ECAPAPA

Eastern and Central Africa Programme for Agricultural Policy Analysis
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A Programme of the Association for Strengthening Agricultural
Research in Eastern and Central Africa
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Electronic Newsletter

29 May 2007--Volume 10 Number 10

Announcement

We regret to announce the sad demise of Dr Ann Stroud the pioneer coordinator of ASARECA's African Highlands Initiative (AHI) on 25th May 2007. She was cremated in Kampala on 30th May 2007. Natural resource use and management was her passion. May her soul rest in peace.

THE DYNAMICS OF SOCIAL CAPITAL AND CONFLICT MANAGEMENT IN MULTIPLE RESOURCE REGIMES: A CASE STUDY OF THE SOUTHWESTERN HIGHLANDS OF UGANDA

In the previous issue of the newsletter, we published a review of a selection of participatory tools in the analysis, synthesis, and decision making related to natural resource management and policy. In this issue, we present a case study on the impact of social capital and conflict management in multiple resource regimes. The study describes the status of natural resources in Kabale and their different property regimes, examines the prevalence and the different types of conflicts over the use and management of natural resources and the role, strengths, and limits of social capital mechanisms for managing conflicts. Finally, the study proposes a framework for strengthening the synergy between social capital and policy, and building local capacity for alternative conflict management.

Introduction

THE policy environment for natural resource management (NRM) is changing dramatically from centralized top-down conservation, to community-based livelihood approaches, which are increasingly seen as offering pro-poor alternative to resources management. In Uganda, recent decentralization efforts have reinforced pluralism in property regimes with porous boundaries both of regimes, stakeholders, uses, and complex relationships among a wide range of social actors and resource users.

The intensively cultivated and densely populated southwestern highlands of Uganda are characterized by fragile agro-ecology, with a combination of uses, users, resources, and rules that

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govern resource use. In this context, NRM can be typically described as a "commons" with overlapping combinations of porous boundaries both of regimes and stakeholders, and when actions by individuals or groups often generate off-site effects. In such fragile environments, people compete for the natural resources they need to ensure or enhance their livelihoods. NRM is in many ways a form of conflict management. These conflicts are intensifying and if continued to be ignored, they can escalate and result into further degradation of natural resources, erosion of social and human capital, and pose significant challenges to sustainable rural livelihoods. Therefore, the management of the inevitable conflicts in NRM is an important public good, and merit policy support. However, any policy support must rely on a detailed and systematic understanding of the nature, types, dimensions, and implications of conflicts and their management mechanisms.

NRM regimes in the highlands of Kabale

The study was conducted in Kabale district in the southwestern highlands of Uganda. Kabale district has an estimated population of 461,785. Population density exceeds 350 inhabitants per square kilometer in several areas, making Kabale one of the highest densely populated rural districts in Uganda. Population pressure has continued to increase resulting in fragmented small farms.

Historically, NRM regimes were often regulated through customary and traditional institutions and dispute resolution mechanisms. These institutions still operate through clans and other farmers' local associations. Clans play an important role as important features of social organization that facilitate coordination, cooperation, and for managing the social structures and institutions for NRM. Though local communities have long been known to manage their NRM effectively over a long period, many common-pool resources have now come under the jurisdiction of the State, turning some into protected areas, and restricting the use of many others with strict policies. Even in the case of private property regimes, individual farmers are not entirely free to decide for themselves how to make use of natural resources, but participate in a process of collective choice that sets rules and regulations, or bylaws for individual and collective use. The penetration of the State was accompanied by the breakdown of traditional practices and the emergence of strict regulations or policies based on the traditional conception that common-pool resources (CPR) need protection from the destructive actions of people and local communities. The authority for resource use has been invested in government institutions by the colonial legacy. Most of the initial laws in Uganda, as in most parts of Africa, were not drafted in the interests of the communities that lived near these resources.

After the independence in 1962, government policies have concentrated on their conservation mandate for the protected areas, paying little attention to the legitimacy of the needs and rights of local communities, but implementing policies imposed by international conservation treaties and conventions. For decades there has been systematic failure to recognize that traditional institutions and local knowledge has been the basis of the survival of most rural communities. However, over the last decade, the decentralization of government and environmental management, various government policies, and institutions recognize the right of communities to participate in environmental management, and recognize that local communities can manage common pool resources in an effective and sustainable manner. The mechanisms of decentralization are established and functioning, with the structure of a five-tier system of local councils and local government structures, a bottom-up planning process, and powers to collect and disburse local

revenue, develop and implement bylaws and local policies for land use, environmental management, and agricultural production. In a social capital framework, these local policies or bylaws can be defined as negotiated rules, social norms, and agreed behaviors that exist within communities to prevent and manage conflicts.

Types and dimensions of conflicts over the use and management of CPR

The conflicts can be grouped into three broad categories: community-level conflicts opposing farmers within same communities; intercommunity conflicts opposing different communities or farmers from neighboring villages, and supra-community conflicts opposing farmers and communities with higher-level formal institutions or individuals. The most common type of intra-community-level conflicts concerned hillside management, causing destruction of terrace bunds and boundary disputes, which affect over 70 percent of households. This type of conflict is fuelled by the excessive fragmentation of very small agricultural land, and the high competition over the use of farmland. This increasing competition has also created different types of conflicts related to property rights, from competing inheritance claims, illegal sale of land, land grabbing, and other issues of resource ownership and access, destruction of terraces, cutting of trees and theft of resources. More than 74 percent of households were affected by conflicts arising from animals grazing on field crops. This type of conflict is more pronounced shortly after the planting season when livestock graze on young plants and trees. Most communal grazing lands have been turned into individual properties and farmland, leaving people with livestock with limited resources for grazing their animals. Other forms of conflicts included bush burning, cutting of trees, and theft of crops, livestock, and farm implements.

Competing rights and claims often caused intercommunity conflicts over common pool resources, for example, wetlands, grazing lands, woodlots, and paths, theft of resources, as well as bush burning. Bush burning often started by herd boys or by farmers as a land preparation practice has caused several conflicts within and among communities, especially during the dry season. In many cases, such fires have been difficult to control and have destroyed property, sometimes even burning houses. In some cases, the competing claims over common-pool resources (CPR) have resulted in violent clashes among farmers and among communities. There has also been an escalation of different types of supra-community conflicts. These are grouped into four main types:

i) Conflicts over protected areas and parks that oppose local community concerns for livelihoods and national and international concerns for environment and biodiversity conservation. Most of these conflicts were confined to areas around the Bwindi Impenetrable National Park, and opposed Park authorities to communities living around the park. For instance, crop raiding by wildlife was reported as a major form of conflict contributing to the hostility between local communities and the park authority. These animals, especially baboons and bush pigs, usually leave the park and destroy crops planted by farmers surrounding the park. These types of conflicts affect over 70 percent of farm households with farmland bordering the park in Ikumba, causing considerable crop losses.

ii) Encroachment on wetlands, forests, and protected areas. Although government agencies involving international actors restrict the use of such resources, for example, wetlands, woodlots, forests, and associated resources, local communities consider them as common-pool resources with many opportunities for their livelihoods.

iii) Conflicts between different government policies and agencies over authority to regulate natural resource management, e.g., district agricultural office, environment, forest, and health departments. These conflicts are often caused by uncoordinated sectoral policies and regulations.

iv) Conflicts among local communities and elites, e.g., government authorities, NGOs, wealthy farmers, over grabbing and eviction from lands, privatization and expropriation of CPRs, trespassing on private property.

The most common type of conflict opposed local communities to the Bwindi Impenetrable National Park (BINP) in Ikumba sub-county. Previously designed as a forest reserve with relatively liberal and rarely reinforced regulations regarding access rights, Bwindi was accorded high protection status in 1991 as a national park, designated a World Heritage Site in 1994, and was renamed Bwindi Impenetrable National Park. This had immediate effect of closing all access to the forest products by adjacent communities, resulting in huge amounts of conflicts and resentment. The park is surrounded by sloping terrain supporting one of the highest population densities in Uganda.

The dynamics of conflict management and the role of social capital

Over the last decade, the concept of social capital has risen dramatically to become one of the most fertile concepts in social science literature. Some of pioneering scholars considered social capital as a resource for action, which is developed and accessed through membership in formal organizations. Social capital crosses status, linking poor people and those in positions of influence. The different aspects and dimensions of social capital determine whether a community can act as a cohesive unit, that is; whether people comply with the norms and bylaws, have links with other community organizations, or can access and influence institutions with more power and resources, for managing natural resources, including conflicts. Results of this study show that farmers use several social capital mechanisms for managing conflicts. Although the specific mechanisms for managing conflicts vary with the conflict type, nature, levels, and stakeholders or actors involved, people generally rely on five general mechanisms to manage conflicts: avoidance, negotiation, mediation, arbitration, adjudication and coercion.

In many situations however, there is a combination of different resolution mechanisms, some time in synergy or sequence, but sometimes in contradiction and conflicts. These mechanisms correspond to and are activated by different types of social capital. One of the traditional institutions for managing conflicts is the clan. Traditionally, the basic social organization of the *Bakiga* people of Kabale use the agnatic lineage structure based on principle of patri-lineal descent, which forms the core of social structures and permeates practically every aspect of life. There are several clans in each village, although two or three may be dominant. For example, in Karambo village, there are two dominant clans and four minor clans. Relationships between clansmen cut across neighbourhoods. Thirty four percent of conflict cases between farmers are handled by clan elders and community members who facilitated negotiation between conflicting parties to reach a mutually agreed decision. From the interviews, it was often reported that there have not been serious (violent) conflicts in the village in the last 15 years. Simple cases of disagreement with neighbors are solved locally by the elders. Misunderstandings between two people are taken to clan leaders who call four to six people as witnesses, to mediate the case and

reach a decision. Usually what is decided is respected. If not, the cases are referred to the local councils (LCs) for arbitration. Avoidance was often used when the conflict is trivial or of passing importance. The desire to avoid confrontation outweighs the need to bring conflicts into public domain.

However, in a considerable number of cases, bonding social capital mechanisms, for example, clan leaders, neighbors, relatives, village members, are perceived as having lower capacity for resolving conflicts, as most cases taken to them are often unresolved and often require intervention of other institutions for arbitration. The main factor of this distrust is lack of power to improve sanctions. There is nothing clan elders and relatives can do to ensure that those who break the rules are punished. A combination of social, economic, and political factors has undermined the ability of local mechanisms, clan elders and community organizations to manage conflicts. Also, the more educated and wealthier farmers are not willing to accept decisions by local communities and clan elders and prefer to take their cases to government institutions at higher levels for arbitration rather than mediation and negotiation within the village. Other problems included biases, corruption and laxity of clan leaders. Although there are no financial costs associated with local mechanisms for resolving conflicts, a considerable number of farmers perceived local mechanisms as being biased. This perception was particularly significant for women compared to men, corroborating women's perceptions that local mechanisms are biased against them. Indeed most conflict cases involving women, or opposing women to their husbands' relatives are seldom resolved in women's favour.

In such cases, the capacities of clan leaders to resolve conflict become inappropriate, and conflicting parties take their cases to other social structures within the community. We also found that farmers' groups, and particularly women's groups have relatively high capacity to resolve conflicts and most cases are resolved through mediation and negotiation. Farmers' groups usually have high levels of structural social capital, for example, trust and cooperation, norms and rules within groups, as well as bridging social capital, that is, capacity of groups making links with other groups, and linking with the LC system. Since a considerable proportion of farmers belong to several groups, such groups have the advantage of facilitating mediation and negotiation, a voluntary process in which conflict parties meet to reach mutually acceptable decisions, and seek to create a win-win outcome. However, this is most effective when conflicts oppose people belonging to the same group. For example, in Habugarama village, the study identified about 10 local groups and organizations ranging from labour parties, credit and savings groups, pig rearing, farming groups, swamp association, to "determined women," a drumming and singing group, mothers' unions, church-based groups, among others. This high density of local organizations suggests a relatively high level of social capital with a stronger capacity for managing conflicts.

However, although some communities have long been known to manage their natural resources conflicts effectively, recent years have seen the emergence of strict regulations or policies for sustainable management of natural resources. The decentralization process has established the local councils at village levels who concentrate both political and administrative powers to manage community life, including arbitrating disputes, making byelaws and enforcing government policies. A considerable number of farmers believed that a strong enforcement mechanism is the only way to prevent and resolve conflicts.

Many conflicts were resolved through arbitration, taking the case to lower levels of local government, LC1, who facilitate negotiation between parties and renders a decision. The LC1 has power to impose decisions and sanctions on the people. Results show that many of the NRM bylaws were perceived as being effective in preventing and resolving conflicts. About 40% of conflict cases were resolved through arbitration by local government village council members who are empowered by the Local Governments Act to resolve disputes and conflicts. There are also some cases of conflicts, which were resolved through adjudication.

The limits of social capital

One important finding from this study is that social capital mechanisms were not effective for managing conflicts between local communities and external powerful stakeholders. There are some disadvantages and limitations of different conflict management mechanisms. In most conflict cases opposing local communities to Park authorities and government structures, the use of force and coercion including harassment, physical assault, intimidation, fines and imprisonment, was most common. Several cases and narratives confirm that the park authorities impose heavy fines for any encroachment on the Park resources.

On the other hand, although farmers have reported such conflicts to local councils (LCs), they are often left unresolved. In many cases the Park authorities used coercion as a mechanism to resolve conflicts, imposing their will through the use of force, exerting unequal power relation. The conflict is exacerbated by the lack of clear mechanisms of compensation and conflict resolution. There are unclear provisions in the Wildlife Statue and Local Governments Act and uncertainties over who should deal with such conflicts as well as reluctance from Park authorities to consider the option of culling the animals. As a result of their frustrations and anger, farmers have also resorted to some forms of violence like setting fires to the Park. Interviews with key informants confirmed that about sixteen fires were started in and around the Park by local residents with deliberate intent of destroying the park. The closure of the park to surrounding communities immediately resulted in violent escalation of conflicts between local communities and Park staff.

In such supra-community conflict situations, the extent of linking social capital, that is the vertical relations between organizations, institutions, and communities and links with external and formal organizations, should become important in resolving conflicts. Kabale is arguably one of the districts where there is a high concentration of research and development organizations working on various dimensions of common-pool resources and natural resource management (NRM) issues. For example, villages in Ikumba appeared to be well covered by external organizations followed by Rubaya and Bubare. The high concentration of development organizations in Kabale is mainly related to increasing concerns of environment conservation and protection of natural parks and forest reserves. Some of the international organizations have been facilitating community conservation initiatives, including conflict management.

Although there have been some cases of successful arbitration and negotiation, the unequal power relation between the local communities and national and international stakeholders has often meant that conflicts are resolved through coercion. The study found out that there is an inequitable sharing of conservation costs and benefits between different stakeholders. Conservation costs are borne by marginalized poor households adjacent to the Park, whereas the benefits are enjoyed by wealthier tourists in the global community and national and international level stakeholders. Also, a

revenue sharing scheme between the park and local communities remains an issue of conflicts, in particular contested by local government. Revenue sharing scheme between the Park and local communities remains an issue of conflict, in particular contested by local government. And in many cases, the adjudication process combined different mechanisms of conflict resolution in a complex fashion, involving different actors at different levels. Some conflicts taken to the higher levels are referred back to the LCs for more effective resolution mechanisms. In a significant number of cases, there is positive synergy between social capital and local policy institutions or administrative procedures for resolving conflicts.

Conclusion

The results of the study show that a range of conflict minimizing strategies flow from different types and combinations of social capital and local polices. There is evidence that farmers and communities use a plurality of strategies, processes and avenues to resolve conflicts, and create checks and balances that a single conflict management system cannot generate. Social capital mechanisms have certainly a number of strengths and have been effective in a number of cases. The study also shows that social capital mechanisms have some limits, and are not always effective in resolving certain types of conflicts. Thus, there is a need for bridging and linking social capital as well as policy interventions. Many of the formal conflict resolution mechanisms often have a high social cost for local communities, especially to women and other vulnerable groups, who end up taking the burden of paying fines and other forms of social exclusion and coercion. Often, low levels of linking social capital and dysfunctional policies led to rampant conflicts. In many cases, there was substitution and exclusion of social capital mechanisms by formal administrative and political structures.

This study suggests a "synergy approach" of social capital and local policy for managing conflicts. The synergy between local policies and social capital is based on complementarities and embeddedness. With recent decentralization efforts in Uganda, the village local council is embedded in social relations and hence may be under pressure by the community to perform and be responsive to them. The LC is also seen as complementary to traditional mechanisms for resolving conflicts. In the same vein, farmers groups and clan elders have been assisting the LCs in arbitration and mediation of conflicts. However, this synergy may only work where there are high levels of social capital and well functioning government policies that are coherent and credible. Where there are high levels of social capital, communities have the ability to develop coping mechanisms to deal with conflicts. Conversely, where there are low levels of linking social capital and dysfunctional policies, conflicts tend to become of high intensity and violent. Exclusion, coercion and violence are the mechanisms used to manage such conflicts.

Better understanding of how synergy between social capital and local policy can be strengthened is crucial to promote alternative conflict management mechanisms. Formal policy and informal social capital mechanisms work best when, through redistributive, integrative and capacity building measures, they strengthen the capabilities of stakeholders to enter into voluntary negotiation and mutually beneficial collective action to resolve conflicts. The tasks of research should therefore be to determine how the positive manifestations of social capital, for example, cooperation, trust, norms, and institutional efficiency, can enhance the formulation and implementation of bylaws and rectify dysfunctional policies, and how local policies can strengthen community mechanisms for conflict prevention and resolution. Promoting a positive synergy between social capital and policy

requires participatory social learning processes and more integrative policy processes that strengthen and build social and human capital to transform NRM conflicts into opportunities for mutually beneficial collective action for sustainable livelihoods. Successful participatory projects have frequently depended upon a creative synergy between state policy and civil society.

COMMUNICATION

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ECAPAPA is a regional programme of the Association for Strengthening Agricultural Research in Eastern and Central Africa (ASARECA). ECAPAPA receives support from a number of organizations including, BMZ/GTZ, EU, IDRC, SDC, and USAID. This newsletter is supported by a grant from the Swiss Agency for Development and Cooperation (SDC). The editorial content of the newsletter is solely the responsibility of the Co-ordinating Unit of ECAPAPA.