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Master's Project: A Case Study of the "Benet Land Problem" in Eastern Uganda

Anna Dirkse

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A Case Study of the “Benet Land Problem” in Eastern Uganda

A Master’s Project Paper written by:

Anna Dirkse

Dept. of Natural Resources

Rubenstein School of Environment and Natural Resources (RSENr)

University of Vermont

Advisory Committee:

Pablo Bose, Ph.D., Dept. of Geography

Clare Ginger, Ph.D., RSENr

Walter Kuentzel, Ph.D., RSENr

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ABSTRACT

Boundaries are inherently political creations. Boundaries of national parks and other protected conservation areas are one such instance. Social boundary lines are also drawn within communities to determine who is legitimate and who is allowed to access resources as a community member. Boundary lines are also present in the stories people tell about themselves and their environment; the portrayal of their roles as land stewards may leave out certain details. The effects of environmental issues such as deforestation and soil erosion transcend such constructed boundaries.

Historically, the Benet, as indigenous peoples of eastern Uganda, had derived their livelihood and cultural identity from land-based activities within the forest of Mount Elgon before being resettled by the Ugandan government in 1983. When Mount Elgon National Park was created in 1993, the government discovered that more land had been distributed than the intended 6,000 hectares. Officially, that surplus land is within the bounds of Mount Elgon National Park, but people continue to reside and make their living there and the High Court of Uganda has put forth a consent judgment that the Benet have a right to this land.

Most members of the community currently derive their livelihood from subsistence farming and grazing in this area. Small, fragmented land holdings and population pressures, as well as the movement of others from outside the Benet community into this land area, contribute to members of the community continuing to access resources within the national park boundaries illegally. This illegal access use (notably, firewood gathering and grazing of livestock) creates conflict between the community and the authorities controlling the national park and leads to perceptions by government officials that the Benet community is responsible for environmental degradation.

I consider, through the analysis of documents, and of interviews and observations undertaken in May and June of 2014, how the resettlement process (and subsequent lack of resettlement for the Yatui, a sub-group of the Benet) is connected to resource use within the national park. What I deem “the land problem” is the combination of a lack of resettlement (or adequate resettlement) and a lack of access to resources necessary for a subsistence livelihood. Using examples from my interviews and analysis, I identify the connections and relationships that resettlement and resource use have to one another and assess possible responses to the land problem.

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CHAPTER 1: INTRODUCTION

*A map is always of something, always has a subject, even when that something is a fiction alive exclusively in the map that is of it. It refers out from itself to another map, to the world, to the Nature of which it is not. Of something (its subject), it is also through someone (its author), for its presence in the world is ever a function of the representing mind, and as such – it needs repeating – prey to all the liabilities (and assets) of human perception, cognition and behavior. This is no more than to say that the map is **about** the world in a way that reveals, not the world – or not **just** the world – but also (and sometimes especially) the agency of the mapper.*

From The Power of Maps by Denis Wood

The map in Figure 1 depicts the official boundaries of the Mount Elgon National Park in Uganda and protected areas in Kenya. Of note within this map is the north boundary of the National Park where there appears to be a slight indentation, with a straight line extending across.

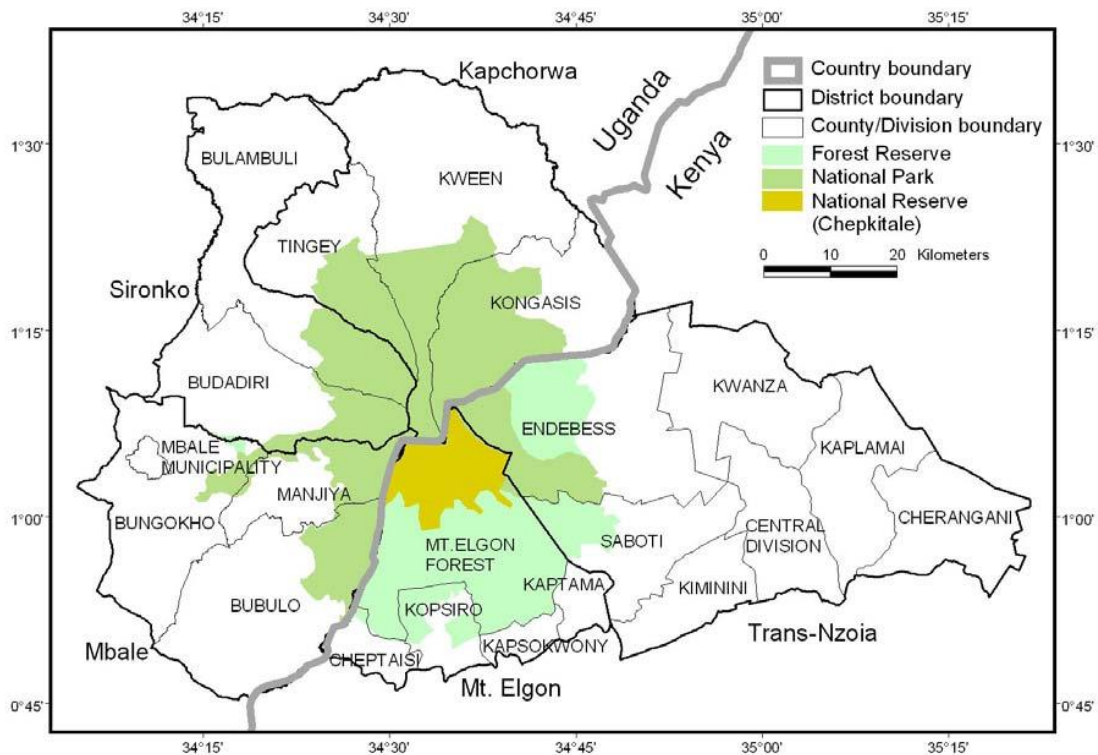


Figure 1: Administrative and Mt. Elgon gazette area boundaries of the five districts surrounding Mt. Elgon in Kenya and Uganda. In Uganda, showing up to County level, in Kenya up to Division level (Soini 2007).

The image in Figure 2 (not to the same scale) shows a different story. The indentation at the top is deeper and the line between the dark green forest and the lighter area is not straight.

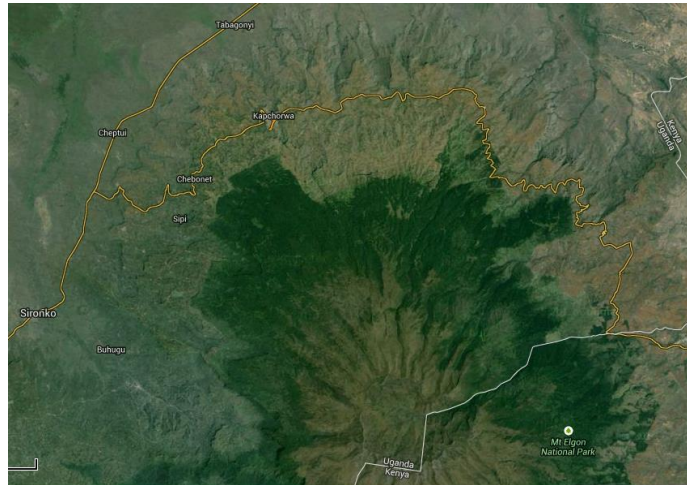


Figure 2: Screenshot of a satellite image of the Mount Elgon region, accessed from Google Maps on April 25, 2014

The map in Figure 3 helps to explain the discrepancy between Figure 1 and Figure 2. The two lines in the upper right quadrant depict two boundary lines. The bottom (red) line is a boundary set forth in 1983, while the upper (dark gray) line is the current designated boundary of Mount Elgon National Park, commonly referred to as the white line, the 1993 line, or the 2002 line. Figure 1 shows the current boundary; Figure 2 shows lived reality that hews more closely to the 1983 boundary.

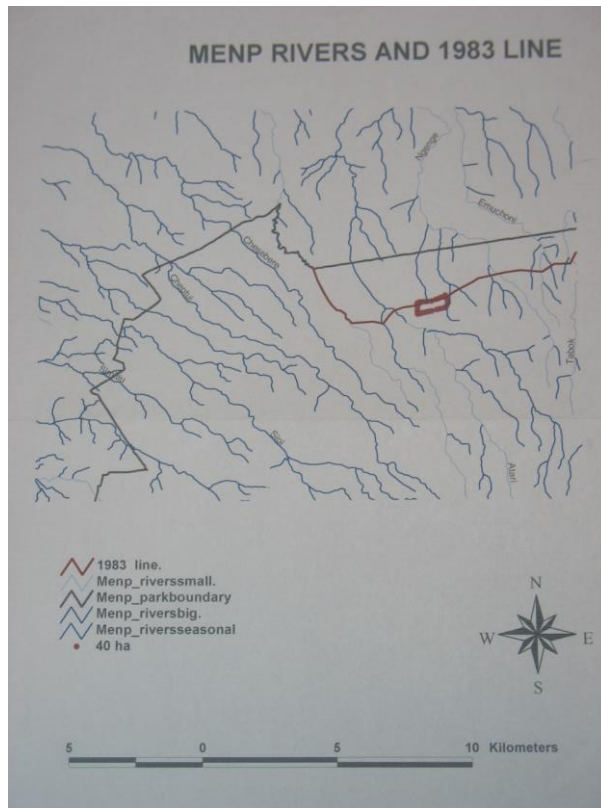


Figure 3: Map depicting rivers in Mount Elgon region and boundary lines of Mount Elgon National Park, provided by David Mukhwana of the Kapchorwa Civil Society Organisations Alliance.

None of these figures show us the uses of the land in question or who lives there or the environmental state of the land; the names given to the lines do not tell us the story behind their creation. But they do show us that something is incongruous.

What do these two lines, the white/1993/2002 line and the red/1983 line, mean? The Benet, an indigenous people who lived in the forest surrounding Mount Elgon, were resettled by the Ugandan government in 1983 for conservation purposes. What was thought to be 6,000

hectares¹ was set aside by the government as a resettlement area; the 1983 line is where the Benet were originally resettled up to along the base of Mount Elgon. When Mount Elgon National Park (MENP) was created in 1993, the government surveyed the area and discovered that more than 1,500 additional unintended hectares had been settled, for a total resettlement area that was greater than 7,500 hectares. In addition to the oversight of more land being allocated than intended, land was not solely distributed to Benet community members. Outsiders from the lower plains of Eastern Uganda, including those who had been displaced by violence in their own homelands, and local government officials also used the opportunity to secure land for themselves within the resettlement area. Officially, the 1,500 hectare² area of land between the 1983 line and the 1993/2002 line is still within the boundaries of MENP. At the same time, the courts of Uganda have recognized the Benet's right to the area and people continue to reside and make their livelihood there. While this recognition minimized some of the conflict between the Uganda Wildlife Authority (UWA) and community members, it is not enough and conflict is still present.

As with the creation of many national parks, one of the intentions behind the creation of MENP was to address environmental degradation in the region and protect the watershed. Processes such as soil erosion, deforestation and loss of biodiversity have negative effects on

¹ A hectare is equal to 2.47 acres. 6,000 hectares is approximately 14,826 acres. For comparison, Manhattan, NY is roughly the same size at 5,910 hectares, or 14,603 acres. Hectares will be primarily used throughout this paper; in those instances where acres are used, hectares will also be given in parentheses.

² Through the course of my research, I discovered that the area between the white and red line was recently considered to be at least 2,500 hectares, but most of the literature and previous interviews from 2008 gave the 1,500 hectare figure and that figure is used up to the findings section.

both land and the people living on that land and need to be addressed. An equally important human rights issue has been raised by indigenous groups in the area: the forced resettlement of the indigenous Benet and the insecure land tenure of those living within the disputed area between the 1983 and 1993/2002 boundary lines. More than 10,000 people live with insecurity between these two seemingly arbitrary lines, drawn at different points in time. Throughout this time period, land has been livelihood to most of these Ugandans. Whether they farm or raise animals, or both, their land and subsistence farming lifestyle is their means of survival.

People in the area, both indigenous community members and government authorities, face a complex challenge in attempting to address environmental degradation and rights to land, resource use and livelihood. Yet, the issue is not as simple as granting land to those who have historically lived on the land. Due to complications during the resettlement process, the area is occupied by both indigenous Benet, who have a historical right to their land, and also non-Benet, who may have “grabbed” land during the resettlement process or legitimately purchased it afterward from members of the Benet. The Benet themselves no longer live in the same manner as when they lived in the forest. Forest pastoralism has given way to permanent cultivation of slopes while the overall population of Benet has also grown. As a result, their impact upon the land may not be as harmless as it once was. It is naïve to think that people do not have an effect on an area, but it is also naïve to think a loss of land can be easily redeemed.

Small, fragmented land holdings and population pressures, as well as the movement of others from outside the Benet community into this land area, contribute to members of the community continuing to access resources within the national park boundaries illegally. This illegal access use (notably, firewood gathering and grazing of livestock) creates conflict between the community and the authorities controlling the national park and leads to perceptions of

government officials that the Benet community is responsible for environmental degradation while community members place the blame on corrupt government officials selling off timber illegally.

In this document, I examine, through the analysis of interviews and observations undertaken in May and June of 2014, how the resettlement process (and subsequent lack of resettlement for the Yatui, a sub-group of the Benet) is connected to resource use within the national park. What I deem “the land problem” is the combination of a lack of resettlement (or adequate resettlement) and a lack of access to resources necessary for a subsistence livelihood. Using examples from my interviews and analysis, I identify the connections and relationships that resettlement and resource use have to one another and offer possible responses to the land problem.

Following this introduction, chapter two details the history of the Mount Elgon region and the history of the Benet people. In addition, background regarding the land dispute, conflict over resource use, and the ecological constraints of the landscape are included in this chapter. Chapter three contains a literature review of conservation-induced development and conservation-induced resettlement. Community conservation measures are also highlighted. Chapter four addresses research methodology, including why a case study design was chosen, where the study was located and what strategies were used for sampling, and where the data came from and how it was collected. A description of the data analysis process and ethical considerations is also given. Chapter five describes how individuals, the larger community and the government have responded to the Benet land problem. It has four main sections: conservation and land use practices undertaken by individuals, illegal natural resource access

within park boundaries by individuals, political organization as a community, and the government's response of reversion.

Lastly, chapters six and seven address potential paths of action for the government and the community to take and discusses the implications of these actions. These chapters explore whether the community's concept of sustainable livelihoods is fundamentally at odds with the government's concept of fortress conservation and is responsible for the continuation of the Benet land problem or whether additional factors, such as institutional inertia, government corruption, and the marginalization of the Benet, have also contributed to its persistence. This research project aims to provide the community in the disputed area with an opportunity to assess the effectiveness of their current tactics in resolving the land dispute and to be a tool for government officials and policy makers who are involved in conservation and land issues.

CHAPTER 2: BACKGROUND AND CONTEXT

2.1. Mount Elgon Region

Mount Elgon is an extinct volcano on the border between Uganda and Kenya, rising to a height of 4,320 meters (Okwaare and Hargreaves 2009). The vegetation is mainly mixed montane forest with rich, red clay loams for soils. While these two factors contribute to soil stability, the underlying geology is weak volcanic rock material, making the area susceptible to landslides (Bagoora, 1988). Mount Elgon is important environmentally for multiple reasons. Several major rivers have their headwaters on Mount Elgon (including the Suam River and the Lwakaka River) and the region also provides habitat for rare wildlife, including 37 bird species that the International Union for Conservation of Nature (IUCN) has deemed “globally threatened species” (Lang and Byakola 2006).

Both Uganda and Kenya have established national parks to help conserve the biodiversity of this area. The Ugandan Mount Elgon National Park (MENP) lies within Mbale, Kapchorwa, Bukwo and Kween districts in eastern Uganda and covers an area of 112,385 hectares, with 58 parishes and 500 villages situated in the surrounding environ (Lang and Byakola 2006, Muhweezi et al. 2007). As nearly 80 percent of Ugandans rely on agriculture for their primary livelihoods, especially in rural areas, most of the people neighboring MENP depend on subsistence farming for their livelihood (NEMA 2008). Deforestation and soil erosion have increased in recent years as more ecologically sensitive areas have been cultivated (Muhweezi et al. 2007). Population pressures due to increased population growth in the region has contributed to these environmental problems (Luzinda 2008).

In 1936, prior to the establishment of Mount Elgon National Park, the colonial British had designated portions of the land as Crown Forest (Luzinda 2008). Over time, both the

boundaries and status of the forest have evolved; the designation has gradually changed from Crown Forest to Forest Reserve to National Park as the government has moved from colonial rule to independence. Changes in the status of the forest, and associated changes in what is defined as legal resource use, have greatly affected the lives of those living near, or formerly within, the forest.

2.2. The Benet (Ndorobo) Community

The Benet, also known as the Ndorobo, is an indigenous group of people who have lived on the moorland of Mount Elgon for the last 200 years. The word Benet in the Sabiny language means “those who were there in the beginning.” Ndorobo is a Kiswahili term meaning “highland or mountain people,” but it has a denigrative sense. The Benet are part of the Kapchorwa Sabiny people. They are distinguished from the lowland Sabiny of Kapchorwa and Bukwo by their settlement on the upper most part of the Mount Elgon ranges, as far as 6,000 feet above sea level. This isolation allowed a distinct Benet socio-economic culture to develop. Four separate clans living at these higher elevations fall under the general category of “Benet,” their only difference being geographical location: the Benet, the Piswa, the Yatui and the Kwoti. The Benet and the Piswa occupied the central part of the moorland while the Yatui were located in the eastern part and the Kwoti in the western part (Scott 1998).

It is important to differentiate between the various uses of the term “Benet.” Sometimes it is used only to refer to those who occupied the central portion of the moorland and sometimes to all four groups. In addition, the term is sometimes used to describe anyone who lives in the 1,500 hectare resettlement area, although this area includes others who were given land but are non-Benets, such as those displaced from the Karamajong plains by cattle rustling. For the intent

and purpose of this research, the term “Benet” refers to all four clans of indigenous people who have lived on Mount Elgon for hundreds of years. Non-Benet refers to those who do not belong to any of these four clans and are not considered indigenous to the mountain, but are living amongst the Benet in the resettlement area for various reasons.

While the lowland Sabiny lived and farmed farther down the mountain and the Benet lived a pastoral lifestyle within the forest and hunted, their language dialects were similar enough to understand each other and enable the Benet to trade baskets made out of bamboo collected from the forest for maize and other food from the lowland Sabiny. In the Benet tradition, land was held communally by clan and the Benet placed a strong emphasis on community. The men were the cattle keepers and hunters of wild game such as buffaloes, antelopes, elephants and small animals while the women made bamboo baskets and gathered fruits, honey and bamboo for food (Mwanga et al. n.d.). While the Benet also kept goats and sheep as livestock, cattle were the most crucial to the Benet’s livelihoods. Cattle served as a status symbol for men in the community, with herd sizes ranging from 10 to 100 head of cattle. Cattle were central to celebrations such as circumcision ceremonies and marriages (Himmelfarb 2006, Luzinda 2008).

2.3. Land and Resource Use Conflict

Prior to the British gazetting of the forest in 1936 as a Crown Forest, the Benet were free to practice their traditional pastoral lifestyle of cattle keeping. The gazetting of the forest led to a number of restrictions imposed by the British upon the Benet who were living within the bounds of the forest. The Benet were allowed to keep sheep and cattle, but were not allowed to graze goats; they were not allowed to burn charcoal or firewood and were prohibited from cultivating land within the gazetted forest. The British set forth a duty tax, which was assessed according to

the number of cattle a family had. However, the British policies were supposedly fairly lax and often not enforced (Mwanga 2008). The Benet were allowed to hunt game and collect bamboo shoots as well as medicinal plants. The women wove baskets from bamboo and traded for maize with the lowland Sabiny; as a result, cultivation of crops was not necessary. Because of their small numbers, the Benet people were not viewed by the British as a significant threat to the forest and were allowed to remain in the forest (Mwanga 2008).

The years from 1936 to the early 1970's saw changes for the Ugandan government, the Benet, and the Mount Elgon region. In 1951, Mount Elgon was changed from a "Crown Forest" to a "Forest Reserve" and the British started selectively logging the forest. Ten Benet women died in 1957 after contracting malaria while trading for maize in the lowlands. This tragedy has been cited by local community leaders as the beginning of the Benet's lobbying effort for a permanent land for cultivation. Following Ugandan independence in 1962, Mount Elgon was re-gazetted as a Central Forest Reserve in 1968 under the new Ugandan government. The Benet people and their animals were still allowed to remain in the forest during this time.

Extreme droughts in 1971 led to wild fires spreading throughout the forest. In response to the loss of forest resources, the Benet added cultivation to their primary livelihood means of hunting, gathering and pastoralism in order to diversify their food supply. This change led to conflict between the Benet and the Forest Department of Ugandan government, with the Benet

being deemed “encroachers” (Himmelfarb 2006). As a result, the Benet Pressure Group³ was created in 1972 to represent the interests of the Benet and to advocate for them.

Tensions between the Benet and the authorities led the Ministry of Forestry (the government body responsible for the resettlement at the time) to allocate land in 1983 to those who had been living in the forest. An example of an allocation certificate is in Appendix A. Six thousand hectares farther down Mount Elgon, in between the Kere River to the east and the Kaptokwoi River to the west, were set aside for the resettlement. The stated goal of the resettlement decision was to “promote environmental and economic developmental interests,” but the resettlement exercise itself was riddled with problems (Himmelfarb 2006: 5). Many of the Benet were reluctant to leave the forest and those who did found it hard to settle down when they were accustomed to having the whole range of Mount Elgon. In talking to community members during previous research in 2008, the majority had wanted to stay in the forest, though some did look forward to the opportunity for access to education and other economic development.

The Benet were not the only group of people to benefit from the land allocations. In addition to the Benet, those who had been displaced as a result of cattle rustling and other violence in the lower Karamajong plains as well as the needy were given land, albeit smaller amounts (Luzinda 2008). There were also many allegations by community members of forest officials grabbing land for themselves and their families, as well as local government officials

³ The name of the group would later be changed to the Benet Lobby Group.

taking land. Some members of the Benet received land, but had not been properly sensitized about the resettlement process, and then sold their land and returned to the forest as encroachers. One of the four subgroups of Benet, the Yatui, failed to receive any land and remained in the forest, allegedly due to a failure of the government to educate them about the planned resettlement process (Okwaare and Hargreaves 2009). While some land was settled by non-Benets, 2,872 Benet families were resettled (Luzinda 2008). It is important to bear in mind that many of the Benet were uneducated and illiterate at the time and therefore vulnerable to marginalization.

Amidst the problems of corruption and greed, several other mistakes were made in the allocation of land. The land was given out in a very short period of time of three months and because of the haste, the entire process was considered less than thorough (Luzinda 2008). Another glaring error was the fact that the land had not been officially de-gazetted by the Ugandan Parliament; the land was technically still part of the Forest Reserve and thus those living on the land were technically illegal inhabitants, or encroachers (Lang and Byakola 2006, Himmelfarb 2006). Lastly, the problem that would cause the largest problem in the future was the allocation committee's failure to have the land properly surveyed. People were allegedly told that they were allowed to settle below a natural cliff ridge (1983 boundary line, also known as the red line) and between the Kere and Kaptokwoi Rivers. As a result, the government ended up giving out approximately 7,500 hectares instead of 6,000 hectares. This led to the creation of a disputed zone of approximately 1,500 hectares where displaced people settled but which remained park land; those who lived there were deemed "encroachers" (Himmelfarb 2006, Norgrove and Hulme 2006).

In 1989, the official status of the Mount Elgon area changed once again, from a Forest Reserve to a Forest Park, before becoming Mount Elgon National Park in 1993. During this same period, control of the park area changed hands. While the Ministry of Natural Resources and the Forest Department had previously been in charge of maintaining the land, it now fell into the domain of the Ministry of Tourism, Trade, and Industry and the Uganda Wildlife Authority (Lang and Byakola 2006, Luzinda 2008). The designation as a national park accorded the area “highest conservation status” and resulted in prohibitions including “settlement and other forms of land use and extractive resource use” in the name of “protecting natural and scenic areas of national and international scientific, educational, and recreational use” (Ministry of Natural Resources 1994). While the designation of Mount Elgon as a national park could arguably have been beneficial to the larger good for its purpose of “*scientific, educational and recreational use,*” it was detrimental to the livelihoods of those living in its shadow, the Benet who depended on the land for their survival. The shift from the Ministry of Forest and Forest Department to the Ministry of Tourism and the Uganda Wildlife Authority was a radical one. Grazing and firewood collection, both essential to the livelihoods of Benets, were now illegal. While resettling the Benet was an ongoing process, the change in institutional powers swiftly and fundamentally changed access to resource use on Mount Elgon.

Finally, in October of 2002, the 6,000 hectare area was officially de-gazetted after being put to a vote in the Ugandan Parliament (Luzinda 2008). Those living within that area now had land tenure security. The 2002 line, which was located slightly below the line surveyed in 1993, was physically marked by the placement of white pillars. The disputed area was discovered to be larger than originally thought: 2,500 hectares rather than 1,500 hectares. Starting in 2002, the Uganda Land Alliance and ActionAid undertook a joint venture in the hopes of forcing the

government to fulfill its obligations to those living in the disputed area. Starting with a major media campaign headed by ActionAid, more national and international attention was shed on the situation (Okwaare and Hargreaves 2009). The Benet community gave their consent to have the Uganda Land Alliance act on their behalf and the Uganda Land Alliance proceeded to sue the Attorney General and the Uganda Wildlife Authority (Okwaare and Hargreaves 2009). After eighteen months in court, the matter was settled out of court with a consent judgment on October 27th, 2005. The ruling stated four important things:

- *THAT the Benet Community residing in Benet Sub-county including those residing in Yatui Parish and Kabsekek Village of Kween County and in Kwoti Parish of Tingey County are historical and indigenous inhabitants of the said areas which were declared a Wildlife Protected Area or National Park.*
- *THAT the said Community is entitled to stay in the said areas and carry out economic and agricultural activities including developing the same undisturbed.*
- *THAT a permanent injunction does issue restraining the defendants either jointly or severally from evicting or disturbing the quiet occupation by the community of the said areas.*
- *THAT the Respondents take all steps necessary to de-gazette the said areas as a Wildlife Protected Area or National Park pursuant to this Consent Judgment, after a physical inspection of the boundary with the Benet Community. [A copy of the ruling is included in Appendix B]*

The legal ruling was a turning point for the Benet community, but was not without its limitations. The consent judgment did finally allow the entirety of the original allocated land area to be settled, not only the 6,000 hectare area, and the UWA was ordered to stop its harassment of those living in the disputed area. There was still a degree of uncertainty though because, while legally the Benet had been granted the right to the land, the disputed area had yet to be officially de-gazetted by Parliament (and as of the summer of 2014, still had not been). There was also the need to implement the judgment's provisions and ensure that the UWA adhered to them. Those living in the disputed areas still lacked land tenure security, as would be demonstrated by an event occurring in February 2008.

On February 5th, 2008, a Belgian tourist, Annick Van De Venster, was killed within the bounds of Mount Elgon National Park. On February 16th, citing security threats, the UWA used the death to justify the eviction of the Yatui living above the disputed area (Twala 2008). Over 1,000 people were left homeless as their homes were destroyed and burned by UWA rangers. They were left to settle in caves and stay with relatives until being temporarily resettled in July 2008 on land in Kisito Village in Yatui Parish above the 1983 boundary line. In total, 178 families received land allotments, ranging from two to five acres; 75 families received two acres, 54 families received three acres, 32 families received four acres and four families received five acres. Ten families received one and half acres and three heads of household received one acre a piece. Eight acres were allocated for a church and twelve acres were allocated for a primary school (Kapchorwa District Steering Committee 2008:3). While the Minister of Tourism, Trade and Industry called for permanent resettlement within a year, as of June 2014, six years later, they were still living in the temporary area.

2.4. Resource Use in Mount Elgon National Park

Beginning with the British, restrictions have been placed on grazing within the forest bounds, yet members of the community have often ignored those rules on grazing and covertly grazed their animals within the park (Norgrove and Hulme 2006, Himmelfarb 2006). Those who choose to graze within the park risk their animals being impounded by park rangers and having fines levied against them if they are caught doing so. The relationship between the Benet and UWA park rangers is a particularly tense one. There have been allegations by community members of rape and murder perpetrated by UWA (Himmelfarb 2006) and corresponding acts of resistance to UWA's presence, including covert resistance, such as illegal gathering of firewood, and overt resistance in the form of "mob justice" that prevents UWA officials from performing their jobs (Norgrove and Hulme 2006). Even when the conflict does not turn violent, an inherent conflict exists between the aims of the UWA and the needs of the surrounding people. A park manager confided to previous researchers that there was "an inherent and irreconcilable conflict between the UWA's protectionist perspective and resource use orientation of local people" (Himmelfarb 2006: 7). UWA has historically directed its resources toward enforcement measures rather than conservation; the number of UWA park rangers dedicated to law enforcement has been much greater than those dedicated to conservation efforts. In 2003, there were 57 law enforcement rangers at Mount Elgon National Park while there were only nine community conservation rangers (Chhetri et al. 2003).

During interviews I conducted in 2008, Benet community members alleged UWA park rangers were told by their supervisors "if anyone is found in the forest, shoot at sight" during that time (Mwanga 2008). It is also alleged by community members that eight people were killed by UWA officials, including a man named Yesho Maling./Maningi shot to death in 2003 when he

was found carrying poles used for the construction of a hut from the National Park, and that Benet women have been raped by park rangers as well. While not all allegations have been personally corroborated, several police reports for the shooting and killing of Yesho Maling/Maningi are included in Appendix C.

While some of the resource extraction by the local community is illegal, some resource uses are legal. The Uganda Wildlife Authority has been working with some other communities neighboring national parks through a Collaborative Forest Management initiative, but not in the Benet resettlement and disputed areas. This initiative allows agreements to be made in which specific natural resources, such as bamboo and reeds and traditional medicines, can be collected at a sustainable level; grazing and timber are usually excluded from such agreements on the grounds that their extraction is “unsustainable” (Norgrove et al. 2006). Through the use of quotas and permits, the community is allowed to benefit from park resources and they share in the responsibility of managing the park and reporting illegal use (Scott 1998). Neighboring communities may use a variety of natural resources from the parks such as “medicinal plants, firewood, fodder for livestock, sticks for hoes, poles for building, vegetables, thatch grass, wild fruits and craft material” (Mugagga 2011:42). However, communities lacking secure land tenure, such as the Benet, are not necessarily able to access all or any of these resources.

Even if the Benet were able to participate in such initiatives, scholars have voiced concerns that such resource management is a form of coercion; the community is forced to agree to the system in place or risk losing all access to natural resources (Norgrove and Hulme 2006). While the UWA has also developed revenue sharing programs where local communities are to receive 20% of gate fees, there is debate over whether or not this is enough and if communities should receive 20% of the total park revenue (Chhetri et al. 2003). MENP made 49,320,127

Ugandan shillings from gate fees in 2007/2008 while its total park revenue was 136,801,655 shillings; local communities received 9,864,025 shillings which was a little less than 6,000 in US dollars (Larsen et al. 2008). Not every community has made these agreements with the UWA though and there are numerous communities in multiple districts that border the park which have to share this revenue stream. As of 2011, there has recently been a formal request to the National Forest Authority to officially allow grazing within the park, but given the current political climate and conflicts, it is somewhat unlikely to materialize (Mafabi 2011).

2.5. Conservation and Environmental Issues

The environmental degradation of Mount Elgon manifests itself in erosion that leads to landslides and decreased soil productivity. The government blames the erosion on deforestation of the area by “encroachers” collecting firewood illegally and the pressures of a growing population (Lang and Byakola 2006). Deforestation is often a main factor in landslide occurrence due to the loss of the root networks that would otherwise help to stabilize the slope (Mugagga 2011). Several geological, soil, and land use factors contribute to the potential of erosion and landslides, as well. Volcanic rocks, such as those created by a once active volcano such as Mount Elgon, are linked to a greater risk of landslide due to their weak composition (Bagoora 1988). Topographic attributes such as concavity of slopes also serve as triggering mechanisms for landslides due to the concentration of water flows (Claessens et al. 2007). The high clay content of the red loam soils on the slopes of Mount Elgon is another factor leading to an increased risk of landslides, especially where excavation of the slope has occurred (Claessens et al. 2007). A growing population has contributed to land scarcity and land parcels have begun to utilize steeper and steeper slopes (Claessens et al. 2007). As noted before, population pressure is an important factor in the issue of soil erosion; the demands of a growing population have

placed a strain on the area surrounding Mount Elgon and have accelerated land degradation (Himmelfarb 2006, Soini 2007).

Changes in land use and land cover have also been observed. Using LANDSAT satellite imagery and spatial processing software to compare images from 1996 to 2005, Mugagga (2011) determined that the forest cover for the region surrounding MENP had decreased; woodlands and forest had decreased by 58% and 34%, respectively, while land being used for agricultural purposes had increased by 241%. Mugagga also noted the shift from the cultivation of gentle slopes to steeper ones as another trend with potentially detrimental environmental effects. Cultivation on slopes ranging from zero to nine degrees had decreased by 19% (from 1517 hectares to 1231 hectares) while cultivation had increased by 12%, 31%, and 61% on slopes in the ranges of 10-19 degrees, 20-29 degrees, and 30 degrees, respectively (Mugagga 2011). Landslides have played a significant role in shaping the area surrounding Mount Elgon and remain a danger to those who live on its slopes.

There has also been a noted decline in soil productivity. Christiansson (1988) identifies one possible reason for soil decline: exclusive monoculture over a long period of time without incorporating crop rotation. In contrast, in a study reported by Reed in 1996, many farmers interviewed in Kwoti Parish, Kapchorwa District gave soil erosion as the reason for decreased productivity. Most of the farmers interviewed (82%) noted a decrease in crop yield over their time spent farming and most of those farmers (71%) gave “soil quality,” specifically soil erosion, as the reason for such yields (Reed 1996). More recent empirical data needs to be collected as well.

According to Norgrove and Hulme (2006), both the surrounding community and the UWA view soil erosion and degradation as a problem. Both parties have a vested interest in the environmental quality of the area, either due to food production security or a desire to protect the biodiversity of the area. Park managers associated with the UWA point to the community as the source of the problem (Himmelfarb 2006). In contrast, Himmelfarb (2006) argues that the banning of firewood collecting and grazing within the park has created a problem of “open access” where resources are accessed covertly and illegally but not in a collaborative managed fashion. While human practices certainly are an important part of the equation, the general nature of the geography, geology, and soil of Mount Elgon also needs to be taken into consideration.

In 2005, the International Union for Conservation of Nature began implementing a four-year program (funded by the Norwegian government) to address some of these environmental issues. It was called Mount Elgon Regional Ecosystem Conservation Programme and focused on sustainable management of the area through benefit sharing – rewards being given on the basis of attaining environmental goals (Muhweezi et al. 2007). Community member’s efforts to conserve the Mount Elgon ecosystem were to be rewarded through access to “community revolving funds” in the form of microloans that could be used to develop income-generating projects (Mwayafu and Kimbowa 2011). Internal review of the Mount Elgon Regional Ecosystem Conservation Programme questioned whether or not the program was cost effective (over 50% of the budget went to “administrative costs”) and also whether or not tangible results would be able to be realized in the remaining project time frame (Larsen 2008). Another similar model, Reduce Emissions from Deforestation and Forest Degradation or REDD+, is currently

being developed by the Ugandan national government as well (IUCN 2010, Mwayafu and Kimbowa 2011).

Several other measures have been undertaken in regards to the problem of soil erosion. A Dutch organization called FACE (**F**orests **A**bsorbing **C**arbon dioxide **E**missions) signed an agreement with the Uganda Wildlife Authority in 1994 to plant trees on 25,000 hectares of land within MENP with the primary intent of sequestering carbon dioxide to offset the production of carbon dioxide (Lang and Byakola 2006) . Unfortunately, community members raised some concerns over whether or not the FACE organization was planting trees within the disputed resettlement area (the organization itself denied planting trees in such areas) and it is uncertain whether FACE still has a presence within Mount Elgon National Park (Lang and Byakola 2006, Byakola and Lang 2006).

Soil conservation techniques such as mulching, growing hedgerows, mixed cropping and minimum tillage could also aid in erosion control but it is unclear how many farmers have used such techniques, especially in the disputed area where less of an incentive exists to invest in the land due to uncertainty (Mugagga et al. 2010). Reed (1996) and Mugagga et al. (2010) observed that farmers living farther from the park used more soil conservation methods than those living close to the park boundary, with the exception of methods such as contour plowing and terracing. The lack of erosion controls could also be due to the fact that the organizations promoting such measures, including ActionAid, the World Agroforestry Centre and Uganda's National Agriculture Advisory Service, only targeted those areas of secure land tenure (Himmelfarb 2006). Larsen (2008) also noted within the context of Mount Elgon Regional Ecosystem Conservation Programme that the local government was not specifically targeting those areas

near the park boundaries most in need of assistance; rather the focus remained on rural development projects in general.

Erosion and the threat of landslides are two pressing matters for the area surrounding Mount Elgon National Park. As detailed above, many factors contribute to this problem. Among the factors affecting erosion, the role of land tenure insecurity is not currently being addressed. While numerous methods can help combat erosion through agricultural practices and physical measures, any attempt to address the physical problem of erosion will be futile if the larger political problems are not addressed.

Most notably, planting trees, which could greatly aid in preventing soil loss through their root networks (Claessens et al. 2007), is currently a political act. Members of the community surrounding MENP view reforestation efforts with suspicion and do not support them. For example, in 2003, over four kilometers of eucalyptus trees demarcating the park boundary were destroyed in a single night (Byakola and Lang 2006). Without the full support of the community in tree planting ventures, erosion will only worsen; a mountain will not rebuild itself.

If the political issue of land tenure insecurity is not addressed, members of the community do not have an incentive to invest in the land and manage the land for optimum land health (King 1995). Land tenure arrangements have been found by Mugagga (2011) to be a statistically significant indicator of household productivity; households where land was privately held were more likely to invest in soil and water conservation measures. Stahl (1993) found this to be the case in other African countries as well. Agricultural extension programs responsible for teaching such conservation measures, such as the National Agricultural Advisory Services and the Plan for Modernization of Agriculture, have been criticized by the neighboring

communities as being inaccessible (Mugagga et al. 2010). It has also been reported by Himmelfarb (2006) that only those communities with secure land tenure have access to the collaborative management resource plans and services provided by the National Agricultural Advisory Services; those in the disputed area have been denied assistance.

CHAPTER 3: LITERATURE REVIEW

The questions in this project have arisen from a real-life situation rather than being developed out of the literature in a specific field. Literatures that help inform the Benet land issue in eastern Uganda are examined in this section, namely conservation-induced development and resettlement and community conservation.

3.1. Conservation-Induced Development

Narratives about landscapes and ecosystems can be constructed to either include people within them or place people outside of the bounds of the “natural world.” Western conservation efforts have historically taken on an exclusionary approach, with the “fortress conservation” mentality of colonial times carrying into the present day. Nature has been portrayed as something that needed to be “protected” from people, especially those people who might claim an area that otherwise had other more lucrative uses for those who were in power (Batterbury and Bebbington 1999). Not only were the interests and livelihood needs of the rural residents living near protected areas not taken into account, bans on hunting and grazing and dispossession of land occurred without the residents’ consent or approval.

Beinart (1989) argues that the meaning of a national park as “a preserve for plants and animals free of human habitation” is a faulty interpretation of “nature” and “natural states.” He and other environmental historians question whether it is “natural” that the only people allowed to utilize national parks and other protected areas should be park managers, conservationists and foreign visitors. Within the field of political ecology, authors such as Blaikie and Brookfield (1987) stress that researchers need to examine who is allowed to determine the ecological reality

of a situation and that powerful political forces are often a factor in this determination (Neumann 2005).

In geography, it is important to note the political power that maps and mapping have in creating spaces and legitimizing the uses of these spaces for certain user groups, but not for others (Cosgrove et al. 1988, Wood and Fels 1992). Noe (2010) points out that the creation of borders by governments is “an act of power” because defining a space within boundaries also allows those who define it to decide who is allowed to access that space. In creating “fortress conservation” areas, governments and scientists have made use of this political power in their eviction of indigenous people and communities from areas deemed to be “wilderness” (Brockington et al. 2008, Diaw and Tiani 2010, Peluso 1993). As a result, conservation policies become less about biological considerations and more about how political forces manifest themselves within a landscape setting. Nonetheless, authorities continue to put forth environmental arguments for the displacement of communities from their landholdings.

One argument voiced by those in power is that environmental degradation such as deforestation and soil erosion is due to the ignorance of local communities who are unable to properly manage the land and its natural resources. This remnant of colonialist thinking within “fortress conservation” is accomplished by depicting indigenous people as the causes of environmental degradation within academic reports and literature (Bonner 1993, Neumann 1998). The lack of scientific studies and baseline ecological numbers in many developing countries can validate actions such as hunting or grazing bans when such bans might actually not be warranted. Historically, by portraying land users as threats to ecosystems rather than stewards of them, their displacement could be justified by colonial and government authorities (Himmelfarb 2006). On the contrary, many ecological communities have had people

incorporated in them for hundreds of years though and these people have shaped the ecology of these “wilderness” areas in meaningful ways. While myth making by governments is a powerful tool, contemporary researchers reject these explanations of environmental degradation due to population pressure or mismanagement of resources and point instead to political and economic processes (Lunstrum et al. 2015).

Authorities also justify the creation of protected areas and the subsequent displacement of people at the international level. Displacement is dictated as necessary in the face of global climate change and the need to tackle rising temperatures and sea levels. The onus of projects such as REDD+ (Reducing Emissions from Deforestation and Forest Degradation), where forests are protected to reduce carbon emissions, are placed upon small farmers and restrictions on natural resource use are placed upon those who depend on such resources for their subsistence livelihood (Lunstrum et al. 2015, Lang and Byakola 2006). Such large-scale climate mitigation projects perpetuate existing power dynamics and often target and dispossess those communities on the peripheries who are already highly vulnerable and marginalized.

Similarly, Dowie (2009) argues that “Big International NGOs” keen on protecting mega-fauna have a significant political impact on decision-making at the national level that pales in comparison to the impact afforded to local communities. National governments may also place more importance upon protecting valuable forestry products for government or corporate use rather than ensuring subsistence livelihoods for their citizens and “grab” land from those who are not in any position to protect it (Neumann 1998, Ansoms and Hilhorst 2014). While it can be argued by authorities that creating protected areas and national parks will also end up benefitting the larger public good, Vanderpost (2006:229) argues it is often a case of “taking from the poor to give to the rich.”

In Dowie's (2009) analysis, indigenous groups have often responded to larger institutional forces by portraying themselves as "stewards" of the land, citing their longstanding relationship with the land as indigenous peoples. Hulme and Murphree (2001) stress the importance of creating counter-narratives to the fortress conservation narrative; telling a stewardship story is one possible counter-narrative. Arguments against unjust displacements can also take the form of action. Neumann (1998) details subversive peasant resistance of the Meru community in which community members continued to access timber from within Arusha National Park after its gazettelement. Resistance can also take the form of destroying symbols of conservation such as covertly cutting down trees used as boundary markers or moving concrete boundary markers in the night (Lang and Byakola 2006). Resistance can also be overt and manifest in protests or the formation of community organizations to lobby against displacement due to conservation (Dowie 2009). If displacement is unavoidable, indigenous peoples will often petition for continued resource use within protected areas to allow for subsistence livelihoods (Nelson 2010).

Dowie (2009) details how indigenous communities began to place pressure on international organizations and governments in addition to national governments as they protested against conservation policies. By attending meetings such as the World Parks Congress and protesting within those spaces, the international conservation community eventually become responsive to the human rights approach to conservation that indigenous communities were advocating for (Dowie 2009, Vandergeest et al. 2007). This led to the IUCN eventually releasing a policy statement entitled "Indigenous and Traditional Peoples and Protected Areas" which called for the recognition of the needs and rights of people living in and around protected areas (Dowie 2009). While such efforts, with indigenous groups stressing their

rights to sustainable livelihoods and land, have led to new approaches such as the collaborative management of protected areas, they are not a panacea to the problems created by conservation-induced displacement.

In forcing people to change their mode of living from a pastoralist or nomadic hunting lifestyle to crop cultivation, conservation-induced development can have many ramifications, including cultural ones. In having to switch to stationary cultivation, with a ban on hunting wildlife put in place concurrently, food sources are not only more vulnerable to predation by wildlife, access to other sources of food is no longer available. Subsequently conflict often occurs between humans and wildlife (and conservation authorities) when wildlife destroy crops and humans are not allowed to kill them without being deemed a “poacher” (Brockington et al. 2008, Neumann 1998). A change in agricultural practices can also have unintended impacts on the landscape. Lack of animal grazing or regular burning can have a detrimental impact on a landscape – the landscape actually benefits from these practices on an ecological level. The impacts of conservation-induced development can thus extend to affect large-scale areas.

3.2. Resettlement Due to Conservation-Induced Development

Resettlement is often portrayed as a solution to conservation-induced development, though it is hard to envision an equitable system for subsequent resettlement in the face of such statements as:

Whatever the reasons for dislocation [displacement], the outcomes are nonetheless often quite similar: homelessness, landlessness, the loss of livelihoods and connection to important cultural and/or religious spaces, and in many cases physical and mental harm (Bose and Lunstrum 2014: 7).

In addition to already being poor and marginalized, those displaced are further susceptible to a number of risks including landlessness, joblessness, homelessness, marginalization, food insecurity, increased morbidity, loss of access to common property resources and community disarticulation (Cernea 2000). While proper compensation and support could help to alleviate some risks, resettlement schemes often fail to properly compensate for “loss of customary land entitlements, tree crops, or foregone incomes and opportunities from natural resource endowments” (Diaw and Tiani 2010: 228) and new assumed livelihood changes such as working for a daily wage in the tourist sector never materialize (McLean and Straede 2003).

Resettlement can also negatively impact indigenous culture. An irony is that, in the desire to create national parks to preserve the biodiversity of species, the potential loss of cultural diversity due to resettlement is often ignored (McLean and Straede 2003). This potential loss can lead to increased resistance and confrontation between local communities who see cultural identity as the highest value and policy makers who view the “integrity of the park” as the highest value regardless of the effect on the community’s culture (Diaw and Tiani 2010). Cultural impacts due to resettlement can include the loss of burial grounds, lack of access to resources used in rituals, and the destruction of village and community social structures (Neumann 1998). Not only are there negative psychological effects associated with being uprooted and displaced, such as grief and anger (Schmidt-Soltau 2003), land grabbing has been characterized as being both “soul and identity grabbing” (Ansoms and Hilhorst 2014: 21).

There have been examples of more successful resettlement schemes, although I would not go so far as to call them equitable. In general, planning ahead and being sensitive to existing community structures aided in success. In the case of one resettlement in China, orchards were

planted several years ahead of time in the resettlement area. By the time the people moved there, the trees were ready to bear fruit and could provide income generation in addition to food (Cernea 2000). The Kpong settlement scheme in Ghana attempted to be culturally sensitive by trying to keep, as best as possible, the communities within their traditional lands and by maintaining customary units that allowed for the preservation of traditional lifestyles (Asthana 1996).

Benefit sharing mechanisms have been viewed as a way to increase successful resettlement. By regarding displaced people as shareholders whose share is justified by their contribution of land, economic benefits can then be extended to the people. While these mechanisms work best with displacement caused by electricity generation or mining where there is an economic return, they can also be used in the case of conservation projects and national parks where there are revenues from park fees (Infield 2001). Potential problems include delayed onset of benefits in relation to the time of resettlement (when people are in need of the most help at the beginning of such resettlement) and ensuring that the money goes to those displaced rather than being funneled to corrupt government officials. As always, there must be political will and proper implementation and enforcement as well (Cernea 2007). Often anticipated monetary compensation from tourist revenues do not materialize due to the costs of managing the protected area.

Vandergeest et al. (2007) argue that, in the end, an equitable manner of carrying out conservation-induced displacement would require a rights-based approach ensuring the right to a sustainable livelihood (among other rights such as to education and to health). If an authority makes decisions with the right to sustainable livelihoods in mind, community members would be allowed to have control over and access to natural resources for subsistence within the

conservation area. Another equitable way of displacing a community would be to conduct the displacement in a manner *opposite* to that of the International Land Coalition's definition of land grabbing, "acquisitions and concessions that share one or several of the following characteristics:

- 1) in violation of human rights, particularly the equal rights of women;
- 2) not based on free, prior and informed consent of the affected land users;
- 3) not based on a thorough assessment, or in disregard of social, economic and environmental impacts, including the way they are gendered;
- 4) not based on transparent contracts that specify clear and binding commitments about activities, employment and benefits sharing, and;
- 5) not based on effective democratic planning, independent oversight and meaningful participation" (extract from the *Tirana Declaration of the International Land Coalition*, Ansoms and Hilhorst 2014: 2).

The concept of displacement may be inherently contrary to such a notion. The literature reviewed above indicates the burden of conservation is often unjustly placed upon already poor and marginalized communities without their consent.

There are policy approaches that help mitigate the negative impacts of displacement. Land-based compensation models are preferable to monetary compensation due to the fact that many of those displaced depend on subsistence farming for their living (Schmidt-Soltau 2003). Ideally, these models fully address the potential risks of displacement as outlined above by Cernea, and also provide support for the development of livelihoods that allow for natural resource use within a protected area. Also, it is imperative that a clear and comprehensive policy for resettlement (including pinpointing a source of funds) is laid out well in advance of the creation of a protected area and that the local community is informed and has actual, rather than token, input into such a policy and voluntarily accepts such a policy. Along the same lines, it is important that resettlement is done in a timely manner so that the indigenous community is not without the means to support itself due to impeded access to natural resources. A community is

less likely to invest in conservation practices if they have insecure land tenure and are unsure whether or not they will continue to have access to their land.

Lastly, resettlement should not be seen as the only option when it comes to addressing conservation concerns. A national park or other protected area can include people within its bounds if alternative regulatory and co-management arrangements are recognized as possibilities. In some existing instances of conflict between parks and people, decreeing changes in park boundaries and management practices might be the most successful way of reducing pressure on natural resource use within the park. As Cernea stresses, “Although historically speaking, relocations (as a class of processes) are unavoidable, not every individual case of displacement proposed by planners is either inevitable or justified” (Cernea 2000: 3660). Governments need to examine themselves: Is the real goal conservation or resettlement? If it is the latter, conflicts and environmental injustices are unavoidable. In the following section, new approaches to these environmental conflicts are explored.

3.3. Community Conservation

More recently, a new model for conservation – community conservation – has emerged as a challenge to the conventional protectionist view. Hulme and Murphree (2001) outline three different forms that community conservation approaches have taken: protected area outreach, collaborative management, and community-based conservation.

Protected area outreach is the least radical in its departure from colonialist thinking. The state still owns the land and resources and while there may be some limited resource access by local communities, the state makes such decisions. Protecting resources and wildlife in the name of conservation is still the priority over protecting the livelihoods of those peoples living near the protected area, often those who were displaced by its creation, though an emphasis is also placed

on trying to resolve conflicts resulting from the protected area such as destruction of crops due to wildlife (Neumann 1998). Of all three approaches, the protected area approach is the most widespread in Africa (Hulme and Murphree 2001).

The second approach, collaborative management, is defined by Hulme and Murphree (2001: 33) as “a negotiated agreement whereby a group of resource users and a conservation authority agree to jointly manage a resource or area that has conservation value.” As with protected area outreach, the resources or land is not owned by the community members themselves, but community members have access to resources, such as firewood, through formal agreements. Collaborative management often means that park authorities and game rangers have to develop new skills such as participatory resource assessments and group dynamics, which can be a hindrance to the implementation of the process (Chhetri et al. 2003). One benefit to this approach though is the greater the amount of community participation in this process, the greater the adherence to policies regarding resource use in a protected area (Andrade and Rhodes 2012).

Lastly, community-based conservation is a conservation approach with a significant focus on sustainable rural livelihoods. Community-based conservation goes farther than collaborative management and declares that control over natural resource use should be given to communities rather than remaining at the state institutional level. While devolution of control is the objective, the level of participation from communities may range from passive involvement to a consultative role to self-mobilization or empowerment (Hulme and Murphree 2001). Theoretically, community-based conservation can be an adequate way of addressing the drawbacks of displacement.

To realize the dual goals of conservation and sustainable development, community-based conservation offers economic incentives to community members in return for resource protection

and the conservation authority gives over control and management responsibilities of the protected area (Hulme and Murphree 2001). Physically, community-based conservation has led some authorities to create new zones within the protected area: a core zone, a buffer zone and a transitional development zone (Dowie 2009). Sustainable development and resource use can occur within the transitional zone and research and monitored resource use can occur within the buffer zone, with the core zone being protected from human use (Niesenbaum et al. 2004).

Scholars who point to the creation of conservation zones as benefits to displaced communities usually tout community-based conservation and collaborative management as the causal factor for success (Hulme and Murphree 2001). The difference between community-based conservation and collaborative management lies in who controls the resource use within the area. Collaborative management agreements between parks and neighbors can enable people to collect, on a sustainable level, natural resources such as water, traditional medicines, bamboo, salt, reeds and grass; however grazing, timber extraction and hunting are typically excluded from these agreements and determinations about resource use are usually not made by communities themselves (Infield 2001, Norgrove and Hulme 2006). Instances where any restrictions are placed on access to natural resources, even those put forth for well-intended conservation purposes, often end up hurting those poorer communities who depend on such resources for subsistence.

There have also been instances of community-based conservation management occurring without the involvement of a conservation authority. Often it is the case of a community deciding to team up with conservationists in the face of a common enemy such as oil corporations or agribusinesses or deciding to implement conservation practices on private land that is communally held (Brockington et al. 2008). The overall promise of community-based

conservation is that rural communities will benefit from conservation rather than have to incur the costs of conservation.

The manifestations of community-based conservation can take many forms and involve many different players ranging from the local to the international. Tourism or safari hunting operations can be a key benefit sharing mechanism. Funds set up by national governments or international governments can distribute monetary benefits in compensation for a community's sacrifice for the common goods of biodiversity preservation and carbon sequestration. Economic development programs that are created alongside conservation efforts, such as starting women's cooperatives to sell jewelry or social development initiatives which encourage less firewood use by distributing new types of cook stoves, can also help to empower local residents.

Organizational structures that combine poverty reduction efforts with conservation efforts can be a more effective way of reaching conservation goals, as the effects of poverty and conservation are often intertwined (Adams et al. 2004, Berkes 2004). Balint (2006) has argued that conservation efforts can be more successful if additional development issues, such as rights, governance and capacity, are addressed along with poverty reduction. Conservation measures can be detached from poverty reduction measures, but I would argue that there is a moral imperative for the two to be considered together, as the historical alienation of people from their land by conservation has to be considered as a driver of poverty. Indigenous communities have had to empower themselves by appealing to leaders and protesting for the control of natural resources and protected areas (Dowie 2009).

These types of grassroots organizational (GRO) efforts are distinguished from other non-governmental organizational (NGO) efforts in that the primary focus of an NGO is to offer funding or other forms of support to communities, with this support often coming from outside

of those communities, while a GRO is an organization whose members come from the community itself. (Green and Haines 2012). NGOs and GROs can have synergistic effects in terms of social capital. As detailed in Flora, Flora and Rey (2004)'s "Rural Communities," connections made between individuals and groups with similar backgrounds can create "bonding social capital" while "bridging social capital" can help connect groups such as GROs to groups outside the community. Increasing bonding and bridging ties within a community through these types of connections can increase participation by community members and lead to more inclusionary practices (Flora et al. 2004). An increase in social capital can help increase capacity of local communities so that they can successfully manage protected areas as community partners.

Before evaluating the overall success of community conservation efforts, the concept of "community" also needs to be addressed. A community can be distinguished by a physical location, a social system, or a common identity shared by its members (Flora et al. 2004). It is of utmost importance to note that communities are not homogeneous and benefits from development are not evenly dispersed throughout (Ansoms and Hilhorst 2014). Likewise, it has been asserted that civil society organizations and NGOs often fail to serve the rural poor, because they are co-opted by middle or upper class interests (Amanor and Moyo 2008). Even within a rural community with a shared identity, monetary benefits can be captured by local elites. In a study of the Royal Chitwan National Park in Nepal, Jones (2007) found that transparency and fairness needed to be addressed in the community forestry program as inequities were being perpetuated due to caste privilege. Spiteri and Nepal (2006) also stress that the composition of the community needs to be taken into account when monetary incentives are incorporated into conservation programs because of the complex nature of communities. The above are all

important considerations when an authority is considering granting access to physical resources versus sharing monetary benefits.

Along with concerns about equitable distribution within a community, another downside to revenue sharing rather than resource sharing is that significant tourist revenues from park fees are necessary to compensate communities (Chhetri et al. 2003), since these park fees must also cover the cost of park administration. A popular tourist attraction may also be a curse as those national parks that do generate sufficient tourist revenues to adequately compensate the community may be more susceptible to increased migration from other areas, with increased stress placed upon the ecosystem as a result (Lu et al. 2006). The opposite may also occur. In Mgahinga Gorilla National Park, an expected increase in job growth related to tourism did not materialize and community members did not see benefits due to a lack of stable tourism income (Infield and Adams 1999).

While the creation of a national park is often argued for in terms of economic gains (citing the economic benefits of tourism and biodiversity and wildlife conservation), the negative impacts on those people directly affected are often externalized and the loss of their livelihoods is not factored into the true cost of the project or policy decision. Any benefits from the national park do not end up directly benefitting them and community members are frequently not compensated properly, in addition to having to endure crop losses due to encroachment by wildlife (Neumann 1998). In the case of Lake Mburo National Park in Uganda, the costs to local communities surrounding the park were estimated as follows: “The costs of wildlife damage are estimated at 375 million Ugandan shillings and the costs of resource use restrictions are

calculated at over 225 million Ugandan shillings⁴” (Pearson and Muchunguzi 2011:137). When these costs are not remediated in any way, the community has to bear them.

Attempts to overcome these sorts of costs have included the promise of infrastructure development such as roads, medical clinics, and schools and the sharing of park fees and revenues and tourism development, but economic projections of such benefits are often overly optimistic. For example, in the case of the Nuaminya Wildlife Management Trust in Zimbabwe, expenditures for operations and salaries for “a general manager, a wildlife manager, an assistant wildlife manager, kapenta manager, and institutions officer, along with area managers and game guards” used most of the wildlife revenues that would otherwise have gone to community initiatives (Derman 1995:208). In a case study of Cuc Phuong National Park in Vietnam, researchers found that out of a total of 107 adults in resettlement villages surrounding the park, at most three people (a tourist guide and two retailers) would potentially benefit from tourism at the park (Rugendyke and Son 2005). Many jobs created by national parks are not accessible to indigenous people due to a lack of schooling and paradoxically, the act of displacement and resettlement often disrupts the schooling of their children (Schmidt-Soltau 2003). The loss of subsistence use at the community level can be more harmful than any potential jobs created at the individual level.

⁴ On June 1st, 2014, the conversion rate between US dollars and Ugandan shillings was 2,564 shillings to 1 dollar. 375 million shillings is the equivalent of \$146,255 and 225 million shillings is the equivalent of \$87,753.

Neumann (1998) highlights the importance of overall stability in park funding as well. He detailed an instance at Arusha National Park where park rangers were not being paid due to budget constraints. As the rangers themselves did not have enough money to buy food, they turned a blind eye to locals accessing resources or hunting within the park boundaries in exchange for food (Neumann 1998). In addition to negatively impacting protected areas, lack of government funding for community conservation efforts can have a negative impact on surrounding communities such as in the following example that Neumann (1998) also relates. An electric fence several kilometers long was constructed along the Arusha National Park boundary; it was a successful deterrent to wildlife eating the crops of the local community. After a few years though, the fence was no longer being maintained and significant crop damages were incurred by community members on an ongoing basis due to the lack of funding for maintenance. Changing political tides can have similar effects to lack of funding. In Ethiopia, a political coup disrupted a soil conservation and reforestation program and all conservation gains were lost in the process (Admassie 2000). Ensuring general political stability in a country and stability of funding for conservation projects or payments can be essential to success in these instances, but may be difficult to attain.

The overall needs of the community may not be met by community conservation efforts either. One study in Nepal found that community-based management was able to meet the needs of the community in terms of firewood collection, but was still not able to make up for the lack of grazing lands and subsequent animal fodder loss (Hjortso et al. 2006). Another study of a community near Serengeti National Park in Tanzania found that a community-based conservation program that utilized game cropping (the commercial utilization of wild animals in natural habitats) was unsuccessful because the program's low quotas were not able to make up

for the lack of food and other benefits that hunting had previously provided (Holmern et al. 2002). Vorlaufer (2007) argues that the amount of money necessary for effective conservation cannot be generated from initiatives such as tourism and that government or foreign subsidies are necessary to cover the difference.

Another barrier to successful community conservation efforts has been the lack of community buy-in to conservation efforts due to negative perceptions of the costs of conservation. Ensuring that a community perceives conservation as beneficial can be key to successful conservation efforts and utilizing a community-based conservation approach can help ensure a community's perception is a positive one (Mbaiwa 2005). Properly educating and sensitizing a community to conservation issues can also lead to more successful adoption of conservation measures (Becker and Ghimire 2003). Such work should be undertaken before any dispossession of land is begun in the name of conservation, otherwise it is merely an instance of a protected area approach to conservation with an "after the fact" education component.

Overall, the success of community-based conservation efforts is dependent upon the specific context and relationships within the community. Conservation does not occur within a vacuum and many factors are necessary to ensure the adequate protection of both wildlife and communities. Blaikie (2006) argues that while some community characteristics that enable successful conservation efforts have been identified – small area and group size, well-defined boundaries, shared norms, homogeneity of interests within the community – the search for such a perfect community is often a futile one. Unbalanced local power structures within communities where benefits are not easily accessed by all can be a barrier to success. Benefits such as access to natural resources, rather than monetary dispensations, can help to enable success for all members of a community. Additionally, lack of stability in funding or income streams can

negatively impact both communities and protected areas. Serious consideration needs to be given to community composition when considering adequate compensation schemes for the loss of access to natural resources; strong ties between local communities and international NGOs and international funding sources can help to enable success. Lastly, while educating community members regarding the benefits of conservation is essential, it is also necessary to empower them.

The above authors have highlighted the impact of conservation on vulnerable groups forced to resettle and questioned the ability of community conservation efforts alone to provide for livelihoods. This literature provides a framework for examining the Benet land problem. The experiences of other groups with resettlement due to conservation-induced development and community-based conservation provides a basis for gaining insights into the Benet land problem and evaluating possible responses to the problem.

CHAPTER 4: METHODOLOGY

Due to the qualitative nature of this project, a case study was decided upon as a methodology (Yin 1994), with rapid rural appraisal methods being used (Carruthers and Chambers 1981, Chambers 1981). These rapid rural appraisal methods included the use of primary and secondary sources, direct observation, and semi-structured interviews and focus groups. While participatory rural appraisal methods would have ideally been used (Chambers 1994), due to the limited amount of time I was in the study area, I was unable to use “participatory” methods.

4.1.1 Theoretical Considerations

Qualitative methods were chosen for this project due to the initial formulation of the project question: Why has the Benet land problem not been solved? In further refining the question, it became apparent that the “Benet land problem” included the connection between the lack of resettlement (or adequate resettlement) for the indigenous Benet and the lack of access to natural resources within Mount Elgon National Park necessary for a subsistence livelihood. I wanted to understand *why* the indigenous Benet had not been properly resettled after being displaced from their land due to the creation of Mount Elgon National Park and *how* natural resource use within the boundaries of the park was connected to this inadequate resettlement; I was not interested in *how much* land each community member wanted or *how many* times a community member was arrested for illegally accessing natural resources within the park boundaries. Rather, I was interested in the “interconnected processes and events” of resettlement and natural resource use that are particularly responsive to qualitative inquiries (Patton 2002).

Framing my questions in “how” and “why” terms made my study well-suited to the use of qualitative research methods, particularly the case study format.

Patton outlines three study design strategies which fit into a qualitative inquiry framework: naturalistic inquiry, emergent design flexibility, and purposeful sampling (Patton 2002). All three design strategy elements are relevant to my question. In studying the resettlement of the Benet and their resource use, I was not striving to manipulate or control the outcome as in an experiment; my aim was to simply study the situation at hand as it was naturally happening. I also wanted my project design to be able to change as I learned more about the situation at hand; qualitative methods would allow for this flexibility. In the instance of my field work, I discovered there was another community-based organization in the area, the Mount Elgon Benet Indigenous Ogiek (MEBIO), in addition to the one I had previously been aware of, the Benet Lobby Group. Using a qualitative mode of inquiry allowed me to respond to this new information and incorporate new questions about the MEBIO into my interviews and target MEBIO members as interviewees. Lastly, I knew that I would be undertaking purposeful sampling in order to best understand the issue at hand. I purposefully selected the Benet land problem because of its unique nature. My goal was not to be able to extrapolate information from this community to other communities living adjacent to the national park or to a larger population (Patton 2002), but rather the information provided by the people I chose to interview would likely provide answers to my research question.

The uniqueness of my question lent itself well to the case study as a method, seeing as a “how” or “why” question was being asked and the focus was on a current event over which I had little or no control (Yin 2009). I identified strongly with Schramm’s assertion that “the essence of a case study, the central tendency among all types of case study, is that it tries to illuminate a

decision or set of decisions: why they were taken, how they were implemented, and with what result.” (Quoted and emphasis added in Yin, 2009: 17). In the instance of my project, I strove to understand how decisions made within the government resettlement process are connected to natural resource use within the national park, both in the decisions made regarding natural resource use by the government and the decisions made by community members who depend upon these resources for their livelihoods. Neither the resettlement process nor natural resource use can be fully understood when separated from the overall context of the “Benet land problem.” Yin stresses that this linkage between phenomenon and context is integral to the definition of a case study, thus making this an instance to use the case study method (Yin 2009).

4.2. The Case Study Design

While study design may be deemed a “blueprint for research” or “a logical plan for getting from here to there,” Yin identifies five specific elements of research design that are important to consider when undertaking a case study: “the study’s question; its propositions, if any; its unit(s) of analysis; the logic linking the data to the propositions; and the criteria for interpreting the findings” (Yin 2009: 27). As detailed above, my question was well-suited to a case study inquiry. One of my initial propositions was that social relationships between the Benet and the non-Benet and the government (especially the Uganda Wildlife Authority) were impacting the resettlement process and affecting natural resource use. Another proposition was that uncertainty regarding the boundary of the national park, specifically whether or not that boundary was going to change in the future, was impacting natural resource use. Lastly, I considered that influence by community-based groups such as the Benet Lobby Group or the Benet Settler’s Association (a non-Benet group) might be impacting the resettlement process and natural resource use. These were my initial propositions.

In order to define my “units of analysis” while keeping the research question and the above propositions in mind, I had to determine what my case study was going to be about and “what I wanted to be able to say something about at the end” (Patton 2002: 229). Was this going to be a case study of a geographical area, a specific organization, or an ethnic group?

In determining my “unit(s) of analysis”, I realized that my case study fell into the “embedded, single-case design” category (Yin 2009). The overall “unit of analysis” I was interested in was the community currently living within the 2,500 hectare disputed land area adjacent to Mount Elgon National Park. This area included the land in between the 1983 and 1993/2002 boundary lines (divided into Zones A thru F) and the “Yatui” settlement above the 1983 line. I wanted to be able to understand how the lack of permanent resettlement for the community members within this disputed land area was connected to the natural resource use within the national park. Embedded within this single-case were other “units of analysis” I also wanted to understand separately, i.e. the distinct roles of the Benet, non-Benet and government officials.

4.3. The Study Area

Mengya Village in Piswa Parish, Benet Sub-County, Kween District in eastern Uganda was chosen as the hub of the case study area within the 2,500 hectare disputed land section for three reasons. One, a large number of Benet live within this village and in the surrounding area. Two, the Benet Lobby Group is headquartered there. Three, a portion of Mengya is located within the 6,000 hectare area and the other portion of Mengya is located within the 2,500 hectare disputed land area.

The 2,500 hectare disputed land area is comprised of six zones, Zone A, B, C, D, E and F, and an area referred to as “Yatui.” The boundaries of each zone are demarcated on the sides by rivers and the 1983 line and the 1993/2002 line, above and below respectively. A map of the six zones is included in Appendix D. The “Yatui” area is located above the 1983 line. While at one point all six zones were within Kapchorwa District, redistricting in 2012 split Kapchorwa District into Bukwo, Kween and Kapchorwa Districts. Currently, Zone A through E are in Kween District and Zone F is in Kapchorwa District.

I conducted interviews and observations primarily within walking distance of Mengya in Zone D. I also conducted interviews with community members living in Yatui Parish, also known as the “Yatui” area located above the 1983 line. Some interviews with government and organization leaders were conducted in Mengya while others were conducted in Kapchorwa Town, Kapchorwa District (the closest urban center). A focus group at the Ogiek Masup Group headquarters required motorcycle (“boda” in the vernacular) transportation, as their headquarters is located in Zone A. The Benet Lobby Group’s headquarters is located in Zone D.

4.4. Sampling Strategy

My initial plan was to compare responses between Benet community members, non-Benet community members and government officials. Within these three categories, I also planned to selectively target different groups of people. Within the “Benet” category, I was interested in finding interviewees who were members of the Benet Lobby Group, those who were not members of the Benet Lobby Group, and those Benet who were too young to have received land during the initial resettlement in 1983 or who were women. Similarly within the “Non-Benet” category, I was interested in finding interviewees who might be members of the

Benet Lobby Group or the Benet Settler’s Association, those who were not members of either group, and those non-Benet who were too young to have received land during the initial resettlement of 1983 or who were women. The “Government” category was split into the separate groups of Uganda Wildlife Authority officials, Uganda Wildlife Authority park rangers, and local government officials. The sampling method that I used was one of stratified purposeful sampling, with the goal of capturing as many diverse voices as possible within these three categories (Patton 2002).

Different Groups of People to Selectively Target for Interviews

Government	Benet	Non-Benet
UWA National Official(s)	Benet Lobby Group member(s)	Non-Benet who are members of the Benet Lobby Group or who are members of the Benet Settler’s Association (BESA/BSA)
UWA Park Ranger(s)	Benet who do not participate in the Benet Lobby Group (if there are any)	Non-Benet who are not members of either group
Local Gov. Officials	Younger Benet (those who were too young at the time of the re-settlement to remember it) and women	Younger Non-Benet (those who were too young at the time of the re-settlement to remember it)

Figure 4: Community Members Selectively Targeted for Interviews

Figure 4 depicts my initial sampling strategy. In actuality, a few changes were made to the sampling strategy once I started my field work. Within the “Benet” category, I was able to target all three groups outlined above and also added two groups of interviewees, those who were specifically in the “Yatui” resettlement area above the 1983 line and those who were members of the Mount Elgon Benet Indigenous Ogiek, another community-based organization that I became aware of through my interviewing. This flexibility to focus on this new group was one of the benefits of using qualitative research methods and allowing my study design to be emergent. The “Non-Benet” category only had two interviewees falling into the first group, but I was also able to create another distinction of “non-Benet who had bought land within the disputed land area” and “non-Benet who had been given land at the time of the initial resettlement in 1983” within the non-Benet interviewees. The “Government” category changed the most, as I was not able to interview any Uganda Wildlife Authority officials and I was only able to interview two park rangers. Instead, I focused on interviewing a wide range of local government officials and civil society leaders, including those affiliated with the Benet Lobby Group and the Mount Elgon Benet Indigenous Ogiek.

I stayed with a Benet family in Mengya Village during my time there; the head of the household is a member of the Benet Lobby Group and I used him as a key informant and to connect with others in the community, especially local government officials. He acted as a liaison in making introductions for me and recommending potential interviewees. Previous fieldwork in the region in 2008 also led me to certain interviewees. For a complete categorization of community member interviewees, see Appendix E.

4.5. Data Sources, Tools and Methods of Collection

I gathered data by reviewing primary and secondary sources, direct observation, semi-structured interviews and community focus groups [see Appendix F for a list of interview and focus group questions]. My most extensive data source was in the form of thirty-one audio-recorded and transcribed interviews. All but two interviews were recorded in full with a digital recorder; I took handwritten notes during those two interviews and the rest of the interviews as well. By using a semi-structured format, I was able to ensure that I asked the same questions of all interviewees, though in some instances, I wish I had the richness of data of an unstructured interview where the interviewee might have touched upon issues of which I was unaware. Overall, I think it would have been worthwhile to conduct “pilot” interviews with my initial set of interview questions and then adjust my questions accordingly. After the first two interviews, I dropped the question “Who resolves conflict in the community over resource use?” from my interview protocol due to the confusion over the sentence structure.

While interviewing community members, I, or my translator, verbally explained the purpose of the study, how the information would be used, and the amount of time necessary to conduct the interview (approximately an hour). The participant was then given the opportunity to decline the interview, if desired. A Research Information Sheet and Consent Form is included in Appendix G.

I believe that being a young woman (with another young Ugandan woman serving as my primary translator) served me in my role as researcher and helped me not be viewed in a suspicious manner (as a government agent, for example). My translator was from the community and was not only familiar with both the area and the people, she had their trust. As a

result, I was able to move within the community freely and people trusted her enough to tell me the truth. For example, three of the non-Benet interviewees asked her whether it was okay to tell me they were non-Benet. Being aware that I might still be prone to manipulation as an outsider, I tried to maintain a healthy sense of skepticism and asked clarifying questions when appropriate. Numerous interviewees relayed stories of intense conflict between community members and park rangers, including shootings and killings. When pressed further, it was discovered that the majority of the shootings had happened a number of years ago (though they had still occurred and in some instances resulted in death).

Relying on a translator was not without its difficulties. I often had to remind my translator to directly translate, word for word, rather than summarize concepts for me. She also would initially try to answer clarifying questions I had asked rather than direct them to the interviewee. In some settings, multiple people would try to answer at once and I would need to remind her I needed to know who specifically was speaking. One word that was particularly difficult to translate was “conservation,” as my field notes detail:

I asked P. what she has been translating ‘conservation’ as. She said there is a word for it, but that people always ask ‘conservation of what?’ and she has been telling them different things depending on what they say. I told her to ask about ‘conservation of land’ from here on out. But she said that even ‘conservation of land’ is different from conservation of trees or conservation of riverbanks.

My primary translator was on a limited time schedule due to a school holiday. As a result, I targeted those interviewees who did not speak English as my first priority and arranged for later interviews with others who did speak English. My final day of interviews required the services of a different translator, a young man who I had previously worked with in 2008. Both translators were paid 15,000 Ugandan shillings per day (an appropriate amount according to a former Ugandan academic advisor) and I paid for any transportation or meal costs.

Being an outsider to the community, I was very skeptical of my observations, but I made them nonetheless. Without cultural context, perceptions can be easily misleading and I tried not to make assumptions. For example, one of my interviewees was coming from field work and was dressed in torn clothing. Upon interviewing her though, I realized she was one of the wealthiest people I had interviewed in terms of land holdings. Another time I was made aware of the potential of jumping to conclusions after taking a picture of children carrying firewood. My translator told me they were coming from the forest, but I did not directly ask them. While they could have been collecting firewood illegally, they could have also have been collecting firewood on a designated “collection day.” By the end of my fieldwork, my observations were improving and I did a better job of “seeing” things around me I had not noticed initially, such as recognizing a stand of vegetation as bamboo or identifying signs of erosion in cultivated fields.

Previous research has been conducted on the eviction of the Benet due to the creation of Mount Elgon National Park by Himmelfarb (2006), Byakola and Lang (2006), Luzinda (2008), and Okwaare and Hargreaves (2009). Documents from some of this research have been rich sources for helping me formulate my own question and to corroborate information. As part of my methods, I also reviewed documents from the Benet Lobby Group and the Mount Elgon Benet Indigenous Ogiek. One of the weaknesses of the documents I collected in person was that they often were without context, such as missing the title page or author information. Other documents such as lists of people who received land during the initial resettlement did not have significant detail or information for me to make any inferences regarding how much land they were actually given. I was often able to take pictures of documents and I have included some of the memorandums between stakeholders in Appendix H.

By chance, while I was conducting my fieldwork, the government was re-visiting the land resettlement issue and a resettlement committee was measuring out plots of land. In addition, a public meeting and a radio broadcast took place. This was fortuitous and allowed me to gain more insight than initially planned. I attended and recorded the community meeting regarding the resettlement and recorded a portion of the radio broadcast. While this was in many ways serendipitous, there may have been an impact on my interviews, as some of my interviews were conducted before the announcement and others after the announcement. While I did not notice a significant difference, there is the possibility I was viewed more suspiciously or people answered my questions with the resettlement committee in mind.

4.6. Data Analysis and Validity

I transcribed the recorded interviews using HyperTRANSCRIBE in the months after I returned. Ideally, transcription would have occurred in the field, but it was hampered by the lack of access to electricity in Mengya. Following transcription, I used HyperRESEARCH to thematically code the interviews. I used the themes present in my interview questions, such as knowledge of or identification with political groups, use of conservation practices, and importance of farming, as an initial guide to the coding process. Additional themes emerged during the coding process. Examples of these themes included the significance of cows (culturally, psychologically, as security/wealth, and as sources of manure for fertilizer) and the forms of conflict with UWA (arresting of cows, paying fines, and violence).

Yin outlines four tests that are used to determine the quality of case study and other forms of qualitative research: construct validity, internal validity, external validity, and reliability (Yin 2009). As described in the above section regarding theoretical considerations, my research was

lacking in external validity due to my study design. I am not able to generalize my findings to other instances as I did not focus on incorporating theory into the study design and I did not conduct multiple-case studies (Yin 2009).

Reliability, or the ability for another researcher to conduct the same case study, was ensured by extensive documentation of procedures and preserving the data collected. Construct validity was strengthened by using multiple sources of evidence. In addition to having multiple interview sources confirm information I was told, I sought to triangulate my data by using different sources of data including interviews, observations and documents (Patton 2002). In order for my case study to have internal validity, analyses such as explanation building models or logic models could have been employed and rival explanations thoroughly explored (Yin 2009). While my case study is primarily a descriptive or exploratory case study, it does offer some partial explanations to the persistence of the Benet land problem (Baškarada 2014).

4.7. Ethical Considerations

Patton stresses that, as an interviewer, one is potentially putting interviewees at risk and thus must conduct one's research within an ethical framework. I will address ways in which I addressed such ethical issues by conducting a risk assessment, explaining the purpose of my research, asking for informed consent, not making promises, ensuring confidentiality, and maintaining data collection boundaries (Patton 2002). Before doing so, I would like to address the larger ethical issue posed by conducting research in a cross-cultural setting.

While conducting interviews, accessing documents, and being an observer, there was no way to hide my status as a white foreigner of substantial economic means ("substantial" meaning being able to afford a plane ticket and coming with trappings such as a digital recorder and a

camera). That is to say, I was clearly a “mzungu”⁵ in the eyes of the interviewees and the community. While I was aware of the privilege that resulted from my being a “mzungu,” my awareness of this did not negate the fact that I most likely benefitted from being a white foreigner in this particular research setting. I believe that my status as a foreigner granted me access to interviewees that may not otherwise have been so forthcoming, mainly those at the higher levels of local government and those affiliated with the national park and the resettlement committee. I was only denied an interview once (a park warden who wanted me to gain access to him through the Uganda Wildlife Authority headquarters in Mbale), all the other interviewees were willing to grant me an interview, even though it took time on their part which I was not compensating them for in any way. In these instances, I believe I was being viewed as potentially able to serve their interests in more indirect ways such as by advocating for them or that they thought I was connected to an NGO as an aid worker; I explicitly made clear my purpose for being there before the start of the interview to counter these potential perceptions.

While the color of my skin and my inability to speak the local language prevented me from passing myself off as a member of the community and misrepresenting myself or deceiving others in the process (my role clearly being that of “other,” which then caused people to ask me what I was doing there and allow me to inform them of my role as “researcher”) (Patton 2002), I was at times perceived as having the power and ability to affect the land resettlement issue at

⁵ “Mzungu” is a Kiswahili term meaning “white skin” or “foreigner.”

hand. In a couple instances I was explicitly asked “How can you help us?” or “How are you going to help us?”

I have personally struggled with my own interest in the research topic and whether it is appropriate for me to conduct research within this setting as a “mzungu.” On the one hand, the community seemed to welcome the land resettlement issue reaching a broader audience, but on the other hand, the original proclamations against resource use stems from British colonialism and I worry at times that my own interest may verge on some form of neo-colonialism. Lastly, I am aware I have my own opinions when it comes to allowing natural resource uses such as grazing within the park boundaries. Yin expressly warns against such biases and how using the case study method to advocate for an issue leads to poor quality research (Yin 2009). Knowing my initial bias, I have sought to thoroughly pursue rival explanations to counter it. While conducting my interviews, I did not express my opinion unless directly asked. In those instances, I told the interviewees that I believed that the local community, especially the Benet, should have access to natural resources within the park.

With that being said, I will address a few of the ethical issues the research project itself posed and which would be present regardless of who was conducting the research. In regards to the potential risk and harm to human subjects (Yin 2009), I had the Institutional Review Board (IRB) at the University of Vermont review my research proposal, which was granted an IRB protocol exemption certificate [included in Appendix I]. As per IRB guidelines, I had the interviewees give their verbal informed consent. None of the interviews I conducted were with children and I (or my translator, when applicable) explained the purpose of the interview and my role as a student undertaking research for my master’s degree. I explained that the interview

could take up to an hour and they did not have to participate or if they did choose to participate, they could choose not to answer specific questions.

While I have promised to send my finished project to the Benet Lobby Group's offices upon completion, I did not make any promises of monetary compensation or portray myself as being able to bring forth an adequate resettlement plan or bring about allowances for resource use within the national park. Several women whom I interviewed were weaving bamboo baskets and asked if I wanted to buy them at the end of the interview. In these instances, I declined although I did purchase two baskets from a previous interviewee on the last day I was in the village and after I had completed all of my interviews.

Regarding confidentiality, interviewees are not named in my findings section, but will be denoted as belonging to a certain category of interviewee (Benet, non-Benet, local government official, etc.). While my notebook where I took hand-written notes does contain the names of interviewees, their names were not recorded on my recorder and all digital files and documents do not have names associated with them, rather they are distinguished by alphabetical and numerical codes. During my field work, my notebooks and recorder were kept in a locked suitcase when they were not in my immediate possession.

Confidentiality was particularly important due to the sensitive nature of illegal use of natural resources within the national park. I asked interviewees whether they grazed cows within the park boundaries or if they collected firewood from within the park. People were mostly very forthcoming in their answers and, if an interviewee did not want to respond to the question, I respected data collection boundaries and did not press him or her to answer it (Patton 2002). In some instances, interviewees expressed the reasons for their hesitance and this allowed me to

gain more overall insight such as one interviewee who became suspicious when I asked to take a picture of a group of participants. He explained that previously, the government had taken pictures of people present at meetings to decide who received land and who did not; people who did not attend the meeting and did not have their picture taken were not given land. This example in particular illustrates the importance of being ethically aware while conducting research within this setting.

4.8. Considerations for Future Research

In an ideal world, my sampling strategy would have been theory-based to test or construct a theory (Patton 2002). One of the major weaknesses in undertaking my research was not clearly identifying in advance an analytical approach for analyzing the data I collected and neglecting to connect my research to a theoretical approach earlier in my field work. Doing so, and being able to select more people to interview after having analyzed some of the data, would have led to higher quality research. Along those lines, I would have ideally interviewed Uganda Wildlife Authority officials. Doing so would have required tackling another level of bureaucracy I was not prepared for at the time of my field work.

My research would also have potentially been stronger by incorporating quantitative methods into my case study instead of making it a purely qualitative case study. The use of a case study does not preclude the incorporation of quantitative methods (Yin 2009) and while I did incorporate some “survey” questions into my interviews such as amount of land owned or number of cows owned, these questions will not be analyzed in a quantitative framework. Particularly, it would have been interesting to determine how much money community members were paying per year in fines for illegally grazing their animals within the park and the

subsequent relationship to their yearly income or the variation between different groups of people in how many acres of land they perceived as necessary for fair resettlement.

Lastly, in an ideal world, I would have conducted multiple case studies. An additional case study could have been a “control group” to compare to this case study, perhaps a community also adjacent to the park boundaries who had not undergone any sort of resettlement process but used natural resources within the park or a community that had undergone resettlement but did not utilize park resources for their livelihood. Looking at other communities along Mount Elgon National Park who had undergone similar resettlement processes and used resources within the park boundaries as additional case studies of replication would also have allowed for more generalizability and the creation of a theoretical framework (Yin 2009).

CHAPTER 5: FINDINGS AND DISCUSSION

My research centered on the continued lack of permanent resettlement for the Benet and how resource use within the boundaries of Mount Elgon National Park, particularly firewood collection and grazing, was connected to this. In my initial formulation of a conceptual framework, my propositions were that relationships and tensions between different social groups and the uncertainty that comes with insecure land tenure had contributed to the lack of resettlement and continued use of resources from within park boundaries. I saw the influences of local lobby groups and NGOs as being driving factors toward a resolution. In reality, while the concept of indigeneity and distinguishing between social groups was a strategy used by local lobby groups, social tensions did not exist so much at the community member level as at the community member versus Uganda Wildlife Authority park ranger level.

I had initially posited that the uncertainty of who belonged to the Benet social group and who could legitimately claim indigeneity and who could not, as well as insecure land tenure, had resulted in a lack of investment in the land and a desire to capitalize on resources, knowing they would be eventually denied access once their lack of legitimacy was discovered. While insecure land tenure may have contributed to a lack of conservation measures outside of the park, unknown or unrealistic resource use policies, lack of adequate land for grazing, and mere proximity to the park were major drivers in resource use within the park. Determining who at the government level was actively working toward a genuine solution was difficult because the issue was often used politically; examples of this are detailed later in this chapter.

Complicating factors included the fact that a subset of Benet, the Yatui, were excluded from the original resettlement in 1983 and are currently temporarily settled in an area the government is not willing to concede to the Benet. The Yatui were told that room within the

2,500 area must be “found” for their resettlement. Another factor was that, while a 2005 ruling from the Uganda courts designated the 2,500 hectare area as an area the Benet may legally occupy, the same area of land is still technically within the bounds of the Mount Elgon National Park. An act of Parliament de-gazetting the area officially is necessary before the Benet can be recognized as legitimate owners of land within that area. These two factors were acknowledged by both community members and government officials; they are known constraints contributing to the larger questions of “Why have the Benet not been permanently resettled?” and “How is natural resource use related to this lack of resettlement?”

The government’s overarching position is to find room in the 2,500 hectare area for everyone displaced by the creation of the national park and to ultimately have a community resource use agreement, but one that stops short of unlimited firewood collection or any grazing of cows. One way of viewing the impasse is to assert that the Ugandan government and international conservation groups heralding protecting areas believe that the Benet do not belong there, but if so, where then do they belong? To say the Benet do not belong on the slopes of Mount Elgon is to say that the Benet should not be allowed to exist. And to not allow natural resource use from Mount Elgon is to ensure that the Benet people will not be able to survive.

Rittel and Webbser (1973) first used the term “wicked” to describe public policy problems that lack a definite formulation or a defined solution and often include uncertain and changing elements. The Benet land problem falls into this category of “wicked” policy problems. There is no one “right” solution, only gradations of better and worse. In conducting interviews, other factors such as lack of knowledge and lack of involvement/stakeholder position in decision making, increased population and fragmented landholdings and lack of political will

came into sharper focus as contributing to the “wickedness” and acting as constraints to a fair and equitable resolution.

As detailed in the background and context section, the Benet land problem had been ongoing for 31 years as of 2014. This longevity has added layers of complexity to the original resettlement problem. The overall numbers of Benet have grown; those who were too young to be distributed land in the 1980’s now have adult children themselves who want and are demanding land. In addition, some Benet community members had sold their distributed land to non-Benets and now allegedly were asking for more land. Interviewees echoed both of these complexities. In the face of inadequate or no resettlement and continued marginalization, the community living in the disputed land area has employed coping mechanisms to ensure their livelihoods and survival which can be roughly split into individual and collective methods. Community members have employed conservation and management practices and accessed resources from within the national park boundaries as individual methods of coping. They have also organized political grass-roots organizations at the community level. The following sections address each of these tactics and how they relate to the Benet land problem, with possible policy solutions assessed at the end of this section.

5.1. Conservation and Land Use Management Practices

The importance of land to the Benet cannot be overstated. In a region lacking in infrastructure and outside jobs, subsistence agriculture and grazing cows are integral to the survival of the Benet. Land as livelihood was a constant refrain in the interview responses. In response to two of the interview questions – “Why is land important to you?” and “What is your goal when you farm or why do you farm?” – all seventeen community members and two focus

groups that I interviewed responded “to provide food”, regardless of whether they were Benet or non-Benet. The crops typically grown within the disputed land area are maize, Irish potato, barley, and wheat. The Kisito area where the Yatui are temporarily resettled is too cold for maize to grow so only Irish potato, barley, and cowpeas are grown there. Lower down the mountain, in the 6,000 hectare area, I observed matooke (a type of plaintain) and beans being grown. I did not see these two crops in the disputed land area or in Kisito.

The reason cited the most after food was “to provide money for school fees.” Fourteen of the seventeen community members and participants of both focus groups offered this response. While the latter interview question did not elicit any responses about grazing, five community members and one focus group answered “to graze animals” in response to the importance of land question. For detailed tables of the responses to both of these questions, see Appendix J.

One way the surrounding community has coped with the loss of access to land is by stewarding the land currently in their possession, whether that land had been distributed or bought, was mortgaged, was a family member’s or was temporarily distributed (those living in Yatui Parish, for example). Land holdings (all categories included, not just those owned) which the person farmed or grazed ranged from 0.5 to 54 acres, with an average landholding of 6.3 acres. When outliers (values of 28, and 54 acres, using a median and interquartile range approach) were taken into consideration and not included in the average, the average landholding was only 2.2 acres. This is in stark difference to the recommendations made by the original resettlement committee and other recommendations made by subsequent resettlement task forces, though it is unknown the degree to which the number I found is affected by land sales or distributions to other family members. From the minutes of a meeting held by the original

resettlement committee, dated June 29th, 1982 and signed by the Kapchorwa District Forest

Officer:

The following were the Recommendations reached after discussion. The Benets shall be given high priority in the allocation of plots. It was unanimously accepted that each household shall be given a plot of 13 – 30 hectares depending on the size of the family and quantity of livestock, next to the Benets come the displaced persons who would each get about 2 hectares. The encroachers may [sic] considered last after the above are fully notified and many each get about 1 hectare.

According to Benet Lobby Group documents and interviews, the Benet were supposed to be distributed land amounts similar to the ones detailed above. In one account, the Benet were supposed to be given 20 to 30 hectares, while another source cited 32 hectares. According to a 1998 report by the Benet Implementation Committee (a committee created to develop a resettlement plan based on findings from the 1996 Inter-Ministerial Task Force), 2.2 acres would be barely enough land to support a family, let alone graze animals:

An analysis of the maximum productivity of an acre of land based on the maize crop (the main staple food and cash crop of the Sabiny) shows that a family can meet its basic obligations on two acres of land. A major problem, however, is that the new settlers have sizeable herds of cattle which normally require a lot of land. (p. 32)

This report noted that while it would be possible to settle previously unsettled families within the disputed land area, the amount of land given would be small:

It is on the basis of the above goodwill of the people that the BIC believes that the resettlement of 500 Ndorobo families among the host population is possible and therefore, has gone ahead to prepare an Action Plan. The size of land for the new settlers will be quite small, and in reality may not exceed 4 acres maximum, but this is normal in the Benet area. (p. 32)

By having the amount of land available for resettlement be dictated by the amount of land deemed available, rather than a proper assessment of the land needed, further marginalization of the Benet is unavoidable. Another approach would be to determine how much land each family

would need, including land to graze culturally-significant cattle, rather than trying to squeeze families into a smaller amount of land. A document titled “Report on Temporary Resettlement of the Yatui-Ndorobo at Kisito-Kwosir in Kapchorwa, July-November 2008” authored by the Sub Committee in charge of the Yatui temporary resettlement process stated that “in order for Yatui families to engage themselves in a meaningful and economically viable agricultural production Government should secure funds to purchase more land so that each family gets a minimum of 5 hactres [sic]” (Kapchorwa District Steering Committee 2008:7). The current size of other Benet landholdings should not be a factor in determining the amount of land that the Yatui are given.

In coping with such small amounts of land and lack of access to the moorlands where the Benet had traditionally grazed their cattle, respondents noted several ways in which they managed their land to conserve it. These practices included terracing, trenching, fallowing, rotating crops, only grazing animals rather than cultivating crops, dividing land into multiple plots and grazing and cultivating on separate plots, planting trees, not cutting down trees, spraying for blight, and using fertilizers. The most common actions taken were terracing and fallowing, with six respondents stating they used these methods. Trenching and crop rotation were done by three respondents each. There was no confirmation of whether or not these practices were actually being carried out on individual respondent’s land, though some examples from the landscape are pictured below. Four community members stated that they did not carry out any actions to take care of their land; three of them cited lack of knowledge or guidance as the reason for this. See Appendix J for a table of all responses regarding actions taken to care for the land farmed or grazed.



Figure 5: Close up of an example of terracing in the disputed land area



Figure 6: Example of terracing in the disputed land area



Figure 7: Example of trenching in the disputed land area

Respondents also noted environmental problems that they saw on their land and in the larger landscape including soil erosion, flooding, lack of fertility, land being too small, landslides, and fungus and blight problems due to cold and moisture. Soil erosion was the most prevalent complaint. Twelve of the seventeen community members and one of the focus groups identified soil erosion as a problem. Six community members stated that their land was too small, seven noted soil fertility issues and six drew attention to flooding problems. Two respondents pointed to specific problems on their land; both community members had land that was nearer the 1983 boundary than the 1993/2002 boundary line. One interviewee, a Benet and Yatui, noted, “For example, barley as you see, the other barley, there is red, you can see soil...that shows now that the land is not healthy.” Another interviewee, a non-Benet, pointed to erosion on her land following our interview; other interviewees denoted erosion in general in their responses.

In addition to the instances of soil erosion pointed out by the interviewees, I documented other signs of soil erosion and poor yields while traversing the land. After one heavy morning rain, both the Atar and Ngenge Rivers were muddy with soil particles. I observed the state of the Atari River farther down the mountain in Kapchorwa after it had passed through both the disputed land area and the 6,000 hectare area, but the Ngenge River was already muddy as it came over the cliff at the edge of the national park.



Figure 8: Atar River in Kapchorwa on May 28, 2014



Figure 9: Erosion pointed out by non-Benet interviewee, far view and near view

A district natural resource officer noted one challenge to implementing conservation incentives or making investments in land:

It is unfortunate in the 2,500 [hectare area]... [it] is hard to make an investment because of land insecurity, they are not sure whether that land, they will have it finally... People had not planted, because they feared to invest in long term investments, like tree planting, because certainly they were not sure whether the land would be taken away. (D3 Interview)

Some of the conservation measures identified by the community, such as trenching or planting trees, require a large amount of labor or inputs such as seedlings. Other measures, such as fallowing land or not cutting down trees, do not require additional investments of time and money. They do represent an opportunity cost though in the form of additional food grown or income that otherwise may have been gained.

5.2. Accessing Resources From Within National Park Boundaries

In the face of inadequate resettlement or no resettlement at all, another individual coping mechanism identified from my interviews was accessing resources from within the national park boundaries. One question that emerged during the course of the interviews, but was not in my original formulation of the interview protocol, was whether or not the person took their cows into the forest (national park land) to graze. Seven of the seventeen community members told me they took cows to the forest to graze. The question did not come up in conversation with two interviewees; the others responded “no.” Three people who responded “no” also told me why they did not. One was afraid that her husband, who was older and of ill health, would be beaten and die if he was caught by UWA rangers. Another had previously grazed his cows there, but due to a current lack of money to pay fines if caught, did not currently do so. The third one did not graze his animals in the park because “the game rangers arrest the cows.” He went on to describe his experience:

I just sold all the other cows because the piece of land that I have was not enough to graze all of them so I decided to remain with only one so that that one can get enough, at least it can get enough land to graze. [Researcher (through a translator): Were his cows only arrested once or were they arrested multiple times?] That they were arrested several times. [Researcher: And how much did he have to pay to get them out?] 10,000 per cow and I also had to sell others, I also had to sell others so that I get back the cows that has been arrested. (B9 Interview)

While I did not specifically ask in my interview questions whether or not people or their cows had been arrested due to the sensitive nature of such questions, some interviewees did detail such arrests when I asked if there was conflict between the community and UWA. Another theme that emerged was the necessity of downsizing cattle herds to pay fines levied by UWA. Three separate people reported having significantly larger herds fifteen or more years ago, with herd reductions ranging from

100 cows to one cow, 50 cows to 12 cows, and 50 cows to 5 cows (B2, B10 and B7 interviews, respectively). All three interviews pointed to having to pay fines as the cause of their herd reductions:

- ...when I take my cows to the forest, the people of UWA arrest, and I even don't have money so I have to sell one of the cows so that I get back, so that I get back the cows from UWA, from the UWA people... (B10 interview)
- When the cows are taken to the forest for grazing, the game rangers arrest so you sell some of the cows so that you go and get back your cows. That is why I have remained with only 5 cows now... when the game rangers have arrested the cows, you have to go and pay 10,000 [shillings] per cow so if like there are 50 cows, you pay 10,000 each... Nowadays I don't take to the forest because I don't have money to pay... But before, I used to take when I had money and when I still had more, more cows. (B7 interview)
- ...that the game rangers have been arresting cattle and to go and get your cattle, you sell even five of them so that you get your animals back and then you bring, you take to the forest, they are arrested, you come and sell again others so that you get the others back and that is how I lost my cattle and remain with one. (B2 interview)

A fourth interviewee mentioned he no longer had any animals because he had to keep selling cows to pay for the fines (B1 interview). Of note is the overall significance of cows within the Benet culture and to community members; cows are an integral component of Benet culture. The significance of cows was mentioned in ten of the 19 community member interviews and in eight of the 12 local leader interviews.

I coded the significance of cows into four general categories: cows as a source of security, health, or wealth; cows as sources of manure and fertilizer; the cultural significance of cows; and the psychological significance of cows. One interviewee related the psychological impact of having to reduce the herd size: "So it is reducing animals, reducing animals and then you find people really without, without cows. And there is some hopelessness actually within

the people.” (A1 interview) Cows were viewed as an asset that was readily convertible into money for medical or school fees. According to one interviewee, the value of a cow could range from \$100 to \$500 US dollars depending on age: “A big one can cost one million [Ugandan shillings], 500 to 800 [thousand] for a smaller one, 200 to 400 [thousand] for a calf.” (A1 interview). I heard the same saying from multiple people that to be recognized as a man within Benet culture, one must have land, a woman, and cows. For certain cultural ceremonies, a cow of a specific color needed to be slaughtered. Losing cows or being without cows was a significant hardship for community members and lack of access to grazing land and fines levied for grazing within park boundaries contributed to this hardship. While fear of fines or arrests stopped some community members from going into the national park boundaries to graze their animals, a significant number of community members continued to do so.

I did not ask in my interview questions whether or not community members went into the forest to gather firewood because of the sensitive nature of the question; it was generally assumed that people did this as there was no other source of fuel available. On multiple occasions, I witnessed children and women carrying firewood on their heads or back, heading down the mountain slope.



Figure 10: Children carrying firewood

My interviews corroborated this observation. Nine of the community member interviews mentioned firewood collection within the national park even though I did not directly ask. Many interviewees detailed the forms of conflict between community members and UWA that firewood collection engendered. These included allegations of beatings and rape and theft of axes. A sample of responses are included below:

- ...when these people of UWA get you in the forest, when you even go for firewood, they just beat you up...I go with the axe as I am going for my firewood and when I am caught up there, I am just beaten up and chased away and I just come back without firewood and the axe is[sic] even...when I leave home here, I carry my own axe to the forest, but when these people of UWA get me, they remove the axe from me and they take away the axe and I come back without firewood. (B3 interview)
- ...these people of UWA, when women go for firewood, they are beaten up and raped...When women go for firewood, they are beaten up and raped by the game rangers and they take the axes from them...And men are also beaten up and arrested when they are caught gathering honey. (B7 interview)
- ...when animals are taken for grazing to the forest, they are arrested, women are not allowed to fetch firewood from the forest and honey

gathering is not also allowed, because when you are caught, you are beaten up and arrested. (B8 interview)

- When we take the animals, they chase us, when we go for our firewood, they prevent us from getting. (B13 interview)
- Yeah, it was affected [her livelihood]. Because when we go to the forest to fetch firewood, we are arrested by the game rangers...that we are just beaten up and they remove axes from us. Grazing is not also allowed...

We have been allowed to be fetching firewood on Saturdays and Sundays and we only chop firewoods, I mean, we only chop trees that have fallen down, but not cutting them down. And if you go any other day, you are arrested.

[Interviewer: And by arrested, she means taken into custody or made to pay a fine or just beaten?]

That we are beaten up and they remove axes from you, so if you go back to get your axe, you pay some fees so that you are given it back.

[Interviewer: How much is the fee?]

10,000 [shillings]. (B16 interview)

- The relationship is not good because when women go to fetch firewood in the forest, they are beaten up and also raped by the game rangers. And also not allowed to graze their cows in the forest. And yet the government just gave us a small piece of land that cannot be even enough for us to graze our animals. (B19 interview)

While firewood collection within the boundaries of the national park was a widespread practice, albeit a dangerous one according to community members, there was general confusion amongst community members around the issue of whether or not there were certain days of the week allotted by UWA for legal firewood collection. I heard mention by community members and local leaders of Wednesdays, Saturdays and Sundays as being allowable days, while UWA park rangers told me that they personally allowed firewood collection, but this was against official UWA policy. One community member stated there was a “timetable” for firewood collection that allowed collection on Saturdays, but made no mention of other days, saying

instead that “some of them go illegally” (B12 interview). Another community member indicated it was only before the creation of the “red line” in 1983 that people were allowed to fetch firewood freely (B14 interview). Yet another interviewee stated “they have allowed us freely to be fetching firewood on Saturdays and Sundays, but still when the game rangers find us there we are beaten up...beaten up and arrested” (B18 interview).

Interviews with local leaders and an interview with two UWA park rangers helped to clarify some of the confusion. The lack of a current agreement was cited by local leaders, who also mentioned previous agreements:

So during our time of CPIs [Community Protected Area Institutions], we were trying, the collaborative management agreement talked about revenue sharing, it talked about accessing resources in the national park, there was a timetable, if the community wanted firewood, if they want to go for honey, we could just make collaborative management agreements as long as the community can preserve the forest.

[Interviewer: So that's still ongoing?]

It has gone down again. It worked during our time, but they change again. (A1 interview)

That is why when you go to other places, they have better ways of handling that administratively. They can say, for example, I saw that they had tried to implement it sometime back, they had designated days when you were allowed to go to the park and get firewood or those medicines, but when you go, there are conditions, for example, you don't go with something for cutting, you only go and break those dry wood and come out. (D4 interview)

A district natural resources officer noted that “at the moment there is no memo of understanding between the two [regarding firewood and timber resource use]” (D3 interview). One interviewee pointed to the additional issue of unclear park boundary lines as being a factor in the lack of official access to resources and the surrounding confusion:

We could not get resources because one of the rules to have collaborative management agreements was you need to have clear boundaries between the national park and the communities. So the Benets did not have clear boundaries

because there is the disputed area, between 1,500 hectares [2,500 hectares], and then the protected area. So today, we have not actually come clearly on how do we access the resources, because they assume we don't have a clear boundary. If you are talking about a clear boundary, you are talking this one, 1993, not the other one. So that one now disqualified the Benets from having resource management agreements. But all others, in Bukwo, in Mbale, in Sironko, they currently have resource management agreements, when do they go for resources. (A1 interview)

The park rangers themselves stated that resource use such as firewood, bamboo, and local herb collection is not officially allowed, but is sometimes permitted.

There is no collaborative agreement. They would allow them if they signed the collaborative resource management with UWA, but currently nothing. It is hard to keep people out of the park. Some districts do have a CRM, Sironko, Bududa [districts in Uganda]. When we get them in the forest, on the humanitarian grounds, we let them leave, but by the law we are supposed to make them drop everything. (D9 Interview)

Grazing was also noted as a prohibited resource use by the rangers, with an accompanying fine of 10,000 shillings per cow. One park ranger noted that:

Maybe six times you will arrest people for grazing [though they did not specify the timeframe for these arrests]... We just arrest, impound, cows. If we get the owner, we also arrest. Two weeks ago we arrested people and their cows; 51 cows and six people were taken to court. (D9 Interview)

The park rangers also noted that they encountered people collecting firewood in the forest around six to eight times a month. When I asked whether Wednesday or Saturday firewood collection was allowed, the response of one park ranger was as follows:

Not without the CRM [collaborative resource management]. We have just allowed it here on humanitarian grounds, but the main office does not allow it. I have even been yelled at for allowing it when higher officials visited and they saw me allowing it. But I said, 'How are they supposed to eat otherwise without firewood?' There is no charcoal up here to use to cook food instead. (D9 Interview)

While this portrayal of themselves contrasted from other accounts by community members, it gave me some insight as to the complicated nature of the situation and why

there were differing ideas as to what was allowable resource use within the national park boundaries.

While other communities surrounding the park have made resource agreements or revenue-sharing agreements with UWA, the Benet community has been unable to broker official agreements due to the disputed nature of the land problem. This was re-iterated to me during interviews with the district natural resources officer and the UWA park rangers. Without legal access to resources or revenues, community members must gain access to resources illegally.

The question of whether it is more beneficial for an authority to grant access to physical resources or to share monetary benefits is an important one as well. One community member framed this issue succinctly:

When they are directing this revenue sharing, the revenue sharing passes a lot of purses. One of it passes through the district and then from the district, it passes to the sub-county. And then from the sub-county, this is where it will go to the local community...So to me, it is better to access the resources, which I know even an illiterate person can access – if it is firewood, I can access, if it is grazing cows, I can access. (A1 interview)

In a marginalized and vulnerable community, access to resources such as firewood can be an important part of a community member's livelihood. Two of the interviewees specifically mentioned going to the forest for firewood or poles to sell these things for school fees or to pay for food (B3 and B16 interviews). While it could be argued that use of resources on an income generation scale could negatively impact the land in ways that subsistence use might not, in the face of lack of land or services such as schools, such resource use is fundamental to combatting further marginalization and impoverishment. Those Benet temporarily resettled in the Yatui area were unable to grow maize due to the elevation and colder temperatures, resulting in an increased need for resource use from within park boundaries and increased conflict with UWA as

a result. When asked about the relationship between the community and UWA, one interviewee responded:

The relationship is not good because we have been given a very small piece of land and if we take our cows for grazing, they are arrested by the game rangers. And since we also don't plant our maize, we go to the forest to get poles and firewood so that we sell and get some money to buy food. But still we are arrested by the game rangers. And yet without maize, there is nothing strong that we can eat, that we can have for food, because Irish [potatoes] is just something slight. (B16 interview)

Accessing resources from within the national park boundaries was one way the community combatted the loss of their land and subsequent resource use, but this method was not without risk. Accounts of violence at the hands of UWA park rangers were frequently cited – ranging from beatings and rapes to shootings and killings. One of my interviewees had lost both of her sons; they had been shot while grazing cows within the park boundaries. She told me her husband had died shortly thereafter from shock. Her report was corroborated by an ActionAid report and other community members. The Mt. Elgon Indigenous Benet Ogiek had collected police reports and reports by the Uganda Human Rights Commission regarding shootings and killings by UWA park rangers. While I did not have the opportunity to substantiate any of the allegations, some reports are included in Appendices C and K.

Of note is the case of Dison Cherotich, an eight year old child shot in the chest by UWA while they were trying to arrest cows. UWA officials acknowledged the shooting had occurred, but rather than the UWA rangers being held accountable for the child's medical bills, the person who had taken his cows into the forest and was trying to herd them out of the forest when the rangers fired the shot was told to pay for the bills. The exchange between the responsible parties is included in Appendix K.



Figure 11: Dison Cherotich's gunshot wound

My translator showed me a scar on his chest where he told me he had been stabbed by UWA park rangers twelve years prior while he was in the 2,500 hectare area, carrying grass back to his home. While I did not have the chance to corroborate his story, the same trust I had in him as a translator extended to my trusting what he was telling me about his personal life.

Several interviewees also expressed their fear of the UWA game rangers and being caught by them. Only three of the community member interviewees did not include any mention of conflict or violence associated with UWA game rangers and two of those three interviewees did mention the occurrence of cows being arrested and fines levied. Only one of the local leader interviewees did not mention conflict or violence associated with UWA. Local leaders and community members noted the arresting of cows and subsequent fines levied against their owners as a poverty driver. To pay the fines, people were often forced to sell animals. As their herds shrank, community members had fewer liquid assets to meet other needs such as medical or school fees. While I did not examine this cycle of poverty closely in my research, I would

posit that as people become more impoverished and vulnerable, they are more likely to access resources from within the national park.

Another topic that emerged from my interviews with community members around resource use within the park boundaries centered on corruption and bribes. One interviewee detailed an arrangement where he took his cows to the forest and paid a “fine” of 10,000 shillings per cow on a monthly basis to avoid having his cows arrested by UWA park rangers. This did not guarantee that his cows wouldn’t be arrested though:

They even don't give receipts after paying this fine and then these UWA people come back even before the end of the month, they even arrest the cows when you have paid. So you have to go back there to them and pay another fine so that you get back your cows. Sometimes I even pay 3 times before the end of the month, because they don't issue receipts. (B6 interview)

Another interviewee from the Yatui focus group shared the corruption surrounding arrests within the national park and how it was possible to avoid being jailed if one was able to pay the game rangers immediately:

When we also go to the forest to get timber and poles for construction, we are beaten up and arrested by the game rangers...we are arrested by the game rangers and we pay a lot of money so that we come back home.

[Interviewer: Are you put in jail?]

That when you are arrested, if you have money and pay immediately while you are still in the forest, you can get back home. But when you don't have money at the moment, you are taken to the court. ...

[Interviewer: But if you can pay immediately, are you paying the game ranger, is it going into his own pocket?]

Yes, they go to their own pockets. (B19 interview)

Another interviewee from the MEBIO focus group interview dispelled the notion that the 10,000 shilling fine was consistently charged, but rather that the fee was arbitrary. This was attributed to a high turnover of park rangers and their greed:

For some of us who go to the forest, we just go there illegally and at night hours. And if you are caught, it is illegally... They can arrest your cows and you pay a fine of 20 per head of cattle.

[Interviewer: 20?]

20,000.

[Interviewer: I have heard it is only 10?]

20, others pay 10, if they are serious, they pay 10, others... [Other interviewee: Non-Ndorobos can pay 10, then even an Ndorobo, they pay overcharge, 20,000] One season you can pay 10, another season, they can... like when there are those transfers, you know these people, they are often transferred. You can bring somebody from [unable to understand] Game Reserve who is very hungry, very thirsty for money, then they charge even 30,000 per head of cattle. (D8 focus group interview)

The common theme throughout all of the above accounts was that resource use policies were uncertain and apt to be applied differently in different circumstances.

In addition to the accounts of violence and bribery above, community members and local leaders accused UWA officials of “conniving” with illegal timber operations or “pit sawyers”. A member of the Mount Elgon Benet Indigenous Ogiek group showed me a video on his computer of a clearing within the national park boundaries where trees had recently been harvested, allegedly by illegal pit sawyers. A former leader of the Benet Lobby Group told me he had gone to UWA headquarters in Mbale with other leaders to complain to the chief warden of pit sawyering activities. Rangers were sent to apprehend the pit sawyers, but someone within the Mbale headquarters alerted the pit sawyers and by the time the rangers arrived, the sawyers had fled (A6 interview). In response to these alleged non-community members gaining illegal access to the forest and bringing power saws, community members called for enforcement by the local community alongside community resource use:

I have traveled there, I remember telling you that I went there illegally and I slept under a tree. It was last year, October. At around 3 am, before dawn, we were three, we heard a power saw. Those people do their work at night hours. By dawn, they close up the business. When it comes into daytime, you cannot hear anything. But at night, you will hear a power saw, sometime very far where these people have been logging. And we know these places. And those places, you know, the Ndorobos never used to have these power saws, even these other pit/big saws, these are people, non-Benets, who have now influence the place because now everything is now open. But according to the indigenous knowledge, if you allow the people to be there, these people will not be there.

... we go and graze and, at the same time, we flush out all those ones who are using the power saws to fell our forest, those who have been hired to. We have the capacity and the ability even to arrest... We have the ability even to arrest those ones who are doing the malpractices there, they are cutting down the trees... (D8 focus group interviewees)

Overall, using resources from within the national park was fundamental to the livelihoods of community members. This way of living and interacting with the national park did not offer a meaningful solution to the land problem, but rather was a method of coping employed by community members and entailed risk to themselves. Grazing and firewood were the most common resources used from the national park, though this resource use was marked by uncertainty due to a lack of official agreements between community members and UWA officials. Fines and arrests of livestock and people were common occurrences for community members, with the conflict between UWA and the community sometimes escalating to beatings and shootings resulting in death. Community members could have a new role in managing resource use, and a less traumatic one, if they were allowed to help enforce resource use policies in place of or alongside current UWA park rangers.

5.3. Political Organization as a Community Response

A number of non-governmental organizations (NGOs) have or are currently working with the Benet community members to help them secure land. These include ActionAid, the Uganda Land Alliance and the Kapchorwa Civil Society Alliance. In addition to these NGOs, there are

also two grass-roots organizations (GROs) working to address the Benet land problem: the Benet Lobby Group and the Mount Elgon Benet Indigenous Ogiek. I was familiar with the Benet Lobby Group (BLG) as a grass-roots organization from previous research conducted in 2008 and from published documents and reports. During the course of my current project, I became aware of another newly-formed grass-roots organization relevant to the Benet land problem, the Mount Elgon Benet Indigenous Ogiek (MEBIO). While I had not originally incorporated any questions about them into my interviews, the semi-structured interview format allowed me to ask about this emergent information.

Both groups stressed indigeneity as the primary way of claiming right to natural resources on the slopes of Mount Elgon. These two groups differed in a number of ways, but their primary difference was in what they were requesting from the government. The BLG was primarily asking for permanent resettlement outside of the bounds of the national park while the MEBIO was primarily asking to be allowed to return to the moorlands within the national park and for grazing rights within the park. While they were two distinct organizations, it was stressed by BLG members that “they [the MEBIO] are a part of us.” Because the BLG was more well-established and I had known about them prior to my arrival, I was able to interview more past and current leaders from within that organization. Though I was not aware of MEBIO prior to my arrival, I was able to interview the chairman of the MEBIO and also conduct a group interview with several members of the group.

5.3.1. Benet Lobby Group (BLG)

The Benet Lobby Group has been present in the region for over 40 years. Originally founded as the “Benet Pressure Group” in 1972 by Moses Mwanga, the group formed as a collection of educated leaders to fight for the land rights of the Benet. The Benet Lobby Group’s

overarching vision, according to posters displayed in their office, is “a Benet community that enjoys social, economic and political rights.” Objectives to achieve this vision were also written out and displayed in the BLG office. The objectives were as follows:

- 1) To influence the gov't and other stakeholders for the permanent resettlement of all the indigenous Benet Ndorobos in Mt. Elgon
- 2) To lobby and advocate for the economic and social empowerment [sic] of the Benet women
- 3) To lobby gov't to institute deliberate dev't programmes in Benet resettlement area in the interest of affirmative action in order to correct imbalances created by history
- 4) To fight illiteracy among the Benet Ndorobo community
- 5) To champion and protect the rights of the marginalized and vulnerable Benet Ndorobo

A slightly different set of objectives was given by a former BLG committee member when asked the purpose of the BLG. His response to the question was the most comprehensive of all interviewees and is as follows:

- To lobby and influence government to give a Benet a permanent land. Our main issue was to get a permanent land where we can cultivate and stay
- To influence government to give us...to provide social services for the Benets
- To influence government to recognize. We needed recognition, not from government only, but also from our neighboring communities...so we wanted actually to influence government not to be calling us encroachers, to put our position clearly, so we could have that freedom of identifying ourselves as Benets
- To see how we can lobby government to recognize and empower our women, socially, economically (A1 Interview)

The two other former BLG members I interviewed stressed that the main purpose of the BLG was to ensure that all the Benets were resettled.

The leadership of the Benet Lobby Group had recently turned over to a younger generation. As one former committee member said, “They thought we were slow, that is what they thought. That there was now long for them to be resettled, that maybe we had failed. You try also...they wanted a change” (A6 Interview). The three new BLG leaders I interviewed all

pointed to gaining permanent resettlement of all the landless Benet by lobbying government as the purpose of the BLG.

In talking to community members, five of the nine community members who identified as Benet stated that they belonged to the Benet Lobby Group. One of these five members did not know the purpose of the group, two members stated that getting land was the purpose, and the other two members stated that accessing government services such as schools and roads and development was an objective in addition to getting land. Of the remaining community members interviewed who did not identify as belonging to the BLG, seven responded that they did not know the purpose, two responded that helping the Benet people live well was the purpose, three responded that getting land was the purpose and one responded that both accessing government services and getting land was the purpose.

Tactics of the Benet Lobby Group have included sending petitions and memorandums to upper level government officials including President Museveni, the Minister of Tourism, Trade, and Industry, and the Speaker of Parliament. Copies of some of these memorandums are included in Appendix H. Benet community members have been elected as local government officials at the LCIII and LCV levels. Utilizing radio show call-in periods and mobilizing community members to attend relevant meetings were two other tactics that I witnessed during my research. ActionAid has been a key partner in strategizing with the Benet Lobby Group.

ActionAid is an international NGO whose primary goal is to fight poverty and injustice by defending and raising awareness of human rights. Founded in 1972, ActionAid began working in Uganda in 1982. While the Benet Lobby Group had formed before ActionAid became involved in 1999 in the land issue, ActionAid's alignment helped to shape the

organization. Under ActionAid's suggestion, the name was changed from the Benet Pressure Group to the Benet Lobby Group. While ActionAid's involvement was a boon in many ways, leading to numerous reports being published and greater awareness within the international community and a significant concession made by the Ugandan government in the form of the 2005 court ruling, this also left the agenda of the Benet Lobby Group susceptible to being dictated to some degree by ActionAid. When ActionAid's focus shifted away from the resettlement issue toward other issues in the community, such as female genital mutilation and the empowerment of women, this slowed down the progress of a permanent settlement and resettlement for the Yatui as less resources were available for such advocacy. The de-gazettement of the land between the white and red lines and settling the Yatui were still objectives of ActionAid according to their "Advocacy Strategy on the Benet Land Question" from November 2013. In addition to these two objectives, the report also recommended that adequate social services such as schools and roads be provided to those in the disputed area and that Mount Elgon should be returned to "Forest Status" and UWA should be replaced.

5.3.2 Mount Elgon Benet Indigenous Ogiek (MEBIO)

Similar to the shift to the next generation in the Benet Lobby Group's leadership, a perceived lack of forward motion and general slowness on the Benet land problem caused rumblings within the larger Benet community and led to the creation of another grassroots organization, the Mount Elgon Benet Indigenous Ogiek (MEBIO). "Ogiek" is an indigenous word meaning "to look after" and designates those who look after cows. According to a document provided by its chairman, the Mount Elgon Benet Indigenous Ogiek group was originally started in 2012, but it did not officially incorporate until May 27th, 2013. It was then that sixteen people gathered and agreed to form an association and took meeting minutes for the

first time. They had held thirty three meetings since incorporation and their latest meeting relative to my field visit on April 19th, 2014 had several hundred attendees.

According to members and leaders of MEBIO and their chartering documents, their mission was to get access to their ancestor's home land, preserve cultural values and wildlife, and have rights to equal representation in governmental leadership. MEBIO leaders noted that the original formation of MEBIO was due to the shift in BLG leadership and the lack of confidence in it. There was also a difference in mission; one MEBIO leader made this distinction between the purpose of BLG and that of MEBIO:

The purpose, the Benet Lobby Group, their vision was to champion about resettlement, resettlement, permanent resettlement....Ours is to champion for the ancestral homeland, for grazing of cattle. And then we also have bee, beehive, beekeeping...then also conservation. (A7 Interview)

The perception of MEBIO by BLG members was that the group was focused primarily on grazing rights in the face of growing numbers of Benet and the government's lack of a solution. Rather than seeing resettlement as the only solution, MEBIO sought to offer another solution: allow those who were not resettled to graze in the moorlands of the national park rather than have the government constrain them to small plots of land that were unable to feed their families.

Five of the nine community members who identified as Benet stated that they were part of MEBIO, with three of these members belonging to both the BLG and MEBIO. Of the five, two did not give a specific purpose of the group, two stated that the purpose of the group was to be allowed to return to their homeland which was currently the national park, and one stated that the purpose was to be allowed to graze within the national park and to stop the cutting of timber. Of the remaining community members who did not belong to MEBIO, nine did not state the purpose of MEBIO, one stated the purpose was to allow grazing in the forest and prevent timber

cutting, one stated the purpose was to allow grazing and return to the homeland and one stated the purpose was to advocate for grazing alone.

In comparing the strategy of the BLG to MEBIO, both groups stressed the Benet's indigenous rights to Mount Elgon. While the BLG argued that indigeneity should allow for a fair and permanent resettlement and proper government services and development, MEBIO argued that indigeneity should allow for access to and resource use on Mount Elgon specifically. MEBIO also highlighted the need to take care of the forest and prevent illegal timbering in the course of their lobbying efforts.

5.4. Government Response

The national government has shied away from adequately addressing the issues of resettlement and loss of livelihoods, allowing instead for the Uganda Wildlife Authority (UWA) to handle the resulting natural resource conflicts. Such an approach is not satisfactory from the viewpoint of the Benet community. The government has focused on delineating the situation, through land reassessments and the re-surveying of boundaries and determining who is a legitimate recipient of land. Such a solution assumes that if only the "correct" boundary could be determined or the "correct" groups of people could be determined to be legitimate recipients, the issue could be resolved. Not only is this an inherently faulty approach due to the wicked nature of the problem – knowledge of all the relevant information is never going to be complete – it also ignores the underlying conflict of the protectionist stance taken of Mount Elgon by the government against that of the Benet community's rights to a livelihood.

The UWA's (and by extension, the Ugandan government's and Parliament's) view of Mount Elgon is fundamentally opposed to the Benet community and from all appearances, they are unwilling to re-assess their view. UWA operates from a protectionist standpoint and even

“community resource sharing” mechanisms operate from that viewpoint rather than moving past it. To the Ugandan government and UWA, they are the legitimate parties with rights to the land and they control the extension of those rights to those groups they deem are deserving of them. They decide and control the boundaries; their goal is not to provide for the sustainable livelihoods of the communities expelled from within these bounds, but to “protect” the environment within these bounds.

One information-seeking exercise was the re-verification of the park boundary line which was undertaken beginning May 21st, 2014. The boundary of the 1993/white line had already been shifted slightly farther down (100 to 200 meters) in 2002 when the park boundaries were re-surveyed. This was explained by interviewees, both community members and government officials, as being likely due to the original surveying taking place in forested areas using lengths of rope to mark out distances, leading to inaccuracies, both in individual plots of land and the overall land area. Overall, the government is in control of the technical information regarding the resettlement exercise. Community members lack access to GPS technology or the financial means to conduct their own independent surveys. Again in 2014, the boundaries were shifted down the mountain by approximately 100 meters; this time, both the red and white lines shifted.

The 2014 re-verification team was a multi-governmental effort, which included three people from the office of the Prime Minister and three planners and eight surveyors from the Ministry of Lands. UWA’s presence included the Committee Conservation Warden, the Warden for Monitoring, and four or five park rangers. The chairperson of the team was a District Natural Resources officer. The local government (LCI to LCIII levels) helped guide the process, but did not participate, and higher levels of local government (the Resident District Commissioner, District LCV Chairman, and the Chief Administrative Officer) supervised, but were not present

during the exercise. Last, but not least, approximately thirty people from the Ministry of Justice, i.e., the police force, went with the team in order to help maintain peace.

A meeting about the re-verification process was held in Kapchorwa on May 20th, 2014 and a prior radio broadcast with questions answered by members of the re-verification team was aired on May 16th, 2014. During the broadcast, a member of the re-verification committee shared the hope of discovering and recovering approximately 700 hectares of land within the 8,500 hectare area. Citing government resettlement standards as 1 hectare per household, and therefore needing 500 hectares for 500 families, an additional 200 hectares would be utilized for services such as schools, health facilities and roads. While the 8,500 hectare area was described, surveying was only being undertaken in the 2,500 hectare area. This dismayed those who pointed to land grabbing having occurred in the 6,000 hectare area more so than the 2,500 hectare area due to its more ideal landscape and proximity to existing infrastructure. In addition to verifying areas of land available for resettlement, verification of those who were currently landless would also be undertaken.

There was more than a hint of optimism in the language of officials as they asked current landowners to donate “excess” land from the 1983 resettlement:

Those who got land that time, got a little more and can afford to relinquish some big, one, two, three hectares, should come in and volunteer and we help our brothers, these are not strangers, these are our brothers, our own Ugandans. They are Ugandans and we should be very happy, that the government of his Excellency Museveni is trying to accomplish a task that was started by the government of Obote, so we need to be very grateful that the government is interested in solving the challenges of the landless communities in the country... The bottom line is nobody is going to be evicted and nobody is going to be displaced, we are just requesting, if you have 10 hectares, 20 hectares, can you give us 2, 3, so that we help your friends and you remain with the balance...

When radio callers stressed that 2.5 acres (1 hectare) per family was not a sufficient amount of land, the respondent told them that was the minimum guarantee of land, but if more land was “found,” larger areas would be given to individuals. Finding 700 hectares of land in the 2,500 hectare area seemed unrealistic to community members.

In further conversation with re-verification officials two weeks after the meeting, less land than originally desired was being found, though there was mention of a 15 hectare parcel being found and smaller half hectare or two hectare parcels. However no mention was made of this land being contiguous; resettling a community over such a large area without consideration to contiguity places strains on the social bonds between community members. Members of the Benet community did point to instances of land grabbing by original members of the 1983 land allocation committee that included larger parcels of land, including an instance of 118 acres (48 hectares).

The “wickedness” of the Benet land problem was recognized by the re-verification committee. As the chairman stated,

This is a disaster to us, it is a disaster because it has been a problem, year in, year out, year in, year out. Politicians have suffered, issues of how, what are you going to do for us who have gotten up there. The politicians [say] ‘Okay, I am going, I will help you, I will make sure that you are resettled!’ You cannot resettle any person as a person, it has to be government. (D7 Interview)

Other community members also noted the willingness of politicians to offer support, but then being unwilling or unable to resolve the larger problem:

- The government only becomes active when they see that elections are coming. You see them coming, talking to the people. But when elections get finished, they forget what was to be done. That is the problem that we are facing right now. (A5 interview)
- I think the president of Uganda just come to tell us that information because he wants to get his votes. (B16 interview)
- During elections, during time for elections, we are allowed to take our cows to the forest, but after that, after elections time, we are not allowed anymore...

[Interviewer: So the game rangers are still there, the leaders are not able to convince the park rangers not to arrest the cows?]

No. That the leaders campaigning do not talk to the game rangers, but when they arrest the cows, you just take their [the leaders] money so that you get back the animals. (B18 interview)

Two interviewees reported on candidates advocating for resource use before election times for political gain. Documents written by the Benet Implementation Committee in 1998 echoed this practice. The land issue was also used as a political strategy by members of the Benet community. For example, the Benet Lobby Group stressed their political loyalty in memos sent to the President, Museveni, or alternatively, their potential to be swayed by the opposing party.

- In one memo from the Benet Community, addressed to President Museveni requesting grazing land, the following was written:

On the 18th December, 2010, candidate Kiiza Besigye your main opponent came to Mengya Primary School in Benet Sub County soliciting for votes. He is the first ever Presidential candidate to reach Benet Sub County. He listened to our problems and promised to support the Benet people (Ndorobos) saying these are people who are just like sheep without a shepherd... We have been left behind and totally marginalized while supporting NRM Government.

- In a petition to the Speaker of Parliament, the BLG wrote:

The Benet's either landless or otherwise are law-abiding citizens on top of being ardent supporters of the NRM government/leadership. This is evidenced by the 95.3% voting in favor of the NRM in the previous general elections.

- In another document from the BLG addressed to the Speaker of Parliament, it states:

We the Benet rally behind the NRM Government...

Government officials also used this type of politically-driven language to place pressure on other levels of government. Even the President used such language: in a memo the President wrote to the Prime Minister regarding the Benet, “In the meantime, the power drank[sic] Ministry of Environment and UWA could employ themselves more usefully by educating the communities

about the importance of the rivers' catchment areas of the Elgon mountain and the Rwenzori so that they are immunized against the suicidal lies of political opportunists. When I explain to the community, they understand. Why should we continue to have UWA staff or those in this Ministry of Environment who cannot preach this message to the people?" I interpreted this statement as a threat to fire people within those sections of government or withdraw funding from them.

During the re-verification meeting, the people leading the meeting stressed that the community should still vote for President Museveni as he wanted them permanently resettled, but that those under him politically were failing to move the issue forward. Throughout interviews, both with local leader and community members, similar sentiments regarding the politicized nature of the Benet land problem were voiced.

CHAPTER 6: PATHS OF ACTION

“Wicked problems” have been a point of discussion in public policy and administration for the past fifty years. While some wicked problems arise because we are unable to know enough or have enough information, others arise because complex political and cultural factors are at play. One particular characteristic of a wicked problem noted by Weber and Khademian (2008) is the cross-cutting dimension of the problem where multiple stakeholders bring diverse perspectives to the problem: “Wicked problems...cut across hierarchy and authority structures within and between organizations and across policy domains, political and administrative jurisdictions, and political ‘group’ interests” (Weber and Khademian 2008: 336). In doing so, they become irresolvable and the status quo prevails when solutions to a problem are not satisfactory in the eyes of at least one party. The Benet land problem is an example of such a wicked problem, where the irreconcilability of multiple stakeholders’ value systems have led to stagnation.

Stakeholders in the Benet land problem can be roughly categorized into two groups for the sake of analysis. One stakeholder group is government players at the national level, including President Museveni, Parliament members, the Uganda Wildlife Authority and other ministries such as the Ministry of Lands. While the Uganda Wildlife Authority has a more active role in the day-to-day enforcement of policies, the President and Parliament have the authority for setting broader policy recommendations. The other stakeholder group is those community members who are living in the 2,500 hectare area or the Yatui temporary resettlement area. These are primarily Benet, but also include some non-Benet, who engage in subsistence farming for a livelihood. Each of these groups maintains a value system that conflicts with the other. In the instance of the government, protection of conservation areas and

a “fortress conservation” mentality takes precedence over people’s livelihoods. In the instance of the community, the ability to have a sustainable livelihood through cultivation and cattle raising is of the utmost importance.

Through my interviews and research, I have identified six paths of action forward for resolving the Benet land problem: 1) allow the status quo to remain, 2) resettle the Yatui within the 2,500 hectare area, 3) resettle the Yatui elsewhere, 4) allow grazing and resource access within the national park, 5) de-gazette the 2,500 hectare area and 6) implement a community-based conservation approach. While these six paths of action include suggestions proposed by stakeholders, none of them are satisfactory to both sets of stakeholders.

Table 1: Six Potential Paths of Action and Stakeholders' Responses

Paths of Action	“Satisfactory in the Eyes of the Government?”	“Satisfactory in the Eyes of the Community?”
Status Quo: Yatui continue living in temporary resettlement area, no grazing rights, no de-gazettement	Yes, as it does not require action on their part or government resources and aligns with a protectionist mindset	No, as they continue to face insecurity and marginalization as a result
Yatui Resettled in 2,500 Hectare Area	Yes, as it does not require finding land outside of the bounds of the original area	No, as there is not enough land available for a sustainable livelihood
Yatui Resettled Elsewhere	No, as it not only requires finding/financing land elsewhere, but also sets a dangerous precedent	Yes, this is their preferred solution

Paths of Action	“Satisfactory in the Eyes of the Government?”	“Satisfactory in the Eyes of the Community?”
Grazing Rights and Resource Access Within MENP	No, while access to certain resources have been granted elsewhere, grazing conflicts with the idea of conservation	Yes, viewed as both an indigenous right and a necessity due to small landholdings
De-gazettement	No, as no progress towards this has been made to date	Yes, seen as a necessary step in resolution
Community-based Conservation Approach	No, UWA’s current approach is one of collaborative management	Yes, grazing would be allowed and the community could enforce resource use

One potential path of action, or rather inaction, is for the government to not resettle the Yatui or formally de-gazette the 2,500 hectare area. With this solution there would be no need to find extra land for resettlement and there would be no cost to the government. Rather, an emphasis would be placed on living within the carrying capacity of the land and the current “fortress conservation” mode of thinking would prevail. Maintaining the status quo would not address environmental degradation within the landscape or prevent the potential of political unrest. Insecure land tenure for those living in the 2,500 hectare area would remain and the continued impoverishment and marginalization of the Benet as a people would occur. The Yatui would lack permanent resettlement and the almost certainty of continued resource access within the park boundaries and subsequent conflict with UWA park rangers would be assured. This is what has occurred to date and it has not resolved the Benet land problem.

A second potential path of action forward, and the government’s preferred solution as of 2014, is to discover, through the re-verification process, land which was originally distributed to

the wrong parties. Purported benefits of this solution is that no additional land would need to be found outside of the original disputed area and historical wrongs would be righted, i.e. people who were not supposed to receive land originally, but rather unfairly took it, will be forced to give it up. Impediments to this solution include the problem of determining legitimate recipients of land, the potential lack of cooperation from existing landowners in the 2,500 hectare area and the potential for political unrest. In addition, land in the 2,500 hectare area is already considered unsuitable for cultivation. Community members have noted that land within the 2,500 hectare area is considered to be marginal and oftentimes too steep for cultivation. It was also stressed that most of the land that went to people who “grabbed” it was not in the 2,500 hectare area, but rather in the more desirable 6,000 hectare area. Even if enough land was discovered, and those landowners were willing to voluntarily give up their land, the 2,500 hectare area would still need to be de-gazetted by Parliament to be removed from the official boundaries of Mount Elgon National Park. Also, continued resource use and grazing within the park would likely occur due to the small size of the proposed landholdings of the community members – officials conducting the re-verification exercise cited one hectare per family as the target amount of land to be distributed. Community members expressed that this amount would be inadequate to sustain a livelihood. In addition, fragmentation of the Yatui community would likely occur as finding contiguous available land would be unlikely.

A third potential path forward would be to find a permanent resettlement area for the Yatui outside of the 2,500 hectare area, preferably an area where each family would receive more than one hectare of land. If so, the possibility of developing a sustainable livelihood from grazing animals and cultivation would exist. Such land could also be more well-suited to cultivation, i.e., less steep. There would also be the potential for less conflict with UWA park

rangers if the amount of land was significant and therefore the need to access resources or graze within the national park was no longer present. Whether or not such a land area could be found, especially an area that does not have its own ecological sensitivities, is a question. Community members noted that there was a lack of political will and lack of Benet political power and representation in governmental bodies, coupled with too much influence by international conservation organizations. These factors contribute to the persistence of a protectionist conservation mindset. The government's fear is that they will set a dangerous precedent – one where the government will keep giving away protected land to others seeking land. As with the second potential path forward, such an action alone does not address the need for de-gazettement or resource access within the park. While community members support permanent resettlement and would prefer resettlement occurring outside of the 2,500 hectare area, one hectare of land is not seen as an adequate amount of land and the lack of access to firewood and grazing is unsatisfactory.

A fourth potential path of action would be for the government to allow grazing within the national park by indigenous peoples. Not only do the Benet have a right to access these resources as indigenous peoples, these resources are necessary for their livelihood and survival. One way of allowing this access would be to return the status of Mount Elgon National Park to a Forest Reserve. Arguments against this action include the possibility for environmental degradation to occur and the inability to confine access to specific groups or determine who is a legitimate user. It also does not conform to current government policies or the paradigm of a “protected area.” Once again, a lack of political will and lack of political power and representation in governmental bodies and too much influence by international conservation organizations with conservation agendas similar to the government's would hinder this

possibility. In addition, appropriate management would be needed to ensure that grazing does not negatively impact the land. There would also need to be a decision making process to determine who is allowed to access these natural resources and who would enforce these decisions. One important question is whether only Benets would be allowed access or whether the rights of access would extend to anyone living in the 2,500 hectare area. Such an action would need to be combined with de-gazettement and permanent resettlement of the Yatui in order to effectively resolve the Benet land problem. Community members continue to advocate for this path of action, viewing it both as an indigenous right and a necessity for their livelihoods.

A fifth potential path of action is to have Parliament officially de-gazette the 2,500 hectare area from the Mount Elgon National Park area boundaries. While the 2005 court ruling has effected change and reduced conflict between community members and UWA, the land is still technically national park land. The question as to why Parliament has not de-gazetted the area remains. Is there a hesitance to do so before the Yatui are resettled? If the Yatui are permanently resettled, would it be done willingly? Is it a lack of political will or is it simply not on the radar of Parliament members? Community members view de-gazettement as a necessary step in the resolution of the overall Benet land problem. It is unclear whether the government opposes de-gazettement or whether it is simply not a priority; regardless, it has not occurred. De-gazettement is necessary though to ensure that the Benet have the power to make decisions regarding their land and livelihoods and that they are not at risk of being persecuted for using their land.

A sixth potential path of action is implementing a community-based conservation approach and allowing the Benet to gain control over resources such as grazing and timber. With their current collaborative management approach, the Uganda Wildlife Authority maintains

control over decisions involving natural resource use and allows communities who have collaborative management agreements access to select resources from within Mount Elgon National Park. Such agreements stop short of resource use such as grazing within the national park, even though community members have expressed the desire to use this resource and view it as necessary for their livelihood. Through a community-based conservation approach, community members could be responsible for policing against illegal timber cutting as well. Community-based conservation could address the need to weigh the livelihoods of Benet community members against the overall aims of conservation. It would require a radical shift on the part of UWA though.

As described above, stakeholders in the Benet land problem have conflicting perceptions of satisfactory solutions. As a result of this incongruence, the Benet land problem becomes intractable. Both sets of stakeholders must also reckon with the physical reality of the land in which this problem occurs. There is not an infinite amount of land. The land in the region is extremely steep and becoming marginal and infertile due to erosion. Many community members lack education and economic opportunities apart from subsistence farming. The government has stressed the importance of maintaining physical boundaries, but at the expense of placing increasingly constricting boundaries around the progress of the Benet people.

CHAPTER 7: DISCUSSION AND IMPLICATIONS

By conducting this project, I wanted to understand *why* the indigenous Benet had not been properly resettled after being displaced from their land due to the creation of Mount Elgon National Park and *how* natural resource use within the boundaries of the park was connected to this inadequate resettlement. How would I answer these questions today?

The Benet land problem lies at the intersection of ecological constraints, conflict over land tenure, and conflict over access to resource use. Throughout the course of three decades, these three factors have converged to create the Benet land problem, visualized in Figure 12 below. These factors are not unique to the context of Mount Elgon, and the ongoing nature of the Benet land problem should not surprise us. Rather, it is an inevitable outcome considering the circumstances in which it arose. But its inevitability does not mean that a solution is nonexistent.

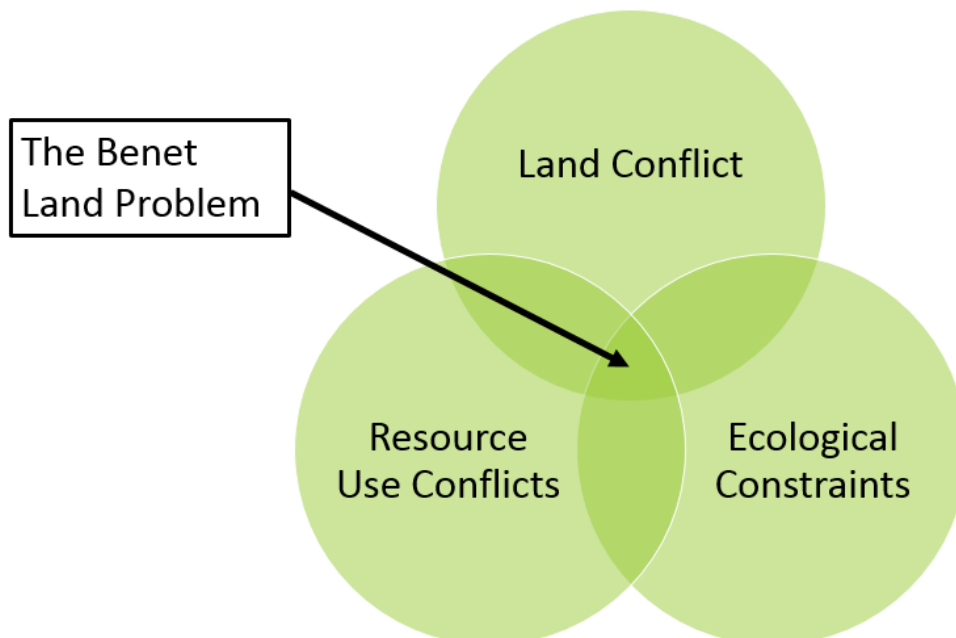


Figure 12: Venn Diagram of the Benet Land Problem

One of my initial propositions was that social relationships between the Benet and the non-Benet and the government (especially the Uganda Wildlife Authority) were impacting the resettlement process and affecting natural resource use. Another proposition was that uncertainty regarding the boundary of the national park, specifically whether or not that boundary was going to change in the future, was impacting natural resource use. Lastly, I considered that influence by community-based groups such as the Benet Lobby Group or the Benet Settler's Association (a non-Benet group) might be impacting the resettlement process and natural resource use.

While I was anticipating potential conflict between Benet and non-Benet over who had legitimate claim to the land as historic indigenous inhabitants, the data collected did not show such conflict. Conflict between UWA and community members over resource use was demonstrated in my data though. Community members cited corruption within UWA as a source of conflict, whether at the park ranger level with park rangers asking for bribes on finding cows grazing within the park boundaries or at higher levels within UWA with UWA officials conniving with pit sawyers to illegally cut timber. There were also instances of violence as detailed in the sections above.

Regarding the uncertainty over the shifting boundary of the national park, I discovered that uncertainty about the boundary changing was not as significant as changes to or admission to resource access agreements. The boundary of the national park does serve as a constraint to the livelihoods of the Benet; community members assert there is not enough land for their subsistence needs. Thus the uncertainty of the boundary was not impacting the community as much as the existence of a boundary in the first place was. What is evident from my research is that more precision in measurement on the part of the Ugandan government is not the solution to

the Benet land problem. Attempting to determine the “right” amounts of land to give to those Benet in need of resettlement does not address the need for the Benet to access natural resources such as grazing land and firewood from within the national park boundaries.

I did see evidence of my final proposition in my research. Community-based groups such as the Benet Lobby Group and the Mount Elgon Benet Indigenous Ogiek are having an impact on the resettlement process and resource use. The Benet Lobby Group is continuing to advocate for a fair resettlement for the Yatui and for de-gazettement of the 2,500 hectare area. The Mount Elgon Benet Indigenous Ogiek are asking government for access to grazing within the national park boundaries. I did not find evidence of an active presence of the Benet Settler’s Association during my research though. It is important to note that when the Benet were originally advocating for land to be given to them for cultivation as the Benet Pressure Group (now the Benet Lobby Group), their intent was not to lose access to grazing rights in the process. The Mount Elgon Benet Indigenous Ogiek stressed this point in their objectives as an organization.

In summary, in the face of uncertainty, community members have coped as individuals by employing conservation practices on their land and accessing resources, sometimes illegally, from within Mount Elgon National Park. I found that using resources from within the national park was fundamental to the livelihoods of community members. This way of living and interacting with the national park did not offer a meaningful solution to the Benet land problem though, but rather entailed risk to themselves and their cows. By forming community grass-roots organizations such as the Benet Lobby Group and Mount Elgon Benet Indigenous Ogiek, community members were advocating for fair resettlement and a new approach to conservation.

Community members were asking for a new role in managing resource use and to be allowed to utilize grazing resources within the national park.

Two paradigms operate in the Benet land problem: a sustainable livelihood mindset and a fortress conservation mindset. For the Benet land problem to be resolved, one of these paradigms needs to be broken or shifted. If the sustainable livelihood paradigm is to be broken, a group of people will be marginalized to the point of disappearance and cultural extinction. For all of conservation's concern with biodiversity, a blind eye is often turned to the impact on humans and cultural diversity. One community member expressed such a sentiment baldly, "The government is just trying to kill us, but there is no way they can do it directly." Currently, the government has the greater amount of power and the conservation at the expense of people paradigm prevails. The community has not resigned themselves to this fate though; people continue to organize and advocate for a paradigm shift away from the fortress conservation mindset.

In addition to the philosophical conflict between the two mindsets of fortress conservation and sustainable livelihoods, the inertia of government institutions and these institutions' failure to respond to the plight of the Benet have contributed to the continuance of the Benet land problem. One instance of the failure of government is the lack of implementation of the 2005 consent judgment. Another instance is the inability or unwillingness of Parliament to degazette the 2,500 hectare disputed area from the park boundaries. For the government, the Benet do not currently pose a political threat to existing power structures. There is no crisis that has drawn national or international attention to the problem and compelled the government to resolve the problem. As a result, resolving the Benet land problem has been a low-level priority for the Ugandan government.

The question of corruption within government institutions and its effects on the Benet land problem is also an important one. Who is currently benefitting from the status quo? Community members assert that UWA park rangers and officials are benefitting monetarily from cow arrests and illegal pit sawyering deals. The Benet community claim they are not gaining benefits from the status quo, but they are able to access natural resources from within the national park, albeit at a personal risk to themselves. The benefits of protecting the ecological systems of Mount Elgon extend not only to the Benet but to the common good. The Ugandan government could also be benefitting in the international political arena as a result of their conservation policies. Is international political capital being generated by the creation of Ugandan national parks and other protected areas? While my project did not address the question of funding streams for conservation measures, they bear further study in this context. Especially, where does the money responsible for the maintenance of Mount Elgon National Park and the Uganda Wildlife Authority come from? Who provides it and what are the political implications of the source of the funding?

One potential solution to the problem that has been noted by community members is to return control of the Mount Elgon area to the National Forestry Authority (the government body which replaced the Forest Department) and to return the status of the area from “National Park” to a “Forest Reserve.” I advocate for this solution as well. By returning the region to the status of Forest Reserve, the Benet land problem could move back in time, so to speak, and there could be an opportunity to reassess assumptions of what conservation means in that context. Reframing the narrative from one of the government needing to grant access to grazing rights within a national park to changing the categorization of the area altogether might allow for a new willingness to meet the needs and requests of the Benet community. The question remains

whether the government would be more willing to accept resource use such as grazing on Mount Elgon if the area was categorized as a Forest Reserve or, if at this point, they are resistant to the overall idea. As noted above, re-categorizing the area could trigger a loss of political capital or other benefits for the Ugandan government on the international level. The ecological considerations which factored into the original motivation for resettlement and the creation of the national park also should be addressed.

There may also be a component of discrimination in the Benet experience that deserves further study. The Benet have been characterized at times by others as wild, backwards, or uneducated; I witnessed this portrayal during my time spent in the region. Is the marginalization of the Benet a byproduct of their historic isolation in the forest? Are there groups who gain by actively keeping the Benet marginalized? Another further research question is whether the Benet's indigeneity is in question. The Benet have placed an emphasis on their distinct culture in their narrative and have started to link themselves with organizations such as the Cross-Cultural Foundation of Uganda in order to strengthen this assertion. While the Benet have a place-based claim to the natural resources within Mount Elgon National Park, is it possible that their indigeneity is not viewed as legitimate by the surrounding community or the Ugandan government? All of these matters deserve further study.

A lack of political will to address the Benet land problem is related to the issue of marginalization. Within the larger Sabinu population, those who identify as Benet are a minority. As a minority group lacking political power within the democratic process and as a marginalized group lacking powerful political connections, they are forced to absorb the violence and corruption of the Uganda Wildlife Authority without much recourse. While using the judicial system to obtain the consent judgment to stay harassment from UWA was an important

step, methods such as petitioning and utilizing alternative political channels have not yielded positive changes to date. While the consent judgment is an instance of the Benet using an indigenous people identity successfully, its decrees have not been fully realized. The question of how the Benet can gain more political power deserves further inquiry.

CHAPTER 8: CONCLUSIONS

The goal of my study was to explore the interconnected processes of resettlement and natural resource use within the Benet context and identify how natural resource use within Mount Elgon National Park was connected to inadequate resettlement. I also wanted to assess possible responses to the Benet land problem. The factor that has contributed most to the endurance of the Benet land problem is the sacredness attributed to the boundaries of Mount Elgon National Park by UWA and government officials. Although the boundaries themselves are constantly changing, as evidenced by the most recent shift of the red and white lines by the GPS surveyors in June, the idea of Mount Elgon National Park as something that cannot be reconsidered or re-imagined, remains. A national park is deemed to not include people and while people may be allowed to access select natural resources from Mount Elgon, the concept of “national park” precludes people living within the park boundaries or utilizing land for the grazing of animals.

While new conceptions of protected areas have emerged in recent years, including collaborative management of natural resources between authorities and community members and community-based conservation, the Benet people in the eastern mountains of Uganda are still being denied access to essential resources such as land to graze their cows. Instead of having agency in management decisions, they are penalized monetarily and bodily for resource use that is necessary for their livelihoods. Even as they share narratives of indigeneity and environmental stewardship, these claims are met with a narrative that the presence of people and domestic animals in the Mount Elgon landscape leads to environmental degradation and requires the resettlement of those living in the landscape.

But even if the Benet are resettled, access to grazing land and access to other natural resources is necessary to allow for a livelihood to be realized; making such access illegal or placing barriers to gaining access to these resources will only continue to impoverish and marginalize the Benet community. A hectare per household is not enough without either substantial monetary government support, which is unlikely, or access to natural resources within Mount Elgon National Park.

This is not a new story; it has played out in many different places throughout history. The burden of conservation is often unjustly placed upon already poor and marginalized communities. The negative effects of involuntary and voluntary eviction and resettlement are lasting, as seen in the example of the Benet and Mount Elgon National Park. Such political decisions also have environmental consequences if a community is less likely to invest in conservation practices due to insecurity. There is the potential for a national park to include people other than tourists within its bounds – if alternative regulatory and co-management arrangements such as community-based conservation are recognized as possibilities. In the above instances of conflict between a protected area and a group of peoples, decreeing changes in park boundaries and management practices might be the most successful way of reducing environmental pressure on the park. Governments need to examine themselves: Is our real goal conservation or resettlement? If it is only the latter, conflicts and environmental injustices are likely unavoidable. But if it is the former, a re-examination of the goal of conservation can lead to new relationships between a natural environment and the people who depend upon that environment for their needs.

The Benet land problem has arisen from the promotion of a “protectionist” conservation mindset, where nature is sacred and a national park does not include people, and then attempting

to dovetail that mindset with a sustainable development or livelihoods mindset. If there is any remnant of “fortress” conservation within government policies, people’s livelihoods will always be sacrificed. The two are incommensurable. A radical departure is needed; one where communities are given back their land and allowed to make land use decisions for themselves.

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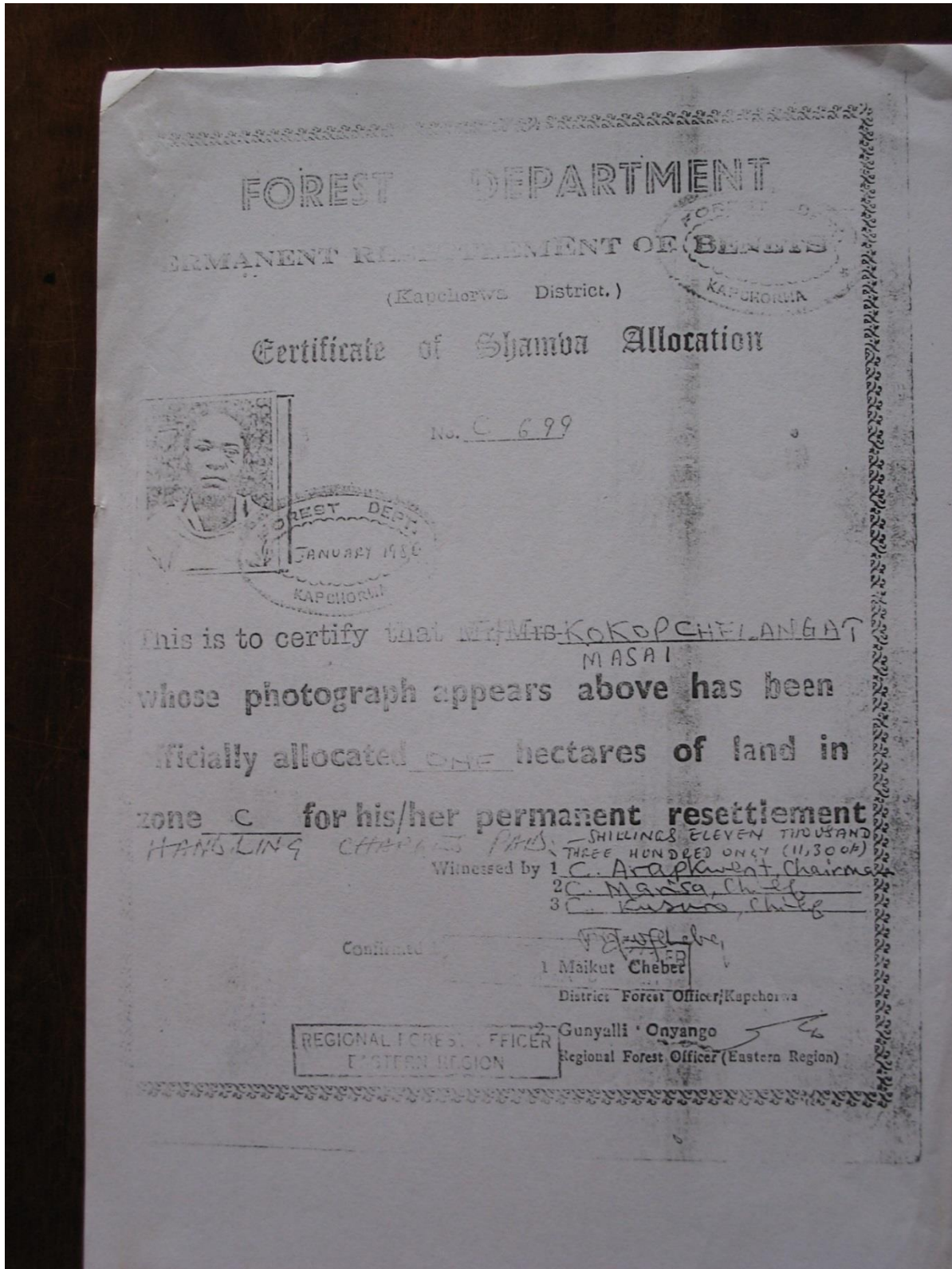
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APPENDICES

Appendix A: Land Allocation Certificate from Original Resettlement Process



Appendix B: 2005 Consent Judgment and Decree

THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA AT MBALE
MISCELLANEOUS CAUSE No. 0001 OF 2004

21.11.05
SIGN *ce*

UGANDA LAND ALLIANCE LTD.:APPLICANT

VERSUS

1. **UGANDA WILDLIFE AUTHORITY**
2. **ATTORNEY GENERAL:RESPONDENTS**

CONSENT JUDGMENT AND DECREE

THIS cause coming on this day for disposal before Hon. Mr. Justice J. B. Katutsi in the presence of James Nangwala Esq. Counsel for the Applicant and Ms. Rehema Nabunya Counsel for the 1st Respondent and Lwanga Hosea Esq. State Attorney for the 2nd Respondent.

By consent of the parties, the above cause is settled in the following terms:

1. THAT it is hereby declared that the Benet Community residing in Benet Sub County including those residing in Yatui Parish and Kabsekek Village of Kween County and in Kwoti Parish of Tingey County are historical and indigenous inhabitants of the said areas which were declared a Wildlife Protected Area or National Park.
2. THAT it is hereby declared that the said Community is entitled to stay in the said areas and carry out agricultural activities including developing the same undisturbed.
3. THAT the Respondents take all steps necessary to de-gazette the said area as a Wildlife Protected Area or National Park pursuant to this Consent Judgment, after a physical inspection of the boundary with the Benet Community.
4. THAT the 2nd Respondent takes affirmative action in favour of the said Community to redress the imbalance which presently exists in the said area in terms of education, infrastructure, health and social services in the spirit of Article 32(1) of the constitution in lieu of general damages, commencing in the Financial Year 2005/06.

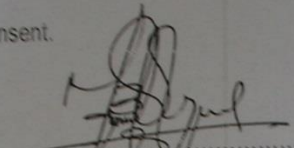
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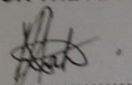
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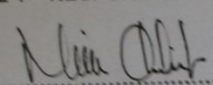
5. THAT the Respondents jointly and severally meet the applicant's costs of the cause.

DATED this 27th day of October, 2005.

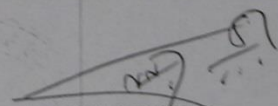
We consent.


.....
NANGWALA, REZIDA & CO. ADVOCATES
COUNSEL FOR THE APPLICANT


.....
FOR UGANDA WILDLIFE AUTHORITY
THE 1ST RESPONDENT


.....
FOR THE ATTORNEY GENERAL
THE 2ND RESPONDENT

GIVEN under my hand and the seal of this Court this 27th day of October, 2005.


.....
DEPUTY REGISTRAR

Drawn & Filed by:-
M/S Nangwala, Rezida & Co. Advocates,
Suite No. 3, 2nd Floor Four
Plot No. 55 Nkrumah Road,
P. O. Box 10304,
KAMPALA.

**Appendix C: Relevant Documents Regarding the Shooting and Killing of Yeshe
Maling/Maningi**

THE DISTRICT POLICE POST
1. P. 8075 PO BOX
39 KAPCHOEN

NRM
OFFICE OF LC
KONGTA VILLAGE
TUKAT PARISH
SENET SUB
DATE 23/09/2003

REF: CHEPTOYER MOSES (BONA)

The above named person was killed by the Park rangers on the 21st/09/03 Sunday when they grazing the animals so we are kindly requesting your office to render us any necessary assistance about this person - for further enquiry in order to know the one who killed the very person because they are these people and some of them by names Foskie, Jube and Arasubuyi ran and those rangers got Arasubuyi and arrested him and charged him (200,000) two hundred thousand usds in order to be back home.

So sir your usual cooperation towards this problem is highly needed.

Thanks yours in struggle
CHENUSIO MOSES (MAD)
[Signature]

NRM
OFFICE OF LC
KONGTA VILLAGE
TUKAT PARISH
SENET SUB
DATE 28/09/2003



UGANDA HUMAN RIGHTS COMMISSION

Soroti Regional Office

P O Box 462, Soroti Tel. 045 61793 Fax: 045 61794

Date: 13th January 2004

Our Ref: UHRC/S/23/2004

1. The District Police Commander
Kapchorwa
2. The OC Station
Kapchorwa
3. The OC/CID
Kapchorwa

RE: COMPLAINT NO. UHRC/S/23/2004
KAPTUL SAM -VS- KAPCHORWA POLICE STATION

The Commission is in receipt of the above captioned complaint wherein **KAPTUL SAM** alleges that his brother called **Yesho Maling** was on the 15th of June 2003 shot and killed by a LIWA National Park Ranger at Kwoti, Kaptanya Subcounty in Kapchorwa District. He further alleges that he reported the matter to Kapchorwa Police Station on the 15th of June 2003 but the suspect has never been apprehended.

The above allegations do appear to have violated the Rights of the Complainant to a Fair hearing contrary to Article 28 (1) of the Constitution as well as the victim's Right to life contrary to Article 22 (1) of the Constitution.

As part of our inquiry into the matter, we are seeking your response on the following issues:

1. Whether your good office received the complaint from Kaptul Sam regarding the murder of Yesho Maling?
2. What steps were taken to see to it that justice was dispensed?

We would appreciate your response on the matter within 7 days of receipt of our letter.

For: REGIONAL HUMAN RIGHTS OFFICER

- c.c. Commissioner-in-charge/SRO
- c.c. Kaptul Sam
Vice Chairman, Chemuny Village
Kapchor parish, Binyiny S/county Kween,
Kapchorwa

POST-MORTEM REPORT

BY MEDICAL OFFICER (When body sent to him)

Police Case File CAB 310/2003

at request of DIC OGWAA Police Officer

body brought in to KAPCIBWA HOSPITAL MURIBARA

by POLICE + RELATIVES

entitled by EDWIN KATYUWA SITHI in my presence as that of

YESHE MAKINGI

Time of arrival of body 16.00 HRS 16/6/2003 Date and hour of post-mortem

examination 12 NOON 17/6/2003 sex MALE Height ?

Apparent age 36 YEARS State of body Well nourished or otherwise

Existence or absence of marks not of recent origin such as scars, tribal marks, etc.

CIRCUMSCRIBED SCAR

External injuries MULTIPLE BLOWSES

GSW ENTRY - (2) IN SCAPULAR AREA

EXIT (1) INFRAMAMMARY AREA.

Internal injuries SHATTERED LUNGS AND HEART (APICAL

PART.

Cause of death and reason for same HAEMORRHAGIC SHOCK 2^o

GUNSHOT WOUNDS

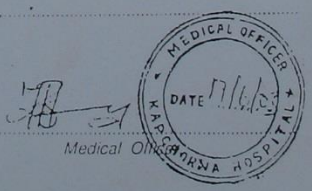


Date 17/6/2003

Forwarded to

DIC OGWAA

Police Officer



ORIGINAL

UWA HUMAN RIGHTS INITIATIVE (KHRI)

Plot 20, Somero Road,
P.O Box 176,
Kapchorwa (Uganda).

Your Ref:

Date:

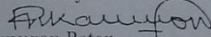
7 January 2004
The Human Rights officer
Uganda Human Rights Commission,
Investigation Section
Regional Office Soroti

Re: Untimely Death of Yeshe Maningi

The victim mentioned above aged ³⁶26 was shot on the stomach and killed by UWA National Park Rangers at Kwono village, Kwoti parish, Kaptanya Subcounty, Kapchorwa District on 14/06/2003. The matter was reported to Kapchorwa police station. The suspect was arrested but has since been released under unclear circumstances. The file is still lying at the police station. The wives of the late Yeshe Maningi has abandoned children aged 6, 4 and 2 years and are now staying with the brother [bearer of this letter]. Late Yeshe Maningi was shot by rangers not in the park but outside. He died in cold blood, which is a violation of the right to life and personal liberty.

I am forwarding this matter to you for possible redress

Yours sincerely


James Peter
Programme Coordinator

C.C. DPC – Kapchorwa District.

OFFICE OF LC.II
KWOTI PARISH, KAPTANYA SUB-
COUNTY, KAPCHORWA DISTRICT,
P.O. BOX 2,
KAPCHORWA.

1ST/JULY/2004.

TO:
The Chief Warden,
Mt. Elgon National Park,
P.O. Box 135,
MBALE.

OFFICE OF LC.II CHAIRPERSON
KWOTI PARISH, KAPCHORWA DISTRICT
DATE:

RE: THE LATE YESHO MANINGI.

The above mentioned person was a true resident of Kwono Village Kwoti Parish, Kaptanya Sub-County, Tingey County, Kapchorwa District.

On Sunday 15th/06/2003 at around 12.00 noon three Park Rangers came and shot him in public land not in the National Park Land.

The incident really shocked the whole community of Kwoti Parish because the late was killed for nothing.

Therefore we request your office for the following assistance:-

1. To arrest and present the criminals to the court of law.
2. At the moment the family of the late is really suffering i.e:- the widow and Orphans he left so we request your office to assist these people in any way.
3. Request your office to organise a meeting between your staff (Park Rangers) and the community of Kwoti Parish for peace to come back to normal.

Sir, I look forward for your cooperation.

Yours faithfully,

AKUSON HENRY
CHAIRMAN LC.II/KWOTI PARISH.

Signed:-----1 CHAIRMAN VILL LC.I KWONO.
Robert Charles Akuson 2. COUNCILLOR FOR KWOTI PARISH.
----- 3. PARISH CHIEF KWOTI PARISH.

c.c Chairman LC.V/Kapchorwa District.
c.c R.D.C/Kapchorwa.
c.c Councillor LC.V for Environment.
c.c D.P.C/Kapchorwa.
c.c O/C-OLD/Kapchorwa Police
c.c Human Rights Officer/Kapchorwa.
c.c DISC/Kapchorwa.

Appendix D: Maps of Mount Elgon Region

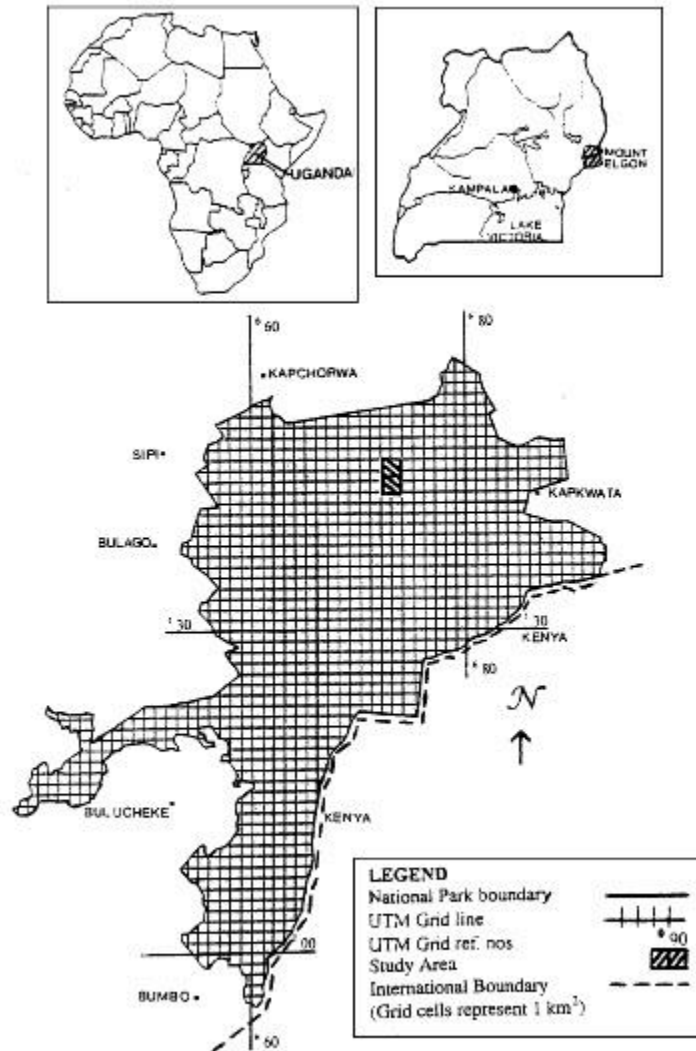
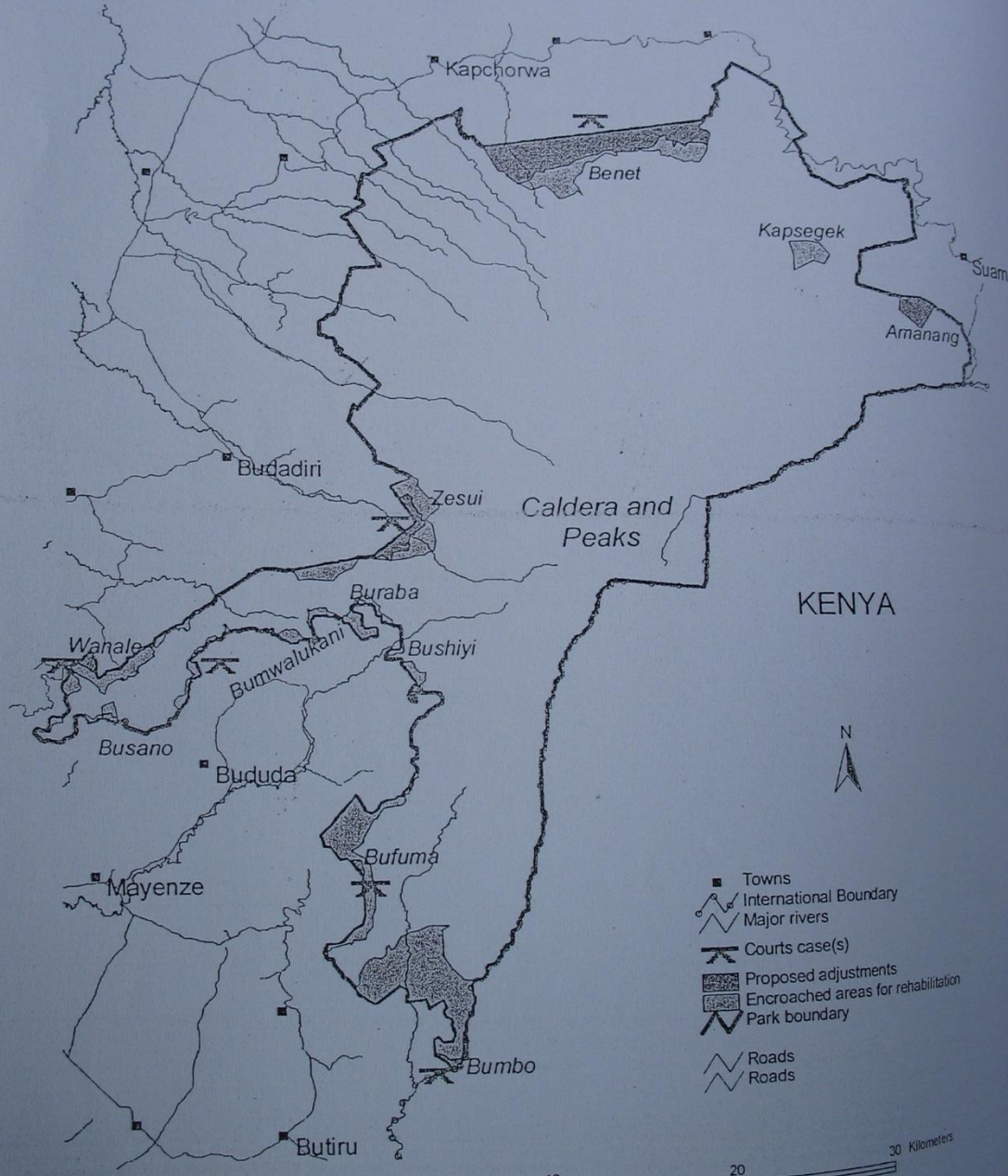


Fig 1 Map showing position of study area on Mount Elgon (insert maps of Africa and Uganda).

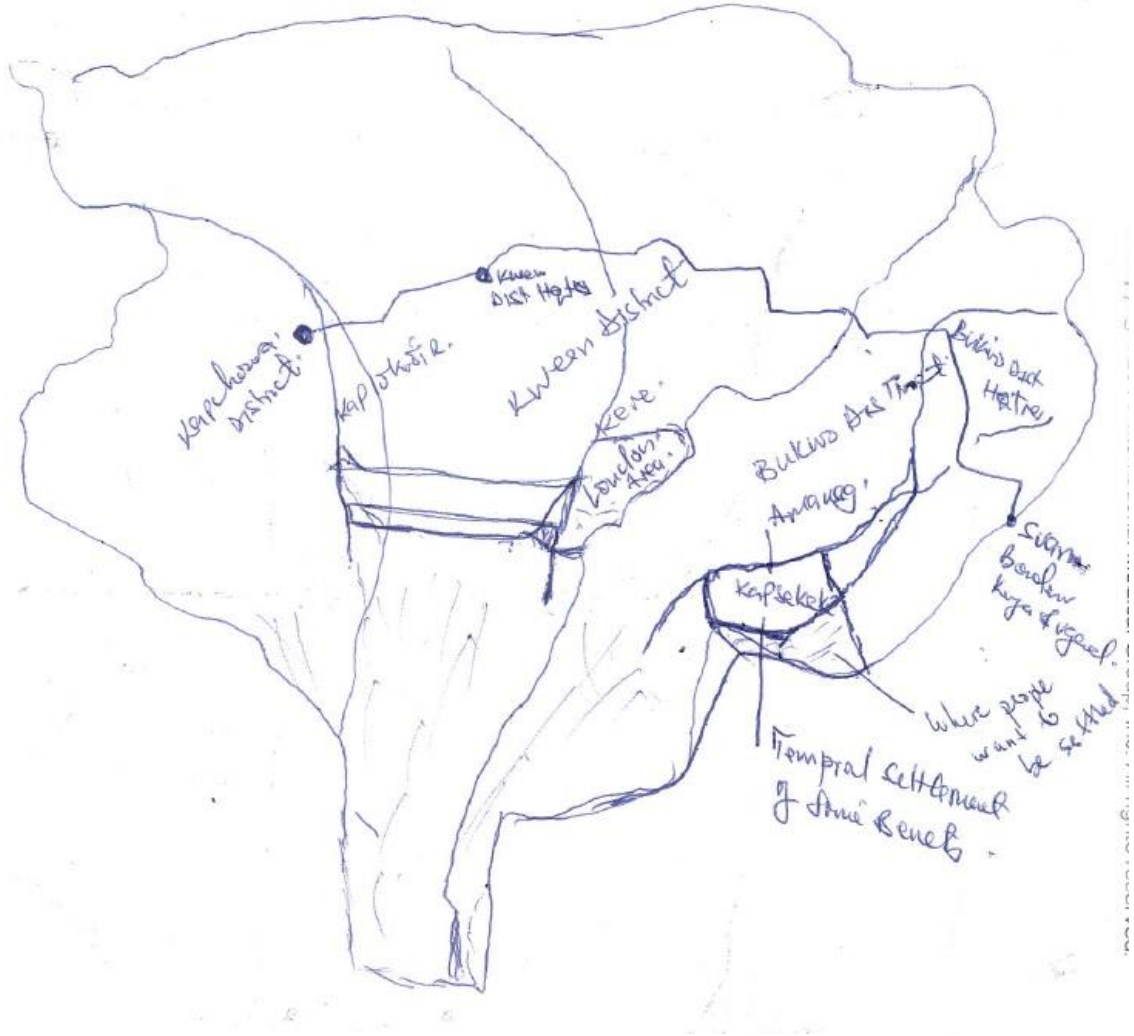
(Reed and Clokie 2000)

MINISTRY OF TOURISM, TRADE AND INDUSTRY
 MT. ELGON NATIONAL PARK
 Extent of Agricultural encroachment (Yellow and Red)
 Proposed Boundary Adjustments 2008 (Red)



Map of Kapchorwa, Kween, and Bukwo Districts
with Relevant Resettlement Areas Labeled

Drawn by Kiptala Moses in June, 2014



Appendix E: Community Member Interviewees

Interview Code	Benet or Non-Benet	Yatui?	Sex	Age	Land Owned (Acres)	Land Farmed or Grazed (Acres)	Landholding	Children	# of Cows	BLG Member	MEBIO Member
B1	Benet	No	M	55	0	0.5	Mortgaged	Unknown	0	No	Yes
B2	Benet	No	M	54	5	5	Distributed	20*	1	Yes	Yes
B3	Benet	No	F	29	0	2	Mortgaged	9G	6	Yes	Yes
B4	Benet	No	F	65	Plot only	1	Bought, mortgaged	6, 10G	10	Yes	Yes
B5	Benet	No	F, M	64,84	2	2	Distributed	Unknown	2	No	No
B6	Benet	Yes	M	27	1	1	Bought	2	5	No	Yes
B7	Benet	No	M	54	8	8	Distributed	11	5	Yes	No
B8	Non-Benet, displaced	No	M	65	3	3	Distributed	15*	5	No	No
B9	Non-Benet	No	M	35	0.5	0.5	Bought	5	2	No	No
B10	Non-Benet, displaced	No	F	75	1	1.5	Bought, mortgaged	9, 80G	12	Yes	No
B11	Non-Benet	No	F	55	24	28	Bought, mortgaged	5, 13G	40	No	No
B12	Non-Benet, displaced	No	M	43	0.5	More than .5	Bought, mortgages for grazing and family land	5	1	No	No
B13	Non-Benet	No	M	42	4	4	Bought	9	2	No	No
B14	Non-Benet, displaced	No	M	48	1.5	1.5	Bought	12	7	No	No
B15	Non-Benet, displaced	No	M	37	2	2	Bought	6	4	No	No
B16	Benet	Yes	F, M	38,22	2	2	Temporal	8	0	No	No
B18	Benet	Yes	F	35	1	1	Temporal	5	3	Yes	No

Interview Code	Benet or Non-Benet	Yatui?	Sex	Age	Land Owned (Acres)	Land Farmed or Grazed (Acres)	Landholding	Children	# of Cows	BLG Member	MEBIO Member
B19	Benet	Yes	M (10)	Middle-aged to older men	2	2	Temporal	Unknown	3, 4, 5, others don't have	No	No
D8	Benet	Mix of people from the 2,500, 6,000 and tempo ral settle ments	F(3), M(6)	F(26, 37, 37), M(39, 28, 49, 27, 26, 50)							

Appendix F: Interview and Focus Group Questions

Interview Questions

- How are decisions about timber collection, honey gathering, grazing, etc. made?
- Who is allowed to participate in making these decisions?
- Who resolves conflict in the community over resource use?⁶
- How are farming and resource gathering tasks split between family members?
- Do these roles ever change, and if so, why?
- What is your goal when you farm or graze?
- What sort of market exists for your agricultural products?
- Who decides who uses the best land?
- What does “productive land” mean to you?
- How do you keep your land productive?
- How do you determine whether land is healthy or not?
- What sort of problems do you perceive in the land, both the land you farm and the larger landscape?
- What actions do you take to care of the land you farm or graze?
- What do you value about land?

⁶ I stopped asking this question after the first two interviews were conducted due to confusion over the question’s sentence structure.

- What does the word “conservation” mean to you?
- Has your livelihood been affected by the creation of the national park?
- What are the needs in the community? How are these being addressed or not addressed?

Focus Group Questions

- What does the word “conservation” mean to you?
- What do you think the word “conservation” means to community members and farmers?
- What do you perceive to be the value of land?
- What do you consider to be healthy land?
- Are the Benet perceived to be good stewards of their land?
- What environmental issues does the Mengya community face?
- What are the needs in the community?
- How are these needs being addressed or not addressed?

Appendix G: Research Information Sheet and Consent Form

Title of Study: A Case Study of Political, Social and Narrative Boundaries Regarding Resource Use in an Eastern Ugandan Village

Principal Investigator (PI): Anna Dirkse

Co-Investigator: Clare Gingers

Rubenstein School of Environment and Natural Resources

(802) 656-2698

Sponsor: *Rubenstein School of Environment and Natural Resources*

Introduction:

You are being asked to be in a research study of resource use and perceptions of conservation because you live in Mengya Village, are a head of the household, and farm or keep livestock. Focus group participants have been asked to be in this research study due to their involvement in government organizations or non-governmental organizations operating in the Mount Elgon region. This study is being conducted by Anna Dirkse from the University of Vermont (UVM), and Clare Ginger is a Co-Investigator and is supervising this study.

Purpose:

This research project aims to examine how the distinction between Benet and non-Benet ethnic groups and the portrayal of the Benet as land stewards may have served as a barrier to addressing environmental issues and promoting conservation in the Mount Elgon region of eastern Uganda. The aim of this research is to provide the Mengya community with an opportunity to assess the effectiveness of their current conservation measures and to be a tool for government officials and policy makers who are involved in conservation and land issues.

Study Procedures:

If you take part in the study, you will be asked to answer questions about your farming and livestock management practices and attitudes towards land and conservation. It is okay if you do not wish to answer all of the questions; you can answer some or all of the questions. The interview should take approximately one hour and that is the extent of your participation needed.

Benefits:

As a participant in this research study, there may be no direct benefit for you; however, information from this study may benefit other people now or in the future.

Risks: We will do our best to protect the information we collect from you during this interview. We will not collect any information that will identify you to further protect your confidentiality and avoid any potential risk for an accidental breach of confidentiality.

Costs: There will be no costs to you for participation in this research study other than your time.

Compensation: You will not be paid for taking part in this study.

Confidentiality:

- All information collected about you during the course of this study will be kept without any identifiers.
- You will be identified in the research records by a code name or number. There will be no list that links your identity with this code.
- All information collected will be kept under lock and key and no information will contain identifiable information. Information will only be kept until the completion of my master's thesis, which is expected to be finished by January 2015.
- My advisor and I will be the only ones to have access to research information.
- Focus groups statement: *In the focus groups questions are directed to the group, not to individuals. You have the right to not answer a question or withdraw from the study at any time in the process. We will ask that everyone in the group not repeat what they have heard others say, but there is always the chance that someone will repeat what you have said. Everything you say will be kept confidential by the researchers.*

Voluntary Participation /Withdrawal:

Taking part in this study is voluntary. You are free to not answer any questions or withdraw at any time. You may choose not to take part in this study, or if you decide to take part, you can change your mind later and withdraw from the study. If you choose to withdraw at any point, any previously collected information will be destroyed.

Questions:

If you have any questions about this study now or in the future, you may contact Anna Dirkse or one of her research team members at the following phone number +1 (616) 403-9752 or via email at adirkse@uvm.edu. If you have questions or concerns about your rights as a research participant, then you can contact Nancy Stalnaker, Director of the Research Protections Office at (802) 656-5040.

Participation:

You have been given a summary of this research study. Your participation is voluntary, and you may refuse to participate without penalty or discrimination. By completing the interview you are agreeing to participate in this study. Your verbal permission to take part in this study will be documented in the research record.

Appendix H: Memorandums Issued From Various Stakeholders Regarding the Benet Land Problem

TELEPHONE: 231900
FAX: 235462
EMAIL: sbc@statehouse.go.ug

IN ANY CORRESPONDENCE ON
THIS SUBJECT PLEASE QUOTE No **PO/3**



THE REPUBLIC OF UGANDA

State House,
P. O. Box 25497,
Kampala,
Uganda.

February 5, 2011

Rt Hon Prime Minister
Office of the Prime Minister
KAMPALA

Rt Hon Prime Minister,

BENET SUB-GROUP OF THE SABINY

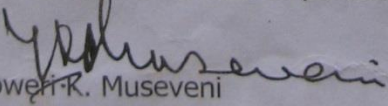
I am writing to you in connection with the need to resettle 400 (four hundred) families of the Benet sub-group of the Sabiny people of the Sebei region. These families used to live in the Mt. Elgon Forest National Park on the Sebei side. This was during the time when the Amin and the subsequent unstable regimes were not caring about preserving the forests and river catchment areas vital for the eco-systems of Uganda. In 1986, we caused the enforcement of the order to leave the Forest Reserves.

Since that time, those families have been displaced-apparently living in rocks. This is not acceptable at all. I am, therefore, directing you to cause all concerned ministries to do the following:

1. Degazette the London portion of the Forest National Park so that those families are settled permanently. This London portion is an intrusion of the Forest National Park into the settled area. This part should be cut off from the forest so that these families are settled.
2. Building materials such as cement, mabaati and bricks should be availed to them so that they build permanent homes as a compensation for this prolonged suffering since their displacement.

3. NAADS should also avail them, planting materials and improved livestock for their sustainable livelihood and economic emancipation from subsistence farming.
4. The National Park Authorities should examine the request of these families to be allowed to graze their cattle in the grasslands of the National Park from a professional conservation point of view. Alternatively, once they are settled, they should be taught intensive farming methods such as zero grazing using Guatamala grass etc. This grass and other animal fodder should be grown in the land in which they are settled.
5. The Inspector General of Police should investigate the allegations that some two people were killed by the hoodlums of Uganda Wildlife Authority (UWA) because they were collecting fire-wood or were grazing their few cattle in the National Park. Why should these hoodlums shoot unarmed people even when they are trespassing in the Park? Why not simply arrest them? These hoodlums, drank with power, should be dealt with according to the law.
6. This plan should be implemented in the next financial year. However, planning for degazetting the London portion should start now.
7. Meanwhile, your office should give these families relief.

In the meantime, the power drank Ministry of Environment and UWA could employ themselves more usefully by educating the communities about the importance of the rivers' catchment areas of the Elgon mountain and the Rwenzori so that they are immunized against the suicidal lies of political opportunists. When I explain to the community, they understand. Why should we continue to have UWA staff or those in this Ministry of Environment who cannot preach this message to the people?


Yoweri R. Museveni
PRESIDENT

Copy to: Hon Minister in-Charge of the Presidency
- Hon Minister of Water and Environment
- Hon Minister of Trade, Tourism & Industry
- The Executive Director National Environment
Management Authority
- The Executive Director Uganda Wildlife Authority
- Area Members of Parliament Sebei region
- All the LC V Chairpersons of Sebei region
- All the NRM District Chairpersons of the NRM of the
Sebei region

Telephone: 343947, 230916, 256395,
259785,
Fax: 256-41-341247
Telegrams:
E-Mail: mintrade@mintrade.org
ps@mintrade.org



THE REPUBLIC OF UGANDA

MINISTRY OF TOURISM
TRADE AND INDUSTRY
P. O. Box 7103
Kampala,
Uganda

In any correspondence on this subject
please quote No:

17th March, 2008

Noted 8/4/08
AM

The Chairpersons for Kapchorwa and Bukwo
The Resident District Commissioners for Kapchorwa and Bukwo

ENCROACHMENT IN MT. ELGON NATIONAL PARK AND RESETTLEMENT OF THE BENET

You will recall that I visited the Benet area from March 12 to 14, 2008 to address the boundary conflicts and particularly the benet land enigma. During my visit we held discussions with the benet people, the district leadership of Kapchorwa and Bukwo and the area MPs to harmonise opinions and agree on practical solutions for the boundary conflicts and the benet re-settlement. I have had time to further reflect on the issues we discussed and would now like to advise and give my position as Minister responsible for Tourism and Wildlife as follows:

1. Government is committed to resettle the genuine landless benet who have suffered injustice all this time. However, as we noted during my visit many other people took advantage of the plight of the benet by either encroaching on the land in the degazetted 6000ha or outright encroachment on the parkland way above even the imaginary "1983" boundary. I have directed UWA to ensure no encroachment above the "1983" boundary.
2. As discussed during my visit, it is important that we identify the genuine landless Benet (including Yatui and Kapsegek) to allow for proper planning. Numbers should not be exaggerated in the hope that more land will be made available.
3. It is also important that the non-benet and other categories of landless ("displaced", "needy") who wrongly benefited from the resettlement be identified and advised to vacate the benet land. All illegal settlers must leave this area for the resettlement of the genuine landless. This must be done urgently so that those resettled are able to plant crops in the rain seasons soon to start.
4. As district leaders I urge you to urgently identify those who misused their positions to benefit from the resettlement particularly the Forestry Staff in who were in Kapchorwa District in 1983 and spearheaded the allocation exercise and other local leaders at the time who may now be quite influential personalities at district and central government level. I may have to seek the intervention of the Inspector General of Government and the police should there be no progress on this matter from your respective offices.
5. I will on my part pursue the possibility of legally adjusting the national park boundary to the 1983 line.

**THE SPEAKER OF PARLIAMENT
OF THE REPUBLIC OF UGANDA**

**REF: PETITION OF PROMISES MADE BY PRESIDENT OF THE REPUBLIC OF
UGANDA TO RESETTLE THE LANDLESS BENET INDIGENOUS COMMUNITY.**

We write for and on behalf of the Benet Community of Sebei Sub-region who are the indigenous inhabitants of Mt. Elgon and now located on Eastern part of the mountain and specifically in the districts of Kween, Kapchorwa and Bukwo. The Benet's have been historically and traditionally acknowledged as the established minority hunter-gatherer community who turned pastoralists.

Hitherto, they occupied the upper most parts of the Mountain up to the moorlands but due to environmental considerations and other factors, they were displaced and meant to settle in a certain designated area by government. This process has been ongoing since 1983 with a lot of mistakes on the part of policy implementers of government.

We highly appreciate the efforts of the NRM government for taking positive strides towards resolving the landless situation of the Benet community. We highly trust and belief that though the process is not over, the government shall fulfill their commitments to the later. It is in this spirit that we are writing to your good office for not only follow-up but also quick response.

GENESIS/TRAJECTORY OF THE LAND PROBLEM AMONG THE BENET

The Benet land question stems from the colonial period. This was when Mt. Elgon was declared a crown forest in 1936 and in the process of demarcating the forest boundary; a small group of people then were left inside the forest. Due to their small numbers and life style, they were ignored and left undisturbed. Over the years, their numbers grew out of the natural population growth. They also adopted new survival methods such as shifting cultivation which necessitated clearing the trees on top of their hunter-gatherer activities., by 1970, government saw that the trend of events was contrary to environmental conservation concerns and pushed by the need to conserve the fragile Mt. Elgon Eco-system, they resolved to resettle the Benet's in one place and conserve the rest of the mountain.

The first resettlement exercise was done in 1983 where land was identified i.e. between river Kere, in the East and Kaptokwoi in the West in the current Kween and Kapchorwa districts. A resettlement committee comprising of technical staff was constituted to expedite the resettlement

and each beneficiary household was entitled to 32 hectares. They hurriedly moved in to allocate land without first mobilizing and sensitizing the beneficiaries. None of the Benet's was involved in the planning and execution of the process. At the end of the process, it occurred that not all beneficiaries (Benet's) had got land. Instead other categories of people such as IDPs, the needy, including members of the allocation committee and other local government officials were given land. The Yatui and Kapsekek groups of the Benet missed out on the allocation.

In 1992, the status of Mt. Elgon changed where the central forest reserve was upgraded in to a protected area i.e. National park under the care Uganda Wild Life Authority. In a bid to establish a boundary, a survey was done and 6000 hectares demarcated as the land which was meant for resettlement. It was realized that the land allocated was far beyond the 6000 by over 1500 hectares and this compounded the problem.

In 2002, a parliamentary resolution allowing government to adjust the National park Boundaries was passed but only recognized the 6000 hectares. Technically, this left the Yatui, Kapsekek and those beyond 6000 hectares landless to date.

GOVERNMENT EFFORTS TO ADDRESS THE ISSUE.

1. Government identifies land in Amanang in the current Bukwo district and resettled the Kapsekek group of Benets.
2. A fraction of the Benets from Yatui i.e. those above 1983 line were given temporal resettlement in Kizito area in the current Yatui parish, Kwosir Sub County in Kween district since 2009 to date after being violently evicted in 2008.
3. Relief items to the evicted people were extended but only for short period of time.

COMMUNITY CONCERNS

The people under temporal resettlement including those left out are in dire need for permanent resettlement. They are living under uncertainty to the extent that they cannot pro-actively plan for development. Besides, they were allocated small plots of land which are hardly enough to accommodate their housing, allow minimal cultivation, and grazing of their livestock. In simple terms they can hardly eke a living out of the land available to them under temporal arrangements and hence living in abject poverty and misery. These coupled with the marginalization and none involvement in the decision making mechanism of government has rendered their lives not

befitting the Uganda of the 21st century, more so under the able and visionary leadership of His Excellency President Yoweri Kaguta Museveni.

Madam Speaker, it was against this background that His Excellency the President gave a directive to that effect dated 5th February, 2011 while on a tour of the region, a copy of which was given to you.

Madam Speaker, we also take issues to bring to your attention: the fact that other people want to ride on the backs of the Benet's for selfish interest. There have emerged at the local level others groups of people who purport to be part and parcel of the Benet landless people. We the suffering people are weary of such people who are not only spoiling, but also delaying the good intentions of our beloved government. There are no landless Benet's outside the Benet resettlement area.

JUSTIFICATION

The Benet's, like any other Ugandans are entitled to access to land for their social and economic wellbeing. Their claim to land is guaranteed by the constitution, other legal frameworks, including international covenants to which Uganda is a signatory. The Benet's are also entitled to enjoy the benefits of government programs such as NAADS, NUSAF, CDD, among others which require land as a factor of production in order to meaningfully engage. In any case the execution of these programs in the Benet area ought to be an "Affirmative Action" basis in order to correct imbalances created by history and many years of marginalization.

The Benet's either landless or otherwise are law-abiding citizens on top of being ardent supporters of the NRM government/leadership. This is evidenced by the 95.3% voting in favor of the NRM in the previous general elections.

CONCLUSION

1. We the people of Benet humbly request that the government should first and foremost fast-track the resettlement process. The piece-meal approach that has been adopted in the past is causing a lot of misery and suffering to those who remain landless. The resolution of these landless questions will go a long way in putting the landless people on equal basis with other Ugandans and therefore accord them an opportunity to participate in the social and economic development of this country Uganda.

2. Government should degazette the areas in order to give legal effect to the entire process and thus ensure security of tenure for the resettled people. This shall require a parliamentary resolution which we hope the relevant ministry will kick start the process sooner than later.
3. As neighbors to the National Park, measures should be put in place to ensure harmonious co-existence with the park authorities. Access to renewable resources such as medicinal herbs, bamboo, and grass for pasture and salt licks for animals should be worked out under a clear policy and legal framework. The same applies to access to not only historical sites, but also places of worship within the park boundaries.
4. In the meantime, the extension of relief items to the suffering people should be considered.

Madam Speaker, the resolution of this matter will go a long way in dispelling the anxiety and desperation among the affected people and in the process demystify their notion of going back to their original homes (ancestral home land) now inside the park. With the trust we have for this government and based on the commitments so far made, we know the option of going back will not arise.

Your positive and prompt response to these issues shall be highly appreciated by us.

Yours,

Sabila Francis

CHAIRMAN BENET LOBBY GROUP

CC: HE The President of the Republic of Uganda

CC: Hon. Prime Minister

CC: Hon Minister of lands

CC: Hon. Minister for Trade, Tourism and Industry

CC: The Executive Director UWA

CC: The Local Council Five Chairman-Kween

CC: The Hon. Member of Parliament Kween/Kapchorwa

CC: The President District Commissioner Kween/Kapchorwa

MT ELGON BENET INDIGENOUS OGIEK

MEMORANDUM PRESENTED TO THE RDC KWEEN DISTRICT BY THE ELDERS OF MOSOP ON 4TH /10/ 2013

chemos, among others. Women who were rapped by game rangers include ,Kokop Ericana case in police, Justine kusuro and many others.
When these people were advised from their home land, they were told that the 6000 hectares was purposely for food production.

WAYFORWARD.

The creation of the national park in our homeland brought a lot of problems and a serious redress is to be taken with government of Uganda to allow full freedom of our Mosop people.

Finally we conclude that our ancestral land, a home of our grand fathers and mothers is a home to be In order to over come the problems and challenges, once and for all.
We need to be independent in our homeland for the betterment of our people free from all forms of discriminations.

For God and my country.

Block 1521 Plot 29 Mawanda Road
P.O. Box 26990 Kampala (U)
Tel: 0414-540048
Fax: 0414-540038
Email: ula@ulaug.org

The Uganda Land Alliance

THE HONOURABLE MINISTER OF
TOURISM, TRADE AND INDUSTRY
P.O. Box Kampala

17th December 2009

RE: GOVERNMENT HANDLING OF THE BENET RESETTLEMENT EXERCISE.

The Uganda Land Alliance (ULA), is a national civil society consortium of organizations and individuals with a focus on land was founded in 1995 to advocate and lobby for fair land laws and policies. The purpose of its existence is to ensure that the land rights of the poor men, women and children are promoted and protected. Uganda Land Alliance has been working with the Benet community since the year 2000 and was instrumental in instituting a test case litigation against the government, which culminated into the land mark Consent Judgment and decree of 27th October 2005 vide Miscellaneous Cause No. 0001 of 2004.

We write to draw your attention to the above-mentioned subject - resettlement exercise of the Benet, which falls under your Ministry. The Benet are an indigenous hunter-gatherer and pastoralist community which occupied the higher areas of Mount Elgon. In 1983 government, attempted to confine the settlement of this community in a designated area in order to protect the fragile Mount Elgon Eco-System, but to date some of these people are still landless.

Uganda Land Alliance appreciates the efforts Government and especially your Ministry is doing to ensure that a lasting solution is got to this landlessness situation of the Benet people. The resolve to go by the 1983/Redline is good enough, so is the permanent resettlement of the Kapsekek in Amanang. However Uganda Land Alliance has a number of concerns to raise with your office regarding the implementation of the

Enhance access, control and ownership of land by the poor through promotion of fair land laws and policies

tlement process. It has not only been mismanaged, but has left the problem more unresolved. Particular areas of concern include:

- The resettlement in Amanan'g was marred with fraud to the extent that non beneficiaries amassed huge chunks of land at the expense of the genuine beneficiaries. This is very disturbing especially when it is perpetrated by Local Government officials both technical and political.
- We are also concerned with the way the Resident District Commissioner (RDC) of Bukwo district is misusing his office by meddling in the resettlement exercise. Evidence indicates that he has not only been a beneficiary of illegal allocations of land, which he has sold off, but is intimidating whoever pinpoints these anomalies. He has on several occasions deployed the ASTU forces to evict the Ndorobos from their original place in a bid to justify the wrong doings in the resettlement. What is even more disturbing is when the UWA rangers killed a Ndorobo man, the RDC had the audacity to deploy the same force not to allow a post mortem done on the dead body. This plus a myriad of Human Rights abuses are being meted to people who are also citizens of a democratic country like Uganda. To date, none of the killers of the Ndorobo have been apprehended.
- We are also concerned that government is considering other people who were hitherto not within the park boundaries for resettlement. This is contrary to the conservation concerns that UWA exists for. The District council has passed a resolution to the Teriet - a group claiming to be Ndorobo also requesting the Central Government to consider allocating land to them also. This is incompatible with the climate change concerns, which have not spared the district either. Just this year Bukwo experienced a severe drought.
- The failed resettlement is an outright question of corruption and abuse of office by those in position of authority, but not politics as some people would want to portray. The researches we have conducted confirm this.
- The Yatui people were allocated temporal land. A permanent resettlement is yet to be considered. The big question is when will this be? As far as we are concerned, from 2005 to date is long enough and resettlement delayed is development denied.

In view of the foregoing, we are humbly writing to seek audience with you in order to explore ways and means of amicably resolving the land matters of the Ndorobos in view of Human rights violations and other criminal issues going on.

Your Prompt response to our request shall be highly appreciated.

Yours Sincerely,

Esther Obaikol
Esther Obaikol

Executive Director

Uganda Land Alliance.

CC: Hon. Minister of State for Tourism - MTTI

CC: The Hon. Rugia Chekamondo Kulany. Minister of State i/c Privatization

CC: The Executive Director - Uganda Wild Life Authority

CC: The Chairperson - Parliamentary Committee on Tourism

CC: The Hon. Bartile Toskin - MP Kongasis

CC: The Hon. Everlyn Chelangat - Woman MP Bukwo District

CC: The Hon. Dr. Yeko John Arapkissa - MP Kween County Kapchorwa district

CC: The Hon. The Hon. Herbert Muki - MP Tingey County Kapchorwa

CC: The Resident District Commissioner - Bukwo District

CC: The Resident District Commissioner - Kapchorwa District

CC: The LCV Chairman - Bukwo District

CC: The LCV Chairman - Kapchorwa District

CC: The Chairman - Uganda Human Rights Commission

CC: The Inspector General of Government (IGG)

CC: The Chairperson - Benet Lobby Group

CC: The Community Representative - Kapsekek ✓

**BENET LOBBY GROUP
PO BOX 54,
KAPCHORWA.**

8TH July 2011

The Hon Minister Of
Tourism Wild life And Antiquities
Of The Republic Of Uganda

Dear Sir,

RE: PERMANENT RESETTLEMENT OF THE LANDLESS BENETNDOROBOS

BACKGROUND OF THE BENETS

Benet Ndorobos are the indigenous inhabitants of Mt. Elgon forest reserve who have lived there since time immemorial. They are part of the Sabiny speaking people of Kapchorwa and Bukwo and the newly created Kween district. They are part of the greater Kalengin ethnicity. history has it that the Benets used to practice pastoralism , fruit gathering, collection of honey, hunting and weaving of bamboo baskets by their women in order to exchange with grains from the lower plains of the farming community of the Sabinys.

The Benets are a minority tribe who are estimated at 5200 people. They served cross marginalization first by the degazetment of Mt. Elgon into a central forest reserve in 1936 by the colonial government; they were left in the forest like any other animal and yet made to pay taxes. Other areas were gradually developing signified by the establishment of schools, health centres, Roads and other social amenities.

THE BENET LOBBY GROUP

The group was formed in the 1972 by the then elites of Benet Ndorobos to act as the voice of the voiceless; their attempts have been proactive rather than reactive. The objective of its formation was to champion the permanent resettlement of the Benets.

ATTEMPTS TO RESETTLE THE BENETS

In 1983, the post colonial government resettled the Benets in the 6000 hectares of land stretching from Kere River to Kaptakwoi River.

However, the excise was miss – managed signified by the following loopholes:-

- i) It was done hurriedly
- ii) There was no sensitization of the target beneficiaries.
- iii) There was no involvement of the Benets in the resettlement excise
- iv) Inclusion of the non target beneficiaries
- v) Leaving out one parish of the Benet community unresettled (Yatui parish).

In 1989, Kapchorwa district local government in their council meeting passed a resolution to resettle the remaining parish (Yatui) above the 6000 hectares .

In 1993, Mt Elgon forest reserve was upgraded into Mt. Elgon national park. The park policy required technical measurement of the land and indeed the land was measured and the findings were that the land was over estimated indicating an extra 2750 hectares.

In 2002, the parliament of the republic of Uganda legally declared the 6,000 hectares permanent, leaving out majority of the people in the imaginary lines "1983" and "1993" and above 1983 cliff line.

Owing to the legal degazetment of the 6000 hectares in 2002 leaving out 2750 hectares, majority of Benets were declared landless and hence rendered encroachers. The Benet community took government to court in 2003 which yielded the consent judgment on 27th Oct. 2005 where the Benets won the case.

In 2008 Feb, the 16th, a section of the Benet indigenous Ndorobos was evicted and they lost a lot of their properties in terms of animals, crops, certain deaths registered. This was following the allegation that the Benets murdered the Belgian lady tourist in about 20kms up in the moor lands.

The culprits were got and these culprits were not the Benets, they are even still in custody in Luzira prison.

In march 2008, the Hon. Minister of tourism ms Janaat Mukwaya visited the ground and realized that the Benets were innocent , she then advised Kapchorwa district local government and the UWA authorities to take back the evictees to their former homeland in terms of temporal resettlement in two possible areas Kizito and Cheberen.

On 23rd Oct 2010. the president of the republic of Uganda came to Mbale to meet the leaders bordering Mt. Elgon national park to discuss the land boundary between the communities living around it and the park and how to resettle the landless group, on the Benet case, the president pronounced that the 1983 cliff boundary be legally accepted whereas the landless group be resettled in "London" area, an area which is already cleared. This was subsequently followed

by the presidents letter dated 5th Feb 2011 directing the prime minister to cause resettlement for the Benet sub group of the Sabiny. The process was to start off immediately and implementation this financial year 2011/2012. All these promises are still in vain.

In view of the above history and the plight of the Benets , the Benet Ndorobos hereby demand the government of the republic of Uganda to do the following to address the above plight .

1. Permanent resettlement of the landless Benets once and for all in Benet area
2. Mean while the resettlement process is not completed, government should allow the landless people to temporary graze their animals in the moor lands. This request was granted on 5th Feb 2011 by the president of the republic of Uganda but the arrangement was defied by UWA authorities by chasing animals out of the grasslands of the park on 14th June 2011.
3. Involving the Benet leaders in the permanent resettlement exercise (Benet lobby group).
4. Affirmative action after resettling the people ion order to redress the imbalances created by history.
5. Requesting the office of the prime minister to provide relief aid to the people in temporary resettlement and other landless groups who did not benefit in the temporary resettlement.

We hope our requests meet your sincere actions

Yours faithfully,

.....
TWALA EDWARD
CHAIRPERSON BENET LOBBY GROUP (BLG)

**PETITION OF THE LANDLESS PEOPLE OF BENET/KAPKWATA TO THE
PRIME MINISTER'S OFFICE.**

Background.

History people/land question

The Benet community commonly referred to as 'Ndorobos' are indigenous inhabitants of Mount Elgon Forest. They practiced pastoralism, fruit gathering, honey harvesting and hunting as a means of livelihood. They moved freely in the mountains from Suam to Lwakhakha. In 1936, the British colonial government gazetted the whole mount Elgon forest area as a crown forest but without the people's consent. They lived inside the forest amidst numerous difficulties such as restricted cultivation and grazing. In 1992 the status of the area changed from forest reserve to national park. This adversely affected the people involved greatly due to stringent rules/policies of conservation as enforced by Uganda Wild Life Authority (See sketch map of Benet area)

In 1936, the Kapkwata area which was also within the crown forest area was designated as a soft wood plantation area. This entailed employing local labour to clear the bushes in readiness for planting the soft wood plantations under a system commonly referred to as Taungya (Shifting cultivation). The 24 families which existed in the area were absorbed into the labour force, without their knowledge of lost land rights. This continued until 1992 when the National park took over the forest. It was then that all people were evicted including the original members and survivors of the 24 families currently 256 families. (See map of Kapkwata Forest persons displaced Village and list of families)

Geo-political dimensions

At the time gazetting the population of the Ndorobos was small and deemed negligible hence left within the forest area with the expectation that they would be extinct with time. However, by the 1970s, their numbers had increased as well as their lifestyle. They opted to cultivate crops like Irish potatoes and maize though on a small scale. This entailed clearing and burning bushes, which did not go well with the forest authorities. They also started demanding for social services like schools and health centers like was the case in the lower belt areas. This prompted government to restrict them in an area where they could extend not only the social services, but also restrict the damage to the environment posed by the new lifestyle of the 'Ndorobos'.

Key milestones in addressing the problem

- In the early 1970s, the Ndorobos started pressuring government to allocate them land for cultivation. This culminated into a declaration by government that people should move and settle in the land between Rivers Kere in the east and Kaptokwoi in the west. They were encouraged to find suitable places to clear and temporarily settle pending permanent resettlement. A grace period of 10 years was given for this.
- In 1983, government officially allocated land to the Ndorobos and this covered areas between Rivers Kere and Kaptokwoi and stretching from the 1936 line in the north to the cliff line (Red Line) in the south. The beneficiaries were officially awarded a certificate of permanent resettlement. In the process, government also considered two other categories of beneficiaries which included displaced people arising from cattle

rustling from the lower plains of the then Kapchorwa district and the the needy i.e. landless widows and orphans. Due to lack of proper sensitization, a section of the hitherto beneficiaries (Yatui and Kapsekek Ndorobos) never turned up, hence they lost out on the exercise. In 1990, the Wild life authority violently evicted them hence forcing them to settle above the 1983 line in a place called Kizito (Current Kween District) and Kapsekek in Bukwo District.

- In 1992, upon taking over the management of the forest, Uganda Wild Life Authority carried out a survey to ascertain 6000 hectares which was supposed to have been given out in 1983. The survey established that over 1500 hectares had been given out far beyond what was expected. Though this information was not available to the community, the committee argued that they excluded the rocky patches, steep slopes and river banks on top of considering the cliff as a good natural boundary between the Park and the people.
- On 22nd March 2002, parliament passed a resolution allowing the adjustment of National Park boundaries. This resolution in essence approved the 1992 survey line hence making the 6000 hectare land private land. Unfortunately, the resolution failed to cater for those living within the 1500 hectares running to the cliff and the land above the 1983 lines including Kapsekek community (see attached sketch map).
- That same year, the community out of dissatisfaction filed a case in court against the government and Uganda Wild life Authority. In 2005, and through a **consent judgement (case no 0001 of 2004)**, court ruled the matter in favor of a consensus between the community, the Government and UWA (see attached consent judgement).
- In a bid to implement the Consent Judgement, government has resettled the Kapsekek group in the current Bukwo district. However, a few are yet to be resettled.
- Government has also in principle agreed to resettle the Yatui group. Currently this group is temporarily settled in a place called Kizito and is yet to attend to the Cheberen group.
- **On 5th Feb. 2011** His Excellency The President wrote a directive to OPM to expeditiously resettle the Benet and Kapkwata landless people which has not been implemented to date (See attached presidential directive).

Emerging issues

We appreciate government commitment to resettle the Benet and Kapkwata landless people, however, the piece-meal resettlement process is adversely affecting the landless people. They can neither produce for consumption nor participate in on going government programs like NAADS, NUSAF, among others. They are perpetually food insecure and wallowing in abject poverty compared to the rest of the community members. The delay in resettling once and for all has a compounding effect to the problem. This emanates from the ever increasing and maturing population who keep on demanding for more land.

We are also concerned with the inconsistencies and incorrect propositions exhibited by Uganda Wild Life Authority in as far as articulating and resolving this matter is concerned.

According to them, they claim there is land available in the Benet resettlement area for resettling the remaining landless people. The fact of the matter is that the land in question was officially allocated in 1983 (29 years down the road), fully occupied to date and has changed hands several times. It was also a subject matter in the high court case at Mbale i.e. **Miscellaneous Cause No. 001 of 2004** and the resultant Consent Judgment and decree dated 27th day of October 2005. Efforts to tamper with this area will create a much bigger problem/crisis than the one that government is attempting to resolve.

The land tenure insecurity is also directly affecting the environment. Due to uncertainty, proper conservation measures, leave alone investment in conservation is non existent leading to degradation in the affected areas.

Recommendations.

1. That Government resolutely recommits and expeditiously implements the **consent judgement**(fully resettle and offer affirmative development action to all landless Benet/Kapkwata people) while involving all the stakeholders in the Benet and Kapkwata area to arrive at a lasting and comprehensive solution as exemplified in the H.E's directive to OPM, the Kapchorwa District Council and Benet Subcounty Council resolutions(see **attached resolutions and consent judgement**).
2. We strongly recommend that the resettlement process should be hastened to resolve this matter once and for all. Our critical assessment points to the fact that the Presidential Directive is a more practical solution to this endemic problem i.e. avail land in the london area of the National Park to accommodate the remaining landless people.
3. The new resettlement areas of London in Kween district and Kapsekek in Bukwo district should be backed by a parliamentary resolution in order to accord it the legal effect that is required.

Conclusion.

We the under signed peoples representatives comprised of the District , the subcounty and lobby group leadership do therefore uphold and declare that this petition dully represents our demands and aspirations of what constitutes the true road map towards addressing the endemic problem of landlessness in the Benet and Kapkwata IDPs and should be seriously considered by the ministerial team that visited the region on 17th August 2012.

c.c His Excelency the President

c.c Prime Minister

c.c Minister of trade and industry

c.c Director UWA

c.c Regional Members of Parliament

KWEEN DISTRICT MEMORANDUM

SUBMITTED TO

HIS EXCELLENCY

THE PRESIDENT OF THE REPUBLIC OF UGANDA

YOWERI KAGUTA MUSEVENI

23RD OCTOBER, 2010

MEMO TO HIS EXCELLENCY, THE PRESIDENT OF THE REPUBLIC OF UGANDA
PRESENTED BY LEADERS OF KWEEN DISTRICT ON 23/OCTOBER/ 2010 IN MBALE.

Benet Holy Group

Kween District is among the newly created districts carved out of Kapchorwa. It borders the Mt Elgon National Game Part to the South. The Benet and Kapkwata communities live adjacent to the Mt Elgon National Park.

Who are the Benets?

The Benets are the indigenous and Historical inhabitants of the high Mountain forest and moorland of Mount Elgon who have lived in this area for more than 200 years.

Their livelihood was grazing cattle, honey and fruit gathering, battering bamboo baskets for food before the area was gazetted a forest reserve in 1938 and then as a National Park in 1993.

After the 1938 gazettment the Benets were allowed to remain in the forest reserve because their impact on the forest was considered minimal. However, the life of the Benets changed from cattle keeping to subsistence farming and later to commercial farming. It is at this point that the government of Uganda decided to resettle the Benet in a confined area between River Kere in the East and Kaptokwoy in the West in 1983.

Unfortunately, the following issues arose:-

1. Not all the Benets were resettled e.g. Yatui community
2. The land on which the Benets were resettled in 1983 was never surveyed not until 1992 – 1993 (10 years later) and when it was done it left many families inside the National Park. This created unclear boundary between the National

Park and the already resettled Benet community leading to fierce conflicts between Park Management and the communities to the extent that lives and property were lost.

Current problems of the Benets:-

- a) The Benet settled between the surveyed boundaries of 1992 – 1993 and the 1983 resettlement boundary are considered to be encroachers in the National Park by National Park Management despite the High Court Ruling and subsequent consistent Judgment/Decree (see annex attached).
- b) The Yatui community who were evicted in February 2008 were later resettled temporarily while others were not resettled to date.
- c) The constant conflict between the Park Authorities and the neighbouring communities has been persistent because there is no clear boundary and buffer zone to cater for controlled grazing and permissible in-park resources for the communities.

Who are the Kapkwata communities?

Historically the Kapkwata community lived in Kapkwata Forest village, gazetted way back before 1955 by the then Forest Department. The village covered 10.76 hectares of home steads, Primary schools, Cooperative Society, Churches, Secondary School, Market, Health Unit, Police Post and other social amenities. Their activities included; Taungya farming, protecting the forest plantation and collaborative management of the soft wood plantation with the Forest Department.

However, when the National Park took over the management of this area from the forest department in 1993, the residents of Kapkwata were illegally and rudely evicted. Their houses and property were burnt in July 2000. The community was forced out of their homes in humanly and is currently camping at a rocky area just outside the Park boundary known as Rwanda and Kisangani camps as Internally Displaced Persons (IDPs). They live a miserable life.

Many governments ministers and officials have visited the area to witness for themselves the misery of Kapkwata people. And promised to rehabilitate and resettle them in a suitable area, but all promises have ended up in vain.

What do the people of Benet and Kapkwata want? *remove*

1. The Yatul's be given permanent resettlement
2. Government to recognize the 1983 boundary line (red line) where the people were officially resettled by Government in 1983.
3. A buffer zone be established in the National Park to cater for controlled grazing of animals and collection of permissible Park resources by the neighbouring Communities.
4. Government to fulfill promises to resettle the people of Benet and Kapkwata Forest village internally displaced people.

Your Excellency Sir, We wish to affirm to you that we are committed to the environment conservation that is why the area we have asked for resettlement of the people of Yatul and Kapkwata is not a Virgin Forest Area but an open area which was previously under Taungya farming system.

FOR GOD AND OUR COUNTRY.

BENET/KAPKWATA IDP COMMUNITY.

KWEEN DISTRICT

20TH NOVEMBER 2012

TO HIS EXCELLENCY,
THE PRESIDENT OF THE REPUBLIC OF UGANDA
THROUGH: THE CHAIRMAN NRM
KWEEN.

Your Excellency Sir,

REF: REMINDER OF THE IMPLEMENTATION OF PRESIDENTIAL DIRECTIVE TO
RESETTLE BENET AND KAPKWATA DISPLACED PERSONS.

As the indigenous and historical inhabitants of Benet, we shall never get tired of reminding you about the suffering of our internally displaced people.

We wish to thank you for your response to our plight as is contained in your letter dated 5th February 2011 to the Right Honorable Prime Minister and another one from the Office of the Presidency dated 27th August 2012 and other documentary evidences attached to this reminder letter.

However nothing has been done so far despite your directives. A delegation of leaders from Benet & Kapkwata visited the third deputy Prime Minister's Office to try to make a follow up in vain. (Refer to attached petition and other documentary evidences to the third Deputy Prime Minister).

As you visit our district, we wish to remind you of this outstanding problem and the fact that the opposition is now trying to make political capital from it.

We wish you a peaceful stay in Kween & journey mercies back to Kampala.

FOR GOD AND OUR COUNTRY

Appendix I: Institutional Review Board Protocol Exemption Certification



The
UNIVERSITY
of VERMONT

Committees on Human Subjects
Serving the University of Vermont
and Fletcher Allen Health Care

RESEARCH PROTECTIONS OFFICE
213 Waterman Building
85 South Prospect Street
Burlington, Vermont 05405
(802)656-5040 ph
www.uvm.edu/irb/

Protocol Exemption Certification

TO: Anna Dirkse
FROM: Gale Weld, Research Review Administrator
DATE OF CERTIFICATION: 18-Apr-2014
SUBJECT: CHRBSS: 14-501
A Case Study of Political, Social and Narrative Boundaries Regarding Resource Use in an Eastern Ugandan Village

A handwritten signature in black ink, appearing to read "Gale Weld".

According to federal regulations, certain types of research activities are "exempt" from formal Committee review and approval, however, University policy requires that all projects which involve human subjects be submitted to the Committee office for exemption determination.

Following such a review of your project, it has been determined that it qualifies for exemption, as indicated below, under Section 45 CFR 46.101(b) of the Federal Policy for the Protection of Human Subjects.

Exemption Category: 2

"Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures, or observation of public behavior, unless: (a) information obtained is recorded in such a manner that human subjects can be identified, directly or through identifiers linked to the subjects; and (b) any disclosure of the human subjects' responses outside the research could reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability, or reputation."

It is University policy to require all research to be conducted in accordance with the Belmont Report, which sets forth ethical principles for research involving humans as subjects. A copy of this report is available on our website under Rules, Regulations, and Guidance.

Modifications may affect the original determination of exemption, therefore, you must submit any proposed project modifications which affect human subjects for review prior to implementation (i.e. surveys, questionnaires, changes to on-line interventions, etc.).

This exemption is effective for the duration of the project UNLESS modifications are made that affect the original determination of exemption.

Appendix J: Themes from Interview Transcripts by Interviewee

Interview Code	Community Member	Thematic actions taken to care for land
B1	Benet	Nothing; Lack of knowledge or guidance
B2	Benet	Terracing; Crop rotation
B3	Benet	Trenching; Fallowing
B4	Benet	Nothing
B5	Benet	Nothing; Lack of knowledge or guidance
B6	Benet	No response
B7	Benet	Terracing; Crop rotation; Grazing animals
B8	Non-Benet	Dividing the land into multiple parts for grazing and cultivation
B9	Non-Benet	Fallowing
B10	Non-Benet	Trenching
B11	Non-Benet	Fallowing
B12	Non-Benet	Terracing; Trenching
B13	Non-Benet	Terracing; Crop Rotation; Fallowing
B14	Non-Benet	Nothing; Lack of knowledge or guidance
B15	Non-Benet	Dividing the land into multiple parts for grazing and cultivation
B16	Benet	Fallowing
B18	Benet	Terracing; Fallowing
B19	Yatui Focus Group	Using fertilizers; Spraying for blight
D8	Ogiek Focus Group	Terracing; Only grazing animals, no cultivation; Planting trees; Not cutting down trees

Interview Code	Community Member	Thematic problems seen in the land and landscape
B1	Benet	Soil erosion; Flooding
B2	Benet	Lack of fertility; Small landholdings
B3	Benet	Soil erosion
B4	Benet	Soil erosion; Lack of fertility; Small landholdings
B5	Benet	Soil erosion; Small landholdings
B6	Benet	Lack of fertility; Small landholdings
B7	Benet	Soil erosion; Flooding; Lack of fertility; Small landholdings; Landslides
B8	Non-Benet	Flooding; Landslides
B9	Non-Benet	Soil erosion; Small landholdings
B10	Non-Benet	Soil erosion; Flooding
B11	Non-Benet	Soil erosion; Lack of fertility
B12	Non-Benet	Soil erosion; Flooding
B13	Non-Benet	Soil erosion
B14	Non-Benet	Soil erosion
B15	Non-Benet	Lack of fertility
B16	Benet	Lack of fertility
B18	Benet	Soil erosion; Flooding; Landslides
B19	Yatui Focus Group	Fungi and blight due to cold and moisture
D8	Ogiek Focus Group	Lack of fertility

Interview Code	Community Member	Thematic goals when farming
B1	Benet	Quality of life; Mental health
B2	Benet	Quality of life; Food; Pay school fees; Build permanent houses; Family
B3	Benet	Food; Pay school fees; Security
B4	Benet	Family; Security
B5	Benet	Food
B6	Benet	Food; Money
B7	Benet	Food; Money; Clothes
B8	Non-Benet	Quality of life; Food; Escape poverty
B9	Non-Benet	Food; Pay school fees; Family
B10	Non-Benet	Food; Household goods
B11	Non-Benet	Quality of life; Food; Pay school fees
B12	Non-Benet	Food; Pay school fees; Household goods
B13	Non-Benet	Pay school fees
B14	Non-Benet	Food; Pay school fees; Family; Medical treatment
B15	Non-Benet	Food; Pay school fees; Family
B16	Benet	Food; Money; Household goods
B18	Benet	Food; Pay school fees
B19	Yatui Focus Group	Food; Pay school fees; Clothes; Household goods
D8	Ogiek Focus Group	Food; Pay school fees; Family; Medical treatment; Bride dowry; Pay for fertilizer

Interview Code	Community Member	Thematic reasons for farming
B1	Benet	Food; Pay school fees; Medical treatment
B2	Benet	Food
B3	Benet	Food
B4	Benet	Food
B5	Benet	Food; Money
B6	Benet	Food; Graze animals
B7	Benet	Food; Pay school fees; Clothes; Bride dowry; Graze animals
B8	Non-Benet	Food; Pay school fees; Family
B9	Non-Benet	Food; Medical treatment
B10	Non-Benet	Food; Pay school fees
B11	Non-Benet	Food; Pay school fees; Household goods; Graze animals
B12	Non-Benet	Food; Build permanent house; Money; Graze animals
B13	Non-Benet	Food; Pay school fees; Money
B14	Non-Benet	Food; Pay school fees; Graze animals
B15	Non-Benet	Food; Family
B16	Benet	Food; Pay school fees; Money; Clothes
B18	Benet	Pay school fees
B19	Yatui Focus Group	Food; Build permanent houses; Money; Household goods; Graze animals
D8	Ogiek Focus Group	Build permanent houses; Cultural

Appendix K: Relevant Documents Regarding the Shooting of Dison Cherotich

POST OFFICE
KAPCHERWA
DATE: 24/03/2014
PO BOX 39 KAPCHERWA

TITIM VILLAGES,
TERNET PARISH,
MUPHESOMBE COUNTY,
TINGEY COUNTY
PO KAPCHERWA DIST.
DATE: 24/03/2014.

To
KAPCHERWA
POLICE STATION
PO BOX 39 KAPCHERWA.

REF: CHEPIWENER MOSES MARKET

This office, brings to your attention that above named person, is truly shoot by one called mark who is attached to chebenen out post of uganda wild life Authority. The incident happened on 24/03/2014 at around 3:00pm, and it was witnessed by the community residents. Therefore, this office of local council of the above address forwards the above named person to your office for further assistance.

Thanks

Yours in services

Chimtai Titim

Mrs Chimtai michael

POST OFFICE
KAPCHERWA
DATE: 24/03/2014
PO BOX 39 KAPCHERWA



UGANDA HUMAN RIGHTS COMMISSION

Soroti Regional Office

Plot 70 Gweri Road, P. O. Box 462, Tel: 045-61793, Fax: 045-61794, Soroti
E-mail: uhrc@uhrc.org. Website: <http://www.uhrc.org>

SRT/2/00

Our Ref:

18/04/2006

Your:

Date:

The Chief Warden
Uganda Wildlife Authority
Mt Elgon Conservation Area
P.O. Box 135, Mbale

RE: Alleged Deprivation of the Right to protection from cruel treatment to the prejudice of Cherotich Dison, Complaint No. SRT/51/2006

The Uganda Human Rights Commission, Soroti Regional Office, received the above captioned complaint from one **Sabilla Charles** who is a resident of Sorur Village, Tuikat Parish, Benet Sub-County in Kapchorwa District.

The complainant alleges that on the 1st day of January 2006, at around 5.00 pm, his son Cherotich Dison aged 8 years, was shot by the Uganda Wildlife Authority Rangers of Kapkwata Forest Station in Kapchorwa District.

He further alleges that the rangers were engaged in an indiscriminate shooting while impounding the cows grazing near the Mt Elgon Forest National Park. That his son who was standing in the compound at their home near the forest got injured and was hospitalized for almost 2 months before being discharged. The complainant contends that indiscriminate shooting by your rangers was unjustified and uncalled for thus compromised his son's security and protection.

The above allegations if proved true seem to violate the victim's right to protection from cruel treatment contrary to Article 24 of the 1995 Constitution of Uganda.

The purpose of this letter is to draw the above allegations to your attention and require your response within 14 days from the date of this communication.

Anticipating your usual cooperation in our efforts to protect, promote and uphold the rights of our citizens.

Wilfred M. Asiimwe

REGIONAL HUMAN RIGHTS OFFICER

- C.C SRT/51/2006
- C.C Sabilla Charles
- C.C Head Uganda Wildlife Authority
Mt Egon Conservation Area.
Mbale.

CRIMINAL INVESTIGATION DEPARTMENT
KAPCHORWA POLICE STATION
PO BOX 39
KAPCHORWA

KAPCRB 122/06

7th April 2006

**STATUS REPORT OF ATTEMPTED MURDER BY SHOOTING OF
CHEROTICH DISON BY UWA RANGERS OF MOUNT ELGON NATIONAL
PARK BENET SECTOR**

On the 1st January 2006, one Cheptai Alex, a male adult resident of Chepkwasta village registered the above case at Kapraron Police Post. The incident happened on the same day at 1400hrs at Sosur village, Tuikat parish, Benet Sub-county in the Kapchorwa District.

Police investigations found out the following: -

1. The UWA Rangers are deployed in the National Park to guard against any form of encroachment or illegal activity at the forest.
2. On that fateful day there were four Rangers patrolling the National Park at Chekwasta adjacent to the village where the victim was shot from which is close to the National Park. These include: Rangers – (1) LODEMI SIMON (2) EKEMU PIUS (3) GEMEI WILSON and another whose name is not yet established.
3. On that day of patrol on 1/01/06, the four Rangers come across some cows grazing within the National Park and tried to arrest them. In the course of arrest, the owners of the cows were also trying to drive away the cows for safety. This prompted the four Rangers to fire towards them to scare them away thus leaving the cows behind.
4. It was during that firing that a stray bullet landed on the victim who was at their home in the next village. The bullet got the victim through the chest.
5. The victim was then rushed up to Mbale Referral Hospital for attendance, as Kapchorwa Hospital could not handle. The rangers drove the cows to their station.
6. Since it was only one bullet, which hit the victim, it was not easy to identify as to who among the four shot the victim.

When the file was eventually submitted to DPP's office at Kapchorwa, he opined that since the one who shot at the victim couldn't be properly identified the complainant should be advised to seek the services of a lawyer and sue the Uganda Wildlife Authority civilly.





UGANDA WILDLIFE AUTHORITY
MT. ELGON CONSERVATION AREA

Mt. Elgon National Park, Matheniko Bokora & Pian-Upe Wildlife Reserves

HEADQUARTERS: Mbale
P.O. BOX 135 Mbale. Tel. 045 - 33170/35035
E-Mail: mcnp@uwa.or.ug/uwafacc2@infoconm.co.ug

OUR REF: MECA/ADM/1/1
22nd August 2006

The Local Council 1
Kwera Parish
Benet Sub County

Dear Sir,

RE: Mr. Cheptoek and treatment of the injured child

This is to notify you that the above-mentioned person has not attended to the treatment of the injured child as agreed in the agreement (attached).

I therefore request your office to cooperate with me so as to hear his side of the story. Efforts to talk to Mr. Cheptoek physically have failed, hence making negotiations difficult. We would like to solve this problem amicably.

Your cooperation is highly appreciated.

Conserving For Generations.

Yours faithfully,

Alina
Ssempala Annet Night
Warden In Charge Kapchorwa/Bukwo Sector

Cc: Chief Warden MECA
Cc: Head Ranger, Kapchorwa Sector

*Received on 28/08/2006
at around midday mid-day
Gen-sec LEI
Chkwasta
Telko willis*

*13/09/2006 I met with
Cheptoek.
Next Friday
Saturday
9th 17/2006
10:45 pm*

LWA - m...
KAPKWA
P.O. Box 135

KAPKWA L.P.A.
STATION
DATE 3/1/2006

RE: ACKNOWLEDGEMENT:

I Michael Cheptock do acknowledge
to have illegally taken my domestic animals
to graze in the National Park. I was
on their routine patrol. Come along the
animals and arrested them on the 1st of Aug
I brought them up to Kapkwa Park head/quarters
I - the course of arrests the local
Committee intended to attack rangers when
by discharge of fire inclusive the spe
was done, in that sense the bullet
went far away and hit a child
in one of the neighbors house
adjacent to the Park. I have agreed
to meet the expenses of treating the
harmed child since the whole problem
came about b/c of my animals. I have
received my animals (22) in numbers
and I have been warned and warned
I do swear never to have the animals
graze in the Park if found again, I shall
be liable to pay the law as prescribed
in 1996 Statute (act amended 2000) be prosecuted