



Governance of Forests: Assessment of the Resettlement of Benet/Ndorobos Issues in the Management of Mount Elgon National Park, Uganda

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Authors' contributions

This work was carried out in collaboration between both authors. Author AKKB designed the study, performed the statistical analysis, wrote the protocol, and wrote the first and final draft of the manuscript. Author RGM gave comments and managed the literature searches. Both authors read and approved the final manuscript.

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ABSTRACT

Mount Elgon forest is a trans-boundary ecosystem transcending Kenya – Uganda border. It is an important watershed which nourishes Lake Victoria, Lake Kyoga, Lake Turkana and a vast array of rivers including the Nile. The Benet/Ndorobo community has for a long time been using the forest as a shelter, source of pasture for livestock and wild food as well as products like handcrafts materials. In the recent past, the community has adopted crop farming with adverse effect on the forest ecosystem. To avert the dire consequences of forest degradation as a result of human settlement, the government decided to degazette about 6000 ha of the forest to systematically resettle this group. However, the resettlement exercise was mismanaged and as a result, many people were either not properly resettled or totally ignored. Further attempts by the government to portion more forest land for Benet/Ndorobos was in vain. Against this background, a study was carried out between August 2014 and June 2015 aimed at identifying the governance issues involved in the management of the forest and root causes of the resettlement problems, leading to

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the government's failure to peacefully, fairly and justly handle Benet/Ndorobos' land case. The document analysis approach coupled with systematic verification of land claims was applied. In addition, structured interviews with government officials and opinion leaders who were selected using purposive sampling technique were carried out. The results indicated that whereas, the resettlement exercise was initially intended to benefit the marginalised community; over 80% of land recipients were non-Benet/Ndorobos. Also, the land allocation exercise was characterised by political interference, nepotism, incompetence, corruption, abuse of the resettlement guidelines and total neglect of interests and concerns of targeted community. The study concludes that Benet resettlement is more or less a structural problem that demands a high degree of good governance practices.

Keywords: Good governance practices; forest dependant people; resettlement; trans-boundary collaboration.

1. INTRODUCTION

Human settlement in and along the protected areas is a long standing challenge in wildlife conservation [1,2,3]. The history of most protected areas in Africa is associated with the interaction between the indigenous people and wildlife. However, what is of great concern is that as the population of inhabitants grows, their activities tend to exert pressure on the same ecosystem, especially the forests they depend on as a source of food, medicine, shelter, fibre and ecosystem services. In most cases, the overreliance on natural resources has resulted into unprecedented over exploitation of natural capital, deforestation and forest degradation [4], which sometimes force some governments to resort to forceful evictions and relocation of the affected community [1]. Such interventions have at times, attracted violent response from the affected communities and allegations of human rights violation.

In case of Uganda, at the time of gazetting Mt. Elgon Central Forest Reserve in 1938, Benet/Ndorobos are believed to have been residing inside the forest, grazing their livestock, hunting and utilising wild foods and other essential forest resources such as mushrooms, honey and bamboo shoots [5]. The mountain is a trans-boundary ecosystem that transcends Kenya – Uganda international boundary and is a vital water tower in the region [6]. The ecosystem is considered by [7] as a vital hot spot where the last remaining populations of endangered or critically endangered species are found. However, with time, as Benet/Ndorobos population increased, they spread widely within the forest to the extent that by 1980 Benet/Ndorobos pastoralists were scattered all over the entire central forest reserve. Of special concern to the forest management was that the

community had taken up subsistence crop farming. The adoption of crop cultivation by the forest dwellers as a means to enhance food security accentuated the rate of deforestation [5]. As a result, the government realised that the presence of Benet/Ndorobos inside the forest was a serious potential threat to the conservation and the integrity of the water catchment area. Added to this, insurgency in lower areas of Sebei caused by Karamajong cattle rustling warriors expedited the displacement of residents. The use of firearms by ruthless and cattle hungry warriors forced residents to seek refuge inside Mt. Elgon Central Forest Reserve, exerting more human pressure on the ecosystem and resources therein. In order to minimise the widespread degradation of the forest, the government decided to degazette about 6000 ha of tropical forest to resettle Benet/Ndorobos. At a district level, a committee, chaired by the District Commissioner was formed and empowered to oversee the land allocation exercise and at the same time coordinate with the central government to ensure that Benet/Ndorobos were well resettled. As a matter of operational procedure, the district committee further formed six Zonal Committees responsible for the real distribution of land in their respective zones [5].

According to the minutes of Kapchorwa District Resettlement Committee meeting which took place on 29th June 1982, the District Forest Officer indicated that there were 1,871 Ndorobos inside the forest with about 14,242 heads of cattle. In addition, 520 people displaced from the lowland and 66 encroachers were utilising the central forest reserve for crop production.

Subsequently, the forest land was divided into six blocks referred to as zones (A-F) for administrative purposes [8]. Every block had a team leader who was at the same time the

chairman of the Zonal Committee, (who in most cases, happened to be Forest Department staff) that was responsible for allocating parcels of land to individual beneficiaries.

However, when the actual land allocation to Benet/Ndorobos was about to start, the district committee, created new categories of land recipients, that is, the displaced and the needy, increasing the array of beneficiaries. This later turned out to be an avenue for abusing the intention of the exercise, exerting improper influence by well to do members of the society and corruption. By bringing on board the two non-targeted groups, the number of new beneficiaries exceeded that of genuine landless Benet/Ndorobos. Besides, the land allocation exercise was done within two weeks and without first preparing the forest dwelling Benet/Ndorobos for the new life style, that is, from transhumant to a structured resettlement scheme [5].

Indeed, as soon as the resettlement exercise was concluded, it was realised that instead of 6000 ha more land was given out, in excess of about 1500 ha. This nascent degradation on a crucial watershed stimulated further encroachment which currently covers more than 2500 ha.

Consequently, public complaints and community dissatisfaction were registered as soon as land allocation exercise was declared finished. First and foremost, it was alleged that the exercise did not cover all eligible Benet/Ndorobo families. Second, the people who were not supposed to benefit from the land allocation exercise got a lion's share. This forced government to institute an inter-ministerial committee to investigate the land allocation exercise and advise government on how best the land allocation conflicts could be handled.

The committee established that land allocation exercise was carried out in hurry without first sensitising beneficiaries and in non-transparent manner [5]. Besides, the Benet/Ndorobos were not adequately involved in planning and implementation of land allocation exercise. For instance, according to the Inter-Ministerial Committee Report [5], the Benet/Ndorobos members on grass root Zonal Committees were only 19.5%, in comparison with District Forest Department officials (48.8%) and other groups (31.7%). Having failed to adequately resettle

Benet/Ndorobos, one would have expected government to first get to the root cause of the conflict. Surprisingly, in 1993 government offered more forested land (538 ha) for allocation to people who claimed to have missed out in the first exercise without putting in place safety measures to minimise the abuse of land allocation exercise. Indeed, as expected, like the first land allocation exercise, the 1993 land allocation was also poorly handled and as such, the public demand for more land intensified. To make matters worse, for the first time, the issue of resettlement of Benet/Ndorobos was assimilated into local politics; a matter that later attracted the attention of the civil society. Some members of the civil society supported the marginalised Benet/Ndorobos to seek a legal redress from the Courts of Law. As a result of this, a consent judgement that recognised the fact that Benet/Ndorobos had a historical attachment and right to the forest resources was reached at, by both parties; Uganda Wildlife Authority and representatives of Benet/Ndorobo community [9]. However, in this context, the good will of the two parties, the protected area management and the Benet/Ndorobo community notwithstanding, the consent judgement did not address issues related to the root causes of mismanagement of resettlement exercises.

Furthermore, before Mt. Elgon Central Forest Reserve was upgraded to a National Park in 1993, it had a softwood plantation of *Pinus patula* and *Cyprus lustanica* in Kapkwata which was acting as a buffer between the local community land and high tropical forest zone. The reserve was also running tree nurseries that were used to supply tree seedlings for planting in already harvested compartments. When the trees in all compartments were clear felled, timber harvesting completed and re-planting cycle was exhausted, the casual labourers who were working in the tree nurseries and lumbering companies were discontinued. Management forced them to leave labourers' camp which was located inside the forest reserve. However, due to the fact that management had adopted taungya farming practice whereby, local people were allowed to grow seasonal crops like maize in the newly established softwood plantation, the displaced workers decided to hire land in two separate places which were later code named by residents as "Rwanda" and "Kishangani". Later, the casual labourers backed by local politicians also demanded government to resettle them inside the forest.

What is of great concern is that, to date some Benet/Ndorobo families have not been permanently resettled. Added to this, attempts by the government to resettle these families in Amananga in 2008 suffered the same fate. Clearly, continuous excision of protected area for the benefit of small bourgeois group in pretext of resettling the marginalised Benet/Ndorobos has had a profound effect on important forest ecosystem. Subsequently, deforestation, encroachment and confrontation between protected area staff and local communities are now common and widespread. In recognising the importance and belligerence of this subject matter, as well as realising that no study has attempted to critically assess the root causes of unsuccessful resettlement of Benet/Ndorobo community, we were motivated to carry out this research. The aim of the study was to assess the resettlement of Benet community in Mt. Elgon Central Forest Reserve in order to get an insight of the governance issues and challenges associated with land allocation to the marginalised minority forest dependent community, as one of the ways to inform decision and policy makers. The specific objectives of research were;

1. To find out how the past resettlement and land allocation exercises were executed.
2. To identify the governance issues and root causes of unresolved forest land claims in Sebei region which have not only affected the livelihoods of Benet/Ndorobos but also the integrity of the protected area.
3. To provide a practical guidance to policy makers on the best approach to address Benet/Ndorobos resettlement.

Perhaps, this would contribute towards the formulation of appropriate strategies for resettling the Benet/Ndorobo community and improving the conservation of Mt. Elgon forest ecosystem.

2. MATERIALS AND METHODS

2.1 Study Area Description

Mount Elgon is situated approximately 100 km northeast of Lake Victoria, around 1°N latitude and 34°30'E longitude, on the border between Kenya and Uganda [10,11]. The mountain extends 80 km north-south and 50 km east-west, with the 20 km - long Nkokonjeru Arm to the west. The protected areas of Mount Elgon cover approximately 2,045 sq. km, with 1,145 sq. km of this comprising Mount Elgon National Park on the Ugandan side (Fig. 1).

Three major vegetation zones are distinguished on Elgon: the Alpine and Ericaceous Zone (mainly above 3200 m) that occurs above the tree and bamboo limit; the Afromontane Forest Zone (2000-3200 m); and the Afromontane Rain Forest Zone, which is restricted to the wetter south-western and southern slopes, mostly below 2500 m [12].

Scott [10] notes that the Alpine and Ericaceous zone (23 per cent of the park's area) comprises an extensive moorland and heathland area. This is considered the most significant area of the mountain for species conservation due to the presence of a number of endemic shrub and herb species. In the caldera, a dwarf shrub version of Lady's Mantle (*Alchemilla elgonensis*) dominates, with smaller patches of moss and lichen vegetation on rock outcrops, and bogs with *Carex runssoroensis* in depressions. The most spectacular feature of the caldera, however, is probably the Giant Groundsel (*Senecio elgonensis*) woodlands. Outside of the caldera, this zone consists largely of tufted grasslands with scattered *Helichrysum spp.* shrubs, *Lobelia elgonensis* and *L. telekii*. In the Afromontane Forest zone, which is a transition from the heathlands to the forest proper, is the *Hagenia abyssinica-Rapanea melanophloeos* forest type. Afromontane forest communities are also found, composed of *Afrocrania volkensii*, *Rapanea melanophloeos* and *Podocarpus milanjianus*, interchanged with bamboo (*Arundinaria alpina*). On the wetter southern and western slopes, the Afromontane rain forest community comprises *Prunus africana*, *Aningeria adolfi-friedericii* and *Olea welwitschii*, while *Podocarpus gracilior*, *Juniperus procera* and *Ekebergia capensis* are found on the drier northern slopes.

In terms of fauna, the common species in the protected area are African elephants (*Loxodonta africana*), buffalo (*Syncerus caffer*), leopard (*Panthera pardus*), black and white colobus (*Colobus guereza*) and blue monkey (*Cercopithecus mitis*), red tailed monkey (*Cercopithecus ascanius*) and duiker (*Sylvicapra grimmia*).

Most of the people living adjacent to the forest are Bagisu/Bamasaba of Bududa, Bulambuli, Manafwa, Mbale, Namisindwa and Sironko Districts, who are primarily agriculturalists as well as, the Sabiny, of Bukwo, Kween, Kapchorwa District who were originally pastoralists living in the lower plains. However due to high intensity of cattle-rustling in the

plains, most of the Sabinu migrated up the mountain slopes, reducing their grazing levels and taking up more or less subsistence agriculture. The current population of Sabinu sub-region is estimated at 190,148 [13]. Benet/Ndorobos are sub ethnic group of Sabinu, speaking the same language but they have a stronger historical and cultural attachment to Mt. Elgon Forest than the mainstream Sabinu.

2.2 Research Design

A three layer approach to the study was applied to collect data. First and foremost, document analysis technique which covers the identification, selection, analysis and interpretation of relevant printed and electronic documents as described by [14,15,16] on the resettlement of Benet/Ndorobos (Table 1) was carried out in order to get an insight on the historical background and execution of

Benet/Ndorobos resettlement exercises that have been carried out by government in the recent past. In order to enhance validity and reliability of information generated from the documents, only authentic, credible and meaningful documents were critically evaluated with the view of unearthing underlying governance issues and root causes of the perennial and prolonged challenge of Benet/Ndorobos resettlement. Considering the fact that several attempts had been made by government to resettle Benet/Ndorobos without much success, the use of intensive methods like household surveys was likely to stimulate intrusive recollection of hectic and disappointing resettlement exercises and negative emotions. Therefore, the use of document analysis approach coupled with intensive literature review at the preliminary stage of the study was not only convenient and time saving but would not raise a lot of public expectations and negative sentiment.

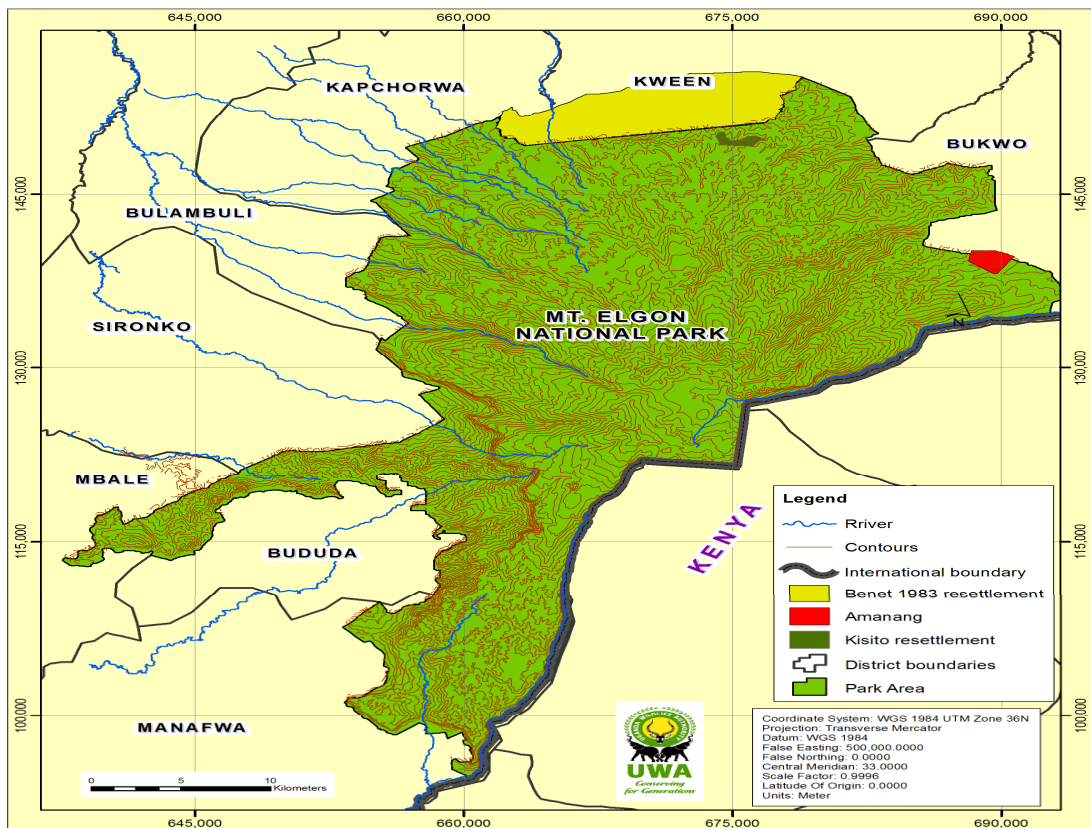


Fig. 1. Map of Mt Elgon National Park (formerly Central Forest Reserve showing Benet/Ndorobo Resettlement areas
(Source: Monitoring and Research Unit of Uganda Wildlife Authority)

Table 1. List of key documents that were analysed at preliminary stage of the study

Category	Type	Theme	Year	Source
Primary documents	Letter of District Forest Officer	Benet issue and encroachment in Sebei Sector of Mt Elgon Central Forest Reserve	12 th February 1982	Forest Department, Kapchorwa District & Mt Elgon National Park Office
	Letter of chief Forest Officer	Guidance on land allocation	30 th April 1982	Department of Forestry, Ministry of Agriculture
	Minutes compiled by the Kapchorwa District Forest Officer	Benet resettlement planning meeting	29 th June 1982	Forest Department, Kapchorwa District & Mt Elgon National Park Office
	Report	Benet Resettlement Exercise	1983	Department of Forestry, Ministry of Agriculture
	Report	Resettlement of Benet. Ndorobos of Yatui origin at Kisito	2008	Mt. Elgon National Park
Secondary documents	High Court ruling	Consent Judgement and Decree	2004	High Court Mbale
	Report	Inter-ministerial taskforce on resettlement of the Benet	1996	Ministry of Tourism, Wildlife and Antiquities
	Strategy	Action Plan and Strategy for resettling the Benet community	1998	Ministry Tourism, Trade and Industries
	Letter of Hon. Member of parliament, Kongasis County	The plight of Kongasis Ndorobos	5 th February 1998	The Parliament of Uganda & Uganda Wildlife Authority
	Report	First resettlement of Benet of Kapsegekek origin at Amananga	2009	Mt Elgon National Park
	Letter of Hon. Minister of State, Tourism, Wildlife and Antiquities	Facilitation of a taskforce to oversee Bukwo Ndorobos	6 th January 2011	Ministry of Tourism, Wildlife and Antiquities
	Report	Second resettlement of Benet of Kapsegekek origin at Amananga	2011	Mt Elgon National Park
	Report	People who got land beyond 1983 boundary (6000ha)	2014	Mt. Elgon national Park
	Letter of Deputy Minister,	Establishing the boundary of 6000ha that was offered by	19 th August 1992	Ministry of Water, Energy, Minerals and Environment

Category	Type	Theme	Year	Source
	Ministry of Water, Energy, Minerals and Environment	government to resettle Benet		
	Report	Verification of land claimants camped at Bukwo Hospital	2010	Mt. Elgon National Park
	Report	Verification of land claimants camped at Rwanda and Kisangani	2010	Mt. Elgon National Park

Second, data generated from document analysis was triangulated [17] with the findings from land claims verification exercise that was carried by researchers to identify genuine Benet/ Ndorobo landless people. This exercise was carried out by four groups of investigators composed of individuals from the Benet/Ndorobo community, research team and the selected district officials. The first three teams were deployed in Bukwo, Kisito and Teriet respectively where they spent most of their time in the field trying to verify the origin of each and every person on the list of land claimants that local leaders submitted to government to confirm if he/she was a Benet/ Ndorobo and genuine landless person. The fourth team reviewed records of the past resettlements to confirm if the individual land claimants had already benefited from the past land allocation exercises. The teams used knowledgeable Benet/Ndorobo elders who knew all residents in their village to identify genuine beneficiaries. The name of the land claimant and the village where he/she claimed to be residing would be read and the Benet leaders asked whether they knew the resident and if yes, his/her status as far as land ownership is concerned. The findings of each team were then scrutinised by members of the other three groups for quality control and minimising cases of group bias.

Third, one of the purposive sampling techniques, known as expert sampling was applied in order to identify government officials, community and opinion leaders who had quality information for face to face semi-structured interviews. In total 30 people who had either worked or were still working with the Forestry Sector, mainly Mt. Elgon Central Forest Reserve, district technical staff and community leaders were interviewed. In addition, 12 elders from Kapkoros village (where a bogus internally displaced camp was located) were randomly selected and subjected to face to

face semi-structured interview in order to look beyond the political correctness of much of the told or written materials. In total, 42 respondents were interviewed. In addition, the research team had an opportunity to attend five consultative meetings which were organised by government to build consensus on the best way to resettle Benet and genuine landless people in Sebei without causing much damage on Mt. Elgon forest ecosystem. The views of parties involved in the dispute were compiled, analysed and put into consideration. The data collected was compiled and presented in tabular form, bar graph and pie charts.

3. RESULTS

3.1 Beneficiaries of the 1983 Resettlement

Results from the review of resettlement records indicate that in 1983 a total of 1,861 people were allocated about 7500 ha, instead of 6000ha of land which was carved out of then Mt. Elgon Central Forest Reserve (current Mt. Elgon National Park) as a measure to permanently resettle the forest dependant Benet/Ndorobo community that was scattered all over the protected area. About 46.1% of the beneficiaries (n= 1,861) received 1 to 2 ha of the land, 533 (28.6%) got 3-5 ha, 269 (14.5%) were given 6-10 ha while 202 (10.8%) had opportunity to get a share of more than 10 ha (Fig. 2). Over 78.6% of the people who were allocated 1-2 ha of the land were on record categorised as the needy but on the ground, they were either government workers or people who were not necessarily needy but local politicians and well to do individuals.

The majority of the marginalised people (over 56.5% of Benet/Ndorobos) were lured by the well to do residents to sell their parcels of land to them as soon as the land allocation exercise was

completed. Out of 4,516 households that occupied the degazetted part of the forest, the Benet/Ndorobos were only 773 households (17.1%), immigrants majority of whom were people who had been displaced by Karamajong cattle raiders were 3,050 households (67.5%)

and 693 households (15.3%) were of influential people who in the first place were not supposed to benefit from the land allocation exercise but just took advantage of the government decision and their position in the society to enrich themselves.

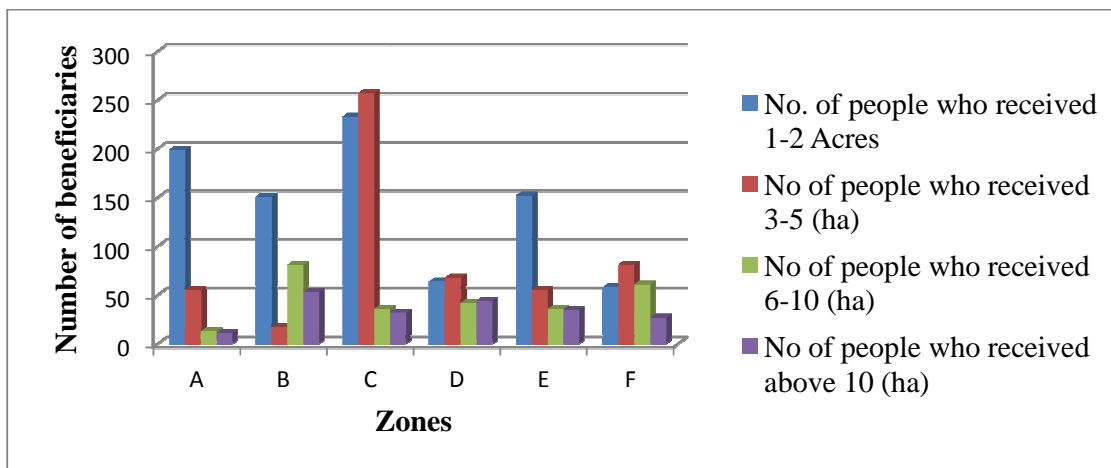


Fig. 2. Resettlement of Benet/Ndorobos in 1983



Fig. 3. A portion of degraded Mt. Elgon Central Forest Reserve that was allocated to settlers in 1983

3.2 Illegal Allocation and Acquisition of Land

A total of 47 parcels of land of varying size were dubiously and illegally allocated to non targeted individuals. About 22 of the parcels of land (46.8%) which was illegally allocated to non targeted beneficiaries was not recorded anywhere in the resettlement documents. Most of the land that was allocated to non targeted beneficiaries and was not recorded in the resettlement documents fall in Zone A, E and F (68.1%). Analysis and verification of 1983 land allocation records revealed a case of contradiction between the documented size of land parcels, purportedly to have been given to targeted beneficiaries by the land allocation committee and what was actually received by beneficiaries on the ground. In total 41 beneficiaries were found to have received much bigger parcels of land than what was on the record. Majority of those who had more land than what was recorded were found with 11-20 ha (20 individuals/ 48.9%) as shown in Table 2. Fourteen people received 5-10 ha of land in excess (34.1%) while seven individuals received more than 20 ha of land in excess (17.1%). It was also discovered that some beneficiaries got more than one parcel of land. For instance in zone E, seven individuals (14.9%) received more than one parcel of land. Two parcels of land were allocated to absentee owners.

3.3 “Kishangani” and “Rwanda” Land Claimants

The verification of the people camped at ‘Kishangani’ and ‘Rwanda’ revealed that none of them belonged to Benet/Ndorobo community. Out of 295 land claimants, 215 of them (72.9%) were actually not landless but well to do people who had land and homes outside the two camps. The Landless were 80 people (27.1%). When the data on the landless people were further analysed, it was established that Fifty of them (62.5%) were the former workers of sawmill companies that harvested a softwood plantation of Kapkwata. Another 21 landless people (26.3%) were from other districts outside Sebei sub region. Six Kenyans (7.5%) and 3 dead people (3.7%) were also on the list of the landless (Fig. 4). The former casual labourers of Forest Department were 67 (22.7%). The taungya farming beneficiaries who were not necessarily residents of the area but came from other neighbouring districts purposely to access forest land and benefit from taungya farming system were 158 people (53.6%).

3.4 Amananga Resettlement (Kapsegekek)

A total of 318 ha of Mt. Elgon National Park were put aside for Bukwo District Local Government in collaboration with the park management to

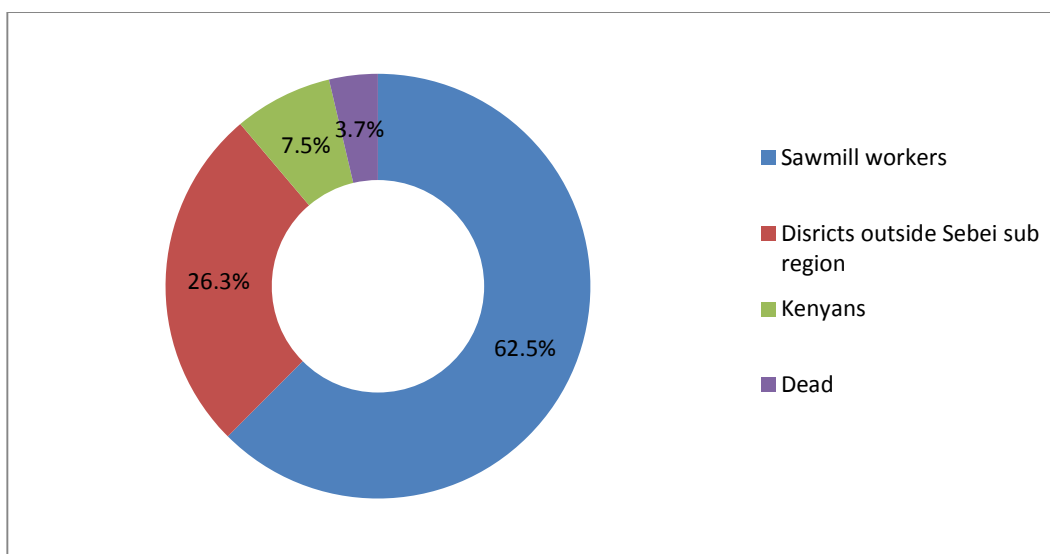


Fig. 4. Categories of landless people at “Kisangani” and “Rwanda” Camp

Table 2. Beneficiaries that received excess land

Block	Excess land (ha)	No. of beneficiaries	Percentage
A	5-10	2	4.9
	11-20	15	36.5
D	5-10	2	4.9
E	5-10	2	4.9
	11-20	3	7.3
	21-30	2	4.9
F	5-10	8	19.5
	11-20	2	4.9
	21-30	3	7.3
	Above 30	2	4.9
Total		41	100

resettle 8 families of Benet/Ndorobos who were residing deep inside the forest at a place called Kapsegekek. The study established that like the 1983 exercise, the land allocation was characterised by political interference, corruption and exaggeration of the number of beneficiaries. Instead of allocating the land to the eight families that were evicted, other non targeted people who were not necessarily landless were included as a cover for the most influential people in the society to grab land. This was done based on the argument by the district local government officials that the affected community had multiplied to 49 families. Initially, this appeared convicting and acceptable to the government. However, what is of great concern and a twist of event is that as the land allocation committee was still trying to resettle the accepted 49 families, local politicians protested, indicating that the land allocation exercise was not free and fair. They claimed that there were still another 114 landless people whom they categorised as "Diaspora" group. This group was perceived to be Ndorobos who left the area some time ago and local leaders had convinced them to come back. The verification and scrutiny of the record on this group indicated that all of them were not Benet/ Ndorobos. In fact, most of them sold the land given to them within the first week of the land allocation exercise to local leaders and well to do people in the district. Apart from the "Diaspora" group, about 82% of the beneficiaries of this poorly managed land allocation exercise sold their share to well to do and influential individuals in the district within a period of three months after acquisition. There were only four homesteads established on the entire resettlement area. The rest of the land was unsettled but cultivated (Fig. 5).

As a result of this, there was also an outcry from residents bordering Amanang resettlement area

who complained of being discriminated and yet, they were hosting the new comers, which forced government to set up a new committee, locally known as Toskin's Committee to investigate the implementation of the resettlement exercise. The committee's findings indicate that land allocation exercise was characterised by several short comings which include among others; double land allocation to the same individuals, failure by the committee to follow the set guidelines as well as many cases of non targeted beneficiaries getting land at the expense of genuine land claimants.

Although government had initially planned to portion 318 ha land in a manner that would cater for human settlement (272ha/86.5%), administrative and social facilities like schools and police post (23ha/7.4%) and the road network (20ha/6.3%), the actual land allocation did not adhere to the set guidelines.

To address these anomalies, the government directed the Resident District Commissioner (RDC) to head a new land allocation committee that would ensure that land allocation exercise would be carried out in a more transparent manner than what had been done. The assessment of the land allocation exercise indicates that the second land distribution was better organised and executed than the first one. Over 73.3% of the respondents (n=30) explained that this time the land allocation committee gave land to all genuine Benet/Ndorobo families, while 20% of the interviewed officials indicated that the land allocation was a success because the allocated plots were marked and mapped. There were only two respondents (6.7%) that said that the RDC led committee also failed to resettle all the displace people.



Fig. 5. Completely degraded Forest land in Amananga

Table 3. Land allocation in Amananga

Size of land (acres)	No. of beneficiaries in the first land allocation exercise	No. of beneficiaries of the second land allocation exercise
1.0	96	10
1.5	0	6
2.0	18	65
3.0	0	9
5.0	0	1
6.0	0	11
11.0	0	2
12.0	49	41
Total	163	145

Source: UWA, 2009

The number of beneficiaries who got 12 acres reduced from 49 to 41 (16.3%) and those that got one acre (the category of Diaspora) from 96 to 10 (89.6%). On the other hand those who got two acres increased from 18 to 65 (about 2.6 times).

3.5 Human Settlement at Bukwo Hospital

The study established that a few weeks after the resettlement of Benet/Ndorobos who were

displaced from Kapsekek , 351 people merged at the compound of Bukwo Hospital claiming that they were Ndorobo of Yatui and Teriet origin who were displaced from Mt Elgon Central Forest by the colonialists in 1938. They demanded to be also settled because they were landless. The verification of this group showed that this was a stage managed human crisis because individuals involved and their leaders had no documents or evidence to affirm their claims. They could not

give a clear explanation as to why it took over 75 years for them to complain and why they did not come forward at a time when government resettled their colleagues. The authenticity of their claims notwithstanding, the local politicians supported them by presenting their issue to the government. In turn a decision was made to verify their claims. The outcome of the verification exercise indicates that over 95.4% of this group of people (n=351) were not landless. About 44.2% of the land claimants had already been resettled by the government.

When the elders in the area (42 individuals) were interviewed as to whether they knew their people who had camped at Bukwo Hospital and after the names of the land claimants were read to them, they indicated that 189 (53.8%) were neither Benet/Ndorobos nor landless. They identified them as people who were not needy and disadvantaged but people who were arm twisting government especially during the election seasons to get more land. They indicated that many of the people who had hoodwinked government were coming from outside parishes adjacent Mt. Elgon National Park.

3.6 Kisito Settlement

Like Amananga resettlement exercise, the Kisito temporary resettlement was created in 2008 to cater for over 100 Benet/Ndorobo families that were removed from the moorland after the armed

thugs killed a Belgian female tourist. This was done to improve the security and safety of visitors and their property. A resettlement committee was set up by the government which, depending on the size of the family, number of children and livestock, household heads were allocated land on the edge of the forest in an area known as Kisito (Table 4). The resettlement was supported and coordinated by the Lake Victoria Basin Commission through Mt. Elgon Regional Ecosystem Conservation Program (MERECP). The assessment of human settlement in Mt. Elgon Forest established that land allocation exercise in Kisito was the most successful one. It registered minimum complaints and majority of the beneficiaries (78.8%) were still holding their land. This was unique because with other resettlements, most of the original beneficiaries sold their parcels of land within a period of less than three months.

Table 4. Land allocation at Kisito settlement

Size of land (acres)	No. of household heads (beneficiaries)	Percentage
1.0	3	3.0
1.5	10	9.9
2.0	53	52.5
4.0	31	30.6
5.0	4	4.0
Total	101	100

Source: UWA, 2008

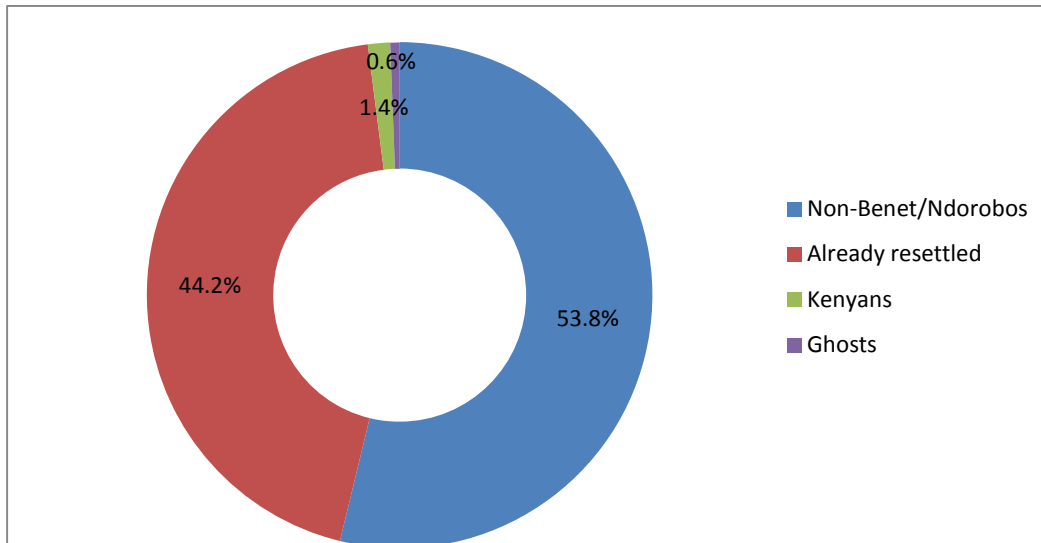


Fig. 6. Categorisation of land claimants at Bukwo Hospital

3.7 Kapkoros Resettlement Camp

The study revealed that, as political election season commenced, a bogus camp was created in Kapkoros village on the edge of Mt. Elgon National Park. Nevertheless, it was established that this camp was always empty except on special days when important government officials were expected to come from Kampala, to discuss matters concerning resettlement, conservation and development. People would appear and disappear as soon as central government official would come and go. The research team made four prompt visit to the camp and found it empty, with no signs of human presence except on the third time when an old man who appeared as soon as we entered the camp. According to elders in Kapkoros village who were interviewed, some individuals in the sub-county backed by some local politicians, with intention to deceive the government that there were landless Benet/Ndorobos) are the ones who set up the camp. In creating the camp, the local politicians were creating an artificial crisis to hoodwink government to respond by degazetting more forest land and providing humanitarian support. According to 66.7% of the interviewed elders (n=12), in one way or the other, their trick worked because the government through the Office of Prime Minister delivered relief items which were taken by local leaders and some residents who were not in any way, landless and internally displaced. The same elders confirmed that beneficiaries of relief items were neither needy nor displaced people. About 83.3% of the respondents (n=12) said that the amount and frequency of relief delivery was high during the period of presidential and parliamentary campaigns. It is noteworthy however, that the matter concerning Kapkoros Camp was highly politicised to the extent that about 33.3% of the respondents (n=12) were not at liberty to talk about the subject matter and people who were behind the establishment of a spurious camp at Kapkoros. Two elders who were interviewed from Bukwo District about one kilometre from the camp indicated that actually no person in Sebei was known by residents as completely landless, Benet/Ndorobos inclusive. They said that their community was trans-boundary in nature to the extent that a significant number of them owned land and families in Kenya. However, it was not possible to verify this information because of the sensitivity of the subject matter and limited scope of the study. Otherwise, it would have extended

the study areas to cover communities on the other side of the mountainous forest ecosystem, in Kenya.

3.8 The Implication of Mismatched Land Allocation Exercise on Mt. Elgon Forest Ecosystem

The direct outcome of human settlement and poorly managed land allocation exercise on the forest that was observed is large scale deforestation (Figs. 3 & 5) which has led to the degradation of 8,770 hectares of fragile afro-montane forest ecosystem (Fig. 7) which is a vital watershed. Most of the residents interviewed noted that whereas, it was good for the government to provide land to Ndorobos and other people perceived to be landless, offering a forest for human settlement had impacted on the quality and volume of water in the rivers. About 85.7% of the respondents (n= 42) indicated that most of the rivers and streams in the area had either turned to seasonal water sources or completely dried up. They gave example of a stream that used to run through Amananga resettlement area which had totally dried up.

4. DISCUSSION

4.1 The 1983 Benet/Ndorobos Resettlement

The study has revealed that by and large, the 1983 resettlement of Benet/Ndorobo was done because human activities had started to have profound effect on the forest and resources therein. However, the major shortcoming of the exercise was that from the onset, the Land Allocation Committee accepted to entertain non Benet/Ndorobos beneficiaries who in the first place, were not the main target. Perhaps, this could have been done either to avert political pressure or as a result of improper influence and corruption to devastate the tranquillity of already disadvantaged and marginalised Ndorobo/Benet community.

The results show that whereas, the original intention of the government to degazette a portion of the forest was to resettle the marginalised forest dependant community of Benet/Ndorobos that were residing inside reserve [18], the outcome of land allocation exercise largely benefited well to do people. After the decision of putting aside 6000 ha of Mt Elgon

Central Forest Reserve for that purpose was made by the Government of Uganda, Kapchorwa District Resettlement Committee decided to include the displaced, needy and widows. Indeed, the outcome of the land allocation exercise may suggest that the shift in focus was aimed at creating an avenue for benefiting non Benet/Ndorobos. Essentially, local political leaders, government employees and influential people in the district together with their family members were allocated land at the expense of Benet/Ndorobo community. According to [19], the land allocation process was fraught with corruption and land grabbing by political and economic elites. Perhaps, this explains why the committee decided to give out more than 1500 ha of the forest in excess of 6000 ha that was originally granted by government. The inclusion of the displaced and the so called the needy people was used by the Forest Department officials, local politicians and well off individuals to illegally and irretrievably acquire and use land that was meant for marginalised forest community. Yet, it is unusual and unethical that even staff of the Forest Department (5 individuals) who were supposed to provide technical guidance to the land allocation committee, took advantage of the exercise to acquire land which was supposed to benefit the landless Benet/Ndorobos. Essentially, this elite group was in the first place not supposed to benefit from the land allocation exercise but got a lion's share, emasculating Benet/Ndorobos struggle for justice [18].

and what was actually received by the same beneficiaries seems to suggest that it was an intended discrepancy to conceal land bonanza that benefited mainly the influential members of the society. It is not surprising that the land covered by the new settlers was much more than what was authorised by the government [18]. It is noteworthy however, that the resettlement of Benet/Ndorobos as it was in 1983 is still characterised and driven by forces of corruption, self-centred and insincere requests and demands based on non transparent process and political excitements as well as emotions aimed at catching the sympathy of voters and winning political elections at the cost of well deserving Benet/Ndorobos. This explains why such demands intensify during election campaigns. The juxtaposition against the use of the Forest Department assessment report on the needy Benet/Ndorobos (1,871 households), as benchmark for decision making and land allocation exercise also seems to suggest that corruption tendencies and self-centred interests prevailed. Otherwise, this report should have informed and guided the policy makers, forest managers and development partners how to handle the resettlement exercise for the benefit of Benet/Ndorobos and conservation of the forest ecosystem. Every time government attempts to resettle the Benet/Ndorobos, the elite group floods the list of beneficiaries to the extent that the resettlement exercise becomes unattainable. Linked with this selfish interest of elite group, is a conditional demand by local politicians that landless Benet/Ndorobos should not be resettled anywhere else but in the forest. Yet, all social services are outside the forest.

The mismatch of size of land documented as to have been given to some of the needy people

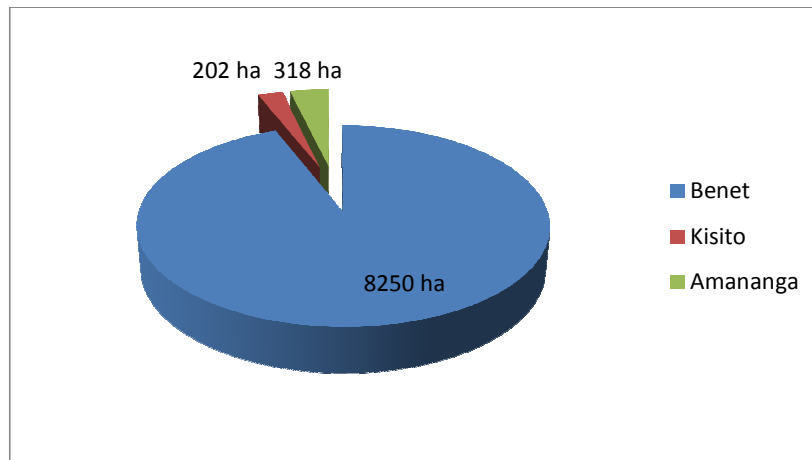


Fig. 7. Size of the protected forest that was affected by endless Benet/Ndorobos resettlement

4.2 “Kishangani” and “Rwanda” Land Claimants

The close location of two camps of displaced casual labourers at “Rwanda” and “Kishangani” to Mt. Elgon forest seems to have attracted the sympathy of local politicians who used it to demand degazettement of the protected area in order to resettle them. The results of the study shows that in 2010 the central government received an exaggerated list of 295 land claimants which politicians claimed were residing in the two camps of “Kishangani” and “Rwanda” and needed to be resettled. However, majority of them are taungya farming system beneficiaries (53.7%) and former workers of sawmills and Forest Department (39.7%). The controversy surrounding former casual workers of the Forest Department claiming the ownership of the government estate (Mt. Elgon National Park) stems from the high level of politicisation of conservation programs and how the economic elite have misled and confused the poor local communities to live on the false hopes that government would one time degazette more protected forest patches for human settlement. As already alluded, this explains the reason as to why the human settlement challenges have persisted around Mt. Elgon Forest, especially in Bukwo and Kween Districts.

4.3 Amananga Resettlement

It was established that 1983 resettlement exercise did not cover 8 families of Benet/Ndorobo community residing in a remote part of the forest known as Kapsegekek. The resettlement team did not mobilise them to join their colleagues to acquire land [18]. As a result, these families did not benefit from the land allocation exercise simply because they were not well informed. They remained inside Mt. Elgon Central Forest. However, with time, their agricultural activities led to heavy deforestation and degradation of the forest ecosystem. In 2008 the government decided to shift these families from areas close to the moorland and resettle them on peripheral of the protected area at Amananga. The land allocation exercise was repeated. It is noteworthy that the difference between the number of beneficiaries of the first and second land distribution (Table 3) represents the number of none targeted beneficiaries who received land instead of genuine landless targeted Ndorobos.

4.4 Successful Resettlement at Kisito

The success of Kisito resettlement exercise could be attributed to the neutral coordination role that was played by Lake Victoria Basin Commission through Mt Elgon Regional Ecosystem Programme (MERECP), the ability of land allocation committee to adhere to set criteria and high level of stakeholders’ engagement as well as active participation of displaced people in planning and implementation of resettlement exercise.

For instance, the absence of human occupation of the stage managed Kapkoros Camp testifies the level of deception, insincerity and bogus humanitarian crisis in Sebei region, It also reflects how the poor, marginalised and voiceless Ndorobos’ plight has been exploited by local leaders and other influential individuals in the society for selfish interests and at the cost of a common good, the forest ecosystem.

Yet, the right of minority groups like Benet/Ndorobos to participate in decision making process especially decisions that concerns their plight is enshrined in the Uganda Constitution, Article 36 [20]. This legal requirement seems to have been ignored by decision makers and land location committees while handling Benet/Ndorobo’s resettlement exercise. This has contributed to considerable loss of woodlands and forests as a result of deforestation and crop cultivation [6]. While it is highly recognised that displacement of people from vital protected areas can create injustice in terms of involuntary removal of disadvantaged people from their homes and land [1], exploitation of the disadvantaged, voiceless and displaced people by politicians and other elite groups for selfish gains in pretext of helping them or fighting for their cause appears to be painful, unfair and exploitative. As noted by [21,22,23], disposition of land and natural resources is a major human rights problem of indigenous peoples. This is so because indigenous people and/or forest dependent communities like the Benet/Ndorobos are often the traditional occupants of lands and territories that are rich in natural resources that become key target of environment conservation. In recognition of the plight of indigenous people as vulnerable group that warrants special attention [22], Indigenous and Tribal people Convention, Article 14 & 15 call for safeguarding ownership, access, use, management and conservation of land and natural resources by indigenous people [24]. It is not surprising,

therefore, that [25], concerned that indigenous people like Benet/Ndorobos had suffered historical injustices as a result of among others, dispossession of their land and resources, obliged States in Article 10 not to forcefully remove indigenous people from their land or territories or relocate them without the free, prior and informed consent and after agreement on just fair compensation. On this basis, it is our considerate view that a well planned and implemented displacement aimed at saving vital ecosystems and addressing the livelihoods of affected community is crucial. However, to achieve this goal, the whole process must be transparent, participatory and people involved must be accountable.

At the time of finalising this study, the Government of Uganda, through the Office of the Prime Minister launched a multi-sectoral team to understand the root cause of resettlement problems and conflicts, in order to be able to come up with strategic interventions to resettle the affected Benet/Ndorobos once and for all. What is crucial for this team is to ensure that genuine beneficiaries and other stakeholders are actively engaged, high level of transparency and accountability is exhibited.

In our view, problems associated with human settlements and endless demand for degazettement of protected areas is structural in nature and complex. It is evident that the reactive approaches such as excision of protected forest and allocating land parcels to individual community members may not provide an everlasting solution. Essentially, when human population increases, the demand for more land (which is static) also increases, putting the protected areas under pressure. Therefore, politicisation of human settlements in Mt. Elgon National Park without recognising the structural nature of the problem has exacerbated Benet/Ndorobos dilemma, putting their destiny at the mercy of the few greedy and corrupt elite members of the society,

5. RECOMMENDATIONS

The results have shown that the challenges of human settlements in Mt Elgon National Park and the associated problems of forest degradation and deforestation are historical in nature, human induced, politically driven and appear to be a clear signal of high level of distortion in good governance practices as characterised by tendencies of corruption and

use of improper influence by well to do members of the society to devastate the tranquillity and livelihoods of the marginalised forest dependant, Benet/Ndorobo community. The past government's effort and attempt to resolve this natural resource based conflict by degazetting more portions of the vital and fragile water catchment ecosystem in order to resettle Benet/Ndorobo has not in any way solved the problem. Instead, the most influential and economically empowered individuals have taken advantage of the exercise to further enrich themselves at the cost of the most vulnerable and already marginalised Benet/Ndorobo community.

Based on the analysis and results of the study, it is prudent and crucial to recognise that the problem at hand is indeed, structural, political and answers are embedded in good governance practices. Therefore, it is our considerate view that in order to amicably resettle Mt Elgon minority community, the policy makers and forest management should undertake the following:

- a) Adopt good governance practices by emphasising transparency, accountability and deploying people with high degree of integrity who are ethically upright with clear roles and responsibilities to handle land allocation exercise. The resettlement team should always adhere to set guidelines and criteria. In addition, government should be ready to facilitate and pay well people who are involved in land allocation exercise in order to minimise cases of temptation, compromise as well as improper influence.
- b) Neutralise efforts by local leaders to politicise Benet/Ndorobos resettlement and conservation programs. This can be achieved by government penalising politicians who promise to offer voters forest land once they are elected to occupy political offices. The political agenda and manifestos of politicians of all shades/parties should focus on clear issues but not destroying a vital public good like Mt. Elgon Forest ecosystem.
- c) Reduce pressure currently being exerted on Mt. Elgon National Park (forest) by stopping further degazettement and identifying land for resettlement outside the protected area
- d) Give priority to genuine landless Benet /Ndorobos whenever resettlement exercise is executed. It is also prudent and crucial to actively involve the leaders of the

- minority forest dependent community at all levels whenever a decision on their plight is to be made.
- e) Formulate policies and strategies on the management of human population, reproductive health and natural forest resources especially within fragile mountainous ecosystems.
 - f) Use a trans-boundary approach to enhance coordination and collaboration in handling issues affecting trans-boundary ethnic communities like resettlement and land allocation.

6. CONCLUSION

From the study, therefore, it can be concluded that degazetting more and more portions of Mt. Elgon National Park to resettle Benet/Ndorobos is not a solution to the land crisis in the region. Instead, the government should put much emphasis in neutralising the politicisation of land claims by the elite, in pretext of fighting for the rights of Benet/Ndorobo community. The promotion of good governance practices such as transparency, accountability and use of participatory approaches could go a long way in ensuring a fair and just resettlement exercise. Taking a trans-boundary approach to address the problems of Benet/Ndorobo community would be one of the ways government can use to “think outside the box” in search of a permanent solution. The major opportunity for both Kenya and Uganda is that the two nations have a national citizen data bank (national cards systems) which can be used in screening and verifying genuine landless people who happen to be trans-boundary in all aspects. However, this trans-boundary collaboration and coordination to be effective in addressing the challenge of human settlements in a trans-boundary ecosystem like Mt. Elgon forest, both governments should expedite the signing of the memorandum of understanding.

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COMPETING INTERESTS

Authors have declared that no competing interests exist.

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