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Civil Society and Land Use Policy in Uganda: The Mabira Forest Case

Patrick Hönig

Abstract: Over the past few years, the Ugandan government has repeatedly initiated proceedings to clear one-fourth of the Mabira natural forest reserve in central Uganda and give the land to a sugar company controlled by a transnational business conglomerate. Each time the government took steps to execute the Mabira project, civil society groups organised large-scale protests that pressurised the government into shelving its plans. The Save Mabira Forest campaign has been widely cited as an example of how sustained protests by civil society groups serve as a corrective of democratic deficits in decision-making processes pertaining to the commons and as a deterrent to profit-driven business schemes hatched in collusion with carefree or corrupt bureaucrats and politicians. However, an in-depth analysis of the campaign suggests that ecological and social justice concerns are mixed up with identity politics and exclusionist agendas. Examining the complex web of interactions between state, big business and civil society in Uganda, this paper sheds light on the multi-layered and often ambiguous role played by non-governmental organisations in post-conflict societies of sub-Saharan Africa.

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Keywords: Uganda, civil society, protest movements, racism, nature conservation, deforestation, commons

Patrick Hönig holds a PhD from the University of Cologne and an LLM from Columbia University School of Law. He has worked as a practitioner and academic on conflict resolution, governance and human rights for fifteen years. His current research project is on governance and the rule of law in the Great Lakes region.
E-mail: <hoenig.patrick@gmail.com>

There is a growing consensus that policy-making on the use of the commons – land, air and water – requires a careful calibration of environmental, developmental and political concerns. However, as Polack and others (2013: 1-7) have noted, large-scale acquisition of land by transnational companies operating in Africa continues to occur with "minimal consultation and transparency". There are significant research gaps in the way long-term effects of land allotment for agro-industrial use are assessed, which in turn leads to less stringent risk assessment. Authors such as Muna Ndulo (2011) have convincingly shown that the adoption of neoliberal policies in aid-dependent countries of sub-Saharan Africa has created a political climate that allows corporations to push through their agendas, sometimes even at the cost of violating legal standards and human rights. At the same time, there is growing recognition that civil society groups in sub-Saharan Africa have started to assert themselves at the policy-making level and fill a governance void left by states prepared to delegate their responsibilities (Opoku-Mensah 2008). Against that background, governance of the commons has become an important area in which opposing interests play out and clash.

Pointing to governance as the core problem of dealing with the commons, Elinor Ostrom (1990: 8-18) observes that there is a wide spectrum of opinions. On one side, analysts have argued that effective management of the commons requires long-term strategies that private actors adapting to ever-changing market conditions are ill-equipped to bring to fruition. Ostrom notes that this school of thought sees no alternative to state institutions applying coercive force in governing the commons. Meanwhile, those at the other end of the spectrum claim that it is necessary to eliminate all public control and establish unconditional property rights regimes over divisible common pool resources such as land. The ramifications of the various positions, including Ostrum's own viewpoint that builds on the notion that "many solutions exist to cope with many different problems", will need to be discussed elsewhere. For the purposes of this paper, it will suffice to note that there has been considerable research into developing models of governance in areas of limited statehood, centring on the structural and political conditions in which power is generated and decisions are formed (Risse 2011). Academic writing has moved beyond binaries pitting state against non-state actors.

Using the Save Mabira Forest (SMF) campaign in Uganda as a case study, this paper seeks to make an empirical contribution to the largely theoretical discussion about the nature of the state and civil society in sub-Saharan Africa and the processes of political decision-making. It will (a) present an account of the Mabira Forest project and the rationale

behind it; (b) describe the components and triggers of the Save Mabira Forest campaign; (c) explain the crisis of the state in Uganda; (d) discuss the ramifications of civil society movements; and (e) link the empirical findings to the discourse on governing the commons. The engagement with media reports and scholarly work is balanced by background interviews on the functioning of civil society that I conducted in Uganda and neighbouring countries during field trips in five consecutive years starting in 2008.[1]

The Mabira Forest Project

In early 2007, the Ugandan government announced that it would degazette and clear one-quarter of Mabira Central Forest Reserve – the largest nature reserve in Central Uganda – and give the land to the Sugar Corporation of Uganda Ltd (SCOUL), jointly owned by a private investor and the Ugandan state, to cultivate sugarcane. Ugandan President Yoweri Museveni justified this decision on the grounds that the country needed to expand its agricultural and industrial sectors, create incentives for foreign direct investment and boost the economy.[2] A letter that the president had allegedly written to MPs of his party was leaked to the press, presumably by his own office. In the letter, the authenticity of which the presidency never confirmed or denied, Museveni gave a threefold explanation for the proposed leasing out of Mabira land. First, he argued that granting land to SCOUL would create jobs. Second, he maintained that the success of the country's economy depended on the Ugandan Asian business community, which had been expelled under Idi Amin and the reinstatement of which had been a central concern of his government from the beginning. Third, he claimed that in order for businesses in Uganda to compete with China, India and other developing countries, they had to lower costs and expand. In the case at hand, forest

1 As the Mabira Forest issue is considered sensitive and there is increasing apprehension about a government clamp-down on critical civil society organisations and media, I have not revealed the identity of my interlocutors in civil society circles.

2 Listing infrastructure development, agricultural production and employment as national priorities, the website of the Ugandan presidency cites a number of model projects; however, there is no mention of the government plans for Mabira Forest. See State House of Uganda, online: <http://www.statehouse.go.ug/national-priorities> (21 March 2014).

land had to be given away, according to the president, as no other land was available.[3]

Museveni's line of argument follows a neoliberal logic holding that what is good for business is good for the country. There appears to be no place in his thinking for the concerns of local communities, which are so vital for sustainable development centred on the protection of the commons. Baden and Stroup (1977: 235) sum up the tension resulting from the impossibility of quantifying the value of using the commons for non-extractive purposes as follows: "We know, for example, how much people are willing to sacrifice for a thousand board feet of lumber, but how much would they pay for a day's access to a wilderness area?" The Ugandan government's path dependency explains why it is unwilling to consider leaving Mabira Forest alone, for no other reason than preserving an untouched part of nature.

Countering such criticism, the Ugandan government has argued that the part of Mabira Forest being allocated to private concession either does not belong to the natural forest or belongs to a degraded part of it. However, the government has not addressed reports indicating that illegal logging is being carried out alongside the logging for which concession has been granted. In 2012, sources on the ground informed that twenty lorry loads of illegally logged timber were being hauled from Mabira on a weekly basis.[4] Even if the extent of illegal logging is hard to verify independently, it is difficult to deny that it is indeed happening. Satellite images of Mabira Forest, taken periodically from 1972 to 2003, show a significant decrease of forest cover in the area (Lung and Schaab 2008: 28). Any further deforestation is likely to irreparably damage an ecosystem already under stress. Deborah Baranga (2007: 2) claims that uncontrolled exploitation and illegal timber extraction pose a major threat to Mabira Forest, which is why there is a need to investigate the current activities in the reserve and their effect on its conservation status.

In this section, we have seen that the Ugandan government advocates the handover of Mabira forest land to a private company, a market-oriented tactic. In the next section, we will discuss why civil society organisations (CSOs) are campaigning for a state-driven approach to gov-

3 Felix Osike and Mary Karugaba, Why I Support Mabira Give-Away: Museveni, in: *New Vision*, 18 April 2007, online: <www.newvision.co.ug/news/495386-why-i-support-mabira-give-away-%C3%A2-museveni.html> (21 March 2014).

4 Gerald Tenywa, Mabira Forest Destruction Continues, in: *New Vision*, 9 January 2012, online: <www.newvision.co.ug/news/628233-mabira-forest-destruction-continues.html> (21 March 2014).

erning the commons, namely the retention of government control over forest land.

The Save Mabira Forest Campaign

The Save Mabira Forest (SMF) campaign has gained international visibility for opposing the Ugandan government and questioning its stance on governing the commons. The decision to allow SCOUL to take over 7,100 hectares of Mabira Forest met with bitter resistance on the part of a cross-section of public institutions, political actors and CSOs. More awkwardly, even the heads of the National Environment Management Agency (NEMA) and the National Forestry Authority (NFA) rejected the government proposals as ecologically imprudent, arguing that the environmental impact of cutting trees in an area more than twenty times the size of Central Park in Manhattan was likely going to be significant (Price 2007). The NFA executive director, and later the entire board, resigned over the Mabira issue, citing political interference.

The SMF campaign soon turned into a mass mobilisation of unprecedented scale, pitting the Ugandan government against a range of CSOs, international donors, the political opposition, the Buganda kingdom and significant segments of civil society. Museveni eventually shelved his plans for Mabira Forest but put the issue back on the political agenda in August 2011, a few months after winning his fourth term in office and cementing his two-and-a-half-decade-long hold on power. As had happened in 2007, a network of civil society groups launched a campaign for the preservation of Mabira Forest. The campaign gathered momentum when young Ugandans started using social networking sites like Facebook and Twitter to organise, among other things, nature walks in the forest, which, at approximately 50 km from Kampala and 20 km from Jinja, is easy to reach, even by public transport. In September 2011, Mahendra Mehta, the head of Mehta Group, was quoted as saying that he was no longer interested in acquiring part of the Mabira Forest for sugarcane growing.[5] Tensions eased, but the calm again proved deceptive.

At a party retreat in January 2013, without prior indication, Museveni announced that he would follow through on his plans for Mabira. The announcement prompted a swift response from the "Save Mabira Crusade", an umbrella group made up of CSOs, local communities, con-

5 John Njoroge, I'm Not Interested in Mabira: Mehta, in: *Daily Monitor*, 3 September 2011, online: <www.monitor.co.ug/News/National/-/688334/1229602/-/bjs08mz/-/index.html> (21 March 2014).

servation bodies and public-interest lawyers. Beatrice Anywar, an opposition politician who is perceived as the figurehead of the movement, went on record saying that the government would not be allowed to divert attention from the challenges the country was facing, and the fight for Mabira Forest would continue.[6]

Ugandan researchers and international observers have interpreted the massive show of support for the anti-deforestation campaign as a sign of growing civil society assertiveness in a country with a history of authoritarian regimes and political repression. Bashir Twesigye (2008: 7) expressed the view that the Mabira advocacy campaign reflected increasing environmental awareness and the determination of the Ugandan people to oppose misguided government policies. In line with liberal streams of analysis, Keith Child (2009: 241) called the SMF campaign a "powerful demonstration" of how civil society movements with a limited agenda may transform themselves into platforms that put forward "more radical demands for democratic accountability". Similarly, Aili Tripp (2010: 105) wrote that the response to the cutting down of trees in Mabira Forest was a showcase of how civil society in sub-Saharan Africa had woken up to the challenges that threaten human survival, notably the protection of the environment.

However, the opposition against the Mabira Forest project is no monolithic bloc. Even though it is widely portrayed as the outcome of concerted action against pro-business land use policies, the SMF campaign is composed of a variety of groups whose mandates overlap and whose interests conflict. The first pillar of the SMF campaign consists of a cluster of environmental groups, which argue that the conversion of forest land into a sugarcane plantation will spell environmental disaster for its adverse effects on biodiversity, fresh water supply, soil fertility and carbon reduction, harming ecotourism in the process.[7] Building on a growing movement for the preservation of forests in Africa, the late Nobel Peace Prize laureate Wangari Maathai argued that participatory

6 Mercy Nalugo and Solomon Arinaitwe, Activists Dare Museveni, in: *Daily Monitor*, 15 January 2013, online: <www.monitor.co.ug/News/National/Mabira--Activists-dare-Museveni/-/688334/1665636/-/item/1/-/g2s0s0/-/index.html> (21 March 2014).

7 *Chain Reaction: The National Magazine of Friends of the Earth Australia* (2013), Ugandan Activists Regroup to Protect Mabira Forest, 117, 9; *National Association of Professional Environmentalists* (2011), Mabira Petition to President Yoweri Kaguta Museveni of Uganda, online: <www.redd-monitor.org/2011/08/31/can-redd-protect-the-mabira-forest-in-uganda> (21 March 2014); *Nature Uganda* (2013), Mabira Forest Should Not Be Sacrificed for Sugar Production, online: <http://natureuganda.org/save_mabira_campaign.php> (21 March 2014).

tree-planting programs in developing countries were an "important mechanism to support responsible global warming mitigation efforts" (2009: 257). Moreover, Mabira Forest constitutes an important catchment area and its partial deforestation will further diminish fresh water supplies to Lake Kyoga and the Victoria Nile. Lake Victoria, the biggest water reserve in the Great Lakes region, has already seen a steady decline in water levels over the years, contributing to a hazardous concentration of toxic substances, which in turn has jeopardised the survival of the lake's fishing industry. Any further deforestation will also adversely affect biodiversity in Mabira Forest, which, according to a detailed study by Davenport and others (1996: 4), is home to 71 restricted-range species of birds, butterflies and moths. Furthermore, some environmentalists claim that cutting down one-fourth of the Mabira Forest will translate into a loss of USD 316 million worth of UN-certified carbon credit.[8]

The SMF campaign has drawn further support from a range of leftist groups, which oppose international investment in agro-industrial business in developing countries on economic and ideological grounds. According to these groups, the idea that business companies adopt strategies that keep society's best interests in mind has been discredited in light of neo-liberal policies that consider community land as a commodity for sale. Samir Amin (2010), a staunch critic of the Washington consensus, asserts that subjecting land to the "law of the market" uproots people and, contrary to the arguments of supporters of privatisation policies, exacerbates poverty. While the use of forest reserve land for agro-industrial purposes does not in itself lead to displacement, it nevertheless forms part of an economic paradigm that comes to its logical conclusion in what Amin calls the "destruction of the peasant societies", which he believes is a major cause of the pauperisation of the Third World. In a study on the impact that the Mabira project has had on poverty alleviation, Zommers and others (2012: 190-192) conclude that before expanding sugarcane production into forest reserves, the Ugandan government will act responsibly only if it carefully evaluates the importance of ecosystem services to local livelihood, which so far it has failed to do. More generally, Mabira activists may draw support from arguments developed by thinkers such as Rob Gray, who argues that corporations are a force against social justice. The logic behind such thinking is that corporations are pursuing the goal of maximising wealth

8 Mubatsi Asinja Habati, Mabira: No Storm in Mehta's Tea Cup, in: *The Independent* (Kampala), 26 August – 1 September 2011, 18-20, online: <www.independent.co.ug/news/news-analysis/4550-mabira-no-storm-in-mehtas-tea-cup> (21 March 2014).

for shareholders, who, as they are becoming increasingly wealthy, oppose the concept of material redistribution, which lies at the heart of social justice (Gray 2013: 162-163). Therefore, for left-leaning anti-poverty campaigners, Mabira is an open-and-shut case.

The third plank on which the Mabira protest rests is composed of a rainbow coalition of watchdog groups that base their criticism on a variety of concerns, including corruption charges. The Advocates Coalition for Development and Environment (ACODE), for instance, laments that the government has failed to invite offers from Mehta's business competitors or call for tender.[9] The waters are further muddied by the fact that the land deal with Mehta Group is far from transparent. There is no information about how the Ugandan exchequer stands to benefit from the proposed transaction. The media is rife with speculation that once the land deal is complete, the government will part with its 30 per cent stake in SCOUL, for a price, leaving in charge Mehta Group, a business conglomerate that operates in four continents and holds assets in excess of USD 400 million.[10] Unsurprisingly, a recent policy briefing listed the envisaged sale of forest land in Mabira as one of several examples of how the ruling coalition in Uganda is being bought off by big business (Kjær and Katusiimeh 2012: 27). In terms of social acceptance, it does not help that SCOUL is the least productive of the three major sugar producers in Uganda and reportedly incurring substantial losses.

The fourth tributary to the SMF campaign is made up by supporters of the Kabaka, the king of Buganda, who believes the forest is part of "Buganda land" and should be preserved in its entirety. It is important to recall that Museveni's capture of power in 1986 is largely seen as the result of his alliance with the Buganda movement, which supported his armed struggle originating in Central Uganda, where many Baganda live. Due to disagreements over the question of "federo", at the core of which lies the restoration of dignity and autonomy to the kingdom of Buganda, apart from administration and ownership of land, the relations between President Museveni and Kabaka Ronald Mutebi II were consid-

9 Mubatsi Asinja Habati, Interview: Museveni Shouldn't Be Mehta Spokesman, in: *The Independent* (Kampala), 26 August – 1 September 2011, 8, online: <www.independent.co.ug/column/interview/4554-museveni-shouldnt-be-mehta-spokesman> (21 March 2014).

10 The Mehta Group website shows SCOUL as already being part of its business assets. See Mehta Group, online: <www.mehtagroup.com> (21 March 2014). In 2012, the news broke that a development finance institution had agreed a USD 23 million loan to SCOUL to help boost the company's performance. For details, see: Trade Finance (2012), Proparco Agrees Uganda Sugar Loan, 15, 6, 172.

ered to be "no longer as warm as they used to be" (Mukasa Mutibwa 2008: 251). That was before the Kabaka was prevented from visiting Kayunga district, located in his kingdom, which led to the Buganda riots in 2009, and the destruction, in mysterious circumstances, of the Kasubi tombs, the burial ground of the Kabaka dynasty and a UNESCO world heritage site, in March 2010. After that it has not been possible for this author to find anyone willing to comment openly on the nature of the relationship between the president and the Kabaka of Buganda. In private conversation, however, observers close to the Buganda movement suggest that Museveni might be using the Mabira Forest issue to show the Kabaka his place, which further raises suspicion about the existence of hidden agendas.

In sum, the SMF campaign draws its significance both from an articulation of a rainbow coalition of civil society voices in a public discourse centred on government action, and from serving as an example of a social movement that breaks with the tradition of party movements, from which the current multi-party system in Uganda has developed. A brief overview of the history of engagement with the idea of the state in the postcolonial world, and the concept of civil society within and around it, will help place the SMF campaign on the matrix of political practices in the governance context of sub-Saharan Africa.

State Crisis in Uganda

The Mabira Forest agitation is one of only a handful of political campaigns that have been able to attract interest and support from large segments of the Ugandan public over a period of several years. The success of the SMF campaign, as well as its shortcomings, will not be easily understood unless placed in the context of a debate on the state and its decline in sub-Saharan Africa. After its independence in 1962, Uganda witnessed short-lived coalition governments, single-party rule, Idi Amin's tyranny and a series of wars that ended with the takeover of power by Museveni and his National Resistance Army in 1986. Some authors have described the Uganda of the 1990s as a country that, unlike the Democratic Republic of the Congo, had pulled itself back from the brink of a "failed state" and managed to break through the logic of violent conflict to initiate processes of "negotiation and rebuilding" (Bayart et al. 1999: 5; Crawford 2004: 47). Such a reading of Ugandan history tends to downplay the disastrous consequences of the civil war of the 1980s and the significant fallout from the subsequent war in northern Uganda that pitted troops loyal to the government against the Holy Spirits Movement

led by Alice Lakwena and, later, the Lord's Resistance Army (LRA) under suspected war criminal Joseph Kony. Moses Khisa (2013: 201) argues that what gave rise to the current conception of the state in Uganda can be traced to the trauma of prolonged tyranny and civil war that resulted, first, in a pronounced urge for minimum stability and personal security among the population at large, and, second, in a strong belief among the ruling elites that militaristic methods of managing society will pay off.

Soon after taking over power, Museveni was faced with a military threat to his leadership and a budget crisis exacerbated by increasing military expenditures. He responded by performing a U-turn from non-aligned rhetoric and, under pressure from the Bretton Woods institutions, embraced neoliberal reforms through structural adjustment programmes. Uganda adopted policies of market liberalisation, privatisation and deregulation, and started to downsize its civil service and roll back the state generally. The implementation of such measures required a political rigidity that contradicted the call for "liberalisation" in any sense other than economic and flew in the face of civil society's requests for democratic consultation and accountability. An authoritarian streak soon accompanied Uganda's transition to free-market politics (Crawford 2004: 42; Olukoshi 2007: 18). Museveni's acceptance of the neoliberal straightjacket imposed by the Washington Consensus made him a regional "donor darling" and gave him considerable leeway to consolidate his power at the expense of competitive politics. This may well have reinforced his "personalistic politics" and stifled the emergence of a legitimate opposition strong enough to challenge him in free and fair elections (Hesselbein et al. 2006: 30; Mamdani 1994: 557). The results are plain to see. The 2006 presidential elections were reduced to a contest between Museveni and his main rival Kizza Besigye. Upon his return to Uganda from exile in 2005, Besigye had first been held on charges of treason and rape, then, when he moved to apply for bail, on charges of terrorism (Oloka-Onyango 2006: 43). Although Besigye eventually stood in the elections, the impact of the allegations against him probably doused his chances of winning before his campaign could take off.

In the lead-up to presidential elections in 2011, Sabiti Makara (2010: 91) warned that there was little to indicate a shift from the deeply-rooted "reluctance to promote and deepen multiparty democracy" in Uganda. As an example, Makara cited the role of the Electoral Commission, which he said was widely suspected to be catering to the wishes of the ruling party. Others echoed such scepticism about the democratic credentials of the Ugandan polity. Olive Kobusingye (2010: 193) stated that

Uganda was committed to "perpetual electioneering". While acknowledging that elections were welcomed with great excitement when the National Resistance Movement came to power, she argued that the sheen of elections had worn off over time. In her view, elections can no longer be considered a means of choosing a leader of the people's choice.[11] Concern over securitisation, de-politicisation and erosion of democratic procedures is routinely expressed in conversations about the state of affairs in Uganda.

Ugandan civil society groups, such as Advocates Coalition for Development and Environment and Human Rights Network Uganda, have been consistent in their criticism of a wide range of government policies. Human Rights Watch (2010, 2011) published a report on intimidation and harassment of the media in Uganda, followed by another on the practice of torture and illegal detention by Uganda's Rapid Response Unit. On the 2011 elections, the European Union Election Observation Mission (2011: 5-7) noted that the electoral process had been "marred by avoidable administrative and logistical failures", leading to the disenfranchisement of an "unacceptable number of Ugandan citizens".[12] Emboldened by the 2011 election results, Museveni started clamping down on the political opposition with renewed vigour. Tellingly, the massive police crackdown on the "walk-to-work" campaign, which the political opposition had organised in Kampala to protest rising living expenses, coincided with the democratic uprising in a variety of capitals in North Africa and West Asia.

Before long, the debate had focused on whether Uganda could be described as a neopatrimonial state, which Paul Williams (2011: 56) has characterised as hybrid, unstable and shot through with streaks of authoritarianism. However, the limitations of the neopatrimonial label, a universal catch-all classification, soon became apparent. State features differ from region to region, and it cannot be said that every state that is hybrid is unstable or that every state that is unstable is authoritarian in nature. Against that background, Erdmann and Engel (2007: 104-105) argue that neopatrimonialism may offer a useful lens through which to conceptualise the state, as long as the definition is not so broad that it

11 Olive Kobusingye being the sister of opposition leader Kizza Besigye does not in itself detract from the quality of her analysis.

12 The findings of the mission include violation of the principle of equality of the vote, "inadequate safeguards against fraud" in the drawing up of a national voter register, "distribution of money and gifts by candidates, especially from the ruling party", significantly greater access of candidates of the ruling party to the media, and a lack of "police impartiality".

loses all meaning. Providing an in-depth analysis of the literature, they consider the "invasion" of informal politics and personal relations into the formal structures of legal-rational reasoning as the core element of the neopatrimonial state. In other words, some features of the formal-bureaucratic Weberian state continue to function, while others are being eroded and fall prey to competing networks of informal power. Similarly, Daniel Bach (2012: 35, 44) observes that the concept of neopatrimonial rule has become equated with predatory, anti-developmental and personalised power, while regulated forms of power have been overlooked or side-tracked. It makes sense to view the essence of neopatrimonialism not in the usurping by individuals of power assigned to constitutional organs, but in the mixing of competing layers of decision-making, formal and informal, resulting in erratic functioning of state institutions and clashes of power formations with unpredictable outcomes. The way decisions on the Mabira Forest have been made and revoked in a haphazard and incoherent way, without any procedures being followed, fits this definition of neopatrimonialism.

Meanwhile, the launch of structural adjustment programmes devised by Bretton Woods institutions since the 1980s has been accompanied by talk of the informal state, the predatory state, the shadow state or even the vampire state. According to Khisa (2013: 212), Uganda presents an interesting departure from the phenomenon of shadow states that rely on clandestine economy networks amidst collapsing state institutions. Khisa argues that the defining feature of the state in Uganda is donorisation, the result of which is the emergence of a CSO economy fuelled by Western aid and loans. While the state is stripped of many of its core functions, CSOs are being given extensive mandates to implement education, infrastructure, environment protection and health care programmes. Such analysis ties in with left-leaning criticism of the dismantling of the state by free market forces. Achille Mbembe (2001: 74-75) recalls that the "African crisis" of the 1980s originated from the state placing excessive demands on the economy. Based on the argument that recovery from such crisis depended on strengthening free market forces, measures were put in place to restrict state intervention in the economy without introducing safeguards in key sectors such as health, education and protection of the environment. Predictably, the results were not all positive. For example, Uganda's draconian "anti-homosexuality act", which has received strong support from evangelist groups based in the United States, shows that pro-business strategies in line with policies formulated by Bretton Woods institutions do not necessarily translate

into a liberal vision for society.[13] The changing dynamics in the interaction of state and civil society actors will be at the centre of the following section.

Ascendency of Civil Society

One section of the literature believes that the only way to fix the broken state, neopatrimonial or otherwise, is to develop strategies to stop the erosion of state legitimacy, preferably by involving informal CSO coalitions, watchdog groups and informed citizens. Informed citizens and watchdog groups formed by such citizens are regarded as an embattled but important safeguard for democratic institution-building in Uganda, a corrective to policies devised by authoritarian regimes (Kasfir 1999). Recalling that none of Africa's newly established multi-party regimes have abandoned presidential for parliamentary rule, Nicolas van de Walle (2012: 121) considers the curtailing of presidential prerogatives through mechanisms of vertical and horizontal accountability to essentially be a task incumbent on democratic movements emerging from authoritarian traditions. Broadening the frame of analysis beyond national borders, Andreas Godsäter (2013: 68) asserts that, for the sake of legitimate and effective resource governance, African governments will need to engage with wider social layers and popular forces within civil society, enhance cooperation at the regional level, and adopt environmental rules and regulations governing cross-border relations. From an international relations perspective, Ulrich Beck (1999: 17) compares civil society movements to a "world party" that places "globality at the heart of political imagination, action and organisation" and appeals "to human values and traditions in every culture and religion". Beck also feels that naming-and-shaming campaigns by civil society organisations are promising tools to persuade corporations to comply with international law and corporate social responsibility schemes.

However, mass protest and anti-government agitation are easily confused with democratic resilience and political vision. Explaining the uniformly positive portrayal of African civil society in northern policy-making circles as a product of cultural bias, Thomas Kelley (2011: 993-994) points out that people and institutions in the Global North typically

13 Sexual Minorities Uganda, a Kampala-based NGO, has documented a sharp rise in violence, threats and discriminatory practices against lesbian, gay, bisexual, transgender and intersex people following the passage of the act in December 2013.

picture African non-governmental organisations (NGOs) as spaces of democratic decision-making that will pass rights-based resolutions advancing "environmental justice, freedom of expression, due process, and the rule of law", when in fact many of these NGOs have visions of a just society diverging radically from those nurtured by actors in northern countries. Taking a similarly sober position on the capacity or willingness of CSOs to advance liberal agendas, Hovil and Okello (2011: 336) remind us that civil society groups, like state agents, are susceptible to usurping authority that they cannot legitimately claim and act as "anticorruption czars", while replicating the "behaviour of despots". Considering CSOs as the last line of defence against state suppression and the guardian angels of constitutional values – irrespective of their sometimes contradictory views and ideological aberrations – makes it all the more difficult to detect where they contradict what they preach and operate on the same lack of internal democracy, transparency and gender equality as the state actors they find reason to criticise.

Mindful of the political economy of civil society activity, another segment of the literature takes a more critical approach and makes a point of analysing the organisational capacity of watchdog groups to live up to their mission statements, measuring rhetoric against performance. Playing out in variations, these observers argue that CSOs in semi-authoritarian sub-Saharan African countries may be well-meaning but are confused about their mandate, alienated from their constituencies, given to believing in the power of just talking, weakened by infighting and co-opted by either the state or international donors (Barr et al. 2005: 664-665; Omona and Mukuye 2013; Opoku-Mensah 2008: 80-83; Tripp 2010: 30). Shedding light on the structural constraints of civil society activism, Miller and others (2013: 136) have noted that CSOs are permanently trapped between "a desire to enhance community well-being and an inability to shape the context in which to do so". Even where a *contentious* civil society has emerged – "strong, well networked and capable of proposal as well as protest" – independent decision-making is constantly imperilled by a shortage of funds and the need for CSOs to operate in a national context governed by laws and regulations that have a bearing on their activities (ibid. 141-143). This seam of research offers explanations for why civil society movements, particularly in Africa, tend to be eclectic and short-lived; however, it fails to explain why protests erupt when they do and why people give their time and money to campaigns when they have no reassurance that they will receive anything in return.

A third strand of analysis, following a neo-realist line of reasoning, is sceptical of the value of democratic governance and the role of civil

society within it. Michael Ignatieff (2005: 69) claims that four decades of "post-colonial misrule" in sub-Saharan Africa have proven that Africans themselves do not know what kind of governance works for them. He adds that the regimes that have made the "best fist of a difficult situation" have been those in countries such as Uganda, which are "neither liberal nor democratic but simply have relatively farsighted and honest, if authoritarian, leadership". Alex Thomson (2010: 232) describes a noticeable trend towards chaos and disintegration of existing power structures as the flipside of civil society ascendancy in the post-colonial African state. This is the context in which we need to place Dambisa Moyo's controversial call for a "decisive benevolent dictator" in aid-dependent Africa, where leaderships demand nothing from the public at large and are not required to give anything in return (Moyo 2010 [2009]: 42). However, if solutions are sought from centralised decision-making, rather than the building of consensus around diverse voices, civil society groups will hardly be considered as significant, or even useful, players in the larger scheme of things. Buying into this logic, the Ugandan government maintains that CSOs are not to be trusted because they are funded by "the West" and also because they are opposition parties in disguise, bent on defaming the country (Human Rights Watch 2012: 20).

The next section examines the question of how the racial overtones of the agitation impact the conceptualisation of civil society in Uganda and the framing of the debate on Mabira Forest.

Governing the Commons

As discussed earlier, the Mabira Forest movement does not result from a single concern shared by all. Rather, it is fed by a wide range of groups with agendas as complex and multi-layered as Ugandan society itself. Cutting across debates on development, social justice and environmental protection, the Mabira Forest case serves as a magnifying glass under which an array of problems pertaining to resource management come into focus. Whether the SMF campaign is cited as an example of civil society resistance to government folly or interference in sound policy-making depends largely on the criteria used to evaluate the agitation on its merits. Fischlin and Nandorfy (2012: 89) argue that in devising regimes governing the commons, individual rights, such as the right to property, need to be balanced against "community rights"; in other words, the "rights of community commons to exist and be protected". At the heart of such a balancing test lies a re-orientation towards an understanding of community and rights centring on "interests shaped by

the most basic practices that guarantee sustainable life", such as food, water, shelter and respect for difference. The conceptual connection of resource governance and community-building explains the importance of addressing the racial overtones of the SMF campaign.

From its early days, the Save Mabira agitation provided cover for free-riders who launched attacks on Ugandan Asians on the rationale that they were to be collectively held responsible for the business activities of the Indian-owned Mehta group, a transnational corporation that holds the majority stake in SCOUL. In response to what came to be known as the "Mabira riots", Museveni declared that his decision to allocate part of the Mabira Forest to SCOUL was non-negotiable. However, the conclusions he drew from the outbreak of violence were unconvincing. Apart from holding a meeting with the Ugandan Asian community in Kampala, in which he reassured them of government protection, Museveni struck a clearly populist chord, blaming the police for allowing the demonstration that had led to the casualties, announcing tax breaks for investors and calling for tougher laws on the media.[14] The organisers of the Mabira protests, on the other hand, claimed their democratic right to assemble freely and peacefully but failed to decisively distance themselves from the violence against Ugandan Asians and draw a line between environmental concern and racism.

The repeated outbreak of violence targeting Ugandan Asians suggests that, under the guise of ecological and social justice concerns, a band of operators are exploiting popular anxieties and employing divisive tactics for political gain. Tensions along ethnic lines had built up gradually under colonial rule and were deliberately exploited by Idi Amin during his reign of terror from 1971 to 1979. As early as 1972, Amin launched an expropriation and expulsion campaign against Asian Ugandans on the grounds that they were "sabotaging Uganda's economy and encouraging corruption" (Manby 2009: 54, 96). Irreconcilable as his policies were with international human rights standards, it is perhaps important to note that the anti-Asian resentment and the expropriation of their assets and businesses was a safe card to play for Amin as it met with the approval of significant segments of both the Baganda and the increasingly influential Nubi-Muslim trading communities who saw the Asian traders as rivals (Hansen 2013: 91).

In the 1990s, President Museveni started encouraging foreign investment and, yielding to pressure from donor countries, asked Ugandan

14 Felix Osike, Museveni Assures Asians, in: *New Vision*, 19 April 2007, online: <www.newvision.co.ug/news/495293-museveni-assures-asians.html> (21 March 2014).

Asians to return and repossess their property. The *Economist* wrote in 1995 that Asians (5,000 lived in Uganda at the time, compared to 70,000 before the expulsion, 23,000 of whom were Ugandan citizens) had not lost their image as "cut-throat businessmen", adding that their "influence in Uganda stretched far beyond their numbers" (*The Economist* 1995). The Mehta family, which owns the business conglomerate that carries its name, had been forced to leave the country in the 1970s and returned only in the 1990s to reclaim its property. Meanwhile, Museveni's public remarks about his personal investment priorities have done little to ease ethnic tensions. In an interview with the *New African,* Museveni said that foreign investors were more useful to the country than some of its domestic ones because they created jobs, paid taxes, bought raw materials and paid for the electricity they used.[15] Such condescension brings back images of the colonial times. Ugandans have not forgotten that it was a hallmark of the colonial state to introduce crops, decide on the colony's trading partners and clear forests "without any consideration to environmental or religious importance" (Mueni wa Muiu 2010: 1314).

Given the country's record of violence against Ugandan Asians, it is somewhat surprising that academic writing has tended to ignore the campaign's racial undercurrents and the threats they pose for the Ugandan polity as a whole. Mahmood Mamdani (2007), himself a Ugandan of Asian descent, wrote that what had made the leasing of land so explosive was the collusion between an increasingly unaccountable president who treated the country as his private preserve, and a tycoon who claimed to be doing the country a favour while lining his own pockets. Mamdani maintained that the political opposition had taken advantage of the situation but had not created the issue, omitting any mention of actors who might have a vested interest in escalating ethnic tensions in Ugandan society. Bashir Twesigye (2008: 6) stated that protesters had turned on people of Indian origin "to demonstrate their disapproval of the Indian owners of Mehta" as if this was an excuse for the violence that unfolded. Keith Child (2009: 251-253) wrote that the attacks on Ugandan Asians of April 2007 had drawn condemnation from many of the civil society groups that helped organise it, which is why analysis of the cause of the agitation and its consequences should be kept separate. However, if we accept Child's argument that the Mabira land deal confirms increasing domination of the country's economic assets by Indian-controlled companies, it seems hard to disassociate the consequences of the agitation

15 *New African*, President Museveni: "Development Is the Destination", 1 October 2012, 8, online: <www.newafricanmagazine.com/president-museveni-development-is-the-destination> (21 March 2014).

from the ill will towards Ugandan Asians that Child claims is entrenched in Ugandan society. It is perhaps the desire to brand the SMF campaign as a "symbol of civil society efficacy" that makes it so difficult to recognise its racial undercurrents. Our analysis of the SMF campaign shows that while civil society movements address people's concerns in rhetoric, they may in fact contribute to discursive practices that are rooted in prejudice and aimed at divisive politics along ethnic lines. The Save Mabira agitation has potential as a building block for participatory democracy only if it owns up to the acts of injustice and the crimes perpetrated in its name.

Outlook

The Mabira Forest issue could move in one of several directions. One strand of analysis emphasises that, through the results of the 2011 parliamentary elections, a challenge has arisen to Museveni in the form of a "record number" of parliamentarians belonging to the same party as the president but being considerably younger than him (Vokes 2012: 311-312). The argument goes that this young generation of politicians thrives on local support and has challenged the president on a number of counts, from ministerial appointments and the draft anti-bail bill (presumably targeting members of the opposition and dissidents) to the decision to sacrifice part of Mabira Forest for a sugarcane plantation. The International Crisis Group (2012: 33) considers opposition to the Mabira project – even from MPs belonging to the National Resistance Movement, Museveni's own political party – as one of several promising signs for the preparedness of parliamentary democracy to assert its constitutional powers.

Off the record, however, many analysts admit that they are sceptical about the longevity of the SMF campaign, given its heterogeneity and lack of vision. They predict that the resistance from a cross-section of political dissidents and civil society groups will eventually wane, allowing Museveni and his inner circle to prevail with their plans for Mabira Forest. It has not been lost on observers that Ugandan government rhetoric no longer distinguishes between lawful and unlawful dissent on constitutional grounds, but "loyal and disloyal opposition", as measured by the State House, the seat of the president.[16] Government interference is

16 The distinction between loyal and disloyal opposition was pointed out to the author in an informal meeting with a high-ranking government official working in the presidential office.

particularly grave in scenarios where CSOs operate in sensitive areas or pronounce views on large-scale investment projects such as the one planned for Mabira. In a report on the conditions of NGO work in Uganda, Human Rights Watch (2012: 27) observes that organisations carrying out research, advocacy, and citizen education on environmental issues have faced "increasing obstructions" from the government in the form of threats of deregistration, accusations of sabotaging government programmes, and arrest.

There are also indications that government agencies are being streamlined on controversial issues. Neither the National Environment Management Agency nor the National Forestry Authority makes any reference to the Mabira issue on their respective websites, which is curious given that both initially positioned themselves against the leasing out of forest land to SCOUL. It is clear, therefore, that the Ugandan government has adopted a flexible approach to handling the Mabira Forest case, yielding to pressure when it became too strong and pushing for the leasing out of land when it felt that it was in a politically advantageous position to do so and the campaign had started to come undone. However, even if Museveni gives up on his plans for Mabira Forest, the divisive tone used by all stakeholders has introduced a toxic element into the discourse on development that will take time to diminish.

Conclusions

This paper has attempted to show that since the SMF campaign was launched in 2007 in response to plans of the Ugandan government to hand over one-fourth of the forest to a sugar company for cultivation of sugarcane, it has drawn strength from a network of loosely connected civil society groups. Contrary to popular perception, the SMF campaign does not constitute a continuous and sustained movement. Instead, it must be understood as a string of activist spells, each provoked by a perceived need to respond to government initiatives to push the agenda on Mabira.

The paper cites evidence indicating that the government's case in support of the Mabira Forest project is weak in terms of substance. The lack of available data on the impact of agro-industrial investment in Mabira is matched by a lack of risk assessment in the planning phase. In light of the documentation gap and the resulting margin of error in assessing the impact of the proposed development project in Mabira Forest, the case for abandoning the plans of clearing one-fourth of the forest seems compelling. Even though a solution has remained elusive, the

SMF campaign is a significant achievement, given the fact that President Museveni has used tremendous political capital to bulldoze an array of dissenting voices, not on policy grounds, but by way of declaring a personal "war on sugar".

The paper also challenges the uncritical appraisal of civil society groups in sub-Saharan Africa as democratic checks to neopatrimonial regimes. Although it is popular strategy among activists to paint political controversies with a broad brush, the portrayal of land use issues as a fight between good and evil creates binaries that are easily exploitable for purposes of identity politics. Irrespective of whether the Mabira Forest dispute sees business interests or community concerns prevail, the way in which racial stereotypes were played up in the campaign reveals a disquieting trend towards fragmentation of Ugandan society. In the final analysis, the SMF campaign and its ugly underbelly lend credence to claims for a widening and deepening of civil society engagement, but also to calls for a critical reflection of what drives activism, within local communities and across national borders. For civic activism to become an asset for democratic governance of the commons, however problematic the term, it will need to focus not only on a campaign agenda but also on a vision for an inclusive society.

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Zivilgesellschaft und Landnutzungspolitik in Uganda: Der Konflikt um das Mabira-Naturschutzgebiet

Zusammenfassung: In den vergangenen Jahren hat die ugandische Regierung wiederholt Schritte zur Abholzung von einem Viertel des Mabira-Naturschutzgebiets in Zentral-Uganda eingeleitet, um den Boden einem Agrarunternehmen, das von einem international operierenden Großkonzern kontrolliert wird, für den Zuckerrohranbau anzubieten. Immer wenn die Umsetzung des Projekts drohte, organisierten zivilgesellschaftliche Gruppen breite Protestaktionen, sodass die Regierung ihre Pläne zurückstellen musste. Die Kampagne zur Rettung des Mabira-Waldes wird häufig als Beispiel dafür angeführt, dass ausdauernder Protest aus der Zivilgesellschaft als Korrektiv gegen undemokratische Entscheidungen über Gemein- oder öffentliche Güter wirken und profitorientierte Akteure, die mit unbedarften oder korrupten Politikern und Bürokraten Geschäfte ausbrüten, abschrecken kann. Eine tiefer gehende

Analyse der Kampagne offenbart jedoch, dass hier ökologische und soziale Anliegen mit Partikularinteressen verflochten sind. Der Autor untersucht das komplexe Interaktionsgeflecht zwischen Staat, Großunternehmen und Zivilgesellschaft in Uganda, wirft aber auch ein Schlaglicht auf die vielschichtige und teilweise sehr ambivalente Rolle, die Nichtregierungsorganisationen in Post-Konflikt-Gesellschaften des subsaharischen Afrika spielen.

Schlagwörter: Uganda, Zivilgesellschaft, Protestbewegung, Rassismus, Naturschutz, Entwaldung, Allgemeingüter