



## Research article

# A re-conceptualisation of the Batwa's right to recognition as a minority and indigenous people in Rwanda: A human rights-based approach

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## ABSTRACT

There have been divergent views by various human rights scholars and actors on how to address the question of vulnerability among indigenous and minority groups in Rwanda. Even though factors influencing vulnerability among these groups have received increasing scholarly attention, findings from these studies fall short of reflecting on the role of identity and discrimination. Whereas the government in Rwanda after the 1994 genocide sought to enhance unity and reconciliation by outlawing all ethnic identities, and instead conflating all vulnerable groups into a nomenclature namely, a Historically Marginalised People (HMP), a divergent group of scholars, human rights activists, the United Nations and African Union's instruments of human rights describe this approach as antithetical to the promotion and protection of the rights of indigenous and minority groups. Using the human rights-based approach, this paper critically interrogates the issue of identity and how it has affected the enjoyment of the rights among the minority and indigenous Batwa people in Rwanda.

The study employed a qualitative research design with data collected through Focus Group Discussions (FGDs) as well as in-depth interviews (IDIs). Respondents included members of the Batwa community, officials of selected public institutions, leaders in Non-Governmental Organisations (NGOs), and cooperative societies working towards the promotion of rights of the HMP. Data analysis involved the process of transcription and coding of data and the eventual reflexive thematic analysis.

The findings show that the rights of the Batwa community to recognition and self-identity have varied meanings and implications to different members of the community as well as officials from public institutions and other relevant actors. To the existing research, the study affirms that the inconsistencies surrounding the Batwa's identity have accentuated their vulnerability.

In terms of policy, the study suggests that in the short run, the Batwa community may require enhanced special temporary social protection measures in order to ameliorate their conundrum arising from identity ambiguity without compromising Rwanda's national unity. Further studies, should consider the role of land, forest and culture in further marginalising the Batwa, as well as quantitative methodology for inferential analysis.

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## 1. Introduction

The Batwa's identity as an indigenous and minority group in post-genocide Rwanda has dominated discourse in human rights law among various scholars and actors interested in the country's modern socio-political progression [1,2]. Prior to the 1994 Genocide against the Tutsi, Rwandan people identified as either Hutu, Tutsi, or Twa.<sup>1</sup> On account of their ethnicity however, the position of the Government of Rwanda changed during the post-genocide period as it adopted policies that would de-ethnicise the country.

The government's view with regard to recognising the identities of the minority and indigenous people (such as the Batwa) was that it would subvert the policies aimed at national cohesion by reinforcing ethnic polarisation [3,4]. The government's position and intent was to enhance unity and reconciliation by abolishing divisive ethnic identities. At the same time, the Government of Rwanda initiated specific social protection measures supporting the marginalised groups indistinctively [5]. Put differently, the Government of Rwanda wanted to build a national identity in which ethnic categories no longer existed. Thus, Rwandanness ("I am Rwandan") became a concept in vogue, preferred by the government in the post-genocide period [6].

It is in this regard that in 2007, the Rwandan Government replaced the terms connoting ethnicity such as, "Batwa", "autochthon," or "indigenous people," with the term "Historically Marginalised People" (HMP).<sup>2</sup> This new identity was not limited to the minority and indigenous people like the Batwa, but included all other vulnerable categories such as women, people living with disabilities, older poor people, female household heads, and genocide survivors within its ambit [7].

Additionally, the attempt to maintain the identities of the indigenous and minority groups through the inclusion of vulnerable groups within Rwandan society can be seen as a means of promoting democracy. This attempt has been articulated in the literature not only emanating from scholarly studies [1,8–13] but also from organisations such as the United Nations (UN), the African Union (AU), and other international non-governmental organisations such as the International Work Group for Indigenous Affairs (IWGIA) [14], and Unrepresented Nations and Peoples Organization (UNPO) [15]. Local NGOs in Rwanda, such as the Cooperative of Potters in Rwanda (COPORWA), have also supported this attempt to protect vulnerable groups.

Both actors and scholarly studies do not have a standard view of the status of the Batwa as indigenous people and minorities, besides the effects of this ambiguity on their vulnerability [5]. Therefore, there is a need for more studies that critically reflect on the role of identity and discrimination in shaping the Batwa's vulnerability. Consequently, this paper aims to use the human rights-based approach as a lens to facilitate a critical investigation of minority and indigenous status of the Batwa in post-genocide Rwanda by reviewing relevant literature and empirical data. The paper empirically interrogates how the Batwa perceive their self-identity as a minority and indigenous people against the backdrop of the right to self-identify. Further, it looks at the micro-aggressions and discrimination suffered by the Batwa and linkages to vulnerability and marginalisation. The paper highlights limitations and suggests areas for further studies and policy recommendations.

## 2. Contextualising the batwa as a marginalised group in post-genocide Rwanda

The narrative seeking the recognition of the Batwa's distinct identity as a people in Rwanda relates to the absence of linkage between State recognition of their status of indigeneity and their peculiar existing socioeconomic marginalisation [5]. For example, the Working Group on the Universal Periodic Review on Rwanda, linked the need to recognise the Batwa's indigeneity to the failure of inclusion into development policy initiated by the Government of Rwanda and its partners in development [16]. The 2020 Report of the Committee on the Convention on the Rights of the Child also recommended that the Government of Rwanda should ratify the 1989 International Labour Organization (ILO) Convention number 169 (C-169) on indigenous and tribal peoples as a strategy to curb the challenge of school dropouts at all levels of education, shared among the children of the Batwa [17]. Similarly, in the framework of the AU, the lack of recognition of the Batwa's self-identity was viewed as having a causal relationship with their marginalisation and vulnerability [12,13]. Subsequently, the local Batwa communities perceive all initiatives from local governments with suspicion, given that they are top-down driven, and Batwa's consent is ignored [12].

Various other scholars in minority rights studies have argued that conflating all underprivileged communities into HMP leads to confusion because it hides and minimises the real problems facing the specific groups within the larger category [1,2,13,18]. For these scholars, the Batwa, conflated into HMP nomenclature, are therefore considered a group of minority and indigenous people living in a non-dominant situation like many other indigenous people across the world [1,1,2,13,18]. They argue that the Batwa face peculiar problems that may be different from the other groups categorised as HMP [1,2,13,18].

This paper argues that emerging contradictions due to conflating the Batwa among other HMP have become counter-productive. According to the report of INCLUDE [19], this counter-production subverts all initiatives from the actors inclined to support Batwa's indigeneity and collides with the government's narrative, creating a stalemate. Indeed, the miscommunication between local governments and local Batwa communities is the main reason for a lack of focus on the particular problems experienced by the Batwa arising from their minority status, indigeneity and lack of self-identity [12].

However, whereas the elite Batwa may consider being a part of many distinct vulnerable groups unfair treatment, the local

<sup>1</sup> Whereas Tutsi, Twa, and Hutu are commonly used in European references, Muhutu (in singular), Bahutu (in plural), Mututsi (in singular), Batutsi (in plural), Mutwa (in singular), and Batwa (in plural) were used in the local context.

<sup>2</sup> Though the word "HMP" is an acronym nomenclature standing for other categories of vulnerable communities, in this work, the word "HMP" will be used interchangeably with "Mutwa (in singular) and Batwa (in plural) while keeping in mind that the usage of the latter was constitutionally outlawed.

government authorities tend to perceive them as failing to take advantage of existing development opportunities provided to all the vulnerable populations in Rwanda [12]. Goodwin thus suggests that in this specific case, there should be a convergence in the language of development used by both the local authorities in Rwanda and the Batwa people [12]. According to Goodwin this can inform global human rights scholars, actors, and institutions on the subjectivity of perceiving protection and promoting rights among marginalised groups [12].

### 3. The Batwa's minority and indigenous identity

Minorities and indigenous groups have characteristics that are common across the world. From the human rights discourse, the Batwa have some features that qualify them for categorization among similar groups.

#### 3.1. The characterisation of minorities and indigenous groups

A deeper understanding of the Batwa situation as a people can be achieved using the human rights framework which centralizes the protection of minorities and indigenous communities. Worth noting however is that no instrument of human rights provides a concrete and standard definition of either indigenous people or a minority, most definitions rely on characterisations [20,21,21]. On the one hand, according to Wagley and Harris, a minority group is distinguished by unequal treatment, less access to power over their lives, distinguishing physical or cultural traits, involuntary membership in the group, awareness of subordination, and a high rate of in-group marriage [22]. Similarly, in human rights discourse, minority identity is typically based on differences in observable characteristics or practices of a group, such as ethnicity, race, religion, and sex, which puts them at a disadvantage in the society in which they live [20]. On the other hand, some of the characteristics of indigenous groups include their self-identification as indigenous peoples, the historical continuity of the societies; the vital link to territories and surrounding natural resources; their distinct social, economic or political systems and language, culture and beliefs; their non-dominant position in the society; and their resolve to maintain and reproduce their ancestral environments and systems as distinct peoples and communities [21].

The characteristics described above summarised in a non-dominant context, are self-explanatory in that, indigenous peoples worldwide are vulnerable. This is because they were and are still objects of structural injustice resulting from the colonial conservation paradigm, whose actions include eviction from forests and ancestral land following the creation of protected areas, stereotyping and discriminating [23]. According to Banamwana [24], Domínguez [25] and Ndabarushimana [26], most populations categorised as indigenous peoples in Africa, including the Batwa of Rwanda, Burundi, Uganda and DRC, and the Maasai of Kenya and Tanzania, were systematically evicted from their ancestral land. Anfaara and others argue that indigenous peoples were subjugated twice [27]. First, by colonialism and second by post-colonial governments, which perpetuated the status quo [27]. Further, Anfaara and others explained that the vulnerability of indigenous peoples was a corollary to the dispossession of their ancestral land, which in turn excluded them from the economic and political mainstreams of their countries [27]. These authors continue to give examples such as those describing how the Batwa in the Great Lakes Region of Africa were victims of a similar phenomenon [27]. The recent report from Nathan [28] explained that the Batwa in Rwanda were divested from their ancestral land by the dominant groups, and then compelled to leave their traditional hunting and gathering livelihoods to adopt alternative livelihoods. As one can argue, the vulnerability of indigenous peoples and minorities implies that they are more prone to harm than other populations due to their non-dominant position in society. Yamada [29] and indigenous worldview [30] underscore that land rights of indigenous people are a core element of their existential essence.

As highlighted above, most definitions of indigenous peoples and other cultural minorities rely on characterisations. However, scholarly studies and reports have indicated that these characterisations also overlap, such that ascribing a group the status of indigenous or minority has become a quagmire [31–36]. In the context of Africa, the African Commission on Human and Peoples Rights (ACHPR) provides a partial solution. Based on the advice of the African Commission's Work on Indigenous Peoples in Africa (ACWGIP), ACHPR asserts that despite the ambiguity over the characterisation of indigenous peoples, only one characteristic such as self-identity, unequal treatment, less power over their lives or non-dominant context is sufficient to ascribe a group the status of indigeneity [37].

As an indigenous and minority group, the Batwa of Rwanda are a part of a large group of pygmies of the Central African region found in countries such as Burundi, Uganda and the Democratic Republic of Congo [2,37,38] These pygmies are also found in Cameroun, Gabon and the Central African Republic [39]. In each of these countries, the Batwa have different names. According to Robillard & Bahuchet [40], they are called Ba (Twa) in Burundi, Uganda, Rwanda and DRC; (Ba)Kola, (Ba)Gyeli, Pygmies or Baka in Cameroon; Baka, (Ba)Koya or (Ba)Kola, Mikaya or Bambenga in Congo; and (Ba)Rimba, Babongo, Akoa, (Ba)Kola or (Ba)Koa in Gabon. They are also referred to as (Ba)Aka, Bayaka, Biaka, or Babinga in the Central African Republic and (Ba)Cwa, (Ba)Sua, (Ba)Mbuti, (Ba)Kango, Asua, Akka, Aka, Efe, and Bambote in the Democratic Republic of Congo [39]. This study, however, considers only the Batwa of Rwanda.

In Rwanda, the recent report from Meyer characterised the Batwa's vulnerability as intergenerational owing to their socio-cultural living arrangements and low economic status [41]. In addition to eviction from ancestral forests, Meyer linked the Batwa's vulnerability with the negative culture known as '*kunena Abatwa*' (disdaining the Batwa) as well as with mythical tales propagated and disseminated by the dominant groups. All these comprise forms of discrimination [41].

There have not been official demographic statistics of the Batwa in Rwanda due to their minority status and following a government ban on categorizing populations based on ethnicity. Despite the absence of official demographic statistics however, the Batwa whose demographic data is based on estimates, can be considered a numerical minority group in Rwanda. The recent scholarly study of

Hategekimana [8] estimates the Batwa as between 0.2 and 0.4 % of the Rwandan population, more specifically, between 26,493 and 52,986 people out of the total 13,246,394 of Rwanda's populations [42]. Other literature estimates their numbers as at between 33,000 and 35,000, making roughly 0.3 % of the country's total population [42,43]. Against this backdrop, the International Committee on the Elimination of All Forms of Racial Discrimination passed a resolution recommending that the Government of Rwanda provides socioeconomic data on the HMP, ostensibly including statistics on the Batwa [44].

The Batwa in Rwanda are deemed to be generally living in a non-dominant context economically, politically, socially and culturally [2,43,45]. Data indicate that the Batwa in Rwanda perform relatively poorly in most socioeconomic indicators [46]. For instance, their households constitute 43 % of landless persons compared to 12 % in the remaining portion of the national population [43]. Also, the rate of illiteracy among the Batwa is higher, at approximately 51 %, compared to the national average of 14 % [43,47]. Furthermore, a majority of them (approximately 95 %) live in abject poverty, against the national statistics of 39.1 %. Indeed, the Batwa usually live on selling cheap labour on the land of others and begging. Thus, Ndahinda classifies the Batwa as "*the poorest of the poor*" [50, p.240].

The socioeconomic impact of marginalisation on the Batwa remains a solid human rights concern. Indeed, many international instruments and frameworks address marginalisation against the prism of human rights. For instance, the Sustainable Development Goals (SDGs) no 1,2,3 and 4 highlight that sustainable development cannot be achieved if people live in indignity [48]. In compliance with the SDGs, Rwanda's constitution considers dignity, respect, and the promotion of fundamental rights to be cornerstones of its development [49].

For the Batwa, negative perceptions about their identity, micro-aggressions and stereotyping are debilitating, and have been orally transmitted from one generation to another. The UNDP report has identified these negative perceptions as direct or indirect discrimination [50]. While direct discrimination and practices toward the Batwa through disdain is overt, indirect discrimination evident in macroaggressions is covert [21]. Indirect discrimination is laden with unintended effects, and a challenge to detect and eliminate [21,50]. According to the UN Office of the High Commissioner of Human Rights reports, "*Indirect discrimination is more subtle and, therefore, harder to recognise and eliminate*" [13, p.8].

### 3.2. Self-identity in minority and indigenous rights literature

In the extant literature on human rights, the concept of "self-identity" is considered one of the subjective characterisations of all minorities indistinctively. Thus, for example, both 1989 ILO Convention No 169 (article 1) (2) and the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic (article 1) recommends that states should promote and protect the self-identity of minorities [51,52]. Moreover, Article 27 of the ICCPR alludes to self-identity by asserting the right of individuals to enjoy their own culture, practice their religion, and use their languages [53].

Daes and Asbjorn, who differentiate the rights of minorities and those of indigenous peoples, view 'self-identity' as a standard feature of both groups [52]. Similarly, both Cobo [21] and Capotorti [20] regard self-identity as fundamental in characterising indigenous peoples and cultural minorities. For its part, the World Bank report goes beyond self-identity as a subjective feature of indigenous minorities. It explores other objective features, such as collective attachment to land and natural resources, customary institutions and indigenous language, to differentiate them from other populations [54]. Likewise, the International Work Group for Indigenous Affairs (IWGIA) considers self-identity as a criterion to determine indigeneity as established by the 1989 ILO Convention n° 169 [34].

The Copenhagen Report on Human Rights defines self-identity as an exclusive and deliberate choice made by groups of people, and any encroachment on this principle is regarded as cultural assimilation [18]. Equally, the Committee on the Elimination of Racial Discrimination (CERD) in the General Recommendation VIII Concerning the Interpretation and Application of Article 1, Paragraphs 1 and 4 of the Convention on Identification with a Particular Racial or Ethnic Group, views self-identity as a matter of the will of the group and not an imposition from the duty bearer [55].

That is why in *Bernard Ominayak, Chief of the Lubicon Lake Band v. Canada*, the Human Rights Committee ruled in favour of the claimant based on Article 1 and Article 27 of the 1966 ICCPR [56] and recommended that Canada provides a remedy to the victims [56] on the basis that States had an obligation to protect the rights of persons to engage in economic and social activities, which are part of the culture of the community. A similar approach was taken in the *Ogiek Case in Kenya* [57] and in the case of *Māori v. New Zealand* [58], where the courts resolved in favour of claimants to the right to self-identify.

As already indicated in this paper, with regards to the Batwa in post-genocide Rwanda, their self-identity as indigenous people has become a quandary among various actors, including the Government of Rwanda, the UN, the AU and some scholars [5], who do not share the Batwa's view on the claim of self-identity. This controversy on identity is not unique to the Batwa in Rwanda. It is common in Africa for communities which struggle with self-identity as minorities or indigenous peoples. Many scholars have also shown that the concept 'indigenous', which is synonymous with 'autochthony', has been considered as the genesis of violent conflicts in Africa due to the alterities it is associated with [59–70]. Arguably, 'indigeneness' is misconstrued with autochthony, literally translated as 'sons of the soil' and, therefore, serves as a political instrument for closure and exclusion of those not considered "sons of the soil" [62,64,68, 71].

For the Government of Rwanda in the post-genocide period to enhance unity and reconciliation, the Batwa were classified a category among the vulnerable Rwandans, who needed support through social protection but not as a people with a distinct identity [2, 5]. Therefore, the post-genocide government took de-ethnicisation as a political panacea for national cohesion, given that ethnicity was among one of the factors that were used in the genocide against the Tutsi in Rwanda [2,72,73].

### 3.3. Minority and indigenous groups discrimination and marginalisation

Non-discrimination is an overarching characteristic in the international instruments of human rights. For instance, the International Bill of Human Rights, in article 7 of the Universal Declaration of Human Rights (UDHR) [74], article 2 (2) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) [75], as well as article 27 of the International Covenant on Civil and Political Rights (ICCPR) [53] emphasise the non-discrimination of anyone for any reason. Similarly, article 3 (1) of the ILO Convention No 169 [52] and article 2 of the 2007 United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) [76] recommend that indigenous peoples should enjoy rights to non-discrimination. Given that most minorities live in non-dominant contexts, the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) (see Article 1 (4)) proposes temporary special measures for minority groups as a strategy against discrimination which often leads to victimization [77].

Scholars on minority and indigenous rights argue for non-dominant contexts considering the abject poverty of all minorities across the world [20,21]. The non-dominant position of minorities has been associated with exclusion from their countries' social, economic and political spheres [78,79]. Thus, ACHPR links the non-dominant position of minorities with subjugation and exclusion from the mainstream of development [37]. Moreover, according to Cobo, the non-dominant position of indigenous peoples is also a corollary to their extreme marginalisation and subjugation [21].

Minority and indigenous studies identify the problems of marginalisation in most cases as being in a spiral, such that one problem (socioeconomic vulnerability) leads to another problem (political vulnerability), which also becomes transgenerational [20,23,80]. For instance, if a member of a minority or indigenous group does not have access to education, it likely leads to exclusion from the political process, from generation to generation [81]. Furthermore, exclusion from access to and ownership of land, which is considered a core characteristic of indigenous people, adds to their marginalisation. As Yamada [29] notes, if land rights are withheld, other rights of indigenous peoples, such as the right to non-discrimination and the right to self-identity, are also violated [29]. Similarly, the report from the UN Office of the High Commissioner of Human Rights [82] correlates the violation of rights to self-identity and recognition with the root causes of discrimination.

The marginalisation of minorities and indigenous people is also exhibited in societal micro-aggression against members of these communities. Against this backdrop, in a recent study, Ellmauer asserted that the Batwa in Rwanda are still victims of the social practice of "kunena abatwa", translated as "disdain for the Batwa" [83]. This practice is shrouded in micro-aggressions associated with mythical tales against the Batwa, from time immemorial [5]. Living in a non-dominant context, being stereotyped and discriminated against, evicted from ancestral lands by the colonial authorities and the post-colonial governments to create protected areas all together has accentuated the Batwa's vulnerability [84].

## 4. Conceptualising the human rights-based approach

The human rights-based approach (HRBA) is a guiding framework for all actors seeking to promote and protect human rights and support national development. This approach was included for the first time in the 2003 Stamford Agreement, which aimed to provide a common understanding for all UN agencies in development cooperation [85]. According to Van de Ploeg [86] and Vandenhole [87], the human rights-based approach is built on a philosophy that structural injustice is progressively eliminated through the mutual reinforcing between the rights holders (victims of injustice) and duty bearers (State and its partners).

In the human rights-based approach framework, the application of human rights provisions contained in different instruments should be guided by some principles such as universality and inalienability; indivisibility; inter-dependence and inter-relatedness; non-discrimination and equality; participation and inclusion; and accountability and the rule of law [88].

The principle of universality and inalienability implies that human rights should be understood and applied to everyone and everywhere and inherent to all human beings [89]. Indivisibility and interdependence of human rights entails that human rights are not only interconnected but also reinforce each other such that violation or respect of the type of some rights implies violation or respect of the type of other rights [90]. Equity and non-discrimination implies that all the peoples should be treated on equal footing and special temporary measures should be oriented to the poorest and the most marginalised segments of the population [91,92]. Further, whereas intergenerational equity alludes to the idea of sustainable development intra-generational equity implies shared responsibility in the perspective of distributive justice [93,94]. In this regards, the idea of sustainable development means that the current generations satisfy their needs without compromising the future generations to satisfy their needs. In this view, SDGs are not only tools to attain sustainable development but also articulations of human rights [48,95]. Participation entails that citizens should be involved in the process of decision making indirectly by their representatives or participate in public affairs, inclusion is a continuation of equity.

Finally, while accountability implies that there is a pact between the duty bearer and rights holders on issues of promotion and protection of human rights, rule of law is about the principle legality in service delivery [18,23]. In this regard, different instruments of human rights resulting from the 1948 Universal Declaration of Human Rights aimed implementation of the aforementioned principles.

To the above principles, the Stamford Agreement added the essential element of the rights holders being critical actors in their development rather than being passive recipients of commodities and services [85]. In other words, the Stamford Agreement recommends development focused on marginalised and disadvantaged groups, which uses both the top-down and the bottom-up approaches in synergy [85]. Moreover, as already alluded to, the human rights-based approach views the violation of one right as tantamount to the violation of other rights [23,29,96,97].

Consequently, the human rights-based approach helps us understand the linkage between violating the right to self-identity and the right to non-discrimination; and the marginalisation of the Batwa. There is a need for more knowledge about the status of the Batwa

among the various scholars and actors. Therefore, the human rights-based approach can be used as a lens in a study focused on rights to analyse the Batwa's claim vis-à-vis their rights to self-identity and non-discrimination. This HRBA can provide a basis for re-conceptualising Batwa's right to recognition as a minority and indigenous people in the Rwandan context. Indeed, the concept of minorities and indigenous groups is a human rights construct aiming to redress specific rights violations [23]. Thus, the violations linked to the status of the Batwa relate to their cultural identities and attachment to their land (following eviction from forests), and their right to a livelihood (without which there is poverty and discrimination) which can be examined using human rights-based approach as a lens and against a backdrop of collaboration between actors and duty bearers.

## 5. An empirical study of the batwa as an indigenous and minority in Rwanda

This empirical study section indicates the methodology used, findings, discussion of the findings, scope and limitations, and the study's significance.

### 5.1. Materials and methods

This study had an empirical element aligned with interpretive epistemology to support the review of the existing literature highlighted above. It involved investigating immemorial socio-cultural narratives and emotional experiences that the respondents report to have endured [23].

A qualitative study was conducted in three rural districts of Nyaruguru (Southern Province), Rubavu and Rutsiro (Western Province) and three urban districts of Nyarugenge, Kicukiro and Gasabo (Kigali City). The justification for the three rural and three urban districts was to determine if there were divergent socio-cultural realities within and across the diverse settings. The selected rural sites were those near protected areas from which the Batwa were evicted following legislation of protected areas in 1930 by colonial authorities [21]. Some Batwa then lived in the urban districts after the imposition of a new lifestyle that differed from their hunting and gathering tradition following their forest eviction. The study sites were purposively selected through the facilitation of local entities. Authorisation from the University of Rwanda and the University of Nairobi was sent to the district level, which subsequently allowed a team of researchers to approach the sector, the cell and the village levels of administration. At the village level, the lowest entity where households of HMP live, respondents were again identified through the help of the Chief of the Village (*umu-dugudu*), who served as a gatekeeper. The actual field study entailed conducting twenty-two Focus Group Discussions (FGDs) and direct observation, in-depth interviews and key informants' interviews (KIIs).

To begin with, focus group discussions (FGDs) along with direct observation were administered to the members of HMP (formerly referred to as Batwa). The groups comprised individuals (men and women) above the age of 18 years, and were deemed to have experienced hardship due to socioeconomic vulnerability resulting from forest eviction.

In-depth interviews were also carried out with officials of selected public institutions, including officials from the National Commission of Unity and Reconciliation and the National Commission of Human Rights. Key informants' interviews (KIIs) were administered to leaders from NGOs and cooperative societies working towards promoting the rights of HMPs including one current top manager and a previous top managers of Cooperative des Potiers au Rwanda (COPORWA). Others included, a local NGO advocating for the rights of Batwa in Rwanda, as well as one person who used to be among the leaders of CAURWA (Communauté des Autochtones au Rwanda, translated as Community of Autochthonies in Rwanda). The latter was also among the founding pioneers of a local NGO advocating for the rights of the Batwa in Rwanda. A former representative of HMP in Rwanda's Senate was also contacted for an in-depth interview.

All respondents were purposively selected due to their expertise on self-identity and non-discrimination, or experienced it. For instance, critical informants from COPORWA, a representative of the HMP in the Rwandan Senate and authorities from the government were to provide information on convergences or divergences in the phenomenon under investigation.

In total, 226 respondents divided into four categories were approached for feedback. These were 220 heads of households from HMP for FGDs and direct observation; three leaders from COPORWA for in-depth interviews; one former Member of Parliament representing HMP in Rwanda Senate for an in-depth interview including two authorities from governmental institutions. The aim of using different tools for each method for the different respondents was to get a wide range of perceptions on self-identity and non-discrimination under investigation and to enable the triangulation of information [98]. FGDs facilitated the exploration of opinions and direct observation of the behaviour and body language of the respondents when a sensitive issue, such as discrimination, was mentioned [98].

As an ethical consideration, all respondents were requested to give their consent prior to data collection. All interviews were guided by the principle of 'theoretical saturation', which consists of administering inquiry until respondents start to repeat themselves [99].

To meet the reliability and validity of data, meetings were held every morning to plan for the day and every evening to evaluate how the day was spent in the field. For each day of data collection, the data collectors gave a daily report highlighting the progress made and any particular information relating to the subject matter under investigation, which was observed from the field.

The study used thematic analysis embedded in a deductive method guided by the human rights-based approach in which two variables of self-identity and non-discrimination were the focus of the study. The human rights-based approach facilitated generating data around themes related to self-identity and non-discrimination. Since thematic analysis is also embedded in a semantic approach, as propounded by Caulfield [100] and Moira & Brid [101], the study was interested in the respondents' opinions and perceptions on self-identity and non-discrimination.

In the data analysis process, each recorded interview was transcribed, afterwards data coding was manually done by highlighting

important phrases emerging from interviews according to feelings expressed. Codes from the main points and opinions provided were combined to generate themes. Themes were either included or excluded based on the criteria of the sense responses linked to the study's objective and the data's representation. The themes were named and defined according to how they represented the data.

Finally, an analysis was done following the identified themes. The themes generated from the data were (a) perception of the HMP about their names, (b) the identity given to them within the Rwandan society, and (c) the types of social-cultural interweaving with the non-Batwa. These names, perceptions, and cultural interviews were then interpreted using the human rights-based approach to self-identity and non-discrimination.

## 5.2. Findings from the study

The following are the study's findings according to themes generated from the data. These themes include the perception of the Batwa on their self-identity and recognition and the Batwa's understanding of their Rights to non-discrimination from micro-aggressions and marriage avoidance.

### 5.2.1. The Batwa's perception of their right to self-identity and recognition

The Batwa's identity, which ascribes them the status of indigeneity, was outlawed in the 2000s following the Government of Rwanda's policy to rebuild Rwandan unity, which was weakened by the 1994 genocide. This was considered as one way of forging a united Rwanda free of animosity.

In the FGDs conducted in selected districts, respondents from HMP were asked what they thought about their shared identity. The majority of respondents said they were identified by different names, such as *Abatwa*, *abasangwabutaka* (autochthones), *impunyu* (pygmies) or *Abahejwe Inyuma N'amateka* (Historically Marginalised People-HMP). Besides, the respondents affirmed that they were identified with clay (material) (i.e., *ababumbyi*) because their occupation was linked to making clay objects such as pots and traditional ovens that they could sell to their neighbours.

From the feedback, some respondents seemed to support outlawing the name "Batwa" and preferred its replacement "HMP". In fact, from some of the responses, it emerged that the name Batwa, which refers to their indigeneity, has been shifting to other labels denoting marginalisation to signify their lowly status in Rwanda. The respondents in the FGDs of Nyabihu and Rubavu revealed that they were referred to by names such as "*Abasagwabutuka*" (slightly translated as sons of the soil), as against "*Abatwa*", which was a mockery as the categorization inferred to their conspicuous lowest status within the society. For them, reference to their indigeneity was largely seen as being pejorative. In an FGD in Nyaruguru District, for instance, a respondent stated as follows:

"They call us pygmy, indigenous people or Abatwa. These names bother us when we go to the bar, and they say, "Look at Abatwa here!" When we visited non Batwa homes, they shouted that Abatwa were coming. No Umutwa can reach where other Rwandans are because of poverty. We feel vilified, and it is better to call us Rwandans like everyone else".

Although the ordinary Batwa respondents in the FGDs seemed to associate the name Batwa with negative profiling, some Batwa elite who used to be in leadership positions or those who were advocating for the rights of the HMP were against the suppression of the "Batwa" name, which they viewed as the essence of their identity. The views of these respondents are that the name change rendered the real problem of the Batwa invisible from a human rights perspective.

In an in-depth interview with one elite, who used to lead the association of the HMP, Batwa is explained as follows:

"Batwa is a historical name based on ethnicity while "HMP" is a created and political name. To be safe, we use HMP. Finally, *Abasangwabutaka*" (first occupants, those you found on the soil or indigenous) is a UN name because Batwa are considered as all other indigenous peoples in the world".

Another elite revealed that outlawing the name Batwa had impacted negatively on their work to support the communities because donors reduced their assistance due to confusion:

"After changing the name, support from donors reduced as donors confused the Batwa with other citizens who make tiles and bricks. In our understanding, by changing the name from CAURWA to COPORWA, the Government of Rwanda wanted to escape the State's responsibility to protect and promote Batwa's indigenous minority rights as contained in international law ratified by Rwanda. As a consequence, the government's decision compelled the Batwa to join other underprivileged people, namely youth, women, persons with disability, old people, and potters, in a conflated name, "HMPs," yet all the categories are dissimilar and have different problems."

One respondent from the management of COPORWA expressed disappointment with the outlawing and replacement of the name Batwa. He explained as follows:

"The position of the Rwandan Government that using ethnic names may entrench and radicalise ethnicity in Rwanda is an excuse because it is common knowledge that the Batwa are inferior and a minority. If the Government of Rwanda thinks this way, why can't we opt for a clearer name, "HMP/Potters", instead of conflating the Batwa with other vulnerable groups? Can we not add the name "potters" to HMP to disambiguate the name since being a potter is linked to identifying the Batwa with clay?"

According to another elite respondent, outlawing the name "Batwa" overshadowed their fundamental problems. As he put it:

"The problem of the Batwa in Rwanda is also social and political. Socially, outlawing the name is a strategy to hide our real problems of poverty. If we were well off, we would not have any rescinding of our name. Politically, after seeing that they were overwhelmed by the problems without tangible solutions, the decision-makers opted to suppress the name. Outlawing the name 'Batwa' to replace it with 'HMP' disconnected us from other indigenous peoples in Africa and around the world."

The elite who had represented the HMP in the Rwandan Senate, for his part, argued that:

"Shifting the name from Batwa to HMP negatively impacted the members of the community as it disconnected them from their real identity of indigeneity. In the absence of their recognition as an indigenous community, they are progressively assimilated. As a consequence, among social groups, when you are a minority, you get poorer. This phenomenon results in a silent death and extinction. Before the name change, we could get assistance in line with the international law of human rights and other development agencies that support indigenous peoples. Now, Batwa's problems have become worse as they are invisible. A Mutwa now implies whoever gets progressively poorer because of no assistance due to a now hidden identity in the so-called "unity and reconciliation" effort.

On what he thought was the reason behind the suppression of the name Batwa. He said:

*"Outlawing their name "Batwa" is a political game because they do not want to have a bad reputation that there is a category of citizens who live in deprivation, while Rwanda is praised as having achieved economic growth in the post-genocide period."*

Thus, while the ordinary Batwa did not attach much importance to the outlawing of their name, the elite were more likely to oppose the conflation of the Batwa and other underprivileged groups within the HMP category. This is because it would lead to confusion. Hence, they argued for disambiguation as a way of recognising the identity of each marginalised group.

However, it is notable that there was some divergence even among the Batwa elite. One respondent, a senior National Unity and Reconciliation Commission (NURC), posed a reason behind outlawing the name "Batwa" as a way to strengthen unity and reconciliation to foster cohesion. He accused some elites from the Batwa community who wanted to restore the name by saying that this was one way of reducing interest in the general wellbeing of the HMP, emphasising that:

"Bringing back the name "Batwa" cannot work. Remember, with the exception of the Batwa elite and members of COPORWA, other ordinary HMP citizens refuse to be called "Batwa". To restore the name "Batwa" would mean to turn back. We know that ethnicity has taken us nowhere. If you bring back the "Batwa" name, you will be compelled to bring back also "Bahutu" and "Batutsi", and this does not have any advantage except to promote ethnic conflict."

When the respondent was probed on the impact of outlawing the name Batwa, he responded that outlawing the name had socio-economically integrated the Batwa with other vulnerable Rwandans, thereby decreasing their vulnerability. He opined that those who still clung to the idea of reviving the name "Batwa" might be seeking benefits other than to find solutions to the alarming situation of abject poverty. This respondent argued that there were no members of HMP in Rwanda, claiming indigeneity still living in forests. The respondent believed that no one should be excluded from development and that all vulnerable Rwandans must be supported equally.

Although this respondent justified the political reasons behind outlawing the Batwa name, he acknowledged the resultant marginalisation of the HMP by analogy between the Batwa's indigeneity and their past forest-dependent livelihoods.

Regarding the attachment to land and the environment, the study found that the older members of the HMP still reminisced about their lives in the forest. In an FGD in the Rubavu district, one response clarified:

"We see the forest as the environment on which our lives depended. Though we were evicted, we need to conserve the forest because it brings us the wind and air we breathe".

Most Batwa no longer have a solid attachment to land like other indigenous peoples, who consider land the essence of life. This may be due to the long duration of time that they have been out of the forest. Surprisingly, even after being compelled to abandon the forest lifestyle, most Batwa in rural districts where the study was conducted still depend on the soil and carry out clay-related economic activities. For example, in Gasabo District, Remera Sector respondents in an FGD testified as follows:

"Our livelihoods still depend on clay activities. The only problem is that benefits are few since industrial products have progressively replaced clay products. Besides, marshland is now public domain, and we have limited access to clay".

The Batwa were also identified with low cadre jobs. Findings from the study indicated that the Batwa, who were grouped into cooperatives to produce modernised pots, had a more significant daily income turnover. However, the problem they encountered was that the law protecting marshlands prevented them from having full access to quality clay to make products. Moreover, cooperatives were only found in Kigali city, specifically in the Gasabo and Nyarugenge districts (the study was able to identify a cooperative society called "Abishyizehamwe" in the Kacyiru Sector of Gasabo Districts, and Cooperative de Poterie de Nyarugenge in Kanyinya Sector). These cooperatives facilitated making products such as mugs, water filters, and flower vases, whose quality and value were higher and no longer comparable to the traditionally produced clay products.

The findings indicated that the Batwa have been subject to discrimination based on micro-aggressions as well as discrimination based on intermarriage avoidance.

#### A. Discrimination Based on Micro-aggressions



The study found that ordinary Batwa preferred Banyarwanda over any other name to avoid negative profiling caused by renaming, leading to labelling due to marginalisation and indigence. Such micro-aggressions are social practices that victimise the Batwa.

It emerged that most micro-aggressions are a result of socioeconomic deprivation. For instance, an interview conducted in the Kicukiro district stated that the economically well-off Batwa elite had labels that differentiated them from other ordinary Batwa. This implies within-group differentiation. According to one informant from the Batwa elite, there was a famous retort by the non-Batwa towards elite HMP, "Can you know that this is a 'Mutwa'?" or "Do you imagine that that house belongs to a 'Mutwa'?" This clearly indicates that locals' views of the Batwa emanate from a backdrop of stigmatisation linked to socioeconomic deprivation. In other words, the expression "Do you imagine that that house belongs to Batwa?" is an astonishment expressed by the non-Batwa towards the elite Batwa, who are well-off because there is a popular belief and expectation that all the Batwa must live in socioeconomic deprivation. This stigmatisation is for common micro-aggressions. As was revealed by elite informant in Kicukiro District:

"In this location where I live, when someone requests neighbours to direct them to my house, those neighbours would often add, 'the other Mutwa?' Rwandans understand that being Mutwa has a label of someone with a contemptuous profile or someone inferior in the Rwandan society".

In the FGD in Gasabo District, respondents associated the name "Twa" with a negative label:

"Our children at school are stigmatised by their fellow students: they call them 'Abatwa' because they are unkempt and dressed in old clothes".

From the preceding, even though the name "Batwa" has been officially removed from use, it remains an identity. While the argument that using the name amounts to profiling, it is essential to realise that it has a historical relevance and cultural meaning.

## B. Discrimination and Inter-marriage Avoidance Against the Batwa

Socio-cultural discrimination against the Batwa is manifested further in marriage avoidance justified by the low socioeconomic status that they occupy. Surprisingly, the elite Batwa do not suffer this scourge and, therefore, easily intermarry with other ethnic groups in Rwanda. In an FGD in Gasabo District in Ndera sector, a woman who was married to an HMP stated:

"I got married to him, but it was not easy. Initially, it was not easy from my family side because my elder sister also had married an HMP. Consequently, when I had a similar idea, the whole family seemed to reject my option as it was a cultural transgression to get married to the Batwa Community".

When probed further to elucidate the discriminatory action, she pointed at the hostile socio-cultural environment, which was intolerant of marriage to the Batwa, who were labelled poor, deprived and dirty. Additionally, she revealed:

"I got married to this community, but I do not like some of them because the majority of them are very dirty".

It thus emerged that the Batwa were stigmatised due to their low social status. The Batwa who have practised exogamous marriage have also had difficulties resulting from social stigmatisation and micro-aggression from the communities into which they married. In the Jabana sector of Gasabo District, a Mutwa woman shared her experience as follows:

"I was married to a non-Mutwa, and I was an object of stigmatisation and persecution from his relatives who said that I was a woman from an unwanted ethnic group. I divorced him after we had the firstborn and re-married from my ethnic group in the aftermath of the war. After the re-unification, and a year later, I was once again separated for the same reasons."

In the study, we found that elites from Batwa would be inclined to getting married to the non-Batwa without fear of ridicule. In an interview with a former leader of COPORWA, he stated:

"Our elite youth prefer to get married to the non-Batwa to avoid being associated with a community which is rejected by the whole society".

It therefore emerged that the name "Mutwa/Batwa" profiles and sets a context for discrimination, leading to ridicule and ostracism.

### 5.3. Discussion of findings

The study found varied views on the Batwa's rights to self-identity and non-discrimination. It revealed that the identity of the Batwa has been shifting because of socio-cultural dynamics affecting the contexts in which they find themselves and live. The literary works of Collins, Laws and Ntakirutimana, who have argued that the Batwa have a porous identity, which shifts depending on the socio-cultural and political context [1], corroborate the sentiment on the shifting nature of their identity. According to them, this shift of an identity boundary is indeed one of the barriers to their socioeconomic integration, and pursuit of lives devoid of discrimination and stigmatisation [13].

Generally, it also emerged that the name "Mutwa" had a negative connotation, and was used to refer to a contemptuous and dirty person in society. This negative identity from the profiling has led to marginalisation, which then exacerbated the socioeconomic vulnerability of the Batwa. This negative profiling, which results from Batwa's indigence, concurs with the literature review, holding that the non-dominant position of indigenous peoples is also corollary to their extreme marginalisation and subjugation [21]. Thus, the members of this community have tended to live in abject poverty, with the majority being involved in clay works as their occupation,

providing them with a meagre income. This corroborates the findings of several studies, such as that of Ndahinda, which assert that the Batwa are “*the poorest of the poor*” [50, p.240] within Rwandan society. The report from Rwanda’s Senate confirms that the Batwa are still living in a state of socioeconomic marginalisation [45].

As concerns the divergent narratives on the name “Batwa” and self-identity, on the one hand, the Batwa elite hold that their rights to self-identify as indigenous people have been withheld; for them, members of the Batwa community were compelled to embrace a name to which they have never subscribed. However, the Batwa elite justify recognising their name, which links them with indigeneity status. They argue that a lack of their distinct recognition disconnects them from the social, political, and economic support and networks that indigenous movements enjoy.

This finding concurs with the reports and studies from Collins et al. [1], Abbot et al. [43], Thiebou [102], Rwanda’s Senate [102], and Barume [23], which explain that the problems of the Batwa emanate from different factors, among them the disconnection from the forest, and the lack of self-identity thereby leaving them as minorities in a non-dominant position.

Therefore, this lack of a clear identity and name implies a lack of recognition as a peculiar group requiring special assistance as recommended by General Recommendation No. 32 of the Committee on the Elimination of Racial Discrimination [91]. This General Recommendation No. 32 suggests special temporary measures for minorities living in socioeconomic deprivation [91].

Additionally, the study found that ordinary Batwa do not give much importance to the variable of “self-identity”. As such, the name Batwa, which refers to their indigeneity, has been shifting from indigeneity to new identities, thereby profiling and ascribing to them as a group, the lowest status in the Rwandan community. This negative profiling has led to the ordinary Batwa preferring the name Banyarwanda to any other.

This position of not clinging onto the “Batwa” identity is shared through the respondent from the Government of Rwanda, who views the elite Batwa as sabotaging the national policy of unity and reconciliation to build all Rwandans under one nation without ethnic ascription as identity. The study also revealed that the Batwa elites still cling to their Batwa identity. Barume [23] corroborates this view when he argues that indigenous peoples, including the Batwa, cannot accept integration. The study also revealed that even though the Batwa elites still cling to their Batwa identity, they also wish to disentangle themselves from the cultural stereotypes associated with it. Thus, they view getting married to non-Batwa as a way of escaping the negative profiling. Although intermarriage could be interpreted as a sign of social integration, this practice is lengthy in terms of time because those Batwa who get married to non-Batwa still find themselves victims of discrimination. They then have to endure micro-aggressions propagated by relatives of their spouses or from the entire community.

In fact, besides the ordinary Batwa, who are objects of stigmatisation leading to socioeconomic deprivation, the Batwa elite also become victims of micro-aggressions. These micro-aggressions involve being frowned upon or being pointed fingers at in disapproval. The above findings corroborate literature by Ellmayer [83] and Goodwin [10] that the Batwa are still victims of the social practice of “*kunena abatwa*”, translated as disdaining the Batwa [83]. According to the literature, this practice is shrouded in micro-aggressions associated with mythical tales against the Batwa, of which Rwandans have been socialised with from time immemorial [5].

The practices of profiling and intermarriage avoidance are indeed direct and indirect discrimination [21] that have resulted in the Batwa abhorring their identity as a people and denying their self-awareness, which is detrimental to human rights.

#### 5.4. Scope and limitation of the study

Several limitations have defined the scope of this study. First, due to the limitation of time and resources, the study only considered two variables of minority and indigenous rights, namely, self-identity and non-discrimination, as core characteristics of the Batwa in Rwanda. Therefore, other characteristics, such as land attachment and cultural distinctiveness, were not extensively covered. Second, this study is purely qualitative and does not generalise its results. Third, this is a study of a group, whose vulnerability raises polemic issues among actors due to the political history of Rwanda. Consequently, strategies to curb and reduce this vulnerability are easily open to other controversies that this study may only partially address. Fourth, demographic statistics about the Batwa were dated because since 2007 for the purpose of unity and reconciliation post-genocide policy, all ethnic identities and names including the Batwa were outlawed by conflating all vulnerable groups in a nomenclature of a Historically Marginalisation People (HMP). Therefore, conspicuous updated statistics about the Batwa are not readily available. The last limitation is that in qualitative design certain types of respondents such as important officials may not be easily approachable which may have a negative repercussion on the adequacy of data collected [98]. Similarly, this study missed data from the human rights commission of the Rwanda Legislative Assembly and this was against the initial sampling plan. Even if these respondents were not approachable, it did not affect the quality of the data because the study mitigated this limitation through extending qualitative data collection to the National Unity and Reconciliation Commission<sup>3</sup> as well as the Rwanda Human Rights Commission. Respondents from these commissions provided reliable data to answer the research questions.

## 6. Conclusions and recommendations

This study sought to use the Human Rights Approach (HRBA) as a lens to critically interrogate how scholars, actors and policy-makers, including the members of the Batwa community, have approached the issue of identity. Additionally, HRBA enables an

<sup>3</sup> This Commission since 2022 was merged with FARG (Fonds d’Assistance des Rescapes du Genocide), CNLG (Commission Nationale de Lutte Contre le Genocide) to make a Ministry of National Unity and Civic Engagement (MINUBUMWE).

elucidation on the issue of identity that has affected the enjoyment of rights by the Batwa as a minority and indigenous group in Rwanda.

It was noted that in post-genocide Rwanda, the usage of the name Batwa raised controversy among various actors such as the Batwa elite, the UN, the AU, some scholars, and the Government of Rwanda. While the Batwa elite, the UN and the AU held that outlawing the use of the name “Batwa” rendered them passive to claims of minority and indigenous people according to the international law of human rights, the Government of Rwanda upheld that outlawing of ethnic identity in Rwanda was a necessary imperative for unity and reconciliation in the post-genocide period.

This study has shown that the ongoing controversy over the identity of the Batwa in Rwanda requires, in the short term, an approach that will address both sides of the coin by upholding the Batwa’s claims arising from their status as a minority and indigenous group, while at the same time giving due credence to the government’s national policy of unity and reconciliation.

The Batwa identity needs no longer to be synonymous with indigence and abject poverty. Therefore, if the problem of abject poverty is addressed among the marginalised groups (HMPs), taking into consideration each group’s peculiar circumstances (which will require the understanding and addressing of the issues affecting minority and indigenous people by whatever name they are reckoned), then from a Human Rights-Based Approach, the pertinent concerns will be effectively handled, and there shall be no place for ridicule and the endurance of stigma.

One possible way of doing this is providing temporary special assistance to the Batwa to promote their socioeconomic well-being in the short run. These special measures that are in place to facilitate Batwa’s integration can then be progressively withdrawn as the marginalisation and stigmatisation decline. This proposal may address not only the Batwa indigent status but also the polemical position over identity among the elite and victimization among the general Batwa community. This suggested trend shall support the sentiment, spirit and intent of the UN and AU position concerning the status recognition of minority indigenous groups, and the Government of Rwanda’s position on unity and integration.

Finally, this study has made a novel contribution to the existing research by indicating that inconsistency about the Batwa’s identity has accentuated their vulnerability. This is because the question of the Batwa’s identity and its repercussions on their marginalisation has not been closely studied in recent years. The findings answered the question of the Batwa’s ambiguous identity and its effect on their vulnerability by suggesting special temporary measures to address their vulnerability. These Special temporary measures may holistically address the marginalisation of the Batwa socially, politically and economically because the problems of indigenous peoples are interconnected, tend to spiral and are likely to transcend and disadvantage generations.

#### *Author contribution statement*

(a) Ndikubwimana Jean-Baptiste contributed substantively to the literature review, design of the methods used and recommendations; (b) Kathleen Anangwe provided valuable comments on the framing, data analysis and discussions, which improved this paper; (b) Jack Mwimali provided essential inputs on human rights; (c) Charles Mulinda Kabwete contributed with inputs on Rwanda’s history and (d) Oriare Nyarwath read and corrected typographical errors which improved its quality.

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#### **Additional information**

No additional information is available for this paper.

#### **Ethic declaration**

All respondents were requested to give their consent prior to data collection and respondents’ names were anonymised.

#### **Data availability statement**

Data was made available and the dataset codebook was hosted to the figshare Digital object identifier (DOI) ’s link: <https://doi.org/10.6084/m9.figshare.24612147.v1>.

#### **CRedit authorship contribution statement**

**Jean-Baptiste Ndikubwimana:** Methodology, Formal analysis, Conceptualization. **Kathleen Ayako Anangwe:** Supervision, Methodology, Conceptualization. **Jack Busalile Mwimali:** Writing – review & editing, Formal analysis. **Kabwete Mulinda Charles:** Conceptualization. **Oriare Nyarwath:** Writing – original draft.

## Declaration of competing interest

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

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## References

- [1] B. Collins, M.C. Laws, R. Ntakirutimana, Becoming 'historically marginalized peoples': examining Twa perceptions of boundary shifting and re-categorization in post-genocide Rwanda, *Ethn. Racial Stud.* 44 (4) (2021) 1–19, <https://doi.org/10.1080/01419870.2020.1767798>.
- [2] B.R. Hartley, Rwanda's post-genocide approach to ethnicity and its impact on the Batwa as an Indigenous people: an international human rights law perspective, *QUT Law Rev.* 15 (1) (2015) 51–70, <https://doi.org/10.5204/qutlr.v15i1.561>.
- [3] M. Mamdani, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda*, Princeton University Press, Princeton, 2001.
- [4] P. Rutayisire, Rwanda under German and Belgian colonization, in: D. Byanafashe, P. Rutayisire (Eds.), *History of Rwanda from the Beginning to the End of the Twentieth Century*, second ed. Kigali: National Unity and Reconciliation Commission (NURC) and, National University of Rwanda (NUR), 2016, pp. 164–410 [Online]. Available: [https://nurc.gov.rw/fileadmin/Documents/Others/History\\_of\\_Rwanda.pdf](https://nurc.gov.rw/fileadmin/Documents/Others/History_of_Rwanda.pdf). (Accessed 5 October 2020).
- [5] J.B. Ndikubwimana, K. Anangwe Ayako, O. Nyarwath, J. Mwimali Busalile, M.C. Kabwete, Debating the identity and indigeneity of the Batwa in post-genocide Rwanda: a review of the challenges and prospects from a human rights perspective, *Altern. An Int. J. Indig. Peoples* 19 (2) (2023) 303–3013 [Online]. Available: <https://journals.sagepub.com/doi/abs/10.1177/11771801231164424>.
- [6] L. Blackie, N. Hitchcott, I am Rwandan': unity and reconciliation in post-genocide Rwanda, *Genocide Stud. Prev.* 12 (1) (2018) 24–37, <https://doi.org/10.5038/1911-9933.12.1.1480>.
- [7] MINALOC, *National Social Protection Strategy*, 2011.
- [8] S. Hategekimana, E. Twarabameny, E. Nyandwi, J. Habimana, M. Musabyimana, Improving housing conditions of historically marginalised people (HMPs) in Rwanda: mapping regional performance for directed interventions, *Rwanda J. Eng. Sci. Technol. Environ.* 3 (1) (2020), <https://doi.org/10.4314/rjeste.v3i1.9s>.
- [9] M. Goodwin, *Barriers to Batwa Inclusion in Rwanda*, 2017.
- [10] M. Goodwin, Becoming Rwandan? The impact of two decades of unity policies on the Batwa, *KAOW Bull. des Séances* 63 (2019) 1–15, <https://doi.org/10.5281/zenodo.3894478>. March 2018.
- [11] M. Goodwin, Evaluating the success of decentralisation in facilitating the inclusion of Rwanda's marginalised, *Eur. J. Dev. Res.* 34 (5) (2022) 2251–2271, <https://doi.org/10.1057/s41287-021-00485-y>.
- [12] M. Goodwin, Structural Barriers to Batwa/HMP Inclusion in Development in Rwanda, 2018 [Online]. Available: <https://includeplatform.net/wp-content/uploads/2019/07/Morag-Goodwin-Policy-Brief-2018.pdf%0A>.
- [13] M. Laws, R. Ntakirutimana, B. Collins, One Rwanda for all Rwandans': (un)covering the Twa in post-genocide Rwanda, in: *Rwanda since 1994: Stories of Change*, June, 2019, pp. 125–144, <https://doi.org/10.3828/liverpool/9781786941992.003.0008>.
- [14] D. Vinding, C. Mikkelsen, *The Indigenous World 2016, 2016*. Copenhagen, [http://www.iwgia.org/iwgia\\_files\\_publications\\_files/0573\\_THE\\_INDIGENOUS\\_ORLD-2012\\_eb.pdf](http://www.iwgia.org/iwgia_files_publications_files/0573_THE_INDIGENOUS_ORLD-2012_eb.pdf).
- [15] Unrepresented Nations and Peoples Organization, Alternative report submitted to the UN committee on the economic, social and cultural rights for the consideration of the initial report of Rwanda during the 50th Pre-Sessional Working Group, 2012 [Online]. Available: [https://tbinternet.ohchr.org/Treaties/CESCR/SharedDocuments/RWA/INT\\_CESCR\\_NGO\\_RWA\\_13550\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CESCR/SharedDocuments/RWA/INT_CESCR_NGO_RWA_13550_E.pdf). (Accessed 14 November 2021).
- [16] UN Human Rights Council, Summary of Stakeholders' Submissions on Rwanda: Working Group on the Universal Periodic Review Thirty-Seventh Session, New York, 2021 [Online]. Available: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/308/37/PDF/G2030837.pdf?OpenElement>. (Accessed 7 August 2021).
- [17] UN Convention on the Rights of the Child, Concluding Observations on the Combined Fifth and Sixth Periodic Reports of Rwanda, New York, 2020 [Online]. Available: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/RWA/CO/5-6&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/RWA/CO/5-6&Lang=En). (Accessed 10 October 2020).
- [18] Copenhagen Document, The report of the Copenhagen meeting of the conference on the human dimension of the CSCE [Online]. Available: <https://www.osce.org/odihr/elections/14304?download=true>, 1990.
- [19] INCLUDE, *Strategic Actors for Inclusive Development in Africa: Synthesis Report Series*, 2018.
- [20] F. Capotorti, *Study on the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities*, New York, 1979, <https://doi.org/10.1093/rsq/13.4.62>.
- [21] J.R. Martínez-Cobo, *Study of the Problem of Discrimination against Indigenous Populations*, New York, 1987 [Online]. Available: <https://digitallibrary.un.org/record/133666?ln=en>. (Accessed 23 March 2020).
- [22] C. Wagley, H. Marvin, *Minorities in the New World: Six Case Studies*, Columbia University Press, 1958, <https://doi.org/10.7312/wag192010> [Online]. Available.
- [23] Barume, *Land Rights of Indigenous Peoples in Africa with Special Focus on Central, Eastern and Southern Africa*, second ed., IWGIA, Copenhagen, 2014 <https://doi.org/10.1017/cbo9781316117293.008>.
- [24] C. Banamwana, P. Dukuziyaturemye, G. Rwanyiziri, Evaluating the trend in managing human-wildlife conflicts in and around akagera national park, Rwanda, *Rwanda J. Eng. Sci. Technol. Environ.* 4 (1) (2021) 1–16, <https://doi.org/10.4314/rjeste.v4i1.10>.
- [25] L. Domínguez, C. Luoma, Decolonising conservation policy: how colonial land and conservation ideologies persist and perpetuate indigenous injustices at the expense of the environment, *Land* 9 (3) (2020) 11–14, <https://doi.org/10.3390/land9030065>.
- [26] A. Ndarushimana, D. Ndayizewe, Analysis of the integration process of vulnerable communities in social and economic development: Batwa a community of muyange site II, *ESI Prepr* (3) (2023), <https://doi.org/10.19044/esipreprint.11.2023.p135>.
- [27] F.W. Anfaara, J. Collie, S. Hislop, E. Stevens-Daugharty, *The State and Indigenous Governance in North America and Sub-saharan Africa*, 2022.
- [28] N. Clay, Fixing the ecosystem: conservation, crisis and capital in Rwanda's Gishwati Forest, *Environ. Plan. E Nat. Sp.* 2 (1) (2019) 23–46, <https://doi.org/10.1177/2514848619826576>.
- [29] E.M. Yamada, *Collective Economic, Social and Cultural Rights Approach to Indigenous Land Rights in Brazil* (Thesis), University of Lund., 2005.
- [30] D. Foley, Indigenous epistemology and indigenous standpoint theory, *Summer* 22 (1) (2003) 44–52, 2003.
- [31] E.-I.A. Daes, Standard-setting activities: evolution of standards concerning the rights of indigenous people, *United Nations Economic Soc. Council. Sub-Commission Prev. Discrim. Prot. Minor. Work. Gr. Indig. Popul.* 12980 (107) (1996).
- [32] UN Department of Economic and Social Affairs, *State of the World's Indigenous Peoples. Indigenous People's Access to Health Services*, 2013. New York.
- [33] J. Sarkin, A. Cook, Who is indigenous?: indigenous rights globally, in *Africa and among the san in Botswana*, *Tulane J. Int. Comp. Law* 38 (2006) 93–130, 2012.

- [34] D.N. Berger, et al., *The Indigenous World 2020*, 2020 [Online]. Available: [https://iwgia.org/images/yearbook/2020/TWGIA\\_The\\_Indigenous\\_World\\_2020.pdf](https://iwgia.org/images/yearbook/2020/TWGIA_The_Indigenous_World_2020.pdf). (Accessed 2 June 2021).
- [35] E. Papoutsis, Minorities under international law : how protected they are? *J. Soc. Welf. Hum. Rights* 2 (1) (2014) 305–345.
- [36] A.I. Fenemigho, D. Nwaogu, Defining minorities for adequate protection under international law: an examination 7 (1) (2016) 61–75.
- [37] ACWGIIP, *Indigenous Peoples in Africa: the Forgotten Peoples?*, Copenhagen, Denmark, 2006 [Online]. Available: [https://www.achpr.org/public/Document/file/Any/achpr\\_wgip\\_report\\_summary\\_version\\_eng.pdf](https://www.achpr.org/public/Document/file/Any/achpr_wgip_report_summary_version_eng.pdf). (Accessed 12 October 2020).
- [38] M. Kibukamusoke, J. Alemiga, Civic and political rights of the Batwa ethnic minority in local governance at village level: the case of Kanungu District, Africa's Public Serv. Deliv. Perform. Rev. 6 (1) (2018) 1–9, <https://doi.org/10.4102/apsdpr.v6i1.162>.
- [39] P.K. Musolo W'isuka, *Encountering the Mbuti Pygmies A Challenge to Christian Mission in the Democratic Republic of the Congo*, University of South Africa, 2013. PhD Thesis).
- [40] M. Robillard, S. Bahuchet, Les Pygmées et les autres : terminologie, catégorisation et politique, *J. des africanistes* 1 (2) (2012) [Online]. Available: <http://journals.openedition.org/africanistes/4253>. (Accessed 10 January 2020).
- [41] T. Meyer, Eternal victims: the sufferings of the Twa people from their first contact with other peoples until the present day, *Thetean A Student J. Sch. Hist. Writ.* 49 (1) (2020).
- [42] National Institute of Statistics of Rwanda, 5th Rwanda population and housing census [Online]. Available: [https://www.dosm.gov.rw/v1/index.php?r=column/cone&menu\\_id=bDA2VxkRSU40STcxkZ4OGJ0c1ZVdz09](https://www.dosm.gov.rw/v1/index.php?r=column/cone&menu_id=bDA2VxkRSU40STcxkZ4OGJ0c1ZVdz09), 2023.
- [43] P. Abbott, J. Rwirahira, B. Corry, N. Festo, *The Socioeconomic Status and Social Integration of Historically Marginalised People in Rwanda: the Report of Ministry of Local Governments, Good Governance and Development (MINALOC)*, Kigali, 2012.
- [44] UN Committee on the Elimination of Racial Discrimination, *International Convention on the Elimination of All Forms of Racial Discrimination: Concluding Observations on the Eighteenth to Twentieth Periodic Reports of Rwanda* (10 June 2016), 2016 [Online]. Available: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD/C/RWA/CO/18-20&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD/C/RWA/CO/18-20&Lang=En). (Accessed 10 August 2021).
- [45] Sena y'u Rwanda [Senate of Rwanda], Raporo Ya Sena Y'u Rwanda Ku Mibereho Y'abasigajwe Inyuma n'amateka [Report of Rwanda Senate on Social Welfare of Historically Marginalized People], 2018. Kigali.
- [46] J. Musilikare, *La vie des pygmées Batwa au Rwanda*, L'Harmattan, Paris, 2015 [*Life of Batwa pygmies in Rwanda*].
- [47] EICV4, *Rwanda Demographic and Health Survey, 2014-2015*, National Institute of Statistics of Rwanda, Kigali, 2015, <https://doi.org/10.1007/s13398-014-0173-7.2>.
- [48] AUC, AfDB. MDGs to Agenda 2063/SDGs Transition Report 2016: Towards an integrated and coherent approach to sustainable development in Africa, [Online]. Available: [www.uneca.org/0AAddisAbaba](http://www.uneca.org/0AAddisAbaba), 2016, p. 33.
- [49] The Republic of Rwanda, *The Constitution of the Republic of Rwanda of 2003 Revised in 2015*, 2015. Kigali.
- [50] UNDP, *Marginalized Minorities in Development Programming*, New York, 2010 [Online]. Available: <https://www.ohchr.org/Documents/Issues/Minorities/UNDPMarginalisedMinorities.pdf>. (Accessed 29 October 2021).
- [51] UN, Declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities, in: Adopted in New York 18 December 1992 (GA Resolution 47/135), UN, New York, 1992, pp. 1–4, <https://doi.org/10.4135/9781483346489.n321>.
- [52] ILO, *ILO Convention on Indigenous and Tribal Peoples*, 1989 (No. 169): A Manual, vol. 1989, 2003, p. 169. Geneva.
- [53] UNO, *International Covenant on Civil and Political Rights/ICCPR Adopted and Opened for Signature, Ratification and Accession by General Assembly Resolution 2200A (XXI) of 16 December 1966*, Entry into Force 23 March 1976, UN, New York, 1966.
- [54] World Bank Inspection Panel, *Indigenous Peoples*, Washington DC, 2016 [Online]. Available: <http://documents.worldbank.org/curated/en/447361478156710826/pdf/109710-REVISED-PUBLIC-IP-lessons-text-10-31-16web-links.pdf>.
- [55] OHCHR, CERD General Recommendation VIII Concerning the Interpretation and Application of Article 1, Paragraphs 1 and 4 of the Convention Identification with a Particular Racial or Ethnic Group: Adopted at the Thirty-Eighth Session of the Committee on the Elimination of Racial Discrimination, vol. 1990, August. 1990, p. 1.
- [56] UN Human Rights Committee/HRC, Chief Bernard Ominyak and Lubicon Lake Band V, Canada, CCPR/C/38/D/167/1984, Geneva and New York, 1990, p. 30. CCPR.
- [57] Kenya law, *Letuya Joseph & 21 others v. the Attorney General & 5 others* 821 (2012). 2014) 1–20.
- [58] M. Wynyard, Not one more bloody acre': land restitution and the treaty of waitangi settlement process in aotearoa New Zealand, *Land* 8 (11) (2019) 14, <https://doi.org/10.3390/land8110162>.
- [59] A. Leonhardt, Baka and the magic of the state: between autochthony and citizenship, *Afr. Stud. Rev.* 49 (2) (2006) 69–94.
- [60] A. Cutolo, Modernity, autochthony and the ivorian nation: the end of a century in côte d'Ivoire, *Africa J. Int. African Inst.* 80 (4) (2010) 527–552, doi: E0001972010000756.
- [61] B. Ceuppens, Allochthons, colonizers, and scroungers: exclusionary populism in Belgium, *Afr. Stud. Rev.* 49 (2) (2006) 147–186.
- [62] B. Ceuppens, P. Geschiere, Autochthony: local or global? New modes in the struggle over citizenship and belonging in Africa and Europe, *Annu. Rev. Anthropol.* 34 (1) (2005) 385–407, <https://doi.org/10.1146/annurev.anthro.34.081804.120354>.
- [63] C. Pelling, Bringing autochthony up-to-date: herodotus and thucydides, *Classical World* 102 (4) (2009) 471–483. Summer 2009.
- [64] P. Geschiere, J. Stephen, Autochthony and the crisis of citizenship: democratization, decentralization, and the politics of belonging, *Afr. Stud. Rev.* 49 (2) (2006) 1–7. Sep., 2006.
- [65] S. Jackson, Sons of which soil? The language and politics of autochthony in eastern D.R. Congo, *Afr. Stud. Rev.* 49 (2) (2006) 95–123. Sep., 2006.
- [66] M. Pelican, Complexities of indigeneity and autochthony: an african example, *Am. Ethnol.* 36 (1) (2009) 52–65, 10.1111/j.1548-1425.2008.01109.x.
- [67] P. Konings, Religious revival in the roman catholic church and the autochthony-Allochthony Conflict in Cameroon, *Africa J. Int. African Inst.* 73 (1) (2003) 31–56, 2003.
- [68] R.H. Espeland, Autochthony, rumor dynamics, and communal violence in western Uganda, *Int. J. Soc. Cult. Pract.* 55 (3) (2011) 18–34, <https://doi.org/10.3167/sa.2011.550302>.
- [69] R. Marshall-Fratani, The War of 'Who Is Who': Autochthony, Nationalism, and Citizenship in the Ivorian Crisis 49 (2) (2006) 9–43 [Online]. Available: <https://www.jstor.org/stable/20065239>, 07-08-2018 11:00 UTC %0A.
- [70] M. Bøås, New nationalism and autochthony: tales of origin as political cleavage, *Afr. Spectr.* 44 (1) (2009) 19–38, 2009, [Online]. Available: <https://www.jstor.org/stable/40175268>. (Accessed 7 August 2018), 11:00 UTC.
- [71] G. P. J. Stephen, Politics of belonging autochthony and the crisis of citizenship : democratization , decentralization , and the politics of belonging 49 (2) (2018) 1–7.
- [72] C. Kabwete, La généalogie de l'idée du peuplement du Rwanda : Considérations sur l'autochtonie ou l'allochtonie des Rwandais [The genealogy of the idea of population settlement in Rwanda: Considerations on the autochthony or allochthone of Rwandans], in: *Peuplement du Rwanda: Enjeux et Perspectives [Settlement of Rwanda: Issues and Prospects]*, first ed., vol. 5, Butare: Cahiers du Centre de Gestion des Conflits de NUR, 2002, pp. 49–72.
- [73] J.C. Natalya, National unity and reconciliation in Rwanda : a flawed approach, *J. Contemp. African Stud.* 28 (2) (2010) 137–155, <https://doi.org/10.1080/02589001003736793>.
- [74] UN, *Universal Declaration of Human Rights 70* (1948). New York.
- [75] T. Territories, *International Covenant on Economic, Social and Cultural Rights*, December 1966, 1976.
- [76] United Nations, *United Nations Declaration on the Rights of Indigenous Peoples*, March. 2007, p. 15 [Online]. Available: [https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP\\_E\\_web.pdf](https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf). (Accessed 13 July 2020).
- [77] UN, *International Convention on the Elimination of All Forms of Racial Discrimination*, 1965, <https://doi.org/10.1017/CBO9780511575372.010>.
- [78] S.J. Anaya, The right of indigenous peoples to self-determination in the post-declaration era, in: C. Charters, R. Stavenhagen (Eds.), *Making the Declaration Work: the United Nations Declaration on the Rights of Indigenous Peoples*, first ed., IWGIA, Copenhagen, Denmark, 2009, pp. 184–199.

- [79] J. Deschênes, Proposal concerning a definition of the term 'minority, New York and Geneva (1985) [Online]. Available: <https://digitallibrary.un.org/record/88267>. (Accessed 26 December 2021).
- [80] Barume, *UNDRIP Impact on Africa: 10 Years on, 2007*.
- [81] UNDP, Human Development Report 2019: beyond Income, beyond Averages, beyond today/Inequalities in Human Development in the 21st Century, UNDP, New York, 2019 [Online]. Available: <http://hdr.undp.org/sites/default/files/hdr2019.pdf>. (Accessed 2 September 2020).
- [82] UN office of the High Commissioner of Human Rights, *Minority Rights: International Standards and Guidance for Implementation, 2010*. New York and Geneva.
- [83] M. Ellmauer, 'They Could Be Easily Ignored', Kuneena Batwa: A History of Discrimination and Marginalization of Indigenous People - Using the Example of the Batwa in Rwanda and the Great Lakes region(Thesis), Universtät Salzburg, 2018 [Online]. Available: <https://eplus.uni-salzburg.at/obvusbhs/content/titleinfo/4991916/full.pdf>. (Accessed 7 June 2022).
- [84] M. Levin, A.K. Barume, Heading towards extinction? Indigenous rights in Africa: the case of the Twa of the kahuzi-biega national park, democratic republic of Congo, *Can. J. African Stud./Rev. Can. des Études Africaines* 36 (2) (2002) 362, <https://doi.org/10.2307/4107210>.
- [85] Stamford Agreement, The Human Rights Based Approach to Development Cooperation: towards a Common Understanding Among UN Agencies, 2003 [Online]. Available: [https://unsdg.un.org/sites/default/files/6959-The\\_Human\\_Rights\\_Based\\_Approach\\_to\\_Development\\_Cooperation\\_Towards\\_a\\_Common\\_Understanding\\_among\\_UN.pdf](https://unsdg.un.org/sites/default/files/6959-The_Human_Rights_Based_Approach_to_Development_Cooperation_Towards_a_Common_Understanding_among_UN.pdf).
- [86] L. Van der Ploeg, F. Vanclay, A human rights based approach to project induced displacement and resettlement, *Impact Assess. Proj. Apprais.* 35 (1) (2017) 34–52, <https://doi.org/10.1080/14615517.2016.1271538>.
- [87] W. Vandenhole, P. Gready, Failures and successes of human rights-based approaches to development: towards a change perspective, *Nord. J. Hum. Rights* 32 (4) (2014) 291–311, <https://doi.org/10.1080/18918131.2015.957458>.
- [88] J.A. Oluborode, *The Climate Change Regulatory Framework and Indigenous Peoples' Lands in Africa: Human Rights Implications*, first ed., Pretoria University Law Press (PULP), Pretoria, 2016.
- [89] J. Donnelly, *Universal Human Rights in Theory and Practice*, third ed., Cornell University Press |, Ithaca & London, 2013.
- [90] A. Gewirth, The basis and content of human rights, *Nomos Hum. Rights V* 23 (1981) 119–147, 1981, [Online]. Available: <https://www.jstor.org/stable/pdf/24219090.pdf>. (Accessed 24 May 2021).
- [91] Switzerland, Committee on the Elimination of Racial Discrimination of the CERD, *General Recommendation No. 32 of CERD*, 2009, p. 10 [Online]. Available: <https://digitallibrary.un.org/record/667786>. (Accessed 3 November 2021).
- [92] General Comment 18 of Human Rights Committee/the ICCPR, General comment 18 of the human rights committee on non-discrimination(thirty-seventh session, 1989), HRI/GEN/1/Rev.1 at 26 (1994).," Geneva and New York, in: *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, U.N. Doc, 1989 [Online]. Available: [https://www.equalrightstrust.org/ertdocumentbank/HumanRightsCommittee\\_GeneralComment18.pdf](https://www.equalrightstrust.org/ertdocumentbank/HumanRightsCommittee_GeneralComment18.pdf). (Accessed 3 November 2021).
- [93] D. Tladi, *Sustainable Development in International Law : an Analysis of Key Enviro-Economic Instruments*, first ed., Pretoria University Law Press (PULP), Cape Town, 2007 [Online]. Available: <https://www.pulp.up.ac.za/component/edocman/sustainable-development-in-international-law-an-analysis-of-key-enviro-economic-instruments>. (Accessed 10 November 2021).
- [94] G.H. Brundtland, *Report of the World Commission on Environment and Development: Our Common Future*, New York, 1987 [Online]. Available: <https://sustainabledevelopment.un.org/content/documents/5987our-common-future.pdf>. (Accessed 10 October 2021).
- [95] S. Markkanen, A. Anger-Kraavi, Social impacts of climate change mitigation policies and their implications for inequality, *Clim. Pol.* 19 (7) (2019) 827–844, <https://doi.org/10.1080/14693062.2019.1596873>.
- [96] R. Chennells, *The iKhomani San of South Africa*, 2001. London.
- [97] New Zealand Law Commission, "Māori custom and values in New Zealand law: study paper 9," wellington, New Zealand [Online]. Available: <https://www.lawcom.govt.nz/sites/default/files/projectAvailableFormats/NZLCSP9.pdf>, 2001. (Accessed 27 October 2021).
- [98] R. Kumar, *Research Methodology: A Step-by-step Guide for Beginners*, second ed., Sage Publications Ltd, London, Thousand Oaks, New Delhi., 2005.
- [99] J. Corbin, A. Strauss, *Grounded theory research: procedures, canons and evaluative criteria*, *Qual. Sociol.* 13 (1) (1990) 21.
- [100] J. Caulfield, *How to do thematic analysis | step-by-step guide & examples*, Scribbr (2022) [Online]. Available: <https://www.scribbr.com/methodology/thematic-analysis/>. (Accessed 17 January 2023).
- [101] M. Moira, D. Brid, *Doing a thematic analysis: a practical, step-by-step guide for learning and teaching scholars*, *AISHE-J* 3 (Autumn 2017) (2017) 33510–33514 [Online]. Available: <http://ojs.aishe.org/index.php/aishe-j/article/view/335>.
- [102] W. Thiebou, *The Twa Indigenous of Rwanda: A Marginalized People in a Post-conflict Society Seen from a Cultural and Human Rights perspective*(Thesis), Utrecht University, 2007.