

ACHPR/Res. 403 (LXIII) 2018: Resolution on the Need for a Study on the Situation of Africa's Sacred Natural Sites and Territories

The African Commission on Human and Peoples' Rights (Commission), meeting at its 63rd Ordinary Session held from 24 October to 13 November 2018 in Banjul, Republic of The Gambia;

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

Noting that Article 45(1)(a) of the African Charter gives the Commission the mandate to "collect documents, undertake studies and researches on African problems in the field of human and peoples' rights";

Further noting Article 24 of the African Charter that guarantees peoples rights to a general satisfactory environment favourable to their development;

Conscious of the regional and international commitments made by African states particularly under the 1968 African Convention on the Conservation of Nature and Natural Resources; and the 1976 Cultural Charter for Africa that, inter alia, provides for the enactment of national laws for the protection of African cultural heritage and property; the 2007 UN Declaration on the Rights of Indigenous Peoples'; 1992 Convention on Biological Diversity; and the 1972 UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage;

Noting international treaties and policy instruments that support the protection of sacred natural sites, and the contribution these sites of ecological, cultural and spiritual importance can make to achieving the vision of an integrated, prosperous and peaceful Africa by 2063, Sustainable Development Goals, Aichi Biodiversity Targets, and the 2015 Paris Agreement on Climate Change;

Recalling its Resolution ACHPR/Res.372 (LX) 2017 on the Protection of Sacred Natural Sites and Territories, which calls on State Parties to recognise sacred natural sites and territories and their customary governance systems, as contributing to the protection of human and peoples' rights;

Recognising the critical role sacred natural sites play in the protection of African ecosystems and the realisation of African peoples' rights to economic, social and cultural development, and to a satisfactory environment favourable to their development;

Acknowledging that sacred natural sites are one of the oldest forms of culture-based conservation, contributing to connectivity, resilience and

adaptability of valuable landscapes and ecosystems, and having special spiritual significance to peoples and communities;

Aware that adequate recognition and respect for the intrinsic value of sacred natural sites in Africa will foster the vision of the Commission to eradicate the vestiges of colonialism and other systems of oppression, and to ensure the well-being of Africa's peoples and their heritages;

Concerned that sacred natural sites and territories have been significantly eroded during the past decades, and currently face dangers from climate change and environmentally damaging industrial activities and development projects;

Concerned that many governments do not have laws, policies or appropriate mechanisms to protect sacred natural sites and territories and comply with Resolution ACHPR/Res.372 (LX) 2017;

Decides:

I. To task the Working Group on Indigenous Populations/Communities to conduct a study on the situation of sacred natural sites, related customary governance systems, and the existing laws, policies and programmes in Africa;

II. That the Report and findings of the Study be submitted for consideration by the Commission within a period of 1 (one) year; and

III. To call on all stakeholders to support the work of the Working Group in undertaking the Study.

Done in Banjul, Republic of The Gambia, on 13 November 2018