

## Batwa Land Rights in Rwanda

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### Batwa lifestyles and identity

The Batwa<sup>1</sup> forest people of Rwanda (also known as Pygmies) are recognized as having been the first inhabitants of the land. Traditionally the Batwa were forest hunter-gatherers, living throughout Rwanda. According to recent estimates, however, out of Rwanda's total population of just over 8 million people, only between 20,000 and 27,000 are Batwa.<sup>2</sup> The steady dispossession of their lands over several centuries was facilitated by their low population density, small social groups, and egalitarian culture, with values that emphasized openness and sharing. By the end of the nineteenth century, only small pockets of forest remained and most Batwa had no alternative but to become potters or agricultural labourers, working for the Bahutu and Batutsi, and living as tenants on their land. Some became hunters, scouts, warriors, spies and entertainers for local chiefs.

In the 1970s, legislation outlawing hunting further threatened the Batwa way of life.<sup>3</sup> By the 1990s, the last remaining Batwa still practising clandestine hunting and gathering were forced to the edges of their ancestral forests to make way for national parks and military training areas.<sup>4</sup> With no compensation and no alternative livelihoods, most have become beggars and landless labourers; only a small number still have access to forest resources, and much of the extensive forest knowledge once held by the Batwa is no longer being passed down from one generation to the next.

As Batwa were driven out of their forest areas, many became potters, to the extent that this craft became synonymous with Batwa ethnic identity. Men collect and carry the clay to the house, and women make and fire the pots before they are sold. Increasingly, however, modern industrial substitutes have replaced many of their clay handmade products, thus depriving them of an important source of income.

A comparison of census figures from 1978 and 1991 indicates a 40 per cent fall in the Batwa population, as opposed to a 50 per cent (approximately) rise in the population of other Rwandans. Although little research has been conducted on Batwa demographic trends, it seems likely that as well as loss of land and livelihoods, high infant mortality rates, extreme poverty and poor access to healthcare have contributed to this decline.



Impunyu forest Batwa woman and child Photo: Adrian Arbib

### The Rwandan genocide

In 1994, mass-killings resulted in the deaths of nearly one million Batutsi and moderate Bahutu Rwandans – approximately 14 per cent of the Rwandan population. The Batwa made up between 0.3–0.4 per cent of the total population and did not participate in political life, yet it is estimated that up to 30 per cent of the Rwandan Batwa, the majority of whom were men and children, were killed or died as a consequence of the genocide and ensuing war.<sup>5</sup> Many of the remaining men were imprisoned, and the majority of Batwa were displaced during the conflict. The responsibility for rebuilding homes, feeding and caring for the remaining children now falls mostly to women. Poverty-stricken women and children dominate most Batwa communities in Rwanda today.

## Marginalization and discrimination

The following factors are fundamental to the levels of on-going exclusion and marginalization experienced by the Batwa, and their continuing alienation from their traditional culture and values:

- Only 1.6 per cent of Batwa have sufficient land to cultivate,<sup>6</sup> and very few own livestock. Most are squatters or tenants on other people's land.
- Over 91 per cent of Batwa have had no formal education.<sup>7</sup>
- The Batwa's extreme poverty prevents them from participating effectively in the national economy.
- The post-1994 government has refused to recognize the Batwa as a group that is marginalized and discriminated against, and this has led to them being ignored in government programmes to provide social welfare and development services such as primary healthcare, education, shelter and clean water.

## Land rights and distribution

Rwanda has a land area of 26,338 square kilometers, and more than 90 per cent of the population depends on farming for its livelihood.<sup>8</sup> Rwanda's population density is the highest in Central Africa, with around 340 people per square kilometre, and pressures on the available land are intense. Moreover, land distribution is unequal and many rural households live in poverty. Nearly all the Batwa are landless.

Current government land-use policy and poverty-reduction strategies are concerned with supporting the majority farming community and appear to take no account of the land needs of the Batwa. The focus is on increasing agricultural productivity through improved techniques and the reclamation of unused land. Many of these supposedly 'unused' areas are marshes that provide Batwa potters with vital access to clay. Once these marshes are drained and farmed, Batwa often have to walk great distances to get clay, and many simply lose their livelihood altogether. Large areas of the Akagera National Park have been given over to the creation of farmland for returning refugees<sup>9</sup>, whereas no consideration is given to the case for allowing the Batwa hunting and gathering rights. Government policies regarding the clay marshes, and current protected-area conservation practices, discriminate against the right of the Batwa to use of traditional land and territories, and their right to operate their traditional economy.<sup>10</sup>

Another problem – affecting Rwandan smallholders in general – has been the division of land, through sale and inheritance, into ever-smaller plots, to the point that households can no longer survive by farming. In 1995, to address this problem, the government introduced a policy known as *Imidugudu*, in which small plots are combined to create larger fields, to be farmed communally by participating families, who are also provided with government housing in centralized villages. However, due to discrimination and marginalization, members of the Batwa community are rarely incorporated in *Imidugudu* projects.



The government is currently considering a new national land law, but there are no signs that this takes account of the needs of the Batwa. Indeed it may even make it more difficult for Batwa to keep what land they currently own since there is a draft proposal that would allow the authorities to confiscate land they judge to be improperly farmed. Since many Batwa are less enthusiastic farmers than their neighbours this may result in them losing their land.

## Case studies<sup>11</sup>

### Ruhengeri

The Batwa of Kiningi and Bukamba districts in Ruhengeri province have been incorporated into the local *Imidugudu* projects in their respective areas. However, their incorporation seems merely token. Each family has been provided with a plot measuring approximately 4 x 5 metres: just enough for a modest house, but with no space for a smallholding or a latrine pit. Before the 1994 genocide, each district owned land that was specifically intended for distribution to landless people. But as a result of poor management or corruption, Batwa people did not benefit. The local authorities now claim that there is no longer any land left to redistribute.

Those Batwa who had previously owned small plots lost their land in the insecurity that prevailed during the 1990s, and are now forced to survive by begging and doing odd jobs.

*'Before the Abacengezi infiltrators' time [in 1996 Hutu militia and former members of the Rwandan army launched raids into Rwanda from refugee camps in neighbouring Democratic Republic of Congo] I had about 2 hectares of land. One of*

*the leaders asked me to sell this land to him – if not he threatened to kill me. Due to the serious things happening at that time I agreed on condition he give me 90,000 FRW. He gave me a deposit of 70,000 FRW, saying the rest would come later. Until now I haven't received this. Later on this person was killed during the war [the first Congolese war 1996-97]. Now I am landless, I survive by begging and labouring for food.'*

Mutwa man aged 54, Kinigi, Nyange, Ruhengeri province.

*'The whole area called Nyabageni was our ancestral forest. There were no other people here, neither Babutu nor Batutsi. But now not even one Mutwa is said to own any land. The Babutu have taken all our land by force. We have presented our case to the authorities and even judicial institutions, but all in vain.'*

Mutwa man aged 26, Kinigi, Nyabageni, Ruhengeri province.

Many households in these communities were forest-dwellers, locally known as Impunyu, living from hunting and gathering wild produce, and working for their neighbours in the high-altitude volcano forests. Since the 1970s, the Impunyu Batwa have been forced to leave their ancestral forests to make way for protected areas for mountain gorillas. They have received neither compensation nor alternative means of livelihood.

#### Umutara

Many Batwa of this province were repatriated from Burundi, Tanzania and Uganda after the 1994 genocide and, like other returning refugees, were given 2 hectares of land per household. The Batwa in this province have poor knowledge of farming techniques, and lack of success has forced some families to sell off parts of their plots; most of these families now live in abject poverty, and very few of their children go to school.

Despite there being good examples of *Imidugudu* villages in this province, no Batwa are settled in them. As in other provinces, it appears that Batwa remain discriminated against.

*'I own cattle like others, but when my children go to school they face serious harassment from other pupils. Even when I send my children to fetch water they are forced to wait until all the others have taken water before they are allowed. This is done as a sign of our stigmatization.'*

Mutwa man aged 50, Mutara province.

#### Byumba

In Byumba province no Batwa household has sufficient land to support itself by farming; many have no land at all. The Batwa who live there are obliged to travel long distances up and down difficult terrain to look for odd jobs and to beg.

*'I'm a mother of five children. As you know, we mothers are the ones in charge of the family and home, but we don't have*

*land to support and cater for our families. When you are landless and a Mutwa, life is very hard. For everybody land means life. As forest people that no longer have any space for hunting and gathering we suffer so many problems, and yet somehow we have to live.'*

Mutwa woman aged 40, Byumba province.

The Batwa face acute problems in this province. Due to illiteracy, discrimination and fear of violence, many do not approach the local authorities to claim their basic rights.<sup>12</sup> The Batwa are unable to benefit from land redistribution as the Bahutu and Batutsi are.

#### Gisenyi

Some of the problems of Batwa in Gisenyi province are similar to those of Batwa in Ruhengeri province. Until relatively recently, local Batwa were forest-dwellers or Impunyu, hunting and gathering in the Gishwati forest, but they were expelled without notice, and the government did not offer them any other land to settle. As a result of the dramatic reduction in their access to food, and forced to live by begging, these Batwa experienced such severe hunger and poverty that many died.

*'I don't have land, only the area covered by this small house. My only way of earning a living is through begging. My house was built with support from the Seventh Day Adventist Church at Mudende University. We Batwa here were greatly affected by the 1994 genocide and war. If we could have equal access to land like the Babutu and Batutsi, I hope we could live as well as they do.'*

Mutwa man aged 36, Gisenyi province.

#### Conclusion

Batwa have not benefited from existing legislation regarding land rights; they continue to experience discrimination and their rights remain vulnerable. The situation of the Batwa means they are likely to require more support than other citizens to claim their rights to land, and Batwa women – many of whom are alone in running households – should also have the right to claim land. As this study illustrates, Batwa have been driven off their lands without compensation, or the prospect of alternative livelihoods. It is crucial that the Batwa are allocated lands which allow them to preserve their culture and values, and that mechanisms are in place to ensure they cannot be dispossessed of this land in future.

#### Notes

- 1 Bantu conventions indicating plural and singular are used in this study. 'Batwa' indicates the plural, and 'Mutwa' the singular.
- 2 Lewis, J. and Knight, J., *The Twa of Rwanda. Assessment of the situation of the Twa and promotion of Twa rights in post-war Rwanda*, Copenhagen, World Rainforest Movement and International Work Group for Indigenous Affairs, 1995, and interview with CAURWA, 1999.
- 3 Legal decree of 26 April 1974.
- 4 Gishwati forest was turned into a park, ranch and agricultural project. Nyungwe forest became a military training area and national park.
- 5 Lewis and Knight, op cit.

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## Recommendations

1. Greater action should be taken to ensure that the right to equality and to non-discrimination for the Batwa is secured in law and in practice. The Rwandan Human Rights Commission should elaborate a public education strategy to combat systemic discrimination against the Batwa.
2. The Rwandan Government should ensure that the land rights issues faced by the Batwa are addressed effectively through the implementation of the new national land laws. The particular culture and livelihoods of the Batwa should not prejudice their equal rights to land and territories. Land belonging to Batwa women and men must be clearly demarcated, officially registered and effectively monitored to ensure Batwa are not dispossessed of this land in future.
3. Reforms to education and health sectors envisaged by the Rwandan Poverty Reduction Strategy Paper (PRSP) should take appropriate account of the rights and needs of the Batwa communities. Batwa participation should be sought in the elaboration of new policies in these sectors. Particular attention should be paid to ensuring increased enrolment of Batwa in all levels of education and adult education, including increased enrolment of Batwa girls and women.
4. International development agencies operating in Rwanda should elaborate programme activities in cooperation with Batwa communities to support them to overcome their situation of extreme poverty. Particular emphasis should be placed on supporting long-term skill training, education and advocacy, and on legal support for Batwa men and women.
5. Community action planning initiatives, such as the *ubudehe*<sup>13</sup> scheme and *Imidugudu* projects, should be monitored to ensure equal participation of Batwa families.
6. Displacement of Batwa communities from protected areas should be avoided, and past displacement should be compensated appropriately. The contribution of the Batwa to sustainable forest management should be utilized fully, in accordance with their traditional knowledge and right to use of traditional territories and lands.

6 Ibid, p. 38.

7 *Visites et Recensement des Familles 'TWA' par l'Association pour la Promotion des Batwa (APB)*, Rwanda, APB, 1997.

8 Master Plan of Poverty Reduction Studies and Research in Rwanda 2001-03 Mid-Term Report.

9 Ministerial advice of 29 July 1997 by which the land area was cut from 267,000 hectares to 64,000 hectares.

10 African Charter on Human and Peoples' Rights Article 22.1; International Covenant on Economic, Social and Cultural Rights, Article 6.1; International Covenant on Civil and Political Rights, Article 27.

11 The following section is based on primary research conducted by AIMPO in Batwa communities in Rwanda, February–March 2002.

12 These rights are set out in various international legal instruments and regional legal standards such as articles 2, 5, 9, 13, 14, 17, 19, 22 and 28 of the African Charter on Human and Peoples' Rights, to which Rwanda is a party.

13 *ubudehe mu kurwanya ubukeme* is a scheme outlined in the Rwandan PRSP (June 2002) for project planning and implementation at the local (*cellule*) level.

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