

## RWANDA

The Batwa<sup>1</sup> population of Rwanda is known by various names: hunter-gatherers, forest peoples, Batwa (or Twa), Pygmies, *Potiers/Potters*, *abasangwabutaka*,<sup>2</sup> or a “historically marginalized people”, or “HMP”. The Batwa live throughout the country and number between 33,000 and 35,000 people out of a total population of around 11,000,000, i.e. 0.3% of the population.<sup>3</sup> They have a distinct culture, often associated with their folkloric and traditional dance and the intonation of their specific language.

Prior to 1973, when national parks were created in Rwanda, the Batwa lived mainly from hunting and gathering in the territory’s natural forests. They were expelled from their ancestral lands with no warning, compensation or other means of subsistence and they now constitute the poorest and most marginalized ethnic group in Rwanda.

Their complete lack of representation in governance structures has been a great problem for the Batwa. However, Article 82, para 2 of the Rwandan Constitution, amended by Revision No. 2 of 8 December 2005, stipulates that eight members of the Senate must be appointed by the President of the Republic, who shall also ensure representation of the historically marginalized communities. However, at the moment the Batwa have only one representative in the Senate.

The Rwandese government still does not recognize the indigenous or minority identity of the Batwa and, in fact, all ethnic identification has been banned since the 1994 war and genocide, even though the government voted in favour of the UN Declaration on the Rights of Indigenous Peoples. Because of this unwillingness to identify people by ethnic group, there is no specific law in Rwanda to promote or protect Batwa rights. Rwanda is not a signatory to ILO Convention 169.



## The 1994 Genocide 20<sup>th</sup> Commemoration

In April 2014, Rwanda commemorated the 20<sup>th</sup> anniversary of the 1994 Genocide. During the national commemoration ceremony at Amahoro Stadium in Kigali, it was mentioned only once that the Batwa were also victims of the genocide. UN Secretary-General Ban Ki-Moon stated: “More than 800,000 people were systematically killed, overwhelming the Tutsi, as well as moderate Hutu, Twa and others.” Earlier in January 2014, the Security Council adopted a resolution that officially recognized the 1994 Genocide as the “genocide against the Tutsi in Rwanda, during which Hutu and others who opposed the genocide were also killed”. This official narrative does not shed light on the Batwa, who were also

targeted during the 1994 Genocide because of their historical relationship with the Tutsi. An account of the Batwa during the genocide has yet to come to light on a national level in Rwanda.<sup>4</sup>

## **Genocide survivors**

The 20<sup>th</sup> anniversary of the 1994 Genocide highlights the continued discrimination of Batwa genocide survivors in terms of receiving the same government assistance as Tutsi genocide survivors. Article 14 of the Rwandan Constitution states:

*“The State shall, within the limits of its capacity, take special measures for the welfare of the survivors of genocide who were rendered destitute by the genocide committed in Rwanda from October 1st, 1990 to December 31st, 1994, the disabled, the indigent and the elderly as well as other vulnerable groups.”*

Not only are many Batwa survivors of the 1994 Genocide but the severe vulnerability of the Batwa as a cultural minority has been documented by numerous international organizations, including the African Peer Review Mechanism, the UN Independent Expert on Minority Issues, Minority Rights Group International, and the Unrepresented Nations and Peoples Organization. Studies consistently show the Batwa to be falling behind nationally in literacy, access to medical treatment, land ownership, mortality rates and life expectancy. The Rwandan government must take serious steps to ensure Batwa communities enjoy the same rights as other Rwandans.

## **Land rights**

### **Girinka Program**

The Girinka Program,<sup>5</sup> also known as “one cow per poor family”, has revealed itself to be inherently flawed in its implementation vis-à-vis Batwa communities, despite its benevolent intentions to help poor families develop self-sufficiency by providing a dairy cow. In order for families to be eligible for the Girinka Program, they must already own at least 0.25-0.75 hectares of land and construct a shed.

As land is an incredibly contentious issue in Rwanda, given the extremely high population density, programs that require land ownership for eligibility, by nature, exclude that portion of the Rwandan population that has no access to land. The vast majority of Batwa do not own land, nor do they have the resources to build a shed for the cow. Consultations with Batwa communities in 2014 furthermore revealed that officials at the local level were giving out the cattle in a nepotistic manner.

### **Ancestral lands**

During the 20<sup>th</sup> century, Twa communities were removed from the Gishwati forest, Nyungwe forest and Volcanoes National Park as a result of national and international conservation efforts. The Batwa, who were removed from their land under the principle of *terra nullius*, or “nobody’s land”, have yet to receive adequate compensation from the Rwandan government for the loss of their land and destruction of their culture and livelihoods, as provided for by the UN Declaration on the Rights of Indigenous Peoples.

### **Marshlands**

Furthermore, the Twa communities have been restricted in their access to marshlands, from where they obtain the clay needed to produce their traditional pottery. As pottery is a traditional occupation that is of historic, cultural and socio-economic significance in Batwa communities, the government is urged to provide an affordable alternative source of clay if marshlands are to be restricted to public use.

### **Political rights**

#### **The “Historically Marginalized” label**

Since the 1994 Genocide, the label of “Historically Marginalized People” has been used as a pseudonym for the Batwa by the Rwandan government without consultation with the Batwa, which goes against the principles outlined by UN-DRIP and the Outcome Document from the 2014 World Conference on Indigenous Peoples. The Rwandan government is requested to consult and cooperate with Batwa civil society before any policies that directly affect their livelihoods are enacted.

### **Adequate representation**

Furthermore, despite the fact that there is one Batwa sitting in the Senate, it should be noted that, over the last three years of government assignments, no Batwa have been placed in any other office. This lack of representation is extremely disconcerting as this continues a historic legacy of discrimination and exclusion from decision-making processes.

### **Continued discrimination**

There have been reported cases whereby the Batwa have been denied the right to express their concerns over their socio-economic and political rights and have been consequently accused of ethnic divisionism. One example of such abuse was reported in 2014, when a young Mutwa delegate from the Batwa-led organization, COPORWA, who was traveling to a community gathering, was arrested in Eastern Province, incarcerated and tried in court.<sup>6</sup>

It was also reported in 2014 that Batwa homes were attacked in Nyaraguru District in 2013 due to suspected thefts, although there was no evidence in this regard.

## **Housing and health issues**

### **Bye Bye Nyakatsi**

The Bye Bye Nyakatsi Housing Program<sup>7</sup> has significant problems, which the Rwandan government needs to address immediately. Although the program was developed to eliminate thatched roof housing, or “*Nyakatsi*”, in an effort to increase Rwandan living standards, the means by which this program has been implemented have been destructive to many Batwa communities. The Batwa have traditionally built and resided in *Nyakatsi* for practical reasons, such as the separation of living quarters between family members and supplies storage. The tin roofs that are provided following the destruction of *Nyakatsi* are insufficient compensation to remedy the shaken livelihoods of the Batwa. The lack of education on how to construct tin-roofed houses has resulted in collapsed housing and subsequent deaths. Furthermore, many Batwa have sold their tin roofs for money and are now living in makeshift housing or with other Batwa families. There is also

overcrowding of Batwa homes, reportedly leading to incest, rape, child pregnancies and increased exposure to disease. This lack of understanding afforded to Batwa communities by the Rwandan government in the implementation of the program has resulted in *Bye Bye Nyakatsi's* benevolent intentions being overshadowed by its dark realities.

COPORWA (Community of Rwandan Potters, an NGO working for the promotion and protection of the rights of Twa people) lobbied the Rwandan government on the *Bye Bye Nyakatsi* programme in 2011/12, and the government recognized that it had implemented the programme poorly among Twa people, promising to revise its policy. However, the problem was still ongoing in 2014. ○

## Notes and references

- 1 Batwa and Mutwa are the plural and singular forms used in Kinyarwanda to refer to the Twa people, and will be used accordingly in this article.
- 2 Abasangwabutaka is loosely translated from Kinyarwanda as "those who were on the land first".
- 3 According to a socio-economic survey carried out in 2004 by CAURWA (*Community of Indigenous Rwandans*), now known as COPORWA (*Community of Rwandan Potters*), in collaboration with the Statistics Department of the Ministry of Finance and Economic Planning. The exact number of Twa today is unknown.
- 4 Likewise, the Batwa perspective is missing from the "*Ndi Umunyarwanda*" program started in 2013 by the Government of Rwanda with the aim of telling the truth on the history of the 1994 Genocide.
- 5 The program is funded by the Government of Rwanda (2006-2015) with a view to reducing child malnutrition rates and increasing household incomes of poor farmers. These goals are directly achieved through increased access to and consumption of milk, by providing poor households with a heifer.
- 6 The reported event took place in 2012.
- 7 The *Bye Bye Nyakatsi* Housing Program was launched in 2011 with a view to eliminating insecure housing in Rwanda by 2020.

**Richard Ntakirutimana** is Twa and is the director of the African Initiative for Mankind Progress Organization.

**Bennett Collins** is a research fellow in the School of International Relations at the University of St Andrews in Scotland.