

Case study 5

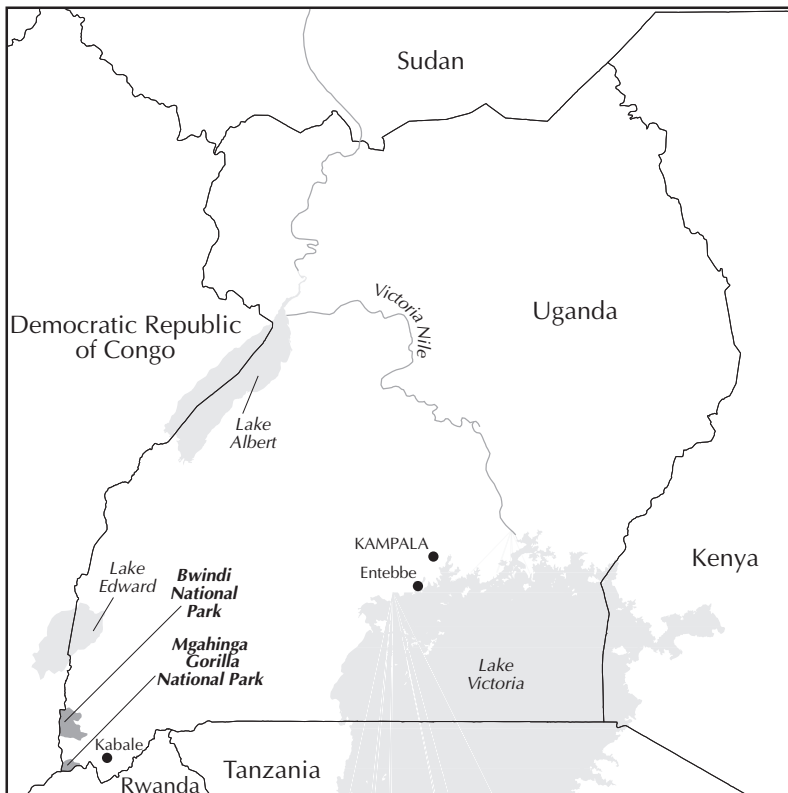
Uganda

The impact of (forest) nature conservation on indigenous peoples: the Batwa of south-western Uganda

A case study of the Mgahinga and Bwindi Impenetrable Forest Conservation Trust

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May 2001



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1 Introduction and overview

The study analyses the conflicts between wildlife and nature conservation and indigenous Batwa¹ peoples in the Mgahinga and Bwindi National Parks, Uganda.

Under its Global Environment Facility (GEF), the World Bank granted US \$4.3 million in May 1991 to establish a trust fund in Uganda. The Mgahinga and Bwindi Impenetrable Forest Conservation Trust (MBIFCT, the ‘Trust’) was to cater for the needs of the Batwa former hunter-gatherers who had been officially denied access to their forest resource base when the forest reserves were established in the 1930s. The Trust was established to cater for the needs of the Batwa by dealing with issues of compensation for land lost, and maintenance of access to the forest for herbs and food. However, the problems of equitable access to the forest resources remain.

This study aims to expose the obstacles to and advance solutions for observing the ‘new model of conservation’² in favour of Batwa communities in south-western Uganda.

2 Methods and approach

Research for this study was carried out through group discussions based upon a discussion guide, which was used to seek Batwa views of the problem and possible solutions to it. Also interviewed were members of the Trust in order to gain an overview of the progress of the project activities and the obstacles that they saw to implementing the ‘new model of conservation’ in Batwa areas.

Interviews with Batwa Communities

Interviews were conducted with Batwa in a number of different communities around Echuya Forest, and Mgahinga and Bwindi National Parks in south-west Uganda. Penninah Zaninka, assisted by Allen Musabyi, Gakoti Ephraim and Rwubaka John, the Batwa organisation Chairman, conducted the interviews. Penninah Zaninka produced the report.

In addition to this, interviews were also conducted with other local people, who gave us part of the history of the Batwa: one from Nyarusiza who worked in the forest with the Europeans around 1940–50 as a guide, after which it became a Game Reserve until the 1980s; others were local people from Kikobero which borders Bwindi National Park.

Interviews with other players

Interviews were also conducted with those working in local government, the



Photo: Dorothy Jackson

Bwindi Forest

Trust, CARE Uganda, ADRA Uganda (Adventist Development and Relief Agency International), Muhabura Diocese and park management and many other interviews were held with present and past players in Kampala, Mukono and Entebbe.

3 Context of the study

History of the zone³

The Batwa were the only inhabitants of the study area until at least the mid-16th century. The Batwa were mostly forest hunter-gatherers, though some may also have lived in savannah forest or forest lake environments. At that time the study area would have been the northern frontier territory of the pre-colonial Rwandan state. According to the land rights of the Batutsi⁴ 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 e.g. *impongo*, (bushbuck) and *inzobe* (sitatunga or marshbuck). They were also entitled to collect a toll from caravans coming through their territory and payments of food and beer from farmers who encroached on the forest.

By around 1750 at least nine 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 now live in the region. It was in the Kiga's interests to secure the goodwill and help of the Batwa in order to establish their farms, and the Batwa archers became critically important for many lineage heads holding out against those encroaching on their areas. Lineage heads, who were also cult priests or mediums, received many gifts and were 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 moved into the area after 1550. Although recognising Batwa ownership of the high altitude forest, they received tributes 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 Batutsi prince and relation of Nyindo, was sent to rule there in the 1830s. He arrived with a substantial military force which included Batwa archers. Four of the modern Batwa settlements in Bufumbira today are descended from 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 19th century, skirmishes and looting were frequent. According to Mateke (1970), 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. He asserts:

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 Semasaka, a wealthy and powerful Mutwa whose authority was widely respected by non-Batwa.

Origin of Batwa settlements

Prince Nyindo came with the Batwa from Rwanda to Bufumbira and stayed in Mabungo where the kingship was then located. By the time the colonialists came, they had shifted the ruling system from Mabungo (a place in Nyarusiza just below the mountains of Muhavura, which is shared by Uganda and Rwanda) to Bufumbira county.

The first county chief to stay with the Batwa, according to the history, was Nyirimbirima who ruled Bufumbira and was followed by Chief Gicyamwa who

had Batwa as his entertainers. When he died Rukeribuga became leader. Rukeribuga was a hunter and would go hunting together with the Batwa. According to them, they enjoyed his leadership.

Around 1962, Rukeribuga was followed by Chief Mbareba who also had Batwa as his squatters. Kabagambe replaced Mbareba in the early 1970s and around this period the Batwa who were squatters to the Saza chiefs started moving away to other places for their livelihood needs, whereby their situation was and still is alarming. One Batwa had this to say:

I am from Rubuguri parish nearby Bwindi forest. Long time ago our grandparents used to stay in the forest. They could get in everything, [then] they were removed. They are now suffering a lot and our people are dying every now and then. Our children do not have medicine for worms and other types of diseases; we are not allowed to go to the forest to collect the herbal medicine and the result is to die.

Displacement of Batwa, and the creation of forest reserves and national parks

Our grandparents used to stay in the forests. We were born in forest, our grandparents lived there since the first ancestors. It provided us with everything: roofing materials, materials to make ropes, honey, some pigs, antelopes and other small animals. The forest has been our home up to the time we were moved out. Nothing we were given. We are fighting for the right to go to the forest, and to have our own land to cultivate. Other local people do not feel happy when we have some developments, for example we may be having a hen or sheep. They want us always to remain poor and cheap so that we can keep working for them. (Batwa from Chibungo and Chogo)

The documents and oral history show that 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 considered an issue, when it states that at Mgahinga '*the residents were evicted with compensation for their permanent crops and structures*' (World Bank, 1995: Annex 1:3). At a Trust workshop on the situation of the Batwa, Mr A Bintooro 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)

In the discussion that followed, Mr Bintooro 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 characteristic 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, dependent on meagre payments in the form of food from their more powerful, cultivator neighbours who can evict them from their land whenever they wish. Some Batwa have turned to begging, and almost all fear the park authorities and claim that they do not enter the forest. Most see their only hope in the granting of 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. (Batwa from Ruguburi)

Focus of the case study

This case study evaluates the conservation of the Bwindi Impenetrable National Park (BINP) and the Mgahinga Gorilla 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). World Bank/GEF funding has been directed to the Mgahinga and Bwindi Impenetrable Forest Conservation Trust whose establishment began in 1991, but only became fully operational in 1995. The Trust's overall objective has been to support the Uganda Wildlife Authority's park management (20%), research (20%), and local communities (60%) through funding small projects. In recognition of the severe marginalisation and impoverishment that the Batwa have suffered as a result of the creation of the national parks and their subsequent exclusion from the forest – recognition which is partly due to 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 the Batwa experience and the complex process whereby their needs have failed to be met or they have been marginalised, this paper seeks to examine the positive and negative lessons to be learnt from the way in which the Trust has sought to operate and specifically 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 the World Bank/GEF funding for the Trust, and in particular its remit to address Batwa needs. The study also examines the broader institutional context, including the work of CARE who, together with the Uganda Wildlife Authority (UWA) and based on environmental monitoring by the Trust, are tasked with enabling limited forest access and resource use by local people. USAID (United States Agency for International Development) and WWF International were involved in funding the establishment of CARE's work here. In addition, this case study assesses the activities of the religious organisations involved with the Trust in working with Batwa communities. For example, the Trust provides funding for vehicles and other basic infrastructure for the UWA and is engaged in environmental research intended to provide data to form the basis for 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 the work of the Trust and other organisations and analyses the project's overall compliance with the World Bank's Operational Directive 4.20 on Indigenous Peoples. The study is based on interviews conducted between 8 February and 24 March 2001 to gather community views of the project and to talk with those implementing the project (see point 2. above), further brief field work in April 2001, and a wide range of project and other documentation (see Bibliography).

4 The Batwa's situation before implementation of the conservation project

The Batwa were the first inhabitants of south-western Uganda. Their livelihood depended on the forests for food, clothing, shelter and medical herbs and hunting as a hobby.

The Batwa had been living around the forests for centuries and kept the forests intact. The survival of the massive forests in south-western Uganda is attributed to their nature conservation practices as, by nature, the Batwa were conservation-friendly as hunters and gatherers in a manner that did not destroy the basic resources. Despite the creation of Forest and Game Reserves, alluvial gold mining in Rubuguri in Bwindi Forest Reserve and logging have led to severe and extensive deforestation.

In 1991 the areas of Mgahinga and Bwindi were gazetted as National Parks and all the local people lost access to the forest. 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.

Batwa dwelling overlooking other communities' farmland



Photo: John Nelson

Why the conservation project was established

Since the creation of the national parks and despite the government's conservation practices, degradation of the forests has continued, mainly because the Batwa, with their practical conservation-friendly practices, have been evicted, haphazard destruction of wildlife has become common, deforestation rampant, and illegal grazing has continued with the collaboration of forest guards.

So the government, through the Uganda Wildlife Authority, decided to establish a national park to protect the rare Mountain Gorilla that lives in those forests. In Uganda it is claimed that the Batwa represent a major threat to gorillas, despite having coexisted with them right up to 1991. Gorilla conservation is a major threat to the Batwa, and the gorillas' rights to protected land are consistently promoted at the expense of Batwa rights. MBIFCT was created to implement friendly conservation practices.

5 The immediate impacts of the project on the local indigenous communities' access to natural resources

Natural resources previously obtained from the forests

Kabananukye and Wily's report (1996) notes that the Batwa can rarely afford health care, preferring to seek help from 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 not only has a negative impact on the practices of Batwa herbalists, but also *'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'*.

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

Key conflicts that arose from the conservation project

The emphasis on the conservation of natural resources and promotion of the tourist industry overrides all other interests especially those pertaining to local Batwa communities.

The Wildlife Statute (1996) and the Environment Statute (1994) indicate that natural resources are managed for the benefit of all the people of Uganda and local communities should be central actors in the management of resources in

their locality. However, the opposite is happening among the Batwa Communities around Mgahinga and Bwindi.

Negative impacts on the community

- The loss of sources of bamboo for basketry; the Batwa previously depended on basketry for a living but can no longer get bamboo;
- The loss of grazing rights in the forest reserves;
- Displacement from their homeland to become landless: they have nowhere to settle or generate income;
- Increased numbers of vermin (monkeys, buffaloes, wild pigs) are destroying neighbouring communities' land;
- A lack of medicinal herbs has resulted in deaths due to the inability to pay hospital charges/consultation fees.

Positive impacts on the community

- Employment opportunities: as guards and guides;

Some Batwa children attend Mabuyemeru School, on the border with DRC



Photo: John Nelson

- Economic: people obtain loans for improved seeds and agriculture, such as Irish potatoes;
- Provision of scholastic materials and uniforms to Batwa children.

6 How the conservation project evolved over time

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

The gazetted boundaries of Bwindi Park are 321 km² (over 80,000 acres) and Mgahinga 33.7 km² (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 neighbouring Echuya Forest) to State protection since the 1930s. Geographically, the Trust's interest is in the parks themselves and the parishes that abut, or are in close proximity to, the boundaries of the two parks. This area comprises 12 sub-counties, 50 parishes and up to 40,000 households – or nearly 250,000 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, and also around 1,771 Batwa in 403 households (Kabanankye and Wily, 1996), although this number underestimates the actual number of Batwa in the area. 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 that is historically documented and is recognised by their neighbours (see above).

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 its Operational Directive 4.20 on Indigenous Peoples (OD 4.20). The Trust recognised that the Batwa, as the original inhabitants of the area who depended on the forests for their livelihood, had 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 Trust's remit was to consult with the Batwa to ensure that they were involved in planning community projects, and that their needs were adequately met rather than being further marginalised by the process of conservation and the accompanying community development projects. However, although this was an integral part of the 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 compre-

hensive socio-economic assessment and consultation exercise to provide the basis for an Indigenous Peoples Development Plan (IPDP) was not completed until after the Trust had become fully operational (Kabanankye and Wily, 1996).

Contradiction within the conservation project and the 'new model of conservation'

In May 1991 the World Bank committed itself to a grant of US \$4.3 million as an endowment under the Global Environment Facility for the Bwindi and Mgahinga National Parks. This biodiversity grant was for the establishment of the Mgahinga and Bwindi Impenetrable Forest Conservation Trust, the income from which was intended to provide a sustainable source of funding for managing the two national parks in order to conserve their biodiversity. 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 on 1 July 1995 the Trust began operations with the appointment of its first Administrator, funded by USAID. The GEF grant was declared effective and the funds were transferred to an offshore Asset Management Account.

The Trust estimated that it would need between \$500,000 and \$600,000 a year, which would require an endowment in the region of \$8–\$10 million. USAID provided funding for the first three years (from 1995) in order that the Trust would not have to touch the capital endowment, and the Netherlands subsequently provided funding for a further five years. According to the Dutch Embassy (personal communication), the Trust's funds are now around the \$7 million mark. The Trust's overall objective has been the protection of the forest: approximately 20% of the Trust's disposable income goes towards park management, 20% to research, and 60% to local communities by funding small projects. The Trust Management Board (TMB) – intended to represent local communities, NGOs and government – is responsible for allocating these funds.

The Trust Management Board has nine voting members, all of whom are Ugandan, and who represent Uganda National Parks, the Forest Department, Wildlife Clubs of Uganda, CARE, the Institute for Tropical Forest Conservation, the Uganda Tourism Association, and each of the three Districts surrounding BINP and MGNP (Kisoro, Rukungiri and Kabale). The TMB also has five non-voting members from the Ministries of Tourism, and Finance and Justice, and from USAID and the Dutch Government, as well as the Trust Administrator. The TMB delegates handle the day-to-day running of the Trust for the Trust Administration Unit based in Kabale, and delegates are responsible for screening small community project proposals (up to \$1,000) for the Local Community Steering Committee (LCSC) which consists of 12 voting representatives of local communities. A Technical Advisory Committee assists the TMB in evaluating the soundness of proposed projects. The representatives on the LCSC consist of three who are elected through the local

council system, two wardens, two representatives from women's groups, and one each from ITFC (Institute for Tropical Forest Conservation), CARE, IGCP (International Gorilla Conservation Project) and MGNP. There is also supposed to be one 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 is something which has long been in the Trust's budget, and which formed one of the steps agreed on between the Trust and the Dutch as the basis for Dutch funding of the Batwa component of the Trust's work.⁵

Kabananukye and Wily's comprehensive assessment of the Batwa situation, published in 1996 – five years after the Batwa's eviction from the forest – was commissioned to comply with the requirements of the Bank's OD 4.20 on consultation with, and compensation for, indigenous peoples. The assessment (or baseline survey) recommended redressing the injustice suffered by the Batwa as a result of the creation of the national parks and the Batwa's 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 the 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. It also recommended that the Batwa's cultural and economic need to access their forests be recognised and dealt with rapidly. Furthermore, it noted that the Trust must address the needs of Batwa living around the nearby Echuya Forest Reserve from which they had also been forcibly excluded. This was for reasons of natural justice and to ensure that these communities did not move adjacent to Bwindi or Mgahinga Forests in order to obtain redress. However, to date, these issues have not been adequately addressed by the project.

On the subject of health, education and community-building, the report notes that Batwa do not feel welcome in clinics and, indeed, quotes one health worker as finding the idea of visiting Batwa households laughable. *'They just want everything free, how could I help a Mutwa?'* (Kabananukye and Wily, 1996)

7 Batwa involvement in the project

Participation and consultation

With regard to the issue of consultation and participation in decision-making within the overall work of the Trust, the Batwa are not well represented. Contrary to the original GEF guidelines, there are no Batwa on the Trust Management

Board, and the sole Batwa on the Local Community Steering Committee is very much of token presence, because Batwa are not taken seriously in decision making by other local people and because the LCSC is concerned with the projects (such as schools and clinics) which themselves tend to exclude the Batwa. Perhaps the essential point here is the lack of a Batwa Representation Committee, a committee budgeted for by the Trust for the last few years but which has never materialised.

In May and July 1999, the Trust organised two workshops which included Batwa. In the second workshop titled: 'Towards increased involvement and participation of Batwa communities in conservation' six of the 38 participants were Batwa. There were, reportedly, some objections to the involvement of Batwa in these workshops, on the basis that since the Batwa could not 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 very positive step forward (Kamugisha-Ruhombe, 1999).

The quotation from the CARE-DTC team (see above) also provides a very 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 project's unwillingness to support Batwa inclusion.

One Batwa had this to say:

The Batwa found the workshops and the fact they and their concerns were taken seriously, very important. The [Trust's] workshops are quite important and useful because we meet and talk about land, education etc. My worry is they talk of buying land but they have not bought it. Death could come at any time and if I die without my land, where will I leave my family? (Batwa from Karengyere Kanaba)

The Batwa clearly appreciated the consultation involved in the original assessment of the Batwa situation (Kabanankye and Wily, 1996), 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.

The Batwa from Nyarusiza especially asked the former Programme Manager and former Batwa Officer whether they could go back to the forest and collect firewood but there was no answer. The Batwa's wish was to go back to the forest and collect what they used to before the forest became a national park.

A brief survey and an indicative indigenous peoples plan were 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) was only adhered to four years after the Bwindi and Mgahinga National Parks

were created – and which completed the eviction of the Batwa from the forests – and four years after the World Bank committed itself to granting \$4.3 million for Bwindi and Mgahinga National Parks (Uganda National Parks, 1993).

Although ‘informed participation’ and consultation should have preceded the creation of the Trust, and although the Trust workshops on the Batwa situation (and involvement of the Batwa) only took place four years after the Trust began, the baseline survey was nevertheless 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’*. 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)

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 was: *‘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. Sixty per cent 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)

There has been widespread resistance to increased involvement of Batwa in the process. For example, the appointment of the Batwa officer to implement the Batwa component was delayed. Then, the work of the Batwa officer appears to have been obstructed by the Programme Manager, and finally he was dismissed. The distribution of land to the Batwa, one of the three most important needs

highlighted in the baseline survey, only began in December 1999 and had helped fewer than 10% of the Batwa within the Trust area of responsibility, before the recent purchase of 101 acres in September 2000, these latter acres having apparently been bought partly as a result of international pressure. Moves to enable the Batwa to have forest access have been very slow, and the Batwa do not feel adequately represented or involved in Trust decision-making, symbolised by the ongoing withholding of the funds budgeted for the Batwa Representation Committee.

Although the Batwa component of the Trust's work and CARE's multi-use programme can be seen as 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 components 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 Trust's work. For example, the schools and clinics supported by the Trust and attended by other local people but not the Batwa (due to the prejudice they encounter) increase the gap between the Batwa and other local people. Likewise, there are very strong negative impacts on the Batwa as a result of the Trust's strengthening the ability of the national parks to exclude them from the forest and arrest them if they trespass. The recent (September 2000) agreement by the Trust to: buy a vehicle for Mgahinga Park; renovate the Bwindi outposts; and provide bicycles, laptop computers and other logistical support for the Parks might form a welcome part of an overall strategy, but are simply providing further means of excluding the Batwa if their needs are not also being fully met at the same time.

Thus, although the Batwa's exclusion from the forest occurred prior to World Bank funding, in reality it is this very funding (e.g. through the Trust's support for park management) which has helped the park authorities enforce the Batwa's 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) and that the development process needs to '*foster full respect for their dignity, human rights, and cultural uniqueness*'. 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.

In relation to capacity building, monitoring and evaluation (OD 4.20), there has been very little financial and logistical support for the development of a Batwa Representation Committee, which is allocated \$2,000 per year in the Trust budget. Although the Batwa appreciated being involved in the two Trust workshops they

were aware of resistance to their presence by the then middle manager in the Trust and suspect they were paid a much lower attendance allowance than other local authorities. They also feel that they are not kept fully informed. A further issue concerns the *'ability of the executing agency to mobilise other agencies involved in the plan's implementation'*. Perhaps the most crucial agencies requiring mobilising are CARE and Uganda Wildlife Authority in relation to forest access.

How the project is failing

Despite legal provision in Ugandan law for the Batwa to use and even live within the national park, and the study recommendation for just such an action, no rights have been granted to the Batwa. The 'multiple use' project was established to address this problem, but has failed to include the Batwa. It is alleged that all the associations set up to manage forest use by the local population were made up entirely of non-Batwa. By not accepting the Batwa as members, these associations effectively prevent the Batwa from obtaining legal access to forest products.

Efforts by the MBIFCT to help evicted Batwa have been resisted by their neighbours, who claim that this would constitute favouritism. Far from being favoured, however, the Batwa actually lose out. Alternative activities intended to provide new forms of income for the evicted communities have depended on the formation of local associations. With no education, the Batwa were unable to form their own associations and unable to obtain membership in non-Batwa associations. The considerable revenue generated by tourism, mostly to visit the gorillas, is shared with local communities who get 20%. However, these funds are only dispensed to local communities for specific projects. Since no Batwa are members of the relevant committees, they fail to obtain any benefits. The lack of investment in building the Batwa's capacity to represent themselves has effectively resulted in outsiders dictating their future. Unless the Batwa are supported in representing themselves, future attempts to help them will be misguided, inappropriate and potentially damaging.

Eight years after eviction and four years after the study's urgent recommendation, the Batwa had still not been given land on which to settle. They remained largely on farms, and on government and church land as squatters, tenants and labourers. Without assets or an independent means of production, life has become very hard for them. Although forbidden access to the forest, the majority of the Batwa still use it for vital subsistence and religious activities. They risk imprisonment or fines if caught but their dependence on forests is so fundamental to their way of life that they cannot be expected to stay away from it. The Batwa still collect honey and seasonal vegetables, lay traps for small game, collect herbal medicines and other forest products (vines for ropes, bamboo, etc.) and visit ancestral sacred sites for rituals and to make offerings. According to park officials, it has proved impossible to prevent the Batwa from using the forest despite the military guards and regular patrols. The Batwa feel persecuted in this denial of their rights and now rarely

admit to using the forest. Many refuse to live near the forest for fear of persecution when evidence of hunting is discovered in the park.

In employment, too, the Batwa are marginalised. No Batwa work in Mgahinga National Park and only two are employed in Bwindi. A clear affirmative hiring programme would be useful to the Batwa but park officials say the Batwa do not apply. They admit that non-Batwa locals working in the parks dislike working with the Batwa, unless they are working as guards. Mgahinga is small, however, and the park authorities no longer need Batwa guards on patrols.

8 Possible solutions/lessons learnt

The idea of creating the local institution (MBIFCT) was not based on an adequate level of mutual understanding, commitment and benefit between the communities, Park management and other stakeholders. From this case study it is clear that the arrival of natural resource conservation and promotion of the tourist industry override other interests, especially those pertaining to local communities. Issues of community participation, representation and decision-making are inclined towards achieving these main interests only because it is felt that, if not addressed, they may jeopardise forest conservation and the tourist industry. From the information so far gathered, indications are that the interests of the conservation agency (UWA), conservation NGOs and donors take precedence over those of the community in the management of the forests.

Solutions and recommendations

- Stronger mechanisms for participation, including the direct involvement of indigenous peoples in project design and implementation and the administration of funds;
- Improved access to information in appropriate languages and formats;
- Application of the policy to structural adjustment lending;
- A revised Indigenous Peoples Policy which adheres to international law, follows the principle of prior informed consent, recognises and secures indigenous peoples' customary rights to land and resources and provides mechanisms for the resolution of conflicts.

Conclusion

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 consulted seriously 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 Trust needs to reflect on how to provide their project staff with training in indigenous peoples' issues, in order that all staff take such consultations seriously.

9 Summary of findings

This case study has found that the Batwa's situation with regard to the creation of the national parks has remained as it was whereby Batwa lands and resources have been expropriated from them by others. Wily (1995) states:

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.

It must be ensured that the Batwa component of the project moves ahead speedily with land distribution and restoring forest access. If it does not, then the project as a whole will simply continue to exacerbate the situation for the Batwa, since it is helping to fund their complete exclusion from the forest and is widening the gap between the Batwa and other local people through the funding of schools, clinics and other projects from which the 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 its focus is on wider community projects which do not generally involve the Batwa, and partly because the Batwa lack the necessary expertise and would be in a better position to hold a dialogue with the Trust within the context of their own representation committee.

The 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 activities. Unless CARE is willing to tackle discrimination head-on and proactively involve the Batwa, the Batwa will continue to be marginalised and discriminated against. Likewise, both 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), reflect major failures to involve, consult or prioritise the Batwa, even within the component of the Trust's work that is dedicated to them.

The land issue within the project

Since the eviction of the Batwa from the forest in 1991, the Batwa had been dependent on other people's land. It was only in August/September 2000 that the process of land purchase appeared to have started moving again, with the purchase of 101 acres by the two Community Project Officers.

Now the process is moving speedily because there is a Batwa officer who is following up Batwa issues daily. As one of the community project officers said: *'We come back to do Batwa's things once we get a breathing space, then we go back to community projects'*. From September 2000 to date some of the Batwa are cultivating their own land and others are waiting for the Trust (the new Batwa officer) to pay for the land that has been surveyed.

Forest Rights

In light of the 1991 eviction of the Batwa from the forests with inadequate, non-existent or inappropriate compensation, and in light of the continuing arrests and three-month imprisonment of Batwa, sometimes simply because they are in the forest and sometimes because they are getting honey, firewood or food plants from the forest, it is a matter of urgent concern that CARE and UWA have been unable to move ahead rapidly with establishing multi-use programmes which include the Batwa and which address their cultural and historical dependency on and use of the forest.

Notes

- ¹ In this case study, for ease of reference, the 'Twa' people are referred to throughout as 'Batwa' (making no distinction for a single individual, 'Mutwa').
- ² The guidelines of the WCPA, IUCN and WWF, revised in 2000.
- ³ Based upon oral histories and historical records.
- ⁴ In this case study, for ease of reference, the 'Tutsi' and 'Hutu' peoples will be referred to as Batutsi and Bahutu respectively (making no distinction for a single individual, 'Matutsi' or 'Mahutu').
- ⁵ *Batwa are now represented on the LCSC – 2003 – Ed.*

Acronyms

ADRA	Uganda Adventist Development and Relief Agency International
BINP	Bwindi Impenetrable National Park
CARE-DTC	Care Development Through Conservation
GEF	Global Environmental Facility
IPDP	Indigenous Peoples Development Plan
IGCP	International Gorilla Conservation Project
ITFC	Institute for Tropical Forest Conservation
LCSC	Local Community Steering Committee
MBIFCT	Mgahinga and Bwindi Impenetrable Forest Conservation Trust
MGNP	Mgahinga Gorilla National Park
TMB	Trust Management Board
UNP	Uganda National Parks
USAID	United States Agency for International Development
UWA	Uganda Wildlife Authority
WWF	World Wide Fund for Nature

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Conference discussions: Kenya, Tanzania, Uganda

Commentaries on case studies by presenters and community representatives

The three case studies were presented and discussed in one conference session to gain the benefit of a combined overview.

Tanzania

William Ole Seki commented that since the case study was written, there was now the very real threat of eviction.

Isaya Naini, Projects Manager, Community Research and Development Services, Tanzania, (CORDS), showed a newspaper cutting about the Maasai's threat to sue the government over its violation of the 1959 Act allowing them to live in the area. He urged all participants to suggest a strategy for their immediate help.

Uganda

Penninah Zaninka made the following comments to complement her case study:

- 1 regarding schooling, there is now one Batwa child at secondary school. However, hunger is still linked to non-attendance at school, which in turn impacts on employment opportunities. Civil service jobs are consequently unattainable, but jobs as guards or guides ought to be possible and would guarantee some income – particularly as the Batwa have existed alongside the animals since the time of their ancestors;
- 2 electoral representation is difficult because the community is so small;
- 3 as access to the forest is denied, traditional sources of the following are no longer available:
 - firewood for cooking
 - medicines
 - raw materials for tools
 - means to practise religions.

Rwubaka John, Batwa Chairman, UOBDU, commented, 'When my father died I inherited land given to my parents by kings but now the authorities are trying to evict me.' He also spoke of a Batwa man who was murdered while he was collecting firewood in the forest.

Gakoti Ephraim, UOBDU, gave his story: 'I grew up in the forest; I was collecting wild

potatoes and yams and the announcement came saying we had to go away, had to go and live at the border. That is where we remain. We never got any compensation. We were afraid they would kill us. Now we sell our labour services to others, like servants, actually – and we have been left behind. . . . we used to get meat and honey, collect medicinal herbs and make local beers and now we cannot do this, and our children are dying.’ He expressed concern at his people’s situation, ‘We are like animals, but at least the animals are being looked after. No one is looking after us. We are about to die and disappear – those houses we are living in now are not good, human beings require good shelter and we do not have this. There are so many things that we need – I feel so sad that I cannot even utter any words.’

Allen Musabyi, UOBDU, spoke of the uneven subsidisation and availability of uniforms for school children from agencies in charge of the forests.

The session chairman, Marcus Colchester, commented that a lot had been said about the problems, but what about solutions? He asked whether participants had sought solutions through dialogue with managers of the parks and the World Bank.

In reply, a representative of the Rwanda Office for National Parks & Tourism (ORPTN), drew attention to a new policy among the guards to allow entry into the parks. He wondered whether the Batwa were actively prevented from entering or were unaware of the policy?

Rwubaka John told how ‘Last year we created our own organisation, UOBDU, and set up an office in Kisoro. So now we have somewhere to meet and exchange ideas. FPP helped us send a representative to Washington to talk to officials and expose our situation. When we came back from Washington the Trust started buying land for us. So now a few have land, but not all’.

John Rubaramira, Batwa Project Officer, Mgahinga & Bwindi Impenetrable Forest Conservation Trust (MBIFCT) explained the efforts that had been made since the Trust was set up in 1995. There had been five objectives, one of which was to purchase 226 acres from the Batwa in two districts, who could then buy land for each household. So far, 147 households had acquired land. Regarding education, the Trust supported 501 Batwa children at primary level, and one was hoping to get to university. Training in agricultural and vocational skills was provided for all those who bought land.

He confirmed that the Trust had been working with CARE to identify how the Batwa could benefit from development through conservation. For example, the communities around the parks are allowed to go and collect fruit products on a sustainable level; another objective is to offer sanitation. The Trust was sensitive to the Batwa predicament.

Panel discussion

Panellists: Nicolette Raats	– Senior Social Ecologist, South African National Parks: Kgalagadi Transfrontier Park
Joram Useb	– Assistant to WIMSA Co-ordinator, Working Group of Indigenous Minorities in Southern Africa (WIMSA)
Albert Kwokwo Barume	– Human Rights Lawyer

Nicolette Raats said she would have liked some conservation input into the conference as a number of conservation issues had not been documented. She felt that conservation should not be seen ‘as a reservoir for land for people’; it was important to identify the desired outcomes clearly since the links between land and culture were not always made and ought to be recognised. She agreed that negotiation should involve all parties all of the time and was optimistic for workable solutions.

She made the observation that ‘population expansion in Africa cannot be ignored. Local problems can be solved locally, but broader problems need to be solved more globally’.

Joram |Useb endorsed the earlier observation that it was not helpful to discuss problems, but important ‘to look at ways to address the problems in order to get solutions, because there were good promises which were never fulfilled’.

The Tanzanian case study had identified their strong and weak points:

- Strong points: the Ngorongoro Conservation Area Authority (NCAA) and the Pastoralist Council. He recommended changing the Pastoralist Council into an independent body capable of involving more stakeholders and encouraging the NCAA to reconstruct its own council to give it more power.
- Weak points: organisational capacity was weak and consequently dangerous. Technical competence and financial management needed to be improved. This aspect could be handled by a body independent of the NCAA since there is the perception in the community that they are government employees. It would be worth training leaders in this area.

He cited the example of the Nyae Nyae in Namibia, where many stakeholders have been involved and are included on the board – ranging from government to community-based organisations – and this influences the policies. He also stressed that terminology used in park and community policies must also be expressed in the local language.

Albert Kwokwo Barume recommended looking both for common themes and differences. He identified four main common features:

- 1 'The cases are all of first nation people evicted from their land by force. These people are the owners of the land, and their right is based upon occupation since time immemorial.' They had occupied the land long before the African states had been formed.
- 2 'All three governments are trying to assimilate the indigenous people, to decide what is good for them, through laws: forest acts, agriculture acts. . . . In all the three cases there has never been consultation.
- 3 'All three cases are claiming collective rights to land – these are rights which are different from the rights they are being offered by the government. The rights of private individuals do not protect them well enough.
- 4 'Finally, in all three cases, there are strong international actors behind the scenes but nobody talks about them – e.g., the World Bank. . . . We have to realise that the strongest misery of human beings is due to these organisations sending millions of dollars. These strong actors are getting away without taking any responsibility.'

The differences appeared in the way they approached the same problem:

- a the Kenyans were taking the legal approach;
- b the Tanzanians had not yet decided to go to court but were trying to strengthen the community first by creating their own local institutions;
- c the Batwa, because of their different languages, levels of literacy, and economic power, had opted for support from international advocacy organisations to help defend their rights.

Participant discussion

Subsequent debate covered three topics:

- 1 Need for objective analysis
- 2 The question of conservation
- 3 Communities' personal experiences.

1 Need for objective analysis

Innocent Munyarugero, Twa community representative, Rwanda, called for coordinated accounts of the situations described, as different individuals appeared to be interpreting events differently, some identifying problems, others saying they had been resolved. He had not come across these inconsistencies in Bweyeye and urged participants to find agreed solutions.

Jackson Mutebi, Project Manager, CARE Uganda: Development through Conservation Project, had three comments:

- a 'I would like to remind members here that we must work in a realistic context. In Uganda we have other communities who also claim similar rights to the forests. . . . We cannot address indigenous peoples' issues in isolation; other communities have other demands. We must address the bigger picture.
- b 'The communities are not homogenous – within Batwa, there are people with different hopes, etc. Are there initiatives that do address some of these peoples' needs?
- c 'As I listen, I would advise us to not be confrontational, not to emphasise those things that divide us. We should also note the groups who are helping indigenous peoples.'

Penninah Zaninka, in response to Jackson Mutebi's first point, conceded that Batwa do have some of the same problems as others but not 100 per cent. She explained that the area has various groups: 'it is the Batwa who lived in the forests, the others come from different sources . . . potters were dispossessed of pottery making, marshlands were turned into farmlands, etc. and their livelihoods taken. They do not have the same problems and theirs are not as serious as for the Batwa.'

Ezekiel Kesendany, Executive Director, Ogiek Development, Culture & Environment Conservation (ODECECO), added that funding for resettlement of South West Mau came from the Forest Ministry through the World Bank. 'People were told they could settle there; others were brought into the area to benefit from the project. Outsiders wanting to help may not understand the problems – squatters are everywhere – we have people who are from the area, but the others are speculators or have other homes.'

2 Comments on the question of conservation

William Olenasha, Co-facilitator, Ngorongoro, felt that there should be a clear distinction between the roles of conservation areas and community areas as the two could not overlap successfully.

Eleanor McGregor, Development Worker, South African San Institute (SASI), acknowledged that when a community is moved out there are a lot of problems for which the park concerned can be held responsible. 'We must knock on their door to solve these problems, to say let us meet half way. We must ask the park to help us to address our problems.'

Jean Bourgeais, Principal Technical Advisor for the Gamba Project/Gabon, WWF Central Africa Regional Program Office (CARPO), asked for participants' help to overcome problems from the start: 'I am starting a park. I need to find a system to find solutions to the many problems that have been set out. . . . Decision-making creates conflicts and in

some protected areas the use of revenue is not always perfect, but now there is good communication between conservation organisations, although not between environmental organisations and indigenous peoples. If I could find the solutions I need, it would be a good outcome of this meeting.'

3 Communities' personal experiences

Benjamin Mugabuku Meye, Chef de volet sensibilisation, Parc national des volcans, commented that the Uganda case had shown that firewood was no longer a big problem for those who have got land. However, he noted that school books and uniforms provided by organisations sometimes reach those who are not entitled to them and he asked why this cannot be better coordinated.

Kalimba Zephyrin, Director, CAURWA, developed the point raised earlier, that 'The problem that still persists is the role of indigenous people in management of these problems. It is unfortunate that when the World Bank has given money which has been put into a fund, the Batwa are not aware of the fund, or its activities. They have no information and those managing the fund are not accountable to the indigenous peoples. Indigenous peoples should be involved in these activities. There is a Rwandan saying: "In the country of blind people, the one who has one eye is a king."

'I visited the areas in the Tanzania case study, and visited the Hadza who, like the Batwa, live by hunting and gathering. But the government is not aware of them. The Maasai have become known, but these others are not even known to their own government. They still have problems because farmers and pastoralists encroach on their land. They are poor, uneducated, and have no houses. NGOs in environmental conservation should set up a fund for these small communities that have been left behind or else they could disappear.'

He then questioned the practice of demanding payment for entry to parks, particularly for nationals who could ill afford it. Alternatively, he suggested that profits from parks should be shared among the nationals so they all benefit.

Juvenal Sebishwi, APB (Association pour la Promotion Batwa), agreed: 'Natural resources are common to all, and should be open to all. Here they have coltan. If it is on your land, you are asked to leave in return for compensation, but a Mutwa is evicted without compensation. This should be done properly. The indigenous people are looking for their basic rights. They are not trying to disturb others' situations – we just want our rights back. . . . Our community is decreasing – they are dying – let us not forget why we are here.'

Asked about the situation in Kenya – whether there are negative impacts from interactions between the Maasai and Ogiek – Ezekiel Kesendany replied that the Maasai are indigenous pastoralists and the Ogiek are hunter-gathers, so there is no conflict.

Crispin Mutimanwa Lusanbya, DRC community representative, provided a further example of the impact on health issues: 'We have lost the traditional healing skills because we were chased out of the forest. Before, our *sages femmes* had access to the herbs of the forest and women had no need for caesarean section. But today we are so sad – now we see them with malaria and have no way to heal them. This used to be a source of income. What we ask is: give us access to these herbs, etc., and then we can help others.'

Close of session.