

The Politics of Frontier-making and Land Rights Alienation among the Batwa in Uganda

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Abstract

This paper analyzes the processes through which frontier makers establish strategic alliance with local states to promote economic interests and undermine indigenous land rights. Using the Batwa indigenous population in Uganda, the paper argues that the World Bank through Global Environmental Facility (GEF) and the Ugandan state illegally evicted the Batwa from their ancestral land with inadequate or no compensations. Through theoretical articulations such as interest negotiations, disruption of land rights and discourse diversion, I demonstrate that Batwa land rights were undermined through the following: (a) economic actors (frontiers) expropriated Batwa ancestral land with disregard for their informed consent and adequate and fair compensation; failed to implement World Bank directives that aimed to protect the Batwa land rights; (b) discrimination of Batwa from accessing and controlling land and other forest resources; and (c) the politics of exclusion whereby the Batwa were excluded from major community institutions responsible for planning and allocating forest generated revenues. The findings of the study imply that where the global actors establish alliance with the local state, indigenous land rights get alienated. There is a need therefore to promote capacity building and establish a Batwa people development forum through which they can raise their voices to promote indigenous land rights.

Keywords: Politics of Frontier-making, Batwa Indigenous Population, Forest People, Land Rights, Uganda

Introduction

This paper analyzes the processes through which global actors, that I refer to in this paper as “frontier makers,” establish strategic alliance with local states to accumulate capital while undermining indigenous land rights. In this regard, the politics of frontier-making is the process that involves not only the demand for minerals, land and other landed resources, but also represents the ways fresh market opportunities for the frontiers are identified, concessioned and protected (Ioris, 2020). The paper is based on the case of the Batwa indigenous population in Southwestern Uganda to explain how frontier-making is a manifestation of capitalist expansion and a pursuit of surplus value that survives on commodification of land and nature as well as dispossession and exploitation of indigenous people.

In this paper, I argue that while various studies on the Batwa indigenous population have been conducted in Africa, limited systematically-grounded scholarly work has been done to investigate the mechanisms global capitalism dispossessed the Batwa in Uganda. What is mostly available on the Batwa are reports from think tanks and civil society organisations on Batwa marginalization in the social services sector. (Kabananukye, 2006; Mbazzira, 2009; Namara, 2007). The findings in these reports mainly have policy implications with limited systematically-grounded conceptual and theoretical rigor that can meaningfully inform scholarship. Moreover, those that tackled land rights did not demonstrate how the powers of global capital undermine indigenous land rights (Nakayi, 2009; UOBDU, 2015; Jackson, 2004). Such studies did not analyze how global capitalism play the politics of maneuverability to make frontiers. These political maneuvers, I argue, are derived from and supported by money, technology, expertise and international laws to hoodwink the local states to adjust national policies to support frontier makers. I reason that these are manifested in three causal mechanisms, namely, (1) interest negotiations; (2) disruption of land rights and other sources of livelihoods, and (3) discourse diversion. These notions are theoretically articulated in the subsequent section. Therefore, the purpose of this paper is to analyze how frontier makers facilitate the alienation process of land rights among the Batwa indigenous population in Uganda. To achieve this, the main research question robed in this paper is the following: How do frontier makers facilitate land rights alienation among the Batwa in Uganda? This research question is essential because it calls for the interrogation of the mechanisms and techniques that frontier makers deploy to alienate the land rights of the indigenous population. Before exploring this question, it is important to first describe the historicity of the Batwa in Uganda.

Historically, the Batwa were former inhabitants of the Bwindi, Mgahinga and Echuya forests, from which they were evicted and excluded by the Ugandan state with support from the World Bank to establish conservation zones (Kabananukye, 2006; World Bank, 1995; Namara, 2007; Kidd and Zaninka, 2008; UOBDU, 2015; Mbazzira, 2009; Nakayi, 2009). Before displacement, the Batwa were hunter gatherers who relied on the forest for sources of their livelihoods. Kabananukye (1996) estimates that the total population of the Batwa globally was 300,000 by 1996 and are mainly found in Rwanda, Burundi, Democratic Republic of Congo, Cameroon, Gabon, and the Central African Republic. Furthermore, it was estimated that in a 2002 population census that approximately 6,700 Batwa lived in Uganda, mainly in the southwestern region (UOBDU, 2015).

Kidd and Zaninka (2008), Mbazzira (2009) and Nakayi (2009) show how the Batwa in Uganda were dispossessed and evicted from their forest land without informed consent and with little compensation. These scholars explain how the Batwa thoroughly lost their forest lands and resources, thereby living on the edges of society and becoming “conservation refugees.” As a result, the Batwa scattered around Kisoro, Kanungu, Kabale, Mbarara, Ntungamo, and Lwengo districts (Kabananukye, 2006; Namara, 2007; Kidd and Zaninka, 2008). Moreover, the Batwa’s forced eviction and exclusion from their ancestral lands led to severe landlessness and food insecurity. The Forest Peoples Program (FPP) and United Organisation for Batwa Development in Uganda—UOBDU (2015) report that 82 percent of the Batwa became landless after evictions and enclosure of the forests in 1991. This report also shows how the Batwa started living either as squatters on the land of others, on government land, or on church land. The UOBDU (2015) adds that the landless among the Batwa in Kisoro district represents 50 percent, Kabale 61 percent, Kanungu 21 percent, while Mbarara, Katovu and Ntungamo landless represent 100 percent of the total Batwa households.

As a result of land dispossession and exclusion, the Batwa also suffered severe poverty, marginalization, discrimination and sociopolitical exclusion. These conditions were

summarized in a study contained in a Social Protection report prepared for Uganda's Ministry of Gender, Labour and Social Development as follows:

The entire Batwa community is poor and depend on begging as a form of livelihood. Most of them are landless. Out of the total population of Batwa in Western Uganda, only 74 have land and are widely regarded as people "with no rights." Although other minorities are represented in parliament through NGOs and CBOs, the Batwa are not. Other ethnic groups despise them. They rarely eat on the same plate with neighbours. Although, they have been living in isolation, they have not escaped the HIV/AIDS epidemic. Their housing conditions are very poor and they lack access to social services. This group can be seen as chronically poor. Their children experience high rates of malnutrition and there is societal discrimination against them. As a result of all these problems, they are demotivated as a group and seem to be resigned to their situation (Institute of Development Studies, 2002, 44).

Despite living in destitute conditions, Article 26 of Uganda's Constitution protects all Ugandans right to "property" and Article 21 forbids any discrimination on grounds of ethnicity. Nonetheless, conditions of neoliberal capitalism forced Uganda to prioritize conservation programs in order to generate income and make profits. These conditions forced the state to formulate conservation policies that facilitated the eviction of the Batwa from the contested land. The Wildlife Act (2000) and National Environment Act (1995), for example, deviate from the supposed government obligation to protect the indigenous land rights. Further manifestations of systematic dispossession involved the failure to recognize the Batwa in the processes leading to the establishment of the conservation zones on land which they formerly occupied. They also did not participate in the establishment, management or planning of the protected areas. Moreover, the Batwa were ignored in the aftermath of their eviction. There were neither adequate and comprehensive compensation packages to all dispossessed Batwa, nor measures to facilitate the Batwa's transition to settlement. Consequently, the Batwa were caught between two opposing worlds: (1) that of agriculturalists, who wish to exploit them; and (2) that of conservationists who, by enclosing the forest land, have put an end to their sources of livelihoods and rendered the Batwa landless. These conditions have turned the Batwa into "conservation refugees."

This state of affairs need to be viewed within the context of the neoliberal policy environment that Uganda embraced in the 1980s (Niringiyimana, Muhumuza and Murindwa, 2023). This policy environment attracts powerful global capitalist players to invest in financially-poor but resource-rich countries. Needless to say, the neoliberal environment establishes an unholy alliance between states and global investors to acquire huge chunks of land at the expense of citizens who the state is supposed to protect. It is under these conditions that the Batwa were dispossessed of their land to establish space for profit-generating conservation zones. I have argued in this paper that the alienation of Batwa land rights took place through three causal theoretical mechanisms. These include (1) interest negotiations, (2) disruption of Batwa socioeconomic and livelihood security, and (3) discourse diversion. Before analyzing these causal mechanisms, it is important to understand the methodology and the theoretical framework employed.

Methodically, this paper employs the qualitative approach and therefore words are emphasized as opposed to numerical values because the study focuses on indigenous Batwa land rights. Next the data mostly utilized are analyzed in terms of descriptive case studies, which means that the "What is?" question underlies the analysis (Bangura, 2019; Bangura, Thomas & Hopwood, 2014). The rest of the paper is organized as follows: sections two and

three analyze the theoretical framework and articulates causal mechanisms. Section four presents forms of land rights alienations, and section five documents the echoes of hope for Batwa land rights. Finally, section six provides a conclusion and policy recommendations.

Theoretical Framework: Frontier-making and Neoliberal Globalisation

To understand the notion of *frontier-making*, I theoretically anchor it within neoliberal globalization. An economic perspective of neoliberal globalization views it as a “process of transforming the capitalist world system within expansionist logic” in which exploitation and capital accumulation is facilitated (Obi, 1999; Cohn, 2012). Other scholars view neoliberal globalization as an “unfinished project” that challenges “enduring” national foundations amid the emerging regional and global realities which point at expanding market interconnections in the form of investing in financial networks and global trade (Hertz, 2001; Obi, 1999). Still others view it as a politiceconomic process in “transnational investment blocs” and networked global actors seeking to maximise profits and control over distant resources draw into their fold national states in ways that engender global operations that make state and capital inseparable (Koruzhde & Cox, 2022). Mittleman views globalization as a restructuring process, specifically a “market-driven and multidimensional process” which “renders obsolete invented divisions of the world into developed and developing countries, industrialized and industrializing nations, and core and periphery” (1995, 275),

What is common in these conceptions, despite variations in definitions, is the transcendence of national and regional boundaries by actors interested in reaping benefits from transnational investments, networks, relationships, and loci of access. The recent global transformations are neither uniform in their reach or impact, nor would the same forces operate in all areas of neoliberal globalization. As Obi (1999) explains, neoliberal globalization is as complex as it is ideologically proselytists, and therefore great care must be taken to address its specifics. As such, the focus here is on “economic” neoliberal globalization, specifically globalization of capitalist interests in the tourism sector where frontier-making took place. It is within this theoretical articulation that I draw linkages among indigenous land rights in Africa in order to address the question of how the frontier-making (search for and protection of wildlife and dispossession of the Batwa) triggered and/or exacerbated the loss of Batwa’s land rights.

From the preceding analysis, *frontier-making* embodies the processes and practices that unveils neoimperial characteristics (Macneill, 2017). These include (a) practices in which the economically-powerful actors assert their dominance through control of political institutions, economies, and resources in the interest of capital accumulation; (b) this dominance is driven by the economic interest of powerful actors that seek to promote investment capital through speculation; (c) this control is asserted on local (microimperial), national (mesoimperial), and global (macroimperial) scales; (d) the multiscale processes of such actors are often coordinated through a confluence of interests, ideologies and proclivities on the part of economically-powerful elites from various nations, as well as through direct collusion; (e) ideas, propensities, and values are also produced by global actors through dispersed informal power; and (f) nation-states become important actors in facilitating or impeding global investments because they are loci of power.

The capitalist interests of global actors such as the World Bank in the conservation and tourism sector operate on a global scale. Global-level operations are possible because present-day globalization, fueled by postmodern travel, communication, financial and other economic exchanges on a global scale, and networks, provide both the context and opportunity for unhindered access to the remotest business areas of the world. This implies that frontier actors operate on a global scale. It also implies that they transcend the national

borders of their origin countries and regional borders of their geographical regions and continents. This is in contrast with national or regional land rights interests. The search to maximize profit from tourism, its politicization and misuse have become entwined with violation of indigenous land rights in the remotest parts of the world.

It needs to be added that global frontier makers derive their powers from money, technology, and expertise. The basic feature of wild-life conservation and tourism is the continuous exploitation of wealth by neo-imperial actors using advanced technologies with the ultimate aim of profit accumulation. The profit-making feature makes tourism a collective interest of not only global capitalists, but also of nation states and proponents of globalization (Aborisade, 2010; Obi, 2010). Money is used to access technology and pay for expertise, taxes and bribes to local elites (James & Rivera, 2020). Money also helps to recruit and deploy expert analysts who then justify tourism and conservation activities. It also counters arguments against the industry, especially with regards to local land rights concerns and compensating project-affected persons (PAPs) (Niringiyimana, 2022). Technology entails the dynamic development and application of postmodern machinery, equipment, specialized devices and skills, which are used in tourism and conservation management, profitability estimations, processing, and marketing. Expertise (i.e. knowledge, skills, experience, networks, and intellectual creativity) of both disciplinary specialists and generalists such as economic modelists and risk analysis cuts across these processes.

Consequently, the operations of global frontier makers engender land rights violations (Oloka-Onyango, 2005). This is done by disrupting and/or endangering relationships among indigenous people and between them and their environments. Specifically, interests, operations, and activities of global actors cause, drive, and/or intensify the (unfolding) loss of land rights among the indigenous populations. The capitalist projects that endanger community livelihoods are seen through large-scale land acquisitions, land enclosure, infrastructure development, and displacement of indigenous people to protect wildlife. The presence of frontier makers matter more than questions of whether they were invited by the local state or came on their own fortune-hunting mission. The pre-global situation can be articulated as one in which local communities depended on their forest land for livelihoods and the post-global situation becomes a crisis not only when it encroaches on local people's livelihoods (land) but also displaces local communities, herein the Batwa from their forest land.

Causal Mechanisms: Theoretical Articulations

In this section, three mechanisms through which frontier-driven accumulation by dispossession engenders land rights among indigenous populations are interrogated: (1) interest negotiations, (2) disruption of land rights and other livelihoods, and (3) discourse diversion. To start with interest negotiations, it is argued that wildlife conservation-related bargaining processes between global actors like the World Bank and the Ugandan state, make states to refocus their priorities. This make such states to promote the tourism sector as a core priority in both national policy and practice. Interest negotiations may be initiated by global actors in search of tourism investments given its well-known lucrativeness in the global political economy (Ortiz, 2020). It may also be initiated by the local states seeking to attract foreign investors in the sector, diversify their economies and/or revenue sources, and find alternative resources for use in regional and international bargaining. In the process of negotiating between global actors and states, land rights concerns are tabled, discussed, and common grounds reached. These common grounds, or convergences of interest between global actors and states, can result in the sanctioning of tourism-related activities that may take place among governance frameworks regulating the operations of the embodiments of

actors.

Next is the disruption of land rights and other livelihoods. This takes place after interest negotiation. It occurs after global actors secure privileges and protection from the state or coerce the state to do so. The disruption occurs because the exigencies of tourism and conservation developments demand access to land and resources which marginalized communities used for their survival. Once these capitalist projects become necessary, the calculus changes: lands that are strategically situated cease to belong to the indigenous people. Global capitalists gain interest in these lands. State elites who are privy to information about the development also become interested and rush to grab nearby land targeting land-related compensations. The resulting rush for lands in such areas change the market for land, entices members of local communities to sell their lands, and/or forces them to become subjects of displacements, compensations and relocations. An artificial, rapid-paced, tourism economy emerges. It then catches local communities by surprise and coerces them to adapt or relocate. Consequently, it dismantles their preexisting social relations, structures and networks of intra-community social capital and interdependence.

Finally, discourse diversion occurs alongside and during interest negotiation and disruptions. Diversion occurs when the debate shifts from “indigenous land rights and development” to tourism-related benefits such as expected employment, technology transfers, infrastructure developments, and revenue windfalls (Koruzhade & Cox, 2022). Once the discourse is tilted toward expected benefits, the possible support to humanity and, more particularly, indigenous populations may be weakened within the discourse. Policy discussions and critical stakeholders may be coerced, corrupted, and convinced to follow in the dominant discourse. After diverting the discourse, global capitalists may build a new narrative about the possible interlinkages among the tourism sector and other sectors, ongoing benefits, infrastructure changes, and other beautiful catchwords. The state becomes the defender and facilitator of capitalist programs, having been coopted or coerced into the fold. The state may allow civil-society pressures and regional and global debates about indigenous land rights and develop related frameworks. But these policy frameworks may be subjected to filtering and endorsement by global corporations. Some may be left on paper and/or shelved, or implemented with exceptions. So, indigenous land rights violations intensify under the state’s watch as accumulation logics of global actors proceed uninterrupted. In the next section, I present how these theoretical articulations unfolded and how Batwa land rights were violated in Southwestern Uganda.

Land Rights Alienations among the Batwa

Based on the preceding causal mechanisms, Batwa land rights were violated in different ways. These included lack of and/or insufficient compensation and resettlement packages, institutional discrimination, failure to implement World Bank directives, discriminatory access to forest resources, and lack of access to revenues shared from the national parks in Uganda. These land rights issues are articulated in the ensuing subsections.

Insufficient Compensation and Resettlement Packages

To start with, lack of and/or insufficient compensation and resettlement packages was one of the ways land rights for the Batwa were violated. The main global frontier actors involved compensation and resettlement process for the Batwa were the GEF under the aegis of the World Bank (World Bank, 1995 & 2005). Through these global actors in collaboration with the Ugandan state, Mgahinga Bwindi Impenetrable Forest Conservation Trust (MBICT) was established as a program specifically to “address the needs of the Batwa” (Tumushabe and

Musiime, 2006). In this arrangement, 38 households for Batwa benefited from 70 acres of land in 1999 when the program started. This constituted less than ten percent of Batwa households that needed land. Since the compensation and resettlement started, evidence shows that 326 acres of land was bought for these indigenous people under this scheme. This land was distributed in fractions of 1.5 acres to each household, an amount which was insufficient to practice agriculture and maintain other sources of livelihoods meaningfully.

In addition, Tumushabe and Musiime (2006) explain how the Adventist Development and Relief Agency (ADRA) supported the Batwa with land. These scholars indicate that ADRA, a faith-based organisation working in Uganda, initially worked with the Batwa in Bundibugyo district in 1994 before expanding to Kisoro and Kabale districts. In Kisoro district, ADRA bought 88 acres of land for 85 Batwa families in December of 2004. The beneficiaries, specifically from Rubuguri and Mutorere parishes, got one acre of land for each family. They also reveal how Kinkizi Diocese of Church of Uganda established a resettlement at Kitariro, north of the Bwindi forest in 1992. According to the Batwa leaders interviewed in Kanungu district, “the Diocese procured five acres of land which now provides a living place for more than 80 Batwa families.” In the same district, it was established that individual actors by the names of Scott and Carol Kellermann bought 15 acres of land for the Batwa people where about ten households were resettled. After five years, they also bought 100 acres near Bwindi forest for the Batwa in January of, 2005.

Unlike MBIFCT and ADRA which refused to handover the land titles to the Batwa community, Scott and Carol Kellermann provided the land titles to the Batwa beneficiaries. These Batwa used thumbprint to sign on their land titles. Accordingly, MBIFCT and ADRA argue that they cannot handover land titles to the Batwa for fear of mismanagement. As such, land titles remained with the MBIFCT and ADRA until they feel it is the right time to transfer the land titles to them, despite the fact that no mechanism has been developed to determine the appropriate time. Based on modern conventions of land rights, one can argue that the Batwa have no security of tenure for the land they occupy since they are not in possession of land titles. Also, based on the fact that the Batwa were evicted and dispossessed from their land, the resettlement action was inadequate since the majority of them were left without any land. For example, leaving the aforementioned policy interventions constant, conservation-related evictions in Uganda left more than 90 percent of the Batwa landless (Ahebwa, van Der Dam & Sandbrook, 2012). Moreover, the Batwa claimed that some land given to them was not suitable for agriculture. Consequently, in some areas such as Mukungu Parish in Kisoro district, the Batwa refused to settle on the land bought for them because they argued that the land was infertile. Instead, they relocated to the nearby towns in Kisoro, Rubanda and Kabale districts where they depend on pickpocketing, begging, and dancing.

Failure to Implement World Bank Directives

The other manifestation of causal mechanisms of land rights violation among the Batwa communities was institutional discrimination and failure to implement World Bank directives. As earlier alluded, Bwindi Impenetrable National Park and Mgahinga Gorilla National Park Conservation Project were established with financial support to the tune of \$4.3 million from the World Bank through GEF (World Bank, 1995). The purpose of the fund was to manage the two national parks and build community support through capacity building for sustainable management of the protected areas. To achieve this, the project implementers were required to follow the World Bank Operational Directive related to indigenous people. This directive states that for any project that affects indigenous people, project implementers should prepare an indigenous people’s development plan. For the case of Batwa people, this needed to be based on the social impact assessment and in consultation with

the affected Batwa communities. Under these requirements, the Batwa had to be granted “prior and meaningful consultation” and “informed participation” to ensure that their needs were adequately met. These interventions were seriously needed to cater for the conditions as elaborated in the 1995 GEF Project Document for Bwindi Mgahinga Conservation Trust (BMCT); thus:

In the proposed project area there is a small group of Batwa people, forest dwellers who once occupied what are now the Bwindi Impenetrable National Park and Mgahinga Gorilla National Park. When these areas became Forest and Game Reserves in the 1930's, with human occupation and hunting formally banned, these forest dwellers began to shift out of the shrinking forest area and began spending more time as share-croppers and laborers on their neighbors' farms. However, they still had access to many forest resources and the forests continued to be economically and culturally important to them. Nonetheless, the gazetting of the areas as national parks in 1991 has eliminated access to these opportunities for all local people, but the impact has been particularly harsh on the *Batwa* because they are landless, economically and socially disadvantaged, and have few other resources or options (World Bank, 1995, 1).

Following this line of thinking, the GEF had to set up committees through which the Batwa affected by the project would receive culturally appropriate social and economic benefits. It also provided guidelines on how potential adverse effects on the Batwa would be identified, avoided, minimized, mitigated and/or compensated. Consequently, the Ugandan government accepted the guidelines and recommended that the Batwa should have rites of passage to sacred sites, the attribution of forest and farmland to evicted communities, capacity building, and economic assistance.

Nonetheless, the recommendations were not fully implemented and neither the government of Uganda nor the World Bank followed up these guidelines (Olanya, 2013). As such, the Batwa were not represented on the committees responsible for implementation. To make matters worse, this committee that was budgeted for by the GEF has never been operational. In addition, Olanya (2013) reveals that the Batwa were not included in the consultation process because of lack of education and their inability to speak English. Failure to involve the Batwa in the implementation process was in contravention of Article 36 of the Uganda Constitution that provides for participation of minorities in decision-making processes. This implementation fraud was also witnessed through Article 32 that states “the State shall take affirmative action in favor of groups marginalized on the basis of gender, age, disability or any other reason created by history, tradition or custom, for the purpose of redressing imbalances which exist against them.” The failure by the government of Uganda and the World Bank to follow through and ensure effective compliance with World Bank's own operational directives was a clear sign that the politics of frontier-making in Mgahinga and Bwindi national parks were undermining indigenous land rights.

Discriminatory Access to Forest Resources

It was established that discriminatory access to forest resources against the Batwa in favor of the dominant Bafumbira and Bakiga was a knock-back to Batwa land rights (Mwebaza, 2006; Lewis, 2000). It needs to be noted that the Uganda National Parks headquarters established a “system of extractive resource use” in 1993, which later came to be known as the “multiple use program.” Tumushabe and Musiime (2006) explain how this system aimed at allowing

adjacent communities to access medicinal plants, fruits, herbs, seedlings of indigenous tree species, access to basket-making materials, and access to spiritual and cultural sites. This system was institutionalized in the Wildlife Act of 2000 and thereafter a memorandum of understanding was signed between Uganda Wildlife Authority (UWA) and the communities to grant access to the aforementioned forest products. The aim of the multiple-use program was two fold. The first was to encourage local communities to support the management of forest resources. This aimed at reducing the costs of forest management. The second was to promote traditional rights of local communities to the forests. To manage this situation, people were required to form local associations through which their access to forest rights would be collectively met.

While the initiative was very important for the Batwa, it was limited to some associations in some parishes around the marginal areas of the park. According to Tumushabe and Musiime (2006), this initiative helped only 20 percent of the total forest area. Moreover, the associations hardly included the Batwa because they were perceived as dirty, uneducated and unhealthy to associate with the dominant Bafumbira and Bakiga ethnic groups. As such, not only did the program ignore the basic needs of the Batwa in the forest such as firewood, wood for building materials, hunting small animals or worshipping ancestors in the forest, but also the Batwa were ignored in the formed associations. It needs to be noted that the failure to include Batwa in the multiple-use program was a sign of bad governance that worsened their conditions to secure new sources of livelihoods. It was not surprising, therefore, when Kabanukye (1999) and Kingdom (1990) noted that the “Batwa were caught between two opposing worlds”: (1) agriculturalists who wish to exploit the Batwa through cheap labour for survival; and (2) conservationists, who by closing the forest land, have put an end to the Batwa’s main sources of livelihoods, thereby rendering them landless.

Failure to Access Shared Revenues from National Parks

The Batwa explained that they hardly accessed revenues shared from the national parks in Uganda (Tumushabe and Musiime 2006; Lewis 2000). The Uganda Wildlife Act of 2000 mandates Uganda Wildlife Authority (UWA) to share revenues from the parks with local communities. For example, UWA is supposed to pay 20 percent of the park entry fees to the park’s surrounding communities. Two reasons were meant for the revenue sharing: first, to achieve equitable distribution of benefits from the conserved areas; and second, to solicit local community support for conservation initiatives that would in turn promote the sustainable management of the protected areas. Despite this revenue-sharing initiative in the institutional legal framework, various challenges have been encountered. First, the law deliberately considered 20 percent revenue to be shared from the “park entry fees” and ignored charges from “gorilla tracking permits” from foreign tourists, which brings in the majority of the revenue. As such, only about \$15 is shared from park entry fees compared to about \$70 that would be shared from gorilla tracking. Tumushabe and Musiime (2006) reveal how in 2004, gorilla tracking accounted for 43 percent of the annual income to UWA. They show how this money was the major source of internally-generated income during that time. The equity principle in revenue sharing is therefore questionable. Moreover, the study participants from the affected communities showed concern of delays in revenue disbursement that cause unnecessary suffering. In addition, most of the projects funded by the revenue-sharing program are social amenities such as feeder roads, educational and health facilities.

The situation could be understood in the context of establishing projects that benefit the whole community and not individuals. After all, they also have to be in line with the district local government development plan. Nonetheless, the Batwa communities were not considered in determining and implementing the social programs. As such, most Batwa have

not benefited from those social projects such as education and health, since they tend to be discriminated against by their colleagues. Moreover, those who attempt to attend the school end up dropping out because of the lack of lunch and other scholastic materials. The same devastating conditions apply to health services. This is because the Batwa do not go to seek medicine in modern health facilities due to discrimination, lack of sensitization programs to change their traditional health seeking behaviors, and lack of money to buy modern medicine.

Moreover, findings show that the institutional framework in place to support the revenue-sharing interventions was weak. For example, there are Community Protected Area Institutions (CPAI) that are responsible for screening and selecting the revenue-sharing projects. They are also mandated to advise the local community and the local council administration on the key projects to be selected and approve them respectively. Nonetheless, it was established during the interaction with communities that whenever CPAI engaged in both selection and approval of projects, it established contradictions that were tantamount to a conflict of interests. In addition, it was established that CPAI members had low levels of legal awareness as well as low knowledge of local community user rights. These challenges undermined CPAI's capacity to hold UWA and local government officials accountable to the local communities.

The preceding conditions were worsened by the fact that there were no Batwa representatives in the CPAI. This implied that there was no one to ensure that Batwa issues were clearly voiced out and prioritized. One of the reasons why the Batwa are not represented in the CPAI committee resonates with their failure to be represented in the district and sub-country councils. The local councils are important for constituting Local Environment Committees (LECs). In turn, the CPAIs are drawn from the LECs. Therefore, the Batwa community suffered a double tragedy: i.e. they lacked representation on both the local council and the CPAIs. These conditions worsen their marginalization and alienation of land rights. Based on these issues, it is important to note that institutions should be made to work so that local resource users such as marginalized Batwa being included in decision making. This would empower them to demand appropriate projects funded by the revenue sharing resources. More particularly, the role of the CPAIs should be streamlined as a body to represent the interest of the communities but not act as an advisor to both communities and the local government responsible for approving projects. In the next subsection, I present the echoes of hope by showing Batwa land struggles and their level of success.

Echoes of Hope for Batwa Land Rights

The echoes of hope for Batwa land rights are derived from the concerted effort from different actors and land rights activists that have supported that Batwa at different stages. It all started when the Batwa community under the support of NGOs such as the United Organisation for Batwa Development in Uganda (UOBDU) sued the Ugandan government in 2013 for displacing them. The community argued that it was evicted, excluded and dispossessed from its ancestral forest lands (Paterson, 2022; UOBDU and FPP, 2015; Mukasa, 2014). Specifically, the Batwa community raised four important issues: (1) the Ugandan government failed to recognize the Batwa as "indigenous peoples" within the meaning of international law and as a "minority" and "marginalised group"; (2) the actions of the Ugandan government with support from the World Bank to evict, exclude and dispossess the Batwa from their ancestral forest lands compromised their physical and cultural integrity and survival as an indigenous people; (3) the government of Uganda contravened the Ugandan constitution when it prevented and denied the Batwa to access the contested land; and (4) the government's actions that resulted in the widespread displacement, exploitation, exclusion and marginalisation of the Batwa in the communities in which they had subsequently been

forced to settle also contravened various articles of the Ugandan Constitution and several regional and international human rights and conservation instruments.

Based on the preceding land rights issues, Paterson (2022) and UOBDU and FPP (2015) explain how the Batwa people requested the Ugandan government to recognize them as the rightful owners of the contested land through registering the land in their names. Also, they pleaded to be compensated fairly and justly within the 12 months of judgement for the material and non-material damages they squirmed due to evictions, disposessions and impoverishment. In addition, they got actively involved in decision making regarding the formation of a new governance regime of the contested land so that they can determine how to access the land and share benefits accruing from it. This would promote collaborative governance and participatory management of the contested resources. Alternatively, the Batwa community requested to be provided land of equal size, type and value where they would resettle and practice farming.

The aforementioned state of affairs made the Ugandan Constitutional Court to outline key arguments that seemed to align with the requests of the Batwa on their land rights (Paterson, 2022). According to Paterson (2022), the arguments are as follows: (a) the Batwa lived in the land in question since time immemorial; based on Article 26 of the Ugandan Constitution, this bestowed them an interest in and/or right to the land; (b) the Batwa were known as indigenous peoples within the meaning of international law; this accords them the property right over the disputed land; (c) the Batwa's interests in and/or rights to the disputed land is a reflection of the common law doctrine of the aboriginal title; (d) the Batwa's interest in or right to the disputed land had not been extinguished by the legal reform introduced in the 1930s in Uganda; (e) based on international and regional legal evidences, the Batwa should not be treated as intruders on the contested land they previously occupied; (f) the illegal eviction from the contested land to safeguard public interest was not called for since the government failed to provide evidence confirming how the Batwa undermined conservation due to their occupation on the contested land; (g) conservation benefits accrued from evicting the Batwa from the contested land were inconsistent when measured against the associated negative impacts the Batwa community suffered; therefore, "the government failed to follow the Convention on Biological Diversity tenets, where less restrictive measures to conserve the forests situated on the contested land would be adhered to without evicting the Batwa"; (h) despite illegal evictions, the Batwa had not received any or adequate compensation for the disputed land; and (i) the government of Uganda had never doubted the fact that the Batwa were indigenous forest peoples originally inhabiting the disputed land to which they have a very strong cultural bond.

With the appalling preceding concerns, the Constitutional Court ensured that the marginalized Batwa "feel secure and confident and that they are recognized in society as human beings equally deserving of concern, respect and consideration" (Paterson, 2022, 1). Accordingly, the Court acknowledged that their illegal eviction had left the Batwa "disadvantaged, landless and living as squatters in land adjacent the protected area." The Court indicated that this "severely affected not only their land rights and livelihoods" but also destroyed their identity, dignity and selfworth as a people and as equal citizens with other Ugandans". In order to determine adequate redress measures for the Batwa community in respect to Article 137 (4)(b), the Constitutional Court referred the matter to the High Court. Given the protracted period of about eight years the case took in the Constitutional Court, it was indicated that the High Court needed to "expeditiously" hear evidence and determine the appropriate redress measures. By the time of writing this article, the case was still in the High Court. While the Batwa have not successfully regained their land rights, there are echoes that their land rights may be regained at some time in future. Nevertheless, this will depend on many factors, including the sustainable efforts by the advocacy groups supporting the Batwa

and financial resources to facilitate the process. In the next and final section, I draw a conclusion for the study and offer policy recommendations.

Conclusion and Policy Recommendations

This paper has argued that frontier makers with support from the nation-states have undermined the land rights of the indigenous populations to establish space for global capital programs. Using the Batwa in Uganda as a case study, it has been demonstrated that the World Bank through GEF illegally evicted the Batwa from their ancestral land with little or inadequate compensations. Through theoretical articulations such as interest negotiations, disruption of land rights, and discourse diversion, this paper proffers that global frontier makers undermined ancestral land rights through (a) expropriating Batwa ancestral land with disregard of their informed consent and adequate and fair compensation, (b) the Ugandan government and the World Bank failed to implement World Bank directives that aimed to protect the Batwa's land rights, (c) the Batwa were discriminated from accessing and controlling land and other forest resources, and (d) the Batwa were excluded from the major community protected areas and institutions that were responsible for planning and allocating forest generated revenues.

While various global and regional legal instruments recognize the land rights of the indigenous populations, including the Batwa, most of these laws are seen on paper without adequate enforcement. This situation resonates with institutional and legal frameworks in Uganda that do not only disregard the land rights of the Batwa communities but also undermines indigenous people's land interests. As argued elsewhere in this paper, these actions represent the interests of global capitalism that front profit-making and capital accumulation. It is through this desire for economic accumulation that wildlife conservation and the tourism industry were prioritized over the land rights of the Batwa. It is not surprising, therefore, that the Batwa were pushed to the margins of the society, thereby becoming "surplus humanity" because of the new status they gained as "conservation refugees" due to conservation-related displacements. Now that the Constitutional Court has decided that the Batwa be compensated after eight years of the case in the Court, let us keep the echoes of hope alive.

In terms of policy recommendations, I first suggest that the World Bank and the government of Uganda should implement land rights restitution for the Batwa. This would ensure that land and other property rights that were illegally removed from Batwa owners are restored or compensation of equivalent value provided. This would also be an appropriate remedy for the Batwa to live with dignity and confidence. Second, establishing a Batwa People's Development Forum (BPDF) would enhance their coordination and representation in different organizations that have interests in the plight of the Batwa. Third and finally, the establishment of an indigenous people's development plan is critical for the Batwa to benefit from the development programs. This would also enable the indigenous people to avoid and or mitigate negative effects that accrue from the development programs.

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