ENVIRONMENTAL JUSTICE AND HUMAN RIGHTS IN ACHOLI: A PRELIMINARY ASSESSMENT OF COMMUNITY PERCEPTIONS

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Contact information:

Adam Branch, Director, Centre of African Studies, University of Cambridge
Email: arb209@cam.ac.uk

Francis Odongyoo, Executive Director, Human Rights Focus
Email: ed@hurifo.ug, odongyoofrancis@yahoo.com

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Background: Overlapping Environmental Crises

Northern Uganda is facing a multidimensional environmental crisis at present. Massive deforestation from charcoal burning is devastating the landscape and seems unable to be brought under control by district authorities. The loss of trees is leading to disruptions in the hydrological cycle as well as incalculable damage to the social fabric of the community. There is concern that within a few years, there could be a total destruction of the forest cover, which was extensive only a decade ago. Deforestation may be the most obvious, but is by no means the only, major ecological threat the community faces today. The rapid expansion of large-scale commercial farming is reportedly dumping pesticides, herbicides and other chemicals into the water supply, especially in areas in the west of Acholi. Communities close to Murchison Falls National Park are having crops ruined and are being driven out of their homes by elephants, which have been chased out of the park due to disrupted ecological balances.

The expansion of roads in the region, in particular the Gulu-Nimule road, has created a large demand for rocks and gravel, leading to polluting and destructive quarrying operations. Large herds of cattle, being brought in from the south of Uganda, are laying waste to what had been community herding lands and farmlands. Expanded farming in wetlands is disturbing community water sources and water tables; fears are rampant that the introduction of irrigated agriculture will further reduce the community's access to water. Food security is reported to be under threat by falling productivity as well as the commercialization of seeds and the expansion of the use of pesticides, leading small subsistence farmers to be unable to secure the capital needed to buy seeds and inputs. Urban, peri-urban, and rural settlements expand, with services lagging far behind the population growth, leading to urban environmental crises. This is all set against a backdrop of increasing pressures on farmland introduced by a growing population and by land-grabbing throughout the region, as individuals and corporations from inside and outside the Acholi community, seize large areas of land for industrial agriculture, ranches, game reserves, or mining.

A dramatic loss of agricultural productivity among small-scale farmers was widely reported across the region. Many different factors were blamed, from the loss of land, to reduced rains, incursions by elephants, population growth, and the harmful impact of commercial farming. There was also debate on when the fall in productivity started – some reported one or two good years of farming upon first returning from the camps, while others reported lower yields immediately upon return. But whatever the cause and the timeframe, all agreed that productivity had fallen and it was harder if not impossible for a family to survive on agriculture alone.

These ecological threats must also be set against the backdrop of looming climate change. With climate change, the community's environmental well-being is becoming even more precarious: rising temperatures, unpredictable weather variability, disruptions to rainfall, and extreme weather events are directly harming communities and also increasing their vulnerability to the forcible dispossession of natural resources. This is heightening land conflicts and reducing food security. If unaddressed, this multidimensional environmental crisis could possibly end up pushing the Acholi community into renewed conflict or large-scale migration, as life in both rural areas and growing urban centers becomes increasingly unsustainable.

Environmental Justice and Human Rights

Environmental problems are often understood as able to be dealt with through technical management and regulation. Environmental crises tend to be seen as a result of inadequate adaptation, low levels of technology, community ignorance, or market externalities. The standard solutions to environmental problems, therefore, may involve the introduction of new technologies, building community resilience and sensitization, and market correction through taxation or other forms of regulation. However, this dominant technical approach ignores the fact that environmental problems, while integrated into natural processes, are not caused by entirely natural forces to which communities have no choice but to adapt. Rather, today's environmental problems are often caused by political forces, by unequal access to power and resources, by structures of inequality often backed up by violence. The environment is the medium through which violence, both direct and structural, is directed against poor and marginalized communities. Thus, environmental crises are human rights crises, and often cannot be solved through technical interventions alone. Instead, the solution can only be found through a commitment to environmental justice.

In understanding today's environmental crisis as a human rights crisis, it is essential to begin with the twenty-year war that afflicted northern Uganda, in particular the Acholi sub-region, from 1986-2006. The war left behind a ravaged landscape. Over a million people – the entire population of Acholi sub-region – had been forcibly displaced into internment camps, some for over a decade. Upon return home after the war, people found water sources ruined, fields overgrown by scrub, and unexploded ordinance scattered widely. Areas around the dozens of former IDP camps, near roads, and around military bases were

heavily polluted by human waste and trash, with the nearby farmlands seriously depleted. "We came home and just found that the ground was spoilt…and so hunger started."

The war's environmental and social impact set the stage for today's environmental crises. First, war left the state in northern Uganda highly militarized and often unaccountable, with little confidence in its institutions among civilians. As we explain below, this militarized state is often seen as responsible for environmental violence against the population. The war also caused major fractures within the community along inter-community, gender, and generational lines. These fractures are enabling, and being exacerbated by, environmental crisis. The deep uncertainty and anxiety over security of land tenure, together with easily exploitable divisions within society and the involvement of largely unaccountable local and national elites, together enable extractive and exploitative uses of the environment, with significant ecological and social consequences.

The environmental crises faced by Acholi sub-region are thus not only natural – they are primarily social and political in origin. They represent violations of people's human rights, starting with the right to a clean environment, but also their rights to life, to security of person, to food, to shelter, to cultural life, to work, to dignity. The Ugandan government has the primary responsibility to both end those abuses of human rights that the community is experiencing around the environment and to help provide remedies so as to ensure that people's human rights are fulfilled. In fulfilling these negative and positive duties, the state will of course need the cooperation and assistance of non-governmental organizations, international donors, and civil society more broadly.

There is a need to place environmental justice at the center of transitional justice in the region. Environmental issues have been ignored by post-war transitional justice and reconstruction policies, as aid agencies, donors, Ugandan NGOs, and government have failed to incorporate ecological crisis into peacebuilding. Transitional justice is focused on trials for wartime atrocity, while existing environmental policies seek technical fixes – hybrid seeds, disaster preparation – and ignore the roots of environmental problems in political violence. This cannot continue – environmental justice needs to be part of a holistic transitional justice and peacebuilding agenda.

It is the future itself that is at stake. There is a widespread perception that the present is a time of crisis – "when we were just married here there was nothing like what is happening these days, when our fathers were still alive the environment was different." Extrapolating from the recent changes they have seen, people expressed grave fears for the future – that their children would be left landless, that the rain would fail, fields would stop yielding, water would dry up, and the forests would be gone, the land would turn to desert. Global climate change cannot be stopped by the people of Uganda, but the conditions that are making Ugandans vulnerable to climate change, the conditions that are turning increasing climatic variability into humanitarian disaster, can be dealt with. Climate change needs to be adapted to, but that adaptation is best achieved

through the fulfillment of human rights within an environmental justice framework.

The first step towards a broad agenda for environmental justice is to better understand the social, political, and environmental forces that are leading to these forms of environmental violence and violations of human rights. Advocacy around environmental violence and justice has to begin from a solid research base; while some work has been done on the potential impact of climate change, on land grabbing, and on the oil industry, no research has yet taken a comprehensive approach made possible by seeing these and other environmental issues through a human rights lens.

A human rights-based approach is needed in order to foreground environmental violence as part of the broader reconstruction, transitional justice, and development agendas, making clear that natural resource dispossession, environmental destruction, and climate change are human rights violations that require remedy. Thus approach is also committed to the principle that the community itself needs to define what justice means in response to ongoing and future forms of environmental devastation, and that these community-based visions need to feed into policy from the bottom-up.

The HURIFO-Cambridge Preliminary Research Project

This report represents the first step in this comprehensive environmental justice research and advocacy agenda. It presents the preliminary findings of a collaborative research project undertaken led by Dr. Adam Branch, Director of the Centre of African Studies at the University of Cambridge, Dr. Paul Omach of Makerere University, and the research and advocacy team of Human Rights Focus. The research project sought to explore the forces are responsible for the widespread environmental devastation as seen by the community. The research inquired into the community's vision of what justice means for past and present ecological violence, and how these visions can be realized through legal and political advocacy. The research also looked to the future, endeavoring to explore possibilities of reducing community vulnerability to climate change through policy and grassroots initiatives.

The research program was undertaken by a team of researchers from Hurifo, Makerere University, Cambridge University, as well as from other universities in Europe and North America. Preparatory workshops were held in January and April, 2017, and the fieldwork was conducted from July-October, 2017. In total, twenty-two community discussions and focus group discussions were held in five districts of Acholi sub-region. The discussions were held in the Acholi language and then transcribed and translated into English. A dozen individual key informant interviews were also conducted, all in English. Research ethics clearance was approved by the Makerere University College of Humanities and Social Sciences Research Ethics Committee, and permission was granted by the Ugandan National Council of Science and Technology as well as the President's Office. Funding was provided through an Interdisciplinary Innovation Awards

Grant, funded from the allocations to the UK Arts and Humanities Research Council under the Global Challenges Research Fund.

This HURIFO-Cambridge project is the first step towards developing a transformative environmental rights and justice research and advocacy programme at HURIFO. HURIFO is perfectly placed to address this gap in research and advocacy: it is a human rights organization with long experience dealing with violence against vulnerable populations and with deep roots in the Acholi community from over two decades of work. There is currently a critical lack of community-based research capacity in the north; this initiative will therefore be the first step to greatly expanding HURIFO's research and advocacy capacity and enabling a crucial new emphasis on economic, social, and cultural rights, including the right to a healthy environment, to livelihoods, land, and development.

Note: Some of the research has been published in Adam Branch and Giuliano Martiniello, "Charcoal Power: The Political Violence of Non-Fossil Fuel in Uganda," Geoforum (2018): https://doi.org/10.1016/j.geoforum.2018.09.012

Future Research and Advocacy Agenda

Below is the first draft of the report on the research findings. It is explores two especially pressing facets of the environmental crisis: deforestation and commercial farming. It then briefly looks at several other issues that require further research. For each, we identify the human rights dimensions of the issue and the way forward in terms of research, advocacy, and community activism.

These findings are primarily a report of the perceptions held by the community. As a result, we are presenting the findings as what has been reported to us, not necessarily as confirmed fact. For this reason, this preliminary assessment can have two functions. First, it is a loud alarm bell that should alert us to the apparently broad environmental crisis being faced by the community throughout northern Uganda as well as the need for a focused and committed environmental justice agenda in the region. Second, by beginning with community perceptions, it provides the foundation for future research so as to better ascertain the factual basis and dimensions of the issues needing further investigation and action.

The next phase of research will have three significant components:

- **First,** a comprehensive program of participatory action research with the communities so as to explore further the problems discussed below and identify new problems;
- **Second,** further research with the other parties involved in environmental issues, in particular through interviews with government, commercial farmers, corporations, and NGOs;
- **Third,** deployment of more technical research tools to better discern the facts around the environmental crisis, including scientific methods for assessing pollution levels or deforestation, livelihoods analysis for food security, and economic value chain analysis for charcoal production.

These will set the stage for a focused program of activism, advocacy, and policy interventions by HURIFO and its partners. The project will also help build the northern community's own capacity to recognize forms of environmental violence and human rights abuses, establishing monitoring and reporting mechanisms that can help prevent ecological crises from turning into intra-community violence. From this basis, evidence-based, participatory, and justice-oriented advocacy can follow.

1. Deforestation through Charcoal Production

Expanding Extraction

Throughout Acholi Sub-region, large trucks are found plying remote dirt roads and tracks, ferrying workers and supplies in to distant rural areas and innumerable sacks of charcoal out. Trading centers are filled with huge piles of the white sacks of charcoal, roads and tracks lined with bags standing on end awaiting transport, and Karuma, the main crossing point of the Nile and truck stopover, sometimes has mountains of hundreds of sacks being reloaded before their trip south. All of these have made deforestation the most immediately obvious environmental threat faced by the Acholi community.

Seventy percent of urban households in Uganda are dependent on charcoal, a number that increases to 90% in rapidly growing Kampala. Charcoal demand is increasing at 6% per year, leading to, at present, 80,000 hectares of forests being cleared annually; by 2050, without intervention, a total depletion of forest stock is projected. As areas closer to Kampala have been cleared of trees, the charcoal frontier has been moving further north. Charcoal production in northern Uganda is recent, but its impact has been dramatic. Today, almost 40% of Uganda's supply of charcoal to urban areas comes from the north, whereas ten years ago it was zero. This makes sense – the Acholi sub-region of northern Uganda was ravaged by civil war from 1986-2006, and so it wasn't until the end of open fighting that charcoal production could expand from the central region to the north and its vast new reserve of trees.

At that time, independence in South Sudan had created a new trade artery from Kampala north to the South Sudanese capital, Juba. And so, as Acholi people moved back home after the war, having lost their cattle and savings, they turned to small-scale artisanal charcoal production for cash, driven also by the need to clear overgrown farm land. During those early years, people would typically cut trees on their own land, burn and bag the charcoal on site, and then transport it by bicycle or motorcycle to trading centers or main roads where it could be sold to dealers or transporters to bring it to Gulu or Kampala. Largely carried out at the household level, and often by women, livelihood charcoal production continues to be practiced today.

However, livelihood production was soon supplanted by a more industrialized model. As the trucks carrying goods north to Juba had been returning south to Kampala empty, filling them with charcoal became a way to make money off the

return journey. And so truck drivers and small businessmen began striking deals with community members in Acholiland to ensure a regular supply. They became middle-men, negotiating deals with those with use rights to customary land for their trees. Some trees are obtained from land over which specific households claim usufruct rights; in other cases, it is communal grazing or hunting lands, or communal forests, over which larger kin-based groupings typically have authority. In yet other cases, trees are taken from land over which authority is uncertain.

With this expansion of charcoal production, household labor no longer sufficed. The dealers began to bring in their own contracted workers, whom they would place in primitive work camps to clear-cut large swathes of forest, often using chainsaws. With industrial, large-scale commercial extraction, the scale escalated dramatically. This also coincided with a perceived decline in supply from areas further South – Luweero and Nakasongola, which had been centers of production. In many cases, work teams and equipment were simply moved north.

Industrial charcoal production is thought to be far more destructive than livelihood production. In the latter, the quantities are thought to be smaller and the cutting practices more sustainable. In industrial production, however, dozens or even hundreds of migrant workers can clear entire kilometers of land of trees, extracting even the roots, and leaving behind cratered landscapes of burning pits and the few scrub trees and bushes too small to burn. One parish chief claimed that the damage caused by commercial charcoal producers was so great that when land had been cleared of trees and used as a burning site, it could not be planted again for ten years. Charcoal has come to create what has been identified as a "violent environment."

The Environmental Impact of Deforestation

People recognized the ecological devastation caused by massive extraction of trees for charcoal production, which was a subject of intense concern throughout the areas where we conducted research. The nearly universal view was that tree cutting was leading to decreased rainfall and higher temperatures, negatively affecting crop yields. A group of women in a village in Amuru District explains: "Yes, [tree cutting] is there. They cut almost everything, they started way from up there to all the way down. Now there's nothing, the rain has also gone silent and now, for us, we are dying of hunger because the ground has dried up. We are going to die of hunger, there is nothing to eat – you see this, they come and cut everything." In a nearby parish, a similar account was provided: tree-cutting "is ruining the forest. There isn't any forest anymore. You know that the forest also brings rain and prevents the wind. Now the forest isn't here to stop the wind and bring the rain." Or, as another person put it, "Now there aren't any more [trees], the rain has been lost. Now we are dying of hunger. The land is drying out. There's no food, you see? We're being overwhelmed." Charcoal was the primary culprit, although logging of large hardwood trees such as mahogany and *beyo* (Afzelia Africana) was also seen to contribute. As one woman explained, "For me, I see that the time that charcoal burning was so much was in the year that just ended. There was a lot of charcoal burning, it was really too much, it was almost

taking place every day." Another respondent explained that, "For me, I answer like this: because of charcoal burning, hunger has come in. Charcoal has thrown hunger our way."

Beyond the changing rainfall, there were further reported damaging impacts of deforestation upon livelihoods. In particular, the commons that all depended upon for firewood, medicinal plants, grazing lands, and building materials was being destroyed. One local leader remarked that no one could find poles or grass for huts, nor could they afford iron sheets. Many communities reported a loss of access to firewood, some women saying that they now had to walk kilometers to find wood for cooking, and others reporting having to resort to maize cobs and other detritus for cooking fuel. The loss of trees was also destroying the foundation for communal solidarity, as many people noted. As trees were destroyed, the physical reference points for traditional authority within the community were being erased. A spiritual devastation followed, as the homes for spirits and trees with significant historical resonance were being cut and shipped off.

Many people recognized the vicious cycle they were stuck in: as the commons are lost and rainfall decreases, so does sustainable smallholder farming become even more difficult. It forces people to rely even more on the offer of money provided by charcoal production, despite the fact that it will just worsen the very conditions driving them to rely on charcoal for livelihoods.

Charcoal, Livelihoods, and Inequality

Involvement in the industry took many different forms. For many small producers, in particular women, they would find wood on farming land to which they had customary access or in communal forests, hunting, or grazing lands, or in rocky or hilly areas inaccessible for farming. For these producers, charcoal production was uniformly presented as necessary to pay for household goods such as soap or salt, and in particular to try to pay for school fees for children. For some of the most destitute and landless women, charcoal production was their only opportunity to gain any income to buy food for survival. These livelihood producers spoke of being paid approximately 10,000 per bag, which are then sold for at least four times that in Kampala.

Artisanal production was largely seen as an unfortunate necessity and as more sustainable and less destructive than the industrial production of charcoal. In the latter, Acholi are not involved as producers but as tree-sellers, negotiating deals with middle-men or charcoal dealers to allow all the trees on a certain plot of land to be cut down by migrant work crews and turned into charcoal. For landowners who were selling trees, it is hard to calculate the proportion of proceeds that were accumulating in their hands, since the trees were being sold at highly variable prices depending on their density and quality on each particular piece of land. But it is probable that the amount of money ending up in the hands of the Acholi tree sellers was minimal compared to the profits accruing to the large transporters and dealers, in line with patterns seen in charcoal value chains elsewhere. Indeed, for both groups, the supply of trees still seems to be plentiful enough so as to keep prices low and to prevent any efforts to organize

and raise prices among the producers. As one informant put it, echoing a widespread perception, "They sell among the outsiders and all the money remains theirs."

Blame was often apportioned to those members of the community who were involved in industrial charcoal production or tree-cutting. Here too, it is the corruption introduced by outsiders that is blamed for a "quick money" attitude among some Acholi, who are said to be driven by individual greed instead of community wellbeing. Accusations are made that unscrupulous individuals have sold off the trees on communal land, an accusation that is often leveled at youth who or local elites who are taking advantage of uncertain land boundaries.

But those who admit to having sold their trees to outsiders defend themselves as being forced into it out of poverty: as one young man in a group of youth put it, "what are you going to do to stop these people from coming and offering us money for our trees? Because if they offer us the money, we are going to have to take it!" Many who admitted to selling trees said they did so in order to clear land for agriculture, or even to plant pines and eucalyptus for commercial purposes. And almost everyone we spoke to attributed their involvement to the need to pay for school fees and even to buy food given the lack of cattle and falling agricultural productivity.

A final reason that many people gave for cutting down or selling trees for charcoal was insecurity over land. We frequently heard that people were selling trees because of reports that the government was going to take any "idle" land away from them. Rumors that the government was going to declare a forest reserve would lead people to cut down or sell off the trees so as to destroy the forest and to try to prevent its being grabbed by the government; in other cases, they sought to extract some value from it before it was taken away. "People are cutting trees because they have been told that [government] do not want people here because this is forest land which should extend up to [a certain hill], so people have decided that if it like that we shall do away with the trees." Or as another informant put it, "Here we don't have enough information, there is a rumor that Amuru district wants to give away this area to a certain white investor that is why people are selling trees with the hope that at least we would have gained from the land. That if they come the people would have benefited."

The charcoal industry appears to be producing greater inequality within the community, as those with the power to sell off trees do so to (relatively) great profit, while those who had benefited from forests through collecting firewood, building materials, food, or medicines, and who had relied on the forests for stabilizing the climate for farming, suffer. Often, this takes a gender dimension, given the tendency for men to have greater authority over land access and use, an authority imbalance that appears magnified in the case of decisions over forests. One woman explained that the only person making money from selling trees was "The landowner who sells the trees. You who have no husband, you don't get anything." And those without any claim to land were faced with expulsion: "People like us who are squatting on people's land we have nothing to show, even the land owners now wants to chase us away from their land."

Political Factors behind Charcoal

Rural poverty and profit-seeking among Acholi communities and individuals are certainly important factors leading to charcoal production. However, these must be put into the political context in which the trade is occurring in order to understand the poverty that has driven people to engage in charcoal production, the charcoal trade's particular destructiveness, and the inability of communities and authorities to stop or effectively regulate it.

As noted, extractive charcoal production is widely seen as having a clear political dimension. The Acholi communities tend to see it as driven by outsiders from south of the Nile – Baganda, Basoga, and Banyankole, referred to as "*luloki*" – who are an obvious presence among the charcoal dealers on the roads and trading centers of the north, as well as among the truck drivers and workers who burn the charcoal and load the trucks. But it was widely understood that the visible traders and transporters were not operating on their own. Rather, there were larger forces behind them, people believe, forces embedded deep within the state and the military. These were the forces that people cited as ultimately driving the extraction of charcoal and as making it impossible to stop.

It would not be a surprise for the state and military to be involved in the charcoal trade. The significant vertical integration possible in the industry, as one person with capital and political connections can pay for access to land, bring in work crews, and transport the product to Kampala, where it is then sold to smaller wholesalers and retailers. The Ugandan state and military have long been deeply involved in business within the country and have been condemned in the past for their involvement in the looting of natural resources in other countries in the region. Charcoal, especially when regulation is able to be avoided, provides an opportunity for significant profit by controlling the trade from start to finish.

The connection between charcoal and war was reported to be quite direct: those driving the tree cutting were sometimes identified as the very people at the forefront of the counterinsurgency in Acholiland. Ugandan military officers, it is said, got to know the Acholi countryside during the war and returned afterwards to exploit its resources. There had been a small amount of logging of hardwoods while the war was going on, it appears, but looting was escalated dramatically in the post-war period, sometimes literally following the same routes as the counterinsurgency: many of the security roads that were cut by the Ugandan military during the war for their military vehicles to reach remote locales are now used to extract charcoal and timber. It was reported by the community that transporters would be accompanied by military men without uniforms, traders and burning crews accompanied by armed men. And so the militarization of the north has continued into the post-war period, as the same forces involved in the war are seen as to blame now for the deforestation. As one informant put it, "The government workers also give the rich people permission to cut the trees in that even if you complain, nothing will be done for you….Those people have security that we can't stop."

Charcoal production can thus been seen as one form that widespread land grabbing and forced extraction of natural resources has taken in northern Uganda. Militarized, forceful displacements of communities by the state, whether for minerals, game reserves, parks, infrastructure, agri-business, or personal accumulation have occurred through different routes: most notable has been large land giveaways by the state to private "investors" or as political patronage to its allies. These giveaways have sometimes been effected and enforced through military violence; indeed, many of the large commercial farms owned by state elites are reported to be guarded by the Ugandan military. Game parks are becoming increasingly militarized (Carmody and Taylor, 2016). The result has been a ubiquitous and deep-seated anxiety over land.

Charcoal extraction is also enabled by, and exacerbating, the major fractures *within* the community along inter-community, gender, and generational lines that were caused by the war. Land conflicts caused by a breakdown of customary land tenure and new pressures on land are rampant. This has produced the general anxiety over land, setting the stage for destroying forests in a desperate way to extract some value from the land in the midst of mounting threats to customary access. This uncertainty and fear over security of land access, together with easily exploitable divisions within society and the presence of land-hungry politically connected elites – all this provided a fertile ground for the mass extraction of trees to take place. The end of the war thus did not mean the end of state violence in the north; instead, it appears to have taken on different forms. As one informant described it, they were experiencing "The war that has been waged against trees."

Problems of Regulation

Given the significant profits to be made from the highly exploitative charcoal trade and given the apparent involvement of state and military actors, it is perhaps not a surprise that efforts at regulation have proven inadequate and ineffective. In terms of regulating charcoal production through permitting or taxation, different local government officials seemed to often have different ideas about what the procedure was and what permits were necessary to legally produce and transport charcoal. Adding to this is Northern Uganda's administrative fragmentation: instead of two or three districts, there are now eight, each with different regulations and some without viable administrative capacity.

In fact, the National Charcoal Survey of 2015 received seven different answers from charcoal merchants as to how to obtain a trading license, with the most common answer being that they didn't know. Even among local government officials, any of at least five different documents were named as required for legal production of charcoal. Perhaps it is not a surprise that most producers and transporters admitted to the National Survey that they had no documents at all and that they paid some combination of at least 40 distinct fees.

In addition to this lack of administrative capacity, there seem to be distinct political challenges as well. Those trying to regulate charcoal extraction often expressed feelings of helplessness. The district leadership blames corrupt sub-

county officials, and vice-versa; one district blames the leadership of another district, and so on. Some districts have responded dramatically by instituting total bans on commercial charcoal production, but the business continued at a higher level of smuggling, and so the bans were lifted.

The incapacity of customary authority to regulate land use or prevent highly exploitative extractive uses was paired with a widespread lack of confidence in governmental authorities. Many communities we spoke to believed that the local and/or district governments were collaborating with the charcoal producers and dealers and so had no interest in ending the trade, however destructive. The result has been that the powerful, those connected with the state and backed up by its security services, are seen as operating with impunity in grabbing land and cutting down trees for charcoal and timber.

This impunity seems to be enforced through threats of violence. Some officials spoke confidentially about arresting illegal charcoal dealers and impounding their charcoal and then suddenly getting a call from the military headquarters outside of Kampala demanding that the person be released. And some human rights activists reported having received threatening phone calls when they were seen as interfering with charcoal dealers or traders.

Future Research and Advocacy:
Rapid action is desperately needed around charcoal production to stop deforestation before it is too late and the forests have been completely destroyed. For this reason, we envision a Human Rights intervention right away around charcoal and deforestation:

- *Declaration of a Environmental Emergency over Deforestation.* HURIFO, together with partners among NGOs, CBOs, donors, academia, and government should declare an environmental emergency around deforestation. HURIFO can bring the human rights dimensions of this crisis to the fore through a program of public dialogues and announcements. This is the first step to making clear the scope of the problem and bringing international awareness to it.
- *Human Rights Assistance to District Plans on Regulation.* Districts have been working towards better regulation of charcoal extraction; HURIFO can put together a policy team to contribute to that process by making clear the critical human rights and environmental justice stakes of this effort.
- *Community Deforestation Monitoring Network.* HURIFO can provide training to community members, in particular by building on its existing community human rights groups and monitors, around human rights and environmental justice. This can enable the community to recognize the human rights violations that are involved in deforestation, to create reporting mechanisms, and to develop their own visions of environmental justice.

2. PLANTATION AGRICULTURE

The Expansion of Plantation Agriculture in Acholi

Plantation agriculture, mostly in the form of large-scale commercial farming, has been expanding significantly over the last five years throughout Acholi sub-region. Large multinational companies, such as Dutch-based Amatheon-Agri, Ugandan companies, such as Delight Uganda Limited or Madhvani Group, along with numerous smaller individual investors from Uganda or internationally – reportedly from Kenya, Zimbabwe, South Africa, Australia, Germany, and the US – have been developing large plantations of crops for food and industrial use, fruit trees, and sugar cane. The sugar cane plantations have attracted the most notoriety due to conflicts over land with the communities living in the area, but the greatest expansion has been in the south-western area of Acholi, in particular Nwoya and Amuru districts. There, vast, flat plains, lower population density, and relative accessibility have combined to make the area particularly attractive for commercial farming. There has also been a recent increase in pine and eucalyptus plantations for commercial purposes, responding both to apparent market opportunities and government and NGO assistance.

National and local government have both strongly encouraged and supported this development of plantation agriculture. In addition to offering significant financial incentives, government has often been involved in the acquisition of land for plantations, which has sometimes taken on a violent aspect, as well as reportedly providing military to guard some farms. Government has also helped facilitate the spread of large-scale commercial agriculture by promoting an image of development for northern Uganda based on expansive commercial farming and the expansion of an agro-processing industry. It is a vision that promises modernized and more productive agriculture, employment, electrification, better services, schools, and roads. Museveni himself has tended to emphasize broad economic transformation and modernization – he announced in Anaka Town that he needed land in Nwoya to build a "city of factories" to be powered by Karuma dam – while the companies and local government have tended to promote the more immediate benefits that were supposed to flow to the communities with the arrival of plantations. Indeed, numerous focus groups and individuals told us of the high expectations they had had for the arrival of commercial farming in their region, stoked by the promises by government of schools and jobs.

However, in contrast to this glowing image sold by government and investors, the reality of plantation agriculture in Acholi has in practice become a matter of grave human rights concern. Reports abound of violent land grabbing, toxic pollution, compromised food security, exploitative labor relations, and the destruction of the environment upon which people rely for their survival and livelihoods. Worse, there appears little accountability or recourse for these apparent abuses of human rights, as government sometimes appears to lack either the capacity or will to deal with problems when they are reported.

In this section, we outline four areas in which our research found reports of significant human rights concerns related to plantation agriculture. In each, we

briefly present our findings and the human rights implications. At the end, we present a program for research and advocacy committed to environmental justice for the affected rural communities.

Land Acquisition by Plantations

Plantations have acquired land has through a number of different routes. The most infamous has been the involvement of state security forces in clearing people off of land or intervening in land disputes on the side of outside investors against the community. This is seen in Lakang, Amuru, where there has been a years-long struggle between the community on the one side and the Madhvani Group and the state security organs on the other, the latter seeking to acquire tens of thousands of acres for a sugar cane plantation. In other cases, new large commercial farms have been established in areas with a history of large-scale farming; indeed, in today's Nwoya district, farms had been established during the early independence period when those connected to the Obote or Amin governments were given large parcels for farming.

However, the most common route, it seems, has been for investors, supported by local or national government, to take advantage of community poverty, land disputes, and general land insecurity to obtain leases on land for a number of years or decades, and then to expand holdings once a firm footing has been established. Many communities reported that they, or members of their community, had leased out land consensually. However, others reported the process being unclear, non-consensual, and even coercive. Reports abounded of people losing land to plantations. Stories were told of plantations negotiating with one community and staking a claim to land that another community also laid claim to. As one person put it, "So the local people just wake up and find investors here, plowing land without even knowing where they came from and for how long they would be staying here because of the connections the landowners have." Some community members reported leasing their land to investors only as a desperate response to perceived government threats to take away "idle land," threats that have no basis in law and, if carried out, would represent dramatic violations of human rights. And there were reports that people who had opposed giving land to plantations had been arrested or threatened, and that in some cases the community's consent was only obtained after bribery and by not providing the community with full information.

There was no recourse, people felt, even as the plantations were violating the rights of "the very community who supported the project." This signals that fact that just obtaining community consent for a commercial farm or sugarcane factory ahead of time is inadequate when there are no mechanisms for ensuring the continued accountability of the factory to the people. It is these public accountability mechanisms that are needed. The result has been a widespread and deep insecurity about losing land to plantation agriculture and people becoming landless, fated to move to rural trading centers or urban slums in the north.

Declining Food Security

The expansion of commercial farming was having multifaceted ecological, economic, and social impacts upon the communities around them. One cause of particular environmental concern were the reports we heard of communities losing access to water sources as a result of enclosure by commercial farmers. This kind of loss of access to resources that had previously been subject to communal use led to frequent reports of conflicts with security forces guarding the farms. Communities reported that they faced arrest or violence if they were found "trespassing" on the commercial farms. Interviewees explained that they may simply have been using customary roads, or fishing or hunting small game, but had been arrested when found to be "encroaching" on plantation land.

We heard several reports of people reporting what they saw as abuses by commercial farms to the authorities but nothing being done in response. This perception again signals the problem of keeping relatively rich and powerful commercial farmers within the law in a context where the government is actively promoting their investment.

In several cases, outgrower schemes are being developed. These have already begun in in the case of sugar cane in Atiak, and seem incipient in other areas, especially around fruit production. In some cases, it was unclear to people whether it was the government or the commercial agriculture company that was behind the outgrower scheme, signaling a concerning lack of transparency and clarity around issues that could have a significant impact on people's livelihoods.

Of further concern is the fact that those people we spoke to who were already involved in outgrower schemes seemed to have little information about how they worked and about the consequences of being unable to pay back the start-up investment in seedlings and labor provided by the companies. Given that being an outgrower often involves a multi-year commitment for repayment, this kind of arrangement would need to be subject to careful regulation so that debt does not leave outgrowers landless. Indeed, community fears over sugarcane plantations grabbing land may have been a contributing factor to the arson at one of the plantations, signaling a troubling lack of transparency and accountability around the farms despite stated commitments to community consultation.

Some community members reported specific benefits of the commercial farms. One aspect that was mentioned was the opportunity to learn new techniques from the commercial farmers, in particular spacing of maize and timing of planting and harvesting. Some also reported seeing the improved seeds and use of chemical fertilizers and pesticides that the commercial farms introduced as a positive development.

However, for many in the community, these same developments, in particular improved seeds and chemical use, were reported as negative. These developments were undermining food security, they reported, as traditional knowledge of planting was being lost, indigenous seeds were being replaced by purchased "improved" or GMO seeds, and smallholder agriculture was becoming

increasingly reliant on relatively capital-intensive inputs such as fertilizer and pesticides. People noted that a concentration of land was underway, leaving many people landless and jobless in the face of few opportunities in the farms. It would stand to reason that people's views on these developments would correlate to their relative wealth within the community. Those with extensive land holdings and some working capital can take advantage of the new opportunities for capital-intensive inputs and economies of scale they introduce, while less well-off subsistence farmers are unable to afford the new inputs and thus find their food security under threat. People feared these trends would accelerate into the future, leaving them landless.

A similar pattern of differentiation emerges around markets. It was widely reported in Nwoya that prices had gone up and supplies of food for purchase in the markets had gone down. Many reported this to be due to the commercial farming companies buying up all the food in the markets, sometimes at a higher price – for instance, companies were reported to be paying 900-1000 shillings per kilo of maize in one market where the going price had been 700 shillings. For those with enough surplus produce to take advantage, this was positive; however, for those community members who depended on buying food in the market, whether due to a lack of land or to supplement their own inadequate crops, the higher prices and the high level of purchasing by the corporations represented a serious threat to their food security and even survival.

Environmental Damage

A wide range of forms of environmental pollution was reported by communities near plantations. What seemed to be of most concern were reported changes in water supplies, as water sources used for bathing and drinking were reported to have changed color or turned "oily," people thought as a result of the chemicals the farms were using running off into the water supply. One community said they had reported their concerns to the district government who said they would do a water analysis, but as far as the community knew nothing had yet been done. People were also concerned about the chemicals leading to broader environmental and health damage as they spread out from the plantations' boundaries.

In addition to the suspected toxic pollution caused by the use of chemical fertilizers, herbicides, and pesticides by the plantations, people had concerns over the new pests and weeds that seemed to have appeared with the plantations. People reported higher numbers of pests and weeds, some preciously unknown, which has forced them to have to rely on spraying their crops as well.

People also recognized that the expansion of commercial farms was going hand-in-hand with deforestation, as trees on farmland were removed and turned into logs or charcoal. Falling water levels around the farms were reported in the streams that communities depended upon for their water needs; some suspected that farms were introducing irrigation projects and draining the water. Roads were being damaged by the farm trucks, just as they were by the logging and charcoal trucks.

Concerns were raised that plantations and related deforestation was leading to distorted rain cycles. The exact mechanism was debated – as one person said, "We do not know how or what they do to hold the rains," but it was uniformly agreed upon that rains had reduced and become less predictable around the farms. People also reported a perception that land productivity had fallen in the areas adjacent to the farms; they were not sure why, but understood that falling productivity would probably eventually lead to the leasing of land to the plantations.

A final source of widespread environmental concern in the community was the arrival of thousands or tens of thousands of head of cattle, being brought by truck from the south and left to graze on land either leased or otherwise accessed by the cattle owners. Commonly referred to as "*balaalo*," these cattle herds were blamed for intensive degradation of the land, as well as for often straying away from their allotted areas and destroying crops and fragile communal lands elsewhere. These herds are seen as going hand-in-hand with deforestation, coming in and further destroying the land once it has been cleared of trees. Like the charcoal dealers, the cattle keepers were largely considered untouchable not only because they are armed but also because of their reported connections to powerful people in the military and government. Thus, they were able to graze their cattle with total impunity, refusing to compensate for the damage caused. Local government also reported themselves to be helpless in the face of the incursion.

Labor Relations

The commercial farms had brought significant new opportunities for paid employment to the region, which some people put forth as a distinct benefit. In Anaka, for instance, hundreds of young men are gathered each day from the trading center and brought to the sugar cane plantation to work; in Nwoya, casual farm labor is a mainstay for many nearby communities as people work in a variety of jobs ranging from loading, weeding, spraying, and harvesting to driving tractors, cooking, and cleaning. For many people, these were sources of much-needed cash income for school fees or for investment in small businesses.

However, these forms of casual labor were also the source of deep grievances on the part of many community members. Communities reported a distinct division of labor in which skilled labor was typically brought in from other parts of the country or from abroad, while the unskilled, hardest labor is given to the local community. Harsh working conditions were often reported – working from 6 am until 6 pm, some days up until 8 pm. Numerous cases of payment being delayed or not paid at all were reported to us. We have not been able to discern any pattern in terms of where the disputes were concentrated or among what type of commercial farmer, but community members reported problems with both smaller and larger farmers. Many workers reported having no employment contracts, simply showing up when the recruiters brought them.

The communities we spoke to reported having no recourse for what they felt were clear abuses of their rights and dignity. As one youth put it, "once you ask,

you lose your job as you are treated as an enlightened staff who will cause the company problems. Employees become fearful . These companies ride on the ignorance of the communities." As another person reported, those who complained about inadequate pay to police or authorities may be fired and barred from working again. There were reports of child labor, as children were said to be skipping school in order to work on the farms. All of these again pointing to a troubling lack of accountability on the part of the plantation owners, a lack of accountability that is perhaps inevitable when the government authorities are themselves actively promoting and facilitating the expansion of commercial farming.

Future Research and Advocacy:

The spread of plantations in Acholi represents a slower, less immediately critical human rights crisis than that represented by deforestation for charcoal production. That said, episodes of reported land grabbing or forceful evictions do require immediate research and advocacy. We see four primary elements in a future research and advocacy strategy for environmental justice around plantation agriculture:

- *Environmental testing of water and soil for toxic pollution* by teams of scientists from Gulu University and Makerere University, with international assistance as needed.
- *Accountability for human rights abuses.* Human rights organizations and district officials need training and orientation around the possible violations of human rights that are particular to plantation agriculture. At present, there appears the potential for significant conflicts of interest on the part of local and national government authorities: given their strong encouragement and support for commercial agriculture and plantations, they may not have the incentive or political will to deal firmly with reported abuses or with disputes between commercial farmers and the community.
- *Realistic expectations and transparent land acquisition.* Promises that cannot be met should not be made to communities about services, jobs, and "development" that plantations will bring. If communities are going to provide land to large commercial farmers, they need to have an accurate and truthful picture of what the benefits and disadvantages are. Experiences should be shared among communities that already have experience with commercial farmers.
- *Greater security around land tenure* is needed so that people can be sure that their land will not be grabbed and they can engage in productive agriculture and investment. Threats that idle land will be taken must end, as they are contrary to the law and human rights standards.

3) Other Issues: Parks and Wildlife; Mineral Extraction; Urban Areas

Parks and Wildlife

The Acholi have long co-existed with communities of large animals, as a glance at any collection of Acholi folktales or proverbs will reveal. In recent years, however, this co-existence has become rife with conflict. The conflict has focused around two issues: first, elephants leaving Murchison Falls National Park and destroying large tracts of crops, as well as posing a threat to human life; second, conflicts over land newly designated by the government for parks or game or forest reserves, as well as conflicts with rangers over access to those areas already so demarcated. Each has distinct social origins and human rights implications.

Communities near to Murchison Falls National Park consistently reported a dramatic increase in incursions by elephants into their farms over the last few years. The impact has been so destructive, many say, that agricultural output has fallen to the point where many people cannot feed themselves and many entire communities are thinking of moving elsewhere to escape the elephants. In fact, in some communities, the elephant incursions are blamed for people turning to charcoal production in order to make enough money to survive.

The causes of the increased elephant incursions is widely thought to be related to the recent increase in oil exploration and traffic for the oil industry through the park. People widely believe that the drilling of oil wells in particular drives elephants out from the park. In addition, the changes in animal movements that occurred during the war could have helped lead to increased incursions. Climate change could also be another contributing factor. More research is needed on the causes of these apparently increased incursions by animals.

Whatever the origin, the destructive impact on the community is clear: there is no compensation provided for wildlife damage to property or crops, and so those whose homes or fields are destroyed are left with no legal recourse. Many communities thus feel that their livelihoods and even their lives are being sacrificed by the government to the interests of the oil companies. In this context, some have turned to extra-legal means to deal with the elephants, fighting back against them However, communities reported violent reprisals by park rangers for any suspected harm done to animals. One community said that they had been told that nine people must die for every elephant that is killed; another community reported that they had been told that the revenue from one elephant was the same as that of an entire parish, and so the interests of the latter must give way to the former.

The violence has not been limited to threats; some reported being shot at or community members being killed by park rangers who suspected people to be trespassing on park land or engaging in poaching. Some communities had lists of people they claimed had been killed arbitrarily and without accountability by rangers for allegedly entering the park. Again, people see their own lives as declared worthless by the government in comparison to the lives of animals and, ultimately, the government's own financial gain through the park proceeds.

"Animal rights are taking precedence over human rights," we were told. The Uganda Wildlife Authority, people said, was now solely there to protect the animals, no longer to protect the community. People demanded that those accused of poaching or found in park boundaries be treated according to the law, not shot on sight which was often the perception of what was happening. So dramatic was the impact that some community members reported suspicions that the elephants were being allowed to destroy crops in order to displace people from their land in preparation for it to be grabbed by the government. The prevalence of these rumors is testimony once again to the extreme anxiety over land security in the north and the lack of trust in the state's motives.

Communities we spoke to had many solutions for the elephant incursions. Many community members had been employed as scouts, it seems, although youth who were recruited also complained of the danger and low pay of the work. There were also programs for distributing some park proceeds to the surrounding community, but charges of corruption were rife around it, perhaps unsurprisingly.

To repeat, these are reported perceptions and views aired by different communities around the park. They are not to be taken as confirmed fact, and park officials and rangers have often described a very different situation in the press. Nevertheless, these concerning community perceptions should be taken as a) an alarm bell that serious human rights issues are at stake in these areas; b) a call for further and more comprehensive research around the human rights dimensions of these questions; and c) a starting point for advocacy and finding ways forward. There clearly are ways forward, many of which are being explored by UWA and local leaders. As noted, the communities we spoke to gave a wide range of ideas as to how to address the situation. But the starting point needs to be a stated unequivocal commitment to the human rights of the communities around the parks, an end to any extrajudicial and summary executions of alleged poachers or trespassers, and full accountability for violence committed by park authorities against community members.

Mineral Extraction

Mineral extraction has led to numerous reports of problems for communities. There were allegations that oil companies had been dumping waste near homesteads in areas near the installations. Very apparent have been the consequences of rock quarrying, which has escalated significantly in recent years as the government has gone on a road-building spree. Quarries were reported to create a host of human rights problems for the surrounding communities. First, the dust from the quarries would spread across a wide area, affecting health, homesteads, and crops. The blasting at the quarries was also blamed for causing physical harm to people, both by the flying debris and from the noise, which was triggering mental trauma from the war, it was said. And finally, there are serious spiritual losses. Many of the rocks that were being destroyed had names and specific spirits that lived in them. The spirits were being chased away from the rocks and the heritage in the landscape destroyed, it was believed, with negative consequences for the community. Many people also believed that the rocks helped to bring rain, so as they were destroyed so too did the rain stop falling

regularly. Sand is being extracted from river banks, it was reported, leading to degradation of water sources. More research is needed on the health impacts of quarrying and ensuring that communities are compensated for the negative impact that they have already incurred.

Urban Environments

Urban issues will also require increased research going forward. Land grabbing and concentration, increased pressures on land, and falling agricultural productivity have combined with the legacy of war-time forced internment to give rise to significant levels of urbanization and pseudo-urbanization. We see a significant expansion of rural precarity among the population. The largest urban centres of Gulu Town and Kitgum Town, along with smaller towns such as Anaka, Kalongo, or Pabbo, are one face of this urbanization, where peri-urban slums have become a major defining feature of the post-war environment. But also of increasing significance are small rural trading centers, many of them former internment camps. These pseudo-urban areas are not only home to small permanent populations, but are also centers for people moving back and forth from rural areas, centers for informal or even wage labor to complement small-scale farming. As these urban areas grow, their ecological sustainability will come under greater and greater pressure. Gulu Town has had sporadic water crises already; water and sanitation services, along with housing and infrastructure, are desperately inadequate in these urban areas. With the increasing pressure of climate change, the problems will only increase. Therefore, given the centrality of these urban and pseudo-urban areas in coming years, they need to be a focus for any study of environmental justice. A preliminary research program is needed into these urban and pseudo-urban settlements, with a focus on providing basic services in the context of the environmental services provided by the wider rural region. That is, these urban areas have to be seen in the context of the broader rural environmental crisis, as their survival, and the human rights of those living there, are inherently tied into the environmental rights of those in rural areas.