The Batwa of South West Uganda:
World Bank Policy on Indigenous Peoples and the Conservation of the Bwindi and Mgahinga National Parks

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A. BACKGROUND: THE CONTEXT OF THIS CASE STUDY

This case study concerns the Batwa of the south west Uganda. It attempts to explain what has happened to them since they were evicted and excluded from their forests in 1991. It seeks to convey their experience of the conservation of these forests, and in particular it examines the World Bank’s Policy on Indigenous Peoples through conveying Batwa experience of the Mgahinga and Bwindi Conservation Trust which is funded by the World Bank.

A.1. The Broader Situation of Central African Forest People

The Batwa of south west Uganda number only a few thousand people and are one of the hunter gatherer and ex-hunter gatherer peoples collectively known as the Forest Peoples (or ‘Pygmies’) of the Central African rainforests. The situation of the different Forest Peoples who live throughout Central Africa varies tremendously, and they probably collectively number between 250,000 and 300,000 people.

Forest People tend to suffer severe discrimination at the hands of their farming neighbours and others; but they also to a greater or lesser extent, manage to maintain a resilient egalitarian social system. Severe discrimination is most evident for those groups, such as the Batwa of south west Uganda, who no longer have access to their forest resource base, but it is also a powerful enduring theme, and often a dominant one, for Forest-based groups in relationship to neighbouring farmers.

The three largest groups of Forest Peoples who still, to a great extent, retain their forest resource base are: the Mbuti (and Efe) of the Ituri Forest in the DR Congo, the Baka of south eastern Cameroon and north western Congo Brazzaville, and the Aka (and Mbendjelle) of northern Congo-Brazzaville and the Central African republic. For many of these groups the forest continues to provide them with an independent resource base,

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1 See the recent research into the situation of the Batwa in eastern DRC (Barume & Jackson: 2000), and of the Batwa throughout the Great Lakes region (Lewis: 2000). See also a recent survey of different Forest Peoples situations throughout Central Africa (Luling & Kenrick: 1998).

and it also provides the context for the beliefs and experiences which underpin an economy of sharing and a political system which is essentially fluid and egalitarian. In these contexts, Forest Peoples are, to varying degrees, able to exert some or great autonomy in determining the nature of their interaction with their farming neighbours and with the more recent incomers to the forest.

The recent political upheavals and civil war in the region has had an especially severe impact on the Batwa of Rwanda, Burundi, and eastern DRC; and has accelerated the ongoing marginalisation of these groups who are mostly former rather than present day hunter gatherers. The ongoing logging in south west Cameroon and the likely construction of the Chad-Cameroon oil pipeline may have a similarly devastating impact on the Bakola there.

For many of the Batwa of Uganda, Rwanda, Burundi and DR Congo, their resource base has either been destroyed or denied them, through deforestation, through the control exerted over them by neighbouring farmers, or more recently through conservation projects restricting or denying their access to the forest. As a result groups such as the Batwa of south west Uganda have been reduced to virtual serfdom and poverty. Both the infrastructure for logging concessions and other agents of deforestation in the western part of the Congo Basin, and the financial backing for conservation projects throughout the Congo Basin, have often been funded or supported by the World Bank (for example through the Global Environment Facility) and other international agencies. Where Central African governments tend to see such Forest Peoples as needing to be sedentarised - both for tax and control purposes, and in order to ensure that the rest of the country is not stigmatised as backward by association with such people – the actual work of sedentarisation is often carried out by Western/Northern NGOs and missionaries, and indirectly facilitated by the destruction or protection of the forest.

Throughout the Congo Basin region, farmers have historically had an ambivalent attitude towards these hunter-gatherers: sometimes viewing them as slaves and barely human, and sometimes as equals or even as the original civilising beings. Where, in the past, these hunter gatherers have been crucial to farmers, enabling them to benefit from forest produce, protecting them from forest spirits, and ritually ensuring the fertility of their fields, today in many parts of Central Africa, including south west Uganda, the forests have dwindled in importance and as a result hunter gatherers and ex-hunter-gatherers such as the Batwa have become marginalised and severely discriminated against. Where their universally acknowledged status as the original inhabitants of the forest and the region once served to underwrite their autonomous forest life and their ability to relate to others as equals, that status is often now seen as a symbol of their backwardness. Any prior rights to resources which they may have had have been overridden, first by colonial and then by national governments who - ignore their traditional systems of land ownership.

A. 2. The Workshop at Which this Case Study was Presented

This paper is based on the case study presented by United Organisation For Batwa Development in Uganda(UOBDU) and the Forest Peoples Programme (FPP) to a workshop in Washington D.C, 9-10 May 2000, on ‘Indigenous Peoples, Forests and the World Bank: Policies and Practice’ organised by FPP and the Bank Information Centre.
At the workshop indigenous people presented their experience of Bank projects, and World Bank staff were invited to listen and respond.

Two of the key overall findings to emerge both from this Ugandan case study, and from many of the others presented at Washington, were:

(a) The need for a revised Indigenous Peoples policy for World Bank projects, one which adheres to international law, follows the principle of prior and informed consent, recognises and secures indigenous peoples’ customary rights to lands and resources, and provides mechanisms for the resolution of conflicts.

(b) The need for stronger mechanisms of participation, including the direct involvement of indigenous peoples in project design and implementation right from the start.

For the Ugandan Batwa representatives from UOBDU who attended the Washington workshop the experience of meeting with other indigenous people from around the world and hearing their stories was very positive. The fact that they had the chance to speak directly to the World Bank staff who are responsible for funding a project which is of vital importance to them was also very important. However, a subsequent meeting in Uganda in June with Bank staff left them feeling as though their interests were still being marginalised in favour of those of Western conservationists and of the majority community surrounding the Batwa. Since then, however, perhaps partly as a result of institutional changes requested by the Batwa and partly as a result of international pressure, there has been a small but significant advance on the one matter which is of most concern to the Batwa. Evicted and excluded from their forests by the conservation process, and living as landless labourers, there has at last been some progress in the distribution of agricultural land to them.

Whether it is too little too late and will soon slow down, or whether the process of distributing land manages to gather momentum, it is too early to say. The process may well meet Batwa needs if it is matched by true representation within the conservation organisations and if real benefits are accrued from the forests. This would require forest access and sustainable and cultural use of the forests being granted; something which has been promised since their eviction and exclusion in 1991 but which has not materialised. Instead Batwa are either too frightened to enter the forests (and the young are losing any chance of developing forest knowledge) or, for those that do enter their forests to worship or for subsistence purposes, a three month prison sentence is often the consequence.
B. INTRODUCTION TO THE CASE STUDY

“I am from Nteko, nearby the forest. A long time ago we used to stay in the forest where we used to get everything. We reached the time of seeing people coming and they told us to come out of the forest, that it’s not yours, you go out of it into the open area. We went out and we couldn’t fit in any community. We reached the place and stay there just working for others up to now. We struggle to get the way of surviving. The people who chased us from the forest haven’t given us anything to survive on. We need land and hoe. If they are not ready to help us in that – they are to explain to us whether they can let us go back to the forest”.

Mutwa representative at the UOBDU meeting, Kisoro, 18th March 2000.

B.1. Focus of the Case Study

This case study evaluates the World Bank/Global Environment Facility (GEF) funding for the conservation of the Bwindi Impenetrable National Park (BINP) and the Mgahinga National Park (MGNP) in south west Uganda from the perspective and experience of the Batwa, the indigenous people of the region.

In 1991 the Bwindi and Mgahinga forests were established as National Parks, a status which proved to be the final step in the exclusion of the indigenous Batwa people from the forests upon which they have always depended for their livelihoods (GEF 1995: 6). World Bank/GEF funding has been directed to the Mgahinga and Bwindi Impenetrable Forest Conservation Trust (MBIFCT, hereafter referred to as the ‘Trust’) which began to be established in 1991, but only became fully operational in 1995. The Trust’s overall objective has been the protection of the forest: approximately 20% of the Trust’s dispersible income goes towards supporting Uganda Wildlife Authority’s park management, 20% to research, and 60% to local communities through funding small projects. In recognition of the severe marginalisation and impoverishment the Batwa have suffered as a result of the creation of the National Parks and their subsequent exclusion from the forest, and partly as a result of the World Bank’s Indigenous Peoples policy, partly as a result of Dutch interest and funding, the Trust is also responsible for a Batwa component which specifically seeks to address the needs of the Batwa.

As well as seeking to convey Batwa experience and the complex process whereby their needs have been met or marginalised, this paper seeks to examine the positive and negative lessons which can be learnt from the way in which the Trust has sought to operate, and more specifically there is the question of whether the World Bank/GEF funding for the Trust has on balance benefited or further marginalised the Batwa.

The primary focus of this case study is on the World Bank/GEF funding for the Trust, and in particular their remit to address Batwa needs. This case study also examines the broader institutional context, including the work of CARE who, together with the Uganda Wildlife Authority and based on environmental monitoring by the Trust, are tasked with enabling limited forest access and resource use by local people. USAID and WWF were involved in funding the establishment of CARE’s work here. In addition this report briefly assesses the activities of religious organisations who are involved with the Trust in working with Batwa communities. The Trust is involved in all these organisations: for example it provides funding for vehicles and other basic infrastructure
for the Uganda Wildlife Authority\(^2\), and is engaged in the environmental research which is intended to provide data on which to base CARE’s decisions concerning limited local forest access and resource use.

This case study highlights the impact of the parks and associated projects on the Batwa, presents their own evaluation of work of the Trust and other organisations and analyses the overall project’s compliance with the World Bank’s Operational Directive OD 4.20 on indigenous peoples. The study is based on an initial three weeks field work in March 2000 gathering community views of the project and talking with those implementing the project (see Appendix 1), it also draws on a wide range of project and other documentation (see Bibliography) and a further brief fieldwork period in September 2000.

B.2. The Social and Environmental Context

The process of establishing the Mgahinga and Bwindi Impenetrable Forest Conservation Trust began in 1991, and the Trust became fully operational in 1995 with funding from World Bank/GEF. The Trust’s overall objective is to aid the protection of Mgahinga and Bwindi forests by supporting community projects, providing support to Uganda National Parks and supporting research (GEF project document 12430-UG).

The gazetted boundaries of Bwindi Park are 321 square kilometres (over 80,000 acres) and Mgahinga is 33.7 square kilometres (under 8,000 acres). The parks are hilly islands of moist tropical and upland forest in a densely cultivated region, and have been subject (along with the neighbouring Echuya Forest) to state protection since the 1930s. The geographical sphere of Trust interest consists of the parks themselves and the parishes which directly, or secondarily, adjoin the boundaries of the two parks. This area comprises 12 sub-counties, 49 parishes and up to 40,000 households or nearly 300,000 people. The region as a whole has been subject to settled farming for a century or more, mainly through gradual expansion from Rwanda in the south. The population consists mainly of cultivators and herders\(^3\), and also around 1,771 Batwa in 403 households (Kabananukye & Wily 1996: 39, but this figure may well have increased substantially). The Batwa are former hunter-gatherers who have been marginalised and impoverished as the extent of forest cover has declined and, more recently, as a result of their being denied access to their forests through the creation of the National Parks. Their claim to being the original inhabitants and owners of the forests is one which is historically documented and is recognised by their neighbours (see Appendix 2).

In order to establish the Trust, an assessment of the impact of conservation measures on the indigenous Batwa people of the area was required by the World Bank, in accordance with the World Bank’s Operational Directive 4.20 on Indigenous People. The Trust recognised that the Batwa, as the original inhabitants of the area, depending on the forests for their livelihoods, have been the greatest losers as a result of the establishment of the National Parks. Under the requirements of the World Bank’s OD 4.20, part of the

\(^2\) Uganda National Parks ceased to exist in 1997, since when all national parks have been under the purview of the Uganda Wildlife Authority.

\(^3\) These cultivators and herders are sometimes described according to their occupations as Hutu and Tutsi, or more often according to their district, as Bafumbira (being from Kisoro District) and Bakiga (from further north and east).
Trust’s remit has been to consult with the Batwa to ensure their involvement in planning community projects, and to ensure that their needs are adequately met rather than further marginalised by the process of conservation and the accompanying community development projects. However, although this was an integral part of the Trust’s preparatory work for the establishment of the Trust, and an assessment of the Batwa’s situation (what might be termed an ‘indicative plan’) was carried out prior to project approval, the comprehensive socio-economic assessment and consultation exercise which could provide the basis for an Indigenous Peoples Development Plan (IPDP) was not completed until after the Trust had become fully operational (Kabananukye & Wily 1996).

Although OD4.20 requires “meaningful consultation” with affected indigenous communities regarding the contents of an Indigenous Peoples Development Plan (IPDP) to mitigate negative development impacts and ensure adequate benefit sharing prior to project approval, full consultation with the Batwa only took place after the project began in 1995 (Kabananukye & Wily 1996). Before project implementation, a summary IPDP had been developed and submitted with project plans for approval by the World Bank. The practice of preparing “indicative” IPDPs for project approval and delaying the development of full IPDPs until project implementation is reportedly part of the Bank’s new “process” approach to project management. However, this supposedly more flexible approach means that the vital concerns and priorities of indigenous peoples are not pinpointed nor tackled until a project is already under way. As will become clear in the course of this report, unless land rights and Indigenous Peoples participation in decision making is secured prior to a project being implemented, then such a project is in severe danger of simply further marginalising such groups.

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4 For a list of acronyms see Appendix 3.
C. THE TRUST’S REMIT TO SUPPORT THE BATWA

C.1. The Structure of the Mgahinga and Bwindi Impenetrable Forest Trust

In May 1991 the World Bank committed itself to granting US $4.3 million as an endowment under the Global Environment Facility (GEF) for the Bwindi and Mgahinga National Parks. This is a biodiversity grant contributing to a Trust Fund which underpins the work of the Mgahinga and Bwindi Impenetrable Forest Trust. The income from this fund was intended to provide a sustainable source of funding to contribute to the conservation of the biological diversity of the two parks. Whilst the role of managing the two parks continued to rest with the Uganda Wildlife Authority. The GEF funds are legally vested with the Trust, which is set up as a private legal entity independent of the Government of Uganda. In June 1992 a Task Force was assembled to design the institutional nature of the Trust, and the Trust began operating on July 1\textsuperscript{st} 1995 when the first Trust Administrator was appointed through USAID funding, and the GEF grant was declared effective and the funds transferred to an offshore Asset Management Account.

The Trust estimated that it would need between $500,000 - $600,000 a year, which would require an endowment in the region of between $8 and $10 million. USAID provided funding for the first 3 years (1995-98) in order that the Trust would not have to touch the capital endowment, and subsequently the Netherlands has provided funding for a further 5 years. According to the Dutch Embassy (pers com), the Trust’s funds are now at around the $7 million mark. In fact the capital from GEF which formed the base for the Trust Fund Portfolio, has to date not yet utilised by the Trust. Following fund raising efforts, and thanks to the support from USAID as well as the Dutch Government, the capital base has grown and the fund has the potential of moving from the original sinking fund to a fund in perpetuity.

The Trust’s overall objective has been the protection of the forest: approximately 20% of the Trust’s dispersible income goes towards park management, 20% to research, and 60% to local communities through funding small projects. The Trust Management Board (TMB - intended to represent local communities, NGOs and government) has the job of allocating the fund’s net income to park management, research and community development projects.

The LCSC screens all community projects regardless of the amount of funding but has powers to approve only those up to US $1,000. Any project beyond US $1,000 is referred to the Board for approval. All research projects and Parks Management Projects are also approved by the Board regardless of the magnitude of funding required.

The Trust Management Board has 9 voting members who represent Uganda Wildlife Authority, the Forest Department, and then various other sectors. The Wildlife Clubs of Uganda represents National NGOs, CARE represent International NGOs, the Institute for Tropical Forest Conservation represents research institutions, the Uganda Tourist Association represents the private sector. There are 3 representatives from the 3 Districts surrounding BINP and MGNP (Kisoro, Rukungiri and Kabale). The TMB also has 5 non-voting members from the Ministries of Tourism, Finance and Justice, and from USAID and the Dutch Government, as well as the Trust Administrator. The TMB...
delegates the day to day running of the Trust to the Trust Administration Unit based in Kabale, and delegates responsibility for screening community project to the Local Community Steering Committee (LCSC) which consists of 11 representatives of local communities (3 of which are voting members at any one time, although most decisions are made by consensus). The LCSC has the power to approve projects of up to $1000, projects over $1000 are referred to the Board for approval. All research projects and Park Management Projects are also approved by the Board. A Technical Advisory Committee assists the TMB in evaluating the soundness of proposed projects. The representatives on the LCSC consist of 3 who are nominated by the administration in the 3 districts, 2 wardens, 2 representatives from women’s groups, and 1 each from ITFC, CARE, IGCP and MGNP. There is also supposed to be 1 Batwa representative on the LCSC, but this is not always the case. This is partly because the Trust has not put time into establishing a Batwa Representation Committee from which a representative could be drawn and to whom the representative could be answerable. However such a Batwa committee has long been budgeted for in the Trust’s budget, and was one of the steps agreed by the Trust and the Dutch Embassy as a precondition for Embassy funding of the Batwa component of the Trust’s work.

C.2. The Batwa Component of the Trust’s Work

The first Trust Administrator (1995 – August 1998) explained that in the first two years of the Trust’s existence it did not really move ahead with the recommendations of the socio-economic assessment of Batwa needs. In his opinion the focus was on the parks and the wider community rather than the Batwa. This was despite the fact that there was supposed to be an Indigenous People’s component from the start, in order to mitigate the adverse effects of the denial of forest access to the already marginalised Batwa.

This delay may be open to differing interpretations, for example the first Trust administrator saw this as being as a result of the Trust having to respond to other pressures rather than pursuing the Batwa component. In his opinion this was why it wasn’t until 1998-99, a year after the Dutch government had made the funds available for the Batwa component of the Trust’s work that a Batwa officer was finally appointed by the Trust. However, in the opinion of the current Trust Administrator it was the Trust which had already approved funding for the land leasing pilot project for the Batwa prior to submitting the funding proposal to the Dutch Government which included the Batwa component, and it was the Trust which sought to amend the agreement with the Dutch so that the Trust could begin to buy land for the Batwa. Both of these perspectives are compatible however: the Trust’s work for the Batwa may well have been delayed due to it having to respond to more powerful demands, and yet it may well have been the Trust which was proactive in seeking Dutch Government funds in order to put a Batwa component in place and ensure land acquisition.

Even if both these perspectives are accepted as valid, there are still lessons to be learnt from the delay in moving ahead with focusing on Batwa needs, something examined below in the section on ‘Land’ under ‘Impact of policy and practice on the Batwa’ (section D.3).

“In the proposed project area there is a small group of Batwa (ca. 600-1000 people\(^5\), less than one percent of the total target population), forest dwellers who once occupied what are now the BINP and MGNP. When these areas became Forest and Game Reserves in the 1930s, with human occupation and hunting formally banned, these forest dwellers began to shift out of the shrinking forest area and began spending more time as share croppers and labourers on their neighbours’ farms. However, they still had access to many forest resources and the forests continued to be economically and culturally important to them. The gazetting of the areas as national parks has virtually eliminated access to these opportunities for all local people, but the impact has been particularly harsh on the Batwa because they are landless and economically and socially disadvantaged, and have few other resources and options”


The GEF project document goes on to state that the Trust “will be tasked with assisting the Batwa to identify and articulate their needs (in the form of funding proposals) and to gain effective representation in the Trust’s decision-making process and (together with CARE/DTC and UNP staff) in park management planning” (1995: Annex 6, page 4). However since 1995 there has been little room made for effective Batwa representation within the official funding, decision-making and management processes. There have been two workshops focusing on Batwa needs, but (as noted above) a Batwa Representation Committee has not been established resulting in a lack of Batwa representation within the Trust and poor communication which has led to severe misunderstandings. Now - in October 2000 - the Trust appears to be moving ahead more speedily with land purchases. Some Trust personnel ascribe this to the Batwa’s success at mobilising outside international pressure on their behalf which means that the Trust has to take time out from responding to more powerful local pressures to address Batwa needs. Others in the Trust, such as the current Trust Administrator, are emphatic that the Trust is moving ahead with this component after inevitable, unwelcome and unavoidable delays resulting from the time it has taken to find a replacement Batwa Officer, and that this is nothing to do with outside pressure and everything to do with completing an important task the Trust has embarked on. However, whether unavoidable or not, the landless Batwa feel that there has been slow progress in responding to the 1996 socio-economic study funded by the World Bank/GEF, which clearly identified that the primary Batwa need is to secure land rights both in terms of land to cultivate and in terms of forest access. The same Batwa are extremely glad to see that the purchase of land is moving again, and it is important to note that the issue of forest access is an issue which concerns CARE and UWA rather than the Trust.

Both CARE and the Trust have been slow to prioritise these urgent Batwa needs, not only because the Batwa are a marginalised and powerless minority but also because their legitimate historical and continuing claims to the forest territories have often not been recognised, partly because the recognition of Indigenous People’s rights is so often resisted in the African context.

The current Trust Administrator explained that the Trust could not act more quickly because - although it is working hard to help the Batwa, it also must not alienate other

\(^5\) The number of Batwa in the project area were subsequently more accurately estimated by Kabananukye and Wily as being around 1,771 in 403 households (1996: 39); but this may well itself have been an underestimate and the population would appear to have increased since then.
local people. These people do not want the Batwa to receive land or forest access, nor do they want the Batwa to be integrated into the mainstream projects being proposed by local people and funded by the Trust. The Trust Administrator explained that other local people are the very people who have benefited from exploiting the Batwa and so many of them are going to resent any support for, or inclusion of, the Batwa in Trust projects.

In this context it is important to recognise that over the last year the Trust has pushed ahead with land purchases for the Batwa, and also with the promised purchase of school uniforms for Batwa children. From a longer term perspective what may become clear is that the Trust is now only having to tackle enduring prejudice in other local people as an obstacle in its work with the Batwa, where initially it had to convince a sceptical GEF to take on community projects and subsequently had to contend with a middle manager who did not (to put it charitably) appear to really have Batwa interests at heart.

D. CURRENT BATWA SITUATION AND NEEDS

D.1. Batwa Exclusion from the Forests

“Our grandparents used to stay in the forest. We were born in the forest, our grandparents lived there ever since the very first grandparents [the first ancestors]. It provided us with everything: roofing materials, materials for mats, honey, some pigs, antelopes and other small animals. The forest has been our home up to the time we were moved out. We were given nothing. We are fighting for the right to go to the forest, and to have our own land to work. Other local people don’t like us to have hens and sheep, they want us to remain poor and cheap so that we will keep working for them.”

(Mutwa from Chibungo and Chogo)

On paper the Batwa of south west Uganda have been denied access to their forest resource base since the creation of the Bwindi, Mgahinga and Echuya forest reserves by the British colonial administration in the 1930s. This gazetting of the forests probably served to protect the forests from complete destruction by cultivators and, in practice, the Batwa continued to consider the forests as theirs, to worship their ancestors there, and to use the forests as their means of livelihood. However, with the establishment of Bwindi and Mgahinga as National Parks under the administration of Uganda National Parks in 1991, and with the subsequent input of international resources (such as GEF funding) the park authorities have managed to acquire the capacity to forcibly exclude the Batwa from the forests, thus destroying their forest-based economy.

The park authorities now recognise that the process of evicting the Batwa did not take into account Batwa realities and left them with nothing. Only some of the Batwa were given cash compensation, but they had little experience of money and were soon parted from it by their neighbours. Even as late as 1995, the Project Document makes clear that compensation for hunter gatherers use of the forest was still not even considered to be an issue, when it states that at Mgahinga “the residents were evicted with compensation for their permanent crops and structures” (GEF 12430: Annex 1: 3, emphasis added). At a Trust workshop on the situation of the Batwa, Mr A. Bintoora of the Mgahinga Gorilla National Park Community Conservation Programme stated:
“Instead of giving them cash, alternative land should have been bought for them as a group. The compensation was given with the view that they would acquire alternative land on individual basis and yet Batwa prefer to live in groups, maintaining kinship ties”

(Kamugisha-Ruhombe, 1999: 12).

In the discussion which followed, Mr Bintoora was asked why compensation procedures were not tailored to Batwa realities? His honest explanation shows how indigenous peoples, such as the Batwa are severely disadvantaged when forced to comply with the practices of dominant ethnic groups or Western assumptions:

“All communities were considered as though they were a uniform group. Information was never segregated to reflect any unique characteristics and Batwa property was often included in that of their landlords. Batwa views on compensation were not sought. The valuing was flawed and the donors determined the procedure for compensation. They insisted on payment through the bank using cheques.”

The eviction and inadequate process of compensation left most of the Batwa having to survive as landless labourers, dependant for meagre payments in the form of food from their more powerful cultivating neighbours who can evict them from their land whenever they wish. Some Batwa turned to begging, and almost all fear the park authorities and claim that they do not enter the forest. Most see their only hope for compensation and some form of future security and autonomy in the redistribution of land to them by the Trust.

“We are struggling a lot because our forest was taken away, and it is where we used to get everything that we can feed on. If you are ready to fight for us so that we can survive like other local people, we’ll give up the forest so that we can get the way of surviving like other local people.”

(Mutwa from Ruguburi)

D.2. Batwa Needs

Kabananukye and Wily’s comprehensive assessment of the Batwa situation, published in 1996 five years after their effective eviction from the forests, was commissioned to comply with the Bank’s OD4.20 requirements for consultation with, and compensation for, indigenous people. The assessment (or baseline survey) recommended redressing the injustice suffered by the Batwa as a result of the creation of the national parks and their exclusion from the forests.

The report’s main recommendation was that in view of the Batwa’s very strong attachment to ancestral territory (through respect for their ancestors, close attachment to the land and their embeddedness in networks of social relations) any redistribution of land must take place in the actual areas where Batwa live thus maintaining and strengthening their existing social, historical and ancestral ties.

The report also recommended that the Batwa’s cultural and economic need to access their forests be recognised and dealt with speedily.

In addition, the report noted that the Trust must address the needs of Batwa living around the nearby Echuya Forest Reserve from which they have also forcibly been
excluded. This is for reasons of natural justice and to ensure that these communities do not move adjacent to Bwindi or Mgahinga Forests in order to obtain redress.

Turning to health, education and community building, the report noted that Batwa do not feel welcome in health clinics, and indeed it quotes one health worker as finding the idea of visiting Batwa households laughable: “They just want everything free, how could I help a Mutwa?” (1996: 158)

The report notes that Batwa can rarely afford healthcare, and that they prefer to seek the help of their own herbalists who continue to involve parents and other close family, and whom they can pay over a lengthy period. It is clear that losing access to the forest can not only have a negative impact on the practice of Batwa herbalists, but also that “particularly with reduced access to wild food resources, their children are probably more subject to malnutrition and more seriously ill when confronted with the normal childhood diseases” (1996: 158).

The report also recommended support for community capacity building and education amongst the Batwa. This would enable them to form associations which could apply for funding for specific projects from the Mgahinga and Bwindi Impenetrable Forest Trust. Without such capacity building, the Batwa are denied access to the 60% of Trust funding allocated to projects proposed by local community associations.

The report estimated that of roughly 450 Batwa children of school age only 60 (or 13%) were attending school (1996: 157) and that even for these attendance is usually short-lived, due to the abuse they have to face from non-Batwa and lack of money. Most of these children attend Adventist or Anglican church schools that have made some effort to include Batwa. Only 5 of these children attended state schools, and faced antipathy from other children and adults; one Mukiga remarking to the survey that:

“Batwa do not need education. They can continue working for us, whether they are educated or not.”

E. IMPACT OF POLICY AND PRACTICE ON THE BATWA

E.1. Summary of the Main Issues

The recommendations for forest access for the Batwa, land redistribution and capacity building set out in the 1996 report commissioned by the World Bank were strongly supported by the Dutch Government, the Dutch embassy in Kampala drew up the details of the Batwa component of the Trust’s work with the Trust, and have provided the finance for it and maintained supportive pressure to encourage the implementation of the Batwa component. But four years after the completion of the report, five years after the establishment of the Trust, and twelve years after the establishment of CARE’s work in this area, how far has the situation on the ground actually improved for the Batwa?

The Trust, CARE and religious organisations are involved with the Batwa at three levels:
Practice – action intended to benefit the Batwa;
Policy – as presented on paper;
Philosophy – their understanding of the rationale for the policy and intended action.

In a nutshell: the Trust’s and CARE’s policies are generally good but the practice has faltered. This has mainly been due to institutional resistance at middle management level within the Trust and resistance within CARE and UWA, to improving Batwa conditions, partly in order to avoid alienating other local people through appearing to favour the Batwa. Some of those in these organisations have been reluctant to acknowledge that tackling the Batwa’s impoverished marginalisation is a fundamental part of their work, and that it necessarily involves asserting Batwa rights vis-à-vis their more powerful neighbours, based on a recognition of their fundamental rights as indigenous people who have been dispossessed of their lands. This situation would appear to persist in CARE, whereas with the removal of the Trust’s middle manager (the Programme Manager) resistance in the Trust to acknowledging the situation of the Batwa would also appear to have been removed.

The obstacles to action relate to forest access, land and capacity building.

1. Forest Access: There is resistance within CARE to permitting the Batwa access to the forest.
2. Land: The middle manager within the Trust was resistant to giving land to the Batwa. However she was recently removed.
3. Capacity Building: The absence of a Batwa Representation Committee leading to a lack of communication, and the Batwa’s perception that the Trust has been reluctant to support them (partly caused by Batwa fears arising from the removal of the Batwa Officer) have led to distrust of the Trust. In addition, Batwa capacity is being undermined by the ideology of the Christian groups facilitating literacy and the formation of associations.

E.2. Forest Access

Forest access is supposed to be the domain of the USAID-funded, CARE-executed ‘Development Through Conservation’ project. This project was initiated in 1988 under an agreement between USAID, WWF and CARE, and CARE have had many years to come up with plans for sustainable Batwa forest access but there has been little progress on the ground for the Batwa. The multiple-use programmes have involved establishing forest access for bee-keeping, gathering medicinal herbs and basket making materials, but this is limited to some associations in some parishes. These associations rarely include Batwa, and such uses do not even begin to include many of the forest uses most frequently mentioned by Batwa, such as collecting firewood and house building materials, hunting small animals, or worshipping ancestors.

Batwa are very aware of what they have lost through being evicted from the forest, and that most of them have received next to nothing in compensation. In the past they dared ask for very little but the mood is now changing:
“When my father was alive we could get honey and meat from the forest. We gave local people firewood and they would give us sorghum to make our local drink with; or we would get honey and sell it to buy clothes and food. Our food was meat. When the forests were taken away, we were stopped from entering the forest and given nothing, but left to be looked after by other local people. Other local people asked the whites who had taken the forest ‘Well what have you given to these people, having taken their forest? Their food was coming from the forest, they used to get firewood and exchange it with us’ The white people said ‘No, I wont allow it, it is a game reserve and game reserves are under white people’. The park said we want to eat Gorilla, but we are not interested in that. Even if we could only go back into the forest once a week that would be better.

“If I had the chance to go back, why shouldn’t I? Do you think I like staying without meat and honey? And see the home I am staying in, do you think I am too old to go to the forest and cut strong trees and build a good home? We would appreciate the chance to go back into the forest”

(Mutwa from Nyarusiza).

Most Batwa claim that they do not enter the forest out of fear of the park guards and imprisonment:

“Going back into the forest is completely out of bounds. . . . Sometimes we get honey, but illegally because they always fear we will burn out the forest and take the bamboo. Some time back I used to go back, but ever since they started imprisoning people I have stopped.”

As is evident in the above statement, although most Batwa claim they do not enter the forest, most have to, both for vital subsistence and religious reasons, but most are afraid to admit it. As one of them said:

“Those who told you that they don’t go to the forest to worship were deceiving you. They just have to wait until late at night and then go in when no-one can see. Otherwise how can they survive? Sometimes the ancestors do get annoyed when they get disturbed, we have to find a way to get to them and ask for help.”

(Mutwa from Kisoro)

It is clear that the Batwa have very clear attachment to their localities and their local social groups as defined by marriage, historical and social relations, and by the need to be near to the sites of the ancestors in order to worship them and seek help from them.

“I know where my grandfather used to worship our grand grandparents [ancestors] where there are big rocks in the forest. It is just behind here. If we are without pungas [machetes] they cant stop us: we always go there and pay respects to our ancestors. The people who are guarding the forest know we go there to worship our ancestors. Among us we choose the elder who knows how to do it, and we all gather with money and some drink and the elder goes alone to worship on behalf of us all because we are not allowed to enter the forest.”

(Batwa from Karengere Kanaba)

Despite their prior ownership of the forests and the fact that Batwa were originally used to locate and habituate the Mountain Gorillas, no more than one or two Batwa are employed by the parks. The park authorities claim this lack of employment is due to discrimination by other employees and because the Batwa cannot fulfil the minimum employment requirements (literacy and numeracy). Clearly the entry requirements do...
not acknowledge Batwa specialist skills and are in fact discriminatory and require changing. Meanwhile, CARE is making very slow progress in determining what, if any, forest use the Batwa will be allowed. Those involved in the process do not appear to recognise the historical and cultural rights of the Batwa to their forest.

CARE’s Project Manager claims the lack of progress in achieving forest access for the Batwa is due to the years spent establishing the legal basis for people to have use rights to forest products in a National Park. However, CARE’s own documentation (co-authored by the Project Manager) suggests that this is not a matter for the legislature but that Uganda National Parks has the authority to decide on such matters (e.g. UNP’s decision to give permission for bee keeping in Bwindi [Wild and Mutebi 1996: 14]). Even assuming the claim was true, the Land Reform Law of 1998 states that if someone has been utilising a piece of land for a certain period of time then they have certain claims to that land. Further, the 1993 UNP management plan for Bwindi makes the following statement concerning what it calls “illegal forest products removal”:

“This takes place mainly on the periphery of the Park and at low levels. Products like vines, ropes, weaving materials, palm leaves, poles, bean stakes, food (fruit and roots), and medicine, are removed. Most of these do not negatively impact upon the park and are being considered for legalisation”

(UNP 1993: 12, italics added).

The Trust’s current administrator suggests that these findings may not be accurate and that the Trust’s Environmental Monitoring Programme is seeking to establish the scientific facts. However she also says that there could simply be endless scientific debate, and that it is important to go ahead and ensure some level of local access and then evaluate the situation some years down the line. An environmental specialist now working with the World Bank in Washington was more forthright in his criticism: “with CARE’s multi-use project nothing has happened in ten years”. A mid-term review by WWF India was, we understand, equally scathing.

The fact that the Park authorities in 1993 agreed that such activities are not harmful to their objectives makes it very hard to understand the exclusion of local people in general, and Batwa in particular, from making use of forest resources, especially when such prohibitions cause serious conflict between the parks and local people. For example, the most significant product gathered from Mgahinga Forest was bamboo, and in the 3 years from 1990 to 1993 its price increased by 3000% as a result of the ‘closing’ of the park, likewise the cost of renting land outside the park increased by 1000%, there was a shortage of medicinal plants and material for basket making, and initially local people were even refused access to water from sources just inside the park. According to Wild and Mutebi (1996: 10-12) the disruption to local communities was severe and led to strong hostility between local communities and the park authorities.

The process of involving local people in park management and in establishing use levels of forest resources, has been very slow. It has involved lengthy scientific studies of the viability of harvesting certain resources, studies which could clearly be retrospective rather than precede forest use, given the analysis of forest product use given earlier at Bwindi (UNP 1993: 12). It has also, almost inevitably, excluded Batwa since it is based on electing representatives from village level to parish level to planning workshop level.
Wild and Mutebi’s task, as part of the CARE- Development through Conservation team, was to involve the community. They give the following account of Batwa exclusion:

“Ensuring the effective involvement of the minority Batwa was much harder, particularly in one parish where there was historic emnity between Bakiga and Batwa. At our first community meeting there, the Batwa sat apart away from the meeting and the team invited them to join in. When introducing themselves they made statements such as: ‘I am glad to be asked my name as I thought we were not considered people. The forest, where we used to get our food, is closed. We have no houses, no permanent places to dig, we are just floating’. They did not attend following meetings and we learnt that they had been warned off by other community members. . . . We felt it was best not to confront the community but continue the process, we had much trust to build with them.”

(1996: 34)

However good their original intentions, the conservationists’ emphasis is clearly on forming good relations with the majority community, even though it is at the expense of excluding those who have in the past most relied on the forest, the Batwa, from the process determining forest access.

The current Project Manager at CARE is one of the authors who produced the above sensitive account of Batwa exclusion. Yet when I explained to him that even some of the Batwa’s neighbours say they are in favour of the Batwa being able to make use of forest resources, he objected that they are only saying this because then they can complain that the Batwa are receiving special treatment and so would be in a position to push for their own rights to forest access. Whilst he may well be right about the motives of those saying this, it would appear from his statement, from the lack of Batwa forest access established, and from the lack of meaningful involvement of the Batwa in determining forest access, that, in practice, CARE’s work is now blocking, not enabling, forest access for the Batwa. This is based on, or justified by, a misunderstanding of the fundamental question: Should the Batwa be treated any differently to others?

E.3. Land

“We’re in pain. Most of us survive by working [for others]. For us we don’t have land. We need hoe, and land to harvest, and come up like other local people. A long time ago we used to get everything from the forest. So if [the Trust] is not going to give us land, we will go back to the forest”

(Mutwa from Kisoro)

Batwa speak of their impoverishment as a result of no longer having access to the forest, and having to live on other peoples’ land. They work for local people in exchange for a little food and permission to remain in the temporary homes the Batwa build.

“We don’t have land, we survive on our strength by digging. We dig this land for other local people, they give us food. . . . Our house is small, we live here with our children and if it rains the water comes in. We know how to build but the moment we build a strong house they tell us to get off their land and we leave that strong house behind. It’s a waste of our strength and time, we won’t be happy if we have to leave a strong house behind.

“We found the land that the Trust promised but David [the Trust’s Batwa Officer] didn’t come and pay for it, so then a rich man from Kabale came and bought it for himself.”
Although the Batwa are aware that they should be given land by the Trust as compensation for their loss of forest access, acquiring this land is often humiliating rather than empowering for the Batwa in relation to their more powerful farming neighbours. This is because (at least until recently) the Trust encouraged them to ascertain whether their neighbours will sell them land, but when the Trust did not complete the purchase their neighbours “say we are mad, because we said we could buy land and it’s not being bought”.

The first step in getting land for the Batwa was taken by a Mokiga, Aloysuis Bakesigaki, who helped the Batwa of Rubuguri put forward a proposal to the Trust’s Local Community Steering Committee (LCSC) which the LCSC agreed to fund for 3 years from 1996. The LCSC leased land for 40 Batwa households and provided an input of seeds, tools, and food which could carry them over until they could enjoy a good harvest from their land. As the current Trust Administrator also noted “we started this pilot project in order to learn exactly what kind of assistance Batwa need in order to be successful on a piece of land”. Thus the first step towards land acquisition was taken in the form of a community project proposal being put forward to the LCSC, the Trust committee that is responsible for approving small grants to community projects in the area. The pilot project was pivotal in overcoming widespread prejudice held by other people that the Batwa were not capable of farming, this despite the fact that most of them work hours for next-to-nothing in their neighbours’ fields.

The first phase of Trust land purchase for Batwa communities finally began in December 1999, when 69.7 acres of land was bought, and was distributed to 38 Batwa households, constituting less than 10% of those needing land.

A few months later, in early 2000, the Trust’s Batwa officer was dismissed and the land purchase programme severely disrupted. Trust middle management (the Programme Manager) obstructed the process of land distribution, partly - it seemed - in order to avoid alienating the vast majority of local people who see this as preferential treatment of people who provide virtually free labour - and are considered by many to be next to nothing. The Programme Manager (who has since also been dismissed) did not recognise that the Batwa are currently being exploited by others due to their marginal and vulnerable situation. For example, she claimed that the Batwa receive the same wages as other people do when working for farmers, which is contrary to all the evidence from Batwa experience:

“We don’t have land, we dig for others and then get some food that way. Sometimes they give us the job of controlling the fields to stop others from stealing crops. Afterwards they don’t pay us, they claim that other people have stolen crops. The Trust has promised us land, but other people won’t sell to us, our children are stopping going to school because they are hungry.”

(Mutwa from Chibungo and Chogo)

The Programme Manager claimed that the Batwa situation was due to their own ignorance of their real needs and that they must be sensitised to realise that they need

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6 The only other Batwa project to receive funding in this way that we are aware of was a small drama group project.
land. In fact, since the baseline survey 5 years ago up to the present day the Batwa insist on the crucial importance of land.

“Land is everything. If they don’t get us land how can we survive? If you have land you can get food, if you have land you can get clothes, if you have land you can get cows.”

(Mutwa from Kisoro)

Thus Trust middle management was largely unsympathetic to the idea that the Batwa are historically and socially in a qualitatively different position to neighbouring communities, communities who are able to access Trust funds and who have not had their only resource base – the forest – taken from them. With land purchases blocked following the sacking of the Batwa Officer, the Batwa feared that the promised land would not materialise, and they increasingly stressed that, without this basic compensation, they will have to reclaim their forest:

“If we’re not being given this land we’ll go back to the forest.”

(Mutwa from Echuya)

The delay in appointing staff to support Batwa land acquisitions, whatever the actual reason, gave the impression to the Batwa that the Trust was unwilling or unable to push ahead with its remit. The initial delay in appointing a Batwa officer despite funding from the Dutch Embassy, and the delay in replacing the Batwa officer sacked in early 2000, further fuelled that impression.

The recent movement in land acquisition by the Trust is very encouraging. The figures suggest that about 101 acres have been purchased in the period between late August and October 2000. Hopefully the Trust is getting back on track as a result of the resignation of the Programme Manager, rather than reacting momentarily to external pressure before more dominant local voices drown out the needs of the Batwa. Much will depend on the quality and attitude of the Trust’s Community Project Officers and the new Batwa Officer working with the Batwa.

Clearly land distribution to Batwa communities is a delicate process which needs to be carried out in a way which will not create undue antagonisms between the Batwa and other local people. However, delays can lead to frustrations on the part of the seller and buyer which can easily give way to antagonism if promised land acquisition is not speedily forthcoming. The key issue is the willingness of the Trust to take positive action on behalf of the Batwa and explicitly acknowledge the social injustices perpetrated against the Batwa and their rights and dependence on forest resources. The willingness to acknowledge this and take action no longer appears to be being obstructed in the Trust, and there is hopefully the chance to translate this willingness into meaningful dialogue between the Batwa and the Trust.

In summary, the most positive interpretation of the historic institutional reluctance to address the primary need of Batwa for land would be as follows:

1. The first director of the Trust described how he had to work really hard to persuade GEF that putting money into schools and clinics and other projects for the wider community would be a better way of supporting conservation than the community tree planting favoured by GEF.
2. Having successfully persuaded GEF to fund such projects (projects which incidentally rarely benefit the Batwa) the Trust subsequently faltered from wholeheartedly implementing support measures for the Batwa partly as a result of the then Project Manager’s resistance and fear of disturbing the wider community.

As has been discussed, many of the Batwa’s neighbours have an interest in maintaining the Batwa’s landlessness so that they can benefit from a constant source of cheap and powerless labour. Such discrimination also appears to have persisted amongst those project personnel (such as the former Project Manager) who share other local peoples’ perceptions of the Batwa as less than human, or fail to recognise:

1. The Batwa’s marginalised and impoverished state, and their need for social justice;
2. That the forest is the Batwa’s material and ancestral resource base, that as the indigenous people of the forest they have prior rights to it, and rights to compensation (e.g. with land) if it is taken from them.

Again the question: Should the Batwa be treated any differently to others?

E.4. Batwa Capacity Building

Until the establishment of the United Organisation for Batwa Development in Uganda (UOBDU) in February 2000, there were no autonomous Batwa organisations representing Batwa interests in south west Uganda. Northern agencies had been informed of the existence of KIBIDA (Kisoro Integrated Batwa Development Association) which appears to have been created by local authorities in the Kisoro area. The Batwa themselves were however unaware of the aims of this organisation or who had established it.

The organisations working with Batwa communities have made little effort to help Batwa gain control over their situation and make decisions about their future. The strengthening of Batwa capacity has been hampered by: (i) a lack of effective consultations with CARE and the Trust; (ii) the Batwa gaining the impression that there is a lack of respect for their wishes and decisions; and (iii) the Christian ideology of organisations carrying out literacy programmes.

(i) Consultation and participation in decision making

Within the overall work of the Trust, Batwa are not well represented. This could be seen as resulting from the fact that attempting to incorporate Batwa within existing decision making processes is not feasible, and that what is needed is a forum in which the Batwa feel able to speak out and able to be heard. Contrary to some versions of the original GEF guidelines, there are no Batwa on the Trust Management Board (see T.O.R. page 7)

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7 It is unclear, however, whether it was the Trust which had to persuade the Dutch to allow them to use Dutch money to purchase land for the Batwa, or whether it was the Dutch who had to put pressure on the Trust to make sure it pushed ahead with the Batwa component. The most likely explanation is that both of these views are correct. That the Trust pushed for Dutch money for land acquisition because they could see the desperate need for it; but that there was then institutional resistance within the Trust to putting this into practice, for the reasons given above.

24 in Wily 1995), and the single Batwa on the Local Communities Steering Committee (LCSC) is very much of a token presence, because Batwa are not taken seriously in decision making by other local people and because the LCSC is concerned with projects (such as schools and clinics) which themselves tend to exclude the Batwa. Thus a key issue is the lack of a Batwa Representation Committee, for which funds exist but which has never materialised.

The Trust organised two workshops which included Batwa, in May and July 1999. In the second workshop - titled: ‘Towards increased involvement and participation of Batwa/Abayanda Communities in Conservation’ – six of the 38 participants were Batwa. There were, reportedly, some objections from others to the involvement of Batwa in these workshops, on the basis that since the Batwa couldn’t speak English there was little point in them attending. However, the fact that the Batwa were included and that the workshop had very healthy discussions was seen as a positive step forward (Kamugisha-Ruhombe 1999).

The quote from the CARE-DTC team (see under D.2. above) also provides a striking example of the way in which Batwa are very often excluded from the consultation process, due to neighbours who discriminate against them and the projects’ unwillingness to support Batwa inclusion.

In fact, the Batwa found the workshops and the fact that they and their concerns were taken seriously, very important:

“The [Trust’s] workshops are quite important and useful because we meet there and talk about land, education and things. My worry is they talk about buying land but they have not bought it. Death could come at any time and I will die without my land. Working with the Trust and more especially David [the former Batwa Officer] I really appreciate how he is helping me to co-operate with other Batwa, and he teaches our children by giving them uniforms.”

(Batwa from Karengere Kanaba)

The Batwa clearly appreciated the consultation involved in the original assessment of the Batwa situation (Kabananukye & Wily 1996) and that carried out by the Trust’s Batwa officer in the field, and in the above-mentioned workshops. However they fear that their opinions expressed during such consultation will not be heeded:

“When David and C [the former Batwa Officer and former Programme Manager from the Trust] came we asked if they can allow us to go back and cut firewood, but they haven’t responded. Even if they don’t help us with land, if they can let us go to the forest it will help us survive. They say keep waiting for land, up to when? Up until dying? We have waited a long time and never seen anything.”

(Batwa from Nyarusiza).

It is important to note here that permission to enter the forest and cut firewood is not in the Trust’s domain but in that of CARE and UWA, and that just as there is a clear need for a forum through which the Batwa can communicate with the Trust so there is a need for a forum for them to communicate directly with CARE and UWA.

The Batwa were also anxious that the school uniforms which had been promised and which are a necessary requirement for Batwa children to be able to attend local schools,
would not now be distributed. Many children had been measured for uniforms (196 in Kisoro, 93 in Rukungiri, and 140 in Kabale Districts) raising expectations and hopes. The Batwa felt that they had been cheated so often they feared that the dismissal of the Trust’s Batwa officer was evidence that those who don’t wish them well were gaining the upper hand and stopping them receiving what should be theirs. (However, despite the long delay since the dismissal of the Batwa Officer, and the current absence of one, it would appear that the Trust has now purchased all the uniforms promised). Even before the dismissal of the Batwa officer, some Batwa were becoming suspicious at the delays in improving their situation. One complained bitterly to the Batwa officer, saying:

“When you came with C [the Trust Programme Manager] and with the game reserve people, what did you tell us? You told us you were going to get us land. You told us that two or three lands for each Mutwa will be enough. You said you will go to the office and then come back and pay for the land. You go back to salaries and eat them, thinking: “All this money, should we give it to the Batwa? No.” You are twisting here and there. I ask that woman [the Programme Manager] to give us something. I always tell people that there are more than 40 or 50 people who are always eating our money”

(Mutwa from Gasave).

(ii) Respect for the wishes and decisions of the Batwa: the example of the dismissal of the Batwa officer

Despite the accusatory tone of the previous quote, the vast majority of Batwa feel that the Batwa officer had been trying to help them rather than deceive them, and they were furious about his dismissal in early 2000 without any consultation with them. At a meeting convened by UOBDU in Kisoro on March 18th 2000, Batwa made these points very strongly:

“We had our well wisher David [the Batwa Officer]. He was ready to work with us in a very good way, to buy land and hoes. We heard that they chased him away. What did he do? And why were we not aware of this? If you don’t want to give us David we are looking to go back to the forest, because he is a Mutwa and we nominated him. Everyone is aware”.

(Mutwa from Mukungo).

“We have our ambassador who is called David. He went out of here and we’ve been waiting for him. We haven’t seen him, our eyes to the sky, in order for our heart to be settled we need to see him back. If not that and they put another person before us, we will go with David into the forest”

(Mutwa from Kisoro).

The Batwa officer’s dismissal appears to be largely due to internal conflicts and personal rivalries at middle management level within the Trust. When the Trust took action and dismissed the Programme Manager, this restored some confidence to the Batwa in their dealings with the Trust. Whether the dismissal of the Batwa Officer was due to his being unable to work with others and his misappropriating funds (as some claim) or whether it was due to the attempts by the Programme Manager to get him dismissed (as others claim), will hopefully become clear through an ongoing government inquiry. The Batwa clearly feel that the latter is the real reason and thus find his dismissal very hard to accept.
Whatever happens next, the former Programme Manager at the Trust clearly posed the question: Why should the Batwa be treated any differently to others?

(iii) Impact of Christian ideology

By default, the Trust has left much of the task of education and literacy programmes to Christian organisations, and concentrated its energies elsewhere, although (as mentioned above) it has bought school uniforms for Batwa children. The centrality of such organisations could have serious long-term consequences.

Christian organisations such as African International Christian Ministry (AICM) and the Adventist Development Association (ADRA) use evangelical teachings to help the non-Batwa realise that the Batwa are equal human beings with them before God. Rev Kayeeye, the Director of the AICM, stated at a workshop on the Batwa:

“...evangelisation is being done to convince Batwa and other communities that the former are also human beings who deserve respect like all human beings and to God all people are equal”

(in Kamugisha-Ruhombe 1999: 10)

The Christian organisations also, in practice, put pressure on the Batwa to abandon their own beliefs and adopt Christianity and to be educated alongside people from other communities, arguing that if the Batwa do both these things then they will achieve equality with their neighbours.

Adopting Christian beliefs however, does not guarantee the Batwa equality with their neighbours, as illustrated by an AICM project that is well advanced, where the effect has been quite the opposite. At this place, on the edge of Echuya Forest, Batwa live in the high fields near the forest guarding the Bakiga fields and crops against destruction by animals, particularly wild pigs. The Bakiga live further down the valley but come up everyday to make sure their crops have been well guarded and to tell the Batwa what work they need to do in the fields in exchange for some food from those same fields. The Batwa also illegally enter the forest to collect firewood and bamboo to exchange with the Bakiga for food. In the last year AICM has built two water tanks and a primary school that also functions as a church. However the Bakiga AICM representative forcefully asserted his ‘ownership’ of them and insisted: “We don’t want other people to talk to my [Batwa] people”. He also claimed that AICM had given the Batwa clothes and some communal land to grow some of their own crops on. The Batwa were clearly frightened of him and agreed with everything he said. However, once they were able to talk without being overheard they explained that the communal land comprised just a small patch and an area that can’t be cultivated; and that they had never received the promised clothes. They said they were still waiting for the Trust to get them land they could really use, and meanwhile they were clearly very effectively under the thumb of their Christian neighbours.

The efforts by Christian organisations to make the Batwa abandon their own beliefs can have a very negative impact on the Batwa themselves. Although some Batwa describe themselves as Christians, many (like those in the community described above) have little choice in the matter. Others, such as those in Kisoro, are able to move from one denomination to another, depending on whether they feel that a particular Christian
organisation is treating them well. Most would appear to keep to their own ways and worship their ancestors. Even those who become Christian can be convinced that it can be very harmful to reject their own beliefs. For example, a Batwa elder living on the edge of Bwindi Forest explained that his life had changed and he had started falling into fires when he had turned against his beliefs: also that three of his children had died, his wife had died and one grandchild had died.

“Missionaries came and we [Batwa] turned against our own beliefs; so we got very ill and turned against each other. Then Andrew and another white man came to dig in the river for gold. I helped them dig and bought some land with it. Finally Andrew got chased away by the powers [in the forest] which were calling us back to our beliefs. Andrew fell in the river and when he came to he left and didn’t come back.”

(Batwa elder from Mpungo near Bwindi Forest)

Batwa are willing for their children to attend school alongside others because they know that, although they will suffer prejudice, they are as intelligent/able as other children. However adult Batwa generally do not want to be educated in ADRA’s adult literacy programmes alongside other people, mainly because others may well have had some education and so be quicker than the Batwa and so the teacher may not go at the pace of the Batwa. The whole process can humiliate rather than empower the Batwa, particularly if the purpose of the adult literacy programmes is to create associations which can apply to ADRA for micro-loans, or apply for money for projects from the Trust. Batwa fear entering such associations with other local people whom they experience as exploiting them, and have no reason to expect that things will be any different in such an association. As one Batwa said:

“Don’t mix us with other people, leave us separate and help us”

(Mutwa from Gasave).

Of the 3942 adult learners in ADRA’s programmes in Kisoro District, 250 are Batwa. ADRA’s management states:

“We are trying to make sure they learn with others to gain confidence, and to be accepted by others. But two classes of Batwa refuse to mix with others because they think this programme is only theirs and that when other people come they come to steal their knowledge; also they say other people humiliate them.”

Thus, although ADRA may be very well intentioned in attempting to integrate the Batwa with others, unless the Batwa actually have land and secure livelihoods, they are learning alongside people to whom they are beholden on a daily basis for work to get food to eat and permission to continue living where they are. Clearly the Batwa’s confidence will increase when livelihoods are assured, and when their wish to learn separately rather than be humiliated is respected.
F. COUNTERING DISCRIMINATION

F.1. Should the Batwa be Treated any Differently to Others?

Article 36 of the Ugandan Constitution asserts that ‘minorities have a right to participate in decision-making processes and their views and interests shall be taken into account in the making of national plans and programmes’. Articles 32 explicitly states the need for affirmative action in favour of minority groups: ‘the State shall take affirmative action in favour of groups marginalised on the basis of gender, age, disability or any other reason created by history, tradition or custom, for the purpose of redressing imbalances which exist against them’.

Despite these Constitutional provisions for affirmative action which could help to redress the injustices suffered by the Batwa, currently CARE and until recently some in the Trust have resisted treating the Batwa any differently. As a consequence resources are not being put into place by CARE to enable a speedy resolution of the issue of forest access, and the Trust’s land acquisition appears to have been slowed until recently, as was the Trust’s establishing of effective Batwa representation.

However, whether the question – ‘Should the Batwa be treated any differently?’ - is answered with a No or a Yes, the logical conclusion is the same: Batwa rights to the forest must be restored and land speedily reallocated to them.

No, they should not be treated any differently:
This argument must consider not only the present situation but the history of the Batwa’s relationship with the farmers, herders and conservationists. The Batwa have long been discriminated against, and received little or inappropriate compensation when the forest was gazetted. In other words they were treated very differently in the past and those injustices need to be righted now by according them the same rights to practice their livelihoods as others: i.e. any restrictions imposed on Batwa forest use must be developed in consultation with them to ensure the sustainable maintenance of their resource base, and be supported by adequate provision of land.

Yes, they should receive special treatment:
Because they are already treated very differently:

1. They are marginalised, exploited, poorly paid day labourers, living on neighbouring farmers land and fearing eviction. Without security, they are unable to plan for the future.
2. They received little or no compensation for the loss of their forest resource base. In the calculations for compensation Batwa land and resources were often included as belonging to neighbouring farmers, leading to compensation for farmers and nothing for the Batwa; meanwhile ongoing Batwa forest use was not included in the estimates for compensation;
3. They are seen as the original inhabitants and owners of the forest by themselves and their neighbours.
Either answer:
Points to the need for a speedy resolution of the situation in favour of the Batwa, something which was originally acknowledged on paper but which is increasingly being resisted in practice.

F.2. Indigenous Rights in Africa

Whilst all Batwa and non-Batwa agree that the Batwa were the first inhabitants of the area, many non-Batwa refuse to recognise Batwa rights over their traditional territories. Just as the Batwa’s status as ‘first peoples’ has resulted in discrimination against them, and has been used to justify their continued marginalisation, impoverishment and daily exploitation, so it is also the moral and legal basis for their entitlement to the rights and redress claimed by indigenous people throughout the world, rights which are recognised in international law.

African populations have experienced discrimination, marginalisation and exploitation at the hands of European colonisers. They rightly consider themselves to be indigenous vis-à-vis the European powers that sought to label them as backward, that claimed to be attempting to civilise and develop them, and that used these as justifications for colonising them, dispossessing them of their land and expropriating their resources. Colonial exploitation frequently led directly to a worsening of relations between more recently arrived farmers in the rainforests and the original hunter gatherer inhabitants. For example, exploitation of hunter gatherers by farmers in order to meet extortionate colonial tax demands (Luling & Kenrick 1998). Whether exploitative relations between the incoming farmers and the pre-existing hunter gatherers was the norm prior to colonialism or was largely the outcome of colonial exploitation, the present-day relationship between the marginalised original inhabitants of the Central African Rainforest region and their farming neighbours mirrors the relationship that formerly existed between Africans in general and the European colonial powers. The Batwa are explicit about their domination by other ethnic groups:

“We were told the forest is for Black Africans and White people together. The Black Africans are here to control the forest, the others [Whites] are further away. We lived in the forest until they came. Without this forest we do not have our lives - everything we need comes from the forest. We have to stay here because this is our forest, this is our home. Since we have lost everything, we need land so we don’t live under other people.”

(Batwa from Chibungo and Chogo)

The Batwa clearly identify themselves as Indigenous people, and share many of the characteristics of Indigenous people expressed in Article 1 of the International Labour Organisation (ILO) Convention 169 Concerning Indigenous and Tribal Peoples in Independent Countries (Barume & Jackson 2000). The Batwa are also clearly Indigenous people according to the World Bank’s OD 4.20 guidelines. Although the Batwa are seen as the original inhabitants of the forest and of this region, these guidelines focus less on Indigenous peoples prior occupation and ownership of their territories than on their attachment to ancestral territories, their self-identification and identification by others as a distinct cultural group, and the fact that their distinct identity makes them vulnerable to being disadvantaged, particularly in the development process.
Written and oral histories emphasise that the Batwa’s place in the history of the Great Lakes region is unique. The areas previously inhabited only by the Batwa - the mountainous region and adjoining areas of lowland forest around Lake Kivu going south to the northern tip of Lake Tanganyika - are also inhabited by numerous different ethnic groups today. As Jerome Lewis points out, oral traditions common to all major ethnic groups in the region concur with Western historians in identifying the Batwa as the first inhabitants:

“The Warega, Bashi, Banande, Bahunde, Banyanga, Bafuliru, Babembe, Bahavu, Bavira, Bayindu, Bakiga, Bahutu, and Batutsi, for instance – all claim their origins from outside this area. Their oral histories tell of migrations, of wars and even conquest. In contrast, the Batwa emphasise that they have no origins elsewhere, no history of migration, that they are the truly indigenous people of this region. Batwa emphasize that despite independence from European rule they remain a colonized people, their process of decolonization remains unfinished.”

(Lewis 2000: 7, see Appendix 2 for further information concerning Batwa history in the area)

Thus injustices perpetrated against Africans during the history of European exploitation should not be used deny hunter gatherers and former hunter gatherers of the region, such as the Batwa, their rights as indigenous people. It should not be used to justify or continue their exploitation and marginalisation by their more powerful African neighbours and the Northern commercial, political, conservation and development interests continuing to operate in the region.

G. CONCLUSIONS

G. 1. EVALUATION OF THE PROJECT IN TERMS OF THE WORLD BANK’S OPERATIONAL DIRECTIVE 4.20 ON INDIGENOUS PEOPLES

OD 4.20 explicitly requires the “informed participation” of Indigenous peoples in the development of projects (OD 4.20: paragraph 8). This point was since reiterated by Alfredo Sfeir-Younis of the World Bank in 1999, when he spoke of needing “to ensure the meaningful consultation and informed participation of indigenous peoples in World Bank-financed projects” (Sfeir-Younis 1999).

There was a brief survey and an indicative Indigenous Peoples plan drawn up prior to project approval as part of the new ‘process’ approach to World Bank projects. However, the requirement to carry out a comprehensive baseline survey (OD 4.20: paragraph 15) was adhered to only 4 years after the creation of the Bwindi and Mgahinga National Parks which completed the eviction of the Batwa from the forests, and 4 years after the World Bank committed itself to granting $4.3 million for the establishment of the Mgahinga and Bwindi Impenetrable Forest Conservation Trust (UNP 1993: 86).

Although, “informed participation” and consultation should have preceded the creation of the Trust, and although the Trust workshops on the Batwa situation (and involving the Batwa) only came about in 1999, 4 years after the Trust began operation in 1995, the
baseline survey was, never the less, a comprehensive consultation with the Batwa on their current predicament and future needs. Partly as a result of the survey, the Trust established a distinct Batwa component in its work, effectively acknowledging the OD statement that “proper protection of the rights of Indigenous People will require the implementation of special project components that may lie outside the primary project’s objectives” (Paragraph 15). The rationale behind the creation of a Batwa component lay in the fact that the Batwa would not be able to create the associations necessary to apply for project funding, that such project funding has tended to be directed to community schools and clinics which in practice do not include the Batwa, and that the Batwa are rarely made welcome (and therefore rarely want to participate) in other local peoples associations. The situation of the Batwa was acknowledged in a Trust workshop held in July 1999:

“They are caught between two opposing worlds, that of the local people who want to perpetuate exploitation of their labour and that of conservationists who have put an end to their hunter gatherer life. . . . [they] were viewed as the ‘most dependent upon the forests for their livelihoods’ and thus deserved ‘special provisions’ in the operations of the Trust”
(Kamugisha-Ruhombe, 1999: 1).

However the questions at the workshop directed (by other local people and by some of those representing conservation, religious and administrative institutions) at those who had conducted the baseline survey, are revealing. One such question asked: “Can conservation and development proceed through promotion of only one ethnic group of people and ignoring others?” To which those who had conducted the baseline survey (including the Batwa officer) responded:

“Batwa are not being treated as islands. 60% of the Trust’s net annual income is by agreement committed to community development activities, hence these communities are already catered for. Batwa are being targeted separately because these funds have not reached them as a result of their way of life”.
(Kamugisha-Ruhombe, 1999: 4).

The widespread resistance to the idea of affirmative action for the Batwa, encapsulated by the question above, is pervasive. Like many such attempts to deny social justice for marginalised groups, it is generally accompanied by a refusal to see how the status quo is continually promoting the interests of the dominant groups and continually denying the rights of those who are marginalised. The Batwa component of the Trust programme was intended to redress that balance.

However, such pervasive attitudes have clearly obstructed attempts to address Batwa rights and needs. For example, in the fact that the Batwa officer’s work appears to have been obstructed by the Programme Manager. Whilst the purchase of land now finally seems to have gathered a head of steam and is moving ahead, moves by CARE to enable Batwa forest access have been very slow, and Batwa do not feel adequately represented or involved in Trust decision making, symbolised by the ongoing lack of the budgeted for Batwa Representation Committee.

Although the Batwa component of the Trust’s work and CARE’s multi-use programme are positive ways of addressing the Batwa’s precarious post-eviction situation, the reality is that effective implementation on the ground has been slow and obstructed,
leaving the Batwa feeling that their rights and needs have become marginalised in the implementation of this project.

Clearly the Batwa component must be implemented in full and in consultation with the Batwa in order to resolve contradictions between the Batwa component and the rest of the conservation process which has excluded the Batwa from the forest, a conservation process which the Trust is also a part of. For example, the schools and clinics supported by the Trust and attended by other local people but not by the Batwa (due to the prejudice they encounter) increase the gap between the Batwa and other local people. This does not mean that those schools, clinics other community projects are not important aspects of the Trust’s work but it does highlight the need to push ahead with the affirmative action for the Batwa which the Trust has embarked on. Likewise, the strengthening of the ability of the national parks to exclude people, including the Batwa, from the forest and arrest them if they enter (something which in a small way, the Trust helps to fund to the tune of $46,600 per year) could be seen as also having a negative impact on the Batwa for as long as they are landless. The recent (September 2000) agreement by the Trust to provide infrastructure and other support for the parks may be a welcome part of an overall strategy, but is simply providing further means to exclude the Batwa if their rights to appropriate access are not being met and their subsistence needs are not also being fully met at the same time.

Thus, although Batwa exclusion from the forest occurred prior to World Bank funding, and certainly was being enforced well before the Trust’s work got underway, in reality such funding helps enable the park authorities to enforce Batwa eviction in practice. This process of displacing and excluding Batwa from the forest goes against the World Bank’s statement that special efforts should be made to avoid the displacement of Indigenous People (OD 4.20: para 10) and that the development process needs to “foster full respect for their dignity, human rights, and cultural uniqueness” (OD 4.20: para 6).

In relation to capacity building, monitoring and evaluation (OD 4.20: paragraph 20 [f] and [h]) there has been very little financial and logistical support for the development of a Batwa Representative Committee, which is allocated $2000 per year in the Trust Budget (para 20 [f: iii]). Although Batwa appreciated being involved in the two Trust Batwa workshops, they were aware of resistance by the then middle manager in the Trust to their presence and suspect they were paid a much lower allowance for attendance than other local people. Leaders of local authorities (such as the RLC 5 in Kisoro who is generally very sympathetic to Batwa issues) feel that they are not kept fully informed (para 20 [f: iii]). A further issue concerns the “ability of the executing agency to mobilise other agencies involved in the plan’s implementation” (para 20 [f: iv]). Perhaps the most crucial agencies requiring mobilising are CARE and UWA in relation to forest access. But there is also the question of the religious organisations working alongside, the Trust; organisations which need to be made fully aware of the widespread Batwa wish to be able to learn and organise separately from other local people and not have to take on Christian beliefs in order to be treated equally.

As yet, the Trust has no systematic means of obtaining and absorbing the ongoing (and mostly unwritten) perspectives of the Batwa, which are summarised in this case study and which represent Batwa monitoring and evaluation of the Trust’s work. OD 4.20 states that:
“Independent monitoring capacities are usually needed where the institutions responsible for indigenous populations have weak management histories. Monitoring by representatives of indigenous peoples’ own organisations can be an efficient way for the project management to absorb the perspectives of indigenous beneficiaries and is encouraged by the Bank”

(OD 4.20: para 20 [h]).

In order for the project management to move ahead swiftly on the central issues of land, forest access and support for education, it is essential that the Batwa are seriously consulted about their own assessment of the Trust’s performance, the obstacles to good practice, who they trust, and what their experience of Trust personnel has been. The establishment of a Batwa Representation Committee would be the obvious first step. Further, the Bank needs to reflect on how to ensure IP training for staff in projects funded by the Bank, in order that all staff take such consultations seriously.

Unless full consultation with the Batwa is made a priority, and unless the recent positive moves towards land acquisition by the Trust continue, then the overall work of the Trust simply further marginalises the already dispossessed. Conversely, if full consultation with the Batwa becomes a reality, and the recent positive moves towards land acquisition by the Trust continue, then conservation initiatives throughout the world working with marginalised indigenous communities will have a lot to learn both from the mistakes and the successes of the Trust’s attempts to support, empower and restore justice to the Batwa.

G. 2. SUMMARY OF FINDINGS

The terms of reference for the original World Bank funded socio-economic study of the Batwa situation emphasise that the creation of the national parks have continued the process whereby Batwa lands and resources have been expropriated from them by others. It adds that:

“A major objective of the GEF project is to provide concrete benefits to local communities, in part to compensate for their loss of direct access to forest resources. As the impact of this loss is likely to be greatest on the landless Batwa community, it is important to ensure that the Batwa participate in the project, both in terms of representation in the decision-making process (i.e., on the Local Community Steering Committee and the Trust Management Board) and in the benefits”


This case study highlights the need for the World Bank to ensure that the Batwa component of the project moves ahead speedily with land distribution and restoring forest access to them. If it does not, then the project as a whole will continue to simply worsen the situation for the Batwa, since it helps to fund their complete exclusion from the forest and can make the gap between the Batwa and other local people even greater through the funding of schools, clinics and other projects from which Batwa do not benefit due to discrimination.

Meanwhile the extent to which the Batwa are involved in the decision-making process remains highly debatable. Contrary to the objectives outlined in the terms of reference above, the Batwa have no representatives on the Trust Management Board, and their one
representative on the Local Community Steering Committee has little effective involvement: partly because the Committee’s focus is on wider community projects which do not generally involve the Batwa; and partly because the Batwa lack this expertise and would be in a better position to hold a dialogue with the Trust within the context of their own representation committee.

Batwa must have greater involvement in the Batwa component of the Trust’s work and in the process of securing forest access through CARE’s work. Unless CARE is willing to tackle discrimination head on and pro-actively involve the Batwa, the Batwa will continue to be marginalised and discriminated against. Likewise, the dismissal of the Batwa officer who was trusted by the Batwa, and the delay in replacing him (despite the recognised urgency of the Batwa situation), both reflect major failures to involve, consult or prioritise the Batwa.

This project has the potential of becoming an excellent example of good practice in terms of a World Bank funded conservation initiative engaging with indigenous peoples in a way which is to the mutual benefit of the forests and the indigenous peoples themselves. However, if action is not swift and the Batwa are not listened to, then a potentially excellent example of good practice will swiftly become a glaring illustration of how the Bank’s institutions and implementing agencies are unable to effectively implement their policies. Therefore ensuring the success of the Trust - ensuring that its work moves ahead swiftly by proactively promoting the rights of the Batwa and really listening to and learning from their experience of the Trust - is not only vitally important for the Batwa but is also a golden opportunity for the Bank to put good intentions into practice.

**G. 3. BRIEF RECOMMENDATIONS**

This report is an updated version of the discussion document which formed the basis of UOBDU and FPP’s presentation of Batwa at the 9-10 May 2000 FPP and BIC Washington ‘Workshop on Indigenous Peoples, Forests and the World Bank: Policies and Practice’. The Ugandan Batwa representatives found it extraordinary to meet Indigenous people from elsewhere in the world who had been experiencing similar degrees of marginalisation and impoverishment. They were clearly heartened by witnessing other peoples’ ability to speak out, and they were also glad of the opportunity to speak about their situation to other indigenous people and also to World Bank staff who attended.

There was a sense of optimism following the meeting, further helped by the news of the resignation of the Trust’s Programme Manager. However land acquisition still seemed to be stalled and at a June meeting in Kisoro (organised by UOBDU) with a representative of the Trust and a representative of the Bank, the Batwa received the impression that the Trust was neither prioritising their situation nor was very interested in listening to them. The Batwa were becoming disheartened and began to see a legal challenge to their expulsion and exclusion from the forest in 1991 as their only option.
However, a subsequent field visit by FPP\textsuperscript{8} revealed a much more positive picture in terms of Batwa hopes, in terms of what the Trust is doing on the ground, and in terms of what the next steps need to be.

1. Land:

**Recommendation:** Urgent need to appoint a Batwa officer to ensure Batwa issues are not subsumed to other areas of Trusts work.

The buying of 101 acres in a matter of a few months by the two Community Project Officers (CPOs) suggests that the issue of land acquisition for the Batwa could be resolved speedily if there is a continuing willingness and ability to do so. One major problem is that as yet no Batwa Officer has been appointed and it was clear that as a result the work for the Batwa can take second place to the need to respond to the much louder and more powerful voices of other players. As one of the Community Project Officers said: “When we get a breathing space we come back to do things for the Batwa, then we go back to community projects”. Clearly there is the need to appoint a full time Batwa officer to ensure that the needs of a marginalised minority continue to be fully met, rather than being relegated to moments when Trust officers have a “breathing space”.

2. Batwa Representation Committee:

**Recommendation:** Increase involvement of Batwa in decision-making by regular meetings between Trust and Batwa and Formation of Batwa Representation Committee, building on the existing UPBDU committee.

The Batwa feel that it is very important to have meetings with the Trust on a regular basis, which would reduce misunderstanding. The Trust representative could explain what they were doing, and the Batwa could raise matters with the Trust. Forming the Batwa Representation Committee could be an easy process if it builds on the existing UOBDU committee and continues to meet in their office in Kisoro. The increasing involvement of the Batwa in decision making is clearly of crucial importance.

3. Forest Rights:

**Recommendation:** speed up the establishment of multi-use programmes.

In the light of the 1991 eviction of the Batwa from the forests with inadequate, non-existent or inappropriate compensation, and in the light of the continuing arrest and three month imprisonment of Batwa, sometimes simply for being in the forest and sometimes for getting honey, firewood or plant food from the forest, it is a matter of urgent concern that CARE and UWA have not been able to move ahead speedily with establishing

\textsuperscript{8} This included meeting with the UOBDU committee in Kisoro, and meetings with the Trust Administrator, the two Trust Community Project Officers, and meetings at the Dutch Embassy and with the executive director of the Uganda Wildlife authority amongst others.
multi-use programmes which include the Batwa and which address their cultural and historic dependency on and use of the forest.

One way of focusing attention on this issue, and speeding up the process of ensuring forest access, could be the involvement of the Batwa and of CARE and UWA in the FPP African conference in Kigali in May 2001 which will bring together conservation bodies and Indigenous People from all over Africa.

Another way of seeking to resolve the issue of forest access, compensation and restitution, might involve a possible court case to challenge the 1991 eviction and subsequent exclusion of the Batwa from Mgahinga and Bwindi Forests.

(a) The immediate purpose would be to examine the questions of compensation and restitution, encouraging the speedy resolution of the issue of forest access and land compensation. As well as this there is the question of the lack of consultation at the time of the eviction, the culturally inappropriate ways in which valuation of property was undertaken (which excluded considering most of the ways the Batwa were dependent on the forests), and the question of whether the subsequent disruption to their cultural and economic access to the forest since 1991 is also something which itself requires compensation.

(b) The broader purpose would be to achieve the establishment of Indigenous rights in relation to protected areas in international law.

G.4. OVERALL CONCLUSIONS

Land regularisation and effective representation of Indigenous People must occur prior to other conservation components going ahead, in order to pre-empt the problems highlighted in this case.

The assertion that affirmative action for indigenous peoples (e.g. seeking forest access for the Batwa as well as land) discriminates against other groups and might provoke a backlash, must be tackled. This argument has often been used to oppose moves to end gender or racial inequality.

In this context we can point out that if, in south west Uganda, the keeping of cattle was made illegal this would in theory affect everyone equally, but in practice it would impact most profoundly on those most dependent (culturally and economically) on cattle: the cattle keepers. Likewise making cultivation illegal would similarly affect those most profoundly dependent on cultivation: the cultivators. In the same way, although the forests have been – for the most part – closed to everyone since 1991, this closure has affected the Batwa in a way that is qualitatively different to its impact on other groups since it is the Batwa rather than other groups who historically, culturally and in terms of subsistence have been most dependent for their well-being on the forests.

Affirmative action in situations of extreme marginalisation and impoverishment must be accompanied by education of dominant groups who benefit from their neighbours’ marginalisation. Dominant groups, whether in the form of powerful Western economic
interests in relation to ordinary Africans, or whether in the form of powerful neighbours in relation to groups such as the Batwa, must be continually reminded that there are those who both care and are willing to make alliances with marginalised groups in the interests of justice and in the long term interests of all.
APPENDICES

APPENDIX 1: INTERVIEWS IN MARCH 2000:

Interviews with Batwa Communities:

Interviews were conducted with Batwa in 15 different communities bordering the Bwindi, Mgahinga and Echuya Forests in south west Uganda during the first 3 weeks of March 2000. Interviews were conducted by Justin Kenrick with the assistance and translation skills of Peninah Zaninka. However responsibility for the accuracy and analysis in this report rests entirely with Justin Kenrick.

In addition to this, the views of 22 Batwa representatives were heard at a meeting of the United Organisation for Batwa Development in Uganda (UOBDU) which was held at Kisoro on the 18th March 2000. This meeting had been called by the Batwa prior to our arrival, but we were able to help with transport and the hiring of a meeting place, enabling people to come from a great many communities. In the meeting the Batwa dealt with their most pressing issues, concentrating on the lack of progress in land distribution, the impossibility of gaining access to the forest, and the lack of real Batwa representation in determining the policies of the Parks.

Interviews with Other Players:

Interviews were also conducted locally with those working in Local Government, the Trust, Care, ADRA, the Anglican Diocese, AICM and the Park Management. Many further interviews were conducted with present and past key players in Kampala.

The Mgahinga and Bwindi Impenetrable Forest Trust: Christine Oryema-Lalobo (present Trust Administrator), Steve Cavell (former Trust Administrator), Charity Busingye (Programme Manager), and David Ahimbisibwe (Batwa Officer).

CARE-DTC: Jackson Mutebi (Project Manager)
Dutch Embassy, Kampala: Charles Drazu (Responsible for Batwa issues)
Human Rights and Peace Centre, Kampala: Sam Tindifa (Director)
Institute of Social Science Research, Makarere University: Kaban Kabananukye (Researcher)
APPENDIX 2:
THE HISTORY OF THE BATWA IN KIGEZI-BUFUMBIRA, SOUTHWESTERN UGANDA


“From historical records and oral histories, only the Batwa inhabited this area until at least the mid sixteenth century. The Batwa were mostly forest hunter-gatherers, though some may also have lived in savannah-forest or forest-lake environments. This area was then considered the northern frontier territory of the precolonial Rwandan State. According to the land rights of the Batutsi kings of Rwanda these high altitude forests, then known as the ‘domain of the bells’ (after the bells on the Batwa dogs’ collars), belonged to the Batwa. The Batwa paid tribute to the king’s court in ivory and animal skins. They were also entitled to collect a toll from caravans coming through their territory and payments in food and beer from farmers who encroached on forest.

“By around 1750 at least 9 Kiga Bahutu clans had moved into the area to escape Batutsi rule in Rwanda. The Batwa claim affiliation to these same clans, and not to the hundred or more others that came after and live in the region today. It was in the Kiga’s interests to secure the goodwill and help of the Batwa in order to establish their farms in the forest. As more Bahutu farmers came into the area, inter-Bahutu conflict increased. Batwa archers became critically important for many lineage heads holding out against those encroaching on them. Lineage heads who were also cult priests or mediums received many gifts and were the best able to attract and retain the Batwa. Batwa generally seek to build relations with outsiders they perceive to be the most wealthy. This appears to have been the case then as today.

“The first Batutsi had moved into the area after 1550. Although recognizing Batwa ownership of the high altitude forest, they received tribute from Batwa as representatives of the Batutsi king in Rwanda. As the Batutsi consolidated the state of Rwanda, they turned their attention to the northern frontier area called Bufumbira. Mpama, a Mututsi prince, was sent to rule there in the 1830s. Mpama arrived with a substantial military force that included Batwa archers. Four of the modern Batwa settlements in Bufumbira today are descendants of the warrior Batwa who came from Rwanda with Mpama.

“There was little unity among the Bahutu clans and they responded differently to conquest. Some accepted Batutsi rule in return for cattle and retained their status as local leaders, others resisted and during the last half of the nineteenth century skirmishes and looting were frequent. According to the historian Mateke (1970:41), the Batwa played a critical role in these conflicts and the Batutsi could not have established or retained Bufumbira as part of their kingdom without the support of Batwa archers.

“In the latter half of the nineteenth and in the early twentieth centuries some Batwa had established themselves as important personages at royal courts. They received favours, and some were given farmland. Some Batwa became widely feared and respected. In eastern Bufumbira the Batwa claimed tribute from the Bahutu around them and gave tribute to the Batutsi royals at Busanza. Certain individuals became famous, like
Semakaka, a wealthy and powerful Mutwa whose authority was widely respected by non-Batwa.”
APPENDIX 3:

ACRONYMS

MBIFT (or the ‘Trust’) The Mgahinga and Bwindi Impenetrable Forest Trust
TMB Trust Management Board
TAU Trust Administration Unit
UNP Uganda National Parks
BINP Bwindi Impenetrable National Park
MGNP Mgahinga Gorilla National Park
ITFC Institute for Tropical Forest Conservation
WB World Bank
GEF Global Environment Facility
USAID United States Agency for International Development
IPDP Indigenous Peoples Development Plan
LCSC Local Community Steering Committee
IGCP International Gorilla Conservation Project
CARE-DTC CARE Development through Conservation
AICM African International Christian Ministry

BIBLIOGRAPHY


