



Maat for Peace' submission on

“Protected Areas and the Rights of Indigenous Peoples: Obligations of States and International Organizations”

Submitted to the Special Rapporteur on the Rights of Indigenous Peoples in light of his Report to the General Assembly at its seventy-seven session in 2022

Preamble:

Africa has always been a home for many indigenous peoples whose numbers are estimated at about 50 million. It also includes hundreds of groupings of indigenous peoples. In this report, indigenous peoples are those peoples who descend from common origins and are linked by social and cultural ties that extend for many years and centuries, and who share the same geographical region upon which they established states and developed a political, economic, and social life.

Maat for Peace, Development and Human Rights presents this contribution to the Special Rapporteur on the rights of the indigenous peoples, to highlight the situation of these populations and the obligations of states towards these peoples, and to monitor everything that prevents them from enjoying their full rights guaranteed to them by international conventions. In this contribution, we focus on the situation of indigenous peoples in Ethiopia and the Democratic Republic of the Congo.

First: The reality of the indigenous peoples in Ethiopia

By studying the internal situation in Ethiopia, we find that the indigenous peoples are the weakest groups in the community. There are serious challenges facing these marginalized groups, especially the pastoralists, who represent between 12 and 15 million people in Ethiopia. Despite the urban renaissance that has been constructed in Ethiopia in the past decade, these areas still suffer from the lack of even basic infrastructure, in addition to the challenges related to migration throughout the year, which is an integral part of the lives of pastoralists, in light of the constant climatic changes of which the drought that is currently affecting the Horn of Africa, is one of its strongest effects. The following highlights the living conditions of indigenous peoples from several angles:

A. The share of Ethiopian indigenous peoples from basic services

With regard to the ability of Ethiopian indigenous peoples to access services, we mention health and education services. In the Somali region, the percentage of literate people drops to less than 25% of the total population. While the primary education enrollment rate is 56%. In the province of Benishangul Gumuz, the percentage of literate decreases to less than 54% of the total population, while the percentage of those enrolled in primary education does not exceed 71%. In Afar, too, the proportion of the uneducated is 68.7% of the total population, and the proportion of those enrolled in primary education does not exceed only 62% of those of legal age. These low rates are due to a mixture of social and economic reasons, including; **limited security**, lack of stable and well-functioning schools in remote



Organization in special consultative status with the Economic and Social Council since 2016

Headquarters: 148 Misr Helwan El-Zyrae Road, El Matbaa Sq, Hadayek El Maadi, 4th Floor, No 41, Cairo, Egypt

Maat Training Center: 380 Corniche El Nil St., Gawharet El Maadi Tower, 38th Floor, Tower B, Cairo, Egypt

490 El Maadi www.maatpeace.org

maat@maatpeace.org

00(20) (2) 25266026

00(20) (2) 25266019

+201226521170

areas, and above all financial barriers that prevent families from sending children to school, this is in addition to the growing impact of the war on educational buildings, in addition to the restrictions of closure due to the Covid-19 virus.

Also in terms of **access to adequate health care**, indigenous peoples have less access to health care compared to urban areas, for example, only 43.6% of Somali mothers received care from skilled staff during pregnancy, which means that the rest either did not receive prenatal care at all or attended by non-professionals. This figure is higher in the Oromia region, where nearly half of the mothers (48.6%) did not receive any prenatal care at all. Also, **in terms of access to institutions**, less than 23.3% of deliveries in the Somali region take place in a health facility. The percentage of children who received all basic vaccinations is the lowest in Afar, 15.2%, and in the Somali region, at 21.8%.¹

B. The situation of the indigenous peoples of Ethiopia during the war

After more than a year of the war in Ethiopia, it can be said that this war came as a disaster for the Ethiopian minorities and indigenous peoples because they were victims of a multi-dimensional complex based on societal fragility and the attempt to plunge them into the conflict by various parties, as well as the parallels of the war with the Covid-19 virus, The following is a description of the status of these categories:

1. Komnt minority

Coinciding with the widening of the ethnic conflict, thousands of Ethiopians from the Komnt minority, after a dispute over their land, fled to neighboring Sudan. In the Sudanese town of Basinga on the border with Ethiopia, the refugees who fled their village in thousands suffered the burning of their homes and brutally killing dozens of them; they couldn't even bury the corpses. During August 2021 alone, three thousand refugees from the Komnt crossed into Sudan. Clashes between the Amhara and the Komnt forced thousands of people to flee in April 2021.

As the conflict erupted, other groups fighting for territory were drawn into the violence in battles that extended from Tigray to the neighboring state of Amhara, home of the Amhara people as well as the Komnt ethnic minority. Amhara fighters are backing Abiy Ahmed's forces in an attempt to reach a settlement to their decades-old dispute over the land they say the Tigray Front seized during its nearly three-decade rule of the country before Abiy took power. The Komnt has long been disturbed by the dominant cultural and social influence of the Amhara people, and in the past few years have been demanding autonomy. Earlier, in 2017, a referendum on the establishment of an autonomous region for the Komnt ended in grudges, and the resulting dispute led to increasingly frequent clashes between the two groups. Amhara leaders say that the Komnt's efforts to establish autonomy have been largely stoked by rebels and that they are fighting a proxy war by supporting the Komnt.

In accordance with Article 5 of the United Nations Declaration on the Rights of Indigenous Peoples; Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social, and cultural institutions while retaining their rights to full participation.

¹ Minority rights group international, Access to education and health among minorities and indigenous peoples in Ethiopia, <https://minorityrights.org/publications/ethiopia-access/>

2. The people of Konama

Eritrean forces, Ethiopian forces, Amhara Special Forces, and militias continued to target the Kunama tribe, who were reported to have been subjected to a mass ethnic cleansing campaign to alter the demographics of Western Tigray and annex the region. Eritrean forces burned the Konama settlements in Tigray. The forces destroyed their property and looted their livestock, and hundreds of the Konama are now internally displaced after fleeing their homes when the war began. According to the United Nations Declaration on the Rights of Indigenous Peoples; Indigenous peoples have the collective right to live in freedom, peace, and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence. Humanitarian aid remains inaccessible to most areas of Tigray, particularly in the remote areas of the area where Konama has been displaced; leaving the Konama people at risk of starvation, particularly with the intensification of the drought that hit the region.²

3. Dwarf tribes

On February 26, 2021, military personnel shot civilians, killing 26 people, including women and elderly people, in Albasa Kebele in Debat Warda, Metikl District, Benishangul Gumuz State. Weeks after the attack, the area also remained unstable, and the Albasa Kebele residents fled their homes into the forest. According to official statistics, the number of displaced people who have been registered in Benishangul Gomez has reached 125,000.³

Fighting broke out on January 18, 2022, in the town of Tongue, Benishangul Gumuz Province, between unidentified armed groups and federal forces, and the nearby camp hosting 10,300 refugees was looted and burned. All humanitarian workers were forced to evacuate.⁴ In accordance with the rules of international humanitarian law in time of war; “No person may be expelled, by the individual or collective measure, from the territory of the State of which he is a citizen.

C. The Grand Ethiopian Renaissance Dam (GERD) and its dangers to the rights of indigenous peoples:

In accordance with Article 32 paragraph 2 of the United Nations Declaration on the Rights of Indigenous Peoples, States shall consult and cooperate in good faith with the indigenous peoples concerned through their representative institutions in order to obtain their free and informed consent before agreeing to any project affecting their lands, territories and other resources, in particular in connection with the development, use or exploitation of mineral, water or other resources.

But what happened was just the opposite. In order to build the GERD, the Ethiopian government took control of the lands of the Gumuz people in the Benishangul region in the north of the country. These people were subjected to a series of human rights violations, starting in the year 1902, to the forcible annexation of its lands from Sudan to the Ethiopian emperor in 1902, without taking into account the cultural and social rights of the inhabitants of the region. The frequency of violations increased with Ethiopia’s start to build the GERD, so the people paid the tax and were subjected to various violations, especially the right to life and the right not to be forcibly displaced. The attacks by unidentified armed

² Yet again, The Plight of the Irob and Kunama – Minorities Within a Minority, <https://bit.ly/3oBpPZu>

³ Addis standard, News: Security forces kill scores of civilians, arrest several in Metekel after attack by rebels killed three, wounded seven; Ethiopia accuses Egypt & Sudan for persistent violence, <https://bit.ly/3Jfqpnx>

⁴ UNHCR, partners rush to aid thousands of refugees in Benishangul Gumuz region of Ethiopia, feb, 2022, <https://bit.ly/3rAZz3g>

groups in the Benishangul Gumuz district, especially in the Metikel district, which have continued since mid-2020, have escalated, and chaos has spread in the Kamachi and Asusa districts, resulting in the displacement of many people in and out of the neighboring districts. According to statistics, the number of displaced people in Benishangul reached more than 538,000 people. In East and West Weliga districts in Oromia Regional State, there are more than 51,000 secondary IDPs, with new displacements continuing to be reported.⁵

Currently, the government is fueling ethnic conflicts towards the people of the region; The federal government aired a documentary, produced by the Federal Police. In it, it alleges that individuals, including a Tigrayan businessman in the city of Metikel, had obtained money from one of the founders of the Tigray People's Liberation Front, called Abay Tsehai, to organize the Gumuz militia and attack Amhara civilians in the area.

Second: The situation of indigenous peoples in the Democratic Republic of the Congo

A. The lives of the indigenous peoples of the Congo Basin region are in danger

Although in 2021 the National Assembly of the Democratic Republic of the Congo voted on a law protecting and promoting indigenous rights for the first time in its history, the bill remains stalled in the Senate. This would have wasted the rights of the indigenous peoples in this region and promoted impunity.

From 1 to 3 February 2021, hundreds of attackers from the Nkundu tribe killed dozens of residents of Aika village, including at least 40 children, 22 men, and 4 women, and wounded many more in eight villages. The attackers also burned more than 1,000 homes as well as schools, churches, and health centers, according to survivors, witnesses, civil society groups, and regional officials. The authorities initially opened an investigation but did not conduct any field investigations. A year later, no one has been charged with the murders, which have been largely unreported in the media. Two people were tried and acquitted on lesser charges, and the case was closed. This repeated silence regarding the killing of defenseless civilians, in light of the fact that this incident is an episode in the series of attacks against the people of Iliki, indicates the failure of the authorities to fulfill their duties towards the indigenous population. In accordance with Article 8 of the United Nations Declaration on the Rights of Indigenous Peoples, States shall provide effective mechanisms for prevention and compensation for any act that aims or results in depriving them of their integrity as distinct peoples or of their cultural values or ethnic identities, and to protect them from any act that aims or leads to the expropriation of their territories or regions or resources.

It is worth noting that the Iliki aborigines - **part of a larger group of indigenous Batwa** - and the Nkundu ethnicity live in separate but adjacent villages scattered along with the 100-kilometer extension of Salonga National Park, Africa's largest tropical rainforest reserve. Long-standing tensions between the two groups revolve around access to territory and slave labor.⁶

B. The indigenous areas of Salonga National Territory are not protected!

⁵ Addis Standard, NEARLY 540,000 DISPLACED IN BENISHANGUL GUMUZ; 1.4 M PEOPLE IN SNNPR NEED, <https://bit.ly/3vLh6X4>

⁶ HRW, DR Congo: Neglected Massacre of Indigenous Group, <https://bit.ly/3tppUC9>

Indigenous peoples and local communities also face frequent threats of intimidation, torture, beatings, sexual violence, and killings by environmental rangers and militias. Environmental rangers in protected areas face the same thing by the armed groups. Also, wildlife and habitats are not being protected, and the rates of species loss are increasing at an unprecedented rate, and the communities that have been displaced, after declaring their territories as protected areas, are still landless and live in extreme poverty.

With this recurring violence, we mention a model, for example, but not limited to, until the nature of the situation in the region becomes clear; Between November 2020 and January 2021, several consecutive violent incidents occurred that confirm the idea that the Salonga region, which is classified as a globally protected area, is not protected at all:

On November 30, 2020, 3 Batwa men were killed and several more injured outside Kahuzi-Biega National Park (PNKB) when members of the Congolese Institute for the Conservation of Nature and FARDC suppressed a Batwa-led protest, and a FARDC soldier was killed during the confrontation.

On December 28, 2020, 5 environmental rangers from Salonga National Park were convicted of serious crimes against four local women (one of rape and four of torture).

On December 31, 2020, 5 environmental rangers from Biega National Park were convicted of murder and actual bodily harm against two Batwa men. On January 10, 2021, at least 6 environmental rangers were killed on patrol in Virunga National Park by an armed group¹.

By studying the existing system, protected areas were created, which are supposed to allow Western scientists and tourists access to the "pristine landscape". Meanwhile, indigenous peoples and local communities are violently excluded from these same places. Meanwhile, habitats and wildlife within these protected areas remain threatened, both from activities within the parks such as mining, cattle ranching, and charcoal production, which are usually funded by influential and powerful individuals in the area, due to a decades-old problem of non-recognition of land rights, allocating customary lands to companies and individuals for timber exploitation, mining or agriculture.⁷

Recommendations:

In the context of the interest of Maat for Peace, Development and Human Rights on the rights of vulnerable and marginalized groups, particularly the rights of indigenous peoples in Africa, Maat makes these recommendations in order to contribute to improving the conditions of the groups we referred to in this contribution and to enhance the role of international organizations in this regard, which are as follows:

- A- Maat calls on the Special Rapporteur on the rights of indigenous peoples to confirm the activation of the guarantees binding on the Ethiopian government, particularly those mentioned in the United Nations Declaration on the Rights of Indigenous Peoples, to be in conformity with the protection clauses stipulated in international human rights standards, under the supervision of an independent body that considers the violations suffered by the Ethiopian minorities during the period of the civil war in the Tigray region.

⁷ Relief web, Statement: Protected areas in the Democratic Republic of Congo – a broken system, <https://reliefweb.int/report/democratic-republic-congo/statement-protected-areas-democratic-republic-congo-broken-system>

- B- Maat proposes to the Special Rapporteur on Indigenous Peoples the formation of a single regional umbrella that brings together all African governments that include groups of indigenous peoples on their territories, to work together for adequate funding for investigations in human rights violations, and to ensure that funding is available to members of society so that they can seek redress in courts in cases of violations.
- C. Maat makes recommendations to the Special Rapporteur on Indigenous Peoples to be submitted to the government of the Democratic Republic of the Congo regarding the protection of the indigenous peoples' areas on its territory and they are; First, the DRC government should commit to working closely with partners within the country to ensure compliance with human rights standards. Make available mechanisms for redress and compensation to victims of human rights violations, and implement sentences in the above-mentioned cases in full; Second, Maat stresses that there is a need for a far-reaching review of how conservation staff in the DRC are recruited, trained, and monitored.