



Uganda

Impact of macro & sectoral policies on deforestation

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Foreword

The Nile Basin Initiative (NBI) is a partnership between riparian countries of the Nile; namely Burundi, Democratic Republic of Congo, Egypt, Ethiopia, Kenya, Rwanda, Sudan, Tanzania, and Uganda. The NBI's shared vision is to "achieve sustainable socioeconomic development through the equitable utilization of, and benefit from the common Nile Basin water resources". To translate this shared vision into action, there are two complimentary programmes: the Shared Vision Program (SVP) which creates a basin wide enabling environment for sustainable development; and the Subsidiary Action Programmes (SAPs) engaged in concrete activities for long term sustainable development, economic growth and regional integration of the Nile Basin countries.

The Nile Transboundary Environmental Action Project (NTEAP), one of the seven projects under the Nile Basin Initiative's (NBI) Shared Vision Programme, is mandated to provide a strategic environmental framework for the management of the trans-boundary waters and environmental challenges in the Nile River Basin.

As part of a broader plan of raising environmental awareness, NTEAP seeks to enhance the understanding of common and high priority policy issues that affect the environment of the Nile Basin. This will be done through policy studies of the patterns of economic development and priority transboundary environmental issues. The Nile Transboundary Environmental Analysis which was developed by the riparian countries in collaboration with the World Bank, UNDP and GEF identified priority environmental issues and threats in the Nile Basin. Better understanding of how these environmental threats are influenced by macro and sectoral policies and identifying the root causes is essential to explore possibilities of jointly addressing the threats.

In August 2006 the NTEAP held a planning workshop in Tanzania on the impact of macro-sectoral policies on the Nile Basin environment. The workshop discussed the concept note on macro policies prepared by NTEAP, reviewed country papers and decided on the kind of studies that could be carried out in line with macro and sectoral policies. Topics were selected on the basis of their relevance to the Nile Basin, significance of trans-boundary aspect and where policy intervention/policy reforms will be required. Four research themes/topics emerged. These focused on the macro/sectoral policies: on soil erosion; Non point pollution/pesticide pollution; exploration and development of oil projects; and deforestation in the Nile Basin.

This report examines the impact of macro and sectoral policies on deforestation in Uganda. The report examines the severity and extent of deforestation. It also discusses the required policy interventions and /or policy reforms in Uganda. The findings of the study indicate that Uganda has a comprehensive legal and policy framework to deal with deforestation. However there are some areas of policy and legal framework that need strengthening and improvement. It is hoped that the content of this report will permeate the government system to form part of the basis for decision making process.

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The Nile Basin Initiative is a regional partnership between the Nile Basin countries united for the long-term development and management of the Nile waters. The initiative developed a basin-wide framework, which is guided by the countries' shared vision of achieving sustainable socio-economic development through the equitable utilisation of, and benefit from, the common Nile Basin water resources. The Nile Transboundary Environmental Action Project (NTEAP) is one of the eight and largest project under the shared vision Programme. NTEAP was initiated to support the Nile Basin countries to develop a basin-wide approach for managing the waters and the environment of the Nile River, and to create an enabling environment for addressing priority transboundary environmental issues affecting the Nile.

In 2001, the Nile Basin Initiative in cooperation with the United Nations Development Programme and the World Bank, with funding from the Global Environmental Facility, commissioned a study on transboundary environmental threats. For Uganda, the priority environmental threats identified amongst others included deforestation and policy related issues.

Having identified policy issues among the root causes of environmental degradation, NTEAP conducted a planning workshop in August 2006 in Tanzania on the

impacts of macro-sectoral policies on the Nile Basin environment. During the workshop, country papers on macro-sectoral policies on the environment were presented and discussed. The participants agreed that it would be useful to conduct studies on the impacts of macro-sectoral policies on the Nile environment. Uganda chose to conduct a study on "Impact of macro-sectoral policies on deforestation and the required policy intervention/reform".

The objectives of the study are to:

- identify policy, legislative and regulatory constraints that cause deforestation;
- provide required policy and legal intervention/reform;
- recommend ways of validating the proposed policy and legal intervention;
- Recommend the process for adoption of the suggested policy and legal reform; and suggest ways of evaluating the success of the proposed policy and legal reform.

The findings of the report indicate that Uganda has a comprehensive legal and Policy framework to deal with deforestation. However there are some areas of policy and legal framework that need strengthening and improvement. This report is divided into eight sections.

Section 1 provides the introduction to the report. The section also provides the background, the objectives, the constraints and the

methodology used in the study. Section 2 analyzes the status of deforestation in Uganda and how it impacts on the Nile Basin. Section 3 describes the main causes of deforestation. It describes the factors that cause deforestation which include: increases in human need; flawed policy and legal framework; poor implementation and enforcement capacity; urbanization and industrial development; lack of information about the forest resources and illegal operations; corruption and transparency; and wars and violence. Section 4 reviews strategies, plans and legal framework for forestry resources management and assesses how it impacts on deforestation. The strengths and gaps are identified in the policy and legal framework. Chapter 5 proposes remedial measures in legal and policy framework to combat deforestation. General and specific remedial measures are provided. Section 6 proposes how the remedial measures can be validated in order to make them effective. Section 7 provides possible steps that can be taken to adopt the proposed measures. The section recognises that a step-by-step approach is necessary since it is difficult to address all elements of reform at once.

The final section proposes the evaluation process of the proposed legal and policy reforms. This process is important in assessing the successes and failures of the proposed legal and policy reforms.

According to the National Forestry Authority (NFA), forests and woodlands cover a total of approximately 4.9 million hectares, about 24% of the total land area of Uganda. Of the total forest area, 70% is on private land, while 30% is in the Permanent Forest Estate (PFE) as some form of protected area, 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, 5,000 ha (0.3%) are controlled by Local Governments (LG) as local forest reserves and 731,000 ha (38.8%) are managed by the Uganda Wildlife Authority (UWA). Within the PFE currently 78% (1,468,000 ha) is under forests and woodland, while the rest is mainly grassland. Of UWA's protected areas, only 39% is covered with forests or woodlands, and it is only these that are counted as part of the PFE, whereas all the NFA's reserves (of which 64% is forest) are included due to different classification methods. Of the protected areas under forest, the NFA manages 50% (737,000 ha), and UWA manages the remaining 50% (731,000 ha). Most private forests are woodlands. The largest part of the Tropical High Forest (38%) is held under private and customary tenure.

Uganda has two types of forests namely; natural forests and planted forests. Natural forests are categorised into tropical moist forests (TMFs) which cover approximately 320,000 hectares, the Savannah Woodland/Bushland forests (SWFs) covering approximately 521,000 hectares and other types including the wetlands, grasslands and built up areas covering approximately 329,000 hectares. The natural forests have a total of approximately 1,170,000 hectares. The second type of forests is the planted forests covering approximately 30,000 hectares.

The forest estate in Uganda in both protected forest areas and on private land is increasingly shrinking as a result of deforestation yet forests are the backbone in the three pillars of sustainable development namely, the economy, society and the environment. The Food and Agricultural Organisation (FAO) in 2000 estimated the deforestation rate in Uganda to be about 0.9% per year based on the change in the amount of bush land and woodlands

from 1990 to 1995. According to the Ministry of Agriculture and the World Bank, the rate of land clearance range from 70,000 ha to 200,000 ha. These figures imply annual deforestation rates of between 1% and 3%, respectively.

The Nile River with an estimated length of over 6800 km is one of the longest and greatest rivers in the world. The River Nile flows from south to north over 35 degrees of latitude with an area of about 3.1 million sq km, that is, about 10.3 per cent of the African continent spread over ten countries.

The main hydrological feature of Uganda is the extensive interconnected system of the Equatorial lakes forming the upper part of the White Nile. Lake Victoria which drains a total area of 190,000 square kilometres in Rwanda, Burundi, Tanzania, Kenya and the entire southern part of Uganda, has its outlet close to Jinja passing the Owen Falls Dam, the water flow through the Victoria Nile into Lake Kyoga subsequently into the northern end of Lake Albert. The other branch of the Lake system that is Lake George and Lake Edward is connected via the Semliki River which flows into Lake Albert in the Southern end. From Lake Albert the Albert Nile flows towards the Sudan. Thus the whole Ugandan territory is situated entirely within the Nile Basin. Therefore deforestation in Uganda would affect the Nile Basin system.

A number of factors underlie the deforestation trends in Uganda. The Uganda government has been advocating for economic development independent of other policies that would ensure its sustainability. There has generally been a failure on the part of the government to reconcile the vision for Uganda's forests within the context of its economic development efforts. Sustainable development requires that all macro policies be considered in all development aspects. This approach will create a conducive environment for the protection of natural resources such as forests.

THE ENVIRONMENTAL ISSUES

Deforestation in Uganda is due to a number of factors. These include the following:

Increases in Human Needs

Deforestation is influenced by the increase in human needs. The population

growth in Uganda is estimated at 3.3 per cent which leads to an increase in the demand for land, food and energy. About 90% of the total population who live in rural areas directly depend on agriculture and this leads to encroachment on forest land for agriculture. This population also depends on firewood for their energy needs, and a big fraction of the urban dwellers depend on charcoal. In general, about 92% of Uganda's source of energy is wood fuel which means that more pressure will be put on forestry resources. Seasonal burning for fresh pasture in the rangelands of Karamoja/Teso, Mbarara/Ntungamo, and Masindi/Nakasongora areas is also another factor contributing to deforestation in these areas.

Flawed policy and legal framework

Deforestation can also be attributed to inadequate policy and legislation. As will be seen later, some policies and laws do not promote conservation of forestry resources. There are policy deficiencies relating to the private sector and the local communities over land tenure, access rights and responsibilities for resources management.

Most of the pieces of legislation are technically unrealistic and prescribe activities, procedures and institutional arrangements which are not matched by adequate financial and human resources in government and civil society. These pieces of legislation are perceived as unfair and socially unacceptable. For instance they fail to provide adequate forest fire control measures that cause the seasonal burning for fresh pasture in the rangelands of Karamoja/Teso, Mbarara/Ntungamo, and Masindi/Nakasongora areas.

In some cases, the laws are inconsistent or conflicting with other bodies of legislation. This causes uncoordinated and poor implementation of these laws. This is combined with lack of public participation in law design and forest-related decision-making processes leading to long-term adverse social, economic and environmental impacts, including increased levels of illegal forest operations.

There are legislative provisions that exceed national capacities for implementation. For example, at the district level there is only one forestry officer and ranger. Some provisions

exceed what is necessary to achieve reasonable and legitimate objectives. Provisions also exceed what is socially acceptable.

Poor implementation/enforcement capacity

Many forest laws are not utilized or are under-utilized due to lack of political will, weak institutional capacity, corruption, overall disregard for the rule of law and so on. Uganda still lacks the necessary human, financial and managerial capacity to effectively ensure forestry law compliance. This gap leads to a greater inclination to engage in forestry illegal activities, as the probability of being detected and punished is low.

Urbanization and Industrial Growth

Urbanization and industrial growth are also putting pressure on forestry resources. Many urban and peri-urban reserves are under threat of being degazetted. The increasing demand for industrial land has led to the degazetting of nearly 10,000 ha, which will result in a permanent net reduction of the forest estate unless alternative non-forested areas are identified and developed. The most affected forest reserves are those close to the urban and industrial centres, for example Namanve forest near Kampala, butamira forest and Mabira forest

Lack of information about the forest resource and illegal operations

Successful strategies to improve law enforcement rely on a solid knowledge of the resource base and its utilization, which Uganda does not possess. Forest inventories and forest management plans are either inadequate or non-existent. Many forests are located in remote and inaccessible areas, making monitoring difficult. The Ugandan government and institutions responsible for managing forests often make uninformed decisions when granting timber harvesting licences without adequate knowledge of the forest resource's sustainable yield. Without adequate data, it is difficult to judge the extent of illegal timber harvesting.

Lack of accurate information also makes it difficult to identify and monitor the occurrence and evolution of illegal acts.

Forestry officers have little knowledge of how to gather and preserve evidence against illegal operators and judicial officers are seldom familiar with forest related crimes which makes it difficult to prosecute forest offenders. Even when information is available, it is often not used efficiently and/or shared among the relevant government agencies and stakeholders.

Corruption and lack of transparency

Many deforestation activities are associated with corruption. Corruption is a complex social, political and economic phenomenon. Corruption in the forest sector involves acts such as payment of bribes to government officials and politicians for preferential treatment. For example, award of a procurement contract, or timber licenses; financial extortion by officials from operators to artificially legalize illegal operations like transportation permits, harvesting licenses, forest land use conversion; official decisions that favour certain groups for instance when allocating timber harvesting licenses with the tacit understanding that the group will eventually repay the favour. Persons engaged in timber harvesting evade complying with laws with relative impunity due to the protection by powerful patrons in government.

Lack of transparency in the public forest administration and other agencies such as the police and the military, unclear accountability structures, complex administrative procedures and lack of public disclosure of key documentation leads to poor forestry resources management and encourages deforestation.

Wars and Violence

Wars and violence place a major direct and indirect burden upon forest resources. Military warfare in Uganda has contributed much to deforestation. Uganda has had a turbulent history and sometimes guerrilla groups launch their attacks from forests and woodlands. This has led to poor management of forests and in the past, clearance of some forest in search of rebels. To-date rebels have occupied Rwenzori Mountains in Uganda since 1997. This has prevented any meaningful conservation activity.

EXTENT AND SEVERITY OF DEFORESTATION

According to the NFA, deforestation is eminent in Uganda considering the reduction of forest cover from the pre-colonial days to present. Forest clearance for agriculture in south-western Uganda montane forests is thought to have begun some 2,200 years ago with arrival of Bantu-speaking peoples who had iron-smelting technology. These ethnic groups encountered the Batwa (pygmies) people, who traded forest products for food, a scenario that initiated accelerated deforestation. In the last 100 years, Uganda's forests have faced severe pressures mainly from agricultural conversion as a result of population increase, urban demand for charcoal, over grazing, uncontrolled timber harvesting and policy failures.

The forestry cover has shrunk from 45% in 1890 to the present 20.3 % of the total land area in Uganda. The country lost an average of 86,400 hectares of forest or 2.1 percent of its forest cover per year between 2000 and 2005. On a generational time scale, Uganda lost 26.3 percent of its forest cover (1.3 million hectares) between 1990 and 2005 and deforestation continues today at a rate of 2.2 percent per year. The annual cost of deforestation in Uganda has been conservatively estimated at US\$ 3.8 5.7 million per year.

Uganda could lose all its forest cover in 50 years if the current rate of destruction is not reversed, thereby upsetting the ecosystem and exposing the country to further environmental degradation. Forests and trees have been cut at rates that exceed sustainable levels; characterized by the prevention of forest regeneration by grazing and fires. Many urban and peri-urban forest reserves are also under threat of degazettement for industrial development and housing.

In south western Uganda, the results of deforestation mapping show that the highest level of deforestation is located in the northern part of the protected area network, around Bugoma, Budongo, and Kagombé forests. The greatest amount of forest loss for Bugoma is located 2 and 3 km from the protected area limit and is associated with large-scale farming. Kalinzu has the least disturbance in terms of conversion to agricultural land, but forest degradation associated with mechanized logging is evident. The

majority of forest loss is located immediately outside of the protected area, indicating that deforestation is approaching protected areas. However, the uncertainty as to the protected area boundaries indicates that deforestation could be occurring inside the protected areas.

The trend of deforestation has a number of implications on Uganda and the Nile Basin. Deforestation has adversely affected biological diversity. Uganda is home to more than 5,000 plant species, 345 species of mammals, and 1,015 types of birds. The animal species are threatened due to loss of wildlife habitats and degradation of watershed areas is leading to deterioration of the quality of life and reduction of the options for development. The gorillas of the Bwindi Impenetrable National Park are under threat of extinction through habitat loss and disease brought about by the increasing proximity of humans resulting from the opening up of roads in forests, hunting and tourism. Loss of habitat combined with an increase in diseases is potentially disastrous for such a small population of gorillas.

The current rate of deforestation is causing environmental-related problems in some parts of Uganda. Regions that used to be cold and malaria-free have experienced rising temperatures, providing conditions for the spread of disease. Areas like the southwest in Kabale, which had been cold, are losing 0.3°C of their minimum temperature every 10 years.

Deforestation affects the amount of water in the soil and groundwater. Shrinking forest cover lessens the landscape's capacity to intercept, retain and transport precipitation. Instead of trapping precipitation, which then percolates to groundwater systems, deforested areas become sources of surface water runoff, which moves much faster than subsurface flows. That quicker transport of surface water can translate into flash flooding and more localized floods than would occur with the forest cover.

Other effects of deforestation include: increased soil erosion and loss of soil fertility especially in areas of Kabale, Mbale and Moroto; and wood deficiency leading to increased dependency on costly imports. Deficiency in fuel wood also forces people to walk further and

spend longer in search of wood to meet their daily requirements.

To other Nile Basin countries, the effects of deforestation in Uganda can also be seen. Forests play an important part in the greater natural cycles that make and affect the weather and that clean the air in our atmosphere. They keep the hydrological cycle healthy by putting water back into the atmosphere through transpiration, making clouds and rain. They also capture carbon dioxide produced by the burning of fossil fuels from the atmosphere, replacing it with oxygen and thus reducing the risk of global warming. The massive deforestation in Uganda means that these important functions cannot be carried out. The result is less rain, higher temperatures, and more severe weather patterns in the Nile Basin region. This too affects the water levels of the Nile due to increased evaporation as a result of high temperatures and low rainfall.

MACRO/SECTORAL POLICIES

Plans and Programs

Vision 2025

Uganda has enshrined her vision for development within the first quarter of the 21st Century in a document popularly known as the Vision 2025. The Government Vision 2025 is a long-term national development perspective, which aims at achieving a Uganda with “*prosperous people, harmonious nation and beautiful country.*” Vision 2025 embodies three elements of national development which are: sustainability, conservation and regeneration of both man-made and natural capital. One strategic issue recognized in this vision is how to ensure that resource use and development activities sustain and enhance environmental quality. The Vision has a section on forestry resources and it identifies deforestation as one of the key issues in forest management which is a major form of land degradation. The identified causes of deforestation are conversion of forestry land for agricultural purposes as a result of both population increase and commercial agricultural expansion, urban demand for charcoal and policy failures.

This document provides a strategic framework for national development of natural resources management such as

forests. However the document has not been popularised to all key sectors dealing with natural resources management.

The National Environment Action Plan for Uganda (NEAP) (1995)

NEAP provides a framework for addressing environmental problems as well as a strategy for integrating environmental concerns into the national socio-economic planning and development processes. It presents practical solutions and options in the areas of policy, legislation, institutional reforms and new investments with the view of promoting sustainable social-economic development by changing people's ways of utilizing and conserving natural resources. It recognizes that soil erosion and land degradation are highly pronounced particularly in the highland areas and increased soil erosion is largely due to deforestation in the water sheds and inappropriate farming methods which do not follow soil erosion control measures. It also recognised that deforestation is widely spread in the country and it is caused by encroachment, energy demands and pit sawing. This Plan was the background to the development of the current environmental policies and laws in Uganda.

One major weakness of this plan is that it does not recognize industrial development as a cause of deforestation as a result it never addressed it and yet it has been a recent cause of deforestation.

Poverty Eradication Action Plan (PEAP) (2004/5-2007/8)

The PEAP provides an over-arching framework to guide public action to eradicate poverty. The PEAP is grouped under five pillars namely: economic management, production, competitiveness and incomes; security, conflict-resolution and disaster-management; good governance; and human development. The PEAP recognizes that there are serious signs of declining soil fertility and deforestation in Uganda. It provides that to meet these challenges, Government will develop a sector-wide approach for the Environment and Natural Resources (ENR) sector.

The PEAP provides that there is an urgent need to reduce deforestation, since distances walked to fetch fuel wood are increasing and the number of trees is shrinking causing negative impacts on women's time, and posing serious threat to the livelihoods of some poor forest residents. It suggests that the National Forest Authority should encourage private participation in forestry while protecting central forest reserves. It also recommends that district and community forests need to be supported. It further recommends that the district forest services need to be supported to promote pilot community forest initiatives.

This Plan recognizes important aspects of controlling deforestation both at local and national levels in the forestry sector. However, limited financial resources especially at the district levels have hampered the implementation of this plan. Therefore whereas PEAP recognised the urgent need to reduce deforestation, it may not have achieved its objective due to the above identified limitation.

Uganda Forestry Nature Conservation Master Plan (2002)

This is a sectoral plan for forestry development in Uganda. Its vision is to achieve a sufficiently forested, ecologically stable and economically prosperous Uganda. The goal of the plan is to have an integrated forest sector that achieves sustainable increase in economic, social and environmental benefits from forests and trees by all the people of Uganda, especially the poor and vulnerable. The Master Plan provides a framework for implementing the Forestry Policy. It describes the long term vision for the forest sector and the reforms needed in its leading institutions. It also includes an investment program based on a series of activities and measurable outputs. It is a rolling plan that is regularly reviewed to fit into the Medium Term Expenditure Framework (MTEF) and the budget cycle of the Ministry of Finance, Planning and Economic Development.

The Plan provides that the forests and trees provide agricultural support and environmental services in ways that are taken for granted or poorly understood. It states that a regular supply of clean

water and soil fertilization are major services provided by forests and trees which are especially important to the poor, as they cannot afford alternatives such as piped water or fertilizers.

It recognizes that the forest cover in Uganda has halved during the past century and currently is shrinking at a rate of 55,000 ha per year. It provides that the combined effects of deforestation and high consumption result in an accelerating imbalance between national demand and supply of forest products. It further provides that Uganda moved into a net national wood fuel deficit in the year 2000 and that this decline will particularly affect the poorest Ugandans who are least able to respond to shortages, choose alternative livelihoods or accommodate the loss of natural assets and safety nets.

The plan outlines the major factors leading to the loss of forest cover and forest degradation to include conversion of forests into agricultural and grazing land; and over harvesting forests for firewood, charcoal, timber and non-wood forest products. It highlights market failures or institutional failures as the major causes of these factors.

The plan requires, among other things, legal provisions requiring local communities to receive benefits or revenue derives from conservation of forests. The Plan also requires enactment of legislation to control pollution, pesticide and arboricide use and charcoal burning in natural forests. These requirements have not been expressly incorporated into the Forestry and Tree Planting Act for effective control of deforestation.

Environment and Natural Resources Sector Investment Plan (2007)

This is a strategic document which seeks to provide a framework for investment in environment and natural resources. It provides a sound basis for integration into a sector wide planning framework to facilitate, mobilize and allocate funds in priority areas of the environment. It identifies the contribution of the forestry sector to the economy and its key constraints. Some of the constraints identified include: insecure and poor awareness of land and tree tenure regulations, insufficient high quality tree seeds and planting stock of appropriate

species, lack of accessible technical advice, culture and gender constrains, insufficient mechanisms for control of problem animals, insufficient processing technology, poor market structure, lack of private sector support and inequitable distribution of forest reserves benefits to local stakeholders. Some of the targets of the plan include security of land tenure or ownership, sustainable harnessing or use of natural resources so as to improve the ability of forests and trees to yield increases in economic, social and environmental benefits for all people especially the poor and vulnerable now and in future generations.

The plan provides investment and resource requirements which include financing through private sector such as debt for nature swap, carbon credits which are fundamental for controlling deforestation. This plan provides a budget for the support of ENR investment plan to the year 2018. However, it does not specify the sources of the money to invest in ENR

Plan for Modernization of Agriculture (PMA)

The Plan for Modernisation of Agriculture (PMA) is a holistic, strategic framework for eradicating poverty through multi-sectoral interventions enabling the people to improve their livelihoods in a sustainable manner. It is an outcome-focused set of principles upon which sectoral and inter-sectoral policies and investment plans can be developed at both the central and local Government levels. The mission of the PMA is "eradicating poverty by transforming subsistence agriculture to commercial agriculture". The Plan provides that the government's main objective in the modernisation of agriculture include: soil fertility management, water conservation and environmental protection; formulation of a land use policy and implementation of the land Act; and development of technologies for soil fertility management, water conservation and Environmental protection. It recommends the establishment of NAADS which is intended to among other things enhance the traditional advice on productivity by enhancing technologies and soil conservation, knowledge and skills development. The plan provides that Natural resources must be used and

managed in a manner that ensures their availability to both present and future generations. It identifies key natural resources to include land, water, forestry, wetlands and environment. It recognizes that Agro-forestry will be among the mainstream activities of the agricultural advisory services and agricultural education curricula.

The provisions of this plan were incorporated in the NAADS program, however PMA has not been effective due to less effective supervision and lack of coordination with all stakeholders.

The National Agricultural Advisory Services (NAADS) Programme

This programme was formed from the need to empower farmers particularly the poor and women to demand and control agricultural extension services. The mission of NAADS is to increase farmers' access to information, knowledge and technology for profitable agricultural production. NAADS also addresses poverty eradication, gender and sustainable natural resource management. It is envisioned to become a decentralized, farmers owned and private sector serviced extension system contributing to the realization of the agricultural sector development objectives. NAADS is part of the PMA. The National Environment Management Policy for Uganda (1994) mandates MAAIF to promote farming systems and land-use practices that conserve and enhance land productivity in an environmentally sustainable manner.

NAADS was established by the National Agricultural Advisory Services Act of 2001 with the main objective of promoting food security, nutrition and household incomes through increased productivity and market oriented farming and empowering all farmers to access and utilise contracted agricultural advisory services through promoting farmer groups to develop capacity to manage farming enterprises. The major functions of the NAADS are to contribute to the modernisation of agricultural sector in order to increase total factor productivity of both land and labour for the benefit of the farmers. NAADS has increased the attention paid to environmental concerns in agricultural extension, research and training work.

One of the guiding principles of NAADS is

to the manage natural resource productivity. In light of this principle, specific roles of NAADS include integrating environmental concerns in agricultural extension, research and training; mitigating the negative impacts of agriculture on the environment and forest resources; and mitigating the impact of agrochemicals (fertilizers, pesticides) on environment.

The NAADS programme can be an avenue for agro forestry and integration of forestry protection in agricultural extension. The main challenge of implementing the NAADS Program has been supervision and lack of coordination with stakeholders of the NAADS activities. Further, there has been limited expertise at sub county procurement committees which are supposed to award contracts to farmer groups. These challenges would obviously not assist in using NAADS to control agro forestry projects.

Uganda's Medium-Term Expenditure Framework (MTEF)

The Government of Uganda has been operating a Medium-Term Expenditure Framework (MTEF) since 1997/1998. The MTEF is a three-year rolling plan that sets out past performance, the budget for the current financial year, and the projected resources for the following two years. The MTEF guides all public expenditure decisions, including the use of resources committed by donors, so that consistency with Government priorities can be ensured. Under the MTEF, resources are allocated according to Government priorities and on the basis of sectoral Budget Framework Papers (BFP) and Local Government Budget Framework Papers (LG-BFP). The BFPs, which are increasingly being developed using a sector-wide approach to planning (SWAP), set out sectoral priorities, sector resource requirements, and the sectors' comprehensive development plans.

Sectoral BFPs are evaluated by the Poverty Eradication Working Group (PEWG), which scrutinizes the extent to which sectoral plans address key poverty relevant issues, such as geographical inequality and empowerment. The PEWG is also mandated to scrutinize sectoral BFPs regarding the extent to which they address environmental considerations. In order to take forward

this mandate, the PEWG developed draft guidelines for integrating environmental concerns into BFPs used by BFP sector working groups starting with the 2003/04-budget cycle. This framework could be used to increase the budget for managing natural resources such as forests which would be an avenue for controlling deforestation. However the funds allocated for natural resources management are very low in the National Budget.

Uganda's Sector Wide Action Plans (SWAPs)

A Sector Wide Approach Plan is where all significant sector investments are channelled towards the same objectives following a consistent strategy that is guided by a consolidated investment plan. These Plans are harmonized sub-sector statements of development intentions in a particular sector. The SWAP allows development partners to contribute to a national programme of development instead of piecemeal project specific development. They also increase donor coordination and reduce the likelihood of overlapping and duplication of initiatives.

SWAPs by their sector-wide nature enhance synergies across sectors as much as possible and minimize conflicts and duplication of effort. SWAPs are designed to develop a comprehensive, nationwide framework of objectives and priorities, according to which all public expenditures to a sector can be channelled and allocated.

SWAPs are useful in mainstreaming priority areas for natural resources management such as forests. The main challenge facing SWAPs is the change of membership of the SWAP committees which may affect consistency in dealing with urgent issues such as deforestation.

Policy Framework

The National Environment Management Policy for Uganda (NEMP) (1994)

The National Environment Management Policy (NEMP) is an output of the National Environment Action Plan (NEAP) process. The overall policy goal is to establish sustainable social and economic development, which maintains or enhances environmental quality and resource productivity on a long- term

basis that meets the needs of the present generations without compromising the ability of future generations to meet their own needs.

This policy sets out the objectives and key principles of environment management, providing a broad framework for harmonization of sectoral and cross-sectoral policy objectives. It was on the basis of the policy that a comprehensive environmental legal and institutional framework was designed. The policy created new capacity building needs in environmental planning, information generation and dissemination, and the use of environmental tools in managing the environment. The policy also set the agenda for decentralized environmental management in Uganda. The principles of the policy were incorporated in the National Environment Act.

The policy recognizes that although Uganda is endowed with a rich diversity of forestry resources, these resources are highly threatened by over-exploitation and inadequate implementation of policies and laws. The objectives of the policy in relation to forestry resources are: to manage forest resources in protected areas, public and private land in a sustainable manner; and to promote increased production by the private sector and the communities.

The guiding principles of the policy are: Uganda's forests provide a wide range of environmental services and values such as the amelioration of climate, stabilization of soils etc., which are critical to national development; the role of the Forestry Department should continue to be supervisory and regulatory; local community involvement in the planning and management of Protected Areas and in the sharing of benefits derived from these is crucial for the conservation of the forest resources; multi-sectoral collaboration is necessary in both the classification and management of all levels of protection in the Protected Area system; and private forestry should be encouraged by appropriate incentives, extension services, marketing assistance and increased security of land and tree tenure. These principles have been incorporated in the National Environment Act and the National Forestry and Tree Planting Act.

There are still some gaps in implementing the Policy as far as deforestation is

concerned: The major ones include:

- Whereas a substantial number of people are willing to take on agro forestry, the seedlings are still too expensive. If the seedlings are distributed for free or at subsidized cost to the local communities, private forestry would be encouraged.
- The policy also emphasizes local community participation in the management of the forestry resources. However, it is noted that individuals at the local community level often lack technical information and skills relevant in the management of forestry resources and there are frequently few or no local institutions through which they can participate actively in decision-making about forest resource management.

The Uganda Forestry Policy

The objective of the Uganda Forestry Policy is to establish an integrated forest sector that achieves sustainable increases in the economic, social and environmental benefits from forests and trees by the people of Uganda, especially the poor and vulnerable. The policy provides for the protection of Permanent Forest Estate (PRE) under government trusteeship and the development and sustainable management of natural forest on private land. This is aimed at promoting profitable and productive forests. The policy provides a wider cross section of stakeholders' participation in the management of the forest estate. These include local government, the private sector, local communities and farmers in the conservation and sustainable use of forest biodiversity.

The Forestry Policy is the main policy dealing with forestry management in Uganda. As a result it lays a number of guiding principles in forestry resources management. For instance, that Uganda's forests should be managed to meet the needs of this generation without compromising the rights of future generations; the improvement of livelihoods should be a major goal in all the strategies and actions for the development of the forest sector so as to contribute to poverty eradication; and forest sector development should safeguard the nation's biodiversity and environmental services through effective conservation strategies.

The policy also emphasizes partnerships

in governance of forestry resources. New institutional relationships should enhance efficiency, transparency, accountability and professionalism, and build confidence in all forest stakeholders. The central government should withdraw from activities that can be carried out more effectively by the private sector or other stakeholders, but develop core functions of policy development and regulation; more forest resources should be managed through devolved responsibility wherever practical and advisable; the public's participation in the management of the country's forests should be actively encouraged; the NGOs/CBOs should be encouraged to strengthen the civil society, to build the capacity and grassroots participation and to help develop the rights and responsibilities of forest users.

The forestry policy requires government to promote the sustainable management of natural forests on private lands. Within the context of wider integrated land use and expanding agricultural needs, these private forests are to be managed for the sustainable production of forest resources. In this respect, the policy lays down a number of strategies for its implementation, for instance: raise awareness of the ownership of forests and trees on private land; encourage owners to set aside private forests as permanent forest land; investigate options for economic, social and cultural incentives to encourage private owners to maintain and manage natural forests; develop capacity of institutions such as local governments, traditional institutions and user groups and to sustainably manage private forests; develop capacity of individuals including forest owners, women's and youth groups, to support the management of private forests and integrate trees into farming systems; encourage NGOs and CBOs to support private forest management; explore and promote options for management by owners themselves, with advice and assistance from relevant service providers; encourage the development of management plans for all private forests. These will promote best practice in the sustainable management of forest resources; review the Reserved Species regulations; and monitor the protection of private forests from alien species, pests and diseases.

The policy also calls for innovative mechanisms for the supply of high quality tree seed and improved planting stock. The policy requires the Ministry responsible for forestry to promote the development of adequate supplies of high quality tree seeds and improved planting stock to meet the needs of small-scale farmers and large-scale commercial tree growers. The private sector has a major role to play in the collection and distribution of tree seeds and planting stock. The government will help to build capacity in the private sector to enable effective seed supply and marketing, and develop mechanisms to ensure high standards and quality control. The Policy also requires government to promote the rehabilitation and conservation of forests that protect the soil and water in the country's key watersheds and river systems.

Overall, this is a modern and good policy that would curb deforestation. However, its implementation is limited by lack of adequate capacity and funding for the implementation activities especially at the local levels.

Water Policy (1999)

Objective of the water policy is to manage and develop the water resources of Uganda in an integrated and sustainable manner, so as to secure and provide water of adequate quantity and quality for all social and economic needs of the present and future generations with the full participation of all stakeholders. The policy recognizes that Uganda's freshwater is a key strategic resource, vital for sustaining life, promoting development and maintaining the environment. It also recognizes that increasing population pressure leads to deforestation, drainage of wetlands, overgrazing and intensive cultivation. Changes in vegetation and in cultivation practices may lead to land degradation, soil erosion and siltation of water bodies and may affect the hydrology and the water balance with the risk of inducing unfavourable micro-climatic changes such as droughts, floods and desertification trends.

However, the Policy has some gaps, for instance, it lacks the ecosystems approach to water resources management, it does not consider

biodiversity issues in water management and it lacks recognition of ecosystem services provided by water bodies which affects the forests. The Policy is also not clear on decentralization aspects of water management at community levels.

The Uganda Wildlife Policy (1999)

The aim of the Wildlife Policy is to promote the long-term conservation of wildlife and biodiversity in a cost effective manner, which maximizes the benefits for the people. This policy is relevant in the management of forests in the wildlife conservation areas. The policy objectives include conserving the resource within the national parks and other wildlife areas, and enabling the people of Uganda and the global community to derive ecological, economic, aesthetic, scientific and educational benefits. The Policy has important aspects for forest management. It imposes an obligation on UWA to involve local communities and to ensure that conservation contributes to rural economies. It also requires UWA to share 20% of its entry fees with local government for the development of communities living around the protected areas. One advantage with the policy is that most of these principles have been incorporated into the Uganda Wildlife Act.

There are several bottlenecks that affect the implementation of the policy in relation to forests. There is limited technical and managerial capacity at the districts to provide adequate advice to deal with forests in these areas; and there are also limited funds to help districts to implement best methods to protect forests. The revenue sharing policy is also not transparent which impacts on the collaborative aspects.

National Policy for the Conservation and Management of Wetland Resources (1995)

This policy was adopted in 1995 to compliment the goals and objectives of the NEMP and sectoral policies including those of fisheries, forestry, wildlife, water, land tenure and soils, among others, as well as the Ramsar Convention on Wetlands of International Importance especially as Waterfowl Habitat. The overall aim of the policy is to promote the conservation of Uganda's wetlands in

order to sustain their ecological and socio-economic functions for the present and future generations. One of the goals of the Policy is to promote the recognition and integration of wetland functions in resource management and economic development decision making with regard to sectoral policies and programs such as forestry, agriculture, fisheries, wildlife and sound environmental management. The Policy also calls for maintaining the biological diversity of natural or semi-natural wetlands, maintaining wetlands functions and values and integrating wetlands concerns into the planning and decision making of other sectors. The Policy recognizes traditional uses and access rights. Thus, people living adjacent to a wetland may derive benefits from that wetland such as cutting of trees, rid, water supply, fishing and grazing. The Policy mentions specific activities that may lead to deforestation in wetland areas such as production of bricks from clay soil and instead encourages use of papyrus for smoking fish instead of wood fuel. The Policy also has specific guidelines which discourage practices of annual burning of wetlands unless beneficial management is demonstrated with the district authorities and is approved.

The weaknesses of the Policy include the following: the policy does not discourage planting of trees in wetlands that drain a lot of water in the wetlands such as eucalyptus trees. Secondly, it does not clearly provide for the lead agency of wetlands management. The Policy has not been transformed into a specific Act like case of other resources such as water, forests and wildlife. There are only regulations which may not comprehensively cover all major aspects of wetlands management such as classifying types of wetlands and how they can be managed.

The National Soils Policy for Uganda (1999)

This Policy contains Government Policy directives, plan of action and statements of aim and objectives to ensure sound management of the soils of Uganda on a sustainable basis. The objectives of this policy include promotion of optimal land use without unnecessarily compromising the environment through the use of soils and establishing a structure for

continuous monitoring and assessment of Uganda's potential in terms of its soil properties and weather, soil degradation and then undertaking technical measures required to control it.

One of the strategies for Policy implementation includes land use improvement which requires land resources inventory to provide up-to-date information and reliable data on land resources such as soil, water, climate, vegetation, wildlife and forestry.

The Policy provides the legal strategies to include review of existing legislation with a view to enacting a comprehensive soil conservation Act and urging districts to make Ordinances and By-laws on soil conservation. However this Policy has not been fully operationalised and therefore the strategies have not been fully implemented. Secondly there is no Soil Conservation Act in place and By-laws and Ordinances at the districts have not been made.

Legislative Framework

The Constitution of the Republic of Uganda

The 1995 Constitution of Uganda is the Supreme law and provides for environmental protection and conservation of the natural heritage. It sets out the norms, standards, rights and obligations at national level. The Constitution also sets out National Objectives and Directive Principles of state policy. Paragraph (xiii) of the National Objectives and Directive Principles provide that the state shall protect important natural resources including water, wetlands, minerals, oil, fauna and flora on behalf of the people of Uganda.

The Constitution has secured a place for the environment among the fundamental rights and freedoms of all people by providing that every Ugandan has a right to a clean and healthy environment. The incorporation of this right in the Constitution confirms the increasing awareness of environmental problems and provides a permanent constitutional guarantee that confers upon the right the highest legal standing.

Other important landmarks in the Constitution include: involvement of people in the formulation and implementation of development plans and programmes that affect them; and

the requirement for enactment of laws to promote environmental awareness and preserve the environment from abuse, pollution and degradation.

As the supreme law of the country, the Constitution has caused some fundamental inconsistencies in some laws passed in the recent past. For example, under the National Environment Act, the power to bring legal action against anyone degrading or polluting the environment is vested in NEMA or local environment committees. The Constitution vests that power in every Ugandan.

The Constitution makes provisions for land ownership. Article 237 states that all land belongs to the people. This implies that all people of Uganda have a stake in the management of land and the resources therein. Under Article 237 (2), land in Uganda is owned in accordance with Customary, Freehold, Mailo, Leasehold land tenure systems.

The Constitution provides under Article 237(2)(b), that the government or a local government shall hold in trust for the people and protect natural lakes, rivers, wetlands, forest reserves, game reserves, national parks and any land for ecological and tourist purposes for the common good of all citizens.

There are several problems regarding the implementation of these constitutional provisions. For example, the implementation of the public trust doctrine in Uganda has been faced with the conflict between environmental protection and industrial development; for instance, Butamiira forest reserve was leased out to Kakira Sugar Works to grow more sugarcane so that it doubles its sugar output in a bid to satisfy the domestic demand, the proposal by government to give out Mabira Forest to Kinyara Sugar Works and the leasing out of forests in Kalangala district to BIDCO for palm oil tree plantations. These examples indicate that the government does not appreciate and respect the trust obligation imposed under the constitution which causes destruction of forests in favour of industrial development. Secondly, the provision that land belongs to the people is usually misinterpreted to mean that environmental authorities such as NFA do not have control over resources such as forests on private lands which lead to deforestation on private lands.

The National Forestry and Tree Planting Act, 8/2003

The purposes of this Act are: - to create an integrated forest sector that will facilitate the achievement of sustainable increases in economic, social and environmental benefits from forests and trees by all the people of Uganda; to guide and cause the people of Uganda to plant trees; to ensure that forests and trees are conserved and managed in a manner that meets the needs of the present generation without compromising the rights of future generations by safeguarding forest biological diversity and the environmental benefits that accrue from forests and trees; to encourage public participation in the management and conservation of forests and trees; to facilitate greater public awareness of the cultural, economic and social benefits of conserving and increasing sustainable forest cover; to promote the decentralisation and devolution of functions, powers and services within the forest sector; and to ensure that environmental benefits, costs and values are reflected in strategies and activities relating to forestry.

The Act requires the Government or a local government to hold in trust for the people and protect forest reserves for ecological, forestry and tourism purposes for the common good of the citizens of Uganda. This is what is commonly known as the public trust doctrine. However, an analysis of the degazettement of forests in Uganda points to the fact that the government has greatly abused this obligation, pointing to the need for industrialization at the expense of forestry resources protection.

The Act prohibits certain activities in forest reserves. It provides that a person shall not, in a forest reserve, cut, disturb, damage, burn or destroy any forest produce, or remove or receive any forest produce except in accordance with regulations or guidelines made for the proper management of the forest reserve; in the course of the management of the forest reserve by the responsible body; in terms of the exercise of a right or interest in the forest reserve; or in accordance with a licence issued under this Act.

A person cutting, working, harvesting, removing or taking forest produce from a forest reserve is required to take all care

and necessary precautions to prevent damage to other forest produce or to the environment. Contravention of this requirement is an offence. It is also prohibited for a person to light or cause to be lit a fire in a forest, except in a place established for that purpose, or as otherwise permitted by an authorised person.

Part IV of the Act deals with tree planting and growing. The Minister or a District Council is required to issue directions for the planting and growing of trees. The Act also establishes the Tree Fund which consists of monies appropriated by Parliament; loans obtained by Government; grants, gifts and donations; any monies required to be paid into the Fund; and monies from any other source approved by the Minister in writing, in consultation with the Minister responsible for finance. The Fund has been used to promote tree planting and growing at national and local level; and to support tree planting and growing efforts of a non-commercial nature which are of benefit to the public. However, there has been little, if any, ground work of the tree fund. The seedlings which would have been distributed to the local people at no cost using the fund are sold at relatively high prices in most local areas and therefore the Fund has not achieved the intended objective.

There are several challenges in monitoring and enforcing this Act. These are:

- People who settle in the forest reserves are very hard to evict because they believe they have the right to live in the forests. This situation has been worsened by the presidential directives not to evict people settled in forest areas.
- In some cases, the Uganda land Commission has issued land titles to people in gazetted forests. This is a serious challenge because a certificate of title is conclusive evidence of ownership unless it is issued through fraudulent means. A case in point is Kitubulu forest reserve in Entebbe where NFA has lost a case in court against a person who encroached on the forest reserves.
- Under the Act, an authorised officer is required to seize any illegal forest produce. However, officers who have

tried to implement this provision have faced stiff resistance and some times people carrying out the activities are violent.

- Lack of sufficient cooperation from stakeholders especially the police and courts that don't seem to appreciate the provisions of the National Forestry and Tree Planting Act since it is a new Act. This has led to failure to conduct due and diligent inquiries that would lead to successful prosecution.
- There is also a conflict within the criminal investigation department as to whether to apply the Penal code Act or the National Forestry and Tree Planting Act in offences related to forestry.
- The enforcement of the Act is further limited by lack of adequate financial and human resources.
- Lack of Regulations also makes the implementation of the Act difficult.
- Political interference in the implementation of the Act. For example, the presidential pronouncement that no eviction of encroachers on forest reserves has made implementation of section 32 of the Act which prohibits occupation of forest reserves difficult.

There are Draft Regulations that have been made under the Act; the Draft Forestry and Tree Planting Regulations, 2003. These Regulations were made under sections section 92 to operationalise sections 2, 4, 5, 6, 9, 12, 13, 15, 25, 29, 30, 31, 35, 36, 37, 41, 43, 44, 45, 50 and 90 of the National Forestry and Tree Planting Act. These regulations provide a comprehensive framework for forest management in Uganda. In terms of deforestation they have the following provisions. They prohibit cutting, disturbing, damaging, removing, purchasing, donating, any of the reserved species of the protected trees without a license, introduction of alien or exotic tree species without a license. The regulations also prohibit possession of inflammable materials in a forest and make it an offence to wilfully or negligently light a fire which by spreading may damage or destroy a forest or part of it. The Regulations decentralize fire management to the district council which is responsible for the management

of forest fires in the district. They establish a fire management committee, whose functions include preventing and fighting forest fires, mobilizing the people to fight a fire destroying the forest, developing and implementing a fire drill exercise and sensitization and compilation of a list of potential fire fighters.

The regulations require District Councils to make fire ordinances or byelaws which would impose an obligation on each council to develop its fire management plan. The Regulations further empower an authorized person to control entry and damage in forest reserves and make it an offence for any person to damage forests. The Regulations empower an authorized person to request a person to leave a forest reserve or stop an act and remove a person who has entered or is unlawfully remaining or is committing unlawful acts in the forest contrary to the Act or Regulations. The Regulations also require a person authorized to graze, cultivate and lawfully reside in a forest reserve to report to authorized person a diseased plant or animal.

The Regulations make provisions for management of private forests. They impose obligations on private owners to protect the forest against pests and diseases, illegal cuttings and other activities causing damage to forests; carry out fire-prevention work as well as informing the District Fire Management Committee about forest fires; prepare a forest management plan; prepare a felling plan before proceeding with timber extraction; re-plant fellings or burnt areas and afforest areas using certified planting stock; manage the forest using technologies that minimise adverse effects on the environment, soil productivity and biological diversity; carry out timely tending of forest plantations and young stands; ensure maintenance of boundary signs and boundary lines; and present, on annual basis, a report on the state of the forest to the District Forestry Officer. These provisions are adequate to control deforestation on private forests.

The Regulations make provisions for community forests management. They require that a community forest management plan be submitted to the district council for approval and integration into the district forestry development plan.

The Regulations make provisions for tree planting, growing and management. They require every person in Uganda to plant trees whenever called upon to do so using the best practical means and ensure that the trees planted are tended until maturity. The Regulations also make it unlawful for a person to uproot or cut a tree over three years old or cut down a tree unless the owner of the tree has consented to the tree being uprooted or cut. The Regulations require every sub county to maintain a record of all planted trees and the tending program must include protection from fire, trampling uprooting and replacement schedules. The Regulations impose on the owner of the land or occupier or owner of trees a duty to plant another tree of an appropriate species at the same time within a reasonable period where a tree which is planted dies or is lawfully harvested.

The Regulations impose a duty on every sub county to have and maintain a tree nursery which contains seedlings of multipurpose ornamental or timber tree seedlings.

These Regulations are comprehensive enough to control deforestation. However, they have not yet been enacted into law and therefore they cannot be enforced.

There are also Rules that were made under old Forests Act that are relevant in controlling deforestation. The Forests Rules, Statutory Instrument 146 - 2 apply to central forest reserves and open land, other than open land in an area declared by statutory order to have an adequate forest estate, and forest produce grown or produced on such reserves or land.

Under these Rules, a senior forest officer may declare any area closed for the cutting or removal of forest produce or any class of forest produce if he or she considers it necessary for the proper planning and administration of the area; in order that there should be proper regeneration of any forest produce; to safeguard the requirements of a particular market; or to safeguard the economic or climatic value of any forest.

The Rules also prohibit possession in or bringing into a forest reserve, unless that person lawfully resides in the reserve, any articles or materials of any inflammable or combustible nature unless those materials are necessarily required for the lawful cutting or

removing of forest produce. This provision is relevant in reducing accidental forest fires.

This statutory instrument however, was made on the basis of the Forest Act Cap 246 that was not in tandem with modern environmental law and narrows in its scope and placed emphasis on commercial aspects of forests as opposed to conservation of the species. The instrument reflects the features of the Forest Act.

Guidelines for Implementing Collaborative Forest Management in Uganda (2003)

These Guidelines were made under section 15 of the National Forestry and Tree Planting Act. The objectives of the guidelines are to provide a more sustainable forest resource use and improved forest adjacent community livelihood. They were developed specifically for collaborative management of central and local forest reserves. The Guidelines provide incentives to the local communities for participating in the collaborative forest management process. The major elements of the guidelines that are relevant to deforestation are: ensuring fairer distribution of benefits, responsibilities and decision-making authority in management; reduction of conflicts will be succinctly provided with a MoU; creating awareness as to the different roles to be played by the different actors in the community; creating sense of ownership over forest resources; and sharing knowledge and skills between NFA and communities.

The major advantage for local communities which enter into CFM agreements is that it provides them an increased opportunity for negotiating resources from the NAADS, PEAP and other government programmes. However, it does not entitle them as of right.

However, there are several constraints that can be identified. First, there are institutional constraints. NFA is a new institution, which is not yet well established at the local level. The structures of the NFA do not facilitate enough dialogue between top officers, field officers and the communities neighbouring the protected areas. This limits sharing of information and may

affect the process of effective collaboration with other stakeholders. It has also affected the establishment of formal linkages between the authority and the communities.

Secondly, CFM can only succeed if there is sustainable source of funding. Funding is necessary to develop the CFM program and sustain those that have been developed. Presently, lack of sufficient funding continues to stifle the existing initiatives.

It is important to note that for collaboration to work all the institutions need to work together because there are several institutions whose actions have a direct bearing on the way forest resources are managed. Unless the actions of the various organizations are harmonized, community participation in any initiatives focused at involving them will meet a lot of resistance. In Uganda, institutions whose policies and actions have a direct bearing on forest management include NEMA, MAAIF, Ministry of Tourism, Trade and Industry, NGOs, UWA, UTB, NFA, Wetlands Inspection Division and DWD. There is very little institutional collaboration between these institutions. This networking is important to show experiences, information and resources in order to duplicate efforts, avoid conflicts and confuse the communities.

CFM may not succeed without proper mechanisms to facilitate the process of consensus building, sharing rights, roles, responsibilities and returns. There is still a lot of suspicion between NFA staff and communities neighbouring forests. Most NFA staff do not have confidence to consult and involve the communities in the management of the resources and therefore see the community as capable of doing only a few things. The field staff have not been transparent to the local people while implementing their programmes such as drawing up management plans, supervision of licenses and collection of revenue.

Communities neighbouring forests have been ignored for too long and therefore their collaboration in forest management needs a long process of consensus building, understanding and compromise. Information on community institutional structures and an understanding of user and ownership rights have not been fully integrated in

the current collaborative initiatives. There is still a general lack of awareness regarding who owns what resources and why, management objectives and the capacity of local communities to implement certain programmes even without commands from the relevant institutions.

Other constraints include: lack of quick incentives for the communities for participating in the process because illegal cutting of timber is more paying than their involvement in CFM; politicization of CFM: Politicians can manipulate people by using forestry issues for political gains; communities outside the CFM villages may be unhappy because CFM denies them access to forest resources hence raising more conflict within communities; there are no by-laws at the village and sub-county levels to control illegal timber exploitation; limited understanding of the concept of CFM by key stakeholders; CFM requires funding. The few CFM arrangements that have been developed have been donor funded, this raises the issue of sustainability of CFM; and there is no clear linkage between CBO and NGOs and NFA regarding the development and management of CFM.

The National Environmental Act, Cap 153

The National Environment Act provides for sustainable management of the environment and establishes an authority as a coordinating, monitoring and supervisory body for that purpose. The Act deals with forestry resources management. NEMA, in consultation with the lead agency, is required to issue guidelines and prescribe measures for the management of all forests in Uganda. The guidelines and measures issued have to take into account forests in protected areas, including forest reserves, national parks and game reserves and forests on lands subject to interests held by private persons NEMA is also empowered, in consultation with the lead agency, to expressly exclude human activities in any forest area by declaring a forest area a specially protected forest.

NEMA is required to promote measures for the conservation of non renewable sources of energy; take measures to encourage the planting of trees and woodlots by individual land users, institutions and by community groups. Planting of trees will increase the forest

cover of the Nile Basin. However, these efforts are curtailed by the inadequate financial and manpower resources which hinder the production and distribution of the seedlings.

The Act makes provision for environmental planning at the national level by requiring production of National Environmental Action Plan every five years and district environmental action plan every three years. The Act also makes provision for environmental regulation by making EIA, environmental audits and monitoring legal requirements. All these tools are useful in controlling deforestation. However the financial and human capacity especially at the district and the local levels is still limited which leads to ineffective monitoring and information flows to take appropriate decisions related to deforestation.

Several regulations have been made under the NEA. These Regulations are important in controlling deforestation. The relevant ones are: The National Environment (Wetlands, River Banks and Lake Shores Management) Regulations, No. 3/2000. The Regulations are divided into three main parts with provisions that have implications for the control of deforestation. Part two of the Regulations deals with the management of the wetlands. One of the objectives under this part is to ensure water catchment conservation and flood control. The regulation 17 (1) imposes a duty on every landowner, occupier or user who is adjacent or contiguous with a wetland to prevent the degradation or destruction of the wetland and is required to maintain the ecological and other functions of the wetland.

Part three of the Regulations deals with the management of river banks and lake shores. Regulation 19 provides the objectives of this part of the Regulations to include facilitation of the sustainable utilization and conservation of resources on river banks and lake shore by and for the benefit of the people and community living in the area; promotion of the integration of wise use of resources in river and lakes into the local and national management of natural resources for socio-economic development and giving effect to the public trust doctrine which require strict protection of forests. Regulation 20 provides that one of the principles to be observed in the

management and conservation of river banks and lake shores is to have special measures that are essential for the protection of river banks and lake shores such as preventing soil erosion.

Regulation 21 requires local governments to make by-laws for promoting soil conservation measures along river banks and lake shores on the following aspects: bundling, terracing, mulching, tree planting or agro-forestry, grassing, soil engineering, compaction and placement of fills, zoning and planning, baggions and control of livestock grazing which all have implications for controlling deforestation.

Regulations 28 imposes a duty on every land owner or user in whose land a river bank or lake shore is situated to prevent and repair degraded river banks and lake shores through the following measures: soil engineering; agro-forestry; mulching; bundling; grassing; control of livestock grazing; or terracing. Under this regulation it is an offence for a landowner or user to fail or refuse to carry out these measures.

The Regulations provide for special protection measures for zones of river banks. Regulation 29 (1) prohibits any activity within one hundred meters from the highest watermark of the major rivers such as River Nile and River Kagera. Regulation 29 (2) prohibits any activity within thirty meters from highest watermark of the minor rivers.

Regulation 30 provides for special protection of zones for lake shores. Regulation 30 (1) prohibits any activity within two hundred meters measured from the low water mark of the major lakes such as Lake Victoria. Under Regulation 30 (2), activities are prohibited within one hundred meters from the low water mark of other lakes.

The implementation of these Regulations is still problematic. For example, the limit of the one hundred meters from the highest watermark of the major rivers and the thirty meters from highest watermark of the minor rivers and the limit of the two hundred meters for major lakes shores and one hundred meters for other lakeshores is still hard to implement in areas where there is land shortage such as Kabale and Kisoro.

The by-laws as required under regulation 21 have not been made and therefore the provisions of the Regulations have not

been used to control deforestation.

The duties imposed on the land owners and users under regulation 28 are hard to monitor or supervise because of lack of financial and human capacity.

Another set of regulations made under the NEA is the National Environment (Minimum Standards for Management of Soil Quality) Regulations, 2001. The purpose of these Regulations is to establish and prescribe minimum soil quality standards to maintain, restore and enhance the inherent productivity of the soil in the long term, establish the minimum standards for the management of the quality of soil for specified agricultural practices, establish a criteria and procedures for the measurement and determination of soil quality and to issue measures and guidelines for soil management.

Under regulations 12 (1), every person is required to comply with the measures and guidelines for soil conservation for the particular topography, drainage and farming systems. These measures include: contour cultivation; contour ridges or absorption banks at a spacing of 30m; grass strips and strip cropping; mulching; agroforestry; crop rotation and fertility improvement; and wind breaks or shelter belts; should be located perpendicular to main erosive wind direction. Other measures include: terraces; contour cultivation (ploughing and planting along the contour), and absorption banks at a spacing of 10-20m; crop rotation and fertility improvement; strip cropping - strip width 10 to 20m; and agroforestry.

The fourth schedule makes recommendations for the management of rangelands especially in the cattle corridor. These recommendations are supposed to deal with the following aspects: revegetation or reseeded - close the area to grazing and allow natural grasses to establish or reseed with suitable species of grasses and legumes; gully control with mechanical barriers (dry reeds, vegetation, stones,); controlled or rotational grazing; run off harvesting - divert and impound run off to prevent soil erosion, gully development and allow slow permeability into the soil; fertility improvement; and remove low value grass and tree species to allow nutritive species to proliferate and cover bare ground. These measures have

implications for the control of deforestation and soil erosion. The implementation of these Regulations is however, hampered by the limited financial and human capacity.

Another set of regulations made under the NEA is the National Environment (Hilly and Mountainous Area Management) Regulations, 2000. **The objective of these Regulations** is to facilitate the sustainable utilisation and conservation of resources in mountainous and hilly areas.

The Regulations provide principles on how every land owner or occupier should utilize land in a mountainous or hilly area. These are: observing the carrying capacity of the land; carrying out soil conservation measures; utilizing underground and surface water resources; carrying out measures for the protection of water catchment areas; using the best available technologies to minimize significant risks to ecological and landscape aspects; and maintaining such vegetation cover as may be determined by an agricultural extension officer or a local environment committee. These are important principles for controlling soil erosion and deforestation.

Regulation 5 provides for the establishment of a subcommittee on soil conservation whose function is to require the person upon whom such conservation order is served, to adopt, undertake and complete such measures and works as may be specified in the order for the prevention of erosion of the soil and to prohibit the person upon whom such conservation order is served from doing any act or thing specified in the order which in the opinion of the district environment committee, has caused, is causing or is likely to cause erosion of the soil.

Regulations 6 require District Councils to make by-laws identifying mountainous and hilly areas within their jurisdiction which are at risk from environmental degradation. Such areas include areas that are prone to soil erosion, landslides and areas where vegetation has been or is likely to be removed.

Regulation 10 provides that every land owner or occupier whose land is situated in a mountainous and hilly area should among other things take measures to reduce water run-off through the grassing of medium and steep slopes,

mulch and bund gardens on medium and steep slopes, practice agroforestry and prevent the burning of grass in areas of intensive agriculture or on steep slopes.

Under Regulation 11, a person should not without the authorisation of a forest officer or a local environment committee, cause a fire to a forest or grassland on a hilly and mountainous area.

Regulation 13 makes provision for afforestation and reforestation. Where a hilly and mountainous area is at a risk of environmental degradation, a local environment committee may issue an order in writing to a person or persons holding an interest in land in that area to take measures for planting trees and other vegetation to protect the area. The Regulations make it an offence for any person to contravene any provision of the order and a person who contravenes the order is liable on conviction to imprisonment for a term not exceeding eighteen months or to a fine not less than one hundred and eighty thousand shillings and not more than eighteen million shillings or both as provided for under section 98 of the NEA.

Regulation 14 requires the District Council to make by-laws with respect to identified hilly and mountainous areas to prohibit or restrict grazing in such areas.

Regulation 15 empowers a District Council or a local government by statutory instrument to declare a mountainous or hilly area closed to all or any activity.

Regulation 16 prescribes the rules on soil conservation. **The regulation requires that** a land owner or occupier on gentle slopes in a hilly or mountainous area should not cultivate any garden exceeding one hundred meters in width; leave an uncultivated strip of land of not less than two meters width between all cultivated plots which shall be planted with grass approved by the local environment committee; follow contour lines marked by the local agricultural extension officer and the local environment committee in planting crops; grass with low growing grasses all house compounds except winnowing areas and areas for drying foodstuffs; not

demarcate fields or plots by furrows or gullies; and lay parallel to, halfway between the existing bunds, trash lines consisting of dead vegetation where the land is planted with permanent crops.

Regulation 18 restricts the introduction of alien or exotic species. It provides that a person who introduces into any mountainous and hilly area an alien or exotic plant or animal contrary to the provisions of NEA and the Plant Protection Act, commits an offence in the terms prescribed by those Acts.

The major limitation to these Regulations is the limited financial and human capacity. Thus, most of the provisions are not operational. For example the sub-committees on soil erosion under Regulation 5 have not been established. This limits the control of soil erosion and deforestation.

The Land Act, Cap 227

The Land Act provides for the tenure, ownership and management of land; and amends and consolidates the law relating to tenure, ownership and management of land. Under the Act, a person who owns or occupies land has to manage and utilise the land in accordance with the environmental laws and any other law. This restricts use of forest resources on private land contrary to environmental laws. The Act also provides for control of environmentally sensitive areas such as natural lakes, rivers, forest reserves, national parks and any other land reserved for ecological and touristic purposes for the common good of the citizens of Uganda. The control of these resources is vested in the Government or local government. Therefore, the Government or a local government cannot lease out or otherwise alienate any of the above natural resources but may grant concessions or licences or permits.

The Land Act defines four land tenure systems; mailo, customary, freehold and customary tenure

The Local Governments Act, Cap 243

The Local Government Act provides for the system of local governments, which is based on the district under which, there are lower local governments and administrative units. The District Council

is the highest political authority in the District. It has both legislative and executive powers to be exercised in accordance with the Constitution and Local Government Act. The composition of the District Council is laid down in the Act, and includes a Committee responsible for the management of the environment and natural resources.

The Second schedule to the Act prescribes the functions of the Government that the District Council is responsible for. The following are the functions relevant to environmental management; land surveying, land administration, physical planning, forests and wetlands, environment and sanitation, protection of streams, lake shores, wetlands and forests.

The transfer of powers of management of forests to local governments has the following major problems: lack of financial and human capacity to manage and monitor forests at the local level; and corruption in the procurement procedures of timber licenses, concessions and in appointment of district forestry officers by the district councils which may compromise the powers of the district forestry officers to manage the forest reserves.

Section 47 of the Act provides that the executive committee of Local Councils includes a secretary for production and environmental protection; this causes a conflict between production and environmental protection especially to environmentally sensitive resources such as forests.

The Uganda Wildlife Act, Cap. 200

The purposes of this Act are, among others, to promote the conservation of wildlife throughout Uganda; the sustainable management of wildlife conservation areas; and the enhancement of economic and social benefits from wildlife management by establishing wildlife use rights and the promoting of tourism. The Act establishes the Uganda Wildlife Authority (UWA) as the lead agency for wildlife resources management. The mandates of UWA under the Act include ensuring the sustainable management of wild conservation areas, controlling and monitoring industrial and mining developments in wildlife protected areas. The Act defines wildlife to include

a wild plant and a wildlife conservation area to include a national park and wildlife reserve.

The Act gives the Minister responsible for wildlife powers to declare an area a wildlife conservation area. The declaration of wildlife conservation areas is important for forestry resources protection because in most cases the conservation areas are forested areas.

Under section 69, the Act provides that 20% of the parks entry fees collected from wildlife protected areas be paid to a local government area surrounding the area. This is an incentive that can encourage protection of forests resources within a wildlife protected area.

There is a possible conflict between UWA and NFA in the management of forests in wildlife conservation areas especially in relation to licensing of the use of forest reserves. This conflict can cause deforestation where the two authorities make conflicting decisions.

The Prohibition of the Burning of Grass Act Cap 33

This Act provides for the prohibition of the burning of grass in Uganda and for other matters connected therewith. Under the Act, 'grass' is defined to include all vegetation. This definition is wide enough to cover even scattered forests. The Act prohibits the burning of grass by any person in all areas of Uganda. However, the sub county chief may after consultation with an officer of the veterinary or agricultural departments, authorise controlled burning of grass for a specific purpose; and such burning has to be under the supervision of a parish or sub parish chief. In the case of the burning of grass in a forest reserve, the burning has to be carried out, or authorised by an officer of the forest department not below the rank of a forest ranger.

This Act creates offences and penalties. A person who carries out the burning of grass contrary to the Act or fails to obey an order to control or extinguish fire or to prevent the burning of grass in the area commits an offence and is liable on conviction to a fine not exceeding five hundred shillings or to imprisonment for a period not exceeding three months. Whereas the term of imprisonment appears to be somehow proportional to

the offence, the fine of five hundred shillings is too low and lenient having regard to the environmental damage caused and does not serve the purpose of deterring offenders. In reality this Act has been rarely implemented.

The Plant Protection Act, Cap. 31

This Act makes provision for the prevention of the introduction and spread of disease destructive to plants. Under the Act, 'plant' is defined to mean any member of the vegetable kingdom and includes any part of a plant, whether severed from the plant or not.

The commissioner for agriculture is charged with the administration of the Act and the Minister is empowered to make rules for the purpose of preventing and controlling attacks by or the spread of pests or diseases in Uganda. The Act also makes it an offence for any person who, without reasonable excuse, fails to comply with any lawfully given order of an inspector or who contravenes any rule or order made under the Act and is liable on conviction to a fine of two thousand shillings. Equally, the penalty prescribed by this provision is very lenient and does not have a deterrent effect.

Under the Act, every occupier or, in the absence of the occupier, every owner of land is required to take all measures for the eradication, reduction or prevention of the spread of any pest or disease.

Where any occupier or owner fails to take any of the measures which he or she is required to take, the inspector may, on giving not less than seven days' notice in writing of his or her intention to do, cause the measures to be taken; and thereupon the occupier or owner should, without prejudice to any penalty which he or she has incurred through the failure, be liable to pay all the costs of the undertaking, which should be recoverable as a debt due to the Government.

The administration of this Act is by the Commissioner of Agriculture. This makes the administration of the Act bureaucratic and over centralized. This affects the control of pests and diseases that may affect forests.

Further, this Act makes no provision for participation by the local communities in plant protection activities.

The Regulations required to be made

under the Act which are relevant to the control of pests and diseases in forests have not been made by the Minister responsible.

The Control of Agricultural Chemicals Act, Cap 29

This Act regulates the manufacture, storage, distribution, use, importation and exportation of agricultural chemicals. The Act restricts importation or sell in Uganda of any agricultural chemical unless that chemical has been registered, packed and labelled in accordance with the Agricultural Chemicals (Registration and Control) Regulations, 1993 and conforms to the standards specified in the Regulations. The Act establishes the Agricultural Chemicals Board whose membership includes the chief forest officer.

The Act also establishes the agricultural chemicals technical committee whose membership includes a forest officer. The Act empowers the inspector to enter any place in which he or she believes there is material, a person, an animal, or crop contaminated by an agricultural chemical. This Act is important in restricting introduction of agricultural chemicals into forests.

One of the limitations of this Act is that the agricultural chemicals board is not very active which may affect implementation of the restrictions on the importation of agricultural chemicals into the country which may have adverse effects on the forestry resources protection.

The Cattle Grazing Act, Cap 42

This Act makes provision for the control and regulation of grazing cattle to prevent over grazing and overstocking. The Act requires the Minister to make rules to control over grazing and overstocking. The major gap is that these rules have not been made and therefore there is no control of overgrazing which can cause soil erosion.

RECOMMENDATIONS

Remedial measures need to be made at local, national and regional levels. The measures also need to be made in institutional, policy and legal frameworks.

General Remedial Measures

Establishment of a Joint Coordinating Committee of Government and other stakeholders

There is a need to improve Inter-sectoral and Intra-sectoral collaboration and stakeholder involvement to address underlying causes of deforestation. Development of policies and forest law enforcement and governance should not be dealt with solely through national forest and development programmes, but in collaboration with other sectors, and to the extent possible, within existing mechanisms.

A joint coordination committee involving national bodies such as the Ministry of Environment and Water, NFA, NEMA, UWA, DWD, WID, Civil Society, Private Sector, Academic and Research Institutions, Religious and Cultural leaders could be established to oversee management of forests in Uganda.

Private Sector Initiatives

There is need to encourage the private sector initiatives such as forest certification, voluntary corporate codes of conduct, independent monitoring of forest operations and log tracking which can help in fighting illegal cutting of trees in forests. This would simplify policing of illegal activities.

Participation of stakeholders in legal and policy reform

There is need to ensure that all legal and policy reforms involve all stakeholders. For example in Honduras there was an extensive multi-stakeholder dialogue which began in 1999 involving farmer trade unions, indigenous peoples, timber producer associations, professional forest associations, municipalities, academics, parliamentarians and other stakeholders, within the framework of the Honduran Forestry Agenda (AFH).

This multistakeholder dialogue reshaped the forest sector by increasing the participation and influence of civil society in forest-related decision-making processes. Stakeholders' participation in forestry policy and legal reform will make the reformed policies acceptable to all and easy to implement without stiff resistance.

Capacity Building of the Judiciary to Enforce Environmental Laws

There is need to develop the capacity to handle environmental cases such as those that deal with illegal activities in the forests. For example in Mozambique, a FAO-supported project is conducted through the Centre for Legal and Judicial Training (CFJJ) in order to promote the effective implementation of new laws related to land and natural resource management. Taking the same approach in Uganda would help judicial officers appreciate modern principles of natural resources management essential for the protection of forestry resources.

Need for a regular review of fees

It is important that the fees should be reviewed regularly to discourage over harvesting of timber which leads to deforestation. Lower fees would always encourage more timber harvesters. The last review of the forest produce fees on licensing was done in 1999 under The Forests (Produce Fees and Licences) Rules SI 146-3 and came into operation in 2000. This indicates that there has been no review for last 8 years and the fees chargeable are very low compared to the prices of the forest produce. It is recommended that these fees be studied and reviewed to reflect the current price of forest produce.

A Tripartite Approach in Forestry Law Enforcement

There is a need to use a tripartite approach in enforcing the law by using government institutions, the private sector and civil society. This approach means that the government, private sector and civil society are involved in investigating and reporting illegal activities in the forestry sector. The three meet to discuss their findings and seek for solutions.

This approach was used by the stock-taking workshop on African Forest Law Enforcement and Governance (AFLEG) held in March 2005 in Ghana. This was the first open and honest dialogue between the key stakeholders of the Ghana Forest Sector on corruption since the signing of the AFLEG declaration in Yaounde in 2003. A level playing field during the discussions was ensured through independent, third party facilitation and the various participants

voiced many concerns regarding forest law enforcement.

Public Disclosure of Information about Illegal Activities in Forests

There is a need to develop mechanisms for public disclosure of information about illegal activities in forests where the public can submit and access information regarding illegal forest activities. This has for instance been used in Cameroon to ensure forestry law compliance. The Government of Cameroon has developed mechanisms for public disclosure of information to forest stakeholders about illegal acts and has published several lists of companies that have committed illegal forest acts which have been fined. This helps government and other law enforcement organs to effectively respond to the illegal activities in forests that cause deforestation.

Establishment of Independent Forest Monitoring Unit

This body can be responsible for assessing how NFA and Local Government process information and make decisions related to forests. This unit can report directly to the natural resources committee in parliament. For example in Cameroon there is a Unit which is assisted by an independent observer, whose services have been established through a contractual agreement between the Government of Cameroon and Global Witness, an environmental NGO acting as watchdog since 2001. This Unit reports to the Minister responsible for forests. This unit can assess the rate of deforestation and provide data to the committee of parliament on natural resources.

Increasing Capacity to Detect and Suppress Illegal Activities in Forests

Forestry law enforcement bodies have limited staff, infrastructure, equipment and money to effectively regulate forest resource use.

Presently, there is one forestry officer and one ranger who can not effectively monitor illegal activities in the forests. There is need to increase funding and staff to detect and suppress illegal activities in forests that cause deforestation.

Need to have a regular review of the policies

There is need to have a regular review of the policies to reflect new developments in the forestry management principles. This would help to assess new causes of deforestation.

Re-surveying of forest land

The boundaries of the current forest land are not clear and in some cases they have been tampered with and private people have acquired titles in forest reserves. This encourages encroachment on the forest land since the forest officers may not be able to determine the exact boundaries of the forest land. Therefore, there is an urgent need to re-survey the forest lands so that the boundaries are clearly demarcated.

Streamlining Management of Forestry Resources

The National Forestry and Tree Planting Act creates 5 forest managers namely: the NFA responsible for central forest reserves, District Forestry Service responsible for local forest reserves, Community Forest Reserves managed by a local community or group, private forests managed by private individuals or institutions and forests forming part of wildlife conservation area managed by UWA. The management of all these forest reserves is scattered and not well coordinated. There is a need to streamline the management of these forest reserves under NFA.

Establishment of Community Forest Reserves

The Act provides for the establishment of community forests and the Guidelines for the formulation, registration and management of community forests which were developed by the ministry of environment in 2007. However, these forests have not been formally established. It is recommended that the district councils work out the modalities of establishing community forests. The establishment of these forests will help to promote the improvement of livelihoods of rural communities who depend on forests for subsistence and economic gains, ensure and facilitate group member participation in the management and conservation of trees

and forests and facilitate and support public awareness of cultural, economic and social benefits of conserving and increasing forest cover.

Improve the decentralization process of forest management

To be able to comply with the policies and

laws designed to decentralize forest management, the current management system must be evaluated and consider the possibility of making local governments become the main recipients of the benefits generated by sustainable forest management in their jurisdiction.

It is recommended that a study be done in all local governments to evaluate their role in forestry management and how it impacts on socio-economic and environmental aspects. Various aspects of forestry management need to be considered especially investment in the forestry sector by local governments.

SUMMARY OF SPECIFIC REMEDIAL MEASURES IN POLICIES AND LAWS

| INSTRUMENT | POLICY / LEGAL INTERVENTIONS | ACTORS |
|---|---|-----------------------------|
| National Plans and Strategies | | |
| Vision 2025 | <ul style="list-style-type: none"> Vision 2025 needs to be popularized to all stakeholders in forestry management Vision 2025 can be used as a benchmark for determining causes and extent of deforestation and this benchmark can be used in the development of forest programs that reduce deforestation. | MoFEP |
| The National Environment Action Plan for Uganda | <ul style="list-style-type: none"> The plan needs to be revised to address new trends of environmental management such as analyzing the impact of industrialization on natural resources and the recent trends in environmental issues such as climate change. | MoWE, NEMA |
| Poverty Eradication Action Plan (PEAP) | <ul style="list-style-type: none"> Increase funding for priorities identified by PEAP to reduce deforestation such as reduction of use of wood fuel, increasing private sector participation in forestry and supporting district and community forests. | MoFEP |
| Uganda Forestry Nature Conservation Master Plan 2002 | <ul style="list-style-type: none"> Incorporate aspects of burning of charcoal in natural forests into the Master Plan | MoWE, NFA |
| Environment and Natural Resources Sector Investment Plan 2007 | <ul style="list-style-type: none"> Increase national budget for the implementation of the Plan especially for increasing tree planting. Negotiate with donors and international companies to implement debt for nature swaps and carbon credits for preservation of forestry resources. | MoWE, NEMA, MoFEP, NFA, NBI |
| Plan for Modernization of Agriculture | <ul style="list-style-type: none"> Improve supervision and coordination of PMA activities such as improving technologies for soil conservation Improve knowledge and skills development for soil conservation and agro forestry | MoA, NARO |
| The National Agricultural Advisory Services (NAADS) Programme | <ul style="list-style-type: none"> Improve supervision of NAADS projects Improve coordination of NAADS projects by involving the district technical officers Enhance Training of sub county procurement committees to enable them review proposals of farmer groups | MAAIF, MoLG, DCs |
| Uganda's Medium-Term Expenditure Framework (MTEF) | <ul style="list-style-type: none"> Increase budget for natural resources management | MoFEP, MoWE |
| Uganda's Sector Wide Action Plans (SWAPs) | <ul style="list-style-type: none"> Widen the membership of SWAP to include religious and cultural leaders, academic and research institutions, civil society and the private sector. | MoWE, NEMA |
| POLICIES | | |
| The National Environment Management Policy (NEMP) | <ul style="list-style-type: none"> Provide free tree seedlings Improve technical capacity at the local levels to manage forest resources | NFA, Civil society |
| Uganda Forestry Policy | <ul style="list-style-type: none"> The policy needs to be revised to cover revenue sharing by communities surrounding forest reserves from fees collected from forest products as it is done under the Uganda Wildlife Act; Improve capacity at the district and local levels to implement strategies such as management of community and private forests; Increase funding for forestry activities such as agro forestry, tree planting at the district and local levels. | NFA, UWA, MoFEP |
| The National Policy for the Conservation and Management of Wetland Resources | <ul style="list-style-type: none"> Revise the Policy to clearly provide the lead agency for wetlands management; Revise the Policy to provide for the enactment of a specific legislation on wetlands management and a clear institutional framework; Revise the Policy to discourage the planting of species of trees that drain water from the wetlands. | MoWE, NEMA, WIP |

SUMMARY OF SPECIFIC REMEDIAL MEASURES IN POLICIES AND LAWS (Continued)

| | | |
|--|--|--|
| The National Water Policy | <ul style="list-style-type: none"> Revise the Policy to incorporate the ecosystem approach in water resources management such as water shed protection forests; Revise the Policy to decentralize water resources management to include the role of local communities. | MoLG, MoWE, DWD, DCs. |
| The Uganda Wildlife Policy | <ul style="list-style-type: none"> Revise the Policy to increase revenue sharing with the local communities from 20% to 50% of all revenue collected from all wildlife resources. Encourage cross-sectoral linkages in the management of wildlife between UWA, NFA and District Councils in order to develop capacity at the local levels to manage wildlife resources in the conservation areas. | MoLG, MoWE, DWD, DCs, UWA, MoTI |
| The National Soils Policy for Uganda 1999 | <ul style="list-style-type: none"> Operationalise the Policy to achieve its objectives; Enact a Soils Conservation Act to regulate activities leading to soil degradation; Encourage districts to enact By-laws on soil conservation. | MAAIF NARO ULRC MoLG |
| Legal Instruments | | |
| The Constitution of Uganda | <ul style="list-style-type: none"> There is need for proper interpretation and application of article 237 on land ownership. | Judiciary NEMA MoJCA |
| The National Forestry and Tree Planting Act 2003 | <ul style="list-style-type: none"> There is need for a provision on revenue sharing with the communities living around central forest reserves like it is done under the Uganda Wildlife Act; Finalize the Forestry and Tree Planting Regulations (2003) that were drafted under section 92 to control illegal activities that cause deforestation; Train prosecutors and judicial officers to enable them make decisions that are in line with the objectives of the Act; Resurvey the forest reserves so as to redefine the boundaries; Strengthen the coordination of all institutions that are involved in the enforcement of the Act; Increase funding for the implementation of activities of the Act. | NFA, MoWE, UWA, NEMA, DPP, MoFEP |
| Guidelines for Implementing Collaborative Forest Management in Uganda, 2003 | <ul style="list-style-type: none"> Develop guidelines to facilitate the process of consensus building, sharing rights, roles, responsibilities and returns Train forestry officers on drafting skills of MoUs Develop by-laws to implement the MoUs at local and sub county levels. | NFA MoLG DCs NGOs |
| The National Environment Act (NEA) | <ul style="list-style-type: none"> NEMA needs to delegate the functions of planting trees under section 46 of the NEA to NFA to avoid duplications and a conflict in roles; Harmonize the section 16 of the NEA on the establishment of local environment committees with section 47 of the Local Government Act on the composition of the LCs in order to separate LC Committees from environmental committees. Harmonize section 15 of the NEA regarding the supervision of the District Environment Officer (DEO) and section 64 of the Local Government Act on the supervision of DEO by the Chief Administrative Officer to enable NEMA to acquire more supervisory powers over the DEO. | NEMA ULRC MoLG |
| The Local Government Act | <ul style="list-style-type: none"> Amend section 45 of the Act to separate the roles of the secretary for production and environmental protection to avoid a possible conflict in carrying out these roles. | MoLG ULRC |
| The Wildlife Act | <ul style="list-style-type: none"> The Act needs to be harmonized with the National Forestry and Tree Planting Act to make sure that UWA and NFA coordinate in case of degazetting forests in wildlife protected area; Increase the percentage of revenue shared from wildlife protected areas from 20% to 50% to increase the financial capacity of local communities to manage the resources. | UWA NFA NEMA |
| The Land Act | <ul style="list-style-type: none"> Strictly apply section 44 (3) and (4), which prohibit leasing out of natural resources under public, to prevent converting forest land to other land uses. | Uganda land commission; Ministry of lands and urban development |

SUMMARY OF SPECIFIC REMEDIAL MEASURES IN POLICIES AND LAWS (Continued)

| | | |
|--|--|--|
| The Water Act | <ul style="list-style-type: none"> Amend the Act to make provisions for rehabilitation and conservation of forests that protect the soils and water sheds of rivers and lakes; | MoWE DWD ULRC |
| The Plant Protection Act – Cap 31 | <ul style="list-style-type: none"> The Act is too old and obsolete in light of the new trends of forestry resources protection. It needs to be overhauled so as to reflect the Tree and Planting Act and Regulation 18 of the National Environment (Hilly and Mountainous Areas Management) Regulations 2000 which prohibit introduction of an alien or exotic plant. Make all Regulations required under section 3 to control the spread of diseases in order to control diseases and pests in all plants including trees. The penalties in the Act need to be revised so that they are calculated according to currency points. | NFA MoWE ULRC |
| The Control of Agricultural Chemicals Act, Cap 29 | <ul style="list-style-type: none"> There is need to operationalise the board and the committee on agricultural chemicals in order to restrict importation of chemicals dangerous to forests. | MAAIF NARO |
| The Agricultural Seeds and Plant Act Cap 29 | <ul style="list-style-type: none"> The Control of Agricultural Chemicals Act and the Agricultural Seeds and Plant Act need to be harmonized and revised to avoid duplication and provide strong safeguards for farmers in Uganda. | MAAIF NARO |
| The Prohibition of Burning Grass Act, Cap 33 | <ul style="list-style-type: none"> The Act should be amended to strengthen the penalties and to be calculated according to currency points with a view providing sufficient deterrence against offences provided in the Act. Review, amend and harmonize the Act with regulation 11 of the National Environment (Hilly and Mountainous areas) Regulations 2000 so that one authority grants the permission to burn grass. | MAAIF NARO |
| The Cattle Grazing Act, Cap 42 | <ul style="list-style-type: none"> The rules operationalising the Act need to be made by the Minister to ensure protection, restoration, rehabilitation of range lands together with optimum stocking. | MAAIF NARO |
| The National Environment (Minimum Standards for Management of Soil quality) Regulations, 2000 | <ul style="list-style-type: none"> Increase funding for implementation of the Regulations; Carry out training for the implementation of the Regulations | MoFEP NEMA MAAIF NARO |
| National Environment (Wetlands, Riverbanks and Lakeshores Management) Regulations 2000 | <ul style="list-style-type: none"> There is a need to make by-laws that control deforestation as required under regulation 21. Regulations 29 and 30 need to be reviewed to reduce the distance from the water marks to reflect the current demands for land. | MoFEP NEMA MAAIF NARO MoLG DCs. |

VALIDATION OF PROPOSED MEASURES

In order for the proposed measures to be effective, it is important to test their potential of

success in controlling deforestation. The following ways can be used to test the capacity of

success.

Pilot Projects for Evaluating the proposed Policy and Legal Reforms

Pilot projects with representative samples can be encouraged to experiment the innovative approaches of the proposed legal and policy reforms. NFA needs to identify major forests such as Mabira and explore potential partnerships and collaboration with forest communities, individuals, consultants, universities, and organizations of different perspectives, with emphasis on experimenting the implementation of various aspects of policies and laws. The pilot projects should provide incentives for stakeholders' participation at collaborative and pre-decisional phases rather than in adversarial and post decisional phases. The pilot projects should consider the public interest as well as environmental protection through policies and laws. NFA staff and local governments should be encouraged to identify and implement innovative ways to streamline the process requirements without compromising environmental protection.

The pilot projects should include a process for objectively monitoring and assessing results to evaluate effectiveness, ensure accountability, and facilitate feedback for refinement and adaptation. The Pilot projects should be guided by specific MoUs as required under the National Forestry and Tree Planting Act.

These MoUs must be equitable, broadly discussed and incorporate the community interests to ensure their rights. They must be public documents that any interested citizen could consult, and have effective application mechanisms.

Voluntary Partnership Agreement and Forest Voices Project

There is need to develop private forest watch systems to monitor the

implementation of laws and policies through voluntary partnership agreements. This could be done through a "Forest Voices Project" aimed at encouraging greater community level activism around forestry issues and at creating permanent structures through which activism can influence forestry sector policy and management. This can be a forum for getting together, sharing experiences, realizing a common cause and agreeing on common approaches to and targets of advocacy at the local, district, regional and national levels. These networks can create an autonomous civil society and increase articulation of its voices to forest governance. This approach was used in Ghana where there was establishment of "Forest Voices Project" (FVP) which acted as Ghana's Forest Watch and led to the development of "Rural Forestry Stakeholders Networks". These included marginalized forest users such as farmers whose survival and development depended on improved access to forest resources or at least better management of forest resources by more powerful stakeholders.

Establishment of District Forest Forums

These could be district wide meetings of all organized or institutional forest stakeholders. Some of these could be facilitated by local NGOs and international NGOs like CARE and IUCN. These forums can develop into self sustaining deliberative structures operating at district and local levels. These can provide a democratic vehicle for all stakeholders and a focus for marginalized rural forest stakeholders' advocacy campaigns.

Through Forest Forums the networks can begin to engage forestry officials and other interest groups and make a coherent and constructive input into national forest policymaking and management.

Strengthening the use of Public Auction of Forest Products

NFA could consider the use of public auction as a transparent procedure for selling forest products that have been obtained through illegal means. This would help the Public to realize the importance following policies and laws on use of forests. As an additional accountability mechanism, an audit could be done for auctioned forest

products by NFA and Local Governments

Quarterly Meetings

There is a need to have quarterly meetings organized by NFA of all stakeholders to discuss the performance of the Policies and Laws. This could be done on the regional basis to ensure inclusiveness.

Policy Studies

There is need to have continuous Policy studies to assess the performance of the policies and laws. This could be done at least every two years. These studies may include for example analysis of social, environmental and economic impacts of the laws and policies in forestry management.

Study Tours & Exchanges

There is need to establish study tours in respect of all types of forests among the Nile Basin countries in order to share lessons and learning events. This would help to identify best and worst practices for improving law compliance in the forestry sector.

Model Forest Policy Tool Kits

There is need to develop forestry policy and law tool kit which contains a summary of policies, laws and best practices of forestry management. This tool kit can be used by decision-makers, citizens, law enforcement agencies and development partners.

Workshops and Seminars on New Forestry Legislation and Policies

There is need to have workshops and seminars for all stakeholders to enable them appreciate the provisions of the new policies and laws.

FORMALISATION OF THE PROPOSALS

Any strategy to control deforestation needs to be based on a sound understanding of the root causes of the current situation. It is fundamental to identify the root causes of deforestation and ways to control it. Therefore, the process of adoption of the suggested policy and legal reforms involves various steps in order to achieve positive results. A comprehensive package of

complementary actions is needed in order to address deforestation. A step-by-step approach is necessary because it is difficult to adopt all the elements of the reform at once. The following process is suggested to effect the Policy and Legal reforms.

Carry out an Inventory of Forest Resources

In order to effect the policy and the legal reforms, there is need to first have a clear understanding of Uganda's forestry resources. This can be done through carrying out an inventory of all types of forests existing in the country. The inventory would help to determine the present forest land in Uganda and clearly demarcate the boundaries of the forest reserves. This has to be done by the lead agencies which are NFA, UWA and LGs.

Raising Awareness among Different Stakeholder

Any strategy to reform the policies or laws should be based on an open, highly inclusive, multi-stakeholder process, based on effective participation of all interested parties. The participation of the private sector, NGOs and civil society is crucial. There is a need to carry out awareness on the root causes of deforestation, the status of deforestation, the current policy and legal framework, gaps and recommended actions so as to enable all stakeholders to appreciate issues at hand and their roles in the reform process. This can be done through seminars, workshops, courses and field visits.

Economic and Political Feasibility

In ranking and prioritizing the remedial actions, a central factor is their economic and political feasibility. It is important to analyze the financial costs of any intervention and the sources of necessary funds. The political question concerns the degree to which different levels of governments are willing to cooperate in an overall strategy to fight deforestation. Without comprehensive political will to fight deforestation, any measures taken have only a limited chance of success. For example, a committee to work on remedial action directly accountable to the president can be appointed.

Lobby for Policy Reform

It is important to advocate for policy reform to all the important stakeholders in order to avoid resistance. The advocacy should involve the responsible ministries, lead agencies, civil society, private sector, religious and cultural leaders, research and training institutions.

Build Monitoring and Enforcement Capacity

There is need to strengthen all relevant agencies, including forestry authorities, police, the military, the judiciary, transport and customs, through institutional reform, inter-agency cooperation and training on forest-related laws and regulations, evidence collection and assembling case files, in a way that ensures that deforestation is controlled.

Enforcement of the existing laws

As noted earlier in the report there are several Policies and Laws that are not enforced. It is important that they are enforced so that their effects in controlling deforestation can be felt.

Development of New Policies and Laws and Amending Existing Ones

As noted earlier, there is a need to develop new Policies and Laws where there are gaps and where necessary amend the existing laws and regulations to strengthen their effectiveness in curbing deforestation.

Simplification of Policies and Laws

For effective implementation of Policies and Laws all stakeholders need to understand them. Therefore it would be appropriate to write the policies and the laws in a simpler form so that they are understandable to the stakeholders. Translation to the local languages of the laws and the policies can also be another avenue in ensuring that the laws are understandable to the local people who are not in position to understand English.

Prosecute and convict forest criminals

It is important to ensure that persons who commit forest related crimes are prosecuted and if found guilty, convicted

and punished to the full extent allowed by law.

EVALUATION PROCESS OF THE PROPOSED LEGAL AND POLICY REFORMS

Appropriate evaluation systems are important to measure the impact of the new strategies, ascertain their progress and assess the effectiveness of making additional resources available to various actors in forestry resources conservation. In order to properly assess the impact of the proposed reforms the following evaluation process is suggested.

Public Monitoring

Public monitoring of the enforcement of laws is important to improve forest law compliance. Public monitoring helps to provide information about the status of Uganda's forestry resources and the effectiveness of the new conservation strategies. A recent example has been the establishment of watchdog groups to monitor the judiciary process in West Kalimantan and Jikalahari. These groups are composed of voluntary NGO and government representatives, and have come together following commitments made at multiple stakeholder consultations on forest crime.

Internal Monitoring and Evaluation System

There is also need for an internal monitoring and evaluation system to measure the efficiency and effectiveness of the operations of NFA and NEMA, the implementing institutions of the proposed policy and legal reforms.

Establishing a Central Information Centre

It is important to establish an information centre where all lead agencies, civil society and the private sector can provide information on the performance of institutions, laws and policies. The centre would help to determine the best practices and areas for further reform.

Public Debates

In order to exchange views and information it would be useful to have public debates involving experts and the general public so that they can debate on all relevant issues and reforms.

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Annex 1:

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