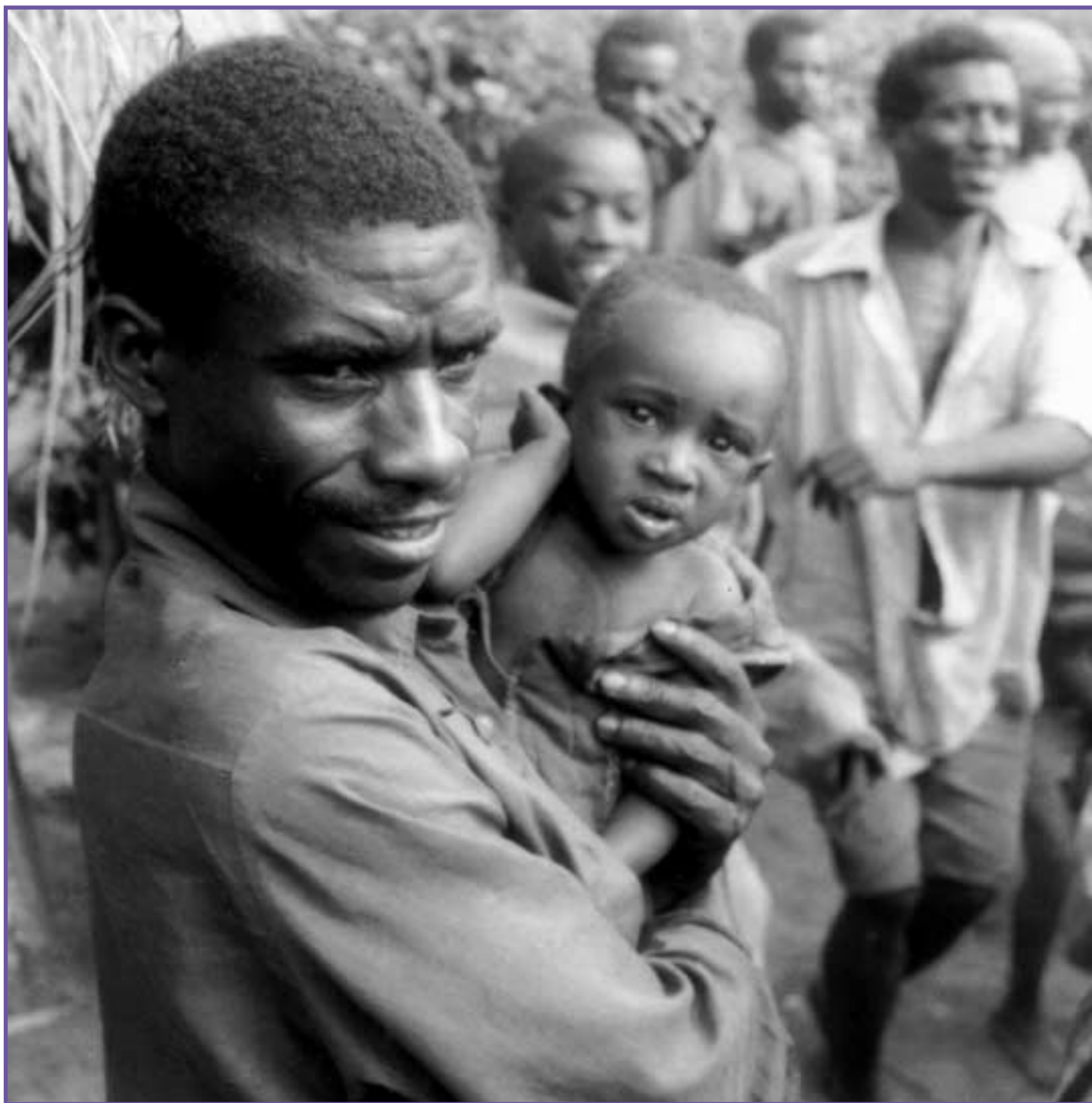


Minority Rights Group International

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# The Batwa Pygmies of the Great Lakes Region

AN MRG INTERNATIONAL REPORT • THE BATWA PYGMIES OF THE GREAT LAKES REGION



BY JEROME LEWIS



## THE BATWA PYGMIES OF THE GREAT LAKES REGION

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## MINORITY RIGHTS GROUP INTERNATIONAL

MRG works to secure rights and justice for ethnic, linguistic and religious minorities. It is dedicated to the cause of cooperation and understanding between communities.

Founded in the 1960s, MRG is a small international non-governmental organization that informs and warns governments, the international community, non-governmental organizations and the wider public about the situation of minorities around the world. This work is based on the publication of well-researched Reports, Books and Papers; direct advocacy on behalf of minority rights in international fora; the development of a global network of like-minded organizations and minority communities to collaborate on these issues; and **the challenging of prejudice and promotion of public understanding** through information and education projects.

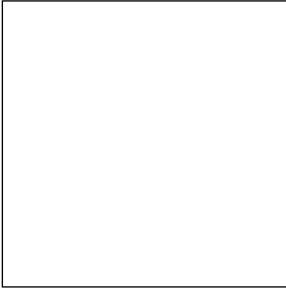
MRG believes that the best hope for a peaceful world lies in **identifying and monitoring conflict** between communities, **advocating preventive measures** to avoid the escalation

of conflict and **encouraging positive action** to build trust between majority and minority communities.

MRG has consultative status with the United Nations Economic and Social Council and has a worldwide network of partners. Its international headquarters are in London. Legally it is registered both as a charity and as a limited company under English law with an International Governing Council.

## THE PROCESS

As part of its methodology, MRG conducts regional research, identifies issues and commissions Reports based on its findings. Each author is carefully chosen and all scripts are read by no less than eight independent experts who are knowledgeable about the subject matter. These experts are drawn from the minorities about whom the Reports are written, and from journalists, academics, researchers and other human rights agencies. Authors are asked to incorporate comments made by these parties. In this way, MRG aims to publish accurate, authoritative, well-balanced Reports.



*Batwa father and child  
attending a dance,  
Rwanda 1993.*

JEROME LEWIS

# The Batwa Pygmies of the Great Lakes Region

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## **UN Convention on the Prevention and Punishment of the Crime of Genocide (1948)**

### **Article 1**

The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

### **Article 2**

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

## **International Labour Office Convention Concerning Indigenous and Tribal Peoples in Independent Countries, No. 169 (1989)**

### **Article 6**

1. In applying the provisions of this Convention, governments shall:
  - (a) consult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly;
  - (b) establish means by which these peoples can freely participate, to at least the same extent as other sectors of the population, at all levels of decision-making in elective institutions and administrative and other bodies responsible for policies and programmes which concern them;
  - (c) establish means for the full development of these peoples' own institutions and initiatives, and in appropriate cases provide the resources necessary of this purpose.

### **Article 7**

1. The peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the land they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development. In addition they shall participate in the formulation, implementation and evaluation of plans and programmes for national and regional developments which may affect them directly.

### **Article 8**

1. In applying national laws and regulations to the peoples concerned, due regard shall be had to their customs or customary laws.
2. These peoples shall have the right to retain their own customs and institutions, where these are not incompatible with fundamental rights defined by the national legal system and with internationally recognised human rights. Procedures shall be established, whenever necessary, to resolve conflicts which may arise in the application of this principle.
3. The application of paragraphs 1 and 2 of this Article shall not prevent members of these peoples from exercising the rights granted to all citizens and from assuming the corresponding duties.

### **Article 13**

1. In applying the provisions of this part of the Convention governments shall respect the special importance for the cultures and spiritual values of the peoples concerned of their relationship with the lands or territories, or both as applicable, which they occupy or otherwise use, and in particular the collective aspects of this relationship.
2. The use of the term 'lands' in Articles 15 and 16 shall include the concept of territories, which covers the total environments of the areas which the peoples concerned occupy or otherwise use.

### **Article 14**

1. The rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy shall be recognised. In addition, measures shall be taken in appropriate cases to safeguard the right of the peoples concerned to use lands not exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities. Particular attention shall be paid to the situation of nomadic peoples and shifting cultivators in this respect.
2. Governments shall take steps as necessary to identify the lands which the peoples concerned traditionally occupy, and to guarantee effective protection of their rights of ownership and possession.
3. Adequate procedures shall be established within the national legal system to resolve land claims by the peoples concerned.

### **Article 15**

1. The rights of the peoples concerned to the natural resources pertaining to their lands shall be specially safeguarded. These rights include the right of these peoples to participate in the use, management and conservation of these resources.

### **Article 16**

1. Subject to the following paragraphs of this Article, the peoples concerned shall not be removed from the lands which they occupy.
2. Where the relocation of these peoples is considered necessary as an exceptional measure, such relocation shall take place only with their free and informed consent. Where their consent cannot be obtained, such relocation shall take place only following appropriate procedures established by national laws and regulations, including public enquiries where appropriate, which provide the opportunity for effective representation of the peoples concerned.
3. Whenever possible, these peoples shall have the right to return to their traditional lands, as soon as the grounds for relocation cease to exist.

4. When such return is not possible, as determined by agreement or, in the absence of such agreement, through appropriate procedures, these peoples shall be provided in all possible cases, with lands of quality and legal status at least equal to that of the lands previously occupied by them, suitable to provide for their present needs and future development. Where the peoples concerned express a preference for compensation in money or in kind, they shall be so compensated under appropriate guarantees.
5. Persons thus relocated shall be fully compensated for any resulting loss or injury.

### **Article 33**

1. The governmental authority responsible for the matters covered in this Convention shall ensure that agencies or other appropriate mechanisms exist to administer the programmes affecting the peoples concerned, and shall ensure that they have the means necessary for the proper fulfilment of the functions assigned to them.
2. These programmes shall include:
  - (a) the planning, coordination, execution and evaluation, in cooperation with the peoples concerned, of the measures provided for in this Convention;
  - (b) the proposing of legislative and other measures to the competent authorities and supervision of the application of the measures taken, in cooperation with the peoples concerned.

## **UN International Covenant on Civil and Political Rights (1966)**

### **Article 2**

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.
3. Each State Party to the present Covenant undertakes:
  - (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;
  - (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;
  - (c) To ensure that the competent authorities shall enforce such remedies when granted.

## **UN Convention on the Rights of the Child (1989)**

### **Article 2**

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

## **UN Agenda 21 (June 1992)**

### **Chapter 11: Combating Deforestation**

The survival of the forests depends on us recognizing and protecting their ecological, climate-control, social and economic values. These benefits should be included in the national economic accounting systems used to weigh development options. (...)

In addition to encouraging sustainable use of forests, countries need to create or expand protected area systems to preserve some forests. Such forests are needed to preserve ecological systems, biological diversity, landscapes, and wildlife habitat. Forests also need to be preserved for their social and spiritual values, including that of traditional habitats of indigenous people, forest dwellers and local communities.

### **Chapter 26: Strengthening the Role of Indigenous People**

Governments should recognize that indigenous lands need to be protected from environmentally unsound activities, and from activities the people consider to be socially and culturally inappropriate. There should be national dispute resolution procedures to deal with concerns about the settlement of land and use of resources.

Governments should incorporate the rights and responsibilities of indigenous people into national legislation. Countries could also adopt laws and policies to preserve customary practices, and protect indigenous property, including ideas and knowledge.

Indigenous people should be allowed to actively participate in shaping national laws and policies on the management of resources or other development processes that affect them.

Governments and international organizations should recognize the values, traditional knowledge and resource management practices that indigenous people use to manage their environments, and apply this knowledge to other areas where development is taking place. They should also provide indigenous people with suitable technologies to increase the efficiency of their resource management.

# Preface

**M**uch has been written about the conflicts in the Great Lakes sub-region of Africa. The terrible genocide of 1994 in Rwanda still haunts us all, while the tensions in Burundi, Uganda and Democratic Republic of Congo rightly receive frequent press coverage. However, little is known or reported about one of the poorest and most vulnerable communities in the region, the Batwa Pygmies.

The Batwa Pygmies are believed to be the original inhabitants of the equatorial forests of the Great Lakes region of Central Africa. The forest was their home. It provided them with sustenance and medicines, and contained their sacred sites. Their low-impact use of forest resources meant that their way of life was sustainable over thousands of years. In the nineteenth century, incoming agriculturalists and pastoralists started the process of deforestation, clearing forests for cultivation. The Batwa were integrated into society at the lowest level, although they were also important in the courts of the pre-colonial kings and chiefs, as performers, spies, hunters and warriors.

With the advent of colonialism, large-scale forest logging and an increasing interest in trophy game hunting, the over-exploitation and destruction of Central African forest habitats and wildlife impacted more and more on Batwa Pygmy communities. In recent decades, the establishment of game parks has led to their eviction from their traditional lands, while severe inter- and intra-state upheavals and violent conflicts have undermined their livelihoods and culture even further. For numerous Batwa Pygmy communities, near- or absolute destitution has become a reality.

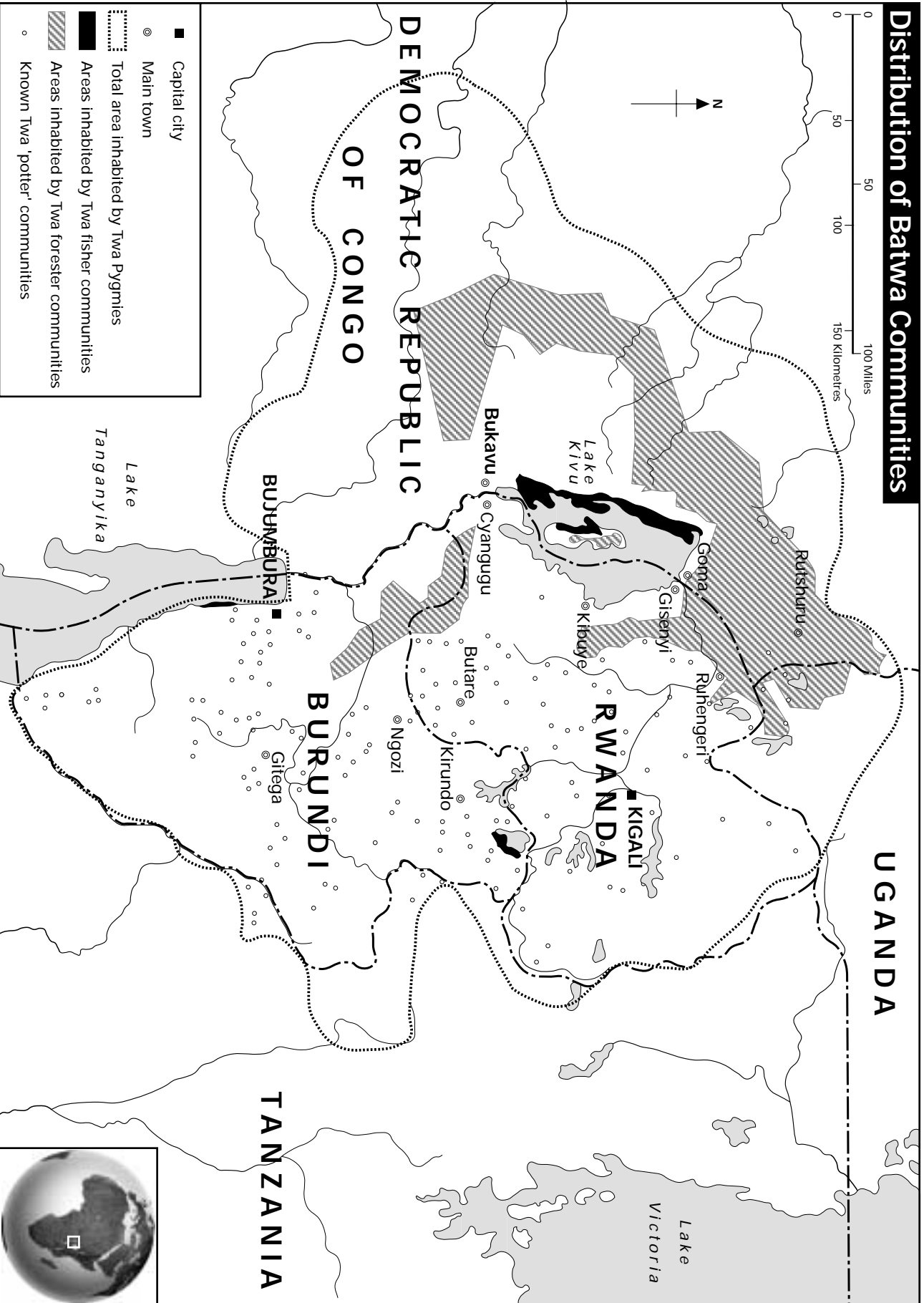
Pygmies live in a considerable number of Central African countries. This new MRG report focuses on Batwa living in the Great Lakes sub-region, and, in particular, in Burundi, eastern Democratic Republic of Congo, Rwanda and Uganda. In these four states all Batwa Pygmy communities suffer from loss of traditional forest territories and other natural resources, personal insecurity and violence, displacement by war and as a result of tourism and logging, political and social exclusion, poverty, ill-health, inadequate educational opportunities and negative stereotyping. Despite the unprecedented hardships they have experienced, the Batwa Pygmies of the sub-region are today making courageous and determined efforts to mobilize to defend and promote their rights.

In response to a series of approaches and requests made to MRG by Batwa Pygmy organizations, and as part of the development of a broader rights-based programme in partnership with these organizations, MRG is pleased to publish this new report by social anthropologist Jerome Lewis. Jerome Lewis has lived and worked among Yaka Pygmies in Congo-Brazzaville and also with the Batwa of Rwanda since 1993. Following the 1994 genocide, he co-authored a book with Judy Knight in 1995, *The Twa of Rwanda*.

The Report provides a brief historical account of the Batwa Pygmy people of the sub-region. It describes their demographic distribution, their way of life and culture, their identification as an indigenous people, and how they have sought to accommodate themselves to changing circumstances largely beyond their control. The text sheds light on similarities and variations among the Batwa Pygmies of the four countries discussed, and describes their contemporary ways of life as potters and labourers, and their talents as performing artists. Most urgently, however, it examines the dynamics of the acute marginalization and discrimination experienced by the Batwa Pygmies, and the multiple ways in which their rights are violated. It also considers the difficult prospects facing them in their struggle for cultural survival. If the Batwa Pygmies of the Great Lakes are to preserve their collective identity, the effectiveness of their own efforts and the support of external actors will be crucial.

The states of Burundi, Democratic Republic of Congo, Rwanda and Uganda, by virtue of their ratification and acceptance of international human rights standards, have taken on the obligation to treat their citizens equally and to uphold their rights and freedoms. Yet, as this report clearly shows, they have failed to discharge this obligation, and the international community has equally failed in its duty to defend the vulnerable. MRG hopes that this report – which will in due course be published in French and in local languages spoken by Batwa Pygmies, as well as in English – will bring about increased recognition of the plight of Batwa Pygmy communities and of their own efforts to reverse decades of oppression and to improve their situation in the Great Lakes and further afield.

# Distribution of Batwa Communities



# Introduction

## Terminology

‘Pygmy’<sup>1</sup> is an academic term designating the small-stature hunter-gatherer and former hunter-gatherer peoples of the equatorial forests and adjoining areas across Central Africa. This term is widely used by non-Pygmy people, but only rarely by Pygmies themselves. Outsiders often use it in a derogatory way. Most Batwa of the Great Lakes Region dislike the term because they only hear it in the context of verbal abuse from neighbours, but Batwa activists tend to approve of it and use it themselves. They see an advantage in being identified with the original inhabitants of their regions, and wish to show solidarity with other Pygmy groups in Central Africa. Many Pygmy peoples prefer ethnic labels that correspond to specific areas of forest – Bambuti, the Ituri forest (Democratic Republic of Congo [DRC]), Baaka, the Lobaye forest (Central African Republic [CAR]), Bambendjelle, the Ndoki forest (Congo-Brazzaville and CAR), etc.

‘The Batwa of the Great Lakes Region’ are a Pygmy people, once specialists in hunting and gathering in the mountain and lowland forests around Lake Kivu in eastern Central Africa. Batwa speak several different languages today and in some areas pronounce their name ‘Barhwa’ rather than ‘Batwa’. In northern Kivu, DRC, some Batwa will refer to themselves as Batwa and Bambuti interchangeably. Some researchers have claimed that the Ugandan Batwa prefer to call themselves *Abayanda*.<sup>2</sup> Despite different names, all recognize their shared Batwa identity and the majority only refer to themselves as Batwa. The name Batwa carries a similar ambivalence to the term ‘Pygmy’. Only tone of voice and context determine whether it is being used insultingly or respectfully. For this reason, some Batwa in Burundi who feel they have ‘developed’ get insulted when called Batwa and prefer to be called ‘*Abaterambere*’ (people who are advancing).

In this report Bantu conventions indicating plural and singular are used.<sup>3</sup> Thus ‘Batwa’ indicates the plural and ‘Mutwa’ the singular. The term *-twa* is used in the Bantu languages of most of sub-Saharan Africa to refer to peoples who are in almost every case hunter-gatherers and former hunter-gatherers who are recognized as the original inhabitants of the area and as people who have very low status. It is applied to Pygmies in Central Africa, to Bushmen in southern Africa and to other hunter-gatherers in other parts of Africa. Geographical references are therefore necessary to distinguish between different groups.<sup>4</sup>

## The Batwa of the Great Lakes Region

The Batwa Pygmies featured in this report inhabit parts of southern Uganda, eastern DRC, Rwanda and Burundi.<sup>5</sup> This Batwa population is estimated to number between 70,000 and 87,000 people,<sup>6</sup> dispersed over an area of approximately 100,000 square km. The Batwa are a minority numerically and politically, making up between 0.02 and 0.7 per cent of the total population in the various countries they occupy today. They do not constitute a political force or constituency of any significance.

The Batwa see themselves as a colonized people: first by agriculturalists, then by pastoralists in many areas, and finally by Europeans.<sup>7</sup> In certain areas Batwa fiercely defended their ancestral forests against the encroachments of these invaders,<sup>8</sup> but today nearly all have seen their forests disappear or their rights to live in them denied. Each colonizing group put increasing pressure on the original forest, turning most of it into farmland, pasture, commercial plantations and, more recently, protected areas for game parks and military exercises. Although the Europeans have left, decolonization remains an issue for the Batwa.

The highly organized pre-colonial kingdoms of the eastern countries (southwestern Uganda, Rwanda and Burundi) were dominated by extensive agricultural and pastoral economies. Relations between the mostly Bahutu and Batutsi related groups, were characterized by hierarchical client relations. Monarchs, often Mututsi, obliged chiefs and lineage heads to pay them tribute, and sought to expand their kingdoms through conquest. In these areas many Batwa in the nineteenth and twentieth centuries were unable to depend solely on hunting and gathering because of large-scale deforestation. Mostly uninterested in subsistence strategies requiring long-term investments, many Batwa chose economic activities with quick returns on labour. They became woodcrafters, tinkers, blacksmiths, potters, day labourers, bards and performers in the countryside, and some groups became the clients of chiefs, serving at the royal courts.<sup>9</sup>

The rate and impact of deforestation is unequally distributed historically and geographically. In the Kivu region of DRC its impact is much less than in the eastern countries. DRC has a more diverse history, with a greater variety of linguistic groups, political structures and population migrations. Pastoralism was not practised so widely, and forest, especially lowland forest, remains in many parts of the region today. In consequence, Batwa in DRC today have much greater access to forest and thus greater economic independence and more effective resistance to domination by their neighbours.

However, in all areas, the incoming agriculturalists established themselves in far greater numbers than the Batwa, who became incorporated into the locally dominant society at the very lowest level. This lowly status, their small numbers and the dispersal of their communities have contributed to their extreme political weakness and the serious difficulties they have in asserting their rights and resisting expropriation and violence.

The Batwa have been dispossessed of almost all their lands and do not enjoy security of tenure for what remains. But this does not mean that their legal rights as owners of their lands have been extinguished. Where they have been deprived of their lands without due legal process, especially in recent times in the creation of game parks and conservation areas, their rights to their lands may well in future be asserted and tested both in political arenas and in courts of law.

Conservation projects forced the last forest-dwelling groups out of their forests in the early 1990s. Without consultation or reparation, Batwa have been denied the right to practise their traditional culture. As cheap mass produced goods became widely available the Batwa's craft economy became increasingly ineffective, and they have become more dependent on marginal subsistence strategies like casual day labour and begging. In 1993, begging was a major activity for 70 per cent of Rwandan Batwa.<sup>10</sup>

The insecurity of Batwa subsistence strategies has contributed to their impoverishment and marginalization. In all places they are discriminated against. Their neighbours will not eat or drink with them, allow them in their houses, or accept them as marital or sexual partners. Their communities are segregated from other groups, forced to live on the edges of population centres. These practices are less rigidly adhered to in urban contexts but many underlying biases against Batwa remain.

Many other communities hold negative stereotypes of the Batwa, despising them as an 'uncivilized' and 'sub-human race', who eat repulsive food and lack intelligence or moral values. Recently, the Batwa have been stereotyped as poachers, most notably of gorillas, by Northern media, as in the Hollywood film *Gorillas in the Mist*, and by conservation agencies who wish to justify denying them access to forest they traditionally inhabited.

In the context of the wars in the Great Lakes Region, all belligerents hold negative stereotypes of the Batwa. Thus Batwa communities and individuals are vulnerable to attack from either side, or being coerced to take up arms. The general human rights situation in the region is extremely poor and, like their neighbours, the Batwa suffer greatly during wars. However, in contrast to many of their neighbours, they have fewer resources to fall back on during a crisis, the marginal areas they occupy are popular with armed groups that seek to avoid detection, and their lack of political patronage and extreme poverty makes them vulnerable to manipulation and coercion.

Despite their marginalization, some Batwa in DRC and Rwanda succeeded in setting up their own organizations in 1991. The Association for the Promotion of Batwa (APB) in Rwanda, and the Programme d'Intégration et de Développement du Peuple Pygmée au Kivu (PIDP-Kivu), were the first representative organizations of Batwa people run by Batwa themselves. They were founded to pro-

mote Batwa human rights, and to assist Batwa to improve their standard of living. The courage and persistence of these associations has stimulated the formation of other Batwa groups and the beginning of a regional network of forest hunter-gatherer organizations throughout Central Africa.<sup>11</sup> These organizations have recently begun to create links with Batwa communities and their emerging indigenous associations in Burundi and Uganda. International organizations involved in supporting Batwa communities have established a 'Twa Support Group' to assure effective communication and sharing of information between them, and to avoid duplicating activities. The Batwa are now embarked on a process that will enable them to represent themselves effectively at local, national and international levels. They are now aware of, and participating in, the international movement supporting minority and indigenous rights.

Although speaking different languages, generally that of the dominant ethnic group in their area, all Batwa people in the region recognize their shared descent from the first hunter-gatherer inhabitants of the mountainous area they occupy and explicitly refer to this past to emphasize their sense of being one group.

## A first people

*'About Burundi. Our grandfathers told us that the Batwa were here long before the others. Those that have sat on school benches also know this. When Bahutu or Batutsi say "The Batwa are potters and have no home" it is because the Batwa have been nomads since the beginning. When a Batwa died we would move camp that very day. When the Bahutu arrived they set about developing the land, planting and cultivating. However we Batwa continued to wander with pots on our heads. The Batutsi came with cows. The Batwa remained despised because we were stuck with just one job – pottery – like a goat that just eats grass.'*

Mutwa man aged 65, Mungwa, Burundi, July 1999

The Batwa clearly identify themselves as indigenous people, and share many of the characteristics of indigenous people expressed in Article 1 of the International Labour Organization (ILO) Convention 169 Concerning Indigenous and Tribal Peoples in Independent Countries.<sup>12</sup>

Batwa involved in the international indigenous rights movement emphasize that the Batwa's place in the history of the region is unique. The mountainous region and adjoining areas of lowland forest around Lake Kivu going south to the northern tip of Lake Tanganyika is inhabited by numerous different ethnic groups today. The Babembe, Bafuliru, Bahavu, Bahunde, Bahutu, Bakiga, Banande, Banyanga, Bashi, Batutsi, Bavira, Bayindu and Warega, for instance – all claim their origins from outside this area. Their oral histories tell of migrations, of wars and even conquest. In contrast, the Batwa emphasize that they have no origins elsewhere, no history of migration, that they are the truly indigenous people of this region. Batwa empha-



size that despite independence from European rule they remain a colonized people, their process of decolonization remains unfinished.

Oral traditions common to all major ethnic groups in the region, as well as western historians, concur in identifying the Batwa as the first inhabitants. The necessity of local chiefs being 'enthroned' by Batwa, and then maintaining a continuous presence of Batwa at their courts thereafter demonstrates the degree to which Batwa status as first inhabitants is traditionally accepted in the region. The Batwa ritually 'licensed' later arrivals to use the land, and legitimized their traditional rulers. Despite history being a contentious issue in the region today, few would disagree that the Batwa were the first inhabitants. Even in primary school textbooks in Uganda students are told that the Batwa (and Bambuti) are the original inhabitants.

Being first inhabitants implies rights locally and internationally. The Batwa are now active participants in the international indigenous rights movement. Batwa from Rwanda first attended the United Nations Working Group on Indigenous Populations in July 1994 and have been regular participants since. In July 1998 representatives of the Congolese Batwa community also joined the Working Group. In these fora the Batwa have contributed to international understanding of indigenous problems and to the development of an international policy on indigenous issues.

In these ways Batwa indigenous organizations are actively involved in seeking respect for their rights to their traditional territories, institutions and practices, and promote an indigenous model of socially and environmentally sensitive development and conservation that enables them to maintain their identity and have more influence over their future. The contrast between 'assimilation' – incorporation into society with loss of identity – and 'integration' – participating as full members of society whilst retaining identity – has been a central concern of the Batwa indigenous organizations.

African governments have so far been unwilling to recognize indigenous rights within the UN's human rights framework. However, indigenous peoples' demands for more control over their lands and future are in accord with the principles and requirements of a democratic state. The assertion of indigenous rights provides an important alternative to ethnic conflict, opening up the possibility for negotiation and constructive agreements between states and peoples. The aim of the indigenous rights movement is to allow people to safeguard their future without resort to violence. The importance of this is recognized by most multilateral donors, international development and conservation agencies, who now have policies<sup>13</sup> that seek to ensure, through processes of consultation and participation, that indigenous communities are not adversely affected by their activities. This has had the effect of obliging many African governments to take indigenous rights increasingly seriously.

This report is written from the now generally accepted human rights perspective that there is no justification for treating hunter-gatherers and former hunter-gatherers as an irrelevant, backward 'remnant'. They and their way of life are entitled to as much consideration and respect as other ways of life. There was and is nothing to be con-

demned in forest nomadism. Where forest remains, this way of life is a valid one in the modern world, just as capable of modernization and development as other ways of life. The Batwa, both those who are forest users and others who no longer have access to forest, are entitled to respect for their singular significance in the history of the area as the original inhabitants, and as people who, unlike later comers, used the environment without destroying or seriously damaging it. It is only through their long-term custody of the area that later comers have good land to use.

As individual members of a distinctive ethnic minority the Batwa have the right to integrate into the majority culture or cultures or to remain distinctive in whatever ways they choose. Forced exclusion and forced assimilation by the dominant culture are equally unacceptable. Their entitlements as citizens of the countries in which they live, and as world citizens under international rights declarations, to hold land and other property, to be able to obtain justice, to have access to education, health services, employment and other benefits, are not to be made contingent upon conformity in clothing, speech, diet, housing, occupation or style of life more generally.

# Batwa lifestyles

## Hunter-gatherer social organization

**A**lthough the vast majority of Batwa are unable to hunt and gather now, their previous hunter-gatherer life has consequences for their contemporary social organization and cultural values. It has distinctive internal dynamics that frame the way changes occur and make certain adaptations more likely than others.

Some hunter-gatherer societies, like those of Pygmy peoples, have been characterized as 'immediate-return' societies.<sup>14</sup> They are contrasted with agricultural, pastoral or capitalist 'delayed-return' societies where work is invested over extended periods of time before a yield is produced or consumed, labour is hierarchically organized and vital assets are individually owned.

'Immediate-return' societies are strongly orientated to the present. People obtain a direct and immediate return for their labour. They consume most of their food production on the day they obtain it and rarely store surpluses. They are nomadic and positively value movement. Social organization is based on a temporary camp generally containing some 60 people in 10 or so quickly built huts. Camps must be able to expand or contract so that the viability of hunting and gathering activities and social harmony is maintained. 'Avoidance strategy' – moving away from people with whom there is conflict – is a common method for resolving problems. In general, Pygmy peoples use their mobility to avoid problems like hunger, illness, political domination by their agricultural neighbours or disputes among themselves.

Great stress is laid on obligatory non-reciprocal sharing as a moral principle for regulating the development of social inequality within the group. An individual who has more of something than they immediately need is under a moral obligation to share it without any expectation of return. Other camp members will, if necessary, vociferously demand their shares from such an individual. This 'demand-sharing' leads to a high degree of economic and social equality. There is a noticeable absence of social inequality between men and women and elders and juniors. Any individual can voice their opinion and go along with or resist the influence of others as they see fit. Gender relations in immediate-return hunting and gathering societies are among the most egalitarian known.<sup>15</sup>

Demand-sharing and other 'levelling mechanisms' ensure the maintenance of relative equality between all the members of a camp. 'Leadership' roles are context dependent: individuals, women or men, with recognized experience and skills in a specific context may be popularly accepted as having some authority in that context, for example, in hunting or collecting parties, or during certain ritual performances, or acting as a spokesperson to out-

siders. Traditional forms of leadership are informal and operate on the principle of consensus – that what is suggested is agreed with due to its good sense. Specialists in one context may be mercilessly mocked, fiercely resisted or abandoned should they try to claim authority outside their accepted competence.

In modern contexts, these values stimulate people to reject their own leaders and representatives when they are considered to have gone beyond their competence, fail to consult with those they represent, or appear to be materially benefiting more than others. These values clash with the expectations most modern institutions have of 'leaders' and can make effective political representation difficult.

Outside 'agencies' often like to work with 'the leader' and become suspicious when they witness antagonism, conflict or fragmentation, with many people claiming to be leaders, or none at all. When agencies ignore Batwa social organization they are often frustrated in their development efforts.

The value systems of hunter-gatherers with an immediate-return economy limit the development of agriculture because rules of sharing excess production restrict the necessary investment and savings. Outsiders sometimes interpret this as 'backwardness'. However, when environmental degradation has not gone too far, hunter-gatherers like Pygmies obtain a rather good living by agriculturalists' standards.

Hunter-gatherers strive to maintain an 'open' society – a boundary-less, flexible social system that emphasizes the equality of all, with no basis for excluding anyone. Hunter-gatherers will conform superficially to the social and cultural conventions of outsiders to extract resources from them. This is clearly the case for the Batwa and explains the diversity of languages spoken by them, while still recognizing their shared origins and cultural distinctiveness.<sup>16</sup>

## Contemporary Batwa lifestyles

**T**oday the Batwa distinguish themselves into three main groups according to their dominant economic practices: foresters, fisherfolk and potters.<sup>17</sup>

### Foresters – the Impunyu

*'Since the beginning we have always lived in the forest. Like my father and grandfathers, I lived from hunting and collecting on this mountain. Then the Bahutu came. They cut the forest to cultivate the land. They carried on cutting and planting until they had encircled our forest with their fields. Today they come right up to our huts. Instead of forest, now we are surrounded by Irish potatoes!'*

**Gahut Gahuliro, Mutwa man**, born c.1897, Muhabura, Uganda, July 1999

Forest-based Batwa refer to themselves as 'Impunyu'. Probably fewer than 7,000 have direct and regular access to forest today. Forest administrators in the areas concerned often argue that such access is illegal. Most Impunyu now live on the borders of forest and agricultural areas but use the forest on a daily basis. Impunyu are known to live in southwestern Uganda, northern Rwanda, southern Rwanda and in many areas of Kivu province DRC, especially around the Kahuzi-Biega National Park. It is unclear if any Impunyu remain in Burundi.

Impunyu are semi-nomadic, moving from place to place but often spending extended periods in favoured campsites both in and outside forest areas. Hunting a variety of small and medium-sized mammals and collecting different tubers, leaf and fruit stock, honey and fungi according to season, Impunyu obtain essential foods. Additionally they trade forest produce with farmers for goods, food or cash, transform forest produce into craft-work to sell, and hire their labour for agricultural and other tasks.

Groups are small, rarely exceeding 50 people, often based around members of a particular clan. When a camp member dies, the person is buried and the camp abandoned immediately. Much of their traditional religion is based on the forest, on making offerings at certain sacred caves, hills, valleys, swamps or trees. Even when these sacred sites are now inside national parks, Impunyu continue to visit them secretly. They are widely considered most knowledgeable about forest lore and in the use of plants for healing. Although little is known, gender relations are likely to be extremely egalitarian, as is the case amongst other Pygmy groups.

Each clan collectively owns an area of forest. Although they can travel freely in each other's areas, people often stay in their own clan area because they know the resources there best. Today many groups who no longer have access to forest remain on the farms that have taken over their traditional land, where they are often described as squatters or tenants, despite the land being really theirs.

Although aware of farming techniques, Impunyu rarely cultivate for themselves. Day labour or exchanges of labour for food fit better with their lifestyle. Impunyu are well known for begging, something often taken to be indicative of their miserable status. This is not necessarily true. If Impunyu are begging more now than before it rather indicates the miserable state of their forests, or that they no longer have access to them. 'Demand-sharing' (begging) is the Impunyu's way of obtaining shares from neighbours who do not understand or value sharing. Crop theft, although now much rarer, is also a common means hunter-gatherers use to obtain shares from otherwise uncooperative neighbours.

### Fisherfolk

Very little is known about these small groups. The majority live around Lake Kivu and on Idjwi Island in DRC and some live on the shores of Lake Tanganyika and Lake Rweru. Their numbers are unknown but are unlikely to exceed 3,000–4,000 people. Their economy is water orientated: they trade fish for farm food or money; as craft workers, men make canoes and paddles, women baskets,

mats and fish traps. Some make pottery and many have small farms. According to the Batwa association in Kivu, PIDP, they are being prevented from openly fishing in boats because they do not have fishing licenses. Like other Batwa they are considered the first inhabitants of their areas and required to participate in the important rituals of their neighbours.

### Potters

Most contemporary Batwa, around 60,000–76,000 people, fall into this imperfect category. It poorly reflects the activities of most Batwa 'potters' today, but must be understood in the context of the Batwa's history of adaptation as immigrant farmers and pastoralists steadily colonized their forest habitat.

*'We were the king's hunters and sacrificers. We would hunt leopard for the King. Neither Bahutu nor Batutsi had the courage to do that, only us Batwa. We didn't bother about land before. After a month or so in one place we'd move on. Where we stopped we would build another house. When others came and started planting they would stay there. Even their children would remain there. But we would keep moving. We don't have land, we only have pots.'*

Mutwa man aged 40, Myangungu, Burundi, July 1999

As more immigrants arrived in Batwa forests and turned them into farmland or pasture, the Batwa diversified their activities. In addition to hunting and gathering they moved from farm to farm, the men offering their services as protectors, craft workers and labourers, while the women worked as potters. As greater numbers of immigrants arrived, they turned more and more forest into farmland and it became increasingly difficult for many Batwa to obtain wild foods and other forest resources.

With the forests destroyed, the immigrants no longer depended on the Batwa for access to forest and its produce. Without the economic autonomy the forest provides, their neighbours' perception of the Batwa becomes more negative, discrimination more marked and exploitation easier and more frequent.

Despite sometimes settling down for extended periods as clients or tenants of particular farmers, most Batwa were still highly mobile, living in grass or banana leaf huts<sup>8</sup> and showing little concern, until recently, about their landlessness. Whilst maintaining their own values and lifestyle, these groups increasingly adopted the languages and religious practices of their neighbours. They share clan names and marriage practices, and the Batwa hold critical roles during chieftancy and earth-fertility rituals.

In general, Batwa seek out the wealthiest patrons they can. Some became clients to chiefs, or *mwami*, as they are called. In the Kivu region of DRC a chief without Batwa present at his court is considered of no consequence. Throughout the region the Batwa played a crucial role in traditional power structures. In myths and rituals the Batwa are shown as conferring legitimacy on the leader's rule. The Batwa also performed important services for the royal courts, as entertainers, litter-bearers, hunters and

messengers, or spies and warriors. Some Batwa received land from a *mwami* in gratitude for their services, a tiny minority were made sub-chiefs, and one group, the Basyeti clan of Rwanda, was ennobled.

As the forest was turned into pasture and fields, so many Batwa came to depend on pottery that it replaced the forest and hunting as a symbol of Batwa identity. That a woman's task came to symbolize their identity reflects the increasing importance of women to the groups' livelihood. With unauthorized hunting strictly outlawed and no land to farm, men's contribution to the household economy diminished significantly.

Today women are the focus of family life. Marriages are generally unstable and many women interviewed had already had several husbands. Children always stay with the mother and when the latter are ill or unable to work the family becomes vulnerable to hunger. As men's role in supporting the family diminishes, so too does their self-esteem and social value. Many women complained of their husbands' alcohol abuse. Men complained that they have difficulty keeping their wives because they are too poor to buy them cloth or other gifts.

## The loss of another livelihood, a new crisis in identity

By the 1970s most local markets began selling industrially produced containers that became widely popular. Batwa potters reacted by keeping their prices static, and thus attractively cheap. As a result of inflation the real income gained from pottery fell and industrial substitutes took an ever-growing portion of the market. This song by Rwandan Batwa describes their predicament:

*'Ayee ... ayee ... ayee*

*Clay is hard ... ayee*

*Clay has no more value*

*Clay used to give me meat that I could often eat with other things*

*Clay gave me sorghum and I could drink sorghum beer*

*Clay gave me beans and I could eat very well with lots of other things ... ayee*

*Leave me alone, I am tired of the black value of clay*

*The plastic cups and dishes and pans have come*

*Ayeeeeee ...*<sup>19</sup>

Also, access to clay has become increasingly difficult for many Batwa as land pressure encourages farmers to reclaim clay marshes for cultivation. Farmers may deny Batwa access altogether, forcing them to walk great distances to find clay. Other landowners charge for the clay. As pressure on a local resource increases the Batwa are the first to be denied access to it. Another example is firewood, which is vital for pot firing and cooking. In areas where land pressure and environmental degradation are

serious Batwa risk beatings, fines and imprisonment if caught collecting the grasses they require for pot firing. Thus many Batwa are unable to continue making pottery.

Today those Batwa still making pottery may become financially poorer by continuing and it seems astonishing that they carry on. However, if the social importance to the Batwa of pot production and pot selling is understood, the reasons for its persistence become clearer.

Pot production is a very sociable process, involving the whole community. Children and teenagers, and sometimes men too, all help the women dig and then carry the heavy wet clay back to the settlement. Collecting clay or the grasses used for pot firing gives people a chance to socialize and creates a sense of identity and community. For today's potters the social rewards of pottery are as important as the financial rewards. This social dimension also extends to non-Batwa.

Due to their reviled status in wider society it is difficult for Batwa to approach other people. Pot selling provides a vital means to engage non-Batwa in conversation. Although the conversation may not result in the sale of the pot, it may result in a work opportunity or a gift, or simply in making new acquaintances. Some potters reported giving pots away in the hope of creating a friendship and receiving gifts or help at a later date.

Thus, despite pottery being literally uneconomical, it provides access to potentially economically rewarding social contacts. Losing access to a clay source or grasses for firing pots has a devastating social and economic impact. More Batwa are forced to rely exclusively on casual day labour and demand-sharing (begging) – both highly insecure and marginal sources of income, often requiring people to work alone or in groups led by non-Batwa.

Today demand-sharing dominates much of the productive activity of many Batwa. Some children, especially those living near urban centres, start begging at 4 or 5 years of age. They have more success than their elders. Some Batwa parents in Kanzenze, Rwanda, explained that the severity of their hunger caused them to eat the skins of bananas they earned working for Bahutu. They often went for between three and five days without eating. Their young children abandoned these parents to live as beggars in town because of the eternal hunger at home.<sup>20</sup> In such severe cases, food scarcity and the misery of poverty have caused the breakdown of the family. More commonly social relations are strained, social groups are unstable and sharing relations have broken down.

*'Before, when one of us got meat we would always share with everyone. Now we have so little that we are hardly managing to feed our own families. Each of us has to look after themselves. If you come and we are eating we will invite you, but we don't have enough to give you something to take home and prepare for your family like before.'*

**Mutwa man aged 45, Myangungu, Burundi, July 1999**

As tensions increase groups become smaller. Their ability to offer unified resistance against expropriation, exploitation or violence diminishes and they descend a spiral of increasing insecurity, marginality, exploitation and poverty.

Batwa identity until now has always been built on their economic practices. First men's economic activities, hunting and craftwork, became largely redundant, now women's pottery is becoming redundant. This has led to Batwa men and women facing a crisis of identity.

Some indigenous Batwa organizations are attempting to address this. In Rwanda there are efforts to support Batwa potters by representing potter communities to officials when vital resources are threatened, developing new products and techniques, and reinstating buildings and equipment at previous pottery project sites. Assistance is offered in marketing clay products locally and nationally. Carpentry and seamstress schools offer Batwa the opportunity to learn new craft-related skills.

However, appropriate modernizations of forest-orientated Impunyu Batwa communities are dismissed by almost all. Even the majority of the indigenous Batwa organizations (largely based in towns and from non-forest communities) promote largely assimilationist policies for them. No pressure is being put on conservation organizations or the relevant government departments in the region to respect the Impunyu's traditional community land rights, allow them access to traditional sites of religious importance, or to offer them access to alternative forest areas for hunting and gathering. The importance of affirmative hiring programmes, of providing technical and professional training, and of investing in building the capacity of communities to represent and organize themselves, is ignored.

## Variations between Batwa in different countries

The biggest differences are between Batwa of the eastern countries (Burundi, Rwanda and Uganda) and the Batwa of the Kivu region in DRC. The eastern countries are dominated by Bahutu and Batutsi related groups, while the Kivu region of DRC is characterized by a great variety of ethnic groups. Discrimination against Batwa in DRC is based on their association with the 'wild', and their nomadic, non-cultivating lifestyle rather than on the food restrictions emphasized among Bahutu and Batutsi peoples. However, similar discriminatory practices of segregation, negative stereotyping and denial of rights occur in all places.

Batwa activists<sup>21</sup> see the main differences as resulting from the accessibility of forest to the Batwa in DRC. Batwa in DRC are more confident about their customs and culture as many still depend on hunting and gathering. This allows them greater independence from their neighbours and greater scope for avoiding exploitative or abusive situations. In Burundi, Rwanda and, increasingly, in Uganda, the Batwa are much more sedentary since they are denied the right to hunt and gather. This makes them more dependent on other groups and their movements follow other people and work opportunities rather than game and wild foods.

One consequence of increasing dependency and attachment to other ethnic groups is that the Batwa have been heavily acculturated into the dominant ethnic

groups around them. Many Batwa in Burundi and Rwanda feel so confused about their identity that they cannot conceive of it being possible to escape from the negative image of themselves created by the discrimination, marginalization and severe poverty they suffer. Many want to assimilate into the dominant culture, and accept the negative portrayal of their traditional lifestyles. It is questionable, though, whether more than a negligible number of Batwa have been assimilated anywhere in the region. In DRC more Batwa remain attached to their traditional way of life and are less interested in assimilationist agendas.

The success of Christianity among the Batwa in Uganda, Rwanda and Burundi reflects this interest in assimilation and is not mirrored in DRC. However, even in the Church discrimination is so entrenched that Batwa rarely get deeply involved in theology or Church organization. Their poverty also encourages them to follow a particular Church for concrete benefits, rather than out of deliberation and personal conviction.<sup>22</sup>

The cycles of horrifying communal violence experienced in Rwanda and Burundi have deeply traumatized and intimidated the Batwa. Batwa try to remain politically neutral but have had difficulty maintaining an independent position and move from one side to the other, depending on what happens and who offers them the greatest security. Batwa in DRC are more easily able to maintain independence because they still have some autonomy. However, the long duration of the conflict there is likely to have serious consequences.

Although it is claimed that all are equal before the law, in practice it is rare that a Mutwa can effectively bring a complaint to the courts. In Burundi and Rwanda most Batwa are too intimidated to act against those who wrong them,<sup>23</sup> while Batwa in DRC are reputed to take retribution into their own hands when seriously wronged, because they say the authorities ignore them.

## The legal context of Batwa rights

All the countries in the region are party to the African Charter on Human and Peoples' Rights (ACHPR). Rwanda, DRC and Uganda are party to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), but Burundi is not. However, none are party to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (DRM) or ILO Convention 169 Concerning Indigenous and Tribal Peoples in Independent Countries that form the basis of international human rights legislation protecting minorities and indigenous peoples. Nor do any of the governments have formal policies concerning Batwa people.

In the author's experience, state-instigated efforts in favour of the Batwa are the result of individual conscientious government officials who undertake whatever actions are within their power to support and assist Batwa in claiming their rights as citizens, rather than through

coordinated national enforcement of existing legislation in an equal way to all citizens. This neglect is related to the failure to implement the commitments enshrined in ICERD in relation to the Batwa. One consequence of this is that government departments that do officially become involved in Batwa communities (notably forest and game-related ministries and their departments) forgo meaningful consultations for assimilationist policies. Frequently support is dependent on Batwa renouncing their traditional values and way of life for a sedentary agricultural lifestyle, contrary to the ICCPR. Full and effective implementation of these Conventions and Covenants would go a long way towards addressing many of the problems faced by Batwa.

Economic and social conditions are difficult for most citizens of these countries and the problems faced by the Batwa should be understood within this context. These states have recently undergone, or are still involved in, major wars and civil conflicts which have had a huge human and economic cost and led to appalling human rights abuses. Problems abound for people in this region but the Batwa are widely recognized as one of the poorest and most vulnerable communities of all. This is due to the way discrimination compounds poverty.

In Rwanda and Burundi serious attempts are being made to de-emphasize ethnicity as a consequence of the ethnic conflicts between certain Bahutu and Batutsi. This is a very positive step forward and Batwa commented that they felt public and official discrimination had diminished considerably in recent years. However they also commented that informal prejudice remained a major problem and that in practice they continued to be denied the same rights and entitlements as their non-Batwa neighbours.

States in the region need to improve the effectiveness of measures they are taking to implement ICERD and combat prejudice and discrimination against Batwa. The Burundian government has set an important precedent in their exemplary support for Batwa representation in government. A Mutwa woman is the national representative of a multi-ethnic constituency at the National Assembly of Burundi. The Rwandan Batwa organization CAURWA recently came to an agreement with the Ministry for the Interior to establish a joint team to educate local-level officials about the specific problems of the Batwa. More of these types of affirmative action urgently need to be taken in the region. Ratification and implementation of DRM and ILO Convention 169 would clearly demonstrate the determination of states to end racial and ethnic discrimination against Batwa.



# Discrimination: The major issue

*'They insult us because we don't eat proper food. Before we were ignorant, we ate wild animals. The Bahutu repudiated us. Anything they gave to us could never go back to them; food, plates, beer. They would pour beer into our open hands! Slowly today we are more tolerated. Since a long time we stopped hunting. But because we have no houses, others still don't respect us. They just see us as animals.'*

Mutwa woman aged 35, Burundi, July 1999

**D**iscrimination against Batwa takes three main forms: negative stereotyping, segregation and denial of rights. Contrary to ICERD these kinds of discrimination against indigenous peoples are a common and serious problem in a number of African countries.<sup>24</sup> Among those who suffer the most severe types of ethnic discrimination in Africa today are hunter-gatherers and former hunter-gatherers – mostly tiny minorities who are recognized by themselves and by their neighbours as the truly indigenous population, descendants of the first inhabitants of the areas they occupy. In contrast to popular local perceptions, comparative studies show that discrimination is most severe and most damaging when hunter-gatherers have lost almost all possibilities of living by hunting and gathering, and have, to a large degree, adopted the way of life of their neighbours. Discrimination is much more of a problem in the countryside than in towns and is practised primarily by local people including local officials.<sup>25</sup> The situation of the Batwa is a harsh example of this.

## Negative stereotypes

**I**n general, hunter-gatherers are closely associated with the wild, uncivilized bush by neighbouring pastoralists or agriculturalists. Like the wild, the Batwa are held in contempt but also feared. Quite commonly the Batwa are seen as a subhuman, animal-like people whose sexuality is unrestrained by cultural prohibitions, who feed like insatiable animals on disgusting and taboo foods and, unable to feel shame or a sense of decency, are capable of anything. They are only good for dirty or tedious jobs and are identifiable by their attitude and diminutive physical appearance.<sup>26</sup> These stereotypes, implying a physiological or innate inferiority, are characteristic of racist ideologies the world over.

In some places, notably in Rwanda, where referring to ethnic distinctions is against government policy, discrimi-

nation is expressed in more personally relevant idioms and justification is increasingly made with reference to negative stereotypes rather than ethnic identity. People may justify not sitting near a Mutwa with reference to them being dirty, or refuse marriage with a Mutwa because they are probably incestuous and amoral, or state that Batwa do not farm because they are lazy.

With or without bans on the use of ethnic labels, and contrary to ICERD, these offensive stereotypes are explicit and publicly asserted in people's behaviour towards Batwa.<sup>27</sup> Common stigmatizing names for referring to Batwa include *Abayanda*<sup>28</sup> (people who steal), *Abashenzi* (uncivilized people) or *Abashezi* (witchcraft people), *Guty-oza* (despised people), *Intarima* (people who cannot farm), *Abaryantama* (people who eat mutton) or *Abaterampango* (people who eat antelope, considered a disgusting food) and so on. In myths and chiefly rituals the Batwa's hunting way of life is portrayed as immoral and depraved,<sup>29</sup> and the Batwa as not fully human or social beings. Such attitudes have a profound effect on the Batwa's status in wider society: the Batwa's rights from first occupation are denied because they are not really people, and many other abuses against Batwa are justified on this basis.

By stereotypically asserting the inferiority of the Batwa, their neighbours assert their own superiority. Many Batwa, although opposed to this view of themselves, are so intimidated by their powerful and numerous neighbours that they do not protest openly. Some even try to use it to their advantage. By encouraging their neighbours to feel pity for them they make begging more successful. Or by feigning ignorance or stupidity some Batwa may seek to avoid responsibilities or obligations that inconvenience them.

In many areas the Batwa's severe poverty has led to the breakdown of social relations, increased tension between spouses and highly unstable social groups. Many Batwa have partly internalized the negative stereotypes incessantly reinforced by the discriminatory behaviour of their wealthier neighbours. They seek to assimilate by adopting the outer markers of their neighbours' status: wearing new clothing, doing some farming and living in solid brick housing. However, it is rare that their neighbours accept them even when Batwa achieve this.

Non-Africans have ethnically stereotyped the Batwa too. Many European and North American animal protectionists have forged an identity for Batwa as poachers, notably of gorillas. The consequences of this for Batwa living near national parks are appalling, as park guards endlessly victimize them.

Some Batwa discriminate between themselves. A Mutwa who has acquired wealth or status may renounce

their Batwa identity. Whole communities in Burundi who have acquired land and decent housing are offended if called Batwa and only accept the term 'Abaterambere', meaning 'people who are developing'. Thus these Batwa effectively contribute to the negative perception of other Batwa and accept the determinism of ethnic stereotyping.

## Segregation

**A**mong Bahutu and Batutsi related people in the Great Lakes Region the trait most often referred to with revulsion is that Batwa regularly break the prohibition against eating mutton. The Rwandan proverb, 'One must not mix sheep and goats', elaborates this theme and is used as part of the justification for segregating Batwa from others. In other areas the Batwa's segregation is justified in terms of their association with forest nomadism which is perceived as an animal-like existence. Despite different ideological emphases the types of segregation practised by the Batwa's neighbours are similar and equally extreme.

Other people will not eat or drink with them, will not marry them, will not allow Batwa to approach too close, to sit with them on the same bench<sup>30</sup> or touch cooking and eating implements. They must live apart from others, collect water downstream from others, remain on the margins of public spaces and, when selling goods in markets, can only sit on the outskirts away from other sellers.

## Denial of rights

### The right to hunt and gather

**D**espite legal support in the ACHPR, ICESCR, ICCPR, DRM and in ILO Convention 169 requiring states to respect, protect and promote the integrity of minorities and indigenous peoples' identity, hunter-gatherers are widely denied the right to hunt and gather itself.<sup>31</sup> This is a major problem for the Batwa, who are prevented from hunting and gathering in the majority of remaining forest on their ancestral lands. Although other ethnic groups are also denied the right to hunt, the effect of this ban on them is not comparable to its effect on forest-orientated Batwa. Hunting and related activities are central to the cultural, economic and religious identity of Impunyu Batwa, but they are not for their neighbours.

### The right to recognition of their equality with others

**C**ommonly Batwa are not acknowledged by the state in the same way as other citizens.<sup>32</sup> Governments in the region have not taken effective measures to ensure that Batwa can enjoy 'the rights and freedoms recognized in the present Charter without distinction of any kind such as race, ethnic group ... birth or other status' as stipulated in Article 2 of ACHPR.<sup>33</sup>

In all countries where Batwa live, most of their neighbours have birth certificates for their children, almost all have identity cards, health cards and other documents concerning their relationship with the state. However, Batwa

rarely have these documents. Census data on Batwa populations is rarely complete or accurate.<sup>34</sup> In effect, each Batwa child is marginalized from birth, and with each step in life the discrimination, poverty and exclusion they suffer marginalizes them further from the rest of society. In some cases, Batwa, especially tenants, are denied the right to freedom of movement and association, and their landlord claims their labour and other capacities. Although mostly illegal, this also occurs among other Pygmy peoples in Central Africa.<sup>35</sup> Frequently without identity cards, land, education or effective access to justice, many Batwa feel like a stateless community within a state.

Individual Batwa rights are extremely weak. Abuses against Batwa are frequent and the perpetrators often escape with impunity.<sup>36</sup> Some think nothing of taking Batwa property by force or deceit, often saying they took it, never that they stole it. Batwa rarely represent themselves effectively in courts of law or obtain justice when they have been abused. Such clear inequalities show the extent to which Batwa do not have the same fundamental rights and freedoms as other ethnic groups in the Great Lakes Region.

### Rights to the same standards of justice as others

**D**espite all states in the region being party to the ACHPR,<sup>37</sup> many Batwa fail fully to enjoy their right to equality before the law, to a public, fair and impartial hearing, to effective remedy, to be presumed innocent until proved guilty, and to protection against arbitrary interference or attacks.

Reports of miscarriages of justice are frequent in literature on the Batwa.<sup>38</sup> In severe cases, local officials will collude with local farmers in order to expropriate Batwa land, or to cover up serious abuses against Batwa individuals.<sup>39</sup> Batwa often reported that they require the sponsorship of a non-Batwa to support their complaint to authorities before action would be taken on their behalf. Going to court against a neighbour requires more courage and resources than most Batwa can muster. In all countries Batwa reported being threatened by those abusing them with reference to their lack of official status. Because they so often have no identity cards, people claimed that anything can be done to them and no one will listen to their complaints. One Mutwa man commented: 'When a Mutwa dies it is the same as if a dog had died. No one cares or does anything about it.'

### Rights to health care

**T**he vast majority of Batwa are entirely dependent on traditional medicine when ill. There are three main reasons for this.<sup>40</sup> First, the Batwa are renowned for their knowledge of herbal and other treatments for illness. Their traditional medicine is effective for certain, but not all, illnesses. Part of the reason for the continued existence of this traditional knowledge may well be the difficulty Batwa have in obtaining modern medical care.

The second reason is that most Batwa have neither money nor official health documents. Attending health centres requires health cards; paying for consultations and prescriptions costs money. Traditional healers often accept goods or services. Even, as in Burundi, where



especially 'vulnerable' people have the right to free health care, Batwa are rarely aware of their rights and are only exceptionally informed about them by health professionals. None of the Batwa met by the author in Burundi possessed the special health cards required to obtain free treatment. Vulnerable members of other communities did.

This leads into the third reason – discrimination against Batwa. Batwa are regularly left out of health programmes and projects.<sup>41</sup> Vaccination campaigns notoriously ignore Batwa communities, especially if they live in areas that are difficult to reach. When Batwa do manage to obtain money for treatment and go to health centres, especially in rural areas, they are often subject to humiliation by health professionals and other patients. Some Batwa reported that they were not allowed into waiting areas, could not sit on benches with other patients, were often subject to insults and teasing, and could be ignored until everyone else had been treated and then even turned away if it had become late.

PIDP and CAURWA are currently investigating possibilities to develop a system of Batwa community-based health workers to create a bridge between the national health service and their local community. The activities of community health workers could be combined with those of traditional healers in order to provide Batwa with choices concerning their treatment when ill.

### The right to education and jobs

Access to education is a major problem for many Batwa. Those with a full secondary education represent less than 0.5 per cent of the Batwa population. Education has been a privileged activity since colonial times. It is generally in areas where the other ethnic groups are already well educated that Batwa start going to school, and even there Batwa children often only stay for a year or two. Batwa children rarely complete the primary cycle. The importance of cultural events, like the honey season, or collecting clay, are never taken into account in curricula and timetable planning, not even in schools providing for Batwa communities.

In general, very few Batwa can afford schooling. Some Church-run schools take Batwa children if their parents attend church. There, Batwa children often receive some limited material or financial support and tend to suffer less abuse and harassment than at state schools because of the egalitarian ethic of Christianity. Most Batwa do not have access to these schools, however, and outside these areas it is rare to find Batwa at school.

People living in extreme poverty typically depend on the efforts of every family member to obtain food each day. Children, especially teenagers, are often important providers. In situations of extreme poverty among Batwa, very small children are sent with elder siblings to beg in market places, taxi stations and other busy thoroughfares. Many very poor families cannot afford to lose an important contributor to the household economy; nor can they pay school fees, buy books, pens and uniforms and provide daily packed lunches. 'How can we study when our stomachs are empty?' was frequently heard from Batwa children when asked why they were not in school.

Those Batwa who manage to find the money and are admitted to school frequently suffer discrimination, teasing and bullying. Their lunch boxes may be examined by other pupils to see if they are eating taboo foods. Children of other ethnic groups who get too friendly with Batwa will be teased and criticized by their peers. Being seen eating with a Mutwa may mean rejection by their own community. In many cases other children will not play with Batwa, nor eat or sit with them at lunchtime.

Once in the classroom pupils from other ethnic groups will refuse to share a school bench with them. Many schools have special benches exclusively for Batwa students, where they often sit three or four instead of two to a bench as other children do. Batwa children are always a tiny minority and often become miserable and disheartened by the discrimination and teasing they suffer. Teachers may not be sympathetic to the Batwa and fail to take action against other pupils abusing them. Some even participate. A Burundian girl explained how deeply she had been affected by the actions of one teacher:

*'I had a horrid teacher in P3 [third year of primary school]. One day I came late. He asked me why I was late so I told him. He sent me home. When he called me back he beat me so badly that I cried the whole day. He told me I would just have to become a beggar like all the other Batwa and sent me home again. Even now when I see him I feel so frightened.'*

Mutwa girl aged 16, Burundi, July 1999

These conditions have helped to create a great disparity in levels of education between Batwa and members of other ethnic groups. Even achieving a full education has not proved an escape from discrimination. Neighbours of formally educated Batwa are more likely to sit next to them, and sometimes drink with them too, but discrimination against them remains. They do not get jobs if people from other ethnic groups apply, colleagues will maintain distance by rarely inviting them to socialize informally, and will discriminate against a Mutwa due for promotion, or work-related benefits such as further education, in favour of people from other ethnic groups. Consequently it is rare for Batwa to be in regular salaried employment. One result of this discrimination in employment and being left behind in education and training, is that the myth of the Batwa's lack of intelligence and ability is further strengthened.

The indigenous Batwa associations presently working in the region recognize that education will be central to successfully creating new, positive roles for Batwa in modern society and are currently comparing different strategies for achieving this. In Burundi adult literacy and child education are central to the activities of the emerging Batwa organizations. The community solidarity created in the formation of village-based adult literacy centres has provided a promising vehicle for other community-driven development initiatives.<sup>42</sup>

### The right to determine their own future

In breach of ACHPR Article 22, the basic premise of most government and NGO development policy for

Batwa and other Pygmy peoples is profoundly discriminatory towards their traditional culture and values. Batwa development is often considered to mean that they must cease to share with each other, be mobile or use their traditional knowledge and technology. Traditional Batwa activities, like hunting, gathering, sharing and nomadism, are often wrongly perceived as representing a lower stage of social evolution, leading to constant famine and deprivation. These assumptions are not supported by studies of Pygmy hunter-gatherers that show they have better nutrition than most other people in Sub-Saharan Africa.

The idea of modernizing hunter-gatherer technology is dismissed outright. Whereas farmers are encouraged to buy ploughs and pesticides, pastoralists to upgrade their cattle and vaccinate and dip them, Batwa who still hunt and gather are actively prevented from obtaining suitable guns and ammunition to replace their spears, bows and arrows. Whereas farmers are encouraged to sell their crops, herders their cattle and goats and fisherfolk can sell their catch, Batwa are not allowed to legally hunt and sell the game meat they obtain. Whatever the justifications for this, it clearly discriminates against the Batwa's traditional lifestyle.

Negative stereotypes of the Batwa are so profoundly ingrained that it is rare for organizations claiming to 'develop', 'integrate' or 'assimilate' the Batwa to consult them, as they are considered 'backward' and without opinions worth listening to. Solutions are planned and imposed from outside, very frequently by non-Batwa living in urban centres. In some areas churches compete with each other in their efforts to convert and 'settle' Batwa.

These initiatives frequently simply substitute dependency on farmers with dependency on another outside institution. Such projects can have serious consequences for the Batwa. Communities become divided, false leaders emerge, supported by the project, pitting 'progressives' against 'traditionalists', using project benefits to favour some and isolate others, sometimes causing the breakdown of social organization.

When Batwa begin farming it invariably increases tensions between them and their farming neighbours. The farmers have nothing to gain and everything to lose by the conversion of their landless labour force into autonomous farmers. Conflicts with neighbours seem to accompany almost every development initiative aimed at helping Batwa. Economic conditions are difficult for most rural people in the region today, many of the Batwa's neighbours are also poor and they resent actions they perceive as favouritism.

*'Whenever we get some aid it provokes jealousy and problems with our neighbours. Once we got soap and blankets so our neighbours menaced us saying they wouldn't buy our pots any more because the government was helping us.'*

**Mutwa woman aged 30, Burundi, July 1999**

The economic stress felt in many rural communities leads to jealousy of the Batwa who then can become the scapegoat for frustrations. Quite commonly neighbours actively seek to wreck projects by creating administrative problems for individual Batwa, especially community

leaders, and even project managers. Neighbours or local administrators often pressure organizations to give them control over the distribution of benefits like land, hoes, machetes, seeds, building materials, medicines and school books to take advantage of the Batwa's innumeracy and siphon off what they can. Successful Batwa are subject to verbal and physical abuse and intimidation, land-grabbing and direct theft, often with the collusion of local authorities.<sup>43</sup> This situation is not unique to the Batwa and has parallels among other indigenous people such as the San of Southern Africa and the Baka Pygmies of Cameroon. A Batwa community leader in Burundi recounted the following:

*'We can't accuse the high authorities of mistreating us, no. The problems are all with local authorities. The chef de colline [chief local administrator] tries to stop anything we do. He hopes that the Batwa will never learn to write. He wants us to remain in our misery and stay as beggars. He sends people, officials, to arrest us for no reason. For me, I'm one of their favourite victims. All I need do is go to the other side of the hill and I'm arrested.'*

**Mutwa man aged 40, Burundi, July 1999**

Some unscrupulous outsiders use the miserable condition of Batwa communities to attract funds that they then pocket. This is unfortunately common, and Batwa have become extremely suspicious of non-Batwa claiming to help them. Clearly the Batwa want to be involved at every level in their development.

The Batwa indigenous associations rightly emphasize the importance of accurately assessing the Batwa's needs and priorities from their own point of view, of developing plans and solutions together with the Batwa concerned, of building the capacity within the Batwa community to plan, manage and evaluate actions taken on their behalf. By working on small projects they develop approaches that take account of the particular situation of each community.

Most development initiatives have so far focused on the practical needs of the Batwa, on providing responses to the day-to-day difficulties that arise from their poverty and their low status in society. A focus on health care, schools, seeds, tools and housing to provide practical help to Batwa is not enough. These initiatives often sideline the longer-term interests of the Batwa. Little interest is shown in the long-term development-orientated training of Batwa communities and their members, or in assisting Batwa to obtain identity cards, or in mediating with the authorities for land and justice, or in investing in education programmes against ethnic prejudice and negative stereotyping in the wider community.

The indigenous Batwa associations try to address these long-term needs as well as short-term ones. In pre-war Rwanda local Batwa associations had built up a carpentry school and a seamstress school for Batwa youths, and formed dance troupes that performed in many parts of the country. During Indigenous Peoples' Year (1993), a day celebrating Batwa culture was organized in Kigali with live coverage by Radio Rwanda. Advocacy continues to be a major activity. Representatives of Batwa organizations spend a great deal of time explaining to local and national

officials, and international organizations, the plight their people face, and petitioning or mediating on behalf of specific communities and individuals.

## Rights over land

In flagrant disregard of the ACHPR<sup>44</sup> the denial of land rights to hunter-gatherers is almost universal in Africa, despite such rights being recognized in other parts of the world such as Australia and Canada. Hunting and gathering is often considered ecologically unsustainable, or a backward or wasteful use of land. Land so used is thought of as available, and is freely, even casually, taken without thought of the ownership rights of hunter-gatherers. The widely held, and strongly discriminatory, notion is that hunting and gathering is not a legitimate use of land and confers no rights to continued occupancy. This contrasts with the widely held view that agricultural, and sometimes also pastoral usage, constitute legitimate land use for which the occupants can claim exclusive rights and cannot be dispossessed without due process and restitution.

Many Batwa communities conceive of their rights over land in terms of collective rights, often clan rights rather than individual title. This is especially true of forest-dwelling Batwa. The Batwa's weak leadership has made it difficult to organize resistance against encroachment by outsiders on land held in common, especially when it remains as forest. Collective rights to land are not recognized in current land law in the region.<sup>45</sup> Only individuals or officially recognized institutions may apply for land titles. Additionally, regulations relating to continued occupancy in claims for land titles discriminate against nomadic Batwa by not taking into account that the majority of their land appears to be unoccupied at any given time.

The Batwa continue to be denied the same access to land as other people. Today, the majority are landless, remaining as tenants and squatters on land held by other people, churches or government. If they hold any land, it is often only the land their house is on. In Uganda (in 1995) 82 per cent of Batwa were entirely landless and those with land found it insufficient for their food needs.<sup>46</sup> In Rwanda (in 1993) only 1.6 per cent of Batwa had sufficient land to farm.<sup>47</sup> Only exceptionally have Batwa been included in post-independence redistribution of land. Most land still held by Batwa was held by them before independence.

In the past some Batwa had received land from chiefs and lineage heads for services rendered. A few Batwa communities even cleared their own farmland from forest. Today many of these communities remain on only a small part of their original land. It has been difficult for Batwa to hold on to land, however, even when they hold recognized rights.

The mountainous region inhabited by the Batwa is extremely fertile and very suitable for farming. Such intense migration of farmers has occurred that these areas have some of the highest population densities in rural Africa. Competition for land is fierce. Very little land remains unexploited and holdings are unequally distributed among the farming and pastoral groups. With such pressure on land the Batwa are easy victims for expropriation. This can happen in many ways.

- *Eviction from land owned by Batwa* Eviction has occurred, following collusion between international donor agencies, national governments and local officials, in the establishment of national parks in which the interests of game animals are given priority over the interests of the traditional Batwa owners of the land (see next section).

Many Batwa are tenants on private farms. As the farmers' settlements grow and demand for land intensifies, areas occupied by tenants are recovered to provide for the landowners' relatives' needs. Batwa tenants are routinely the first to be evicted. Batwa often feel this is unfair especially when they have been resident for many years. Many refuse to leave, provoking conflicts in which the probabilities of success are heavily weighted against them.

- *Attrition through encroachment, intimidation and theft* Throughout the region Batwa communities with land regularly recounted how certain neighbours would extend the boundaries of their fields to incorporate Batwa land, especially if this land was forested or fallow. This is often done subtly and over extended periods, but can also occur in leaps and bounds, often accompanied by threats and intimidation. Only exceptionally do Batwa who lose land in this way go to local authorities to complain. They do not believe they will be given a fair hearing. In some cases local authorities are themselves implicated in the attrition.<sup>48</sup> When locals collude with local authorities direct land theft is common.
- *Attrition by the 'sale' of land* Although some Batwa held farmland originally adequate for their needs, as their population grew – often as evicted tenants and other landless Batwa relatives came to seek refuge – the land available for each family to farm diminished. When Batwa do not have enough land to feed themselves for the year, they are vulnerable to a vicious cycle of famine and land loss.

Typically, Batwa in this situation will suffer great hunger during the period just before harvest when crops are ripening, and the previous year's supplies are entirely finished. Neighbours who covet their land will come to the Batwa settlement with sheep or some bananas and persuade them to sell or at least give use rights to land to the neighbour in exchange for the food. In this way many Batwa communities have lost all their farmland. In other places alcohol may be provided in abundance to Batwa landowners to make them agree to sell some of their land, often for nothing more than a token payment. It is likely that in less stressful social and economic circumstances they would not be so easily persuaded to release the land.

In Burundi many Batwa described a similar process occurring through the judicial system. If a person convicted of an offence has no money to pay the fine, the local authorities may sell part of their land to obtain the money. This apparently began in the colonial period when those unable to pay taxes had land confiscated. Intense land pressure in Burundi today has increasingly led to people being imprisoned on false pretences.

*'We have too many problems. We're always being accused of things we didn't do. They don't listen to us. The Mutwa is always wrong. As we never have enough money to pay the fines we have to sell plots of land to liberate ourselves.'*

**Mutwa man aged 40, Burundi, July 1999**

Several Batwa interviewed by the author gave similar reports. Farmers desiring Batwa land will fabricate charges in order to get the landowner arrested. Often, using contacts within the local administration, the farmer will seek to ensure the Mutwa is found guilty. Once a fine has been levied, the farmer can be confident that the Mutwa will be unable to pay, giving him the opportunity to legally obtain the land he covets.

Their illiteracy and poverty, coupled with the discrimination they face, are great barriers preventing Batwa from getting equitable access to justice. The Batwa would clearly benefit from a locally based legal support network of African lawyers to assist them to defend their rights and provide the legal support for advocacy initiatives that may put individuals or organizations at risk.



# Forest conservation and the Batwa

## The Ugandan case

*'The forest is our food, our life.'*

Statement made by Batwa in Uganda to park researchers<sup>49</sup>

**T**he recent fate of the last remaining areas of forest in the part of southwestern Uganda in which the Batwa live is an example of how national governments and international organizations marginalize the Batwa and discriminate against them when resources are scarce and valuable. The establishment of Bwindi and Mgahinga National Parks in southwestern Uganda in 1990 is the most recent case of forced alienation of Batwa forests, and has been well documented.<sup>50</sup> The history of this process illustrates the difficulties Batwa have in opposing more powerful groups who want their forest.

## The history of the Batwa in Kigezi-Bufumbira, southwestern Uganda

**F**rom historical records and oral histories, only the Batwa inhabited this area until at least the mid-sixteenth century. The Batwa were mostly forest hunter-gatherers, though some may also have lived in savannah-forest or forest-lake environments. It was then considered the northern frontier territory of the pre-colonial Rwandan state. According to the land rights of the Batutsi kings of Rwanda these high altitude forests, then known as 'the domain of the bells' (after the bells on the Batwa's dogs' collars), belonged to the Batwa. The Batwa paid tribute to the king's court in ivory and animal skins. They were also entitled to collect a toll from caravans coming through their territory and payments in food and beer from farmers who encroached on forest.

By around 1750 at least nine Kiga Bahutu clans had moved into the area to escape Batutsi rule in Rwanda. The Batwa claim affiliation to these same clans, and not to the hundred or more others that came after and live in the region today. As more Bahutu farmers came into the area, inter-Bahutu conflict increased and Batwa archers became critically important for many lineage heads holding out against those encroaching on them.

The first Batutsi had moved into the area after 1550. While recognizing Batwa ownership of the high altitude

forest, they received tribute from Batwa as representatives of the Batutsi king in Rwanda. Mpama, a Mututsi prince, was sent to rule the northern frontier area called Bufumbira in the 1830s, arriving with a substantial military force that included Batwa archers. Four of the modern Batwa settlements in Bufumbira today are descendants of the warrior Batwa who came from Rwanda with Mpama.

There was little unity among the Bahutu clans and they responded differently to conquest. Some accepted Batutsi rule, others resisted. During the last half of the nineteenth century skirmishes and looting were frequent. The Batwa played a critical role in these conflicts and the Batutsi could not have established or retained Bufumbira as part of their kingdom without their support.<sup>51</sup>

In the latter half of the nineteenth and in the early twentieth century some Batwa had established themselves as important personages at royal courts and were given farmland. In eastern Bufumbira the Batwa claimed tribute from the Bahutu around them and gave tribute to the Batutsi royals at Busanza. Some individuals, like Semasaka, a wealthy and powerful Mutwa, became famous and were widely respected. In the late nineteenth century an elderly Mutwa woman representing these clans demanded that the local Mututsi sub-chief give her son his daughter to marry. She also requested that Prince Nyindo, ruling Bufumbira for his father in Rwanda, provide one of his sisters for a Mutwa to marry. However, the Batutsi did not act upon these demands for recognition.

The Batwa were offended and took up arms. They defeated the sub-chief and went on to dominate most of Bufumbira. Prince Nyindo was unable to overcome the rebellion and requested help from the Belgians, whom he had accepted as overlords in 1898. Faced with guns for the first time the Batwa fled into the forest.

Another Mutwa, Basebya, became troublesome to the Batutsi too, leading many raids between 1896 and 1910. Records show that Bahutu in the east and some to the north of Kisoro paid him tribute in 1905. He attacked the Batutsi chiefly headquarters in 1905 and 1906. Semasaka was killed in the 1905 battle.

The Rwandans sought Belgian help to overcome Basebya and his men. Despite their superior firepower and numbers, they failed because of the Batwa's guerrilla tactics. In 1910 the Batutsi captured Basebya by means of treachery. Inviting him to a feast, they got him drunk, tied him up and transported him to the Rwandan capital. The Germans executed him in 1911.

The British took over the Bufumbira-Kigezi area in 1912 and confirmed Nyindo as leader, but subject to them. Encouraged by the Germans, Nyindo unsuccessful-

ly rebelled against the British with Batwa support. Another chief also employed Batwa archers in fierce resistance against the British. However, they too were defeated.

## The creation of national parks

By the 1930s cultivation and tree felling had greatly reduced the forest territories of the Batwa and they became increasingly dependent on farmers for food and land. As the farmers lost their fear of the forest and its spirits, and no longer needed the Batwa as guides, mediators and protectors, their contempt for Batwa increased and social barriers between them became more rigid.

During the same period the colonial protection of Bwindi, Mgahinga and Echuya forests began. The Forestry Department gazetted<sup>52</sup> these areas as forest reserves, and a Gorilla Game Sanctuary in Mgahinga. Batwa traditional ownership was ignored, but they continued to have use of the forest for hunting and gathering. Gazetting protected the forests from encroachment by agriculturalists who otherwise might have destroyed them.

Between 1971 and 1984, during Amin's rule, the forests were disregarded by the state. Widespread commercial hunting, timber extraction and some mining occurred. Evidence suggests that the majority of those organizing and carrying out these commercial activities were non-Batwa. Between 1987 and 1990 it is reported that most poachers were non-Batwa.<sup>53</sup> For other groups the forest represents an additional source of income. For the Batwa it is their livelihood, and their activities are focused on daily subsistence rather than intensive exploitation. Contrary to popular stereotypes Batwa claim they do not hunt gorilla because it is a taboo animal.<sup>54</sup> The centuries-long cohabitation of Batwa and gorillas in these forests had worked well, as evidenced by the gorillas' continued existence today.

Despite the gazetting of their forests, Batwa continued to consider Bwindi, Mgahinga and Echuya forests as their own during this period. With the establishment of Bwindi and Mgahinga as national parks under the administration of Uganda National Parks in 1991, the Batwa came to realize how thoroughly they had lost their lands and resources.

Caught between the farmers who despise and exploit them, and the conservationists who have put an end to their forest hunting and gathering lifestyle, the Batwa's forest-based economy was rendered ineffective. No longer able to practise their skills, or obtain forest produce openly, the Batwa lost their place in the local economy. They have become badly paid low-status casual labourers or porters and many rely on demand sharing (begging) to support their families.

In contrast to the vast majority of evictions experienced by Batwa, in this case some were given financial compensation. Two Batwa households had farm plots within the reserve and they received compensation. Another group was only partially compensated. Some were turned away because the fund had been used up by payments to non-Batwa. Members of at least five Batwa groups have not received any restitution. Some have complained to the park authorities but most have not. Many Batwa in the forest at the time of the survey to identify

beneficiaries were working and camping on the farms of other groups. Despite being within their ancestral territory they were classed as landless squatters or workers and received no restitution.<sup>55</sup> Instead their employers received compensation for the Batwa huts on the land they had encroached upon. Other Batwa were not living inside the park at the time although they consider it central to their ancestral territory. They were not compensated. In Mgahinga the whole process was so intimidating that at least five Batwa households fled the region for the comparative security of Rwanda and Zaire.

Farmers who had destroyed forestland to make farms since gazettement in the 1930s received recognition of their land rights and the vast majority of the available compensation. The Batwa, who owned the forest and had lived there for generations without destroying it or its wildlife, only received compensation if they had acted like farmers, and destroyed part of the forest to make fields. This is a classic case of hunter-gatherers' land rights being ignored by local, national and international agencies. The concept of community land rights was not considered by those establishing the national parks. Even once made aware of this by the study they commissioned<sup>56</sup> the parks have failed to take effective action to reconstitute Batwa lands. They have been casually expropriated, whilst only those who carried out destructive activities were compensated.

The international donor (the World Bank) had policies<sup>57</sup> that obliged the 'Borrower' (Uganda) to assess the impact of the parks project on indigenous peoples, and to assist people affected by World Bank-financed interventions. Despite the rhetoric of 'prior and meaningful consultation' and 'informed participation' it was not until four years after the evictions, in 1995, that an assessment of the Batwa's situation was carried out. This provides an excellent overview of the impact of the park on the Batwa.<sup>58</sup> It includes a series of recommendations, giving Batwa user-rights to certain resources in the parks, rights of passage to sacred sites, the attribution of forest and farmland to evicted communities, and capacity building, educational, health and economic assistance. These thoughtful and practical recommendations would have gone far in providing evicted Batwa communities with viable futures. However, again practice has not matched policy.

Despite legal provision<sup>59</sup> in Ugandan law for Batwa to use, and even live within the national park, and the study recommendation for just such an action,<sup>60</sup> no rights have been granted to the Batwa. A 'multiple use' project was established to address this problem, but has failed to include the Batwa. It is alleged that all the committees set up to manage forest use by the local population were entirely made up of non-Batwa. By not accepting Batwa as members, these associations effectively prevented Batwa from obtaining legal access to forest products.

Efforts by the Mgahinga and Bwindi Impenetrable Forest Trust to help evicted Batwa have been resisted by their neighbours, who claim that this would constitute favouritism. Far from being favoured, however, the Batwa actually lose out. Alternative activities developed with the intention of providing new forms of income for the evicted communities depended on the formation of local associations. Without any education Batwa were unable to

form their own associations and were unable to obtain membership in non-Batwa associations. The considerable revenue generated by tourism, mostly to visit the gorillas, is shared with local communities who get 20 per cent. However the money is only dispensed to local committees for specific projects. Since no Batwa are members of these committees they fail to obtain the benefits. The lack of investment in building the capacity of the Batwa to represent themselves has effectively resulted in outsiders dictating their future. Unless the Batwa are supported in representing themselves future attempts to help them will be misguided, inappropriate and potentially damaging.

Eight years after eviction, and four years after the study urgently recommended such action, Batwa still have not been given land to settle. They remain largely on farms, government and church land as squatters, tenants and labourers. Without assets or an independent means of production, life has become considerably harder for them. Although forbidden access to the forest, the majority of Batwa still use it for vital subsistence and religious activities. They risk imprisonment or fines if caught, but their dependence on the forest is so fundamental to their way of life that they cannot be expected to stay away from it. Batwa still collect honey and seasonal vegetable foods, place traps to catch small game, collect herbal medicines and other forest produce (vines for ropes, bamboo, etc.) and visit ancestral sacred sites for rituals and to make offerings. According to park officials it has proved impossible to prevent the Batwa from using the forest despite the military guards and regular patrols. Batwa feel persecuted by this denial of their rights, and now rarely admit to using the forest. Many refuse to live too near the forest for fear of being persecuted when evidence of hunting is discovered in the park.

In employment, too, the Batwa are marginalized. No Batwa work in Mgahinga National Park and only two are employed in Bwindi. A clear affirmative hiring programme would be useful to the Batwa, but park officials reported that when they advertise jobs the Batwa do not apply. They also admitted that non-Batwa locals working in the parks dislike working with Batwa, unless they are guides. Mgahinga is small, however, and the park authorities no longer need Batwa guides on patrols.

In Uganda the Batwa are claimed to represent a major threat to gorillas, despite having coexisted with the gorillas up until 1991. In fact, the opposite is true. Gorilla conservation is a major threat to the Batwa and the gorillas' rights to protected land are consistently advocated at the cost of the Batwa's rights. This is also the case in Rwanda and DRC where again Batwa have been stereotyped as poachers. Some people, especially northerners, assume that because Batwa hunt, they hunt everything. No known Batwa groups eat gorilla, and the evidence suggests that they have never done so.<sup>61</sup> Yet they are often represented as gorilla hunters. Such stereotyping is used to justify the Batwa's exclusion from national parks. Many evicted Batwa communities lead persecuted existences as they are constantly blamed for any evidence of hunting discovered in the parks, while those commissioning animal trophies are rarely investigated or prosecuted.

Over-enthusiastic European or North American animal protectionists have been largely responsible for cre-

ating an image of the Batwa as gorilla poachers. The widely seen Oscar-winning Hollywood film *Gorillas in the Mist* (1988) portrayed the Batwa in this way. Around the Kahuzi-Biega Park in DRC local Batwa claim that non-Batwa hunters, including park officials, exploit this image of the Batwa to divert attention away from their own poaching activities.

## The Kahuzi-Biega National Park, DRC

Starting in the late 1960s and largely complete by 1975, 580 Batwa families (between 3,000 and 6,000 people) living inside the highland areas of Kahuzi-Biega forest were violently expelled by the Zairian Institute for the Conservation of Nature (IZCN).<sup>62</sup> There was no prior consultation and no provision was made to assist the expelled families to find land or alternative sources of income. At a stroke their culture, spiritual practices and way of life were destroyed. The human cost for the Batwa has been enormous. Today, it is estimated that up to 50 per cent of those expelled from the forest have died, and among those that remain infant mortality is much higher than in other groups.<sup>63</sup>

*'... since we were expelled from our lands, death is following us. We bury people nearly every day. The village is becoming empty. We are heading towards extinction. Now all the old people have died. Our culture is dying too.'*

**Mutwa man from Kalehe, DRC<sup>64</sup>**

Despite centuries of cohabitation with the wildlife of the forest, the authorities managing the newly created national park consider the Batwa to be a major threat to it simply because they are so familiar with the forest and its wildlife. Park staff believe Batwa must be prevented from hunting in the park and presume Batwa are guilty when animals are found killed there. Consequently Batwa alleged to have broken the park's regulations are frequently subjected to brutal and inhuman treatment in an attempt to deter them in future.

Barume, on whose account this presentation is based,<sup>65</sup> acted as the defence lawyer on behalf of four Batwa accused in August 1995 of having killed one of the most famous gorillas, Maheshe. The park authorities told him that the four Batwa would be severely punished so other Batwa would not go hunting in the park any longer. Despite having been arrested on the basis of unsubstantiated rumours and claiming their innocence throughout, these Batwa men spent eleven months in prison before reaching trial. During this period they were subjected to torture and regular beatings. Barume recounts:

*'The sight was horrific, resembling a concentration camp. All the inmates looked unhealthy and hungry. The author took his four Twa clients outside but they appeared to have lost their power of speech. A green substance was growing on their skin. One of them was suffering from a seriously infected wound. A few days later ... one of them had recovered his*

*speech and recounted that they had been severely tortured to make them confess, and that they were unable to get food because many prisoners did not want to share food with them, on the grounds that they were Pygmies, dirty and uncivilized. In addition even their families were denied visits.*<sup>66</sup>

During their trial the Batwa were not given full opportunity to challenge the prosecution, and their incommunicado detention and torture had impaired their ability to organize their defence.<sup>67</sup> Despite the right to free legal assistance,<sup>68</sup> the judge made no effort to secure this for them. However, the prosecutor was unable to prove their guilt and the Batwa men were released.

The abuses suffered by Batwa expelled from their forests are scandalous. Sealing off areas from human exploitation in order to preserve them treats the symptoms of environmental degradation but not the causes. It serves only to aggravate hardship and is ineffective in the long term. In their haste to protect biodiversity, conservation planners have done little to inspire confidence among the peoples most affected by their actions.

Consultation with Batwa has too often meant informing them of official decisions, rather than developing genuine dialogue or participation in the decision-making process. The alienation of local people from conservation is probably the single most important factor preventing durable conservation from being achieved. The Batwa are the most affected, yet the least supported and the last to benefit from initiatives aimed at providing alternative incomes or restitution. The potential for associating the Batwa with measures to protect their environment has been ignored. There is no recognition of the Batwa's conservationist skills. Conservation planners in the Great Lakes Region should recognize that the interests of the Batwa and conservation coincide since both depend on the continued existence of the forest. Practice on the ground must reflect the policies expounded internationally.

A significant indicator of the seriousness of conservation organizations' commitment to the principles they expound will be to what extent, and in what ways, Pygmy people like the Batwa are effectively incorporated into the management and maintenance of existing and future conservation initiatives that affect their forests.





# The Batwa experience of war

*'Their [Bahutu and Batutsi] way of living with us is bad. We don't like being with them. ... Now we spend our time fleeing from their fighting. We go over one side to escape, then return to get food, and they'll try to kill us if they see us.'*

Mutwa woman aged 50, Burundi, July 1999

**B**atwa throughout the region have been caught up in wars between other groups for many generations. As a rule, Batwa do not like to get involved in politics. They are proud of their independence and impartiality. Their highly appreciated role as jesters at chiefly courts is based on their keen perceptions, sense of humour and unbiased position. However, leaders of other groups often seek out the assistance of Batwa in times of war. Using bribery and sometimes coercion they have had varying success at mobilizing the Batwa. In general, Batwa do not enter wars for political reasons but are forced to participate, or are offered material incentives. They have often fought on both sides of a war.

The Batwa region is not new to war. However, in recent years the conflicts have intensified and Batwa everywhere have been affected. This section will present some of the underlying patterns that characterize the ways Batwa are affected by the political rivalries of more powerful groups. The impact of the Rwandan Genocide of 1994 on the Batwa of Rwanda has been documented in some detail.<sup>69</sup> They suffered disproportionately during the Rwandan holocaust.

## The Rwandan genocide

**P**rior to 1994 the Batwa's situation in Rwanda was getting worse due to the intense promotion of ethnic hatred by the dominant political groups.<sup>70</sup> President Habyarimana's regime reacted to the RPF (Rwandan Patriotic Forces, the present government's army) invasion from Uganda, in 1990, by encouraging ethnic hatred and violence towards non-Bahutu through the political party MRND (National Republican Movement for Democracy and Development) and its youth militia 'Interahamwe', as well as local administrative and community institutions.

Discrimination and violence against the Batwa increased. Murder and land grabbing were rife. The Batwa's extreme poverty and need for food, work and political protection allowed some MRND leaders to manipulate them. In a few areas Batwa were bribed to join the MRND. Many other communities resisted. There are numerous

reports of political killings of Batwa from this period.<sup>71</sup>

The ideology of ethnic hatred encouraged Bahutu to abuse civilians and justified it as part of the struggle against Batutsi oppression. The historic links between Batutsi and Batwa were highlighted to justify abuses against Batwa. In 1993, at the time of the Burundi coup, stories were broadcast on extremist Bahutu radio stations that implicated the Batwa as aiding the Batutsi invaders and encouraged listeners to take action against them. Between December 1993 and March 1994 at least 11 Batwa settlements were burnt to the ground, their members attacked and some murdered.<sup>72</sup>

## Mass-killings and genocide

**D**uring the three months following 6 April 1994, mass-killings by Bahutu extremists resulted in the deaths of nearly 1 million, mostly Batutsi, Rwandans, around 14 per cent of the Rwandan population. The Batwa only made up between 0.3 and 0.4 per cent of the total population and have no interest in, or impact on politics, yet it is estimated that up to 30 per cent of the Rwandan Batwa died or were killed as a consequence of the genocide and ensuing war.<sup>73</sup>

The majority of Batwa were, and are, ill-informed about national politics. Thus most of them were taken by surprise when the massacres began. The Interahamwe militia had a policy of implicating as many people as possible in the killings and Batwa were also targeted by this 'force-to-kill' policy. The coercive force and fear created by this policy of the Interahamwe explains why some Batwa participated.

After the war Batwa felt that the way Interahamwe had forced others to participate to be a terrible injustice.

*'About Twa behaviour, starting around April 1994. They behaved well, but we were eventually victimized. We lived by making pots and cultivating the land, but food became scarce once the war started. People were telling us to go and man the road-blocks and if we refused they said the Twa should be killed. Some did what they were told, in order not to be killed and others lost their lives. Those who managed to run away were separated from their families and some have not yet been found. Some people were arrested going to the border and put into prison, with no visitors and no food. None of the Twa wanted power or played with the politics of killing. Each Twa finds himself or herself without relatives and we have no idea why we had to suffer.'*

Mutwa man aged 35, Rwanda, 1995<sup>74</sup>

The only option for most Batwa wishing to avoid the threats of Interahamwe, or to escape the fighting between the conquering RPF army and RAF (Rwandan Armed Forces, the Bahutu extremists' army) was to flee. Many died on the journey. Some survived to reach areas controlled by the RPF, others found themselves in camps outside Rwanda. There they experienced particular difficulty in obtaining basic necessities and medical care. The camps were largely run by former Bahutu administrators and RAF soldiers who commonly discriminated against, and abused Batwa within the camps, threatening them with violence if they protested. Rwandan Batwa returnees from Uganda described an almost identical situation.<sup>75</sup>

The vast majority of Batwa were displaced at some time during the war. They had nothing to fall back on when they returned home. Many Batwa found that upon their return they were branded as Interahamwe because some Batwa in the area had participated. The majority of remaining Batwa men were imprisoned. Several massacres and summary executions occurred at this time.<sup>76</sup>

Without doubt some Batwa participated in the massacres, but many did not. Many Batwa have thus become double victims; first at the hands of the extremists, then by the RPF attempting to gain control of the countryside.

*'[After the war] when there were no authorities here, they didn't want any men left in the commune. Every man, and even some boys, were caught and taken away. Batutsi would come and take them to the soldiers' camp nearby. The other survivors didn't want any men left in the villages. Then they brought in the repatriated (Ugandan) exiles to live here.'*

**Mutwa woman aged 40, Rwanda, July 1999**

The author's interviews with recently released Batwa prisoners in Rwanda in 1999 did not uncover any evidence of discrimination against Batwa by the prison authorities. It is difficult to know whether this was because no discrimination occurred or because prisoners on parole feared that allegations of misconduct against the prison authorities could put them at risk of being returned to prison. Released prisoners did report informal discrimination against them by other prisoners, however.

The disappearance, death or imprisonment of so many Batwa men has broken down normal support networks and remains a source of anguish and uncertainty to those who are left. Many returning widows found their houses destroyed but had no one to help them to rebuild. Dancing, one of the Batwa's favourite pastimes, ceased, and is rarely practised by Batwa in Rwanda today. Most Batwa cannot understand why they have suffered so terribly.<sup>77</sup>

Of the 30 per cent of the Rwandan Batwa who died or were killed during the mass-killings and ensuing war, the majority of victims were Batwa children and men. The burden of rebuilding a home, feeding and caring for the remaining children is now mostly the responsibility of women. Without men to help them life has become desperately difficult. Poverty-stricken women and children today dominate most Batwa communities in Rwanda. They are mostly illiterate, have few sources of income, inadequate land, and their poverty is compounded by the discrimination they continue to suffer.

The situation of the Batwa of Rotunde commune is typical. Before the genocide, in 1993, there were 124 people in 32 households. In 1999 only around 60 people remained living in 27 households. Only one consisted of an adult woman and man, widows or single mothers managed all the other households.

Local communities must form associations that are registered by the commune in order to get access to assistance from NGOs. However the Rotunde widows have too much work just finding food for the children. Community solidarity and cooperation are weak since their destitution has encouraged individualism. Desperation has turned some to alcohol. These families had received some aid in the form of agricultural tools, household implements and seeds. However, the marginality of their subsistence strategies has resulted in many of the women selling or consuming these items to get food.

The greatest worry facing this community is the extensive building programme being undertaken by the Ministry for Public Works (Minitrap). At the time of visiting many of the Batwa faced obligatory resettlement as new houses were going to be built on their land for 'war survivors'. They feared that they would be cheated out of their compensation money because of their innumeration and end up with no money and no land. The Batwa widows complained that only Batutsi widows are given support, a complaint echoed in other parts of Rwanda.

The Rwandan government's de-emphasis on ethnic identity has had the effect of making public discrimination against Batwa less pronounced. However, many are fearful of the new authorities whom they perceive as simply Batutsi replacing Bahutu, and still no one cares about Batwa. Nevertheless, they acknowledge that their treatment by the new authorities is far less arbitrary and violent than before.

The Batwa of Rwanda are now in a very serious situation. Only around half the pre-1994 population remain and they are mostly women and children. If the Batwa are to take their places as full citizens they need an approach that takes account of the unique problem facing them: that of extreme discrimination and marginalization by non-Batwa. Their small numbers, lack of education and organizational skills, and the effects of generations of exploitation and poverty, now dramatically worsened by the absence of so many men, compound this problem.

## The situation in Burundi

As in Rwanda, the Batwa of Burundi are unable to hunt due to extensive cultivation and pasture covering most of the country. Hunting has been illegal since the 1970s. The land redistribution that occurred at independence failed to benefit the Batwa and the majority are landless labourers, potters and beggars who suffer from extreme discrimination in rural areas.

In Burundi the Batwa have been caught up in a similar conflict to that in Rwanda between Bahutu and Batutsi. It has been less intense but more prolonged.<sup>78</sup> Like their Rwandan counterparts, the Burundian Batwa have found themselves unavoidably drawn into the conflict, which has devastated the national economy. Despite affirmative action by the current government towards the Batwa,

notably in nominating a Mutwa woman to the National Assembly, the country has few resources available for their development as it oscillates between civil war and temporary cease-fires.

The Batwa have no fixed position in the conflict between Bahutu and Batutsi. Batwa deny rumours suggesting that they side with Batutsi, saying that Bahutu use this to justify abusing and killing them. They emphasize that they are neutral, but because they are powerless they have to side with whichever group dominates their area, and are often put under considerable pressure to do so:

*'The Bahutu now say that they will kill us all when the war starts again because we refused to kill the cows of those they killed.'*

**Mutwa man aged 25, Burundi, July 1999**

In some areas Batwa associated with Batutsi will not visit Batwa associated with Bahutu for fear of being killed. The Batwa are rarely combatants in the fighting between rebels and the army, or during massacres. Often they are victims, but they are always witnesses.

*'We participated in one way or another, dragged in by our fellow citizens [Bahutu and Batutsi]. When the rebels massacred people we were here. When the army arrived we had to go on patrols with them. They asked me why I hadn't fled. I answered that I was innocent, no one accuses me of doing anything. They burnt six abandoned houses. They ordered me to go in and loot the manioc flour and goats saying "Batwa like meat". Since no one was there I took out the nine goats. They ordered me to take them home. But since I had hidden some Bahutu in my house I couldn't do that. I let them go. They continued burning and killing. They even killed a Mutwa sitting in a bar.'*

**Mutwa man aged 45, Burundi, July 1999**

In the cycles of communal violence and army repression many Batwa become refugees together with their neighbours. Without money or food stores to take with them, the Batwa suffer greatly. Displaced Batwa are often so desperate that they will camp around a group of displaced Batutsi or Bahutu in return for daily rations, making a human shield against attack. The shared experience of fleeing has, however, resulted in Batwa in some areas experiencing less discrimination.

However Batwa still face appalling discrimination in many parts of Burundi. The Bahutu or Batutsi may not enter a Batwa hut, share food or drink, or even sit and chat with Batwa, for fear of being ostracized by their own community. As the proverb goes: 'If you shelter from the rain in a Batwa hut, then remain there.' Society is riddled with prejudice and ethnic stereotyping. If peace is to be achieved in Burundi or Rwanda this prejudice must end. The future situation of the Batwa will be an excellent indicator for judging the degree to which this has been achieved.

## War in DRC

The situation of the Batwa in DRC is difficult to establish due to the current instability and violence in the

Kivu region, that began in August 1998. By April 1999 there were eight armies and at least 12 other armed groups active in eastern DRC. Some Interahamwe (extremist Rwandan Bahutu militia) and Mayi Mayi (extremist Congolese militia opposed to a Batutsi presence in DRC) have established training camps in the forests near Batwa communities. As a result most Batwa have fled and are currently living away from their villages. As in Rwanda and Burundi, the Batwa are particularly vulnerable when wars break out because they often live in remote areas popular with armed groups, and because other ethnic groups consider that the Batwa are amoral and will do anything for a small payment, thus making them frequent victims in revenge attacks.

Although the Interahamwe are the most feared because they attack anyone, raping, killing and stealing, PIDP report that more frequently Batwa get caught up in the war between the Mayi Mayi and the rebels.<sup>79</sup> There are reports that some have been forced to take up arms by one or the other side, in effect acting as cannon fodder. As the Mayi Mayi operate out of the forests in Kivu, the rebels often assume Batwa are Mayi Mayi and seek revenge. Some Batwa have been summarily executed, and at least one village, Rambo-Kalonge, has been burnt down. Others have been forced to become guides and trackers for the soldiers hunting the Mayi Mayi forest hideouts. When the soldiers depart, the Mayi Mayi come to avenge themselves on Batwa they suspect of helping the soldiers.

The pattern of Batwa being equally vulnerable from attack by either belligerent has many similarities with the plight of Batwa in the other war zones of the region. PIDP estimate that most Batwa are currently IDPs (internally displaced people). Having nothing to protect, the Batwa are liable to flee very quickly when faced with violence. However no estimates for the numbers of Batwa IDPs are available.

## Uganda

The Ugandan Batwa have suffered less this decade from armed conflict than other Batwa. However the wars in neighbouring countries have been spilling over into southwestern Uganda. In particular the Interahamwe have been actively, though sporadically, seeking to massacre Batutsi-related groups in the region. They have also attacked some Bahutu groups. The Batwa of Busanza reported that they spent most of the early part of 1999 in hiding with their Bahutu neighbours while the Interahamwe murdered, pillaged and destroyed villages in the area. The Batwa recounted how their neighbours depended on them to obtain food by sneaking back to the farms; the Bahutu could not have survived had it not been for this support. As a consequence the Bahutu in the area are said to be less discriminatory towards Batwa in relation to commensality and sharing benches. The shared experience of destitution for those in hiding together with Batwa has apparently had a positive effect on discriminatory attitudes against Batwa, though whether this will last is difficult to foresee.

# Conclusion

**T**he extreme discrimination and marginalization experienced by the Batwa was eloquently expressed by a Mutwa man during a meeting in Kalonge, Kivu in 1995:

*'We are treated like animals. Our whole life has been distorted. We cannot even claim our rights before the courts and tribunals. We cannot hunt or fish any more. Our wives do not benefit from any health care services. We even do not have access to land as others, we are told that we cannot because we are [Batwa].'*<sup>80</sup>

Almost universally Batwa perceive their situation as desperate. Rural Batwa expressed the problems they feel to be most important and in need of change: landlessness; famine and poverty; discrimination (in relation to human rights, education, health, justice and work opportunities); and the breakdown of their communities and internal cohesion. Additionally, in Rwanda the loss of men was considered a major problem by those remaining, and in Burundi the incessant violence between Bahutu and Batutsi was seen as a major problem.

To solve their subsistence problems Batwa throughout the region expressed the desire for access to sources of clay for their pottery and for as effective access to good quality land for cultivation and keeping livestock as other local people. The Batwa who live near forests asked for effective access to forest resources and those living near lakes and rivers require effective access to fishing.

Most Batwa see education as critical in their desire for a better standard of living. Like other people in the area, they seek decent clothing, soap, tools, housing and regular meals. They seek equal access to education, health care, justice and jobs. Through education they believe that they will be able to take up new roles in society, as teachers, administrators, officers in the police and army and so on. Above all Batwa wish to be recognized and treated as equal to other people, with equivalent rights and entitlements to those of their fellow citizens.

Batwa children share the aspirations of their elders. They wish to be treated as equals, to have the same opportunities as others, to enjoy peace and security.

*'I wish to own land. I'd like to get married to a nice wife like any other person and have a job with a salary.'*

**Mutwa boy aged 14, Uganda, July 1999**

*'I would like to be able to study and find a job. I want to have the same chances as other people.'*

**Mutwa girl aged 12, Burundi, July 1999**

Batwa want outsiders to help them in this process. They do not think it is possible to do it without support. But

Batwa want to be involved at every level in their development. They resent how outsiders claiming to help them often impose their views on them. They suspect that outsiders often take advantage of their ignorance to embezzle aid intended for them. Batwa want community-based planning, transparency in project funding, and training so they can manage projects themselves. They would like to be able to visit other Batwa communities to see how they are coping, to share experiences, discuss ideas and build networks.

The Batwa want their own organizations to represent their local communities to external institutions, like state structures, intergovernmental organizations and NGOs. The activities of the indigenous Batwa associations seek to achieve this aim. At present their roles include tracking national developments to anticipate impacts on local communities, assisting all members of the local communities to participate in a collective process of decision-making and expression of local viewpoints and needs, negotiating with external structures to get local communities' needs on their agendas and defend their rights and claims, and initiating and facilitating development projects wanted by local communities.

The skills required of the Batwa organizations are therefore great. These include advocacy, the promotion of community-owned development, institution-building, conflict resolution, technical development skills, research and so on. In order to assist them to perform these roles effectively support is needed in training, financing office costs, establishing provincial centres where possible, in obtaining access to relevant information at the national and international level and in providing legal, moral and material back-up for advocacy initiatives which may put the organizations or their members at risk, and in many other ways.

The Batwa are unable to enjoy most aspects of modern society: equal citizenship, self-determination, education, justice, health care and property-holding. The severe discrimination and poverty they suffer has alienated many from their traditional culture and values. Most Batwa find themselves with neither a viable traditional life nor with access to the benefits of modern society. The Batwa are probably the most vulnerable group in the Great Lakes Region. Their case is special and requires special and distinctive action to resolve it.

The discrimination from which they suffer is based on ethnic identity and imposed on the Batwa by non-Batwa people. Ethnic discrimination is widely recognized as a serious problem in the region. Attention has focused on Bahutu and Batutsi relations. However, improvement of conditions for the Batwa is likely to be one of the surest indicators of genuine improvement regarding ethnic, social, economic and political conditions in the Great Lakes Region. It is now time to address the prejudice expressed by all other groups towards the Batwa. To achieve this the Batwa will require committed government, international and popular support.

# Recommendations

## Recognition of Batwa rights

**T**he governments of countries where Batwa live should officially and publicly recognize the Batwa as the first occupants of their country and as a crucial element in the fabric of the nation.<sup>81</sup> Governments who have not done so should accede to international human rights standards for the protection of indigenous peoples and minority group rights, such as ILO Convention 169 and the UN Declaration on Minority Rights, 1992.

## Monitoring and implementation of legislation to protect Batwa rights

**B**atwa rights should be promoted by combating discrimination against the Batwa in the education system, media and government institutions. The international community should assist Batwa communities and government authorities to develop legal and constitutional instruments and mechanisms<sup>82</sup> to recognize, monitor and uphold Batwa individual and collective rights, including land rights, in accordance with international instruments on indigenous peoples' rights.

## Capacity-building and representation

**M**easures should be taken to ensure fuller representation of the Batwa in government and other public institutions and to develop consultation processes with Batwa communities.

The ability of local and national government authorities to work with Batwa communities should be developed, through support for mediation and conciliation processes. Training in advocacy, leadership, and financial and organizational skills, and support, for instance to gain access to national and international fora, should be provided to Batwa community organizations by governmental, international and non-governmental actors in order to increase their capacity to defend their rights.

## Land rights

**B**atwa collective land rights, in accordance with international standards on indigenous peoples' rights, should be recognized in the constitutional law of the countries where they live.

Land rights lost by Batwa communities and individuals at independence should be restituted.

Wherever Batwa individuals claim individual rights to land, such claims should be investigated by an independent and impartial competent body and, when ascertained, their titles should not be subjected to conditions different from non-Batwa citizens and residents. Batwa women should not be discriminated against on the basis of their sex in their claims and rights to own land. Land must be clearly demarcated, officially registered and effectively monitored to ensure Batwa are not dispossessed of this land in future. Land allocated to Batwa must be of good quality, with effective access to water and, where appropriate clay, forest resources or lakes.

## Environment and conservation

**F**orest conservation projects in traditional Batwa areas must fully involve Batwa communities if genuinely sustainable conservation is to be achieved. The effects of internationally funded game parks and conservation areas on the Batwa should be monitored so that funding agencies ensure the full respect, and, where necessary, restitution of Batwa rights. Consultations with each Batwa community are needed to establish their specific needs in relation to forest and land in a project area, and Batwa should be represented at all levels of project management. This would require a range of capacity-building measures so that communities can organize and represent themselves effectively. Whenever possible measures should be taken to enable Batwa who wish to do so to maintain their traditional culture while being involved in the conservation of their traditional areas.

## Development

**D**iscrimination and marginalization result in the Batwa often having very unequal access to the benefits of aid and development initiatives. Measures should be implemented in recruitment programmes and training of staff working on development projects in the areas inhabited by Batwa to ensure an awareness of the specific problems created by discrimination. Batwa staff should be employed who understand the priorities of Batwa communities.

In the design and implementation of aid and development programmes emphasis should, whenever possible, be placed on supporting long-term skill training, education, advocacy and legal support, as well as on meaningful and full consultation with Batwa communities.

## Gender

Development workers should be aware of the central role of women in the Batwa household and economy. Development programmes will have to pay attention to the gender dimension to support women's role in the survival and development of households and communities. At the same time, specific projects should address Batwa men's specific development needs and support their contribution to Batwa communities

## Discrimination in access to services

Discrimination in access to health and education against Batwa should be investigated and addressed in consultation with Batwa communities. Equal educational opportunities should be available to the Batwa, but tailored to meet their specific needs. Coordinated strategies are needed to address material requirements (fees, uniforms and food), to establish support structures for Batwa pupils and their families to help children stay on at school, and to educate practitioners and officials about discrimination. Adult literacy classes are also needed. In relation to health, community-orientated solutions and, where appropriate, the Batwa traditional health care system, should be encouraged and developed.

## Media and the performing arts

Positive images of the Batwa in the media and Batwa representation among media workers – as performers, journalists, producers, etc. – should be actively promoted.



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- 1 The term Pygmy should be spelt in English with a capital P. Like Gypsies and Bushmen, Pygmies are rarely attributed the capital letter that designates a people's proper name.
- 2 During MRG fieldwork Batwa in Uganda did not call themselves *Abayanda*, only Batwa. The Basua of the Ugandan Ruwenzoris are related to the Bambuti rather than the Batwa.
- 3 Following this convention, Hutu and Tutsi are referred to in this report as Bahutu and Batutsi.
- 4 The widespread use of this term by Bantu speakers across Central Africa is shown in the number of different Pygmy groups referred to as Batwa, Bacwa and by other similar names. The nature of relations between the Batwa of the Great Lakes Region and other Pygmy groups with similar names outside this region are unclear from existing research. Schadeberg, T., 'Batwa: the Bantu name for the invisible people', in K. Biesbrouck, S. Elders and G. Rossel (eds), *Central African Hunter-Gatherers in a Multidisciplinary Perspective: Challenging Elusiveness*, CNWS, Universiteit Leiden, 1999, pp. 21–40, provides an important account of the distribution and possible derivation of the term '-twa'.
- 5 Some other Pygmy groups refer to themselves as Batwa, Batua, Basua, Bacwa, etc. in Central Africa. The Batwa groups met by the author recognize their shared identity with the Batwa in the regions described in this report. Further research is required to clarify the nature of relations between the different groups calling themselves Batwa, or by similar names, in other regions.
- 6 This estimate is based on available documentation and interviews with Batwa indigenous associations where possible. Uganda: 4,000 (based on Kabananyuke, K. and Wily, L., 'Report on a study of the Abayanda Pygmies of south-western Uganda for Mgahinga and Bwindi Impenetrable Forest Conservation Trust', unpublished report, 1996, p. 25). Rwanda: 20,000–27,000 (Lewis, J. and Knight, J., *The Twa of Rwanda: Assessment of the Situation of the Twa and Promotion of Twa Rights in Post-War Rwanda*, Copenhagen, World Rainforest Movement and International Work Group for Indigenous Affairs, 1995, pp. 92–3, also in French, 1996, and interview with CAURWA 1999), DRC: 16,000 (PIDP, 1993 and Luling, V. and Kenrick J., *Forest Foragers of Tropical Africa: A Dossier on the Present Condition of the 'Pygmy' Peoples*, London, Survival, 1993, p. 25), Burundi: 30,000–40,000 (based on government estimates and interview with UNIPROBA 1999).
- 7 For historical information on the dominant groups in the region see D'Hertefeldt, M., Trouwborst, A.A. and

- Scherer, J.H., *Les Anciens Royaumes de la Zone Interlacustre Méridionale*, Musée Royal D'Afrique Centrale, Tervuren, 1962, Newbury, C., *The Cohesion of Oppression: Clientship and Ethnicity in Rwanda, 1860–1960*, New York, Columbia University Press, 1988, and Vansina, J., *Paths in the Rainforest: Towards a History of Political Tradition in Equatorial Africa*, London, James Currey, 1990.
- 8 Schumaker, P., 'Expedition zu den Zentralafrikanischen Kive-Pygmaën', *Mémoires de l'Institut Royal Congo Belge, Section des Sciences Morales et Politiques*, vol. 5, p. 400 recounts that Batwa in the Bushivu highlands fought long wars with agricultural peoples who attempted to clear their ancestral forest for farms. Many bloody battles occurred and the fighting continued until around 1918. See also note 9.
- 9 The later section 'The history of the Batwa in Kigezi-Bufumbira, southwestern Uganda' provides an example of the historical relations between Batwa and newcomers to their forest. An Album of Batwa music, *Court Songs for Inanga and Folk Songs* by Médard Ntamaganya (Rwanda) is available on the INEDIT label, Maison des Cultures du Monde, Paris, 1997.
- 10 See Lewis and Knight, *op. cit.*, 1995, p. 44.
- 11 Jackson, D., 'Some recent international initiatives in Equatorial Africa and their impacts on forest peoples', in K. Biesbrouck, S. Elders and G. Rossel (eds), *op. cit.*, pp. 279–90, provides more information on the development of the indigenous rights associations in Central Africa and the involvement of the international community.
- 12 In Barume, K. with Jackson, D., *Heading Towards Extinction? The Expulsion of the Twa from the Kahuzi-Biega National Park, Democratic Republic of Congo*, Copenhagen, World Rainforest Movement and Forest Peoples' Program, draft 1999, the interested reader will find an extended discussion of the international process promoting indigenous rights and the Batwa's history of involvement in it. See also Braem, F., *Indigenous Peoples: In Search of Partners, with a Consultative Questionnaire*, APFT Working Paper no. 5, Brussels, 1999 for a more global perspective.
- 13 The World Bank has been developing its policy for indigenous peoples since 1982, most recently expressed in Operational Directive 4.20, Indigenous Peoples (September 1991) and the Draft Operational Policy OP 4.10, Indigenous Peoples (19 May 1999). The European Union has two official policy documents: Working Document of the Commission on Support for Indigenous Peoples in the Development Cooperation of the Community and the Member States, SEC (1998) 773 PE/98/695, and Resolution of the EU Council of Ministers, 30 November 1998: Indigenous People within the Framework of the Development Cooperation of the Community and Member States. For the UN see Pimbert, M.P. and Pretty, J.N., *Parks, People and Professionals: Putting 'Participation' into Protected Area Management*, Discussion Paper no. 57, Geneva, UNRISD, 1995, in conservation see IUCN/WCPA/WWF (World Conservation Union/World Commission on Protected Areas/World Wide Fund for Nature), *Principles and Guidelines on Indigenous and Traditional Peoples*

- and Protected Areas, Gland, IUCN/WCPA/WWF, 1999 and Carillo Oviedo, G., *Indigenous Peoples and Conservation: WWF Statement of Principles*, Gland, Forests/Protected Areas Unit, WWF International, 1996.
- 14 See Woodburn, J., 'Egalitarian societies', *Man, the Journal of the Royal Anthropological Institute*, vol. 17, no. 3, 1982, pp. 431–51, Ingold, T., Riches, D. and Woodburn, J. (eds), *Hunters and Gatherers*, vol. 1: *Evolution and Social Change*, vol. 2: *Property, Power and Ideology*, New York and Oxford, Berg, 1991 and Bird-David, N., 'Beyond the original affluent society: a culturalist reformulation', *Current Anthropology*, vol. 33, no. 1, 1992, pp. 25–47.
- 15 Endicott, K.L., 'The conditions of egalitarian male–female relationships in foraging societies', *Canberra Anthropology*, vol. 4, no. 2, 1981, provides an interesting discussion on gender equality in hunting and gathering societies.
- 16 Some Batwa activists in Rwanda and Burundi claim that the incoming Bahutu and Batutsi people adopted much of the original Batwa language's vocabulary. V. Bambenze is currently working on a dictionary of Burundian Kitwa in order to demonstrate the differences between Kitwa and Kirundi.
- 17 In DRC there are some savannah-dwelling Batwa, but it is unclear to what extent they identify themselves with other Batwa in the Kivu Region.
- 18 Today many Batwa say that there is no point in building houses that are more durable since they may be evicted at any moment. This also serves as a disincentive to farming.
- 19 From Lewis and Knight, *op. cit.*, 1995, pp. 42–3.
- 20 *Ibid.*, p. 40.
- 21 Interviews with the author during July 1999.
- 22 Interviews with the author during July 1999.
- 23 See Lewis and Knight, *op. cit.*, 1995, pp. 41, 50.
- 24 Woodburn, J., 'Indigenous discrimination: the ideological basis for local discrimination against hunter-gatherer minorities in sub-Saharan Africa', *Ethnic and Racial Studies*, vol. 20, no. 2, 1997, pp. 345–61, analyses discrimination against hunter-gatherers and former hunter-gatherers in sub-Saharan Africa. This important account and perceptive analysis provides a generalized background for the present report.
- 25 Lewis and Knight, *op. cit.*, p. 107 and Kabananyuke and Wily, *op. cit.*, 1996, p. 151.
- 26 Today the Batwa's specialist cultural practices, mode of livelihood, mannerisms, speech style and the 'immediate-return' way they conduct themselves are more important distinguishing markers of Batwa identity than physical characteristics such as small height.
- 27 See Kagabo, J.H. and Mudandagizi, V., 'Complainte des gens d'argile, les Twa du Rwanda', *Cahiers des Études Africaines*, vol. 14, no. 1, cahier no. 53, 1974, pp. 75–87.
- 28 This term is also reported to have a positive meaning unknown to the author.
- 29 See Kagabo and Mudandagizi, *op. cit.*, p. 77.
- 30 Benches are very common in people's homes, in bars, shops, schools and public spaces where people are intended to sit together.
- 31 Only in Australia and Canada are hunter-gatherers' rights to hunt and gather legally respected.
- 32 Examples include Lewis and Knight, *op. cit.*, p. 50; Kabananyuke and Wily, *op. cit.*, pp. 150–1, 164, 167; and Barume, *op. cit.*, pp. 49–51.
- 33 See also ICCPR Articles 1, 2, 14–17, 25–6, DRM Article 4, etc.
- 34 See for instance Kabananyuke and Wily, *op. cit.*, p. 24.
- 35 Of course, these claims are widely contested by the Pygmy peoples concerned.
- 36 See references in note 38.
- 37 See also ICCPR Articles 14–17 and ICERD Article 5.
- 38 Examples are provided in de Carolis, A., 'Changements socio-économiques et dégradation culturelle chez les pygmoides Ba-Twa du Burundi', *Africa (Roma)*, vol. 32, no. 2, 1977, pp. 201–32 for Burundi, Lewis and Knight, *op. cit.*, pp. 35–41, 50–2, for Rwanda, Kabananyuke and Wily, *op. cit.*, pp. 121–4, 164–7 for Uganda, Barume, *op. cit.*, pp. 64–7 for DRC and the section 'Rights over land' in this report.
- 39 Lewis and Knight, *op. cit.*, pp. 37, 50–2 and Kabananyuke and Wily, *op. cit.*, pp. 164–6.
- 40 See Kabananyuke, K., 'Pygmies in the 1990s, changes in forestland tenure, social impacts and potential health hazards, including HIV infection', unpublished paper, Makerere Institute of Social Research, Makerere University, Kampala, 1999, pp. 10–17, and Kabananyuke and Wily, *op. cit.*, pp. 151, 158–9 for other accounts.
- 41 Kabananyuke, *op. cit.*, p. 12, Kabananyuke and Wily, *op. cit.*, pp. 151, 158–9 for other examples.
- 42 This refers to the work of the Union Chrétienne pour l'Éducation et le Développement des Déshérités (UCEDD), based in Gitega, Burundi.
- 43 See for example Lewis and Knight, *op. cit.*, pp. 39–40, 51.
- 44 Also Articles 7(1), 8(1) and 13–19 of ILO Convention 169 and of Article 5 of DRM.
- 45 See Barume with Jackson, *op. cit.*, pp. 78–80, 88, for a detailed explanation of the situation in DRC.
- 46 Kabananyuke and Wily, *op. cit.*, p. 116.
- 47 Lewis and Knight, *op. cit.*, p. 38.
- 48 *Ibid.*, pp. 35–41 and Kabananyuke and Wily, *op. cit.*, pp. 121–2 give some examples of land loss occurring in these ways.
- 49 Kabananyuke and Wily, *op. cit.*, p. 144.
- 50 The following is based on Kabananyuke and Wily, *op. cit.*, Kingdon, E., 'Caught between two worlds: moral problems relating to conservation in south-west Uganda', *International Journal of Moral and Social Studies*, vol. 5, no. 3, 1990, pp. 235–49, Mateke, P., 'The struggle for dominance in Bufumbira 1830–1920', *Uganda Journal*, vol. 34, no. 1, 1970 and Maquet, J. and Nzigiki, S., 'Les droits fonciers dans le Rwanda ancien', *Zaire*, vol. 4, 1957, pp. 355–6.
- 51 Mateke, *op. cit.*, p. 41.
- 52 Gazetting land is a legal process establishing a defined area as having a protected status. The precise status of the area depends on the existing laws and categories of protection, and the particular resources requiring protection.
- 53 See Kingdon, *op. cit.*, p. 238.



- 54 Interviews with S. Ilundu (PIDP-Kivu), Z. Kalimba (CAURWA) and Batwa in Kisoro District, Uganda, July 1999.
- 55 The 'Questionnaire for Residents' of the areas about to become national parks is entirely based on farming and pastoral land use. No mention whatsoever is made of hunting and gathering.
- 56 Kabananyuke and Wily, *op. cit.*, pp. 99–100.
- 57 At the time of Batwa evictions the World Bank used Operational Manual Statement 2.34, Tribal People in Bank-Financed Projects (February 1982) and Operational Directive 4.20, Indigenous Peoples (September 1991).
- 58 Kabananyuke and Wily, *op. cit.*
- 59 Ugandan Wildlife Statute, no. 14, 1996, sections 23–6.
- 60 Kabananyuke and Wily, *op. cit.*, pp. 211–21.
- 61 Historical evidence for the Batwa neither hunting nor eating gorillas and chimpanzees is provided in Schumaker, *op. cit.*, p. 92.
- 62 Barume with Jackson, *op. cit.*, p. 63.
- 63 *Ibid.*, p. 70.
- 64 Quoted in *ibid.*, p. 70.
- 65 *Ibid.*
- 66 *Ibid.*
- 67 This breaches ICCPR Article 14(2).
- 68 Recognized in ICCPR Article 14(3)d and in ACHPR Article 7(1).
- 69 Lewis and Knight, *op. cit.*, pp. 55–93 and UNPO, *Batwa: Final Report (draft). A Report of the UNPO Mission with APB, Investigating the Situation of the Batwa People of Rwanda, September 28–December 15, 1994*, The Hague, UNPO, 1994.
- 70 See Prunier, G., *The Rwandan Crisis: History of a Genocide*, London, Hurst, 1994 or Africa Rights, *Rwanda: Death, Despair and Defiance*, 2nd edn, London, Africa Rights, 1995 for the wider context of the events covered in this section.
- 71 Lewis and Knight, *op. cit.*, pp. 56–9.
- 72 *Ibid.*, pp. 58–9.
- 73 *Ibid.*, p. 93. This section draws heavily on Lewis and Knight, *op. cit.*, where the interested reader will find a detailed account of the Rwandan Batwa's experience of the genocide.
- 74 *Ibid.*, 1995, pp. 63–4.
- 75 UNPO, *op. cit.*, pp. 12, 26–30.
- 76 *Ibid.*, pp. 20–1 reports a number of massacres of Batwa by RPF soldiers.
- 77 Lewis and Knight, *op. cit.*, 1995, p. 78.
- 78 See Reyntjens, F., *Burundi: Breaking the Cycle of Violence*, London, Minority Rights Group, 1995 for further information.
- 79 Interview with S. Ilundu (PIDP), July 1999.
- 80 From Barume with Jackson, *op. cit.*, p. 66.
- 81 Governments could demonstrate their commitment to respecting Batwa rights by becoming party to, and implementing the International Human Rights Standards Relating to Indigenous Peoples and Minority Groups: ILO Convention 169, UNDDRIP (UN Draft Declaration on the Rights of Indigenous Peoples) and DRM.
- 82 This recommendation was developed by Barume with Jackson 1999 and the interested reader is encouraged to consult them for greater detail on this point.

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