

**TRENDS IN FOREST OWNERSHIP,
FOREST RESOURCES TENURE AND
INSTITUTIONAL ARRANGEMENTS:
ARE THEY CONTRIBUTING TO
BETTER FOREST MANAGEMENT AND
POVERTY REDUCTION?
A CASE STUDY FROM UGANDA**

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Summary

Uganda's forest cover is estimated to be 4.9 million ha, plus on-farm forest resources. This area is being rapidly degraded and deforested, however, mainly through conversion to agriculture to meet the growing demand for food for an expanding population, which is reported to be increasing at 3.6 percent per year.

Forests are held under different tenure systems and encompass a wide variety of vegetation types and several ecological communities. The country is recognized as one of the most species-rich in the world, with about 315 species of mammals and more than 1 000 birds in an area the size of the United Kingdom.

There have been a number of changes in forest ownership and related forest management agreements in Uganda. These changes have been critically examined and can be traced from the pre-colonial era to the post-independence period. The main changes have been directed towards recovering tenure ownership and rights to resources for individuals and communities who had been alienated from forest resources even after independence, when the government continued its exclusion policy of command and control. Forest management and policies have oscillated between decentralization and central control. Recent changes in policy, law and institutional arrangements have improved sustainable forest management (SFM), involving all stakeholders and promoting benefit sharing.

Legal, policy and institutional arrangements have established privatization, decentralization and devolution. It is hoped that these initiatives will lead to SFM and poverty alleviation as more people manage and obtain access to forest resources and benefits. Components of forest tenure systems have been analysed, covering factors that include livelihoods, capacities, policy and legislation, security of tenure rights, and access. This study recognizes government institutions and the private sector as being the two main actors in forest management.

The contributions of different tenure and forest ownership systems to SFM and poverty alleviation vary according to ownership category and management skills. Although favourable national policies exist, support systems for SFM have not yet been developed and put in place; SFM is a long-term undertaking requiring much investment and the protection of forest resources. This requires legal tenure and user rights arrangements that have functional management institutions, protection and law enforcement, conform to existing policies and legislation, and have management and work plans with budgetary provisions for management activities that contribute to communities' livelihoods.

Given the changing trends in forest resource management in Uganda over the last two decades, and based on comparative analysis of forest management under different tenure and institutional arrangements by different owner groups, the way forward should include greater involvement of local people in forest resource management. A number of recommendations to promote and strengthen SFM for the various tenure systems are made in this case study.

Acronyms

BUCODO	Budongo Forest Conservation and Development Organization
CBO	community-based organization
CFM	collaborative forest management
CFR	central forest reserve
CLA	communal land association
DFO	district forest officer
EU	European Union
FACE	Forests Absorbing Carbon-dioxide Emissions (project)
FAO	Food and Agriculture Organization of the United Nations
FID	Forest Inspection Division
GDP	gross domestic product
ICRAF	International Center for Research in Agroforestry
IFPRI	International Food Policy Research Institute
IUCN	World Conservation Union
LFR	local forest reserve
MWLE	Ministry of Water, Lands and Environment
NAADS	National Agricultural Advisory Services
NARO	National Agricultural Research Organisation of Uganda
NEMA	National Environment Management Authority
NFA	National Forest Authority
NFTPA	National Forestry and Tree Planting Act
NGO	non-governmental organization
NWFP	non-wood forest product
PFE	permanent forest estate
SFM	sustainable forest management
SPGS	Sawlog Production Grant Scheme
THF	tropical high forest
UBOS	Uganda Bureau of Statistics
UWA	Uganda Wildlife Authority

Introduction

This case study is one of a series of reviews commissioned by FAO to produce a comprehensive profile of tenure systems for forest management in 20 African countries. It addresses the function of tenure rights in sustainable forest management (SFM) and their contributions to poverty alleviation.

The study aims to expand and strengthen understanding of the types of forest tenure and their impacts on resource ownership and access, management and institutional arrangements in Uganda. The objective of the study is to achieve a better understanding of the relationships between forest resource tenure and forest management, and the implications on poverty alleviation and SFM.

The study is based on in-depth analysis, personal contacts, secondary information, and a review of management policies, legislation and relevant documents.

Forest resources and tenure

FOREST ESTATE AND DISTRIBUTION

Forests and woodlands cover about 4.9 million ha of Uganda and include exotic species plantations, which are significant in some parts of the country. This represents approximately 24 percent of the total land area (Figure 1). The vast majority of this forest area – 81 percent – is woodland, 19 percent is tropical high forest (THF) and less than 1 percent is forest plantation, excluding new plantations.

Figure 1. Land cover in Uganda

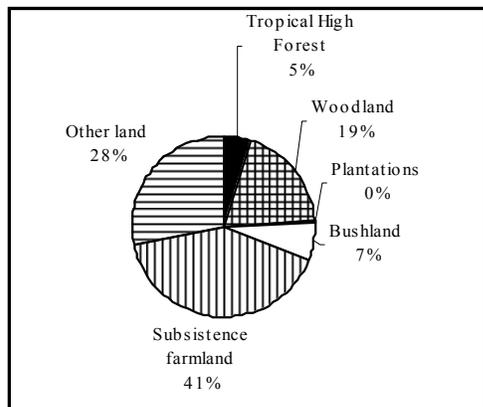
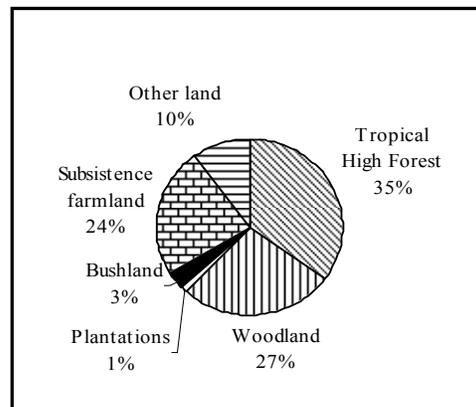


Figure 2. Biomass in Uganda



Source: MWLE, 2002a.

In addition to the 4.9 million ha of forest, there are also substantial on-farm forest resources. More than 40 percent of Uganda’s land area is under subsistence agriculture, and contains 24 percent of national biomass in the form of scattered trees, forest patches and agroforestry crops included within farming systems (Figure 2). These supply diverse needs of the population but, despite their importance, very little information is available on the extent of these resources.

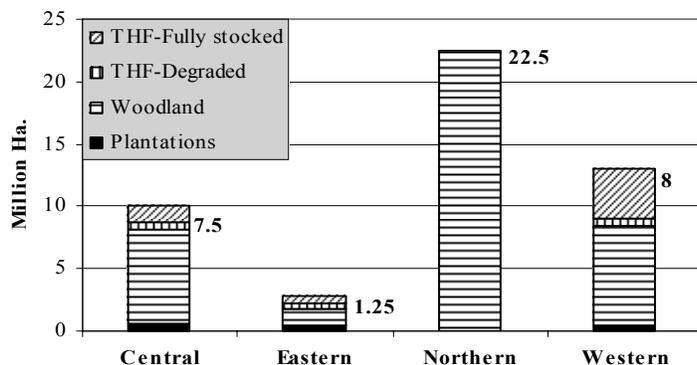
Table 1. Areas of forest land, by ownership and management category

Land cover	Government land		Private land	Total
	Forest reserves (NFA and local government)	National parks (UWA)	Private and customary land	
THF	306 000	267 000	351 000	924 000
Woodlands	411 000	462 000	3 102 000	3 975 000
Plantations	20 000	2 000	11 000	33 000
Total forest	737 000	731 000	3 464 000	4 932 000
Other cover types	414 000	1 167 000	13 901 000	15 482 000
Total land	1 151 000	1 898 000	17 365 000	20 414 000

Source: MWLE, 1999.

An important feature of Uganda’s forests and woodlands is their uneven distribution, which varies greatly by region. Most THF is found in the west of the country, around the shores and islands of Lake Victoria, and in the east, around Mount Elgon. Woodlands occupy drier areas, mainly in central and northern regions. The regional distribution of forests and woodlands is shown in Figure 3.

Figure 3. Distribution of forest area, by region



Source: MWLE, 1999.

FOREST CONDITION

A key issue for forests and forestry in Uganda is the rapid decline in forest cover – and the degradation of what remains – as a consequence of several factors. Uganda forest loss has been estimated at about 50 000 ha/year (FAO, 2001) based on the areas of bush- and woodland cleared from 1990 to 1995. Other official estimates of the rate of forest clearance range from 70 000 to 200 000 ha/year (MWLE, 2000). These figures imply annual deforestation rates of between 0.10 and 3.15 percent, the highest among the three East African countries. Most deforestation is the result of an inability to take steps to prevent forest encroachments. Laws to protect forests are in place but are not effectively implemented. Several studies of the causes and consequences of deforestation in Uganda have identified population increase and agricultural expansion as the most significant causes (Hamilton, 1984; Howard, 1991).

Between 1948 and 2004, Uganda’s population grew from 5 to 24.4 million people, most of whom depend on agriculture (Government of Uganda, 2005). Continued dependence on agriculture with limited improved technology has led to the horizontal expansion of farming to meet growing food demand (Naur and Tieguleng, 2004). Other factors contributing to forest degradation include logging, local grazing and fires. Since 1990, the area of all categories of forests has declined by an estimated 2 percent/year, with a total loss of 374 161 ha between 1990 and 2005 (MWLE, 2005). Forest resources are disappearing, but Uganda has no accurate data on the loss (Kigenyi, 2001). Quality and quantity have also declined in the remaining estate, with the loss of valuable flora and fauna recorded by Howard (1995), Pomeroy (1993) and Plumtre (2002).

FOREST TYPES

The forest estate encompasses a wide variety of types and ecological communities, including several closed THF types, mountain communities of bamboo, heaths and moorlands, swamps, wetlands, and vegetation that ranges from moist woodlands to dry bushland and thickets (Langdale-Brown, Osmaston and Wilson, 1964). Communities exist from altitudes of less than 600 m, at the bottom of the Rift Valley, to more than 5 000 m, at the top of the Rwenzori mountains. Rainfall ranges from more than 2 000 mm in Ssesse islands, to less than 600 mm in parts of northeastern Uganda. Uganda’s forest estate encompasses a broad spectrum of the country’s biodiversity, at least at the community level (MWLE, 2002a). The country is recognized as one of the most species-rich in the world, with about 315 species of mammals, more than 1 000 birds and 1 200 butterflies in an area of 240 000 km². A high proportion of these species are included in the forest estate (MWLE, 2002a).

FOREST RESOURCE STAKEHOLDERS

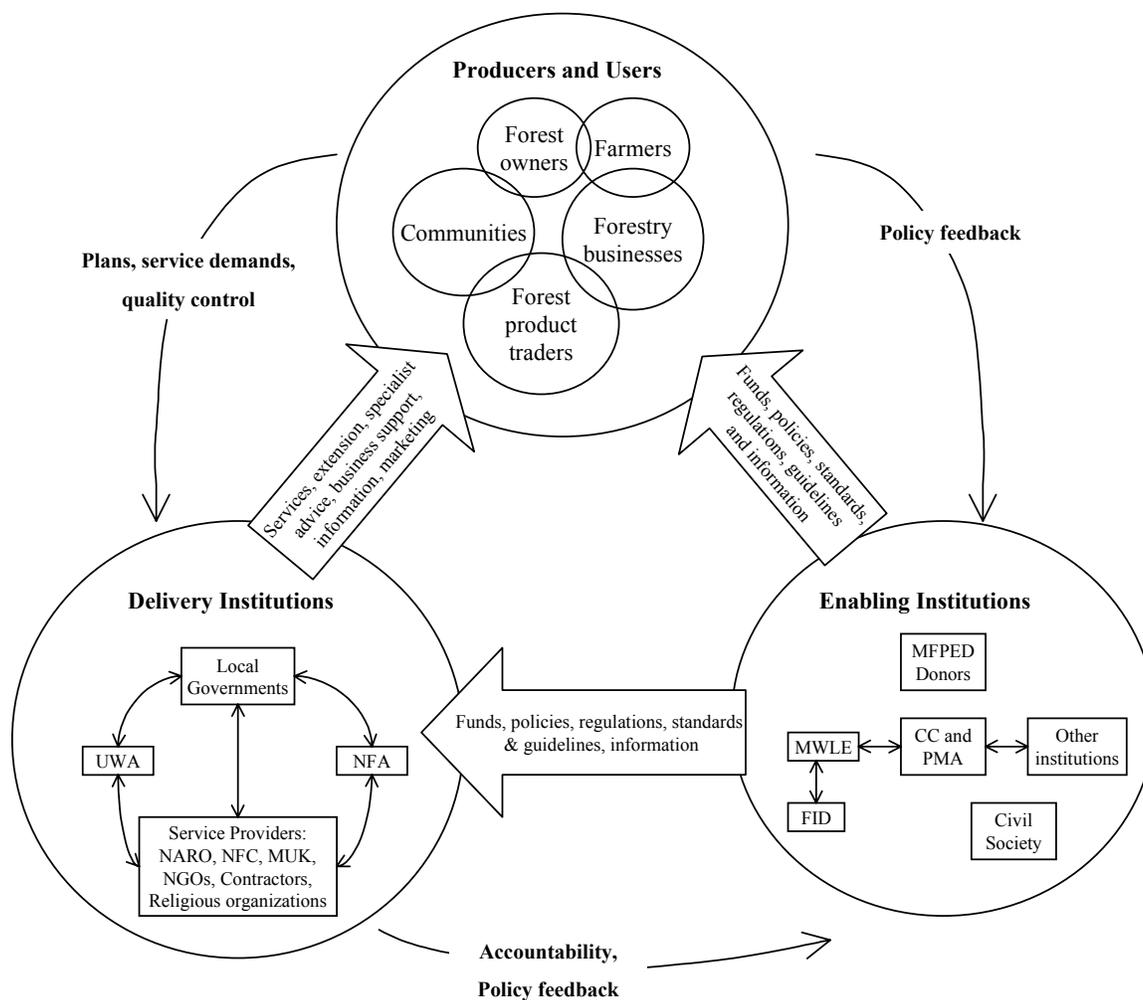
The following are stakeholders in the forestry sector:

- *Delivery institutions:* Local governments, the Uganda Wildlife Authority (UWA), the National Forest Authority (NFA), and service providers such as the National Agricultural Research Organisation of Uganda (NARO), non-governmental organizations (NGOs), contractors and religious organizations.
- *Enabling institutions:* donors, the Ministry of Water, Lands and Environment (MWLE) and its Forest Inspection Division (FID), and civil society.

- *Producers and users:* Forest owners, communities, farmers, forest product dealers and forestry businesses.

Figure 4 shows the institutional arrangements for these stakeholders.

Figure 4. Institutional arrangements for stakeholders in the forestry sector



Source: MWLE, 2002b.

OWNERSHIP OF FORESTS

According to the Land Act (1998), ownership of land is legally guaranteed under government, private, customary, freehold, mailo and leasehold systems. Ownership of forests is based on two broad systems of tenure: (1) government forests, which are either forest reserves managed by NFA and local governments or national parks and wildlife reserves managed by UWA, and which are held as permanent forest estate (PFE) in trust for the citizens of Uganda; and (2) private forests, which are managed by the owners of land held as private registered or customary property. PFE is also referred to as the protected area system. Tenure categories and corresponding responsibilities are detailed in Table 2.

Table 2. Land tenure categories and responsibilities

Category	Type	Owner	Owner rights/responsibilities
Private	Customary	Individual – Ankole, Bugisu, Kigezi, Busoga, etc. Clans, families – Teso, Acholi, Lango, etc.	Vested in individuals or communities (clans, families) who own trees and regulate tree resource use. Use subject to local and national policy and legal framework
	Mailo	Landowner – in Buganda, parts of Bunyoro and Alurland	Property of landowner, who has absolute rights to tree and forest resources. Tenants on land lack security of tenure over tree and forest resources, subject to local and national policy and legal framework
	Freehold	Private landowner – individual or institution	Individual or institution has absolute rights to tree and forest resources, with regulation from government, subject to local and national policy and legal framework
	Leasehold	Lessee owns land through a contractual agreement with leaser	Agreement vests rights to tree and forest resources in the lessee, for the duration of the contract, subject to local and national policy and legal framework
State	CFRs LFRs National parks and wildlife reserves	NFA Local government UWA	Property is held in trust for the people of Uganda. Planning and management by the responsible body, subject to local and national policy and legal framework

CFR = central forest reserve.

LFR = local forest reserve.

MANAGEMENT OF GOVERNMENT FOREST

The government established PFE for two main objectives (Makumbi, 2004):

- to safeguard supplies of timber and other forest products;
- to protect fragile mountain catchment areas and the environment services they provide.

Over the years, these objectives have been expanded to include nature conservation, recreation, ecotourism, education and poverty eradication, as reflected in the 1988 and 2001 forestry policies.

The management of protected areas is guided by management plans that clearly state the purpose, objectives and methods of forest management over a specified period. Planned management in Uganda dates back to 1934, when the first working plan was prepared for Budongo CFR. By the early 1970s, Uganda had developed an excellent record in the field of THF management (Webster and Osmaston, 2004). For a long time, the management of protected areas was top-down, bureaucratic and centrally controlled, but recent changes are including consultation with all relevant stakeholders. This is demonstrated by the public consultations that NFA and UWA are carrying out as part of the process of developing management plans for forests, national parks and wildlife reserves. As a result, there is increased participation in the management of protected areas, and the management plans being developed are both holistic and people-centred. The responsible body also prepares and implements operational and annual works plans, monitors the forest estate, enforces laws, conducts research, recruits staff and manages income and expenditure.

PRIVATE FOREST TENURE, OWNERSHIP AND MANAGEMENT

Private forests include natural or plantation forests and areas dedicated to forestry for which ownership rights are registered with the District Land Board and licences are granted in accordance with Sections 21 and 22 of the National Forestry and Tree Planting Act (NFTPA). Although ownership rights should be legally registered, most owners have not yet fulfilled this requirement because they lack information on practice and law. According to the act, all produce from registered forests belongs to the owner of the forest and may be used in any manner that the owner determines, as long as it is harvested in accordance with the management plan and NFTPA regulations. Forest owners are also free to enter into any contractual or other arrangement for the right to harvest, purchase or sell produce from their private forests. Forest may be privately owned by individuals or institutions (e.g., businesses, churches and traditional institutions). Landowners may be present or absent; when they are absent there may be tenants or squatters on the land. Ownership may be informal (based on traditional systems of demarcation)

or surveyed and legally registered in accordance with the Land Act of 1998. It is the responsibility of forest owners to register their rights, prepare management plans and pay for technical services.

In registered and licensed forestry on private land, both land and forest/tree tenure are privately owned, giving the owner rights of access and security of tenure. Government imposes a few regulations to protect the public interest; for example, owners have access to the reserved trees on their land only with FID's permission. Some of the regulations that limit owners' access to the resources on their land restrict the adoption of SFM. Forests on private land are disappearing rapidly as a result of poor management practices, encroachment by landless people and conversion to agriculture.

The Forest Policy (2001) is concerned with the good use and management of private and customary forests. It recognizes that these are best achieved through the provision of incentives and the development of an institutional framework that enables private and customary forest owners to respond. Few private forest owners or customary forest users have management plans or the knowledge and skills necessary to manage their forests productively and sustainably. Management plans require skills, time and money to prepare and use, and are only enforced when private owners seek funding from the Sawlog Production Grant Scheme (SPGS) to establish plantations on their own land or on land rented from NFA. No technical support is provided for preparing management plans, and advisory and extension services for tree farmers and forest owners are very limited.

Forests can also be under customary ownership, where members of the community have traditionally managed and protected the forests communally, according to principles and rules agreed either among themselves or in accordance with tradition. Traditional management and regulation systems, however simple, have generally broken down as a result of population increase and migration, when user rights become increasingly unclear. The situation of communally owned forests is worsened by a lack of district registrars of titles as per the 1998 Land Act. Such registrars are supposed to incorporate and register communal land associations (CLAs) as legal institutions that own land and forests. The situation is complicated by the lack of guidelines on how the minister declares a community forest.

Legal frameworks have had little impact in fostering SFM, so other more positive approaches have been identified and are already being implemented. The National Forest Plan (MWLE, 2002b) outlines the strategies being followed for the sustainable management of private forests. Private owners often lack information on markets for timber and non-timber products, so market information needs to be provided. Incentives to encourage forest owners to maintain forests as part of land use should also be developed. Assistance with making simple, user-friendly management plans, and advice on their implementation are needed. Guidelines should be put in place to define clearly the roles and responsibilities in private forest management. The promotion of SFM in private forests requires awareness raising on rights to and ownerships of land and trees, targeting private owners, customary users, local leaders, local government and civil society organizations through mass communication.

PLANNING AND MONITORING SYSTEMS

Planning and monitoring systems are better applied in government gazetted public forests managed by NFA, UWA and local governments. Forest management plans are mandatory, and the management institutions are responsible for planning the management of gazetted public forests. NFA is in charge of planning and monitoring for CFRs, and UWA for all forests protected as national parks and wildlife reserves. The district forest services are responsible for LFRs and the provision of advisory services for private and customary forest owners. The planning system in State-owned forests is largely top-down. It is guided by a management plan, which is led by the input of government technical officers, and recently the government has started to involve local people in the planning process through consultative workshops. Very few forest reserves, national parks and wildlife reserves have operational management plans, as most expired during the 1970s.

NFA and UWA have recently started to draw up management plans. Most reserves have no guidelines for addressing threats to PFE and promoting SFM; the ministry has not yet developed regulations and guidelines. Inventory information on the condition of forest resources is very scarce, and there is uncertainty about existing forest cover, volumes and growth rates of timber and other products in natural forests. There is little integration of forestry into district development plans, and limited budgetary allocation and regulatory measures where such integration exists.

The monitoring system is out-of-date in that it relies predominantly on field reports from technical officers, who do not include the omissions and failures of their own management style. The scarcity of financial resources allocated to the forestry subsector by government planners, who attach low importance to the environment and forestry's contribution to gross domestic product (GDP), limit the effectiveness of field inspections by supervisors

from ministry headquarters. The planning and monitoring of forest management is far from what the regulatory framework requires. Usually, only a fraction of the requirements are actually carried out, and private forests are excluded from monitoring. This failure is the result of budgetary constraints and poor prioritization within government budgeting functions.

Forest monitoring is the responsibility of FID under MWLE. FID is supposed to monitor and evaluate all forest activities and changes in both government and private forests, and present annual reports to the Cabinet. Although FID faces challenges of low staff, poor facilities and limited finances, it has set planning and monitoring responsibilities for each type of ownership (Annex 3).

Changes and trends

Changes in forest tenure, ownership and management in Uganda have occurred in two distinct phases: before and after independence. This study found that the changes before independence had major effects on tenure, ownership and management. This period witnessed a policy of alienating land and forest resources from communities through agreements signed by the colonial government and the local leadership (Annex 4). Alienation continued until just before independence. The policy was for forest reservation, creating PFE under government management and focusing on protection and production under sustainable yield management systems. Resource exploitation creamed forests of prime timber for export to European markets. This caused forest degradation through bad logging methods. Legislation restricted communities' access to resources for all but domestic use. Other uses required permits. This legislation's main effect on communities was to deprive them of access to the resources on which their livelihoods were based.

EARLY DECENTRALIZATION

The Forest Act of 1932 devolved some authority to local governments, which were made responsible for managing forest reserves as native local reserves to meet community requirements. The act allowed local government to use local forests to establish adequate forest estate for each district, but the creation of local forests alienated more communal land and resources from communities. The positive aspect of this was the incentive it provided to districts for creating LFRs – 50 percent of the revenues from CFRs within districts were returned to them for management and development programmes.

Changes after independence

There were no major changes in policy after independence, but the study found a trend for moving from exploitation to protection and afforestation. The period just before independence witnessed massive exploitation of natural forest, but also the establishment of trial plots and fast-growing softwood plantations.

The major change in policy to affect the management of State forests occurred in 1967, with the Republican Constitution. For forestry, among the most important of the changes was the transfer of forests under district councils and their integration with central government, making them all CFRs. These changes did not affect private land and forest ownership, access and management, and the trend for protection and reforestation continued. The effect on resources was degradation, however, as central government could not manage small local forests effectively, leading to the loss of these forests. Attention to local forestry issues declined in the districts, resulting in open access to forests.

INTERNAL ADMINISTRATIVE ARRANGEMENTS

There were no major legislative or policy changes between 1970 and 1995. Administrative directives were issued by the Forest Department and the government, and these were taken as legal pronouncements. This had a negative impact on the resources, because most administrative directives were not implemented. Resources suffered massive degradation through encroachment and illegal timber exploitation. The boundaries of forest reserves were violated and lost, as some community members became the *de facto* owners of government forest land. Illegal activities spread to community land, resulting in lost livelihood assets for some people.

Some legislative changes arose from the Constitution (1995) and the Local Government Act of 1997, which provided for the ownership and management of land and resources by communities and local governments. This resulted in the unofficial decentralization of some forests that had formerly been local, with disastrous consequences because local government focused on monetary gains, leasing and tendering forests for timber exploitation and charcoal burning. An unrecorded area of forest was lost. Ownership of land and resources was strengthened by these acts, but it took time for the forestry sector to embrace these changes as the Forest Act remained unaltered. Massive degradation was registered during this period. Observing the damage that forests were suffering, the administrative pronouncement decentralizing forests was revoked in 1998, when an official act providing a legal framework was put in place.

DECENTRALIZATION ORDER OF 1998

A major change occurred with the Declaration Order of 1998, which legally decentralized former local forest resources. Management of LFRs was devolved to district governments.

The decentralization policy was good, but transferred responsibilities to local government without providing the necessary financial or human resources. The forests transferred were tiny, less than 100 ha each and totalling about 5 000 ha. They tended to be degraded and devoid of marketable resources, except for in a few districts of central and western Uganda, such as Mpigi, Mukono, Bushenyi, Kyenjojo, Kabalore, Hoima and Masindi.

The positive side of the policy is that it allows districts to integrate forestry plans into district development plans, to the benefit of local communities. Where resources are available, decentralization can improve forests, reducing the degradation and open-access syndrome that affect local and private forests. Decentralization can promote SFM and raise stakeholders' awareness of the opportunities in forestry.

The trend towards decentralization is in line with the government's policy of bringing services closer to the people, which applies to most public bodies. Donors and NGOs also promote decentralization as a way of ensuring local people's involvement in the management of their resources.

ENLARGING STAKEHOLDER INVOLVEMENT

The major change came with the new forestry policy of 2001 and NFTP (2003), which promoted the recognition of private forest tenure and customary ownership, devolution and decentralization. This change broadens stakeholder participation in management by promoting participatory arrangements for policy, legislation and planning as the basis for SFM.

Recent policy and legislation are important innovations for forest management because they specify tenure, forest ownership, institutions and management responsibilities. To varying degrees, the reforms have all loosened the conventional command-and-control strategies of the last century. Older models of forest management in which government decision-making was dominated by the State are no longer acceptable. It is now widely recognized that broadening stakeholder involvement promotes SFM and poverty alleviation.

Analysis of tenure systems

MANAGEMENT OF GOVERNMENT FOREST RESERVES

Context

On behalf of the people of Uganda, the government manages forests on government land protected as PFE, which has been set aside for forestry activities in perpetuity. Historically, forest management in Uganda has concentrated on reserving forest resources for central government purposes, often limiting the access and benefits of local people neighbouring the forest. This has resulted in weak skills, governance structures and programmes to alleviate poverty through sustainable forestry development.

Generally, different types of forest have not had specific management arrangements. Areas are set aside permanently for the conservation of biodiversity, the protection of environmental services and the sustainable production of domestic and commercial forest produce. The new forestry policy (2001) is committed to maintaining these forested areas for social, economic and environmental reasons. PFE is currently managed by different institutions, and influenced by a wide range of stakeholders. Traditional and cultural institutions are also interested in management of PFE (Bunyoro Kingdom, 1993). Regardless of this, however, the Constitution (1995) and the Land Act (1998) hold that central and local governments hold forest reserves in trust for the people. Government can grant concessions, licences and permits to any person or body investing in forest reserves for forestry purposes, in accordance with the management plans for the forest reserve concerned.

Cross-border natural resource management

Opportunities for regional cooperation in natural resources management have been pursued through the East African Community and other structures for conserving biodiversity in cross-border initiatives. Recently, the East African Cross-Border Biodiversity Conservation and other regional programmes, such as the Albertine Rift initiatives, have enhanced institutional collaboration. The provisions of cross-border natural resource management agreements include coordinating policies, developing and adopting common protocols, regulations, standards and incentives, adopting common collaborative forest management (CFM) guidelines, and harmonizing forest management plans for cross-border ecosystems.

Situation analysis

Laws, regulations and management plans guide forest management by State agencies, but the system is not working effectively because of constraints – budgetary limitations, workforce shortages, poor incentives for staff, political interference, poor planning, and low prioritization when funds are scarce. Three core problems challenge the implementation of SFM and threaten the permanence of the forest estate: loss of forest cover, degradation of the forest resource base, and underlying institutional factors. These are causing decreases in biodiversity, forest estate productivity and environmental services. At the same time, PFE's contribution to the national economy is decreasing, which increases poverty among the communities that depend most on the resource for livelihoods. The main challenge is the forest sector's failure to convince policy-makers about the economic contribution and value of forests in the national economy. The forest sector is not considered a priority in national planning and resource allocation.

Underlying institutional factors

Low institutional capacity is a major cause of decline, and results from weak institutional structures, underfunding and inadequate human resources. Forestry activities are poorly controlled and monitored because of lacking capacity to control illegal activities and implement the law, insufficient labour force and inadequate supervision. Institutions (UWA, NFA and local governments) face serious financial constraints and generally depend heavily on outside donor support for managing PFE. The institutions have limited capacity to operate efficiently or generate funds that cover both the operational and development costs of maintaining PFE.

Strategies for government forest reserves

To enhance efficiency, transparency, accountability and professionalism of PFE management, leading forest sector institutions have been undergoing reforms to strengthen and redefine their roles and responsibilities. These reforms started in 1996 with the establishment of UWA for the management of national parks, wildlife reserves and sanctuaries. The following section on the reforms of PFE management therefore focuses on the management of forest reserves, which requires changed responsibilities for MWLE, the establishment of NFA, and greater roles for local governments, communities and the private sector. Strategies have been instituted for the sustainable management of government forests (Annex 5).

MANAGEMENT OF FORESTS ON PRIVATE LAND

Context

Private forests include both natural forests and plantations on private and customary land. They cover a total of approximately 3 464 000 ha, equivalent to 70 percent of all the land in Uganda. Private and customary forests are managed for commercial purposes, particularly charcoal, timber, fuelwood and pole production, and provide various quantities of non-wood forest products (NWFPs). Natural forests are also of vital subsistence and commercial value to local communities and are very important in maintaining environmental services and providing employment. For most households, woodlands are a main source of energy and habitat for wildlife grazing, and contribute greatly to poverty alleviation through the informal sector.

By law, private forest management rights have to be registered with the district land board, and licences are granted in accordance with the Land Act. Forest produce must be harvested in accordance with a management plan and the act's regulations. In addition, the district forest officer (DFO) must issue directions to the owners of private forests, whether registered or not, requiring them to manage their forests professionally and sustainably. However, private forest owners have not registered for tenure certificates, lack forest management plans, do not follow harvesting regulations, and are generally not managing their forests as stipulated. Little planning and monitoring are carried out in private forests. Very few private forest owners draw up management plans to guide their forestry activities, because many do not know how to make such plans, which are expensive and complicated to implement. As a result, most private owners manage their forests intuitively. The main causes of this situation are ignorance, weak advisory services, and inadequate resources. The exceptions are the few forests managed by industries that have the capacity to produce management plans, have reasonable budgetary provisions and can protect their forests against illegal activities; currently such forests cover only about 41 000 ha of the 3 464 000 ha total.

Four prime factors have been identified as affecting SFM on private and customary forests: open-access use, low value, owners' limited capacity, and conflicting government plans and policies. Some government agricultural development programmes conflict with forestry plans, such as the clearing of forests in Kalangala district for oil-palm. The double production campaign of the 1970s led to indiscriminate forest clearance, with clearing machinery provided free of charge by the agricultural department. Industrialization and infrastructure development may require forest clearance – for example, more than 4 000 ha of forest in Wabisi Wajala forest reserve, and 1 000 ha in Namanve forest reserve were allocated to industry in 1998.

To enhance the management of private forests, new strategies have been put in place addressing the factors that undermine the sustainable management of these forests. Unfortunately, neither government institutions nor civil society have generated lessons that can be used to support the management of forests on private and communal land. There is need to initiate and support such interventions.

Traditional forests

A number of communities, especially in central and eastern Uganda (Buganda and Busoga), have collectively or individually conserved forest areas for a range of social, religious and traditional purposes. These forests are referred to as sacred groves. As development progresses and population increases, most of these forests have disappeared, and the only survivors are a few single trees and small groups of trees in Buganda. There is no literature about surviving sacred forests in Uganda.

Livelihoods

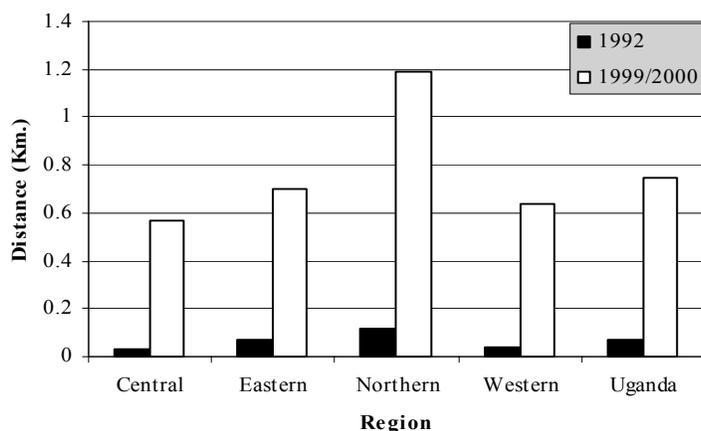
Forests on both private and government land are a key component of many rural livelihoods, for both subsistence and commerce. Forests are crucial to the lives of millions of Ugandans, especially the poorest sections of society. However, poor people's dependence on forest resources, and their ability to improve their livelihoods through

forestry have only recently been recognized in Uganda. Forests provide wood, NWFPs and services to the people who produce and consume forest products, and local people play a major role in the management of forest resources. Access to forests therefore has a critical effect on people’s survival and well-being, and plays an important part in livelihood strategies.

Many people depend on forestry for all or part of their livelihoods. It is often the poor who depend most critically on forest resources for their well-being and survival in the absence of other livelihood assets and opportunities. In 2001, a survey by the International Food Policy Research Institute (IFPRI) found that 76 percent of villages throughout Uganda were involved in selling tree products in 1999. Products included mainly poles, timber, fuelwood and charcoal, and were marketed on-farm rather than in town markets. Forestry contributes to livelihoods mainly through the informal economy, which is not recorded in official statistics. The direct benefits that people derive from the forests and trees on private and government land are energy, food, employment, income, quality of life and reduced vulnerability to shocks and stresses (Annex 6). Communities would benefit more if they were aware of market opportunities. They need market information and training to produce for markets. NGOs and community-based organizations (CBOs) are well-placed to provide this training, which would enable communities to increase their production, improve their incomes and escape poverty.

With increasing deforestation, forest benefits are rapidly being lost, which reduces the opportunities for alleviating poverty. The burden imposed by forest degradation on people’s livelihoods, especially women and children, is exemplified by a sharp increase in the distance people have to travel to collect fuelwood. According to the Uganda Bureau of Statistics (UBOS, 2001), the average distance travelled to collect household fuelwood increased dramatically from 0.06 km in 1992 to 0.73 km in 2000 (Figure 5). The distance travelled for fuelwood is inversely related to the time that household members can dedicate to other productive activities, and thus has a major impact on poverty.

Figure 5. Average distances travelled to collect household fuelwood



Source: UBOS, 2001.

The environmental services and agricultural support provided by forests and trees on government and private land are sometimes taken for granted or poorly understood. A diverse environment provides a range of services, from soil and water conservation to pollination and pest control. Major services provided include a regular supply of clean water and soil fertilization, which are especially important to the poor, who cannot afford alternatives such as piped water and fertilizers. Because these services are “free”, they are undervalued, lack investment and protection, and are disappearing as forest land is converted to agriculture and grazing. Annex 7 lists some of the many environmental values that the people of Uganda – especially poorer people – derive from forests. Elite groups, who are aware and have financial capacity, have greater access to the more tangible benefits, however. For example, they obtain licences and permits, which are too expensive for poor people, who may not even be aware of how to obtain them. Given poor people’s multiple dependence on forest resources, it is clear that forest development has much opportunity for poverty alleviation, and public investment in forestry would promote this.

The National Environment Management Authority’s (NEMA) Environment Act stipulates that people who commercially exploit environmental resources should pay an environment tax, but this has not yet been

implemented. In the meantime, the rich are degrading forests without paying taxes to repair their damage of the environment on which most poor people depend.

Capacities

Human and financial capacity for the management of State forests is reasonable but not optimal. Human capacity is better developed than financial capacity, which is dominated by donor funding. Forestry is a long-term industry that cannot be managed in a purely business fashion without innovations. Most forest owners (more than 95 percent), especially local communities, lack sufficient capacities to manage their forests in accordance with the rules of the tenure system. The less than 5 percent of forest owners who do have the requisite technical capacity and experience are mainly large investors with reasonable capital, technical skills and capacity to employ skilled labour to manage their forests properly. A major bottleneck is that the legal instruments and service providers that support and manage private sector investments in forest-based enterprises are inadequate and poorly organized.

Licensed tree farmers operating on forest reserve land (CFRs) have received some financial support from the European Union's (EU) SPGS (Annex 8), which meets part of the cost to farmers of establishing sawlog plantations of approved species and encourages them to develop and use management plans. Participants in SPGS are trained in good management practices and standards, which they must follow through management plans. People planting small areas, especially small farmers, do not qualify for this support, however, so most forest owners lack management skills. Nyabyeya Forestry College, the Faculty of Forestry and Nature Conservation at Makerere University and NFA have facilities to train forest owners and their agents for a fee and on prior arrangement.

Capacity building is probably the most important factor that will enable various tenure systems to produce benefits. Tenure holders' capacity to exercise their rights and manage their forests sustainably must be enhanced. The assuming of responsibilities requires the capacity to fulfil those responsibilities, and the granting of tenure rights should be accompanied by capacity building in exercising the rights and responsibilities acquired. Capacity building needs include:

- stakeholders' awareness about the rights that they can exercise and retain; some local communities are dominated by their richer and more educated members;
- management capacities, including financial, technical and organizational systems;
- strengthened capacity in central and local government administrations;
- provision of funds for the development and implementation of management plans, especially in State-controlled forests, and simplified management planning requirements for private stakeholders.

Under any institutional arrangement, tenure without management capacity is likely to lead to unsustainable management of forests. Management capacity can be built through extension coupled with assistance from investment funds, probably through micro-finance institutions.

EXTENSION

It is widely recognized that forestry extension in Uganda has had limited impacts on poor people's lives, the sustainable management of existing forest resources and the establishment of new plantations and on-farm trees. The extension service has been underfunded and understaffed, with a top-down approach to extension rather than a holistic farmer-driven one. Experience has shown that on-farm tree growing works only when it is relevant to local farming systems and livelihoods, there is a market for products, and land and tree tenure are secure. NFA is not responsible for delivering free forest extension, and charges very high fees, which most farmers cannot afford to pay.

A new approach to the delivery of extension and advisory services has been developed in the Plan for Modernization of Agriculture and the National Agricultural Advisory Services (NAADS). This has changed government staff's involvement in extension work, and puts rural people – especially poor and marginalized groups – at the centre of decision-making about the kinds of services and support they require for development. The Forestry Policy (2001) supports an innovative, decentralized and privatized service delivery approach.

FORESTRY POLICY AND LEGISLATION

The basic instrument of authority over forests is the Forest Act. Forest acts have existed since 1947, providing for the declaration and revocation of reserves and supplying the legal foundations for their control by the State. As in all sectors, forest acts alone do not regulate the existence and management of forests. Although the Constitution rarely addresses forests directly, it lays the foundation for declaring forests the property of the State.

Forestry policy

Forestry policy in Uganda has a long history. Policies are established to keep management in line with the State's long-term objectives. According to Kamugisha (1993), a policy is a general statement of aims or desirable goals in relation to given circumstances. It is drawn up and approved by the government to guide the activities of the relevant government institutions. Forestry is a long-term activity, so has a particularly great need for policy. Government objectives change over time, however, necessitating periodic revisions of policy to bring management in line with new objectives. There have been four revisions to Uganda's original forestry policy of 1929.

The different policies reflect changes in the role of forestry as Uganda develops. These changes have important implications on the forestry sector. The forestry policy was revised in 1948, 1971 and 1988, and has alternated between strict conservation and more liberal economic use of forest resources. However, the policy has provided little guidance on principles and strategies for managing forests outside the gazetted reserves, and on setting the balance between production and conservation. It also contains nothing on the roles of government, the private sector and rural communities in forestry, and on linkages with other sectors and land uses.

The new forestry policy (2001) addresses the issues of poverty eradication, prosperity, harmony and beauty, in line with Uganda's Vision 2025 for Prosperous People, Harmonious Nation and Beautiful Country. It provides for a wide range of types of tenure, ownership, access and management of forest resources. In response to concerns about the importance of forestry, the policy provides new directions for the sustainable development of the forest sector. Major interest groups and their needs are addressed, and a clear definition of the forest sector is provided – making it an all-inclusive and sector-wide policy. Other sectoral policy changes that are relevant to and reinforce the current forestry policy include the National Environment Management Policy (1994), the National Policy for the Conservation and Management of Wetland Resources (1995), the Gender Policy (1997), the Wildlife Policy (1999) and the National Water Policy (1999). These policies have a strong bearing on the forest sector, both directly and indirectly.

Strategic reforms are being formulated in new national policies, old practices are being rapidly refined and entrenched in the law, and law-making has become more democratic, with greater public consultation and a bottom-up participation process. Laws pertaining to forest and land focus on tenure issues for tree and forest management, and link to local government and community development.

Old laws did not consider communities as partners in management and paid little attention to forests on private land, other than to collect revenues from extraction licences and royalties on trees. Communities were only allowed to take "reasonable quantities of tree products" for domestic use, which led to the large-scale degradation of forests adjacent to settled areas. Laws also ignored the integration between communities and natural resources, such as for the protection of water catchments and wildlife habitats.

People's perceptions of the law

Many stakeholders do not fully understand the application and aims of legal instruments. The underlying causes of this include language barriers and poor publicity of the instruments. There is little awareness of related policies, laws and regulations, as demonstrated by the following:

- Private forest owners have limited information on the market prices of their forest products and tend to sell their timber and other forest products cheaply.
- Most forest owners do not recognize forests as having any value other than monetary returns and resources for domestic use.
- Lack of information deprives the communities and individuals adjacent to forests of opportunities to participate in informed decision-making and contribute to policy and other processes.
- Limited or lacking access to forestry policy information restricts people's awareness of their legal rights, and leads to the denial of forest access rights.

Awareness can be raised through the press, workshops, radio, TV and consultative planning meetings. There is no established, formal channel for informing stakeholders about policy and legal changes, so information tends to trickle down informally. This state of affairs needs to be redressed as it curtails forestry sector development, because most stakeholders remain ignorant about their rights and responsibilities.

Decentralization, devolution and CFM

Among the most important structural changes to be brought in by the new law is institutional decentralization and devolution. Central government has decentralized the management of local and private forests, forest services, management decision-making and advisory services to local government (forestry policy 2001, NFTP 2003, Land Act 1998 and Declaration of LFR Statutory Instrument 1998). Decentralization has the potential to promote SFM by devolving the various responsibilities from the centre. However, the following are some of the factors that make it difficult to implement the new responsibilities:

- The forests transferred to local governments are small and degraded.
- Financial and human capacity is lacking.
- Revenues from private and degraded local forest reserves are not secure, as most operations in these areas are illegal and local government has no capacity for policing.
- The tree fund that was promised five years ago has not been put in place, and there have been insufficient funds through NAADS and NEMA.
- Small, degraded forests are devoid of biodiversity, so do not attract international donor funds, which are directed to areas rich in biodiversity.
- Political interference also makes implementation difficult.

These points show that decentralized forest management is failing, and forests are being turned into open-access resources.

Management is also being devolved to communities and private sector stakeholders, with permits being granted to individuals and private companies for managing forest – especially plantations – for one or more rotations of the species concerned. The trees belong to the permit holder, but not the land. Management of natural forests has not been devolved, probably because individuals and the private sector cannot satisfy the long and complicated technical requirements.

CFM provides for the negotiation of access to resources in return for local stakeholders' acceptance of responsibilities in forest management. The benefits that communities can derive from these arrangements include:

- access agreements, negotiated in exchange for maintaining boundaries, deterring illegal activities, monitoring beneficiaries' access to resources, controlling forest fires, ensuring proper methods for collecting resources, and reporting illegal activities;
- awareness of and sensitivity to forestry policy;
- permits for access to various forest resources;
- resource user groups linked to other stakeholders;
- other rural development options, such as alternative income-earning activities;
- shared revenues with NFA and UWA;
- community team building, which improves social cohesiveness;
- transparent negotiations, which builds trust among the parties through mutually agreed rights and responsibilities;
- human and financial capacity building and poverty alleviation.

When properly implemented, this approach can turn local communities into responsible forest managers with a role in forest management and benefits from that role (Forest Department, 1996). CFM is expected to contribute to SFM and poverty alleviation. NFA and UWA report on numerous examples from Budongo CFR, Bwindi, Mount Elgon and Kibaale national parks, but although both civil society and government see CFM as the breakthrough management option, its impact on SFM has yet to be demonstrated and documented. This forest management approach is new – barely ten years old – and only seven CFM agreements have been signed so far between NFA and local communities. The rate of CFM adoption in Uganda is slow.

The following are some of the key challenges facing CFM:

- CFM agreements are designed to favour NFA and UWA, and place many responsibilities on the communities while giving them few or no tangible returns.
- There are uncertainties about the benefits and benefit sharing of CFM arrangements.
- The procedures for signing CFM agreements are long and difficult.
- Forest communities have little awareness of the forestry policy (2001) and NFTP (2003).
- NFA's failure to recognize forest-based enterprises in CFM management plans has a negative effect on the morale of poor communities.

In CFM, the law recognizes rights to use forests only, and does not indicate that a community has ownership rights to the forest it has been allocated.

Tenure rights, security and access

Property and tenure rights are bundles of entitlements defining their holders' rights and duties in using particular resources. They operate alongside property and tenure rules. Property rules regulate how property rights and duties are exercised. Property rights in forest management apply to different forms of ownership, rules of use and methods of control. Two categories of property rights apply to SFM: ownership rights, particularly on land for planting trees; and the rights provided to individuals and investors through, for example, licences, concessions and permits. For example, permits allowing tree planting in government-owned forests provide rights through licences.

For stakeholders to benefit from forest resources, they need to have rights and access to those resources. Stakeholders with such rights and access can earn income from the resources, improve their livelihoods and alleviate poverty. Rights and access to forest resources are useful to stakeholders with sufficient productive resources, particularly capital, labour and knowledge, but stakeholders with limited capacity receive only limited benefits. To receive sustained benefit from forest resources, stakeholders must have the legal right of access to these resources. Benefits from resources that are obtained illegally are not sustainable, because the illegal actions used will be prevented by the resource owners, be they government or private. Legal rights assure continued benefits, thereby encouraging rural people to invest in the forest for long-term benefit.

The reformed laws and policies confer legal rights to forest owners, while informal rights are recognized locally. Under both private and communal property regimes, local forest owners' tenure rights are more secure when they are legally realized and allow owners to benefit from their forests according to traditional rights. The study found that the livelihoods of local forest owners are improved when there is adequate legal back-up for owners to realize their new rights, and those rights are secure. Box 1 describes an example from Budongo, where community members invested their labour and resources in protecting the forest – through boundary opening and prevention of illegal activities – when they were assured of their rights and benefits. A civil society organization and NFA helped the community to realize its rights as provided by law. The extent to which State regulation conforms to local forest management institutions influences the security of rights in State property.

Box 1. Initiating community-based natural resource management

Budongo Forest Conservation and Development Organization (BUCODO) is an association of 41 CBOs and business associations located around the southern part of Budongo Forest Reserve in Masindi. Its member organizations have diverse interests, ranging from the purely commercial, such as the Budongo Pitsawyers' Association, to socially oriented CBOs working on community health and education. BUCODO is owned by its member organizations, from which its board and executive are elected. The organization has become so large that it has subdivided into seven sectors based on specific interests, such as beekeeping, pitsawing, medicinal plant production and essential oil extraction, crafts, and advisory services to farmers, communities and private forest owners.

Among the results that BUCODO has achieved for its members are:

- mobilizing resources from donor and government funds;
- raising key issues related to forest administration for presentation to government by the BUCODO executive;
- capacity building in a wide range of skills;
- networking among different sectors of the organization;
- creating a strong sense of ownership among community members;

- introducing new income-generating activities, such as medicinal plant cultivation and extraction of essential oils, and supporting members of the Budongo Pitsawyers' Association in acquiring licences.

Increasingly, the role of former pitsawyers' associations is being integrated into CFM associations such as BUCODO, with the objective of helping local community members to obtain licences for harvesting timber and other forest products as part of a broader negotiated agreement on community-supported forest management. NFA has shown some willingness to give local community members preferential treatment in obtaining such licences, rather than adhering to the competitive bidding process it applies for other more commercial timber harvesters.

Despite the legal provisions, however, the study found that forests on private land – especially communal land – are not managed to the required standards. The main reason for this is that communities do not know their legal rights; the intervention of NFA (State) and civil society is therefore needed to help communities to understand their rights and how to use them to obtain benefits from their resources. This will encourage communities to manage resources sustainably. Tenure rights and access to forest are provided for in various ways, as detailed in the following subsection.

Access to forest resources

Access and rights to forest resources are vested in private owners (private forests), communities (community /customary forests), NFA (CFRs), local governments (LFRs) and UWA (national parks and game reserves). They are obtained through licences, permits and agreements, which specify the conditions and duration of use, the area and the product(s) to be extracted. Laws and regulations govern access to forest resources on private and communal land, but these resources have been illegally obtained and exploited for a long time because the State has limited capacity to enforce the laws and regulations. As a result, people – especially the rural poor – carry out forestry business on private and communal land without licences and permits. Although poverty has been reduced in some areas, lack of control and regulation of access is a serious threat to the sustainability of forest resources.

Access to protected areas is controlled by NFA, local governments and UWA, which issue licences and permits for activities ranging from timber harvesting and charcoal burning to research and ecotourism. UWA does not issue licences for exploitation in national parks and game reserves. Licences for timber harvesting in CFRs are issued after an open bidding process and licence holders are expected to adhere to certain standards, such as minimizing waste and damage to the forest ecosystem. In 2005 to 2006, eight licences and permits were issued for 153 ha in CFRs, three permits for 40 ha in LFRs, and only 230 licenses for 3 837 447 ha on private land.

CFM initiatives are considered a panacea for reversing forest degradation in protected areas because they encourage local communities to participate in forestry management, through providing benefits for such participation. CFM agreements empower local communities to manage forestry resources sustainably, obtaining such benefits as timber and fuelwood in return. In 2005 to 2006, seven agreements covering 5 800 ha in CFRs were signed for periods of five to 20 years, with 5 412 people participating. Other agreements cover 120 ha of LFRs for periods of five years, with 20 people involved.

Permits for tree planting in CFRs and LFRs by private contractors are issued by NFA and local governments. The price of these ranges from 6 000 shillings (U Sh) to U Sh 25 000, depending on the distance from the capital. So far, 101 176 ha has been allocated for 20 to 50 years, with 2 580 individuals and companies participating. Because of the high charges and stringent conditions, powerful and rich people have secured most of these permits. The rural poor benefit only through employment with private contractors. Annex 1 lists the different types of access, permit, licence and agreement. It is worth noting that contractors must produce a forest management plan and carry out an environmental impact assessment before planting trees in a protected area. These are expensive undertakings, which poor local communities can ill afford to carry out.

Forest tenure, sustainable forest management and poverty alleviation

INTRODUCTION

The contribution of different tenure and forest ownership categories to SFM and poverty alleviation varies. Although favourable national policies exist, support systems for achieving SFM have not been developed and put in place. In Uganda, tenure follows two main systems: State and private. Private tenure includes four categories, with different contributions to SFM and poverty alleviation. Clear differences are observable among these categories: leasehold and freehold tenure includes registered ownership and is secure, while customary ownership is unregistered and does not provide secure tenure.

SFM is a long-term undertaking, requiring much investment and protection of forest resources. This means that it is most likely to be undertaken in areas where there are long-term legal tenure and use rights. Land tenure and rights occur as various ownership documents – concession agreements, cutting permits and proof of customary rights. Several factors ensure SFM, which contributes to poverty alleviation. These factors were considered for each of the tenure types whose contributions to SFM and poverty alleviation were assessed. The factors include presence of a functional management institution, protection and law enforcement, conformity with policies and legislation, presence of management and work plans, budgetary provision for management activities, and contribution to communities' livelihoods.

GOVERNMENT TENURE

There is a management structure in place for forests under State tenure. Government officials manage the forest and are accountable and responsible for ensuring the effectiveness and efficiency of forest management. At the national level, forest tenure types are clearly defined in the forest and land acts and the Constitution. National forestry policies covering several State forests are more stable than those affecting other tenure types. Areas established for strict biodiversity conservation, such as NFA's nature reserves (Howard, Davenport and Kigenyi, 1991) and UWA's national parks, are efficiently protected and contribute to SFM. They also contribute to poverty alleviation in a few communities that benefit from employment and a share in the benefits accruing. For example, until recently, earnings from protected areas were shared with communities according to agreed ratios of 40 percent to the district for development activities and 25 percent to neighbouring villages for such activities as school and clinic construction and micro-finance initiatives. However, the projects supported did not contribute directly to SFM.

UWA has a policy of sharing its revenues with districts in the hope that the money goes to the communities around national parks to improve their well-being. It is assumed that when a community shares the benefits, it will contribute to SFM activities, reduce illegal activities, regard the forest as its own and protect it, as occurred in Bwindi National Park. The major problem is that district authorities do not usually consider local community needs; nor do they pass money on to villages. Government tenure is established through creating PFE by law, managing it through management plans and – to some extent – monitoring it. The establishment of PFE through the law has ensured the permanence of resources, but some areas are affected by several different rights and ownership claims. Most forest reserves are managed for multiple uses, with limited access for communities. The contribution to poverty alleviation varies, depending on the degree of access to resources. In some areas, crop cultivation, light grazing and licences for timber cutting are permitted, which helps to improve people's livelihoods and reduces poverty. Some products are used for food, shelter or to generate money through marketing, and also provide employment. When properly supervised, PFE contributes to SFM (because the forest is maintained), livelihoods and poverty alleviation.

Under State tenure, some degraded areas have been restored, ensuring a healthy, productive and biologically rich forest estate for the long term. This supports SFM and guarantees that resources will be available to communities to help poverty alleviation and improve livelihoods. Innovative activities, such as ecotourism, have been introduced to ensure SFM, and these provide significant benefits to local people and the nation. Ecotourism has proved very successful in the forests of Budongo, Mabira, Bwindi, Kibaale and Mpanga, among others. By involving local communities, ecotourism creates employment and guarantees income to communities with very few

alternative livelihood opportunities. This provides an incentive to protect forest and wildlife without extracting resources.

The State is now allocating forest areas and transferring natural resource assets to marginalized groups, to promote social justice and poverty alleviation, but this aim has yet to be achieved. CFM addresses equity issues (Fisher, 1995), and was conceived to benefit communities through the management of production forests and forest land, and the protection and management of protected areas and multiple-use forests. The government seeks to promote SFM, democratic access to forest resources, and improved social economic conditions in the communities neighbouring forests. It also seeks to decentralize and devolve forest management, conserve biodiversity and maintain environmental services.

It is hoped that this will promote SFM and poverty alleviation through creating employment and ensuring a continuous flow of the goods on which local people depend. However, early experiences of CFM in pilot areas reveal that the transfer of assets to communities has been more of a “paper transfer”. Transfer can be effective only if it is accompanied by the provision of financial and other support from government, civil society and the private sector. Without support to improve their social infrastructure, develop their capabilities to manage forests, and use land for productive household enterprise, it is unlikely that communities will be able to achieve the objectives of SFM. At present, the extent and nature of forest land under community responsibility exceeds communities’ forest management capacity.

There is a need for NFA to develop consensus regarding the provision of forest resource rights to communities. Government should not expect communities to protect forests without benefiting from them, otherwise CFM will become a government tool for carrying out protection work, condemning poor communities to further poverty. Although State regulation of access to forest resources promotes SFM, it can also increase poverty and vulnerability among those whose livelihoods depend on the resources. Conversely, unlimited access results in degradation, so NFA must find a balance that enables communities to attain full control and management over the areas allocated to them through resource management agreements, rather than the resource access agreements that are currently applied.

Having been alienated from their resources, local people are now claiming those resources back, and increased population around protected areas has exacerbated this problem. For example, some villages neighbouring Mount Elgon National Park have population densities ranging from 500 and 1 000 people/km², resulting in felling of the forest up to 4 km from the forest boundary. The US\$3 million invested by the Forests Absorbing Carbon-dioxide Emissions (FACE) Project and the ten years of investment from the World Conservation Union’s (IUCN) Integrated Development through Conservation Project have been wasted. The boundary marker and indigenous trees planted by FACE and covering 300 ha have all been cut, mainly by communities looking for additional land. Management agencies have found it difficult to resolve conflicts. The policies of some government agencies have restricted people’s access to livelihood resources; for example, the change of management regime from forestry to national park has deprived Batwa people in Semliki and Bwindi of access to the forest, because national park law prohibits all access to park resources. This has affected the livelihoods of Batwa people, who are threatened with extinction or have to adopt alien practices.

In focusing on forestry to reduce poverty, the government has changed the law so that NFA and local governments can issue licences to private tree planters for growing trees and managing forest land. These changes in the law have triggered massive investments in tree planting. Secure land tenure for the period of rotation, and rights to the trees planted have contributed to employment creation and the adoption of SFM. NFA’s imposition of conditions on large-scale tree planters, such as the use of good seed and the development of management and work plans, has helped increase the forest area under sustainable management.

Promotion of SFM has suffered because government requires a huge budget to implement its work plan. The decline of available financial support has reduced the resources for forest management, and the cost of managing the forest estate sustainably is too great for current budgets. A number of species in protected areas are therefore threatened by the inability to control illegal activities such as logging and agricultural encroachment. In other cases, the strategy to alleviate poverty and broaden communities’ livelihood opportunities has been rendered ineffective by excessive restrictions and regulation. There are now signs that the State is moving away from its “protect and punish” approach to a “protect, participate and benefit” system (Larsen 2000), as shown in the development of CFM.

The shift in management to achieve SFM objectives of biodiversity conservation, environmental services, poverty alleviation and decentralization started in the mid-1980s, but has not been fully embraced by institutions

and stakeholders. Some government agencies are currently making efforts to direct their budgets, institutional structures and capacities to improving the elements that promote SFM and poverty reduction.

Local governments

Local governments were given the responsibility to establish district forest services, which are charged with issuing permits and licences, collecting fees and taxes for forest produce, and developing and enforcing laws. They are also responsible for managing LFRs, in partnership with communities, the private sector and forest land administration bodies, approving community forests, producing management plans, and monitoring implementation of the forestry policy (2001). If these activities were carried out properly, they would contribute greatly to both SFM and poverty reduction, but because of their limited human and financial capacity, districts have failed to collect revenues, partner local communities and the private sector, and produce management and work plans. This management failure has led to LFRs becoming open-access resources, and most have been encroached on. The Biomass Study Report (MWLE, 2005) estimates the area of LFR forest cover at 1 214 ha, but this study found far less cover of only about 780 ha. Annual district forestry plans are not properly integrated into lower-level work plans and budgets, so local agencies receive very few finances with which to provide forestry services and contribute to poverty alleviation.

The problems facing SFM implementation include the poverty, degradation and small size of the forest patches allocated to districts. Suspension of the sharing of revenue from the CFRs within districts' boundaries, limited financial resources and lack of staff have worsened the situation. Local politicians often encourage local people to commit illegal activities and encroachment in LFRs and CFRs, such as in south Busoga (Mayuge district) and Namatale (Mbale district). The study also noted, however, that in districts with reasonable areas of LFR, such as Mpigi, Mukono, Masindi, Hoima, Kibaale and Kyenjojo, where revenue is earned efforts are made to implement SFM and poverty alleviation activities. Stakeholders in Mpigi district raised and planted more than 5 million seedlings in 2004 to 2005. Districts are also running awareness campaigns, providing training in forest management practices and recruiting.

Only a few district governments have started to collaborate with local communities and the private sector to manage forests. In other districts, this opportunity for improving local people's livelihoods through employment and healthier forest resources has been lost. Healthy forest resources would guarantee revenue now and in the future, but the study found that local leaders tend to promote political agendas only to earn votes. The gestation period of trees is long, so politicians see little benefit in forestry investment because their periods in political office usually end before forestry efforts have borne fruit and can earn votes. Political motives have caused the loss of about 6 000 ha of natural forest in south Busoga, and 8 000 ha in Kalangala.

This study found evidence of LFRs being managed sustainably and contributing to poverty alleviation in only six out of 39 districts.

FREEHOLD AND LEASEHOLD TENURE

These tenure types require money to obtain ownership titles. Freeholders and leaseholders hold large areas of land and are usually in the private sector, including industries and institutions. They have secure tenure and ownership rights to property over long periods. The study found that secure tenure encourages the private sector to invest in forest management, which is usually efficient and effective, especially in the tea estates of Igara, Rwenzori, Kabarole and Kyenjojo. Some free- and leaseholders have invested in SFM by putting in place management structures, budgets and qualified staff to prepare work plans, enforce regulations, control illegal activities and provide employment to local communities. Such tenure holders ensure compliance with legal requirements, and most estates do not have encroachment or illegal resource access. Some have contributed to poverty alleviation and improved community livelihoods by allowing crop cultivation in areas opened for tree planting, thereby helping communities to obtain food. Large forest estates are associated with tea, tobacco, sugar cane, cement and lime factories.

Some institutions, mainly churches, allow underprivileged groups, especially women, to establish and manage woodlots from which to earn income. The most significant contributions to SFM and poverty alleviation occur when private landowners increase the area of healthy forest estate, thereby ensuring resources for the long term. This improves livelihoods, alleviates poverty – mainly through providing employment and tradable forest resource – and protects the environment.

CUSTOMARY TENURE

Since time immemorial, communities have used traditional and customary practices to manage community resources for the good of the community. In areas under customary tenure, the access to and use of many resources are not properly controlled, however, resulting in misuse and abuse. Increasing population and the breakdown of communal control have led to high rates of degradation, deforestation and conflict over resource use and ownership. The law provides for ownership rights and security of tenure, but very few communities are aware of these rights, and traditional rules and regulations persist. Although these protect some trees and forests, communal grazing and the use of fire discourage tree planting and forest management. Customary inheritance laws also lead to land fragmentation, which is not conducive to SFM and normally discriminates against women. These attributes of community tenure do not support SFM.

The Land Act (1998) makes provisions that enable communities to own land legally by forming CLAs, which own the land in their own right. This is expected to promote the responsible management of natural assets on the land, reduce degradation, promote SFM and help communities to alleviate poverty. Unfortunately, no applications have been made to obtain registered landownership certificates, and the study found bottlenecks in the implementation of registration, partly owing to discouragement from politicians and partly to an absence of proper guidelines. Under section 19 of NFTP (2003), any revenue derived from the management of community forest belongs to the responsible body and is to be used for sustainable management of the community. One aspect of CLAs that ensures sustainable resource use is their closing of access to resources for non-members, ensuring that only the communal owners benefit.

Nomination of the responsible agency by the minister, and registering of the CLA are designed to enable the community to own, control access to, manage sustainably and conserve its forests for its own good and that of future generations. Community forests exist – especially in sparsely populated districts of Kyenjojo, Hoima, Masindi, Mubende and Mityana – but although associations have been formed, they have not yet been registered and certificates of title signifying landownership have not been acquired. Customary areas are prone to open access and there is no practice of SFM. Poverty is being alleviated because people have access to resources without hindrance, but this situation is not sustainable.

Indigenous and tribal people, such as the Batwa, have no recognized land rights. They have been marginalized and have lost the use and control of their traditional resources, especially in places where protected areas have been created. The study found that the changes in forest law and policy that ensure secure landownership in private tenure have not yet contributed convincingly to SFM. Instead, forests are rapidly being converted to other land uses that bring quick benefits. The area for tree planting has increased, especially in small woodlots, but less than the area converted to other economic activities, such as agriculture. Monocultures, especially of Eucalyptus, seem to predominate.

Conclusions and the way forward

CONCLUSIONS

There is evidence that SFM in Uganda has been tried on the 30 percent of total forests that are under State ownership, but the remaining 70 percent, which are in private ownership, need to be brought under sustainable management to ensure a secure forest estate. The State recognizes its own lack of ability to manage its estate, and is starting to forge partnerships with individuals, communities and the private sector. Government is now giving long leases and entering into collaborative agreements for managing parts of its estate, which has helped the private sector, communities, NGOs and individuals to establish plantations and to reforest. There are opportunities for promoting SFM in all forest ownership categories, and NFA has stated to implement strategies for this.

The new forestry and land policies provide a great opportunity for recognizing various types of land tenure, especially private and communal ownership, but despite good experiences – from Uganda and elsewhere – of the impact of tenure and user rights on SFM and poverty alleviation, much still has to be done. State management remains the best option in some circumstances, especially for national parks and the protection of forest reserves. State-owned forests are probably the best-managed of the various tenure systems, when budget and staff are available. Areas under CFM, where the State and communities control activities and share benefits, provide a successful example of SFM, especially when management is devolved and funds and capacities are available.

The study found that changes in all types of forest under different tenure systems are not tracked, and the few records that are kept are not properly stored. There are no data on the forest cover under different tenure types, and although data on forest land under State ownership are available, they do not reflect the real extent of forest cover. Further research is needed to establish the extent of forest change – positive or negative – in each tenure system. The private sector is showing increased interest in forest management, especially of plantations, but the management of private forests leaves much to be desired, and the ownership of these forests needs to be registered with the district land boards so that they are included in the PFE and can benefit from government programmes. It has been noted that the emergence of new legal mechanisms to support greater forest tenure rights has not always resulted in robust rights; political, socio-economic and ecological conditions sometimes fail to motivate and sustain local management, and even the establishment of a responsive legal framework might not make any difference (FAO, 2005)

Given the changing trends in forest management in Uganda over the last two decades, and based on comparative analysis of forest management under different tenure and institutional arrangements involving different owner groups, the way forward for forest management should include greater involvement of local people in managing forest resources.

To facilitate the changing trends in forest management and improve forest management's contribution to poverty alleviation, recommendations have been made and are outlined in the following sections. These recommendations recognize constraints as well as opportunities.

RECOMMENDATIONS FOR MONITORING AND PLANNING

The sector investment plan should be linked to district development planning to facilitate the allocation of resources to local governments for the management of natural resources – including forestry-based ones – that target poor rural communities.

There is a need to build the institutional capacity to develop and implement, in a participatory manner, forest plans that are coordinated with other sectors and integrated into district development plans.

Monitoring guidelines should be developed for use at the central and local forest levels, and the sector's performance should be monitored in terms of:

- percentage of land under forest cover;
- increase of land under forest cover;
- distances travelled by local people to collect resources, especially fuelwood.

NFA should be monitored regularly. It is now four years since NFA was approved, but its implementation has been neither monitored nor evaluated. The sector must improve data collection, storage and reporting.

Performance indicators should be put in place to assess improvements or declines in the biodiversity resources of protected areas. Key performance indicators for determining baselines against which to measure periodic improvements – including changes in forest cover – should be identified. Local government officials should be supported and facilitated in carrying out regular forest inspections and producing inspection reports that highlight areas where improvement is needed. Routine reports on the condition of forest resources, forest products and conservation issues should also be produced at regular intervals.

Private forest owners should be supported in surveying and mapping their forests and obtaining standard forestry information, such as maps, resource volumes, management plans and other inventory data. Efforts should be made to survey the 70 percent of forests in private estates.

RECOMMENDATIONS FOR LAW AND POLICY

Forest rules and regulations should be instituted with a view to favouring long-term interest and investments in the forest sector and promoting SFM.

Forest law and policy should provide well-specified incentives and disincentives to deal with existing excesses in the forest sector, especially the ownership of reserved tree species on private land. Incentives could include grants and tax subsidies for people who protect and manage forests on their land, sharing of the revenue from reserved species, compensation for forest conservation via carbon storage, and simplification of the land registration process.

Legal documents are too complex. Many of the policies made at the national level are incomprehensible to the local officials implementing them, not to mention local people. Even the district staff who implement forest policy are not clear about the rights of land users. The language used in policy documents contributes to their complexity.

Because the poor are often unable to use the opportunities the law gives them to achieve the economic benefits of devolution, strengthening poor people's capacity to benefit from forest devolution and decentralization will enable them to emerge from poverty.

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ANNEX 1. LICENCES, PERMITS AND AGREEMENTS ISSUED BY NFA

Performance contract: This is signed between NFA and the Ministry of Forestry on behalf of the Government of Uganda. Because NFA is a government parastatal, it is 100 percent owned by the government. The performance contract ensures the government that the parastatal acts entirely on the government's behalf. The greatest responsibility is managing CFRs, which are held in trust by the government for the citizens of Uganda. NFA should be working to make profit and should become self-sustaining in the long term. The government has a significant stake in this profit, and NFA has to spend it in agreement with the Ministry of Forestry.

Harvesting licences: These vary but are mainly for roundwood, which is auctioned as standing volumes in plantations and logs in natural forests. Licences can also be for poles – construction, fuelwood and transmission – and for harvesting NWFPs, which may include plants, sand and stones, but not animals; licences for animals are issued by UWA.

Research licences: These are issued on receipt of payment, or through acceptance permits when issued to sister organizations such as NARO, universities or people carrying out studies.

Land licences: These are issued to people acquiring land on CFRs for small- or large-scale tree growing. Licences are granted for five to 50 years.

Telecommunication masts: Many hilly areas fall in CFRs and have been attracting investors from TV, radio and telecommunications businesses. Agreements are signed with NFA for using small areas for masts.

Other government ministries and parastatals: Areas for such uses as landing sites, UFA checkpoints and local government roads are assigned on the basis of Memoranda of Understanding, with compensation being paid for the damage caused by tree felling.

Old encroachments with permanent structures: These require the payment of ground rent.

Grazing permits: These are issued for grasslands that have been earmarked for future planting but are not yet ready to be planted.

Ecotourism sites: These include picnic sites and more significant interventions involving the construction of ecotourism bandas and lodges on NFA land, such as in Kalangala and Mabira.

CFM agreements: These are signed for the management of CFRs by neighbouring communities, for mutual benefits.

Sugar cane and farming permits: These are not common, but some CFR land acquired through high-level government intervention is licensed for non-tree crops – for example, in Butamira. NGOs, CBOs, stakeholders and individuals are strongly opposing a proposed new licensing system for change of land use.

ANNEX 2. STRATEGIES FOR THE SUSTAINABLE MANAGEMENT OF PRIVATE FORESTS

- Deepening understanding of the complexities of private and customary forest management.
- Developing guidelines for the management of private and customary forests.
- Creating awareness of ownership rights, opportunities and obligations for the owners and users of private- and customary-managed forest.
- Developing incentives to encourage private and customary forest owners and users to set aside natural forest as permanent forest land.
- Securing tenure for private and customary forests.
- Developing the capacity of forest owners and users to manage their forests effectively.
- Developing the capacity of government institutions and service providers to supply extension support and advice.
- Monitoring the ownership and management of private and customary forests.

Source: MWLE, 2002b.

ANNEX 3. PLANNING AND MONITORING RESPONSIBILITIES IN EACH TYPE OF OWNERSHIP

Land tenure type	Features	Ownership of trees	Control and regulation	Planning and monitoring system
1. Customary land tenure	Individual settled holdings Communal areas with no permanent individual holdings	Trees owned by individuals – e.g., west and southwestern Uganda, Busoga and Bugisu Trees owned by clans and families, especially in Teso, northern Uganda.	Individuals own trees Regulation by government but proceeds to owner Trees owned by community Regulation by government on harvesting and transport	Guided by NFTP 2003 DFO and land board control where trees are communally owned Individuals guided for management and harvesting FID monitoring in field
2. Mailo land tenure	Land registered as private property, mainly in Buganda and Bunyoro Land owned by Kabaka and former chiefs Land with legally settled tenants	Valuable trees belong to landowner, not tenant Discourages tree planting by tenants Trees usually private property of landowner Many absentee landowners know little about their own forests	Landowner has much say in use of trees Absentee landowners lose control of management; trees stolen and land degraded Regulation by government and DFO for harvesting and movement	DFO guides planning and management DFO supervises harvesting licences and transportation Government compensating absentee landlords in Kibaale, Bunyoro FID monitoring in field
3. Freehold land tenure	Land is private property Mainly missionaries and big planters	Owner of title owns trees Some subleasing and trees owned by lessee Most secure tenure in Uganda	FID for guidelines DFO for regulation, licences for harvesting and transport	Within general FID planning structure DFO monitors performance and harvesting Individual management plans approved by DFO/FID NEMA regulations
4. Leasehold land tenure	Contractual arrangement between leaser and lessee Condition of lease given Tree planting allowed for period of lease Can be on mailo, freehold or land controlled by Uganda Land Commission or district land board	Trees on unleased land under customary tenure Trees belong to mailo or freehold owner, unless leased Trees paid for before leasing on mailo and freehold Own trees by lease agreement	FID for guidelines Leaser insists on lease agreement DFO for licences, harvesting and transport. May discourage planting of trees that grow beyond time of lease	Planning and monitoring according to NEMA regulations Owners have interest in monitoring throughout period of lease Leaser may follow up what is grown to promote conservation NEMA regulations
5 State and government land, usually Uganda Land Commission and district/city land boards				
a) LFRs	Reserved for forestry, but fall under districts Held in trust for people of Uganda by government	Trees owned by respective local government, especially district	Under DFO, with management plans approved by district and Ministry of Forestry Regulated under NFTP, and other regulations through FID	Fall in both ministry and district plans District and DFO monitor performance Central government may intervene when badly managed by district NEMA regulations
b) CFR	Reserved for forestry under NFA management Held in trust for people of Uganda by government	Trees owned by government for people of Uganda Managed by NFA as a government parastatal. Used by NFA under performance contract	NFA management plan approved by ministry Overall control by government NFA board Change of use approved by Parliament	Performance contracts between NFA and government Minister and NFA board oversight NFA controls fieldwork and licensed holders NFA staff use NFTP 2003 NEMA regulations
c) Forests in wildlife	Forests in national parks	Trees owned by	UWA uses overall plan for	Performance contracts

protection areas	and game reserves	government for people of Uganda Managed by UWA as a government parastatal Generally protected from harvesting	flora and fauna Control by UWA board Change of use approved by Parliament	between UWA and government Oversight by board/minister UWA for all fieldwork Wildlife Act guidelines NEMA regulations
d) Forests in wetlands (excluding forest and wildlife reserves)	Forests in wetlands formerly not gazetted but going to be gazetted soon	Trees owned by government for people of Uganda Managed by wetland section of MWLE, in collaboration with district governments Only a little regulated harvesting	Controlled by National Environment Statute with powers to responsible ministry, NEMA and districts	Oversight by ministry, NEMA and districts Wetland for all fieldwork planning and oversight Environment Statute guidelines NEMA regulations
e) Urban forest and trees	NFA and district manage CFRs and LFRs Urban acts guide planting of other trees	Trees owned by institutions and individual compounds but regulated Trees in streets and parks owned by urban council	Town planning regulations and guidelines Health regulations Road reserve regulations NFTPA 2003 rules	Mainly urban planning rules NFTPA 2003 guidelines Town council rules Health regulations NEMA regulations
f) Trees on other government land (excluding protected areas=	In government institutions, schools, hospitals Road reserves Prison lands, military bases, farms, ranches Other State land vested in Uganda Land Commission, district/city land boards, earmarked for future use	Uganda Land Commission District /city land boards Central and local government Delegated autonomous institutions	NFTPA 2003 FID, DFO, management boards of institutions with regulations	Government, district governments, DFO FID, delegated management boards Civil society pressure groups NEMA regulations

ANNEX 4. HISTORIC AGREEMENTS BETWEEN PROTECTORATE GOVERNMENT AND NATIVE AUTHORITIES

Annex 4a. Native Agreements (Buganda): The Uganda Agreement (1900)

The Land of the Kingdom of Buganda shall be dealt with in the following manner.

Assuming the area of the Kingdom of Uganda, as comprised within the limits cited in this agreement, to amount to 19 600 square miles, it shall be divided in the following proportions:

Forests to be brought under control of the Uganda administration.

Waste and uncultivated land to be vested in Her Majesty's Government, and to be controlled by the Uganda Administration, 1 500 square miles.

The aforesaid 9 000 square miles of waste or cultivated, or uncultivated, land or land occupied without prior gift of the Kabaka or chiefs by bakopi or strangers, are hereby vested in Her Majesty the Queen of Great Britain and Ireland, empress of India, and Protectorate of Uganda, on the understanding that the revenue derived from such lands shall form part of the general revenue of the Uganda Protectorate, 9 000 square miles.

The forests, which will be reserved for government control, will be, as a rule, those forests over which no private claim can be raised justifiably, and will be forests of some continuity, which should be maintained as woodland in the general interests of the country.

Until Her Majesty's Government has seen fit to devise and promulgate forestry regulations, it is not possible in this agreement to define such forest rights as may be given to the natives of Uganda; but it is agreed, on behalf of Her Majesty's Government, that in arranging these forestry regulations, the claims of the Baganda people to obtain timber for building purposes, firewood, and other products of the forests or uncultivated lands, shall be taken into account, and arrangements made by which under due safeguards against abuse these rights may be exercised gratis.

H.H. Johnston, Her Majesty's Special Commissioner, Commander-in-Chief and Consul-General, on behalf of Her Majesty the Queen of Great Britain and Ireland, Empress of India.

Apollo Kagwa (Prime Minister), on behalf of the King of Buganda and Baganda County Chiefs

1. The demarcations of estates provisionally made as recited shall not be altered by anyone except the government surveyor on survey.

2. Isolated pieces of forest land which do not exceed half a square mile in area may be included in native estates. Pieces of forest land, not being strips of forest land as hereinafter described, which exceed half a square mile in area may not be included in native estates, but are absolutely vested in the government as government forest land. Provided that the Baganda people may obtain from government forests timber for building purposes, firewood and other products of the forests for their individual domestic use only, or timber for the erection of the buildings to be used by the Baganda for religious or educational purposes, such buildings and purposes to be approved by the Commissioner. Subject always to such regulations, restrictions or reservations as the government may think fit from time to time to make or impose either generally or in respect to any particular forest. For the purpose of this agreement an isolated piece of forest land shall be taken to include:

- a. A piece of forest land not exceeding the area of half a square mile which is completely isolated.
- b. A piece of forest land not exceeding in area half a square mile which is connected with a piece or pieces of forest land, either less than or exceeding half a square mile, by a strip or strips of forest land not exceeding 300 yards in width.

3. Strips of forest land not exceeding 300 yards in width may be included in native estates, provided that such strips do not join two pieces of forest each exceeding half a square mile in area.

For the purpose of this agreement a strip of forest land shall be taken to mean forest land not exceeding 300 yards in width, and any forest land exceeding 300 yards in width shall not be deemed to be a strip of forest land, save as is provided in clause 5 hereof.

4. In the case where forest land is intersected by streams or swamps.

Where such stream or swamp is less than 200 yards in width, such forest land shall be deemed to be joined together and form one piece of forest land for the purposes of the measurements aforesaid, in the same way as if such stream or swamp did not exist, and in reckoning such measurements as aforesaid, the width of the stream or swamp shall

be excluded. Provided always that instead of the width of a strip of forest land being 300 yards the width of such strip shall be 400 yards.

5. As regards forest land on some of the islands, it may be essential, owing to the geological formation, that a certain proportion of forest shall be reserved to the claimant of cultivated land to allow for part of such land to lie fallow; such claimant may, on proof being given to the satisfaction of the Commissioner of the necessity as aforesaid, include forest land in his private estate not exceeding one-half of the actual area under cultivation at the date of this agreement.

6. All forest land shall be subject to such regulations and rules as may be instituted by the government for the regulation, safety, and good and wise use of forests in the protectorate generally, and the regents and chiefs undertake properly to enforce those regulations and rules.

7. Certain forests have already been declared by the Lukiiko to be government forests. The names of such forests so declared government forests up to date are for the purpose of record stated in the schedule hereto and are government forests.

8 This Memorandum of Agreement is made subject to the approval of His Majesty's Secretary of State for the Colonies.

9. This Memorandum of Agreement may be cited as "The Uganda Memorandum of Agreement (Forest), 1907". It has been done in English and Luganda, and in the construction thereof the English version shall prevail.

Annex 4b. Native Agreements (Toro): The Toro Agreement, 1900

Between Sir Henry Hamilton Johnston, KCB, Her Majesty's Special Commissioner and Commander-in-Chief for the Uganda Protectorate and the adjoining territories representing the Government of Her Britannic Majesty the Queen of Great Britain and Ireland and Empress of India on the one part, and the Kabaka and chiefs of the district of Toro on the other part.

All the waste and uncultivated land which is waste and uncultivated at the date of this agreement; all forests, mines, minerals, and salt deposits in the Toro district shall be considered to be the property of Her Majesty's Government, the revenue derived there from being included within the general revenue of the Uganda Protectorate; but the natives of the Toro district shall have the same privileges with regard to the forests as have been laid down and formulated in the aforesaid regulations in force in the Uganda Protectorate as are applicable to the natives of each province or other administrative division of the protectorate within such province or administrative division. Her Majesty's Government shall have the right of enforcing on the natives of the Toro district, as elsewhere in the Uganda Protectorate, the protection of game; and in this particular it is hereby agreed that within the Toro district the elephant shall be strictly protected, and that the killing or the capture of elephants on the part of the natives of the Toro district shall be regulated by the principal European official placed in civil charge of this district.

Signed by the within-named Sir Henry Hamilton Johnston and the Kabaka and chiefs of Toro at Fort Portal on the 26 June 1900.

Annex 4c. The Bunyoro Agreement, 1933

An agreement made this twenty-third day of October 1933, between His Excellency Sir Bernard Henry Bourdillon, Knight Commander of the Most Excellent Order of the British Empire, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Uganda Protectorate (hereinafter called the Governor) for and on behalf of the Government of the said Protectorate of the one part and Tito Gafabusa Winyi II, Mukama of Bunyoro (hereinafter called the Mukama) by and with the advice and consent of the Rukurato for himself and his successors in office for and on behalf of the native inhabitants (hereinafter called the people) of the district of Bunyoro in the Uganda Protectorate of the other part.

Whereas it is expedient to define the rights and privileges of the Mukama and relations which shall exist between the Governor and the Mukama and the people, during the currency of this agreement.

Now, therefore, it is agreed as follows:

1. The control of all existing forests and all areas hereinafter declared to be forests shall vest in the Governor subject to the right of the natives to take forest produce in accordance with the procedure laid down from time to time by protectorate laws. If, however, the native government desire to exploit any forest, which is not being developed or exploited by direction of the Governor, and the exploitation or development of which does not form

part of any general plan approved of by the Governor, then their wishes will receive the sympathetic consideration of the Governor.

2. The property in all minerals and all mining rights in the Obukama bwa Bunyoro-Kitara are vested in the Governor on behalf of His Majesty's Government. The Governor may grant to the Mukama or to the people the right to work the salt deposits at Kibiro and the graphite deposits at Kigorobyia and any other mineral deposits which are required to meet the normal domestic or agricultural needs of the people, on such terms and conditions as may be agreed upon.

3. In the event of any considerable mineral development taking place the Governor will consider what share, if any, of the royalties collected shall be paid to the native government.

4. All natives shall have the right of fishing in all public waters subject to the provisions of the sleeping sickness rules and all other protectorate legislation from time to time in force.

5. No game reserve shall be proclaimed in the Obukama bwa Bunyoro-Kitara, nor shall any alteration be made in the boundaries of the existing game reserve unless the Governor shall first have consulted the Mukama and given full consideration to his wishes. In deciding upon the policy to be adopted in regard to the preservation of game, the Governor shall give full consideration to the agricultural needs of the people. So long as in the opinion of the Governor elephants are not unduly depleted the Mukama shall be granted annually a free licence for two elephants.

6. This agreement may be cited as the Bunyoro Agreement 1933. It has been done in English and Lunyoro and in the construction thereof the English version shall prevail.

Annex 4d. Native Agreements (Ankole): Volume VI: The Ankole Agreement, 1901

Agreement between Frederick J. Jackson, Esq., CB, His Majesty's Acting Commissioner and Consul-General for the Uganda Protectorate and the Adjoining Territories, representing the Government of His Britannic Majesty the King of Great Britain and Ireland, and Emperor of India, on the one part, and the Kabaka and chiefs of the district of Ankole, on the other part.

All the waste and uncultivated land which is waste and uncultivated at the date of this agreement, all forests, mines, minerals, and salt deposits in the Ankole district shall be considered to be the property of His Majesty's Government, the revenue derived there from being included within the general revenue of the Uganda Protectorate; but the natives of the Ankole district shall have the same privileges with regard to the forests as have been laid down and formulated in the regulations in force in the Uganda Protectorate as are applicable to the natives of each province or other administrative division of the protectorate within such province or administrative division.

His Majesty's Government shall have the right of enforcing on the natives of the Ankole district, as elsewhere in the Uganda Protectorate, the protection of game and in this particular it is hereby agreed that within the Ankole district the elephant shall be strictly protected, and that the killing or capture of elephants on the part of the natives of the Ankole district shall be regulated by the Sub-Commissioner of the Western Province.

ANNEX 5. STRATEGIES FOR SFM ON GOVERNMENT LAND

- *Urban CFRs:* Inevitably, urban areas occupied by CFRs may be needed for town expansion and many fall in the planning areas. The policy is for urban authorities to apply to government for land to be taken from CFRs; land of a similar area is then replaced by the urban authority in exchange. The agreement is concretized after parliament has approved the proposal, the new land has been gazetted, and the former CFR area has been degazetted.
- Strengthening MWLE structures, capacity and processes.
- Establishing NFA for the improved management of CFRs.
- Managing LFRs in partnership with local communities and the private sector.
- Improving institutional collaboration in the management of PFE.
- Improving protection of boundaries, forest resources and watersheds in PFE.
- Improving management planning for PFE.
- Developing collaborative forest management partnerships with local communities.
- Promoting private sector enterprises that deal in forest products and services from PFE.
- Conserving forest biodiversity.

Source: MWLE, 2002b.

ANNEX 6. EXAMPLES OF DIRECT BENEFITS FROM FORESTS AND TREES

- Forests provide income through employment or the sale of forest products. It is estimated that forestry creates about 850 000 jobs in Uganda. The majority of these are informal, related to the collection of domestic fuelwood, but as many as 100 000 people are employed full-time and earning wages in more formal sectors, such as charcoal production, plantation management, forest industries and institutions. Incomes derived from the sale of NWFPs, such as bushmeat, medicines, rattan and bamboo, craft materials and food, are estimated to be about U Sh 66 billion/year. Some studies show that poor households in forested areas earn up to U Sh 130 000/year from the sale of such products at times when there are gaps in alternative income sources, such as wage labour or the sale of farm products.
- Fuelwood is the main source of energy for domestic cooking, heating and lighting. More than 90 percent of Ugandans use fuelwood as their main or only source of energy, consuming 16 million tonnes each year as domestic fuelwood, and 4 million tonnes as charcoal. Fuelwood shortages are increasing in many districts, and women and children are especially affected, as they must walk further and further to collect fuelwood.
- Forest products are among the most important free goods produced in nature, and are critical to poor subsistence households. Shelter and food security are overriding priorities for poor people, and products such as materials for housing and farm implements, animal and vegetable forest foods that enhance nutritional status, and herbal medicines for a variety of illnesses are harvested free from natural forests. More than 75 percent of the world's population depends on traditional medicines, many of which are harvested from the wild. Women, children and the elderly are particularly dependent on these wild resources.
- Forests provide safety nets against shortages of food, fuel and income and against ill health. These are especially important at times of natural or economic shocks, which perpetuate vulnerability and poverty. The natural diversity found in forests helps to protect rural families from drought, floods, drastic market fluctuations that affect the prices of the commodities they grow and sell, and insecurity resulting from war and displacement.
- Cultural and spiritual values of forests enhance social capital and the sense of well-being. Forests and natural diversity hold special significance for many communities, providing the basis for religious beliefs and traditional knowledge. Through ecotourism, which can provide sources of income and development for poor people, outsiders are increasingly recognizing these values.

Source: MWLE, 2002b.

ANNEX 7. EXAMPLES OF ENVIRONMENTAL AND AGRICULTURAL BENEFITS OF FORESTS AND TREES

- Forests protect watersheds. Uganda has many major watersheds where forests are crucial for maintaining constant water supply and supporting productive agriculture and fisheries. The Rwenzori mountains and Mount Elgon represent the primary water source for 3.2 million people, but forest destruction over the last decade has led to decreased water flows in main streams from the mountains.
- Forests and trees protect and improve soils and substantially increase crop yields. Forests and trees in and around agricultural systems reduce topsoil erosion and water runoff, increase water infiltration, and improve soil fertility and crop yields. For example, in hilly areas of Kigezi, seven out of ten farms with contour hedgerows have an average of 14 cm more topsoil than those without hedgerows after three to six years of growth. This represents 79 tonnes of soil conserved for every 100 m of hedgerow, or US\$700 000 worth of available nutrients (at market prices) for every 1 million trees and shrubs planted. Crop and tree fallow rotations can add 100 to 150 kg/ha of nitrogen, and enough fuelwood for seven families for a year. In contrast, farms with poor tree and soil management are losing soil nutrients at a rate that is seven times that of fertilizer imports into Africa. These recent findings from the International Center for Research in Agroforestry (ICRAF) demonstrate the substantial impact of tree management in farming systems.
- Forests improve local, regional and global climates. They influence micro-climates and, possibly, local rainfall patterns, and thus support agriculture. Forests absorb carbon, and there is growing interest in the role that Uganda's forests can play in helping the carbon balance of the atmosphere.
- Forests contain rich biodiversity of national and international importance. Because of its wide range of ecosystems, Uganda contains internationally significant biodiversity. It is one of the most species-rich countries in the world for its size, with about 315 species of mammals, more than 1 000 species of birds and 1 200 species of butterflies. In only 0.02 percent of the world's land area, Uganda contains 11 percent of its bird species and 7 percent of its mammals. As well as the tourism potential of this biodiversity, there is considerable economic value from plant and animal genetic resources that provide medicines and agricultural crops.

Source: MWLE, 2002b.

ANNEX 8. AN INITIATIVE TO ESTABLISH SAWLOG PLANTATIONS: SPGS

This is a special fund managed by NFA to encourage the private sector to establish commercial timber plantation in Uganda.

Because of the long-term engagement required, coupled with the high investment costs, timber growing remains an unattractive investment area for the private sector, hence the establishment of this fund.

The purpose of the fund is to subsidize tree growers establishing good-quality timber. Plantation establishment requires high financial investments, especially in the initial years, and revenue starts to be generated only after many years. Money from the fund is available over a three-year period as non-refundable grants to individuals and corporate entities investing in tree plantations of at least 25 ha for timber and large poles. NFA has strict standards that have to be complied with before the money is disbursed. The full payment is U Sh 600 000/ha, which is 50 percent of the average establishment costs. Funds are disbursed in two or three instalments, depending on the species; the first instalment is paid during the first six months, and the second and third in the second and third years, respectively.