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February 2003

World Resources Institute

Institutions and Governance Program

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ABSTRACT

This paper focuses on the current status and the roles of local institutions involved in natural resource management (NRM) under the community conservation approach to protected area (PA) management around Bwindi Impenetrable National Park (BINP) in southwestern Uganda. Central to our analysis are the questions of competing interests and distribution of decision-making powers among the actors involved. The study set out to: (1) analyze the current institutions involved in protected area management; (2) investigate the extent to which decentralized institutional arrangements guarantee effective local participation in decision making, with regard to protected area management and; (3) to determine whether local actors are empowered to make decisions that address the interest and problems faced by local communities living adjacent to protected areas.

Community conservation and collaborative management as practiced around protected areas in Uganda today do not achieve democratic governance of natural resources. This is because community participation under community conservation and collaborative management does not adequately and effectively translate into community empowerment and control over resources, especially concerning decision making. First, the local community institutions formed to realize community participation cannot effectively serve community interests because they do not control resources and have no powers to decide on critical problems affecting their community. Most of the necessary powers and resources are still largely in the hands of the central authorities and supporting agencies. Second, community institutions are operating within an already defined legal and policy framework—a framework formulated with insufficient community and Local Government (LG) input. Third, the principles upon which collaborative management is based were not developed out of mutual agreement between the communities and the other partners. National and international conservation and tourism interests, as advanced here by Uganda Wildlife Authority (UWA) and the donor-funded agencies respectively, still override the interests of the local people who bear the biggest share of the costs associated with the park. Communities have no mandate to deal with the most critical problems affecting them as a result of living next to a nationally and internationally significant protected area. Further, even where efforts are made to address community interests, equity problems still prevail due the heterogeneous nature of the communities surrounding the park. Interests of the marginal groups such as Batwa and the immediate border communities are inadequately addressed in the distribution of benefits from the park. The above weaknesses in collaborative management have undermined downward accountability of the local institutions to the communities.

We conclude that two conditions must be met for local government and community participation in the management of nationally and internationally significant resources. One, the level of responsibilities that local populations are assigned should not surpass the fiscal and decision-making powers they acquire or the quality of benefits that they gain in the process. Two, the issue of readiness, willingness and capacity of local government to assume responsibility for conservation of environment has been over assumed by the central government. Local government interests lies mainly in activities that generate revenue and enhance human rights and benefits, not environmental conservation for ecological, aesthetic and other non-consumptive values.

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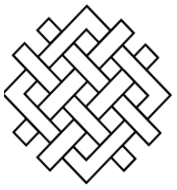

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ACRONYMS

BINP	Bwindi Impenetrable National Park
CPAC	Community Protected Area Committee
LC(s)	Local Council(s)
LG(s)	Local Government(s)
MBIFCT	Mgahinga and Bwindi Impenetrable Forest Conservation Trust
NRM	Natural Resource Management
NEMA	National Environment Management Authority
PA(s)	Protected Area(s)
PEC(s)	Production and Environment Committee(s)
PPEC	Parish Production and Environment Committee
RUG(s)	Resource User Groups
UNP	Uganda National Parks
UWA	Uganda Wildlife Authority

INTRODUCTION

Management of wildlife resources in Uganda, be they national parks, wildlife reserves (savannah and forested) or central forest reserves is still largely centrally controlled by the Uganda Wildlife Authority (UWA) and the Forest Department. Prior to the 1990s, management of these resources was basically by command and control, through a strict law-enforcement or policing approach, which basically protected the resources from the people. However due to economic reforms that have been implemented since the late 1980s, notably the "Structural Adjustment Programs" there have been budget cutbacks leading to fewer staff on the ground. The policing function of conservation agencies thus became unfeasible and ineffective in the face of escalating depletion of natural resources by communities that derive their livelihood from those resources. The command and control approach also created conflict and animosity between local populations and protected area (PA) managers, leading to further destruction by, for example, local communities setting sections of PAs ablaze, or poisoning wildlife.

These experiences are not unique to Uganda. They take different forms of local resistance against exclusion from essential resources in many parts of the world, which contributes to global concern about escalating depletion of natural resources (WRI 2001). This concern has induced new approaches designed to counteract the perceived widespread decline of biodiversity. International agencies and Non-Governmental Organizations (NGOs) have urged Governments to view ecosystem sustainability as essential to human life (Darney 1995, WRI 2001). They argue that if the destruction of the environment is to be checked, re-thinking governance of natural resources is crucial. Arguments have been advanced for decentralized environmental governance that entrusts natural resources management (NRM) with local jurisdictions, namely local governments (LGs) and local communities. Decentralization has become a key element in public sector reforms around the world (Ribot 2001:1). Uganda is often held up as a shining example of decentralization in Africa (Brett 1994; Onyach-Olaa and Porter 2000). In the name of greater efficiency and greater popular participation, the decentralizations taking place in Uganda and elsewhere are changing the system of local governance on which NRM is based.

Thus, in Uganda's wildlife sector, the "Community Conservation" approach to PA management has become the logical means to achieve conservation goals. The approach works through reduction of the animosity between communities and PA authorities and extension of benefits to local communities as incentives for them to assume responsibilities that support national and international conservation interests. "Community Conservation" is used by the UWA as a broad term to describe all work that involves interaction with communities living around PAs. It includes education and awareness programs, conflict resolution to reduce the impact of wildlife on communities and vice versa, consultation to get people's ideas on the best way to manage wildlife and to create a sense among communities that they are perceived as important stakeholders, revenue sharing and collaborative management[1]. "Community Conservation" as an

[1] Collaborative management is broadly defined as "conservation ***with*** people," where local communities gain rights of access to certain resources on state-owned land, through agreements between resource users and the state that indicate

approach to PA management by UWA endeavors to link communities to the PAs and to share with them the [limited] benefits from and responsibilities of wildlife management, which the central government has come to realize it can't fulfil alone, with the ever dwindling human, material and financial resources available. Managing PAs with "community"[2] participation is one of the key strategies of the UWA management style as laid out in the Uganda Wildlife Policy (RoU 1999). This is in contrast to the earlier protectionist and overly centralized management. Improving relations with local communities and district governments and resolving land use conflict are some of the challenges facing conservation of wildlife within PAs (RoU 1999). The Uganda Wildlife Statute (section 15:1) allows the UWA Executive Director to enter into collaborative arrangements with any person for the management of a PA or part of it. As such, Uganda Wildlife Policy (RoU 1999) provides for the collaborative management[3] of resources by UWA and local communities and stresses active promotion of collaborative managment.[4] This includes a program to enlist community support for park management and participation in park management activities. This has meant creating community-based institutions through which communities are supposed to participate in park management. Community institutions used as avenues for community participation in PA management have been created under different names since 1994. The current ones in Bwindi Impenetrable National Park (BINP) are the Community Protected Area Committee (CPAC), the Resource User Groups (RUGs) and to some extent the Production and Environment committees (PECs) that will be described in more detail below.

This paper explores the form that decentralized NRM is taking in Uganda's wildlife sector, taking BINP in the Southwest as an example. We assess the practice of collaborative management around BINP in the context of decentralization in order to determine whether it enhances democratic governance of natural resources. We examine the extent to which local community institutions are able to advance local interests and contribute to decision making on wildlife management. The question we are addressing is: do the reforms within the wildlife management sector guarantee effective local participation in decision making? To what extent can we refer to the reforms within the wildlife management sector as democratic or conforming to the philosophy of political

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the rights and responsibilities of each party. CM is a third stage within the Continuum of Community Conservation that ranges from total control by the state, to PA Outreach ("Conservation ***for*** people") CM and Community Based Conservation (conservation ***by*** people) (Barrow, E. in UWA 2001:6, 10).

[2] "Communities" are social constructs, which in real life are complex and dynamic. Within communities are power dynamics based on class, educational differences, ethnic backgrounds, gender and general socio-economic status that can dictate differential access to resources. Mandondo (2000), Leach (1999) and Sundar (2000) complicate the concept of the "community" that is advanced by environment and development interventions. "Communities" are usually assumed to be ideal units which, if enabled to own, manage and use resources, will lead to better management of those resources. Such thinking not only instrumentalizes the "community" but also is based on idyllic images of fixed and homogeneous groups of people.

[3] Collaborative management is defined by UWA as a *process* whereby the PA Authority *genuinely* shares with *locally resident people benefits, decision-making authority* and responsibility in the effective and *sustainable management* of the natural resources of PAs. The details of this shared management are arrived at through *meaningful negotiation* and expressed in a *written agreement* (The Uganda Wildlife Policy 1999: Appendix 3). In Uganda the agreements usually take the form of Memoranda of Understanding, which are not legally recognized.

[4] Note, however, that the law *enables* the authority but does not *oblige* it to implement collaborative management.

decentralization?[5] Ideally, for reforms instituted under the banner of decentralization to be referred to as democratic, they should involve the transfer of powers and resources to authorities who are *representative* and *downwardly accountable* to local populations (Ribot 2001). Do the institutional reforms implemented within the wildlife management sector and BINP specifically reflect this? Are there social and ecological outcomes that are attributable to these reforms?

We argue that very minimal powers have been devolved to local community institutions. This undermines their legitimacy within the local community, especially when they cannot independently make decisions about matters important to the community. We also demonstrate that central government remains largely unwilling to devolve real "rights" to local communities and LG, and instead passes on "privileges" that are not legally defendable. This undermines the present rhetoric about devolution of decision making to LGs. And because local institutions wield no effective powers and barely control any resources, the possibility of evolving downward accountability is compromised, and instead there is a tendency of local actors becoming upwardly accountable to the central state agencies. We also assert that the Bwindi experience demonstrates that positive ecological and social impact is possible, if the central government were genuinely committed to the reforms.

The paper is based on fieldwork carried out between June 2000 and April 2001 among people living adjacent to BINP. The study also draws on prior research conducted in the area by the same researchers, as well as research carried out by different organizations working in the area. Data collection methods used included key informant interviews, focus group discussions and participant observation. A total of thirty-five individual interviews were conducted. Ten were conducted with local leaders. Twenty-five were conducted with individuals from the general community. Group discussions were carried out: with a group of beekeepers, a group of mixed resource users (beekeepers, basket weavers, and herbalists), a group of representatives of PECs and one with general community members. Four representatives of the central government were interviewed including the District Environment Officer, a staff member of National Environment Management Authority at the headquarters, a staff member of UWA and a Sub-County Chief.

Our main concern in this paper is not to evaluate the impact of local community and LG participation in PA management per se, but rather to consider whether there are elements of democracy, via the participation of local institutions in natural resource governance, being

[5] The term 'decentralization' has been used by various people to refer to a range of institutional frameworks that involve sharing or transfer of powers and responsibilities in varying degrees between different levels of government. In this paper the term is used to refer to an institutional arrangement that is geared towards public participation in local decision making, what Ribot (1999; 2001) refers to as "***political decentralization***" or "***democratic decentralization***." It is characterized by transfer of powers and resources to authorities who are representative and downwardly accountable to local populations. Underlying the logic of decentralization is that local institutions can better discern and are more likely to respond to local needs, due to their proximity that should enable better access to information and make it easier to be held accountable to the local population. When local institutions are downwardly accountable and with powers to make decisions over local matters, then they are believed to be more likely to bring about greater equity and efficiency.

manifest in the new approach. To do this, we use the concepts *interests, accountability and participation* from the perspective of the local communities as users and beneficiaries of the forest resources as well as the key partners in forest management. Because democracy is about having a certain degree of self-determination and control over decisions being made on behalf of the population in question, taking the perspective of the local community is important in evaluating its presence. It is important to consider interests of the local communities as represented through decentralized local institutions. Following this approach we examine decision-making process to determine the extent to which decisions made are community driven and reflect community interests.

The case was selected for two reasons. One is that BINP is the first National Park in Uganda where the collaborative management approach to park management was tested and it is still in practice. The second is that Bwindi Impenetrable and its sister park Mgahinga National Park (MGNP) were the first parks around which a program of LG participation in park management and decision making were established through a clearly defined institutional framework. This model was used as a pilot program and its experiences were relied on during the drafting of the official UWA policy guidelines for community and LG participation in PA management, enshrined in the "Community-Protected Area Institution Policy" (UWA 2000c).

The paper starts with a general introduction in part one. Part two describes the process of natural resource appropriation by the central government that resulted in alienation of local communities from natural resources they considered. This phenomenon is described as it unfolded in BINP. We give a brief historical account of the changing relationship between the people and the Bwindi forest, which resulted from the changing management interventions by the central government agencies. The history of alienation of the people from natural resources led to deleterious conflict, which in turn necessitated the adoption of approaches geared to community participation or collaborative management. Part three thus lays out the theoretical arguments that have been advanced in support the "community participation" paradigm and decentralized natural resource management. Both were advanced as solutions to the problems arising from the "protectionist" approach to environmental management. This section also maps out the political and administrative context of environment decentralization, with particular reference to the areas around BINP. The key actors are described. Part five analyses the local-level institutions involved in collaborative management, giving their official roles and interrelationships. The fifth part the paper analyses the powers wielded by local actors (community institutions) legally and in practice, vis-a-vis the powers wielded by the central government and conservation agencies. The sixth part of the paper briefly examines the potential ecological impact of the present attempts to democratize environmental management, though collaborative management. We conclude in part seven by stating some conditions we believe to be necessary for effective LG and community participation in NRM.

NATURAL RESOURCE APPROPRIATION BY GOVERNMENT

Bwindi Impenetrable National Park (BINP)

BINP is located in South Western Uganda, situated on the edge of the Western Rift Valley occupying the highest elevations of the Kigezi Highlands. The park borders the Democratic Republic of Congo. BINP is located in Kabale, Kanungu, and Kisoro Districts.
Bwindi Forest was first gazetted as a Forest Reserve in 1932 and as an Animal Sanctuary in 1964. It was gazetted under the name Impenetrable Central Forest Reserve. According to some informants, in the 1960s some local people protested the use of the word "impenetrable" because they perceived it to mean that people would not be allowed access to the forest.[6] This protest is said to have been championed by a local chief called Kinaba. According to Hamilton[7] the name was changed to Bwindi Central Forest Reserve by a Norwegian forest officer acting as District Forest Officer for Kigezi District in the late 1960s, because to him the word "impenetrable" seemed too foreign. However the reason for his choice of "Bwindi' in the name are not known, but could be related to the local use of the name referring to the *Obwindi* swamp.

Up to 1991, BINP was managed as both a forest reserve and game sanctuary, under the joint management of the forest and game departments. In 1991, it was gazetted as BINP, occupying an area of 330.8 square kilometers. This was after conservationists realised that the forest represented a vital refuge for some of Uganda's rarest and most unique flora and fauna. The park was listed as a World Heritage Site in 1994 according to the World Heritage Convention of 1972 to which Uganda is party. Areas around BINP are some of the most densely populated in Uganda, with between 102 and 320 persons per square kilometer (1991 Population & Housing Census). Ikumba Sub-County where this research was carried out is one of the earliest settled and most densely populated areas in Kabale District (UNP 1995). This has implications for the resources inside and outside the parks. As population increases, land and other essential resources become scarce and people's dependence on the park resources increases. Factors that have attracted people to this area include its fertile soils (currently seriously degraded because of over-cultivation and soil erosion), a conducive climate, and the forest itself. The forest attracted people because of the livelihood options it offered, namely opportunities for exploitation and trade in forest resources, including timber, alluvial gold, game meat, wolfram and other metals that were locally smelted by black smiths, bee keeping, cultivation, wild foods, and wood for carving and other craft materials. Reports from our respondents indicate that most of the areas now settled by people were once covered by forest, which have been cleared, leaving relics such as BINP, Mafuga and Echuya Forests. Settlement in this area seems to have started about the first decade of the 20th Century. The impacts of settlement on the forest cover have been documented by Butynski (1984) who states that by 1983, only 20 percent of the forest outside the boundaries of Bwindi Impenetrable

[6] Since names are socially constructed, the word "impenetrable" could mean more than the obvious. Of course the name could refer to the thickness of the forest, which, combined with the hilly terrain makes sections of the forest inaccessible. But it may also have been coined to deny some sections of the community access to the forest, just as it was mentioned in passing in the oral history study (Namara et al., 2000).
[7] Personal communication with author. Alan Hamilton has carried out extensive research in Bwindi Forest since the 1960s.

Forest Reserve still existed (it was gazetted as a national park in 1991). The rest had been cleared for settlement.

The populations around BINP are primarily agricultural people, with a few households owning few numbers of livestock. Traditionally, before the forest was gazetted as a national park, they also carried out logging/pit sawing, hunting in the forests, and mining was also a major economic activity in Bwindi Forest. Beekeeping is also a common secondary activity that has traditionally been carried out in and around the forest (UNP 1995).

The Process of De-Linking Local Communities from Bwindi Forest

An earlier study carried out among communities around BINP (Namara et al. 2000) revealed that gradual changes in the management approaches to Bwindi Forest have altered the way people relate to the forest. Increased control and protection of the forest by the state agency created a sense of alienation among local communities. This section of the paper explores the systematic manner in which the people's relationship with the forest has been shaped by a series of management interventions by the government that subsequently influenced communities' attitudes to the forest and those who manage it. We demonstrate that the protectionist and top-down style of forest management that was introduced since the 1930s gradually weakened people's rights over the forest and changed their perception of their relationship with the resources.

People around BINP refer to three historical eras in the history of the management of Bwindi Forest: the pre-gazetted era, the Forest Reserve era, and the National Park Era. The pre-gazetted era was marked by the absence of a forest boundary and that was when people had unlimited access to forest resources, an era that some people remember with nostalgia:

> A long time ago we used to get all the resources we wanted from the forest with no one stopping us. We would cultivate in the forest fringes, hunt and trap animals in the forest, make beehives and lay them there, cut large trees to convert them into timber and mine gold. All that is no more. (Mariro Sadayo, Kitojo Parish, October 1999 quoted in Namara et al., 2000)

It is during that era that the people felt the forest was completely "theirs" because there was no management and control from outside the community. But some of the respondents believed that if the forest had not come under some form of management, most of it would have been cleared by now. The second era is the forest reserve era after 1938 when the first forest boundary was marked by planting exotic trees along the government prescribed boundaries. During this time, people did not even understand clearly why the boundaries were being created. This era marked the onset of the state-sanctioned resource-access regime and the reduction of community control over the forest.

> We were told that the boundary was created to protect the land for us in future. But we did not understand what this meant. Stations were created at various

> points in the forest where we asked for permission to get products like wood. Permission would be granted. Everyone who could afford the permit could cut timber. Hunting was not monitored, except for large animals like buffaloes. We continued to hunt secretly, and if we met the forest guards, we would give them some meat and they would let us go. This went on until the national park was created. (John Batanyenda, Kitojo Parish, October 1999 –cited in Namara et al., 2000:19)

Although permits were issued for pit sawing and cutting trees for other purposes, illegal wood harvesting continued. In this era, hunting, collection of forests products and cultivation inside the boundary continued.

The third era began with the declaration of the area as national park in 1991. This era was characterized by introduction of stringent policing of the forest, a system that some of the local people have perceived to be benefiting mainly foreigners. For instance, one Mutwa[8] informant (Yakobo Bandutsya, Mpungu Parish, September 1999), when asked if he had noticed significant changes in forest management, said, "The change I know of is that we have been denied access to the forest resources. We are told that the forest is important because it brings rain" (Namara et al., 2000:21). The Batwa as a group which had predominantly depended on the forest for their survival have been adversely affected by the forest protection regimes that de-linked them from it, and no longer consider the forest as "theirs," but "the government's" (Namara et al., 2000:44). Whereas some local people have come to accept the arguments that sustaining the park is important for protecting endangered species, moderating climate and generating income for general development, others think it is basically a way of protecting the mountain gorilla (locally known as *engagi*) and the flow of central government revenue from gorilla-based tourism that has become internationally renowned. According to this view, protection of the park is essentially protection of government and conservation agencies' interests of conservation and tourism, interests that tend to override those of the communities such as access to resources and protection of their crops from damage by wildlife. They perceive the treatment accorded to gorillas as a *Bazungu*[9] creation, which disregards the stake of local communities in the forest resources. The following quotation from a community member illustrates this feeling about their restriction from the forest resource access: "The forest used to be ours, we blacks**.** But it was closed to us and became a forest for *Bazungu*" (Namara et al., 2000:48). Therefore, the main problem facing BINP since it was gazetted in 1991 has been the conflict of interest over land use; the denial of the communities' desire to utilize the resources. Besides restricted access to the forest resources, people also incur losses (crops, livestock and occasionally human lives) by wildlife. The increased restriction from the forest by government created hostility between the park authorities and communities around the park.

To mitigate against some of the above negative sentiments and reduce the pressure the communities were exerting on the forest, a community conservation program that was meant

[8] "Mutwa*"* is the singular form for "Batwa." They also refer to themselves as "Abayanda." These are the pygmies that once lived in Bwindi and other forests in Western Uganda. Since Bwindi Forest was gazetted as a national park, they now live at the forest fringes. Some have been resettled by various organizations; others are still land-less squatters.
[9] The word is generally used locally to refer to white people.

to address community needs around the conservation of the forest has been implemented by UWA in partnership with CARE International, the Mgahinga and Bwindi Impenetrable Conservation Trust (MBIFCT) and the International Gorilla Conservation Project.[10]

THE "COMMUNITY PARTICIPATION" PARADIGM

In the context of the growing social and political conflicts over dwindling resources in many parts of the developing world, a number of researchers, policy makers, NGOs, and development agents now support local community involvement in natural resource management. International institutions and non-governmental organizations often identify democratization and environmental protection as the key policy goals. They often assume that accountable, democratic governments are those pursuing sustainable development based on sound NRM, defined as deeply entrenched local participation, which they believe to be opening the way for greater "environmental citizenship" (Walker 1999; Mugabe and Tumushabe 1999).

The emphasis on community based resource management is popular among the current debates on sustainable management of natural resources. The main argument is that community based resource management is characterized by empowerment and control of forest resources by the community, which in turn leads to efficient, effective, equitable and sustainable forest management (Gambill 1999). In this discourse there is a presumed positive link between increased participation, democratic governance and improved forest resource management.

According to Barrow and Murphree (2001:32), community based resource management or community-based conservation (CBC) is characterized by the highest form of community participation in conservation along the community conservation continuum, that ranges from Protected Area Outreach, collaborative management, to community based resource management. In community based resource management the focus of conservation is on sustainable rural livelihoods, with communities controlling the resources which are conserved as an element of land use. Community based resource management is mostly practiced in Southern Africa (Namibia, Zimbabwe). Protected Area Outreach as an approach is centered on conservation of ecosystems and biodiversity on state-owned land, with the state in charge of decision making about resource management. This is common in East Africa. Collaborative management is in the middle position, centering on conservation with some rural livelihood benefits, on state-owned resources. It is common in East and some Southern African countries.

Collaborative management spread across Africa in the late 1990s. Uganda began adopting this approach in 1993 around BINP, and by 1996 collaborative management initiatives were implemented in other PAs such as Mount Elgon, Kibale, Mgahinga Gorilla and Murchison Falls National Parks (UWA 2001). The collaborative management approach recognizes the

[10] IGCP is involved in gorilla tourism and protection in Bwindi and Mgahinga and the other Volcano National Parks in Rwanda and Democratic Republic of Congo. It has supported the tourism industry in the two parks, and has to some extent supported the development of community based tourism.

multiple interests in resource management and various interested parties are supposed to work together on a mutual basis (RoU 1999).

Critics have raised concerns about the over-simplification of community participation in NRM as a sustainable mechanism of NRM (Ribot 2001; Gauld 2000; Woodhouse 1997; Noss 1997; Therkildsen 1993; Leach 1999). The main arguments arising from this discourse include: first, concern that without adequate and appropriate institutional forms and powers, community participation may not deliver expected benefits such as efficiency, equity, improved service provision and development (Ribot 2001); second, that due to the differentiated nature of the communities, community involvement may benefit certain elite, social classes and ethnic groups while other resource users are marginalized thus ruling out equitable benefits, as communities are more dynamic and highly differentiated than assumed (Leach 1999).

The Logic Behind Decentralized Natural Resource Management

Collaborative management is itself located in a wider set of "decentralization" policies. Uganda is one of the countries that have embraced decentralization. Government has devolved some of the powers and responsibilities to the local authorities including those governing management of natural resources.

Agrawal and Ribot (1999) define effective decentralization as the establishment of a realm of local autonomy by meaningfully empowering local authorities with decision-making powers and resources to act on them.[11] Effective decentralization is based on systems where there are locally accountable and representative bodies with powers over resources and decisions. Transferring resources into a highly inequitable local social context (regionally, by gender, between the poor and the elite) without strong forms of representation and accountability leaves these reforms prone to capture by influential or elite groups who can further disenfranchise the weak and poor. Such reforms may be called decentralization, but they are not.

In the area of NRM, the first step in devolving government responsibilities is to recognize local institutions as legitimate actors in the governance of natural resources and empowering them to manage the resources at their levels in aspects that have been decentralized. This in turn should make them accountable to the users of these resources. Establishment of local institutions in NRM has been viewed as a critical requirement for community involvement in conservation (Barrow and Infield 2000). One of the aims of decentralization is to democratize society through representative decision making. However the process of democratization is never adequately completed. As a result the local institutions are not as representative as assumed. Central authorities only

[11] Ribot (2001) emphasizes that democratic decentralization is about rights that LGs can exercise on behalf of their constituencies, it is about enfranchisement and democratization. He (1999, 2001) also shows that the term 'decentralization' is often used to refer to reforms and programs that are designed to retain central control, some of which should instead be called "de-concentration," a system where local actors perform centrally defined functions in the local arena. This is the form that many programs in the name of decentralization tend to take. Local democracies are created but given no powers, or powers are devolved to non-representative or upwardly accountable local authorities.

decentralize responsibilities not powers, in which case the communities have no powers to decide on critical issues.

Institutional arrangements for Wildlife Management in Uganda

With decentralization, LGs assumed core responsibilities formerly undertaken by the central ministries. In the wildlife management sector, three levels of LG (District, Sub-County and Parish) have been targeted for participation in the management of PAs at the local level. Apart from LG, the institutional arrangements for NRM include the National Environment Authority (NEMA), and sectoral organizations such as the UWA and the Forest Department. At the central level, NEMA has been mandated through the Environment Statute (RoU 1995a) to deal with all matters related to NRM, with emphasis on collaboration between central and LGs in the management of natural resources through Local Environmental Committees. The Uganda Wildlife Statute (RoU 1996) gave a mandate to UWA to manage wildlife in the county on behalf of the people of Uganda and the international community. The statute also introduced the idea of popular participation in wildlife management through wildlife committees designed to advise UWA on the management and utilization of wildlife within local jurisdictions. Managing PAs with community participation is one of the cornerstones of the Uganda Wildlife Policy (RoU 1999) and is to some extent reflected in the current PA management approach. This is hoped to improve relations with local communities and district governments and resolve land use conflict. However, the approach is not yet fully appreciated by all PA managers, some of whom still uphold and practice the "command and control" approach to PA management.

In areas of high biodiversity importance, the process of enlisting LG and community participation in resource management often attracts varied concerns and interests, mainly of central and LGs, national and international conservation bodies. This is very well demonstrated in the two Ugandan gorilla national parks.[12] Activities within BINP and Mgahinga Gorilla National Park have brought together the local community, LG, and the national and international community interests, which sometimes are not in harmony with local community aspirations and have far reaching effect on the outcome of decentralization of NRM governance. National interests (and to some extent the interest of donors) are represented by UWA and NEMA. The donor and international community interests are represented by organizations such as the DANIDA-funded (previously USAID-funded) CARE-Uganda's Development Through Conservation (DTC) Project, the Mgahinga and Bwindi Impenetrable Forest Conservation Trust (MBIFCT) which is a World Bank-GEF initiative, the International Gorilla Conservation Program (IGCP) that works in Uganda, Rwanda and the Democratic Republic of Congo with its main mandate being the conservation of the mountain gorillas, and the Institute of Tropical Forest Conservation (ITFC) mandated to carry out ecological research in BINP and Mgahinga Gorilla National Park. DTC is an Integrated Conservation and Development Project with the aim of contributing to the conservation of Bwindi and Mgahinga Forests by raising the

[12] BINP alone hosts about half of the world's population of the endangered mountain gorilla (total population estimated at about 650- UNP 1995). The other half is within the Virungas along the confluence of the Uganda-Rwanda-Democratic Republic of Congo. MGNP is the Ugandan part of the Virungas.

economic standards of living of surrounding communities and supporting park management. The project has existed since 1988. MBIFCT is organized in the form of a trust fund for BINP and Mgahinga Gorilla National Park. MBIFCT started in July 1995 with the objective of conserving the biodiversity of the two parks and in the process providing benefits to the surrounding local communities.

Community interests are supposed to be represented in collaborative management by local institutions. For the districts surrounding BINP and Mgahinga Gorilla National Park, the park administration in partnership with district LGs and NGOs developed institutional arrangements for collaboration through a process that started in 1996. The process involved meetings of the Parish (LCII) representatives, who then elected representatives to the Sub-County Production and Environment Committees (SPEC) a sub-committee of the Sub-County Council. At parish and village levels, LCII and the village council (LCI) executive committees operate, on an ad hoc basis, as Parish Production and Environment Committees (PPECs) and Village Production and Environment Committees (VPECs) respectively. The PPEC members in turn elected Community Protected Area Committee (CPAC) representatives (on parish basis) from among themselves. PECs are sectoral committees of the LCs, and in areas around BINP they are closely linked with other institutions that have been initiated with the purpose of facilitating community participation in the management of national parks and benefit sharing. These include: CPAC—created for those communities neighboring the national parks; and Multiple Resource User Groups (RUGs) such as Beekeepers Associations, which are basically groups of local people allowed to harvest park resources on a controlled basis. Thus PECs, the CPAC and RUGs are the official structures through which collaborative management is organized around BINP. A detailed description of how the committees were officially established and how they are officially linked will be given below in the analysis of actors.

The Political and Institutional Set-up Around BINP

Worah et al. (2000) represents the political-administrative context for the management of BINP in three categories: statutory, supportive and civil institutions see Table 1.

Table 1: Categories of Institutions

Category	Institutions
STATUTORY INSTITUTIONS (interests and mandate defined legally)	NEMA, UWA, BINP, the MBIFCT-LCSC[13], District LGs, PECs.
SUPPORTIVE INSTITUTIONS (mandate in this context is mainly to support UWA and LG in implementing NRM objectives)	International NGOs (CARE International, IGCP, ITCF[14]), Local NGOs
CIVIL COMMUNITY INSTITUTIONS	CPAC, Resource User Groups/Societies, and other community groups

[13] The Local Community Steering Committee (LCSC) is sub-committee MBIFCT at sub-county level. This committee promotes community participation in the management and activities of MBIFCT.

[14] The Institute of Tropical Forest Conservation (ITFC) undertakes ecological research and monitoring of Bwindi and Mgahinga National Parks. It is particularly involved in resource assessment in areas proposed for community resource harvesting, and monitors resource off-take in these areas.

Source: Worah et al., 2000:25

Of the institutions active in the management and use of BINP, the most relevant for our discussion of community participation in NRM are, the LG, NEMA, UWA, MBIFCT, CARE International, the PECs, the CPAC and RUGs. In this section we describe the larger political administrative context as well as these key institutions, and then analyze them with respect to the actors involved, powers they hold and accountability relations they are located in.

The Local Government (LG)

Ugandan LG is organized into five-tier local-government levels. At the top is the District, which is the highest level of LG. Below the District is the County or Municipality in the rural or urban settings respectively, which is essentially an administrative unit. The Sub-County, the second level of LG, follows this. Below are the Parish and Village levels. Except for the county level, each level has a council of elected representatives. The Local Government Act of 1997 decentralized many functions of government to the District (LC5) and Sub-county (LCIII) LGs. These include income tax collection, service provision and aspects of environment management.[15]

The LG system has both executive and legislative functions. Administrative functions are exercised through a hierarchy of employed officials starting with the Chief Administrative Officer (at district level), through to the Assistant Chief Administrative Officer/County Chief, to the Sub-County Chief and running down to Parish Chief at parish level. These Chiefs are also accounting officers. There is no chief at village level. Legislative functions are exercised through a hierarchy of elected representatives within LCs, running from the LC5 (district level) down to LCI (village) level. The LG provides the context in which all other organizations involved in NRM at the local level are supposed to operate.

National Environment Management Authority (NEMA)

The National Environment Statute (RoU 1995a) established the NEMA under the Ministry of Lands, Water and Environment. NEMA implements the Environment Policy (1994) enforced through the National Environment Statute (1995). In consultations with other lead agencies, NEMA issues guidelines and prescribes measures specifying appropriate arrangements for the management of natural resources and the environment. Environment management is decentralized, but NEMA emphasizes the need for collaboration between the central and LGs in the management of natural resources.

NEMA has been instrumental in the establishment of Local Environment Committees in the country. District and Local Environment Committees were established by the National Environment Statute to ensure community participation in environment management decisions and the safeguarding of their livelihood (RoU 1995a).[16] In many

[15] Section 31(b), subject to the 2nd Schedule of the Local Government Act lays out the functions and services of the Local Government. Responsibility over National Parks is retained by the central government (RoU 1997).
[16] Section 15-17.

districts, NEMA, in collaboration with district governments, other sectoral organizations (e.g. UWA, Wetlands Inspection Division, Forest Department), conservation NGOs and sub-county governments have initiated the formation of environment committees at the various levels of LG. In Kabale, Kisoro and Rukungiri Districts these committees were initiated in 1998. In areas around Bwindi Impenetrable and Mgahinga Gorilla National Parks these committees are called "Production and Environment Committees" (PECs). In other areas, they are called "Local Environment Committees." PECs will be discussed in more detail below.

Uganda Wildlife Authority (UWA)

The UWA was created through a merger between the Uganda National Parks (UNP), which was a government parastatal body in charge of national parks, and the Game Department, which was in charge of Game Reserves. Some of the parks under UWA were formerly forest reserves under Forest Department jurisdiction. As forest reserves, the community had access to resources, including timber products. When they were gazetted as national parks, access to the resources by communities was stopped, creating conflict between communities and park managers. As a result, UWA shifted its PA management strategy towards community participation in wildlife management, with the adoption of the 1996 Uganda Wildlife Statute (RoU 1996).[17] The statute provided for "wildlife committees" that are supposed to advise UWA on the management and utilization of wildlife within local jurisdictions. The Uganda Wildlife Statute (1996) provides for community participation in the management of resources with UWA.[18] Community institutions, which are used as avenues for community participation in PA management, have been created under different names since 1994. Currently, policy guidelines for the establishment of Community Protected area Institutions are in place, and institutions are already established around various PAs.

Activities to enlist community participation (whether genuine or not is subject to analysis) have been implemented in most national parks where communities are supposed to have a say in management and to gain a share of benefits accruing from these PAs, which include revenue sharing and controlled access to forest resources. The Wildlife Statute[19] states that the UWA is obliged to pay 20 percent of the PA entry fees to the LG of the area surrounding the PA from which fees are collected. These funds are supposed to go to projects identified by communities themselves. In addition to funds collected from entry into PAs, (which are still limited due to the low level of tourism in the country), conservation organizations and donors that support UWA have also provided funds that are used to fund community projects to provide tangible benefits of conservation. The issue that arises with donor funded and project-based support to communities is that it lacks sustainability when projects end.

[17] Section 13.
[18] Section 26 sub-section 2.
[19] Section 70 sub-section 4.

The Mgahinga and Bwindi Impenetrable Forest Conservation Trust (MBIFCT)

MBIFCT is an initiative of the World Bank—Global Environmental Facility that is organized in the form of a trust fund for Bwindi Impenetrable and Mgahinga Gorilla National Parks. MBIFCT started in July 1995 with the objective of conserving the biodiversity of the two parks and in the process to provide benefits to the surrounding local communities in the districts of Kabale, Rukungiri and Kisoro. Activities of the trust are implemented within a radius of two parishes from the PA boundaries. Sixty percent of the trust funds are meant for local community projects and other public awareness activities. Funding of community projects is aimed at providing alternative means of meeting needs that were originally met by harvesting of forest resources. Projects funded must demonstrate conservation benefits to the two parks (UNP 1995).

Among its activities, the Trust has constructed schools and health units, and provided land and other services to the Batwa, one of the marginalized groups of people previously most dependent on the forest. Between 1995 and 2000, about 30 infrastructure projects (classroom blocks, and health units) were implemented. In addition, beekeeping and passion fruit farming by a few farmer groups have been supported. MBIFCT has, together with the district LGs and CARE, facilitated the process of institutional development among the communities that culminated in the formation of PECs and the CPAC.

CARE International—Development Through Conservation (DTC) Project

The DTC project implemented by CARE International was initiated in September 1988 from a project concept developed by the Impenetrable Forest Conservation Project (IFCP) and CARE during 1987, and received funds from USAID through the World Wide Fund for Nature (WWF) to carry out its activities. It was planned as a ten-year project. DTC is an Integrated Conservation and Development Project (ICDP) with the aim of contributing to the conservation of Bwindi and Mgahinga Forests by raising the economic standards of living of surrounding communities. The project activities have included sustainable agriculture interventions, education and training of staff and local community groups in agriculture and conservation, and problem identification within local communities. DTC also offers park management some technical, training and capital development support (UNP 1995). DTC has been a major actor in the implementation of the multiple-use program, under which communities and UWA sign memoranda of understanding to enable communities access some non-timber forest resources from the park on a sustainable basis. The DTC project has undertaken conservation education, education on sustainable agricultural practices, provision of improved seed varieties for beans, potatoes and vegetables, provision of tree seeds and seedlings. It also encourages small livestock keeping and, recently, has been instrumental in the initiation and facilitation of community institutions (PECs, and CPAC). This is a venture that DTC undertook together with the District LGs, UWA and the MBIFCT.

In this section we have described the roles played by the various actors, their interests and how they are linked within the central and decentralized structures. Apart from the LG, the main interest of the other actors such as NEMA, UWA, CARE and MBIFCT are basically

conservationist, emphasizing national and international interests in local resources. Community development and participation in NRM is sought to advance conservation goals and community interests are advanced as long as they meet conservation objectives.

ANALYSIS OF ACTORS: KEY LOCAL COMMUNITY INSTITUTIONS

In this section we present the key local community institutions that ostensibly represent and include local people in environmental decision making. Here we describe each committee's official functions and how their members are officially chosen. The functions they have and manner in which they are constituted is critical for the understanding of powers they hold and their accountability relations.

The key local institutions of our analysis are the CPAC and the RUGs, with particular focus on the Nyamabare Beekeepers Group as a case study. However, other two institutions will be briefly discussed, namely the PECs and the defunct Park Management and Advisory Committee (PMAC) due to their present relationship (with PECs) and historical (to PMAC) linkage with the CPAC and the RUG.

The Link Between PECs and CPAC

In the districts surrounding BINP and its sister park Mgahinga Gorilla National Park, UWA together with the District LG and partner organizations developed an institutional framework for local participation through a process that started in 1996. In 1998 the PECs were set up within the LG system. PECs are important for our analysis of community participation in NRM because they form the framework through which other structures have been initiated with the purpose of facilitating community participation in the management of natural resources and benefit sharing. These include the CPAC (which is an institution through which border communities participate in the management of PAs) and the RUGs (which are basically people from local communities allowed to harvest some park resources).

The initiators of PECs (NEMA, UWA, District and Sub-County Local Governments and Conservation NGOs) believe that: 1) they will improve co-ordination among actors involved in NRM and reduce conflict, especially at the community level; 2) simplify planning and optimize utilization of human and financial resources within the LG system thus ensuring sustainability; 3) facilitate real community participation in planning for environment and production, and tap financial resources available to the LG for their efficient operation; and 4) ensure community ownership of the local institutions through their linkage with the LG, that is, through being constituted from the popularly elected local councils (LCs). This has been achieved, at least to some extent (UWA 2000c), as will be shown below. But the issue of tapping on LG resources has been problematic, as will be demonstrated below.

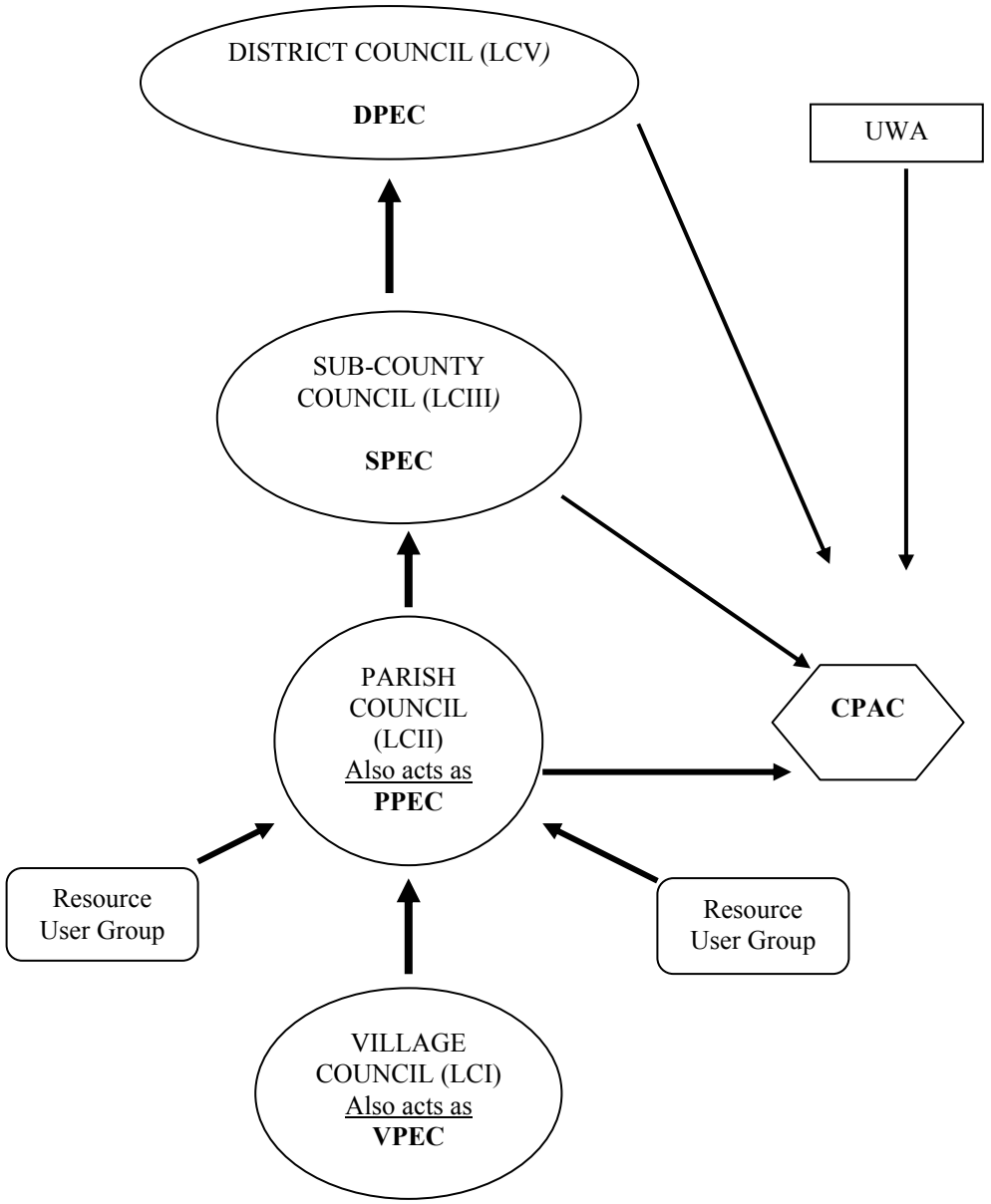
PECs are functional committees within the LCs, established in consideration of the decentralization and environment policies. In the area of study, the district-level committee is called the District Production and Environment Committee (DPEC), while the Sub-County has the Sub-County Production and Environment Committee (SPEC).

The Local Government Act (RoU 1997) stipulates that district and sub-county governments are LG units, and that the District Production and Environment Committee and Sub-county Production and Environment Committee are sub-committees or sectoral committees of councils. At the Parish level is the Parish Production and Environment Committee (PPEC) and the Village Production and Environment Committee (VPEC) at village level. At parish and village levels, which are not LG but administrative units, LCII and LCI executive committees on an ad hoc basis operate as PPECs and Village Production and Environment Committees respectively. However they co-opt interest groups and technical staff in the area of environment and NRM. All committees are committees of the councils, and therefore supposed to be accountable to the councils.

PECs are instituted within the LG system to facilitate bottom-up planning and management of natural resources with the active participation of local communities. Their tenure of office corresponds to that of LCs, meaning that there will be elections of PECs every four to five years. The District Production and Environment Committee formulates and develops District-based policies on production and sustainable environment management and co-ordinates all activities of the District Council in matters relating to the environment, natural resources and production. It also ensures that environmental concerns are integrated in plans and projects approved by the District Council. The District Production and Environment Committee also integrates the sub-county action plans into the District Production and Environment Action Plan, which then feeds into the District Development Plan. It also prepares the annual District State-of-the-Environment Report.

Membership of District Production and Environment Committee includes elected district councilors and appointed authorities. The elected members include the District Secretary for Production and Environment who is part of the District Executive nominated by the District Chairperson from the District Council and approved by the District Council. Heads of relevant district technical departments such as the District Agriculture, Environment, Veterinary, Fisheries and Forest Officers are also members of the committee. The ex-official members include representatives of the Chief Administrative Officer, who is a public servant employed by the District Service Commission, the Resident District Commissioner (RDC) appointed by the president and acting as the president's representative in the District. In Kabale District the District Council has incorporated representatives of NGOs such as CARE International because of their involvement in the environment sector. They have also incorporated members from Central Government institutions that the District Council considers relevant in the environment sector, such as UWA since the district contains BINP.

Diagram 1: Interrelationships between the PECs, the Resource User Groups and the CPAC.



Note: The arrows indicate the flow of membership of the different institutions

The roles of Sub-county Production and Environment Committees are similar to those of District Production and Environment Committee, except they have additional roles of conducting mobilization, education and awareness campaigns, plus acting as entry points for external agencies to reach local communities. In Kabale District most environmental interventions are implemented from the sub-county level. The Sub-county Production and

Environment Committee is composed of elected sub-county councilors, heads of departments from relevant sectors, the Sub-County Chief, one PPEC member from each of the constituent parishes, relevant NGOs and other institutions or individuals deemed relevant by the Sub-County council. The sub-county chairman nominates the Secretary for Production and Environment, who is the approved by the council. The council also elects other Sub-county Production and Environment Committee members from the Sub-County Council. Heads of departments (e.g. Agriculture, Veterinary, Forestry) are automatically co-opted.

Likewise, the prescribed roles of PPEC do not differ much from those of the above committees. But in addition they are supposed to undertake two significant roles, namely: to act as a forum for collaboration with the management authorities of PAs, and to negotiate agreements on benefit sharing. They are also supposed to identify suitable projects for funding under the UWA revenue sharing program (see above) and those funded under MBIFCT and to monitor their implementation. They should also resolve conflict and assist with law enforcement. In addition, through their link with the CPAC (see below), they act as an avenue for community participation in the development of PA management strategies.

The Community Protected Area Committee (CPAC)

The CPAC[20] (or CPI as the institution is referred to in the UWA policy guidelines –UWA 2000c) was instituted to represent the interests of all parishes bordering the PA. Its membership is drawn directly from Parish-level LG. Each PA is supposed to have one CPI and depending on whether one or more districts surround the PA, its membership will be drawn from one or more districts. Around BINP the institution is inter-district because three districts surround the park. The inter-district nature of this institution makes it unique, in a context where district governments emphasize their autonomy. As will be discussed below, its inter-district nature is a constraint for its facilitation.

The CPAC replaced the Park Management and Advisory Committee (PMAC) that was initiated in 1993/4 under Uganda National Parks. The two institutions differ in the objectives for which they were formed, their mandate, membership and mechanisms of feedback to their constituencies. PMAC was criticized for being primarily an institution to advance the interests of Uganda National Parks (and later UWA). Its membership was also detached from the existing LG structures, and it had no clear channels through which community representatives gave feedback to the communities. The experiences of PMAC were useful in the conception of the UWA policy guidelines on community institutions, which tried to guard against the factors that caused PMAC to fail. The CPAC institution was thus meant to be "genuinely created and managed" by the LG and communities, to represent and advance community interests in PA management. Its membership is drawn

[20] Note that "CPAC," as the name of this institution is area specific. It is used only in the areas around Bwindi Impenetrable and Mgahinga National Parks. These are also the only parks where the institution was already in place by February 2001. It was created before the official UWA guidelines on the institution were in place, and the experiences gained here were useful in drafting the guidelines. Once formed around other PAs, it will officially be known as the Community Protected Area Institution (CPI) according to the UWA policy guidelines (UWA 2000c).

from existing LG structures that also provide institutionalized channels of feedback to local communities (Blomley et al. 2000:5).

PMAC was legally abolished when the Wildlife Statute was enacted in 1996, but actually disbanded in many PAs much later, because it had no legal backing (was not provided for in the law) and had turned out more as an institution representing park interests rather than community interests (See Namara and Infield, 1998).

CPAC Composition and Representation

CPAC membership is drawn from parishes that touch the PA boundaries. Members are elected by the PPEC (described above), and they may or may not be PPEC members, but report to the LCs through the PPEC, which is the LC council, plus co-opted members. About one to two members are appointed from each parish that border the park, and join together to form the CPAC. The UWA Policy Guidelines on Community Protected Area Institutions calls for one third of the members to be women. Apart from the parish representatives, the CPAC has a representative from the Sub-county Production and Environment Committee, the District Production and Environment Committee, the Local Community Steering Committee,[21] and UWA. In turn, CPAC is represented on PPECs of Parishes neighboring the PA. Since CPAC members are appointed by the PPECs of their Parishes and report to them, it implies that PPEC is the legal body for decision making at the lowest level. This formal linkage of CPAC to PECs gives it the mandate of LGs, but also avoids conflict of roles, redundancy, confusion and inefficiency that could arise if separate parallel institutions were created (UWA, 2000c).

Key roles Community Protected Area Institutions were laid out in the UWA Policy Guidelines on Community Protected Area Institutions (UWA 2000c: 12) as providing an avenue for communities living adjacent the PA to co-ordinate and present their interests to park management and providing an avenue for park management to present their interests in a coordinated way to communities living adjacent the park and seeking their active participation in park management. The committee is also supposed to play an advocacy and brokerage role between the communities and the management of the park and, where appropriate lobby conservation bodies of the state at higher levels, and provide an avenue for discussion and negotiation on benefit sharing programs. In particular the CPAC is expected to screen and select parish level projects for funding under the UWA revenue sharing program and to identify any excessive conduct of the park staff and report this to park management. The extent to which the CPAC has been able to play these roles is subject to analysis, and will be part of the discussion below.

Resource user groups

Communities around BINP access some park resources under what is referred to as the "Multiple Use" program. In Uganda, there has been a significant shift from the traditional exclusive management style of national parks which allows no extraction of resources, to collaborative management under which communities are allowed to participate in PA

[21] See description in Table 1

management, albeit to a limited degree, and reap benefits from PAs, including sustainable access to resources. In 1991 the Board of Trustees of the Uganda National Parks (now UWA) granted permission to BINP management and supporting partners to formulate arrangements with communities to allow beekeepers, on a pilot basis, to resume bee keeping activities inside the park, an activity that started in 1992. The program was later expanded in 1993 to allow more activities including access to medicinal plants, basketry materials, seedlings of indigenous tree species and bamboo rhizomes to plant on farms and spiritual/cultural sites. The process of identification of allowable uses of forest resources for harvest was long and complicated by power play and divergent interests of communities and park management as has been documented by Blomley (2001). This will be further discussed below. In exchange for access to resources, UWA expects RUGs to use resources sustainably, to monitor and report illegal access to PA resources, and to assist in emergencies such as forest fires.

After UWA, together with the CARE-DTC Project, created RUGs, it was realised that they were operating in an "institutional vacuum," due to the lack of linkages to LG structures, a fact that could jeopardize the long term sustainability of these groups, and could potentially restrict wider acceptance of their legitimacy and long-term survival. Consultations between CARE, UWA and the lower-level LG structures resolved that user groups needed to develop a formal linkage with parish structures through the PPEC, with the chairperson of the various user groups becoming a member of the PPEC. This was done to ensure that the interests of the forest user groups were represented on higher-level LG bodies through the medium of the PPECs and in turn the CPAC. Thus a direct link would be created between forest user groups, wider concerns found at parish-level and protected-area authorities (Blomley et al. 2000:12).

ANALYSIS OF POWERS AND ACCOUNTABILITY

Analysis of Powers Given to Local Actors and Local Communities

Here we explore executive, legislative and judiciary powers that are transferred to local institutions created to facilitate community participation. We explore the powers that are transferred and asymmetries that are built into the current laws and therefore into the relation between local people and park authorities. First we explore the laws that govern local government participation in NRM.

The National Environment Statute, the Uganda Wildlife Statute and the Environment and Wildlife policies govern the process of LG participation in management of natural resources. However these laws were drafted with little or no input from lower level LG and communities, the subjects of these laws. The formulation of the National Environment Policy (RoU 1994) started with the National Environment Action Plan (NEAP) process that involved studies to identify environmental issues, consultation with line ministries at national level and consultations with District technical staff and Sub-County councilors. Due to the low awareness of environmental issues at the time (early 1990s), these consultations yielded minimal information, and the main ideas came from

the technical personnel at central government level.[22] The National Environment Statute (1995a) was in turn drafted based on the policy.

Likewise, the draft Uganda Wildlife Policy (1995) on the basis of which the Wildlife Statute (RoU 1996) and the revised Uganda Wildlife Policy (1999) were drafted practically by technical staff from UWA, the Ministry of Tourism, Trade and Industry, the Forest Department, The European Commission and USAID Environment Division. A draft was presented to representatives of lead agencies, including district representatives from the North, West, Central and East regions of Uganda at a national stakeholders' workshop.[23] But the drafting of legislation and policy was mainly done within UWA to be passed by parliament. However various departments of UWA are expected to develop operational/policy guidelines that *can* (with no serious obligation) include LG and community input. It is also up to the concerned UWA staff to decide who to consult and the depth of the consultation, and ultimately whether or not to use the information given or not. Moreover operational guidelines have to be in conformity with the overall environment and wildlife policy and legislation, which were formulated without community input. Thus community input into the operational guidelines or even bylaws cannot deeply alter the ideology behind the environment and wildlife legislation and policies. Below we provide two examples to illustrate this. These are the revenue sharing and problem-animal-management provisions within the wildlife policy and legislation, both of which are constantly contested by local communities, to the extent that people have at various occasions demanded that the Uganda Wildlife Statute (RoU 1996) be reviewed.

Revenue Sharing

UWA's revenue sharing scheme remains a contentious issue, often challenged by LG (Blomley 2001:4). Prior to the enactment of the Uganda Wildlife Statue in 1996, parks were required to share twelve percent of their total revenue with local government and communities.[24] This changed in 1996 to twenty percent of gate entry fees.[25] For some parks in Uganda this represented a net increase, as most parks made the greatest share of their revenue from entry fees. For the gorilla parks (BINP and Mgahinga Gorilla National Parks), however, this meant a decrease in LG and community profit. Gorilla trekking permits, which tourists buy in order to be allowed to view gorillas in the park (US$ 250 per person for a single trek by a foreign tourist in May 2001) far exceed the US$ 15 gate entry fee into the park per person. Even in other parks where tourism has been relatively high, this implies a decrease in LG share of the revenue since gate entries comprise just a small fraction of the total revenues of the parks. This is exacerbated by the fact that UWA sometimes does not deposit LG shares to the revenue sharing bank accounts regularly,

[22] Personal communication from Margaret Lwanga, NEMA, September 1999.
[23] The people invited and assumed to be the "stakeholders" included district level politicians and civil servants. Our experiences with consultation of district leaders demonstrate that they are not usually familiar with grassroots community issues and problems such as access to resources on which rural people's livelihood depends, problems such as damage by wildlife and the conflicts that arise between communities and PA staff on the ground. Instead they are usually concerned about attracting revenue from the PAs for their district coffers. Therefore district personnel cannot clearly represent local community views.
[24] This was an agreed-on policy, not a statutory requirement.
[25] The Uganda Wildlife Statute (1996), section 70 (4).

and this creates greater distrust and resentment (Blomley 2001). Communities have questioned the basis of this 20 percent and why it is a fraction of only *gate entry fees* and not *total revenues* of PAs. Faced with these questions, managers on the ground often answer that the law provides this arrangement, and it can only be changed if the law is reviewed by parliament. Rural peasants know that reviewing a law by parliament in Uganda takes a long time and that influencing parliament to do it is an uphill task that many do not believe works. Moreover PA border communities are mainly marginal, illiterate and with no effective political voice. Thus they usually interpret such advice as another way of telling them that they are asking for the impossible.

And just like the experiences with Rural District Councils in the Zimbabwe CAMPFIRE (Mandondo, 1999), UWA has strongly advanced its own ideas as to what use communities can put the revenue sharing funds, insisting on social infrastructure projects which benefit whole communities rather than individuals (UWA 2000a). While the guidelines may be well intentioned, the top-down manner in which such decisions are made undermines the principles of democratic governance and local autonomy. Examples of decisions that are usually driven by UWA in a top-down manner include directing support from the PA to social infrastructure projects (schools, health units and at times road construction) and not income-generating enterprises such as community tourism service infrastructure, decisions about who gets concessions to operate businesses within PAs and decisions about what resources communities can access from the PAs, in what quantities and where. Some of these decisions are usually justified by references to "*science*," which is itself a reflection power relations that determine whose "*science*" is accepted as legitimate.

Wildlife Conflict

UWA policy does not provide for compensation for problem animal damage, whether crop raids, human/livestock injury or death. However the policy of UWA seems to be centered on protecting wildlife, with limited consideration of the impact wildlife has on local people, as exemplified by provisions contained in section 8 of the Memorandum of Understanding (MoU) between UWA-BINP and the people of Nyamabare Parish for collaborative bee keeping in the Park signed in June 2000. The section demonstrates that while cases considered serious against UWA are supposed to be reported to and only settled by UWA itself or together with the police, cases that communities consider serious against them (especially crop raids, injury or death caused by wildlife) are settled amicably between UWA and the local community/affected people. Local people are disempowered by the law from taking legal action against UWA since the statute defines UWA as an agency managing wildlife *on behalf of the people of Uganda,* who by implication, own the wildlife. The memorandum provides that cases involving collection of materials not allowed by the Memorandum of Understanding (for example, resources not necessary for maintenance of hives) are handled by Society members or abataka (village community) *in consultation* with [most likely meaning *with approval of*] the park warden. These cases usually carry monetary fines that can be heavy for poor villagers. Cases involving killing of wild animals, or felling of trees other than those cut as poles for purposes of supporting hives *are better handled by UWA and police*, and these

usually carry prison sentences or heavy fines. Cases involving crop raiding (outside the park) or grazing inside the park *should be handled between the local community and UWA-BINP*. While cases of communities grazing in the park carry fines, victims of wildlife damage are not compensated, nor can they sue government in court. The law does not provide for people to sue UWA/government over crop raids or death/injury by wildlife. The reason compensation has been avoided is because the costs involved would be enormous. However, managers on the ground can (if they see it fit) on *humanitarian grounds* assist with costs associated with injury or death (for example medical bills or funeral expenses). This depends on the manager's assessment of the incident. In the view of local communities, control of problem animals/vermin has not been accorded the attention it deserves by UWA.[26] Yet members of the communities continue to be heavily fined for mere grazing or illegal entry into the park. Programs that seek to enlist local community participation in environment or wildlife management will not be perceived to bring significant benefits to local people unless they adequately tackle issues of real concern to local people, such as problem animal control (See Conyers 2001).

The agreement between UWA and the beekeepers tactfully avoids mentioning cases of human injury or death caused by wildlife. Even the statute does not give any legal provisions for wildlife related death.[27] This gives UWA the leverage to treat such cases as they deem fit, usually to the dissatisfaction of the victims.

While the LCs wield judicial and adjudication powers park staff on the ground remain unwilling to involve local leaders in resolution of conflicts involving local people, even in instances where conflicts are officially supposed to be resolved with the consultation of communities or their leaders (LCs, CPAC representatives). There are two reasons for this: one is that some staff members want to extort bribes from the culprits thus have to keep the case out of the public spheres. The second is attitudinal: they believe communities have no authority over park affairs. To the staff of the park, increased powers in local community hands threaten their own basis of authority and power. Similar experiences are documented by Conyers (2001) about the Zimbabwe CAMPFIRE program. She demonstrates that attempts to decentralize effective decision making over natural resources management are likely to be resisted by those institutions or individuals who will lose power in the process. This does not tally with the communities' understanding of how decision making should be shared between the state agency and local leaders. The CPAC Chairman said:

[26] According to the Wildlife Statute (1996 RoU), vermin control is decentralized to the districts. However the solutions for this problem can only be spearheaded by UWA, which may enter into CM agreements with affected LGs. And before any control measures are adopted, UWA has to gazette which animals can be treated as vermin and which are "problem animals' but cannot be treated as vermin according to international conventions and its own interests with regard to the tourism industry. UWA also has to approve the problem animal control methods that communities can adopt. Traditionally communities hunted and trapped vermin and thus controlled their numbers. But now that is illegal to apply control methods not recommended by UWA. In a way the people have been disempowered to take action to protect themselves and their property. If they kill animals, they risk penalties.

[27] However sections 60-63 lay out what should be done where protected animals cause a threat to human life and property. A person is only allowed to kill an animal in self defense or defense of another person only if immediately and absolutely necessary. Such a person has to prove that, and also has to prove that s/he was not committing any offence as per the statute. The burden of proof lies with the community, not UWA.

> We are given responsibilities, but no authority. For example, park staff prefers to handle cases of conflict between them and the people by themselves. Communities now know that the management of the park has changed to become pro-people. However the park staff still prefer to use force, especially the junior staff who do not seem to be fully aware of the changing style of management of parks. (Interview with CPAC Chairman, BINP, March 2001, Kabale)

Conflict between the central and local bodies is bound to occur due to competing interests. But such conflict needs clear adjudication forums that are separate from the disputants:

> We are told to report crop damage to the Community Extension Ranger or the park outpost. But most times no immediate action is taken. In the first instance it is wrong to report to the park people—how do you report an injustice to the person who has committed it and expect help? That is why no action is taken. (Member, Nyamabare Beekeepers Society, March 2001, Kabale)

In many cases in Africa, sectoral authorities such as Forest Departments or Wildlife Authorities/Services also act as adjudicators or are in strong positions to influence the manner in which conflicts between them and local authorities/communities are adjudicated (see Ribot 1999, 2001). There is even a tendency to completely overlook local authorities. Around BINP local leaders feel it is also a major problem hindering the operationalization of the community conservation approach to PA management, and undermines the authority of community institutions.

The above demonstrates the paradox of decision making that the central government, represented by UWA, has devolved to the institutions which are supposed to participate in PA management. Handling cases/offences that are deemed "not critical" by UWA (including crop raids by wildlife, which many communities would definitely define as a "grave" offence against them) can involve local institutions or communities. However the Wildlife Statute and Policy already determine cases on crop damage, by ruling out the possibility of compensation, thus limiting the options available to deal with the problem. But the cases that UWA defines as serious (killing of wildlife, cutting big trees) can only be handled by UWA itself and the police. In other words, the decisions to be made in such cases cannot be entrusted to local communities. It is UWA's definition of the gravity of offence that matters, not the communities' definition.

These issues point to the important issue of legitimacy of local actors. Ribot (2001) points out that local bodies with no powers are unlikely to be taken as legitimate by their constituencies. An important form of power that confers legitimacy is the independent power to make decisions and rules or to adjudicate. Through his research in Senegal, Ribot shows that villagers will not respect local authorities if they know that they cannot independently make important decisions. He cautions that this should not mean that there should not be oversight by the center over the local authorities, rather that it should be at a distance, directed to ensure that local action is within the law, but not to approve every single action that LG takes, or even to out rightly bypass them in decision making.

The effectiveness of community institutions in influencing important decisions in the interest of communities also largely depends on how the UWA perceives their (community institutions) roles. UWA staff on the ground still feels uncomfortable with the CPAC playing a watchdog role (Blomley et al., 2000), for example through reporting "excessive behavior" of park staff, and checking that the right amounts of community share of revenue are deposited on LG revenue sharing accounts. During a recent meeting, a park warden complained about the CPAC chairman who, according to him, wanted to "play the role of a warden." UWA has also deliberately refused to be transparent to the local government with regards to its revenue. Community leaders have time and again complained that they lack adequate information about PA revenues from which their revenue sharing percentages are deducted. This attitude of some UWA staff is a manifestation of the fact that the mandate of local institutions is not yet recognized. Yet excluding local authorities from resolution of park-related conflict (especially illegal access to resources) hinders the success of resource protection, as observed by one CPAC member:

> Park staff usually arrests and extorts bribes from the culprits, excluding us as intermediaries. This does not help the park in curbing illegal activities, because it is done secretly. If the culprits were brought to the local authorities and penalized here, it would deter others from stealing the resources because of fear of being ostracized. (CPAC member, Nyamabare Parish, March 2001).

In fact UWA has been at the head of the process of defining the role of CPAC (see UWA 2000c), even when CPAC members would have preferred to define their role themselves. Actually the act of UWA to "define" what CPAC is and should do through the guidelines demonstrates a move to control the powers of the institution. The guidelines should not be construed to indicate willingness on the part of UWA to create an enabling environment for and to empower the local institution to advance community interests in natural resources governance. In actual sense, they are an attempt by UWA to administer and manage it, and use it to serve wider conservation goals. It is now evident that unless UWA accepts the institution as a legitimate and independent player, its influence will be limited.

Benefits from Collaborative Management: Privileges or Rights?

Both national legislation[28] and the wildlife policy indicate that natural resources are managed for the benefit of the people of Uganda and that local communities should be central actors in the management of resources in their locality, and should also benefit from such resources. Around BINP, some of the benefits that should accrue to local communities from PAs include: (1) employment opportunities whereby priority should be given to local communities whenever there are employment opportunities in the park; (2) revenue sharing whereby 20 percent of the park gate entry fees are given to the Sub-Counties surrounding the park; (3) support for agricultural extension activities by UWA's partner NGOs; (4) social infrastructure development through the construction of schools and health units; (5) limited access to the forest resources whereby defined resource users

[28] The Wildlife Statute (1996), the Environment Statute (1994) and The Constitution of the Republic of Uganda (1995) all.

are given permits to access forest resources such as vines, honey, herbs, tree seedlings and cultural sites under collaborative management arrangements. The Uganda Wildlife Statute states that the Executive Director of UWA may issue a permit to any person for accessing resources from PAs, and that the Director shall be responsible for regulating and controlling resource harvesting to ensure that annual harvesting does not exceed sustainable yields. Resource access is limited to levels that cause minimal effects on the forest. Even the number of people in RUGs is limited, and resource collection can only take place at certain times of the year. Apart from these tangible benefits, communities living around PAs enjoy other ecological benefits including the role of the forest in control of soil erosion and climate maintenance.

As expected, these benefits do not accrue to every community member, so for many there is no form of "compensation" for the costs they incur due to the presence of the park. But even with those who enjoy the tangible benefits from the PA, how "tangible" are they? Worah et al. (2000) and Blomley (2001) raise the issue of the degree to which allowing access to "non-timber forest products" provides tangible benefits to local communities, and whether these "benefits" match the responsibilities that communities assume for patrolling, monitoring resource use and co-operation with law enforcement efforts.

Blomley rightly wonders as to whether resource access by communities is a "right" that local communities can demand, or whether it is just "privilege" offered when deemed fit. Ribot (1999:45) points out that privileges are attributed to subjects while rights are what makes people citizens.[29] Participation becomes meaningful when powers are transferred in the secure form of rights.

On many occasions conservationists assert that the primary objectives of national parks is not resource use but rather conservation. Collaborative management is a tool to achieve the conservation objective and not an objective in itself (Ashishi and Suri 1995). UWA remains unsure about whether it is wise to substantially devolve control and management of these PAs or parts of them to the local people given the pressure for resources access and external political influences in relation to the objectives of conservation. Because of these hesitations few real rights over management or forest use are transferred to local populations. The question that arises then is whether UWA is genuinely committed to collaborative management of PAs, since it does not seem as if it is ready to make compromises. Compromise from all partners is a must if collaborative management initiatives are to succeed. Without significant decision-making rights devolved to communities by UWA, there will be no incentive to sustain their commitment to assuming voluntary responsibility (MTWA 1996).

[29] According to Ribot (2001:45), while analyzing decentralization and the construction of local autonomy, we need to make a distinction between rights and privileges. Local governance units or individuals can have rights. Rights are held by citizens through representation and the available mechanisms to defend them well laid out. Privileges, however, are given by an allocating authority that is free to withdraw them at whim. Privileges are not statutory or defendable; thus they do not enfranchise populations. Democratic decentralization is about enfranchisement; therefore in its context people should have rights, not delegated privileges which can be taken to reflect lack of commitment on the part of government to the whole process.

Blomley has documented the processes of negotiation on resource access between communities around BINP and UWA and shows that the negotiations were characterized by power dynamics, which ultimately favored the powerful (the central government represented by UWA):

> One major problem has been the balance of power in the negotiation process, which appears to have favored park staff, who adopted a stance of negotiating from a "position of strength." Rather than entering into open-ended negotiations, with compromises made on both sides, the quality of this process was limited by the unwillingness of park management to concede (or even discuss) access to resources of any significant value. This restricted the value of the agreements and meant that in some instances responsibilities appear to have outweighed benefits. This does call into question the feasibility and real value of developing negotiated co-management agreements in "flagship" biodiversity sites, where conservation interests dominate in power relationships with local stakeholders. (Blomley, 2001:8-9)

UWA did not allow the use of many of the resources that local people were interested in, and those that were finally allowed mostly fell short of community expectations. Moreover the memorandum of understanding that lays out the agreement between the two parties is seen as an instrument that favors the park management, and which can also be revoked any time. Resource access is transferred as a privilege, not as a right. One beekeeper said:

> The provisions of the MoU are not in our favor, even though we signed it. They refused to allow us access to dead wood in the park for constructing beehives. They say the dead wood is good for birds' food. Yet even the hives would rot in the forest, and would still make food for the birds. We now make hives from vines. However these are weak and easily destroyed by baboons in the forest. In the forest you need wooden hives, but we have no timber. Actually the number of hives per person is decreasing. One proverb says that a vine cannot argue with a machete, because it can be chopped up![30] (Mr. Zirahuka, Nyamabare Parish, April 2001)

According to Barrow and Murphree (2001), the strength of a collaborative management agreement is a function of the level of benefits derived from resource use. If resources accessed form an important contribution to local livelihood, the agreement is strong. If however resources accessed are few and unimportant for local resource users, the agreement will be weak. This could lead to reluctance to fulfil obligations as laid out in the agreement, e.g. communities may be unwilling to dedicate time to monitoring resource access and controlling illegal use.

Ribot (1999, 2001) illustrates that in the forest sector in West Africa, commercial benefits of forest exploitation mainly go to the rich and powerful urban-based merchants, through timber licenses and permits, while rural populations are relegated to the residual category of usufructuary "rights." A similar situation pertains in the wildlife sector,

[30] In the local language it went : "*Ekikaamba tikihakanan"Omuhoro, gurakyikyagura"* and it implies that an argument between two unequal people is resolved against the less powerful.

where lucrative tourism concessions are licensed to international or rich local tourism business operators while the best that communities get are rights to access "non timber/minor forest products" or other products that do not undermine the conservation and tourism values of parks, and only within PA zones that are not prime tourism or conservation sites. Conservationists have not readily supported communities to participate in tourism development, apart from scattered craft shops. Exceptions are however emerging, like the Buhoma Community Campground at the northwestern boundary of BINP. Here communities were supported by conservation organizations to set up a tourism facility to earn money for community development. The campground is surrounded by other international tourism facilities with which it competes favorably. It has, among other things, demonstrated that local communities can ably undertake tourism enterprises that benefit the communities, if only they are given opportunities.

Forest management is also characterized by competing "knowledge" and "science." Players whose science is assumed to be superior hold the power to define concepts like "sustainability." UWA and partners like the Institute of Tropical Forest Conservation based in Bwindi continue to decide on important practices on the ground (like what communities are allowed to harvest, where, when, how much, harvesting methods, etc). Decisions are them handed down as technical decisions, sometimes ignoring the indigenous knowledge of communities on these issues. The needs of the Batwa as a group have not been addressed in the resource access program. Batwa's needs from the park include fish from the rivers in BINP, wild yams, wild honey and access to ancestral sites. However these are not considered for access in the program, mainly because the UWA believes local people use unsustainable ways of harvesting these resources. As such the Batwa genuinely feel that their needs have been marginalized in the Multiple-Use program, and yet the loss they incurred due to the creation of the park is relatively greater than those of other community members. As long as their needs are not addressed, they may continue to be tempted to access the resources illegally, with negative ecological impacts such as forest fires.

From the above discussion, it is clear that UWA wants to maintain local people as subjects within the framework of "collaborative" management. People have no control powers; they are given privileges rather than rights.

Accountability of Local Institutions to Local Populations

The institutions in place for participation in environment management are subsets of the LC system. This was deliberately done to ensure the institutions legitimacy and to tap the resources available to the LC system, especially in the decentralized context. In principle, the LC system in Uganda is supposed to be representative of all the categories of people, and enjoys legitimacy to some extent, save for incidence of misuse of resources and power that have been reported in some LGs. Because the CPAC is closely knit with the LCs, the level and direction of its accountability to the community will largely depend on that of the LCs.

One of the mandates of LCs is analyzing people's problems, making recommendations and presenting them to higher authorities, which can be higher levels of LG or even the central government. However in the context of environment and PA management particularly, where control remains heavily centralized despite the rhetoric about decentralization and collaborative management, LCs tend to be used by higher authorities mainly to extend conservation directives. Instead of identifying local people's problems and pressing for them to be addressed by higher authorities, LCs have been used as channels through which directives are passed on to communities. Part of the process is what is popularly known as "sensitization," which in reality is about manipulating communities to support activities predetermined by outside players.

Officially these committees are elected and would appear to be accountable, through electoral mechanisms, to the local populations. There are, however, a number of other forces at work that undermine their "downward accountability" and make them "upwardly accountable" to higher authorities. These include patterns of funding priorities of donors and government agencies. They also include the internal political dynamics of the committees and councils and embedded historical cultural attitudes that exclude marginal minorities and women from decision making. These forces that make local committees not accountable to local people and those that act contrary to their downward accountability are discussed in this section.

The Kabale experience with PECs indicates that LG (the District and Sub-Counties) perceives the heavy donor/project presence in the environment sector as a reason for them not to make budgetary allocations to it, including monitoring the performance of local institutions, which is a responsibility of the District Environment Officer and the District Secretary for Production and Environment. It also indicates that the interests of LG lie in production activities, and not environmental conservation for aesthetic and non-consumptive values. This orientation has been ignored by the central government and conservation bodies, who want LG to assume the roles of conservation that are usually shed by the central government agencies and passed to LG without sufficient assessment of its interest, capability and readiness to assume them.

Worah et al. (2000) demonstrates that although LG officials in areas around BINP appear to have accepted the existence of the park and are actively negotiating for increased benefits from it, which represented a significant change from the earlier years when politicians actively campaigned against parks, the level of LG contribution or responsibility towards the parks is still low. This research confirms this trend, that conservation in general remains a low priority and is not well understood or integrated with other district development priorities.

Discussions with the District Secretary for Production and Environment indicated that there is limited co-ordination between the high-level and lower-level institutions. The District Secretary for Production and Environment knew little about the operations of lower PECs. This is partly because support from donors is directed to lower-level committees, and bypasses the district level. Because of the usual "financial constraints" of districts (which could indicate lack of commitment to some sectors), members of the

District Production and Environment Committee are not facilitated to go to the lower committees. The District Council does not give priority to the District Environment Department due to the perception that there is already a lot of donor money flowing to this sector through the sub-counties. Moreover, the system of revenue sharing advanced by UWA that directs community revenue shares to the lower administrative levels (directed to Parishes through the sub-counties) is not appreciated by district LG officials who feel sidelined because they are denied access to these funds. These procedures by donors and agencies such as UWA are meant to ensure that funds reach the intended beneficiaries, since funds deposited with the districts would most likely not reach the real neighbors of the park.

Political Influence

Similar findings were described by Saito (2000:11) who observed that although decentralization is supposed to improve service delivery in the various sectors, local politicians prefer to implement programs with more visible and short-term activities. And since some social development activities in sectors such as environment management and primary health care yield no immediate results, they are not popular with politicians. Generally LCs are more interested in production than environment, leading to situations where environmental activities that require financial support are being sidelined at the district level, as observed by the District Environment Officer, Kabale:

> Environment protection is not well understood by LG representatives. Councilors often ask, "what income does the environment generate?" Politicians will mainly budget for issues they understand well, or issues in which they have interest like road construction, which show immediate results. (District Environment Officer, Kabale, March 2001)

The chairman of the Bwindi CPAC who is also a member of the Sub-county Production and Environment Committee also noted the same tendency among sub-county councilors. He said:

> Sub-county councilors do not prioritize environment issues. Most council members do not understand environment issues; therefore they do not support them to get significant budget votes. In my sub-county, the chairman of the council also avoids appointing people who can reason and plan well, because he wants people he can easily manipulate. Only the sub-county chief and cashier do budgeting, of course in consultation with the sub-county chairman. During budgeting, they make sure most budget votes are allocated to sectors where they can easily draw on them, like transport and entertainment. Some sectoral committees are given so little that they rarely meet. Councilors are politicians, but not good planners. They do not understand some issues. (CPAC Chairman, Kayonza, April 2001).

In Ikumba Sub County, all attempts by the authors of this paper to access the sub-county development plan and budget failed. The Sub-County Chief and cashier were not willing to have us look at these documents.

Accountability of LCs to their Constituencies

Grassroots communities elect councilors, through a process that is now characterized by vote-buying, leading to situations where it is mostly the candidates who can buy their way through succeeding, even if they may not be the best political representatives. From these councils, chairpersons nominate the executive committee members who are approved by the council. This process can also be marred by autocratic tendencies of some chairpersons and lobbying.[31] This implies that even within the LC system, to some extent communities have limited powers to determine who represents them on the council executive. This brings into question the accountability of LCs to their constituencies. The research revealed that although the sub-county (LCIII) executive committee is nominated by the chairpersons and approved by the council, chairpersons sometimes nominate and ensure the approval of people of their choice, either the ones they can manipulate, or those with whom they share values. Often chairpersons will not appoint people who are likely to challenge their decisions. In one sub-county, the chairman appointed an illiterate member as Secretary for Production and Environment. The councilor in question could neither follow discussion, nor monitor the sector activities. The sector was thus largely inert. In this case the selected official was not necessarily representing the interest of the people, but rather her own interests and those of the appointing authority.

Rewards for Services Hinders Accountability

The lack of accountability of LCs to their constituencies is most manifest in the lower levels of the LG. The District Environment Officer informed the team that although there is a clear institutional framework in the form of committees for environment and production in the district and lower levels of LG, the committees are not facilitated to play their roles. "People will not willingly take on duties where there is no personal gain (remuneration, allowances). Personal gain motivates people, and lack of it leads to dormancy" (District Environment Officer, Kabale, March 2001).

One other critical issues that emerged from the interviews with members of CPAC was their skepticism regarding their ability to conduct activities among the community (mobilizing communities for conservation and NRM) with no guaranteed funding. They were doubtful as to whether their activities would attract funding from their LGs. The creation of the institutions of PECs and CPAC was based on the assumption that they would be facilitated to play their role through the LG budgets, avoiding dependency on UWA and NGOs. UWA and LGs have an agreement whereby the latter undertakes facilitation of the institutions once in place, and for the institutions to be accountable to the LGs. It is however not certain whether LGs are willing and able to sufficiently fund the institutions to function, given their often-stretched budgets. The inter-district nature of CPAC makes it even more difficult for autonomous LGs to dedicate resources to it. The BINP, the CPAC cuts across twenty-one parishes in ten sub-counties and three districts that border the park. These sub-counties and districts are autonomous LGs, with different constraints and budget priorities. Enlisting funds from all of them for a common cause is in itself practically difficult. Without funds the CPAC members are demoralized. A CPAC member observed:

[31] The Local Government act (1997) sect. 26(1) indicates that the chairperson nominates the executive committee members from the council, who are then approved by a simple majority of all members of the council voting.

> Our council is failing to run the sub-county. Even Parish LCs no longer hold meetings because there is no money. So how can you ask them for money to carry out CPAC activities? Can we keep working on empty stomachs? We make our plans, send them to LCIII, but they are not funded. (Mushanje CPAC Member, March 2001)

Research has already revealed that environmentalists are frustrated because LGs are more interested in development than environment issues, making no budgetary allocations to the environmental management roles that have been devolved (Saito 2000). In any case, CPAC and the policy that established it are perceived as a brainchild of UWA and its supporting conservation agencies. Is it then realistic to expect another agency, the LG to take responsibility for implementation of the policy?

Control over resources by local bodies is a major determinant of accountability relations. If community institutions are left to be facilitated mainly by NGOs and donors, they run the danger of identifying more with those organizations, a factor that could have implications for their accountability to the community and LG. The proponents of the institutional framework now realize that vertical integration of PECs (and consequently the CPAC) into the LG system for support is difficult. Many stakeholders perceive these institutions as initiated by central government and supporting agencies, which has raised concerns about their sustainability beyond outside support. This linkage comes naturally, because members of the institutions see most of their financial support coming from those supporting agencies and not the districts (Worah et al. 2000:25-26). Our study also revealed that the members of CPAC tend to identify more with DTC than the LG, and are looking to the project and UWA for support to do their work. Interviews with them all revealed that they did not hope to get support from the LG and felt that if they have to continue to be active, it will only be if mechanisms for their sustainable support are put in place. One CPAC member asserted, "The park management should fund our activities and give us small allowances to enable us to work. After all, aren't we working to protect Bwindi?" (Nyamabare CPAC Representative, April 2001).

Members of local institutions see BINP as a resource owned and controlled by the central government. The centralized authority that UWA exercises over the park makes it difficult for local people to develop a sense of ownership over and collective responsibility to the forest beyond rhetoric. Members of community institutions involved in NRM tend to see themselves as rendering a service to the community and the government for which they ought to be remunerated. Indeed many communities around different PAs in Uganda say that PMAC failed partly because members were expected by communities to volunteer all the time and they were not supported to do their work (Namara 1998, Namara and Infield 1998). The CPAC representatives interviewed in this research indicated that they should not be expected to volunteer all the time, for the sake of protecting what they consider to be a government resource benefiting mainly the central government. One of them wondered:

> Why are we expected to work with no facilitation at all? Sometimes I have to move seven or more kilometers to report problem animals to the park staff [at the

> nearest ranger post]. Then I have to walk back. Moreover, it is not guaranteed that they will respond immediately. Sometimes they don't at all. All this on an empty stomach. We cannot keep working like this. (Mushanje CPAC Representative, April 2001).

If institutions have to be effective and accountable to the community, LG has to invest resources into monitoring and facilitating them.

The issues raised above beg the question as to whether the LGs and masses genuinely own the process of their participation in conservation and NRM, and whether they are willing to commit resources to the sector with limited or no donor support. Is CPAC (or CPI) then simply an idea conceived by UWA and its supporting partners to further conservation goals through reducing PA management costs by transferring responsibilities to the LG? As observed by Ribot (1999:51), participation of LG and communities in NRM is usually a response by the state and the international environment community to give "responsibilities" to local communities to take on tasks that can no longer be effectively carried out in the context of cutbacks in international funding. This is places extra demands on local people and local cash-stripped LGs.

Accountability to Marginal Groups: The type of representation at PECs is closely related with representation on the LCs because it is mainly the members of the LCs that double as PEC members, save for the representation of minorities and RUGs at the parish and village levels (the representation of RUGs in the institutional framework is described above). The Batwa are supposed to be represented on the PECs. However this is problematic and has not happened, even on other institutions among the community, including the LC system. Batwa remain a marginalized and stigmatized group of people who do not, and are not expected by most community members, to freely mix with other people, or participate in community activities. Many are illiterate. They have an inferiority complex that has been shaped by the way that other community members perceive them. Asked whether any Batwa were members of their group, one beekeeper said:

> Although Batwa like honey, they never lay beehives of their own. They only steal honey from other people's hives, or harvest wild honey. They live just the way their ancestors lived. They are lazy and not used to hard work. Moreover the relationship between Batwa and us has been bad historically; it dates back from the time when Batwa were used by Rwandese to kill *Bahimba*[32]. We are enemies. Even a Batwa traveler cannot ask for a drink from any home in this area. *(Mentioned during discussion with Nyamabare Beekeepers group).*

The District Environment Officer mentioned that on some PECs Batwa are represented by proxy, i.e. by other people who are not Batwa but understand their issues. In some parishes where there are big populations of Batwa, attempts have been made to integrate the Batwa into the LC system. Their integration has been mandatory. However, during

[32] This is the dominant clan in the area, but was used here to encompass all 'non-*Batwa*'. Ngologoza (1969) documented that around the 20th Century people died from different causes, including being killed by the *Batwa* mercenaries, used by Rwandese to fight *Bakiga* and capture livestock.

meetings their participation and contribution is still very limited because of their perceived status in society and also due to the fact that their views are never taken seriously by their counterparts. Related literature (Kamugisha, 1999; Namara et al., 2000) points out that other community members have an interest in keeping the Batwa in their dependent and servile status (e.g. as squatters on other people's land) so as to ensure their continued exploitation as cheap labor. To this end communities are not entirely in favor of programs aimed at emancipation of Batwa.

Nyamabare Beekeepers Society has about eighty-five members. Only about twenty five are women, and only one woman is on the executive committee. Most of the women in the society are widows who inherited the beehives from their late spouses. And the few women who have persisted as members have only managed because they have close male relatives (mainly sons) who can do some of the work involved on their behalf. Beekeeping activities are taxing, more so in a hilly terrain like Bwindi. The extent to which beekeeping brings benefits to the entire community is thus limited by this fact. The small number of women in the group coupled with the male-dominated decision-making arena in most Ugandan societies brings into question the ability of women to influence society's decisions, for example decisions about use of the group's joint savings. Throughout the discussion with the society's executive, the only woman member was constantly overshadowed by the men, and it took effort of the researchers to give her a chance to contribute to the discussion.

PRESENT AND POTENTIAL SOCIAL AND ECOLOGICAL IMPACT

Around the BINP, a set of interventions by government and NGOs combine economic programs with changes in environmental governance. Therefore it is difficult to single out the outcomes of changes in environmental governance. Moreover the reforms in the governance of environment management are recent; they begun around 1998, although controlled resource access by communities under collaborative management arrangements begun in 1993. As such it is too early to gauge now whether they are bringing about positive social and ecological outcomes. We can only gauge their potential impact.

The relations between the communities and BINP staff have greatly improved since the early 1990s, when animosity between PA staff and local communities was at its height.[33] This is attributed to the enormous efforts put into the community conservation program by UWA and its supporting partners. The essence of the community conservation strategy (involving a range of interventions) for park management has been to reduce this animosity and win support for resource protection from the communities. CPAC, together with other community institutions (PECs, Resource User Groups) that have been created under the community conservation program have created links between the park and communities, an attribute that is acknowledged by communities. This link can be utilized for many purposes, including conflict resolution, genuine community participation in PA management, as avenues of communication etc. Training of the committees was done, as

[33] See Wild and Mutebi (1996) and the 1995-99 park management plan (UNP 1995) for a description of the bad relations between the communities and park authorities after BINP was gazetted.

well as awareness raising among the local communities on the function and roles of the new LG institutions. There is an increased sense of ownership of the park (though limited) among community members that has come about because they feel there are efforts to involve them in its management, even though they fall short of expectations. One LC member in Nyamabare Parish (March 2001) said: "Before, people referred to the park as Butynski's.[34] Now they call it "our park," because they are consulted on many issues pertaining to it." The fact that UWA now consults some communities on park-related issues is in itself seen as a revolution, compared to previous times when orders were passed and people only informed.

The community resource access program that has been implemented in BINP since 1993 is described by many community members consulted as successful. The program, to a limited extent, created a sense of ownership over the park by communities and enabled dialogue between the communities and the park management. BINP pioneered a process of developing and implementing resource use agreements on a national level. The process helped the development and strengthening of community institutions and, to some extent, provided real benefits to the resource users (Worah et al. 2000). However there is demand for more parishes to access resources and more people to access resources in parishes where the program already exists. There is also a feeling within the community that the program was restricted on the range of resources, excluding high-value resources. In fact some of the resource users have lost interest, especially those that used to collect weaving material. The most in-demand activities are beekeeping, access to planting materials (bamboo and tree seedlings), and collection of medicinal plants. Bamboo planting material is particularly in high demand due to the numerous uses that bamboo has: the construction of beehives, granaries, fences, stretchers [35] and as bean stakes. Beekeeping under collaborative management in BINP and Mgahinga Gorilla National Park has become a major income source for the participating members. The market for honey is readily available. For example the Kisoro Beekeepers Society currently exports their honey and candle wax through agents in Kampala City. Beekeepers are some of the most active participants in park related activities like monitoring resource use and putting out forest fires, since they have a direct stake in protecting their hives in the forest. This confirms what Barrow and Murphree (2001) stress, that the strength of a collaborative management agreement is subject to the level of benefits derived from resource use and the contribution to local livelihood that such resources make. This in turn determines the level of motivation to fulfil obligations as laid out in the collaborative management agreement.

Under the resource-use program, RUGs were required to voluntarily monitor the levels of illegal activities within their respective multiple-use areas. The users report that they have effectively monitored and reduced illegal activities in their sections of the forests. This increased vigilance, which has led to higher levels of detection, has been used by opponents of the program to contest its ecological effectiveness. Worah et al. (2000) says

[34] Butynski was an expatriate who worked in Bwindi Forest in the late 1980s, and was instrumental in outlawing illegal activities just before it was gazetted as a park. As such he earned himself negative perception among the communities.
[35] Locally known as *engozi*, the stretcher, woven from forest climbers and bamboo is a major means of transportation of the sick and the dead to and from health units, because of lack of alternative transport means.

that while some park staff have cited increased illegal activities in multiple use zones, resource users insist that their increased patrol efforts simply over-inflate the reported incidences as compared to areas only monitored by regular ranger patrol. There is also other evidence suggesting the effectiveness of the program. Blomley (2001) states that since the re-establishment of regulated bee keeping in Bwindi there have been no reported incidences of fires started within multiple-use zones in the park, in contrasts with the situation prior to the establishment of organized bee keeping, where fires were either deliberately or accidentally started by honey gatherers every year during the dry season. The beekeepers have a stake in protecting their hives from fire, so they refrain from starting forest fires and quickly respond to extinguish fires when they start.

Some communities are allowed to use controlled forest resources in order to satisfy community needs while generating support for the conservation values of the park by reducing illegal activities. Nevertheless, park staff indicate that many community members are still illegally accessing forest resources including game meat, timber, building wood, bamboo and vines. This is evidenced by the arrests of culprits and traps found in the forest. This raises questions of who really decides on what resources the community needs from the forest. This is a form of protest.

CONCLUSIONS

Uganda has implemented significant changes in its wildlife management approaches in the 1990s, away from the "command and control" approach that is no longer feasible or effective since it led to conflict with local populations and unnecessary destruction of natural resources. The government, with the support of international agencies has experimented with new natural resource management approaches designed to counteract the perceived widespread decline of biodiversity, the most recent being implemented under the banner of decentralization.

The "Community Conservation" approach to protected areas has become popular in conservation circles as a form of decentralization within the wildlife management sector. It is meant to reduce animosity between communities and protected area authorities and extend benefits to local communities as incentives for them to assume responsibilities to support conservation. An important aspect of community conservation is the element of enlisting community support for park management and participation in park management activities, collaborative management, involving the creation of local government and community-based institutions through which communities are supposed to participate in park management.

This research reveals that even with all the rhetoric about decentralization of important roles to local governments and communities from central government agencies, the natural resource management sector in Uganda remains heavily centralized, with central agencies maintaining tight control over decision making and resources. Even under what is supposed to be "collaborative management" of important natural resources between the central government, local governments and communities, central government agencies such as Uganda Wildlife Agency maintain local people as subjects, with no decision

making or control powers. Communities are given "privileges" rather than "rights." Part of this control is exercised through the legislation, which remain centralized, with little or no participation of local communities. Laws are formulated and implemented in a top-down manner, contrary to the principles of democratization that the central government professes. But even where niches within the laws could allow for communities to influence decisions about issues that affect them, central government agents on the ground remain unwilling to relinquish many of their powers, frustrating real and effective community participation. Clearly, effective decentralization has to begin with the democratization of law and rule making, but also execution. Unless communities can influence changes in the law to reflect their wishes, decentralization will not improve participation or service delivery.

It is no surprise that even with the evident changes in policy towards community and local government participation in natural resource management, most local governments and communities still perceive resources such as national parks as owned and controlled by the central government. The centralized authority that agencies such as Uganda Wildlife Agency continue to exercise over these resources makes it difficult for local people to develop a sense of ownership and collective responsibility. So even where their participation is sought by the central government under what is supposed to be "collaborative management" people tend to see themselves as rendering a service to the government for which they ought to be remunerated.

Control over fiscal resources by local bodies is a major determinant of accountability relations. If local community bodies instituted to facilitate community and local government participation cannot be supported (logistics, finances) by the local government itself, there are risks of undermining their accountability to the community and local government. And where institutions are specifically created within the local government system to operationalize community participation, their integration into the local government system for support is difficult, as the examples of production and environment committees and community protected area committees showed. That stakeholders perceive these institutions as initiated by central government and supporting agencies to further conservation goals, has raised concerns about their sustainability beyond outside support. To ensure that local institutions remain accountable to local communities, the local government has to be able and willing to finance their operations.

However, local government politicians prefer production to conservation activities. This brings to question the logic behind decisions concerning which roles were devolved to local government. In the natural resource management sector, the central government tends to shed burdens deemed not critical, devolving them to the local government. But devolution of burdens to local government without corresponding control over resources being managed and the revenue they generate undermines the possibility for genuine and effective commitment by local government to the protection of nationally significant resources. Cash striped local governments remain unwilling to invest their resources into managing resources that do not bring revenue to them, for example national parks, especially where control of such parks remains centralized. Thus decentralization of natural resource management roles will not be effective if control of valuable resources is

not decentralized to some meaningful extent. Conservation for aesthetic values in general continues to remain a low priority for local government, and may not be well understood and integrated with other local-development plans. Hume and Adams (2001:14) point out that the community conservation agenda has been largely advanced by international environmentalists who place emphasis on intrinsic and aesthetic values of wildlife. Such people and organizations define conservation in "biocentric" terms, unlike rural Africans who define conservation in "anthropocentric" terms (focused on human rights, needs and benefits) and will be unwilling to participate in programs that do not meet these needs. Because of the urge of local authorities to be seen as improving service delivery in their jurisdictions, they prioritize programs that generate revenue and have visible and sometimes immediate results. Sectors such as environmental management that take time to show results are not popular with politicians. Within local councils, production activities are more likely to take priority over conservation of ecological and aesthetic values in the process of resource allocation.

The impact of decentralized governance of the environment, and particularly of protected areas, is still unfolding. The results of participation of grassroots communities in management of natural resources and environmental decision making (at whatever scale) are encouraging because they create a sense of ownership of these resources among communities, though limited. This is a change from only a short time ago when communities felt completely alienated. Local communities are willing to be involved in management and decision making; they are ready to take on responsibilities. But to make the reform worthwhile, first, the level of responsibilities that local populations take on should not substantially surpass the decision-making power that they gain in the process, the finances available, and the quality of benefits they accrue. Lack of meaningful decision-making authority is a disincentive for effective participation. In addition, local governments taking on management burdens for non-consumptive values, without gaining control of more lucrative aspects of the resource, needs to be re-examined by the central government. The parliamentary committee for natural resources needs to push for legislation that entrusts LG with considerable authority over these resources, so that LG can commit resources to conserve these nationally and internationally significant resources.

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- To influence the character of ongoing World Bank, UN and other donor-driven African government decentralization efforts to ensure that rights, responsibilities, capacities, and accountabilities are consistent with sound environmental management;

- To promote national-level administrative, legislative, and judicial reforms necessary to accomplish environmentally sound decentralizations and to enable public interest groups to hold governments and private actors accountable for their environmental management performance; and

- To develop regional networks of independent policy research and advocacy groups that are effective in promoting and utilizing the above reforms in the interests of improved environmental management.

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The Non-Governmental Organization Capacity-Building component of the EAA initiative aims to strengthen a select group of independent policy research and environmental advocacy groups and their networks. This group includes, for example, the Lawyers' Environmental Action Team (LEAT) in Tanzania, Green Watch, Advocates for Development and Environment (ACODE) and the Center for Basic Research in Uganda, and the African Center for Technology Studies (ACTS) in Kenya. These environmental advocacy organizations seek to improve environmental management and justice by contributing to policy and legislative reform, and ensuring compliance to environmental laws and norms. The groups use a range of approaches and tools to influence policy formation, including policy research and outreach, workshops and conferences, public debates, press releases, and litigation. This EAA project component supports efforts in organizational development, capacity building in advocacy approaches and skills, and technical competence in specific environmental matters. Federations and networks of such NGOs, joint initiatives, and South-South collaborative efforts are also facilitated and supported.

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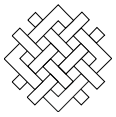

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