

In Review ...

Land Rights of Indigenous Peoples in Africa

By Albert Kwokwo Barume

335 pages

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International Work Group for Indigenous Affairs

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Some books of scholarship come with bits of detail, some bristle with it. And then there are some that seem to be nothing but detail.

Albert Kwokwo Barume's *Land Rights of Indigenous Peoples in Africa* is one of those – and anyone engaged with good faith in global Indigenous affairs should be grateful. For beyond its rich information, the book appears at a crucial time. The U.S. has stated its support for the United Nations Declaration on the Rights of Indigenous Peoples, making it unanimous in the global community. But the immediate reaction, from President Barack Obama himself and from many of the Indigenous Peoples who applauded him, emphasized putting the much-appreciated words of the Declaration into action.

Barume's thoughtful anthology of Indigenous land rights cases under national constitutions is a manual for Indigenous action at law. Despite the title, Barume doesn't stop at Indigenous rights in Africa, his own field of expertise. He devotes a hundred or more pages all told to the backgrounds and foundations of Indigenous land rights, the causes of Indigenous dispossession, and "Constitutional Recognition and States' Practice Regarding Indigenous Peoples' Rights" in North America, Latin America, Asia and the Pacific, and Western Europe.

He is also constantly alert to the implications of UNDRIP and a host of other international agreements on Indigenous rights. Many African constitutions, for instance, "refer to international human rights instruments as references and sources of standards." Having noted the Indigenous content of these international instruments, Barume spells out his conclusion: "This is an entry point that African judges, lawyers, civil society organizations, and indigenous communities should eventually use to safeguard and protect the rights of indigenous peoples." Again, though he addresses the African context, finding entry points for other settings is easy work, thanks to the author's thoroughness.

Marshaling his details through 335 pages and well over one thousand footnotes, Barume has managed to produce a work of scholarship with timely strategic value. Various legal approaches to securing Indigenous rights are dissected as they played out in national courts; good practices and related recommendations emerge; a multitude of resources is assessed and made accessible; precise knowledge is brought to bear on dozens of seemingly difficult issues, such as the background and intent of ambiguous language in the International Labour Organization's Convention 169 on Indigenous Rights, or the singular reason so many African states deny the category of Indigenous Peoples, or the distinctions to be drawn among land use, occupancy, ownership, possession, and collective rights ... Barume surprises from time to time, but as he explains himself he tends to gain on second thought.

Land Rights of Indigenous Peoples in Africa should also have shelf life as a reference volume. One small example: the statement of U.S. support for UNDRIP placed heavy emphasis on the "certain additional, collective rights" of Indigenous Peoples. The curious can resort to Barume. Though the lack of an index is his book's glaring weakness, those who dive into it armed with page-flags will be able to call up his ample discussion, beginning with "The rights of indigenous peoples to lands are group rights, a concept that draws on the practice adopted by European States from as early as the seventeenth century"; extending through philosophical considerations on communality as "one ethical constituent of our humanity" to case law precedent from the U.S., Canada and Australia; gradually getting around to "Collective lands in Africa"; and forging ahead to a refutation of *terra nullius* (land "belonging to no one") and the adjudicated foundations of Indigenous land rights. All that for only one page-flag.

One of the book's more subtle strong points is that it avoids overly coherent solutions to the complex opposition ranged against Indigenous land rights in separate nations. But from the study of land rights cases and constitutional provisions in close to 50 nations, an overall coherence emerges around what turns out to be the book's central message: Indigenous Peoples are gaining ground, both literally and in courtrooms and constitutions worldwide. "It seems, on the whole, that States and other International actors increasingly feel that the recognition of indigenous peoples' land rights responds to compelling values and principles of 'humanity,' fairness, and justice."

The fact that other states seem bent on undermining this emerging consensus with non-conformist behavior is not lost on Barume. Typically, he has documented cases in those countries as well.

Land Rights of Indigenous Peoples in Africa is a timely counter to non-conforming states. Still more, it adds invaluable data to the broad narrative of transition from entrenched views of Indigenous Peoples ... and the atrocities those views tolerate.

