

Land Rights, Policy and Cultural Identity in Uganda: Case of the Basongora Community

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Abstract : As much as Indigenous rights are presumed to be part of the broad human rights regime, members of the indigenous communities have continually suffered violations, exclusions, and threat. There are a number of steps taken from the international community in trying to bridge the gap, and this has been through the inclusion of provisions as well as the passing of conventions and declarations with specific reference to the rights of indigenous peoples. Some examples of indigenous people include the Siberian Yupik of St Lawrence Island; the Ute of Utah; the Cree of Alberta, and the Xosa and KhoiKhoi of Southern Africa. Uganda's wide cultural heritage has played a key role in the failure to pay special attention to the needs of the rights of indigenous peoples. The 1995 Constitution and the Land Act of 1998 provide for abstract land rights without necessarily paying attention to indigenous communities' special needs. Basongora are a pastoralist community in Western Uganda whose ancestral land is the present Queen Elizabeth National Park of Western Uganda, Virunga National Park of Eastern Democratic Republic of Congo, and the small percentage of the low lands under the Rwenzori Mountains. Their values and livelihood are embedded in their strong attachment to the land, and this has been at stake for the last about 90 Years. This research was aimed at investigating the relationship between land rights and the right to cultural identity among indigenous communities, looking at the policy available on land and culture, and whether the policies are sensitive of the specific issues of vulnerable ethnic groups; and largely the effect of land on the right to cultural identity. The research was guided by three objectives: to examine and contextualize the concept of land rights among the Basongora community; to assess the policy frame work available for the protection of the Basongora community; to investigate the forms of vulnerability of the Basongora community. Quantitative and qualitative methods were used. a case of Kasese and Kampala Districts were purposefully selected. 138 people were recruited through random and nonrandom techniques to participate in the study, and these were 70 questionnaire respondents; 20 face to face interviews respondents; 5 key informants, and 43 participants in focus group discussions; The study established that Land is communally held and used and that it continues to be a central source of livelihood for the Basongora; land rights are important in multiplication of herds; preservation, development, and promotion of culture and language. Research found gaps in the policy framework since the policies are concerned with tenure issues and the general provisions are ambiguous. Oftenly, the Basongora are not called upon to participate in decision making processes, even on issues that affect them. The research findings call for authorities to allow Basongora to access Queen Elizabeth National Park land for pasture during particular seasons of the year, especially during the dry seasons; land use policy; need for a clear alignment of the description of indigenous communities under the constitution (Uganda, 1995) to the international definition.

Keywords : cultural identity, land rights, protection, uganda

Conference Title : ICSPHR 2022 : International Conference on Social Protection and Human Rights

Conference Location : Toronto, Canada

Conference Dates : September 20-21, 2022