

UGANDA

Indigenous peoples in Uganda include the traditional hunter/gatherer Batwa communities, also known as *Twa*, and the *Benet* and pastoralist groups such as the *Karamojong* and the *Ik*. They are not specifically recognized as indigenous peoples by the government.

The *Benet*, who number around 20,000 people, live in the north-eastern part of Uganda and are former hunter/gatherers. The 6,700 or so *Batwa*, who live primarily in the south-western region of Uganda, are also former hunter/gatherers. They were dispossessed of their ancestral land when the Bwindi and Mgahinga forests were gazetted as national parks in 1991.¹ The *Ik* number about 1,600 people and live on the edge of the Karamoja – Turkana region along the Uganda – Kenya border. The *Karamojong* people live in the north-east of Uganda and number around 260,117 people.²

The 1995 Constitution offers no express protection for indigenous peoples but Article 32 places a mandatory duty on the state to take affirmative action in favour of groups who have been historically disadvantaged and discriminated against. This provision, while primarily designed or envisaged to deal with the historical disadvantages of children, people with disabilities and women, is the basic legal source of affirmative action in favour of indigenous peoples in Uganda.³ The Land Act of 1998 and the National Environment Statute of 1995 protect customary interests in land and traditional uses of forests. However, these laws also authorize the government to exclude human activities in any forest area by declaring it a protected forest, thus nullifying the customary land rights of indigenous peoples.⁴

Uganda has never ratified ILO Convention 169, which guarantees the rights of indigenous and tribal peoples in independent states, and it was absent in the voting on the UN Declaration on the Rights of Indigenous Peoples in 2007.



The Batwa

For the Batwa in Uganda, landlessness, illiteracy and little or no income remain major frustrations. The government has remained adamant in not recognizing Batwa as the rightful owners of the land from which they were evicted and hence it has been very difficult for them to obtain compensation. In terms of participation in political processes, very few Batwa people exercised their right to vote during the recent national and local elections in Uganda, and there was not one woman or man from the Batwa community who contested any elected office at either local or national level. Several factors explain the Batwa's low participation in the political processes in their localities. The most outstanding of these, however, are

the accounts of biased decisions made by local council courts in favor of other communities, which has instilled in the Batwa a negative perception of local councils as institutions that perpetuate their marginalization. The continued traditional perception among other communities that the Batwa are backward and primitive has also dented their civic consciousness.⁵ Their political participation thus remains limited and their socio-economic rights are still ignored by the state and society.⁶

The Batwa have, however, continued their relentless struggles against discrimination through their representative organization, the United Organisation for Batwa Development in Uganda (UOBDU), ensuring a presence in regional and international events such as the African Commission and UN meetings.

3D model of ancestral territory proves an important advocacy tool

One of the major developments welcomed by the Batwa was the unveiling of the Three – Dimensional Modeling (P3DM) of their ancestral territory, Bwindi Impenetrable National Park, in July 2011. With the number of Batwa elders slowly decreasing, producing the 3D model and populating it with cultural knowledge across generations and genders drawn from memory provided an opportunity to document and store the Batwa's unique cultural heritage. Such a store of information can be used to open up job opportunities for Batwa within Bwindi, either as tourist guides, wardens or rangers or through other tourism enterprises such as honey and beeswax, handicrafts and others. The communities also hope that the information depicted on the model can be used as a platform for discussions with protected area managers regarding increased access to Bwindi and, in particular, access to specific locations and resources which are culturally significant to the Batwa, such as sacred sites.⁷ The model was developed by Batwa community members with the support of UOBDU, and with the technical and financial facilitation of various donor organizations.

The launch of the 3D Model of their ancestral territory attracted several government leaders, both at local and national level, along with civil society organization representatives. During the event, Batwa men and women took centre stage to explain the map, displaying their amazing knowledge of the forest and requesting that the government allow them to resettle inside the park and access the forest for medicinal and spiritual purposes.

Increased school attendance

Another positive development has been an increase in the number of Batwa children who attend school - albeit through private (NGO) sponsorship. Enrolment levels have been low because Batwa live in hard-to-reach and therefore hard-to-teach areas. In 2011, however, with support from civil society organizations such as Minority Rights Group International (MRG), through UOBDO, the numbers have gone up. Lack of education is one strong factor that explains the continued marginalization of the Batwa as a community, and educating their youth and children is one way of empowering them and ensuring the quality development of their community.⁸

The Benet

Despite a landmark victory against the government in 2004, the Benet continue to suffer from the effects of their evictions from the Mt. Elgon National Park. Landlessness and its resulting negative effects continued to top the list of frustrations for the Benet community in 2011. Nonetheless, government attempts to resettle around eight landless families (approx. 132 people)⁹ of the Kapsekek, a Benet sub-ethnic group who were made landless by the evictions from the Mt. Elgon National Park, are seen as a ray of hope that there may eventually be a permanent solution.

In March 2011, the government instituted a committee to investigate how land was allocated to the Kapsekek families, and corruption and personal gratification were found to have tainted the allocation exercise. The committee's findings indicated that the governmental officials involved in the process of resettlement had allocated large chunks of land to themselves and left only small plots for the rightful beneficiaries. The land was withdrawn from the officials and, although it has not yet been redistributed to its rightful owners, it can be seen that the government is beginning to show and demonstrate an interest in issues affecting the Benet.

The Karamojong

The influx of investment and the government's ever-shifting approaches to development¹⁰ continue to affect the lifestyle of the Karamojong of Karamoja region.

The current debate on the government's sedentarization of pastoral communities¹¹ is exacerbating the problem of land insecurity given that 80% of land is already gazetted to secure wildlife reserves. Karamoja region continues to experience a prolonged drought that commenced in September 2010 and has led to degradation of the natural resources, as evidenced by considerable overgrazing and deforestation, aggravating the situation for the pastoralists. The drought, coupled with the degradation, is forcing communities to migrate and move with livestock in search of water and pasture.¹²

Uganda Pastoralists' Week

Through the representation of COPACSO (Coalition of Pastoralists' Civil Society Organizations), Karamojong pastoralists actively participated in what has become an annual event: Uganda Pastoralists' Week (UPW) celebrated from 8 to 11 November 2011 in Kampala.

The event, with the theme of "Pastoralists: our contribution to national development", aimed to showcase how the forms of life and modes of production of pastoralists and agro-pastoralists are viable economic and social resources that can be utilized in the dryland areas of Uganda. The event attracted pastoralists from all over the region and gave them an opportunity to engage with the policy makers, interact amongst themselves and showcase their rich culture in an exhibition officiated by the Minister of Trade and Industry.¹³

Signs of improved political attention to Karamoja affairs

In May 2011, the president elevated the ministry in charge of Karamoja affairs to a full ministry under the leadership of the First lady, complete with a state minister for Karamoja affairs. Although it is still too soon to review the relevance and efficiency of this ministry, its elevation can be interpreted as the government's attempt to scale-up interventions to address water scarcity, food insecurity, insecurity and poverty in Karamoja region.

Also important to note is the new breed of Karamoja parliamentarians who were ushered in by the 2011 national elections. The leaders who make up the Karamoja Parliamentary Group (KPG) show a resolve to speak out against the

predicament of the people of Karamoja region and task government and civil society to act. This has been demonstrated in the manner and style in which they have conducted press conferences and also, as a team, responded to the disasters hitting the region, such as the current drought and famine. ○

Notes

- 1 **United Organisation of Batwa Development in Uganda (UOBDU), 2004:** *Report about Batwa data*. August 2004, Uganda, p.3.
- 2 **Minority Rights Group International (MRG), 2011:** *Land, livelihoods and identities; inter-community conflicts in East Africa* (p.6), <http://www.minorityrights.org/download.php?id=1076>
- 3 **Minority Rights Group International (MRG), 2001:** *Uganda: The marginalization of Minorities* (p.9), www.minorityrights.org/download.php?id=143
- 4 *Land Act (1998)*, Articles 2, 32 and *National Environment Statute (1995)*, Article 46.
- 5 **Minority Rights Group International (MRG), 2011:** *Land, Livelihoods and Identities: Inter-community conflicts in East Africa*. <http://www.minorityrights.org/download.php?id=1076>
- 6 **Cultural Survival 2010:** *Quarterly magazine*, <http://www.culturalsurvival.org>
- 7 United Organisation for Batwa Development in Uganda (UOBDU), 2011 report.
- 8 Minority Rights Group International (MRG) – project report – 2011.
- 9 Benet Lobby Group – a representative organization for the Benet community.
- 10 **Mercy Corps, 2011:** *Pastoralists' Peace and Livelihoods: Economic interventions to build peace in Karamoja, Uganda*. <https://docs.google.com/viewer?a=v&q=cache:hx7xYuaCO-wJ:elliott.gwu.edu/assets/docs/acad/ids/capstone-2011/mercy-corps->
- 11 **Minority Rights Group International (MRG) 2011:** *Land, Livelihoods and Identities: Inter-community conflicts in East Africa*. <http://www.minorityrights.org/download.php?id=1076>
- 12 CEWARN – Karamoja Cluster, 2011 report, <http://www.cewarn.org>
- 13 **Coalition for Pastoralists Civil Society Organizations in Uganda:** *Report on Uganda Pastoralists Week - 2011*

Jolly Kemigabo is the Africa Regional Manager of Minority Rights Group International (MRG) – Africa Office. She has over 10 years' experience in human rights, minority and indigenous peoples' rights in particular. MRG works to secure rights for ethnic, religious and linguistic minorities and indigenous peoples around the world. jolly.kemigabo@mrgmail.org