

# 2015



## NATIONAL MULTI-STAKEHOLDER DIALOGUE ON FOREST TENURE, 29<sup>th</sup> OCTOBER 2015, GRAND IMPERIAL HOTEL, KAMPALA.



*Members of UFWG members during the Multi stakeholder meeting at Grand Imperial Hotel, Kampala.*

This initiative was implemented by Environmental Alert on behalf of the UFWG in partnership with the Food and Agricultural Organization of the United Nations.



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## **Executive summary**

Since January 2013, FAO has been working in collaboration with government of Uganda through the Forest Sector Support Department (FSSD) to strengthen forest tenure systems in the country. In 2014, a project GCP/GLO/347/UK code named "*Enhancing Forest Tenure and Governance in Uganda in selected districts*" was designed to secure tenure of private and community forests. This was a partnership between FAO, FSSD of Ministry of Water and Environment (MWE) together with Uganda Forest Working Group (UFWG) and implemented by UFWG members; COVOID, CODECA and Tree Talk Plus in the districts of Bushenyi, Masindi and Lamwo respectively. This is a one year project running from July 2014-December 2015

Environmental Alert (EA), the Secretariat of the Uganda Forestry Working Group (UFWG) organized a one day Multi stakeholder engagement on forest tenure in Uganda. The purpose of the meeting was to sensitize and increase awareness on voluntary guidelines for governance of forest tenure and paving a way forward for emerging issues in forest tenure as well as strengthening Governance systems and structures of the Uganda Forest Working Group. The meeting was held on 29<sup>th</sup> October, 2015 at Grand Imperial hotel –Kampala and was attended by 52 participants (11 females and 41 males) selected members of the Uganda forestry working group (UFWG), Academia, researchers, and Government/ministry as well as selected duty bearers at the national and sub national level, particularly from forest Tenure project implementing partners from CODECA, COVOID, TREE TALK Plus as well as Environmental Alert.

In terms of output, forest tenure issues and associated recommendations for consideration by policy and decision makers at national and local levels were identified, discussed and documented. A report for the engagement with documented challenges and opportunities was also compiled for reference.

## **List of Acronyms**

AGM	Annual general meeting
CBO	Community based Organisation
CFR	Central forest reserves
CLAs	Communal Land Associations
CODECA	Community Development and conservation Agency
COVOID	Community Volunteer initiative for Development
CSOs	Civil society Organisation
DFS	District forest services
DLB	District land board
DLG	District Local Government
EA	Environmental Alert
ENR	Environment and Natural Resources
FAO	Food and agricultural organisation
FMPs	Forest management plans
FSSD	Forest Sector Support Department
MLHUD	Ministry of land housing and urban development
MWE	Ministry of water and environment
NFA	National Forestry Authority
NGO	Non-government organisation
PFO	Private Forest owners
PFs	Private forests
PPDA	Procurement and Public Disposal of Assets
REDD	Reducing Emissions from Deforestation and Forest Degradation
UFWG	Uganda Forestry working group
VGGT	Voluntary Guidelines on the Responsible Governance of Tenures
WWF	World Wild Fund

## **1.0 Introduction**

Following the endorsement of the Voluntary Guidelines on the Responsible Governance of Tenures (VGGT) of Land, Fisheries and Forests by the Committee on World Food Security (CFS) in May 2012, the Food and Agriculture Organization of the United Nations (FAO) embarked on global, regional and national level efforts to support their implementation. In January 2013, FAO, in collaboration with the Forest Sector Support Department (FSSD) of the Government of Uganda, implemented a training and policy dialogue to improve understanding of the principles, key issues and processes to strengthen forest tenure systems. This project is a follow-up to the outcomes of the training and policy dialogue all of which aimed at strengthening governance of tenure in the forest sector.

Key issues affecting forest tenure security in Uganda were discussed and practical strategies developed for addressing them. Some of the strategies of delivering necessary information suggested were workshops where content presentations will be conducted accompanied by plenary discussions and group discussion. The proposed participants in such engagements include Local and central government representatives, civil society, and private sector, religious and cultural institutions among others.

In that regard therefore, Environmental Alert (EA) the Secretariat of the Uganda Forestry Working Group (UFWG) organized a one day Multi stakeholder engagement on forest tenure in Uganda.

The meeting was held on 29<sup>th</sup> October, 2015 at Grand Imperial hotel –Kampala was attended by 52 (11 females and 41 males) participants selected members of the Uganda forestry working group (UFWG), Academia, researchers, and Government/ministry as well as selected duty bearers at the national and sub national level, particularly from forest Tenure project implementing partners from CODECA, COVOID, TREE TALK plus as well as Environmental Alert.

### **1.1 Welcome Remarks**

Dr. Joshua Zake welcomed and thanked members for having honoured the invitation and endeavoured to attend the meeting amidst their busy schedules. He highlighted that the meeting was organised to basically share lessons and experiences on implementation of the project as well as challenges faced by the various UFWG members in their respective areas of operation. He also informed members that the secretariat has a plan of organising another bigger forum that will engage other stakeholders beyond members of UFWG to map out and discuss matters beyond forest tenure issues. As he concluded, members were informed of the upcoming Annual general meeting for UFWG.

Members made self-introductions and were taken through the meeting agenda/program which was then adopted without any changes made.

### **1.2 Purpose of the meeting**

The purpose of the meeting was to sensitize and increase awareness on voluntary guidelines for governance of forest tenure and paving a way forward for emerging issues in forest tenure as well as strengthening Governance systems and structures of the Uganda Forest Working Group.

### **1.3 Meeting methodology**

The meeting was conducted in a participatory and interactive manner which facilitated dialogue and expression of opinions amongst participants. Different presentations were projected and plenary discussions held which engaged participants actively.

### **1.4 Expected outputs**

The expected meeting outputs included:

- a) Identification and documentation of forest tenure issues and associated recommendations for consideration by policy and decision makers at national and local levels
- b) Streamlined Governance systems and structures in place for the UFWG
- c) Compiled report for the engagement with documented challenges and opportunities

## **2.0 Meeting proceedings**

### **2.1 Background and objectives of the meeting**

The Multi-stakeholder engagement is one of the planned activities for enhancing forest tenure in Uganda which was approved by FAO. This engagement is meant to sensitize and increase awareness on voluntary guidelines for governance of forest tenure and paving a way forward for emerging issues in forest tenure as well as strengthening Governance systems and structures of the Uganda Forest Working Group. The event also strengthens intra and inter-sectorial coordination with regard to addressing forest tenure governance challenges in Uganda but also enhancing all forest sector player participation in forest tenure governance discourse at sub-national and national levels. This project is implemented by Uganda forestry working group whose Secretariat is Environmental Alert. The outcome of this event will also lead into strengthened Governance structure and system of the UFWG.

***The objectives of this meeting were:***

- a. To increase awareness about the forest tenure in the country through sharing experiences among implementing partners on forest tenure issues and the voluntary guidelines for governance of the forest tenure;
- b. Mapping of gaps, challenges and opportunities at both policy and practice level;
- c. Share progress, experiences and policy recommendations for the Forest tenure emerging issues under the forest tenure project from sub national level;
- d. Will allow for dissemination and sharing of forest tenure related information with other participants.

### **2.2 Overview of The Forest Tenure project and progress on implementation, presentation by Mr. Langoya Council Dickson-National Project Coordinator**

The project focuses on tenure of land and forests and is funded by DFID through FAO. Whereas the land component is being implemented by MLHUD and Makerere University, the forest component is implemented by FSSD, UFWG represented by EA, COVOID, TREE TALK PLUS and CODECA whose support is through MWE/FSSD. It is a 18 months project (July 2014-December 2015) and the participating districts include; Masindi, Lamwo and Bushenyi

Governance of tenure; means Rights (and also the duties/responsibilities) that someone has in relation to a natural resource, such as land, fisheries or forests. It is about securing tenure rights and equitable access to natural resources e.g. forests, land, fisheries, oil & gas, minerals etc. and is one of the means to eradicating hunger and poverty, supporting sustainable development and enhancing the environment.

The forest related tenure rights include the right to possess, sell, gift, mortgage, leave by inheritance, or lease out the land or forest. These can also include the rights to occupy and use the land or forest, such as to harvest and collect produce. They further include the right to exclude others from occupying or using the land or forest, particularly where a person has an exclusive right to the land or a forest. Most important is to determine how people gain access to land, fisheries and forests.

It was pointed out that the project is helping community forests institutions and private forest owners define access to forests and regulate it by society/individuals. It is also intended to help determine who can use what resources, for how long and under what conditions. This can be through written policies and laws, or unwritten customs/norms and practices.

The project is also addressing among other things, how competing priorities and interests of different groups are reconciled. Looking at addressing both the organizations (government, courts and other agencies) and the rules and processes that regulate tenure rights. Governance is not only about governments, their agencies and the courts but also the laws, rules and processes. Both are equally important. Customary institutions and rules are also a form of governance.

### ***2.2.1 Why governance of tenure is important***

The growing world population and climate change is reducing the availability of land, fisheries and forest resources. With competing user rights for control of these resources, unsecured rights can lead to conflict and environmental degradation. The current rate of forest degradation in Uganda (over 90,000ha/year) mostly in private lands vis a vis the rate of planting per year which is about 7,000ha. With responsible governance of tenure, those who hold legitimate tenure rights are protected against arbitrary loss of their rights. Securing access rights to forests can help achieve food and nutrition security for all.

### ***2.2.3 Progress of the Project implementation***

#### ***Component I: Strengthening Registration of Private Forests and Declaration of Community Forests***

- I. Reconnaissance-FSSD
- II. Community sensitization and mobilization-UFWG
- III. Registration of the private forests (50)-DFS/FSSD
- IV. Strengthening community forestry institutional arrangements (5)-FSSD
- V. Preparation and publication of legal instrument for declaration of community forests-FSSD

#### ***Component 2: Enhancing Knowledge and understanding of VGGT and other related National Guidelines and Legislation.***

- I. Community sensitization and mobilization-UFWG
- II. Production and popularization of the Private natural forest management and registration guidelines (5,000 copies each)-FSSD
- III. Radio programs-UFWG
- IV. Dissemination of National Forestry and Tree Planting Regulations-FSSD
- V. Monitor compliance to forestry guidelines and regulations in pilot-FSSD

**Component 3: Enhanced Transparency, Coordination and Collaboration among Sector Stakeholders**

- I. Preparation, validation and dissemination of annual forest status reports-FSSD
- II. Hold Annual National forest forums-FSSD
- III. Hold multi-stakeholder forum meetings-UFWG
- IV. Quarterly monitoring and inspections in local governments implementing the project-FSSD

**Table 1.** The project score card.

<b>Green: Activity implementation is generally on track or completed</b>	
<b>Component 1:</b>	
<ul style="list-style-type: none"> <li>a) Identification and selection of Communal Land Association/CBO members (at least 30) and Private Forest Owners (at least 20) in at least 4 district of Uganda</li> <li>b) Sensitization meetings with selected actors at national, regional and local level</li> <li>c) Field visits and follow-up with current and potential community and private forest owners</li> <li>d) Strengthening community forestry institutional arrangements (FSSD)</li> <li>e) Reconnaissance (FSSD)</li> </ul>	
<b>Component 2:</b>	
<ul style="list-style-type: none"> <li>a) Identification, programming and negotiation with relevant radio stations in the target districts</li> <li>b) Develop and produce IEC materials on VGGT</li> <li>c) Design appropriate radio massages</li> <li>d) Pre-record radio program (drama, spot messages and transmission/air time etc.)</li> <li>e) Broadcast live and recorded radio talk shows</li> <li>f) Production and popularisation of the Private natural forest management and registration guidelines (FSSD)</li> </ul>	
<b>Component 3:</b>	
<ul style="list-style-type: none"> <li>a) Consultations and planning meetings to identify topical issues of discussion</li> <li>b) Meetings with key actors at regional level</li> </ul>	
<b>Yellow: Activity implementation is behind schedule or experiencing minor disruptions, but generally on track</b>	
<b>Component 1:</b>	
<ul style="list-style-type: none"> <li>a) Registration of the private forests (FSSD)</li> </ul>	
<b>Component 3:</b>	
<ul style="list-style-type: none"> <li>a) Hold two multi stakeholder meetings/dialogues</li> <li>b) Preparation, validation and dissemination of annual forest reports (FSSD)</li> <li>c) Quarterly monitoring and inspections in local governments implementing the project (FSSD)</li> </ul>	
<b>Red: Serious challenges are being experienced in implementation</b>	
<b>Component 1:</b>	
<ul style="list-style-type: none"> <li>a) Preparation and publication of legal instrument for declaration of community forests (FSSD)</li> </ul>	
<b>Component 2:</b>	
<ul style="list-style-type: none"> <li>a) Dissemination of National Forestry and Tree Planting Regulations (FSSD)</li> <li>b) Monitor compliance to forestry guidelines and regulations in pilot (FSSD)</li> </ul>	

## **2.3 Presentation on Voluntary guidelines for governance of forest tenure, mapping gaps, emerging issues by implementing partners under the forest tenure project by FSSD/UFWG**

The presentation defined a Forest as land spanning more than 0.5 ha with trees higher than 5 meters and canopy cover of more than 10 percent, FAO 2012. Forest Tenure - ownership, tenancy and other arrangements for the use of forests - legally or customarily defined forest ownership and of rights and arrangements to manage and use forest resources. Whereas Forest governance is the way in which people and organizations rule and regulate forests (FAO, 2012). This includes; how they allocate and secure access to, rights over, and benefits from forests as well as planning, monitoring, and control of their use, management, and conservation.

### **2.3.1 Policy and legislation**

The Constitution of Uganda and the Land Act provide for the protection of *Forest reserves, national parks and any other land reserved for ecological and touristic purposes, for the common good of the citizens of Uganda*". Forests are on Land – tenure types:

- I. Customary - traditions and practices of a given community.
- II. Mailo – in perpetuity and has a land title to this effect.
- III. Freehold: The owner has a registered land title to own the land forever

### **2.3.2 Challenges of forest tenure types**

- a. That customary tenure impedes development because it does not allow the advancement of land markets, through which, those who need land for development can acquire it.
- b. That customary tenure fails to encourage credit and investment necessary for agricultural development.
- c. That customary tenure causes uneconomic fragmentation of land, through a system of successive sub-divisions,
- d. That customary tenure discriminates against women, and does not accord them land rights.
- e. It is further argued that customary tenure is vulnerable to land grabbing and unlawful evictions (without compensation) which leave many smallholder farmers landless,
- f. Mailo - , freehold and leasehold land - The bureaucratic red tape in accessing land titles breeds corruption, delays and high transaction costs
- g. Land grabbing – a threat to forest/land tenure security

The National Forestry and Tree planting Act 2003 stipulates five broad categories of ownership of forests in Uganda:

- a. Protected areas (CFRs and national parks)
- b. Private forest plantations within forest reserves, managed under a tree growing licence; and
- c. Privately owned forests on private land including forests owned by institutions
- d. Communal forests
- e. District local government forests

However, governing the bundle of rights for each of the above is still a challenge (Access Rights, Use or withdrawal rights, Management Rights, Exclusion Rights, and Alienation). According to the Land Act, the natural resources under public trusteeship (including forest

reserves, National Parks and wildlife reserves) must not be leased or alienated. Access to these resources is through granting concessions, licenses or permits. In this respect, the legal measure provided for good security of tenure that is conducive for investment and protecting the forest resources in perpetuity. Whereas the Act provides for good tenure security, the current social political setup puts in jeopardy security of tenure and rights over land and forests.

### **2.3.3 The Voluntary Guidelines on the Responsible Governance of Tenure**

The Guidelines seek to:

- a. Improve tenure governance by providing guidance and information on internationally accepted practices for systems that deal with the rights to use, manage and control land, fisheries and forests;
- b. Contribute to the improvement and development of the policy, legal and organizational frameworks regulating the range of tenure rights that exist over these resources.
- c. Enhance the transparency and improve the functioning of tenure systems;
- d. Strengthen the capacities and operations of implementing agencies; judicial authorities; local governments; organizations of farmers and small-scale producers, of fishers, and of forest users; pastoralists; indigenous peoples and other communities; civil society; private sector; academia; and all persons concerned with tenure governance as well as to promote the cooperation between the actors mentioned.

However, Popularisation of the VGGT is still a challenge. Regional disparities, Language consideration technical aspects

### **2.3.4 Institutional arrangements for forest tenure include:**

- a. The National Forestry Authority
- b. District Forest Services
- c. Community Groups
- d. Communal Land Associations (CLAs)
- e. Private Forest Owners

### **2.3.5 Challenges at institutional level**

- a. Politically-motivated decisions to de-gazette protected areas contributing to the loss of the forest estate. The result is that they would be investors in the management of the forests are increasingly getting discouraged in investing in forestry.
- b. Indigenous people living near and/or inside these protected areas consider them as their land therefore uses them as they see fit. These include the Tepeth in Moroto CFR, the kadam, in Mt. Kadam CFR, and the IK in Timu CFR and the Benet in Mt. Elgon Conservation area.
- c. Some CFRs are claimed by cultural institutions as their own. This was spurred by the Traditional leaders (Restitution of property) Act, 1993. While the law restored the land to the traditional leaders, the legal status of the land remains as forest reserve by the National Forest Tree Planting Act, 2013.
- d. It is difficult for the poor among local communities to access licenses through the procedures prescribed in the National Forest and Tree Planting Act as well as the Procurement and Public Disposal of Assets (PPDA) Acts
- e. Lack of guidelines for registration of private forests: According to the National Forestry and Tree Planting Act, 2003), the owner of private forests (natural or plantation) may register their forests with the District Land Board. The absence of a clear mechanism for registering the private forests impends the realisation of the intended benefits inherited in the law.

- f. The Land (Amendment) Act, 2010, allows the private owner to utilise his/her land in any way including converting forest land for agriculture or other purposes in the name of development.
- g. There is insecure tenure of communal forest lands where the land is controlled by the community under customary tenure such as in Lango and Acholi Sub regions in Northern Uganda. Any activity in such a situation requires mobilisation the entire community, usually with limited consensus. Some community leaders are not trustworthy and therefore do not share benefits equally. This requires binding instruments through which communities collaborate and participate in managing their forests.
- h. Secure tenure systems like leasehold, mailo and freehold land holdings are the forest tenure on private and communal lands however the process of getting land titles is costly.
- i. Economically rewarding alternatives as opposed to communal forests is a big challenge. Communities have chosen to partition land among themselves for quicker economic benefits.

#### **2.3.6 *The benefits of tenure rights by registration***

- a. **Market access**-there will be better business opportunities
- b. **Right to sell carbon (carbon trading)**-when the forest is registered, one has the rights over the carbon stored by the trees
- c. **Security**-with a land title of a registered forest, one is able to secure or acquire a loan from the bank or any other financial institutions
- d. **Donations**- with a registered forest, the owner can easily access grants for sustainable forest management
- e. **Confidence and Respect**-with a registered forest, one has assurance that he/she owns the forestland and therefore commands respect within the public.
- f. **Reduction of illegalities**- it helps to fight illegal trade of the forest products since legal sources are known.
- g. Networking/fame (getting to be known worldwide)-when a forest is registered, the public will be aware of its existence
- h. **Right to ownership**-the rights to manage and use that forest are strengthened and the owner stands a chance to earn more benefits in future.
- i. **Easy to control/manage the forest**-One has the freedom of entry into and exit out of the forest with no restrictions

#### **2.3.7 *Challenges of registration***

- a. Registration process is expensive- surveying, processing land titles, management planning;
- b. Land offices have limited understanding of the process for registration of forests especially for communally owned forests;
- c. Titling of land for purposes of declaring forests should be subsidised;
- d. Delays in signing of management plans- decentralising the signing of FMPs;
- e. FMPs- develop templates that guide communities.

**Table 2.** Plenary discussions on The Forest Tenure project and progress on implementation

<b>Issues Raised</b>	<b>Response</b>
a. For the highlighted achievements so far achieved, what is their contribution in monetary terms?	There is need to attach values/figures on the achievement
b. Are there indications that the District Farmers Associations are engaged in issues of forest land tenures?	These associations are involved in awareness meetings and this creates awareness among their members on forest tenure issues
c. Low staffing as a challenge especially at the District Forest Services affects achievement of some of the obligations	Financing is the major challenge to recruit staff. Currently only 20% of the recommended staff in FSSD are employed causing a gap in effective service delivery. However, under this project surveyors are being brought on board
d. It is evident that people/communities are still embracing so much the customary kind of land tenure	Need to explore the strengths of customary land tenure system. A study on customary system should be conducted Vis-a vis forest tenure
e. The guidelines being developed should include the gender aspects	
f. There is uncoordinated kind of working environment across the sector and this poses a challenge to achieve some of the sector targets	FSSD is trying to use a holistic approach to have coordinated work with other sectors
g. The management plans are still a bit complicated for the grassroots to understand	There are efforts to simplify these plans further such that all people clearly understand them. It is also recommended that these plans should be endorsed by the district rather than at the national level as it is now
h. Is there skills capacity for the staff in the different institutions to deliver their rights and obligations?	Mentoring programmes are important such that skills in issues of forest tenure are acquired by the staff

#### **2.4 Presentation on Forest tenure emerging issues by CODECA, COVIOD, TREE TALK plus**

The Voluntary Guidelines on Governance of Tenures (VGGT) of Land, Fisheries and Forests was endorsed by the Committee on World Food Security (CFS) in May 2012. Since then, the Food and Agriculture Organization of the United Nations (FAO) has embarked on global, regional and national level efforts to support their implementation.

Since January 2013, FAO has been working in collaboration with government of Uganda through the Forest Sector Support Department (FSSD) to strengthen forest tenure systems in the country. In 2014, a project GCP/GLO/347/UK code named, '*Enhancing Forest Tenure and Governance in Uganda in selected districts*,' was designed to secure tenure of private and community forests. This was a partnership between FAO, FSSD of Ministry of Water and Environment (MWE) together with Uganda Forest Working Group (UFWG) and implemented by

UFWG members; COVOID, CODECA and Tree Talk Plus in the districts of Bushenyi, Masindi and Lamwo respectively. This was a one year project running from July 2014-December 2015

**The overall project objective:** To enhance Forest Tenure and Governance in Uganda, deepen understanding of the Voluntary Guidelines on Governance of Tenure and other related National Guidelines and Legislation to promote Transparency, Coordination and Collaboration among forest Sector Stakeholders and with other sectors for sustainable forest management.

### **2.5 Updates of project components implemented by CODECA**

#### **2.5.1 Achievements**

- a. Four Communal Land Associations (CLAs) were identified (Alimugonza, Ongo, Tengele and Motokai), sensitized on the forest tenure project and supported to have forest boundaries re-demarcated and management plans reviewed.
- b. Two PFOs (Mr. Keith Bitamazire and Mr. Amos Kobwijamu) were supported to develop a constitution for the family to be registered as a Community Based Organization (CBO) to become the responsible body to manage their forests once registered.
- c. Both Private Forest Owners were assisted to submit their application for registration of their forest with the District Land Board through the office of the District Forest Officer Masindi. The district Council is waiting for minute extract from the DLB in order to pass council resolution to have the forests registered.
- d. Mr. Mugisa Stephen who owns about 60 acres of private natural forest in Nyiakanika II village in Pakanyi Sub-county has also been identified and sensitized to register his forest and join the Private Forest Owners such as Mr. Keith and Amos to have it sustainably managed to which he was in agreement. His application to register as a private forest has also been submitted through the District Forest Officer to the District Land Board for consideration.
- e. One live radio talk show and two recorded talk shows were broadcast on Bunyoro Broadcasting Services (BBS 98.2 FM).
- f. Radio spot messages were developed in English and translated into local languages (Runyoro, Luo, and Kiswahili) to cater for the different target groups in the district. 8 spot messages are being run daily in the local languages including English.
- g. Provided support supervision and mentoring to the four CLAs and three PFOs.
- h. Disseminated IEC materials on Forest Tenure and Governance to stakeholders in Masindi and the Mid-Western Region

#### **2.5.2 Opportunities**

- I. Renewed interest has been built among the local communities to engage in sustainable forest management and there are still a number of forests on private land that individuals and surrounding communities are willing to manage as a common property under CLAs and PFOs
- II. Increased demand for tree seedlings and investments in tree planting as a result of high demand for forest goods and services
- III. Masindi district local government is receptive in supporting the forest tenure security for private and local forests

#### **2.5.3 Recommendations**

- A. The Guidelines for CF and PF management should be widely disseminated by MWE. Consideration should be made to reduce bureaucracy in the guidelines and make the process user friendly to attract more individuals and community members to embrace

- CF and PF management outside protected areas for sustainable forest management. FSSD should take the lead.
- B. DFS should be strengthened and more resources allocated to enable them provide extension services and support the CF and PF to secure their forest tenure security for responsible management of the forests. FSSD and ENR-CSOs should lobby MWE to include forests outside protected areas among its priority areas as 38% of Uganda's forests are found on private land and under the mandate of DFS.

## **2.6 Updates of project components implemented by COVOID**

COVOID is part of the implementing partners of the project “Enhancing Forest Tenure and Governance in Uganda. COVID is carrying out the project activities in Bushenyi District” and some parts of Rubirizi District targeting Private Forest Owners.

### **2.6.1 Implementation strategies**

- a. Use of radio talk shows and Spot messages. This has helped reach more forest farmers as awareness through radio has created more demand for the project.
- b. Sensitisation of key stakeholders both PFOs and relevant government officials. This has increased uptake of the project among key actors and PFOs of the project.
- c. Continued field visits in consultation with District forestry officers has helped to provide onsite support on forest management to PFOs as well as determining whether a forest is fit for mapping and registration.
- d. Technical consultant on mapping and development of FMPs. This has addressed reluctance among PFOs to develop FMPs thereby impeding the forest registration process.
- e. Profiling existing PFOs especially on private land. This also helped to determine issues like whether forests are demarcated, have Ind title, size of forest, location, neighbours' relations and owner's names.

**Table 3. Project progress by COVOID**

<b>Activity</b>	<b>Target</b>	<b>Achieved</b>	<b>Remarks</b>
Identification and selection of Communal Land Association/ and Private Forest Owners in the district	20 private Forest owners identified	30 PFOs	Achieved more than the target due to high numbers of PFOs
Sensitization meetings with selected actors at national, regional and local level	1 meeting 30 stakeholders	1 meeting conducted 31 people attended	Was key in introducing the whole concept of identifying forests, FMPs, surveying, mapping
Field visits and follow-up with current and potential private forest owners.	N/A	N/A	To ascertain their willingness towards having their forests bring mapped and registered

Identification, programming and negotiation with relevant radio stations.	2 contracts	2 contracts signed	<i>Reason for two radios, one is targets Bushenyi PFOs and the other is for Rubirizi PFOs.</i>
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## 2.7 Project Progress in Lamwo District implemented by Tree Talk Plus

- a. 2 CLAs and 4 PFOs were identified, mobilized and profiled to help them with the process of registration and declaration. 11 more PFOs have been identified.
- b. A stakeholders' meeting for thirty selected members was organized to sensitize and create awareness among the forest owners.
- c. Two field visits to the current and potential community and private forest owners were carried out to check their progress towards securing their forest tenure rights through registration and declaration of their forests by acquiring the necessary legal documents.
- d. Radio programming
  - Radio talk show guidelines,
  - Spot messages scripts and voicing
  - Script for Drama Skit and Voicing by YICTED
  - Sharing the above with project partners (TTP, CODECA and COVOID).
- e. Mighty Fire 91.5 FM, Kitgum, contracted to broadcast 1 live and 2 recorded radio talk shows, 100 spot messages and one drama skit on forest tenure issues.
- f. IEC materials on forest tenure issues were designed
  - a policy brief (1500 copies)
  - a poster (3000)
  - a set of stickers (3000)
  - Dissemination by implementing partners.
- j. A meeting with key actors at regional level is still work in progress to be completed within the second week of November.

### 2.7.1 Project achievements

- a. The two CLAs identified (Katum Community Forest and Orom Gogo Community Forest).
- b. The two CLAs identified have also been helped to draft constitutions to act as guiding tools and supreme regulations for their forest activities.
- c. Members to these CLAs now understand the benefits of forests, sustainable forest management, registration and declaration and many of them have started planting trees as individuals.
- d. Members to these CLAs were sensitized about IGAs such as sand mining, stone quarrying and beehives. Some of the members have so far set up 20 beehives.
- e. The identified PFOs were given basic training and guided on the process of forest registration and how to fill the forms.
- f. The identified PFOs were also given basic training on how to develop their FMPs and were guided on how to fill the Private Forest Management Plan template.

### 2.7.2 Project challenges

For both the CLAs and PFOs, the biggest challenge rotates around the lack of financial resources.

- a. Communal Land Associations do not have funds for boundary opening and claim they are not able to do it themselves since the boundaries are too big.

- b. The Private Forest Owners still lack the technical capacity to fill the Forest Management Plan Template even after being guided.
- c. Communal Land Associations can no longer be registered for land titles under customary ownership.
- d. Some people have forests on communal land and may find it difficult to start the process of forest registration.

#### **2.7.3 Recommendations**

- i. All Communal Land Associations were advised to register their land under the Freehold system of ownership by the district land board.
- ii. Tree Talk Plus together with the project consultant plans to assist the PFOs in documenting their FMPs.
- iii. The PFOs were advised to start on the process of registration in parts depending on the resources they have.
- iv. PFOs with forests on communal land were advised to make an agreement or come up with an M.O.U with the community members or family members on management of the forest, benefit sharing mechanisms, etc.

#### **2.7.4 Plenary Discussions**

- i. Point of information to note that land and forest registration forms are available and accessible to communities. In addition, the district land technical committees exist that handle such issues.
- ii. The mapping process was participatory where by communities were engaged as the technical person explained to them the GPS with reference to their old readings. This kind of participation by the communities was to make them be part of the mapping process.
- iii. Since the cost of hiring services to develop a management plan is quite expensive, communities were trained in developing their own plans. In addition, a simplified template was developed for them to just fill in the required information without any complications.
- iv. Translation of plans in English and Swahili. Swahili was preferred because it is well comprehended in the district. This solved the issue of translating in the many languages in the district
- v. There is a high cost attached to developing management, therefore there is need to organise a training for implementing members to acquire skills to help communities
- vi. There is a challenge of land grabbing and communities are also encroaching on private owners' forest.
- vii. In terms of policy development the district environment ordinance was approved and so CSOs should take it upon and popularise it.
- viii. Members were informed that FAO requested for another project proposal. Also within the ministry there are many forestry programs e.g. FIEFOC II is coming on board and has a component of forest tenure.

#### **2.7.5 Key emerging advocacy issues**

- a. Linking what we are doing to the local government structures. Incorporate some of the project activities in the District Development Plans
- b. Need for certified seed sources for Quality control by professionals at the districts
- c. Need to map out stakeholders to know who does what
- d. Advocate for women to own land
- e. It is important to link financial concerns to financial institutions

### 3.0 Plenary discussion and synthesis of issues

With regards to the current status of forest tenure in Uganda, there are quite a number of issues that were presented by the implementing partners (FSSD, UFWG members; COVOID, CODECA and Tree Talk Plus) of the project, '*Enhancing Forest Tenure and Governance in Uganda in selected districts.*' The presented issues were then discussed and synthesised during the meeting through sharing experiences and information thus coming up with recommendations that will address the identified critical issues as summarised in the Table 4.

**Table 4:** Multi-stakeholder Forum –Issues/challenges and recommendations from the presentation and discussions.

Issue/s	Recommendations
<b>i) Uncoordinated work in the forest-sector and outside the sector in respect to forest tenure</b> <ul style="list-style-type: none"> <li>I. <i>Partitioning and Issuance of land titles in Central Forest Reserves (e.g. in Kitgum Matidi, Nonve ) and Local forest reserves</i></li> </ul>	<ul style="list-style-type: none"> <li>a. Undertake high level meetings between FSSD and Department of Lands ( even at LG level) – to clarify on land vs forest issues</li> <li>b. Link, engage and motivate LG to make ordinances on forest tenure and incorporate such issues in the DDP</li> </ul>
<b>ii) Some inconsistencies in the forestry policy and legal framework e.g. Land act and national forests and tree planting act</b> <ul style="list-style-type: none"> <li>I. <i>Some CFRs are claimed by cultural institutions as their own. This was spurred by the Traditional Leaders (Restitution of Property) Act, 1993. While the law restored the land to the traditional leaders, the legal status of the land remains as forest reserve by the National Forest and Tree Planting Act, 2013.</i></li> <li>II. <i>The Land (Amendment) Act, 2010, allows the private land owner to utilize his or her land in any way, including converting forest land for agriculture or other purposes in the name of development.</i></li> <li>III. <i>There is insecure tenure of communal forest lands; where the land is controlled by the community under customary tenure such as in Lango and Acholi Sub-regions in Northern Uganda. Any activity in such a situation requires mobilizing the entire community, usually with limited consensus. Some community leaders are not trustworthy and therefore do not share benefits equally. This requires binding instruments through which communities collaborate and participate in managing their forest.</i></li> </ul>	<ul style="list-style-type: none"> <li>a. Undertake a detailed study to identify such inconsistencies in legal and policy frameworks (including unwritten customary rights and practices) in different regions</li> </ul>
<b>iii) Lack of mechanisms/support for operationalizing/enforcement of some of the policy and legal provisions at different levels (national and local)</b>	<ul style="list-style-type: none"> <li>a. FSSD – to expedite the finalization, printing and dissemination of guidelines -</li> </ul>

<p>I. Lack of guidelines for registration of private forests: According to the National Forestry and Tree Planting Act, 2003), the owner of private forests (natural or plantations) may register their forests with the District Land Board. The absence of a clear mechanism for registering the private forests impedes the realization of the intended benefits inherent in the law.</p>	
<p>iv) Limited/Inadequate capacity for institutions (i.e. duty bearers e.g. FSSD, NFA, DFS, UWA...) to deliver rights, obligations and services (Access Rights, Use or withdrawal rights, Management Rights, Exclusion Rights, Alienation) to the rights holders</p>	<p>a. Lobby Responsible Bodies to deliver on rights and obligation with respect to access, use and management. E.g. communities want permits to access the 5% quota for reserves set aside for planting and management</p>
<p>v) Limited/Inadequate capacity for institutions i.e. rights holders (community groups, private forest owners, community land associations...) to demand for the rights and benefits (Access Rights, Use or withdrawal rights, Management Rights, Exclusion Rights, and Alienation). Thus, this is depicted by the following examples:</p> <ul style="list-style-type: none"> <li>I. It is difficult for the poor among the local communities to access licenses through the procedures prescribed in the National Forest and Tree Planting Act as well as the Procurement and Public Disposal of Assets (PPDA) Acts.</li> <li>II. Secure tenure systems like leasehold, mailo, and freehold land holdings are the best forms of forest tenure on private and communal lands however the process of getting land titles is costly.</li> <li>III. Indigenous people living near and/or inside these protected areas consider them as their land and therefore use them as they see fit. These include the Tepeth in Moroto CFR, the Kadam, in Mt. Kadam CFR, and the Ik in Timu CFR and the Benet in Mt. Elgon Conservation area.</li> </ul>	<p>a. Build the capacity of community groups and private sector to understand and demand for rights (access, use, management)</p> <p>b. Build capacity among UFWG members so there is a pool of experts to clarify forest tenure and tenure security</p>
<p>vi) Challenges based of forest tenure type</p> <ul style="list-style-type: none"> <li>I. That <b>customary tenure impedes development</b> because it does not allow the advancement of land markets, through which, those who need land for development can acquire it.</li> <li>II. That <b>customary tenure fails to encourage credit and investment</b> necessary for agricultural development.</li> <li>III. That <b>customary tenure causes uneconomic fragmentation of land</b>, through a system of successive sub-divisions,</li> <li>IV. That <b>customary tenure discriminates against women</b>, and does not accord them land rights.</li> </ul>	<p>a. Document the challenges and undertake advocacy and lobbying for change</p>

<p>V. It is further argued that <b>customary tenure is vulnerable to land grabbing and unlawful evictions</b> (without compensation) which leave many smallholder farmers landless,</p> <p>VI. <b>Mailo - , freehold and leasehold land</b> - The bureaucratic red tape in accessing land titles breeds corruption, delays and high transaction costs.</p> <p>VII. <b>Unclear boundaries for central and local forest reserves</b></p>	
<p>vii) Broader poor governance (e.g. manifesting as weak institutional capacity for forests management; lack of transparency and accountability on the part of duty bearers during execution of their roles/responsibilities; weak mechanisms for effective monitoring of individual and institutional performance; and limited support for effective participation of various key actors in the management of the forest resources) in the forest sub-sector that have direct and indirect impacts on the governance of forest tenure</p> <p>I. Politically-motivated decisions to de-gazette protected areas contributing to the loss of the forest estate. The result is that the would-be investors in the management of the forests are increasingly getting discouraged in investing in forestry.</p>	<p>a. Using existing platforms to engage national and local government level political space to appreciate forests and forestry</p>
<p>viii) The process of registering of forests is cumbersome with some impediments</p> <p>I. Registration process is expensive – surveying, processing land titles, management planning.</p> <p>II. Land offices have limited understanding of the process for registration of forests especially for communally owned forests</p> <p>III. Titling of land for purposes of declaring forests should be subsidised</p> <p>IV. Delays in signing of management plans – decentralising the signing of Forest Management Plan (FMPs).</p>	<p>a. Develop simple templates of FMP to guide community based stakeholders in the development of FMP</p> <p>b. UFWG members support CLAs in the process of registration and declaration</p>
<p>ix) Limited awareness about guidelines and regulations to advance effective governance of forest tenure among stakeholders and players at different levels (national, district and local level)</p> <p>I. VGGT is not yet adequately popularized. There are regional disparities, language and technical requirements/aspects</p> <p>II. Guidelines for registration of private and community forests</p>	<p>a. Communication, Education and Public Awareness (CEPA) using Public Information and Education (PIE) materials</p>
<p>x) Presence of other more competitive land uses (agriculture, mineral exploration compared to</p>	<p>a. Develop and disseminate financial models (running forests as a business) that reflect cost</p>

<b>forestry activities</b>	<p>a. <i>Economically rewarding alternatives as opposed to communal forests is a big challenge. Communities have chosen to partition land among themselves for quicker economic benefits.</i></p> <p>b. <i>Land grabbing – a threat to forest/land tenure security</i></p>	<p>effectiveness in managing trees. Communities should be guided to make informed decisions</p> <p>b. Increased investment in the ENR sector – provide figures and the net-off created for each investment done</p> <p>c. Undertake a concerted effort to protect people from the arms of government that want to grab people's land</p>
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#### **4.0 Way forward**

Members suggested the following issues to be considered by the secretariat as a wayward to enhance the UFWG member's work.

- a. The UFWG Secretariat should share the revised guidelines for community and private forest management including all other important documents with regards to forest tenure with its members
- b. The secretariat to finalise on the recommendations

#### **5.0 Closing remarks**

Mr. Kinene Vicent, Mubende District Natural Resources officer thanked members for their active participation during the meeting. He also expressed his gratitude to the secretariat for organising such engagements where information shared is used in lobbying and advocacy tools on different forest issues. Members were then reminded about the AGM that was to take place on 30/10/2015.

## 6.0 Annexes

### 6.1 Annex 1 Proposed program for the Multi stakeholders meeting

Time	Activity	Responsibility
<b>DAY ONE</b>		
8:30 - 9:00am	Arrival and Registration	Secretariat
9:00am	<ul style="list-style-type: none"> <li>○ Prayer</li> <li>○ Welcome remarks,</li> <li>○ Participants introductions,</li> <li>○ Background and objectives of the meeting</li> </ul>	Secretariat
9:30am	<ul style="list-style-type: none"> <li>○ An overview about the forest tenure project and progress in implementation</li> <li>○ Sharing the awareness about forest tenure in the country</li> <li>○ voluntary guidelines for governance of forest tenure, mapping gaps, Emerging issues by implementing partners under the forest tenure project</li> </ul>	Secretariat FSSD FSSD/ UFWG
10:00am	<ul style="list-style-type: none"> <li>○ Coffee/Tea Break</li> </ul>	Hotel
12:00-1:00am	Plenary Discussions	Participants
1:00-2:00pm	Lunch	Hotel
2:00-3:30	Presentation on Forest tenure Emerging issues	CODECA, COVIOD, TREE TALK plus
3:30-4:00pm	Plenary, key Emerging Advocacy issues and way forward	Moderator

### 6.2 Annex 2. List of participants