

Okwongodul, Dokolo District

How the contradiction between forest conservation, forestry and forest-based investments escalate peasants' marginalization

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INTRODUCTION

With the advent of colonialism, forest conservation, which had been a domain of society (as a socially embedded practice), was ironically turned into a state practice, confiscating and alienating it from society. The modern Ugandan nation state (both colonial and postcolonial) is argued to have embraced law reform as a way to regulate and/or control the use of natural resources. Unlike the precolonial modes of forestry management and (land) use which emphasized communal/collective (sustainable) use and responsibility of protection, the modern development of Uganda's forestry sector has been top-down with little if any involvement of the society as critical stakeholders (Turyahabwe and Banana 2008; Lunyago 2023). For instance, the state, both colonial and postcolonial (from the late 1890s to mid-1980s) is argued to have "set the agenda and dominated policy formulation in the forestry sectors, while forcibly implementing procedures without explaining why they were necessary" (Turyahabwe and Banana 2008: 643).

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The colonial period of 1898 marked the start of the state centralization of forestry management and the subsequent problems it engendered. To sustain this centralization, a national forestry policy was developed in 1929 with an amendment in 1931 which introduced the logic of forest reserves and forest gazettation. This logic undermined traditional modes of forest governance and use by vesting all power in the colonial state. It thus cemented land and green grabbing, which was occasioned by the 1900 Buganda agreement and the other subsequent agreements across the kingdom and non-kingdom areas. Here, rights to forest utilization were given by the colonial state to a few individuals and not the collective, “depriving the indigenous people of their rights to forests and land” by privileging the educated elites, royals, chiefs and the rich, who would support the colonial policies (ibid.: 645). However, Turyahabwe and Banana (2008) argue that despite this alienating colonial practice, the rate of ‘forest exploitation’ was not alarming. At independence, forests and other natural resources were declared property of government, and thus a recentralization of forestry management, a move which was welcomed by those who were fascinated by the idea of “rational and efficient development of forestry resources” (Ibid.: 648). The recentralization led to the enactment of a new forestry policy in 1970 with emphasis put on prioritizing “the productive functions than the protective functions of forests” (ibid.: 649).

The neoliberal regime since the late 1980s embarked on a journey to modernize the Ugandan economy and formulated the 1988 forest policy to allegedly redress the ‘gaps’ in the previous policies. The regime put emphasis on ensuring what it called “environmentally sound forest harvesting, biodiversity conservation and ecosystem approaches to forest management,

establishment of recreation, and research especially in gazetted forest reserves” (ibid.: 650), with a key objective of promoting the “protection and enhancement of the health and diversity of our forest resources” without compromising their sustainability, i.e., the ability to continuously provide “a range of environmental, social and economic benefits for Uganda’s present and future generations” (GoU, 2016: 1). Achieving this objective necessitated investment in numerous initiatives but noteworthy is the licensing of private tree growers in government forest reserves (ibid.). Beginning in 1999, a forest sector reform was conducted, resulting into the 2001 forest policy and the national forestry and tree planting Act 2003. One of the key aspects introduced in the 2001 policy was “private sector involvement in commercial plantations, urban forestry, the management of forests on private land” (Turyahabwe and Banana 2008: 651). The impacts of these neoliberal introductions, informed by a market logic, are most felt today by societies especially in the forestry investment zones. This historical development shows how the modern neoliberal state has quintessentially planned to commercialize, commodify and marketize forestry and forested land, and do away with any collective claims and non-market modes of forest land use, something fueling land conflicts and other land and forest related contestations (see Lunyago 2023; Nakangu 2019). The enduring search for investment opportunities in a bid to generate surplus capital has engendered tensions between the investors, conservation authorities and the society, a logic attributable to histories of Uganda’s state formation and capital penetration. Reflecting hidden motives of the state and capital, these processes have conditioned peasant marginalization, dispossession,

exploitation, and alienation (see Lunyago 2023). In many cases, the state-investor-community conflict resulting from marketization and privatization of land is hinged on community's customary claims over land and counter resistance from communities takes customary approaches (Auma 2023).

The enduring problems that communities near forest reserves, whether commercial or not, face informed the need for an intervention to deal with some of these. The existence of weak national legislation governing land and environmental protection and the promotion of "pro-investment policies that undermine communities' land rights", resulted in community-state-investor conflicts" in Uganda. And yet, existing and predominant approaches to investment related violations especially in the field of land and environmental justice in Uganda were found to be reactive and not preventive, with "empowerment offered after communities have been affected".

As such, the Land and Equity Movement in Uganda (LEMU), with funding from the International Development Research Center (IDRC), undertook a project titled Preventive legal empowerment project – Early alert and action to strengthen rights in the context of land-based investments. The project was implemented between January 2022 to May 2025, in collaboration with International Institute for Environment and Development (IIED) in the United Kingdom. This action research conducted fieldwork and advocacy initiatives to preemptively address conflicts between communities and investors over land. It utilized early warning hotlines and rapid response mechanisms, conflict hotspot mapping, and participatory monitoring of investor compliance. The study was conducted in 4 sub-regions of Uganda including Acholi, Karamoja, Lango and Teso covering over

15 districts. LEMU received over 48 land-based investment cases and over 1,000 related grievances and reached over 3,673 (2,045 males and 1,628 female) direct beneficiaries. This policy brief presents key findings of the project and their implications for policy. The policy brief draws on the case study of mainly three Forestry Reserves, located in Okwongodul and Kachung sub-counties in Dokolo district and another one Jejel village in Serere district. It presents findings on the nature and extent of local community grievances mainly against the private investors and against the National Forestry Authority (NFA), highlighting how forestry, presented as one the measures to overcome the crisis of climate change can in-turn undermine basic survival needs of the local communities.

The project broadly focused on the land-based investments in the sectors of land, agriculture and agri-business, mining, and forestry. The idea was to avert the reactive tendencies of the state to the problems which people face and its foregrounding of market demands and/or interests in considerations of policy and development planning, including degazetting of forests for industrial and commercial purposes. The project deemed it appropriate to respond proactively, that is, before the problems arise or at their inception before they escalate. The Preventive Legal Empowerment: Early Alert and Action to Strengthen Rights in the Context of Land-Based Investments in Uganda (National Council for Science and Technology registration number SS1115ES 2002–2025) project sought to preventively address conflicts related to land-based investments and elite capture of community lands. Rather than providing legal support after a land-based injustice has occurred. This project was designed to support communities to 1) proactively identify

where investment-driven land conflicts may occur; 2) seek legal support as soon as they perceive this may be needed; and 3) engage with the potential conflict from a place of agency and legal empowerment—thereby ensuring that the conflict is avoided, the communities' land rights are not transgressed, and harm does not occur. The project explored how preventive legal empowerment support and conflict resolution strategies can help rural communities in Uganda to ensure that their land rights are respected, that communities do not suffer negative impacts of land-based investments (in particular increased displacement, injustice, environmental degradation, impoverishment, and

Methods and ethical considerations

The case study provides a political economy and historical analysis of the forestry sector in contemporary Uganda. The data for this policy brief was generated through a mixed methods approach deploying both qualitative and quantitative methods of data collection. The idea was to both understand the gravity of the problem and generate people's opinions based on their lived experiences. Quantitative methods of data collection included surveys and questionnaires. On the other hand, qualitative data was collected using 27 key informant interviews, 18 Focus Group Discussions, 24 community level meetings, 4 investor compliance assessment interviews, 7 radio talk shows, site visits, and cases generated through hotlines. Data was collected from February 2022 to May 2025. The data analysis followed thematic and discourse approach.

The study Preventive Legal Empowerment: Early Alert and Action to Strengthen Rights in the Context of Land-Based Investments was approved by the Uganda National Council for Science and Technology (UNCST), registration number SS1115ES (2002–2025). The project proposal, data collection tools, and informed consent materials—translated into local languages relevant to the research sites—were also approved by the Makerere University College of Humanities and Social Sciences Research and Ethics Committee (REC) with protocol number MUSSS-2021-81. The research ethics committee approved subsequent amendments to the study, including updated data collection and informed consent tools. LEMU submitted annual continuing review applications, supported by interim project reports. During data collection, LEMU researchers adhered to all the ethical standards and ensured written consent was obtained from research participants and confidentiality observed during data entry and analysis and reporting.

Presentation of Findings

1. Conservation and forestry investments are fueling land and green grabbing

Forest conservation is premised on the idea that it has to serve the larger interests of society. Paradoxically, reserves for forestry investments are practically anchored on a market logic. This means that the aspirations of forest conservation and forest investment are contradictory since the former serves larger socio-economic interests while the latter privileges and serves commercial interests of investors. In other words, the latter is driven by profit motives. This partly explains why these investments are done on large-scale (on lands starting with 50 acres and above). For such large-scale investments to be effected and the profit motives realized, landed communities and communities surviving on forested areas have to be dispossessed and displaced, i.e., pushed off the forests and neighboring lands to serve interests of the “investors”. In the cases that we investigated in Dokolo and Serere districts, the question of land grabbing by the investors became imminent. For example, around 220 hectares of Awer forest reserve were allocated to a local investor to carry out commercial tree planting in Okwongodul sub-county, which resulted into skirmishes between the investor and the local communities that accuse the investor and National Forestry Authority (NFA) of grabbing part of their land through deliberate encroachment into the customary land belonging to neighbouring communities. Interesting to note is that the investors

across a range of cases acquire land and forest leases from the government, making the state through the NFA complicit in such acts of land grabbing. The forests have thus been made historical sites for capital accumulation and exploitation by the investors (market) with the support of the state. This grabbing has at least taken two forms: first, direct grabbing of land from the people that initially occupied the land and/or forest before it was reserved, conserved and gazetted. Second, land grabbing through encroachments and boundary extensions by investors. In the former (established at 22%), people are dispossessed in the name of conserving nature, and yet, the land often ends up being given to the investor for commercial purposes. In the latter (established at 42%), the investors extend their possession beyond the originally allocated land into the lands of the neighboring community members. This is what we have in this policy brief called double grabbing. This scenario is common across other districts in which such projects are taking place. In fact, in most cases where the artificial forests are reported to have started for the purposes of growing trees as an investment in themselves, the communities report to have had no knowledge about the projects, let alone consenting to their

establishment. This means that they are not considered key and relevant stakeholders in these projects. In cases where the state and investors claim to seek consent of the people, this consent is coerced in form of extra-economic coercion through the fallacy of development and environmental conservation. This logic of coerced consent hoodwinks the communities to think that they make informed choices ignoring the other factors which force them into accepting, only later to claim that they did not know the would be impacts of the projects. One Local Council III Chairperson stated that people are coerced to consent through what investors have called 'corporate social responsibility benefit', which in themselves are never fulfilled, and even in instance where they are, they just sanitize the exploitative and destructive nature of the investment projects. When the investors encroach on the community's land (even in instances where community was promised guarantees of 10% of the land for community forestry), government connives with investors to force communities into agreeing to financial compensation instead of dealing with the land grabbing occasioned by acts of privatizing nature and individualizing forest ownership rendering forest-based community members 'serfs' and 'proletariats'.

2. Commercialization of forests and forestry investments are displacing the multiple non-capitalist (collective) modes of land use.

Our findings show that the investments in forested areas have led to the displacement, and disrespect of old-time socially acceptable and non-capitalist modes of land use, thereby rendering them useless and backward. For instance, if land was, before the forestry investments, used for grazing animals, harvesting firewood, burying relatives, 'subsistence' farming, fetching water etc., the investors in most of the forested areas we investigated have banished such modes of land use by privileging those which serve commercial market-oriented purposes. Because the former do not contribute to circuits of capital accumulation, they are rendered useless, non-productive, and irrelevant. For instance, despite the investors in forestry investments in Dokolo promising to allow communities access to long-time water points within the forest, they did not respect such a promise. In the words of one of the investors in a Key Informant Investor Compliance Interview, noted that "most water points were blocked as the map curved the points into the forest and thus restricted access...also the community members were sensitized about their rights and the need to embrace the investments and respect the investment areas

including not grazing or watering animals in the forest zones, creating small access routes into the forest and water points". This shows that the investments have been rendered superior to the numerous land uses the communities deem necessary for their survival. At least four cases investigated speak to this problem, as commercial interests outweigh the social livelihood needs of society. Equally, when animals of community members are found in the commercial forest areas, they are confiscated in the name of 'stray animals' and others are trapped using bobby traps, only later to be sold by the investors in connivance with some police officers.

3. Growing threat of food insecurity around forestry investment zones

From our findings, it was established that families and households that practice farming around the commercialized forests are facing an existential threat/risk of food insecurity. This is because, the types of commercial trees species which are grown in the forest render the neighboring lands unproductive. Commercial forest investors only invest in trees which are capable of giving them maximum returns on investment, even when such compromise the other values in society. Some of the trees grown for instance include eucalyptus, pine, and teak trees which have a very competitive rate of water intake and whose tree leaves and shades constrain the soil and cause soil

degeneration, thus affecting crop yields. This unproductivity of the land is coupled with the dangerous pests like tsetse flies and wild animals from the forests which attack and harm domestic animals (used as food), food crops and human beings, posing a threat to both food security and human existence. In one focus group discussion, it was revealed that "families with land around the forest complain that their land is no longer productive because of the tree species in the forest that have affected the crop yields. This is worsened by the spraying of food crops by the investors in the process of spraying the forest trees which affects the food crops. The forest attracts tsetse flies which harm humans and animals in the neighboring communities". The crisis of unproductive land and the effects on crops has also posed an indirect threat to the families as they fear that this may result in their loss of land. When land becomes unproductive, the option remains to release the land to investors for growing commercial trees. This, on top of the threat of food, adds a threat of land insecurity and land loss. The effects of these leave society with no choice but to become landless and foodless with redemption left to the mercy of the investor's exploitative labor arrangements.

4. Society in the commercial forestry investment areas are condemned to the labour market as cheap exploitable labour

It was revealed that on the eve of establishing the forestry investment projects, investors promised to generate up to 80% of employment opportunities. Indeed, the investments have not only created jobs but have, especially, created for themselves exploitable cheap labour to work on the tree plantations. All the surrounding villages have been turned into/rendered labourers in the forests to a point of working in shifts given the huge numbers of jobless and farmless households. These labourers work under very precarious conditions after having been rendered choiceless since their only means of survival is offering labour in the forests due to poor crop yields and land dispossessions. When investors were asked if these workers have written agreements, they argued that the agreements for especially casual labourers are verbal and only a few management positions have written agreements. Casual labourers are said to not be notified when they are getting terminated. The investors (like in the case of Serere) in their responses to investor compliance assessments stated that workers are terminated without prior notice except for a few in managerial positions. This highlights the precarious conditions of labour created by the investments themselves. Besides, the labourers work for little to no pay as some are paid in form of seedlings while others earn a meager pay (underpaid and/or unpaid for overwork). After

dispossessing the communities of their land, some of the investors are actually sub-leasing parts of the land to the communities, expecting them to raise money to pay for the leases despite being paid little-to-no-pay and sometimes in kind (compensated with seedlings). So, to afford the sub-lease, the people have to over-work on the forest farms and beyond to raise the money, even when the conditions are not favourable. The local people are therefore subjected to three forms of exploitation (cheap labour, unpaid labour when they are required to weed the forest trees in exchange for land to grow food, being forced the rent land from the investor to grow their food). This has been the case with workers at the forest investment in Dokolo district. This precarity is worsened by the crisis of labour migration as investors find it quite easy and convenient to employ labour from outside the investment communities. This is the case with investments in forest reserves in Kachung and Awer in Dokolo district and Jejel village in Serere district. These expatriate labourers fetch higher pays than the labourers from affected communities (following the expatriate logic) and in most cases the alien labourers are employed at management level with written contracts. These “expatriate” workers are accused of discriminating the casual labourers from the affected communities and raping

community girls as they go to fetch firewood in the forest. By unfairly externalizing labour, the investors worsen the marginality of the affected communities where the investment is located.

5. Financialization, monetarization and (de)-politicization as key drivers of land struggles

The eviction and dispossession of people is done with the aid of the state, as the leases issued to the investors are done by the government (NFA). The investors who are grabbing people's land in the name of forests, extending boundaries and enclosing community lands are said to wield a lot of power with most of them (52.7%) having connections to the state while others (41.8%) having money to influence decisions. When the communities whose land is encroached on through extension of boundaries by the investors report to the state agencies, they respond by asking the communities to accept financial compensation instead of regaining their land from the investors. This is because, the contemporary neoliberal moment has commodified and monetized every aspect of human life including nature (see Harvey 2005). However, in the eyes of the society, the value of land transcends the monetary, to other socio-economic, cultural and political values. The disregard of such values has made the state and the investors continuously grab peoples land with the hope of compensating monetarily. In the words of one of the affected community members, "the

response of government to encroachments is financial compensation which also most of the time does not come". In instances where the investors trespass and extend boundaries, the state that is mandated to protect the poor citizens, instead extends the investors' title by planting new mark stones for the investors. In cases where the state especially through the police place restraining orders on the investors, the investors are reported to defy such orders given the power they have amassed, which creates a lot of fear, tension, and vulnerability among community members. In the end, money, politics and power drive the predicament of the ordinary people in the forested investment zones. As such, investor interests override community collective interests on both land and other natural resources like forests.

6. Increased rates of crimes and destruction of socio-economic infrastructures

And last but not least, as a result of the forestry investment, roots of trees in the forests are cracking people's houses in communities neighbouring the forest zones. Equally, it was reported that trucks which ferry tree logs from the forests are destroying community access roads. In the same spirit, these forests have become hiding places for thieves and sites for raping young girls and women who go fetching firewood inside and on the outskirts of the forest just as

school-going children use them as hiding places for dodging school. These cases of crime and destruction are casting a huge dent on the socio-economic development and wellbeing of the communities in the forested zones. These concerns appeared in almost all cases we investigated in the forested zones where forestry and forest-based investments are taking place. These and many others have become grounds for the continued (land) conflicts between the

Recommendations

1. The state needs to rethink the basis on which land is reserved and/or conserved. This has to first and foremost take care of the needs and aspirations of the larger society before anything else.
2. There is need to ensure that non-capitalist modes of land use are respected and foregrounded especially in designing government programs. This can only be possible if government appreciates that these modes of land use are vital in the production and reproduction of society and the polity.
3. Government should deal with the exploitation of labour around all land-based investments in the country and the investment activities that produce the landless subjects of labour exploitation.
4. The assessment of forestry and forest-based investments' impacts (if at all they are necessary from the vantage point of the larger society) have to focus on the everyday lives of the people and not emerge out of abstraction in a top-down fashion.
5. Re-demarcate forest land boundaries to confirm there is no encroachment, where there is encroachment the state should accept to compensate communities for the time their land was under forest use and also allow the owners to reclaim their land.

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