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Contents

Current issues for Indigenous peoples in Africa

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I am honoured and grateful to be invited to introduce this seminar series on indigenous peoples in Africa. I will draw on some examples from my own research in southern Africa, mainly Botswana, and also a brief recent visit to Rwanda, as well as information on the internet, to illustrate general challenges for indigenous peoples' struggle for recognition. I will introduce this presentation with an outline of what I perceive to be the most significant aspects of the term 'indigenous' and how the concept applies to African contexts. I do this because what are now happening in Africa are both part of, and the result of, a very broad international process. Decision made in the United Nations is important for what happens in the remote areas of the Kalahari Desert and the rainforest, and conversely, events in Africa have an impact on international processes. The concept indigenous addresses basic issues of injustice, restitution and reconciliation, and has created a great deal of controversy. This is to be expected, but for that same reason we need to clear on how we use it, whether we speak as academics or as activists.

A universal concept

I will start with some lines from a poem which demonstrates its universal nature and political significance. The following lines were written by a Finnish Saami, but they could equally well have been written by a San Bushman from southern Africa:

They come and ask where your home is,
They come with papers and say this belong to nobody
This is government land, everything belongs to the state.
What shall I say sister, what I shall say brother…
All of this is my home and I carry it in my heart (Valkeapää 1994).

So the international indigenous movement started when people from very different parts of the world and under very different circumstances came together and explored the striking similarities in the oppression they had experienced in the meeting with state structures that came to surround – and in different ways dominate - them. Following in the track of European conquest and colonialisation, conditions in the Americas, Australia, New Zealand and the circumpolar North displayed some striking similarities. The first indigenous umbrella organisation: the *World Council for Indigenous Peoples* (1975) was followed by numerous

regional and national organisations. Advocacy organisations developed from the 1970 onwards: International Working Group for Indigenous Affairs (IWGIA), Survival International and Cultural Survival.

This emergent international movement overlapped with and was inspired by another international movement: the development of universal human rights laws and principle. The indigenous movement made use of human rights instruments and the international and transnational systems of states to challenge political, cultural and economic dominance. (Niezen 2003, Anaya 2004, Minde (Ed) 2008). Central in the process was the establishment of a *United Nations Working Group on Indigenous Populations* (UNWGIP) in 1982, under the Council for Human Rights. The working group proper consisted of five UN appointed experts, but chose to hold their meetings in one of the greatest hall in Geneva's *Palais des Nations* and invited indigenous representatives, advocates and academics to attend the meeting (Eide 2006). For some twenty years the hall and adjacent corridors and lounges became a yearly meeting place where indigenous people could meet and compare experiences, and learn from each other. During the first decade the Working Group prepared a Draft Declaration on the Rights of Indigenous Peoples, a declaration that took another 14 years to be passed by the United Nations. I will return to that. Other landmark events in this period was the passing in 1989 of an ILO *Convention 169 Concerning Indigenous and Tribal Peoples in Independent Countries,* two UN Decades (1995-2001 and 2005-2014), the establishment of a *UN Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous Peoples.* (Rudolfo Stavenhagen and James Anaya) and the establishment in 2002 of a UN Permanent Forum for Indigenous Issues (UNPFII) in New York, directly under the General Assembly. (http://www.un.org/esa/socdev/unpfii/)

In the debates that permeated these events it was widely accepted that self-identification is the critical factor in any definition of 'indigenous'. A study by Martinez Cobo presented in 1986 on *the problem of Discrimination against Indigenous Populations* understood indigenous communities, peoples and nations as

…those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or part of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity (in Simpson 1997:206).

Indeed, many have argued that the formulation of a comprehensive universal definition of 'indigenous' is not possible; the diversity of the world's indigenous peoples is such that some indigenous peoples would invariably be excluded by a legal language. I would suggest, however, that the Cobo study, referred to above, has provided a useful and influential guidance for later debates. Generally, UN documents bring out four principles to be taken into account:

- priority in time, with respect to the occupation and use of a specific territory;

- the voluntary perpetuation of cultural distinctiveness, which may include aspects of language, social organisation, religion and spiritual values, modes of production, laws and institutions;

- an experience of subjugation, marginalisation, dispossession, exclusion or discrimination, whether or not these conditions persist…and

- Self-identification, as well as recognition by other groups, as well as State authorities, as a distinct collectivit. (E/CN.4/Sub.2/ACV.4/1996/2).

If we look at the debates in the UN, we may conclude that ILO Convention 169, and the UN Declaration on the Rights of Indigenous Peoples are rather precise, *not* in a strict listing of criteria, but in a persistent focus on the relationship between indigenous peoples and the encompassing state. If we go back to the working definition, all criteria refer to a relationship: *Before* some other group; *distinct from; marginalised by.* Scheinin observes: "There must be another ethnic group and a power relationship involved before the descendants of the original inhabitants are understood as indigenous in the legal meaning of the term" (quoted in Niezen 2003:20).

Problems of terminology

The question is to what extent there is a universal agreement on this focus? It may clarify to note that the term 'indigenous' is used in two different ways in English.

The concept is frequently used as an adjective to mean 'local', 'native' and 'non-European' (Oxford Dictionary: "native or belonging naturally [to place]"). This is unproblematic when used about e.g. 'indigenous agriculture' or 'indigenous plants', and an increasing literature deal with Traditional Ecological Knowledge (TEK) under a multitude of labels, including Indigenous Knowledge (IK). The other use is codified in ILO and UN documents, and makes a distinction between different degrees of *control* over such resources.

We should also keep in mind that any procedure for singling out one group for special treatment or affirmative action goes against administrative preferences for clear-cut and unambiguous target groups, and disrupts standard administrative routines for equal treatment. The concept of indigenous peoples is therefore perceived by bureaucrats all over the world as a concept that is inconvenient, diffuse and difficult to handle.

Impacts of Globalisation, the Case of Africa

With the internationalisation of indigenous self-identification, continents have been included that present more complex pictures than areas that were subject to 'blue-water' colonialism (referring to Europeans moving across oceans to conquer new territories). In this global picture, Africa and much of Asia, represent special conceptual challenges.

The dominant position of white colonial forces left *all* of black Africa in a subordinate position that in many respects was similar to the position of indigenous peoples elsewhere. Compared to the colonial powers *all* native Africans were (a) first comers, (b) non-dominant and (c) different in culture from the white impostors. Moreover, local people were associated with 'nature' and 'traditional lifestyles', in contrast to the control over technology, manufacturing and development which was associated with the intruders. Thus, the dominant black/white dichotomy in Africa tended to reinforce the notion that all native Africans were 'indigenous'.

The important difference from most of the situations mentioned earlier (the settler states) is that eventually white colonial forces withdrew from Africa. Accordingly, many national politicians argue strongly that *all Africans are indigenous*, or alternatively, that this distinction *does not apply to the African continent*. (Saugestad 2001)

Neither position helps us to analyse the complex internal relationships in parts of Africa.

In many African countries, minority ethnic groups have historically occupied inaccessible regions, often geographically isolated and socially marginalised, and with their cultures distinct from the national hegemonic model. These minorities suffer various forms of exploitation and domination within national economic and political structures that continues to stigmatise pastoralist and hunter-gatherer communities as backwards and unproductive. A concept is needed in international law analysing such types of internal asymmetric relations that have persisted *after* the liberation from colonial dominance (Crawhall 2011).

Remote Area Development in Botswana

My own personal experience in Botswana may illustrate this point. As a NORAD expert in 1992-93, I was seconded as a research facilitator to a programme within the Botswana Ministry of Local Government, called Remote Area Development. 'Remote Area Dwellers' was a euphemism for the country's geographically and socially marginalised indigenous minority, called San, Bushmen, Basarwa or, in their own languages, Ju|'hoansi, Naro, |Gui, Kua and a dozen other names. The attitude in Botswana was (and still is) that all people born in a country are indigenous. At Independence in 1966, Botswana wanted to distance the country as far as possible from its neighbouring apartheid South Africa. The constitution adopted and the policies that followed rejected any recognition of distinct cultures, traditions, or languages.

The result was not a country *without* culture, tradition or language; but the hegemony of *one* majority culture, *one* dominant tradition and *one* national language of instruction. The national culture is taken to be synonymous with the majority Tswana culture that provides a neutral all-embracing identity, and serves as the yardstick against which citizenship and adequate performance are measured. This way of implementing equality results in a *de facto* discrimination of those not fitting into the majority mould.

To understand the impact of the policy, we need to look at the official definition of the target group, in other words the image of the San that informed the policy. Remote Area Dwellers are basically defined as citizens who live in small communities outside traditional villages, who tend to be poor, to have inadequate access to land and water, to be culturally and linguistically distinct, to have egalitarian political structures, and to be a 'silent' sector politically (Saugestad 2001:125). This is a descriptive definition that reads like a catalogue of social problems. The target group is not defined in cultural terms, but according to socio-economic characteristics. The few cultural characteristics that are included are perceived as part of the problem: it is a *problem* not to speak the majority language, Setswana, and a *problem* to have an egalitarian political structure. The emphasis is on what the target group *is lacking*, in terms of access to resources and a leadership structure that is compatible with modern bureaucratic requirements. Thus the policy not only defines a situation of scarcity, it also defines a target group in terms of its perceived shortcomings and defects.

Addressing the root causes implies a different definition of the situation. It means to challenge the dominating rules, whereby the society allocate people different value and unequal position in

society and reward cultural qualifications and skills differently. The indigenous struggle seeks to change this.

The UN Declaration on the Rights of Indigenous Peoples

I use the Botswana development programme as an illustration of the kind of relations that lead indigenous peoples to question the way they were treated within the states that they had become subject to... These reflections brought about organisations on local, national and global levels. African Indigenous peoples only joined this process in the 1990s, and both the resistance from governments and the opportunities provided by the process in the Unites Nations and other transnational meeting places were different from that of the pioneer generation one or two decades earlier.

Inspired by the global movement, the African commission on Human and Peoples' Rights (ACHPR) appointed a *Working Group of Experts on Indigenous Populations/Communities* and adopted their report in 2003. This report analyses the human rights situation of indigenous peoples and communities in Africa, and notes that Articles 20 and 22 of the African Charter emphasize that all people shall have the right to existence and to the social, economic and cultural development of their own choice and in conformity with their own identity. It concludes that such fundamental collective rights are to a large extent denied to indigenous peoples (http://www.iwgia.org/publications/search-pubs?publication_id=116)

The same sentiments are expressed in the UN Declaration on the Rights of Indigenous Peoples, adopted by the UN General assembly in September 2007. http://www.un.org/esa/socdev/unpfii/en/drip.html Although this is a non-binding document, it sets an important normative standard as it reiterates and emphasise the International Covenants on Political and Civil Rights and the Covenant on Economic, Social and Cultural Rights. The Declaration applies these rights specifically to the position of Indigenous Peoples, specifying their rights to self-determination and respect for internal cultural diversity (Henriksen Ed. 2008). The Declaration is considered a major achievement in global human rights policy making by including non-dominant peoples as right holders of , addressing centuries of discrimination and harm committed under colonialism, and more recently associated with economic globalisation, and is of special relevance for Africa (Kipuri 2009, Hays and Biesele 2011, Crawhall 2011).

Impact of International Mechanisms on Indigenous Rights: The San of Botswana

Two court cases can reflect the significance of this international process for land and livelihood of indigenous peoples in Africa. The first is a court case in Botswana 2004-2006, concerning the Central Kalahari Game Reserve (CKGR). The case was raised by a group of |Gui and ||Gana San and some Bakgalagadi, claiming their rights to stay in their traditional territory, which had been declared a Game Reserve in 1961, to protect wildlife resources and reserve land for traditional use by hunter-gatherer communities. International solidarity and an indigenous rights perspective were the motivational force when the case was first raised. The outcome of the case was interpreted as a significant step forward for the rights of indigenous peoples. Yet, for the San of Botswana, most matters remain unchanged, and the victory has brought some symbolic but no material gain (Saugestad 2011).

The case was raised in 2004 by former residents of the Reserve who had been relocated in 1996 and 2002. They pleaded their right to stay on in their traditional territories, and claimed that they did not relocate voluntary. They asked that basic services (water, mobile clinic, destitute rations) that had been withdrawn to be restored. After two years of protracted proceedings, the High Court ruled in 2006 that the residents had lawfully occupied the land and were unlawfully deprived of it without their consent. The Court also ruled that it was unlawful and unconstitutional to deny residents entry into the CKGR. This was perceived as a considerable victory. However, the High Court also ruled that the termination of services was neither unlawful nor unconstitutional, and decided that the Government was not obliged to restore basic and essential services. In sum the ruling, which called for the government to pay more attention to the views of the applicants, did not specifically refer to emerging international law on indigenous land rights and native title but on the arbitrary and improper implementation of existing statutory laws and regulations.

The government failed to implement the rulings in favour of the applicants, and applied instead severe bureaucratic restrictions on their right to return and live on their land. In retrospect it must also be recognised that although the recognition of the right to continue residing in the CKGR was the most important in principle, the seemingly more trivial issue of withholding basic services has turned out to be a most significant factor. More than refusing to provide water as a basic right, the government actively denied access to water, by capping the one good borehole in the reserve and intricate restrictions on bringing in water for personal use. (After further years of litigation, supported by the international community including UN Special Rapporteur James Anaya, this borehole is now opened again).

The are many reasons for this government foot-dragging, but the role played by the international NGO Survival International (SI) , that funded most of the court case, is probably significant. Survival International waged a highly publicised campaign against the relocation, arguing that relocation was undertaken to make way for diamond mining and called for international boycott of Botswana's tourism and diamond industry, the two main sources of national revenue. They further accused national support and advocacy NGOs for selling out to the government by not accepting that mining interest was the main cause of relocation. Most observers assumed that diamond mining would take place if (a when) it would be deemed profitable, independently of the relocating of the San.

Survival International´s framing of the relocation, and a confrontational style vis-à-vis the government, was met with considerable criticism not only from government circles but also from the liberal section of civil society in Botswana, including the loosely organised Human Rights based coalition that sought to prevent relocation, and initiated the court proceedings.

Thus, the case has come to illustrate both the strength and the weakness of international solidarity. International support fuelled the process, but the campaign waged by Survival International had more success on the global scene than it had nationally. Put simply their confrontational strategy created an ambivalent or outright negative public support for the issues raised by the case. Ironically, more than support, this strategy produced a conservative 'right or wrong – my country' reaction. Obviously, the main objective of a court case is a legal victory. However, in cases such is this public opinion is also a concern. The applicants can win or lose a case, but they can also win or lose public support. *Indigenous rights are depending on the latter as much as on the former*

The CKGR was a pioneer case to bring up the issue of indigenous rights in Africa.

It started before the UN Declaration was in place, and demonstrates both the potentials and the pitfalls of collaboration between global and local organisations. The other case draws on these and similar experiences and seems to have succeeded better.

Impact of International Mechanisms on Indigenous Rights: The Endorois of Kenya

In January 2010 news flashed across the globe about a decision made by the African Commission of Human Rights, on violation of several articles (1, 8, 14, 17, 21 and 22) of the African Charter. The Commission recommends that the Respondent State, in this case Kenya:

- Recognise rights of ownership to the Endorois and restitute Endorois ancestral land.

- Ensure that the Endorois community has unrestricted access to Lake Bogoria and surrounding sites for religious and cultural rites, and for grazing their cattle.

- Pay adequate compensation to the community for the loss suffered. (http://jurist.org/thisday/2011/02/african-rights-commission-ruled-kenya-illegally-evicted-indigenous.php accessed 22.06.2011)

The Endorois are a group of 60 000 pastoralists who were removed from their land around the Lake Bogoria between 1972 and 1979 as the Kenyan government made plans to develop the region by opening it for tourism. More specifically they had to pave way for a *Lake Bogoria Game Reserve*. The consequence of this eviction was that the Endorois lost access to crucial pastures water, and medical plants only found at the edges of the lake, as well as sites for ritual occasions.

The case was bought forward by the Centre for Minority Rights Development (CEMIRIDE) and Minority Rights Group International (MRG) and the decision was hailed as a landmark ruling by both national and international human rights organisations, the media and donor community. The decision was seen to represent a significant step for indigenous rights recognition and protection in Africa. According to legal expertise the African Commission finds unequivocally that "the Endorois as an indigenous community constitutes a legal personae and are hence capable of being imbued with rights within the meaning of article 21 of the African Charter, which provides that 'all peoples shall freely dispose of their wealth and natural resources… [And] in no cases shall people be deprived of it." (http:allafrica.com/stories/201004150930.html?viewall=1 accessed 23.06.2011)

While acknowledging that the establishment of a game reserve is a legitimate aim and serve a public need, the Commission found that the complete eviction and denial of the community from their ancestral land was disproportionate to this purpose. In other words: the creation of the national park did not need to preclude the Endorois and could have been accomplished by alternative means proportionate to the public needs for tourism infrastructure.

According to legal counsel Korir Sing'Oei Abraham, "acknowledging that article 14 of the African Charter extends beyond individual property based on state-sanctioned titles to encompass collective grounded on cultural norms, the commission has revisited the post colonial discourse and the need to re-assess colonial land relations that continue to contribute

to present inequalities often leading to violent conflicts."
http://allafrica.com/stories/printable/201004150930.html

The success was a function of a strategy to anchor the struggle for property, natural resources and development rights on a claim for indigenous status, and was helped by recent developments in the national, regional and international human rights terrain. At the national level, the Kenya National Commission on Human Rights had been instrumental in engaging the state, and the process towards a new constitution with better protection of minority rights was underway.

While the court case in Botswana may have impacted negatively on the African Groups engagement in the debates on the Declaration of the Rights of Indigenous Peoples (causing a deferment of decision from 2006 to 2007), the adoption in 2007 provided a formal endorsement, among others thanks to an active role of the African Commission.

However, while it is clear that that the judicialisation of the Endorois claims has already amplified indigenous people's rights, the substantial benefits to the community of the decision remain dependent on Kenya's full implementation of the legal recommendations of the commission. The most recent report (IWGIA Yearbook 2011:413) confirms that good intentions are not the same as actions:

The ruling spells the beginning of a brighter future for indigenous peoples' movement in the region. However, although the Commission required Kenya to take steps to return the Endorois' land and compensate them within three months of the date of the ruling, one year on, implementation of the ruling remains a mirage.

Indigenous 'Invisibility' in Botswana and Rwanda

I will conclude by drawing some comparisons between Botswana and Rwanda. Few African countries have a more different recent history: Botswana had an exceptionally peaceful transition from protectorate to independence; Rwanda has a turbulent history before and an even more gruesome history of civil war and genocide after. Still, the two countries share some common features in the way their indigenous minorities are rendered invisible through the use of language.

Late pre-colonial and colonial history gives us a picture of a highly stratified society with (royal) Tutsi on the top, Hutu, (farmers) in the middle, Twa at the bottom (Taylor 2004) as

hunter gatherers, Twa were early prone to discrimination by cultivators and pastoralists alike. With the clearing of forests, Twa became more prone to discrimination in the sense that they were forced out of the forests. Colonial rule quantified and froze local categories in a 1933-4 census that divided Rwandans into three 'ethno-racial' groups: the Hutu 84%, Tutsi 15% and Twa 1%. The low proportion of Twa is some of the explanation of contemporary invisibility. But equally important has been the colonial legacy that cemented this stratification, and led to a civil war 1990-93, the genocide in 1994, (and ensuing reprisals in the years to follow).Although the majority of Twa do no longer occupy the forest (most of which have been turned into reserves), they are associated with the non-cultivated bush, and with soil and thus impurity, due to their skills in pottery-making.

There are currently extremely strong prohibitions on expressions of ethnic identity. The most explicit examples are a law in 2001 instituting punishment for offences of discrimination and sectarianism, meaning "the use of any speech, written statement, or action that divides people that are likely to spark conflicts among people, or that causes an uprising which might degenerate into strife among peoples based on discrimination" and a law on 'Divisionism' in 2002 designed to secure peace and 'build a new nation' after the 1994 genocide and civil war, as well as a law on' Genocide ideology' 2008. 50 years imprisonment is a worst case scenario. (Waldorf 2009, Eide 2011)

Despite these restrictive laws, NGOS that aim to improve the socio-economical situation of 'vulnerable Rwandans' are tolerated, as long as no references to 'indigenous', their 'rights' or 'culture' are made. The politically correct terminology has moved from 'Rwandan poor' to 'historically marginalised' or 'vulnerable'. Significantly, the their most active organisation COPORWA - (*Communaute des potiers du Rwanda*), was initially called CAURVA (*Communite des autochtones du Rwanda*). It started 1995, changed name in 2007 due to official injunction with reference to the above mentioned laws.

Why this extreme aversion to ethnic labels? A violent history cannot provide the full explanation, as we have seen that peaceful Botswana also prefer the term Remote Area Dwellers for its minority.

If we go back in African history for a moment we see that in African colonial ethnography two peoples stand out in the types of pejorative descriptions they have been subject to: the Pygmies and the Bushmen. Influenced by Social Darwinism, they were seen to "serve as a sort of zero in the thermometer of civilisation – a point from which there is a gradual rise

towards perfection" (Edinburgh Review 1937 in Kidd 2009). And there is a striking similarity in western/colonial (and neighbouring tribes') stereotypes about small peoples (San, Twa), that are seemingly moving around with no fixed abode, and described as small ugly dirty, backward, untrustworthy and less than human.

Such stereotypes abide, but in different forms. Modern, presumably democratic systems do recognise that processes of social exclusion takes place, and there are programmes in place that seek to address the process of marginalisation on the ground. It is a challenge for bureaucracies to find a terminology that recognises these peoples as special cases, without specifically saying so. It seems to be a pattern in the euphemisms, paraphrasing that are being used. Assuming good intentions, the new terminology has to be positive or at least neutral. Hence Remote Area Dwellers and Historically Marginalised Communities.

On one level this works. To some extent the speakers agree on the same definitions, i.e. who they are talking about. But there is a silence – even denial - of identity that is problematic. I will argue that the 'politically correct' terminology is s counterproductive to development and good governance, because of the inbuilt ambiguities, and the lack of commitments that such terms infer. An alternative report to CERD (UNPO 2011:7) quotes a frustrated Twa who at a meeting had referred to promises made by the government to 'Historically Marginalised Communities' whereupon the big-shot official responded "maybe the Historically Marginalised Communities also involve women - who told you [they] are the Batwa?" A different type of example is the anti-thatch campaign.

Anti-thatch

This last year Rwanda has engaged in an 'anti thatch' campaign that has attracted considerable attention. The complex – or not so complex – reason is that thatched roofs are assign of poverty, an in addition unhealthy, unhygienic and inadequate as protection for the rain. The government states: "It is about decent housing for all, no one is left homeless"

(http://www.survivalinternational.org/news/7154 accessed 22.06.2011)

As part of a modernisation and development campaign the government is providing corrugated metal roof sheets for upgrading of thatched huts. This takes place for instance when President Paul Kagame visits a community, and as a token of the government's commitment to modernisation presents roof sheets to the local council, to distribute to the needy.

The unspoken fact behind this process is that by and large thatched houses are the homes of Twa. An official overseeing the anti-thatch programme told journalists:

"For anyone to still be in thatched houses up to now only means that it is their general attitudes to prefer to live in grass thatched houses. Some of them just do not want to changes, but we cannot let these drag everyone else back" (http://www.survivalinternational.org/news/7303 accessed 22.06.2011)

Said a social welfare secretary: "These people used to live in very peculiar conditions, but with time these people and these living conditions were coupled with bad relationships with other Rwandans. With time running, the government tried to help them". And he elaborates on the vulnerable group: "As we all know change is a gradual process. So they have how I can call it, rigidity. But we are mobilizing to change their characters" (Interview 2010)

The UN racial discrimination committee has urged the Rwandan government to facilitate access to adequate housing for Twa, particularly by avoiding forced evictions without consultation and without offering alternative housing.

I consider this an action that express underlying attitude. The last bastion for indigenous emancipation is not violence, which, if not prevented at least condemned by the international community. It is not even formal discrimination, as no country has written discriminatory laws. It is a pervading attitude that still exists that indigenous peoples and their lifeways represent a *deviance* from prevailing norms and ideas about modernity. The same attitude was expressed by a minister in Botswana in defence of the relocation from the Central Kalahari Game reserve. "What remains is for these people to be allowed to resettle, re-establish themselves and lead *normal and decent lives* without interference" (*Mmegi* 22.02.2002, emphasis added).

In theory, civic nations are claimed to be democratically inclusive and ethno-culturally neutral. In practice this requires tolerance of a new kind. A constructive minority policy can only be developed through consultation, which again requires independent, representative organisations that can negotiate. Recognition of this condition implies a re-codification of a relationship from one of dominance of one group and subordination of another, to one of mutual respect between different but equal partners. Africa comes late into this process but things are happening at an accelerating rate, and like the genie that came out of the lamp, African Indigenous peoples will not stop in their quest for equity.

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Being indigenous in southern Africa 20 years after apartheid

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Introduction

It is a great pleasure to contribute to this conference on "els pobles indígenes a l'àfrica" organized by the Centre for African Studies in Barcelona. One outstanding feature of this conference is that it does not only provide a flashlight view of the current situation but that it adds a deeper time perspective. In anthropology we now emphasize that the notion of "indigenousness" is a relational one, that is to say people are indigenous always (and only) with regard to a particular historical situation and in a particular constellation with regard to other groups. This point is only properly brought back home if we can show how reference to the notion of "indigenousness" has changed with changing relations, situations and constellations. In this contribution I am to do this with regard to the case of the San in southern Africa, more specifically with regard to the situation of San in southern Africa 20 years after apartheid. It is also important to note that this conference has brought together different voices on this topic, the voices of indigenous people themselves and those of external observers. My contribution therefore complements a more experiential account of what it is like to be indigenous in the everyday political struggle in southern Africa today as provided by Victoria Haraseb in her contribution to this event. Again, if indigenousness is relational we may expect that accounts differ depending on where one stands with regard to the relevant relations concerned. We may expect not only differences of "opinions" but rather differences of perspective depending on whether one is positioned as a member of an indigenous peoples' rights association or whether one interacts with these associations from the outside. In my contribution I will try to trace some of the developments whereby people and practices came to be identified as "indigenous" in southern Africa, or began to identify themselves as "indigenous". My contribution is therefore not so much about "being indigenous" than about "being identified as indigenous". The key idea that I want to convey is that "indigenousness" is a relation that unfolds in particular settings and that, correspondingly, this "case study" from southern Africa is not just one of many similar instances across the world. Rather, we will only understand the general phenomenon of indigeneity if we look

more closely at the spectrum of particular conditions under which it involves. To talk about indigenous people without considering the social environment in which they identify themselves (and are being identified) would be like listening to one hand clapping. Indigenousness can mean very different things depending on what it relates to in any particular situation. Therefore a comparative perspective across regions and a historical perspective across time are very instructive and I thank the organizers of this conference that they provide us with both types of comparison.

The discourse of indigeneity is now so wide-spread that we need to remind ourselves that twenty years ago we did not as yet talk about indigenous people in southern Africa in the way we do now. In this contribution I shall highlight that one important event amongst the many changes in southern Africa during these years is the arrival of this discourse which I will depict as the arrival of two new persons in this region, namely the indigenous person and the corporate legal person. I shall begin my account by outlining the context in which these two persons arrived in southern Africa and how they interact with one another. The indigenous person I am referring to are the representatives of minority groups who were generally lumped together under labels such as "Bushmen", "Basarwa" and "San". The corporate legal person I am referring to are organizations of various forms, development foundations, community-based organizations, conservancies and other non-governmental organizations.

The scene upon arrival

Before I introduce the indigenous person and the corporate legal person as two fairly recent arrivals in southern Africa, it is useful to say a few words about what has not changed, or changed rather little over the last 20 years or even longer. What is not new in southern Africa are processes of exploitation, of marginalization and dispossession both along ethnic lines and across ethnic lines. There are a number of anthropological volumes which cover these aspects in a historical perspective (see Gordon 1992). Exploitation and dispossession in the colonial era affected not only minority groups but the majority of the African population. However, as Robert Gordon (1992) has pointed out the people we now call "San" were most severely hit by these processes.

In my own work on the colonial history (Widlok 2000) I have looked at a court case during the German colonial period (the so-called Leinhos case) which was a legal dispute about a

particular farm in northern Namibia, with descendents of a big game hunter from Europe and an international mining company arguing as to who had the legal right to this land. As the court case proceeded it became a major issue to establish which ethnic group had the right to sell or give away the land in the first place. Which one of the majority Bantu-speaking groups, the Owambo from the north or the Herero further to the south originally held the land rights in this region? Since the particular farm in question was at the margins of both these groups of (agro-)pastoralists who live in this part of Namibia the court consulted colonial "experts" but also members of the various African groups. Looking at these witness accounts today we are left with little doubt that the land in question actually belonged to a group of Hai//om "Bushmen" or "San". However, since almost everyone involved in this court case took it for granted that San did not and could not hold land rights, the only question that the court seriously pursued was to find out whether the San in this area were subjects of Owambo kings or of Herero headmen who would then be considered the "true" original owners. If that point was to be resolved one would have indirect proof that the land was "ultimately" for the Owambo or the Herero to give away to the newcomers from Europe, the conflicting parties in the court case (see Widlok 2000) . What this case shows, is that here - as in many other places - land had changed hands from Africans to newcomers in what in hindsight may be considered criminal or at least dubious ways. But whereas for some groups this was recognized as potentially a problem and as something worth investigating in court, for other groups, above all the various San groups, it was not even recognized as an issue of dispossession. Or to put differently again: to be identified as being subject to colonial dispossession and exploitation presupposes the notion of holding legitimate land rights and other rights to begin with. We are here dealing with a double marginalization of San in the sense that they suffered from colonial violence, as the majority groups did, but that for a long time they were not even recognized as a group who suffered land-loss and loss of self-determination because both colonials and many African groups did not recognize that San groups were holding land rights or other rights in the first place. In the modern legal system recognition as a land owner presupposes that one excludes others from using this land (see Zips-Mairitsch 2009). Cultural practices that allowed shared or overlapping uses of land were disregarded and even led to tacit forms of land annexation. The complex dynamics of this double marginalization of San groups has been described in detail for Namibia at large (Gordon 1992) and at a more regional level, for instance with reference to the Etosha National Park (Dieckmann 2007). The establishment of natural parks in southern Africa is a process of dispossession that, again, has been particularly devastating for people like the Hai//om and it is a chapter in the colonial history that deserves

particular attention since it continues into the present with many nature parks being prime assets of national income but still highly restricted for use by the local population (see Widlok 2010). At the same time nature "conservancies" have become legal entities in Namibia (and different forms of community resource management exist in neighbouring countries) that provide an institutional setting with benefits for some of the indigenous groups, a point to which I shall return below.

The double marginalization of San groups was further aggravated in the transition from the late colonial situation to the post-apartheid era in the early 1990s. Several San groups had been conscripted into the struggle between European settlers and African independence movements, most famously as soldiers in the south African army's fight against the independence movement in Namibia and in other places. In fact, there were also San who fought with the independence movement as I have pointed out in my monograph on the Hai//om living in northern Namibia (see Widlok 1999). Nevertheless, in the public opinion 20 years ago the San, in general terms, were seen to have stood on the "wrong side" of the independence struggle and there is a long shadow to this image. This is in contrast to some political parties, above all SWAPO in Namibia, that continue to thrive on having been on "the right side" and capitalize on this image long after the fact and even though many recent cases of misconduct and power abuse have given rise to critique. A similar longlivety characterizes reservations against San and their claims. In fact the colonial "divide and rule" strategy amplified mutual mistrust that may have existed before and it made for a difficult start for San in the particular historical constellation at the point in time when Namibian independence gained its independence in 1992 and apartheid formally collapsed in southern Africa in 1994. The whole subcontinent had been effected by apartheid in one way or another because special rights were reserved for (and defended by) a minority group of ethnic Europeans. The new laws and practices that came into power as a reaction to the end of apartheid made any special treatment along ethnic lines very difficult if not impossible so that the double marginalization of San could not be addressed directly, continuing their precarious existence across that major historical divide.

To sum up these introductory remarks: Some processes of marginalization and dispossession have a long history in southern Africa and they have a long-term dynamic that we sometimes forget when looking at the current politics of today. In the history books the end of apartheid and the establishment of national independence are major thresholds, and of course they are

hallmarks in many ways. But that does not mean that such events immediately translate into changes and improvements on the ground, within the everyday lives of ordinary people. While one would expect that the establishment of a state of law in southern Africa should provide an improved base for claims for compensation and rehabilitation, the particular setting in post-apartheid southern Africa also had considerable disadvantages for the San. "Indigenousness" was now identified either in terms of Africanness in general (against settlers of European descent) or in terms of citizenship (against other nation states). It was considered a general property of Africans and not yet as a characteristic of an "indigenous person". It is part of my argument that for "indigenous persons" to emerge the arrival of another person, namely various corporate legal persons of the new emerging civil society, was instrumental.

A new arrival: the corporate legal persons

Talking of the corporate legal person as if it was a new creature appearing on the scene raises the question if there none of these persons existing earlier, before the period of the last 20 years under consideration here. And, indeed, corporate legal persons did exist in southern Africa before. I already briefly mentioned the mining companies as a player in legal controversies over the ownership of land during the colonial period. In fact, Namibia was a colony in which the European state, in this case Germany, was initially rather reluctant to spend money on what appeared to be a rather risky endeavour. Instead, the colonization was to a considerable extent driven by companies, in particular mining and trading companies and colonial associations (see Drechsler 1996). In other words, at the onset of colonization the players were not monolithic states or large hordes of many individual land-hungry settlers but for the larger part these players were incorporated legal persons. Huge stretches of land were claimed by mining companies and colonial associations and the few settlers that were initially there (both the *voortrekker* Boers and the German settlers) seem to have a rather precarious existence in comparison.

On the other side of the frontier there were also corporate groups, above all kin-based groups, lineages and clans some of which had grown into larger polities such as the Owambo kingdoms. However, these corporate bodies were not static. They were legal bodies in the sense that they lived on as entities even when individual kings died and individual settlements were given up. But in what has been named "the internal African frontier" there was a continuous process whereby small polities would split up form these centres over time,

initially creating satellite cattleposts which could grow into new polities that became more stable, institutionalized and "incorporated" in the course of time (see Kopytoff 1989). This slow expansive movement brought Bantu-speaking groups into southwestern Africa that was up to then inhabited by what are now called Khoekhoe and San groups. The expanding polities at times recognized the existence of first-comers who had already lived in the area. Owambo kingdoms, for instance, ritually acknowledged the San as first comers by providing them with special status' and special roles at the king's court (see Widlok 1999). However, one feature of the internal African frontier is that the area into which polities expanded was considered not completely unoccupied but still an "institutional vacuum" (Kopytoff 1989), a notion reminiscent to the European doctrine of "terra nullius" (no-one's land).

There is some argument to what extent San groups were subject to the same cultural dynamic of emerging corporate bodies (see Widlok 2000). If such corporate bodies existed (as amongst the Nama, see Hoernlé 1985) we may still ask to what extent they were a product of the need of local groups to come up with "headmen" and "tribes" in a way that was compatible with the intruding African groups and later on with what the colonials were able to handle (see Widlok 1999). Whatever the occurrence of corporate kin groups, it is important to point out that, comparatively speaking, the San groups on the whole appear to have managed fairly well without impersonal legal bodies running their lives. The German colonial administration tried to identify leaders with whom they could make treaties (however dishonest these were) and presumably the external demand amplified leadership positions that otherwise had a rather weak internal standing. There is evidence that many San groups managed their political affairs through largely situational and personal leadership instead of hereditary or otherwise firmly institutionalized leadership positions (see Widlok 1999). Looking at it from a present-day democratic perspective we may argue that San groups therefore often appear much more flexible and open than the rigid and hierarchical structures of other groups in the region, who appear to be based on feudal principles. However, it is also fair to say that in political struggles this apparently "progressive" feature has not been an asset but a problem because those who dominate politics and who set the rules for participating in national and international politics have tended to think and act in terms of corporate groups and fixed leadership positions. While I was doing field research in Namibia after 1990 there were many visits of newly elected government officials and of western NGO representatives to the remote Hai//om settlements and all of them were initially asking questions that amounted to something like "Take me to your leader!", "Who is your representative?" or

"Where does your group boundary end?". These are not "innocent" questions because they force those who are being asked to come up with a political structure that is compatible with the expectations of national politics (and non-governmental politics) which are based on rather particular cultural principles. For southern African San, like many people across the world who are called indigenous, this created some true dilemmas. Either they continued their social relationships along the lines of their own cultural principles of flexibility and decentralized and personalized organization - and remained politically weak as a consequence - or they departed from what had worked well for them internally and adopted instead forms of organization that the other players in the new social environment expected in order to be recognized as partners (see Ingold 2000). During the first few years of Namibian independence I witnessed many occasions in which the new national elite made it clear to San groups that if they wanted to be heard they had to comply to the dominant way of organizing themselves. The San were told that they had to adopt the economy and the political structure of farmers if they wanted to receive land rights and other benefits. There was, in other words, an underlying continuity in the attitude of those holding power over minority groups such as the San between the expanding polities of the internal African frontier and the modernizing nation building endeavours of the post-apartheid era. The social and cultural life of the San was considered to be insufficient, no match to the European colonist but also no match to the fervent nation builder of the independence era. The tone was not necessarily hostile but even when being appreciative still often patronizing. The San had to form corporate organizations for which they were given "training and support in staff management, strategic planning, proposal writing, work plan development, leadership, and financial management" (Wyckoff-Baird 2000:124). In other words, for the indigenous person to take an appropriate position in the larger society, corporate persons had to be in place.

This process can be illustrated by tracing the development of one particular NGO, probably the oldest San NGO in Namibia, the Ju/wa Development Foundation as it was known in the 1980s. The biography of this NGO reflects the growth of corporate relations in Namibia over the last 20 years. When I first encountered the Ju/wa Bushmen Development Foundation in the mid-1980s it was very much identified with its founders filmmakers John Marshall and Claire Ritchie. In fact, John Marshall, like many other outsiders fighting for the rights of indigenous minorities, was considered a "troublemaker" by the South African authorities and, as an American citizen, constantly under danger of not being allowed into the country. Therefore, the establishment of a legal body, the development foundation, was a logical step

towards assuring assistance to the "Ju/wasi Bushmen" (as they then called themselves) in the forced absence of individual "natural" persons. Similarly, it was a strategic move to found the "Ju/wa Farmer's Union" (later "Ju/wa Farmer's Cooperative") as a local counterpart to the Development Foundation, a truly Namibian body that could not easily be expelled from the country. All three key terms "development", "farmer" and "cooperative" were programmatic and responded to the mix of expectations towards the San, namely that they should modernize (development), that they should turn from hunter-gatherers to farmers and livestock owners (farmer) and that this should be done in an accepted form of corporate communal organization (union, collective).

   With Namibian independence both corporate bodies were renamed into "NyaeNyae Development Foundation" and "NyaeNyae Farmer's Cooperative" respectively, responding to the fact that an ethnic marker (Ju/wa) was no longer acceptable but a regional one (NyaeNyae) was. Moreover the latter was underlining the main objective of the organizations, namely to secure land for the local people of NyaeNyae. Since almost all San groups in the rest of Namibia lived in regions that were ethnically much more heterogeneous than NyaeNyae, that strategy could not easily be followed by other San groups. The other big change during this period was a complete separation between the founding figures and the foundation as a separate entity. Needless to say, given the small size of these organizations influential individuals continued to play an important role but importantly decision making shifted from the level of the community and its individual members to a management committee. After this "application of an international stereotype of leadership and community management" (Biesele quoted in Wyckoff-Baird 2000:118) the organization underwent a number of restructuration phases under the influence of various donor and consultancy agencies (see summary provided by Wyckoff-Baird 2000). After a decade of at times painful changes the Nyae Nyae Farmer's Cooperative was fully integrated into a flourishing NGO scene which included a roof organization, the Working Group of Indigenous Minorities in Southern Africa (WIMSA, see contribution by V. Haraseb). An analysis of one of the first annual reports of WIMSA shows that almost all acronyms used in this report refer to corporate bodies so that "natural" human persons only appear as representatives of this body. In numbers there were 31 governmental agencies (24 national and 7 international) mentioned, another 31 NGOs and 7 CBOs (community based organizations), all of which recent arrivals in Namibia's first ten years of independence (see Widlok 2002). As Wyckoff-Baird (2000) shows, the restructuration also effected other corporate players in the region, above all the

government agencies dealing with nature conservation and wildlife management. And it effected the "traditional leaders" who became recognized as a legal (advisory) body in Namibia. During the decade that followed all these organizations became the driving forces of change affecting the San, not only in the NyaeNyae area but also beyond since the NyaeNyae Farmer's Cooperative served as a role model to other San organizations. The latest development is the registration of NyaeNyae as a conservancy, again with parallel establishment of community-based resources management schemes in other parts of southern Africa.

This example indicates that legal bodies such as NGOs are also living creatures in the sense that they undergo change, they influence one another and they influence the life of ordinary people. It also shows that legal persons such as NGOs generate new legal persons such as local CBOs. The list of acronyms used in the WIMSA annual report mentioned above shows not only how numerous and important these legal persons have become over the years but also that they do not exist in isolation since they form an ever growing network that joins local, national, regional and international players. The external advisors recognize that this situation creates a dilemma for indigenous people because the community-based programmes require considerable external input in order to work, input that can easily "subvert" the community itself (Murphree quoted in Wyckoff-Baird 2000:129). Or, to put it into more neutral terms, "the indigenous community" is no natural kind but it is a product of particular relationships developing under particular circumstances.

To sum up this point: While manifestations of legal corporate bodies existed in southern Africa before, their number has increased dramatically over the last 20 years and they have been established also amongst indigenous groups who did quite well without them in the past but who are now forced to create these new forms of legal persons. And creating these persons has its own problems as the many continuing conflicts surrounding San representative bodies attests. There is obviously a danger of trying to live a life without strong legal bodies, be they community based organizations or similar bodies, that help to back up one's case. However, there is also a very real danger, underestimated I think, of having to live your life and having to make your political claims with the help of legal bodies that have the potential to divide instead of unite people, that create new dependencies and inequalities (above all internally) while they were originally "invented" to decrease dependency and inequality. This problem is not limited to indigenous groups in southern Africa and not even to indigenous groups world

wide. Dealing with impersonal institutions that are dominated by corporate legal persons such as lobby groups is also not unproblematic in Europe and elsewhere. It is a point where the problems of indigenous people merge with those of other "natural" persons in other countries.

The indigenous person

After having underlined the general problematic of emerging corporate persons it also needs emphasizing that these persons have a particular relationship with the second person that I want to turn to now, namely the indigenous person. For one, the perspective of indigenous people towards corporate persons appears to differ from that of non-indigenous people. This difference in perspective frequently surfaces in conflicts within organizations in which both groups interact. Differences in perspective between "locals" and "externals" can also be made explicit with the help of simple exploratory field experiments. When I asked indigenous and non-indigenous members working in these organizations to draw a picture of their organization the results were strikingly different. The expatriate consultant drew an organigramme that was devoid of actual persons, highlighting instead the "politically correct" (if historically incorrect) sequence whereby community-based organizations constitute the grass-roots bodies from which the roof organizations grow and towards whom the international partners reach out. The local employee, by contrast, identified (sub-)organizations with the main natural person who took office in these bodies and drew a (historically correct) sequence of who appeared first on the scene and gave rise to others.

At this point we may consider, in analogy to the discussion above, to what extent there were indigenous persons on the scene even before the term began to gain currency in southern Africa and before externally funded and founded organizations gave an institutional home to indigenous people. As already mentioned there is evidence that at least some of the African polities recognized San groups as the "firstcomers" who were said to have had a specially powerful link to the land by virtue of their having been there first and who consequently also deserved special treatment and respect by the "latecomers". However, this was no longer the dominant view 20 years ago, neither among Africans in power nor among academics. At that time a dominant voice, or at least a very loud voice, in southern African studies known as "revisionism" highlighted the constructed nature of ethnic labels and the systemic (re)production of status and identity in the larger social formations. The revisionists did that at the expense of any recognition of a continuity of cultural diversity and ultimately also at the

expense of anyone wanting to claim indigenous status in southern Africa (for a discussion see Barnard 2007, Widlok 2004). At its extreme the "revisionist" position claimed that San were not a group with genuinely different cultural roots in comparison with the majority groups but rather a category that was only created in the process of exclusion and ethnicization, a category ultimately without substance. From this perspective there simply were no Bushmen or San since these were figments of the European imagination. In other words, it was claimed that what united "San" groups was not a shared cultural heritage of old but their current status as "the poorest of the poor" and a shared history of exclusion that was only couched in ethnic terms to make it appear to be "natural" (see my critique of this approach in Widlok 2004). If we want to once again invoke the image of relational indigeneity as two hands clapping, revisionism - just like essentialism - only recognized one hand (even though the opposite one). The indigenous person was not thought of a relation of clapping hands but instead there was only one hand, variously envisaged as the hand of colonization or of other forms of exploitation that was slapping the rest and that was setting the tone for everyone, maybe to be envisaged in solitary drumming rather than in hand-clapping.

It appears to be ironic that by the time the international discourse of indigeneity came to southern Africa there was a strong tendency to disclaim that groups that we now call "San" were indeed indigenous in the sense that other minorities in settler colonies such as Australia or Canada claimed they were indigenous. Moreover this was not just an academic debate but it was also played out in national and international politics. When the political channelization of ethnicity, known as apartheid, had just been overcome at the beginning of the 1990s there was a strong reflex against anything that smacked of ethnic identity. It is worthwhile to note that some prominent anti-apartheid politicians such as Desmond Tutu took a different stance by seeing cultural and ethnic identity as finally being freed from the straightjacket of apartheid (see Widlok 1996). However, the majority of the new national elite, certainly in Namibia, was so much engaged in nation building and creating a national identity that indigeneity to them appeared to be a misfit concept, especially if it was applied to minority groups in the country. For many years it became near to impossible to launch any project or initiative aimed at the particular needs of particular ethnic groups since this seemed like a return towards apartheid. Just as San in Botswana had long been officially addressed as RADS (remote area dwellers), the new Namibian government insisted that land reforms and other programmes had to be directed against "the poor" and not towards any particular group. While this took account of the possible abuses of indigineity as a categorization that can be

abused for exclusion (as basically any other categorization) it effectively prevented any critical discussion of ethnic allegiances and ethnic discrimination. Since these ethnic differences had not disappeared but continued under the surface they became now difficult to tackle because their existence was denied (see Widlok 2003, 2007). Again this problem is not limited to the case of indigenous people but it is a fundamental problem of humanistic thinking which relies on a certain abstraction from the particulars of human persons and groups but then faces the problem of reconciling abstract ideas with the particular lives led by people on the ground (see Widlok 2007). Indigineity, if used in the context of group rights, can be used instrumentally as a means of exclusion. It also creates new problems such as the need to reconcile group rights held on the basis of a notion of descent with individual rights held independently of such a notion (see Ingold 2000). As I have pointed out elsewhere (Widlok 2007) these debates cannot be resolved on principle grounds but have to be resolved practically with reference to the particular contexts at hand. This is one of the reasons why Europeans should continue observing what happens in southern Africa, and conversely why southern Africans should keep an eye on developments in other parts of the world. There is the opportunity and the need to learn from one another across continents with regard to these issues. The intricacy of the concept of indigeneity surfaces in particular in attempts to give legal form to the rights of indigenous people (see Zips-Mairitsch 2009). Legal agencies have had great difficulty to define indigenous status in any categorical manner and have therefore settled for an evolving definition that is perceptive to changing conditions. They have highlighted that the rights claimed by indigenous persons are not special rights for a group with exclusive membership. Rather, these rights are based on general rights of personhood that are principally shared by all but which are particularly difficult to realize for some persons in special circumstances and with a history of being denied personhood in the past, in other words typically they are difficult to realize for indigenous persons.

The arrival of the indigenous person in southern Africa is one facet of a more general intercontinental process of learning how to ensure access (to resources and rights) for persons who have been denied such access in the past. Indigenous groups from other continents (Australian Aborigines and Scandinavian Saami among them) have visited southern Africa and have had exchanges with the San. These contacts and the corporate associations for indigenous peoples from the level of the United Nations down to regional organizations have facilitated the arrival of the indigenous person in southern Africa. Many San now readily accept to be identified as "indigenous" because they see how such an identification has helped

people elsewhere to receive recognition and rights that they had not been granted before. However, since claiming indigeneity can have very different implications at different places and at different points in time we may also expect different outcomes in southern Africa. If it is true that indigeneity is a relational concept, then it is likely that it will continue to change as people who identify as indigenous (or are identified by others) continue living in social relationships that unfold over time.

Conclusion

In this contribution I have highlighted the enduring problems that have continued to preoccupy the San of southern Africa over the last 20 years. However, I want to end on a more positive note. When discussing the emergence of a notion of "indigenous person" in anthropology and in politics the focus is usually on the question of what it means to be "indigenous". What sometimes get lost, and what I want to highlight here, is the other part, namely the importance of noting what it means to be "a person". Whatever the outcome of the indigeneity debate will be in the near future, my argument is that for San groups in southern Africa the primary goal, from which indigenous group rights can then be derived, is their recognition as persons. That recognition, unfortunately, does not go without saying, it is not self-evident and it was not common during much of southern Africa's history. The bad treatment that many Hai//om I know object to, is not that they are not treated as indigenous but rather that they are not treated as persons. I am reminded of many discussions I had in Namibia about the question as to which ethnic label one should use, "Bushman" "San" or yet another term. When I put this question to Hai//om individuals the reply I often get is: "We don't mind being called a 'Bushman', the problem is that we are usually called 'dirty Bushman' or 'stupid Bushman'." Or in other words, even if a politically correct term is being used (be it "San" or another collective term) this is of no use if it is linked to adjectives that denigrate the person or that depersonalized the individual.

We need to realize that there is something really peculiar about the notion of person. A person is not like any other categorical identification that we apply. Rather, what we see in many ethical debates about who counts as a person is that being a person is different from identifying an organism in the abstract. It is not sufficient to make up a list of criteria of what a person is, criteria such as "being rational", "being responsible", "having a living human body", "having civic rights". These criteria continue to change and there are many conditions

under which any single criterion may turn out to be unreliable. Ultimately, humans are persons only when they are treated as persons. You become a person not through categorization but through being addressed and responded to as a person (Spaemann 1996). As long as we only refer to others in the third person their status as persons is precarious. This only changes when we address them in the second person and acknowledge them as a being that has a first person perspective like ourselves. Now, we may argue that for southern Africa the arrival of the notion of "indigenous person", with all enduring difficulties surrounding the notion of indigenousness, has had the important effect of San people being addressed and responded to as "persons", often for the first time. Historically speaking this is not a minor achievement and moreover this is one on which future generations can build. When we talk about "indigenous persons", in southern Africa or elsewhere, we need to realize that it is not indigenousness that qualifies or enhances personhood but rather the other way round: Personhood is primary and the notion of indigenousness may be one route towards realizing this personhood but only by underlining how fundamental the notion of person itself is. Over the past 20 years some headway has been made in solving the theoretical issues underlying the status of the San. However, the real test and the real task ahead is to translate these insights into practical measures in a region that is diverse and in settings that are continuously changing.

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Strategies and shifting identities in Northern Ethiopia's borderlands: perspectives of a borderland group Irob

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Strategies and shifting identities in Northern Ethiopia's borderlands: perspectives of a borderland group Irob[i]

The border between Eritrea and Ethiopia changed status frequently since the 19th century up to Eritrea's independence (Triulzi 2006: 7). With the creation of Eritrea as an Italian colony and prior to the incorporation of Ethiopia into the Italian East African Empire, the border defined according to the colonial treaties had crystallized by 1936. However, the border waxed and waned over the decades of their political coexistence. Indeed, the border status shifted from mere internal-administrative marker, to a colonial border, to dissolution, to inter-state border during the one-decade Federation, becoming an internal border again, going through a phase of contested no-man's-land during the civil war and, finally, acquiring the status of an international border between two sovereign states. Prior to the outbreak of hostilities in May 1998 the border had never been delimited or demarcated. For all practical purposes the ethnic groups straddling the border continued with usual daily business regardless of the borderline. For borderland groups Eritrea's independence was of secondary importance in the face of the general sense of security generated by the end of the civil war against the *Derg*.

In the aftermath of the 1998-2000 interstate war between Eritrea and Ethiopia the porous border was transformed into a wall leading to its closure and to the hampering of established movements of people and goods across the border. The ethnic groups straddling the borders particularly affected were those of Northern Ethiopia from Tigray and Afar Regions.

This article draws on original empirical research among a partitioned group, the Saho on the Ethiopian side of the border, the ethnic group referred to as the Irob. The article will shed light on the strategies and shifting identities that a borderland group created in order to adapt to the closure of a previously porous border.

The first part of the article characterizes the borderland group and the places which fall under traditional Irob territory in relation to the process of state formation in Ethiopia and in Eritrea, the

state's trajectory and the extension of its institutions to the rural area under focus: the current Irob woreda.[ii] The second part will assess the legacy of armed conflicts: the civil war that opposed insurgent movements, straddling the border between Ethiopia and Eritrea, to the Marxist military regime known as the *Derg* and the 1998-2000 inter-state border war between Eritrea and Ethiopia. The article will show that the two armed conflicts left different legacies in the rural area and impacted differently in the local social actors' daily lives. Finally, against the background of the two preceding parts the article will analyse the borderland group's strategies and the changes with regard to identities since the one-decade long closure of the border between Eritrea and Ethiopia (2000-2011).

1) The state's trajectory and the extension of state institutions to a rural area: Irob woreda (district)

The local district presently known as Irob woreda is located in Tigray's Region, in the Eastern Zone and its population numbers 31.000, which represents 1.3% of Ethiopia's population. The definition of a local district with the name of the majority ethnic group in this area, the ethnic group referred to as the Irob, corresponds to the political project of state building which the Ethiopia People's Revolutionary Democratic Front (EPRDF) introduced in post-1991 after the overthrow of the *Derg*.

Map 1: Tigray Region (capital : Mekele) Eastern Zone (capital: Adigrat) and Local District (Irob woreda, capital : Dawhan)

The capital of the Tigray Regional State of the Federal Democratic Republic of Ethiopia is Mekele. Tigra's Region is divided in four administrative Zones and the capital corresponds to the fifth Zone. The five Zones, which are referred to as Zoba, are as follows: Western, Eastern, North, South and the Capital. Irob woreda falls under the Eastern Zone. Eastern Zone's capital is in Adigrat. Currently, the Irob woreda has seven '' tabias'' and twenty eight ''kushets''. The '' tabias'' are as follows: Alitena, Indalgueda, Agara Lakoma, Ará, Endamosa, Haraza Sabata and Weratle. The old capital of traditional Irob territory - Alitena – was replaced by a newly built capital in the vicinity in 1997 : Dawhan. But this was not always the case. Indeed, the recognition of Irob's land within the state's administrative structure was a novelty introduced in the context of the EPRDF's political project of state building. In the Imperial Period (Haile Selassie) Ethiopia was divided in 14 Provinces, Tigray was a Province at that time. Tigray was divided in 8 administrative units called ''Awaraja''. The Areas where traditional Irob land is located were under the administration of Agame ''awaraja'' with Adigrat as the capital. In the Derg Period Tigray was divided in 11 ''awarajas''. Due to the intensity of insurgent movements in Eritrea, Tigray and in the Ogaden in 1987 the Derg created 5 autonomous administrative regions: Eritrea, Tigray, Assab, Dire Dawa and Ogaden (Bureau, 1988: 13-16). During this period Tigray, due to the rise of insurgent movements in Tigray , their increasing ascendancy and legitimacy, was submitted to a tripartite-administration: 1) the urban areas along the limited infra-structure of roads which remained under the Derg's control; 2) the villages (tabias) and small places (kushets) which were under the main insurgent movement's control, the Tigray People's Liberation Front (TPLF) and 3) *terra nullis* (no man's land) which comprised peripheral and remote areas of very difficult access. Many of the localities under current Irob *woreda* fell under either category 2 or 3.

The post-1991 Federal model marks a significant rupture with the previous political projects of state building and had manifold implication for Irob as this part of the article will show. The post-1991 transition envisaged the implementation of an ethnic-based Federal model. This model was based on the principle of equality between the diversity of groups which compose Ethiopia's social formation. The model's aim was to reflect the multi-linguistic, multi-ethnic and multi-confessional character of Ethiopia's state. In order to overcome the centrifugal pull exercised by the periphery over the centre the Federal model was based on the principle of autonomy's devolution to the regions and local districts under the banner of decentralization.

The ethnic-based federal model aimed to rebuild the state in a way that would reflect the distribution of the various nationalities of Ethiopia. Article 39 of the new Constitution recognised even the right of secession to the nations, nationalities and peoples of Ethiopia. In this sense, the nationalities' concept in the 1994 Constitution implies the recognition of the multinational character of the state. In practice, the Constitution recognizes each citizen as an Ethiopian (national identity) and as identified with the majority ethnic group in its Region, Zone or local district – *woreda*. In this sense nationalities should be interpreted as sub-nationalities as synonymous of ethnic groups. The different administrative units and the internal boundaries between them were redefined and delimited in accordance with the distribution of the different ethnic groups in each Region and local administrative units. However, in Ethiopia's case the ethnic distribution is not geographically consolidated or in an homogenous fashion in each region. The logic underlying the expansion of the state since the 19th century, namely with Emperor Menelik II, was one of subordinating the *foci* of opposition to the central state through expansion and incorporation of peripheral groups. This logic was reproduced and consolidated by the subsequent regimes. Adding to this logic of expansion, the voluntary and forced processes of migration during the imperial regimes, the Italian occupation (1936-1941) and the Marxist military regime resulted in the geographical scattering of various ethnic groups (Donham and James, 1986; James et al., 2002; Turton, 2006). Finally, the previous political projects of statebuilding were framed around the principle of subordinating all other sources of identity to the national identity and Amharic took precedence over all other languages as the *lingua franca* of the Ethiopian state.

The Irob and their traditional territory had remained in the periphery of the state until very recently, as the next section of the article will show. In order to understanding the process of extending the state's institutions and representatives to this rural borderland area both the relationship between Ethiopia and Eritrea's state trajectories and the positioning of this ethnic group vis-à-vis the border between Ethiopia and Eritrea are central. But, first, the next section will introduce the Irob's myth of origins, their sources of identification and the sub-group of the Bukenayto. This clan is of particular importance as the author gathered most of the data for the present article through participant observation, group and semi-structured interviews among the Irob Bukenayto during fieldwork in November 2010, as mentioned in the introductory section.

The Irob's myth(s) of origin and sources of identity

In the 19th century one of Irob's families, that of Soubagadis, played a critical role in Tigray's power reconfiguration and in the regional history of political rivalries. *Dedjatch* Soubagadis (1816-1830) managed to gain ascendancy over other potential candidates through his warrior's skills and political astuteness. For Irob, as a minority group in Tigray, this marked a moment of political ascendancy in a region dominated by the majority ethnic group: the Tigrayans.

The sources and contemporary oral narratives differ in terms of the origins of the Irob. The Irob do not identify themselves with the other seven Saho clans that converted to Islam. One line defends that they are the descendants of Greeks who arrived in the current Eritrean port – Adulis- and hence their name Irob which in local pronunciation resembles the word Europe. Another line of oral tradition links them to the word Rome. A last line links Irob to the word in Saho which means: return to the origins. Perhaps it is no coincidence that the myth of origins links Irob to Europe, as one of its lineages (Irob Bukenayto) converted to Catholicism since the foundation of a lazarist mission by French priests in the traditional capital of their homeland – in Alitena – circa 1846. The other two lineages, Irob Adgade and Irob Hasaballa remain loyal to the Christian Orthodox tradition of the Ethiopian state and part of Irob Hasaballa converted to Islam(Irob, 2007: 187).[iii]

The regional political ascendancy of one of Irob's families' representative, as mentioned before, marked a positive affirmation of members of this group as social actors in Tigray's political space. Soubagadis's father had the merit of bringing together supporters from the three Irob families - Bukenayto, Hasaballa and Adgade (Coulbeaux, 1929: 381). The division in three families of this sub-group of the Saho follows the principle of descent of one of the three brothers and leaders of the aforementioned clans.

In terms of social organization and of the lineage traditional political units the three families are referred to as '' Are'' which literally means House or place of residence according to the tradition of descent of one of the three lineages' traditional authorities. The leader of each clan is referred to as ''Ona'' and is elected for life. A council of five elders or of other members' of recognized prestige within the group is responsible for the final decision. This position of ''Ona'' has predominantly remained within certain families and/or sub-clans in a line of continuity. The assemblage of the representatives of each group and other important meetings

and ceremonies has traditionally been held in the old capital of Irob – Alitena[iv] – in a place called Dalubeta. In another place within Irob traditional territory, in Weratle, this traditional place of assemblage is located by the clinic under a centenary-old tree and is known as Indharta Daga.

In terms of socio-economic organization, in distinction with other Saho sub-groups that tend to remain nomads and dedicated to transhumant pastoralist activities, the Irob are sedentary and engaged in agriculture and cattle breeding.

Their language Saho is a Cushitic language, as is the case with Somali, Oromifa, Afar and other languages in the Horn of Africa (Lewis, 1998: 176). Indeed, their language is very close to Afar. However, while Afar follows the Latin script, Saho follows the Ge'ez script.

More recently, especially since the international recognition of Eritrea as a sovereign state (formally in 1993) an interesting distinction has emerged according to one local informant:

'' In Eritrea, Saho refers to people and language. In Ethiopia, Saho means language, not people.[v]''

In order to understanding another source of identity of this group and the emergency and consolidation of a distinction of the Saho who remained associated with the Ethiopian state, as the Irob (Lewis, 1998: 176), the next section will look into the divergent state trajectories' of the Ethiopian and Eritrean states.

The Irob in relation to Ethiopia and Eritrea states' trajectories and to the border

Ethiopia with the exception of the period of Italian occupation (1936-1941) was not under colonial rule as the majority of the states in Sub-Sahara Africa. Eritrea, in contrast, embarked upon a divergent trajectory of state formation with the beginning of Italian colonial rule in 1890.

Ethiopia and Eritrea were both part of the Abyssinian Empire thus sharing a common history, among other traits[vi], until Italy colonized Eritrea (1890-1941). However, as Jacquin-Berdal rightly claims (quoting Halliday and Molyneux, 1981) ''neither Eritrea nor Ethiopia as presently constituted existed in the pre-colonial period'' (Halliday and Molyneux cited in Jacquin-Berdal,

2002, p. 85). When Ethiopia defeated the invading Italian Army at the historical battle of Adwa (1896) and Italy was forced to shelve its plan to expand further south of the Mereb river (the river between Eritrea and Ethiopia) the two countries followed divergent trajectories. However, the groups north and south of the Mereb, especially the ones based in the Ethiopian region of Tigray continued to cross the border to inter-marry, to visit relatives, to attend weddings and funerals, to worship, to seek for job opportunities beyond agriculture, to trade and to search for pasture and water (Alemseged Abbay, 1997). In summary, the creation of the Italian colony did not prevent groups who were separated by the border (which similarly to other ex-colonies in Africa remained porous) from continuing with their daily lives among their kin across the border. But the period of Italian colonial rule did transform Eritrean society and contributed to the creation of a sense of difference among groups within Eritrea with regard to the southern neighbouring country.

Between 1936 and 1941, when Italy invaded and occupied Ethiopia, although Addis Ababa was the capital of the Italian East African Empire, Eritrea remained the main commercial and economic centre. Indeed, by 1940, 54,8 percent of the industrial firms of the Italian Empire were located in Eritrea, while 30,6 percent were located in the remaining Ethiopian Provinces ('Shewa, Harar, Amara and Oromo & Sidamo') and the remaining 14,6 percent were located in Somalia's Italian colony. With regard to commercial firms Eritrea's economic prominence within the Italian East African Empire was again undisputable: 56,2 percent of the firms were located in Eritrea, with 30 percent in the remaining Ethiopian Provinces and 13,8 percent in Somalia.

As a consequence of the opportunities available in the Italian Eritrean colony, for most of the twentieth century the peasants from neighbouring Ethiopia, mainly from Tigray, also migrated North (to Eritrea and especially to the capital, Asmara) when in need of supplementary income (Young, 1997, p. 72).

The borderland groups, like the Tigrayans, the Kunama, the Saho-Irob and the Saho-Afar, as was the case in other borderland areas in Africa, were artificially divided by the border introduced with the creation of the Italian colony of Eritrea.

Indeed, as several interviewees mentioned reflecting local interpretations and narratives: ''Eritrea did not exist. It was Ethiopia[vii].''

With Italy's defeat during World War II, Britain administered the ex-Italian colony until Eritrea's future was determined (1941-1952). The destiny of Eritrea was fixed by the United Nations Resolution 390 A (V) of 1952 which established its status as an autonomous region within the Federation with Ethiopia (1952-1962). However, the progressive deterioration of the federal arrangements and Ethiopia's final abrogation of the Federation sparked dissent and contributed to the emergency of the armed struggle. Ethiopia forcefully incorporated Eritrea as its fourteenth Governorate or Province.

The war for Eritrea's independence lasted until the defeat of the *Derg* regime by the combined forces of the EPLF and the TPLF in 1991. Eritrea's independence was formally recognized in 1993 in the aftermath of a referendum that consecrated its three-decade long plight for self-determination. At this stage Eritrea's independence had no ramifications for the daily lives of borderland groups. Indeed, borderland groups continued with their daily business regardless of the border as had been the case in different periods, as mentioned in the introductory section.

As several Irob living in rural remote areas closer to markets in Eritrea than in Ethiopia mentioned: '' All the people used to go to Senafe, not Ethiopia. Our town before the war was Senafe. We are farmers. We sent honey (baska), butter (subay), ox (Aurr), cows(saga), goats (Lahe)and sheeps to the market in Senafe. In Senafe we bought clothes, shoes, food and wheat.'' However, this situation changed dramatically with the outbreak of hostilities between Eritrea and Ethiopia in 1998. In the aftermath of the 1998-2000 interstate war between Eritrea and Ethiopia the porous border was transformed into a wall leading to its closure and to the hampering of established movements of people and goods across the border.

The next section will provide an analysis of the legacy of both the civil war and the inter-state war (1998-2000) for several Irob living in the borderland area.

2) The legacy of armed conflicts in a rural borderland area

During the Imperial period in Ethiopia, Irob traditional territory remained in the periphery of the state. The mountainous nature of the landscape and its topographical location contributed to its isolation. Indeed, as late as 1969 (still during the imperial regime) Alitena, the old capital of Irob land, remained inaccessible via road. In this year were carried the first efforts to build a road linking the border town of Zalambessa to Alitena. This corresponds to

an estimated distance of 35 kilometres or a 5-6 hour walking journey. Most residents of this area are used to carrying out and calculating their daily activities in terms of walking distances and hours, and this is still the case in other localities within Irob woreda. The project of building a road was followed by a combined initiative of an international Non-Governmental Organisation (NGO), Caritas-Switzerland, and a local NGO, the Action for the Development of Adigrat Diocese (ADDA) to build a dam near the location of the present woreda capital, Dawhan. The Project to build Assabol Dam was initiated in the 1970s in the aftermath of the internationally disseminated famine during the 1973-75 drought. The drought combined with poverty, difficulty of access to many areas in Tigray and the political situation contributed to this large scale famine. During the Derg period and with the increasing presence of insurgent movements in this area, the Assabol Dam Project was interrupted. The Dam was only officially inaugurated on 12 October 2008 (ADDA, 2009). The difficulties of building roads and of completing the mentioned project further confirm the peripheral status of the area.

The first insurgent movement that emerged in Irob traditional territory was named after one of its mountains: Assimba. The movement was created circa 1974 (1967 in accordance with the Ethiopian Calendar[viii]) and mobilized support among various Ethiopian groups. The movement also mobilized supporters among the Irob and its leader Tesfay Debressae identified with the Irob. The movement evolved to become the Ethiopia People's Party and its base was in another well-know remote location in Irob's traditional territory: Gamada. Even the TPLF used Irob traditional territory as a rear base and its combatants were based in several remote locations, namely near Weratle, and in one well-known mountain in Irob traditional territory: Dambakoma. However, during the civil war period, characterised by the armed opposition of insurgent movements against the Derg regime, Irob traditional territory due to its peripheral position at a remote borderland area was not the centre stage or the theatre of armed conflict. The insurgent movements took advantage of this area's remoteness and peripheral situation to rest, re-assemble, escape, move freely, organise and prepare their combat operations against the Derg. This context further highlights the isolation of Irob traditional territory in relation to the state's institutions and agents.

The Derg military socialist regime launched the first campaign to teach Saho language in the context of the national campaign which came to be known as *zemacha.* The National Working Campaign (zemacha) was part of the Derg's national policy of promoting literacy. It

envisaged the distribution of university students across the country, and particularly in rural areas, in a one-year voluntary regime to contribute for the ''campaign against generalised illiteracy'' and to promote teaching in local languages. The first manual written for the purposes of teaching Saho, which was written in the Ge'ez script, dates from this period[ix]. But during the Derg period the presence of state's institutions or agents was kept to a minimum and their visits to the area remained sporadic. For all purposes this borderland area retained its peripheral situation in relation to the state.

The outbreak of hostilities between Eritrea and Ethiopia in 1998 and the armed confrontation between the combatants for the Eritrean Defence Force (EDF) and the Ethiopian National Defence Force (ENDF) marked a significant rupture with previous periods. Between when day and the next, Irob traditional territory became the theatre of armed conflict and was under effective occupation, and in some areas closer to the border, as Weratle, the EDF remained until the end of hostilities (2000).

3) Strategies and shifting identities of a borderland group in a post-conflict context (2000-2011)

The leaderships of the two countries proceeded with negotiations while fighting. What had begun as a minor border dispute in a borderland area, Badme, escalated to a proportion beyond any expectations; leading to an estimated 100.000 death toll (Steves, 2003). The analysis of the causes of the war have led to divergent interpretations, with some placing emphasis on the political dimension and on the fell out between the leaderships of the two countries (Tekeste Negash & Tronvoll, 2000; Abbink, 1998) and others putting forth the argument that territory was the central bone of contention (Dias, 2008; Jacquin-Berdal & Plaut,2005). Indeed, with Eritrea's independence Ethiopia became a landlocked country. The Eritrean Assab port remained central to all import-export movements from and to Ethiopia.

According to local accounts, when the hostilities began, the Irob residents were taken by surprise and many took up arms in order to hamper the advance of the EDF into traditional Irob territory. For the first time, Irob traditional territory was the theatre of armed conflict. The trenches carved in the mountainous terrain remain the physical marker of the 2,5 year border war. At the time of the first Eritrean offensive the EDF had the upper hand. Indeed, continuous and compulsory military service in Eritrea meant that the EPLF/ People's Front for

Democracy and Justice (PFDJ) regime could count on at least 150,000 new conscripts, trained, equipped and ready for deployment; whereas Ethiopia needed to recruit and train new contingents of troops.[x] The Final Ethiopian Offensive launched on 12 May 2000 allowed the EPRDF to vindicate on the battlefield an indisputable victory.

During hostilities, Irob woreda's residents and other groups at the borderland areas sought for refuge regardless of the border. As the intensity of the fighting escalated they started to fear reprisals from the EDF and sought for alternatives routes to return to Ethiopia (Dias, 2008; Behailu Abebe, 2004).

As the EDF was forced to withdraw from several locations deep inside Eritrean territory on the celebration of the 7th anniversary of Eritrea's Independence (24th May 2000), the Eritrean government announced its troops had withdrawn from all disputed border areas that were occupied after the 6 May incident in Badme. The cease- fire agreement was signed on 18 June 2000. The Peace Agreement was finally signed in Algiers on 12 December 2000.

In the context of the Algiers Peace Agreement the parties agreed on the creation of a United Nations Mission for Eritrea and Ethiopia (UNMEE) whose mandate was to monitor the implementation of the peace agreement and of the Temporary Security Zone (TSZ). The TSZ was a buffer zone along the 1.000 kilometre-border, with a margin of 25 kilometres which remained mostly within Eritrean territory. The parties also agreed to create two independent commission. The first, the Eritrea- Ethiopia Border Commission (EEBC) had total independence and autonomy to decide on the delimitation of the border on the basis of the colonial treaties of 1900, 1902 and 1908. The second Eritrea-Ethiopia Claims Commission had to decide on compensation claims by both sides.

Initially, the good-will line, which was unconditionally accepted by Eritrea, left Irob land inside the TSZ. Ethiopia's failure to provide a map of the borderline with precise coordinates led the UNMEE to include large swathes of territory which had been previously administered by Ethiopia, within the Temporary Security Zone. After realising this inaccuracy, Ethiopia complained and urged UNMEE to redraw the line, placing it further north. UNMEE was later able to provide an operational map that already included Irob land within Ethiopia's territorial jurisdiction. Local actors contested the EEBC decision of recognising Eritrea's jurisdiction over places in Indalgueda which are considered traditional Irob territory. In this respect, the role of a transnational non-state actor, the local representatives of the Catholic Church played

a critical role in mediating between UNMEE, the local representatives of the state and the local group.

   This redrawing of the line according to Ethiopia's later coordinates led Eritrea to protest and to claim that Ethiopia had not withdrawn from 'occupied territory'. Eventually, this misunderstanding raised Eritrea's suspicions in relation to UNMEE's impartiality in the dealings with both states. Finally, the TSZ was formally declared in mid-April 2001.

Map 2: Areas of contested sovereignty according to the EEBC decision.

   The creation of the independent Boundary Commission to decide on the border's delimitation and demarcation (EEBC) was set up on the premise that the final decision on the disputed border areas would be final and binding. The EEBC finally announced its decision on 13 April 2002. After the initial euphoria and claims of outstanding victory by both parties, ambiguities contributed to an exacerbation of suspicion and animosity between the parties. The key problem was the ambiguity with which the award of Badme was approached. The EEBC only mentioned Badme twice and both parties manipulated this initial ambiguity to claim that the town had been awarded to itself. Badme is the place where the incident which had triggered the crisis had happened. In the end, the contentious situation surrounding Badme took precedence over the extensive areas where agreement could have been reached, and which offered promising areas for incremental measures towards a rapprochement between the parties. This initial resistance led both parties to submit their own observations and evidence to contest the EEBC April 2002 Decision. After revision of the processes submitted by the parties, the EEBC announced on 21 March 2003 the final and binding

decision to recognize Eritrea's legitimate sovereignty over Badme on the basis of the Colonial Treaty and, especially, on the basis of the juridical line which had crystallized in 1935, prior to Italy's invasion and forcible occupation of Ethiopia.

Due to the problems between UNMEE and Eritrea's government, the UNMEE civilian and military staff left Eritrea on January 2008 and the United Nations Security Council Resolution 1827 of 30 July 2008 formally extinguished the mission. As a consequence, the Temporary Security Zone ceased to exist and at the time of writing the EDF and ENDF still keep the deployed soldiers along the international border. In some places the soldiers are literally face-to-face.

For Irob, EDF's occupation of the area was resented because of the destruction and looting of property and the disrespect of places of religious practice, such as churches. A sense of security was recovered when the Eritrean troops were finally dislodged by the Ethiopian army. However, communities in the central sector still resent the persisting militarization of the border. The frontier has been transformed into a garrison area and the continuous presence of soldiers in the region was a transformation wrought about by the war with significant social implications for the borderland group in this sector.

The movements of goods and people have been formally hampered by the closure of the border. As one local interviewee mentioned: ''We don't go to Eritrea because the soldiers are there. They are dangerous. If we go there we are enemies''. Another one added that: '' If I go to Eritrea, I am treated as the enemy. They can come here. If we go there we are treated as spyes.[xi]'' Indeed, the movement of people across the border has not been totally curtailed. Many have taken the risky option of crossing the border under the cover of night time. Since 2000 the number of Eritreans who have been conferred the status of refugees in Ethiopia has been steadily increasing. Unofficially, the estimates point to a total of 20.000 Eritrean refugees in Ethiopia.

For Irob citizens living at the borderland their daily business has become more difficult as they have to face between 5 and 8 hours of walking journey to go to the market in Adigrat, whereas before the war it would take them between 30 minutes and one hour to go to the Eritrean market of Senafe.

In addition, those who embark in the long journey of irregular migration either to Saudi Arabia, Israel or Europe have been forced to attempt much more difficult itineraries and fall prey to criminal networks organised around the irregular migrants. Whereas before the closure of the border they would take boats from small Eritrean ports near Adulis, presently they either take the dangerous itinerary across Somaliland and Puntland (Somalia) to reach the Bosasso port, or they go via Sudan and attempt to reach Europe or follow the dangerous journey through the Sinai Desert to reach Israel.

The development of the region remains hostage of the ''no peace, no war'' situation. Although the border war contributed to the extension of the state's institutions and agents to the borderland continuous militarization of the border and its closure leads to continuous isolation of the several locations within Irob woreda near the border.

In the beginning of the war and in its immediate aftermath many would claim that they and the Eritreans were the same people, even repeating their astonishment with affirmations such as the following: ''How can we fight our brothers? We are the same people''[xii]. Presently the notion of Eritreans as foreign citizens is more engrained and mentioned frequently. The whereabouts of almost 100 Irob citizens remain unknown as they were forcefully taken to Eritrea when the EDF withdrew from Irob traditional territory[xiii].

Conclusion

The process of state formation and of extending the state's institutions to a peripheral area was accelerated and consolidated with the armed conflict between Eritrea and Ethiopia (1998-2000).However, the absence of normalization of relations between the ruling parties in Asmara (Eritrea) and Addis Abeba (Ethiopia) compromises the region's development and the borderland group's daily activities.

The borderland group remains hostage of the contested status of the international border and of the absence of normalization of relations between the two executives.

From a porous border, the post-conflict situation changed it into an invisible wall.

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[ii] Woreda is the administrative unit which corresponds to a local district under the new post-1991 Federal model dispensation in Ethiopia. The administrative units are as follows in descending order: Region-Zone-Woreda-Tabia-Kushet.

[iii] The only mosque in Irob woreda was built recently in the new capital – Dawhan. In Wuratle families who identify themselves with Islam and follow the religion live peacefully with those who identify themselves with Catholicism. However, the only public place of religious profession and cult is a Catholic church.

[iv] See map 2 to identify Alitena's geographical location in relation to the new woreda capital – Dawhan – to the Eastern Zone capital – Adigrat – and to the Eritrean town of Senafe.

[v] Interview with the author. Irob woreda. November 2010.

[vi] Although Eritrea's coastal regions were subjected to several external influences throughout the centuries, Eritrea's highlands were closely bound to Ethiopia's Tigray. Indeed, the Eritrean Tigrinya are ethnically linked to the Ethiopian Tigrayans. The leaders of the Eritrean People's Liberation Front (EPLF) and the Tigray People's Liberation Front (TPLF), hold currently the positions of Heads of States. President Isaias Afewerki of Eritrea and Prime Minister Meles Zenawi of Ethiopia, are both Tigrayans. The Eritrean Tigrinya and the Ethiopian Tigrayans speak the same language- Tigrinya-, follow the same religious allegiance- Orthodox Christianity- among other features. (Jacquin-Berdal, 2002, pp. 82-83). The EPLF and the TPLF are locally referred as *shabya* and *woyane* respectively.

[vii] Interview with the author. Irob woreda. November 2010.

[viii] The Ethiopian Calendar differs from the Gregorian calendar. One needs to bear in mind the following differences: the calendar has a total of 12 months with 30 days and a 13th month, referred to as Pagume, which has only 5 or 6 days, in the case of bisect years, and is 7-8 years behind the Gregorian calendar.

[ix] The official dictionary was finally launched in 2008 in the context of the political project of the EPRDF of promoting the learning in local languages. In the current education system, first grade students learn in Saho. After grade 1 up to grade 8 they learn in Tigrinya, and among other subjects they learn Saho. In grade 9 up to University all the subjects are taught in English.

[x] Interview, Addis Ababa July 2005.

[xi] Interview, Irob woreda, November 2010.
[xii] Interview, Irob woreda July 2005.
[xiii] Interview, Irob woreda November 2010.