



BY EMAIL

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**RE: SUBMISSION ON THE SITUATION OF INDIGENOUS POPULATIONS IN
THE REPUBLIC OF UGANDA DURING THE COVID-19 PANDEMIC**

Dear Mr. Rapporteur,

As part of your call for the preparation of your report, part of which will be devoted to the evaluation of the impacts of COVID-19 on the rights of indigenous peoples, a report to be presented to the General Assembly in October 2020, African International Christian Ministry (AICM) and Minority Rights Group (MRG) hereby submit information on the impact of COVID-19 on the indigenous Batwa and Benet Communities.

1. Introduction

Corona virus known as COVID-19 which originated in Wuhan, China in December 2019 has now spread in the greater parts of the world including Uganda. COVID-19 has claimed many lives globally, fortunately for Uganda, nobody has so far lost life due to COVID-19. However, it has a devastating effect on humanity as countries put measures to curb the spread of the virus.

Uganda registered its first COVID-19 case on 21st March 2020, and subsequently, this led to lockdown measures such as public and private transport closure, closure of shops, mosques, churches, and schools, banning of any public gathering, among others, put in place since 27th March 2020.

Amidst the current advance effects of COVID-19 on humanity worldwide, therefore, the indigenous Batwa and Benet of Uganda face double vulnerability emanating from historical landlessness that has boundless effect on their psychological, economic and social status as human beings. There has however been no State involvement in the collection and analysis of data on the impact of COVID-19 on the Batwa and Benet communities, and hence no disaggregated data available on the impact of the pandemic on the two communities. The National COVID-19 Taskforce does not have an indigenous peoples' representative.

2. Background of Batwa and Benet

Batwa

Batwa Indigenous people are found in South Western Uganda in the Districts of Kabale, Rubanda, Kisoro, Kanungu and Bundibugyo. According to the Uganda Bureau of Statistics (UBOS, 2014), Housing and Population census there are 6500 Batwa people in Uganda. However, according to Bwindi Mgahinga Conservation Trust (BMCT), Batwa census of 2016, there are 3838 Batwa people spread across the five (5) Districts.

Batwa people originally lived in the Echuya, Bwindi, Mgahinga and Semiliki Forests until the early 1990s when they were evicted from these forests. Today, only a few Batwa live as squatters on other people's land; and on land provided by CSOs and kind individuals on the edges of the forest land of the current Echuya Forest Reserve, Semiliki National Park, Mgahinga Gorilla National Park and Bwindi Impenetrable National Park. The loss of forest land has had a devastating effect on the lives of the Batwa people in Uganda.

It is on the above grounds that on February 8th 2013, Batwa took Government of Uganda to court, petitioning the Uganda Constitutional Court for recognition of their culture as indigenous people under the International Law; and redress for the continued marginalization and Constitutional Human Rights violations they have experienced as a result of the dispossession of their ancestral lands by the Ugandan Government. Up to now, this court petition has not been heard. In pursuit of their human rights, the Batwa have interfaced with different government agencies such as the prime minister's office, Ministry of Gender, Labor & Social Development and the Equal Opportunities Commission seeking for redress of their plight since eviction from the forests.

Benet

Benet Indigenous People are found in the North-Eastern Uganda, in the Districts of Kween, Bukwo and Kapchorwa. The Benet population is estimated to be 9, 080 people in the three (3) Districts.

The Benet Indigenous People lived and occupied the slopes of Mt. Elgon since time immemorial and continue to demand for their land rights and permanent settlement. The Benet land rights issue dates back to 1936 when they lost their ancestral land to the British Colonial Administration as Mt. Elgon Forest Land was declared “a Central Forest Reserve”, thereby ignoring the Benet Indigenous People’s community.

When Uganda got independence from the British, this status quo was maintained. As such, the plight of the Benet Indigenous Peoples’ community never changed but rather it worsened when the Ugandan Government turned Mt. Elgon Forest Reserve in to National Park in 1963 under a stricter regime.

In 1973, the Benet Community lobbied the Government of Uganda to have the Benet be recognized in the laws as the indigenous people who lived and stayed in Mt. Elgon Forest since time immemorial, but they still remained landless and barred from setting up any permanent settlement.

In 1983, there was a settling program of the Benet by Government of Uganda, but this was not done properly. Some Benet got land while others did not. Those who got land were settled on 6,000 hectares of land outside an area not considered as national forest land. However, a group of Benet People called the Yetui were left out in a place called Kisito and enclosed in the forest; yet they were later labelled as encroachers and are being barred from putting up permanent structures.

In 1993 amidst Benet persisting appeals to the government for the recognition of their land rights, the government again set up another boundary of the national park making life harder for the Benet. This further reduced the size of the area meant for Benet permanent settlement.

In 2003, the Benet through their lawyers Nawgala, Rezida & Co. Advocates and help of Uganda Land Alliance (ULA) and Action Aid took the Government of Uganda and Uganda Wildlife Authority (UWA) to court seeking intervention on their land rights. This case was heard on October 27th 2005 in the High Court sitting in Mbale District with Justice J.B Katutsi delivering “a Consent Judgment” in which the Benet Community residing in Benet Sub-County: Yetui Parish, Kabsekek Village of Kween County and Kwoti Parish of Tingey County were confirmed as historical owners and indigenous inhabitants of the area declared as wildlife protected areas of National Park. Benet people were to stay in

the forest; carry out farming including developing the area. However, this has never been enforced. Benet people continue to meet more stringent and inhumane treatment mainly by Uganda Wildlife Authority (UWA) which is the custodian of the Mt Elgon National Park.

Benet Indigenous People through their representatives have continued to press harder the Ugandan Government and demand for their right to land and de-gazetting of Mt. Elgon National Forest. This resulted into the president directive of 5th February 2011 directing the Office of the Prime Minister to oversee resettlement of the Benet in the London Portion of Mt. Elgon Forest in the Bukwo District. However, in April 2012, the probe team instituted by the Prime Minister's Office ruled out the directive by the President, further de-gazetting part of Mt. Elgon Forest National Park.

Therefore, the land issue among the Benet continues to affect the Benet Indigenous Peoples community in Uganda.

3. How COVID-19 impacts on Batwa and Benet Indigenous People

Many Civil Society Organizations (CSOs) including Minority Rights Group International (MRGI) and African International Christian Ministry (AICM) has been working with Indigenous Minority People in Uganda in advocating for their land and other human rights issues. Among these indigenous people are the minority Batwa and the Benet. In all this human rights lobbying, advocacy and promotion work however, their dream of claiming back their land has not been realized. Without access to land which is central for determining their survival and livelihoods, the Batwa and Benet are rendered more vulnerable than most Ugandans. It is needless to say therefore that with agriculture being one of Uganda's biggest sources of income, farming has gained a lot of value during this COVID-19 since agriculture is the only means of survival in income generation and provision of food.

Therefore, with no land, the Benet and Batwa have been greatly been affected in the current outbreak of COVID-19 in different ways:

a. Livelihoods

Particularly for Batwa restrictions on movements imposed on border districts has escalated the plight of the Batwa because they would easily move to look for work and food from their neighbouring communities, and; sometimes through the forests to Rwanda and Congo since they mostly live near the forests on the borders to Rwanda and Congo.

In their landlessness situation, the Batwa have also faced hunger and cannot gain from agriculture even though it is one of Uganda's source of income. Notably, during the

COVID-19, Ugandans with enough land have been able to survive from selling agricultural products to fellow Ugandans and having food since the lockdown affected all other businesses. An example in point is of the Batwa in Bundibugyo District wherefrom to an interview of a representative of a local CSO, United Children Integrated Development Agency (UNICIDA), only 2 Batwa households are practising agriculture during this COVID-19 Pandemic lockdown out of the 40 Batwa households. In Kabale, Rubanda, Kisoro and Kanungu, the Batwa now wait upon philanthropists and CSO to provide food. This coupled with limited opportunities for Batwa to offer cheap labour in exchange for food since their neighbours who offer them such opportunities may not have the food or money to offer with most businesses not operational is a big challenge which will further escalate into severe food shortage even after COVID-19 has ended.

The Benet Indigenous people on the other hand that have been affected by COVID-19 lockdown restriction, though not in the same magnitude as the Batwa. Much as the Benet people do not own land, some have access to land where they can grow crops like Irish Potatoes, vegetables among others. The challenge for most Benet people regarding livelihood during the lockdown is the lack of access of markets to sell their Irish potatoes to buy other necessities needed. This has been as a result of the closure of public markets in which rural farmers sell agricultural produce.

It is worth noting that during the COVID-19 pandemic, the Benet community in Kween District were hit by Landslides on 30th April 2020 which destroyed 10 homes, killed 5 people in 2 households in the villages of Arkut, Sabu, Matupswoo, Yatui, Kortwo, Cherangut, Chesikongo, Chemukula in Yatui parish, Chekwutus, Tumwoseret, Kaptang, Kongta in Kere Parish all in Tuikat Sub-county. This left 120 people homeless, destroying their livelihoods, homes, crops and killing their animals. This too has left a devastating effect on Benet community amidst COVID-19 pandemic though the government through Office of the Prime minister (OPM) responded to the disaster by giving 150 kgs of maize flour to each village and 10 pieces of Iron sheets to each of the ten (10) households or homes destroyed by a mudslide. Also to note is that in the two (2) Sub-Counties of Kwozir and Kitawoi, each village not affected by Mudslide received 100kgs of maize flour as COVID-19 food aid. However, this might not soothe the impact or effect of both mudslide and COVID-19 has on the entire population in the Benet area.

According to Benet Lobby Group (BLG), a local SCO working on Benet Land Rights, representative, Uganda Wildlife Authority (UWA) is now taking advantage of the mudslide situation by advising the Ugandan Government to displace those Benet in internally displaced camps like Kisito who had been temporarily living there since 2008 partly due to landslide. This further escalates their fears of losing their land right and access to land which has been their struggle for now 30 years.

b. Health

Among the Indigenous communities of Batwa and Benet, no case of Covid-19 infection has so far been registered, however, due to the lockdown measures, especially on the ban on public transport and use of motorcycles (Boda Bodas) to avoid further spread of the Covid-19 virus, there has been limited access to medical services. This has greatly affected the Batwa in the Districts of Kabale, Rubanda, Kisoro, and Kanungu who live in remote mountainous areas with the difficulty of accessing the health facilities for HIV drugs, antenatal, immunization among other health needs.

Access to safe water has been a challenge for most Batwa households before and now even during this COVID-19 pandemic. Currently, there are few protected safe water sources for use among Batwa communities; even these are not clean enough for use as they are not maintained. Most Batwa households live on top of hills, this coupled with the fact that it has been a dry season, means accessing safe water for washing hands and observing personal hygiene is a big problem during this COVID-19 pandemic, as most homes rely on rainwater for domestic use.

Counted numbers of Batwa community members have access to face masks; these are bought from town and only those who have means (bicycle and motorcycle) to go to urban towns and money to buy have been able to access the masks. Currently, the Batwa community has not received face masks promised by the Government, and nobody is producing facemasks in the Batwa resident areas, according to the reports from AICM extension staff who work in Batwa communities.

In Benet especially in Kween District, 2 women lost their babies due to long distance and lack of transport means to access health centres for immediate help. This happened before Boda Bodas or private Cars could be allowed to carry sick or expectant mothers without authorization from Resident District Commissioners (RDCs) to seek medical care. The Benet IPs communities are equally having challenges in accessing other health services since most of the communities reside on foot of Mt. Elgon Forest with no transport means to the health centres.

Benet people who reside on the foot of Mt. Elgon have had a challenge of access to safe water; however, with the outbreak of COVID-19 where there is need for safe water for washing hands and ensuring personal hygiene, this has been worsened. According to Benet Lobby Group (BLG), the Benet communities mainly fetch water from streams (running water) since accessing safe water has been a challenge before. Using water from the stream during COVID-19 for washing hands and observing personal is more dangerous because it other water-borne diseases like diarrhoea, cholera, typhoid fever can be contracted. This puts the lives of people in danger.

Access to face masks: currently very few individuals in the Benet community have access to face masks. Many community members are waiting to receive the free face masks

promised by the Government this is because priority to spend money has shifted on food and essential household requirements during COVID-19 and face masks are expensive (Ushs, 3000) for community members to afford as COVID-19 has affected income and livelihoods.

c. Human Rights

In addition to the challenge of the Batwa and Benet's right to land and hence their inability to produce enough food to be used during the current lockdown, the Government National COVID-19 Task Force has not yet considered some of them as members of the community that are very vulnerable to receive relief food. For example, in Kisoro District, the district task force only gave COVID-19 relief food aid to Batwa Community in Busanza Sub-County of 2kgs of maize flour and 2 kgs of beans to each household. Also in Kween District only communities affected by the mudslide in Kwasir and Kitawoi Sub-County were given relief food aid from the office of Prime Minister (OPM) as indicated before. This in itself violates their right to access to food during this time of COVID-19.

Additionally, limited access to information about COVID-19 is another challenge to Batwa. Bearing in mind that the Batwa's main concern like most other Ugandans is to have food, few of them own radios and 1 or 2 own television sets or can buy newspapers through which the public are sensitized about the corona virus. Despite this challenge, the Batwa are anxious to know what is happening during this worldwide pandemic. Many times Batwa receive information through third parties and most often inaccurate information; and also gather around the few radios in their villages to get the latest news about COVID-19 and in so doing violating the preventive measure of social distancing.

Domestic Violence incidences have raised due to the stay-home measure to stop further spread of COVID -19 viruses. Without opportunities to offer cheap labour in exchange for food or singing for tourists for money, the Batwa are now faced with hunger, domestic violence and despair. More Batwa women and girls live pathetic lives at the mercy of Batwa men who strongly take drugs and alcohol out of frustration than men at the mercy of women. Therefore, although there have always been incidences of domestic violence especially Gender-Based Violence (GBV) in Batwa families, food shortage, redundancy and fear for the uncertain future during and/or after COVID-19 have contributed to more tensions in the Batwa households during this pandemic. In April, Six (6) domestic violence cases were recorded in Rubanda District and one (1) case reported on 20th May 2020 in Bundibugyo between a son and a mother who fought over a small piece of land on which to cultivate during the lockdown. In Kanungu District, there was an incidence of domestic violence on 28th May 2020 in Ruragara Batwa Settlement where a Mutwa man fought with his wife relief food while in Kisoro District a Mutwa fought his wife over UGX 2000 (Two thousand shillings only) meant to buy food on 18th May 2020. These

incidences are indications that there are many more incidences of domestic violence, and that women are suffering more than during the COVID-19 Pandemic.

Domestic violence incidences have also occurred among the Benet community during this pandemic. So far three (3) cases were reported in Kween District during this lockdown unfortunately with one (1) death caused by a woman who hacked her husband to death over failure to provide food for the family in March 2020. At the end of April 2020 in Kwoti District, a man who has been long-distance driver came home due to COVID-19 lockdown and found out that his wife was pregnant. He then suspected adultery leading to fights and eventually separation. The recent case was on 2nd June 2020, in Kwosir Sub-County in which a man who had deserted his family came back during the lockdown only to quarrel and fight with his wife who opted for divorce, the clan elders are yet to sit and settle the matter.

Conclusion and recommendations

All in all, with rising cases of COVID-19 in Uganda today and further lockdown measures might be put in place, the vulnerable situation of the Batwa and Benet Indigenous peoples in Uganda whose main challenge is the violation of their right to land that has rendered them vulnerable in all spheres of life as a challenge that deserves urgent attention.