

Responsive Forest Governance Initiative (RFGI)
Supporting Resilient Forest Livelihoods
through Local Representation

At the Expense of Democracy: Payment for Ecosystem Services in Hoima District, Uganda



Agrippinah Namara

At the Expense of Democracy

Responsive Forest Governance Initiative (RFGI) Research Programme

The Responsive Forest Governance Initiative (RFGI) is a research and training program, focusing on environmental governance in Africa. It is jointly managed by the Council for the Development of Social Sciences Research in Africa (CODESRIA), the International Union for the Conservation of Nature (IUCN) and the University of Illinois at Urbana Champaign (UIUC). It is funded by the Swedish International Development Agency (SIDA). The RFGI activities are focused on 12 countries: Burkina Faso, Cameroon, DR Congo, Ghana, Kenya, Mozambique, Nigeria, Senegal, South Africa, South Sudan, Tanzania, and Uganda. The initiative is also training young, in-country policy researchers in order to build an Africa-wide network of environmental governance analysts.

Nations worldwide have introduced decentralization reforms aspiring to make local government responsive and accountable to the needs and aspirations of citizens so as to improve equity, service delivery and resource management. Natural resources, especially forests, play an important role in these decentralizations since they provide local governments and local people with needed revenue, wealth, and subsistence. Responsive local governments can provide forest resource-dependent populations the flexibility they need to manage, adapt to and remain resilient in their changing environment. RFGI aims to enhance and help institutionalize widespread responsive and accountable local governance processes that reduce vulnerability, enhance local wellbeing, and improve forest management with a special focus on developing safeguards and guidelines to ensure fair and equitable implementation of the Reduced Emissions from Deforestation and Forest Degradation (REDD+) and climate-adaptation interventions.

REDD+ is a global Programme for disbursing funds, primarily to pay national governments of developing countries, to reduce forest carbon emission. REDD+ will require permanent local institutions that can integrate local needs with national and international objectives. The results from RFGI Africa research will be compared with results from collaborators in Asia and South America in order to enhance RFGI comparative scope, and to broaden its geographic policy relevance.

RFGI Working Paper Series Editors' Note

James Murombedzi, Jesse Ribot
and Gretchen Walters

Struggles for control over and access to nature and natural resources; struggles over land, forests, pastures and fisheries, are struggles for survival, self determination, and meaning. Natural resources are central to rural lives and livelihoods: they provide the material resources for survival, security, and freedom. To engage in the world requires assets that enable individuals, households, and communities to act in and on the world around them. The ability to accumulate assets and the ability to access government and market services depends partly on such resources along with the political-economic infrastructure – rights, recourse, representation, markets, and social services – that are the domain of government. Democracy, which both enables and requires the freedom to act, is predicated on these assets and infrastructures. Since the 1980s, African governments have been implementing local government decentralization reforms aimed at making local government more democratic by making them responsive and accountable to citizen needs and aspirations; in many places this has been done through a decentralisation of natural resource governance to local administrations. In order to be responsive to individual, household and community demands, local governments, too, need resources and decision-making powers. There must be a public domain – a set of public resources, such as forests or fisheries, which constitute this domain of democracy, the domain of decisions and services that citizens can demand of government. Natural resources, when decentralized into the domain of local authority, form an important part of the resources of individuals, households, communities and governments, making possible this move toward local democracy.

Natural resources provide local governments and people with wealth and subsistence. While nature is not the only source of rural income, the decentralization of natural resources governance is a core component of local government reform. However, governance reforms have been implemented in a context broadly characterized by an enduring crisis of the Western economic and financial systems, which in turn has stimulated privatization and liberalization in every sphere of life, including nature. The process has deprived local governments of public resources – depriving individuals and communities of a reason to engage, as a powerless government is not worth trying to influence. Privatization is depriving forest-dependent peoples of their access to formerly ‘public’ or traditionally managed resources. National governments, as well as international bodies such as the United Nations programme, titled the Reducing Emissions from Deforestation and forest Degradation (REDD), further this trend as they collaborate with private interests to promote the privatization of natural resources. The resulting enclosures threaten the wellbeing of resource-dependent populations and the viability of democratic reforms.

The specter of climate change is deepening the crisis of enclosure. A key response to climate change has been the attempt to mitigate greenhouse gas emissions through enhancing the capacity of forests in the developing world to store carbon, ostensibly for the benefit of the atmosphere as well as the communities who use these forests. UN REDD seeks to pay communities, through their national governments, to conserve their forests as carbon storage. A plus ‘+’ was added to REDD, forming REDD +, to call for improved ecosystems services, forest management, conservation, forest restoration and afforestation to enhance the capacity for carbon storage. Designed on the basis of similar payments for environmental services (PES) schemes, REDD+ has the potential to inject vast new sums of money into local resource use and governance. In the context of fragile local governments, nascent democracies and powerful private interests, such cash inflows result in the commercialization and privatization of forests and natural resources and the dispossession of local resource users. This financialization of natural resources grossly diminishes the scope for democratic natural resource governance schemes. To be sure, the implementation of REDD+ can also learn from and avoid the pitfalls experienced in these PES schemes, especially if they represent local interests in natural resource governance decision making.

The Responsive Forest Governance Initiative (RFGI) is an Africa-wide environmental-governance research and training program focusing on enabling responsive and accountable decentralization to strengthen the representation of forest-based rural people in local-government decision making. Since January

2012, the programme has carried out 33 case studies in 12 African countries, with comparative cases Nepal and Peru, to assess the conditions under which central authorities devolve forest management and use decisions to local government, and the conditions that enable local government to engage in sound, equitable and pro-poor forest management. Aimed at enabling local government to play an integrative role in rural development and natural resource management, these case studies are now being finalized and published to elicit public discourse and debate on local government and local democracy. This Working Paper series will publish the RFGI case studies as well as other comparative studies of decentralized natural resources governance in Africa and elsewhere that focus on the intersection between local democracy and natural resource management schemes. Using the concepts of institutional choice and recognition, the cases deal with a comprehensive range of issues in decentralized forest management in the context of REDD+, including the institutional choices of intervening agencies; the effects of such choices on accountability and representation; and the relationships between local government and other local institutions. The series will also include syntheses discussing the main findings of the RFGI research programme.

Based at CODESRIA, and funded by the Swedish International Development Agency (SIDA), the RFGI is a three year collaborative initiative of CODESRIA, the University of Illinois at Urbana-Champaign (UIUC) and the International Union for Conservation of Nature (IUCN). RFGI working papers and documents, including the background papers, the RFGI programme description, and the RFGI Methods Handbook, can be found on line at:

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CODESRIA publishes *Africa Development*, the longest standing Africa based social science journal; *Afrika Zamani*, a journal of history; the *African Sociological Review*; the *African Journal of International Affairs*; *Africa Review of Books* and the *Journal of Higher Education in Africa*. The Council also co-publishes the *Africa Media Review*; *Identity, Culture and Politics: An Afro-Asian Dialogue*; *The African Anthropologist* and the *Afro-Arab Selections for Social Sciences*. The results of its research and other activities are also disseminated through its Working Paper Series, Green Book Series, Monograph Series, Book Series, Policy Briefs and the CODESRIA Bulletin. Select CODESRIA publications are also accessible online at www.codesria.org.

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List of Abbreviations

CSWCT	Chimpanzee Sanctuary and Wildlife Conservation Trust
DFO	District Forest Officer
DFS	District Forest Services
GEF	Global Environment Facility
HDLG	Hoima District Local Government
JGI	Jane Goodall Institute
LC	Local Council
LG	Local Government
NEMA	National Environment Management Authority
NFA	National Forest Authority
NGO	Non-Governmental Organization
PES	Payment for Ecosystem Services
PFO	Private Forest Owner
PFOA	Private Forest Owners Association
REDD+	Reducing Emissions from Deforestation and Degradation
RFGI	Responsive Forest Governance Initiative
UNEP	United Nations Environment Program

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This paper is a product of research conducted as part of the Responsive Forest Governance Initiative (RFGI), a research and training program, focusing on environmental governance in Africa. The RFGI activities focused on 12 countries: Burkina Faso, Cameroon, DR Congo, Ghana, Kenya, Mozambique, Nigeria, Senegal, South Africa, South Sudan, Tanzania, and Uganda. The initiative trained in-country policy researchers to build an Africa-wide network of environmental governance analysts. RFGI was jointly managed by the Council for the Development of Social Sciences Research in Africa (CODESRIA), the International Union for the Conservation of Nature (IUCN) and the University of Illinois at Urbana Champaign (UIUC). It was funded by the Swedish International Development Agency (SIDA). I am grateful to the RFGI Core Team members and all the 32 RFGI researchers for the academic support they afforded me at various stages of this research process. Particularly, I thank Dr. James C. Murombedzi, Dr. Robert Mbeche, Professor Jesse Ribot, Dr. Karin Berkhoudt, Dr. Jacques Pollini and an anonymous reviewer for reviewing various drafts of this paper. I am also eternally grateful to the community members in Hoima, Central and Local Government officials and NGOs officials who allowed me into their homes and offices, patiently discussed with me, and at times invited me to their meetings from which I learnt a lot.

About the Author

Agrippinah Namara is a freelance researcher based in Uganda. Previously she worked for NGOs and donor conservation programs. Her research interest has revolved around the issues of governance of natural resources emanating from the interface of rural communities and conservation areas and interventions. She was part of the Institutions and Governance Program of WRI in which she studied issues of decentralization of decision making around protected areas in Uganda, resulting to her publication “*From Paternalism to Real Partnerships with Local Communities? Experiences from Bwindi Impenetrable National Park*”, (*Africa Development* Vol XXXI no. 2, 2006). She also co-authored the issue paper *Development and gorillas? Assessing fifteen years of integrated conservation and development in south-western Uganda* (IIED Issue No. 23, 2010). Agrippinah was one of the 32 researchers of the Responsive Forest Governance Initiative.

Abstract

About 70 per cent of forests in Uganda lie outside of protected areas, owned by private individuals and companies, but with oversight decentralized to the district local governments. Due to insufficient human and logistical resources, local government institutions do not enforce forestry regulations effectively and so deforestation outside protected areas remains high at about 2.6 per cent annually. In a bid to curb deforestation, the central government, in collaboration with national and international NGOs, is introducing financial-based conservation. This research focused on a Payment for Ecosystem Services (PES) pilot project implemented in Western Uganda, targeting forests outside protected areas. I interrogated effects of the project on local democracy in forest governance. Results indicate that NGO and the central government are using such projects to establish their influence over local decision-making processes and, in the process, override the mandate and knowledge of the local stakeholders. In Uganda, high rates of deforestation are partly attributed the land tenure system that give complete control to private landowners and limits state control. In the Albertine Region, which hosts a large percentage of Uganda's remaining forests outside protected areas, the central government and NGOs are pushing for privatization of forests legally held by the Local Government *to protect them*. Once forest owners have their titles/certificates of ownership, is there any guarantee that the state or NGOs can influence their landuse choices, given the current unpredictability of environmental service markets?

Key words: Payment for Ecosystem Services, local democracy, representation, forest Governance, Uganda.

Introduction

Economic mechanisms for the conservation of ecosystems and their services, such as Payment for Ecosystem Services (PES), have become a popular alternative to the traditional 'command and control' approach to conservation in the global South (McAfee 2012b). PES is a voluntary transaction where a buyer purchases a well-defined ecosystem service (ES) from a service provider (individuals, community groups, companies or government) on condition that the service provided can be verified (Engel et al. 2008). PES has generated interest as a mechanism to translate external, non-market values of the environment into real financial incentives for local actors to provide such services (Wunder 2005; Engel et al. 2008). PES is particularly applicable in contexts where ecosystem managers may perceive other communities living away from the ecosystem to enjoy environmental values and benefits without incurring the associated costs. The approach arises from the idea that people with financial interests in the maintenance of natural areas will contribute to their conservation. PES projects have been implemented in countries of the Global South for more than a decade, remunerating landholders for practices such as restricting the movements of livestock, abstaining from clearing natural vegetation for farming, and planting or preserving trees for carbon storage or watershed protection. ES providers may be individuals, communities, or states with ownership or access rights to the land where the services are produced (McAfee 2012b). Analysis of the performance of market-based conservation approaches in overcoming problems of resource use in developing countries is gradually developing (Wunder 2005, Engel et al 2008, McAfee & Shapiro 2010, Rodriguez-de-Francisco & Boelens 2011, Buscher 2012, Matulis 2012, McAfee 2012a, and 2012b).

Market-based environmental management approaches derive impetus from the neoliberal discourse, which emphasizes individual and corporate property rights

and the primacy of the market in determining the uses of productive resources and the distribution of what is produced (Igoe & Brockington 2007; McAfee 2012a). According to the discourse, ascription of property rights to ecosystem functions, such as carbon sequestration and biodiversity protection in forests, is necessary to facilitate buying and selling of the right to use these services (McAfee 2012a, 2012b). The tenets of neoliberalism include: 1) privatization (transfer of state-owned, un-owned, or communally owned property to private hands); 2) marketization (assignment of prices through market mechanisms to facilitate exchange); 3) deregulation (roll-back of state¹ interference in markets since it is perceived to be the locus of resistance to world market subordination); 4) re-regulation (deployment of state policies to support those markets) and 5) an array of mechanisms to fill the void left by the state, such as NGOs and private organizations (Beckman 1993, Kamat 2004, Igoe & Brockington 2007, Matulis 2012).

Proponents assume that simply facilitating free markets and transferring revenue to cash-poor communities can simultaneously achieve global conservation gains, foster greener economic growth, and alleviate poverty in the global South: the triple win solution for nature, private investors, and the poor (McAfee & Shapiro 2010). This is often an invalid assumption (Buscher 2012; Engel et al 2008; Igoe & Brockington 2007; Matulis 2012, McAfee 2012a, 2012b; McAfee & Shapiro 2010; Rodriguez-de-Francisco & Boelens 2011). Outcomes of neoliberal approaches to conservation could harm or protect the environment, present opportunities or liabilities to local communities, depending on the prevailing conditions (Igoe & Brockington 2007). In some contexts, investments in biodiversity create competition for land, including in regions facing food shortages, reinforce inequality and social differentiation, and ignite conflict among communities (McAfee & Shapiro 2010; Rodriguez-de-Francisco & Boelens 2011). PES depends on privatization of tenure, which leads to expropriation and exclusion among other undesirable social outcomes. Additionally, non-market ecosystem functions, e.g. cultural values, are difficult to assign appropriate values and are not of interest to markets, so PES does not conserve them and they can eventually be degraded. Allocation of economic value to resources of high biodiversity value through neoliberal conservation makes them available to transnational and national elite interests at the expense of local rural communities (Igoe & Brockington 2007).

Because these market-based approaches to conservation are relatively new, interrogation of their effects is only emerging. Buscher (2012) observes that so far these mechanisms have been built up largely as 'expert discourses', marketed among supportive 'epistemic communities' spread across national and

international policy and donor communities. These communities legitimate the scientific evidence produced because they depend on the successes of these models to attract more attention and resources. This necessitates that the effects of the models on local social relations, values, traditions, and histories be ignored; and questions that might cast doubt about feasibility be avoided or concealed in a 'discursive blur' using terms like 'participation,' 'sustainability' and 'win-win solutions' (Buscher 2012; Igoe & Brockington 2007; McAfee 2012a). Because of the prevailing institutional and ideological climate, even the literature does not address the widening gap between the reality and rhetoric surrounding such interventions (Igoe & Brockington 2007).

The intention of this paper is to contribute to emerging analysis of the democracy effects of PES, through applying the *institutional choice and recognition framework* advanced by Ribot (2007) and Ribot et al. (2008). The framework uses the concept of 'institutional choice' to refer to the act by an intervening institution (e.g. government, NGOs, international agencies) of choosing (*recognizing*) from among a variety of local actors vying for decision-making powers in the arena of local governance (Kashwan 2012). Policy elites shape local political dynamics through institutional choices they make, i.e. by recognizing certain local actors, authorities or institutions among a competing array of actors and backing the chosen actors with investment of resources and decision-making powers. The act of 'recognizing' certain local institutions transforms the local institutional landscape through strengthening them and reinforcing the identities of their members. Simultaneously, institutions not recognized may be weakened if they are overshadowed or their ability to serve public interest is pre-empted. The process of recognition can strengthen or weaken local democracy through shaping representation, *citizenship* and the *public domain* (Ribot et al. 2008).²

I conducted this study around a PES Pilot Project implemented by the United Nations Environment Program (UNEP) between 2010 and 2014 implemented in Hoima and Kibale Districts. The objective of the project was: '*To test the effectiveness of PES as a viable means for financing and procuring biodiversity conservation outside protected areas in Uganda, using an experimental methodology*' (UNEP Project Document, undated). The project used an experimental randomized design to test the effectiveness of PES (Grieser Johns 2013). Finance was from a GEF grant, contributions from the central government and donations from conservation NGOs.

The findings indicate that financial-based conservation approaches are the new route through which central government and external actors entrench their influence in local forestry decision-making processes in Uganda. NGOs are the

main implementers of interventions targeting forests outside protected areas, where the local government (LG) holds the key mandate, albeit with capacity shortages (human and logistical). The problem arises because operating style of NGOs is further weakening LG authority and denying it the opportunity to improve its capacity to fulfill its mandate. The framing of this project as a scientific experiment determined the choice of key actors. Priority was given to conservation NGOs and scientists from the North, to bring in credible global experience, and less emphasis was put on participation of local stakeholders, especially the LG and village communities. To justify why they should drive the local conservation agenda, external agencies use negative stereotypes to discredit the LG.

NGOs initiated a process of privatizing riverine forests by putting them under the control of the adjacent landowners, despite the legal provision that the LG holds such areas in trust for the people, and that these areas shall not be alienated. Individual adjacent landowners have gained control over these forests, and are restricting access by other community members who depended on these forests for sustenance. This has ignited resource access and wildlife damage-related conflict within villages. Ironically, in Uganda, high rates of deforestation are partly attributed the land tenure system that give complete control to private landowners and limits state control. Therefore, it is a paradox that in the Albertine Region, which hosts a large percentage of Uganda's remaining forests outside protected areas, the central government and NGOs are now pushing for further privatization of forests legally held by the LG *to protect them*. Once forest owners have their titles/certificates of ownership, is there any guarantee that the state or NGOs can influence their landuse choices, given the current unpredictability of environmental service markets?

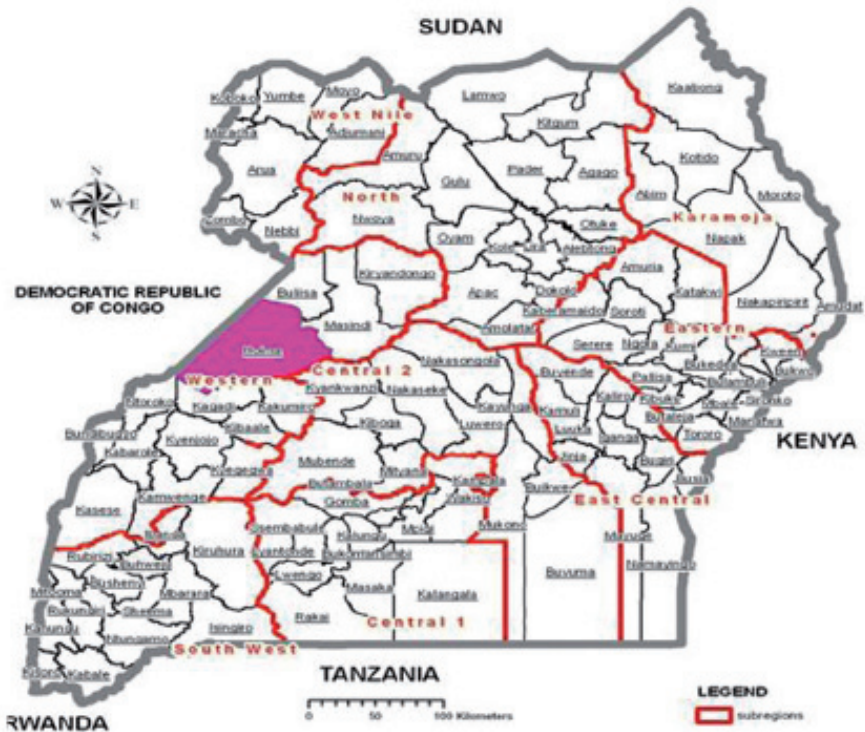
In terms of representation, NGOs created Private Forest Owners' Associations (PFOAs) ostensibly to act as entry points to the communities and enable the forest owners to demand better services from government. However, the study reveals that the PFOAs were utilized as community mobilization tools for NGO activities, and not necessarily increase forest owners' influence of decision-making processes. Neither were the private forest owners (PFOs) able to hold government and NGOs accountable.

The level of participation by local stakeholders in shaping the intervention is also questionable. Some of the concerns raised by local stakeholders during initial project consultations did not inform the intervention, possibly because they were not in the project log frame. This raises questions about the value attached to consultation of local stakeholders by intervening agencies. External actors often bring their own pre-set agenda, and engagement with local communities is only a gesture to create acceptance. The study concludes that effective conservation of

forests outside protected areas can only happen if intervening agencies respect the mandate of LG, appreciate its shortcomings, involve it in agenda setting and utilize the resources at their (NGOs) disposal to forge effective partnerships with LG and local communities.

The next sub-section lays out the local context in which the project is taking place, highlighting the geographical, demographic and legal/policy contexts. This is followed by a description of the PES pilot project and a description of the research methods used. Section two presents the study findings and I end with a discussion of the findings and conclusions in section 3.

Map: Location of Hoima District in Uganda



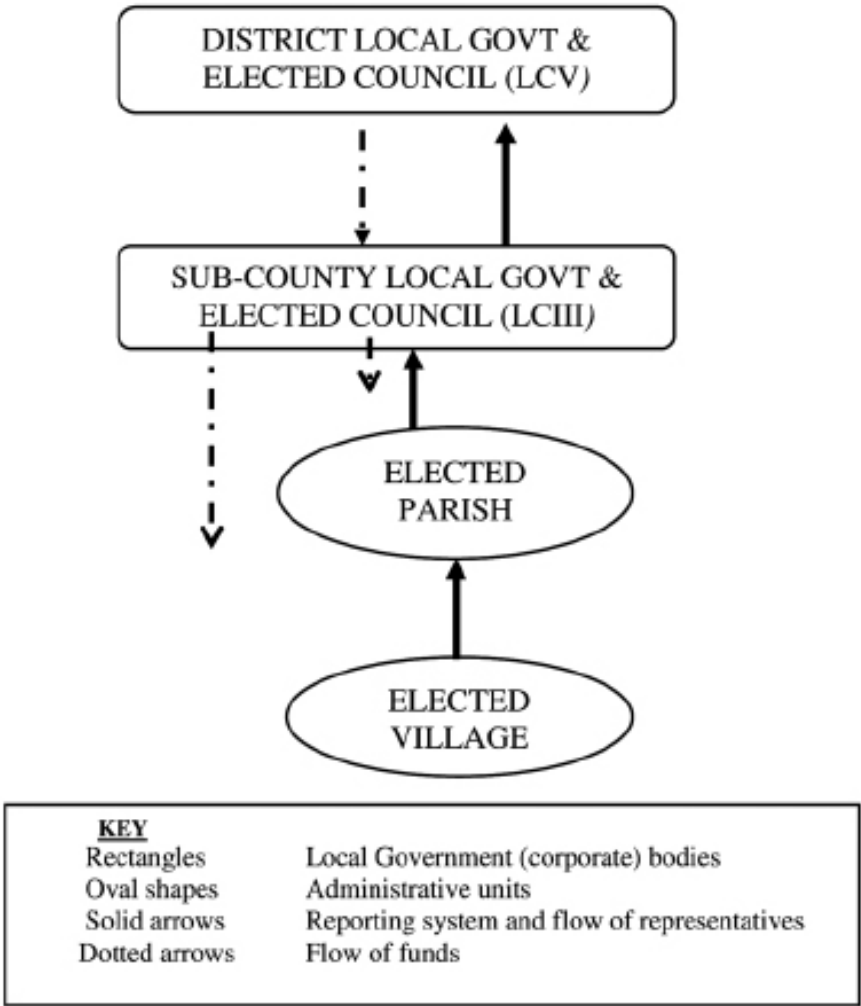
The PES project context

Hoima District is located in the Upper Albertine Rift Region of Western Uganda. The region is important for conservation, hosting more than 7,500 species of animals and about 50 per cent of Uganda's tropical high forest cover (Winterbottom & Eilu 2006). The region between Budongo and Bogoma Central Forest Reserves is home to some of Uganda's largest chimpanzee populations living outside protected areas. Hoima District alone accounts for about 23 per cent of Uganda's total forest cover (with 70 per cent left on private and communal land). However, the district is among the districts with the highest deforestation rates in Uganda 2008 (NEMA 2009). Forest clearing for agriculture is a major threat to biodiversity and provision of other ecosystem services in the region (Jaggar 2010; Grieser Johns 2013).

With a population growth rate at 5.2 per cent per annum (compared to the national average of 3.2 per cent) – a result of natural increase and immigration (HDLG, 2012), and 51.6 per cent of households considered to be below the poverty line (Grieser Johns 2013), the economic value of agricultural production in the short term is very high as compared forestry. The issue of land tenure insecurity in the region also discourages long-term investments like forestry.

The 1997 Local Government Act (Republic of Uganda 1997) service provision and aspects of environment to the LG. Ugandan LG is organized into four-tiers, with the District at the top, followed by the Sub-County, the Parish and Village Local Councils (Saxena et al. 2010).³ The LG system has both executive and legislative functions. Administrative functions are exercised through a hierarchy of employed officials at the top three levels. Legislative functions are exercised through a hierarchy of elected representatives.

Figure 1: Uganda’s Local government system



Lower levels collect and remit taxes to higher levels. The higher levels remit development budgets downwards. Elected representatives are supposed to ensure that the technical arm of LG address priority issues in their constituencies. The lower councils also report to higher levels on implementation of development projects. The electorate holds the executive accountable through the vote and recall system.

As part of the structural adjustment programs of the World Bank, government initiated a forest sector governance reform beginning in 1999, culminating in the 2001 Uganda Forest Policy, the 2002 National Forest Plan, and the 2003 National Forestry and Tree Planting Act, which repealed the 1964 Forest Act. The new Act divided the management of forests into four regimes⁴ including private forests, estimated to cover 70 per cent of the forest estate then, owned and managed by private individuals and bodies (Republic of Uganda 2003). Institutionally, the act abolished the centralized Forest Department and created the District Forest Services (DFS) in charge of Local Forest Reserves and Private Forests (outside protected areas) and the National Forest Authority (NFA) in charge of Central Forests Reserves⁵ (Jagger 2010). The act specified that all produce from forests on privately owned land (private forests) belongs to the owners of the land and may be used at their discretion, though forest owners are required to manage them in a professional manner. It also mandated the District Forest Services to enforce forest regulations and provide technical and advisory support to PFOs.

A decade after the reform, statistics indicated that the rate of private forest degradation remained high at about 2.6 per cent annually (FAO 2011). Forest cover in the country estimated at 24 per cent in 1990 had decreased to 18 per cent by 2008 (NEMA 2009). Two factors are often cited to explain this. First, that decentralization of forest management functions to the LG was not supported with resources (financial and technical). The DFS still received limited funding from central and LG and the donor community, and remained largely ineffective (Jagger 2010, Steen et al. 2011, Vatn et al. 2009). Secondly, that legal recognition of PFOs did not actually increase their decision-making powers around the use of forest resources. This scenario prompted NGOs to facilitate the formation of PFOAs to enable forest owners to organize themselves better

The Pilot PES project

The project focused on private forests owned individually by smallholder landowners or by private bodies to supply a bundle of ecosystem services including biodiversity conservation through the maintenance of wildlife corridors (especially for chimpanzees), watershed protection and carbon sequestration.⁶ The project sought to re-establish forest corridors in the settled areas to ensure wildlife movement between protected forests blocks.

By the end of 2012, 342 forest owners had signed contracts under the project, and were paid Uganda Shillings 70,000/ha/yr.⁷ (equivalent to about \$28 by December 2012) in return for activities specified in individual forest management

plans. Activities included all or some of the following: maintaining the indigenous trees existing on the land, replanting degraded areas with indigenous tree species and ensuring the survival of the planted trees, maintaining firebreaks and protecting the forest from unauthorized harvesters through active patrolling. Annual payments were contingent on the level of compliance with individual forest management plans.

The national executing agency, the National Environment Management Authority contracted an NGO, the Chimpanzee Sanctuary and Wildlife Conservation Trust (CSWCT), to implement the scheme on the ground. To institutionalize and enhance forest owners' representation and involvement in decision-making, CSWCT initially created PFOAs at sub-county level in 2009, a process that another NGO, the Jane Goodall Institute, carried forward, forming other associations at Parish level. In some communities, individual forest owners are members of both parish and sub-county level PFOAs.

Between 2009 and 2012, CSWCT together with its partners and the Jane Goodall Institute separately facilitated mapping of individual forest patches to improve landowners' control, minimize boundary and ownership conflicts and ultimately strengthen tenure rights. The Jane Goodall Institute facilitated many landowners to apply to the District Lands Office for certificates of ownership. No certificates of ownership had been issued to forest owners by the time of this study.

Study methods

This study focuses on the effects of institutional choice on representation of forest owners. In representative democracies decisions about how societies are governed are delegated to (or assumed by) representatives. Representation manifests in different forms, defined by the relationship between the representative and the represented. This paper adopts the concept of *democratic representation*, as a standard measure of good democratic practice. Democratic representation is defined as a situation where a leader is responsive to the needs and aspirations of the constituents, who can sanction and hold the leader accountable (Ribot 2007, 2011a ; Ribot et al. 2008). Responsiveness refers to the correspondence between voter preferences and public policies and programs supported by their representatives (Manin et al. 1999). Accountability is the power (knowledge and means) that citizens have in order to hold leaders to account, to sanction their decisions and actions (Manin et al. 1999).

In the PES project area, representation of forest owners is key because forest owners are not a homogeneous group, but also because there are multiple actors

with varying interests (government, international and national NGOs and other agencies). Thus, the ability of forest owners to ensure that their leaders serve their interests vis-à-vis the other actors' is key to determining their (forests owners') representation in decisions made over forest governance. The project effect on local representation is analyzed through three aspects: 1) the ability of the LG institutions to exercise their mandate in natural resources management, 2) the representation of PFOs in forestry decision-making, and 3) the effects of the project on non-PES participants (the general community).

The study took place in the period March 2012-August 2013 in Kampala City and Hoima District and employed qualitative methods, including document review, individual interviews, observation and recording during key meetings of stakeholders involved in the project. I carried out twenty-six in-depth interviews with officials of key NGOs and government institutions in Kampala and Hoima, and 66 semi-structured interviews at village level as shown in Table 1. I conducted interviews in Kitoba, Kiziranfumbi and Bugambe sub-counties by randomly selecting names of forest owners from the lists provide by the project. Non-forest owners were residents purposely sampled for their geographical proximity to the forest owners, on assumption that as immediate neighbors to the forest owners, both the presence of the forests and the implementation of the PES scheme affected them. Actual interviews depended willingness to participate.⁸ The data was analyzed along themes emerging from the research questions.

Table 1: List of survey interviewees

Institution/group	Number of interviews	Number and Sex of interviewees
Chimpanzee Sanctuary and Wildlife Conservation Trust (CSWCT)	4	2 males
Nature Harness Initiative (NAHI).	2	1 male
National Environment Management Authority (NEMA),	1	1 male
Forest Sector Support Department (FSSD).	1	1 female
Jane Goodall Institute (JGI)	1	3 males
Environmental Conservation Trust- ECOTRUST	1	1 female
Worldwide Fund for Nature (WWF)	1	1 male
Wildlife Conservation Society-WCS	1	1 male, 1 female
Forest Policy Specialist	1	1 male
District Environment and Natural Resources Department Staff	2	1 female
District Forest Services (DFS) Staff	1	1 male

District Executive Committee member	1	1 male
Sub-county Chiefs	2	1 male, 1 female
Sub-county Chairpersons	2	2 males
Sub-county Councilor	1	1 male, 1 female
Village Council Chairpersons	4	4 males
Total		26
Village level interviews		
Members of Private Forest Owners Associations (with PES contracts)		29 males, 7 females
Members of Private Forest Owners Associations (without PES contracts)		8 males
Leaders of Private Forest Owners Associations		4 males, 1 female
Non-forest owners (in PES villages)		13 males, 4 females
Total		66

2

Findings

This section is organized in two main parts. The first section presents the effect of PES and NGO programs in general on the ability of LG institutions to exercise their mandate in natural resources management. The second section presents the project's effect on representation of PFOs in forestry decision-making, and the effect of decisions made on the general community.

Pre-existing contestations of district government's authority in forestry

Budget allocation at District level reflects the national level budget priorities. In general environment management is under-funded at both central and district government levels. The percentage of the Hoima District budget allocated to Natural Resources Sector in three financial years (2007-2010) was 0.27 per cent of the total actual budget⁹ (HDLG 2012). District councils perceive revenue generated locally as an indicator of sector performance.¹⁰ The natural resources sector generates a big chunk of Hoima District's locally generated revenue. The District Forest Services collected about 41 million shillings revenue from licensing forest product extraction and transportation (timber, wood fuel, charcoal) in 2011-2012. However, the budget allocated to the same department in the same year was 4 million shillings.¹¹

Because of resource shortages, the District Natural Resources Department cannot effectively monitor the management and off-take of forests under its mandate. The need to generate revenue and for personal gain entices the officers concerned to condone unsustainable harvesting. Such irregular practices create the perception among the communities that the whole LG system is corrupt and

ineffective. This has resulted in contestation of its authority by Sub county LGs, lower local councils and local communities.

Sub-county officials complain that the DFS sanctions forest off-take without full information on the state of forests, especially riverine forests that have been *defacto* open access resources. Sub-county LG and lower local councils had no power to arrest illegal forest harvesters, and when they did, they claim that the police released the suspects, allegedly with support of district leaders.¹²

According to the Local Government Act 1997, district LGs are supposed to remit 65 per cent of the locally generated revenue to the sub-counties. Sub-county officials claimed that district LG rarely remitted this revenue, citing non-compliance by the tenderers.¹³ Sub counties had been demanding for licensing of forest extraction to be further decentralized from the district to increase monitoring of extraction, and possibly to give them access to the revenue. The district has resisted this move.¹⁴

NGOs augment contestation of district local government's authority

NGOs capitalize on the inefficiencies of the LG to justify running of the natural resource management agenda. Because NGOs control more resources than the LG institutions, the communities tend to perceive them as more effective in delivering services than district institutions.¹⁵ This undermines the LG institutions' authority among the public.¹⁶ District technical and political leaders felt that that NGO budgets should ideally support development priorities identified in the District Development Plan, and that the LG and NGOs should jointly set the priorities.

In the environment management sector, central government also seems to prefer NGOs to LG institutions as implementers of projects. Asked why NEMA selected an NGO to implement the PES pilot project, a representative of NEMA¹⁷ stated that the intention was to ensure that the 4-year project delivers on time and that LG institutions were generally under-staffed and did not have the necessary capacity, especially on the scientific project components. He added that CSWCT was already involved in chimpanzee conservation in the area and this made it easier to create rapport with local communities. However, even CSWCT recruited staff including 25 community monitors to implement the project. The argument of lack of human capacity within the LG is contestable, because the implementers had a choice to recruit the same personnel to boost the district natural resources department. This would enhance sustainability, and enhance the capacity and legitimacy of LG institutions.

Kamat (2004) observes that under neoliberalism, the state is often accorded haphazard involvement in projects implemented by NGOs (rolling back the state), and that the preference of NGOs as implementers of community development promotes the apolitical and managerial approach to community development (what the author refers to as *depoliticization* of service delivery). This author observes that contexts where NGOs are presented as the new patrons of public interest pose a serious challenge to the legitimate function of the state, and that this ultimately privatizes the public sphere and limits the democratic potential of development initiatives among local constituencies, because NGOs cannot be held accountable by the people they serve. Wood (1997) refers to this as the *franchising* of state responsibilities to NGOs.

The NEMA official also stated ‘the LG is a very important stakeholder in this project because it is implemented in their jurisdiction’.¹⁸ However, though some district technical officers are listed as members of the Project Technical Committee, interviews with them indicate a feeling that they have not been involved in key project activities, (e.g. forest mapping and compliance monitoring).¹⁹ District staff felt that even when involved in NGO projects’ planning meetings, the issues they raised did not always make it to the final priority list. One district official’s words sum up the frustration of LG officials about the manner in which NGOs engage LG:

During project appraisals, local government officials inform the NGOs of the key problems and priority activities [...] However, that information is often side stepped and the NGOs create their own activities to achieve their pre-set objectives. Activities that would involve local government staff are usually avoided. [...] There are too many NGOs in this region, duplicating activities in the same communities [...]. At the end of the projects, they make flowery reports, but there is zero impact on the ground. [...]. NGOs think they have all the powers because they have money. Projects should include a component to support the work of local government in order to sustain the project activities beyond the project span. [...]. [However] they do not submit their work plans or reports to local government, or even collaborate with us.²⁰

Staff of intervening agencies indicated they are aware that involvement of LG officials is important for creating ownership of projects. He added that the problem was that LG officials insist on being paid allowances to participate in what should be part of their mandate, and this deters involvement.²¹ One NGO official mentioned that LGs are not enthusiastic about ‘typical conservation programs’, but instead tend to be supportive of development activities with tangible outputs that will facilitate them to garner support of the electorate.²² Statements that

demonstrate the typical perception of LG by NGOs came out of the Northern Albertine Rift Carbon Group meeting. After two weeks of qualitative discussions with local communities, district officials and NGO personnel in Hoima, CSWCT invited us²³ to make a short presentation of our preliminary findings. Among other findings, we indicated to the group that district officials were concerned that the NGOs involved in forestry management were not supporting LG to address issues of priority to the districts and were not effectively involving LG staff in program implementation. One of them put the NGOs' perception of the LG aptly:

The concerns of local government about NGOs are not because they think NGOs are running an agenda that is different from their own. It is about who controls the budget in the process. I am sure you would get a completely different reaction if our budgets were handed to local government! Their [local government] vision is usually short-term. They think in terms of 10 years instead of 30. If local government had the capacity²⁴ to drive these programs, NGOs would not be relevant. However, they [local government] do not [have the capacity]. Moreover, do they even have the motivation to protect the rights of the forest owners? They are not interested.

Another member added:

Involving local government is a long process! Yet NGOs have deliverables to meet. Perhaps if we had more time to engage with them we might have different results.²⁵

The above mirrors the assertions of Beckman (1993) and Kamat (2004) that the state-civil society dichotomy is often promoted by international agencies to delegitimize the state as champion of the nation, make it appear 'alien' and therefore less of a representative. NGOs on the other hand present themselves as champions of the poor and underprivileged who are not represented in public affairs.

Conversely, district technical and political leaders claim that limited inclusion of local leaders' knowledge limited the utility of the PES project to the community.²⁶ Two sub-county chairpersons and a sub-county chief interviewed indicated that the NGOs only invited them to preside over public events like the forest owners payment day.²⁷

I asked forest owners to mention three individuals/ institutions/ agencies that influence decision making in the management of private forests. All the forest owners mentioned NGOs (CSWCT and Jane Goodall Institute) (see Table 2). Respondents attributed the prominence of NGOs to their expertise in forestry and environmental management and the actual and potential tangible benefits they bring to the local arena. When asked who should be making the key decisions in private forest management, over half the forest owners felt they should be making

the key decisions because they have the highest stake. While the trend was similar among the non-forest owners, 4 of the 17 interviewed preferred to have Local Councils make the decisions, based on their official mandate to enforce regulations and possibly because they believe Local Councils can to advance the interests of non-forest owners. Only one respondent mentioned that the District LG should make the decisions. This is most probably because local communities believe the District officials are corrupt, especially with regard to forest off-take licensing.

Table 2: Forest owners' ideas on decision-making around private forest management

Which individuals/agencies influence decision making on private forests management? (n=41, some respondents gave multiple responses)	
Chimpanzee Sanctuary and Wildlife Conservation Trust (CSWCT)	29
Jane Goodall Institute (JGI)	12
Forest Owners	10
District Environment Officer	7
District Forest Officer	6
LCs	4
Which individuals/agencies should be making decisions on private forest management? (n=41)	
Forest Owners	22
NGOs (CSWCT, JGI)	9
LCs	4
District Government	1

Source: Survey data

To demonstrate how NGOs are undermining LG authority over forestry, I use the case of governance of riverine forests.

The case of riverine forests

In Hoima, riverine forests account for a large part of the forest cover. Section 18 of the National Environment (Wetlands, River Banks and Lake Shores Management) Regulations, No 3/2000 mandates the Central or Local Government to hold in trust and protect riverbanks and lakeshores for the common good of the citizens

of Uganda. It also prohibits leasing or alienation of riverbanks and lakeshores and obligates landowners or users in whose land riverbanks or lakeshores are located to prevent degradation. Depending on the size of a river, Section 29 provides for a *protection zone* of either 100 or 30 meters from the highest watermark on either bank. (ROU 2000).

Most of the rivers in the PES project area fall in the category with a 30-meter protection zone on either bank. Before the advent of PES, riverine forests were *defacto* open access resources because communities understood that they belonged to the government.²⁸ Timber cutters, charcoal burners, fuel wood dealers and new settlers were degrading and clearing the forests. Adjacent landowners could not control their use. NGOs realized that facilitating landowners to control these forests presented an opportunity for a quick win: they would enhance conservation, and garner community support. This motivated PFOs to join the PFOAs and to participate in the PES pilot project. The PES project and Jane Goodall Institute together with community members mapped and marked individual landowners' boundaries up to the valleys in participating villages. The Jane Goodall Institute then facilitated many landowners to apply to the District LG for certificates of ownership.

The District Natural Resources Department contests this whole process. They question why the PES project decided to contract private landowners over land legally held in trust by the LG. The law obliges landowners to manage these forests sustainably (maintain them as forests, not clear them for other uses). The LG challenges the titling and alienation of these forests, because this in effect will give full control to the landowner, while diminishing both the LG authority and the voice of the general community over their governance. They also argue that alienation is unlikely to aid conservation because though the law obliges adjacent owners/users to manage these zones sustainably; experience from all over Uganda indicates that it is difficult for government agencies to enforce environmental regulations on privately titled land. Therefore, it is unlikely that the government would be capable of deterring forest owners who opt to clear the forests.²⁹ Thus, they insist LG will not endorse alienation of riverine forests.³⁰

District Officials say they have repeatedly pointed out to NGOs that the only way to protect these forests is through supporting the LG to clearly map and mark them as land held in trust by the government, while allowing adjacent landowners to manage them sustainably. They also point to the need to develop capacity of LGs to monitor forest use. The NGOs on the other hand contest LG authority over these forests, maintaining that by default individual landowners' parcels extend to the valleys.³¹ This creates a feeling among the district officials that NGOs are overstepping their mandate, as expressed by one district official:

NGOs think they live in their own world [...]. They observe no protocol. [...]. They have failed to differentiate their mandate from that of local government.³²

The forest mapping and boundary-marking exercise and the PES contracts have already created a sense of enhanced control over riverine forest patches among adjacent forest owners. They now challenge commercial harvesters who used to forcefully-harvest resources, especially timber, wood fuel and charcoal. Unfortunately, this increased control has simultaneously diminished access to key subsistence resources by other community members because the need of forest owners to comply with PES contract obligations necessitates curbing resource access by other users. There were no safeguards built into the scheme to protect the general communities' access rights in what used to be *de facto* open access resources. While the PES contracts do not forbid harvesting of non-timber forest products, contracted forest owners either limited or completely denied access to other users to avoid possible damage of tree seedlings, to achieve compliance with PES contracts. Nine forest owners said that fuel wood collectors occasionally cut live trees under the guise of collecting firewood, a reason to exclude them. Both forest owners and non-owners mentioned that it was becoming increasingly difficult to get fuel wood. Like in many areas of rural Africa, women are the main collectors of subsistence fuel wood. Yet they rarely own forests. Restricting their access to fuel wood implies that they have to go longer distances for fuel wood.

Fourteen forest owners cited conflicts between forest owners and other resource users and respondents from all the sub-counties surveyed reported forest access-related conflicts resulting from restricted access to PES-contracted forests. Restrictions on resource access often led to tree and firewood theft, and occasional malicious damage. The project mid-term evaluation reported increased forest off-take in forest patches not dedicated to PES (in villages not covered by the project or of forest owners not participating in the scheme) (Grieser Johns 2012). This indicates *leakage*.³³ Probably the project could have led to better conservation outcomes by facilitating LG institutions to clearly map and monitor the use of these forests while allowing sustainable use by the all citizens.

Representation of PFOs within the PES scheme

Prior consultation of forest owners

As part of assessing the level of responsiveness to forest owners' needs within the project, I investigated the process of consultation undertaken among the

communities by the implementers. Consultation provides forums for forest owners to send out messages to the NGOs about their (forest owners) interests. A key element of community participation in PES is free, prior and informed consent (FPIC), i.e. the right of communities to give or withhold their consent to proposed interventions that are bound to affect them or the land they own or use. FPIC should provide comprehensive information about the intent and scope of an intervention to facilitate communities to understand the intervention before they make commitments (Forest Trends/The Katoomba Group 2011).

The project document cites results of baseline studies done in the region as forest owners' input into the project design. More than half of the forest owners interviewed in this study said the project officials consulted them and explained project objectives during meetings. The information given in these meetings was to help landowners to decide whether they wanted to participate in the project or not. Half of the forest owners consulted said their communities got enough information about the PES scheme before implementation commenced, and that they had opportunity to decide whether to participate in the program. A majority (38/44) of the interviewed forest owners had fair understanding of the project objectives.³⁴

However, half of the forest owners and almost all non-forest owners interviewed felt that the amount of information given was insufficient. They said the project invited only forest owners to consultation meetings and excluded non-forest owners. Four respondents attributed the eminent fear of possible land grabbing³⁵ among the community to the lack of comprehensive information on project intentions. To meet time-bound project milestones, implementers shortened what could have been a lengthy process of gaining the communities' consent.³⁶

Constitution of PFOAs

To analyze the level of democracy within the PFOAs, this study analyzed the process through which PFOAs came into being and how they selected their executives.

NGOs envisaged that Private Forests Owners would best be represented in decision making through their own associations headed by fellow forest owners. This is akin to *descriptive representation*; where representatives are supposed to mirror their constituents in values, attitudes and socio-economic characteristics (Wellstead et al. 2003; Andeweg 2003). *Descriptive representation* emphasizes representatives 'standing for' rather than 'acting for' the represented. The focuses on 'representativeness' rather than on the actions of the representative (what they do and how), or whether they are promoting the common good and shared interests

(Wellstead et al. 2003:4) is problematic. Forest owners are not a homogeneous group: there are males and females, owners of different socio-economic classes and ethnic groups, large and small landholders, etc. Thus, descriptive representation in the sense used in this context may not necessarily be democratic: being forest owners may not necessarily mean that leaders 'act for' other forest owners, given their other sub-groupings. It also does not mean that they act for non-owners or the public, which also has interests in the forests. There is also a risk that representatives' identities change where their new status comes with new interests, and such representatives may for example prioritize their private benefits over the common good (Manin et al. 1999).

NGOs invited forest owners from different parishes to one-day meetings. At these meetings, they informed them of the value of forming associations, and members agreed to associate. The members were then trained in leadership and drafting constitutions, by CSWCT and JGI.³⁷ Then they elected their leaders. Later the NGOs helped the leaders to draft associations' constitutions. Hulme and Edwards (1997) observe that though such processes are usually presented as attempts to promote good governance among local communities, often NGOs use them to manage local institutions, to orient them to serve their [NGO] objectives. The objectives of the associations as set in the constitutions reflected this (see below).

None of the interviewed members expressed serious concerns about the process of electing their leaders or the quality of their leadership. However, the NGO reports on the exercises and descriptions by members of how the groups conducted elections indicate a rushed process that could have produced un-representative leadership. The one-day meetings' agenda included giving information about PES/REDD+, forest values and management, NGO activities, question and answer sessions plus leaders' elections. Since members were from different parishes and villages, there was not enough time for members to know each other before electing the leaders. The voting process included nomination and secondment of candidates, and voting by show of hands. In most PFOAs executive positions were elected un-opposed³⁸ because the candidates were already influential people in the community, in other leadership positions (Local Councils and church or school management committees). Manor (2005) observes that selection of local leaders through having voter preferences visible to all can induce people to vote for influential figures and the overall effect of such elections can be overrepresentation of the elite in local institutions.

The expectation that PFOAs would become a medium for financial and material support from government and NGOs induced forest owners to join, and could have

created incentive for attaining leadership positions. PFOAs had 2-3 women on the executive, largely because this was a PFOA constitutional requirement.³⁹ Because women own forests only in rare cases (e.g. widowhood where no other male relative assumes ownership), most of the women became PFOA members where their husbands were also members⁴⁰, due to the anticipation of benefits from NGOs.

The objectives of PFOAs as laid down in their constitutions indicate that NGOs created them to meet conservation goals. Objectives were to promote: (i) conservation of existing forests, (ii) planting of forests, (iii) conservation of biodiversity, (iv) conservation of soils, and (v) development of forest-based commercial enterprises.⁴¹ The objectives demonstrate that NGOs use the associations as tools for mobilizing PFOs to participate in conservation programs, and not necessarily as a mechanism to give voice to PFOs in decision-making processes. Outside NGO schedules, PFOAs hardly meet. Hulme and Edwards observe that Northern NGOs promote pseudo-participation through grassroots and community-based organizations in the south, to facilitate mass outreach and to cut administrative costs, rather than increase active participation by communities. They further observe that such local organizations are used as convenient means of aggregating the poor as 'clients' of donor and NGO programs, rather than organizations accountable to local people, in line with the neoliberal policy to counter state power by opening various channels for grassroots participation or *pluralism* (Hulme and Edwards 1997).

Interests signaled by PFOA members and responses by PFOA leaders

In order to analyze the extent to which leaders are responsive to their members' interests, I asked the members of PFOAs whether and how often they held meetings, what issues or concerns about forest governance or the PES scheme they had brought to the attention of their leaders and the NGOs. We also asked leaders what issues members had brought to their attention to address.

A key challenge was that PFOAs were not holding members' meetings by themselves. Leaders attributed this to lack of funds and members often cited the costs associated with meetings (transport, lunch, time) as a hindrance. A female PES participant who almost declined our interview citing the enormous amount of time PES members spent in project and NGO-related activities said:

They call us to meetings very often, which take our time, especially in the busy farming seasons and they do not give us anything for spending that time. We have our work to do!⁴²

During a discussion with a PFOA leader, she mentioned that she and many other PFOA members are also members of other self-initiated associations within the community (savings and loan groups, burial groups, etc.) where they hold regular meetings. Asked whether meeting costs were a hindrance in such groups, she said 'no'. She said cost was a hindrance for PFOA meetings because CSWCT and JGI created PFOAs, and members perceived the associations to serve NGO interests.⁴³ Therefore, members expected the NGOs to meet the associated costs. Some leaders mentioned that PFOAs were dormant because the NGOs created and 'abandoned' them.⁴⁴ NGOs also expressed concern about the lack of internal interaction within the PFOAs since they were not meeting regularly, implying that PFOAs were not effectively helping to mobilize forest owners to participate in NGO programs.⁴⁵

Available meeting minutes of some associations indicated that NGOs called them in line with their activity schedules (drafting and approval of PFOA constitutions, distributing seedlings and conservation education/training). Kitoba PFOA (rated by CSWCT as the best performing PFOA) meeting minutes were mostly patchy and did not indicate any meetings called by members to address their own issues, e.g. to strategize on demanding a service from higher authorities, or even to resolve a local conflict (e.g. wood theft)⁴⁶. When NGOs convened PFOAs meetings, they managed them to achieve their (NGO) objectives. The potential of PFOAs to represent forest owners' interests that might not be priorities of the NGOs remained untapped.

In the absence of resources to convene their own meetings, it was doubtful whether forest owners had many opportunities to signal their needs to their leaders, and whether leaders could effectively represent the members' signaled interests. Leaders did not have the opportunity to understand what needs to represent to the NGOs and government. Often the PFOA leaders were invited to the sub-county for meetings, but there was no evidence that they consulted their members prior to the meetings. However, half of the forest owners said that they communicated issues of concern to the PFOA leaders, wherever they met them. Review of minute books of three associations showed that the main speakers were NGO officials and at times sub-county leaders. Though forest owners would be given opportunity to raise issues and ask questions, there was no clear record that the issues raised were followed up, probably because most of them were outside the NGO programs of action, therefore not planned for. Probably, part of the problem here was the inflexibility of donors, in insisting that implementers stick to original plans, even when original plans might turn out not to be the best course of action.

Twenty three forest owners mentioned that that their leaders had very limited influence of NGO decisions. Among the key issues signaled by forest owners was the need to increase PES payment to match the opportunity costs. Forest owners frequently mentioned that they needed to negotiate the PES rate on a buyer-seller basis as opposed to pre-determining it. The rate was perceived very low compared to potential returns from alternative forest uses, especially agriculture. In some meetings forest owners asked for inclusion of in-kind PES payments (livestock and other income generating projects) and support with forest management costs (implements, labor to manage and guard forest from illegal users). Other members asked for tree seedlings, the need significantly responded to (because it coincided with NGO objectives). In general, community members perceived that NGOs made decisions in the interests of conservation and wildlife protection as opposed to communities' livelihoods.

Many owners also asked for assistance with land titling to dispel the fear of land grabbing attributed to the increased interest in private forests for conservation by local and international NGOs⁴⁷, but also the emerging oil industry in the region. The possibility that NGOs could facilitate securing property rights through titling (a complicated and costly venture in Uganda) motivated some forest owners' participation in NGO programs. Interviews revealed that PES contracts provided an excuse for forest owners to deny kin and neighbors access to forest resources, which, they were traditionally obligated to allow in natural forests and old fallow land (e.g. fuel wood, medicinal plants, water). In addition, some landowners held more forested land than they could effectively control, or clear for farming, thereby establishing individual control rights. A PES participant who dedicated 36ha of forest to the project put it thus:

People used to get weaving materials, fuel, timber and poles from my forest. The forest is big and I could not monitor all of it. I could not stop them because they would say I was being mean. Now I can stop them because I have a good reason. The forest is under the project and I have to respect this contract.⁴⁸

For forest owners with relatively large forest patches, the PES contract not only strengthened individual control over such forests, it also provided additional income at no additional cost (Grieser Johns 2013). The fear of losing income from PES, the prospect of future timber sales from mature trees, and the fact that forest owners now invested labor to maintain natural forests motivated them to restrict access by other community members.

It was widely believed among the community that wildlife populations had increased because of PES.⁴⁹ Crop damage affects women more than men

within households because in most of rural Uganda crop production for both household consumption and income is mainly women's responsibility (Namara and Atukunda 2009). Crop damage is a contributory factor to poverty among communities adjacent to forests and protected areas (see Namara and Atukunda 2009, Blomley et al. 2010). The common explanation given by conservationists is that as food for wildlife in the wild is depleted, they are forced to venture more into farmland.⁵⁰ While it is true that clearance of forests for agriculture has reduced wildlife habitats, sometimes conservationists use this argument to transfer the blame to the local communities (people have encroached on wildlife habitats) and to justify the lack of investment into effective problem animal control.

Despite the fact that NGOs intended to use PFOAs to resolve grievances/conflicts among forest owners, forest related conflicts⁵¹ were dealt with in the LC courts or advanced higher up to sub-county or district authorities⁵². This indicates the recognition of LCs' legitimacy in community affairs. This legitimacy arises from the fact that LCs are elected by and represent the whole population, and can be held accountable (mainly through elections)⁵³. The PFOAs on the other hand are elected by and represent forest owners, and cannot be held accountable by the whole village community. However, the effectiveness of LG in dealing with issues related to the scheme was limited by the fact that officials were not effectively involved, even though they are supposed to enforce forest law on the ground. This exclusion led some leaders to withdraw from effecting their mandates. One PES participant put it thus:

When I went to get my first PES payment, I told them [CSWCT] that people come and cut our trees, and that when we confront them, they ask us if we planted the trees. The CSWCT told us to report such incidences to the sub-county chief [...]. However, the chief told us that he was not informed of how PES operates and could not help us.⁵⁴

Sanctions applied to the PES scheme by forest owners and non-owners

The ability of members to sanction their leaders is a key indicator of democratic representation. Sanctions can be positive or negative. As a general democratic practice, leaders are obliged to explain and justify their actions to members. This practice was not common among the PFOAs. We asked respondents whether their PFOA leaders reported to them and 23/44 answered in the affirmative. However, when we asked how and what they reported about, responses indicated that PFOA leaders announced meetings initiated by NGOs (e.g. to distribute tree

seedlings). Neither the leaders, nor the members understood reporting to be an act by a leader to explain and justify their actions, indicating that accountability within the PFOAs was weak.

We asked the PFOA leaders interviewed whether they reported to anyone. All of them answered in the affirmative. Asked to whom they reported, all of them mentioned the NGOs (CSWCT and JGI); only one added that he also reported to PFOs through member meetings. They said they reported through written communication, telephone calls, verbal communication through visits to NGO offices and through workshops organized by NGOs. The leaders felt upwardly accountable to NGOs, rather than downwardly accountable to the members. Plus, the positioning of PFOA leaders within the PES scheme with very little influence in decision making processes gave them very little to report about to members.

Because the PFOs felt their leaders were less powerful vis a vis the NGOs, the accountability mechanisms exercised were directed towards the intervention as a whole, rather than just their PFOA leaders. These included:

Compliance with PES contract by adhering to the individual forest management plan that specified the activities the forest owner had to undertake to qualify for PES is a positive sanction. About 36 per cent of the contracted forest owners achieved full (100 per cent) compliance to individual forest management plans in the first year of the project, while 54 per cent achieved 75 per cent compliance (Table 3).

Compliance required considerable dedication and labor, so it possibly indicated the PFOs' approval of the scheme. Given the fact that forest owners generally perceived the PES as low compared to returns from alternative uses of the land, 36 per cent compliance was high. Therefore, we investigated what else could explain this result. McAfee (2012a) states the assumption of PES that landusers will make individual decisions based on likely monetary gains or losses is not always true, and that usually other motives determine individual compliance to PES schemes. In this case, the promise of the project to secure exclusionary control rights of individual landholders over riverine forests was a key explanation.

Conversely, 17 per cent of the forest owners surveyed by the NGOs refused to join the project, while 10 per cent withdrew during the first year of the scheme, citing the hard labor involved that did not match the economic returns from PES (Grieser Johns 2013). This was a negative sanction against the scheme.

Table 3: PES Pilot project participants' numbers at a glance

Forest owners who:	#
Were surveyed and negotiated with the project	413
Refused to join the scheme	71 (17%)
Joined the scheme and signed contracts	342 (83%)
Signed contracts but dropped out of the project during Year 1	34 (10%)
Achieved 75 per cent compliance to the contract at end of Year 1	185 (54%)
Achieved 100 per cent compliance to the contracts at end of Year 1	123 (36%)

Source: CSWCT 2012, Grieser Johns 2013

Verbal attacks and threats of physical attack on the project staff and participating PFOs had arisen from incidents of chimpanzee attacks on humans and crop damage. The affected communities blamed the project for increased animal populations through forest regeneration (Grieser Johns 2013). In some villages people threatened to kill the chimps and there were unconfirmed reports of people trapping chimpanzees as a way to express their anger.⁵⁵ It is also possible that community members unhappy about the project could use such threats to discredit it.

Community members spread rumors that NGOs occasionally brought chimpanzees and released them in the area. The perception could have arisen from incidences when chimps rescued from snares were treated and returned to the wild. The common rumor among the communities was that the conservation NGOs' ultimate interest was to turn community land into a conservation area. In one village, community members informed us that land speculators, timber and wood fuel dealers whose income was affected by restrictions on forest resource access, propagated such rumors.

Both NGOs and community members mentioned that local communities unhappy with the project resorted to negative publicity by calling into FM radio programs to cite its negative impact (Grieser Johns 2013) and to complain to higher district officials, especially when incidences like chimp attacks on people occurred.

Forest owners reported an increase in theft of timber, fuel wood (both commercial and domestic), poles and wood for burning charcoal by non-forest owners and commercial harvesters as a form of protest against increased restrictions on resource access caused by the PES scheme.

Discussion and Conclusion

The government is using the PES pilot project to generate lessons for future implementation of REDD+ projects. There is consensus among the project proponents that the project is a success in terms of meeting its ecological objectives. However, closer analysis of issues of interface between the key actors is necessary to inform government and the NGOs implementing financial-based conservation. So far, NGOs are the main implementers of PES and REDD+ interventions targeting forests outside protected areas, where the LG holds key mandate, albeit with capacity shortages. Thus, activities of NGOs can enhance the capacity of the LG to effect these mandates if they chose to engage and support LG, or further weaken it if their operational style obstructs LG ability to serve. While inefficiency and corruption have tarnished the ability of LG to effect its mandate, the operating style of NGOs is further weakening LG authority and denying it the opportunity to improve its capacity.

NGOs initiated a process of putting riverine forests under the control of the adjacent landowners to curb forest degradation. They disregarded the legal provision that the LG holds such areas in trust for the people and that these areas should not be leased out or alienated. This is a form of enclosure with negative social and ecological outcomes. Negative social outcomes were already in motion during the project lifespan. Individual adjacent landowners, who gained control over the forests, started restricting access by other community members who depended on these forests for sustenance. Conservationists justify resource alienation as a means of curbing deforestation. However, once the process is complete (with issuance of land titles/certificates of ownership), neither government nor the NGOs will dictate the PFO landuse choices. If PFOs opt for landuse that yields more economic returns on the short-term, especially agriculture, negative ecological outcomes will

surface. Eventually forest connectivity and biodiversity conservation, the aim of PES in the Albertine region, may be even more difficult to attain.

My findings indicate that NGOs created PFOAs as community mobilization tools for their activities, and not necessarily to increase forest owners' influence of decision-making processes. This resonates with observations in other contexts (see Hulme and Edwards 1997, Wood 1997, Manor 2005, Parkins et al. 2008, Peskett et al. 2011). These authors show that local institutions created by international or national agencies/NGOs often act as communication and legitimation devices for outsider actors, to facilitate mass outreach and cut administrative costs, but do not necessarily increase active participation by communities, though portrayed as a means of giving people greater influence over decisions affecting them.

The level of participation by local stakeholders in shaping the intervention is also questionable. The perception among NGOs is that involving LG effectively would seriously delay project processes, which are usually output-oriented. To them, democracy is not an option because it takes too long and is complicated. Some of the concerns raised by local stakeholders during initial project consultations did not inform the intervention, possibly because they were not in the project log frame. This raises questions about the value attached to consultation of local stakeholders by intervening agencies. External actors often bring their own pre-set agenda, and engagement with local communities is only a gesture to create acceptance.

The framing of this project as a scientific experiment determined the choice of key actors. Priority was given to conservation-oriented NGOs and scientists from the North, the 'experts' whose role was to bring in credible global experience, and less emphasis was put on participation of local stakeholders, especially the LG officials and village communities. This discourse seems to indicate that this 'science' is transferred from the North (developed) to the South (developing), and that in applying it, local knowledge is not as important as expert international knowledge. This project alone involved about 10 external actors. Together with other REDD+ interventions in the offing in the Northern Albertine Rift region, a layer of middle-class professionals (national and international) is being formed, entrenching its influence on the local arena, most probably with the aim of securing their niche in the emerging climate change industry. The problem is that to justify why they should drive the local conservation agenda, they have to demonstrate that local stakeholders (especially the LG) are incapable of playing their roles, through the use negative stereotypes (corrupt, incompetent, inefficient, lacking long-term vision, preoccupied with private vested interests, etc).

This is a reflection of the discourse of neoliberalism, which represents the state as fragmented by private interests and incapable of representing the will of the people. On the other hand, civil society organisations, NGOs in particular, are portrayed as champions of people's interests, capable of going beyond sectarian interests and acting upon matters of general welfare (Kamat 2004). But, as Wood (1997) observes, where state functions are 'franchised' out to NGOs, can citizens demand service from NGOs as a right rather than continuing to depend on the chance of being selected as targets for NGO assistance? According to Wood, this is further complicated where NGOs transform into powerful, partly bureaucratic organizations reflecting a patron-clientage culture, which puts into question their moral claim of superiority in working with the poor. Following from Hulme and Adwards (1997), the rolling back of the state under neoliberalism does not necessarily strengthen the ability of citizens to influence the state. Instead, citizens are forced to look to the private sector, including NGOs, for goods and services. Unfortunately, building the capacity of the poor to organize themselves independently to confront vested interests and structural inequalities is not a donor priority.

This research has in no way exhausted the subject of the effects of financial-based conservation in Uganda. However my results indicate that financial-based conservation approaches is a new route through which central and external actors entrench their influence in local forestry decision-making processes, while negating the roles of local stakeholders. I conclude that effective conservation of forests outside protected areas can only happen if intervening agencies respect the mandate of LG, appreciate its shortcomings, involve it in agenda setting and utilize the resources at their (NGOs) disposal to forge effective partnerships with LG and local communities.

Notes

1. The state includes all governmental organizations that make and enforce rules for society: the political leadership, the legislature, executive and judiciary, the bureaucracy, police and military at national, regional and local levels (Hulme and Edwards, 1997)
2. In the context of the RFGI, citizenship is the ability to hold public leaders to account – where public leaders are subject to broad public accountability. The Public Domain consists of the resources and decisions under public control, the basis for public decision-making, a domain of powers and knowledge that citizens are able to influence (Ribot 2011b).
3. Until government abolished the county level, the Local Government system was a five-tier system. The local governments (level 3 & 5) are corporate bodies, with perpetual succession and a common seal. Their councils are elected through universal adult suffrage. Electoral colleges constituted from village councils elect Parish Councils, and Village councils are elected through universal adult suffrage (Saxena et al. 2010).
4. These include Central Forest Reserves, managed by National Forest Authority (about 17 per cent of the estate); Local Forest Reserves managed by the District Local Government through the District Forest Service (about 0.03 per cent of the estate), National Parks managed by the Uganda Wildlife Authority (about 18 per cent of the estate). The Forest and Wildlife Authorities jointly manage about 0.85 per cent of the forest estate. About 70 per cent of the estate is owned and managed as private forests by private individuals and bodies (Republic of Uganda 2003).
5. The act also created the Forestry Inspection Division (now Forest Sector Support Department) in the Ministry of Water and Environment in charge of policy development and oversight.
6. Project implementers envisaged that evidence from the pilot scheme will help to position Uganda as a credible supplier of carbon credits in the REDD+ scheme. Empirical evidence from scheme regarding effectiveness of PES is to be used to develop a replication strategy.
7. Payment will be made for two years, to demonstrate whether it is incentive enough for forest owners to adopt prescribed forest management activities on their land. Depending on the lessons, payment may be continued through some other interventions.
8. Many researchers and consultants interact with communities in this region especially around conservation issues leading to research fatigue.

9. Uganda Shillings 76,085,000 out of Uganda Shillings 28,292,615,000 for the financial years 2007-2010. For the financial year 2009-2010, Hoima District allocated 0.22 per cent of its total actual budget to the natural resources department (HDLG, 2012).
10. Interview with an official of the DFS, Hoima, 17/06/2012.
11. Interview with an official of the DFS, Hoima, 17/06/2012.
12. Interview with sub-county councilor, Kitoba, 9/01/2013.
13. Interview with sub-county politician, Kitoba, 9/01/2013.
14. Interviews with Sub-county technical staff, Kiziranfumbi 18/06/2012, Sub-county politician, Kitoba 9/01/2013. Both said that sub-counties were pursuing this matter with the Uganda Local Government Association.
15. Interview with Natural Resources Department Official, Hoima District HQs, 3/01/2013.
16. The total budget realized by Hoima District in the three financial years 2007-10 was 28.2 billion Uganda shillings (about 1.128 million dollars). The District indicative budget for the period 2011-16 is 40.7 billion shillings (about 1.628 million dollars) (HDLG, 2012). The budget of the PES pilot project was 2.132 million dollars for the same period, though the project was focusing on one sector but in two districts.
17. Interview with senior NEMA official in Kampala on 28/09/2012.
18. Interview with senior NEMA official in Kampala on 28/09/2012.
19. Interview with a District Environment Department Official, Hoima, 17/06/2012
20. Interview with a District Environment Department Official, Hoima, 27/08/2013. The same issue was raised in an interview with District political leader/councilor in Hoima, on 13/12/2012 and 3/01/2013.
21. Discussion with Jane Goodall Institute staff, Entebbe, 8/10/2012, Interview with a CSWCT official, Hoima, 4/01/2013. The same concern was raised in the Northern Albertine Rift Carbon Group (NARCG) meeting in Entebbe on 29/08/2013.
22. Interview with an official of NAHI, 14/06/2012.
23. I attended the meeting with Dr. Jacques Pollini, an RFGI post-doc scholar.
24. I assumed that the official was referring to *technical* capacity.
25. Both quotes were made by members of the NARCG meeting in Entebbe on 29/08/2013.
26. Interview with District Environment Department Official, Hoima, 3/01/2013, 27/08/2013.
27. Interview with Sub-county technical officials, Kyabigambire (3/01/2013), Kitoba (9/01/2013).
28. Interview with an official of NAHI, 14/06/2012.
29. Interview with District Environment Department Official, 27/08/2013.
30. Interview with District Environment Department Official, 27/08/2013.
31. This was mentioned by Officials of CSWCT and Jane Goodall Institute on several occasions.
32. Mentioned by participants in the Northern Albertine Carbon Group meeting, 29/08/2013.

33. The term *leakage* in carbon forestry refers to displacement of the pressure of deforestation to other forested areas, inherent in projects that do not address the drivers of deforestation but only erect fences around forests patches (Karsenty et al., 2010).
34. Forest Owners mentioned watershed management, halting deforestation, providing habitat/corridors to ensure chimps survival, reducing the effect of climate change and planting trees to absorb carbon and increase rainfall reliability among the project objectives. Five forest owners associated the project with the upcoming oil industry in the region ('to absorb the carbon produced by oil extraction', 'to ensure that oil will continue to be available in future').
35. The fear of land grabbing in Bunyoro Region is fuelled by the increased interest in private forests as sites of conservation mainly by NGOs, increased speculation caused by the oil industry and poorly implemented legislation governing land (Actionaid 2012). The emerging oil industry in the Albertine Region has attracted speculators who use their political connections to grab untitled land through formal titling. This has created land tenure insecurity. Hoima District will host the planned oil refinery, for which central government displaced hundreds of households.
36. Interview with staff of CSWCT, 14/06/2012. For example, project officials seem not to have explained the issue of PES conditionality adequately to forest owners. Some forest owners who did not achieve 100 per cent compliance were confused when they got less money than indicated in their contracts at the first annual payment.
37. The exercises included creating awareness on the concept of private forest ownership, rights of forest owners, importance of forests, forestry-related opportunities, challenges of forest management and importance of forest owners' associations in forest management.
38. Interviews with PFOA Chairman, Kitoba Sub-county, Kitoba, 6/01/2013 and PFOA Chairman Kisabagwa Parish, Ruhunga, 10/01/2013.
39. Constitutions of Munteme PFOA (2012) and Kitoba PFOA (2010).
40. Interviews with PFOA Chairman, Kisabagwa Parish, Ruhunga Village, 10/01/2013, PFOA Secretary, Itohya, Kiziranfumbi 1/10/2012.
41. Kitoba PFOA Constitution. This conclusion was further supported by review of the secretaries' minutes' books of Itohya PFOA, Kitoba PFOA and Kisabagwa PFOA on 1/10/2012, 9/01/2013 and 10/01/2013 respectively.
42. Interview with PES project participant at Kicompyo Village, Kaziranfumbi, 23/08/2013.
43. Interview with Kitoba PFOA leader, 4/09/2012. Some of the PFOAs could not pay their registration fees, and JGI paid for them. Four of the PFOAs whose leaders I interviewed did not have bank accounts. They said they could not afford to open them, and association treasurers were keeping the money.
44. Sub-county leader, Munteme, Kiziranfumbi, 1/10/2012.
45. Mentioned during the meeting of the Northern Albertine Rift Carbon Group, 29/08/2013.

- 46 The Secretaries' minutes' books of Itohya PFOA, Kitoba PFOA and Kisabagwa PFOA were reviewed on 1/10/2012, 9/01/2013 & 4/01/2013 and 10/01/2013 respectively.
- 47 Many NGOs (CSWCT, NAHI, JGI, WWF, WCS and ECOTRUST) and others were implementing conservation programs targeting private forests. Some of these organizations were doing similar activities and this created anxiety among the forest owners about the possibility of losing their land. In some villages, NAHI and the Jane Goodall Institute had mapped the same individuals' forests. In Munteme Parish, tourists occasionally viewed Chimpanzees on private land, creating fear that it could be a precursor for gazettement a protected area. The fear of land grabbing was also mentioned by Sub-county Officials in Kiziranfumbi 19/6/2012, and Kitoba 9/01/2013.
- 48 Interview with PES participant, Nyansororo Village, Kiziranfumbi, 23/08/2013.
- 49 Most respondents mentioned that chimpanzees were ranging more into farmland, destroying a wider range of fruit trees than before, and that attacks on people were on the increase.
- 50 Interview with staff of CSWCT, Hoima, 4/01/2013; discussions during the Project Steering Committee meeting at NEMA House, Kampala, 15/01/2013.
- 51 Including cases of theft of forest products, disagreements on boundaries, or whether to dedicate family land to the scheme and wildlife injury of livestock or people.
- 52 Interviews with PFOA Chairman, Kisabagwa Parish, Ruhunga Village, 10/1/2013, Chairman, Bulindi PFOA, Hoima Town, 7/01/2013, Sub-county Chairman, Kyabigambire, 3/01/2013.
- 53 I do not want to imply that the Local Council elections are completely free and fair. In fact, the system has become elitist, and elections at all levels in Ugandan politics are monetized. However because LCs are elected through universal adult suffrage, they are perceived to represent the whole community. Recall of infective leaders through elections is also effective, especially at lower local councils, much less at higher levels of government.
- 54 Forest owner from Bugambe sub-county, 3/11/2012.
- 55 Interviews with PFOA Chairman, Bulindi PFOA, Hoima Town, 7/01/2013, Sub-county Chairman, Kitoba, 6/01/2013.

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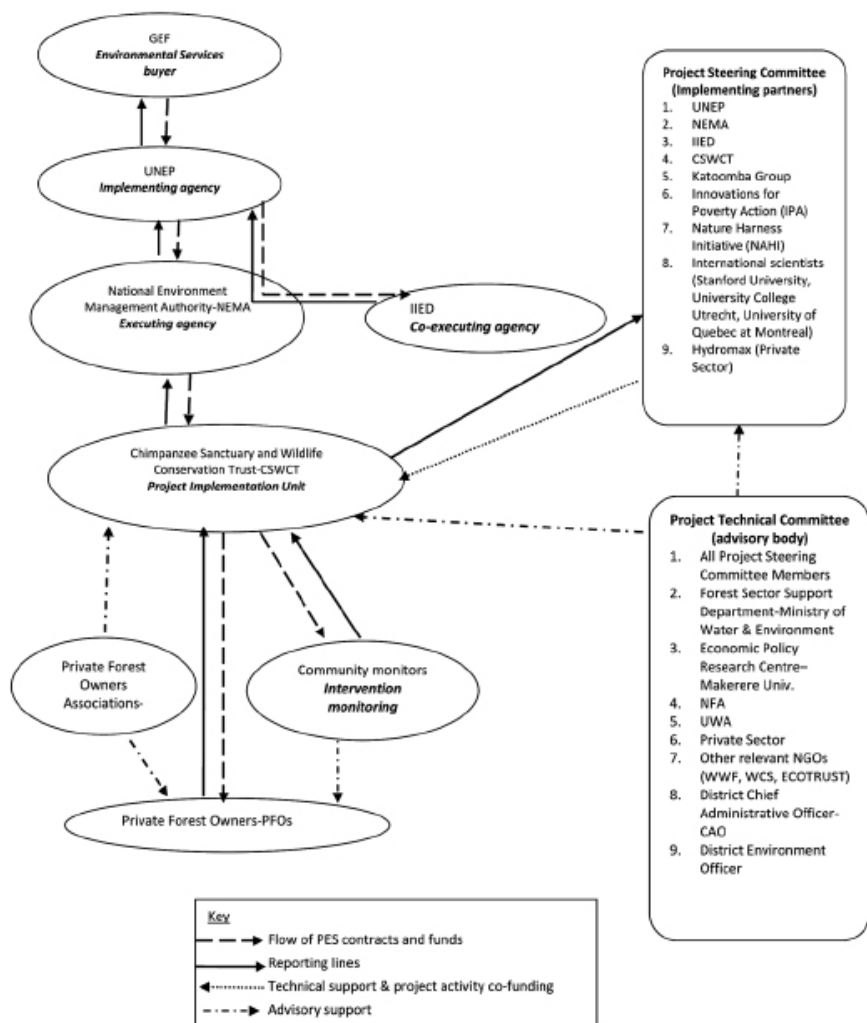
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Annex

The PES Pilot Project Administrative and Governance Structures



RFGI WORKING PAPER SERIES

The Responsive Forest Governance Initiative (RFGI) is a research and training program, focusing on environmental governance in Africa. It is jointly managed by the Council for the Development of Social Sciences Research in Africa (CODESRIA), the International Union for the Conservation of Nature (IUCN) and the University of Illinois at Urbana-Champaign (UIUC). Natural resources, especially forests, are very important since they provide local governments and local people with needed revenue, wealth, and subsistence. Responsive local governments can provide forest resource-dependent populations the flexibility they need to manage, adapt to and remain resilient in their changing environment. RFGI aims to enhance and help institutionalize widespread responsive and accountable local governance processes that reduce vulnerability, enhance local wellbeing, and improve forest management with a special focus on developing safeguards and guidelines to ensure fair and equitable implementation of the Reduced Emissions from Deforestation and Forest Degradation (REDD+) and climate-adaptation interventions.

RFGI is a programme of the Council for the Development of Social Science Research in Africa, International Union for the Conservation of Nature, and University of Illinois at Urbana-Champaign.

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