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A Review of Studies on Minorities in East Africa

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Introduction

This is a review of comprehensive studies undertaken in the East African countries of Kenya, Tanzania Mainland, Tanzania Zanzibar, Uganda, Rwanda and Burundi under the auspices of KCK. The studies aimed at strengthening the political participation and inclusion of ethnic groups and minorities (marginalised) in political decision-making processes in East Africa–with a view to ultimately contributing to a truly people-centred East African Community (EAC).

The studies identified specific marginalised minorities in each of the countries, on the basis of race, ethnicity and social status. The criteria applied for identification of the marginalised groups was common in all the studies, and focused mainly on two components: first, communities disadvantaged by unfair discrimination as a result of their numbers. They consequently find it difficult to participate in political, social and economic life; and secondly, communities seeking to preserve their culture and lifestyles amidst the challenges of land reform policies, such as pastoralists/nomadic and hunter–gather communities. The identified communities were subjected to in-depth study with a view to assessing the extent of their marginalisation, discrimination and exclusion in the political and decision-making processes. The term "political" was broadly defined to include issues beyond the rights to vote and access political offices in order to embrace other activities undertaken by the

communities to promote their own interests and protect themselves against discrimination such as the formation of cultural organisations among Batwa communities. The studies reviewed the legal and policy framework as well as implementing institutions that shape ways in which identified communities contribute to and influence democratic participation. Available avenues for participation of such communities and constraints faced were highlighted, and some insights on the extent to which these communities take into account the interests of the marginalised among them was provided.

The case study on Tanzania entitled The Political and Social Exclusion of Minorities in Tanzania: The Case of Hadzabe Hunter-Gatherers delves into four minority groups described as politically and socially excluded groups. While the title of the study may create the impression of a focus only on the Hadzabe; the Barbaig, Maasai and Asians are also covered. The Hadzabe are at the threshold of extinction, unless efforts are made to address their plight. Pastoralists in general, and the Barbaig and Maasai in particular, are perceived as barbaric, primitive and people in need of urgent transformation. On the other hand, focus is given to the Asian community predominantly due to its inferiority stance in terms of numbers–which however sharply contrasts with its ability to influence the political and economic base.

Although studies have generally not covered the Asian community, it constitutes a powerful economic minority that controls most of the industries and commerce not only in Tanzania but in the entire East African region. Despite their wealth, Asians have distanced themselves from politics and social integration. Like other minorities, Asians have not been directly participating in politics mainly on account of their failure to integrate sufficiently into the social fabric of Tanzania and are to this extent still treated as foreigners who do not deserve leadership positions in the society. Some have labelled them as blood-sucking exploiters who lack the necessary patriotism

to become leaders in the country. This, however, the study concludes, does not imply that the Asian community does not influence who gets into political office in Tanzania. This revelation, to a great extent, makes this community a special group that requires more in-depth study across the region to determine whether they actually fit within the category of the marginalised in the context of the study.

Despite some recent policy and legislative reforms aimed at addressing the interests of pastoralists, the study suggests that the manner in which the government has dealt with them has not changed at all since independence. The government believes that pastoralists' land can be put to more productive use because of the perception that they are primitive and their manner of land ownership and use wasteful and irrational. Consequently, big chunks (in some cases 100%) of the land formerly belonging to pastoralists now form the bulk of the leading national parks and other conservation areas. Similarly, pastoralists have been associated with environmental degradation and stern measures have been taken to evict them from key water catchment areas resulting in an unprecedented wave of internal displacements. An example cited was the government's eviction in 2006 of more than 1000 pastoralists' households from the Ihefu valley in Southern Tanzania, ostensibly for overgrazing and drying up key water catchment areas on which the nation depended for generating hydroelectric power.

There have been some policy and legislation reforms to address and recognise the rights of the Hadzabe (and other marginalised groups) with regard to accessing traditional resources in the area of wildlife management, gender disparity and discrimination in land tenure issues; and for them to try agricultural activities. While it may be too soon to fully assess the success of these recent reforms, some have been sharply criticised. Whereas the National Strategy for Growth and Reduction of Poverty (NSGR) popularly known as MKUKUTA (a government initiative aimed at taking on board

pastoralists' development) registered some positive developments, it excluded other minorities such as hunter-gatherers, where the Hadzabe fall. Some legal provisions have been labelled ambiguous and thus leaving wide discretion in interpretation that may defeat the good intention of the reforms. Efforts by the government and other stakeholders to transform the Hadzabe to try agricultural activities proved unsuccessful for lack of requisite infrastructural facilities and failure to engage the community in various strategies of developing alternative livelihoods. Consequently, the Hadzabe reacted by returning to the forest and killing all cattle given to them by the government prior to de-camping in the forest.

Lack of awareness of their civic rights was singled out as the main challenge in undermining the active and effective participation of the Hadzabe in the political process at the local level. Coupled with this, is the lack of a clear social-political organisation among the Hadzabe which makes it frustratingly difficult to mobilise them to advocate for their rights and pursuit for possible survival alternatives even more difficult. Unlike other traditional societies like the Maasai and the Barbaig which have functional traditional authoritative structures, the Hadzabe have no council of elders or clan authorities.

Unlike the studies of Burundi and Rwanda, this study does not address the opportunities for the Hadzabe to engage at the regional and international levels. The study would have benefited from an analysis of the extent to which national laws and policies have implemented some of the international legal instruments on rights of the local marginalised communities which the government has ratified. This would have provided further insights on opportunities marginalised communities such as the Hadzabe could apply in their quest to strengthen their cause at international and regional level including the EAC.

The study on Zanzibar entitled Nationalism, Citizenship and the Politics of Exclusion in Zanzibar opens with a caveat, that it

was impossible to delineate a specific ethnic or racial minority given that the issue in Zanzibar is not a contest between a majority and a minority group, but rather "political polarisation involving two numerically and almost equal political camps." Despite the caution however, the author concedes that the people from Pemba Island who are predominately of Arab, Asian, and Comorian origin, have generally suffered more, compared to those from the sister Island of Unguja. This marginalisation is attributed partly to colonial legislation that was inherited wholesale at independence that categorised citizens. The study also pointed out that Zanzibar remarkably distinguishes itself from all the other countries in the region in terms of ethnic and racial composition and relations. Hence discrimination, marginalisation and political exclusion in Zanzibar cut across racial, ethnic and regional lines. Further, that contradistinguished from the rest of the region, the notion of marginalisation in Zanzibar is located within the underpinnings of an African identity versus a Zanzibari identity, which has had implications on the nationalism and citizenship rights in Zanzibar and Tanzania as a whole. The study thus largely centres on the historical differences between Unguja and Pemba in terms of demographic composition, racial and class relations-the racial composition of Unguja being mainly people of African decent and that of Pemba being predominately Arab. The social stratification based on division of labour and cultural differences among the various racial and ethnic groups during the colonial times in Zanzibar, is believed to have had an impact on the present social structure. This has in turn had an adverse effect on opportunities for political participation of people from Pemba. Hierarchically, Arabs chiefly represented the "landed" class and the ruling aristocracy. Asians constituted the merchant class and the middle class. Most Shirazis were peasants, except for a few who were landlords and occupied the ranks of the middle class and Africans were the lowest n the social stratum representing the

labourers and tenants. Hence class differences and antagonism, were believed to have been sharper in Unguja than in Pemba- where, a meagre 5 percent of landowners owned more than half of the clove plantations, compared to Pemba where the peasantry owned an almost equal proportion of the clove plantations to that of the Arab and Shirazi peasants. Development and poverty disparities today between Unguja and Pemba were also discussed. The study confirmed poorer service provision and delivery by the government in Pemba compared to Unguja, despite the general perception that the people of Pemba are quite industrious and entrepreneurial. In terms of public employment, people from Pemba are also believed to be excluded from almost all key positions in the Zanzibar government and in other public institutions, a trend traced to the early days of the revolution when Zanzibaris of Pemba, Arab, Asian and Comorian origins were distrusted by the authorities.

An analysis of current laws revealed some inherently discriminatory laws, key among these being the electoral laws. The residential requirement for one to be registered as a voter has had a negative impact on Zanzibaris. This is especially to those originally from Pemba who are either business people or students scattered in Zanzibar and Mainland Tanzania. The law has been blamed for polarising Zanzibari society and for creating avenues for marginalisation, especially for those emanating from Pemba.[296] The Zanzibar Election Act of 1984 which gives government employees, employees of public institutions and international institutions the right to register as voters and vote in the areas where they have been transferred to. But it denies the self-employed and employees in private companies to enjoy the same right. This was also categorised as discriminatory and unconstitutional, thus going against the spirit of the International Convention on the Elimination of All Forms of

[296] The formation of a Government of National Unity after the 2010 General Election has, to some extent, provided some relief and addressed the post-election schism that had plagued Zanzibaris for quite a while.

Racial Discrimination (CERD). Similarly, the law that disallows dual citizenship was said to discriminate against a significant segment of Zanzibaris living overseas.

Even though the post-revolution government in Zanzibar has had quite visible representation of Christians in different posts in government including in the ruling Revolutionary Council and cabinet, the study illuminated aspects of religious intolerance in Zanzibar. These are believed to have first manifested amongst the majority Muslims, and later between Muslims and the Christian minority. Religious intolerance against Christians is thought to have emerged with more vigour with the introduction of multiparty politics in 1992, with the torching of churches, bars and other related acts of discrimination on the Isles.

The study notes that within the marginalised political community in Zanzibar, women, youth and the elders have suffered more as a result of the perpetration of the politics of discrimination and exclusion. A wide gap between men and women in their overall status in social, public life and employment and in decision-making processes exists.

The study concludes that Zanzibar has been affected by competing versions of nationalism, citizenship and the politics of exclusion. On the whole, a clarion call was made for the promotion of Zanzibari territorial nationalism as opposed to racial, ethnic or regional based nationalism. The Union Government of Tanzania and the EAC were urged to play a key role in promoting inclusivity in Zanzibar in accordance with Article 7 of the Treaty of the EAC which seeks to promote people-centred cooperation.

Participation of Minorities and Indigenous Peoples in Decision-making Processes in Kenya, like Tanzania Mainland which addressed the Hazabe, makes an in-depth analysis of a hunter–gather community in Kenya; the Ogiek. As is the case with the Zanzibar Study, discrimination of minorities in Kenya was linked to the

colonial era. The emergence of the catch phrase 'the place of the minorities' was linked to the colonial era that was characterised by marginalisation and exclusion of Africans by mainly the European settlers, and to the selective policies and legislation of the early days of independence. The emergence of minority and indigenous peoples' rights movements, at the national level in Kenya is a relatively new phenomenon, earlier initiatives having focused primarily on the participation of pastoralists communities. Prior to the enactment of the new constitution in August 2010, the protection of minority and indigenous people's rights had been envisioned in the anticipated Lands Act. Other legal avenues that could be exploited included the Forest Act of 2005 which though not explicit on minority and indigenous communities, has provisions on community participation that could be used to enhance their participation in the management of the forests and other natural resources therein; as well as to further influence policy on forests and biodiversity. The new constitution of Kenya however now explicitly recognises the rights of minorities and the marginalised groups. Some key recommendations are made by the study to fortify the progressive constitutional provision. Supporting legislation needs to be put in place, mechanisms to ensure effective representation and participation of minorities and indigenous communities in decision-making, especially with respect to matters that directly affect their livelihoods. Intensive lobbying for representation by minority groups is necessary even after implementation of the constitutional provision and the relevant structures will have been put in place. A case was also made for capacities of minority and indigenous communities to be strengthened as well as those of personnel who directly work with them, in order to contribute to the development of a minority rights' sensitive workforce that will contribute significantly towards ensuring participation of these communities and eventually enable their development.

The case studies on Burundi, Rwanda and Uganda are all focused on the same community (the Batwa)-a community which after the drawing up of political boundaries found itself spread across these three East African countries. The three case studies show the extent to which the Batwa community has been divorced from decision-making processes, efforts to involve them in decision-making processes, and the similarities and variations in the approaches applied by the governments in the three states to ameliorate the livelihoods of the Batwa. The successes and challenges faced by the governments in this endeavour are also highlighted.

The study, Ethnic and Racial Minorities and Movement Towards Political Inclusion in East Africa:The Case of the Batwa in Burundi, traces the involvement of Batwa in politics and decision-making processes from the pre-independence era to the post independence era. Special reference to the 2000 Arusha Peace Accord, and its salient features with regards particularly to the rights of the Batwa underlined. In the course of presenting this historical account, issues of governance were highlighted, and as was the case with the Zanzibar study, emphasis was placed on national identity as a foundation for Batwa's political participation.

The study points out that the constitution of Burundi explicitly recognises the protection and inclusion of ethnic minority groups in the governance system, including the Batwa, and also recognises their right to choose their representatives to the national assembly. The constitution also makes provision for the participation of Batwa in local governance. The Electoral Code of September 18, 2009 re-echoes this constitutional provision by guaranteeing the right of the Batwa to political participation in national institutions through a co-option procedure. The historical marginalisation of the Batwa on the other hand is brought to the fore. Limited access to land and health care; food insecurity and the soaring illiteracy rates, believed to be the highest in the country that confront them,

are highlighted as some of the key challenges facing them. Their inability to mobilise resources, mainly due to the stigmatisation is revealed as the primary concern.

To alleviate the plight of the Batwa, the study underscores the need for the government of Burundi to meet its regional and international obligations in an effort to promote and protect the Batwa including facilitating their participation in politics. Governments in the region were urged to comply with the fundamental principles of human rights and good governance outlined in the Treaty that established the EAC. These are also largely reflective of the international legal instruments to which these governments are signatory, and for governments to be held accountable to these provisions. A call was made for the debate on the question of human rights within the context of the EAC Treaty and the rights of marginalised communities in particular to be widened. The study also advocates for lobbying donors to support activities that favour the elevation of the status of the Batwa, including sensitisation programmes to enable Batwa to participate in constructive politics and to exercise their voting rights.

The study on Rwanda entitled Ethic and Racial Minorities and the Movement Towards Political Inclusion in East Africa: Case of Rwanda offers an exhilarating analysis of the Batwa community supported by useful data. To provide a foundational understanding of the dynamics of ethnic minorities in Rwanda, the study presents an analysis of the country's political landscape from the second half of the 1990s to the present, as well as outlining the government's efforts to foster political inclusion of ethnic minorities. The newly entrenched constitution of Rwanda has progressive provisions that recognise the rights of minorities. These, according to the study, initially had significant impact in promoting a number of welfare associations by and for the Batwa. With time, however, the constitutional provisions were compromised making it difficult for

the Batwa to effectively participate in political decision-making processes. According to the study, there have been no successive efforts by government to promote affirmative action and to empower the Batwa. The electoral system in Rwanda further marginalises the Batwa and exacerbates the poor participation of the numerically disadvantaged group in the democratic processes. Specifically, the requirement of queuing behind one's political candidate was singled out as propagating stereotyping against the Batwa, who are already discriminated against. The establishment of protected areas such as national parks and other natural reserves and the introduction of agricultural expansion programmes have led to the displacement of the Batwa and denial of their traditional livelihood as gatherers, thereby reinforcing their social, economic and political exclusion and vulnerability. In short, the Batwa in Rwanda are not any different from their counterparts in the region, and hence remain at the periphery in terms of political participation.

There are some lessons that the paper discusses at depth that could be helpful for the studies on the Batwa in Burundi and Uganda. Among the very fundamental one is the focus on the NGOs established by these communities, setting out advocacy strategies which help in confronting the challenges and opening up opportunities.

The study on Uganda entitled Ethnic– Racial Minorities: Movement towards Political Inclusion: The Case of the Batwa in Uganda notes that the concerns and status of the Batwa and other minority groups in Uganda were ignored by both colonial and post-colonial governments, at the expense of the more affluent and representative societies such as the kingdoms, which were considered more productive and on account of their potential to serve the interests of the State. Recent efforts by the government to address the plight of the Batwa were highlighted. In addition to Uganda being a signatory to a number of regional and international, national

legal instruments that guarantee indigenous people's rights, the 1995 Constitution of the Republic of Uganda provides for the right to equality and freedom from discrimination and guarantees. This provision covers all persons irrespective of sex, race, colour, ethnic origin, tribe, birth, creed/religion or social, cultural, economic status, political opinion or disability. The Constitution also provides for the establishment of Equal Opportunities Commission to advance the rights of the marginalised in Uganda, which government has put in place. The decentralisation system of local government units is yet another notable opportunity that marginalised groups can utilise to strengthen their political participation. In terms of policy, the Poverty Eradication Action Plan (PEAP) and the Social Development Sector strategy (SDS) sought to address various social development concerns which include social exclusion, inequity, vulnerability, unemployment and disenfranchisement for different groups including indigenous ethnic groups, rural women, elderly, youth, children, the unemployed, child poverty, disabled, internally displaced persons (IDPs) and refugees.

Despite these efforts, indigenous groups are still marginalised in political processes. Like their counterparts in Rwanda, ancestral land of the Batwa in Uganda was converted into protected areas. This denied them access to forest based foods, medicine and other resources- therefore marking the beginning of the end of their age old forest-based hunting-gathering traditions and livelihood. Thus, today they live in a somewhat skewed relationship with the dominant cultivators, nomadic and off-farm business communities.

The study provided a number of recommendations. Emphasis was placed on civic education, along with skills enhancement in leadership, advocacy and negotiation to be inculcated into Batwa communities as a means of increasing their participation in social and political activities at the local and national levels. Parliament is urged to enact laws necessary for implementing policies and

programmes aimed at redressing social, economic, and educational or other imbalance in society in accordance with the Constitution. The establishment of networks to provide support and lesson sharing among organisations working to promote the rights of ethnic minorities, and countries where they reside, to enable Batwa engage at regional and international levels was advised.

Conclusion

The studies and their recommendations set a foundation for serious consideration for policy and legal reform in the East African countries in order to address the predicament of marginalised communities in the region. Some of the experiences drawn from the studies of the various communities are similar, while others are diverse and varied. One plausible reason for the common approach by the states in the region in implementing policy and legal reform may rest in regional and international legal instruments. Some of these instruments call for the application of common approaches in their implementation at national levels. On the other hand, the diversity is understandable considering the different cultural, political, social and economic bases upon which the traits in these communities are founded. This realism also applies to those communities which seemingly have the similar historical links; though different jurisdictions such as the Batwa, now found in Burundi, Rwanda and Uganda. In this regard, some of the lessons drawn from the studies in the four countries would certainly have to be adopted with necessary modifications to accommodate the varied circumstances.

The studies also reveal that selected communities to a great extent reflect the experiences of the most marginalised in the respective countries. Thus, any process of reform contemplated by governments should take on board such communities in decision-making processes if such reforms are to succeed. In this regard, more studies focused on other communities to complement these are

necessary. Also disclosed is that the focus on the plight of women, youth and elderly in the studies was somewhat obscure and should have been more vivid. Nonetheless, the studies largely disclose that even within the marginalised communities certain groups continue to be discriminated against: among these women, children and the elderly; and in the case of Zanzibar, people in the diaspora. Accordingly, governments in the region should address challenges faced by the marginalised communities and devise mechanisms to enable them to participate effectively in the decision-making process at different levels of democratic governance, with special attention to the marginalised among them.

However, the paper on Rwanda is not included because it was not available at the time of publication.