

## **Uganda National Forestry Authority and Enforcement of Forestry Policy 2001: A Case of South Busoga Forest Reserve, Mayuge District, Eastern Uganda**

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**Abstract:** Conflict of interest between the legislative and executive arms of government trickle down to institutions aligned to the executive, especially environmental bodies in developing countries with the Western democracy of periodic competitive elections. A study of 344 households engulfing South Busoga Central Forest Reserve, Mayuge district and 31 conservationist attached to the forest reserve found that the local communities were aware of the Forestry Policy, 2001 but practiced the following illegalities in the forest reserve with impunity; farming, charcoal burning, settlement and indiscriminate felling of trees; the mode of evictions applied by NFA were statistically insignificant ( $>9.21$ ) at  $df = 2$  at 0.01 viz. Notices, abrupt evictions, NFA using police to evict, prior consultation with encroachers, compensation arrangements prior done, resettlement of evictees assured, imprisonment, loss of estates by evictees and NFA using local council to evict. There was a very high/strong relationship between the local communities' perceptions and lead agencies' perception, at  $r = 0.95$ , on the mode of evictions of encroachers at SBCFR, Mayuge district. Thus given the fact that the local communities found the mode of evictions statistically insignificant this was also upheld by the lead agencies. The main impediment to effective enforcement of the Forestry Policy in 2001 was the political meddling in the activity. It was therefore recommended that the minister in whose docket forestry lies should cultivate a political will amongst fellow politicians to avoid using forest estates as political hand outs, make effective eviction policy which include politicians as both decision makers and mobilizers and adopt either privatisation or collaborative forest management with both effective sensitization and participatory monitoring as the main tools for managing the forest reserve.

**Key words:** Compliance, de-legitimization, local communities, politics, power, illegalities

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### **INTRODUCTION**

Formal management of Uganda's forest started in 1900 with rules and regulations but without a policy. The Forest Department was very small and much of its efforts put into direct exploitation rather than into long term planning, acquisition and development of national forest estate (Obua *et al.*, 1998). The apparent genesis of forest policies in Uganda can be traced from the 1929 Nicholson report which recognized the anthropocentric uses of forests hence, creating the need for delimiting and defining forest boundaries (Mugenyi *et al.*, 2005). Prior to it the colonial government capitalized on exploiting the forests, establishing ornamental trees on a number of plantation and species trial projects (Olet, 1977).

The 1929 forest policy, the first of its kind was crafted ostensibly, without consultations with the local communities engulfing the forest reserves. Many writers summed up that the policy provided for sustainable management of the forests with an inclination on profitability given the capital invested in the project through afforestation of more land (Forest Department cited by Obua *et al.* (1998), Mugenyi *et al.* (2005) and Olet (1977). Olet (1977) continued to assert that through it; the Forestry Ordinance was reviewed empowering the Governor to declare any area a forest reserve. Work plans for forest reserves were drawn up by colonialist. This projected to the independent Uganda where in 1968, the local government forest reserves were amalgamated with the central government forests. This exploitation by the

few at the expense of the obstructed majority was merely laying grounds for opportunity of the latter to come.

In Uganda like other once colonized countries, on attainment of independence all natural resources became property of the government. The Forest Act of 1964 retained the colonial administration approach of the forestry management. Under the 1967 constitution, forest resources were centralized and management vested in the Forest Department (FD) (Mugenyi *et al.*, 2005). The National Forestry Authority (NFA) charged with the responsibility of management of Central Forest Reserves (CFRs) evolved from the then FD institutionalized in 1898. The transformation of NFA, an autonomous body from FD started in 1998. It manages CFRs only and performing other forestry functions with the ministry, under the supervision of the minister in charge (MWLE, June 2003; NFTP in 2003 Act No. 52.2b). This skews its activities towards politics, an impediment to both compliance and enforcement.

NFA (2005) had it that the authority manages forestry department activities in 506 Central Forest Reserves (CFR) in the country. It does this in partnership with the private sector such as companies, firms, non-governmental organisations; community based organizations and individuals, the central government and Local Government (LGs) in accordance with the National Forest and Tree Planting Act (NFTP in 2003). Thus, legally NFA is a corporate body with an official seal and may for the discharge of its functions among others in reference to this research sue or be sued (Act No. 52.2b of NFTP in 2003). It is under the general supervision of a minister as per the Act (NFTP in 2003). Due to negativity vested on the NFA, contrary to the Legitimacy Theory by benefiting local communities, the body has taken the Luganda connotation NFA literary meaning am dying which is a reflector of a strain relationship.

The cardinal role of NFA is enforcement of Forestry Policy. In other countries lead agencies of its equivalent carry out activities such as inspection to verify compliance, investigation of violations; measures to compel compliance without resorting to formal court action such as directives by the minister or enforcement officers ticketing and environmental protection compliance orders by enforcement officers and measure to compel compliance through court action such as injunctions, prosecution, court orders upon conviction and civil suit for recovery of costs (Canada, 2001). Missing on the Canadian approach to enforcement is a grace period within which the illegal activities must be discontinued in order to avoid the stated sanction being imposed. After the grace period a coercive penalty can be administered (Kok, 2005). This by the East African

standards was a period of notice to evictions. Sometimes they were done hastily as in the case of Maasai Mau evictions done in 5 h time yet no alternative accommodation was given to the evictees. This research revealed the same for SBCFR in Mayuge district where most households claimed that no eviction notices were given.

NFA established in 2003 and become operational in early 2004. The body inherited an extremely bad situation but in >6 months of its services reversed the situation into what was internationally acclaimed as the Uganda Miracle (Kamugisha-Ruhombe, 2007). In early 2006 according to Kamugisha-Ruhombe (2007) it turned to the status of the then FD, especially corruption where ranks of NFA senior management were implicated. Hamilton (1984) claimed that corruption manifested itself in the following ways; personal acquisition, unauthorized sale or renting of forest estate; illegal pit sawing, collection of bribes to overlook illegality and misuse of departmental vehicles. Mupada (1997) admitted that the vice was synonymous with the then FD. This challenges the values cherished by NFA viz. excellence, integrity and transparency. The same was evident in SBCFR; Mayuge district.

The NFTP 2003 reiterates the constitutional provision that all forests vest in the government which holds them in trust for the people of Uganda (Sec; 5, The Republic of Uganda, 2003). Section 54 of the same Act has it that the government delegated its managerial powers over forest reserves to the NFA. Section 14 and 32 prohibits unauthorized conduct in a forest reserve which includes encroachment. The offence is punishable as per the same sections. This gives NFA powers to evict encroachers from all CFRs in Uganda (Mugenyi *et al.*, 2005). With the background of diminishing forest cover the National Forest Plan in 2002 mandated both NFA and UWA to ensure security of the Permanent Forest Estates (PFE) boundaries.

This research was out to establish the illegalities practiced at SBCFR, Mayuge district; assess the effectiveness of the modes of eviction of encroachers at SBCFR, Mayuge district and find out the impediments to effective enforcement of Forestry Policy, 2001 at SBCFR, Mayuge district.

**Description of the study area:** The case study forest reserve was gazetted and demarcated in Legal Notice No. 110 of 1938. Under Legal Notice No. 41 of 1948 the title of the forest is South Busoga Central Forest Reserve (Leggat, 1954). It is currently under NFA with a total area of 16382 ha. It is absolutely situated on the northern shores of L. Victoria between latitudes 0°16'59"N and longitudes 33°34'22"E (Davenport *et al.*, 1996). It is 51 km

South East of Jinja town and 131 km South East of Kampala city. The target population comprised 8941 households in seven parishes touching SBCFR. These were in two sub-counties viz., Kityerera and Malongo sub-counties all in Bunya county, Mayuge district in Uganda.

The area has a bimodal type of rainfall which begins in March or April with peaks in May to June and October to November. From December to March the area experiences dry spell though occasionally irregular rains fall in the former months (Leggat, 1954; Davenport *et al.*, 1996). The natural vegetation conforms to the rainfall intensity thus decreases eastwards and southwards from Kityerera (Leggat, 1954). According to Davenport *et al.* (1996) the forest can be broadly classified as medium altitude moist semi-deciduous forest (*Albizia-Chlorophora* dominated) and moist Combretum savanna this is within an altitudinal range of 1140-1300 m above sea level. The lake shore vegetation in the reserve is of the papyrus swamp. The main species in the closed area were *Albizia-Markhamia* with *Chlorophora Canarium*, *Croton macrostachys*, *Sapium*, *Premna*, *Pseudospondias*, over an under storey mainly of *Caetacme*, *Teclea* and *Clausena* over a dominantly *Aframomum* and *Cyathula achyranthoides*. Besides these between 1949-1941 *Mvule* (*Chlorophora excelsa*) and other valuable species were planted in 765 acres (Leggat, 1954). Most of this vegetation has been devegetated due to de-legitimization of the Forestry Policy through encroachments leaving behind tree stamps of the mentioned species, partly attributed to conflict of interest between both the enforcement officials and the local communities engulfing SBCFR, Mayuge district.

## MATERIALS AND METHODS

This was a case study conducted through a cross-sectional survey research design. It was concerned with determining the efficacy of NFA as lead agency in forestry on enforcement of Forestry Policy at SBCFR, Mayuge district. Such issues are appropriately investigated using a cross-sectional survey research design. The design enabled the researchers to obtain information that described existing phenomena with respect to one or more variables (Mugenda and Mugenda, 2003). Given its nature as viewed by many researchers including the researchers, triangulation was used especially QUAL-Quan Model where qualitative study came before a quantitative study as arranged in the objectives/research questions of the research (Gay *et al.*, 2009; Bailey, 2007; Amin, 2005; Morse and Richards, 2002; Nachmias and Nachmias, 1987). A total of 344

respondents participate out of the expected 369 households. This number, especially of the households was chosen in line with Krejcie and Morgan (1970)'s sampling size for research activities determination table (Amin, 2005). There was also triangulation of sampling techniques thus both probability and non-probability sampling techniques were concurrently used (Bailey, 2007; Amin, 2005). The techniques applied were stratified sampling, snowballing, purposive sampling and convenience sampling techniques.

The researchers used, questionnaires, interviews, observation and document analysis as the main tools for collecting data. The researchers were mainly concerned with views, perceptions, opinions, attitudes and behaviors of the respondents. Such information could be best collected using the given tools (Bell, 1999; Cauvery *et al.*, 2007; Oso and Onen, 2005). The percentage distribution techniques was used to show the particular frequencies of respondents preferring a particular alternative to give the face value implications on non-compliance and enforcement problems of the policy on deforestation of SBCFR. Statistical Package for the Social Sciences Version 10 (SPSS) was used given the number of respondents and carrying out cross tabulations which cannot be done either manually or using Excel (Fisher, 2007; Fraenkel and Wallen, 2008). A Spearman correlation analysis was done to establish the relationship between the conservationists opinions and the local communities' opinion on the mode of evictions of encroachers from SBCFR, Mayuge district.  $\chi^2$ -test for goodness of fit was used to analyze the frequencies in line with the research questions (Kothari, 2004; Oso and Onen, 2005).

## RESULTS AND DISCUSSION

The characteristics in relation to encroachment of the local communities living adjacent to South Busoga Central Forest Reserve, Mayuge district is shown in Table 1.

From Table 1 it was clear that the local communities who participated in this research were residents of villages in the neighbourhood of SBCFR, Mayuge district. Bukatabira had the highest number of participants at 18.6% while Bubinge had the least at 05.8%. This was a reflection of their population sizes and consequent sample sizes.

More than two thirds of the respondents (70.1%) claimed to have no idea of the developments of the Uganda Forestry Policy, 2001 and hence decimally responded on those who could have participated in its development according to Table 1. Slightly more than a

Table 1: The local communities and encroachment of SBCFR, Mayuge district (n = 344)

Characteristics	n	Percentage
<b>Parish of residence</b>		
Bubinge	20	05.8
Bukalenzi	61	17.7
Bukatabira	64	18.6
Bwondha	50	14.5
Kityerera	47	13.7
Namadhi	41	11.9
Wandegeya	61	17.7
<b>Participants in Forestry Policy development</b>		
Politicians and foresters	106	30.8
Foresters and NGOs	126	36.6
Local community participated	97	28.2
Foresters only	94	27.3
All inclusive	43	12.5
No idea	241	70.1
<b>Duration of forest land utility without eviction</b>		
Never	56	16.3
<05	100	29.1
6-10	78	22.7
11-15	35	10.2
16-20	20	05.8
21-25	24	07.0
26-30	14	04.1
>31	17	04.9
<b>Means of land acquisition</b>		
Boundary extension	246	71.5
Purchased	245	71.2
Free access	173	50.3
Political utterances	184	53.5

third of the households' respondents (36.6%) believed the foresters and non-governmental organizations participated in its making and that was the highest. Politicians and foresters had slightly below a third (30.8%) of the responses perceived to have participated in the development of the Forestry Policy, 2001. Slightly above a quarter of the respondents believed the local community participated in the development of the policy (28.2%). While 27.3% claimed that it was done by foresters alone.

The views presented by the local communities living adjacent to SBCFR showed apparently that they were not represented in any consultative meeting on the draft policy or their representatives did not consult neither did they inform them of the outcome of the consultative meetings on the drafting of the Uganda Forestry Policy, 2001. According to the policy >1200 people attended 4 regional workshops in Mukono (Central), Mbarara (Western); Lira (Northern) and Mbale (Eastern). The workshops were all inclusive viz. politicians, administrators, technicians, NGOs, researchers, large and small scale farmers and other stake holders. The approach used in the making of the policy was excellent but did not have a trickling down effect thus more than two thirds (70.1%) claimed to have no idea of its making amongst the households living adjacent SBCFR, Mayuge district. Besides majority (87.5%) claimed that politicians, foresters, NGOs and the local community did not participate in its making (Table 1).

On occupancy of the forest reserve Table 1 explicitly show that there was a drastic increase in the number of recent encroachers (<5 years) acknowledged by more than a quarter of the respondents (29.1%). Close to this segment was (6-10 years) which was acknowledged by 22.7%. These like others engaged in illegalities in SBCFR by carrying out the following; farming, settlement, cutting trees, saw milling, bricks making, cultivating opium and charcoal burning. All these groups lay within the limits where NFA could evict given the fact that apparently they fall within the 1992 racket, a year when due to finances the then FD could not sustain evictions. Thus could be evicted without compensation (Watasa, 2010). Ironically the out pour could be attributed to the 2006 Executive Order which by the time of this research had not been withdrawn. Encroachers misinterpreted this ban to mean permanent settlement in SBCFR, Mayuge district (Siminyu, 2009). This was a challenge to the management of evictions at SBCFR by the NFA officials.

Table 1 shows that close to a third of the household respondents (32%) claimed to have or their neighbours had utilized the forest land without evictions for atleast 11 years to almost >31 years. From both interviews and observations SBCFR had two types of settlers viz., permanent the ittakalyange (landlords), very furious and referred to themselves as Talibans. They owned the following villages in the reserve; Corner Bar, Kabandho and Nakalyango. These were the earlier encroachers and currently claim ownership of the forest estate. The recent settlers referred to as Americans, the moderates who knew the land belonged to government. They occupied the following villages in the forest reserve; Nairobi, Kampala, Walugyo, Musoma and Buwembe. According to Mugenyi *et al.* (2005) evicting these people or tribal groups from SBCFR given the duration they have spent undisturbed, without alternative source of livelihood does not only violate the provisions of The Indigenous and Tribal Peoples Convention, 1989 No. 169 which Uganda ratified. The evictions also negate the primary responsibility of government to develop coordinated and systematic actions to protect property rights of tribal peoples and respect their integrity.

Results in Table 1 clearly show that there were two main ways of land acquisition at SBCFR claimed by majority of the household respondents. These were local extension of the boundaries by local communities in the forest estate's neighbourhood (71.5%) and purchase from those who acquired earlier referred to as the landlords (71.2%). Apparently due to population pressure and the 2006 executive order, most locals torching the forest reserve extended their land demarcations into the forest reserve for the NFA officials were made powerless.

On purchase of land through interviews it was established that the Talibans or Ittakalyange or land lords awarded land of 3 acres at UShs. 50,000/= (about \$25) per year and with time the tenants were assured of ownership. The tenants constructed make shifts settlement. From a discussion with some tenants, it was believed that there was an agreement between the government and Iddi Mwondha, the chairman of land owner's association to share the 16,000 ha forest estate. This therefore gave him and his associates, a right to sell or rent the land a factor viewed by more than two thirds of the respondents (71.2%) according to Table 1. It was also claimed that these land lords invited others to come and settle in the reserve besides people positioning themselves to easily access the land when sharing becomes a possibility.

Slightly more than half the respondents (53.5%) claimed occupancy of the forest reserve by political utterances (Table 1). Political statements from the highest political offices in Uganda especially President Museveni in 1996 and the then Vice President Dr. Specioza Kazibwe encouraged settlement in the area (Mugenyi *et al.*, 2005). For the local politicians the reserve was viewed as a political asset thus pledging the reserve would manifest into votes. Anderson *et al.* (2006) claimed that local politicians are very instrumental in defining work area priorities hence, only actively support forest governance when they see a positive political mileage in the support. Therefore, much as NFA officials had the authority to manage the forest reserves, politicians had power to usurp their authority hence, encroachment in the forest reserves as exemplified by the situation at SBCFR, Mayuge district.

There was free access to the forest reserve land claimed by 50.3% of the respondents (Table 1). Given the large expanse of the estate; few NFA personnel, in-obstructable boundary demarcations; and general lawlessness in the forest reserve, it was accessible by anybody who wished to use it. Mugenyi *et al.* (2005) claimed that seasonal migrants from Teso, Kayunga, Mbale and Western Kenya utilized the land for maize growing season and left after harvesting. Siminyu (2009) added that the Kenyans set up residential make shifts for settlement, cultivate and cut trees for either timber or charcoal which they smuggled to their country through Lake Victoria. This free entrance and exit from the forest reserves exemplifies the magnitude of lawlessness in the SBCFR which was detrimental to the forest biome and any progress done by NFA officials.

**Illegality practiced in South Busoga Central Forest Reserve, Mayuge district:** The illegality were a manifestation of non-compliance through human activities

in SBCFR, Mayuge district like in any other forest reserve elsewhere in the country. These included among others the following in the forest reserve; farming, settlement, cutting trees, saw milling, bricks making, cultivating opium and charcoal burning.

Table 2 shows some of activities tested in SBCFR. Table 2 explicitly shows that farming was the most dominant illegal activity in SBCFR, Mayuge district (72.4%). Through observation, arable farming was directly carried out by both people resident within and outside the forest reserve. The main crops grown in SBCFR were potatoes, cassava, maize and beans. Encroachers were psyched to believe that their actions, especially farming would lead to the conversion of the entire SBCFR into gardens for subsistence cultivation (Natusiimira, 2007). This has therefore been a point of conflict between the local communities in the neighbourhood and the forest resources managers in SBCFR.

Charcoal burning was viewed as the second most important activity by about two thirds (63.4%) of the respondents (Table 2). Compared to farming interviewed encroachers, agreed that charcoal burning had a short gestation period hence giving quick returns. The activity was carried out by the local communities in SBCFR's neighbourhood and seasonal immigrants who included Kenyans (Siminyu, 2009). Most researchers agreed that charcoal burning was backed by increasing urbanization in Uganda and the high cost of electricity besides easy storage, cheap equipment and technology, portability, high energy compared to wood fuel (Muthoka *et al.*, 1998; NEMA, 1999; Gachanja, 2000; Otieno, 2003). Experience had that charcoal burning as a non-compliance manifestation activity has led to deforestation of various forest reserves viz. Bahati and Emburu forests in Nakuru district and West Bugwe Forest Reserve, Busia district (Gachanja, 2000; Otieno and Buyinza, 2010).

Results in Table 2 show that more than half (52.3%) the respondents agreed that there was settlement in SBCFR, Mayuge district. Watasa (2009) reported that the number of encroachers increased from 3000 with effect from the Executive Order of February, 2006 halting evictions to 10,000. Watasa (2009) continued to claim that with the backing of both local and national politicians the encroachers had sealed off over half of the 16,000 ha

**Table 2: Illegality in SBCFR, Mayuge district (n = 344)**

Activity	Local communities' responses		
	Agreed	Undecided	Disagreed
Settlement in SBCFR	180 (52.3%)	30 (08.7%)	134 (39.0%)
Farming in SBCFR	249 (72.4%)	18 (05.2%)	77 (22.4%)
Charcoal burning in SBCFR	218 (63.4%)	42 (12.2%)	84 (24.4%)
Deforestation in SBCFR	74 (50.6%)	52 (15.1%)	118 (34.3%)

Table 3: Local communities perceptions on their relationship with SBCFR, Mayuge district (n = 344)

Statements	Local communities' view		
	Agreed	Undecided	Disagreed
Evictees from the forest reserve have a right to life	228 (66.3%)	39 (11.3%)	77 (22.4%)
The local communities and the forest reserve had mutual relationship before gazettement	201 (58.4%)	32 (09.3%)	111 (32.3%)
The relationship between the NFA and the local community is bad	193 (56.1%)	65 (18.9%)	86 (25.0%)

SBCFR. Through observation it was common to find make shift settlement in the forest reserve belonging to either indigenous local communities or those from outside the local community in the neighbourhood of SBCFR, Mayuge district. Contradictorily deforestation which gave way to all the illegalities was the least agreed activity by 50.6% of the respondents (Table 2). Therefore, through these activities, it was clear that increasing human activities which were non-compliant to the Uganda Forestry Policy, 2001, led to deforestation of SBCFR, Mayuge district. These activities were performed with impunity imbued in the local communities' perception as in Table 3.

Table 3 clearly shows that more than two thirds (66.3%) of the households' respondents acknowledged that the evictees had right to life. The lead agencies interviewed had an over whelming acceptance of this right. Ironically, the same rate of acceptance by the lead agencies falsified compensation of the evictees. This right to life has a backing from Article 22 of the Ugandan Constitution (The Republic of Uganda, 1995). In this case, the right to life integrates the right to sustenance and livelihood which includes socio-economic rights like right to food and shelter (Mugenyi *et al.*, 2005). From the local community, it was clear that 83.7% of the respondents had been eking livelihood either directly or indirectly (neighbours and relatives) from SBCFR uninterrupted for atleast months to >31 years given the nature of evictions carried out (Table 1). This therefore calls for amicable handling of evictions by stakeholders at SBCFR.

Results from Table 3 show that more than half (58.4%) of the households recalled the nostalgic past when the forest reserve was flourishing and they could apparently utilize the forest resources sustainably. This was before gazettement where the current forest estate was community owned. According to 56.1% of the households, their relationship with NFA was bad connoted in their localising the abbreviation NFA to NFA directly translated as am dying in the local dialect. Worse still the local communities were exploiting antagonism with politicians, hence, fighting NFA officials with impunity. This eroded the confidence and integrity of an environmental law enforcing agency, NFA and consequently de-legitimised the Uganda Forestry Policy 2001 in SBCFR.

Table 4: Summary of Chi-square statistic value of the media of sensitization about the Forestry Policy, 2001 at South Busoga Central Forest Reserve, Mayuge district (n = 344)

Media	The local communities' responses			
	Observed	Expected	$\chi^2$ -calculated	$\chi^2$ -tabulated
Radio	225	344	41.2	9.21
Newspapers	120	344	145.9	9.21
Conservationists	121	344	144.6	9.21
Television	58	344	237.8	9.21
Village council meetings	112	344	156.5	9.21
All the medias	28	344	290.3	9.21

df = 2 at 0.01 = 9.210

**The methodology used to enforce the Forestry Policy at South Busoga Central Forest reserve, Mayuge district:**

From the field it was clear that sensitization about the Uganda Forestry Policy, 2001 at SBCFR was done using the media presented in Table 4.

From Table 4 it was crystal clear that none of the medias at the exposal of NFA was effectively used to sensitize the local communities engulfing SBCFR, Mayuge district. According to Zziwa and Waiswa (2007) radio was fairly used despite its flexibility, accessibility and use of vernacular but was statistically insignificant at (41.2>9.21 df = 2 at 0.01). Besides televisions were equally insignificant at (237.8>9.21 df = 2 at 0.01). The issue of televisions could be attributed to the fact that they are considered goods of ostentation and therefore urban where electricity is found. A combative approach where all medias were to be used was also insignificant at (290.3>9.21 df = 2 at 0.01).

The conservationists here included the following: NFA (lead agency), NEMA officials, District Forestry Services and the Uganda Police. These according to Table 4 were statistically insignificant in sensitization of the Forestry Policy at (144.6>9.21 df = 2 at 0.01). This could be attributed to the fact that these people had lost grip of the local communities living adjacent SBCFR and believed to detrimental to the development of the area (Nsangi, 2006). The print media was also insignificant at (145.9>9.21 df = 2 at 0.01). This had a bearing on the fact that they were inaccessible in the rural settings, very expensive and high illiteracy levels in the rural areas (Zziwa and Waiswa, 2007).

Table 5 shows that a combination of both NFA and police on evictions was fair though statistically in significant at (27.4>9.21 df = 2 at 0.01). The two were law enforcers thus evictions of encroachers were within their

docket. This has made the two institutions the most hated by the local communities in the neighbourhood of SBCFR, Mayuge district. The hatred could be attributed to abrupt evictions; no prior consultations with encroachers; no assurance of resettlement; no hope of compensations of damages done and no effective notices given to the culprits. All these made the encroachers immune to the actions taken by NFA hence lawlessness at SBCFR, Mayuge district.

The combination of NFA and local council officials was also ineffective statistically at ( $78.2 > 9.21$  df = 2 at 0.01) (Table 5). This could have been due to the fact that Local council officials were politicians viewing encroachers as voters they also in persons and by proxy participated in the illegalities and relatives to the encroachers (Otieno, 2003; Otieno and Buyinza, 2010). This could therefore not make the politicians effective in the evictions given the fact that there was no; resettlement, compensation and imprisonment was normal. Through interviews with NFA officials there was a claim that the encroachers had where they came from and thus not homeless as per say. This acted contrary to Article 11 (i) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the African Commission on Human and Peoples Rights, determining that the right to housing is part of the African Charter. Table 6 through tabulations shows that  $r = 0.95$ . This value lay on a ( $>0.85$ ) segment of the strength of a

correlation, manifesting a very high/strong correlation, at a 0.05 level of significance (Fowler *et al.*, 1998; Mugenda and Mugenda, 2003; Fraenkel and Wallen, 2008). It could therefore be concluded that there was a very high/strong relationship between the local communities' perceptions and lead agencies' perception on the mode of evictions of encroachers at SBCFR, Mayuge district.

Thus, given the fact that the local communities found the mode of evictions statistically insignificant this was also upheld by the lead agencies as per (Table 6).

**The impediments to enforcement of Forestry Policy at South Busoga Central Forest Reserve, Mayuge district:**

History has it that people encroached forest reserves in Uganda on unprecedented levels after 1972, on directions of the then President of Uganda Iddi Amin Dada. This was done on the auspice of double production campaign in 1973 with a declaration of an economic war after expulsion of Asians. The president then declared that Ugandans were free to settle anywhere (NEMA, 1996). In abid to conserve the forest reserves eviction of forest encroachers has been often done country wide, SBCFR, Mayuge district inclusively. The last serious evictions were in 1991 where the government even cancelled all land titles which had been issued for lands within the forest reserves between 1971 and 1986. The CFRs' boundaries were re-surveyed and opened (NEMA, 2001). Other

Table 5: Summary of chi-square statistic value of the mode of eviction at SBCFR, Mayuge District (n = 344)

Mode	The Local communities' perceptions			
	Observed	Expected	$\chi^2$ -calculated	$\chi^2$ -tabulated
Notices	198	344	62.0	9.21
Abrupt evictions	216	344	47.6	9.21
NFA and police evict	247	344	27.4	9.21
Prior consultation with encroachers	138	344	123.4	9.21
Compensation arrangements prior done	102	344	170.2	9.21
Resettlement of evictees assured	118	344	148.5	9.21
Imprisonment	227	344	39.8	9.21
Loss of estates by evictees	240	344	31.4	9.21
NFA and Local council evict	180	344	78.2	9.21

df = 2 at 0.01 = 9.210

Table 6: A Spearman's Rank Correlation of the perceptions of the local communities and the Lead agencies on the mode of evictions of encroachers at SBCFR, Mayuge district

No.	The local communities' perceptions (n = 344)			The lead agencies' perceptions (n = 31)			d	d <sup>2</sup>
	Mode of eviction	Rank	Rank	Mode of eviction	Rank	Rank		
1	Notices	198	5.0	Notices	29	1.5	3.5	12.30
2	Abrupt evictions	216	4.0	Abrupt eviction	09	7.0	-3.0	9.00
3	NFA and police evict	247	1.0	NFA and police evict	29	1.5	-0.5	2.50
4	Prior consultations	138	7.0	Prior consultations	20	5.0	-2.0	4.00
5	Compensation	102	9.0	Compensation	05	8.0	1.0	1.00
6	Resettlement	118	8.0	Resettlement	04	9.0	1.0	1.00
7	Imprisonment	227	3.0	Imprisonment	21	3.5	-0.5	2.50
8	Loss of estates	240	2.0	Loss of estates	21	3.5	-1.5	2.25
9	NFA and Local council evict	180	6.0	NFA and Local council evict	17	6.0	0.0	0.00

$\sum d^2 = 34.6$

evictions have since then been continuing but with hiccups especially the 2006 executive order halting official evictions. Despite this the encroachers had always leaned against several sympathizers as depicted in Table 7.

From Table 7, it was clear that more than two thirds of the households' respondents (71.8%) clung on the politician's apparent sympathetic gestures to ease their tensions on evictions. The reliance on politicians was exhibited by over 100,000 residents in Mayuge district petitioning members of parliament on the natural resource committee on evictions by NFA from Kityerera and Malongo sub-county forest reserve (*E:\NFANews, htm2007*). Anderson *et al.* (2006) also acknowledged that politicians are worried about staying in power hence in turn make choices about how to employ their limited time and resources to serve political as well as programmatic goals. For sure no politician would dare leave the support from >10.000 people about half a constituency. From these views, it was clear that politicians use environmental issues as political capital to stay in power.

Table 7 shows that given the political backing (71.8%) of the evictees or encroachers they apply mob justice (53.2%) to maintain their status quos. From both interviews and observations the encroachers were properly organized to the extent that they used whistles to mobilize themselves in case of danger or anything causing disorder. Tenywa (2007) observed that the encroachers had better organization with political support, making it increasingly difficult for the NFA to evict them. Acaye added that some of the encroachers especially at Buwembe, Corner-Bar and Bubode included many Uganda Peoples' Defense Forces veterans determined to create new villages in the forest reserve. Thus fiercely, encountered any strategy to evict them forcefully by ill-equipped NFA officials.

Encroachers nursed a claim that the land belonged to them contrary to NFA officials' reference to them as trespassers. They thus provocatively grazed, set fires to the planted trees and directly uprooted tree seedlings in the SBCFR, Mayuge district. Thus, discouraged the Kakira Sugar Works and Nile Ply Companies, licensed investors in reforesting the SBCFR aimed at

establishing commercial timber plantation in the reserve (De Temmerman, 2007). These actors de-legitimised the 2001 Uganda Forestry Policy hence clashed with NFA through mob justice with impurity (Table 7).

Table 7 has that more than half of the households (58.1%) claimed that the Busoga Kingdom had also been a clinging point for rescue. SBCFR is located within Mayuge district, found in Busoga region thus under Busoga Kingdom. Prior to colonization forests were communally owned by those communities living adjacent to them or the kingdoms where they were allocated in Uganda (Mugenyi *et al.*, 2005). Hence, in reflection of the past the local community living adjacent to SBCFR had to cling on Busoga Kingdom for rescue. In interviews, The Busoga Kingdom references were always pronounced by the chairman of the landlords. This was also in concomitant to the Indigenous and Tribal Peoples Convention, 1989 (No. 169) which provides for recognition of ownership rights of land and resources that indigenous and other tribal peoples occupy enforced as from 5th September, 1991 seventy sixth sessions of the general conference of the International Labour Organisation on 27th June 1989 (Mugenyi *et al.*, 2005). This though unknown by most of the locals was handy to national politicians who exploited it to advocate for Busoga Kingdom support.

Table 7 also show that more than half of the household respondents (57%) depended heavily on the Uganda Courts of Law for rescue. This was done using the Executive Order 2006 by the President as annexure, which stopped evictions. Hence, defaming enforcement of the Uganda Forestry Policy, 2001 activities especially evictions by the NFA officials. The 2006 executive order was interpreted as an instrument formalizing encroachers' stay in forest reserves. Worse still the encroachers petitioned the president and the speaker about harassment by NFA and implicated the resident district commissioner Mayuge in fuelling conflict between Landlords and cultivators (Watasu, 2009). All these were done using the 2006 executive order as an appendix to sue for disturbance of the encroachers' tranquility in the forest reserve. Thus, the so called encroachers were bonifide owners of the forest reserve and used the Uganda Courts of Law to maintain their status in the forest reserve.

Table 7 shows that few of the households' respondent (43.9%) could turn to the Uganda Human Right Commission to rescue their status. Most of them (56.1%) were apparently ignorant of the Universal Declaration in Human Rights which among other things, provides that every one has a right to property as an individual as well as in association with others and

Table 7: Apparent sympathizers with evictees of SBCFR, Mayuge district (n = 344)

Apparent sympathizers	Local communities' opinion	
	True	False
Politicians	247 (71.8%)	97 (28.2%)
Human rights	151 (43.9%)	193 (56.1%)
Courts of Law	196 (57.0%)	148 (43.0%)
Busoga Kingdom	200 (58.1%)	144 (47.9%)
Mob justice	183 (53.2%)	163 (46.7%)
Non-governmental organisations	130 (37.8%)	214 (62.2%)



prohibits arbitrary deprivation of property (Article 17 of the Universal Declaration of Human Rights, cited by Mugenyi *et al.*, 2005). Mugenyi *et al.* (2005) continued to cite the African Charter on Human and Peoples Rights which further provided that people that have been dispossessed of their property rights have a right to full recovery of their property. It was therefore, surprising that more than half of the respondents (56.1%) could opt for the Uganda Courts of Law when ignorant of their rights other than the Executive Order (Table 7). This could also be attributed to the fact that international laws were rarely talked of or referred to; other than the Constitution of Uganda which was also conveniently truncated to justify any act. Hence, encroachment with impunity as the international non governmental organizations which could offer that service also had low acknowledgement of (37.8%) amongst the households' respondents (Table 7).

### CONCLUSION

The findings clearly showed that farming was the main illegality in SBCFR, Mayuge district followed by charcoal burning and settlement. These activities were carried out with impunity given the fact that most of the respondents were aware of the forestry policy through radio programmes (65.4%). Besides most the respondents backed the idea that the evictees had a right to life (66.3%) which was ostensibly eked from the forest reserve. All these culminated into a sour relationship between NFA and the local communities engulfing SBCFR, Mayuge district.

There was a very high/strong relationship between the local communities' perceptions and lead agencies' perception, at  $r = 0.95$ , on the mode of evictions of encroachers at SBCFR, Mayuge district. Thus, given the fact that the local communities found the mode of evictions statistically insignificant this was also upheld by the lead agencies. It was clear that none of the modes applied by NFA to evict encroachers viz. Notices, abrupt evictions, NFA using police to evict, prior consultation with encroachers, compensation arrangements prior done, resettlement of evictees assured, imprisonment, loss of estates by evictees and NFA using local council to evict were ( $>9.21$ ) hence statistically insignificant at  $df = 2$  at 0.01.

It was also apparent that the powers of the NFA were usurped by the politicians who in the limbo orchestrated mob justice at SBCFR, Mayuge district. The results categorically showed that politicians meddled in the eviction exercise by more than two thirds of the respondents (71.8%). Besides the politicians the following

were also a blockade to the eviction exercise; Busoga Kingdom, courts of law and mob justice. Thus lawlessness as envisaged by farming, charcoal burning, settlement, inflicting pain on NFA officials, delegitimization of the Forestry Policy and disregard of NFA officials' instructions/advice at SBCFR, Mayuge district.

### RECOMMENDATIONS

The institutions charged with environment conservation should clear reclaim their lost powers from the politicians so as to entrench their autonomy. This could be done by making clear eviction policy which includes politicians as mobilizers and active decision makers. Besides the minister for water and environment should be firm on withdrawal of Executive Order by the president so as to effectively run the ministry, this would therefore render court petitions useless. Above the minister should cultivate a political will on which forest estates would not be viewed as political hand outs.

The local community should be embraced in the management of SBCFR through either collaborative forest management or privatisation of the forest reserve. This would usurp the nostalgia past nursed by most of them despite the fact that most of them did not experience it, given the fact that SBCFR was gazatted about 70 years ago. Through these practices, effective and efficient sensitization besides participatory monitoring accepted by both parties would be the tools for management hence conservation of SBCFR, Mayuge district.

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