



# Conflicting Interests

## Land Use Change in Protected Areas for Private Commercial Benefit

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### INTRODUCTION

As its economy grows, its population increases and previously uninhabited land is converted to human socio-economic activities such as agriculture, Uganda's biological diversity is increasingly becoming concentrated in a disperse collection of protected areas<sup>1</sup> (PAs). However, particularly over the period of its turbulent history, Uganda's PAs have experienced immense negative pressures such as poaching, uncontrolled burning and encroachment due to expanding agricultural activities and fuelwood collection. A survey of Uganda's wildlife areas conducted by the Ministry of Tourism, Wildlife and Antiquities in 1995 and 1996 revealed that over 65,000 people were living within the boundaries of national parks and wildlife reserves and that wildlife populations had been reduced to less than 10% of their levels in the 1960s (UWA, 2001).

It was not until the legal and institutional restructuring of the 1990s that the management of Uganda's PAs began to improve and address the negative impacts of previous decades. This restructuring re-

sulted in better protection of PA boundaries and increased biological diversity in national parks and wildlife reserves.

Unfortunately, over the last five years, a crisis of the success of Uganda's economic growth and improved conservation of biological diversity during the 1990s has emerged – the change of land use in PAs for commercial purposes. The Ugandan Government's aspiration for private sector-led economic growth has attracted several private investors into the country. Those interested in commercial agricultural ventures that require large tracts of land generally seek the Government's support in acquiring the land cheaply or at no cost in order to minimise their initial investment costs. However, after the 1995 Constitution and the 1997 Land Act, the only "free" land under which Government remains a custodian is that held in trust for the people of Uganda as PAs.

A trend is, therefore, emerging in which Government irregularly seeks to change land use in PAs so as to accommodate the desires and interests of private developers. This

raises a number of legal, procedural, economic and ecological concerns that could have a detrimental effect on the PA estate held in trust by the Government, as well as natural resource management in Uganda in general.

Legally, the 1995 Constitution introduced the public trust doctrine<sup>2</sup>, which changed PAs from properties owned by the government to properties owned by the people of Uganda with the government acting as the guarantor of the people's interests. This brief will argue, therefore, that change of land use in PAs is contrary to the spirit of public trust as enshrined in the Constitution.

Procedurally, decisions to change land use in PAs that ignore the technical expertise of those responsible for natural resource management can only be injurious to the conservation of the PA estate in Uganda. Therefore, these decisions that consider private investment interests above those in which Uganda is considered to have global comparative advantage, such as biodiversity conservation for increased tourism potential, should be a major concern of those for whom

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the Government holds PAs in trust.

Economically, it is highly unlikely that change of land use in PAs for private commercial interests will benefit communities living in proximity to the PAs. Evidence available in Uganda suggests that once land use in PAs is changed to commercial agricultural estates neither the surrounding communities nor the labourers on these estates ever ease their poverty as a result.

Ecologically, change of land use in PAs affects biological diversity negatively and deprives surrounding communities access to

natural resources. For example, the proposed degazettement of Pian Upe Wildlife Reserve (PUWR) for commercial agricultural activities is likely to result in irrigation agriculture, which will lead to wetland drainage and loss of wetland acreage. This, together with surface runoff from the likely use of agricultural pesticides and herbicides, will surely result in loss of biodiversity. Additionally, the change of land use in PUWR is likely to lead to the loss of the only dry season livestock grazing and water source in Nakapiripirit District.

Consequently, this brief explores possibilities for accommodation of the two interests – national and local economic development via private investment vis-à-vis biodiversity conservation for increased tourism potential. The focus will be the proposed degazettement of PUWR. We are convinced that both interests can be accommodated via compromise and that this could serve as a model for other wildlife PAs, particularly in the Karamoja region, that are likely to undergo similar consideration for degazettement in future. ■

## CONFIRMING A TREND

In 1997, the Government of Uganda degazetted 1,006 hectares of Namanve Forest Reserve for development of an industrial estate. The Reserve, whose original total area was 1,816 hectares, was among the peri-urban plantation forests planted to supply poles and fuelwood as well as play a part in anti-malarial and flood control measures for nearby urban settlements. It was one of several peri-urban plantations that were poorly managed during Uganda's turbulent history (1971-1986) and subsequently rehabilitated under the Norwegian-supported Peri-Urban Plantations and Pilot Wood Farms Project in 1988.

Despite initial protests by Parliament and the Forest Department, as well as objections by environment advocacy groups and private tree farmers in the Reserve – based on legal, procedural, economic and ecological concerns – the Reserve was degazetted. However, to date, only one industry, a Coca-

Cola bottling plant, has located to the proposed 1,006-hectare industrial estate. The Uganda Investment Authority has conceded that the development of this industrial estate was ill conceived<sup>3</sup> and is now making plans to develop infrastructure on the estate in order to attract more industries<sup>4</sup> (Makumbi, 2002). This was the first

On convincing the legislature to degazette Namanve, the President argued that Uganda needed to develop first and could protect its forests only later. The greatest challenge to governments in sub-saharan Africa, thus, is to lead their countries out of the current economic malaise into sustained growth without compromising the natural capital base on which such growth wholly depends.

OKOTH-OGENDO & TUMUSHABE, 1999

contemporary case of degazettement or land use change in a protected area for commercial purposes and, as has been the case since then, the degazettement of Namanve Forest Reserve was exhorted by the executive.

In 2000, Government sought the degazettement of 3,500 hectares of the approximately 6,500 hectares

of protected forest estate on Bugala Island for the development of an oil palm plantation by BIDCO Oil Refineries Ltd. Again, civil society organisations and the Forest Department protested the proposed degazettement on legal, procedural, economic and ecological grounds despite fervent exhortation from individuals in the executive and the

legislature. Eventually, an environmental impact assessment on the proposed degazettement was conducted and approved by the National Environment Management Authority with conditions; one of which was that the forest reserves

(particularly the Strict Nature Reserves) be excluded from the proposed development plans. Subsequently, local authorities have donated land and the project has bought land from absentee landlords around the forest reserves.

In 2001, the Government of Uganda attempted to degazette Butamira Forest Reserve for the



benefit of commercial sugar cane growing by Kakira Sugar Works Ltd (KSW). Several legal, procedural, ecological and socio-economic concerns were raised about the sagacity of degazetting the Reserve. When it became apparent, after the insistence of civil society groups, that change of land use in the Reserve via degazette ment was illegal, Parliament went ahead to approve a permit for KSW to grow sugar cane in the Reserve, again after considerable political exhortation from the executive. As a result of the permission granted to change land use in the Reserve, we now have forest reserve land that is held in trust by the Government for the people of Uganda covered by a sugar

cane plantation owned by a private entity.

In 2002, Libyan investors sought the degazette ment of Pian Upe Wildlife Reserve for commercial agricultural purposes, which have yet to be detailed. Despite objections by technocrats from the Uganda Wildlife Authority (UWA), who also provided other feasible alternatives, the Libyan investors were able to garner the commanding support of the President, who has directed UWA to devise a way in which PUWR can be secured for the investor. Therefore, in accordance with presidential instructions, UWA is currently undertaking a process for the degazette ment of PUWR.

In 2003, Mweya Safari Lodge

in Queen Elizabeth National Park (QENP) and Paraa Safari Lodge in Murchison Falls National Park (MFNP), both of which belong to the Madhvani Group of Companies, requested UWA for permission to construct a golf course in QENP and MFNP. Our research has revealed that the proprietor of both lodges has personally brought the matter to the attention of the President, again in the effort to get his authoritative support. We are yet to see the outcome of this effort.

Therefore the illustrations above clearly confirm an emerging and perturbing trend in the management of natural resources in Uganda that is detrimental to the continued existence of PAs. ■

## CAUSES FOR CONCERN

There are several reasons why the trend depicted above should be of serious concern to Ugandans and, consequently, require an urgent and permanent solution from Government. Apart from the ecological concerns often raised, economic, procedural and legal concerns exist in each of the instances mentioned above.

### Ecological Concerns

The ecological concerns of degazette ment PUWR for private commercial agricultural activities primarily relate to issues concerning biodiversity conservation and the potential costs to local communities.

PUWR, located in the north eastern region of Karamoja, covers an area of 2,043 km<sup>2</sup> thus making it the largest wildlife reserve and the second largest protected area in the country (UWA, 2002). The perma-

nent and seasonal wetlands of Lake Opeta located in the southwest of the Reserve are the only permanent wetlands in Karamoja, internationally recognized as a habitat of great importance for birds (including the globally threatened Shoebill and Papyrus Gonolek), and are currently being considered for higher-level protection status under the Ramsar Convention (Byaruhanga et al., 2001). Although largely depleted over the years due to insecurity, the Reserve is also home to large mammals such as the topi, hartebeest, eland, zebra, leopard, lion, buffalo, Rothschild's giraffe and Bright's gazelle. It is believed that the Reserve is probably the last sanctuary in Uganda for the Roan antelope.

One of the proposed activities<sup>5</sup> of the Karamoja Agro Company Limited (KACL), for whose benefit PUWR is being proposed for degazette ment, is development of in-

frastructure for irrigation and commercial scale farming on 500,000 acres of land (KACL, 2002). It is believed that KACL's source for irrigation will possibly be Lakes Opeta and Bisina and their associated eastern/north-eastern wetlands. If this is so, then it presents grave danger to these lakes and their surrounding wetlands. Considerable evidence exists to support the fact that wetland drainage, direct conversion to agricultural land and removal of water from rivers and streams for irrigation deprives wetlands of their source of water thereby causing them to dry up, which results in loss of wetland acreage. Additionally, wetlands can be functionally lost due to surface runoff contaminated with agricultural pesticides and herbicides from irrigated fields (Lemly et al., 2000). A vivid example of this exists less than 350 kilometres away from PUWR where water extraction



from Lake Naivasha<sup>6</sup> for the irrigation of a burgeoning horticultural industry, along with related agro-chemical pollution from surface runoff, are having a destructive ecological effect.

In keeping with its protected status, which allows limited access, the Reserve (particularly its wetlands) is an irreplaceable grazing and water source for hundreds of thousands of Karamojong cattle during the dry season. Government has constructed valley dams within the Reserve for local livestock. Lake Opeta is also a source of fish for Pian and Kadam counties. Preliminary investigations conducted by the Uganda Wildlife Society reveal that communities adjacent to the Reserve have not been consulted on its proposed degazettement and the purported positive implications to their livelihoods associated with the change in land use (Namalu LC III Chairperson and Sub-County Chief, personal communications). Therefore, another ecological concern is that dry-season pasture and water resources on which local pastoral livelihoods are reliant will become inaccessible or destroyed after degazettement.

### Economic Concerns

The economic concerns arise from evidence that change of land use in PAs for the benefit of private commercial interests provides little or no economic benefit to communities living in proximity to the PAs. The major benefit espoused by proponents of such change of land use – increased tax revenue going to the consolidated fund that will then be reinvested into surrounding communities in the form of public serv-

ices expected of government – is akin to trickle-down economics, which has been proven to be a failure. Other professed benefits such as greater employment opportunities and improved incomes and livelihoods are conspicuously absent around other commercial agricultural estates in the country. An obvious example of this is the exploitative labour conditions and poverty around the forest reserves that were converted to a private commercial sugar cane plantation for the benefit of Kakira Sugar Works (KSW).

Our research reveals that decades after the plantations of KSW were established, some illegally<sup>7</sup>

Agricultural estate workers lack labour rights and face conditions of employment that fall well short of national legal standards. They feel exploited and they are. At the estates where research took place, casual plantation labour offers just a means of survival, not the expected route out of poverty.

Ministry of Finance, Planning and Economic Development (MFPED), 2002

within forest reserves such as Walulumbu Forest Reserve, communities adjacent to the reserves wallow in poverty primarily due to limited availability of land around the sugar cane estates and the poor working conditions offered by KSW. For example, prior to being permitted to carry out agroforestry activities in Butamira Forest Reserve, adjacent communities in Buyengo sub-county endured unemployment, low incomes and malnourishment. Agroforestry activities in the reserve not only maintained its gazetted status, but also began to emancipate adjacent communities from poverty, as they were able to become self-employed, improve their incomes and

their diet (Makumbi et al., 2001). Unfortunately, with the recent transformation of the forest plantation to a sugar cane estate, the adjacent communities have reverted to their previous adverse livelihoods.

In the meantime, failure to convince communities in Buyengo sub-county to accept the poor employment terms has resulted in KSW having to import labourers from the West Nile region, many of whom have now become disillusioned and stranded on the sugar cane estate.

What the Butamira Forest Reserve example illustrates is the ecological sustainability and the potential long-term economic benefits, to local communities, of maintaining the gazetted status of protected areas. Similarly, in the case of PUWR, maintaining the gazetted status of the reserve and restocking it with species attractive to ecotourism activities is likely to be a far more sagacious long-term option for local and national economic benefit than degazetting the reserve for private commercial agriculture. With prices for agricultural and mineral commodities exported by Uganda

“My research shows that an average European family of four would spend at least \$10,000 on a two-week tourist holiday in Uganda, including travel, shopping, food, etc. That same family of four would need nearly 100 years to consume coffee worth \$10,000 (Assume \$2 for a 1kg tin of coffee per week).”

BETI KAMYA TURWOMWE  
(Executive Director, Uganda Wildlife Education Centre),

Sunday Vision, September 21, 2003.

largely determined overseas, natural resource-based ecotourism remains the only revenue earner in which Uganda can generally compete on equal terms with the rest of



the world. Therefore, the long-term economic potential of PAs in Uganda should be developed and strengthened instead of being weakened for expedient reasons.

It is certainly true that PAs (including PUWR) have also largely failed to live up to the economic expectations of adjacent communities. However, the difference between the two circumstances lies in the long-term economic potential that adjacent communities, and the nation as a whole, can expect in maintaining the gazetted status of PAs vis-à-vis changing land use in PAs for the benefit of private commercial interests.

### Procedural Concerns

The Government has invested heavily in legal and institutional structures for wildlife management. The establishment of the Uganda Wildlife Authority as well as the passing of the Uganda Wildlife Statute and the Uganda Wildlife Policy in 1996 are some of the major products of this investment. In 1999, UWA was the beneficiary of US\$10.6 million (mainly in the form of loans from the World Bank to the Government of Uganda) to strengthen its institutional capacity under the Institutional Capacity Building for Protected Areas Management and Sustainable Use Project (ICB-PAMSU) (World Bank, 2003). In 2002 under PAMSU, UWA was one of the primary beneficiaries of a \$27 million loan (IDA) and \$8 million grant (GEF) from the World Bank (World Bank, 2002).

Other investments made by the Government include the European Union-supported Wildlife Protected Area System Plan (WPASP) that was

completed in 1999 and approved by Parliament in March 2002. This plan was developed to strengthen the management of wildlife PAs in recognition of the fact that wildlife and their habitats were seriously degraded as a result of Uganda's turbulent history. PUWR was among the PAs whose boundaries were reviewed and changed<sup>8</sup> under WPASP and approved by Parliament.

With these and other investments in UWA to perform its role as the technical advisor to government and the people of Uganda on the management of wildlife and its habitats, it is ironic that government

natural resource managers to be ignored. Change of land use in the cases of Namanve, Wabisi-Wajala, Walulumbu and Butamira Forest Reserves are examples of previous such instances. Therefore, this disturbing feature of PA management in Uganda is clearly unsustainable and needs to be permanently addressed at the policy and legislative level.

### Legal Concerns

Ultimately, these concerns are founded in Uganda's supreme law, the 1995 Constitution, under Article 237(2)(b), which states:

**“The Government or a local government as determined by Parliament by law, shall hold in trust for the people and protect natural lakes, rivers, wetlands, forest reserves, game reserves, national parks, and any land to be reserved for ecological and tourist purposes for the common good of all citizens.”**

Section 45(4) of the Land Act reinforces this Article by declaring that:

**“Government or a local government shall not lease out or otherwise alienate any natural resource referred to in this section.”**

We contend that these provisions of the Constitution and the Land Act, in both letter and spirit, are explicit in their requirement for the maintenance of the current size of Uganda's protected estate and the purposes for which this protection is given.<sup>9</sup> Therefore, the degazettement of PUWR is contrary to the supreme law of Uganda in that it removes the protection awarded to the Reserve as public trust property.

In reference to private investors and their access to the President, John Nagenda, Senior Presidential Advisor on Media Relations and Board Chairman for the Uganda Wildlife Authority, said:

“Some worthy, and very many unworthy, types always beat a path to his door and make their pitch. Is it a company to turn Ssesse Islands into a kind of off-shore Manhattan? They came. What about one to turn Karamoja into massive gold fields? They too.

*One Man's Week. The New Vision. September 6, 2003.*

would seek to degazette protected areas such as PUWR for commercial agriculture in disregard of UWA's technical advice. In his steadfast efforts to industrialise Uganda's economy, the President occasionally accords personal access to those who may be able to support these efforts. It is now becoming apparent that private developers are taking advantage of this access by seeking the President's unassailable intervention to acquire large tracts of trust land. The proposed degazettement of PUWR is, reportedly, one such instance.

This would not be the first time for technical advice from Uganda's



## RECOMMENDATIONS

**B**iodiversity conservation ought to serve as a means to an end – sustainable national and local economic development. Unfortunately, biodiversity conservation has only been able to achieve this on a very limited scale via tourism, primarily due to Uganda’s turbulent history. However, tourism has yet to achieve anything close to its potential as the primary contributor to Uganda’s gross domestic product. Hence, it is imperative that the resources (protected areas such as PUWR) that would provide the basis for this contribution be maintained.

Therefore, we propose that the status of PUWR and all other PAs be maintained. It is our contention that several opportunities exist for greater PA contribution to local and national economic development, particularly in cases where change of land use in PAs is being considered for private commercial interests. Some of the opportunities are briefly presented below.

● After studying the proposal by a Libyan developer to degazette PUWR for commercial agricultural activities, the Uganda Wildlife Authority in its technical wisdom and experience offered a counter and compromise proposal. UWA proposed maintaining the current boundaries of PUWR as approved by Parliament in March 2002 and suggested that the proposed agricultural activities be carried out in the degazetted areas between PUWR and Matheniko-Bokora Wildlife Reserve now referred to as the Community Wildlife Areas of Iriri and Amudat. The rationale behind UWA’s proposal was that the potential of PUWR as a tourist destination could continue to be developed

while supplementing the economic benefits to the Karamoja region of the activities proposed by the Libyan developer. Unfortunately, this perfectly logical proposal was given no consideration by Government and the Libyan developer. We are of the view that UWA’s proposal should be given the benefit of a thorough review by various stakeholders.

● The tourism sector in Uganda also wishes to maintain the current status of PUWR. With the eventual restoration of security and improvement of roads in Karamoja, the Uganda Tourism Association (UTA) forecasts increased tourist visits to PAs in Karamoja, more tourism revenue, as well as primary and secondary employment opportunities for communities adjacent to PAs (Wolfgang Thome<sup>10</sup>, personal communication). Unfortunately, the vital insight of the tourism sector was given no consideration in the decision to degazette PUWR.

● In view of Government’s apparent disregard of UWA’s and UTA’s alternative proposals on PUWR, it is evident that decisions affecting protected area management in Uganda, such as change of land use in PAs, should enjoy the benefit of exhaustive debate between technocrats and politicians within government as well as the public, particularly those communities living adjacent to PAs. During the assessment of wildlife protected areas in the late 1990s, communities surrounding PUWR expressed the desire that PUWR retain its status with a few minor changes that were approved by UWA and Parliament (UWA, 2002). To date, these same communities have yet to be officially informed of attempts to degazette PUWR and provided with details of

the proposed changes in land use that are supposedly for their benefit.

● The fact that the Karamoja region is home to the largest livestock (cattle, goat and sheep) herd in Uganda is an economic opportunity of tremendous potential that has yet to be profitably tapped. This is largely due to the insecurity in the region and a culture that has yet to appreciate the economic value of their livestock. However, this economic potential largely exists because of the dry season pasture and water resources availed by protected areas in the region, such as PUWR. Therefore, the degazettement of PUWR would not only jeopardise local livelihoods, but also the primary local resource available for eradication of poverty and possible national revenue in the form of beef exports.

The dry-season pasture and water resources offered by PUWR for tens of thousands of heads of cattle from Nakapiripirit and Moroto Districts provides a conspicuous example of eco-agriculture in practice. Eco-agriculture is a practice that conserves wild habitats and species while encouraging agricultural production and improving the incomes of poor communities. McNeely and Scherr (2001) identify six strategies worldwide that support eco-agriculture:

**Strategy One:** Reduce habitat destruction by increasing agricultural productivity and sustainability on lands already being farmed.

**Strategy Two:** Enhance wildlife habitat on farms and establish farmland corridors that link uncultivated spaces.

**Strategy Three:** Establish protected areas near farming areas, ranch lands and fisheries.



**Strategy Four:** Mimic natural habitats by integrating productive perennial plants.

**Strategy Five:** Use farming methods that reduce pollution.

**Strategy Six:** Modify resource management practices to enhance habitat quality in and around farmlands.

Although it may not have been originally designed for that purpose, the establishment of PUWR nearly 40 years ago has fulfilled strategy three above. Senior officials in Government have consistently made the argument that Europe, North America and South-East Asia have developed their economies and only considered environmental concerns later; therefore, we should adopt the same course for economic development. Evidence now suggests that this argument is myopic and doomed to failure. Half a century of emphasis on economic development at the expense of environmental and natural resource conservation has virtually brought economic development in South-East Asia to a grinding halt.

● Biodiversity conservation and economic development can co-exist, particularly if PUWR is restocked with the major carnivores and herbivores found in East Africa and the reserve then marketed as an ecotourism destination. Considering the fact that Uganda has one of the highest biogeographic ratios<sup>11</sup> in Africa, ecotourism offers the one economic opportunity that Uganda has to compete on an equal footing with any country in the world.

Additionally, amongst the flora in PUWR is *Acacia seyal*, one of the tree species in Sub-Saharan Africa from which gum arabic is extracted. Gum arabic is a useful, expensive hydrocolloid emulsifier, texturizer and film-former, widely used in the drinks industry to stabilize flavours and essential oils, for

example in soft drink concentrates. Consequently, the protected status of the reserve, having preserved this tree species, offers an opportunity for wise use and an additional source of revenue for local and national benefit.

● Conserving the biodiversity present in PAs has clear economic benefits as has been demonstrated above. However, the vagueness in the Wildlife Statute about activities allowed to take place in national parks (NPs) and wildlife reserves (WRs) should be eliminated. In particular, elaboration of *Article 19(5)(ii), (v) and (6)(iii)* should be provided in the form of a Sched-

“Environmental degradation in the region is pervasive, accelerating and unabated. At risk are people’s health and livelihoods, the survival of species, and ecosystem services that are the basis for long-term economic development. Economic development and poverty reduction are increasingly constrained by environmental concerns...Countries in the region have lost 70 to 90 percent of their original wildlife habitat...Particularly affected are the region’s rural poor who are dependent on agriculture and its ancillary activities.”

ASIA ENVIRONMENT OUTLOOK , 2001

ule in the Statute. Otherwise, it will be acceptable to construct ridiculous structures, such as amusement parks, in NPs and WRs since they could be categorised as recreation under *Article 19(5)(ii)*.

● There should be recognition of the special conservatory status that PAs enjoy in the Constitution so that decisions on land use in PAs are made without any gratuitous political pressure. One way to achieve this would be for *Article 18(5)* of the Wildlife Statute, which is the legal basis by which part of PUWR is being considered for degazettement, to include a clause that requires land of equivalent size to be found if a statutory instrument is being amended to change a PA

boundary. Therefore, as in the case of the forest policy and in keeping with the protection accorded to natural resources in the Constitution, a permanent wildlife estate (PWE) should be created as a matter of policy. In view of the current threats to the gazetted status of PAs in Uganda, the long-term potential of biodiversity conservation in terms of tourism revenue should provide UWA with bargaining opportunities in favour of creation of a PWE.

Considering the fact that communities that live in proximity to PAs rarely feel they derive adequate benefits from these PAs, they should be provided with satisfactory concessions. These may include economic incentives/preferences on a *pro rata* basis – some sort of affirmative action that recognises a community’s sacrifice, in terms of land, for maintenance of the PWE. That way, communities adjacent to PAs will be given the opportunity to derive indirect benefits from the PAs when the direct benefits do not meet their expectations.

Government should also make an effort to provide these same communities with alternatives for improved income generation. One such alternative is the current effort by Government to revive agricultural cooperatives. There is no doubt that, with effective guidance from Government, the vast agricultural potential of the Karamoja region can be developed through cooperative unions. Access to PUWR would be of immense importance to cooperative unions based on fishing and livestock agriculture in Nakapiripirit District.

● Parliament should assume a monitoring responsibility for the conditions it imposes on decisions it makes, such as change of land use in PAs. For example, has Parliament attempted to determine whether the conditions attached to



the awarding of a permit to KSW to grow sugar cane in Butamira Forest Reserve have been met? Our research shows that, two years after this decision by Parliament, a forest plantation of equivalent size has yet to be planted by KSW, permit holders have complaints about their compensation packages and have yet to be issued with permits in another forest reserve, and the Government Valuer has produced two valuations for compensation thereby raising concerns about the sincerity of the compensation process.

● Exhortation by the ex-

ecutive to change land use in PAs for the benefit of private commercial interests should be curtailed and transparency exercised in applications for land allocation by private developers. In cases where a developer submits a proposal seeking the alienation of property held in trust by the Government for the people of Uganda, consultations and research on such a proposal should be extensive, open and devoid of any pressures from political sources for the length of its duration. The research should include a thorough investigation on the history of the investor

submitting the proposal.

Recent efforts to bend Uganda's progressive laws on natural resource management in favour of private investors create the risk of attracting spurious investors; whose primary interest is to take advantage of any legal or institutional weaknesses to make as much money as possible at the expense of the environment. These kinds of investors are also likely to be perpetrators of vices such as poor labour conditions, evasion of taxes and greasing the system for their advantage (Bakema, 2001)

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## NOTES:

<sup>1</sup> Protected areas in this publication refer to natural resources held in trust by the Government under the Constitution such as national parks, wildlife reserves, forest reserves, wetlands, rivers, lakes, etc.

<sup>2</sup> Article 237(2)(b) of the Constitution.

<sup>3</sup> *UIA pushes for Serviced Land*. New Vision. April 26, 2001, p.19.

<sup>4</sup> The Government of Uganda needs USD 100 million to develop the park and put in place infrastructure and power links. UIA proposed USD 265,000 per hectare for leases and an annual rent of US\$ 1,250. The stakeholders have however complained about the prices being high – The Monitor, 5<sup>th</sup> June 1998.

<sup>5</sup> Other proposed activities include setting up agro-based industries, establishing a variety of forest plantations, game farming, cattle ranching, construction of schools and training institutes, and construction of health centres.

<sup>6</sup> Designated an internationally important wetland by the Ramsar Convention on Wetlands in 1995.

<sup>7</sup> Some of the previously gazetted forest reserves were inexplicably omitted from a revised list (*Statutory Instrument No. 63/1998*) of gazetted forest reserves.

<sup>8</sup> Areas of little or no conservation value and those that were heavily encroached amounting to 109 sq km were degazetted.

<sup>9</sup> See UWS Legal Series 1.

<sup>10</sup> President of the Uganda Tourism Association.

<sup>11</sup> Straddling the equator between the East African savannah and the tropical forests of the Congo Basin together with its wide range of altitudes and climatic conditions, Uganda unites 7 of the 18 major biogeographic regions in Africa (White, 1983).

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