Food and Agriculture Organization of the United Nations

Status of community-based forestry and forest tenure in UGANDA



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1. Background and objectives

The United Nations Food and Agriculture Organization (FAO) and Uganda's Forest Sector Support Department (FSSD) under the Ministry of Water and Environment (MWE), implemented the Improving Governance of Forest Tenure Project between 2014 and 2016, with financial support from the Department for International Development (DFID), and in collaboration with local NGOs and communities. Informed by the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (VGGT),[1] the project aimed to formalize and strengthen tenure security of Ugandan communities and smallholders, especially to their customary forests, through a pilot process.[2] Under the project, a review of the status of Uganda's forests revealed that private forests are experiencing extremely high levels of degradation due to tenure insecurity and resulting open access situations prevailing in these forests (MWE, 2016). Two assessments, one on forest tenure and another on community-based forestry, were conducted to further understand the reasons for the high levels of deforestation and opportunities for addressing them. This brief presents the key findings of the assessments. The findings were instrumental in guiding project activities and national policy dialogues and can serve to guide other forest sector projects in the country.

[1] *The VGGT represent the first comprehensive international instrument on tenure available online at: http://www.fao.org/docrep/016/i2801e/i2801e.pdf.*

[2] *The project piloted the process for registration of six community and 50 private forests in the Lamwo, Masindi and greater Bushenyi (including Rubirizi) districts. The project developed popular versions of the guidelines on the registration process for private, community and household natural forests, raised awareness of potential beneficiaries on benefits of registration, trained government and non-government stakeholders in the registration process and in developing forest management plans (NGOs, communities, smallholders), and assisted the pilot communities and smallholders in completing their documentation and approvals for registration. Final declaration of these private community and household natural forests was not possible due to the change in government and unavailability of the MWE Minister for site visits, sign-off and declaration.*

Key messages

- Uganda's forest cover has sharply declined, from 4.9 million hectares in 1990 to 1.8 million hectares in 2015, equivalent to an average loss of approximately 122 000 hectares per year. Reductions are occurring mainly in private community and household forests and are attributed to forest clearance for agriculture, urbanization, felling of trees for firewood and charcoal, and illegal and unregulated trade of forest products.
- The 1995 Constitution and the 1998 Land Act brought about ground-breaking reforms in Uganda by giving legal recognition to customary land ownership and use. The National Forest Policy (2001) and the National Forestry and Tree Planting Act of 2003 that followed, provided for public engagement in forest management, while the Uganda Wildlife Act (1996, Cap 200) recognized customary rights of local communities in wildlife conservation areas. As a result of these reforms, Uganda supports four key regimes for community-based forestry: Collaborative Resource Management in wildlife conservation areas, Collaborative Forest Management in central and local forest reserves, and Community and Household Forests on private lands. As of 2015, the wildlife conservation areas and government forest reserves together constituted 62 percent of total forest land, while private forests constitute 38 percent of the country's forest land area.
- Collaborative Resource Management (CRM) and Collaborative Forest Management (CFM) are secured through 10-year agreements between communities and the government authorities for wildlife conservation areas and central forest reserves respectively. Community rights are limited to meeting subsistence needs. Restrictions are high for Collaborative Resource Management in which communities have no control over decision-making. While communities in both Collaborative Resource Management and Collaborative Forest Management regimes are assigned forest protection responsibilities, Collaborative Resource Management communities tend to earn income derived from tourism revenue sharing schemes. Establishing Collaborative Resource Management and Collaborative Forest Management agreements is costly and time-consuming. Implementing agencies have limited staff and capacity, keeping the number of functional regimes small and covering a limited area.
- Communities and smallholders enjoy a wide range of rights when exercising forestry on private land. But in the absence of support for planning, monitoring and management, these forests have declined from 68 percent of total forest to 38 percent between 1990 and 2015. Government institutional capacity to support these regimes is weak. The government encourages registration of such community and household forests, but none have been registered to date due to costly and cumbersome processes. In the case of Collaborative Forest Management in forest reserves and community forests on private lands, the Ministry wields considerable authority and can cancel these rights. This undermines the tenure security of right holders, especially in a country where land acquisitions are rife.
- Recommendations are to: a) strengthen the technical and financial capacity of departments/units responsible for supporting community-based forestry, including by channelling revenues collected by local governments from marketed forest products, payment for ecosystem services, carbon credit schemes and ecotourism development; b) assign Collaborative Resource Management and Collaborative Forest Management communities a mandatory minimum bundle of rights under the law that align with local customary rights and uses of forest resources; c) streamline and reduce the costs for establishing Collaborative Resource Management and Collaborative Forest Management regimes as well as for the registration of private community and household forests; d) protect the customary tenure rights of communities and smallholders, even when those rights are not registered; e) support communities and smallholders to obtain greater benefits from forests and high-value forest products, hence reducing incentives to convert forests to other land uses; and f) replicate the success of plantation forestry income-enhancement programmes to community and smallholder household forests.

The forest tenure and community-based forestry assessments were completed in 2016 using FAO frameworks (2019a, 2019b). The forest tenure assessment sought to evaluate the policies, laws, institutions and tenure administration in Uganda with respect to the principles of the VGGT and identify and prioritize actions for strengthening governance of forest tenure in the country (FAO, 2019a). The general principles of the VGGT used in the analysis included recognition of rights, protection of tenure rights, enjoyment of rights, provision of access to justice, and prevention and resolution of disputes and corruption. The community-based forestry assessment sought to identify forest-management systems in Uganda that promote people's participation in governing and managing forests (FAO, 2019b). The assessment looked at how community-based forestry regimes are implemented, their level of institutionalization

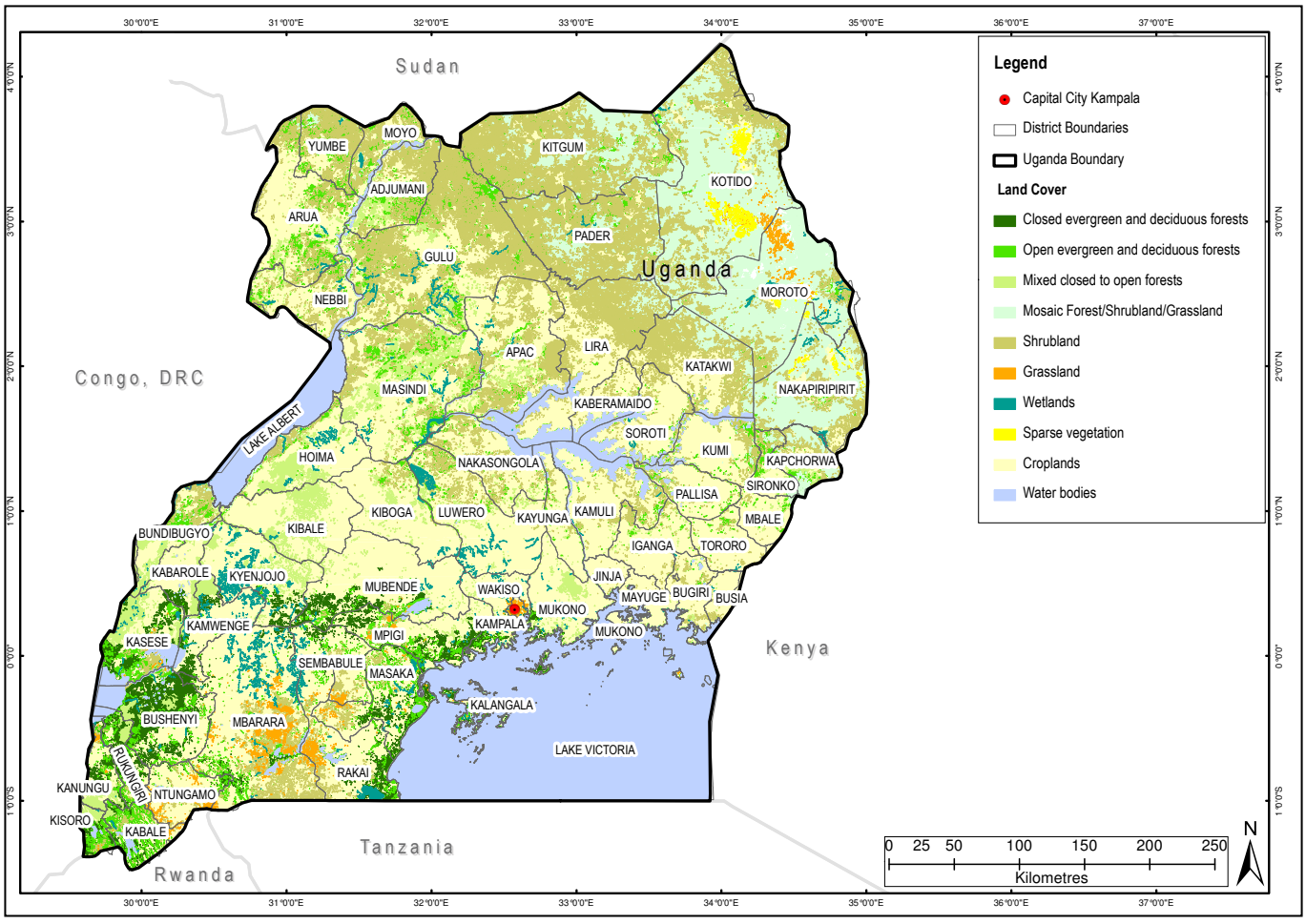
in government and civil society, and the tenure rights and responsibilities associated with the regimes. The framework assessed the extent and effectiveness of the regimes with respect to improvements in natural capital; social, institutional and human capital; as well as financial capital.

Both the assessments reviewed four tenure regimes: Collaborative Resource Management (CRM) implemented in wildlife conservation areas, Collaborative Forest Management (CFM) implemented in central and local forest reserves, and Private Forest Ownership implemented by communities and individual households on private lands. Both assessments used qualitative methods, including reviews of secondary information, key informant interviews and a validation workshop aimed at filling knowledge gaps and helping government and non-government stakeholders arrive at a common understanding of concerns and recommendations.

2. Country context

2.1. Types and status of forests

Forests cover approximately 1.8 million hectares (or nine percent) of Uganda's total land area of 20 million hectares (MWE, 2016) and include evergreen and deciduous forests, shrubland, grassland and wetland areas. Uganda's forest cover declined from 4.9 to 1.8 million hectares between 1990 and 2015 (MWE, 2016). In 1990, public forests including protected areas and forest reserves formed 32 percent (or 1.6 million hectares) and private forests 68 percent (or 3.3 million hectares) of the total forest area of 4.9 million hectares. By 2015, the protected forests constituted 62 percent (or 1.1 million hectares) and private forests 38 percent (or 0.7 million hectares) of the 1.8 million hectares total forest area (MWE, 2016). Thus, private (community and



Uganda's land and forest resources. Source: NASA Earthdata.

household) forests experienced losses three times greater than public forests during the 1990-2015 period. Most losses in private forests are attributed to forest clearance for agriculture, fuelwood harvesting, urbanization, illegal and unregulated trade in forest products, and insecure tenure (MWE, 2016). Whereas the bulk of deforestation is occurring on private land, protected areas are also under threat, with several forest reserves targeted for degazettement for foreign investment, industrial development and housing (USAID, 2010).

2.2. Legal and institutional framework governing community-based forestry

The 1995 Constitution and 1998 Land Act in Uganda introduced significant land reforms by giving legal recognition to customary land ownership and use. The Uganda Wildlife Act (1996, Cap 200) further recognized historic rights of local communities in wildlife conservation areas. The National Forest Policy of 2001 and the National Forestry

and Tree Planting Act (NFTPA) of 2003 that followed provided for significant public engagement in forest management. In particular, the National Forest Policy of 2001 called for promoting innovative approaches to community participation in forest management on government and private forest lands. This was aimed at reversing protectionism in forest management as well as the destructive practices associated with open access forests. The National Forestry and Tree Planting Act (NFTPA) (2003) and the Uganda Wildlife Act (1996, Cap 200) lay out specific approaches for promoting community participation.

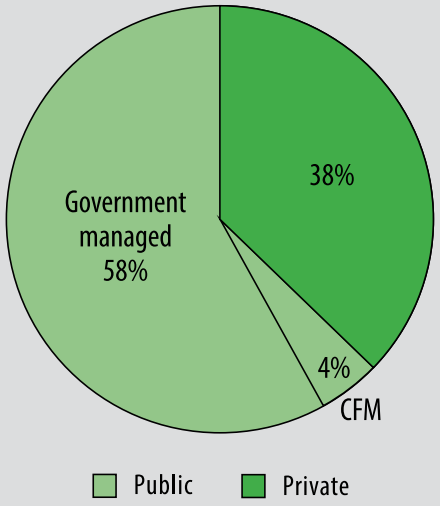
Guided by this legal framework, forests in Uganda now include: i) public or government forests, specifically the central forest reserves, local government forest reserves and wildlife conservation areas; and ii) private forests, in particular community forests and other forests owned by individuals, companies, organizations or public institutions.

Much of the forestry sector is overseen by the MWE. The FSSD serves as the technical arm of the Ministry responsible for formulating forestry policies and providing technical support to the forestry sector. The National Forest Authority (NFA), an autonomous agency, is responsible for the management of central forest reserves. Meanwhile the Uganda Wildlife Authority, overseen by the Wildlife Conservation Department of the Ministry of Tourism, Wildlife and Antiquities is responsible for the management of wildlife conservation areas including national parks, wildlife reserves and wildlife sanctuaries.

2.3. Forest tenure and management regimes

Of the 1.8 million hectares of forests, government-owned forests constitute 62 percent (1.1 million hectares) and private forests 38 percent (0.7 million hectares) (MWE, 2016). See Figure 1.

Figure 1: Forest ownership



Note: *The extent of CRMs is unknown, as are the extents of community and individual private forests.*

Community Resource Management (CRM). Consolidated data on the spatial extent of CRM are lacking. CRMs in wildlife conservation areas are governed under the Uganda Wildlife Act (1996). They allow the Uganda Wildlife Authority to enter into agreements with communities and others for the management of protected areas. CRMs are intended to reduce pressure on protected areas by promoting tree-growing for local use of firewood and timber, add value to resources, promote alternative livelihoods outside of protected areas, regulate community access to resources, promote benefit-sharing, and strengthen community participation in managing these areas. Community participation in the management of wildlife conservation areas began in 1992 in Bwindi Impenetrable National Park and later spread to other national parks and game reserves.

CRMs are secured through 10-year agreements between communities and the Uganda Wildlife Authority. Rights of communities are limited to subsistence use of selected non-wood forest products (NWFPs) and firewood and accessed through a permit system granted to the registered community resource user groups. Harvesting of timber and any other high-value resource by the community is prohibited. In terms of income, communities may benefit from beekeeping in buffer zones, and park revenues (20 percent of park entry fees) where tourism is developed, along with limited extraction of craft materials and bamboo. The CRM agreements specify rights, quantities and collection times that are confined to multiple use zones or collaborative management areas. The agreements are renewable and are reviewed every five years.

While the 1996 Wildlife Act recognizes historic rights of local communities, it does not provide for formal recognition of these rights. Communities are expected to support the authorities with fire control, patrolling boundaries and reporting rule violations. All decision-making remains in the hands of the Wildlife Authority. Communities have no rights to compensation in case of withdrawal of rights. Nor are there any easily accessible dispute resolution mechanisms in place for communities to seek redress if they feel their rights are not being upheld. Overall, CRM regimes provide very limited use rights while saddling communities with responsibilities for conservation and protection. In addition, the process of formalizing CRMs tends be lengthy and very bureaucratic.

Collaborative Forest Management (CFM). According to the National Forest Authority, CFM regimes occupy 75 397 hectares in a total of 21 central forest reserves, amounting to approximately 12 percent of the total central forest reserve area or 4.1 percent of the total forest area of Uganda. These regimes provide for local communities to support forest management in central and local forest reserves through mutually beneficial arrangements.

The National Forest Authority may establish CFMs in central forest reserves, while the Ministry of Local Government may establish them in local forest reserves through District Forest Services. CFM guidelines specify its objectives as rehabilitation of degraded forests, maintenance of boundaries, regulation of access to forest products, and law enforcement through public participation. The emphasis is on rehabilitation and maintenance of forests rather than on supporting local livelihoods. The guidelines outline the process for establishing CFMs, emphasizing the need to conform to pre-established management plans. The CFM guidelines provide mechanisms for settlement of disputes over rights contained in the agreements or memoranda of understanding with communities.

As with CRMs, CFMs are secured through 10-year agreements between communities and the government. Use rights are spelled out in the agreements, which in turn are informed by the Forest Management Plans of the reserves. In general, the regime allows communities to harvest NWFPs and fuelwood from forest reserves, primarily for subsistence purposes accessed through permits. Members may sell excess gathered, especially products of trees planted by them. Harvesting levels and collection days are typically detailed in the agreements. Communities may generate income through beekeeping, enrichment planting as well as by establishing and managing tree plantations. Timber harvesting and mining are permitted if a licence is obtained and the fees are paid. With the exception of areas where communities have been allowed to plant trees, communities have very limited management rights with little influence in decision-making, planning and regulating use. CFM communities may receive financial and technical support from the National Forest Authority, including provision of seeds and seedlings. CFM guidelines provide mechanisms for the settlement of disputes over rights contained in the agreements. The agreements are usually reviewed after five years and may be modified or cancelled in case of serious breach of agreements. Communities do not have a right to compensation in case of withdrawal of rights.

Additionally, individuals including smallholders may establish private plantation forests within forest reserves under tree-growing leases and licences, with technical and financial support from the government and donors.

Private community forests. As of 2015, private community and household forests constituted 697 986 hectares (or 38 percent) of the country's total forest area (MWE, 2016). No comprehensive data exist on the full extent of community forests. However, community forests covering 664 hectares have been undergoing the registration process in the districts of Masindi and Lamwo in Western and Northern Uganda respectively. The registration process was initiated in 2003 and has been further supported by the FAO/FSSD/DFID forest tenure project. However, these forests have not received final approval and declaration by the MWE.

Community forests are intended to improve livelihoods of forest-dependent rural communities, ensure community participation in the management of forests, promote equitable sharing of costs and benefits, and ensure conservation and sustainable forest management. As per the National Forestry and Tree Planting Act (NFTPA) (2003), community forests provide community members the right to subsistence use of forest products free of charge (Section 33). Meanwhile, the Land Act (Section 23) confers ownership rights to communities to such communal lands. The Community Forestry Guidelines (MWE, 2015a) further note that the certificate of ownership may be used as collateral by the joint owners seeking bank or micro-finance for collective benefit. Once registered, communities can claim all land, resource and carbon rights with no requirements of additional approvals. But communities are required to pay taxes on income derived from forest products. Communities have the right to exclude non-members.

Community forests may be drawn from former public land held by the District Land Board, National Environment Management Authority (NEMA) designated fragile ecosystems, or areas planted as community plantations, and woodland/pastoral areas communally used by a community.



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Community forests may be established and registered by a community or group of communities adjacent to a forest, a forest user group, a community land association, a cooperative society, farmers' group or a non-governmental organization that draws its membership from the local community. Registration of community forests is not mandatory, but is encouraged by government to prevent open access. Registration also allows communities access to a range of government benefits. The district land boards within the local governments are responsible for registration of these forests. The registration process as outlined in the Community Forest Guidelines (MWE, 2015a) can be time-consuming, requiring preparation of forest management plans and a series of approvals including final declaration as community forests by the MWE. The National Forestry and Tree Planting Act (NFTPA) (2003) allows the local governments to make by-laws for these forests. It also allows the MWE to transfer management of the community forests to the local government if this is deemed necessary to ensure proper management.

Private household forests. These include private smallholder natural and planted forests. Guidelines exist for private natural forests (MWE, 2015b), laying out objectives in terms of boosting productivity, increasing farm incomes, alleviating pressures on natural forests and improving food security. These guidelines are intended to optimize the flow of economic, social and environmental benefits from forests and trees to local communities, supply various commercial tree products and enhance environmental services. The precise extent of private household forests is unknown; however, several natural forests are owned and managed by private sector associations or individuals in the districts of Kisoro and Masindi in Western Uganda, and the district of Kalangala in Central Uganda with support from NGOs. Additionally, traditional institutions are managing cultural forests in the districts of Bugisu, Busoga and Tororo in Eastern Uganda, Buganda subnational kingdom and Bunyoro in Western Uganda. This regime entitles individuals, corporate bodies and organizations to access, use, manage, sell, lease or mortgage their forests. Provided for by the Land Act (1998) and the National Forestry and Tree Planting Act (NFTPA) (2003), these rights are perpetual, with no set duration. Timber, other wood and non-wood forest products may be harvested for subsistence or commercial purposes, with no limits on quantities harvested. The government may exercise authority over forest management, including harvesting and marketing of forest products. However, in practice this authority is not exercised except in the collection of value-added tax and stamp fees on products sold in markets. The government, through the District Forest Service, provides some technical services to support the regime, including purchase of improved seeds and other forestry inputs, advocacy for securing tenure, improving the investment climate, and financial support for the provision of commercial timber plantations. In cases of expropriation, Uganda's Land Acquisition Act (1965) provides procedures, including fair market valuation on a willing seller–willing buyer basis (Section 41(6a)). Private household forests may be registered according to the provisions of the Land Act (1998) and Private (Natural) Forest Guidelines (MWE, 2015b).



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3. Major findings of the assessments

3.1. Critical strengths and weaknesses of community-based forestry regimes

Uganda offers a reasonable recognition of the rights of local communities through the various community-based forestry regimes. The policy and legal framework recognizes not only the conservation value of forests, but also the social, cultural, spiritual and economic values for local communities and households and makes important provisions for these. Responsible government institutions are also assigned clear roles and responsibilities under the law. However, staffing, financial resources, training and other support necessary to fulfil these responsibilities are highly inadequate. Communities and individual households also exhibit weakness in being unable to negotiate for and uphold their rights. The absence of institutions (e.g. federations, strong CSOs (civil society organizations)) to coordinate and advocate for the common interests of the various community-based forestry regimes renders them politically weak and poorly represented in policy-making processes.

Due to the many similarities in the findings for CRM and CFM tenure regimes and between private community and smallholder forests, the findings are presented for each pair in the text below.

CRM and CFM. These tenure regimes provide important opportunities for local participation in the management of government-owned forests. However, both regimes have major drawbacks in the tenuous and limited nature of the rights granted to communities compared with their customary usage. The laws do not oblige the National Forest Authority, the Wildlife Authority or the District Forest Service to establish these arrangements. Instead, they are entirely at the discretion of management authorities. There are no assurances for the community rights outlined in law. Rather, they vary according to the specific agreements negotiated between the authorities and communities, with the former wielding substantially more power. Agreements have a relatively short duration, and potentially may not be renewed or even cancelled at any time. Agreements must be preceded by the preparation of forest management plans and biophysical inventories, which is in the control of the responsible authorities and can be a costly and time-consuming process. They also come with obligations that communities will monitor resource use and report violations, all of which imply time and costs. While CFM arrangements provide access to a wider range of resources as compared with CRMs, the latter provide communities some financial benefits in the form of a share of tourism revenues. Overall emphasis of both is on conservation rather than on balancing this with livelihood improvement to compensate for lost customary rights.

CRM communities do not have exclusive resource rights, while CFM communities have limited control over whether external users are granted permits or licences for timber and NWFPs. Authorities typically place strict limits on communities' governance and decision-making rights to the forests. Technical and financial support provided to communities tends to be through specific projects which are dependent on donor support, and hence not sustainable in the long term. In particular, the donor-supported Farm Income Enhancement and Forest Conservation (FIEFOC) Project has provided critical support for community tree planting and management in forest reserves, with considerable success. Access to justice in the case of disputes or violation of rights is mainly through the costly and complex formal justice system in the absence of dedicated alternative dispute resolution systems for the sector. The judiciary is sorely understaffed and underfunded, resulting in a huge backlog of cases.

Given the bureaucratic procedures for entering into CRM and CFM agreements, the low quality of forest typically allocated to communities, the limited range of benefits including limitations on choice of tree species that can be planted, and the short duration of rights, local interest in these arrangements has diminished over time. Moreover, communities have little incentive to comply fully with the prescribed restrictions on their customary rights. The low level of local interest is evident from the few such agreements that exist to date despite the initiation of CFMs in 1996. By the end of 2015, only 49 out of 85 CFM agreements had been signed, and CFMs were operational in only 21 out of 506 Central Forest Reserves (CFRs). This attests to the bureaucratic burden involved in finalizing CFM processes. Meanwhile, only one CFM is being implemented in a local forest reserve in the district of Kisoro.

Institutional capacity to support CRMs and CFMs is weak, with inadequate staff to support development and implementation. For instance, within the National Forest Authority, only one out of nearly 600 staff has CFM included in their terms of reference, while budget allocations to CFM are usually less than one percent of the National Forest Authority's total budget. Most districts are allocated only one district forestry officer, one to three rangers and an average of two forest guards, and even so many of the posts remain vacant or filled by non-technical forest officers. Staffing levels to support CRMs are better, with 76 of 1 508 Wildlife Authority staff having CRM included in their terms of reference. Weak information management systems handicap monitoring and reporting on CRM and CFM, which are necessary to inform decisions and policies.

Private forests (community and household). There is robust legal recognition of rights to private forested land in the policy and legal frameworks, including recognition of both their productive and conservation values. The law assigns clear responsibilities to designated agencies to assist communities and individuals to secure these rights. However, there is inadequate resource allocation and availability, and poor coordination between forest and land agencies. In particular, according to the National Forestry and Tree Planting Act (Section 48), the District Forest Service is authorized to advise and promote the management of community forests and to develop and provide advisory services relating to private forests. However, most District Forest Services lack adequate technical staff and funding. In 2013–2016, the District Forest Service was allocated not more than 0.05 percent of the total district budget to implement all forestry activities including promotion of community-based forestry regimes (MWE, 2013). Additionally, the legal framework calls for public participation in the forest policy-making processes, but specific mechanisms for doing this are not described in the guidelines.

Formalization and hence securing rights to private community and household forests is a lengthy and cumbersome process, requiring approved forest management plans. Most communities, smallholders and public officials lack knowledge of the registration process, requirements and benefits. Most districts lack functional land boards, lower level land committees, district registrars and surveyors. Due to resource limitations they are unable to support field verification, demarcation and conflict resolution, and provide the approvals. Thus, despite the existence since 2003 of legal provisions for the registration of such forests, no rights to private community or household forests have been registered to date. This has left private community and household areas in de facto open access status, making such lands vulnerable to expropriation and land grabs (USAID, 2010). In Uganda, land acquisition for large-scale investments and land speculation already pose problems, resulting in increased concentration of land in the hands of the elite. The resulting hike in land prices further reduces access to land by the poor. The Land Acquisition Act (1965) provides procedures for responsible expropriation and compensation where rights are reduced or eliminated. However, even when the forests are formally acquired, compensation tends to be inadequate, especially in terms of valuation of investments such as trees on land. Protection remains weak, also considering that the National Forestry and Tree Planting Act (NFTPA) (2003) allows the Minister to transfer community forest rights to the local government without requiring prior notice, consultation or compensation to communities.



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3.2 Ratings of assessment criteria

The forest tenure assessment evaluated the alignment of formal community-based forestry regimes – CRM, CFM, private community and household forestry (the latter two evaluated together) – against the criteria established by the VGGT, namely:

Recognition of rights: whether the State recognizes and respects the rights of all legitimate right holders;

Protection of rights: whether safeguards are in place to protect legitimate tenure rights against threats and infringements;

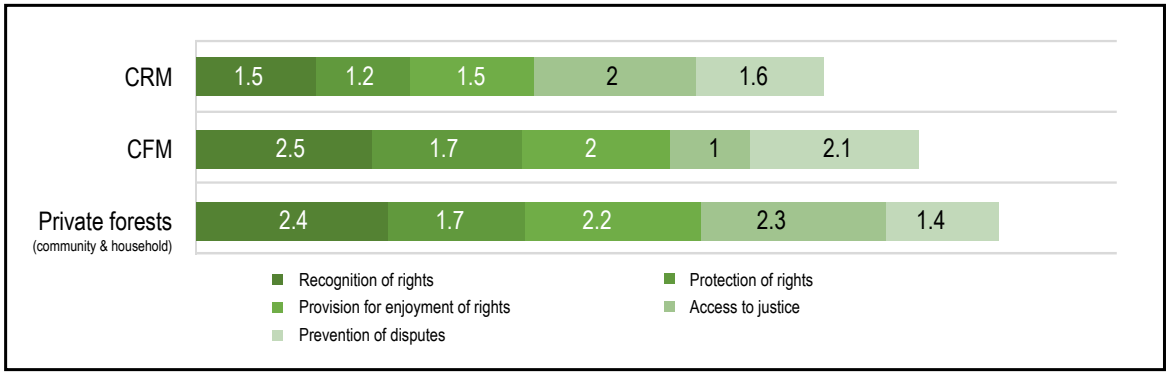
Enjoyment of rights: whether there are measures to promote and facilitate the full realization of tenure rights;

Provision of access to justice: whether mechanisms to address infringements of tenure rights are provided and accessible to all; and

Prevention of conflicts: whether measures exist to prevent tenure disputes from escalating into violent conflicts.

Figure 2 depicts the evaluation on a scale of 0 to 5, with 5 representing full compliance with each of the VGGT principles, for the three types of community-based forestry regimes examined.

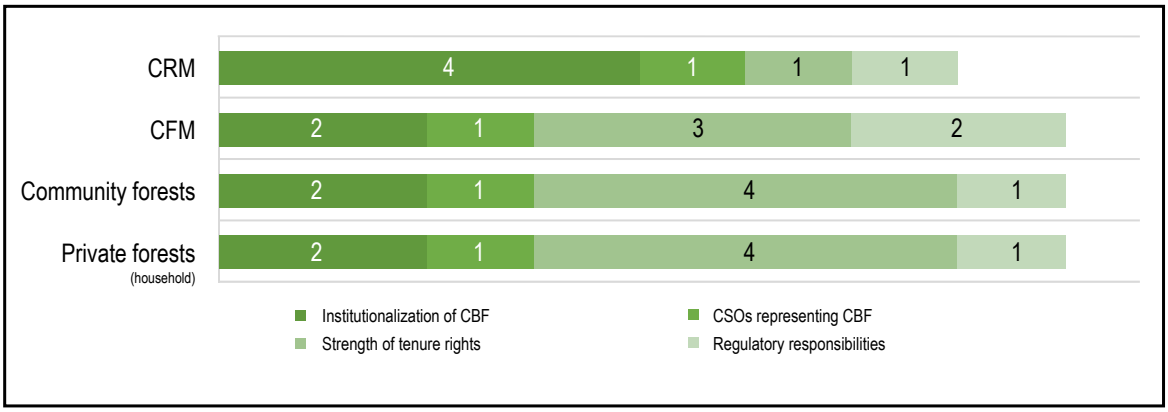
Figure 2: Formal forest tenure systems alignment with the tenure principles in Uganda



Note: The above criteria (including recognition and protection of rights) are based on provisions in statutory law, implementation of the law and administration of tenure including recording and registering these rights.

Figure 3 shows the enabling environment as determined from the community-based forestry assessment with regards to institutionalization of the regimes in the legal framework, strength of tenure rights as provided by statutory law, strength of civil society representation, and the constraining and enabling effect of regulatory responsibilities. This assessment evaluated the alignment of the community-based forestry regimes for CRMs, CFMs, and private community and household forests evaluated separately.

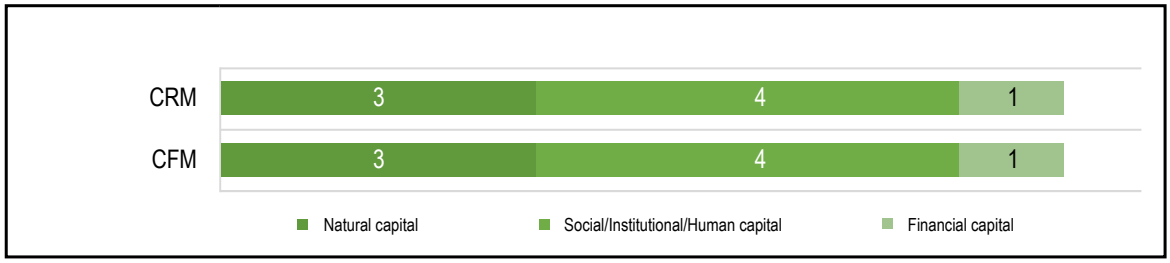
Figure 3: Enabling environment for community-based forestry regimes in Uganda



Note: The strength of tenure rights here is based on rights recognition and protection in statutory law, rather than on implementation and tenure administration.

Figure 4 provides the ratings received on the effectiveness of community-based forestry regimes in terms of natural capital, social/institutional/human capital and financial capital. It uses the 0 to 5 scale, with 5 indicating the highest level of capital. It should be noted, however, that very little data were available to carry out objective assessments of change. The evaluators relied on perspectives of the forestry officials and community members in selected areas. Further research is needed to substantiate these observations.

Figure 4: Effectiveness of community-based forestry regimes in Uganda



Note: The community-based forestry assessment did not assign a rating for private community and household forests as these are not yet formalized and formally implemented.

4. Key conclusions and recommendations

The findings of both assessments reveal some achievements and a number of challenges to the successful implementation of community-based forestry in Uganda in their contribution to conservation, sustainable forest management and livelihood improvement. This is especially true for CRM and CFM regimes where communities have limited rights and control over the forests. Communities and smallholders on private lands enjoy a much wider range of rights than those participating in CRMs and CFMs. However, the government has not supported them in management, planning and budgeting. The assessments provide a number of recommendations to improve the performance of community-based forestry in Uganda to help uphold conservation objectives, meet livelihood needs of communities and enable its expansion in the country. The most salient recommendations are highlighted below.

Recommendations

Community Resource Management (CRM) and Community Forest Management (CFM)

- Strengthen the National Forestry and Tree Planting Act (NFTPA) and Uganda Wildlife Act to provide for a mandatory minimum bundle of rights in alignment with the Land Act. Include benefit-sharing rights assigned to communities in central and local forest reserves and wildlife conservation areas. This bundle should be based on customary rights of communities to forest resources, and should include a sufficient range of rights and income-generating opportunities to ensure improvements in local livelihoods and positive incentives for conservation and sustainable forest management.
- Strengthen agreements with communities to extend their duration (sufficient to incentivize planting of indigenous trees), and enable communities to engage in substantive co-management of forest reserves including participation in decision-making.
- Simplify processes for developing and eventual signing of agreements to reduce delays, lower transaction costs and keep communities motivated. Reduce bureaucratic requirements preceding agreements.
- Revise the policy and legal framework to include provisions to protect rights of CRM and CFM members, including rights to compensation for investments in the event that rights are terminated. Secure effective participation of communities in forest management and governance by promoting transparent and open decision-making processes. CRM and CFM arrangements should ensure representation of women and vulnerable groups to protect their needs, interests and priorities.
- Support CRM and CFM groups to form and operationalize advocacy platforms to inform policy successfully.

Private community and household forests

- Harmonize the National Forestry and Tree Planting Act (NFTPA) with the Land Act by clarifying the nature of community forest rights to land, and subsistence and commercial rights to wood and non-wood forest products, including carbon.
- The National Forestry and Tree Planting Act (NFTPA) should provide protection to tenure rights of communities and smallholders, even when those rights are not registered. Additionally, the Act should outline clear provisions to protect the rights of private community and household forest owners and provide guidance on forest valuation in cases of compulsory acquisition. Where community forest rights are to be revoked by the MWE, the community should first be consulted and be given an opportunity to remedy any deficiencies with sufficient time to do so.
- Simplify and reduce the timeframe and cost of processes for declaring and registering private community and household forests through systematic registration from district to district, and by providing a one-stop-shop service for registration and associated services ranging from obtaining applications and approvals, preparing forest management plans, and issuing a gazette notice following registration. Develop and provide templates

for simplified management plans appropriate for community and smallholder forests. Sensitize potential beneficiaries to the benefits of registration. Translate and disseminate relevant legislation and guidelines in main local languages. Provide financial support for registration of forests, including surveying, development of management plans and resource inventories, verification of ownership and conflict resolution.

- The National Forestry and Tree Planting Act (NFTPA), Wildlife Act, and Community Forest and Private (Natural) Forest Guidelines should provide stronger provisions for equity and gender equality. In particular, they should ensure that women and vulnerable groups within local communities are consulted during the rights identification and registration process, and have representation in the community forestry group to be formalized. Likewise, incorporate specific provisions to protect rights of smallholders, and particularly women and vulnerable households, by ensuring that women's rights are recognized and registered jointly if married, or else independent of their male relations.

- Following rights recognition, the State should provide rights holders technical and other support to facilitate enjoyment of these rights, and to incentivize conservation rather than conversion to agriculture. It should replicate the success of the Sawlog Production Grant Scheme (SPGS) income-enhancement programmes in community and smallholder forests.[3] The government may consider tax exempt status for community and smallholder forests, collect and provide market information on forest products, facilitate access to markets for wood and NWFPs, support access to credit, facilitate protection from fire, and facilitate participation in insurance schemes like those provided in other countries. The government should also consider providing specific support to legalize and improve charcoal production and trade, given its significant impact on community and household forests, the high demand in urban areas, and the little income accruing to charcoal producers.

- Promote responsible investments in forests that support broad social, economic and environmental objectives. The government should require investors to develop plans that uphold protection of legitimate tenure rights and promote food security of local communities.

- As with land and wildlife laws, the forestry laws should provide for access to justice to address complaints/grievances for cases where community forestry committees fail to represent the collective interests of members, and for holding government officers accountable. To prevent conflicts, the forest sector should define specific mechanisms to ensure meaningful citizen participation in decision-making with regards to forest policies.

Overarching recommendations for all community-based forestry regimes

- The government should consider establishing a fund dedicated to the development and implementation of the community-based forestry regimes. Revenues collected by local governments from marketed forest products can be channelled toward financing of District Forest Services to develop CFM arrangements in local forest reserves, and to support private community and household forests. Other financing opportunities may be explored, including payment for ecosystem services, carbon credit schemes, ecotourism development, afforestation under REDD+ programmes, in addition to other donor support for conservation and sustainable forest management.

[3] *SPGS I, II and III have been particularly successful in Uganda in improving the standard of plantations, boosting rural incomes, and sustaining supply of high-quality timber products. The project pays the beneficiary a conditional and retrospective grant (subsidy) once the recipient has made an initial investment in commercial tree planting. The grant is supported by practical training, industry exposure study tours, and other technical inputs (MWE, 2016).*



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- Strengthen the technical and financial capacity of departments/units responsible for promotion of community-based forestry within the National Forest Authority, the Wildlife Authority, the FSSD and the local governments at the district level by allocating budgets sufficient to achieve their mandates, by recruiting adequately skilled staff and providing them with regular training in the required skills.
- Working with community stakeholders, ensure that the policy objectives of each of the community-based forestry regimes are well defined for ease of monitoring their performance by oversight bodies. Consistently gather and report data on community-based forestry regimes at the national level, including the number of hectares covered and the number of beneficiaries involved in each regime. Strengthen monitoring and reporting capacity of government agencies and provide adequate resources to establish baselines and track changes in conservation and livelihood improvement.
- Support the creation of federations/organizations that represent the interests of those engaged in CRMs, CFMs, community and smallholder forestry. Build their coordination and advocacy capacity to enable them to contribute meaningfully to policy formulation. Provide mechanisms for improving public participation in decision-making processes.
- Establish stronger equity provisions in forestry laws and provide specific strategies to ensure participation of women and vulnerable groups in the development and implementation of CRM, CFM, community and smallholder forestry.
- Strengthen the human and financial capacity of the judiciary to function and enforce standards to minimize politicization of disputes which typically disadvantage marginalized groups. The government and donors should facilitate access to justice for women and vulnerable groups through expansion of paralegal programmes and strengthening local awareness of alternative dispute-resolution options. Likewise, there is a need for measures to tackle corruption in dispute-resolution processes.

5. References

FAO. 2019a. *Assessing the governance of tenure for improving forests and livelihoods: A tool to support the implementation of the Voluntary Guidelines on the Responsible Governance of Tenure.* Rome. http://www.fao.org/3/ca5039en/ca5039en.pdf

FAO. 2019b. *A framework to assess the extent and effectiveness of community-based forestry*. Rome. http://www.fao.org/documents/card/en/c/ca4987en

Ministry of Water and Environment (MWE). 2013. The National Forest Plan 2011/12 - 2021/22. FSSD (MWE), Kampala.

Ministry of Water and Environment (MWE). 2015a. *Guidelines for registration, declaration and management of community forests* (popular version). FSSD (MWE), Kampala. http://ufwg.envalert.org/wp-content/uploads/2016/07/Guidelines-for-the-Registration-Declaration-and-Management-of-Community-Forests-in-Uganda.pdf

Ministry of Water and Environment (MWE). 2015b. *Guidelines for registration and management of private natural forests in Uganda* (popular version). FSSD (MWE), Uganda. http://ufwg.envalert.org/wp-content/uploads/2018/04/Guidelines-for-registration-and-management-of-private-natural-forests-in-Uganda.pdf

Ministry of Water and Environment (MWE). 2016. *State of Uganda's Forestry, 2016.* FSSD (MWE), Kampala. https://www.mwe.go.ug/sites/default/files/State%20of%20Uganda's%20Forestry-2015.pdf

USAID. 2010. Country Profile, Property Rights and Resource Governance: Uganda. USAID, Washington DC.

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