



**ЭКОНОМИЧЕСКИЙ
И СОЦИАЛЬНЫЙ СОВЕТ**

Distr.
GENERAL

E/CN.4/Sub.2/AC.4/2002/4
17 June 2002

RUSSIAN
Original: ENGLISH*

КОМИССИЯ ПО ПРАВАМ ЧЕЛОВЕКА
Подкомиссия по поощрению и защите прав человека
Пятьдесят третья сессия
Рабочая группа по коренным народам
Двадцатая сессия
22-26 июля 2002 года
Пункт 8 а) повестки дня

ПРОЧИЕ ВОПРОСЫ: СОВЕЩАНИЯ И СЕМИНАРЫ

**ДОКЛАД О РАБОТЕ ТРЕТЬЕГО РАБОЧЕГО СОВЕЩАНИЯ
ПО КУЛЬТУРНОМУ МНОГООБРАЗИЮ В АФРИКЕ:
МИРНАЯ И КОНСТРУКТИВНАЯ АДАПТАЦИЯ
НАЦИОНАЛЬНЫХ ГРУПП В СИТУАЦИЯХ,
ЗАТРАГИВАЮЩИХ МЕНЬШИНСТВА
И КОРЕННЫЕ НАРОДЫ****

ГАБОРОНЕ, 18-22 ФЕВРАЛЯ 2002 ГОДА

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Центр по правам человека в Ботсване)

* Резюме, содержащее выводы и рекомендации рабочего совещания, распространяется на всех официальных языках. Сам доклад содержится в приложении к резюме и распространяется только на языке его представления.

** По не зависящим от Управления Верховного комиссара по правам человека причинам настоящий доклад представлен с запозданием.

Резюме

ВЫВОДЫ И РЕКОМЕНДАЦИИ

ГАБОРОНСКАЯ ДЕКЛАРАЦИЯ О КОРЕННЫХ НАРОДАХ И МЕНЬШИНСТВАХ В АФРИКЕ

Участники семинара по культурному многообразию в Африке, состоявшегося 18-22 февраля 2002 года в Габороне, обращаются к правительствам стран Африки с призывом признать и уважать права проживающих на их территории коренных народов и меньшинств. Участники семинара считают, что коренные народы и меньшинства в Африке связаны духовно и через своих предков со своими традиционными землями и ресурсами, что им грозит опасность исключения из процессов в области политики и развития во многих странах и что национальная политика, не предусматривающая уважения их культурного своеобразия, делает их уязвимыми. Непризнание культурного своеобразия коренных народов и меньшинств является серьезным нарушением их прав человека. Было подчеркнуто, что коренные народы и меньшинства являются одним из составных элементов культурного многообразия и наследия во всех африканских государствах. Кроме того, было отмечено, что с учетом усилий, предпринимаемых африканскими государствами в целях содействия обеспечению мира и безопасности для граждан, снижения уровня нищеты и содействия устойчивому развитию, благому управлению и демократии, необходимой основой для разработки альтернативных моделей развития континента в интересах коренных народов являются системы знаний, навыки в управлении землями и ресурсами, взгляды, видения и традиции коренных народов и меньшинств. Участники семинара признали, что у коренных народов и меньшинств в Африке имеются устоявшиеся методы разрешения конфликтов, которые могут способствовать поддержанию мира на континенте. Они также считают, что будущее Африки зависит от полного участия женщин во всех сферах жизни общества, в том числе в принятии решений на всех уровнях общества.

Участники:

Правительство Ботсваны

1. *выражают признательность* правительству Ботсваны за теплый прием, участие и щедрое гостеприимство. Они также выражают благодарность министру по делам президентства за то что, он оказал честь участникам семинара, выступив на официальной церемонии его открытия;

2. *в духе уважения предлагают* правительству Ботсваны пересмотреть решение об изъятии Басарвы из состава земель их предков и открыть диалог со старейшинами, представителями Басарвы и с группой по переговорам, что позволило бы обеспечить эффективное участие и достижение позитивных результатов;

3. *в духе уважения предлагают* правительству рассмотреть вопрос о выработке более широкой концепции развития с учетом различных образов жизни, в частности развития с опорой на общины и участие, включая управление природными ресурсами;

Управление Верховного комиссара по правам человека

4. *выражают признательность* Управлению Верховного комиссара Организации Объединенных Наций по правам человека (УВКПЧ), Рабочей группе Организации Объединенных Наций по коренным народам и Рабочей группе Организации Объединенных Наций по меньшинствам, Программе развития Организации Объединенных Наций (Ботсвана), Международной организации труда, ДИТСВАНЕЛО - Центру по правам человека в Ботсване и Рабочей группе по коренным меньшинствам в южной части Африки (ВИМСА), Ботсвана, за оказанную поддержку и участие в учебном рабочем совещании и семинаре, а также благодарят ВОЗ и ЮНЕСКО, Специального докладчика по вопросу о положении в области прав человека и основных свобод коренных народов г-на Родольфо Ставенхагена и эксперта Подкомиссии по поощрению и защите прав человека Организации Объединенных Наций почетного судью Юн Сик Ена за их активное участие и поддержку;

5. *просят* УВКПЧ организовать новые семинары по культурному многообразию в Африке в сотрудничестве с Рабочей группой по коренным народам и с Рабочей группой по меньшинствам с участием представителей африканских коренных народов и меньшинств, правительственных должностных лиц, экспертов, представителей организаций системы Организации Объединенных Наций и других представителей в целях содействия уважению и пониманию культурного многообразия и рассмотрения путей укрепления потенциала этих народов;

6. *просят* УВКПЧ представить доклад о работе семинара Рабочей группе по коренным народам на ее двадцатой сессии и Рабочей группе по меньшинствам на ее восьмой сессии;

7. *просят* УВКПЧ рассмотреть вопрос о публикации исследования по вопросам коренных народов и народов меньшинств в Африке, в котором был бы дан анализ итогов трех семинаров по культурному разнообразию в Африке, включая отредактированные

варианты соответствующих справочных материалов, а также рекомендуют выставить эти справочные материалы на вебсайте УВКПЧ;

8. *просят* региональное бюро для южной части Африки УВКПЧ организовать, в сотрудничестве с Управлением в Женеве, дальнейшие учебные рабочие совещания по вопросам прав человека и коренных народов и меньшинств с участием правительственных должностных лиц и представителей коренных народов и меньшинств субрегиона;

9. *просят* Верховного комиссара по правам человека предложить правительствам рассмотреть вопрос об учреждении целевого фонда добровольных взносов для оказания помощи в покрытии расходов, связанных с поездками представителей меньшинств на заседания Рабочей группы по меньшинствам, с тем чтобы обеспечить равноправное участие неправительственных организаций из всех регионов мира;

10. *выражают* через Верховного комиссара по правам человека признательность Генеральному секретарю Организации Объединенных Наций за ту помощь, которая была оказана Фондом добровольных взносов для коренных народов со времени его учреждения в 1985 году, и предлагают Верховному комиссару рассмотреть предложение о том, чтобы представить Генеральному секретарю кандидатуры предлагаемых экспертов из числа коренных народов из других регионов в состав Совета попечителей, после истечения срока полномочий нынешних членов Совета;

Рабочие группы

11. *рекомендуют* Рабочей группе по коренным народам и Рабочей группе по меньшинствам в сотрудничестве с УВКПЧ организовать совещание по вопросам коренных народов и отправлению правосудия с участием представителей традиционных правовых систем Африки;

12. *рекомендуют*, чтобы эти рабочие группы в сотрудничестве с УВКПЧ организовали новые учебные рабочие совещания по признанным на международном и региональном уровнях правам человека коренных народов и меньшинств, в частности охотников и сборщиков растений, кочевников и скотоводов, а также предусмотреть возможность обмена на этих рабочих совещаниях мнениями и опытом, касающимися права коренных народов и меньшинств на участие в развитии;

13. *рекомендуют* Рабочей группе по коренным народам разработать проект конвенции о правах коренных народов,

Система Организации Объединенных Наций

14. *рекомендуют* представителям - резидентам ПРООН в странах проживания коренных народов и меньшинств организовать межучрежденческие рабочие совещания для партнеров системы Организации Объединенных Наций, правительственных должностных лиц и представителей коренных народов и меньшинств для рассмотрения путей и средств поощрения культур, самобытности и благосостояния коренных народов и меньшинств, в частности с учетом создания Постоянного форума по вопросам коренных народов, которому поручено способствовать координации деятельности, касающейся коренных народов в системе Организации Объединенных Наций;

15. *просят* МОТ укреплять диалог с правительствами стран Африки в целях ратификации Конвенции о коренных народах и народах, ведущих племенной образ жизни, 1989 года (Конвенция № 169), и наращивать потенциал коренных народов и народов, ведущих племенной образ жизни, в целях развития политического диалога с правительствами.

16. *просят* ЮНЕСКО разработать программы и мероприятия, способствующие развитию своеобразия и культуры коренных народов и меньшинств с учетом Всеобщей декларации ЮНЕСКО о культурном многообразии;

17. *просят* Региональное бюро ВОЗ в Африке продолжать запланированную им работу в целях содействия укреплению здоровья коренных народов в рамках региональной стратегии ВОЗ по борьбе с нищетой, уделяя особое внимание факторам, определяющим состояние здравоохранения;

18. *рекомендуют* Департаменту операций по поддержанию мира рассмотреть вопрос о способах использования африканских традиционных миротворцев и методов поддержания мира в операциях по поддержанию мира Организации Объединенных Наций;

19. *просят* Комитет по всемирному наследию рассмотреть вопрос о признании таких древних африканских символов мира, как деревья мира, воды мира и горы мира, а также мест, где коренные народы и меньшинства заключали мир, в качестве объектов всемирного наследия;

Многосторонние и двусторонние учреждения по развитию

20. *настоятельно призывают* многосторонние и двусторонние учреждения по развитию уважать права коренных народов и меньшинств при разработке затрагивающих их планов и программ развития;

Специальный докладчик

21. *рекомендуют* Специальному докладчику и далее совершать поездки в страны Африки в целях ознакомления с условиями, приоритетами и потребностями коренных народов и меньшинств;

22. *рекомендуют* Специальному докладчику рассмотреть вопрос об уделении особого внимания различным методам урегулирования конфликтов, в которые могут быть вовлечены коренные народы;

23. *рекомендуют* Специальному докладчику рассмотреть вопрос об уделении внимания коренным народам, которые разделены границами, возможно, организовав с этой целью в сотрудничестве с УВКПЧ рабочее совещание по этому вопросу;

Постоянный форум по вопросам коренных народов

24. *рекомендуют* представить доклад этого семинара на первой сессии Постоянного форума по вопросам коренных народов, который состоится 13-24 мая 2002 года в Нью-Йорке;

25. *рекомендуют*, чтобы Постоянный форум по вопросам коренных народов использовал проект декларации Организации Объединенных Наций о правах коренных народов в качестве руководства в своей работе;

Африканская региональная система

26. *приветствуют* создание Рабочей группы по коренным народам Африканской комиссии по правам человека и народов и рекомендуют, чтобы члены этой Рабочей группы приняли участие в работе следующих семинаров и рабочих совещаний по вопросам культурного многообразия, которые будут проводиться УВКПЧ;

27. *рекомендуют* Рабочей группе по коренным народам рассмотреть вопрос о приглашении представителей коренных народов и меньшинств региона на свою следующую сессию и запросить от них информацию для этой сессии;

28. *рекомендуют* Рабочей группе по коренным народам рассмотреть вопрос о возможности разработки проекта региональной декларации о правах коренных народов и меньшинств;

29. *призывают* Африканскую комиссию по правам человека и народов изучить проблему различных форм перемещения и лишения собственности, с которой сталкиваются большинство коренных народов и групп меньшинств в странах, затронутых недавними и нынешними конфликтами;

30. *обращают внимание* Африканской комиссии по правам человека и народов на положение амезигов в Северной Африке;

31. *обращаются* к Африканской комиссии по правам человека и народов с призывом тесно сотрудничать с правительствами стран южной части Африки в целях содействия защите индивидуальных и коллективных прав народа сан и других коренных народов и меньшинств;

Правительства африканских стран

32. *рекомендуют* правительствам африканских стран признать в конституциях культурное и языковое многообразие своих государств, в том числе права коренных народов и меньшинств, отметив, что статья 4 Всеобщей декларации ЮНЕСКО о культурном разнообразии, принятой 2 ноября 2001 года, предусматривает обязательство уважать права человека и основные свободы этих народов;

33. *рекомендуют* правительствам стран Африки активизировать усилия по борьбе с ВИЧ/СПИДом с учетом особой уязвимости женщин и детей из числа бедного и коренного населения и других женщин и детей;

34. *рекомендуют* правительствам стран Африки приглашать в свои страны Специального докладчика по вопросу о положении в области прав человека и основных свобод коренных народов;

35. *призывают* правительства стран Африки обеспечивать для детей коренного населения и меньшинств доступ к образованию на всех уровнях, обеспечивать уважение

культуры и истории коренных народов и меньшинств в учебных заведениях и пересмотреть учебные программы, с тем чтобы в них обеспечивалось уважение ценностей, истории, языков и культур коренных народов и меньшинств;

36. *рекомендуют* правительствам стран Африки признать право коренных народов и меньшинств быть партнерами в деле планирования, осуществления и оценки развития их общин. В этой связи участники семинара принимают к сведению инициативу "Новое партнерство в интересах развития Африки" (НЕПАД), которая была одобрена главами государств и правительств стран Африки 23 октября 2001 года в Абиджане и в которой правительства стран Африки признали важность имеющихся на континенте культур для глобальной культуры и признали, что их народы должны быть хозяевами своей судьбы;

37. *подчеркивают* важность уважения принципов равноправия и недискриминации в отношении коренных народов и меньшинств;

38. *предлагают* правительствам стран Африки ратифицировать международные договоры о правах человека, в том числе Конвенцию МОТ № 169, и инкорпорировать эти договоры в свое национальное законодательство и государственную практику;

39. *предлагают* правительствам стран Африки поддержать принятие проекта декларации Организации Объединенных Наций о правах коренных народов, которая рассматривается в Комиссии по правам человека.

Средства массовой информации

40. *рекомендуют* средствам массовой информации в позитивном духе освещать вопросы коренных народов и меньшинств и поощрять распространение информации на местных языках, с тем чтобы больше внимания уделялось тем, кто находится в неблагоприятном положении, и содействовать развитию соблюдающих интересы общества средств массовой информации, которые выступают за мир и урегулирование конфликтов в Африке;

Коренные народы Африки

41. *настоятельно призывают* коренные народы Африки укреплять солидарность и связи и продолжать привлекать к диалогу правительства своих стран;

Неправительственные организации

42. *призывают* африканские неправительственные организации поддерживать индивидуальные и коллективные права коренных народов и меньшинств, в том числе через африканскую систему прав человека;

Научные и исследовательские институты

43. *предлагают* научным и исследовательским институтам создавать и укреплять свои программы исследований по касающимся коренных народов и меньшинств вопросам, обеспечивать доступность выводов своих исследований для коренных народов и меньшинств и обеспечивать уважение прав интеллектуальной собственности этих народов.

Annex

I. INTRODUCTION

1. The proposal to hold seminars on minority and indigenous peoples' issues in Africa had been made by both the Working Group on Minorities and the Working Group on Indigenous Populations and endorsed in resolutions 2000/16, 1999/19 and 1999/20 of the Sub-Commission on the Promotion and Protection of Human Rights. The purpose of these activities is to raise awareness of the United Nations work on indigenous peoples and minority questions, stimulate a dialogue on the concepts to have a better understanding of new approaches that might apply in Africa, share experiences in successful group accommodation, and build NGO capacity.

2. In the light of the recommendations of these two bodies, the Office organized a first workshop on Multiculturalism in Africa: peaceful and constructive group accommodation in situations involving minorities and indigenous peoples in Arusha, Tanzania in June 2000, and a second workshop in Kidal, Mali in January 2001. These workshops have provided a useful forum for exchanges regarding sustainable development in "remote" areas and traditional conflict resolution.

3. The third workshop was held in Gaborone, Botswana, from 18 to 22 February 2002. The Gaborone seminar is a follow-up to the two previous workshops held in Africa as well as the Durban World Conference Against Racism where consultations were held with indigenous and minorities as well as Government representatives to consider appropriate ways to reflect on the results of the Durban Conference.

4. The seminar was organized by the Working Group on Indigenous Minorities in Southern Africa (WIMSA-Botswana), the Chairpersons of the United Nations Working Groups on Minorities and on Indigenous Populations in cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR) and UNDP-Gaborone.

5. Indigenous and minority participants were from Botswana, Namibia, South Africa, Morocco, Ethiopia, Cameroon, Rwanda, Zimbabwe, Tanzania and Kenya. Mr. Rodolfo Stavenhagen, Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Mr. Yeung Sik Yuen, member of the Working Group on Minorities and Mr. Biong Deng, regional representative of the Office of the High Commissioner for Human Rights in Southern Africa, also contributed to the seminar. Several international organizations and academic institutions such as Minority Rights Group International (London), International Work Group for Indigenous Affairs (Denmark), the University of Pretoria, the University of Botswana/Basarwa Research Project and also DITSHWANELO - The Botswana

Centre for Human Rights actively contributed. Botswana Government officials also attended the seminar. They were: Hon. D.K. Kwelagobe, Minister for Presidential Affairs and Public Administration, Major General Moeng Pheto, Coordinator of the Remote Area Dweller Programme, Mr. Molale, Ministry of Local Government, Mrs. Modise, Ministry of Foreign Affairs, Mrs. Sibisibi, Ministry of Labour and Home Affairs and Mrs. Oliphant, Permanent Secretary, Political Affairs. The Chairpersons of the two United Nations working groups also invited the Permanent Missions in Geneva of countries in the African region and relevant United Nations departments, organizations and specialized agencies to send representatives to the workshop. The comprehensive list of the participants is contained at the end of the present report.

6. The workshop was divided into three parts: (a) a two-day training session for participants representing indigenous peoples and minorities on United Nations human rights mechanisms and the African system for the protection of human and peoples' rights; (b) a two-day seminar on multiculturalism in Africa focusing on participation of indigenous peoples and minorities in development, traditional methods of conflict prevention and resolution, as well as a consideration of the concepts of "minorities" and "indigenous" peoples in the African context; (c) a one-day round-table led by the UNDP Resident Representative with the participation of the country offices of United Nations organizations and specialized agencies.

7. A summary of the training session is contained in part A of the present report. Part B covers the seminar discussion on multiculturalism in Africa and part C provides a brief summary of the round-table exchange on the United Nations system and indigenous peoples and minorities. The recommendations of the seminar are available at the end of the report.

II. OPENING OF THE WORKSHOP

8. The seminar was opened by Hon. D.K. Kwelagobe, Minister for Presidential Affairs and Public Administration, who thanked the Office of the High Commissioner for Human Rights for the invitation to participate and for choosing Botswana as a venue for the seminar. He said that the focus on peaceful and constructive accommodation is both relevant and appropriate as it comes at a time when there are different views and competing propositions on the rights of minorities and indigenous peoples throughout the world. He noted that it was commonly known that nation States around the world have been formed out of a diversity of cultures and are constantly facing the challenges of constructing oneness in diversity. He added that there were no Botswana who are denied the right to practice their culture or the right to live where they choose. He stressed that the process of relocation of the Basarwa from the Central Kalahari Game Reserve (CKGR) that began in 1986 was a way to provide sustainable development, with the purpose of affording the Basarwa facilities and services. He stressed that no Basarwa have

been forcefully removed from the CKGR. He concluded by wishing success for the seminar and encouraging the participants to make constructive recommendations which would be meaningful in Africa.

9. Ms. Alice Mogwe, Director of DITSHWANELO - The Botswana Centre for Human Rights, welcomed the participants, saying that it was significant that this seminar was being held in Botswana. She explained that the country has a population of approximately 1.5 million of which about 4 per cent were the Basarwa or San people, the indigenous peoples of Botswana. She said that the indigenous peoples of southern Africa numbered approximately 100,000. She maintained that the Government displays an ambivalent attitude toward the recognition of the concept of multiculturalism and that the current model of development was based on the provision of infrastructure as a major indicator of progress and success. She hoped that the seminar will help to explore alternative models of development. She was pleased that the seminar included representatives of indigenous and minority ethnic groups and looked forward to discussing these concepts. She indicated that, in Botswana, the survival strategy of minority groups has been to integrate while retaining their identity through the creation of cultural groups such as the Society for the Promotion of the Ikalanga Languages (SPIL). The integrationist model is manifested in the recognition by the Constitution that there are minor tribes in Botswana. She noted that the Government had, to date, not yet officially recognized the existence of indigenous people because they argue "we are all indigenous". Ms. Mogwe referred to the relocation of the Basarwa from the CKGR to the two settlements of Kaudwane and New Xade. The Government position, she said, was to move communities so that they could enjoy the benefits of development but she said she believed that participation in decision-making is an important indicator of development. In this respect she proposed that the Basarwa people be involved in sustainable wildlife management which ensured their participation in development. She asked what the difference was between minority groups and indigenous peoples. She said she believed that indigenous people are excluded from decision-making processes whereas some minority, ethnic groups were fully participating. She looked forward to the seminar discussing this issue and rights-based development. She expressed her thanks to the Office of the High Commissioner for Human Rights for providing this opportunity.

10. Mr. Mathambo Ngakaeaja spoke on behalf of the Working Group on Indigenous Minorities in Southern Africa (WIMSA). He said that his organization was pleased to be sponsoring the workshop and he welcomed the participants to Botswana. He made a brief commentary and expressed his concern about the situation of the Basarwa people of Botswana and said that he hoped there would be an opportunity to discuss the issues they raised during the seminar.

11. Speaking on behalf of the Office of the High Commissioner for Human Rights (OHCHR), Mr. Julian Burger expressed his thanks to the Government of Botswana for agreeing to host the seminar. He expressed his gratitude to DITSHWANELO - The Botswana Centre for Human Rights and the Working Group on Indigenous Minorities in Southern Africa for their cooperation in the preparations of the seminar. He also thanked the ILO for assisting with the participation of two indigenous representatives and the UNDP Botswana for their excellent support. Mr. Burger explained that the workshop would be divided into three parts consisting of a training module, seminar and inter-agency consultation. He said that the idea of the workshop was to provide everyone with a good understanding of international and regional human rights standards before embarking on the seminar. He hoped the seminar would be a useful space for minority and indigenous peoples as well as with governmental officials and academics to exchange experiences and formulate proposals. He said that the reason for concluding with a one-day inter-agency round-table was to give the participants an opportunity to consider how their recommendations might be put into practice by the United Nations system.

**PART A: TRAINING SESSION ON INTERNATIONAL HUMAN RIGHTS
LAW AND THE AFRICAN SYSTEM FOR THE PROTECTION
OF HUMAN RIGHTS**

12. A two-day training session was facilitated by Mr. Julian Burger of the OHCHR. During the training session, participants were provided with the United Nations Guide for Minorities as well as the United Nations Guide for Indigenous Peoples, both of them describing the international and regional human rights mechanisms pertaining to minority and indigenous peoples issues. There was an interactive and in-depth discussion about International human rights law, with the contribution of Mr. Sik Yuen, member of the Working Group on Minorities, Mr. Biong Deng, Head, OHCHR Southern Africa Sub-Regional Office in Pretoria, and Mr. Rodolfo Stavenhagen, Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People.

13. Mr. Julian Burger explained how non-governmental organizations can use the United Nations human rights mechanisms including the treaty bodies, the complaints procedures, and the special reporter system. He also provided information about the Charter-based bodies such as the Commission on Human Rights. He gave background information about how the minority and indigenous peoples issues were dealt with by the United Nations and referred to the Working Group on Minorities, the Working Group on Indigenous Populations, the Working Group on the Declaration on the Rights of Indigenous Peoples and the new Permanent Forum on Indigenous Issues that will hold its first session in New York in May 2002. He also provided information on how indigenous and minority representatives could use these mechanisms to raise their issues.

14. Ms. Samia Slimane gave a presentation on the African human rights system. She introduced the new Constitutive Act of the African Union adopted in June 2000 in Lomé, Togo that replaces the 1963 Charter of the Organization of African Unity. She pointed out that article 3 of the Act lays down that one of the objectives of the African Union is to promote and protect human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights (African Charter) and other relevant human rights instruments. Ms. Slimane explained that the African Charter recognize collective rights referred to as "peoples' rights". She also informed the participants about the work of the African Commission on Human and Peoples' Rights (African Commission) which is the monitoring body for the implementation of the African Charter. She said that the African Commission adopted the Resolution on the Rights of Indigenous Peoples/Communities in Africa in November 2000 that establishes a Working Group of experts on the rights of indigenous peoples or communities in Africa. Ms. Slimane concluding by asking the participants to participate more in the work of the African Commission since there is a way for a better protection for indigenous peoples and minorities in Africa.

15. Mr. Biong Deng gave a presentation on the New Partnership for Africa's Development (NEPAD). He explained the background to the initiative which was based on the merger of two Africa-wide plans of action - the Millennium Partnership for the African Recovery Programmed (MAP) and the Omega Plan. The NEPAD covered peace and security since it was understood that there can be no development in a war situation. It also deals with key concepts such as good governance, democracy and human rights. He pointed out that the NEPAD addresses the question of corruption and the need to have free and fair election.

16. Mr. Nigel Crawhall, speaking on behalf of UNESCO, informed the participants that UNESCO has special programmes to support multilingual education and education for indigenous children. He also mentioned that UNESCO was carrying out a significant cross-sector project about traditional knowledge. Further, he introduced the UNESCO Universal Declaration on Cultural Diversity adopted in November 2001 which deals with key concepts such as diversity and pluralism. He referred to article 4 of the Declaration, which speaks about human rights and diversity. He concluded by saying that UNESCO's role was to promote respect for everyone's culture as everyone has the right to be who they are, to speak their language and participate in a national system.

17. Mr. Ole Kaunga, representative of the ILO in Tanzania, delivered a comprehensive presentation on how the organization has been involved in the situation of indigenous and tribal peoples. He mentioned the active role the ILO played regarding forced labour of so-called "native populations" in colonies. He referred to the Convention 107 as the first attempt to codify the right of indigenous and tribal population in international law, and covered a range of issues

such as land rights, working conditions, health and education. He said that the Convention 107 of 1957 adopted an integrationist approach based on the assumption that indigenous and tribal populations were destined to disappear into the dominant society. This assumption began to be challenged and led to the adoption in 1989 of the Indigenous and Tribal Peoples Convention (169) by the International Labour Conference. Mr. Ole Kaunga pointed out that the 169 Convention refers to “peoples”. It is meant to encourage the establishment of a new relationship between the States and indigenous and tribal peoples, based on the recognition and respect of cultural and ethnic diversity. He added that another fundamental change was the premise that these peoples and their traditional organizations should be closely involved in the planning and implementation of development projects that affect them. Mr. Ole Kaunga concluded by saying that so far no African countries ratified Convention 169.

18. Ms. Jackie Sims from WHO presented an outline of WHO’s Global Strategy on Indigenous Health. She explained that the Strategy contains several goals dedicated to raising awareness of the relevance of ethnicity to health. She mentioned the Strategy’s goal to improve health and demographic information systems so that more accurate data is available regarding health trends among indigenous peoples. Additionally, she spoke about the Strategy’s aim to increase health awareness of indigenous peoples so that they are better equipped to deal with any health risks associated with their lifestyle. The Strategy also discusses the need to improve the capacity of national and local health systems to respond to indigenous health concerns. Ms. Sims highlighted that WHO defines its own role as supporting national programmes that raise the profile of ethnicity in relation to health. She concluded by asking the participants to provide her with recommendations on how they believed WHO could further work to improve indigenous health, and assured the participants that WHO would be grateful for their input.

PART B: SEMINAR ON MULTICULTURALISM IN AFRICA

19. At the opening of the seminar, participants were invited to nominate a Chairperson-Rapporteur. The participants invited Ms. Alice Mogwe, representing DITSHWANELO - The Botswana Centre for Human Rights, to act as Chairperson-Rapporteur. Ms. Mogwe thanked the participants. The agenda and programme of work were then adopted. The programme consisted of the following themes: “Discussion on the concepts of indigenous peoples, minority communities, ethnic groups and tribes, as applied in the African context”, “Discussion on the participation of indigenous peoples and minorities in local and national development plans”, and “Constructive group accommodation in situations involving minorities and indigenous peoples, including traditional conflict resolution”. Ms. Slimane then drew attention to the six background papers commissioned by the Office of the High Commissioner. She said that efforts had been made to invite African experts from different countries having

grassroots experience to prepare the papers. The background papers available at the meeting were:

- “Acknowledging indigenous capacities of social security control in East Africa” by Sultan Somjee;
- “Marginalization of pastoral communities from decision-making in Ethiopia with focus on multiculturalism and ethnic heterogeneity” by Melakou Tegegn;
- “Meaning of the concepts of Minority and Indigenous Peoples and their relationship in the African context: Examples from Botswana” by Andy Chebanne;
- “The role of women demanding linguistic and cultural rights: the case of the Wayeyi of Botswana” by Lydia Nyati-Ramahobo;
- “The San and the issue of participation of minorities in national development: An example from Botswana” by Isaac Mazonde;
- “Indigenous women of Africa and access to resources: the Samburu women of Kenya” by Lucy Mullenkei.

1. Discussion on the concepts of indigenous peoples and minorities in the African context

20. Dr. Chebanne opened the seminar session by presenting his paper on the “meaning of the concept of minorities and indigenous peoples and their relationship in the African context: Examples from Botswana”. He explained that normally indigenous peoples were distinguished from other groups by their prior settlement in the territory in which they lived, combined with the maintenance of a separate culture closely linked to land and natural resources. He said that the concept minority was related to demographic considerations but also included social and economic powerlessness, subordination, lack of territoriality and vulnerability in matters of linguistic and cultural life. He noted that the term minority is amenable to socio-political definition in Botswana but the same could not be said about the term indigenous. He explained the reason was historical because Bantu speakers settled in Southern Africa from about year 1000 and Khoi and San communities were reported to have been in the region for more than 10,000 years. Using a strict interpretation, he said, the Khoi and San would consider the Bantu to be settlers. The colonial discourse, he noted, consider all black Africans, Khoi and San peoples included, as indigenous. With independence, African countries had difficulty accepting concepts such as minorities or indigenous due to some remaining colonial stigma and

fears that some communities might claim ancestral rights to territories. The question, he said, is not who is indigenous or minority but who did not have ethnic rights (linguistic, cultural) recognized by the State. In Botswana for example, he said, what distinguished the plight of Bakalanga, Bayeye and Basubiya people who essentially share the same development culture with the Setswana-speaking communities is access to ones own language in the administrative structure of the State. Khoi and San groups however he said have problems in benefiting from economic access to development. He said that groups such as the Bakalanga were linguistic minorities but not economic minorities. Their economic power allowed them to participate. The Khoi and San are poor and this diminished their status. He called for a cultural policy in Botswana and drew attention to the impact of globalization on cultural communities.

21. The Chair thanked Dr. Chebanne for his presentation. She said that the concepts of indigenous peoples and minorities caused discomfort in many African States. She considered that the difficulties attached to the terms stemmed from the colonial history of Africa in which the indigenous population was defined by the foreign colonial power. However, in her view, the Kwe and San were indigenous minorities in Botswana in terms of their unique culture, language and social organization. She also recognized that there were minorities in the country that had access to economic resources and others that did not and that perhaps this constituted a means of better understanding the notions of indigenous and minority. Botswana like other African States, she said, had a Constitution that tried to eliminate ethnicity rather than recognize diversity.

22. Mr. Stavenhagen said that he considered that the issues under discussion revolved around questions of empowerment and unequal relations. The difficulty was how to improve the negotiating power of the powerless. Using a concept such as indigenous was one way of recognizing that certain groups were marginalized and had specific needs.

23. Mr. Balkassm noted that the majority of African States did not recognize cultural diversity and that policies predominantly focused on assimilation. He referred to his own region and the Amazigh-speaking peoples who lived in North Africa. He said that he preferred the term indigenous peoples rather than minorities. He did not consider his people a minority but as a majority dominated by an Arab minority pursuing a policy of Arabization. He said he was not in favour of definitions since they led to the exclusion of some groups. He also referred to the African Charter and ILO 169, both of which use the concept of peoples. He concluded by noting that the post-colonial African States in his region had not recognized customary laws and land rights.

24. Mr. Solomon Isaac admitted that the term indigenous was difficult in Africa. He agreed that all peoples were indigenous to Africa. However, he said that the term indigenous peoples referred to groups indigenous to a particular territorial area. He added that African peoples were

indigenous to Africa but not indigenous to every part of the continent. He regretted that some African Constitutions did not recognize the territories of indigenous peoples and that consequently specific ethnic groups oppressed others.

25. Ms. Mullenkei said that there was a need for care when using the terms minorities and indigenous peoples. She explained that the United Nations had two working groups, one for minorities and one for indigenous peoples and that they were open forums that function on self-identification. She observed that the Government of Botswana was not proud of the Basarwa. She said she felt that the relocation would lead to loss of language and identity and this would be sad for the country. In her own country, Kenya, she said she believed that the Government was proud of the Maasai and other pastoralist peoples. She asked why the Government did not protect the Basarwa if they were the first peoples of the country. She agreed that it was desirable to strengthen the NGOs in the country.

26. Ms. Victoria Geingos, representative of the San people of Namibia stated that she considered her peoples the first peoples of their region and that relocation had a serious impact on their traditions and culture. Moving members of her people to towns had resulted in loss of language and identity and caused great suffering.

27. Professor Sidsel Saugestad expressed the view that using the term indigenous peoples might not be the most expedient given the current positions of governments. She realized that the Basarwa had special needs and that welfare measures were needed as well as the recognition of rights.

2. Overview of multiculturalism in southern Africa and experiences elsewhere in Africa

28. Dr. Lydia Nyathi-Ramahobo presented her paper on "The role of women in demanding linguistic and cultural rights: the case of the Wayeyi of Botswana". She explained that the Wayeyi are one of the so-called minority tribes in Botswana which are not recognized in the Constitution and the chieftainship Act. She said that these laws recognize only Tswana-speaking tribes and that sections 77-79 of the Constitution guarantee ex officio membership to the House of Chiefs to only those eight Setswana-speaking tribes. The rest of the tribes, she said, were to assimilate under the chiefs of the eight tribes who ruled during the colonial era. She underlined that the Tribal Territories Act also defines tribal territory with respect to these tribes, meaning that only those tribes can own land and it is distributed under their jurisdiction. She gave the example of the dispossession of the Wayeyi and Basarwa from their land. This land was declared Tswana land by the present Government and was distributed under the jurisdiction of a Tswana land-board. As regards language in education policy, she mentioned that only Setswana

and English were officially recognized to the exclusion of the 26 other languages. She recalled that the Wayeyi were and still are the majority although their language had become a minority language. She explained that at independence, the Government had declared that no language other than Setswana could be used for teaching or any other public purpose. She gave the example of Ikalanga as one of the languages that could no longer be taught in schools following independence. She said that all this signalled dark days for Wayeyi language, Shiyeyi, and its culture and led to the desire of the Wayeyi to have their own chief recognized and admitted into the House of Chiefs. She stressed that although in the past chieftainship and politics have been predominately male arenas of action, women have been in the leadership of the Wayeyi campaign for autonomy. Questions have been raised, she said, about having a woman to serve as the first chief. To conclude, she acknowledged that the motion passed by the Parliament in 1995 to review sections of the Constitution which discriminated against non-Setswana-speaking groups from representation in the House of Chiefs gave hope for a move in the right direction to achieve true democracy in which all tribes are treated as equal. However, she said that despite progressive policies, government had still not removed the negative provisions from the Constitution.

29. A number of speakers referred to the post-colonial period during which the new African States had promoted national identity instead of multiculturalism. One participant said that the cultural policy of his Government was to create a monolithic entity without colour. Another noted that separate administrations had often existed on tribal reserves during the colonial period but that these had disappeared with independence when unitary States were the model. These overarching systems, it was stated, did not provide conditions for different cultures to thrive.

30. During the seminar, the relocation of the Basarwa people from the Central Kalahari Game Reserve was mentioned. It was noted that relocation of peoples was a worldwide phenomenon usually impacting the politically weakest groups. Dr. Chebanne said that he considered both the Constitution of Botswana and the Government's policy of relocation as assimilationist. He believed that the removal of Basarwa could lead to loss of language and identity and added that from a historic point of view the creation of the Game Reserve came well after the settlement in that region by these peoples.

31. A San representative spoke about the situation of women and children in her community. She said the rights of women came last of all. She also said children from her community were employed to look after the cattle of the Tswana while the Tswana children went to school. She said it was painful to be a victim and to be weak. She stated that the Government did not listen to her people and that the only way of getting their voice heard was to establish strong organizations.

32. Mr. Sultan Somjee argued that some African Constitutions represented the interests of particular groups and made a reference to Apartheid South Africa. He noted that many African Constitutions were the product of negotiations with the colonial powers of the time. His own Constitution, for example, was often referred to as the Lancaster House Constitution, after the place in London where the document was drafted. He believed that it would be desirable to review these Constitutions and listen to the voices of living traditions and recommended that the Western-educated elites might benefit from spending time with peoples such as the San and Basarwa.

33. Mr. Melakou Tegegn said that there was not much debate in Africa about collective rights or African traditions of government. The new African States had continued with the prevailing systems and discourse, without the democratic content, inherited from their colonial masters. This has meant, he argued, that African Governments were often in conflict with traditional systems. Traditional knowledge and social and economic organization were seen as fitting in with the Western development model that prevailed in Africa. Hence, he said, in Ethiopia where he came from, peoples who practised pastoralism were seen as barbaric.

34. Several Basarwa participants said that they believed it was necessary to struggle for their own culture. They regretted that the Government criticized their organizations. One member of the group said that his people were not tribalistic nor were they interested in politics. He noted that, despite the rich culture of his people, no mention was made of Basarwa people in the history books given to schoolchildren in the country.

35. The representatives of the Government of Botswana welcomed the discussions but recalled that the seminar was on the broader concept of multiculturalism in Africa. It was not, they said, a seminar on Botswana. Ms. Oliphant said that the Constitution of the country did not privilege particular ethnic groups at the expense of others. She said that the tendency to sensationalize needed to be avoided.

36. Mr. Balkassm defined culture as all manifestations of life, production and values. He said it was necessary to promote culture on the basis of equality and non-discrimination. He noted that occasionally customary laws were not favourable to women but he gave an example from the Atlas region of Morocco where Amazigh women receive half of the property in the event of a divorce. He said that Moroccan women were now fighting for the same rights, using the example from indigenous customary law.

37. Mr. Fritz Pieter said that there was no such thing as an old and new culture. Culture is something inherited from the ancestors and used by the present generation. He said that culture was a precious gift that needed to be used, and not put in a cupboard to gather dust.

38. Mr. Sik Yuen said there is no society in the world where there is monoculturalism. He argued for more tolerance and the recognition that different cultures were a definite plus in any society. He felt tolerance and respect were essential elements in building a multicultural society. He added that multiculturalism can even be seen as a minimum since nowadays we are even speaking about interculturalism and openness.

39. Mr. Stavenhagen, however, added that in terms of cultural policies we should attempt to go beyond the idea of tolerance towards the idea of pluralism and respect as those concepts are more assertive and positive.

40. Mr. Nigel Crawhall asked about the role of culture in development. He said that if communities are displaced from their traditional lands, and moved to new settlements, they may have new schools and water supply, but the impact of leaving the land they know, the food that they used to eat, and the neighbours they used to have, is that their culture is changed. He recalled that sometimes displacement can cause entire languages to die out leading to a loss of identity. They lose their memory of who they are although they do have a heritage and a history. He gave the example of South Africa where the apartheid system suppressed the heritage of coloured people.

41. Mr. Jatti Bredekamp and Professor Nic Olivier provided information about the Khoi-San in South Africa. Mr. Bredekamp explained that the 1996 Constitution of South Africa did not recognize Khoi-San languages as official languages. He explained that although section 185 of the Constitution made provision for the establishment of a Commission for the protection and promotion of linguistic, cultural and religious communities in South Africa, this Commission has not yet been established. He said that when the Government talks about the Khoi-San status Quo Research process, it refers to five groups in South Africa, the San, Griquas, Koranas, Namas and Western Cape Khoe Khoi peoples. He said that this process had started in 1997 with the National Griqua Forum after the Griqua petitioned Nelson Mandela. There was a willingness of the Griqua to include other communities. The 1998 National Khoisan Forum was the result of this process that led to five reports for each of the five groups plus one of the South African Human Rights Commission. These reports were drawn together in the Integrated Khoisan Research Report that he and Professor Nic Olivier had compiled. The research report had been submitted to the Government on 4 October 2000. He concluded by saying that the South African Government was supposed to release the report in 2002.

3. Development in a multicultural environment

42. Ms. Corinne Lennox from International Minority Rights Group gave an overview of the issues relating to minority and indigenous rights in the development process. She examined such topics as access to land rights, rights over natural resources, impact of industries on communities and exclusion from basic social services. She referred to the recommendations made at an international meeting convened in July 2001 in the United Kingdom by Minority Rights Group International with the support of the OHCHR and the Working Group on Minorities on the subject of mainstreaming minority and indigenous rights in development. She called for redressing discrimination, ensuring participation and strengthening capacity as the way forward.

43. Dr. Mazonde addressed the question of participation in development with reference to the San people. He said that the problem of the San was that they were marginalized. He believed that understanding perceptions was vital, namely how San perceive the non-San and vice versa. He noted that the San perceive that they are being discriminated against and continually dispossessed by the dominant non-San Batswana, including the State. He said that perceptions are one of the most important aspects of social or person-centred development, particularly with respect to indigenous peoples. He noted that the settlement policies being carried out by the Government did not benefit the Basarwa people even if this was not the intention. He said that although the San almost always constitute the largest proportion of the remote area dwellers (RADs), they are hierarchically the lowest ethnic group in terms of resources, power and influence. He explained that RADs were made up of different peoples with varying ethnicities such as the Bakgalagadi and the dominant "Batswana" referred to as the "blacks" by the San. Therefore, development packages that are community-based did not prevent San people from being excluded. He recognized that Botswana has come to acknowledge the wisdom of cultural diversity, but the weaknesses of Basarwa, he said, should be acknowledged in Government policies. He called for action to reduce the negative stigma of Basarwa. He said that improving the economic status of Basarwa would raise their social image and make them visible. He noted that the lack of tangible action by the Government had meant that Basarwa looked for assistance from people outside Botswana. He gave the example of the San NGO "First People of the Kalahari" that had raised the Basarwa issue at the United Nations Working Group on Indigenous Populations. In terms of education, Dr. Mazonde stressed that some problems would be easily solved if there were San teachers familiar with San culture.

44. Mr. Ole Kaunga, representative of the ILO, referred to Dr Mazonde's view regarding education. He accepted that education was important for indigenous peoples if they were to achieve development. However, he noted that education was not the only solution. He said a Maasai with a PhD can still be stigmatized and added that sometimes education only served to

eliminate identity. He argued that the real need was to get governments to recognize that indigenous peoples' economic systems also contribute to development.

45. Mr. Pheto, on behalf of the Government of Botswana, explained that the Remote Area Dwellers programme was not only designed for Basarwa people but focused on all marginalized groups, whatever their origin.

46. Ms. Oliphant explained that she was not at the seminar to defend the Government but to learn. She said that education was the responsibility of the Government and that she was concerned about education reaching Basarwa that live far from urban centres. Another speaker said that there was a need to concentrate on improvements in services rather than argue about indigenouness.

47. Mr. Sik Yuen argued in favour of involving minorities in the State-building process. He referred to his own country, Mauritius, where the steps towards independence had been taken cautiously and with the full participation of the different minority groups. He explained that in the Constitution some parliamentary seats were reserved for ethnic groups.

48. Ms. Mullenkei noted that indigenous peoples were often excluded from planning and policy-making as well as the implementation of community development. In Kenya this had meant that there were sometimes conflicts between the Maasai pastoralists and the departments responsible for wildlife management. The aim should be to involve indigenous peoples in joint management schemes. She also believed that the education system in indigenous communities was often unsuccessful because there was no involvement of indigenous peoples in the development of the curriculum or as teachers.

49. Several San representatives said they believed it was important that children from their community got education in their own language. They did not agree with the policy of taking children from their families to educate them in hostels far away.

50. Mr. Hassan Id Balkassm said that there was a link between development and the recognition of indigenous peoples in a country. He believed that development projects often were forces of destruction. Since in Africa there were few democratic governments, he said, this meant that there was little community participation in the development process.

51. Mr. Melakou Tegegn spoke extensively about development and minorities and indigenous peoples. He argued that political exclusion of significant groups had led to underdevelopment. He characterized African Governments as having a view of development based on Westernization, industrialization and marketization. Indigenous peoples such as the pastoralist

communities, he said, play no role in the development process. The pastoralist way of life had never been recognized as viable and instead all investment went towards producing more crops to produce a surplus and finance industrialization. He regretted that livestock were not seen as part of the national wealth of the country. He said that Africans needed to re-invigorate their traditional systems of government and redefine democracy and development. He also underlined the importance of women in development.

52. Mr. Stavenhagen said that he saw many similarities between the situation in Africa and Latin America in particular with respect to involving civil society in development. He said that in his region civil society had been unable to flourish because of the strong authoritarian regimes. Democratization, he said, had brought elections but no real changes in the society. He said the dilemma was that the involvement of civil society in development processes was vital but even civil society organizations could become bureaucratized and non-democratic. He said that the efforts to build up more democratic States was closely related to multiculturalism. He said there was an increased dialogue concerning identity, something that did not exist 20 years earlier. He asked whether this was a transition and whether it was a way of redefining the State and taking it away from its unitary function. He noted that the United Nations was also looking at how to give expression to civil society in its work.

53. Mr. Balkassm said that he recognized the growing importance of civil society but stated that there was sometimes a tension between these actors and indigenous peoples. He gave the example of Morocco where it was very hard to put the question of cultural rights on the agenda of human rights organizations. He said that such organizations often ignored cultural rights and collective issues such as rights over land.

54. Mr. Melakou Tegegn welcomed the debate stimulated by the seminar. He said that it was important not to characterize governments as monsters. Policies derive from perceptions, he said, and perceptions can change.

55. Ms. Lucy Mulenkei gave her presentation on the role of indigenous women in development. She said that her paper focused on a specific community, namely Samburu pastoralist women. Samburu people were cousins to her people: the Maasai. They speak almost the same language and share a similar culture and traditional way of life. The Samburu people live in the Northern part of Kenya's Rift valley province, an area characterized by a semi-arid and arid climate and frequently hit by droughts. Their economy is mainly based on livestock. She highlighted the question of land, as in most countries where indigenous peoples lived, land was central when speaking about access to resources. She recalled that pastoralist communities had often been pushed to dry land to make room for farming. She explained that one of the major tasks of the Samburu indigenous women was to make sure that resources such as water are

available. She noted that, after 40 years of independence, Samburu women still have to trek a very long way to get water. She gave the example of the Kiltmary Samburu community from Waso who collect the water they need from the Ewaso Nyiro River which is situated 20 km away and where many chemicals that are used by the farms are discharged. This environmental deterioration is a disproportionate burden for women, she added. Without clean and safe water, she noted, health issues increase dramatically endangering women's lives, especially young mothers and their babies. She said that unfortunately, the Government does not care about the pastoralists and they continue to be marginalized. For a long time, the Government in Kenya did not consult indigenous communities when planning projects affecting them, she said. The Government also ignores the climate changes that affect semi-arid areas so dramatically. As regards education, she regretted the high illiteracy rate. She agreed with previous speakers that the gender aspect was crucial. In Kenya indigenous women were not treated equally to men in property law. She explained that although the statutory law of succession allows daughters to inherit property, its enforcement is still very much dictated by customary law and practices. Pastoralist communities still invest husbands with property rights. She stressed that there is a need to empower women so that they fully participate in the economy on an equal basis with men. She felt that promoting the education of girls was the way to achieve this goal.

56. Mr. Ole Kaunga, representative of the ILO noted that indigenous lands were often the first that were confiscated when new developments were being undertaken. He added that unfortunately governments in the region continued to believe that indigenous peoples were responsible for environmental destruction, a position he rejected. In Kenya, he said, 95 per cent of military bases were on pastoralist lands. He also referred to the expansion of multinational activities in the Maasai region resulting in displacement of his people from their lands. Structural adjustment programmes had also added a further burden since governmental extension staff for development and technical assistance had been reduced.

57. Ms. Maureen Tong referred to the argument often heard in South Africa during the apartheid period when it was argued that women's rights should wait until the liberation struggle was completed. She did not agree with this position and said that the gender issue was an integral part of the discussions on development and indigenous peoples and minorities.

58. Ms. Mullenkei noted that it was a very recent phenomenon that women's concerns were discussed. She believed that efforts were needed to bridge the gap between men and women.

59. Ms. Mbah spoke about her experiences in Cameroon where women were the breadwinners, collected firewood and water, prepared the food, looked after the children, and paid the taxes. She said that despite the important contribution of women, in many areas women could not

inherit property. Ms Tong recalled Nelson Mandela who said that until women are free, the nation will never be free.

60. Mr. Salomon Isaac made three recommendations to address development issues in multicultural societies. Firstly, there should be, he said, an equal distribution of natural resources and land for sustainable development. Second, decentralization of administration and civil service should be ensured. Lastly, he called for equal opportunities for education, without discrimination on ethnical or political bases.

4. Participation in decision-making processes

61. Mr. Melakou Tegegn presented his paper on “Marginalization of pastoral communities from decision-making in Ethiopia”. He stressed that development requires a legal right of participation. However, he said that even though there may be a legal regime that permits participation, the component of capacity was crucial to fully participate in development. He identified some of the issues. The first problem, he said, was the political marginalization of communities and society as a whole in decision-making processes. He said that as a result there was no space for participation in many countries in Africa. He said that African Governments had stepped into the shoes of the previous colonial States and tried to imitate and continue with the machinery they inherited from colonialism. This had a strong impact on development and governance. He argued that the exclusion of society from decision-making was one of the principal factors causing underdevelopment and poverty in Africa. He questioned the relationship that existed between government and society as a whole. He said that there is a polarization because society plays no role in politics. In most African countries there was not even consultation or discussion at all. Governments operate in the abstract. A second problem is that most governments have completely failed in the area of social development. They have not solved two fundamental problems, namely poverty and conflict. And at this point in time, these two problems are interrelated, and African governments are completely incapable of breaking this vicious cycle. From the development perspective, this cycle can only be broken by the active participation of society in the development and decision-making processes. He believed that this is where the question of indigenous populations comes in. He argued that the perception that African Governments have of indigenous populations is completely wrong. They think that development is always linked to industrialization. This perception of African Governments leaves no room for the participation of indigenous populations in the development process. In Ethiopia for instance, the Government has never recognized pastoralism as a way of life and a valuable system, whereas the peasant way of life is recognized and economic policy supports their contribution. In his view, African Governments should recognize indigenous economies and ensure that development is participatory and inclusive.

62. Mr. Hassan Id Balkassm referred to the situation in Algeria where the Algerian Government does not have any real dialogue with the Amazigh representatives of the region of Kabylie. He said that there is a need for democratic constitutions that recognize the right of participation of all cultural movements and organizations. He said he was convinced that this is the only way to ensure Governments pursue consultative processes of decision-making.

5. The role of traditional knowledge in conflict prevention

63. Mr. Sultan Somjee presented his paper entitled “Acknowledging indigenous capacities of social security control in East Africa”. He identified several key points: the value system, the structural capacity within indigenous societies, symbols, and memory. The value system is what makes you fight or manage conflicts. Concerning conflicts between or with indigenous groups, he stressed that many of these clashes are provoked by non-indigenous peoples. Such conflicts are imported, often from the capital city, because of political interests. He maintained that values do not come from the State, but from the peoples themselves. He mentioned that there is a history of making war and peace in the northern hemisphere, and cited the Crusades, a war that was started based upon one group’s value system and which was considered a holy war. Yet, from an indigenous perspective in Eastern Africa, it was often questioned how a war could be “holy”. He also spoke about wisdom and memory of the elders which are stimulated and reinforced by symbols. Symbols are important, he said, as indigenous peoples are non-literate people, but they have tremendous capacity in visual and oral analysis, manufacturing, and communicating knowledge, which literate people have lost. He recognized that some of the indigenous peoples in Kenya are known as warriors but that others are peacemakers, stressing that the difference is their value system. It is the clan structures that have maintained the humanity of Africa; this is because the values come not from the State, but from the peoples. Symbols, such as the peace tree and the peace staff (which is made from the peace tree) are used to manage conflict. He said that peace trees should be given visibility. For the Pokot, mothers wear a waist belt called leketyo because the womb represents life and life is sacred; a mother is able to stop a conflict among fighting groups by removing the leketyo and throwing it between the groups. He stressed that this is a living tradition. He observed that there are two discourses in Africa: the discourse of the politicians and the discourse of the people. Yet many often only concentrate on that of the politicians. He maintained that it is the discourse of the people that holds identity and that can give more prominence to the people and their culture. Therefore memory must be kept alive. To do that in Eastern Africa, ethnographic and cultural peace museums have been used to show and educate people about peace. He stressed the importance of these Peace Museums which reflect the humanistic traditions, as compared with other types of museums which show war. Peace museums are managed by a group of elders and are used to facilitate discussions and the sharing of traditions amongst indigenous communities.

64. Several participants spoke about conflict and traditional methods of peace-building. Mr. Ole Kaunga noted that conflict among pastoralists was a major issue. He said that depending on the nature of the conflict, traditional elders managed sometimes to take the responsibility of resolving them by leading successful negotiations for peace. Lucy Mullenkei observed that most of the conflicts amongst communities are caused by diminishing resources, leading to rivalries for water and grasslands. She noted that discussions involving elders working together are often more successful than those involving government officials.

65. Mr. Angus Martens said that in many African countries there was a conflict between the approaches adopted by Governments and indigenous approaches as regards many aspects of indigenous cultures such as conflict resolution methods.

66. Mr. Benon Mugarura thanked Mr. Sultan Somjee for his interesting presentation. He said there was a need to exchange experiences about traditional forms of conflict resolution and wondered how these peace-trees systems could be used in his country, Rwanda. He called for Peace Museums in Rwanda to educate and encourage the traditional means of healing the souls of his people. He said that the Rwandese Government had come to realize that the traditional justice system (the Gacaca) could help to reconcile people following the genocide. He explained that the Gacaca has been therefore introduced and will start in May 2002 to deal with genocide and conflicts within communities in Rwanda. Ms. Mbah stated that peace trees are commonly used amongst communities in Cameroon as a way to prevent tensions or conflicts.

67. At its concluding meeting on 22 February 2002, participants adopted several recommendations that are contained in the Gaborone Declaration on Indigenous Peoples and Minorities. This Declaration is available in Annex I.

PART C: INTER-AGENCY CONSULTATION ON ISSUES PERTAINING TO INDIGENOUS PEOPLES AND MINORITIES

68. On the last day of the Workshop, time was set aside for an exchange of information with United Nations organizations and specialized agencies working in Botswana. The meeting was facilitated by Mr. Macharia Kamau, Resident Representative of UNDP. He explained that "indigenous peoples" was not a term that was used in the day-to-day work of the United Nations in Botswana. He said that projects were developed to address social and economic issues and that on that basis there was recognition of marginalized or vulnerable groups but not of indigenous peoples. He noted that the Government used an economic and service oriented approach.

69. Mr. Kamau referred to the policy note of the UNDP on indigenous peoples. He also said that UNDP had sponsored a Hurist Workshop to discuss a human rights approach to development. In this framework, the Resident Representative said he believed there was a possibility of initiating development activities that took into account lifestyle. He saw opportunities in the programmes being elaborated to promote good governance and public sector reforms where there were often in-built biases towards ethnic groups. He also said that anti-poverty strategies might provide a space for programmes that focused on vulnerable groups.

70. The representative of WHO explained that his organization worked closely with the Ministry of Health. Programmes, he said, were not directly targeted on indigenous peoples but addressed health needs such as malaria control and immunization, water supply and sanitation. He noted that there was a need for disaggregation of data to learn more about the health needs of vulnerable groups such as the Basarwa.

71. The representative of UNAIDS said that a five-year programme was being developed to combat HIV/AIDS although no specific activity was directed at indigenous peoples. In the ensuing discussion, the representative of UNDP noted that HIV/AIDS affected 38 per cent of the adult population of the country. In his view, roads had however contributed to the spread of the endemic and this meant that previously remote area dwellers were now vulnerable. He said that in Gantzi, an area where many Basarwa lived, no cases of HIV/AIDS had been recorded before the building of the road. In the case of the Basarwa, lack of community knowledge about HIV/AIDS resulted in the rapid spread of the virus.

72. In answer to a question relating to the International Decade of the World's Indigenous People, Mr. Kamau said that no specific action had been undertaken in Botswana to celebrate the Decade but that there were many years and decades in the United Nations and it was not always possible to implement activities for all of them especially in work on the ground. He also said that there was little disaggregated data and that it would be helpful to invest in research. This point was reiterated by Ms. Lennox who said that without such data the welfare and poverty of certain groups will be masked. She also said that disaggregated data would enable minorities and indigenous peoples to voice their development concerns to Governments as communities. She underlined that encouraging Governments to recognize multiculturalism was an essential part of improving development policy.

73. One of the participants said that she thought that UNDP should play a role in educating people about the implications of concepts such as "indigenous peoples" that were used internationally. In response to this comment, a UNDP representative said that it was not helpful to use terms that people did not understand. Another participant said that until groups were recognized it would not be possible to find out where there were inequalities. Another

participant said that indigenous peoples were not seeking special treatment but equality and non-discrimination. Indigenous peoples, he said, was a term that denoted marginalization and exclusion. He said that the United Nations agencies should not be working towards the assimilation of indigenous peoples.

74. The UNDP representative concluded by calling for participatory development which he thought would benefit indigenous peoples.

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