

**Joint NGO/Civil Society Submission on Pastoralism in Karamoja to the
Human Rights Council Universal Periodic Review Mechanism**

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Review of Uganda

Submitted on behalf of the following organizations

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I. INTRODUCTION

1. This stakeholder report is prepared and endorsed by the Ugandan civil society organizations which have programs aimed at reducing poverty and increasing disaster preparedness among pastoralists in Karamoja. These organizations are key stakeholders in both humanitarian and development work in Karamoja region. The development of this report was initiated in a workshop in Soroti, Uganda attended by representatives of the above organizations. Subsequent consultative meetings were held with other stakeholders.
2. This report describes some of the issues where human rights of pastoralists in Karamoja, North East Uganda, are frequently infringed, namely security, education, access to land and natural resources, food insecurity and culture. Karamoja region has for a long time suffered from chronic poverty and insecurity. There is lack of a pastoralist policy and mismanagement of the disarmament program. As a result the protection of a number of human rights have been put to question, such as the right to life, the right to education, the right to an adequate standard of living, the right to food, the right to property, freedom from torture and inhuman and degrading treatment, and right to culture. The report recommends that government sets up an effective and legitimate consultation mechanism with key pastoralist stakeholders in Karamoja to ensure consistency with the survival mechanisms of the pastoralists and takes measures to ensure security of person and property in Karamoja.

II. BACKGROUND

3. Generally speaking, pastoralists are people organized in tribal groupings whose livelihood comes from herding domestic animals for subsistence across thinly-populated arid lands, and who practice communal land tenure system. The major descriptive elements of pastoralism are ‘nomadism’ entailing seasonal landholding mobility of both herds and shepherds in search of water and pastures (often across district or international borders), landholding allowing for flexibility and manoeuvrability in an unpredictable natural environment, and a communal system of land-use. Their pattern of settlement usually involves loose mobile or semi-permanent structures for housing both themselves and their animals. Of paramount importance to a pastoralist is the availability of water and pastures for the animals.
4. In the Ugandan context, the Karamojong are the most well-known pastoralists. The Karamojong populate a region in the north eastern corner of the country commonly known as Karamoja. Development in pastoralist Karamoja region has long puzzled the subsequent Ugandan governments, frequently resulting in neglect and marginalization of the indigenous population. The perceived incompatibility between pastoralist cultures and livelihoods and human rights in Karamoja has led to top-down interventions which in turn have met with resistance from the pastoralists themselves. This has sometimes been termed the ‘pastoralist dilemma’. Ironically, interventions aimed at “developing” the pastoralists have oftentimes led to the violation of their rights and freedoms by governments and international actors. Like all persons, pastoralists are entitled to enjoy international legal protection of their rights and freedoms, including those of particular relevance to their survival and development as peoples, such as the right to collective ownership of property and the right to adequate standard of living.

III. RELEVANT INTERNATIONAL TREATIES AND MECHANISMS RATIFIED BY UGANDA

5. Uganda has ratified many international human rights treaties. However, with a view to the protection of pastoralists, other human rights treaties and mechanisms also need to be adopted by the Ugandan Government.¹

6. Recommendations

- The Government of Uganda should ratify the ILO convention 169 dealing with rights of indigenous and tribal peoples, and implement special measures in accordance with the convention to safeguard and protect the persons, institutions, property, labour, cultures and environment of the Karamojong/pastoralists.
- The Government of Uganda should promote and protect the rights of indigenous peoples, specifically the Karamojong as laid down in the United Nations Declarations on the rights of indigenous people (UNDRIP, September 2007).
- The Government should extend an open invitation to the United Nations special procedures, including the Special Rapporteur on the right to food and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people.

IV. PASTORALIST HUMAN RIGHTS ISSUES IN KARAMOJA

4.1 RIGHT TO SECURITY

Insecurity

7. The Government of Uganda has ratified the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment. The 1995 Constitution of Uganda further makes it an obligation for the State to protect its citizens through a comprehensive bill of rights. However, the protection of Pastoralists' lives and property in the Karamoja context leaves a lot to be desired.

Limited Access to Justice

8. Failure by government to investigate alleged human rights violations in Karamoja region guarantees impunity. The government of Uganda has failed to date to ensure adequate and independent investigations into frequent reports of human rights violations, including possible unlawful killings by the Uganda Peoples' Defence Forces (UPDF) in the Karamoja region

¹ Relevant international treaties ratified by the Government of Uganda include:

- International Covenant on civil and political rights (ICCPR) Sept. 1995
- International Covenant on economic, social and cultural rights April 1987
- The African Charter on Human and Peoples' Rights May 1986

thereby ensuring impunity for the perpetrators. The alleged violations have been committed in the course of an ongoing disarmament process in the area.

State Neglect to Protect Life and Property

9. The above situation has continued to thrive because of the inability or negligence of the State to adequately protect pastoralists and their property from human rights violators within and outside the pastoral community. In 2009 Bokora warriors launched an attack and killed 13 Pian women who were collecting firewood². No action was taken by government against the killers. Animals under the custody of the army in “protected kraals” have been raided by the Kenyan Pokot and Turkana tribes and were not recovered and the people not compensated.
10. In June 2010, 12 unarmed children were shot and killed in Lopuyo village and no verifiable action was reported. Testimonies from victims of illegal arrests report that the UPDF soldiers torture suspects using hot metals and hitting the muscles and veins of men around the anus and the testis. According to these reports such treatment is used against people suspected of being cattle rustlers and/or who the UPDF suspect are opposed to the disarmament exercise.

Poor Implementation of the Disarmament Exercises:

11. The number of reported and alleged cases of human rights violations committed during forceful disarmament operations, including extrajudicial killings, theft and loss of property is on the increase due to failure by government to ensure that the exercise of forceful disarmament is carried out in accordance with the set guidelines and rules. In Kotido and Kaabong, from September 2007, in the face of increased violence and raids by illegally armed Karamojong, there were reports of killings, acts of cruel, inhuman and degrading treatment or punishment and the use of excessive force leading to destruction of property and livelihoods. In 2009 Uganda People’s Defence Force (UPDF) using MIGs bombed and destroyed several kraals of Karamojong pastoralists in Katikekile Sub County, in Moroto district. This left many dead, especially children, women and elderly as well as cattle. In January 2011, over 10 UPDF soldiers gang raped a girl in Nadunget Sub County during cordon and search disarmament exercise. While government claimed to have arrested the perpetrators, to date no further action has been reported.

12. Recommendations

- Government should respect its obligations to protect the human rights of all individuals under its jurisdiction and cease the use of Indiscriminate and excessive use of force against pastoralist men, women and children;
- Government should take all necessary measures, including reviewing the disarmament process, to prevent any further human rights violations in Karamoja. The government should employ more effective and non-violent methods in the disarmament process.
- The Government should compensate the victims of violence by the army and strengthen its efforts to protect people from external attacks by Kenyan Turkana and Pokot tribes.
- Uganda government should bring to justice the perpetrators of crimes against innocent Karamojong pastoralists, not only civilians, but also the military and police officers

² UNOHCR REPORT 2009

committing such crimes. There needs to be transparency about disciplining errant officers.

4.2 EDUCATION

13. Article 13 of international convention on Economic, Social and Cultural rights assents that primary education must be free and compulsory for all, and secondary education should be available and accessible to all, in particular by the progressive introduction of free education. Education is a fundamental right to the children in Uganda. Literacy levels in Karamoja currently stand at 12% while in the rest of Uganda literacy is 67%³
14. About 50% of children in Karamoja are shepherds. They herd the cattle during the day while the adults and/ or old men have to keep awake the whole night to protect the cattle from possible raids. Pastoralists also move long distances in search of water and pasture for their animals making it difficult for their children to access schools. The implication of this is that children cannot access education under the current system of education.
15. The Government introduced an alternative education system called ABEK (Alternative basic education for Karamoja) that adapts the curriculum to the specific needs of Karamojong. However, ABEK is only utilized as a temporary learning environment enabling drop-outs to catch up with the formal education system. The ABEK system cannot cater for the mobility rate of the pastoralists in terms of time and distance. ABEK instructors are poorly paid and have often opted for other sources of income. Teachers provided for under the formal education system are sometimes shared with the ABEK programme causing a shortage in teachers. Early Childhood Development Centres are poorly resourced and many are currently non operational. There is no attempt from government to review the whole system to meet the contextual education needs of the pastoralists. Given the fact that the pastoralists still consider the cow as their only sustainable livelihoods system, children will continue to be shepherds and miss out on formal education until government designs an education system that will reconcile need for education with the specifics of the livelihood system of pastoralism.

16. Recommendations

- Government should incorporate and streamline the ABEK education system into the formal education system through appropriate policy that will ensure sustainability of the system through provision of infrastructure and funding.
- The Government should review the ABEK programme by specially designing and explicitly asking for the participation of Pastoralists in the policy development.
- In order to attract teachers to marginalized areas like Karamoja government should provide/increase incentives like hardship allowance and housing that will ensure retention of school teachers in Karamoja region.

³ UN OCHA special report on Karamoja 2010

4.3 FOOD INSECURITY

17. Karamoja is a disaster prone area where hunger is the order of the day. The area remains the poorest and most marginalized part of the country, caught up in the cycle of natural disasters, conflict and limited investment, which perpetuates underdevelopment and hunger. The main pillars of food security (accessibility, availability and utilization) have not been attained by pastoralist households making them then unable to resume normal life without emergency food and agricultural support. The Government of Uganda's present day attempts range from provision of permanent water sources which unfortunately dry up in the dry season, to provision of seeds for cultivation and ploughs. Cultivation is not a readily available option in most of Karamoja as not much a crop can grow out of the soil to maturity before it gets scorched. In rare good seasons and in the best areas of their arid lands, pastoralists do grow some crops such as millet and maize.
18. The food insecurity leads to malnutrition among the population in particular among the children. Crop failure due to the harsh Karamoja climate in combination with animal diseases and government programmes that are weakly implemented and managed, take their toll on the population. The malnutrition rate in Kotido is 10.5% and 2.7% in Moroto.⁴
19. Animal diseases are a problem too. In case of crop failure the population uses animals, mostly goats, as a buffer source of food. However, the disease known as Peste des Petits Ruminants has wiped out half of the population's goats. Also the prevalence of endemic livestock diseases such as contagious Bovine pleuropneumonia (CBPP) and contagious caprine pleuropneumonia (CCPP) remains high in the Central and Southern Karamoja pastoral zones and Kotido District. The mortality rate of evened herds in the wet season due to CBPP and CCPP is about five percent which represents a significant loss for household with reduced assets.⁵
20. Weak implementation and management of government programs has in some cases led to poor productivity amongst the pastoralists. For example Government of Uganda spent 12 billion shillings in 2009⁶ in seed distribution but that same year there was no harvest due to procurement of seeds with wrong specifications, timing and corruption. Another example is a poorly constructed dam of Kawomeri in Abim district in 2008/2009 which could not retain water for production.
21. The poor road network in these pastoral areas adds to the problem. It prevents access to veterinary services which explain the high mortality rate of their herds. It also prevents access to the markets to get good prices from the sale of their animals and also buy food for their families.

22. Recommendations

- Government of Uganda and Development partners should prioritize food security programs and resources for Karamoja (including pastoralists) for the promotion and protection of food and nutritional rights.
- The Government of Uganda should appreciate and respect pastoralism as the key dry land livelihood system in Karamoja and support it in appropriate ways.

⁴ World Food Programme Food Security Report 2010

⁵ World Food Programme food security report

⁶ IRIN Report

- Government should focus on alternative livelihoods appropriate to the pastoralist's context
- The Government's food security and agricultural livelihood agencies need to plan for distribution and stock of seeds during dry season in preparation for the planting season which is delayed due to the prolonged dry spell.
- For the Karamoja region (and its neighbouring districts) the Government of Uganda should start using natural resource planning methods such as: Participatory Rangeland Management, including all key stake holders in the region.
- Government should establish a pastoral research and training in Karamoja so that pastoralists can access veterinary services and other facilities.

4.4 PASTORALISTS LAND AND OTHER RESOURCES RIGHTS

Land issues

23. One of the major pastoralist human rights concern in Karamoja is that much of their land is being gazetted by government as public land leading to loss and restricted use of land vital for the survival of the herds on which they depend. Most of the land area in Karamoja has become a game reserve, national park, buffer zones or a military region. Government has given land concessions to investors in Karamoja and demarcated land for private users outside Karamoja in total disregard of the traditional rights of the pastoralists to ownership and use of natural resources.
24. It is appropriate to note the ILO Convention 169 as being one of the very few international Conventions that make explicit mention of 'nomads' as regarding the right to land: The rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy shall be recognized. In addition, measures shall be taken in appropriate cases to safeguard the right of peoples concerned to use lands not exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities.
25. Second, mobility of animals and people in search of water and pastures is very important. The importance of land to pastoralists cannot be overemphasized. Land in pastoral production is identified as one of the means of production, and includes such features as watering points, salt-points, and pastures. Reduced access to land for pastoralists and reduced livestock mobility to access key grazing/water areas makes it difficult for them to survive and increases conflicts in the region.

Natural resources

26. As in many other pastoralist areas in the world, Karamoja is subject to exploitation of its natural resources. Most of the time, external actors are taking advantage of existing gaps in the law for their own profit. This has resulted in land encroachment, or non sustainable exploitation of underground resources by private, national or international companies. In return, this has further limited the mobility of pastoralists who have no other alternatives than themselves overexploiting their resources, for instance by overgrazing when a part of the grazing land is not available anymore.
27. Natural resources such as lime stone, marble, gold, diamond do not benefit the Karamojong pastoralists directly or indirectly. Most of the land area containing these minerals is controlled by

titled private investors who exploit the pastoralists. Royalties arising from government-private partnership do not benefit the pastoralists in Karamoja.

28. Recommendations

- There is an urgent need for a regulatory body or land committee designed to protect the unique rights of Karamojong to communal landholding from external encroachment by third parties or the State. Where land is to be taken from the Karamojong for mining or other state-related purposes, they should be informed, their opinions sought and compensation made.
- The Government of Uganda should support communal land use, ownership and management and facilitate seasonal (cross border) livestock mobility: it should develop a cross border regional approach for this.⁷
- Processing industries for minerals should be encouraged to boost local employment, minimize exploitation of local labourers, raise taxes for the local industry, and stabilize prices at the local level for marble and other raw material.

4.5 RIGHT TO CULTURE

29. Recent attempts by the government of Uganda to ‘develop’ pastoralist groups in Karamoja, have stemmed from orthodox notions of development including forcible inclusion in market economies and the use of traditional indicators of development such as permanent settlements, factories, privatization schemes (and then forcibly pushing the locals into these facilities) to measure the success of interventions. Most of these development strategies have clashed with pastoral cultures and ways of life, culminating in the violation of fundamental rights and freedoms of pastoralists.
30. The Karamojong retain most of their traditions and values as a central part of their lives. The pastoralists’ cultural identity is deliberately being destroyed by Government. For example any Karamojong pastoralist seen wearing the traditional dress called Suka is arrested. The traditional wear is characterized as backward and the pastoralists are forced to put on shorts. The traditional institutions have been destroyed and there is no more respect for the pastoralist traditional administrative structures.
31. The pastoralist way of life is both productive and harmonious with the ecology of the difficult territories they inhabit. Local government interventions in Karamoja have tended to focus on ‘modernizing’ and sedentarising the Karamojong, with little consultation or input from the Karamojong pastoralists themselves. In the recent years government’s development policies attempted to hold pastoralists in Karamoja within the region. This has culminated in further marginalization of the pastoralists, creation of numerous factions amongst the Karamojong pastoralists and factions competing with each other as boundaries prohibit access to resources – water, salting points and pastures.
32. The move toward development and adoption of modern change in Karamoja is perceived as a replacement of culture especially where traditional living has proved most viable in certain circumstances such as life in semiarid regions.

⁷ In line with the recently approved framework on pastoralism of the African Union

33. Recommendations

- The Government should find ways to preserve pastoralist cultures and ways of life. Pastoral development processes should incorporate rights-based approaches for the supposed ‘beneficiaries. This diminishes antagonism against policies.’⁸
- The Government should set up an effective and legitimate consultation frame work to consult pastoralists groups and organizations on a regular basis about plans and policies on Karamoja.
- Legal and policy frameworks and reforms should start at the existing local institutional level so as to accommodate particular needs of the pastoralists.
- In the provision of services such as water and other infrastructures, effective consultation entailing the use of local languages should be employed to encourage participation of Karamojong in development activities.
- Pastoralists’ rights and needs should be taken into consideration by government in the wider policy-making processes and in the establishment of programmatic priorities.
- Government of Uganda should ensure that the different actors involved in pastoralist development are aware of the needs, rights, and freedoms of pastoralists and are versed in government’s plans and strategies with regard to pastoral development.
- In order to address the legacy of exclusion, discrimination and marginalization based on culture, the government of Uganda should adopt a rights-based approach in development and engage the Karamojong in State-building, a process through which the Karamojong are enabled to join with all the other peoples of Uganda on mutually-agreed upon and just terms, after many years of isolation and exclusion.

⁸ Homann *et al*, *Towards endogenous development*(2005)