

Prospects for Adaptive and Sustainable Livelihoods for the Indigenous Peoples of Africa

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By

Costantinos Berhutesfa

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Costantinos Berhutesfa, 2013

PREFACE

Beginning in the early 1990s, Africa has been experiencing a major ground swell of social, economic, cultural, and political changes. While the movement towards fundamental political change is remarkable, there are certain formidable challenges that will make the transition to a stable, pluralist system of governance very difficult. The cultural, historical, political and socioeconomic conditions of this troubled region are not simply too conducive to the emergence of strong polity. It is indeed within this context in which the legal empowerment of the indigenous peoples must be recognised. It is difficult to anticipate the legal protection of rights when from Darfur to the Sahel, from the Red Sea to the banks of the Zaire; genocidal marauders go left unchecked by African states and the international community.

An array of declarations, communiqués, and action programmes, notwithstanding the human development crisis, and progress towards pluralism, and the rule of law continues unabated. Massive militarisation, and persistent armed conflicts, economic crises manifested by absolute poverty, and a vicious socio-political environment, have rendered societies, and polities as one of the tragic scenes of present-day human crises, rendering whole populations chronically dependent on international food aid charity. Various international commissions have been set up on the legal empowerment of indigenous peoples that seek to augur on new policy, and strategic trajectories to achieve the Millennium and Sustainable Development Goals in a more radical way. One can sum up their core mission as securing enforceable property, and labour rights, within an enabling environment that expands legal business opportunity, and access to justice has faltered.

This book is a result of research conducted by the author in Algeria, Burundi, Cameroon, DR Congo, Ethiopia, Kenya, and Southern Africa. Data collection instruments included key-informant interviews, focus group discussions and electronic surveys. Data collection focused on personal interviews administered through semi-structured questionnaires that were invaluable in understanding the conditions and views of Indigenous Peoples and the constraints they face in the processes of development. It was supplemented by the information collected through desk reviews that helped obtain opinions about the current situation. After collecting information from key informant interviews, the research dug out further information on

the study topics using focus group discussions with representatives of the people. In conjunction, an electronic survey of selected indigenous people's institutions/individuals and network leaders, civil society organisations (CSOs) as well as field staff of development agency country offices and government departments was conducted.

This is a novel attempt at signalling marked changes in the fulfilment of sustainable livelihoods for indigenous peoples: a set of normative goals, and as an integrative concept, which aims simultaneously to maintain or enhance resource productivity, secure ownership of and access to assets and income earning activities, and ensure adequate stocks, flows of goods and services. Such claims to sustainable livelihoods notwithstanding, the essence of the concept is not in its normative goals, but in a broader perspective, that gives rise to these goals, self-evident from the way the operative words find definition in literature. Livelihoods are the assets, activities, and entitlements by which people make a living, and sustainable livelihoods derive from people's capacity to access options, and resources, and use them to make a living in such a way that does not foreclose options for others.

To be able to unpack these issues, and analyse their relevance to people empowerment, the book describes the central component of the policy impediments, and analytical limitations to sustainable livelihoods in objective terms; i.e., the articulation of empowerment issues, goals, task, mechanisms and activities. The next step is the analysis of the legal empowerment strategy—examination of its sources, elements, features, and limitations, and its implications for sustainable livelihoods. It demarcates the agency, and ideological realm that address the multi-dimensional, multi-sectoral, and multi-track policies, strategies, and processes to create the holism enshrined in the legal empowerment dynamic. It precipitates the formation of ecological, social, economic, and political capital in terms of the collective ideology, action, organisation, and leadership as a requisite basis to ensure indigenous people's participation as citizens of a political society.

FOREWORD

The situation of indigenous peoples in Africa is daunting. While discrimination of marginalised groups is a challenge, mal-governance, corruption, impunity, violent conflicts and poverty, generally prevalent on the continent, specifically affects indigenous peoples more than others, stemming from the lack of recognition for indigenous people's plights. While a few African countries have so far recognised the existence of indigenous peoples, this situation is gradually improving. Several African countries now recognise the existence of indigenous peoples and their needs, and demands for inclusion.

For example, Ethiopia's Constitution provides for the representation of every nation, and nationality in the upper chamber of law making. In Kenya a new constitution has been adopted which provides for considerable decentralisation, and recognition of historically marginalised groups to which indigenous peoples belong. In Burundi, the constitution provides for special representation of the indigenous *Batwa* people in the National Assembly and the Senate. Cameroon has a draft law on marginal populations. The Central African Republic is the first country in Africa that ratified ILO Convention 169 on indigenous people.

Indigenous people's poor representation in decision-making bodies at both a local and national level has very much limited their participation in airing their voice on inclusion. Mainstream populations have always discriminated indigenous peoples in Africa, and looked down upon them as backward peoples. Many stereotypes prevail that describe them as "backward", "uncivilised", "primitive", and as an embarrassment to modern African states. Such negative stereotyping legitimises the discrimination and marginalisation of indigenous peoples by institutions of governance, and dominant groups in state.

Advances in human thought, action towards global justice and universalisation of guarantees for human rights are gathering added momentum with the motive energy contributed by the unprecedented events of the current lurch towards electoral democracy. The ability of States to strip people of their rights to livelihood security, shrouded behind the thin veneer of 'non-interference in each other's internal affairs' is increasingly being challenged. While the dawning of this new era of pluralism and economic growth is a welcome event, the stewardship, management, and

administration of social, political and economic reforms are also marked by uniquely forbidding organisational-strategic issues.

The intrinsic difficulty of underpinning the reason for livelihood crises is that an enormous number of physical, economic, social and political variables, at both national and international levels, influences the interplay between state and civil society; modernity vs. tradition; self-less nationalism vs. greed; knowledge-based governance vs. obliviousness; and courage vs. fear of the unknown. At the level of civil society, problems manifest themselves in the form of insufficient and inadequate organisations and networks to develop responses to the challenges of vulnerability and its implications. The lack of institutional links between civil society, the public sector regarding the livelihoods of indigenous peoples and obstacles experienced by indigenous people in the process of developing adequate responses are major hurdles that must be addressed.

Furthermore, inadequate awareness concerning development and its implications lack of a common will to mount a concerted assault from all quarters, and a lack of resources has made the crisis even more demanding for indigenous peoples. Within a life span of something like five decades, African polities have exhibited an enhanced degree of coercive power. This has resulted in a pervasive military ethos through a long and painful process of ideological schooling. Hence, a major obstacle to efforts to install and consolidate systems of stable livelihoods is the all-powerful and hierarchical bureaucratic structure; further exacerbated by economic adjustment programmes, which antedated the current efforts at democratisation processes by almost a decade.

Even under democratically favourable contemporary global conditions, historical, ideological, and strategic characteristics internal and external to Africa's economic, social, and political transition processes would still exist that make life in remote areas a costly exercise. Characteristics, and problems of this sort can be identified and understood through critical, yet constructive, analysis focused on certain key elements of the reform strategy; in setting the stage for the evolution of a new social, political, and economic culture based on people's priorities, knowledge, and practices. This must change.

In the wake of Africa's renaissance, African scholars and practitioners must research and promote indigenous peoples' development by connecting with the people, joining in on their aspirations, complementing their abilities with their resources, and assisting to create true partnerships. Africans must commit to a common discipline of empowerment among all people, to a fundamentally new value system based on justice, peace, and the integrity of creation. Indeed, it is a system that recognises the rich resources of

indigenous peoples' communities and their cultural and spiritual contributions, while at the same time protecting the wealth of nature.

It is radically different from the value system on which the present economic and political order functions, and which lies behind the current crises of indigenous peoples. We need to collectively define a new understanding of empowerment in which those who have been marginalised by reason of indigeneity and political condition take their place at the centre of all decisions and actions as equal partners.

This book underpins the fact that given time, the empowerment approach entailed in this new paradigm can take root to become significantly enabling to African indigenous peoples as they strive to meet their survival needs. This requires among, other things, a fundamental paradigm shift in the identification of development challenges, and a sustained effort to transform the way in which knowledge is currently constructed, organised, and used as a basis for programming. This textbook is a culmination of many years of research. The aim of the book is for teaching and research purposes at the graduate school level to students of African studies that have the stamina, and will to transform the sad situation in which Africa polities are mal-administering indigenous people's rights, privileges, and livelihoods.

PART I:

**INDIGENOUS PEOPLE OF
AFRICA DEMOGRAPHY & POLICY
TRAJECTORIES OF VULNERABILITY:
ISSUES, PROSPECTS & PROCESSES**

CHAPTER ONE

INDIGENOUS AND PASTORALIST PEOPLE'S RIGHTS TO SUBSIST IN A PRISTINE MILIEU: A PHILOSOPHICAL-ANTHROPOLOGICAL RENDITION

Our defeat was always implicit in the history of others.

Our wealth has generated our poverty by nourishing the prosperity of others, the empires & their native overseers. On the colonial & neo-colonial alchemy, gold changes to scrap metal & food into poison. We have become painfully aware of the mortality of wealth which nature bestows, and capital appropriates.

Eduardo Galeano, Open Veins of Latin America

1. Who are the Indigenes of Africa?

1.1. Terms, and Definitions

Across countries, and continents, many terms, and definitions refer to indigenous peoples.

The 2007 United Nations Declaration on the Rights of Indigenous Peoples has not adopted a universal definition. While the prevailing view today is that no formal universal definition is necessary for the recognition of indigenous peoples' rights, there is in practice a large degree of convergence of views. *Indigenous Peoples can be identified in specific geographical areas by the presence in varying degrees of the following characteristics* (World Bank, 2005:1).

- They have close attachment to ancestral territories, and to the natural resources in these areas.

- They are self-identified, and identification by others as members of a distinct cultural group, an indigenous language, often different from the national language.
- They have customary social, political institutions and primarily subsistence-oriented production

Africa's indigenous peoples

Central Africa	<i>Aka/BaAka, Baguirmi, Bantu, Batwa, Boulala, Fulbe/Fulani, Hadjerai, Hutu, Kirdi, Kotoko, Maba, Mbororo, Peul, Pygmy, Shuwa Toubou, Tutsi, Twa, Zaghawa,</i>
East Africa	<i>Afar, Agnwak, Anuak, Azande, Bantu, Batwa, Beja, Benet, Boni (Bajuni), Borraan, Cushite, Dassenech, Dinka, El Molo, Endorois, Erbore, Fur, Gabra, Gumuz, Hamar, Ilchamus, Karamajong, Maasai, Malakote, Mursi, Nilo-Hamite, Nuba, Nuer, Nygagaton, Ogiek, Pokotand, Rendille, Samburu, San, Sanya, alenjin, Sengwer, Shilluk, Turkana, Waata, Wagoshi, Yaaku, Zaghawa,</i>
North	<i>Tubu, Tuareg, Peul, Amazigh/ Berber;</i>
Southern Africa	<i>San/Bushmen; San/Balala, Nama; San, Himba; San (Xun, Khwe, and Khomani), Nama/Khoe;</i>
West Africa	<i>Edo, Efik, Fulani, Hausa, Ibibio So'uth, Igbo, Ijaw, Isoko, Itsekiri, Kanuri, Nupe, Ogoni, Peul, Tiv, Toubou, Tuareg, Tuareg, Urhobo, Yoruba,</i>

Indigenous peoples across boundaries

<i>Amazigh</i>	Algeria, Morocco
<i>Batwa</i>	Burundi, Uganda Tanzania
<i>Berber</i>	Algeria, Morocco
<i>Mbororo</i>	Central African Republic & Chad
<i>Peul</i>	Chad, Burkina Faso, Niger & Mali
<i>Pygmy</i>	DRC, Gabon & Republic of Congo
<i>San</i>	Angola, Botswana, Namibia, S. Africa
<i>Tuareg,</i>	Burkina Faso, Libya, Mali, Niger

1.2. Indigenous Peoples of Africa Coordinating Committee

Africans founded the Indigenous Peoples of Africa Coordinating Committee (IPACC) in 1997, as one of the main transnational network organisations recognised as representative of African indigenous peoples in

dialogues with governments, and bodies such as the UN. IPACC identifies several key characteristics associated with indigenous claims in Africa:¹

- political, and economic marginalisation rooted in colonialism;
- de facto discrimination based often on the dominance of agricultural peoples in the State system (e.g., lack of access to education and healthcare by hunters and herders);
- the particularities of culture, identity, economy, and territoriality that link hunting and herding peoples to their home environments in deserts and forests (e.g., nomadic, diet, knowledge systems);
- Some indigenous peoples such as the San and the Pygmy are physically distinct, which makes them subject to specific forms of discrimination.

In addition to the above-mentioned definition, the African Commission on Human and Peoples' Rights (ACHPR) describes indigenous people as nomadic, semi-nomadic pastoralists and hunter/gatherers who live in situations of marginalisation and discrimination.

While all these definitions capture some key characteristics of indigene populations, they do not fully account for some of the distinct traits of the population. Furthermore, these definitions pose specific problems in the African context where the term is constantly confused with pastoralism. Therefore, the initial task of this study was to set out criteria that will help in identifying the indigenous groups in Africa that the research/study should focus on. Clearly defining indigene populations in the African context will help development stakeholders to identify and document the size, location and grouping of indigenes in Africa, and decide when, and by reference to what criteria, they should receive differential treatment in Bank projects.

According to the information obtained from IWGIA, and confirmed by the ACHPR, around

“Fifty million indigenous people in twenty-one African nations, mostly nomadic, and semi-nomadic pastoralists, and hunter/gatherers live in situations of marginalisation, and discrimination. Rural poverty in Africa is increasingly concentrated in indigenous, and pastoral communities where they face economic, social, political, and cultural marginalisation in the societies in which they live, resulting in extreme poverty, and vulnerability for a disproportionate number of them. Generally, their socio-economic, and human development conditions are significantly worse than other populations. The major groups of indigenous people are the Amazigh/Berber in Northern Africa, the Pygmies in Central Africa, the Peul, and the Tuareg in Western Africa, the Bantu in East Africa, and the San people /Bushmen in Southern

¹ (<https://www.ipacc.org.za/publications/>)

Africa. This outline represents the types, and conditions of indigenous People in twenty-one African states based on information obtained from the International Work Group for Indigenous Affairs" (IWGIA, 2011).

1.3. Challenges to Indigenous Peoples of Africa

The main problem faced by indigenous peoples in Africa is land dispossession, which is caused by several factors such as dominating development paradigms favouring settled agriculture over other modes of production; establishment of national parks and conservation areas, and natural resource extraction, etc. Indigenous peoples in Africa are often victims of violent conflicts. Indigenous peoples in Africa have limited access to justice, and violations against their rights are often committed with impunity. In sum, indigenous peoples in African suffer from severe neglect, dispossession, and human rights violations, and the general trend is that African states wish to assimilate them into dominant cultures and livelihoods.

The need for complex, and multifaceted strategies of the expected processes of change have frustrated development efforts in much of Africa over recent decades because of several inherent contradictions among the various issues, and actors, and their differing perspectives. To understand the specific constraints and opportunities of the natural resource management sector, analysis of the ambiguities can be useful for understanding the context and issues, and define opportunities for constructive action (FTPP, 1995):

- central control vs. decentralised control of resources,
- statutory vs. customary rights of resources (land grab),
- few uses, and users vs. many, and diverse uses, and users of resources,
- modern knowledge vs. endogenous knowledge systems,
- formal institutions vs. endogenous resources management institutions;

There is now an increasing awareness of the necessity to reconcile the contradictions above to ensure sustainable use of natural resources. This awareness lies behind the current encouraging trend in which institutions at all levels are becoming willing to acknowledge the management potential of endogenous institutions, and that it is necessary to base development efforts on local aspirations, and to use the local potential as a bridge between endogenous and formal institutions and knowledge. As Africa entered the decade of the Nineties, ordinary Africans witnessed a unique era emerging in human history testifying to the systematic disintegration of totalitarianism, and with them the miraculous reprieve of humanity that tends to relegate earlier 'great' events in history to the backstage.

Rural production systems, and culture predominantly characterize Africa, in comparison to most other regions. There are still relatively strong endogenous cultures and institutions. Africa is also unique in its ecological, and cultural diversity—manifested, for example, by its more than 2,000 languages. Recently, there is an increasing acknowledgment of the linkages between biological and cultural diversity in the development agenda.

The long-term exclusion from political power has prevented the accumulation of knowledge and experience in serving as such a link, and incapacitating leadership helpless to present viable policy alternatives. Thus, an important challenge for Africans concerns the strengthening of civil society, a process requiring a broader approach and time perspective than is prevalent in donor approaches in currency today; it is the process of the retrieval of community history, and the adaptive strategies of indigenous peoples within that framework that is robust and historically sedimented. These can be structured, aggregated and articulated as follows.

In the creation of the nation state, independent governments have tended to impose authority on local people. International aid organisations, which have shared the view that only central control could achieve development, have supported the idea. This has resulted in support for the nationalisation of natural resources, and policies that take little account of local needs and interests. In the resource management sector, states have too often reflected this in the approach to forest management that excludes local people, and the utilisation of these for commercial purposes only. This approach has resulted in the undermining of local capacities to manage natural resources sustainably. This situation has forced indigenous people to cope as best they can even as this threatens their long-term survival. This has stifled local initiatives, broken down indigenous systems, and created an attitude of resignation among communities, which in turn presents a challenge to efforts for the revival of local control.

Conflicts arise because central authority attempts to retain control by imposing official structures, and co-opting local leaders. Throughout much of Africa, governments, donors, and other development agents are becoming increasingly aware of customary management, customary rights, endogenous institutions, and the existence of different knowledge systems.

There is also a growing recognition and understanding of the potential for linking to and supporting these to realise sustainable resource management and development, and the need to try overcome the constraints described above. Briefly, endogenous institutions and resource management systems represent a latent resource; providing potential alternatives where modern approaches have not attained expectations or counterpoints/correctives for mainstream development approaches.

When we state that participatory development is an end of development, we mean to refer to a sort of ideal objective whereby sustainable development results from the responsible action of politically conscious and mature indigenous peoples, acting in the framework of a democratic and free society. We relate this to livelihood insecurity because the causes of human deprivation in arid, semiarid and dry sub-humid ecosystems are essentially human-induced and structural in nature.

These emanate from attitudinal, and motivational vulnerability—national policies, strategies and priorities determine the institutions, and the rules of the game with which State, civil society, and international supporters function. This underpins the fact that the relationships between human vulnerability attributed to natural phenomena are usually less important than human factors:

- social vulnerabilities—gender, equity, indigenous peoples' rights;
- the roles of traditional organisations;
- the population/resource balance and carrying capacity, and environmental degradation—loss of biological resources, and the resultant physical/material deprivation;

One of the major tasks of the research is to collect empirical information on the economic, social, and political conditions of indigene populations in the 21 countries, and document the magnitude of their impoverishment and marginalisation. To the extent possible, data on health, education, income, employment, etc., and the general participation of indigene populations in the national development process has been systematically collected, analysed, and reported.

Given that the issues of indigenous people vis-à-vis their rights, access to natural resources, human development, and their inclusion in all matters of national concern are gaining momentum in Africa, the book examines the extent to which policy frameworks of African countries impact upon development issues of indigenous peoples. Furthermore, the study compares those countries that have adopted new constitutions such as Kenya, and have signed international and regional protocols that protect indigene populations such as the Democratic Republic of Congo with those countries that have not adopted new policies, and are not signatories to international conventions. The key question is whether the conditions of indigene populations improved in the former countries because of changes in policies, and legislations. The study has compared the following thematic areas:

- cultural rights, religious, and spiritual freedom, language,

- identification, territories (lands, and natural resources),
- participation, health, education, economic rights, autonomy, environment, indigenous women & children, family rights, and indigenous peoples in border areas,
- Indigenous institutional and policy bodies;

This effort should culminate into action recommendations that will act as a benchmark for developing policy proposals to guide the bank in the revision of its policies, procedures, and guidelines intended to mitigate the undesirable effects of measures of development on the indigenous peoples. It will also help establish how development agencies that safeguard requirements on indigenous people can best be reconciled, and/or harmonised with national laws and policies, and policies of other multilateral development banks, bi-lateral and multilateral organisations.

2. Slavery of Indigenous Communities

It is difficult to anticipate the legal protection of rights when from Darfur to the Sahel, from the Sahara to the Cape; genocidal marauders go left unchecked by the international community. An array of declarations, communiqués and actionable programmes, notwithstanding the human development crisis of indigenous peoples, progress towards pluralism and the rule of law continue unabated. Massive militarisation, persistent armed conflicts, economic crisis manifested by absolute poverty and a vicious socio-political environment has rendered indigenes as one of the tragic scenes of present-day human crises, rendering whole populations chronically dependent on international charity, and ‘productive’ safety nets.

Africa is bleeding of its human resources via all possible routes: across the Sahara, through the Red Sea, from the Indian Ocean ports, and across the Atlantic from the ninth to the nineteenth centuries for the benefit of local international human traffickers. More than four centuries (from the end of the fifteenth to the nineteenth centuries) of a regular slave trade would follow to build the Americas, and the prosperity of Europe. Appalling crimes mark the course of human history. Nevertheless, examining the record of African slavery, it horrifies, and loathes even the hardened historian. *How was it possible? How could it have gone on for so long, and on such a scale?* A tragedy of such dimensions has no parallel in the world. Slavery in Africa has existed for many centuries. Systems of servitude and slavery were common in parts of the continent, as they were in much of the ancient world.

In most African societies where slavery was prevalent, the enslaved people were largely treated as indentured servants, and not treated as chattel slaves.

When the Arab slave trade, and Atlantic slave trade began, many of the local slave systems changed, and began supplying captives for slave markets outside of Africa. Slavery in historical Africa was practiced in many different forms, and some of these do not clearly fit the definitions of slavery elsewhere in the world. Debt slavery, enslavement of war captives, military slavery, and criminal slavery were all practiced in various parts of Africa. Although there had been some trans-Saharan trade from the interior of Sub-Saharan Africa to other regions, slavery was a small part of the economic life of many societies in Africa until the introduction of transcontinental slave trades. Slave practices were again transformed with European colonisation of Africa, and the formal abolition of slavery in the early nineteenth hundreds, replaced by colonialism (M'bokolo, 1998:7).

2.1. Classic Colonialism & Neo-Colonialism

In defining the nature of classic colonialism & neo-colonialism, Unitarian Universalist Association (2013:3) asserts,

“The defining difference between classic colonialism, and neo-colonialism is ownership of the land. In cases of classic colonialism, the coloniser assumes ownership, and control of indigenous peoples’ land as a way of establishing or enlarging a land base for the colonising society. Neo-colonialism differs in that the coloniser does not incorporate the invaded land mass into the coloniser’s territory; rather, the coloniser assumes control of the political, social, and economic systems of the invaded society. Typical targets of neo-colonialism are countries already altered by a history of classic colonialism but that have become independent from their original colonisers. These dynamics of colonialism, and neo-colonialism have powerfully influenced land access, and food production throughout history.”

“The dynamics and ramifications of colonialism endure in indigenous peoples in Africa. Poor regions of the world have shifted from producing crops that support their self-sufficiency to cash crops valued by the dominant world economy, like cotton, tobacco, sugar, tea, rice, coffee, cocoa, bananas, pineapples, corn, soybeans, and livestock. Combined with free market economics, this perpetuates dependent, inequitable relationships, and a system of poverty, malnutrition, and exploited labour. Because indigenous, and poor populations lack access to traditional hunting, gathering, and farming lands, they no longer have access to their traditional food products, and must resort to foreign diets, whose highly processed nature lead to nutrition related diseases.”

2.2. Ethnic Characteristics are Ubiquitous to Humanity

Ethnic groups exist all over the world. They have *a priori* no unconstructive undertones. They are positive or negative depending on the way one uses them. They can be sources of strength and confidence, or resources for education and development. Nevertheless, politicians can also use them for narrow and xenophobic purposes, exploited by rival elites to corner resources, benefits and political power. It is more judicious to accommodate and provide scope for the democratic expression of ethnic affinities and the celebration of diversity in an open ethos of equalitarian multiculturalism, than to drive such sentiments underground, and face intermittent or spasmodic outbursts of tribalism. The importance of local languages must not be underestimated.

Language stands at the heart of culture, and for democracy to flourish in Africa, and create a knowledge-based society based on African cultures, one needs to intellectualise, and empower African people with their languages. It is in these languages that mass society in Africa is most creative (M'bokolo, 1998).²

One may ask that, what is presently the most crucial task facing Pan-Africanists. These include the need to launch a movement for cultural affirmation, which will give confidence to our people about their cultures, and histories. This represents a cultural resurgence, which would give them pride to use their languages; celebrate their traditions, and develop their age-long habits; revising, and reforming or even eliminating cultural traits, which are unhelpful, and moving forward with those that can be of use in the quest for modernity, and development. The road forward offers, in principle, both evolutionary, and revolutionary options. Which of these options to choose from, and eventually adopt will depend on the extent to which, going forward, and the process opens to democratic transformation without undue hindrance, and impediment. If the road forward is hampered by obstacles, and reactionary resistance, both local, and international, then it makes sense

² It is in these languages that the overwhelming Africans majority innovates and learns easily. It is in these languages that their collective, historical memories are encoded. The moment we start treating languages and cultures with any degree of seriousness, we realize that the existing borders of the neocolonial states are unhelpful. Nevertheless, since we cannot wish them away or dismiss their relevance, we must be able to adapt them slowly, and bend them in directions of unity, which recognize the historical and cultural belongings of their citizens. People-to-people institutions of all types must be encouraged, and enlisted to forge unity. If institutions of a cultural nature are facilitated, they will transcend borders; if economic institutions are established which cross borders, they will enhance unity. If people, and capital are allowed to move freely, they will enhance unity (Ibid).

that revolutionary options will come up to the top of the agenda. If we are however able to make emancipatory, and secularist progress without blockages to the process, then evolutionary options will be adequate to enhance democratic consolidation, and the unity of Africans (Eighth Pan-African Congress, 2010:2)

2.3. Colonialist & Indigenous People

Historically indigenous people have always existed in Africa just like anywhere else in the world. However, when European colonialists came to plunder Africa, the term referred to the people that inhabited the continent during the colonial period. Therefore, the term indigenous referred to native Africans as opposed to the newcomers or colonialists. After independence, therefore, the common stand that seemed to be taken by most African leaders was that once the Europeans are gone there was no need of the use of the term 'indigenous' as all native Africans are indigenous.

On 27 April 1848 Victor Schoelcher, the French under-secretary of state for the colonies, signed a decree abolishing slavery. To force the decision through, he had warned of the danger of a general uprising failing to do so. Resistance by the slaves themselves was thus of capital importance in the French government's decision, and freedom, when it came, was due more to Africa's own efforts than to a sudden burst of humanitarian feeling on the part of the slave traders.

Colonialism is a specific set of socio-political-economic circumstances. First is the forceful invasion of indigenous peoples' homeland by a colonising group. Colonisers often use additional force to subjugate the indigenous population, to claim the land, and its natural resources. They destroyed the indigenous economy, subjugated, and forced the indigenous people to occupy the lowest rungs of the coloniser's economy. The indigenous population typically forms the poorest segment of the new society, and experience high rates of hunger, malnutrition, homelessness, underemployment, unemployment, and incarceration. Furthermore, culture is a weapon: they forced the indigenous populations to assimilate the cultural norms of the coloniser while indigenous cultural norms are demonised, criminalised, and legally suppressed. Driving the entire colonial project, and key to justifying the violence, and inhumanity it necessitates, is a racist ideology that asserts the racial supremacy of the coloniser, and dehumanises, and objectifies the indigenous population. Neo-colonialism exists when a nation or state appears sovereign, and independent, but has its economy, politics, and/or culture largely directed from outside, often by a former colonial or imperial power.

In the analyses of world hunger, and environmental degradation, pundits tend to overlook the continuing impact of neo-colonialism is. The dynamics

of colonialism, and neo-colonialism shed light on the disproportionate of poverty, and hunger that affects indigenous peoples throughout the world. Apparently, this position was not a deliberate political strategy to suppress the interest, and demands of indigenous people; rather it reflected the general approach, perception or understanding of the public, and African decision makers on the question of indigenous people in Africa. It is against this backdrop that when the African Commission on Human, and Peoples' Rights (the African Commission) started functioning in 1987, the issue of indigenous people was far from being one of its priorities; and it had not been so for more than a decade. It was only in 1999 that the question of the rights of indigenous people appeared in the agenda of the African Commission. In the next four consecutive Sessions of the African Commission, non-state organisations zealously lobbied, and brought to the attention of the African Commission the plight of indigenous people in the continent characterised by, among others, marginalisation, exploitation, dispossession, harassment, poverty, and illiteracy (Unitarian Universalist Association, 2013).

2.4. Legal Empowerment of Indigenes, and Pastoralists

Various international commissions have been set up on the legal empowerment of indigenous peoples that seek to augur on new policy and strategic trajectories to achieve the Millennium Development Goals in a more radical way. Their core mission augurs on securing enforceable human and property rights within an enabling environment that expands legal business opportunity and access to justice (UNCLEP, 2005). This is yet a novel attempt at bringing in marked changes in the fulfilment of sustainable livelihoods: a set of normative goals and an integrative concept, which aims simultaneously to maintain or enhance resource productivity, secure their ownership of and access to assets, resources, income earning activities, and ensure adequate stocks, flows of goods and services.

Such claims to sustainable livelihoods notwithstanding, the essence of the concept is not in its normative goals, but in a broader perspective, that gives rise to these goals, self-evident from the way we define the operative words in literature. Livelihoods are the assets, activities, and entitlements by which people make a living, and sustainable livelihoods derive from people's capacity to access options and resources, and use them to make a living in such a way that does not foreclose options for others (Costantinos, 1997, b).

To be able to these issues, and analyse their relevance to people empowerment a description of the central component of the policy impediments, and analytical limitations to sustainable livelihoods of indigenous peoples in objective terms is needed; i.e., the articulation of empowerment issues, goals, task, mechanisms, and activities. The second

step is analysis of the legal empowerment strategy—examination of its sources, elements, features, and limitations, and its implications for sustainable livelihoods. It demarcates the agency and ideological purview that address the multi-dimensional, multi-sectoral, and multi-track policies, strategies and processes to create the holism enshrined in the legal empowerment dynamic. It precipitates the formation of ecological, social, economic, and political capital in terms of the collective ideology, action, organisation, and leadership as a requisite basis for indigenous people's participation as citizens of a political society.

Pluralist democracy must wear African cultural attributes in the same way Western democracy augurs on its historical and cultural specificities. Democracy must adequate decentralised government where people determine their life circumstances, and related issues, where people in villages and localities have a decisive voice in all circumstances directly affecting them. We should be able to celebrate ethno-cultural diversity in a democratic fashion, and respect rights both individually, and collectively.

Without unity, there is no future for Africa. Unity will make Africans more effective in global competition, and make it difficult for others to dominate and loot Africans. Unity will give Africans back their historical identities and memory, create a better basis for the use of resources, and give them a better sense of enlightened self-interests. Unity will give pride and confidence to the Diaspora. Unity will place people on an equal level to the rest of the human community. Activists and intellectuals should induce political parties or work with these parties to take on board minimum and maximum Pan-Africanist agendas that would propel the continent towards unity in a quicker way.

3. Methodological Approaches, and Research Protocol

3.1. Recent Developments of Indigenous People in Africa

In Africa in recent years, there was progress by the African Union in acknowledging and addressing the specific forms of discrimination facing ethnic minorities and other marginalised groups who identify themselves as indigenous peoples. African countries were party to a historic milestone for indigenous peoples worldwide when the United Nations General Assembly adopted the United Nations Declaration on the Rights of Indigenous Peoples on 13 September 2007. The Declaration establishes a universal framework of minimum standards for the survival, dignity, well-being and rights of the world's indigenous peoples. The Declaration addresses both individual and collective rights, prohibits discrimination against indigenous peoples, and promotes their full and effective participation in all matters that concern

them. It also ensures their right to remain distinct, and to pursue their own priorities in economic, social, and cultural development.

As far as the progress made vis-à-vis legislation regarding indigenous people are concerned, there are some surprising developments witnessed in some of the African nations with the Democratic Republic of Congo taking the lead. The Congolese government has also taken a few good initiatives over the last few years, such as the framework for implementing the Poverty Reduction Strategy Paper (PRSP). It was approved by Decree No 2008/944 of 31 December 2008, which considers indigenous peoples, long ignored and forming the poorest and most vulnerable sector of the Congolese population, and the 2009-2013 national indigenous peoples' plan, which was drafted in 2008, and which has now commenced implementation. Additionally, other measures include

- the Constitution of 20 January 2002;
- Law No 003/91 of 23/04/1991 on environmental protection;
- Law No 16/2000 of 20/11/2000 on the Forest Code, and its implementing regulations, and
- Law No 10/2004 of 26/03/2004 codifying the State domain, which sets out general principles applicable to the land, and property regimes;

In 2010, the Republic of the Congo became the first country in Africa to adopt a law on the promotion and protection of the rights of indigenous peoples. Admittedly, this law was a valuable tool for improving the situation of the indigenous peoples in the Congo, and a source of inspiration for other countries in Africa to take similar initiatives.

As far as other African nations are concerned, Kenya has adopted a new constitution that provides for considerable decentralisation and recognition of historically marginalised groups to which indigenous peoples belong. Kenya has adopted a new national land policy, which provides for collective land rights and de-centralised land governance structures. However, no explicit recognition of indigenous peoples exists in Kenya. In Burundi, the constitution provides for special representation of the indigenous *Batwa* people in the National Assembly and the Senate. Cameroon has a draft law on Marginal Populations. However, this draft law does not specifically recognise indigenous peoples nor address some of their key concerns. The Central African Republic has recently—as the first country in Africa—ratified the ILO Convention 169, which concerns indigenous and tribal peoples in independent countries.

3.2. Policies on Indigenous Peoples

Articles 2-6 of the African Charter on Human and People's Rights Adopted by the eighteenth Assembly of Heads of State and Government, June 1981–Nairobi, Kenya—define the rights of indigenous peoples. “Every individual shall be entitled to the enjoyment of the rights, and freedoms recognised, and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national, and social origin, fortune, birth, or any status. Every individual shall be equal before the law. Every individual shall be entitled to equal protection of the law”

“Human beings are inviolable. Every human being shall be entitled to respect for his life, and the integrity of his person. No one can arbitrarily deprive this right. Every individual shall have the right to the respect of the dignity inherent in a human being, and to the recognition of his legal status. It prohibits all forms of exploitation, and degradation of man, particularly slavery, slave trade, torture, cruel, inhuman, or degrading punishment, and treatment. Every individual shall have the right to liberty, and to the security of his person. States or other parties may not deprive this freedom except for reasons, and conditions previously laid down by law. States, and other parties may not arbitrarily arrest or detain anyone. Uniquely, the African charter has three articles setting out individual duties, in line with the traditional primacy of groups over individuals on the continent. These include respect for others, for collective security, for ethics, and the common interest, support to family, the nation, national security, solidarity, independence, territorial integrity, and defence. Individuals also must help preserve, and strengthen “positive African cultural values”, and “promote and bring about African unity”. The African charter also mitigates individual rights with factors such as national, and African “cohesion”. The risk in Africa, therefore, may be that when faced with opposition from ethnic, social or opinion groups, it would be easy for authorities to argue that dissent undermines the nation, security, solidarity, and territorial integrity. Of special interest among six articles defining peoples' rights, is the right to economic, social, and cultural development. In a resolution passed in June 1993, OAU Heads of State, and Government noted, with satisfaction that the African Charter is the first treaty that sanctions the right to development as a human right.³ They define it as an inalienable human right, by virtue of which every human

³ Resolution on the African Commission on Human and Peoples' Rights, 29th Ordinary Session of the Assembly of Heads of State, and Government of the Organisation of African Unity, 28-30 June 1993, Cairo, Egypt (“OAU Resolution”). A UN Resolution dated 14 December 1981 subsequently recognised that “the right to development is an inalienable human right”.

being is entitled to participate in, contribute to, and enjoy the economic, social, cultural, and political development of society” (African Union, 1981).

Demands by indigenous peoples’ leaders, and rapidly evolving national and international normative frameworks on the rights of indigenous peoples have led to the adoption of specific policies by the World Bank, the Asian Development Bank, the Inter-American Development Bank and the European Bank for Reconstruction and Development. Over the years, these institutions have accumulated extensive experience in dealing with issues related to development and protection of indigene populations. While one must exercise caution because of a difference of settings and context, we can identify and learn certain best practices and lessons.

The African Development Bank (AfDB), a major multilateral development bank, was also developing a policy on indigenous people. In contrast, institutions based outside Africa have adopted such policies. For instance, agencies including the World Bank, the European Bank for Reconstruction and Development (EBRD), the International Finance Corporation (IFC) and some bilateral aid agencies of the Organisation for Economic Cooperation and Development (OECD) member states have long had specific policy guidelines regarding the protection of the civil and human rights of indigenous and tribal people. These policies seek to consider the economic and cultural vulnerabilities these groups may have. Development banks in Africa may not have a stand-alone policy on indigenous people, but they recognise the importance of integrating indigenous peoples’ concerns in their operations.

If development investment interventions do affect indigenous peoples negatively, they take or at least endeavour to take adequate measures to mitigate the negative impacts. In dealing with indigenous people in their operations, these agencies recognise and respect the sovereignty of member countries, including national legislation and policies relating to indigenous peoples. At the same time, the Bank considers its responsibility of ensuring equality of opportunity for all people, and that its operations and assistance do not negatively affect the welfare and interests of all, indigenous peoples inclusive.

The study reviewed the principles of engagement that these organisations adhere to in their work with indigenous peoples, and the instruments, procedures and resources they deploy to implement them. We can derive and learn useful lessons from the experiences of these multilateral development banks. Having said this, the author has exercised extreme precautions in distilling the lessons and highlighting best practices. Multilateral development banks, such as the World Bank and African development banks have significantly different clients, and operate in very dissimilar