique experiences, knowledge, and priorities in global discussions on important topics like land rights, development and climate change.

Over the years, significant strides in enhancing participation of Indigenous Peoples within the UN system have included initiatives like the Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples, and the Special Rapporteur on the Rights of Indigenous Peoples. These platforms have helped boost visibility and influence, enabling Indigenous representatives to connect directly with states and UN agencies. However, there are still some hurdles, especially for African Indigenous Peoples who face challenges such as limited resources, language barriers, complex accreditation processes, and unequal access to information. To overcome these challenges, it is essential for states, the United Nations, and other actors to take deliberate action. This may mean simplifying the ways IPs can participate, offering them sufficient financial and technical support or supporting their representative institutions. It is also important to strengthen coordination between UN mechanisms and regional bodies, including African human rights institutions, to make sure that the voices of Indigenous Peoples from Africa are heard, respected, and reflected in global decision-making processes.

2.5 A Presentation of IWGIA's Yearbook *The Indigenous World 2025*

Session Facilitators: *Nikita Bulanin, Advisor, International Work Group for Indigenous Affairs (IWGIA), flanked by Dr. Albert K. Barume, UN Special Rapporteur on the Rights of Indigenous Peoples and a representative of Hon. Dr. Litha Musyimi-Ogana, Chairperson of the WGIP/CM of the ACHPR Dr. Francis Magare*

In a brief panel discussion, it was recognised that this is the 20th year since the book was first published in 2005. The presentation of IWGIA's yearbook, *The Indigenous World 2025*, highlighted the publication as a key global reference documenting the human rights situation of Indigenous Peoples across regions. The yearbook provides country-by-country and thematic analyses, capturing major legal, political, social, and economic developments affecting Indigenous Peoples during the year. It underscores both persistent patterns of rights violations, particularly related to land dispossession, extractive industries, militarisation, and criminalisation of Indigenous defenders and emerging positive trends, including legal reforms, landmark court decisions, and strengthened Indigenous-led advocacy.

The facilitators pointed out that the 2025 edition focuses on how global crises such as climate change and geopolitical instability affect Indigenous Peoples. It sheds light on the fact that these communities often bear the brunt of these issues, even as they offer invaluable knowledge and solutions, particularly in areas like environmental protection and climate action.

The yearbook also looks at the shrinking space and dangers faced by Indigenous human rights defenders. It also points out the rising trend of restrictive laws and violence aimed at stifling Indigenous voices. The panel discussion wrapped up by emphasising the practical importance of *The Indigenous World 2025 Year Book* as a document for advocacy, research and accountability. Participants were urged to leverage the yearbook to guide their domestic policy efforts, assist in reporting to

international and regional human rights bodies, and bolster evidence-based advocacy.



Book Link: [The Indigenous World 2025 - IWGIA - International Work Group for Indigenous Affairs](https://iwgia.org/en/resources/publications/5773-the-indigenous-world-2025.html)

<https://iwgia.org/en/resources/publications/5773-the-indigenous-world-2025.html>

2.6 Presentation Title 6: Indigenous Peoples' rights in the African regional human rights system

Session Presenter: Hon. Dr. Litha Musyimi-Ogana, Chairperson of the WGIP/CM of the ACHPR

In a session presented on her behalf by Dr. Francis Magare, it was highlighted that the rights of Indigenous Peoples within the African regional human rights framework are rooted in the African Charter on Human and Peoples' Rights. This Charter lays the groundwork for safeguarding collective rights, ensuring equality, preventing discrimination, and promoting participation and self-determination. While the term "indigenous peoples" is not explicitly mentioned in the Charter, the African Commission on Human and Peoples' Rights has clarified through interpretation that indigenous populations and communities are recognised as rights holders under the

Charter, especially in contexts where historical and structural marginalisation continues.

The efforts of the Working Group on Indigenous Populations/Communities and Minorities have been vital in shaping how Africa views indigeneity and guiding states on their responsibilities. The Commission's rulings have made significant strides in recognising and protecting the rights of indigenous peoples, particularly concerning land, natural resources, culture, and development. Landmark cases like *Endorois v. Kenya* and *Ogiek v. Kenya* have confirmed that the Charter applies to indigenous land claims, acknowledged customary land tenure, and highlighted the importance of participation, consultation, and Free, Prior and Informed Consent. These rulings, along with various resolutions, guidelines, and country missions, have enhanced the legal and policy frameworks in Africa and set standards for how states should act.

Despite progress, IP's rights in Africa still face significant hurdles, especially in putting these rights into action at the national level. Lack of proper integration of regional standards, conflicting interests in development and conservation and a general lack of awareness about the Commission's decisions have generally slowed down progress. To strengthen the impact of the African regional human rights system, there's need to ensure collaboration through ongoing commitment from states, national human rights institutions, civil society, and the indigenous communities themselves.

2.7 Presentation Title: The Rights of Indigenous Children in Africa
Session Presenter: *Jane Meriwas, Executive Director, Samburu Women Trust*

Understanding the rights of Indigenous children in Africa requires us to focus on IP's historical marginalisation, poverty, and cultural discrimination. IP children often encounter a range of overlapping violations of their rights, such as limited access to education, healthcare, birth registration, and social protection. The situation is made worse by issues like land dispossession, forced evictions, climate change, and insecurity, all of which threaten family livelihoods and the very survival of Indigenous cultures. Although there are international and regional frameworks, like the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child, that offer solid legal protections, Indigenous children often remain overlooked in national policies, data systems and discussions.

Education is one of the most vital yet challenging areas for Indigenous children. Many of them encounter obstacles such as distance, the language used in instruction, curricula that are not inclusive and cultural practices that are not adequately recognised in formal education systems. Indigenous girls, in particular, face additional hurdles such as harmful traditions, early marriage, and gender-based violence, which further restrict their opportunities and expose them to greater risks. However, it is important to recognise that Indigenous children have a wealth of cultural knowledge and resilience, which, if acknowledged and woven into education, child protection, and development programs, would enhance their identity and dignity.

To protect the rights of Indigenous children, it is important to be holistic, community-driven and rights-based. This also means enhancing the voices of IPs in decisions that impact their lives. It is also essential for states, regional institutions, and civil society organisations to collaborate with Indigenous communities to turn legal standards into tangible actions to ensure that Indigenous children in Africa can grow up safe, healthy, educated, and proud of who they are.

2.8 Presentation Title 7: Strategic Litigation on the Rights of Indigenous Peoples in Africa: The Ogiek and Endorois Cases

Session Presenter: *Lucy Claridge, Executive Director, International Lawyers Project*

Strategic litigation is essential in promoting the rights of Indigenous Peoples in Africa. Historically, IPs have faced significant challenges, including marginalisation, land dispossession, discrimination, and a lack of involvement in decisions that impact their lives and livelihoods. To this end, courts and regional human rights bodies have opened doors for Indigenous Peoples to claim their rights and hold governments accountable for their actions.

Two landmark cases, the *Endorois case* and the *Ogiek case*, have played a crucial role in shaping the legal landscape regarding Indigenous land and resource rights, cultural preservation, and involvement in development decisions. Both cases were presented to the African Commission on Human and Peoples' Rights (ACHPR) and have established important precedents for interpreting and applying African legal frameworks to safeguard Indigenous communities.

2.9.1 Background: Indigenous Peoples' Rights in Africa

She provided an overview of the African Charter on Human and Peoples' Rights (ACHPR), which lays down the essential legal framework for safeguarding collective rights, promoting equality, ensuring non-discrimination and supporting self-determination across Africa. Although the Charter does not specifically mention Indigenous Peoples, the African Commission has acknowledged Indigenous communities, like pastoralists and hunter-gatherers, as rights holders under its authority, especially in contexts where there has been historical marginalisation.

2.9.2 The Endorois Case: Findings and Significance

In 2010, the African Commission made a groundbreaking ruling that acknowledged several violations of the Endorois people's rights. This included their rights to property under Article 14, the right to manage their wealth and natural resources as stated in Article 21, and their cultural rights outlined in Article 17. The Commission directed the Kenyan government to recognise the Endorois' land rights, offer restitution or compensation, ensure their involvement in future development projects, and honour their cultural practices.

The Endorois case is often seen as a pivotal moment in African human rights history, being the first significant decision to explicitly support the collective land rights of Indigenous Peoples and the principles of Free, Prior, and Informed Consent (FPIC). It established a crucial precedent for future claims and underscored the importance of regional human rights mechanisms in providing solutions when domestic legal systems fall short.

2.9.3 The Ogiek Case: Findings and Significance

The Ogiek case was initiated in the African Commission on Human and Peoples' Rights (ACHPR) in 2009, highlighting serious violations related to land and resource rights, cultural rights, and the right to have a say in decisions about development and conservation. The Commission found that the Kenyan government had indeed infringed upon the Ogiek's rights. They ordered the restoration of their land, acknowledged their traditional ownership, and called for steps to ensure the Ogiek's involvement in managing the forests.

This case underscored the principles outlined in the Endorois case, highlighting that: i) Conservation efforts shouldn't come at the cost of Indigenous Peoples' rights, ii) collective land ownership and customary tenure are legally protected, and iii) Free, Prior and Informed Consent (FPIC), along with genuine consultation, are crucial for any development or conservation project.

2.9.9 Challenges and Implementation

While these judgments are groundbreaking, implementation remains a key challenge. Governments often face political, administrative, or financial obstacles in complying with ACHPR rulings. Indigenous communities continue to encounter resistance, slow restitution processes, and competing economic or conservation interests. Effective follow-up requires: i) Strong monitoring and advocacy by civil society and Indigenous organisations, ii) Domestic legal reforms to recognise and enforce collective land rights, iii) Engagement with both state and non-state actors to ensure compliance.

Conclusion

The Endorois and Ogiek cases have set important legal benchmarks for land ownership, cultural preservation, and community involvement and paved the way for similar claims throughout the continent. A comprehensive approach is, though essential, one that includes policy changes, advocacy efforts, and empowering the communities themselves. In the end, safeguarding the rights of Indigenous Peoples demands a long-term commitment at national, regional, and international levels, ensuring these communities are not just acknowledged in law but can also thrive with dignity, security, and the freedom to determine their own futures.

2.9 Presentation Title 8: Indigenous Peoples, Climate Change, and Climate Change Processes

Session presenter: Prof. Ademola Jegede, University of Venda

Indigenous Peoples are hit hardest by climate change, though they contribute the least to the problem. Their way of life is deeply connected to the land, forests, rivers, and the biodiversity around them, making them particularly vulnerable to environmental shifts like droughts, floods, desertification, and changing weather patterns. These changes compromise their food security, access to water, cultural traditions and the traditional knowledge that has been handed down through generations. Climate

change worsens the existing socio-economic challenges they face, putting Indigenous communities at greater risk of poverty, displacement, and the erosion of their cultural identity.

Indigenous Peoples also hold invaluable knowledge and adaptive strategies that are crucial for tackling climate change with their traditional methods of land management, water conservation, agroforestry and biodiversity protection. Doubling the advantage of Indigenous wisdom with scientific methods, the world can enhance climate policies and actions. Recognising and safeguarding Indigenous land and resource rights is therefore vital for effective climate action in Africa.

Indigenous Peoples, unfortunately, often find themselves sidelined in climate change discussions at local, national, and international levels. Their involvement in climate negotiations, policy development, and adaptation programs is still quite limited, which undermines the effectiveness of climate initiatives. Issues such as their participation and FPIC are crucial in this debate. Protecting Indigenous Peoples and tapping into their knowledge systems is thus a strategic necessity for achieving sustainable and fair climate solutions.

2.10 Presentation Title 9: Business and Indigenous Peoples' Rights – Tensions Between Enterprises and Livelihoods in the Congo Basin

Session Presenter: *Lassana Koné, Lawyer, Forest Peoples Programme*

The Congo Basin consists of a vibrant number of Indigenous Peoples, each with unique cultures, identities, and ways of life linked to the forests and natural resources. Unfortunately, the rise of large-scale business ventures, particularly in logging, mining, and agribusiness, has increasingly invaded these IP lands. The encroachment often results in displacement, environmental harm, and the disruption of traditional ways of living. The problem is the conflict between profit-driven development and the collective rights of Indigenous communities, many of whom rely on these forests for food, medicine, cultural practices and their survival.

While there are legal frameworks in place to protect the rights of Indigenous Peoples at both national and international levels, covering aspects like land tenure, Free, Prior, and Informed Consent (FPIC), and cultural rights, these protections often fall short in practice. Many Indigenous communities find themselves sidelined from meaningful

consultations or decision-making processes. There is a failure to recognise customary land rights and a lack of effective enforcement. Business interests and Indigenous communities' basic human rights are many times in conflict.

To tackle these challenges, a rights-based approach to business and development in the Congo Basin is necessary. Companies should honour the rights of Indigenous Peoples by following FPIC guidelines, ensuring fair benefit-sharing, and minimising environmental impact. Also, the Government, civil society and international organisations should all play a vital role in upholding legal responsibilities and backing community-driven solutions if the forest ecosystem is to be protected and business and development efforts in the region are to be uninterrupted.

2.11 Presentation Title 10: Conservation and Indigenous Peoples in Africa

Session Presenter: Ole Kaunga, Indigenous Movement for Peace Advancement and Conflict Transformation (IMPACT), Kenya

Conservation efforts in Africa have often taken a top-down approach, focusing more on environmental protection than on the rights and livelihoods of Indigenous Peoples. Many Indigenous communities, like pastoralists, hunter-gatherers, and those who depend on forests, have been forced off their ancestral lands to make way for national parks, reserves, or conservation zones, often without any consultation, compensation, or acknowledgement of their traditional land rights. This not only infringes on human rights but also jeopardises the ecosystems these efforts aim to safeguard, as Indigenous knowledge and sustainable land management practices are often left out of conservation plans.

Indigenous peoples across Africa face serious challenges in mainstream conservation efforts. Many governments and policies hardly fully acknowledge their identities, rights, and traditional knowledge. This allows outside conservation strategies such as protected areas, community conservancies and carbon projects to change the way Indigenous communities engage with their lands. This often disrupts the traditional ways of life and cultural practices that have been essential for nurturing ecosystems for generations. In many regions, conservation efforts have also led to the privatisation and commercialisation of vital natural resources such as water, wildlife, and grazing lands, which undermines Indigenous governance and diminishes the value of their

knowledge and stewardship. Conservation has also sometimes thrown ecosystems out of balance. In Laikipia, Kenya, for example, large fenced ranches confine wildlife and degrade habitats, while community livestock are used to restore grasslands, yet pastoralists are still charged for access to their own ancestral lands. Despite these injustices, Indigenous peoples across Africa have made remarkable progress by leveraging legal systems, organising protests, and advocating for their rights to reclaim land and promote conservation that aligns with their values. IMPACT and similar organisations have helped to ensure that IPs assert their rights, reshape conservation practices, and ensure that young leaders receive the mentorship, fellowships, and targeted support they need to protect the future of Indigenous peoples and their lands in Africa.

2.12 Presentation Title 10: The Right to Free, Prior, and Informed Consent (FPIC)

Session Presenter: Dr. Albert K. Barume, UN Special Rapporteur on the Rights of Indigenous Peoples

The right to Free, Prior, and Informed Consent (FPIC) is a fundamental aspect of the human rights framework for Indigenous Peoples recognised in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and supported by various international and regional human rights standards. FPIC is a vital right that empowers Indigenous Peoples to make decisions regarding projects, policies, and actions that impact their lands, territories, resources, culture, and livelihoods. It upholds the principles of self-determination, equality, and non-discrimination, playing a crucial role in safeguarding Indigenous communities from dispossession, marginalisation, and environmental damage.

Exercising FPIC must be done freely, without any form of coercion, manipulation, or intimidation, and it should happen before any project or decision that could affect Indigenous lands or rights is approved or initiated. Indigenous communities need to be fully informed in a way that respects their culture, including IPs having access to complete and accurate information about potential impacts and benefits. The process also allows enough time for these communities to discuss matters internally, consult with their members, and reach a collective decision. This approach to decision-making

honours the communal nature of Indigenous rights, ensuring that everyone, including women, youth, and elders, has a meaningful voice in the process.

FPIC covers a broad spectrum of activities, from extractive industries and large-scale infrastructure projects to conservation efforts, development programs, and legislative or policy changes that affect Indigenous lands and resources. International and regional legal precedents, such as those from the African Commission on Human and Peoples' Rights and landmark cases like *Endorois v. Kenya*, underscore the obligations of states to seek consent, acknowledge Indigenous land tenure, and provide remedies when violations occur. Thus, FPIC serves as both a preventive and remedial tool, protecting Indigenous communities from harm.

2.13 Presentation Title 11: The Rights of Indigenous Women in Africa
Session Presenter: *Dr. Litha Musyimi-Ogana, Chairperson, Working Group on Indigenous Populations/Communities and Minorities (WGIP/CM), ACHPR*



Indigenous women in Africa encounter a blend of challenges, such as gender inequality, discrimination, and the long-standing exclusion of Indigenous communities from political and economic spheres. Despite being vital to the preservation of cultural knowledge, the management of natural resources, and the resilience of their communities, these women often have limited access to land, healthcare, education, and economic opportunities. Many groups, such as the Maasai, Batwa, and Ogiek, reside in remote areas where essential services are also hard to come by. This marginalisation puts Indigenous women at a greater risk of violence, harmful cultural practices, early marriage, and displacement, particularly in situations where

governments engage in conservation projects, extractive industries or large-scale land developments.

Regional and international human rights frameworks like CEDAW, the African Charter on Human and Peoples' Rights, the Maputo Protocol and the UN Declaration on the Rights of Indigenous Peoples uphold the rights of Indigenous women to equality, participation, land and cultural identity. Despite this, many African nations have not fully woven these protections into their national laws and development strategies. Obstacles such as patriarchal norms, insufficient legal recognition of Indigenous Peoples, and a lack of specialised services hinder the realisation of Indigenous women's rights.¹

Despite the hurdles they face, Indigenous women throughout Africa are coming together at both local and regional levels and advocating for their land rights, pushing for better representation, seeking culturally relevant education, ensuring access to reproductive health services and fighting against gender-based violence.

2.14 Presentation Title 12: Indigenous Peoples and Intellectual Property Rights

Session Presenter: Lesle Jansen, Managing Director, African Communities Resource Rights Alliance (ACCRA)

Mr. Lesle Jensen emphasised that Indigenous Peoples hold a wealth of traditional knowledge, cultural expressions and innovations that are vital to their identity, livelihoods and the continuity of their culture. This includes medicinal practices, agricultural techniques, oral histories, folklore, music, art, and spiritual expressions. Unfortunately, this invaluable knowledge is often taken by outsiders without proper acknowledgement, consent, or any sharing of benefits, which raises serious concerns about intellectual property (IP) rights and the safeguarding of Indigenous heritage. Traditional IP systems, which are mainly designed for individual and commercial innovations, also frequently overlook the communal, intergenerational, and sacred aspects of Indigenous knowledge.

¹

https://docs.google.com/presentation/d/1aGyoXyV9HsonlhUuqvNZqtQKHhV4a_1/edit?slide=id.p3#slide=id.p3

The challenge, therefore, is to find a way to align Indigenous customary rights with national and international IP frameworks. While initiatives from the World Intellectual Property Organization (WIPO) regarding Traditional Knowledge and Traditional Cultural Expressions offer some guidance, there are still significant gaps in legal protection, enforcement, and practical application across Africa. Indigenous communities also often lack the resources, legal knowledge, and institutional backing necessary to assert their rights, making them susceptible to exploitation, misappropriation, and cultural degradation. Therefore, it's crucial to strengthen legal frameworks and establish mechanisms for recognition, consent, and benefit-sharing to protect Indigenous knowledge systems. Protecting Indigenous intellectual property is about human rights, cultural survival and sustainable development.

2.15 Presentation Title 12: The Right to Culture for Indigenous Populations in Africa

Session presenter: *Prof. Joshua Castellino, Executive Dean, College of Arts, Law and Social Science, Brunel University of London*

The right to culture is a cornerstone of human rights, especially for Indigenous communities in Africa, where culture is deeply intertwined with identity, livelihoods, knowledge, and social bonds. These communities possess unique languages, rituals, traditional practices, and spiritual beliefs that shape their collective identity. Safeguarding cultural rights is essential for preserving these traditions, allowing Indigenous Peoples to uphold their way of life, pass down knowledge through generations, and engage in society on their own terms.

In the context of African human rights, the cultural rights of Indigenous Peoples are protected by the African Charter on Human and Peoples' Rights, with support from the African Commission, including the insights of the Working Group on Indigenous Populations/Communities and Minorities. Notable cases like *Endorois v. Kenya* and *Ogiek v. Kenya* highlight the connection between cultural rights, land, natural resources, and self-determination, emphasising that losing ancestral lands poses a direct threat to cultural survival. Thus, protecting Indigenous culture is closely linked to securing land rights, ensuring participation in decision-making, and fostering development that honours community values.

Despite these protections, Indigenous cultural rights in Africa are under serious threat from land dispossession, environmental harm, extractive industries, and development initiatives that overlook Indigenous viewpoints. To realise these rights, legal and policy changes such as recognising customary law, integrating cultural rights into national laws and creating avenues for community-driven cultural preservation are needed. Supporting Indigenous Peoples in keeping their cultural practices alive plays a vital role in promoting social unity, conserving biodiversity, and enhancing the overall recognition of Africa's rich cultural heritage.

2.16 Presentation Title 13: Student Debate – How to Mainstream Indigenous Peoples’ Rights at a Country Level in Africa

Session Presenter: Dr. Paul Mulindwa, Advocacy and Campaigns Officer, CIVICUS

To understand what mainstreaming means today, it is important to look at how Indigenous communities were historically pressured to blend into the dominant cultures. During the time of colonial expansion, missionaries would approach traditional leaders, insisting that these communities adopt new religious practices. While some leaders stood their ground, others faced coercion or chose to assimilate. Those communities that embraced Christianity often gained prominence in certain areas, pushing smaller groups to the margins and altering the local power dynamics.

Mainstreaming requires the weaving of Indigenous Peoples’ rights and perspectives into national programs. This involves key actions, among them: embracing Indigenous land tenure systems, acknowledging customary governance, honouring livelihood practices like pastoralism, ensuring political participation, integrating cultural values into development planning, and upholding Free, Prior and Informed Consent (FPIC).

Bringing Indigenous Peoples’ rights to the forefront in Africa means weaving these rights into the fabric of national laws, policies, and development strategies. It involves recognising Indigenous identities, land rights, cultural practices and ensuring IP voices are heard in decision-making processes. African Countries need to ensure that their constitutions, laws, and administrative systems clearly safeguard Indigenous rights and that customary laws align with national laws to protect collective land ownership and resource management.

2.17 Presentation Title 13: The Maasai of Loliondo and Ngorongoro (Tanzania) and the question of access to justice

Session Presenter: Edward Porokwa, Executive Director of Pastoralists Indigenous NGOs Forum (PINGOs Forum)

(This session was not secured due to unavailability of the session presenter)

2.18 Presentation Title 14: The rights of indigenous peoples

Session Presenter: *Dr. Melakou Tegegn - Member of the panel of African experts on the rights of indigenous peoples*

The prevailing global development model has differed for some time with the rights, perspectives and ways of life of Indigenous Peoples. This conflict is rooted in colonial history, where mainstream development has pushed for economic growth, modernisation, and integration into global markets, often sidelining Indigenous knowledge, cultural identities, and ecological sustainability. The shortcomings of this approach are seen in the global crises today, including in environmental degradation, rising inequality and the diminishing of cultural diversity. Colonial and neo-colonial narratives have often depicted Indigenous Peoples as primitive or incapable of self-governance, which has justified their dispossession and exploitation. This stands in stark contrast to materialist historical approaches that reveal how power dynamics, class struggles and economic interests fueled colonial expansion. Africa continues to grapple with these contradictions: the modern African State, shaped by colonial borders and ideologies, finds it challenging to reconcile pan-African dreams with Indigenous self-determination. Historical inaccuracies, like the claim that David Livingstone “discovered” Africa or the portrayal of leaders such as Patrice Lumumba and Dedan Kimathi, along with the Mau Mau movement in Kenya, as threats, have served as instruments of political control and oppression.



The knowledge systems of Indigenous Peoples keep challenging the extractive nature of globalisation, offering pathways for climate resilience, cultural renewal, and community-driven change. Yet, modern advancements like Artificial intelligence often function within market-driven frameworks that can reinforce inequalities unless they are steered by ethical principles and respect for Indigenous rights. To truly achieve social transformation, the continent must tackle colonial narratives, correct misinformation, and prioritise Indigenous knowledge as essential to sustainability.²

2

<https://docs.google.com/presentation/d/1t6BKGp7u1OuFgdYpPheiWMN27hISR4qW/edit?slide=id.p34#slide=id.p34>

2.18 Presentation Title 15: UN Treaty Bodies and Indigenous Peoples.

Session Presenter: *Melanie Clerc, Indigenous Peoples Focal Point – Human Rights Treaties Branch, OHCHR*

The Office of the High Commissioner for Human Rights (OHCHR) has recently increased its efforts to engage with Indigenous Peoples within the UN human rights treaty body system. Melanie, who serves as the Indigenous Peoples Focal Point in the Human Rights Treaties Branch, pointed out that not many Indigenous organisations have been submitting reports or taking advantage of the various treaty mechanisms available. To address this, OHCHR has teamed up with Nia Tero, a US-based organisation, along with EPI, EFI, and a partnering university, to kick off a two-year project. This initiative aims to boost awareness, participation, and the strategic use of UN treaty bodies by Indigenous Peoples. The project will create tools, training, and support materials to help Indigenous communities grasp their options and engage meaningfully in these important international human rights processes. International human rights treaties form the core of the UN's normative framework, beginning with the Universal Declaration of Human Rights in 1948. This foundational document inspired the creation of binding treaties, most notably the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Over time, additional treaties emerged to address thematic concerns and protect vulnerable groups, including conventions on racial discrimination, torture, enforced disappearances, women, children, migrant workers, and persons with disabilities. These treaties are legally binding for states that ratify them, creating enforceable obligations to respect, protect, and fulfil human rights. Treaty bodies also issue authoritative interpretations of their provisions through General Comments and General Recommendations, several of which specifically relate to Indigenous Peoples.

Although no single treaty is dedicated solely to Indigenous rights, Indigenous Peoples can engage with almost all international human rights conventions. The ICCPR, for instance, protects rights central to Indigenous survival and identity, including the right to self-determination, cultural participation, liberty and security, freedom of religion and assembly, and equality before the law. The ICESCR reinforces these protections by guaranteeing economic, social, and cultural rights such as adequate housing,

health, education, decent work, and the right to maintain and practice cultural life. The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) is particularly relevant, as many violations affecting Indigenous Peoples, such as dispossession, exclusion, violence, and unequal access to services, fall under racial discrimination. ICERD obliges states to eliminate discrimination in political participation, movement, property ownership, social services, and cultural life.

Other treaties also provide important entry points. The Convention on the Rights of the Child (CRC) contains the only article across all human rights treaties that specifically mentions Indigenous Peoples, guaranteeing Indigenous children the right to practice their culture, language, and religion. The Convention on the Elimination of Discrimination against Women (CEDAW) addresses gender inequality and includes General Recommendations on Indigenous women, recognising their heightened vulnerability to discrimination and violence. While Indigenous rights are not encapsulated in one treaty, the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) serves as a guiding interpretive instrument. Treaty bodies increasingly apply UNDRIP principles, including self-determination, participation, and cultural integrity, in their assessments. Article 42 of UNDRIP explicitly instructs UN bodies to promote its implementation, further strengthening its influence across the treaty system.

These treaties have high levels of global ratification, with most countries having accepted the major conventions. For example, 174 states have ratified the ICCPR, 173 the ICESCR, 182 the Convention on Racial Discrimination, and 196 the Convention on the Rights of the Child. Optional Protocols, which enable individual complaints from victims, tend to have lower ratification rates because states must voluntarily accept this additional level of scrutiny. Nonetheless, where Optional Protocols are in force, individuals and groups, including Indigenous communities, can directly bring cases before treaty bodies.

Each treaty is monitored by a committee of independent experts who meet in Geneva throughout the year. Their functions include reviewing state reports, examining individual complaints, conducting country visits and inquiries, issuing General Comments, and triggering early warning or urgent action procedures. For Indigenous advocates, the most relevant processes include the reporting cycle, where they can

submit alternative or shadow reports and individual communications where Optional Protocols apply. Only two committees, ICERD and the Committee on Enforced Disappearances (CED), have urgent action and early warning procedures, which can be used when Indigenous Peoples face imminent harm such as land dispossession, violence, or loss of cultural survival.

Indigenous engagement with treaty bodies primarily begins after a state ratifies a convention. States are required to submit periodic reports explaining how they implement the treaty's provisions. Reporting cycles vary four years for ICERD and CEDAW, five years for ICESCR and CRC, and eight years for the Human Rights Committee (ICCPR). Indigenous organisations can intervene at several stages: by submitting written information before a review, participating in briefings with committee members, and using concluding observations to advocate for follow-up at the national level. These processes offer powerful opportunities to influence international scrutiny and ensure that Indigenous voices shape the assessment of government compliance.

The project led by OHCHR and its partners seeks to simplify and demystify these mechanisms. During the presentation, Melanie emphasised that new tools will be developed to help communities track ratification status, understand reporting calendars, prepare submissions, and connect with treaty body procedures. A dashboard of ratifications and reporting schedules will be publicly available to help Indigenous communities know when their country is due for review. The aim is to ensure that Indigenous Peoples are not only aware of these mechanisms but also equipped to use them strategically to defend their rights and hold states accountable for their international obligations.

3.0 CASE STUDIES

The case studies were used to depict the multiple difficulties faced by Indigenous people in the face of introduction of (mostly) large-scale development projects within their original places of domicile.

3.1 Case Study 1: Lake Turkana Wind Power Project in Kenya



The Lake Turkana Wind Power (LTWP) project, one of the largest renewable energy initiatives in Africa, has significantly impacted the lives and livelihoods of the communities living in its vicinity. While the project has been promoted as a driver of national development and

economic growth, its implementation has disrupted traditional ways of life, particularly for Indigenous communities who rely on pastoralism, fishing, hunting, and seasonal mobility for survival. These communities have faced restrictions on grazing lands, reduced access to fishing areas, and the loss of natural spaces that were central to both livelihood and cultural practices. Such disruptions have occurred without adequate consultation, compensation, or mechanisms to assess the full social and economic costs.

Population estimates from the Kenya National Bureau of Statistics indicate that a substantial number of people reside in the project area. While exact figures of those affected are difficult to determine, it is clear that livelihoods dependent on land and natural resources have been altered. Communities that once practised hunting, fishing, and livestock grazing have been prevented from carrying out these activities effectively. The inability to continue these traditional practices has had profound consequences, including economic hardship, food insecurity, and a loss of cultural identity.

Despite promises made during project development, the anticipated social and infrastructure benefits have largely failed to materialise. Commitments to construct schools, improve roads, and provide health and water services, as well as other corporate social responsibility initiatives, were largely unfulfilled. Access to basic services and infrastructure remains limited, making it difficult for communities to adapt or take advantage of new economic opportunities associated with the project. Although some responsibility lies with the government, the failure to honour project-related promises has left communities frustrated and marginalised.

The broader legal and policy environment in Kenya also shapes these challenges. Although the Constitution recognizes marginalized communities under Article 56 and provides for community land ownership, it does not explicitly recognise Indigenous Peoples. Kenya has ratified several international human rights instruments but has not fully implemented frameworks specific to Indigenous rights, such as ILO Convention 169, and abstained from voting on the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). As a result, while legal provisions exist to protect these communities, practical enforcement remains weak, and Indigenous communities continue to face limited recognition, participation, and protection of their lands and resources.

In summary, the Lake Turkana Wind Power Project highlights the tension between large-scale national development projects and the rights and livelihoods of Indigenous communities. While the project contributes to Kenya's energy sector and national development objectives, it has disrupted traditional livelihoods, failed to deliver promised social benefits, and underscored the gap between legal protections and actual implementation. Without meaningful consultation, recognition, and benefit-sharing, the project risks perpetuating social inequities and undermining the survival of Indigenous ways of life.

Refer to;

https://docs.google.com/presentation/d/1AKQVKfLmEzDxAF8ba1Gssh8Z_oobTG-o/edit?slide=id.p1#slide=id.p1

3.2 Case Study 2: The Rooibos community of South Africa

The Rooibos Access and Benefit-Sharing case in South Africa represents a landmark struggle and eventual breakthrough in the recognition of Indigenous traditional knowledge, cultural rights, and economic justice for the San and Khoikhoi peoples. For decades, the global Rooibos industry, built on the medicinal and cultural knowledge of these communities, expanded without acknowledging them as the original knowledge holders, leaving them marginalised despite the plant's enormous commercial value. The San, traditionally hunter-gatherers, and the Khoikhoi, historically pastoralists, continue to face deep socio-economic inequalities, including poverty, discrimination, and limited access to land, education, and healthcare. Although South Africa's Constitution recognises cultural rights, meaningful implementation has been slow, and Indigenous communities were long classified under broad categories such as "coloured," which obscured their identity and weakened their political visibility. Beginning in 2010, the South African San Council initiated efforts to seek formal recognition for their traditional knowledge of Rooibos, later joined by the National Khoisan Council in 2012. Their advocacy occurred within international frameworks such as UNDRIP, the Convention on Biological Diversity, and the Nagoya Protocol, all of which affirm rights to cultural heritage, free prior and informed consent (FPIC), participation in decision-making, and fair benefit sharing. After decades of commercial exploitation without FPIC, the first global industry-wide benefit-sharing agreement was finally concluded in 2019, requiring Rooibos processors to pay a 1.5% levy of the farm-gate price into community trusts for socio-economic development. The Khoi and San were formally recognised as the traditional knowledge holders, marking a major legal, political, and moral achievement in South Africa's Indigenous rights landscape. The first disbursement of about R12.2 million was made in 2022 and allocated to two trusts, supporting education, scholarships, community capacity building, and other development initiatives. Despite this progress, several challenges persist, including the historical land dispossession that continues to limit direct economic opportunities for small-scale Indigenous Rooibos farmers, administrative burdens in implementing the agreement, and concerns about representation; some communities feel insufficiently included or inadequately represented by national councils. Power imbalances during negotiations, the low rate of the levy compared to the industry's profits, and government-led beneficiary identification processes have also raised questions about equity and inclusivity. Local,

national, and international actors, including civil society organisations like Natural Justice, played a key role in mediating discussions and shaping community protocols that now guide access and benefit-sharing processes across multiple sectors. Public response to the agreement has generally been positive, celebrating it as a symbol of reconciliation and historical justice, although some critics question whether the benefits will be transformative enough to address deep-rooted inequality. Regionally and globally, the case has been highlighted by bodies such as the African Commission on Human and Peoples' Rights and the UN Permanent Forum on Indigenous Issues as a pioneering example of Indigenous knowledge protection, noting that it sets an important precedent but still requires stronger implementation and monitoring. Overall, the Rooibos case demonstrates that Indigenous knowledge is not free or in the public domain but a protected form of intellectual and cultural heritage. It underscores that fair and equitable benefit-sharing, recognition of Indigenous governance systems, and secure land and resource rights are essential for justice. The experience of the San and Khoikhoi shows that meaningful partnerships, long-term political commitment, and community-driven governance mechanisms are crucial for ensuring that economic value derived from traditional knowledge truly contributes to the well-being, empowerment, and cultural survival of Indigenous peoples.



AHRCIPR 25- Case 4_
Rooibos access and t

The case of Pitseng Gaoberekwe, an indigenous hunter from the central Kalahari
Link to the presentation; <https://docs.google.com/presentation/d/1IKPAFly5-fRgzhDoKvXwkIP2hqPP4XrN/edit?slide=id.p1#slide=id.p1>

3.3 Case Study 3: The Batwa community of DRC

The Indigenous Batwa people of the Democratic Republic of Congo (DRC) are communities that have lived in harmony with the lush tropical rainforests of the Congo Basin for generations. Their identity, culture, and way of life are deeply intertwined with these forests. Traditionally, the Batwa have depended on hunting, gathering, small-scale fishing and a profound spiritual connection to the forest ecosystems for their food, medicine, shelter and social structure. Unfortunately, their rights to the land they inhabited for centuries have never been officially recognized by the

government, leaving them in a position of legal invisibility and political marginalization.

This situation worsened with the introduction of large-scale development and conservation projects, particularly the creation and expansion of protected areas like Kahuzi-Biega National Park which were carried out without the Batwa's free, prior, and informed consent. As a result, many Batwa communities were forcibly removed from their ancestral lands and their traditional ways of life were criminalized under the guise of conservation and environmental protection. Losing access to forest resources shattered their subsistence economy, driving many into extreme poverty, landlessness, and reliance on casual labor or begging from neighboring communities.

The social fabric began to unravel, leading to food insecurity, poor health, a decline in cultural practices, and increased discrimination. While the goals of conservation aimed to protect biodiversity, the approach taken failed to incorporate Indigenous knowledge or offer fair compensation, alternative livelihoods, or restitution. This not only deepened existing inequalities but also highlighted the significant human toll of development initiatives that overlook Indigenous rights.

The Batwa case study Link:

<https://docs.google.com/presentation/d/1JQbuToxf8TQ87BFi79qMg2T-aoaXpcVo/edit?slide=id.p1#slide=id.p1>

4.0 Award of Certificates, Closing and Reflections

The Centre for Human Rights at the University of Pretoria closed its 2025 Indigenous Peoples' Rights course with a vibrant graduation, celebrating the graduands with certificates. The Centre extended warm congratulations to all award recipients and graduates, acknowledging their hard work and their commitment to advancing human rights across the continent.





5.0 A Visit to Lesedi Cultural village

Lesedi Cultural Village, situated near Pretoria in South Africa’s renowned Cradle of Humankind, is a prominent destination that offers visitors an immersive experience of Southern Africa’s rich cultural heritage. Established in 1993, the village was



designed to preserve and showcase the living traditions of the region’s major ethnic groups. Its name, “Lesedi,” which means “light” in the seSotho language, reflects the village’s mission to illuminate and educate visitors about the diverse cultural practices, lifestyles, and histories

of South Africa’s indigenous peoples. Unlike a static museum, Lesedi functions as a living village, where culture is actively demonstrated through traditional architecture, music, dance, and daily rituals, allowing visitors to experience the vibrancy of these communities firsthand.



The village represents five main ethnic groups: Zulu, Xhosa, Pedi, Basotho, and Ndebele. Each homestead is constructed in the traditional style of the respective community, often with input from members of those communities to ensure authenticity. Visitors are

guided through these homesteads, learning about the social structures, customs, and histories of each group. The tours provide insight into the everyday life of the communities, from traditional cooking methods to domestic practices and spiritual beliefs. This hands-on approach allows visitors to gain a deeper understanding of the cultures beyond what can be learned from books or exhibits.

One of the highlights of Lesedi is the cultural performance, which includes traditional music, drumming, and dance. These performances were lively and interactive, conveying stories from the past, ancestral traditions, and communal values, giving the team a sense of the rhythm and energy that permeates these communities. The team was invited to participate, making the experience not only educational but also engaging and memorable. Additionally, the visit offered the team the traditional cuisine in its on-site restaurant and open-air dining areas, which allowed us to taste

authentic dishes that are deeply connected to the heritage of the region.

Beyond cultural demonstrations, Lesedi also has a vibrant hub for local artisans. Curio shops within the village sell handcrafted beadwork, carvings, textiles, and other traditional artefacts, providing support for local craftsmen while giving the team a tangible connection to the cultural experience. Overnight stays in themed homesteads are also available. These accommodations are built in the traditional style but include modern comforts, allowing visitors to “live” in a cultural setting and experience the



rhythms of village life firsthand.

The significance of Lesedi Cultural Village recognises the crucial role in preserving the cultural heritage of South Africa’s indigenous communities and ensures that their traditions are maintained and shared with a wider audience. By bringing together multiple ethnic groups in one location, Lesedi promotes cross-cultural understanding,

respect, and unity. Lesedi functions therefore as both an educational resource and a celebration of the enduring richness of Southern African heritage.

6.0 A Summary of Participants

S/No.	COUNTRY
1.	Kenya (National Gender and Equality Commission (NGEC), Kenya National Commission on Human Rights (KNCHR), Inclusive Conservation Initiative, Endorois Indigenous Women Empowerment Network (EIWEN), Indigenous Friends of the Mau Forest, Kenya National Commission on Human Rights (KNCHR), Indigenous Livelihoods Enhancement Partners (ILEPA), Samburu Women Trust (SWT), Ogiek Peoples' Development Program (OPDP), Indigenous Movement for Peace Advancement and Conflict Transformation (IMPACT Kenya), Article 43 International, Greener Minds Households' Initiative, Pastoralists Peoples Initiative)
2.	Uganda (Coalition of Pastoralist Civil Society Organisations (COPACSO).
3.	South Africa (African Community Resource Rights Alliance (ACRRA), IFNASA, University of Fort Hare, Sanlam Ltd, University of Mpumalanga, West Coast Guriqua San Council).
4.	Tanzania (African Commission on Human and Peoples' Rights, Judiciary of Tanzania)
5.	Namibia (Landless People's Movement, Ministry of Health and Social Services, Namibia Indigenous People Advocacy Platform Trust, UNESCO)
6.	Botswana. (Ministry of International Relations, Office of the Ombudsman, Ministry of Justice and Correctional Services, Ministry of Local Government and Traditional Affairs, Ministry of Lands and Agriculture, Ministry of Child Welfare Moteti and Basic Education, Palms for Life Fund).
7.	Ethiopia. (Ethiopian Human Rights Commission, Ethiopian Civil Society and Professional Association's Congress, Gayo Pastoral Development Initiative, South Ethiopia Region Agricultural Research Institute, EU Delegation to the African Union.
8.	Zimbabwe Magamba Network – Climate X Indigenous Voices
9.	Burundi (Batwa Education and Development Initiative)
10.	Rwanda COPORWA NGO (Community of Poters of Rwanda)
11.	Cameroon (Global Village Cameroon (GVC), Bridge Cameroon, COMAID)
12.	Gabon (Joly Françoise Ze Ango) NGO.
13.	Nigeria (National Human Rights Commission-Nigeria, University of Port Harcourt, Ogoni Youth Alliance for Climate Change and Sustainable Development.
14.	Malawi

	Mdzobwe Community Secondary School.
15.	France OSCE
16.	Italy (International Human Rights Network Europe)
17.	Belgium Forest Peoples Programme.
18.	Germany Virchow Foundation
19.	United Kingdom UNEP-WCMC
20.	Bangladesh East West University
21.	Switzerland Virchow Foundation



