

MOBILE BOUNDARY AND MOBILE PEOPLE:
INVOLUNTARY RESETTLEMENT OF THE BENET PEOPLE IN
MT. ELGON NATIONAL PARK, UGANDA

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Declaration

I, Henry Luzinda, do hereby declare that this thesis is a result of my research investigations and findings. Sources of information other than my own have been acknowledged and a reference list has been appended. To the best of my knowledge, this work has not been previously submitted to any other university for award of any type of academic degree.

Henry Luzinda

Ås, May 2008

Dedication

To my near and extended family and all those who have in any way, contributed to my education.

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Abstract

Involuntary resettlement is a painful process that disrupts society and the livelihoods of societies. Surely, removing people from protected areas and restricting their access to forest resources has led to significant achievements in conservation of natural resources and biodiversity. Despite the negative effects of involuntary resettlement on livelihoods and society as a whole, it has continued to occur, causing physical and economic exclusion of the resettled people from the protected resources that usually support the lives of these people. This study argues that involuntary resettlement continues to occur, not only because it is vital for the protection of the precious ecosystems that support life on earth, but also because it is the cheapest way to realize protection of the useful ecosystems.

The study sought to analyze the persistence of involuntary resettlement in Mt. Elgon National Park. It also sought to investigate the effects of involuntary resettlement of people's livelihoods. This study argues that if governments are forced to meet the economic and political cost of involuntary resettlement, the conservation agencies that usually belong to the government will have no choice but to seek alternative processes of negotiation, where both the conservation agencies and the local people agree to compromises in bargaining for a win-win situation.

Data was collected through semi-structured questionnaires, focus group discussions, life histories, analysis of secondary data and official records, and direct observation. Findings show that, different groups have different perceptions of involuntary resettlement depending on the interests underlying their position. Findings also reveal that there is a general positive attitude among some groups of the local people towards being resettled from the park. Further, findings reveal that contrary to expectation, involuntary resettlement can cause positive effects to livelihoods a factor that can be capitalized on to develop the local people and their communities. Notwithstanding that, it should be born in mind that if it is unethical to resettle people against their will, it is also unethical to keep people in the park against their will: Policy measures designed to address involuntary resettlement should avoid both extremes.

List Acronyms and Abbreviations

BESA	Benet Settlers' Association
BLG	Benet Lobby Group
DFO	District Forestry Officer
FD	Forest Department
HCU	High Court of Uganda
HIV/Aids	Human Immunodeficiency Virus/ Acquired Immune Deficiency Syndrome
IRR	Impoverishment Risk and Reconstruction
IUCN	World Conservation Union
KDA	Kapchorwa District Administration
LC	Local Council/ Councilor
MECA	Mt. Elgon Conservation Area
MENP	Mt. Elgon National Park
MTTI	Ministry of Tourism, Trade and Industry
NGO	Non Governmental Organizations
NORAGRIC	Department of International Environment and Development Studies
PA	Protected Area
PEAP	Poverty Eradication Action Plan
POU	Parliament of Uganda
RDC	Resident District Commissioner
UMB	Norwegian University of Life Sciences
UPE	Universal Primary Education
UWA	Uganda Wildlife Authority

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CHAPTER ONE: INTRODUCTION

1.1 Background

The idea of evicting people from conservation areas has its theoretical foundation in the fortress conservation thinking that views humans as a threat to conservation areas. According to Igoe (2004) the term fortress conservation developed from the title of a book by Dan Brockington (2002). The greatest effect that evictions inflict on local peoples is disrupting society and livelihoods (Brockington & Igoe 2006). Because of its insensitivity to the integrity of livelihood networks, exclusion of people from resources caused by conservation efforts has been strongly criticized for perpetuating poverty.

In a global context evictions can be dated back to the formation of Yellowstone National Park in 1872 where the indigenous Shoshone were forcibly relocated and their homeland put under the protection of the US army in 1877 amidst local resistance, which claimed the lives of 300 people (Kemf 1993). Colchester (1997) notes that the establishment of most national parks and protected areas has had negative effects on their prior inhabitants. Since the concept of National Parks was introduced, it has dominated conservation efforts with its basic premise of human exclusion, leading to massive evictions and resettlement the world over. Cernea and Schmidt-Soltau (2003), who have various experiences in Africa, Asia and Latin America demonstrates that conservation-related displacements have led to risks of landlessness, joblessness, homelessness, marginalization, food insecurity, increased morbidity and mortality, loss of access to common property and social disarticulation.

There has been a multiplication of protected areas in recent years and this has led to the displacement of indigenous and other local peoples from their traditional homes through evictions and resettlements. The protection of bio-diversity in the protected areas has been raised as the justification for the displacement of local people and making many of them illegal settlers and encroachers in these areas (Ghimire & Pimbert 1997). Geisler and De Sousa (2001) show that the number of protected areas in the world increased from 3,613 (423,774,000 ha or 3.2%) in 1985 to 10,401 (841,041 or 6.4%) in 1997. In Africa the number of protected areas grew from 443 covering about 88,662,000 ha, or 3% of the continent's land mass in 1985 to 746 covering

about 154,043,000 ha or 5%, of the continents land mass in 1997. The authors also estimate the number of resettled people to range between 2.4 million people and 38.9 million people in Africa in the last three decades.

Forests in central Africa, southern Africa and east Africa can provide some of the worst examples of human displacements in Africa (Adam & Hulme 2001; Cernea, M. M & Schmidt-Soltau 2003; Ghimire & Pimbert 1997). Cernea & Schmidt-Soltau (2003) refer to the Babembezele 'pygmies' of Nouabalee-Ndoki National park in the Democratic Republic of Congo as having been evicted from their homeland without compensation or alternative livelihoods strategy enacted, in law, formal decision or on the ground. Displacements without compensation have taken place in Kruger National Park in South Africa where about 250,000 the San and Tsonga people were evicted from their homeland (Geisler & De Sousa 2001). The Masai people of Serengeti National Park numbering about 16,200 and Ngorongoro conservation area numbering between 10000 and 50000 in Tanzania were also evicted in 1974 without regard for livelihood and social consequences (Arthen 1986 in Geisler & De Sousa 2001 page 163). In the formation of a wildlife corridor between Kibale National Park and Queen Elizabeth National Park, some 30,000 indigenous forests settlers and peasant settlers were expelled from their homes (Feeney 1993 in Colchester 1997 : 10). Himmelfarb (2006) notes that balancing livelihoods with wildlife and nature conservation has become one of the most controversial issues in land use management in Sub-Saharan countries.

1.2 Justification for the study

The study of evictions and forced resettlement has aroused academic attention due to its increasing frequency as a pre-requisite of park resource conservation in Uganda. Evictions and resettlement have also had huge impacts on livelihoods and human development. Within the last 20 years, several communities have experienced forced relocation in Uganda and these include: the Ik people of Kidepo National Park, the local Mpungu community as a result of the creation of the wildlife corridor between Queen Elizabeth and Kibale National Park (Ghimire & Pimbert 1997; Mugenyi, O et al. 2005), the Batwa people in Bwindi and Mgahinga National parks, the Benet in Mt.Elgon National Park and the Basongola in Queen Elizabeth National Park (Tumushabe, G. & Musiime 2006).

According to the Forestry Policy of Uganda of 2001, Uganda's population growth estimated at about 3.6% per year is leading to an increase in the demand for land, food and energy. Institutions such as schools, prisons, hospitals and others rely on almost exclusively on firewood for cooking, as does 90% of the population. Banana et al. (2003) further report that 30% of the highly ecologically valued tropical high forest is degraded and the degradation trend continues. Uganda's forests are an essential foundation for the country's current and future livelihood and growth. Given the heavy dependency of the Ugandan population on forests, it is likely that evictions and resettlement will continue in order to protect the biodiversity and environment of Uganda (eg. Cernea, M. M & Schmidt-Soltau 2003).

In a number of cases, the displacements have been conducted outside the proper legal process without due regard to people's livelihoods, rights and property, and without adequate compensation (Mugenyi, O et al. 2005; Tumushabe, G. & Musiime 2006; Tumushabe, G. W. 2005). Identifying areas of the law and policy which should be observed in carrying out eviction and resettlement can contribute to better respect for human rights, and more people-friendly ways of carrying out resettlement in future. It is hoped that the knowledge generated from this study will help to guide local, national and international policy makers, donors, government bureaucrats and politicians in relation to natural resource management and conservation-related human resettlement in the future.

1.3 Conceptual framework

First, it is important to note that this study agrees with the position that in some cases human displacement is an inevitable process of conservation (Brockington & Schmidt-Soltau 2004). The study intends to bring out the weaknesses and constraints of evictions and resettlement as an effort of creating more understanding and creating an opportunity to improve resettlement processes.

The problem in this work has been studied from the position that evictions and resettlement in Mt. Elgon National Park were not purely motivated by biodiversity conservation and protection of Mt. Elgon water catchment values. Apart from the official justification for evictions and resettlement offered by the Government of Uganda in 1983 and 1989 resettlement, there are

other underlying reasons of a political and economic nature. Colchester (1997:104) expresses concern over the severity of forced relocation of indigenous people to make way for national parks in watershed forests, which are often afforded stronger protection to conserve soils and control siltation to safeguard economic interest downstream.

The study also tries to show that local people are not given an effective opportunity to express their interests and explain their values and therefore, even if evictions and resettlement are reasonably justifiable and conducted properly, they cannot win popularity and legitimacy in the eyes of the local people. Vedeld (2002) notes that local acceptance and legitimacy are important factors to the success of environmental and natural resource management projects.

The aim of the study therefore, is to seek to understand evictions and resettlements as a socio-legal, political and economic issue, which goes beyond conservation. Identifying the various perceptions and interests underlying evictions and resettlement and the way those processes affect local people's livelihoods can create more knowledge and information needed to deal with future evictions.

1.4 The People

1.4.1 Indigenous peoples and protected areas

There is no universal and unambiguous definition of the concept 'indigenous peoples', but there are a number of criteria by which indigenous peoples globally can be identified and from which each group can be characterised. The most widespread approaches are those proposed in the International Labour Organization (ILO) Convention no. 169 and in the Martínez Cobo Report to the UN Sub-Commission on the Prevention of Discrimination of Minorities (1986).

According to the provision of the ILO Convention no. 169, people are considered indigenous either because they are descendants of those who lived in the area before colonization; or because they have maintained their own social, economic, cultural and political institutions since colonization and the establishment of new states. It is important to note that, the ILO Convention emphasizes that self-identification is crucial for indigenous peoples. The Ugandan Constitution

of 1995 also provides a definition which refers to indigenous people as all people belonging to communities existing and residing in Uganda as at 1st February 1926 (Article 10, Government of Uganda 1996).

Kemf (1993;4) gives a global picture of indigenous peoples. She quotes UN estimates that there are 300 million indigenous people. The Worldwatch Institute estimates that there are 200 to 600 million indigenous people on earth and there are 600 cultural groups and languages.

The tribal native people dwelling in remote places occupy 19% of the world's surface. These people are stewards to a significant portion of the earth's fragile eco-systems. Five percent of the world's surface is legally protected by 130 countries in nearly 7000 officially declared protected areas. Many of these protected areas overlap the homelands of indigenous peoples, and sadly they were created without consulting the communities that lived in and near them.

Over the last 150 years, some 30 to 60 million indigenous people have died from exposure to diseases such as influenza, malaria; including eighty-seven entire indigenous groups in Brazil alone. These people have died due to the increasingly hard struggle to survive, which is manifested in lack of land tenure, altered habitat conditions leading to new contact with other people, which have brought in diseases; and various new activities which have caused poisoning of land (Kemf 1993).

The majority of national parks in Uganda have been homelands of indigenous people; the Ik of Kidepo National park, The Batwa of Bwindi Impenetrable and Mgahinga National parks to mention but a few. Despite this, no single ethnic group can enjoy the special status of indigenous people as per the ILO convention definition because the Ugandan Constitution of 1995 recognizes all ethnic groups in Uganda as indigenous. This was announced officially in Uganda's Initial State UN Committee on the Rights of the Child in 1996. Unrecognized as indigenous peoples and therefore considered as part of the main stream society, the peculiar conditions which put the Benets in a disadvantaged position in relation to other Ugandan communities belonging to the mainstream society, the Benets collective rights have been violated without

proper or any recourse to remedies. This study will take particular interest in the Benet people of the Mt. Elgon National Park in north-eastern Uganda.

1.4.2 The Benet

The Benet indigenous people, who are part of the larger tribe called the Sabiny, are a pastoralist forest dwelling community who traditionally resided in the grassland and moorland areas of Mt Elgon forest. They are divided into four social groupings, namely *Benet*, *Piswa*, *Kwoti* and *Yatui* (Asingwire et al. 1998) . The Mt. Elgon forest was gazetted as a crown forest in 1936. After the gazettelement, the Benet communities were allowed to remain in the forest reserve without residence documentation on an understanding that this was their home. The assumption was that the Benet community would remain a small community, practicing pastoralism, hunting and fruit and herbs collecting for their livelihood (Benet Resettlement Implementation Committee 1998; Government of Uganda 1996; Onyango 1996).

Present day evictions and resettlement conflicts in the Benet community have their roots in 1936 when the colonial government surveyed and mapped out the boundary separating the Sabiny tribe into two groups namely the Sabiny and the Ndorobo. The Ndorobo remained inside the park until 1983 when they were resettled in the lower belt of Mt. Elgon together with some internally displaced people from the lowlands of Kapchorwa District (Himmelfarb 2006; Lang & Byakola 2006; Scott 1998). The Ndorobo people and the internally displaced people make up the Benet people, who now reside in the Benet Resettlement Area in on the northern fringes of Mt. Elgon National Park in the southern part of Kapchorwa District.

Box 1: The Benet people

The Benet people include all people living in the Research area. There are mainly two groups namely; the lowland Sabinu people (herein referred to as non-Ndorobo) and the forest-dwelling Ndorobo people. According to the 1969 ILO definition and the United Nations Declaration of Tribal and Indigenous peoples adopted in 2007, the Ndorobo can be defined as indigenous, notwithstanding that they consider and define themselves as indigenous people. While on the other hand, the lowland Sabinu people do not consider themselves as indigenous people. It must be noted however that both groups belong the same Sabinu tribe, share the same language, traditions and culture. The only difference between the two groups is that the Ndorobo communities while living in the mountain-forest remained more or less pure due to limited outside interference until 1983 while the lowland Sabinu people lived in an open society as part of the mainstream community of Uganda. The Ndorobo indigenous people have four social groupings namely; The Benet, the Piswa, the Kwoti, and the Yatui clans.

Although the 1983 resettlement scheme was meant to remove the Ndorobo Indigenous people from the Mt. Elgon Forest Reserve, the Local district administration found it expedient to resettle the lowland Sabinu people, who had been rendered landless by the fatal cattle rustling raids of the Ugandan Karamajong and the Kenyan Pokots, together with the Ndorobo indigenous people. During the 1983 resettlement exercise, the two groups were resettled together in the present day Benet Resettlement Area and thereby adopting the generic term Benet people.

1.5 Location of Mt. Elgon National Park

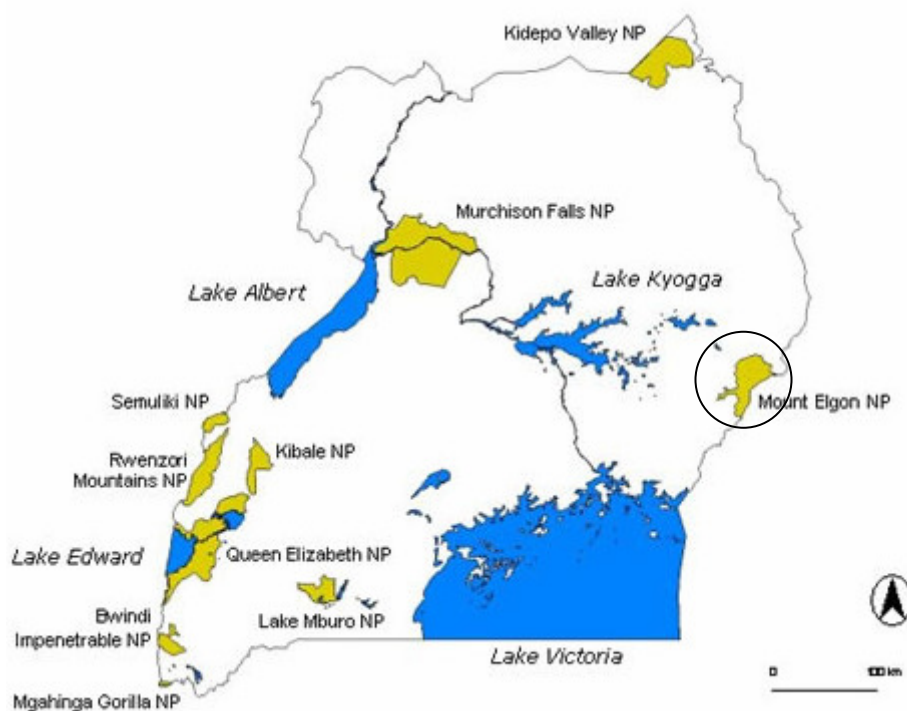


Figure 1: A map showing the location of Mt. Elgon National Park in Uganda (marked by a circle).

Mt. Elgon, on whose slopes the National Park is located and from which it derives its name, is a large massif in eastern-central Uganda, situated on the political border between Uganda and Kenya, see figure 1. Most of the caldera of this large extinct volcano lies within Kenya (Nagrove & Hulme 2006).

Including the land on both sides of the international border, the Mt. Elgon massif extends for about 80 km north to south and 50 km west to east. The highest point on the crater rim is 4321 meters above sea level, making Mt. Elgon the eighth highest massif in Africa and the second highest in Uganda, after Ruwenzori Mountains. Mt. Elgon's caldera is located at approximately 1°09' north latitude and 34°33' east longitude. The summit is some 100 km North-Northeast of Lake Victoria and 235 km East-Northeast of Uganda's capital city of Kampala (Uganda Wildlife Authority 2000).

1.6 Objectives of the study

This study has the following objectives:

- (i) To find out and analyze the perceptions of the different stakeholders relating to eviction and resettlement in Mt. Elgon National Park.
- (ii) To identify the impacts of involuntary resettlement on the livelihoods of the Benet people.

1.7 Thesis structure

The thesis will be divided into seven chapters. Chapter two will contain the literature reviewed and chapter three will present the background information to the study. Chapter four will present the study area. The data collection methods used in the study will be presented in chapter five. Chapter six will present the findings and the discussion. Chapter seven will present the conclusions.

1.8. The terms 'resettlement' and 'eviction'

The terms 'resettlement' and 'eviction' used in this study will be based on the definition of Fisher (2002). Resettlement refers to an involuntary removal of people from an area in which the

population receives assistance through the national government or the promoter of the national park to move to another area. Eviction refers a removal of people from an area without assistance to move to another area. In this study, resettlement has two components; the physical removal of people from a particular area and the restriction of access to resources. Cernea (2005) extended the restriction of access to be a form of displacement which he referred to as economic displacement. In this study the word economic exclusion will be used to refer to the same.

CHAPTER TWO: LITERATURE REVIEW

2.1 Introduction

This chapter presents a review of some literature on evictions, resettlement, encroachment conservation, and natural resources management. It also presents the theories and conceptual framework used in the study.

2.2 Natural resource management and biodiversity conservation

The spirituality of the way the subsistence-oriented communities access and utilize their resources and possessions is interesting. There are many beliefs and values attached to forests, which govern acquisition and use of resources like land, non-timber forest products, water and game (Buyinza 2004:139). The emphasis by local resource management systems on inclusion of man is part of nature, and their survival in the face of powerful exclusive national park models is worth appreciating. Many local conservation practices, which prevented overgrazing and allowed renewal of flora, are now difficult to continue given the new policies made by central governments (Chatty & Colchester 2002). The usurpation of the authority of local institutions over natural resources by central formal institutions has not yielded a positive effect on biodiversity conservation in some cases.

(Chatty & Colchester 2002) stress that sudden upheavals caused by displacement can be disruptive in the traditional way of life. McElwee (2002:210) has expressed that under funding and delays in resettlement schemes can be detrimental to park management: local people waiting to be displaced usually over-exploit the resources before they are forced to leave. Finding alternative land for the displaced people alone may not be sufficient if the major livelihood and cultural activities are not addressed. The Fulani and the native Bandu tribes of northern Cameroon have continued to face deprivation and livelihood hardships after resettlement (Kemf 1993).

2.3 Conservation thinking and practice

The real test of conservation success is to remove the fences that enclose protected areas (Adam & Hulme 2001; Schmidt-Soltau 2003). However, that cannot be achieved overnight, argues

(Brockington 2001). Scott (1998) notes that conservation thinking in Uganda has been changing over time from strict exclusive conservation to more human participatory conservation. In spite of that various literatures (Asingwire et al. 1998; Government of Uganda 1996; Himmelfarb 2006; Lang & Byakola 2006; Mugenyi, O et al. 2005; Mugenyi, O. 2006; Scott 1998; Tumushabe, G. & Musiime 2006; Tumushabe, G. W. 2005) show that conservation practice is far from community conservation, therefore the fortress conservation thinking is still strong in influencing decisions and actions in conservation and natural resource management in Uganda. Such a dominant thinking may not be easy to dislodge without hurting the local people further. Gradual reform in policy and practice can be more beneficial than radical change. After all not all elements of fortress conservation are wrong (Adam & Hulme 2001).

In many parts of Western Europe, the philosophy of national parks is based on mixing social and conservation values. As an example, Bruggeman (1997) notes that in Germany, the park regulations do not harm people's principle livelihood sources. Criticism that existed against the existence of Bavarian Forest National Park was primarily because the park restricted individual freedoms and customary habits.

(Bruggerman 1997) also points out that German forestry has been focused on sustaining timber production and assigning little value on biodiversity. By default, this integrates livelihoods in natural resource management. Most importantly, peasant interests in Germany have been protected by powerful lobbying in which case conservation has been subordinated to agriculture, the notable occasion being the decision by the Prussian parliament to dismiss the Yellowstone model of conservation in 1898. A similar trend of focusing on commercial timber production has existed in Uganda from the 1930s to 1970s (Mwima et al. 2004; Uganda Wildlife Authority 2000). More restrictive resource management that emerged later in the 1990s greatly affect local people, because livelihoods greatly depend on the protected resources.

Further, many successful attempts to integrate human and non-human needs within the landscape in protected areas have already been undertaken. The shift in attitude can be attributed to changing political perspective within the environmental movement and to pressure from human rights groups. However, the influence of the growing understanding that conservation objectives

have to be addressed alongside human needs if either is to make significant progress cannot be undermined (Dudley & Stolton 1999). This could be the philosophical background for denouncing displacement of local people from national parks.

Finger-Stich and Ghimire (1997) observe that whether human activities can coexist with conservation is a question of philosophical interpretation of nature. Various branches of natural science for example, define nature on the basis of quantity and quality of the flora, fauna and the physical environment outside of strong human influence. This detached 'vision' of nature does not correspond to the perception of European populations. The European perspective has placed man in the centre of the universe where the natural environment is there for man to conquer, exploit and develop for his sole benefit. However, other value systems have seen man as only a small part of a much greater natural order (Burkey 1993). Nature then can be seen as a social concept with different cultures having different ways of viewing and comprehending it and thus appreciating its value.

2.4 Land use conflicts in natural resource management and conservation

Conflict over land-use has posed the greatest difficulties in protected areas in Africa. Brosius (1999) states that these conflicts are both over material assets, as well as over meaning. In that regard Himmelfarb (2006) emphasizes that balancing livelihoods with wildlife and nature conservation has become one of the most controversial issues in land use management in protected areas in Sub-Saharan Africa. Scott (1998) for example notes that land use conflicts in Mt. Elgon National Park exist in form of grazing and cultivation activities against the conservation activities. On the other side of the story, Finger-Stich and Ghimire (1997) note that tourism based on the exploitation of rural landscapes, products and customs that has grown rapidly in recent years, is seen as a solution to rural economic and environmental decline, and as a way to increase the value of the local cultural identity. These values may differ from those of the local people where national parks are created. For example Schmidt-Soltau (2003) notes that 'it is unknown for inhabitants of neighboring villages to parks to take a walk in national parks in order to enjoy their aesthetic and recreational values.' Local communities however do have other

values attached to the forest and Scott (1998) identifies food and medicines as some of the values.

Another interesting form of conflict relates to sharing of costs and benefits that are attached to natural resources use. Banana et al (2003) notes that there is no real transfer of power to the local institutions in the management of forestry resources in Uganda. They furthermore note that district authorities receive the forest incomes while village leaders meet the expenses of protection activities on voluntary basis. Where those who meet the cost are different from those who receive benefits, interest and motivation for forestry conservation becomes minimal.

2.5 The concept of evictions in biodiversity conservation and natural resource management

The concept of evictions has its roots in the idea that human beings cannot amicably co-exist with nature. In this thinking, physical and legal boundaries are drawn to separate man from wild areas (Igoe 2004:79). In modern world, evictions have been justified by a higher goal of protecting the biodiversity and protect ecosystems for the common good of humanity for both the present and the future. Igoe (2004:71) has criticized this idea of conservation for relying on the forceful exclusion of local people in order to remain viable.

Although this perspective of conservation has its foundations in western science, some authors contend that it was founded by non-scientists. Brockington (2001) in his research findings in Mkomazi Game Reserve in Tanzania casts doubt on the scientific consistency of this conservation perspective. The idea that people degrade the environment cannot be generalized and should be examined on a case to case basis.

Evictions disrupt the balance between those who receive benefits of conservation and those who meet the costs (Brockington & Schmidt-Soltau 2004), yet this balance is vital for conservation to succeed (Brockington et al. 2006). However, emphasis is made that conservation has flourished amidst massive expulsion of people from their homes due to the silence of writers (Brockington & Igoe 2006). This soiled success has also been possible because the majority of the local people

excluded from the protected areas are weak and the few who benefit are powerful (Brockington 2006).

The process of expelling people from protected areas is drastic and in many cases involves violence. This fosters antagonism which leads to malicious damage of protected resources (Brockington et al. 2006). Evictions have been resisted because they obliterate people from landscapes (Sharma 1990). Hence they delete people's histories from the places where that history took place. Evictions also cause material loss to livelihoods and dwellings (Schmidt-Soltau 2003). People resist evictions because they view it as interference of different values systems into their local economies (Igoe 2004). Removing people from protected areas ignores local conservation initiatives (Brockington et al. 2006), but these initiatives are usually older than the protected areas themselves.

Therefore, removing people from protected areas should be based on informed knowledge of nature's processes in the larger ecosystems, and not on the presumed effect of human activity on particular selected resources (Brockington & Igoe 2006). Evictions of illegal encroachers in national parks in Uganda are by law supposed to be carried out by Uganda Wildlife Authority (UWA) as provided for by The Wildlife Act, Chapter 200, of Uganda. Although eviction is permitted to be carried out in enforcing the integrity of the park boundary, it has been carried out on lawful settlers in Uganda leading to human rights violation (Lang & Byakola 2006; Mugenyi, O et al. 2005). Buyinza (2004:135) notes that in many cases, including in Mt. Elgon National Park, the establishment of national parks, a process that subsequently led to evictions was carried out without consulting the local people. In that regard Himmelfarb (2006) observes that each change in the status of Mt. Elgon National Park progressively restricted public access to protected resources, hence greatly shaping the contentious relationship between local communities and managers.

Excluding people from national parks is implemented in complete disregard of the widespread dependency of the people on the protected resources (Pimbert & Pretty 1997). Following from that is that, in spite of the possibly of fatal hostility, fines and/or bodily injury that people

experience, so many of them are willing to risk grazing or clearing new agricultural land in the parks (Himmelfarb 2006).

Box 2: Uganda Wildlife Authority

Uganda Wildlife Authority (UWA) is a statutory body under the ministry of Tourism, Trade and Industry (MTTI) established by section 4 of the Uganda Wildlife Act Chapter 200 of 2000. UWA resulted from the merge of Uganda National Park, an institution hitherto in charge of national parks in Uganda, and the Game Department (Scott, 1998). The merger that created UWA was a result of an institutional wildlife arrangement done in 1996 and become effective in the same year. UWA is responsible for Uganda's 10 national parks, 12 wildlife reserves and 5 community wildlife areas (Lang and Byakola, 2006). UWA's funding comes from government, aid agencies and from revenue from the national parks. According to section 5 of the Uganda Wildlife Act Chapter 200 of 2000, UWA, as the custodian and manager of wildlife resources in Uganda, has the authority to evict all encroachers lawful and unlawful from the boundaries of national parks in order to protect the integrity of the national park and the resources therein.

2.6 National parks and local people's property rights

The Wildlife Act Section 17(1) empowers the Minister of Trade, Tourism and Industry to declare an area to be a national park, but the Act requires that Parliament approves the declaration signified by a resolution under a statutory instrument. Where the gazettement of a newly declared national park leads to displacement of people, from privately owned land, those people “*must be compensated appropriately, promptly and fairly and adequately*” as per the the 1995 Constitution.

Kai Schmidt-Soltau (Cernea and Schmidt-Soltau, 2005) expresses doubt on the appropriateness of compensation to local people who are mostly not used to the money economy.

The picture is different when it comes to community based property rights (CBPR). Tumushabe (2005) argues that although CBPR are a major mechanism of securing the livelihoods of many communities, but national policies and laws either pay “lip service” to CBPR or in fact undermine these rights. He further argues that there is no clarity on the meaning of the concept of CBPR among policy makers and practitioners in East Africa. There is growing policy distortion

with respect to the context within which CBPR is used and applied which inevitably is undermining the policy recognition, protection and promotion of these rights.

World Resource Institute (World Resource Institute 2000-2001) notes that the question of who owns the land or has the right to use its resources, is key to determining what services or products are reaped from an ecosystem, how they are harvested, and who gains the benefits. It is further noted that some patterns of ownership can work against good management of ecosystems, as when property rights are concentrated in the hands of those whose economic interests may favor unsustainable harvest levels or extensive development. An example of Maxxam Corporation which acquired the locally based Pacific Lumber Company in Northern California is given in this regard. Maxxam, on acquiring user rights, doubled the harvest rate so as to help pay off its large corporate debt.

Himmelfarb (2006) in a discussion of the relationship between park officials and people, points out that although all human use of natural resources inside the national park is illegal under Uganda law, UWA has experimented with granting some communities in other areas bordering the national park limited access to specific renewable resources. However, this is contingent on legally recognized land rights, which no communities in the upper region of the Benet Resettlement qualify for, because their tenure land rights are not officially recognized. The author also reveals that although park officials claim to have sensitized the villagers on purpose of the park and the rights and restrictions, the villagers claim to have never heard of these sensitization meetings. The villagers were also not happy about being denied access to certain park resources they had historically depended on, and believed they had an inherent right to use.

2.7 The concept of encroachment in natural resource management

Kiggundu (2007) notes that prior to the 1970s parks experienced minimal encroachment and that game rangers (of the Uganda National Parks in charge of national parks at the time) were instead protecting farmers' crop gardens from problem animals by shooting any trespassing animals. Encroachment in Ugandan Protected Areas worsened in the 1970s with the breakdown of law and order, and the population increase, the deteriorating economy and political insecurity leading to internally displaced people seeking refuge in protected areas (Buyinza 2004:135; Scott 1998).

The Wildlife Act Chapter 200 does not explicitly define encroachment; however section 21 and 22 list a number of prohibited activities in national parks. This definition uses the word authority as a major component, it can therefore be implied that some activities of encroachment can be allowed.

Mugenyi et al (2005) defines an encroachment to be occasioned when there is actual extension beyond the true boundary erection of buildings or other structures, or any form of unauthorized interference with another's land. It can take the form of settlement, cultivation, harvesting trees, etc. He further notes that encroachment may be of temporary or permanent nature. Permission is a main component of this definition. He writes that it is the forested areas perceived to have weak management and conservation mechanisms that are targeted by encroachers.

A land owner faced with encroachment has legal rights and remedies under Ugandan law. Article 273 of the Ugandan Constitution of 1995 entrusts the management of natural resources to the Government of Uganda for the general benefit of the people of Uganda. With this trusteeship comes the power to protect national parks from all forms of destruction, including encroachment.

Traditional and cultural activities can be turned into illegal activities by new policies, and in such cases the differences in perception of what is wrong and what is right in relation to encroachment as defined by the law against the customs, cause conflict of allegiance among the managers and communities (e.g. Himmelfarb 2006). Encroachment can persist in spite of restriction if those prohibited activities form the major means of livelihoods. Compliance with encroachment restriction is not easy for the locals when there is inconsistency of what is stated in laws as encroachment with what is perceived as encroachment in traditional practice. The Fulani and Fulbe villagers around Faro, Benoue and Bouba-Ndija National Parks in Northern Cameroon reported that they were not even aware that their hunting grounds had been declared national parks and that hunting had been banned until they were arrested by the authorities (Kemf 1993).

McElwee (2002:307) states that in an effort to protect the environment in many national parks, the main problems identified by state, local park managers and some international donors is

encroachment and shifting agriculture practiced by ethnic minorities. She further points out that over-generalizing and associating ethnic identity to certain negative practices in conservation has limited the understanding of the situation and taking of appropriate steps to address it.

2.8 The fortress conservation and community conservation divide

Adams and Hulme (2001) present fortress conservation as a set of management ways that strives to keep human beings away from protected areas. In this thinking people are viewed as the problem to conservation. As opposed to the fortress conservation thinking, community conservation sees the human being as part of nature where man should use nature to develop himself though, in a sustainable way. In the community conservation thinking, the human being is perceived to be rational. The neo-liberal thinking underpins community conservation. In concluding remarks, the authors note that fortress conservation has not fully lost its potency. The authors interestingly note that even though man was a rational being, the factors determining people's actions in conservation are complex, dynamic and sometimes external, hence calling for a more cautious and more prudent transition from fortress to community conservation.

Brockington *et al* (2006) argue in some cases local people may be too weak to resist the pathologies of conservation that affect them, but still conservation should be duty bound by ethics. Mclean and Stræde (2003) argue that most countries, organizations and professionals have disassociated themselves from an approach to park-people conflict resolution and protected area management based on the relocation of local people. Kemf (1993:6-7) notes that the rights and demands of indigenous and local peoples to continue living in parks and reserves and to use them on a sustainable basis is gaining acceptance. Park managers have had to come to terms with a whole new set of issues, concepts and ideas as well as to learn to communicate with groups of people with a different language, culture and world view.

The division among conservationist exhibited at the WWF-chaired Workshop on People and Protected Areas at the Caracas Congress on whether human beings can derive livelihoods in protected areas or not or whether there should be a balance, prominently highlighted the increasing acceptance that humans have a place in protected area (Kempf (1993:6-7). However, suspicion and mistrust still impede the transition to more human-friendly conservation. In that

regard, (Brockington et al (2006) cites the cynical attitude of powerful groups in the World Conservation Union (IUCN) towards making conservation accountable because of fear that the results shall be used against conservation.

2.9 Conservation policy and law

Kamugisha et al (1997) argue that the conflicting policies and laws cause confusion in the management and use of resources in national parks and can be a recipe for confrontation between the local people and the government.

It is stated in the National Environmental Management Policy for Uganda, 1994 that Uganda adopted wholesale the colonial policies and laws governing environmental resources. Most laws were geared towards specific resource uses and the inter-relationship between them was not so strong. Too much reliance on command and regulation and little use of economic instruments resulted in poor compliance. As a result government has adopted a participatory-approach and ensured wide consultation nationally and to some extent internationally in the development of recent laws.

Adger et al (2001) argue that global environmental discourses formulated in international arenas far from local arenas dominate institutional thinking and inform environmental policy. The technocratic solutions that result from them do not necessarily reflect ecological realities of the human utilization of the environment.

2.10 Livelihoods and displacements

Cernea (1997) identifies disruption of livelihoods and societies as some of the major problems of displacements. He uses his model 'The Impoverishment Risks and Reconstruction model (IRR), as a diagnostic tool, a predictive tool, problem-resolution tool and research guidance tool, to investigate how the displaced people are affected. Through the predictive component of the model, it is possible to explore alternatives to resist unjust or inadequately prepared displacements before it occurs, and to pursue their rights and entitlements when displacement is unavoidable (Cernea, M. M 1997:1577). Therefore effects of a resettlement can be minimized.

The IRR model has been used by Cernea himself in several studies in India to identify how the incomes and livelihoods of the resettled people have been affected and how they can be restored. The model presents 9 key risks and impoverishment processes that the resettled people face and these include: the risk of landlessness, the risk of joblessness, the risk of homelessness, the risk of marginalization, the risk of increased morbidity and mortality, the risk of food insecurity, the risk of loss of access to common property, the risk of social disarticulation and the risk of loss of education opportunities. Who is most affected by what risk of displacement and in what ways can be evaluated with precision in a particular location using the model. The proponents argue that the IRR model is more adequate for the affected communities than the traditional cost - benefit analysis, which project benefit at an aggregate level over time.

Schmidt-Soltau (2003) uses the IRR model to evaluate the risks faced by resettled populations, and to elaborate some social and environmental guidelines to mitigate them. He claims that most protected areas in Central Africa did not have an official strategy to integrate local inhabitants. The Noubale Ndoki National Park in the Democratic Republic of Congo is a paradise for animals, researchers and tourists; the Babenzele pygmies were expelled without compensation and no alternative strategies were carried out to secure their livelihoods. Authorities claim that it is not possible to resettle people who have no settlement. Clearly, there is a lack of recognition for common property rights. Tumushabe (2005) argues that the community based property rights of indigenous, mobile, local communities have been undermined by national policies and laws hence making livelihoods insecure, even though these people have played a critical role in conserving the earth's patrimony.

Schmidt-Soltau (2003) concludes that the resettlement of inhabitants in national parks has not succeeded, and in southern and eastern Africa there is a firm belief that removal of people is not key to biodiversity conservation. In a study carried out among Padampur villages in Royal Chitwan National Park in Nepal, McLean and Straede (2003) investigate the appropriateness and effects of resettlement. The study shows that although significant efforts are made by the authorities towards the welfare of the displaced people, the relocation had detrimental effects on

people's livelihoods, in terms of social structures, cultural heritage, jobs, labor relations and general future prospects.

2.11 Narratives and perceptions in conservation

Franzosi (1998) presents narratives as stories. He notes that narratives are important because they hold a great deal of empirical evidence in them – most respondents communicate in a narrative form. He also notes that a story can be rearranged into a plot. This brings out the constructivist nature of narratives. A story therefore is presented as a building block of a narrative. A story is an account of how things are, while a narrative is an explanation or interpretation of how things are. Benjaminsen and Svarstad (2008) present discourse and narrative as shared ways of understanding and presenting a social phenomenon. This implies an existence of actors and the existence of other ways of understanding the phenomenon.

The interpretation and explanation are subjective to knowledge informing the conclusion, background of the actors and interests at stake, and therefore narratives can serve many interests as the article (Benjaminsen & Svarstad 2008) demonstrates through the different parties to the mountain conflict. Roe (1991:288) claims that the foundation of the narrative does not necessarily have to be true or representative; it just has to be powerful. As long as narratives serve powerful interests they survive (Brockington 2004), irrespective of the relatively small minority of those they serve, even at the expense of the majority (Igoe 2004:106). The perception of the real problem can be hijacked and the local people sidelined by agents of the narrative, as in the case of Maasai NGOs in Tanzania (Igoe 2004).

Brockington (2004; 2001) adds an interesting factor to the domination of narratives. He argues that the distribution of power over those who are seemingly affected is vital to the survival and powerfulness of a narrative. Narratives supporting processes that are massively detrimental to the majority can prevail and continue to inform policy, because the majority who are weak can be suffocated simply by the silence of the powerful whose interest are not threatened.

Conservation thinking that parks are people free areas has bought its way to dominance. Rich NGOs have promoted such conservation-thinking through a process of compromise where

governments of developing countries have delegated power on conservation policy to these NGOs hence creating confidence in the populations about the reliability of their thinking. In this exchange the voice of the people has persistently called for caution, but they have been unheard and dismissed as sabotage of development programmes (Brockington 2001; Brockington & Igoe 2006; Igoe 2004).

Narratives can be used to displace knowledge systems. Local communities are portrayed as innocent and vulnerable to the outside world, in effect state intervention is legitimized to institute mechanisms that can protect the people and their resources. McLean and Straede (2003) show evidence that these mechanisms often employ exclusionism that sidelines traditional knowledge and weaken institutions that could be useful in future to protect the very conservation area in question.

Anstey and De Sousa (2001:199) use a case about local people in the Chimanimani Mountains in Mozambique, where local people have been portrayed as innocent and deserving protection from the hostile world which would deplete their rich resources. Such narratives use innocence as a catchword to win local legitimacy for conservation processes, which subsequently alienate the very people.

Benjaminsen and Svarstad (2008) also present a case where coining a dominant message that claims to represent all is achieved through persistent use of the available mass media. Newspapers and radio stations are used at every opportunity to defend and build a meaning held by a section of society into a meaning for all in the community. What is an acceptable activity in a certain place can be defined by a few because they are actively heard. This case could show conflict as a process of shaping meanings.

Adger et al (2001) argue that narratives of crisis; that the world is on the verge of catastrophe; due to excessive pressure on fragile earth, dominate modernist rhetoric and create a hegemonic myth of nature and society. However, they are attempts to simplify complex natural processes. Adopting the language and rhetoric of global environmental debates constrains the solutions proposed for local environmental problems.

CHAPTER THREE: BACKGROUND INFORMATION TO THE STUDY

THE LAW AND POLICY RELATING TO RESETTLEMENT FROM PROTECTED AREAS IN UGANDA

3.1 Introduction

This chapter presents the law and policy relating to evictions and resettlement from protected areas in Uganda.

3.2 International instruments

Uganda is signatory to a number of international instruments obliging it to manage its natural resources in a sustainable way namely: the Convention to combat Desertification 1994, International Convention on Biological Diversity, 1992, Bonn Convention on Migratory Species 1979, Convention on International Trade in Endangered Species 1973, Convention on Protection of World Cultural and Nutritional Heritage 1972, Ramsar Convention among others (Mugenyi, O et al. 2005).

Uganda has also signed international instruments that commit her to guarantee property rights namely: The Universal Declaration on Human Rights adopted by the United Nations general assembly resolution No. 217 A (III) of 10th December 1948. The Indigenous and Tribal Peoples Convention, 1989 (No. 169) adopted on 27th June 1989 by the general conference of the International Labor Organization, at its seventy sixth sessions, also adopted by the United Nations General Assembly in 2007. Uganda is also bound by the provisions of the International Covenant on Economic, Social and Cultural Rights adopted by the United Nation general assembly in 1966 and entered into force on 3rd January 1976 and ratified in 1987, The African Charter on Human and People's rights adopted on 26th June 1981 and entered into force on 21st October 1986 (Mugenyi, O et al. 2005).

3.3 The Constitution of the Republic of Uganda

Article 237 of the constitution of Uganda vests all land in the citizens of Uganda. It also entrusts all natural resources including forests in the hands of government for the people of Uganda. The article however provides for acquisition of land by government for public interest subject to article 26. Article 26 of the constitution provides for the protection from deprivation of property; however the provision is subject to exceptions where private property can be expropriated for public use upon prompt payment of fair and adequate compensation prior to expropriation, and a right to access courts of law for the deprived person or group of persons (Uganda Government 1995).

Under objective XIII of the National objectives and directive principles of state policy, the government is mandated to protect forests, land, water, fauna and flora among other natural resources from all forms of degradation and encroachment. Objective XXVII provides for sustainable use of natural resources for the present and future generation of the people. Objective XIX provides for the protection of the family by the state and society as a natural and basic unit of society. The state is also obliged to ensure food security for the people under objective XXII. Objective XVII provides for the state to provide free and compulsory basic education for all people in Uganda. Objective XXIV provides for the promotion and preservation of cultural values and practices which enhance the dignity and well-being of Ugandans. Objective XIV provides for efforts to ensure Ugandans enjoy rights and opportunities and access to health services, work, and decent shelter among others. Objective IX provides for the right to equitable development (Uganda Government 1995).

3.4 The Wildlife Act Chapter 200 of 1996

The Act providing for sustainable management of wildlife in Uganda. Section 25 of the Act provides for the protection of all rights of the people who acquired rights in the National Park before 3rd April 1952. The section also provides for access of to resources which are crucial to the survival of those communities. The section also provides for the power of the UWA to resettle people from a national park. Land acquisition by the government for conservation purposes can be acquired under section 25 in accordance with article 237 of the constitution.

Section 13 of the Act provides for participation of all stakeholders in the preparing a management plan. Under section 22 of the Act, it is illegal to enter into or reside in, a national park without permission from UWA (Government of Uganda 1996a).

3.5 The Land Act, Chapter 227, 1998

The Act provides for the tenure, ownership and management of land in Uganda. Under section 1 of the Act, all land in Uganda is vested in the citizens of Uganda and shall be owned in accordance with customary, freehold, mailo and leasehold tenure systems. Under section 42, it is provided that acquisition of land by government in public interest subject to article 26 of the constitution. Under section 44, the Act entrust the government with national parks, natural forests, natural rivers for the citizens of Uganda (Government of Uganda 1998).

3.6 The National Forestry and Tree planting Act Number 8 of 2003

The Act provides for the conservation, sustainable management and development of forests for the benefit of the people of Uganda. The Act repealed the Forest Act Cap 246 and the Timber (Export) Act Cap 247. Section 33(1) provides for domestic use of forest products by member of the local community. Under the section reasonable quantities of any dry wood or Bamboo can be cut and taken free of charge for domestic use. Section 32(1) prohibits among other activities; clearing, using or occupying of land for grazing, planting or cultivation of crops, erecting of a building or enclosure in a forest reserve or community forest (Uganda Government 2003).

Section 6 provides for the declaration of an area to be a central forest reserve. Section 7 provides for the procedure for declaring the forest reserve which requires the minister to put a notice of the declaration in an appropriate print media, consultation with local community, carrying out an environmental impact assessment and payment of an adequate fair and prompt compensation if the area is situated on private land. The same procedure applies for a declaration of local forest reserve provided for under sections 9 and 10 (Uganda Government 2003).

3.7 The Forest Act Chapter 146 Laws of Uganda (Repealed)

Act that consolidated the law relating to forests and forest reserves. The repealed Forest Act Cap 246 also allowed controlled use of forest products for domestic use by Africans under section 14. Section 13(2) prohibited among other activities; the clearing, use or occupation of land, grazing, planting and cultivation of crops, the erection of buildings or enclosures in a forest reserve without the permission of the forest authorities.

3.8 The Water Act Chapter 152 Laws of Uganda

The Water Act provides for the use, protection and management of water resources and supply. Section 5 of the water Act vests all rights in water including rights to investigate, control, protect and manage water to the Government of Uganda. Section 7 provides for the right for a person to use natural source of water for domestic purposes or irrigating a subsistence garden and fighting fire. Section 8 provides for an exception to the general rights to use water by declaring a water source a controlled area for purposes of managing land, water and other natural resources within that area (Uganda Government 1997).

3.9 The Registration of Titles Act chapter 230 Laws of Uganda

Under section 59 the Act provides for indefeasibility of registered titles. However, under section 178 the Act provides for compensation for a person deprived by error or misdescription in a registered certificate of title (Uganda Government 1924).

3.10 The Uganda Wildlife Policy of 1999

The Uganda wildlife policy vision is *‘to conserve in perpetuity the rich biological diversity and natural habitats of Uganda in a manner that accommodates the development needs of the nation and the well-being of its people and the global community’*. The objective of chapter 3.3 is to protect national parks from human settlements. Chapter 3.3 of the wildlife policy recognizes that there are people living in the protected areas. These people have led to serious degradation of the parks. The policy however emphasizes that settlement within protected area are sensitive and

complicated and requires a combination of actions, and a strong political support (Uganda Government 1999).

The policy strategy to deal with park populations includes establishing clear and easily recognizable boundary markers which are monitored and controlled. Designate community enclaves within National parks where, it is appropriate and justified. Evict illegal settlers from national parks. Interestingly all these strategies must be guided by continuous dialogue and negotiation with the local community within and bordering protected areas and local governments in order to settle conflicts. And basic principles in respect to human rights must be followed. All decisions related to human settlement within protected areas must be guided by conservation significance and principles (Uganda Government 1999).

The policy under section 3.6 provides for a need to develop community conservation and outreach programme for mass education. It also provides for good neighborliness between protected area management and rural communities. Chapter 3.2 provides for survey, marking and securing of protected area boundary. Land use conflicts should be resolved in a manner which is both realistic and in the best interest of conservation, while taking full account of basic human rights as a guiding principle for conserving biological diversity wildlife protected areas. The strategy on law enforcement in 3.2 provides for enforcement of relevant laws, bye-laws and regulations in a manner that is consistent both with the need to protect wildlife and with the maintenance of positive, mutually beneficial relations with neighboring communities. Chapter 3 in general lays down the policy's aim to promote long term, cost effective, conservation which maximizes the benefit of the people both the present and the future generations (Uganda Government 1999).

3.11 The Uganda Forestry Policy of 2001

The vision for Uganda's forest is '*A sufficiently forested, ecologically stable and economically prosperous Uganda*'. In the chapter one, the policy states that the forestry policy has undergone a series of changes. With the first forestry policy in 1929, the policy has been alternating between stricter conservation on the one hand and more liberal economic use of forest resources on the other hand. The last policy review of 1988 was undertaken because among other reasons,

it contained limited guidance on balance between production and conservation (Uganda Government 2001).

Chapter 1.2.17 provides for policy harmonization where a range of relevant policies and laws in the environment and natural resources sectors that overlap with the forestry. These sector policies include the agriculture, energy, environment and mining policies. Although some of these are mutually supportive and complimentary, they cause confusion among Ugandans and government officials and also limit their knowledge (Uganda Government 2001).

The policy also provides for community participation in forest management. However (Uganda Government 2001), the policy statement one in part 3 of the forest policy also recognizes that some areas of national significance for biodiversity conservation or protection of watersheds, river banks among others are better protected under the management of the government. Chapter 1.2.13 of the policy is also cognizant that local communities depend on forest resources especially the very poor of these communities. It also notes that forest local communities are composed of interested parties including private businesses and poor and marginalized groups with no voice. The former are the sole focus of the collaborative forest management and farm forestry. In chapter 4 part G, the policy commits the forestry sector to meet Uganda's obligation to signed international agreements and instruments through domestic legislation and action (Uganda Government 2001).

3.12 The National Environment Management Policy for Uganda of 1994

The overall policy goal is '*a sustainable social and economic development which maintains or enhances environmental quality and resource productivity on a long-term basis that meets the needs of the present generation without compromising the ability of future generations to meet their own needs*'. Chapter 3 section 1 provide for recognition of customary rights of land and resource use. Furthermore, it provides that in pastoral areas, pastoral groups should be provided with secure access and user rights to traditional grazing areas and water sources to the extent feasible (Uganda Government 1994).

Chapter 4 Section 2 provides that Uganda's tropical Forests are among the most biologically diverse ecosystems on earth, and the conservation of this diversity within the country's gazetted tropical forest reserves is of high national and international priority. These Forests are threatened by over-exploitation and inadequate implementation of policies and laws. The provision further recognizes that the local community involvement in the planning and management of protected areas and in the sharing of benefits derived from these areas is crucial for the conservation of forest resources. Chapter 5.1 provides that environment legislation should suit the political, social, cultural and economic framework of the country. It also further provides that all people in the country should be assured of the fundamental right to an environment adequate for their health and wellbeing (Uganda Government 1994).

3.13 Mt. Elgon National Park General Management Plan 2000

The management plan is a tool to guide the management of the Park. The plan identifies park values and management issues that need to be addressed. Management objectives and prioritized actions to be addressing these issues are outlined (Uganda Wildlife Authority 2000).

The primary management objective of Mt. Elgon National Park has been defined as: *To conserve and manage the physical, ecological and cultural resources of Mt. Elgon National Park for the benefit of the present and the future generations.* The management plan recognizes that there are communities still living in the Park for example the Benet community. According to the Plan, these communities have to be resettled outside the park. The plan also notes that the National Park has become an island in a densely populated area and as such its management and conservation has become a great challenge to Uganda wildlife authority and the nation as a whole (Uganda Wildlife Authority 2000).

In an effort to by UWA to increase emphasis on working closely with local communities, the community conservation office was set up at Mt Elgon National Park to work with communities living around the park. Conservation office through public meetings and consultations found out that land shortage due to increasing population and declining land productivity was pointed out as the leading cause to encroachment. In some areas surveyed park boundary are not

accepted due to confusion resulting from previous boundary surveys (Uganda Wildlife Authority 2000).

The executive summary of the General management Plan states that during the period from 1938-1993 the Mt. Elgon forest reserve was managed primarily for protection of its water catchment values and for limited exploitation of its timber resources by commercial harvesting operations and pit-sawyers (Uganda Wildlife Authority 2000).

3.14 Ordinances, bylaws and regulations

According to the office of the Assistant Warden Community Conservation Mt. Elgon National Park, Park byelaws were suspended because they were not made with the consultation of the local communities. They are now undergoing a review which will ensure participation of the local communities.

CHAPTER FOUR: STUDY AREA

4.1 Physical description of the study area

This study was conducted in Mt. Elgon National Park (MENP) which is the fourth largest national park in Uganda with an area of about 1121 km². It stretches between 0°52' -1°25'N and 34°14' and 34°44'E. The park is famous for its biodiversity (Government of Uganda 1996). Mt. Elgon, whose base is 4000 sq. km, is situated in the eastern part of Uganda with a considerable part in Kenya (Nagrove & Hulme 2006). The borders are formed by the rivers Suam in the north and Rwakaka in the south (Benet Resettlement Implementation Committee 1998; Uganda Wildlife Authority 2000).

Mt. Elgon is an extinct volcano of around 15-20 million years (Sletten 2004). On the Ugandan side, the mountain falls under the administrative area of Mbale, Manafwa and Bududha Districts in the south, Sironko District in west, and Kapchorwa and Bukwo in the north. Wagagai peak is Mt. Elgon's highest point at 4321 meters above sea level (Uganda Wildlife Authority 2000). The mountain has a caldera of about 8 km wide located at approximately 1°09'N and 34°33'E containing several tiny lakes. The park is situated above 2000 meters above sea level (Uganda Wildlife Authority 2000).

4.2 Climate and hydrology

The climate in Kapchorwa District is characterized by a chiefly bimodal rainfall pattern with the major rains falling between March and April, often with a short dry spell around June/July and the second rainy season in September/November. The most severe dry season extends from December to March (Government of Uganda 1996). Rainfall in the park ranges from 1500-2500 mm per year. Mid-slope at the elevation between 2000 and 3000 meters tend to receive more rainfall than either the lower slopes or the summit. The wettest months are from April to October, with June somewhat drier. The main influence on the amount of rainfall in Mt. Elgon National Park is the orographic effect of the mountain massif itself, and the proximity to Lake Victoria. Rain on Mt. Elgon is not only abundant, but also highly dependable. There is a 90%

probability that areas on Mt. Elgon will receive at least 1000 mm of rainfall in a given year (Heist 1994).

The high rainfall levels create a big water catchment area that forms a source of water for the river Rwakaka, which flows in the South and Suam, which flows in the North of the mountain. Mt. Elgon is also a source of water for large water bodies like Lakes Victoria and Kyoga in south and central Uganda respectively, and Lake Turkana in Kenya (Benet Resettlement Implementation Committee 1998). Protecting the Mt. Elgon watershed has been cited as one of main reasons for conserving the mountain. It is a water catchment area for about one million people and it is a highly sensitive ecosystem (Government of Uganda 1996; Lang & Byakola 2006; Onyango 1996). Depending on the altitude, the minimum and maximum temperatures range from 0° to 27°C (Scott 1998).

4.3 Flora

Mt. Elgon National Park is partly conserved for its valuable forest (Uganda Wildlife Authority 2000). Howard (1991) identifies four distinct altitudinal zones that the park carries, see table 1.

Table 1: The altitudinal zonation of Mt. Elgon (based on Howard 1991, in: (Uganda Wildlife Authority 2000)).

Vegetation community	Height	Park area
Mixture of montane forests	Up to 2500m	48%
Bamboo and low canopy montane	2400 to 3000m	21%
High montane heath	3000 to 3500m	7%
Moorland	Above 3500m	24%

Mt. Elgon’s most important area for species conservation lies in the high montane heath and moorland zones. These zones are rich in shrub and herb species that are endemic to the higher East African mountains especially Mt. Elgon. These include; the giant shrub *Loberia elgonensis*, *Senecio elgonensis*, the dwarf shrub *Alchemilla elgonensis* and the Umbellifa *Heracleum elgonensis*. The mountain has a variety of endemic flora, which includes *Senecio barbatipes* and *Senecio elgonensi* (Heist 1994).

A coniferous forest covers the northern part of the mountain with the *Podocarpus gracilior*, *Ekerbergia carpensis* and *Juniperus procera*, which are considered endangered by Food and Agriculture Organization (FAO). The understory consists of *Telclea nobilis*, *Olea sp.* and *Ilex mitis*. The southern and eastern part of the mountain is covered with *Olea welwiitschii*, *Prunus* and *Aingelia Adolf-friedricii* being the most dominant. Some of the fourteen species in Mt. Elgon are only found on the east and north-east African mountain (Heist 1994).

4.4 Fauna

According to Uganda Wildlife Authority (2000) the fauna of Mt. Elgon have not been fully studied.

4.4.1 Mammals

Mt. Elgon is known to be a habitat for a total of 30 species of small mammals (shrews and rodents), consisting of a mix of highland, forest-dependent and open habitat species. A range of larger mammals such as monkeys (black and white colubus, blue and de brazza's), leopards, elephants, buffalos, bushpigs, sitatunga and duikers are also resident in the park (Heist 1994).

4.4.2 Birds

Mt. Elgon supports the kind of diversity of bird species normally associated with tropical mountain massifs and the resultant range of habitats. The bird life of Mt. Elgon reflects the fact that the mountain is both at the eastern limit and of range of some western birds, and at the western limit of some eastern birds (Uganda Wildlife Authority 2000). The mountain supports 305 species of birds, of which 20% are unconfirmed (Scott 1998). The endemic birds include: *Jackson's francolin*, *moorland francolin*, *moustached green tinker bird*, *red-throated wryneck*, *black-collared apalis*, *Hunter's cisticola*, *alpine chat*, *marsh widowbird*, *weyn's weaver* and *the bearded vulture or lammergeyer* (Lang & Byakola 2006).

4.4.3 Insects

The *Charaxes* butterfly, which constitutes 53% of Uganda's total is some of the distinct fauna in Mt. Elgon. Uganda Wildlife Authority (2000) reports 171 species of butterflies and 71 species of moths in MENP's forest zones according to the 1996 Biodiversity Report for MENP.

4.5 The soils

Mt. Elgon soils are primarily volcanic in origin. They are relatively young and fertile, being high in calcium, sodium and potassium. Under natural conditions, these soils support a varied tropical forest. These same soils support a highly productive agriculture and high population density (Government of Uganda 1996; Uganda Wildlife Authority 2000)

Box 3: The Ugandan political and administrative system seen through Kapchorwa District

Kapchorwa District Council is the Political administrative authority under which the Benet community is located. Uganda has a five tier political system introduced by the Resistance Councils and Committees Statute of 1987 and the Local Government Act of 1997. The five-tiered system is composed of elected Local Councils (LCs) and executive committees, LC1 (Village), LC2 (parish), LC3 (sub-county/town council), LC4 (county/municipality), and LC5 (district). Each local council at every level includes an executive committee of nine members who have specific responsibilities. The Secretary for Environment is in charge of management of forestry resources among other natural resources. The LC1 includes all residents of the village. The higher-level LCs includes all executive committee members from the LC at the level immediately below them. The LC3, LC4 and LC5 executive committee members are paid; LC2 and LC1 committee members are volunteers. These committees formulate by-laws for management of natural resources. The District Council is also empowered to hire staff to manage and enforce by-laws (Banana *et al*, 2003). Kapchorwa District administration has been interested and involved in the Benet case since its creation as a District in 1962.

4.6 Some facts about the communities in and around Mt. Elgon National Park

The Mt. Elgon area is blessed with fertile soils and dependable rainfall. These conditions could explain the world-high density population in the area of about 600 persons per square km

especially in the areas bordering the park (Uganda Wildlife Authority 2000). Over 90% of the population is rural with subsistence agriculture being the dominant economic activity. The park is surrounded by 62 parishes with inhabitants residing in semi permanent dwellings constructed mainly of mud and wattle. The dwellings constitute a separate pit latrine unit and in some case a separate cooking place. Several homesteads accommodate extended families.

The Bagisu, a Bantu speaking group, are the predominant ethnic group on the southern and western side of Mt. Elgon. They are thought to have settled in the area in 1500 AD. Traditionally, the Bagisu are cultivators, although they also keep some livestock (Scott 1998; Uganda Wildlife Authority 2000).

On the northern side of the Mt. Elgon, the Sabiny are the dominant people. They are a Nilohamatic group who are now considered to be related to the *Kalengin* of Western Kenya. The Sabiny are thought to have migrated to the Mt. Elgon area from the north, arriving there in the 17th century. They settled in the Northern part of Mt. Elgon later than the Bagisu who settled in areas to the west and south. The Sabiny have traditionally been herders or pastoralists. The word 'Elgon' is thought to be a corruption of the *Masai* 'El Kony' a Sabiny word referring to communities of pastoralists living in the upper part of the mountain (Government of Uganda 1996; Nagrove & Hulme 2006; Uganda Wildlife Authority 2000).

The dominant land tenure system is customary tenure covering about 80% of the land holdings in Kapchorwa, Bukwo, Bududha, Sironko Districts. The customary ownership excludes non members to the clan or family from obtaining and using land under typical conditions. Ownership is not formally registered and land titles are not common. The legal status of land in Uganda is undergoing formalization and the 1995 Constitution and the 1998 Land Act of Uganda provide for recognition of customary land tenure (Government of Uganda 1995; Government of Uganda 1998). A typical farmstead in the district grow a mixture of perennials like plantain (matooke) and annuals such as maize, beans, peas, root crops like, Irish potatoes, yams, and cassava, and vegetables such as tomatoes, cabbages and onions. Some fruits may be grown as well, such as passion fruit, avocados, mangoes and papaws. Traditionally, soil has been preserved by setting aside significant portions of land within agricultural holdings for furrowing

at a given time. This practice is now much less common, given the growing population pressure and the need to use every bit of available land. As a result, soil fertility is said to be declining and soil erosion rising (Uganda Wildlife Authority 2000). Fragmentation of holdings is becoming more severe with holdings under one hectare composing 75% of the total holdings in Mbale and Kapchorwa Districts according to the National Census of Agriculture and Livestock of 1988-1992 (Uganda Wildlife Authority 2000).

4.7 Description of the study area

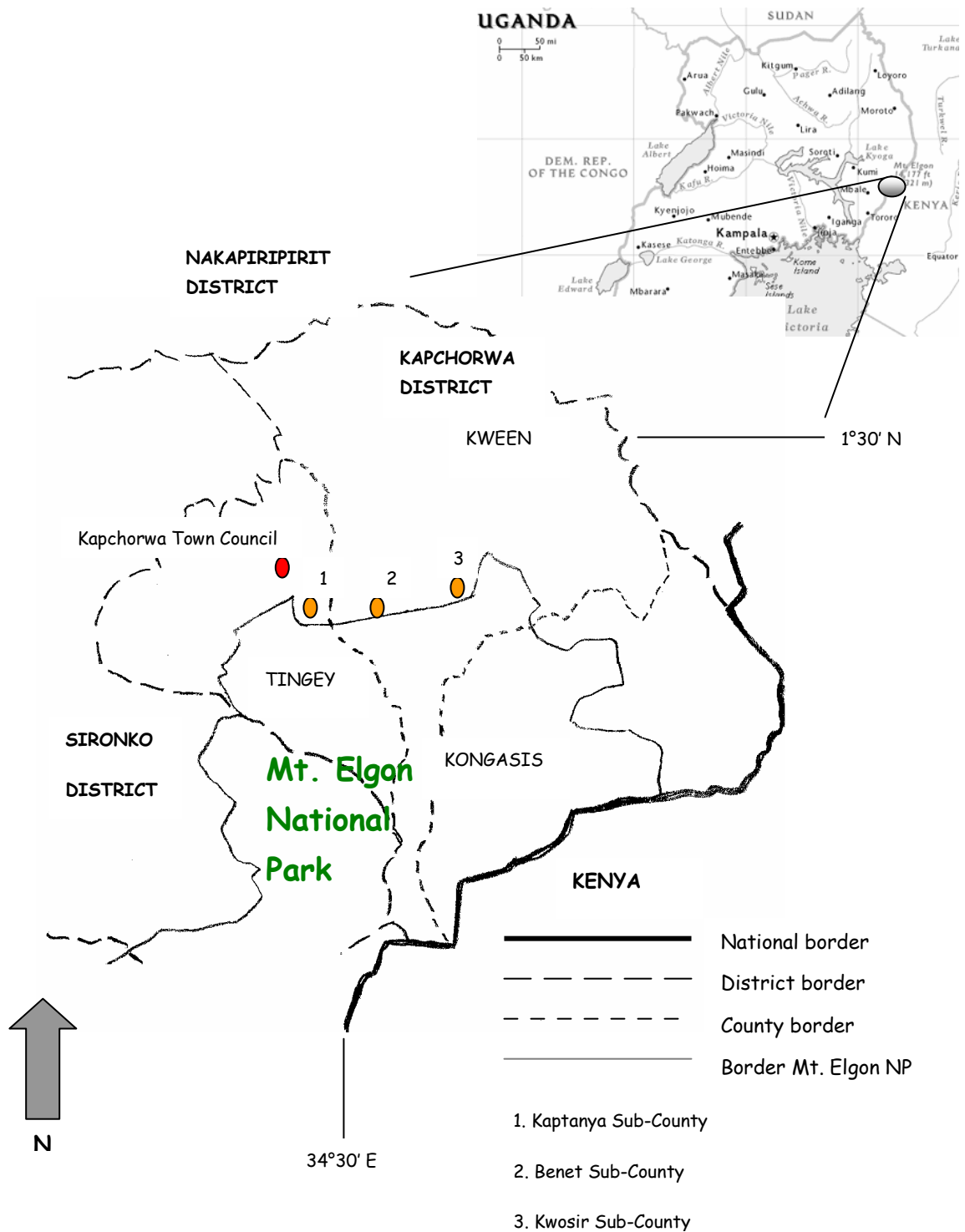


Figure 2: Location of the study area: Orange sub-counties marked 1-3.

4.7.1 Areas where study was done

The study was carried out in five parishes namely; Piswa, Likil, Yatui, Kere and Kwoti. Piswa and Likil are located in Benet sub-county in Kween County; Yatui and Kere are located in Kwosir sub-county in Kween County; and Kwoti parish is located in Kaptanya sub-county located in Tingey County, see table 2 below for location of parishes and villages. All the areas are located in Kapchorwa District on the northern side of Mt. Elgon National Park. The district is dominated by Sabinu people, see figure 2 for location of counties and sub-counties.

4.7.2 Sampling of parishes of study area

The parishes were chosen because they are located in the Benet resettlement area, which gave them an experience with the 1983 and 1989 resettlement exercise. They were also chosen because the park boundary separating them from the Park has not been defined: A 13 km stretch along the disputed 1983-boundary line separating the villages from the park has not been surveyed to demarcate the official park boundary. All the six parishes have residents residing below and above the 1993-boundary line, above the 1983-park boundary. All parishes share a common boundary with the park. The boundary lines are shown in a sketch in figure 3 below. Also indicated is the 1st park-boundary line of 1936.

4.7.3 Sampling of villages of the study area

One to three villages from each of the selected parishes were chosen for the study through stratified random sampling with a bias of location within the 1993-park boundary line, between the 1993 and 1983 park boundary lines and above the 1983-park boundary line, as shown in figure 3 below. Mengya, Kapkomongesai, Kaseko, Tulwo, Chemuron, Kere villages located below the 1993-boundary line were chosen; Tarangon, Cheben, Sukuroi, Kitale, Chemugula villages located between the 1993- and 1983-boundary line were chosen; Kapkwotarokwo, Teryet, Kapsekek, and Kabelyo villages located above the 1983-boundary line were chosen.

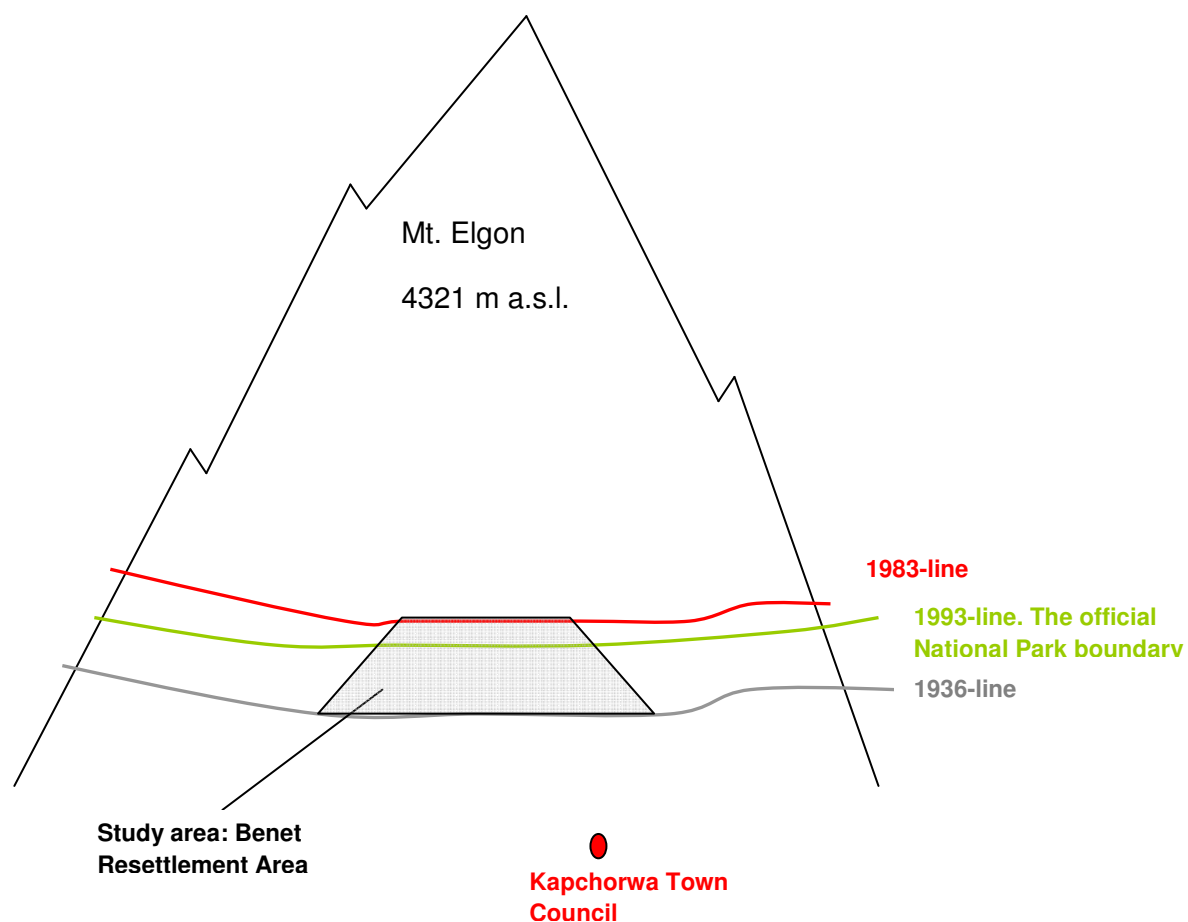


Figure 3: A sketch of Mt. Elgon showing the park boundaries of 1936, 1983 and 1993.

Table 2: Areas where the study was undertaken.

Sub-county	Parish	Village	Location		
			Below 1993	Btn 1993 & 1983	Above 1983
Benet	Piswa	Mengya	X		X
		Tarangon		X	
	Likil	Kapkomongesai	X		
		Cheben		X	
		Mulungwa			X
Kaptanya	Kwoti	Tulwo	X		
		Sukuroi		X	
		Teryet			X
Kwosir	Yatui	Chemuron	X		
		Kitale		X	
		Kapsekek			X
	Kere	Kere	X		
		Chemugula		X	
		Kabelyo			X

4.8 The history of the management of forestry resources in Mt. Elgon National Park

4.8.1 An overview of forestry resources in Uganda

At the beginning of the nineteenth century forests and woodlands covered approximately 45% of the total land area of Uganda (Banana et al. 2003). Today, forests and woodlands cover has reduced to approximately 4.9 million ha, about 24% of the total land area (Uganda Forest Policy 2001). Plantations constitute 1% of the national forest cover while Tropical High Forests (THF) and savanna woodlands constitute 99% of woodlands. Uganda has a large number of Protected Areas (PAs) that together cover about 13% of the country. The PAs fall under two broad categories; National Parks and Wildlife and Forest Reserves, and are managed independently of each other by the UWA and the National Forest Authority (NFA), respectively. About 1.9 million hectares of the PAs form the Permanent Forest Estate (PFE). This includes all forest reserve land and all forested areas in the National Parks and Wildlife Reserves (Mwima et al. 2004). About 30% of the THF is degraded and the degradation trend continues. Banana et al (2003) argues that the dependability of the people's livelihood and economic growth on forests has complicated forestry management and policy making resulting in continued deforestation.

4.8.2 The history of the forestry policy and Mt. Elgon Forest Reserve.

The central administration of Uganda first took control of natural forests in the 1900 Uganda Agreement, where natural resources were vested in the hands of the Crown under articles 16, 17 and 18 of the Uganda Agreement, 1900. In 1929, the forest on Mt. Elgon was accorded the status of a Protected Area and placed under the management of the British Colonial Forest Department (Himmelfarb 2006). This followed the concern that residents were steadily and increasingly advancing their agricultural activities up the slopes of the mountain (Government of Uganda 1996; Lang & Byakola 2006; Scott 1998).

The Forest Department managed central forest reserves on the basis of forest policies and forest management plans that were reviewed to accommodate new management objectives such as sustainable management, community based management, commercial exploitation, and biodiversity conservation among other objectives (Tumusiime 2002).

In 1929, the first Forest Policy was enacted and it reflected environmental and exploitation roles of the forests. Only part of the Mt. Elgon National Park had been delineated before the economic depression halted the activities, but later in the years 1936 to 37, the entire boundary of Mt. Elgon was surveyed and demarcated. During the period from 1938 to 1993, the Mt. Elgon Forest Reserve was managed primarily as a protection forest for its importance as a catchment area for Lake Kyoga in Uganda *via* river Mpologoma, and Lake Rudolf in Kenya *via* rivers Suam and Bukwa (Government of Uganda 1996; Scott 1998; Uganda Wildlife Authority 2000).

The 1940, the second Forest Policy came, as a response to the growing human population that required land for agriculture and forest products like timber for the growing construction industry. The policy marked gazettelement of the forest Mt. Elgon Crown Forest and in the following years, a number of excisions were conducted to accommodate families living in the park. The moorland dwelling Ndorobo communities were allowed to remain in their home area in the forest. In 1951, the area was re-gazetted as the Mt. Elgon Central Forest Reserve (Benet Resettlement Implementation Committee 1998; Government of Uganda 1996; Uganda Wildlife Authority 2000).

This protective function first reflected in the 1929 Forest Policy cut across the history of management of the forest and was given due priority in both the 1954 and 1968 Management Plans. The secondary objective of the management of the Forest Reserve was the limited extraction of both natural and exotic timber for commercial harvesting operations and pit-sawyers according to the Mt. Elgon Forest Reserve Working Plan of 1968-78 (Benet Resettlement Implementation Committee 1998; Uganda Wildlife Authority 2000).

This secondary objective resulted in the encouragement of agriculture and increased forest exploitation (Kiggundu 2007). It could also have encouraged the emergency of *Taungya* farming system and the establishment and subsequent opening up of softwood plantations for commercial purposes at Kapkwata and Suam in the mid 1957. But it should be noted that the national trend was spelt out in the 1940 forest policy as protection of forest resources with some limited commercial exploitation.

The 1967 Republican Constitution abolished all kingdoms in Uganda. All forest reserves owned and managed by local traditional institutions were taken over by the central government. This was not based on the failure of local institutions to manage forest resources; rather, it was a part of a general political move towards centralization based on the belief that it would be more rational and efficient (Banana et al. 2003:3). Shortly after the enactment of the new constitution, the Government was ousted in a coup d'état in 1971. The period of 1972-1986 in Uganda witnessed civil unrest and due to the breakdown of law and order, management capabilities within the Forest Department were greatly diminished (Buyinza 2004; Scott 1998).

In 1988, a third Forest Policy was issued with emphasis on effective management of Uganda's forests, not only for economic value of their timber products, but also for their environmental benefits. The Forest Department was rehabilitated to develop its capacity to manage its estate (Scott, 1998). The new policy promoted protective forestry, disseminated forest use through pedagogic tools and encouraged agro-forestry on private land.

A process which had started in 1986 with the enactment of the 1987 Resistance Councils and Committees Statute by the new pro-west regime was crowned in 1997 by the enactment of the Local Government Act. According to the Act, the delivery of services including the management of natural resources was once again decentralized to the districts and local areas. All forest reserves owned and managed by the local traditional institutions prior to 1967 were returned to them for management. Decision-making and benefits relating to natural resource management were transferred from the central government to the local actors. The broader objectives of decentralization of forest resources were to devolve more management responsibility to local councils and the withdrawal of the central state from activities that could be more effectively conducted by local authorities and the private sector. The other object was to encourage more active participation of local communities and farmers in the management of the country's forests (Banana et al. 2003).

The 2001 Forest Policy can be seen as a product of the prevailing international conservation trend which incorporates communities into forestry management and use. The Forest Policies from 1929 to 2001 reflect an allowance for some consumptive use and correlate the human use

of forest resources in Mt. Elgon forest until the status of protection was elevated to Forest Park and the management turned over to UWA (Himmelfarb 2006).

4.8.3 Management of Mt. Elgon as a National Park

In 1992 an interim management plan for then Mt. Elgon Forest Park was prepared, covering the years 1992-94. It was decided that Mt. Elgon Forest Reserve would take up the newly devised status of Forest Park, with key focus being the importance of the forest and its management as a zoned, multiple-use systems by the Forest Department. According to the management plan, the objectives included; protection of the forest's flora and fauna, its water catchment functions, promotion of nature-based tourism and other recreation facilities, research on soft wood plantations, restoration of encroached areas and promoting community participation in the management of the forest (Uganda Wildlife Authority 2000).

In 1993, Cabinet of Uganda decided that the administration of Mt. Elgon Forest Park be transferred to Uganda National Parks (a parastatal of the Ministry of Tourism, Wildlife and Antiquities) and re-gazetted as a National Park. It was subsequently formally handed over to Uganda National parks in January 1994. The arrangement was legally provided for by the Statutory Instrument No. 76 of 1993 (Government of Uganda 1996). From 1993 to 1996, the National Park was administered in accordance with the National Parks Act and the Uganda Wildlife Act Cap. 200 (Benet Resettlement Implementation Committee 1998; Government of Uganda 1996; Scott 1998; Uganda Wildlife Authority 2000).

The management of Mt. Elgon Protected Area has had two major problems, namely encroachment due to rapid growth by in the forest and surrounding communities, and insecurity in the lower plains of Kapchorwa, which pushed people into the Forest Reserve (Government of Uganda 1996). Although agricultural activities within the forest had been a problem to the forest management authorities in the early periods of 20th century, the incidences of encroachment only escalated during the last two decades.

The rising population density, worsening socio-economic conditions, insufficient control mechanism, adaptation of the *Taungya* system without follow up plantation establishment, and

local upheavals compounded to result into considerable deforestation of the Forest Reserve. However, government policies in the late 1980's and early 1990's have resulted in the eviction of encroachers. There has been some forest restoration, but much of the formerly encroached land has reverted to Bush or been maintained as pasture through grazing (Government of Uganda 1996).

When Uganda National Parks took over, they confronted these challenges with a militaristic law enforcement approach, alienating the neighboring populations from using the adjacent resources. That together with the lack of consultation on the change of status bred conflicts (Tumusiime 2002). Like in the other five forests reserves converted into national parks, people were moved but were not compensated for the social disruption, neither were their livelihoods taken care of.

In 1996, the Game Department and Uganda National Parks were merged to form UWA a government parastatal established to manage game reserves. With the aim *inter alia* of working more closely with the local people UWA adopted a non-confrontational approach. The main tenet in this approach is the involvement of local people in the management of national parks. Different parks have adopted different arrangements suitable for their conditions, and Mt. Elgon has adopted Resource Use Agreements.

In December, 2002, the Mt. Elgon National Park General Management Plan was made with the main objective of conserving and managing the physical, ecological and cultural resources of the Park for the benefit of the present and future generations (Uganda Wildlife Authority 2000). Although the 2002 Management Plan bolstered the non-confrontational approach, the Mt. Elgon still remains a restricted area and conflicts still prevail. It is provided in the Plan that under normal circumstances, the Plan will be reviewed every five years or earlier to allow new issues to be integrated in the management of the park. The flexibility is a very important element of the management plan towards more people-friendly conservation.

4.8.4 Value of the Mt. Elgon National Park to the community

There has been a long history of local community utilization of the forest, not only for pastoral activities, but also for the collection of resources such as bamboo shoots and stems, honey,

medicine, wild meat and building materials. Commercial timber extraction has increased in the last 30 years despite logistical difficulties such as inaccessibility and topography, leading to over-exploitation and agricultural encroachment. This has also resulted in the corresponding limited stock of standing timber (Government of Uganda 1996).

There is an extensive network of trails throughout the Mt. Elgon National Park, connecting the various adjacent forest communities and providing general communication between Kenya and Uganda. The trails also serve as access routes for cattle rustlers and the park forests are an important refuge for those rustlers and their bounty as well as refuge for the Sabiny hiding from cattle rustlers who originate from the plains. This results in high levels of insecurity within the forest as the rustlers often travel in large numbers and are well armed (Government of Uganda 1996).

The Park is also important for the non-consumptive cultural purposes such as custody of sacred traditional sites. Mt. Elgon is increasingly becoming a popular tourist destination with an average of 70 tourists per month in 1996 and more than doubled in 2008 offering a source of income for local entrepreneurs providing paid accommodation and eating services, and students working as guides. The forest has also become a focal point for environmental education at the exploration centre within the Park, adjacent to Kapkwai parish (Government of Uganda 1996). Lastly, the forested slopes of Mt. Elgon water catchment provide water to Lake Kyoga in Central Uganda and it is also a source of water for 1 million people in Uganda and Kenya.

4.9 Overview of the Research Case

4.9.1 The Benet Case

The Benet people, who are part of the larger tribe called the Sabiny, are a pastoralist forest dwelling community who traditionally resided in the grassland and moorland areas of Mt Elgon Forest on the northern side of the Mt. Elgon. The Sabiny are a Nilo-hamatic group who are now considered to be related to the *Kalengin* of Western Kenya. The Sabiny are thought to have migrated to the Mt. Elgon area from the north, arriving there in the 17th century.

The Benet people are divided into four clan groups, namely *Benet*, *Piswa*, *Kwoti* and *Yatui*. These groups lived as separate communities in different but neighboring areas in the forest. With the exception of *Yatui*, the forest territorial areas correspond with the current parishes of *Benet*, *Piswa*, and *Kwoti* in the present day Benet Resettlement Area in the lowland. The Benet communities were allowed to remain in the moorlands of Mt. Elgon Forest Reserve without residence documentation on an understanding that this was their home. The assumption was that the Benet community would remain a small community, practicing pastoralism, hunting and fruit and herbs collecting for their livelihood. Later on their population and number of livestock grew significantly, thus interfering with forest regeneration. In addition to other activities they took up subsistence agriculture, growing Irish potatoes. In so doing, they damaged the fragile ecosystem within the moorland, bringing sizeable chunks of the montane forest under agriculture, thus encroaching. These activities became increasingly damaging and incompatible to the fragile ecosystem (Benet Resettlement Implementation Committee 1998; Government of Uganda 1996; Onyango 1996).

According to Asingwire *et al* (1998) the activities of the Benet community, by early 1980's, were inconsistent with the forest management plans and practices and consequently, Forestry Department made a decision to resettle this community in the lower ridges of the Mt. Elgon Central Forest Reserve. This prompted the Uganda Government to make attempts to map out a strategy that would enable permanent resettlement of the Benet people in an area, which would have minimum or negative influence on the entire Mt. Elgon Central Forest Reserve. Attempts to implement a successful resettlement within the reserve had started, as early as 1960 but unfortunately, all these were futile.

There are undocumented claims that between 1973 and 1983, the Benet people were supposed to move out of the Forest Reserve and settle in the area currently resettled. The Forest Department accepts that there were some initial discussions regarding resettling the Benet people out of the Forest Reserve (Himmelfarb 2006; Scott 1998). The Government of Uganda (1996:24) reports that the Benet problem had been discussed at various government administrative and political levels for several years and had been well understood. Furthermore, earlier attempts had been made to set aside an area for the permanent settlement of the Benet communities without

significantly changing their origin, culture and lifestyle and neither compromising conservation ethics.

In February, between the 8th and 9th of 1983, during his visit to Kapchorwa District, the then Minister of State for Agriculture and Forestry directed that 6,000 hectares in the lower reaches of Mt. Elgon Forest Reserve, between Rivers Kere in the east and Kaptokwoi in the west, be excised for the resettlement of Benet communities. A district Land Allocation Committee was set up to allocate land and resettle people. Actual land allocation exercises which started on February 21st in 1983, i.e. about 14 days after the Minister's pronouncement, lasted up to May 31st in 1983, taking a total of 100 days (Government of Uganda 1996).

4.9.2 The resettlement exercise

After the ministerial directive, an 11 man District Land Commission comprising of district officials was formed to plan and implement the resettlement exercise. The committee was composed of the following persons:

- District commissioner, Chairman
- District Forest Officer, Secretary
- Administrative Secretary, Member
- Assistant District Commissioners, Members
- District Police commander, Member
- Uganda People's Congress (UPC) Constituent chairman as, Member
- Chairman, District Council, Member
- Community Development Officer, Member
- District Education Officer, Member
- County chief of Kween county, Member

The Committee was charged with laying down necessary guidelines and procedures to facilitate the resettlement exercise. The District Committee further formed six zonal committees which were responsible for distribution of land on the ground. Each zonal committee was responsible for distribution of land in a given zone. Correspondingly the area to be resettled i.e. the area

between River Kere in the east and Kaptokwoi in the west was divided into 6 zones (A to F) as shown in table 3 below (Government of Uganda 1996).

Table 3: Zones according to which land was distributed in the Benet Resettlement Area.

Zone	Area marked according to Rivers
A	Between Rivers Kere and Sundet
B	Between Rivers Sundet and Chepyakaniet
C	Between Rivers Chepyakaniet and Yemtoy
D	Between Rivers Yemtoy and Ngenge
E	Between Rivers Ngenge and Atari
F	Between Rivers Atari and Kaptokwoi

Each of the six zonal committees comprised Forest Staff (i.e. Forest rangers, Forest guards, and Forest patrol men), a local leader and a Benet representative, as shown in table 4 below.

Table 4: Composition of the Zonal committees responsible for land distribution in the Benet Resettlement Area.

Zone	No of Forest Staff	No of Benets	No of others	Total	% Total
A	3	2	2	7	28.6
B	4	1	3	8	13.0
C	3	1	2	6	16.7
D	3	1	2	6	16.7
E	3	2	2	7	28.7
F	4	1	2	7	14.3
Total	20	8	13	41	
% Total	48.8	19.5	31.7		100

The overall representation of the Benet Community was roughly 19.5%, compared to the forest staff (48%) and others (31.7%). All representatives were men.

Guidelines set by the District Land Allocation Committee to distribute land were as follows:

- All Benets were classified in category one with the highest priority in terms of allocation of land. In this category, each Benet was to receive between 12 and 30 acres (4.9 to 12.0 ha) depending on the size of the family and the site.
- The people displaced from lower areas due to insecurity caused by the Suk and Karamajong raiders formed category two. They were to receive 4 to 7 acres (1.6 to 2.8 ha) each.
- The needy formed category three and each of them was to receive between 2 to 4 acres (0.8 to 1.6 ha). Widows fell under this category.
- Graduated tax tickets were to be used to identify the Beneficiaries.
- Chief and local UPC party leaders were to work closely with Forest Department staff in the land allocation exercise.

A series of public meetings were hurriedly convened in the areas covering all 6 zones to inform the affected communities about the land allocation prior to commencement of the exercise. The forest officer in charge of Kapkwata and the chief of Kween County were the overall supervisors. In particular, the Kapchorwa District Forest Officer in his capacity and as the Secretary to the District level committee coordinated all the land allocation activities in all the zones (Government of Uganda 1996).

The whole resettlement exercise lasted 3 months starting from the 21st February to 31st May, 1983. The planning process lasted about 14 days starting from 8th February to 21st February. Land allocation went well in all zones except for zone C where the zonal committee got involved in extensive corruption (Government of Uganda 1996). The zonal committee was dissolved and a new one formed to continue the exercise, but the statistical records for Zone C are not available.

Table 5: People allocated land in 5 zones of the 6000 ha Benet Resettlement Area. (Source: Forestry Department Records.)

NUMBER OF PEOPLE ALLOCATED LAND						
Category	Zone A	Zone B	Zone D	Zone E	Zone F	Total
Bent	186	243	180	209	184	1002
Displaced	34	116	143	190	200	683
Needy	241	211	50	125	260	1187
Total	461	570	373	524	944	2872

Certificates of land ownership were issued to whoever obtained land during the land allocation exercise. The certificates indicated the name of the beneficiary, acreage issued, zone, etc. Each allocate paid a processing fee of 11,800 shillings to the forest department (Government of Uganda 1996).

4.9.3 The 1983-park boundary line

After the land allocation exercise, an area estimated to be 6000 ha was settled and this area was marked by the 1983-park boundary line at its end in the south. The area extends from Rivers Kere in the east and Kaptokwoi in the west and extends up to the cliff in the south. The cliff is a steep area in the mountain making a natural boundary between the Benet communities and the National Park (Government of Uganda 1996).

4.9.4 Some issues with the 1983 resettlement exercise

The planning and implementation of the exercise was inadequate. Due to the insecurity in the plain, non-Benets were unofficially living in part of the resettlement area before the area was excised in 1983, although there is scanty information on the nature of their settlement and under whose permission they were allowed to settle.

The Task Force established that the area to which the Benet people were resettled was already partly occupied by some other Sabiny people and other smaller groups. According to the report of the Inter-Ministerial Task Force on Resettlement of the Benet (Government of Uganda 1996), due to insecurity in the plains, non-Benet were unofficially living in the part of the resettlement

scheme before the area was excised in 1983. It is possible that the Forestry Department may have allowed them to settle there since that area had all along been opened up for the *Taungya* (see below in box 4) farming system, particularly at Kapkwata and later Suam ((Government of Uganda 1996; Himmelfarb 2006).

Box 4: The Taungya farming system

The Taungya farming system is a type of forest management which incorporates a phase of cultivation in the forest harvesting cycle. This system was tried on the Northern side of Mt. Elgon when it was still a forest reserve, but it has continued even under the national park protection status in Kapkwata areas. The system allows farmers to enter the forest and clear the ground of tall vegetation and to open temporary farms. The farmers are required to plant seedlings from the nursery among their crops and must move off the land once the trees are well established usually four to five years. Today under the UWA administration, the agreement for permission to get a Taungya plot is renewable on a yearly basis. No permanent structures are allowed on the land. Ideally, farmers should move through the forest at the same rate as the timber harvesting cycle. Forestry professionals in Uganda have advocated this approach on the grounds that it relieves land pressure and reduces forestry costs. The shortfalls in this system include topsoil erosion, loss of biodiversity, farmers refusing to leave the land at appointed times, and the risk of increasing the workload of foresters in an attempt to evict non-conforming farmers (Hamilton, 1992).

Furthermore, little time was given for the adequate planning of the resettlement exercise; there was incredible hurry in the resettlement exercise under the pretext that land distributors wanted to avoid opportunistic intruders. The Task Force also found no evidence that socio-demographic baseline studies were conducted to generate authentic information that would form a basis for the resettlement exercise. In addition relevant and responsible departments were not contacted to participate in the in the resettlement exercise (Asingwire et al. 1998; Government of Uganda 1996). The planning and implementation of this exercise has, however, been described as having been inadequate. Furthermore present reports indicate that the size of the area set aside for resettlement was not properly established (Government of Uganda 1996).

The exercise was too expensive for the poor Benet. The Ugandan shillings 11,800 processing fee charged/demanded for processing land title and other related ownership documents, was

unaffordable to many Benet at the time, but quite affordable to the ‘needy’ and the ‘displaced’ group. There were reports of demands for bribes, which included livestock and some few reported cases of ‘girls to marry’, which not all Benet could afford (Government of Uganda 1996; Lang & Byakola 2006).

Many of those who were allocated land were not members of the target group (Benet) but rather the ‘needy’. There are many absentee landlords whose plots have remained intact ever since 1983. The Task Force assumes that those absentee landlords may not have obtained land rightfully since they did not have any need for it (Government of Uganda 1996).

The Benet people were not well versed with objectives of the exercise compared to the other categories of recipients (‘the needy’ and ‘displaced’). The other beneficiaries took advantage of the Benet’s ignorance and poverty stricken condition and convinced them to exchange land for un-proportionate less expensive items like food, clothes, radios and sometimes livestock. Many Benet disposed off their land holdings because it was easy to go back to the moorlands where they came from, which they were locally encouraged to do by those who sought to procure land from them (Government of Uganda 1996).

Some land in the resettlement area comprised of virgin forest. The Benet had very limited capacity to convert this land into settlement because it required a lot of inputs and resources. Related to the above, it was reported that the Benet were pushed to the rocky areas, which were difficult to settle and make productive without advanced modern technology. The Benet abandoned such areas and spilled over to the park beyond the 1983-boundary (Government of Uganda 1996).

Against these findings, the inter-ministerial Task Force of 1986 came up with the following options: purchase of land from people within the Benet settlement with large parcels of land, resettlement in the Ngenge lowlands, buying land from willing non-Benet who may choose to return to Ngenge lowlands, exercise more land to be de-gazetted for resettlement, maintain the 1993-boundary line, and maintain the 1983-boundary line. The Task Force recommended the last option of maintaining the 1983-boundary line (Government of Uganda 1996).

4.9.5 The 1993-Mt. Elgon National Park boundary line

In 1992, The Forest Department started to make arrangements for the final de-gazettement of the Benet area. In the exercise, the resettlement area was surveyed off following a pre-determined straight line. The survey exercise was conducted by professional government surveyors. The surveying and demarcation exercises established that instead of the 6000 hectares of land set aside by government in the lowland of Mt. Elgon, 7500 hectares were arbitrarily resettled (Asingwire et al. 1998; Government of Uganda 1996).

The 1992 survey and demarcation exercise resulted in the 1993-boundary line marking exactly 6000 hectares. The 1993-boundary line locked out approximately 1,146 households above and outside the 6000 hectares; that is to say residents settled in the area above the 6000 hectares (1993 line) are officially illegal settlers in the Mt. Elgon National Park (Asingwire et al. 1998). These people apparently await eviction in order to avoid any further encroachment of Mt. Elgon National Park (Onyango 1996).

4.9.6 Comments on the 1993-boundary line

Local people felt very strongly about the 1993-boundary line. It was controversial for government to poorly and unfairly administer the resettlement schemes by settling and evicting the same people time and again (Government of Uganda 1996).

The boundary looks practically impossible to enforce because of its straight line nature. It cuts across various inaccessible areas and in some cases passing through houses and dividing homesteads (Government of Uganda 1996).

After 10 years of settlement, people have already invested considerably in various development projects, including schools, dispensaries, feeder roads, churches and farms. There seems to be no immediate alternative for the families living above the 1993-boundary line (Government of Uganda 1996).

4.9.7 The source of contention in the MENP-Benet boundary dispute

In 1993, in effort to finally demarcate the boundary of MENP, the then forest authorities surveyed a boundary line that could mark of the 6000 hectares of the Benet Resettlement Area that had been earlier excised for Benet resettlement by the Uganda Government in 1983. The boundary line that resulted from the survey is what is currently called the 1993-MENP boundary and this line is technically the official park boundary line. The number of people the boundary line locked inside the park is contested by different parties to the boundary dispute. Basing on the 2002 population and housing census, the population of people inside the park can be estimated to be approximately 12000 in the year 2008 (Kapchorwa District 2007). Most of these people occupy land that was allocated to them by government in 1983 and all the land was distributed with certificates of ownership as shown in Chapter 5.

The 1993-boundary line has become a source of contest between the local Benet people and UWA because it divides up the Benet Resettlement Area into two areas: the area equivalent to 6000 ha lying below the line and the other area measuring about 1500 ha lying above the line. The 1500 ha area is illegal, because according to the 1993-park boundary survey, it is located within the park boundary. It should be noted that although 6000 ha were directed to be excised for resettlement, 7500 ha were actually settled, because a land survey was not carried out to demarcate accurately the 6000 hectares from Mt. Elgon Forest Reserve: the extent of the resettlement area (6000 ha) was estimated leading to a total of 7500 ha being re-settled (GOU, 1996). The 7500 ha of land resettled in 1983 are marked by the 1983-park boundary. After a public outcry of the Benet people, an Inter-Ministerial Task Force was set up by government in 1996 to advice on the issue. The Task Force recommended that government adopts the 1983-boundary line instead of the 1993-boundary line which would involve massive evictions.

CHAPTER FIVE: DATA COLLECTION METHODS

Data was collected in the months of November, December 2007 and January 2008. The data collected was mainly of qualitative nature, but some little quantitative data was also collected. Focus group discussions, key informant interviews, life histories, direct observation and informal conversations were used to collect data.

5.1 Pre-fieldwork activities

A preliminary meeting was held between me and the Chief Warden of Mt. Elgon Conservation Area (MECA). The purpose of the meeting was to introduce me to the park authorities and to explain the research proposal. The warden community conservation was identified as a contact person for me for technical and practical assistance. A work plan was drawn to enable me to attend public meetings and other events of relevance to the study. Three public meetings arranged by the Kapchorwa District Benet Resettlement Steering Committee were attended by the researcher prior to the fieldwork to enable the researcher to get an overview of the issues at stake in the research area.

5.2 Recruitment and training of research assistants

Two research assistants, a female and male, were recruited to assist in discussions and as interpreters. Both assistants had a social science educational background and some previous fieldwork experience. They were also locally born in the area and spoke the local language (Kupsabiny) as their mother tongue and English fluently. The research assistants were trained and 10 pre-testing interviews were held in Piswa parish. Test interviews were also carried out on one technical person, one elder, one woman and one youth among others to test the comprehensibility of the key issues of the study. Test interviews and discussions were also used to establish if the issues were meaningful to the respondents and in accordance with the interest of the study.

5.3 Sampling of interviewees and informants

A total of 140 respondents were interviewed and each represented their household. Well as the ordinary respondents were chosen by systematic sampling where every 10th homestead was interviewed, the key informants were identified in public meetings and they suggested names of other key informants which I followed up. The technical respondents were chosen by relevancy of their offices. Technical respondents included local leaders and administrators, opinion leaders and elders.

5.4 Interviews of local people

Interviews were held with an adult member of the family, preferably the head of the family. Where he/she was inaccessible the spouse was interviewed. Where the two were not available, an adult member of the household was interviewed. Women declined to participate in the interviews in the presence of their spouses. They were interviewed in female participants' focus groups. The length of interviews varied from 30 minutes to 4 hours depending on the conditions and saturation level.

5.5 Interview of key informants

Unstructured interviews and discussions were held both formally and informally with key informants. In most cases an interview guide was used to explore certain unclear areas of data, but when necessary, it was dropped to allow new unanticipated issues to come up. Most informal conversations were not controlled so that the respondents would talk about various issues of their interests in depth.

5.6 Focus group discussion

Focus group discussions were held with women, elders and men. They were composed of 8-12 people. Those who participated in focus groups were never interviewed on individual basis. In some areas, the local contacts helped to mobilize local residents for a general meeting, focus group participants were identified in such general meetings. Focus group discussions were held at the end of individual interviews in a particular village to cross check responses. They were

sometimes held earlier to get an overview of important issues in the village where the level of conflict was very high and to build trust where suspicion towards strangers prevailed. Focus group discussions lasted from 1 to 2 hours.

5.7 Community observation

Observation was used to assess the settlement patterns, the major economic activities, the available resources, as well as the availability and quality of infrastructure such as roads.

5.8 Representativity

A total of 140 individuals were interviewed and 10 focus groups interviews were held. Although the choice of villages and respondents was not entirely random, the study put more focus on the social stratifications of gender, location and tribe/clan. It must be noted that the numerous social castes in the Benet community could not be established and represented within the short time of the field study.

5.9 Validity and reliability

Data collected for research contains some errors. Some respondents were calculative and gave speculative responses to create an impression that they were genuine beneficiaries who missed out on the land allocation. The integrity of conclusions was not significantly affected because such responses just confirmed the presence of different interests. Besides, the study was not concerned with qualification for land allocation. The researcher and the assistants took precaution to explain the purpose of the research to the respondents, although some were disappointed that it was not the government valuation exercise for land allocation and in fact some respondents walked away. Some interviews with technical people were transcribed and sent back to them to confirm whether what was noted down was what they meant. Others were not sent back because they could be triangulated with official records.

5.10 Challenges during data collection

It is worth noting that in focus group interviews, participants expected a remuneration, which would jeopardize critical discussion of issues as participants would hold a payee position in relation to the researcher. The participants argued that they would spend a long part of the day in the group discussions and their whole day would end up wasted. After negotiations, this issue was solved by offering soft drink and some light food for lunch. The negotiation process also helped to kick-off the group into the agenda of the focus group discussions.

Women in general were the minority of the respondents. The researcher had observed earlier in the park boundary public meeting that very few of the women attended as compared to men and they sat behind in the audience. They also rarely contributed. The older women and the widows were more assertive among the women.

Transport was generally difficult, the only vehicles going to the Benet area from Kapchorwa town were trucks and one would have to wait for a long time. The other alternative means would be to hire a four-wheel drive vehicle, but these are very few in Kapchorwa and undependable as they are government and project vehicles with busy schedules. The final alternative is to hire a motorcycle as this was the cheapest and most dependable means of transport. In some areas, we had to walk for long distances because they were impassable with motorcycle: Mulungwa village was such an area.

5.11 Data analysis

Excel was used to analyse quantitative data relating to land use and individual property. This was done to check the responses against the facts. Data was also transcribed and analyzed manually basing on content and themes relating to the relevancy to the study. This method of analysis was chosen because it suits well with narrative analysis, the preferred analytical tool in the study. Michael Cernea's Impoverishment Risk and Reconstruction model (IRR) was used to identify the effects of evictions and resettlement and their real causes. Narrative analysis was used to analyse the interest and perceptions of different actors relating to evictions and resettlement.

CHAPTER SIX: THE FINDINGS AND DISCUSSION

THE PERCEPTIONS OF STAKEHOLDERS OF EVICTION AND RESETTLEMENT

6.1 Introduction

In this chapter, the findings are integrated in the discussion; therefore there is no separate section for presenting findings and for discussing them. The chapter presents a discussion relating to perceptions of the stakeholders of evictions and resettlement. The discussion is based on an analysis of narratives of two main parties to the Benet conflict namely; the people and the Government. Further, the chapter presents a discussion relating to effects of eviction and resettlement on livelihoods analyzed through Michael Cernea's Impoverishment Risks and Reconstruction model (IRR). Lastly, the chapter presents an extension of the discussion addressing issues that cut across the objectives of the study.

6.2 The stakeholders

The stakeholders include two main groups, namely the local people and the Government of Uganda. The local people are represented by the different groups interviewed in the study fieldwork, namely the local residents, the elders and the Local Councils 1, 2, and 3. The government side is represented by: Uganda Wildlife Authority (UWA) represented by interviewed rangers, senior officers at the Mt. Elgon National Park (MENP) Office in Mbale and the UWA Headquarters at Kampala; The Kapchorwa District Administration (KDA) is represented by several district technical officers and Local Council 5 leaders. The government side is also represented by the Parliament of Uganda (POU), and the High Court of Uganda (HCU).

The perception of the stakeholders shall be identified by analyzing the stories and statements of a particular stakeholder and by also analyzing the actions of the relevant stakeholder.

6.2.1 The story of the Benet People

“When we lived in the forest, life was good, we had a lot of land, plenty of food, cattle, honey, crafts to exchange for food, and we were resistant to diseases. The forest authorities came and chased us out of the forest, and now we are poor, starving, landless, and have no work, we are too vulnerable to diseases because we do not eat honey and milk. When we try to go to the forest they arrest you if you are a man or they rape you if you are a woman. They despise us and say our culture is backward, but this is our land. The forest has been reducing since they took over. They do not want to listen to us and we do not really know why they chase us.”

Three main elements emerge from the local people’s story namely:

- (1) The state expropriated our resources.*
- (2) We were deprived of our resources and the deprivation has impoverished us.*
- (3) The degradation of the forest continues unless we work together.*

6.2.1.1 Expropriation

The different literature of government documents and academic authors show that the process of gazzeting Mt. Elgon was not preceded with local consultation. Discussions with Benet people also revealed that people were not availed with ample information regarding the new resettlement area, neither were they informed in advance of the moving. In 1983, land allocation started 14 days after the ministerial pronouncement of the resettlement scheme. In 1989, the evictions of the Yatui from Kapsekek and Yatui in the forest were carried out early in the morning. People were not prepared and they did not carry food, nor did they know where to go. Traditional leaders in both incidents were shocked about the occurrence, either because of the rashness or the way in nature of the evictions. These allegations point to a lack of agreement to the taking of the Benet land. The Kapchorwa District Forest Office (DFO) argues that people were resettled and therefore, there was no case of deprivation. The local people argued that the resettlement of 1983 was not a fair in any way. *“First they did not pay for our animals that disappeared, our children that died or disappeared during the havoc, our food left behind in the granaries, our household property that they burnt in the houses, and lastly but most importantly, they resettled us in our own land so they have never given us land. The land that they call the park is ours and the land where they settled us is ours.”*

On this issue, UWA which took over from Forestry Department (FD), argue quite similarly as DFO. UWA's position on park land is that such land belongs to government and not the people. The people may occupy the land illegally on a temporary basis, but ultimately such people should be evicted from the park to facilitate successful conservation. UWA's argument is that either people are evicted from the park, or that area where they are settled is de-gazetted. This position is rigid and unrealistic in the current situation in the Benet community. This attitude presents difficulties for negotiating compromises that are useful for peaceful co-existence of parks and people. More importantly, this attitude shows the fortress thinking is still largely present within realm of park authorities: people cannot co-exist with the park. The two have to be separated. This is a shaky administrative foundation for community conservation which is perceived by Ugandan conservation circles to be the solution to park-people crisis.

Mugenyi (2006) notes that land rights of the local people surrounding protected areas in Uganda have been alienated when these areas were gazetted. People are not meaningfully involved in decision making nor adequately compensated prior to and after the establishment of these protected areas. This process, he argues, perpetrates injustice and poverty among the people and government should fight it in order to restore confidence in the population. In this regard, there is an increasing tolerance within UWA towards the rights of the people. Pragmatism has been adopted in practice to deal with difficult situations cause by passed decisions. To that effect, UWA has publicly expressed support and willingness to extend the boundary up to the 1983-line in the Benet Area, even though the 1993-boundary line is the official park boundary. This pragmatic approach could be a positive way to recognize and address past mistakes and injustices committed to the local people in the creation and enforcement of the protected area, which the Benet feel very strongly about and stands in the way of conservation and development.

6.2.1.2 Deprivation and impoverishment

“There was a loss of animals, food and household property during the 1989 evictions and the 1983 resettlement. Cattle and donkeys that were frightened fled to the forest and have never been recovered. Household property like tools, utensils were also left behind. Some food was still in the gardens and some was stored in the granaries. Those evicted in 1989 were temporarily

resettled above the 1983-boundary line. Although they have access to land for growing crops both for subsistence and sale, they claim they were rendered landless because they do not own that land on which they live, because the land belongs to the park.”

People claim they are constantly reminded of that fact by rangers. Further, local people's land use is to a large extent constrained by UWA. Claims arose in public meetings and focus groups during this research that people did not have the autonomy to use their land as they wished to, in order to adjust to risks of bad climate and markets. Land use was highly controlled by UWA. *“When some activities are improper in the eyes of UWA, then you cannot do it, even if it is acceptable in the whole community”*. Activities such as hunting, gathering fruits, grazing are prohibited and yet they provided people with means of securing food and nutrition. The Yatui temporarily settled above the 1983-boundary line complained that land was not suitable for crops, and as a result they had one season a year, unlike their Piswa, Benet, Kwoti Benet counterparts who had two harvest seasons. That undermined their ability to grow extra crops for sale in order to raise incomes.

In this regard, a senior MENP officer claimed the Taungya farming system was retained by the management of MENP in order to take care of landless people's food needs. UWA also noted that there were collaborative resource use agreements to access park resources that are vital to the local people's lives. Such arrangements were ongoing in other areas where the boundary was clearly defined. Kapchorwa district administration had put in place a series of programmes geared towards improved soil conservation and environmentally friendly farming practices aimed at reducing dependency on the forest.

The district local government (LC5 council) is in favour of the 1983-boundary, and has worked hard to pressurize government to speed up the decision on the Benet people. They have actually liaised with UWA in a coalition committee formed by the district (Kapchorwa District Steering Committee on the Benet Resettlement) to allow some vital livelihood activities to go on meanwhile the government is still finding a lasting solution. However, the local people do not trust the district administration. Some members of the district administration were implicated in land grabbing during the 1983 land allocation process. People also claimed that the politicians

and district administrators are interested in development, unlike the local people whose cause was land ownership and use for the Benet. “...they will give our land to whoever can develop it the way they want”. The claims can be corroborated with the statement of the District Council’s representative in a Benet resettlement public meeting in December 2007 who said that “*the District has an ambition and plan to make Kapchorwa one of the most important tourist areas in the country*”. He further said that they counted on the tourist potential of Mt. Elgon National Park and the beautiful landscape of the area. The claim reflects a difference in interests. It also reflects a fear among the people that their case could be used by other parties to pursue vested interests. This scenario may also show that the process of addressing deprivation may be used to entrench the very problem it is intended to address. It can be argued that the people feel that deprivation perpetuating impoverishment may not be going away, but just taking another form.

6.2.1.3 The degradation of the forest continues

Considering that the area now resettled by the Benet was virgin forest when it was settled in 1983, it can be said that the degradation has occurred both in the Benet area and parts of the park near the Benet communities. Observation shows evidence of deforested bare areas, occurrence of landslides, and dirty rivers indicating soil erosion. Uganda Wildlife Authority (2000) among other documents, shows that illegal activities are on the increase in Mt. Elgon, and Benet encroachment alone has extended from 1500 ha to 3000 ha since 1983, according to maps of the MENP Monitoring and Research Office at Mbale. Factors contributing to the deforestation are numerous and they range from administrative, political and economic to socio-legal.

The discussions with elders and opinion leaders reveal that the Benet believe that cutting of trees was the worst form of deforestation that was dangerous to the park. They also categorically claimed that the local people were not significantly involved in illegal timber cutting. They hereby said that the real problem to the forest’s degradation was not caused by them, but by outsiders who are working with government permission through permits issued by the District Forest Office and UWA. Individual respondents claimed that they saw more trucks carrying timber today than before. This claim corresponds with focus groups position.

The Benet people viewed the reason for their resettlement from the economic point of view, claiming that they had been displaced because the government wanted to take over the park and financially benefit from the resources therein. *“UWA collects a lot of money from tourists, and rangers also connive with timber cutters in the timber business from Kapchorwa, Mbale, and Kampala. Illegal timber cutting worsens when children are going back to school, and relaxes during the school term and school holidays when rangers do not have pressure for money”*. They also noted that UWA looked at the forest as a bunch of resources for consumption, while they themselves looked at the forest as a home, *“You cannot destroy your home, but those UWA people do not care because they come and go, they are here to work and they will be transferred tomorrow, while we will stay and struggle with the problems they have created.”*

The removal of people from the park is perceived by the local people as motivated by economic benefit rather than environmental concern. This wrong approach must be corrected by government so that the Benet people regain their central position in managing the forest. The perceptions relating to working together were mixed. The ordinary Ndorobo, who are worst hit by poverty, want a physical return to the forest, while the Benet leaders wanted some autonomy for local people in determining use of resources in the park. Women and most non-Ndorobo support access to resources.

6.2.1.4 Local people’s perception of UWA staff

“People were skeptical to the transfer of the management of Mt. Elgon from the hands of the Forest Department to UWA. They view the transfer as a process of privatization: A process that will gradually give away the forest and their land to outsiders”. In discussions, fingers were pointed at rangers as outsiders who had already taken control of the park and Benet-land and resources. Park rangers are regarded as outsiders who do not understand Benet culture. The Benets perceive park rangers more as militant officers than technical people with knowledge of the forest. For the Benet, UWA has no sufficient knowledge of the forest and they believe they are there to keep them away from the forest rather than conserving the forest. For many Benets, UWA is synonymous with privatization. Privatization is understood as a process that takes away national resources from the use and benefit of the majority people to private hands, which are usually foreign and for exclusive use of a few. Schmidt-Soltau (2003) notes that in Africa, it is

unknown to see inhabitants of nearby villages wander around in the national park to enjoy its aesthetic and recreational value.

Experience in other parks in Uganda shows that the process of privatizing of park resources has led to commodifying the resources to a product local people cannot afford or have no interest in. Benet elders through their advocacy group the Benet Lobby Group (BLG) claimed to have visited other indigenous communities in the different parks in Uganda and seen the privatization and exclusion fate at work. However, the attitude of the local people showed that privatization was acceptable as long as it did not exclude them and their interests. Some elders said, *“We do not have interest in seeing animals, but while the others enjoying seeing them, we can enjoy eating them, why can’t we eat some, why can’t we at alternatively be allowed to keep our own animals on that grass in the park if they do not want us to touch their animals?”* There is a general skepticism to the privatization among people in Uganda. The general processes of privatization has been painful, leading to cutting of employees in government parastatals, removal of government social programmes and a general increase in prices of goods and services in the country. The media has also revealed several financial scandals where powerful political figures have benefited selfishly and enormously from privatizing transactions.

The rampant corruption among the government officials and politicians in the country also makes people doubt the true motive behind evictions and resettlement in MENP. The lack of trust of the people in their leaders also forms a significant cause of the skepticism towards evictions and resettlement in MENP. Clearly, besides protecting biodiversity and water catchment area, the Government of Uganda has also hoped to raise some revenue from tourism in the National Park. This concern can be corroborated with Goldman’s argument that the emerging global commons paradigm is driven by interests that seek to colonize and extract from global commons that were previously only locally controlled (Goldman 1998). It is not surprising that conservation in Uganda is based on its touristic benefits. This is a result of the way the idea of conservation was sold to African leaders. Tourism as a revenue generating activity was attached to conservation and used to win the hearts of African leaders to embrace conservation (Igoe 2004).

6.2.1.5 Strangers cause forest degradation

The takeover of management of the Mt. Elgon forest in 1937 was viewed by leading Ndorobo leaders as the beginning of a gradual process of sidelining the local traditional forest management system that were vital in protecting the forest. Rules determining who could and how much to harvest were no longer set by elders, but by the Forest Department. Persons the Ndorobo refer to as strangers started to penetrate the Benet community and its resources on the invitation of the Forest Department. The commercial timber harvesters, the Forestry staff, and later the tourists were such examples of strangers. Scott (1998) observes that traditional forest management systems were destroyed by the Forest Department. The 1983 resettlement also brought strangers into the Benet community who would otherwise not be allowed to access the forest resources under the traditional forest management system. These strangers included the internally displaced people who were resettled among the Ndorobo in 1983. This group contributed to the pressure on the forest and also brought new values regarding forest resource use among the ordinary people. The internally displaced people had been exposed to business in the lowland so they viewed the forest resources as commercial resources.

6.2.1.6 “We know that forest conservation is useful”

There was a general understanding of the importance of protecting the forest, local people claimed to know that the forest supports good climate. They cited that they notice that climate has worsened possibly because of the deforestation, and as a result yields have been gradually declining with worst year being in 2006. They also claimed that the forest condition was worsening because they (local people) and UWA were busy bickering and fighting each other instead of protecting the forest so those perpetrating illegal activities were taking advantage of this situation. The park-people relationship was mired in hostilities and this fostered a feeling of indifference among the people, to the safety of the forest hence creating conducive atmosphere for encroachment and illegal timber cutting to prevail.

“We have an interest in the forest, and we have demonstrated that by adopting in many ways, like we now eat Sukuma wiki, a vegetable from Kenya, and cabbage from southern Uganda, to relieve pressure from bamboo shoots, and we have reduced the number of cattle. We are also willing to move from the park, the hardest decision a Benet man can take, even if we believe that

our presence in the park is not the a major cause of the deterioration of the park. In fact, if we are not removed from the park, we could act as vigilantes to illegal activities, but UWA has no ear for that, they think they are the only ones who can ensure the safety of the park. What has UWA done to demonstrate their love for the forest: selling timber, raping our wives and daughters or shooting at us and praising the bad guys? There are big people from Kampala, Mbale and Kapchorwa doing big business in the park, maybe they do not want us to see them and that is why they want us out of the park.”

Although people expressed negative feelings about a possible physical relocation from the where they live above 1993-boundary line, they were willing to move if government assured them of access to important park resources like grazing access, bamboo shoots, herbs and honey. Most respondents complained more about the exclusion from the park and economic displacement than physical eviction. *“We have already been moved a thousand times, I can say since 1936, and we did not mind, but that was because we had access to important resources that sustain our lives, but once restriction to these resources tightened we began to experience real suffering”.*

6.2.1.7 Perception surrounding the 1993-boundary line

Among the people living below the 1993-boundary, there was a strong lack of support for the option of resettling the people above the 1993-boundary line (e.g. Asingwire et al. 1998). The residents below the 1993-boundary line feared that moving people could create insecurity in the area, as many would be rendered homeless by the eviction. They also feared that it would create a burden on them to receive friends and relatives evicted from above the 1993-boundary. They were also negative towards resettlement, because they feared that the only option would be to squeeze them in the 6000 hectares that would create more pressure on land and resources.

There was also fear that government would opt for a redistribution of land belonging to those who have much land. They expressed that although some of them benefited a loins share from the land allocation exercise in 1983, many of them have bought land over time in order to accumulate big portions. *“We have worked hard in order to buy this land. Government may decide to redistribute our land indiscriminately in order to give to those resettled from above the 1993-boundary line. The problem with this is that it discourages hard work and investment in the*

land. We are keenly observing and even participating actively so that our brothers and sisters above the 1993-boundary are not evicted or resettled. We are strongly of the opinion that the 1983-boundary line is maintained, to avoid disruptions in both the communities below and above the 1993-boundary line.”

6.3.1 The perception of the government

The government is represented by UWA mainly. There are other parties of the official side but they do not play a central active role. These include the Parliament of Uganda (POU), the Cabinet, The Ministry of Tourism, Trade and Industry (MTTI), the High Court of Uganda (HCU) because the court judgment is used by both main parties in arguing their cases, and the Kapchorwa District Administration (KDA).

The story of the official side is difficult to construct because of the contradiction of the parties and inconsistency of their message. However, their perception and interests can be scanned from the decisions and actions they have undertaken in the Benet case, as reflected below.

6.3.1.1 The Uganda Wildlife Authority (UWA)

UWA is the custodian and manager of national parks in Uganda. Its authority derives from the Wildlife Act of 1996, a law that provides for the sustainable management of wildlife resources in Uganda. By virtue of the functions of UWA, it has assumed a central role in the Benet resettlement question. As a body charged with the protection of wildlife conservation areas, UWA has been faced with the question of protecting MENP with human presence in the park and evicting the people. UWA’s management of the park has characterized both management with human presence in the park and management of the park without human presence, where people have been evicted.

According to internal documents, newspaper articles and public announcements UWA’s official position is in agreement with the 1983-boundary line as per the Task Force recommendation. However, what has been on the ground has demonstrated that UWA is in favor of the 1993-boundary line and would want the people evicted from there as soon as possible in order to

facilitate conservation of the park and effective monitoring and enforcement of the park boundary.

6.3.1.2 Parliament of Uganda (POU)

To the surprise of all parties in 2002, Uganda's Parliament re-affirmed the boundaries of Mt. Elgon National Park as gazzeted and surveyed in 1963-1964, save for the Benet area where a change was approved to excise 6000 ha hitherto revised in 1983. In the same year, through MTTI and UWA, Government directed that the boundaries of MENP be resurveyed and marked as approved by Parliament. This parliamentary resolution approved the de-gazettement of only 6000 ha, and not the whole 7500 ha as had been hoped. This resolution was reached by Parliament on advice of the Cabinet of Uganda.

6.3.1.3 High Court of Uganda (HCU)

The High Court of Uganda sitting at Mbale in 2005 passed at consent judgment. The matter before court was the recognition of the Benet as indigenous inhabitants of Mt. Elgon and as such not to be disturbed by UWA. The matter was between the Benet people against UWA and the Attorney General of Uganda. The consent judgment occurred after the two parties had agreed to settle the matter out of court. At the time of fieldwork for this study, a verification exercise was being carried out to identify the genuine Ndorobo out of the 500 families that remained in the park at the Benet area in Kapchorwa district and Kapsekek in Bukwo district, to value their property and to gather their views on the issue. The rest of the judgment requiring government had not been fulfilled.

6.3.1.4 Kapchorwa District Administration (KDA)

KDA is the highest political and administrative authority in Kapchorwa District. KDA is composed of politically elected people's representatives and technical persons usually called District Officers, who are recruited and employed the KDA. The position of KDA has been in favour of the 1983-boundary line. However, KDA was concerned with Ndorobo communities that had been expelled from their forest homes by the Forest Department in 1989/1990 as part of

an operation to re-open forest reserve boundaries and evict all encroachers all over the country. In 1990, KDA agreed to resettle these people just above the 1983-boundary, without informing higher authorities. Up to today they still reside in this area awaiting government decision.

The striking contradiction in the positions of the different parties that represent Government should be noted. UWA and KDA supported the 1983-boundary line, while POU approved the 1993-boundary line. The HCU also seems to be in favour of the 1983-boundary line. What is further confusing is the political statements of the President during the 2001 presidential elections that were interpreted to mean that people should not be evicted from their land. The presidential statement was misinterpreted by the local people as a go ahead to further encroach into the park and this attracted a confrontation from UWA where violence erupted. MTTI has been represented on different occasions, and the minister and the permanent secretary (see appendix 8) have been understood as being in favour of the 1983-boundary. What is important to note is that these positions are confusing to the local people and the contradiction has been exploited by some UWA rangers to harass people and extort money out of them.

It can therefore be argued that the Parliament and the Cabinet that advised parliament to approve the 1993-boundary instead of the 1983-boundary, are in favour of evictions of the people living above the 1993-boundary, since they implemented the 1993-boundary with the knowledge that the practical result of their decision would be an eviction of the people living in that area.

The confusion in position of the government has delayed the decision regarding the fate of the people above the 1993-boundary and has caused anxiety among the people concerned. Notably, the 2002 parliamentary resolution on the 1993-boundary line officially declared the area above the 1993-park boundary line an illegal resettlement, and in effect made all government services in that area illegal. Schools were denied government support among other services. Some respondents made claims that at the climax of the conflict, some priests hesitated to pray for the dead that were to be buried in those areas, because the church did not want to be seen as involved in illegal activities.

It is notable that while the perception of the people has been consistent, that of the government side indicates a marked change after the 2002 parliamentary resolution to officially adopt the 1993-boundary line. The change in perception tends to a more people friendly approach where government is not willing to implement eviction or resettle the people. This change is difficult to explain. Two possibilities can be suggested to explain the change in perception, namely: (1) the funds that were expected to facilitate the resettlement were not realized, hence a possible lack of funds (see also appendix 7) and (2) the fear of the political implications of resettlement, hence a possible change in political thinking. These can be stated as economic reasons and political reasons.

6.3.1.5 Political reasons

There has been a major change in the implementation of conservation where new thinking now seeks to integrate people in protected area management. Scott (1998) shows that change has also penetrated Ugandan conservation policy. In the recent past there has been a steady growth of democracy where leaders have been forced to be more accountable to the people. That trend has made politicians to defend the interests of their political constituencies. The growing international pressure on Uganda to pluralize its politics has yielded a need for the Movement Party, a relatively new party, to consolidate its base countrywide. That has been through populist policies that seek to protect the interests of the rural peasant, whom the Party claims are its strongest supporters. That factor could have informed the political establishment to carefully handle the Benet resettlement.

6.3.1.6 Economic reasons

Documents show that 5 billion Uganda shillings from IUCN and 500 million Uganda shillings promised by the president of Uganda to come from Uganda Land Trust was not realized. World Bank was also supposed to provide 460 million Uganda shillings to fund a MENP resettlement exercise, but this was not secured too (appendix 7). It should be noted that the World Bank itself has been under fire for funding projects causing reckless involuntary resettlements that led to impoverishment of the local people (Cernea, M. M 1997). It is possible that without a clear resettlement plan the World Bank has hesitated to fund the resettlement. What is clear is that the

World Bank guidelines on involuntary displacements recommend moving people only as a last resort where all other options have been considered.

6.3.1.7 UWA and human exclusion from Mt. Elgon National Park

While there has been a change towards more community conservation, discussions with UWA officials showed a strong belief that conservation cannot co-exist with human activities. First it is important to point out that the negative effects of people on the biodiversity in Mt. Elgon have not been documented. Mwima et al (2004) shows that the decision to upgrade Mt. Elgon Central Forest Reserve in the 1990's to a more strict conservation status of national park protection regime was based on concerns that forest management based on commercial harvesting was damaging the forest ecosystem's structure and function. Accordingly human evictions in Mt. Elgon are based on fear rather than fact. Brockington et al (2006) observe that decisions to evict people or restrict their access to resources, should be governed by pragmatic ecological considerations rather than ideals that rural livelihoods do not belong in national parks.

EFFECTS OF INVOLUNTARY RESETTLEMENT ON PEOPLE'S LIVELIHOODS

6.4 Introduction

The effects of uprooting Benet people from their homes and land are numerous and vary from negative to positive. The Impoverishment Risks and Reconstruction model (IRR) developed by Michael Cernea will be used to identify the effects of involuntary resettlement and the nature of the effects. The model identifies 9 major impoverishment risks namely: landlessness, joblessness, homelessness, marginalization, food insecurity, increased morbidity and mortality, loss of access to common property, social disarticulation and lack of access to education. It should be noted that the model is more inclined on studying the victims of relocation and therefore may not reflect a balanced picture of the whole case as it focuses on one party where a number of parties could be involved. There are also ways in which the people were affected that can not fit in the model, but those shall be discussed separately where they arise.

6.4.1 Landlessness

The Ndorobo were under represented in the composition of the land allocation committees during the 1983 resettlement. Out of 48 representatives, they were only 8 (19.5%) against 20 (48.8%) of foresters and 20 (31.7%) of others (Government of Uganda 1996). This unproportional representation further marginalized Benet in the distribution of resources.

Most Ndorobo did not get enough land as prescribed in the guidelines, as entitled to between 12 to 30 acres of land. Government of Uganda (1996) reflects that the majority of the Ndorobo were on average allocated below 10 acres each, while most Forest Department staff, some local leaders and district officials were allocated more land than what the guidelines had stipulated for any category. The allegedly needy and displaced people equally got a disproportionate share of land.

Due to land grabbing some people did not get land, even though the land available would have been sufficient to accommodate all the three categories of people. Government of Uganda (1996) observes that there were absentee landlords. Sizeable patches of intact forested areas that had never been cleared as expected after 12 years. It is interesting that by the time of carrying out fieldwork for this study, 11 years after publishing the Inter-Ministerial report (Government of Uganda 1996), these patches of land had vanished. It is likely that the revelation by the report scared the absentee land owners who decided to rent out the land or let relatives to occupy it. However, respondents pointed at some of these places that are being occupied by false occupants on behalf of the absentee land owners. Those who never actually needed the land got it while those who desperately needed it did not get it.

Land in the resettlement area mainly comprised of a virgin forest, although some of it had been settled. Without a lot of inputs and adequate resources, the Benets did not have enough capacity to convert it into settlement areas. Discussions also revealed that some Ndorobo who already settled in the area were pushed into rocky areas, totally unfavorable for human settlement and which needed advanced technology to make a living on it. The Ndorobo were also pushed into the illegal area now situated above 1993-boundary line, which is illegal to settle. For the Ndorobo who mostly had only traditional technologies, this was an inappropriate environment.

Many Ndorobo abandoned these areas to return to the forest, hence being rendered landless. They are now officially considered as illegal settlers in the park who received land in 1983, which land is unfortunately no longer available.

Land beneficiaries had to walk for long distances following the various land allocation teams for days, this was not favorable for old, sick people and disabled people. Besides, bribes were demanded, before land could be issued. Bribes took the form of livestock, money, material things and even girls to marry. Most of those who could not afford such were left out.

Even though the 2005 high court consent judgment (*Uganda Land Alliance Ltd Versus Uganda Wildlife Authority and Attorney General of Uganda* 2004) protects the people above the 1993-Park boundary line from further physical evictions, other forms of eviction continue to exist through denial of access to important resources such as pastures that sustain grazing of livestock, the salty stone that is medicinal to animals. As a result of the later, animals have died of previously treatable diseases. People have also been forced to sell off some animals rather than have them starved to death, due to lack of access to larger communal grazing areas fenced off in the park. Some permission to enter the park exists and some people graze their livestock in the park, but residents claimed their animals were impounded for illegal grazing under dubious circumstances: Claims state that animals were released from tether by the very UWA rangers who impounded them. Claims of disappearance of impounded animals were numerous even when the owners of the impounded animals had showed up at the UWA post or police station with the demanded fines. In a way the changes caused by the resettlement exercise of 1983 in the traditional land management and land tenure system caused landlessness. It changed communal land held under customary tenure into private ownership. The communal land system ensured that all people had land and no one could dispose of land or use it in such a way that could deprive others. After the land allocation, it was reported that on several occasions parents have sold land leaving the families landless.

6.4.2 Marginalization

In another respect, people also live in constant reminder by UWA rangers that it is just a question of time before they will have to leave the park. Because the 1993-boundary is the official

boundary, all residents living above the 1993-boundary still reside there illegally, since that is park land, and if the Wildlife Act is enforced in future they will be evicted. The decision whether to evict the people settled above the 1993-boundary line or not, is to be made by Government, but people have been waiting for it for 15 years. It is evident that the people are suffering from anxiety due to not knowing whether the government will decide to evict them or not. Signs of disillusionment, hopelessness and anxiety were evident in excessive alcohol consumption where a big number of both males and female in ripe working age were drunk by midday, especially in Yatui and Kwoti areas.

People were locked outside the mainstream society in 1936 when the area was demarcated as a crown forest. They lost social ties with the outside world gradually and they somehow suffered until they adapted. In 1983 they were removed from the isolation and they had to go through the same process of getting used to the main stream society after 50 years, they had to adapt to the new life. Many have failed to cope and remained unintegrated, hence having reduced opportunities for a meaningful livelihood. Armstrong and Bennett (2002) note that the resettled people have to settle to mainstream society on the terms of the mainstream society, which many fail to do.

The Benet clearly suffer from poverty and they admit it openly by saying they perceive themselves as poor due to lack of enough land and livestock. However, they do not think of poverty alleviation programmes as a solution to their problem, because they view poverty as a symptom of alienation and deprivation. Poverty alleviation efforts are neither viewed to be a long lasting solution to conservation of Mt. Elgon National Park. They argue that managing the park together with UWA would both restore their access to the vital resource of the forest and also ensure conservation of forestry resources. UWA can counter check their demand for forest resources and ensure a responsible harvest, and the people can counter check the corruption tendencies in UWA to stop illegal commercial timber cutting which is finishing the forest at a high rate.

Women have exhibited a stronger resilience to the shock of eviction and resettlement. They have reconstructed the social-economic network in a modified way by forming small credit groups

where they access small loans by collecting and saving contributions from group members. Women have also saved and benefited from the little incomes they derive from contract farming, while men are still struggling to adapt. Men have actually become more violent at home. Women focus groups revealed that money-related domestic conflicts are now common in the Benet area.

6.4.3 Food insecurity

Government of Uganda (1996) notes that the Ndorobo people survived mainly on livestock for milk, meat and blood, and they also exchanged bamboo baskets for maize from the Sabiny of the lower plains. They also supplemented the above with honey, tapped from beehives in the forest trees. All these resources are now hard to access under the new more strict protection status of Mt. Elgon National Park. There was an evident lack of food among the people, some people were emaciated, and children looked under-nourished. Adults claimed that milk was a vital part of their diet, but now it is a luxury to a few better-off families who could afford to keep cows, many families could not afford milk any longer. As a way of coping with the shortage of food, some not well to do families have resorted to eating one meal a day.

6.4.4 Education

In relation to education, there was a more positive attitude from the women; they claimed that in the forest there were no opportunities for formal education as there are in the new resettlement area. They said that with education, female children would be empowered with knowledge and jobs in future, unlike their mothers who did not get a chance to go to school. Men were grudgingly positive about education, because they said that children did not get the chance to learn traditional skills that would ensure their survival. Both men and women agreed more needed to be done towards increasing the number of schools in the area. The quality of education was still relatively poor (e.g. Kapchorwa District 2007), because the schools did not have professional teachers because such teachers did not want to work in poor and remote schools.

It was also observed that many children in school going age did not attend school, and the response was that due to frequent moving, it was better for the children to wait with school until the families had finally settled. People showed concern that government should take up local

schools for support under the Universal Primary Education programme (UPE). UPE is a government funded programme where primary schools are fully supported by government so that pupils get free education. District and local administrators and a school headmaster explained that government could not support schools situated above the 1993-boundary line, because those communities were officially illegally resident in the National Park. Inquires showed that some schools located above the 1993-boundary were registered under UPE and actually received government funding, but I was informed that if there were powerful residents in the villages where the school was located, the school could be registered under UPE.

6.4.5 Increased morbidity and mortality

Cernea (1997) notes that displacement leads to serious declines in health and increases the vulnerability of a community to epidemics. The interviews show various claims that diseases and sicknesses were now very common ever since Ndorobo had left their homes in the forest and resettled down in the lowlands. The Ndorobo claimed that there were many mosquitoes, coughs and exposure to HIV/Aids which was not the case in the forest. With a combination of lack of access to herbs and lack of nutritious milk they were highly vulnerable to diseases and sicknesses because their immunity had reduced.

Many respondents complained that health expenses were eating up their meager incomes. Tablets and other treatments were expensive as compared to the medicinal herbs that they no longer accessed ever since they were resettled in the new area. Elderly women also claimed that today, many more mothers had to give birth in the hospitals under operation which was risky and expensive, as compared to the pre-settlement days. Mothers spent a relatively longer time to recover from maternity, and hospital bills to cover up the long stay in hospital before mother were discharged, impoverished the families' already bad incomes. The long recovery kept the new mothers out of the work affecting family incomes and vital domestic activities. This problem emerged because the herbs that women used to eat under pregnancy that would prepare the prospectus mothers' bodies for a safe birth were no longer accessible due to expulsion from the park. Claims were also made that HIV/Aids was on the increase. When asked, people said increased poverty and increase in the number of single women had caused the increase in HIV/Aids prevalence in the area. Although it was difficult to establish the HIV-status in the

area, it was evident that the area was exposed to the outside world and could be vulnerable to HIV infection. People admitted that they had sexual intercourse with more than one partner, but did not use condoms because they could not afford to buy them. It is also notable that the high level of alcoholism was a conducive atmosphere for HIV to spread. The above shows that the Benet community is sinking into a situation where the ability of the people to sustain themselves is increasingly declining. Without a healthy people, it is difficult to have an effective working force needed to develop the area.

Related to the above is that also livestock vulnerability to diseases has increased after the relocation. Important herbs and the salty stone for animals were not easily accessible after the relocation. There were claims also that there are many livestock diseases in the new resettled area as compared to the higher areas in the forest where they used to live. Animals were very sickly and therefore could not give much milk and sometimes they died from simple diseases that were curable with the now hard to access herbs and the salty stone. Asked whether there were no veterinary services, respondents replied that only a few of them could afford conventional veterinary services, and also that the services were highly inaccessible in the Benet area because of the remoteness of the place.

6.4.6 Social disarticulation

Communication routes in the park have become highly inaccessible. These used to connect various forest communities, but these routes also used to bring news about business opportunities between Kenya and Uganda for livestock. Like several international boundary people in Uganda, the Sabiny people have relatives in Kenya with whom they have strong ties. This tie was explained by elders to facilitate sharing of pastoral knowledge. They also exchanged good breed animals with each other to maintain resilient animals or improve quality of livestock. It must be noted, however, that since the communities were removed from the park, there is more control of cross border cattle theft by the park rangers and security agencies. Operations can easily be carried out in an effort to monitor security in the area. This is a positive effort towards physical security of the Benet and political harmony between Uganda and Kenya.

Resettlement disrupted the networks of clan members in that various members have vanished or died, or live very far. Lack of animals has also detached some men from certain circles from where they could have received some support. Animals are seen as a guarantee before one extends assistance, so if family does not have animals they are cut off from the social network that works as insurance during hard days.

Comments from women focus groups reveal that men have changed in that they do not love their children as they used to in the forest. They look at them as a burden: boys need cattle to pay bride price and a piece of land to start a family, all of which do not exist in sufficient quantities. The most frightening development for women has been that fathers have started to send girls at a very early age away from the home so that they can go and marry. Marrying off a daughter brings livestock to the family in form of animals paid as bride price and that could possibly be the reason why men expel their daughters from home. Girl children have become a source of stock for the families to provide for milk, and cattle to pay bride price for the sons. It is also arguable that sending away girls reduces the financial burden in the family.

Children are no longer obedient to parents because teachers tell them about their children's rights which make it illegal to punish a child by beating. There is a growing tendency among the young to despise pastoralism because they hear from politicians and political leaders that education is better than looking after animals, however these young people do not get the chance to go far in education, and they cannot do much when they drop out, so they become idle, jobless and disorderly, and sometimes ending up on the wrong side of the law. Elders say in the days before the resettlement they used to teach children about work, but that is not done in the conventional schools that have taken over children's life. What was evident was that education was seen as an adversary to the local livelihood activities like cattle herding, and educationists also viewed livestock herding as a hindrance for school age going children to go to school. Clearly, there is a clash in values as to what is good work.

The level of conflict among the Benet has increased; Benets below the 1993-boundary line are hostile to those above the 1993-boundary line, and the Benets living below the 1993-boundary line have warned the ones living above the line that on several occasions that they will not

shelter them if they cannot fight for their land. The other Benets living between the 1993- and 1983-boundary lines are also warning the Benets above the 1983-boundary line that that they should not make a mistake and come to settle among them since they missed out in the 1983 land allocation, because they are backward, lazy and disobedient people.

Hostilities and divisions have also emerged among the hitherto harmonious Ndorobo and non Ndorobo Sabiny people from the lowlands, because they blended as land grabbers who took away land that the Ndorobo were supported to get. All this tensions surround eminent eviction of those people settled above the 1993-boundary line. These conflicts affect people who work on farms for money because they are being discriminated according to the group they belong to. It also affects businesses in that customers have become discriminate in terms of which shops and bars to go to. Such an environment of conflict undermines social cohesion and unity which is useful for people to survive as a community.

Discussions with village leaders and opinion leaders revealed that UWA's divide and rule method of dealing with the Benet boundary problem had led to division among the people who were once in unity and harmony before UWA took over as the new park manager. In trying to compromise the Benet in the boundary bargain, UWA sought to weaken the voice of the Benet so it embarked on spreading rumors that the non-Ndorobo had grabbed land that was supposed to benefit the Ndorobo in the 1983 land allocation, and that is why many Ndorobo are landless today. A division emerged between Ndorobo and non-Ndorobo. The seemingly united people with a common problem became deeply divided on the verge of violence. Some say machetes were collected to prepare for war to drive the non-Ndorobo out of Benet, but this was quelled by dialogue between the leaders of the two groups with the mediation of Action Aid Uganda, an NGO that had been involved in the Benet case. This incident which led to hostilities among the harmonious Benet was confirmed by residents who said they had never seen each other as land villains and victims the way they did before UWA came. Respondents and focus groups discussions claimed that historically the non-Ndorobo who mostly come from the lowland plains had been trade partners with whom they exchanged baskets for maize for food, since the Ndorobo were pastoralists who did not cultivate crops. Polarizing the Benet community by siding with the Ndorobo could lead to the exclusion of the concerns and experiences of the non-

Ndorobo people. Brockington et al (2006) cautions that attention to indigenous peoples could marginalize the non indigenous people.

6.4.7 Joblessness

Generally speaking, work among the Ndorobo has significantly reduced. Most Ndorobo were employed in cattle keeping and some subsistence cultivation on the sidelines. First, it should be noted that the resettlement exercise spatially reduced the grazing area: By individualizing land ownership, common grazing grounds were replaced, and access to park grazing grounds made illegal after the resettlement. The new land plots are more suitable for modern intensive livestock keeping than the local extensive livestock keeping traditionally practiced by the Benet. The Benet have not adopted to the modern method, so animals have reduced in number and size and in some cases families have no livestock at all, rendering the men jobless and idle for most of the day. They do occupy themselves in the gardens, but there isn't much to do after 9 o'clock in the morning.

Secondly, the restriction on access to the forest has rendered women jobless. Women have lost their traditional job of making baskets and other crafts because of the highly constrained access to bamboo stems and other small sticks found in the forest. As it has been explained above, the demarcation of the 1993-boundary line led to declaring part of the Benet Resettlement Area (above the 1993-boundary line) illegal. Technically, all government services stopped: support for primary schools was withdrawn and some schools have collapsed rendering those employed in these schools jobless.

6.4.8 Lack of access to common property

Having lived in the forest for generations, the Ndorobo were greatly adapted to the forest resources. The adaptation was bolstered by a common property arrangement where all had user rights as individuals and ownership rights as a community, usually a clan. Resources such as grazing grounds, trees for setting beehives, water sources, caves for sheltering animals, medicinal trees for herbs, fruits and other resources were open to all clan members to use in a responsible way governed by local rules. When the Ndorobo were evicted from the forest, this

system broke down. These common resources that supported the lives of the Ndorobo were left in the forest and never replaced.

Comments from women focus groups revealed that Benet men had changed, they were incapable of providing the domestic needs of their families because they could not afford. Men agreed with the statement by saying that it was difficult to meet the increasing financial demands of a home in Benet today, given that they did not have meaningful sources of income. There was not enough land to grow enough food for all the family members, and alternative resources that relieved expenses on domestic needs like fruits and medicinal herbs and honey, are no longer available.

It should be noted that the Ndorobo do not claim for land ownership as resettlement assumes; they are demanding access to those forest resources that supported their lives. Most resettlement schemes are based on providing land, but in the Benet case what seems to impoverish them is the collapse of their livelihood opportunities.

6.4.9 Homelessness

In the Benet area, there was no single case of physical homelessness among the Benet. Accommodation in rural Benet is not valued as a service to pay for, so one can be allowed to build in a relatives or friend's land without much hustle. The psychological feeling of homelessness was rather attached to the resources people left in the forest. Women reminisced of bamboo stems, honey and milk for their children and men missed the grazing grounds. This can be explained by the nature of culture among the Benet, as being an outside culture where cultural space extends to the whole village and involves all village members. Traditional practices such as circumcision were held outdoors and involved the whole community. The Benet were also resettled into a host population of people of similar culture, so cultural and traditional practices are still shared and accepted.

The Benet re-constructed their houses in a matter of months without much expense, even though the government did not support them in that. But they have never managed to reconstruct their

livelihoods, most likely because the resources that support their livelihoods were not replicated in the new resettlement area. The Ndorobo elders noted that government wanted to compensate them with cash to leave the area above 1993-boundary line and find land elsewhere, but that was rejected as they advised that there were some Benet who wanted money, and those were the ones who originated from the lowlands. *'We, the Ndorobo, do not want government to pay us; by paying us for the land we will relinquish our user rights so how shall we survive in future?' ...What we want is government to recognize our user rights'*. It is clear that the Benet community is not as homogeneous as it seemingly appears. The non-Ndorobo can adopt elsewhere and they can move, while the Ndorobo are so strongly attached to the Forest.

An observation of the state of environment in the resettled area, however, confirms the UWA fear to recognize the Benet rights to access to the park resources. The area has been deforested and no efforts have been made by the local people to plant trees. Secondly the observation also shows that resettling people in the proximity of the park is wastage of time and money because they continue to use the park resources, but this time without care because they are angry. Mugenyi (2006) notes that disputed land should be restored to the local communities in order to avoid hungry and angry neighboring communities to the park.

6.4.10 Attempts to reconstruct livelihoods through poverty alleviation programmes in Benet

Livelihood restoration programmes in the Benet area have been carried out as national poverty eradication programme under the Poverty Eradication Action Plan (PEAP), where the activities are based on the perspective that people are poor, rather than proceeding from the perspective that people are deprived. Proceeding on the basis that people are poor directs the livelihood reconstruction efforts into paternalistic endeavors to make people richer, rather than restoring the deprived resources of the community to create a proactive process of recovery. Armstrong and Bennett (2002) note that the San, also known as the Bushmen, in Botswana were resettled from Central Kalahari Game Reserve, but the programme was carried out proceeding from the perspective that the problem of the San was poverty. The resettlement did not succeed because it was based on the wrong ground. Cernea (1997) argues that process of reconstructing livelihoods should capitalize on the initiatives of the displaced people.

In relation to deprivation caused by conservation, Sanderson and Redford (2003) propose extension of poverty alleviation programmes to cover livelihoods. Poverty alleviation that overlooks conservation is not sustainable and will offer no relief to threats to biodiversity. As shown above in this study, a national poverty alleviation programme under the PEAP has been extended to Benet areas with focus on modernizing agriculture. Many Ndorobo have adapted to cultivation, but they practiced it to avoid starving rather than as an activity to become prosperous. Many of them associated cultivation with hard labor and did not like it well. It is possible that the resettled area is greatly deforested because the people were forced to adapt to cultivation which requires clearing of the forest. It should be noted that the Ndorobo are not traditional cultivators, therefore they may need a lot of guidance in sustainable farming practices, as well as they need to be taught to love it.

Further, the PEAP programme does not extend into some areas above the 1993-boundary line. PEAP is a national programme with rather general application, it proceeds from the understanding that people are poor, yet there is a strong feeling among the Benet that they have been deprived. Addressing livelihoods via poverty alleviation ought to take into account what kind of impoverishment has been caused and how greatly the concerned individuals have been affected (Brockington & Schmidt-Soltau 2004). Even in a seemingly homogeneous society like Benet, livelihoods are diverse: there were livestock keepers, bee keepers, fruit gatherers, herbalists, hunters, craft makers while others are cultivators. Exclusion from park resources has typically affected them differently.

It is correct that conservation can provide real benefits to local groups, for example the collaborative management arrangement that has been taken on by UWA in MENP. Collaborative management agreements in MENP are based on physical exclusion: People must be physically excluded from the protected resources first before they are eligible for benefiting in the arrangement. The Benet has not benefited from this programme because they are still within the park. It should also be noted that both PEAP and collaborative management require an organization of people in groups before they can be considered for registration, which requirement undermines local divisions and interests. In relation to non-Ndorobo people, the Ndorobo have not been specifically adapted to this kind of grouping that cuts across existing

social order. Benets are strongly attached to their traditional social groupings and clans. It is also worth noting that having lived for many years outside the mainstream formal system, the Ndorobo have bureaucratic difficulties with the formal system within which poverty alleviation programmes are carried out in Uganda. This presents difficulties for fixing livelihoods. Livelihoods are not only fastened to economic inclusion, they are sometimes fastened to physical inclusion. Therefore an effective solution should address the two components of the problem that is to say; the physical and the economic exclusion, and not only one component of economic exclusion.

Matiku (2008) argues that although the opportunity cost incurred by neighboring communities need to be included in the budgets of the protected areas, it may be unrealistic to expect protected areas established for biodiversity to reduce rural poverty. I would like to note that Benet livelihoods cannot be reconstructed in the short run. The system that ensured that all had access to all resources in the forest broke down and was replaced by a system of survival for the fittest. Benets are not poor only because they do not have access to food, pastures, fruits, honey, and bamboo and so on, but they are poor because the mechanism that distributes resources to members of the community has changed its rules. Resources that were provided by nature can now only be obtained through purchase. Access to unlimited land that was an automatic entitlement when a son became of age, is now limited to how much land one's father can afford to give to his son. Before resettlement, land was communally used so all had equal opportunities. It can be asserted that under the communal system, poverty is less visible at a micro level. When land was individualized in the 1983 land allocation exercise, so too were the resources that are located on that land, so today it is easy to see poverty by looking at how much resources an individual has. Asking UWA to address this situation is asking it to return people to the park or equally abandon conservation. Disrupting livelihoods may have been caused by one government institution, but repairing them takes an integrated approach involving many sectors of the government.

6.4.11 Local participation in attempts to address landlessness

The 1983 resettlement exercise was carried out in 100 days and the land allocation exercise started 14 days after the Government announced the decision to resettle people from the park.

The 1989 resettlement is not well detailed, but discussions with residents, elders and opinion leaders reveal that people were ambushed one early morning at about 0300 hrs in the dark. Given the atmosphere surrounding both resettlement exercises, it is not surprising that serious shortcomings still compound livelihoods of the families that were relocated from the park. Respondents reported lack of transport facilitation to move their property, the old, children and the sick, not forgetting the pregnant women. This led to great suffering during the trek from the park to the new resettled areas. Findings also reveal that in 1989 evictions, people did not know where they were going because they were not informed of a particular place to go, neither were they given information of the route to go.

Such a background could not ensure a meaningful participation of all relevant parties to organize a proper resettlement, especially the local people who would be directly affected. It should be noted that in the 1983 land allocation exercise, women even above 18 years of age were not eligible to receive land like their male counterparts unless they were widows. But even then they got much less land than their male counterparts with the same or even smaller families (Government of Uganda 1996). This claim corresponds with information obtained from focus group discussions. It could be a possible reason that all widows interviewed were visibly worse off than others members. Women in their advanced age still toiled to look for paid labor, as the small land they got from the allocation exercise was now too small to cater for a living because it had been divided up and distributed to the sons.

Although the local people, especially the Yatui, can be partially blamed for not participating in the land allocation process in 1983, it is possible that the type of organization ensuring their participation was alien to them: an urban-centric public meeting system was not appealing to the Yatui, as could the use of their traditional chiefs have been. Using the right communication arena and tools was neglected hence poor attendance by the Yatui in the 1983 resettlement. Twenty-five years after the 1983 resettlement exercise, the perception of participation has not changed and the groups that lost out are still likely to lose out if efforts are not made to improve participation. The meetings of the Kapchorwa District Steering Committee (KDSC) were not attended by a single Benet woman, and generally speaking there was one or two women sitting on the committee in their official capacities as Resident District Commissioner (RDC) an

executive representative of the central government at the district level, and a senior UWA staff at the level of warden. On the 26th of November 2007, at a very important meeting concerning the verification of Benet people and their property, held in the RDC's office only one woman out of 18 was in attendance, and she was not a Benet woman.

Public meetings held by KDSC at Chemuron village in Kwosir Sub-county, at Piswa village Benet Sub-county and at Tariat village in Kaptanya Sub-county on the 28th, 29th, 30th of November, 2007, respectively, were rather informative than consultative and exhibited no interest in local input. A few individuals allowed to speak were greatly limited in time and topic, even if they clearly expressed that they needed to explain how the boundary issue and the restrictions were affecting them and their activities on the ground on a daily basis. This kind of participation can at best fit in the passive participation classification of Pimbert and Pretty (1997) *'where people participate by being told what is going to happen or what has already happened in a top-down fashion and announcement is unilaterally done by the administration or project management; people's responses are not taken into account and information belongs to external professionals.'* Indeed the committee is by majority composed of professionals, all of whom are district technocrats at a senior level. What draws concern in relation to the skewed representation and participation is not what has happened in the 1983 and 1989 displacements, but what will happen in the event that government decides to resettle all the people above the 1993-boundary line. A process that of distribution of land should not only be fair, but should be seen to be fair to all categories of those affected in a involuntary resettlement exercise. Land is the basis of livelihood among the Benet and it is increasingly replacing the forest as the most important resource.

CROSS-CUTTING ISSUES OF THE BENET RESETTLEMENT

6.5 Introduction

The issues addressed in this area help to throw more light on the issues raised above in this chapter. The following discussion also serves to extend some arguments to broader concerns relating to livelihoods and resettlement.

6.5.1 Resettlement ushered in income generating opportunities

The resettlement also led to urbanization in the Benet. The Benet community had been a rural community without much need for money. New trading centers emerged, such as Mengya, with needs that could be catered for through trade. The new services in the area such as sub county offices, schools, local government administration offices, security agencies, NGOs, health centers, shops, brought in workers who increased the demand for forest resources. This group did not only increase the demand for forest resources, but also changed the medium of exchange from barter to money facilitated trade. The workers are salary and cash earners who can only participate in the local trade with cash because they lacked agricultural items used in the local barter trade. Eventually the barter trade system broke down. In addition, people illegally harvest more forest resources than what they needed for their domestic use. Coupled with the lack of sufficient manpower by the Forest Department to monitor the whole boundary effectively, and the collapse of the traditional management system, forested degradation worsened. However, although urbanization increased pressure on the forest, it also ushered in income earning opportunities because of the salary earners who had come to the place.

6.5.2 Local traditional forestry management still useful

Although the traditional forest management system can be said to be resilient because it has persisted on the sidelines of conventional forestry management up to today, it has waned steadily over the years. Since 1936 forest custody has been gradually but persistently changing hands from local elders to forest rangers and with this taking away power and authority from the people to the central government. The gradual transfer of power to sanction non-observation of forestry rules and regulations from the hands of the elders to the rangers was an inherent part of the process that weakened the traditional forestry management system. However, many respondents were more afraid of the superstitious consequences (e.g. curses) of violating forest rules and regulation than they were afraid of being caught by the rangers. The influence of the church has also demystified the power of the superstitious authority of the elders significantly, affecting the effectiveness of traditional sanction and observation of forest rules. Although the conventional forest management has taken over, the way people relate to the forest is still traditional in many ways and that can be integrated into the conventional forestry management institutions to enrich forestry management.

6.5.3 The viability of resettlement: doing a disservice to community cohesion

Although resettlement is a good compensation arrangement, it is difficult to accomplish satisfactorily because its real cost is unknown. People keep coming back whenever they are in difficult times: People who had got land in 1983 still complain that they did not get enough and they needed more. Many claimed that they had given all the land to their sons. The development of the new area was also not easy to develop to the required standards because new needs kept emerging. Livelihoods were not easy to reconstruct because that depended on individual efforts outside the control of the resettling agent, and social networks that cannot necessarily be reconstructed. It is also not known when the reconstruction of the resettled people's incomes and social lives would reach sufficient levels so that the resettled people could continue on their own. This led to a trend of helping that has instead caused a begging and expecting syndrome instead of encouraging hard work and innovativeness. Among the Ndorobo that syndrome has emerged. People expect government to give land to their sons and grandsons. Many respondents complained that they did not have enough land to give to their sons so they wondered if government would give them more land to relieve them of the burden to of having to break up the already small piece of land remaining after giving the other sons. Among the Sabiny from the plains, people hoped to flee from the insecure area to the Benet area where government gives land for resettlement instead of mobilizing themselves to cooperate with government towards securing the lowland areas. The endless expenses and uncertainty of successfully accomplishing the livelihood-reconstruction process make resettlement a non long term option and solution in dealing with people in protected areas.

6.5.4 Change of value worsening the sense of being poor

The Ndorobo Benet had a strong perception of themselves as poor. Most of them described themselves as poor: Saying that they had small land holdings, few animals and no food, no good house and no capital assets. When asked about what a good house means they said a house with iron sheets. When asked about the situation in the forest they said they were all rich.

Another aspect reflecting poverty was that clothes were not very important in the forest as they are in the new resettlement where dirty and few clothes reflected a failure to meet basic needs

and therefore poverty. *“We could wear one piece of cloth until it was to torn to wear. In the forest a whole village could share one good trouser that we borrowed when going to town in the Kapchorwa, but now you will be stigmatized if you have one shirt or trouser. Since we came here, have been teased by the lowland people until we have had change in terms of how we dress.”*

The resettlement also created an economically-casted Benet society: In the forest they were all the same, but in the new resettlement area, they began to see themselves as poor as compared to their lowland counterparts. Many were demoralized and felt inferior. Some said they were too worthless to contribute to development of the Benet society.

The self perception as poor can be viewed as caused by adopting conventional values of mainstream society rather than a real negative change in material situation of the Ndorobo. In the new resettlement, they we were exposed to more modern housing units with iron sheets and bricks. The feeling that their traditional huts were inferior could result from the fact that the huts were considered valueless and were not compensated during the resettlement exercises. To the Ndorobo, a house was just a place to sleep, but today they view it as an asset representing wealth and success, just as livestock. It is also possible that the Benet feel poor because on several occasions they are referred to as poor by others. Asked about the mode of compensation, the Benet said that their problem was not lack of money, but lack of land and access to resources.

6.5.5 The value of land to the Benet

Seen from a historical perspective, time has helped government to acquire legitimacy as owner of land in the Benet area. The Benet generally, accepts that government is the owner of the park land and has authority to conserve forests and to evict people. This can be understood in the historical perspective where this acceptance derives from the change of hands that took place way back in 1937 when government took control of the forest. At that time ownership of the land was taken by government, but since that did not affect residence and access to resources the Ndorobo did not agitate. The Benet did not look at ownership as an important aspect of land and up to today they still claim for user rights not ownership rights. That can explain why the

resettlement exercise did not succeed in benefiting them. Individualization of land was simply not applicable to their lifestyle and livelihood activities.

It is also notable that, the Benets (Ndorobo) are willing to be displaced as long as they retain access to the forest for important resources that they cannot find elsewhere. It was also observed that the non-Ndorobo were more interested in land allocation without much concern for the access for the forest. This could be explained by the fact that the non-Ndorobo people do not have a strong cultural connection to the forest. These differences are crucial mainly because they do reflect that although the Benet community is highly homogenous in terms of language, culture and tradition since most people belong to the Sabinu culture, the Ndorobo and non-Ndorobo differ in the way they pursue their livelihoods and as such their adaptation and coping abilities to the local environment is different. The Ndorobo are forest people who have of recent started cultivation to prevent starvation rather than a way of life, while the non-Ndorobo are people from the plains with mixed adaptation to cultivation and grazing who can do well in other environments relatively easily.

6.5.6 Difference in value of and determining success in the Benet Resettlement Area

It should be noted that a good number of non-Ndorobo got land in the land allocation exercise in the category of internally displaced from the lowland areas of Kapchorwa, and as the needy, but the Ndorobo benefited sufficiently under the circumstances. The Ndorobo also got the best and largest plots of land given the fact that they identified the land and estimated the extent they wanted which in most cases was wholly approved by the land allocation committee. The others, mostly Sabinu people from the lowland, got land in the marginal areas as internally displaced and the needy, but having come from the more opened lower areas, they appreciated the value of land as a capital resource, while their Ndorobo counterparts from the forest perceived land as a given resource that was abundant and available for common use. The non-Ndorobo from the lowlands had no choice of returning to their previous homes because fear of death and loss of all property to the hands of the brutal cattle rustlers, so they had to consolidate their settlement by buying more and more land, but the Ndorobo had the chance to return to their former areas in the forest because the Forest Department was relaxed.

It is true that there are many non-Ndorobo residents in the Benet area, but the claim that they hijacked the land allocation exercise is perhaps overstated. The majority of the non-Ndorobo purchased land from the Ndorobo who returned to the forest because life was hard in the lowland. Many Ndorobo were not used to the monetary economy in the new resettlement area, so soon after getting land they ended up in economic hardships selling off bit by bit until the land was all gone. Paying graduated tax, buying food, clothes and medicines and paying bride price are some of the expenditures that caused them to sell land. Because of the insecurity in the lowland areas there was a ready market for land from other Sabiny people who came to settle uphill to avoid cattle rustlers.

6.5.7 UWA seen as a conflict and trouble-maker

There was a general feeling among the Benet that UWA had antagonized the people who were hitherto peaceful and unified. In order to pursue its boundary interests, UWA had pursued a divide and rule technique so that people could start to fight each other instead of fighting UWA. That would simplify UWA's work by siding with the stronger party. Discussions revealed that before UWA came the Benets were in unity, but later on UWA started to spread information that the non-Benets had taken the land of the Benet by hijacking the 1983 land allocation in the resettlement exercise. As a result the Ndorobo and the non-Ndorobo see each other with suspicion. The Ndorobo blame the non-Ndorobo for their landlessness, while the non-Ndorobo people want to defend their right to stay. To protect their property and interests, the non-Ndorobo formed a group called Benet Settlers Association (BESA).

6.5.8 Perception of encroachment

Local people perceive encroachment as a way of getting some food and money in the face of restriction on accessing previously useful resources. Therefore, for the Benet encroachment is an opportunity to access vital resources that support their lives, and an adaptive technique to UWA's strict park management rather than a crime. While for UWA encroachment is an unacceptable nature-degrading practice that should be sanctioned and stopped, otherwise it undermines conservation efforts, and the benefits for the whole community. UWA argues that encroachment leads to less tourist potential, less water for the 1 million people and their

livelihoods that depend on the water source outside the Benet area. This is an example of how definitions of activities relating to use of nature has led to economic exclusion of local Benet people in MENP. Although the perception of encroachment held by the NFA (formerly FD) is not very different from that held by UWA, local people preferred NFA to UWA as a better manager of MENP. This can be explained by the relaxed policy of NFA, where significant use of the park was allowed by NFA during their management tenure of MENP: Pastoralists, mushroom, and bamboo enjoyed unfettered use of the park which was halted not because UWA took over the park but because Mt. Elgon Forest Reserve assumed a higher protection status of National park category II of UUCN.

A group of cattle rustlers and cross border small arms smugglers were also put out of operation by UWA's take over of MENP management, and deploying of gun-carrying rangers to traverse the National Park. This is interesting in that UWA's takeover relieved the Benet community of illegal activities of cross-border small arms smuggling between Kenya and Uganda that had become notorious in the Park. On the other side, UWA's take over created a new conflict between UWA its self and the local people. In way the pastoralists, gatherers, cattle raiders and the guns smugglers who had hitherto been enemies with competing interests are joined together to fight a common enemy in the name of UWA. Findings show that several local people expressed a negative attitude towards UWA's conservation efforts and its collateral physical and economic displacement. The reasons behind that attitude are various and motivated by several and differing interests.

6.5.9 Exposure to government coercive machinery

The resettlement also exposed the Ndorobo to the national administrative and legal system outside the forest, and also became more pronounced to the Benets, tax default arrests; police custody increasingly showed the people that it was government that really had the effective power and authority. Up to today, the Ndorobo still hate the taxmen and the police custody so they have learnt to follow government orders and avoid jail. However, this exposure did not only have negative implications alone, it helped the Benet to seek refugee of the High Court of Uganda which in 2005 issued a decree that has strengthened the Benet claim over their land.

6.5.10 Multiplication of Protected Areas and increase in evictions

Geisler and De Sousa (2001) reflect an increase in protected areas from 443 in 1985 to 790 in 1997 in Africa. The world trend also indicates an increase of 50%. According to Brockington and Igoe (2006), the multiplication of protected areas has not led to an increase in evictions. However, the authors caution that there is no room for complacency yet, because conservation-based dislocation is still affecting millions. In relation to the above facts, this study establishes that, in Mt. Elgon like in some other protected areas in Uganda, displacements have not followed the establishment of new protected areas, they have been rather a product of a process of upgrading protected areas to a more stricter protection status especially the IUCN category two (national parks) (Himmelfarb 2006). In Mt. Elgon both displacement of 1983 and 1989 took place before Mt. Elgon became a National Park in 1996. However, the economic displacement has worsened after the status of the Mt. Elgon was raised from a Forest Reserve to a National Park.

6.5.11 Eviction and resettlement have affected society and livelihoods

Indeed the uprooting of people from their homes caused by eviction and resettlement have led to disruption of societies and livelihoods, people have been dumped in new economic situations where money is the medium of exchange and where their herding skills have been rendered redundant because of the changed production patterns. I.e. from conditions that favour pastoralism to conditions that favour cultivation and other activities. As Schmidt-Soltau (2003) and Brockington and Igoe, (2006) note that by breaking down livelihoods, societies breakdown, the Benet society can be said to be heading in the same direction: a high level of alcoholism and a high level of social disenchantment mostly among the men, reveals a symptom of a disintegrating society. Visibly, social cohesion is at a great risk in the Benet community. Because residence in the park and principal livelihood activities are outlawed, people sneak into the forest to get food and other vital resources, and children learn from their parents and everybody around them that theft is the only way to survive. This undermines development and conservation efforts and can breed consequences with local, national and international implications. Ferraro and Cramer (1997) argue that resettlement has in many cases given little consideration to the short-term relief on park resources, when people were settled in the vicinity of the park with no or few alternatives to the natural resources on which their livelihood depended.

It ought to be noted that a good number of the interviewed people were of the view that moving from the park has exposed them, and made them internationally recognized attracting national and international NGOs and scholars who come with knowledge, experiences and other resources to their area. Leaving the park has also exposed children, particularly the female children, to education an opportunity which will ensure that future Benet generations will have more livelihood options with education. These resources were seen by those sections of Benet community as a springing ground for Benet people to build on and develop themselves and their area. NGOs like Action Aid International which trained local people in food security and soil conservation, IUCN which has been working with community conservation and Uganda Land Alliance which has worked with local pressure groups to disseminate land rights information among the local people and supported litigation that resulted in the successful court case in the favor of Benet land rights. It is arguable that leaving the forest has politically empowered the Benet people by making them a politically significant constituency for politicians to seek votes and give accountability. The creation of a new Sub-county called Kwosir can be viewed as a positive symbol of extending power and political representation nearer to the grass root.

6.5.12 What has actually caused evictions?

Although, conservation has been advanced as a principle cause of uprooting people from their homes, economic motivations can also be partly responsible. The urge to transform vast rural areas that hitherto used to satisfy subsistence needs into revenue generating ventures for the government could not be resisted given the acute shortage of domestic source of finances by the Ugandan Government. The situation of economic dependency in which Brockington (2006) argues, many independent governments find themselves in a cash trapped scenario where they are in great need of domestic financial sources and would hardly afford to neglect tourist revenue generating potential of parks once people have been moved out of the park.

6.5.13 Why a persistent lack of respect for property rights in spite of the law

The history of forestry management in MENP highlights that the process of establishment of protected areas has been a unilateral undertaking by the Government of Uganda (Buyinza 2004;

Government of Uganda 1996; Nagrove & Hulme 2006; Scott 1998). The lack of compensation arrangements has stemmed from the consistent and systematic lack of recognition by government that local people historically and commonly own land under customary tenure (Tumushabe, G. W. 2005). The history also reveals a practice of evicting people from these forests in order to protect them. Interestingly these evictions have not only been illegitimate, they have also been violent and use of excessive force has been reported (Lang & Byakola 2006). In all, respect for people's property rights has been violated depriving them of useful assets of earning a living.

Uganda has one of the most comprehensive legal provisions catering for human rights (Scott 1998) and a well functioning judicial and parliamentary system. However, in spite of this people's rights have been abused during evictions and resettlement. Both the 1967 and the 1995 Constitutions provided for the right to property where private property is accorded protection, and expropriation can only occur with prompt, adequate and fair compensation (Government of Uganda 1967; Government of Uganda 1995). The 1983 lack of respect for a fair and adequate compensation could be attributed to the breakdown of the law and order that prevailed in the country. The 1983 resettlement was preceded by ten years of military dictatorship under the leadership of President Idi Amin Dada. However, from the years 1980 to 1985 Uganda experienced a period of civil war which culminated into yet another military takeover of government (Kanyehamba 2002). This period was characterized by institutional breakdown. It is possible to argue that such conditions could not favour a rigorous observation of property rights but under the circumstances what was done was reasonable. It is also noteworthy to point out that the guidelines made by the District Land Allocation committee to guide the land allocation exercise were to a greater extent well observed, however the provisions of the guideline rather catered for a smooth and fair land allocation process than, safeguarding livelihoods in the new resettlement area.

The human rights abuses that prevailed in the 1989 eviction and temporary resettlement can be attributed to sheer abuse of power and authority. The eviction was carried out by the Forest Department without providing the people with alternative land to settle and particularly without any regard for their livelihoods (Government of Uganda 1967). The peculiarity that surrounds the 1989 resettlement is that people were temporarily resettled above the 1983-boundary line

within the park and the decision to resettle them was not communicated to higher authorities (Asingwire et al. 1998). The urgency that surrounded the removal of people from their ancestral homes without consultation of higher authority and the local people can simply be described as abuse of power and authority. Under such expedient decision making and rashness, it is difficult to implement a removal of people without hurting them. Naturally following the provisions of the law by consultation with local people and giving a grace period for people to prepare, would defeat the plan to have them removed from the park as soon as possible. The people resettled above the 1983-boundary line can be described to be leaving in a no-man's land with no rights whatsoever. People reported that the UWA rangers exploited that situation to mishandle them. There were also reports that the place is not suitable for growing crops and as a result they had only one poor harvest a year on very small patches of land with grudging permission from UWA.

6.5.14 Casting doubt on the role of local people in degrading forests

Although it was justified that the Ndorobo were evicted from the park because they had caused extensive degradation as it is shown in MENP (Uganda Wildlife Authority 2000), it should be admitted that the conventional forest management principles that over-emphasized the forest's timber producing role, ignored the forest's social and ecological role of the mountain forest. Mwima et al (2004) clarifies that in the 1990s, concerns that forest management based on commercial timber harvest was damaging the forest ecosystem's structure and function led government to change the conservation status of six major forests, including Mt. Elgon, to the stricter protection of national park. It can be asserted that Ndorobo were evicted in 1989 from their homes as part of a national programme seeking to redirect forestry priorities, but not on the independent basis of a specific ecological damage that the Ndorobo had occasioned on Mt. Elgon ecosystem. Brockington et al (2006) note that decisions to evict people, or to restrict their access to resources, should be governed by ecological considerations rather than ideals of wilderness.

6.5.15 The implication of the law on eviction and resettlement

According to Ugandan law, evicting or resettling of people that renders those people landless or undermines their livelihoods would be inconsistent with the spirit of the Constitution and

therefore illegal. Although Uganda has a very protective law and policy towards human and property rights, its conservation laws are essentially restrictive and therefore exclusive of local human activity in national parks. It is however important to note the Wildlife Act (Government of Uganda 1996a), the law governing national parks and the National Forestry and Tree Planting Act (Uganda Government 2003), the law providing for the management of forestry resources, allow certain human activities to be carried out in the national parks and forest parks. That provision is reflected in the Wildlife Policy and the Forestry Policy where sharing of benefits derived from forests and national parks with local people is encouraged, in addition to controlled use and shared management of locally useful resources where possible.

The Wildlife Act (Government of Uganda 1996a), the Forestry and Tree Planting Act (Uganda Government 2003), and many other environmental laws presented in chapter five of this study, provide a basis for community conservation in conservation practice in Uganda. It is under this basis that collaborative management has been adopted in Mt. Elgon National Park in the legal sense. However, the provisions forming the basis for community conservation in the different laws of Uganda, as shown in chapter five, make general pronouncements. This leaves collaborative management in Mt. Elgon National Park at the discretion of UWA: Its presence and continuation depend very much on the will of the staff rather than on obligation by law. Subsection 2 of Section 25 of the Wildlife Act states “*The Authority may establish guidelines for access of communities neighboring conservation areas to resources which are crucial to the survival of those communities*”. It is in this sense that it can be argued that economical and physical exclusion of people from Mt. Elgon National Park is still strong in the legal sense.

It is also worth noting that in the case of Uganda Land Alliance vs. UWA and Attorney General, the High Court of Uganda decreed a consent judgment against a physical exclusion of the Benet from their homeland, and their land rights and tenure were secured for a time being (*Uganda Land Alliance Ltd Versus Uganda Wildlife Authority and Attorney General of Uganda* 2004). The role of the courts in securing people’s property and livelihoods is not unique to Uganda in East Africa; the Kenyan Court of appeals ruled against an eviction order of the Ogiek people from Tinet Forest, citing that it would lead to far-reaching effects on the livelihoods of the people (*Ogiek people Vs District Commissioner* 1999). The courts can be very instrumental in

securing livelihoods and societies from evictions and involuntary resettlement where the law is unclear and general as in the case of Uganda.

6.5.16 Why resettlement is not appropriate

Conservation displacement affects two major processes namely; removal of people from their homes and disruption of livelihood pursuits (Cernea, M.M. 2005). Usually, compensation for lost land and property and resettlement are thought of as appropriate measures to cater for the two major displacement effects of loss livelihoods and loss of a home. It should be noted that both remedies to dislocation of compensation and resettlement are inadequate because at best they only restore houses. Although the displaced people lose homes, it is evident that they reconstruct the houses in a very short time after relocation. The Benet rebuilt their huts in a few months after the resettlement. Rural people use materials that are not costly and their building style is not time wasting. Unfortunately, it seems that the Uganda Government was satisfied that the resettlement exercise had gone successfully after the Benet had constructed their huts, because they never followed up the resettlement with livelihoods reconstruction programmes after the resettlement in 1983. Resettlement is also based on the thinking that once alternative land is provided then people will have to manage. The Benet have continued to suffer even after the replacement of their physical land. They mainly suffer from restricted access to important resources. It could explain why they sold off the land and went back to the forest. Findings of the study showed that owning land as resettlement assumed for the Benet was not the problem, but rather accessing the life supporting resources in the forest. Cernea (2005) argues that resettlement should take on the reconstruction of livelihoods, because what people really suffer from is the economic displacement. It is however not known how far the resettling agent should go to restore livelihoods to a sufficient level.

CHAPTER SEVEN: CONCLUSIONS

7.1 The dilemma between eviction and conserving the park

There was an evident dilemma faced by the decision makers given the adverse effect of removing people from their homes and the adverse effect of allowing the people to continue living in their current homes. Clearly, there is no doubt that deforestation was occurring every passing day, landslides were visible in the some parts in Benet area, let alone silting of rivers (see table 3 for rivers marking the zones of BRA). The area from the 1993-boundary line up to the 1983-boundary line was evidently deforested and people admitted that they have now illegally extended their search for firewood, building poles, honey, and grass for thatching house-roofs into the forest. Work on environmental awareness had been done extensively by IUCN, UWA and Action Aid Uganda, but more needed to be done to implement agro-forestry and to implement soil conservation measures. Amidst all the above, conducting an eviction from 1993-boundary line and above may lead to land pressure in the area below the 1993-boundary line, if people are resettled there as it has been proposed. Evictions above the 1993-boundary line also create more anti-conservation attitudes, hence increasing malicious activities against the park besides escalating human rights crisis and conflict. UWA is also likely to suffer multiple court suits from the evicted: The success in the 2005 Benet case for the local people may have triggered a trend of litigation against MENP conservation activities. Further south in Mbale, other park neighboring communities have also sued UWA, hence the issuing of court injunctions against evictions. It should be noted however, that in the legal sense these injunctions restrain UWA's genuine conservation activities. While this trend of legal battling is positive for local people to resist UWA inhuman evictions and resettlements, the costs involved may stress UWA's already unsustainable financial situation. This calls for genuine dialogue and more acceptable participation in decision making with the people in the management of MENP.

7.2 Taungya system

The Taungya system is a widely acceptable system among the local people and the forestry professional circles in Uganda (Hamilton, 1992 in Government of Uganda 1996:10) It also

enjoys a positive attitude among the UWA staff: An UWA senior staff was very optimistic about Taungya; she claimed it had significantly contributed to food production, income generation among the poorest Benets people who are landless. Taungya's most significant shortcoming of refusal by the farmer to vacate after the end of the agreed time, can be dealt with by involving village elders. Taungya is also compliant with the current trend to involve local people in protected area management and poverty alleviation. It is also compliant with the Wildlife Policy's stated aim of recognizing the need for sustainable harvest of park resources, rather than an absolute restrictive approach. Taungya can also be extended to include grazing activities where a limited number of animals can be allowed in the park area to graze. There was great will among the local people to cooperate on conservation, but they also emphasized that the issue of livelihoods must be addressed in conservation efforts. This attitude could be capitalized on in a constructive way to offset economic displacement which affects most Benet people.

7.3 Making involuntary resettlement more accountable

Although Uganda has good legal provisions ensuring the protection of the right to property for all, where the right to compensation is laid down in the international instruments Uganda subscribes to, and its municipal law as shown in chapter three, what happens in practice is an expropriation of people's land without proper compensation. UWA could come up with some guidelines to safeguard evictions of encroachers and resettlement exercises, where removal of people from protected areas is inevitable. Although the NFA guidelines for addressing encroachment in Central Forest Reserves are lacking they can be worth to borrow from, especially their case-by-case basis of dealing with encroachers (e.g. Mugenyi, O et al. 2005). This can help to prevent circumstances that give rise to violence and brutality in eviction and resettlement exercises. In that regard, Schmidt-Soltau (2003) recommends implementing legal procedures reflecting standards in the World Bank Operational Directive 4.12., at the national level.

There are more than 10 000 people living above the 1993-boundary line. If the government decides that they should be moved, it can be done legally since the area they occupy legally lies in the park. It should be born in mind that people felt more strongly about the way they were handled than the actual occurrence of the eviction, which forced them to leave their homes. The

findings of this study show that many respondents detested the violence, highhandedness and drastic nature of the evictions.

7.4 Making people co-exist with the park

McLean and Straede (2003) argue that it is possible to make relocation voluntary where attitude to conservation is positive. If fewer people decide to move, there will be more land available in the new resettlement area, providing a better chance for people to make a living from the land. At the same time, abandoned lands in the park create more room for conservation. The voluntary relocation arrangement could incorporate elements such as grassland management, community forestry, erosion control in for the highly silted rivers in the Benet area. Retaining people in the park can be a viable option since the most important areas in the National Park for conservation purposes lie in the high montane heath and moorland zones above 3000 meters above sea level, but human settlements are located at 2300 meters above sea level (Government of Uganda 1996).

7.5 Some areas to polish

The laws and regulations of the park, which the local people are supposed to observe, are not clearly known to the people. It is unknown to the local people whether the prohibitions are written in the books of law, or whether what is wrong or right is determined by the UWA rangers. People are confused over the position of the law: they do not know when they are observing the park laws or breaking them. Shared experiences during focus group discussions showed that people are always at the mercy of the UWA rangers. This situation creates an opportunity for abuse of power by some UWA rangers. The laws that the rangers follow can be summarized in the local language. It is critical that law is clear to the people so that mistrust and suspicion they hold against the park authorities can reduce.

Although, Mt. Elgon National Park has an active and hard-working community conservation office, it is an office largely occupied by originally-UWA officers with much the same institutional culture, experience, and ethical and professional background. Human rights issues that arise during eviction and resettlement processes are complex and will often call for multi-disciplinary expertise rather than a conservation oriented expertise dominating MENP staff. This

can help to check the institutional heavy conservation bias of UWA and facilitate a more local-people inclusive conservation approach. Generally speaking, UWA needs the inputs of other disciplines such as social workers in its day-to-day operations, as it is now clear that their work cannot be separated from people's lives, and that their activities affect not only livelihoods, but the whole communities.

7.6 From policy to practice

From the theoretical perspective, community conservation dominates conservation thinking in Uganda. However, conservation practice in the country is still strongly dominated by fortress thinking. There is an increasing awareness that separating people from national parks leads to a lose-lose situation (e.g. Scott 1998). Considering the proximity of the resettlement area to the National Park, and the fact that UWA does not have the capacity to stop park entry, it is more rewarding to encourage voluntary resettlement. McLean and Straede (2003) suggest that voluntary relocation can be lead to win-win situation where some of the local people to be removed express willingness to move. The findings of the study show that the Benet people settled above the 1983-boundary line have expressed willingness to be resettled, and those settled below the 1983-boundary line have demonstrated willingness to integrate those settled above the 1983-boundary line into their area, if the government can respect the 1983-boundary line. That willingness can lead to several positive results; promote good will and improve the relationship between the people and UWA, it can avoid massive disruption of the Benet society as less people will move, and they will move to an already friendly host community. This prevents conflict. It will also minimally affect the livelihoods of the Benets. All these factors will lead to a better working environment for UWA and will encourage an integration of human activities with conservation.

7.7 Taking the bitter pill of breaking the fences: A suicidal undertaking

The study shows that the Benet communities surrounding MENP are very dependent on the park resources in economic, cultural and social terms. The study also shows that in spite of this dependency there is critical need to protect the endemic biological diversity and the water

catchment values in MENP, because both these functions of the park can become more vulnerable with increasing human use of the park area. Some writers (Adam & Hulme 2001:17-18; Schmidt-Soltau 2003) have argued that the true test of conservation is to remove the fences. Such reasoning can find a place in MENP management considering that the economic sustainability of conservation in Uganda is unviable because a big part of the funding of conservation activities depends on external sources.

Long term interests and sustainable survival of conservation of park resources should be in the hands of local communities that surround those parks, because these people do not only suffer greatest when things go wrong, but they also usually have very limited alternatives. Removing the fences will not only secure the future of conservation in MENP, but it will also most likely put an end to unnecessary eviction and resettlement of people from the park. The process of removing the fences can only be meaningfully realized where UWA's role in the park's management reduces as that of the local people increases, or put in other terms: returning some responsibility of conservation from the centre to the people. But the process may call for a relocation of some funds from certain office-tables towards strengthening the community. Clearly, this is a suicidal process for some UWA offices, and it seriously tests the will of those concerned. Such a process may be scary, and could easily face serious sabotage (Brockington et al. 2006). I would like to imagine, that an UWA senior officer quoted in Hulme and Infield (2001:107) who referred to embracing community conservation as '*taking a bitter pill*' had in mind that transfer of some power and funds to local people was difficult, but it was the only way to protect the nature they loved so much. I would also like to note that community conservation vindicates local people from being conservation villains, but in effect, it turns UWA into the villain, and the local people then become the heroes. Some powerful groups in UWA may not easily accept that position: Accepting that position may for example render the whole Law Enforcement Office of UWA redundant and therefore prone to closure.

7.8 Summing up the issues

The study shows that both the 1983 and the 1989 involuntary relocation of the Benet has had significant effects on their livelihoods and their society. It should be noted that it is not the physical removal of Benet people from the park that has led to the hardships to livelihoods, but

rather the exclusion from resources that support their economic and production systems. It is also worth to note that findings reveal that the Benet people are not suffering due to lack of land ownership, because even those Benets with secure land tenure are no better off due to restraint on land use in the larger Benet community imposed by conservation priorities, but rather they suffer because of restriction on access to resources. Resettling the Benet may not solve the underlying problems related to livelihoods and general development in the area if it does not in addition to physical exclusion, also address the economic exclusion.

Findings, as noted earlier in this chapter, also reveal that there is a positive attitude towards conservation of MENP. Many people were willing to move away in order to protect the ecosystem of the park, and others believed that there was need for some form of control to resource use that is acceptable to all stakeholders. People also expressed the need to work with UWA in order to protect the park better. On the government side there is some hesitation and skepticism about sharing management of the park resources with the people, but there is a progressive shift towards a friendlier attitude towards people's use of the park. Exclusion is increasingly being viewed as unjust and conflict-ridden. This change of attitude could have come as a result of resistance both local and international, but it had not translated to action until it became costly for the government side in political and economic terms. Both physical and economic exclusion of the Benet has occurred because in the past the Government of Uganda did not have to be accountable both economically and politically. Today, there is more political transparency in Uganda, and the obligation to meet the economic cost of exclusion is a mandatory undertaking. So there is hesitation on the government side to involuntarily resettle people without a proper redress. The presidential and other political figures' pronouncement against eviction in Mt. Elgon, and court decision of 2005 which stopped evictions, plus several other court injunctions against evictions and restriction on land use, could symbolize the shift.

7.9 Suggestion for further research

The greatest constraint to implementing a more meaningful physically and economically inclusive conservation in MENP is that little is known about the capability and capacity of the people to co-exist with parks in a mutually beneficial way. Little is also known about the complexities of conservation management from the point of view of day to day life of UWA.

However, understanding whether separating people from protected areas can be mitigated, not only requires proof that local people can co-exist with parks, it also requires a thorough understanding of UWA's complex world and the world that surrounds and determines UWA's work schedule: The actors that UWA works with or fights against in delivering conservation and the arenas where they encounter each other. An ethnographic study of the institutional working culture of UWA, the institutional set up, and the bureaucracy that surrounds UWA is vital in order to facilitate a steady and permanent transition from a conservation policy that physically and economically excludes people to one that includes them.

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Appendixes

Appendix Guide

Appendix one (APP 1)

The report of the District forest officer, Kapchorwa. For this study the report is useful to provide a more detailed account of the land allocation exercise.

Appendix two (APP 2)

Letter from the Kapchorwa District Administration to UWA. The letter highlights a shortage in communication on UWA's side. It also shows the inconsistency in UWA's position on the park boundary question: Even if UWA is publicly supportive of the 1983-boundary, it in practice pursues the establishment of the 1993.

Appendix three (APP 3)

Letter from the local Sub county administration to a Uganda Land Alliance an NGO that supported the Benet in the 2005 court litigation. The letter communicates UWA's lack of respect for the court judgment regarding not evicting people until the issue is determined by the central government. The letter highlights violence related to the pursuit of the 1993-boundary by UWA. Most importantly, it also shows that there is little room for peaceful negotiation.

Appendix four (APP 4)

A copy of certificate of land ownership that was issued to the resettled people that received land in the 1983 resettlement exercise. These certificates were rendered null and void by the 2002 parliamentary resolution to alter the boundary of Mt. Elgon National Park, if the holder's land is situated above the 1993-boundary line.

Appendix five (APP 5)

The e-mail is a communication from Uganda Land Alliance, an NGO that helped the Benets during the 2005 court suit, to Action Aid International, an NGO that also helped in the same process. The e-mail reports cases of violence and corruption by some UWA rangers.

Appendix six (APP6)

Letter from local people claiming violence during the 1989 resettlement exercise. Although the letter highlights restricted access to resources and constrained livelihood activities, it also shows a willingness of the local people to be resettled.

Appendix Seven (APP 7)

A brief of by then executive director of UWA to the Minister of state, Tourism wildlife and Antiquities. This minister represents the ministry in charge of UWA. The relevancy of the Brief to this study is to show that the funds expected to facilitate resettlement of the Benet above 1993-boundary were never realized hence the postponement of the removal of people from that area.

Appendix Eight (APP 8)

Letter from the mother ministry of UWA halting evictions.

Appendix Nine (APP 9)

A document showing the resolution of parliament of 2002 to de-gazette the 6000 ha. This resolution rendered the residence above the 1993-boundary line illegal. It is this resolution that the 20005 court decision addressed mainly.

Appendix 10 (APP 10)

The questionnaires/checklists used during data collection.

SB/2/2

APPENDIX I

FOREST DEPARTMENT,

P.O. BOX 27,

KAPCHORWA.

16th August, 1983.

(152)

The Chief Forest Officer,
P.O. Box 31,
ENTEBBE.

Thru: Regional Forest Officer,
P.O. Box 1480,
MBALE.

31/8/83

Dear Sir,

REPORT ON BENET RESETTLEMENT EXERCISE

1. Background information:-

1.1. The Benet people, traditionally nomadic sect of the Kalenjin group have been living in the heathland of Mt. Elgon Forest Reserve both on either side of the Republics of Kenya and Uganda for well over a century now. By the time of gazetting Mt. Elgon Forest Reserve in 1938, these people were left inside the Reserve and continued to live scattered with their traditional mode of living by nomadism. The colonial Governments did not bother much about the settlement of these people but gradually as their numbers grew bigger and their mode of living slowly changed from nomadism to land tilling, a marked destructive effect on the Forest Estate was realised. Many of them began to clear the closed forest for crop cultivation and erection of huts.

1.2. It was only then that the early post-independence governments began to seek a possible solution for the Benet people which did not however materialise quickly and was over taken by various events.

1.3. With the coming up of the UPC Government in power serious consideration by relevant authorities was put to the increasingly faster rate of destruction of national forestry resources especially in Mt. Elgon Forest Reserve. It was in this direction that the UPC Government equally considered very humanely the ~~care of the people of Benet who have been living scattered in the Forest Reserve without any permanent settlements and decided to excise an area of 6,000ha for their permanent resettlement.~~

1.4. The decision to degazette the 6,000ha strip of forest land which was announced publicly by the Hon. Minister of State for Agriculture and Forestry, Dr. Patrick Rubaihayo during his official visit in this District on 8th & 9th February, 1983, was a very welcome news by all the Benets and indeed by the entire population of the Sebei people. This proposed excision reduces the Forest Estate in Kapchorwa District from the original 67,167ha to 61,167ha.

2. Ground Work:-

2.1. Before the actual implementation exercise was done, necessary groundwork was conducted by this Department. This included enumeration of all the Benets together with the various numbers of livestock they possess, number of encroachers from lower Sebei who were within the 6,000ha strip of land including those with settlements as well as those persons who had valid cultivation permits.

2.2. Realising how sensitive this exercise was, this office decided to constitute a committee comprising of District Officers whose responsibility was to identify priority areas and lay down necessary procedures and guidelines to be followed during the allocation exercise. The composition of this committee was as follows:-

1. District Commissioner - Chairman
2. District Forest Officer - Secretary
3. Administrative Secretary - Member
4. 2 Assistant District Commissioners - Member
5. District Police Commander - Member
6. UPC Constituency Chairman - "
7. Chairman District Council - "
8. Community Development Officer - "
9. District Education Officer - "
10. County Chief/Kwon - "

2.3. Among important resolutions concluded by this committee were:-

(a) Priority No.1 in the allotment of Plots ~~was to go to Benets~~ was to go to Benets who would each receive between 12-30 acres (4.8-12ha) depending on size of family and site conditions. This was to be followed by the displaced people (due to Suk and Karemojong raiders) who would each receive 4-7 acres (1.6 - 2.8ha). The last consideration would go to other needy persons who would each get 2 - 4 acres (0.8 - 1.6ha).

(b) Graduated tax tickets were to be produced by all Benets before being allocated pieces of land. This was to distinguish the Kenyan Benets from those living in Uganda. Equally, all other categories of persons who were to be served with plots had to produce graduated tax tickets for proper identification.

(c) Chiefs and local party (UPC) leaders had to be deployed to work together with the Forest Staff in the implementation exercise.

2.4. Two weeks after the Minister's departure from the District, a meeting of all Kapkwata & Kapchorwa Forestry staff, all Benet Chiefs and Chiefs of lower area bordering the Forest boundary line as well as all the UPC party local leaders from both Benet and lower area was convened in Kapreron County Headquarters. This was addressed by the District Commissioner, Administrative Secretary, UPC Constituency Chairman and the District Forest Officer. At this meeting, the 6,000ha strip of land between rivers Kere on the East and Kaptokwoi on the West was divided into 6 zones based on rivers for ease of administration and effective implementation.

The 6 zones were as follows:-

1. Zone A - between R. Kere and R. Sundet
2. " B - " R. Sundet and R. Chepyakaniet
3. " C - " R. Chepyakaniet and R. Yemtony
4. " D - " R. Yemtony and R. Ngenge
5. " E - " R. Ngenge and R. Atari
6. " F - " R. Atari and R. Kaptokwoi

Equally, 6 committees were formed at that meeting whose task was to deal with the actual land allocation exercise in their respective zones based on the laid down guidelines and procedures. The composition of the 6 committees was as follows:-

1. Zone A.

- | | | |
|-------------------------|---|---------------------------------|
| (i) Mr. Simon Cheptegai | - | (F/Ranger) Chairman |
| (ii) Mr. W. Sasito | - | (Benet Chief) Member |
| (iii) Mr. S. Chesskit | - | (lower area Chief) Member |
| (iv) Mr. M. Meruko | - | (F/Guard) Member |
| (v) Mr. Masai Labu | - | (F/Patrolman) Member |
| (vi) Mr. H. Kwurot | - | (UPC Benet leader) " |
| (vii) Mr. A. Chemushak | - | (UPC leader lower area) Member. |

2. Zone B

- (i) Mr. Alfred K. Munerya - (F/Ranger) Chairman
- (ii) Mr. D. Chekwobye - (Benet Chief) Member
- (iii) Mr. M. Benan - (Chief lower area) Member
- (iv) Mr. A. Chepangur - " " " "
- (v) Mr. Christopher Chemonges - (F/Ranger) " "
- (vi) Mr. Y. Kakwoka - (F/Guard) " "
- (vii) Mr. A. Namusani - (F/Patrolman) " "
- (viii) Mr. Julius Mwanewoi - (UPC leader) " "

3. Zone C

- (i) Mr. M. Arap-Bukose - (F/Ranger) Chairman
- (ii) Mr. C. Marisa - (Benet Chief) Member
- (iii) Mr. C. Kusuro - (lower Chief) " "
- (iv) Mr. W. Chebasia - (F/Guard) " "
- (v) Mr. W. Arapmwoyo - (F/Patrolman) " "
- (vi) Mr. Anenia Chemonges - (UPC leader) " "

4. Zone D

- (i) Mr. B.W. Emitu - (F/Ranger) Chairman
- (ii) Mr. S. Chebot - (Chief Benet) Member
- (iii) Mr. S. Boshi - (Chief lower area) Member
- (iv) Mr. F. Boyo - (F/Guard) " "
- (v) Mr. O. Siwa - (F/Patrolman) " "
- (vi) Mr. Metayo Chemonges - (UPC leader) " "

5. Zone E

- (i) Mr. Samuel Chemusto + (F/Ranger) Chairman
- (ii) Mr. P. Ngongosha - (Chief Benet) Member
- (iii) Mr. A. Chemutai Subri - (Chief lower area) Member
- (iv) Mr. Joseph Mukung - (S.F. Guard) " "
- (v) Mr. Lazaro Banane - (F/Patrolman) " "
- (vi) Mr. Stephen Sungukar - (UPC leader-lower area) Member
- (vii) Mr. H. Kwurot - (UPC leader Benet) " "

6. Zone F

- (i) Mr. David K. Kissa - (F/Ranger) Chairman
- (ii) Mr. Dissi - (Chief Benet) Member
- (iii) Mr. G. Sokuton - (Chief lower area) " "
- (iv) Mr. J. Tososi - (F/Patrolman) " "
- (v) Mr. A. Cheptoyek - " " " "
- (vi) Mr. H. Akuson + " " " "
- (vii) Mr. Alfred Cheptoyek - (UPC Youth leader) " "

3. Implementation Exercise.

3.1. With the setting up of various committees and having laid down proper guidelines for the various committees to follow, the actual land allocation exercise commenced on 21st February, 1983 in various Zones.

3.2. By the 31st May 1983, the ~~same~~ exercise had been completed in all zones except in Zone C where many irregularities were reported to occur. Besides this one Zone, the official closure of the exercise was done by the then Divisional Forest Officer, Eastern (now Regional Forest Officer), Mr. Gunyali Onyango on 8th May 1983 in Keproron County Headquarters in a meeting attended by all various committee members and addressed by the District Commissioner, UPC Constituency Chairman who is also Chairman for the District Council and the District Forest Officer.

3.3. However, due to many complaints raised from members of the public and the Chiefs of the area about the poor and irresponsible conduct of Mr. Moris Arap-Bukose, F/Ranger, and Chairman of Zone C in the resettlement exercise and the fact these allegations were proved to be true by this office, the exercise conducted in Zone C was subsequently nullified by this office (Reference to my 2042/2 of 20th June, 1983 addressed to Mr. Arap-Bukose about the rampant corruption he showed and copied to my office including that of the Chief Forest Officer, District Council, and the District Forest Officer).

A new committee, chaired by the Sub-County Chief/Binyiny and comprising of Parish Chief/Benet, Parish Chief/Kony UPC Parish chairman, Kono, F/Guard W. Chebasis, F/Patrolmon Arapmwetyo and UPC Parish Chairman/Benet, was constituted to deal with the resettlement exercise in Zone C after the first exercise being nullified.

3.4. The returns of the exercise in various Zones apart from Zone C where the exercise is still going on is tabulated below:-

	Number of persons allocated land				
	Zone A	Zone B	Zone D	Zone E	Zone F
Benets	186	243	180	209	184
Displaced persons	34	116	143	190	200
Other Needy persons	241	211	50	125	560
Total	461	570	373	524	944

4. General Observations

(a) Before the commencement and during the exercise, a series of public meetings were conducted in various zones to educate the public on the conduct of the exercise.

(b) The Forester i/c Kapkwata and County Chief/Kwen were the overall field supervisors for all Zones, the office of the DFO however, monitored closely all developments in various zones and the DFO himself made tours to various zones to check on the progress of work. DFO's Office was also the major coordinating body between the Offices of District Commissioner and Administrative Secretary as well as the Party (UPC) top executives.

(c) On average, work was conducted smoothly and well in most Zones except in Zone C where the Chairman and part of his committee were reported to have been too corrupt. This led to the subsequent nullification of the exercise in that Zone by this office and appointment of a new committee to review the exercise.

(d) There were no cases of disorder reported in all zones although this was anticipated earlier in view of the land "hunger" existent in this mountainous District which is greatly affected by both the Suk and Karamojong cattle rustlers.

(e) On account of (d) above, the schedule for the exercise was quite tight in order to reduce too many people including those working in distant areas disturbing the committees from their duties.

(f) After completion of the exercise, a number of Benets embarked on selling larger portions of their shambas despite pledges by their leaders that such unnecessary selling would not occur. A correspondence to this effect has already been communicated to the Administrative Secretary, District Commissioner and the Hon. Member of Parliament for the area to take up immediate steps to ensure that this situation does not continue, (Reference to my SB/2/2 of 26th July, 1983 addressed to Administrative Secretary and copied to various officers including the Chief Forest Officer). If such situation continues unabated, it would jeopardise the major objective of excising the 6,000ha strip as some of these Benets would go back to the heathland and resume destruction of the Forest Estate. With the combined assistance from both the Administration and Political leaders, this office is confident to achieve much in this direction towards the unnecessary selling of their (Benets) pieces of land.

Conclusion:

The resettlement exercise was indeed a very delicate and sensitive exercise which required very careful handling in order to avoid public uproar especially in view of the fact that there is serious land shortage in this District. Given such atmosphere and bearing in mind the difficulty involved in distributing freely a limited resource amongst many people, the exercise was generally conducted well and peacefully.

In this respect, my due thanks go to the Administrators and party (UPC) leaders for the part they played towards the successful completion of the exercise. My special gratitude also go to my staff who worked tirelessly towards to successful implementation of this exercise. My gratitude is also extended to all those DT/PC officers who rendered moral support to this delicate exercise.

Lastly, I take this opportunity to pay special tribute to the UPC Government under the wise leadership of Dr. Apolo Milton Obote and indeed the Hon. Minister of State for Agriculture and Forestry, Dr. Patrick Rubaihayo, as well as the Chief Forest Officer Mr. E.K.B. Mwanga, for the wise decision they took in solving permanently the Benet issue which has long contributed greatly to the destruction of Mb. Elgon Forest Estate.

Joseph Chebet

(MAIKET CHEBET)

DISTRICT FOREST OFFICER/KAPCHORWA.

Distributions:-

1. Hon. Minister of State for Agriculture and Forestry, P.O. Box 102, ENTEBBE.
2. Permanent Secretary, Ministry of Agric. & Forestry, P.O. Box 102, ENTEBBE.
3. Chief Forest Officer, P.O. Box 31, ENTEBBE.
4. Regional Forest Officer, P.O. Box 1480, MPALE.
5. Senior Public Relations Officer, P.O. Box 1752, KAMPALA.
6. District Commissioner/Kapchorwa.
7. Hon. Member of Parliament/Kapchorwa Constituency.
8. Administrative Secretary, Kapchorwa D.A.
9. Forester i/c, Kapkwata Forest Station.

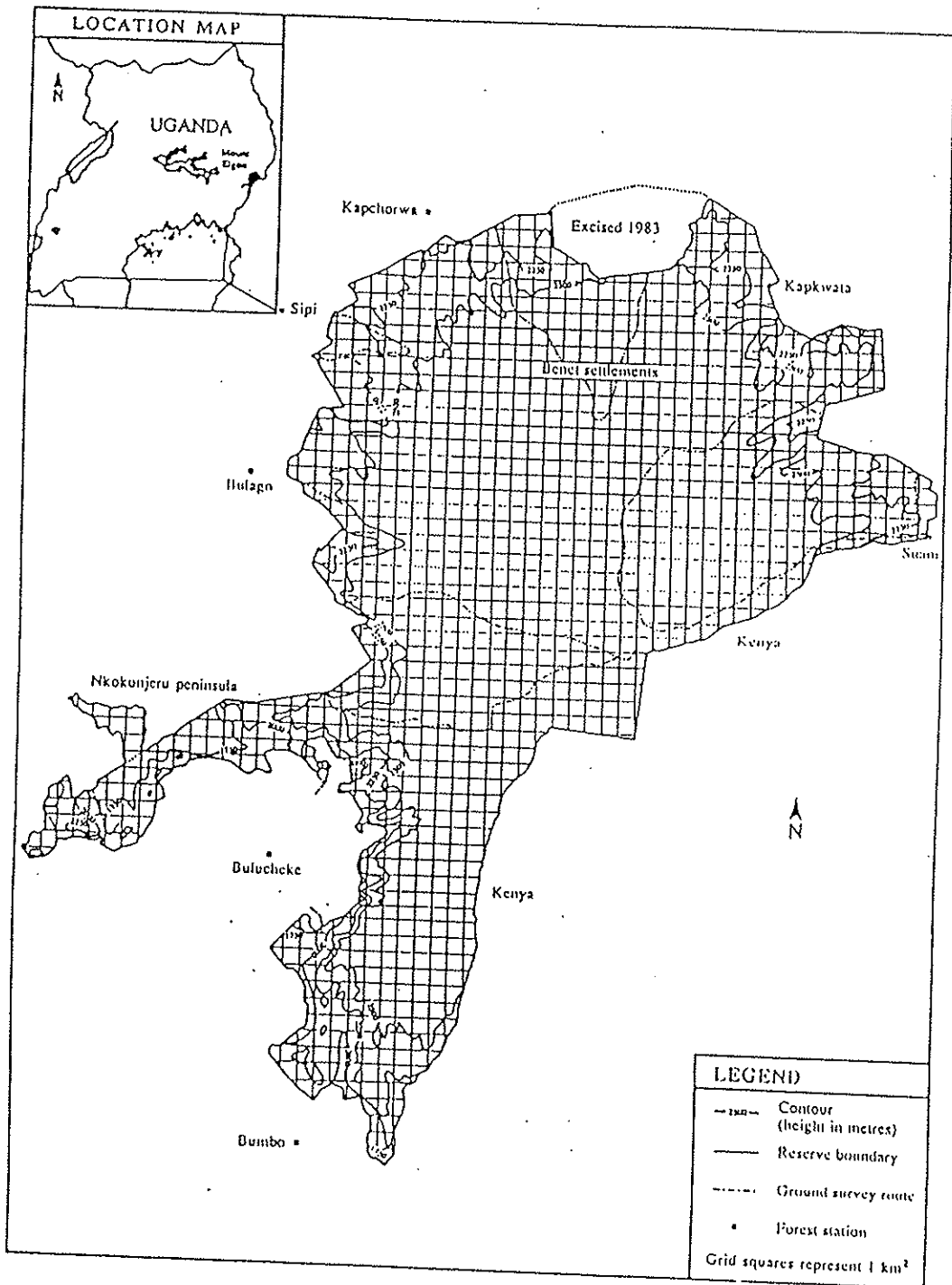


Fig. 01.1 Mount Elgon ground survey routes and altitudinal zones

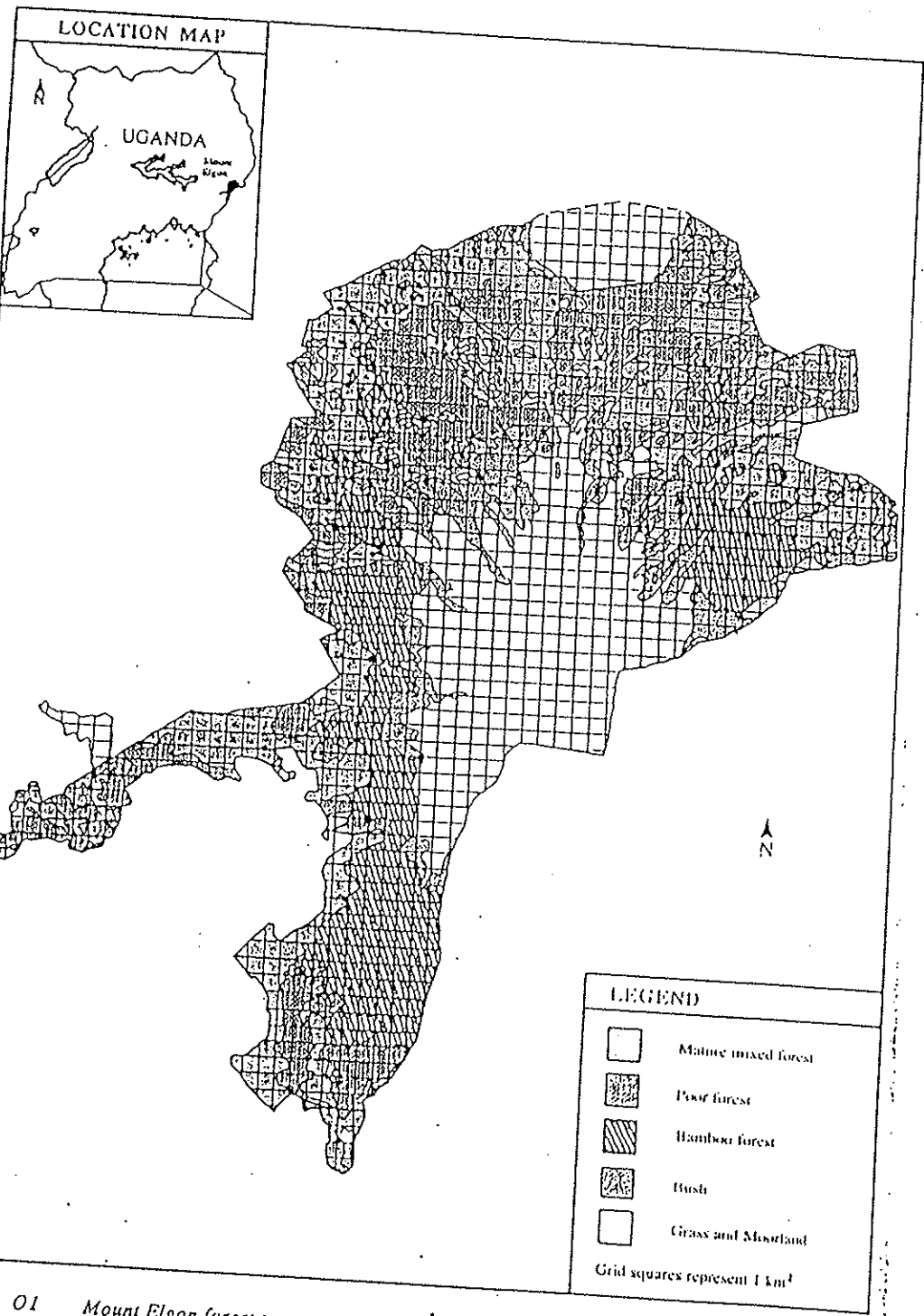


Fig. 01 Mount Elgon forest types

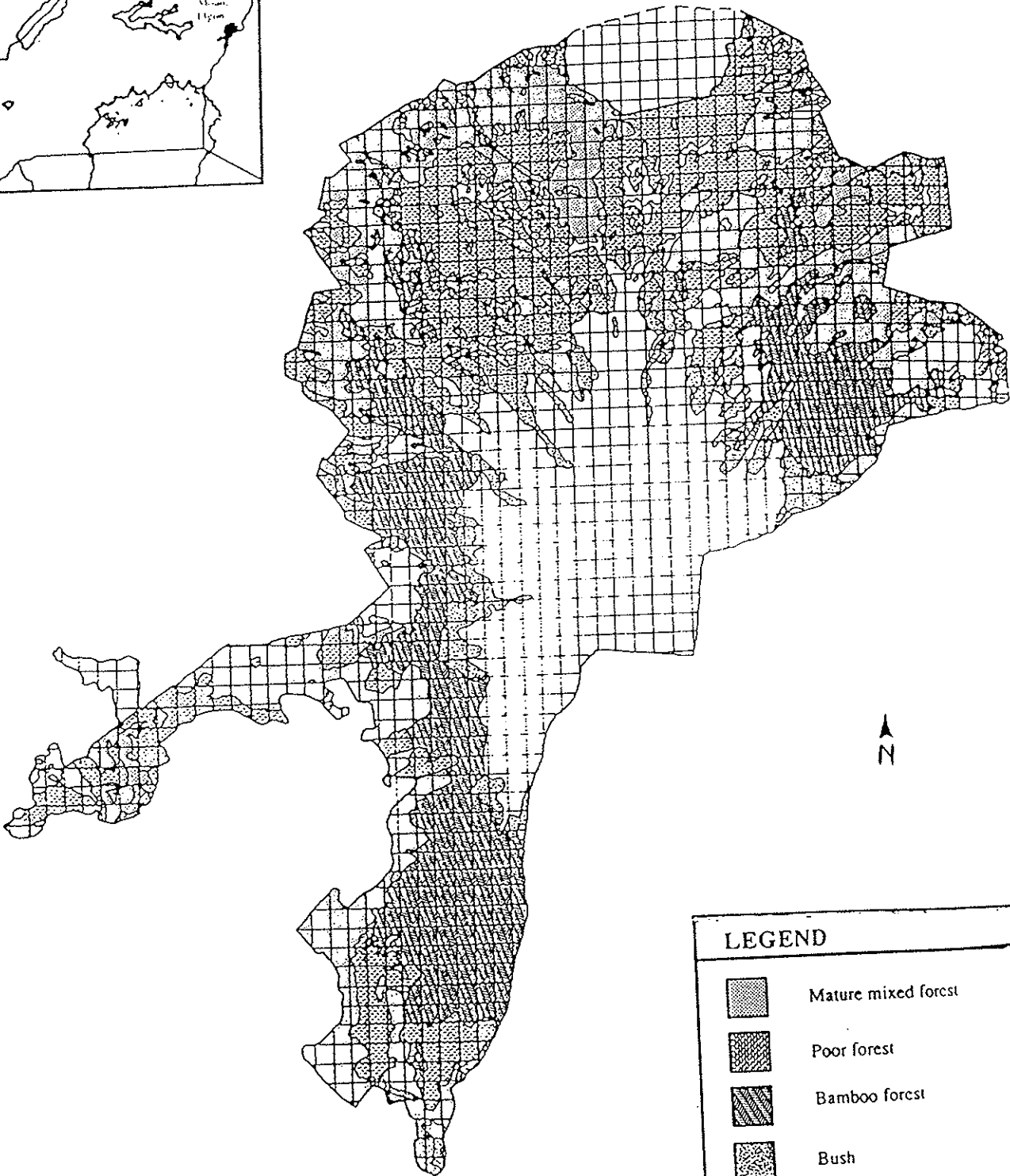
Appendix IV

AGE DISTRIBUTION OF KAPKWATA AND SUAM PLANTATIONS






Age Class (Yrs)	Kapkwata (ha)	Suam (ha)	Total (ha)
11 - 14	232	222	454
15 - 19	504	521	1025
20 - 24	261	40	301
25 - 29	95	-	95
30 - 34	45	-	45
TOTALS	1,137	783	1,920

Source: Industrial Plantations Component (FRP).

MOUNT ELGON MAJOR FOREST TYPES



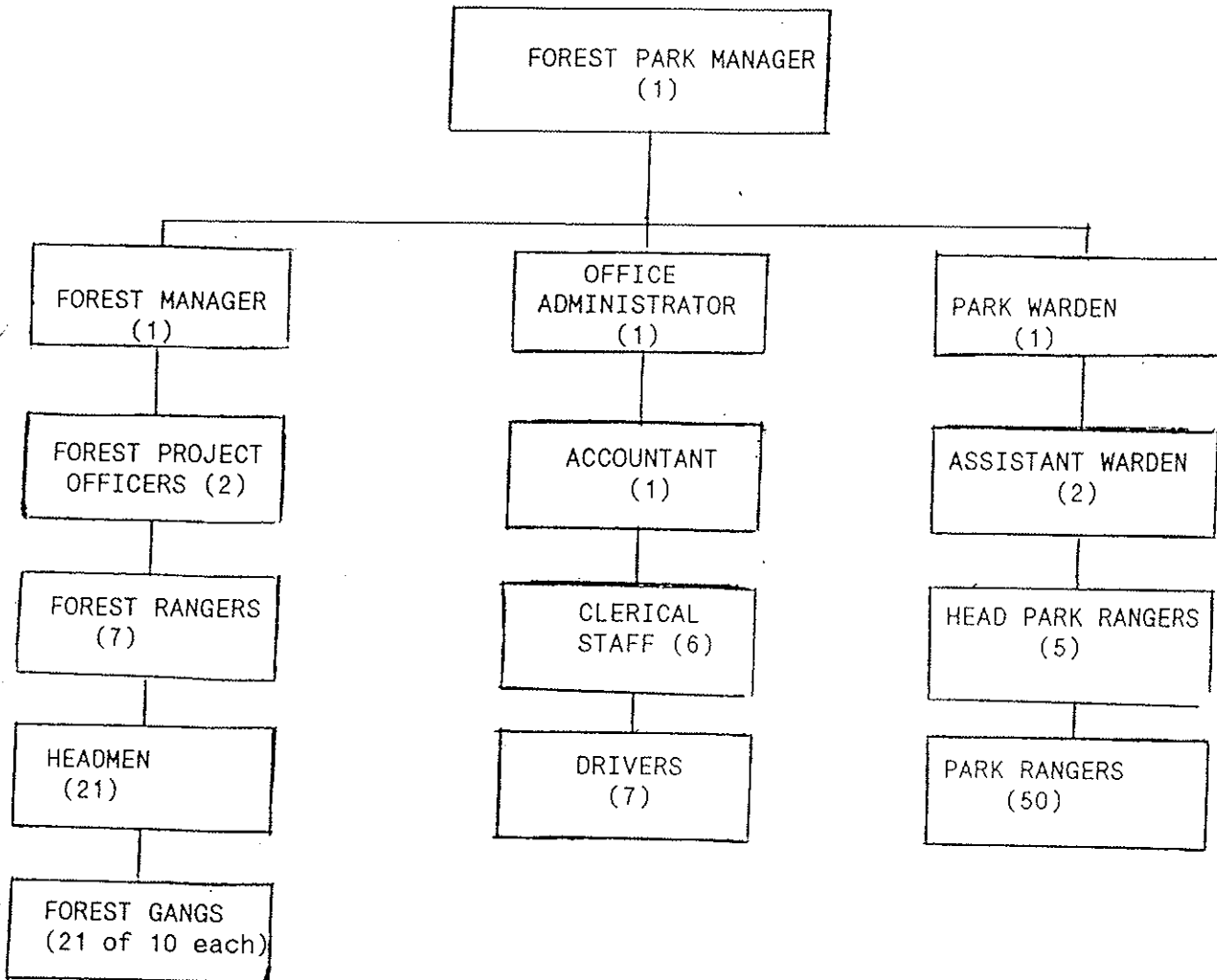
LEGEND

	Mature mixed forest
	Poor forest
	Bamboo forest
	Bush
	Grass and Moorland

Grid squares represent 1 km²

Appendix VI

ADMINISTRATIVE STRUCTURE OF MT. ELGON FOREST PARK



APP. 2

Telegrams :
Telephone 51119
Direct :



THE REPUBLIC OF UGANDA

OFFICE OF THE CHAIRMAN
LOCAL COUNCIL V

P.O. BOX 2, KAPCHORWA
(UGANDA)

KAPCHORWA DISTRICT LOCAL GOVERNMENT

*In any Correspondence on
this subject please Quote LC/222/2*

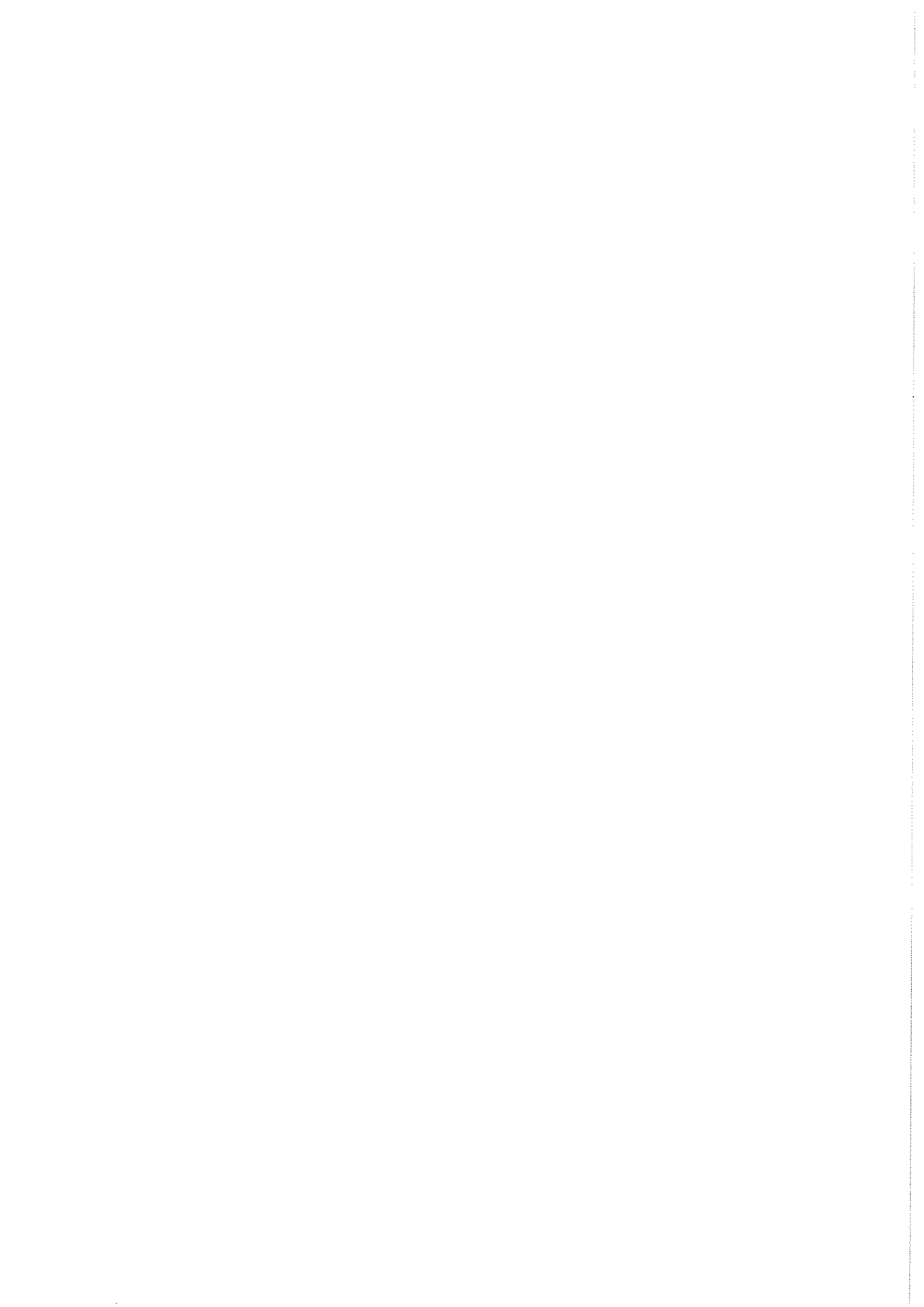
11th May 2006

The Executive Director
Uganda Wildlife Authority
P.o Box 3530
KAMPALA

**ON GOING MARKING OF MT. ELGON NATIONAL PARK
BOUNDARY.**

I write to you in connection with the above exercise which is raising a number of problems to the communities and the leaders in the adjoining areas.

1. When the above exercise reached Kapchorwa in 2004, especially in Chema and Tegeres sub-county, many complaints arose about inconsistency in survey points and where the boundary pillars were being placed. I raised this matter with the area Chief Warden and we visited the area with the Resident District Commissioner. The Chief Warden could not explain the inconsistencies and promised us in 2005 to bring the surveyor to explain but to date we do not have a satisfactory explanation for the inconsistencies in Chema and Tegeres sub-county.
2. The boundary marking exercise has now reached the Benet area and many questions are arising e.g:-
 - I. Why are the boundary pillars being put in peoples shambas when the boundary on western side of the degazetted area is actually Kaptokwoy river. In some points which I observed yesterday, the pillars are more than 100 metres from the river inside people's gardens.
 - II. You are aware that the same Benet area was a subject of a court case between the community and UWA and Attorney General on the other side which ended in a consent Judgement and Decree dated 27th October, 2005. The concern of the Benet community is that the marking of the boundary is proceeding without any effort by UWA and Government to address the matters agreed on in the consent judgement.



III. On our part as a leadership we are disturbed that the marking of this boundary is proceeding in a controversial area without any information given to us at the District or at the lower local authorities.

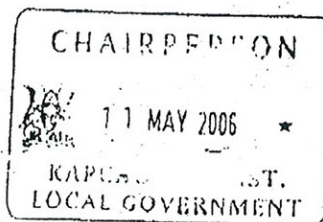
My advice is therefore that:-

- UWA and the Ministry of Tourism, Trade and Industry should suspend marking of the boundary in the Benet area until you have assured and explained to the communities in line with the consent judgement.
- You endeavour to explain the inconsistencies along the Mt. Elgon National Park boundary in Chema and Tegeres sub county so that we reduce conflict between the community and UWA.

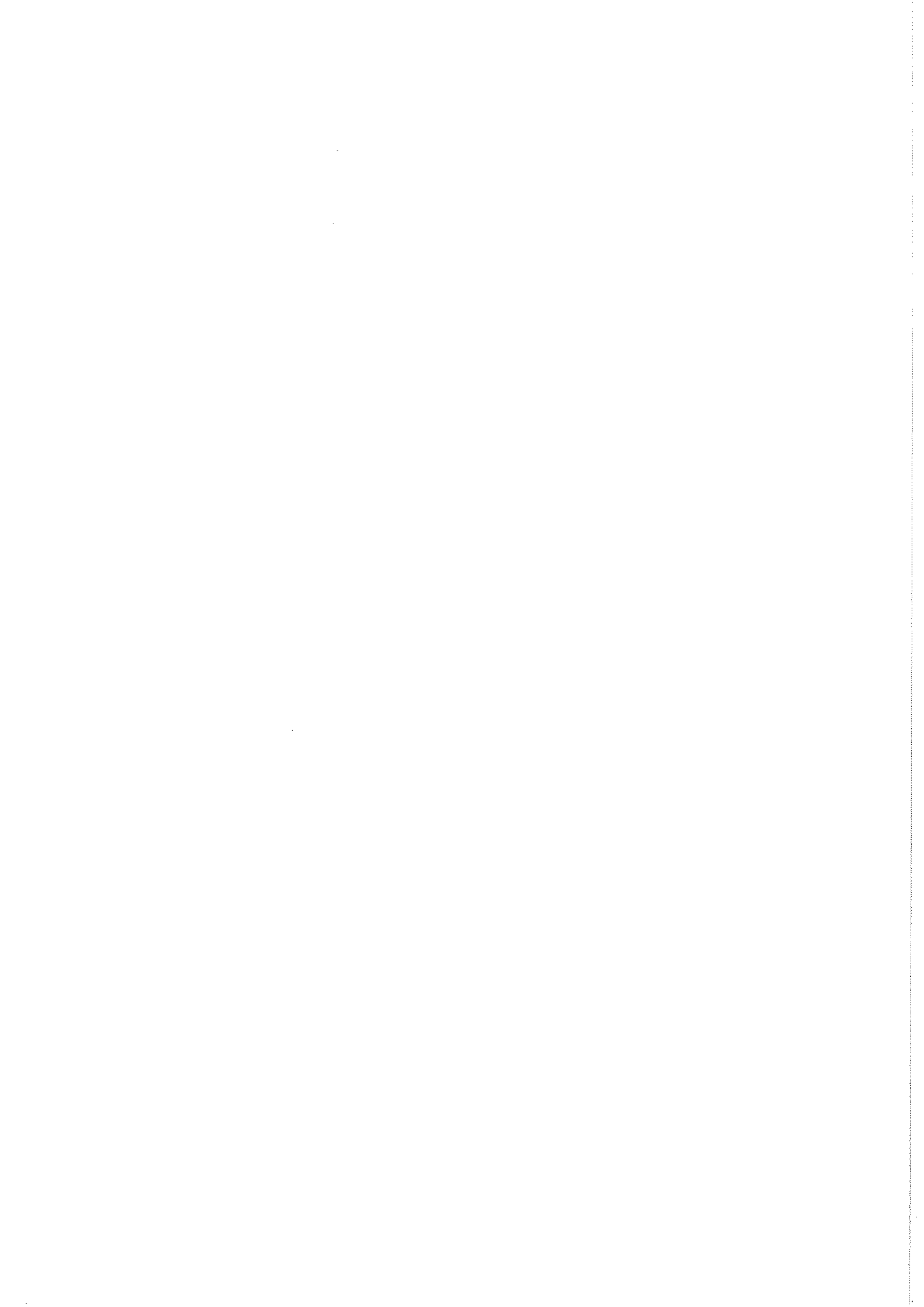


Chelimo Nelson Kaprokuto
LC.V CHAIRPERSON/

KAPCHORWA DISTRICT LOCAL GOVERNMENT



cc Minister of state for Tourism, Wildlife and Antiquities
cc Permanent Secretary Ministry of Tourism, Trade and Industry.
cc Resident District Commissioner/Kapchorwa
cc Chief Warden, Mt. Elgon National Park/Mbale
cc Chief Administrative Officer/Kapchorwa
cc LC 111 Chairman, Benet, Kapjanya, Tegeres and Chema sub-counties



APP. 3

BENET LOCAL GOVERNMENT
BENET SUB COUNTY,
KAPCHORWA DISTRICT.

22nd may 2006

THE UGANDA LAND ALLIANCE (ULA)
KAMPALA-UGANDA.

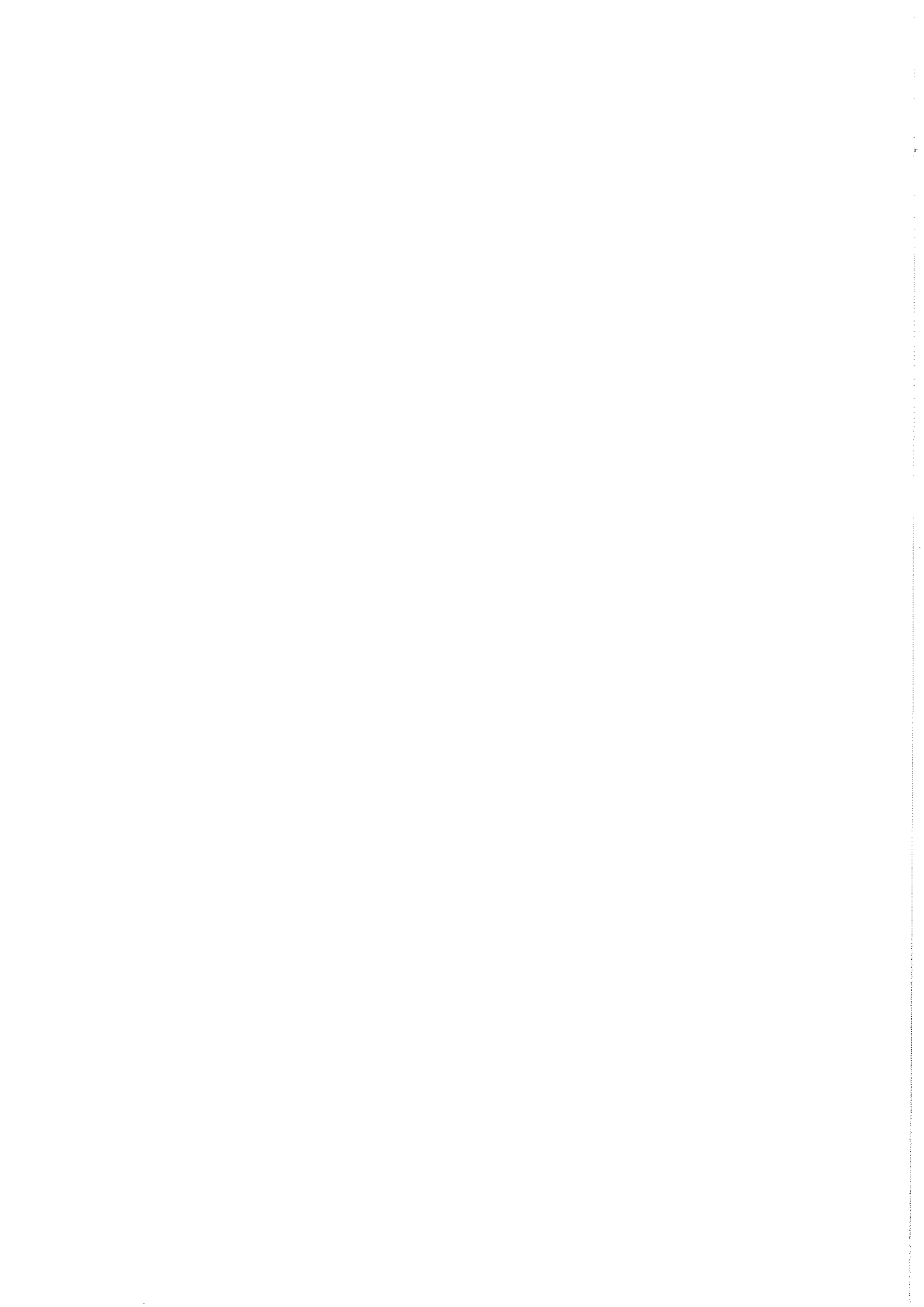
ATTENTION MADAM RITAH

RE: THE UGANDA WILDLIFE AUTHORITY(UWA)'S INTERPRETATION
OF THE CONSENT JUDGEMENT/DECREE OF 27TH OCTOBER 2005

I write on behalf of the Benet community seeking your assistance and usual co-operation to deal with the above matter that is threatening to explode into violence in Benet because of the following;

- 1) The Uganda wildlife authority (UWA) agents are currently consolidating the 6000 hectare boundary that has been the subject of contention in total disrespect of the court ruling.
- 2) In November 2005, the chief warden Mt Elgon National Park was quoted in the Monitor Newspaper as saying 'the Benet people had misunderstood the court ruling and that they Benets had simply won the 6000 Hectare land'
- 3) Last month, April 2006, UWA issued a press release warning "encroachers" in Mt. Elgon National Park to vacate their settlements within 90 days.
- 4) Despite the protest letter dated 11th may 2006 to the directors on behalf of the Benet community by the Kapchorwa District head, Mr. Nelson Chelimo, UWA agents have neither responded nor shown any concern in this sensitive matter.

The latest developments have heightened suspicion about the intentions of UWA and how they perceive the consent judgment. Even as I write this letter, UWA agents are busy planting huge concrete stones along the 6000



hectare boundary and shooting at harmless peasant farmers who try to stage peaceful protest demonstrations.

They have barred even local leaders from approaching their workplaces.

No
dialogue

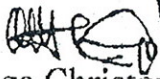
It is therefore our prayer as a marginalized community that Uganda Land Alliance continues to support our people in the struggle to achieve their land rights.

The following are the Suggestions/ Recommendations to avert the looming crisis:

- a) Our Lawyer should take ^U ~~shift~~ ^{the} action to ensure that high court issues a court injunction against UWA's boundary activities in Benet and other intended programmes that do not take into account the consent judgment/decree.
- b) ULA to arrange a high profile meeting regarding the 'Benet Land issue' involving stakeholders to iron out any misunderstandings of the consent judgment.

On behalf of the Benet people once again, we do appreciate dearly the role ULA and its partners has played so far in our land rights struggle and look forward to bigger achievements together.

Yours in the struggle



Changa Christopher
L.C III Chairperson,
Benet sub-county

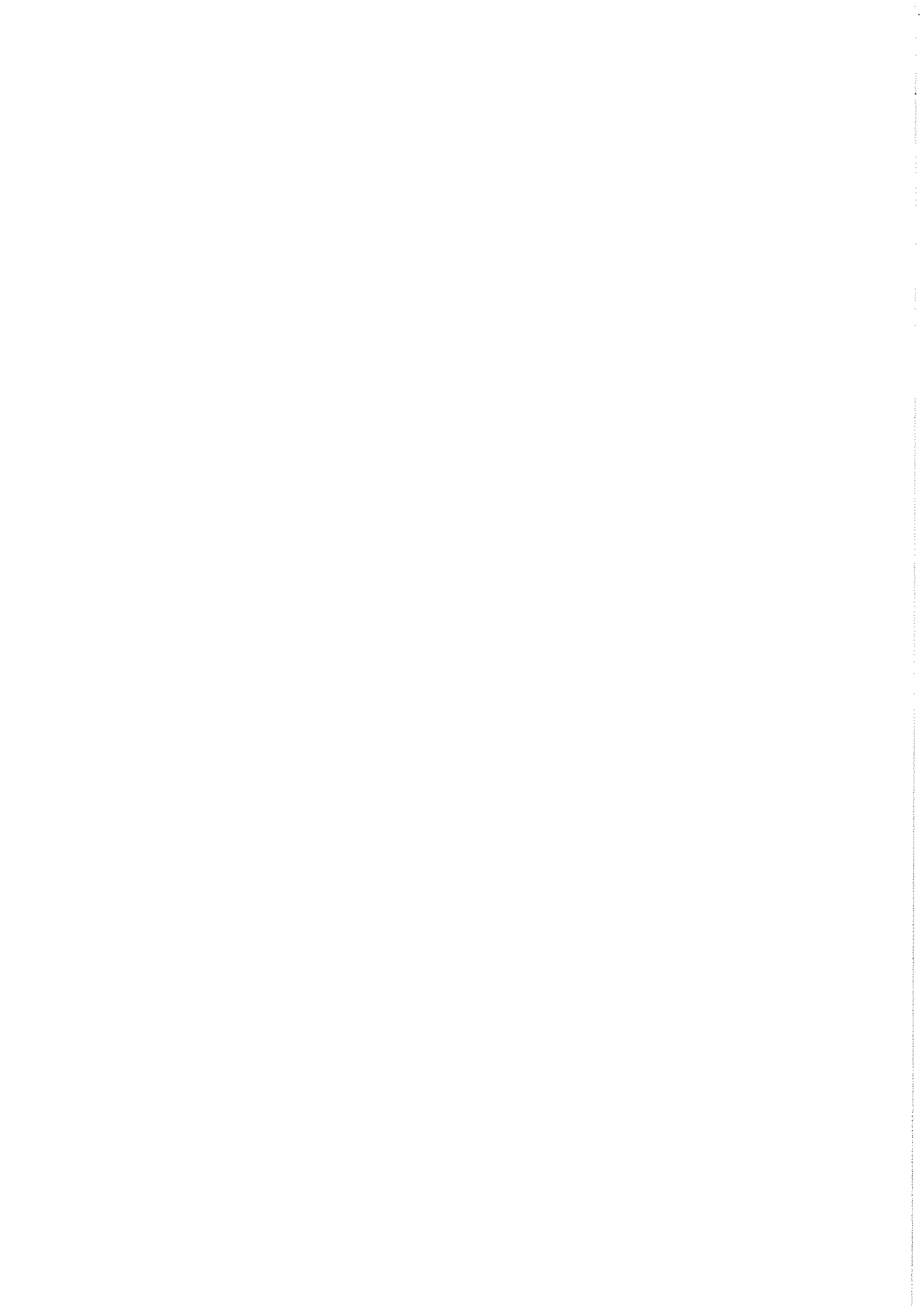


C.C Chairperson L.C V, Kapchorwa Local Government

C.C Action Aid Uganda, International-Kapchorwa project

C.C Kapchorwa Civil Society Organizations' Alliance (KACSOA)

C.C Benet Lobby Group / Benet ^{Settlers} ~~Salvation~~ Association (BESA)



FOREST DEPARTMENT

PERMANENT RESETTLEMENT OF

BENETS

(Kapchorwa District.)



Certificate of Shamba Allocation



No. B 449



This is to certify that Mr/Mrs _____

whose photograph appears above has been
officially allocated THREE (3) hectares of land in
zone B for his/her permanent resettlement

HANDLING CHARGES PAID — SHILLINGS ELEVEN THOUSAND THREE HUNDRED ONLY (11,300/-)

Witnessed by 1 A.K. Murecia
2 D. Chakwanya
3 M.Y. Mwangi

Confirmed by G. Onyango
DISTRICT FOREST OFFICER
KAPCHORWA DISTRICT Maikat Chebet

District Forest Officer, Kapchorwa

Gunyalli Onyango

Regional Forest Officer (Eastern Region)



*Corruption allegation**UFE AS STORY**APP. 5***Uganda Land Alliance**

From: "David Mukhwana" <d_mukhwana@yahoo.com>
To: <ula@africaonline.co.ug>
Cc: <sarah.okwaare@actionaid.org>; <aaiu.kapchorwa@actionaid.org>
Sent: Wednesday, September 21, 2005 5:22 PM
Subject: HARASSMENTS IN BENET

FYI

MEMO.

20/09/2005

TO: ULA

CC: TEAM LEADER APK

CC: SARAH OKWARE – AAIU KAMPALA

REF: HARASSMENT OF THE BENET BY THE PARK RANGERS.

I am formally writing to bring to your notice that the UWA Park rangers have started harassing the people contrary to the court order of 2ND June 2004. On Monday 19th I received a complaint from the community. The details are as follows:

- On 1st September 2005 the Park Rangers (3 in no.) descended on the Villages of Cheberen and Kokwotorokwo in Yatui Parish and took 6 hens from the following people:
 - i. Chekwoti Arapkabei
 - ii. Chekwasis (Who was seriously assaulted as wee)
 - iii. Tangicha Kigane
 - iv. Kokop Solomon.
 - v. Chigure (Also assaulted badly)
 - vi. Kakwomu – whose wife was also forced to cook part of their loot and cook posho for them to eat.
 - vii. In this process they also arrested one Totes and tied him up and said to him "You are not supposed to be here. You will see in two weeks time"
- At around the same time they also went Kapnoibei Village in Kwoti Parish and harassed one Sababu John. He was tied with ropes and assaulted badly. They also removed grass from his hut and eventually set it ablaze. They moved on to the neighbours house i.e. Mr. Chekwich and also burnt his grass thatched hut.
- On 16th Sept. 2005 they again came back to Kapnoibei place and found John Sababu in his garden. They charged him for slashing and felling trees falsely. They threatened to take him to their camp unless he parted with 80,000/= (Eighty thousand shillings). Unfortunately he had only 20,000/=. He was forced to borrow and when he failed they took the 20,000 on condition that he looks for the balance, which they will come and take. They also extorted money from the following people:
 - ✓ Cheptoek Simon 22 cattle and he paid 225,000 (two hundred and twenty five thousand to secure their release.
 - ✓ Yeko Muyet got his 11 cattle and made to pay 110,000 (one hundred and ten thousand)

9/26/2005

- ✓ Kwoti Simon 6 cattle and fined 65,000 (sixty five thousand)
- ✓ Marri Geaorge – 5 cattle and a fine of 55,000 (Fifty five thousand)
- ✓ Sande Patrick – 8 cattle and made to pay 80,000 (eighty thousand)
- ✓ Mrs Chemutai Diana who was found dogging in her garden and made to pay 20,000 (twenty thousand)
- ✓ Mrs. Bureto who was found with firewood paid 20,000 (twenty thousand)

When I asked why they opted to pay, they stated that rangers are so malicious that once you are taken to they camp, they can frame you for a serous offence such as poaching or lumbering which would lead to parting with much more money and even prosecution and sentencing to prison. As to how they mobilized this money on short notice, they said they were compelled to rush to people they know and borrow to salvage the situation and then repay later.

The park angers behind all this heinous acts are based in piswa camp and the three are known. (Two are Sabiny from Kapkwata and Chesower areas respectively. Though they do not know their names, they know their parents and they can easily identify them. The third one was a Mugisu but could also speak the sabiny language.)

- On 19th Sept. 2005 five rangers went to Topot village in Yatiu still in the homes of Lwolei Isaac and Chelangat Michael and did the following destruction:
 - ✦ They destroyed the houses by pulling down the grass.
 - ✦ The entered the cabbage garden and started cutting down the crop.
 - ✦ They destroyed the utensils such as cups, plates and the stand on which they were drying.
 - ✦ They took seven hens, 2 pangas, 3 hoes and 1 axe.

Photos.

Cabbage garden destroyed.

Those identified include Musobo Geoffrey, and Mwanga among others as the park rangers responsible for all this.

They have promised to come back and slash the entire wheat and barley crop in the garden and ordered that no body should harvest the same crops.

I personally took it upon myself and visited the sub county and had discussions with the LCII chairman. He confirmed having received these complaints and physically visited the site and confirmed the same. He went ahead to write to the RDC – in his capacity as the chairman District Security Committee. He even travelled to the RDC's office in person seeking audience with him but never found him in office.

9/26/2005

I also went to the police post in Kapnarkut and the O/C CID confirmed that one Mr. Sababu John had reported the matter at the police post on Friday last week but a statement was yet to be written. But he attests to the fact that he has received the complaint.

I have also advised all the complainants to write statements with the police so that everything is in record and also to enable them – police also carry out their investigations. The LCV was also notified about the matter.

My field visit also revealed that there is wide spread pit sawing of timber in the park area going on with full knowledge or connivance with the park authorities. Incidentally, those involved in this business are well off people from within and without the area but not the poor and land less who are being harassed. One of them even testified that he gets his clearance from the chief wardens office directly.

About two weeks ago some timber was impounded to a tune of 600 pieces. Only 100 was declared and the rest sold by the park rangers. This people are in brisk business in this area

The people are now living in fear and unless serious steps are taken to serve the status quo. Find here attached statements from the various authorities on the ground pertaining the same.

House destroyed by removing grass

9/26/2005

The wheat field which they said they are coming back to destroy.

I am still in the process of documenting other atrocities reported and I shall be sending them in due course. I will also endeavour to send hard copies of this very document.

Yahoo! for Good

[Click here to donate to the Hurricane Katrina relief effort.](#)

9/26/2005

TERIET DISPLACED NDOROBOS,
KONGASIS COUNTY,
P.O Box
BUKWO

APP. 6

THE HON. MINISTER OF TOURISM,
AND WILD - LIFE

10TH APRIL 2002
CHAIRMAN: _____
K.T.N.D - ASS
DATE: 10/4/2002
SIGN: _____

Dear Sir

Re: THE PLIGHT OF TERIET DISPLACED NDOROBOS OF KONGASIS COUNTY

Our letter dated 13th Nov, 1998 addressed to the Honourable minister of state for tourism and wildlife on the above reference requesting the Government to find a lasting solution to the plight of the Teriet NDOROBOS of Kongasis County still stands unanswered.

As concerned displaced persons, We got press reports (quote) New Vision Dated 27th march, 2002 where parliament passed resolutions allowing Government to alter the boundaries of Six National parks ie Elgon National Game Park being inclusive, It is our earnest request that the alteration of these boundaries should as a matter of the fact benefit the TERIET DISPLACED NDOROBOS of KONGASIS which has continued to be marginalised yet we have lived in Elgon Forest since time immemorial.

Several Correspondences on this subject from us and even the former rep. M.P Kongasis County, Mr Toskin J. Bartile to various line Ministries in futility refer to the letter dated 5th feb, 1998, Introducing this subject matter to parliament Consequent upon which a ministerial Team and Technical Staff from the Ministry of tourism and wild life were to assess the plight of the Teriet Ndorobos and resolutions reached were as follows:

1. All the people who were settled in the National Park Should Remain there untill the Government work out, a permanent Solution about their settlement once for all.
2. In the meantime the people should be given authority to Cultivate land in the forest plantation. Surprising to our dismay, on 24th and 25th of February 1999, without notification, a team of heavily armed forces Comprising of Military Police Local Defence Forces and park rangers attacked innocent unarmed peasantry (Teriet Community) and burnt all houses, granaries looted some house hole property, killed one person by on names Arap yamai and arrested nineteen people and tortured some who were

Prosecuted in kapchorwa.

The people ^{are} always requesting the Government to find them a Permanent home
The Genuine Villages who have been living per sub-county are as follows

1. SUAK SUB-COUNTY

<u>VILLAGE</u>	<u>POPULATION</u>
a. Chebut	206
b. Kapkobor	148
c. Ashewa	207
d. Koptasakya	137
e. serek	135
f. Anguriet	150
g. Kabaryewo	177
The total for the seven (7) Villages	1160 displaced people

2. BUKWA SUB-COUNTY

<u>VILLAGE</u>	<u>POPULATION</u>
1. Anniokubaw	166
b. Ketitapkeyiek	101
c. Chebukut	197
d. tull	152
e. Muryamet	130
f. Sachayery	175
g. Kapterit	84
Kiretei	81
Chebeni	104
j. Takatet	100
k. Kamanyor	100
The total Eleven Villager with	1,390 displaced people

3. KABSI SUB-COUNTY

<u>VILLAGE</u>	<u>POPULATION</u>
a. Kapsikoko	221
b. Mosowo	208
Arukut	239
d. Kortek	274
e. Kapsekek	266
The total for five (5) Village	1208 displaced people

4. CHESOWER SUB-COUNTY

4. CHESOWER SUB-COUNTY

<u>VILLAGE</u>	<u>POPULATION</u>
a. Kapsokono	159
b. Cheramukut	135
c. Sabu	155
d. Chemukula	140
e. Kamusor	121

The total for five(5) Villages 710 displaced

The total member of displaced Villages in Kogasis County is 28 with a Total Population of 4,468 displaced persons.

Attached is the sketch Map indicating the origin/home land of the Teriet members to justify our claims.

Finally, without interfering with the ecosystem and without undermining donor efforts such as IUCN to conserve the the Environment, the 1983 forest line or the existing surveyed line should be extended from KERE River to Suam River to enable the entire Teriet region settle down and embark on productive and quality life like all other citizens of this Country.

Looking forward to your most favourable consideration.

Signed:

.....
John M. Mutitu
(CHAIRMAN)

JOHN M. MUTITU KURUA

.....
Arapsali Geofrey
(SECRETARY)

MEMBERS

1. Henry Chesakit
2. Augustine Sali
3. Mutumwo Johnson
4. James Chepkweywo
5. Jonathan Boyo
6. Zephania Araptai
7. Alfred Cherotwo
8. Moses Kapchai
9. Josephat Ngania
10. Kassim Cherukut
11. Yusuf Cherotich
12. Augustine Twalla
13. John Kitiyo
14. Augustine Chemayek
15. Henry Salim

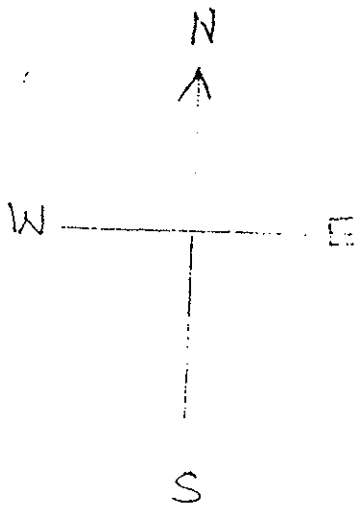
KAPCHIZWA DISTRICT

MORDIO DISTRICT

SIRONKU DISTRICT

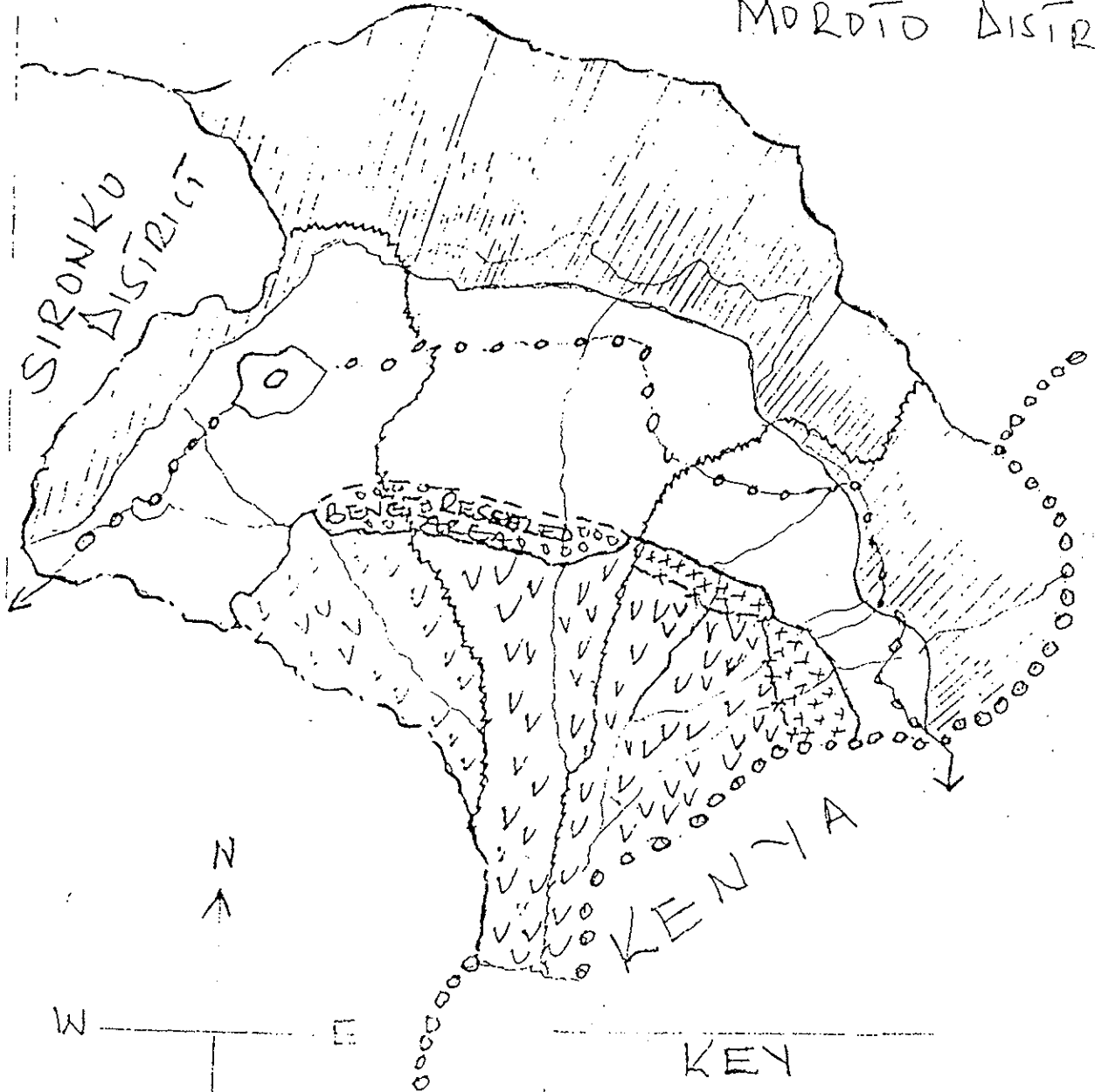
BENET RESERVE

KENYA



KEY

- ooo international boundary
- District boundary
- o-o Road
- o District headquarters
- v v v | Mt. ELGON Park
- x x x | Terlet Land
- o o o o | Benet reserved area
- | Greater Ngenge
- Sub-county boundary



C.C. The Permanent Secretary Ministry Of Finance and Economic
Planning.

C.C The Permanent Secretary Ministry of Labour And Social Services.

C.C. The Resident District Commissioner/ Kapchorwa.

C.C The Chief Warden m.E.N.P mbale

C.C. Hon. Woman Member of Parliament/ Kapchorwa District.

C.C The R.D.C Kapchorwa District

C.C. Hon. Member of Parliament/ Kongasis County.

C.C. The Chairman L C V/ Kapchorwa District.

C.C. Deputy Resident District Commissioner /Bukwo Sub-District.



**BRIEF TO THE MINISTER OF STATE, TOURISM WILDLIFE AND
ANTIQUITIES ON THE BENET ISSUE 14th October 2003**

By Arthur Mugisha - ED

A) The Benet Problem

The history of the Benet problem in Mt. Elgon National Park is well understood in the Ministry, UWA and the Kapchorwa people. In 1995, the Ministry commissioned an inter-ministerial Task Force to study and make recommendations to Government for implementation. The Task Force carried out a comprehensive study that clearly defined the problem, and made feasible recommendation. **The preferred recommendation of the Task Force was to maintain the 1983 boundary line.** The following were the reasons for this recommendation:

- a) The recommendation was supported by the majority of the people concerned
- b) It follows natural boundaries, and hence is easy to enforce
- c) It minimizes displacement and antagonisms
- d) Does not compromise the integrity of the Park
- e) Minimizes resources needed to sort out the problem.

Uganda Wildlife Authority Management has tried over the past years to sort out the Benet problem, but with little success. Below are some of the efforts.

- a) In 1998, with funding support from the IUCN, we developed an action plan to implement the 1996 Task Force option six recommendation. The plan was budgeted at Ushs. 5, 082,189,000. The Plan could not take off, as we failed to raise the funds.
- b) In 2001, during the presidential elections, the President directed that we secure funds from the Land Trust to implement the option six of the recommendation of the Task Force. Unfortunately, the money could not be secured, and the idea was shelved with the understanding that the World Bank project would finance the resettlement program after a comprehensive study planned under PAMSU.
- c) The 1999 PAA recommendation also was in line with the 1996 recommendation. However, the Cabinet, in 2001 rejected the proposal, and instead ruled that only 6,000 hectares should be given for resettling the Benet.
- d) Our plans to vet the genuine beneficiaries to be allocated land, and evict the land grabbers who are non-Benet were abandoned, when you announced that the 6,000 hectares were degazetted in 2002. The people in Kapchorwa

This implementation is covered by Ministry

UWA is clearly hampered in its previous efforts to implement the 1983 boundary. Govt is probably not

BRIEF TO THE MINISTER OF STATE, TOURISM WILDLIFE AND
ANTHROPOLOGIES ON THE BENET ISSUE 14th October 2003

TO THE MINISTER OF STATE,
ON THE BENET ISSUE 14th October 2003

threatened violence, and insisted that they were in a better position to resettle the encroaching families if given land. This thinking was abandoned when the people realized that the degazetted land was only 6,000 hectares and their historical expectation of option six of 1983 as contained in Task Force report, that would degazette 7,500 hectares had not come true. / /

Benet
people
had agreed
to assist
state alone
1983

(A)

WAY FORWARD

- Improvement of relevant Min's*
- a) The Recent World Bank Aide Memoire (October 2003) concurs with option six in the recommendations of the Task Force report of 1983. UWA management strongly agrees with this position. We request permission to negotiate with the District administration to have the people beyond the **7,500 hectares** settled within this area. The negotiation team should include the office of the Prime Minister, Ministry of Disaster Preparedness and Ministry of Local Government, on the side of the Government. The communities can be asked to nominate their representatives as well. The negotiation should ensure that the district administration issues a statement in writing, indicating, among other things that they will ensure that all the Benet families currently living inside the park shall be relocated to within the 7,500 hectares. The World Bank Task Team has agreed to use the \$230,000, about Ushs. 460 millions earmarked for the resettlement study to be used for community conservation programs within the Benet area.
 - b) Your Ministry tables to the Cabinet, a proposal to change the boundary to the one recommended in 1983, 1996, 1998 and 1999, that degazettes 7,500 instead of the **6,000** hectares.
 - c) With guidance from the resettlement plan of 1998, we formulate, in consultation with the people of Kapchorwa, a community conservation program that would ensure sustainable agriculture and community development.
 - d) We revive the earlier Presidential pledge to secure the UShs. 500,000,000 from the Land Trust, to carry out infrastructure development in the settled area

This idea can further be discussed with the stakeholders in the region, and the way forward can be agreed upon.



file

CC: C.W.
CC: AWCC
CC: W.K.S.
CC: AWLETS

Copy - original sent by post
Hele Sec (PS)
APP. 8

TELEGRAMS: MINITOUR
TELEPHONES: 230916, 314000, 343947
FAX: 347286, 341247
E-mail: ps@mtti.go.ug, mintrade@mtti.go.ug
Website: www.mtti.go.ug



MINISTRY OF TOURISM, TRADE AND INDUSTRY
P.O. BOX 7103, KAMPALA, UGANDA

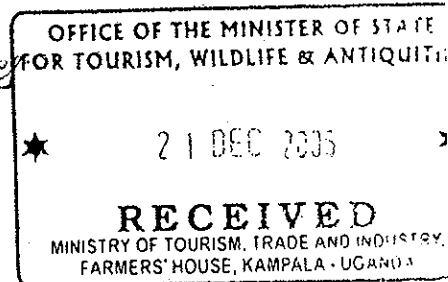
THE REPUBLIC OF UGANDA

In any correspondence on this subject please quote no. TW 256/05

December 20, 2006

The Executive Director
Uganda Wildlife Authority
KAMPALA

*Metel Colleague
to the able Johnson*



ISSUE OF EVICTION OF BENET PEOPLE

There are allegations that Uganda Wildlife Authority has plans to evict the Benet people beyond the 1993 line (inside the park) by December 31, 2006. I held a meeting with some of their representatives in the ministry board-room on December 13, 2006 where the Director Field Operations was in attendance. I assured them that government has no intention of evicting them from the area until a lasting solution has been agreed upon.

This letter is therefore to remind you and allay their fears that no evictions of the Benet should be carried out until the boundary issue is sorted out. Note however that there should be no fresh encroachments in the area. You may refer to earlier communications on the encroachment in Mt Elgon National Park from the Minister's office for further guidance.

Sam Nahamya
Dr Sam G Nahamya
PERMANENT SECRETARY

c c Hon Minister of Tourism, Trade and Industry

Hon Minister of State for Tourism, Wildlife and Antiquities

The Chairman
LC V Kapchorwa District

Mr Moses Mwanga, Benet Elder #

EM

Done

NATIONAL PARK
RECEIVED
27/3/02
D.H.



REPUBLIC OF UGANDA

**RESOLUTION OF PARLIAMENT
AUTHORISING THE MINISTER OF TOURISM, TRADE AND
INDUSTRY TO ALTER THE BOUNDARIES OF
MOUNT ELGON NATIONAL PARK**

WHEREAS the Minister of Tourism, Trade and Industry is desirous of altering the boundaries of Mount Elgon National Park;

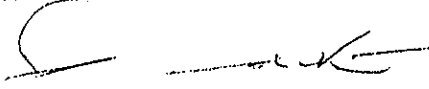
AND WHEREAS Subsection (1) and (5) of Section 18 of the Uganda wildlife Statute, 1996, requires the Minister to consult with the Local Government Council in whose area the National Park whose boundaries are sought to be altered is found;

AND WHEREAS the Minister has complied with the stated legal requirements and laid before Parliament the proposal to alter the boundaries of Mount Elgon National Park;

NOW THEREFORE, be it resolved by Parliament that the boundaries on Mount Elgon National Park be altered.

I certify that this Resolution was passed by Parliament on the ..27th..... day of
..... MARCH 2002.

CERTIFIED TRUE COPY OF THE
RESOLUTION
.....
CLERK TO PARLIAMENT


A. M. Tandekwire
CLERK TO PARLIAMENT

CLERK TO PARLIAMENT

QUESTIONNAIRE AND CHECK LIST FOR DISCUSSIONS

DISCUSSION GUIDE

- Historical background of the management of the forest resources.
- Legal steps taken by government before eviction
- Perceptions of different stakeholders of evictions and displacement.
- Traditional means used to protect the national park.
- Use of the park resources
- Effects since restrictions stated

TECHNICAL PERSONS

Socio-Legal Issues

- B1) Have there been any evictions from Mt. Elgon National Park?
- B2) If yes, which people were evicted?
- B3) Were there any guidelines set down by the government to follow during the exercise?
- B4) Were the local people aware of those guidelines? If yes did they ask for them?
- B5) Are there any international legal requirements regarding evictions that Uganda had to follow at the time of evictions and were they observed during evictions?
- B6) In your opinion were the legal requirements observed in the process of eviction?
- B7) What happened to these people after they were evicted from the park?
- B8) Where does UWA get the authority to evict people?
- B9) Does that authority provide for obligations for UWA towards evicted people?

Distribution of land during the resettlement exercise

- C1) What were the grounds for land allocation in the new area?
- C2) What were the conditions for eligibility to receive land.
- C3) What was the procedure for choosing those conditions?
- C4) What does the nature of distribution of plots in the resettlement areas say about gender equality?

The legality of eviction under the Ugandan law

- D1) Who owned the land from where the people were evicted
- D2) Whether the ownership was recognized at law?
- D3) Why were the people evicted?
- D4) Do you think the government's claim for evicting the people is legally justifiable?
- D5) Under what conditions can an eviction be acceptable?
- D6) Were there any kind of agreements between the government and the evicted people and if yes of What nature were they?
- D7) Do you think the people were on equal footing with the government in the agreement process?
- D8) Were the evictees presented with other alternatives options than resettlement?
- D9) What roles did the evictees play in making the terms of evictions and resettlement?
- D10) What was the nature of the consent on the side of the evictees?
- D11) Was there any kind of arrangement for the dissatisfied local people to seek redress?
- D120 Do you feel the eviction/resettlement was carried out according to the law at the time?

Dissemination of information

- E1) Did the government disseminate information to the affected people before actual eviction/resettlement took place? If yes, how was it carried out?
- E2) When were you first informed about evicting/resettling people from Mt. Elgon Forest Reserve, and when did you carry out the exercise?

Perceptions of eviction and resettlement

- F1) How do you perceive land ownership among the Benet before the evictions?
- F2) According to you who owned that land?
- F3) According to the local traditions in this area, what does one require to acquire land?
- F4) According to the local tradition and practice, what shows that a person owns a piece of land?
- F5) Can a female person own land?
- F6) In cases where she can, is she allowed to sell it and use the money as she wants?

Social institutions and power relations

- G1) Who among family members received land on behalf of the family?
- G2) In whose names was the land registered?
- G3) In your opinion, are there ways in which land acquisition and distribution during resettlement affected tradition and culture?
- G4) How did the elders perceive of the resettlement?
- G5) Do you think this event affected the social setting in the Benet community if so how?

Resource use and access

- What resources do the local people use in the park and how do they access them?
- What differences do you notice have occurred on the park since evictions were carried out?
- What differences do you notice have occurred to people's lives since the evictions took place?
- What arrangements do you think can be employed to create a win-win situation for the park and the people?

EVICTEES

Eviction experience

- A1) Did you get information about the eviction? If yes, how did you get it?
- A2) When was the eviction carried out and who carried it out?
- A3) Were you among those who were evicted and how old were you?
- A4) How was the eviction carried out?
- A5) What role did local people play in the resettlement process?
- A6) How long did it take you to leave the Park from the time you first heard about the eviction?
- A7) Did you have meetings with government officials about the eviction?
- A8) If yes, what kind of a meetings were they?
- A9) Who represented you in the meetings and who chose these representatives?
- A10) Are you satisfied with attention given to your proposals in these meetings?
- A11) How did you move from the park to this place?
- A12) By what means did you move your property to the new area?
- A13) How did the children, the old, the sick and the pregnant move from the park to here?
- A14) After the resettlement have there been any programmes to help you to cope in the new area?

Local use of resources in the park

- B1) What are the important resources in the Park and how did you use them?
- B2) Can you draw a map of the park and show where the different resources are?
- B3) Can you tell us about the different activities you did in the different months of the year?
- B4) Do you still use these resources in the park and how do you access them?
- B5) If not what alternatives do you use now?
- B6) How has your life changed since the restriction on the resources was effected?
- B7) Are there any arrangements for you to use some important resources in the Park?
- B8) If yes, what do you think about these arrangements?

Local forestry resource management mechanisms

- C1) What were the different means through which one would acquire land in the Benet community before the evictions?
- C2) What are the traditional rules that govern land use and who enforces them?
- C3) What happens if one does not follow them?
- C4) How can you compare the local management system and the official management system?

Participation in eviction and resettlement process

- D1) Who participated in this process of evicting and resettlement?
- D2) Did you feel you were able to represent your people?
- D3) Did you feel the working environment allowed your representatives the freedom and comfort to represent your people properly?
- D4) Did your representatives have enough information to make informed and guided contributions in the land redistribution process?

ORDINARY RESIDENTS

Family

- B1) What is your tribe, and which clan do you belong to?
- B2) Do you have a family, and do you live with them everyday
- B3) Is it an extended or close family?
- B4) What do you do during the day
- B5) when do you wake up
- B6) what do you do in the morning
- B7) what do you do in the afternoon
- B8) what do you do in the evening

B9) when do you go to bed

B10) What did you do before you came here?

B11) What do you remember from those days before you came here?

B12) Where were you born?

C13) Where are your parents?

C14) Where were they buried?

C15) Do you go to visit the grave?

Owning land

C1) How long have you lived here/when did you start living here?

C2) Where did you come from

C3) Do you own the land?

C4) How did you get this plot of land?.

C5) How do you like this place?

C6) What do you think about acquiring land through resettlement as opposed to getting a share from your father?

C7) How big is your land?

C8) Do you have a title of ownership or any document of ownership?

C9) How did you get the certificate of land ownership?

C10) What do you do with the land?

C11) What will you do with it when you become old?

C12) How do you feel about owning land with a title?

C13) Can you pass it on the land to your son or sell it if you want?

C14) Do you think the land can be taken away?

C15) Who are your neighbors and where do they come from?

C16) Do you generally feel comfortable and secure in the village?

C17) How do your children feel?

Eviction process

D1) Can you tell me about the days before the eviction?

D2) When did you first hear about leaving the protected area and from whom?

D3) When did it actually happen?

D4) Did government contact you?

D5) Did you have contact with government officials or leaders?

D6) What arrangement did you have in place with the government?

D7) Do you remember how the eviction was carried out, and what do you remember most during the eviction?

D8) Do you know why the government moved you and if you remember what did they say to you?

D9) What do you think about the government's reason for evicting you?

D10) Do you think the eviction was carried out properly?

D11) Do you think the government did a right thing according to what they said?

D12) What do you think the government should have done to make it a better process?

D13) Did you sign any agreements for leaving and selling your property?

D14) In your opinion was the compensation fair?

D15) How did you get here, by what means did you arrive to your new plot in the resettlement from the other area where you were evicted from?

D16) In the opinion of the village elders what alternative options were available for Government at the time and were they considered?

Nature of eviction

C1) When was the eviction carried out and who carried it out?

- C2) Were you among those who were evicted and how old were you?
- C3) How was the eviction carried out?
- C4) How long did it take to leave the park from the time you first heard about the eviction?
- C5) How did you get information about the eviction?
- C6) Who represented you in the meetings and who chose these representatives?
- C7) Did government make any promises and are you satisfied with the way they fulfilled those promises?
- C8) Do you feel your requests were attended to?
- C9) How did you move from the park to this place?
- C10) What arrangement did you have to move your property to the new area?
- C11) How did the children, the old, the sick and the pregnant move from the park to here?
- C12) After the resettlement have there been any programmes to help you to cope in the new area?

Traditional use of resources in the park

- D1) What are the important resources in the park and how did you use them?
- D2) Can you draw a map of the park and show where the different resources are?
- D3) Can you tell us about the different activities you did in the different months of the year?
- D4) Do you still use these resources in the park and how do you access them?
- D5) If not what alternatives do you use now?
- D6) Are there any arrangements for you to use some important resources in the park?
- D7) What do you think about these arrangements?

Comparing then and now

- E1) How was the economic situation when you lived in the park
- E2) what good times do you remember from that time

- E3) What bad days do you remember from that time? .
- E4) How is the situation now?
- E5) what are the good days now?
- E6) what are bad days?
- E7) How do you compare the two periods?
- E8) How do you feel about the place you live in the resettlement?
- E9) What attachment do you have to this place in the resettlement?
- E10) Is it like home or just a place you live in?
- E11) How do you feel about the place you lived in the park?
- E12) Did you feel that government understood your attachment to that place in park?
- E13) What feelings do you have for the park managers?
- E14) How do you compare the old Forests Department managers and the new UWA managers?
- E15) In what ways has the park changed since people were evicted?

TRADITIONAL LEADERS/ELDERS

- B1) Can you tell me about the values of the Benet people in terms of property, life and the world?
- B2) What are the different tribes in your neighborhood and how have you lived over the years?
- B3) As neighbors, what kind of relationship have you had historically?
- B4) How many tribes have settled here and what is the biggest tribe?
- B5) As a member of your tribe how do you feel among other tribesmen in this village?
- B6) How and where do you interact and what activities bring you together?
- B7) How is the representation in these different activities and how is the participation distributed in terms of the different groups in this society?
- B8) Do you feel at home in this place as a Benet
- B9) Do people from other tribes accept that this is your home?

B10) Do you interact with people from other tribes easily? How often

B11) Can you tell me about the political situation before the eviction of 1983?

B12) Were you active in politics?

Nature of eviction

C1) When was the eviction carried out and who carried it out?

C2) Were you among those who were evicted and how old were you?

C3) How was the eviction carried out?

C4) How long did it take to leave the park from the time you first heard about the eviction?

C5) How did you get information about the eviction?

C6) Who represented you in the meetings and who chose these representatives?

C7) Did government make any promises and are you satisfied with the way they fulfilled those promises?

C8) Do you feel your requests were given due attention?

C9) How did you move from the park to this place?

C10) What arrangement did you have to move your property to the new area?

C11) How did the children, the old, the sick and the pregnant move from the park to here?

C12) After the resettlement have there been any programmes to help you to cope in the new area?

Traditional use of resources in the park

D1) How has land ownership changed over time among the Benet?

D2) What are the important resources in the Park and how do you use them?

D2) Can you draw sketch map showing where the different resources are located/ can you locate the resources on the map?

D3) How do you compare the distribution of resource benefits among the people before the resettlement and after?

D4) In your opinion what is the best way forward for the people and the for the park in relation to use of resources and physical relocation of people from the park.

D5) What alternative resource have the people found for those resources they cannot access?

D6) Can you tell us about the different activities you do in the different months of the year?

D7) In your opinion, are there ways in which land acquisition and distribution during resettlement affected tradition and culture?

D8) In your opinion, did the change of the legal status of MENP lead to the evictions?

LOCAL COUNCILORS

A1) How did this community come to exist and when?

A2) How many people live here?

A3) Where did they come from?

A4) In case of eviction/resettlement, who carried it out?

A5) How was it carried out?

A6) Were there any promises made by government after the incident and which ones are they?

A7) Do you feel they have been fulfilled?

A8) What government services do you have access to and are you satisfied with them?

A9) What should be done to ensure proper evictions and resettlements?

LEGAL OFFICERS

A1) This court has handled the Benet vs. UWA case. Do we have any law in Uganda relating to evictions and resettlement?

A2) If yes what are they, and of what nature are they (international/domestic) and what do they say?

A3) The courts can make law through precedents, they can also use customs. Can judges say their hands are tied because parliament has not made relevant laws (prospectus)?

A4) Why does the area of contention in the park remain under usual activities during the case?

A5) Why does court grant injunctions against evictions from the park when it knows continued use of those areas is detrimental to the eco-system of the Park?

A6) In the eyes of the law, how should a proper eviction and resettlement be carried out?

A7) There are some voices in UWA saying that the court process delays and is too long. Could UWA claim that in that regard justice has been denied?

A8) In your opinion what role should courts play in nature conservation?

A9) How can the courts strike a balance between protecting livelihoods at the same time protecting the vulnerable ecosystems such as Mt. Elgon?

A10) Why do people remain in the contested area of the park carrying on activities as usual?

ADDITIONAL QUESTIONNAIRE

Unstructured questions for controlling discussion direction

a-What resources were in the park?

b-Who was in charge of ensuring that they are safe?

c- How was access and use of forest resources organized?

i-Who accessed what resources?

ii- For how long was the permission granted to last?

ii How have you been affected since access to those resources was restricted

d-What was done if there was disease attacking wild animals or trees?

e- How was overharvesting prevented?

f- What traditional rules were in place to protect the forest resources?

g- Who was in charge of allowing new comers to settle among the Ndorobo in the forest?

h- Were outsiders allowed to come and extract resources from the forest?

i-How did the Ndorobo great grand fathers protect the park resources?

i-The soil

ii-Trees

iii-Protection from overharvesting

iv-Protection against over settling in fragile areas

v-Protection from outsiders

Formality before eviction

a-What legal steps did government take before evictions were carried out in 1983, 1989/90 and others?

b-What legal steps did the district authority take before evicting and settling people along the upper side of the 1983 boundary line in 1990?

Perception of eviction and displacement

a- How do you think of evictions?

b-Do you think evictions are the best option in order to protect forest resources?

c-Who has the power to evict people from the parks?

d- Do the people have a right to resist evictions?

e- Under what circumstances can people exercise the right to resist evictions?

e-If there must be evictions, what should be done in order to carry out successful and humanitarian evictions?

g-What alternatives do exist to evictions that can ensure conservation of forest resources?

h-What changes have occurred to your life since the eviction from the park?

i-What changes have occurred to the park after the evictions?