

UGANDA

Indigenous peoples in Uganda include the traditional hunter/gatherer Batwa and Benet communities and pastoralist groups such as the Karamojong. They are not recognized as indigenous by the government.

The *Karamojong* are transhumant pastoralists who live in the neglected Karamoja region of north-eastern Uganda. They number around 955,245¹ people, out of a total population of approximately 26 million. The *Benet*, who number around 20,000 people, also live in the north-eastern part of the country. They 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.² They were dispossessed of their ancestral land when the Bwindi and Mgahinga forests were gazetted as national parks in 1991.³

The Constitution has no express protection for indigenous peoples but provides for affirmative action in favour of marginalized groups. 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

Main developments in 2006

A landmark truce between the Lord's Resistance Army (LRA) and the government in an effort to bring an end to some 20 years of fighting in northern Uganda was signed in Juba, southern Sudan on 26 August

2006 and took effect on 29 August 2006. Rebels were given until 12 September to have safe passage to come out of hiding. Despite these efforts, fighting and rebel activity reportedly continued throughout late 2006 in some areas. While the national peace process moved forward, international efforts to bring to justice the perpetrators of international war crimes and crimes against humanity continued in parallel. In May 2006, Interpol issued the first wanted persons notices on behalf of the International Criminal Court (ICC). Despite requests from the Ugandan government and some sectors of civil society that an amnesty be granted in order to facilitate the peace process, the ICC has insisted that LRA leader Joseph Kony and four other LRA leaders must face justice.

Uganda also remained susceptible to the instability in neighbouring DRC. In December 2006 between 12,000 – 20,000 people from eastern DRC entered south-west Uganda after fleeing fighting in the volatile eastern province of North Kivu.

During 2006, the United Organization for Batwa Development in Uganda (UOBDU)⁵ continued its work for the Batwa, addressing land and housing issues, education and adult literacy, and income generation, including agricultural support activities. Many Batwa are still completely landless. Access to health, education and other social services is also extremely low among Batwa communities, and their housing conditions are extremely dire and precarious, characterized by overcrowded makeshift huts of sticks and mud which leak when it rains and have no proper sanitation. Batwa childhood mortality is more than double that of the general population.⁶ The Batwa also suffer inordinately low rates of primary and secondary school attendance. In 2004, there were only five Batwa children in secondary school in the three districts of Kabale, Kanungu and Kisoro, where an estimated 70 percent of the Batwa population in Uganda resides.⁷ In Kisoro, only 30 percent of Batwa children attend primary school, and in Kabale the figure is around 40 percent.⁸ Ninety-eight percent of Batwa adults of working age living in south-west Uganda were reported to be unemployed in 2004.⁹ To survive, many Batwa work merely as casual labourers on the farms of neighbouring communities and receive as compensation only the right to stay on the landlord's property, cultivate a small piece of his land and receive handouts of food and old clothing.¹⁰

In November 2006, with the support of FPP, UOBDU participated for the first time at the African Commission on Human and Peoples' Rights, attending and delivering written and oral interventions to the Commission and its Working Group on Indigenous Populations/Communities at the 40th Ordinary Session of the Commission. In collaboration with FPP and IWGIA, UOBDU submitted a supplementary report to Uganda's first periodic report to the African Commission, describing the situation of indigenous peoples in the country. This led the African Commission to direct specific questions about the Batwa to the Ugandan state delegation.

In 2006, the Karamojong people experienced a number of negative state interventions. For instance, the Karamoja Integrated Disarmament and Development Programme 2005-2008, which sought to pursue a holistic bottom-up approach to disarmament, in which communities are participants in the entire disarmament process, was abandoned in 2006. It was abandoned soon after it was launched, when the main donor, DANIDA, pulled out citing frustration with the state. As a result, a punitive disarmament strategy was pursued by the state in 2006, with consequent human rights violations meted against the Karamojong. The state also sought to appropriate the Pian Upe National Park through compulsory acquisition, without consulting the Karamojong, an attempt that communities resisted successfully in particular through a campaign mounted by Advocates Coalition for Development and Environment (ACODE), the East African Leadership Centre and the Karamoja Cultural Trust.

The Benet successfully prosecuted a law suit in 2005 against the Uganda government, where the High Court ruled that they were the "historical and indigenous inhabitants" of the land around Mt. Elgon and thus were entitled to "stay and carry out economic and agricultural activities including developing the same undisturbed". However, by 2006 the Benet had yet to enjoy the fruits of this judgement as the Uganda Wildlife Authority had not taken any action in compliance with the orders of the court.

The African Commission's Working Group on Indigenous Populations / Communities conducted a country visit to Uganda in July 2006, and its final report on the visit is expected to be released in 2007.

In November 2006, the Ugandan Human Rights Commission was granted affiliate status at the African Commission on Human and Peoples' Rights, thereby opening the door for better collaboration and consistency between the work of the Commission and its Working Group on Indigenous Populations/Communities and that of Uganda's national human rights institution. □

Notes and references

- 1 According to the final results of the September 2002 National Population and Housing Census, Kotido District has a population of 605,322 (302,206 males and 303,116 females). Moroto District has a population of 194,773 (98,145 males and 96,628 females). Nakapiripirit has a population of 155,150 (78,284 males and 76,866 females) (See <http://www.ubos.org/preliminaryfullreport.pdf>).
- 2 The Batwa are also known as Twa.
- 3 **United Organisation of Batwa Development in Uganda (UOBDU), 2004: Report about Batwa data.** August 2004, Uganda, p.3.
- 4 Land Act (1998), Articles 2 and 44; National Environment Statute (1995), Article 46.
- 5 *The United Organisation for Batwa Development in Uganda* (UOBDU) is the main indigenous community-based organisation representing the Batwa of Uganda. It was established by the Batwa in 2000. Based in Kisoro, UOBDU works with the Batwa in Kisoro, Kabale and Kanungu districts to improve living conditions, livelihoods and human rights awareness and advancement.
- 6 Kabanankye, K. and Wily, L, *Report on a Study of the Abayanda Pygmies of South Western Uganda*, Kabale, Mgahinga and Bwindi Impenetrable Forest Conservation Trust, 1996, pp. 72-74.
- 7 Same as note 3, p.3.
- 8 *Ibid.*, pp. 8, 13.
- 9 *Ibid.*, pp. 11, 15, 19.
- 10 **ACODE, 2005: Living on the Margins: The Deprivation of Community-Based Property Rights of the Batwa Pygmies of South Western Uganda**, p. 9.