

MEMBER PROFILE

BATWA



UNREPRESENTED
NATIONS & PEOPLES
ORGANIZATION
unpo.org

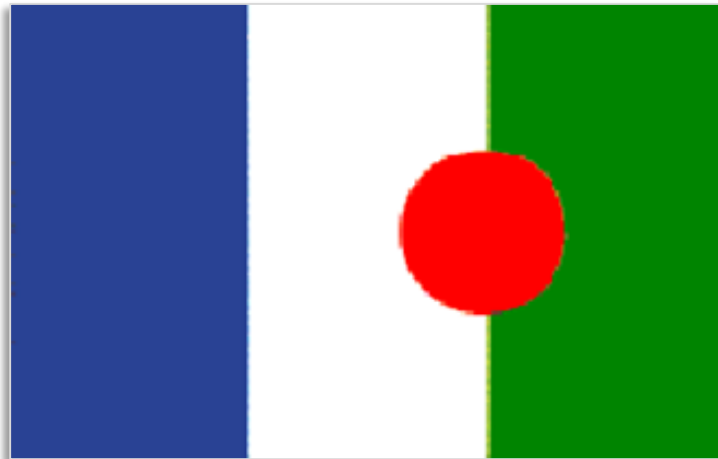
Last updated: June 2018

Status: indigenous people

Population: estimated 86,000 to 112,000 in the areas of Rwanda, Burundi, Uganda with estimated 33,000 to 35,000 within Rwanda

Areas: Rwanda, Burundi, Uganda, eastern part of the Democratic Republic of the Congo

Languages: Kinyarwanda, Bantu languages, language of the dominant ethnic group in the region they reside



Religions: Christian and traditional spirituality

UNPO REPRESENTATION

The Batwa have been a Member of the UNPO since 17 January 1993, initially represented by the Association for the Promotion of Batwa (APB), which later merged into the Community of Indigenous Peoples of Rwanda (CAURWA). At the request of APB, UNPO sent a mission to Rwanda and neighbouring countries, Democratic Republic of the Congo (DRC), Tanzania and Burundi in 1994. UNPO staff members also went on fact-finding missions in Rwanda in 2010, 2016 and again in 2018. The current organisation representing the Batwa within UNPO is the Cultural Conservation Act (CCA), but UNPO collaborates with several other organisations on the ground.

OVERVIEW

The Batwa, also known as the Twa or the Pygmies of Central Africa, are an indigenous group and the oldest recorded inhabitants of the Great Lakes Region in Central Africa. Their name Batwa derives from “twa”, a term in the Bantu languages of Sub-Saharan Africa to describe people who are primarily hunter-gatherers or former hunter-gatherers and the original inhabitants of the area they reside in. The word Mutwa is used to describe a single person, while Batwa refers a group.

Originally the Batwa inhabited the region around the mountainous forests of Lake Kivu and Lake Edward. The creation of national parks and economic development from the 1970s onward led to the displacement of part of the community and forced them to live as squatters in various rural areas (Ashdown, 2013). In Rwanda the Batwa are dispersed over an area of approximately 100,000 square kilometres in small communities, usually at the periphery of mixed communes. The estimated population of the Batwa in Rwanda and surrounding countries is between 86,000 and 112,000. In Rwanda they are smallest of the three ethnic groups, comprising of less than 0.4% of the population. The Hutu and Tutsi comprise 85% and 14%, respectively.



After the Batwa were driven out of their forests and could not continue their practices of hunting and gathering they turned to pottery, which quickly became part of their identity. The Batwa who are not potters work as day laborers, small-scale cultivators, beggars or

fishers. Due to their low social status, the Batwa have limited access to education and they have a higher illiteracy rate than the rest of the population.

POLITICAL PERSPECTIVE

The Batwa are isolated in Rwandan society and often face high levels of discrimination. They have little access to representation in the government, are marginalised in education, media and healthcare, and are discriminated against in the job market. All these factors contribute to a steady decrease of the Batwa population.

Governmental policies have disadvantaged the Batwa since the 19th century. Both the government policy and the legal system, far from aiding their predicament, have further exacerbated their circumstance and resulted in ancestral lands being taken away.

In September 2005, the government of Rwanda established the new Organic Land Law which has displaced even more Batwa than the previous policies regarding hunting and national parks (Minority Rights Group International, 2016). The 2005 law is part of an attempt by the national government to enhance agricultural productivity by claiming under-utilised land and enhancing the productivity of existing farms (Forest Peoples Program, 2009). The marshes in which the Batwa have been producing clay have been targeted as unused land and the Batwa have once again been forced elsewhere. There is no legal recourse through which the Batwa can express their grievances as Rwandan property laws give little room for unofficial property rights and are incompatible with Batwa culture. It is incapable of encapsulating the unofficial African land rights of ancestry and the communal culture of the Batwa does not fit in with the individualist single deeds required by law.

It has been a constant battle to obtain recognition of the Batwa as a uniquely underprivileged and discriminated minority group. This has its roots in the 2003 Policy of National Unity and Reconciliation (NUR Policy) which prevents distinction among ethnic lines (Queensland University of Technology Law Review, 2015). This lack of recognition stifles the ability of non-governmental organisations (NGOs) and the media to recognise and address Batwa grievances.

RELIGION & CULTURE

Most of the Rwandan Batwa are Christians like the rest of the population while a small minority still practices traditional animist religions.

Traditionally, Batwa societies are non-hierarchical, with collective decision-making being the norm. This also applies to ownership of property and land rights, a characteristic that has resulted in difficulties in encompassing Batwa communities into post-colonial individualistic property law.

It has long been documented that the cultural histories, habits and practices of the Batwa differ from those of other Rwandans. Batwa tradition is rich in songs, dance and music, and cultural gatherings are firmly integrated in the social life of the Batwa. The Batwa have a close relationship to the forest, since it once was an important core feature of their cultural and ethnic identity. Forest-based



Photo courtesy of Brian Harries

Pygmy people consider themselves to be in an intimate, nurturing relationship with the forest. They believe that the forest is the source of all abundance and is maintained by a relationship between people and forest spirits through singing and dancing rituals that ensure the support of spirits. Forest-based Pygmy peoples have a wide range of specialised skills and knowledge necessary to carry out their forest-based livelihoods, including an incomparable knowledge of plants and animals and skills in medicine, music, dance and crafts.

As the Batwa were driven out of their forests many turned to pottery and to some extent this craft is now synonymous with Batwa identity, even though the competition of industrial pottery makes this activity less and less profitable for numerous Twas. The men traditionally collect and carry the clay to the women who then make and fire the pots before they are sold.

HISTORICAL BACKGROUND

The Batwa are recognised as the first inhabitants of the land around the Great Lakes region of central Africa. There is little documentation of Batwa history prior to colonialism and even during the period of Belgian colonial administration. Recent history shows a long trend of forced and often aggressive government-sponsored relocations of Batwa populations in the 1970s, 1980s and 1990s from the forests to create national parks to regulate and promote tourism or for developmental activities such as logging and tea plantations, as well as to establish military training areas. The relocations were often conducted without consultation or warning. In 1973 the National Rwandese Office of Tourism and National Parks was established, a body that encompassed the former Institute of National Parks and the Office of Tourism (IUCN 1992). Along with regulating hunting and nature preserves, the office was established to boost tourism in the national parks of Rwanda. The legislation outlawed all forms of game hunting, including fishing and animal trapping, which gravely affected the Batwa's traditionally hunter-gatherer lifestyle. Very few Mutwa were given work in the national parks despite their vast and long-established knowledge of the environments. This is one of the most glaring issues, contributing to both the mismanagement of parks' resources and the erosion of Batwa culture.



Besides, with no compensation and a lack of alternatives, most have become beggars and landless labourers, while others have become potters or porters, carrying neighbouring farmers' products to markets to generate income. Batwa communities have lived off the land for centuries and have no economic or agricultural skills to adapt to their new environments.

Because of the Batwa losing their livelihood, between 1978 and 1991 the Batwa population in Rwanda declined by around 40% while the national average growth of the entire Rwandan population was about 50% (Minority Rights Group International, 2016).

1994 Civil War and Genocide

Like all Rwandans, the Batwa suffered and continue to suffer from the consequences of the genocide and civil war in 1994.

The Batwa were not specifically targeted as a group and many were not aware of the tensions that had arisen at the political level. However, many Batwa died at the hands of the Interahamwe, the mainly-Bahutu militia sponsored by the government at the time, for being perceived as being close to the Batutsi and many others were killed in the chaos of the war. According to the Forest Peoples Programme, the mortality figure may be as high as 30% of the Batwa population during that time (2009). Many others fled to refugee camps in neighbouring countries where they continued to suffer discrimination. Rough estimates based on a provisional census carried out by the UNPO in late 1994 indicate that up to 10,000 Batwa died and another 8 to 10,000 fled during the war, leaving the post-war Batwa population in Rwanda between 10 and 20,000 (UNPO, 1994).

The civil war understandably left a deep mark in the laws and regulations of Rwanda. Yet, despite the overrepresented figure in terms of the number of Batwa killed, the legal system does not take Batwa discrimination seriously. The legal response has been to shut out inflammatory conversation about Bahutu or Batutsi, but the Batwa remain a minority that continues to be discriminated against with little to no repercussions. The ability to recognise the unique challenges of the Batwa community are denied by preventing their recognition as a distinct ethnic group.

NEW LAND POLICY

In September 2005, the government of Rwanda established the Organic Land Law, which gave the government of Rwanda final authority over land use. The law was made to address competing land claims from returning refugees and was also an attempt by the national government to enhance agricultural productivity by claiming under-utilised land and by enhancing the productivity of existing farms (Forest Peoples Program, 2009).



The Batwa were disadvantaged in both aspects: returning Batwa refugees were rarely given land and the marshes in which the Batwa were producing clay were identified as unused and unproductive land which led them to be claimed by the government and the Batwa displaced without compensation.

The government's legal control over the land set the basis for the introduction of the "Bye Bye Nyakatsi" (or "Bye Bye Thatched Huts") programme. As the name suggests, this policy was aimed at replacing the rudimentary thatched huts in which most Batwa lived with sturdier housing. While seemingly well-intentioned, the policy had a damaging impact on the already frail Batwa community. Thatched huts were torn down and the replacement houses were either never built or built much later, or they were sold at a rate unaffordable to the impoverished Batwa. As such, the Batwa have been left largely landless, impoverished and homeless. Those discriminatory policies have made it difficult for the Batwa culture to survive.

AN UNCERTAIN FUTURE

The government of Rwanda is praised by the United Nations for having been successful in reaching “virtually all the MDGs [Millennium Development Goals]” (Lamin M. Manneh, 2016) and by the World Bank for fostering rapid socio-economic development to the benefit of a significant part of its population (World Bank, 2017).

However Kigali’s increasing centralisation and intolerance of dissent and its continuous refusal to tackle ethnicity-specific issues as such continue to hinder the country’s efforts to leave no part of its population behind. In that sense, the country’s legacy has profound effects on the Batwa’s lives, rights and opportunities.

CURRENT ISSUES

Loss of Land and Housing

Land is an important element for most Rwandans, as more than 90% of the population depends on farming for its livelihood (Minority Rights Group International, 2016). But the Batwa have consistently been displaced from their land, leaving most homeless. The latest challenge comes from the anti-thatch campaign. While provisions to give interim housing to those who lost their homes were officially made the reality is that thousands of Batwa have been removed from their homes, sometimes forcefully, and have been left homeless despite promises of new housing. While many have been affected in this process, the largely-landless Batwa have been disproportionately affected.

Recently the hopes of ancestral lands being returned to the Batwa have sparked again as international and regional bodies such as the African Commission on Human and Peoples’ Rights have recognised the injustices committed against the Batwa and called upon Rwanda to recognise the Batwa’s rights and allow them access to their cultural land.

Government Refusal to Recognise Batwa as a Distint Ethnic Group

In the name of a non-tribal Rwanda and the maintenance of societal harmony there is an outright refusal of the government to recognise the Batwa as a distinct ethnic and cultural group, facing specific challenges. Indeed the 2003 constitution outlaws discrimination on ethnic grounds. This unfortunately has the effect of establishing a legal blindfold on the government that prevents proper recognition of the Batwa people and the discrimination they face as an ethnic group.

The Rwandan government’s refusal to recognise the Batwa as an ethnic group makes it difficult and nearly impossible for Batwa to organise in Batwa-focussed associations, for example. It also makes Batwa-specific targeted action extremely difficult and affects the way information on the Batwa is covered by the media within Rwanda.

Groups that have worked for Batwa rights have consistently been met with government-created semantic barriers. An excellent illustration of this is the endlessly alternating names of NGOs that support the Batwa. For instance, the prominent NGO created by a handful of Batwa and known as the Association of the Promotion of Batwa (APB) eventually joined the more broadly-named Community of Indigenous Peoples of Rwanda (CAURWA), which faced the threat of the government revoking their licence since the group has ‘indigenous’ in their title, forcing them to change their name to the Community of Potters of Rwanda (COPORWA).

On 12 July 2011, the Rwandan government once again reaffirmed the position that recognition of the Batwa goes against the constitution, threatening to revoke all NGO assistance unless the Batwa’s campaign for recognition is terminated. Overall, over the past three cycles of universal periodic review of Rwanda at the United Nations, the country has only “noted” – meaning it rejected or responded it was not in a position to accept – the

recommendations that were made to it regarding the Batwa by other States, except for one. This includes recommendations such as “Strengthen the measures to promote the social and economic inclusion of the Batwa community” (UPR-Info, 2018).

Government and Societal Discrimination

While the Batwa can be legally erased, society is far less malleable. So while showing open slander towards Batutsi or Bahutu will result in legal repercussions, it is still acceptable for people to show open discrimination towards Batwa which leaves the Batwa to face severe societal discrimination that affects their ability to integrate and contribute to society.

State-sponsored discrimination poses a challenge to the Batwa. According to the UNPO’s field studies, development and assistance programmes intended for Rwanda’s most vulnerable populations are often purposefully directed away from Batwa communities to higher income-generating projects. Oddly, given the Batwa’s overall level of severe poverty, they often do not meet the minimum requirements.

The Batwa are ignored as the government fails to recognise their need for development services, primary healthcare and better infrastructure. The Batwa also not being recognised officially as victims of the genocide, they do not benefit from the programmes directed at those who were affected by the war.

According to Minority Rights Group International, the fundamental factors that demonstrate the widespread phenomenon of exclusion and marginalization experienced by the Batwa and their continuing alienation from their traditional culture and values include the facts that only 1.6% of the Batwa have sufficient land to cultivate and very few own livestock. 91% of the Batwa also have had no formal education (2016).

Intersectionality

Reports released by UNPO and the African Initiative for Mankind Progress Organization (AIMPO) highlight the difficulties faced by marginalised groups within the Batwa population. The AIMPO concluded that Batwa with disabilities faced double discrimination in Rwanda due to the general marginalisation of Batwa in Rwandan society. Because of their poverty and lack of education, Batwa with disabilities are not advantaged by the actions of the Rwandan government in advancing the rights of the disabled by giving them a voice through administrative institutions (Minority Voices, 2017).



Similarly, a UNPO study determined that Batwa women are more disadvantaged than the rest of the population due to the intersectionality of belonging to two highly marginalised groups, the Batwa and female populations. A 2017 report by the UNPO submitted in advance of the 66th session of the Convention for the Elimination of all forms of Discrimination Against Women found that Batwa women are the most

targeted victims of gender-based violence due to the conjunction of a patriarchal society, extreme poverty and widespread discrimination regarding the population in Rwanda (UNPO, 2017). In addition to gender-based violence, Batwa women lack access to health services, schools and the job market.

UNPO PERSPECTIVE

The UNPO considers the successive land policies of Rwanda which have left the Batwa population landless, homeless and destitute to be a breach of human rights. Proper compensation should be provided to those who have lost their land and homes and Batwa refugees who have returned following the 1994 genocide should be granted equal status and access to ownership as other Rwandans.

The UNPO supports Batwa efforts for recognition as a distinct ethnic group believing that this will open the door for developments in targeted support for the Batwa community, from international organisations, Rwandan civil society and the Rwandan government.

In order to further those ends the UNPO submitted an alternative report to the UN Committee on the Elimination of Racial Discrimination ahead of Rwanda's examination in March 2011. The fact that the UNPO's report was the only NGO report submitted to the treaty body monitoring committee underlines the severe marginalisation the Batwa face from economic, social and political opportunities in the country. In February 2016, the UNPO also submitted a paper to the Human Rights Council's Expert Mechanism on the Rights of Indigenous Peoples highlighting the way the laws of Rwanda make difficult the realisation of the rights of the Batwa. In January 2017, the UNPO submitted a report in advance of the 66th Session of the Convention for the Elimination of all forms of Discrimination Against Women highlighting the double discrimination Batwa women face in Rwandan society.

UNPO MEMBER PERSPECTIVE

The Batwa, represented at the UNPO through the CCA, aim to have their basic needs met as well as to have their human rights respected. They do not aspire to any kind of political independence but rather strive to pursue their traditional livelihood within Rwanda. Since they cannot return to the forests and most of their housing has been destroyed, they struggle for land rights to be able to sustain themselves. They also wish to have their rights respected through their recognition as an indigenous population of the Great Lakes Region.



Photo courtesy of Advantage Lendl



Report © 2018

The Unrepresented Nations and Peoples Organization

Research, layout and editing: UNPO Secretariat and UNPO USA (Washington, DC)

UNPO Advocacy Office

Rue du Pépin 54

1000 Brussels

Belgium

Tel. +32 25 13 14 59