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Strengthening and Empowering Civil Society for Participatory Forest Management in East Africa
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Participatory Forest Management initiatives in Uganda:



Key implementation concerns and recommendations for policy actions

EMPAFORM Policy Briefing Paper No. 1, 2006

Acronyms

BUCODO	Budongo Forests Community Development Organisation
CBD	Convention on Biological Diversity
CBOs	Community Based Organisations
CDM	Clean Development Mechanisms
CFM	Collaborative Forest Management
CFRs	Central Forest Reserves
CFs	Community Forests
CIDEV	Center for Integrated Development
CIFOR	Center for International Forestry Research
CITES	Convention on International Trade in Endangered Species
CLAs	Communal Land Associations
DFID	Department for International Development
FAO	Food and Agriculture Organisation
IFF	Inter governmental Forum on Forests
IPF	Intergovernmental Panel on Forests
IIED	International Institute for Environment Development
IUCN	International Union for Conservation of Nature
LFRs	Local Forest Reserves
MAFICO	Mabira Forest Integrated Conservation Organisation
MFPED	Ministry of Finance Planning and Economic Development
NAADS	National Agricultural Advisory Services
NFP	National Forest Plan
NGOs	Non-Governmental Organisations
PEAP	Poverty Eradication Action Plan
PFM	Participatory Forest Management
PFs	Private Forests
PMA	Plan for Modernisation of Agriculture
PRSP	Poverty Reduction Strategy Paper
WWF	World Wide Fund for Nature

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Advocacy work needs to be stepped up at policy level to influence government on good governance issues in the forest sector, the role of both the political and civil leadership, accountability of responsible institutions, and collaborative forest management. There is need for civil society to influence government plans to incorporate collaborative forest management issues in overall government priority plans.

Executive Summary

Uganda's economy is natural resource based and forests are one of the major resources that contribute directly to the economy. In the Poverty Eradication Action Plan (PEAP), forestry is considered as a sector which contributes greatly to the government priorities to fight poverty specifically to the PEAP pillar of **"increasing the incomes and livelihoods of the poor and the quality of life"**. To this effect the PEAP has two indicators on forestry namely:

(i) to increase the forest cover from 24% now to 30% by 2013/14.
(ii) to reduce the average distance to collect firewood from 0.73km now to 0.5km by 2009/10 (MFPED, 2004).

The existence of these indicators in the PEAP is a manifestation of the importance of forestry to communities in Uganda, and therefore creates the need for participatory forest management approaches as the country strives for "prosperous people, harmonious nation and beautiful country" (Vision 2025)[1].

Collaborative Forest Management (CFM) is the most practised form of particpatory forest management in Uganda. CFM whilst having a supportive policy and legal framework still has many implementation issues that need to be addressed for its success. The major implementation issues include lack of awareness, lack of short term tangible benefits to the target communities and implementers' bias.

This policy briefing paper reviews the policy and legal framework for Patricipatory Forest Management approaches, with particular reference to CFM. It raises concerns of the responsible bodies and the stakeholders drawing on earlier EMPAFORM's Baseline survey and Organizational Capacity Assessment studies plus other works of NFA.

The main argument in this briefing paper is that unless concerted efforts are undertaken to address the implementation concerns and policy gaps related to CFM, CFM as a management option may stall at the piloting stage.

The policy brief purpose is to create awareness on Collaborative Forest Management (CFM) hence make a strong case for implementation of CFM by way of attracting civic and political support for CFM. The policy brief therefore identifies the gaps in CFM implementation and proposes policy recommendations for action. The Policy Brief targets policy makers, Collaborative Forest Management implementing Agencies and stakeholders for the better implementation of Participatory Forest Management approaches particularly collaborative forest management.

The key policy recommendations include harmonizing legislation, reviewing CFM Guidelines, Guidelines on CFM equitable forest benefit sharing, development

of Registration Guidelines on Community and Private Forests, and finalizing the Forest Regulations, and undertaking affirmative action on the issue of gender equity.

[1] The Vision 2025 of Ugandans for the 21st Century

forest resource managers.

6. There is sufficient information that needs to be packaged and disseminated to the communities. An effort should be made to translate such information into vernacular languages understood by communities in the different regions.

7. Responsible bodies should endeavor to **translate CFM Agreements** into vernacular languages local in the area where the Agreement is to be undertaken. This is to provide an opportunity for the community to be able to comprehend the contents of the agreement and avoid manipulation by unscrupulous CFM leaders. It is further recommended that each member should also be provided with own copy for reference from time to time.

8. Whereas the 10 years of a CFM Agreement is tagged to the 10 years of the forest management plan, it is recommended that this period is revised to allow for projects that require a much longer time - e.g. tree planting.

9. **Affirmative action needs to be taken to streamline gender and equity issues in CFM Agreements.** Special sensitisation meetings for women, the elderly and other vulnerable groups should be undertaken so as to empower such groups to be able to negotiate and make informed decisions. This is the only way to allow for equal participation, fairness and sharing of benefits.

10. There is need for grassroots **networks of civil societies/NGOs/CBOs that** will provide a forum for to fight for participatory forest management issues at forest reserve level. This will also help develop both the capacity of communities to implement collaborative approaches, providing conducive climate for community and private forests, building the capacity of "Responsible Bodies" to implement such approaches

11. It is important for central government to improve the budget allocation for CFM implementation under the PEAP/NAADS and within the Environment and Natural Resources Sector. It is also important that Local Governments provide necessary support to the District Forest Services to undertake participatory forest management approaches.

relation to the corresponding policy gaps.

1. There is need for **harmonizing legislation, reviewing guidelines and finalizing regulations.** The guidelines that require immediate attention include guidelines for forest benefit sharing, transfer of property rights, registration and declaration of Community Forests, Private Forest registration and revenue collection and taxation of community and private forests. There is therefore need to pressurize government to finalize the respective guidelines.

2. Government of Uganda **should build the capacity of institutions to undertake collaborative forest management.** This includes building the capacity of the Forestry Inspection Division to provide guidance on CFM implementation, NFA to step up its manpower and resources for collaborative initiatives and the DFS to pilot CFM. It is also recommended that government undertakes to establish Forestry Committees provided for in the National Forestry and Tree Planting Act. These Committees will provide a forum to discuss collaborative forestry issues with due consideration of the needs of the communities.

3. Currently, CFM is undertaken by the National Forestry Authority. It is recommended that **CFM is implemented by the District Forest Services and Private Forest owners.** The PEAP recommends facilitation of the District Forest Services to undertake its activities (including CFM). It is recommended that this is implemented. This will not only improve forestry activities in the districts but also build their capacity to undertake collaborative forest management approach.

4. Government should finalize guidelines for **registration and declaration of Community and Private Forests** to allay the anxiety arising from communities interested in registering CFs and individuals interested in registering their private forests. This will also provide the District Land Boards, the District Council and the Minister to provide guidance and speed up the process of registration of the forests.

5. There is a need for advocacy work **to advocate for the transfer of property rights and control of resources** to communities who would like to become owners, and users of forest resources. This means that there is need to build a strong case to demonstrate that communities are capable of managing the resources regardless of the skepticism of

2. Principles guiding CFM in Uganda

2.1. Definition of frequently used terms

Collaborative Forest Management (CFM) is the most known and practised form of Particpatory Forest Management (PFM) in Uganda.

Participatory Forest Management is a term understood to refer to all forest management approaches where all stakeholders actively take part in forest management to attain sustainable forest management. PFM is about **working together** (collective action). It calls for respecting each other as equal partners or stakeholders doing work for the same purpose.

Collaborative Forest Management (CFM) is the form of PFM where local communities co-operate with government to manage a gazetted forest reserve. In Uganda, the law requires that the local communities organise and register into CBOs before entering into Memoranda of Understanding/ Agreement with the government -National Forestry Authority (in the case of Central Forest Reserves) and the District Forest Services (in the case of Local Forest Reserves) to manage part or whole of a **gazetted** forest reserve.

Community Forests (CFs) – where communities registered as legal entities choose to set aside and therefore seek gazettement of a forest on communal land as a Community Forest which is henceforth managed by them.

Private Forests (PFs)- are forests on private land, private natural forests and private plantations.

Joint Forest Management is where lead agencies cooperate to manage a defined forest area with the local communities. For example UWA and NFA at Kanio -Pabidi.

2.2. Overview of key international policy obligations

Forestry is increasingly standing out in **International policies** as an important resource that contributes towards the livelihoods of many people especially those that live near forest reserves. Uganda subscribes to many of these International Policy instruments.

The **Convention on Biological Diversity (CBD), 1992,** highlights under Article 1 the importance of sustainable use of biodiversity and its componentsand **equitable sharing of benefits arising out of the utilization of biodiversity resources** by allowing among others; appropriate access to genetic resources.

The CBD Articles most relevant to PFM include:

1. **Article 8(j)** providing for recognition and promotion of indigenous knowledge and practices of local and indigenous communities
2. **Article 11** which provides for incentive measures for biodiversity sustainable use and conservation.
3. **Article 15** which provides for regulating access to genetic resources including arrangements to ensure equitable benefit sharing on agreed terms (Legal, policy ,and or administrative).

Similarly, the Convention on Biological Diversity is the **Convention for the Protection of World Cultural and Natural Heritage, 1972,** the **Convention on International Trade in Endangered Species (CITES), 1979,** the **Intergovernmental Panel on Forests (IPF) and the Intergovernmental Forum on Forests (IFF)** all provide views and actions to promote sustainable forest management and emphasize empowering of local communities for sustainable forest resources management. The **World Bank Poverty Strategy Paper (PRSP),** the **Clean Development Mechanisms (CDM)** provide for financing, good governance, improving the livelihoods of forest resources stakeholders and the **Millennium Development Goal No. 1** provide for improved livelihoods of the human race with due consideration of the forest dependant poor.

The above international policy directions give guidance to the development of participatory forest management approaches, CFM in particular, in Uganda.

2.3 National Legal and Policy provisions on CFM

2.3.1 General

The Constitution of the Republic of Uganda (1995), which is the supreme law, in Article 13 provides for the protection of natural resources including forestry and Article 27 provides for the sustainable management of natural resources.

6.0 Conclusion

The future for participatory approaches in Uganda that includes CFM on gazetted forest reserves, community forests and private forests is bright. The struggle though remains incorporation of such initiatives in the bigger Environment and Natural Resources sector, mainstreaming it into the PEAP pillar on natural resources. Making sure it is in the Non-Sectoral Conditional Grants, mainstreaming in the District Development Plans and making sure there are resources for implementing activities that make participatory approaches a success.

It is clear that:

(i) Communities need to move from positions as subordinate beneficiaries, receiving a share of access, products or other benefits, into positions where they may themselves regulate this source of livelihood and with longer-term perspectives.

(ii) Community forests will help remove communities from the open-access ills so widely associated with public properties. Private Forests will stimulate small scale private sector investment and therefore contribute to the bigger picture of responsibility of everyone in maintaining the environment.

(iii) Collaborative Forest Management promotes good governance and accountability in the management of gazetted forests. Collaborative Forest Management reduces the ills associated with policing, and provides for access rights and may serve as an insurance against degazettement of Forest Reserves.

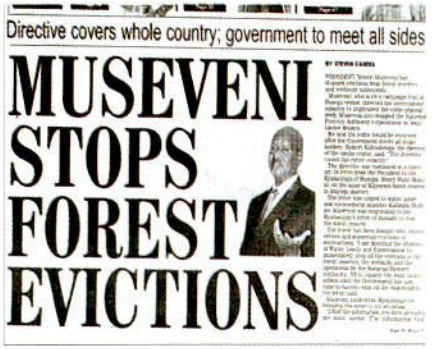
7.0 Recommendations based on identified policy and legal gaps

It is desired by proponents of CFM that time has come for not just demanding government's support for continuing CFM as it now exist but rather to revitalize the campaign for truly benefit-oriented and equitable model of people's participation in forest management. This means re-stating the basic premises of collaborative forest management in Uganda and pointing to the broad directions of policy change that are required. The paragraphs below provide recommendations and should be read in

opportunities for forest products and services remain in oblivion. Benefits from forest reserves have remained hidden. There is a lack of market information and therefore CFM communities remain attached to the traditional opportunities. This jeopardizes CFM approach to support community livelihoods initiatives.

It is a fact that trees take too long to grow, but it is also a fact that many communities **have not been introduced to alternatives** that are of a short-term income generating nature. Eco-tourism and activities that reduce stress from the forest could be introduced as alternatives and providing a right balance between long-term and short-term investment options.

14. There is **political jeopardy and interference by government** directly supporting encroachment in gazetted forest reserves and degazettement of reserves with preference to large scale agricultural investors (the case of Butamira and Bugala Island Forest Reserves) at the expense of the interests of the communities. Forest resources managers (NFA and DFS)


Directive covers whole country; government to meet all sides

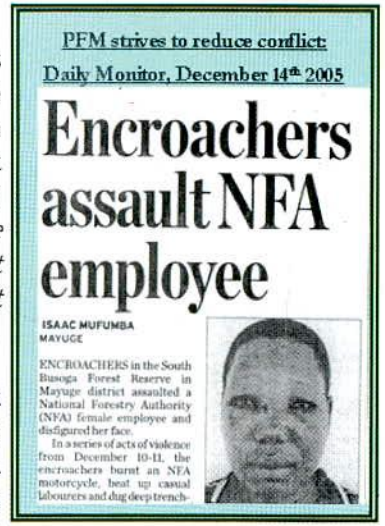
MUSEVENI STOPS FOREST EVICTIONS

The New Vision, Thursday January 19th 2006

are undermined. There is loss of credibility and therefore communities remain skeptical about CFM. This lessens the morale and speed of implementation of collaborative forest management. **There is a breakdown of the rule of law** in the management of forests. The 2001 Forestry Policy and 2003 forest laws are defied by the civic and political leadership. This has resulted into lack of respect for professionalism on the part of government; lack of respect for the CBO/CSOs voice and opinion in this regard and therefore reduces the speed of implementing CFM approach. Recent media reports have indicated that politicians have interfered with the management of forest resources (see press clip) and neglected a call by the civil society to "keep eyes on but hands off" the management of forest resources.

The traditional, protectionist approach of policing forest reserves has not been effective in reducing widespread illegal activities, has not favored local communities in sharing the benefits from protected forest areas, and has been a **source of conflict** between the lead agencies and communities[1]. There has been denial of access to forest resources, insensitive management styles, and a lack of opportunity for communities to voice their concerns. The end result has been the proposal and adoption of Collaborative Forest Management initiatives to abate the above encumbrances in the management of the forest resource.

The current 2001 Forestry Policy envisages that government will promote innovative approaches to **community participation** in forest management on both government and private forestlands and this is intended to provide a balance between "*the protectionist approach to forest management and open access to forest resources*[2]" that may be destructive.


PFM strives to reduce conflict:

Daily Monitor, December 14th 2005

Encroachers assault NFA employee

ISAAC MUFUMBA
MAYUGE

ENCROACHERS in the South Busoga Forest Reserve in Mayuge district assaulted a National Forestry Authority (NFA) female employee and disfigured her face.

In a series of acts of violence from December 10-11, the encroachers burnt an NFA motorcycle, beat up casual labourers and dug deep trench-

The development of Collaborative Forest Management (which is the most practiced form of participatory forest management in Uganda) is intended to define the **rights, roles and responsibilities** of partners and provide a basis for **sharing benefits** fromimproved forest management. Therefore the CFM process is guided by principles that partners have to adhere to (see text box below).


NFA staff, Local Government Official and Community Chairperson sign CFM Agreement based on CFM principles in Mabira

Principles guiding the CFM process in Uganda

- A process approach based on learning by doing – communities as well as forest resource managers learn from one another.
- Meaningful participation and shared analysis – communities getting deeply involved.
- Negotiation and consensus building – exchange of opinion, the buy-and-take approach.
- Appropriate representation and responsibilities – with due consideration of women, the elderly and the disadvantage groups.
- A supporting legal and policy framework – CFM guidelines.
- Building capacity for change – tolerating one another
- Long term perspective – starting small and thinking big, forestry enterprises are long term.
- Transparent communication to attract marginalized stakeholders

[3] Ministry of Water Lands and Environment, [The National Forest Plan, 2002]
[4] Ministry of Water Lands and Environment, [The Forestry Policy, 2001]

2.3.2 Policy principles and opportunities specific to CFM

The **2001 National Forestry Policy** emphasizes government commitment to *"promote innovative approaches to community participation in forest management on both government and private forest land"*. The Policy puts a strong emphasis on public involvement especially, forest adjacent communities, and benefit from sustainable forest management, including the application of CFM. It says in part:

> *"Collaborative forest management will define the rights, roles and responsibilities of partners and the basis for sharing benefits from improved management. There will be a specific focus on wide stakeholder participation, collective responsibility and equity and on improving the livelihoods of forest dependent communities[2]"*

Currently, CFM in Uganda is implemented by the National Forestry Authority in the Lake Shore Range (in Mukono, Rakai districts) and the Budongo Ecosystem Range (Masindi district) and Kyoga Range (Mbale and Tororo districts). As of July 2006, there are 6 communities with signed CFM Agreements, 5 communities are at different stages of negotiating CFM agreements with the National Forestry Authority and several communities have submitted their applications for consideration.

The **Local Government Act** (1997) assigns management of forest resources to local government and sub-county councils (Local Governments Act Part IV).The National Forestry and Tree Planting Act 2003 (Section 48) further obliges the District Local Government to establish a forestry office that is responsible for management of forest resources in the district.

Part 3 of the CFM Guidelines describes the purpose for CFM as including: rehabilitation of degraded forests, maintenance of forest reserve boundaries, and regulation of access to forest products, joint law enforcement and public participation in forest management. Further to the development of CFM Guidelines is the need for **CFM Regulations** which will additionally provide for the rules and requiremnts for CFM and pave way for better understanding of the roles and responsibilities of concerned parties.

The National Forestry and Tree Planting Act (2003) provides for the establishment of the National Forestry Authority (Section 52) and the District Forestry Office (Section 48) to manage Central Forest Reserves

[2] Ministry of Water, Lands and Environment, [The Forestry Policy 2001]

Conservation and Promotion Association etc have only expressed interest in big policy issues rather than community issues.

12. There is a general failure to recognize value of forest resources by decision makers (including national and local politicians) and attaching low priority to CFM. This has resulted into **poor governance fueling forest destruction, over-exploitation and encroachment** to the detriment of the CFM goal. In as long as encroachment and or illegalities is seen as the easiest way to access forest resources, collaborative forest management, community forests and private forest approaches will be denied an opportunity to take root.

13. **Failure to recognize the value of forest resources** has led to critical lack of extension and/or advisory service provision to communities. It may be argued that communities have preferred enterprises with immediate returns (piggery, poultry, maize, beans). Communities have little motivation to indulge in long-term activities that involves planting, growing and protecting trees. It may be true that high poverty levels, immediate needs like medical bills and basic household requirements are a motivation for enterprises with quick returns. However, it is also true that demand driven forestry extension service delivery has failed and communities have received little advice from the National Agricultural Advisory Services (NAADS). No wander that forestry does not feature in NAADS strategic enterprises as shown in the table below. There is **inadequate understanding of forestry based livelihood opportunities** despite efforts for its inclusion in the Poverty Eradication Action Programme (PEAP). The National Agricultural Advisory Services (NAADS) has reluctantly adopted forestry activities as enterprises and therefore market

NAADS strategic enterprises by District (Source: NAADS

Strategic Enterprise	Districts
Apiculture	Arua, Kibaale, Kitgum and Soroti
Goats	Mbarara
Groundnuts	Tororo
Irish potatoes	Kapchorwa
Local poultry	Busia and Iganga
Pigs	Wakiso
Temperate fruits	Kabale
Upland rice	Lira and Luwero
Vanilla	Bushenyi, Kabarole and



Female members of Nagojje CFM Community sign CFM Agreements

10. Gender and equality is a mere formality under the CFM agreement. It is intended to serve the interests of the "Responsible Body" as a counterpart to the agreement. Equal participation, fairness and sharing of benefits have left a lot to be desired. Women and the elderly have fallen victims of this inequity problem with approximately 80% of the women in the agreements not being able to tell the simplest of CFM and not knowing their rights (EMPAFORM Baseline Survey Report, 2006). Persons with disability, the old and vulnerable groups have little in the know about CFM. Males still dominate and take up most of the decision making positions as evidenced by the OCA report[1].

11. The 2001 Forestry Policy empowers civil society organizations to be at the fore front in the management of forest resources in the country. However, there are no networks of civil societies at grass roots level fighting for collaborative forest management issues. The Uganda Forestry Working Group, Forestry Governance Learning Group, Mabira Forest Integrated Community Organization, Nature

[6] Uganda has interesting studies on forest valuation that exhaustively carry information on forest economics and value. These include among others:
Peter Howard (1995): The Economics of Protected Areas in Uganda; Costs Benefits and Policy Issues
Falkenberg and Sepp (1999): Economic Evaluation of the Forest Sector in Uganda
Emerton & Muramira (1999): Uganda Biodiversity: An economic assessment
Yaron et al (2003): The role of the environment in increasing growth and reducing poverty in Uganda"

[7] May Sengendo, 2006: Organizational Capacity Assessment (OCA) of CBOs under EMPAFORM Programme

(CFR) and Local Forest Reserves (LFR) respectively. As **"Responsible Bodies"** they have **discretion** under Section 15 of the National Forestry and Tree Planting Act (2003) to enter or not into Collaborative Forest Management arrangements between the themselves and any forest user group(s).

Section 28 of the National Forestry and Tree Planting Act (2003) commits the Responsible Bodies to prepare management plans for all forest reserves and further guides that this **"shall be in consultation with the local community"**. This further emphasises the spirit of Uganda's collaborative forest management approaches.

To guide the step by step process of undertaking Collaborative Forest Management are **CFM Guidelines (2003)** that have been put in place.

The **National Forestry Plan 2002 (NFP)** that turns the 2001 Forestry Policy into action clarifies under chapter 5.5, that CFM is *"a partnership....., for sharing power among stakeholders to make decisions and exercise control over the resource, a management plan for the area of forest and a license agreement based on negotiated relationships, rights, responsibilities, and returns that are recognized by the government and the resource users".*

Unfortunately, the present CFM practice does not provide communities with the opportunity to **share power and reasonable benefits** save for roles and responsibilities. Power sharing as a tenet of CFM is yet to be realised.

2.3.3 Policy and legal provisions on Community Forests and Private Forests

Community Forests;

The management of **Community Forests** has three important characteristics:

- A Community Forest has to be formally registered as provided for under Sections 17 – 20 of the National Forest and Tree Planting Act (2003)

- A registered Community Forest requires the formal governance structure of a registered association (Community Land Association, provided for under the Land Act 1997). The Communal Land

Association (CLA) must have a constitution in place to ensure equitable and accountable management

- A Community Forest introduces security of tenure through the opportunity to apply for Certificate of Customary Ownership (a group land title).

The law provides that Community Forests should be managed, maintained and controlled by the members of the registered association. The registered CLA- corporate entity- becomes the owner, manager and key beneficiary of the community forest resource. The Community Land Association is obliged to manage the forest resource according to all the environmental laws of Uganda.

CFs only exist in Masindi district but are under great pressure from IDP and settlers fronm other places.With **no guidlines** in place, registration and gazettement of community forests is yet to be realised.

Private Forests;

The policy and legal framework on the management of **Private Forests**, is provided for under Sections 21 – 27 of the National Forestry and Tree Planting Act, 2003. The Sections provide for registration of private forests with the District Land Board. **There are no guidelines providing for the step by step procedure as well as incentives for registering private forests.**

The result has been few or no private forests have been registered by any district. The private forests, too, must be managed in accordance with the National Environment Management Statute adds that their management should be in accordance with Uganda's environmental laws and agreed standards, regulations and guidelines.

3 Power relations and their impact on PFM

Forest Reserves were largely established during the colonial times with most of them being gazetted between the years 1920 – 1960. This drew out forests from the public sector into the protective hands of the state. This disbanded communal property ownership, access and management.

7. There is a **lack of information and lack of information dissemination** to communities about the available opportunities in participatory forest management. Section 91 of the National Forestry and Tree Planting Act 2003 provides for access to information on forest products and services. Quite often information does not trickle down to the end users – the communities. CFM benefits to the communities are not well articulated. CFM information (such as its contribution to livelihoods improvement, fuel wood for more than 92% of Uganda's population, value for environmental conservation, contribution to rainfall and soil protection)[1] is not reflected in government statistics. Therefore the importance and contribution of CFM to the gross development strategies of the communities and the country are underestimated. This undermines the significance of CFM to rural livelihoods especially for the forest dependant poor.

8. **CFM agreements (wherever they are signed) have been drafted in English** with less than 10% of the community members being able to comprehend the contents of the agreement (OCA Report,2006). The issues contained therein are therefore not appropriately deciphered and has always been a major hindrance to the negotiation and implementation process. Chances of getting distorted information are high. This provides a window for manipulation of the unsuspecting communities by self seeking and opportunistic CFM leaders. Above all that, **communities can not hire offices** and staff; therefore their documents are kept with the Chairperson and this establishes an additional barrier of access to information.

9. **CFM Agreements have a life span of 10 years** yet many forestry activities are of a longer gestation period. For example trees take 20 years and above to mature. Private tree farmers in Central Forest Reserves are given permits of up to 50 years. This is a disincentive for communities to undertake long term and lucrative investments under CFM restricting them to subsistence tendencies (collection of mushrooms, rattan and hunting).

The Forestry Inspection Division has **no direct mandate** for CFM, the NFA is **understaffed**, the District Forest Services are **not fully operationa. The** Private Sector is **not motivated** to register private forest and community forests. The National Forestry Authority has limited ability to take on CFM - applications received are way above what can be handled by NFA.

4. Whereas CFM seems to be taking off at a snail speed in Central Forest Reserves managed by the National Forestry Authority, there is **no attempt to introduce CFM in Local Forest Reserves** managed by the local governments through the District Forest Services.

5. **Lack of guidelines for registration and declaration of Community and Private Forests** – Where as there are published guidelines for CFM there are no guidelines for undertaking initiatives to declareCommunity Forests and guidelines for registration of Private Forests. Where as Section 17 of the National Forestry and Tree Planting provides for the declaration of the Community Forests, Sections 21 – 27 for Private Forests, there are **no guiding principles** to be followed before acceptance by the District Land Board, the District Council or even the Minister.

6. **Transfer of property rights and control of resources** to communities is provided for as a strategy and opportunity in the 2001 Forestry Policy but has never become a reality because forest resource managers are skeptical and pessimistic about CFM being a viable arrangement with fears that communities may indulge in illegal activities rather than implement the agreed plan.

The main communication systems that communities have as channels of sharing information are meetings, CBO lack information management and dissemination systems, lack Information Education and Communication materials and can not disseminate information about their work.
Communities wish to have simplified information and translated and illustrated materials that make them appreciate the value of forestry in their lives.
There is also need to repackage government commitments, forestry policies, laws, poverty eradication linkages and how these relate to their livelihoods improvement

Extracted and modified from the OCA Report, 2006

[5] See section 17– 20 and Sections 21– 27 of the National Forestry and Tree Planting Act, 2003.

This meant that forest reserves belong to government and that communities have **lesser power** over these resources.

A power analysis of the status quo is provided examining the specific relationships relevant to proposed PFM advocacy work. The table below provides the management arrangements, characteristics and how they affect participatory approaches.



Type of arrangement	Characteristics
NFA managing CFRs	•Objectives and outputs relating to the management of CFR are clearly defined by government that is the overall trustee. •NFA may or may not enter an agreement with an interested community •Guidelines, standards, regulations binding parties are often drawn by the Responsible Body •NFA has financial resources to fund community livelihood projects under CFM •Therefore the power relationship between NFA and the communities is unequal, but can improve with increased advocacy work.
District Forest Services	•Local governments have powers over the Local Forest Reserves •Local governments do not have resources to manage the Local Forest Reserves and therefore not as powerful as would be expected •The power relationship with communities is unequal but expected to change in favor of communities if participatory approaches are implemented
Formal Collaborative Forest Management Agreement	•Objectives defined jointly by parties to the agreement •Roles, responsibilities, rights and benefits clearly spelled out and to some extent binding •Important stakeholders may be left out, affecting the potential for achieving management objectives •Unequal relations, not expected to be equal, but can improve
Communal Land Associations to manage Community Forests	•Objectives are clearly stated in the Land Act •May become real legal entities to manage community forest reserves •Individual responsibilities may be subdued by influential members of the Association •The vulnerable groups (elderly, women, children) stand to be suppressed •Once established the power relations with Responsible Bodies will be equal with communities being the owners, managers and users of the resources

5.0 Gaps in CFM policy and legal framework

The Practice of CFM in its present stage is yet to deliver on poverty reduction and forest conservation because of a number of issues relating to rights, privileges, roles and responsibilities. There are many implementation issues, conceptual as well as policy framework issues which needs to be thoroughly re-examined along the key milestones. There is need to move from considering communities as **forest user groups**,to appreciating **user groups as forest managers. Finally former user groups** should be seen to become **forest owners** and therefore managers of the resource. The paragraphs here below provide a detailed account of the policy gaps.

1. The 2001 Forestry Policy provides for CFM but **not community based forest management** and therefore the communities are only obliged to collaborate with "responsible bodies". The law only accords them "responsible body" status when it comes to establishment of community forests and private forests on land that is communally owned by the communities or privately owned respectively.

2. Although sharing the resources is provided for in the policy, **there are no guidelines for forest-benefit sharing.** Quite often communities are left with low value items (mushrooms, water ponds, medicinal species etc). The high value products (reserved timber species and revenue from forestry services such as eco-tourism) are maintained by the Responsible Body (NFA). The CFM Agreement for Hanga-Kidwera community in Masindi district for example says in part:

   *"Local inhabitants are **privileged** to obtain free of charge and in reasonable quantities to the discretion of the **forest officer**, bush firewood, bush poles, timber from unreserved tree species and sand for domestic use only. Domestic animals are allowed to visit water and salt lick points in the reserve".*

3. Government pledges to promote Collaborative Forest Management as indicated in Policy Statement No. 5 of the 2001 Forestry Policy, chapter 5.5 of the 2002 National Forest Plan and Section 15 & 17 of the National Forestry and Tree Planting Act 2003, but has **limited institutional capacity** to ably handle CFM. The **process for registering Community Forests and Private Forests has stalled**[1].

5. Corruption and illegal practices/activities that erode sustainable forest resource management and jeopardizes communities and members of the private sector who would otherwise have interests in private forestry. There is a general lack of professionalism in the sector with politicians wanting to get involved in the decisions that affect the electorate and this is a disappointment to committed and contending communities.

6. The management of community forests is regulated by the National Forestry and Tree Planting Act while the establishment of the Community Land Associations is regulated under the Land Act. This has caused management delays in gazettement of Community Forests which is dependant upon an established Communal Land Associations (CLA). Establishment of CLAs has lagged behind because the implementation of the Land Act has been slow. Therefore the CLAs have not been instituted and yet Community Forests can only be gazetted if the CLAs are in place. The interest of the community is the standing forest and any barrier to communities securing their interestis dismay to participatory forest management approaches. Many communities in Masindi have expressed interest in registering CLAs but in vain.

7. The time frame for CFM agreements with the "Responsible Bodies" is 10 years. Comparatively, the Tree Planting Permits issued by NFA to private tree planters is minimum 20 years. The 10 years do not provide sufficient motivation for tree planting under CFM given that most trees require more than 10 years maturing. To that effect **communities are entering CFM halfheartedly**. Communities would prefer a relatively longer period.

8. Communities have alleged that CFM is only earmarked for degraded forest reserves or degraded compartments of forest reserves. Not only do they find nothing left to share as benefits, but also de-motivated for having been handed a degraded resource. Coupled with the 10 years margin, then this becomes totally a disincentive.

9. Many of the communities are manipulated by the self seeking persons who enter into leadership and never want to retire. Someone becomes chairperson of a CFM group for as long as he lives; later becoming a proxy representative of the Responsible Body (in this case the National Forestry Authority) with whom the community signed an agreement.

Private Forests	•Private forestry in Uganda is not well developed •Guidelines, standards, regulations for private forestry not in place •Private forest owners have no bargaining power – government continues to levy taxes and royalties without guidelines •Therefore the relationship is un equal, but can change.

Based on the above analysis, there is a strong indication for proponents of participatory forest management approaches to influence a shift in power relationship. The unequal relationships are based on the fact that forests can only be managed by a corporate entity and there are policy and legal frameworks on which to build PFM work.

4.0 CFM operational concerns

4.1. Concerns of Responsible Bodies

The only CFM implementing "Responsible Body" is the National Forestry Authority and therefore the concerns here are mainly concerns from the National Forestry Authority.

1. Whereas it is government policy to promote community participation in forest management on government and private forest land, today participatory forest management initiatives target (rather focus) on Central Forest Reserves. This has resulted into pressure onto the NFA in terms of capacity to meet the demands by communities. It is high time these initiatives started on private forest land and Local Forest Reserves that are managed by local governments.

2. In Uganda a nine stage process (*see text box*) has been developed that has to be followed by communities applying for CFM. This process takes time and leads to anxiety. It is clear that the time and skills are inadequate in NFA for community mobilization and effective sensitization of the communities. Along the process is local political interference that favours illegal activities that applicants often prefer to indulge in illegal activities than undertake an Agreement. Subsequently there are delays in signing agreements which at times causes apathy in community (a case for Sango Bay, Mujjanjabula and Budongo).

CFM Process
Step 1: Initiating the process
Step 2: Preparing an application for CFM
Step 3: Meeting between applicant and responsible body
Step 4: Participatory situation analysis
Step 5: Initial Negotiation and drafting a CFM plan
Step 6: Institutional formation and development
Step7: Continuation of Negotiations
Step 8: Review of the Plan and Agreement by stakeholders
Step 9: Implementation

3. There is a general lack of capacity for implementation of CFM - inadequate staffing at Headquarters to monitor and give backstopping (support) to field staff. Some decision makers are still skeptical about CFM therefore need for sensitization at all levels.

4. Quite often communities are lured to present CFM applications (again by self seeking and self appointed leaders) that do not have good intention for genuine partnerships for collaboration with the National Forestry Authority. Some communities think that an Agreement with NFA is a permit for undertaking unacceptable activities such as charcoal burning and cultivation of crops. In Nakalanga, Mabira, two communities expressed an intention to undertake an Agreement with charcoal burning and *Taungya* being their primary objective which forest resource management has considered as secondary. The NFA however is re-orienting their thinking before they undertake the CFM process.

5. Good governance in collaborative forest management requires sufficient funding. So far there is inadequate funding by NFA for CFM implementation and sometimes this funding is sporadic. Such delay in funding breaks the momentum of activities in the field.

6. Insecurity in the war ravaged parts of the country such as the Luo Speaking part of northern Uganda and the Allied Democratic Front rebel affected districts of Bundibugyo and Kasese. Collaborative initiatives have not been able to take off.

7. There are very few Community Based Organizations with experience in facilitating the CFM process and usually these cover a relatively limited area of the country. BUCODO in Masindi district, Kamusiime

Memorial Group in Bushenyi districts, MAFICO and CIDEV in Mukono are typical examples. The National Forestry Authority would be more than willing to establish working relations with such NGOs to role out CFM activities.

8. Many NGOs have created a culture of giving handouts (food and materials) to communities and this has created a dependency syndrome with communities demanding to be given handouts. Whereas this is a positive Social Responsibility approach, it stands to demean the stigma of CFM.

4.1. Stakeholders Concerns

1. Forest sector stakeholders have a concern that parties involved in CFM agreements always have a hidden agenda – forest resources managers opt for CFM to solve encroachment and not necessarily as a management tool and the communities take on CFM to legalise illegal activities in the forests.

2. There is a lack of forest committees at district and sub county level that would hold responsible Bodies accountable. These committees would also fight for the plight of forestry extension under NAADS. The committees would also guide local political patronage to bless collaborative forest management, community forests and private forestry.

3. Funding for collaborative approaches/activities is limited. Communities argue that if government and development partners can fund private tree farmers planting trees on Central Forest Reserves, why not identify funds for implementation of forestry friendly economic activities such as apiary, harnessing of white ants, collection of rattan and mushrooms for collaborating communities and funds for community and private forests?

4. Lack of tangible benefits from CFM participation and lack of guidelines for benefit sharing. The burden of roles and responsibilities that are transferred to communities under the signed Agreements are not commensurate to the benefits.