

# The New Forests Company and its Uganda plantations

'I lost my land. It's like I'm not a  
human being.'

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*London-based New Forests Company (NFC) would seem to be the design blueprint of how a young modern company should conduct a major land investment in Africa in a responsible way. Oxfam's investigations reveal that serious allegations by people who were evicted from land to make way for NFC's operations remain unresolved. How will the company respond?*

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(Note: Names changed)



When the New Forests Company (NFC) was formed in 2004 its management's aim was for it to become East Africa's biggest forester. The UK-registered company has achieved that, along the way building itself a high-powered and influential corporate CV.<sup>1</sup>

Today, the NFC plants and harvests timber on 27,000 hectares of 'underutilized and/or degraded' land in Uganda, Tanzania, Mozambique, and Rwanda; it has deals in those countries totalling around 90,000 hectares.<sup>2</sup> The plantations contribute jobs and revenue, along with the timber products those countries need as they develop and which would otherwise be logged from natural forests. NFC hopes to attract more revenue from carbon credits, obliging the company to submit a full Project Design Document to the UN's Clean Development Mechanism.<sup>3</sup> In 2008, the Uganda Investment Authority named NFC an 'Investor of the Year'.<sup>4</sup> The Forest Stewardship Council (FSC) – the global gold standard for forestry best practice – has certified two of NFC's Ugandan plantations.<sup>5</sup> The company has strong political ties in the countries where it works, from central government down to local level. NFC has attracted investment from international banks and private equity funds since 2008. The European Investment Bank (EIB), the EU's financing institution, has loaned NFC five million Euros to expand one of its Ugandan plantations. Agri-Vie Agribusiness Fund, a private equity investment fund focused on food and agribusiness in sub-Saharan Africa, has invested \$6.7m in NFC. Agri-Vie is itself backed by development finance institutions, notably the World Bank's private sector lending arm, the International Finance Corporation (IFC). The most significant investment in NFC comes from HSBC (around \$10m), which gives HSBC 20 per cent ownership of the company and one of six seats on the NFC Board. These investors have social and environmental standards to maintain in administering their own portfolios.

NFC runs education, health, and income-generation programmes with local communities; in Uganda, for example, it has built school rooms, health clinics, wells, and latrines, and runs literacy programmes and tree out-sourcing schemes which are 'demand-driven' and 'locally-owned'.<sup>6</sup> The company says it is now developing a system to quantify the positive social impacts that it 'anecdotally and theoretically' knows are already happening as a result of its investments.<sup>7</sup>

Land has always been a contentious and emotive issue, even more so today given fierce competition over its use and spiralling value – and particularly so in Africa. NFC appears, on the face of it, to be the design blueprint for how a young modern business can conduct a major land investment in Africa in a responsible and ethical way. It has economic power, professional expertise, and close political support. It has a hands-on chief executive with local knowledge and ethical credentials.<sup>8</sup> The company and its investors have clear environmental and social standards they commit to uphold and has corporate social responsibility and accountability principles embedded at the heart of its operations.<sup>9</sup>

Given all this, how is it possible that thousands of people in affected communities have alleged that land clearances, which have taken place to make way for NFC's operations in Uganda, have been accompanied by distress and violence, and have left many in a state of poverty?

‘I remember my land, three acres of coffee, many trees – mangoes and avocados. I had five acres of banana,’ Francis Longoli says. ‘I was given awards as a model farmer. I had cows for milk, ten beehives, two beautiful permanent houses. My land gave me everything from my living to my children's education. People used to call me *Omataka* – someone who owns land. Now that is no more. I am one of the poorest now.’<sup>10</sup>

Francis is among more than twenty thousand people<sup>11</sup> who have been evicted from their homes and land in Kiboga district, and in nearby Mubende district, to make way for NFC plantations.

The Ugandan National Forestry Authority (NFA) granted licences over the plantation areas to NFC in 2005 and embarked on procedures to remove the former residents, which it claimed were 'illegal encroachers'.<sup>12</sup> This had taken place by February 2010 in Mubende and between 2006 and July 2010 in Kiboga.<sup>13</sup> Oxfam's research estimates that

the number of evictees is in the region of 22,500, although that figure could be substantially higher.<sup>14</sup> NFC, on the other hand, claim that this figure is no more than 15,191. Even this figure, they say, is likely to be significantly inflated since it is partly based on a survey conducted by the District Planner from Kiboga, which they claim is unreliable, despite that survey having been paid for by NFC.<sup>15</sup>

It is alleged in the legal claims lodged by a large number of local villagers against NFC that individuals whom they believe to be NFC employees took part in evictions.<sup>16</sup> NFC strongly denies this allegation, stating that the land clearances were voluntary and that the company played no role in them since 'it is the sole mandate of the National Forestry Authority to document, engage with, and peacefully vacate any individuals illegally settling on Central Forest Reserves'.<sup>17</sup> It states that it placed NFC employees on the plantations to observe the eviction process, but states that NFC played no part in the evictions themselves.<sup>18</sup>

Today, the people evicted from the land are desperate, having been driven into poverty and landlessness. In some instances they say they were subjected to violence and their property, crops, and livestock destroyed. They say they were not properly consulted, have been offered no adequate compensation, and have received no alternative land.<sup>19</sup>

Some of the affected people in Mubende district say that their land had been given to them in recognition of their fathers or grandfathers having fought in the British army in Burma and Egypt during the Second World War. Others say they were in the process of converting their title from customary to freehold tenure. Those evicted in Kiboga district state that they had been settled on their land for 40 years or more having been invited there by the Idi Amin regime. They had functioning village and government structures, such as local council systems, schools, health centres, churches, permanent homes, and farms on which they grew crops to feed themselves and surpluses to sell at market. They paid taxes. Theirs were strong and thriving permanent communities.<sup>20</sup>

In 2004, NFC began negotiating with the Ugandan Government for a commercial timber deal. The state granted the company a licence to develop three timber plantations – in total around 20,000 hectares of land – in Mubende, Kiboga, and Bugiri districts. The company began work in 2005 with a plan to invest \$47m over ten years. It has already planted around 12 million pine and eucalyptus trees on 9,300 hectares and says it employs more than 1,400 people.

NFC does not own or lease the land in Mubende or Kiboga districts. Its licence comes with strict conditions, the company says, including not to grow food crops or allow cattle grazing and to 'strictly defend the boundaries of the reserves'.<sup>21</sup> The land is gazetted, which means it is protected as a matter of national importance. In Mubende, the gazetted land that the state licensed to NFC is the Namwasa Forest Reserve (8,958 hectares), and in Kiboga, it is the Luwunga Forest Reserve (9,383 hectares). There are also special laws governing forest reserves that make it illegal to grow crops, graze cattle, or erect buildings.<sup>22</sup>

NFC states in its 2010 Sustainability Report that 'using the law is not always the appropriate course of action as it is always the poorest who suffer most and irrespective of the legal position we have a moral obligation, and a pragmatic need, to win hearts and minds and mitigate negative consequences of our investment'.<sup>23</sup> In this case, however, NFC argues 'no party has proven that the land was de-gazetted and thus, the encroachers are illegally occupying land leased to an independent third party, NFC'.<sup>24</sup> It relies upon an 'extensive and exhaustive government-driven authentication process', which it says confirmed that only 31 families on the Namwasa Reserve, and none in the Luwunga reserve, had legal rights to remain on the land.<sup>25</sup> It states that it is respecting the rights of these families and that dealing with 'illegal' settlers is the sole mandate of the NFA.<sup>26</sup> NFC regards the thousands of others who were living on the land as 'illegal encroachers' who do not have a legitimate claim to compensation.<sup>27</sup>

In short, the company and the officials it dealt with appear to have satisfied themselves that most of the people in the Namwasa and Luwunga plantations were not allowed on that land and should not have been living there.

But people were living there.

Oxfam research indicates that around 7,400 people were living on the Namwasa plantation and at least 15,191 people on the Luwunga plantation.<sup>28</sup>

NFC and government officials have called these people 'encroachers' (or 'illegal encroachers'). Oxfam believes this is a dangerously loaded term because it pre-judges people's rights and dehumanizes them, making it easier to justify violent tactics. And it is arguably a highly misleading term too, because the people maintain that they did in fact have lawful entitlement to the land and were testing that argument in ongoing legal cases. These claims are resisted by NFC and neither case has been concluded.

In Kiboga, many of the people say they were born on the land, while others say they had lived there since the early 1970s, building up 40 years' worth of social and communal services and physical infrastructure. Some people say they had bought and sold plots during that time. In Mubende, the Second World War veterans and their descendants say they were allocated land in recognition of service, while others say they had bought, were gifted, or inherited land in the area since the 1980s. In their legal pleadings, the claimants assert that they are 'either bona fide, lawful occupants and/or customary tenants and are protected by the constitution of the Republic of Uganda and the land laws of Uganda.'<sup>29</sup> NFC states that these proceedings, launched against the company, were misdirected since the government, rather than NFC, was responsible for undertaking the evictions.<sup>30</sup> It says that the claims 'have been taken most seriously and have been the subject of extensive legal counsel and internal inquiry',<sup>31</sup> and maintains that 'the cases have failed to appear in court due to the inability of the plaintiffs to assert a legitimate case'.<sup>32</sup> The Mubende claims, it says, have 'been confirmed erroneous by the extensive investigation conducted by the third Prime Minister's office'.<sup>33</sup> NFC base this on an FSC audit, conducted by SGS, which states that the validity of the claims is 'highly dubious' and that the company acted responsibly to resolve the issue of encroachment. However, Oxfam has been told by lawyers representing the community members that the cases are still active, and this has been acknowledged by NFC.<sup>34</sup> This means that claims brought by thousands of people remain unresolved.

In both legal cases, the High Court considered that the communities' concerns were sufficiently urgent and their arguments sufficiently strong<sup>35</sup> to justify granting orders restraining evictions until the full case could be heard in court.<sup>36</sup>

NFC claimed – in its 2011 Project Design Document submitted to the CDM – that people vacated the land in Mubende 'voluntarily and peacefully'. However, the communities Oxfam spoke to describe the evictions as anything but voluntary or peaceful. People told Oxfam that the army and police were deployed in the area to enforce the evictions and that many people were beaten during the process.<sup>37</sup> Some villagers also claim that casual labourers whom they believe were employed by NFC joined the police and army in burning homes, destroying crops, and butchering livestock.<sup>38</sup> The pleadings in the claim brought by the Kiboga community allege that NFC 'purporting to be a licensee of [the NFA], trespassed on the Plaintiffs' land, destroyed homes, crops, and animals of the Plaintiffs and attempted to evict the Plaintiffs'. They also allege 'trespass, uncivility, harassment, and abuse' by NFC and its agents. The Mubende evictees claim that employees of NFC were 'evicting, harassing, erasing their plantations, demolishing their houses, intimidating, mistreating' them.<sup>39</sup> News of the evictions, albeit not referring to NFC as the perpetrator, was published in local media and the dispute was described in the communities' law suits filed in 2009.<sup>40</sup>

NFC firmly denies involvement in any evictions or violence and says 'there were no incidences of injury, physical violence, or destruction of property during the voluntary vacation process that have been brought to the attention of NFC'.<sup>41</sup> It continues to rely on the FSC audit of the Mubende evictions which states that 'there were no incidences of injury to the encroachers or forceful eviction reported during this process'.<sup>42</sup> It also states

that it received no reports of violence from the District Police Commissioner or the NFA, and that no such incidents were observed by NFC employees.<sup>43</sup> From materials provided by NFC to Oxfam, it does not appear to Oxfam to have conducted its own detailed investigations into any allegations of violence committed during the evictions. It has conceded some concerns about Askar, the private security company it contracted. In its Project Design Document submitted to the Executive Board of the CDM, NFC noted that 'surrounding communities sometimes report that the Askar security guards contracted by the company extort money from them' and that the guards had 'generated negative perceptions of the company.' In response, NFC recognised a need to commit to 'training its own staff internally and will guard against extortion in the future with increased accountability and auditing'.<sup>44</sup> The company says that there were threats to the lives of NFC staff, which prompted a 'need for protection during the vacation process'.<sup>45</sup>

In the course of its research, Oxfam discovered that in Kiboga – the scene of the first evictions beginning in 2008 – senior NFC representatives met with local officials on 21 August 2008. The meeting agreed that NFC would pay seven million shillings (\$2,500) to conduct a 'population survey' and, depending on its results, make available at most two square miles (1,280 acres) for five years to the 'historic occupants' of the land.<sup>46</sup> In their testimonies, people described to Oxfam that a comprehensive survey did indeed happen. People said they were photographed and the value of their land and assets recorded. They felt that NFC and local officials were making a genuine effort on their behalf.

It seems that the process did not result in resettlement or compensation for the evictees. NFC acknowledges that they commissioned and paid for a survey, carried out by the Kiboga District Planner. Worryingly, they admit that they have not received the final census report, and told Oxfam that they doubted the findings – believing the figure of over 15,000 people to be 'inflated'.<sup>47</sup> NFC claims it is vital to 'look behind us to see the imprint our footprints have left behind',<sup>48</sup> but does not appear to have any data they regard as conclusive about the number of people affected by their operations. IFC Performance Standards, however, require companies to carry out a census with appropriate socio-economic baseline data to identify the persons who will be displaced by the project.<sup>49</sup>

In a letter to Oxfam, NFC describes a series of consultations that took place in the months leading up to the evictions 'which clearly outlined the conditions under which the vacations should occur, the laws pertaining to land use of central forest reserves, and the timeline to be observed'.<sup>50</sup> It also claims that the evictions were voluntary. However, Oxfam's research has revealed consistent testimony from evictees of both districts to the effect that they were not consulted and did not consent to losing their land, homes, and livelihoods.<sup>51</sup> The minutes of the August 2008 meeting between NFC and Kiboga district officials to discuss resettlement of the evictees show that no community representatives were present at that meeting. One community leader explained that the proposal was presented to the community in a public meeting, which was not consultative. The proposal was rejected as unacceptable because too little land was offered and the solution was only temporary.<sup>52</sup>

**L**okuda Losil, 60, acquired 30 acres of land in Kiboga in 1973. His eight children were born there, so were his six grandchildren. He grew banana, jackfruit and avocado. His was a hard-working but prosperous life. During his interviews with Oxfam, Mr Losil provided eye-witness identification of an NFC staff member who, he says, was directly involved in violence and extortion against another evictee when he was forced off his land.

NFC denies any involvement by its employees in the evictions and, as far as Oxfam is aware, no prosecution has been brought against anyone associated with NFC in relation to these events. Other than testimonies given by those affected, Oxfam has seen no independent evidence of involvement by NFC employees; however, Mr Losil's account is consistent with others' testimony presented to Oxfam.

'My land was taken by the New Forests Company. People from New Forests came with other security forces and started destroying crops and demolishing houses and they

ordered us to leave,' he said. 'They beat people up, especially those who could not run. We ran in a group, my children, my grandchildren, my wife and me. It was such a painful time because the eviction was so forceful and violent.'<sup>53</sup>

In his interview with Oxfam, Mr Losil provided the name of the NFC Manager that he said was involved in the violence: 'We knew him because he lived near this community and he was someone I recognized as having been involved in the violence.' He said he has never received compensation. 'There was a survey conducted by New Forests. We thought they may be planning to compensate us. But after taking our photos, our names and particulars, we have never seen them again,' he said. 'I have lost what I owned. Where I am now, my kids cry every day. I cannot sustain them and they do not go to school. Even eating has become a problem.'

Mary Nantale has eight children. She told Oxfam that she had moved to a village called Kabukokwa in the Luwunga reserve when she was nine years old, in 1976 or 1977.<sup>54</sup> 'When they evicted us they told us there was a white man who wanted the land. We heard it was the New Forests Company that evicted us,' she said. 'There were some rallies but no consultations. When they organized rallies they would only say that the land was not ours and that we were supposed to leave because it was a forest reserve.' She said: 'When they told us to leave, many had nowhere to go, so we resisted. We were evicted in a violent way. [Armed men] slashed my banana plantation and destroyed my home.' She says the evictions have left her 'a hopeless person – I don't hope for anything anymore. I'm just surviving. We need compensation. We know we can't go back but we need a place to live. We are treated as enemies.'<sup>55</sup> NFC denies its workers were involved in the evictions, stating that this was not their role and that they have received no reports of violence committed by anyone carrying out the evictions.

Grandmother Nabulungi Mangeni, 60, chose to leave the land she had lived on for the past 37 years. Like many others in the communities Oxfam spoke to, Mrs Mangeni describes rising incidences of violence, forcing families to sleep in the bush.

According to testimony Oxfam has heard from local villagers, it appears some residents were told as early as September 2006 that they were to be evicted and that evictions occurred in waves between 2008 and 2010, as the Kiboga project increased in size. On 19 June 2009 the Uganda High Court issued an interim order 'restraining the respondent [i.e. the New Forests Company], its workers, agents, assignees ... from evicting the applicants and their families, destroying their crops, schools, hospitals, social infrastructure and livestock.' The order was to be in force until 2 October 2009 at which time the case was to be further heard. However, that hearing did not take place because Oxfam understands the communities were unable to raise their lawyers' fees. From March to July 2010, thousands more people were evicted from Kiboga.

Local communities in Mubende and Kiboga say that evictions continued to take place despite the High Court orders restraining NFC from evicting them.<sup>56</sup> Although NFC acknowledges that voluntary vacations did take place whilst the order was in place, they deny that they were responsible since they argue that evictions from government land are solely in the hands of the government and its designated authorities.<sup>57</sup>

**T**he story of neighbouring Mubende just months later echoes the events of the 2008–2010 Kiboga evictions. In both cases, the local people believed they had legal claims to the land and attempted to get their case heard in court. In both instances, the High Court issued an interim order restraining the company from evicting the residents. Promises of compensation, made to community leaders in both Mubende and Kiboga, seem to have come to nought.<sup>58</sup> Thousands of people have been left landless, living a hand-to-mouth existence, unable to afford to educate their children or to access adequate healthcare.

Many evictees describe feeling dehumanized by the experience. 'I lost land. I'm landless. Land was my life. I have no rights. It's like I'm not a human being,' said Fred Bahemuka, a father of eight from Mubende.<sup>59</sup>

Augustin Allen, 52, is vice-chair of Kyamukasa council. He has nine children aged between four and 23. 'My father fought in Egypt for the British during the war,' he told Oxfam. 'I heard that in Mubende there was land allocated for Second World War veterans and their families.' In 1997, he met the leaders of the veterans. 'I submitted my dad's service papers and was allocated 31 acres'. He grew bananas, coffee, beans, and maize, selling most of it to traders. He was able to pay for schooling for all of his children.<sup>60</sup>

Attempts to clear the land of its inhabitants began in early 2009 with press reports of armed groups beating people in Namwasa forest,<sup>61</sup> leading over 10,000 residents to petition Lands Minister, Omara Atubo, in July 2009, to stop the evictions. Mr Atubo said, 'As a ministry in charge of land, we are saddened by what has happened to you. It is important to respect your rights irrespective of whether you occupy the land legally or not. There is no need for your colleagues to disappear, your property to be stolen or crops to be destroyed.'<sup>62</sup>

'There were no consultations before the evictions,' Mr Allen said. Despite the ongoing legal claims, on 11 December 2009 three government ministers and the Resident District Commissioner visited the area and told people to leave by February. Police, backed by army troops, were deployed in December. Oxfam heard how the police dismantled the local primary school – named Bright Future – and set fire to the school chairs and desks.<sup>63</sup>

Villagers told Oxfam that, in January 2010, the police arrested 18 community leaders. When people met to organize themselves, police broke up the meeting with teargas, according to villagers. 'They told us we were illegally encroaching,' Mr Allen said. During the evictions in February, 'they cut down our crops, burnt and demolished our houses,' Mr Allen added.

'We were beaten by soldiers. They beat my husband and put him in jail,' said Naiki Apanabang, who claims that her land was given in recognition of her grandfather having fought in the British army in Burma in the Second World War. 'The eviction was very violent. The people behind it were the Resident District Commissioner, the police, casual labourers of the New Forests Company, the army, and a private security company called Askar.'

Ms Apanabang has eight children. She now lives in a rented house for 15,000 shillings (\$5.50) a month and says even finding this money is now a problem. She earns some money from casual work when she can find it. She cannot afford school fees. Before being evicted, she said her family ate well from a variety of crops they grew. 'Now we rely on *posho* [a maize porridge staple] and the days I fail to get *posho*, we sleep on empty stomachs,' she said. 'One of the things that most touches my life now is that I have forgotten the feeling of eating well.'

'I remember I wrote the details in my notebook,' she said. 'The officials gave us a deadline to leave between the 12<sup>th</sup> and 28<sup>th</sup> of February 2010. I chose to leave on the 12<sup>th</sup>. We saw them burning down people's houses and cutting down people's plantations. That convinced me to collect my children and leave. It was too painful. And what I feared is what has happened – we have nothing to eat. My children are not going to school and we don't know what the future holds.'

Mr Allen says: 'One of the things that pained me most was that my land was the source of income for school fees for my children. I am not an educated person. It was my plan to raise money to educate my children so that when I'm gone they can take care of other family members. But now I can only afford to send one of my six children to school. Now they are held back, they are nobody. That is the painful thing.'

'We are no longer interested in going back to the land we had before. We only want to have money to buy some new land somewhere else. Let the past settle,' Mr Allen said. 'I only pray to God that a miracle comes now, to get land somewhere else. I think that is when we shall have back the peace and happiness in the family that we have all lost.'

Maria Peimong is a 66-year old grandmother who was evicted from Kyato village in Mubende, where she told Oxfam she had lived for over 15 years. She used to farm

maize, bananas, avocado, and jackfruit; she had eight cows and 15 goats. Now she is reduced to a precarious existence: 'I am an old woman. Now I just work as a casual labourer in this village where I found refuge. At my age how can I live like that? ... It is so frightening.' She is terrified of falling sick as 'that means going for a day without a meal, because you cannot work.'<sup>64</sup>

**A** very different story is told by the company sent to audit NFC for the FSC certification of its Namwasa plantation in Mubende.

The auditors noted the ongoing land dispute when they visited the area in February 2010: 'in excess of 540 households (mostly from Rwanda) have recently illegally settled on Namwasa FMU. They have erected a large number of structures and started cultivating agricultural fields.' According to the auditors, the government had made repeated attempts to persuade the people to leave. To facilitate this process, they said, the company offered to pay compensation, but the government declined this as it would set 'an unacceptable national precedent.'<sup>65</sup>

When the auditors returned later that year to check on progress, they were reassured that, 'Encroachers were allowed to harvest their annual crops and remove their structures and other portable properties. By 1 March 2010, the company surveyed the land and found that all illegal settlers on the plantation had voluntarily vacated the reserve... There were no incidences of injury to the encroachers or forceful eviction reported during this process.'<sup>66</sup>

The FSC certifies forestry investments that adhere to best operating practices regarding labour, social, and environmental issues. While the FSC's Principles and Criteria require the protection of local rights of ownership, use, or access, the certification of operations sometimes falls short of this requirement. Oxfam believes this is the case for the FSC certification of NFC's plantation in Mubende, as the nature of the evictions appears to constitute a disregard for these rights. For instance, FSC Principle 2 on tenure and use rights and responsibilities requires that 'appropriate mechanisms shall be employed to resolve disputes over tenure claims and use rights' and that 'disputes of substantial magnitude involving a significant number of interests will normally disqualify an operation from being certified.' Principle 4, on community relations and worker's rights, requires appropriate mechanisms 'for providing fair compensation in the case of loss or damage affecting the legal or customary rights, property, resources, or livelihoods of local peoples.' NFC cited, in a letter to Oxfam, a surveillance audit report conducted by the FSC in June 2010, which concluded that 'the company has followed peaceful means and acted responsibly to resolve the issue of encroachment and currently there are no tenure and/or use right disputes of substantial magnitude to affect the activities of the company.'<sup>67</sup> However, in light of the pending court cases, involving significant numbers of claimants, as well as the communities' reports that no compensation was provided for losses of property and livelihoods, Oxfam does not see how FSC Principles 2 and 4 can have been adhered to.<sup>68</sup>

The IFC has Performance Standards relating to the rights of local people facing 'involuntary resettlement' similar to those of the FSC. The IFC reviewed NFC's Namwasa operation as part of the due diligence for its \$7m equity investment in Agri-Vie, a private equity agribusiness fund whose portfolio includes NFC. On the one hand, the IFC concluded that NFC had been unable to comprehensively apply the principles guiding resettlement in IFC's Performance Standard on land acquisition and involuntary resettlement. This standard recognises that project-related land acquisition and restrictions on land use can have an adverse impact on communities using the land and therefore requires that affected communities are provided with compensation, resettlement, and livelihood restoration.<sup>69</sup> Yet, because this was a case of government-led settlement and because NFC had demonstrated, in IFC's view, 'all possible efforts to engage and collaborate with the Government agency,' the IFC was satisfied that NFC demonstrated compliance with the standard 'to the extent allowed by the Government.'<sup>70</sup> The IFC assessment does not cover NFC's Kiboga operations.



The EIB also has Environmental and Social Principles and Standards for the projects that it finances. The EIB funded the expansion of NFC's Namwasa operation through a €5m loan, together with a €650,000 subsidy grant to finance the company's Corporate Social Responsibility (CSR) work. Like the IFC, the EIB also supports NFC indirectly via a \$12m investment in Agri-Vie. The EIB says it was aware of land disputes between communities and the NFC and the risk this posed to the project. It says that, irrespective of the outcome of the ongoing legal procedures, it is satisfied by the project's Environmental Impact Assessment, and that it believes NFC to have acted within its rights. The EIB says it considers the project to be fully in line with its Environmental and Social Principles and Standards. These include a standard on involuntary resettlement that requires that 'people whose livelihoods are negatively affected by a project should have their livelihoods improved or at minimum restored and/or adequately compensated for any losses incurred.'<sup>71</sup> Again the EIB does not appear to have assessed the social impacts of NFC's Kiboga operations.

HSBC bank has invested around \$10m in NFC, has 20 per cent ownership in the company, and also has a seat on the NFC board. It made its investment in NFC conditional upon the company making adequate progress towards certification from the FSC.<sup>72</sup> HSBC also has a number of sustainability policies for 'sensitive sectors', including a Forest Land and Forest Products Sector Policy, and says that NFC meets the Bank's sustainability requirements for this the sector.<sup>73</sup> However, HSBC's policies (and those of other investors) rely heavily on assurances provided by the independent confirmation of external bodies, like FSC, and in Oxfam's view this case highlights serious failures in those processes of independent assessment

The NFC denies any role in evicting local communities in Mubende and Kiboga, claiming that the government would be responsible for any evictions. The company says, 'Evictions from government land – which go on in Uganda every day – are solely in the hands of the government and its designated authorities such as the Uganda Wildlife Authority, the National Forestry Authority, and the Ministry of Lands. We are expressly prohibited from dialogue and interaction from any illegal encroachers.'<sup>74</sup>

Equally, the company says, 'as licensees we are expressly prohibited from offering anyone on government land any compensation.'<sup>75</sup>

The Ugandan government, at local and national levels, appears to have played a central role in the evictions in Mubende and Kiboga. International rights standards are clear that governments are the primary duty bearers for the respect, protection, and promotion of the rights of their citizens.<sup>76</sup>

Until the mid-2000s, authorities had seemed to tolerate or even endorse local communities' rights to the land in some instances. For example, in Mubende, descendants of war veterans were offered land with approval of the local government authority,<sup>77</sup> and people's applications to convert from customary to freehold or leasehold title, or to register public land for agricultural purchases, were being processed by authorities. In Kiboga, local councils and administrative structures representing the evictees were recognised by the government.<sup>78</sup> The Minister of General Duties, wrote in 2004 of 20,000 people in Luwunga Forest, 'these people have stayed in this place since the early 1970s.'<sup>79</sup> This attitude began to shift, however, particularly with the creation of the National Forestry Authority (NFA) in 2003, according to Ugandan NGO ACODE, which studied the role of the NFA towards 'encroachers'.<sup>80</sup>

In November 2009, the Minister for Internal Affairs, the Minister for Water and Environment, the Minister for Lands, and the Resident District Commissioner attended a meeting in Mubende district, which gave people till 28 February to leave their land.<sup>81</sup> Evictees from Kiboga told Oxfam that government officials, including former State Minister for Defence and district officials, accompanied by police and army, held a meeting to demand that people leave their homes by March 2010.<sup>82</sup> Not all government representatives backed the evictions, however. The Lands Minister said of the Mubende evictions, 'These acts against our citizens should stop immediately. Investment is only good if the residents benefit from it. Human beings are more important than trees.'<sup>83</sup> In

2008, the District Chair of Kiboga called, in a letter to the Prime Minister, for a halt to the 'brutal and forceful evictions' arguing, 'whereas the above forests were gazetted long ago no effort was made by the governments of those days from preventing people from encroaching upon them, as a result people began settling in these reserves as early as 1971, we have to agree that this period is long enough to allow some to make a number of developments on this land.'<sup>84</sup>

It also appears that the authorities failed to assist evictees with compensation or alternative land. Some in government believed the state had an obligation to compensate those it evicted; for example, a letter from the Office of the Prime Minister about the Kiboga evictions to the Minister of General Duties states, 'Unfortunately up to now neither resettlement nor compensation has been made. The Prime Minister has directed me to request you to convene an inter-Ministerial meeting involving the Minister and Minister of State for Lands and Urban Development with their Permanent Secretaries to resolve the matter within one month.'<sup>85</sup> However, none of the evictees interviewed by Oxfam had received compensation or resettlement. The International Covenant on Economic and Social Rights, to which the Ugandan government is a signatory, prohibits government actions that result in degradation of citizens' livelihoods.<sup>86</sup> NFC argues that the government prevented it from offering compensation to evictees.<sup>87</sup>

National governments have a duty to protect their citizens' rights. However, under the international standards to which it says it adheres, NFC also has clear obligations to consult and negotiate with affected communities and to ensure those who are evicted as a result of its operations are not materially worse off than before through compensation for lost assets, provision of alternative land, and restoration of livelihoods. NFC says, 'Our main challenge remains encroachment on National Forest Reserves – this has inhibited our planting programmes in the past and prevents us seeking out more CFRs on which to plant.'<sup>88</sup> The Acting Director of the NFA told Oxfam, 'We need to make sure investor land is secure.'<sup>89</sup> NFC states that it is subject to the safeguards of the IFC – an indirect investor in NFC. The IFC is clear that if government-managed resettlement and compensation of affected communities does not live up to its standards, then the company must collaborate with the government to 'achieve outcomes that are consistent with the Performance Standard.'<sup>90</sup> Similarly, the FSC, whose standards NFC commits to uphold in its Environmental Policy, states, 'Special attention will be paid to social issues of land acquisition for plantations, especially the protection of local rights of ownership, use, or access.'<sup>91</sup> NFC has pointed to its community development programmes, stating that 'former encroachers who were from Mubende or Kiboga originally, settle outside the boundaries of the reserve and thus benefit from both plantation jobs which are advertised in surrounding communities and the various educational, health, and livelihood enhancing projects implemented by NFC, communities, and local government'.<sup>92</sup> However, it acknowledges that it is unable to confirm whether the affected communities have access to these projects, since it 'has been difficult to follow the former encroachers once they vacate the reserve'<sup>93</sup> and that it did not have the resources to do so.<sup>94</sup> An assessment of NFC's Mubende plantation by the IFC found that the company had discharged its obligations by acting 'in accordance with laws prohibiting their direct compensation of encroachers while still applying pressure on District and National government.'

**O**xfam believes that the affected communities in Kiboga and Mubende deserve to have their case heard and to see justice done.

Oxfam defines 'land grabs' as land acquisitions that violate human rights and do not allow for the free, prior, and informed consent of the affected land users. In the case of NFC, it does not matter that the company has not bought or leased the land, but merely licensed it from the government: the effective result is that it has influence over what happens on that land for 50 years. The company and government argue that those who lived on the land were there 'illegally'; however, under any standards of good practice – be they those of the FSC, the World Bank, or private investor policies, such as those of HSBC – forced

eviction without prior consultation on this scale and of this nature is not and can never be acceptable, nor is the lack of any compensation for the destroyed homes, farms, and livelihoods of affected communities. These international standards exist to afford protection to vulnerable communities in cases where national regulations may not be sufficient or have not been effectively implemented. In this case it appears that those international standards have not been adequately implemented to safeguard the affected communities from the devastating impacts of the evictions.

In Oxfam's view, NFC and its financial backers must be held to account for the lost livelihoods and shattered lives of families evicted from the land they farmed. Oxfam is calling on NFC and its investors to:

- Hold a full investigation into the events in Kiboga and Mubende, and make the terms of reference for the investigation and its findings, public;
- Commit to a transparent and accountable process to provide justice for the affected communities and, in consultation with affected communities and local and national authorities, ensure the provision of alternative land and compensation for lost homes, crops, livestock, and livelihoods;
- Provide damages for any abuses found to have been suffered by affected communities;
- Where failures are found, commit to reform their policies, standards, and procedures, so that such abuses can never happen again.

## NOTES

- <sup>1</sup> [http://www.newforests.net/index.php/hmd\\_article/new-forests-signs-major-forest-concession-agreement-with-the-government-of-rwanda](http://www.newforests.net/index.php/hmd_article/new-forests-signs-major-forest-concession-agreement-with-the-government-of-rwanda) (Accessed 21 August 2011)
- <sup>2</sup> [http://www.newforests.net/index.php/hmd\\_article/new-forests-signs-major-forest-concession-agreement-with-the-government-of-rwanda](http://www.newforests.net/index.php/hmd_article/new-forests-signs-major-forest-concession-agreement-with-the-government-of-rwanda) (Accessed 21 August 2011)
- <sup>3</sup> UNFCCC/CNNUCC Project Design document for afforestation and reforestation project activities: The Namwasa Forestation Project; 2011  
<http://cdm.unfccc.int/UserManagement/FileStorage/SDRN4ZBQ7XGTGK2W2TH9Y83L11ANG7> (Accessed 21 August 2011)
- <sup>4</sup> 'Uganda President Museveni gives the New Forests Company 'Investor of the Year' award', 18 January 2008, [www.forests.com/news](http://www.forests.com/news) (Accessed 21 August 2011)
- <sup>5</sup> <http://www.forestry.sgs.com/forest-management-reports-uganda.htm> (Accessed 21 August 2011)
- <sup>6</sup> NFC Sustainability Report FY10: July 2009 – June 2010, p.52: 'all projects must be demand driven (inspired and owned by local communities), involve local and national partnerships...'
- <sup>7</sup> <http://www.newforests.net/index.php/responsibility/social-return-on-investment>
- <sup>8</sup> NFC is closely identified with its Chief Executive Officer, founder, and major shareholder, who has vast local knowledge, having been raised in southern Africa and having worked as African Bureau Chief for the *Financial Times*. He is actively involved in human rights work and has been central in the company developing a strong corporate social responsibility profile.
- <sup>9</sup> NFC commits in its Environmental Policy to meet the requirements of the principles and criteria of the FSC, which has clear guidelines on how communities affected by companies' operations should be consulted and compensated and how land acquisitions should be managed.
- <sup>10</sup> Interview conducted by Oxfam investigation team in Kiboga, 29 July 2011.
- <sup>11</sup> The legal case filed by the Mubende evictees is brought on behalf of 1,489 families, which, based on an average family size of five (Uganda Demographic and Health Survey 2006), equates to approximately 7,400 people. In relation to Kiboga, a letter from the Office of the Prime Minister to the Minister for Water, Lands, and Environment, dated November 2004, refers to 20,000 people under threat of eviction in Kiboga district, who 'have stayed in this place since the early 1970s'. Oxfam's interviews with the lawyers for the communities and with the communities themselves suggest that the figures could be significantly higher. NFC bases its enumeration of evictees in Mubende on a government process in which 540 families submitted claims for compensation (applying an average family size of five, this gives 2,700 individuals). In Kiboga, it says a census identified 15,191 affected individuals in Kiboga (although the company suggests that this may overestimate the actual figure). In a call with Oxfam on 14 September 2011, NFC estimated the number concerned to be around 17,800 (subject to its concerns regarding the accuracy of the Kiboga census).
- <sup>12</sup> Based on meetings between Oxfam and the Acting Executive Director and the Deputy Director of the NFA. IFC 'Back to office report on The New Forests Company (Uganda) following and IFC Mission', dated 16–19 March 2010, provided to Oxfam by NFC, refers to NFA statements on 'encroachers' on the land.

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<sup>13</sup> NFC claim that a 'voluntary vacation process at Luwunga took place between November 2008 and July 2010', written feedback to Oxfam, dated 15 September 2011.

<sup>14</sup> *Ibid*, 11

<sup>15</sup> Written feedback from NFC to Oxfam, dated 15 September 2011.

<sup>16</sup> The pleadings in the claim brought by the Kiboga community allege that NFC 'purporting to be a licensee of [the NFA], trespassed on the Plaintiffs' land, destroyed homes, crops and animals of the Plaintiffs and attempted to evict the Plaintiffs'. They also allege 'trespass, uncivility, harassment and abuse' by NFC and its agents. (Amended plaint in Civil Suit No. 102 of 6 July 2009. Eliphaz Rutaryabusha, Kahinda Uzieri v The New Forest Company Ltd (NFC), The National Forestry Authority, The Attorney General, Pierre Le Raux and Julian Ozanne t/a The New Forests Company, Kiboga District Local Government.) The Mubende evictees claim that employees of NFC were 'evicting, harassing, erasing their plantations, demolishing their houses, intimidating, mistreating' them. Plaint filed by 1,489 claimants in Civil Suit No. 164 of 2009 (High Court of Uganda Holden at Nakawa).

<sup>17</sup> Letter from NFC to Oxfam, dated 9 September 2011.

<sup>18</sup> Written feedback to Oxfam, dated 15 September 2011.

<sup>19</sup> During meetings and interviews with the communities, villagers told Oxfam that none of them, and no-one they knew who had lost their homes and livelihoods, had received compensation or alternative land to date. Some say that local authorities offered compensation, but this has come to nought. Oxfam heard that, in Kiboga, a proposal was made to offer alternative land, for a period of five years. The communities say they rejected this offer because it provided insufficient space and was merely a temporary solution. NFC accepts that the failure to provide compensation 'is of great concern to NFC for both risk mitigation and ethical reasons', and says that it pressured the government to compensate eligible evictees with the 'value of their crops and lost land or alternative'.

In its Sustainability Report for FY2009–2010, NFC says 'the easiest and cheapest route for us would have been to have paid compensation but Government, our landlord, ruled this out as setting a dangerous precedent for community conflicts on hundreds of other tracts of government land.' NFC told Oxfam 'we are firmly in support of compensation and believe this not only fair and just but also the fastest way to a mutually beneficial solution. However, as licensees we are expressly prohibited from offering anyone on government land any compensation.' NFC says that an audit of its Mubende plantation by the IFC found that the company had discharged its obligations by acting 'in accordance with laws prohibiting their direct compensation of encroachers while still applying pressure on District and National government'.

<sup>20</sup> Based on allegations and documents produced at three meetings in Mubende district and four meetings in Kiboga district, attended by over 600 people, in July 2011.

<sup>21</sup> Email from Julian Ozanne, CEO of NFC, to Oxfam, dated 15 August 2011.

<sup>22</sup> Section 33 of the National Forestry and Tree Planting Act 2003.

<sup>23</sup> NFC Sustainability Report FY10: July 2009 – June 2010.

<sup>24</sup> Letter from NFC to Oxfam, dated 9 September 2011.

<sup>25</sup> Written feedback from NFC to Oxfam dated 15 September 2011. Plaintiffs claim rights to the land in the legal cases referred to above and these claims have not yet been determined by the courts. Oxfam has copies of the pleadings filed by the claimants from

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Mubende, as well as documents demonstrating allocation of land to war veterans, and has interviewed the lawyers representing the Mubende evictees. These arguments were also reflected in focus group discussions and individual interviews with evictees conducted by Oxfam and its partner organisations in July 2011.

<sup>26</sup> Letter from NFC to Oxfam, dated 9 September 2011

<sup>27</sup> Letter from NFC to Oxfam, dated 9 September 2011; and written feedback from NFC to Oxfam, dated 15 September 2011.

<sup>28</sup> *Ibid*, 11

<sup>29</sup> Oxfam has copies of the pleadings filed by the claimants from Mubende, as well as documents demonstrating allocation of land to war veterans, and has interviewed the lawyers representing the Mubende evictees. These arguments were also reflected in focus group discussions and individual interviews with evictees conducted by Oxfam and its partner organisations in July 2011.

<sup>30</sup> Email from CEO of NFC to Oxfam, dated 5 September 2011; written feedback from NFC to Oxfam, dated 15 September 2011.

<sup>31</sup> Written feedback from NFC to Oxfam, dated 15 September 2011.

<sup>32</sup> Letter from NFC to Oxfam, dated 9 September 2011.

<sup>33</sup> Written feedback from NFC to Oxfam, dated 15 September 2011.

<sup>34</sup> Oxfam has interviewed the lawyers representing evictees; telephone conversation between NFC and Oxfam on 14 September 2011.

<sup>35</sup> Oxfam has received the following advice from Ugandan lawyers: the requirements for granting an interim order are that the matter is urgent in terms of impending danger and that an application for an injunction has been filed and is pending hearing. An application for an injunction looks at three tests: whether there is a serious question to be tried; imminent danger; and the impossibility of atoning in damages in the event the injunctive relief is not granted. The court is guided in its deliberations by a 'balance of convenience' test. The requirements for an applicant are quite high, but are premised on the need to maintain the status quo until a court can hear and determine the main application. Both, being discretionary remedies, will be granted or denied depending on the particular circumstances and the force of the arguments made.

<sup>36</sup> Oxfam has a copy of the Interim Order granted by the Central High Court of Nakawa on 19 June 2009 against NFC, 'restraining the respondent, its workers, agents, assignees and/or those acting through or delivering authority from it, from evicting the applicants and their families, destroying their crops, schools, hospitals, social infrastructure and livestock'. The Kiboga order remained in force until 2 October 2009. In Mubende, Oxfam understands the pattern was similar: lawyers representing the community explained to Oxfam that an interim order was granted against NFC, and extended until 18 March 2010, but was ignored, as reported in the Ugandan Observer on 11 January 2010: [http://www.observer.ug/index.php?option=com\\_content&view=article&id=6736:museveni-okays-eviction-of-1500-mubende-homes&catid=78:topstories&Itemid=59](http://www.observer.ug/index.php?option=com_content&view=article&id=6736:museveni-okays-eviction-of-1500-mubende-homes&catid=78:topstories&Itemid=59) (last accessed August 2011).

<sup>37</sup> Based on consistent testimony from 12 focus group discussions attended by 615 people in July 2011 and seven focus group discussions attended by 118 evictees in March 2011 (across both districts); also reinforced by individual interviews conducted by Oxfam in March and July 2011.

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<sup>38</sup> Based on consistent testimony from 12 focus group discussions attended by 615 people in July 2011 and seven focus group discussions attended by 118 evictees in March 2011 (across both districts); also reinforced by individual interviews conducted by Oxfam in March and July 2011. The pleadings filed by the claimants support these allegations; the Kiboga plaint refers to a letter from the Kiboga District Chairperson to the Prime Minister, dated 1 July 2008, that brands the evictions 'brutal and forceful'. Oxfam understands that NFC has denied these allegations in a defence filed with the High Court. See also reports at [http://www.observer.ug/index.php?option=com\\_content&view=article&id=6736:muse-veni-okays-eviction-of-1500-mubende-homes&catid=78:topstories&Itemid=59](http://www.observer.ug/index.php?option=com_content&view=article&id=6736:muse-veni-okays-eviction-of-1500-mubende-homes&catid=78:topstories&Itemid=59), and [http://www.fsc-watch.org/archives/2009/09/16/Uganda\\_\\_Villagers\\_pe](http://www.fsc-watch.org/archives/2009/09/16/Uganda__Villagers_pe) (last accessed August 2011).

<sup>39</sup> Plaint filed by 1,489 claimants in Civil Suit No. 164 of 2009 (High Court of Uganda Holden at Nakawa).

<sup>40</sup> 1,482 families from Mubende filed a court case against NFC in August 2009. The families are represented by Zawedde & Co. On the Kiboga case, court pleadings allege that NFC [and its agents] committed 'trespass, uncivility, harrassment and abuse', and 'trespassed on the Plaintiffs' land, destroyed homes, crops and animals of the Plaintiffs and attempted to evict the Plaintiffs'. Amended plaint in Civil Suit No. 102 of 6 July 2009. Eliphaz Rutaryabusha, Kahinda Uzieri v The New Forest Company Ltd (NFC), The National Forestry Authority, The Attorney General, Pierre Le Raux & Julian Ozanne t/a The New Forests Company, Kiboga District Local Government. Reports of violence were also referred to in IFC 'Back to office report on The New Forests Company (Uganda) following and IFC Mission', dated 16–19 March 2010. It states that its discussions suggest that NFC is not complicit in the allegations, and states that that 'only a full social audit of Namwasa can fully negate the allegations in the mass media'.

<sup>41</sup> Letter from NFC to Oxfam, dated 9 September 2011.

<sup>42</sup> <http://www.forestry.sgs.com/forest-management-reports-uganda.htm> (last accessed 21 August 2011).

<sup>43</sup> Written feedback from NFC to Oxfam, dated 9 and 15 September 2011; telephone conversation between NFC and Oxfam, 14 September 2011.

<sup>44</sup> <http://cdm.unfccc.int/UserManagement/FileStorage/EK9VT8HIJ4AQ5NG03YCRDSFWOLZ7UP> (last accessed August 2011).

<sup>45</sup> Letter from NFC to Oxfam, dated 9 September 2011.

<sup>46</sup> Resolutions of a meeting held between RDC, NFC, NFA, and senior district officials at the RDC's office to discuss operations and encroachment at Luwunga Central Forest Reserve', 21 August 2008.

<sup>47</sup> Written feedback from NFC to Oxfam, dated 15 September 2011.

<sup>48</sup> 2009–2010 NFC Sustainability Report.

<sup>49</sup> IFC Performance Standard 5: Land Acquisition and Involuntary Resettlement states, 'Where involuntary resettlement is unavoidable, the client will carry out a census with appropriate socio-economic baseline data to identify the persons who will be displaced by the project, to determine who will be eligible for compensation and assistance, and to discourage inflow of people who are ineligible for these benefits.' See [http://www.ifc.org/ifcext/enviro.nsf/AttachmentsByTitle/pol\\_PerformanceStandards2006\\_PS5/\\$FILE/PS\\_5\\_LandAcqInvolResettlement.pdf](http://www.ifc.org/ifcext/enviro.nsf/AttachmentsByTitle/pol_PerformanceStandards2006_PS5/$FILE/PS_5_LandAcqInvolResettlement.pdf)

<sup>50</sup> Letter from NFC to Oxfam 9 September 2011.

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<sup>51</sup>Based on testimony from 12 focus group discussions attended by 615 people in July 2011 and seven focus group discussions attended by 118 evictees in March 2011 (across both districts); also reinforced by individual interviews conducted by Oxfam in March and July 2011.

<sup>52</sup>Based on oral testimony gathered from seven focus groups in July 2011 and witness interviews conducted by Oxfam in July 2011.

<sup>53</sup> 30 July interview conducted by Oxfam investigation team in Kiboga

<sup>54</sup> Interview conducted by Oxfam research team, March 2011.

<sup>55</sup> Interview conducted by Oxfam investigation team, 29 July 2011, in Kiboga

<sup>56</sup> The order in Mubende was granted on 24 August 2009 and remained valid until 18 March 2010; communities told Oxfam in focus group discussions and individual interviews that the large part of the evictions took place in February 2010. In Kiboga, the order was granted on 19 June 2009 and remained in force until 2 October 2009; communities told Oxfam in focus group discussions and individual interviews that evictions took place throughout the period from 2008 to July 2010; the pleadings in the Kiboga case refer to attempts to carry out evictions in 2008 and append correspondence between the Inspector General of Police and the Regional Police Commander for the Central Region that suggests previous court orders were also in place by June 2008.

<sup>57</sup>Email from NFC to Oxfam, 5 September 2011.

<sup>58</sup> In Mubende, some residents told Oxfam that they were encouraged by the then Resident District Commissioner to open bank accounts in order to receive compensation – which they did not subsequently receive. Interviews conducted by Oxfam investigation team, 27 July 2011, in Mubende. Oxfam has seen copies of bank slips for the accounts opened by evictees.

<sup>59</sup> Interview conducted by Oxfam investigation team, 27 July 2011, in Mubende

<sup>60</sup> Interview conducted by Oxfam investigation team, 27 July 2011, in Mubende; Oxfam has seen copies of Mr. William's father's service papers and documentation in support of his application for land.

<sup>61</sup> <http://allafrica.com/stories/200907210016.html> (Accessed 21 August 2011)

<sup>62</sup> <http://allafrica.com/stories/200907210016.html> (Accessed 21 August 2011)

<sup>63</sup> Interview with local school teacher by Oxfam investigation team, 28 July 2011.

<sup>64</sup> Interview conducted by Oxfam investigation team, 28 July 2011, in Mubende

<sup>65</sup> SGS Qualifor 2010, Forest Management Certification Report, Doc No. AD36A-08. See: <http://www.forestry.sgs.com/documents/sgs-2405-ug-new-forests-sa2010-11-ad36a-sc-summary-en-10.pdf>

<sup>66</sup> *Ibid.*

<sup>67</sup> Letter from NFC to Oxfam 9 September 2011.

<sup>68</sup> For details of the FSC Principles and Criteria see <http://www.fsc.org/1093.html> (last accessed August 2011).

<sup>69</sup> IFC, Policy on Environmental and Social Sustainability, April 30 2006.

<sup>70</sup> 'Back to office report', R. Novozhilov, IFC, March 2010, and letter from IFC to Oxfam, dated 13 September, 2011.



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<sup>71</sup> EIB Statement of Environmental and Social Principles and Standards, 2009, and EIB letter to Oxfam, dated 13 September, 2011.

<sup>72</sup> SGS Qualifor 2010, Forest Management Certification Report, Doc No. AD36A-08. See: <http://www.forestry.sgs.com/documents/sgs-2405-ug-new-forests-sa2010-11-ad36a-sc-summary-en-10.pdf> (last accessed 19 September 2011).

<sup>73</sup> *Ibid.*

<sup>74</sup> Email from CEO of NFC to Oxfam, dated 5 September 2011.

<sup>75</sup> Email from CEO of NFC to Oxfam, dated 5 September 2011.

<sup>76</sup> See, for example, the International Covenant on Economic and Social Rights, available at: <http://www2.ohchr.org/english/law/cescr.htm>

<sup>77</sup> Letter from Alisava Selunkuma Narinya Mpologoma, Chairman, WWII Fighters, stamped by the official Mengo government which owned the land before it was taken over by central government, to Ekoyada Lubega, 11 October 1991.

<sup>78</sup> See report of death to Administrator General, September 2003, of a resident of Kikoloto who died in Kayindiyindi.

<sup>79</sup> Letter from Mondo Kagonyera, Minister for General Duties, to the Minister for Water, Lands, and the Environment, November 2004.

<sup>80</sup> Mugeyeyi, O. et al (2005) 'Balancing Nature Conservation and Livelihoods: A Legal Analysis of Forestry Evictions by the National Forestry Authority', ACODE Policy Briefing Paper N. 13.

<sup>81</sup> *New Vision*, 'Museveni orders eviction of encroachers', 17 November 2009.

<sup>82</sup> Mbejuna Okwera, speaking during the plenary of a focus group meeting in Kateranduulu village on 30 July 2011, explained how he had taken a copy of an order issued by the Ugandan High Court restraining evictions and a copy of a letter written by the communities to the President to the local MP, Ruth Nankabirwa. She later visited the communities and 'When the time came for her to address us, she ordered the people who were cutting down our plantations to continue, because the government wanted us to leave the land,' Mbejuna alleged.

<sup>83</sup> *New Vision*, 'Uganda: Mubende Residents Petition Lands Minister Over Eviction, Harrassment', 20 July 2009.

<sup>84</sup> Letter from Kiboga District Chairperson to Prime Minister, 1 July 2008.

<sup>85</sup> Letter from the Office of the Prime Minister to the Minister of General Duties, 29 June 2006.

<sup>86</sup> See: Article 11 of the International Covenant on Social and Economic Rights available at: <http://www2.ohchr.org/english/law/cescr.htm>. A UN factsheet on the Covenant specifies, 'The Committee has decided on several occasions that certain States parties had violated provisions of article 11, particularly as a result of the practice of forced evictions. This is indicative of the seriousness which the Committee accords article 11.' See <http://www.ohchr.org/Documents/Publications/FactSheet16rev.1en.pdf>

<sup>87</sup> See Note 11.

<sup>88</sup> Interview with the General Manager of NFC, *The Monitor*, 'Uganda: Trees shed money as demand increases', 9 March 2010.

<sup>89</sup> Oxfam interview with the Acting Director of the National Forestry Authority, Kampala, 30 March 2011.

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<sup>90</sup> See IFC Performance Standards:

'Private Sector Responsibilities Under Government-Managed Resettlement

30. Where land acquisition and resettlement are the responsibility of the government, the client will collaborate with the responsible government agency, to the extent permitted by the agency, to achieve outcomes that are consistent with this Performance Standard. In addition, where government capacity is limited, the client will play an active role during resettlement planning, implementation, and monitoring, as described below.

31. In the case of acquisition of land rights or access to land through compulsory means or negotiated settlements involving physical displacement, the client will identify and describe government resettlement measures. If these measures do not meet the relevant requirements of this Performance Standard, the client will prepare a Supplemental Resettlement Plan that, together with the documents prepared by the responsible government agency, will address the relevant requirements of this Performance Standard (the General Requirements and requirements for Physical Displacement and Economic Displacement above).'

Available at <http://www.ifc.org/ifcext/sustainability.nsf/Content/EnvSocStandards> (last accessed 14 September 2011).

<sup>91</sup> See FSC, Principles and Criteria available at: [http://www.fsc.org/fileadmin/web-data/public/document\\_center/international\\_FSC\\_policies/standards/FSC\\_STD\\_01\\_001\\_V4\\_0\\_EN\\_FSC\\_Principles\\_and\\_Criteria.pdf](http://www.fsc.org/fileadmin/web-data/public/document_center/international_FSC_policies/standards/FSC_STD_01_001_V4_0_EN_FSC_Principles_and_Criteria.pdf) (last accessed 14 September 2011).

<sup>92</sup> Letter from NFC to Oxfam, dated 9 September 2011.

<sup>93</sup> Letter NFC to Oxfam, dated 9 September 2011.

<sup>94</sup> Telephone conversation between NFC and Oxfam, 14 September 2011.

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## Oxfam Research Reports

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