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ASSESSMENT OF TRENDS OF EVICTIONS FROM PROTECTED AREAS DURING THE PERIOD 2005 – 2010, AND THEIR IMPLICATIONS FOR REDD+



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ACRONYMS

CAO	Chief Administrative Officer
CFM	Collaborative Forest Management
CFR	Central Forest Reserve
CID	Criminal Investigation Department
DFO	District Forestry Officer
DISO	District Internal Security Organisation
DPC	District Police Commander
FMU	Forest Management unit
FR	Forest Reserve
GHG	GreenHouse Gas
IPCC	Intergovernmental Panel on Climate Change
LC	Local Council
LFR	Local Forest Reserve
MoFPED	Ministry of Finance Planning and Economic Development
NEMA	National Environment Management Authority
NFA	National Forestry Authority
NFTPA	National Forestry and Tree Planting Act, 2003
NP	National Park
PA	Government Protected Area
PFE	Permanent Forest Estate
PFO	Private Forest Owner
RDC	Resident District Commissioner
RDC	Resident District Commissioner
REDD+	Reducing emissions from deforestation and forest degradation, plus conservation, sustainable management of forests and enhancement of forest carbon stocks
SPGS	Sawlog Production Grant Scheme
TMF	Tropical Moist Forest
UBOS	Uganda Bureau of Statistics
UTGA	Uganda Timber Growers Association
UWA	Uganda Wildlife Authority
WR	Wildlife Reserve

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EXECUTIVE SUMMARY

Background

About 9% of the total land area of Uganda (or 1.9 million ha) constitutes Uganda's permanent forest estate (PFE) covering forest reserves (FRs) and forested areas in National Parks (NPs) and Wildlife Reserves (WRs). Uganda Wildlife Authority (UWA), National Forestry Authority (NFA) and District Local Governments (DLGs) are charged with the responsibility of managing the PFE on behalf of the people of Uganda.

Encroachment in government protected areas (PAs) is one of the major sources of deforestation and forest degradation in the country. It started way back in 1976 when people illegally entered the PAs for agriculture and settlement. In addition, industrial expansion increased the demand for industrial forest products and space, leading to more destruction of forests. Because encroachment is running out of control, the country is beginning to see serious environmental damages, shortage of forest produce, and in many cases, agricultural land is becoming unproductive due to reduction in the water tables.

Methods Used in the Study

The study followed an evidence based approach, using the case studies of Guramwa, Namwasa, Luwunga and Kasagala FR. Key stakeholders also provided information on the situation in PAs under UWA, and the local forest reserves (LFRs) under DLGs. The study involved a review of the relevant documents, and discussions with stakeholders at national & sub-national levels. Observations were also made during the field visits to triangulate with information obtained from stakeholders interviewed.

Legal Framework Shaping Encroachment and its Control

The national policies and laws are quite good but the policies are not properly implemented, and the laws are not effectively enforced, mainly because of political interference and manipulation. There are ample legal provisions in the laws of Uganda to provide for the inviolable status of PAs. The legal instruments range from the national Constitution which provides a basis for creating FRs, to the Forestry Policy, 2001 and the National Forestry and Tree Planting Act, 2003 which prohibit encroachment. Other laws like the Land Act, the National Environment Management Act, and the Uganda Wildlife Act also legislate for various aspects of forestry that relate to encroachment. However, the provisions for eviction of encroachers are rather hazy in the legal and policy framework and need to be clarified. This could be done through the Forestry Regulations which are still in draft form.

The local people living in and around PAs know that it is illegal to carry out any activities in the PA without a license or permit. They also know about specific offences like unauthorized cultivation, grazing, charcoal burning, etc. which constitute the main

activities in encroachment. Many of them acknowledge that encroachers should leave the FRs because it is wrong (legally and morally), as it tends to degrade the forest, the land, and the environment in general. This shows that the oft-touted reason of the people not knowing the law is a lame-duck excuse which perpetuates encroachment.

Causes of Encroachment

Stakeholders believe that the underlying causes of encroachment include unscrupulous and ruthless political opportunism, over-population in the encroacher homelands of origin, economic opportunism of sections of society, and instability within the Great Lakes Region.

On the other hand, the immediate causes of encroachment include:

- (i) The President's directive of 2005 to NFA to halt further eviction of encroachers from FRs and wetlands
- (ii) Corruption of LC officials who could be bribed by the incoming encroachers
- (iii) Unruly UPDF veterans who were grabbing land elsewhere in the country
- (iv) Increasing lawlessness among the population
- (v) Laxity in law enforcement

Characteristics of Evicted People and the Encroachment Process

Most of the encroachers are typically people who have migrated from as far away as South Western Uganda, Congo, Rwanda, and Sudan. In most cases (excepting the refugees & internally displaced people), a few people leave their areas of origin in search of fortunes (pastureland and land for cultivation). Some of these people had been re-settled after they were evicted from another PA, but they sold their land and moved into FRs with the expectation of being compensated again. Others simply sold their land at home to get bigger and "cheaper" land in the FRs, and make a bit of extra money along the way.

When they arrive, some of them buy small pieces of land outside the FR and gradually expand and enter the FR. Others come as labourers for the indigenous people but eventually they graduate to own their own land, usually in the FR, which is often given to them by Local Council (LC) officials on payment of "*kitu kidogo*". In most cases, the encroachment starts with cultivation, then temporary structures are built, and finally the encroachers construct permanent houses. Eventually small towns grow up as small time business people realise the growing market for their wares, and the expanding source of agricultural produce to supply their stores in towns nearby.

Once the few trail-blazing encroachers settle in and gain acceptance by the local society, they send for their relatives and friends who also come and acquire land from the LC officials. Soon the encroachers grow into a voting block of a size that cannot be ignored by the politicians, and so they now get political protection. Subsequent efforts

of the PA managers and district leaders to remove the encroachers are now treated as political sabotage. Soon the people living near the PA also catch on and also enter to cultivate, but in most cases, they do not build houses there. They know that the land does not belong to them and that eventually, they would have to leave.

In a few cases, the encroachers are local people who try to take advantage of what they see as idle and fertile land in PAs. They start by nipping small areas on the edge of the PA but when the managers do not warn them off, they gradually expand into the PA to a level where it becomes difficult to remove them.

Economic and Livelihood Activities of Local People and the Evictees

The local residents depend very little indeed on the PAs in terms of their livelihoods. The main reason they gave is that they own land outside and therefore, they would not necessarily have to go into the PA to meet their needs. However, because the land is available and seen as idle (especially in woodland and savanna PAs), the local people use the PAs to grow food, graze livestock, and collect firewood. In fact, cultivation in FRs is not ranked that high in terms of contributing towards their income. 70% of the respondents said that they do not earn any income from cultivation in the FRs at all. Therefore, the people do not have to reside in the FR in order to continue earning income from the reserve. Grazing, firewood cutting, and pole cutting can be licensed without compromising the land use of the reserve.

The local people depend on agriculture and livestock, but not the forest for subsistence, and especially income. This could also be seen from field observations which show that in FRs where encroachment is most serious, there was never any forest to start with. The reserves were dominated by grasslands. Looking at PAs elsewhere in the country, whenever the encroachers went into a PA which had a good forest, their first action was to cut down that forest for agriculture, something that real forest-dependent people would not normally do. In fact, the real forest-dependent people like the Batwa in Bwindi and Rwenzori and the Ik (Teuso) in Karamoja have never been viewed or treated as encroachers by the forestry authorities in Uganda.

Experiences with Eviction of Encroachers

In general terms, the process of removing encroachers from central forest reserves (CFRs) starts with sensitisation of key stakeholders, including the encroachers regarding the impending eviction exercise. Then government institutions join together to plan and deal with the encroachment problem. Encroachers are often given a period of grace to allow them harvest their crops and prepare to leave. During the grace period, the encroachers are constantly reminded of the deadline for leaving; this is sometimes done through a constant presence of security personnel in the area.

Most encroachers tend to leave before the grace period ends, but for those who refuse to do so, reasonable force (arrest & prosecution and slashing of crops) is used to ensure

that they leave. However, in the ensuing scuffles, some people sometimes get hurt and property gets destroyed.

The stakeholders place a premium on sensitisation, followed by communication and leadership as core attributes of a successful eviction exercise. It is interesting to note that legislation comes rather low in the pecking order. The main reason for this is that the law has been rendered impotent by political exigencies, and thus political power, especially at very levels in government, tends to override the law in matters of encroachment.

In spite of these strategies for eviction, experience shows that in most of the PAs, encroachers tend to go back after a while, often with the instigation of politicians. Ultimately, it is the people who suffer because sooner or later, they are evicted again, and thus go through the difficult eviction process multiple times. Eventually, some learn not to heed the misrepresentations of the politicians.

Impact of eviction on livelihoods and society

The impact of evictions on local communities is varied. In some areas like Kasagala, there has not been much impact on communities outside the PAs because most of the encroachers also have land outside, and therefore eviction does not affect their livelihoods to any great extent. However, in all cases, the evicted encroachers lost property and certainly they had to leave behind crops and in some cases, they had to sell off their livestock. But since the evictees dispersed among the local communities and some moved away, the impacts were mostly felt at individual rather than community level.

The evictees also had land outside the PAs or they bought it when they were evicted. They started some other income-generating activities like small shops and bars just outside the FR, but most of them still continued to go into the FR to support their livelihoods. For example in Guramwa CFR, field observations showed extensive fields of maize and meticulously tended banana plantations which are clearly grown as economic crops. Therefore, if the eviction had been upheld in this CFR, they would have lost the greater part of their means of living.

For the case studies, the time since eviction (one year) has been too short for the ecological impacts of eviction on the ecosystems to show. However, in parts of the FRs where the encroachers had not yet returned, foot paths and tracks formerly used by encroachers had closed. Initially, the impact on the FR management institutions like NFA and New Forest Company was positive because they had recovered the land and could finally embark on growing timber plantations, or restoring natural forests by encroachment planting. However, this elation was often short-lived because the encroachers were instigated to return to the PA, leaving the PA managers and their allies helpless against the political forces ranged against them. In Guramwa CFR, the

managers watched helplessly as local people invaded other PAs in the area. The PAs, especially the FRs, were being taken over through lawlessness.

Corrective Measures to Address Impacts of Evictions on Encroachers

Generally, government has not been keen on adopting a policy of compensating and/or re-settling encroachers because they occupy the PAs in contravention of the law. In fact, after evictions, most of the people returned to their homes outside the CFR or they dispersed among the local communities. However, many returned soon after the eviction exercise and continued business as usual.

In some cases, UWA tried to re-settle the evictees at the edge of the PA (Mt. Elgon NP & Ajai WR) or government provided alternative land (Basongora in Quen Elizabeth NP). For the former, UWA continues to play cat-and-mouse with the encroachers. The latter solution seems to be successful but time will tell if the experiences of the Kibale Game Corridor evictees who were re-settled in Kibale District (some sold the land and went to other PAs) will not be re-played.

Likelihood of Application of Carbon Funds to Compensate Evictees

In view of the challenges above, a lot of work in the field of forest governance and law enforcement must be done before the issue of compensation and re-settlement can be tackled meaningfully. Otherwise, it will serve the interests of unscrupulous individuals who will be compensated, only to sell and move on to another PA, knowing that they will also be compensated.

With a sure and regular source of money for compensation, the problem of encroachment will escalate. And should carbon funds be committed to compensating “deserving encroachers”, then it will be difficult to guarantee surplus money to be ploughed into sustainable forest management, which is the essence of REDD+. All the money will go into compensation and/or re-settlement of people who, as the respondents have shown, know very well that they are residing and cultivating in the forest reserves illegally.

If some people must be compensated, then the money for their compensation should be sourced from elsewhere, especially from the Consolidated Fund. This would probably help check the corrupt tendencies of the individuals who perpetrate these forestry crimes, because they would be called to account on why they had abdicated their responsibilities.

Conclusions

Observations in the encroached FRs show that encroachment, especially for cultivation and settlement, is very destructive to natural forests, perhaps irrevocably, but certainly it will require long years to restore their biodiversity and other ecological functions. The

destruction in grassland reserves where establishment of forest plantations is going on is much less considering that the encroached areas can be replanted successfully with fast-growing tree plantations.

For eviction of encroachers to be done effectively and in a humane manner, but within the legal context, the following power relations need to be balanced; influence (political), resource allocation (finance) and techniques (knowledge & skills). Politicians certainly have flexed a lot of muscle in either getting encroachers out or making them stay. It takes about UGX 60 million to carry out an eviction exercise similar to those in Guramwa and Namwasa. If some money for compensation is factored in, the eviction exercise can be very expensive indeed. It takes community sensitisation skills, stakeholder coordination and understanding of the psychology of society to be able to carry out a humane eviction exercise.

Even with well balanced power relations, eviction of encroachers can involve some ugly activities like slashing crops, pulling down of houses, and arresting those who do not move out quickly. This hurts those who came into the PAs not knowing that the land they were buying or being "allocated" was PA land. If the genuineness of claims by these people is ascertained, these are the people who could be compensated or re-settled, but it is not clear who should meet the re-settlement and/or compensation costs. If Government does it, then it simply exacerbates the illegal activities of those who "sell" PA land since they discover that they can benefit without having to foot the bill later on.

Encroachers are not what are often thought of as hapless poor people looking for survival. Most of them are individuals of average means looking for cheap land to take over. That is why they are able to ring up highly placed government officials and get them to intervene or in some cases they carry guns to protect their illegal activities. In a similar manner, the encroachers cannot be said to be forest dependent. Forest-dependent people do not usually destroy the forest they depend on.

It is difficult to understand why government has not given NFA the support it needs to deal with the encroachment problem decisively as happened in Namwasa, the most recent success story in which about 3,500 encroachers were evicted, or in NPs & WRs. In most of these cases, the President gave his tacit approval, showing that evictions can be carried out successfully if there is political support at the highest levels of government.

The most difficult cases of encroachment to handle have been the old cases which involve land titles issued by the Uganda Land Commission within CFRs. Even in these cases, it is possible to resolve them in an environment where government places a premium on PAs. For example, the series of government decisions on eviction of people who acquired land titles in PAs should be implemented. This commitment of government is going to be very important if Uganda is to benefit optimally from the initiatives on reducing emissions from deforestation and forest degradation, plus

conservation, sustainable management of forests and enhancement of forest carbon stocks (REDD+).

There are persistent calls for compensation of the people evicted but this would serve only to exacerbate the encroachment vice, as was demonstrated by the people evicted from Mpokya and re-settled in Kibaale District. However, it also fair to say that a few people would have nowhere to go when they are evicted and these should be carefully screened and a re-settlement programme prepared and implemented.

Implications for the REDD+ Process in Uganda

- (i) For REDD+ to succeed in Uganda, encroachment must be dealt with decisively and expeditiously.
- (ii) Unless the policies and laws get to be implemented over and above political exigencies and high levels of corruption, the REDD+ mechanism will be rendered ineffective and therefore payments for carbon credits will not be possible.
- (iii) The REDD+ preparation process must build the capacity of the managing institutions and their allies so as to have effective presence in the PAs, and carry out humane eviction exercises
- (iv) Most likely, elections will always be held. Therefore, unless the political players are willing to marshal the courage necessary to resist the temptation to support encroachment, the issues of permanence under REDD+ will be seriously compromised. Even PAs which are not encroached now will suffer the same fate sooner or later.
- (v) Encroachment creates a false sense of increased well-being in the local area because encroachers occupy land that is not theirs. This is dangerous for REDD+ because the population will continue to resist evictions, and thus activities to reduce deforestation and degradation will be seriously hampered
- (vi) The prospect of eviction is normally hyped to create a false nightmare of re-settling the evictees. This tends to scare government off eviction, and thus deforestation will continue, even with REDD+ payments.
- (vii) Evictions can be done without causing undue stress to the people being evicted. This will create an improved environment in which to carry out forest restoration activities that are conducive for REDD+
- (viii) Mass compensation as a policy will render REDD+ highly expensive but with little positive results
- (ix) The REDD+ Strategy in Uganda will succeed or fail depending on the level of support coming from the highest levels of government
- (x) "Minimum force" often comes with slashing crops, pulling down houses & other structures, arresting people, and generally causing social disquiet in the area. This creates complex issues of human rights, which in turn may make REDD+ untenable.

Proposals for Action under the R-PP Process

For Uganda to benefit from the upcoming REDD+ initiative, it is important that the R-PP takes into account the following issues:

1. **Conduct a more inclusive and detailed study on encroachment and how it should be dealt with.** This study has covered only 3 case study areas. More case studies are needed across the country in order to capture all the issues that relate to encroachment of the country's PAs.
2. **Invest heavily in forest governance,** building on the recent forest governance strategy developed by the Government in collaboration with the World Bank. Declining forest governance is the single most important factor that is perpetuating and entrenching encroachment in Uganda.
3. **Negotiate an integrated plan and mechanism that will be used to deal with the encroachment problem in Uganda.** For it to succeed, this mechanism should receive the approval of Cabinet and Parliament.
4. **Mobilise resources to restore natural forests that have been destroyed by encroachers.** It is important that a deliberate programme to raise financing (from private & public sources) for forest restoration is prepared and implemented. This will make it possible for the PA managers to take visible control of vacated areas. As REDD+ kicks in, the programme should be able to finance itself to a good extent from carbon revenues.
5. **Prepare and implement a grand plan to re-demarcate FR boundaries on the ground and put these boundaries on cadastre maps recognised by the Ministry of Lands.** This will be necessary not only to prevent encroachment, but also to ensure ownership under the REDD+ monitoring reporting and verification.
6. **Finalise the Forestry Regulations and gazette them. In addition, existing technical guidelines need to be gazetted** in accordance with the NFTP so that they can also carry the force of law. The guidelines for dealing with encroachment will be included here. This is important in order to strengthen the legal framework that will be necessary to ensure that the + part of REDD is fulfilled.
7. Population pressure was raised by interviewees as one factor fuelling encroachment, in agreement with a lot of literature. However, in the CFRs we studied, this was not the case as far as the local surroundings are concerned, but certainly in the areas where the encroachers came from (Kisoro, Kabale, Rwanda, etc.), this was the case. Therefore, measures to deal with population pressure should not only be implemented in the immediate vicinity of the CFR (to deal with a future problem), but it would even be more beneficial if we

8. ***Implement actions aimed at reducing population pressure*** especially in the areas where these people tend to come from (at least within Uganda). To this end, sustainable land management practices should be implemented in these areas. However measures to deal with population pressure should also be implemented in the immediate vicinity of the PAs to deal with the problem in future.

1. INTRODUCTION

1.1. Background

Management of forests in Uganda falls under the National Forestry Authority (NFA), Uganda Wildlife Authority (UWA), local governments (LGs) and private forest owners (PFOs). **Table 1** shows how the forests are distributed among the Responsible Bodies.

Table 1: Management of Land Cover (including forests) in Uganda

Land Cover	Local Government ¹	NFA ²	UWA ³	Joint management NFA & UWA	Private Land	Total
Plantations Hardwoods	335	4,863	52	0	9,536	14,786
Plantations softwoods	19	14,091	2,430	0	2,201	18,741
TMF- Normal	123	246,860	249,192	23,468	81,312	600,957
TMF-Low Stocked	120	36,715	1,810	0	153,049	191,694
Woodlands	614	325,422	389,664	7,279	2,055,019	2,777,998
Bush lands	413	188,332	316,994	11,417	2,451,519	2,968,675
Grasslands	202	179,469	765,652	44,233	3,074,026	4,063,581
Wetlands	296	9,073	33,966	2,196	707,511	753,041
Subsistence farmlands	2,725	161,514	60,857	741	8,621,755	8,847,592
Commercial Farmlands	6	2,977	928	56	102,662	106,630
Built up areas	118	1,084	2,263	0	93,807	97,270
Water	24	889	14,744	149	3,690,684	3,706,489
Impediments	0	1,145	729	116	5,814	7,804
Total Area of category	4,995	1,172,433	1,839,278	89,657	21,048,895	24,155,259
Forest Cover in category	1,211	627,951	643,148	30,747	2,301,117	3,604,176
Forest % in that category⁴	0.03	17	18	0.85	64	100

Source: NBS Draft Report, 2009

As can be seen from the table, the bulk of the forests (64%) are found on private land, with very little forest cover in local forest reserves (LFRs). This is not surprising as LFRs constitute only 0.4% of the total forest reserve (FR) area. By law ownership of government protected areas (PA) is vested in the Uganda Land commission and the

¹ Local governments manage local forest reserves

² NFA manages central forest reserves

³ UWA manages national parks and wildlife reserves

⁴ Forest cover in absolute terms has decreased even in CFRs but because of a lot more decrease on private lands, the proportions have shifted so that CFR forests appear to be more.

district land boards. UWA, NFA and the DLG are charged with the responsibility of managing the PAs on behalf of the Government of Uganda.

About 9% of the total land area of Uganda (or 1.9 million ha) constitutes Uganda's permanent forest estate (PFE) covering CFRs, LFRs and forested areas in National Parks (NPs) & Wildlife Reserves (WRs) (Uganda Forestry Policy, 2001). In NP & WRs, the main functions of the PFE are ecological & biodiversity protection and the major economic function of forests is tourism. In FRs, key economic functions include production of a variety of forest goods & services to meet economic & social needs of society, in addition to the ecological and biodiversity functions.

Forests are important in the protection of water catchment areas. For example, deforestation in the Lake Victoria Catchment Areas contributed to the reduction of the water levels in the lake, which in turn led to lowering of hydro-power output. Industrial production was severely affected, with growth in industrial output, declining from 10.8% in 2004/05 to 4.5% in 2005/06 (MoFPED, 2006). Most manufacturers were either forced to reduce production or to continue using generators at a higher unit cost.

As a result of increasing prices of electricity, pressure on forest resources (for firewood & charcoal) has increased. Urban populations that generally use electricity for cooking reverted to use of charcoal. The demand for wood fuel then exceeded supply, causing the prices of charcoal and firewood to climb steeply. This led to increased deforestation, especially in private natural forests. Many rural households have resorted to cutting their trees, including fruit trees, to get fuelwood as forests become more and more depleted. The heavy cutting of the forests, coupled with unsustainable slash-and-burn practices, has contributed to land and soil degradation, which in turn is responsible for poor food-crop yields, further threatening food security.

In addition, the heavy rains are now washing away the bare soils left as a result of deforestation, depositing it into lakes and rivers and thus increasing the problem of siltation. It is feared that when the extreme dry conditions set in, the vicious cycle will be further played out, posing a threat to human life.

It is important to note that 75% of the total greenhouse gas (GHG) emissions from agriculture and land use changes originate in developing countries (IPCC 2007). Changes in land use and clearing of forests represent 17.4% of total global GHG emissions for Uganda (Ministry of Water, Lands & Environment, 2002). In Uganda, agriculture, forestry and other land uses emit about 40% of the total GHG emissions as indicated in **Table 2**.

Table 2: Green house emissions for Uganda

GHG SOURCE AND SINK CATEGORY	CO ₂ (Gg)	CH ₄ (Gg)	N ₂ O (Gg)	NO _x	CO	NMVOC	Total	Percent
Energy	15,157.38	74.647	5.244	26.781	850.21	4.994	16,119.26	2.15
Industrial Processes & Product Use	434,300.07	0.207	0.053	0	0	0.992	434,301.32	57.90
Agriculture, Forestry, And Other Land Use	83,226.13	198,398.35	40.41	1,173.86	16,884.30	0.002	299,723.05	39.96
Waste	0	4.526	0	0	0	0	4.53	0.00
Other	0	0	0	0	0	0	0.00	0.00
TOTALS	532,683.58	198,477.73	45.707	1,200.64	17,734.51	5.988	750,148.16	100.00

(Source: Modified from Table 3.7: Summary Report for National Greenhouse Gas Inventories (Part 1) of the "The First National Communication for Uganda 2002").

Key:

Gg	Giga grams (... gms)
CO ₂	Carbon dioxide
CO	Carbon monoxide
N ₂ O	Nitrous Oxide
NO _x	Nitrogen Oxides
NMVOC	Non-Methane Volatile Organic Compounds
CH ₄	Methane

Because forests capture carbon through photosynthesis in terrestrial ecosystems, they have very high potential for reducing emissions and enhancing carbon sinks. The biophysical mitigation potential of forestry is estimated to average 1.5 GtC eqv./yr (5.4 Gt CO₂ eqv./yr, IPCC 2001).

Table 3 summarises the importance of CFRs in serving various functions of forests.

Table 3: Categorising Central Forest Reserves by Function

Category	No. of CFRs	Total Area (ha)	Remarks
Ecological and biodiversity importance	353	1,074,000	Protection of steep slopes, water catchments, river banks, lakeshores and wetlands
Industrial forest plantations	108	151,200	Mainly in the cattle corridor
CFRs for production of assorted forest goods & services	136 ⁵	45,597	Small CFRs, especially suited for small-scale investments
Total	506	1,270,797	

Source: NFA Records

However, it must be noted that the CFRs of ecological and biodiversity importance also provide goods and services under a zoning scheme that sets aside about 20% of the natural forests as strict nature reserves, 30% as buffer zones and 50% as production zones (Forest Department, 2002).

Over the past 15 years since 1990, the average annual rate of deforestation has been 1.8% (about 88,000 ha per year). The reduction of vegetation cover was most pronounced in woodlands which had a reduction in area of 29 percent over the period, followed by Tropical High Forests (THF- low stocked) at 26 percent, broad leaved plantations had a reduction of 21 percent and THF – well stocked stood at 21 percent. This has been attributed to encroachment, unsustainable extraction of forest produce, and change in land use to agriculture, grazing and other actions of economic development, especially on private lands.

Encroachment in protected areas (one of the major sources of deforestation and forest degradation) started way back in 1976-1986 when people illegally entered the PA for agriculture and settlement. In addition, the boom in industrialisation increased the demand for building materials and space hence more destruction of the forest cover in the PAs. Forests on private/community lands started disappearing on large scale in 1990s.

In 1988-1992, evictions of the encroachers in the PAs were done mainly in Kibale, Mt. Elgon and Mabira CFRs. Most of the encroachers left the PAs and within 10 years, the forests recovered through natural regeneration. For instance, in Mabira, the formerly encroached areas were substantially restored with a young forest consisting of 46 tropical moist forest species, within 16 years after the encroachers left. This shows that removal of encroachers from forests, coupled with sustainable forest management approaches, are important steps in reversing deforestation and forest degradation.

⁵ Includes all the 91 LFRs covering an area of 4,997 hectares

In early 2000, NFA and UWA further evicted encroachers from some PAs, but the exercise was later halted by the President. Since then the encroachment situation has continued to escalate, leading to serious deforestation. The situation has been aggravated by other politicians at various levels who took advantage of the President's directive to drive their own selfish agenda. In 2005, registration of encroachers revealed a total of 180,000 individuals. In March 2009, this number was estimated to have risen to 270,000 (NFA 2009).

1.2. Justification for the Study

Encroachments in the protected areas have ecological, economic and social impacts. If not controlled it will result into more serious environmental damages, shortage of forest produce, and in many cases render some agricultural land unproductive due to reduction in the water table.

In order for the initiative REDD+ to achieve its objectives of conservation, sustainable management of forests, and enhancement of forest carbon stocks in Uganda, there is need to clearly understand the current drivers of encroachment, the trend of eviction visa vis human rights, national and international laws, and the factors influencing eviction of encroachers from the PAs.

This study provides the current trends and strategies of evictions, the impact of the eviction on all actors from the PAs that shall be useful in the development of REDD+ Preparation Proposal (R-PP) and the implementation of REDD+ in Uganda.

1.3. Objectives of the study

The study seeks to assess the ongoing evictions from Uganda's Forest Reserves (FRs) and forested protected areas under jurisdiction of UWA with the view to understanding the extent to which the ongoing eviction actions are consistent with national laws and international instruments regarding indigenous peoples and protected areas management and conservation. To this end the study provide information on the following, among others:

- (i) Causes of encroachment into protected areas
- (ii) Characteristics of evicted people (e.g., ethnic groupings, gender, residential areas, indigenous peoples, etc)
- (iii) Poverty profile, economic and livelihood activities of the evictees, socio-economic impact of evictions
- (iv) Resettlement plan(s) for the evicted
- (v) impacts on human rights
- (vi) Past experiences with evictions in Uganda
- (vii) Policy and institutional frameworks for handling evictions
- (viii) Evictees and complaints arising from evictions

- (ix) Corrective (or outstanding) measures implemented to address impacts of evictions and plight of evictees
- (x) An assessment of likelihood of application of Carbon funds to compensate deserving evictees.

In arriving at the information above, the ToR provide for the following specific tasks:

1. Investigate and document the eviction of encroachers since 2005
2. Assess the extent to which the justification for the eviction conforms to or violates national and international laws.
3. Assess the extent to which the administration and practice of eviction is conforming to human rights requirements in accordance with Uganda laws and international practice.
4. Evaluate the extent to which evictions affect the land use and livelihood of the community involved.
5. Come up with proposals and recommendations for consideration by the R-PP)

1.4. Intended Results

The study was planned to provide evidence of the driving forces behind the encroachment, the current efforts/initiatives being made by the lead agencies to evict the encroachers, the strategies/ methodologies used in relation to the relevant national laws and international practice, and the effects of the evictions on the affected communities. Consequently it will form part of the R-PP that will be the working document in the implementation of the process of reducing emissions from deforestation and forest degradation, conservation, sustainable management of forests and enhancement of forest carbon stocks (REDD+) in Uganda.

2. METHODS USED

2.1. Approach

The study followed an evidence based approach, using three case studies. During the inception phase, these case studies were discussed and agreed with NFA, and they are described below:

Case Study Area	Reason for its Choice
Luwunga & Namwasa CFRs	<ul style="list-style-type: none">• Mainly woodland and grassland CFR being put under commercial timber plantations by an international private company.• Evictions had been carried out in 2009 & 2010 respectively• Being developed for carbon under the CDM mechanism, and for FSC certification• Located in the Central Region, a hotbed for encroachment in the country• Evictions successfully carried out• Earlier eviction in Luwunga ended up in court.
Kasagala CFR	<ul style="list-style-type: none">• Woodland reserve classified by the Forest Nature Conservation Master Plan as of secondary conservation value, and thus, has been zoned for biodiversity conservation.• Production zone is being used to try out technologies for reduced emissions charcoal burning, followed by planting of indigenous tree species.• Partly licensed to small-scale Ugandan timber plantation growers• Located in the Central Region, a hotbed for encroachment in the country
Guramwa CFR	<ul style="list-style-type: none">• Woodland and tropical moist CFR managed by the NFA. Has potential for restoration and therefore a candidate FR for REDD• Encroachment conflict has been there for a long time and eviction carried out multiple times• There is no deliberate intervention in the management of the reserve• Located in the Albertine Rift, a global biodiversity hot spot

In order to bring in the perspective of NPs & WRs, UWA staff at headquarters were interviewed regarding their specific experiences with eviction of encroachers.

Discussions with District Forest Officers on phone revealed that no evictions were ever carried in LFRs during the period under the study, and therefore, they were also not visited. However, the encroachment experiences were discussed with some DFOs in districts with relatively big areas of LFRs.

The study involved a review of the relevant documents, discussions with stakeholders at sub-national, and forest/community levels. Field observations were also made during the field visits to triangulate information obtained from stakeholders interviewed. Each of the methods is described below.

2.2. Documents Reviews

The documents that were reviewed covered the relevant policies and laws, NFA records and documents obtained from stakeholders.

2.3. Key informants Interviews

The key informants were purposively selected from the key stakeholder groups involved in dealing with encroachers (**Annex 1**). Individuals, who are familiar with encroachment in PAs, and probably also involved in the eviction processes were selected and interviewed for their insight into the process, and the context in which encroachment is dealt with. A total of 33 key informants as shown in **Table 4** were interviewed.

Table 4: Key Informants

Forest Reserve	No. interviewed
National Level	9
Namwasa & Luwunga	13
Guramwa	10
Kasagala	1
Otzi	1
Total	34

The interviews were conducted using an interview guide developed for this purpose (**Annex 2**). The guide was designed in such a way that the interviewees could answer the sections containing issues that they are expected to be conversant with. The main objective was to establish contextual issues that have affected the phenomenon of encroachment and the process of evicting encroachers. The individual people interviewed are listed in **Annex 3**.

2.4. Focus Group discussions

Discussions were held with focus groups, including the NFA (responsible for management of CFRs), the encroachers (main group affected) and the people living near the CFR (who interact with encroachers on a daily basis). The discussions were conducted at the FRs shown in **Table 5**.

Table 5: Focus Groups in Case Study Forest Reserves

Forest Reserve	Focus Group	No. of people
Namwasa	encroachers + people living near the CFR ⁶	over 60
Luwunga	encroachers + people living near the CFR	40
Guramwa	NFA field staff	3
	encroachers ⁷	over 70
Kasagala	encroachers + people living near the CFR (Katugo)	21
	encroachers + people living near the CFR (Wampiti)	18

Each of the focus groups was supposed to be composed of 15 – 20 people, but in Guramwa and Namwasa, this range was exceeded when more people than had been invited turned up, and they refused to hold the discussions in small groups.

Guiding questions for conducting these discussions were also developed (**Annex 4**). In Guramwa and Namwasa, the people refused to register even their names but in Guramwa, they allowed their photograph to be taken (**Figure 1**). In Luwunga and Kasagala CFRs, they also accepted to have their photograph taken. The people who accepted to register are listed in **Annex 5**.

Figure 1: Participants of the Group Discussions at Kalangala Village, Guramwa CFR



⁶ They refused register

⁷ Only seven accepted to register

2.5. Questionnaire surveys

The surveys were aimed at getting the views of individual ordinary members of the local population, including the encroachers and the local people living around the case study CFRs. The people who took part in the focus group discussions were not included in the questionnaire survey. A questionnaire to facilitate the survey is shown in **Annex 6**.

The intention was to survey at least 40 people from the four CFRs but due to hostility of the respondents, only 23 were surveyed individually. In Guramwa CFR, there was tension in the air and the people refused to be interviewed individually. However, even in a group (comprising of 10 people), some questions were administered to individuals and a few were answered collectively. The people interviewed are listed in **Annex 7**.

2.6. Field Observations

Field observations were carried out to triangulate the stakeholder perceptions with observations on the ground.

2.7. Data Processing and Report Writing

The data collected was processed using excel spreadsheets and the Statistical Package for Social Scientists (SPSS) and synthesized into this report.

2.8. Limitations of the Methods Used

The study was carried out in an election season during which the encroachments and evictions had been highly politicised. It had to take a lot of persuasion in order to undertake the consultations at FR level. In some cases where 15-20 people had been invited for focus groups discussion, 70 or more people turned up and refused to go away. Even then, the people agreed to talk but refused to be registered.

In one case in Guramwa, the people refused have the questionnaire administered individually and had to be interviewed in a group but most questions were put to each person in turn.

It would also have been good if resources had been available to make it possible for the study to include case studies from NPs & WRs, and to cover all regions of the country.

3. STUDY OF EXISTING LITERATURE

3.1. Policy and Legal Framework

The Constitution of Uganda

The Constitution is the Supreme law of the land. It provides for sustainable management of natural resources and the environment. National Objective XXVII on environment provides that:

- (i) The State shall promote sustainable development and public awareness of the need to manage land, air and water resources in a balanced and sustainable manner for the present and future generations.
- (ii) The utilisation of natural resources of Uganda shall be managed in such a way as to meet the development and environmental needs of present and future generations of Ugandans; and in particular, the state shall take all possible measures to prevent or minimise damage and destruction to land, air and water resources resulting from pollution or other causes.
- (iii) The state shall promote and implement energy policies that will ensure that people's basic needs and those of environment preservation are met.
- (iv) The State, including local governments, shall –
 - (a) Create and develop parks, reserves and recreation areas and ensure the conservation of natural resources;
 - (b) Promote the national use of natural resources so as to safeguard and protect the biodiversity of Uganda.

Article 237 provides for creation of PAs as follows:

"The government or local government as determines by Parliament by law shall hold in trust for the people and protect natural lakes, rivers, wetlands, forest reserves, game reserves, national parks and any land to be reserved for ecological and touristic purposes for the common good of all citizens"

Human Rights in Uganda's Constitution

The Constitution domesticates the provisions of the international human rights instruments by providing, among others, for the protection of personal liberty in Article 23 as follows:

- The constitution prohibits the deprivation of personal liberty except for the purpose of bringing that person before a court in execution of the order of a court, or **upon reasonable suspicion that that person has committed or is about to commit a criminal offence under the laws of Uganda**

- A person unlawfully arrested, restricted or detained by any other person or authority shall be **entitled to compensation** from that other person or authority whether it is the State or an agency of the State or other person or authority.

In terms of respect for human dignity and protection from inhuman treatment, the Constitution states in Article 24 that "...no person shall be subjected to any form of torture or cruel, inhuman or **degrading treatment or punishment**".

With respect to the right to a clean and healthy environment, the Constitution requires that **every Ugandan has a right to a clean and healthy environment** (Article 39).

With regard to economic rights, the Constitution gives every person in Uganda the right to practice his or her profession and **to carry on any lawful occupation**, trade or business (Article 40).

However, in the enjoyment of the prescribed rights and freedoms, the Constitution stipulates that no person shall prejudice the fundamental or other human rights and **freedoms of others or the public interest** (Article 43).

The Human Right offences envisaged in eviction of encroachers include eviction without lawful order, failure to compensate the evicted people to whom lawful compensation would apply, destruction of properties, death or injury caused to the evictees or the evictors.

The Land Act, CAP 227

Section 44 operationalises Article 237 of the constitution as follows:

- (1) The government or a local government shall hold in trust for the people and protect natural lakes, rivers, ground water, natural ponds, natural streams, wetland, forest reserves, national parks and any other land reserved for ecological and touristic purpose for the common good of the citizens of Uganda.
- (2) A local government may, upon request to the government, be allowed to hold in trust for the people and the common good of the citizens of Uganda any of the resources referred to in subsection (1).
- (3) Any resource that is not covered under subsection (1) which is identified after the coming into force of this Act, may, upon request to the government and with the approval of Parliament, be held in trust of the people and for the common good of the citizens of Uganda by a local government.
- (4) The government or local government shall not lease out or otherwise alienate any natural resource referred to in this section.
- (5) The government or local government may grant concessions or licences or permits in respect of a natural resource referred to in this section subject to any law.
- (6) Parliament or any other authority empowered by Parliament may from time to time review any land held in trust by the government or a local government whenever the community in an area or district where the reserved land so demands.

Section 43 provides for utilisation of land in accordance with the Forests Act, the National Environment Act, the Water Act, the Uganda Wildlife Act and any other law.

Section 29 defines "Bona fide occupant" as "...a person who before the coming into force of the Constitution had occupied and utilised or developed any land unchallenged by the registered owner or agent of the registered owner for twelve years or more; or..." Since the Constitution came into force in 1995, encroachers who had been occupying PA by 1983 could be treated as bona fide occupants.

The National Forestry and Tree Planting Act, 2003

The National Forestry and Tree Planting Act (NFTPA) provides for the conservation, sustainable management and development of forests for the benefit of the people of Uganda, sustainable use of forest resources and the enhancement of the productive capacity of forests.

One of the purposes of the Act provided for under section 2 is *"to ensure that forests and trees are conserved and managed in a manner that meets the needs of the present generation without compromising the rights of future generation by safeguarding forest biological diversity and the environmental benefits that accrue from forests and trees"*.

Encroachment may be seen as meeting the needs of the present encroachers, but it certainly does not safeguard forest biological diversity and environmental benefits. Encroachment certainly compromises the needs of future generations.

Management of FRs is provided for under section 13 of the Act. It requires that a FR shall be managed in a manner consistent with the purposes for which it is declared, in accordance with the management plan. It is provided further, that a responsible body shall manage, maintain and control the FR in accordance with generally accepted principles of forest management as may be prescribed in guidelines issued by the minister. Encroachment definitely goes against these tenets enshrined in the law.

Sections 52-54 of the Act establish the NFA and empower it to manage CFRs and establish procedures for the sustainable utilisation of Uganda's FRs by, and for the benefit of the people of Uganda. Therefore, the NFA is expected to develop and implement procedures for dealing with encroachment in its efforts to promote sustainable management of CFRs for the benefit of Ugandans. Encroachment militates against sustainable management and utilisation. In addition, encroachers try to monopolise FR lands as their own, when the lands clearly belong to all Ugandans. To prevent this selfish act of monopoly, and the actions associated with unsustainable management and utilisation of FR lands, Section 32 of the Act prohibits the carrying out of the following activities without lawful authorisation:

(a) Cutting, taking, working or removing forest produce

- (b) Clearing, using or occupying any land for grazing; camping; livestock farming; planting or cultivation of crops; erecting of building or enclosure; or recreational, commercial, residential, industrial or hunting purposes
- (c) collecting biotic and abiotic specimens
- (d) Constructing or re-opening a road track, bridge, airship or landing site.

In Sections 85 – 87, the Act provides that a person who is convicted of an offence against the Act may be held liable for any loss or damage caused by the offence and may be ordered by the court to pay to the state, in addition to any penalty imposed by the court for the offence, an amount of compensation for that loss or damage up to five times the value of the produce. In relation to clearing, using or occupying land in a forest reserve, in addition to any other penalty, the court may order that the person, within a time to be specified in the order:-

- (a) Vacate the land
- (b) Restore the land to its original state
- (c) Remove from the land any livestock, buildings or enclosures which he or she may have erected and any crops which he or she may have planted on that land.

These sections provide the basis and legal justification for evicting encroachers from FRs

The Uganda Wildlife Act, Cap 200

Section 2 states the purposes of the Act as promoting, among others:

- (a) The conservation of wildlife throughout Uganda so that the abundance and diversity of their species are maintained at optimum levels commensurate with other forms of land use, in order to support sustainable utilization of wildlife for the benefit of the people of Uganda;
- (b) The sustainable management of wildlife conservation areas;
- (c) The protection of rare, endangered and endemic species of wild plants and animals;
- (d) The implementation of relevant international treaties, conventions, agreements or other arrangement to which Uganda is a party

In Section 22 -25, the Act prohibits the following acts, among others, in a NP & WR, unless they are done under lawful authorisation:

- Preparation of land for cultivation
- Grazing domestic animals
- Starting a fires
- Residing
- Harvesting resources

Again encroachment goes against these tenets enshrined in the Act for purposes of sustainable management and utilisation of NPs & WRs. When a PA is encroached, the prohibited activities are carried out without lawful authorisation. Similar to the NFTP, these sections form the basis for eviction of encroachers.

The National Environment Act, Cap 153

The National Environment Management Act provides for sustainable management of the environment. Under Section 45, the Act requires that:

- All forests shall be managed in accordance with the principle of sustainable development
- Traditional uses of forests which are indispensable to the local communities and are compatible with the principle of sustainable development shall be protected

The Act again emphasises sustainable forest management. It protects traditional uses of forests of local communities and not the encroachers. In fact, encroachers, especially if they have come from outside the communities surrounding the PAs, tend to antagonise the local people.

International Human Rights Instruments

(i) Universal Declaration of Human Rights

In the Universal Declaration of Human Rights⁸ the following provisions are applicable to the subject under review:

Article	Text
5	No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
12	No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks
13	Everyone has the right to freedom of movement and residence within the borders of each state.
17	Everyone has the right to own property alone, as well as in association with others. No one shall be arbitrarily deprived of his property.
29	Everyone has duties to the community in which alone the free and full development of his personality is possible. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

⁸ Adopted and proclaimed on 10 December 1948

(ii) The International Covenant on Economic, Social and Cultural Rights⁹

It is incumbent upon the States Parties to improve **all** aspects of environmental and industrial hygiene **(Article 12)**

(iii) Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms¹⁰

Everyone has the right, individually and in association with others, to submit to governmental bodies, agencies, and organizations concerned with public affairs, to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedom **(Article 8)**. Other provisions under Article 8 include:

- Everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights.
- Everyone whose rights or freedoms are allegedly violated has the right, either in person or through legally authorized representation, to complain to, and have that complaint promptly reviewed in a public hearing before an independent, impartial and competent judicial or other authority established by law, and to obtain from such an authority a decision, in accordance with law, providing redress, including any compensation due, where there has been a violation of that person's rights or freedoms, as well as enforcement of the eventual decision and award...
- Everyone has the right, individually and in association with others, to complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms, by petition or other appropriate means, to competent domestic judicial, administrative or legislative authorities, or any other competent authority provided for by the legal system of the State, which should render their decision on the complaint without undue delay

These international instruments spell out the rights of individuals and communities which must be protected, in this case, during eviction of encroachers. However, the individuals must also be aware that their activities do not jeopardize the rights of the others. Therefore, whereas the encroachers should be treated in humane manner during evictions, they must also behave in a similar manner and agree to leave the FRs so as not to jeopardize the rights of other Ugandans to a clean and hospitable environment.

⁹ Entered into force on 3 January 1976

¹⁰ Adopted by General Assembly resolution 53/144 of 9 December 1998

3.2. Who are indigenous peoples?

In its Fact Sheet: *Indigenous Peoples, Indigenous Voices*, the UN Forum on Indigenous Issues¹¹ has the following statement on who indigenous peoples are:

"...Practicing unique traditions, they retain social, cultural, economic and political characteristics that are distinct from those of the dominant societies in which they live. ...they are the descendants - according to a common definition - of those who inhabited a country or a geographical region at the time when people of different cultures or ethnic origins arrived. The new arrivals later became dominant through conquest, occupation, settlement or other means. These and most other indigenous peoples have retained distinct characteristics which are clearly different from those of other segments of the national populations.

The Forum states that the UN System has not adopted an official definition of indigenous peoples because of the diversity of indigenous peoples. Instead the system has developed an understanding of "indigenous peoples" based on the following principles:

- (a) Self-identification as indigenous peoples at the individual level and accepted by the community as their member
- (b) Historical continuity with pre-colonial and/or pre-settler societies
- (c) Strong link to territories and surrounding natural resources
- (d) Distinct social, economic or political systems
- (e) Distinct language, culture and beliefs
- (f) Form non-dominant groups of society
- (g) Resolve to maintain and reproduce their ancestral environments and systems as distinctive peoples and communities

In line with the above principles for identification of indigenous peoples, most of the encroachers (especially those in the case study areas) cannot be described as indigenous peoples. Of course in view of the first principle, the encroachers can choose to identify themselves as indigenous peoples, but because most of them originated from outside the communities surrounding the PAs, they would find a hard time being accepted by the communities as such.

On the other hand, the Batwa, Benet (International Work Group for Indigenous Affairs, 2006) Ik, and Karamojong can perhaps identify themselves as indigenous peoples according to principles (b) to (g) above. Even if they live in PAs, these people have never been categorised as encroachers (perhaps with the exception of the Benet). Actually, these people would normally protect the forest in which they live because they strongly identify with it. As for encroachers, their first act when they enter the PA is to clear the forest for agriculture, livestock grazing, etc.

¹¹ http://www.un.org/esa/socdev/unpfii/documents/5session_factsheet1.pdf

3.3. Causes of Encroachment

In their paper on encroachment of CFRs in Uganda¹², NFA observes that there are many forces behind the increasing encroachment into the PAs in Uganda, and identifies the following causes of encroachment:

(i) The Seemingly Fertile Soil in the Protected Areas

Encroachers who are cultivating in the PAs they are pulled into the PAs by the relatively rich and virgin forest soils. However, the soils are leached much faster when exposed to the high temperatures and heavy rainfall. Coupled with the poor methods of farming, this has led to fast soil degradation and hence the ever increasing need to open more forest land.

(ii) Unclear PA Boundaries

Many adjacent local communities have crossed the PA boundaries unknowingly or knowingly because the boundaries have closed. Where the boundaries opened have been contested by the local communities, the boundary markers have been destroyed or shifted (itself an illegal act). Other people have done it deliberately to confuse the boundary with the intention to grab some PA land.

(iii) Poor Law Enforcement and Governance

Although there are enabling laws to manage, conserve, and protect forests, their enforcement is still very poor. The implementing lead agencies are not given freedom by the government to enforce them. Many efforts by the lead agencies to enforce the law have been halted by the government under unclear circumstances. In 2005-2006 NFA had successfully embarked on removing encroachers from CFRs but the President directed the NFA to halt the eviction until further orders. Since then the number of encroachers have tripled and many more are entering daily.

Some corrupt officials in the then Forestry Department encouraged encroachment in the forest in exchange for forest land for themselves, and other officials were bribed to allow in encroachers. The same practice is said to be taking place even under the NFA, albeit at a smaller scale.

(iv) Corrupt Officials Concerned with Land Administration

According to the NFA, many parts of the CFR land have been knowingly allocated and surveyed by the officials concerned with the land administration for their selfish interest. They even issue fraudulent land titles in these CFRs. In several correspondences

¹² www.nfa.org.ug/docs/encroachment.pdf (accessed on 21 December 2010)

available at the NFA, some officials in the Department Lands and Surveys have been implicated.

(v) Population Increase of the Adjacent Communities

The population of the adjacent communities has apparently increased yet they do not migrate to other areas. This is especially affecting the CFRs in which people live in enclaves. Therefore some people are forced to either shift the boundary infrastructures into the he forest or enter and stay in the CFRs. Such communities always contest the FR boundaries.

(vi) Uncontrolled Migration

Many people have migrated and entered the PAs for settlement, cultivation and grazing. Some migrants entered the FRs through LCs who sold FR land to them, either knowingly or unknowingly. The migrants later called more of their relatives to come and buy "cheap" land. It was also noted that some of these migrants had sold off the land they owned in their home districts and now claimed to be landless.

These uncontrolled migrations have resulted into inter-tribal conflicts over the forest resource access and use. This has contributed to 90% of the massive destruction and degradation of the CFRs in Kibaale, Hoima, Masindi and Kyenjojo Districts. This encroachment by the migrants has resulted into further encroachment by the indigenous communities who interpret refusing them to enter FRs near them as unfair, because yet they had been respecting the CFRs since time immemorial.

(vii) Political Interests of Some Individuals

Over 80% of the encroachments in the PAs has been backed by some local politicians who usually trade forestland with votes. During the Presidential and Parliamentary elections campaign of 2006, the President halted the eviction of encroachers. This has encouraged the encroachment in many CFRs since even those who had left the forest came back.

(viii) Little Awareness of Government Policies and Laws Governing the PAs

Many communities are not aware of the policies and laws on PAs while on the other hand their Members of Parliament who make the laws and policies do not tell them before hand about these laws and how they will affect them. Instead they support the encroachers even if they know they are actually breaking the law. The local communities feel they need to be educated by their leaders other than NFA because they trust their leaders more than the NFA staff.

3.4. Dealing with Evicted Encroachers

In their Policy Briefing Paper No. 13 of 2005, ACODE argues passionately in favour of re-settling and/or compensating the encroachers if they have to be evicted. The centre pin of the argument seems to be the *bona fide* status of the encroachers which gives them the right to compensation if they must be evicted (**Box 1**).

Box 1: Extract from: ACODE Policy Briefing Paper No. 13 of 2005

At common law, an encroacher on land may after a prolonged and uninterrupted use and occupation of that land acquire a proprietary interest in that land. This common law principle is called the doctrine of adverse possession⁸⁸. It is legally conceded that uncontested long possession of land ultimately confers legal title to the occupier irrespective of the formal or documentary record of ownership. This common law principle forms the foundation of the bonafide occupants recognized under the Land Act.⁸⁹

In its strategy for dealing with the encroachment problem in CFR, the NFA advocates for a process approach that involves the following steps (NFA Records, 2008¹³):

- Sensitizing the encroachers, together with their respective leaders to support external forest boundary re-opening and encouraging voluntary evacuation of the CFRs;
- External Forest boundary re-opening
- Registration of encroachers within the boundaries and their activities;
- Issuing of eviction notices to **the stubborn ones**, followed by legal proceedings and eviction;
- Rehabilitation and restoration through afforestation/reforestation of the evacuated areas; or eliciting natural regeneration, in the case of Natural Forests

¹³ In a paper entitled Available Options for Dealing with Encroachment Problems in Central Forest Reserves - the NFA elaborates in detail each of the building blocks of the strategy

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4. FINDINGS OF THE STUDY

4.1. The Encroachment Threat

The position of Government was aptly stated on 24 November 2004 in a joint statement of the Minister for General Duties, Office of the Prime Minister, the Minister for the Presidency and the Minister of State for Environment as follows:

"...government policy on preserving forest reserves in this country for present and future generations must be adhered to firmly. It was realized that any diversion from this policy would lead to very serious consequences where there would be no end to encroachers on forest reserves as the population pressure on land increases unabated."

In effect the President reiterated this position when he expressed his firm support for FRs which serve ecological, biodiversity and industrial plantations functions. He firmly stated that encroachers must vacate these FRs. This was when he met a team from Ministry of Water, Land and Environment in 2005. At his direction, NFA submitted a technical report listing reserves that fall within these categories.

In spite of the above government position, stakeholders interviewed believe that encroachment in Uganda is on the increase, largely because most of the encroachers enjoy political protection. As a result, investments are increasingly being threatened and others being scared away. The Uganda Timber Growers Association (UTGA), 2010 captures this threat vividly as follows:

"Since the Presidential Directive issued in 2006, encroachment has been a major cause of worry to investors planting in CFRs. Direct losses have been massive, with many tree crops being destroyed by illegal encroachers. In other instances indirect losses have been incurred through investors not being prepared to risk their funds in areas likely to be encroached upon and thus delaying their plantation establishment. Some encroachment has been with the connivance of local officials and in most cases, it has proved difficult to obtain state support to remove people even where they are evidently illegal occupants, as spelt out in the National Forestry and Tree Planting Act, 2003. From December 2009 to March 2010 the Government using a collaborative, institutional approach carried out a non-violent eviction of encroachers in Namwasa CFR. This initiative is very encouraging but more needs to be done in other CFRs where the problem of encroachment still persists"

Since 2006, private tree growers supported by the Sawlog Production Grant Scheme (SPGS) have lost about UGX 12 billion to encroachers.

In a brief to the President, the NFA also gave illustrations of the threat of encroachment. A few examples will suffice:

- In South Busoga FR, one NFA staff was taken hostage, beaten and cut with a panga in 2006. The hostility led to Ms. Kakira Sugar Works and Nile Ply companies who had

started to establish commercial timber plantations to adopt a “wait-and-see” approach.

- In Ngereka and Lubanyi CFR, in Jinja District, local people, at the instigation of a few unscrupulous individuals, cut down young plantations established by Nile Ply Ltd under license. Nile Ply claimed Shs. 100 million as compensation from Government.
- In Kibale District (2006), about 8,000 new encroachers occupied 13 CFRs in the district. NFA staffs were chased from work on the external boundaries of some of these FRs. The situation was worsened by the ethnic conflicts over land ownership and political dominance in the region.
- In April 2006, one NFA staff was severely beaten by a mob in Kiboga District causing grievous bodily harm (broken bones) and destroying an NFA motorcycle.
- In Luwero District, lawless community members, with the incitement of local politicians routinely destroyed trees by licensed investors by deliberately sending in cattle to graze on planted tree seedlings, setting fires to the planted areas, and even directly uprooting tree seedlings.

4.2. Compliance with the Policy and Legal Framework for Handling Evictions

Forestry Policy Provisions

The Forestry Policy, 2001 recognises encroachment of FRs as one of the direct factors influencing the loss of forest cover. The encroachment phenomenon is exacerbated by failure to clearly demarcate the external boundaries of many PAs. To this end, one of the strategies of implementing Policy Statement No. 1: *“Protection and management of the Permanent Forest Estate under government trusteeship”*, is to re-survey all FRs with a view to resolving encroachment problems. However, the policy is silent on eviction of encroachers.

National and International Legal Provisions

Policy/Legal Instrument	Provision	Level of Compliance
Constitution of Uganda	Government can hold PAs in trust for the people of Uganda	The PAs are on the Statute books but encroachment is fast reducing them on the ground
	Prohibits the deprivation of personal liberty except for the purpose of bringing that person before a court, in execution of the order of a court, or upon reasonable suspicion that that person has committed, or is	Oftentimes encroachers are arrested with the purpose of taking them to court when authorities are sure that these people have committed an offence (residing, cultivating,

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Policy/Legal Instrument	Provision	Level of Compliance
	about to commit a criminal offence under the laws of Uganda;	grazing, etc. in a PA without lawful authorisation)
	A person unlawfully arrested, restricted or detained by any other person or authority shall be entitled to compensation from that other person or authority whether it is the State or an agency of the State or other person or authority.	the consultants did not find any cases of unlawful arrests
	No person shall be subjected to any form of torture or cruel, inhuman or degrading treatment or punishment	sometimes people who refuse to move out of the PAs are beaten in the process of carrying out evictions
	Every Ugandan has a right to a clean and healthy environment	Encroachment may be good for the individual encroachers but they deprive the community and the country of a healthy environment.
	Every person in Uganda has the right to practice his or her profession and to carry on any lawful occupation, trade or business	Encroachers are mainly cultivators, cattle keepers, or charcoal burners. However, they do this unlawfully
	No person shall prejudice the fundamental or other human rights and freedoms of others or the public interest	encroachment jeopardises the "public interest" principle
Land Act	Government or local government shall not lease out or otherwise alienate any natural resource	Land titles issued in FRs illegally (categorised as "officially sanctioned encroachment" by one key informant are widespread
	A person who, before the coming into force of the Constitution had occupied & utilised or developed any land unchallenged by the registered owner or agent of the registered owner for twelve years or more is a lawful occupant categorised as <i>bona fide</i> occupant.	This description would fit only those who had been in the FRs since 1983. in any case, the former Forestry Department had been frequently issuing eviction notices to encroachers. In other cases, boundaries were being re-opened which showed that the encroachers were not lawful occupants. These actions constitute a "challenge" to the would be <i>bona fide</i> occupant

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Policy/Legal Instrument	Provision	Level of Compliance
National Forestry and Tree Planting Act	A FR shall be managed in a manner consistent with the purposes for which it is declared	Encroachment contravenes this provision. The principle use of FR lands is forestry and not agriculture, livestock, etc.
	Manage, maintain and control the FR in accordance with generally accepted principles of forest management	encroachment is far from being an acceptable principle of good forest management
	NFA to establish procedures for the sustainable utilisation of Uganda's forest reserves	NFA has a system for licensing activities in CFRs that are in line with sustainable utilisation of forestland
	Clearing, using or occupying any land for grazing, camping, livestock farming, planting or cultivation of crops, erecting of building or enclosure, or recreational, commercial, residential, industrial or hunting purposes are prohibited actions except if done under license	encroachment involves all these prohibited activities
	Court may order a person convicted of an offence against the Act to pay to the State an amount of compensation for that loss or damage up to five times the value of the produce.	The consultants did not find any indications that this is being done with respect to encroachment
	In relation to clearing, using or occupying land in a FR illegally, the court may order that the person: <ul style="list-style-type: none"> • Vacates the land • Restores the land to its original state • Removes from the land any livestock, buildings or enclosures which he r she may have erected and any crops which he or she may have planted on that land 	There are cases where court ordered encroachers out but they did not move. An example is Luwunga CFR The Consultants did not find any examples to show that court has ever ordered encroachers to restore the land to its original state
Uganda Wildlife Act	The Act prohibits preparation of land for cultivation, grazing domestic animals, starting a fires, residing, and harvesting resources in a NP & WR unless they are done under lawful	Encroachment involves all these prohibited activities

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Policy/Legal Instrument	Provision	Level of Compliance
	authorisation	
Universal Declaration of Human Rights	No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.	Sometimes people who refuse to move out of the PAs are beaten in the process of carrying out evictions
	No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation.	Families are disrupted during evictions but then they are not lawful occupants of the PA
	Everyone has the right to the protection of the law against such interference or attacks	In Guramwa CFR, the case against the encroachers was dismissed (albeit under an old legal instrument) but they did not get redress as ordered by court
	Everyone has the right to freedom of residence within the borders of each state.	This is so, provided the residence is not in a PA
	Everyone has the right to own property alone as well as in association with others. No one shall be arbitrarily deprived of his property.	During evictions, houses are pulled down, crops destroyed and in the process other property often gets destroyed.
The International Covenant on Economic, Social and Cultural Rights	It is incumbent upon the States Parties to improve all aspects of environmental and industrial hygiene	It becomes difficult for the State to provide for environmental hygiene and other social services to people residing in a PA
Declaration on the Right and Responsibility... to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms	Everyone has the right to draw the attention of governmental bodies, agencies, & organizations concerned with public affairs to any aspect of the work of governmental agencies that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms	Complaints are often made to the local government authorities regarding the activities of the NFA. This in fact plays into the hands of politicians who magnify them for their own political capital.
	Everyone whose rights or freedoms are allegedly violated has the right to get redress, including any	By their very nature, encroachers are unlawful. Experiences from the Kibale Game Corridor shows

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Policy/Legal Instrument	Provision	Level of Compliance
	compensation due, where there has been a violation of that person's rights or freedoms, as well as enforcement of the eventual decision and award	that when these people were compensated and re-settled, they sold the land and came to occupy other CFRs, in anticipation of more compensation. It is becoming a trade. A number of NFA Forest-level staff have been grievously harmed but with no compensation. Often, they neither have the resources nor the clout to pursue successful prosecution of their cases
	Everyone has the right, individually and in association with others to complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms	Complaints are often made to the local government authorities, Members of Parliament, Cabinet Ministers, etc. regarding the activities individual staffers of the NFA. Many have been transferred, only for the encroachment to intensify.
Indigenous and Tribal Peoples Convention, 1989	The rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy shall be recognised	In the cases studied, the encroachers have come in recently. In fact, they have moved from their traditional lands
	Governments shall take steps as necessary to identify the lands which the peoples concerned traditionally occupy, and to guarantee effective protection of their rights of ownership and possession	Encroachers do not traditionally occupy the FRs. They have moved in from their own lands. In fact, the Batwa, the Ik, etc. have never been categorised as encroachers. Forest enclaves were established for the purposes of protecting the rights of the traditional owners of the land and thus, they are never evicted.
	Adequate procedures shall be established within the national legal system to resolve land claims by the	The legal system is sufficient to resolve the conflicts but they are not routinely followed e.g. the

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Policy/Legal Instrument	Provision	Level of Compliance
	peoples concerned	Guramwa and Luwunga cases
	The rights of the peoples concerned to the natural resources pertaining to their lands shall be specially safeguarded. These rights include the right of these peoples to participate in the use, management and conservation of these resources	This refers to the traditional occupiers of the land. In fact, encroachers often destroy the forests immediately they enter the PAs. Again, the Batwa (the Benet), etc. never destroy their forests
	Subject to the following paragraphs of this Article, the peoples concerned shall not be removed from the lands which they occupy	This refers to traditional occupiers of the lands like the Batwa

There does not appear to be a specific law that outlines the procedure for eviction of encroachers. The NFA currently carries out eviction of encroachers prior to institution of prosecution of the alleged encroachers. This is done in order to prevent further damage to the PA. The correct legal position should be for the NFA to take the encroacher to court and get a court order that specifies the remedies available to the NFA which may include eviction of encroachers. The law is silent on eviction of encroachers before disposal of a case. However, the NFA has the lee way to apply for injunctions to prevent encroachers from causing more damage to PAs while a suit is being pursued.

In carrying out evictions, the NFA sometimes uses soldiers, because the response to armed personnel is more positive. The NFTP provides that the Board may, on the advice of the Executive Director, appoint officers and staff of the Authority as may be necessary for the effective performance of the functions of the Authority. If this is done for specific army personnel, they can help NFA in carrying out the function of eviction lawfully.

Knowledge of the Law Regarding Encroachment among Local Residents

Using a questionnaire survey, individuals selected from the communities living near the FRs were asked an open ended question in respect of what they knew about the law regarding their activities in the FR. The responses indicated that they knew quite a lot. Most of the respondents know that it is illegal to carry out any activities in the FR without a license or permit. In addition, the respondents knew about specific offences like cultivating, grazing, charcoal burning, etc. in a FR without due authorisation (**Table 6**).

Table 6: What the Local Communities Know About the Law Regarding Encroachment

Item	Freq	percent
Illegal to carry out any activities without authourisation	6	19.4
It is criminal to burn charcoal without legal authourisation	4	12.9
Grazing without authourisation is not allowed	4	12.9
it is criminal to settle in a FR	3	9.7
Pitsawying is not allowed	3	9.7
Encroachment is an offence	3	9.7
I do not know the law regarding activities in FRs	3	9.7
Local people should help in stopping fires	2	6.5
cultivation is not allowed	2	6.5
FR belongs to government	1	3.2
total	31	100.0

This shows that the oft-touted reason of the people not knowing the law is a lame-duck excuse for perpetuating encroachment. In fact, those living around old plantation FRs also know that local people are required by law to help in preventing and putting out forest fires. Only three of the 31 responses indicated that they did not know anything about the law regarding their activities in the FR.

The perceptions on their knowledge of forest law are reflected in the responses to a question about their views on encroachment of FRs in general (**Table 7**). Many of them acknowledged that encroachers should leave the FR because it was wrong (legally and morally) to live in a FR as it tended to degrade the forest, the land, and the environment in general.

Table 7: Local community views of encroachment of FRs in general

item	Frequency	percent
Total	29	100.0
Wrong for people to live in a FR	5	17.2
people encroach out of ignorance (of FR boundaries, misleading by Government and LC officials)	5	17.2
encroachers should leave the FR	4	13.8
encroachers degrade the land and the forest;	3	10.3
give part of FR to encroachers who have been there for long	3	10.3
encroachers should negotiate with NFA	2	6.9
people encroach because of shortage of fertile land	2	6.9
leaving idle land tempts people to encroach	2	6.9
encroachment stops people from buying own land	1	3.4
eviction has reduced rate of development	1	3.4
NFA does not patrol & maintain FR boundaries effectively	1	3.4

However, some people encroach because they do not genuinely know the boundaries or they are misled by LC officials who sell the land (or at least approve its sale) to encroachers.

Effectiveness of the Law Regarding Removing encroachers from FRs

Most of the key informants indicated that the policies and laws are quite good but the policies are not often implemented, and the laws are not effectively enforced, citing political interference as the main reason for this lacklustre performance. And because the eviction has tended to be done selectively, some of the people evicted simply moved into another FR. This was also observed in the case study FRs. People from Guramwa were found in Luwunga and Namwasa, and some from Namwasa were found in Guramwa, etc.

The people interviewed also indicated that the policies and laws are fair but the people do not respect them. They are fair because during enforcement, encroachers can be timed to leave in a planned and orderly manner. However one key informant held that the law that gazetted FRs was unfair to Kibaale District because there are very many FRs in Kibale District. He holds that this is due to historical malice because Bunyoro resisted colonial rule, and therefore most of the land was put under reservation. Since that time, this lack of fairness has not been addressed, as can be deduced from the fact that there is even no tarmac road in the whole the Bunyoro Sub-region.

On the other hand respondents stated that effectiveness of the law is limited because:

- Where encroachment is driven by population increase, the Forests Act cannot deal with that
- Enforcement is weak. Sometimes, convicted encroachers are given community service as punishment i.e. sentence is not deterrent enough
- The eviction process is good but when it takes long, it affects the developer's investment plans
- Requires consistence in following up eviction notices & resolutions reached during meetings
- The laws are good but politics interferes with enforcement

4.3. Institutional Framework for Handling Encroachers

Responsible Bodies

The NFTP and the Wildlife Act establish the following institutions which are legally responsible for forests in Uganda:

(i) National Forestry Authority

NFA is responsible for CFRs. In its early years, when NFA enjoyed the support of government, and was adequately resourced, it was able to evict encroachers successfully in many CFRs, and, in most cases, without undue stress to the evictees. However NFA relations with Government subsequently took a downward swing, financial resources plummeted, and corruption in the NFA leadership reared its ugly

head. NFA was no longer able to evict the encroachers. In fact those who had left the reserves returned, bringing in even more people into the reserves, and expanding even to reserves which had been relatively safe from encroachment. Good examples of this are the CFRs in Kibaale District.

Additionally, stakeholders believe that NFA is not able to prevent encroachers because:

- staff are too few on the ground to monitor the FRs effectively, and they have limited resources to reach far away FRs regularly
- Some staff also gang up, or compete with the LC officials to take “*kitu kidogo*”.
- Occasionally, NFA makes half-hearted attempts at removing the encroachers (e.g. issue of eviction notices without serious follow up)

(ii) Uganda Wildlife Authority

UWA is responsible for National Parks and Wildlife Reserves (Sect. 5 of the Uganda Wildlife Act, 1996; CAP 200). UWA has the capacity in terms of personnel (armed) and financial resources to prevent encroachment and evict encroachers. Its biggest problems lie in interference of politicians in the lawful work of the staff.

(iii) Local Governments

Local governments, especially the DLGs, are responsible for LFRs (Section 9 of the NFTP). The work of preventing encroachment and evicting encroachers falls on the shoulders of the District Forestry Offices, which are under-resourced financially and in terms of personnel and equipment. Indications from the DFOs interviewed are that the DLGs have not attempted to evict encroachers.

In one case in Arua District, most of the LFRs have been licensed to private tree growers and so the reserves are largely free from encroachment.

(iv) Community Institutions

Community organisations, or any other organisations authorised by the Minister, are Responsible Bodies for registered Community Forests (Section 17 of the NFTP). For now, there are community forests but they are not registered. Therefore, their protection against encroachment is still legally fragile. Community Forests have been formally identified in Masindi and Hoima Districts. They have community-based organisations (CBOs) that are working with non-governmental organisations (NGOs) towards registering these forests. When this happens, then the Minister may appoint these CBOs as Responsible Bodies, and then the process of building their capacity can be pursued more earnestly by NGOs and LGs.

(v) Private Forest Owners

Owners of forests on private land, or those who have formally been licensed to grow trees in FRs are legally responsible for their forests. However, for them to be recognised as Responsible Bodies legally, the forests should be formally registered (Section 3 of the NFTP). So far, no private forests have been registered.

In many parts of the country, especially in the Albertine Rift, private forest owners (PFOs) are coming together under PFO Associations. At the national level, PFOs have recently formed the Uganda Timber Growers Association, which, as the name suggests, is patronised by commercial timber plantation growers. There is also the Uganda Wood Farmers Association which brings together small peri-urban small-scale plantation growers (Sizoomu Kagolo – personal communication). This association started as a pressure group when Government was pursuing the de-gazettement of Namanve CFR. After they were compensated, some of them were given land in other CFRs to grow trees but the Association went largely into limbo.

Towards the end of 2010, encroachers invaded small-scale tree growers in Namanve CFR. The tree growers mobilised themselves to struggle for their investments but they have not yet formed a formal tree growers association to fight the encroachers (Fred Ahimbisibwe - personal communication)

Law Enforcement Agencies

Experience has shown that activities aimed at preventing forest crime can be expensive. Because of the fragmented nature of Uganda's PFE, it is necessary to employ many people and equip them appropriately (with vehicles, skills, equipment & tools) to enable them perform. Because this is financially difficult, NFA has been pursuing deliberate moves to enlist the formal cooperation of all law enforcement agencies in forest law enforcement. This approach always worked well until the political temperatures heated up during elections. Then it became unpopular for law enforcement agencies to weigh in heavily on forest criminals, and they abandoned the NFA.

Today, NFA has a formal arrangement with the police, who have designated a high-ranking officer to head a liaison office in a joint effort to stop forest crime. In addition, a number of non-uniformed police officers have been sent to the NFA to help in investigation of forest crime and expedite prosecution. However, the current police attached to the NFA headquarters is not part of the environmental police in the making by the Ministry of Water and Environment.

Creation of the environmental Police was conceived in 2008 because of the hostilities encountered by natural resource managers (especially forestry and wetlands). The idea was to help the managers enforce the laws governing the management of these resources. For forestry, the idea was to provide security to NFA staff while carrying out

their daily law enforcement activities. The appropriate environmental police unit has not yet been created at the NFA. Modalities for its operation and maintenance are still being negotiated with the appropriate authorities.

Civil Society Organisations

Civil society organisations (CSOs) have been grappling with internal and exogenous issues which make it difficult for them to advocate for responsible management of natural resources. But starting around the year 2000, CSOs engaged in advocacy work have increasingly become more assertive in holding government institutions accountable. Events in 2006 regarding changing of land use from PAs to industrial agricultural production (e.g. FRs in Bugala Island and Mabira FR) attest to this increasing assertiveness. However, with respect to encroachment, the CSOs have been conspicuously quiet, possibly because it is difficult for them to pursue activities that champion the rights of local people, and at the same time blame them for encroachment.

4.4. Who are the encroachers

Key informant interviews and focus group discussions in the case study CFRs indicated that the encroachers are typically people who have migrated from far away. In the case studies of Guramwa, Namwasa and Luwunga, most of the encroachers came from South Western Uganda, including from Kabale, Kisoro, Rukungiri, and Mbarara Districts among others. In these areas of emigration, population densities are high and the land has become too small to supply the needs of the people in those areas. The process of taking over the PA is often subtle with managers initially not taking it as serious (**Box 2**). Some of the encroachers came from as far away as Congo, Sudan, and Rwanda where the principal reason for migration is war.

This phenomenon of migrant encroachers is by no means limited to these case studies only. A key informant said that in 2002, at the height of encroachment in South Busoga and Bukaleba FRs, Mayuge District, vehicles were ferrying in people from all over eastern Uganda and from as far away as Western Kenya. The underlying reason was to beef up the population so that it would become politically dangerous to support evictions. Meanwhile, the leaders of the encroachers proceeded to fleece them of money allegedly to finance prosecution of a case against government. In the FRs in Mubende District, the story is the same. Most of the encroachers there came from outside the district.

Box 2: How Encroachers Take Over a FR or Parts Thereof

In cases which are not driven by war, a few people gather the courage to leave their areas of origin in search of fortunes (pastureland and land for cultivation) in other places. They come with money, usually after selling off the land they had. They are told of abundant and "cheap" land in Bunyoro, Buganda, etc. When they arrive, some of them buy small pieces of land outside the FR and gradually expand and enter the FR. Others come as labourers for the indigenous people but eventually they graduate to own their own land, usually in the FR, which is often given to them by Local Council (LC) officials on payment of "*kitu kidogo*". For example, one woman is reported to have recently paid UGX 1.8 million for land which she did not know was in Guramwa CFR.

One key informant said that in Otzi CFR, the encroachers are local people, either living in enclaves or in the vicinity of the FR. They are generally poor people who were driven into the FR by pressure on land being exerted by refugees from Southern Sudan. In fact, indications are that the encroachment problem is now reducing as peace returns to Southern Sudan, but the key informant attributed the receding encroachment problem to the collaborative forest management work being carried out and the livelihood activities being supported.

In the Guramwa case study, one key informant within the District Leadership indicated that some of the encroachers came from Mpokya Game Corridor, and were re-settled in Kibaale District. Each was given 4 ha (10 acres) of land and given UGX 10million to settle in. Some of these people sold the land and moved into the FR with the expectation of being compensated again. Others simply sold the land to get bigger and "cheaper" land in the FR, and make a bit of extra money along the way. Most of them paid some money to LCs in the area, but some did not know it was FR land they were paying LCs for. One key informant said that others paid for the land officially at the subcounty and they have general receipts to prove it, but no one could produce a copy of the receipt to verify this claim.

The encroachers are normally cultivators and cattle keepers. In Kasagala CFR, other activities of the encroachers include charcoal burning, and in Guramwa, they also do sand mining and brick-making. There were no specific characteristics to show any gender leanings of the encroachers and evictees. The encroachers/evictees live in a typical Ugandan family setting, normally composed of men, women and children.

In NPs & WRs, it has been observed that the encroachers tend to be:

- Indigenous people or local communities like the Benet in Mt. Elgon NP
- Migrants from other districts
- Migrants from neighboring countries (mainly from Sudan, Kenya)

Overall, local communities generally constitute 30-40% of encroachers in savannah or grassland NPs & WRs. On the other hand, in Mt. Elgon NP alone, local people constitute 80% of the encroachers. In Kidepo NP, encroachers were grazers from Sudan and in

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Queen Elizabeth NP, they were Basongora who had migrated to Congo in the 1950s but they later returned.

4.5. Past Experiences with Encroachment and Evictions (2005 to date)

In the formative years of NFA (2004-2005), eviction of encroachers was remarkably successful. The evictions were carried out by field staff with administrative backstopping from NFA Headquarters. At that time, there was some reluctance from the local leaders in some districts, but because there was considerable support from the Centre, evictions could still be carried out with relative peace. Starting around 2006, government support for evictions started to wane but some evictions were still carried out. By end of 2010, evictions had been carried out as shown in **Table 8**.

Table 8: Evictions carried out in PAs Since 2005

Protected Area	District	Year of Eviction	Nature of encroachment and eviction
Central Forest Reserves			
(i) Bugoma	Hoima	2010	Encroachers were unruly army veterans who were evicted with support of the District Security Committee
(ii) Rwoho	Ntungamo	2007	as for Bugoma
(iii) Kisombwa	Mubende		as for Bugoma
(iv) Kyahi	Mbarara	2008	Cattle grazers, mainly from Rwanda
(v) Guramwa	Kibaale	2009	Encroachers were mainly from outside the district. The encroachers were ordered back into the reserve by someone from State House
(vi) Namwasa	Mubende	2010	Eviction was backed at the highest levels of Government. Encroachers were mainly from outside the district. Unknown people were persuading the encroachers to go back to the FR until they were compensated. Some 200 had gone back by the time of the study
(vii) Luwunga	Kiboga	2009	Encroachers are moving as tree growing proceeds
(viii) Mabira	Mukono	2010	An individual brazenly tried to take over part of the FR. She was evicted with support of police
(ix) Gulu	Gulu	2006	Mainly internally displaced people from the villages. Many left after the eviction but the eviction was subsequently stopped by the local politicians.
(x) Ilera	Apac	2006	The encroachers are mainly cultivators and were very hostile. Backed by their MPs, they refused to leave the reserves
(xi) Luwunga	Kiboga	2010	Heavily encroached by settlement, cultivation and grazing. The eviction was

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Protected Area	District	Year of Eviction	Nature of encroachment and eviction
			done by NFA staff peacefully and the New Forest Company immediately planted the areas as the encroacher s left.
(xii) Kyewagga	Entebbe	2008	Mainly brick making and sand mining encroachment. The area was leveled with bulldozers and planted with trees.
(xiii) Mt Kei	Arua	2009	The encroachers were mainly from Southern Sudan. Mainly cultivation and settlement. They were hostile and most of them returned to the forest after eviction.
(xiv) Wambabya	Hoima	2008	Mainly tobacco growers who were successfully evicted by NFA and police, but they were returned to the forest by the local politicians
(xv) South Busoga	Mayuge	2005	Encroachers were unruly and hostile. Eviction was done under heavy security but they went back to the FR with the backing of politicians
(xvi) Omier CFR	Nebbi	2007	Mainly cultivation and settlement. The encroachers were evicted but they went back and took the matter to court, claiming that that the land was taken by force from their ancestors.
(xvii) Bujawe	Hoima	2010	Mainly cultivators & a few settlements
(xviii) West Bugwe	Busia	2010	Mainly cultivators
(xix) Kimaka	Jinja	2010	Forestland offered illegally by Jinja Municipal Council. The evictee sued NFA when he was evicted and the matter is awaiting Court ruling
(xx) Namavundu & Nile Bank	Jinja	2005 to 2009	Mainly cultivators who moved out ahead of planting by NFA
(xxi) Matiri	Kyenjojo	2010	Court order to evict cultivators & some settlers
(xxii) Kyegegwa	Kyegwega	2007	Developers in urban forest reserve. Matter is still unresolved by Court
National Parks and Wildlife Reserves			
(xxiii) Mt. Elgon National Park	Sironko, Kapchorwa, Bududa & Manafwa	2008	2960 Ha encroached. Massive eviction was initiated after a Belgium tourist was killed by encroachers. Encroachers were moved to the periphery of the Park where they have been settled for the mean time. The important settlements are in the Benet area (Kapchorwa), Zesui area (Sironko), Muko area (Manafwa) and (Bududa)
(xxiv) Kidepo National Park	Kotido/Kaboong	2008	Armed Toposa (grazers) from Southern Sudan had occupied the Northern part of

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Protected Area	District	Year of Eviction	Nature of encroachment and eviction
			the Park. UWA had to ask UPDF to support them to flush out the Southern Sudanese
(xxv) Queen Elisabeth National Park	Kasese	2008	The Basongora cattle keepers were evicted from Congo where they migrated in the 1950s. On return, they wanted to settle on what they claimed were their ancestral lands before the Park was gazetted, especially in areas of Nyakatonzi. The evicted cattle keepers were settled in the prison farm land in Kasese District, which Government had provided.
(xxvi) Ajai Game Reserve	Arua	2008	Mainly local communities. Part of the reserve at the edge of the reserve was de-gazetted and the local communities settled. The prime areas (diverse ecosystems) were left intact.

From the table above, some general observations can be made as follows:

- A lot of encroachment, especially in CFRs, is perpetuated by local politicians
- There is a lot of lawlessness among encroachers, especially when they happen to be army veterans or when they are connected to some highly placed individuals
- Encroachers tend to go back to the PAs after eviction, raising a question of sustainability of the benefits of evictions
- There is a lot of involvement of courts of law (especially for FRs) but court decisions take a long time to come. This enables the encroachers to continue destroying the forests, and by the time the court orders to vacate come, it is usually too late to save the forest (especially natural forests)
- Evictions invariably require the support of armed police or even the military.
- UWA tends to re-settle the evictees in areas located at the edge of the PA, just inside the external boundaries, but this tends to reduce the size of the PFE; in addition, it does not seem to be a long-lasting solution as is demonstrated by the Benet in Mt. Elgon NP

Consultations with selected DFOs in districts with relatively big areas of LFRs indicated that there has been limited, to virtually no eviction from LFRs as shown in **Table 9**.

Table 9: Evictions carried out in PAs Since 2005

District	Year of Eviction	Nature of encroachment and eviction
(i) Mukono	No eviction	Before new districts were carved out of Mukono District, there were 9 LFRs (494 Ha). The most affected LFRs are located in Buvuma Island of which 33% is heavily encroached. On the main land, the encroachers are involved in vegetable growing. Forestry staffs undertake regular patrol and advise the encroachers to leave but little is achieved
(ii) Mpigi	No eviction	Mpigi District (including the newly created ones) has 6 LFRs. The LFRs are mainly swampy or valley bottom reserves and are mainly used by grazers during the dry seasons. No cultivations are recorded and hence no eviction.
(iii) Arua	No eviction	Arua and Maracha Districts have 9 LFRs (684 Ha). 7 of the LFRs have been licensed to private tree growers. The tree growers were paying 3,000/= per Ha/year but from 2010, the District Council passed a resolution increasing the rent to 21,000/= per ha/year. The tree growers are paying the fees. The other 2 LFRs are facing a threat from the District of Maracha which wants to build there the district headquarters. The Islamic University In Uganda also wants to build a University campus in a reserve. Discussions are underway on how to legally de-gazette the LFRs for these purposes.
(iv) Pallisa	No eviction	There are 3 LFRs (300Ha) in Pallisa/Kibuku/Budaka Districts. They are mainly wetland FRs. Over 60% of the LFRs are encroached by rice growers. No eviction has taken place but regular meetings and consultation with the rice growers have been going on for the last 2 years. The communities are willing to replace the rice crops with trees.

4.6. Factors that Fan Encroachment

Key informants and focus group discussions stated the factors below that have fanned encroachment in the case study FRs. They have been categorised as underlying and immediate factors. Generally, they tend to be similar to what NFA has documented as seen under **section 3.3** above.

Underlying Factors

(i) Political Buccaneering

Politicians see the encroachers as voters first. Therefore, they will undermine anything, (especially eviction), that tends to alienate them as voters. This seems to have been the case in Guramwa when the encroachers were ordered back into the FR, even after an orderly eviction process. On the other side of the political coin, the people have come to internalise their power as voters, and they use it to extort support against eviction from the politicians. The encroachment phenomenon was at the centre of the power play in the race for the LC5 Chair in Kibale District.

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All this results in unwillingness of politicians to protect FRs. The lacklustre political will is exacerbated by the exigencies of elections, often combined with greed to acquire land at all costs by unscrupulous individuals in high places, or those with allies in high places.

(ii) Over-population in the homelands of origin

The encroachment causes documented by NFA include growing populations in the communities adjacent to the FRs, but respondents believed it was population increase in the original homelands of the encroachers. In the areas where the encroachers come from, the land has been fragmented to very small units which no longer make economic sense. Therefore, the more wealthy and influential members of their societies buy out the small land owners and guide them towards areas where there seems to be plenty of "idle & fertile land" land.

(iii) Economic Opportunism

This is fuelled by the greed to get large chunks of "cheap" land. This was the case in Bugoma when encroachers invaded the reserve in 2010, divided a chunk of Bugoma FR among themselves, and proceeded to protect their "interests" by staging roadblocks, doing military drills, and generally scaring off NFA staff. However, the District Security Committee dealt with this encroachment threat decisively and they left. It was a similar story in Rwoho FR. Another similar type of encroachment was also witnessed in February 2011 when seemingly "unknown" people invaded part of Namanve FR, proceeded to cut down the trees belonging to licensed tree growers, and like in Bugoma, staged road blocks, conducted military drills, and scared off the NFA staff, the tree owners, and even the police.

(iv) Instability within the Great Lakes Region

The wars in the neighbouring countries (Rwanda, Sudan, and Congo) forced people to flee their countries and when they came to Uganda, they found "free" land in PAs. In all the case study FRs, respondents reported that encroachers had come from as far as these countries. Where they settled outside the FRs, the pressure on land soon forced the local people to enter FRs, as was reported in Otzi FR.

Immediate Factors

- (i) The President's directive of 2005 to NFA to halt further eviction of encroachers from FR had encouraged many more encroachers to invade FRs with impunity
- (ii) Corruption of LCs who could be bribed by the incoming encroachers
- (iii) Unruly UPDF veterans who were grabbing land every where in the country
- (iv) Increasing lawlessness by the population

- (v) Laxity in law enforcement. Evidence of this can be gleaned from the fact that the decisions of government regarding eviction of encroachers with titles granted by the Land Commission have not been implemented since 1988. **Annex 8** shows the letters from the Attorney General and a letter from the Minister of Lands of 1994 which have never been acted on.

Unless the forces above are addressed, implementation of REDD+ will be very difficult in Uganda.

4.7. The Encroachment Process

In most cases, encroachment starts with cultivation only, then temporary structures are built, and eventually the encroachers construct permanent houses. They produce for domestic consumption but they also produce for the market. Eventually small towns grow up as small time business people realise the growing market for their wares, and the sources of agricultural produce (e.g. maize, bananas, and even coffee) to supply their stores in towns nearby.

Once the few trail-blazing encroachers settle in and gain acceptance by the local society, they send for their relatives and friends who also come and acquire land from the LC officials. Soon the encroachers grow into a voting block of a size that cannot be ignored by the politicians, and so they now get political protection. Subsequent efforts of NFA and other local leaders to remove the encroachers are now treated as political sabotage. Soon the people living near the FR catch on and also enter the FR to cultivate but they do not usually build houses there.

In the Guramwa case study, the eviction in 2001 did not start with sensitisation, but eviction notices were simply issued. After expiry of the period of grace, some people moved out but some of those who did not move were arrested and taken to court. In 2002, court ruled that the FR constituted only 220 acres (89ha) in line with the 1932 gazette. Government did not appeal the case, and the people stayed in the reserve. Since then, a series of stakeholder meetings have been held to resolve the issue but with no conclusive results. Therefore, some of the people interviewed hold that the action of the NFA in evicting them in 2009 went against the court judgment.

Table 10 shows the Guramwa case to depict the encroachment and eviction conflict.

Table 10: Timeline for Encroachment in Guramwa CFR

1992	A few people came to the FR
1993	Many of the elder people in the reserve today came during this year to join their parents or friends who had come earlier
2001	Forestry Department (FD) issued eviction notice giving 60 days of grace to the encroachers
	Eviction was carried out and about 20 people were arrested and taken to court
2002	Court dismissed the case and ordered Government to open boundaries of the FR covering 220 acres (89ha) in line with the 1932 gazette. This is 5.8% of the 1546ha that

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	had been gazetted in the subsequent Statutory Instrument 1965 No. 186 which had repealed the 1932 instrument
	The government had intended to appeal against the court ruling but this did not happen
2004	NFA was formed to replace the FD
	The boundaries of the reserve as gazetted in the 1965 instrument was re-opened
	NFA registered the encroachers
2005	Another eviction notice was issued by NFA
	Presidential directive to halt eviction of encroachers in wetlands and FRs
	Minister of State for Environment wrote to stay the 2005 eviction notice
2006	NFA issued another eviction notice
	Another boundary opening exercise was undertaken
	NFA registered the encroachers
	Some people were arrested and taken to court
2007	The encroachers issued an intention to sue NFA for false arrests and malicious prosecution
2009	Another eviction exercise executed by NFA, district leaders, police and the UPDF
	People arrested and property damaged in the process
	Someone from the President's Office came and ordered the encroachers back until they were compensated
	Encroachers went to court for malicious damage to property

4.8. Dealing with the Encroachment Problem

Evicting Encroachers from Central Forest Reserves

The Philosophy of Evicting Encroachers

Records available at the NFA show that NFA's effort to remove encroachers from CFRs started during November 2004. The main push and pull factors that continue to promote encroachment of CFRs were identified and the ecological, economic and social consequences that result from encroachment and unsustainable utilization forest resources were analysed. There was serious internal debate on whether to remove encroachers simultaneously from all CFRs or prioritize and remove them on a case-by-case basis. NFA opted for the former, mainly to avoid encroachers getting removed from one CFR and then invading another one that was not on the priority list for removal. Therefore, NFA developed an "...eviction rigour that emphasized the process approach, has a human face, de-emphasized rigidities of the law and avoided forceful evictions as much as possible" (NFA Records, 2008). This approach was adopted in order to minimize the social cost of eviction on the part of the encroachers that were witnessed during the 1989-92 evictions in Mpokya and Mabira by the former Forestry Department.

The Process of Evicting Encroachers

Over time, the NFA has developed a process of removing encroachers from CFRs as outlined below:

- Creation of awareness among stakeholders (district and local leaders, security agencies, other relevant departments/agencies, etc.) on the impending eviction exercise
- Sensitization of encroachers and communities within the vicinity of the CFR on encroachment.
- Registration of the encroachers
- Negotiating the grace period (of between 3-6 months, and on some special occasions, 12 months) to be given to the encroachers, and issuing of eviction notices. This is done to allow encroachers time to prepare harvest crops in case of agricultural encroachment and then quit on their own
- Close follow-up with the assistance of security organizations (especially police) to ensure that no new unauthorized activity takes place. This is done through regular and persistent patrols
- Continuous communication with the encroachers to remind them of the agreement to vacate the CFR. This fosters harmony and eases tensions between the encroachers and the evictors
- Ensuring that encroachers leave the CFR at the end of the agreed grace period
- Application of reasonable force to drive out defiant encroachers (includes arrests and prosecution where necessary).
- As much as is practicable, undertake encroachment planting

The process of removing encroachers outlined above is demonstrated in practice in the Guramwa case study as follows (as recounted by key informants and validated by focus group discussions):

- NFA marshalled up the support of leaders in the district, including the Chairman LC5, Chief Administrative Officer (CAO), Resident District Commissioner (RDC), and the government security organs, among others
- The request for support to evict was presented by NFA to the District Security Committee which endorsed it.
- NFA moved in with the security agencies to assess the extent of the problem and who the people were
- Initial meetings with encroachers were conducted by a combined group of NFA and district leaders. During the meeting the encroachers were educated about the importance of maintaining PAs in Uganda, and the legal provisions regarding doing things in a FR without legal authorization. The need for them to vacate the FR was explained and the deadline for moving out was given.
- On the 2nd & 3rd field visits, the people were also addressed by the area Member of Parliament, the Chairman, LC5, & RDC
- NFA set about mobilizing resources to carry out the eviction exercise. The security agencies obtained clearance from their headquarters in Kampala to proceed with the eviction exercise but were instructed to do it in a humane manner.

- Patrols were mounted by NFA, Police and the UPDF. During the patrols, the people were repeatedly told that they had to move out by the deadline date. This sustained presence of security personnel convinced the encroachers about the government's seriousness in recovering the FR
- As a result the people left "on their own".
- As the people left, they de-roofed *mabati* houses so that they could use the mabati where they were going. Some even slashed their own crops so that others would not freely enjoy the fruits of their sweat.
- Hired labour then moved in to pull down structures where *mabatis* had been removed
- Within 3 weeks, all the encroachers had left the FR.
- Thereafter, three more meetings were held. The main issues raised during these meetings were overcrowding where the evictees had settled, and a demand for compensation.

From the survey, it is estimated that where the process in Guramwa or Namwasa is followed, the eviction of encroachers from a CFR would cost about UGX 60m.

In the other case study FRs, the process started with issue of eviction notices. Those who refused to move out after the deadline were arrested and charged in courts of law.

However focus group discussions indicated that during the eviction process, people were beaten and their property stolen by the *kanyamas* (hired muscle men) brought in to harass them. There was even an allegation by a few people that a little girl had been trampled underfoot during an eviction scuffle and she died, but police said that this complaint has never been reported, and had neither been raised even in subsequent meetings with other stakeholders that had taken place.

The focus group discussion at Kalangala Village, Guramwa CFR indicated that the encroachers rang an official at State House appealing for assistance. Barely 4 days after the eviction exercise had been successfully carried out, one State House official came and ordered the encroachers to go back to the FR. All the coordinated efforts of government had been torpedoed and those who had put in their efforts were seriously demoralised.

During the focus group discussions in Guramwa, the encroachers indicated (even by their own political leaders at that level) that they had resolved to kill NFA staff if they had gone there again. In fact, NFA staff had never been to the FR since the day the encroachers were told to go back to the FR by the State House official, and the security agencies didn't see any meaning in trying to pursue the matter any more. This state of near anarchy was experienced by the consultant as narrated in **Box 2**.

Box 2

In spite of our advance appointment with the LC Chairman, we were stopped some 2km away from the site of the meeting and asked why we wanted to meet the encroachers. After a lengthy and dogged explanation, we were finally allowed to proceed to the venue of the meeting. During the meeting, people from among themselves who wanted to contradict what the few pre-arranged speakers were saying were rudely shouted down. Realising that this was dangerous, the consultant put on his hat of a gospel preacher and preached to the people a gospel of reconciliation which our Lord Jesus Christ himself championed. This calmed down tempers and discussions were conducted in a more civil manner.

Because responses in focus groups tended to be influenced by group posturing, individuals were asked through a questionnaire survey to recall the activities that had actually taken place during the eviction exercise. **Table 11** shows the frequency with which respondents stated the eviction activities, but they have been arranged in order of how, according to various respondents, they took place.

Table 11: Activities carried out in the eviction process

Item	Frequency	percent
Multi-stakeholder (NFA, district leaders) meetings were conducted to sensitise the encroachers & other stakeholders	20	30.3
Period of grace within which to leave was given to encroachers. In some cases this was given in an eviction notice	8	12.1
The FR boundaries were re-demarcated	2	3.0
In some cases trees were planted up to the compound of encroachers to force them to leave	6	9.1
Police and the army were brought in to assist NFA	4	6.1
Most of the encroachers left on their own within the given period of grace	7	10.6
Those who did not leave were evicted by slashing of crops & pulling down houses	17	25.8
Anyone found in FR after the grace period was caned	1	1.5
Total	66	100.0

From these responses, it is clear that meetings were conducted to sensitise the people about the law regarding unauthorised activities in FRs, the importance of FRs to the local community & the nation at large, and the need for them to leave so that the area could be put to its lawful use. During these meetings, a period of grace was negotiated and quite often, many encroachers left within this period. However in the case of Namwasa, the police and army were called in to re-enforce the government decision that encroachers must leave. A regular presence of the security forces usually convinced the doubting Thomases that government was serious and those who would have insisted on remaining in the FR also left.

As encroachers left, their remaining crops were slashed and house structures pulled down. One respondent mentioned caning and shooting of one person but this was not corroborated by any other person.

The people who had moved out of the FRs mostly bought land within the locality and settled down. Others hired rooms in the local trading centres from where they could go back to the FR for food. In fact, some of the people interviewed in Guramwa said that even when they were told to go back to the FR, they maintained part of their families outside, where they did small businesses like shop keeping and operating bars. Other people moved back to the areas where they had come from, i.e. if they had not yet sold the land

Factors that have promoted eviction of encroachers

- (i) In its formative years, NFA enjoyed a lot of support from government at the highest levels, and therefore, the political factor was in favour of keeping PAs sacrosanct.
- (ii) Pressure of New Forest Company (a private company licensed to grow commercial timber plantations in Namwasa & Luwunga FR) on NFA & government to clear encroachers from the land licensed to them
- (iii) Success of eviction in Namwasa was attributed to the fact that there was an investor who immediately took over the CFR for tree growing, thereby avoiding re-encroachment
- (iv) Cooperation of local leaders (political leaders to a lesser extent) with NFA
- (v) Prospects for earning from forests as carbon dioxide emissions sinks
- (vi) President's directive to remove encroachers from Namwasa FR
- (vii) In Otzi FR, continuous engagement of local people in collaborative forest management has helped sensitise the people. In addition, further encroachment has been prevented through support to income-generating activities among the local people.

Evicting Encroachers from National Parks & Wildlife Reserves

This process was outlined by the key informants interviewed at UWA as follows:

- o Sensitization of the communities and consultation about the problems affecting the PA and the plan of action. During the dialogue, some encroachers would buy in and others would reject the proposals made.
- o This was then followed by awareness creation over the radios for six months or more. It is important to note that no eviction notices were given to encroachers because the activities of encroachers were clearly illegal.
- o Eviction was then undertaken and the key players were usually staff from UWA, UPDF, DISO, the MP of the area, and officials from the RDCs & LC5 offices. No police were involved but arrangements are now being made to include them during future eviction processes.
- o No compensation is given because the encroachment activities are clearly illegal
- o Rehabilitation of vacated areas was usually initiated through afforestation programs

In some cases the process of awareness raising was accompanied by:

- Identification of the most affected part of the PA
- Identification of genuine people (the indigenous) among the encroachers for compensation/resettlement
- Moving the encroachers and concentrating them in the most affected part of the PA to avoid having them scattered all over the PA
- Clearly demarcating the area where encroachers can continue with their activities from the rest of the PA. Resurveying PA boundaries in some cases
- A process of de-gazetting part of the PA for re-settlement or compensating the encroachers so that they could look for alternative land was initiated.
- Where neither compensation nor excising of the PA was been done, encroachers were allowed to remain cultivating in the encroached areas under strict agreement conditions as the area regenerated. Eventually the regeneration forced out the encroachers because it negatively affected agricultural crop yield as the forest canopy closed. This took up to a maximum of six years.
- Strict protection of the remaining part of the PA continued to ensure no expansion by the encroachers

UWA's success story was attributed to the following:

- UWA is constantly on ground to ensure that any attempts at encroachment are handled promptly. The element of having armed staff has contributed much in this respect
- UWA has in most cases provided alternatives to the encroachers- excising off part of the PA for the encroachers, compensating encroachers, giving ample grace period under agreement (up to 6 years). However, excision of land did not take into account the Forest Policy regarding maintenance of the PFE at the 2001 levels. The Uganda Wildlife Act does not specifically require gazetting of other land in exchange for land excised but the NFTP does require this kind of land exchange.
- Benefit sharing with the communities- 20% of the gate collections is given to the neighbouring community. This has helped win local leadership and community support to the level that in some parts like Kapkwata (Mt. Elgon NP) locals arrest people involved in illegal activities in the NP and prosecute them in the LC 1 courts
- Enterprise development- the local communities have been supported to engage in conservation related income-generating activities. This has helped the local community appreciate the value of the PAs and the importance of conservation
- Involving communities and local leaders in management of the PA
- A strong law that clearly spells out that encroachment is illegal
- NP & WR boundaries are marked on the ground with visible pillars

However, there have been some failures because of the following reasons:

- Political proclamations which in effect encourage the encroachers to settle in PAs
- Support from SPLA forces in the case of Kidepo National Park
- Government (State House) writes letters to stop eviction as in the case of Katonga Game Reserve.
- Adjusting boundaries of de-gazetted parts of the NPs as in the case of Mt. Elgon National Park under pressure from political leaders. The official de-gazetted area for the Benet was

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6,000 Ha but the then minister in charge of National Parks proclaimed that the area to be de-gazetted goes as far as the foot of a hill (where the local people ended up settling in). This area was more than the 6,000 Ha. As a compromise UWA added another 1,500 Ha to settle the encroachers.

- The de-gazetted land meant for the indigenous or local communities is usually hijacked by the rich and by the officials from the DLGs, thereby leaving the intended beneficiaries without land and hence more encroachment. This was manifested in Mt. Elgon NP.

During the eviction exercises UWA met a lot of resistances from the encroachers. Because some of the encroachers were armed in some cases, management had to use fire arms during the eviction process. So far UWA has lost five staff during the eviction exercise and in the cross fire some people from among the communities have also died.

During the eviction process UWA got support from the Minister of Tourism, Trade and Industries and from the Presidency for selected National Parks. In Kidepo NP, the encroachers were from a neighboring country and were armed. This called for the support of UPDF in the process of eviction.

It has been the policy of UWA not to compensate encroachers and this is supported by the law. Other than spending 16,000,000/= (sixteen million shillings) to settle the local communities evicted from Ajai Games Reserve, no compensation has ever been given to encroachers.

5. IMPACTS OF ENCROACHMENT AND EVICTION

5.1. Impacts on Evicted Encroachers

It was not possible to get most of the encroachers who had been evicted because they had dispersed. For those who had dispersed into the local communities, they were interviewed as local community members (Kasagala case). These people said that when they were evicted, they simply went back to their land, but continued to go into the FR for water, construction poles, pasture, and medicines, among other forest products, especially for subsistence living. Clearly, these people had not been seriously affected by the eviction.

However, in the Guramwa case, the consultants talked to encroachers who had been evicted, but who were soon told to go back. The respondents said that they bought land outside the FR but still continued to go into the FR for their subsistence and economic living. They had started some other income-generating activities like small shops and bars just outside the FR. In fact, the consultant observed a trading centre just next to the FR which had grown out of encroachment.

In the case of the Guramwa encroachers, they depend on the FR land for their livelihood and economic living. Observations by the consultants showed extensive fields of maize and meticulously tended banana plantations which are clearly grown as economic crops. The respondents also reported other activities in the FRs such as bee keeping, fish ponds, fruit trees, sugarcane, among others.

Therefore, if the eviction had been upheld, they would have lost the greater part of their means of living.

5.2. Dependence of Local Communities and Encroachers on Protected Areas

For this study, "dependence" means that the person needs a product or service from the PA for sustainable livelihood (adapted from Calibre Consultants and the Statistical Services Centre, 2000).

Local communities

Information on the level of dependence of local communities on FRs for their livelihoods was generated through questionnaires administered to individuals. The people in the Guramwa case refused to answer the questionnaire individually and so Guramwa is not included here. In Namwasa, only three respondents agreed to answer the questionnaire individually and only these three are included here. Therefore, most of the information under this section refers to the Luwunga and Kasagala cases only.

Respondents were asked to give their perceptions on their dependence on the FR for various aspects of their livelihoods by scoring on a range of **1 = not at all; to 5 = highly dependent**. The average scored was only 1.4 (**Table 12**).

Table 12: Level of dependence on PA for livelihoods (mean scores)

Dependence on PA for:	Number of Respondents	Mean
Land for residence	22	0.68
Land for growing food	22	0.68
Water for domestic use	21	1.67
Water for livestock	22	1.91
Medicine	22	1.36
Construction poles	21	2.1
Average		1.4
Firewood	4	3.75

In percentage terms, the level of dependence is 28% of their livelihoods. This is supported by the levels of dependence given in terms of percentages of people who use the FRs (**Table 13**). On average, 69% of the respondents said that they do not depend on the FR at all, or their dependence is little. They are even much less dependent of FRs for land for residence and for growing food, the main destructive activities of encroachment.

Table 13: Level of dependence of local communities on PAs for livelihoods (percentage of respondents)

Dependence on FR for:	Number	not at all	Little dependence	some dependence	average dependence	highly dependent
Land for residence	22	86.4	0	0	0	13.6
Land for growing food	22	86.4	0	0	0	13.6
Water for Domestic Use	21	61.9	0	4.8	4.8	28.6
Water for Livestock	22	54.5	0	9.1	4.5	31.8
Medicine	22	59.1	4.5	13.6	4.5	18.2
Construction Poles	21	52.4	4.8	0	4.8	38.1
Average		67	2	5	3	24
Firewood	4	0	25	0	25	50

The main reason the respondents give for this less than average dependence on the FR is that they own land outside the FR and they do not go into the FR to grow food either. This agrees with the information given by key informants in all the cases studied.

However, 24% of the people who reported that they are highly dependent on FRs is still high. This dependence is mainly in terms of water for domestic use & livestock, poles for constructing houses, and herbal medicines. If the people are deprived of this

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proportion of their income, they would experience hardships. However, for them to continue enjoying these benefits, they do not have to reside in the FR. These activities are guaranteed by law if they are for domestic purposes, and if they are for income generation, they can easily be licensed.

Only four respondents have mentioned any level of dependence on the FR for firewood. This can be explained by the fact that in Nakasongola District, and indeed most PAs in the rural areas, there is still plenty of land and therefore people can get a lot of their wood products outside the FR, as has been stated by some key informants.

In terms of cash income, only grazing of cattle and collection of firewood for sale are significant activities in FRs (**Table 14**). Cultivation in FRs as a source of income is ranked very low. Again, for grazing and firewood collection, the people do not have to reside in the FR in order to continue earning income from the FR. The activities can be licensed and carried out in line with the carrying capacity of the FR.

Table 14: Significance of income from the FR (by percentage of respondents who indicated each source of income)

income generated from PA from:	Ranking of Significance of Annual Income from the PA (in percentage terms)					no income at all	total
	1 (highest significance)	2	3	4	5 (lowest significance)		
Cultivation	10	0	10		10	70	100
Pitsawying	0	0	0	0	0	100	100
Charcoal burning	0	0	0	0	0	100	100
Grazing	36	46				18	100
Firewood	44	22			11	22	100
Poles	0	11	22	33	11	22	100

The above findings were confirmed by most key informants who were of the view that these people moved in simply because they needed bigger land. They are really dependent on agriculture and livestock grazing and not on the forest, especially from a commercial point of view. This could also be seen from field observations which show that in Namwasa and Luwunga, where encroachment is most serious, there was never any serious forest to depend on in the first place. The FRs were dominated by grasslands. In Guramwa, the scattered timber trees were cut by pitsawyers and charcoal burners but this was not really their main source of survival. Looking at FRs elsewhere mentioned by the key informants at national level, wherever the encroachers went into a PA which had good forest (e.g. South Busoga), the first action was to cut down that forest for agriculture, something that real forest-dependent people would not normally do.

5.3. Other Socio-economic Impacts of eviction

The impact of evictions on local communities is varied. Key informants and focus group discussions indicated that in the Kasagala FR case study, there has not been much impact on communities outside the FR because most of the encroachers also have land outside the FR, and therefore eviction did not affect their livelihoods to any great extent. Land in Nakasongola District is still sparsely populated and therefore pressure of eviction has not been felt.

In the Namwasa case study, the key informants and focus group discussions indicated that the impact has been mostly negative. This was also reported for Otzi FR. They cited loss of abundant & cheap labour, reduced food supplies, reduced business (trade in maize), and loss of markets by local businesses. From a social point of view, some communities had disintegrated, cultural norms & values were no longer respected, and schools had closed.

However, in all cases, the people interviewed said that the evicted encroachers lost property and certainly they had to leave behind crops, and in some cases, they had to sell off their livestock. But since the evictees dispersed among the local communities and some moved away, the impacts were mostly felt at individual rather than community level. Generally, the respondents of the questionnaire survey were unhappy with the eviction exercise. Only 16.2% of the 32 responses were given as reasons for being happy. They are listed below (in no particular order of magnitude):

1. Encroachment has been contributing to the long dry seasons being experienced
2. Happy as long as the process is humane & gradual;
3. People had been informed & given a time limit of more than one year
4. There was a lot of prior sensitisation and a long period of grace given
5. Encroachers will now get their own land from where they will not be evicted
6. There is now a change of land use from settlement to forest again

However, the bulk of the reasons given were for being unhappy with the eviction exercise as summarised in **Table 15**. The biggest problem with the eviction exercise is seen as use of force, often associated with slashing of crops and pulling down of houses.

Table 15: Respondents personal reasons for being unhappy with the eviction exercise

Item	Freq	percent
Use of force/ rough approach	7	22.6
Reduced economy & food supply	6	19.4
Inadequate sensitisation before eviction	3	9.7
Evictees are suffering for lack of livelihood	3	9.7
Nowhere to go	3	9.7
No re-settlement or compensation	3	9.7
Uncertain of what could happen next	2	6.5
Misleading by subcounty leadership	1	3.2
Ignorance about the FR land	1	3.2
Encroachers not warned before eviction	1	3.2
Cannot easily integrate into the communities where they relocate	1	3.2
Total	31	100.0

As for the perception of the rest of the local community as seen from the respondents' point of view, only one respondent out of 22 thought that the local community was happy with the eviction exercise because the process was generally good and humane except for perennial crops which were lost. Otherwise the rest of the respondents thought that the local community was unhappy for reasons summarised in **Table 16**.

Table 16: Reasons why respondents think that local communities are unhappy with the eviction exercise

Item	Freq	percent
Loss income	5	17.2
business dropped considerable	4	13.8
Reduced food availability	4	13.8
Encroachers treated badly during eviction	2	6.9
Some encroachers did not know it was a FR	2	6.9
Loss of property	2	6.9
Government betrayed them	1	3.4
Schools were closed	1	3.4
Loss of fertile land for cultivation	1	3.4
Poor understanding of the encroachment problem	1	3.4
Poor people who have no where to go	1	3.4
Increased pressure on land outside FR	1	3.4
Criminal elements have come to live within the community	1	3.4
Failure to compensate those who have lived in FR for long	1	3.4
Community is united against eviction	1	3.4
Inadequate grace time before eviction	1	3.4
Total	29	100.0

The reasons above indicate that eviction resulted in general loss of livelihood opportunities in the form of loss of the local business clientele and loss of land for

growing food. Reduced economy and food supply also ranked very high among the respondents personal reasons in **Table 13 above**.

5.4. Impact of eviction on the ecosystems (ecological impacts)

For these case studies, the time since eviction has been too short for the impacts of eviction on the ecosystems to show. The evictions were carried out in 2009. In Guramwa, the people were immediately returned to the reserve and business continued as usual. Even in Namwasa, more than 200 people were reported to have come back to the FR against promises by some unclear persons to have the encroachers compensated. However, in parts of the FR where the encroachers had not yet returned, key informants reported closure of foot paths and tracks formerly used by encroachers.

The positive impact in Namwasa and Luwunga is the establishment of forest plantations in formerly encroached areas by New Forest Company. On the other hand, key informants in the Guramwa case study reported that in the Kagombe FR where tree planting was carried out by NFA after evictions, the encroachers did not come back in the planted areas, even when most of the trees had died.

With the exception of the Kasagala case study, the people interviewed said that pressure on land outside the FRs had increased due to increased livestock and more people looking for land to cultivate.

5.5. Impact of Eviction on CFR Management Institutions (institutional impacts)

Initially, the impact on the FR management institutions like NFA and New Forest Company was positive because they had recovered the land and could finally embark on growing the timber plantations or restoring natural forests by encroachment planting. However, this elation was short-lived in Guramwa FR because the encroachers were told to return to the FR immediately. As a result, the initial elation turned into despair because there was nothing the institutions and their allies could do about it. In addition, they were watching helplessly as local people invaded other CFRs, because they knew that they could not be evicted if the ones in Guramwa were left. The FRs were being taken over through lawlessness which had started in Guramwa CFR.

6. GOOD PRACTICE, EMERGING ISSUES/CHALLENGES, LESSONS LEARNT

6.1. Good Practice

The process approach as described by NFA in its strategy for dealing with encroachment constitutes good practice when it is given the opportunity to operate. The essential ingredients include:

- Sensitizing the encroachers, together with their respective leaders to encourage voluntary moving out of the CFRs;
- Re-opening external boundaries of the PAs
- Registration of encroachers within the boundaries and their activities;
- Issuing of eviction notices to those who refuse to leave willingly
- Legal action against those who ignore the eviction notices
- Rehabilitation and restoration of the areas vacated
- There could be cases of genuine cases which would need compensation or re-settlement

The ultimate aim of the strategy is to motivate the encroachers to leave through a process that has a human face, de-emphasized rigidities of the law and avoided forceful evictions as much as possible. In operating such a strategy, it is important that encroachment in all PAs is handled during the same period so that the encroachers who leave one PA do not go to another one where encroachers are not being evicted.

This approach worked very well in many CFRs. During fiscal year 2004/05, 112 CFRs were cleared of encroachers, either in whole or in parts, covering an area of about 421,000ha. Most of the encroachers were willing to leave voluntarily after sensitization and allowing them ample time. Many who were served with eviction notices left even before the deadline of the notice. Others left immediately after the registration exercise.

During stakeholder interviews, a number of attributes for good practice in dealing with encroacher evictions were measured for suitability in dealing with encroachment in an effective but humane manner. The stakeholders were asked to score each attribute on a range of **0 = Not important to 5 = Very important**. **Table 17** shows the average score of the people interviewed.

Table 17: Average score for attributes of dealing with encroachment humanely

Item	Average Score	reasons for the score
Sensitisation before the start of eviction	4.8	<ul style="list-style-type: none"> o important for the migrants but the indigenous people do not need it because they know the FR o done on local radios in local languages o people get to know that it is bad to encroach & is punishable under the law o should be done continuously
Communication	4.5	<ul style="list-style-type: none"> o consistence in message & actions and speaking the truth is important o keeps reminding people about their legal obligations to go out of the FR o radiates transparency o necessary to promote good relations even in the face of evictions o it gets them to know that they are staying in the FR illegally but they do not leave even then <p>On the other hand, LCs do not communicate information about the FR land to incoming people who later become encroachers</p>
Leadership on both sides	4.3	<ul style="list-style-type: none"> o local leaders are influential in the process of evictions o consistence & cooperation between leaders is important <p>On the other hand, there are many local leaders whom the people do not respect and often it is difficult to know which one of the leaders to follow</p>
Rehabilitation programme for the forest	3.8	<ul style="list-style-type: none"> o the FR can easily grow back if vacated o destroyed natural belts require aided regeneration o helps the FR to regain its values o where NFA grew trees, the encroachers did not come back
Thorough negotiations with all stakeholders	3.6	<ul style="list-style-type: none"> o necessary to come to a win-win situation o works with those that are honest, which is often not the case with most encroachers o encroachers get prepared & leave with minimum losses o negotiations can be done with the encroachers but they demand a lot of money for re-settlement
Forest Law	3.5	<ul style="list-style-type: none"> o when time is given to encroachers, they respect the law o In Kasana- Kitonga forest, veterans were taken to court and sent to prison. Now they have left the forest o every citizen is bound by law o Important but it must be enforced e.g. demarcate,

Item	Average Score	reasons for the score
		possibly fence the land and guard it properly. The institution responsible should be empowered to do their job. <ul style="list-style-type: none"> the law cannot be enforced in the current political circumstances. Instead politics reigns supreme
Rehabilitation programme for encroachers	3.3	<ul style="list-style-type: none"> consider only those who are needy some have to be assisted to settle in new areas find alternative land if people have to move out of the FR but the process must be carefully worked out to preclude impostors and cheats <p>On the other hand, it may not be necessary because it perpetuates the encroachment problem. Such programmes turn the encroachment into a business, as in the case of those evicted from Mpokya Game Corridor</p>
Patience and persistence on both sides	3.3	<ul style="list-style-type: none"> if there is close supervision, the encroachers can leave after harvesting their crops created total understanding of eviction objective helped to show encroachers the gravity of the matter and enabled them to leave <p>But, encroachers are stubborn and will not leave however patient you are. Limited force is still needed</p>
Types of land use	3.0	<ul style="list-style-type: none"> people with annual crops are easier to remove than those with perennial crops determines ease of eviction easy for people with grass thatched houses to move than those with permanent ones Those growing permanent crops are more difficult to remove. They require a lot of money to compensate them
Flexibility in handling the problems	1.8	<ul style="list-style-type: none"> must be done within the time frame stipulated reduced use of force and saves the police image encroachers are stubborn and will not leave however flexible you are giving time to leave is not important because they never leave anyway

The stakeholders place a premium on sensitisation, followed by communication and leadership as core attributes of a successful eviction exercise. This triangulates well with a separate question about what has worked well during the eviction exercises in the experiences of the stakeholders being interviewed. Once again, sensitisation & mobilisation came out as the most frequently mentioned aspect. This time however, “communication” comes a distant fourth, and leadership does not surface at all (**Table 18**). The reasons for this disharmony are not immediately clear, but this is probably

because it is good leaders who are able to recognise the importance of sensitisation and negotiations in the quest for successful and humane evictions.

Table 18: Things that work well in the eviction process

Category	code	frequency	percent
advocacy & sensitisation	1	11	40.7
negotiating the process	2	5	18.5
use of minimum force	3	4	14.8
communication	4	2	7.4
Flexibility	5	1	3.7
Political will	6	2	7.4
law enforcement	7	1	3.7
Adequate resources	8	1	3.7
Total count		27	100.0

It is interesting to note that in both ratings, “forest law” comes rather low in the pecking order. The main reason for this is that the law has been rendered impotent by political exigencies, and thus political power, especially at the highest level in government, tends to override the law in matters of encroachment.

6.2. Issues and challenges

The biggest challenge in dealing with encroachment and eviction of encroachers is political interference and manipulation (**Table 19**). In the case of Guramwa, the government machinery at district level had operated with exceptional cooperation in support of NFA to have the encroachers vacate the FR. Even highly placed security officials had sanctioned the operation. Unfortunately, all the efforts were scuttled by only one State House official.

Table 19: Problems and challenges associated with encroachment and evictions

Category	frequency	percent
Political interference	13	26.0
Difficulties in enforcing the law	9	18.0
high costs of eviction	5	10.0
Few NFA staff on the ground	4	8.0
loss of property	3	6.0
hostility that ensues	3	6.0
Lawlessness	3	6.0
use of a lot of force	2	4.0
poor implementation of decisions	2	4.0
Eviction without sensitisation	1	2.0
long process of negotiations	1	2.0

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Category	frequency	percent
poor technical skills (e.g. boundary re-demarcation)	1	2.0
lack of re-settlement land	1	2.0
difficult terrain	1	2.0
land titles in CFRs	1	2.0
abuse of policies & laws	0	-
low penalties	0	-
Total No. of Mentions	50	100.0

Interestingly in another development, people interviewed observed that the eviction in Namwasa was sanctioned by State House, and this was also carried out successfully with similar cooperation of government organs including the office of the Prime Minister, the Minister of Water and Environment and the Inspector General of Police. Only that this one was not reversed.

Next in the category of problems when dealing with encroachment is "difficulties in enforcing the law". Included in this category of problems are the following:

- Abuse of policies by the very government which made them
- Enforcement of law not effectively done
- Encroachment cases are clear but law courts frustrate enforcement e.g. by prescribing community service for itinerant people like encroachers who are not from the area
- Fear of victimization of those who carry out the eviction exercise
- The punishment for encroachment is insufficient. The maximum penalty is 30 currency points.
- The NFTPFA does not have regulations, which makes it difficult for the NFA to effectively enforce the Act.
- The burden of proving encroachment is on the NFA before it can evict by court order. Court cases can take several years to complete. Meanwhile the FR is question is being destroyed.
- Some police officers and NFA staff are corrupt, and therefore they are ineffectual in carrying out evictions.

6.3. Possibilities for Compensating Deserving Evictees Using Carbon Funds

In view of the challenges above, a lot of work in the field of forest governance and law enforcement must be done before the issue of compensation and re-settlement can be tackled meaningfully. Otherwise, it will serve the interests of unscrupulous individuals who will be compensated, only to sell and move on to another PA, knowing that they will also be compensated. Even if the NFA could try to stop these people from encroaching in the first place, the trend of events today shows that the encroachers are able to enlist the support of highly placed people who would render the NFA helpless. This is what happened in Guramwa, and this is what is happening now in Namanve FR. Even the police are helpless against such high illegitimate power.

With a sure and regular source of money for compensation, the problem of encroachment will escalate. And should carbon funds be committed to compensating

“deserving encroachers”, then it will be difficult to guarantee surplus money to be ploughed into sustainable forest management, which is the essence of REDD+. All the money will go into compensation and/or re-settlement of people who, as the respondents have shown, know very well that they are residing and cultivating in the forest reserves illegally.

Therefore, in the process of considering the idea of compensation, the issues of governance must be sorted out. These include putting in place mechanisms that will check the excesses of powerful individuals, ensuring a clear judicial process that does not procrastinate, and strengthening the capacity of the managing institutions to stop encroachment before it blossoms to unmanageable levels.

If some people must be compensated (e.g. those who were given leaseholds in FRs by the Department of Lands), then the money for their compensation should be sourced from elsewhere, probably from the Consolidated Fund. This would help check the corrupt tendencies of the individuals who perpetrate these crimes, because they would be called to account on why government should pay out these sums of money because certain individuals had abdicated their duties. In his letter of 17 June 1988 to the Principal Private Secretary to the President, the Solicitor General wrote in respect of illegally issued land titles in FRs:

“...these facts should be brought to the attention of the Land Commission...before I advise on what should be done to whoever was responsible for the decision of the Land Commission”.

6.4. Lessons learned

- (i) Experience from UWA indicates that a constant and visible presence of staff of the managing institution is essential in the PA for the prevention of encroachment, because any nascent encroachment is quickly detected and effectively nipped in the bud. The lack of presence of NFA at the forest management unit (FMU) level was given by many respondents as one of the main reasons for the escalation of the encroachment problem in CFRs.
- (ii) Encroachment tends to increase rapidly during the periods of electioneering, especially during presidential elections. Given the power associated with the vote, and the power wielded by politicians over civil servants & other public officials, it is clearly not beneficial to try and remove encroachers during periods of elections. Evidence shows that when elections are still far away, it is possible to remove encroachers. Even though the exercise will not be enthusiastically supported by the politicians, at least they can at times look the other way as the eviction exercise is being carried out.
- (iii) Encroachment creates a false sense of increased well-being in the local area because encroachers occupy land that is not theirs, and which is often ecologically fragile. In the cases studied, most of the encroachers came from far

(with money obtained from selling their own land), and settled in a PA, creating a false sense of increased business in the local area. When time comes for the encroachers to leave, it becomes painful both to the people who have to leave and the local community members who had structured their livelihoods around the food coming from the FRs and the market for commodities provided by the settler encroachers. Indeed as one of the respondents said, he was happy with the eviction because this would “force” the encroachers to buy their own land and finally settle down.

- (iv) The encroachers know that their activities in FRs are illegal. Therefore, they try to “force” government to legalise their stay. They do this by inviting the people they left behind (where they came from) so that their numbers can grow rapidly. Consequently, any prospects of eviction will create an induced nightmare of re-settling the evictees. In reality, these people have foreseen the eventuality of an eviction and therefore, they have bought some land in the neighbourhood where they settle when evicted and proceed to go back to the FR to cultivate, and probably go back fully at another opportune moment. When numbers grow, the politicians quickly catch on and the encroachers threaten to withhold their votes if they are not supported to stay in the FR. Then calls for de-gazettement of the FRs begin to be voiced.
- (v) It is possible to remove encroachers from PAs, but to do it with minimum conflict, it requires a multi-stakeholder approach in which Government institutions, including security organs, at local and national level, implement a negotiated plan of action. This coordinated action in all the cases studied resulted in the encroachers leaving on their own. For effective implementation of the eviction plan of action, and in view of the current presidential directive, it is important that the President gives the eviction exercise his blessing before proceeding with it. However, this makes it difficult for the NFA because its access to the President is quite limited.
- (vi) Experiences in the case study FRs show that evictions can be done without causing undue stress to the people being evicted. Such an eviction process involves a lot of sensitisation so that the encroachers understand why they must leave, thorough negotiations among all stakeholders to establish the parameters for the eviction (especially the grace period in which to harvest crops and plan for the future), and constant communication among all stakeholders so that any issues arising can be resolved amicably. However, experience has also shown that there will always be some encroachers who will refuse to vacate in accordance with the parameters agreed. That is why “minimum force” is necessary. This minimum force involves deploying police and other security organs of government in the area on persistent patrol. After the agreed deadline, those who refuse to leave can then be arrested and taken to court.

7. CONCLUSIONS AND RECOMMENDATIONS

7.1. Conclusions

Encroachment is one of the key factors leading to the reduction of forest cover in Uganda, currently standing at the rate of 1.8% per year (NFA Records, 2009). The livelihoods of the local communities, as well as the ecological functions of the PAs are affected negatively by reducing forest cover, often because of encroachment.

Whereas the way evictions are carried out can be legally and ecologically defended, the process is characterised by stress (both evictees and evictors) and destruction of property. In addition, the law is also not always followed to the letter, as in the case of carrying out evictions without a court order.

On the other hand, one must consider the huge cost the rest of society has to pay if a only few people (encroachers & their mentors) are left to continue wreaking havoc on the forests. An example is the landslides in Bududa in Eastern Uganda¹⁴. Measured against the benefits that had accrued to a few people who cultivated those hill slopes, the price paid by the rest of society (including the very cultivators) was too high. In situations like these, governments must take all steps to protect society against its self-destruct tendencies.

For eviction of encroachers to be done effectively, and in a humane manner, but within the legal context, the following power relations need to be balanced: influence (political), resource allocation (finance) and techniques (knowledge & skills). These powers are clearly seen in the case studies. Politicians certainly have flexed a lot of muscle in either getting encroachers out or making them stay. It takes about UGX 60 million to carry out an eviction exercise similar to those in Guramwa and Namwasa. If some money for compensation is thrown in, the eviction exercise can be very expensive indeed. It takes community sensitisation skills, stakeholder coordination and understanding of the psychology of society to be able to carry out a humane eviction exercise.

Even with well balanced power relations, eviction of encroachers can involve some ugly activities like slashing of crops, pulling down of houses, and arresting those who do not move out quickly. This hurts the evictees, especially those who came into the PA not knowing that the land they were buying or being "allocated" by LCs was PA land. If the genuineness of claims by these people is ascertained, these are the people who should be compensated or re-settled, but it is not clear who should meet the re-settlement and/or compensation costs. If Government does it, then it simply exacerbates the

¹⁴ The landslide struck villages on the slopes of Mount Elgon, killing over 400 people, adversely affecting over 6000 homes, and wreaking havoc on infrastructure like roads, schools, and health units. It is believed that global climate change is affecting rainfall patterns in East Africa, with an increase in extreme and unexpected rainfall, but forest destruction on the mountain slopes exacerbated the disaster.

illegal activities of those who “sell” PA land because they discover that they can benefit without having to foot the bill later on.

In the case study FRs and even in some of the NPs & WRs discussed, most of the encroachers have moved in from other areas within a period of less than 20 years in search of cheap land after selling their own small pieces of land in their areas of origin. They are not what is often thought of as hapless poor people looking for survival. Actually they are average individuals looking for cheap land to take over. That is why they are able to ring up highly placed government officials and get them to intervene in spite of the concerted efforts of the mainstream government machinery. In some cases, they are even armed with Kalashnikov semi-automatic assault rifles. It must be recognised though that some of the people are poor largely because they were brought in to beef up the numbers of those who had the grand plan to have the PA de-gazetted.

However, in some FRs like Kagombe, Ruzaire, Nakuyazo, Nyabiku and Nyakarongo, the encroachers are local people who have expanded their agricultural activities into the FR, but in most cases, they have not erected permanent houses. They continue to remain in the FRs because the hard core encroachment cases have eluded government.

In most cases, the encroachers cannot be said to be forest dependent. As has been said before, in Namwasa and Luwunga, where encroachment is most serious, there was never any forest to depend on. The FRs were dominated by grasslands. Looking at FRs elsewhere, wherever the encroachers went into a PA which had good forest cover (e.g. South Busoga), their first action was to cut down that forest for agriculture, something that real forest-dependent people (like the Batwa in Echuya) would not do. In fact, the Batwa in Echuya CFR and the Ik in Timu CFR are not perceived by NFA as encroachers, and neither did the former FD ever perceive them as such. In the forest management plans they are considered as very important stakeholders who derive almost all of their livelihoods from the forests (NFA 2006). In fact the Batwa have been known to say in one stakeholder meeting that their neighbours in Kabale do not show much sense when they cut down forests (Langoya, 2010 – personal communication)

The Benet in Mt. Elgon NP can be classified as indigenous peoples at par with the Batwa. The fact that they are destroying the forest could point to the illegal commercialisation of encroachment in the past. They have been short-changed by their “defenders” in the past when land was de-gazetted, and thus, they cannot trust that this will not happen again.

It is difficult to understand why government has not given NFA the support it needs to deal with the encroachment problem decisively as happened in Namwasa, the most recent success story in which about 3,500 encroachers were evicted. Success here was largely attributed to the President's directive which was implemented by an inter-ministerial committee (Prime Minister's Office, Internal Affairs, Ministry of Water and

Environment, Ministry of Lands, Local Government) and the district leaders. This case proves that evictions can be carried out successfully if there is political support at the highest levels of government.

The most difficult cases of encroachment to handle have been the old cases which involve land titles issued by the Uganda Land Commission within CFRs. Even in these cases, it is possible to resolve them in an environment where government places a premium on its PAs. This commitment of government is going to be very important if Uganda is to benefit optimally from the REDD+ initiatives. For example, the series of government decisions on eviction of people who acquired land titles in PAs should be implemented.

Encroachers should vacate FRs for the sake of the greater good. Demands for compensation are made almost exclusively on the premise that the encroachers who had been in the PA unchallenged for more than 12 years before the Constitution came into force in 1995 are *bona fide* occupants. However, since the days of the former Forestry Department, encroachers have been repeatedly given eviction notices which clearly stated that their activities in the FRs were illegal. In other cases, FR boundaries were periodically re-opened, although in some cases like Luwunga and Kiboga, the local people contested them. In fact, the respondents also stated clearly that they know the activities that are not allowed in FRs by law. Therefore, re-settlement and/or compensation would be legally required only where the encroachers had not been challenged for 12 years or more before 1995. Otherwise compensation would make sense only from a moral point of view. This is especially so for those who genuinely got the land without knowing it was a FR (albeit after paying “kitu kidogo” I). In practice, this type of encroacher would be difficult to isolate from the others.

In addition, the Consultant tends to agree with the few voices that believed that this would serve only to exacerbate the encroachment vice, as was demonstrated by the people evicted from Mpokya and re-settled in Kibaale. This would not be helped by the fact that corruption in Uganda is increasingly becoming institutionalized. However, it is also fair to say that a few people would have nowhere to go when they are evicted and these would have to be carefully screened and a re-settlement programme prepared and implemented. This has been done by UWA in some cases and lessons there can feed into the NFA efforts.

Except at the level of detail (which should be handled through Regulations, Guidelines and Standards, the policy and principal law on PAs is adequate in its current form. The main complaint is that the penalties are not deterrent enough. But for the few people who do not have alternative land outside the FR, and therefore most likely to fail to go anywhere, 30 currency points in fines (UGX 600,000) is a lot of money. If they managed to pay this fine, it would probably persuade them not to go back into the FR, unless someone else with a selfish agenda is pushing them, as is happening in Namwasa now.

7.2. Implications of Encroachment and Evictions for the REDD+ Strategy

Lessons learnt	Implications for REDD+
Encroachment is one of the key factors that lead to deforestation. It hurts livelihoods of the local communities (not the encroachers who come from outside the communities), reduces the contribution of forestry to the local & national economy, and impedes the ecological functions of the PA	For REDD+ to succeed in Uganda, encroachment must be dealt with decisively and expeditiously.
In most cases, encroachers are people of average means in search of cheap land after selling their own land in their areas of origin. They conspire with highly placed individuals, and bring in their poorer relatives & friends to beef up the numbers in a grand plan to have the FR de-gazetted for their own benefit	Continued advocacy in support of the activities of encroachers is a perverse incentive for forest restoration, which renders REDD+ untenable
The law has been rendered impotent by political exigencies and high levels of corruption across the whole spectrum of society	If this situation does not improve considerably, deforestation & forest degradation will escalate and the REDD+ mechanism will be rendered ineffectual.
It takes community sensitisation skills, stakeholder coordination, and understanding of the psychology of society to be able to carry out a humane eviction exercise.	The REDD+ Strategy preparation process must take these aspects into account under the capacity building strategies of the parties involved
A constant and visible presence of staff of the managing institution in a PA is essential for the prevention of encroachment	The REDD+ preparation process must build the capacity of the managing institutions for effective presence in the PAs
Given the power associated with the vote, and the power wielded by politicians over civil servants & other public officials, it is clearly not beneficial to try and remove encroachers during periods of elections.	Most likely, elections will always be held. Therefore, unless the political players are willing to marshal the courage necessary to resist the temptation to support encroachment, the issues of permanence under REDD+ will be seriously compromised. Even PAs which are not encroached now will suffer the same fate sooner or later.
Encroachment creates a false sense of increased well-being in the local area because encroachers occupy land that is ecologically fragile and which is not theirs	This is dangerous for REDD+ because the population will continue to resist evictions, and thus activities to reduce deforestation and degradation will be seriously hampered
The encroachers know that their activities in FRs are illegal. Therefore, they try to "force" government to legalise their stay. Consequently, any prospects of eviction will create a false nightmare of re-settling the evictees	This tends to bring efforts at eviction on a collision course with demands for re-settlement (of law breakers). That means government will be reluctant to evict encroachers and thus deforestation will continue
Evictions can be done without causing undue stress to the people being evicted. This would be done through awareness & sensitisation,	The effects of evictions will be more sustainable, creating an improved environment in which to carry out forest

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Lessons learnt	Implications for REDD+
establishment of the parameters for the eviction through a negotiated process, and constant communication among all stakeholders	restoration activities that are conducive for REDD+
Compensation of evicted encroachers would lead to a domino effect in which those people would enter new PAs so that they could be compensated.	As a policy compensation of illegal occupiers of PAs will render REDD+ highly expensive but with no positive results in terms of forest improvement
Evictions can be carried out successfully if there is political support at the highest levels of government	The REDD+ Strategy in Uganda will succeed or fail depending on the level of support coming from the highest levels of government
There will always be some encroachers who will refuse to vacate in accordance with the parameters agreed, necessitating "minimum force".	"Minimum force" often comes with slashing crops, pulling down houses & other structures, arresting people, and generally causing social disquiet in the area. This creates complex issues of human rights, which in turn may make REDD+ untenable.

6.5. General recommendations

- (i) A national approach should be taken along the lines of a hybrid between the NFA Strategy developed in 2004 to 2005 and that of UWA, but it requires political support at the highest levels of government. There have been arguments from some quarters that eviction of encroachers should be done on a PA by PA basis. This will serve the narrow interests of a few individuals but the encroachers will simply move to another PA. In fact, sooner or later, even these interests would be jeopardised as has been witnessed in Bukaleba CFR (large-scale tree growers) or in the case of Namanve CFR (small-scale tree growers).
- (ii) The NFA and its parent Ministry should proactively take up the matter of encroachment with the President. The recent eviction cases in Namwasa, Guramwa, Queen Elizabeth NP, and Kidepo Valley NP have shown that removal of encroachers can only be successful if he says so. It is going to be very difficult for other government organs to solve the encroachment problem, except with his covert or overt support. It will also continue to be difficult to enforce the law relating to forests.
- (iii) The efforts at rehabilitating areas vacated have been largely to do with establishment of plantation crops. It should not be supposed that natural forest biodiversity can be restored through agroforestry or plantation forestry. Since the natural forests on private and communal lands are fast getting depleted, it is important that those in PAs be jealously guarded. The encroachers should be removed so that the forests can be allowed to regenerate themselves (albeit with initial artificial interventions).
- (iv) NFA should catalyse a dialogue between Ministry of Water and Environment and Ministry of Lands, Housing & Urban Development with a view to conclusively addressing the issue of illegal land titles in FRs. One of the issues to be addressed

might be the proposal to compensate those who were officially, but erroneously issued with genuine land titles in PAs. The Land Fund could be considered to deal with this.

- (v) PA managers should scale up CFM activities in areas where encroachment is rampant. In order for this to work, the encroachers would have to be moved into specific and planned “forest villages” and given long term licenses. Then the license conditions would include tree growing following specific guidelines. The CFM arrangements would also make it incumbent upon the “forest dwellers” to jointly protect and manage the remaining FR area.
- (vi) Review the PA management plans with a view to adopting the landscape approach to forest restoration. This means that the CFM arrangements should also spill over into the land outside the PAs with a view to promoting integrated land management practices as a deliberate move towards sustainable management of FRs.
- (vii) The FR managers (NFA & DLGs) should give “para-police” skills to their staff to enhance their capacity for early detection of encroachment & other forest crimes, investigate them, and where necessary, successfully prosecute them in courts of law. This could be one of the duties of the nascent environmental police unit.
- (viii) The PA managers should launch a widespread public education and communication strategy that will keep all stakeholders informed and engaged in matters of forestry. This is especially important as the country prepares to implement a REDD+ programme. The necessity to keep the country's FRs inviolate should be a centre pin of this education and communication strategy
- (ix) The draft regulations to help enforce the NFTPAs should be gazetted by the Minister to enhance the implementation of the Act.

Additional recommendations are directed at the R-PP process.

7.3. Proposals for Action under the R-PP Process

For Uganda to benefit from the upcoming REDD+ initiative, it is important that the R-PP takes into account the following issues:

- (i) **Conduct a more inclusive and detailed study on encroachment and how it should be dealt with.** This study has covered only four CFRs in detail, although events happening in many more PAs have been included through key informants. More case studies are needed across the country in order to capture all the issues that relate to encroachment of the country's PAs.
- (ii) **Invest heavily in forest governance.** Declining forest governance is the single most important factor that is perpetuating and entrenching encroachment in Uganda. Key among the activities are information management & communication, instruments to promote professionalism, and mobilising public opinion towards defense of forest resources

- (iii) **Negotiate an integrated plan and mechanism that will be used to deal with the encroachment problem in Uganda.** For it to succeed, this mechanism should receive the approval of Cabinet (as happened in 1988) and Parliament. The mechanism should take into account the rights of the real forest dependent people like the Batwa and the Ik (Teuso) but it should also give due consideration to the encroachers who are really vulnerable and poor. The plan and mechanism would have to provide for flexibility to allow each encroachment case to be handled taking into account its peculiar circumstance. The plan and mechanism will have greater chances of success if it is endorsed by the President.
- (iv) **Mobilise resources to restore natural forests that have been destroyed by encroachers.** Experience has shown that when the area from which encroachers have vacated is not restored quickly, encroachers soon come back, but when it is planted, everybody appreciates the importance of the FR, and thus public opinion swings towards restoration of the PA. Therefore, it is important that a deliberate programme to raise financing (from private & public sources) for forest restoration is prepared and implemented. This will make it possible for the PA managers to take visible control of vacated areas. As REDD+ kicks in, the programme should be able to finance itself to a good extent from carbon revenues.
- (v) **Prepare and implement a grand plan to re-demarcate FR boundaries on the ground and put these boundaries on cadastre maps recognised by the Ministry of Lands.** This will be necessary not only to prevent encroachment, but also to ensure ownership under the REDD+ monitoring reporting and verification. This plan will include building capacity of government and private institutions in terms of training and equipment needed to carry out the exercise of demarcation and mapping of forests. This plan will also take into account acquisition of land that would be used to replace heavily encroached areas that may have to be de-gazetted.
- (vi) **Finalise the Forestry Regulations and gazette them. In addition, existing technical guidelines need to be gazetted** in accordance with the NFTP so that they can also carry the force of law. The guidelines for dealing with encroachment will be included here. This is important in order to strengthen the legal framework that will be necessary to ensure that the + part of REDD is fulfilled.
- (vii) **Measures to deal with population pressure should not only be implemented in the immediate vicinity of the CFRs (to deal with a future problem), but also in the areas where these people tend to come from. Similarly, sustainable land management practices should be implemented** in Kisoro, Kabale, etc. in order to reduce encroachment in Luwunga, Namwasa, Guramwa, CFRs etc. (600km away!!)

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Annex1: Eviction of Encroachers from Government Protected Areas – Stakeholder Groups

Group	roles	Key Informants	Level
NFA	Manage CFRs	<ul style="list-style-type: none"> encroachment specialist legal officer Director/NF UPDF attached to NFA Victims of encroachment 	<ul style="list-style-type: none"> National Local
UWA	Manage NPs & WRs	<ul style="list-style-type: none"> Law Enforcement Officer Wildlife Area Warden Director, Field Operations UPDF attached to UWA 	<ul style="list-style-type: none"> National Local
MWE	regulation and policy guidance to the forestry sector	<ul style="list-style-type: none"> Director, Environment Affairs Commissioner for FSSD 	<ul style="list-style-type: none"> National
MTI	Regulation and policy guidance to wildlife sector	<ul style="list-style-type: none"> Commissioner??? 	<ul style="list-style-type: none"> National
Police liaisons officer	Law enforcement	<ul style="list-style-type: none"> Police Liaison Officer at NFA DPCs & O/Cs crime 	<ul style="list-style-type: none"> National District S/County
Magistrates and lawyers	ensure justice	<ul style="list-style-type: none"> Resident judge and chief magistrate State Attorneys private lawyers who have handled encroachment before 	<ul style="list-style-type: none"> District
LG officials	awareness; law enforcement; policy guidance	<ul style="list-style-type: none"> RDCs CAOs DFOs Lands officers LCs (1, 3 & 5) 	<ul style="list-style-type: none"> District S/County Local level
Encroachers (current)	Still occupying PAs (cultivating, grazing, settlers, etc.)	<ul style="list-style-type: none"> to be consulted in FGDs and questionnaire surveys PA managers lists 	<ul style="list-style-type: none"> Local level

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Encroachers (evicted)	former encroachers	<ul style="list-style-type: none"> to be consulted in FGDs and questionnaire surveys PA managers lists 	<ul style="list-style-type: none"> Local level
Local communities	living near the PAs	<ul style="list-style-type: none"> LC officials Opinion leaders 	<ul style="list-style-type: none"> Local level
CSOs; Faith based organisations	Advocacy about human rights (child, gender etc.) and environmental protection etc.	<ul style="list-style-type: none"> Human rights advocates Environmental protection advocates District NGO forum 	<ul style="list-style-type: none"> National District

Annex 2: Eviction Study – Interview Guide for Key Informants

The purpose of this interview is to establish the general picture of encroachment and evictions and understand the context in which the encroachment and evictions of encroachers take place. Because different stakeholders have different areas of specialization, emphasis on the questions will vary.

1. Name
2. Who are/were the encroachers? Where did they come from? Men or women? Forest dependent or not? Rich or poor? Government people?
3. Why did people encroach on the PA?
4. How has encroachment developed to what it is today? (establish the main milestones or turning points)

Time line

5. What are the main factors that have influenced the trend of encroachment?
6. What are the main factors that have influenced the removal of encroachers?
7. Describe the process used in removing encroachers from the PA
8. Where have the evicted encroachers gone?
9. What is the policy and law on encroachment in PA
10. How effective is the policy and law with respect to encroachment in PAs?
11. How fair is the policy and law on encroachment in PAs fair to those affected (encroachers & local communities)
12. What are your views about the process of removing encroachers?

13. How has eviction of encroachers affected the local society? Score on a scale of **-5** (extremely negative) **0** (no effect) to **+5** (highly positive) and give reasons for your views.

14. What conflicts have arisen during the eviction process and how have they been handled?

Nature of conflict	how it has been handled

15. What is the overall effect of the eviction on the following? Score on a scale of **-5** (extremely negative) **0** (none) to **+5** (highly effective)

Effect	Score	Reason
(a) The people evicted		
(b) The evictors		
(c) Protected area		
(d) Land use in the villages around the PA		
(e) Local residents		
(f) Other people		

16. How important are the following aspects in dealing with encroachment in effective but humane manner? (**0 = Not important; 5 = Very important**)

Item	Score	Evidence of where and how it has or has not worked before
(a) Law		
(b) sensitisation before the start of encroacher removal		
(c) thorough negotiations with all stakeholders		
(d) Communication		
(e) Rehabilitation programme for encroachers		
(f) rehabilitation programme for the forest		

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Item	Score	Evidence of where and how it has or has not worked before
(g) Patience and persistence on both sides		
(h) Flexibility in handling the problems		
(i) Types of land use		
(j) Leadership on both sides		
(k) What else?		

17. What aspects of the eviction process work well? Explain

18. What aspects of the eviction process do not work well? Explain

19. What problems are encountered in carrying out eviction

20. Give recommendations on how best to deal with encroachment

Annex 3: Eviction Study – Individual Key Informants Interviewed

Name	Title
National Level	
1. Acaye Godfrey	Ag. Director, Natural Forests, NFA
2. Molly Karuhanga (Mrs)	Legal Officer, NFA
3. Twinomugisha John	Police Liaison Officer, NFA
4. Allan Amumpe	Project Manager, Sawlog Production Grant Scheme
5. Robert Nabanyumya	Chairman Uganda Timber Growers' Association
6. Mr. Masereka Augustine Johnson	Community Conservation, Coordinator UWA
7. John Makombo	Director Field Operations, UWA
8. Aggrey Rwetsiba	Research and Information Unit, UWA
District Forestry Officers	
9. Tumuhimbise Francis	District Forestry Officer (DFO) Mubende
10. Adribo Edison	DFO Arua
11. Mujuni William	DFO Mukono
12. Bwarakwate P	DFO Mpigi
13. Kaire Kitau	DFO Pallisa
Namwasa & Luwunga CFRs	
14. Mukwaya E	New Foest Company
15. Asaph Asiimwe	New Foest Company
16. Jaffer Shaban	New Foest Company
17. David Watukhula	New Foest Company
18. Tamale Derrick	New Foest Company
19. Sarah Swaleh	New Foest Company
20. Kamugisha Hillary	NFA Forest Supervisor, Namwasa Beat
21. Anecho G. Kerali	former NFA Forest Supervisor, Namwasa Range
22. Ogusu Byron	NFA Sector Manager, Namwasa Sector
23. Mugoya Robert Kennedy	State Prosecutor, Mubende
24. Byarugaba Edward	District Internal Security Officer (DISO), Mubende
25. Namiro Stella	Senior Land Management Officer, Mubende
26. Abaine Enoch (ASP)	District Police Commander (DPC), Mubende
27. Beebwa Johnson Ssemanda	NFA Sector Manager, Singo Hills Sector
Guramwa CFR	
28. Ogwal Michael	District Criminal Investigation Department (CID) Officer, Kibaale

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Name	Title
29. Akamuhabwa Africano (D/AIP)	Deputy CID Officer Kibaale
30. Binyomo Robert	DISO Kibale
31. Kyaligonza Vincent Ateenyi	Deputy Chief Administrative Officer (CAO) Kibale
32. Bukya John Bosco	Local Council (LC)5 Councillor, Nkooko Subcounty
33. Omuhereza Rwandeme	Chairman, LC2
34. Dunstan Balaba,	CAO Kibaale
35. Hajji Ali Mutaawe	Outgoing Resident District Commissioner (RDC), Kibale
36. Byarugaba Juma	Field Coordinator, Integrated Agricultural Development Programme, Emesco Development Foundation
37. Elatu Ojokuna John (ASP)	DPC Kibale
Otzi CFR	
38. Amulla Anewa Osman	Wildlife, Landscapes and Development for Conservation (WILD) Project

Annex 4: Eviction Study - Focus Group Discussions Guide

Study site:

District:

The purpose of the focus group discussions is to establish the general picture of encroachment and evictions.

Focus Groups:

A. people living near the PAs; current encroachers; evicted encroachers);

B. NFA/UWA Staff

1. Name of the stakeholder group:
2. Who are/were the encroachers? (Where did they come from? Men or women? Forest dependent or not? Rich or poor? Government people?)
3. Who are the evictors
4. How has encroachment developed to what it is today? (establish the main milestones or turning points)
5. Describe the process used in removing encroachers from the PA
6. Where have the evicted encroachers gone?
7. What are the sources of income for the people in the local area?

Local Community	
living in villages surrounding the PA	
living in enclaves surrounded by the PA	
current encroachers	
evicted encroachers	

8. How has eviction of encroachers affected them? Score on a scale of -5 (extremely negative) 0 (no effect) to +5 (highly positive). Give reasons

Effect	Score	Reason
(a) Access to enough food		
(b) Access to quality food		
(c) Health		
(d) income		

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Effect	Score	Reason
(e) access to good water		
(f) access to schools		
(g) financial institutions		

9. How has eviction of encroachers affected the local society? Score on a scale of -5 (extremely negative) 0 (no effect) to +5 (highly positive). Give reasons

10. What conflicts have arisen as a result of eviction process and how have they been handled?

conflict	how it has been handled
relations between the encroachers & government officials soured	
LG & CG officials are uneasy with each other	
LC chairman lost votes from this area	

11. What is the overall effect of the eviction on the following? Score on a scale of -5 (extremely negative) 0 (none) to +5 (highly effective). Give reasons

Effect	Score	Reason
(a) Protected Areas		
(b) Land use in the villages around the FR		
(c) Local residents		
(d) Other people		
(e) The people evicted		
(f) The evictors		

12. How important are the following aspects in dealing with encroachment in effective but humane manner? (0 = Not important; 5 = Very important)

Item	Scores	Evidence (what worked and did not work?)
(a) Law		
(b) sensitisation		
(c) thorough negotiations		
(d) Trusting each other		
(e) Communication		
(f) Rehabilitation programme (people)		
(g) rehabilitation programme (the forest)		
(h) Type of land use in the encroached area		
(i) Patience and persistence		

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Item	Scores	Evidence (what worked and did not work?)
(j) Issue of eviction notices		
(k) Voluntary compliance with the law		
(l) Limited use of force in eviction		

13. What aspects of the eviction process work well? Explain

14. What aspects of the eviction process do not work well? Explain

15. How happy are you with the process of removing encroachers? Give reasons for your score.

16. How happy are people in your village with the process of removing encroachers? Score on a range of 0 (unhappy) to 5 (very happy). Give reasons for your score.

17. What problems are encountered in carrying out eviction

18. Give recommendations on how best to deal with encroachment and eviction

Annex 5: Individuals Who Took Part in the Focus Group Discussions

	NFA Staff - Mubende		Local Community - Kasagala CFR (Wankerenge Village)
1	Anecho, G. Kerali	1	Najuka Jane
2	Ogusu Byron	2	Rusagala
3	Kamugisha Hillary	3	Sebutiko Franco
4	Tumuhimbise F	4	Empta Geoffrey
		5	Waiswa M.
	Local Community - Luwunga CFR	6	Semugabi Bosco
1	Bweshwa Fred	7	Kwajje Paul
2	Kagaba Christopher	8	Kaggwa
3	Mulengela Innocent	9	Fulo
4	Byigero Frasiiko	10	Nabawanga Eva
5	Byandagala G.	11	Kizito Ssalongo
6	Nsubuga M.	12	Mugabi Joel
7	Wawire Isima	13	Sembatya Franco
8	Byamungu Edward	14	Andama T
9	Ajambo B	15	Maxwell T
10	Akawe Grace	16	S. Baliddawa
11	Namubire Betty	17	Edimu
12	Ayida N.	18	Niyonkuru Robinah
13	Muhindo Alice	19	Nalwanga Agnes
14	Nakafero Mary	20	Senyonyi Daniel
15	Nabakooza Harriet	21	Senyonga Dirisah
16	Nyaramahoro		
17	Byaruhanga C.		Local Community - Kasagala CFR (Katugo Village)
18	Nakimuli Mary	1	Byaruhanga Narice
19	Azaba Ronard	2	Semayobe David
20	Topista Nansamba	3	Nalongo Nakkazzi Rose
21	Logose Anne	4	Kimara Robert
22	Namulondo Kadija	5	Serunga Edirisa
23	Nbiryio Marriyati	6	Semayobe Jamadah
24	Nalongo Sarah	7	Kajubi Yeko
25	Mbabani P	8	Wajja Fred
26	Balisangu J	9	Gaweera Gerald
27	Sam Kapone	10	Namiro Jane
28	Kawanga Z	11	Serumansi Godfrey
29	Kagoya Alizia	12	Sessemba Ben
30	Bangineza Yusuf	13	Semuse Godfrey
31	Birahisha F	14	Sembuuzi Wili
32	Tuhabwa C	15	Kiyaga J.
33	Kaduke A.	16	Nansubuga F.

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	NFA Staff - Mubende		Local Community - Kasagala CFR (Wankerenge Village)
34	Nayigaga F	17	Ssabwe Ronald
35	Jenifa Mary	18	Mbabazi Edward
36	Nanjara Nalongo		
37	Jimbo Munika		Kalangala Village - Guramwa CFR (Group was over 70 but others refused to register)
38	Mukasa Sam	1	Birabwa Joseph
39	Jumba K.	2	Bamanya Fred
40	Mukasa Jamesi	3	Munyama Tegeko
		4	Omuhereza Rwandeme
		5	Turyakira Nalice
		6	Kazooba Jude
		7	Dalamini Sebakole

Annex 6: Questionnaire for Individual Survey of Local People

The main objective of the questionnaire is to generate personal experiences regarding encroachment and evictions. Therefore, it will be administered to encroachers, those who have been encroachers before, and those living near the forest and are likely to have had first hand experiences on encroachment and evictions.

1. Personal Information

Name (optional)	
Sex	
Age	
Highest educational level	
Average income per year	

2. How far does your family live from the PA?

within the PA	in an enclave in the PA	≤500 metres outside the PA	501mtres – 1km	1.1 – 2km	over 2km

3. No. of children staying with you and age in completed number of years

≤5 years	6 – 10 years	11-15	16-18	≥19 years

4. To what extent is your livelihood dependent on the protected area? Score on a range of 0 (not at all) to 5 (completely dependent)

Means of Livelihood	Score	Reasons for the Score
Land for residence		
Growing food for the family		
Water for domestic use		
Water for livestock		
Medicine		
poles for construction		
Other (state)		

5. To what extent do you depend on the following products from the PA for domestic or commercial use? Score 1 (Domestic); 2 (Both); 3 (commercial).

Means of Livelihood	Score	Reasons for the Score
Growing food for the family		
Water for human use		
Water for livestock		
Medicine		
Poles for construction		
Other (state)		

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6. What proportion of your annual income is generated through activities carried out in the protected area? Rank according to importance starting with 1 (most important)

Income generating activity	Score	Reasons for the Score
Cultivation		
Pitsawying		
Charcoal burning		
Grazing		
Fire wood		
Poles		
Others 1		

7. What do you know about the law regarding your activities in the PAs
8. Describe the activities undertaken when the encroachers are being removed from the PA? (own story)
9. What are your views on encroachment of the PA near where you live?
10. How happy are **you** with the process of removing encroachers? Give reasons
11. How happy are **people in your village** with the process of removing encroachers? Give reasons.
12. Give recommendations on how best to deal with encroachment

Annex 7: Individuals interviewed through the Questionnaire Survey

Name of respondent	Case study CFR
1. Segimba Bernard	Kasagala
2. Sembuse Godfrey	Kasagala
3. Serunga Edirisa	Kasagala
4. Kimera Robert	Kasagala
5. Kwaja Paul	Kasagala
6. Najjuka Jane	Kasagala
7. Mohammed Wambwa	Kasagala
8. Nalongo Nakazi Rose	Kasagala
9. Nabawanga Eva	Kasagala
10. Nalwanga Agnes	Kasagala
11. Namiro Jane	Kasagala
12. Bweshwa Fred	Luwunga
13. Nabakooza Harriet	Luwunga
14. Byamungu Edward	Luwunga
15. Logose Annet	Luwunga
16. Kagaba Christopher	Luwunga
17. Mulengera Innocent	Luwunga
18. Sam Kapere Ssalongo	Luwunga
19. Tusingwire Shaban	Namwasa
20. Refused to give name	Namwasa
21. Besigye Charles	Namwasa
22. Muhereza Banyoya	Namwasa

The people below were interviewed as a group but using the questionnaire for individuals. Some of the questions were directed at all individuals, one at a time

1. Muhaabwa David	Guramwa
2. Bigabwomwe	Guramwa
3. Byayesu Abert	Guramwa
4. Maani David	Guramwa
5. Tibiragana	Guramwa
6. Mukesigwa	Guramwa
7. Babirisa akugi	Guramwa
8. Ahamada Ndebete	Guramwa
9. Baranga Fabius	Guramwa
10. Musekura, S.	Guramwa

Annex 8 (a): Solicitor General's Letter on Illegal Land Titles in Forest Reserves, 1988

/TRUE COPY/

C.14/3 Vol. III

June 17, 1988

The Principal Private Secretary
to His Excellency the President,
Office of the President
P O Box 7168
KAMPALA

KIRULI MIXED FARM PLOT 10, BLOCK 94 BUNYANGABO

This is in reference to your letter referenced PO/17 dated April 14, 1988, addressed to me on the above subject.

Briefly, the owners of the above farm were in 1975 leased 450 hectares of land for farming purposes by the Uganda Land Commission, out of which 398 hectares happened to be part of Mubuku Forestry Reserve. On the 13th September, 1983, the Land Commission extended the lease for 44 years beginning on the 1st December, 1980. Sometime in November, 1987, the District Forest Officer, Kasese, directed the owners of the farm to quit the 398 hectares portion of the lease on the ground that it was illegally obtained. Following that directive, they petitioned His Excellency the President to intervene on their behalf. It is on the basis of the aforesaid facts that you have now sought my advice as to the legal status of the land in question and what should be done to any government official or officials who may have been responsible for the "mess".

The Land Reform Decree, 1975, declared all land in Uganda to be public land and to be administered by the Uganda Land Commission in accordance with the Public Lands Act, 1969. The latter legislation vests all rights, titles, estates and interests in all land in Uganda in the Uganda Land Commission. Therefore, the position is that all land in Uganda, which includes forest reserves, is public land held and administered on behalf of the people of Uganda by the Uganda Land Commission as the controlling authority. However, according to section 48 of the Public Lands Act, the operation of the law applicable to forests, minerals or national parks is not affected by the Act. The Forest Act (Cap. 245), which governs forest reserves, prohibits any person from clearing, using or occupying any land in forest reserves for the purpose of planting or cultivating crops or for commercial purposes. This means that while all land in Uganda is public land held and administered by the Commission with authority to grant estates, rights and interests therein, the Land Commission cannot legally grant leases over land gazetted to be a forest reserve as was done in the instant case. In purporting to lease out 398 hectares which was part of a forest reserve the Land Commission did so contrary to the law and its action is, therefore, null and void.

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The Principal Private Secretary
to H E The President

June, 1988

Accordingly the Registrar of Titles should be advised to cancel the title of the petitioners and the Land Commission be instructed to find an alternative piece of land for them as was suggested by the Forestry Department.

As for your second question on what should be done to the persons responsible for this "mess, I am of the view that these facts be brought to the attention of the Land Commission and it be asked to explain why it acted the way it did before I advise on what should be done to whoever was responsible for the decision of the Land Commission.

(F J AYUME)
SOLICITOR GENERAL

Annex 8 (b): Letter of the Minister of Lands, Housing, and Urban Development on Illegal Land Titles in Forest Reserves

