

## RWANDA

It is widely accepted that indigenous forest-dwelling Batwa (also known as Twa) were the first inhabitants of Rwanda, who were later joined by migrating farmers and animal herders. The Batwa self-identify, and are identified by other Rwandans, as *Batwa* and *Abasangwabutaka* ("original inhabitants"). The Batwa self-identify and are widely recognized within Africa as indigenous peoples, including by the African Commission.<sup>1</sup> There has never been a national disaggregated demographic census in Rwanda; however, the total number of Batwa is estimated to be 33,000, which represents approximately 0.4% of the population.<sup>2</sup>

The Batwa are amongst the poorest and most marginalised sector of Rwandan society. They have been totally dispossessed of their traditional lands and territories, and forced to give up their traditional hunting and gathering lifestyle and cultural practices and subsist on the fringes of settled society. They experience increasing racial discrimination and stereotyping by the rest of Rwandan society as morally, physically and intellectually deficient, gradually becoming social outcasts despised for their ethnic origins. The Rwandan government fails to recognise them as a distinct ethnic group and an indigenous people, and appears to be adopting a policy of (cultural) assimilation.<sup>3</sup>

Unable to access their ancestral lands and practise traditional cultural and economic activities, the Batwa now perceive their pottery and dancing as the principle expression of their cultural integrity and ethnic distinctiveness, as well as one of their main sources of income. However, Rwanda's 2005 land law threatens the Batwa's access



even to clay, an essential natural resource in pottery production, by declaring previously communal land as state-owned and managed, and prioritising agriculture on these lands.

The land law is based on the assumption that small parcels of land are not viable and promotes land consolidation. The authorities will decide how land will be grouped and to what use it will be put. The law also contains provisions for the state to compulsorily requisition land that it deems is being inadequately used without compensation. Very few Twa individuals currently own land, and the majority of Twa landholders do not practise cultivation on their land. A serious concern, therefore, is that the land law allows for state expropriation of land that is not used “in a productive way”, which is deemed to in-

clude agriculture and animal husbandry.<sup>4</sup> The land reform process continued throughout 2006 with the support of international donors such as the UK's Department for International Development (DFID). The government is in the process of formulating further implementing legislation, but there has been no known consultation with indigenous peoples on this to date. The indigenous representative organisation, CAURWA, encouraged the key DFID-sponsored reform team to consult indigenous Twa communities during their work.

### **CAURWA still not permanently registered**

As noted in *The Indigenous World 2006*, since the 1994 genocide, the Rwandan authorities have sought to remove all reference to ethnicity, and organisations and individuals who refer to ethnicity are likely to be labelled "divisionist", as the authorities assert that all Rwandans share a common language, religion and culture. They maintain that differences are not "ethnic" but the result of the colonial "divide and rule" policy which was perpetuated by subsequent post-independence administrations.

The failure of the Rwandan authorities to allow reference to ethnicity has led to the direct refusal by the Ministry of Justice to legally register the country's largest national Batwa representative organisation, CAURWA (*Communauté des Autochtones Rwandais*) until it removes the words "Batwa", "indigenous" and "Abasangwabutaka" from its name and statutes.<sup>5</sup>

In response to this demand, in 2005 CAURWA sought the views of its members and the wider Batwa community. The response was a call to the Rwandan authorities to understand that these terms are not divisionist; to put in place special measures to improve the socio-economic conditions of the Batwa; and to continue a dialogue with CAURWA to allow the latter to continue its work.

As a result, CAURWA spent 2006 in lengthy, ongoing negotiations with the authorities on the issue of permanent legal registration. In the meantime, Rwanda's Ministry of Local Affairs ("MINALOC") granted CAURWA temporary registration in June, and again in December 2006; however, this is only valid until 17 May 2007. The issue of CAURWA's

permanent registration thus remains pending and unresolved. The lack of permanent legal registration has had a negative impact on CAURWA's operations in the past due to the uncertainty it places on their future and the unwillingness of some donors to enter into funding agreements without it. Nevertheless, the organisation successfully functioned throughout 2006, continuing its livelihoods, education and rights programmes, which benefit Batwa communities throughout the country. Amongst other things, these included distributing agricultural inputs, adult literacy and numeracy training, and a voter-sensitization programme in the run-up to the local elections in February-March 2006, which were unfortunately marred by irregularities.<sup>6</sup>

### **Government response to Batwa issues**

In an apparent response to criticisms about the socio-economic situation of the Batwa, in 2006 MINALOC approached CAURWA requesting data on all Batwa households nationwide, indicating that it intended to pay the school fees of all Batwa secondary school children and membership fees of health insurance schemes for all Batwa.<sup>7</sup> MINALOC constructed some housing for Batwa communities and paid the school fees of some Batwa secondary school students for two of the three scholastic terms. However, this positive development was marred by the local authorities' failure to ensure that all Batwa continued to benefit once the programme had been decentralised to the district level. Apart from these initiatives, there was no policy or programme follow-up of the 2005 NEPAD (New Partnership for African Development) Peer Review report, which concluded that the Rwandan authorities appear to be adopting a policy of assimilation with regard to the Batwa (see *The Indigenous World 2006*). In its official response to the report, the government stated that "*[The Twa's (Batwa's)] integration into the Rwandan social economic mainstream continues to be a voluntary but inevitable process necessitated by changing times. It's important to mention that the government has never had a policy of assimilation, since that is comparable to socio-cultural genocide. As a community however, it is clear that a targeted response to their specific problems is recommended and government has already initiated programmes to do so.*"<sup>8</sup> □

## Notes

- 1 **African Commission on Human and Peoples' Rights (ACHPR) and International Work Group for Indigenous Affairs (IWGIA), 2005:** *Report of the African Commission's Working Group of Experts on Indigenous Peoples/Communities, Submitted in accordance with the "Resolution on the Rights of Indigenous Populations/Communities in Africa", adopted by the African Commission on Human and Peoples' Rights at its 28th ordinary session, (Gambia, Denmark)(hereinafter "ACHPR Working Group on Indigenous Populations/Communities (2005))"*, which states that "all the Batwa Pygmies of Central Africa recognise their common ancestors as being the first hunter/gatherer inhabitants of the tropical forests", p.16 and pp. 92-93.
- 2 This estimated Batwa population comes from a national survey conducted in 2003 by the Forest Peoples Project, CAURWA (Community of Indigenous Peoples of Rwanda) and the Office of National Statistics of the Rwandan Ministry of Finance. The results were published in a report: **CAURWA (2004):** *Enquête sur les conditions de vie socio-économique des ménages bénéficiaires de la Communauté des Autochtones Rwandais* (CAURWA, Kigali). Rwanda's population is now approximately 9 million, with an average population density of 366 people per square kilometre, making it the most densely populated country in Africa. See: **UNDP, 2005:** *Human Development Report 2005: International Cooperation at a Crossroads; Aid, Trade and Security in an Unequal World*, (New York); **International Bank for Reconstruction and Development/World Bank, 2006:** *World Development Report 2007: Development and the Next Generation*, (Washington, DC), p. 289.
- 3 Rwanda was one of the first countries to submit itself to NEPAD's (New Partnership for African Development) Peer Review mechanism. The NEPAD report notes that with regard to the Twa that the authorities appeared to be adopting a policy of assimilation, and recommended the government begin intensive dialogue with the Twa. The government's official response states that it has never had a policy of assimilation but admitted that the "Batwa community continues to have a disproportionate number of vulnerable members, and seem not to benefit sufficiently from the national policy that supports socio-economic integration of all Rwandans." The authorities also noted that "it is clear that a targeted response to [the Twa's] specific problems is recommended and shall be reflected in the plan of action." **Government of Rwanda, 2005:** *Response to Issues Raised and Best Practices Suggested in the Country Review Team (CRT)'s Report*. Section on 'Democracy and Good Political Governance', p. 4, June 2005.
- 4 Illegal expropriation of Batwa land by the local authorities and neighbouring Bantu continues to this day. Pervasive discrimination in Rwandan society means that malfeasants often steal the Batwa's land with impunity, and the Batwa are often unable to obtain legal redress because of their extreme poverty and social isolation.
- 5 The Rwandan authorities believe that all Rwandans are "indigenous" and that CAURWA's work in support of the Batwa is unconstitutional and "divisionist", undermining the unity and reconciliation process.

- 6 **Human Rights Watch, January 2006:** *Rwanda: Country Summary*.
- 7 Health insurance schemes, known as “*mutuelles de santé*” are the main way of accessing healthcare in rural Rwanda; however, the fees are often out of the reach of most Batwa. Unfortunately, despite the government’s promises, many Batwa remain unregistered on the insurance scheme.
- 8 **Government of Rwanda, 2005:** *Response to Issues Raised and Best Practices Suggested in the Country Review Team (CRT)’s Report*. Section on “Democracy and Good Political Governance”, June 2005.