

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

DRAFT Zero submitted to NFA

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CHAPTER 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 s (LFRs)	NFA (CFRs)	UWA (NPs & WRs)	Joint 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
THF- Normal	123	246,860	249,192	23,468	81,312	600,957
THF-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 category¹	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 area.

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. The forests also play an

¹ 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.

important role of bolstering ecotourism, especially in terms of chimpanzee and gorilla ecotourism.

By law ownership of PA lands is vested in the Uganda Land commission and the district land board. UWA, NFA and District Local Government (DLG) are charged with the responsibility of managing them on behalf of the Government of Uganda.

In CFRs, the functions also include production of forest goods & services to meet economic & social needs of society. **Table 2** shows the areas in CFRs serving these functions.

Table 2: 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 ²	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)³.

Over the 15 years since 1990, the average annual rate of deforestation has been 1.8% (about 88,000 ha per year), with the conifer plantations registering the lowest rate of 0.97%. 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.

Forests are important in the provision of products and services; protection of water catchment areas and storing carbon. Deforestation in the Lake Victoria Catchment Areas resulted in 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.

² Includes all the 91 LFRs covering an area of 4,997 hectares

³ Forest Nature Conservation Master Plan

As a result of increasing prices of electricity, pressure on forest resources (for firewood & charcoal) has increased tremendously. 95% of the households in the country use firewood or charcoal to meet most of their energy needs (UBOS, 2008). 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 exacerbated, posing a threat to human life.

Dry conditions and prolonged droughts create conducive conditions for the spread of wild fires which destroy forests, with serious consequences. The chunks of land left open as a result of the fires become vulnerable to soil erosion during rainy seasons. This vicious cycle leads to increased emission of GHGs, thus exacerbating global warming, and increasing climate change.

It is estimated that agriculture contributes to about 13.5% of the global GHGs mainly from methane (CH₄) and nitrous oxides (N₂O) mainly from fertilised soil, fermentation and biomass burning, rice production, manures and fertilizers (FAO 2009). **Changes in land use and clearing of forests represent 17.4% of total global GHG emissions. It is important to note that 75% of the total GHG emissions from agriculture and land use changes originate in developing countries (IPCC 2007).** In Uganda, Agriculture, forestry and other land uses emit about 40% of the total GHG emissions as indicated in the table below.

Table 3: Green house emissions for Uganda

GHG SOURCE AND SINK CATEGORY	CO ₂ (Gg)	CH ₄ (Gg)	N ₂ O (Gg)	NO _x	CO	NM VOC	Total	Percentage
1 ENERGY	15,157.38	74.647	5.244	26.781	850.21	4.994	16,119.26	2.15%
2 INDUSTRIAL PROCESSES AND PRODUCT USE	434,300.07	0.207	0.053	0	0	0.992	434,301.32	57.90%
3 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%
4 WASTE	0	4.526	0	0	0	0	4.53	0.00%
5 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
NM VOC	Non-Methane Volatile Organic Compounds
CH ₄	Methane

Because forestry captures 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) without the realization of a substantial part of this mitigation.

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 protected areas 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 protected areas. Forests on private/community lands started disappearing on large scale in 1990s.

There are many factors that lead to encroachment into forested areas, including but not limited to, search for fertile land for agriculture, corruption of officials in charge of protection, ineffective law enforcement, uncontrolled migrations, political instability, political and individual self interest, lack of awareness and unclear boundaries of the protected areas.

These underlying factors of encroachment need to be clearly understood and addressed. At the current rate of deforestation that stands at 1.8% per year, increase in encroachment means the end of forest life in the not so far future.

In 1988-1992, evictions of the encroachers in the protected areas were done mainly in Kibale, Mt. Elgon and Mabira CFRs. Most of the encroachers left the protected areas 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.

However, in early 2000, NFA and UWA evicted encroachers from some protected areas, but further eviction was later halted by the President. Since then the encroachment situation has continued to escalate, leading to serious deforestation. This 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. One year later, this number was estimated to have risen to 220,000 (NFA annual report 200 ...).

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 catastrophe, shortage of forest produce and in many cases render some agricultural land unproductive due to reduction in the water table.

1.3 Model of Domino effect of encroachment cycle (on watershed, energy, food security)

In order for Reducing Emission from Deforestation and Forest Degradation (REDD+) to achieve its objectives of conservation, sustainable management of forest and enhancement of forest carbon stock in Uganda, there is need to clearly understand the current drivers of encroachment, the trend of eviction vis a vis human rights, national and international laws, and the factors influencing eviction of encroachers from the protected areas.

The study will provide a reliable and valid result on the level of encroachment, the current trends and strategies of evictions, the impact of the eviction on all actors from the protected areas that shall be useful in the development of REDD+ Preparation Proposal (R-PP) and the implementation of REDD+ in Uganda.

1.4 Objectives of the study

The purpose of the study is to assess the trend and extent of eviction of encroachers from protected areas and its implications to the REDD+ process for Uganda.

The specific objectives are: -

1. To investigate and document the eviction since 2005
2. To assess the extent to which the justification for the eviction conforms to or violates national and international laws.
3. To 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. To evaluate the extent to which evictions affect the land use and livelihood of the community involved.
5. To come up with proposals and recommendations for consideration by the R-PP)

1.5 Intended Results

The study shall provide evidence of the driving forces behind the encroachment, the current efforts/initiatives being made by the leads 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 shall form part of the R-PP that will be the working document in the implementation of the REDD+ process in Uganda. The main output of the process will include:

- The inception report
- The draft Report, which will be discussed with the various stakeholders
- The final report,

CHAPTER 2: METHODS USED

The study followed an evidence based approach, using case studies. It involved a review of the relevant documents, discussions with stakeholders in Kampala and in the field, in and around three Central Forest Reserves (CFRs). Field observations were also made during the field visits to triangulate with information obtained from stakeholders interviewed. Each of the methods is described below.

2.1 Documents Reviews

The documents that were reviewed are listed in **Annex 1**, and covered:

- The relevant policies and laws
- NFA records
- Documents obtained from stakeholders

2.2 Key informants Interviews

The key informants were purposively selected from the key stakeholder groups involved in removal of encroachers from PAs (**Annex xxx**). Individuals, who are familiar with encroachment in PAs, and probably involved in the eviction process were selected and interviewed for their insight into the process, and the context in which encroachment is dealt with. A total of 24 key informants as shown in **Table xxx** were interviewed.

Table 4: Key Informants

Forest Reserve	No. interviewed
National Level	8 so far, more to be interviewed yet
Namwasa & Luwunga	13
Guramwa	10
Kasagala	01

The interviews were conducted using an interview guide developed for this purpose (**Annex xxx**). 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 development of encroachment and eviction of encroachers. The individual people interviewed are listed in **Annex xxx**.

2.3 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 xxx**.

Table 5: Focus Groups in Case Study Forest Reserves

Forest Reserve	Characteristics	Focus Group	No. of people
Namwasa	Mainly grassland CFR being put under commercial timber plantations by an international private company. Latest evictions had been carried out in 2010	encroachers + people living near the CFR ⁴	over 60
Luwunga	Mainly grassland CFR being put under commercial timber plantations by the same company as in Namwasa. Latest evictions had been carried out in 2009	encroachers + people living near the CFR	40
Guramwa	Woodland and tropical moist CFR managed by the NFA. Has potential for restoration and therefore a candidate FR for REDD	NFA field staff	3
Kasagala	Woodland reserve which 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. Managed by NFA	encroachers ⁵	over 70
		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.

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

2.4 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 CFR. 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 xxx.

⁴ They refused register

⁵ Only 7 accepted to register

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 xxx.

2.5 Field Observations

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

2.6 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.

2.7 Limitations of the Methods Used

This is an election season and the encroachments and evictions have been politicised. It has 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 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 to be interviewed individually and had to be interviewed in a group but most questions were put to each person in turn.

CHAPTER 3: STUDY OF EXISTING LITERATURE

3.1 Legal Framework

3.1.1 The Constitution of Uganda

The Constitution is the Supreme law of the land. 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 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 26 provides for protection from deprivation of property.

- (1) Every person has a right to own property either individually or in association with others.
- (2) No person shall be compulsorily deprived of property or any interest in or right over property of any description except where the following conditions are satisfied-
 - (a) the taking of possession or acquisition is necessary for public use or in the interest of defence, public safety, public order, public morality or public health; and
 - (b) the compulsory taking of possession or acquisition of property is made under a law which makes provision for-
 - (i) prompt payment of fair and adequate compensation, prior to the taking of possession or acquisition of the property; and
 - (ii) a right of access to a court of law by any person who has an interest or right over the property.

Article 237 grants ownership of land as follows:

- (1) Land in Uganda belongs to the citizens of Uganda and shall vest in them in accordance with the land tenure systems provided for in the constitution.
- (2) Notwithstanding clause (1) of this article-

- (a) The government or a local government may, subject to article 26 of this Constitution, acquire land in the public interest; and the conditions governing such acquisition shall be as prescribed by Parliament;
- (b) 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;

Articles 238 and 239 establish the Uganda Land Commission and its functions. The functions of the Uganda Land Commission shall hold and manage any land in Uganda vested in or acquired by the government of Uganda in accordance with the provisions of this Constitution and shall have such other functions as may be prescribed by Parliament.

Articles 240 and 241 establish district land boards and their functions. The functions of district land boards include:

- (a) To hold and allocate land in the district which is not owned by any person or authority
- (b) To facilitate the registration and transfer of interests in land; and
- (c) To deal with other matters connected with land in the district in accordance with laws made by parliament.

Article 242 provides for land use: government may, under laws made by parliament and policies made from time to time, regulate the use of land.

3.1.2 The Land Act, Cap 227

The Land Act provides for the tenure, ownership and management of land; to amend and consolidate the law relating to tenure, ownership and management of land; and to provide for other related or incidental matters.

Part III of the Act provides for control of land use. Under section 42, the government may acquire land in accordance with articles 26 and 237 (2) of the Constitution. Section 43 provides for utilisation of land according to various laws thus: a person who owns or occupies land shall manage and utilise the land in accordance with the Forests Act, the National Environment Act, the Water Act, the Uganda Wildlife Act and any other law

Section 44 is on control of environmentally sensitive areas. It provides thus:

- (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.

3.1.3 The National Forestry and Tree Planting Act, 2003

The Forestry and Tree Planting Act is intended to provide for the conservation, sustainable management and development of forests for the benefit of the people of Uganda; to provide for the declaration of forest reserves for the purposes of protection and production of forest and forest products; to provide for sustainable use of forest resource and the enhancement of the productive capacity of forests; to provide for the promotion of tree planting; to consolidate the law relating to the promotion of tree planting; to consolidate the law relating to the forest sector and trade on forest produce; to established the National Forestry Authority; to repeal the Forests Act, Cap 247; and related matters.

The purposes of the Act are provided for under section 2 of the Act which include:

- (a) To create an integrated forest sector that will facilitate the achievement of sustainable increases in economic, social and environmental benefits from forests and trees by all people of Uganda.
- (b) To guide and cause the people of Uganda to plant trees.
- (c) 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.
- (d) To promote the improvement of livelihoods through strategies and actions that contribute to poverty reduction.
- (e) To encourage public participation in the management and conservation of forests and trees.
- (f) To facilitate greater public awareness of the cultural economic and social benefits of conserving and increasing sustainable forest cover;
- (g) To promote the decentralisation and devolution of functions, powers and services within the forest sector; and

- (h) To ensure that environmental benefits, costs and values are reflected in strategies and activities relating to forestry

Section 5 provides for the responsibility for management of forests thus: the government or a local authority shall hold in trust for the people and protect forest reserves for ecological, forestry and tourism purposes for the common good of the citizens of Uganda.

Section 12 is on transfer of management of local forest reserves to the Authority.

- (1) Where the minister is satisfied that :-
 - (a) A local government has failed to manage, maintain and control a forest reserve as required by law;
 - (b) A local government has failed to implement the management plan for the local forest reserve; or
 - (c) It is necessary for the proper protection, control and management of a local forest reserve,

The minister may, by a statutory order, transfer the responsibility for the protection, control and management of the local forest reserve to the Authority.

Management of forest reserves is provided for under section 13 of the Act; a forest reserve 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 forest reserve in accordance with generally accepted principles of forest management as may be prescribed in guidelines issued by the minister.

The Act establishes the National Forestry Authority under Part VIII of the Act. The functions of the Authority include:-

- (a) To develop and manage all central forest reserves;
- (b) To identify and recommend to the minister, areas for declaration as central forest reserves and the amendment of those declarations;
- (c) To prepare and implement management plans for central forest reserves and to prepare report on the state of central forest reserves;
- (d) To establish procedures for the sustainable utilisation of Uganda's forest reserves by and for the benefit of the people of Uganda;
- (e) To cooperate and coordinate with the National Environmental Authority and other related lead agencies in the management of Uganda's forest reserves;
- (f) To enter into an agreement or other arrangement with any person, for the provision of forestry services, subject to such changes as may be agreed upon.

3.1.4 The Uganda Wildlife Act, Cap 200

S.2 (1): Purposes of the Act is to promote:

- (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 conservation of selected examples of wildlife communities in Uganda;
- (d) The protection of rare, endangered and endemic species of wild plants and animals;
- (e) Ecologically acceptable control of problem animals;
- (f) The enhancement of economic and social benefits from wildlife management by establishing wildlife use rights and the promoting of tourism;
- (g) The control of import, export and re-export of wildlife species and specimens;
- (h) The implementation of relevant international treaties, conventions, agreements or other arrangement to which Uganda is a party; and
- (i) Public participation in wildlife management

S.3 is on ownership of wildlife, it provides that the ownership of every wild animal and wild plant existing in its wild habitat in Uganda is vested in the Government on behalf of, and for the benefit of, the people of Uganda. Where any wild plant or wild animal is lawfully taken by any person, the ownership of that plant or animal shall, subject to this Act, vest in that person.

If any protected species is lawfully taken under a permit or a license issued or wildlife use right granted or issued under this Act, the ownership of that animal or plant shall, subject to this Act and to the terms and conditions of the license, vest in the licensee or right holder.

Except in accordance with any license or wildlife use right, nothing in this section shall be deemed to transfer to any person the ownership of any protected animal found dead or dying, or a protected plant that has been cut down.

The Minister may, on the advice of the board, by regulations prescribe measures for the registration and management of the specimens used for cultural purposes by any community.

S.6: Delegation and coordination of functions and duties

The Act establishes the Uganda Wildlife Authority and vests certain functions on it to include:

(1) in the performance of its functions under this Act, delegate, in writing, any of its functions to a lead agency, a committee or any public officer.

(2) The authority in the performance of its duties shall coordinate with any lead agencies involved in the field of wildlife management.

(4) Where the authority delegates any of its functions in accordance with subsection (1), it shall make the necessary arrangements with the lead agency to facilitate the performance of the delegated functions.

Under section 14 of the Act, the Executive Director may, with the approval of the board enter into any suitable commercial or collaborative arrangements with any person for:-

(a) The management of a protected area or a portion of the protected area;

(b) The provision of services and infrastructure in a protected area; or

(c) The management of a species or a class of species of animals or plants.

(2) Any person entering into an arrangement with the authority under subsection (1) shall submit a management plan in the prescribed form and manner.

S.15: Environmental impact assessment

(1) Any developer desiring to undertake any project which may have a significant effect on any wildlife species or community shall undertake an environmental impact assessment in accordance with the National Environment Act.

(2) The authority shall perform all the functions required of a lead agency for purposes of an environmental impact assessment under the National Environment Act, and any regulations made under the National Environment Act, unless the authority is the developer.

S.12: Local Government wildlife committees

12 (1) a local Government council may on such terms and conditions as it considers necessary appoint a committee to advise the authority on the management and utilization of wildlife within the local jurisdiction

S.12(2) a committee appointed in 1 above shall submit an annual report to the board of UWA on its activities and other matters relating to wildlife management in its area.

S.12 (3) any other committee, other than a committee to which subsection (2) applies, shall submit its report through the respective district council

3.1.5 The National Environment Act, Cap 153 (NEMA Act)

The NEAM Act is an Act to provide for sustainable management of the environment; to establish an authority as a coordinating, monitoring and supervisory body for that purpose; and for other related matters incidental to or connected.

The Act establishes a National Environmental Management Authority which is charged with the responsibility of among other things: to review and approve environmental impact assessments and environmental impact statements submitted in accordance with the Act or any other law; and to ensure observance of proper safeguards in the planning and execution of all development projects, including those already in existence that have or are likely to have significant impact on the environment.

Under section 6 (2) NEMA may in the performance of its functions delegate, by statutory instrument, any of its functions to a lead agency or any other public officer.

Under section 42 NEMA shall, in consultation with the lead agency, issue guidelines for

(ii) The selection and management of protected areas so as to promote the conservation of the various terrestrial and aquatic ecosystems of Uganda.

(iii) Selection and management of buffer zones near protected areas

(iv) Special measures for protection of species, ecosystems, and habitats faced with extinction.

Section 43 (a) NEMA shall in consultation with the lead agency prescribe measures for the conservation of biological diversity ex situ, especially for species threatened with extinction.

S.72 (4) (a) an environmental easement may be imposed by court on a burdened land to preserve flora and fauna

The NEMA Act creates offences in relation to mismanagement of the environment.

3.1.6 The Uganda Human Rights Commission

The Constitution establishes the Uganda Human Rights Commission which is charged with among other things, investigating complaints made by any person against the violation of any human right. The in the performance of its functions, the commission shall have the power of a court –

- (a) To issue summons or other orders requiring the attendance of any person before the commission and the production of any document or record relevant to any investigation by the commission;
- (b) To question any person in respect of any subject matter under investigation before the commission;
- (3) The commission may, if satisfied that there has been an infringement of a human right or freedom, order –

- (a) the release of a detained person or restricted person;
- (b) payment of compensation; or any other legal remedy or redress.

The Human Right offences envisaged 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.

3.2 The Threat of Encroachment

The Uganda Timber Growers Association (UTGA), 2010⁶ 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.

Box xxx: Examples of Major losses to private investors in the commercial forest sector Extracted from UTGA, 2010 (op cit)

1. GLOBAL WOODS LTD - planting in Kikonda Central Forest Reserve (CFR), Kiboga, had to replant 50 hectares of pine trees early 2010 after NFA issued grazing permits to neighbouring cattle owners. The cost to the investor was around UGX 50 m for replanting plus the loss of a year's growth.
2. GREEN RESOURCES LTD - planting in Bukaleba CFR, Mayuge, have had massive encroachment following the LC5's support for local farmers to grow their crops in the CFR and even amongst the newly planted trees. This has lead to threats to staff and the loss of some 170 hectares of tree crops planted in 2009/2010. The cost to Green Resources is estimated at over UGX 170 m plus the loss of a year's growth.
3. NEW FORESTS CO. LTD - have struggled with illegal encroachers since starting their major investment in Namwasa CFR, Mubende and Luwunga CFR, Kiboga. Only with recent support from GoU (early 2010) has the situation improved in Namwasa but the investor's concerns over land security continue to threaten their planned development.

In a brief to the President, the NFA also gave illustrations of the threat of encroachment as follows (Extract with minor modifications from NFA, 2006)⁷:

In South Busoga Forest Reserve, one NFA staff was taken hostage, beaten and cut with a panga in 2006. The situation escalated to the level where it had to take the personal intervention of the Inspector General of Police to restore some sanity in the area. The

Comment [LCD1]: Were the issues referred to Human Right Commission by the individual? NFA seems to not follow up such cases individual cases.

⁶ Serious Investment Threatened: Time to Act - A Discussion Paper by the Uganda Timber Growers' Association (UTGA), April 2010

⁷ ENCROACHMENT IN CENTRAL FOREST RESERVES: Tough Challenges and Hard Choices

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. As NFA tried to stem the continued influx of new encroachers into the reserves, community hostility escalated to a level where the agitators led to the arrest of an NFA Forest Supervisor alleging that he had killed someone.

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. This was another case of narrow private interests sabotaging the efforts of Government to promote private sector investment in forestry.

In Rwoho CFR, veterans entered during the election period and took over parts of the reserve. With the help of security agencies, they were removed but soon after, they returned in bigger numbers and formed a local "command structure", conducting military drills every morning. The district security committee treated it as a security threat and subsequently forcefully removed the veterans.

Back in the 1990's, the encroachers in Luwunga CFR took government to court for evicting them from what they claimed was their land. Government won the case and the Principle Judge ruled that they were not eligible for compensation. Later, the Solicitor General advised the Forestry Department to evict the encroachers. The District Chairman pleaded for a stay of eviction until the district had found land for the encroachers. This did not happen but instead, the encroachers started to press Government to find land to re-settle them.

In Kibale District (2006), about 8,000 new encroachers occupied 13 central forest reserves in the district, which had not been previously encroached. 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. However, after elections most of the new encroachers left the reserves voluntarily, only to return later when the case of Guramwa encroachment could not be decisively handled.

In April 2006, one NFA staff was severely beaten by a mob in Kiboga causing grievous bodily harm (broken bones) and destroying an NFA [motorcycle](#). During this same month (April 2006) criminally minded people induced 2 of the people who normally help NFA to monitor illegal timber cutting to go out and killed them in Mukono District.

In Luwero District, lawless community members, with the incitement of local politicians made it difficult for licensed investors in tree growing to do their work. They routinely destroyed their trees by deliberately sending in cattle to graze, setting fires to the planted areas and even directly uprooting tree seedlings.

There are credible grounds supported by enabling policies and laws why encroachers should vacate the reserves, but individual political interest seems to override all these, the law and government position notwithstanding.

Comment [LCD2]: Were the issues referred to Police/Human Right Commission? What is the end results now?

3.3 Causes of Encroachment

There are many forces behind the increasing encroachment into the protected areas in Uganda. It is important that these forces are clearly understood in order to handle the problem of encroachment in the country. Unless such forces are addressed, implementation of REDD+ will be very difficult in Uganda. In its paper on encroachment of central forest reserves in Uganda, the NFA identifies the following drivers of encroachment (www.nfa.org.ug/docs/encroachment.pdf (accessed on 21 December 2010)):

The Seemingly Fertile Soil in the Protected Areas

According to the encroachers who are cultivating in the PAs, they enter the forest because their lands are exhausted and therefore they are pulled into these 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 need to open more forest land.

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 intention to grab some PA land.

Poor Law Enforcement and Governance

Although there are enabling laws to manage, conserve, and protect natural resources, their enforcement is still very poor. The implementing lead agencies are not given freedom by the government to enforce it. 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 are entering daily.

Some corrupt officials in the then Forestry Department encouraged encroachment in the forest in exchange for forest land for themselves and others were bribed to allow in encroachers. The same practice is said to be taking place even under the NFA, albeit at a smaller scale. This was noted in some forest reserves land was cut off by the NFA surveyors during the resurvey and such areas have been encroached on by the local communities.

Corrupt Officials Concerned with Land Administration at both the National and District Level:

According to the NFA many parts of the protected areas 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 protected areas.

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 forest reserves with enclaves within the protected areas. Therefore some people are forced to either shift the boundary infrastructures into the he forest or enter and stay in the forest reserves. Such communities always contest the boundary resurvey.

Uncontrolled Migration:

According the NFA, many people have migrated and entered the protected areas for settlement, cultivation and grazing. Some migrants entered the FRs through LCs who sold FR to them either knowingly or unknowingly. The migrants who later call more of their relatives to come and buy "cheap" land land. It was also noted that some of these migrants sell off the land they own in heir home districts and claim to be landless

These uncontrolled migrations have resulted into inter-tribal conflicts over the forest resource access and use. According to NFA, this has contributed to 90% of the massive destruction and degradation of the forest reserves in Kibaale, Hoima, Masindi and Kyenjojo Districts in Uganda. This encroachment by the migrant has resulted into further encroachment by the indigenous communities who feel they are treated unfairly yet they had been respecting the forest reserves since time immemorial.

Political Interests of Some Individuals

According to the NFA, over 80% of the encroachments in the protected areas 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 forest reserves since even those who had left the forest came back.

Little awareness of Government Policies and Laws Governing the Protected Areas

According to NFA many communities are not aware of the policies and laws on Protected Areas while on the other hand their MPs who make the laws and policies do not tell them before hand these laws and how they will affect them. Instead they support the encroachers even if they know they are actually breaking the law of Uganda. 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 NFA Eviction Procedures

Since the launch of NFA in 2004, encroachment had been the biggest challenge it has been dealing with. With a mandate to manage the CFRs sustainably, and faced with widespread encroachment, NFA has been trying to remove the encroachers from the forest reserves using the following approaches.

Forest Reserves Boundary Opening

The CFR boundaries are opened to show the extent of the FR on the ground. This is often done by the NFA specialized unit on land survey, but where the neighbours challenge the boundaries, a private surveyor agreeable to both parties, and in accordance with the law, is brought in.

Registration of the Encroachers

This was done once in 2005 to understand the extent of the encroachment problem (how many people, area covered, what they are growing, human settlements infrastructure, etc.

Sensitization

Massive sensitization of the politicians, civic leaders and encroachers are then done using the local FM radios, print media and meetings.

Partnership Building

NFA builds up partnerships at the district and national levels in the fight against encroachment. The major partners include security organs in charge of enforcing the law both at the district and national levels, journalists and NGOs.

Voluntary Vacation of Encroachers

Usually in the process of going through these steps, many encroachers will normally leave on their own, however in some instances they were forced out where dialogue failed.

Forceful Eviction

Eviction notices with deadline are issued, and those who fail to leave by the deadline are forced out of the reserves. This normally requires the cooperation of law enforcement agencies.

Encroachment Planting

Encroachment planting is carried out in some of the areas vacated by the encroachers.

CHAPTER 4: FINDINGS OF THE STUDY

4.1 The Encroachment Threat

The NFA Acting Director of Natural Forests believes that encroachment in Uganda is on the increase, largely because most of the encroachers enjoy political protection. Hot spots include CFRs in South Busoga, Kibaale, Mubende, Nakeseke and Moroto districts and almost all peri-urban CFRs. The director summarised encroachers in two categories:

- Illegal encroachers (cultivators, cattle keepers and settlers. Most of these are not local in the areas where the FRs are located but have migrated from elsewhere.
- Legal encroachers (relatively rich people with title in CFRs)

The Project Manager, SPGS also observed that SPGS has a target of supporting establishment of 30,000 ha of commercial timber plantations during the ongoing phase but he was worried that the target may not be achieved as the majority of their esteemed clients had plans of growing trees in CFRs. Encroachment is rampant almost in all CFRs allocated to private tree farmers. The sector is becoming unattractive because encroachment is a put off to investors. Since 2006, private tree growers supported by SPGS have lost about 12 billion UGX to encroachers.

Some farmers who have been allocated land in CFRs have failed to access the land due to hostile encroachers. Cases cited included Woodland Investments in Luwero District, Nile Ply in Ngereka and Nile Bank CFRs in Jinja District; Busoga Forestry Company in Bukaleba CFR in Mayuge district; Global Woods in Kikonda in Kiboga; and many small scale farmers allocated land in several reserves. Veterans "took over" Kisombwa CFR in Mubende District scaring off private tree farmers who had been allocated land in the area. Farmers who have not yet planted trees have been discouraged by the uncertainty surrounding the security of their investment in encroached CFRs. As a result, farmers have resorted to buying private land for tree growing

SPGS believes that local politics is a major driving force behind encroachment in CFRs. This explains why there are more encroachment problems in the eastern and central regions than the west and north where local politicians and communities appreciate the value of forests better.

4.2 The legality of eviction of encroachers

What is the law on encroachment?

1. The National Forestry and Tree Planting Act

Sections 32 – prohibited activities

No person shall, except for forestry purposes and in accordance with a management plan, or in accordance with a license granted under this Act, in a forest reserve or community forest:-

- (a) Cut, take, work or remove forest produce;
- (b) Clear, use or occupy any land for-
 - (i) grazing;
 - (ii) camping;
 - (iii) livestock farming;
 - (iv) planting or cultivation of crops;
 - (v) erecting of building or enclosure; or
 - (vi) recreational, commercial, residential, industrial or hunting purposes
- (c) collect biotic and abiotic specimens; or
- (d) construct or re-open a road track, bridge, airship or landing site.

A person who contravenes this section commits an offence and is liable on conviction to a fine not exceeding thirty currency points or to imprisonment for a term not exceeding three years or both.

Section 41 - 43 – licences and unlicensed activities

No person shall, where he has been granted a license for the purpose, grow, cut, take work or remove any forest produce from a forest reserve or community forest. A person who contravenes this section commits an offence and is liable on conviction, to a fine not exceeding thirty currency points or imprisonment for a term not exceeding three years or both.

Sections 81 –offences

Any person who –

- (a) contravenes any of the terms or conditions of a license granted under the Act;
- (b) without due authority, alters, moves, destroys or defaces any boundary mark of a forest;
- (c) fails to sustainably manage, maintain and control a forest in accordance with the Act;
- (d) fails to comply with a management plan;
- (e) fails or neglects to plant trees in accordance with the Act; or
- (f) fails to comply with the order of an authorised person,

commits an offence and is liable on conviction, to a fine not exceeding forty currency points, or to imprisonment for a term not exceeding five years or both.

Sections 85 – 87 – powers of court to order compensation and other orders

2. Penal Code Act
3. The Uganda Wildlife Act

4.3 Is eviction done in a legal and humane way?

There does not appear to be a specific law that outlines the procedure for eviction of encroachers. The NFA appears to be using the law relating to criminal trespass.

Comment [JA3]: Is this the position? I will seek further guidance on this.

4.4 What grievances arise from eviction of encroachers?

These are contained in the findings to include:

- (i) Destruction of property for both the evictor and the evictee
- (ii) Death
- (iii) Destruction of forest reserves

4.5 Remedies available to aggrieved parties

The remedies available can be broken down into two categories; i.e. remedies for the evictors (police, NFA, UWA, NEMA etc) and those for the evicted (encroacher); these include, but are not limited to:

Encroacher

- (i) Compensation
- (ii) Resettlement in an alternative area
- (iii) Institution of civil suit
- (iv) Institution criminal proceedings with the police
- (v) Report human rights abuses to the Uganda Human Rights Commission for appropriate remedies

Evictor

- (i) Institute criminal proceedings for criminal trespass or other offences as provided for under the law
- (ii) Court order for compensation, vacation of land, restitution of land to original state etc. (section 83 NFA Act –penalties and Section 85 and 87 on powers of the court to order compensation and other powers of the court).
- (iii) Institution of civil proceedings for damages, compensation, assault, death etc.

4.5 Trends in eviction of encroachers

The Encroachers and Encroachment Process

Key informant interviews and focus group discussions indicated that the encroachers are typically people who have come from far away. In the case studies of Guramwa, Namwasa and Luwunga, most of them came from South Western Uganda, including from Kabale, Kisoro, Rukungiri, Mbarara Districts among others. Some of the encroachers come from as far away as Congo and Rwanda. 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.

In the Guramwa case study, one person indicated that some of the encroachers came from Mpokya Game Corridor, and were re-settled in Kibaale District. Each was settled on 10 acres of land and given UGX 10million. 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 little 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 (the people in the questionnaire survey group refused to let the consultant have a look at a copy of the receipt).

At first, the then Forestry Department did not sensitise the people but simply issued eviction notices. After expiry of the period of grace in the notice, some people were arrested but they won the court case in 2002. The FD failed to appeal the case and 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.

In most cases, 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 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.

The 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 businesspeople realise the growing market for their wares, and the source of agricultural produce (e.g. maize, bananas, and even coffee) to supply their stores in towns nearby.

Meanwhile, the government institution responsible for the FRs is not able to flush these encroachers out because:

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

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 a political issue. Soon the people living near the FR catch on and also enter the FR to cultivate but they do not build houses there. **Table xxx** shows a typical trend in the encroachment process.

Table 6: Timeline for Encroachment in Guramwa CFR

1992	a few people came to the FR
1993	many of the elder people today came
2001	Forestry Department (FD) issued eviction notice giving 60 days of grace to the encroachers
	eviction was carried out and some people arrested and taken to court
	about 20 people arrested and taken to court
2002	court dismissed the case and ordered Government to open boundaries of the FR covering 220 acres in line with the 1932 gazette
	the DPP had intended to appeal against the court ruling but this did not happen
2004	NFA was formed to replace the FD
	A boundary re-opening exercise did not adhere to the court order to open boundaries of only 220 acres. They opened the area today taken to be the FR
	NFA registered the encroachers
2005	another eviction notice issued by NFA
	Presidential directive to halt eviction of encroachers in wetlands and FRs
	Minister wrote to stay the 2005 eviction notice
2006	NFA issued another eviction notice
	Another boundary opening exercise
	NFA registered encroachers
	about 20 people arrested and taken to court

Comment [LCD4]: Note the failure in the judiciary system where lawyers use the wrong instruments to win cases (the correct SI 178 of 1968 was not used instead of LN No 87 of 1932 that was repealed.

2007	the encroachers issued intention to sue NFA for false arrests and malicious prosecution in courts of law
2009	Another eviction exercise executed by NFA, district leaders, police and the UPDF
	encroachers went to court for malicious damage to property
	people arrested and property damaged in the process
	someone from the President's Office came and ordered the encroachers back until they were compensated
	the encroachers have reached a level of deciding to kill NFA staff but the NFA staff had not returned to the FR since then

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.

Some key informants said that some encroachers were forest-dependent people but most of them were of the view that these people moved in simply because they needed bigger land. They are really dependent on agriculture and livestock grazing, not only for subsistence, but especially from a commercial point of view. This can also be seen from the fact that in Namwasa and Luwunga, where encroachment is most serious, there is no forest to depend on. The FRs are dominated by grasslands. In Guramwa, the scattered timber trees were cut for timber and charcoal 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), and their first action was to cut down that forest for agriculture, something that real forest-dependent people would not do.

In 1988, the Attorney General ordered that all lease holds issued in CFRs were, null and void and they should be cancelled. However, this did not take place.

4.6 Administration and Practice of Evictions

Factors affecting encroachment

Key informants and focus group discussions stated the following to be the factors that fanned encroachment in the case study FRs:

- (i) Inadequate political will to keep FRs for the purpose for which they were gazetted. The political will is exacerbated by the exigencies of elections.
- (ii) 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
- (iii) Hostility and craftiness of local politicians towards concerted efforts to deal decisively with encroachment
- (iv) Corruption of LCs who could be bribed by the incoming encroachers
- (v) Presence of the seemingly "idle and fertile" land in the FR
- (vi) UPDF veterans were grabbing land elsewhere in the country and so those of Mubende also followed suit
- (vii) Over-population in the homelands of origin
- (viii) Land pressure due to population increase. Given a growth rate of 5.5% in Kibaale District (partly due to in-migration), pressure on land is going to keep increasing

- (ix) Rwanda and Congo politics (genocide forced people to flee their countries and when they came to Uganda, they found "free" land in FRs)
- (x) Lawlessness by the population
- (xi) Laxity in law enforcement

On the other hand, the factors that have promoted removal of encroachers were given as follows:

- (i) 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
- (ii) 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
- (iii) Cooperation of local leaders (political leaders to a lesser extent) with NFA
- (iv) International emphasis on forests for carbon dioxide emissions reductions
- (v) President's directive to remove encroachers from Namwasa FR

4.7 Process of Removing Encroachers from CFR

In general terms, the Ag. Director, Natural Forests at the NFA outlined the process of removing encroachers from CFRs as follows:

- 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 CFR on encroachment.
- 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- done to allow encroachers prepare to quit and harvest crops in case of agricultural encroachment
- 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, create harmony and ease 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- including arrests and prosecution where necessary.

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 who the people were

- o 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 protected areas 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.
- o On the 2nd & 3rd days, the people were also addressed by the area Member of Parliament, the Chairman, LC5, & RDC
- o NFA set about mobilizing resources to effect 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.
- o 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
- o As a result the people left "on their own".
- o 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.
- o Hired labour then moved in to pull down structures where *mabatis* had been removed
- o Within 3 weeks, all the encroachers had left the FR.
- o Thereafter, three more meetings were held. The main issues raised during these meetings were overcrowding where they had settled and a demand for compensation.

In the other case study FRs, the process started with issue of eviction notices as provided for in the Forest Rules that were carried forward from the repealed forests act. Those who refused to move out were arrested and charged in courts of law.

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

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 indicated that the encroachers then 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.

During the focus group discussions, 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 that the day the encroachers were told to go back to the FR, and the security agencies didn't see any meaning in trying to pursue the matter any more. This state of near anarchy was observed by the consultant as follows:

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. At the meeting, people who wanted to contradict what the few 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.

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 but could go back to the FR for food. In fact, some of the people interviewed in Guramwa said that even when they were cleared to go back to the FR, they maintained part of their families outside, where they did small businesses like shop keeping and operation of bars. Other people moved back to the areas where they had come from, i.e. if they had not yet sold the land

4.8 The process of Removing Encroachers from National Parks & Wildlife Reserves

This process was outlined by the key informants interviewed at UWA.

- o Sensitization of the communities
- o Identification of the most affected part of the PA
- o Moving encroachers and concentrating them in the most affected part of the PA to avoid having them scattered all over the PA
- o Clearly demarcating the area where encroachers can continue with their activities from the rest of the PA. Resurveying PA boundaries in some cases
- o Strict protection of the remaining part of the PA to ensure no expansion by the encroachers
- o Identification of genuine people (the indigenous) among the encroachers for compensation/resettlement
- o Initiating the process of degazetting the excised part of the PA, or compensating the encroachers so that they can look for alternative land. Where neither compensation nor excising of the PA has been done, encroachers are allowed to remain cultivating in the encroached areas under strict agreement conditions as the area regenerates. Eventually the regeneration forces out the encroachers as it negatively affects agricultural crop yield as the forest canopy closes. This takes up to a maximum of six years
- o Most encroachment problems have been resolved smoothly without even reaching courts of law

UWA's success story was attributed to the following:

- o UWA is constantly on ground to ensure that any attempt of encroachment is handled promptly. The element of having armed staff has contributed much in this aspect
- o 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). **Q: is the Permanent National Park Estate (Conservation Areas) still being respected?**
- o 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

Comment [LCD5]: Comments from Jero after reviewing the UWA Act. The NFTP act is clear about compensation of areas degazetted from PFE

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 court

- o Enterprise development- the local communities have been supported to engage in conservation related IGAs. This has helped the local community appreciate the value of the PAs and the importance of conservation
- o Involving communities and local leaders in management of the PA

4.9 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 (UTGA, 2009), 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, 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 also 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 Kibaale 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, the lack of fairness has not been addressed, as can be deduced from the fact that there is even no tarmac road in the whole Bunyoro sub-region.

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

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

Comment [LCD6]: Therefore dealing with encroachment will require a multi sectoral approach . . . (agric, population, migration, land use planning . . .)

4.10 Impact of eviction on livelihoods and society

The impact of evictions on local communities is varied. 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 people interviewed were of the view that the impact has been mostly negative. 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 have disintegrated, cultural norms & values no longer respected, and schools 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.

Add info from questionnaire surveys

4.11 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 returned to the reserve and business continued as usual. Even in Namwasa, more than 200 people are 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 have 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 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.

4.12 Impact of eviction on PA 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 returned to the FRs immediately.

As a result, the initial elation turned into despair because there was nothing they could do about it. In addition, they are watching helplessly as local people invade other CFRs, knowing that they cannot be evicted if the ones in Guramwa were left. The FRs are being taken over through lawlessness which started in Guramwa CFR.

CHAPTER 5: GOOD PRACTICE, EMERGING ISSUES/CHALLENGES, LESSONS LEARNT

5.1 Good Practice

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 xxx** shows the average score of the people interviewed.

Table 7: Average score for attributes of dealing with encroachment humanely

Item	Average Score	reasons for the score
Sensitisation before the start of encroacher removal	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 & 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 to 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 but the people do not respect them and often it is difficult to know which one 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

Item	Average Score	reasons for the score
		<ul style="list-style-type: none"> o negotiations can be done with the encroachers but they demand a lot of money for re-settlement
Law Average	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, possibly fence the land and guard it properly. The institution responsible should be empowered to do their job. o the law cannot be enforced in the current political circumstances o instead politics reigns supreme
Rehabilitation programme for encroachers	3.3	<ul style="list-style-type: none"> o consider only those who are needy o some have to be assisted to settle in new areas o 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"> o if there is close supervision, the encroachers can leave after harvesting their crops o created total understanding of eviction objective o 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 Average	3.0	<ul style="list-style-type: none"> o people with annual crops are easier to remove than those with perennial crops o determines ease of eviction o easy for people with grass thatched houses to move than those with permanent ones o 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"> o must be done within the time frame stipulated o reduced use of force and saves the police image o encroachers are stubborn and will not leave however flexible you are o 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 come out as the most important (mentioned most frequently). This time "communication" comes a distant fourth, and leadership does not surface at all (Table xxx). The reasons for this disharmony are not immediately clear, but it is probably because good leaders are able to recognise the importance of sensitisation and negotiations in the quest for successful and humane evictions.

Table 8: 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, "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.

5.2 Issues and challenges

The biggest challenge in dealing with encroachment and eviction of encroachers is political interference (Table xxx). 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 one State House official.

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 this one was not reversed, although unclear people are now encouraging the evicted encroachers to come back with promises of compensation.

Table 9: Problems and challenges associated with encroachment and evictions

Category	frequency	percent
Political interference	13	26.0
Difficulties in enforcing the law	9	18.0

Category	frequency	percent
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
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

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

- o Abuse of policies by the very government which made them
- o enforcement of law not done well
- o 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
- o Fear of victimization of those who carry out the eviction exercise
- o The punishment for encroachment is insufficient. The maximum penalty is 30 currency points.
- o The NFA Act does not have regulations, this makes it difficult for the Authority to fully implement the Act.
- o The burden of proving encroachment is on the NFA before it can evict by court order. Court cases can take several years to complete while the FR is question is being destroyed.
- o Some police officers and NFA staff are corrupt, and therefore they are ineffectual in carrying out evictions.

5.3 Lessons learned

Politics- encroachment cases escalate during busy politicking seasons. T

- Some politicians from other parts of the country tend to encourage their voters to encroach PAs on learning that encroachers elsewhere have been compensated or part of the PA has been excised for the encroachers
- Identification of genuine people(the indigenous) among the encroachers for compensation/resettlement
-

UWA is constantly on ground to ensure that any attempt of encroachment is handled promptly

CHAPTER 6: CONCLUSIONS AND RECOMMENDATIONS

6.1 Conclusions

Recognizing the importance of GHG emissions from deforestation and degradation, the Conference of the Parties (CoP) of the UNFCCC agreed, at its eleventh session in December 2005, on a two-year process to consider policy approaches and incentive options to reduce emissions from deforestation and forest degradation (REDD) in developing countries. Uganda has embarked on preparing a readiness preparation proposal (RPP) with support from the World Bank.

Encroachment is one of the key factors leading to the reduction of the forest cover currently standing at the rate of 1.8% per year. The livelihoods of the encroachers and the general communities, the contribution of forestry to the economy of Uganda as well as the ecological functions of the PA are affected negatively.

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).

Observations of the encroached FRs shows that encroachment, especially for cultivation and settlement, is very destructive to natural forests (as in Guramwa), perhaps irrevocably, but certainly it will require long years to restore them. The destruction in grassland FRs (as in Namwasa & Luwunga) 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.

In the case study FRs, 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. 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 FR degazetted.

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 FR 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 is no forest to depend on. The FRs are dominated by grasslands. In Guramwa, the scattered timber trees were cut for timber and charcoal 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), 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. The forest management plans consider them as very important stakeholders who derive almost all of their livelihoods from the forests (NFA 2006)

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 RDC) and local leaders. This case proves that evictions could be effected if there was 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 (ULC) within CFRs. Even in these cases, it is possible to resolve them in an environment where government places a premium on its protected areas. This commitment of government is going to be very important if Uganda is to benefit optimally from the REDD+ initiatives.

All the people interviewed (including those evicted) agreed that encroacher should vacate FRs. However, there was persistent demand for compensation and re-settlement of those evicted. The Consultant tends to agree with the few voices that believed that this serves only to exacerbate the vice, as was demonstrated by the people evicted from Mpokya and re-settled in Kibaale. However, it also fair to say that some people would have nowhere to go when they are evicted and these should 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.

Experiences in the case study FRs and UWA 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 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 deadlines 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.

Except in a few cases, all the people interviewed indicated that the policy and law on forestry is largely 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, 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.

6.2 General recommendations

The people interviewed were also asked to propose what they thought should be done in order to deal with encroachment in a humane manner. The recommendations they made were summarised and are listed below in the order of number of times each was mentioned:

Prevention of encroachment

1. Continuous advocacy and sensitisation of all stakeholders
2. Re-demarcate FR boundaries
3. Get the President to support removal of encroachers
4. intensify monitoring & patrol of FRs to detect and stop encroachment
5. Provide adequate resources (money & people) to prevent encroachment
6. Make the law tougher so that it is expensive to break it
7. Form a para-military unit at NFA to deal with hostile situations. This is probably why UWA is able to keep out encroachment in its areas.
8. Control migration
9. Inculcate respect for rule of law
10. register people living near the FR
11. put to use FR areas with no forest
12. implement sustainable land use practices outside PAs

Removing Encroachers from FRs

13. enforce the law expeditiously
14. re-settle & compensate (by the OPM) those who deserve it
15. prepare and implement a programme to restore encroached areas (multi sectoral at local, district and national level)
16. Expand involvement of all stakeholder in eviction process
17. Prepare and implement a program to evict encroachers countrywide
18. de-gazette parts of FR with heavy encroachment in accordance with law
19. Eviction should be followed by planting of the areas vacated
20. Time evictions to take place outside election periods
21. Issue a deadline of encroacher activities countrywide
22. Nullify land titles in FRs

Some of recommendations above are amplified below in line with the findings of this study

1. The NFA and its parent Ministry should proactively take up the matter of encroachment with the President. The recent eviction cases in Namwasa and

Guramwa have shown that removal of encroachers can only be successful when he says so. It is going to be very difficult for other government organs to solve the encroachment problem, except with his agreement. It will also continue to be difficult to enforce the law relating to forests.

2. NFA should refine the eviction process that was used in the Guramwa and Namwasa/Luwunga cases so that those who encroach on natural forests can be removed. 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 PA be jealously guarded. The encroachers should be removed so that the forests can be allowed to regenerate themselves (albeit with initial artificial interventions).
3. 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 issued with land titles.
4. Forest Reserve managers should develop collaborative forest management 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. The CFM arrangement should also encompass the land outside the PAs with a view to promoting integrated land management practices as a deliberate move towards sustainable management of FRs.
5. The FR managers should build a "para-police" unit to enhance their capacity for early detection on encroachment and other forest crimes, investigate them, and where necessary, successfully prosecute them in courts of law. The nascent environmental police should form the nucleus of this "para-police" unit.
6. The forest 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 FR inviolate should be a centre pin of this education and communication strategy

Additional recommendations are directed at the R-PP process.

6.3 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:

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 protected areas.
2. **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. The mechanism should take into account the rights of the real forest dependent people like the Batwa, 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.
3. **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 goes against the encroachers. 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.
4. **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 mapping, 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.
5. **Finalise the Forestry Regulations and gazette them. In addition, existing technical guidelines need to be gazetted** in accordance with the NFTP Act 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.