

FORUM CONFERENCE 2009

Violent conflicts, ceasefires and
peace accords through the lens
of Indigenous Peoples



REPORT



Forum for Development Cooperation with Indigenous Peoples

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Violent Conflicts, Ceasefires and Peace Accords through the Lens of Indigenous Peoples

Preface

This is the report for the 10th annual Forum for Development Cooperation with Indigenous Peoples, which commenced the 21st-23rd of October 2009. The Centre for Sámi Studies hosted the conference at the University of Tromsø, Norway. This year's conference topic addressed the human consequences of violent conflicts, ceasefires and the implementation of peace accords through the lens of Indigenous peoples. Speakers for the 2009 conference came from India, Bangladesh, Mali, the Democratic Republic of the Congo, Ethiopia, Guatemala, and the US and included academics, representatives of Indigenous organizations and NGO's, as well as government officials.

The Centre for Sámi Studies is the coordinating institution for the Forum for Development Cooperation with Indigenous Peoples. It was established in the year 2000 to provide a meeting place for academics, representatives of Indigenous organizations, NGO's, students and others interested in Indigenous issues. The Forum receives financial support from NORAD (Norwegian Agency for Development Cooperation).

The Forum board consists of the following: Tone Bleie, (Chair), Georges Midré, and Jennifer Hays from the University of Tromsø; Mange Ove Varsi, *Gáldu* (Resource Centre for the Rights of Indigenous Peoples); Geir Tommy Pedersen, Saami Council; Rune Paulsen, Rainforest Foundation Norway; Axel Borchgrevink, NUPI - The Norwegian Institute of International Affairs; and, Espen Wæhle, IWGIA - International Work Group for Indigenous Affairs. Terje Lilleeng, Centre for Sámi Studies, is the administrative coordinator.

This report includes both manuscripts and summaries of the conference proceedings. Forum conference reports, as well as news and updates about Indigenous issues and upcoming events can be found on the website:
<http://www.sami.uit.no/forum/indexen.html>

Ellen Marie Jensen
Centre for Sámi Studies

Tone Bleie
Forum Advisory Board Chair

Opening

Deputy Chair Marit Myrvoll, Centre for Sámi studies, University of Tromsø

Bures boahtin!

It gives me great pleasure to be able to welcome you all to Tromsø, to the University and to the annual Forum Conference. A special welcome to all of you who have traveled from afar to come here and share your knowledge and experience with us. There will be speakers from several continents on this year's program; a warm welcome to our national and local contributors and participants as well.

This is the tenth time the Forum Conference is being held, so we are having a minor milestone anniversary this year. The Forum for Development Cooperation with Indigenous Peoples is financed by NORAD (The Norwegian Agency for Development Cooperation) and this enables the Forum to hold this conference every year.

In the course of the past ten years, the conference has become an important venue and meeting place for researchers, people working in the field of development and Sámi organizations active in cooperative projects with indigenous peoples in the southern hemisphere. The aim of the Forum is to contribute to strengthening Norwegian aid policy towards indigenous peoples and, as such, the conference is an important venue for raising and discussing issues of vital concern to indigenous peoples. Today's challenge is to ensure that important and constructive suggestions from the conference reach policy-makers and thus make a difference for those in need of assistance. Conference topics have spanned a wide range of concerns, but all have focused on indigenous peoples, whatever the subject of debate has been—be it competence building, the UN system, migration and urbanization, political and cultural rights, natural resources or climate change. All the time it has been a permanent concern to clearly demonstrate to what end and how indigenous people themselves have been involved and empowered in political processes that concern themselves.

The focus of this year's conference will be on violent conflicts, cease-fires and peace treaties. This is a reality that is unknown to us living in Sápmi. We are not engaged in a rights debate where our arguments are met with soldiers and weapons, and where killings, rapes and pillaging of our homes are common. Nonetheless, we cannot turn a blind eye to the fact that these things are happening. It is an everyday reality for many indigenous people across the world. Indigenous people have become vulnerable as a group due to the appetites of governments, hungry for territories and natural resources. Thus, there is ample reason why the UN Declaration on the Rights of Indigenous Peoples emphasizes, even in the preamble, that areas inhabited by indigenous people must be demilitarized.

That we Sámi live in a peaceful corner of the world makes it all the more incumbent upon us to put these issues on the agenda. During this conference, we will probably hear stories that we find shocking. It may seem unbearable to have to listen to such stories but then we have to bear in mind: it is worse to have to experience it. We owe it to all who have to live with the consequences of violent conflicts, to become engaged in a constructive

manner in order to put an end to it. The goal must be a predictable, safe, and dignified life for all.

With these reflections, let me one more time welcome everyone to the conference. I hope you all will have an enjoyable and rewarding stay. Before I call the Chair of the Forum, Professor Tone Bleie, I cannot let the moment pass without thanking the Forum Board for their commitment. I also want to thank the administrative staff at the Centre for Sámi Studies, led by Terje Lilleeng who has the day-to-day responsibility during—and for the following-up work between—the conferences. Many thanks to all of you!

It is a great pleasure to wish everyone a good conference!

Opening

Tone Bleie, Chair, Forum for Development Cooperation with Indigenous Peoples

I'd like to extend a warm welcome to our dear participants of the 10th annual Forum for Development Cooperation with Indigenous Peoples Conference here at the University of Tromsø.

This year's conference has a focus on violent conflicts and their trajectories in ceasefires, in peace accords—and beyond—when the guns have silenced. Peace accords are preceded by the often very difficult road to implementation, which often includes disarmament, demobilisation, and reintegration (DDR), resettlement of refugees and internally displaced persons (IDPs), reconciliation and development efforts. All processes like these are interdependent and their positive reinforcement or inherent contradictions are of critical importance for whether a peace process falters—with a possible lapse into hostilities—or a peace process gains strength and becomes enduring.

This conference addresses these themes through the lens of indigenous peoples. Indigenous societies have throughout pre-history and history often preferred peaceful means of mediation and defence—or withdrawal into less accessible territories—rather than using violent means when seeking active encounters with intruders, invaders and oppressors. The current responses of indigenous women, men, and children cover a whole spectrum of non-violent and violent means of resistance and pre-emptive action. The spectrum of non-violent means include civil disobedience and the increasing use of international and national law, not least of which is the growing collective body of indigenous rights. Some of our guests and speakers at the conference include outstandingly brave indigenous civil society leaders and civil servants who engage in peaceful ways with the state, non-state actors and the affected communities.

The modern historical era of colonial and post-colonial industrial and post-industrial expansionism is characterised by massive encroachment into indigenous lands and territories and mass violence and death, including genocide. Occupations were accompanied by the overthrow, collapse or cooption of indigenous governance institutions. Colonial policies were divisive and often pitted groups against one another—some were given privileged access to the colonial state at the expense of others. State borders were arbitrarily drawn and brought mass migration, mostly of an involuntary nature. The new nation-states following the colonial period have often perpetuated or even reinforced discriminatory policies and state institutions and dismissed justified claims for recognition and self-determination, paving the way for militant actions. The circulation of small arms adds a new lethal force to many conflicts. These are some of the factors that form the background for today's world of strife over valuable and scarce natural resources and heavy militarization in indigenous territories and lands engendering violent conflicts. Some of them are among the world's most long-lasting (the Naga movement in North East India) conflicts and involve both state and non-state indigenous groups and different indigenous-led militant groups or fractions.

Since the 1990s, the international and global security and humanitarian focus has increasingly been selective on some (sub)regional conflicts in Central Asia, West-Africa, Central Africa and the Horn of Africa, and the Middle East, and the so-called War on Terror has, in many respects, reinforced a selective security focus. The increasing role of the UN in peacekeeping operations has implied a large number of combined UN-operations, which are often characterised by rapid interventionism, wherein Reintegration is “the step-child” of the two. Many low intensity conflicts (state-based— where the government is one of the warring parties) and non-state conflicts (between ethnic groups or indigenous groups) are hardly known to us policy-makers, researchers, or leaders of Sámi and other indigenous organisations.

The media coverage of the mass displacement of Santals in 1996 in the North-Eastern Indian State of Assam has been scant. Of the 250,000 Santals originally displaced, many of them remain displaced today. There is hardly any attention given to the fact that the Chittagong Hill Treaty has its 12th anniversary this December and remains unimplemented (it was signed between the erstwhile government of Sheikh Hasina who recently again became the Prime Minister of Bangladesh and the indigenous Jumma guerrilla group PCJSS). There is hardly any attention in our media paid to the Tuareg insurgency in Mali and Niger and that the indigenous ADC rebel group—long resistant to the 2006 Algiers Peace Agreement— finally signed a deal in August, also pledging support to counter-terrorism efforts against Al-Qaeda. While we have gotten massive media attention on the ethnic (Hutu-Tutsi) dimension of the extremely deadly and complicated sub-regional conflict in Democratic Republic of Congo, Zaire, Burundi and Rwanda – there is hardly any attention to the plight of the indigenous Twa—who were also victims of the 1994 genocide.

Why is our media so selective? Is the cynical truth that the mass media is too uncritically following the focus set by the internationally dominant political and military players? It is true enough that the governments are overzealous in restricting free media coverage and movements into non-peaceful areas and especially administered states, but there is currently almost always some information to act upon—given by local human rights groups with international outreach and by international indigenous-rights focused organizations.

This year, the Forum has chosen to highlight some of the many no-war, but still no peace, situations where indigenous rights continue to be violated. But we will also address the encouraging case of Guatemala, with its indigenous led-government—a situation the Forum has highlighted in a number of conferences. The situations highlighted in the main presentations cover three subthemes:

- the Santal-Bodo situation in Assam, India;
- former hunters & gatherers—pastoralist conflicts in the Tsumkwe Region, Namibia;
- hunters and gathers – pastoral conflicts elsewhere in Southern Africa and in Eastern Africa;
- the post-war situation in Guatemala;
- indigenous situations in Bangladesh;

- the Tuareg's situation in Mali and Niger;
- the Twa's situation in South-Kivu, DR of Congo.

I wish to conclude here and again wish you all a very warm welcome to two days of proceedings on some highly pressing and important indigenous rights agendas.

Subtheme 1: *Unknown sufferings: perpetrators and victims of violence and its invisibility*

Bodo-Santal conflicts in Assam: the evil designs, silent sufferings and the process of reconciliation

Tonol Murmu, a Santal and the Executive Secretary of AISWACS (All India Santal Welfare and Cultural Society)

Johar and Greetings from All India Santal Welfare and Cultural Society (AISWACS)!

Santals in North-East India

AISWACS (All India Santal Welfare and Cultural Society) represents the Santal people, one of the major indigenous communities of south Asia. Today, the Santals are facing a multitude of problems, vis-à-vis the ethnic cleansing of Santals by the Bodo tribe in Assam, a systematic suppression of the Santal self-governance system by the State, and Maoist extremists in West Bengal, and the large scale land alienation and displacement due to mining in Jharkhand. We are thankful to the organizers of this forum conference for providing us an opportunity to speak about: *The Bodo-Santal conflicts in Assam: the evil designs, silent sufferings and the process of reconciliation*.

The Santals are a peace-loving people, to be found in various central and eastern states of India, alongside neighbouring Bangladesh, Nepal, Bhutan, and Myanmar. During the British occupation of India, many Santals along with other central Indian Adivasis were taken to Assam to work as indentured labourers in the Tea Plantations. With the passage of time, Santals not only worked in the Tea Gardens but spread out to various parts of Assam and North-East India, pursuing agriculture for livelihood with a moderate success.

There was a time when Santals and local ethnic communities like Bodos, Garos, Rabhas, Tiwas, co-habited peacefully and cordially, even inter-married into each other's communities. In fact, it is a Santal religious organization (SMNC), which set up schools at Grahampur and Haraputa, where the Bodos had their first access to modern an education system. However, things did not remain this way.

After the partition of India, an influx of refugees into northeast India from the erstwhile East Pakistan (now Bangladesh) went ahead unabated. The infiltration increased manifold after the creation of Bangladesh in 1971. These economic migrants not only gradually captured the tribal lands, but also invited and encouraged their relatives across the border to do so. The land hungry foreigners made deep inroads into the fertile tracts in the tribal territory, which resulted in un-precedent redistribution of the tribal population. Before independence, the Bodos were extensively distributed in various districts of Assam, but

unable to compete with the wily Bengali settlers, now the Bodos were gradually squeezed into the northern districts of Assam.

In recent decades, this foreigner influx was compounded with internal migration that took place from various states and this had a debilitating effect on availability of land and habitat for the tribal people as a whole and particularly for the Bodos. This ever-escalating process was perceived as a 'threat' to the Bodo identity, culture, and landholding pattern.

Bodo Movements

The Bodos initiated a stream of movements and agitations in the late-1960s, on the issues of the dispossession of their tribal lands by Bengali and Assamese settlers, as well as neglect of the Bodo language and culture. Kokrajhar, and parts of the Goalpara districts, are the focus of Bodo discontent. They demanded the inclusion of the Bodo language as an official language of Assam and as the medium of instruction in their schools, and followed this up with a movement for their own script in 1972.

The All Bodo Students' Union (ABSU) had existed since 1967, but emerged as a potent representative voice only in the 1980s. Until the eighties, the Bodos were content to demand an autonomous council along the lines of the other hill tribes of Assam. After having been unsuccessful, from 1987, the Bodos started demanding a separate State within India. The demand for a separate state 'Udayachal' was first put forward by a Bodo regional party, the Plains Tribes Council of Assam (PTCA). In 1988, the National Democratic Front of Bodoland (NDFB) was founded with the purported objective of securing a "sovereign Bodoland" in the areas north of the river Brahmaputra.

Partially acceding to the Bodo demand, the Assam Government declared the Bodoland Autonomous Council (BAC) on 20th February 1993. The BAC covers nearly 2,300 sq km in Kokrajhar, Bongaigaon, Barpeta, Nalbari, Darrang, Mangaldai and Sonitpur districts on the northern bank of the Brahmaputra in Lower Assam. Bodo leadership wanted 515 more villages to be included in the BAC over and above the number agreed to by the Government, so that the area remained contiguous.

The State Government took the position that these villages could not be given away as Bodos constituted less than 2 per cent of their population. The Guwahati High court also directed the State Government not to include any village in the BAC area in which the tribal people formed less than 50 per cent of the population. The mainstream political parties also expressed the apprehension that under the provisions of the BAC accord, the non-Bodo communities such as Bengalis, Santals, Oraons and Rabhas, who formed more

than 50 per cent of the population in the BAC area, would be reduced to second class citizens. They demanded that adequate safeguards for non-Bodos living in the BAC areas must be incorporated in any negotiated settlement of the Bodo issue. They felt that the Bodo leaders must remove the apprehensions among non-Bodos as their democratic rights may be curtailed under the BAC and that the Bodos and Non-Bodos will have equal status in all matters under the BAC set-up. Consequently, five years after the Bodoland accord was signed, nearly all influential Bodo groups, including the ABSU, which were signatories to the agreement, resumed the movement for a separate state.

Movement for Bodoland

Soon the extremist Bodo elements demanded that “Bodoland” be “liberated” and went ahead with a brutal plan of attacking non-Bodo communities. Tension escalated when non-Bodos in the BAC region objected to being included in the territory. Today, the slogan of the Bodo militants is: “Liberated Bodoland is for Bodos alone” or “Divide Assam Fifty-Fifty.”

However, the geographical distribution of the Bodos is such that they do not constitute numerical majority in more than one district of the BAC area. Demographic homogenization of the tribe became an important issue over claims to statehood and the Bodo tribe set before itself a task of evicting non-Bodo groups in the areas of their proposed state. The provision regarding 50 per cent Bodo population villages, is generally believed to have encouraged the Bodos to attempt ethnic cleansing—driving out the non-Bodos so as to convert vast stretches into Bodo majority areas and thereby getting them included into the Bodo council and widening its territory.

Ethnic Cleansing – the genesis and the carnage

The ethnic cleansing started with large-scale attack on Muslims of Bengali descent in October 1993. These migrants, mostly peasants, had taken over land throughout Assam, initially causing displacement of ethnic Assamese and the tribal peasantry. This continued in 1994 and resulted in the massacre of around 100 Muslims, mostly women and children, and some 20,000 were displaced in the Kokrajhar and Bongaigaon districts. In 1995-96, Bodo militants started attacking the Bengali Hindus and finally in May-June 1996 launched massive attacks on the Adivasis throughout western Assam. More than 300,000 people were displaced, and around 250 people were killed in the ethnic riots that began on the 15th of May 1996 and continued sporadically until the end of that year.

The radical elements within the Santal population responded by forming such rag-tag armed groups with scary names such as the Adivasi Cobra Militants of Assam. The Cobra rebels began by snatching arms from the police and the paramilitary troopers, and after

this initial outbreak, conflict between the two ethnic groups became a regular feature in western Assam. In 1998, the violence intensified just when some of the displaced people were returning home. Thousands fled their villages again, exacerbating the displacement. After 1993, the Bodos have systematically targeted the non-Bodo communities in the four districts they see as forming the core of their separate homeland.

Amidst mounting tension, thousands of villagers fled their homes. Over 70,000 people, including Bodos, Santals, and Oraons had taken shelter in 28 relief camps. The worst affected villages were Ranipur, Dalgaon, Sidlijora, Amguri, Jampukhuri, Sapkata, Bhanpur, Saraibil, Gansilla and Lakhiguri.

On the 25th of July, 1998, Bodo militants hacked to death eight Santals at the Saraikhola relief camp in Kokrajhar district. In retaliation, Santal militants, armed with machetes and bows and arrows, attacked the twin villages of Moinapur and Diamaguri and killed twelve Bodos.

The second phase of violence began with the killing of Adivasis Seva Samity (ASS) General Secretary Satin Soren and his four-year-old son by militants of the National Democratic Front of Bodoland (NDFB) on the 6th of September, 1998. In retaliation for this, Santal militants burnt 109 Bodo homes in Bolamguri and Sindhrijhora villages, and razed thirty-five houses in Sapkata village on the 10th of September. Bodos attacked a relief camp at Balagaon in Gosaigaon subdivision and killed an Adivasi woman. They also burnt 190 Santal homes, in Koksaguri, Surendrapur and Sobkakat villages in the subdivision, on September 13th. On September 15th, extremists belonging to the NDFB, armed with guns and sharp weapons, swooped down on the Ranipur-Dalgaon area, inhabited by the Oraon tribal people, and killed fourteen persons. The militants then attacked several nearby villages and killed seven Santals and twenty-three Oraons. Four Bodos lost their lives in the violence.

On the 15th of September 1998, NDFB insurgents killed fourteen Santal Adivasis (tribals) in Gosaigaon subdivision of Kokrajhar district.

On September 15th, eight people were killed and over 500 houses were burnt as Bodos and Adivasis clashed in the Bodo-dominated Gosaigaon subdivision of Kokrajhar district. Of those killed in the violence, four were Bodos, seven Santals, and thirty-seven Oraons.

Thousands of Santals have been murdered by the Bodos during this ethnic cleansing, and more were lost, never to be heard from again. Not a single body of the slaughtered forty-eight villagers of the Chikadani village under Kachugaon PS was recovered and the police also declined to record it when approached by their relatives. According to reports

in the newspapers, the ethnic conflicts in the area had left over 1,200 persons dead in the year 1998; however, the police quotes that the figure is at 300 dead persons only.

Internally Displaced Persons (IDPs) and their conditions in Relief Camps

The displaced population included an estimated 87,000 ethnic Santals in Assam (including 7,000 newly displaced in 1999). Most of the Santals became displaced in 1996, when ethnic Bodo insurgents attacked them. During 1997, most of the displaced Santals and all of the displaced Bodos returned to their homes. However, the Assam state government prevented many Santals from doing so, claiming that the land the Santals had lived on was in a “national forest.” Further Bodo attacks in May 1998 displaced another 25,000 Santals, bringing the total displaced at the end of that year to some 80,000.

Bodo-Santal conflict erupted again in mid-1999. On May 30th, Bodo militants abducted fourteen Santals from a village in Dhubri District. The bodies of four of the Santals, including a six-month-old baby, were later found in nearby woods. On June 2nd, Bodos burned down twenty-seven houses belonging to Santals in a village in Bongaigaon District. According to The Statesman (India), some 7,000 Santals subsequently fled their homes in search of safety.

On the 8th of November, 2000, eight civilians, including seven from the non-Assamese community were killed by suspected NDFB terrorists. On the 25th of November 2000, eight woodcutters were killed by NDFB terrorists in the Lung Sung forest reserve.

The Bodo-Santal conflict resurfaced in 2004, leaving 37,000 displaced.

Government statistics show that in the Bodo-Santal clash of 1996, the number of families displaced was 42,214, which adds up 202,684 persons. The majority are Santals. In the 1998 clash, 48,556 families were displaced, comprising a population of 314,342. Hence, within a span of two years, nearly 550,000 people were living in camps at some point and about 44,000 of them were children.

Aftermath

While some people have returned to their original homesteads, there are still about 23,000 families, termed as Encroachers, who have not been able to resettle in their original habitats. Children have grown up in the most abysmal conditions and women have often been seen to venture out of the camps to earn something. Food and other amenities are grossly inadequate.

- 🕒 In May 1996, more than 250,000 persons were displaced because of Bodo large-scale attacks on ethnic Santals.

- ⌚ In 1997, the majority returned home, but were forced to flee after renewed fighting during 1998.
- ⌚ While thousands returned to their homes, retaliation from Santals and other non-Bodo communities has, in turn, resulted in significant displacement of the Bodo population from areas where they are a minority.

More than 230,000 people remain displaced (the Government says 110,000)

RELIEF CAMPWISE INMATES POSITION OF KOKRAJHAR SUB-DIVISION FOLLOWING THE ETHNIC VIOLENCE OF 1996-1998 (30 April 2003).

Year of Riot	Name of Relief Camps	Community	No. of Families	Total persons
1996	1. Joypur	Adivasi	263	1551
	2. Bishmuri	Adivasi	145	589
	3. Deosri	Adivasi	643	3570
		Sub-Total	1051	5710
1998	1. Vetenary Complex, Bengtal	Adivasi	97	528
	2. Jaypur (A)	Adivasi	1880	9832
	3. Amguri	Adivasi	425	2600
	4. Bhumka-Maligaon	Adivasi	73	382
	5. Jaypur (B)	Adivasi	753	4240
	6. Santipur	Adivasi	246	1406
	7. Deosri (B)	Adivasi	271	1364
	8. Bishmuri (B)	Adivasi	365	1745
	9. Ranikhata & Bhurpar	Adivasi	967	5595
	10. Serfanguri	Bodo	237	1571
	11. Bishmuri-Mahendrapur	Bodo	815	6066
	12. Bashbari	Bodo	167	1270
	13. Diglipara	Bodo	369	2684
	14. New Laoripara	Bodo	186	1261
	15. Amguri (Bodo & Rabha)	Bodo & Rabha	145 24	999 142
	16. Athiabari-Tiniali	Bodo	56	370
		Sub-Total	7,076	42,055
		Grand Total	8,127	47,765

INMATES POSITION OF RELIEF CAPMS AFTER PAYING OF REHABILITATION GRANT UNDER GOSSAIGAON SUB-DIVISION (30 April 2003).

Sl.No.	Name of Relief Camps	Community	No. of Families	No. of persons
1.	Sapkata	Adivasi	3058	14858
2.	Sapkata (Enchroacher)	Adivasi	1057	1726
3.	Habrubil	Adivasi	620	2264

4.	Bhadeyaguri	Adivasi	1677	6215
5.	Kachugaon	Adivasi	4917	26851
6.	Kachugaon (Enchroacher)	Adivasi	378	1998
7.	Nabinagar	Adivasi	105	680
8.	Teliapara	Adivasi	424	2499
9.	Matiajuli	Adivasi	147	908
10.	Garufela	Adivasi	1455	6125
11.	Panbari	Adivasi	443	1823
12.	Balalgaon	Adivasi	1542	8999
13.	Bashbari	Adivasi	104	651
14.	Singibil	Adivasi	40	200
15.	Satyapur	Adivasi	55	300
16.	Jaymagaon	Adivasi	955	5780
17.	Bhaoraguri	Adivasi	80	348
18.	Srirampur	Adivasi	402	2374
19.	Mokhrabil	Adivasi	318	1332
20.	Hakma	Bodo	343	1150
21.	Bairal	Bodo	814	3212
22.	Saraibil	Bodo	475	3785
23.	Jaraguri	Bodo	230	1222
24.	Kashibari	Bodo	314	2195
25.	Hatidura	Bodo	40	215
		Grand Total	19,993	101,660

Many Santal families have taken shelter in the camps, and there has been no effort to rehabilitate them for over thirteen years. Many people have died here of diseases ranging from diarrhoea, malaria, typhoid and jaundice. Nothing is available at the government dispensary. A tragedy of immense proportion is in the making in these refugee camps, where women and children live in unhygienic conditions. The number of deaths in these camps is now larger than the mortalities associated with the attacks by the Bodos.

In Deosri camp in Chirang District, 126 families who arrived later in the camp following the second wave of violence have never been listed. This is despite the repeated appeals by the families and by camp leaders to the authorities.

In May 2006, a survey of twenty-five IDP camps in Kokrajhar in Assam state found that nearly 200,000 people were living in the camps without adequate food. Rations were provided for only ten days per month, compelling people to eat snails, insects and wild plants. The state government had only provided a limited number of eating utensils, so four IDPs had to share a plate consequently; a large number of children were suffering from malnutrition.

Food: In the name of relief, district administration is providing the Adivasi refugees only rice for ten days in a month—600 grams for each adult and 400 grams for each child. However, this insufficient food aid also arrives sporadically. To supplement food rations, which are adequate for at most ten days a month, they are compelled to consume snails, insects and wild roots and plants. Pregnant women, children, and the elderly suffer the highest health risks in the camps. Children are suffering from tremendous malnutrition and the elderly look sick due to the lack of two square meals a day. In early May 1998, residents of Kachugaon camp, who had gone without food aid for seven days, took food by force from a local merchant. The next day, the police came to the camp and fired into the gathered crowd, killing three of the displaced and injuring seven others.

Drinking water: There is a lack of clean drinking water. Though the government provided tube wells in some of the camps few years back, but most of these are presently not in working condition and others are in very unhygienic condition. The inmates sometimes have to go miles in search of drinking water or collect it from nearby dirty ponds.

Shelter: The displaced are living in thatched or polythene-roofed huts, which are unsafe especially during rainy season. They sleep on the ground or on makeshift beds of bamboo without mosquito nets, pillows, or bed covers. In a small hut, seven to eight members of a family are staying together, which is a denial of privacy.

Sanitation and hygiene: There is nothing—called sanitation and hygiene in and around the camps. There are no provisions for a bathroom and toilet.

Clothing: Many children, particularly during winter, died due to inadequate protection from cold and fever. Women are unwilling to go out because of lack of sufficient clothing over their bodies.

Health care: There is lack of health care facilities. Diseases such as malaria, jaundice, dysentery, diarrhoea, and influenza often pose a serious threat. Some government dispensaries are set up, but there is insufficient supply of even commonly available medicines like cough syrup, paracetamol, etc. Recently Médecins Sans Frontières has started the health care programme for the IDPs.

Education facility: There is very little scope for education for the encamped children. In some camps the residents have started L.P School with the help of Lutheran World Service (LWS), an NGO, with the offer of a small stipend of Rs 400/- per month (Rs= rupees) to a teacher in a temporary school shed. But the lack of other facilities like availability of books, inability of the parents to pay the examination fees, etc. keeps the students away from the school. The teacher student ratio in many camps (e. g. Deosri) is

about 1:500 in the camp with just two teachers who are paid Rs 1,000 monthly salary for one thousand families!

Displacement often has a profound impact on the education of children due to the closure of schools, lack of facilities and difficult environment in the camps. Young people's opportunity for completing education is also sometimes affected by the need for them to work to contribute financially to their families' survival. The education of girls, already a low priority, suffers further during displacement and dire financial times.

Thousands of tribal children in India's northeast states have been forced to abandon their education due to schools being closed during conflict.

Employment: The majority of internally displaced persons in relief camps cannot return home because they used to live in the so-called forest areas. There is no sufficient vacant land, which could be used to settle these IDPs. The authorities are simply unable to help the displaced, virtually mostly farmers, to find any alternative land. Most of the camps are situated in remote and abandoned areas with no scope for self-employment. The lack of livelihood has forced many inmates to migrate to other cities and even to neighbouring country like Bhutan. Many women who had worked prior to displacement find it impossible to continue or resume work, being unable to take up employment outside camps because of safety concerns.

Women and Children: During the ethnic cleansing of the Santals, like any other instances of warfare or political terror, the Bodos employed the familiar male war strategy of rape, sexual violence, and murder of the Santal women and girl children. In every case of mob-violence, there was evidence of pre-planned targeting of Santal women. There were gruesome testimonies of how violence against women was used as an instrument in order to violate, avenge, demoralise and to displace people and evidences of police complicity in this carnage.

Even in the relief camps, women were the most insecure. In many instances, the Bodos have attacked the relief camps and slaughtered the women and children. Food and basic amenities were also in short supply. There were no special provision for pregnant women, lactating mothers, babies, infants, and newborns. There are over 42,000 minor children in these camps, many of them born in sub-human conditions and lacking even basic health care; some of them have not still overcome the trauma of seeing their own houses burn and relatives being slaughtered in the riots.

There were no facilities for widows and girls orphaned during the riots to get any livelihood skills training. Many girls have been trafficked to North India to be sold into

sexual slavery or for prostitution. The fear is that many such girls are extremely susceptible to HIV/AIDS and that many have already been infected.

Some international NGOs work in relief camps for internally displaced in Assam, such as the Médecins Sans Frontières (MSF) and the Lutheran World Service-India.

Resettlement and Rehabilitation Measures

After remaining in the displaced persons' camps for years, in mid-1997 many displaced Santals returned home. They tried to resettle into their former lifestyle with the meagre returnees grants they received from the Government. However, several months after they returned home, Bodos again threatened them. When asked for security, the authorities said that if they feared for their safety, they should return to the displaced persons' camps. There are as many as 100,000 Santals once again living in the camp. For now, they are receiving government food aid, but they do not know what to do in the future.

Another reason why the inmates had not been able to go back was that many of them had not received the house-building grant of Rs 10,000 per family, which the Assam government had promised to them. A total of 6,130 families had gone back to their villages from the relief camps in Gossaigaon in the past four years.

About 4,000 Adivasi inmates of Sapkata relief camp in Kokrajhar district were shifted to twelve forest villages of the district by the All Adivasi Students' Association of Assam (AASAA) and Adivasi Cobra Militants of Assam (ACMA) on the 16th of February 2005. These inmates had been staying in sub-human conditions since 1996 after they were displaced during riots between the Adivasis and the Bodos. The two Adivasi organisations undertook the initiative to shift the inmates as the State Government went back on its promises to rehabilitate them.

In 1997, the majority of the refugees returned to their original villages and homesteads, with government provided rehabilitation grants. However, 23,000 families, designated “encroachers” (illegally occupying homestead lands), were unable to return. In addition, there were about 3,000 families who—despite having received rehabilitation grants—were unable to return to their original homes, living in small huts made of bamboo and plastic sheets, close to their original villages or on relief camp sites. However, violence erupted in 1998 on two occasions, causing people to flee once again to the safety of the camps. The fighting between Bodo and Santal tribes in Assam has displaced an estimated 250,000 people. In August 2004, more than 230,000 people were staying in IDP camps in three districts of western Assam.

The prospect of being displaced again thirteen years after the initial displacement is still haunting the Santals of lower Assam. This time the forest officials with “orders from

above” came to evict the Adivasi villagers, who returned to their forest villages, calling them encroachers. On the 24th of September 2007, forest officials broke down the huts of eighteen Santal families of Aie Powali village in Chirang District (earlier Kokrajhar District); no notices were given prior to the eviction.

The Assam government started the second phase of the so-called “rehabilitation” in 2004. Families have been given Rs 10,000 as housing grants and then “released.” Release means stopping the relief rations and now the family must fend for themselves, not that they were not doing so before that. There are instances (e.g. Nabinagar, Matiajuri) of the Government administration stopping rations to force the Adivasis out of the camps. In Deosri camp, 643 families have been released in two batches, once in August 2006 and once in 2007. In the haste to “rehabilitate” the camp inmates, the government has conveniently forgotten to ask where the Santals are supposed to go after being “released?” It would be suicidal to go back to their villages since their land, houses and village have been taken over by the others. No land compensation has been given to “released families” and people are bewildered about how they are supposed to secure their livelihoods with a mere Rs 10,000. It is not enough to buy land. Are they to buy bullocks or build a house or return their debt? The injustice of the Rs 10,000 rehabilitation money is unacceptable in any humane society. Compare this to the 5 lakhs Rs (1 lakh = 100,000 rupees) rehabilitation given to riot victims in Gujarat or to flood affected people in Rajasthan. On the 18th of November, 2004, the Central Government agreed in principle to release Rs 150 crore (1 crore = 10 million rupees) to set up the two-room sets for about 56,380 Kashmiri migrant Pandits living in different camps in Jammu. In comparison, the Assam government has even failed to provide Rs 10 crore for 23,742 displaced families who were displaced after the Bodo-Adivasi ethnic violence during 1996-1998. In October 2004, the government once again promised to release Rs 10 crore for their rehabilitation. The majority of the people have still not been rehabilitated. Perhaps people are “less than people” because they happen to be Adivasis, who are not recognised as Scheduled Tribes in Assam.

Most of the 643 “released” families in Deosri (the story is the same for most families in other camps as well) have settled in and around the camp, in a 1-2 km radius. They have cleared some land and started growing maize and other small cash crops. Deosri and most areas where the camps are located in Chirang District are reserved forest areas. People were living in forests even before they were displaced and came to the camps. Some were in recognised forest villages and paying a tax while others have been forest “encroachers” from the days of their forefathers. They have become “encroachers” again after getting “released” from the camp. They are more vulnerable than ever, constantly living under the shadow of eviction, with the terror of being displaced yet again.

It is difficult to get the Adivasis of the camp any sort of rights under the forest laws of the land—old forest laws or even under the new “The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Acts 2006.” For one, the Santals (and all Adivasis in Assam) do not have a Scheduled Tribe (ST) status and hence, they have to prove that they have dwelled in forests for at least three generations or seventy-five years. What “acceptable” proof can they possibly show? Also, even if they can “prove” their three generations long stay in forests, it would be in their earlier villages before they came to the relief camp. Now that they have been “released” by the government after the 13th of December 2005 (the cut off date to define “forest dwellers” under the new forest act): Where does that place them? The forest people now label them as “fresh encroachers” and according to Mr. G.C. Basumatary, the Conservator of Forests in Kokrajhar they “(have) no choice but definitely to be evicted”.

But are there really no choices? What choices did and do the Santal refugees of Assam have? Was it their choice to have their homes and hearth burnt and to run to save their lives? Was it their choice to live in sub-human conditions in the relief camps for thirteen long years? Did they have a choice when they were paid only Rs 10,000 and “released?” Is it their choice not to be able to go back to their villages for fear of being killed? Is it their choice that they have to settle in forest areas because they have nowhere else to go? And now, do they have a choice when their homes are being demolished and they are being displaced once again or perhaps it is their choice to have their rights as human beings trampled and crushed?!

STATUS OF REHABILITATED FAMILIES
Gossaigaon Subdivision (30 April 2003)

Previous Relief Camp	Rehabilitated Village	Community	Total Families
Sapkata Adivasi	Matiapara No.1	Santal	138
	Matiapara 2	Santal	83
	Sapkata 2	Santal	59
	Ramdeo	Santal	178
	Barasara	Santal	157
	Bhorpur	Santal	119
	Lalpur	Santal	39
	Nayanagar	Santal	110
	Gurufela Adivasi	Kanupara 2	Santal
Kursamari		Santal	110
Balegaon Adivasi	Ramdeo	Santal	170
	Jirampur	Santal	99
	Arinagar	Santal	90
	Haltugaon	Santal	33
	Balagaon Main	Santal	143
Kasiabari Bodo	Bhorpur	Bodo	53
	Burasara	Bodo	128
	Sindrijhora	Bodo	36
	Ramdeo	Bodo	143
Jambugiri Bodo	Bhorpur	Bodo	54
	Jambugiri	Rabha	69
	Gaonsulka	Bodo	95
	Jiaguri	Bodo	172

Kokrajhar Subdivision (30 April 2003)

Previous Relief Camp	Rehabilitated Village	Community	Total Families
Athiabari Santal	Athiabari	Santal	77
	Longatula	Santal	77
	Sarjomtola	Santal	26
Harnaguri Bodo	Harnagur	Bodo	105
		Total	2476

Although a relative calm prevails in the area now, the divide between these two groups has been widened beyond expectation. Now the Bodos consider Santals living in the BAC area as enemies, and hold them responsible for their own economic and other problems.

Observations

1. There is total lack of understanding and recognition of the peoples' psychology and cultural plurality by the Government and CSOs, including the International NGOs and religious organisations. This has led to the adoption of earlier assimilation and their integrationist policy/approach by the Governments and other development agencies with often disastrous consequences.
2. There has been a general tendency of ignoring the emergent democratic movements of the people; while attention and importance are being given only to armed and /or violent campaigns /movements led by groups that are relatively more powerful /violent.
3. Poor governance with lack of accountability of the official's, corruption and siphoning of development funds to the insurgents have led to increased dependency on the military and paramilitary forces in the region.
4. Political instability coupled with absence of political will of the elected governments have often been responsible for slow or absence of institutionalised response to the emergent peoples' issues. This has invariably led to consolidation of the agitations often leading to violent armed movements and conflicts.
5. The media-coverage has mostly been biased and insensitive and often the agenda coverage has been violence driven. This is applicable for local, regional, national, and international media—both electronic and print.

Strategic Recommendations

State:

1. Honour the Accords / Promises as agreed with different communities, especially the Assam Accord regarding Identification of Foreigners.
2. Restoration of alienated lands to the indigenous communities.
3. Providing Scheduled Tribe status to the Adivasis in Assam to provide fair opportunities for their development.
4. To have a comprehensive policy on IDPs.
5. To promote and facilitate the involvement of International NGOs and Multi-Lateral Agencies to provide emergency aids and developmental activities.
6. The State should initiate measures to restore and strengthen the Adivasi Peoples' Institutions of local self-governance at village, intermediate and district levels.
7. State should take appropriate measures to enhance the accountabilities, transparency and respect to the peoples' Entitlements, Rights and Dignity, especially by the bureaucrats, military and judiciary.

8. The State should declare in unambiguous terms its counter-terrorism policy of punishing the extremists and not reward them through any means.

All parties to the conflicts:

9. Respect International Humanitarian law and take measures that civilians are protected against dangers arising out of Para-military operations, including forcible and arbitrary displacement of the people by the State and non-State perpetrators.
10. A 'Culture of Peace' to be actively promoted that rejects and de-legitimises political violence as a means to resolution of political problems and grievances.
11. Compliance to Human Values, Dignity, and Rights should be given the highest priority by all parties to the conflicts.
12. Democratic means of resolving the areas of differences should be vehemently adhered, and if needed assistance be sought from International Peace Promoters.

CSOs:

1. National and International NGOs and Multi-Lateral Development Agencies should be more inclusive of the Indigenous Communities, in order to be able to comprehend their psychology, world-view, polity and culture.
2. The involvement of National and International NGOs should not be limited to post-event palliative relief measures, but should address root causes of the conflicts, and promote participatory, sustainable, and inclusive development process benefiting all the stakeholders.
3. Indigenous Peoples' development policy should be in consonance with various International instruments like ILO-169, U.N. Declaration of Indigenous Peoples' Rights, U.N. Declaration of Human Rights etc. and in accordance with the principles of Nehruvian Panchsheel, that emphasises the need to enable the Tribals/Adivasis to develop themselves in accordance with their own genius, wisdom and traditions with minimal external interferences.
4. The media should be inclusive of the indigenous peoples so that their issues and voices find appropriate coverage in the regional and national media—both electronic and print.

Request for Norway and other Scandinavian Countries.

1. Norway and other Scandinavian Countries have always supported peace-building measures globally; hence, a pro-active role is envisaged for Norway, for its involvement to bring about reconciliation and development among the Adivasis and Bodos in the strife-torn Assam and adjoining areas.
2. Norway has a long history of cordial relationship with the Santals; and Rev. P.O. Bodding is still held in high esteem as the father of modern Santali literature.

Hence, it will be befitting for Norwegian Govt. and CSOs to be involved in collaborative programmes for holistic development of the Santals, especially at this critical juncture.

The Invasion of Nyae Nyae: A case study in on-going aggression against indigenous hunter-gatherers in Namibia

Jennifer Hays, Research Fellow in Comparative Indigenous Studies, University of Tromsø

Initially we had invited Kxao Moses, a Jul'hoansi man from Nyae Nyae, Namibia, to give a presentation about the recent invasion of the Nyae Nyae Conservancy by neighboring pastoralists. He was unable to come at the last minute, however, so I will discuss the issue instead. I have spent a great deal of time in southern Africa, including a year of fieldwork in the Nyae Nyae Conservancy—the area discussed here. I was also in the country in May, and visited Nyae Nyae as these events were happening. Although this presentation is informed by my own experience in southern Africa, I have quoted extensively from the involved organizations and affected individuals and representatives and it is their words that best describe the situation. I will begin with a quote from a letter written by the Nyae Nyae Conservancy management to several government ministers, on the 13th of May 2009:

...The initial violation of the veterinary fence began on the evening of Wednesday 29 April 2009 when a group of families cut the southern veterinary fence and illegally moved a number of cattle, goats, donkeys and sheep into the Nyae Nyae Conservancy area and settled at Gum Pan (a game water point)...- *Nyae Nyae Conservancy Letter to Ministers, 13 May 2009*

Shortly before a long weekend at the beginning of May, 2009, a group of Herero pastoralists are alleged to have cut the veterinary cordon fence separating their grazing lands from the Nyae Nyae Conservancy in northeast Namibia. The Conservancy is managed by the Jul'hoansi, a group of hunter-gatherers who still rely in large part upon their traditional skills for survival. The Conservancy authorities requested the herders to leave with their cattle, but the herders refused. The next day, several more families came in with their livestock; because of the holiday it took several days for a coordinated response from local government officials. Meanwhile, pastoralists continued to move in, and the numbers of cattle grew to over one thousand, along with horses, goats, sheep and donkeys. Because they had crossed a line separating the disease-free zone to the south from the Conservancy, which was not certified as disease-free, the cattle could not simply be driven back south.

In the months since the incident, the Namibian government, the Nyae Nyae Conservancy management, involved non-government organizations (NGOs), and legal advisors have grappled with the immediate questions this case raises: What to do with the cattle? What impact will this invasion have on the current Nyae Nyae residents, and how can they be compensated? What action should be taken against the illegal entrants? What should be done about those herders who are still in the Nyae Nyae area and who are requesting the right to remain there? What are the practical, economic, and legal issues involved? And what response will encourage constructive, long-term solutions?

Before describing the situation further, I would like to note that this situation seems, at first glance, to be much less dramatic than others that we are hearing about during this conference. It is much smaller scale, and no one was killed. However, I would like to point out that this event occurred against a background of extreme violence historically—both the San and the Herero have been victims of genocide. It is important to keep this in mind, as well as the potential for greater violence that is underlying this incident.

Background: The Nyae Nyae Conservancy

Conservancies in Namibia are community-controlled land, based on the principal of Community Based Natural Resource Management (CBNRM). In these areas the community is responsible for monitoring the game and plant resources. One of the purposes of this arrangement is to preserve the wildlife and natural resources of the area. Assisting communities with resource management, ensuring community control over their resources, and promoting sustainable development are also goals of the conservancy programme.

Nyae Nyae Conservancy was the first conservancy in Namibia, established in 1998; it is also one of the largest conservancies. It is *also* the ancestral land of the Jul'hoansi, a group of indigenous hunters and gatherers. In the Nyae Nyae area they still rely to a large extent on the natural resources found in the area. The traditional land-use strategies of the Jul'hoansi have been credited for the existing biodiversity of the Nyae Nyae area including populations of some of Namibia's most important wildlife species such as wild dog, roan and sable antelopes, brown hyena, elephant and lion. In other areas where people rely primarily on cattle herding, a much larger percentage of the natural resources have disappeared.

Background: Jul'hoansi and Herero

The Jul'hoansi are one of several San groups, former hunters and gatherers considered to be descended from the first inhabitants of southern Africa. Today they live mostly in Namibia and Botswana and they are among the most marginalized—the San in general are categorized as the most marginalized groups in southern Africa. However, the Nyae Nyae Conservancy is one of the only places in southern Africa where San people have access to sufficient resources to be able to practice their hunting and gathering subsistence strategy and where they have some degree of autonomy.

The Herero are quite different from the Jul'hoansi and other San. They are a pastoralist group who migrated into Namibia around the mid-16th century, and today they live mostly in Botswana and Namibia, in the same areas where the Jul'hoansi live, and they often live in close proximity to each other. In comparison to the Jul'hoansi, the Herero are much wealthier (they have cattle) and they are considered to be more aggressive, patriarchal, and hierarchical. By contrast, the Jul'hoansi are generally egalitarian and have far greater gender equality. Although these things are starting to change now, these stereotypes have been and remain relevant. Everywhere that the two groups live near each other the Herero are dominant. However, the Herero also feel marginalized, and do

not have access to enough land; they were also the victims genocide. I will come back to these points.

Timeline of events

- 29 April:** The veterinary fence bordering the south of the Conservancy is cut and five Herero families with over 350 livestock move into Nyae Nyae
- 30 April:** Due to the public holiday there is little reaction to the situation until the 5th of May, but the police in Tsumkwe continue to report that more people and livestock are crossing into the area
- 8 May:** Several hundred cattle are confiscated by the police after Ju/'hoansi Traditional Authority Chief Tsamkao ≠Oma lays charges. State Veterinarian confirms that the risk of foot and mouth disease will affect livestock export from the Gam area
- 11 May:** 18 farmers are arrested for damage to public property, however a low bail of N\$1000 is set and the court date delayed until the 27th July
- 13 May:** Police in Tsumkwe confirm that 595 cattle have been impounded but at least 400 still are grazing within the Conservancy
- 16 May:** Police estimate that 1,200 cattle have been led into the Conservancy
- 18 May:** Herero families reach //Auru village, in the south east of the Conservancy and claim that they will settle there
- 20 May:** Conservancy announces intention to sue Gam herders for camping fees, potential loss of income, and infringement of rights
- 03 June:** Government mission recommends that cattle be destroyed
- 16 June:** Government begins confiscating the cattle of the Gam herders in order to auction or slaughter them; this is met with resistance.
- 17 June:** This action is called "illegal" by the Legal Assistance Center
- 28 July:** Some of the farmers fail to appear in court; case is rescheduled to the end of September, then rescheduled again for November.

At the time of this writing, several of the Herero farmers are still in the Conservancy, and the Legal Assistance Centre (LAC) is preparing a lawsuit against the Herero farmers, but with the hopes that this can be settled peacefully and without a court case. Although the LAC is supporting the Ju/'hoansi in this case, they took a strong stance on the confiscation of the Herero cattle, stating that it was illegal.

Impact on Nyae Nyae Conservancy

...We are concerned that the Government has not yet made any official statement on what will be done about this grave situation, and are afraid the Government is not taking this situation seriously...." - *Nyae Nyae Conservancy Letter to Ministers, 13 May 2009*

Early on there was much concern that the government had not reacted quickly enough to this situation. Eventually, the government did act, but there was a lot of fear and concern

among the Ju/'haonsi about what would happen. They were not convinced that the government was going to step up and act on their behalf.

This is not the first time that the Nyae Nyae Conservancy has been subject to illegal grazing from farmers in the Gam area and it is certainly not unusual for San land rights in Namibia to be challenged by other groups, who often perceive the San as weak or disorganised. This situation also highlights the lack of understanding of how the San use the land. As the San are not large scale agriculturalists there is often the presumption that such land is “underutilised”. In fact the land is used for a wide range of food sources, medicines and income generation but in a non-intensive manner, which accounts for the lack of environmental damage in Nyae Nyae. The grazing of cattle on such a large scale and clearance of bush by the farmers damages these natural resources, so risking the financial and food security of the Ju/'hoansi.” -*Nyae Nyae Press Release 19 May 2009*

The threat that the cattle posed to the subsistence strategies of the Ju/'hoansi was well summarized by Kiewiet, the Conservancy Chairman:

You know that we are people who walk about on the land. We look for things like ca, chon, //xaru, (root bushfoods that grow in the sand) and kamaku; we live from these things. And if there are a lot of cattle here, we won't see those things again. We won't see them again. Their stalks will be pressed down and killed (by the cattle's hooves) and there will be nothing we can do about it.

...what has been sustaining us is our wildlife. We have hunters. And we also have people who make ostrich-eggshell beadwork, and sell it. And we have people who collect kamaku [Devil's Claw]; we have people who dig kamaku roots and sell them. It's a business of ours, and as I now see it, that business is going to die soon. If the Gam farmers still stay with us here, it will die.....” /'Angn!ao /'Un ("Kiewiet") Chairman of the NNC

- /'Angn!ao /'Un ("*Kiewiet*")*Chairman of the NNC*



“Photo of a woman digging for roots with her son”
Photo by—Catherine Collett, Kalahari Peoples Fund

Devil's claw is a medicinal root that they have recently begun exporting to Asia, Europe, and the US; it has become an important part of their livelihood over the past few years. The making of ostrich eggshell jewellery, another important source of income, would not necessarily be threatened by cattle coming into the conservancy as the Devil's claw industry would. However, he was outlining their sources of income, and when one or two of them is threatened it really undermines the economic security of the area.

Trophy hunting is perhaps the biggest and most important source of income; hunters come from all over the world to hunt large game and the Nyae Nyae Ju|'hoansi work as guides for them. If Nyae Nyae was to become an area where there are a lot of cattle, it would seriously threaten the tourism potential of the area—as indicated, the unspoilt wildlife aspect is one of the main reasons people come to the Nyae Nyae area.

The Working Group of Indigenous Minorities of Southern Africa calculated the loss of income due to the presence of the cattle in the following areas, and are using those figures as the basis for the lawsuit:

- loss of income from Devils Claw harvesting as the cattle destroy the plants;
- loss of over 600,000 litres of water;
- loss of grazing sufficient to fill 1 million 50kg bags;

- increase in human-wildlife conflict as wildlife are driven out of the areas where there are cattle and towards other conservancy settlements, and as water becomes increasingly scarce due to increased competition between the community, wildlife and the illegal cattle and farmers;
- potential loss of Trophy Hunting fees as hunters will not wish to hunt game in areas where cattle are based;
- potential reduction in tourism, which is largely based on the unspoilt environment and wildlife
- infringement of the rights of the Nyae Nyae Conservancy community in managing their resources sustainably for the benefit of all conservancy members.

Reasons given by Herero for the invasion

It is important also to look at the story from the perspective of the Herero. The farmers have given several reasons for invading the Nyae Nyae area:

- there are poisonous plants on their side of the fence, which were killing their cattle;
- their ancestors are buried in the Nyae Nyae area;
- they wanted to be closer to their regional councillor, Kxao Moses ≠Oma, who represents them;
- they do not have enough land on which to graze their cattle, and the Ju|'hoansi have so much land.

The issue of poisonous plants is a serious concern for the Herero pastoralists. Although there are some of these plants (*Dichapetalum cymosum*, commonly known as “poison leaf,”) on the Nyae Nyae side of the border, they are far less of a threat than in the Gam area, where the pastoralists reside. However, the Nyae Nyae area, though it can appear lush, has a thin soil layer and would not be a sustainable grazing area—the cattle would quickly wipe out vegetation.

The issue of ancestral land is important, but we know from historical and archaeological records that the Nyae Nyae area was utilized by the Ju|'hoansi for far longer and more consistently than the Herero. As for being closer to the regional councillor, Kxao Moses, who represents both the Ju|'hoansi and the Herero of the Gam area—carried to its logical conclusion this approach would have everyone living only in the towns of their regional councillors. This has never been, and cannot be a legitimate reason for invading territory owned by others. Ultimately, the underlying conflict is land, as these kinds of conflicts between hunter-gatherers and pastoralists almost always are. The Herero farmers are looking for more and better grazing land than they have in Gam.

It is important to keep in mind that the Herero themselves were victims of severe genocide at the hands of the Germans, in the early part of the 20th century. When the Herero migrated into present-day Namibia, probably in the mid 16th century, they came into conflict with the existing pastoralist residents, the Nama (Khoi, also considered indigenous to Namibia). When the Germans gained control of Namibia in 1884, they originally sided with the Herero—and then manipulated them into ceding land and mineral rights. When the Herero resisted in 1903, along with the Nama, the Germans

launched a genocidal campaign, killing thousands, poisoning their water supply and driving them—men, women, and children—into the desert. Some escaped into Botswana; others were placed in concentration camps. It is estimated that 65,000 Herero (out of an estimated total population of 80,000) died during this struggle.

Even though it was over 100 years ago, the Herero still feel that this history affects them. They feel that they have never recovered their land rights; they feel politically marginalized; they feel that they were not allocated land during the resettlement process, and that they have been ignored by the government, and they see the Ju|’hoansi as being privileged because they have their own land.

“...our citizens in Gam have been eking out a peripheral existence...the basic infrastructures such as schools, clinics, roads and agricultural extension services are non-existent, or inadequate...Most Gam residents are sons and daughters of the victims of Von Trothas extermination order [who] have been dumped in that part of our country without the necessary support.” “Veii Defends Nyae Nyae Stance” *The Namibian* 29.05.09

Although there is, in fact, a clinic and a school in Gam now—the infrastructure is not really less than the Ju|’hoansi of Nyae Nyae—it is not adequate.

Is this invasion violence against the Ju|’hoansi, an indigenous people?

As some of the above quotes indicate, this is not the first time that Herero have entered into the Nyae Nyae area. The Herero farmers often use manipulation, intimidation, threats, and sometimes direct force to gain access to grazing land in the Nyae Nyae Conservancy. I have heard many stories from Ju|’hoansi about Herero manipulating or tricking people into giving them permission to bring cattle into the area. In the case described here, the Herero came in on horseback with guns. Hand grenades were also reported; although this was not confirmed, this rumor serves to illustrate the level of threat that the Nyae Nyae Ju|’hoansi felt. “There was nothing we could do” and “...they came with weapons and we could not stop them” (and similar phrases) were repeated frequently when I was in Nyae Nyae in May, shortly after the invasion.

The on-going pressure by neighboring groups with different land-use strategies, and who see the Nyae Nyae conservancy as “un-” or “under-utilized” land—because it is not used for livestock grazing—threatens the economic security and livelihood of the Ju|’hoansi. And, as such, it amounts to ongoing, low-level violence.

Legal issues

It is important to note that the Ju|’hoansi legally control the Nyae Nyae area, and that it is designated as a wildlife area. This means that they can take legal action, and that they have the support of the government. The local police and government, while slow to react, have ultimately been fairly supportive of the Ju|’hoansi claims (not least because of the implications of the Herero actions for the Namibian beef industry). There are several Namibian NGOs that are strong advocates for Nyae Nyae, including the Nyae Nyae Development Foundation of Namibia (NNDNFN); the Working Group of Indigenous

Minorities in Southern Africa (WIMSA); and the Legal Assistance Centre (LAC). It should be noted that the LAC in general supports marginalized groups, and has and will also support the Herero; in this case they have taken on the Nyae Nyae case but remain very conscious of the dispossession of the Herero as well, and are thus in a good position to assist mediation.

The Herero have more representation than the Ju|'hoansi in government, but are still not very strong politically, and they do not have the same kind of NGO support that the Ju|'hoansi do. There are, thus, a lot of factors in favor of the Ju|'hoansi in this case. However, the political marginalization of the Herero is also an important part of the underlying problem, and part of the reason they are a threat to the Ju|'hoansi. So, advantages of the Ju|'hoansi can also work against them, by creating resentment on the part of the Hereros against the Ju|'hoansi. The former see the latter as privileged, and as being the "pets" of westerners, in particular, development workers and anthropologists. In general, far more attention in both of these fields is given to the Ju|'hoansi than the Herero; this is part of the reason the latter feel justified in using this kind of force.

Legal protection is *absolutely critical* to the survival of the wildlife and the cultural autonomy of the Ju|'hoansi, and must be supported—not undermined. However, without attention to the Herero complaints, it is also something that could backfire and make the Ju|'hoansi more vulnerable. The Herero are not going to just go away, and they are not going to stop trying to gain access to the land in Nyae Nyae as long as they feel that the land they have is not adequate. Careful negotiation is going to be required in order to avoid such clashes from recurring, and potentially in a more violent manner.

It should also be pointed out that in some cases Ju|'hoansi and Herero do live side by side, and there is intermarriage and other examples of peaceful coexistence – there are not a lot of examples, but there are some. This is important because it illustrates that there is a possibility for mutual understanding and peace. Currently, much more attention needs to be given to reconciliation efforts, and to the needs of the neighbouring pastoral groups. This is much easier said than done, but there is not another solution in sight. Without such efforts, the threat to the Ju|'hoansi and their land is not going to stop.

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“Genocide and Indigenous Peoples” or “The reasons for the escalation of violent conflicts between hunter-gatherers in Southern and Eastern Africa”

Robert Hitchcock, Michigan State University and Kalahari Peoples Fund

Violent and Non-violent Conflicts Between Hunter-Gatherers and Pastoralists in Eastern and Southern Africa

Introduction

Human rights issues have been the focus of attention of virtually all of the countries in eastern and southern Africa. With the end of *apartheid* in South Africa, the resolution of long-running conflicts in Angola and Mozambique, the decision of the government of Cameroon to pass national legislation on indigenous peoples' rights, and efforts of indigenous peoples to obtain rights through the courts of southern African states, spaces have been opened for greater recognition of the rights of African indigenous peoples.

Indigenous peoples in Africa today face a number of human rights related problems, ranging from a lack of physical and economic security to the stress of living in post-conflict situations where political uncertainty and exposure to harsh living conditions persist. Substantial numbers of indigenous peoples in Africa lack access to development opportunities, land, education, clean water, and health services.

In many ways, African indigenous peoples are invisible in the countries in which they reside. Most of them do not have a voice in public policy, and they play little or no role in development-related decision-making. Large numbers of indigenous people are excluded from government programs in Africa. There are many causes of this exclusion; these include discrimination, poverty, limited government or private sector capacity, and conflict.

This paper explores some of the issues facing indigenous peoples in eastern and southern Africa, with particular reference to hunter-gatherers and pastoralists in conflict and post-conflict situations. I begin with an examination of the issue of “indigenesness” in Africa. I then discuss human rights issues involving indigenous peoples, including genocide (the physical destruction of people on the bases of who they are), ethnocide (the destruction of a people's culture), and ethnic cleansing (the forced removals of people from their territories). Cases of conflicts, both violent and non-violent, between hunter-gatherers and pastoralists are considered after that. I conclude with a discussion of some of the strategies that are being implemented by African states, the African Union, and non-government organizations to reduce conflict, protect human rights, and meet the needs of indigenous African hunter-gatherer and pastoral peoples

Indigenous Peoples in Africa

Indigenous groups across Africa maintain that they share common experiences, including include discrimination, impoverishment, dispossession of land and natural resources, forced conscription, and human rights abuses (Veber *et al* 1993; Motshabi and Saugestad 2003; African Commission on Human/Peoples' Rights 2005). Representatives of African

indigenous groups have come together to discuss issues of concern, and spokespersons for African indigenous groups have appeared before United Nations organizations, including the Human Rights Council and the United Nations Permanent Forum on Indigenous Issues (UNFPII). Indigenous and minority support organizations such as the International Work Group for Indigenous Affairs, Survival International, Cultural Survival, and the Minority Rights Group have issued reports on the rights of African indigenous and minority peoples (see, for example, Veber *et al* 1993; Minority Rights Group International 1997, 2004, 2007, 2008). Although some African indigenous peoples have given up their customs and traditions and have been assimilated into the dominant societies of the countries in which they live willingly, there are those indigenous groups who have sought to continue to maintain their languages, cultures, and identity, and who hold tightly to their beliefs, values, and practices.

The human rights of indigenous peoples in Africa have been the focus of much deliberation and debate in Africa (Saugestad 1999, 2001; Barnard and Kenrick 2001; Hitchcock and Vinding 2004a, b; African Commission on Human/Peoples Rights 2005; Viljoen 2007:277-287; Kaunga 2008). Some African countries such as Burundi, Cameroon, and South Africa have taken important steps toward recognizing the rights of indigenous peoples. At the same time, there are situations in Africa where indigenous peoples have been subjected to massive human rights abuses at the hands of the state and other groups.

African indigenous peoples have called for greater attention to be paid to their rights. Indigenous representatives serve on the African Commission's Working Group of Experts on Indigenous Populations/Communities of the African Union. In addition, non-government organizations and regional associations have been established in Africa that are aimed at promoting the rights of African indigenous peoples, including IPACC (the Indigenous Peoples of Africa Coordinating Committee), the Hunter-Gatherer Forum of East Africa (HUGAFO), and the Working Group of Indigenous Minorities in Southern Africa (WIMSA).

There is not a single, agreed-upon definition of the term 'indigenous peoples' in Africa. The Independent Commission on International Humanitarian Issues (1987:6) argues that 4 elements are included in the definition of indigenous peoples: (1) pre-existence, (2) non-dominance, (3) cultural difference, and (4) self-identification as indigenous. Often, the term indigenous refers to those individuals and groups who are descendants of the original populations (that is, the 'first nations') residing in a country. An important criterion for "indigenesness" is the identification by people themselves of their distinct cultural identity. Most indigenous people prefer to reserve for themselves the right to determine who is and is not a member of their group.

Indigenous peoples in Africa are highly diverse. They range from small communities of foragers (hunters and gatherers) to pastoral peoples (those peoples who are largely dependent on domestic animals for their subsistence and income) to sedentary agropastoralists and urbanized wage laborers. The vast majority of African indigenous

peoples have diversified economic systems, combining small-scale agriculture and livestock production with natural resource procurement and business activities. Virtually all African indigenous peoples today are involved in the market economy.

Even if some African peoples claim to be indigenous, the countries where they live may not recognize them as being aboriginal. Some African countries, such as Botswana, use a bureaucratic definition to cover its indigenous peoples along with others who share similar characteristics of residing in remote areas and being marginal in a socioeconomic sense (Hitchcock and Holm 1993). Multiracial states like Botswana prefer not to differentiate specific populations, in part because they do not wish to be seen as practicing a kind of *apartheid* or separation on the basis of ethnic identification. Only one African country, Burundi, has a specific guarantee in its 2004 constitution for the members of a specific indigenous group, the Batwa.

Some indigenous groups in Africa live not just in individual countries but rather are found in several states, overlapping national borders. This is the case, for example, with Batwa (“Pygmy”) populations in Central Africa, who inhabit a band of tropical forest stretching from the Atlantic Coast of Cameroon and Gabon east to Lake Victoria in Uganda. The Batwa, who collectively number some 250,000 people, are found currently in 9 countries, including Angola, Burundi, Cameroon, Congo Republic, Cote D’Ivoire, the Democratic Republic of Congo, Gabon, Rwanda, and Uganda. It is also the case among the 100,000 San in southern Africa, a number of whom are found in more than one country of the 6 countries in which they reside currently (Cassidy *et al* 2001; Robins *et al* 2001; Saugestad 2001; Suzman 2001). The fact that some indigenous peoples in Africa reside in more than one country puts them in complex positions *vis-à-vis* nation-states, many of whom are concerned about their sovereignty and security and attempt to control movements of people and goods across their borders.

Characteristic features of African indigenous societies that are or were hunter-gatherers are as follows: they tend to be small-scale societies who are heavily dependent on natural resources. Some hunter-gatherers are mobile (e.g. those in the tropical forests of Central Africa) while others are sedentary (such as those living in settlements in remote parts of the Kalahari in Botswana and Namibia). African hunter-gatherers groups are linked through kinship, marriage, friendship, and other kinds of socioeconomic ties. Land is held in the name of the group, and land is seen as common property. Many local hunter-gatherer groups are tied into larger units of people who see themselves as ‘one people’ and who share a common history, language, culture, and identity.

Characteristic features of African indigenous societies that are or were pastoralists are as follows: they tend to be larger-scale societies that are dependent on domestic animals (e.g. cattle, camels, sheep, goats) and who utilize relatively wide areas for purposes of grazing their livestock. Some pastoralists are mobile (e.g. those in the savannas and deserts of east Africa such as the Somali, the Turkana, the Ariaal, and the Rendille) while others are sedentary (such as the Tswana and Herero of southern Africa) (Fratkin, Galvin and Roth 1994; Hodgson 2000). Like hunter-gatherers, pastoral communities are linked through kinship, marriage, friendship, and other kinds of socioeconomic ties. One difference

between foragers and pastoralists is that the latter have sodalities—non-kin associations such as age grades or age-regiments. Pastoral groups are also tied into larger units of people who see themselves as ‘one people’ and who had a common history, language, culture, and identity.

The desires of hunter-gatherers and pastoralists in eastern and southern Africa are relatively similar: They wish to have their human rights respected; they want ownership and control over their own land and natural resources; they want the right to participate in the political process at the nation-state, regional, and international levels; and they want to have their physical and social security protected in the face of conflicts and efforts by states, elites, or companies to dispossess them or deprive them of their rights to life, liberty, and livelihoods.

Conflicts and Conflict Management in Africa

There have been a substantial number of wars, conflicts, and inter and intra-group struggles in Africa during the 20th century and into the new millennium which have had significant impacts on the populations of African countries. Hundreds of thousands of people, many of them civilians, a substantial portion of them women and children, have been killed and wounded in these conflicts. Large numbers of people were forced from their homes and fled to other places in their home countries, becoming internally displaced peoples, or they crossed international borders and became refugees, as was the case, for example, with Fur, Masalit, Zagawa, and other groups from Darfur in western Sudan who escaped fighting in Darfur and moved into neighboring Chad. Vast sums of money and resources have been expended in efforts to assist the victims of these conflicts.

According to representatives of African indigenous and minority groups speaking at international forums, those people defined as indigenous and ethnic minorities in Africa have experienced mass killings, arbitrary executions, torture, mental and physical mistreatment, arrests and detentions without trial, forced sterilization, involuntary relocation, destruction of their subsistence base, and the taking of children away from their families. Some of these actions have been described as genocidal; others as pre-genocidal or as situations that potentially could lead to genocide if allowed to continue without any attempts at intervention or alleviation of the harmful conditions.

African states have witnessed massive human rights violations that could be described as either physical or cultural genocide or both. A substantial proportion of the casualties of internal conflicts in Africa are civilian non-combatants, including women and children, some of them members of minority groups victimized by majorities. It should not come as a surprise, therefore, that a central concern of a substantial number of indigenous peoples in Africa is physical security.

Genocides of indigenous peoples in Africa in the 19th and 20th centuries and into the new millennium have occurred in a number of different contexts. These contexts include ones in which there is competition over resources and land between groups, including hunter-gatherers, pastoralists, and farmers (as has occurred, for example, in the Maa Forest area in western Kenya where the Okiek have had to compete with other groups for land and

resources (Ohengo 2007) or in the Lake Eyasi region of northern Tanzania where the Hadza have competed with Barabaig, Sandawe, and other groups. There are also situations in Africa where indigenous and other peoples are involved in struggles for recognition in multiethnic societies with socioeconomic stratification and cleavages among the various groups. Table 1 presents a summary of some of the genocides of indigenous peoples in Africa from the early 20th century to the present.

Table 1. Cases of Genocide Involving Indigenous Peoples in Africa

Country	Population (July, 2008 estimate)	Conflict Period(s)	Number(s) of Victims	Population Below the Poverty Line	Indigenous Group(s)
Democratic Republic of Congo	66,514,504	1994-present	4,200,000 total	71.3%	Mbuti and other Batwa
Namibia	2,088,669	1904-1907	65,000	34.9%	Herero and Nama
Namibia	2,088,669	1912-1915, 1965-1990, 1999-2002	13,000 (San)	34.9%	San
Rwanda	10,186,063	1963-64, 1994	5,000-14,000 500-800,000	51.2%	Batwa
Somalia	9,558,666	1977-78, 1988-91, 1992-93 2000-present	100,000, 60,000, 500,000	81%*	Isaaq, Hawiye, Eyle (Gabooye)
Sudan (Southern)	40,218,456	1952-1972 1983-2005	100-500,000 30-50,000	40%*	Nuer, Dinka, Shilluk, Nuba, Maban
Sudan (Darfur)	40,218,456	2003-present (Darfur)	100-500,000 30-50,000, 2 million at risk	50%*	Fur, Masalit, Zagawa
Uganda	31,367,972	1971-79 1979-82, 1997- present	100-500,000 50-200,000 10-20,000	37.5%	Bakonjo, Twa (Pygmies), Acholi
Zimbabwe	11,350,111	1982-83, 2001-present	2,000-20,000, a few hundred	56.1%	Ndebele, Tyua San (Amasili)

Note: The data presented herein were obtained from the *World Factbook* (2008), the United Nations *Human Development Report* (2008), Uppsala / PRIO Armed Conflict Data Set version 4 – 2006; and the World Bank (2008). The population below the Poverty

Datum Line is calculated as the percentage of those people living below \$1.25 per person per day.

These genocides range from the killing and dispossession of Herero and Nama groups in Namibia by German forces (1904-1907) and the killings of San in the 1912-1915 period, also in Namibia (Gordon 2009) to the contemporary cases involving targeted destruction of Batwa in Rwanda in 1994 (Lewis and Knight 1995), of the Fur, Masalit, Zagawa, and other groups in Darfur in Sudan (2003-present), and the killings of Mbuti Batwa and other groups in eastern Congo in the recent past (Minority Rights Group 2004; Kiernan 2007:364-390).

The definitions of 'vulnerable groups' tend to focus on those who have unequal access to health and social services, those that lack the ability to sustain themselves without external inputs, and those who are considered low status subjects, taking into account such issues such as age, ethnicity, class, and gender. Vulnerable groups include those who are exposed to risk in various ways. These include people in poverty, ethnic minorities, the physically and mentally challenged, children, the elderly, those in chronic pain, those who have experienced some physical or psychosocial stress such as rape, torture, war, or going through a natural disaster. Categories of persons identified as especially vulnerable are orphans, people afflicted with diseases, including tuberculosis and HIV/AIDS, disabled people, and people who are destitute, with no visible means of support.

Violence is sometimes an outgrowth of the establishment of development projects and the relocation of people. Involuntary resettlement and loss of land access have had the effect of increasing internal social tensions, some of which are exhibited in high rates of social conflict, competition, and suicides among indigenous peoples. Indigenous African peoples have been forced out of areas that have been designated as protected areas, as occurred, for example, when 30,000 people were forced out of the Kibale Forest Reserve in Uganda in 1992 (Marcus Colchester, personal communication, 1994), some 1,700 San and Bakgalagadi were resettled outside of the Central Kalahari Game Reserve in Botswana (Hitchcock and Babchuk 2007, 2010a, b), and numerous Batwa were relocated because of protected areas and forestry projects in the Democratic Republic of the Congo Cameroon, and C'ote D'Ivoire (Mondo 2007; De Georges and Reilly 2008; Schmidt-Soltau 2009). Forced relocation out of conservation areas has all too often exacerbated problems of poverty, environmental degradation, social tensions, and domestic abuse.

In places outside of protected areas, population densities tend to be higher and competition for resources is greater. The result is that there is sometimes an out-migration from these places to the cities in search of work, or alternatively people go into protected areas such as national parks to exploit resources illegally. This exposes them to arrest and potential mistreatment. Such a situation was seen in the Rwenzoris National Park in Uganda in the 1990s, where women and children going into the park to exploit bamboo and honey were arrested and in some cases were raped, beaten, and put in jail. Local and international organizations campaigning for indigenous peoples' rights have argued that

there need to be substantial changes in the legal regimes of African states to protect indigenous peoples, migrants and internally displaced peoples.

In the course of state efforts to promote conservation, legal restrictions were placed on hunting, fishing, and plant-collecting through national legislation. Such legislation not only reduced the access of local people to natural resources, it also resulted in individuals and sometimes whole communities being arrested, jailed, and, in some cases, killed. Perhaps the best-known example of the social and economic stress brought about by the creation of a national park is that of Colin Turnbull in his book *The Mountain People*, which chronicles the cultural dissolution of the Ik, who were removed from Kidepo National Park in northern Uganda (Turnbull 1972).

An examination of the interactions between foragers and pastoralists in eastern and southern Africa reveals that while there are some cases of violence perpetrated by pastoralists against hunter-gatherers (as seen, for example, in cases in Somalia where Somali pastoralists attacked Eyle communities in the Bay Region), by and large the interactions between pastoralists and hunter-gatherers are non-violent. This is not to say that there are no elements of coercion involved in the interactions between these groups. In the case of the Okiek of Kenya, for example, farmers and pastoralists have moved into their lands and pressured the Okiek to give up their land or serve as herders or farm laborers. In the early part of 2009, a group of Herero moved without permission into the Nyae Nyae region of Namibia, bringing with them hundreds of cattle. Local Ju/'hoansi, who had formed a conservancy, an area over which they had rights to wildlife and natural resources under Namibian government conservation legislation, attempted to get the Herero to leave. They sought help from Namibian central government officials, the police, and local government personnel, but as of late 2009, little effort had been made by officials to get the Herero to return to the places from which they came.

There is a relatively sizable number of hunter-gatherer and former foraging groups in Africa (see Table 2). In some cases, these groups are living in the same areas as pastoralists, agropastoralists and farmers.

Table 2. Population Sizes and Distributions of Indigenous African Peoples Who Are or Were Hunter-Gatherers (Foragers)

Name of Group	Location	Population Size
San (!Xun, Kwadi, Kxoe)	Angola	3,500
Basarwa (San)	Botswana	48,000
Batwa (Pygmies)	Central Africa (9 countries)	250,000
Haddad (Kreda)	Chad	3,000
Boni (Aweer)	Kenya	2,000
Dahalo	Kenya	1,000
Okiek (Ogiek, Dorobo)	Kenya, Tanzania	42,000
Waata	Kenya	2,000
Mikea	Madagascar	1,000
San (Bushmen)	Namibia	38,000
Eyle	Somalia	450
Kilii	Somalia	1,500
San (Bushmen)	South Africa	7,500
Hadza (Hadzabe)	Tanzania	1,000
San (Kxoe)	Zambia	1,300
Tyua (Amasili)	Zimbabwe	2,500
VaDema (Doma, Tavara)	Zimbabwe	800
TOTAL	20 countries	405,550

Note: Data obtained from government reports and censuses, work of researchers, development agencies, non-government organizations, indigenous rights' groups, national archives, and reports

Admittedly, there are cases of competition among these groups, some of which have led to outright violent clashes. Both hunter-gatherer and pastoral groups have been victimized in situations where there was election-related violence, as occurred, for example, in Kenya in 2007-2008. The militarization of indigenous peoples has also been a major issue, with members of some indigenous groups, some of them children, being conscripted as soldiers, as has occurred, for example, the Democratic Republic of Congo, Sudan, and Uganda. Batwa have been victimized by guerilla groups in eastern Congo (Minority Rights Group International 2004), while former foraging groups in Angola, Ethiopia, Somalia, and Tanzania have been pushed off their land by farmers, pastoralists, or the state.

Given the severity of the current drought in east Africa, which is considered the worst since 2000 and possibly 1991, poor people, including farmers, pastoralists, and foragers, have been hard hit. Humanitarian relief programs are badly needed in Somalia, where nearly three and half million people, half of the country's residents, are facing the possibility of famine. Areas in Ethiopia, Eritrea, Kenya, Sudan, Tanzania, and Uganda have also been badly affected by shortfalls in food production. One outgrowth of this complex situation is that there is more inter-group conflict over land and resources.

Climate change, drought, and floods have resulted in sizable numbers of indigenous and other peoples in eastern Africa having to leave their homes and move elsewhere, a process that has exposed them to substantial risks. Some of them have taken refuge in camps set up to accommodate the needs of refugees and internally displaced people. In addition, globalization and the international economic downturn have had negative impacts on local people, with some of them having to depend on handouts from international aid agencies and the state. There have been raids on convoys carrying food, medical supplies, and other goods in a number of east African countries, including Somalia, Sudan, and Uganda. The widespread losses of livestock in the pastoral areas of Kenya, Somalia, and Ethiopia have exacerbated the pressures. It is not unlikely that local conflicts will intensify, something that could play into the hands of groups such as the Islamist Shahaab movement in Somalia or secessionists in the Horn of Africa, a trend that worries both African governments and the international community.

While African governments have not openly espoused extermination policies or sought to destroy their opponents physically, they have sometimes engaged in actions which have led to cultural destruction. Forced relocation, destruction of the subsistence economies of indigenous groups, education of indigenous and minority children in non-indigenous languages and cultural traditions, and imposition of new forms of political organization have all been attempted by African governments (as well as, it should be stressed, western governments such as the United States, Canada, Australia, and New Zealand). Some of these efforts have been undertaken in the name of 'nation-building' or "integration."

Throughout Africa and other parts the world, indigenous peoples have been coerced or cajoled into giving up their cultural traditions. Sometimes this is done in the name of "reconciliation" after decolonization or the end of long-standing conflicts. Even countries with generally positive human rights records, such as Botswana, have implemented programs that are aimed at getting national education systems in place that do not allow for the instruction of students of indigenous groups in their own customs and languages (Biesele and Hitchcock 2000; Hays 2006). Batwa in the Great Lakes region have argued vociferously for 'the right to learn' for Batwa children (Warrilow 2008), something that San in southern Africa have also echoed (WIMSA 2004; Hays 2006). The right to education in one's mother tongue language is considered a human right by many indigenous people, who today make up some 4% of the world's population and at least 10% of Africa's population.

There has sometimes been reluctance on the part of a number of governments in Africa to recognize cultural diversity and allow for self-determination. While African states value pluralism in theory, they do not always implement it at all levels. Some of the most difficult problems facing indigenous peoples, ethnic minorities, and communal groups without power in Africa have been the assimilation and resettlement policies of the governments of the states in which they reside.

In 1993, the Organization of African Unity (OAU) (now the African Union) established a Mechanism for the Prevention, Management, and Resolution of Conflict. The African Union and various regional African organizations such as the Southern African Development Community (SADC) became more assertive in the latter part of the 20th century and early part of the 21st century in their efforts to resolve internal conflicts within and between African states. This is being done in a variety of ways. Mediation is being carried out by African heads of state and former heads of state, as seen in the efforts of former South African President Nelson Mandela in Burundi and former Botswana President Sir Ketumile Masire's diplomatic activities in the Democratic Republic of Congo. Efforts were made by the African Union to carry out humanitarian intervention, as was seen, for example, in the Democratic Republic of Congo and western Sudan. Local non-government organizations have worked hard in post-conflict situations such as Rwanda after 1994 to address issues that contributed to the tensions that led to violence. The African Union realizes full well that more work must be done by the AU and regional organizations in Africa to build civil society and to help negotiate agreements among various states and militias involved in conflicts. Organizations have been established and training programs and capacity-building of NGOs and community-based organizations have been carried out in African countries where gender violence is common, as seen, for example, in the DRC, Uganda, and South Africa. There have been efforts to reduce the numbers of arms and land mines in African countries.

Efforts are being made by non-government organizations to bring hunter-gatherers and pastoralists together to collaborate more effectively on programs such as those involving natural resource management, education, and conflict resolution, as seen, for example, in the efforts of the African Commission on Human and Peoples' Rights of the African Union, the International Work Group for Indigenous Affairs, the Indigenous Peoples of Africa Coordinating Committee, and the Working Group of Indigenous Minorities in Southern Africa (see Lewis and Knight 1995; African Commission on Human and Peoples' Rights, African Union 2005; Hays 2006; Hodgson 2007; Crawhall and Sena 2007; Kaunga 2008).

A key strategy for improving the situations of indigenous and minority peoples as well as Africans in general is the promotion of good governance. The Mo Ibrahim Foundation, based in London, in a report released on October 5th, 2009, addressed the issues of governance, human rights, development, access to economic opportunities, the rule of law, and public safety in all 53 of Africa's countries. The countries that came out in the top 5 were Mauritius, Cape Verde, Seychelles, Botswana, and South Africa, while the ones ranked at the bottom of the list were Sudan, the Democratic Republic of Congo, Zimbabwe, Chad, and Somalia. Similar rankings were made by Harvard University's

Kennedy School of Government's 2009 Index of African Governance, although South Africa was a bit lower on the Kennedy School's list, in part because of the high crime rate in the country, which has impacts on physical security, and pre-trial detention rates, which are on the rise in South Africa, indicating some slippage in the effectiveness of the rule of law and the justice system. It is clear that a multi-pronged effort is necessary for indigenous, minority, and other peoples in Africa to be able to have greater chances for recognition and promotion of their human rights, physical security, participation, and sustainable development opportunities.

Conclusions

The indigenous peoples of eastern and southern Africa are undergoing substantial social, economic, and cultural changes. Some indigenous peoples in Africa have argued that their socioeconomic statuses and well-being are deteriorating in the face of conflicts, government intransigence, globalization, economic decline, and environmental change. It is for these reasons, they say, that greater attention has to be paid by African nation-states to indigenous peoples' collective rights and issues of gender, class, age, and ethnicity. Human rights are peoples' rights, they say, but they are also rights that are inherent to individuals in societies that have varying traditions, values, customs, and beliefs.

One of the misunderstandings of African governments about indigenous peoples' rights is the idea that protecting the rights of indigenous peoples necessarily means a government would be giving special rights to one group over another. Indigenous peoples are quick to point out that they are seeking equitable treatment, not special treatment. They want the same rights as other groups: the right to be protected from arbitrary arrest and mistreatment, the right to organize and take part in the political process, the right to be consulted, and the right to benefit equally from development projects. They also want cultural rights, including the right to speak their own languages and learn about their own cultural traditions.

Indigenous peoples in Africa are making some progress in their efforts to promote human rights and social justice. They are encouraged by the fact that the African Union and a number of African governments are paying more attention to indigenous issues. They are also encouraged to note that indigenous groups and their supporters are more vocal about the discrimination that they are coping with. Indigenous peoples throughout Africa are greatly appreciative of the fact that all of the African governments either voted in favor of the Declaration on the Rights of Indigenous Peoples or abstained when the Declaration came up for a vote in the United Nations General Assembly on September 13th, 2007.

Virtually all African states have committed themselves, at least on paper, to the elimination of all forms of racial discrimination. While they still have a long way to go, the indigenous peoples of eastern and southern Africa are convinced that their rights will be recognized and that they will be able to enjoy the fruits of development, democracy, and social justice.

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Guatemala: The situation of the Maya peoples after the Civil War and Peace agreements

Juan Leon, Ambassador of Guatemala in Norway

Maltiox chiquié ronojel ri ixoqib' yachijab' rech ri k'utb'al no'jb'al Tromso che qa mulxik pui riqa rajwaxik xojé che utzuxkik ri saqlaj b'e'.

(A greeting in K'iche, one of the twenty-three Mayan languages spoken in the country)

I would first like to thank the men and women at the University of Tromsø, who together make it possible for us to meet and talk about the needs of our peoples and to envision ways to enable full respect, peace, and tranquility for indigenous peoples, as well for the societies we live alongside.

The matter before us in this year's Forum is of great importance for countries where people are living in all kinds of conflicts and especially those where the indigenous people face many uncertainties, but in other countries are progressively moving towards recognition of their rights.

My presentation focuses on Guatemala, where after long-standing structural problems, there was an armed conflict that lasted thirty-six years (1960-1996), which affected the entire country, including the indigenous peoples. After many atrocities, among which included massacres, genocide, scorched earth tactics, indiscriminate disappearances, extrajudicial killings and grave human rights violations, there began a process towards dialogue and peace negotiations in 1987, reaching its climax on December 29th, 1996, when the Peace Accords were signed.

Before, during and after the signing of the peace accords, the Maya—who are the majority in the country's population—have contributed in various ways to solving the country's economic, political, and social problems.

For this reason, one of the substantive agreements which were signed by the warring parties after intense negotiations was called the Agreement on Identity and Rights of Indigenous Peoples. During the peace process other important agreements were made in the area of human, economic, and social rights, democratization and civil society and the role of a democratic army, among others.

Achieving peace agreements was arduous and there was a great deal of mobilization between the parties in the conflict, but also amongst various sectors of civil society who promoted various initiatives to voice our views.

It took a long time and a great deal of financial resources to achieve a ceasefire, disarmament, and demobilization of the warring forces who participated in the conflict. But thanks to the international community, the cooperation of friendly governments, and the national effort, we achieved our goals. The government and people of Norway continuously excelled in providing cooperation. To them, I give my gratitude.

Before going any further, I wish to express my sympathy and moral and spiritual solidarity to all Indian and indigenous peoples who are still living under armed conflicts. I fully understand their suffering because my people experienced it not so long ago.

Important Facts:

Guatemala's political system is a republic. Its name comes from Quauhtlemallan, which means "among trees," which is the name that was used by the soldiers accompanying the Tlaxcalans Spanish conquistador, Pedro de Alvarado in 1523. The name for Guatemala for the Maya is Iximulew, which means "Land of Corn." It has an area of 108,889 square kilometers and it located in the north of Central America, southeast of Mexico. There are twenty-two departments, or provinces and the total population is 14 million. Spanish is the official language on the national level, and there are twenty one official local languages spoken in specific territories, including Xinkas, Garifuna and Mayan languages.

Guatemala is comprised of four peoples: the Maya, the Garifuna, the Xinka, and the Ladino. Each of the peoples preserves their own culture, language, art, science, knowledge, techniques, trade, and traditions, etc. Official figures for the Maya people are that they constitute 40% of the population, but the Maya themselves claim that it is 60% of the total population of 14 million.

Background for the Conflict

Guatemala was part of the Mesoamerican territory where the Mayan civilization settled. Today, we know the wealth of all kinds of knowledge that the Maya contributed to humanity, including the invention of zero and three calendars that are still in use. They also built great cities where there were advances in astronomy, engineering, agriculture, philosophy, and political and economic systems.

In 1524, the Spanish invasion started and the imposition of another political, economic, and legal system, and imposed another state with its own view over the proprietary system of the Maya.

From that date until 1960 or so, the Maya and the indigenous people were made invisible in spaces where any political decisions were made at the provincial or national level. They had a limited presence in the local or municipal politics in the provinces, but because of discrimination and racism, their decisions had no effect. However, when it came to economic output and production, the Maya were the first to be considered as laborers on the farms of the landowners other centers of economic exploitation.

In view of this background, it can be said that discrimination and racism were the causes of the conflict. Additional elements that weighed in are extreme poverty, poverty, political exclusion, military and civilian dictatorship, the imposition of the system of estates-smallholdings of the land and resources.

To summarize, the Commission for Historical Clarification concluded that the cause for the conflict originated in the following:

- structural injustice
- closure of public and democratic spaces
- prevalent racism
- institutional and undemocratic exclusion
- state unwillingness to promote social reforms which might reduce the structural conflicts

The political polarization and conflict caused much pain and suffering in the population, mostly amongst the Maya, and traces of this remain in the social, political and legal structures of the state. The people most affected are the youth, women, widows, displaced and orphaned children from the streets, many of whom had lost their parents and homes in the conflict. However, despite this situation, the various organizations of the Mayan movement are still working to construct different spaces to bring about solutions to these problems, some of which, especially racism and discrimination, are the cause of the armed conflict.

Guatemala is one of the Latin American countries that have received the assistance of thousands of international people, who have conducted studies, made inquiries, suggestions, material support, and there has been support from many governments, including and in particular the Scandinavian countries. Thanks to such action, there are many reports about the consequences of human rights violations in general, and the details of what caused the massacres and genocide, and other events that occurred at the time.

1996-2009

At the end of the armed conflict, we thought we would have reconciliation at the local, provincial, and national levels, after the alienation of families from the social fabric of their communities. But the dynamics of the process has not had enough time, and the conflict still affects many relationships.

Notwithstanding, I must make mention of the positive aspect, which was the signing of the Firm and Lasting Peace. This has resulted in the elimination of armed conflict and removed the justification for the state to continue a policy of repression and violation of human rights. Both the Army and the guerrillas repressed local populations had to be open to tolerance, flexibility and new policies, thus opening up areas for organization, discussion, and debate among various sectors of civil society and the Mayan society.

Without immediate assessment of the content of the substantive agreements, the fact that the war had ended brought joy to many people, because it allowed for the meeting of many broken and displaced families, in addition, the pledge that one will not be killed for expressing ideas or thoughts or for proposing reforms and changes in the system.

Many people living in other countries or living from their communities returned to their places of origin; even in poverty, people managed to rebuild their relationships with their families and the fabric of their lives. The displaced Mayans returned to take part in the

practice of their ceremonies, to practice their cultural values, to strengthen their families, and to reshape their children according to their own rules.

To remain in keeping with the objective of the Forum, I will focus on the Maya case, but the Garifuna and Xinca also faced a similar situation. I ponder over how from 1524 until 1995, the state of Guatemala and its institutions and the rest of civil society had given so little importance to the existence of indigenous peoples, and also to how the doctrinal practice in institutions followed the theme of racism and discrimination, and much less to the disgraceful situation which these peoples lived. Many non-indigenous friends tell us that it was normal to be dependent on the domestic services of indigenous women or to be involved in production for the landowners.

It was through discussion, dialogue, and negotiations on the Agreement on Identity (1990-1995), and with the award of the Nobel Peace Prize to Sister Maya K'iche Rigobera Menchú, who mobilized mass demonstrations, together with other regional and national events and international meetings for the indigenous movements in Guatemala. That significantly improved awareness and identity in the face of society for Maya people in terms of both the collective and the individual.

With the ratification of Convention 169 of the International Labor Organization, the peace process, and the backing of many indigenous leaders of the world, and discussions of the UN Declaration for Indigenous Peoples, the self-awareness and self-confidence of the Maya grew as they began to be recognized as part of the community of world indigenous people and movement.

Although there was uncertainty about whether the entire contents of Convention 169 and the Agreement on Identity would be achieved, many young men and women left the colonial mentality and practices to return to the values, principles, practices and organizational forms, worldview, culture, language, and education of our ancestors that had been lost through the phenomenon of "ladinoization."

I should mention a very important issue regarding the participation of the Maya at the negotiating table of the AIDPI. At the table, only representatives of the warring parties, namely the army, government and the guerrillas were invited. With our demonstrations and through indirect participation through participation in the Assembly of Civil Society, other social sectors came together to raise suggestions for the actors in the dialogue. The lack of direct negotiations generated much distrust and uncertainty in the Maya, and at times it called into question the entire process of negotiations, however, visionary leaders succeeded in creating an atmosphere of anticipation for the results. Finally, on March 31st, 1995, the document came through.

As is natural in a society divided and polarized, there were some parts of the Mayan society who rejected the contents, and the majority recognized that the Agreement was limited, but that it was an improvement, considering that the Guatemalan State acknowledged for the first time that there had been racism and discrimination against the Maya, Garifuna and Xinca. Thereby, the document was considered to be a good

beginning to work in building a state, that we known and viewed for a long time as “multicultural, multilingual and multiethnic.”

This stage of the discussion and debate benefited in the years 1995-2002 when the Maya movement had gathered into the former Coordinadora de Organizaciones del Pueblo Maya de Guatemala (COPMAGUA) to create a platform for the implementation of the Agreement on the Identity and Rights of Indigenous Peoples. It is important to keep in mind that all peace agreements have positive and negative parts; what is most important is to put them into practice.

In this regard, more than 300 diverse organizations gathered on several working committees to make way for direct negotiations with the government in power (1996-2000) and as a result of this mechanism, they achieved the establishment of various institutions within government that employed the rights of indigenous peoples as positive discrimination.

Several laws were amended, including the penal code that criminalizes racial discrimination. Also, the Mayan languages have been formalized in the territories themselves. For example, today there are thirty-eight government institutions and spaces that work with Indigenous Peoples’ rights. In order to address the rights of indigenous women, the Office of the Defense of Indigenous Women was created, as well as others like the National Commission on Education Reform, the system of Bilingual Education, Multicultural and Intercultural Presidential Commission against Racism and Discrimination, Indian Defense, the Office of Human Rights, the Office of Public Defense, Indian Penal Reform, and the Commission of Justice.

There is process of educational reform that incorporates Maya knowledge and relevant content into the primary and secondary schools, which is run by the Vice Ministry of Intercultural Bilingual Education. It was given the task of creating schools in which Maya knowledge strengthens the scientific and cultural knowledge of indigenous peoples. In addition, it features a Mayan Language Academy that strengthens and consolidates the knowledge and learning of Mayan languages.

In addition, there has been some progress in the appointment of Maya people into some positions, like in Deputy Ministers, especially the Ministry of Culture, Education and Labor. However, there remain an insufficient and insignificant number of Mayan women and men involved in the legislature, judiciary and the executive.

Another positive aspect is that the number of Maya who defend and promote the rights of their people has increased. They come from political, economic, legal, linguistic, educational, health, and education backgrounds, and from areas devoted to issues of land, territory, and natural resources. There is also a Mayan women's movement, where there are also important opportunities in leadership and political leadership.

Thirteen years after the signing of the Peace, one could argue that the AIDP, with other instruments—which opened the prospect of beginning the long road to making deep

reforms in the country—has allowed some limited progress, but it is insufficient. In political rights and freedom of expression, it has mainly allowed the strengthening of the theory and practice of values, such as in ceremonial practice, spirituality, freedom of organization, the right to generate proposals and to negotiate with various entities. It has enabled and motivated several areas in which they seek to discuss and strengthen the rights of women and promote gender equity. Every day there is increased awareness among members of the Maya society, both men and women, of the need to continue organizing dialogue and negotiation with the state.

Despite several successes, it is also necessary to mention that the economic and social rights, especially in terms of labor issues, wages, and rights in matters relating to the ownership, use and management of the land, territory and natural resources are unresolved. These issues are generating new social conflicts, which are reflected in demonstrations, strikes, and obstruction of roads, among other things. In some locations, there has also been the killing of some leaders by the hands of unknown parties.

We find that it is more likely to find government agencies that acknowledge cultural, spiritual, ceremonial, political, educational, and legal rights, than those who hold economic power. It is impossible not to recognize and respect the economic and social factors that include land, territory, and natural resources because they prevail in the great riches of the soil and subsoil.

As mentioned above, the social, economic and human cost of more than three decades of war is very high. These consequences continue into post-conflict years. In this regard, the country faces several problems, such as high rates of common crime, drug trafficking, the existence of organized gangs of criminals who commit various acts, influence peddling, and corruption in various national and local areas, among others.

In conclusion, I would say that thirteen years after the signing of the Peace, the Maya and other indigenous peoples have managed to open some political spaces; we have become a little more visible in the official sense. Since 1996, different governments have had to take into account the rights of indigenous peoples and their agendas; the Peace has broken the silence about or indifference toward 70% of the population. There is greater awareness of identity, culture and the rights of Maya; however, the economic and social rights, and the rights to land, territory and natural resources still largely remain unresolved.

Some challenges in the field of Indigenous Peoples

One step remaining is to establish a dialogue and negotiation among the Indian actors and the government. What we have now is a polarization in terms of handling the issue of land, territory and natural resources. Force has been used on sides to demonstrate strength. On the one hand, through demonstrations and protests, the executive or legislature are often pressured to establish a commission to address the most controversial issues. However, in some areas there can be repression on the part of the government and in the private sector.

With the increased pressure, the working committees composed of representatives of indigenous and peasant organizations have often only served to be a strategy of deterrence by the authorities, but few have sought opportunities to rectify problems that have been created.

The other missing element is the application of Convention 169 of the International Labor Organization, to which Guatemala is a signatory since 1996, on particular, Article 5 paragraph "c" and 6 of this instrument. There it is established, among other things, that the country should adopt measures with the participation and cooperation of the indigenous peoples to improve the living and working conditions, as well that the indigenous people should be consulted whenever there are measures implemented that affect them. These principles are reinforced in articles 19 and 32 of the UN Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly on the 13th of September, 2008.

Although there have been some reform and some new laws, the challenge is the task of reforming the Constitution of Guatemala to affirm and build a multicultural and multilingual society, since four peoples live in the territory: the Maya, Garifuna, Ladino and Xinka peoples. On that account, there could be facilitation of the allocation of economic resources from the General Budget of the Nation to the territories of indigenous peoples, who have been abandoned for centuries and whose territories currently coincide with the poverty map.

Another aspect is the need for participation of the Maya people in decisions made by at the state level. The state remains monocultural and racist to the extent that only Ladinos control all decisions in all public spheres, even though the Maya are in the majority. Equitable distribution of the channels to or percentage of seats in the ministries has not been created, nor have the mechanism for quotas or percentages in the integration of the National Congress, among other important aspects.

For now, the state uses the universal principle of "equality"; but this principle has led to more exclusion of access to the public sphere. The ways that the laws have been developed, for example, the Electoral and Political Party, are in such a way that there is a lot of cronyism, patronage, and corruption.

As part of the Mayan movement there are at least three key challenges:

- a) The establishment and consolidation of a political and strategic vision and the creation of a national and international agenda to continue the construction of a multicultural and multilingual state, that I believe at this present time, is stagnant. Moving from a mono-State to a multicultural monolingual state is a long-term challenge.
- b) Continue the recovery and practice of our own values that we inherited from our great grandparents and ancestors. According to our worldview, philosophy, and our own form of organization, we need to continue the construction of educational, legal, and political spaces, so we can demonstrate that autonomy and self-determination is based on cooperation, not destruction or isolation. Besides, that would help us to encourage the

state and nation to have a new vision or doctrine, and a new way of thinking and behaving.

c) We need to encourage more academic preparation and professional training, apart from the continuation of NGOs fighting for human rights of the Maya. It is a fundamental challenge to seek to exercise more power in the areas that are now in the hands of the government and the state. The members of the Maya community who are working in the public sphere, because of racism, we are under a lot of pressure to demonstrate that we are effective and efficient. In addition, we have the challenge having to also incorporate the values, principles and codes of the Maya in the civil service. It constitutes another challenge to transform the space acquired, rather than to be co-opted by it.

For the Guatemalan political and social movement, the challenge is to work for the national cause and to regain much of the contents of the Peace Accords. If we could encourage all Guatemalans to be more tolerant, flexible and to share in the common interests, we could build a great nation, leaving behind the crisis that impacts us at this time. I firmly believe that building this great nation is based on dialogue and negotiation, and if undertaken, a new armed conflict would be impossible.

No doubt that the most profound changes to the state structures will be a long-term process, but for the sake of stability and development it should not be postponed or evaded longer. The failure to do so would be historically irresponsible. In the meantime, we must continue to affect the changes required to move towards this structural transformation.

Final Conclusions:

Though the consequences were painful, it is important to recognize that the internal armed conflict in Guatemala which lasted thirty-six years did have the outcome of producing peace agreements, including the Identity and Rights of Indigenous Peoples, which although has not been fully implemented by Governments and the Maya movement, has made progress in some policy and legislative reforms that are favorable in some respects to the Maya. They can serve as the basis for profound changes to continue in the foreseeable future.

In our experience in Guatemala, it is more meaningful to work towards addressing the causes that led to the armed conflict; thereby preventing that the agreements will be broken or that there is a return to the clashes that affected not only Indigenous Peoples, but also an entire society.

Final Questions:

It would be interesting and beneficial to continue this forum to strengthen peace processes and post-conflict activities between Indigenous Peoples and other vulnerable individuals affected.

It is essential that international cooperation and friendly countries continue strengthening and accompanying post-conflict processes without prematurely abandoning the actors who want to promote the agreements that have been reached.

Subtheme 2: Examining the preconditions for building sustainable peace

The killings and lack of attention to Twa/Pygmy groups in both the current fighting (DRC governmental forces - mainly against Hutu militias) and the DDR efforts in the region

Adolphine Byayuwa Muley, Bukavu, South-Kivu (DRC)

Violence against Indigenous People in the DRC: During and after the Conflict

Introduction: the spiral of conflict

The conflicts that have torn apart the Democratic Republic of Congo for over a decade are the result of multiple issues: political, economic, and geostrategic. There are many stakeholders involved including: local actors, national and international political movements, military and politico-military, governmental institutions and NGOs, and the press.

The spiraling regional conflicts have even raised the possibility of the breaking up of the DRC – a possibility that still exists.

Alliances were made and unmade, and the peace agreements, though fragile and hypocritical, were signed. However, in some places, the corruption of the idea of freedom of the press can lead to indescribable acts of violence.

Continuously unsuccessful attempts to consolidate peace

In an effort to promote peace in the country, the Conference on Peace, Security and Development in the provinces of South and North Kivu was held in Goma, the capital of the North Kivu province by Ordinance number 07/075 on December 20, 2007.

The conference had two overall objectives:

- Ending the war and insecurity in the two provinces
- Laying the foundations for lasting peace and full development in North Kivu and South Kivu

But the conference, which consumed a lot of resources, did not live up to expectations. After the conference, the situation actually worsened. Before the conference there were certainly many armed groups and militias who refused to join the process of integration into the new army FARDC (The Armed Forces of the Democratic Republic of the Congo). But now with the proliferation of armed militias, and the continued presence of the FDLR (The Democratic Liberation Forces of Rwanda/ Interahamwe Rwanda) we see the continued sowing of terror and horror among the peaceful civilians through inhuman atrocities, killings, lootings, abductions—with the demand for ransom for the release of the victims—of the widespread rape and sexual violence against girls and women of all

ages, torture, repression, lootings, forced marriages etc. It must be noted that men are not spared from acts of violence from these thugs.

The Paradox of Post-conflict “Non-peace”

This situation of “non-peace” in the absence of war, is reflected in the feeble attempts to implement programs to restore peace, including tracking the FDLR elements—which have been hitherto regarded as public enemy number one. These efforts also have political agendas.

It goes without saying that if the results of **Operation KIMYA I** had proved to be conclusive, then the implementation of **Operation II** would not have been justified (*KIMYA* means “peaceful” in the local Swahili languages).

Through operation KIMYA II, the FARDC are determined to pursue the FDLR / Interahamwe of Rwanda to their last refuge—the border of the DRC and the Republic of Rwanda.

And to reassure the population, who have marginal access to information, the official radio channel (RTNC: *Radio Television Nationale Congolaise*) broadcasts from Bukavu at least six times a day the message that “the FARDC have claimed victory” and that it is therefore in their interest to support the army and to assist them to flush out the FDLR.

But for the local people of the Congolese forests, this does not seem to be true because the FDLR/ Interahamwe are not moving in the direction of the Rwandan border, rather, they are moving deeper into the depths of the Congolese forests, where the population pays the gravest price.

This situation of “non-peace” in the post-conflict era is the result of the continuous proliferation of armed militias, such as SHIKITO, FRF, PARECO, YAKOTUMBA, RAIAMUTOMBOKO, KAPOPO, SIMBA, Zebulun KIRUKCHO, and the list goes on. All they have to do is come up with some old weapons and recruit some young delinquents to form a little army, and then they carve out a small portion of a territory where they impose their reign and governance.

Both the disgruntled and embittered from former armed groups who had joined the process of integration into the new national army (FARDC), and ambitious newcomers have good reason to position themselves in these new armed militias, as the stakes are very high.

First of all, the political stakes are high – they know that if they can get the attention of the government, they can negotiate ministerial and other positions. The economic stakes are also high, especially in the eastern DRC where there is a vast reservoir of natural resources, especially minerals, and there is an opportunity to gain wealth without ever firing a shot. In fact, every military leader behaves like a potentate forcing the local population into hostage labour in their mining operation. In this state of affairs, human rights are violated daily.

Then People Wonder: Who are the real perpetrators?

How do we understand this problem: Instead of driving the FDLR to flee over the border back to Rwanda, Operation KIMYA II drives them deep into the forests of the southwest of the DRC? Is there a hidden agenda, where the civilians are the targets? Is the national army truly working to protect the Congolese citizens and their interests? And what happens when the two forces collide? Again and again there are victims of an invisible and unknown pain.

Proof? Yesterday, the city of Goma and its outskirts was full of camps for the displaced war refugees of Laurent Nkunda and Operation KYMYA I. Today, the city of Bukavu is swamped by the huge movements of people fleeing the fighting in the territories of Shabunda, Mwenga and Kalehe, living in misery as refugees where not a single heart is spared. Note that among them, there are hundreds of Pygmy families who spend their nights under the beautiful night sky, in all sorts of weather.

Unethical Governance of the Army

In the eastern Democratic Republic of Congo, wearing the stripes of an officer or senior officer of the army does not mean that one has studied and received a high level of training; even less that they have any proven experience or have achieved honourable military feats.

“The Congolese army has more officers than soldiers” said an honourable member of the parliament in Kinshasa on Tuesday, October 6th, 2009, when the Minister of Defence and Veterans Affairs presented the draft law on military reform in the National Assembly.

Indeed, the rank of major or colonel requires one to recruit nearly 300 youth and minors and integrate them into the militias—promising to demobilize them and to assist them with a reintegration kit.

But what will become of these demobilized delinquents and children, except to become criminals? The question remains: what is the current state of the DDRRR (Disarmament, Demobilization, Repatriation, Resettlement and Reintegration) program that costs millions of dollars?

How can we otherwise explain the surge in crime in the eastern part of the country, where each passing day, armed bandits dressed in military uniform are killing people in their own homes and pilfering all their victims’ possessions? Investigations are always initiated, but what about the outcomes of these investigations?

Journalists and other defenders of human rights are continually murdered by people who are otherwise never identified, and there is little follow-up or investigations.

Thus, the government tried to come up with another creative program to try to establish peace –again one that is very expensive. For each weapon that people turned in to the provincial government, they would receive 100 USD. But this operation is not well

publicized where most of the crimes happen, which is in the small villages and countryside.

As usual, people are also questioning how the new **Zero Tolerance** program, set up by the head of state, will be instrumentalized. Just as this program was beginning, physicians are implementing a program called “Hospitals without Doctors” to express their dissatisfaction with the treatment they receive. On Thursday, October 8th, 2009, journalists protested on the streets against the attacks and threats they experience. But who are the invisible perpetrators?

The Damned Unknowns

In the eastern DRC, the indigenous population can be regarded as the “the wretched of the earth,” the forgotten of the Congolese society, and excluded from the domain of law and justice. They are considered in the pejorative, and are the unknown victims of all kinds of violence.

The indigenous people, since the beginning of the hostilities, have been the victim of multiple suspicions.

The suspicion is, first of all, on the part of the FARDC, who believed that the Pygmies—who are inhabitants and therefore experts of the forests—were being used as trackers for antagonistic groups. Thus, the FARDC inflicted on them the most inhumane, degrading and cruel treatment, including: floggings, torture, “quasi-slow electrocution,” sexual violence, and other forms of abuse.

On the other hand, the FDLR suspected that the Pygmies were trackers for the other side, and inflicted the same infernal pain. Each day that passes, the Pygmies are subjected to looting, killing, massacres, rape and sexual violence, scorching of their villages by the FDLR. Some of the villages had already been abandoned once because the Congolese armed forces, after operation KYMIA II, regarded the Pygmies as traitors.

There is also suspicion on the part of the armed militias, and others, who treat the Pygmies as traitors for their sworn enemies, Rwandan Hutu FDLR. Finally, they are victims of suspicion from their own Congolese brothers, who suspect them to be the basis of acts allegedly committed by the Interahamwe in their villages, with the complicity of the indigenous Pygmies.

These suspicions that the indigenous people are subjected to has led to several consequences, including massive displacement, without any assistance; women dying a slow death from diseases (STD's, HIV, fistula) without any medical support; totally abandoned orphans without any recourse. Lacking sufficient means, the Union for the Emancipation of Indigenous Women, my organization, can only deal with a small number of indigenous Pygmy women victims of sexual violence through various activities, including: medical support, psychological counseling, family mediation, and economic reintegration. We must point out that even if there is action on the part of the

government or other international organizations, there is no particular focus on indigenous peoples' conditions, despite their vulnerabilities.



Apart from the aforementioned violence from the conflict, the indigenous people of the eastern DRC, particularly indigenous women, are also subjected to violence because of certain beliefs related to their identity.

All the combatants were convinced that indigenous women are carriers of therapeutic or protective powers. In short, men are more likely to rape indigenous women than women from other groups, simply because they are regarded as a pharmacy; it is believed in many circles that “the one who lies with a native woman, will cease to suffer from their back pain, and will be protected from bullets and protected from or cured of HIV.”

Conclusion

Peace has not returned to the Democratic Republic of the Congo, even if there has ceased to be war. The violence related to the situation of ongoing instability persists and there remain many unknown victims. This is likely because they resign themselves from denouncing their abusers for fear of reprisal, stigma, or re-victimization.

Thousands of indigenous people have died in the forests, in their own natural environment because the FDLR and other militias seek safe haven in the indigenous people's forests, and they have no way of protecting themselves, and no one assists them.

The invisibility of violence in many circles, particularly in indigenous communities is institutional and political. Programs are devised at the top, but their implementation is like a combustible powder tossed onto a smouldering fire which leads to or exacerbates violence.

The Congolese government and its bilateral partners should work on finding the root causes and find an appropriate solution to the ongoing bloodshed. They should respect and protect indigenous pygmies in accordance with the United Nations Declaration on the Rights of Indigenous Peoples.

Thank you!

The Peace Agreement between the Tuareg Movements and the Government of Mali

Saoudata Aboubacrine, Tin Hinan (Mali):



History

Kill Tamashek, also known as the Tuareg, are an indigenous people of the central Sahara located between North and West Africa. The number of Tuareg is not officially known, but it is understood to be around 4-5 million. They are a nomadic pastoralist culture for the most part, and some of them are settled.

They resisted the French army from 1896 to 1906. The attempts to penetrate their areas from the North proved ineffective, the conquest was then undertaken from the South along the Niger River.

The French priests who settled in Timbuktu in 1896 accomplished their scouting mission and allowed the French troops from the south part to join those from the north in Timaouine (Algeria). Around 1906, France managed to impose its control over the central Sahara, while conceding the Tuaregs relative autonomy that allowed them to move freely. With the advent of the Sudanese Republic in 1958, followed by the Mali

Federation in 1859, they received a promise from the French authorities' that the Tuareg autonomy would be upheld in the newly independent states. These promises were not kept and the Tuareg found themselves divided between several countries with defined borders (Mali, Niger, Burkina Faso, Algeria and Libya).

With these developments, their lifestyle and social system has been weakened and integration into the independent states could destroy the mainstay of their economy and decrease control over their traditional territories and natural resources. They have been marginalized and have very little or no political power in some countries. They have limited economic power and there is illiteracy and generally inadequate development policies that support their lifestyle.

The majority of the leaders of the Tuareg confederations have claimed their independence; many among them have been humiliated, tortured, forced into exile or killed by settlers or the governments of the new states.

In the case of Mali, despite the claims for independence by the leaders of the Tribes of Kel Kamacheck, they were finally forced, one way or another, to become part of the current state of Mali. The Tuareg tribes of the regions (Gao, Kidal, Tombouctou) of the North were not prepared for their new status, and thus the 1963 armed Tuareg rebellion broke out. It was followed by severe repression by the Malian authorities; the indiscriminate character of which still impacts the Malian Tuaregs, especially those in the regions of Kidal. This repression has had serious social, economic, and demographic repercussions in northern Mali, affecting Tuareg peoples in particular. In addition, the government response to the insurgency has been to call the Kidal region a "forbidden zone" and to give permission to armed forces to fire at will, without warning, on anyone who is found in the prohibited area. This ruthless policy led to acts of humiliation, summary executions and massacres of civilians and the decimation of herds.

From a material and economic perspective, the conflict totally ruined the North and the Tuareg people. After the livestock killings, an estimated 40% of the herds were destroyed. Impoverished and deprived of their cattle (their livelihood) some Tuaregs fled north in masse to seek refuge in neighbouring countries, especially Algeria and Libya or they fled to the outskirts of the cities of Mali.

The end of the conflict of 1963-1964 marked the beginning of a period of distrust between the government and Tuareg, especially, and nomads in general. As noted by Boilley "nomads in their entirety were rejected by auspicious national community, and they now live in Mali as second class citizens." The north of Mali was declared a zone of insecurity which led to the appointment of military representatives of central government and the implementation of authoritarian policies. The Malian government launched a campaign to re-conquer the north by implementing a policy based on education and organization. It was the perception of the socialist government of Mali that education of the masses would decrease people's nomadic tendencies. The organization in turn sought to control the economic and social activities of the Tuaregs and to integrate and mold them into the Malian identity.

Conflicts and Agreements 1990-1991

In June 1990, the attack on the station Ménaka marked the beginning of another Tuareg rebellion that affected the entire northern area of Mali. Echoing the desire for self-determination by the Tuareg in 1962, during the visit of the Commander of the Gao Cercle, rebels demanded independence for northern Mali. Having been weakened by internal tensions, challenged by social resentments and lacking the support of neighbouring countries and France, Mali was forced to negotiate a settlement to the crisis. Negotiations followed and led to the **Tamanrasset Accords, January 6, 1991**. These agreements were subsequently ignored and swept aside by events that swept the nation. On March 26th, 1991, in an environment of mass demonstrations and severe repression by the police, the army deposed President Mouassa Traoré, who had been in power since 1968.

In the midst of these developments, the conflict continued in the north and had its share of massacres. The summary execution of leaders in Lere (traditional leaders, imams, consultants, etc) on May 20th, 1991 by the orders of the captain commanding the military company stationed there, illustrates this situation.

On April 11, 1992, following intense negotiations, the protagonists of the conflict of Mali signed a peace agreement known as the National Pact. The National Pact is a comprehensive agreement that lays the foundation for the final resolution of the Tuareg conflict. However, delays in the implementation of the DPA and the escalation of attacks in the North helped create a climate of frustration and increased the fear and stigma of the other communities in Mali and the divisions between the nomadic and the sedentary, the fair-skinned and the black.

Peace Agreement in Algiers in 2006

On May 23, 2005, a group of Tuaregs who had been integrated into the Malian army, led by more than a dozen officers, attacked two garrisons in the town of Kidal in northern Mali. They were then encamped in the mountains of Teghargat, from which they attacked military bases in Mali. This group was self-named “Group of 23 May” and shortly after, the “Alliance of May 23.” After almost two years of confrontation, an “agreement of peace, security and development in the Kidal region” was signed under the auspices of Algeria in July, 2006. The signing of this agreement has not stopped the conflict. The attacks and confrontations between rebels and the army continued until 2009.

Preconditions and Sustainability of Peace

Peace agreements can be sustainable if they are essentially based on principles of respect for human rights. In most cases, those responsible for the conflict do not respect human rights, in this case the state does not recognize the rights of indigenous peoples Kel Tamachek. For this reason, among others, that in all the agreements signed from 1991 to 2006, even if the content is related to the categories of rights, the documents did not make explicit reference to them.

We must recognize that armed Tuareg movements have very little knowledge about the legal instruments, including those for indigenous peoples. However, an essential part of

their claims are taken into account in the Declaration on the Rights of Indigenous Peoples and ILO Convention 169.

The mediating countries (Algeria, Libya), where Kel Tamashek also live, take the same approach as Mali to the promotion and protection of indigenous rights in Africa.

Excerpt from We...1990 Tuareg

“This text was published in the summer of 1990 by a group of Tuareg intellectuals. It was intended to give an overview of the situation of the Tuareg people, with its problems and aspirations.”

“**From** 1958 we have seen the gradual departure of the troops without understanding its meaning, it has been necessary to wait for their withdrawal from our territory and their replacement by others who are still unknown to us to hear uttered the word ‘independence.’

Alas, we learned quickly that independence was not for us, and we ask ourselves today, with bitterness, why France granted freedom to the peoples of West Africa, had failed us – choosing instead to confiscate and to deliver to us a new colonization.

On what historical grounds, political or personal, could such a decision be made and why is this our destiny with the tragic consequences we face today?

Mali and Niger gained independence and their borders were drawn up by the colonial administration in the manner that we know our territory had encompassed by the simple logic of the colonial system.

Evolution of the Culture of Human Rights: a Positive Factor for a Lasting Peace

I must emphasize that during the last conflict in May, 2005, respect for legal instruments has increased (although there have been a few incidents of repression by the army against the civilian population).

Neutrality of the mediators for the peace agreements in Mali is difficult, if not impossible, to attain. The two mediating countries, Algeria and Libya, form a central part of the Sahara, and, along with the territories of Mali and Niger, have rich natural resources: gas and oil. Therefore, the indigenous peoples’ rights as enshrined in the UN Declaration for the Rights of Indigenous Peoples and ILO 169, challenges the interests of these countries. In this context, the preconditions for sustainable peace agreements are difficult, if not impossible.

The conflict between the armed movements of the Tuareg and of Mali was marked by improvement in the treatment of Tuareg civilians by the army in contrast to the periods 1990-1991 and 1992-1996. Apart from a few rare incidents during the last conflicts of 2005 and 2009, indigenous civilians have not lived under violent repression, subjected to

killing and arbitrary detentions, etc. But they have certainly been concerned about the return of such repression and events each time there is a heated confrontation between the various parties. This has even caused some to flee into neighbouring countries.

However, this advantage has also been a significant drawback. The following is a quote from a woman in Kidal:

“The militias which were formed in the fringes of the Tuareg and Arab community, in agreement with the State, were confronted by the armed Tuareg movement alongside the regular army. This devastated many Kel Tamackek people, especially women, because they lost loved ones in all three camps, since the majority of the members of the regular armies are themselves Kel Tamackek. This situation creates hatred between members of the same tribes and between families. It is like a festering wound that destroys the social fabric of the community, since revenge is not excluded. In addition, if the returning veterans of the regular army had an agreement that would be followed who knows what would happen to the militias.”

The Implementation of the Agreements

The key factors contributing to the non-implementation of agreements and the perpetuation of the conflict are the following are following: dependence on external resources as an essential part of a major implementation of the agreements; lack of broad dissemination of the agreements; and, the absence of collateral to secure the implementation.

Recommendations:

The Government of Mali

- Officially recognize indigenous peoples in Mali with the enactment of a general mandate;
- Promote and implement the UN Declaration on the Rights of Indigenous Peoples;
- Promote a culture of peace through the dissemination of the principles of human rights and the rights of indigenous peoples;
- The mediators and the warring armed conflict must be informed and have knowledge of the legal instruments that protect human rights and indigenous peoples' rights in general;
- Countries who are mediators of conflicts between states and indigenous movements must themselves be models of experience in promoting a culture of peace with human rights. Mediators must be neutral;
- Establish a committee composed of national experts, international and indigenous organizations to analyze the issues of indigenous peoples in Mali and widely disseminate the results;
- Integrate aspects of the specific rights of indigenous peoples in reports submitted to the mechanisms of universal or regional human rights protection;
- Invite the Working Group of Experts of the African Commission, and the UN Special Rapporteur on the situation of human rights and fundamental freedoms of

- Take specific measures to ensure the effective participation of indigenous peoples in national and political bodies and local and international;
- Take specific actions aimed at resolving tensions between communities and combat the stereotypes and preconceptions concerning indigenous peoples.

At the United Nations System and Cooperation Agencies

- Become involved in promoting the construction of a lasting peace based on respect and promotion of human rights and indigenous peoples through programs that are supported and sustained;
- Support the Malian government, civil society, and other stakeholder in promoting the protection of the rights of indigenous peoples;
- Support development projects that promote the human rights of indigenous peoples and their organizations.

Indigenous Peoples of Bangladesh: Invisible War in the Garo Hills and North-West Bangladesh and Non-implementation of the CHT Peace Accord

Sanjeeb Drong, Bangladesh Adivasi Forum

Honourable Chairperson of the session, distinguished participants, ladies and gentlemen:

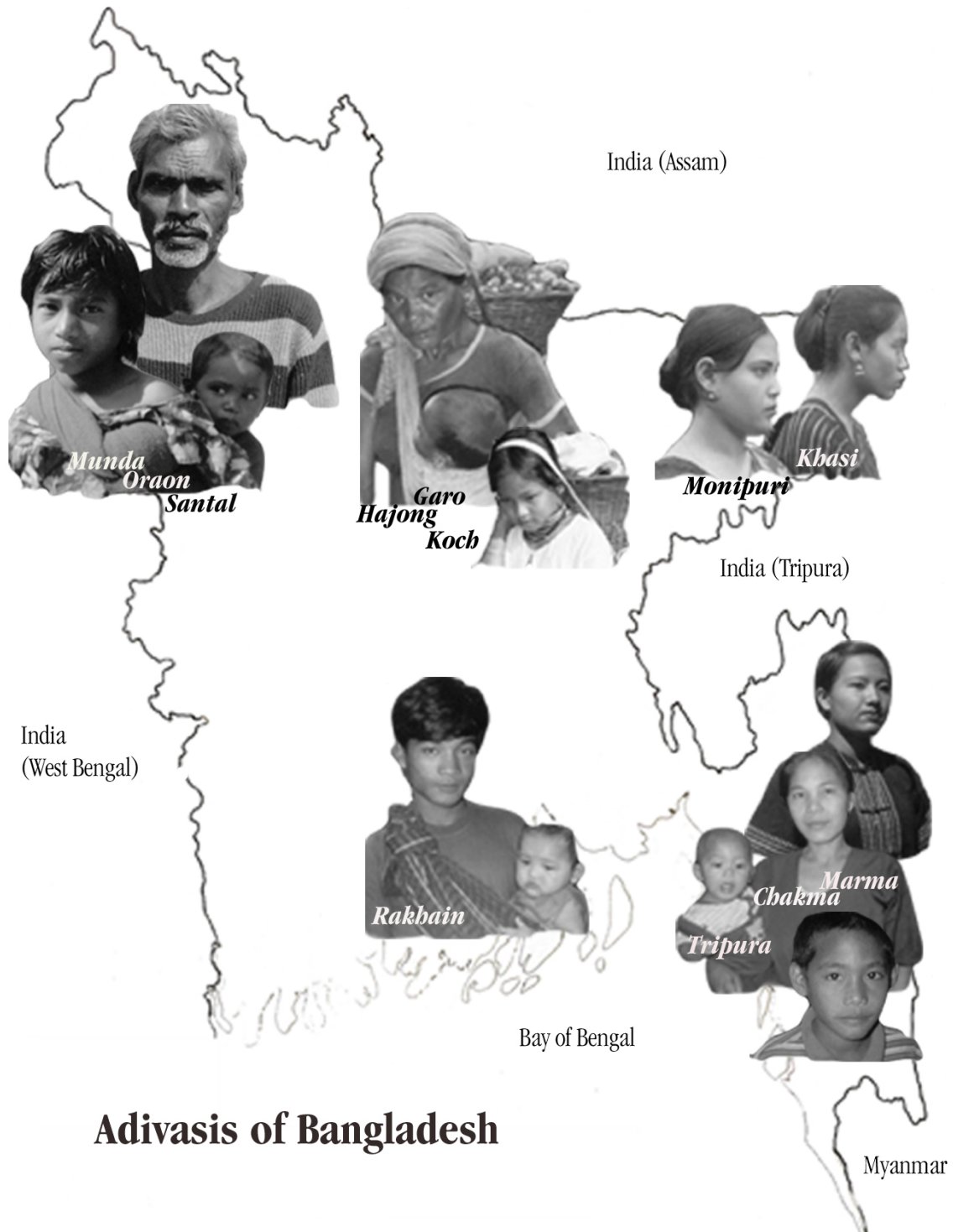
I extend my heartfelt thanks to the organizers for inviting me from Bangladesh, a country where people have been struggling to be able to enjoy their basic and fundamental human rights and for peace and development. As a member of a small and unknown indigenous community in Bangladesh, as a Garo, and of course as a human being and a citizen of the country, I am very happy to be given this opportunity to share my struggle with you here today. It was not an easy task to come here from so long away. I do believe that indigenous peoples in my country will be given a lot of hope and inspiration since I am speaking for them. I am delighted to begin by speaking with the words of the Dalai Lama, a religious and spiritual leader of Tibet. It is said that my community, the Garos, had walked a long way to the present place where we live now, the Garo Hills, from Tibet through the river Brahmaputra.

On the occasion of the award of the Nobel Prize in Oslo, December 10, 1989, the Dalai Lama said, ‘no matter what part of the world we come from, we are basically the same human beings. We all seek happiness and try to avoid suffering. We have the same basic human needs and concerns. All of us human beings want freedom and the right to determine our own destiny as individuals and as peoples. That is human nature.’

I am here today to speak for indigenous peoples in my country, Bangladesh, where people have suffered and continue to suffer so much, and ‘confront a calculated and systematic strategy aimed at the destruction of their national, ethnic, cultural and linguistic identities.’

It is quite sad that the indigenous peoples of Bangladesh had to say, ‘Life is not ours’ *‘jibon amader noy,’* in the 1980s when they became gross victims of human rights violations in their own land, the Chittagong Hill Tracts. Please see the Report of the Chittagong Hill Tracts Commission.

Bangladesh is a country rich in many cultures and peoples of different nations; they are the indigenous peoples, Adivasis, of Bangladesh. They are strikingly diverse in their cultures and ways of life. There are more than forty-five different indigenous communities and their population is about 3 million. Throughout the world today, it is estimated that there are 370 million indigenous peoples in more than seventy countries, representing over 5,000 languages and cultures. In Bangladesh, we speak more than thirty languages and day-by-day our languages are at risk of extinction.



Adivasis of Bangladesh

“Who are Indigenous People in Bangladesh?”

The indigenous peoples in Bangladesh have been facing an uncertain future for a long time. In the Constitution of Bangladesh, indigenous peoples, or Adivasis, are not recognised or mentioned. Therefore, indigenous peoples have been struggling for the establishment of their fundamental human rights for many years. They have lost their lands and territories. Someone will still find the name Garo Hills or Khasi Hills region,

but they are a minority now. Non-indigenous communities have become the majority in these areas with the direct support of the State during the regime of East Pakistan and now Bangladesh.

Indigenous peoples are living on traditional and ancestral lands, but the government claims that those are government lands or lands of the forest department. The customary land rights of indigenous peoples have been ignored and the forests are disappearing. Indigenous cultures and ways of life are treated as inferior in many cases. Today many indigenous peoples are engaged in struggles to remain on their land and retain the right to their natural resources. It is said that indigenous peoples have become day-labourers in their own lands and once their lands are alienated from them, they are at high risk of losing their social and cultural identity, we say '*nijo basbhume porobasi*'. Some of indigenous peoples have already lost their mother-tongues and others are in danger of losing them. Indigenous parents and children are forced to migrate into the towns and cities for survival. Extreme poverty is destroying their hopes and aspirations.

In December 1971, after the bloody nine-month long War of Liberation, the then East Pakistan emerged as the sovereign and independent state of Bangladesh. It is uncertain how many Bangladeshis were killed during the war, but a commonly cited estimate is 3 million. Many indigenous freedom fighters have sacrificed their lives for independence of the country, but their contribution was not recognised or written in the national history. It is unfortunate that no space was given to indigenous freedom fighters and many of them left their motherland afterwards with sorrow.

In 1972, when the first Constitution was adopted, indigenous peoples' issues were not included. In the Constitution, it is written:

'All citizens are equal before law and are entitled to equal protection of law', - Article 26.

Article 28:

(1) The State shall not discriminate against any citizen on grounds only of religion, race caste, sex or place of birth.

(2) Women shall have equal rights with men in all spheres of the State and of public life.

(3) No citizen shall, on grounds only of religion, race, caste, sex or place of birth be subjected to any disability, liability, restriction or condition with regard to access to any place of public entertainment or resort, or admission to any educational institution.

(4) Nothing in this article shall prevent the State from making special provision in favour of women or children or for the advancement of any backward section of citizens.

Indigenous peoples have been demanding that these articles are not enough to address their issues and it has now been proven that after thirty-eight years of independence, indigenous peoples have become more vulnerable and marginalised. Indigenous peoples demand that their rights, issues and identity should be clearly included in the Constitution and that they should be mentioned by name.

After several amendments, the present status of the Constitution of Bangladesh has become a discriminatory one towards indigenous peoples and religious minorities. Now, before the preamble, it is written in the Constitution, 'Bismillah-ar-Rahiman-ar-Rahim,' which means, 'in the name of Allah, the Beneficent, the Merciful'. Then Article 5 states, 'The State religion of the Republic is Islam, but other religion may be practised in peace and harmony in the Republic.' Many people protested against this amendment in 1988, but nothing has happened.

Where I live in the Garo region, a state-sponsored population transfer was made after 1947 to grab our land. Since 1947, more than 70% of the Garos migrated to Meghalaya, India for safety and a better life in the future. The other indigenous communities, such as Hajongs, Koch, Banai, Dalu etc. have almost completely left for India. Their lands have been given to non-indigenous settlers. A Garo writer Dinang Sangma, from Tura, Meghalaya wrote in 1997, 'During British regime (before 1947), the villages of Sribardi, Nalitabari, Haluaghat, Durgapur and Kalmakanda thanas of old Mymensingh district of East Pakistan, bordering Garo hills were thickly populated and were predominantly tribal majority areas. The inhabitants were mainly Garos, Hajongs, Dalus, Banais etc. within the area of 900 sq. miles.'

Now the Garo population in these areas is less than 10%, and Hajong, Banai and Koch people have almost disappeared. The UN Declaration on the Rights of Indigenous Peoples stated that this kind of population transfer was a gross violation of human rights.

Article 8 states:

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
2. States shall provide effective mechanisms for prevention of, and redress for:
 - (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
 - (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
 - (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
 - (d) Any form of forced assimilation or integration;
 - (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

Indigenous peoples of Bangladesh have experienced this kind of population transfer and they had nothing to protect themselves except to migrate to India.

The Modhupur Forest, Khasi Region and the Northwest

More than 20,000 Garos and Barman people have lived in the Modhupur forest for ages. They have protected the forest, bio-diversity and the environment for many years and their way of life was fully dependent on this forest. Indigenous peoples in the Modhupur forest are always in danger of eviction from their ancestral land. In 2007, the joint forces killed a Garo human rights defender Cholesh Ritchil. He used to protest against the illegal

activities of the forest department. Amnesty International, UN Permanent Forum on Indigenous Issues, and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people have reported on the Modhupur situation, but the government did not take any action against the killers. In the last twenty years more than ten indigenous leaders and activists have been killed in the Modhupur forest who fought to protect their rights to the land and forests.

In 1962, the government of Pakistan established a national park in the Modhupur forest and took 20,000 acres of land from indigenous peoples. No compensation was given to them. Again in 2000, the government made a plan to establish Eco-parks (tourism project) in the forest. Indigenous peoples organised protest rallies against the project. Then many Bengali intellectuals, civil society members, professors, activists and individuals supported the indigenous movement. Finally, the government could not implement the Eco-park project. But a Garo young activist was killed by police and forest guards in 2004 and more than twenty-five people were injured by bullets. Still land problems and tensions have not been solved and indigenous peoples do not see any attempts from the government to solve this land problem.

In the Khasi region, the forest department in 2001 inaugurated the same type of project. But indigenous peoples protested against the Eco-park because it threatened to evict more than 1,000 families from their homeland and the project denied the customary and traditional land rights of indigenous peoples.

In North-Bengal, Santals, Oraons and other Adivasi people have already become landless in their region. In the past, most of them had land. Many of them migrated to India after 1947. Land grabbing is a big problem for indigenous peoples in the northwest. In 2000, the land-grabbers killed a Santal leader, Alfred Soren. This incident was covered a lot by the media and many organisations, including human rights organisations from the majority community stood in favour of indigenous peoples. The case was filed in court against the killers and land-grabbers, but nothing happened and indigenous peoples did not get justice from the court. In 2005, an indigenous village was totally destroyed by an influential group with the help of the government officers in Parbatipur. More than sixty-five houses were destroyed. The media covered the issue and the European Commission Ambassador visited the place. Finally, indigenous peoples could return to their village. No legal action was taken against the attackers.

This year, in June, a village of Santals was destroyed and totally burnt in the Naogaon district. More than seventy houses were burnt, but effective legal action was not taken against the land-grabbers.

There are many cases of violations of human rights. Indigenous peoples of Bangladesh are the main victims of violations of human rights, as they are a minority and indigenous. Political, social and cultural discrimination is very high for indigenous peoples. The State

does not have a policy for the protection and development of indigenous peoples. Non-recognition of indigenous rights is a major challenge for them.

The Chittagong Hill Tracts (CHT) and the Peace Accord

There are thirteen indigenous communities who have been living in the CHT for many years. They are Chakma, Marma, Tripura, Mro and other small groups in terms of population. During the British period in 1947, there were only 2% Bengali Muslims in the region and 98% indigenous people. They used to enjoy some special political rights under the CHT Regulation 1900. In the 1960s, the Kaptai Hydro-electric Dam was built and about 100,000 indigenous peoples were internally displaced. Many of them migrated to the Arunachal State of India.

But after the independence of Bangladesh, indigenous peoples in the CHT are also not recognised in the Constitution. Indigenous peoples led armed struggle to protect their land and territory for more than two decades. In the meantime, gross violations of human rights took place in the CHT. A population transfer was enacted by the State and thousands of Bengali Muslims Settlers were brought to the CHT with direct support from the government from 1978 to 1981. Now, in just sixty years, the population demographic has been totally altered. It is estimated that by now indigenous peoples have already become a minority in the CHT.

After two decades of armed struggle, a Peace Accord was signed between the government and indigenous peoples (Parbatya Chattagram Jana Sanghati Samity – PCJSS) in 1997. The CHT Peace Accord promised to end a long-standing armed conflict and grant small-scale self-rule by forming the CHT Ministry, Hill District Council, Regional Council, Land Commission, etc. Members of the PCJSS surrendered their arms to the government authority and about 739 cadres were recruited into the police force.

The Accord promised:

- i) land rights to the indigenous peoples;
- ii) revival of their cultural identities;
- iii) rehabilitation of internally displaced people and repatriated refugees;
- iv) withdrawal of military from the CHT, with exception of permanent military establishment; and
- v) self-government through regional and district councils.

But major components of the Peace Accord have not yet been implemented. After a decade of the Accord, indigenous peoples are still suffering from fear, insecurity and exploitation. Military rule still continues there and indigenous peoples did not get their lands back. A lack of political will is the main reason for the non-implementation of the Accord after one decade. The frustration of indigenous leaders is now very high. During this period, a small number of the indigenous leaders have become inactive and some of them are making trouble for PCJSS. This is also very challenging because the indigenous society in the CHT has been deeply divided over the last twelve years.

New hopes, and some positive trends

There is hope for the indigenous peoples of Bangladesh because some members of the majority society, civil society organisations, NGOs, the media, environmentalist groups, cultural activists and individuals are becoming aware and supportive of indigenous issues. Indigenous voices are seldom heard at the local and national levels. Indigenous peoples are also becoming united to raise their voices at the national and international levels.

The new government has commitments for establishing the rights of indigenous peoples and taking initiatives for economic and social development.

In the Election Manifesto the ruling party Awami League stated:

- i. Terrorism, discriminatory treatment and human rights violations against religious and ethnic minorities and indigenous people must come to an end permanently. Security of their life, wealth and honor will be guaranteed. Their entitlement to equal opportunity in all spheres of state and social life will be ensured. Special measures will be taken to secure their original ownership on land, water bodies, and their age-old rights on forest areas. In addition, a land commission will be formed. All laws and other arrangements discriminatory to minorities, indigenous people and ethnic groups will be repealed. Special privileges will be made available in educational institutions for religious minorities and indigenous people. Such special privileges will also apply for their employment.
- ii. The 1997 Chittagong Hill Tract Peace Accord will be fully implemented. More efforts will be directed toward the development of underdeveloped tribal areas, and special programmes on priority basis will be taken to secure their rights and to preserve their language, literature, culture, and unique lifestyles.

The major challenge for indigenous peoples or Adivasis in Bangladesh is that the politicians usually forget their commitments and what they said after getting into power. A strong advocacy and follow-up programme may be effective in this regard.

International Covenant and Conventions

The government of Bangladesh has ratified most of the UN and International Covenants and Conventions. It has ratified ILO Convention No. 107 for Indigenous and Tribal Populations, Covenant on Civil and Political Rights, Economic, Social and Cultural Rights, Convention on the Elimination of All Forms of Racial Discriminations, Convention on Biological Diversity, CEDAW, Convention on the Rights of the Child etc. But the major challenge is the non-implementation of these conventions on the ground.

Major Issues and Challenges

- Non-recognition of Indigenous peoples' rights, identity, culture and existence in the Constitution
- Social, political and economic exclusion
- Fear, insecurity and migration to India after 1947 (riots, land-grabbing)
- Militarization in the Chittagong Hill Tracts
- Loss of cultural identity, and social oppression
- Negative impact of mainstream development efforts

- No consultations with indigenous communities or organisations
- Land-grabbing, leading to livelihood displacement among the indigenous peoples
- Losing their own heritage, which threatens their sustainability
- Slowly and steadily losing their history, language, culture, customs, knowledge and music
- No influence in national decisions
- Often unable to protect themselves against social, political and economic injustices
- Face a real threat in exercising their basic rights and surviving as communities
- Lack of representation at the government level
- Lack of access to information and technology
- Slowly but steadily resulting in their marginalization
- State-sponsored population transfer to Garo regions after 1947 and grabbed territory and land;
- Islamisation of indigenous areas;

In one count, there are 300 mosques built in only one district (Khagrachari) on indigenous land (IWGIA, Indigenous World 2001-2002, page 319);

Picture of Population Transfer in the CHT

- 1941 : the CHT total population was 247,053
- Indigenous population 239,783 (97.06%)
- Non-indigenous Bengali population 7,270 (2.94%)
- 1951 Indigenous 269,177 (94%), Bengali 18,070 (6%)
- 1974 Indigenous 392,199 (77%), Bengali 116,000 (23%)
- 1981 Indigenous 441,744 (59%), Bengali 313,188 (41%)
- 1991 Indigenous 501,144 (51%), Bengali 473,301 (49%)
- 2008 indigenous population became a minority...

Some recommendations

Indigenous peoples have a long way to go in Bangladesh. The lack of political will good governance, and rule of law, the instability and intolerance in politics, the high level of corruption, and low standards in the bureaucracy and many other elements are important issues that need to be addressed in order to establish rights for indigenous peoples.

My recommendations:

- Constitutional recognition of indigenous peoples
- Recognizing the land rights, rights to the forest and natural resources
- Full implementation of the CHT Accord
- Formation of a land commission (plain land) and return of dispossessed lands
- Special measures for economic, social and cultural development

We have been struggling to make our country good and beautiful for all people, all citizens, men and women, indigenous or non-indigenous.

What we can do together for indigenous peoples, for human beings, is important. You are doing a lot for people, for human beings, for peace, and for humanity on the ground.

I raise this question—this appeal—that we should work together, no one should be discriminated against in this world on the basis of race, ethnicity, gender, religion or culture.

We are all human beings. We want change and I believe that another world is possible, where all people and indigenous peoples will enjoy equal rights and dignity.

Mahatma Gandhi said, ‘Be the change you want to see in the world.’

Thank you.

Subtheme 3: Norway's Bilateral and Multilateral challenges in peacemaking and implementation

Summary of the roundtable discussion by IWGIA, Gáldu (Resource Centre for the Rights of Indigenous People), Ministry of Foreign Affairs, and the Centre for Peace Studies (UiT) and from the present representatives of national indigenous organizations

Ministry of Foreign Affairs

The first speaker from the ministry of Foreign affairs addressed the issue of competence building, and the overwhelming amount of information they receive. There is a great deal of rotation, which leads to limited follow-up in some situations. There are also challenges to both building and administering competence, both at home and abroad. He also raised the point that it is important to have collaboration between the MFA and missionaries, churches, NGO's, and academia; the Ministry is too small to do everything on their own.

Gáldu (Resource Centre for the Rights of Indigenous Peoples)

Speaking for the Sámi, the representative noted that the Sámi are quite modest about many things, but will make the point that they are quite peaceful, and have never been in armed conflict with others or internally. There is a story about Genghis Khan. He conquered everyone, but he had a problem with one people in Northwest Russia. This people had no concept of war or a different concept of war than other peoples, and when the war was supposed to commence, they just never showed up. Some scientists claim that he might have met the Sámi. He also highlighted that since the 1970s the indigenous movement has been a peace movement in many ways, because the Indigenous peoples were seeking peace and tried to solve problems in a peaceful way. He pointed out that the Nordic governments and NORAD have been supportive of the Sámi. Also, he was pleased to note that Mr. Obama was going to be inviting all of the federally recognized tribes to a big conference in Washington DC on the 5th of November. This is historic and a reason why he is the right man to be awarded the prize.

NORAD

There are various reasons why Norway comes into different positions and roles as peace organizers. It is often researchers, Norwegian NGO's, or individuals that have opened up a dialogue where there is a greater role for the Norwegian government to play in various conflict situations and peace processes. All of the various situations that Norway has been involved in are different and the mechanisms used are different. It is not as if there is one office that just knows how to do it. The involvement of Norwegians in areas around the world is what makes it possible for Norway to play a role in establishing a platform for dialogue. The question then is: How is it possible for Norway to get involved in the issue of ILO 169 and North-East India, who can there be partnership with in order to open up that dialogue? He noted that the only country to have ratified it in Asia is Nepal, a neighboring country to India, with an indigenous population of 36%. They are undergoing a total social and political change which one Norwegian researcher likened to the French Revolution. Indigenous peoples play an important role as the marginalized people in Nepal. He added that there is a tremendous amount that can be learned in this

process.

What has Norway's role been in this process? Norway has mainly facilitated arenas for dialogue between parties after ten years of guerilla warfare. The parties decided that they needed to have a dialogue when they had a common enemy after the king took over the political side of the government and sidelined the parliament. Norway was able to facilitate arenas for dialogue. That process led to a constitutional reform and democratic election. They have gotten a new government, but it is still a shaky process. It is important to highlight that this was a Nepali process; Norway played a marginal role. The important lesson here is that the process has to be owned by the people who have to live with the outcomes, and if it is not, it will often fail. Norway cannot come in and 'save' things. When there is a way for Norway to be involved through partnership and dialogue, Norway can be an addition to the process, but not the broker of peace, because then the situation is not sustainable.

Union for the Emancipation of Indigenous Women (DRC)

Norway can play an important role in building peace in the DRC, and in other African countries, because they have not had a bad experience with Norway. In the DRC, there are many church groups who are supported by the Norwegian government, and they play an important role in local communities. Norway is also playing an important role in UN-REDD (Reducing Emissions from Deforestation and Forest Degradation in Developing Countries), and in the issue of climate change. Even though Norway was not a colonial country, it still has economic power, which extends to political power in climate change. In countries like the DRC, where the government does not care about the indigenous people, when Norway wants to promote their rights, these countries have to listen, especially if they want to get aid from Norway. Then indigenous people are invited to participate because countries want to be in good collaboration with Norway. For that reason, Norway can play an important role in these processes. In the DRC, the politicians are very interested in Norwegian collaboration.

Tin Hinan (Mali)

It is not often that Indigenous people of Africa get the opportunity to meet different organizations and government officials who are actually interested in hearing about our case. A continuous problem in the Tuareg case is that there will be a peace agreement and soon afterwards it is forgotten by the negotiators and others involved in the process. But for the people living in these communities, they do not forget that easily. It cannot escape their minds because they have lost families, and it is not easy to forget just because a paper was signed. A question to the MFA: What is your mechanism for following-up on a peace agreement? The problem in the Tuareg case is that we do not see that the peace accords are based on Human Rights. Another issue is if the peace is broken by one party, there is no news coverage about it, and then people just lose faith in the peace agreements. Also, a comment to IWGIA, MFA and NORAD: over the last fifteen years the indigenous peoples in Africa have built up capacity, but they need resources. Who can help us to get into direct contact with organizations, with partners? African states do not help indigenous people because they always say they are like everyone else, that they are all indigenous and all populations have poverty and problems. But indigenous people are now ready to mobilize and open up cooperation and participate in development

cooperation. Another problem is illiteracy. One can imagine that nomadic Tuareg or hunter-gatherer pygmies, there might be 100,000 people, but only a hundred of them have an education. Education is not an option for them, because their lifestyles are not adapted for school life.

There is also the issue of the participation of women, where there is a new vision of development. But in the traditional way, women have power in the certain ways, but now they have to deal with the new ways, the “development ways” and the men do not always understand that this new development system requires a strategy that includes women in the official system. A comment to the University and the Centre for Sámi Studies: there is a lot of work we can do together. We do not have a culture for writing, and we need to be able to write, we need to write our own history, our own stories. We do not have a way to do this. We do not have the resources. We would like the opportunity to study in subjects that are relevant for us, about indigenous rights, human rights, and peace. Finally, we in Africa are open to working with Norwegian universities and the MFA, and to be in cooperation. We would also like to ask NORAD to help us establish a link between our countries. We believe that this would help to consolidate peace.

AISWACS (All India Santal Welfare and Cultural Society) This will include some comments on the role of facilitators and the resource constraints. In the case of the Bodols and Santals, Norway was denied entrance into the situation because the state was not a party to the conflict between these two groups. But Norway, or any other peace broker, can lobby with the state agency when they have been denied access to the conflict situation; they can lobby the state and ask what is acceptable, the basic minimum. And the issue raised by the MFA is an important point—the conventions can be the starting point for dialogue so that every party to the conflict can have a level playing field. Norway and others involved in peace processes can play an enhanced and effective role. In terms of the role of facilitator when the Norwegian government agency is denied entrance, the role of civil society organizations, whether they are secular or church-based, can still have civil society to civil society interaction and the state cannot intervene if they are in compliance with legal requirements. I would also like to stress that the conflicting parties need to be included, because if they are not, the facilitators will lack the proper perspective and the rationale for understanding the parties’ actions. Indigenous peoples, local communities and women from the communities must be included; this is also an appeal for more inclusiveness of both genders. As for the colonial powers, they are still very much the stakeholders. They may have physically left, but we are carrying the burden of the legacy of the colonial past, so the former colonial powers in conflict zones should engage. Also the evangelical organizations that evangelized their religion to other parts of the world, they should also be participating.

IWGIA

There seems to be a general trend as far as donors, at least the Danish government is giving more support to governments and concentrating support to civil society within a few organizations. If sustaining peace and addressing conflicts require a strong civil society, then the trend is counterproductive and creates imbalances and makes it even more difficult for indigenous peoples to address the conflicts and to engage in the implementation.

Bangladesh Adivasi Forum (Bangladesh)

Indigenous peoples all over the world, even in countries like Bangladesh, have been struggling for survival and to protect their land and territories. Because the indigenous peoples' areas are heavily pressured by development activities, indigenous peoples' movements should be strengthened. To the others on the panel here, I would like to add that in my experience, the media is also very important for the struggle. In Bangladesh we are trying to use indigenous media, but it is not easy because it is expensive and the state tries to control the media. Indigenous peoples should also be skilled in their own capacities in their own organizations. Someone raised the issue of partnerships, but partnerships should be meaningful. Indigenous peoples are often the targets of development, but they are not the actors. Indigenous lands have been militarized for thirty years: How can indigenous peoples' rights be supported through international cooperation. This is a very important question.

Forum Update

Presentation of Dilla University

Fikre Dessalegn, Dilla University (Ethiopia)



Entrance to the University DILLA UNIVERSITY

Institute of Indigenous Studies and its efforts in addressing indigenous issues

The institute is located on the outskirts of the town of Dilla, in the Southern part of Ethiopia, 370 km from Addis Ababa. It was established at Dilla University at the end of 2007. An important reason for its establishment is that there fifty-six of the minority groups in the country live in Southern Ethiopia.

Why it was established

These groups are rich in traditional knowledge, institutions, beliefs, and values that have enabled them to live in harmony with nature. But they are not the subject of much research and not integrated into modern systems of administration, environmental management and development plans and policies.

They have suffered from political, economic and social marginalization by successive old regimes and by the dominant group(s) in terms of political representation and participation and the benefits from national socio-economic affairs. In terms of academic

discourse, these communities have been left at the margins of national historiography. Their history is either distorted or underrepresented. Their contribution to the development of Ethiopia is also seldom recognized.

The limited research that has been conducted on southern Ethiopian communities have been one-sided and exploitative, as is the case elsewhere. The top-down research methodology silenced their contribution to the body of knowledge, economic and social affairs of the country.

Their cultural practices, economic life and traditions are threatened by the winds of 'modernization' and globalization; and hence, seek considerable attention for preservation and legal protection.

Mission of the Institute of Indigenous Studies(IIS)

The mission of IIS is to promote and investigate the cultural heritage, values, beliefs, worldviews, and customs of these communities and to rectify the old tradition of Ethiopian historiography and to integrate the voices of these peoples into academia. IIS seeks to identify challenges facing indigenous people and will possibly be involved in efforts to alleviate them in close cooperation with governmental and non-governmental organizations working on these issues. It is also the institute's imperative to deconstruct the 'conventional' research approach and introduce a participatory research approach. Finally, IIS seeks to serve as a center for national and international research undertakings.

Current Activities

The institute has three major activities:

- Research
- Documentation (Museum and library works)
- Training plans

Research and the activities of the library have begun. The library is collecting different materials on indigenous issues through purchase, donation and copies. In the research area, a team of researchers under the institute has started participatory research activities among four ethnic groups in southern Ethiopia: Guji, Burji, Keffa and Shako.

The team in their field survey came up with three thematic issues of high relevance: interethnic relationships; local knowledge system and transmission; relationship between people and their environment. The titles of the ongoing research projects are:

- "Building complementary relationship within dichotomized culture: the Guji-Burji relation"
- "Children's local knowledge of food habits and culture and two indigenous ethnic groups (Keffa and Shako) in Southern Ethiopia"

Background for the projects

Who are the Guji's and Burji's?

The Guji are an agro-pastoral society and the Burji are an agricultural society. The two communities/ethnic groups are located in southern Ethiopia along the Ethio-Kenya highway. The Guji live in the the Oromia regional state, while the Burji live in SNNPRS (Southern Nations, Nationalities, and People's Region). They share a common border and their engagement in complementary economic activity enhanced interdependence. But recent border conflicts often fueled conflicts between the groups.

The problem

The basic problem that triggered this research was the fragile relationship between the communities, which has become an obstacle to development activities in the regions. The communities, particularly in the border areas, exist in desperate conditions because of the killings and destruction of the 'enemy's' houses, and the burning of harvests, and stealing livestock and the sometimes abduction of women or girls from the other side. These are daily occurrences during the conflicts. Regional police forces from the respective regional states guard the communities.

Research Questions

The team of researchers was prompted to raise the following questions:

- How long will the military be stationed and guard the communities?
- How effective is this method?
- What historical changes and continuities are observed in their interrelationship?
- Can it be possible to address the issue through an indigenous mechanism of conflict resolution?

Aims

The team is interested in investigating:

- the causes of the conflict and emerging and changing conditions that shape their relationship
- actors in the conflict
- self-image and image of the "Other" among the groups, and
- possible mechanisms for resolution, including any policy recommendations

The researchers are using participatory and interdisciplinary approaches.

Preliminary Understandings

The research began in November of 2008, and is not yet completed, but so far researchers have come out with the following understandings:

- the communities had economic interdependence in the past;
- they shared some cultural norms and values, but these cultural elements have recently been dichotomized
- violent conflicts are common occurrences among the groups, but the causes are complex and multidimensional
- in the past (until 1947), the two groups used to settle their conflicts through traditional mechanisms

- gradually, state intervention complicated both the cause and resolution of the conflict

Beginning in 1974, the groups clashed several times, but the state-led peace processes have not been sustainable:

- local elders and members of victims families and perpetrators are not incorporated into the peace process
- military intervention has been frequently used
- respect for cultural values and institutions of conflict resolution declines
- involvement of multiple agents became an obstacle for the peace process, etc

Currently, the two groups are in a state of “no war no peace.” The team of researchers is working on investigation into the causes and possible solutions for the conflict, including finding out policy recommendations.

To summarize

There are different dynamics in the political, economic, and social dimensions that affect the livelihood of indigenous/minority groups. While some of these aspects are global (e.g. climate change, economic liberalization, investment and transnational conflicts)—the effects of which are revealed in the daily life of these communities, others are local and/or national. The Institute of Indigenous Studies, therefore, tries to address the multidimensional issues of these communities using indigenous research methodologies. In this effort, our institute seeks support from pioneer institutes and centers, whose experience and expertise would help us to achieve our missions.

Conference Summary

Robert K. Hitchcock, Michigan State University and Kalahari Peoples Fund

The theme of the 2009 Forum for Development Cooperation with Indigenous Peoples conference was “Violent Conflicts, Ceasefires, and Peace Accords through the Lens of Indigenous Peoples.” The choice of this theme was timely. There have been numerous conflicts, wars, and inter-group struggles that have affected indigenous peoples in various parts of the world. Some of these conflicts come about because indigenous peoples have resisted what they saw as efforts by nation-states, private companies, international organizations, and other groups to dispossess them of their land, natural resources, and cultural identities. Tens of thousands of indigenous people, the vast majority of them civilians, have been killed and wounded in these conflicts. As a result, huge sums of money and resources have had to be expended to assist the people affected, and numerous efforts have been made to resolve conflicts and reach peace agreements that are long-lasting and fair to all concerned.

The conference was opened by the Rector of the University of Tromsø, Jarle Aarbakke, followed by a welcome to the participants from Terje Lilleeng, the advisor to the Forum for Development Cooperation with Indigenous Peoples and Marit Myrvoll, the Deputy Chairman of the Board at the Centre for Sámi Studies welcomed the participants to the conference, University and the city of Tromsø. Professor Tone Bleie, the Chair of the Advisory Board of the Forum, opened the discussions with a perceptive analysis of violent conflicts and indigenous peoples. She pointed out that there were numerous cases around the world where indigenous peoples were in conflict with their governments and with other groups, in part because of the failure of nation-states to recognize the rights of indigenous peoples. The war on terror has reinforced the tendency to focus on security issues, and this has exacerbated tensions worldwide. The widespread circulation of small arms has contributed substantially to the violence. She noted how critical it was to understand the roots of the conflicts.

Dr. Bleie called for peaceful ways to resolve conflicts, noting the importance of DDRI – Disarmament, Demobilization, and Reintegration. She discussed the important role of peace-making and conflict resolution efforts and described the roles of various stakeholders, including international organizations, governments, civil society, community-based organizations, and indigenous peoples’ associations. She cited several examples in various parts of the world where violence was occurring that affected indigenous peoples, including northeast India, Bangladesh, Myanmar, the Sahara (Mali-Niger), central Africa (the Great Lakes region), and Latin America. She then introduced the sub-themes of the Forum Conference and explained their significance. These sub-themes were:

1. Unknown Sufferings: Perpetrators and Victims of Violence and Its Invisibility
2. Examining the Preconditions for Building Sustainable Peace

3. Norway's Bilateral and Multilateral Challenges in Contributing in Peace Building and Monitoring of Peace Accords

Dr. Bleie concluded by emphasizing the importance of coming up with sustainable strategies for addressing violence, negotiating peace accords, implementing agreements, the importance of monitoring peace accords and agreements, and the significance of addressing post-conflict issues relating to peace and justice.

As was noted in the discussions at the conference there has been marked reluctance on the part some governments to acknowledge the existence of indigenous peoples and to allow indigenous peoples the right to participate in decision-making. The efforts by indigenous peoples and their supporters to come up with a Declaration on the Rights of Indigenous Peoples, which was passed by the United Nations General Assembly on 13 September, 2007, has had some positive impacts, but there are still a number of nation-states that have yet to recognize the importance of some of the provisions of the Declaration and to ensure equity and justice for all of their citizens.

Some of the most difficult problems facing indigenous peoples have been the policies of governments that are aimed at settling non-indigenous peoples on indigenous land, as can be seen, for example, in North-East India. This is the case, for example, in Assam, one of the seven "tribal states" of North-East India, where Tonol Murmu of the All India Santal Welfare and Cultural Society described efforts of the Indian government to settle Bodo and others on land claimed by Santals. These resettlement efforts have contributed to tensions between groups, which have led to what Tonol Murmu describes as "silent sufferings" on the part of the Santals, thousands of whom have been killed, had their villages destroyed, and internally displaced. The camps where Santals are living are overcrowded, insufficient food is provided, and people experience nutritional stress and unhygienic conditions. Other problems include the trafficking of girls, low priorities given for indigenous children in education, and biased and insensitive medical coverage which tends to be violence-driven. There is a clear need for reconciliation between Bodos and Santals in Assam, and greater efforts of the government and civil society are needed to provide physical and economic security.

Some of the discussions in the Forum conference evolved around the complex issue of genocide. The United Nations Convention on the Prevention and Punishment of the Crime of Genocide (Article II) defines genocide as follows:

In the present Convention: genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures indeed to prevent birth within the group;

(e) Forcibly transferring children of the group to another group

It was noted in some of the presentations and discussions at the conference that some of the mass violence and atrocities that have been perpetrated against indigenous peoples fit the category of genocide, one example being the purposeful targeting of Fur, Masalit, Zagawa, and other groups in the Darfur region of western Sudan for destruction by the Government of Sudan and its allies the *Janjaweed*. There are also cases where indigenous peoples have had their children taken away from them forcibly and pressed into service as child soldiers or as servants, something that has occurred in Africa, Asia, and Latin America.

Violent and non-violent conflicts between hunter-gatherers and pastoralists in Africa were taken note of, including ones in which there is competition over land and natural resources. There are cases where foragers have had to cope with incursions of pastoralists in their lands, as has occurred, for example, in Chad (the Haddad), Kenya (the Okiek, the Boni), Somalia (the Eyle), and Tanzania (the Hadza). Not all of these cases involve deadly conflict; in some cases, pastoralists negotiate with hunter-gatherers to come into their areas. There are also situations where pastoralists enter the land of hunter-gatherers uninvited, as occurred, for example, in Nyae Nyae, Namibia, where in late April, 2009 Herero pastoralists crossed a veterinary cordon fence with hundreds of cattle and established themselves at water points already occupied by Ju/'hoan San, as described by Jennifer Hays of the University of Tromsø. The case presented by Hays is an important one, as it involved two populations who can both be classified as marginalized in the country in which they live. The Government of Namibia came out on the side of the Ju/'hoansi, arresting the pastoralists who entered what, under Namibian law, is a conservancy—an area set aside for local communities to manage wildlife. The case raised issues in Namibia involving equity in the treatment of local communities, the need for greater collaboration between hunter-gatherers and pastoralists, and the importance of reconciling competing agendas of different groups.

An example of a negotiated settlement of a long-standing conflict was presented by Juan Leon, the Guatemalan Ambassador to Norway. Leon discussed the situation of the Maya and other indigenous peoples in Guatemala after the civil war and peace agreements. He noted that indigenous peoples had been targeted during the civil war, which saw genocide, massive human rights violations, extrajudicial executions, and disappearances. A peace agreement was reached in December, 1996. Sixty percent of Guatemala's population is indigenous, with some twenty-two languages spoken in the country. In spite of the fact that they were in the majority numerically, indigenous peoples were subjected to racism and discrimination. Leon discussed the roles of indigenous peoples in the negotiation process, and outlined what has transpired among indigenous communities in Guatemala in the period between 1996 and 2009. An important lesson from the Guatemalan case was that some 300 different indigenous organizations came together in a united movement that negotiated the peace agreement. The peace agreement opened up the possibility for indigenous rights to be realized. Leon concluded that there is still a long way to go; while cultural rights are recognized, there are still concerns about social and economic rights, including the fact that many indigenous peoples are still living in poverty. Issues raised in

the discussions following Ambassador Leon's presentation included the problems of on-going social tensions in Guatemala, the need for monitoring of the peace treaty's implementation, the important role of Norway in the negotiation and peace process, and the need to keep up the momentum so that peace building can be sustainable over the long term.

In Sub-Theme 2, "Examining the Preconditions for Building Peace," Adolphine Byayuwa Muley of South Kivu, Democratic Republic of Congo (DRC), discussed the complex situation in the Great Lakes region of Africa and particularly eastern Congo. She pointed out the fact that there were on-going killings, kidnappings, and disappearances of indigenous peoples in Congo, and she noted in particular the severe gender violence that was occurring, with women and girls are being raped and mistreated. She stressed that there was insufficient attention being paid to issues relating to violence against indigenous peoples. She pointed out that journalists had been killed in the region, and that the defenders of human rights were particularly at risk. She emphasized how important it was that efforts be made to resolve the conflicts and to promote disarmament and development in eastern Congo. She concluded by saying that there should be greater collaboration among the international community, the DRC government, civil society, local militias, and indigenous communities in coming up with long-term solutions to the problems faced by local people in southeast Congo

Saoudata Aboubacrine of Mali discussed the peace accords between the Tuareg movement in the Sahara and the governments of Mali and Niger. She pointed out that the Tuarag (Tamacheq) number as many as 4,000,000 – 6,000,000 and are spread across six nation-states in northern Africa. She stressed that, although peace agreements had been reached between the Tuareg and the governments of Mali and Niger, the agreements were not kept, and as a result, tensions had increased, especially since 2005. She noted the fragility of peace agreements and said it was the responsibility of governments and communities both to honor the agreements. There were a number of lessons that she identified regarding preconditions for a durable peace, including the need to handle border disputes carefully, the significance of dealing fairly with issues involving repatriation of refugees to their home countries, the need for neutrality in mediation efforts, and the importance of providing development and economic opportunities to local people. She also emphasized how important it is to do capacity-building among indigenous communities and to promote peace with justice and equity.

Sanjeeb Drong of the Bangladesh Adivasi Forum assessed the reasons for the failed Chittagong Hills Peace Accord and the issues facing indigenous peoples in the Garo Hills and in northwest Bangladesh. He said that indigenous peoples, of which there were some forty-five groups, were suffering in Bangladesh in part because of government policies aimed at resettlement. In the case of the Chittagong Hill Tracts (CHT), the government of Bangladesh resettled Bengalis from other parts of the country on land that has long supported over a dozen different indigenous peoples. Although a Chittagong Hill Tracts Peace Accord was reached in 1997, the government had failed to implement it. A new Chittagong Hill Tracts Commission was established in June, 2008 and it is hoped that the Commission will facilitate the process whereby the Peace Accord provisions will be

implemented so that the complex situations facing indigenous peoples in the CHT will improve and the violence cease.

In his remarks Drong pointed out that there were over thirty indigenous languages at risk in Bangladesh, and that indigenous groups were not being given the opportunity to learn mother-tongue languages in the schools. He said that members of indigenous communities in Bangladesh often had to migrate to other places in order to find employment and places to live. Drong went on to note that there was no mention of indigenous peoples in the Bangladesh Constitution of 1972 and that assimilation was the main policy of the government. As is the case in other parts of South Asia, indigenous peoples must deal with poverty, landlessness, lack of resource rights in forest areas, and lack of recognition of social, economic, and cultural rights of local communities. In the discussion, Drong emphasized the problem of impunity for those who violate the rights of indigenous peoples, and he pointed out that corruption and poor governance were problems facing indigenous as well as other peoples in Bangladesh. He concluded by saying that indigenous peoples' rights are human rights – that indigenous peoples should be accorded the same rights – not special rights – as all peoples in the country.

In the discussions following the presentations in Sub-theme 2, The Role of Norway in supporting the Chittagong Hill Tracts Commission was noted. It was emphasized that efforts needed to be made to address the land needs of all peoples. One of the issues of great concern in the Chittagong Hill Tracts is the continued presence of military camps, and a useful step would be to demilitarize the region. The complex role of military units in all of the situations where indigenous peoples were facing difficulties—in the Sahara, eastern Congo, Bangladesh, India, Myanmar, and many other places—was stressed, and it was noted that if outside governments were to reduce or stop completely their support of militaries and militias, this would facilitate the process of peace-building.

As was emphasized in the discussions, if indigenous peoples are going to be able to cope with the challenges facing them in terms of genocide and massive human rights violations, they will have to be in positions where they can influence governments, international agencies such as the United Nations, and non-government organizations regarding indigenous peoples' human rights. One strategy is to monitor, document, and report on cases of suspected human rights violations involving indigenous peoples. Some of the indigenous groups being subjected to genocidal treatment live in out-of-the-way places that are often inaccessible for environmental (i.e. remote locations, lack of roads), social, or political reasons. Gathering data on genocides of indigenous peoples is also difficult because in many cases the gross violations of human rights are ongoing. At the same time, individuals in these contexts are often reluctant to talk for fear of reprisals. Ensuring that there are open channels of communication and members of the media who are protected is very important.

Fortunately, indigenous peoples themselves are recording their experiences and telling their stories more often now than was the case in the past. This is sometimes done in autobiographical form, and they have also provided testimonies to organizations and journalists working in conflict areas. An advantage of these testimonies, it was noted, is

that they sometimes are obtained during or not long after the incidents to which people are referring occurred, thus ensuring that the effects of gradual memory loss are minimized. Collecting oral testimony in this way can reduce the chances that subsequent reports and media coverage will influence individual perceptions. Analysis of case materials can help in determining the accuracy and reliability of the information collected and can lead to a better understanding of the conditions under which the rights of indigenous peoples are violated.

Another way to influence the international community *vis-à-vis* indigenous human rights issues is to work with the existing international organizations, such as the International Labour Organization, the United Nations Permanent Forum on Indigenous Issues (UNPFII), the UN Special Rapporteur on the Human Rights and Fundamental Freedoms of Indigenous Peoples, and the UN Expert Mechanism on the Rights of Indigenous Peoples. It was pointed out that cases of genocide, war crimes, and massive human rights violations (e.g. rape) can be brought before the International Criminal Court (ICC) or regional organizations such as the Inter-American Commission on Human Rights.

For Sub-Theme 3: Norway's Bilateral and Multilateral Challenges in Peacemaking and Implementation of Accords, there was a roundtable with presentations by representatives from NORAD (the Norwegian Agency for Development Cooperation), the Norwegian Ministry of Foreign Affairs, the International Work Group for Indigenous Affairs, Centre for Peace Studies at the University of Tromsø, and several representatives of indigenous organizations. Discussions focused in part on Norway's role as a facilitator in peace processes. The role of Norway in Guatemala was highlighted, as was Norway's support for indigenous organizations, gender equity programs, conflict management, peace-building, and reconciliation. Themes developed in the discussion had to do with the principle of "Do No Harm," listening to all sides, working at all levels from the global to the local, the utility of including religious faith-based groups and religious practitioners in the conflict resolution and peace building efforts, the importance of ensuring that indigenous peoples have a seat at the negotiating table, the need to look more closely at reconciliation, the value of using multidimensional approaches to resolving conflicts, bringing about ceasefires, and arriving at peace accords, and the importance of promoting human rights broadly. Speakers and discussants pointed out how important it was to look at the causes as well as the consequences of conflict, the need for systems of transitional justice, and the significance of promoting development, poverty alleviation, and environmental protection in order to ensure that peace accords were sustainable over the long term. The session concluded with a discussion of the need to broaden our perspective to deal with all phases of the conflict and development process. Following the Roundtable, there was a presentation by Fikre Dessalegn of Dilla University in Ethiopia on the new Institute of Indigenous Studies, which is being established at Dilla, the first of its kind in Africa. He also addressed local knowledge, food habits, and cultural issues of two of the many indigenous peoples in southwestern Ethiopia.

The participants in the 2009 Forum said in conclusion that they would like to thank the Forum for Development Cooperation with Indigenous Peoples, the Centre for Sámi Studies, the Centre for Peace Studies, the Centre for Human Rights, the University of

Tromsø, NORAD, the Norwegian Ministry of Foreign Affairs, Norwegian non-government organizations, the International Work Group for Indigenous Affairs, the conference organizers, the facilitators of the conference, the chairs, the individuals handling logistics, the technology, the translation, and the recording of the proceedings, as well as the audience, including university students and faculty and members of the public, for their many contributions. It is through this kind of broad-based collaboration at all levels that progress can be made toward ending violence and promoting peace and reconciliation.

Program

Wednesday 21.10.2009

- 20.00: **Reception at Árdna**, the Sámi cultural building located at the University campus, close to “Labyrinten”, The Sámi turf hut and the Administration building.
- 21.30: Bus departure from the University to Radisson SAS hotel

Thursday 22.10.2009

Opening of conference

- 08.30: Taxi departure from Rica Ishavshotel hotel to the University
- 08.45-09.15: Registration, at University Campus, Teorifagbygget, Hus 1, Auditorium 1.
- 09.15-09.25: Opening by Deputy Chair Marit Myrvoll, Centre for Sami studies, University of Tromsø.
- 09.25-09.45: Opening by Tone Bleie, Chair, Forum for Development Cooperation with Indigenous Peoples: “*Violent conflicts, ceasefires and peace accords through the lens of indigenous peoples*”

Subthemes 1:

1. Unknown sufferings: perpetrators and victims of violence and its invisibility

- 09.45-10.15: Tonol Murmu, a Santal and the Executive Secretary of AISWACS (All India Santal Welfare and Cultural Society): “*Bodo-Santal conflicts in Assam: The evil designs, silent sufferings and the process of reconciliation.*”
- 10.15-10.45: Discussion.
- 10.45-11.15: *Coffee*
- 11.15-11.45: Jennifer Hays, Research Fellow in Comparative Indigenous Studies, University of Tromsø: “*The Invasion of Nyae Nyae: A case study in on-going aggression against indigenous hunter-gatherers in Namibia*”
- 11.45-12.15: Robert Hitchcock, Professor from the University of Michigan: “*Genocide and Indigenous Peoples*” or “*The reasons for the escalation of violent conflicts between hunter/gatherers and pastoralists in Southern and Eastern Africa.*”
- 12.15-12.45: Discussion
- 12.45-13.45: *Lunch*
- 13.45-14.15: Juan Leon, Ambassador of Guatemala in Norway: “*Guatemala: The situation of the Maya peoples after the Civil War and Peace agreements.*”
- 14.15-14.30: Discussion

Subthemes 2:

Examining the preconditions for building sustainable peace

14.30-15.00: Adolphine Byayuwa Muley, Bukavu, South-Kivu: *“The killings and lack of attention to Twa/Pygmy groups in both the current fighting (DRC governmental forces - mainly against Hutu militias) and the DDR efforts in the region”*.

15.00-15.15: Coffee

15.15-15.45: Saoudata Aboubacrine, Tin Hinan (Mali): *“Les accords de paix entre les mouvements Touarègue et le Mali”*. *'The peace accords between the Tuareg movements, and the government of Mali'*

15.45-16.15: Sanjeeb Drong, Bangladesh Adivasi Forum: *“Indigenous Peoples of Bangladesh: Invisible war in the Garo Hills and and North-West Bangladesh and non-implementation of the CHT Peace Accord”* .

16.15-17.00: Discussion

17.15: Bus departure from the University to Rica Ishavshotel

20.00: *Dinner at Rica Ishavshotel*

Friday 23.10.2009

Subthemes 3:

Norway’s bilateral and multilateral challenges in peacemaking and implementation of accords – Roundtable discussion after introductions

08.30: Taxi departure from Rica Ishavshotel to the University campus.

09.00-09.45: Introductions by MFA, NORAD and IWGIA.

09.45 -10.30: Roundtable discussion by IWGIA, Galdu, Norad, MFA, Centre for Peace Studies at the University of Tromsø and from the present representatives of national indigenous organizations”.

10.30-11.00: Discussion

11.00-11.15: *Coffee*

Forum update

11.15-11.30: Fikre Dessalegn, Dilla University (Ethiopia): *“Presentation of Dilla University”*.

11.30-11.45: To be announced

Summing up

11.45-12.45: Summing up by Robert Hitchcock, professor, University of Michigan.

12.45-13.00: Closure of the Forum Conference 2009

13.00-14.00: *Lunch*

Participants

Abdulmelik Semiha University of Tromsø
Aboubacrine Saoudata Tin Hinan, Mali
Aleksandersen Risten Turi Sámediggi - The Saami Parliament
Amanor Aaron University of Tromsø
Andersen Susanne Amalie University of Tromsø
Anti Stein-Erik Sami Church Council
Antonovskaya Vasilina University of Tromsø
Arnegaard Turid Norad
Arthur Fredrik Ministry of Foreign Affairs, Norway
Asplund Marina University of Tromsø
Baer Lars-Anders Gáldu - Resource Centre for the Rights of Indigenous Peoples
Bauck Petter Norad
Bellis Dana University of Tromsø
Bergli Tine University of Tromsø
Berg-Nordlie Mikkel Norwegian Institute for Urban and Regional Research (NIBR)
Bezborodova Victoria University of Tromsø
Bleie Tone Forum Advisory Board/University of Tromsø
Boakye Priscilla University of Tromsø
Bongo Berit Andersdatter Finnmark University College
Brattland Camilla Centre for Sami Studies
Braut Kristine Tjøland University of Tromsø
Bremmer Michael University of Tromsø
Bremmer Marcie University of Tromsø
Bruland Hildegunn Centre for Sami Studies
Callisaya Juan Edgar Huanca The Norwegian Solidarity Comitee for Latin America/CEADL
Carlos Claudia The Norwegian Solidarity Comitee for Latin America/Colectivo Rebeldia
Chama Brian University of Tromsø
Cielen Przemyslaw University of Tromsø
Clark Alison University of Tromsø
Dalsbø Elisabeth Thørring University of Tromsø
Dangol Niraj University of Tromsø
Das Smritikana University of Tromsø
de Iraola Gabriela The Norwegian Solidarity Comitee for Latin America/ Propuesta
Dessalegn Fikre Dilla University, Ethiopia
Djesa Rachel Issa North/ South Coalition
Drong Sanjeeb Bangladesh Adivasi Forum
Dybdahl Ragnhild Norad
Eide Trine University of Tromsø
Evjen Bjørg Centre for Sami Studies
Evjenth Ivar Interpreter
Fossbakk Ole-Bjørn University of Tromsø
Fottland Håkon University of Tromsø
Gamage Dr. Siri University of New England, Australia
Gaup Nils Ole Interpreter

Gausvik Kjersti University of Tromsø
Gerald Ainebyona University of Tromsø
Gjerløw Beate The Norwegian Solidarity Comitee for Latin America
Golo Harrison Kwame University of Tromsø
Gregovic Marko University of Tromsø
Hassan Md. Zahid University of Tromsø
Hatteng Bjørn Centre for Sami Studies
Hauan Kjellaug University of Tromsø
Hays Jennifer Forum Advisory Board/University of Tromsø
Henson Vincent Nicolai University of Tromsø
Hergum Hans Petter Norwegian Church Aid
Hidoto Yacob University of Tromsø
Hirsch Cecilie University of Life Sciences
Hitchcock Robert University of Michigan, US
Holmedal Oddvar Normisjon
Hætta Anne Karen University of Tromsø
Instefjord Idar Ministry of Foreign Affairs, Norway
Iralu Easterine Norskforfattersentrum/Ura Academy, Nagaland
Jensen Ellen Marie Centre for Sami Studies
Johnsen Siri Centre for Sami Studies
Johnsen Tore Sami Church Council
Jones Peris Norwegian Institute for Urban and Regional Research (NIBR)
Juliet Kalyango KVINNFORSK
Kamal Nudrat University of Tromsø
Kandel Tilak Prasad University of Tromsø
Khoronzhevych Mariya University of Tromsø
Kim Jung Im University of Tromsø
Kolås Åshild International Peace Research Institute, Oslo (PRIO)
Laber Miranda University of Tromsø
Leon Juan Ambassador of Guatemala in Norway
Lilleeng Terje Centre for Sami Studies
Linstroth John International Peace Research Institute, Oslo (PRIO)
Loovers Jan Peter University of Aberdeen/University of Tromsø
Lopez Tomas Bodø University College
Manaktala Meghna University of Tromsø
Maniraguha Jean Pierre University of Tromsø
Mathisen Ada Student
Mayhew Caroline University of Tromsø
Md. Rakibul Islam University of Tromsø
Midré Georges Forum Advisory Board/University of Tromsø
Minde Henry University of Tromsø
Muhtadi Rami University of Tromsø
Muley Adolphine Byayuwa Bukavu, South-Kivu
Mumuni Victoria University of Tromsø
Murmu Tonol AISWACS (All India Santal Welfare and Cultural Society)
Myrvoll Marit Centre for Sami Studies

Nilsson Christina International Work Group for Indigenous Affairs (IWGIA)
Ninkova Velina University of Tromsø
Olsen Andrea University of Tromsø
Opsvik Vivian Hilde Norad
Pedersen Ivalu University of Tromsø
Pyzhova Anna University of Tromsø
Qoricho Yonas University of Tromsø
Quispe Eliza The Norwegian Solidarity Comitee for Latin America/CEADL
Ramsland Marius The Norwegian Solidarity Comitee for Latin America
Raustøl Arne Kjell Norwegian Missions in Development
Ronald Kalyango Makerere University/KVINNFORSK
Ross Jeffrey University of Tromsø
Rylander Amalia University of Tromsø
Sahautidinov Ruslan University of Tromsø
Sandvik Carina Centre for Sami Studies
Sapignoli Maria University of Essex, UK
Saugestad Sidsel Forum Advisory Board/University of Tromsø
Sekere Bihela University of Tromsø
Somby Silja Interpreter
Stokbak Sciaba John Richard Interpreter
Thowsen Monika P. Ministry of Foreign Affairs, Norway
Thyness Hilde Norad
Trolie Ronja The United Nations Association of Norway
Ulriksen Kai Arne University of Tromsø
Vladimirova Vladislava University of Tromsø
Wæhle Espen Forum Advisory Board/IWGIA
Ximenes Fausto University of Tromsø
Yancha Dashell University of Tromsø
Zaytseva Maria University of Tromsø
Zhang Yiyao University of Tromsø
Østlie Vidar Wie Namibiaforeningen