

**“Seeking Viable Solutions through Engaging Critical Discourse on PA Governance and
Management in Uganda”**

**Conserving the Postcolonial Landscape: Postcolonial Studies and the Governance of
Protected and Conserved Areas.**

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A failed carbon project implemented in Mt Elgon PA from 1993 to 2004 instigated political economy analyses of the prevalent conflicts between the managers of the PA and the society. The analyses debunked the argument that the conflicts were reflections of weakness in performance to implement the community based natural resources management approaches which were developed to address the conflicts and the degradation of the environment that seemed to exacerbate despite the PAs. The main argument they posited was that conflicts were effects of the legacies of colonial agrarian systems that prioritized the market and their continuity under neo-liberalism. Cavanagh and Himmelfarb (2015) further advanced the argument to highlight the political dimension internal to the Uganda state-society relations that explains the violence as directly instituted as a tool that the colonial government used to control the society. In this paper I extend the political argument to show that what seems as continuity of the violence has discontinuities that represent the extent to which the power of the society is able to shape the states' management strategies that benefit the society and nature. Indeed, I show in this paper that the violence that the Cavanagh and Himmelfarb (2015) study was based, was stabilized by the second decade of colonial rule, from 1920s to 1962. Stability had been achieved because the societal politics in relation to the state had managed to re-shape the management strategies in ways that were mutually beneficial to the state, society and the ecology. However, the National Resistance Movement, which is the government that has ruled Uganda since 1986, was forced to adopt neo-liberal policies in the late 1980s and 1990s, which undermined most of this societal power. The persistent conflicts represent the weaknesses of the societal power that have been unable to reshape government politics and natural resources management that is mutually beneficial that was possible during colonial rule. This dimension reveals the limitations of the peasant agency in Mt Elgon that has been celebrated. The study shows that the ability to achieve justice, equity and rights, in conservation in Uganda that is advocated for in the growing global conservation discourse, will depend on the benevolence of the state whose power is hegemonic. However, because enhancing these social values directly empowers the society that the state has deliberately undermined, its ability to implement them comes into question. In this case, the paper argues that a sustainable conservation framework based on inclusion, equity and justice has to be demanded from below by re-creating the political power of the society through the strengthening their agency and structures that they engage through.

1.0 Introduction

Introduction

Currently, the global conservation agenda emphasizes as critical the need to integrate equity, gender and rights issues in exercise in the global conservation agenda.¹ The global conservation organizations have re-organized to show their responsiveness to his knew discourse. For example, the Big International NGOs (BINGOs) have established a lose network known as the Conservation Initiative in Human Right (CIHR)²; and most have strengthened their units and programs to demonstrate this dimension. For example, IUCN the organization I work for has developed a Natural Resources Governance Framework (NRGF) framework to guide the integration of governance and rights in its programs and I was recruited to support its implementation. However, as it has been argued in most political

¹ Springer J, Campese J, Painter M (2011) Conservation and Human Rights: Key Issues and Contexts *Scoping Paper for the Conservation Initiative on Human Rights, IUCN CEESP*; Campese, J., Sunderland, T., Greiber, T. and Oviedo, G. (eds.) 2009 Rights-based approaches: Exploring issues and opportunities for conservation. CIFOR and IUCN. Bogor, Indonesia 2009

² <http://www.thecihr.org/>

ecology literature, the results will be achieved when the power relations that shape the management relations are understood and re-shaped in ways that create preconditions, structures and power configurations which lead to the desired relations.³ In other words the argument is that an analysis that considers equity and rights issues requires engaging with analyzing the dynamics of the power-relations that shape the management of the nature at a point in time but considered from a historical perspective.

I used the Mt Elgon PA⁴ to explain the power relations that underlie the contemporary persistent conflicts and the exacerbating degradation of the environmental and livelihood conditions. I choose Mt Elgon PA because it has been a subject of political economy analyses⁵ since 2006 when it attracted global attention that was instigated by the activist report Lang and Byakola (2006) “*A Funny Place To Store Carbon*” which was a critique of a carbon project known as FACE project and by extension a critique of the global carbon industry at the time⁶

These arguments aimed at explaining the increasing conflicts and precarious livelihood conditions popularly associated with environmental disasters, especially the landslides that are attributed to the degradation of the landscape and very high population pressure.⁶ It remains the main to justification and legitimization of the centrally management Protected Areas (PAs). The argument was aligned to another predominant argument that the conflicts emanate from the weaknesses in the implementation of Community Based Natural Resources Management (CBNRM) programs that were formulated and promoted as the solution to address the backlash and critique of the exclusions approach of PA management systems.⁷ The argument was that CBNRM enable the involvement of the society by creating attitude change in supporting conservation efforts if they were inclusive through benefit sharing and transferring responsibility of management and support conservation efforts. The

³ see for a good summary of these debates-Perreault Tom, Gavin Bridge, and James MacCathy (2015) “The Routledge Handbook of Political Ecology” – Edited by, published by Routledge, Oxon and New York

⁴ Mt Elgon PA is one of 10 National Parks of Uganda located at the Eastern Border with Kenya. It is managed as Category IV following IUCN standards. It has faced the most fierce and persistent conflicts and Landslides. Consequently it has also been a subject of study to explain either the conflicts or the degradation that is attributed to the landslides.

⁵ Cavanagh C.J and Himmelfarb D (2015), “Much in Blood and Money” *Necro-political Ecology on the Margin of the Uganda’s Protectorate*, Antipode Vol 47 No.1 pp 55-73; Cavanagh, C.J., and Benjaminsen, T., (2014); “Virtual Nature, Virtual Accumulation: The spectacular Failure of carbon offsetting at a Ugandan National Park”, *Geo-forum* (56) 55-65; Cavanagh C.J and Benjaminsen (2015) “Guerrilla Agriculture? A bio-political guide to illicit cultivation within an IUCN category II protected areas *The journal of Peasant Studies* 42:3-4 725-745; Himmelfarb D (2012) in the *Aftermath of Resistance: A political Ecology of Dispossession, Transformation and Conflicts in Mt Elgon, Uganda*; PhD Thesis, University of Georgia, NAironi, Kenya; Himmelfarb, D (2006) *Moving People, Moving Boundaries The Socio-Economic Effects Of Protectionist Conservation, Involuntary Resettlement And Tenure Insecurity On The Edge Of Mt.Elgon National Park, Uganda, Agroforestry in Landscapes Mosaics, Working Paper Series. World Agroforestry Center, Tropical Resources Institute of Yale, Unvoersitu, New Haven, CT, USA and the University of Nairobi Kenya*; Nel, A., and Hill, D., (2013) “*Constructing walls of carbon- The complexities of Community, Carbon Sequestration and protected areas in Uganda*”. *Journal of African studies* Vol.00.No.00 1-20 Nelson F (2010), *The Politics of Natural Resources Governance in Africa*, in Nelson F (Ed), *Community Rights, Conservation and Contested Land*. Earthscan. Norgrove L and D. Hulme (2006); *confronting conservation at Mt Elgon in Uganda, Developemeg and Change* Vol 37, No.5 pp.1093-1116 Norgrove, L. (2002) “parking Resistance and Resisting the Park: the theory and practice of NATIONAL PARK MANAGEMENT, A CASE STUDY OF mT Elgon National PARK Uagnda, PhD thesis, University of Machenster, Maehseter UIPetursson, J,G and Veldeld P (2015) “the “Nine lives” of protected areas: a hsitorocal institutional analysis from the transboundary Mt Eklgon, Uganda and Kenya land use policy Vol 42, ppp 251-263 Petursson, J,G and Veldeld P (2017) “Rhetoric and realisty in protected areas governacne: institutional change under the different conserbation discourses in Mt Elgon National Parks, Uagdna, *Ecological Economics*, Vol 131, ppp 166-177 Scott P., (1998) *From Conflict to Collaboration: People and Forests at Mount Elgon, Uganda, Gland Switzerland and Cambridge UK.*; Lang, C And Byakola T. (2006), “*A Funny Place To Store Carbon*”: UWA-FACE Foundation’s Tree Planting Project In Mount Elgon National Park, Uganda *Confronting Conservation In Mt Elgon. World Rainforest Movement, Montevideo, Uruguay*

⁶ Mugagga F., Kakembo V. & Buyinza M., 2012, ‘Land use changes on the slopes of Mount Elgon and the implications for the occurrence of landslides’, *Catena* 90, 39–46. <https://doi.org/10.1016/j.catena.2011.11.004> [Google Scholar]; Kitutu G.K.M.G, 2010, ‘Landslide occurrence in the hilly areas of Bududa district in Eastern Uganda and their causes’, PhD thesis, Makerere University. [Google Scholar]

⁷ Hume, D. and D., Murphree, (eds), (2001) *African Wildlife And Livelihoods, The promise and performance of Community Conservation*, (Oxford UK. James Carrey Limited); For literature specific on Mt Elgon;

Scott P., (1998) *From Conflict to Collaboration: People and Forests at Mount Elgon, Uganda, Gland Switzerland and Cambridge UK.*; Gossamalag, D., Veldeld, P and Gombya-SSembajje, W (2008) *From Forest Reserve to National Park: The change in legal status and impacts on livelihoods and biodiversity resources, Mt Elgon, Uganda, Noragric Working PAPER No. 44, Norwegian University of Life Science, As, Norway*; David Hinchley Technical report 21- Collaborative Management Advisor :Review of the Collaborative Management Arrangements for Mt Elgon National Parls MECDP project IUCN- Working Paper ; review of 3rd Phase Pase I 1988-1990; phase 2; 1994-1996; phase III

literature was most prevalent in the late 1990s and 2000s. However, as Brockington (2004)⁸ has argued, the assumption remained a fallacy when the effort has not been taken to appreciate what powerful interests PAs represent and how and why the configurations that explains the exclusions. However, the Lang and Byakola (2006) report changed the focus and led to a ferment of political economy studies that used Mt Elgon as empirical evidence to show that that the ecological markets such as carbon market was an expansion of the neoliberal framework that replaced the colonial systems post-colonial countries to sustain the exploitation interests of the global capitalist machinery.⁹ The studies also fit the various universal political ecology theoretical arguments that have politicized the various new forms of North-South conservation strategies as frameworks of neo-imperialist structures extended through nature, either as landgrabs¹⁰ or as structures neo-liberalisation of the Africa's environment.¹¹

These arguments have been reinforced by the peasants' studies that also drew on the Lang and Byakola (2006) report that re-counted and politicized the chronological history of the conflicts in the Mt Elgon PA since its creation as indicated on page 2. Peasant studies on Mt Elgon have tracked the transformations in the Mt Elgon society to show the precarious livelihoods as effects of its dispossession and integration into the market-based livelihood systems or have celebrated the peasants' resistance by drawing on Scott (1985) "*Weapons of the Weak*."¹² This is despite their recognition of Mitchel (1990)¹³ critique of Scott's (1985) argument that his analyses had failed to account for the different forms in which the hegemonic powers shaped and weakened the peasants agency by percolating the minds of the society that have internalized their dispossession and are in constant dialectic motion to counter the resistance. I consider that Cavanagh and Benjaminsen (2015) vindicated Mitchel's (1990) critique because despite the various peasant resistance that they celebrated, the conflicts and precarious livelihoods had remained persistent, because their dispossessions and hegemonic control had not been transcended. I show in this paper that the state is the ultimate benefactor from the peasants' resistance actions that have been celebrated. Hence, I argue that the critique of Mitchel (1990) by Cavanagh and Benjaminsen (2015) in order to focus on peasants' agency misses to view the forms in which peasants' politics is undermined, which is a key aspect needed to determine the means or possibilities for the society to substantively intervene in the power configuration that can transcend the precarious context they face. I consider that the political studies drew out the actions of the peasants, hence, their agency; however, they have not illuminated the ways in which their agency is shaped by the state. Overall, it as the critique of most of the political economy

⁸ Brockington, D (2004): Community Conservation, Inequality And Injustices: Myths Of Power In PA Management , conservation and society Vol 2 (2) 411-432

⁹ such as Nel 2015a "Zone of Awkward Engagement" and Nel (2015b), "Neoliberalisation of Forest Governance" Cavanagh and Benjaminsen (2014) study, "*Virtual Nature and Virtual Accumulation*"; Nel and Hill (2013) study "*Constructing Walls of Carbon*" Cavanagh and Benjaminsen (2014); Velded *et al* (2016) Peluso, N. L. And Lund, C. (2011). New Frontiers Of Land Control: Introduction. *Journal Of Peasant Studies*, 38(4): 667-681 (Taylor & Francis); Fairhead J., M., Leach & I., Scoones (2012), Green Grabbing: A New Appropriation Of Nature?, *Journal Of Peasant Studies*, 39:2, 237-261.¹¹ Frame, M.L (2016) The Neo-liberalisation of (African) Nature as the current Phase of ECOLOGICAL Imperialism; Capitalism Nature Socialism , DOI 10.1080/10455752.2015.1135973; Castree N (2010) Neoliberalism and the Biophysical Environment; A synthesis and Evaluation of eh Research , *Environment and Society* Vol pp 5-45

¹¹ Frame, M.L (2016) The Neo-liberalisation of (African) Nature as the current Phase of ECOLOGICAL Imperialism; Capitalism Nature Socialism , DOI 10.1080/10455752.2015.1135973; Castree N (2010) Neoliberalism and the Biophysical Environment; A synthesis and Evaluation of eh Research , *Environment and Society* Vol pp 5-45

¹² Scott, J. (1985). *Weapons Of The Weak: Everyday Forms Of Peasant Resistance*, New Haven, CT: Yale University Press.;

¹³ Cavanagh C.J and Benjaminsen (2015) " Guerrilla Agriculture?" does recognize and mention Tim Mitchel (1990) Mitchel T (1990) "Everyday Metaphors of Power *Theory and Society*" Vol. 19, No. 5 pp. 545-577

studies has been made, that the literature was largely globally leaning and focused on revealing the external drivers of the problems but subsumes the national interests.¹⁴

This problem was recognized latter by Cavanagh and Himmelfarb (2015) study “*Much in Blood and Money*”¹⁵ that provided an internal political dimensions that considered the violence that was used to create the PA was part of state craft in the first two decades of colonial rule (1901-1920s), but the analysis did not go far enough to consider the latter period when the colonial governance was stabilized; neither does it extend the analysis to the post-colonial period. These gaps are contributed to in this paper to show that in fact, the society managed to intervene and reshape the power strategies of the colonial government to accommodate their interests in the management of the PA. This is what explained the stability in the latter decade of colonial rule until independence in 1962. Further, the study shows that in the immediate post-colonial period, the societal power was further enhanced when the political power of the first two independence governments’ declined and the society benefited less from the government, the state-society relation had collapsed and the society had reclaimed the land. However, the societal power was reversed after 1986 when the National Resistance Movement (NRM), took power and invited neo-liberal institutions and global conservation NGOs to support the re-establishment of the countries governance structures. However, it was done in a way that the society was stripped of most of its power, and created precarious conditions built on the legacy of the colonial period that disrupted the society’s traditional systems that has been in place. The re-creation of the PAs was completely dispossessed of the society of their production and reproduction structures and yet the social support systems had also been undermined by the colonial agrarian systems that have transformed the societal livelihoods to be more individualistic and dependent on the market. This aspect explains why the society has been unable to effectively organize and reshapes the states’ natural resources management strategies in ways that are relatively stable. On the other had the central government has maintained the society in this level of subjugation because it’s the condition that maintains the society in control for it to stay when power when it is not meeting most of their interests. This is because the neoliberal policies stripped the state of the capacity to provide social services to the population which are the conditions around which the society and the state would have maintained a positive relationship. The adoption of the free-market systems reduced the role of the state that was dominant in the case of the colonial period was moved to the private sector. Thus, the state has also lost the structure through which it directly controls the relationship with the society. However, the society has not withdraw from the state as it was in the case in the colonial period as Bunker (1987) noted because of the precarious the frame work for self-sufficiency had been withdrawn and instead the society is pushed to look to the state to change the context, hence the contestations.

I show in this paper that the society has provided the state options that can be adopted to relieve the situation but the state has procrastinated on any of the actions not because it lacks the capacity but because none of the solutions benefit the state. This implies that for a

¹⁴ Roftus A 2019- Political ecology I: Where is political ecology? Progress in Human Geography 2019, Vol. 43(1) 172–182a The Author(s) 2017 Article reuse guidelines: [sagepub.com/journals-permissions](https://www.sagepub.com/journals-permissions) DOI: 10.1177/0309132517734338 journals.sagepub.com/home/phg

Leff, E (2015); The power-full Distribution of knowledge in political ecology . A view from the South in Tom Perreault, Gavin Bridge, and James ; Neumann R.P, NATURE Conservation in Perreault Tom, Gavin Bridge, and James MacCathy (2015) The Routledge Handbook of Political Ecology – Edited by, published by Routledge , Oxon and Newyork 391-405;

; Neuman 2015; Roberston 2015; Leff 2015 Bryant and Bailey 1997)

¹⁵ Cavanagh C.J and Himmelfarb D(2015), “Much in Blood and Money” *Necro-political Ecology on the Margin of the Uganda’s Protectorate*, *Antipode* Vol 47 No.1 pp 55-73

solution the society has to mobilize from below to force change. However, the current mobilization has been fragmented by the state and has remained weak hence the reflection as persistent. However, celebration of the struggle, is inadequate without revealing ways the struggle is undermined.

The paper is based on a review of the literature on Mt Elgon that has traced the chronological history of establishing the Mt Elgon PA to explain that the degradation and precarious livelihoods as effects of failures of implementation the various policies and programs that have been established since 1929 when it was established. I aligned this chronology to the political history of Uganda to show that the reforms that have been celebrated as important progress in establishing the Mt Elgon PA were the colonial government's political decisions to manage the societies resistance exercised in relation to the PA that would interfere with the economic interest for which the PA was established that was timber production. The paper builds on the literature which has provided the political dimensions of the conservation problem in Mt Elgon that focused on the colonial period.¹⁶ It also builds on the literature that has politicized particular reforms such Pertursson and Veldeld 2015 that have looked how the decisions in the transboundary management of Mt Elgon further undermines the power and capacity of the society.¹⁷ I highlight the chronology in which the power of the society had been undermined.

Establishment of the Mt Elgon PA Structure; the Historical Political Context

The prevalent literature on Mt Elgon PA provides a chronology of its establishment by recounting the years and the official narratives that justified the establishment of the PA. For example Scott (1998:17)¹⁸ and Norgrove (2002:197)¹⁹ indicate that the creation of the Mt Elgon was initiated by the forest department in 1929, when it was realised that agriculture was advancing in the higher altitude areas. subsequently the chronological steps that represent recognition of the value and support for conservation by the colonial government designation were made in the 1936 and 1937 when the PA were demarcated and in 1940 when it was designated a crown forest and later, its designation as a central forest reserve in 195.²⁰ This is also reflected in most of the government and NGOs literature that is used to justify the various conservation programs such as the Mt Elgon PA management plan.

Norgrove (2002) even takes it further and traces the origins of the PA to the 1900 agreements which is captured as the legal basis on which the PA stands. However, as Cavanagh and Himmelfarb (2015)²¹ argue, the literature presents a normative view of the PA because it is based on the assumption that the PA was primarily created for the conservation of the Mt Elgon ecosystem. However, the study showed that it was primarily created as part of the colonial political economy frameworks. Particularly, the PA was created as a framework for primitive accumulation, and to control land and de-link labour from its customary constraints

¹⁶ ibid

¹⁷ Petursson, J.G and Veldeld P (2015) "the "Nine lives" of protected areas: a hstorocal institutional analysis from the transboundary Mt Eklgon, Uganda and Kenya land use policy Vol 42, ppp 251-263

¹⁸ Scott P., (1998) *From Conflict to Collaboration: People and Forests at Mount Elgon, Uganda, Gland Switzerland and Cambridge UK;*

¹⁹ Norgrove, L. (2002) "parking Resistance and Resisting the Park: the theory and practice of NATIONAL PARK MANAGEMENT, A CASE STUDY OF mT Elgon National PARK Uagnda, PhD thesis, University of Machenster, Machnseter UI

²⁰ Gossamalag, D., Velded, P and Gombya-SSembajjiwe, W (2008) *From Forest Reserve to National Park; The change in legal status and inmapcts on livelihoods and biodiversity resources, Mt Elgon, Uganda and Scott (1998:17) " " From Conflicts To Conservation"*

²¹ Cavanagh and Himmelfarb 2015 "Much In Blood And Money"

and steer it toward coffee production. Thus, the literature debunked the assumption that ecological management shaped the establishment of the PA. Cavanagh and Himmelfarb (2015) extended the argument beyond the political economy consideration to show that the PA formed part of the tools used by the colonial state to establish its authority and legitimacy in the region. They indicated that the dispossession of the society from the land that became the PA was primarily aimed at creating domination and administration of the society. It complemented taxation and the re-organisation of the administrative structures of the society to re-shape cash crop production systems. However, Cavanagh and Himmelfarb's (2015:68) argument also draws on the normative views by colonial forestry staff recorded by Webster in 1954.²² Which obscure the analysis to consider that the PA was primarily created for the protection of the catchment in 1920s to support the coffee production that had been boosted in the area? Cavanagh and Himmelfarb (2015:67-68) argument is indicated below:

“As the economic significance of the Mt Elgon region grew, so did the concerns about sustainability. Initially the British were un-interested in the health of the Mt Elgon ecosystem. For example whereas the department was established in 1989 (Turyahabwe and Banana 2008:643) its 1921 annual reports note that “the forest had never been visited by a member of the forest Department and very little is known concerning the area, composition, etc (*Webster 1954:5, emphasis added*). Formally, the rationale for public conservation in the area- from the late 1920s – arose from the water catchment role of the mountain ecosystem provides for the surrounding agrarian communities. Indeed, by 1940 onward, government documents regularly stated that population growth and agricultural encroachment into the forest posed the greatest threat to the sustainable functions of the Mt Elgon Water shade (Webster 1954). More broadly the concerns were reflected in the protectorate's 1938 forest policy, which stresses the need to preserve the forests, not primarily for the maintenance of the indigenous livelihoods but for “maintenance of the climatic conditions suitable for agriculture, preservation of water supplies and provision of forest produce required in agriculture and industrial development (Turyahabwe and Banana 2008:646). In accordance with these policies, the Mt Elgon was first gazetted as a “forest reserve” in 1929, upgraded to a Crown forest under legal notice no. 100 of 1938 and re-classified again as a Forest Reserve under legal notice 41 of 1948.”²³

The quote captures a number of important indicators that highlight my argument. The first is the recognition that whereas the society had been dispossessed from their land during the initiation of colonial governance in the region before the 1920s, the colonial government had not extended effort to formally gazette it as a PA because it was not interested in the area in problem. I base of the political economy history of the country to argue that the PA land had still been reserved for expansion of the plantation production that the colonial government had initially adopted. Indeed, the 1900 agreement included creating areas for settlements and plantation agriculture (Mamdani 1976; Bunker 1987)²⁴. However, the focus on plantation agriculture was abandoned in the 1920s after the First World War that ravaged the global market and, led to the collapse of the plantation agricultural production but had also revealed the resilience of peasants' production systems that were not controlled by the market.²⁵ The colonial government changed its agrarian policy to prioritise a peasant

²² Webster, G. and Omaston H (2003), “*The History of Forest Department; 1951-1965*”, Commonwealth Secretariat, London, UK

²³ Cavanagh and Himmelfarb (2015 68-69) *Much in Blood and Money*

²⁴ Bunker, S. (1987), *Peasants Against the state: The politics of Market Control in Bugisu, Uganda 1900-1983*, University of Illinois; Mamdani M (1976), *Politics of Class Formation*, Monthly Review Press, New York and London

²⁵ *ibid*

production system that was expanded across the country. However, it also implied the gazetted land that had been reserved for plantations was made available to be converted to other uses. The literature has indicated that forestry was only taken seriously later, despite the expertise and experience the colonialist had from India.²⁶ I argue that the timing and decisions for developing the forestry sector is explained by the decisions to abandon plantation agricultural and, hence the land was reverted investment in the forest sector. I argue that it also justified the various celebrated reforms that the Forest Department was de-linked from Agriculture to stand alone in 1917, and influenced the investment in expertise to prepare the necessary discourse and strategy that would be used to justify and shape the development of the timber sector in Uganda. The policy was developed in 1929 and rapid process followed to create forest reserves.²⁷ This periodization may have been reinforced by the interest to maintain a catchment for coffee production that was also growing at the time under the peasants 'production system.

The second argument indicated in the quote above is the narrative that the forest policy was an indicator of the enhanced interest of the state to protect the catchment. However, the forest policy quoted above was a justification for the expansion of the forestry sector in the entire country not just the Mt Elgon. I, thus, argue that Cavanagh and Himmelfarb (2015) view that the boost in coffee production in the region justified the turn to conservation is similar to the conservation narratives that de-politicised and justified the use of the land for expanding the developing the timber industry.

The creation of the Mt Elgon PA in 1929 was during the period in which the colonial governance had been stabilised in the region after the volatile period of its establishment.²⁸ The stability had resulted from the reform of the local government indirect rule structures to co-opt the elites and lineage chiefs that had mobilised resistance to the imposition of colonial governance systems, taxes and land dispossession. By 1934, all Baganda chiefs that had been agents of colonial government and had been imposed as rulers in Mt Elgon were replaced by elites from the area.²⁹ The incorporation of the elites had led to a reform the despotic systems that had been established initially to a broader framework of district councils, which had representation from the elites that were co-opted. The platforms became the framework through which the state and society interacted to shape each other's interests. The platform was used to negotiate for better representation of the society in the coffee market chain, which improved the societal benefits, stabilised and boosted the production of coffee.³⁰

Bunker (1987:5) particularly noted the various demands shaped through the district councils created an important leverage for the peasants to negotiate prices as well as social services like schools, hospitals (Bunker 1987: 40-51). What was crucial in Bunker's analysis was the emphasis that the co-opted elites drew their power from the society. They had to represent the interests of the society at the local government to remain relevant and were keen to ensure that the society engaged in the meeting the interests of the state in turn. Khanakwa (2011:40)³¹ further indicated that one of the key issues around which the society was

²⁶ Webster, G. and Omaston H (2003), *"The History of Forest Department; 1951-1965"*, Commonwealth Secretariat, London, UK

²⁷ Forest department (1955) A history of the Ug Kagolo M.E.S (2016) "Forestry in Uganda over a century; and its future trends , challenges and opportunities" Mulungi professional Graphics Desgner anda Forest Department 1930-1950, Bulletin No.4, Uganda government printer , Entebbe Uganda;

²⁸ As highlighted by Bunker (1987:37) *"Peasants Against the State"*

²⁹ Bunker (1987:37) *"Peasants Against the State"*

³⁰ Ibid

³¹ Khanakwa P (2011): "Masculinity and Nation : Struggles in the practice of Male circumcision among the Bagisu of Eastern Uganda, 1900to 1960s". Phd Dissertaion Evaston, Illinois Kabwegyere Tarsis 1974: The Politics of State Formation; The nature and effects of colonialism east African literature bureau

mobilised through the platforms was to challenge their land dispossession of the society through espousing their identity.

I base on this articulation to argue that whereas the colonial government established the PA to control the land for timber production, the elites influenced the colonial government to ensure that the society continued to access and use it, through a management arrangement influenced through the district councils. Consequently, stability around the forest management was created because of the provision that the society would continue to access the resources albeit through permits and in turn the society was prohibited from cutting any timber trees, which was a reserve of government. This is the arrangement that Norgrove (2002 197-198) considered as “populist”. I also argue that the subsequent declarations in 1938 and 1948 reflects the enhanced interest of the state to control the timber at the time when district councils were becoming more powerful and demanding inclusion in management and benefit. This is because the district council had become an important power bases for the opposition to engage the state and was demanding much more from the central government. Bunker (1987; 165) notes that towards independence, the representative councils had influenced a net flow of resources to the districts as compensation through alliances, competitions and favors of local politicians. Consequently I argue that subsequent gazettelements were effort to control the interests of the state from the societal politics but also meet the demands of the local elites. In 1937, the government establishes a reform to create central and local government forest reserve. The central government areas were designated as Crown land and latter central reserves. I argue that these reforms were aimed at creating a balance between providing concessions to the growing powerful district councils at the time contrary to the argument that they aimed at interesting the society in forestry management.³² The analysis aligns with Cavanagh and Himmelfarb’s (2015)³³ argument that considered the declaration of the PA in 1929 and subsequent designation in 1938; 1948 and 1950s as performances that the state used to demonstrate its authority and legitimacy over the society but I extend this argument that it also represented the power of the society to shape the state’s management systems. This implies that the normative view of the chronological history of the establishment of the Mt Elgon PA as representation of the colonial government ecological credentials, where a representation of the dialectic State-society power relations that have shaped the evolution of the PA structure.

The end of the colonial period had created two key dimensions that are important to consider for the political relationship between the state and the society around Mt Elgon. The district councils provided important bridges in which local elites linked and participated in the national politics. They were structures that were used for mobilizing collective political power of the society on different issues. Indeed, as already indicated it a provided power bases for opposition to tap into the rural areas and vice versa. However, to remain relevant, the elites had to root their political strategies in local interests by defining local issues. The State, responded to the political action of the society either by compromising and allowing some benefits to maintain stability or creating reforms to circumvent the contestations. Most of the colonial state’s responses aimed at maintaining stability for its rule. The alternative would have been coercion and violence. I argue that the dialectic state-society interactions during colonial rule had led to a largely mutual relationship with the society where the society self-enforced by refraining from timber harvests as long as the society accessed the

³² Highlighted in most literature including the most recent Banana Y. A; Nsita, A, Byomuhangi (2018); “Histories and Geneologies of Uganda Conservation; The Birth of the protected Areas Estate” in Sandbrook C, Cvanagh CJ, Tumusime DM Conservation and development in Uganda, ed (2018)Routledge, Turyahabwe N and Banana (2008) An overview of history and development of forest policy And legislation in Uganda”, *International Forestry Review* Vol.10(4), 2008 (641-656”;

³³ Cavanagh and Himmelfarb (2015) “*Much in Blood and Money*”

resources. I reflect on this from the common comment mentioned by the society during my field work³⁴ that the society had lived peacefully with the forest, the few forest officers who were only 2 and 4 guards had no capacity to enforce the law; however, everyone knew that the timber trees belonged to government and the land was for the people. The role of the guards was to maintain the boundary through slashing and enforce the permits. This relationship was undermined during the Obote I governance period³⁵ after colonial rule as the next section shows.

Collapse of the State Craft in the Mt Elgon PA Management

The governance period from 1971 to 1986 (Amin and Obote II) in Uganda's political history has been generally rated the worst for conservation in the country due to the political turmoil that the independence governments were embroiled in.³⁶ In Mt Elgon, a figure of 25,000 hectares is quoted in the literature as the area that was lost to "encroachment" during the civil war.³⁷ Consequently the degradation was attributed to both the collapse of the economy and the weakness in enforcing the laws and specifically to the leaders who are considered to have facilitated the problem by encouraging the use of the forests to gain political favor among the population. For example, the double production policy instituted by Amin in 1975 is often quoted one of the key causes of encroachment and extension of farmland into the PAs.³⁸ The other argument is that during the Obote II regime, the PA administration lacked funding to maintain the forest staff which forced them to depend on illegal activities such as issuance of illegal grazing and cultivation permits to the society, which exacerbated the uncontrolled harvesting of the resources.³⁹ Bunker (1987:373) attributed the degradation to the collapse of the economy, which pushed people to resort to subsistence agriculture, and this led to the expansion of their farms into the forests. Overall, the argument was that the crisis in the general governance undermined the enforcement of the laws and policies of the PA, which explains the beginning of the downward trend of the degradation. In this section I explain that the collapse of the institutions was not the main factor that led to "encroachment", but the collapse of the incentive to maintain the society engaged with the central government coupled with the low capacity of the government to coerce the relationship as in the case of colonial rule. Hence, the society had more power and with a choice to disengage with the state because it had no mutual interest binding the two. The PA land was reclaimed by the society. I show that the centralization of the management of the resources undermined the stable local governance arrangement that the colonial government had established with the society. This undermined the power of the State and created space for the society to reclaim the land as I show next.

³⁴ The paper is drawn from my Phd Thesis, these comments were made during field work in Mt Elgon 2017

³⁵ Uganda was under British colonial rule since 1896 to 1962. The independence constitution was uneven, it included some areas that were to be managed under traditional kingdom and others as districts under elected representatives. The first president of Uganda was Sir Edward Muteesa was the Kabaka of the largest and most dominant Kingdom, that was used as the main agents of colonial rule. However, the Kabaka was a symbolic president, all the power was held by the Prime-Minister Milton Obote This is termed Obote I governance period. Obote's rule faced stiff resistance from Buganda, that he was forced to abolish kingdoms, centralise all local governance and appoint himself the substantive president of Uganda. His rule was tenuous until he was overthrown by factions of his own army in led by Idi Amin, in 1971. Amin ruled Uganda until 1979 when he was deposed. Obote came to power a second time in 1980-Obote II. He ruled until 1985 when he was deposed first by his military which created space for NRM to take power in 1986 and has ruled the country to date.

³⁶ see above

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Mt Elgon Conservation and Development project The Review report of the 1998 by Hakan Sjojorm ; Odd Eirik Arnese AN Betty Dungu 1998n- funded by Norway

Scott 1998;17 From conflict to Conservation

³⁸

Banana Y. A; Nsita, A, Byomuhangi (2018); "Histories and Genealogies of Uganda Conservation; The Birth of the protected Areas Estate" in Sandbrook C, Cvanagh CJ, Tumusime DM Conservation and development in Uganda, ed (2018)Routledge,

; Nsita 2014 Nsita s.a (2014) Overview of forest Tenure , Forestry research and Related Reforms in Uganda, paper submitted to the center for International Forestry Research. Ministr of water and Enviroment, Kamapla Uagnda

; Norgrove, L. (2002) "parking Resistance and Resisting the Park: the theory and practice of NATIONAL PARK MANAGEMENT, A CASE STUDY OF mT Elgon National PARK Uagnda.; Scott 1998); ffrom confclits to conservation

³⁹ Norgrove and Hume 2006:1098) confronting conservation at Mt Elgon in Uganda, Developemeg and Change Vol 37, No.5 pp.1093-1116

The Obote I (1962-1971) Governance Challenge in Mt Elgon

Obote I, the de-facto first post-colonial leader of Uganda inherited relatively stable PA management systems that had been achieved during colonial rule. However, the reforms of the Obote I government undermined the arrangement and that had been established and tilted the power to the society which reclaimed the land they had lost.

Obote came to prominence in Uganda national politics using the district local councils from a rural area in Northern Uganda, by drawing on the collective power of the society that had been left out of the national politics by the colonial government. However, Obote had to compromise with the powerful Buganda kingdom that had been used by the British to rule Uganda and in turn had maintained their traditional structure albeit modified by the colonial government. Hence, to take power, Obote signed an unequal constitution, the Buganda Kingdom maintained its power and compared to the rest of the country. However, part of the agreement was to make the Buganda king a symbolic president of Uganda but all the power were with the Prime Minister Obote. However this arrangement was untenable because the sit of power central control of the political and economics remained in Buganda and consequently Buganda fiercely challenged Obote leadership. To counter this power, Obote decided to abolish kingdoms in 1966 and all administrative and political structures were centralized in the 1967 constitution. His aim was to establish a uniform governance structure that he had more control over. As Branch (2007)⁴⁰ showed Obote the government representatives appointed at the local level were from his ethnic group, which instead created a patronage network. Thus, the district councils that had been increasingly used by the society to select officials that represented their interests to remain relevant were replaced with appointed state cadres, who prioritized the central governments interests. This implied that the incentive for the society to remain engaged in the local governance was undermined, and this in turn also undermined the self-control of the society from expanding into the PA and the use of the resources that had been mediated and enforced through their local leaders.⁴¹ The breakdown of the local self-control of the society implied that the State had to use more coercive methods to enforce the PA management regime that benefitted the State's interests. The subordination of the local administrative structures made the State less sensitive to peasants' demands, and the dynamics were undermined further by the violence that the Obote government tried to use and enforce its interests.⁴² However, the coercive control failed because most of the state resources and military capacity was majorly used to pacify Buganda. Consequently, the state was also unable to enforce the coercive control of the PA, which gave way to the community to reclaim the PA land. This is what is prevalently considered as "encroachment."

This implies that the weaknesses in management were due to the dissolution of the local governance structures through which a relatively stable state-society relation for managing the resources had been established. This was coupled with the failure to enforce coercive control against local use of the PA. The other underlying reason that has been provided as an explanation is the lack of funding for the enforcement of the laws and policies, which was a secondary challenge. Indeed, the coercive control that replaced the governance through mutual interests and consensus that had been arranged by the colonial government would have been a challenge to maintain, as the NRM government has proved. The NRM

⁴⁰ Branch (2007); "The political Dilemas of Global Justice: Anti-civilisn Violence and the Violence of Humanitarian ism, the case of Northern Uagnda, PhD thesis Columbia Univesity

⁴¹ Bunker (1987) "*Peasants Against the State*

⁴² Bunker (1987; 193) "*Peasants Against the State*

government was well funded by donors and NGOs, and it had enough capacity to enforce the PA boundaries; but it has encountered a big challenge to fend off “encroachment” and stabilize the resistance as most of the literature shows.⁴³ In this section, I argue that the primary underlying reason for the loss of government control was the reform to centralize local structures that eliminated any incentive for local elite leaders to mediate the societal self-control with regards to use of the PA that the colonial state had achieved. Hence as Bunker (1987) also notes, in the case of the coffee production industry that the removal of the societal incentive to engage and benefit through the district councils caused the society to withdrawal from the market because their interests were not being met. I argue that for the case of PA management, the breakdown of the self-control systems that had been negotiated as a “populist” arrangement and lack of capacity to enforce the strict control provided the society space to reclaim the land.⁴⁴

This context explains the argument that whereas the forest officers had developed management plans for timber production in 1968, the government failed to implement them “due to the lack of capacity to enforce the law” (Norgrove 2002: 110). I argue that the failure was due to the breakdown of the more representative framework through the more inclusive systems of management of resources that had been negotiated earlier. Further, as Bunker (1987:215) notes, when the state could not rely on the co-option it had resorted to violence to appropriate resources; but in this case, the state had limited capacity to extend violence beyond Buganda. This is reflected in Norgrove’s (2002) argument that the Obote 1 government tried to enforce a strict control regime but it had failed.

Overall, after 1967, there was a reversal to coercive system that the Amin government 1971 to 1979, and Obote II government (1980-1985) inherited, but with no capacity to enforce the coercive system. Further, the society de-linked from the state when it returned to the land where it was self-sufficient. In a context where the state offered no incentive to the society and it can achieve its self-sufficiency, and survive without the state, it disengaged.

However, the society that disengaged was transformed one. New imperatives were driving land and resources access, ownership and use⁴⁵ because the traditional controls had been weakened and replaced with market based structures and imperatives. Political positions had been transformed from only depending on hierarchies of custom to include to wealth, education, size of land holding and ones role in the market. It was a new dynamic, a murky context of tradition and modern power relations, state and market were in contest to re-establish social relations around which the reclaimed land was being used and governed. The other important context is that because civil war led to the collapse of the economy, the market based drivers were also weakened. As Bunker (1987) notes, the society was increasingly withdrawing from the market or they were engaged in *Magendo* (illegal trade), and the land was largely used to meet self-sufficiency for the majority.

This is the context in which the NRM government took power in 1986. This transformed society has reclaimed over 25000 ha or 25% of the forest land which is predominantly quoted

⁴³ Banana Y. A; Nsita, A, Byomuhangi (2018); “Histories and Geneologies of Uganda Conservation;

⁴⁴ Norgrove, L. (2002) “parking Resistance and Resisting the Park: the theory and practice of NATIONAL PARK MANAGEMENT, A CASE STUDY OF mT Elgon National PARK Uganda,

⁴⁵ Himmelfarb D (2012) in the Aftermath of Displacement; A political Ecology of Dispossession, Transformation and Conflicts in Mt Elgon, Uganda PhD Thesis, university of Georgia, Nairobi, Kenya

as the “encroached” area.⁴⁶ This was the main justification for funding IUCN to restore the PA land in 1988. This is despite Scott (1998:17) acknowledgement of the society’s argument that the Mt Elgon land had not been degraded as the common narrative in conservation literature goes, it was under agroforestry. However, the apocalyptic language remains prevalent even in scholarship. For example, Norgrove (2002:116) argued that a “consumerism” ideology had taken over “conservation” among the society, and the argument that the leaders had encouraged the encroachment. The pronouncement by Amin’s government that encouraged peoples’ use of the forests to survive the famine is often quoted as a key driver for this decline.⁴⁷ Similarly, the claim that the 1975 decree made by Amin’s government that made all land public was considered a political effort for the central state to re-establish control over the resources but it had been undermined by the states weakness in enforcement.⁴⁸ These are some to the arguments I debunk and show that it was a breakdown of the mutual relations more than a lack of capacity to enforce the laws.

The NRM government also inherited a re-constituted bi-furcated state⁴⁹, with a local society that was not controlled by the central state due to the disengaged society and the weak capacity of the central government to coerce the link. The disengagement of the society had been come about because the majority of the population had come to control their production and reproduction condition; hence they were able to survive without the state. The prevalent argument that the Obote and Amin governance period was the worst for conservation is based on the fact that the society had reclaimed the land. It is still a point of contention on the definition and extent of degradation during this period because both the society and the state use different parameters. What is clear is that the state had lost control over the resources. Nonetheless, the apocalyptic arguments became dominant and were a major justification for the restoration of the PA structure under the NRM governance period came to power and the state control over the PAs re-instituted. However, for the NRM governance, the restitution of the conservation structure was coerced by external interests who were in contradiction with the NRM main political strategy that was based on mobilizing societal power and interest to take and remain relevant and legitimate. The form in which the NRM has responded to the contradiction was to govern through the PA and systematically undermining the local structures through which the society mobilizes collective power. This was very important because the degradation and precarious livelihoods are the issues around which society can be mobilized. On the other had the NRM was building and boosting its military capacity, which it uses to coerce conservation against a weak society. It explains the persistent conflicts as the next section shows.

Re –Establishing the Mt Elgon PA as a Structure of State Craft by the NRM government

The NRM took power when the central government structures through which the Mt Elgon PA was managed had collapsed. It was also a time when the global and capitalist interests

⁴⁶ Scott 1998:17 from conflicts to conservation; Mt Elgon Conservation and Development project The Review report of the 1998 by Hakan Sjojolm ; Odd Eirik Arnese AN Betty Dungu 1998n- funded by Norway; Mt Elgon Natioanl Park Managementy plan

⁴⁷ (Norgrove 2003:116) “parking Resistance and Resisting the Park:

⁴⁸ Webster, G. and Omaston H (2003), “*The History of Forest Department*”; 1951-1965, Common Wealth Secretariat, London, UK

⁴⁹ A key argument by Mamdani, M., (1996), *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*. (Princeton, N.J.: Princeton University Press); Citizen and Subject that for colonial rule to succeeded the country was brifurcated between he rural and urban and ruled under different systems, the urban under civils law and rural under customary law. This has in turn bifurcated and fragmented and undermined collective resistance to colonial rule

that were being re-organised from a direct colonial systems structure to re-launch into post-colonialized countries as neo liberal agencies such as the World Bank and International Monetary Fund (IMF) and NGOs (Shivji 2006)⁵⁰. These global capitalist interests aligned with the NRM governance interests at the time, which was to establish capacity and extend its legitimacy across the country and, hence, they formed a partnership that capacitated the NRM to coercively re-create and maintain the centralised conservation structure that the Obote and Amin governments lacked. However, the contestations that followed the re-establishment of the PA threatened the NRM's power and forced it to use the PA as a framework to entrench control the politics of the society.

The re-establishment of the PA in Mt Elgon as with the rest of the country, was enabled because of the science and legal discourse that had been established on official documents and in the minds of the government staff and the society. The NRM and its external facilitators invoked the laws, maps, boundaries and the ideology that framed the State as the guarantor of conservation against the society that was considered the main threat. Many of these were already in place, and they constituted the legacy that formed the basis for re-establishing the PA. However, as Neumann (2002)⁵¹ have shown else where the re-establishment of the countries PA structures was not primarily driven by the government, but by NGOs, donors and multilateral organisations that represented a combination of two reinforcing global interests. They were: the application of growing conservation ideologies that had been established by a global conservation framework, and the re-organisation of the global structure of capitalism that was shifting from direct accumulation through the colonial state to a neo-colonial structures of accumulation that include establishing of a neo-liberal state by agencies like World Bank, IMF and bilateral institutions. These global reinforcing drivers facilitated the NRM to recreate a violent dispossession of the society, a second time around to re-establish the PA in 1988 in the early years of taking power. The NRM interest at the time was to access funding for its governance that these agencies facilitated in enabling the NRM meet this objective. The section further shows that the NRM has been reluctant to implement options that would create more stable state-society relations around the PA that would also lead to better conservation because it would be less beneficial for its state-craft. In other words the section shows that persistent state-society conflicts that the PA faces are a reflection of the NRM state-craft exercised through the PA and not lack of capacity to enforce conservation laws.

When the NRM took power in 1986, it launched an appeal for international assistance to restore the country institutions and economy that had collapsed (Brinkerhoff and Kamugisha 1998)⁵². The responses included NGOs and multilateral agencies such as the IMF, World Bank, EU and a number of bi-lateral assistance from individual governments such as USAID, DFID that offered to restore the conservation structures that the colonial government had establishment. Collectively, the organisations advancing external interests partnered to re-establish both the PA structures in different regions and the central coordinating institutions. In Uganda 10 National parks and 506 central forest reserves were established.

For the case of Mt Elgon, it was the IUCN that responded to restore the PA using funding from the Norwegian government. The Mt Elgon Conservation and Development project

⁵⁰ Shivji I G (2006) Silences In The NGO Discourse The Role And Future Of NGOs In Africa, Fahamu

⁵¹ Neumann (2002), The postwar conservation Boom in British Colonial Africa *Environmental History* Vol. 7, No. 1pp. 22-47

⁵² Brinkerhoff D. W and Kamugisha B N (1998)Uganda and the National Environment Action Plan : Focusing on 14implementation by; USAID ;Center for Democracy and Governance Project no 936-5470

(MECDP) 1988-1990 was justified as a response to the collapse of the PA management structures and the degradation of the resources. The argument was that a lack of financial resources, personnel, population pressure, low productivity and other socio-cultural practices contributed to the degradation of the PA.⁵³ Hence, IUCN response re-established the boundaries and effected re-evictions of the communities that had reclaimed the land as the project document indicated;

“To restore the glory of the forest reserves through reversing the degradation, strengthening the forest department capacity to manage forest reserves, re-establish, and survey and marking boundaries”

The quote justified the restoration of the PA, based on the assumption that the society was the problem, and that what was needed was the enforcement of the law and polices. This phase that re-established the project also based on the figures of 25000 ha as having been degraded due to encroachment established by a survey undertaken by IUCN. The degradation is often correlated to the high population density of the region as the main threat to the ecosystems, and, thus justifying the state led restoration of the PA. The forceful re-creation of the PA was the start of the re-institution of the violence associated with dispossession to maintaining the PA. It was similar to the violence the society faced at the initiation of colonial governance in the area. It was violent because it involved evicting a society that had memory of the effects of their dispossession before. The coercive imposition of the centralized control was possible because there was funding to re-create the PA, which the Obote and Amin governments did not have. The violence was re-instituted because there was a prioritization of enforcement of the law rather than a process to negotiate a management arrangement that suited the society, the state and the conservation interests. The coercive process to re-establish the PA was further backed by the demands made by the main funding agencies, the World Bank and the USAID to re-designate Mt Elgon and five other forest reserves as strict National Parks, which meant that no consumptive use of the PA was permitted this time around.⁵⁴ It was a far worse arrangement, another dimension of the dispossession. Whereas the society had maintained use of the PA during colonial rule, this time around it was a complete dispossession, all access was prohibited.

For the dispossessed population, their production and reproduction structure and relations were completely dislodged from the more secure systems they had re-established to a wretched and precarious one. They now had to rely on the established un-certainties of the market through sell of labour to the wider society or the state to survive or the piecemeal, inadequate development projects that the conservation and development organizations implemented.

The situation was even more problematic because at the time the government was also implementing the structural adjustment program (SAPs) imposed by the IMF to create the neo-liberal conditions.⁵⁵ These conditions that removed all subsidies, to social services and agricultural production, coupled with the liberalization of the export market weakened the incentives and structure and capacity of the state to buffer and maintain connection with the

⁵³ MECDP project agreement between IUCN and Norway, signed on 9th March 2000. Phase III shows a follow up of Phase I and II- implemented since 1988- accessed from IUCN Archives.

⁵⁴Gossamalag, D., Velded, P and Gombya-Ssembajjwe, W (2008:16) “From Forest Reserve to National Park”

⁵⁵ Mamdani (1990) Contradictions of the IMF Programme and Perspective Development and Change first published: July 1990. <https://doi.org/10.1111/j.1467-7660.1990.tb00383.x>

evicted society.⁵⁶ Thus, the dispossessed society's main option was to sell labor to meet all livelihood needs, such as housing, food, health, education and identity. This was problematic because the country was emerging out of a collapsed economy to absorb the labor. I argue that, the context was a recipe for active political action of the society to protest against the precarious conditions. The third key context that is crucial was that as the NGOs reconstructed the PA structures, the NRM government was also building its governance system. The contradiction was that the NRM was relying on the same rural societal base for its power. The NRM took advantage of the rural society that had withdrawn or kept out of the national politics when the district councils established during colonial period had been weakened by centralisation. The NRM managed to re-integrate the majority rural population in national political governance system as its main power base by establishing an innovative local governance structure, the LC system⁵⁷ and by initially mobilizing from Buganda, where the most disenfranchised society by the Obote and Amin government was based.⁵⁸ This societal mobilization through the LC systems against Obote starting with Buganda had enabled the NRM to take power in 1986, and the system was extended to the rest of the country to rope in the rest of the rural society with a promise of inclusive approach of governance and self-determination (Rubogonya 2007; Mamdani 1996).⁵⁹ In Mt Elgon two local governments; Kapchorwa district in the North, which is mainly occupied by the Sabinu ethnic group, and Mbale local government systems in the South, mainly occupied by the Bagisu ethnic group were revamped by reversing the centralization that Obote I had created. The participatory electoral process that the NRM had introduced drew in the entire society, to participate and engage in the shaping national politics. The governance structure had also been designed in such a way that the budgets and plans for the development of the district were discussed from the local level to the national level. Indeed as Mamdani (1996;141)⁶⁰ notes, this restructuring disrupted all local constraints to people's power. This included the despotic chiefs that had been appointed by Obote I, as well as the clan and patriarchal structures. All categories and classes of society, including those that were often marginalized, began to participate in shaping the politics of the local government. The new governance arrangement, thus, established a platform through which collective peasant action was being mobilized. The challenge was that at the same time the NRM appointed positions of Special District Administrators (SDAs) – now Resident District Commissioner (RDC) - with equal powers to the highest level of the elected position of local government, the LCV level. The SDA was only accountable to the center and shaped the discourse actions at the local level in relation to the interests of the center. The NRM government also appointed nine NRM cadres at each lower level (Village, parish, sub county and county) who were purported to educate the society about NRM visions and aspirations, but were in reality NRM agents because they were also accountable to the President's Office.⁶¹

⁵⁶ Jones (2009) "Beyond The State In Rural Uganda", Edinbrugh University

⁵⁷ The local governance and administrative structure in Uganda is the District. The lowest unit in a district is a village, the governance structure is a Local Council which is composed of all persons residing in a village of 18 years and above. The village elects a chairman who appoints a committee to support the coordination of village political and administrative issues. This is similar to a Parish level which is composed of a number of Parishes. The Parish combine to form a sub county LC3 brings together a number of parishes and this is where decisions of budgets and social services are taken. Elections at this stage are by universal suffrage. The apex of a local government structure

⁵⁸ The Obote I, Amin and Obote II governance main governance strategies revolved around pacifying Buganda because it mounted the most fierce resistance to their rule. Obote mobilised the rest of the country against Buganda because it's the kingdom that provided the most agents that led the subjugation of the rest of the country to establish colonial rule. Consequently, the Baganda were disenfranchised by the rest of the society.

⁵⁹ see more about the organization through LC systems in Rubogonya BJ (2007) Regime Gegemny in Museveni's Uganda : PAX Musevina. Palgrave Macmillan

⁶⁰ Mamdani M(1996) "Citizens and Subject"

⁶¹ Rybogonya (2007) Regime Gegemny in Museveni's Uganda; Khisa M (20913) The making of the "Informa state" in Uganda, African Development Vol 38 nos 1&2 pp191-226

Thus, whereas it is obvious that the political governance structure espoused inclusiveness and self-determination, the NRM also included a structure of patronage and surveillance of the society to track their demands and influence their political strategies. This aspects was crucial when the Donors demanded that the NRM re-establish the PA structures in more strict format that involved complete dispossession.⁶² The NRM had no capacity to challenge the decisions, hence, in 1993 all the people that had reclaimed the PA land in Mt Elgon during the civil war years after colonial rule were re-evicted; the NRM showed commitment to the process by deploying the military to support the Uganda National Park force that was in charge of managing the PA. About 100,000 people were evicted (Vangen 2009)⁶³. They spent initial weeks, months and years as homeless or living among relations. Many families broke up, those whose extended families had capacity absorbed them, and the majority moved to the trading centers and created slums.⁶⁴ A rent and labor economy that did not exist emerged immediately, but in a context where the capacity to absorb the labor was very low.⁶⁵ The precarious conditions have worsened with population rise, and with the increased integration of the society into a market economy. This condition has resulted into many deaths, suicides and migrations to other parts of the Mt Elgon region, and across the border to Kenya.⁶⁶

During and after the evictions, the LC system provided the framework through which the majority of the society has challenged the PA. As Norgrove (2002; 119) shows the politicians from the region openly challenged the decisions to create the National Park which prohibited any human use of the resources. I argue that the challenge through the LC framework provided an opportunity for the State and the Society to negotiate and re-establish the PA management system that could have been analogous to that which created a relative stability during colonial rule. However, the NRM did not exploit this opportunity, instead it circumvented the same local government system it had established to impose the PA. The local government meeting that approved the PA only involved selected NRM cadres and sympathizers.⁶⁷ The resistance by the society was contained within the systems, by debating the issues but not acting upon the peoples expressed needs. Eventually, the management of the PA has had to depend of coercion, enforced by a paramilitary unity that has been established. The clash between the state and the society often erupt during election periods, because that is when the society feels strongest in expressing their demands to all the politicians. The problem has not been solved since 1993, and consequently the society went to court in 2004, in addition to the other various resistances that have been well articulated in peasants based literature.⁶⁸

This context explains the conflicts that the NRM has struggled with since the re-establishment of the PA to this day. It is not just a performance failure in implementation of laws and policies, but a consequence of the state-society relations that the NRM chose to shape when establishing the PA structures. It shows that the NRM prioritized the need to meet its political interests, particularly financial needs; but these were accessed conditionally, with a demand to re-store the PAs under coercive approach. However, because the establishment of the PA coincided with the establishment of the NRM signature local governance structure, it is a contradiction that the NRM did not use the framework to negotiate a more stable structure of conservation. The argument I draw here is that the

⁶² Gossamalag, D., Velled, P and Gombya-Ssembajjwe, W (2008;16) "From Forest Reserve to National Park";

⁶³ Vangen C (2009) Evicted in the name of nature: The process of evictions and its impacts local rural livelihoods in Mt Elgon Uganda

⁶⁴ Himmelfarb (2012)

⁶⁵ ibid

⁶⁶ (Himmelfarb 2012; The aftermath of Displacement Lang and Byakola 2006 " A funny Place to store carbon:

⁶⁷ Communication during interviews in 2017

⁶⁸ Cavanagh and Benjaminsen (2015) "Guerrilla agriculture"; Himmelfarb 2012; "The aftermath of Displacement"; Lang and Byakola 2006 " A funny Place to store carbon";

fundlers imposed the systems because it aligned with their interests but because at the time the NRM had no power to challenge the neo-liberal policies in ways that would benefit the society, and the imposed systems alongside the SAPs removed framework that the it would negotiate with the society to create the compromises. The challenge however, is to explain why latter when the NRM acquired the necessary power economically and militarily it has not been able to reshape its relationship with the society.

This political economy studies highlighted on page 2 posit the assumption that it is the global capitalist hegemonic powers working through the NRM government to maintain a subjugation of the society because there are still pre-conditions that allow access to land, resources and labor. In other words the arguments is that the current challenge around Mt Elgon is largely driven by external interests that have continued to maintain their relevance by constantly influencing the reforms in the conservation structure drawing on new dimensions such as climate change framework. However, the systematic interaction between the state and the society, especially during election period, even with the failures of the economic projects cannot be completely explained by external drivers as the main driving force that is shaping the relationships. Further, as Mamdani (1976) stability is the prerequisite for accumulation. However, it is the accumulation driving the interests? or politics for legitimacy and relevance?

The society in Mt Elgon, have taken the government to court in 2005 and have provided the state options for resolution. It largely aligns with the PA managers' proposals provided the central government with options, which include degazetting part of the PA to settle the dispossessed; to compensate the disposed or to relocate them but the NRM has procrastinated in addressing any of these issues.⁶⁹ I argue that the NRM's maintains the precarious conditions in order to keep the society looking upward to the state for solutions. This is because during each election year all politicians around the Mt. Elgon and the president, draws on the precarious conflicts of the society for their political arguments to win votes. This became most prevalent when the NRM opened up the political systems and turned to the multiparty politics in 2005. Many opposition candidates capitalized on the dispossession to mobilize the society against the NRM. This forced the president to issue a decree halting any evictions of the society, because it threatened the NRM's main power base.⁷⁰ This decree has been condemned in the literature as interference of politics in conservation, but this argument is based on the assumption that politics and natural resources management operate in separate spheres.⁷¹ The argument is that politicians used the PAs for their selfish interests, however if considered as representation of the society's political strategies, then it can be viewed an indicator of how the PA is used by the society to influence power shifts and allegiances of the politicians to shape their interests. Hence, it reflects the dialectic relations between state and society that are reflected in particular systems of natural resources management. I argue that after the turn to multi-party politics, the societal resistances exercised in relation to the PA have shaped the way the NRM government views and uses the PA; and I argue that with the turn to the multiparty systems, the PA became an important framework for the state to extend its craft. This, explains why each election period, the NRM halts any enforcement actions against the PA, and makes promises about the ways the problem would be solved, only to

⁶⁹ Petition of the society various arguments and the proposal in the Mt Elgon Management PA have not been acted in since 2005. The argument is that the parliament has to approve the decisions.

⁷⁰ Mugenyi O, Twesigye B and Muherea E (2005) Balancing Nature Conservation and livelihoods ; a legal analysis of forestry evictions by the National forestry Authority, ACODE Policy Briefing Paper No. 13

⁷¹ ibid Banana Y. A; Nsita, A, Byomuhangi (2018); "Histories and Genealogies of Uganda Conservation; The Birth of the protected Areas Estate" in Sandbrook C, Cvanagh CJ, Tumusime DM Conservation and development in Uganda, ed (2018) Routledge; Nsita s.a (2014) Overview of forest Tenure . Forestry research and Related Reforms in Uganda, paper submitted to the center for International Forestry Research. Ministr of water and Enviroment, Kamapla Uganda

enforce the same regulations after the elections. Each election period the government camps around the PA and the substantive debate in Mt Elgon is about the land. The NRM government has further subdivided the local governments around which the society mobilizes from two districts to the current nine. It did not only fragment the collective mobilization of the society but also expanded the structure for its surveillance of a society through the appointed cadres, RDCs located at each district local government structure. Further because the weak social systems or uncontrolled economic framework that has been liberalized. The NRM does not have a strong institutionalized structure in which to hold control over the society; and as a result, it is forced to rely on coercion that is largely enabled by its established military capacity, and the patronage systems it has established in local government. Indeed the pattern of violence correlates with either the power of the state or the extent to which it has established a structure where the society is engaged. In colonial period a mutually engaged structure was established between the society and the state that coercion was limited. In the Obote and Amin period the state had no capacity to coerce its rule but has also undermined the mutual engaging structure. In the NRM period the violence is maintained because there is no mutual engaging issue and the state has the necessary capacity to maintain a coercive relation. However, because the society find themselves in precarious conditions brought about by the legacy of the capitalist mode of production that forces them to rely on the market for their production and reproduction, their dispossession forces the society to look to the state for solutions which in turn maintains its relevance and power, though the collective demand by the society has been fragmented.

Hence, the societal agency against their subjugation that has been well accounted for in the literature such as Cavanagh and Benjaminsen (2014) can be viewed as a effects of the deliberate ways in which the state shapes the peasants agency to draw out its relevance by maintaining the society upwardly looking and yet weak to lead to an impactful engagement.

I argue that this explains the paradox about the degradation that continues despite the efforts of the NRM government to restore and expand the colonial conservation structures such as the Mt Elgon PA. I argue that the problem is not a lack of capacity to enforce the laws, because the state has time and again heavily deployed the military each election year (every 5 years) to restore order in the PA after elections when the society is left to move in use the PA when the state is canvassing for votes. It is this historical political relation between the state and society that explains the management of the PA and not just the technical arguments that are prevalent. This dimension provides a broader frame in which to understand the political economy arguments too. I concur with Cavanagh and Himmelfarb (2015) that it is this political frame that creates the enabling conditions for the economic use of the PA albeit dialectically reinforcing each other. This paper shows the argument that the ecological problems were created and sustained by the state-society relations. It also shows how and why they are sustained by both national political and global economic interests. For the case of Mt Elgon, the external interests, that is the prioritization of IUCN ecological ideologies and the USAID donors demand to recreate the strict protected area category forced the state to re-establish the PAs. However, it is the contradictions between NRM's inclusive governance framework coupled by the lack of incentive to maintain a healthy relationship with the society and the top down management of the PA that has created opportunity for the NRM to impose itself on the society that explains the paradox. The cost for the NRM to negotiate an amicable solution in managing the Mt Elgon PA with the society in the current context where it has dysfunctional social service systems through which it remains relevant forces the NRM to hold onto the current coercive system. In the current context, if the state agrees to the societies proposals to degazette part of the PA to resettle the landless or to compensate, is likely to lead to a disengagement of the society because there would be no

other issues around which the engagement with the state to the society is maintained apart from security. Hence, my argument is that the state in Uganda is unlikely to facilitate the implementation of inclusion, equity and rights agenda that is being promoted in the global conservation agenda. I argue that it is the reason why all the necessary supportive policies in Uganda are not implemented. I argue that, beyond the costs of the implementation, it is the political outcome of the state-society relations that are a hindrance. It is based on this view that of the strategies to improvise equity, rights and justice in Mt Elgon has to go beyond simply equipping duty bearers and rights holders the necessary knowledge through awareness and education, it needs to move to re-building a state-society frame where the state is not threatened by the society but where mutual benefits are enhanced. In the current context of Uganda, where the state power seems hegemonic and benefitting from the current coercive frame, the mutual framework is best facilitated from below; by rebuilding the collectively power of the society that has been undermined. Hence, a clear analysis in the forms in which societal power has been cumulatively undermined over time to explain why the peasants' agency in Mt Elgon falls short in achieving their interests despite the persistence that is the starting point. It As Moyo et al (2013)⁷² argues it involves making the management of the Mt Elgon PA a political question and making the society the center of this analysis.

⁷²Moyos, S., Jha. P, & Yeros, P. (2013). "The Classical Agrarian Question: Myth, Reality and Relevance Today. "Agrarian South : Journal of Political Economy, 2(1): 93:119