Introduction

Over the last decades, the African continent has been hallmarked by conflicts, ranging from what is known as liberation or decolonization struggles to civil wars and severe political unrest.

Between 1960 and 1994, Africa experienced over twenty major civil wars. At the beginning of the millennium, Africa reportedly had eighteen countries facing armed rebellions and eleven of them were facing challenges of severe political crises. From West to East and North to South, no single part of Africa has been spared, as wars and conflicts in Sudan, Chad, Angola, Liberia, Sierra Leone, Somalia, Burundi, Rwanda, Central African Republic, Democratic Republic of Congo, Republic of Congo and Mozambique ravaged the continent. Several other African countries have been embroiled in border disputes that led to open armed conflicts, including between Ethiopia and Eritrea, Nigeria and Cameroon, Chad and Libya, and between Tanzania and Uganda.

The costs of these conflicts—including the human costs—have been immense. A 2008 report by the African Development Bank estimated that over 8 million deaths and over 14 million internally displaced persons resulted from postcolonial conflicts in Africa. The World Health Organization (WHO)’s World Report on Violence and Health indicated that Africa recorded the highest rate of war-related deaths in 2001. These figures have certainly increased, following

recent conflicts in Africa, including in Sudan, Mali, Central African Republic and the Democratic Republic of Congo.

The impact of these conflicts on the most vulnerable or marginal social groups of African societies, notably Indigenous communities such as the San or “Bushmen,” Touareg, Maasai and Batwa or “pygmies” remains undocumented and often denied or sometime hidden.

Indigenous peoples are found in many African countries. They are communities that have suffered or continue to suffer from prejudiced views against their cultures, ways of life and livelihoods which are considered, by mainstream society and development paradigms, as not good enough to be legally protected and promoted.

The term “Indigenous Peoples” has been given a specific meaning in Africa by the African Commission on Human and Peoples’ Rights (the African Commission), which indicates that the term does not mean first inhabitant of a given land, country or a region:

“It is a term through which those groups—among the variety of ethnic groups within a state—who identify themselves as Indigenous and who experience particular forms of systematic discrimination, subordination and marginalisation because of their particular cultures and ways of life and mode of production can analyse and call attention to their situation. It is a term through which they can voice the human rights abuses they suffer from—not only as individuals but also as groups or peoples.”

These African communities’ unique traditional lifestyles, construed around either hunting, gathering, nomadic pastoralist or shifting cultivation, made their ancestral lands and territories look unoccupied as if they belonged to no one. These lands were therefore either considered as public lands, transformed into protected areas or simply taken by neighboring communities:

“Indigenous pastoralist and hunter-gatherer communities in Africa have been losing their land incrementally over

7. “Pygmies” is a generic and often resented term used to designate Indigenous Peoples living in the Central African tropical forest, who are called by different names in over ten African countries where they live.

the years. In many parts of Africa, this situation has been promoted by the assumption that the land occupied by the pastoralists and hunter-gatherers is terra nullius. The term terra nullius has traditionally been taken to mean ‘land belonging to no-one’. The assumption that the land of pastoralists and hunter-gatherers is empty or not used productively has stimulated land alienation at all levels.”

This paper argues that conflicts affecting Africa have particularly impacted Indigenous Peoples in three major ways. Firstly, there are African Indigenous communities caught up in conflicts between major groups. Secondly, there are African Indigenous Peoples whose lands and territories are militarized for various reasons and that are, to a certain extent, forced to join armed conflicts. Thirdly, there are African Indigenous Peoples involved in land-related disputes resulting in open or latent conflicts, including with states and with private businesses.

I. Indigenous peoples in Africa caught-up between two major warring factions

As in many parts of the world, Indigenous Peoples in Africa are often numerically and politically insignificant in countries where they live. In Botswana and Namibia, for instance, the San peoples or “Bushmen” are estimated to represent just 3 and 1.8 percent of the population respectively. Similarly, the Batwa or “pygmies” in Rwanda and Burundi represent only 0.2 percent and 0.6 percent of the national populations respectively.

Starting from the African decolonization wars in the 1950s and 1960s to the major conflicts experienced by Africa in the 1990s, these numerically insignificant traditional communities that self-identify as

9. Ibid., 21.
11. The term “Bushmen” is often understood as a derogatory term, but many concerned communities prefer it instead of “San.” This article will use the term “San.”
Indigenous Peoples have been caught between major warring factions, including being forced into alliance by either sides of conflicts.

Several communities of the San or “Bushmen” peoples of Southern Africa were forcibly relocated for military objectives and, on occasion, were forced to take side with the then-apartheid army, the South African Defense Force (SADF), which was fighting several liberation movements in Namibia, Zimbabwe and other countries.\(^{13}\)

In the particular case of the Namibian Tsumkwe District, historical accounts reveal that “many San men worked for the SADF (South African Defense Forces) in the period prior to independence and most of them, including their families, were moved by the SADF to South Africa during the transition to independence....”\(^{14}\) The concerned San community members are today “…victimized because they were used in the 1970s and 1980s by the former South African government forces in its military operations against SWAPO’s liberation fighters.”\(^{15}\) Many people still criticize the San peoples for having fought on the wrong side of the decolonisation, ignoring that San were forced to side with the apartheid regime.

However, there is almost no account of how many San or Bushmen died in the liberation or decolonization wars in the whole of Southern Africa. The San’s numbers have sharply declined from over 300,000 to less than 200,000 today\(^{16}\) but no study has been undertaken to understand the reasons behind such decline.

The Amazigh Indigenous Peoples also played a key role in the independence wars of many Northern African States but the exact figures of how many died in these liberation struggles are unknown and often contested.\(^{17}\)


In post-independence Africa, the trend of not documenting Indigenous victims of major conflicts continues. The 1994 Rwandan genocide led to the killing of over 800,000 Tutsi and moderate Hutus in a very short period of less than four months. One key United Nations Report on the Rwandan genocide indicated the killing of “the Tutsi population of the country but also targeting of moderate Hutus….“

In his article “The Twa Pygmies: Rwanda’s Ignored People,” an anthropologist who has worked extensively in Batwa highlights the existence of three ethnic groups in Rwanda, namely Tutsis, Hutus and Batwa. The anthropologist shows, however, that almost all reports on the genocide in Rwanda make reference only to 800,000 Tutsis and moderate Hutus killed, as if no single Indigenous Batwa was killed during the tragic events.

“The horrifying number of Tutsi and moderate Hutu that died represent about 14 per cent of the nation. Although less than one per cent of Rwanda’s population, it is estimated that 30 per cent of the Rwandan Twa died or were killed during the Genocide and ensuing war. Despite having no interest or role in national politics, the Twa have suffered disproportionately as a consequence of the rivalries of others. ... This human tragedy remains ignored by almost all commentators on the Rwandan Genocide and war.”

Similar unreported and overlooked impacts of wars and conflicts on Indigenous Peoples have occurred and continue to occur in the Democratic Republic of Congo (DRC) and Central African Republic. A 2004 report of Minority Rights Group International on the Congo war quoted witness statements alleging acts of cannibalism committed against Batwa or Bambuti peoples in the Ituri region of the Democratic

21. Ibid., 2.
Republic of Congo. Numerous global and reputable media outlets, including the Journal of the Royal Anthropological Institute, echoed these allegations. These allegations were also mentioned at numerous international forums, including at sessions of the African Commission on Human and Peoples’ Rights and the United Nations Permanent Forum on Indigenous Peoples Issues (UNPFII); but the concerned allegations were not investigated accordingly.

The Bambuti “pygmies” or Batwa Indigenous Peoples continue to suffer from the fate of being unaccounted for as victims of conflicts in several African countries. In Central African Republic, several reports of victims of conflict contain no disaggregated data or figures on Baka Indigenous Peoples that have been killed or displaced, despite persistent allegations of targeted attacks against those communities. In the DRC Katanga province, there are also recurrent reports and allegations of mass killing of Batwa Indigenous Peoples by local militia, including one case relating to a killing of over 30 Batwa women, men and children in April 2015. As this paper is being finalised in October 2016, 16 Batwa Indigenous Peoples were reportedly killed by their neighbouring Bantous following a dispute over local delicacies (caterpillars). Despite the recurrence and gravity of this situation, little attention has been paid to the protection of the concerned Batwa peoples, including by the United Nations peacekeeping mission in the DRC (MONUSCO).


MONUSCO has no special programme aimed at addressing the particular vulnerability of Indigenous Peoples in conflict-affected areas or countries such as the DRC and Central African Republic.

II. African Indigenous Peoples involved in conflict and whose lands and territories are militarized

There are also, in Africa, Indigenous communities or peoples who are directly involved in armed conflicts, including as a way to express their grievances or force their claims onto discussion tables. The continuing marginalization of Indigenous Peoples has left several of them with no other option than confronting the status quo. This situation is generally followed by a heavy militarization of Indigenous Peoples’ lands and territories by governments seeking to quash the uprising or address insecurity.

The Touareg of Mali, for instance, started their struggle or insurgent movement in the early 1960s as a way to call for redress of “decades of fundamental grievances… [including]… decades of discrimination and exclusion from the political and economic processes by successive Bamako-based governments.” There have been numerous peace agreements between the Malian government and the Touareg peoples, the latest being in June 2015, which includes provisions for wide autonomy to local and community institutions as well as particular attention to economic opportunities for young people within Indigenous communities.

Heavy militarization of Indigenous Peoples’ lands and territories has also occurred in the Karamoja region of Uganda, which is one of the most marginalized areas in the country and has been particularly affected by the armed conflict between the Lord’s Resistance Army (LRA) and the government of Uganda for decades. The region is also

known for cattle raiding, considered as another cause of conflicts that affect communities.\textsuperscript{31}

Sections of the terrorist movements or outside rebel or insurgent groups have often taken advantage of such conflicts between Indigenous communities and states to expand their networks, recruit and thereby exacerbate the security situation. In Mali, the al-Qa’ida in the Islamic Maghreb (AQIM) took advantage of the conflict between the Touareg Indigenous communities and the government. The Lord’s Resistance Army (LRA) has also taken advantage of tensions between Karamojong peoples and the government of Uganda. In Cameroon, Nigeria and Chad, similar groups, including Boko Haram\textsuperscript{32} have occupied traditional lands and territories of Indigenous communities, transforming these lands into scenes for global antiterrorism operations with multiple implications on security and livelihoods.

III. \textbf{African Indigenous Peoples affected by lands- and resources-related conflicts}

The third major type of conflicts affecting Indigenous Peoples in Africa consists of disputes resulting from open or latent conflicts over lands and natural resources between Indigenous communities and other actors, including states.

The current strong and, to some extent, violent reactions of African Indigenous Peoples to land and resources dispossession is relatively recent. Most of these Indigenous Peoples are now living in the last perimeters of their traditional lands and territories, following decades of gradually being pushed back. Now that most of these communities have nowhere to push back to, they are forced to fight back and in many cases their resistance has resulted in violent clashes, including losses of human lives. Climate change consequences and the recent scramble for agro-business lands have aggravated the land and resources-related conflicts affecting Indigenous communities across Africa.

\textsuperscript{31} \textit{“Karamoja Conflict and Security Assessment,”} Saferworld (September 2010), http://www.saferworld.org.uk/resources/view-resource/480-karamoja-conflict-and-security-assessment

How many Indigenous Peoples have been killed in land disputes or related conflicts on the African continent over the last decades? How many of their houses have been destroyed as a way to force them out of their ancestral lands and territories? How many of their livestock have been killed as a way to force them into different livelihoods? No one really knows the exact figures of human and non-human costs of these lands-related disputes affecting Indigenous Peoples. In Africa, it has become commonplace to hear government officials argue that numerically small communities wanting to continue exercising stone age-like lifestyles should not be allowed to block or become obstacles to jobs creation, investments, general interests and national development programmes.

Cases of disputes, sometimes leading to loss of life, between Mbororo and agriculturalist communities in Chad, Cameroon and Central African Republic are regularly reported.33 “The dispute between Kouka farmers and Kréda pastoralists in the Moïto area left 80 dead in 2003 … In March 2013, several people were killed in inter-communal clashes in the village of Koro, near Batangafo, and many homes were burned down in the commune of Nana Bakassa.”34

There are also cases of governments seeking to force Indigenous Peoples out of their traditional lands and territories for conservation or private investment purposes, including tourism and agro-businesses. Lethal conflicts over lands and resources affecting Indigenous Peoples’ communities have become recurrent in Kenya, Tanzania, Ethiopia and Uganda. In Tanzania, for instance, Maasai Indigenous communities in Liliondo are involved in an open dispute with the Tanzanian government over community ancestral lands that have been granted to foreign safari and hunting companies, as repeatedly highlighted by the African Commission on Human and Peoples’ Rights through several Urgent Appeals.35 The United Nations Special Rapporteur on the Rights

of Indigenous Peoples has also reported on this case, underlining allegations of burned houses, arbitrary arrests, rapes and even killings.36

In Kenya, Ogiek Indigenous communities are involved in similar lands and natural resources-related conflicts with the federal government of Kenya, including one court case before the African Court of Human Rights in Arusha/Tanzania. In March 2016, a Minority Rights Group International release highlighted the killing of one Ogiek community member following a land dispute.37 Similarly, Samburu Indigenous community members have, on several occasions, been detained and killed in clashes with Kenyan state institutions over land and natural resources-related disputes.38 Tensions are likewise rising in the Turkana area as the geothermal projects and a sub-regional railway network known as the Lamu Port Southern Sudan-Ethiopia Transport (LAPPSET) project gather momentum. The Kenyan Human Rights Commission, in its position paper regarding this project, has warned of this project’s potential negative impact on Indigenous communities that have lived since time immemorial on the concerned lands and has called upon the involved governments to abide by international standards, including standards regarding Indigenous Peoples’ rights.39

In Ethiopia, there are also repeated cases of serious human rights violations, including killing of Indigenous community members over land and natural resources disputes.40 Large-scale agricultural

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plantations in the Gambella region and several other parts of the country have led to violence, including the reported killing of over 140 people in one single protest as reported by Human Rights Watch.41 Some of these tensions have recently developed into severe political unrest, leading to a state of emergency declared by the Ethiopian government in October 2016.

IV. Concluding reflections and potential policy paths

The conflicts affecting Africa have a particular but undocumented toll on African traditional communities that self-identify as Indigenous Peoples, as a way to seek recognition and protection of their unique land-based lifestyles, cultures and livelihoods.

There seem to exist several major drivers of this ‘blind-eye’ approach to conflicts affecting Indigenous Peoples in Africa, including non-recognition of the racial discrimination, stereotyped or prejudiced views against these communities’ ways of life, traditional economies and lifestyles by many public policies. Many African governments continue to deny the existence of Indigenous Peoples on the continent and thereby reject the idea of giving any attention to their particular situations. Yet these communities have much to offer, as the last guardians of Africa’s most pristine and purest traditions and cultures that they seek to preserve for future generations. Most of Indigenous Peoples’ lands and territories remain rich in biodiversity and natural resources as a result of, among others, the Indigenous traditional knowledge and modes of production, which make a unique contribution to climate change resilience efforts and the protection of biodiversity.

The numerical and political insignificance of most Indigenous communities or peoples in Africa could also explain why they are ignored by most mainstream media, national bureaus of statistics, government policy documents, peacekeeping operations, national human rights institutions, humanitarian organizations and other actors working on data and information gathering, who tend to focus on major groups that are politically or socially influential.

There are several possible policy paths available to decision-makers in order to address the particular vulnerability of Indigenous Peoples to conflicts and their invisibility in conflict reporting. These include:

**Firstly**, African governments and policymakers should come to terms with their misunderstandings regarding Indigenous Peoples and align themselves with the work of the African Commission on Human and Peoples’ Rights, which has conceptualized and clarified what the term “Indigenous Peoples” means and does not mean in Africa. The term “Indigenous Peoples” in Africa does not mean first occupant or inhabitant of any given country, lands or region. The term, in its human rights-based understanding put together by the African Commission, refers to a limited number of traditional African communities whose land-based livelihoods suffer from prejudiced views and are forced to abandon their cultures or traditional economies and integrate into mainstream lifestyles.

Several African countries have already internalized the African Commission’s work and therefore either passed laws or adopted specific policies on Indigenous Peoples. These pioneering African States include the Republic of Congo, which passed the “Law No. 5-2011 of 25 February 2011, on the Promotion and Protection of Indigenous Populations.” The new Constitution of Kenya also includes reference to Indigenous communities, and several regulations in the Democratic Republic of Congo use the term “Indigenous Peoples.” In other words, there is no longer one common African position on Indigenous Peoples and each state or government should from now on speak for itself. With these ground-breaking examples, such as the above-mentioned law in Congo-Brazzaville, it has indeed become technically inaccurate for one African state or government to argue that there are no Indigenous Peoples in Africa or that the term Indigenous Peoples is not applicable in Africa. There is a diversified developing African state practice.

**Secondly**, in the context of globalized security problems and concerns, Africa’s bilateral and multilateral partners on peace and security should take a wider approach to addressing the root causes of conflicts and insecurity, including redress of historical injustices that have pushed many communities, including Indigenous Peoples, into a life in the margins of society, thereby making these communities fertile
ground for extremism. The new African Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), illustrates the needed shift in approach by providing particular attention to traditional communities with special cultural attachment to their lands: “States Parties shall endeavour to protect communities with special attachment to, and dependency on, land due to their particular culture and spiritual values from being displaced from such lands, except for compelling and overriding public interests.”

Many studies have shown that Indigenous Peoples are particularly vulnerable in conflict situations. The African Union and United Nations Peacekeeping Operations (DPKO) should therefore develop special guidelines that take into account this particular vulnerability of Indigenous Peoples to conflicts. Indigenous Peoples’ lands and territories should also be demilitarized, including through development projects and special programmes that offer economic opportunities to youth as a way of shielding them against extremism and recruitment into armed groups.

Thirdly, conservation agencies, safari companies, businesses, International Financial Institutions and similar actors should develop clear and updated guidelines or codes of conduct guided by international human rights standards on Indigenous Peoples, including their ownership rights over lands and natural resources. Such guidelines should be grounded in a rights-based approach, considering Indigenous Peoples as rights-holders as guaranteed by international standards such as the United Nations Declaration on the Rights of Indigenous Peoples.

Fourthly, UN agencies, governments, mainstream media and other actors working on data and information should generate disaggregated data on Indigenous Peoples as victims of conflicts, including through specific indicators and introducing variables in research and censuses.

42. The Fifteenth Session of the United Nations Permanent Forum (UNPFII) was devoted to conflicts affecting Indigenous Peoples. Numerous case studies and witness statements provided at this meeting revealed the particular vulnerability of Indigenous Peoples to conflicts. See on: http://www.un.org/esa/socdev/unpfii/documents/2016/Docs-updates/backgrounderC1.pdf