

Green: at what price? Response from Green Resources

On the 21st of September 2016, Thomson Reuters Foundation produced a video and article titled "Green: at what price" and "Ugandan villagers locked out of forest waiting for the 'promised land'" respectively, after they visited Uganda in June 2016. Information which we believe is misleading the general public, especially our stakeholders, was published and as such we provide response to key areas highlighted below.

500ha of community land

Thomson Reuters Foundation portray GR as having taken the 500ha of land away from the communities and planted it with trees.

The 500hectare land in dispute is within the total forest area of 9000 hectares in Bukaleba Forest Reserve, managed by the National Forest Authority (NFA) as the Government Authority over Central Forest reserves. GR received license from NFA to operate (establish tree plantation) in Bukaleba in 1996 for 50 years.

In the addendum signed on 27th November 2013, between NFA and BFC (Busoga Forestry Company Ltd.), the said 500ha community land was excluded from the GR's operational area in the Forest Management Unit. The land was officially handed over to the government and it is the government's mandate to handover this land to the community. No trees are growing on the said land apart from the food crops grown by the local community.

In a letter signed February 2011, the President of Uganda confirms that he had been informed of the land in question, which was demarcated and already occupied by the local community.

"Bona Fide" land rights

The article quotes "Under complex laws, those who occupied the land for 12 years before the 1995 Constitution came into force, or who had been settled on the land by the government, do have "Bona Fide" land rights, but many are unaware of the laws that protect them."

The Land Act states that "A person who, before the coming into force of the Constitution had occupied and utilized or developed any land unchallenged by the registered owner or agent of the registered owner for twelve years or more is a lawful occupant categorized as bona fide occupant".

This statement would fit only those who had been in the Forest Reserve since 1983. However, the former Forest Department had been frequently issuing eviction notices to encroachers. In other cases, boundaries were being re-opened which showed that the encroachers were not

lawful occupants. These actions constitute a "challenge" to the occupants, and as such, under Ugandan law, they do not have the "Bona Fide" land rights claimed in the report.

The National Forestry and Tree Planting Act states that "A Forest Reserve shall be managed in a manner consistent with the purposes for which it is declared". Encroachment in whatever manner including cultivation, grazing and settlement other than forestry purposes contravenes this provision.

Evictions

In 1974, Uganda Government under the leadership of the Late Idi Amin, the Forestry Department & Veterinary Department agreed to have 4,977ha of the Bukaleba CFR placed under a UNDP/FAO government funded beef project. The beef project employed a number of people and established infrastructure (buildings, staff quarters) as part of the project. This project collapsed during the liberation war because the animals were looted and killed. The said land (4977ha) was not degazeted and was later reverted to the Forest Department as part of the forest reserve. After the collapse of the beef project, employees were paid and the project closed. This marked the beginning of settlements, such as those found in Bukaleba, as some employees chose not to return to their homelands.

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After a Government call for private investment in Forestry, Green Resources was awarded a permit (or license) in 1996 for tree growing in Bukaleba. Few people lived in the village of Bukaleba, and neither Bukaleba nor the current fishing villages were registered with the government at the time.

On 23rd may 2002, the Minister for Environment, the ambassador of the republic of Germany, and the Forest Department officials visited Bukaleba to assess the conditions thereof. In the same month, through a meeting with community members, 500ha were officially put aside for communities out of the licenses area and the communities agreed to move from the reserve peacefully. For those who did not adhere to the agreement, NFA carried out an eviction calling upon all persons who were scattered in the reserve to settle in the villages of Nakalanga and Bukaleba awaiting government decision on the 500ha piece of land.

Livelihoods

Thomson Reuters' article & video suggests that GR has stopped communities from cultivating, grazing and settling in the Forest Reserve, an act that deprives them of their livelihood.

It is important to note that Green Resources manages its operations in Bukaleba Central Forest Reserve in a responsible manner adhering to government policies and legislation, and in line with international standards. Such policies state no cultivation or settlement can take place within the reserve. Section 32 (b) of the National Forestry Tree Planting Act states:

"No person shall except for forestry purposes and in accordance with a management plan or in accordance with a license granted under this Act in a forest reserve or community forest;
b) Clear, use or occupy any land or grazing, livestock farming, planting or cultivation of crops, and erecting buildings"

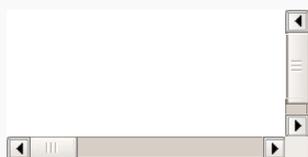
Since BFC took over management of Bukaleba Central Forest Reserve under lease, the company has informed all persons about this governing law of the reserve and explained all the consequences thereof. BFC management has been working with the communities including local leaders to get trees planted as per the submitted management plan whilst allowing access to the land that was already inhabited through a taugya system (intercropping). The taugya system allowed for communities to grow crops under trees for 1.5 years under eucalyptus and 2 years under pine plantations. To date trees have now grown and communities can no longer cultivate amongst the trees. Going forwards the taugya system is no longer legally permitted within the planted areas, so alternative agricultural approaches will need to be sought.

Grazing is only acceptable in the non-planted areas especially the ridges and access water points in the plantation. Designated routes have been earmarked, and are regularly used by the communities; therefore claims that access to these areas has been prohibited are not justified. It is important to note that communities around Bukaleba have placed their land under sugarcane growing with some renting it out. This has rendered some landless increasing pressure on land that was intended to be used for forestry.

All of BFC's staff are Ugandan, and approximately 99% come from the local communities. As such, BFC makes significant contributions to the livelihoods of the local communities. In addition, the company runs projects aimed at promoting community development, these include programs such as tree-seedling distribution (for individual and community woodlots), and training people to build and use fuel-efficient stoves. We support our communities allowing access to forest resources such as firewood, grasses, medicinal plants and herbs, and any wild-food plants.

The settlements in Bukaleba remain illegal as are their cultivation and grazing activities, and they shall remain so until such time as there is a change in the laws. As our key stakeholders, we are entrusted to inform communities about the status of the reserve and any governing laws.

BFC will continue to work closely with the local communities, and seek to provide assistance and support where possible, in line with Ugandan laws. GR is committed to operating in an environmentally and socially responsible manner; the company continually engages with all its stakeholders, and seeks to constantly evaluate and improve its' relationship with them.



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