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## GOVERNMENT'S PLAN TO DEGAZETTE PIAN UPE GAME RESERVE AND ITS IMPLICATIONS

### Introduction

The Government of Uganda is proposing to degazette part of Pian Upe Game Reserve (PUGR) for private investment. PUGR is located in Moroto and Nakapiripirit districts of Karamoja Region. Government has requested the district councils of Moroto and Nakapiririt to pass a resolution that will allow it to degazette the reserve. The envisaged investor has however pulled out of the project but the Uganda Investment Authority is keen on finding another investor. This infosheet highlights the salient issues of the proposed degazettement and the consequent investments.

### About Pian Upe Game Reserve

PUGR is a wildlife reserve recognized and protected under the laws of Uganda. It was gazetted as a wildlife reserve in 1964 under Statutory Instrument No. 220 of 1964. It measures approximately 2,304 square kilometers and is the largest wildlife reserve and the second largest protected area in Uganda.



*Ngikarimojong cattle grazing on Pian Upe Wildlife Reserve*



*A panoramic view of another part of Pian Upe Game Reserve*

### Importance of Pian Upe Game Reserve to the people of Uganda.

It is of great ecological importance as it is a home to rare animal species like topis, gazelles, and hartebeest. It holds the last population of the roan antelope and ostriches, which are threatened by extinction in Uganda. It is also a major route for migratory bird species from Europe.

It harbors the only permanent wetlands in the Karamoja region. The Lake Opeta wetlands are of great biological importance. They harbor various bird species and are being considered for higher-level protection under the Ramsar Convention.

It is a dry season grazing ground for the Pian, Bokora and Matheniko pastoral groups. It has been a grazing and water source for those communities for generations.

It forms the only entrance to lake Opeta, a vital source of water for Karamoja especially during the dry seasons.

## Reasons for degazettement of Pian Upe Wildlife Reserve

The Government plans to degazette Pian Upe Game Reserve to create land for investment. In 2003, the Government invited M/S African Integrated Development Association, a Libyan group, to set up a large-scale commercial agricultural project on the reserve. The estimated cost of the project was United States dollars 77 million. Government initially planned to degazette 1,903 square kilometers, but later reduced to 442 of the 2,034 square kilometers that make up the reserve. Despite the envisaged investor pulling out of the project, Government is looking for another investor.

## What is the legal position on degazettement?

The Constitution under Article 237 vests all natural resources including wildlife reserves in Government, to hold them in trust for the people of Uganda. Government is further mandated under Section 44(1) of the Land Act to protect and conserve natural resources for the common good of the people of Uganda. Section 44(4) of the Land Act restrains Government or a local government from leasing out or in any way alienating any natural resource referred to under Section 44(1). All that the government can do with respect to the natural resources is to grant concessions or licenses or permits under Section 44(5) of the Land Act.

## Likely impacts of the degazettement on the environment

Drainage of Lake Opeta and the wetlands around it will reduce the water level and wetland acreage, escalating the water problem in an already semi-arid area. The remaining wetlands are likely to be heavily polluted by surface run off of contaminated agricultural pesticides and herbicides.

The degazettement will also distort the biological and ecological functions of the reserve, and will disrupt the migratory bird species in the area. It would set a bad precedent of Government considering protected areas as lands available for appropriation especially when dealing with foreign investments.

### Some of the EIA findings on degazettement of PUGR

- Degazettement of PUGR will require an amendment of the Constitution and other laws
- Soils are unsuitable for agriculture
- Irrigating 1903 sq km of land would dry up Lake Opeta. Irrigation can support only up to 10 sq km
- There would be reduction in biodiversity due to habitat loss
- Would cause water pollution due to industrial effluent

## What is the plight of the local people that have always depended on the reserve for their livelihood?

Ngikarimojong and other pastoral tribes have depended on the reserve for water and pasture for their livestock for generations. Under Statutory Instrument No. 220 of 1964, Ngikarimojong tribes are allowed to graze their animals and to have access to natural resources in the reserve. Section 25 of the Wildlife Act Cap 200 maintains that right. To date, these people have sustainably utilized those resources, which form a basis for their survival especially during the dry seasons.



Ngikarimojong watering their animals

The proposed degazettement would extensively disenfranchise the local communities and diminish their opportunity to access the reserve. It seeks to change the local interest in a resource these local people have depended on for generations and alter their means of livelihood.

### In specific terms, the government proposal does not address the following humanitarian concerns:

- The welfare of over half a million people that use the reserve to graze over 200,000 heads of cattle especially during the dry season;
- The proposal does not provide an alternative to the people that depend on Lake Opeta and the Wetlands that surround it for water resources especially during the dry season;
- How Government is going to adequately compensate the peoples that have for generations derived their livelihood from the reserve;
- With over 80% of the local people illiterate, there are no guarantees of tangible benefits, for example social infrastructures, jobs, not just casual labour.

## How would government legally and morally pursue degazettement of the reserve?

The Government is by law entrusted with the protection and preservation of all natural resources including forests, lakes, and wildlife reserves for the benefit of the people. It has however, in the recent past used those powers to degazette and appropriate natural resources for private investment. For example, it degazetted Namanve forest reserve in 1997, attempted to degazette Butamira forest reserve in 2002 and now plans to degazette Pian Upe Wildlife Reserve.

Government should first satisfy itself that it lacks land for investments. It would then estimate the acreage of land it would require over a period of time and then consider various strategies for securing that land. If degazettement arises as the only option, then Government should follow the right procedure of degazettement by amending Article 237(2)(b) of the Constitution and Section 44(5) of the Land Act.

It is important that the procedures followed are genuine and not defeating of the spirit of the law, and whatever action Government decides to take be “in the best interests of the people of Uganda”.

### What measure should be taken to address the concerns of the people, in particular the local Ngikarimojong community?

1. Local communities should be sensitized on the implications of the degazettement on their well-being.
2. Government should make wider consultations among stakeholders including local Ngikarimojong, Parliament, Civil society organizations, and Government agencies on the implications of the project to the livelihoods of local people that depend on the reserve.
3. Government should conform to the letter and spirit of the law and should follow the right procedures in the degazettement process for the benefit of the people.
4. Government should adequately compensate the affected peoples in the event of the degazettement.

### The following could form possible options for sharing benefits:

- (a) Local people could form a co-operative society that unites them as members. The co-operative society would then engage in outgrowing and the investor would provide technical advice, inputs, marketing and extension services, loans and infrastructure development. This would make a relationship as that between BAT and the tobacco growers in West Nile and Bunyoro.
- (b) Land could be valued and local people contribute it as share capital to the investment where dividends would accrue directly to the community. They would then be reinvested in community needs such as infrastructure development.
- (c) Land could be valued, and local people lease it to the investor. It would then revert to the local people after a specified period of time.
- (d) A clause could be placed in the agreement restraining the investor from change in land use with out consultation and approval of the beneficial owners.

### How can the above interests be guaranteed?

In assurance of the local people and the local governments of the preserve action of the people's beneficial interests in the property, the government could execute a memorandum of understanding with the Local Governments of Moroto and Nakapiririt setting out the rights, duties, and responsibilities of the parties and a guarantee of the local people's rights in the reserve.

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