

# An overview of history and development of forest policy and legislation in Uganda

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## SUMMARY

This paper examines the evolution of forest policy and legislation in Uganda from the colonial times to the present day and its impact and outcomes on the forest sector and livelihoods of local communities. It highlights a trend from highly regulatory colonial forest service (1898-1961) characterised by a centrally controlled and industry biased forest policy with limited local stakeholder participation; followed by the post independence era (1962-1971) that maintained the forest estate in a reasonably good condition through the process of command and control; through a non-directional phase characterised by disruption of economy, insecurity and impaired delivery of goods and services (1972-1986); to a more decentralised, participatory and people oriented approach that has typified the focus of the policy over the last two decades (1987-todate). It also presents the roles that different stakeholders have played in formulating the policy and legislation and analysis of issues pertinent to forest policy and legislation in Uganda, especially those that relate to decentralisation, divestment and participatory forest management. The forest policies were not translated adequately into operational tactics, strategies and programmes at the local and national levels. Despite reforms in the forest sector, new institutions created are not yet in position to effectively enforce forest rules and regulations on forest resource use, particularly private forests. We conclude that a forest policy without effective monitoring and enforcement of rules and regulations cannot maintain the forest estate in a good condition. There is a need for government to operationalise, monitor and evaluate existing forest policies rather than formulate new policies and laws.

Keywords: forest legislation, forest management, forest policy, Uganda

## Une vue d'ensemble de l'histoire et du développement de la politique et de la législation forestière en Uganda

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Cet article examine l'évolution de la politique et de la législation forestière en Uganda des temps coloniaux aux temps présent, et son impact, ainsi que les résultats sur le secteur forestier et les moyens d'existence des communautés locales. Il souligne un courant débutant avec le service de forêt colonial fortement réglementé (1898-1961), caractérisé par une politique forestière contrôlée centralement et biaisée vers l'industrie, avec une participation limitée des parties prenantes. Il se poursuit avec l'ère suivant l'indépendance (1962-1971), qui maintiendra l'ensemble des forêts dans un état raisonnable à travers le processus de commandement et de contrôle. Vient ensuite la phase non dirigée, caractérisée par une instabilité de l'économie, une insécurité et une production restreinte des biens et des services. Enfin, l'approche plus décentralisée, ouverte à la participation et orientée vers les personnes qui a typifié l'intérêt de la politique au cours des deux décennies les plus récentes (1987-aujourd'hui). Il présente également le rôle qu'ont joué différentes parties prenantes dans la formulation de la politique et de la législation, et une analyse des questions pertinentes à la politique et à la législation en Uganda, particulièrement dans le domaine de la décentralisation, du désaisissement et de la gestion forestière participative. La politique forestière n'était pas traduite en tactiques, stratégies ou programmes opérationnels adéquats aux niveaux local autant que national. Les institutions nouvellement créées ne sont pas encore dans une position de faire mettre en pratique efficacement les réglementations forestières sur l'utilisation de la ressource forestière, en particulier dans les forêts privées, et ce, malgré les réformes ayant été opérées dans le secteur forestier. Nous en concluons qu'une politique forestière dépourvue de gestion efficace et de pouvoir exécutif pour faire entrer en force les réglementations, ne peut maintenir le patrimoine forestier en bonne condition. Il faut que le gouvernement surveille, évalue et rende opérationnelles les politiques forestières existantes, au lieu de formuler de nouvelles lois et de nouvelles politiques.

## Perspectiva general de la historia y del desarrollo de la política y legislación forestal en Uganda

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Este estudio examina la evolución de la política y legislación forestal en Uganda desde la época colonial hasta el presente, y analiza su impacto sobre el sector forestal y los medios de vida de las comunidades locales. Pone de relieve una trayectoria que empieza con un departamento

forestal colonial muy reglamentado (1898-1961), caracterizado por una política forestal centralizada y enfocada hacia la industria, con una participación muy limitada de los grupos interesados locales. En el período después de la independencia (1962-1971), se mantuvo el patrimonio forestal en un estado bastante bueno mediante la orden y el control, pero luego siguió un período menos dirigido caracterizado por los trastornos económicos, la inseguridad y problemas relacionados con la provisión de bienes y servicios (1972-1986). En las últimas dos décadas, sin embargo, se ha establecido un modelo político más descentralizado, participativo y concebido en función de las necesidades de la población (1987 - ahora). El estudio describe también los papeles desempeñados por parte de diferentes grupos interesados en la formulación de política y legislación en Uganda, sobre todo en cuanto a la descentralización, desinversión y manejo forestal participativo. Las políticas forestales no han sido convertidas de forma adecuada, sin embargo, en prácticas operacionales, estrategias y programas a nivel local y nacional. A pesar de las reformas del sector forestal, las nuevas instituciones que han sido creadas no están todavía en condiciones para hacer cumplir de forma eficaz el reglamento y las leyes sobre el uso de recursos forestales, sobre todo en lo que se refiere a los bosques de propiedad privada. Se concluye que una política forestal que no disponga de un proceso eficaz de monitoreo ni de las herramientas para hacer respetar el reglamento no se encuentra capacitada para mantener el patrimonio forestal en buen estado. Hace falta que el gobierno ponga en práctica, monitoree y evalúe las políticas forestales actuales en lugar de dedicarse a formular nuevas políticas y leyes.

## INTRODUCTION

### Background to forest policy and legal process in Uganda

Throughout its existence, Uganda's forest sector has separated legal from policy issues. It has regularly formulated, gazetted and revised its policies and laws. The legislation seeking to regulate and/or control the use of natural resources, including forestry has evolved in three phases along sectoral lines. The first phase was when regulations were enacted under the African Orders in Council of 1889 (Kamugisha 1993). The principle laws under this phase were made in the British Parliament and gave enabling powers and authority to the colonial Governor<sup>1</sup>. Later, the Legislative Council (LegCo) of the Uganda protectorate made subsidiary laws for good governance in Uganda. The second phase, from 1902 up to the time Uganda gained independence from Britain in 1962, was characterised by the Ordinances made under the Uganda Orders in Council enacted by the colonial Governor and the LegCo (Kamugisha 1993). Independence ushered in the third era, consisting of the Acts of Parliament enacted by Uganda parliamentarians or decrees enacted in the absence of parliament. The Forests Act is a framework for forest management<sup>2</sup>, regulation, protection, conservation and control of the forest estate in Uganda, while the forest policy gives the Government the direction on forestry matters (MWLE 2002).

The process of policy and legislation development in Uganda has historically been a top down approach dominated by a few Government officials, with little or no input from other stakeholders, especially forest adjacent communities. The majority of stakeholders were only involved during implementation. From 1898 until mid 1980s, the colonial and post independence governments set the agenda and dominated policy formulation in the forest sector, while forcibly implementing procedures without explaining why they were necessary or desirable. Following the implementation of decentralisation policy in the late 1990s, the Government of Uganda has shown commitment

to the use of bottom-up approach to formulate policy and legislation (Turyahabwe 2006). However, it remains unclear whether these policies and laws are acceptable to the local people and appropriate to local situation. This paper analyses the evolution of the forest policy and legislation process in Uganda over the past century and its impact and outcomes on the forest sector and the livelihoods of local communities.

### STUDY APPROACH

Several approaches have been used in studying policies. Some policy analysts examine the historical development of policy (Dana 1956), others compare policies and institutions responsible for the development and divide the policy making process into stages and analyse events at each stage (Behan 1984, Clawson 1984) while others focus on the process of policy formation that relies on the models of political decision-making process (Worrell 1970) that examines how issues arise, how political decisions are made how legislative, executive and judicial systems and how target groups influence policy. These approaches help to explain why and how existing policies evolved, develop models that allow determination of when a policy is good or bad, and aid in predicting how policies might change in future.

In this study, both historical approach and key informant interviews with key people responsible for formulation and implementation of forest policy and legislation were used following Dana and Fairfax (1980). This approach integrates historical data with interviews in policy studies. Information was generated on how the past forest policy and legislation problems arose, the alternatives that were considered and the reasons for making the policy and legal choices. We also collected information on the successes and failures of each policy and law in relation to forest management and local people's livelihoods. Information was collected from archival records of the British colonial government (particularly past agreements with the Buganda Kingdom), Ugandan policies and laws, forest management plans and

<sup>1</sup> Overseer of the implementation of Uganda Protectorate laws made under the British Parliament before Uganda got independence in 1962.

<sup>2</sup> Forest management refers to the practical application of scientific, economic and social forestry principles to the administration of forests for specific forestry objectives.

government reports from the national archives in Entebbe, Makerere University, National Forestry Authority and other Government departments. Discussions were also held with NFA and District Forestry staff and staff formerly working with the forest sector. These officials in addition provided records of the various operations and management practices carried out in the forest sector since the inception of forest management in 1898.

### Forest resources in Uganda

Currently, there are about 4.9 million hectares of forest in Uganda (24% of the present total land area) (National Biomass Study 2003). The forest resources comprise areas classified as savanna woodland (80.5%), natural forest (tropical high forest, 18.7%) and less than 1% of forest plantations. The existing natural forests on private land and in Government reserves, together with the on-farm tree resources are the major focus of the National Forest Plan (NFP), with particular reference to decentralisation of forest management (MWLE 2002). In terms of land ownership, 70% of the forest area is on private and customary land, while 30% is in the permanent forest estate (PFE), such as Forest Reserves (central and local), National Parks and Wildlife Reserves. Of the PFE's 1,881,000 ha, 1,145,000 ha (60.9%), is managed by the National Forestry Authority (NFA) as Central Forest Reserves (CFRs), 5,000 ha (0.3%) is controlled by District Forestry Services (DFS) of local governments as Local Forest Reserves (LFRs) and 731,000 ha (38.8%) is managed by the Uganda Wildlife Authority (UWA). The majority of private forests are woodlands, and are being depleted rapidly due to restrictions on harvesting of wood and wood products from gazetted protected areas (Jacovelli and Carvalho 1999). A huge dependency (>90%) on fuelwood from the rapidly increasing population is clearly accelerating the problem.

### Forest management in the pre-colonial period (up to 1894)

Prior to the colonisation of Uganda by the British at the turn of the 19<sup>th</sup> century, some parts of the country had well developed monarchy system, notably the kingdoms of Buganda, Bunyoro, Ankole and Toro (Were and Wilson 1970). Forests formed part of the land that was owned by the different kingdoms at the time. Within kingdoms, forests were either communally owned or used as an open access resource (Gombya-Ssembajjwe 1995). Communally owned forests were those adjacent to communities. People utilised them for wood and non-wood forest products. Communities had informal or traditional ways of managing forest resources. Controls on some forests considered sacred were presided over by a person whom the community accepted as a caretaker and believed to be possessed by the spirit after which the forest was named. The members of the clan were free to collect forest produce for domestic use such as firewood, grass for thatching and clay for making pots.

Sacred controls were used to regulate the use the

forests by traditional beliefs and penalties for misuse were sanctioned onto the offenders. There were no written rules to describe forest management; instead the community grew up knowing the 'dos' and 'don'ts' in relation to forest use which were passed on to future generations through oral instructions and cultural traditions (Banana *et al.* 2008). For example, it was believed that if a person went to the forest without reporting the purpose of the visit to the clan head or the elders or changed the purpose in the forest, he/she would get lost in the forest (Gombya-Ssembajjwe 1995). Elders continually reminded the community about the dangers that awaited those who violated the rules. In some cases, threats of spiritual punishment were very scary and an effective deterrent to forest offenders. They included the offender's home being afflicted by insect invasions, crop failure and infertility and relatives of the offender had to cleanse the wrath of the spirits by making religious offerings. Penalties often included returning to the forest whatever product had been removed and fines in form of animals or food. Offenders who failed to comply with penalties were cursed by the elders and considered out-casts and despised members of their communities (Gombya-Ssembajjwe 1995). These rules of control achieved considerable success in preventing overexploitation of the forest resources and ensured conservation of forests at that time. The continuation of such a management regime could have probably helped to guarantee the conservation of forest resources had it not been the introduction of scientific forest management by the colonialists in 1898 (Ndemere 1997).

### Forest management in the colonial period (1894-1962)

In 1894, Uganda became a British protectorate (Were and Wilson 1970). At that time the country had a well-established system of land ownership and resources there in, which was largely in the hands of various kingdoms. In the kingdom areas, the British found a system of chiefs whom they used to govern natural resources including forests in these areas. In the stateless societies, the British used clan heads for managing the forest resources. The purpose was to legitimise colonial rule (Baazara 2001). Among the responsibilities of the chiefs were regulating the cutting of timber and prohibiting wasteful destruction of trees. Cash crops such as coffee, tea, sugar cane and cotton were also introduced in the kingdoms to finance administrative costs under the direction of the Scientific and Forestry Department (Forest Department 1951). The development of relatively large estates of coffee, tea and sugar cane plantations necessitated extensive clearing of the forested areas. By 1898, the colonial administration realised that forest areas needed protection by reservation, and to protect wild rubber tree (*Funtumia elastica*), which was also being harvested on a commercial scale at that time for supply of rubber (Karani 1989). This marked the beginning of colonial control of forest resources in Uganda.

Formal management of forests in Uganda started in 1898 when the colonial government's Scientific and Forestry Department was established. The department was mainly

concerned with agriculture, experimental farms, meteorology and hydrology. Forestry Department was established as a separate body in 1917 and renamed the Forest Department<sup>3</sup> in 1927 (Forest Department 1951). The first foresters were the British expatriates and arrived in the country in 1921. After establishment of the Forestry Department, the colonial government embarked on the process of reservation. However, the process of acquiring forest land was gradual and it was until 1940s that the boundaries of Uganda's forest estate, more or less as they stand today become established.

The Uganda (Buganda) Memorandum of Agreement signed in March 1900 by Sir Harry Johnston on behalf of the British Government and the Regents and chiefs of the Kingdom of Buganda was the legal basis for Government involvement in forest management. The Agreement established British authority over it in exchange for protection against any external attack particularly from Bunyoro Kingdom. About 1 500 square miles (3 885 km<sup>2</sup>) of forests in the Kingdom were brought under the control of Uganda Administration. This was followed by the Toro Agreement (1900), Ankole Agreement (1901) and Bunyoro Agreement (1933). In Buganda Kingdom, this involved the creation of property and awarding land to 100 chiefs and extinguishing significant rights that peasants had hitherto enjoyed. Peasants were transformed into tenants and their hunting and gathering (firewood, trees, honey, mushrooms, etc.) rights subordinated to the power of the landowner. Free hold titles were granted to the king of Buganda and his family, collaborators and chiefs while the rest of the land was declared crown land<sup>4</sup> and put under the colonial Governor in trust for the people of Uganda. In effect, the land was no longer the property of the former users or occupants, although many peasants were allowed to cultivate their former lands (Were and Wilson 1970).

In all crown land (public land) the power over resources was transferred from clan heads to chiefs. This meant that all the rights of communities that inhabited these lands were lost or could be exercised at the pleasure of the colonial Governor. The colonial government usurped the power over land and its products and decided who could or could not use them. Permission to remove any tree from the crown land was granted by the governor. The regulations applied to both natives and foreigners, although natives could procure some forest products free of charge provided the products were for domestic use. All the uncultivated lands became British crown land, and all forests within these former kingdoms were kept under Government control. In the absence of the centralised and traditional authority, all land in other parts of Uganda was declared crown land.

In May 1900, forest protection regulations enacted under Article 99 of the African Orders in Council of 1889 were

the first legislation to be enacted for use and management of forests in Uganda (Forest Department 1951). The regulations enacted covered, *inter alia*:

- (i) prohibiting cutting of forest produce without licence on any land that was not under private ownership except by natives for domestic use;
- (ii) making it a punishable offence to cause or set fire to a crown forest;
- (iii) prohibiting clearing of vegetation within 90 metres of a stream, river or lake without a permit both on crown and private land; and
- (iv) prescribing that when clearing for agriculture, at least three trees of a minimum height of six metres should be left per hectare of leased land that had 20 or more hectares of forest.

These regulations defined more closely the privileges of Africans in regard to free forest produce, as follows: Provided that the Baganda people may obtain from Government forests timber for building purposes, firewood and other produce of the forests for their individual domestic use only, or timber for the erection of building to be used by the Baganda for religious or educational purposes, such buildings and such purposes to be approved by the Commissioner subject always to such regulations, restrictions and reservations as the Government may think fit from time to time make or impose either generally or in respect to any particular forest.

The regulations were replaced in 1903 by an enabling law, the first Forestry Ordinance which gave the colonial Governor powers to make rules that had the same legal force as the main provisions, concerning timber cutting, wild rubber tapping and collection of fees. A new Forests Ordinance was enacted in 1913 (Uganda Protectorate 1913). It defined crown forests (Central Forest Reserves) and forest produce, gave powers to forest officers to issue licences for cutting or removal of forest produce and prohibited removal without licence, burning, clearing, cultivation, residence or grazing in crown forests. It also gave powers of arrest to forest officers and fixed sanctions for breaches. Rules were issued under this Ordinance published in 1917; as amended up to 1930 they only prescribed fees for the produce. These regulation prohibited exploitation of crown forests without permits, fees, and stipulated items which could be extracted without payment, the latter including poles for private use (Hamilton 1984). However, there was some resistance to these agreements that denied people their proprietary rights and payment of taxes by local people, but the British had already instilled in chiefs their methods of indirect rule whereby local chiefs implemented the unpopular policies.

<sup>3</sup> Since 1898, the management of Uganda's forest estate has been under the Forest Department. In April 2004, the Forest Department was divested into an autonomous National Forestry Authority (NFA) to manage the Central Forest Reserves, while a small estate called Local Forest Reserves are under the District Forestry Services of local governments

<sup>4</sup> According to the 1900 forest regulations, crown lands were defined as all lands belonging to or under the control of her majesty, whether cultivated or uncultivated, and includes all forests, woodlands, waste, and uncultivated lands belonging to any private proprietor.

## The first colonial forest policy in Uganda

Up to 1929, there was no formal forest policy in Uganda. The first national forest policy was formulated in 1929 (Forest Department 1955). The policy stressed the retention of more areas under forests, the reforestation of more land, the management of forests for timber production and the generation of adequate financial returns to the country. This policy statement clearly defined the official aims of forest management and the period that followed was characterised by active and good forest management (Kamugisha 1993). The policy was instituted by the colonial government and its objective was to conserve large areas of Uganda as forest reserves. The policy was largely successful because of the command and control measures instituted by the colonial government through chiefs. The first clause of the policy laid the foundation for the creation of forest reserves. The actual gazettement of forest reserves soon followed until the 1940s, by which time the boundaries of Uganda's forest estate, more or less as it now stands, became established (Hamilton 1984). However, the needs and aspirations of local people whose livelihoods depended on forests were not addressed. For example, the process of acquiring land for forestry by the colonial government was gradual, unsystematic and sometimes people were forcefully relocated. For example, the indigenous Benet community in Mt Elgon forest and the Batwa whose indigenous homes was Mgahinga and Bwindi forests. Large common lands including village grazing lands, community forests and grasslands were gazetted as forest reserves through blanket notifications (Mugenyi *et al.* 2005). In some areas, forest reserves were declared in occupied territories, in effect denying the holders of the land their proprietary rights. This marked the beginning of the daunting task of implanting custodial forest management policy whose problems have persisted to the present time.

In 1931, several important amendments to the Forests Ordinance of 1913 were enacted, including the redefinition of undemarcated forest and forest produce. It also gave the colonial Governor powers to declare any area a demarcated or undemarcated forest reserve (Forest Department 1955). The privileges of cutting timber and wood products by local people were also amended to exclude planted trees and those in the list of reserved trees, comprising mainly the more important timber species. The forest produce rules of 1931, scheduled reserved trees in each province. They also defined more closely the purposes for which both reserved produce cut on permits and unreserved produce cut without permits could be used, the privileges and duty of people protect the forest against damage, fires and forest offenders. The Ordinance also gave Senior Forest Officers the right to close any area of crown forest or crown land from use for silvicultural, climatic or economic reasons. Revised forest rules were also issued in the same year specifying the various types of licences to be used. A further amendment in 1934 empowered authorised colonial Forest Officers to apprehend forest offenders. Some resistance from local people continued to grow but the colonial government had already empowered chiefs to implement their unpopular

policies such as arresting offenders.

### *The outcomes of the first colonial forest policy*

In the process of gazettement forest reserves, the colonial authorities changed the public attitude towards forest management by undermining traditional rights to forest and land ownership as well as other prior claims of indigenous communities to forest resources. Furthermore, rights to forest utilisation were granted only to a few privileged individuals. The law weakened the customary land tenure, depriving indigenous people of their rights to forests and land. Instead the colonial government gave local elites who were educated, rich and people from the royal family and chiefs land in return for support of their policies.

Despite this, forest policy and laws under the early colonial period can be considered to have instigated a relatively little forest exploitation in Uganda. Commercial forests exploitation for timber and the generation of revenue for the colonial government from forest was limited. Moreover, even though illegal logging and development of agriculture from forest lands increased at this time, the pressure on forest land was negligible since the human population was small. Even as early as 1908, the protectorate government realised the need to establish fuelwood plantations near large towns, both within sparsely wooded savanna areas and tropical moist forest zones (Forest Department 1951). The colonial government had anticipated the need for more timber and fuel to cater for development of the industry, materials for the railway sleepers that was being constructed from Mombasa to Kisumu on the shores of Lake Victoria and the wood fuel for the steamers. Tree planting by local governments for domestic uses and for rural industries, which began in Busoga in 1926, gradually spread over the Eastern province and other provinces, and in 1934 the first local government planting in West Nile completed the process. Tree planting by peasants was also encouraged whereby each farmer was obliged to have at least a woodlot (Forest Department 1955).

### **Early attempts to decentralise forest management in Uganda**

In 1938, amendment No.7 to the Forests Ordinance of 1913 legalised native government forestry throughout the country (Forest Department 1950). The amendment secured a firm footing on this activity by instituting a new class of forest reserves, namely, Native Forest Reserves, which were renamed Local Forest Reserves (LFRs) in 1947. The first batch was gazetted in 1939 and by 1960 the total area under LFRs was 284 900 ha, constituting about 18% of the national forest estate (Kamugisha 1997). Local Administrators (LAs) were empowered to make rules in respect of species and quantities of wood to be cut, harvesting seasons and methods, fees, enforcement of rules and categories of people entitled to free issue. This law was considered beneficial since it encouraged local institutions to develop interest in the management of forests within their jurisdiction.

However, the land was not transferable to them and the colonial Governor could revoke the existence of a reserve irrespective of the interests of the other party. The powers given to the colonial Governor later seemed inappropriate as this made the LAs virtual tenants, the situation that led to over-exploitation of some of the national forests due to insecurity of tenure. In 1943, an amendment to the rules was enacted giving powers to the forest Conservator to issue licences in forms and at rates different from those scheduled, when approved by the colonial Governor.

Up to 1938, significant research on the management and silviculture of indigenous tropical trees had been made by the Forest Department and the new knowledge gained warranted a revision and amplification of the 1929 forest policy. In addition to the provisions of the previous policy, the primary thrust of the 1938 forest policy was:

- (i) reservation by the state of suitably selected areas of land, either already under forest or capable of afforestation, of sufficient extent for the maintenance of climatic conditions suitable for agriculture, for preservation of water supplies, for provision of forest produce required in agricultural and industrial development or for domestic use, and for the prevention of erosion on land liable to destruction if put to other land uses.
- (ii) management of forest property of the State so as to obtain the best financial returns on its capital value and the expenses of management, in so far as returns are consistent with the primary objectives of management set above;
- (iii) encouragement and assistance of forestry undertaken by native authorities and private enterprise would be done; and
- (iv) technical education of Ugandans in forestry and extension among general population of Uganda on the value of forests to the existing generations and posterity was to be emphasised.

This policy stressed the fact that trees and forests play important roles in the environment, in terms of economic benefits, climate amelioration, protecting water catchments and minimising soil erosion. The underlying theme was that Uganda would benefit from a greater forest cover than it had, even at that time, and hence the steady gazetting of more forest reserves during the period that followed. The policy laid guidelines for a two tier system of forest management: whereby there were central forest reserves under the control of central government and local forest reserves under the proxy control of the local administration and the Buganda Government. It was argued then that the responsibility of meeting village-level wood requirements should rest on the local level governments. This approach was based on the ground that the local administrations were in a much better position to look after a large number of small forest reserves, costs would be less and local administration involvement would help generate a vested interest in forestry (Forest Department 1955, Hamilton 1984). The establishment of local forest reserves was in line with the Post World War

II development plan that laid particular emphasis on the establishment and building up of peasant supply areas, small forests or plantations to provide a local unit of peasants with fuel, poles and timber on a basis of permanent production of the essential quantities.

Decentralisation, cooperation with other departments and with local administrations (authorities) and the use African (Ugandan) staff were the means adopted to put this policy into operation. District Forest Officers were appointed to take charge of one or more districts and were members of the district teams. This policy again addressed the needs of the colonial government.

#### *Outcomes of the 1938 forest policy*

Considerable areas of swamp in and around a number of forest stations were afforested for dual purpose of reducing mosquito breeding and of providing township fuel supplies. Large areas of swamp at Namanve near Kampala were afforested between 1930 and 1937 by means of loan funds to provide fuel for industries of that town. The colonial foresters improved nursery methods out of all recognition, and large supplies of sturdy plants, cheaply raised, contributed largely to the success of this work. As a result, Township fuel planting received a boost during that time and large acreages were planted, particularly in Mbale, Tororo and Soroti. At the end of 1950, the department was managing 11 031 acres (4 464 ha) of fuel and pole plantations and local governments 7 024 acres (2 843 ha). In the same period, training of forest technicians, silvicultural research on the ecology of indigenous trees and the development of the wood industry was promoted (Forest Department 1955).

While retaining the laws within the previous ordinances, the Forests Ordinance No. 28 of 1947 was enacted (Forest Department 1955). It was supported by the Forests Rules of 1947. This consolidated all the previous laws in addition to, *inter alia*:

- (i) expanding the definition of forest produce to include litter, soils, stones, gravel and sand;
- (ii) establishing a legally recognised three tier forest management system, namely, Central Forest Reserves (CFRs) under the control and management of the Forest Department, Local Forest Reserves (LFRs) under the Local Administration, but with advice from the Forest Department and Village Forests (VFs) aimed at involving Local Administrators and communities in forestry; with revenues derived there from used for development of villages in which the VF was situated;
- (iii) closure of any forest from any human activity for purposes of planning, and recognising the climatic and general ecological values of crown forests;
- (iv) Local Administrators to make rules for local forest reserves;
- (v) imprisonment for a period of 6 months or fine of two thousand Uganda Shillings (at that time) or both for breach of law;
- (vi) people living near the forests are obliged by law to

help in preventing forest damage from fires at no cost; and

- (vii) powers of licensing forest produce as well as powers to sell by tender, auction and private treaty were vested in the Chief Conservator of Forests.

### **The second colonial forest policy in Uganda**

In 1948 the country's second forest policy was gazetted for the first time by the colonial Governor. This policy aimed at consolidating the legal division of management responsibility between the central and local governments that had been put in place 10 years earlier. It included a more definite statement of implementation steps including consolidation and demarcation of the remaining reserves. It restated the previous policy but included that:

- (i) the satisfaction of the forest products needs of the people of Uganda must take precedence over purely financial considerations and the establishment of an export trade;
- (ii) because of Uganda's dependence on agriculture, the rapid development of the country and the continuing increase in population, the implementation of policy would be skewed towards ensuring the forest estate is limited to the "minimum area of land" required to achieve the primary aims of management; and
- (iii) Section 12 stated that the policy was to Africanise the department gradually. Furthermore, sections 11, 12 and 13 were devoted to local government powers and responsibilities in forestry. It also stated that once a district had been declared by the Governor to have adequate (minimum) forest estate, the local authority would manage all the forest including controls on the exploitation thereof and receiving income.

#### *Outcomes of the second colonial forest policy*

Objective (ii) of this policy was downgrading the value of protective forestry in recognition of pressing immediate demands of agriculture. In addition, the policy lacked a reliable method for determining the size of the minimum area. Nevertheless, a minimum area was calculated for each administrative district, when the actual area of the legally protected forest reached or exceeded this amount, then the district was declared to be adequately forested. Minimum areas were calculated using figures for wood consumption per head and the size of the district population and there was also an initial aim to place 10% of the land area in Uganda under forest. Figures were adjusted between districts to compensate for low production or high land pressure. This was a rather short sighted planning and underestimated future of population growth and demand for forest resources in the country as attested to by later events that involved extensive clearing and encroachment on forest reserves.

In 1949, an amending Ordinance gave legal sanction to the stated policy of relegating powers to local authorities (Uganda Protectorate 1949). By the end of 1950, Bugishu,

Madi, Kigezi and Bunyoro had already been declared to have adequate forest estates. This declaration was confirmed by a legal notice in 1950. However, Lango region refused on the ground that the British wanted to grab land since they had a belief that in the neighbouring Kenya, the White settlers had illegally acquired part of the land in the Kenya highlands. Furthermore, the LFRs that were controlled by the Local Governments were also of little commercial value at that time and in many instances were for preserving water catchments or preventing soil erosion on steep areas. It was also noted that the reservation of 1 500 square miles (3 885 km<sup>2</sup>) of forest land in Buganda was impossible to attainment. Only 530 square miles (1373 km<sup>2</sup>) had been reserved. All legislation related to forestry to the end of 1950 were consolidated and published in the laws of Uganda on 1<sup>st</sup> January 1951.

Not long after establishing local forest reserves, the Forest Department expressed concern during the 1940s and early 1950s about poor management of privately owned forests in the Buganda kingdom. These forests were contributing up to 44% of the timber in the country by 1949 (Hamilton 1984). The remedy prescribed by the Forest Department was to initiate the Buganda Dedication Scheme, which gave land owners the opportunity to lease their forests to the Buganda kingdom government for a period of 99 years (Hamilton 1984). Leased forests would be managed by Local Forest Services to give maximum sustainable timber production with owner receiving 75% of the profits. This overlay ambitious and suspicious scheme failed because of the highly emotive nature of the land issues in Buganda, including the general suspicion of government intentions to grab the land as it had earlier done (Hamilton 1984).

Another scheme for the establishment of communally owned village forests was tried in 1950s but without success. Most likely, these attempts failed because of the manner in which the colonial government had previously taken over ownership of crown land from people without any compensation. In addition, local people had limited access to forest resources because they needed a permit or to pay fees for utilisation of forest resources even from village or communal woodlots.

In 1951, Legal and General Notices (LN and GN) were gazetted prescribing the use of standard trade names for timber intended for export, the imposition of embargo on timber exports and the freeing of timber price controls (Webster and Osmaston 2003). Between 1953 and 1956, several other Notices were gazetted that covered the declaration of central and local forest reserves, the notification of boundaries of reserves, the membership timber Industry Committee and the declaration of adequate forest estates for the local administration of Acholi, Teso, Ankole, Bukedi, Busoga and Buganda (Webster and Osmaston 2003). Such declarations resulted in transfer of control of some forests on public land from Forest Department to Local Governments (Administration). This sometimes resulted in substantial rise in revenue for local governments.

In 1954, the government set up the Agricultural Productivity Committee to consider Agrarian Productivity,

including forestry (Webster and Osmaston 2003). It emphasised that:

- a) the productive capacity of the 1 500 square miles (3 885 km<sup>2</sup>) of high forest reserves be systematically developed for future source of sawn timber;
- b) financial provision be made available for the regeneration of the high forest reserves at the rate of 3 240 ha per year;
- c) about 200 ha of softwoods be planted over five year period in areas remote from rail or adjacent to mining areas;
- d) labour lines be provided to stabilise the labour forces employed in fuel and pole plantations;
- e) research in silviculture, forest entomology and timber utilisation be expanded; and
- f) forest schools be enlarged to train more staff required for the expanded forestry programme.

A Natural Resources Committee was formed in May 1955. It was mandated to review and advise the Minister of Natural Resources on the policy and legislation affecting land utilisation and conservation and improvement of natural resources; ensure coordination of activities with departments dealing with natural resources; and to satisfy itself that the policy was being implemented (Webster and Osmaston 2003). Subsequently, the Ministry issued two policy directives that affected the department. The first dealt with forest extension services and laid down the function of the Agriculture Department through the field staff to encourage the establishment of farm woodlots and small scale private tree planting mainly targeting agricultural areas. This received mixed responses from farmers with the best results coming from areas that had little bush. The planned phase of forest development based on this programme laid down for the 1947-1956 was pursued steadily and the approved priorities for the remaining three years off this phase were re-emphasised in the Department Standing Order as: attainment of an adequate (minimum) forest estate; the consolidation of reserve boundaries; the enumeration of all productive forests prior to exploitation; and preparation of working plans for all forest reserves.

In the attainment of these objectives, emphasis for the decade was placed on the scientific and intensive management of potentially productive forest estate which would be of limited area and securing of maximum production of timber and other forest products; the development of African Local Government forest services to provide for the needs of fuel, poles, etc for the rural population; and training of Africans at all forestry levels. It was anticipated that the programme would move the extensive to intensive forestry and would continue to call for a professional and sub-professional cadre of the highest quality in the forest sector; and the training facilities for Africans would be expanded both for protectorate government and the African Local Government services.

Between 1957-1959, a detailed and crucial study was undertaken to assess the future of wood requirements for the country. It indicated that the requirements of sawlog was likely to be 1.08 million m<sup>3</sup> by the end of the century and was

taken as the basis for the department planning. To achieve this, it necessitated to quadruple the country's forest estate. Realising that this could not be attained at the time from the available natural forest estate, the department planned to expand research on planting aimed at raising quick and fast growing tree species for general construction. These changes began in 1958 but unfortunately coincided with time of increasing financial stringency could not be immediately implemented.

In 1958, LN no. 324 (Jurisdiction of Native Courts) was passed to empower native courts to handle offences in which Africans were involved. Three other important forest legislation were enacted during the 1959/60 that included: the Forests (Amendment) Rules, 1959 that revised the timber fees; the Timber Industry (Repeal) Ordinance of 1959 that wound up Cess Fund; and the Forests (Amendment) Ordinance of 1960 that widened the powers of native authorities to make rules in respect to forests under their jurisdiction and to close loopholes regarding unlawful cultivation and encroachment in forest reserves (Webster and Osmaston 2003). The Amendments to the Forests Ordinance brought protracted negotiations over the rule making powers of native authorities. However, this cleared the way for native authorities to make forest rules of substance and acceptable to local situation. The first comprehensive Local Government rules were passed by the Bunyoro native authority in 1961. More Local Government rules were enacted in 1962, and by 1964 almost all local governments had enacted their forest rules (Webster and Osmaston 2003).

### **Forest management in the early post colonial era**

On the 9<sup>th</sup> of October 1962, Uganda became independent and all natural resources including crown forests became the property of the Government of Uganda. It also retained the British colonial administration approach to forest management (Government of Uganda 1962, 1964).

In the aftermath of independence, the central government and the Local Administration and Kingdom Forest Services developed parallel organisations because they wanted to have a big share of the revenue from the crown land. This came as a result of the constitutional conference in London in September-October 1961, where it was agreed that the administration of the crown forests be transferred to Local Administrations (LAs) when the central government is satisfied that LAs have adequate resources to manage them (Webster and Osmaston 2003). For example, after independence, Buganda Kingdom interpreted the 1961 Buganda Agreement to mean that all forest reserves in Buganda had been transferred back to the Kingdom. By 1963/64, no action had been taken on the transfer because the central government maintained that the administration of the crown forests (CFRs) was to remain under its jurisdiction until it is satisfied that local governments have adequate resources to administer them properly. Until that time, forest management in Uganda was believed to have been excellent and credited for excellent environmental conservation standards recorded at that time, which were

applauded by the international community (Hamilton 1984).

### Recentralisation of forest management

In 1967, Uganda's independence Constitution was abrogated and a Republican Constitution adopted. This brought several administrative changes in the whole country including the management of forest resources. The Constitution abolished the kingdoms and declared Uganda a Republic with an executive president. In particular, statutory instrument No.67 abolished LFRs formerly under Local Administrators and converted those established hitherto into CFRs under the management of the state Forest Department (Hamilton 1984). This was not based on the failure of Local Administration to govern forest resources, but rather a general political move towards centralisation following Uganda's independence.

At first, this move was welcomed by people interested in forestry, including most of the staff of the former District Administration Forestry Services (Forest Department 1968). It was believed that this move would ensure efficiency and rationality in the development of forest resources in the country. However, this change in governance meant that the institutional arrangements that had been instituted by the Local Administrators and forest users to limit entry and harvesting levels lost their legal standing. The decisions regarding forest resource use were entrusted to the Forest Department as the sole agency with powers to regulate the harvesting of forest produce in all Government forest reserves and the use of tree products on public and private land. Thereafter, the Local Administrators were no longer allowed to undertake any forestry work, except maintaining a few Village forests, which were not affected by the statutory instrument. The entire Forest Department had little or no downward accountability and limited recourse. This created disinterest in forestry from both local administrators and forest users who viewed forestry as a Government property and no need for its protection. This action did not stop encroachment on the forest estate given the lack of adequate forestry staff and financial resources and consequently, Government control of forest resources has since become increasingly problematic.

During this period, however, there was significant progress in research and timber management in natural forests and in the establishment of plantations. The central government posted forest officers in each district of the country, forest rangers at the counties, and forest guards at the sub-counties to monitor and enforce the provisions of the Forest Act. In the late 1960s, the Norwegian Agency for International Development (NORAD) became actively involved in forestry activities in Uganda, especially with the establishment of softwood plantations and with forestry education at Nyabyeya Forestry College near Budongo Forest Reserve. A Forestry Department was also opened at Makerere University in 1970 to take care of professional training under a five year inter-governmental agreement between Uganda and the NORAD (Hamilton 1984).

### The first post independence forest policy in Uganda

Following new challenges that emerged after recentralising the forest sector, a new forest policy was formulated in 1970. This policy emphasised:

- (i) management of forests to increase timber production;
- (ii) protecting wildlife and creating amenity forests;
- (iii) efficiently using the available forests by exploiting more species for various uses and converting harvested wood to reduce waste; and
- (iv) encouraging people to grow their own trees.

The main change from the previous policy was that higher priority was given to productive functions than the protective functions of forests (Howard 1991, Kamugisha 1997).

#### *Outcomes of the first post independence forest policy*

In the aftermath of this policy, a military government led by Idi Amin, took over power plunging the country into political and economic instability. This meant that the new policy could not be implemented and all the previous achievements were negatively impacted with some being nearly lost. For example at the beginning of 1972, nearly all the major saw mills that were owned by people originating from Asia collapsed after the then President Idi Amin expelled all Asians from Uganda. Around this period, because of the disputes concerning alleged government human rights abuses, the Norwegian Government decided to withdraw aid from the country in 1973 and the entire forestry sector was adversely affected. The Norwegian staff at Makerere University, together with all continuing students moved to Kenya where the students completed their forestry degree programme.

In 1973, a study was commissioned to examine and change the policy (Lockwood Consultants Ltd 1973). The study recommended that the policy should:

- (i) ensure the supply of raw materials for direct use or for processing by industry, both in the present and with provision for the future;
- (ii) provide employment opportunities in those areas where unemployment is at unacceptable levels;
- (iii) capture the returns to the nation from the natural forest resources resulting from the utilisation of remaining natural high forest areas; and
- (iv) recover all costs, interest and returns for risks associated with planning and development of afforestation and enrichment planting programmes.

However, this policy change was not embraced by the Forest Department who viewed the recommendations as heavily skewed towards commercial forestry but hastened to add that a well managed forest estate can provide raw materials for direct use or for industry while at the same time protecting water supplies, soil, wildlife and amenity of the landscape. This policy also did not escape the problems that had affected the policy before it. For example, after 1974, the economy of Uganda was affected by economic

hardships, there was total breakdown of law and order and civil strife became the order of the day. In due course, the administrative weakness at the time coupled with increasing population led to frequent agricultural encroachment on forest reserves, heightened dependence on wood as the main source of energy in the country and severe erosion of the effectiveness of the Forest Department.

Urgent action was needed to keep the sawmills that were previously owned by Asians running and a new section of the Forest Department known as the Uganda Government Sawmills was created to act as the managing organisation. Many foresters moved into this section but by 1974 this section was itself dissolved and its assets acquired by a new parastatal outside the Forest Department known as the Uganda Wood Industries Corporation (WICO) (Hamilton 1984). WICO later proved to be a financial burden rather than an asset because it had defaulted on royalty payments and by 1980 only two out of 21 sawmills were operating due to lack of spare parts and lack of technical and management expertise. As result, illegal pitsawing rapidly expanded to meet the increasing timber demand in the country.

The softwood afforestation programme that had started in the late 1960s was also severely affected due to withdrawal of funding and its operations had ceased by 1975. The 12,000 ha established under this programme, however, has subsequently proved vital for the country's economy. The increase in illegal activities was exacerbated by the Land Reform Decree of 1975 issued by the military government, by which all land in the country was declared public land and vested in Uganda Land Commission (Hamilton 1984). At the same time the then President of Uganda, Idi Amin declared an economic war to double agricultural production and announced that every Ugandan was free to settle in any part of the country. This statement was interpreted by many people to mean permission to clear forest land for agricultural production. Many public lands were haphazardly privatised and in the process many forest resources, particularly ungazetted ones were cleared.

After the fall of President Idi Amin's government in 1979, three other governments were formed and fell in quick succession during the course of one year (Gakwandi 1999). This paved way for second Uganda Peoples Congress Government under Milton Obote whose election results were contested by all his political opponents. This resulted in a guerrilla war until the National Resistance Army took over power in January 1986. Throughout this period, the Government lacked funds and personnel to monitor the use of forest resources, the economy collapsed and trained manpower left the country because of political persecution. By mid-1980s, illegal activities in forest reserves had become rife and almost un-controllable (Howard 1991). Thus, common pool resources became *de facto* open access regimes and were severely degraded in quality and reduced in size.

### The 1988 Uganda forest policy

In January 1986, the National Resistance Movement

Government embarked on a process of restructuring the governance and structure of the country by reforming the existing laws with the intention to modernise the country. This culminated in the formulation of the 1988 forest policy to redress the gaps in the previous policy (Government of Uganda 1988). While retaining the basic principles in the previous policy, it placed more emphasis on environmentally sound forest harvesting, biodiversity conservation and ecosystem approaches to forest management; establishment of recreation forests; encouraging research in all aspects of forestry and promotion of public awareness and agroforestry. However, the policy contained limited guidance on principles and strategies for the management of forest resources outside the gazetted reserves and on the balance between production and conservation (MWLE 1999). The laws also did not take into account the latest concepts, especially participatory forest management, lacked incentives for forest conservation and failed to address local people's needs and the linkages with other sectors and land uses.

Furthermore, this policy used, the Forests Act of 1947, (Cap.246), amended in 1964, as its principal legislative instrument (Government of Uganda 1964). However, the provisions of this Act were weak and failed to ensure sustainable management of Uganda's forests resources because they were outdated and could not reflect adequately the existing forest management practices. For example, the Act said little about the plight and control of fauna inhabiting gazetted forest reserves, and/or tree resources outside gazetted areas. In addition, the deterrent effect of the cash fines had completely disappeared with the passage of time due to inflation (Kamugisha 1997).

### Zoning the forest estate

In 1988, the Forest Department made a policy decision to set aside 20% of the tropical forest reserves as strictly protected nature reserves, and further 30% as buffer zones (where only limited timber exploitation was allowed), leaving 50% for timber management (Grove 1995). This was in response to recommendations from the international community and pressures from donors about tropical forest degradation for countries signatory to international conventions to set aside large areas of forests as protected areas. The Government further designated about 30 000 ha of tropical forest parks which were given a higher protection status precluding forest product extraction (Kamugisha and Cornelia 1996). These included Mt. Elgon, Kibale, Bwindi, Rwenzori and Mgahinga forest parks whose conservation status was elevated to national parks in 1993 under the management of Uganda Wildlife Authority. This instantly took about 60% of the forest reserves out of timber and other consumptive production, leaving only 600 000 ha available for timber management. On the conservation side, this seemed quite a promising concept but local communities whose livelihoods depended on forest exploitation were severely affected. This up to today has been a major source of conflict between national park authorities and local communities regarding access to these forest resources.

## The second attempt to decentralise the forest sector in Uganda

Following the enactment of the Resistance Councils and Committees Statute in 1987, the National Resistance Movement (NRM) Government of Uganda embarked on the process of devolution of power to the district councils including the management of natural resources. In 1993, the Local Government Statute was passed and as a result some powers and responsibilities to manage forest resources were transferred from the central to local government authorities (Government of Uganda 1993). This was further emphasised by passing of the National Environment Act (1995) and the Local Government Act of 1997 (Government of Uganda 1995, 1997). Along with other public service functions, the objectives for decentralising forestry were to: (i) enhance the role of local government with more developed responsibility to plan and implement forestry activities; (ii) reduce the burden on public finances by empowering local government to outsource financial resources and manage forestry activities; and (iii) encourage participation of local communities and farmers in the management of forest resources.

Through the National Environment Act (1995) and the Local Government Act (1997), institutional structures known as Production and Environmental Committees (PECs) have been put in place at all local government levels for governing natural resources. PECs are functional committees within the Local Councils established in accordance with decentralisation and environmental policies in Uganda (Government of Uganda 1997). They are institutionalised in the local government system to facilitate bottom-up planning and management of natural resources with active participation of local communities. PECs also formulate and develop district-based plans, policies and byelaws on production and sustainable environmental management, and co-ordinate all activities of the local governments on matters relating to the environment, natural resources and production (Turyahabwe *et al.* 2007).

However, under Statutory Instrument No.52 of 1995, the government decided to recentralise all forest reserves because many districts lacked both the technical expertise and the financial resources for their effective governance (MWLE 1999). Other districts had engaged in massive and unregulated exploitation of forest resources to generate money for running the district affairs. Yet again the 1997 Local Government Act transferred management functions over forest reserves to sub county and district governments, but the 1998 Forest Reserves Declaration Order further restricted the functions of local governments to only LFRs while CFRs remained under the jurisdiction of the central government (Government of Uganda 1998).

In 1999, the government of Uganda launched a Forest Sector Reform Process which resulted in the development of Uganda Forest Policy (2001), the National Forest Plan (2002), the National Forestry and Tree Planting Act (2003) (NFA 2005). A new institutional framework was created with clear roles and responsibilities for the multi-stakeholders including central and local government agencies, the private

sector, civil society and local communities to manage the forest sector. The 2001 forest policy published in 2001 after a thorough consultative process with various stakeholders, sets out guiding principles for the forestry sector development (MWLE 2001). Its core themes are conservation and sustainable development, livelihood enhancement, and institutional reform, with new roles for central and local government, the private sector, local communities, non-governmental organisations (NGOs) and community based organisations (CBOs). The policy addresses more recent areas of concern in the forestry sector, such as the management of forests outside gazetted forest reserves; collaborative forest management; private sector involvement in commercial plantations; urban forestry, the management of forests on private lands; local participation; and gender equity in the use of forest resources.

The National Forest Plan (NFP) of 2002 is a strategic sector plan for the development of forestry in Uganda (MWLE 2002). It provides the framework for implementing the 2001 forest policy. It describes the long-term vision of the forest sector and the reforms needed in its leading institutions (local governments and National Forestry Authority (NFA) and outlines an investment programme for the sector. The National Forestry and Tree Planting Act was enacted in 2003 and provides the necessary legal instruments for the implementation of Uganda's 2001 Forest Policy (Government of Uganda 2003). The purpose of the act is to create an integrated forestry sector that will facilitate the achievement of sustainable increases in economic, social and environmental benefits from forests and trees for all the people of Uganda.

As part of the restructuring process, there was also a need reform the Ugandan Forest Department because it had lost public trust and was not seen to be carrying out its mandate of policy, regulation and management of the country's forest estate. It was also seen working under outdated forest policy. The Government decided to replace the Forest Department with a more effective and autonomous NFA to manage the country's Central Forest Reserves (CFRs). The NFA came into operations in April 2004.

In line with Governments' policy on decentralisation, the Local Government Act and the 2001 Forest Policy, District Forestry Services (DFS) were also created to manage Local Forest Reserves and private forests. The DFS of local governments are mandated to prepare District Forestry Development Plans, improve the management of LFRs, collect revenue from taxes and licences on forestry activities, provide and support delivery of extension services, develop and enforce byelaws governing the management of forests and trees in the district, mobilise funds and encourage tree planting and protection of the vulnerable areas and watersheds in their areas of jurisdiction. The devolved central government funded programmes like the Plan for Modernisation of Agriculture (PMA) and the National Agricultural and Advisory Services (NAADS) are mandated integrate forestry as a strategy to improve the livelihoods of people through increased wood production in collaboration with DFS (MWLE 2002).

The National Forestry and Tree Planting Act of 2003 give the legal backing for the establishment of District Forestry Office (Government of Uganda 2003). Under this Act, a Forestry Inspection Division (FID) that recently transformed into a Forest Sector Support Department (FSSD) supervises the activities of the semiautonomous NFA that is responsible for CFRs and the DFS of local governments created to offer advisory services to private and customary forest owners and the management of LFRs. The FSSD has the overall responsibility for formulation and implementation of national forestry policies, standards and legislation and overseeing the implementation of forest management principles by the DFS and NFA.

In practice, genuine devolution of power over the management of forest resources to local government has been occurring only to a limited extent in Uganda, even when decentralisation and devolution are major themes of the 2001 Uganda Forest Policy (MWLE 2001). For example, only small forests gazetted in the early 1940s LFRs have been transferred to the Local Government Authorities. The large economically viable forests gazetted as CFRs have been retained under the semiautonomous NFA (Turyahabwe 2006). This has generated political, administrative, legal, technical and constitutional difficulties and confusion between the NFA and the local government authorities (District and Sub-county Local Councillors). This has been detrimental to the country's forest resources because it has brought confusion among the stakeholders involved in the implementation of decentralised forest governance in Uganda. Furthermore, the political culture has infiltrated the management of decentralised forest resources. For example, there is increased pressure from some local governments to increase revenue hence more pressure to exploit forest resource, a situation that makes the district forestry staff more vulnerable to undue pressure or even victimisation should they go against the wishes of the local politicians (Turyahabwe *et al.* 2007). Furthermore, DFS do not get adequate fiscal support and this has continued to hinder the management of forests under their jurisdiction. Though guidelines have been put in place to manage private natural forests (MWE 2007), most local governments with substantial forests on private and communal lands have continued to unsustainably encourage harvesting to generate revenue for running other decentralised services.

### **Degazettment of forest reserves**

To encourage investment and economic growth, the Government of Uganda adopted a policy of converting gazetted (public) land to private use (Kazoora 2003). For example, in January 1997, the Government degazetted 1 006 ha of Namanve Central Forest Reserve (CFR) to create an industrial park to be managed Uganda Investment Authority against public protests. Of that land, 260 ha were used by farmers who had been granted authorization to plant eucalyptus woodlots by the Forest Department, while the remaining part had been planted by the Forest Department. The case was settled through adjudication after the parties

failed to agree on the amount for compensation. Although the farmers were not entitled to own land in the reserve, they nonetheless lost the use rights they had acquired under the permits. Despite the protests, the Government went ahead and completely cleared the forest. However, 10 years later, the people are asking where are the industries that warranted the degazettment and give-away of Namanve CFR.

In July 2004, the Government gave away 6 500 ha of forest reserves on Bugala islands in Lake Victoria to BIDCO, a vegetable oil processing company to establish a Palm Oil Tree estate and Oil Refinery on the islands. In addition, BIDCO was vying for more of the reserved forest to be degazetted for palm oil tree planting. This too prompted public protests. Despite the protests, the National Environment Management Authority (NEMA) went ahead to approve the project and today a large part of the private natural forestland has been cleared for Palm Oil tree plantation (NEMA 2003). In 2001, The Government degazetted Butamira Forest Reserve for the benefit of Kakira Sugar Works (KSW) Ltd. Despite public protests and legal suits stopping the land give-away, the Government went ahead to give-away the land to KSW. Today, the forest has been completely wiped out and is no more (Tumushabe and Bainomugisha 2004). In early 2007, the Government had planned to degazette about 7 100 ha of Mabira Forest Reserve for sugar cane growing to Sugar Cooperation of Uganda Ltd but met stiff resistance from environmentalists and civil society organisations and later the Government abandoned the process after three people were killed during the demonstrations. There are more recent indications that the Government might still proceed with the Mabira land transfer.

### **Collaborative forest management (CFM)**

Building on experiences from India (Poffenberger and McGean 1996; Kothari *et al.* 1996), collaborative forest management (CFM) was adopted in Uganda in 1993 around Bwindi Impenetrable National Park, BINP (Wild and Mutebi 1996), and by 1996, collaborative initiatives had spread to other protected areas (national parks) such as Mt Elgon, Kibale, Mgahinga, and Murchison falls (UWA 2001).

In the forest sector, research on CFM began in 1996 with pilot activities in some selected Ugandan forests, for example Butto-Buvuma (Gombya-Ssembajjwe and Banana, 2000). The Forest Department, however, held consultations from 1996 to 1997, and on July 1998, the CFM programme was officially launched (Scott 2000). Since then, pilot activities were initiated by the Forest Department, emphasising equitable distribution of benefits, participation of local people at all stages, gaining consensus on the terms of management and representation; instilling the sense of ownership and authority over the resource in local management partners, ensuring flexibility on the part of the Forest Department towards the potential compromise and building mutual trust and respect as a strong foundation for future partnership. This has now been institutionalised in the 2001 Uganda Forest Policy (MWLE 2001) and in the National Forestry and Tree Planting Act, of 2003

(Government of Uganda 2003). Guidelines have also been put in place for the implementation of CFM arrangements in the forest sector (MWLE 2003).

The CFM programme is being practiced in all the seven forest management ranges as designated by the NFA. A total of 12 CFM agreements have so far signed: Kasyoha-Kitomi (1), Echuya (4), Budongo (1), Mabira (2) and Sango Forest Reserve (3). The process is under way with other 47 communities located in the 32 CFRs (Mupada 2008). The present trend shows limited improvement in the relationships between NFA officials and the local communities. Through collaborative forest management, communities adjacent to forests are sensitised about their rights and obligations over forest resources as well as the socio-economic and ecological importance of forest resources to their livelihoods. Collaboration has also enhanced the quality of decision-making in natural resource management, for example, in areas where collaborative forest management (CFM) has been initiated, committees have been set up to communicate the needs and interests of the local people with forest officials. The major challenge is that local communities still demand a big share of the resources, which they feel is their constitutional right because the resource belongs to them (Banana *et al.* 2001). In addition, NFA and local communities have not yet well appreciated the importance of CFM as an effective form of forest management because of being too complex and insufficient direct benefits to them. This is exacerbated by the fact that few communities have grasped their rights and responsibilities under CFM provided for in the 2001 Forest Policy, the National Forest Plan of 2002 and the National Forestry and Tree Planting Act of 2003.

### Plantation development

Establishment and management of plantations has been a key activity since the establishment of the NFA. Plantation establishment is expected to benefit many Ugandans, most especially in terms of rural jobs and supply of the raw materials for most industrial developments. Plantations may also reduce pressure on natural forests currently supplying the bulk of country's wood requirements. The NFA provides incentives for private tree planting within CFRs. Permits to plant trees in CFRs are given to interested individuals, both small and large scale tree planters in a bid to establish partnerships with the private sector. About 548 individuals have been offered land amounting to 58 447 ha (NFA 2006). The NFA, together with the Sawlog Production Grant Scheme (SPGS), have prepared a Plantation Development Strategy which envisages a total of 150 000 ha of high yielding, fast growing commercial timber plantations by 2025 (NFA 2006). The SPGS under the funding from the European Union aims at attracting the private sector to establish commercial timber plantations in Uganda. The programme started in 2003 and to date over 40 clients have signed up and planted trees equivalent to 1 900 ha (NFA 2005). Under this programme, Ushs 600 000 (US\$350) is paid retrospectively over 2-3 years for every hectare of good quality trees planted. Over a 3-year

establishment period, the minimum planting area funded is 25 ha, whilst the maximum area funded is 500 ha. Additional contracts (of 500 ha) are considered for larger-scale planters once they prove their worth over the first contract. Private planters have invested in over 7 000 ha since 2003, around 70% on CFR land leased from the NFA. The target under the SPGS is 10 000 ha by 2009 (SPGS 2007). Notable investors are the New Forests Co., Global Woods, Busoga Forestry Co., and Core Wood Ltd.

### CONCLUSIONS AND RECOMMENDATIONS

A historical analysis of the development of forest policy and legislation in Uganda highlights a trend from highly regulatory, centrally controlled and industry biased forest policy characterised by rigorous scientific methods with elaborate management plans, through a non-directional phase with severe forest degradation, towards a more decentralised, participatory and people oriented approach that has typified the focus of the policy over the last two decades. Over the last century, Uganda's forest management history has not occurred in isolation but has been influenced by developments in the country's constitution, land and local government policies. Given the transition from top down mode of management to a community based approach, the shaping of forest policy in Uganda over the last two decades and in particular the formulation of the 2001 Forest Policy, the National Forestry and Tree Planting Act, the divestment of the Forest Department into the autonomous National Forestry Authority (NFA), creation of District Forestry Services (DFS), decentralisation of forest management and introduction of collaborative forest management CFM, have been radical and progressive developments for sustainable forest management.

The NFA has not been 'autonomous' and faces considerable government pressure to degazette CFR land for development, leading to many resignations at Board and senior managerial level in 2006/07. This has had multiple problems, including poor government support to ensure law enforcement and massive encroachment on land reserved for commercial forestry development which is threatening substantial private investment in commercial forestry that started in 2003.

The reform process did not clearly identify the roles of the NFA and private sector whereby the NFA are planting and harvesting plantations resulting in claims of unfair competition. This is caused by over-looking the need for continued financial support to the NFA in order for it to carry out its intended policing and conservation roles. With the Government thinking it is 'autonomous' the NFA is being forced to find ways of funding its operations-not just with plantations but with ecotourism and nursery production.

The early years of both the DFS and FID/FSSD have been problematic too due to under-funding but more importantly not having clear leadership and direction. There seems to be competition between the NFA and DFS, moreover, the NFA which is highly funded manages only 30% of the reserved

estate while the ill funded DFS manages the bulk (70%) of the forest estate. With these two organizations struggling, the NFA (which was been largely funded by external aid until 2008) assumed the role of the regulatory FID/FSSD. The abolition of Graduated Tax (major revenue for local governments) implies that the DFS with substantial forest areas have turned on to them for revenue.

In all these organisations there is a clear need for change and dialogue with the public. The organisations need clear direction, which is only likely to come from senior staff with experience in leading change. There is a need to strengthen the FSSD and define the roles of the NFA and private investors in the management of forest resources. Lastly, there is a need for the Government to operationalise, monitor and evaluate policies rather than formulate new regulations.

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