

***Securing Indigenous Peoples'
Rights in Conservation:
A Review of South West Uganda***



Forest Peoples
Programme

Key Findings

'Conservation' is missing its main best chance to be effective. Mainstream conservation still marginalises and ignores indigenous peoples, continuing to impose an old model of 'fortress conservation' that marginalises the Batwa in protected area management. This despite growing evidence showing that respect for the rights of indigenous peoples is effective in securing both livelihoods and conservation.

- While certain frameworks exist and there is a growth in recognition of community rights, genuine participation remains illusory. The Batwa continue to suffer multiple layers of marginalisation in protected area management. Having been arbitrarily evicted they now get the least attention from the Government as it tries to make protected area management more socially responsible.
- Despite Durban's rallying call in 2003 for a new 'conservation paradigm' protected area managers still see indigenous peoples as external to conservation. As a result the translation of the Durban Action Plan into action on the ground is not satisfactory.

Key facts

- The Batwa, previously forest-dwelling hunter-gatherers, are widely regarded as the first inhabitants of South West Uganda; approximately 6,700 Batwa now live within Uganda, half in the South West.
- In Bwindi, Mgahinga and Echuya forests the Batwa lived in coexistence with the environment and in full reliance on the forest for their physical, economic, spiritual and social sustenance.
- In 1964 Forest and Game Acts made it illegal to reside, hunt and farm inside parks.
- In 1991 the establishment of Bwindi and Mgahinga forests as national parks resulted in the eviction and exclusion of the Batwa from their homeland; 17 years later the Batwa remain marginalised from management of the parks and from any deriving benefits and rights to access and use the resources.
- The majority of Ugandan Batwa suffer severe isolation, discrimination and socio-economic exclusion. Their customary rights have not been recognised in Uganda and they have received little or no compensation for their losses. Almost half remain landless (squatting on others' lands and working for non-Batwa masters in bonded labour agreements) and almost all live in absolute poverty. They have poorer levels of health care, education and employment than their ethnic neighbours.

Implementation of the 2003 Durban Action Plan and CBD Programme of Work on Protected Areas

- **Social Benefits:** Despite a firm policy commitment to the needs of the Batwa and an increase in funding from national parks to local communities in the last few years, funding is still not reaching the Batwa. No money has been put towards land purchases since 2003, despite extreme landlessness. There is a little improvement in employment access; in Bwindi National Park there is a Mutwa working as a ranger and two Batwa are working with the Institute of Tropical Forest

Conservation (ITFC). In 2010 a joint tourism venture between the Batwa and the protected area managers of Mgahinga Gorilla National Park was opened. This venture is benefitting two neighbouring Batwa communities and enables them to access direct revenue from tourism.

- **Customary Use:** Forest uses considered critical by the Batwa – including wild honey collection, hunting of small animals, worshipping of ancestors – have not been addressed by a programme meant to enable access to forest resources by local communities. Such forest uses are therefore illegal.
- **Participation in Management:** The review found no evidence of a national-level review of protected area management since 2003; Bwindi and Mgahinga national parks continue to be managed with a top-down approach by the Uganda Wildlife Authority without meaningful participation of the Batwa.
- **Removal of Barriers to Participation:** Government officials often cite low education and literacy levels as a barrier to Batwa participation; however there are no targeted government programmes to address these barriers.
- **Capacity Building:** There is a gap between the policy and practice of the IUCN. The Durban Action Plan calls for the IUCN to help disseminate guidance but the IUCN country office does not have a budget for this; consequently guidelines have not been disseminated to protected area managers since 2003.
- **Resettlement of Indigenous People:** The 55% of Batwa who have received land have been given it by NGOs and religious groups; title has yet to be transferred to the Batwa. They therefore remain in a position of dependency and lack security of land tenure. The resettlement scheme has now stopped.
- **Transboundary Protected Areas:** The Batwa from Rwanda, Uganda and the DRC sent a letter to Ministers in April 2008 demanding to know why they were not consulted and not asked for their free, prior and informed consent for a new initiative to create a single biosphere reserve out of the Volcanoes National Park (Rwanda), Mgahinga Gorilla National Park, Bwindi Impenetrable National Park, Semliki National Park (Uganda), and Virunga National Park (DRC). To date no reply has been received.

Some Recommendations for Change

- Stakeholders at both the national and international level should continue to educate relevant government agencies on legal and human rights obligations as they relate to indigenous land and natural resource rights.
- The Government should amend national policy to acknowledge the internationally recognised definition of indigenous peoples. This must then lead on to the Batwa being specifically acknowledged as the indigenous peoples of the south west of Uganda.
- The Government should urgently implement a long-term programme, developed in consultation with the Batwa, to increase Batwa capacity to participate in decision-making bodies and processes, including: adult literacy programmes and information on protected area management in appropriate languages and formats.
- The IUCN secretariat should launch a specific programme of work to sensitise its members and their staff to the background and context of the Durban Action Plan. It should not be left to individual members to interpret the agreements as they wish.

Further information:

Securing Indigenous Peoples' Rights in Conservation: A Review of South West Uganda:

<http://www.forestpeoples.org/sites/fpp/files/publication/2010/04/wccugandapareviewsept08eng.pdf>

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