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Establishing Indigeneity in African Pluralities using PRO169 Parameters and a Case Study for Measuring their Inclusivity

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Abstract

The concept of the indigenous person or group in Africa is a contentious one. The current argument is that there exist no indigenous people in Africa because all Africans are indigenous. The obverse considers those Africans who have not been touched by colonialism and lost their traditional cultures commensurate with attachments to the lands or a distinguishable traditional lifestyle to be indigenous. This paper argues in favor of the latter. People who live in the global telos and do not participate in a distinct traditional culture that has been attached to the land for centuries are not indigenous. It is argued that this cultural divergence between modern and traditional is the major identifying point to settle the indigenous-non indigenous African debate. Finally, the paper looks at inclusive development and provides a new political analysis model for quantifying inclusivity so as to measure the inclusivity of indigenous peoples.

Keywords
indigenous, Africa, globalization, culture, PRO169
Introduction

This argument moves to show that there is a way to logically distinguish indigenous Africans who are in need of special protection. The methodology used for this differentiation is thematic categorization. The indigenous parameters were taken from the PRO169 (Convention 169) committee operating at the International Labour Organization (ILO). Should a distinct population be shown to have a traditional relationship to the land, to have a distinct culture often inclusive of language, practices, and art, and to not have had their culture succumb to post-colonial homogenized culture, they are categorized as indigenous. This is the most rigorous set of parameters currently used in international law to classify indigenous peoples internationally which is based primarily on how indigenous people typically perceive and define themselves.

But the most important argument is that indigenous people have cultures that existed, and still exist in the same rite, before the advent of nation states. As the Treaty of Westphalia which formed concepts of the sovereign state which later developed into the nation-state, as well as the Berlin Conference of 1884-1885 which eventually led to carving up Africa and the imposition of Eurocentric realism on the continent’s mentality; those people that resisted this shift and maintained their identities are clearly indigenous.

It should be qualified that indeed, most if not all African polities resisted imperial domination from European powers which can, by logical extension, be said to be true in many other regions around the globe. However, whether by marginalization, living in remote areas lesser influenced by European rule, or having low population densities, some polities were able to keep their traditional cultures intact whilst others did not. Those that did not became ‘globalized’ whilst other remained indigenous. This, it is argued, is what differentiates the indigenous from the mainstream African.

This particular viewpoint was contributed in a conversation with Ms. Caroline Kuno and Ms. Chonchuirinmayo Luithui, both of whom worked at the ILO in proximity or with PRO169. And as can be seen in Canada, the United States of America, and Australia (each former British colonies), there are legal distinctions for identifying indigenous persons. This does not go to say that such distinctions are undisputed, as for example in the Philippines indigenous identification is notoriously difficult to achieve as certain obscure or costly documents are needed for proof. But whereas these processes were organic due to the easy differentiation between invader and resident, for example in Canada; in Africa the process was muddled due, in part, to geographic proximity with Europe and the Middle East as well as higher population density than the Americas had.

The argument will be expressed in three bodies. The first promotes the non-indigenous view; the second counter-argues by propounding the existence of African indigeneity; and the third implements both viewpoints in a case study of the Acholi people resident in Uganda. The
primary objective of this paper is not to highlight that there is a debate surrounding who is indigenous in Africa. Nor is it the provision of evidence showing how to establish who is indigenous in Africa or other countries by extension. The primary importance is to stress the benefits of recognizing indigenous people and including them, along with minorities, in the social and political progress of their pluralist society. This is exhibited by the formation of a model for measuring inclusivity in the formation and implementation of government policies. It should be noted that minorities differ from indigenous people as minorities are smaller groups found in the global consumerist majority culture whereas indigenous peoples are minorities in the population ascribing to different, non-normative, cultures.

The methodology employed to achieve this is as follows. It is first necessary to address the fact that the majority of states in Africa are currently struggling with the conceptualization of the indigenous person. Likewise, indigenous persons like the Maasai or Acholi are also struggling to have their indigeneity recognized by the government so as to protect, inter alia, their cultures, lands, prosperity, and power. Following that, it is logical to offer a way for both parties to understand what the international community considers the parameters of indigeneity to be. To be critical, it could be said that governments and to a lesser degree indigenous leaders in Africa, are aware of these parameters but are uncertain or unwilling (in the case of the state) to engage this policy for whatever reason. Such is why discussion emerged concerning the benefits of recognizing indigenous people and the other minorities which together compose the pluralist citizenry. This then provided the impetus to create a method of measuring inclusivity so as to ensure that the indigenous and minority populations that are or will be affected by a new or existing policy are included in the process. The benefits of inclusivity are rather well expressed in the extant literature (Blackman, 2005; Garrett, 1998; Burstein et al, 2004; Bamber, 2006) but may include, amongst other items, the diminishment of violence, the growth of dialogue, the stabilization of the economy, and the enhancement of democracy.

**Literature Review**

Chirikure’s (2006, 2007, 2008) work in the archaeology and anthropology of southern Africa is a suitable place to start concerning this expanded literature review. This review is meant to complement the literature used in the article as much of it is derived from multinational organisations such as the UN. The review is also meant to contextualize my arguments and views in contrast or accordance with some of the existing literature that has come out of African universities. Chirikure makes use rather often of this notion of Africans before and after colonization. It seems that he considers pre-colonial Africans as having all been indigenous which he supports through archaeological and anthropological research. However, he begins
making distinctions concerning post-colonial African populations as artifacts change and the anthropology of modern Africans becomes divergent from its traditional roots as populations are globalized.

It is seen (Damien, 2008; Shwarz, 1998; Wrong, 2006; Easterly, 2006; Claus, 1933; Günther, 1922) that colonial perspectives of the indigenous typically stemmed from racial sociology in which certain ethnicities were believed to be inferior to others. For example, black Africans were perceived by some as being ‘backwards’ and ‘barbarian’ in comparison to the ‘fair’ Aryans of Europe or Asia. This is one example which Mosca (1939) argued against showing that racial sociology fell under the same banner as craniometry and both were shown through 20th century positivism to be hokum. From Damien, however, we gain evidence of more egalitarian social perspectives from the logs of Navy officers in England’s employ. Some captains were given to kindness with natives and recognized their societies whilst others showed them violence and disdain by taking their lands through the *terra nullius* clause.

African states viewed indigenous peoples typically through post-colonial social lenses affected by archaic European legal paradigms. As independence gained ground in Africa the state struggled to consolidate the democratic political formula which sidelined social justice (Ivison, Patton, and Sanders, 2000) and brought other ethnic policies forward designed to unify the citizenry of a state. One example of this was the efforts of Houphouët-Boigny in Côte D’Ivoir. He attempted to propose a ‘one state one people’ ideology which did not result in social justice, a distinct style of Ivorian democracy, or an end to violence but increased the discrimination of indigenous people as their traditional cultures were alien to the normative globalized and French culture. These comments require brief explanation. Houphouët-Boigny’s administrations did bring about multi-party elections and a type of ‘copy-cat’ democracy which most democratizing states do (as in states develop a form of democracy based on institutions recognized internationally as being ‘democratic’ or ‘democracy promoting’). He also had a lower incidence of political violence (Widner, 1994). However, this work engages the indigenous perspective and theories of social justice as well as indigenous peoples’ rights to power. Due to this, Houphouët-Boigny’s policies are viewed critically.

This brings us to how African people currently define indigenous people. The literature stemming from research concerning indigenous people from African universities such as Vermaak (2009) and Krüger (2009) for example assist in this understanding. The general explanation, which I agree with, shows a modernized population of Africans using the same tactics of discrimination toward indigenous people that their ancestors faced when encountering the colonists. This is a broad answer and would benefit from a quantitative analysis surveying distinct African population samples. But by not taking the inferences derived from the literature too far, we can still understand that social justice through equal rights is being sought in highly diverse African pluralities. It is not simply indigenous people that are in this struggle, but many minorities as well, and whereas historically most if not all Africans were
viewed by colonists as ‘backwards’ it is now primarily the indigenous who have this reputation and who are discriminated against by Africans.

In a previous work, I argued that initially most indigenous African polities resisted European power through violent means as, for example, the Zulu, Maasai, various tribes in the Ituri Forest, and North African Berbers did. However, after large-scale violent opposition proved unsuccessful and the European system of political organization settled over various parts of Africa, a shift occurred. It became clear, perhaps implicitly to the African actors, that in order to defeat the Europeans the Africans had to beat them in their own European game with their own European rules. This is where I see the ‘globalization’ of Africans occurring as actors engaged in the European political context to gain independence as large scale violent means were previously inefficient in most cases. Such is why, also in this previous work, it was seen that most African constitutions are still sporting European legal theories which proved alien to pre-colonial Africans and which, I feel, are still alien to many African citizenries.

As independence was gradually gained through these means and not to forget the escalation of a newly empowered violence against European powers as Africans learned new military techniques and adopted new weapons, we did not see the emancipation of indigenous Africans but rather the emancipation of Africans that have had their cultures colonized and who spoke European languages and or lived in more European consumer contexts. At bottom, we can begin to appreciate these nuances through the anthropologic and archaeological works of scholars like Chirikure as he helps to explain this shift.

Dersso (2010) shares that the international framework developed by the United Nations is useful as a source of legitimacy for conceptualizing the norms that indigenous and minority peoples face in order to overcome discrimination, for example, in their particular societal contexts. Dersso is rather explicit when he states that:

Underlying this chapter is the contention that the issue of minorities and indigenous peoples in Africa is an expression of the particular character of Africa’s ethno-cultural diversity, which is attributable to the historical processes of the making and evolution of the African state. (Dersso, 2010:4)

This again shows the contrast that legal theorists, sociologists, political scientists, anthropologists, and archeologists use when regarding ethnicity in Africa. During pre-colonial times most could be argued to be indigenous to the continent with a widely varying typology of political formulas, but post-colonial we have majorities, minorities, and indigenous Africans living different cultures and often times a different political system which was not the case before. Here Dersso contributes once more: “Africa’s pre-colonial societies, regarded by many as national societies, had different historical experiences, political traditions and social structures” (Dersso, 2010:4).
One of the most distinctive features of this process of the radical imposition of the colonial state was that the various culturally distinct and socio-politically, numerically and economically divergent precolonial societies were forcibly amalgamated under the same political unit, and others were sliced and placed into different units. This totally interrupted the autonomous development of these societies and, depriving them of their independence, subjected them to the authority of an alien political structure, the colonial state. Drawing the borders of Africa with no regard to the cultures, history and political traditions of Africa’s pre-colonial societies, colonial partition of Africa forced numerically and socio-politically unequal groups to live under a single political entity in the form of the colonial state, a precursor to the modern African state. This led to the emergence of unequal and discriminatory patterns of relations between the various groups and the state and between the groups themselves. In the process, while some of the groups adapted to and relatively integrated into the colonial state, others were ignored by and left out from the process of the colonial state. [italics added] (Dersso, 2010:6-7)

I think that Dersso stipulated my point better than I could ever have hoped to. There is this post-colonial divergence of culture where the majority became involved in the new and dominant political structure which, as previously stipulated, globalized them to a certain extent and created these differences in power which began marginalizing minorities and indigenous groups in Africa once the emancipation of blacks was achieved. Now, however, we are currently witnessing the emancipation of the indigenous that are discriminated by mainstream blacks in Africa. I agree with Dersso (2010:8-9) that in the post-colonial African rule there has been the continuation of what I view to be illegitimate European legal, social, and economic structures with the grand failure being that African states did not seek to reformulate pre-colonial socio-political ties but rather went fully into the globalizing state of affairs.

The dominant culture has been used to create a semblance of national integration by way of a common language, national identity and, in some cases, even religion. In these countries the language and other cultural attributes of dominant groups have been institutionalised in the processes of the state to the exclusion of other languages and cultures. As a result, minority cultures, having been left unrecognised and subject to repression, have been undermined and even actively suppressed. The dignity and sense of equality of their members have also as a result been violated. (Dersso, 2010:9)

This is where Bojosi and Wachira (2006) come into play. Their work discusses the impact of the African Commission’s Working Group of Experts on Indigenous Populations Communities
concerning not only the recognition of indigenous people in Africa, but also their protection. The African Commission brought this working group to bear in an effort to integrate international law, namely those relating to indigenous rights, in all states of the African continent. Here Bojosi and Wachira as well as Anaya (1991) and Barsh (1990) recognize the importance of the ILO’s Convention 169, which I later draw upon, as the “most concrete manifestation at the international level of the growing responsiveness to indigenous peoples’ demands” (Bojosi and Wachira, 2006:386).

Titanji (2009) actually moves past the discussion of what it means to be indigenous in Africa and takes the matter as settled: there are indigenous people in Africa as detailed through international law which has been accepted by the African Commission and which many African states are under pressure to ratify. His work is interesting as it describes the potential of what may happen to a state in Africa should it refuse to recognize that there are indigenous groups which require special protection. That risk is the breaking up of the state through the secession of indigenous people as they externalize their right to self-identification and form their own polities. This relates to the importance of the inclusivity model for governments which I provide near the end of this paper and is a policy implication which should be taken under consideration by governments so as to include marginalized groups in the governing process rather than risk having them seek autonomous governance which may spark violence.

Yet, despite these political efforts by the African Commission and established perspectives by African academics, there is still the current problem of states debating whether all Africans are indigenous to Africa or whether there are indigenous people living in a post-colonial Africa. The rest of this paper will be engaging this viewpoint that there are no indigenous peoples in Africa, showing that such is incorrect as has been already established by African scholars, and finally offering a policy formation tool to ensure indigenous peoples and minorities are included in the formation and implementation of legislation.

No such thing as indigenous

Five countries are looked at to exemplify the current paradigm concerning indigenous people in African politics. Kenya, specifically through a recent ruling on land rights, shows that the African Commission is forcing the rectification of national Kenyan laws to protect indigenous people. Tanzania is shown to be dealing with the same argument as several authors show the state to be dealing with two opposing legal battles: from the bottom-up by indigenous NGOs, and the top-down from international organizations. This is forcing the state to deal with notions of
indigeneity and has been broaching the subject as of late. Gabon and Egypt\(^1\) are shown to both have indigenous populations but are not officially recognized by the state as such. Finally, Côte d’Ivoire is examined (since it is rarely looked at in English publications) and shows that Ivorians are also coming to grips with the indigenous identification struggle.

Before delving into these cases, it is necessary to exemplify why ruling governments are choosing to maintain the status quo that ‘all Africans are indigenous’. The first is obvious: if one is African and born in Africa from African parents, then one is indigenous to Africa. The second is a power-play: in the interest of maintaining power, siding with larger minorities or a popular cultural majority, one can stay in power longer. Whilst the third is the illegitimate remnants of colonial laws and customs which are culturally inappropriate to the populations they are meant to order.

The first argument is easy to falsify as it is clearly a misuse of the term ‘indigenous’ (see introduction for denotation). The second is an understandable choice of African realpolitik often used by African dictators or those elected by a portion of the citizenry and inspired by colonial divide-and-conquer power manipulations. Should a population be favorably fragmented it is easier to maintain order by empowering one group over others. However, as will come to be seen in the case of Côte d’Ivoire, such invariably led to a xenophobic national identity that led to international and intranational wars in West Africa. Finally, the third is the most tangible example of why governments continue to espouse a non-indigenous standpoint. The fact that their legal structure is based on illegitimate colonial laws and customs creates an artificial legalistic paradigm which is archaic and absolutely useless when trying to order a society wholly alien to those found in England or France where indigenous populations are strictly defined through history (for example, Picts, Scots, Welsh, and Cornish in England who were forcibly displaced by the Romans, Normands, and Saxons inter alia, over thousands of years).

A landmark case emerging from the African Commission (February, 2010) ordered the Kenyan government to return the Endorois people to their traditional lands and be given reparations concerning their forced displacement. This particular indigenous group received their lands as they were the plaintiffs. However, this case has set the legal precedent which now encourages if not permits other indigenous people to file complaints to reclaim, resettle, or protect their lands in Africa. Human Rights Watch explains that

Violations of land rights, including the rights of the generations of Kenyans displaced through historic and recent evictions, are one of the key unresolved issues in Kenya,

\(^1\) Egypt, prior to colonization, was an indigenous African polity. However, it is the post-colonial condition of modern Egyptians which removes them from being indigenous which is not the case for the majority of Nubians. The majority of Egyptians are Muslim, live in the global consumerist culture, and have shrugged off ancient Egyptian culture whereas the Nubians were marginalized by colonists and partly due to that remained in their traditional culture. For more information regarding pre-colonial Egypt, see Diop (1955, 1981).
which former United Nations Secretary-General Kofi Annan acknowledged in the aftermath of Kenya's electoral violence in 2007-2008. The African Commission found that the Kenyan government has continued to rely on a colonial law that prevented certain communities from holding land outright, and allowed others, such as local authorities, effectively to own their traditional land on "trust" for these Communities. The local authority in Lake Bogoria was able to end the Endorois trust at will and to seize the land. (Human Rights Watch, ¶6)

The report continues to share that

The African Commission determined that the Endorois, having a clear historic attachment to particular land, are a distinct indigenous people, a term contested by some African governments who claimed all Africans are indigenous. It also found that the Endorois had property rights over the land they traditionally occupied and used, even though the British and Kenyan authorities had denied them a formal title. In finding a violation of the right to development for the first time the Commission relied on the failure of the Kenyan authorities to respect the right of the Endorois to consent to development, and the failure to provide them adequate compensation for the loss they had suffered, or any benefit from the tourism. (Human Rights Watch, ¶9)

Finally, the importance of this ruling is explained. “The African Commission's ruling makes clear to governments that they must treat indigenous peoples as active stakeholders rather than passive beneficiaries...That recognition is a victory for all indigenous peoples across Africa whose existence was largely ignored - both in law and in fact - until today. The ruling spells the beginning of a brighter future” (Human Rights Watch, ¶11).

Continuing with Tanzania, Hodgson (2008) revealed that there are over 100 indigenous non-governmental organizations (INGOs, not to be confused with International NGOs) in northern Tanzania, but that they are fragmented and find unity difficult. Indigenous NGOs differ from indigenous groups in that they are bodies with official charters, members, and political purposes whereas indigenous groups are loser collections of individuals representing a culture and not as organized as the former. Hodgson (2008: 1095) argues that the process of “becoming indigenous” is the Maasai’s greatest focus for gaining justice. Igoe (2006) similarly highlights the struggle of indigeneity in Tanzania through the argument that being indigenous in Africa is a recent phenomenon that does not represent “miraculously preserved pre-colonial traditions” (2006:399) but rather is one of “cultural distinctiveness” in the face of globalization. Although Igoe (2006) is incorrect to describe indigenous East Africans in this manner, specifically for the fact the pre-colonial traditions is a boon to indigenous African claims, and that he is in effect trying to describe indigenous people resident in Tanzania as minorities
(which they are not in international law), he does well to establish that indigenous claims in Africa are indeed recent phenomena.

In Gabon, Knight (2003, 2005) explains that the Akoa – a forest dwelling people – had their numbers drastically reduced on their home territory by economic and tourist based activity and that the Akoa at present nearly cease to exist as an ethnic culture (Knight, 2005:40). In fact, they are weary to draw attention to their ethnicity when in cities so as to avoid discrimination. Knight continues,

The Forest Peoples of Gabon (commonly referred to as the Pygmies) have, until recently, attracted little attention in the academic forum. It seems it is widely assumed that these groups are largely assimilated into dominant neighbouring ethnic groups and have consequently adopted new cultural practices and lost many of their own (Anderson, 1983). Recent research has revealed a range of socio-economic situations including forest-based semi-nomadic communities who combine hunting and gathering with shifting cultivation. However, the majority of Gabon’s Forest Peoples have moved to the roadside, and where the last forest-based groups remain, relocation is inevitable or in process. (Knight, 2003:81)

After conducting a search on the official government of Gabon website (see Gabon), which although having an impressive website, does not make specific mention to indigenous people. The website focuses heavily on investment, specifically in natural resources for example lumber, and tourism. A user can view online segments of what the government calls ‘traditional Gabonese art’ which may display indigenous persons art. However, it is clear the country’s cultural policy is geared toward assimilation which Knight (2003, 2005) corroborates regarding her explanations of why forest dwelling indigenous people are increasingly relocated to the roadside. Ultimately, the assimilation policy of the Gabonese government is a relic of colonial practice (Knight, 2003).

Odambo (2001) goes further than Knight and details the sociological context of “pygmitude” (pygmitism) in Gabon. Like Senghor (1964) and Adotevi’s (1972) works concerning “la négritude et négrologue” or the description of the sociological conditions of Africans during and post colonial periods; Odambo attempts to do the same with Gabonese pygmies. Pygmitism, he argues, is laden with negative connotations and sums up the current struggle between indigenous, traditional, and backwards people towards educated, elite, and French people. He considers pygmitism to be a damaging term for indigenous cultures due to the discrimination faced when confronted with the mainstream Franco-Gabonese system. He argues that pygmies see themselves as the first people of the forests of central Africa (it is important to note he does not empower the concept of the state by stipulating for example
Gabon, Congo, or Burkina Faso) and that their identities are being eroded by this damaging stereotype.

Ces relations que l’on qualifie parfois de symbiotiques et parfois de relations de clientélisme et qui comportent des dimensions à la fois économiques, sociales et spirituelles présentent aussi bien des aspects positifs que des aspects négatifs, illustrant ainsi un phénomène plus large : cette attitude paradoxale envers les autochtones (ou peuples premiers) qui fait que, tout en valorisant leur savoir et leur sagesse spirituelle, l’on accepte toutes sortes de préjugés à leur égard, ainsi que leur assujettissement. (Odambo, 2001:1)

These relationships that we qualify [between indigenous people and minorities or mainstream culture] are sometimes symbiotic, sometimes clientelistic, and that sometimes have economic, social, and spiritual dimensions commensurate with positive or negative outcomes reveal the greater phenomenon: this paradoxical attitude toward indigenous peoples...which celebrates their spiritual knowledge and wisdom but also accepts all sorts of prejudices along with the notion of their subjugation.

Egypt poses a more intriguing challenge concerning the differentiation between indigenous peoples in Africa.

...population groups living in peripheral areas face additional marginalization; the Bedouins of the Sinai Desert are denied ownership of the land on which they live; and, since the bombings in Sinai in 2004, Bedouins have faced blatant security abuses, their residential areas have been raided and thousands of Bedouin men arrested and tortured. Egyptian Centre for Housing Rights (ECHR) indicated that Nubian people in Egypt, a distinct ethnic, cultural and linguistic group are suffering from continued governmental policies of de-Nubianization, including through: re-settling Arab groups in the lands that Nubians reclaim. ECHR stated that there is discrimination in practice against Nubians and referred to the media and to stereotyping through the presentation of negative images of Nubians. For ECHR, if the government has the will to heal such violations, it has to recognize Nubians as an indigenous people who are entitled to peoples' rights under international human rights law. (Human Rights Council, 2010)

As can be seen, the international community linked with ECHR within Egypt are attempting to gain indigenous recognition for, in the very least, Nubians that inhabit mainly the south of Egypt near the Sudanese border. However, the legalistic contextualization of this particular situation is bizarre. Surely enough Berbers are a distinct indigenous population of Northern Africa who
still suffer discrimination (see for example the extant literature on Berbers in Algeria, Morocco, and northern Mali) but Nubians on the other hand are an entirely different situation. They qualify as minorities for sure within the Egyptian polity but the trouble regarding indigeneity is that their ancestral empire coexisted with Ancient Egypt’s. The Nubians were influenced by Christianity, as the Egyptians were; the Nubians had vibrant trade within the Middle Eastern, Asian, and Mediterranean mercantile structures as the Egyptians did; the Nubians were affected by the Carthaginians and Romans as the Egyptians were; and the Nubians were absorbed into various empires as the Egyptians were.

The key, however, is Sudan. For Egypt to truly view the Nuba as indigenous people, a comparative political analysis of how the Nuba are treated in Sudan contextualizes the situation of this ancient ethnicity. The literature (Salih, 1995; Buckles, 1999; Bradbury, 1998) explains that the Nuba have not, where the Egyptians and Arabs have, engaged with modern globalized culture: meaning that the Nuba have for the most part continued to practice their ancient culture where the Egyptians have shrugged theirs off. As such, I agree with the General Assembly’s alliance with ECHR and the Nuba should be recognized as indigenous North Africans so as to preserve their cultural identities.²

Roch (2008) argued that the identification of indigeneity in Ivorian politics would result in the greater legitimacy of the electorate. The lack of an indigenous context in Côte d’Ivoire is sometimes blamed for the recent civil war fought between 2002 and 2006 (although severe tensions remain). The notion of Ivoirité emerged after the end of pseudo-president (dictator) Houphouët-Boigny’s reign. Ivoirité was a nationalist and xenophobic attempt at unifying the country through putting forward a common Ivorian culture. This was obviously disastrous as the country was coming to grips with previously suppressed identities and as the state lacked the capacity to provide guidance as to how people could define themselves; tensions boiled over (Babo, 2008).

A conceptual analysis of Côte d’Ivoire’s Ministry of Culture website³ did not return any hits for autochtone, aborigènes, or Ivoirité (indigenous, aboriginal, and ‘Ivoirity’ respectively) but did provide six hits regarding traditionnel (traditional) in the website’s search function. The Ministry refers to traditional art, architecture, and culture without distinguishing whether that is, for example, Voltaic, Senoufo, Lobi, Maliesque, Krou, or Dan (UNHCR, 2010), which is problematic in nature as the concept of ‘traditional’ can mean different things to a variety of Ivorian citizens. It is clear that Côte d’Ivoire is another African country that needs to officially recognize indigenous populations to provide an explicit cultural framework for its citizens as for example; Canada, the USA, Australia, and New Zealand have already done or are continuing to do.

² A recent speech by President Mubarak (October, 31, 2009) recognized the populations resident in the Sinai and Nuba regions but did not define them as indigenous.
To Distinguish the Indigenous

There are literally hundreds of documents, organizations, and other efforts detailing the current struggle of indigenous populations in Africa seeking recognition. This segment of the argument is not to describe the current state of affairs or provide evidence of how much work is being done in this area, but rather pinpoint the benefits of legally structuring indigenous paradigms in the cultural contexts of African pluralist societies. As Roch (2008) shared, it is in the interest of peace and human security that such be done. Once people have a structured understanding of their society, legitimate laws can then be put into practice concerning the mitigation of ethnic violence so that Africans can get on with the business of human development rather than merely the acts of survival.

The PRO169 committee details,

In some countries, self-identifying as an indigenous people is seen as controversial as some governments may fear that identifying some groups as indigenous peoples will eventually create ethnic conflict or even fragmentation of the nation state. However, it is widely recognised that the recognition of indigenous peoples’ rights within the framework of states is essential for good governance, democracy and inclusive development. In most countries around the world, multiculturalism is a living reality. Giving recognition and democratic rights to all groups is not leading to conflict, but rather preventing it. (PRO169, ¶3)

There are some issues inherent in this good description. The problem is that democracy and good governance have no agreed upon definitions and are too vague to be discussed herein (that is, the variables necessary in political analysis are too subjective to be of use). Rather, the focus will be on ‘inclusive development’ which is a more precise term and can be quantified as it produces universally defined variables. However, this is not to say that democracy or good governance do not have central roles in inclusivity. It is certain that inclusive development is a democratic act, enhances democracy, and promotes good governance. But the extant literature on democracy and good governance is wide and conflicting, which is why inclusivity was chosen as the model found below is simple, functional, and has a distinct purpose with agreement of its benefits in the literature. To illustrate this point further, my work on democracy has shown that there is a new democratic theory emerging, one that seeks to define a universal, unbiased, historically and presently observable (rather than applicable) democracy which all styles of democracy are based upon. This is at odds with the currently propounded emphasis on certain institutions, GDPs, policies, rights, and freedoms that other non-Western pluralities are supposedly alien to. Not only is this perspective incorrect, but the irony in democratic theory is
that these styles of democracy are based on a notion of democracy that no one can as of yet agree upon.

With this new universal view of democracy espoused by Amartya Sen, John Keane, Boutros-Ghali, Kofi Annan, David Watkins (2008), and others we begin to see that elections do not equal democracy. We understand now that elections are but only a certain aspect of democracy, namely the way in which the citizenry selects its officials. And, as was recently established at La Trobe University’s Millennium Development Goals conference of 2009, good governance is mired in a similar squabbles.

The UNDP argues that “development can be inclusive – and reduce poverty – only if all groups of people contribute to creating opportunities, share the benefits of development and participate in decision-making” (UNDP, ¶12). The reason this is easily quantifiable is due to the work that UNHCR and other bodies have done concerning the recognition of the world’s distinct cultures. Should a country and specific policy be selected, an analysis of its inclusivity can be done by surveying the leaders of each distinct population to see if they were incorporated in the process. Government officials in charge of the policy formation can also be surveyed with comparative results showing an appropriate and more objective estimate of inclusivity. As this form of analysis has yet to be done, it is encouraged that researchers start analyzing and producing these statistics.⁴

However, the capacity to do so regarding this paper is unrealistic. Rather, inclusivity in development will be theoretically argued and based from the extant literature. Conceiçâo et al (2001) describe the current nature of inclusivity. They argue that the two primary difficulties with inclusive development are knowledge development and then the institutional practice of being inclusive. In other words, having enough people educated about the need for inclusivity and developing the programs required to integrate them in policy development (although Conceiçâo et al extrapolate their work on other areas such as education and science). Sachs (2004) shows that development can mean various things to various people; but the nature of inclusivity in development (however the term is defined by the population it applies to) is not due to the universal applicability of the aforementioned model. Spence (2008) discusses strategies for inclusive development, mainly pegging his definition of development by way of

⁴ A political analysis model for quantifying the inclusivity of indigenous peoples in government policy formation and implementation is needed. The methodology consists of universal and objective variables which can be used to quantify in the first order the exact percentage of inclusivity by comparatively analyzing the data regarding those populations that were included. It would be important to mine any counterfactuals or anomalies in the data as these could reveal government or minority propaganda. Furthermore, measurements from as many distinct parties as possible would ultimately provide the most robust data. For example, should statistics for meta-analysis be available from the United Nations or NGOs then these too should be comparatively scrutinized with the results generated by the earlier surveying. The variables would be easy to define as they relate strictly to distinct indigenous groups, government ministries, government offices, and government policies. They are universal in the aspect that this methodological framework can be superimposed over any country, with adjustments made to accommodate other data or surveyable bodies depending on the context.
the Millennium Development Goals (MDGs), and assigns a large economic figure to the capacities of inclusivity. Finally, Groves and Hinton (2004) similarly reason that inclusivity (in this respect towards development aid) needs a paradigm shift specifically towards “the complexity and dynamics” (Grove and Hinton, 2004:4) of the system.

It is evident thus far from the literature that a fair deal of work is still required for the standardization of inclusivity – specifically to areas concerning government policy (there was a large amount of extant literature focusing solely on schools). It is argued that African countries need to take the time to form inclusive discussions within their pluralist citizenry concerning indigeneity. It is not about defining the indigenous, that has been settled, but rather about the formal structures of the indigenous within the state, their rights, and the nature of their participation in development. From that platform, different ethnicities can then work together as a pluralist citizenry is meant to do with disputes settled through communication not obliteration.

As such distinguishing the indigenous has gone beyond settling the debate over the definition of African indigeneity – especially concerning the recent ruling by the African Commission regarding the Endorois – but has moved toward gearing these populations towards participating with an inclusive program of development for the benefit of indigenous and mainstream culture. As such, indigenous peoples are distinguished within African society specifically regarding the importance of their heterogeneous contributions to culture from local to global scales.

**Case Study: The Acholi of Uganda**

The purpose of this case study is to exemplify the current situation facing one indigenous group in one African country. The Acholi, for example, are used herein to display that they fit the internationally accepted definition of indigenous, but they have not gained this recognition from the Ugandan government, nor are they typically included in the formations of government policies that affects them. For this reason, the Acholi will take part in a mock statistical analysis of inclusivity so as to extrapolate some conservative outcomes that could emerge from a paradigm shift in Uganda. The Acholi were chosen through a random-generator which selects one item off a list populated with different indigenous peoples to avoid selection bias which may reduce the quality of this example.

Atkinson (1989), Girling (1960), and Langlands (1971) describe the ethnic history and composition of the Acholi people. The key is that they have been shown to have been practicing a distinct ethnic culture prior to colonization and that the Acholi managed to maintain their identity for some time until violence, among other factors, fragmented their society.
Nakayi (2009:19) details that current Ugandan land laws do not allow for indigenous peoples to stake private land claims where the government has an interest. Yet, Uganda has been recognizing the concept of indigenous people as can be seen in a recent speech given by President Museveni (2009). When discussing the plight of refugees in Africa, and their encroachment on tribal land, he stated that these situations need to “...be handled with care, especially where rural land is involved, so that there are no clashes with the indigenous people” (Museveni, 2009:¶11). Although he only mentioned indigenous peoples once in his speech, this is still an indication that African leaders, if not only in Uganda, are recognizing African indigeneity. The question is gauging a sense of to what degree this is occurring and in which context.

Noll (2009) explains that the Acholi were recently involved in a civil war with Museveni’s administration. However, he is careful to explain that the majority of the Acholi people were merely hostages in their own lands and tortured by their own people (Noll, 2009:99). The cause of the conflict, Noll argues, is in part due to the colonial legal structure of the Ugandan state although he incorrectly shrugs off stating the British Empire did not create the Lord’s Resistance Army (LRA), when in fact the British colonial legacy set up the framework for political violence. He focuses more on the North-South divide and militarization of power in the State arguing – this time correctly – that violent politics created an environment conducive to violent political opposition. When that is mixed with inter-ethnic competition and post-colonial weariness of each other, the resulting situation is understandable.

Essentially, the Acholi are facing difficulties – the biggest being violent conflict – namely in organizing to appropriately stake land claims and establish their indigeneity in Northern Uganda. But the recent violence between the LRA and Museveni’s administration have most likely soured any chances as the greatest attention must be paid towards peace and conflict resolution. However, this does provide the government with an interesting opportunity to practice inclusive development which at the same time can be used to construct the indigenous context in Uganda – to which Museveni has already referred. And this is where the mock analysis takes place. It is assumed that the method of inclusivity will enhance dialogue, social justice, and promote good governance in African pluralities, or in this case with the Acholi. Furthermore, it is reasoned that inclusive policy development or implementation could reduce violence which would make democratic progress more realistic in Acholi territories.

The first order is to define variables. UNHCR has a list of certain minorities and indigenous populations in Uganda which would be a good starting point. As such, the dependent variable (DV) is inclusivity. It is measured against two categories of independent variables (IVs): indigenous/minority populations and government offices involved in a specific policy. Table 1 displays a likely population of relevant variables. The purpose of these variables is to show which bodies in the plurality could be, or are, involved or affected by a new or existing government program.
Table 1  Populating Variables for New School Policy

<table>
<thead>
<tr>
<th>Government Policy</th>
<th>Indigenous/Minority Populations</th>
<th>Government Offices Involved in Policy Formation</th>
</tr>
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</table>

The next step would be the formation of adequate questions incorporating the usual structures of objectivity and ethics. The most difficult aspect would be to pose these questions to the relevant people representing the independent variables in Table 1, for example, community leaders or heads of indigenous or minority NGOs for the first category and government ministers or their representatives for the second. These questions depend on the way inclusivity is defined by a country’s current situational context and will change depending on the context of the legislation or policy being created or implemented. The purpose of these questions is to gauge which groups in the plurality affected have been included in the development of the government legislation or program. The answers provided can generate numerical data ‘painting’ the picture of inclusivity for a given piece of legislation. Once the data has been collected, an ‘inclusivity’ number could be generated to see how many indigenous people, minorities, or people in the majority affected by legislation were involved. This number could then represent, to a limited extent, how ‘good’ or ‘democratic’ a government is. It would be at this stage suitable to branch out and try to acquire relevant statistics from other empirical studies conducted by MNOs or NGOs to scrutinize their results for comparative utility and greater insight into the original data after analysis.

The aforementioned inclusivity analysis model is a figurative description of the political analysis of inclusivity in the development of rural schools in Uganda. The number generated by this study could invariably lead to defining the quality of government policies or programs especially regarding the representation of the plural citizenry and a growth in political communication with the public sphere. It could also result in the standardization of plural inclusivity in development adding a benchmark for countries to aim at (this applies to ‘developed’ countries as well considering the current crises in representation).
Conclusion

As can be seen, the notion of indigeneity in Africa is a contentious one. Evidence at the beginning of this paper depicted that the governments of Kenya, Tanzania, Gabon, Egypt, and Côte d’Ivoire do not officially recognize indigenous peoples who currently struggle with protecting their cultural integrities. Following that was a discussion concerning how to distinguish indigenous people in African countries, beyond merely recognizing indigenous populations, which resulted in a focus on inclusive development. It was then seen that no current methodology exists to measure the inclusivity of indigenous peoples and minorities (all in all the pluralist citizenry of a country) concerning a specific policy formation. Lastly, a mock statistical run explaining a universal methodology that can be applied for the purpose of measuring inclusivity emerged. This then hinted at the possibility for the statistical results to push the bar forward in all countries (including those ‘developed’ ones) regarding a measurable improvement in the representation of the pluralist citizenry.

One importance of this work is that it brings to the fore a little known African debate concerning whether or not there are indigenous peoples in Africa or simply whether all Africans are indigenous. It was pointed to at the beginning of this work that the results herein could apply to other areas and countries in the world dealing with similar situations as indigenous peoples in Africa: I hope that this will prove true. A second importance is the new political analysis methodology which emerged which may prove useful to researchers and governments alike and could increase the quality of representation in governments universally. An implication for policy formation comes about at this point. Governments could try to establish a certain ‘inclusivity number’ by using the inclusivity analysis model when forming new legislation so as to ensure a basic minimum of dialogue was had outside of parliament with those indigenous peoples and minorities most influenced.

Further research into this new analysis potential is needed to understand the deeper implications of this work and its true functional potential for pluralist societies. Funding for an actual analysis is also needed to gauge the practical feasibility of surveying fragmented populations like the Acholi who may have several community leaders, INGOs, or locally based NGOs.

This work establishes that African polities are engaging the concept of African indigeneity – specifically due to the fact that most federal polities are pressured from above and below to do so. In finality, all researchers need to be reminded of the fact that even the best intentions with indigenous peoples can be ruinous to their way of life. A culturally sensitive approach to indigenous minorities is always the first order prior to any contact.
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