

Introduction

In Uganda the need for and classification of population resettlement has risen from a number of aspects related to the country's economic setting. The existence of agricultural land of high potential but low population density; settlement on land cleared of forest; and the need for a mechanism for the resettlement of people from areas of high population density to areas of low population density.

## SETTLEMENT and RESETTLEMENT

### EXPERIENCE FROM UGANDA'S

### NATIONAL PARKS, GAME RESERVES AND FOREST RESERVES

by

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## Introduction:

In Uganda the need for and justification of population resettlement has risen from a number of aspects related to the country's economic setting. The existence of agricultural land of high potential but low population densities; settlement on land cleared of tsetse infestation as a mechanism to prevent resurgence of the fly; forced or persuaded movement of people from areas of high population densities; the development of agricultural plantations requiring labor and outgrower schemes; and the settlement of displaced people resulting from recent civil unrest all have been factors in the resettlement of various populations in recent history (Illingworth 1964, MISR 1988).

However, when considering the problem of resettlement one should also consider the spontaneous uncontrolled movement of people to find new homelands, which has been and continues to be the most common solution to rising population densities in the Uganda setting.

One result of this spontaneous uncontrolled population movement caused by the growing land pressure in traditional agricultural zones has been an increasing incidence of encroachment into protected areas (national parks, game reserves, and forest reserves). This encroachment has taken two distinct forms, that of encroachment by those families who had traditionally settled in areas surrounding these reserve and merely expanded their farming operation into the

area of the reserves and secondly by those families who have moved their farming operations from areas of severe land shortage into the reserves which were seen to be unoccupied and apparently available land. A number of factors in recent Uganda history have played a significant role in allowing this settlement of protected areas to take place.

The objective of this paper is to review the current situation in Uganda with respect to such resettlement into areas surrounding and within protected areas as well as to present policy options for governments to consider relative to such resettlement. After a brief summary of land tenure concepts and a background discussion of the current situation in Uganda with respect to the protected areas, I will present examples from three case studies which illustrate some of the factors related to such resettlement. Three types of settlement with respect to protected area are considered: enclaves within protected areas, encroachment into protected areas, and resettlement of people into protected areas resulting in excisions made of land from that protected area. Each of these types of settlement offer alternative policy strategies for governments to pursue when dealing with such resettlement.

#### **Land Tenure:**

Land tenure is the institutional (social, political, and economic) arrangements through which individuals and communities gain access to the productive capabilities of the land.

Land tenure literature often talks of a bundle of rights an individual holds in relation to access and utilization of land resources. These rights would include, but are not restricted to such things as the right to sell land, mortgage land, bequeath land, cut trees, bury dead, construct homes, etc. This bundle can be broken up, redivided, passed on to others and so on. Some will be held by individuals, some by groups, and others by political entities (Bruce 1988).

For any tenure system each of these rights in the bundle will have at least three dimensions: people, time, and space. No one ever holds land in a totally exclusive way, others, and the community always have rights that impinge to some degree on land use within the context of these three dimensions.

Thus the land rights of the individual are limited by those rights which are retained by the state and the community. A person is able to use land because his rights of access to that piece of land are sanctioned by the community in which he lives. In a customary tenure system, for example, access to land is determined by membership in the tribal group which determines allocation (and reallocation) procedures, inheritance rights, etc. Land records are maintained as part of the oral tradition of the group. In the western context access to land is determined through a formalized title structure with written documentation of ownership rights.



Similarly, these rights may vary over time. Rights of land use may be seen as 'permanent', held by the individual and his progeny, or of a more limited nature, such as shifting cultivation systems of tenure, leased, or borrowed land. The individual's perceptions of this time factor relate directly to the sense of security of tenure over the land holding and possible investment.

Finally, and perhaps most obviously, land rights have a spatial nature. The use of land is restricted by some definition of boundaries. The degree with which these boundaries are fixed are to a certain extent determined by the level of land pressure and the need to indicate where one's property rights end and another's begins. This spatial question is of obvious concern where areas of different land use meet, eg. intensive farming areas and the unused land (for farming) of conservation areas.

Individuals never have exclusive rights to land. The state at the very least retains the rights of taxation, eminent domain, control over land use, and reversion. The state's rights with respect to conservation areas fall under those rights of control of land use and eminent domain. The exercise of eminent domain generally implies a recognition of claims for compensation of lost land use rights. Traditionally this compensation could take the form of alternative land, rather than the cash payment of a more market oriented society.

The 1975 Land Reform Decree vested all land in Uganda in the hands of central government. Prior to the decree land was held through customary tenure arrangements, freehold tenure, and in central Uganda through Mailo ownership or Mailo tenancies. Individuals who wished to formalize their land rights did so through the acquisition of state leasehold rights. The land reform decree has had little effect on the vast majority of landholders. In most areas of the country, particularly non-mailo areas, customary tenure relationships continue to exist with little interference by the state or outsiders.

#### Background to the Current Situation:

Uganda's national parks, game reserves, and forest reserves consist of over 3 million acres constituting about 16% of the total dry land area of Uganda. Map 1 shows the location of the major parks and reserves within Uganda. All of these protected areas have suffered from varying amounts of encroachment by settlers in recent years.

#### National Parks and Game Reserves

Wildlife in Uganda is managed by the Uganda National Parks, a parastatal run by a Board of Trustees, and the Game Department which manages game reserves, controlled hunting areas, and game sanctuaries and falls under the Ministry of Tourism, Wildlife, and Antiquities. Considerable wildlife also exists in forest reserves, which are managed by the Forestry Department which falls under the Ministry of Energy, Minerals, and Environment Protection.



The National Park Act was passed by the protectorate administration in 1952. The two parks established at that time (Queen Elizabeth and Murchison Falls National Parks) were created out of pre-existing game reserves with additional territory incorporated into the park lands at the time of their gazettelement. Human population was generally absent in the areas encompassing those game reserves, having been depopulated by the protectorate administration in efforts to deal with infestation of tsetse fly and resultant incidence of sleeping sickness (UNEP 1988).

The area containing Lake Mbuho National Park likewise had been heavily infested with tsetse fly resulting in outmigration of the human population. That area was first administered as a controlled hunting area and later a game reserve before being declared a national park in 1982 (UNEP 1988).

The abundance of wildlife provided Uganda with a major source of income from tourism through the 1960's. At that time tourism was the third largest source of foreign exchange earnings after coffee and cotton.

The slaughter of wildlife which began during Amin's rule and continued following the invasion of Tanzanian forces ousting the Amin government and the later insecurity during the ensuing years up to the coming to power of the present NRM government has left Uganda with a fraction of its previously vast wildlife populations. While poaching using traditional means (bows and arrows, spears, and snares)



could be contained, it was this later slaughter with heavy guns and automatic weapons which had a devastating affect on wildlife populations. The depopulation of wildlife has rendered large areas of national parks and game reserves void of wildlife, giving the impression of large tracts of unused land.

### Forest Reserves

The forest reserves have suffered a similar fate.

The establishment of central forest reserves by the colonial administration was a result of agreements entered into with the rulers of Uganda kingdoms (Buganda Agreement 1900, Toro Agreement 1900, and Ankole Agreement 1901). All lands in other parts of the protectorate were declared crown lands and forest reserves were gazetted from these lands as and when necessary (UNEP 1988).

Prior to the early 1970's forest reserves were successfully managed, balancing economic utilization with the conservation of wildlife and maintenance of biological diversity. Settlement in forest reserves was permitted under the Forest Act (1964) provided that the appropriate permits were obtained and the permit holder adhered to the conditions of the permit.

Since the early 1970's forest resources have been depleted at a rapid rate both on privately held land as well as within gazetted forest reserves. This has resulted from a number of causes: unregulated commercial exploitation of

timber resources; the growing demand for fuel wood not only for heating and cooking, but also for small scale manufacturing and more recently a growing number of local brick kilns; the encroachment of human settlement and agriculture into formerly forested areas and forest reserves; and, to a limited extent, state sponsored forest clearing schemes to limit cover for guerrilla activities,.

The current state of affairs with respect to settlement of people into the forest reserves is a result of a number of factors. Population pressures in some parts of the country, particularly the southwest and recent civil disorder in other areas has led to a movement of settlers from these areas into forest reserves. This movement was coupled with government policy in the mid 1970's advocating "double production" and "freedom to settle anywhere" which resulted in an appearance to prospective settlers of government sanction to settlement in these protected areas. The forest department understaffed and underfunded much as the game department was unable to control illegal settlement and exploitation of the forest resources.

### **Resettlement**

The destruction of the resources the reserves were supposed to protect (wildlife or forests) created an opportunity for the settlement of people into the reserves to take place. Encroachment by settlers into the game reserves and forest reserves has been extensive. The actual encroachment of settlement into the National Parks in recent

years has generally been more limited; what settlement has taken place has often resulted from the expansion of settlement enclaves within the parks or government policies which excised park lands and redrew park boundaries.

### CASE STUDIES

Three case studies present an illustration of some of the issues related to settlement in and around protected areas. The objective of these brief descriptions is to provide some insights into the different types and causes of settlement which has occurred in these areas, the resultant interaction between the settlements and the protected areas, and the implications of each type of settlement for the formulation of government policy action. The information presented is drawn entirely from published reports and is used for illustration purposes only.

As indicated earlier three types of settlement will be presented: enclaves of settlement existing within the protected area at the time the protected area was gazetted; encroachment into the protected area, either by neighbors to the protected area expanding into that land or outsiders moving into the area; and resettlement of outsiders into the protected area as a government policy. Each situation illustrates a different history of the settlement, different implications for interaction with the protected area, and presents very different government policy with respect to each settlement.

## Queen Elizabeth National Park Fishing Villages

Within Queen Elizabeth National Park are found Lake Edward and Lake George connected by the 32km Kazinga Channel. These lakes and the channel contain one of the highest fish biomasses to be found in the world. This is responsible for a large number of fishing villages to be found within the park boundaries. When the park was gazetted in 1952 a number of fishing villages were incorporated within the overall park boundaries (Map 2). In some cases fishing villages were permitted to continue to exist on park land. In other cases the fishing villages were purposely excluded from the park land, being established as village enclaves within the park, completely surrounded by the park (UNEP 1988, Olivier 1990).

The original understanding with the villages within park lands was that village members were only allowed to fish and collect dead wood from the park for fuelwood requirements. Livestock was not permitted within the park. As the populations of these villages expanded the park authorities saw a need to clearly demarcate the boundaries of the villages. However, there was never any attempt to formalize the tenure rights of the people in these villages. Thus they have existed on park land with little security of tenure other than the understanding of pre-existing land rights prior to the gazetting of the park.

The enclave villages present a somewhat different situation as they exist on non-park land. Katwe village,

for example, has had long historical settlement tied to the existence of a salt extraction industry and related trade in salt from one of the crater lakes within the enclave. However, in addition to the salt extraction industry there is a large fish landing in the village and a substantial fishing industry.

The fishing industry has in recent years provided a major source of income for the people in the area given the decline of alternative economic opportunities. While the fisheries department has tried to regulate the number of fishing licenses on the lakes, and thus indirectly limit the number of people utilizing the resource, the relatively high returns to fishing have led to a rise in the number of illegal fishing activities and a growing population in the villages.

This increasing population obviously puts greater demands on the resources of the park. These include need for fuelwood for cooking and drying of fish, demands for small plots of land for cultivation, increased number of livestock, in addition to the need for basic social services (schools, clinics, etc., which serve as a further incentive for others to settle in the area). The increasing population also brings an increasing level of poaching of wildlife. On the other hand people do suffer as a result of the park with predation of livestock and attacks on individuals by wildlife.



A number of options are open to the government with respect to settlement of this sort within the park boundaries.

If people are to remain in the fishing villages which are in the park the following issues must be addressed. Alternative sources of fuel wood have to be found to the present indiscriminant harvesting of wood from within the park. These include the establishment of community forestry projects, utilization of non-wood energy sources, and concessionary cutting of wood from within the park from areas where severe acacia encroachment has occurred as a result of the destruction of the elephant herd. Mechanisms need to be put into place to regulate the numbers of fishing licenses granted and the number of fishing boats on the lake. Village boundaries must be clearly demarcated clearly indicating to the villagers as well as to the park authorities the limits of settlement. Access roads to the villages need to be improved to facilitate movement of fish to market (the potential for marketing fresh fish would eliminate some fuel wood needs) as well as permit the flow of food stuffs into the villages (reducing the need for growing vegetables or keeping livestock).

If people are to be removed from the fishing villages alternative issues must be addressed. The fishing industry is a major source of income for people in the area and revenue for the districts. There is evidence that a number of the people fishing in the lake come from great distances, fish for a number of years to save money, and then return to

their home areas. Relocation of the people means finding alternative income generating opportunities, wage employment, or agricultural land. While many of the fishermen may have agricultural land, that land may provide subsistence income at best and probably less, which is why people are fishing in the first place. Resettling the fishermen on additional agricultural land implies the ability to secure that land somewhere.

#### Kibale Forest Corridor and Kibale Forest Reserve

The Kibale Forest Game Reserve was established to provide a corridor for wildlife, mainly elephants, moving from Queen Elizabeth Park to the Kibale Forest Reserve in addition to providing a buffer zone for the northern part of the park (Map 3). The Forest Reserve itself contains one of the highest concentrations of primates in the world.

Recent research done by MISR/LTC on settlement in the game and forest reserves provides background information useful for this presentation. Settlement into the reserve was primarily by Bakiga settlers moving out of the severely overpopulated present districts of Kabale and Rukungiri. This settlement began in the late 1950's continuing into the early 1980's. Severe land shortage in the areas of origin, plus inheritance rules which subdivide family land among all of the sons has led to a high level of land fragmentation and increasingly sub-economic plots (MISR 1988, Drennon 1990).