



**MEMORANDUM**

**TO:** Bruce Moore, Director ILC  
ILC Members and partners addressing Indigenous People's land issues

**DATE:** 20<sup>th</sup> May 2007

**FROM:** Michael Taylor, Programme Manager Land Policy and Africa Region  
Andrew Fuys, Programme Manager Asia Region

**SUBJECT:** **Back To Office report: Mission to participate in United Nations Permanent Forum on Indigenous Issues, New York, 14<sup>th</sup> – 18<sup>th</sup> May 2007**

**I. Introduction**

1. The UN Permanent Forum on Indigenous Issues (UNPFII) is an advisory body to the UN Economic and Social Council (ECOSOC) with a mandate to discuss indigenous issues related to economic and social development, culture, the environment, education, health and human rights. According to its mandate, the Permanent Forum:

- (a) provides expert advice and recommendations on indigenous issues to the Council, as well as to programmes, funds and agencies of the United Nations, through the Council
- (b) raises awareness and promotes the integration and coordination of activities related to indigenous issues within the UN system
- (c) prepares and disseminates information on indigenous issues

The Permanent Forum holds annual two-week sessions. The first meeting of the Permanent Forum was held in May 2002, and its annual sessions take place in New York.

2. ILC participated in the first week of the 6<sup>th</sup> Session of the UNPFII in New York, from 14<sup>th</sup> – 18<sup>th</sup> May 2007, and some of the delegation participated in the second week (21<sup>st</sup> – 25<sup>th</sup> May). Participation in the UNPFII was motivated by:

- (a) the direction given by the ILC Council to focus greater efforts on promoting access to territories for Indigenous Peoples (IPs)
- (b) the growing relationship of ILC with the Inter-Agency Support Group
- (c) the 2007 theme of UNPFII 6<sup>th</sup> Session, being '*Land, territories and natural resources*'

3. Representatives of three partner organisations were sponsored as a part of the ILC delegation:

- (a) Union pour l'Emancipation des Femmes Autochtones (UEFA), Democratic Republic of Congo, represented by Ms Adolphine Muley
- (b) Letloa Trust and Kuru family of Organisations, Botswana, represented by Ms Tlhokomelang Ngaka
- (c) World Alliance of Mobile and Indigenous Populations (WAMIP) and Mpidoo, represented by Mr Joseph Ole Simel

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In addition, other ILC members and partners who participated included IFAD, FAO, UNEP, UN Habitat, World Bank, and Inter American Development Bank

4. The objectives of participation in UNFPFII were to:

- (a) give partner organisations to ILC opportunities to develop closer links with other organisations working for the land rights of IPs
- (b) facilitate exposure of Indigenous Peoples' Organisations (IPOs) and IP support organisations to the work of ILC
- (c) improve understanding within ILC generally of IP land issues and organisations globally supporting IP access to territories
- (d) gain a better understanding as ILC of the particular role of ILC within the global movement of organisations supporting IP's access to territories

5. Apart from participation in the sessions, the following submissions were made by the ILC delegation:

- (a) Presentation of ILC to the Permanent Forum, alongside the presentation made by IFAD
- (b) Presentation of a side event entitled *Expanding the links between the territorial rights of IPs and global land rights movements*
- (c) Submission of a statement to the Permanent Forum by Ms Tlhokomelang Ngaka on behalf of the Kuru Family of Organisations
- (d) Submission of a statement to the Permanent Forum by Mr Joseph Ole Simel on behalf of the Mpidoo pastoralist network and 7 other east African pastoralist networks
- (e) Preparation of a statement by the Indigenous Peoples of Africa Coordinating Committee (IPAAC) and other organisations to the permanent Forum regarding the role of ILC in supporting the land rights of Indigenous Peoples

## II. Background

8. At the request of the Coalition Council, ILC has begun to give greater attention to the ways in which it can support IPOs and Pastoralist organisations in their efforts to gain more secure access to land. As a start, ILC has focused on knowledge products, including:

- (a) In November 2005 – March 2006, ILC held a D-Group discussion on access to land for pastoralists. This culminated in the publication of a synthesis document entitled *Mobile livelihoods, patchy resources & shifting rights: approaching pastoral territories* in April 2007.
- (b) In May 2006, ILC and CAPRi presented to the International Association for the Study of Common Property the results of a collaborative research project on securing access to common property, giving a high profile to indigenous and pastoralist populations reliant on common property resources. This paper was published in April 2007, entitled *Securing access to common property resources in a 'modernizing' world*.
- (c) In September 2006, ILC participated in the Inter-Agency Support Group of UNFPFII in Rome, presenting a paper which was published in April 2007 as *Working at the Boundaries: International Land Coalition's engagement with the land rights of indigenous peoples and their neighbours*.

9. These initiatives have been over and above the inclusion of Indigenous Peoples and Pastoralists issues into the ongoing work of ILC, through, for example, the CALI project, knowledge exchange on participatory land mapping in indigenous territories, and the Community Empowerment Facility (20% of whose grants went to IPOs).

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### **III. Achievement of objectives**

#### ***Objective 1: To give partner organisations to ILC opportunities to develop closer links with other organisations working for the land rights of IPs***

10. All three partner organisations sponsored by ILC participated fully in the sessions of the Forum. In addition, Ms Ngaka presented a statement on behalf of Letloa Trust (Annex Two), and Mr Simel presented a statement on behalf of Mpidoo. All three partners also made presentations in the ILC side event on behalf of their organisations. In addition, delegates were able to meet other organisations relevant to their own work. They participated in the Africa caucus meetings, and in events organised by IPACC.

11. In the evaluation meeting, all three partners considered their participation to have provided useful opportunities to develop closer links with other organisations.

#### ***Objective 2: To facilitate exposure of IPOs and IP support organisations to the work of ILC***

12. ILC made a presentation on the work of ILC with Indigenous Peoples to the plenary session for IGOs. This was made alongside the presentation of IFAD.

13. ILC also organised a side event entitled *Expanding the links between the territorial rights of IPs and global land rights movements*. The event was opened by Vicky Tauli-Corpus (Philippines), Chairperson of the Board of UNPFII, and commentators from the UNPFII Board were Ms Otilia Lux de Coti (Guatemala), Mr William Langeveld (South Africa), and Mr Lars Anders Baer (Sweden). The agenda included an overview of ILC, and a presentation by each partner entitled 'Working together to support Indigenous land rights' for of their regions.

14. The event was attended by 50 people, representing IPOs, NGOs, UN agencies, research institutions and donors from over 20 countries. Participants were primarily from Africa, but also Europe, Asia and Latin America. Many participants were IPACC members, as IPACC cancelled a planned meeting at the same time, so as to allow members to attend.

#### ***Objective 3: To improve understanding within ILC generally of IP land issues and organisations globally supporting IP access to territories***

15. In the evaluation session of the ILC delegation, a number of trends were noted as having become apparent in the context of the Forum. With respect to UN and multilateral agencies, it was apparent that they are becoming more progressive in supporting land rights for IPs. Examples are the shift in UNEP support for pastoralists, WB policies on prior informed consent, and UNDP DDC work with pastoralist land issues. In addition, UN Agencies are showing an increasing willingness to work directly with NGOs on the ground, as evidenced by ILO, UNDP, WIPO, and UNESCO in Kenya. The PF is an important opportunity to bring these stakeholders together, so as to facilitate collaboration in national contexts. The PF has played a significant role in increasing the visibility of IP issues within the UN system, and in promoting greater support for IPOs by UN agencies.

16. With respect to IP land rights in Africa, it was noted that despite secure access to land and natural resources being central to survival of IPs, granting significant land rights to IPs remains the stumbling point for most African governments. Nonetheless, there are indications that some governments in Africa are becoming more open to allowing collective rights, following examples from other regions. This is reflected, for example, in aspects of the new Kenya land policy. Where IPOs have strong representation and gained a strong voice at the national level, they have been able to dialogue with government and gain recognition. For example, the Ambassador of Kenya hosted a

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reception for Kenyan delegates at the UNPFII, and was one of the few African governments to make a statement to the PF.

17. It was evident by the sizes of delegations and levels of participation from the floor that IPOs in Latin America, North America, Asia and Europe have more experience and more success in representing their interests than those in Africa. There were fewer representatives of IPs in Africa at the PF, with fewer contributions from the floor from African IPOs than any other region, and fewer African governments participated in the PF than any other region (indicating less pressure to do so from IPOs in their countries). Of the African IPOs present at the Forum, those that appeared to have gained most recognition from their governments were pastoralist organisations from east Africa, with less visible recognition of pastoralist organisations from other regions, or of organisations representing hunter-gatherers.

18. It was noted that biofuel is having a negative impact on the security of land and territorial rights of IPs, as there is new pressure to make lands available for commercial production in this sector. The PF commissioned research on this issue, a summary of which was presented at the session (ILC can request a copy of the report for Ms-Ps interested).

***Objective 4: To gain a better understanding as ILC of the particular role of ILC could play within the global movement of organisations supporting IP's access to territories***

19. A consistent message was understood through participation in the sessions of the PF, the side events that ILC participated in, and the formal and informal meetings with IPOs and IPO support organisations; secure access to lands and natural resources is the primary concern of most IPOs in Africa, Asia and Latin America. Threats to the land rights of IPs include plantation agriculture, logging, cattle ranching, conservation, and land grabbing by political and economic elite

20. In his closing comments to ILC's side event, the incoming Board member of UNPFII, and President of the Sami Parliament of Sweden, Mr Lars Anders Baer, expressed the willingness of the UNPFII to work with ILC on promoting the territorial rights of Indigenous Peoples. He invited ILC to propose to UNPFII possible forms of collaboration.

21. As a follow up to the ILC event, IPACC organised a consultative meeting with a number of IPOs from Africa to define priority areas for possible collaboration with ILC. These priority areas were submitted in a statement by IPACC and other organisations to UNPFII (See Annex One). The statement called on UNPFII to propose to ILC to:

- a) Become more focussed in supporting capacity building of Indigenous People's Organisations to more effectively advocate for land rights
- b) Promote the inclusion of Indigenous People's land rights into national policy processes affecting indigenous peoples
- c) Develop a dedicated programme to promote recognition by governments of collective land ownership as an appropriate form of tenure for indigenous peoples and pastoralists.
- d) Facilitate sharing of expertise and experiences among Indigenous People's Organisations in different regions on securing of land rights, as well as with non-Indigenous People's Organisations on common issues of access to land
- e) Support the participation of Indigenous Peoples at appropriate national and international forums

#### **IV. Implications for ILC**

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21. ILC's mandate of promoting secure access to land for poor land users is directly relevant to the priorities of many IPOs, and the desire to collaborate with ILC was expressed by a number of organisations, including UNPFII Board members and IPOs themselves.
22. Two strategic options for ILC to increase its support to IP land rights are: (i) to integrate IP issues as far as possible into existing national and global programmes wherever possible; and (ii) to develop a dedicated programme(s) with appropriate partners to address particular aspects of IP land rights, relating to one or more of the above-identified priority areas.
23. A suggested strategy for ILC is to start with the first option of strengthening a focus on IP land issues in existing programmes wherever possible. As this is being done, the response of UNPFII on the statement by IPACC and other organisations concerning the role of ILC in supporting IPOs efforts for land rights will enable an informed decision as to the viability of a specific programme on land access for indigenous organisations.
24. If any specific initiative on IPs land rights is developed, the context of IP land rights in Africa vis-à-vis other regions suggests that Africa should have a primary focus. Nonetheless, part of the value that ILC could add in this region is related to the potential links with IPOs globally, as well as non-IPOs in Africa and other regions. If this is the option chosen, then any initiative should be developed in close cooperation with IPACC.
25. The partnerships that ILC currently has with both pastoralist and indigenous organisations provide an opportunity to work with both in the context of any initiatives that might arise. Considering the imbalances in strength of representative organisations, it may be more important to focus should be on supporting the capacity of hunter-gatherer organisations to secure access to land, as well as pastoralists from regions outside Kenya. This can be achieved in part through the strengthening of alliances of hunter-gatherer organisations with well-organised pastoralist organisations in Kenya.
26. The institutional development that ILC is currently undergoing also provides opportunities for ILC to better mainstream IPO land issues into its ongoing operations, for example through ensuring IPOs are adequately represented in decentralised structures, in promoting increased horizontal networking by members with IPOs, and in strengthening the message that land tenure is a multi-dimensional issue.
27. ILC wishes to express its thanks to the organisations and individuals that contributed to the success of its participation in the Forum. In particular, to the three partner organisations who made up the ILC delegation, to the Permanent Forum for including ILC in the event, to IFAD for facilitating ILC's registration, and to Vanda Altarelli for facilitating many of the contacts that ILC was able to make.

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## Annex One:

### Statement by WAMIP, PHAGEMN, IPACC, Saami Parliament of Sweden, concerning the role of the International Land Coalition in supporting efforts by Indigenous Peoples' Organisations for land rights

Maintaining access to lands, territories and natural resources, on which the livelihoods, dignity and heritage of Indigenous Peoples globally are based, is one of the major challenges facing Indigenous Peoples today. As noted by the Special Rapporteur of the situation of human rights and fundamental freedoms of indigenous people in his statement to the Sixth Session, there is a trend that has been reinforced in recent years of 'the continuous loss of indigenous lands and territories, including their loss of control over natural resources'.

The enormous challenge of halting the trend of dispossession of Indigenous People's territories requires widespread support. We call on the Permanent Forum to encourage the International Land Coalition (ILC) to increase its targeted support of Indigenous People's Organisations in their efforts to gain more secure control over land.

The span of ILC's membership, encompassing agencies of the United Nations, other inter-governmental agencies, NGOs, CBOs and Social Movements, provides a wide base from which the land rights efforts of Indigenous People's Organisations can be supported. We believe that within the context of its wider mandate to support the land rights of poor land users, that ILC can play a potentially significant role in promoting rights to land for Indigenous Peoples. We therefore recommend that the Permanent Forum, in liaison with the Inter-Agency Support Group, make a request to ILC to:

1. Become more focussed in supporting **capacity building** of Indigenous People's Organisations to more effectively advocate for land rights
2. Promote the inclusion of Indigenous People's land rights into **national policy processes** affecting indigenous peoples, in countries in which ILC plays a role in facilitating national dialogue on policy reform
3. Develop a dedicated programme to promote recognition by governments of **collective land ownership** as an appropriate form of tenure for indigenous peoples and pastoralists. In particular, this should include sensitisation on the value and methods for recognising Traditional Knowledge of hunter-gatherers and pastoralists and the link to security of access to lands and natural resources.
4. Facilitate **sharing of expertise and experiences** among Indigenous People's Organisations in different regions on securing of land rights, as well as with non-Indigenous People's Organisations on common issues of access to land
5. Support the participation of Indigenous Peoples at appropriate **national and international forums** so as to represent their interests on land rights

Finally, we recommend that the Permanent Forum requests a report from the International Land Coalition at its 7<sup>th</sup> Session on progress achieved on the above points.

**Annex Two: Joint Statement by Kuru Family of Organisations, Letloa, Trust for Okavango Cultural and Development Initiative (TOCADI), and Komku Trust of Botswana to the Sixth Session of the United Nations Permanent Forum on Indigenous Issues on Discussion item 4: Implementation on the six mandate areas and on Millennium Development Goals**

Statement read by Ms. Tlhokomelang Ngaka, email:ngakathoko@yahoo.ca

My name is Tlhokomelang Ngaka, I come from Botswana. I am very thankful for this opportunity as a young San woman to participate in this forum for the first time, as a partner of the International Land Coalition. I am privileged to be the first San woman to have a national diploma in nature conservation.

I work for a San network called Letloa, which supports San community-based organisations in southern Africa. Where I come from, we have not been aware that other indigenous people face the same challenges that we do. This is an important experience for me to meet indigenous people from around the globe.

Since our country gained independence in 1966, we have been faced with many difficulties. We have lost our land, which is also making us lose our culture and knowledge. We now live on the edge of other people's villages, and we are susceptible to diseases such as HIV/AIDS. Many of our children are orphans. 26% of the people in my village are HIV positive. The organisation I work for, Letloa, is training young San Community Health Workers to give information about HIV/AIDS in our own language.

Our government provides free Anti-Retro Viral drugs, but many San cannot access them easily. Health, education and government officials do not speak our languages. Our indigenous languages are not recognised by our Government.

Though education is free in our country, San people do not succeed to a higher level, due to the reason that our languages are not used and our cultures and identity are not recognised in the education system. Children leave school at an early age. Parents cannot even speak with the teachers. We are setting up early primary schools that will use our mother tongue, but also prepare children to speak the national language. We are developing this in collaboration with San language committees in Botswana, Namibia and South Africa.

Letloa encourages us to promote our culture through dancing and games that we used to play. It also gives young people a chance to participate so that we do not lose all of our culture.

We have suffered a lot of discrimination and marginalisation in Botswana. The current system of rural government does not include the San people. Only Bantu dominant peoples can be chiefs. Our traditional land use is not recognised, only cattle herding, ranching or some forms of tourism.

We are optimistic that there are new things going on in Botswana. We believe that our Government is learning a lot from the UN system. Our government is recognising now that traditional knowledge of biodiversity is an important national resource. Our Deputy President is interested in new partnerships between rural communities and nature conservation. Botswana has recently adopted new legislation on Community Based Natural Resources Management which is in line with the UN Convention on Biological Diversity – including Article 8J on traditional knowledge. We value this new approach from our Government.

However, we also repeat that our people are extremely vulnerable. Many have been displaced and continue to live in poverty in what is one of the wealthiest countries in Africa. Recently our High Court ruled that the Government was wrong in forcibly removing people from the Central Kalahari Game Reserve.

We recommend to the UNPFII that:

- There needs to be more dialogue between UNDP, UNEP and CBD with the Republic of Botswana on how to nurture and promote traditional knowledge and its application to the protection of biological diversity;
- We encourage the FAO to recognise that wild food is an important African food source and to dialogue with our Department of Agriculture to review our mapping projects in Ngamiland;
- There needs to be closer dialogue between UNESCO and the Republic of Botswana on intercultural dialogue and the protection and promotion of intangible heritage;
- We ask the UNPFII to study the IPACC report on hunter-gatherers and traditional knowledge which promotes ways for the State to recognise and value traditional knowledge of tracking and biodiversity, and to link this to new technologies
- We ask WHO and UNAIDS to contact us about approaches to improving equitable access to treatment of HIV / AIDS;
- Finally, we encourage the inter-agency support group, the Permanent Forum and the SADC states to dialogue with the International Land Committee on sustainable approaches to land tenure and conflict management.