

The background image shows a rural African landscape. In the foreground, a young boy in a blue shirt is running to the left, and a girl in a green shirt is walking towards the left. A small white and brown dog is also visible. In the middle ground, two women are walking away from the camera, carrying large yellow water jugs on their heads and backs. They are wearing traditional green and white wrap-around clothing. The background features a dirt path, some trees, and a fence made of sticks. The sky is overcast.

Philanthropy and Indigenous Peoples and Communities in Africa: Issues, Organizations and Opportunities.

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1. Introduction:

Philanthropy and IPs in Africa

Indigenous Peoples and Local Communities (IPLCs) are largely left out of philanthropy, direct funding to Indigenous Peoples represents a tiny fraction. Funding that is often offered to Indigenous Peoples (IPs) is either thematic or compartmentalized in ways that do not match what IPs need or want. Often there is a gap between the type of funds availed by donors and the need for funds expressed by IPs. IPs tend to seek funds and propose comprehensive projects since they deal with a lot of issues at the same time, that do not fall in a singular funding theme, focus, location, or thematic area. As with other topics in philanthropy, there's no one-size-fits-all solution, so it's important to understand the range of options available for supporting Indigenous groups.

Most grant programs accessible to Indigenous communities are for project funding, not operations. In most funding programs, indigenous peoples are considered as cross-cutting issues just as women's rights, or environment or water. Developing serious philanthropic relationships with IPs requires a readiness to accept alternative worldviews that can benefit both partners in surprising and unusual ways, helping to break down preconceived notions and to think "out of the box", as IPs offer more holistic alternatives to the mainstream paradigm of economic development. In practice, tension may exist between funding organizations perceived as having management capacity and

funding grassroots organizations that play a critical role in efforts to build community and civil society.

Grants:

Funders currently supporting IP communities often do so through **environmental, human rights, and international affairs** programs. Others with a specific geographic focus often support Indigenous partners when they comprise a majority of the population. Those who support social movements will fund organizing around Indigenous rights and Indigenous women, along with their participation in policymaking. Some funders have also created wide program areas that can incorporate intersecting issues, such as climate change, food sovereignty, and Indigenous communities (Foundation Centre, 2015).

Environmental funders recognize that Indigenous Peoples live on the earth's last remaining reserves of high biodiversity. Indigenous territories are estimated to cover 24 percent of the world's land surface and contain 80 percent of the earth's remaining healthy ecosystems. Since so much of the earth's remaining biodiversity is located in Indigenous territory, many funders consider these communities integral to their environmental defense strategies. Their rationale of support for Indigenous Peoples is the convergence between the concentration of Indigenous lands and biodiversity. With the emerging nature-based solutions, it has become even more fashionable to include IPLC (Indigenous Peoples and Local Communities) as the means for supporting nature's solution to

carbon reduction and sequestration efforts and climate change as they are portrayed as good stewards of natural resources. As climate change attracts more attention, the lines between environmental defense and sustainable development continue to converge. Indigenous Peoples are increasingly seen at the nexus of these connections. Funders further recognize that IPs are of cultural and linguistic diversity, which comes in direct response to the ecological diversity of the places they live, hence placing a higher dollar value on the intangible contributions of Indigenous communities in the area of environmental defense, recognizing the value of ancestral knowledge and practices.

Human Rights Funders employ a rights-centered approach. In 2012, 37% of human rights funding was channeled to IPs, however, separate IPs grants only accounted for 4% of the total human rights funding (Foundation Centre, 2015). From racial discrimination to political persecution, the daily reality of Indigenous Peoples' lives all over the world matches many human rights program goals. Human rights are seen through different prisms; racial equity lens to give to "native communities"; gender lens or women's human rights programs - the people most affected by the human rights abuses. Specific support for Indigenous Peoples rights (as defined in UNDRIP and ILO169, vs human rights enjoyed by all people) is more difficult to track. Funding the people most affected by abuses in turn supports the self-determination of Indigenous communities. The inclusion of Indigenous persons with disabilities at global and country levels has also increased the visibility of challenges faced by disabled Indigenous peoples.

Promoting Indigenous traditional knowledge is an important contribution to human survival. Travel scholarships constitute one of the highest areas of giving to Indigenous

communities since they are smaller and easier to account for due to the absence of accounting systems. Also, of interest for most African IPs is learning how other IPs across the world organize. ILO 169 and the UNDRIP have enabled the participation of IPs in international meetings, as some funders have supported Indigenous participants' travel to global meetings, such as sessions of the UN Permanent Forum on Indigenous Issues, the COP Meetings especial COP24 and COP 26, or regional networking events. Having Indigenous Peoples' representatives speak for themselves is critical for humanizing their issues and voicing their concerns. Learning from IPs who have decades and millennia of experience in dealing with the current questions of climate, global poverty, and resilience based on indigenous experimentations is beneficial to the development world. The Tamalpais Trust, for example, initiated the launch of a collaborative fund dedicated to promoting and harnessing traditional knowledge, called the Indigenous Ways of Knowing and Learning Fund. This Fund, supported also by The Christensen Fund, the Novo Foundation, and the Swift Foundation, disbursed its first round of grants in early 2015, mostly targeting the Eastern Africa Region.

Approaches and Issues

Funding to IPs is premised on two themes that underpin Indigenous issues – the rights to ancestral lands and self-determination, these result into two main approaches: empowerment based on the right of Indigenous Peoples to determine the nature and use of resources that come into their communities; and the second focused on ecosystems, which reflects the Indigenous worldview that all life—human and nonhuman—is interrelated. This approach often results in flexible program areas that show fluidity and appreciation for different interpretations of an issue.

Funders often consider the following when IPLCs seek grants:

- a) Marginalization of Indigenous Peoples from dominant societies, as a result of the history of colonization and discrimination. This is often reflected in national statistics on health, poverty, and access to education, which shows marginalized tribes in areas of exclusion. Often IPs are still the poorest of the poor, the least healthy, and ones who do not have access to formal education. Often, a history of discrimination and exclusion leaves them on the margins of the larger societies.
- b) Exclusion from the power structures of most societies means they are cut off from basic social services and mainstream income generation. However, it would be a mistake to view Indigenous Peoples as helpless victims; given the natural wealth in their territories, they are wealthy peoples who need to be empowered to manage their wealth.
- c) Land rights and self-determination are as core in Indigenous communities, as are the preservation of culture and language. Indigenous Peoples so closely identify with the land of their ancestors that it forms the very fabric of their cultures. The land is not only the source of their economic livelihood, but the thread uniting their spiritual, cultural, and social identity. Consequently, official recognition of their ancestral territories is a primary concern of Indigenous communities. When Indigenous Peoples seek recognition of their land rights, they usually refer to a communal land title, as opposed to individual private property. This desire for collective tenure often challenges the notions of national sovereignty, private individual property, economic policy, and land rights discussions, pitting them against development projects on their lands.
- d) Litigation: Indigenous communities are increasingly going to the courts to enforce their collective rights delineated under different UN mechanisms, such as UNDRIP. Funders support legal battles for Indigenous land rights and the political advocacy to support them. Despite this growing body of international precedents, on the domestic level, collective property rights of Indigenous Peoples are generally not recognized by national governments in Africa. Even when governments recognize ancestral lands, they often stipulate that the national government still owns the subsoil—which is critical when they want to drill for oil or mine minerals on Indigenous territories.
- e) Mapping: For many communities, mapping their territories is the first and most critical step toward their land rights. Maps provide legal documentation for official recognition of collective property or title of their communal land. Donors fund territorial mapping projects to achieve a spectrum of program goals, from the protection of biodiversity and cultural diversity to human rights agendas.
- f) Language preservation and cultural restoration encapsulate IP identities, cultures, and oral histories. They express concepts about the ancestry and the environment that are not found in any other languages. The threat of language extinction is a threat to the survival of IPLCs. To Indigenous Peoples, the loss of their languages is tantamount to cultural extinction. Funders, such as the Kivulini Trust in Kenya, support language and cultural revitalization to achieve larger program goals, including the defense of biological diversity, which is seen as dependent on cultural diversity. Funders support cultural revitalization through a variety of programs and approaches, including the creation of native language immersion programs, the translation of laws and key political texts into Indigenous languages, social media projects, and oral storytelling projects.

Challenge of Funding IPs

One common challenge in funding IPs in Africa is the capacity of their organizations – those run by them and those that serve their territories or populations. IPs themselves and their institutions have capacity gaps both technical and financial, which makes it difficult to undertake effective monitoring on any commitments by the government. Funders often describe ‘capacity building’ as activities that strengthen IP organizations. However, it is now common to employ the term ‘sharing capacity’ to reflect the bidirectional process in which both funders and grantees can learn from one another. In the face of the absence of IP organizations’ capacity, funders look at several alternatives to channel funds to IPs in Africa, including (a) intermediaries or re-granters who may be international INGO, national CSOs, or regional groupings with established networks, operation systems, and experience of transferring, managing, monitoring and report on funds received and those channeled to the organizations or communities of IPs.

This trend is considered suffocating and limiting to the growth of capacity amongst community-based organizations and IP organizations. Respondents to key informant interviews (KIIs) in this assessment discouraged this avenue as one of the disempowering ways, the occurrence of which has disempowered and captured opportunities that would have otherwise landed in favor of IP-led organizations. It is only tolerable if intermediary organizations are to engage in a manner that respects organic self-organizing, in ways that allow IPLCs to represent themselves in processes and on issues away from the interests of the intermediary organization. In addition, there is a need to consider joint planning

with local IPs whenever an intermediary is involved in the transfer or delivery of funds to IPs, as often happens intermediary INGOs, risk maintaining the weakness of IPLCs or their CBOs, because their income depends on maintain the status quo. Other additional mechanisms available include donor-advised funds, fiscal sponsorship, and impact investing.

Whereas IPs are deserving of state attention or intervention to correct historical disadvantage or oppression suffered as the result of their exclusion from full rights to citizenship, it is a challenge for them to organize and position themselves to secure a response from the state in order to remedy exclusion, marginalization, and discrimination. Even as it is appreciated and accepted that IPs major vulnerability is unclear rights to land and resources, a pivot away from this focus could be rewarding, as it would place a new emphasis on challenges related to empowerment and resilience building rather than focusing on ecosystems. This is a major argument advanced by KII respondents in this assessment. This newer focus will then place IPs in a position to play an essential role in helping the world respond to the enormous challenge of climate change, based on their own knowledge and years in an external natural laboratory that has adapted to climate variance in numerous ways, with varied responses. Failing to afford IPs in Africa an opportunity to share their vast experiences and knowledge will be a lost opportunity for funders who value and uplift solutions that involve self-representation and enforcement of compliance with national and international regulations.

It also categorically implies that funders must realize that “IPLCs are change agents,

funding has to move them from a point where they see themselves as victims to a place where they are playing and providing leadership or solutions, demanding spaces through elected office, and building collective decision making and advocacy for solutions”(James Murombedzi, September 2021). It goes without saying, “Within the African context... it’s tricky because sometimes there is no difference whether it is IP organizations or other civil society organizations (CSOs), while IPLCs are supposed to recognize their power and provide platforms for the IPLCs themselves to speak, we end up speaking for them, we usurp their voices. While in Latin and Central America and Asia you find IPLCs (most) do use their convening power, resource mobilization in partnership with the community to ensure IPLCs occupy the space... that is the struggle” (James Murombedzi, September 2021).

Innovations

Compared to other regions of the world, Africa is lagging in supporting Indigenous Peoples and Local Communities as there are very few donors dedicated to granting in Africa (Greengrants.org, 2020). Innovations in this area have been limited, therefore other considerations ought to take center stage

including (a) working with local governments that serve or are closer to IPLCs and (b) working with specialized organizations forms that are committed to working with traditional leadership or local authorities. When such a shift is made, funders then will need to refocus their funding to creating resilience for IPs that withstands shocks. This change involves asset building, considering welfare grants (the COVID responses have demonstrated this well), recognizing levels of differentiation among IPLCs especially in respect of women, and then taking a moment to learn and unlearn from other sectors such as forestry that have largely attained community participation. It is important to create models for funding IPLCs and ensure that donors learn from them. Models will allow for an opportunity to improve different elements of resourcing IPLCs on an experimental basis while improving representation and deconstructing the injustice in dominant systems. This approach will support a re-orientation of funders to see at the same level the impacts of their resources on IPLC agendas and rights. The issue of corruption both in local governments and amongst civil society organizations (including NGOs) must be acknowledged and dealt with as well.



Recommendations

Indigenous Peoples' and Local Communities organizations have developed and implemented their own community-based participatory monitoring and evaluation systems; these include disaggregated baseline data and information relating to their lands and territories, human rights, poverty levels, traditional knowledge and governance systems, land tenure, and other priorities. It is necessary to scale resources to increase the impact of IPLC programs. However, it would be more effective to create peer awareness amongst donors on IPLCs' priorities and focus areas to yield the highest leverage for change and impact. It has to be recognized that, in Africa, IPLCs are usually local to specific geographies but in the recent past the competition for resources has led to expansion to other IPLC regions as a desire to fulfill the outreach requirement even when they do not have the capacity.

Going forward, it is necessary to scale resources to increase the impact of IPLC programs. However, it would be more effective to create peer awareness amongst

donors on IPLCs' own priorities and focus areas that will yield the highest leverage for change and impact. The best approach is to aggregate IPLC capacities at national or regional levels, promoting strategies that enable IPLCs to conglomerate at scale and build movements and platforms with dedicated skills or personnel. This is the best way to go, because the seed resources required are low, but the impact is large once the conglomerate is in place. It would offer an opportunity for a specialized platform that carries resources from donors to IPLCs. Funding needs to be concentrated on holistic responses to bringing together land rights, food systems, biological diversity, water, etc.; building links to global, regional, and national development plans using data and information generated by IPLCs on IPLC issues; singling out the triple and double marginalized amongst IPs for targeting such as women and youth; the establishment of an Indigenous human rights funders fund for Africa; strengthening the capacity of IPLCs in networks and regional platforms and a continuation of engagements with the Africa agendas on development.



Section 2: IPLCs in Africa, Characteristics, Current Focus and differences with broader society

The Challenge of defining IPs in Africa

While the recognition of Indigenous Peoples has gained traction worldwide, the notion of indigenous peoples remains controversial in Africa because of differences in definitions and criteria. There wasn't a unanimous acceptance of the existence of Indigenous Peoples in Africa until 2001, when a report by the Working Group on Indigenous Populations/Communities by the African Commission on Human and Peoples Rights (ACHPR) was published, kicking off discussions on how countries could begin to integrate the rights of Indigenous Peoples into their national contexts. This report recognized discriminations and contempt, such as dispossession of land; destruction of livelihoods; cultures, and identities; extreme poverty; lack of access to and participation in political decision-making; and lack of access to education and health facilities as disparaging experiences of Indigenous populations in Africa (ACHPR and IWGIA, 2006; Ndobe and Durrell, 2012: 6).

African 'origin' is not necessarily equal to the notion of being Indigenous Peoples, therefore not every African ethnic group claims such an identification. Indeed, the ACHPR Working Group on Indigenous Peoples discouraged a strict definition that could introduce exclusivity affecting certain

groups, stating that it was not necessary or desirable. It categorically set aside the common argument that "All Africans are Indigenous", by emphasizing the overall characteristics of groups identifying themselves as Indigenous Peoples are those whose cultures and ways of life differ considerably from the dominant society and their cultures are under threat in some cases to the point of extinction (Ndobe and Durrell, 2012: 8). IPs particular ways of life depend on access and rights to their traditional lands and the natural resources thereon (Kanyinke, 2017: 1).

In fact, indigenous identity is more commonly related to the lifestyles and customs of a particular group of individuals, specifically those who have less representation in government, ie. "ethnic minorities" (Amber, 2018). For example, in Cameroon, the official government terminology for Indigenous Peoples is "marginalized people". This groups them with disabled people, elderly people, and other socially vulnerable populations. This grouping makes no sense, as within Indigenous Peoples we have disabled people, elderly people, and other vulnerable social segments just as any other segment of the population. Moreover, Indigenous Peoples are not identified by their level of vulnerability but rather by their specific relationships to lands and resources, and by the rights stemming from these relationships (Ndobe, 2013).

IPs are often discriminated against and regarded as less developed and less advanced than other more dominant sectors of society. They live-in inaccessible regions,

often geographically isolated, and suffer from various forms of marginalization, both politically and socially. They are subjected to domination and exploitation within national political and economic structures that are commonly designed to reflect the interests and activities of the national majority. This discrimination, domination, and marginalization violates their human rights as peoples/communities, threatens the continuation of their cultures and ways of life, and prevents them from being able to genuinely participate in decisions regarding their own future and forms of development (ACHPR 2006: 9–10; Dereje and Meron, 2015:121-122), as well as violates their Indigenous Peoples rights, as defined in ILO169 and UNDRIP.

Characteristics of IPs in Africa

The World Bank Group (2021) recognizes additional characteristics of IPs being distinct social-cultural groups with shared collective ancestral ties to the lands and natural resources where they live, occupy, or from which they have been displaced. They have an inextricable link with their land and natural resources, on which they depend for their identities, cultures, livelihoods, as well as their physical and spiritual well-being. In further characterization, it is noted that IPs in Africa often subscribe to their customary leaders and organizations for representation that is distinct or separate from those of the mainstream society or culture. They also maintain a language distinct from the official language or languages of the country or region in which they reside. Their way of life, attachment or claims to land, and social and political standing in relation to other more dominant groups within countries have resulted in their substantial marginalization, in a sense of “politically underprivileged groups who have been an

ethnic entity in the locality” (ACHPR 2006).

Indigenous communities live in 35 countries in Africa as farmers or agro-pastoralists, pastoralists - transhumant pastoralists, nomadic pastoralists, semi-nomads, fisherfolk, and hunter-gatherers. In all these distinct livelihood forms, they practice different cultures, have different social institutions, and observe different religious systems (ACHPR 2006; Pelican 2009; Ndobe and Durrell, 2012: 8-9). Such groups have been placed outside of the dominant state systems by a variety of historical and environmental circumstances. IPs’ traditional practices and land claims often conflict with the objectives and policies publicized by national governments, companies, and surrounding dominant societies. While they own, occupy, or use only a small area of the continent, IPs safeguard much of its remaining biodiversity by relying on their ancestral knowledge and expertise to adapt to, mitigate or reduce climate, disaster, health, and other risks. Marginalization, along with the desire to recognize and protect their collective IP and human rights, and to maintain the connection of their individual cultures, has led many to self-identify as Indigenous Peoples.

Multilateral Development Banks (MDBs) at the global level such as the World Bank, those at the regional level such as the Africa Development Bank (ADB), and private capital banks remain among the most prominent financiers of development in Africa. To ensure that projects they finance do not have adverse effects on the environment or the populations, the MDBs have designed specific policies that have to be respected by the borrowing countries for the effective realization of projects. In 1982, following criticisms of its projects’ impacts

on Indigenous Peoples, the World Bank issued a brief operational policy statement outlining the procedures for the protection of the rights of Indigenous Peoples in Bank-financed projects. The World Bank became the first MDB to have a policy on Indigenous Peoples, and since then other MDBs such as the International Finance Corporation have developed stand-alone policies on Indigenous Peoples (Ndobe and Durrell, 2012:15). It should however be noted that in the years since 2012, IP policies and environmental safeguards have been downgraded and weakened so the MDBs now rely on the nation state that receives the funding to adhere to those policies.

Having been a major source for developing financing in the infrastructure sector, the Africa Development Bank (AfDB) has highlighted the need to develop a framework that addresses deficits noted in the implementation of the existing operational policies and ensure a robust framework for assessing and mitigating risks. However, in recent decade the Africa Union has also moved to set up a fund to finance the construction of infrastructure given the cutback in financing by foreign interests such as China. The AfDB in its endeavors, released for public consultation its Integrated Safeguards System (ISS), which includes the draft Policy Statement (PS) and Operational Safeguards (OS) to be applied to all the Bank-financed projects in March 2012(Ndobe and Durrell, 2012: 21). Having internationally accepted characteristics of identifying Indigenous Peoples has greatly aided in laying out fairly standard criteria for identification by the AfDB, however, the fact that it has taken the short road of considering the context of vulnerability can easily be subjected to a narrow interpretation, to the exclusion of most IPs who may be deserving.

Whereas vulnerability is one of the internationally recognized characteristics of Indigenous Peoples, there are other characteristics posited by both the ILO Convention No. 169 and the UN Special Rapporteur on Indigenous Issues, that the AfDB is silent about. The drafting of the Integrated Safeguards System (ISS) could have been an opportunity for the Bank to come out with a specific policy on indigenous peoples, with dedicated operational safeguards, instead, it is treated as crosscutting on Environmental and Social Assessment (ESA). (Ndobe and Durrell, 2012: 22). Indeed, the possibility of a continuing breach of international human rights law and IP rights under UNDRIP is possible as articulated in the Endorois Case (Kenya), with all the reputational, legal, and commercial risks that flow from this for those states, associated with the private sector companies and the AfDB itself (Ndobe and Durrell, 2012: pages 26-27). This has not resolved the divergent views on the definition of Indigenous Peoples in Africa. However, the characterization to support identity or self-identification has emerged (ACHPR and IWGIA, 2003).

It is also common for many African states to treat Indigenous Peoples as coming under the category of ‘marginalized’ or ‘minority’ populations. In this ambit, the legal and policy approaches tend to be stagnant rather than promote IPs. An example is in Cameroon, wherein the state created a bill on “marginalized population”. Although this move was rejected by UN mechanisms on Indigenous People (Ndobe and Durrell, 2012: 26), it demonstrated the common treatment of Indigenous Peoples in incorporating them into the broader category of ‘vulnerable groups’ which is equally problematic, amounting to a denial

of what it means to be Indigenous in terms of their particular and special attachment to traditional land and their right to self-determination. In this sense, there is a failure to address the collective rights of Indigenous Peoples, notably their right to self-determination (Ndobe and Durrell, 2012: 26-27).

In sum, according to Barume (2004), one could put African states into three categories as far as the protection of Indigenous Peoples' rights is concerned: First, there is the African States that have fully endorsed the concept "Indigenous Peoples in Africa" and have moved on to adopt legal or policy frameworks aimed at addressing the concerned communities' particular human rights situation. These states are still small in number, but their potential impact is immense. Second, there are African states which recognize and are willing to redress the historical injustices and marginalization suffered by certain sections of their national populations that self-identify as Indigenous Peoples but remain uncomfortable with the term "Indigenous Peoples" and therefore prefer to use alternative concepts in their laws or policies. Third, there are African states that continue to contest the existence of Indigenous Peoples in Africa or the relevance of the concept in Africa. There are numerous reasons for this denial, including a misunderstanding of what the concept "Indigenous Peoples in Africa" covers.



Section 3: Emerging IP Movement in Africa and the Issues

Limited IP Movements in Africa

Africa has been late in joining the rest of the world in the Indigenous Peoples' movement, indeed there is no vivid IP movement identified in Africa – not for lack of similar issues that are shared across the continent but there has been a failure to define such issues that would have been unifying in the same manner across different contexts and countries. However, against the background of several frameworks¹ for the protection and promotion of IPs, the UN has established several mechanisms, to promote the cause of Indigenous Peoples, where Africans are actively participating and have become part of the international Indigenous Rights movement². The mechanisms include,

(a) The United Nations Permanent Forum on Indigenous Issues (Permanent Forum³), an expert body of the United Nations Economic and Social Council (ECOSOC). (b) The Special Rapporteur on the Rights of Indigenous Peoples⁴, (c) The International Work Group for Indigenous Affairs (IWGIA)⁵, (d) The Expert Mechanism on the Rights of Indigenous Peoples (EMRIP⁶), (e) UN Voluntary Fund to support Indigenous Peoples⁷ and (f) Multilateral Financial Institutions Working Group on Environment (MFI-WGES)⁸ (The Indigenous World, 2020:750-761).

Whereas several African countries may have adopted policy changes and sometimes laws that favor IPs, these are yet to be translated into practice. Often, the good intentions of states for better management and governance in IP areas are not matched with institutional or

¹The Universal Declaration of Human Rights (UDHR) 1948; The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic and Social Cultural Rights (ICESCR) 1996; The International Convention on the Elimination of all Forms of Racial Discrimination (CEDAW); The International Labor Organization (ILO) Convention No. 169 is the most concrete international legal instrument that recognizes the rights of the Indigenous Peoples; the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) 2007.

²All the mechanisms support the implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and assist Member States, upon request, in achieving the ends of the UNDRIP through the promotion, protection and fulfilment of the rights of Indigenous Peoples.

³The Forum composed of 16 independent experts, 8 elected as regional representatives by member states and 8 nominated by ECOSOC President based on recommendations by IPs. The Forum meets each year for 10 working days. The Forum has grown to be recognized as the main global forum for global discourse and dialogue on rights of Indigenous Peoples

⁴Is one of the 56 "special procedures" of the United Nations Human Rights Council. The Special Rapporteur can receive and investigate complaints from Indigenous individuals, groups or communities, conduct thematic studies, undertake country visits and make recommendations to governments and other actors

⁵An international human rights organization promoting, protecting and defending Indigenous Peoples rights.

⁶The Expert Mechanism on the Rights of Indigenous People's (EMRIP) is a subsidiary body of the Human Rights Council composed of seven independent members, one from each of the seven indigenous sociocultural regions: Africa; Asia; the Arctic; Central and Eastern Europe, the Russian Federation, Central Asia and Transcaucasia; Central and South America and the Caribbean; North America; and the Pacific.

⁷UN Voluntary Fund to support indigenous peoples' participation in international meetings

⁸Formed in response to emerging environmental and social safeguards challenges and the need to have harmonized approaches by several Multilateral Financial Institutions

technical capacity combined with the lack of resources. Africa's progress against several global and continental frameworks for the protection and promotion of IPs is varied, but greater progress is recorded in Central and Western Africa compared to Eastern and Southern Africa. Kenya, Nigeria, and Burundi abstained from voting; all other 52 African countries voted for the adoption of the UN Declaration on the Rights of Indigenous Peoples. Since then, the Central African Republic took the lead in ratifying the International Labour Organization Convention (ILO 169) on Indigenous and Tribal Peoples in 2010; the Republic of Congo developed law on Indigenous Peoples; and Kenya which has made progressive policies in respecting IPs rights. Despite voting in favor of the UN Declaration on the Rights of Indigenous Peoples in September 2007, most African countries are yet to legalize IP rights in their national policy and legal frameworks. The most progressive countries on IP rights promotion and protection are in Central Africa, specifically, the Central Africa Republic (CAR), which is the first and only African State to ratify ILO 169 Convention in August 2010, with the Convention entering into force nationally in 2011.

The Democratic Republic of Congo (DRC) closely follows on its heels, with the formal acceptance and approval of the concept of "Indigenous Pygmy People" by the government and civil society organizations (CSOs). Widely acknowledging the Mbuti, Baka, and Batwa Peoples, as the first inhabitants of the national rainforests, the forest lies at the heart of their culture and living environment. However, there is less recognition of the fact that traditional knowledge and practices have significantly contributed to preserving the Congolese forests. Worse, Indigenous Pygmy People's

customary rights are blatantly ignored, and Indigenous groups are often evicted from their traditional territories with neither consent nor compensation. In 2020, the DRC proposed a law on the promotion and protection of Indigenous Pygmy People's rights which is yet to be adopted and passed by its parliament (Ndobe and Durrell, 2012:7).

The IP Agendas in Africa

In Africa, the major breakthrough for IPs was the establishment of the African Commission on Human and Peoples' Rights (ACH-PR) in accordance with article 30 of the African Charter on Human and Peoples' Rights with a mandate to promote and protect Human Rights and Indigenous Peoples' Rights on the continent. It was inaugurated in 1987 as the premier human rights monitoring body of the African Union (AU). In 2001, the ACHPR established a Working Group on Indigenous Populations/Communities in Africa (WGIP), marking a milestone in the promotion and protection of the rights of Indigenous Peoples in Africa. In 2003, the WGIP produced a comprehensive report on Indigenous Peoples in Africa which, among other things, sets out common characteristics that can be used to identify Indigenous communities in Africa. It was endorsed by the AU in 2005, as the official position on the concept and rights of Indigenous Peoples in Africa. It is the gold standard for constructive engagement by all stakeholders including, states, national human rights institutions, NGOs, Indigenous Peoples' communities, and their organizations. The participation of Indigenous Peoples' representatives in the sessions of the ACHPR as well as in the various activities of the WGIP ensures and maintains their inclusion in continental and

state processes for the promotion of IPs' rights (The Indigenous World, 2020: 625).

In 1997, the African Indigenous delegates to the WGIP formed the Indigenous Peoples of Africa Co-ordinating Committee (IPACC), in response to the critical need expressed by African Indigenous Peoples for representation of their interests, values, skills, and knowledge systems to influence global and African policy makers (Kanyinke, 2017: 2). It is one of the main trans-national network organizations recognized as a representative of African Indigenous Peoples in dialogues with governments and bodies such as the UN (Ewanghaye, 2006). The emergence of IPACC is considered to be the birth of an African Indigenous movement, which to this day has influenced several climate-change laws and policies in African countries and internationally. Many actors acknowledge that since the birth of the IPACC, IP struggles are better coordinated through sharing experiences across the continent. Despite this, many consider IPACC's impact to be low compared to its potential, for the reason that it is under-resourced and struggles with political dynamics (Kanyinke, 2017:2).

An additional challenge is that IPs often reside in areas that are geographically isolated, dry, and economically marginalized. In Burkina-Faso (West Africa), the Peul and the Tuareg pastoralists or the Mbororo pastoralists in Cameroon self-identify as Indigenous Peoples, and they habit territories and lands with hostile environments and brutal climate. However, their recognition in national legal frameworks such as Constitution is vague and non-confirmatory, leading to predictive interpretation of their rights, reducing them within the territories they inhabit. Often,

when IPs are considered, consulted, and negotiated with for progressive recognition in national governments, the resulting agreements are rarely enforced and sometimes routinely ignored. In the Sahel-Saharan countries (Niger, Mali, Chad, Algeria, Libya, and Mauritania), where the Tuareg, Woodaabè, and Toubou nomadic peoples reside, for example, the issues of inclusion persist. In Nigeria (West Africa), the Ogoni people are faced with the same constraints in a country that counts thousands of nations and peoples, each with its own identity. As an "ethnic minority", they must confront the machinery of multinationals exploiting the oil in the Niger Delta and a government primarily run by people who are the accomplices of these multinationals because the Nigeria state that refuses to recognize the legitimate nature of Ogoni aspirations.

The Issues:

Ecosystem Issues:

Land: In most of Africa, IPs' claims to their territories both as habitats and homes is based on ancestral claims that are not recognized in formal legal systems, even though within their societies and others neighboring their geographical locations they are legitimately recognized as users and owners of their lands. This lapse between legality and legitimacy in lands and territories has been a source of violations of IP rights, with states allocating their lands to other uses or forcefully evicting IPs from them. Since they are not acknowledged as users or owners, the allocations skip vital steps that would support compliance with requirements for consultation or consent or indeed other forms of participation. Indeed, evictions and dispossession of land and the resources thereon happen often. It is supported by dominant

development paradigms favoring settled agriculture over other modes of production such as: pastoralism and subsistence hunting/gathering; the establishment of national parks and conservation areas; and large-scale commercial enterprises such as mining, logging, commercial plantations, oil exploration, and dam construction (Barume, 2004; ACHPR and IWGIA, 2006: page 17; Kanyinke, 2017:5). Non-recognition of rights to lands, territories, and natural resources, implies that IPs' areas are the last to receive public investments in basic services and infrastructure.

Dispossession of IPs is a dismissal of customary rights to land and other natural resources, undermining the knowledge systems through which Indigenous Peoples have sustained life over the centuries, leading to the negation of livelihood systems and deprivation of their resources (ACHPR and IWGIA, 2006:17). Even when Indigenous territories and lands are recognized, protection of boundaries or control of external parties' use of natural resources is often weak. In other cases, non-recognition of land rights implies invisibility, as the case of compensation during the construction of the Chad-Cameroon Oil Pipeline demonstrates, the indigenous populations whose lands were traversed were not entitled to compensation because, according to the Cameroonian land law of 1974, they had no legally recognized land titles, and their traditional hunting and gathering activities were not seen as valuing the land and hence "invisible" under the unjust and outdated national laws (Ndobe, 2013). Evictions are characterized by arbitrary arrests, unjust imprisonment, beatings, and general human rights abuse.

IPs are found in places often reserved for conservation placing them in direct confrontation and conflict with national land-use regulation bodies. In some instances, such places were gazetted during colonial times. Such gazette ment affected, for example, the Endorois people in Kenya who had been evicted from their land in 1970 for tourism purposes, and a similar case of forceful eviction of the Sengwer indigenous people from the Cherangany hills in January 2014. In Ethiopia, pastoral Indigenous communities have faced evictions with their land being passed on to commercial farmers as developers, creating conflict between the communities and the population. In the Central African Republic, the Bakas were forced off the land when the government leased it to a rubber company, Hevecam. Although they were resettled, their livelihood was greatly affected (AfDB, 2016: pages 12-13). All these violations have resulted in their continued impoverishment, social and political exploitation, and marginalization. In Uganda, the Batwa – hunter-gatherers in South western Uganda – were dispossessed of their ancestral land when Bwindi and Mgahinga forests were gazetted as national parks in 1991 (UBODU, 2004). Uganda's Land Act of 1998 and the National Environment Statute of 1995 protect customary interests in land and traditional uses of forests. However, these laws also authorize the government to exclude human activities in any forest area by declaring it a protected area, thus nullifying the customary land rights of Indigenous Peoples.

Given the reduced social-ecological resilience as a consequence of centuries of oppressive policies imposed by dominant societies, IPs face greater direct and indirect climate change risks, because

of their strong interdependence with the ecosystems within which they live for their physical, material, cultural and spiritual well-being (Raygorodetsky, 2010: 239). Despite this, climate change mitigation and adaptation solutions do not incorporate the traditional knowledge of IPs. Solutions such as biofuels, large-scale agricultural and energy projects often result in land grabs. Even as the global efforts recognize the importance of traditional knowledge in addressing climate change, almost all African states and regional institutions have shown little interest in developing or investing in traditional knowledge-based climate programs. For example, the African Development Bank (AfDB) Climate Change and Green Growth Department (PECG) established the Africa Nationally Determined Contributions (NDCs) Hub to serve as a resource pool for Regional Member Countries (RMCs) and to coordinate various sector activities to fulfill obligations related to the Paris Agreement on Climate Change; nonetheless traditional knowledge is conspicuously absent from the Hub despite its abundance and opportunities in Africa countries (Kanyinke, 2017:5-6; Raygorodetsky, 2010:239).

In Africa, the majority of Indigenous Peoples reside in rural areas, but conditions are pushing migration to urban areas, both voluntarily and involuntarily. As their territories are divested to conservation and other development projects such as extractive through processes characterized by dispossession, poverty, militarization, lack of employment opportunities, and the deterioration of traditional livelihoods, IPs have drifted to urban or peri-urban areas. In urban areas, IPs suffer major disparities in all measurable areas, such as lower wages, lack of employment, skills and education, poor health, housing,

and criminal convictions. For example, in Tanzania, 90 percent of Masaai men who have migrated to the capital city, Dar es Salaam, end up working as security guards, earning around \$40 per month, and are often only able to afford to live in slums on the outskirts of the city. This group is caught between urban societies that do not fully accept them and the Indigenous communities that cannot offer them the opportunities they need.

The legacy of inequality and exclusion has made Indigenous communities more vulnerable to the impacts of climate change and natural hazards, including disease outbreaks such as COVID-19. For example, in Kenya, the African Court on Human and Peoples' Rights ruled in 2017 that the government must allow the Ogiek peoples to return to their ancestral lands in the Mau Forest. Recent reports, however, indicate that legislation has blocked their access to the forest and evictions have continued, even during the COVID pandemic (Fraser, 2021). Vulnerabilities to the pandemic are exacerbated with the lack of access to national health, water, and sanitation systems; the shutting down of markets; and mobility restrictions that have greatly impacted their livelihoods, food insecurity, and well-being. In the context of the COVID-19 pandemic, there is an opportunity to work through the traditional authorities and healers of Indigenous Peoples to provide accurate information on disease prevention, distributing protective gear and hygiene supplies, and support traditional medicine, livelihoods, and recovery in ways that are appropriate to Indigenous People's priorities and cultures (World Bank Group, 2021).

In Botswana, lockdowns imposed by the government, or self-imposed by IPs, have

been effective in curtailing the spread of COVID among the Maun in the Okavango Delta. On the other hand, many San in Botswana work as casual labor on farms. The lockdown impacted their ability to earn a living as they were unable to work on the farms due to movement restrictions. As lockdowns continued in numerous countries, Indigenous Peoples who already faced food insecurity as a result of the loss of their traditional lands and territories, confronted even graver constraints in accessing food, as movement restricts reduced access to hunting areas and placed limitations on the collection of wild fruits. Leaving no one behind in the context of legislative responses to COVID-19, therefore, should include establishing and implementing targeted responses to address the needs and specific challenges of Indigenous Peoples, minorities, and other marginalized groups.

Empowerment Issues Amongst IPs in Africa

Dominant societies' discrimination against IPs creates negative stereotypes demeaning and dehumanizing IPs as less developed and less advanced than others in dominant societies. Discrimination goes beyond acts of eviction and dispossession into policy, laws, and programs formulated by states for development. Often, IP territories and geographies are under-developed, with poor, if any, infrastructure, or social services. Schools and health facilities are few and far between. Roads and other physical infrastructure are equally poor. As a result, illiteracy levels and mortality rates in IP geographies are higher than the national average (ACHPR and IWGIA, 2006:19). IPs also lack access to opportunities, particularly in health and education, as they are critically disadvantaged by the formal systems. The

way trainings are designed, and the content of trainings seldom reflect IP realities, as a result, IP are not receptive to such services. Therefore, interventions targeting IPs should emphasize not only the provision of the services but also packaging the services in a manner that will be appealing to the IPs (AfDB, 2016:13). In Tanzania, for example, despite voting in favor of the UNDRIP in 2007, the existence of any IPs is not recognized in Tanzanian law or policy. Instead, government policies, strategies, and programs are continuously being developed that do not reflect the interests of IPs in terms of access to land and natural resources, basic social services, and justice, resulting in a deteriorating and increasingly hostile political environment for both pastoralists and hunter-gatherers (Mamo, 2021).

The loss of language is tantamount to cultural extinction for IPs, as language encapsulates their identities, cultures, and oral histories. Their language expresses their concepts about the ancestry and the environment that are not found in any other languages. Many IP communities have only a handful of elders that speak their languages fluently, and these will be lost in less than a generation. Since traditional knowledge is passed orally from generation to generation, when an ancient language dies, key concepts for humanity's future are buried with it. In Tunisia, Amazigh IPs have suffered the greatest forced Arabization. This explains the low proportion of Tamazight speakers in the country. However, increasing numbers of Tunisians, despite no longer being able to speak Tamazight, still consider themselves Amazigh rather than Arab. Having left their mountains and deserts to seek work in the cities and abroad, many Amazigh live in different neighborhoods of Tunis working

primarily in skilled crafts and petty trade. They can be distinguished not only by their language, but also by their culture (traditional dress, music, cooking, and Ibadite religion practiced by the Amazigh. Since the 2011 “revolution”, numerous Amazigh cultural associations have emerged intending to achieve recognition and use of the Amazigh language and culture. However, the state does not recognize their existence. In a new Constitution in 2014, the state obscures the country’s Amazigh (historical, cultural, and linguistic) dimensions, referring to the Tunisians’ sources of “Arab and Muslim identity” and expressly affirming Tunisian’s membership in the “culture and civilization of the Arab and Muslim nation”. Unfortunately, there is no indication that this situation is likely to change soon. Instead, many political, academic, and media actors publicly state that “there is no Amazigh issue in Tunisia” and that “almost no-one claims to be Amazigh,” or that “the Amazigh issue is external to Tunisia” (Mamo, 2021).

Representation of IPs in legislative assemblies and other political structures of states tends to be very weak, implying lesser attention to their issues and concerns. Very few African countries recognize the existence of indigenous peoples in their countries. Even fewer do so in their national constitutions or legislation. For example, transhumant pastoralism, the Indigenous practice of moving livestock from one grazing ground to another in a seasonal cycle, is not supported in national or regional development policies and plans. Hunting and gathering are criminalized in most countries in Africa, even with regularized exceptions in Tanzania, Kenya and Uganda for example, access and use is regulated

using licenses and permits for harvest of resources within protected areas.

Non-recognition of IPs is also evident in the way population censuses are conducted and how the data is collated, as IPs are simply enumerated as part of wider ethnic groupings. Failure to disaggregate data results in Indigenous communities remaining “forgotten”, hence their concerns are anchored in population numbers “vacuum”. In some extreme cases, like the Amazigh of Libya, the governments have banned Indigenous cultural practices (AfDB, 2016: page 13). Budgetary allocation from the states to Indigenous Peoples rights is insignificant, even in countries like Kenya where the constitution expressly provides for a marginalization fund (Kanyinke, 2017:3). A fundamental step would be for national census to incorporate questions that make it possible to determine the size of Indigenous populations and assess their situations.

There are extreme cases in some countries, where IP rights are severely curtailed. In Eritrea, there is neither a national legislative nor institutional framework that protects the rights of minorities or other social groups that may claim to being Indigenous Peoples. In this context, reference to Indigenous Peoples is primarily based on the claim of indigeneity made by some Eritrean ethnic groups such as the Afar, Kunama, Saho, and Nara. Lately, a newly formed political movement known as Agazian is also making radical claims of “indigeneity.” Due to the extremely closed political situation in Eritrea itself, such claims are made outside Eritrea (in diaspora circles) by organizations or advocates representing said groups. Eritrea is a state that is party to the CERD, CEDAW,

and CRC, but not to ILO Convention 169 or the UNDRIP. Such developments tend to sabotage and subvert the intentions of IPs, aggravating the political context and giving rise to widespread and systematic Human Rights violations, leaving a limited opportunity for referencing the disparity between the commitments that the state has made in various treaties signed and the government's actual practice (Mamo, 2021).

Lastly, Indigenous Peoples and the defenders of IP rights are increasingly susceptible to death or death threats, arbitrary arrests and detention, numerous court cases, killings of their livestock, and other harassment. Intimidation, threats, and violence threaten IPs and the defenders of their rights who stand up and speak out for Indigenous communities while monitoring the implementation and enforcement of the UNDRIP declaration and other Human Rights instruments. In Kenya, for example, in 2017, hundreds of Indigenous pastoralists were incarcerated for entering white-owned ranches in Laikipia. While the law considered their actions an "invasion," these are territory that the Indigenous communities had as grazing areas long before the state apportioned them to private ranchers (Kanyinke, 2017: 6-7). In response to similar challenges in DR Congo, IPACC has, for the last eight years, been collaborating with the Open Society Initiative for Southern Africa (OSISA) on a ground-breaking Human Rights defenders' project in Eastern Kivu. In this instance, Indigenous Bambuti have been documenting rights violations against them, especially against Indigenous women and children, collating these and submitting them in quarterly reports to Human Rights bodies (Kanyinke, 2017:7)., such as the OHCHR and the Special Rapporteur on IP rights recognized under ILO169 and UNDRIP within the High Commission's Human Rights. High level responses of this nature are few and far between, only

in situations with acute concerns arising from state actions or dominant societal groups' activities.

Women amongst IPs in Africa

Indigenous women face triple discrimination of their gender, ethnicity, and economic status. First, they are often the main providers of food and nutrition to their families, but as a result of food insecurity, they have often become highly dependent on government food handouts, especially during times of crisis such as the COVID-19 pandemic. Second, they remain disproportionately impacted due to their prominent roles in the informal economy and their roles as caregivers. Third, they are unable to participate in the informal economy, where they often earn a living selling their handicrafts to tourists. Due to lockdowns, the tourism sectors in many countries in Africa have been badly affected, and Indigenous women have consequently been unable to sustain their livelihoods, and those involved in small enterprises have lost their businesses. In Tsumkwe in western Namibia, Indigenous women who sewed clothing for a living were unable to sell their products due to the pandemic and finances being reprioritized towards basic necessities.

Where governments have responded, such as in Uganda, IP women have not benefited equally from social protection and stimulus interventions to mitigate the socioeconomic impact of the pandemic (United Nations, 2020). Indigenous women also often face cultural barriers that prohibit them from participating in projects. The low level of functional literacy among rural women compounds these problems. Legal restrictions and socio-cultural biases may prohibit women from owning or inheriting land. Against this background, funders' work can benefit from applying a gender lens to their grantmaking. Projects could be encouraged to assess the differences in shifting gender roles and household relations, and to support gender equality for rights, control, and access to natural resources.

Section 4: Characteristics of IP Organizations and their differences from other CSOs

Organizations often interpret IPLCs and their context to make them eligible for funding. When such an interpretation is incorrect, the outcomes of providing funding support are flawed. One common challenge in funding IPs in Africa is the basic capacity of IPLC organizations (organizations run by them and those that serve their territories or populations). IPs and their institutions have capacity gaps both technical and financial, which makes it difficult to undertake effective monitoring on any commitments by the government. This includes limited capacity within Indigenous communities and Indigenous Peoples' organizations for effective advocacy and action. In this context, "capacity" is defined as encompassing a range of factors including financial resources, human resources, and access to information. Legislation can limit their capacities. They may lack appropriate strategies and access to lessons learned from other Indigenous Peoples). They need opportunities to strategize internally (involving all relevant actors, communities, and organizations) and opportunities to implement advocacy strategies consistently, rather than in a piecemeal fashion depending on available project financing (UN, 2019: 60).

Funders often use the term 'capacity building' to describe activities that strengthen IP organizations. However, it is now common to employ the term 'sharing

capacity' to reflect their understanding that capacity building and strengthening is a bidirectional process in which both funders and grantees can learn from one another. Direct funding of IPs requires time, expertise, and legal knowledge that not all funders are ready to invest; therefore, a number of common approaches to granting have emerged over time, these include:

a) Intermediaries, otherwise known as re-granters, manage substantial portfolios in Indigenous philanthropy. Intermediaries often serve as bridges between funders and implementing organizations or communities. An intermediary can be an international NGO with a field office in the target country, a funder with advisory networks or grantmaking programs in many countries, or an organization with deep roots in the local community. In fact, some Indigenous Peoples have their own NGOs that serve as intermediaries to their communities. Some intermediaries are also program builders and network builders. They don't just process grants. Topically focused intermediaries have their own strategies and objectives, and they fit grantmaking to IPs into that larger strategy. Other intermediaries are simply there to help IPs get funders' grants where funders want it to go; they don't have a particular strategy of their own, other than doing the work professionally and legally. They often fulfill a crucial role as the on-the-ground intelligence for funding foundations without the capacity to manage a network of smaller grants, including ensure that national regulations are followed, maintaining a close connection to on-the-ground efforts, and

streamlining operations and paperwork.

If intermediary organizations are to serve IPLCs effectively, they need to engage in a manner that respects organic self-organizing in ways that allow IPLCs to represent themselves in processes such as engagement with local governments, and the representation of their needs in ways that allow responses to respond to expressed needs, either by governments or other agencies. Intermediary organizations often fail to capture the goals of IPLCs adequately; hence there is a need for self-representation. Even more important is the question of creating space that allows for responses to IPLCs needs. Intermediary organizations are limited in this respect -- “it would make sense if intermediaries engaged with appropriate exit plans, transferring responsibility to IPLC representatives” (Interview with James Murombedzi, September 2021).

Many capacity-building programs aim to “create the ability to understand policy and law and what it provides for’, whereas what is needed by IPLCs to learn “how to build policy or input into policy that is intended for them”; these are two different goals. One is a response to an existing national framework, while the other evolves organically, and is separate from the interests of the intermediary. There is a need to re-orient to building policy and separate the interests of intermediaries from the interests of IPLCs (Interview with James Murombedzi, September 2021).

Ikal Angelei, in a KII, October 2021, suggests that it is possible to consider intermediary organizations as an alternative path to supporting IPs,

“if they [intermediaries] can undertake joint

planning with local organizations, and also consider a long-term view and funds that clearly show what is planned or is in place to build IPLC capacities in ways that also do not create more divisions within IPLCs. again, we can’t romanticize IPLC advocacy does not lack the power dynamics... including resources / commitments to learning from the IPs themselves to how IP organizations relate to the larger ecosystem they work in...donors have to learn and unlearn a lot of what has been normalized. And building synergies, strengthening IPLC to IPLC learning and exchange...”

b) Some donors create donor-advised funds (DAFs) that are administered by intermediaries. This mechanism allows funders to achieve their goals with relatively little staff or direct effort, as another organization provides most of the administrative functions. DAFs can also be a mechanism for funders who don’t specifically have a way of embedding funding for IPs into their existing work but would still like to support IPs. A particular example here is The Christensen Fund that supports the Kivulini Trust, Indigenous-led philanthropy, which re-grants to local Indigenous groups in Kenya and Ethiopia. The trust develops the capacity of Indigenous grassroots groups, including farmers and women, to access grant funding through close mentorship and training in accounting and grant reporting. Once a group is ready, it can apply to the trust for funds or apply to another grant maker.

c) If an Indigenous group does not have an official charity status or an equivalency in their own country, funding can also be provided through fiscal sponsorship. This mechanism gives funders a wider pool of communities that do not have official

registration as NGOs. The fiscal sponsor often provides administrative support, such as financial management, fiduciary oversight, and due diligence for the funder and grantee, usually for a small percentage of the funds. Under these contractual relationships, the NGO is legally responsible for the funding.

d) Funding Indigenous communities through a local or international NGO is another path donor foundations often take. This route allows them to collaborate with a local agency that has connections, expertise, and experience with leaders in a region. Often these organizations provide direct services to Indigenous Peoples. A number of Indigenous Peoples' organizations lack capacity in the field of reporting, and the issue of accountability is related to this low capacity. There is also limited capacity to attract and hire qualified, skilled staff. Many organizations have not been able to develop institutional structures and remain dependent on key individuals, hence they are not likely to become institutionally sustainable.

e) Funding IPLC organizations directly is another avenue, but this can be challenging as they are enormously variable in their characteristics and distinctions. The essential identifiers include the form – how it is constituted- the organizational form, rather than focusing first on their efficacy in the execution of a project. Indigenous-led organizations – community-led, elite-led, politically-led, traditional leadership-led, NGO or CBOs in particular geography focusing on IP rights and issues, may have the scale and capacity for engagement at different levels. Leadership may include local elite or local political leader. The organizations' membership or mandates may vary, as well as its partners and allies as well as staff.

f) Impact investing is a recent trend in financial circles that is being adopted in philanthropy. Taking a cue from socially responsible investments that seek both capital return and social benefit, impact investments support Indigenous entrepreneurs. The goals of impact investors and grant makers intersect in their interest to provide meaningful work for Indigenous communities with the least access to capital and the need to ensure that they can play a meaningful role in the development of their territories. The idea is to support business investment in which Indigenous Peoples maintain majority ownership for the benefit of their whole community. Donors interested in supporting the right of Indigenous communities to determine how to manage their territories can offer both grants and other investments to build IP's own businesses.

Innovations in Funding IPs in Africa

Interview respondents are in unison agreement that so far, there is no evidence of alternative innovations in funding indigenous peoples in Africa at the community level. The African Indigenous people's movement needs to be supported through flexible grant-making opportunities that facilitate them to shape and advance their struggles. The grant-making needs to be robust in continuously re-evaluating their missions so that it is consistent with emerging threats and dynamic challenges facing Indigenous peoples (Greengrants.org October 2020). James Murombedzi, (in a KII on September 2021) suggest two possible ways to circumvent or remedy this; "(a) funders should consider working with local governments that serve or are closer to IPLCs (just as the EU has taken lead on supporting local government municipalities in areas of IP location) while avoiding the

bureaucracy and largesse of the central governments. (b) working with specialized organizations forms that are committed to working with traditional leadership or local authorities – these are not readily available across the board – but can be identified – that focus on mechanisms for funding IPLCs to build internal capacities that strengthen communities.

According to Murombedzi, in a KII on September 2021, if the above is to be achieved, funders themselves need to make a number of changes including, but not limited to, the following:

a) refocus funding to creating resilience to develop livelihood that can withstand shocks, this involves asset building for IPLCs based on the right to land and resources as a foundation. It thus requires extending the interpretation of this right to include the ability or mechanisms to defend and enforce rights, as well as putting them to use in a manner that builds assets and incomes for IPLCs.

b) funders will have to reconsider welfare grants – taking the example of the covid period which has allowed for extensive experimentation with social welfare grants to affected populations across Africa including IPLCs. These pioneering effects though yet to be evaluated for efficacy have had significant effects in alleviating suffering and supporting recovery from COVID shocks. Empowering welfare grants can be designed to respond to IPLC vulnerabilities and in building resilience.

c) Funders need to recognize that even among IPLCs, there are levels of differentiation that will be necessary when designing a response – women for example are often double or triple marginalized in many respects.

d) Funders should take a moment to learn from the forestry sector on pre-existing models of community-based forest management that contain best practices on how to support the participation of IPLC communities.

Funders are also accountable to their constituencies or boards who must recognize the impact of their funds amongst communities they are supporting. Whereas it is easy to see that among CSOs, it requires a re-orientation to align with IPLCs and see eye to eye on impacts. The lens of visibility in this respect is still a gap on the part of funders, while IPLCs continue to present themselves in the best way they know which is not curated towards impacts as envisaged by funders (Interview with James Murombedzi, September 2021). It is important to create models for funding IPLCs and ensure that donors learn from them – such models will allow for the opportunity to improve different elements of providing resources to IPLCs on an experimental basis while improving representation and deconstructing the injustice in dominant systems (Interview with Jesse Ribot, October 2021).

According to Jesse Ribot (KII, October 2021), the concept of IPLC is often misconceived and considered not appropriate for Africa, because communities and excluded or marginalized peoples have their own forms of representation, which are often overlooked or delegitimized in favor of elected authorities at local governments. Local governments are often characterized as corrupt, but NGOs and Private sector actors are also often characterized as corrupt. The key issue is to make them less corrupt – NGOs can be pressured into lesser corruption with the creation of systems accountability and transparency. Participation ought not

to be forced but emanating internally from amongst the IPLCs themselves. Therefore, what is needed is representation, not participation. Representation automatically leads to accountability, there is why local governments as representatives of IPLCs are obliged to account. One key response is capacity building to build representation and accountability.

Focusing on local representative governments for inclusive reforms is necessary as governments are motivated to act to avoid blame, albeit are never sufficiently funded to carry out their responsibilities. In respect to local governments, they are often corrupt, and therefore efforts should be made to make them less corrupt; just as CSOs may have corrupt tendencies but the mechanism of accountability availed to them and required of them, make them less corrupt because the conditions for enabling accountability are in place. “In any case, most corruption is transparent and known within communities – except by the representatives of the European Union or World Bank,” says Jesse Ribot (in KII interview October 2021). Therefore, there must be sanctions to curb corruption both in terms of rewards and punishments. Requiring responsive accountability is essential considering for funding IPLCs. For example, “DFID funded LC5 in Uganda recognizing the resident authority they hold in a customary sense. Another related example is the expansive participation of forest communities in resource management in recognition of the political relevance of IPLC not just as CSOs but as a personage of authority” (Interview with Jesse Ribot, October 2021)



Section 5: IPLCs Challenges and Innovations

IPs deserve special state attention or intervention to correct historical disadvantage or oppression suffered by IP individuals in relation to the state or majority members of the nation as the result of their exclusion from full rights to citizenship. Organizing to secure a response from the state in order to remedy exclusion, marginalization, and discrimination is at the heart of responses designed by organizations at different levels.

“The major vulnerability today for IPs in Africa is unclear rights to land and resources, less access to public services, and the advanced impacts of climate change which are now extremely significant

that they have become existential threats. For any funder, it is strategic to understand these key vulnerabilities, identify them and respond by building resilience amongst IPLC to survive them and respond to them. What essentially makes IPLC vulnerable is they have limited or no resilience” (Interview with James Murombedzi, September 2021).

IPs have an essential role to play in helping the world respond to the climate change challenge, for a number of reasons. IPs’ traditional agricultural techniques and practices are resilient and adapted to extreme climatic conditions and environments. Indigenous Peoples have adapted their lifestyles to fit into and respect their environments. In rangelands, for example in Kenya’s dry grasslands,



Indigenous pastoralist communities manage cattle grazing and cropping in sustainable ways well-suited for the increasingly intense weather events and temperature changes brought on by climate change while preserving range biodiversity. In addition, IPs see themselves as connected to nature and as part of the same system with the environment in which they live, so restoration and conservation are a part of their daily existence.

Natural resources are considered shared property and are respected as such. By protecting natural resources, like forests and rivers, many Indigenous communities help mitigate the impacts of climate change. However, it should be noted that

“the climate crisis initially placed primary focus on forests and marine resources, at the expense of other IPLC lands, neglecting them until nature-based solutions took center stage recently. Food systems and IPLC knowledge around food systems are competing with corporates like AGRA to address food security...in this, a new challenge is emerging around indigenous rights in biodiversity esp. for medicinal purposes, etc. linked to patents... especially in the face of powerful demands by corporations and developed nations, on biodiversity in the commons” (Interview with Ikal Angelei, October 2021).

According to Jesse Ribot (in a KII interview, October 2021), “it is necessary to pivot away from a focus on property and tenure for IPLCs to authority, from enforced claims or rules of the games to the origins and construction of authority of those enforcing the rules.” It is important to recognize the representative authority of IPLC interests;

this implies recognizing the authority of elders and headmen. The gaps to fund in this respect include: a political analysis of IP systems of governance, based on cultural forms and the realization that not everything Indigenous is “good”.

In a shift away from land tenure and rights, Ikal Angelei (in a KII Interview, October 2021), advises on the need to recognize that

“IPLCs are change agents, funding has to move them a point, where they see themselves as victims to playing and providing leadership or solutions, demanding spaces through elected office, and building collective decision making and advocacy for solutions. The collective planning and clarity of strategic engagement can influence how and where resources are directed to within IPLC geographies, just as building the partnerships with funders and other CSOs is critical too”.

“Within the African context... it’s tricky because sometimes there is no difference whether it is IP organizations or other civil society organizations (CSOs), while IPLCs are supposed to recognize their power and provide platforms for the IPLCs themselves to speak, we end up speaking for them, we usurp their voices. While in Latin and Central America and Asia, IPLCs (most) do use their convening power, resource mobilize in partnership with the community to ensure they occupy the space... that is the struggle. Unless more work is done so that IPLC organizations understand recognize the need to do governance, decision making, planning in partnership with communities then (they) are no different from other CSOs” (Interview with Ikal Angelei, October 2021).

Section 6: Conclusions and Recommendations

Despite the rapidly developing international best practices on implementing and promoting Indigenous Peoples' rights, African regional institutions deliberately choose to ignore the agenda by often giving reasons such as lack of clarity on the concept and State Parties' interests. The African Commission on Human and Peoples Rights is the only continental body that has committed to the protection and promotion of Indigenous Peoples' rights through resolutions and mechanisms that include the establishment of a Working Group on Indigenous Populations/Communities in 2001, since renamed the WG on Indigenous Populations/Communities and Minorities. Through its communication mechanisms, the Commission has adopted decisions that specifically promote Indigenous Peoples' rights and has pursued the rights of Indigenous Peoples at the African Court on Human and Peoples Rights. Indigenous Peoples' rights in particular are not a priority for the African States. Given that the African Commission Working Group on Indigenous Communities/Populations and Minorities lacks adequate resources and support to participate in the Continental agenda, donors have an opportunity to channel resources to Indigenous rights advocacy at the African regional level (Kanyike, 2019).

It is necessary to scale resources to increase the impact of IPLC programs. However, it would be more effective to

create peer awareness amongst donors on IPLCs priorities and focus areas that will yield the highest leverage for change and impact. The best approach is to aggregate IPLC capacities at national or regional levels, promoting strategies that enable IPLCs to conglomerate at scale and build movements and platforms with dedicated skills and personnel, because the seed resources required are low and the impact is large once the conglomerate is in place. Sustaining these movements and platforms at a regional or national level is part of the funding needed – the dedicated funds would then sit with this particular platform to deliver to other needs, the risk is that donors dictate the agenda (from an Interview with James Murombedzi, September 2021).

Funding ought to be directed to the following issues:

I. Policy advocacy around Indigenous food systems linked to protecting biodiversity and land rights. This needs to be done as holistic advocacy that cuts across work in silos, bringing together land rights, food systems, biological diversity, water, and other relevant themes. This conforms with the IPLC lens which is holistic. It is necessary to find ways to bring all these strands together even if different organizations are leading the different segments based on specialization. For example, strengthening the capacity of national and community-based IP-led or IP organizations and their networks to voice their positions, needs, and rights in the context of national development priorities, natural resource extraction projects, and climate change (according to KII with Ikal Angelei, October 2021). Supporting

Indigenous-led enterprises to leverage national, regional, and global markets as a strategy for securing their social, economic, and cultural rights.

II. Building links to national development plans and seeking ways to be part of national negotiations. Indigenous Peoples' organizations have developed and implemented their own community-based participatory monitoring and evaluation systems; these include disaggregated baseline data and information relating to their lands and territories, human rights, poverty levels, traditional knowledge and governance systems, land tenure, and other priorities. This is important because community-based monitoring and information systems provide targeted data that directly and dynamically represents the unique perspectives of Indigenous Peoples and fill gaps in official data and information. It is recommended that national statistical offices and Indigenous Peoples' organizations and communities cooperate and work to ensure that community-based data are effectively integrated into national statistics (Balawag, 2016; UN, 2019:50).

III. The most marginalized need more attention. Partnering with Indigenous women organizations to support their priorities, because who are at the center of natural resource management but often excluded from management and governance by both governments and Indigenous men. Supporting Indigenous youth and organizations led by people with disabilities to enable their participation in decision-making at local and global processes is important. (Kanyinke, 2017: pages 8-9).

IV. Establishment of an Indigenous Human Rights defenders' Fund to support

defenders in danger. This is a problem that has long been identified, for which there is a need to pilot solutions and find ways to secure the right to life of the defenders.

V. A continuation of engaging and participating with international and Africa wide forums and agenda. This is important as a basis for widening entry points for both global, regional, and continental advocacy, especially with the trend of globalized responses by political leaders to the challenges of our times, as exemplified in the response to climate change and the setting of the global development agenda. In this respect, research that supports the work of the African Commission Working on Indigenous Populations/Communities will be key in advancing Indigenous peoples' rights in Africa.

VI. Strengthening the capacity of Indigenous Peoples' organizations and their networks. This is essential to amplify IP voices in pursuit of their rights in the context of development, climate change, and natural resource exploitation, through their participation in African regional processes, partnerships with African regional institutions, and research. Supporting the work of the African Commission Working on Indigenous Populations/Communities will be key in advancing Indigenous Peoples' rights in Africa.

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Key Informant Interview (KII) September – October 2021

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