

**“A funny place to store carbon”:
UWA-FACE Foundation’s
tree planting project in
Mount Elgon National Park, Uganda**

Chris Lang and Timothy Byakola

December 2006

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CDI



WRM

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1. Ticking the right boxes or offsetting responsibility?¹

The global climate is changing. As the amount of carbon dioxide in the atmosphere increases the climate becomes less stable. If the Greenland and West Antarctic ice sheets were to melt, then millions of people would be forced from their homes. If we are to prevent runaway climate change then we need to limit global temperature increases to 2 degrees Centigrade above pre-industrial levels. This means leaving most remaining fossil fuels in the ground.² In his book "Heat", George Monbiot argues that this requires a cut of 60% in global climate emissions by 2030 and a cut of 90% in the North.³

But as the urgency of climate change increases, so does reliance on "market solutions" to deal with the problem. The carbon market nearly doubled in size from US\$11 billion in 2005 to US\$21.5 billion in 2006. But there was no equivalent reduction in carbon emissions. "As the carbon market has soared, global greenhouse gas emissions have continued to rise – a stark indication that a more pragmatic and direct approach to cutting emissions is urgently needed," points out Ethan Green of Rising Tide North America.⁴

One of these market solutions is to plant trees. While trees grow they absorb carbon. But compared with the amount of fossil fuel below the ground and the amount of carbon dioxide already in the atmosphere, trees cannot absorb carbon fast enough or for long enough. Fossil fuels, which have been stored for millions of years below the earth, only emit carbon to the atmosphere when they are dug out and burned. Once the carbon is above the ground, it circulates between vegetation, water, soils and air. Trees store carbon for a relatively short period. The carbon stored in trees is released after a few years to the atmosphere. Trees die and decay. They

¹ Parts of this introduction were first published in Byakola, Timothy and Chris Lang (2006) "Uprooted", New Internationalist, July 2006, Issue 391. <http://www.newint.org/features/2006/07/01/uganda>

² The title of this report, "A funny place to store carbon", is borrowed from a recent publication by the Dag Hammarskjöld Foundation. The report, edited by Larry Lohmann at The Corner House provides an excellent critique of the problems of carbon trading. Lohmann, Larry (Ed.) (2006) "Carbon Trading. A Critical Conversation on Climate Change, Privatisation and Power", Dag Hammarskjöld Foundation, Durban Group for Climate Justice and The Corner House, October 2006. <http://www.thecornerhouse.org.uk/pdf/document/carbonDDfull.pdf>

³ Monbiot, George (2006) "Heat. How to stop the planet burning", Penguin Books, London.

⁴ Kenny, Zoe and Rohan Pearce (2006) "'Market solutions' threaten climate catastrophe", Green Left Weekly, 4 November 2006. <http://www.greenleft.org.au/2006/689/35805>

can be attacked by pests. During heat waves they can go up in smoke and flames. They can also be cut down and used as fuel, or made into furniture, buildings or paper, none of which are long term carbon stores.

In 1994, a Dutch organisation called the FACE Foundation signed an agreement with the Ugandan authorities to plant trees on 25,000 hectares inside Mount Elgon National Park in Uganda (*see* Box: "FACE: the facts"). Another Dutch company, GreenSeat, sells carbon credits from Mount Elgon to people wanting to offset the emissions caused by flying. GreenSeat explains on its website:

"When we decide to fly we can't get around the pollution (CO₂ and other gases) that this causes, but we can compensate for these emissions by investing in renewable energy projects and by planting and protecting trees that 'soak up' the CO₂ as they grow."⁵

A "compensation module" on GreenSeat's website tells us that just US\$28 would cover the costs of planting 66 trees to "compensate" for the 1.32 tonnes of CO₂ emitted during a return flight from Frankfurt to Kampala.⁶

Alex Muhweezi, IUCN's country director in Uganda, is enthusiastic about the FACE project and sums it up as follows: "FACE gets a license to continue polluting – we get to plant some trees."⁷

For many in the North this is a dream come true. We can continue our massively polluting lifestyles with a clean conscience. But, as George Monbiot points out,

"Any scheme that persuades us we can carry on polluting delays the point at which we grasp the nettle of climate change and accept that our lives have to change. But we cannot afford to delay. The big cuts have to be made right now, and the longer we leave it, the harder it will be to prevent runaway climate change from taking place. By selling us a clean conscience, the offset companies are undermining the necessary political battle to tackle climate change at home."⁸

When we look at the FACE Foundation's tree planting project in Uganda, however, another set of problems is revealed. The FACE Foundation is storing its carbon in trees planted on someone else's land.

⁵ "The GreenSeat Philosophy", GreenSeat website: <http://www.greenseat.nl/us/Menu-Tekst.asp?iddoc=35>

⁶ "Compensate now!", GreenSeat website: <http://www.greenseat.com/us/boekmod-pag1.asp>

⁷ Interview with Alex Muhweezi in Mbale by Timothy Byakola, Jutta Kill and Chris Lang. 19 July 2006.

⁸ Monbiot, George (2006) "Selling Indulgences. The trade in carbon offsets is an excuse for business as usual", *The Guardian*, 18 October 2006. <http://www.monbiot.com/archives/2006/10/19/selling-indulgences>

FACE: The facts

- FACE stands for Forests Absorbing Carbon-dioxide Emissions.
- The FACE Foundation was set up in 1990 by the Dutch Electricity Generating Board N.V. Sep.
- The aim was to plant 150,000 hectares of trees to absorb and store carbon to offset emissions from a new 600 MW coal-fired power station to be built in the Netherlands. The plantations, "for reasons of land availability and cost-effectiveness", are to be planted predominantly in the South.
- Since 2000, FACE has been independent of N.V. Sep.
- In 2002, FACE, Triodos Bank and Kegado BV set up Business for Climate to sell carbon credits from FACE Foundation's forest projects and to generate funding for the maintenance of the projects.
- In 2006, Business for Climate was renamed Climate Neutral Group.
- GreenSeat, one of the members of the Climate Neutral Group, advertises the UWA-FACE project at Mount Elgon to sell carbon credits to offset emissions from flying.

The FACE Foundation's largest project is the FACE Programme for Forestation in Ecuador (FACE-PROFAFOR). According to FACE, the project "takes advantage of land that is not being used and that could generate income to the local economy." The initial goal was to plant 75,000 hectares almost entirely with exotic tree plantations in the Ecuadorian Andes. This figure was later reduced to 25,000 hectares of which 22,000 hectares has been planted, and 20,000 hectares certified under the Forest Stewardship Council system (by SGS).

A report by Acción Ecológica points out that because the trees are drying out the soils, there is actually more carbon released than stored in the areas planted under the FACE PROFAFOR project. When Ricardo Carrere visited the area in 2004, he found that some areas planted with trees had burned down, pine trees had yellow needles, many trees were growing poorly and many had been damaged by grazing animals (rabbits, hares, cattle or horses). Few trees were more than two metres high. Carrere estimated that the average height of trees in the six year old plantation was one metre.

Acción Ecológica's research found that local communities who had entered into contracts with the FACE Foundation to plant the trees were actually worse off as a result of the project. Villagers have lost grazing land. When one community found that its involvement in the project had cost the community US\$10,000, it attempted to get out of the agreement with FACE, but the project engineer told them, "You cannot rid yourselves of the agreement, the Commune is mortgaged."

Sources:

FACE Foundation website: <http://www.stichtingface.nl/>

Carrere, Ricardo (2004) Some observations made during a visit to FACE plantations in the Paramo, August 2004.

Granda, Patricia (2005) "Carbon Sink Plantations in the Ecuadorian Andes. Impacts of the Dutch FACE-PROFAFOR monoculture tree plantations project on indigenous and peasant communities", Acción Ecológica and World Rainforest Movement. <http://www.wrm.org.uy/countries/Ecuador/face.pdf>

In Uganda, the FACE Foundation works with the Uganda Wildlife Authority (UWA), the agency responsible for managing Uganda's national parks. The UWA-FACE project involves planting a two to three kilometre-wide strip of trees just inside the 211 kilometre boundary of the National Park. To date, 8,500 hectares out of a planned total of 25,000 hectares has been planted, according to Denis Sliker, FACE Foundation's Director.⁹

In the areas planted with trees, forest regeneration has improved especially where the land had been used for agriculture. The project is certified under the Forest Stewardship Council scheme as well managed. Each year, SGS (Société Générale de Surveillance) the world's leading inspection, verification, testing and certification company monitors the project to check that it complies with FSC's standards. Fred Kizza, FACE's project co-ordinator in Uganda, claims that the project has improved income and standards of living among local communities. He adds that the project has provided jobs, especially in planting and the tending of nurseries. The project gives out seedlings to farmers which they plant on their farms.¹⁰

At a first glance then, it seems that the Mount Elgon project ticks all the right boxes. But a closer look at the project reveals serious problems which are invisible to anyone paying to offset their guilt about flying.

For a start, local council officials dispute the employment claims. They point out that most of the jobs are only available during the planting period and employ very few people. They also complain that the project has taken away local communities' access to forest goods. Collecting firewood has become a serious problem and people have had to abandon the preparation of foods that take a long time to cook, such as beans.¹¹

⁹ Denis Sliker (FACE Foundation), comment by e-mail on a draft version of the article "Uprooted" for *New Internationalist*, 19 May 2006.

¹⁰ Interview with Fred Kizza by Timothy Byakola, December 2004.

¹¹ Interviews carried out at Mount Elgon by Timothy Byakola, December 2004.

Chapter 2 gives an overview of Mount Elgon and of the communities living around the park and how they use the forest and grasslands inside the park.

In order to keep villagers out of the national park, UWA's park rangers maintain a brutal regime at Mount Elgon. In 1993 and 2002, villagers were violently evicted from the national park. Since the evictions, according to the villagers we talked to as part of this research, UWA's rangers have hit them, tortured them, humiliated them, shot at them, threatened them and uprooted their crops.

When I telephoned the FACE Foundation's office in the Netherlands to ask some questions about the project and the problems for local people, Denis Slieker, FACE's director, denied that the UWA-FACE project has anything to do with these problems. He referred to an impact assessment carried out in 2001 which concluded that the main negative impacts were increased scarcity of land, reduction of access to park resources and the increase of dangerous animals. "Closer research demonstrated that the negative impacts were caused by the conversion of the area into a National Park rather than reforestation by UWA-FACE", said Slieker. "In the absence of the project people would have experienced the same impacts."¹²

True, the Ugandan Government declared Mount Elgon a national park in 1993, one year before the UWA-FACE tree planting project started. But the problems associated with this decision were very much still there when the project started. The problems are still there today. The UWA-FACE project is a part of the management of the national park. Rather than helping solve problems relating to the national park, the FACE Foundation's tree-planting is making them worse.

When the government changed the status of Mount Elgon to a national park, the people living within its boundaries lost their land rights. According to SGS they never had any: "The encroachers have never had legal rights to farm the land." None of the people evicted from the park have received adequate compensation.

¹² Telephone interview with Denis Slieker, Director FACE Foundation, by Chris Lang. 15 May 2006. Although he did not say so, Slieker is paraphrasing SGS's Public Summary of its FSC Certification Report of the UWA-FACE project, which states: "A Social Impact Assessment was undertaken and written up in September 2000. It found that local people did not clearly distinguish between the impacts arising from the gazettelement [sic] of the National Park and activities of the project. On further investigation, no significant social impacts were caused by the project." SGS (2002) "Mount Elgon National Park Forest Certification Public Summary Report", SGS (Société Générale de Surveillance) Forestry Qualifor Programme, Certificate number SGS-FM/COC- 0980, page 25. <http://www.sgs.com/sgs-fm-0980.pdf>. See Chapter 6 for a critique of the FSC certification.

Many of the people who were evicted had nowhere to go, and many continue to farm in and around the national park. The boundary around the national park is not clear, in spite of (or perhaps because of, *see* Chapter 3) a World Bank-funded project which included re-tracing the boundary of Mount Elgon National Park.

UWA's park rangers receive paramilitary training. Park rangers actively patrol the boundary region and prevent villagers from grazing their goats and cows. "The wildlife people who operate there are very militarized, and have killed over 50 people. People feel that the Government favours animals more than the people," David Wakikona, Member of Parliament for Manjiya County told the Ugandan newspaper *New Vision* in 2004.¹³ (*See* Box: "The Uganda Wildlife Authority [UWA]").

The Uganda Wildlife Authority (UWA)

The Uganda Wildlife Authority (UWA) was created in 1996, through the merger of Uganda National Parks and the Uganda Game Department and is under the Ministry of Tourism, Trade and Industry. UWA is responsible for managing Uganda's 10 national parks, 12 wildlife reserves and 5 community wildlife areas. UWA's funding comes from government, aid agencies and from revenue from the national parks. The World Bank's Protected Area Management and Sustainable Use (PAMSU) project is currently a major source of funding, although funding through this project will end in 2007.

In addition to providing UWA with a new head office in Kampala, the World Bank's PAMSU project also partly financed the re-tracing of boundaries at Mount Elgon. This is one of UWA's most controversial activities at Mount Elgon and is the source of serious conflicts with people living around the park.

Under the 1996 Uganda Wildlife Act, 20 per cent of all entry fee collections from national parks are to go to communities neighbouring the park. According to the Ministry of Finance, wildlife based tourism in Uganda has an economic value of US\$163 million a year, directly employing 70,000 people. However, payments to communities are small because the payments are limited to entrance fees and exclude trekking fees, camping fees, gorilla permit fees and so on. In May 2005, the Ministry of Finance stated that in the last four years a total of just over US\$500,000 had been disbursed to communities.

¹³ Musoke, Cyprian (2004) "MPs set demands on Elgon Park land", *New Vision*, 30 June, 2004. <http://www.newvision.co.ug/D/8/17/369170>

In 2002, more than 3,000 people visited Mount Elgon, and paid UWA a total of US\$322,499 during their visits to the park. But of this total, local authorities around the park received only US\$3,885 (or 1.2 per cent).

In early 2005, Arthur Mugisha resigned as executive director of UWA over what he called "unacceptable political interference" and "being fed up with corruption". Mugisha was replaced by Moses Mapesa.

In a recent article in *New Vision*, Mapesa clearly reveals his bias towards wildlife and against local people:

"To illustrate the importance of wildlife and its contribution to the national economy, I will use the gorilla, buffalo and elephant. Every individual gorilla in Bwindi Impenetrable National Park earns Uganda US\$100,000 (sh180m) per year and creates employment for 30 people. Which individual Ugandan living near a National Park can raise that amount of money?"

UWA has developed General Management Plans for all the protected areas under its management. The "Mount Elgon General Management Plan" was produced in 2000 and makes several references to the importance of working with the communities surrounding the park. For example,

"Since 1993 [sic] Uganda Wildlife Authority has increased its emphasis on working more closely with communities rather than taking a strictly law enforcement approach to Park management."

"Until recently, the major focus of management activities for the lands now within Mt. Elgon National Park has been law enforcement. Mt. Elgon National Park now places more emphasis on working in co-operation with communities adjacent to the park, in order to achieve conservation and development goals."

Other statements in the Management Plan give the game away, however. UWA is prepared to work with communities as long as they agree to move out of the park:

"The emphasis in community conservation programs will thus be in the following areas: . . . co-operative action to reduce and ultimately eliminate agricultural encroachment."

"Agricultural land and boundary disputes" is one of the issues that UWA has identified as being of concern to communities living around the park. However, UWA's Management

Plan adds that the demand for more agricultural land in the park is "incompatible with the conservation of Park values as required under the UWA Statute."

The Management Plan makes clear that community conservation activities are to be carried out "in combination with law enforcement activities":

"Law enforcement will, however, continue to be an important Park management activity. It is important that the laws governing Park management are be [sic] carried out in an unambiguous and transparent manner, and that they be seen to be an integral part of an overall Park operation that also includes community conservation activities."

"Law enforcement" involves UWA rangers in military style operations, including patrols, raids, arrests, imprisonments, seizure of cattle, destruction of houses and crops and use of state-sanctioned violence. Rangers have rifles and shoot at poachers. Several people have been killed. If they need military support, UWA staff can call in the Uganda People's Defence Force (UPDF).

Sources:

Chhetri, Purna, Arthur Mugisha and Sean White (2003) "Community resource use in Kibale and Mt Elgon National Parks, Uganda", *Parks: Conservation Partnerships in Africa*, IUCN, Vol. 13, No. 1, 2003.

http://www.iucn.org/themes/ceesp/publications/TILCEPA/Parks13_1-pp28-49.pdf

Mapesa, Moses (2006b) "Museveni's defence of wildlife is good news", *New Vision*, 15 August 2006. <http://www.newvision.co.ug/D/8/459/515276>

Ministry of Finance (2005) "Poverty Eradication Action Plan (2004/5-2007/8)", Ministry of Finance, Planning and Economic Development, May 2005. <http://www.imf.org/external/pubs/ft/scr/2005/cr05307.pdf>

Migereko, Daudi (2005) "Meeting with Board of Trustees Uganda Wildlife Authority and saying farewell to Dr Arthur Mugisha", Statement by Hon. Daudi Migereko, Minister of Tourism, Trade and Industry on 16th March 2005 at 6.15 p.m. www.mtti.go.ug/speeches/SPEECH%20-%20UWA.doc

Norgrove, Linda and David Hulme (forthcoming) "Confronting conservation at Mount Elgon, Uganda", Institute for Development Policy and Management, University of Manchester. <http://www.sed.manchester.ac.uk/idpm/staff/documents/ParkingResistanceandresistingtheparknovember2005.pdf>

Thome, Wolfgang (2005) "Wolfgang's report", eTurboNews Global News for the Travel Trade, Friday, 4 February 2005. <http://travelwirenews.com/eTN/04FEB2005.htm>

UNESCO (2004) Convention concerning the protection of the world cultural and natural heritage, World Heritage Committee, Twenty-eighth session, Suzhou, China 28 June – 7 July 2004. <http://whc.unesco.org/archive/2004/whc04-28com-15areve.pdf>

UWA (2000) "Mt. Elgon National Park General Management Plan", Executive Summary, Uganda Wildlife Authority, December 2000.

UWA (2006) "Investment Opportunity Bid Invitation: Operation of launches/boats Murchison Falls National Park", Uganda Wildlife Authority, February 2006. <http://www.uwa.or.ug/Launches%20%20bid%20doc.pdf>

Masokoyi Swalikh, Mbale District Vice Chairman, points out that UWA's approach has resulted in conflicts in which communities have deliberately destroyed the trees planted around the boundary. For people living around the park, the trees are a symbol of their exclusion from land that was once theirs. In 2003, for example, a strip of eucalyptus trees over four kilometres long marking the park boundary was destroyed in one night.¹⁴

In March 2002, UWA evicted several hundred more people from Mount Elgon, many of whom had lived on the land for over 40 years. Park rangers destroyed villagers' houses and cut down their crops. With nowhere to go, the evicted people were forced to move to neighbouring villages where they lived in caves and mosques.¹⁵

An elder who lived in Mabembe village for over 50 years, was among those evicted in 2002. He has 20 children and now lives on a piece of land covering just one-third of a hectare. "When the UWA people came with their tree-planting activities they stopped us from getting important materials from the forest", he told Timothy Byakola in 2004. "We were stopped from going up to get *malewa* (bamboo shoots), which is a very important traditional food in the area and is a source of income. There were certain products that we used to get from the forest for the *embalu* ceremony (circumcision ritual) to be performed in the proper traditional way."¹⁶

The Benet people are indigenous to Mount Elgon. Having been evicted in 1983 and 1993, they decided to take the government to court to claim their land rights. In August 2003, with the help of a Ugandan NGO, the Uganda Land Alliance, they started proceedings against the Attorney General and the Uganda Wildlife Authority. The Benet accused Uganda Wildlife Authority of constantly

¹⁴ Interviews carried out at Mount Elgon by Timothy Byakola, December 2004.

¹⁵ Wambedde, Nasur (2002d) "Evicted Wanale residents now live in caves, mosques", *New Vision*, 15 April 2002. <http://www.newvision.co.ug/D/8/26/8796>

¹⁶ Interview by Timothy Byakola, December 2004.

harassing them. The government meanwhile cut off all education and health service in the area and forbid the people from doing anything with the land.

In October 2005, Justice J. B. Katutsi ruled that the Benet people "are historical and indigenous inhabitants of the said areas which were declared a Wildlife Protected Area or National Park." He ruled that an area of the national park should be de-gazetted and that the Benet should be allowed to live on their land and continue farming it.¹⁷

In 2002, SGS stated that rehabilitation in areas where people were farming "requires the eviction of encroachers before the work can begin." SGS comments that "Mt. Elgon National Park is moving in this direction", and adds that "more speed may be required to ensure the evictions are carried out successfully."¹⁸

I telephoned Niels Korthals Altes of GreenSeat to ask him about the evictions that have taken place at Mount Elgon. Korthals Altes denied at first that any evictions had taken place. "That's not the case in our projects, for sure," he said.¹⁹ When I pointed out to him that SGS mentioned the evictions in its Public Summary, Korthals Altes said he couldn't answer specific questions on this and suggested that I should talk to the FACE Foundation.

A few days later, he acknowledged that evictions had indeed taken place, but he denied that either GreenSeat or the FACE Foundation had any responsibility. "Evicting people is not part of the UWA-FACE project," he wrote by e-mail. "It is a result of the Government's decision to enforce the laws regarding farming in the National Park."²⁰

Denis Sliker, FACE's director, was also in denial mode when I spoke to him. "We carry out a reforestation project in a project area which has been assigned by the Uganda Wildlife Authority and the Ugandan Government as a National Park," he said. "If for some reason there is uncertainty on that area then that needs to be solved. If the Ugandan Government decides, together with the UWA, that there should be an eviction then it's their responsibility. That is not our responsibility."²¹

Sliker explained that the boundary of the tree-planting project includes a 10 metre-wide strip of eucalyptus trees. "This is designed to provide a resource that can be managed by

¹⁷ Action Aid (no date) "Benet community in Kapchorwa win landmark case against land rights abuse". <http://www.actionaid.org/uganda/955.html> and Action Aid (no date) "Benet win land rights battle". http://www.actionaid.org/index.asp?page_id=691

¹⁸ SGS (2002) page 9.

¹⁹ Telephone interview with Niels Korthals Altes by Chris Lang, 12 May 2006.

²⁰ Niels Korthals Altes (GreenSeat) and Denis Sliker (FACE Foundation), "Comments on a draft version of the article "Uprooted" for *New Internationalist*", 17 May 2006.

²¹ Korthals Altes and Sliker (2006) "Comments".

local communities to provide pole and firewood, reducing the pressure on the park's resources," he said.²²

Slieker acknowledged that people had been evicted in 1993, but added, "People aren't being evicted right now."²³ He appeared unaware of the evictions that had taken place since the UWA-FACE project started. When we visited Mount Elgon in July 2006, it was obvious that the communities around the park have not seen the last of the evictions. Conflicts between local communities and UWA were ongoing.

The UWA-FACE project is planting trees in precisely the area of land that is disputed by local communities – the boundary of Mount Elgon National Park. The way in which the boundary is determined and by whom is a key factor in the relationship between the park management and the local communities.

David Himmelfarb, an anthropologist at the University of Georgia, carried out field research at Mount Elgon in 2005. "Boundaries, as physical indicators of rights, are . . . often the loci of intense conflict. Their creation and manipulation are intensely political acts which confer and deny rights" he writes in a paper based on his research.²⁴

The area of land around the boundary of Mount Elgon is highly contested – largely as a result of the history of the park. It is impossible to understand the conflicts occurring today around Mount Elgon, without at least an overview of the recent history of this land. **Chapter 3** provides some of this history and an overview of the conflicts that have taken place between the park management and local people.

In addition to the conflicts with local people around the park, the FACE Foundation (who plant the trees), and GreenSeat (who sell the offsets that pay for them), have a further problem – they cannot guarantee that the trees planted will survive. In February 2004, *New Vision* reported that the police were holding 45 people "suspected of encroaching on Mount Elgon National Park and destroying 1,700 trees" – trees planted under the UWA-FACE project.²⁵

According to Slieker, this is not a problem from a carbon point of view. "Millions of trees have been planted, so a number of 1,700 is to be seen in that perspective," he said. "Of course some

²² Korthals Altes and Slieker (2006) "Comments".

²³ Telephone interview with Denis Slieker by Chris Lang, 15 May 2006.

²⁴ Himmelfarb, David (2006) "Moving People, Moving Boundaries: The Socio-Economic Effects of Protectionist Conservation, Involuntary Resettlement and Tenure Insecurity on the Edge of Mt. Elgon National Park, Uganda", *Agroforestry in Landscape Mosaics Working Paper Series*. World Agroforestry Centre, Tropical Resources Institute of Yale University, and The University of Georgia, page 16. <http://www.yale.edu/tri/wkppragrofor.html>

²⁵ Wamanga, Arthur (2004) "45 Mbale park 'encroachers' detained", *New Vision*, 4 February, 2004. <http://www.newvision.co.ug/D/8/13/337697>

trees die if you plant such a large area, some trees just won't live, they'll be overtaken by other trees. That's normal in an ecosystem. That is already incorporated in the CO₂ calculation model. The model calculates the net positive benefit in carbon sequestration. We even take into account the risk of people cutting down trees. If that happens we do not get the carbon credits. It's as simple as that. We cannot sell something that we do not have.”²⁶

But GreenSeat and FACE cannot guarantee the climatic impact of the Mount Elgon project. The only way of knowing the true impact of the project on carbon stored is by following the thousands of people who have been evicted from the National Park and comparing their carbon emissions before and after the evictions. It is impossible to predict with any degree of accuracy the actions of people evicted from Mount Elgon National Park. Some of them may clear other areas of forest to continue farming. Others may overgraze the land around the park, causing soil erosion. Others may try to continue farming in the National Park. Others may move to the city and take up a higher carbon emitting lifestyle.

Chapter 4 describes the UWA-FACE project and asks whether the project is really additional or whether as much (or more) carbon might have been absorbed without the project. It also describes the impact of the project and UWA's management of the national park on local communities.

GreenSeat, the Dutch company selling carbon credits from Mount Elgon, is supported by WWF Netherlands and among GreenSeat's customers are the Dutch House of Representatives and Senate, the Body Shop and Amnesty International. In response to our questions, Ruud Bosgraaf, press officer for Amnesty International Dutch Section, said, “We are not aware of any involvement by GreenSeat in evictions in Mount Elgon.”²⁷ Bosgraaf is right – GreenSeat has not evicted anyone. Neither has the FACE Foundation, nor has SGS.

But on its website GreenSeat advertises its tree-planting project in Uganda to sell carbon offsets. The planting is part of the management of the Mount Elgon National Park. The FACE Foundation's partner at Mount Elgon, the Ugandan Wildlife Authority, has forcibly evicted people with its military-trained rangers. If the tree planting is to continue, more people will be evicted.

Rather than offsetting carbon emissions, GreenSeat, FACE and SGS have been offsetting their own responsibility for evictions. When faced with the fact that conflict and evictions are on-going at Mount Elgon, each of the actors involved points to one of the others, either to legitimise their actions, or to displace responsibility. FACE Foundation doesn't blame its partner at Mount Elgon, UWA, for the evictions, but asks whether we have been in touch with IUCN which has been

²⁶ Telephone interview with Denis Sliker by Chris Lang, 15 May 2006.

²⁷ E-mail from Ruud Bosgraaf (Press Officer Amnesty International Dutch Section) to Chris Lang, 16 May 2006.

working on conservation projects at Mount Elgon since 1998. IUCN in turn gives a corporate shrug of its shoulders and says the evictions are not their responsibility. **Chapter 5** looks at the role of IUCN and its funders the Norwegian Government.

The fact that the UWA-FACE project is certified by the Forest Stewardship Council as well managed provides a gloss of legitimacy to the tree planting. But a closer look at the project and at the certification indicates that the project does not comply with FSC standards. **Chapter 6** looks in detail at the FSC certification of the UWA-FACE project. FSC must withdraw the certificate as a first step towards removing the greenwash from the UWA-FACE tree planting project.

We end the report with a suggestion for a way forward – addressing the land rights of the people living in and around the park. The first step towards achieving this is to acknowledge that the boundary of the national park (as well as much of the park itself) is a highly contested zone. Any top-down solution to the park boundary will result in further conflicts between park management and local people. The FACE Foundation is contributing to the tension because the carbon stored in its trees must be protected from damage from local communities. Through the UWA-FACE project, the boundary of the park is being fixed, not in stone but in carbon. Rather than focussing on UWA’s “rights” to manage the national park and the “rights” of people in the North to continue to pollute, there is an urgent need to start from the perspective of the rights of the people living in and around Mount Elgon National Park.

2. Mount Elgon

Mount Elgon is an extinct volcano on the border between Uganda and Kenya. The highest peak is 4,320 meters above sea level.²⁸ The upper area has montane heath and moorland vegetation. Many shrub and herb species found here are endemic to mountain areas in East Africa. Some are endemic to Mount Elgon. Lower down the mountain is an area of tropical afro-montane forest and bamboo surrounded by densely populated farming areas.²⁹

Several major rivers have their headwaters on Mount Elgon, including the Suam River flowing north and the Lwakaka River flowing south. The supply of water from Mount Elgon is often cited as a reason for conserving the Mount Elgon watershed. For example, P.C. Howard, in a 1991 report for the Forest Department, states that Mount Elgon "plays a vital role as a water catchment serving around one million people".³⁰

²⁸ IUCN EARP (no date) "Mount Elgon Regional Ecosystem Conservation Programme", IUCN East Africa Regional Office. http://www.iucn.org/places/earo/prog_links/projects/elgon.htm

²⁹ White, Sean and David Hinchley (2001) "Managing Mt. Elgon", in *arborvitae*, *The IUCN/WWF Forest Conservation Newsletter*, no. 18, October 2001. <http://www.iucn.org/themes/fcp/publications/arborvitae/avnewsletter/arborvitae18.pdf> and Scott, Penny (1998) "From Conflict to Collaboration: People and Forests at Mount Elgon, Uganda", IUCN, Gland, Switzerland and Cambridge UK.

³⁰ Howard, P. C. (1991) "Nature Conservation in Uganda's Tropical Reserves", Forest Department/Ministry of Environment Protection Uganda, cited in National Environment Management Authority (1996) "1996 State of the Environment report for Uganda", Republic of Uganda. <http://easd.org.za/Soe/Uganda/CHAP3.html>.

A series of recent research papers challenges the conventional "sponge theory" which was developed by European foresters at the end of the 19th century. According to this theory, forests act by soaking up water during the rainy season and releasing it slowly during the dry season. David Kaimowitz, at the Centre for International Forestry Research writes: "Logging and deforestation can make small floods worse, but probably don't affect big floods much. In most cases removing forests will not dry up streams or rivers, not even during the dry season. Still, in some cases it may, particularly if the land use that replaces the forests compacts the soils and keeps them from holding water. There is no solid evidence that chopping down trees reduces rainfall, but we should still be concerned because various studies suggest it might. Replacing forests with crops or pasture usually increases soil erosion and sedimentation, but not always. In any case building roads and houses may be the real culprits when it comes to sedimentation. Planting trees can be part of the problem, not the solution, even if you don't plant eucalypts." Kaimowitz's comments are based on a review by Sampurno Bruijnzeel titled "Hydrological Functions of Tropical Forests, Not Seeing the Soil for the Trees?", published in *Agriculture, Ecosystems and Environment*, September 2004.

A 2005 report, the result of a four year international study led by researchers from the University of Newcastle in Britain and the Free University of Amsterdam showed that trees soak water from the ground and discharge it to the atmosphere at least twice as fast as grasslands. One of the researchers, Ian Calder, of the Centre for Land Use and Water Resources at the University of Newcastle told *The Guardian* that "Generally, forests evaporate a lot more water than other vegetation types." The report

Mount Elgon and a few other East African mountains are habitat to a number of rare and threatened bird species. IUCN has listed 37 species in the area of Mount Elgon as "globally threatened".³¹ The governments of both Uganda and Kenya have established National Parks aimed at conserving the Mount Elgon ecosystem. On the Ugandan side of the border with Kenya, the national park covers an area of 112,385 hectares.³²

In Uganda, Mount Elgon lies within Mbale and Kapchorwa districts. There are 58 parishes and 500 villages surrounding Mount Elgon National Park.³³ The population densities around the park are among the highest in Uganda: 512 people per square kilometre in Mbale and 224 people per square kilometre in Kapchorwa.³⁴ The mountain rises gradually and the area surrounding the park is intensively farmed. Almost no land is left unfarmed.

When we travelled to Mount Elgon in July 2006,³⁵ there was a light drizzle in the air once we reached the boundary of the national park, although it was the dry season. During the rainy season many of the roads around the park are so muddy that they cannot be used.

The land is green and the soil is volcanic, deep and fertile. However, farmers report that yields are falling, probably due to soil erosion and overuse of chemical fertilizers and pesticides, according to Perezi Wamboga, a resident of Bwambwala.³⁶ Farmers grow maize to sell in local markets. Because they have no means of storing the maize, they sell the maize as soon as it is harvested. All farmers sell their harvests at more or less the same time and as a result they have little bargaining power. Later on in the year, when food starts to run out, they have to buy maize back – at greatly inflated prices. Farmers are poor, not simply because of "overpopulation" and certainly not because the soil is infertile, but because of their reliance on a market over which they have no control.

was especially critical of the idea of planting trees to conserve water. (Tim Radford, "Research pours cold water on moisture conservation role for forests", *The Guardian*, 29 July 2005.)

Becky Hayward (2005) "From the mountain to the tap: how land use and water management can work for the rural poor", DFID Forest Research Programme. http://www.frp.uk.com/assets/Water_book.pdf
"Forests and floods: Drowning in fiction or thriving on facts?", Forest Perspectives 2, RAP Publication 2005/03, CIFOR and FAO, 2005. http://www.cifor.cgiar.org/publications/pdf_files/Books/BCIFOR0501.pdf

³¹ Reed, Mark (no date) "A Comparative Review of Agroforestry Practices in Two Forest-adjacent Parishes on Mount Elgon, Uganda", Project Elgon, Leeds University. <http://www.env.leeds.ac.uk/elgon/agroforestry.html>

³² SGS (2002) "Mount Elgon National Park Forest Certification Public Summary Report", SGS (Société Générale de Surveillance) Forestry Qualifor Programme, Certificate number SGS-FM/COC- 0980, page 6. <http://www.sgs.com/sgs-fm-0980.pdf>

³³ White and Hinchley (2001), Himmelfarb (2006) page 7.

³⁴ Himmelfarb (2006) page 7.

³⁵ Timothy Byakola, Jutta Kill and Chris Lang travelled to Mount Elgon in July 2006. Jutta Kill works with FERN's Sinkswatch initiative (www.sinkswatch.org) based near Oxford in the UK. We are very grateful to Perezi Wamboga for translating and helping to organise the visits.

³⁶ Interview with Perezi Wamboga by Jutta Kill, Timothy Byakola and Chris Lang, 18 July 2006.

The peoples living in and around Mount Elgon

Two main ethnic groups, the Sabiny and the Bagisu, live around Mount Elgon. Today, the Sabiny live mainly in Kapchorwa district and the Bagisu in Mbale district.³⁷

The Bagisu

The Bagisu were agriculturalists and have gradually moved further up the lower slopes of Mount Elgon. The Bagisu moved into the area in the 16th century.³⁸ Bamboo shoots (*malewa*) are widely eaten by the Bagisu tribe. Villagers collect *malewa* from the forest. Poorer households living as far as 10 kilometres from the park collect shoots for sale in local markets.³⁹

In a 1994 report for IUCN, Penny Scott describes how thousands of Bagisu people go to the forest during bamboo shoot growing season, to harvest and dry bamboo shoots. They stay for three or four days, living under makeshift bamboo shelters. They sing and chant, shouting progress to neighbours and friends across the valleys, working until late in the night and sleeping only a few hours.⁴⁰ "The bamboo shoots are not merely a source of food during periods of shortage," Scott writes.

"The income generated from their sale is an important supplement to the household economy, particularly for residents of the forest-adjacent parishes of southern Mbale. Most important, however, is the cultural connection with ancestors, which is represented by the harvesting and consumption of bamboo shoots. The dish is an essential component of circumcision ceremonies and weddings. According to a prominent district official, 'you can take away whatever you like, but you can't take away our Malewa!'"⁴¹

Because of the importance of bamboo to the Bagisu community, continued access to bamboo shoots was one of the most important conditions put forward by local leaders to parliament when the areas was being gazetted as a national park in 1993. Communities complain that this access is now stopped.⁴²

³⁷ Himmelfarb (2006) page 7.

³⁸ Were, G. S. and Wilson D. A. (1970) cited in Reed (no date).

³⁹ Interviews carried out at Mount Elgon by Timothy Byakola, December 2004.

⁴⁰ Scott, Penny (1994) "Bamboo: Potential for utilization by the communities surrounding Mount Elgon National Park", Technical Report for IUCN, Mount Elgon Conservation and Development Project, Uganda, cited in Scott, Penny (1998) "From Conflict to Collaboration: People and Forests at Mount Elgon, Uganda", IUCN, Gland, Switzerland and Cambridge UK.

⁴¹ Scott (1998).

⁴² Interviews carried out at Mount Elgon by Timothy Byakola, December 2004.

In addition to bamboo shoots, Bagisu people collect a range of foods from the forest, including wild mushrooms and vegetables, honey and *sukura* (salt water given to animals like cattle). They use a particular tree for making drums used during the circumcision ritual. Bagisu communities visit specific parts of the forest to celebrate the birth of twins. They harvest building materials for houses and supports for banana stems in their gardens. Firewood comes from the forest. Medicinal herbs are used by traditional healers and birth attendants. Traditional medicine is very important around the park – the nearest clinic can be as far as 40 kilometres away. Woven stretchers made from materials in the forest are used to transport sick or dead people down from the mountain.⁴³

The Sabiny

The Sabiny migrated from Ethiopia and Sudan as pastoralists a long time ago to the upland areas of Mount Elgon and the northern plains. Those in the plains adopted a semi-mobile agro-pastoralist lifestyle. Before they were evicted from the forest in the 1970s and early 1980s, those living in the upland grassland-forest areas lived as pastoralists, moving in search of water and pasture for their cattle, sheep and goats. They also hunted wild animals, gathered fruits and harvested honey. They made baskets from bamboo plants which they traded with communities surrounding Mount Elgon for maize and other food.⁴⁴

The term Benet is highly contested. In various contexts it is used to refer to all the Sabiny from the upland area; to a specific group of people who came from an area called Benet which is now within the park (although not all the people who lived in the park lived here); and more recently to the residents of the Benet resettlement area (which also includes people displaced from the plains, *see* Chapter 3).⁴⁵

The Benet's cattle grazing maintained species-rich grassland on Mount Elgon. A research team from the Universities of Aberdeen and Dundee found that while grazing in forested areas suppressed tree regeneration, the grasslands were dependent on grazing. "Areas of grassland where grazing has ceased have been invaded with woody plants and a ban on cattle grazing in the grassland would almost certainly result in the loss of this species-rich habitat," writes Mark Reed, who took part in the research, in the *African Journal of Ecology*.⁴⁶

⁴³ Interviews carried out at Mount Elgon by Timothy Byakola, December 2004.

⁴⁴ Action Aid (2005) "Summary of the Benet Problem", Action Aid International Uganda. <http://www.actionaid.org/uganda/file/Summary%20of%20the%20Benet%20Problem.pdf> and Kapchorwa District Landcare team (2006) "Kapchorwa Landcare Chapter, Kapchorwa District, Uganda". http://www.worldagroforestry.org/sea/landcareinternational/news/events/2006_07_events/group_awards_kapchorwa_uganda.pdf

⁴⁵ David Himmelfarb, e-mail to Chris Lang, 3 November 2006. In an attempt to resolve the confusion, Himmelfarb uses the terms *mosop* and *soi* to differentiate between different groups of Sabiny. The terms are Kupsabiny adjectives meaning upland and plains. In this report we've stuck to the term Benet, with the acknowledgement that this term is contested. *See* Himmelfarb (2006) page 8.

⁴⁶ Reed, Mark (2000) "Effects of Grazing and Cultivation on Forest Plant Communities in Mount Elgon National Park, Uganda", *African Journal of Ecology*, Vol. 38, No. 2, pages 154-162. <http://www.lec.leeds.ac.uk/elgon/grazcult.html>

Cattle are an important part of Benet livelihoods and culture. Anthropologist David Himmelfarb observes that "Cattle represented a key status symbol for men; the wealth and ability of a man to provide for his family was measured by the size of his herd." The Benet "exchanged, slaughtered and consumed cattle at important ritual occasions such as circumcision ceremonies and marriage celebrations and, before widespread conversion to Christianity, sacrificed burnt cattle offerings on ridgetops".⁴⁷

UWA rangers impound cows they find grazing inside the national park and impose fines that most villagers cannot pay. Himmelfarb notes that people go to the forest not because they are ignorant of the law, but because they do not have enough land or money to rent land to graze their animals. Himmelfarb concludes that the increased poverty among Benet communities is a direct result of UWA's management policy:

"As such, these tend to be the people who do not have enough money to pay the fines, so each time they are arrested, they have to sell off one or two cows, reducing their herd. With insufficient grazing land, the same people face a difficult decision: they can sell their herd, go back to the forest and risk further arrest or watch their cows die of malnourishment. Selling all their cattle is both culturally unacceptable and would eliminate their primary insurance against food insecurity. This management strategy, while effective in reducing grazing in the park, has served to further pauperize the people who have the least; it reduces the grazing pressure on the park without having to compensate cattle owners for their lost livestock in the name of punishment."⁴⁸

In 1998, researchers from Aberdeen University asked cattle owners in Kwoti what they would do if forest security were increased to prevent all cattle grazing in the forest. While some farmers said they would sell their indigenous cattle and buy exotic cattle that could be fed using zero-grazing techniques, others were clearly concerned. "We would die; we depend on cattle", replied one farmer.⁴⁹

⁴⁷ Himmelfarb (2006) page 13-14.

⁴⁸ Himmelfarb (2006) page 15.

⁴⁹ Reed (no date).

3. A chronology of conflicts at Mount Elgon

The FACE Foundation's carbon is supposed to be stored for 99 years in trees planted in Mount Elgon National Park. A look back over 99 years of Uganda's and Mount Elgon's sometimes turbulent history shows how difficult it would have been 99 years ago to predict whether 25,000 hectares of trees planted back then would still be there today. If it's impossible looking back in time, why should we assume that trees planted today will still be there in the future? Yet that is precisely what the FACE Foundation is asking us to believe.

The recent and on-going conflicts between UWA and local communities are documented here in detail. Violence has flared on both sides and several people have been killed. Yet the FACE Foundation denies that the conflicts are on-going and SGS makes little or no mention of them in its certification reports.⁵⁰

In 1894, exactly one hundred years before the FACE Foundation started its tree planting project, the Kingdom of Buganda was placed under a British protectorate (*see* Box: The British in Uganda). The British took control of Mount Elgon, along with all other forest lands in Uganda in 1929,⁵¹ the year of Uganda's first Forest Policy.

In 1938, the British completed a survey of the boundary of Mount Elgon and gazetted the area as a Crown Forest.⁵² Technical changes to its status followed in 1951 when Mount Elgon became a Forest Reserve.⁵³ British management aimed to maintain water flows from Mount Elgon by maintaining forest cover. At the same time, the forests were to be logged. The British carried out inventories aimed at timber extraction and made plans to replant logged areas of forest.

The Benet and other communities living on Mount Elgon were not consulted when the area was made a forest reserve. "They were also denied any rights to the forest (which, ironically, they have always 'owned', managed and conserved using indigenous knowledge and institutions)", points out Gershom Onyango, Assistant Commissioner for Forestry, Forest Department, Ministry of Natural Resources. "The only privilege granted to them was that of collecting non-timber products, in reasonable quantities, for their domestic use."⁵⁴

⁵⁰ Much of the information in this chapter comes from Ugandan newspapers. I felt that it was important to attempt to make a record of recent conflicts, in the hope that when FACE Foundation representatives next answer questions about the project or SGS's assessors next visit Mount Elgon they might at least be aware of the seriousness of the conflicts.

⁵¹ Himmelfarb (2006) page 7.

⁵² Norgrove, Linda and David Hulme (forthcoming) "Confronting conservation at Mount Elgon, Uganda", Institute for Development Policy and Management, University of Manchester.
<http://www.sed.manchester.ac.uk/idpm/staff/documents/parkingresistanceandresistingtheparknovember2005.pdf>

⁵³ Reed (no date).

⁵⁴ Onyango, Gershom (1996) "Local participation for the conservation and management of natural forests, Uganda", paper presented at WB/UNEP African Forestry Policy Forum Nairobi, 29-30 August 1996.
http://www.worldbank.org/afr/afr_for/interim/sugand-2.htm

The colonial government’s declaration of Mount Elgon as a crown forest was the start of a long process of marginalisation for the Benet community. For a long time, the Benet were in effect ignored. One of their leaders explained, “We were left in the forest and forgotten as if we were part of the trees, and yet we were made to pay graduated tax.”⁵⁵

About 70 families living in Mbale district were issued with heritable licences allowing them to continue living and farming within the crown forest. In 1954, when the British produced the first working plan for Mount Elgon forest reserve, about 30 families with licences were still living in the reserve, mainly in the area of Bulucheke.⁵⁶

The British in Uganda

British involvement in Uganda started with the arrival of missionaries in the late 19th century. In 1888, the area which is now Uganda was run by a commercial trading company, when a royal charter handed over control in East Africa to the Imperial British East Africa Company. In 1894, the Kingdom of Buganda was placed under a British protectorate.

The 1900 Buganda Agreement (between Queen Victoria’s Special Commissioner and Regents and chiefs on behalf of the Kabaka [King] of Uganda) allowed the British to establish a means of indirect rule that used the Buganda tribe as colonial middlemen and bureaucrats. The incentive for the Buganda was Britain’s granting of freehold land to chiefs and the king of the Buganda in exchange for their cooperation.

Not long after gaining control of the country, the British decided that Uganda needed more trees. The colonial Scientific and Forestry Department’s annual report for 1904 states:

“The time has now arrived to pay attention to afforestation. At present wood-fuel is the fuel of the country and the development of industries, formation of railways, the addition of steamers, all mean more fuel and timber, and diminution of forested areas unless preventive measures are adopted.”

⁵⁵ Kapchorwa District Landcare team (2006).

⁵⁶ Interviews carried out at Mount Elgon by Timothy Byakola, December 2004.

The British produced the first National Forest Policy for Uganda in 1929. Crown reserves came under central government control and native reserves were under the control of regional administrations, the latter aimed at supplying village-level wood requirements. The 1929 policy included Forest Protection Regulations under which Ugandans were required to obtain a government permit before harvesting products from the forest. However, an exception was made for products for domestic use.

Henry Osmaston was one of the best known British foresters in Uganda. Born in Dehra Dun, where his father was an official in the Indian Forest Service, he was educated at Eton and Oxford and was Senior Assistant Conservator of Forests in Uganda between 1949 and 1963. He died in June 2006.

"It had been established from the beginning that the interests of the inhabitants were paramount," according to Osmaston. The 1948 Forest Policy, written one year before Osmaston arrived in Uganda appears to confirm this opinion:

"It is accepted that the satisfaction of the needs of inhabitants of Uganda must take precedence over purely financial considerations and the establishment of an export trade; and that only when these needs have been satisfied can the aim of management be directed, in production reserves, to obtaining the greatest revenue compatible with a continuous yield, and to promoting an external trade in timber and other forest produce."

But the British created a domestic and international market for timber products from Uganda. Large numbers of pit sawyers set up operations throughout Uganda. By 1960, all the major areas of forests were protected for water catchment or timber production and softwood plantations had been established in several areas (including two areas of softwood plantations at Mount Elgon).

Osmaston returned to Uganda in 1996 for a conference about the Rwenzori Mountains. According to Osmaston's obituary in the *Independent*, he was "gratified to see some of his own forestry conservation measures still in place".

This comment illustrates the problem of forest management in Uganda (and many other tropical countries). In "protecting" forests for water catchment and timber supply, colonial powers excluded local people from the management of the forests. Local people lost their rights to their forests (or at least had their rights severely constrained). While it may have been gratifying for Osmaston to see "his" conservation measures still in place more than 30 years after independence, in practice what this means is that local people are still excluded from forest management.

Sources:

Ashley, Rebecca (2005) "Colonial Solutions, Contemporary Problems: Digging to the Root of Environmental Degradation in Kabale, Uganda", Agroforestry in Landscape Mosaics Working paper series, World Agroforestry Centre, Tropical Resources Institute of Yale University, and The University of Georgia. <http://www.yale.edu/tri/pdfsalam/alamAshleyDegrUganda.pdf>

Dicklitch, S. 1998. *The Elusive Promise of NGOs in Africa: Lessons from Uganda*. New York: St. Martin's Press. Cited in Ashley (2005).

Uganda Forest Department (1951) *A History of the Uganda Forest Department 1898-1929*, Bulletin No. 3., D.L. Patel Press Ltd., Uganda, page 13. Cited in Ashley (2005).

Venables, Stephen (2006) "Henry Osmaston: Forester, geographer, climber and co-author of the definitive guidebook to the 'Mountains of the Moon'", *The Independent*, 10 July 2006.

The British granted Uganda independence in 1962. In 1966, Prime Minister Milton Obote abolished the constitution and installed himself as president. The result was a series of coups and counter-coups which would last for the next twenty years. Idi Amin took power in January 1971, while Obote was out of the country at a Commonwealth conference. Amin's military rule cost 250,000 lives. He was overthrown in 1979 and Obote returned to power. Under Obote the country plunged into civil war. The army was responsible for 300,000 civilian deaths.⁵⁷ Obote was deposed in 1985 by General Tito Okello. Six months later Okello was overthrown by the National Resistance Army and the current president Yoweri Museveni came to power.⁵⁸

A survey of the Mount Elgon park boundary was completed in 1964 and the boundary was marked with rows of exotic tree species. Over the years many of these trees were cut, making it difficult to establish exactly where the boundary was.

In 1968, Mount Elgon was re-gazetted as Mount Elgon Central Forest Reserve⁵⁹ and a new 10-year working plan drawn up aimed at protecting the forest, but with timber extraction as a secondary objective.⁶⁰

⁵⁷ Meredith, Martin (2005) "The State of Africa. A history of fifty years of independence", Simon and Schuster, London.

⁵⁸ "History of Uganda", Wikipedia. http://en.wikipedia.org/wiki/History_of_Uganda

⁵⁹ Rew, Alan, Eleanor Fisher and Balaji Pandey (2000) "Addressing Policy Constraints and Improving Outcomes in Development-Induced Displacement and Resettlement Projects", A review prepared for ESCOR and the Research Programme on Development-Induced Displacement and Resettlement organised by the Refugee Studies Centre, University of Oxford, January 2000. <http://www.rsc.ox.ac.uk/PDFs/rpolicysconstraints00.pdf>

⁶⁰ Reed (no date).

During the Amin and Obote years formal Forest Department management of the park broke down almost completely. Tree planting and other silvicultural activities stopped.

Amin expelled all Asians from Uganda. The vast majority of the businesses in Uganda were run by Asians and the businesses were taken over by Amin's cronies and the military. The result was a disaster for the Ugandan economy. Amin declared an "economic war" followed in 1973 by an encouragement to clear forests under the "double production campaign", aimed at doubling agricultural production.⁶¹

Thousands of people fled to forest areas in an attempt to escape the brutalities of the Amin regime. Government policies encouraged the clearing of forest was to prevent rebel groups who opposed the government from using forest areas as cover. Amin declared that Ugandans were free to settle anywhere and a land reform decree of 1975 allowed people to acquire land for "development". Government officials allocated gazetted forest land to individuals or ministries for "development".⁶² Senior forestry offices issued licences for residence, grazing and cultivation within Mount Elgon forest reserve in return for bribes. The people who paid for these licences did not necessarily see these payments as bribes. Many firmly believe that they had legitimately bought the legal rights to the land.⁶³

The early 1970s was also a bad period for the Benet living on the moorlands inside Mount Elgon forest reserve. A severe drought in 1971 resulted in extensive forest fires at Mount Elgon. To compensate for the loss of forest products, the Benet started growing crops. Having ignored the Benet for 40 years, the Forest Department now decided that the Benet were encroachers. The Benet were harassed and several were imprisoned. Two years later, the government moved the Benet down to an area between the Kere and Kaptokwoi Rivers. The government, however, provided no assistance either with the move or with setting up new livelihoods. Many Benet Community members moved, but others were worried about how they would survive in an unfamiliar environment and stayed on the mountain in an area called Yatui.⁶⁴

In 1972, following a meeting of parish representatives to discuss land rights, the Benet community formed the Benet Lobby Group. "We are landless in our own motherland, this is a very serious violation of human rights," explains Moses Mwangi, chairman of the Benet Lobby Group since 1973.⁶⁵

⁶¹ Rew et al (2000).

⁶² National Environment Management Authority (1996) "1996 State of the Environment report for Uganda", Republic of Uganda. <http://easd.org.za/Soe/Uganda/CHAP3.html>

⁶³ Norgrove and Hulme (forthcoming).

⁶⁴ Action Aid (2005) "Summary of the Benet Problem", Action Aid International Uganda. <http://www.actionaid.org/uganda/file/Summary%20of%20the%20Benet%20Problem.pdf>

⁶⁵ Otto, Sarah Okwaare (2004) "The fight for land rights of a minority people: The case of the Benets of Mountain Elgon in Eastern Uganda", Update Innovative Methodologies for Assessing the Impact of Advocacy, No 4, March 2004, Action Aid. <http://www.actionaid.org/wps/content/documents/Update%204%20final.pdf>

After the fall of Idi Amin in 1979, large numbers of military weapons became available. Cattle raiding groups who had previously carried out their raids with spears, bows and arrows suddenly had access to guns. Their raids became a serious threat to Sabinu people living in the northern plains and many of them moved further up the slopes of Mount Elgon. They settled on the forested edge of the reserve to escape the cattle raiders.⁶⁶

In the early 1980s, the Forest Department started resettling Benet families who were living inside the forest reserve. The Forest Department “justified the resettlement as a means to promote environmental and economic developmental interests” notes Himmelfarb. Many Benet did not want to leave their abundant pasture land on the mountain to become permanently settled farmers.⁶⁷

In 1983, Patrick Rubaihayo, the then-Minister for Agriculture and Forestry, announced that people evicted from the park should be allocated land immediately. Six committees were set up to allocate land for six zones in the Benet area. The terms of reference for the committees were to resettle three categories of people:

- The Benet people;
- People displaced as a result of cattle raiding; and
- The needy.⁶⁸

The Benet and others were supposed to be settled in area of 6,000 hectares. However, the land was not surveyed and the actual area allocated was about 7,500 hectares.⁶⁹ Nevertheless, the land allocations in the “Benet Resettlement Area” were approved by central government.⁷⁰

The land allocation was rushed, taking just six weeks, and was riddled with problems. The Forest Department issued deeds to land inside the forest reserve, before it had been legally de-gazetted.⁷¹ People received land within the Benet Resettlement Area, but received no help with resettlement or with information about their rights to use the protected area. Some of the Benet didn’t receive any land.⁷²

In the late 1980s and 1990s several aid agencies, including the European Union, the World Bank, NORAD and GTZ, financed a series of capacity building projects with the Ugandan Forestry

⁶⁶ Himmelfarb (2006) page 9.

⁶⁷ Himmelfarb (2006) page 9.

⁶⁸ Action Aid (2005).

⁶⁹ Businge, Gerald (2003) “The Benet To Sue Gov’t Over Land”, *New Vision*, 2 October 2003.
<http://www.newvision.co.ug/D/8/26/309690>

⁷⁰ Action Aid (2005).

⁷¹ Himmelfarb (2006) page 9.

⁷² Action Aid (2005).

and Game Departments. Part of the re-building of institutional effectiveness included forced eviction (and sometimes resettlement) of people living in protected areas⁷³ (see Box: "International support for evictions").

International support for evictions

The European Union

Between 1990 and 1993, more than 130,000 people were evicted from their homes in forest areas in Uganda, as part of the European Commission's Natural Forest Management and Conservation project. Patricia Feeney, in a 1998 report for Oxfam observes that "Local people were not considered as participants, stakeholders, or beneficiaries, and the subsequent implementation of the project did not take account of their immediate needs and interests."

"In a project financed by the European Union donor in Uganda, for instance, local authorities decided to speed displacement by setting on fire the houses of the target families," states a 1996 World Bank review of projects involving involuntary resettlement. People evicted received no compensation. A report for the UK Overseas Development Institute notes that "forest protection has been achieved only through large-scale forced evictions. There has been no redress for local people, who have suffered significant losses in the process."

Feeney documents the evictions from Kibale National Park in detail. She quotes a woman who was evicted from the park:

"We were chased out on the first day. I didn't know anything was happening until the police ran into my compound. They all had guns. They shouted at me, told me to run. I had no chance to say anything. They came at us and we ran, they came so violently. I was frightened for the children – I had eight children with me – but we just ran off in all directions. I took my way and the children took theirs. Other people were running, panicking, even picking up the wrong children in the confusion."

Feeney points out that responsibility for the violence lies with the local authorities who carried out the evictions. "But the EC cannot evade the charge that it agreed to finance this project," she notes, "knowing that it would result in massive population displacement, and that it failed to make any provision either to compensate or resettle the affected communities."

⁷³ Rew et al (2000).

The World Bank

Since the late 1980s, the World Bank has been involved in capacity building in the wildlife sector in Uganda. The European Commission's Natural Forest Management and Conservation project was part of a US\$38 million, World Bank-funded Forest Rehabilitation Project. The World Bank has also given support to the process of planning for the resettlement of the Benet people in Kapchorwa District.

In July 1998, the World Bank started funding the Protected Area Management and Sustainable Use (PAMSU) project. The main objective of this project is the "sustainable and cost-effective management of Uganda's wildlife and cultural resources".

According to PAMSU project documents, the environmental problem is "Biologically diverse forests and other ecosystems threatened by human encroachment." The project goal is to "Improve management of national system of protected areas and revitalize ecotourism industry."

Part of the PAMSU project includes re-tracing the boundaries at Mount Elgon National Park. Under the PAMSU project the World Bank was to "provide funds to engage a team of consultants to review and design appropriate plans to address the specific issues of people resident in the protected areas". A Protected Area System Plan drawn up under the project is supposed to benefit communities living in and around protected areas. PAMSU project documents state that the project was supposed to lead to a reduction in "conflicts between park authorities and local communities over boundaries and resource use" through establishing the "Parliamentary approved and agreed boundaries for the protected areas estate", allowing for clear demarcation of where the local population can and cannot legitimately use the resources. According to the project document, the "process for establishing the new [protected area] system was a highly participatory process".

In 2003, the World Bank gave UWA a US\$30 million loan under the Protected Area Management and Sustainable Use programme. Announcing the loan at the Imperial Botanical Hotel, Entebbe, UWA's then-executive director Arthur Mugisha said, "There are good reasons why we need parks. They are still important for conservation and tourism and if there is security, the revenue will increase." Mugisha appealed to "legislators to explain the aims of the process of establishing boundaries to the communities", according to a report in *New Vision*. The project included surveying boundaries at Mount Elgon. Mugisha said that "legal owners of land who would be affected would be resettled or compensated by the Prime Minister's office". This excludes the vast majority of people affected by the boundary changes because the government does not recognise their right to be there.

In September 2005, tourism state minister, Jovino Akaki-Ayumu, said that more than US\$50 million had been spent under the PAMSU project to develop and secure Uganda's parks from "poachers and insurgents". The money was partly used to train 1,300 rangers in paramilitary skills, build capacity of staff, demarcate parks and develop infrastructure.

In a 2005 review of PAMSU project documents, Emily Caruso of the UK-based NGO Forest Peoples Programme points out that Bank reports make no mention of Indigenous Peoples' rights. Safeguard Policies are mentioned but project documents state that no Operational Policy applies in this case. Indigenous Peoples are mentioned in project documents, but there is no Indigenous Peoples' Development Plan. No baseline study of social aspects was carried out.

The Norwegian Agency for Development Cooperation (NORAD)

In 1988, the Ugandan Ministry of Environment Protection, together with IUCN, identified Mount Elgon as a "critical area which required urgent intervention to reverse the ongoing trend of degradation". The Mount Elgon Conservation and Development Project was started, "to help the Forest Department regain control of the encroached forest," according to Gershom Onyango, Assistant Commissioner for Forestry in the Ugandan Forest Department. Funding came from the Norwegian Agency for External Cooperation (NORAD).

An evaluation of the project in 1993 concluded that "the original strategy was too biased towards protection." The Forest Department evicted thousands of people from Mount Elgon between 1988 and 1993, resulting in conflicts and resentment. Patricia Feeny comments that "one of the most serious legacies of this approach has been the alienation of the local communities from conservation efforts."

Since 2002, NORAD has supported the Mount Elgon Regional Ecosystem Conservation Programme, which operates in Uganda and Kenya. IUCN has provided technical assistance for both projects. Although the project now includes working with communities, neither NORAD nor IUCN have made any serious effort to address the issues of resettlement, displacement, evictions and associated human rights abuses at Mount Elgon (see Chapter 5: IUCN and NORAD).

In 2000, a team of academics from the Centre for Development Studies of the University of Wales published the results of their interviews with several representatives of aid agencies in Uganda. The representatives, who had responsibility for projects which involved displacement, stated that "they were not aware of any policies on resettlement held by the organisations for which they work". But as the academics pointed out, even if the aid agency itself has no resettlement policy, each aid agency is from a country which is a member of the OECD and therefore, at least in theory, follows OECD policy guidelines on involuntary resettlement.

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World Bank (no date) "Protected Area Management and Sustainable Use (PAMSU)", Global Environmental Facility. http://www.gefweb.org/Outreach/outreach-Publications/Project_factsheet/Uganda-prot-3-bd-wb-eng-ld.pdf

World Bank (2002) Protected Areas Management and Sustainable Use Project (PAD), pages 22 and 23.

In 1989 the government changed the status of Mount Elgon again, this time from a Central Forest Reserve to a Forest Park. The park authorities continued to threaten and harass the Benet living in Yatui. They also clamped down on hunting, grazing and agriculture inside the park. In 1990, park rangers set fire to Benet houses in Yatui. The Benet fled in terror and moved to an area above the 1983 boundary line.⁷⁴

In 1993, the government re-surveyed the Benet Resettlement Area. The new survey excluded an area of 1,500 hectares and demarcated an area of only 6,000 hectares for the Benet. Anthropologist David Himmelfarb notes that 6,000 people⁷⁵ who had been living on the 1,500 hectares area of land were declared “encroachers” and were once again evicted – this time with no land allocation.⁷⁶

Mount Elgon is declared a national park

In 1993, the government declared Mount Elgon a National Park, bringing in “a new era of confusion and conflict” as David Himmelfarb puts it.⁷⁷ None of the people living in and around Mount Elgon were consulted about their sudden loss of rights to their farms and homes.⁷⁸ No one received any compensation.⁷⁹ “Our homeland was declared a national park in 1993. This was very disappointing, and since then the work of the local group has been to plead with the government that this was unfair and violated human rights,” Moses Mwanga, chairman of the Benet Lobby Group, said at a conference in 2002.⁸⁰

Uganda National Parks took over management of the park from the Forestry Department⁸¹ and installed an even stricter preservationist approach to conserving Mount Elgon than that imposed by the Forest Department.⁸² Uganda National Parks commissioned a boundary survey, aimed at re-establishing the survey completed in 1964. Families found within the boundary were given nine days to leave their land and homes, even though some had lived there for more than 40 years.⁸³

⁷⁴ Action Aid (2005).

⁷⁵ The exact number of people left homeless varies depending on the source. In October 2003, *New Vision* reported that 561 families were left without land as a result of the re-drawn boundary at the Benet Resettlement Area (Businge [2003]).

⁷⁶ Himmelfarb (2006) page 10.

⁷⁷ Himmelfarb (2006) pages 9-10.

⁷⁸ Onyango (1996).

⁷⁹ Vedeld, Paul, Astrid van Rooij, Frode Sundnes and Ivar T. Jørgensen (2005) “Final Appraisal of the Mount Elgon Regional Ecosystem Conservation Programme (MERECP)”, Noragric Report No. 25, March 2005.

⁸⁰ Mwanga, Moses (2002) Presentation at the World Sustainability Hearing, organised by the Earth Island Institute, 29 August 2002. http://www.earthisland.org/wosh/Day4_Findings.html

⁸¹ Onyango (1996).

⁸² Norgrove and Hulme (forthcoming).

⁸³ Interviews carried out at Mount Elgon by Timothy Byakola, December 2004.

After UWA took over management of the National Park, violent conflicts arose as rangers impounded cattle inside the newly re-surveyed boundaries of the park. Several villagers living above the 1993 boundary told Himmelfarb about harassment, threats and violence at the hands of park rangers. “Several alleged that in the past UWA rangers have killed several young men in the forest, shot at others and raped numerous young women collecting firewood”, writes Himmelfarb. Meanwhile, park officials reported being attacked by villagers.⁸⁴

In 1994, one year after Mount Elgon was declared a national park, the FACE Foundation started its tree-planting around the boundary of the park. Discussions between the FACE Foundation and the management of Mount Elgon Forest Park had started in 1992 and continued while Mount Elgon was declared a National Park and hundreds of people were brutally evicted.

In 1994, the same year that the FACE Foundation’s tree planting started, Benet communities wrote to the government opposing the survey carried out in 1993. The government set up an Inter-Ministerial Task Force to study the scale of the problem and to make recommendations to the government.⁸⁵ The Task Force’s report, which was published in 1996, acknowledged that mistakes had been made during the establishment of the Benet Resettlement Area: “One single most important error committed was that the proposed 6000 ha to be excised was never surveyed, demarcated and de-gazetted on the ground.”⁸⁶

Among the Task Force’s recommendations was that the 1983 boundary should be maintained around the Benet Resettlement Area and that the Benet from Yatui should be allocated an area of land east of the Kere River. In 1996, the government adopted and approved this recommendation and two years later a Benet Implementation Committee was set up. After consultations with local communities the committee drew up an action plan to implement the reinstatement of the 1983 boundary. However, the government made no funding available to carry out the action plan.⁸⁷

In addition to the problems facing people living in the Benet Resettlement Area, the Benet Implementation Committee recognised a further problem. There was no land available to resettle people still living inside the national park:

“The biggest problem this resettlement is faced with is that there is no empty land, free from encumbrances, on which to resettle the new people from the forests and moor-lands of the National Park. This means that availability of the land has to depend on the good will of the host population. This puts government in a somehow difficult situation, of resettling more people in an area which is already occupied.”⁸⁸

⁸⁴ Himmelfarb (2006) page 11.

⁸⁵ Action Aid (2005).

⁸⁶ Rew et al (2000).

⁸⁷ Action Aid (2005).

⁸⁸ Benet Implementation Committee (1996) “Benet Resettlement Scheme Mount Elgon National Park”, Submitted to the Ministry of Tourism, Wildlife and Antiquities. Unpublished. Cited in Rew et al (2000).

A research team from the Centre for Development Studies of the University of Wales commented that the plans to resettle people from the national park were “ill-conceived and formulated by people who do not have experience of resettlement planning”.⁸⁹ For example, the research team explained, the plans included “sensitisation seminars” aimed at persuading people resettled and the people living in the area into which they are to be resettled of the “need to conserve and use sustainably the delicate mountain ecosystem”. The team’s report notes that

“Such a description can only suggest that those responsible for the action plan did not employ a social scientist with knowledge of people’s livelihood strategies in the area. Furthermore, there is a clear bias towards conservation rather than considering the needs, hopes and desires of the people who will be affected.”⁹⁰

As part of a Protected Areas Assessment Plan, which was carried out in the Benet Resettlement Area in 1999, a team from UWA marked a boundary line on the ground by sinking red coloured metal markers along the line. This became known locally as the “red line”.⁹¹

Conflicts between UWA rangers and villagers during this period were frequent. In August 1999, UWA’s game scouts destroyed farmers’ maize crops within the national park. Farmers retaliated by burning down the game scouts’ post.⁹²

In 2000, UWA staff confiscated villagers’ cows found grazing inside park boundaries in the Kapkwai area. The rangers attempted to take the cows to Mbale, but were confronted by a group of people from Kapkwai blocking the road. According to rangers, villagers threw stones, sabotaged a vehicle, reclaimed the cows and stole a gun. The rangers fired in the air, but the 12 rangers and two drivers were forced to flee.⁹³

UWA’s response was violent. “I am quite happy that the community still have the gun because it allows us to pressure them”, an UWA staff member told Linda Norgrove, a student from Manchester University who was conducting PhD research at Mount Elgon. UWA sent in Uganda People’s Defence Force (UPDF) soldiers supposedly to look for the gun, “terrorizing the people of Kapkwai and Upper Tegeres parishes in the process,” according to Norgrove.⁹⁴

⁸⁹ Rew et al (2000).

⁹⁰ Rew et al (2000).

⁹¹ Action Aid (2005).

⁹² Rew et al (2000).

⁹³ Norgrove and Hulme (forthcoming).

⁹⁴ Norgrove and Hulme (forthcoming).

Evictions from the Kapkwata Softwood Plantation

In July 2000, park authorities set fire to houses near the Kapkwata Softwood Plantation inside Mount Elgon National Park. At least 250 homes were destroyed. More than 3,000 people were evicted. The residents had been given two weeks to move, but stayed. "They had notified us two weeks in advance," one former resident of Kapkwata camp, Mzee Arap Mwanga told *New Vision*,

"But we had nowhere to go. We have lived in this camp since childhood. Our fathers were also raised up in this very camp. Now, where else could we go? We decided to stay around, until the day those men came and set this camp ablaze."⁹⁵

The people accused UWA of evicting them from land they have lived on since 1956, without offering them any alternative settlement.⁹⁶

The Kapkwata Softwood Plantation was set up by the British. Mzee Arap Mwanga, one of the people evicted, told *New Vision* that "Our parents were collected from inside the forest in the 1930s and brought here to Kapkwata where they were convinced to start planting the soft wood trees."⁹⁷ Before the evictions, Kapkwata had streets, three schools, a playground and a flourishing market. "These poor people say they are now getting poorer," *New Vision* reported.⁹⁸

During the eviction, which was carried out with the help of the Police and Uganda People's Defence Force (UPDF) soldiers, villagers lost most of their livestock and saw their wives and children beaten up and tortured.⁹⁹ Villagers accused the army of several gang rapes. They accused the Army, Police and Park Officials of shooting at their donkeys and said they now had to bribe rangers if they are found outside the area to which they were evicted after 5 pm. A UPDF spokesperson denied the allegations of brutality to *New Vision*.¹⁰⁰

Chebet Maikut, one of the MPs from the area described the eviction as "a gross violation of human rights".¹⁰¹ But Arthur Mugisha, then-Executive Director of UWA, said that UWA was operating within the law to find out who burnt the forest and grazed their animals inside the park.

⁹⁵ Weddi, Davis (2001) "Evicted residents face bleak future", *New Vision*, 4 September 2001. <http://www.newvision.co.ug/D/8/26/8552/>

⁹⁶ Ngatya, Kikonyogo (2001) "Mt Elgon evictions cause public outcry", *New Vision*, 13 February 2001. <http://www.newvision.co.ug/D/8/26/8334>

⁹⁷ Weddi (2001).

⁹⁸ Weddi (2001).

⁹⁹ Weddi (2001).

¹⁰⁰ Ngatya (2001).

¹⁰¹ Ngatya (2001).

He said that the law allows UWA to shoot domestic animals found inside the park and to prosecute their owners. "This issue is not a problem at all because these people have land to return to in the lowlands," Mugisha told *New Vision*. "The desk for complainants was closed without a single person reaching there for its services," he added. Meanwhile, an UWA official told *New Vision* that UWA was only doing its job. "Mount Elgon National Park is an international conservation area. So we have to protect it from destruction," the official said.¹⁰²

Villagers camped just across the boundary outside the park. They were not allowed to collect wild vegetables, herbs, poles for construction or water from the park.¹⁰³ They lived in makeshift shelters with no toilets, water or other basic necessities. In September 2001, *New Vision* reported that five people had died after being evicted from Kapkwata "because of poor living conditions in their new settlement camp outside the park".¹⁰⁴ Eventually they were offered rocky land belonging to someone else.¹⁰⁵

Land rights, shootings, killings

In May 2001, the Uganda Land Alliance and Action Aid set up the Land Rights Centre in Kapchorwa town as a response to the evictions and as a way of helping villagers. At the opening, according to a report in *New Vision*, Kapchorwa district chairman Christopher Sango Chepkurui said that the majority of police cases in the district were as a result of land disputes.¹⁰⁶

Conflicts continued. On 15 September 2001, three people were killed in an exchange of gunfire between Uganda People's Defence Force (UPDF) soldiers and people living inside Mount Elgon National Park. The UPDF soldiers were attached to a forest guard unit in Kapchorwa. The fight broke out when the soldiers came across two people inside Mount Elgon National Park on a routine patrol in Kapkwata.¹⁰⁷ A week later, UWA rangers shot a poacher in Kapchorwa district inside Mount Elgon National Park.¹⁰⁸ Two people were killed in Kwanyi sub-county in Kween in the same month.¹⁰⁹

¹⁰² Weddi (2001).

¹⁰³ Weddi (2001).

¹⁰⁴ "Displaced die", *New Vision*, 18 September 2001. <http://www.newvision.co.ug/D/8/17/21693>

¹⁰⁵ Weddi (2001).

¹⁰⁶ Maseruka, Josephine (2001) "Land rows rampant in Kapchorwa", *New Vision*, 23 May 2001. <http://www.newvision.co.ug/D/8/17/20191>

¹⁰⁷ Angura, Jonathan (2001) "3 Killed In Elgon Park Fire Exchange", *New Vision*, 17 September, 2001. <http://www.newvision.co.ug/D/8/13/32696>

¹⁰⁸ "Rangers kill", *New Vision*, 16 October 2001. <http://www.newvision.co.ug/D/8/17/21848>

¹⁰⁹ Odong, James (2001) "Land rows leave 10 dead in Sebei", *New Vision*, 1 November 2001. <http://www.newvision.co.ug/D/8/17/21941>

In November 2001, *New Vision* reported that “over 10 people had been killed over land disputes in Kapchorwa”. The District Police Commander, Tomson Ogole, said, “The main problems which bring all these conflicts here are centered around land disputes, cattle theft, ethnic clashes and political differences. These are accelerated by the presence of illegal guns in the hands of wrong elements.”¹¹⁰

In March 2002, SGS awarded Forest Stewardship Certification for the UWA-FACE tree planting project (see Chapter 6: Forestry Stewardship Council). SGS’s public summary acknowledges that people are living in some of the areas that UWA/FACE plans to plant. The report makes little mention of the conflicts between UWA and local people. The only mention of evictions in the report is a recommendation to speed up the eviction of encroachers.¹¹¹

A new boundary and more evictions

A few days before SGS awarded UWA-FACE with its FSC certificate,¹¹² UWA evicted more than 300 families from Mount Elgon National Park and destroyed their houses and crops. They appealed to the government for food and shelter. Many of the people evicted camped in a local trading centre. “If we are not given assistance, we cannot leave because we have been left landless, with no food and shelter,” Maliki Mafabi one of the people evicted told *New Vision*. UWA’s chief warden, James Okonya, said that UWA had issued letters “warning the squatters to leave”.¹¹³ Okonya told *New Vision*, “We gave these people enough time to prepare and leave the park land but they resisted. We have no option but to use force and get them out of the park.”¹¹⁴

But according to Wanale Town Council chairman (LC3),¹¹⁵ Muhamad Nabuyobo, when the park boundary was marked in 1993, the disputed land was outside the park. UWA’s Okonya

¹¹⁰ Odong (2001).

¹¹¹ SGS (2002) “Mount Elgon National Park Forest Certification Public Summary Report”, SGS (Société Générale de Surveillance) Forestry Qualifor Programme, Certificate number SGS-FM/COC- 0980, page 9. <http://www.sgs.com/sgs-fm-0980.pdf>

¹¹² The UWA-FACE FSC certificate is dated 21 March 2002 (SGS 2002). The evictions from Mount Elgon National Park took place on 9 March 2002 (Wambedde, Nasur (2002a) “300 Mbale Families Plead For Govt Help”, *New Vision*, 14 March, 2002. <http://www.newvision.co.ug/D/8/13/36852>).

¹¹³ Wambedde, Nasur (2002a).

¹¹⁴ Wambedde, Nasur (2002d) “Evicted Wanale residents now live in caves, mosques”, *New Vision*, 15 April 2002. <http://www.newvision.co.ug/D/8/26/8796>

¹¹⁵ Each level of Uganda’s rural administrative structure has an elected local council. The lowest level is the village whose council is called LC1. Then comes the Parish or Ward Council, LC2, followed by the sub-county or Town Council LC3. County is LC4 and District Council, LC5, is the highest level of local government. See Bazaara, Nyangabyaki (2003) “Decentralization, politics and environment in Uganda”, Environmental Governance in Africa Working Paper Series WP #7, World Resources Institute, January 2003. http://pdf.wri.org/eea_wp7.pdf

claimed that farmers had bribed the surveyors to move the boundary further into the park to allow their crops to remain.¹¹⁶ Okonya explained that UWA had recently acquired a new Global Positioning System (GPS) which allowed the boundary to be marked more accurately. Using the GPS UWA determined that a large area of land was left outside the park in 1993 and was being used by local farmers.¹¹⁷

On 25 March 2002, *New Vision* reported that a total of 550 families had been evicted from Mount Elgon National Park that year. They were left "homeless and without food". Villagers accused UWA of abandoning its previous boundary and taking over their land. "If the park needs more land for wildlife, let them follow the right procedure and buy our land," said James Wamanga, one of those evicted.¹¹⁸

On 27 March 2002, the Ugandan Parliament approved the Protected Areas System Plan, which involved re-tracing the boundaries of all protected areas managed by UWA. The Plan was funded in part by the World Bank under the Protected Areas Management for Sustainable Use project.¹¹⁹ In the case of Mount Elgon, the Cabinet decided to revert to the 1993 boundary around the Benet Resettlement Area, reducing the area from 7,500 hectares to 6,000 hectares. UWA's Deputy Director wrote to the UWA Chief Warden in Mbale instructing that all 1983 land allocations in the Benet Resettlement Area were to be cancelled and new allocations carried out. Under the new allocations, only the Benet were entitled to be allocated land. Action Aid points out that this process was "in total disregard of the constitutional and legal provisions pertaining to land and Human Rights".¹²⁰

On 5 April 2002, *New Vision* reported that UWA's recent re-surveying of the boundary had left more than 600 families homeless. UWA's then-chief warden, James Okonya, said that the encroachers cut down the forest to clear the land for cultivation. He used the same arguments that the British colonists had used for preserving Mount Elgon: cutting down the forests affected the ecosystem leading to inadequate rainfall. "Mt. Elgon Park is a water catchment area on which communities that surround it from both Kenya and Uganda depend," Okonya told *New Vision*.¹²¹

¹¹⁶ Wambedde, Nasur (2002a).

¹¹⁷ Wambedde, Nasur (2002d).

¹¹⁸ Wambedde, Nasur (2002b) "Elgon Park ejects 550 families", *New Vision*, 25 March 2002.
<http://www.newvision.co.ug/D/8/13/37029>

¹¹⁹ UNESCO (2004) Convention concerning the protection of the world cultural and natural heritage, World Heritage Committee, Twenty-eighth session, Suzhou, China 28 June – 7 July 2004.
<http://whc.unesco.org/archive/2004/whc04-28com-15areve.pdf>

¹²⁰ Action Aid (2005).

¹²¹ Wambedde, Nasur (2002c) "Elgon Park Encroached", *New Vision*, 5 April 2002.
<http://www.newvision.co.ug/D/8/17/22692>

The people evicted from Mount Elgon National Park had nowhere to go and were forced to live in caves and mosques. People living in caves had to keep fires burning all night because of the cold. Some of the people evicted had lived on their land for more than 40 years. Some of the villagers even had land title certificates to their land. For example, Abdu Nabuyobo of Bukumi village in Wanale sub-county had had his land surveyed in 1988. Their houses were destroyed and crops cut down. Bernard Mujasi, District Council (LC5) chairman in Mbale, told *New Vision*, "We need the park but we also need the people. The government must find a solution to this problem."¹²²

On 17 April 2002, *New Vision* reported that Edward Rugumayo, the Minister of Trade, Tourism and Industry, had ordered UWA to stop the evictions from Mount Elgon National Park. He also said in a press statement dated 9 April 2002 that UWA should not allow any new encroachers into the National Park. UWA said that about 6,000 people had illegally settled in the park in the last few years.¹²³

Parliamentary committee on natural resources

In April 2002, a Parliamentary Committee on Natural Resources led by Nwoya county MP, Zachary Olum, visited Mount Elgon. The committee took a hard line, announcing a Cabinet decision to revert to the 1993 boundary around the Benet Resettlement Area.¹²⁴ At a meeting with leaders from Mbale and Sironko, Jovino Akaki-Ayumu, the state minister for tourism, said that encroachers who have defied a government directive to leave the National Park would be evicted. Akaki warned people, including those who had recently been evicted from the park, not to build anything or to open up new gardens inside the park. Akaki said that UWA found out that the settlers had uprooted trees and other landmarks to shift the 1964 park boundary.¹²⁵

Action Aid commented later that the whole area of Kapchorwa was "thrown into confusion" as a result of the Cabinet decision to revert to the 1993 boundary and the subsequent visit of the committee. The Benet were concerned at the "threat of eviction and nullification of the 20 year settlement". The situation almost degenerated into "civil strife and breach of peace". Action Aid added that "No consultations had been made as alleged and even the area MP was not aware of these developments."¹²⁶ The local MP, Yeko Arap Kiisa, told the community that Parliament had

¹²² Wambedde, Nasur (2002d).

¹²³ Tenywa, Gerald (2002b) "UWA ordered to stop Mount Elgon eviction", *New Vision*, 17 April 2002. <http://www.newvision.co.ug/D/8/13/37379>

¹²⁴ Action Aid (2005).

¹²⁵ Etengu, Nathan (2002a) "Elgon settlers to be relocated", *New Vision*, 15 April, 2002. <http://www.newvision.co.ug/D/8/13/37343>

¹²⁶ Action Aid (2005).

resolved to degazette more land from the National Park in addition to the 6,000 hectares allocated in 1993. Kiisa told *New Vision*, "To me I thought the resolution of Parliament meant that more land was to be given to these people. That is what I told them."¹²⁷

Zachary Olum, the chairman of the parliamentary committee, took part in a meeting at Mengya trading centre in April 2002. He told the Benet that they would be resettled into the 6,000 hectare area. "This activity will nullify the current plot ownership and it means that some people may have to be shifted from the plots they have been cultivating," *New Vision* reported Olum as saying.¹²⁸

On 9 May 2002, the LC2 chairman of Benet wrote to Ugandan President Yoweri Museveni petitioning him to take action. The President responded by sending Jovino Akaki-Ayumu, the minister of state for tourism to Kapchorwa, to assess and report on the situation.¹²⁹

Akaki visited Chemamul village in Benet District and announced that people within the 6,000 hectare boundary could keep their land and develop it as they wish. Those above the 1993 line were to "maintain the status quo until the government came up with a workable way forward". No new people were to move into the area and no new land was to be opened up. Grazing was to be restricted.¹³⁰

But after Akaki's visit, UWA's park rangers continued to harass and intimidate local people.¹³¹ In June 2002, UWA's then-chief warden James Okonya told *New Vision* that the Government has resisted pressure from communities demanding land in parts of the Park in Kapchorwa district.¹³²

During July and August 2002, a team hired by UWA continued to re-trace the 1993 boundary. The survey team reported that an area of more than 1,500 hectares had been encroached on in Kapchorwa district. According to the survey team, two primary schools and two trading centres had been built inside the park boundaries.¹³³ Almost 150 families lived on the land. UWA's James Okonya told *New Vision* that the encroachers would be compensated and evicted. "The formulation and implementation of this plan is expected to take at least one year," Okonya said.¹³⁴

¹²⁷ Etengu, Nathan (2002b) "Ndorobo To Be Resettled", *New Vision*, 19 April, 2002. <http://www.newvision.co.ug/D/8/17/22757>

¹²⁸ Etengu (2002b).

¹²⁹ Action Aid (2005).

¹³⁰ Action Aid (2005).

¹³¹ Action Aid (2005).

¹³² "Sabiny Press For Mt Elgon Park Land", *New Vision*, 18 June 2002. <http://www.newvision.co.ug/D/8/17/23042>

¹³³ "Encroachers In Mount Elgon Park", *New Vision*, 31 July 2002. <http://www.newvision.co.ug/D/8/13/39621>

¹³⁴ Etengu, Nathan (2002c) "Park Encroachers Reject Boundaries", *New Vision*, 14 August, 2002. <http://www.newvision.co.ug/D/8/17/23344>

In August 2002, at a meeting between local people and UWA officials, the Benet rejected the newly resurveyed boundary of Mount Elgon National Park in Kapchorwa district. "The Benet area is a historical and original home of the Sabiny," *New Vision* reported William Cheborion, the Speaker of Kapchorwa district, as saying. "If we are now being evicted from our mother home, what will happen?"¹³⁵

In August 2002, Alex Muhweezi, the country representative of IUCN in Uganda, was in Johannesburg at the Rio+10 Earth Summit talking to journalists about IUCN's "integrated project" which was helping to "integrate the conservation of biological diversity in the district plans". Muhweezi apparently made no mention of any of the evictions that had taken place earlier that year, or that more people were threatened with eviction. Instead, Muhweezi praised Uganda's efforts to restore degraded areas of Mount Elgon and *New Vision* reported that "Mount Elgon had been degraded but had been re-planted with forests to absorb CO₂ emissions."¹³⁶

More conflict

Conflicts between local people and UWA rangers continued. In September 2002, UWA's Stonewall Kato told *New Vision* that unknown people had destroyed more than 500 metres of the park boundary in Zesui sub-county, Sironko district.¹³⁷

In December 2002, *New Vision* reported that five people were sentenced to death for attacking a park ranger at Mount Elgon. UWA rangers told the court that the five people had grabbed the ranger's gun and tortured him before fleeing.¹³⁸

In December 2002, the government announced that it would start resettling people from Kapchorwa the following year. State minister for tourism, Jovino Akaki-Ayumu, on a visit to Mount Elgon to open some Forest Cottages (built for tourists) said that "Funds for the relocation process have already been secured and work starts in February to March next year." The process would enable the Government reclaim its land and embark on measures to promote tourism and conserve the environment, Akaki said.¹³⁹

¹³⁵ Etengu Nathan (2002c).

¹³⁶ Tenywa, Gerald (2002c) "Earth Summit Hails Uganda On Elgon", *New Vision*, 31 August 2002. <http://www.newvision.co.ug/D/8/13/40256>

¹³⁷ *New Vision* (2002d) "Elgon park", *New Vision*, 12 September, 2002. <http://www.newvision.co.ug/D/8/13/82758>

¹³⁸ *New Vision* (2002f) "Five to hang", *New Vision*, 12 December, 2002. <http://www.newvision.co.ug/D/8/17/103060>

¹³⁹ Wamanga, Arthur (2002) "Government to resettle Ndorobo", *New Vision*, 19 December 2002. <http://www.newvision.co.ug/D/8/17/104503>

In June 2003, UWA rangers shot dead a man from Kwoti parish who was suspected of illegally sawing logs from the Mount Elgon National Park.¹⁴⁰

In July 2003, *New Vision* reported that “armed thugs” killed a ranger and a labourer in Sironko district. The attack happened shortly after local communities had gathered to meet park officials to discuss a boundary conflict near Nataba outpost in Buluganya sub-county.¹⁴¹

In August 2003, Kapchorwa district council appealed to UWA to allow farmers to take their cattle into the national park to graze, where they would be safe from cattle raiders coming over the border from Kenya. According to the Kapchorwa Civil Society Organisation Alliance, more than 1,600 people had died as a result of cattle raids from armed cattle raiders.¹⁴² Communities had lost more than 700,000 cattle and 500,000 sheep and goats in the raids. In addition, more than 30,000 people had been displaced.¹⁴³ Stonewall Kato, acting park warden, told *New Vision* that management stood by a resolution to keep pastoralists out of the park.¹⁴⁴

Boundary disputes, another survey and the Benet sue UWA

In May 2003, UWA’s Natural Resource Coordinator, Edgar Buhanga told *New Vision* that a World Bank-funded survey of National Parks in Uganda would start in July. “The initial phase of the exercise will cover mountains Elgon and Rwenzori, Katonga and Ajai wildlife reserves. It is estimated to last three years,” Buhanga said.¹⁴⁵

The following month, *New Vision* reported that UWA planned to hire a “competent survey firm” to redraw the boundaries of Mount Elgon National Park in Mbale, Sironko and Kapchorwa districts. UWA’s executive director, Arthur Mugisha, said UWA would launch “community sensitisation programmes” which were supposed to enable local communities living near the park boundary “to understand the relevance of the exercise in line with government policy”.¹⁴⁶ The Kapchorwa district council was not reassured by any of this, and in June 2003, the council asked

¹⁴⁰ *New Vision* (2003c) “Man killed in elgon forest”, *New Vision*, 21 June 2003. <http://www.newvision.co.ug/D/8/13/141862>

¹⁴¹ Muzungyo, Rashid (2003b) “Thugs kill, abduct Mount Elgon Park rangers”, *New Vision*, 14 July 2003. <http://www.newvision.co.ug/D/8/17/146465>

¹⁴² Etengu, Nathan (2003a) “K’jong kill 1,600 Sabiny – report”, *New Vision*, 29 April, 2003. <http://www.newvision.co.ug/D/8/16/130611>

¹⁴³ Etengu, Nathan (2003b) “Kapchorwa appeals to UWA on grazing”, *New Vision*, 11 August 2003. <http://www.newvision.co.ug/D/8/17/153118>

¹⁴⁴ Etengu (2003a).

¹⁴⁵ *New Vision* (2003a) “Game Parks for survey”, *New Vision*, 27 May 2003. <http://www.newvision.co.ug/D/8/13/136584>

¹⁴⁶ *New Vision* (2003b) “UWA to reset Elgon boundaries”, *New Vision*, 2 June 2003. <http://www.newvision.co.ug/D/8/17/137716>

UWA to suspend the redrawing of the boundary of Mount Elgon National Park in Piswa, Benet, Kwoti and Yatui sub-counties. The council said that the government had failed to address the concerns of the people resettled in 1983.¹⁴⁷

In October 2003, the Uganda Land Alliance took the government to court on behalf of the Benet in Kapchorwa district to claim their land rights. The Benet sought a declaration stating that they were the historical inhabitants of Benet sub-county, Kween county and Kwoti parish of Tingey county. "Government has promised to come in to solve the problem. To this date we are still waiting but people are getting impatient since the harassment and uncertainty has continued," Moses Mwanga, Benet LC5 councillor and deputy chairman of the Benet Resettlement Consultative Co-ordination Committee told *New Vision*.¹⁴⁸

In February 2004, *New Vision* reported that 45 people were being held by the police in Mbale for encroaching into the National Park and destroying 1,700 trees. The trees were planted under the UWA-FACE project and marked the boundary of the National Park.¹⁴⁹

In April 2004, SGS carried out a surveillance visit to Mount Elgon, to assess whether the UWA-FACE tree planting project continued to meet FSC guidelines. SGS's public summary of the surveillance visit makes no mention of the conflicts surrounding the Mount Elgon National Park and makes no mention of the fact that the Benet were suing the government.¹⁵⁰ (See Chapter 6: Forest Stewardship Council.)

In June 2004, 15 MPs from around Mount Elgon appealed to the government to de-gazette the boundaries of Mount Elgon National Park. The MPs, from Kabarole, Kapchorwa, Kibale, Kisoro, Mbale and Sironko districts, met deputy Speaker Rebecca Kadaga. They told her that more than 50 people had been killed by UWA and they requested that the park monitoring role be handed over to the National Forest Authority, which is less militarised. "The boundaries were made unilaterally, displacing over 10,000 people. The wildlife people who operate there are very militarised, and have killed over fifty people. People feel that the Government favours animals more than the people," said David Wakikona (Manjiya), after the meeting.¹⁵¹

¹⁴⁷ Muzungyo, Rashid (2003a) "Sebei Appeal On Mt. Elgon", *New Vision*, 23 June 2003. <http://www.newvision.co.ug/D/8/17/142021>

¹⁴⁸ Businge, Gerald (2003) "The Benet To Sue Gov't Over Land", *New Vision*, 2 October 2003. <http://www.newvision.co.ug/D/8/26/309690>

¹⁴⁹ Wamanga, Arthur (2004) "45 Mbale park 'encroachers' detained", *New Vision*, 4 February, 2004. <http://www.newvision.co.ug/D/8/13/337697>

¹⁵⁰ SGS (2004) "Mount Elgon National Park Forest Management Surveillance Report. Public Summary Information", SGS (Société Générale de Surveillance) Forestry Qualifor Programme, Certificate number SGS-FM/COC- 0980. http://www.sgs.com/9495-ug_-_face_mt_elgon_sa2004-12_-_ad72_gm-psummary.pdf

¹⁵¹ Musoke, Cyprian (2004) "MPs set demands on Elgon Park land", *New Vision*, 30 June, 2004. <http://www.newvision.co.ug/D/8/17/369170>

In October 2004, UWA began surveying and marking the boundary of Mount Elgon National Park in Kapchorwa district. Moses Mapesa, UWA’s director of field operations, told *New Vision* that the surveying was the result of complaints raised by Jovino Akaki-Ayumu, the state minister for tourism, about increased illegal settlements and destruction of trees for timber and poles in the park.¹⁵²

In the re-surveying process, UWA rangers destroyed people’s crops without compensation. Action Aid reports that UWA wanted to plant trees along the re-traced boundary, but was stopped by Action Aid’s lawyers.¹⁵³

In May 2005, while UWA deployed rangers to prevent people from farming in the disputed areas of the park, farmers won a 30-day injunction stopping UWA from re-surveying the park boundary.¹⁵⁴ Later in the same month, the High Court dismissed an application by more than 400 farmers in Mbale to block the re-surveying of the boundary of Mount Elgon National Park. Justice J.B. Katutsi dismissed the case after the applicants and their lawyers failed to turn up for the hearing. UWA hired a firm called Geomaps to carry out the survey.¹⁵⁵

Illegal logging and yet more conflicts

In May 2005, UWA rangers impounded more than 150 pieces of timber suspected of being illegally logged in Mount Elgon National Park. UWA handed the timber, a pickup truck and its driver to Kapchorwa Police for the police to carry out investigations. Two weeks later, UWA officials demanded that the Kapchorwa Police explain the fact that the timber was no longer at the police station. UWA rangers also demanded to know why the police released the man driving the pickup truck used to transport the timber. In return the police accused UWA of not recording statements when they had handed over the timber, truck and driver. District Police officer Thomson Ogole told *New Vision*, “Those people are very stupid. How can you impound something and expect the Police to keep it for weeks?”¹⁵⁶

In May 2005, Martin Mutayi, an UWA ranger, was attacked by poachers carrying machetes in Sipi sub-county, Kapchorwa district. Mutayi lost a thumb and received a cut on his face.¹⁵⁷

¹⁵² *New Vision* (2004) “UWA surveys Elgon park”, *New Vision*, 21 October 2004. <http://www.newvision.co.ug/D/8/17/394621>

¹⁵³ Action Aid (2005).

¹⁵⁴ Etengu, Nathan (2005a) “Rangers block peasants from park”, *New Vision*, 18 May 2005. <http://www.newvision.co.ug/D/8/17/435092>

¹⁵⁵ Etengu, Nathan (2005b) “Court dismisses Mbale farmers’ applications”, *New Vision*, 21 May 2005. <http://www.newvision.co.ug/D/8/17/435687>

¹⁵⁶ Muzungyo, Rashid (2005) “UWA attacks cops over timber”, *New Vision*, 7 June 2005. <http://www.newvision.co.ug/D/8/16/438420>

¹⁵⁷ Etengu, Nathan (2005c) “Ranger hit”, *New Vision*, 30 May 2005. <http://www.newvision.co.ug/D/8/13/437018>

In June 2005, about 20 people were arrested for encroaching on Mount Elgon National Park.¹⁵⁸

In July 2005, Jovino Akaki-Ayumu, the state minister for tourism, wrote to the LC5 chairman at Mount Elgon and the Resident District Commissioner. People claiming to have been evicted by UWA from Mount Elgon National Park during the re-tracing of the boundary were false claimants who were looking for money, he wrote.¹⁵⁹

In September 2005, Norway and Sweden provided a grant of US\$4.8 million for joint conservation exercises between Uganda and Kenya at Mount Elgon. IUCN won the contract to manage and carry out technical activities associated with the conservation activities.¹⁶⁰ (See Chapter 5: IUCN and NORAD.)

In October 2005, the Uganda Land Alliance condemned UWA over unlawful detentions, torture and harassment of Benet communities living on disputed land in Mount Elgon National Park. The Uganda Land Alliance also complained about UWA staff extorting money and bribes from communities.¹⁶¹

On 27 October 2005, the Benet won an important court victory. They were recognised by Uganda's High Court as the historical, indigenous inhabitants of Mount Elgon. Justice J.B. Katutsi ruled that the Benet people "are historical and indigenous inhabitants of the said areas which were declared a Wildlife Protected Area or National Park." He ruled that the area should be de-gazetted and that the Benet should be allowed to live on their land and continue farming it.¹⁶²

"We are now jubilating because we have been given full rights to go on with our lives," said Moses Mwanga, Chairperson of the Benet Lobby Group. "We are very happy for being granted our God given right. This land belongs to us and this is where we were born and this is where we have grown up. We now look forward to carrying on with our developments without any obstruction."¹⁶³

But just days after the High Court ruling, the Benet reported that park rangers had confiscated their animals and were demanding ransom payments.¹⁶⁴

¹⁵⁸ Etengu, Nathan (2005d) "20 held", *New Vision*, 2 June 2005. <http://www.newvision.co.ug/D/8/13/437604>

¹⁵⁹ "False claims", *New Vision*, 28 July 2005. <http://www.newvision.co.ug/D/8/17/447219>

¹⁶⁰ Tenywa, Gerald (2005) "EAC gets \$4m for Mt. Elgon", *New Vision*, 20 September 2005. <http://www.newvision.co.ug/D/8/17/456692>

¹⁶¹ "ULA slams", *New Vision*, 21 October 2005. <http://www.newvision.co.ug/D/8/17/461896>

¹⁶² Action Aid (no date a) "Benet community in Kapchorwa win landmark case against land rights abuse". <http://www.actionaid.org/uganda/955.html> and Action Aid (no date b) "Benet win land rights battle". http://www.actionaid.org/index.asp?page_id=691

¹⁶³ Action Aid (no date b).

¹⁶⁴ Meyer, Katie (2005) "Momentous Ruling Recognizes Land Rights of Indigenous Community", *Cultural Survival*, 28 December 2005. <http://209.200.101.189/publications/win/win-article.cfm?id=2816>



Maize is one of villagers' main crops around Mount Elgon. In the background is part of the national park.



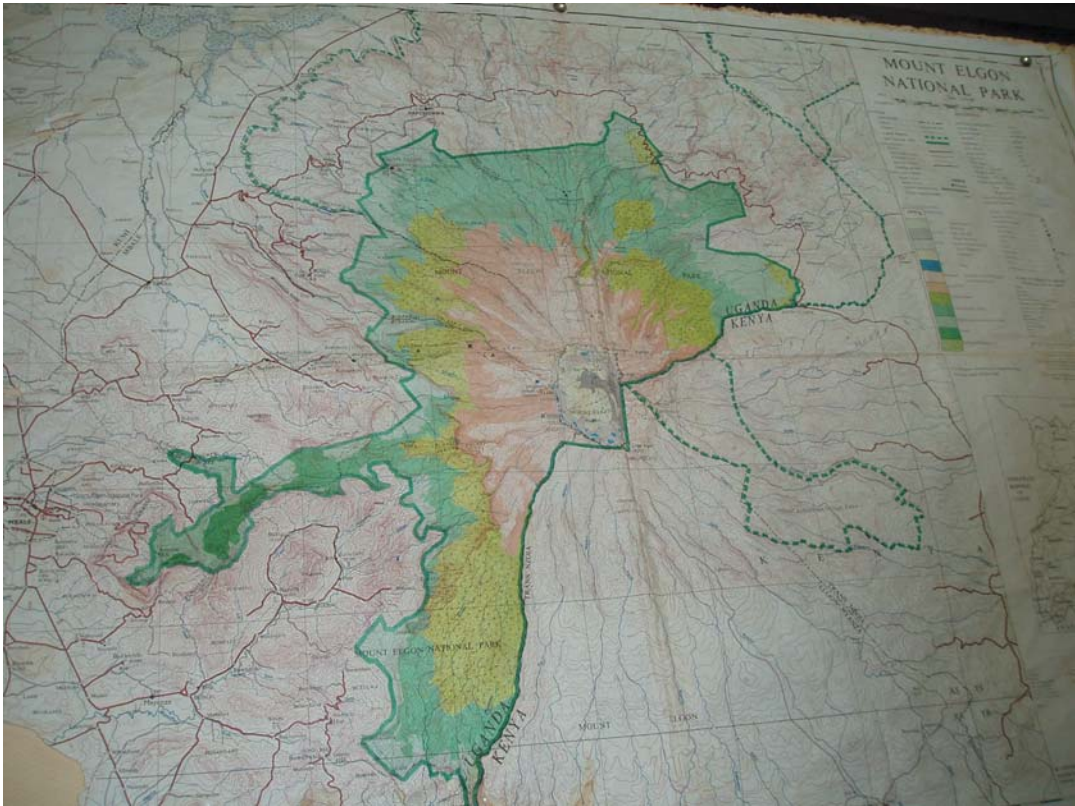
The fields in the background are inside the national park. Villagers have been prevented from harvesting these crops. “We have planted the land, but we are threatened day and night. UWA sometimes destroys our crops,” one villager told us.



Meeting in a village near the boundary of the national park, July 2006. "We don't want the whole national park, we just want our land back."



Bullet shells. "The bullets were shot by people trying to kill us," a villager told us. "Some people have died. Others have been injured."



Map of Mount Elgon National Park in UWA office, Mbale. The pale green areas inside the park boundary indicate land which is to be planted under the UWA-FACE project.



Most of the children in this village do not go to school because villagers have no money to send them.

In December 2005, UWA's executive director, Moses Mapesa, sent guidelines to all UWA staff. He wrote:

"In areas where as a result of boundary re-survey (read re-tracing and re-opening) there are communities found to be within the protected area for example Mt. Elgon, Ajai, Katoga and Bwindi, these communities must not be evicted or stopped from going on with their day-to-day activities as we await further guidance from government. . . . There should be no new encroachment or expansion of existing settlements as well as illegal harvesting of resources. In execution of your duties there should be no form of harassment whatsoever but rather coordination and collaboration with the police, RDC's office and local council authorities of the areas."¹⁶⁵

Two months after Mapesa wrote this, Patrick Gaboi, a UWA ranger attached to the Wanale post at Mount Elgon, was arrested for allegedly torturing people and extorting money from people farming inside the boundary of Mount Elgon National Park. Gaboi allegedly tortured and extorted Sh20,000 (about US\$11) from a man suspected of setting fire to a disputed section of the park. UWA's Moses Mapesa told *New Vision* that the community living near the park was to blame for the dispute over the boundary. "The surveyors traced and planted boundary marks but the community would transfer the marks to create their own boundaries," Mapesa said. "We are not going to stand in the way of the law. The truth will be documented and at the end of the day the law will prevail."¹⁶⁶

In April 2006, UWA produced a report on encroachment at Mount Elgon. David Masereka, UWA's chief warden at Mount Elgon, told *The Monitor* that a total of 3,928 square kilometres of park land had been encroached. "Quite a number of UWA planted trees have and are being cut down by farmers mainly for firewood, timber and settlement," Masereka said.¹⁶⁷

In June 2006, UWA park rangers arrested 17 illegal pit-sawyers and impounded 14 saws at Mount Elgon National Park. UWA's chief warden David Masereka told *New Vision* that UWA also impounded 941 pieces of timber logged by the pit-sawyers inside the national park. "It is a high time pit-sawyers identified other alternatives to making a living," Masereka said.¹⁶⁸

In early August 2006, Cox Nyakairu, the Deputy Resident District Commissioner for Mbale, asked the Mount Elgon National Park Verification Committee to investigate allegations that UWA

¹⁶⁵ Mapesa, Moses (2006a) "UWA not partisan on Mt. Elgon forest", *New Vision*, 24 February 2006. <http://www.newvision.co.ug/D/8/459/483747>

¹⁶⁶ Etengu, Nathan (2006a) "Game ranger arrested over torture", *New Vision*, 16 February 2006. <http://www.newvision.co.ug/D/8/17/482266>

¹⁶⁷ Mafabi, David (2006a) "Mt. Elgon Park Under Depletion", *The Monitor*, 25 May 2006. <http://allafrica.com/stories/200605250865.html>

¹⁶⁸ Etengu, Nathan (2006b) "Mother, children killed in landslide", *New Vision*, 16 August 2006. <http://www.newvision.co.ug/D/8/17/515464>

officials rape, defile and extort money from local people found inside the park boundary. The verification committee is made up of the police and local commissions and the team investigating the allegations is to be led by the Resident District Commissioner. The investigation was as a response to complaints from the Manafwa LC5 chairman, Charles Pekke Walimbwa, who stated that two elderly men had been beaten and hospitalised on 2 August 2006. UWA's Fred Matanda dismissed the allegations as an attempt by villagers to soil UWA's reputation in order to justify staying inside the park boundary. He said that UWA would investigate the allegations and he challenged villagers to name the UWA staff responsible. He told *The Monitor* that UWA had orders from the minister of state for tourism, Serapio Rukundo, to forcibly evict any encroachers that did not leave the park within two months.¹⁶⁹

UWA's Public Relations Manager, Lillian Nsubuga, responded to the announcement of the investigation with a letter to *New Vision* in which she claimed that the stories about UWA staff were untrue and that "UWA has not ordered any evictions."¹⁷⁰

In August 2006, the state minister for tourism, Serapio Rukundo, set a deadline of 28 September 2006 for "encroachers" to leave Mount Elgon National Park. According to Rukundo, the deadline applies to people who entered the park after April 2002, when Parliament re-gazetted the boundaries. "Explain to our people that they should harvest their crops and vacate," Rukundo wrote in a letter to the LC5 chairpersons of Mbale, Sironko, Manafwa, Kapchorwa and Bukwo. The directive followed a similar one from Rukundo's predecessor Jovino Akaki-Ayumu who set a deadline of 28 July to leave the park.¹⁷¹ While we were at Mount Elgon, in July 2006, villagers told us that they had received a deadline of 28 July 2006 after which their crops growing inside the boundary of the national park would be destroyed.

In early September 2006, Mbale district chairman Bernard Mujasi petitioned President Yoweri Museveni to intervene to help people surrounding Mount Elgon National Park who are facing eviction on 28 September 2008. Mujasi asked Museveni to stop the planned eviction. "We had suggested to the Uganda Wildlife Authority that they should produce maps showing the boundary of 1993, superimposed with the boundary of 2004/2005 so that stakeholders can use that as a basis for discussion. UWA has up to now not complied to this request, even when it was agreed upon in one of our meetings," Mujasi told *New Vision*.¹⁷²

¹⁶⁹ Mafabi, David (2006b) "RDC Orders Investigation Into Rights Abuse in Mbale", *The Monitor*, 7 August 2006. <http://allafrica.com/stories/200608071390.html>

¹⁷⁰ Nsubuga Lillian (2006) "UWA has evicted nobody", *New Vision*, 8 August 2006. <http://www.newvision.co.ug/D/8/21/513827>

¹⁷¹ Etengu, Nathan (2006c) "Encroachers given date", *New Vision*, 23 August, 2006. <http://www.newvision.co.ug/D/8/16/516763>

¹⁷² Muzungyo, Rashid (2006) "LC5 appeals over Elgon evictions", *New Vision*, 3 September 2006. <http://www.newvision.co.ug/D/8/17/519004>

Villagers' struggle for land continues. In October 2006, President Museveni announced that encroachers in national parks must be resettled. Encroachment at Mount Elgon must stop, he said. "Proper assessment of the affected people needs to be done, boundaries must be properly defined and the people resettled," Museveni was reported as saying in *New Vision*.¹⁷³

¹⁷³ Ocowun, Chris (2006) "Museveni orders relocation of encroachers", *New Vision*, 9 October 2006. <http://www.newvision.co.ug/D/8/13/525826>.

4. The UWA-FACE project

Plans to plant trees at Mount Elgon existed before the FACE Foundation arrived in Uganda. In the early 1990s, IUCN was working with Forest Department on the Mount Elgon Conservation and Development Project, which started in 1988. Under this project, the Forest Department planned to plant trees for timber around the boundary of Mount Elgon.¹⁷⁴

The FACE Foundation's involvement in tree planting in Uganda came through a personal connection. At the time a Dutch man called Jan Bettlem was a Technical Advisor working with IUCN. Bettlem knew people at the FACE Foundation and he arranged the introductions between the FACE Foundation and the management of Mount Elgon. The first discussions between the FACE Foundation and the management of Mount Elgon took place in 1992.¹⁷⁵ Two years later, "Uganda National Parks (the predecessor of UWA) concluded an agreement with the FACE Foundation to reforest the foot hills of Mount Elgon", an UWA-FACE brochure explains.¹⁷⁶

Under the contract, which runs for 99 years, The FACE Foundation owns the CO₂ credits, while the trees "and all other proceeds" belong to UWA.¹⁷⁷ UWA is responsible for managing the trees.¹⁷⁸

In Uganda, UWA and the FACE Foundation aim to plant a total of 35,000 hectares of land at Mount Elgon and Kibale National Parks (25,000 hectares at Mount Elgon and 10,000 hectares at Kibale).

Is the FACE project additional?

The FACE Foundation effectively took over from an ongoing tree-planting project under the Mount Elgon Conservation and Development Project, which "aimed to restore the degraded forest, and reduce the dependence of the local communities on its resources", according to Gershom Onyango of the Uganda Forest Department in a paper written for the World Bank.¹⁷⁹

¹⁷⁴ Interview with Alex Muhweezi in Mbale by Timothy Byakola, Jutta Kill and Chris Lang. 19 July 2006.

¹⁷⁵ Interview with Alex Muhweezi in Mbale by Timothy Byakola, Jutta Kill and Chris Lang. 19 July 2006.

¹⁷⁶ UWA-FACE (no date) "Let the earth remain green", UWA-FACE brochure.

¹⁷⁷ UWA-FACE (no date).

¹⁷⁸ Byakola, Timothy (no date) "Carbon Sequestration Plantation Forests: Community struggles and impacts of the Uganda Wildlife Authority-FACE Foundation Carbon Sequestration Forest Project around Mt Elgon National Park", Climate and Development Initiatives, Uganda. http://www.snm.nl/pdf/0500_2.8_carbon_sequestration_plantation_forests__background_paper.pdf

¹⁷⁹ Onyango, Gershom (1996) "Local participation for the conservation and management of natural forests, Uganda", paper presented at WB/UNEP African Forestry Policy Forum Nairobi, 29-30 August 1996. http://www.worldbank.org/afr/afr_for/interim/sugand-2.htm Gershom was Assistant Commissioner for Forestry, Forest Department, Ministry of Natural Resources.

According to a brochure produced by the UWA-FACE project, titled "Let the earth remain green," the aims of the project are:

"Preventing the degradation of National Parks of Uganda
Restoring these previous ecosystems by planting indigenous trees
Combating global warming."¹⁸⁰

In order for the FACE Foundation to claim that its tree planting is having an effect on climate change, FACE has to be able to argue that if its project did not exist less carbon would be stored on Mount Elgon. This gets us into an interesting area of trying to answer the question "What would have happened if?" As anyone who has ever watched a game of football knows, this question is impossible to answer. What would have happened if Zinedine Zidane hadn't headbutted Italy's Marco Materazzi in the chest and been sent off in the 100th minute of the 2006 World Cup final? Would France have won? Might Zidane have scored the winning goal during the penalty shoot-out? While such questions are fascinating to discuss, it is impossible to know the answer.¹⁸¹

This problem is faced by all carbon sink projects. In order to prove that their project is genuinely absorbing and storing carbon, project developers have to compare the situation with their project to one single baseline case of the situation without the project.

The organisation responsible for verifying the carbon stored in the UWA-FACE project is SGS Climate Change Programme, part of the SGS Group (another part of the SGS Group is responsible for the FSC certification). I asked Irma Lubrecht of SGS's Climate Change Programme how SGS attempted to address the question of whether the tree planting at Mount Elgon is additional, or would not have happened without the project. Lubrecht, it seems, knows exactly what would have happened without the project. "The baseline scenario is the on-going agricultural encroachment into the National Park," Lubrecht replied.¹⁸²

Lubrecht appears ignorant of the fact that tree-planting was already happening under the Mount Elgon Conservation and Development Project *before* the FACE Foundation's project started. "It is evident from experience," wrote Lubrecht,

¹⁸⁰ UWA-FACE (no date).

¹⁸¹ Larry Lohmann points out that the threats to carbon credits generated by planting trees are impossible to calculate, because they are based not just on risk, but also on uncertainty, ignorance and indeterminacy. See *Global warming and the ghost of Frank Knight*, in Larry Lohmann (Ed.) (2006) "Carbon Trading. A Critical Conversation on Climate Change, Privatisation and Power", Dag Hammarskjöld Foundation, Durban Group for Climate Justice and The Corner House, October 2006. <http://www.thecornerhouse.org.uk/pdf/document/carbonDDfull.pdf>

¹⁸² E-mail from Irma Lubrecht, SGS Climate Change Programme, to Chris Lang. 11 August 2006.

“that under the baseline, without intervention from the UWA-FACE project, the MENP [Mount Elgon National Park] will continue to be encroached by neighbouring communities. Even stronger, the UWA-FACE activities consists for an important part in continuous protection of the park to avoid such infringements into the park. Without the continuous consultation, collaboration and sensitisation of the local communities the encroachment would continue.”¹⁸³

Lubrecht is effectively dismissing the hundreds (or thousands) of possible without-the-project scenarios. She is also ignoring the fact that villagers continue to farm within the Mount Elgon National Park with the UWA-FACE project. An alternative baseline might be, for example, without the UWA-FACE project and the necessity to store carbon in trees planted around the park’s boundary for the next 99 years, there may be more political space to allow a more participatory definition of the boundary of the park. This might help facilitate recognition of villagers land rights and result in a fairer allocation of land around the park. It might even bring about an end to farming within the park and an acknowledgement by UWA that villagers’ livelihoods include management of areas of the national park. It might also result in more forest regeneration.

I asked Lubrecht how many people had been evicted from Mount Elgon National Park, how many more would be evicted in order that UWA-FACE could continue its tree planting and how SGS monitors the changes in carbon emissions caused by evicting people from the national park. “This is confidential information,” she replied. “I will have to check with the project developer whether I can provide you with these data.”¹⁸⁴ She declined to answer further requests for this information.¹⁸⁵

I asked Lubrecht some questions about the details of how SGS determines how much carbon is stored by the UWA-FACE project. I asked whether SGS takes into account the carbon emitted as a result of soil disturbance to plant the trees. Lubrecht replied by quoting from SGS’s 2006 Surveillance Report:

“Based on results from the National Biomass Study of lands surrounding Mount Elgon National Park, agricultural lands typically contain between 2 and 10 tonnes of above ground biomass. The encroached lands within the park are estimated to have an average carbon storage capacity of 2.8 tonnes carbon per hectare.”¹⁸⁶

¹⁸³ E-mail from Irma Lubrecht, SGS Climate Change Programme, to Chris Lang. 11 August 2006. Villagers living with daily intimidation and threats from UWA staff might be surprised to hear Lubrecht describe this as “consultation, collaboration and sensitisation”.

¹⁸⁴ E-mail from Irma Lubrecht, SGS Climate Change Programme, to Chris Lang. 11 August 2006. In her e-mail Lubrecht stated that she would be visiting the project developer in a few days time and would ask for permission to release this and other information.

¹⁸⁵ Lubrecht has declined to answer my further e-mails dated 16 August 2006 and 15 September 2006.

¹⁸⁶ E-mail from Irma Lubrecht, SGS Climate Change Programme, to Chris Lang. 11 August 2006.

Which, I’m afraid, doesn’t answer the question at all. Lubrecht only mentions the carbon stored above the ground.

I asked Lubrecht whether trees would regenerate at Mount Elgon without any tree planting. “It is clear now from observing developments in areas that are yet to be planted,” she wrote,

“that without this planting the invasive ferns and vines would prohibit the natural forest vegetation from growing back, either suppressing the natural regeneration or causing a fire hazard that periodically destroys any native vegetation that has been recurring. Hence, the project is instrumental in the regrowth of the forest, even if the Mount Elgon National Park is successful in avoiding further encroachment.”¹⁸⁷

But Alex Muhweezi, IUCN’s Uganda Country Director, told us in July 2006 that areas of forest which have regenerated naturally are in some cases better than FACE areas where the land has been disturbed for tree planting.¹⁸⁸

The FACE Foundation estimates that the average carbon sequestration rate will be 20 tonnes CO₂/hectare/year for the first 20 years. According to a brochure produced by the FACE Foundation, the project was registered as an “Activity Implemented Jointly” and is “potentially CDM compliant”.¹⁸⁹ When I asked SGS’s Irma Lubrecht why the project is not listed on the UNFCCC website, she replied that, “The project does not intend to become a CDM project yet. I am sure that you are aware of the tedious process of just getting a methodology approved.”¹⁹⁰

UWA’s version of events at Mount Elgon

In July 2006, Jutta Kill and I visited UWA’s new, World Bank-financed headquarters in Kampala. We wanted to let UWA know that we would be visiting Mount Elgon National Park and wanted to obtain any necessary approvals. The receptionist sent us to UWA’s director but he was in a meeting. The second choice was UWA’s Marketing Manager, John Friday. When we met him, Friday was dressed in full combat gear, although the most threatening thing he was likely to see during his day in the office was a paper clip.

Friday was friendly and helpful. He told us he would e-mail and telephone the UWA staff at Mount Elgon National Park to inform them of our visit. Unfortunately, when we got to UWA’s

¹⁸⁷ E-mail from Irma Lubrecht, SGS Climate Change Programme, to Chris Lang, 11 August 2006.

¹⁸⁸ Interview with Alex Muhweezi in Mbale by Timothy Byakola, Jutta Kill and Chris Lang, 19 July 2006.

¹⁸⁹ FACE (no date) “UWA-FACE Uganda”, FACE Foundation brochure.

¹⁹⁰ E-mail from Irma Lubrecht, SGS Climate Change Programme, to Chris Lang, 11 August 2006.

office in Mbale a couple of days later, both the chief warden and the FACE Foundation project manager were unavailable.

Friday told us that the FACE Foundation project had been successful. There were large landslides in the area up to 10 years ago. Since the FACE Foundation project started, he said, there have been no more landslides. Unfortunately, a month after we met Friday, in mid-August 2006, a mother and two of her daughters were killed when soil and stones rolled down Tasso Hill within Mount Elgon National Park and destroyed their home. Four more homes and about six acres of maize were also destroyed. LC1 chairman, Joseph Arenyo, told *New Vision* that the community was in dispute with UWA over the ownership of the land. "This was our land. Government only grabbed it from us," Arenyo said.¹⁹¹

Friday acknowledged that people farmed in the National Park. These "encroachers" were a result of the times of political instability, during the Idi Amin regime. He didn't mention the fact that the Benet and other local people lived there long before Mount Elgon was declared a national park.

He told us that the people keep coming back into the park. They think they have a right to be there, he said. "UWA has to remove them. Sometimes we have to use force. We can manage the park as long as the political climate allows."¹⁹²

When Timothy Byakola interviewed local people living around the park in December 2004 he found that many people acknowledged that the tree-planting activities of the UWA-FACE project have improved the regeneration of vegetation along the boundaries of the park. This was particularly true in areas that had been used for agriculture. But villagers told Byakola of a whole new set of environmental problems in the villages where people evicted from the park are now living. Most of these problems are related to the dependence of local communities on the forest.

In Buwabwala, villagers said that many young girls are crossing over to neighbouring Kenya to look for work so that they could buy land for their parents. Many have contracted HIV/AIDS, presumably because the only work they can find is in prostitution.¹⁹³

¹⁹¹ Etengu, Nathan (2006b) "Mother, children killed in landslide", *New Vision*, 16 August 2006. <http://www.newvision.co.ug/D/8/17/515464>

¹⁹² Interview with John Friday by Jutta Kill and Chris Lang, 17 July 2006.

¹⁹³ Interviews carried out at Mount Elgon by Timothy Byakola, December 2004.

The UWA-FACE project and the boundary of the national park

The boundary area of the park – precisely the area that the UWA-FACE project aims to plant with trees – is a major focus of conflict with communities around the park.

Anthropologist David Himmelfarb notes that

“mapping and remapping park boundaries have been key points in the conflicts between communities and park managers in the Benet Resettlement Area. In the struggle for control over the contentious region of the resettlement area, boundary demarcation seems to have been part of the UWA strategy to assert dominance over community actors. My preliminary research suggests that the tenure insecurity produced by shifting those boundaries has brought about increased soil and water degradation, economic and social inequality between communities and further utilization of in-park resources.”¹⁹⁴

Both UWA and the FACE Foundation play down any conflict over the park boundary. An UWA-FACE project brochure states that “Between 1988 and 1992 the boundary of the forest reserve was resurveyed and planted with eucalyptus trees. Agricultural encroachments were for the greater part terminated, while a sustainable development programme was initiated to improve the local livelihoods.”¹⁹⁵

According to the FACE Foundation website,

“The border between the agricultural area and the forest reserve is at an altitude of roughly 1900 metres, but had become indistinct because of the activities of the neighbouring people. It was therefore resurveyed over a 120-kilometre stretch during the 1990-1994 period and defined by planting a 10-metre-wide strip of recognisable fast-growing eucalyptus trees. It is now clear for everyone where the National Park begins.”¹⁹⁶

This is simply not true. When we spoke with villagers living around Mount Elgon, we found that to villagers it was far from clear where the boundary was. In one village, local people talked about three parallel boundaries to the National Park. Villagers did not know which one was the actual boundary of the park. Villagers told us how surveyors had tried to extract bribes for not extending the park boundaries into their fields and gardens.

¹⁹⁴ Himmelfarb (2006) page 16.

¹⁹⁵ UWA-FACE (no date) “Let the earth remain green”, UWA-FACE brochure.

¹⁹⁶ FACE Foundation website, cited in Reed (no date).

The FACE Foundation and UWA both claim that their work with local communities has resolved (or at least are in the process of resolving) the problems at Mount Elgon. For example, Stonewall Kato, a Senior Warden with UWA, wrote in a presentation earlier this year that "All in all CBIs [Community Based Institutions] is having positive role on management and conservation of natural resources on Mt. Elgon by supporting the civil society in many ways, and achieving sustainable conservation appears to be near."¹⁹⁷

But academics Linda Norgrove and David Hulme list a series of strategies that local people use to resist UWA's conservation agenda: feigning ignorance, not turning up for meetings, letting roads become overgrown (so that UWA rangers cannot access some boundary areas), bribing park staff, moving boundaries under cover of darkness, open threats of violence, actual violence and taking MENP to court.¹⁹⁸

For example, they write, the boundary in Bamasobo has been under dispute since the early 1990s, when the Forest Department, working with MECDP attempted to redraw the park boundary. In the mid to late 1990s UWA tried on several occasions to redraw the boundary, but "these were marred by widespread bribery", write Norgrove and Hulme. Villagers moved UWA's boundary markers, including eucalyptus trees.¹⁹⁹

In 2000, UWA bought a Global Positioning System (GPS) and after negotiations with local leaders decided that a "neutral" party should redraw the boundary. The surveyors marked a boundary somewhere between the boundary that UWA wanted and the boundary that the community wanted. The park's senior management was unhappy with this compromise and sacked the surveyors.

In 2001, during meetings with park staff, Bamasobo villagers agreed to a boundary redrawing exercise. But when it came to accompanying the surveyors to redraw the boundary, villagers' representatives "rejected the idea of tracing the 1993 boundary saying it is the very boundary which they had disputed about and that it had been put in place using armed rangers and that they had never accepted it" according to a letter from the surveyors to the Chief Park Warden.²⁰⁰

¹⁹⁷ Kato, Stonewall and James Okot-Okumu (2006) "The role of community based institutions in sustainable management of forest, water and soil: A case study of Mount Elgon ecosystem, Uganda", A paper presentation at the 11th Biennial Global Conference of the International Association for the Study of Common Property in Bali, Indonesia, 19-23 June 2006. http://dlc.dlib.indiana.edu/archive/00001933/00/Kato_Stonewall_S.pdf

¹⁹⁸ Norgrove and Hulme (forthcoming).

¹⁹⁹ Norgrove and Hulme (forthcoming).

²⁰⁰ Norgrove and Hulme (forthcoming).

In February 2001, a visit from UWA's top management led to an agreement allowing villagers to continue cultivation within the park. Later in 2001, UWA's armed rangers resurveyed the boundary using GPS. Villagers were allowed a final harvest of crops after which the land was planted with native tree species.²⁰¹ Norgrove and Hulme do not mention whether this planting was part of the UWA-FACE project or not. Whether it was part of the project or not, the conflict in Bamasobo provides an example of how controversial the drawing of the park boundary is – and therefore how controversial UWA-FACE's tree planting scheme on the boundary is to local communities.

Norgrove and Hulme conclude that "park management is an active battle site between park management authorities, who resist the preferred land use strategies of park neighbours, and park neighbours, who struggle against the preservationist thrust of the conservation agenda."²⁰²

"Throughout my interviews," David Himmelfarb of the University of Georgia writes,

"villagers spoke with great animosity towards the park and its employees. There was great confusion about why their access to the mountain's natural resources was restricted. Park officials told me they had made numerous attempts at 'sensitizing' villagers as to the purposes of the park as well as their rights and restrictions, however, few villagers I interviewed claimed to have heard of these sensitization meetings. The *mosop* [Benet] interviewed were deeply distressed that park managers could keep them from using certain resources that they have had historically depended on and felt they had inherent rights to use; these included, timber for building materials, honey, firewood, medicinal herbs, bamboo, and fodder. Only a small minority of my research participants felt they derived any benefit from the park's existence, and even then had difficulty enumerating such benefits. As well, most villagers discussed the park rangers with fear and disdain."²⁰³

Himmelfarb notes that UWA rangers patrol villages in an intimidating way, carrying rifles and dressed in military-like gear. UWA rangers frequently approach villagers in their fields and tell them that the land is not theirs but belongs to the National Park and that they should therefore leave.²⁰⁴

²⁰¹ Norgrove and Hulme (forthcoming).

²⁰² Norgrove and Hulme (forthcoming).

²⁰³ Himmelfarb (2006) page 11.

²⁰⁴ Himmelfarb (2006) page 11.

Benefits to local people from carbon sales?

When Timothy Byakola visited Bubita sub-county in December 2004, he found that local councillors were unaware that the UWA-FACE tree-planting activities would earn the FACE Foundation carbon credits that could be sold on an international carbon market. Several villagers mentioned that UWA-FACE project workers had visited their farms in the past to count trees. They thought that this might have been some sort of carbon monitoring work. Byakola found that the lack of knowledge about the carbon trading aspect of the project was not limited to the lower councils. A discussion with the Mbale District LC5 vice-chairman revealed that he was also unaware of the fact that the FACE Foundation was gaining carbon credits from the trees planted at Mount Elgon.²⁰⁵

At a meeting with villagers in Buwabwala sub-county in September 2006, Byakola found that UWA staff had made little or no attempt to convey to villagers the basic principles of carbon offset projects. "We remember some years ago a group of white people came and told us that the forest will help us repair the Ozone layer, but we wondered how that will be done here in poor Buwabwala," one man said during the meeting. "This would not be a problem if the project did not make people suffer," he added.²⁰⁶

UWA-FACE's English language brochure, "Let the Earth Remain Green", is supposed to help explain the project to local people. The brochure explains that "With the creation of new forests, CO₂ from the atmosphere can be fixed." The brochure adds that "Reduction of the green house gases, especially Carbon dioxide will reduce global warming and it's [sic] associated side effects."²⁰⁷ However, the brochure omits to mention that the FACE Foundation hopes to profit from the sale of carbon credits generated by the project.

Fred Kizza, FACE Foundation's project coordinator in Mbale, declined to answer Byakola's questions about the carbon credits generated by the project. Kizza mentioned that the project had stopped any tree planting because of the slow international market response to carbon trading. However, he anticipated that planting would resume soon particularly once the Kyoto Protocol came into force.²⁰⁸

When we visited UWA's office in Mbale in July 2006 we asked UWA's Richard Matanda about carbon sequestration at Mount Elgon. Matanda apologised and said he couldn't explain that to us.²⁰⁹

²⁰⁵ Interviews carried out at Mount Elgon by Timothy Byakola, December 2004.

²⁰⁶ Byakola, Timothy (2006) "Brief Report of A Community Consultative Meeting on UWA-FACE Foundation's Tree planting Project in Mount Elgon National Park, Uganda", 3rd October 2006.

²⁰⁷ UWA-FACE (no date).

²⁰⁸ Interview carried out at Mount Elgon by Timothy Byakola, December 2004.

²⁰⁹ Interview with Richard Matanda in Mbale by Timothy Byakola, Jutta Kill and Chris Lang, 19 July 2006.

Matanda told us that the farmers are in the forest because of the 1970s breakdown. By 1980, they had cleared so much forest that there was a drought. 25,000 hectares had been cleared. FACE started its reforestation in 1994. More than 8,000 hectares had been planted. The programme is planned to continue for 25 years. Tree planting has “stopped briefly”, he said.

When we asked what the most serious problems with the project were, he replied that other than a lack of funding, there were no problems. Then he added, “Encroachment could be another problem because the trees are cut down.” In late 2005, he explained, local communities started to take more land to plant maize. They even cleared some land planted by UWA-FACE.

Matanda explained how UWA-FACE involved local people in the tree-planting. “Before planting starts,” he said, “we go to the village and inform them what we are going to do. Then when you’ve got their confidence you recruit workers.”

He explained that meetings to discuss the tree-planting are held at the parish level, or at the sub-county level. “But we can combine,” he added, “for example when there is a local meeting already organised, we go [to the meeting] and explain our position.”

IUCN’s Alex Muhweezi told us that in the past five years FACE has had no physical presence at Mount Elgon. UWA plants the trees and enforces the law to protect them. FACE pays for the FSC certification. “FACE is careful to invest in areas that are likely to remain under conservation. Mount Elgon is not going to be degazetted. So from the carbon perspective it’s a success.”²¹⁰

Notes from a visit to Mount Elgon

In July 2006, Jutta Kill, Timothy Byakola and I visited Mount Elgon. We drove from Mbale up to the southern boundary of the national park, near to the border with Kenya. The land is green and the volcanic soils are fertile. Farmers grow bananas, maize, beans, potatoes, other vegetables and fruit trees. Some villagers grow coffee. Villagers also graze cattle in and around the park. Donkeys carry goods along the roads, competing with four wheel drive cars and speeding minibuses.

We visited one village where villagers had planted their crops on land that UWA claims as part of the national park. The village council chairperson (LC1) told us that some people died as a result of the evictions from the national park in 1993. “We got the land in 1980,” he said. “After Mount Elgon was declared a national park, our property was destroyed and our homes were burned. Since then, we have lived here in this Trading Centre.”

²¹⁰ Interview with Alex Muhweezi in Mbale by Timothy Byakola, Jutta Kill and Chris Lang. 19 July 2006.

UWA promised compensation, he told us, but none has ever arrived. Because the villagers had not illegally occupied the land they took out a court case against UWA. Late last year, the court issued an injunction allowing them to farm land within the park boundary. From where we were in the village we could see the fields of maize further up the mountain, but UWA had threatened not to allow villagers to harvest the crops from these fields.

"We planted crops last year," the village council chairperson said. "But when we went to the forest we were beaten. About six people have died. We have reported what happened to the court but we are still waiting for what the court decides."

At the beginning of 2006, he said, the President saw that people were desperate and said that we could go back to the land. "But we have gone back in fear. UWA is not treating us like human beings."

He pointed to the children who had gathered around us. Most of the children here do not go to school because we have no money to send them, he said.

The parish council chairperson (LC2) spoke next. He confirmed what the chairperson LC1 had said and added that the same things were happening throughout Soono Parish.

Villagers pointed out a large rock on the hillside above their village and explained that this forms a natural boundary between the Park and their land. Their fields were below this natural boundary.

Several villagers told stories of violence and threats from UWA rangers. One villager told us of a villager who was forced to eat the intestines of a dead mouse. Another told a story of UWA rangers forcing a villager to have sex with a goat. Others told stories of UWA rangers forcing male villagers to have sex with each other.

I told them that the FACE Foundation acknowledges that there were some problems in 1993 but claims that things generally are better now. "No. The problems have worsened," a villager replied. "The things we are describing have happened recently," another added.

None of the villagers had heard of the Forest Stewardship Council.

I told them that the FACE Foundation claims that its project is providing jobs. They laughed. No, a villager replied, the FACE Foundation is not providing any jobs in their village. I asked whether anyone from the FACE Foundation had ever come here. UWA-FACE last planted trees in this area in 1994 was the reply.

We left the village and drove along a muddy, steep track for a couple of hours until we arrived at a trading centre in Buwabwala Parish. The land along the track was all intensively farmed. Small

plots of trees grew between some of the fields, including some plots of large eucalyptus trees. We stopped for a moment next to an area of eucalyptus where a couple of the trees had recently been cut.

The trading centre was set up in 1993, after the villagers were evicted from the national park. A villager told us that many of the villagers had bought land from forest officers during the late 1970s and early 1980s. At the time, forest guards had not been paid for months, so they were keen to earn money from fees for land allocation. At the same time, the government was encouraging forest-clearing so that anti-government groups could not hide out in the forest. Villagers saw that the land up the mountains was more fertile than their land lower down the valleys. After 1993, many of the villagers lost everything. They had sold their land lower down in order to pay the forest guards for the land higher up. When the government declared these transactions illegal, they became landless.

By now, it was beginning to rain quite heavily. We gathered in a large meeting room without walls, near to the village school. We sat in a row facing about fifty villagers. A villager introduced himself as a representative of the people evicted, not just here in the village, but also in the High Court. Another villager translated into English. "In the old days," he said, "people and the Park lived amicably. We want the forest to be there. We know the benefits of forest."

He told us that in 1993 after the evictions, the government left villagers with too little land. "UWA and UPDF evicted us by the force of the gun. All our property was demolished and our land was added to the national park."

"In 1998, we made claims in the court of law," he said. "The court has helped us. It has given us land to use until it makes its decision. But UWA's rangers are not allowing people to use the land. We have planted the land, but we are threatened day and night. UWA sometimes destroys our crops. We have documents of title deeds and court documents, including 'Certificate of Title' documents. We have requested that the government helps us to get UWA to stay where it is until the court decision."

Villagers told us that there are three boundaries. The first is from the time they were evicted. Another came from a second time that the boundary was demarcated. Then the boundary was planted with eucalyptus trees. "We don't know where the boundary is," a villager said.

In some places the teams carrying out the boundary demarcation deliberately moved the boundary into farmers' land. The only way that farmers could keep their land was by bribing the survey teams to put the boundary back where it should be.

One of the villagers was beaten and taken to the police. Another man showed us wounds he'd received on his chin, where UWA rangers had hit him with a rifle. Another has a broken hand, a result of being beaten by UWA rangers. Another man was laid down flat on the ground and had a heavy stone placed on his back so that he could not move. He is now in bad health. Another

villager was beaten and is now bed-ridden. "These are only a few of the many cases," said the village representative. "UWA has never been prosecuted for any of them. We have reported UWA's actions to the authorities many times, but because we are poor nothing has ever happened."

"Yesterday UWA uprooted onions in our gardens," said a villager. "This morning there was a gun-shot," added another.

I asked whether the UWA-FACE project had provided jobs in this village. "None of us is ever employed in the national park. None," was the reply. No one from the FACE Foundation had visited this village.

I asked about FSC. Again, they'd never heard of it. In any case, when people do come to the village, they have their own agenda, a villager explained. "When you ask, you hear a bullet," he said.

One of the villagers opened up an envelope containing bullet shells. "The bullets were shot by people trying to kill us," he said. "Some people have died. Others have been injured."

"We don't want the whole National Park, we just want our land back," a villager said. Land rights are the key to villagers' well-being. "Taking a child to school is almost impossible without land."

5. IUCN and NORAD

IUCN's involvement at Mount Elgon helps provide legitimacy for the UWA-FACE project. For example, a brochure produced by the UWA-FACE project explains that "For public awareness concerning conservation, the project collaborates with environmental NGOs operating within and around the park, such as . . . Mt. Elgon Conservation & Development Project."²¹¹ But while it provides legitimacy, IUCN has done little or nothing to prevent evictions from Mount Elgon National Park.

IUCN has been working with Mount Elgon management since 1988, providing technical assistance to the Mount Elgon Conservation and Development Project. Funding for the project came from the Norwegian government. At first the Mount Elgon Conservation and Development Project "focused on re-establishing protected area boundaries and establishing ranger patrols to stop further encroachment and over-exploitation of resources," wrote Sean White, then-IUCN's Chief Technical Advisor at Mount Elgon, and David Hinchley in a 2001 article in WWF and IUCN's *Forest Conservation Newsletter*. Smith and Hinchley argue that this was partially successful but comment that this "led to conflict with surrounding communities".²¹² This can only be described as an understatement. Also, White and Hinchley play down the fact that the conflicts are ongoing for many of the communities surrounding the park.

White and Hinchley explain that as a response to the conflict with communities, the project started an agricultural extension programme around the park, focussing on "developing alternative resource use and increasing on-farm income through improved animal and crop production techniques, soil conservation, agroforestry etc".²¹³

IUCN developed a "collaborative management approach" and set up trials in several villages, which "showed the potential of collaborative management as each resulted in reduced encroachment into the park," according to White and Hinchley.²¹⁴

In 2002, the Mount Elgon Conservation and Development Project came to an end and was replaced the Mount Elgon Regional Ecosystem Conservation Programme which operates in both Kenya and Uganda. Again funding came from the Norwegian Agency for Development Cooperation

²¹¹ UWA-FACE (no date).

²¹² White, Sean and David Hinchley (2001) "Managing Mt. Elgon", in *arborvitae*, *The IUCN/WWF Forest Conservation Newsletter*, no. 18, October 2001. <http://www.iucn.org/themes/fcp/publications/arborvitae/avnewsletter/arborvitae18.pdf>

²¹³ White and Hinchley (2001).

²¹⁴ White and Hinchley (2001).

(NORAD), and IUCN once again provided technical assistance. The goal of the Programme was "Integrated ecosystem conservation and management for sustainable development and enhanced well-being to people and the environment."²¹⁵

IUCN has published several articles and a book about its role at Mount Elgon. A 1998 book, "From Conflict to Collaboration" by Penny Scott, who worked as a technical advisor with IUCN, documents in detail the various uses of the forest by local communities around the park. Most of the book is focussed on people rather than on the park and is largely sympathetic to people living in and around the park. She concludes that "extractive use of various timber and non-timber forest products, if properly monitored and controlled, is not necessarily a threat to biodiversity."²¹⁶ However, the report skips over the ongoing conflicts between the park management and local people.

A 2003 article published in IUCN's *Parks* magazine, written by Purna Chhetri, ex-Chief Technical Adviser for IUCN at Kibale National Park, Arthur Mugisha, ex-Executive Director of UWA and Sean White, ex-Chief Technical Adviser for IUCN at Mount Elgon, describes IUCN's role at Mount Elgon. According to Chhetri, Mugisha and White, IUCN's models for collaborative resource management,

"allow people access to selected resources under certain conditions. In return the resource users undertake to monitor and regulate resource harvesting levels and to protect the resource use areas. It is a 'rights for responsibilities' arrangement which empowers resource users to manage the resources on which they themselves depend. Formal agreements are negotiated and signed by UWA and by the resources user representatives."²¹⁷

Chhetri, Mugisha and White claim that UWA's "collaborative approach to conservation" is "effective" and "addresses the real conflicts by providing a package of options and that it brings benefits to both local people and conservation."²¹⁸ It all sounds very progressive: through collaborative management agreements that involve working with local people, argue the authors, IUCN has helped to resolve the conflicts between UWA and local people around Mount Elgon.

²¹⁵ Vedeld, Paul, Astrid van Rooij, Frode Sundnes and Ivar T. Jørgensen (2005) "Final Appraisal of the Mount Elgon Regional Ecosystem Conservation Programme (MERECP)", Noragric Report No. 25, March 2005. <http://www.umb.no/noragric/publications/reports/NoragricRep25.pdf>

²¹⁶ Scott, Penny (1998) "From Conflict to Collaboration: People and Forests at Mount Elgon, Uganda", IUCN, Gland, Switzerland and Cambridge UK.

²¹⁷ Chhetri, Purna, Arthur Mugisha and Sean White (2003) "Community resource use in Kibale and Mt Elgon National Parks, Uganda", *Parks: Conservation Partnerships in Africa*, IUCN, Vol. 13, No. 1, 2003. http://www.iucn.org/themes/ceesp/publications/TILCEPA/Parks13_1-pp28-49.pdf

²¹⁸ Chhetri et al (2003).

But this argument means that IUCN needs to do no more than take a technical, facilitating role, and can avoid the need to address the real problems facing the communities around the park. As we have seen in Chapters 3 and 4, these problems are in fact serious and on-going.

Academics Linda Norgrove and David Hulme from the University of Manchester agree that a number of policies have been introduced at Mount Elgon, aimed at moving “national park management from a strategy based primarily on law enforcement to one including a variety of participatory management strategies”. However, they add,

“as the pre-existing value conflicts between park managers and park neighbours were not negotiated or resolved, conflict remained at the heart of the park–people relationship. Park managers sought to use both old (law enforcement) and new (participatory) strategies to engineer coercion and consent and obstruct the efforts of local people to pursue their development initiatives. Park neighbours responded by continuing to practise both overt and covert resistance to the park.”²¹⁹

Norgrove and Hulme describe the performance of the collaborative management agreements as “sub-optimal”. They explain the tension in the negotiations and the lack of power felt by villagers by quoting the comments of a villager in Kortek Parish: “We would like access to grazing within the forest and land for ploughing maize. However, since the government is more powerful than us even if they do not agree we must still accept the agreement.”²²⁰

Alex Muhweezi, IUCN’s Uganda country director, confirmed that collaborative resource agreements were “not ideal”. But, he added, “people would access resources in the park anyway, whether we like it or not.”²²¹

The problems with the collaborative resource management agreements can be summarised as follows:

- UWA is the law enforcement agency as well as the agency with which communities sign collaborative management agreements. UWA has 57 law enforcement rangers and nine community conservation rangers. UWA’s rangers receive para-military training, which may be a good preparation for law enforcement but is a poor training for community conservation duties.²²²

²¹⁹ Norgrove and Hulme (forthcoming).

²²⁰ Norgrove and Hulme (forthcoming).

²²¹ Interview with Alex Muhweezi in Mbale by Timothy Byakola, Jutta Kill and Chris Lang. 19 July 2006.

²²² Chhetri et al (2003).

- Agreements have been made in very few of the more than 500 villages surrounding Mount Elgon. UWA started testing the collaborative resource management agreements in 1996. Ten years later, only about 30 agreements have been signed between UWA and Resource Use Groups around the park.²²³ Villages without the collaborative management agreements gain no benefits from the scheme.
- There is a lack of coordination between IUCN and UWA's work with communities and UWA's law enforcement activities.²²⁴ IUCN notes on its website that "In one parish, where a pilot collaborative management agreement had been negotiated, UWA-FACE staff involved in the reforestation programme prevented people who were legally entitled to collect park resources from doing so."²²⁵
- Even when agreements are signed, villagers may not implement the agreements. In Ulukusi Parish, for example, Linda Norgrove found that villagers have signed agreements allowing them some access to low-value resources, but villagers do little or nothing to monitor or enforce these agreements.²²⁶ Once the agreements have been signed, UWA's rangers lose interest and provide little support to resource use committees.²²⁷
- IUCN and UWA staff acknowledge that "There is a tendency on the part of the rangers to rush the negotiation process and to develop agreements too quickly without the necessary degree of consultation and sensitisation."²²⁸
- Villagers have little choice about whether to sign the collaborative management agreements – no matter how restricting they are on villagers' use of the park. Most agreements allow the harvesting of bamboo shoots and collection of medicinal plants but no more. If villagers decline, then UWA declares that all their use of the park is illegal. "It is built on a relationship of unequal power and is not an example of partnership, co-operation, negotiation or 'win-win' participation built on mutual trust and respect," comment Linda Norgrove and David Hulme.²²⁹

Even the harshest critic of the collaborative management agreements would have to concede that they are an attempt (however flawed and perfunctory) to involve local people in the management of Mount Elgon National Park. But IUCN's involvement of local people ends there. IUCN has made no attempt to prevent further evictions from the park.

²²³ Kato and Okot-Okumu (2006).

²²⁴ White and Hinchley (2001).

²²⁵ IUCN (no date) "Experience from a reforestation project in Uganda", IUCN website. http://www.iucn.org/themes/fcp/experience_lessons/climate.htm

²²⁶ Norgrove and Hulme (forthcoming).

²²⁷ Chhetri et al (2003).

²²⁸ Chhetri et al (2003).

²²⁹ Norgrove and Hulme (forthcoming).

Resettlement issues were left out of both of the NORAD funded projects at Mount Elgon. In 1999, an IUCN representative explained to a research team from the Centre for Development Studies of the University of Wales why the "Benet resettlement issue" was excluded from the Mount Elgon Conservation and Development Project: "IUCN had a review and it recommended a new project and deleted the Benet issue. You see the Benet project is a big, big project on its own."²³⁰

"I am not sure of the reasoning that led to the Benet issue being left out," another IUCN officer told the research team. The IUCN officer then suggested that it may have been a result of "a combination of funding limitations and an expectation that it was going to be dealt with through other government processes."²³¹

The University of Wales research team concluded that the responsibility for resettlement is

"being shifted between different parties; this comes across very clearly in the case of the IUCN. The Union has played a key role in the project, and has been instrumental in 'facilitating' resettlement planning but its representatives dissociate the organisation from any responsibility for involuntary resettlement or the long prolonged process of planning, funding and negotiating over resettlement."²³²

Things have not changed much in the six years since the University of Wales team published its findings. NORAD commissioned a review of the Mount Elgon Regional Ecosystem Conservation Programme in 2005. The review describes IUCN's position on the "Benet issue" as pointing to the state and the judiciary to resolve the conflicts, "rather than going in and try[ing] to solve the issue". This is "reasonable", according to the review team from the Department of International Environment and Development Studies at the Norwegian University of Life Sciences. However, the review team comments that "the project hopefully can take on a conflict resolution role" and adds that a "more proactive and successful role" might improve IUCN and UWAs legitimacy with local people and could "improve chances for sustainability of programme ambitions".²³³

In July 2006, in an interview in Mbale, IUCN's country director, Alex Muhweezi, explained IUCN's role at Mount Elgon. "IUCN is promoting sustainable development options to try to reduce the pressure for encroachment," he said. Muhweezi told us that IUCN does not directly fund evictions but IUCN does fund UWA. UWA might use IUCN money for food parcels while the evictions are being carried out, he told us.²³⁴

²³⁰ Rew et al (2000).

²³¹ Rew et al (2000).

²³² Rew et al (2000).

²³³ Vedeld et al (2005). page 26.

²³⁴ When I asked Muhweezi about farmers around the Park, I avoided using the word encroachment – Muhweezi apparently has no qualms about describing farmers as "encroachers" (apparently including those who were farming the land before the national park existed).

Whether or not IUCN’s money is used to fund evictions, in failing to do address the issue of evictions at Mount Elgon, IUCN is in breach of its own policy on Protected Areas.

At the 2003 IUCN World Parks Congress held in Durban, South Africa, participants agreed a recommendation on Indigenous Peoples and Protected Areas to “ensure that existing and future protected areas respect the rights of indigenous peoples”. The recommendation also called on governments, inter-governmental organisations, NGOs, local communities and civil societies to “CEASE all involuntary resettlement and expulsions of indigenous peoples from their lands in connection with protected areas, as well as involuntary sedentarization of mobile indigenous peoples.”²³⁵

Another recommendation on Poverty and Protected Areas states that “Protected areas should strive to contribute to poverty reduction at the local level, and at the very minimum must not contribute to or exacerbate poverty.”²³⁶

IUCN has failed to apply these recommendations to its work at Mount Elgon. It has done nothing to prevent further evictions of indigenous peoples and local communities living in and around the park. It has done nothing to address land rights issues. As a result of the evictions and lack of land rights poverty has increased around Mount Elgon.

IUCN and the Katoomba Group

Perhaps one of the reasons for IUCN’s silence on the issue of evictions from Mount Elgon is that the organisation is very keen to see the UWA-FACE project succeed (or at least for the project to appear to be a success). IUCN has been involved in conservation at Mount Elgon for nearly 20 years and admitting failure at this stage would be embarrassing. But IUCN also has an interest in promoting successful examples of ecosystem markets. IUCN is a member of the Katoomba Group, an industry-friendly group which is “dedicated to advancing markets for some of the ecosystem services provided by forests – such as watershed protection, biodiversity habitat, and carbon storage.”²³⁷ The Katoomba Group is involved in other carbon projects in Uganda and held its Eighth Public Meeting in Kampala in September 2005 (*see* Box: Carbon Forestry in Uganda).

²³⁵ IUCN (2003) “Recommendation 24: Indigenous Peoples and Protected Areas”, Vth World Parks Congress Recommendations, 8-17 September 2003, Durban. <http://www.iucn.org/themes/wcpa/wpc2003/pdfs/outputs/recommendations/approved/english/html/r24.htm>

²³⁶ IUCN (2003) “Recommendation 29: Poverty and Protected Areas”, Vth World Parks Congress Recommendations, 8-17 September 2003, Durban. <http://www.iucn.org/themes/wcpa/wpc2003/pdfs/outputs/recommendations/approved/english/html/r29.htm>

²³⁷ Katoomba Group website: <http://www.katoombagroup.org/>.

In July 2006, Alex Muhweezi, IUCN's Uganda country director, told us that representatives from Forest Trends recently came to visit Mount Elgon. Forest Trends is also a member of the Katoomba group. Forest Trends, Ecotrust-Uganda, and the National Environment Management Authority (NEMA) held a meeting in Kampala in September 2005 to "raise awareness of PES [payments for ecosystem services] among high-level stakeholders in Uganda".²³⁸ Muhweezi told us that "Mount Elgon is a model project for other carbon offset projects."²³⁹

Carbon Forestry in Uganda

The FACE Foundation project at Mount Elgon and Kibale National Parks are not the first carbon projects in Uganda. The following is a brief outline of some of the other carbon projects in the country.

In 1995, a Norwegian firm called **Tree Farms** (or Fjordgløtt, as it was then called) won a grant from NORAD to explore possibilities for tree planting in East Africa. The following year, Tree Farms started operations in Uganda and Tanzania (and later in Malawi). In Uganda, it obtained a very cheap 50-year lease on 5,160 hectares east of the town of Jinja in the Bukaleba Forest Reserve on Lake Victoria. Tree Farms planned to plant the land mainly with eucalyptus and fast-growing pines. The Ugandan government received a one-off fee of US\$410 and an annual rent of US\$4.10 for each hectare planted with trees. By 2001, 600 hectares had been planted. Allowing for inflation, Tree Farms paid Uganda less than US\$11,000.

Tree Farms' land was not empty. In 2000, five fishing and farming villages were inside the Tree Farms area in Bukaleba Forest Reserve. People from at least eight villages around the forest were cultivating land within the Tree Farms area. In 2000, forest authorities told Tree Farms that people living in or using the land in the forest reserve had been served notice to leave. Tree Farms has said that it can accept the presence of fishers in the reserve. Nevertheless, Tree Farms' managing director stated that his company would not do "the dirty job of throwing them out" itself, but would leave that to the forest authorities.

²³⁸ Forest Trends (2005b) "Katoomba Group Meetings – Kampala, Uganda, September 2005", in *Trendlines*, The Forest Trends Newsletter, 19 December 1995. <http://www.forest-trends.org/trendlines/1205/emailer1.htm>

²³⁹ Interview with Alex Muhweezi in Mbale by Timothy Byakola, Jutta Kill and Chris Lang. 19 July 2006.

Growing international criticism of this project, largely as a result of research carried out by Norwatch journalist Harald Eraker, prevented Tree Farms from claiming any carbon credits from the project.

Ecotrust, a Ugandan NGO, is running a carbon project called "Trees for Global Benefits" in Ruhinda and Bunyaruguru counties of Bushenyi District in western Uganda. Under the project, farmers plant trees on their land and Ecotrust buys the carbon stored. Among the buyers of the carbon is the UK-based Carbon Neutral Company (formerly known as Future Forests). The first carbon credit deals were signed in 2004 and 2005. A portion of the carbon bought by the Carbon Neutral Company was allocated to offset the carbon emissions of the Live 8 event. Tetra Pak UK, a company specialising in paper packaging for food products, is also buying carbon from Ecotrust.

Ecotrust is working with several international organisations on the project including the Edinburgh Centre for Carbon Management, the World Agroforestry Centre (ICRAF), CARE and LTS International. Payments for the carbon credits go through European-based carbon broker, Bioclimatic Research and Development, via Ecotrust to the farmers planting the trees.

In 2004, a British firm called the **New Forests Company** leased two plots of land from the National Forest Authority: an area of 9,000 hectares in Namwasa Central Forest Reserve and 8,000 hectares in Luwunga Forest Reserve in Kiboga district. Luwunga Forest Reserve has people living in it. Julian Ozanne, the managing director of the National Forest Authority, has appealed to the government to help them out with the encroachers. Ozanne told *New Vision* that once the encroachers are "dealt with" they would plant trees at Luwunga. In July 2006, New Forests Company appointed Don Alborough as General Manager Uganda. Alborough previously worked at Mondi in South Africa – Mondi has over 500,000 hectares of industrial tree plantations.

In May 2006, *New Vision* reported that more than 1,000 people had occupied part of Namwasa forest reserve. The National Forest Authority said that the encroachers were outside the area that they were planting with trees.

In July 2006, the **World Bank's BioCarbon Fund** signed an Emission Reduction Purchase Agreement in Uganda. The BioCarbon Fund is supporting a project to plant trees on an area of 2,127 hectares in the Rwoho Central Forest Reserve. Three-quarters of the trees are to be *Pinus caribaea*. According to the BioCarbon Fund's website, "The share of native species used in the project is low as experiences on forest plantations based on native tree species are very limited in East Africa and further increasing the proportion of native tree species would increase the project

risk." The website notes that "The project will be established in areas without any land-use conflicts. However, migratory grazers are active in the area."

Sources:

Bayon, Ricardo (2005) "From Ugandan Schoolteacher to International Carbon Consultant. A Profile of Beatrice Ahimbisibwe", Ecosystem Marketplace. http://ecosystemmarketplace.com/pages/article.people.profile.php?component_id=4000&component_version_id=5697&language_id=12

"Uganda: Nile Basin Reforestation", BioCarbon Fund website. <http://carbonfinance.org/Router.cfm?Page=Projport&ProjID=9644>

Forest Trends (2005) "African Leaders Convene First Regional Forum To Explore Market-Based Conservation Strategies", Forest Trends press release, 19 September 2005. <http://www.csrwire.com/article.cgi/4435.html>

Kasozi, John (2006) "British Company Sets Up Large Forest Plantation", *New Vision*, 10 April 2006. <http://allafrica.com/stories/200604101183.html>

Lohmann, Larry (Ed.) (2006) "To keep the oil flowing, A conversation on carbon credits", Extract from *Development Dialogue*, published by Dag Hammarskjöld Foundation.

New Forests Company website: <http://www.newforestscompany.com>

Larry Lohmann (Ed.) (2006) "Carbon Trading. A Critical Conversation on Climate Change, Privatisation and Power", Dag Hammarskjöld Foundation, Durban Group for Climate Justice and The Corner House, October 2006. <http://www.thecornerhouse.org.uk/pdf/document/carbonDDfull.pdf>

Tenywa, Gerald (2006) "Mubende Forest Attacked", *New Vision*, 3 May 2006. <http://allafrica.com/stories/200605040260.html>

6. Forest Stewardship Council Certification

On 21 March 2002, SGS Qualifor issued a certificate of good management under the Forest Stewardship Council system to the UWA-FACE project. SGS assessed the project in December 1999 and in January 2002.

The certificate applies only to the UWA-FACE project. The Public Summary of SGS's assessment effectively ignores the ongoing conflicts between the management of the national park and local people. SGS states in its Public Summary that the "project is not planting in areas where the boundary is under dispute and the project is not engaged in any significant disputes."²⁴⁰ But the Uganda Wildlife Authority participates in the UWA-FACE project. It is simply not possible to separate the act of planting trees along the boundary of National Park from the management of the rest of the Park.

Does the project comply with FSC standards?

In order to qualify for a certificate under the FSC system, SGS's assessors must be satisfied that the project complies with FSC principles and criteria.²⁴¹ In fact, there are several clear breaches of FSC standards, as the following section shows.

FSC's Principle 1 requires that "Forest management shall respect all national and local laws and administrative requirements." Yet nowhere in any of the public summaries of SGS's report does SGS discuss the implications of the legal proceedings started by the Benet in 2003, a case that they won in October 2005.

SGS's Public Summary acknowledges that there were "disputes over park boundaries in some areas".²⁴² However, according to SGS, these "are not the responsibility of the project and are being dealt with in the legally correct manner."²⁴³ While it may be true that this is not UWA-FACE's "responsibility", this ignores the fact that the UWA-FACE project is planting trees around the boundary of the national park. Unless the boundary is clearly defined to the satisfaction of local people and the management of the park, conflicts will continue. The park boundary is an ongoing source of conflict between park management and local people (*see* Chapter 3).

²⁴⁰ SGS (2002) "Mount Elgon National Park Forest Certification Public Summary Report", SGS (Société Générale de Surveillance) Forestry Qualifor Programme, Certificate number SGS-FM/COC- 0980, page 23. <http://www.sgs.com/sgs-fm-0980.pdf>

²⁴¹ FSC's principles and criteria are available here: http://www.fsc.org/en/about/policy_standards/princ_criteria

SGS’s assessors side with the park management and against the villagers. “The encroachers have never had legal rights to farm the land and UWA are legally entitled to evict settlers from inside the boundary,” states the Public Summary.²⁴⁴ No mention is made of the violent nature of these evictions, or the fact that people evicted are not given land or any assistance with resettlement.

As a result of the 2004 surveillance visit, SGS raised four new minor corrective action requests, concerning bamboo harvesting within the park, monitoring of water quality, worker’s accommodation and the fact that sites of cultural, ecological, economic or religious significance have not been documented. None of these are directly related to the UWA-FACE project, but concern the management of the national park.²⁴⁵ A year later, after another surveillance visit, SGS found that of the four, only the worker’s accommodation issue had been addressed. SGS issued three major corrective action requests.²⁴⁶

After the surveillance visit in 2005, SGS’s assessors concluded that “UWA FACE has not adequately demonstrated their commitment to FSC principles and criteria.”²⁴⁷ This could have resulted in SGS withdrawing the certificate. Instead, they issued another corrective action request.

Before SGS could issue the certificate in 2002, SGS required that UWA-FACE had to comply with criterion 1.6, which states that “Forest managers shall demonstrate a long-term commitment to adhere to the FSC Principles and Criteria.” As demonstrated by the history of conflicts surrounding Mount Elgon National Park (*see* Chapter 3), UWA’s management of the national park is in serious breach of FSC standards. Yet the fact that the Executive Director and Chairperson of the Board of Trustees of UWA signed a statement confirming that UWA agreed to adhere to FSC Principles and Criteria was apparently enough to convince SGS of UWA’s long-term commitment to FSC. SGS made no comment on UWA’s track record.

I asked SGS’s Gerrit Marais to clarify why SGS did not withdraw the certificate in 2005, given the fact that the UWA-FACE could still not demonstrate their commitment to FSC Principles and Criteria. Here’s his response:

²⁴² SGS (2002) page 20.

²⁴³ SGS (2002) page 20.

²⁴⁴ SGS (2002) page 21.

²⁴⁵ SGS (2004) pages 13-14.

²⁴⁶ SGS (2005) page 8-9.

²⁴⁷ SGS (2005) page 10.

"The initial 'lack of commitment' was raised in terms of the fact that there was no public policy that documented the commitment of the project to the FSC Principles and Criteria. This was addressed soon after the main assessment when this policy was made available, as is clearly indicated in the main evaluation report (refer CAR 01). Important to note: this related to a required document not being available and not commitment per se."²⁴⁸

But FSC's criterion 1.6 does not ask for a public policy or signed statement of forest managers' commitment to FSC Principles and Criteria. It asks that forest managers shall *demonstrate* such commitment. In the case of Mount Elgon, the only proof that SGS had of this commitment was the signed statement from UWA. A few days before SGS issued the certificate in March 2002, UWA evicted hundreds of people from their homes at Mount Elgon. SGS fails to notice that such brutal evictions might indicate a lack of commitment to FSC Principles and Criteria.

Marais continues:

"In 2005, commitment per se was questioned directly because of the fact that 3 of the outstanding CARs [Corrective Action Requests] had not been closed. These two issues are totally unrelated."²⁴⁹

Just in case you're getting confused, Marais is saying that UWA-FACE's "commitment per se" is demonstrated by the fact that they have failed to address the corrective action requests. This failure is totally unrelated UWA-FACE's "public policy that documented the commitment of the project" to FSC Principles and Criteria.

Marais continues:

In 2005, the outstanding CARs were raised as major CARs which were subsequently closed out by the certificate holder. The question of 'commitment' was also directly addressed and these actions will be reported in the next public summary for this certificate."²⁵⁰

²⁴⁸ E-mail from Gerrit Marais (SGS) to Chris Lang, 18 July 2006.

²⁴⁹ E-mail from Gerrit Marais (SGS) to Chris Lang, 18 July 2006.

²⁵⁰ E-mail from Gerrit Marais (SGS) to Chris Lang, 18 July 2006.

We have no choice other than to take Marais’ word for this. SGS’s most recent surveillance visit was in April 2006, but the public summary of the visit is still not available on the SGS website.²⁵¹

When discussing whether the UWA-FACE project complies with FSC Principle 2 (which covers land tenure issues), SGS’s Public Summary makes the following statement:

“Since 1993 encroachers have been evicted from the National Park. Due to the high population pressures in the area, it has not been possible to relocate farmers, which has meant that people have been pushed back out of the park, increasing the population pressures in the surrounding areas. For this reason, the boundaries of the park remain under constant threat.

“By re-establishing forest up to the boundary, the project will help to secure the boundary in the long term. Local inhabitants will also benefit from the non-timber forest products in the forest, again in the medium to long term. In the short term, this is creating significant pressures for additional resources. However, this is not the responsibility of the UWA Face project. The decision to evict encroachers from National Parks was taken in 1992 prior to the start of the project. The encroachers have never had legal rights to farm the land and UWA are legally entitled to evict settlers from inside the boundary. There are active discussions about the park boundaries taking place at several levels within the administration and government and UWA-Face will respect those decisions once they are made.”²⁵²

This clearly shows the biases of SGS’s assessors towards park management and against the people living around the park. According to FSC criterion 2.3, “Appropriate mechanisms shall be employed to resolve disputes over tenure claims and use rights.” No such mechanisms exist at Mount Elgon, as the ongoing conflict over the boundary and the between park management and

²⁵¹ At the time of writing, 3 November 2006, the surveillance report was not available on SGS’s website: http://www.forestry.sgs.com/forestry_services_index_v2/mini_site_forestry_certification/forest_management_reports/qualifor_fmr_uganda.htm
I checked again just before sending this report for printing (15 December 2006). The fourth surveillance is now available on SGS’s web-site. Regarding UWA-FACE’s commitment to FSC Principles and Criteria, the surveillance report comments that “All outstanding CAR’s were addressed and a workshop was presented to management on the FSC on 23 and 24 September 2005 attended by about 23 persons on day 1 and 25 persons on day 2, including 8 senior staff members. All previous CAR’s, with the exception of minor CAR 16, were closed during surveillance 4.” SGS (2006) “Forest Management Surveillance Report. Section A Public Summary”, SGS (Société Générale de Surveillance) Forestry Qualifor Programme, Certificate number SGS-FM/COC- 0980, April 2006. http://www.forestry.sgs.com/9218-at_-_initiative_oekoholz_oesterreich_sa2006-21_-_ad36a_gm-psummary-5.pdf

²⁵² SGS (2002) page 21.

local communities clearly indicates (*see* Chapter 3). SGS maintains (falsely) that “The project is not planting in areas where the boundary is under dispute and the project is not engaged in any significant disputes.”²⁵³

According to SGS, “The intense pressure over access to the park’s resources is being addressed through the CRM [Collaborative Resource Management] Agreements and re-negotiation of park boundaries.”²⁵⁴ But, as we saw in Chapter 5, there are serious problems with the Collaborative Resource Management Agreements, problems which SGS fails to mention. The Collaborative Resource Management Agreements are not addressing the conflicts over access to the national park. SGS describes the “re-negotiation of park boundaries” as if this were a solution to the problems villagers are facing. In fact the resurveying of the boundaries is a major source of ongoing conflict (*see* Chapter 3).

FSC criterion 2.3 continues: “The circumstances and status of any outstanding disputes will be explicitly considered in the certification evaluation. Disputes of substantial magnitude involving a significant number of interests will normally disqualify an operation from being certified.” SGS’s Public Summary does not document the ongoing conflicts around the national park and there is no evidence that SGS has “explicitly considered” these conflicts in its certification evaluation. Yet, surely, the fact that villagers have been shot at and killed would indicate that there are “disputes of substantial magnitude” at Mount Elgon.

During the first phase of the project (1994-1997), the UWA-FACE project planted an area of 3,482 hectares with indigenous species. A second phase (1997-2000) ran into difficulties, as SGS notes:

“The second Phase project activities did not flow smoothly due to conflict from agricultural encroachments. An estimated 1,000 ha planned for restoration in the second phase was not available for replanting. In Kapchorwa District due to local politics the area earmarked for restoration was made inaccessible to project activities. During Phase II, 2581 ha were planted.”²⁵⁵

The “local politics” that SGS’s assessors mention in Kapchorwa District is the struggle of the Benet for the recognition of their land rights – a dispute that has been going on for decades and which is more evidence of “disputes of substantial magnitude” involving the UWA-FACE project.

FSC’s Principle 3 deals with Indigenous Peoples’ Rights. Criterion 3.1 states, “Indigenous peoples shall control forest management on their lands and territories unless they delegate control with free and informed consent to other agencies.” Here is SGS’s statement on how the UWA-FACE project complies with this criterion:

²⁵³ SGS (2002) page 22.

²⁵⁴ SGS (2002) page 22.

²⁵⁵ SGS (2002) page 5.

“The Benet Tribe is indigenous in the northern part of the park. They have customary use rights to graze cattle on the high pastures within the park boundaries. Originally they were gatherers and pastoralists rather than settled cultivators but when they were allocated land, outsiders took advantage and obtained much of the allocation with the result that the Benets continue to roam within the park. The government is reviewing the position of the park boundary in this area and the project has delayed plans to plant in this area.”²⁵⁶

At no stage since the British declared Mount Elgon a Crown Forest have the Benet had any control over the forest management on their lands and territories. When the Benet were evicted from their land on Mount Elgon, they did not delegate control of their lands with free and informed consent. No one asked them whether they wanted their land to become a national park. The UWA-FACE project did not ask the Benet for their consent before starting planting trees around the boundary of the national park. “Delaying plans to plant in this area” does not constitute free and informed consent on the part of the Benet.

In the report of a Surveillance visit in 2004, SGS writes that

“The issue of the Benet Tribe re-settlement needs to be monitored until it is resolved. Briefly, the Benet Community had customary use rights of the heath and moorland vegetation belts within the Park. In 1983, the Government excised 6000ha of the (then) Mt Elgon Forest Reserve to resettle the Benet Community. Unfortunately, the re-settlement exercise was not successful due to numerous reasons, and people from the Benet area have continued to live and practice agriculture within the Park.”²⁵⁷

SGS makes no mention of the fact that the Benet had taken the government to court for recognition of their rights. (The court case, had SGS considered it, would have provided further evidence for SGS’s assessors of a dispute “of a substantial magnitude”, which would mean that the certificate would have to be withdrawn.) SGS recognises the Benet’s “customary use rights of heath and moorland vegetation belts within the Park.” But by writing about these rights in the past tense, SGS is once again siding with park management against local people – in this case against the Benet.

In the April 2006 surveillance report, SGS’s assessors mention the Benet only once: “Outside the FMU [forest management unit], the Benet tribe has moved into Mt Elgon national park boundaries. The extent of this needs to be evaluated . . . to assess the serious [sic] of the boundary dispute.”²⁵⁸ This statement shows that SGS has little regard for either the spirit or the letter of FSC’s Principle 3.

²⁵⁶ SGS (2002) page 22.

²⁵⁷ SGS (2004) page 4.

²⁵⁸ SGS (2006) page 12.

To SGS, what is unfortunate about the "resettlement exercise" is that the Benet "have continued to live and practice agriculture within the Park". FSC criterion 3.2 explicitly recognises indigenous peoples' tenure rights: "Forest management shall not threaten or diminish, either directly or indirectly, the resources or tenure rights of indigenous peoples."

SGS comments that "Face is not planting in any of the areas where park boundaries are under discussion."²⁵⁹ In 2002, SGS stated that "good progress" had been made "in defining the park boundaries" and the project is "preparing to return to Kapkwata where seedlings were up-rooted in the past."²⁶⁰ No mention is given in SGS's Public Summary of whether the Benet have given their free and informed consent to this new planting.

In the 2004 Surveillance Report, SGS's assessors note that "The latest initiative to resolve the issue was a meeting between UWA and Kapchorwa District Leadership on 16 March 2004." They mention that the park boundaries are being surveyed "since one of the problems was that the community was not shown the actual boundary". In SGS's 2005 Surveillance report there is no mention whatsoever of the Benet.²⁶¹

During stakeholder meetings organised by SGS as part of its assessment of the UWA-FACE project, villagers raised the problem that they had lost access to grasslands inside the national park. Once again, SGS sided with park management and against local people. "This is contrary to the conservation objectives of the National Park," SGS's assessors wrote in the Public Summary.²⁶² In any case, according to SGS, "This is a result of the gazettelement [sic] of the park, not the project."²⁶³

SGS acknowledges in the Public Summary that villagers graze their cattle in and around the park. However, their concern is not with finding a balance between grazing and growing trees. There is no mention in the report of the conflicts between villagers looking for grazing land for their cattle and park management. Instead, SGS's assessors state bluntly that "[p]rotection from grazing by domestic animals is afforded through the enforcement of National Park Laws that strictly forbid the grazing of animals within the park."²⁶⁴

²⁵⁹ SGS (2002) page 22.

²⁶⁰ SGS (2002) page 22.

²⁶¹ SGS (2005) "Forest Management Surveillance Report. Section A Public Summary", SGS (Société Générale de Surveillance) Forestry Qualifor Programme, Certificate number SGS-FM/COC- 0980. http://www.sgs.com/9495-ug_-_face_mt_elgon_sa2005-13_-_ad37_gm-psummary.pdf

²⁶² SGS (2002) page 36.

²⁶³ SGS (2002) page 31.

²⁶⁴ SGS (2002) page 11.

SGS then refers to an IUCN project: “Nevertheless, UWA and IUCN are introducing improved varieties of cattle and stall feeding in conjunction with Napier grass.”²⁶⁵ Villagers requested grazing land, but received stall feeding with Napier grass. SGS does not explain which part of this arrangement involves the “free and informed consent” of the villagers.

SGS’s assessors discuss the way the UWA-FACE project is replanting in various vegetation types. They look at riverine vegetation, ferns, creepers and climbers. The final vegetation type is “Encroached”:

“Rehabilitation in these areas requires the eviction of encroachers before the work can begin. Mt. Elgon National Park is moving in this direction, though more speed may be required to ensure the evictions are carried out successfully.”²⁶⁶

SGS does not discuss whether such evictions would comply with FSC’s Principles and Criteria. Nor does SGS discuss the problems people face after eviction from the national park. A few days before SGS issued the certificate, UWA started a wave of brutal evictions (*see* Chapter 3). These evictions are not mentioned in any of the public summaries of SGS’s reports.

FSC’s Principle 4 is about community relations and worker’s rights. It states that “Forest management operations shall maintain or enhance the long-term social and economic well-being of forest workers and local communities.” It’s difficult to imagine how anyone who has talked to villagers about the UWA-FACE project can believe that the project complies with this principle. Nevertheless, SGS manages to do so.

Before issuing the certificate, SGS’s assessors noted that only people directly employed by the project see any benefits from the project. SGS issued a major corrective action request which UWA-FACE had to comply with before the SGS issued the certificate. This was “closed out” because SGS’s assessors were assured that money from carbon sequestration would eventually be spent on “local infrastructure, facilities and social programmes”. SGS comments that

“Face Foundation has recently signed a revenue sharing agreement with the UWA that entitles UWA to a share of the revenues from the sale of the carbon benefits. UWA and therefore the communities surrounding the park will benefit from the resources derived from the project in direct proportion to the size of those resources.”²⁶⁷

SGS’s observation that a benefit sharing agreement between the FACE Foundation and UWA will automatically benefit local people living around the park displays a staggering lack of

²⁶⁵ SGS (2002) page 31.

²⁶⁶ SGS (2002) page 9.

²⁶⁷ SGS (2002) page 23.

understanding of the realities of the conflict between UWA and local people. In any case, no money has changed hands as a result of the revenue sharing agreement. In October 2006, the FACE Foundation's Martijn Snoep told Jutta Kill that

"Revenue sharing has been discussed but has still not been applied. The major reason is that the sale of the carbon credits is still not profitable: the revenues do not outweigh the investments made in the past. But in fact it already takes place, because the Face Foundation finances the planting and the maintenance of the forest, resulting in direct employment of local population."²⁶⁸

In none of the public summaries of SGS's reports does SGS discuss the fact that four years after the revenue sharing agreement was signed, no money from the sale of carbon credits has reached villagers.

According to SGS, "UWA-Face is widely recognised as being one of the few significant sources of income in the area. They employ a permanent labour source of approx. 250 workers and during peak season, take on an additional 1000 casual labourers."²⁶⁹ However, in recent years, little new planting has taken place.²⁷⁰ In July 2006, UWA's Richard Matanda told us the number of people employed under the project:

"The project provides employment for local people. Workers earn 50,000 shillings a month (about US\$28). Originally about 1,000 workers were employed. Now there are about 100 workers employed for the tending. People come from the area where the planting takes place. The workers are casual and not permanent."²⁷¹

In the villages that we visited on the southern boundary of the park no one had worked for the UWA-FACE project.

FSC's Principle 5 considers benefits from the forest: "Forest management operations shall encourage the efficient use of the forest's multiple products and services to ensure economic viability and a wide range of environmental and social benefits." The UWA-FACE project plants trees to store carbon. The trees are not there for the benefit of local people. Cutting grass or collecting firewood from the planted areas is banned.

Criterion 5.2 states that "Forest management and marketing operations should encourage the optimal use and local processing of the forest's diversity of products." Criterion 5.4 states that

²⁶⁸ Martijn Snoep, FACE Foundation, e-mail to Jutta Kill, 26 October 2006.

²⁶⁹ SGS (2002) page 16.

²⁷⁰ At the time the certificate was issued (March 2002), a total of 7,063 hectares had been planted. In the last four years less than 1,500 hectares has been planted.

²⁷¹ Interview with Richard Matanda in Mbale by Timothy Byakola, Jutta Kill and Chris Lang. 19 July 2006.

“Forest management should strive to strengthen and diversify the local economy, avoiding dependence on a single forest product.” These two criteria should make the certification of almost any carbon sink impossible under the FSC system. Only one product, carbon, is sold from the trees planted under the UWA-FACE project. The carbon is marketed via a Dutch company’s website. It is difficult to imagine anything more remote from “local processing”. In response to criterion 5.2, SGS simply comments that “There are no commercial products extracted from the project area. Carbon will be sold without being ‘harvested’.”²⁷²

SGS’s response to criterion 5.4 is revealing: “Local communities are keenly aware of the opportunities to access resources from the park.” But the resources in the national park are not part of the UWA-FACE project. SGS adds that the Collaborative Resource Management Agreements “are likely to become an important management tool in the future and the project is urged to take part as actively as possible.”²⁷³ These agreements are also not part of the UWA-FACE project. When aspects of national park management outside the UWA-FACE project might help give reasons for SGS to award the certificate, SGS’s assessors consider the entire national park. However, as we discuss below, when the management of the national park is clearly in breach of FSC principles, SGS states that this is outside the scope of the certification.

FSC criterion 6.2 states that “Inappropriate hunting, fishing, trapping and collecting shall be controlled.” SGS comments that “There is no hunting within the park,”²⁷⁴ which raises the awkward question of who exactly park rangers are shooting at when they claim to be shooting at poachers inside the park. SGS, of course, doesn’t mention the fact that UWA’s park rangers occasionally shoot at (and sometimes kill) people inside the park (*see* Chapter 3). Earlier in the report, SGS’s assessors write that “Hunting was not common and the project does not own or use any firearms.”²⁷⁵

FSC Principle 7 concerns the management plan, which must be “written, implemented and kept up to date”. According to criterion 7.4, “forest managers shall make publicly available a summary of the primary elements of the management plan”. In order to meet this criterion, the UWA-FACE project produced an eight-page brochure, which SGS notes is available on the FACE Foundation website.

SGS also notes that “A summary of the Mt Elgon National Park Management Plan has been prepared. Whilst this does not specifically cover the activities of Face Foundation, taken in conjunction with the brochure it provides sufficient information.”^{276, 277}

²⁷² SGS (2002) page 26.

²⁷³ SGS (2002) page 26.

²⁷⁴ SGS (2002) page 27.

²⁷⁵ SGS (2002) page 20.

²⁷⁶ SGS (2002) page 30.

²⁷⁷ In October 2006, FACE Foundation’s Martijn Snoep confirmed to Jutta Kill that the link from the English part of the FACE Foundation website to the summary management plan “does not work indeed”. He sent copies of summaries of the management plans of Mount Elgon and of Kibale. (Martijn Snoep, FACE Foundation, e-mail to Jutta Kill, 26 October 2006.)

While we were at UWA's office in Mbale, we asked for a copy of the management plan. Although we were assured that there was a copy in the office, we received neither the management plan, nor the summary of the management plan, nor the UWA-FACE brochure.

FSC's Principle 10 covers plantations. SGS comments that "the project is re-creating an ecosystem that does not meet the FSC definition of a plantation." Nevertheless, SGS assessed the project against each of the criteria under Principle 10.

Criterion 10.4 discusses the selection of species to be planted and states that exotic species "shall be used only when their performance is greater than that of native species". The UWA-FACE project is planting a 10 metre-wide strip of eucalyptus trees around the boundary of the park. According to Dennis Slieker, the Director of the FACE Foundation, this is to provide poles and firewood for local communities.

According to the FACE Foundation's Martijn Snoep,

"The Eucalyptus boundaries have been initiated in a project carried out by IUCN/UWA. In some cases Face has facilitated the planting of the boundary. The trees are meant to demarcate the project area and are meant for use by the local population, which is arranged by UWA in Collaborative Resource Management Agreements. The boundary trees are not included in the carbon monitoring."

Yet SGS's Public Summary states that "Only indigenous species are used."²⁷⁸

SGS's visits to Mount Elgon

The UWA-FACE project covers a 211 kilometre long boundary to a national park which in parts is quite remote. Richard Matanda told us a few details about SGS's visits to Mount Elgon.²⁷⁹ When SGS carries out its assessments or surveillance visits, SGS's assessors drive with UWA staff to look at selected areas of planting. They also visit communities to find out whether there are any problems – in the company of UWA staff. Three days is the longest that they spend looking at the planting operations.

SGS's assessors then write up a report of their visit. It appears they conduct no other research into what may have happened since their last visit (such as reading the local newspapers, contacting NGOs working in the area and so on). Perhaps the biggest omission in SGS's Public Summaries of the two surveillance reports is failure to discuss the Benet's legal proceedings against UWA, aiming for recognition of their land rights, which started in 2003.

²⁷⁸ SGS (2002) page 37.

²⁷⁹ Interview with Richard Matanda in Mbale by Timothy Byakola, Jutta Kill and Chris Lang. 19 July 2006.

Certifying the trees or certifying the park management?

SGS's certificate covers only the UWA-FACE project and not the rest of the park. Whether this is acceptable under FSC guidelines is not at all clear from SGS's reports.

In the 2002 Public Summary of the assessment, SGS makes clear that the UWA-FACE project must be considered as part of the management of the entire national park:

"The project is in the process of being integrated into UWA as part of the on-going restructuring of UWA under the leadership of the current Executive Director. As a consequence, when this process is complete, the scope of the certificate will have to be expanded to cover the whole area of Mt Elgon National Park as it is not permitted to certify only part of a Forest Management Unit. It is anticipated that this extension to scope should take place in late 2002 or 2003 when the integration is complete."²⁸⁰

Yet to date, SGS has not assessed the management of the whole park.

In April 2004, SGS carried out a surveillance visit at Mount Elgon. During this visit SGS's assessors should have assessed whether the certificate could be expanded to cover the entire national park (according to the statement above from the 2002 Public Summary). In the public summary of the Surveillance Report, SGS's assessors noted that "Eventual extension of scope to include the whole management unit is an FSC requirement in terms of demonstrating long-term commitment to adhere to the FSC P&C [Principles and Criteria]." However, SGS's assessors decided not to attempt to assess the whole national park, on the grounds that had they done so, they would have found that the park would not comply with FSC's Principles and Criteria:

"Extension of scope to incorporate the whole of Mt Elgon National Park was investigated, but it was found that there were too many problems in the commercial softwood areas (Kapkwata and Suam) that would need to be rectified first. The possibility of extending the scope to the rest of the park, excluding the commercial plantation areas could be considered."²⁸¹

This is an extraordinary statement on at least two levels. One, it appears that to SGS the fact that UWA had been involved in a series of brutal evictions since the certificate was issued was no reason to withdraw the certificate. This is despite that fact that the 2002 Public Summary states: "The extension of area means that all park boundaries, social impacts and disputes will be considered

²⁸⁰ SGS (2002) page 3.

²⁸¹ SGS (2004) page 8.

under the under the scope of Principles 2 and 3 and 4."²⁸² Two, SGS acknowledges that the plantations do not comply with FSC standards, but issues no corrective action requests, instead deciding that it is after all possible to certify part of a Forest Management Unit.

When it comes to storing carbon, SGS notes in the Public Summary that one of the FACE Foundation's long-term objectives is to:

"Restore the natural vegetation in the area of Mt. Elgon National Park through reforestation and conservation activities. This does not only include the areas in the restoration zone adjacent to the park boundary. It also covers all areas within the National Park, which are positively influenced (from the point of view of carbon fixation) through restoration and/or protection activities directly and/or indirectly executed or assisted through UWA-Face Project."²⁸³

In their 2005 surveillance visit, SGS's assessors once again did not assess the whole national park for compliance with FSC standards. The only mention of assessing the national park in the Public Summary of the 2005 surveillance visit is in these two comments:

- "No CARs [Corrective Action Requests] were raised on the plantation areas, but they don [sic] not currently qualify for certification. Clarification needed on the exact scope of the certificate."²⁸⁴
- "Attention should be given to the change of scope as [sic] was proposed in the 2004 report."²⁸⁵

I asked SGS's Gerrit Marais when SGS plans to assess the whole of the forest management unit and why SGS has not so far assessed the whole of the Mount Elgon National Park for compliance with FSC principles and criteria. I also asked Marais why SGS did not withdraw the certificate given the fact that the rest of the national park does not comply with FSC Principles, and that under FSC guidelines, certification of part of a forest management unit is not permitted. Here's his reply in full:

"SGS was contracted by FACE to certify the 'forest restoration' zone of the National Park as this is the only physical forest area over which the FACE/UWA partnership has effective control with UWA having independent control over the rest of the park. Unless this partnership can be sufficiently integrated and evolved to allow decision making in both the forest restoration zone and the rest of the park to

²⁸² SGS (2002) page 33.

²⁸³ SGS (2002) page 4.

²⁸⁴ SGS (2005) page 11.

²⁸⁵ SGS (2005) page 12.

be wholly combined, the scope cannot be enlarged. This has nothing to do with 'commitment', but is purely based on practicalities related to responsibilities and sphere of influence. Even if FACE were willing to carry the additional cost of certifying the whole park, they would still not have sufficient control for certification purposes whilst UWA is not able to carry this responsibility on its own. In addition, the only area that may potentially compromise full compliance with FSC requirements is the plantation in the north-east of the Park, comprising just over 1% of the total park area. Although the 2004 report included evidence of non-compliance within this plantation area, the auditor did not regard this as significant enough to raise a major CAR (see below for explanation) and for this reason it is not currently regarded as evidence that there is not 'sufficient commitment' to the P&Cs [Principles and Criteria] of FSC. FSC does not require a forest owner to include all its holdings in the scope of a certificate, but the rule states that you cannot certify part of an FMU. As I have however outlined, the certificate holder does not have management control over the rest of the FMU. The current certificate expires on 20 March 2007 and should FACE and/or UWA decide to renew the certificate, the question of scope will be reviewed before the next certification contract is signed."²⁸⁶

Marais' reply is inconsistent with SGS's reports of the assessment and surveillance visits, as noted above. In effect, SGS will have allowed the certificate to remain in place for five years, in spite of the fact that SGS assessors knew of breaches of FSC standards. Once again, SGS ignores the fact that UWA is involved in ongoing violent conflicts with local people which are also in breach of FSC standards.

Marais' reply is undermined by the fact that in 2004, SGS issued a series of corrective action requests on activities within the national park but which have nothing to do with the UWA-FACE tree planting project. After the 2005 surveillance visit, SGS commented that "Technically the CARs were raised outside the jurisdiction of the FACE rehabilitation project. However it is still with the same management in the park."²⁸⁷

SGS's assessors really have got themselves into something of a pickle. They know that in order to comply with FSC guidelines, they need to assess the entire national park. They know that the entire national park does not comply with FSC standards. They know that the only course of action is to withdraw the certificate, on the grounds that the operation they are certifying does not comply with FSC standards. However, instead of withdrawing the certificate, SGS's assessors issued three major corrective action requests and two new minor corrective action requests. The certificate remains in place based on hoped for future improvements, not based on whether the operations comply with FSC standards.

²⁸⁶ E-mail from Gerrit Marais (SGS) to Chris Lang, 18 July 2006.

²⁸⁷ SGS (2005) page 11-12.

The FACE Foundation appears to believe that the entire national park is certified. FACE Foundation's Martijn Snoep told Jutta Kill in October 2006 that "The certification covers the whole area of the National Parks (Kibale and Mt. Elgon) - i.e. not only the Face development area."²⁸⁸

An UWA-FACE brochure also implies that the entire park is certified: "the forests are certified on the criteria for sustainable forestry of FSC (Forest Stewardship Council). Mt. Elgon and Kibale National Parks are among the first parks in Africa to obtain this certificate."²⁸⁹ This is the brochure that SGS describes as providing "sufficient information" together with the management plan for the national park to close out a major corrective action request for a publicly available summary of the management plan. SGS's assessors appear not have noticed that the brochure makes a misleading statement about the scope of the certificate appears to have evaded SGS's assessors' attention.

SGS visited Mount Elgon in April 2006, for the third surveillance visit. The certificate remains in place. The certificate is due for renewal in March 2007. To state the obvious: SGS must assess the management of the park against FSC standards. If it fails to comply, SGS must withdraw the certificate – something they should have done long ago.

²⁸⁸ Martijn Snoep, FACE Foundation, e-mail to Jutta Kill, 26 October 2006.

²⁸⁹ UWA-FACE (no date) "Let the earth remain green", UWA-FACE brochure.

7. "We just want our land back"

There is an increasing body of research on resettlement and conservation which shows that management strategies (such as UWA's) which rely on evicting people from parks not only cause huge problems for local people but are also ineffective as a conservation tool.

Three years ago, resettlement experts Michael Cernea and Kai Schmidt-Soltau²⁹⁰ presented a paper at the World Parks Congress in Durban, South Africa:

"Summing up decades of experiences with the population displacement approach we argue that this strategy has exhausted its potential and its credibility, produced much damage, did not fulfil the expectations placed on it, and compromised the very cause of biodiversity and park/forest conservation by inflicting aggravated poverty on countless people."²⁹¹

Cernea has identified eight "major impoverishment risks" related to resettlement: landlessness; joblessness; homelessness; marginalization; food insecurity; increased morbidity and mortality; loss of access to common property and social disarticulation.²⁹² "Over the past three decades," notes Himmelfarb, the Benet "have experienced similar livelihood transformations."²⁹³

The evictions at Mount Elgon are in breach of the World Bank's policy on involuntary resettlement. According to this policy, the borrower has to draw up a resettlement plan which ensures that "the displaced persons" are:

- (i) informed about their options and rights pertaining to resettlement;
- (ii) consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives; and

²⁹⁰ Cernea works at the World Bank and is Research Professor of Anthropology and International Affairs at George Washington University, Washington DC. Schmidt-Soltau is a member on the Board of Directors of the International Network on Displacement and Resettlement and is a coordinator for the IUCN-CEESP global assessment of the social impact of protected areas.

²⁹¹ Cernea, Michael M. and Kai Schmidt-Soltau (2003) "National Parks and Poverty Risks: Is Population Resettlement the Solution?", paper presented at the World Parks Congress, Durban, South Africa, 8-17 September 2003.

<http://www.iucn.org/themes/wcpa/wpc2003/pdfs/programme/workshops/newways/cerneasoltaupres.pdf>

²⁹² Cernea and Schmidt-Soltau (2003).

²⁹³ Himmelfarb (2006) page 12.

(iii) provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project.²⁹⁴

Project planning is supposed to avoid and minimise involuntary resettlement. If people lose their homes or livelihoods as a result of Bank-funded projects, they should see their standard of living improved or at least restored.

Although the World Bank provides UWA with much of its funding, the World Bank has taken no action to apply its policy on involuntary resettlement to the evictions at Mount Elgon. Villagers evicted from the national park have lost their land and seen their livelihoods destroyed.

IUCN has progressive policies on paper about evictions and local people's rights relating to national parks. Yet IUCN (and its funders, NORAD) remain silent on the human rights abuses and evictions at Mount Elgon. A fair and participatory application of the Forest Stewardship Council's principles and criteria to the whole national park could potentially help address some of the problems, but so far SGS has sided with the park management against the rights of local communities.

A research team from the Universities of Aberdeen and Dundee commented that "It is essential for local people to be involved in management decisions regarding the National Park. The majority of people acknowledge the value of the forest, but when the forest is perceived to be owned externally by the National Park, there is no incentive for people living adjacent to the forest to monitor or intervene in illegal or destructive activities being carried out in the park."²⁹⁵

The key issue is land rights and land tenure. "The key to developing sustainable practices amongst communities within the park lies in settling long-standing land tenure problems," write the researchers from Aberdeen and Dundee Universities.²⁹⁶

Anthropologist David Himmelfarb notes that soil erosion is a more serious problem for farmers without secure land tenure in the Benet Resettlement Area:

²⁹⁴ World Bank (2001) "Operational Policy 4.12: Involuntary Resettlement". <http://wbln0018.worldbank.org/Institutional/Manuals/OpManual.nsf/tocall/CA2D01A4D1BDF58085256B19008197F6?OpenDocument#1.%20%E2%80%9CBank%E2%80%9D%20includes%20IDA%3B%20%E2%80%9Cloans>

²⁹⁵ Ingram, Amanda and Mark Reed (no date) "Land use and population pressure within and adjacent to Mount Elgon National Park: Implications and potential management strategies", Project Elgon, Leeds University. http://www.env.leeds.ac.uk/elgon/land_use.html

²⁹⁶ Ingram and Reed (no date).

"In my research, farmers above (where tenure is insecure) and below (where it is secure) the contested park boundary both reported dramatic decreases in yields over the past two decades, most attributing these losses to soil runoff. The numerous formerly clear streams and rivers that cut through the landscape now run red and turbid with sediments year round. Though erosion, water siltation, decreasing yields and food shortages are found throughout the resettlement area, these challenges seem to be most intense in the areas where land tenure is most insecure."²⁹⁷

Based on his research findings in the Benet resettlement area, Himmelfarb suggests that

"tenure insecurity, continually reinforced by UWA policies and employees over the years, has created and deepened social and economic rifts between certain communities by marginalizing roughly 6,000 residents of the resettlement area as 'encroachers.' With the possibility of eviction ever-looming, the 6,000 people residing in the upper area of the resettlement area have not made the costly investments in land and water conservation that many of their neighbors have and continue to rely on illegal in-park resources to supplement their meager incomes."²⁹⁸

To date, the management of the park has completely failed to address issues of land rights and land tenure in and around the park.

The FACE Foundation is only one of a range of international actors that is complicit in UWA's brutal management of Mount Elgon National Park. But of all the international projects at Mount Elgon, the FACE Foundation's project is the most difficult to justify. Although there would be conflicts between the management of the national park and local communities with or without the UWA-FACE tree planting project, the UWA-FACE project is making matters worse. If the UWA-FACE project were to be implemented in full, it would create a two to three kilometre zone around the entire national park in which villagers' rights are either eliminated or severely restricted. UWA's rangers need to guard the trees to ensure that the trees remain in place for 99 years, in accordance with the UWA-FACE contract. Meanwhile, the benefits from the trees belong to the FACE Foundation, an organisation thousands of miles away from Mount Elgon. Whether the trees are actually storing more carbon than would be the case in the absence of the project is impossible to determine. As it is, the project is contributing to villagers' problems and making a solution to those problems more difficult.

²⁹⁷ Himmelfarb (2006) pages 16-17.

²⁹⁸ Himmelfarb (2006) page 20.

When I sent a draft copy of an article for *New Internationalist* to Denis Sliker at the FACE Foundation, he commented, "Unfortunately the article does not show that we do whatever is in our power to improve the project, as we do with all our projects." Sliker suggested that the article should end with a solution or advice. Sliker wrote: "In general we support critical views, since it demands that we try to improve the projects constantly. We would prefer a more constructive, solution driven article, where you can be critical, but also give suggestions for solving the big issues regarding climate, deforestation and social aspects."

Funnily enough, providing suggestions on climate – the biggest problem facing life on the planet – is easy: We need to reduce our greenhouse gas emissions. We need to leave fossil fuels in the ground. Part of this involves doing away with false solutions such as planting trees as carbon sinks which allow the rich North to continue polluting.

There is no such simple solution to the ongoing conflicts at Mount Elgon. Villagers have seen a series of actions from the government and from international agencies. Each one is another stage of a long running dispute. Villagers view each attempt to resolve the disputes in the historical perspective of past government actions, which include gazetting the national park and eliminating all their rights to their land.²⁹⁹

This is not to say that improvements are not possible, just that they are outside the framework imposed by the UWA-FACE project. A constructive solution from the point of view of many local people might be that the FACE Foundation should leave Mount Elgon altogether. Sliker is being illogical in excluding this as a possible solution.

After the court decision in October 2005 which confirmed the Benet's right to their land, the Kapchorwa District Landcare team summarised the improvements for local people:

"Through advocacy, the land ownership rights of the marginalized Benet community have been realized. Assurance of ownership of land by Benets has led to confidence in using and caring for the land. Adoption of soil conservation technologies have increased and subsequently rise in crop yields. This reinforces the argument that a property right is a key factor in collective management of natural resources."³⁰⁰

Himmelfarb concludes his research paper by stating that

²⁹⁹ Rew et al (2000).

³⁰⁰ Kapchorwa District Landcare team (2006).

“The recognition of land tenure is a clear first step in addressing the current state of poverty, conflict and environmental degradation. However, to facilitate sustainable livelihoods within the Benet Resettlement Area and improved biodiversity protection within the national park, such tenure must come along with improved social services, including education, health care and access to markets for all households.”³⁰¹

Land rights is the only reasonable place to start looking for solutions – not just for the Benet Resettlement Area, but for the whole of Mount Elgon. As one of the villagers told us during our visit to Mount Elgon, “We don’t want the whole national park. We just want our land back.”

³⁰¹ Himmelfarb (2006) page 21.

