



THE REPUBLIC OF UGANDA

BULIISA DISTRICT LOCAL GOVERNMENT COUNCIL
P.O BOX 228 - MASINDI

**Resolution on The Customary Laws of Bagungu Custodian Clans by
Buliisa District Council.**

Preamble

We, the Buliisa District Council, gathered here at Buliisa district Council Hall, Buliisa District, Uganda, on 6th November 2019:

Having reviewed The Customary Laws of Bagungu Custodian Clans governing the Bugungu land, rivers, lakes, food, forests and their *Mpuluma* (Sacred Natural Sites),

Recognising that the Bagungu Clan Leaders, including Custodians of sacred natural sites, have been working together to revive their traditions and to protect their sacred natural sites and territories,

Noting the concern of the Bagungu Clan Leaders for *Butaka* (Mother Earth) and for the future generations of all the species of the Earth,

Acknowledging that sacred natural sites and territories are central to the cultural values, morals and traditions and the customary laws of the Bagungu clans and are upheld by those who live according to Bagungu ancestral laws and customary governance systems;

Recognising that the Bagungu people, as the original people of Bugungu land, are the custodians responsible for protecting their *Mpuluma* (Sacred Natural Sites) and their ancestral territories in accordance with their customary governance systems and have an ancestral responsibility to protect the well-being of their land, and of the planet, which is increasingly threatened by uncontrolled industrial activities;

Noting that the Historical Monuments Act (1968) provides for the protection of Uganda's heritage of historical monuments including those of ethnographical and traditional interest,

Recalling that the Constitution of the Republic of Uganda (1995, amended 2005) promotes the preservation of Uganda's heritage and its cultural and customary values, recognises the institution of traditional or cultural leaders and encourages all citizens to participate actively at all levels in their own governance,

Recognising that the National Environment Statute (1995) protects the traditional uses of forests which are indispensable to the local communities,

Bearing in mind that the Land Act (1998) recognises customary land tenure regulated by customary rules,

Considering that the National Environment Act (2019) recognises that nature has the right to exist, persist, maintain and regenerate its vital cycles and its processes in evolution, just as do customary laws;

Recalling that the Cultural Charter for Africa (1976) provides for rehabilitation, restoration, preservation and promotion of African cultural heritage,

Recognising that the African Charter on Human and People's Rights (1982) requires states to promote and protect the collective rights and responsibilities of people including the 'unquestionable and inalienable right to self-determination';

Acknowledging that the Charter for African Cultural Renaissance (2006) recognises the importance of culture including spiritual value systems and traditions in promoting African identity and good governance;

Noting that The African Commission on Human and Peoples' Rights Resolution on the Protection of Sacred Natural Sites and Territories (ACHPR/Res. 372 (LX) (2017)) calls on State Parties to uphold their obligations and commitments under regional and international law on sacred natural sites and territories and their customary governance systems and the rights of custodian communities and urges State Parties to recognise and respect the intrinsic value of sacred natural sites and territories;

Recalling that the International Covenant on Economic, Social and Cultural Rights (1966) recognises the right to self-determination and social and cultural development;

Recognising that the Ramsar Convention on Wise Use of Wetlands (1971) provides for the conservation and 'wise use' of wetlands, recognising their ecological and cultural importance and the role of sacred natural sites in maintaining wetlands;

Bearing in mind that the International Labour Organization Convention No. 169 on Indigenous and Tribal Peoples in Independent Countries (1989) recognises the cultural and spiritual importance of lands and territories, community rights including to self-determination and customary governance systems;

Considering that the Convention on Biological Diversity (1992) requires State Parties to respect and maintain traditional knowledge and practices that protect biodiversity and to protect and encourage customary use of biodiversity in accordance with traditional cultural practices;

Acknowledging that The Earth Charter (2000) recognises the cultural and spiritual rights of indigenous peoples;

Noting that the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (2003) recognises and protects intergenerational knowledge, oral traditions, practices, rituals and places relating with Nature and the Universe;

Recalling that the IUCN 5th World Parks Congress Recommendations V.13 Cultural and Spiritual Values of Protected Areas, and V.26: Indigenous Peoples' and Local Communities Conserved Areas and Territories (2003) recognises the role of Indigenous Peoples' and Local Communities Conserved Areas and Territories (ICCAs) in conserving ecosystems and recommends their recognition in national and international systems;

Considering that the Convention on Biological Diversity's Programme of Work on Protected Areas (2004) calls for greater participation and recognition of indigenous peoples in the governance of protected areas, and Aichi Target 11 of the Strategic Plan for Biodiversity (2011–2020) recognises the important role of indigenous and local community conserved and governed areas,

bearing in mind that the UNESCO Convention on the Protection and Promotion of Diversity of Cultural Expressions (2005) protects and promotes the cultural expressions of minority and indigenous people in protecting cultural diversity;

Recalling that the United Nations Declaration on the Rights of Indigenous Peoples (2007) recognises the rights of communities to cultural practice, customary governance systems and self-determination, including their spiritual relationships with, and rights to protect, their religious and cultural sites and ancestral territories;

Affirming the IUCN and UNESCO Best Practice Protected Area Guidelines No. 16, Sacred Natural Sites: Guidelines for Protected Area Managers (2008) which recognises the need for Park Managers to enable custodians to access their sacred natural sites to carry out the required ceremonies;

Acknowledging that the IUCN World Conservation Congress Statement of Custodians of Sacred Natural Sites and Territories (2008) calls upon governments to recognise rights of indigenous peoples to govern their sacred natural sites and territories according to their own customs;

Noting that the Anchorage Declaration (2009) reaffirms the sacred connection between nature and humans, and recognises the collective rights of indigenous peoples, particularly to custodianship, access and restitution of traditional and sacred lands and territories;

Bearing in mind that the Opitsaht Declaration (2010) recognises rights to self-determination in accordance with traditional values, practices and beliefs, to access territories, and promotes respect for traditional knowledge and practices in governing sacred sites in accordance with Earth's laws;

Considering that the Universal Declaration of the Rights of Mother Earth (2010) recognises Mother Earth as a living being with rights to life, existence and to continue her vital cycles, requiring humans to ensure that their activities contribute to the wellbeing of Mother Earth, now and in the future;

Recognising that the IUCN 5th World Parks Congress Recommendation 147 Sacred Natural Sites (2012) calls for support for customary laws in the face of global threats and challenges;

Recalling that the United Nations World Conference on Indigenous Peoples Alta Outcome Document (2013) recognises the Earth-centred customary governance systems of indigenous peoples, recommending state recognition of communities' rights to protect sacred places, sites and cultural landscapes;

Noting the World Wilderness Congress (WILD 10) Resolutions 11 and 12 (2013) Recognising Networks of Sacred Natural Sites and Territories and the Customary Governance Systems of their Custodian Communities; and 'No-Go Areas' for destructive activities threatening World Heritage Sites, and Protected Areas, including Indigenous Peoples' and Local Communities Conserved Areas and Territories (ICCAs) and Sacred Natural Sites and Territories;

Acknowledging that the IUCN World Parks Congress Promise of Sydney (2014) recommends appropriate laws to create no-go areas within Sacred Natural Sites and Territories and in other sites where Indigenous Peoples and local communities are conserving lands and resources, particularly destructive industries;

Recalling that the IUCN Recommendation 102 (2016) calls on governments to give high priority to avoiding environmentally damaging industrial activities that impact sacred natural sites and territories and areas conserved by indigenous peoples and local communities and calls on the business community to respect all categories of protected areas as 'no-go' areas for environmentally damaging industrial activities;

to trigger a transformational change in the protection of biological diversity and cultural heritage, for all life on Earth;

Acknowledging that the United Nations Special Rapporteur's Framework Principles on Human Rights and the Environment (2018) requires States to comply with their obligations to indigenous and traditional communities, including by recognising their rights to the lands that they have traditionally occupied and by protecting their traditional knowledge and practices in relation to their territories;

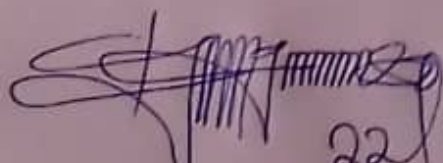
Recognising that the Summary for policymakers of The Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) Global Assessment Report on Biodiversity and Ecosystem Services (2019) affirmed that the knowledge and practices of indigenous and local communities often enhances nature conservation and that customary governance and co-management regimes involving indigenous peoples and local communities can be an effective way to safeguard nature.

Resolution

The Bullisa District Council resolves that:

1. The Customary Laws of Bagungu Custodian Clans presented to the Bullisa District Council by the Association of Bagungu Custodians of Sacred Natural Sites on 6th November 2019 are hereby recognised at District level;
2. The District Council will therefore initiate a process of passing the customary laws as a local bill for an ordinance in accordance with s38 of the Local Governments Act 1997;
3. The District Council also recognises the Resolution by Bagungu Leaders and Custodians of Sacred Natural Sites and Territories, presented to Bullisa Local Government on 20 September 2019;
4. The District Council acknowledges the Association of Custodian Clans as the official body representing the custodians of Bugungu ancestral land

RECORDED BY


22 Nov 2019

MAGAMBO SAMUEL
CLERK TO COUNCIL

ON THIS DAY OF 2019

CONFIRMED BY



ON THIS DAY 22 OF NOV 2019