

# NORWEGIAN CHURCH AID

OCCASIONAL PAPER  
03/2007

## **Indigenous Peoples' in Africa**

Prepared by Dr Nigel Crawhall  
December 2006

Published by Norwegian Church Aid  
Bernhard Getz' gate 3  
P.O. Box 7100 St. Olavs plass  
NO-0130 Oslo  
NORWAY  
[www.nca.no](http://www.nca.no)  
© Norwegian Church Aid 2007

The views presented in this document are those of the author and do not necessarily reflect those of the Norwegian Church Aid. Any part of this document may be reproduced, published or quoted without prior notice, but the publisher MUST be acknowledged.

# Table of Contents

<b>INTRODUCTION.....</b>	<b>3</b>
THE HISTORY AND ECOLOGY OF INDIGENOUS MODES OF SUBSISTENCE .....	4
DEFINING INDIGENOUS PEOPLES IN AFRICA .....	5
AN OVERVIEW OF THE REGIONAL ISSUES.....	7
<i>Southern Africa</i> .....	7
<i>Central Africa</i> .....	8
<i>East Africa and Horn of Africa</i> .....	8
<i>West and North Africa</i> .....	9
THE ARGUMENT AGAINST .....	10
<i>Minorities or Indigenous Peoples?</i> .....	10
<i>Who is not Indigenous in Africa?</i> .....	11
<i>Ethnic politics and conflict</i> .....	11
<i>Class analysis over 'false consciousness'</i> .....	11
<b>A POLICY MODEL FOR AFRICA.....</b>	<b>12</b>
<i>Principles for a new policy approach</i> .....	13
<i>Core Ring: Hunters and gatherers on the land</i> .....	13
<i>2<sup>nd</sup> Ring: Transhumant Pastoralist</i> .....	14
<i>3<sup>rd</sup> Ring: Transition economies</i> .....	15
<i>4<sup>th</sup> Ring: Traditional subsistence cultivators</i> .....	15
<i>5<sup>th</sup> Ring: Rural poor</i> .....	16
<i>6<sup>th</sup> Ring: Migrant poor</i> .....	16
<i>7<sup>th</sup> Ring: Urban poor</i> .....	17
<i>8<sup>th</sup> Ring: African urban elite</i> .....	17
CONVINCING THE STATES: MUTUAL INTEREST ARGUMENTS.....	17
<i>Issues for consideration by states</i> .....	18
<b>WHAT IS DEVELOPMENT? .....</b>	<b>19</b>
A HUMAN RIGHTS APPROACH .....	20
A CULTURAL RESOURCES & KNOWLEDGE MANAGEMENT APPROACH .....	21
AN ECOLOGICAL APPROACH .....	22
<i>Protected Areas and CBNRM</i> .....	23
<i>Declining biological knowledge</i> .....	25
ECONOMICS & EMPOWERMENT OF THE POOR.....	26
<i>Formalisation of the indigenous economy</i> .....	26
INTERNATIONAL FINANCE & POLICY MECHANISMS .....	28
<i>IMF &amp; World Bank</i> .....	28
<i>NEPAD, Economic Commission for Africa</i> .....	29
CIVIL SOCIETY CAPACITY .....	29
<b>CONCLUSION.....</b>	<b>30</b>
<b>APPENDIX .....</b>	<b>31</b>
ACRONYMS.....	31
REFERENCES.....	32
RECOMMENDED READINGS.....	34

## Introduction

The last ten years has seen a dramatic rise of a new social justice movement in Africa: A movement of the indigenous or first peoples of Africa. Specific communities from all over the continent have associated themselves with the United Nations' efforts to create standards and mechanisms to protect the rights of *indigenous* peoples. This social movement is creating a new space for dialogue in Africa about the relationship between cultural diversity and biological diversity, and the role of culture and African knowledge systems in sustainable development.

The term 'indigenous peoples' may appear strange in the African context, yet it has emerged as an important rallying point for highly marginalised rural communities. The debate about whether 'indigenous peoples' is useful as a policy concept has brought new types of analysis to understanding governance, citizenship and sustainable livelihoods. Most of the African groups that are defining themselves as indigenous are living by hunting and gathering or by nomadic / transhumant herding, or were recently living by these specialised economic subsistence modes. Their mobilisation is a direct response to the threats posed to the natural resources and ecosystems which have sustained them up until now. The new threats posed by globalisation of capitalism into rural Africa are triggering a crisis which is expressing itself as a new social movement.

The indigenous peoples' movement draws into focus the ethical crisis generated by current economic and social policies. Indigenous people are arguing that democracy has to be more inclusive, tolerant of diversity and participatory. Furthermore, indigenous peoples are challenging the dominant view of development that is rooted in a conviction that more labour-intensive agriculture or capital-intensive natural resource extraction will generate sustainable wealth and well-being. This consumption and capital driven approach is in contradiction with the evident need to conserve Africa's biological and cultural diversity. Whatever economic solutions will improve life quality in Africa, should take into account existing cultural transmitted knowledge and skills that evolved in sensitive ecosystems. Africa should be building on its knowledge base rather than trying to force everyone into one paradigm that is clearly not sustainable. Indigenous peoples have proved that their approach to life and livelihoods has been truly sustainable in the long run. What they need is a partnership with the State to ensure their survival into the next millennia.

The message from indigenous peoples is important for the North as much as it is for the South. For many indigenous peoples, our time on Earth needs to be understood as a contractual responsibility between generations that have passed and generations yet to be born. The present generation does not own land, water, animals' lives; they are only temporary custodians responsible for maintaining biological diversity, keeping water sources clear, staying in contact with their ancestors and maintaining harmony. While the North grapples with understanding sustainability, indigenous peoples have been living with this for millennia.

Indigenous peoples may be economically poor, but they are holders of rich and complex knowledge systems. In this day and age, knowledge is a valuable commodity and indigenous knowledge systems are particularly important for land management strategies that help maintain and restore biological diversity. To allow that knowledge to continue to be transferred from generation to generation and be put to effective use in managing natural resources requires a new partnership between the State and indigenous peoples. It requires a conviction that diversity, cultural and biological, is necessary and valuable in the long term.

Indigenous Peoples of Africa Coordinating Committee's (IPACC) statement to the UN Permanent Forum on Indigenous Issues in May 2006 emphasised three principles: Partnership, participation and pluralism. More than agricultural communities, indigenous peoples are dependent on natural resources. Natural resources are put at risk by over-exploitation and pollution, in the form of mining, forestry or petroleum exploration and pipelines. Only the State is in the position to use legislation to protect the rights of indigenous peoples to protect

biodiversity in partnership with the state. This process needs to be a negotiated one. Indigenous peoples need to be consulted and to be able to give free, prior and informed consent. They need to be participants in their destiny. And lastly, the African States and development agencies need to realise that spreading subsistence agriculture further and further is not sustainable. Farmers destroy biodiversity, herders can remain mobile in a biologically diverse system, and best of all, hunter-gatherers can help promote and monitor biodiversity through non-invasive and non-destructive land use techniques. Africa's future requires adopting plural economic models which reflect and respect cultural and biological diversity.

Norwegian Church Aid is uniquely positioned, with the support of government, churches and other Nordic NGOs, to provide strategically focussed support to Africa's indigenous peoples. The investment in the lives of indigenous peoples is not a case of giving charity to poor people. It is about having compassion for the planet as a whole.

## The History and Ecology of Indigenous Modes of Subsistence

In Africa, claims being made about indigenous peoples' status are coming primarily from hunter-gatherers and transhumant (seasonally migrating) pastoralists whose modes of subsistence partly or fully exist outside the capitalist mode of production introduced by colonialism. The claim arises from how the State was formed in colonial Africa, and the current exclusion of indigenous peoples from governance and decision making. Other claimants include those people whose cultures, languages or identities have been threatened by ethnic groups that are more recent arrivals and yet control the modern State.

When Africa was colonised by Europe, it had its own complex civilisations. African empires, as in other parts of the world, had risen and fallen over time, depending on climatic and economic conditions. Indigenous herding and hunting peoples existed on the periphery of these African empires, kingdoms and states. They had been protected by environmental barriers that contained the spread of agricultural societies (see Diamond 1998). Often there was substantial genetic transfer between the first peoples and the agricultural peoples who created the states or proto-states.

European colonisers focussed their economic and political control on the surplus-producing capacity of those Africans who controlled the means of agricultural production. Europe needed to extract resources and wealth from Africa to feed its own growth and eventually its industrial revolution. Europe needed slaves, and later food, mineral wealth, and other natural resources. To achieve this Europe needed to rule over the existing organised African societies, and later to create a system of taxation which would break down independent African economies and force people into the European-controlled labour and commodity markets (see Ake 1981 and Hyden 1980).

Colonisers saw hunter-gatherers, whose economy of subsistence no longer existed in Europe, as exotic and frightening. Colonial authorities were frustrated that hunter-gatherers had no centralised leadership. They could slip away like sand running through one's fingers. In East Africa, they were designated as 'Dorobo', people without cattle. The British colonial administration attempted to cut them off from their land base and drive them into extinction. In Southern Africa, settlers became obsessed with exterminating the indigenous San hunter-gatherers and spent three centuries killing and enslaving as many as possible (see Penn 1995).

Herders and nomadic traders such as the Maasai, Griqua, Himba or Tuareg peoples offered more resistance to colonisation. Some of these societies were crushed; others were pushed to the periphery of the political economy, where they remain today.

Europe withdrew politically from Africa, granting independence to African administrations and liberation movements. The new African elite consisted of those with the capacity to run the

new states. Political leaders came from those peoples with the closest relationship to the Europeans, namely the agricultural peoples who had been brought into the European modes of production and capitalist system. The African elite were educated in Europe, spoke the colonial language, and inherited existing administrative structures and bureaucracy.

Hunting and herding peoples, as well as those Africans who continue to practice autochthonous agriculture outside the market economy, all found themselves outside the new State structures. Most governments in sub-Saharan Africa were run by one ethnic group or a small cluster of agricultural ethnic groups. Very different economies were pressed into political boundaries that had little to do with Africa's own geopolitics or environment. The fate of herding, hunting and traditional horticulturalist peoples was transformed by the governance system of these new elites. There was an obvious conflict between the elite who needed to extract labour and wealth from the economy, and millions of Africans living in subsistence economies that did not generate surplus and had their own local mechanisms for governance, unrelated to the State.

In the last two decades, the underlying tension between the indigenous peoples and the State has become more acute. The rise of the indigenous peoples' civil rights movement in Africa is closely tied to the United Nations' efforts to raise global awareness around the issue and the opening up of public forums for claimants to come and tell their stories. It is also related to the worldwide drive to force Africa more deeply into the world economic system. Structural adjustment, debt, and the role of multinational corporations have opened up remote regions of Africa to international capital, technology and exploitation.

In the new global economy, the environmental barriers which protected indigenous peoples and the economies of subsistence from agricultural expansion have been penetrated by new technologies. New risks are posed, including new diseases, disruption of access to traditional lands, breakdown of the nomadic patterns and a destruction of the biodiversity of Africa. Indigenous peoples had little choice but to go in search of help and solidarity. Nomads, hunters, shamans, midwives, trackers, trance dancers, camel herders and many others made their way to Geneva, to the United Nations' Working Group on Indigenous Populations (UNWGIP).

In 1997, the African caucus at the UNWGIP adopted a constitution, to create a legally constituted continental co-ordination and advocacy body, the Indigenous Peoples of Africa Co-ordinating Committee (IPACC). At that time no African State had recognised indigenous peoples. By 2003, with the support of the International Work Group for Indigenous Affairs (IWGIA) and a working group of indigenous African activists, the African Commission on Human and Peoples' Rights adopted a policy statement recognising that there are indigenous peoples in Africa who are vulnerable to systematic and collective human rights' abuses (African Commission 2005). The African Commission report affirmed that there are indigenous peoples in Africa, and that they can be recognised as collectives within the African legal tradition. With this ruling, it confirmed that Africa's standards on the rights of indigenous peoples, as based on the African Charter of Human and Peoples Rights are more advanced than any other region of the world and surpass the standards of the UN Draft Declaration on the Rights of Indigenous Peoples which is still stuck in the UN system. By 2006, South Africa, Burundi, Gabon, Congo Republic and Cameroon all have policy mechanisms that recognise indigenous peoples. Other African countries have created platforms for dialogue. South Africa hosted a visit of the UN Special Rapporteur on the Human Rights and Fundamental Freedoms of Indigenous Peoples in July 2005, and Kenya hosts a similar official visit in December 2006.

## Defining Indigenous Peoples in Africa

For policy-makers, courts and development agencies, the issue of definition is important and inescapable. If certain rights are to be attached to certain categories of people, then we need to know which people are included within the scope of the definition, and by consequence who is excluded.

The efforts of indigenous peoples to create international standards and mechanisms to identify and protect the rights of indigenous peoples have been going on since 1923 when Cayuga Chief Deskaheh attempted to meet with the League of Nations as the representative of the Six Nations of the Iroquois. These efforts received a significant boost with the promulgation of the first United Nations' International Decade of the World's Indigenous Peoples (1994 – 2004).

The absence of a final definition is not unusual in international agreements and was also the case with the Working Group on the Rights of Minorities. Through various key reports and agreements, there is an emerging consensus on the distinctions within the terminology. This process has the advantage of requiring interpretation rather than reverting to narrow bureaucratic responses to what are evidently complex legal, economic and social issues.

The foundation definition within the UN system comes from José Martínez Cobo, the Special Rapporteur of the Sub-Commission on the Problem of Discrimination against Indigenous Populations in 1987:

379. Indigenous communities, peoples and nations are those which, having a *historical continuity with pre-invasion and pre-colonial societies* that developed on their territories, *consider themselves distinct* from other sectors of the societies now prevailing in those territories, or parts of them. They form at present *non-dominant sectors of society* and are determined to *preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity*, as the basis of their continued existence as peoples, in *accordance with their own cultural patterns, social institutions and legal systems*. (...)

381. On an individual basis, an indigenous person is one who belongs to these indigenous populations through self-identification as indigenous (*group consciousness*) and is recognised and accepted by these populations as one of its members (*acceptance by the group*) (See Martínez 1999, quoted in Fresa 2000).

Another major international instrument is the International Labour Organisation's Convention concerning Indigenous and Tribal Peoples in Independent Countries, adopted in 1989 at its 76<sup>th</sup> session. Known as the ILO Convention 169, it replaced the 1957 Convention that was more assimilationist in its orientation. The ILO Convention 169 has been ratified by 17 states, most from Latin America and also Norway, the Netherlands, Fiji and Denmark. Unlike other instruments, those who ratify the ILO convention 169 must adjust national legislation to be in line with the provisions of the Convention and supply the ILO with an annual progress report.

The ILO Convention 169 provides the following definitions:

- (a) Tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;
- (b) Peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present State boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.

Both ILO 169 and Cobo acknowledge *self-identification* and *self-recognition* as core criteria. Some other central themes include:

- original or early occupation of a territory
- in-migration or colonisation by a different cultural group which created tension over resource access and issues of autonomy and sovereignty

- the indigenous group continues to identify with its distinctive, non-dominant cultural identity which may also include a non-dominant economic mode
- marginalisation or vulnerability that motivates members of the community to make claims of indigeneity relative to dominant culture or the State

As a number of writers have noted, the claim to indigenous identity is not an absolute state of being, rather it is a political claim that takes place in the context of perceived marginalisation and vulnerability (see Ekern 2005). The claim of being *indigenous* is made relative to a perceived threat from a dominant society where there are historical antecedents to the tensions.

## An Overview of the Regional Issues

### Southern Africa

Indigenous claimant peoples include: Ju|'hoansi, !Xun, !Kung, Bugakhwe, ||Anikhwe, Naro, |Gui, ||Gana, Tsasi, Tyhua, Tshua, !Xóō, ‡Khomani, Hai||om, Nama, Griqua, and revivalist Khoisan peoples.

The descendants of the first peoples of Southern Africa are collectively known as San and Khoekhoe. They share the same origins, with the Khoekhoe (previously known as Hottentots) having adopted sheep pastoralism several thousand years ago and then expanding across the whole subcontinent. Bantu speaking agro-pastoralists migrated in from Central and East Africa, some two to three thousand years ago. The main Bantu migration into South Africa took place 800 years ago.

The various San peoples are also sometimes referred to as 'Bushmen', Basarwa, Abathwa, Baroa and various other exogenous names. Recently, international attention has been focussed on the voluntary, coerced and forced removal of San peoples out of the Central Kalahari Game Reserve (CKGR). The people displaced from CKGR are only one group of San being displaced by Botswana's ethnically-biased land management system. Botswana resists acknowledging minority groups and their languages. It also has a bias in favour of livestock farming as the primary economic activity for rural areas. Hunting and gathering is seen as backwards and wild food is not recognised by the government as an agricultural product or part of a livelihood. Botswana is a democratic state whose elected leaders see it as a leader in human rights and economic development. There is a difference of opinion between the San and the State as to what constitutes development (see Saugestad 2001).

In South Africa, most San and Khoekhoe peoples were shattered or assimilated during colonialism. With the coming of democracy, South Africa is moving to recognise the rights of surviving San and Khoe peoples. Communities are challenged by loss of land and the disintegration of their languages and cultures. There is an upsurge of urban people who are reclaiming their indigenous ancestry and identity.

In Namibia, many San people live as an underclass to herding peoples. They have insecure land tenure in some places and are arbitrarily pushed off farms into destitution. The government recognises the vulnerable situation of San peoples and has a special programme to promote education and languages. Namibia's great achievement has been creating community based nature conservancies. San at Nyae Nyae and N!a Jaqna Conservancies have shown that hunting and gathering can be an ideal economic based when fused with tourism and trophy hunting. The combination generates incomes but also protects biological diversity. The by-product is cultural sustainability and transfer of skills between generations. San in other parts of the country would like to use the same model.

Peace in Angola has permitted contact with !Xun and Khwe people who suffered greatly during the war. It remains to be seen how they will negotiate a place in the new stabilised economic and political system of the country.

## Central Africa

Indigenous claimant peoples include: Aka, Batwa, Bambuti, Babendjelle, Baka, Babongo, Bakoya, Bakola, Bagyeli, Barimba, Bagama, Efe, and Bororo.

The indigenous peoples of Central Africa are forest-based hunter-gatherers collectively known as 'Pygmies'. This term is used by some organisations but is considered pejorative by others. Pygmy peoples are culturally and economically distinct from their Bantu farmer neighbours. They likely preceded Bantu-speaking peoples by tens of thousands of years, though in recent times they exist in symbiotic relations with Bantu farmers, trading honey and meat out of the forest for agricultural produce.

During the great civil disturbances and armed conflicts in the Great Lakes, indigenous peoples have become extremely vulnerable. During the 1994 genocide in Rwanda, one third of the Batwa population perished during a conflict that was waged by the majority ethnic groups. In 2003, the world was horrified by evidence that dominant combatant groups in DRC were cannibalising indigenous civilians. The conflict continued into 2005, with Batwa women being singled out for rape and abuse by rebel soldiers (see Lattimer 2004).

Across Central Africa a major concern is deforestation from logging. The destruction of the forest canopy has a radical impact on the environment, leading to a rapid loss of biodiversity and also endangering the lungs of the planet. A major effort is being made by Western and African countries to slow down the devastation in the Congo Basin, one of the most biologically diverse regions on the planet. International conservation NGOs are highly influential with the regional governments but do not necessarily have fully evolved strategies with regards to indigenous peoples.

There are indigenous Bororo (Peul) pastoralists in northern Cameroon, Chad and Central African Republic. Their issues are covered in the West Africa section. MBOSCUDA, the Cameroonian national Bororo association, has played a catalytic role in getting regional governments to understand indigenous issues.

## East Africa and Horn of Africa

Indigenous claimant peoples include:

Aasax, Akie, Aweer (Dahalo), Barabaig, Batwa, Borana, Datoga, Desanach, 'Dorobo' (Ndorobo), Elmolo, Endoroyi, Giriyaama, Gabra, Hadzabe, Ik, Karamojong, Maasai, Manjo, Ogiek, Pokomo, Rendille, Samburu, Sengwer, Turkana, Waata (northern and southern), West Pokot, Yaaku, and other transhumant herders.

Claims to indigenous status in East Africa and Horn of Africa are made by peoples who are or were recently hunter-gatherers, fisherfolk and by transhumant pastoralists who wish to maintain their traditional economy and territories.

In the transition to the post-colonial state, power was concentrated with agricultural Bantu peoples. Herders found themselves marginalised in the new state. As land became scarcer, hunter-gatherers were assimilated into pastoralist economies, often losing their languages and identities. Hunting peoples are concerned to secure collective tenure over their forests and continue sustainable harvesting of honey. **Forests are highly threatened by logging; settler's taking over the land other forms of agricultural 'development' in this region.**

The return to multi-party democracy created an opportunity for hunting and herding peoples to put forth claims about their relationship with the land and their right to exist as peoples. Conflict between the state and indigenous peoples centres around poor environmental planning, destruction of forests and water catchments, as well as the constant expansion of agricultural peoples into the already pressured lands of transhumant pastoralists.

Under British rule, hunter-gatherers peoples, known as 'Dorobo', were considered to be backwards and should not continue to exist. They were not recognised as ethnic groups and

their lands were given to other peoples and divided into different administrative districts. To this day the Yaaku, Ogiek, Sengwer, Aweer and other hunter-gatherers are not recognised as peoples.

Indigenous hunters and herders have formed the United Nations' Indigenous Peoples' Advisory Committee of Kenya (UNIPACK), as well as national networks Hunter-Gatherer Forum of Kenya (HUGAFO) and the Pastoralist Development Network.

The situation is similar in Tanzania but with less political changes and less room for negotiation. The 800 Hadzabe people living in the Yaeda Valley have managed temporarily to secure land tenure through the government's community wildlife management legislation.

Not all herders have aligned with the indigenous rights paradigm. Afar (Danakil, Qafar) and Beja herders from Ethiopia and Sudan have not participated in the United Nations process.

## **West and North Africa**

Indigenous claimant peoples include Bororo / Peul / Fulani (including Wodaabe), Tubu (including Daza and Teda), Imazighn (Berber including Tuaregs) and other traditional transhumant peoples. The Ogoni of Nigeria have claimed indigenous status in reaction to oil exploration in their territory and political victimisation. Particularly vulnerable groups include the last Sahelian and Saharan hunters: The Bassari and Nemadi.

Most of the groups claiming indigenous status in West and North Africa are or were transhumant pastoralists, oasis dwellers and mountain dwellers. In West Africa, these include the Bororo, Tubu and Tuareg peoples. The Tuareg are part of a larger linguistic and cultural system of the Imazighn or Berbers. The Imazighn living in North Africa are the majority population of Morocco and a large portion of Algeria, but are treated as a linguistic minority and marginalised from governance.

West African nomads claim an indigenous status relative to the States created by France which vested power only in agricultural societies in the south. The French deliberately divided the Sahara to weaken the political capacity of the nomadic peoples. French colonial rule left a legacy of highly centralised states with little tolerance for diversity. The north-south, nomad-sedentary divisions have been fault-lines for conflict, aggravated by gross corruption and exploitation of natural resources by the agricultural governments.

Between 1991 and 1996 the Saharan territories were consumed by violent civil wars. There was widespread use of torture and public executions of nomads. Parallel conflict was simmering in Chad and northern Nigeria involving Tubu and Wodaabe peoples.

The core issues behind the conflict were not resolved. Mali in particular, one of Africa's poorest countries, continues to experience a high degree of tension in the northern areas. The Saharan situation is being aggravated by American military and oil interests. The USA is spending US \$100 million on military co-operation with Saharan states to reinforce borders against alleged terrorism.

In North Africa, conflict has been generated by states' adherence to Pan-Arabism ideology. All aspects of Amazigh (Berber) culture and identity were seen as threats to the Arab elite and the Arabisation programmes. The Amazigh language was banned and its usage could lead to imprisonment and even torture.

Morocco has seen major democratic changes since the accession to the throne of His Majesty Mohammed VI. HRH the King unbanned the Amazigh language (Tamazight) and a Royal Amazigh Commission has been created which includes long-time indigenous rights activists.

In Algeria, new efforts are being made to find a solution to the conflict between the government and the Amazigh territory of Kabylie. After two years of stalled talks, the Prime

Minister has issued a new request for dialogue. In the south, Tuareg groups are concerned by attempts in Algiers to impose Arab rule and cultural hegemony over their traditional territories. There are serious concerns about radioactive and petrol related waste dumps. There are Amazigh language communities in Tunisia, Libya and Egypt.

## The Argument Against

The need for a specific rights' framework for indigenous peoples in Africa is not without its opponents. Opposition comes from various quarters. The four main arguments against recognising the claims of indigenous people are summarised below:

### Minorities or Indigenous Peoples?

In 1999, the Special Rapporteur, Mr Miguel Alfonso Martínez, submitted to the Sub Commission on Human Rights and the Working Group on Indigenous Populations a study on treaties, agreements and other constructive arrangements between states and indigenous populations. His report narrowed the definition of indigenous peoples to include only those 'peoples' who had been colonised and who were 'culturally distinct' from their colonisers. His main concern was to demonstrate that the specific legal instruments that created contractual relations between colonial states and indigenous peoples should be subject to international law. In his report, Martínez dismissed claims by African and Asian indigenous peoples saying that such peoples were minorities and not indigenous peoples.

Martínez drew a distinction between the experiences of the Americas on the one hand, and other parts of the globe, notably Africa, Asia and the Pacific. Fresa observes that Martínez distinguished between 'territorial expansion' which involves the expansion and absorption of peoples who have 'many basic similarities', in contrast with 'colonialism' which involves 'culturally different peoples' (see Fresa 2000). For Martínez, the post-colonial state in Africa, Asia and the Pacific is itself indigenous and cannot therefore entertain claims against it by similar peoples who may be ethnic minorities but are essentially the same as dominant people.

Martínez' view is likely shared by a number of African intellectuals and political leaders. However it highlights Martínez' and other experts' weak grasp of African history and population diversity. Africa more than any other continent has great internal human diversity. Africa has the oldest genetic origins for modern humans and the greatest genetic diversity of any continent (see Cavalli Sforza 2001). Africa has only one tenth of the planet's human population but one third of the world's languages. This genetic, linguistic and economic diversity is reflected in power distribution and in the expressions of identity and hierarchies of populations.

If we consider the main UN criteria of prior occupation and distinctiveness of culture and identity tied to a territorial land base, it is clear that hunter-gatherers and transhumant pastoralists from Africa have a strong legitimacy for their claim. It is even possible to argue that the African interpretation of indigeneity, which brings in the aspect of conflicting modes of subsistence and production, provides indigenous peoples with a positive definition of themselves and the types of policy achievements they are seeking.

There are minority populations in Africa which are involved in the UN processes around minority rights. These include long-term immigrant populations from Asia. There are ethnic minority groups who are culturally distinct from those who control the state. Examples include Ndebele Zimbabweans, Baganda Ugandans, Oromo Ethiopians, Somali Kenyans, etc. These are groups who are non-dominant and are concerned about discrimination by the state against their interests. Some groups look for greater regional autonomy, but they are fundamentally within the same economic system as the dominant ethnic groups which control the state apparatus. The self-identification process amongst indigenous peoples in Africa is self-selecting for the types of rights appropriate to minorities within states and indigenous peoples within their territories.

## Who is *not* Indigenous in Africa?

Some African politicians, civil servants and trade unionists have expressed their discontent around the notion that some people are *more* indigenous than others in Africa. It seems strange that a small and marginalised ethnic group is claiming to be indigenous, suggesting that other Africans who have lived in the same territory for thousands of years are somehow colonialists who should accommodate them.

An evident problem for Africa and Asia has been the UN's adherence to the term 'indigenous'. This term arose from Latin American usage and does not easily fit the African experience. There are many terms in African languages for indigenous peoples. Bantu languages have such terms as *Basarwa*, *Batwa*, *Abathwa*, *Basua*, and *Baroa*, which specify hunter-gatherers in contradistinction to agricultural or herding peoples. The Maa word '*Dorobo*' is used widely in East Africa. In the San languages, some languages have special terms just for the San, such as *N||n#e* or 'home people' in the N|u language. San languages have special terms which they share for the later arrivals of Black and White settlers, *|u* and *!ũ* respectively. The problem is not that there is not an African conceptual framework, it is a question of translating these back into European languages.

Despite African dissatisfaction about the terminology, this was not an impediment for the African Commission on Human and People's Rights which in 2003 adopted the UN's phraseology to recognise the vulnerable status of indigenous peoples in Africa. At the implementation end, South Africa has chosen to refer to 'vulnerable indigenous communities' to distinguish Khoe and San peoples from the Black majority. Burundi recognises the Batwa specifically. Gabon and Cameroon have created policies in line with World Bank directive 4.10 which recognises hunter-gatherers and nomadic peoples as *autochtones* (see Jackson 2005 and Schmidt-Soltau 2005).

## Ethnic politics and conflict

A major concern of African states is not to stimulate further ethnic competition and conflict which is sadly a recurring theme in African politics.

If we follow writers such as Stener Ekern (1998), 'indigenous' rights is itself a political act, then it follows that there is the possibility of mobilising ethnicity as a form of power-play in African politics. There is a risk of the indigenous issue being used for ethnic political mobilisation. In practice this has not happened.

The marginalised status of indigenous peoples means that most of the groups adhering to the movement are ones that do not have access to other political platforms. IPACC's Chairperson and African Representative on the UN Permanent Forum, Hassan id Belkassm, has emphasised that the indigenous peoples' movement in Africa is not an ethnic movement. It is a social justice movement of civil society to create more inclusive democracy in Africa.

The violence that has been experienced has mostly been against indigenous peoples, for example the tragic genocide of Batwa in Rwanda where approximately one third of the community was destroyed in 1994. Similar violence has been visited on Batwa in DR Congo and San in Angola during that protracted civil war.

## Class analysis over 'false consciousness'

In 1999, the Amazigh language was not officially tolerated in Morocco and **the village we were visiting** was renowned for a large military garrison. We arrived at night. We walked up a dark alley between houses into a dimly lit room. It was full of young people wanting to learn more about human rights and the indigenous peoples' movement at the UN. The first question asked

was:

*Is the indigenous peoples' movement not a form of false consciousness that is used to break the solidarity of Arab and Amazigh workers in their struggle against capitalist tyranny?*

If one believes that indigenous peoples are an underclass of the capitalist / colonial economy then it makes sense to address the problem of the relations and means of production. However, there are a number of problems with this analysis. Where indigenous peoples' economies are still primarily intact (e.g. people gather, hunt and herd their food rather than grow it), it is not possible to speak of exploitation of a rural proletariat. Such indigenous peoples are partly outside the cash economy and the capitalist relations of production.

The discrimination against indigenous peoples is related to the conflict between the capitalist mode of production and the competing, autonomous modes of indigenous subsistence. This competition has been given an ethnic character by the formation of the state during colonialism. Even where indigenous peoples are part of the capitalist mode of production, the ownership of the means of production is ethnic in character, not because it necessarily has to be, but that is the legacy of colonialism.

Whether one likes the UN terminology or not, the indigenous peoples' movement is a reality in Africa and their mobilisation is reshaping discussions of human rights, cultural resource management, language endangerment, community-based natural resources management, and other areas of policy and governance.

## A policy model for Africa

In Africa, ethnicity is not a useful tool for determining indigeneity. Indigeneity is more appropriately understood as ways of living and of knowing which arise from traditional modes of subsistence that distinguish certain peoples in certain territories from dominant societies that have greater access to the state.

The purpose of the state recognising and protecting indigenous peoples is to validate and mobilise knowledge and cultural systems that help maintain sustainable livelihoods, maintain cultural and linguistic diversity. These indigenous modes of subsistence specialise in the careful management of natural biological diversity in Africa. It is, arguably, the nexus of culture and nature which places indigenous peoples in a unique position vis à vis the state and dominant peoples. The challenge posed by indigenous peoples is to evolve a model of governance that supports both cultural and biological diversity in a harmonious and sustainable balance.

It is important in the African policy context to move away from seeing 'indigenous rights' as an ethnic competition. The line between 'indigenous' and 'local' peoples in Africa depends on the analytical tools one is using. It may make more sense in Africa to see the 'indigenous rights' paradigm as applying to a spectrum of people within a territory and apply policy in a flexible manner appropriate to local conditions.

The new terminology and principles of indigenous peoples' rights could be used to improve governance by making the government and state system more mindful of the cultural and economic diversity within its borders. In an African way, we should be valuing and working with our diversity rather than seeing it as a problem or simply ignoring it and leaving certain peoples in a vulnerable position.

For example, when we consider rights and mechanisms for protecting collective intellectual property rights, we can see that the principles apply very broadly in African societies in a way they do not in industrialised countries. Many African people rely on traditional medicine and healing practices, even if they live Western lifestyles in urban areas.

When IPACC was engaging with the Secretariat for the Convention on Biological Diversity, we recognised the contradiction between saying that only hunters and herders are indigenous in Africa, whereas in terms of inter-generational transmission of fragile and valuable knowledge about nature, many societies, including those that control the State apparatus, may be holders of such knowledge. This is also the case if we are talking about the management of intangible heritage and cultural resources.

It is possible, using the conceptual work provided here, to build a policy model for indigenous peoples and indigenous peoples' issues in Africa in a manner that is inclusive and flexible to national specifics, and is not tied to narrow ethnic interests.

### **Principles for a new policy approach**

- Modes of subsistence which rely primarily on hunting-gathering or transhumant pastoralism are a resource for protecting natural biodiversity as well as being rich sites of African based knowledge and skills
- Only the State can realistically create the policy barriers to protect indigenous peoples and the environment, this requires understanding indigenous knowledge systems and the threats to their intergenerational transmission
- Changes in land use and competing demands of people within national territories may make fully sustainable hunting and herding economies unviable, hence there needs to be room in the policy process to recognise and support mixed economic practices of indigenous peoples, with only partial and voluntary entry into the cash and commodity markets
- Policy needs to be focussed on and informed by the most vulnerable peoples who possess the greatest intact knowledge systems and cultural resources that are threatened by in-migration, environmental damage, economic globalisation and penetration of the capitalist economy
- There are not adequate legal mechanisms that formalise indigenous peoples' land tenure – it is illogical to insist on private land tenure for economic systems that are managed co-operatively and require transhumance to protect biological diversity. New forms of land tenure and natural resources rights need to evolve in dialogue with indigenous peoples.

The benefits of planning for the survival of indigenous peoples does not require exclusive definitions of who is or who is not *indigenous* according to historic anteriority, subsistence farmers and office workers can also benefit from the paradigm shift. As we will see below, this policy alternative can be represented as a series of concentric circles which reverse the priorities of current policy.

### **Core Ring: Hunters and gatherers on the land**

At the core of policy formulation to support indigenous peoples, urgent attention needs be given to those peoples who are indisputably the 'first peoples' of Africa: the hunter-gatherers. These peoples are almost entirely outside the domain of the state (e.g. no birth certificates or national identity cards), with little or no civil society, rich in traditional knowledge, living primarily outside the cash economy and very vulnerable. These would include San people living off the land in the Kalahari and Okavango; forest-based 'Pygmy' / Batwa peoples in the Congo Basin and eastern DRC; the Hadzabe of the Yaeda Valley, Tanzania, and so forth (see Leacock et al. 1982, Blench 1999).

Hunter-gatherers universally have low population densities. Some of the peoples number only in the hundreds. They are currently almost completely invisible in terms of governance. They experience marginalisation and discrimination for being so-called 'primitive' and are at the same time rich in knowledge and skills related to biological diversity. Unless someone from the community has managed to get an education it may be difficult to even speak with reliable representatives of such communities. Consensus decision-making at village or band level remains the norm for making decisions.

Usually these people are only represented in governance by mediation through more dominant ethnic groups. Bantu or other dominant groups control local rural government and at this stage any hope of representation must be filtered through this difficult and highly unequal portal.

The 'development' agenda which pushes universal education and entry to the cash economy poses a great risk to the autonomy and sustainability of hunter-gatherers. They have been explicit in IPACC consultations that whereas reading and writing could be useful, their experience is that children who go to school lose valuable knowledge and are indoctrinated with negative views of traditional life. Children who have been to school are often victims of violence, abuse, and ethnic discrimination. Their own rich intellectual and linguistic heritage is not used as a resource in formal education. Currently, state education is presented as a form of indoctrination and is mutually exclusive from traditional skills training and the healthy development of self-confidence and self-worth.

Creative approaches need to be found to help join up the intergenerational transmission of valuable knowledge and the capacity for literacy and numeracy which may be of use to younger generations. Knowledge, skills, wisdom and competencies still exist, but they are at risk. These are also the people that make excellent partners in wildlife conservation and the management and monitoring of Africa's biological diversity.

Likewise, state agricultural policies do not recognise the foods of hunter-gatherers as agricultural products which require active management and conservation of biological diversity. Hunter-gatherer diets are dramatically more nutritious than those of sedentary peoples. Nomadism allows people to diversify their food ingestion, protects vulnerable resources, and allows people to escape the build up of lice and other parasites. Privatisation of land or expulsion of indigenous peoples from protected areas often cut people off from important sources of food and medicine that cannot be replaced by inadequate state health services.

These are the voices that most need to be brought into policy processes both in terms of protecting cultural diversity and in the management of natural resources and biological diversity.

## **2<sup>nd</sup> Ring: Transhumant Pastoralist**

The second ring in the circle would be those African peoples living transhumant-herding lifestyles. It would also include those living primarily outside the cash economy, rich in traditional knowledge, expert in stock management and politically marginalised or under-represented. Traditional herding, unlike hunting, has a larger impact on the environment which has its own policy implications. Its sustainability is closely related to what other economic activities are happening in the area and whether the carrying capacity of the land is being taken into account by the herding peoples. While a good equilibrium is sustainable, over-grazing can be highly destructive.

Transhumance refers to seasonal migrations undertaken by livestock-herding peoples. Transhumant herders and hunters have sophisticated inter-family relations that allow for seasonal migration, adjusted to rain fall, and involving reciprocal rights and responsibilities for water management.

Herders are better placed to interact with the national capitalist economy. Their stock can be converted into capital more easily. Also, herding peoples are more likely to offer resistance to unreasonable incursions by outsiders. Even though herders typically are family and clan loyal, when conflict arises they can rapidly mobilise alliances and put up short-term but determined resistance. Tuareg nomads engaged both Mali and Niger in civil wars between 1991 and 1996. Recent disputes about land rights and the proposed constitution saw a massive mobilisation of Maasai herders in southern Kenya. The Himba people of Namibia demonstrated this focus of purpose when they mobilised international support to face down the Namibian government's attempts to flood their herding lands with a hydro-electric project.

Herder knowledge systems are more formalised than those of hunters, including traditional constitutions of rights and responsibilities. Still, nomads complain about the state curriculum preaching the values of the ruling sedentary ethnic groups and not allowing for migration that is necessary to maintain animal herds. Some nomads are abandoning their transhumance and traditional economies to gain some of the benefits of fitting in with state systems, but often they find that there are no jobs and when their traditional economies collapse they are left more vulnerable than before.

As with the hunters, the herders that have survived tend to live in ecological niches. Centralised planning frequently ignores the needs of both the hunters and the environment. Greater attention needs to be given to decentralising governance and allowing herders to shape agricultural policies which are appropriate to the climate and the conditions to sustain biological diversity. Land tenure needs to recognise the transhumant nature of the economic system and the importance of factoring in protection of biological diversity. This means restraining the expansion of agricultural settlers into environmentally sensitive areas.

### **3<sup>rd</sup> Ring: Transition economies**

The third ring includes those peoples who previously lived by hunting or herding but are now losing their land base and find themselves caught between economic modes. These people are vulnerable and often experience social alienation, disintegration of communities, value systems, and knowledge systems.

This third ring is a transitional space. Both traditional agriculturalists and the displaced hunters and herders are on a pathway where it is not difficult for market forces to draw them into the dominant economy, breaking down autonomy and their intergenerational transmission of culture. In the case of displaced indigenous people it is a space of pathologies, of social disintegration, alcohol abuse and family violence. Assimilation pressures are upon them and they are not sufficiently organised or empowered to effectively resist and define alternative approaches to their development.

It is also from this domain that we see the most organised civil society of indigenous peoples in Africa. Here there are more people who have managed to get formal education and are looking at how political organisation and advocacy happens within the dominant political culture.

Despite being pushed off the land and the breakdown in their mode of subsistence, many indigenous peoples still carry rich amounts of complex knowledge about their environment. They also suffer from the stigma of their origins and the additional challenge of a relative inability to organise politically. They are marginalised as 'The Other' and the policy process is pulling them away from their areas of competence and expertise into situations that are often more dangerous and make them more vulnerable.

Typically, outsiders believe that the way forward should be assimilation: "If these people just learned how to be farmers everything would be fine". In practice, the cultural and knowledge systems of the people did not evolve in the same way as agricultural peoples'. Their social systems are designed for a different ecosystem and subsistence livelihood. Changing economies entails a complete restructuring of social relations, cultural systems, power relations and so forth. It can happen, but there is usually mismatch of skills and opportunities. People who have been accustomed to a high degree of personal autonomy and vast spaces, and living in tight social networks, are depressed by having to live in anonymous and dense settlements, experiencing stigma regarding their identity, poverty and working for little reward.

### **4<sup>th</sup> Ring: Traditional subsistence cultivators**

The fourth ring includes the traditional subsistence farmers and fishing peoples, such as the Dogon, Vadema, Mitsogho, Tonga or Wayei who maintain a respect for the land. They farm,

not to have access to markets, but to feed themselves and maintain a particular quality of life. Their economy and social structure is easier for the state to accept, and also susceptible to being transformed into more capitalist modes of production. These communities tend not to be active in the political system, but as cultivators they may have some chieftaincy structures that can connect to mechanisms of governance.

Traditional subsistence cultivators may also have valuable collective knowledge of plant medicines and wild foodstuffs. Most African peoples move between Western medicines and traditional healing and herbal treatments. Some of these methods are effective and this knowledge should be protected, along with conserving stocks of threatened plants.

These are communities that are being targeted for integration into global capitalist agriculture. Genetically modified seed is pushed onto them to weaken their own technologies and traditional seed modification and selection. Goran Hyden's book, *Beyond Ujamaa in Tanzania* focuses on the 'uncaptured' peasantry of Africa.

Some of the traditional practices of these peoples are sustainable and should inform economic and agricultural planning. Some of their crops could be better promoted in the market, both locally and internationally. Some of their practices, such as slash and burn agriculture and the clearing of forests, may damage the environment and need to be discouraged, particularly where it destroys biodiversity necessary for wildlife or other indigenous peoples. In Zimbabwe, traditional spirit mediums, *masvikiro*, are organised to teach farmers about the intergenerational responsibility to manage biological diversity and not exhaust the soil or damage forest areas. For many peoples in Africa, certain forest and water sites are sacred and should be protected.

### **5<sup>th</sup> Ring: Rural poor**

The fifth ring for policy formulation includes those peoples living between traditional subsistence farming and the urban cash economy. These include people growing crops traditionally but trying to get them to market for sale. They may have good knowledge of animal husbandry and crop management. They may know something about environmental management, forestry and plant medicine, though generally their practices are labour intensive and not necessarily sustainable in over-worked soil. They are the transition between the pre-colonial agricultural economy and the post-colonial capitalist economy. It is this ring that provides the greatest source of migrant labour, including those leaving agriculture to go into mining and forestry.

There has been a great tension in African education over using colonial languages and the recognition that children do better educationally if they having meaningful input and output in a language in which they are fluent. Most African countries provide a few years primary education in the first language then rapidly switch over to a European language, regardless of whether the pupils or the teachers are competent in the target language. The result is an immense waste of the states resources and people's time. African education would benefit from a shift in focus that draws local languages deeper into the formal learning environment, and mobilises traditional knowledge as a component of teaching science and mathematics. Educational specialists have repeatedly called for Africa to promote appropriate additive bilingualism. This can empower children to draw on African intellectual and cultural resources, while linking up to the global information highway.

### **6<sup>th</sup> Ring: Migrant poor**

The sixth ring is composed of the urban poor with rural roots. These are the millions of Africans who have been displaced from the rural areas. They have migrated in search of jobs or because they were pushed off the land and have no other evident choices. These people may keep contact with the rural areas but are losing or have lost most of their knowledge of biodiversity and the traditional rules and regulations on natural resource use.

Urban migrant poor do not constitute vulnerable peoples in threatened territories. They are

more deeply embedded in new modes of production and new class structures. Still, they are African people with diverse cultural backgrounds and knowledge systems. That diversity should be a resource that the state values and facilitates.

### **7<sup>th</sup> Ring: Urban poor**

The seventh ring consists of the fully urbanised African poor who are disconnected from the rural areas and subsistence economies. This group would likely also benefit from improved first language, learner-centred and culturally appropriate education. Unlike their rural cousins, urban dwellers tend to be multilingual and create their own urban creoles or dialects that are composites of several languages including the national language.

### **8<sup>th</sup> Ring: African urban elite**

At the top of the system, embedded in the national economy and the international class system, is the African urban elite. Some members of this elite are so deeply indoctrinated with Euro-centric values that they complain when they must speak their parents' language. They may be assimilated into a totally new identity and have purged from their minds the culture of their forebears. Those who are so deeply assimilated are the ones who react so negatively to other Africans affirming their rural identities, their knowledge and faith systems. They see rural Africans as backwards and primitive. They are particularly concerned by hunter-gatherers and nomadic peoples who they see fulfilling all European prejudices about Africans not being civilised.

If one probes a bit further, one also finds African elites who recognise the contradiction of their situations. They have parents or grandparents who were herbalists, shaman, maybe even a grandmother from an indigenous people. In the right context, they are open to looking for African solutions to problems. They can be motivated to recognise the need for refocusing Africa's development on its own peoples, institutions and knowledge base. They have seen the rapid destruction of Africa's natural resources and are looking for partnerships to help conserve biodiversity while also fighting poverty. It is these people who will create the partnership which indigenous peoples are looking for.

## **Convincing the States: Mutual Interest Arguments**

European governments and development agencies have defined their co-operation framework as being built on human rights. Economic development cannot be sustained in the long-term without also ensuring basic human rights, and if possible, to grow a culture of human decency in governance and in public. The church sector, even more firmly, upholds its value system as the basis on which international solidarity and co-operation can take place.

A number of African governments do not share the same values and have only a faint interest in human rights. This may be because the governments themselves are not rooted in a legitimate culture of democracy. They may be holding themselves in power through the use of force and manipulation of the political system. Or it may be that they do not have the capacity to seriously address issues of crime and corruption and to keep the police and military from going beyond the boundaries of professional and ethical behaviour.

The reality of the gap in values and priorities between Europe, African states and indigenous peoples means that we need to look strategically at the points of mutual interest where African elites would be willing to grant certain rights and opportunities to indigenous people, in return for some kind of *quid pro quo* or reciprocity. Why should African governments help indigenous peoples, many of whom represent small minority groups in remote areas, who do not pay taxes or produce wealth?

Most African states, despite their marginalisation of indigenous peoples from governance, policy-making and the economy, nonetheless do recognise them as a cultural asset. In Kenya one sees images everywhere of the Maasai and the Samburu. In Botswana, stereotypic images

of the San are used in government tourism advertising. In Mali, it is the image of the Tuareg in turbans, riding camels.

Indigenous peoples resent the exploitation of their images, but it does demonstrate a point of convergence with government. African governments are less afraid of cultural diversity than they are of economic and political diversity. In IPACC's dialogue with African governments, governments show greatest interest in the theme of how indigenous knowledge and skills can be used to help promote economic development, tourism, health care and nature conservation.

An evident area of this mutual interest is where indigenous peoples' knowledge systems can be drawn into the capitalist aspects of natural resources management. Hunter-gatherers have the skills to help track wild animals and assist researchers and conservationists with animal behaviour studies. Indigenous guides are used for gorilla habituation, elephant tracking, leopard behavioural research, honey badger research, and many other technical areas of co-operation. African governments want high-end tourism. Taking foreigners on authentic tracking and even hunting expeditions is one example of how that partnership could happen.

Southern African countries have shown a growing interest in Community Based Natural Resources Management (CBNRM). South Africa and Namibia have established contractual parks with rural communities and Namibia has promoted a national network of community-based conservancies. Although these are not explicitly there to benefit indigenous peoples, they do provide an excellent opportunity for indigenous peoples to negotiate with the state to find non-agricultural economic solutions that build on their existing areas of expertise and knowledge.

The challenge is that decision-makers in the state system need to be introduced to the rich intellectual heritage of indigenous peoples and learn how these can be national resources. This will require some degree of facilitation and dialogue, a role that can be adequately filled by grant making, donor assistance and church advocacy.

### **Issues for consideration by states**

1. Governments know too little about the indigenous peoples who are citizens with the greatest knowledge of the country's biological diversity
2. Assumptions about what constitutes development (roads, houses, drilling for water, cash economy, schools, policing, resettlement schemes, national parks, tighter border management) may endanger indigenous peoples' environment and economy. These normal state activities may introduce new diseases, damage the environment, draw in settlers to the territory, and risk destabilising the indigenous society. There should be consultations and cultural impact assessments before going ahead with these actions
3. If indigenous peoples are not represented in local government structures, for example where only Bantu villagers can be chiefs, then government should look for less hierarchical ways in which indigenous peoples can engage with the state. For example, cultural societies where there can be wider democratic participation and autonomy. Indigenous peoples should be given the right to decide on what structures best suit them in negotiations
4. In a stable environmental situation (i.e. with controls on logging, mining and other environmentally damaging activities), indigenous peoples are capable of finding an appropriate balance between different economic modes. They are as modern as anyone else, their value systems and social relations are differently ordered and undervalued
5. If knowledge exists and is transferred within an environmental niche, then mixed economic solutions require partnership with conservation efforts. Indigenous peoples need to be active and meaningful partners in protected areas
6. If knowledge is to be conserved and passed from one generation to another, the government should learn more about the sociology of knowledge maintenance, the types of threats, and help ensure a positive policy environment that includes partnerships over

nature conservation. National accreditation and certification of indigenous knowledge and skills is an important aspect of improving policy.

## What is Development?

Norwegian Church Aid (NCA) and its partners are committed to development. A simple point of departure is to ask the question what we mean by development. There is no single answer to the question. Different African peoples are in different positions and have different priorities and values. The point of developing a special policy focus on indigenous issues is to be open to greater dialogue and reflection on what can help.

One example helps us understand that preconceptions about what constitutes development may be dangerous. The Yaeda Valley in northern Tanzania has limited surface water. The Hadzabe have existed for millennia on water springs that are not easily accessible. The lack of water has meant that agriculturalists and pastoralists cannot easily penetrate the area. In a classic move towards development, one agency sponsored a borehole at a Hadzabe settlement area. The borehole was meant to make life easier for the Hadzabe. The impact was the reverse, with aggressive cattle herders rapidly moving into the settlement to water their livestock. This created conflict and marginalised the Hadzabe in their own territory. Equally, we would normally think that the eradication of the tsetse fly, which carries trypanosomiasis would be considered progress. But one of the reasons why the Yaeda Valley is not overrun (and destroyed) by cattle herders is that they cannot cope with the tsetse. The tsetse may be a nuisance for the Hadzabe but it is also a major reason why they still survive as a people.

Through IPACC's consultations around Africa it is clear that indigenous peoples are concerned about their vulnerability to global capitalist penetration into their territories. This includes mining, pipelines, logging and agriculture; all pose threats to the biodiversity and economic viability of their subsistence modes. Other threats come from the actions of the state: exclusion from conservation areas, military occupation of territories, closing of borders, building of roads and game fences which destroy wildlife, etc.

Some indigenous peoples may want more access to education and health care. However, the more you travel into remote rural areas, the more you find that indigenous peoples value their autonomy and ways of life. What they are looking for is some protection from other people making decisions about their lives and lands without consultation or negotiation. In certain contexts, particularly with pastoralists, they would like a greater say in regional governance. All indigenous peoples see good environmental governance as a goal.

Formal education is a complex issue. People tend to want access to literacy and numeracy, but not at the expense of their own knowledge systems, cultures and identities. In discussing formal education, most indigenous peoples would favour a curriculum that integrated traditional knowledge and learning with literacy and numeracy skills. The Norwegian Rainforest Foundation has had success in the Amazon with such models of community-driven curriculum development, but there are almost no such models in Africa.

The whole issue of universal formal education needs to be reconsidered in Africa. Governments with a generally benevolent approach to their citizens are not aware that their enforced educational systems create havoc in intergenerational relations among indigenous peoples. It is not that indigenous Africans do not want to learn to read and write; it is rather that they want formal schooling to be an additive process, not one that undermines their food sources, knowledge sources, and social relations. Expert hunters, trackers, herders, healers and fisherfolk are cast as ignorant and uneducated by rural schoolteachers and local government.

At the heart of the discussion on what constitutes development is the balance between quality of life, personal autonomy and access to state-controlled resources such as land, health care and education. There is also a tension between opting for sustainable subsistence modes or facilitating indigenous peoples' entry into the wage economy. Development, ideally, is about

creating space for vulnerable communities to have choices, and ideally those choices should permit different forms of economy and culture to co-exist with the Earth's own biological diversity.

## A Human Rights Approach

The Royal Norwegian Ministry of Foreign Affairs (MFA), The Norwegian Agency for Development Cooperation (NORAD) and NCA have agreed that their approach to indigenous peoples' issues in international development co-operation will be determined using a human rights approach (see Daudelin 1998).

During the 1960s and 1970s, many Northern donor countries concentrated on helping Africa build up its physical infrastructure and education systems. Volunteers and experts came from Northern countries to help dig wells, teach in African classrooms and help with agricultural extension. Over time it became clear that the problem of poverty was not just an issue of infrastructure, it was related to power relations within the African states. Development was not sustainable without some measures to ensure people's freedom to organise and ensure protection from arbitrary abuse by representatives of the state.

Today, poor people, including minorities, women, people with disabilities, children and indigenous people benefit when there is a reliable legal framework in which their human rights are guaranteed and that they themselves understand these rights and are able to advocate for them. Part of this shift in focus includes recognising that one cannot deliver development to people, but that one can be a partner in creating conditions where people empower themselves and create a sustainable future.

Human rights are defined clearly by the United Nations, notably in the 1948 UN Universal Declaration of Human Rights. Two UN Covenants from 1966 further support this framework, one setting out the range of civil and political rights which should be enjoyed by all people, and the other setting out economic, social and cultural rights<sup>1</sup>.

The core set of rights relate to the protection of the well-being and freedom of the individual, regardless of the specifics of his or her origin, identity, age, faith, etc. The second generation of rights applies to political, civil, economic, social and cultural rights. These include the right to a livelihood, the right for freedom to organise politically, the right to form trade unions, the right to a fair trial and due process.

Human rights are universal and attached to the individual. That individual may live in a country that is at war, she may be a refugee, a migrant labourer, a legal immigrant, or even a stateless person, and she still has international protection of the full range of his or her rights.

Rights are not just moral; they are legal rights that are justiciable, meaning they can be upheld in a court of law. Increasingly, the international community has been looking at ways in which human rights are not only protected at national level but also protected by international mechanism. This is particularly important where dictators or civil war situations have led to an abrogation of the responsibility of the state to ensure that rights are protected.

A rights-based approach to development is necessary and valuable. It allows benchmarks to be set locally that relate to international agreements. The state is obliged to meet these international standards, and if policy is wisely developed, governments will learn from previous experiences what is required to ensure the protection of the rights of vulnerable constituencies. A rights-based approach emphasises human dignity as an objective and helps vulnerable constituencies have an image of their target. Oppressed people, when the rights framework is adequate, will know how to take rights abuses through the appropriate channels and receive sufficient protection.

---

<sup>1</sup> <http://www.unhchr.ch/html/intlinst.htm>

The human rights approach to development enables vulnerable constituencies to organise themselves into a structured civil society and have a voice in policy environments. The Danish Institute for Human Rights (DIHR) recommends that indigenous peoples should work more closely with national human rights' commissions. DIHR provides training to African human rights commissions and then the UN Commission for the Elimination of Racial Discrimination (CERD) helps monitor their performance.

Within the UN system, Mme Erica Irene Daes, one of the foremost authorities on the rights of indigenous peoples has emphasised the link between the human rights of indigenous peoples and their rights over their territories. Rights to land and natural resources are indivisible from the right of peoples to survive. Indigenous peoples emphasise that they see land in the holistic sense of all components of biological diversity in nature: water, plants, animals and the soil. For many indigenous peoples 'rights' of access also entail responsibility for careful management of natural resources. This is an evolution of the notion of rights and brings us closer to the concept used here of the 'ecology' of indigenous peoples discussed in the section on biological diversity.

## A Cultural Resources & Knowledge Management Approach

One of the limitations of a human rights approach is that it does not deal with the practical aspects of development nor decisions over economic models, differences in cultural systems or peoples relationship with the environment. If we accept that a core aspect of 'development' is the ability of people to influence their own destiny, then it is logical that we must be concerned with issues of the internal capacity of communities to organise themselves and cope with the challenges they face. One aspect of this focus involves understanding how cultural systems play a role in shaping confidence relative to other peoples and in transmitting information, values and skills between generations.

Increasingly UNESCO and other cultural agencies have been exploring ways in which culture can serve as a resource in development, fighting poverty, and empowering vulnerable peoples. The UNESCO concern grows out research that shows that human cultural diversity is being reduced by current economic systems. Globalisation of capitalism and the sociological impact of globalised information and communications technology (ICT) threaten global cultural diversity.

Normally, cultural systems reproduce themselves without any conscious efforts by the people who live in them. Parents raise children with certain value systems, teach them family ways of doing things, and in the case of indigenous peoples, instruct them on the ways of the natural world. Mechanisms include myths, story telling, geographic place names, dance, sports, and didactic teaching of certain states of mind and skills.

The problem comes when the economy or environment that supported the society is threatened and transformed. The society may adjust itself and move forward, but particularly where another society, with a different economic mode or technological capacity occupies the territory and permanently disrupts the transmission of cultural resources, there is a risk of the intergenerational system collapsing. This collapse is manifested in ethnic bias and discrimination: one group absorbs an identity of inferiority, which can lead to language abandonment, loss of identity, and frequently a loss of self-esteem, expressed through substance abuse, anger, violence and depression. Arguably, it is not feasible to invest in the economic development of a community that does not have the self-confidence and internal structures to manage the process.

Though usually the problem is economic and external (e.g. dislocation from the land, collapse of the biodiversity, of subsistence modes, etc.), the final blows often come from inside. Parents hide their identities, languages and knowledge from the next generation. This is a typical pattern for hunter-gatherer peoples who have lost their ecological niche and are swamped by

other cultures. This is the moment when they shift from autonomy to becoming an underclass.

Indigenous peoples' languages are the primary vehicle for the transmission of knowledge. UNESCO estimates that 50% of the world's languages are seriously at risk of extinction, an indicator of the real impact of globalisation (see Wurm 2001, and Krauss 1992). Evidently, with language loss goes entire systems of knowledge, including the detailed inventories of biodiversity and the systems of categorisation. Most of what is disappearing has not been documented.

It is possible to assist such communities to assess what constitutes their cultural resources. Questions that need to be considered are: What aspects of their culture / knowledge / skills / ways of living and knowing are important for their survival? How are these transmitted and what are the threats to their continuation? How can elders help youth apply old knowledge and wisdom in new economic contexts?

The challenge is to mobilise youth and elders to identify how their own culture is a resource for them. If they can analyse the process of disempowerment and loss, the next step is the conscious effort to manage their knowledge and cultural transmission systems. For some peoples this may mean going back onto the land and practising their subsistence economy where possible. It may mean negotiating with government to create new types of land security that create opportunities to revitalise their cultural resources. Or it may mean accepting the loss of their old economy but recycling their cultural resources and knowledge to enter into a higher niche in the labour market. Instead of being ditch diggers, they can instead be guides, trackers and anti-poaching squads.

A cultural approach to development allows the state and indigenous peoples to find partnerships that have an internal African focus. They emphasise pride of knowledge and shared cultural heritages. Frequently, Bantu and other African peoples have symbiotic spiritual and healing traditions with indigenous peoples. That partnership in the spiritual and ancestral realm is a relatively conflict-free space to negotiate new types of partnership.

The challenge is not to see culture as consisting of folkloric activities such as dancing and singing, but taking it to a deeper level of knowledge, skills and ways of living on the land. For indigenous peoples, a cultural approach to development can be a good starting point for creating partnerships related to land management, nature conservation and protected areas.

## An Ecological Approach

Another way of looking at sustainability for indigenous peoples is to consider the ecological context in which their cultures and livelihoods operate.

It is not a coincidence that indigenous peoples are becoming organised and visible at the same time that Africa is facing its greatest environmental threat since the last ice age. An ecological analysis of the problems and solutions of Africa's physical and cultural diversity offer important insights and new opportunities that are worth exploring.

Nettle and Romaine, in their review of endangered languages highlight the languages of indigenous peoples as 'narrow niched' (see Nettle et al. 2000). Cultures develop in certain ecosystems in such a manner that social relations, and hence languages, are specific to those conditions. Cultures maintain their distinction from one another specifically as a result of options of subsistence modes tied to ecological considerations.

With nature being threatened or overcome by changes in global economies and technology, only the deliberate actions of the state can still guarantee the environmental context within which indigenous peoples' cultures can flourish. This is not to say that cultures are static or not allowed to modernise. Cultures are dynamic and are constantly adjusting to their environmental and material settings, however, it may not be easy for hunter-gatherers or

transhumant herders to make a radical and sudden shift into a new economic mode, dominated by other people, and still maintain their autonomy and cultural coherence. The issue is choice.

State policy formulation and implementation can protect the ecological niches of indigenous peoples. The question is whether states are interested in protecting indigenous peoples' livelihoods and cultures, and what kinds of compromises are required to establish sustainable partnerships for environmental conservation.

The UN Environmental Programme (UNEP) is helping governments recognise the spiritual and cultural approaches of indigenous peoples to the environment (see Posey 1999). Greater co-operation between UNESCO and UNEP would encourage policy makers to recognise the inherent link between cultural resource management, economic sustainability (even where this is subsistence based) and the application of indigenous knowledge systems to assist with environmental conservation. The Secretariat of the Convention for Biological Diversity (CBD) and the consultative processes related to the UN mechanisms on sustainable development are all helping to raise the profile of the link between indigenous issues and the maintenance of biological diversity.

Despite these efforts, indigenous Africans have a minimal presence in the UN forums dealing with the environment and biological diversity. This is a major gap in the advocacy capacity of indigenous peoples. There is a double bind to the problem. Those people who get to UN forums tend not to be nomadic herders or hunters and gatherers. They do not have the advanced biological knowledge of others in their community. Those who *do* have the knowledge do not speak the languages required at the UN and have never operated in the policy environment. Somehow, development co-operation partners need to help make a link between the policy arena and the traditional owners of knowledge systems.

There is growing global awareness about food security and how over-reliance on cash cropping can be catastrophic when there are price swings in these food stuffs. There is some discussion about environmental conservation and mixed cropping in agricultural societies, though recent world trade agreements will work against this trend. Very few donor agencies or African governments understand how non-agricultural subsistence modes interface with the environment (see Blench 1999).

During the IPACC and NCA coordinated visit to the Yaeda Valley in 2003, Hadzabe hunter-gatherers explained how they have no memory of famine in their culture. Their agricultural and herding neighbours have suffered devastating famines caused by drought and rinderpest. Entire African civilisations have collapsed within historical times due to these natural crises; but not hunter-gatherers. Hunter-gatherers rely on a broad spectrum of foods produced naturally by seasonal cycles. They use stories and myths to pass strategically important information from generation to generation in case of sudden drought or other climatic abnormalities. The Hadzabe showed us how *in extremis* they are even able to extract edible foods from the faeces of baboons. There are digested seeds that can be roasted and ground up to make porridge (see Crawhall 2004).

An ecological approach to development allows indigenous peoples to bring their expertise into negotiations with the state and donors. Sustainability can be defined as well from below, based on millennia of experience, as well as from university-educated experts who have not grown up in nomadic and transhumant contexts.

## **Protected Areas and CBNRM**

One of the best ways of ensuring the environmental base for indigenous peoples' cultures and economy is to create partnerships for conservation, by way of protected areas or Community Based Natural Resource Management (CBNRM). Indigenous peoples' natural allies should be environmentalists and conservationists who understand the inter-relatedness of biological

diversity and how humans, in limited numbers, can be effective parts of that system. That is the theory. The practice has not been encouraging.

A shift is evident in the understanding of the indigenous peoples' issues, at least at the higher levels of the conservation world. The International Union for the Conservation of Nature and Natural Resources (IUCN) and indigenous activists have brought these issues into public forums. At the 5<sup>th</sup> World Parks Congress in 2003, in Durban, South Africa, delegates affirmed a new vision of partnerships around national parks.

IUCN has also recommended to the Conference of Parties (COP) of the Convention on Biological Diversity (CBD) that it endorse the proposed *Akwé: Kon Voluntary Guidelines For The Conduct Of Cultural, Environmental, And Social Impact Assessment Regarding Developments Proposed To Take Place On, Or Which Are Likely To Impact On, Sacred Sites And On Lands And Waters Traditionally Occupied Or Used By Indigenous And Local Communities* (see Secretariat CBD 2004).

Evidently, the major global NGOs dealing with nature conservation and protected areas have come to recognise that their work takes place in an economic, historical and social context. It is not so clear that this message has been absorbed by all parties, and notably that it does not express itself in the daily management of African national parks.

Some Maasai farmers have benefited from the creation of Maasai Mara, one of Africa's most famous national parks. Ju|'hoansi San in the area of Tsumkwe have been able to maintain their language and culture thanks to the Namibian state agreeing to the NyaeNyae Conservancy on their territory. Some Nama herders have benefited from the Richtersveld National Park being established by contract on their ancestral lands. And the Hadzabe of Tanzania have established a fragile but successful outcome by having the Yaeda Valley designated a community-run conservation zone.

Forest Peoples' Programme has documented the growing practices of community-based conservation areas in Central Africa, but also the many problems that have been experienced in the practice of these new forms of land tenure and natural resource management (see Jackson 2005 and Nelson et al. 2003).

Most indigenous peoples have been expelled from conservation areas without adequate consideration for the devastating effects on their survival or the missed opportunity of technical co-operation in conservation. Some of the displacements, such as in Botswana, have involved deliberate government intent and the use of force. Others, such as the unfolding situation in Gabon involve the government and NGOs negotiating with Pygmy communities to remain outside the national parks and to determine *condoléances*, namely compensation for the loss of territory and livelihoods. Gabon represents the newest generation of conservation work, where peoples have not been forcibly removed but are seen as part of the planning and negotiating process for creating sustainability of conservation. The Gabonese government has commissioned IPACC to propose mechanisms for creating a stronger partnership between the indigenous peoples and the management of the parks.

In Ngamiland, Botswana, San communities are now mapping the wild foods they rely on. The Agricultural Products' Board (APB) is interested in this process but there is no policy framework that helps the San and the APB jointly to conserve biological diversity as the basis of livelihoods. There is a conceptual gap that needs to be bridged within and between ministries.

South Africa has made a radical breakthrough in policy development by adopting a national examination format from Dr Louis Liebenberg, inventor of the *Cybertracker*, that assesses trackers based on their knowledge and not on their literacy or schooling. Liebenberg developed the examination based on his years of studying tracking with the !Xóó San of Botswana (see Liebenberg 1990). Now, eight ‡Khomani San have received national accreditation without being discriminated against for not having formal school qualifications. In Namibia and Botswana, guides and trackers need qualifications based on formal education, regardless of

their current competence.

The South African practice of creating national standards based on indigenous knowledge systems could be adopted in other African countries. It would affirm, valorise and reward intergenerational transmission of knowledge. It would be a first step to consolidating African learning and technology.

### **Declining biological knowledge**

Knowledge management is a growing global concern and helps overturn other prejudices. Indigenous knowledge systems are threatened by changes in the environment that hosts indigenous peoples' livelihoods (e.g. logging means less trees, therefore less bees, and less honey to eat). It is through better ecological management, recognising and affirming indigenous peoples' cultures, and active management of knowledge that these fragile and valuable systems of knowledge can continue being transmitted.

The loss of knowledge and the failure of intergenerational transmission should *not* be reduced to causes, for example: "*... as indigenous peoples become more integrated into Western society and economic systems, traditional knowledge and practices are being lost*" (see UNDP – CSOPP (2000), CBD 2003: 11). This fails to explain the causality of the sociological and ecological changes<sup>2</sup>.

Hunter-gatherer knowledge is known to be distributed throughout the society. Though knowledge is roughly distributed along gender and age lines, most information is shared with all members of the community. Hunter-gatherers, such as the Ju|'hoansi and Hadzabe de-emphasise personal skill and achievements (see Leacock et al. 1982, Lee 2003 and Madsen 2000). Community people will belittle good hunters, in part to moderate conflict and jealousy, in part to maintain a culture of complete sharing. The ego is seen as an impediment to wisdom, a principle that is reversed in Western development priorities.

The issue of how hunter-gatherers memorise and transmit knowledge is complex and important. Megan Biesele (1993) estimates that the Ju|'hoan language and storytelling could maintain up to 150 years of experience in the awareness of the community. Information is maintained to inform the band about different food available under different climatic conditions, as well as information on animal and human behaviour in different times and places.

Food and hunting stories are stitched into flexible narrative forms which relay, for example extensive knowledge of animal behaviour. The 'folk tales' are cross-referenced with the technical skills of the tracker. Knowledge is coded to be applied at different times of the day, different seasons of the year, over vast territories, in different annual climatic conditions. This is also tied to reciprocal individual and family relations of access to water resources and hunting rights. Genealogical relationships are thus important.

This reference information is correlated, through experience, stories, songs and other memory devices with the various food and water sources in the area. The San hunter or gatherer uses these memory tools to guide him or her through the desert, and to know which people manage the water in the area.

Indigenous knowledge systems are anchored in a social and environmental context. People know the land and natural resources because they live within the system and are highly dependent on effective management of the resources to feed themselves. This requires a well managed knowledge system. It is in the interests of the state to help manage, maintain and put these knowledge systems into practice. There is a mutuality of interest yet to be fully uncovered.

---

<sup>2</sup> [http://www.sdnpsbd.org/sdi/international\\_days/Indigenous-people/2004/indigenous\\_people/document/conserving\\_undp.pdf](http://www.sdnpsbd.org/sdi/international_days/Indigenous-people/2004/indigenous_people/document/conserving_undp.pdf)

## Economics & Empowerment of the Poor

A major challenge for indigenous peoples, in some ways greater than dealing with local prejudices, stems from the orientation of Western governments towards an exclusively globalised capitalist economic agenda. For 20 years, there has been a tenacious adherence to the principles that liberalising capitalism, both locally and internationally, is going to reduce poverty and create wealth by releasing more capital and entrepreneurial energy into the world's economies.

Peruvian economist Hernando de Soto is one of the leading exponents of the neo-liberal cause. He has played an important conceptual role in defining the causes for on-going urban poverty in the Second and Third Worlds.

Everyone will benefit from globalising capitalism within a country, but the most obvious and largest beneficiary will be the poor (De Soto 2001).

De Soto's concern is how to make capitalism more accessible to the poor. His argument is that systematic legal recognition of land and property rights is the basis of the capitalist system in Western industrialised countries. If the urban poor in Second and Third World countries had similar protection of property rights, they would be able to mobilise this as capital and initiate other entrepreneurial activities.

The globalised capitalist philosophy, which has some fierce opposition in the West and is often ignored in Asia, is systematically pressed upon Africa by bilateral and multilateral agreements. The debt carried by many African states has made them particularly weak in determining how much of the globalising dogma they are willing to accept.

A critique of the globalising agenda and macro-economic planning has been readily provided by Martin Khor of the Third World Network, John Ralston Saul, economic historian and philosopher and many others (see Khor 2000, Khor 2001, Saul 2005).

The concern for indigenous peoples is that some of the components of neo-liberal macro-economics are diametrically opposed to their own interests and modes of subsistence. Central to the problem is the idea that land should be privatised and that its value is its latent capital. A defining characteristic of indigenous peoples is that they have their own land ownership / management / trusteeship systems that are not equivalent to the capitalist conception of land as a commodity, land as capital or land as being privately owned.

### **Why ignore other forms of capital?**

Some indigenous peoples would like to remain entirely outside the capitalist economy. Others require a mixed economic base with some access to capital. One of the flaws in de Soto's analysis is the reductionism of seeing land as the only source of capital available to Africans. Economies have changed radically in the last century. Services, skills, knowledge and information have taken on values much greater than small parcels of land can generate. Indigenous peoples are knowledge rich; this provides them with an excellent entry point for accessing cash without alienating land.

Nature conservation on traditional territories is the obvious model for mixed economies. Like at Nyae Nyae and Nǀa Jaqna Conservancies in Namibia, indigenous people can hunt and gather but also work as guides and trackers, sell crafts, and provide services to visitors. Hunting and conservation can be natural partners if managed well.

### **Formalisation of the indigenous economy**

Norway and the other Nordic states are supporting the work of the newly formed High Level Commission on the Legal Empowerment of the Poor. The Commission is focussing on finding innovative ways to strengthen the legal situation of the poor. Undoubtedly, many poor people would benefit from having more rights and a better-organised legal system in Africa. The

chaotic bureaucracies in Africa and the arbitrary use of power and widespread corruption are a threat to everyone's well-being and ability to co-operate with the state.

Formalisation, an important aspect of De Soto's research, means that the state acknowledges the chaos and problems that its own disorganisation visits on its citizens. Rather than fighting the public through passive resistance of stagnant bureaucracies, De Soto is advising states to legalise processes, make them easier, and allow people's own creative energy to be unleashed to help them solve the problems of poverty. If we set aside the issue of land privatisation and capitalism, indigenous peoples could greatly benefit from formalisation.

As a point of departure, many indigenous peoples around Africa have stated that their greatest problem is not being recognised by the state. In many African countries, the ethnicity of indigenous groups is suppressed, denied or simply ignored. With their invisibility of identity comes an entourage of related problems. Indigenous peoples often do not have national identification cards, they are outside governance structures and have no voice in elections or administration, their economic priorities are misunderstood or ignored in the government bureaucracy, and their value systems do not inform decisions made about their territories and economic options.

If African states were encouraged by the High Level Commission to formalise the legal status of indigenous peoples these could include the following:

- New land tenure legislation should secure collective tenure of indigenous peoples over environmentally vulnerable territories. Legislation should take into account existing indigenous land management based on transhumance, and have as measurable targets the sustaining of both cultural and biological diversity
- Indigenous peoples should receive national identification cards and birth certificates at the cost of the state
- All African countries should have UN-approved census-taking which allows people to freely identify their ethnicity and language group; the census-takers should be informed by the ethnic knowledge of indigenous peoples themselves
- Indigenous peoples should receive support to map their traditional land and natural resource territories as a negotiating tool for future land management – there should be a clear manner in which different forms of ownership and usage rights can be compared to each other as well as *sui generis* solutions found that allow for a continuation of indigenous ecology
- Certification of skills held uniquely or mostly by indigenous peoples should be recognised by national governments without reference to literacy and scholastic achievement
- The hunting rights of indigenous peoples should be legalised and permitted by the state, these may be restricted to the use of traditional hunting weapons to help conserve wildlife
- National legislation should be adjusted to protect the collective intellectual property rights of indigenous and local African peoples, with an emphasis on free, prior and informed consent, plus fair benefit and profit-sharing in the exploitation of knowledge systems
- Freedom of movements across national borders should be facilitated for nomadic peoples.

Some African states are opposed to these basic measures. Their opposition stems from vested interests, prejudice, bureaucratic incapacity, ignorance, or, in some cases, racism. International pressure from the High Level Commission and advocacy by churches could be of great help.

Increasingly, African states are forbidding hunting or moving it into the commodity market and disallowing it for subsistence hunters. This is retrograde in a number of ways: Hunter-gatherers have less children and less impact on nature than agricultural peoples – better for biodiversity to promote hunting and promote careful management of equilibrium.

If the state can formalise hunting quotas and affordable licensing for subsistence game hunting (e.g. only with bows and arrows) this could immediately relieve poverty and create the groundwork for combating illicit poaching by urban meat vendors. Official monitoring, protection and gathering rights over wild foods, such as tubers, roots, medicinal plants and seasonal berries, can help to alleviate poverty, improve nutrition and monitor biological diversity.

The threats specific to pastoralists include:

- Unfair state regulation of abattoirs which means they cannot get their meat products to the urban markets without having to go through middle-men
- Loss of range lands to agricultural peoples and the destruction of those lands
- Discordance between traditional water management and state water management leading to droughts
- Government insistence on sedenterisation and enforced education for nomadic children.

Some attempts are being made in West Africa to facilitate the massive seasonal migrations of nomads across borders, but a lot more attention needs to be given to support the Saharan subsistence economies. Legal measures that would help transhumant herders include:

- Support for vaccination regardless of the country of origin
- Facilitation of identity documents and rights of cross-border movement
- Facilitation of nomadic / transhumant service provision.

## International Finance & Policy Mechanisms

### IMF & World Bank

The International Monetary Fund (IMF) and the World Bank represent two of the stalwart institutions committed to capitalist economic 'liberalisation' and globalisation. Both institutions have triggered angry reactions from indigenous peoples whose lands have been flooded by inappropriate dams, and various other major state ventures that have been enacted without consultation or consideration for indigenous peoples.

Intensive lobbying and dialogue with the World Bank (WB) has led to its adoption of Operational Directive 4.10 (which replaces OD 4.20). This requires the Bank to identify if there are indigenous peoples in the affected territory, and then requires the contracting national government to prepare an Indigenous Peoples' Plan (IPP) which will create a platform for negotiations and monitoring of the impact of the WB-funded project (see <http://wbln0018.worldbank.org/Institutional/Manuals/OpManual.nsf/0/0F7D6F3F04DD70398525672C007D08ED?OpenDocument>).

The impact of OD 4.20 / 4.10 has already been dramatic. Cameroon and Gabon have already agreed to the conditions and are developing IPPs (see Schmidt-Soltau 2005). Cameroon, which was not initially well disposed to policy on indigenous peoples agreed to the World Bank directive and recognised transhumant herders and hunting-gathering Pygmy peoples as the indigenous peoples of Cameroon. Kenya is the most recent state to consider an Indigenous Peoples' Plan.

Complying with the WB mechanism will definitely help bring indigenous peoples' issues to an unprecedented level of attention in Africa, but it does not immediately provide details on what must happen in that relationship. The problems of development paradigms, the lack of government information on the economies and cultural resources of indigenous peoples means that third party facilitation is going to be critically important. Even OD 4.10 does not mention hunting and gathering as a livelihood.

Canadian diplomats have suggested that indigenous peoples become actively involved in the preparation of Poverty Reduction Strategy Papers (PRSPs). The IMF requires Highly Indebted Poorer Countries (HIPC) to produce PRSPs. PRSPs are analytical reports on the causes of

poverty and provide monitoring on the application of macro-economic policies which are intended to transform the situation and stimulate growth. The German church lobby group (GKKE), has proposed that this mechanism be applied more widely in Africa to ensure that African countries are engaging with civil society about the situation of poverty and challenges of delivery and good governance.

In the Minority Rights Group report on the PRSP's, author Alexandra Hughes identifies problems with the reporting on minority and indigenous peoples issues. Though increasingly data is disaggregated to identify the situations of indigenous peoples and minorities, they are still not involved in the process. Moreover, governments have a tendency to rush the consultation process, which particularly in the case of non-literate communities in remote rural areas, leads to inaccurate and sometimes damaging conclusions on the part of the civil service (Hughes 2005: 3-4).

## **NEPAD, Economic Commission for Africa**

The 37th Summit of the Organisation of African Unity (OAU) in July 2001 formally adopted the strategic framework document creating the New African Partnership for Africa's Development (NEPAD). NEPAD, like most of the international economic institutions, is based on liberal capitalist economic theory. As such it has the same kinds of challenges seen in De Soto's model. The protection of rights for indigenous peoples cannot be separated from the types of subsistence economies that sustain them, which are not integrated into the capitalist economy. Economic 'growth' and trade liberalisation are either irrelevant to indigenous peoples or are a direct threat to control over natural resources (see Casel et al. 2002: 12).

## **Civil Society Capacity**

Whatever strategy is taken in solidarity with indigenous peoples it requires adequate capacity by indigenous peoples' own structures to represent themselves and to negotiate with government and other stakeholders like the World Bank, NEPAD and the UN.

There has been a dramatic increase in the number of indigenous peoples' civil society organisations over the last 10 years. However, capacity remains a major challenge. There is the contradiction that indigenous peoples, more than farmers and urban dwellers, are used to having a lot of personal autonomy and freedom. It is against their normal social systems to have a single spokesperson representing them in negotiations. People do not necessarily trust their own representatives, and sometimes the representatives are problematic, operating without mandates or without giving feedback to the communities.

Then there is the challenge of being in remote rural Africa. Communication infrastructure is weak and expensive. Distances are enormous. Relatively few people have higher levels of formal education and yet they must act as intermediaries between all levels of government and policy-making and the communities themselves.

As if this were not enough of a challenge, in some regions non-indigenous groups are claiming either to be indigenous or to represent such peoples. There was a time when no one wanted to be called a Pygmy, now it is considered an opportunity to raise money and have status!

In some regions of Africa there are serious problems with corruption in the NGO sector. Indigenous peoples can become victims of donors giving money to a few people, knowing that the money is being misspent and not demanding any financial accountability. Northern donors claim they are against corruption but the reality is that they frequently turn a blind eye, which in turn undermines the civil society organisations they are meant to be supporting.

## Conclusion

The rise of an indigenous peoples' social justice movement in Africa marks a progression in the world's culture of human rights. Indigenous peoples' mobilisation is related to the impact of globalised capitalism penetrating increasingly remote rural areas where indigenous modes of subsistence have managed to survive. Political marginalisation, itself a product of colonialism and the ethnic character of the post-colonial state, requires redress and new platforms for dialogue between States and vulnerable peoples.

Unlike minorities, the fate of indigenous peoples is closely tied to their environmental context and the maintenance of biological diversity in sensitive ecosystems of deserts, semi-arid areas and equatorial forests. Indigenous peoples' understanding of sustainability and management of natural resources raises profound questions about what constitutes 'development'. In this report, it is proposed that development co-operation needs to be based on at least three intersecting approaches: Human rights, cultural resources & knowledge management, and an ecological approach to sustainability.

Indigenous peoples challenge all of us to rethink assumptions about economics, development, and our value systems. The fact that African indigenous peoples survive in very different and diverse economic and social systems despite all of the odds is a reminder that linear views of history and development are naïve and sometimes dangerous.

The challenge in Africa is not necessarily to encourage access to a capitalist mode of production, but rather to assist states and indigenous peoples to find common points of interest to help protect Africa's environments and subsistence economies which leave a light ecological footprint. Access to cash can be negotiated while strengthening the indigenous economy and intergenerational aspect.

Privatisation of land and property represent a direct threat to the collective trusteeship of land and natural resources which is at the core of indigenous economies and belief systems. Development, in the African context, is more a question of choice and maintaining a healthy equilibrium, than enforcing one particular model of globalised economics.

Good choices and considerate management of both our natural diversity and cultural diversity will help us to be good custodians of this planet; to hand it over, better than we found it, to future generations.

# Appendix

## Acronyms

CAURWA: Communauté des Autochtones Rwandais (Community of Indigenous Rwandans)  
CBD: Convention on Biological Diversity  
CBNRM: Community-based Natural Resource Management  
CERD: UN Committee on the Elimination of Racial Discrimination  
CKGR: Central Kalahari Game Reserve, Botswana  
COP: Conference of Parties (to the CBD)  
CSOPP Civil Society Organisations and Participatory Programme (UNDP)  
DIHR: Danish Institute for Human Rights  
DRC: Democratic Republic of Congo  
ECOSOC: UN Economic and Social Council  
EU: European Union  
GKKE: Gemeinsame Konferenz Kirche und Entwicklung (Joint Church Development Conference), Germany  
GTZ: Deutsche Gesellschaft für Technische Zusammenarbeit (German Agency for Technical Co-operation), Germany  
HIPC: Heavily Indebted Poorer Countries  
ICT: Information Communication Technology  
IIFB: International Indigenous Forum on Biodiversity  
ILO: International Labour Organisation, International Labour Office  
IMF: International Monetary Fund  
IPACC: Indigenous Peoples of Africa Co-ordinating Committee  
IPP: Indigenous Peoples Programme  
IUCN: The World Conservation Union  
IWGIA: International Work Group for Indigenous Affairs  
MBOSCUDA: Mbororo Social Development Association  
MRG: Minority Rights Group, UK  
NCA: Norwegian Church Aid  
NCIV: Nederlands Centrum voor Inheemse Volken  
NEPAD: New Partnership for African Development  
NGO: Non-governmental organisation  
PRSP: Poverty Reduction Strategy Papers  
RHRC: Rwandan Human Rights Commission  
SADC: Southern Africa Development Community  
SASI: South African San Institute  
UN: United Nations  
UNDP: United Nations Development Programme  
UNEP: United Nations Environmental Programme  
UNESCO: United Nations Education, Science, Culture and Communications Organisation  
UNIPACK: United Nations Indigenous Peoples Advisory Committee of Kenya  
UNPFII: UN Permanent Forum on Indigenous Issues  
UNWGIP: UN Working Group on Indigenous Populations  
WB: World Bank  
WIMSA: Working Group of Indigenous Minorities in Southern Africa  
WTO: World Trade Organisation  
WWF: Worldwide Fund

## References

- African Commission on Human and Peoples' Rights (2005) Report of the African Commission's Working Group of Experts on Indigenous Populations / Communities. IWGIA: Copenhagen
- Ake, C (1981) *A Political Economy of Africa*. New York: Longman.
- Bahuchet, S. and H. Guillaume (1982) Aka-farmer relations in the Northwest Congo Basin. In: *Politics and History in Band Societies*, edited by Leacock, E. and R. Lee. Cambridge: Cambridge University Press: 189-211.
- Barume, K and D. Jackson (2000) *Heading Towards Extinction? The Expulsion of the Twa from Kahuzi-Biega National Park, Democratic Republic of Congo*. Copenhagen: World Rainforest Movement and Forest Peoples Programme.
- Biesele, M (1993) *Women like Meat: The folklore and foraging ideology of the Kalahari Ju/'hoan*. Johannesburg: Witwatersrand University Press.
- Blench, R (1999) Hunter-gatherers, Conservation and Development: From Prejudice to Policy Reform. In: *Natural Resource Perspectives*. No 42. Overseas Development Institute. See <http://www.odi.org.uk/nrp/43.html>
- Boonzaier, E., et al. (1996) *The Cape Herders: A History of the Khoikhoi of Southern Africa*. Cape Town: David Philips.
- Casel, G. and J. Hambrink (eds) (2002) *Africa in the World Community: Statement on the 2002 World Economic Summit held in Kananaskis / Canada*. Berlin: Joint Church Development Conference.
- Cavalli Sforza, L. L. (2001) *Genes, Peoples and Languages*. London: Penguin Books.
- Cobo, J. M. (1987) Study of the Problem of discrimination against Indigenous populations, p. Volume V, Conclusions, Proposals and Recommendations, United Nations Geneva 1987, UN Doc, p. E/CN.4/Sub.2/1986/7, para 362.
- Crawhall, N. (2001) *Written in the Sand: Auditing and Managing Cultural Resources with Displaced Indigenous Peoples: A South African Case Study*. Cape Town: South African San Institute and UNESCO.
- Crawhall, N. (2004) *African Indigenous Peoples' Workshop on Traditional Knowledge, Identity and Livelihoods*. Cape Town: IPACC.
- Daudelin, J. et al (1998) *Evaluation of the Norwegian Program for Indigenous Peoples*. Oslo: Royal Ministry of Foreign Affairs.
- De Soto, H (2000 & 2001) *The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else*. Bantam, Black Swan: London.
- Diamond, J. (1997 & 1998) *Guns, Germs and Steel: A Short History of Everybody for the last 13,000 Years*. London: Vintage.
- Dutton, S and F. Archer (2003) *The Indigenous Voice on Parks and Conservation in South Africa: Report by the Interim Indigenous Parks and People Working Group*. IPACC: Cape Town.
- Dutton, S and P. Dutton (2002) *Visit to Hunter-Gatherers in Kenya: August – October 2002*. Cape Town: Indigenous Peoples of Africa.
- Ekern S. (1998) *Development aid to indigenous peoples is an exercise in crossing boundaries*, Human rights in developing countries – Yearbook 1997. Oslo: Kluwer Law International.
- Ekern S. (2005) *Indigenous Rights and Minority Rights: Suitable instruments for resolving conflicts across ethnic cleavages?* At: <http://folk.uio.no/andreasf/ACCDIFF/ACCDIFF-SEM/Ekern-MinorityRights-EthnicCleavages.rtf>
- Fresa, L (2000) A new interpretation of the term 'indigenous people': what are the legal consequences of being recognised as 'minorities' instead of as 'indigenous people' for the indigenous people of the world? At: <http://www.studiperlapace.it/documentazione/fresa.html>.
- Hughes, A. (2005) *PRSPs, Minorities and Indigenous Peoples – An Issues Paper*. London: Minority Rights Group. At <http://www.imf.org/external/np/prsp/prsp.asp>
- Hyden, G. (1980) *Beyond Ujamaa in Tanzania: Underdevelopment and an Uncaptured Peasantry*. London and Nairobi: Heinemann Educational Books.
- IIFB (2005) *Statement by the International Indigenous Forum on Biodiversity to COP7 Agenda Item 26: Follow-up to the World Summit on Sustainable Development, the Multi-year programme of work of the Conference of the Parties up to 2010, the Strategic Plan and operations of the Convention*.
- International Alliance of Indigenous and Tribal Peoples of Tropical Forests (2005) *Indigenous Peoples, Protected Areas and the CBD Programme of Work*. CGR3 RES 08. See

iucn\_resolutionCGR3\_RES081.pdf

- Jackson, D. (2005) Implementation of International Commitments on Traditional Forest-Related Knowledge: Indigenous Peoples' Experiences in Central Africa. In: Our Knowledge for Our Survival: Traditional Forest Related Knowledge and the Implementation of Related International Commitments. Vol. 1. Edited by H. Newing. Chiang Mai: IAITPTF. Pp. 151 – 303.
- Khor, M. (2000) "How the South is Getting a Raw Deal at the WTO". In Views from the South: The Effects of Globalization and the WTO on Third World Countries. Ed. S. Anderson. Oakland: Food First.
- Khor, M. (2001) Globalization and the South: Some Critical Issues. Ibadan: Spectrum Books Limited.
- Knight, A., et al (2003) African Y chromosome and mtDNA divergence provides insight into the history of click languages. In: Current Biology, 13: 464-473.
- Krauss, M. (1992) The world's languages in crisis. In: Language, 68: 4-10.
- Lattimer, M et al (2004) 'Erase the Board' Report of the International Research Commission into crimes under international law against Bambuti Pygmies in the eastern Democratic Republic of Congo. Brixton: Minority Rights Group and RAPH.
- Leacock, L and R. Lee (eds) (1982) Politics and history in band societies. Cambridge: Cambridge University Press.
- Lee, R. (2003) The Dobe Ju|'hoansi. Third Edition. Case Studies in Cultural Anthropology. Toronto: Thomson Learning.
- Lewis, J. (2000) The Batwa Pygmies of the Great Lakes Region. London: Minority Rights Group.
- Lewis, J. and J. Knight (1995) 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.
- Lewis, J. and Knight, J. (1995) 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.
- Liebenberg, L. (1990) The Art of Tracking: The Origin of Science. Cape Town: David Phillip.
- Madsen, A. (2000) The Hadzabe of Tanzania: Land and Human Rights for a Hunter-gatherer Community. Copenhagen: IWGIA.
- Martínez, M. A. (1999) Human rights of indigenous peoples: Study on treaties, agreements and other constructive arrangements between States and indigenous populations. E/CN.4/Sub.2/1999/20; 22 June 1999. United Nations Commission on Human Rights, Geneva.
- Minority Rights Group (Asia website) (undated) The forests and indigenous peoples of Asia: Threatened people, overexploited forests. At <http://www.minorityrights.org/Profiles/profile.asp?ID=5>
- Nelson, J & L. Hossack (eds) (2003) From principle to practice: Indigenous Peoples and protected areas in Africa. Morton on Marsh: Forest Peoples Programme.
- Nettle, D. and S. Romaine (2000) Vanishing Voices: the extinction of the world's languages. Oxford: Oxford University Press.
- Penn, N. (1995) The Northern Cape Frontier Zone 1700 – c1815. PhD Dissertation. University of Cape Town.
- Posey, D. (ed.) (1999) Cultural and Spiritual Values of Biodiversity. London/Nairobi: Intermediate Technology Publications/UNEP.
- Republic of South Africa (1996) The Constitution. Pretoria: Government Printers.
- Saugestad, S. (2000) Dilemmas in Norwegian Development Assistance to Indigenous Peoples: A Case Study from Botswana. Forum for Development Studies No. 2 – 2000. At <http://www.nupi.no/IPS/filestore/FDS-02-00-Saugestad.pdf>
- Saugestad, S. (2001) The Inconvenient Indigenous: Remote Area Development in Botswana, Donor Assistance and the First People of the Kalahari. Uppsala: Nordic Africa Institute.
- Saul, J.R. (2005) The Collapse of Globalism and the Reinvention of the World. Atlantic Books: London.
- Schmidt-Soltau, K. (2005) Programme Sectoriel Forêts et Environnement: Plan de développement des peuples autochtones. Libreville: Ministère l'Économie Forestière, des Eaux, de la Pêche, de l'Environnement chargé de la protection de la Nature.
- Secretariat for the Convention on Biological Diversity (2004) *Akwé: Kon* Voluntary Guidelines For The Conduct Of Cultural, Environmental, And Social Impact Assessment Regarding

Developments Proposed To Take Place On, Or Which Are Likely To Impact On, Sacred Sites And On Lands And Waters Traditionally Occupied Or Used By Indigenous And Local Communities.

The African Charter on Human and Peoples' Rights. Geneva: UN Centre for Human Rights.

Woodburn, J. (1997) Indigenous discrimination: the ideological basis for local discrimination against hunter-gatherer minorities in sub-Saharan Africa. In *Ethnic and Racial Studies*. Vol. 20, No. 2. April 1997

Wurm, S. (1996) 2001. *Atlas of the World's Languages in Danger of Disappearing*. Paris: UNESCO.

## Recommended Readings

Barnard, A. (1992) *Hunters and herders of southern Africa: a comparative ethnography of the Khoisan peoples*. Cambridge studies in social and cultural anthropology, 85. Cambridge: Cambridge University Press.

Brody, H (2000) *The Other side of Eden: Hunter-Gatherers, Farmers and the Shaping of the World*. London: Faber and Faber.

Chatty, Dawn and M. Colchester (eds.) (2002) *Conservation and Mobile Indigenous Peoples: Displacement, Forced Settlement and Sustainable Development*

Claudot-Hawad, H. and Hawad (1996) *Touaregs: Voix Solitaires sous l'horizon confisqué*. *Ethnies* 11: 20 – 21. Paris: *Peuples autochtones et développement*.

Crawhall, N. (2003) *Recovering land and language in the southern Kalahari*. In: *Maintaining the Links: Language, Identity and the Land*. Proceedings of the seventh conference presented by the Foundation for Endangered Languages. Broome, Western Australia. 22<sup>nd</sup> – 24<sup>th</sup> September 2003. Edited by Blythe, J. and McKenna Brown, R. Bath, UK: Foundation for Endangered Languages.

Crawhall, N. (2005) *The Story of !Ui: Causality and Language Shift in Africa*. In *Creating Outsiders: Endangered Languages, Migration and Marginalisation*. Editors N. Crawhall and N. Ostler. Bath UK: Foundation for Endangered Languages.

Hitchcock, R and D. Vinding (2004) *Indigenous Peoples' Rights in Southern Africa*. Copenhagen: IWGIA.

IPACC (2004) *IPACC West Africa Mission Report: Saharan – Sahelian Indigenous Peoples in Burkina Faso – Mali – Niger*. Cape Town: IPACC. At [www.ipacc.org.za](http://www.ipacc.org.za)

Van Trijp et al (1999) *Indigenous Peoples Consultation: Report on an indigenous peoples consultation on empowerment, culture and spirituality in the community development*. D'Kar, Botswana: WIMSA and Kuru Development Trust.

Veber, H et al (1993) "...Never drink from the same cup": Proceedings of the conference on Indigenous Peoples in Africa. CDR / IWGIA Document 74: Copenhagen.

World Commission on the Social Dimension of Globalization (2004) *A Fair Globalization: Creating Opportunities for All*. Geneva: ILO.