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Rahnuma Hassan, Paige Jennings,
Mohamed Matovu, Ukoha Ukiwo

East and Horn of Africa

Mohamed Matovu

The year 2011 was a difficult one for the East and Horn of Africa. The region had to contend with a host of challenges, including prolonged drought – which wreaked havoc – and the knock-on effects of the global economic downturn. Amid growing pressure on scarce resources, minority and indigenous groups across the region continued to struggle to gain control of and access to the land and natural resources they depend upon for their livelihoods and culture.

Regional drought

In 2011, parts of Ethiopia, Kenya, Somalia, Sudan and Uganda suffered the worst drought in decades, according to the Famine Early Warning Systems Network (FEWS). Poor rains contributed to water and pasture shortages, dramatically reducing food production. The impact of the drought was unprecedented because it happened in the midst of the global economic crisis, when food and commodity prices were very high and governments were unprepared. Local communities' resilience was also weakened by previous years' poor harvests and unpredictable weather patterns. Governments and international aid agencies were relatively slow to respond, despite clear warning signs in late 2010. Across the region, more than 13 million people were still affected in January 2012 and an estimated 50,000–100,000 people have died, according to a report by Oxfam and Save the Children. Food insecurity intensified in areas affected by conflict, particularly in Somalia where governance is weakest. In Kenya, where the drought affected well over 5 million people, the government declared a national disaster.

As with most crises of this nature and as MRG research has repeatedly shown, vulnerable groups,

including minorities and indigenous peoples, are hit hardest when natural disasters strike, yet their plight goes largely unnoticed by governments, aid agencies and the media.

Pastoralists and agro-pastoralists were those worst affected by the drought. Reports from MRG's partners in the region showed that pastoralists, who earn their livelihoods by herding livestock, had been devastated by the drought. Jane Meriwas, an activist working with the Samburu Women's Network, a Maasai community-based organization in Kenya, told MRG that pastoralist communities in Samburu, Isiolo and Laikipia counties were hit hardest: 'Many pastoralists lost income due to high death of cattle. In order not to lose out, many sold off their herds, which were fetching them less than the normal market price because most cattle looked sickly due to lack of water and pasture,' she said.

In some regions, pastoralist and other children had to relocate with their families to escape the drought. In drought-hit areas in Ethiopia, Kenya and Uganda, schools were abandoned and closed. According to the World Food Programme, this was attributed to the depletion of supplies for special school feeding programmes in areas like Karamoja in Uganda.

The UN Office for the Coordination of Humanitarian Affairs (OCHA) made grim predictions that the region would see an increase in conflicts over control of natural resources as communities – particularly pastoralists – compete for diminishing water, pasture and food resources. Already, early 2011 saw an increase in resource conflicts, with some resulting in deaths, in northern Turkana in Kenya, South Sudan, south-western Ethiopia, and the Karamoja and Teso regions of Uganda. Benjamin Omunga, a Programme Officer with Urafiki, a community-based organization in Teso region in Uganda said:

'Due to food scarcity, the neighbouring communities of Ngikarimojong (who are pastoralists) have intensified cattle raids and thefts of their neighbouring Teso communities (who are agro-pastoralists, livestock herders who also make a living out of growing food) putting a strain on the improving relationship between the once-warring minority communities.'

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Case study
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Forced displacement and 'villagization' in Ethiopia

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The Ethiopian government has forcibly relocated 70,000 indigenous people from the fertile Gambella region to free up land for commercial agriculture. Local activist Ojulu talked to Corinne Lennox about some of the effects of this so-called 'villagization' policy.

One year after the villagization programme even those farmers who tried to do farming in the new places were not able to produce enough for the whole year since the area is not a good one for the kind of traditional farming they practise. I heard that the government is planning to start the safety net (food for work) programme in the region. Therefore, the villagization programme has made the people of Gambella food insecure, like other food insecure areas in the northern part of the country.

Second, the villagization programme has also increased the tensions between different communities who used to live in different locations far away from one another but who are now brought together to share small pieces of land for farming. Particularly in the western part of the region, where the Nuer (pastoralists) and the Anywa (farmers) used to live in separate far-away villages, the villagization programme has grouped these ethnic groups in very close villages. This is already increasing the tensions between these two groups. Since this programme was launched, over 15 individuals from both sides (these are the only ones I have heard about, it could be more in other villages) have been killed in separate incidents. Some villagers

have deserted their new villages and gone back to their old places. One village set their new village on fire to give an excuse for going back to their old place.

There are different levels of violence in the displacement process. The first level begins at the regional state level, among the top regional government officials, experts and civil society representatives who were vocal against this villagization programme. Many high government officials and experts in the region were forced to flee the country for opposing the programme or for just openly criticizing the programme. Some are also imprisoned or indirectly targeted. At the village level, since the displacement programme is accompanied by the military, those who resist moving face beating and torture from the hands of the military. I heard from more than five people that there are about 100,000 armed forces in the region at the moment, although I could not confirm it. Since the programme was launched I heard about over ten people who were beaten to death by the military while they were going out to cut grass and trees for construction, and hunting. The movement of farmers has been strictly limited.

What has been the impact on women in the region?

Women are particularly impacted by this displacement in many ways. Due to different kinds of conflicts in the region and the fact that the government has been targeting the men in the region, also because of HIV/AIDS, there are many women-headed households in the villages of Gambella.

Traditionally women are responsible for fetching water, collecting firewood and household work. In the new places women have travelled miles in some villages in order to get to a place where they could collect firewood. Since those investors take the surrounding forest and the woods are cut down, women have to now travel longer distances to get firewood. Since different communities are also brought to close villages, different communities have to

Case study continued

now share the remaining forests for collecting firewood. This has made collecting firewood a very dangerous activity for women. One woman was raped and beaten to death by people from a different community as she went collecting firewood.

What is your understanding of government motivations for this practice?

The villagization is taking place where there is already big number of investors and where the land is more convenient for large-scale investment. For example, the districts most affected by the villagization programme are Abobo and Gog districts in the Gambella region. Abobo and Gog are the most fertile districts in the region that had been supplying the region with maize. The other villages in the whole district are all now relocated to another place due to big number of investors storming the districts.

How do you think the government should do things differently – for example, is there a way to use the land for national development gains without harming the minority groups?

There used to be informal consultation between various government departments whose mandates were directly or indirectly involved with those land investments. However, when land lease agreements were moved to the federal level, things dramatically changed and that is when villagers were displaced. In short, there should be effective and meaningful consultation with local

communities concerning land investment.

Second, the government should recognize traditional land-holding systems and provide land certificates to farmers, as it is already done in other parts of Ethiopia. Even though land is state-owned in Ethiopia, if the farmers have certificates for their plots, then they will ask for compensation when their plot is needed for such projects.

Land for investment should be demarcated and known by both the local communities and the government. So far the practice of land identification is carried out randomly by local government officials who only receive orders from their superiors at the regional state level and federal level. If they refuse to give land to an investor then they would lose their position at best or be imprisoned at worst and branded as anti-development.

How have the people resisted these practices?

At the regional state level, there are those who are openly criticizing the process of land investment. At the local level, some villages are resisting the programme by not cooperating with the local governments and investors. In one village, when they heard that their land is being given away to an Indian, they elected two representatives who came to the federal government in Addis to discuss the matter with the federal government ... they were not successful in stopping the investment ... and the district government appointed other leaders for the village who were sympathetic to the government position. ■

According to forecasts, the cumulative effect of the drought and its impact on food security and human life will be severe in the long run. Food prices continue to rise and pastoralists continue to lose their herds due to chronic water and pasture scarcity. Displacement and migration will also increase pressures, causing tension and potential violence between migrants and host communities. Conflicts in turn affect crop production, thereby creating a vicious cycle of poverty, as is already the case in South Sudan.

Ethiopia

Southern pastoral and agro-pastoral areas of Ethiopia suffered from two consecutive seasons of very poor rains, crop failure, high livestock mortality and high cereal prices that left even the most resilient communities in crop-dependent areas struggling to cope.

Although a significant proportion of the population are food insecure, pastoral communities from Afar and Somali region, the epicentre of recurrent droughts in 2011, continued to be 'the most acutely food insecure



in the country', according to FEWS.

The Ethiopian government continued to enforce restrictions on human rights organizations and the media in 2011, using the Charities and Societies Proclamation Act 2009 (the NGO Law) to curb political dissent and fundamental human rights and freedoms and control the populace, in the face of recommendations of the UN Human Rights Council's Universal Periodic Review to repeal the law. The wider crackdown on political activists and journalists continued to affect minority

Above: A member of the Afar people in the Danakil area, Ethiopia. *Eric Lafforgue.*

community leaders, especially those accused of supporting the Ogaden National Liberation Front (ONLF) and the Oromo Liberation Front (OLF). In March, over 200 members of the Oromo Federal Democratic Movement (OFDM) and the Oromo People's Congress (OPC) were arbitrarily arrested, and at least 89 were charged with various offences.

Between August and September 2011, Bekele

Gerba and Olbana Lelisa, senior members of OFDM and OPC parties respectively, Debebe Eshetu, an actor, Andualem Aragie, a senior member of the Unity for Democracy and Justice (UDJ) opposition party, together with at least 20 ethnic Oromo were variously arrested. Journalists working for local and international media were not spared. Journalists Woubshet Taye working for *Auramba Times*, Reeyot Alemu of *Feteh*, and Elias Kifle, editor of the *Ethiopian Review*, were charged with various counts. Argaw Ashine, a correspondent of the *Kenyan Daily Nation* in Ethiopia, was forced to flee the country. Targeting journalists increases self-censorship, a likely reason why Human Rights Watch (HRW) and other organizations expressed concern that independent reporting on the conflict-affected areas of the Somali region had been severely restricted.

The Ethiopian government was set to relocate an estimated 70,000 indigenous Anuak and Nuer people from the western Gambella region into new villages by the end of 2011. The government argues that this 'villagization' scheme will enable them to provide basic social and economic services closer to people in order to foster economic and cultural development. Relocations started in 2010 in Gambella. Once indigenous peoples have been relocated, their land, normally held under trust or customary land rights, is regarded as empty or wasteland and can be leased to large companies. Compensation, when it has been provided, has been inadequate. Communities are forcibly relocated into new villages that lack adequate food, land for farming or health and education facilities. Pastoralists are being forced to abandon their cattle-based livelihoods in favour of settled cultivation.

The government plans to develop big irrigation projects and agricultural development, thereby ending the floods on which many people depend for floodplain agriculture, and to create employment opportunities for pastoralists to work on farms. These projects are part of wider government plans to resettle 1.5 million people by 2013 from Afar, Somali and Benishangul-Gumuz as well as Gambella, according to HRW.

In Ethiopia's Lower Omo Valley, the government has launched the controversial Gibe III hydro-electric project and a 245,000 hectare

state-run sugar plantation. These projects have resulted in forced resettlement and human rights abuses of Mursi, Suri and Bodi agro-pastoralists at the hands of the Ethiopian army. According to the Oakland Institute, the government has not assessed the impact of the projects on the environment and livelihoods of the 500,000 indigenous people that rely on the waters and adjacent lands of the Omo River and Lake Turkana. Villagers who do not show support for the development projects are reportedly beaten, abused and intimidated. A UNESCO World Heritage Site, the Lower Omo Valley contains two national parks and is home to approximately 200,000 agro-pastoralists including the Kwegu, Bodi, Suri, Mursi, Nyangatom, Hamar, Karo and Daasanach.

Overall, the Ethiopian government has already leased 3.6 million hectares of land (26 per cent of the country's arable land) and an additional 2.1 million hectares is available through the federal government's land bank for agriculture, according to the Oakland Institute.

Kenya

The year 2011 was supposed to be the one in which many Kenyans would realize the fruits of the new Constitution promulgated in August 2010. Kenya's new Constitution has been hailed as a progressive document that holds the potential to advance the rights of minorities and indigenous peoples and a host of key legal and institutional reforms. The reform process was held up by delays in appointing officials to fill key judicial posts, due to political jostling. The eventual appointment of Dr Willy Mutunga, a staunch human rights defender, as the new Chief Justice of the Republic of Kenya was celebrated by civil society.

Although the Constitution includes numerous positive provisions for minorities and indigenous communities, these groups feel that constitutional gains may not translate into real positive developments. The increased ethnicization of politics has deepened their exclusion. While the new Constitution could address the problem of political participation, the lack of political will to address issues relating to minorities is disturbing. Several court rulings in favour of minority communities against the government



remain unimplemented to date. For instance, in 2006, the Kenya Constitutional Court found that the state had violated the right of the Ilchamus people to political participation and must ensure adequate representation of minority interests. The Kenyan government has also failed to restore ownership to the Endorois people of their ancestral lands around the Lake Bogoria National Reserve, as recommended by the African Commission on Human and People's Rights (ACHPR) two years ago.

The Nubian minority faces ongoing social

Above: A Turkana woman at Daaba village, Isiolo district, Kenya. *Emma Redfern.*

exclusion. Nubians are not recognized as citizens in Kenya and have not been granted full property rights, although they have occupied Kibera, an expansive slum area outside Nairobi, for well over a hundred years. This situation has led to violent conflict with majority groups and mass displacement, most recently in November 2001. Having failed to secure citizenship through the Kenyan courts, Nubians took their case to

the ACHPR in 2006. The case was declared admissible in 2009, but no decision has so far been taken. But in March 2011, the African Committee of Experts on the Rights and Welfare of the Child found Kenya in violation of the rights of Nubian children to non-discrimination.

The government has ambitions to turn Kenya into an industrialized middle-income country. In order to achieve this goal, it has designed a series of flagship projects (known as Vision 2030), that will transform parts of the country into modern cities at the expense of the livelihoods and cultures of minority and indigenous groups who live there. For instance, the government is set to develop Lamu, the largest town on Lamu Island and one of the oldest and best-preserved settlements among Swahili towns in East Africa, into a port, airport and a refinery. This will have potentially harmful impacts on the livelihoods and cultures of minority and indigenous communities in the area. Early in 2011, the governments of Kenya and Ethiopia signed an agreement to construct a railway line between Lamu Port and Addis Ababa. The proposed route will pass through northern Kenya, affecting communities such as Bajuni, Boni and pastoralists who reside in Isiolo area.

On a positive note, the National Cohesion and Integration Commission (NCIC) is currently formulating a policy on national cohesion that will have a significant impact on how minority and majority groups relate, focusing on the need for tolerance education.

NCIC has also emphasized the need for inclusion in public sector appointments. Its ethnic audit, released in April 2011, revealed that 70 per cent of all jobs in the civil service are occupied by members of the Kikuyu, Kalenjin, Luhya, Kamba and Luo communities.

The year 2011 saw the prosecution of six senior political figures – known as the ‘Ocampo Six’ – before the International Criminal Court (ICC) in April. Although they are accused by the ICC prosecutor, Luis Moreno-Ocampo, of bearing the greatest responsibility for crimes against humanity committed during the 2007/8 Kenya post-election violence, Kenyans are split along political and ethnic lines regarding the ICC case. Supporters of those on trial view it as political intrigue. In January 2012, the ICC

confirmed charges against four senior Kenyans. The Head of Public Service Francis Muthaura and Finance Minister Uhuru Kenyatta were charged in relation to killings, forced transfers and rapes, allegedly committed in Nakuru and Naivasha in January 2008 especially against those perceived as supporters of the Orange Democratic Movement (ODM), in particular those belonging to the Luo, Luhya and Kalenjin ethnic groups. Suspended Higher Education Minister William Ruto and Head of Operations at Kass FM Joshua Arap Sang are charged separately for crimes they allegedly committed in the Rift Valley against supporters of President Mwai Kibaki’s Party of National Unity (PNU) in 2007. The judges, however, refused to confirm charges against Police Commissioner Hussein Ali and former Industrialization Minister Henry Kosgei, due to lack of adequate evidence.

In March, two activists from the Ogiek hunter-gatherer community in Ngongogeri in Mau Forest, Rift Valley Province, including one woman, were attacked. The activists were protesting against attempts by land speculators to forcibly take over Ogiek land in Ngongogeri. The Mau Forest, home to an estimated 15,000 Ogiek, is often the scene of inter-ethnic clashes between the Ogiek, who are the indigenous owners of the land, and neighbouring majority communities. In 2009, Ogiek and other indigenous families were evicted by the government from the Mau Forest without due consultation under the guise of protecting the environment. Currently, more than 25,000 people, including Ogiek, Kipsigis and Maasai continue to live in camps around the forest. The Ogiek case is now pending before the African Court of Human and Peoples’ Rights.

Somalia

On 20 July 2011, the UN Country Team in Somalia announced that parts of southern Somalia between the Juba and Shebelle rivers, where most minorities live, were experiencing famine. The situation was exacerbated by the impact of continued fighting and restrictions imposed on aid agencies by Islamist insurgent group al-Shabaab, which controls the region. By the end of July, there were about 1.5 million internally displaced persons (IDPs), 6,900 seeking asylum and 1,965 refugees in Somalia.

During 2011, Somalis, regardless of ethnicity, religion or clan, experienced serious human rights violations in the country's ongoing conflict, mainly located in south and central Somalia, where the Transitional Federal Government (TFG), supported by African Union peacekeepers (AMISOM), are fighting al-Shabaab. The TFG forces and affiliated military forces gained territory from insurgents in the capital, Mogadishu, and along the border with Kenya and Ethiopia, while al-Shabaab still controls more territory in south and central Somalia. Indiscriminate attacks, killing and injuring civilians, were carried out by all parties to the conflict during a string of military offensives in 2011. The World Health Organization (WHO) treated 8,430 casualties for weapon-related injuries between January and September in Mogadishu, with a significant proportion of civilian casualties being women and children.

Although it is difficult to find statistics on how different ethnic groups have been affected by the conflict, Somalia has repeatedly topped MRG's 'Peoples Under Threat' ranking, which rates countries according to where civilian populations are most at risk. Minority groups are estimated to constitute one-third of the total Somali population of approximately 3 million people, according to MRG's research. They include Bantu, who are the largest minority, occupational groups (comprising the Gaboye, Madhiban and Musse Deriyo), Benadiri and religious minorities. All these minority groups are diminishing in size, as thousands move to IDP camps in Somaliland and Puntland and refugee camps in Kenya, where they face renewed discrimination

MRG research has shown that minority communities in Somalia fall outside the traditional clan structure of the majority and also therefore the protection afforded by such systems. Because of social segregation, economic deprivation and political manipulation, minorities are more vulnerable to rape, attack, abduction, property seizure and the consequences of drought.

Al-Shabaab continues to administer a strict form of Sharia law in areas that it controls, mostly in central and southern Somalia,

including torture, beatings and beheadings. Harsh restrictions are placed upon women, including their dress code, movement, economic activities and proscriptions on their associations with non-kin men of any kind, which places widows and single women at a severe disadvantage. Minority groups including the Bantu, Benadiri and Christian communities are attacked for practising their religious beliefs. There are reports that al-Shabaab has continued to forcibly recruit minorities to fight.

HRW has documented human rights abuses in TFG-controlled areas against IDPs, including looting food aid in IDP camps, arbitrary arrests and detentions and rapes. These violations are particularly severe for both women and members of minority groups.

Amid ongoing fighting in June 2011, Somalia's Prime Minister Mohamed Abdullahi Mohamed of the TFG resigned, following a UN-backed deal that extended the mandates of President Sheikh Sharif Ahmed, the speaker and the deputies until August 2012, when elections will be organized. Mohamed had only replaced Prime Minister Omar Abdirashid Ali Sharmarke in September 2010; the latter resigned due to internal squabbles. Somalia has been without an effective central government since 1991. The future stability of the country now depends on how the TFG, the international community and the African Union handle the election, and whether the new Constitution is drafted in a way that encourages participation and inclusion and promotes reconciliation, peace and stability. The final draft of the Somali Constitution is anticipated in April 2012, to allow for elections in August.

In October, Kenya was drawn into Somalia's conflict after a spate of al-Shabaab bombings in Nairobi and the kidnappings of several Western tourists from Kenya's coast. Since then, Kenyan troops have pushed towards Kismayo, with help from TFG-affiliated militias from Ras Komboni and the newly-formed Azania state. There has been a significant rise in anti-Somali sentiment since the kidnappings in Kenya and Kenya's military intervention. This will likely affect attitudes towards Somalis in Kenya, whether they are Kenyan or Somali nationals.

Puntland and Somaliland

In May 2011, the self-declared Republic of Somaliland and the semi-autonomous state of Puntland celebrated their twentieth anniversary of self-rule. Although these regions remain largely peaceful compared to the south, there are continued tensions between majority clans and minority groups. For instance, the long border dispute between Somaliland and Puntland partly stems from political exclusion of Dhulbahante from the Harti federation by the more populous Isaaq clan in Somaliland. In western Somaliland, the Gadabuursi people declared an autonomous Awdal state in protest against their treatment by the Isaaq clan. This has reinforced perceptions that every clan in north Somalia has the right to determine its own destiny.

Puntland and Somaliland continued to host refugees, asylum-seekers and migrants in 2011. The UN refugee agency UNHCR stated that there were frequent reports of xenophobia, hostility, exploitation and arbitrary detention. A minority woman interviewed by MRG researchers in Ajouran IDP camp, Puntland, told of gender-based violence where armed gunmen raid camps and forcibly drive women and girls out of shelter and rape them.

South Sudan

Chris Chapman

On 9 July 2011, South Sudan became the world's newest independent state, after an overwhelming 99 per cent of southerners voted in favour of seceding from the Republic of Sudan in a January referendum. After 39 years of civil war, an estimated 2 million deaths, and human rights violations committed by the Khartoum government, including aerial bombing of civilian populations, the result of the referendum was greeted with scenes of jubilation across the country. Unfortunately the birth of the new nation saw an increase in tensions with Sudan over many issues, including oil resources, border disputes, citizenship rights for South Sudanese living in Sudan, and accusations by both governments that the other is supporting militias on its territory.

South Sudan's independence has exacerbated regional conflicts over natural resources. The disputed border region of Abyei has become the

focus of conflict because of its strategic natural resources – oil and water. The Comprehensive Peace Agreement, which brought the north–south civil war to an end in 2005, provided for a referendum to allow the people of Abyei to decide whether their region would become part of Sudan or South Sudan. But the two sides could not agree on the territory the region comprised. In 2009, the Permanent Court of Arbitration in The Hague ruled that most of the significant oilfields lay outside of Abyei and firmly within areas currently controlled by Sudan (other disputed border regions include the Heglig oil fields in South Kordofan).

It was hoped that this ruling would reduce the likelihood of aggressive posturing over Abyei by Khartoum. But a further issue was whether the semi-nomadic Misseriya, who have traditionally crossed from Southern Kordofan (in Sudan) into the more water-rich Abyei to graze their herds during the dry season, would be allowed to vote. Historically, the pastoral Misseriya have been in conflict with Abyei's settled residents, the Ngok Dinka. It is foreseen that the Misseriya would vote for Abyei to be part of Sudan, while the Ngok Dinka would opt for incorporation into South Sudan. These communities are important constituencies for Khartoum and Juba respectively, having played key roles in the conflict.

Although the Ngok Dinka promised the Misseriya that their grazing rights would be respected if Abyei joined South Sudan, a Misseriya chief warned that there would be 'immediate war' if this happened. The referendum has been postponed indefinitely due to these increasing tensions. After an escalation of confrontations in the area in May 2011, the northern Sudan Armed Forces occupied Abyei. The UN deployed a peacekeeping force to the area a month later, but tensions remain high, and an agreement between Khartoum and Juba to withdraw their forces, reached in September, had not been implemented by early 2012. Misseriya are increasingly fearful about future access to grazing land, potentially compromising the sustainability of their livelihood and identity.

Tensions between the two countries have continued over oil. When it became independent, South Sudan took with it 75 per cent of Sudan's oil reserves, but, for lack of an alternative, it has

until recently piped all of its output to Sudan for refining and export. Juba accuses Khartoum of charging excessive fees for this service and seizing its oil shipments, and in January 2012, South Sudan shut down oil output through the pipeline. Oil revenues now make up about 98 per cent of the South's revenues – feeding calls for a greater diversification of the economy.

South Sudan's independence also saw worsening internal conflicts involving militias contesting the central government, and between ethnic groups. The most severe conflicts took place in Jonglei state, involving the Lou Nuer, Murle and Dinka Bor groups. Local officials claimed that over 3,000 people were killed in clashes in December 2011. On the surface, conflicts revolve around cattle theft, amid a context of widespread gun ownership, and increasingly incidents have spiralled into endless revenge attacks. However, there are more deep-rooted conflict drivers at play. First, smaller ethnic groups outside the main Dinka/Nuer nexus at the heart of government in the country feel divorced from decision-making. Second, the total absence of state presence in rural regions – in terms of providing much-needed basic services, promoting economic development and playing a peacekeeping role – has fed grievances among smaller groups who feel excluded from power and the economic benefits that are assumed to flow from it. The Sudan People's Liberation Army (SPLA), South Sudan's military force, has even stated that it fears to intervene in these conflicts because it is likely to be accused of favouring one particular ethnic group, again reflecting the perception that institutions are not representative of the diversity of South Sudan.

Community rights to control their natural resources and livelihoods have been further compromised by deals made by local or national government to lease large tracts of land to foreign governments and companies. In 2008, Al Ain Wildlife, a United Arab Emirates company, signed a leasing agreement for 1.68 million hectares of the Boma National Park in Jonglei state for a period of 30 years to set up a tourist safari project. The agreement, signed by the Ministry of Wildlife, does not allow for revenue sharing with the local community. The area is inhabited by a diverse range of ethnic groups,

including the Murle. An MRG researcher who spoke to representatives of the Murle community in Boma found that there was widespread ignorance about the deal, and its consequences for land-ownership and access. Facilities for the local community promised by Al Ain, including schools, health services, boreholes, housing and road infrastructure, have yet to materialize.

According to a study by the Oakland Institute, companies involved in land leases in South Sudan 'rarely consult with residents in affected communities, or conduct environmental and social impact assessments, as required by the 2009 Land Act'.

In September 2011, President Salva Kiir committed to a review of land lease agreements signed between 2005 and independence, but the review has not yet been carried out.

The Transitional Constitution of the Republic of South Sudan, made public in April 2011, contains recognition and protection of 'lands traditionally and historically held or used by local communities or their members', and provides that, 'Communities and persons enjoying rights in land shall be consulted in decisions that may affect their rights in lands and resources.' This reinforces the already extensive protections of customary and communal land rights provided for in the Land Act 2009. The Transitional Constitution also protects the rights of ethnic communities to practise their traditions and beliefs, and use their languages. But amid escalating conflict and the complete governance vacuum in much of South Sudan, it is unlikely that such legislation will afford any real protection to minority groups.

Uganda

In February 2011 Ugandan's incumbent President Yoweri Museveni won 68 per cent of votes in the presidential election. This result put him on course to become the longest-serving president in Uganda's history. Kizza Besigye, President Museveni's closest opponent, rejected the result, on the grounds of rampant election malpractices – a large number of voters were disenfranchised, harassed by police and bribed. The general elections in 2011 also saw 14 members of parliament (MPs) elected from the Karamoja, home to the Karamajong, a

traditionally pastoralist ethnic group. Under a loose coalition – the Karamoja Parliamentary Group (KPG) – the MPs have drawn attention to poor government policy and emergency response to problems in their region. For example, in August, the KPG criticized the government for the delay in relocating victims of landslides in Kaabong district that had killed and injured many people. In September 2011, the same group urged the government to intervene and repair roads that had been cut by torrential rains.

In May 2011, parliament elected its first female speaker, Rebecca Kadaga, which was hailed as a positive move by many women's rights activists. Affirmative action and reserved seats have boosted women's representation in parliament to 35 per cent, the majority of whom belong to the ruling party.

Despite the launch of the ambitious five-year National Development Plan (NDP) in April 2010, minority and indigenous groups in Uganda remain deprived and excluded. The US\$ 21 billion NDP focuses on infrastructure projects and private sector development rather than the needs of the country's marginalized groups. According to MRG research, Uganda's new development agenda contains glaring policy gaps with regard to improving the situation of historically marginalized groups such as pastoralists and hunter-gatherer communities. The NDP fails to address major challenges pastoralists face, such as securing land tenure, improving livestock productivity, access to water resources, diversifying livelihoods and accessing markets to sell their products. Pastoralists continue to feel excluded from the development agenda because the NDP document refers to them as 'livestock keepers', rather than pastoralists, a clear sign that the government refuses to recognize pastoralism as a valuable livelihood system.

The First Lady, Janet Museveni, who is also the Minister of Karamoja, advocates against nomadism in favour of settled livestock-keeping, which reflects a government policy of sedentarization coming from the highest level. During 2011, activists continued to report that anti-pastoralist ordinances and policies at local level are being passed to condemn pastoralism and prevent free movement of cattle.

A final draft of the national land policy was submitted before parliament in March 2011, but this process has stalled due to a cabinet reshuffle. Overall, the draft land policy calls on government to enact laws that safeguard vulnerable communities and protect minorities' and indigenous peoples' communal land-ownership and access to resources. In a departure from previous policy, the draft does recognize the rights of pastoralists, but presents no framework for their participation in decisions that will affect them. Nonetheless, if adopted this policy could reflect an important shift in the attitude of the Ugandan government.

The discovery of rich oil deposits in the western Uganda districts of Buliisa and Hoima continued to cause anxiety among local communities during 2011. In areas where oil was discovered back in 2006, the livelihood systems of minorities and indigenous peoples have been disrupted. Ethnic tensions have also erupted over communally owned lands as different groups jostle to secure ownership rights that would guarantee them hefty compensation from oil firms. For example, in the Waisoke and Bugana villages of Buliisa district, where vast oil deposits have been found, Bagungu, a fisher community, have been prevented from fishing due to ongoing oil production, and are now embroiled in a communal land dispute with migrant pastoralists.

Bagungu claim communal ownership and want to cultivate cotton while the migrant pastoralists claim to have bought the land, according to media reports. Following a Court of Appeal order that granted ownership rights to the Bagungu, the government evicted 600 pastoralist families with over 20,000 cattle in December 2010, using military and police. Although the government has promised to resettle the pastoralists, no concrete plans have been made and some pastoralists have temporarily settled in the neighbouring Hoima district. Pastoralists have challenged the government in court for failing to resettle them.

At a policy level, 2011 saw public tensions flare over disputes about oil production-sharing agreements. Senior officials were accused of soliciting bribes in a rush to sign controversial agreements with oil companies, including with UK-based Tullow Oil, in which Uganda was projected to lose millions of dollars in revenue.

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Land injustice: Basongora in western Uganda

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The Basongora are a pastoralist community that lived and occupied land in Kasese district, north of the Maramagambo forest in western Uganda.

The Basongora rely on cattle-herding for their livelihoods. Under colonial rule, Basongora lost 90 per cent of their land between 1900 and 1955 to establish the Queen Elizabeth National Park. The Basongora were evicted, their animals destroyed and huts torched, and no alternative settlement was provided, all in the name of wildlife protection.

Post-independence governments have done little to address the social injustice suffered by the community. Instead, more Basongora land has been parcelled out for government development projects and military use, without community consultation. These actions have reduced the Basongora to a vulnerable landless group.

In 1986, when the current government took power, it promised to address historical injustices and return land to thousands of people displaced by development projects. In the 1990s, the Ugandan government recognized the Basongora as a minority that had to be protected and provided with alternative land.

Yet in 1999, large numbers of the Basongora community began to cross the border to the Democratic Republic of Congo (DRC) and settled in the Virunga National Park. In 2006, the DRC authorities drove the Basongora back into Uganda, where the community tried to return to the Queen Elizabeth National Park. Once again, the Uganda Wildlife Authority tried to brutally

evict the Basongora from the park, drawing the attention of many human rights groups and the government. Women and children were placed in camps in Nyakatonzi.

After claims that excessive force was used, the government eventually offered Basongora evicted from the DRC alternative land outside the park. However this settlement was also problematic; the government ordered the Basongora pastoralists to share land in Rwaiingo with Bakonjo cultivators. Local politicians in Kasese district have stirred up ethnic tensions over land allocation in the district to delay any meaningful dialogue on resettlement. Ethnic tensions have led to clashes between pastoralists and cultivators, often culminating in the death of animals and the destruction of property and lives. Today, the Basongora community number about 11,000 according to the national census (40,000 and 50,000 according to community estimates); the area they occupy is less than 2 per cent of their original land and they are living in deplorable conditions.

In April 2012, Uganda's President Yoweri Museveni warned the Uganda Wildlife Authority against arbitrarily evicting people from national parks, urging them to instead convince communities of the benefits that conserving national parks and tourism can bring. 'There is no conflict between animals and humans ... We need to bring out the linkages, compatibilities and the symbiosis between the parks and the people,' he said.

With a final draft of the national land policy – containing important recognition of the rights of pastoralists – soon to be tabled before parliament, maybe the Basongora will finally see a peaceful and equitable end to their predicament. ■

In October, parliament approved a motion to compel the government to delay the approval of Tullow Oil's US\$ 2.9 billion sale of its interests in the country to French company Total and the China National Offshore Oil Company (CNOOC), until the necessary national laws were in place. But in February 2012 President Museveni sidestepped parliament and signed a new production-sharing agreement between the government and Tullow Oil, which allowed the sale to Total and CNOOC to go ahead, paving the way for oil production by 2015 as well as an estimated US\$ 10 billion investment in a refinery and an oil export pipeline. In an address to parliament, President Museveni spoke about how Uganda stood to benefit, revealing details about such an agreement for the first time, but he failed to mention how much revenue would go to the local communities affected, some of whom are minorities and indigenous peoples.

During 2011, there were increasing episodes of inter-community tensions, especially in Teso, Lango and Acholi regions in northern and eastern Uganda, fuelled by private companies' interest in communal land. In September, eight clans claiming to own land in Abanga in Zombo district northern Uganda accused a leading African manufacturing conglomerate, Mukwano Group, of collaborating with the government and district leaders to take 1,285 hectares of community land to establish tea and pine plantations in 2008. However, Alykhan Karmali, the Mukwano managing director, told the media that the land title was given to Agricultural Enterprise Limited in 1969, which was later sold to the Mukwano Group. The clans claim that Nebbi district officials did not consult with them before selling their land to investors and demanded that the government intervene.

In October, US President Barack Obama announced that he was sending 100 combat-equipped troops to support Ugandan forces fighting the Lord's Resistance Army (LRA). This raised hopes of resolving security issues caused by the rebels, who are accused of widespread human rights abuses. The deployment followed US legislation aimed at helping disarm the LRA and bring its leader, Joseph Kony, to justice. The LRA, said to have recruited children from minority and marginalized tribes from

northern Uganda, is believed to be responsible for numerous indiscriminate killings, rapes and kidnappings in the region.

Southern Africa

Rahnuma Hassan

Land rights and resource ownership are controversial issues across the world. But given the colonial legacy confronting countries in Southern Africa, working towards equitable resource distribution among ethnic groups in the region is a particularly complex task. Already marginalized minority and indigenous communities, such as San, who continue to practise traditional livelihoods and have close ties to their land, are especially vulnerable to discrimination and economic exploitation. In South Africa and Zimbabwe, governments have ignored the needs of at least some of these groups in favour of redressing wider racial injustices under former white rulers. Governments also grapple with pressures to use their resources for national development and from northern countries and companies in an increasingly competitive global economy, often choosing economic gain over respecting the rights of minorities and indigenous peoples.

Botswana

In January 2011, the G/wi and G//ana communities of the Basarwa indigenous group finally won their right to access waterholes inside the Central Kalahari Game Reserve (CKGR), where they have lived since its creation in 1961. The Appeals Court overruled an August 2010 High Court judgment that prevented access to a water borehole on their lands; the judgment was long overdue as the community won the right to return to their lands in a landmark court ruling in 2006. The lack of access to water nearby has made it particularly hard for residents to survive. By early 2012, only one water borehole had been reopened by Gem Diamonds, the company now

developing a diamond mine within the reserve.

The Basarwa communities in the CKGR refused to participate in the 2011 population and housing census, stating that they did not feel like citizens of the country. The protest was motivated by official refusal to provide services in the CKGR, including a polling station during the 2009 elections. At the end of 2011, the government announced that census results would not be published until the autumn of 2012.

Recognition of minority languages continues to be a particular issue of contention between the Botswanan government and minority and indigenous rights organizations. Despite being a multi-ethnic state, comprising 45 tribes, Botswana's laws and Constitution discriminate in favour of those from the dominant Tswana-speaking group. Reteng, a multicultural coalition group, continues to lobby the government about teaching minority languages in schools. In February, the chairperson of Reteng, Doctor Ndana Ndana, said that a language policy that recognizes all languages would be an important first step, and that while the government argued that there were insufficient funds to teach minority languages in schools, this problem was not insurmountable.

Minority rights groups also continued their legal struggle for non-discriminatory access for minority tribes to the House of Chiefs (an influential body that advises parliament) in 2011. Under the Constitution only the eight principal Tswana-speaking tribes are admitted to the House of Chiefs; there is no guarantee that the chiefs of any of Botswana's 37 non-Tswana tribes will sit in the house. A 2001 High Court ruling in a case brought by the Wayeyi tribe found that the exclusion of the Wayeyi from the House was discriminatory and unjustified. However, despite the ruling, the government has failed to remedy this discrimination. The case was lodged with the African Commission on Human and Peoples' Rights (ACHPR) by Reteng with support from MRG, but the Commission declared the case inadmissible in November, stating that domestic remedies had not been exhausted. The decision is currently pending approval by the African Union.

South Africa

South Africa is still grappling with its colonial

Case study

Basarwa evicted over diamonds

While Botswana's government has never officially admitted to forcibly relocating the G/wi and G//ana communities of the Basarwa indigenous group to make way for diamond-mining operations in the Central Kalahari Game Reserve (CKGR), critics have long suspected this to be the main motivation for the removals. When it became known in late 2010 that Gem Diamonds would begin mining operations in the CKGR, suspicions seem to have been confirmed.

Basarwa were granted the rights to occupy land within the CKGR, as a result of a court ruling in 2006, after years of attempted

Below: A Basarwa boy in the Kalahari Desert, Botswana, makes fire by rubbing sticks together. *Dietmar Temps.*



Case study continued

negotiations, struggle and litigation.

Unfortunately, the victory was bitter-sweet as the government interpreted the ruling in the strictest way possible, only allowing the 189 actual applicants to return to the reserve.

They also refused to provide services within the park or to re-open the waterholes that had been closed since 2002. The justification for this was that the Basarwa communities had already been adequately compensated through the provision of land and services in the form of settlements outside of the park.

In its press releases about the opening of its US\$ 3 billion Gope mine, Gem Diamonds made it clear that they would work with the CKGR residents to ensure that the communities benefited from the mine. However, many of the promises made by Gem Diamonds have yet to be delivered. In addition to promising to drill four new waterholes for the communities, the company told representatives of Botswana Khwedom Council (BKC), a local NGO, that they would establish a community trust so that communities could benefit from the mining operations. The Gope mine management also met with community representatives and asked for advice regarding hiring members of the indigenous group. As of early 2012, only one of the existing waterholes has been reopened, no trust had been established, and it is unclear whether members of the communities will be hired or not.

Furthermore, there is concern over monitoring and ensuring that the needs of the communities in the CKGR are met, as organizations such as the BKC are refused permission to enter the reserve and speak to residents about the conditions they live in. With the mine officially opening in 2013, it is uncertain when the communities will begin to reap the benefits of diamond-mining on their land. In the meantime, they continue to live in abject poverty, still cut off from government services. ■

legacy, particularly with regard to land and resource ownership. The government aims to redistribute a third of white-owned commercial farmland to black farmers by 2014. However, progress has been slow; in early 2011 the Minister of Rural Development announced that only 5 per cent of land had been redistributed.

The government released a Green Paper on Land Reform for public comment in 2011. The paper aims to provide a framework for discussion about land reform with different interest groups, and is underpinned by the desire to redress racial inequality in the rural economy, ensure that land is fairly distributed across class, gender and race, and to ensure greater food security. However, critics argue that the document is too vague and does not adequately address the shortcomings of the government's past efforts at land reform. For example, the document does not discuss how to secure customary land rights for farmers living in traditional leadership jurisdictions, such as in KwaZulu-Natal. The document also does not address how to protect the rights of women in new legislation. Currently, women living in rural communities that follow customary law can be particularly vulnerable to discrimination, as some patriarchal land ownership practices undermine the rights women have under the country's Constitution. The document also fails to address the concerns of San indigenous communities, specific to their way of life and communal use of land, only explicitly mentioning them as part of the larger group of African people.

In early 2011, the government released the most recent draft of the Muslim Marriages Bill for public comment. The aim of the bill is to ensure that rights of women are protected, while respecting marriage and divorce practices under Islamic law. For example, the bill makes provisions to ensure that women have avenues to seek divorce and receive adequate support and financial compensation in the event of a divorce. The Women's Legal Centre, an independent law centre based in Cape Town, has called for further additions to the bill: to set a minimum age to prevent forced child marriages; and to ensure that women are entitled to half of their husband's property in the case of divorce. The Centre has also called for access to divorce on equal grounds, as the bill in its present form still favours

husbands over wives in divorce proceedings.

Some Muslim organizations have rejected the bill, arguing that involvement of civil courts and non-Muslim arbitrators goes against Islamic principles. The four-year public discussion period was meant to end on 31 May 2011, but the heated debates around the contents of the bill have made its future uncertain once more.

Zimbabwe

Unable to challenge the seizure of their land in Zimbabwe, white farmers continued to seek justice in neighbouring South Africa. In 2010, a court ruling in South Africa, implementing a decision by the Southern African Development Community tribunal, allowed the sale of Zimbabwean government property in Cape Town to provide compensation to farmers. In 2011, the courts overturned an application by the Zimbabwean government to prevent its assets from being sold on the grounds of diplomatic immunity. But despite the ruling in favour of the farmers, the auction of the property has yet to be carried out.

In 2000, land reforms in Zimbabwe began with the forceful reacquisition of property from Zimbabwe's 4,000 white farmers. The land was redistributed to a million black Zimbabweans, motivated by the legacy of forced evictions under colonial rule in favour of white settlers. Government supporters argued that these reforms were integral to redressing colonial inequalities, but they have been largely condemned by the wider international community for their often violent nature. Furthermore, the exodus of white farmers from Zimbabwe affected the economic stability of the country, throwing the agricultural sector into turmoil.

Although the land reforms may have contributed to improving food security for at least some poor farmers, critics have pointed out that the reforms were not as inclusive as they claimed to be. In 2011, the Zimbabwe Women's Resource Centre and Network (ZWRN) asserted that land reform has done little to redress the gender imbalance in land ownership. Women continue to face discrimination under customary land ownership laws, and national legislation has inadequately addressed this inequality. Furthermore, land distribution programmes have reportedly discriminated against Ndebele, Zimbabwe's largest minority group.

In 2011, the Mthwakazi Liberation Front (MLF), a nationalist Ndebele party, openly campaigned for the establishment of an independent Republic of Mthwakazi (RoM) in Matabeleland for the Ndebele people. The call was met with much contention and resulted in the arrest of three MLF leaders in early March. The men were charged with treason for reportedly handing out pamphlets that called for members of the national army to defect and support the formation of the RoM. While the accused were initially refused bail, they were eventually released. The original court date was set in November; the trial finally commenced in March 2012 but was subsequently adjourned.

MLF's desire for an independent state stems from wanting to redress the perceived socio-economic discrimination towards Ndebele by the Shona majority. Party leader Paul Siwela maintains that their agenda is not tribalist. He has pointed out that Shona and other non-Ndebele people settled in the region will be allowed to stay in RoM if they choose to. Siwela also assured the public, in a radio interview upon his release, that the MLF's activities would continue to be peaceful unless the state initiated aggression. But concerns about violent outbreaks remain.

Anglicans in Zimbabwe continue to face harassment from the state-supported breakaway faction led by self-appointed bishop Nolbert Kunonga, and are unable to gather and worship freely. In June 2011, Anglicans were denied access to the official shrine of African martyr, Bernard Mizeki, for the second year running. In September, leader of the mainstream Anglicans, Bishop Chad Gandiya, reported that the seizure of church property with the cooperation of the police force was intensifying; even an orphanage, home to more than 100 children was targeted for eviction. In October, the Archbishop of Canterbury visited Zimbabwe and met with President Mugabe, who promised to speak to Kunonga. Shortly after the Archbishop's visit, a High Court judge ruled that staff members of the Daramombe Mission School would be allowed to return to their posts immediately, after being served eviction notices the previous month. Whether international scrutiny will have any lasting impact remains to be seen.



Central Africa

Paige Jennings

Central African Republic

Since independence in 1960, the Central African Republic (CAR) has been afflicted by chronic internal instability, exacerbated by the spillover of conflicts from neighbouring Democratic Republic of Congo (DRC), Chad, Sudan and nearby Uganda.

In 2011, the government made some progress towards peace. In June, it signed a ceasefire agreement with the last remaining rebel group, the Convention of Patriots for Justice and Peace (CPJP), which operates in the north and is reported to be made up primarily of members of the Runga ethnic group. Several thousand combatants from another armed group, the

Popular Army for the Restoration of Democracy (APRD), were demobilized.

However, conflict and human rights abuses against civilians are still rife, fuelled in part by competition for access to the country's mineral resources. These include diamonds, which are extracted primarily by informal artisanal mining, and gold.

Incumbent President François Bozizé, who took power in a 2003 coup, won a second five-year term in January, in the first round of elections, which while largely peaceful were denounced as fraudulent by opposition candidates. President Bozizé is a member of the Gbaya ethnic group and has been accused, as have previous leaders, of using the country's mineral wealth to empower his own group's elite.

The year saw several armed confrontations between the Union of Democratic Forces for Unity (UFDR) militia, dominated by the Gula ethnic group, and the Convention of Patriots for Justice (CPJP), which is predominately Runga, as mentioned above.

Left: Ba'Aka woman from the Central African Republic. *Simon Umbreit.*

In September, near Bria, the country's diamond hub located in the east of the country, the UFDR and CPJP fought for control over a diamond mine, with 50 combatants and civilians reportedly killed. In response, over 8,000 people reportedly fled their homes. A ceasefire between the two groups was signed in October, but the situation remains volatile. At the height of the tensions, reports indicated that fighters went house to house targeting persons belonging to other ethnic groups.

All in all, conflict forced more than 22,000 people from their homes in 2011, bringing the total of internally displaced in the country to nearly 170,000. Nearly 165,000 CAR nationals are currently refugees in neighbouring countries.

Another major source of the upheaval was the Lord's Resistance Army (LRA), pushed out of Uganda in 2008. It continued to terrorize civilians across ethnic groups in the south-east, causing mass internal displacement into towns under control of CAR and/or Ugandan security forces. One of the drivers of the LRA's continuing expansion into the interior of the CAR is reported to be access to its mines. Following calls for greater involvement from international and regional human rights and civil society groups, in October the US government announced that it would send 100 military advisers to help coordinate efforts against the LRA. The UN peacekeeping Mission in Central African Republic and Chad (MINURCAT) withdrew in late 2010, but a sub-regional peacekeeping force remains in place.

In the CAR's south, logging continues to affect the forest-dwelling Ba'Aka people, disrupting the hunting and gathering activities that traditionally are the mainstay of their livelihoods. The CAR is working towards ratification of a Voluntary Partnership Agreement agreed with the EU (European Union) in late 2010, under the EU Forest Law Enforcement Governance and Trade (FLEGT) Action Plan to combat illegal logging and associated trade. The 'rights of workers, local and indigenous communities' are included among 10 principles for establishing the legality of timber to be traded under the terms

of the agreement. However, the impact of the proposed initiative on traditional forest-dwelling communities remains to be seen.

Democratic Republic of Congo

Ongoing conflict in the east

Conflict continued during 2011, fuelled by competition for land and resources, and often manipulated by identity-based politics. A reported 1.7 million people were displaced, the majority from the troubled North and South Kivu regions. Continued insecurity contributed to a slowdown in the rate of return in 2011; the situation for those who did dare to return home remained difficult, due in part to land tenure issues. While all returnees face a precarious situation, Batwa or Bambuti have particular problems, reporting lack of access to targeted support.

In North Kivu, the ethnic Hutu Democratic Forces for the Liberation of Rwanda (FDLR) continued to fight rival militias and the Armed Forces of the Democratic Republic of Congo (FARDC); all sides have been accused of abuses against the civilian population. But minorities, including Batwa or Bambuti, are particularly vulnerable to attack. In one such incident, soldiers of the FARDC were implicated in mass rapes in the villages of Bushani and Kalambahiro on 1 January 2011.

One person was arrested and charged in connection with mass rapes by armed groups in July and August 2010 in Walikale (see case study), where the army had refused to deploy after a dispute over control of local mining.

In South Kivu, armed groups, as well as the army itself, continued to attack civilians and NGOs. Impunity contributed to all types of violence against civilians, including incidents of sexual violence affecting both women and men of diverse ethnic groups.

Despite the February convictions in court of eight FARDC soldiers and their commanding officer for mass rapes carried out in Fizi on 1 January 2011, soldiers defecting from the same army unit in June carried out another series of mass rapes in nearby villages.

Attacks on civilians across ethnic groups by the LRA intensified in the north-eastern Orientale province in the first half of 2011. Tens of



Left: Batwa boy wearing a home-made raincoat with his mother on the outskirts of Kitshanga village, DRC. *Chris Keulen/Panos.*

through the presidential and parliamentary campaign to polling day and subsequent conflict over results. Targeted killings and ‘disappearances’ of candidates and supporters were reported, as well as shootings and arrests of demonstrators. Journalists and human rights defenders were attacked, detained or threatened. At times, candidates or their supporters used apparent ethnic hate speech to incite violence against opponents, despite an agreed code of conduct for political parties. Opposition sympathizers and leaders, such as Kabila’s rival for the presidency Etienne Tshisekedi, a Kasaian of Luba origin, were reported to be the most frequent targets.

Natural resources

The DRC is rich in minerals (see case study), forest products and energy sources. Many of the country’s indigenous Batwa or Bambuti peoples depend in part on forest hunting and gathering, and have seen their livelihoods threatened by deforestation. The EU is the DRC’s largest market for timber. To combat illegal logging, the DRC is negotiating a Voluntary Partnership Agreement under the EU FLEGT scheme. The FLEGT framework includes a specific project to ensure that civil society organizations, including indigenous peoples’ organizations, are fully aware of and encouraged to be involved in the negotiation process. The DRC government has also completed a Readiness Preparation Plan under the UN-REDD (UN Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries) initiative, with several pilot forestry projects under way.

As in other countries in the region, 2011 saw new agreements with international investors to significantly expand land under cultivation. One such deal, facilitated by the governor of Katanga province in what he described as an effort to increase food security and reduce the area’s dependency on mining, opened up 14 million hectares of land to foreign development.

thousands were displaced. FARDC soldiers in the area were accused of violations, including against the Mbororo, semi-nomadic Islamic pastoralists.

Violence around parliamentary and presidential elections

Flawed presidential elections in November 2011 led to the re-inauguration of incumbent Joseph Kabila. Electoral violence, ranging from widespread violations by state security forces against opposition candidates and activists, to violence between supporters of different political parties, began early in the year. It carried on

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Case study
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Mineral resources in the DRC

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*'We no longer have to suffer this wealth
as a curse'*

Over four days in July and August 2010, rebel fighters cut off, encircled and attacked 13 villages in the remote Walikale area of North Kivu. At least 387 women, men and children were systematically subjected to brutal rapes. According to local residents, most of whom belong to the Nianga ethnic group, the attacks were punishment for their suspected pro-government sympathies. They told UN investigators that they believed rape was deliberately chosen as a weapon because of the stigma traditionally attached to it in their culture.

UN investigations revealed that the attackers were from three different rebel groups that had joined forces so as to force the government into negotiations by demonstrating their power to harm civilians. The groups were using the minerals trade in the resource-rich area to help finance their activities. Meanwhile, the army commanders responsible for protecting the villagers were distracted from their duty by the same trade, having ordered their units not to deploy to the new posting in Walikale because their old one was in a more lucrative zone.

The findings caused the government and its international partners to stop and take stock of the role of minerals in sustaining conflict in eastern DRC. The region, which is about the same area as the United Kingdom, is rich in gold, as well as tantalum, tin and tungsten vital to the electronics industry. Up to 90 per cent of its mining, according to the United Nations Environmental Programme (UNEP), is 'artisanal', or small-scale and informal. Roughly 2 million people,

including children, work in harsh conditions in the mines, at times subject to forced labour or debt bondage.

While competition over the mines is obviously not the root cause of conflict in the DRC – complex issues of ethnic identity, regional rivalry, economic interests, political power and access to land all play a part – the trade has clearly helped to sustain and perpetuate conflict. Armed men control some mines directly and also profit by taxing transport of minerals through their territory.

Following the Walikale findings, the DRC President Joseph Kabila attempted to impose control by mandating the closure, without community consultation, of all artisanal production and trade in minerals and ordering the demilitarization of mining zones.

According to some reports, the measures were not universally enforced throughout the vast and remote region, but were reported to have seriously damaged the livelihoods of individual miners and their families in areas where they were. They were lifted in March 2011.

Official stakeholders in the mining industry, including government officials and representatives of artisanal miners, companies buying and trading minerals and concerned civil society groups, agreed a new code of conduct. Critics pointed out that the code's scope was limited given that influential but unofficial actors such as the army and other armed groups were not included.

Internationally, efforts focused on regulating trade. The Organisation for Economic Co-operation and Development (OECD) issued *Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*, endorsed by the International Conference of the Great Lakes Region in December 2010. The UN Security Council adopted a similar framework in its November resolution on DRC. The global mining industry has also reportedly drawn up new internal rules regarding 'conflict minerals'.

Due diligence principles became legally binding under Section 1502 of the US Dodd-Frank Wall Street Reform and Consumer Protection Act, which came into effect in April

Case study continued

2011. It required companies listed with the US Securities and Exchange Commission (SEC) to investigate their supply chain and disclose annually for the public record whether they used minerals from the DRC or its nine neighbouring countries in their products. The SEC was charged with drawing up implementing regulations, but as of this writing they had not been published.

Critics of the Dodd-Frank law say that it has impoverished local miners and their communities by forcing companies to boycott DRC minerals altogether. In December, the UN Group of Experts on the DRC indicated that in peaceful areas where guidance has been followed, production and exports have increased; but in conflict areas, few if any changes have been made and output has indeed fallen. Moreover, a greater proportion of trade has become criminalized, and the military and/or armed groups are still involved.

Supporters of due diligence argue that time and help are needed to work out implementation, and that short-term losses will be more than offset by the long-term benefits. A Walikale NGO, BEDEWA (Bureau of Study, Observation, and Coordination of the Regional Development of Walikale) has written to the SEC in support of Dodd-Frank. In a public statement in August, the group responded to critics of the measures:

'Come visit the territory of Walikale to assess its population's degree of vulnerability. Come see how this territory and local communities have not benefited from these riches. Come see the displacement of populations fleeing atrocities committed by belligerents seeking to control mining zones... Walikale local communities must now have a say and express their views on the exploitation of their resources and its generated profits sharing. It is necessary to correct past mistakes. We no longer have to suffer this wealth as a curse.' ■

Republic of Congo

The UN Special Rapporteur on the rights of indigenous peoples visited the Republic of Congo in November 2010. His July 2011 report examined the situation of the country's indigenous population, including Ba'Aka, a traditionally nomadic forest people. Together with groups such as Mbendjele, Mikaya, Gyeli, Luma, Twa and Babongo, they are distinct from the majority Bantu ethnic groups that have held political and economic power since independence from France in 1960. In the absence of reliable census data, these indigenous groups, some of which still live by hunting and gathering in the forests, are estimated to make up between 1.4 per cent and 10 per cent of the national population.

Building on the National Action Plan on the Improvement of the Quality of Life of Indigenous Peoples (2009–13), in February the Republic of Congo adopted the continent's first law on indigenous rights. Act No. 5-2011 on the Promotion and Protection of Indigenous Populations contains provisions on cultural rights, education and collective and individual rights to land; it explicitly prohibits any form of discrimination or forced assimilation.

While passage of the law is laudable, its enforcement will pose challenges. In November, a local NGO, the Congolese Human Rights Observatory, reported ongoing forced labour and debt servitude of some indigenous people by members of the Bantu majority. The UN Special Rapporteur drew attention to the same abuses in his report.

The law's provisions on individual and collective rights to land and natural resources, and mandating consultation on any measures that may affect indigenous communities, may also prove difficult to enforce. In the area of agriculture, the Congolese government agreed in March to grant long-term leases of 80,000 hectares of arable land to a South Africa-based company in an effort to boost productivity.

Indigenous peoples rarely hold formal titles to lands they have traditionally used, increasing the risk that their lands may be designated as vacant or unproductive. In such cases, the lands would fall under state ownership and could potentially be made available for lease or sale.

Timber has been the country's second largest

export, after oil, and the resulting deforestation has in places threatened the livelihoods of indigenous communities. The Republic of Congo exports primarily to the EU and China; it was the first Congo Basin nation to agree and sign a Voluntary Partnership Agreement against illegal logging under the EU FLEGT Action Plan. As part of the process, the government has reportedly committed to improvement in the areas of participation of civil society in the allocation of forest rights; inclusion of local and indigenous people in forest management, including through a community-based approach; and enforcement of rules and agreements between companies and local communities.

The Congolese government also participates in the UN-REDD initiative, launched in 2008 to combat climate change by reducing deforestation and forest degradation in developing countries. It is negotiating a pilot project under the programme. Some elements of the national REDD+ strategy would reportedly take place in areas inhabited by indigenous peoples, and the process has highlighted the need to ensure that they take part in and benefit from the activities.

In his report, the UN Special Rapporteur noted the potential impact of the REDD programme on indigenous lands and resources, but drew attention to concerns expressed to him about inadequate consultation and participation of indigenous peoples in the REDD process, as well as a perceived lack of detail regarding the rights of indigenous peoples to share in the benefits of any government revenues from the programme. In 2011, the Congolese government announced a 1 million hectare reforestation project (roughly 5 per cent of the national territory).

Rwanda

In 2011, a landmark visit by the UN Independent Expert on Minority Issues, as well as examinations by the UN Committee for the Elimination of Racial Discrimination (CERD) and the Universal Periodic Review (UPR) process, highlighted key concerns about treatment of the Batwa community. The Batwa number around 33,000, or roughly 1 per cent of Rwanda's population; according to the Independent Expert, they live 'in conditions of great hardship and poverty on the

margins of mainstream society'.

In the aftermath of the 1994 genocide, in which as many as 800,000 to 1 million people – a large part of the country's minority Tutsi population, along with Batwa and moderate Hutus – were killed, the Rwandan government undertook to promote reconciliation between the ethnic groups by constitutionally outlawing ethnic distinctions. However, experts noted that the government's refusal to recognize the existence of minority or indigenous groups has had a negative impact, contravening international standards by which ethnicity can be recognized on the basis of self-identification and undermining official efforts to address inequalities.

Specifically, CERD voiced concern at the weak impact of government measures to help Batwa, who continue to suffer poverty and discrimination with regard to access to education, housing, social services and employment; and at the failure to replace lands expropriated from them for the creation of nature reserves, disrupting their traditional lifestyles.

One area of controversy in late 2010 and 2011 was the official 'Bye Bye Nyakatsi' programme for replacing traditional thatched roof houses with iron-roofed ones. While the government described the programme as an effort to ensure adequate housing for all, experts argued that it affected Batwa disproportionately due to their frequent use of traditional building methods, and that it had in the short-term appeared to leave many without shelter.

Dealing with the legacy of the genocide

CERD, the Independent Expert and the UPR outcomes all expressed concern about vaguely worded laws prohibiting 'genocide ideology' and 'divisionism'. Though the authorities pledged to review the laws, they continued to be used to prosecute government critics, including journalists and opposition politicians, for what in many cases appeared to be the simple exercise of free speech.

The International Criminal Tribunal for Rwanda (ICTR) continued to prosecute those responsible for genocide and other serious violations of international humanitarian law during 1994. At the end of 2011 there was one person awaiting trial, three cases in progress, 44



completed cases, and nine accused still at large. A female former government minister, four senior military commanders and two leaders of the dominant political party in 1994 were among those found guilty and sentenced during 2011. For the first time, in 2011 three cases were transferred from the ICTR to Rwandan jurisdiction.

West Africa

Ukoha Ukiwo

Mali

The fragility of Mali, one of Africa's landlocked countries, was exposed with the resumption of



Left: A Tuareg woman carries water through a sandstorm at Lake Banzena, Gourma Region, Mali. *Abbie Trayler-Smith/Panos.*

Azawad (MNLA), a movement founded at the end of 2011, spurred by the return of thousands of Tuaregs from fighting for Muammar Gaddafi in Libya.

The resumption of the conflict towards the end of 2011 led to the displacement of pastoralists in northern Mali to other parts of the country and to neighbouring Niger Republic. Many of the internally displaced (IDPs) and refugees had to leave their livestock when fleeing, while those who could salvage some livestock have difficulty being admitted to IDP and refugee camps, which are not designed to provide sanctuary for livestock.

During 2011, minorities also faced difficulties arising from the commodification of natural resources. For instance, Dogon people, who live in the arid Mopti plateau region, faced exploitation by water privatization programmes, which have reduced their access to water, excluded them from water management and undermined Dogon culture, which is intimately linked to water. In June 2011, the Mali Committee for the Defence of Water wrote in a report that these water privatization programmes were in violation of a 2010 UN Resolution that declared the right to water and sanitation as a fundamental human right.

The Malian government has recently granted about half a million hectares of land concessions to large investors, according to a 2011 report by the Oakland Institute. Thousands of hectares of land were sold to mainly foreign buyers during 2011, by the government, which is desperate for foreign investment, at a very low price, displacing smallholder farmers and minority groups. The biggest buyers include Malibya from Libya (100,000 hectares), China (17,000 hectares), the West African Economic and Monetary Union (14,000 hectares) and Tomota, a Malian company (100,000 hectares).

Land deals include the right to extract water for irrigation at very low prices, which is radically reducing water available for indigenous groups and farmers. For example, a lease granted to Moulin Moderne du Mali – a public-private

the Tuareg rebellion in northern Mali following the revolution that toppled the Libyan dictator Muammar Gaddafi. Nomadic Tuaregs are one of Mali's nine main ethnic groups. Mali has experienced a series of Tuareg uprisings since the 1960s, in which Tuaregs have demanded recognition of their identity and an independent state in the north of the country. The latest uprising ended the fragile peace established between separatists and the government in 2009. Insurgents organized themselves under the banner of the National Movement for the Liberation of

partnership with the Malian government – involves a rent-free lease of 20,000 hectares on the banks of the Niger River. This project has affected the Samana Dugu indigenous community in the Office du Niger, West Africa's largest irrigated zone. Samana Dugu who opposed the deal report serious threats to their livelihoods, with little or no consultation or compensation. The Secretary of State in charge of development in the Office du Niger zone denies that the communities living on the leased lands are indigenous and has stated that such communities have 'installed themselves' on the land without permission. Violent attacks on indigenous groups and smallholder farmers have been reported. In June 2010, men, women and young people from the Samana Dugu community protested against the work of bulldozers and the cutting of hundreds of their trees. About 70 gendarmes were brought in to quell their protest. Protesters were beaten and about 40 of them were arrested, among them 14 women.

Despite Mali's limited availability of arable land and food scarcity, much of the land leased is used to grow crops for bio-fuels or for water-intensive rice cultivation. The land acquired by the Libyan company in Segou, the most fertile region of the country, also includes a 40 km canal. In November 2011, farmers and indigenous groups organized an International Conference of Peasant Farmers in Sélingué which aimed to stop the land and water grabs.

The livelihoods of minorities in Mali are also increasingly negatively impacted by gold-mining. The growing presence of multinational companies involved in gold-mining across western Mali is having an adverse impact on pastoralists and agriculturalists. For example, Fulani, Soninke and Bamana minority groups have been negatively impacted by cyanide poisoning caused by the Sadiola mine in the far west of the country. There are also 200 artisanal mining sites, most of which operate outside the government's regulatory framework. Mining methods are mostly substandard, involving use of highly poisonous mercury and exploitation of child labour.

Nigeria

The year 2011 can be described as the 'Year of Minorities' in Nigeria because the country

elected its first civilian president from a minority ethnic group. Dr Goodluck Jonathan, an Ijaw from the Niger Delta region, was sworn in as president following the death of President Umaru Yar'Adua in 2010. In the April 2011 general elections, Jonathan defeated General Muhammadu Buhari, former military head of state and candidate of the opposition Congress for Progressive Change (CPP), which drew most of its support from the Hausa and Fulani ethnic groups in the north.

However, apart from its symbolism, the electoral victory of Jonathan has not changed the fortunes of minorities in the country. Although the amnesty for Niger Delta militants which came into force in 2009 held for much of 2011, Niger Delta minority communities – including Etche, Ijaw, Kalibari and Ogoni – continued to experience environmental devastation due to oil spills and gas flares. Decades of oil spills from multinational oil company operations, sabotage of pipelines and widespread gas flaring have left the Niger Delta heavily polluted. Oil spills from dilapidated infrastructure were aggravated by spillage caused by the activities of oil thieves. Throughout the year, authorities of the Nigerian National Petroleum Corporation (NNPC) repeatedly acknowledged that 150,000 barrels of oil were being lost to illegal oil bunkering every day.

A 2011 report published by United Nations Environmental Programme (UNEP) found that oil contamination in Ogoniland is widespread and severely affecting the environment. Cleaning up oil pollution in the Ogoniland region may require US\$ 1 billion and take up to 30 years. The UN report found that oil contamination had migrated into the groundwater in at least eight spill sites that the Anglo-Dutch oil giant Shell had claimed they had cleaned up, according to Human Rights Watch (HRW). The Ogoni forced Shell to stop exploration and production activities in their land after the Nigerian government ordered Ogoni environmental rights activists, including Ken Saro-Wiwa, to be killed in 1995. At the end of February 2012, the US Supreme Court heard whether or not corporations can be held liable for complicity in human rights abuses outside the country. The case specifically concerns the alleged involvement of Shell in the torture and killing of

Ogoni activists.

In the north-central region of the country, inhabited mostly by ethnic minorities, several communities continued to witness violent clashes between local farmers and migrant herders.

Clashes are linked to increasing desertification, which has forced pastoralists to move southwards in search of pasture for their cattle. Pressures on land arising from an increase in population and land grabbing by commercial farmers have undermined existing regulations on resource use as encroachment on pastoral corridors and grazing reserves forces pastoralists to graze on farmlands. Estimates of casualties vary. HRW reported that 200 people were killed in Plateau State between January and April 2011.

Between January and June 2011, 100 people were killed in clashes between Tiv farmers and Fulani herdsmen in Benue State, and over 20,000 persons displaced and scores of communities destroyed. Towards the end of the year, another 5,000 people were displaced in Benue and Nasarawa States as Fulani herdsmen clashed with farmers. Up to 10 people were killed in the attacks. The perennial tensions between herders and farmers over land and water use have become more complicated as the two occupational groups are on opposite sides of the ethno-religious faultlines. Attacks perpetrated by suspected members of the Boko Haram Islamist group, which launched several suicide attacks in Nigeria, including the August bombing of the UN office in Abuja, have increasingly targeted farming communities in dispute with pastoralists. The ethnic and religious dimensions of the conflict appear to be overshadowing the underlying basis, which is competition over natural resources. The government has focused on so-called anti-terrorism campaigns while failing to address resource depletion and ethnic conflict in the country, particularly between minority groups. ■