

Substance

Right to development - article 22

With regard to indigenous communities, article 22 of the Charter should be read in line with article 23 of the United Nations Declaration on the Rights of Indigenous Peoples which requires that indigenous people be actively involved in the design and implementation of policies and programmes that affect them. The failure of a respondent state to effectively consult indigenous communities on development activities amounts to a violation of the right to development (*African Commission on Human and Peoples' Rights v Kenya*, application 006/2012, Judgement, 26 May 2017, paras 209 & 210).