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Identity Boundaries Construction and its Effects on Vulnerability in the case of a Historically Marginalized People (HMP) in Rwanda: An examination of their Access to Human Rights.

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Cover Page Footnote

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TOPIC: Identity Boundaries Construction and its Effects on Vulnerability in the case of a Historically Marginalized People (HMP) in Rwanda: An examination of their Access to Human Rights.

Abstract

This paper contextualises the vulnerability of a Historically Marginalized people (HMP) referred to as the Batwa to explain how their moral inferiority resulting from the constructed microaggressions and attitudinal prejudices, jeopardize their full enjoyment and appreciation of human rights. The dilemmas experienced by the Batwa in Rwanda have until recently received little theoretical and empirical attention thereby disregarding ontological and epistemological distinction. This paper contributes to this lacuna by reviewing colonial discourse of histories and hegemonies and investigating ethnic socio-cultural practices and other mythical tales. The foregoing indicates a genuine need for the application of human rights approach to recognize and to empower the HMP. This paper responds to the question of whether identity boundaries sharpen or obscure vulnerabilities of HMP thereby presents a case study providing policy makers and other actors with information to develop structures and systems protecting their rights.

Key words: HMP, Twa, Rwanda, Colonial discourse, identity boundaries, vulnerability and human rights.

Introduction

Following the post-genocide period in Rwanda, the Batwa¹ are now recognized by the Rwandan Government as the Historically Marginalised People (HMP) (Abbott et al. 2012). This is in response to policy measures on inclusiveness towards state-building of one nation for all Rwandans. It is notable that before, during and after the colonial eras the Rwandan society referred to the Batwa using contrived name tags as labels such as *'the sons of the soil or those you meet on the soil'*, (*abasangwabutaka*) *'pygmies'*, (*impunyu*) *'mutton eaters'* (*Abaryantama*) (Kagabo and Mudandagizi 1974).

It should be also remarked that in recent years 'Historically Marginalized People'(HMP) seemed to be more emphasized as coined name than other name tags (Abbott et al., 2012; Sena y'u Rwanda, 2018). Some of these name tags are part of the colonial discourse conveying opinions of prejudice, denigration and discrimination (Schumacher 1947; Bahuchet 2012; Kidd 2009; Ballard 2006).

Additionally, identities have emerged from the non-Batwa's mythical tales, legends and dietary beliefs associated with the social practice of disdaining for Batwa *'kunena Abatwa'* (Taylor, 2005; Ballard, 2006). Even though disdaining *'Kunena'* has recently decreased, it was already used to characterize the socio-cultural interaction between the Batwa and the non-Batwa and subsequently historically positioned them. Further, macro social constructions that are sociologically observable have institutionalized perceptions suggesting that the Batwa are mentally and physically retarded (Ballard 2006; Kidd 2008; Kagabo and Mudandagizi 1974; Taylor 2005). Yet, these name tags and legendary tales when subjected to objective analysis connote stereotypes that facilitate discrimination and prejudice observable in the undignified quality of life that the HMP have been leading (Kidd 2008; Kagabo and Mudandagizi 1974).

Following a robust review of literature on the Batwa spanning from the colonial period to 2021, lacuna emerge. The latter inspires further scholarly engagement focussed on how these stereotypes and prejudices directed at the Batwa have empirically and theoretically evolved, and the current outcomes and their implications. Responses from the fieldwork for the ongoing doctoral research conducted at rural Districts such as Nyaruguru, Rutsiro and Rubavu and urban Districts such as Nyarugenge, Gasabo and Kicukiro in Rwanda reveal lacuna of the previous studies on how the political, social and economic vulnerability of Batwa started, evolved and progressed.

The findings from the fieldwork for PhD studies indicate that HMP are still victims of microaggressions from other citizens (Ndikubwimana 2021). These microaggressions not only call for a deep analysis on how they started, progressed and impinged negatively on their rights

¹It should be noted that in Rwandan context, the word Twa, Hutu or Tutsi is used in western languages such as French or English. In Kinyarwanda and other Bantu languages they use U/Mutwa (in singular form) or A/Batwa in plural form. This study will use Twa or Batwa, Tutsi or Batutsi, Hutu or Bahutu interchangeably. Because of boundary making and unmaking in recent years, a Historically Marginalized People (HMP) will refer also to the Ex-Batwa unless it is conceptualized in another context.

but also how new policy recommendations could be formulated to address them (Ndikubwimana 2021).

In fact, the Batwa have been experiencing political and socio-economic vulnerability characterized by abject poverty, experience of prejudice and discrimination. However, only a few studies have regarded their rights and therefore failed to attract much attention from academics and human rights institutions and activists.

Analysis of recent human rights periodic review reports indicated a discrepancy between UN (United Nations), AU (African Union) and GoR (Government of Rwanda) over the status of the Batwa. For UN and AU, vulnerability of the Batwa is linked to the fact that they were conflated with other minorities in an acronym of HMP encompassing women, people with disability, youth, children and the ex-Batwa has a peculiarity (AU 2005; 2010; UN Human Rights Council 2010). Surprisingly however, the ex-Batwa present a peculiarity resulting from the fact that they were not recognized as an indigenous minority people. According to different periodic reports, this situation was leading to a severe vulnerability as their problems were made invisible (UN Human Rights Council 2010; UN Human Rights Council Twenty-second session 2013).

For an analytical comparison of the social and economic vulnerability of the HMP and the rest of the population, reports indicate these HMP lag behind the rest of the population. For example, Batwa households constitute the majority 43% of citizens who do not have land as property rights against 12% of other citizens in Rwanda (Abbott et al. 2012). In terms of literacy, the Batwa still fare poorly, a majority (51 %) of them do not attend school, compared to only the national average of 14% accounting for all the other Rwandans (Abbott et al., 2012; EICV4², 2015). The EICV4 (2015) indicates that on average 39.1% of all Rwandans fall under poverty line whereas the report from Abbott et al., (2012) highlights that 95% of the Batwa households fall under poverty line. The 2018 report from the Rwandan Senate indicates that the members of HMP are not represented in institutions of decision making due to discrimination and illiteracy (Sena y'u Rwanda 2018).

Being compelled to adopt new livelihoods was also taken as a contributing factor to their vulnerability. In fact, following the creation of the protected areas in Rwanda by colonial authorities in 1930s, the Batwa who used to live on hunting and gathering found themselves evicted from these protected areas without compensation (Rwanyiziri 2009; Copenhagen Document 1990).

This study is backed by identity boundaries to provide a theoretical elucidation on how prejudice, stereotypes and discrimination against the Batwa were and continue to be socially constructed. It fills also an empirical gap for a genuine quest towards an enhanced assessment of institutionalized and interpersonal efforts towards upholding their human rights. This is because their undignified life asserts their vulnerability which contravenes the provisions of different international instruments of human rights such as the Universal Declaration of Human Rights, the African Commission on Human and Peoples Rights³ and the Covenant on Economic, Social and Cultural Rights (Organization of African Unity 1987; United Nations Organizations 1966).

²Enquête Intégrale sur les Conditions de Vie des ménages or in English IHLCS : Integrated Households Living Conditions Survey.

³See its article 2 on rights entitlement and equal freedoms without any distinction whatsoever.

Ultimately, the paper reviews and analyses various pieces of literature focussed on the Batwa, and isolates strands of argument to generate cogent discussion. It draws themes along which informed conclusions and more detailed research can be undertaken with a view to providing substantive information to policy makers seeking to align national human rights goals with international accord to address the marginality through empowering the HMP.

This paper is guided by the following interrelated questions: how did the colonialists construct narratives that led to prejudice and stereotyping against the Batwa, and how have these evolved and progressed? In what ways socio-cultural interlinkages between the Batwa and the non-Batwa contributed to their loss of access to a dignified life further enhancing their vulnerability? Why does the Batwa's loss of access to a dignified life constitute a quest for an enhanced human rights approach and how can they be empowered?

Methodology

The paper epistemologically uses an interpretivist design where the reality and understanding of the social phenomenon depends on the context and ideological positions of the actors and in this regard, the construction of Batwa identities in Rwanda (Katz et al. 2016). This interpretive epistemology leverages interactions between macro institutions and micro structural interaction and is also embedded in hermeneutics and semiotics whose aim is to uncover hidden meanings from texts (Bryman, 2008). Subsequently, the study builds its analysis and frames the controversies around the identity construction of the Batwa in Rwanda. This identity construction comes as a result of a historical reality and continuing social prejudice pointing to their current vulnerability thereby inhibiting access to, and a full enjoyment of human rights.

We reviewed the literature exclusively in relation to Batwa as the key subject. We exploited from available scientific repository in the University of Nairobi and University of Rwanda libraries. Since there is scant literature produced on the Batwa exclusively, we addressed this gap by visiting the Royal Museum of Central Africa of Tervuren in Belgium for elaboration of Rwanda's political history from digital repositories/documents and non-digital resources. Materials archived include ethno-anthropological studies that the colonial authorities and scholars conducted in the Great Lakes Region of Africa and in Rwanda in particular.

Additionally, the official correspondences archived by the first colonial authorities and white fathers in Rwanda and in the region or memoir notes of the first colonial European explorers were included. Some of these archives were collected by Jan Vansina, J.M.Derscheid and kept at Royal Museum of Central Africa of Tervuren in Belgium generally in the colonial period up to 2021.

The key concepts used in various searches were pygmies, Batwa, indigenous Batwa, hunter gatherers, ethnic groups, human rights, marginalization of Batwa and inequality in Rwandan society.

Theoretical Framework: Identity Boundaries and Domination

This study is backed by identity boundaries which explain how domination and inequalities among social groups are created. Scholars such as Weber (1978) and Marx, (1852) in their treatises linked identity boundaries and domination. Weber's concern about identity boundaries

was related to institutional domination where he confirmed that hierocratic authority, patriarchal authority and legal rational authority are forms of domination (Weber, 1978). Similarly, Marx, (1852) contributed to the understanding of boundaries and domination but through the bourgeoisie and proletariat class struggle in what he called ‘alienation’. For Marx, the Bourgeoisie exclusively own the factors of production to the detriment of the proletariat class due to exploitation. Clearly, both Marx and Weber alluded to the origins of domination and inequality from social, economic and institutional perspectives (Bruch and Naron 1999).

Wimmer (2008) is another author who used a holistic analysis of the theory of identity boundary at the micro and macro levels specifically from political and social viewpoints. This is where institutional order, power relations and social networks guide the game of domination and non-domination (Wimmer, 2008). Drawing from Wimmer’s arguments, boundaries are linked to how one group makes its own positioning with positive values while looking with contempt, prejudices and stereotypes at the other group (Wimmer, 2008). With reference to Medick (2017), these created differences lead to a phenomenon of *in-groups* and *out-groups* expressed in micro-aggressions and alterities which in turn end up in exclusion and marginalisation due to magnified false representations.

Bourdieu & Passeron, (1977) referred to identity boundary theory mainly in forms of alterities which they considered as socially constructed from the presence of inequalities among social groups. They furthered the explanation of identity boundary theory as resultant from prejudice, stereotypes and negative perceptions which are deposited in individuals’ mindsets in forms of ‘habitus’ (Bourdieu & Passeron, 1977). Habitus are propensities and materialization of boundaries which are social ingrained habits, dispositions of mental habits, classifications, disgusts, and appreciations (Bourdieu & Passeron, 1977).

In countries prone to ethnic conflicts, identity boundaries allow and enable ethnic groups to materialize and scheme mostly negative perceptions of others among themselves. For instance, Ngarachu (2014) applied the ‘habitus’ of Bourdieu and Passeron (1977) to explain how ethnicity is created in Africa generally and in Kenya particularly. According to the author, in ethnic groups in Kenya, such as the ‘Luo’, ‘Kikuyu’, ‘Masai’ physical attributes related to stature, skin colour, and body shape delineate ways in which references are made to individuals in these groups during interpersonal relationships and these characteristics underlie perceptions of trust towards members in these groups (Ngarachu, 2014). Similarly these same sentiments towards ethnic groups are expressed in reference to the Batwa in Rwanda, Burundi, Uganda and the DRC⁴ thereby reinforcing stereotyping (D’Hertefelt 1965; Bahuchet 2012; Maquet 1969; 1967; 1961).

In support of the aforementioned, Kidd (2009) gave an example of eurocentrism as a form of boundary creation explaining domination. According to him, Eurocentrism is an ideology that creates the antipodal notions of ‘civilized’(superior) vs ‘non-civilized (inferior) a premise on which colonialism and slave trade were practised. With reference to the Batwa, Kidd (2009) indicated how dominant groups notably the colonial authorities, and the non-Batwa created prejudice and stereotypes leading to socio-economic and environmental vulnerability. As it will be discussed in further sections, the colonial authorities considered the Batwa as mentally and

4 Democratic Republic of Congo

physically retarded whereas the non-Batwa considered them as the cultural transgressors since they did not obey prescribed cultural norms (Pelling 2009; Ballard 2006; Kagabo and Mudandagizi 1974).

Researchers who contend ethnic identity boundaries in Africa in general and in Rwanda in particular fall into two philosophical strands namely essentialism and constructivism (Bangwanubusa 2009). On the one hand, the tenets of constructivism refute the existence of ethnic identity boundaries in Africa arguing that ethnic identities have less importance and have no clear demarcation because ethnic identities do not make biological differences. However, they assert that ethnic identity boundaries are socially constructed (Kopytoff, 1988).

Based on constructivism, the colonial authorities exacerbated a distorted reality of inequality among Rwandans such that the Tutsi were ranked a superior race with leadership skills, the Hutu were ranked below the Tutsi as a working class, and the Twa was rated as an inferior class (Bangwanubusa, 2009). This social stratification has gained intergenerational traction leading to ethnic polarization detrimental to the Twa who occupied the lowest ranking.

On the second hand, there are tenets of essentialism who support the existence of ethnic identities and attributing to them biological differences. In fact this perspective that poses ethnic identity as naturally given is thought to have originated from Darwinism discourse (Gough et al. 2008). Further, to explain Barth's position which complements the colonial perspective, the boundary maintenance is characterized by

“racial differences, social separation and language barrier, spontaneous and organized enmity. (...) this history has produced a world of separate peoples, each with their culture and each organized in a society which can legitimately be isolated for description as an island to itself” (Barth, 1998:11).

Therefore, we can say that boundary seen from essentialism strand attributes biological features and differentiations which mark a specific identity of which people will be judged.

When essentialism attributed to colonial discourse and Darwinism is applied to the case of Rwanda, it asserts the existence of the three different biological ethnic groups 'Hutu', 'Twa', and 'Tutsi'. Extending the argument in this strand of thought, an ethnic group is biologically ascribed at birth (Barth 1998). In this perspective, the colonial authorities represented by personalities such as John Hanning Speke, Henry Morton Stanley, Gustav Adolf von Götzen Richard Kandt among a group of other scholars supporting this strand tended to depart from the Hamitic hypothesis⁵ in order to explain the reality of group communities they found in Africa (Maquet 1961; D'Hertefelt 1965; Murray 2011).

This Hamitic hypothesis itself was built on the idea that Africa is settled mainly by the Bantu, Hamitic and pygmy races. Colonialists conducted anthropological studies on political histories of the African communities, measured their body's heights, skull sizes, nose length and other physical features. They therefore came to a conclusion that that Hamitic race of pastoralists were

⁵A hypothesis invented by the first western explorers that Rwanda was settled by three races, the Tutsi the superior race considered as whites or Arabs, the Hutu as the true blacks, and the Twa as the sub-humans (Rutayisire 2016)

biologically superior to the remaining races (Carney 2012; Uvin 1999; Kanimba-Misago 2016; Kabwete 2002; Rutayisire 2016).

Thus, this Hamitic discourse espouses essentialism strand to hold that social groups have intrinsically different characteristic natures. It presented Tutsi as genetically closer to Europeans and architects of civilization, Hutu as simple workers and inferior to the first and Batwa as sub-humans and inferior to the first two groups (Gatwa 1995; Rutayisire 2016). According Vervust, (2010), in order to make ethnic group static they introduced identity cards with Hutu, Tutsi and Twa labels to avoid ethnic mobility and blurring.

In this study we are concerned with how the essentialism strand has created inequality resulting from false representation of ethnic groups leading to prejudice and stereotyping of Batwa group.

In contrast with this inequality, however, all people inhabiting the earth belong to one humanity as contained in the preamble of the Universal Declaration of Human Rights(UN 1948). Due to this false representation, the non-dominant group, in this case the Batwa, develops characteristics aligned to the ascriptions and descriptions assigned by the dominant group/s fueled by existing microaggressions (Hall and Fields 2015; Doharty 2018).

Literature in the social sciences focused on minority studies indicates that microaggressions can create the spirit of belongingness or absence of belongingness which in turn advances social, cultural and political inequality. For example, Orr & Orr, (2019) in their study of “American Indians and a Southeast Asian community, conclude that because of microaggressions, indigenous groups in North America and Southeast Asia understand each other’s experiences of colonialism. The authors assert that these shared experiences of oppression help them to create a spirit of belongingness.

Similarly, the Batwa in the African interlacustrine countries notably Burundi, Rwanda, DRC and Uganda, visit each other to share their experiences in spite of geographical borders (Kidd, 2009). The findings from the fieldwork for the ongoing PhD studies on HMP in Rwanda indicate that the HMP have built a spirit of belongingness among themselves but which is absent or not enhanced between them with the non-Batwa (Ndikubwimana 2021). This situation has created for them a spirit of belongingness out of a shared experience of exclusion and marginalization within these geographic spaces (Huggins 2009; Thiebou 2007).

This shared experience of exclusion and marginalization resulting from boundaries making provides impetus for a genuine quest for assessing the state of human rights among the Batwa in Rwanda. Rwanda is a peculiar case of studies due to the fact that the relations between Batwa and the non-Batwa have been dominated by microaggressions. However, the latter did not attract many studies over their origin, progression and how they are linked to the Batwa’s rights. In the next section, we indicate how marginalization of the Batwa is ostensibly a construction of colonialism’s narratives, providing support for existing institutionalized stereotyping at the macro level which ultimately legitimizes continuing microaggressions.

Colonial Construction of the Indigenous Batwa’s Vulnerability

Early colonialists and explorers who arrived in Rwanda met the Batwa and created false impressions of them. There is evidence that their perceptions of the Batwa are borne out of the human evolution theory whose conclusions draw a parallel between the Batwa and primates. These perceptions imply that the Batwa are sub-humans because of their small physical stature (Derscheid 2018; Robillard and Bahuchet 2012). Once such derogatory conclusions were publicized, the Batwa became victims of stereotyping labelling them as pygmies (impunyu) (Derscheid 2018; Lewis 2000; Kagabo and Mudandagizi 1974; Bahuchet 2012; Schumacher 1947).

In the mindset of the explorers, the Batwa's short physical stature led colonialists into believing that the Batwa were not fully human and for that reason, they referred to them as 'dwarf chimpanzees' (Ballard, 2006). Recent researches such as that of Migliano et al., (2010) and Pemunta, (2013) suggesting that all pygmies have short statures is controversial because there are other African populations who are just as or even shorter. The authors give an example of the Ba.Konjo from western Uganda, who have however not been classified as pygmies. Even though the prevailing hypothesis links Batwa's short stature with environmental adaptation to improve movement for their livelihoods in equatorial forests, there is no clear information on the height of their ancestors and how the phenotype started and evolved (Verdu 2016).

During the colonial period, there is evidence that the Batwa were commodified and presented at international fairs for show. Ballard (2006) gave an example of one pygmy named Ota Benga from Congo who was exhibited as a mentally and physically retarded human at the St. Louis World's exhibition which took place in 1904 in the USA [United States of America]. This dehumanization was a prejudice that explorers, missionaries and colonial administrators had vis-à-vis Batwa due to false conceptions (Tyson 2004; Cholez 1999). These false conceptions were nourished by two reasons namely, living in forests as hunter-gatherers and living on the margins of society. Living in the forest implies running a bestial life like other wild animals, while living on the margins of society implies that they were not equal to other peoples and they faced increased vulnerability (Mamdani 2001; Ballard 2006; Kagabo and Mudandagizi 1974; Thiebou 2007; Lewis 2000; Kidd 2009).

On the contention of the bestial life, mental and physical retardation attributed to the Batwa, colonialists wanted to present them as the lowest creatures who did not attain the last phase of human evolution. In fact, colonialists wanted to justify the false perceptions they had over them (Ballard 2006; Cholez 1999). Colonialists further concluded that they did not possess a proper language and culture except being assimilated by their Bantu neighbours (Verdu 2016). Nevertheless, this understanding is scientifically debatable given that in other writings the Batwa are presented as autochthons if compared to the non-Batwa (Kagabo and Mudandagizi 1974; Schumacher 1947).

This indicates that Batwa are assimilated and at the same time they contribute to the existing reality of contributing towards nation building (Wimmer 2008). The role of colonial authorities in the abnegation of the Batwa's dignity cannot be over emphasized having been propagated by Darwinism and resultant hegemonies (Gough et al. 2008; The Government of the Republic of Rwanda 2000). Besides the role of the colonial authorities, the non-Batwa developed mythical beliefs. The latter were about the "other" indigenous community and legitimized microaggressions and alterities through social practices such as "*kunena Abatwa*" (disdaining the

Batwa) and vilifying the dietary beliefs as lacking in culinary taboos. Generally societies without taboo are referred to as lacking in culture (Konings 2009). The following section will discuss these mythical beliefs and social practices in depth.

Cultural Interlinkages between the Batwa and the non-Batwa as Origin of Vulnerability

Socio-cultural practices embodied in the belief systems comprising myths and culinary taboos including the much-regarded disdain for the Batwa translated as “*Kunena*” *Abatwa*” are the interface of the interrelationships between the Batwa and the non-Batwa. These phenomena further explain the social construction of boundaries disadvantaging this indigenous group of people. These socially constructed identity boundaries are propagated through ‘us’ and ‘them’ profiling (Kidd 2009; 2008). It is more likely than not in viewpoints of Snow (2016), that microaggressions and myths around ethnic identities in Rwanda could have been imagined and passed from one generation to another orally thereby selectively excluding the indigenous Batwa.

In views of Newbury & Reyntjens, (2010) and Vidal (2010), though the origins of ethnic antagonism that characterized Rwanda pre -genocide was traced to colonial hegemonic structuring, the reality is that such antagonism is located in inter-ethnic relationship. The latter preceded the colonial period, but enabled the colonial authorities who appeared later historically, to accentuate it to their advantage. The outcomes of colonial endeavour with regards to creating the social fissures has led to social stratification similar to that witnessed in the Indian caste system, persisting , prevailing and undergirding any and all interethnic interaction (Orr and Orr 2019).

Though there is a number of researchers who have rejected the existence of a socio-cultural stratification based on ethnic typology, the position of D’Hertefeldt (1965) and Kagabo and Mudandagizi (1974) concurs with Barth (1998). They assert that socio-cultural separation has historical justification of origin traceable to pre-colonial Africa. In fact, Barth (1998) claims that boundaries are characterized by ascription, description and exclusion of a group denying them rights and privileges. Ultimately belonging to an ethnic group therefore implies having an identity over which you will be judged either positively or negatively (Uvin 1999; Kopytoff 1988; Chrétien and Kabanda 2001).

Kagame (1972) is among the first Rwandan scholars to study Rwandan oral sources and while exploring the oral sources and the social root of inequalities including mythic tales, he found that cultural avoidance was socialized among Rwandan society. Although his work is critiqued by Vansina (2001, 2018) citing reliance on biased oral sources from monarchy courtyard elites, there is a reality presented by Kagame that cannot be ignored. This reality provides support for existing social constructions for a socio-cultural exclusion of the Batwa in Rwanda. For instance, Kagame, (1972) presents us with the origins of inequality in Rwanda.

This inequality is based on legendary beliefs from traditional tales and stories which were associated with Batwa inferiority and as a consequence, this deliberately reduced their opportunities for the enjoyment and experience of human rights and social consideration. For example, a cow’s role in the Rwandan society has elicited a tale about caring for a pot of cow’s milk during night time. The tale states that, King Gihanga, the creator of Rwanda and the first

born of Nkuba from the heaven, was presented with a test which he gave to his three sons Gatwa, Gatutsi and Gatwa to check on their skills. The story posits that Gatwa got hungry and drank the whole milk straight from the pot. The story ended with a punishment for Gatwa who became a servant of his two brothers Gahutu and Gatutsi as result of failing to care for the pot of the milk(Eide 2007; Kagame 1972).

It is thought that in some way, this is legend justifies the domination and inferiority of the Batwa in Rwanda. Apart from the legendary tales, microaggressions embedded in overt and covert behaviour and mostly passed off as social practices such as disdaining the Batwa (Kunena Abatwa) would explain the root of inferiority of Batwa in Rwandan society. In his study on how the social practices of disdaining Batwa 'kunena Abatwa' was created in ancient Rwanda, the findings from Taylor (2005) indicated that the Batwa were denied socio-cultural relationship based on sharing food and drinks. Vilifying the dietary beliefs that the Batwa do not have culinary taboos which was considered as cultural transgression constitute an evidence of microaggressions and alterities (Taylor, 2005). That is why a label such as *mutton eaters'* (*Abaryantama*) attributed to the Batwa is an indicator of such dietary belief (Kagabo and Mudandagizi 1974).

One could argue also that the ongoing microaggressions suggesting a moral inferiority attributed to the Batwa due to low social status constitute indirect discrimination as it is asserted by the UNDP (2010). As Cobo (1987) analyses, such indirect discrimination has an unintended effect of discrimination which is not easy to detect and to eliminate.

In fact, the Batwa could not socially and culturally share items signifying unity and community such as straws and plates with members of other communities because as a social group they were associated with negative attributes. The latter include greed, laziness, dirt and the absence of dietary preference (Ballard 2006; Kidd 2009).

Traditionally, Batwa livelihoods depended on hunting and performance dancing in the kings' court (D'Hertefelt, 1965). However, this socio-cultural contribution they made is now completely downplayed by the social practice of 'kunena' (disdaining Batwa) which has a repercussion on the Batwa's social self-perception. Consequently, this social practice 'kunena' has further resulted to the avoidance of intermarriage between the Batwa and non-Batwa thereby creating an environment where alienating them through exclusion and discrimination has become normalized. This condescending attitude of the non-Batwa is an evidence of ongoing microaggressions embedded in the social fabric. In fact, the marriage of a Batwa to a non-Batwa finds little tolerance yet such a ritual can heal social division (Ramsay 2010).

Orally transmitted myths have provided impetus to institutionalizing microaggressions at micro and macro levels, aggravating narratives such as the one indicating that sex with a Twa woman cures a backache (Ramsay 2010). Myths applied negatively to ethnic groups acquire a collective following and clouds perceptions which more often than not serve to increase vulnerability. Batwa women are no exception, derogatory myths have been exposing them to sexual assault and infringing directly on their rights as women to whom protection is due under the Convention on the Elimination of all forms of Discrimination against Women (CEDAW)(OHCHR, 1979)⁶.

⁶ This Convention was ratified by Rwanda on 2nd March 1981 and its article 2 (f) compels states to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs

Among many mythical cultural practices that still persist, sexualized myths tend to draw least ire and remain underreported. For example, in locations where Batwa live in the Great Lakes of Africa on 9th March 2020, information aired on the Voice of America Swahili program stated that Wambutu women (another name for the Batwa in DRC) had been victims of rape. The latter was linked to the fact that their neighbours near Nyiragongo Volcano believed that they would be healed from backache⁷. In Rwandan context, the sexualized myths remain in words and microaggressions only.

The long term outcome of such a negative social practice laden with mythical sentiment is that it exacerbates cases of verbal harassment against the Batwa and may prevent parents from sending their children to school for fear of such harassment and the ensuing repercussion (Ramsay, 2010).

Evidently these false representations are in conflict with the tenets and expectations of the Universal Declaration of Human Rights and the anticipated protections from states and state actors. Consequently, in order to heal the wounds in the aftermath of conflict and the genocide legacy, a HRBA to the assessment of the promotion and empowerment of the HMP presents a pressing requirement for the sake for the future Rwanda's sustainable peace.

The Quest for Promotion and Empowerment of HMP's Rights

Through identity boundaries, we contextualized the undignified life that the Batwa are experiencing as a result of being placed in a non-dominant position, and marginalized thereby enhancing vulnerabilities. Specifically, this non-dominance opines political and socio-economic vulnerability characterizing abject poverty, illiteracy and an undignified life.

This undignified life is an indicator of spiral vulnerability which subsequently contravenes the provisions of different international instruments of human rights. These instruments include the Universal Declaration of Human Rights, the African Charter of Human and Peoples Rights⁸ and the Covenant on Economic, Social and Cultural Rights which are articulations of the principles of human rights-based approach (HRBA) when combined together. Since some of the principles of HRBA include universality and inalienability, indivisibility, interdependence and inter-relatedness, any respect of a provision contained in one of the aforementioned instruments implies respect of the rest of other instruments. On the contrary, any violation of a provision contained in one of the aforementioned instruments implies violation of the rest of other instruments.

Consequently, the General Recommendation No. 32 of CERD [Committee on Elimination of Racial Discrimination] (2009) recommending duty bearers to take temporary special measures to address structural injustice for their populations may also apply to the case of the Batwa. In the same line of thoughts, Sen (1997, 2010) and Nussbaum (1997, 2003a) posit that structural problems that populations are victims of can only be challenged through a HRBA.

and practices which constitute discrimination against women;

⁷ Majirani wa Wambutu walikuwa wanawabaka wanawake Wambutu kwa ajili ya kujiponya ugonjwa wa mgongo katika kijiji cha Nyarucinya karibu na Mlima wa Nyiragongo (VOA Swahili Service, Program of Africa on 9th March 2020 at 1h00 pm GMT)

⁸See its article 2 on rights entitlement and equal freedom without any distinction whatsoever.

In recent years, HRBA has been used as a synergetic tool among actors of development notably the duty bearers, the rights holders and Non-Governmental Organizations to challenge the structural injustice, poverty and power relation (Gauri and Gloppen 2012; Madebwe 2015). In the Foucauldian viewpoint, power is the ability of one group to exert its influence and subjugate another group (Foucault 1982). For Weber, power is the social relation in which one side imposes its actions against the will of the other side (Guzzini 2017). As it is indicated, this power relation detrimental to the Batwa has existed in Rwanda over a long period (Newbury, 1998).

Therefore, a HRBA can be used to constitutionally recognize the non-dominant status of the Batwa and thereby providing them special empowerment and promoting their rights. Special empowerment can address the ongoing concerns following which rights to HMP were not adequately addressed in the constitution and other legal mechanisms that could provide special resources and programs to solve their problems (Thiebou 2007; African Peer Review Mechanism 2005; AU 2010; IOSDE and ADBR 2016; UN Convention on the Rights of the Child 2020; AU 2005).

Even though the Rwandan constitution refers to the HMP as a community that must be represented only by one Senator in the Rwandan Senate, (see the Rwandan Constitution article 80.2, The Republic of Rwanda, 2015), more provisions, mechanisms and political platforms are needed. These further provisions, mechanisms and political platforms that could accommodate their representation in other institutions of decision making at both grassroots and central governments constitute a first priority to empower them.

After their constitutional recognition as minority living in non-dominant situation, the foremost support to satisfy the basic needs such as food, decent shelter and health is a second priority. The findings from the ongoing PhD studies indicate that the high drop out from schools among the members of HMP is linked to the inadequate satisfaction of the basic needs such as food, decent shelter and health besides microaggressions (Ndikubwimana 2021).

The third priority is empowering them in the area of education because rights to education have been considered as cornerstone in HRBA. In fact, rights to education empower rights holders to undertake initiatives of socio-economic development (United Nations Development Programme, 2019:30). However, education empowerment cannot be achieved without special temporary measures.

In support of the above argument, Nussbaum, (1997:284) suggest that

“If we wish to bring all citizens of a nation to the same level of educational attainment, we will need to devote more resources to those who encounter obstacles from traditional hierarchy or prejudice. Thus, women's literacy will prove more expensive than men's literacy in many parts of the world”.

This assertion explains that categories of citizens, such as the HMP, who were victims of structural injustice cannot enjoy equal rights if resources to support their special programs of integration are not devoted to them. One can say that devoting special resources to the HMP constitute initial capabilities thereby contributing to empowerment. As indicated by Nussbaum, (2003) when initial capabilities are ensured, an individual can graduate and further be engaged in political debates and other civil and political related rights. All in all, the spiral vulnerability of the Batwa calls for constitutional recognition and special empowerment to allow the rights

holders and other actors to initiate advocacy and actions to bridge existing gaps of literacy and pressing issues of marginalization.

Limitation of the Study

Linguistic barriers and narrow territorial scope constitute limitations in this study. One, due to short time **allotted to this study**, some documents and archives were written German or Flemish such that requests for translations could not have been honoured. Second, since the Batwa live in other countries such as Burundi, DRC and Uganda, due to short time and financial constraints, the study did not go beyond Rwandan border for a specific comparative analysis.

Conclusion and Recommendations for Further Studies

While structural globally problems encountered by indigenous peoples have been documented those encountered by the Batwa in Rwanda have received little theoretical and empirical attention with regard to their ontology and epistemology. This study contributed to filling this lacuna through the review of literature in answering three complementary questions as follows as summarized below.

On the first question of how colonialists constructed narratives that led to prejudice and stereotyping against the Batwa and how these have evolved and progressed, the study has found that the colonialism dehumanized the Batwa that they were not full humans. Some reasons behind this were the Batwa's physical status (dwarfs), bestial life (chimpanzees) and lowest social consideration (living at margin of the society).

These distorted perceptions made colonialists and explorers convinced that that the Batwa did not attain full human evolution. Consequently, this situation led the colonialists to commodify the Batwa in international exhibition, an affirmation of abnegation of the Batwa's dignity. This abnegation of the Batwa's dignity exacerbated a socio-economic vulnerability in which they have been caught.

The second question has concerned ways via which vulnerability caused by cultural interlinkages between the Batwa and the non-Batwa. These cultural interlinkages asserted how various microaggressions and mythical tales from the non-Batwa have contributed to their loss of access to a dignified life. As it was indicated, this abnegation resulting from various microaggressions and mythical tales from the non-Batwa are associated with the construction of identity boundaries. This construction of boundaries was socially, culturally and unconsciously made after a long period of time These identity boundaries were based on alterities of attitudinal prejudices and mythical tales created against the Batwa. These alterities of attitudinal prejudices against the Batwa include the cultural practice of disdain for the Batwa "kunena Abatwa" associated with the dietary beliefs, sexualized legends and mythical tales. For example, vilifying the dietary beliefs that the Batwa do not have culinary taboos which was considered as cultural transgression constitutes an evidence. Although these boundaries are now days less accentuated, they are still important in tracking the origin of spiral vulnerability especially in an oral traditional society such as that of Rwanda where values have been transmitted from one generation to another. All in all, the ongoing microaggressions suggest a moral inferiority attributed to the Batwa due to low social status constitute an indirect discrimination which is also an evidence vulnerability.

On the third question which sought to answer why the status of the Batwa constitutes a quest for an enhanced HRBA for their empowerment, the study has indicated that this can be done through constitutionally recognizing them special and temporary measures. These special and temporary measures may include mechanisms and political platforms to accommodate more the Batwa's representation in institutions of decision making at both local and central governments.

The justification is that in the spirit of a HRBA, the General Recommendation No. 32 of CERD (2009) recommends duty bearers to take temporary special measures to address spiral vulnerability and structural injustice for their populations.

This paper constitutes an illumination for advocacy and minority activism for the cause of the HMP referred to as ex-Batwa in Rwanda. Future studies may explore also archival documents located in other colonial museums in Europe. They may include languages such as German and Flemish that were not explored to dig anthropological realities on the Batwa to critically investigate perceptions of colonialists for more ontological and epistemological understanding of the Batwa's vulnerability. Future studies could also converge human rights and intersectionality studies focussed on other Batwa in countries bordering Rwanda to draw comparative lessons so as to inform policy makers and other activists in area of indigenous minority rights.

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