

Foreword – development with identity

Vital Bambanze, Chair of the
UN Expert Mechanism on the
Rights of Indigenous Peoples

One of the overriding threats facing minorities and indigenous peoples in every region of the world is the risk of being driven from their land and natural resources, which are vital for their livelihoods, their culture and often their identity as a people. Many communities have been closely tied to their territory for centuries. Yet once their land is targeted for development – mining, oil and gas, dams, agribusiness, tourism or conservation – they are deftly and often violently evicted with little or no compensation.

While today's threats to indigenous peoples and minorities are not new, their scale and severity have reached new proportions. Unprecedented demand for the world's remaining resources, combined with new technologies to extract previously inaccessible resources in the remotest regions, are putting even the most isolated minorities and indigenous peoples under increasing threat from governments and private companies wanting to profit from the resources found on or under their lands.

From 2011 to 2012, I chaired the UN Expert Mechanism on the Rights of Indigenous Peoples, a body formed to advise the UN Human Rights Council on the rights of indigenous peoples. The right to traditional land and natural resources has been a focal point of our work. Our current study on language and cultural rights has shown that cultural life is inseparable from economic and social life; it is interdependent with other human rights protections. Cultural life also encompasses traditional livelihoods which are commonly under threat from natural resource development. Dominant national development paradigms tend to override alternative conceptions of development that may be held by minorities or indigenous peoples. Natural resource development that affects these groups should be pursued in accordance with their own cultural understanding of development and in a way that does not erode cultural or religious identity.

The very existence of the Expert Mechanism is an indication of the increasing recognition that indigenous peoples and minorities are awarded under international human rights treaties and law. International treaties and UN declarations recognize minorities' and

indigenous peoples' rights to cultural life and to effective participation in decision-making that will affect them or the regions where they live. Indigenous peoples' rights have been strengthened further by the elaboration of the right to free, prior and informed consent. But there is as yet no similar right expressly granted to minorities, who consequently remain particularly vulnerable to exploitation.

The Expert Mechanism has drawn heavily on these standards in its efforts to ensure that indigenous peoples benefit from and are involved in decisions about the development of their land and natural resources. International and domestic standards have moved forward over the past years, but implementation of these standards remains an elusive goal. Even when indigenous peoples' claims of violations of their rights have been upheld by domestic or regional tribunals, governments continue to be reluctant to implement these decisions.

Speaking to indigenous communities and experts, I see the plight of my own community, the Batwa of the Great Lakes region in Central Africa, reflected in the struggles facing communities around the world. This MRG volume shows how Endorois and Ogiek in Kenya, hill tribes in northern Thailand, San in Botswana and many more are locked in ongoing disputes with governments and private companies to secure their rights to their ancestral lands and access to natural resources. Similarly, Bedouin in the Middle East and Uighurs in China's Xinjiang province struggle to maintain their cultural integrity against their respective governments' desire to put national development first.

This report provides a comprehensive and much-needed overview of marginalized groups – both those who have been adversely affected by natural resource exploitation and those who have fought to benefit from these resources – and adds to a series of efforts to establish firm recommendations for reform of natural resource development.

I belong to the Batwa community in Burundi. Batwa are some of the original inhabitants of the equatorial forests of the Great Lakes Region of Central Africa. Traditionally hunter-gatherers, in Burundi, Batwa have never owned land. Over the past decades, we have seen our forests dwindle



and our right to live in them and use their resources denied. Violent conflicts within the region have further undermined our livelihoods and culture. Today, no longer able to live by hunting and gathering, most Batwa live as landless labourers. In Burundi, unlike neighbouring Rwanda, Batwa are recognized as a distinct people, but we are not treated as full citizens and are discriminated against and excluded from all realms of society.

Batwa face similar discrimination and acute marginalization across the Great Lakes Region – in the Democratic Republic of Congo, Rwanda and Uganda. They are dispossessed of their land and denied their right to practise their traditional culture. In Rwanda, Batwa are the forgotten victims of the 1994 genocide. In Uganda, almost all Batwa have been removed from

their ancestral land in the name of forest conservation – to make way for national parks. But historical discrimination means that Batwa communities have little political voice to negotiate and protect their rights to land. Few if any institutional mechanisms exist for Batwa to participate in political decisions about their land. Our communities are locked out of development opportunities and left unable to seek justice following land grabs and other human rights violations.

Forests, like most other valuable natural resources, are finite, and their destruction will have global repercussions. But governments continue to focus on short-term gains at the expense of long-term sustainability. A state's right to development must not undermine the rights of minorities and of indigenous peoples. And, indeed,

Left: Batwa people in Matara, Burundi, harvesting a field of cabbages. *Ben Rodkin.*

ignoring this basic principle and the integral value of traditional livelihoods seriously hinders attempts to move towards a path of more sustainable development.

The hopes of the international community to tackle global climate change by preserving forests through carbon emissions trading have presented a new threat to Batwa in the Great Lakes Region and to other communities that live in forests across the world. In my role as vice-president of the Indigenous Peoples of Africa Coordinating Committee (IPACC), I was acutely disappointed by the low levels of participation by indigenous peoples in UN REDD+ schemes (United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation). But indigenous communities and minorities are demanding full participation in global governance on carbon emissions reductions and have played an active role in publicizing the harmful effects of REDD initiatives. There must first be fair and meaningful consultations between communities and the government before any negotiations involving international organizations and other players on the global carbon market can take place. International actors, such as the World Bank, also have an obligation to ensure the participation of minorities and indigenous peoples for these projects to have a significant impact.

Indigenous peoples and minority communities all face different challenges in gaining recognition for their rights. Different groups depend upon their lands in complex and diverse ways and are uniquely affected by natural resource development. This fact is not adequately recognized by the international community. But minorities and indigenous peoples demand the right to choose their own development path – development with culture and identity. This publication will tell the stories of minority and indigenous communities that are being adversely affected by development on their lands, and the strategies they are using to secure their rights. I believe it will be a very useful advocacy tool for minority and indigenous

groups around the world. And I hope that it will inspire all readers to support our communities in the struggle to retain our unique cultures through continued access to our lands and natural resources. ■