ACODE

FOREST GOVERNANCE TRAINING MANUAL

Godber Tumushabe and Onesmus Mugyenyi

ACODE

ADVOCATES COALITION FOR DEVELOPMENT AND ENVIRONMENT

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The authors take full responsibility for the content of this Training Manual.

Cover Photographs
These photographs were provided by ACODE research team: (Top) Reflects participation in community consultations as part of forest management. (Bottom) depicts sustainable harvesting of forest products using hand chain saw.

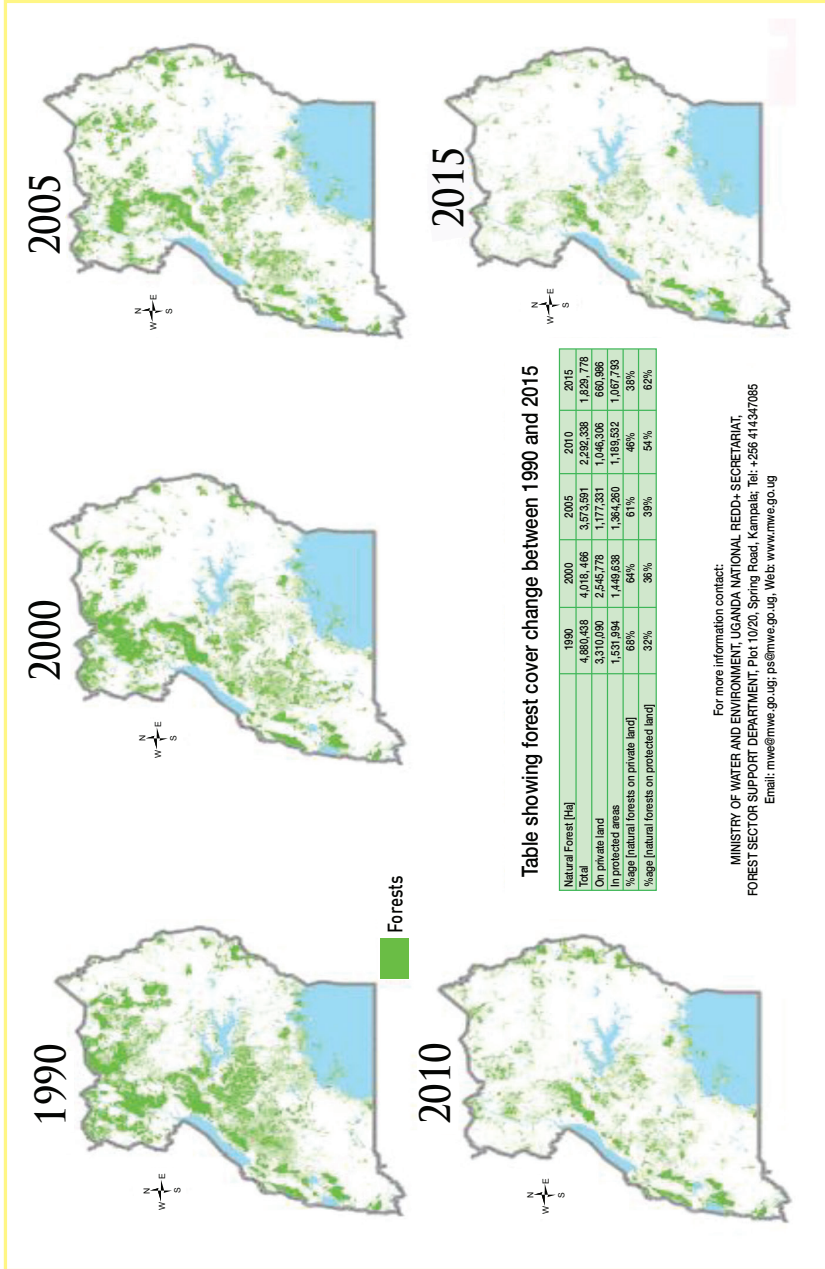## FIGURE 1: UGANDA'S FOREST COVER CHANGE OVER THE YEARS FROM 24% IN 1990 TO 9% IN 2015

Forests

Table showing forest cover change between 1990 and 2015

Natural Forest [Ha]	1990	2000	2005	2010	2015
Total	4,880,438	4,018,466	3,573,591	2,292,338	1,829,778
On private land	3,310,090	2,545,778	1,177,331	1,046,306	660,986
In protected areas	1,531,994	1,449,638	1,364,260	1,189,532	1,067,793
%age [natural forests on private land]	68%	64%	61%	46%	38%
%age [natural forests on protected land]	32%	36%	39%	54%	62%

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Figure 1: Source: National Forestry Authority, 2016

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LIST OF ACRONYMS

ACODE	-	Advocates Coalition for Development and Environment
CBD	-	Convention on Biological Diversity
CFM	-	Collaborative Forest Management
CFRs	-	Central Forest Reserves
CITES	-	Convention on International Trade in Endangered Species
COMESA	-	Common Market for Eastern and Southern Africa
DFS	-	District Forest Services
EAC	-	East African Community
FGLG	-	Forest Governance Learning Group
FSSD	-	Forest Sector Support Department
GDP	-	Gross Domestic Product
ILO	-	International Labour Organization
ITTA	-	International Tropical Timber Agreement
LFRs	-	Local Forest Reserves
NAADS	-	National Agricultural Advisory Services
NFA	-	National Forestry Authority
NFP	-	National Forest Plan
NFPTA	-	National Forestry and Tree Planting Act
OWC	-	Operation Wealth Creation
REC	-	Regional Economic Commissions
REDD	-	Reduction of Emissions from Deforestation and Forest Degradation
UFWG	-	Uganda Forestry Working Group
UNCCD	-	United Nations Convention to Combat Desertification
UNCED	-	United Nations Conference on Environment and Development
UNESCO	-	United Nations Educational, Scientific and Cultural Organization
UNFCCC	-	United Nations Framework Convention on Climate Change
UWA	-	Uganda Wildlife Authority

PREFACE TO THE MANUAL

Governance remains one of the critical challenges for sustainable forest management in Uganda. Despite several attempts by Government to sustainably manage the forests, the forest cover has reduced from 24% in 1990 to 9% in 2015. This decline in forest cover is largely attributed to poor governance of the forestry sector. This Forest Governance Training Manual is ACODE's contribution towards enhancing forest governance in Uganda.

This manual was prepared under a project component on Enhancing Forest Governance and Community Livelihoods supported by CARE International in Uganda. This component was part of the main Forest Resources Sector Transparency in Uganda (FOREST) programme implemented by Care International in Uganda and its several partners.

The training manual presents forest governance as an important prerequisite for promoting sustainable forest management and reducing deforestation and forest degradation in Uganda. This work is motivated by the deteriorating state of forest governance in Uganda and the realised need to improve the management of the forest resource. In the last thirty years, forest resource managers, practitioners, scholars and other forest stakeholders have observed that governance is often the weak link in addressing sustainable use of forests, trees and related services. As a result, the forest sector is characterized by poor public relations yet the country has relatively good policies, laws and institutional framework arrangements that could engender improvements in the management and administration of the resource.

Technical knowledge alone is not enough; meaning that for any natural forest management, protected area management, plantation, or agro-forestry programmes/projects and/or undertakings to succeed, the resources must be well governed. It means that there should be proper governance to unlock the desired success. Yet, the concept of "forest governance" is often difficult to grasp mainly because many laws, rules, policies, actions, and interactions inform its understanding and interpretation.

This manual is mostly aimed at providing the necessary knowledge and skills on forest governance to individuals and organizations involved in delivery of forestry services for sustainable development. It is a capacity building tool for establishing a cohort of practitioners that have an understanding of forest governance based on the current state of forest management practices

in Uganda. It, therefore, serves as a reference and training manual for forestry governance trainers, facilitators, instructors and students at higher institutions of learning (Technical Training Institutions and Universities) as well as resource managers in environment and natural resources. It is also a useful tool for professionals and managers who are expected to guide forest governance processes at various levels.

The manual is presented in four modules with a compendium of reading materials. Each module can be delivered independent of the others while basing on the pillars and principles of good governance documented by the Program on Forests (PROFOR) and Food and Agriculture Organization of the United Nations (FAO). The principles mentioned above are accountability, transparency, participation, fairness/equity, efficiency and effectiveness. The training manual provides discussions of the key pillars in the governance nexus such as policy, legal, institutional and regulatory frameworks, planning, and decision making processes and implementation, enforcement and compliance in forest management. The delivery methods will include lecture presentations, group exercises, plenary discussions, field excursions, and individual research.

MODULE 1:
INTRODUCTION, COURSE OBJECTIVES AND TRAINING AGENDA

This module provides an opportunity to break the ground for the training. The sessions in this module include exercises designed to allow participants to get to know each other and at the same time develop confidence in using experiential learning techniques to explore the concept of governance in the context of forest resources management. The training modalities adopted are designed to give participants an opportunity to reflect on forest governance in their own situation and context.

Photograph 1: Cultivation of crops in Zoka Central Forest Reserve

Session 1: Introduction to the Training

Session Aims	The aim of this session is to introduce: (i) The participants to each other and to set a cordial environment for the training. (ii) The course objectives, course agenda, content, and the rules governing the training.

Learning outcome	By the end of the this session, participants should be able to:
	   (i) Explain the background, rationale and objectives of the training;
	   (ii) Identify each other by names, institution and/or any other affiliations;
	   (iii) Explain their work and how it is related to forest governance; and
	   (iv) Follow the rules set by both the trainees and facilitators.

Content	(i) Self-Introduction and course objectives (ii) Competencies to be developed (iii) What is covered in the manual and how to use the manual? (iv) Why the training in forest governance?
Duration (hrs.)	Lecture room 2 hrs.
Delivery Methods, data and Equipment	(a) **Methods:** Lecture, discussions – guiding questions and use of local examples, power point presentations (b) **Equipment and tools:** Computer, Liquid-Crystal Displays (LCD) projector, white board and pens, flip chart, lecture notes

1.1   Course objectives and expected outcomes

The overall objective of the training course on forest governance is to promote understanding of the relationship between forest management and governance as strategy for achieving the objectives of the forest sector. Given the objective of the forest sector in Uganda as '*a sufficiently forested, ecologically stable and economically prosperous Uganda*', the course structure and content is organized to achieve three inter-related specific objectives:

i) Expand the knowledge base of policy makers, practitioners and forest governance advocates and students in higher institutions of learning, with regard to the key concepts and practices of forest governance.

ii) Enhance the capacity of the target participants to understand and take appropriate action towards removing barriers to effective forest governance.

iii) Contribute to building a new generation of forest sector leaders and public sector workers who are fully exposed to the issues of forest governance.

In the end, participants should be able to:

(i) Have a better understanding of the drivers of forest degradation and forest loss in the country.

(ii) Move beyond explaining forest degradation from a viewpoint of scientific or technical narratives as the obvious explanations for failure in ensuring sustainable forest management in the country.

(iii) Better understand the power relations among the forest sector actors and how such power relations influence, shape or sometimes disrupt decision-making and action in the sector.

(iv) Act more purposeful in developing policy-influencing advocacy actions and strategies to address governance deficiencies in the forest sub-sector.

1.2   Competencies to be developed

The following competencies will be enhanced through training courses using this manual:

i) ***Application of Concepts:*** Better understanding of the concept, spheres and the practice of governance. Beneficiaries of the training course will be able to relate the different spheres of governance and the challenges of forest governance at all levels (international, regional, national and sub-national levels).

ii) ***Analysis:*** skills to use in understanding forest governance and its normative basis as well as basic interpretation of key standards, pillars and principles that underpin forest governance.

iii) ***Governance of forests:*** Practical understanding of the forest governance regimes and the ability to evaluate the challenges and devise strategies to improve governance of the forest sector.

1.3   What is covered in the manual

This manual contains four modules: Module 1 is about introduction, course objectives and training agenda. Module 2 is about understanding the concept of governance. Module 3 covers the spheres of forest governance (global, regional, national and sub-national spheres) while Module 4 is about the practice of forest governance in Uganda. These modules are complemented by a compendium of reference materials provided in Annex I.

Each module contains a number of units/sessions with learning outcomes provided at the beginning of each unit. Each session is intended to cover a specific governance thematic area that is related to the principles of good governance. This structure allows training to take place on each of the modules or units separately. However, the full training should cover all the modules and units.

1.4   Guidance on the use of this manual

This Manual is designed to be used in two ways. First, in its analogue form, it is intended to be used in formal training courses on forest governance. This manual contains more content to help any person with basic experience to facilitate training on forest governance. The content is not exhaustive and is not intended to be so but to provide basic information. Trainers should be able to obtain other materials that can be used to enhance training content. There is a wide scope of materials to refer to online such as the World Resources Institute (http://www.wri.org/our-work/topics/forests), the Global Forest Watch (http://www.globalforestwatch.org), the World Bank (http://documents.worldbank.org) and Food and Agriculture Organisation of the United Nations (www.fao.org/forestry/governance/monitoring).

1.5   Why train in forest governance?

There are a number of compelling factors that make training in forest governance an absolute necessity. Within Uganda and the East African Community (EAC), the following factors provide illustrative examples rather than an exhaustive checklist. Key among the factors are:

(i) The consistent decline in the size and quality of the forest estate is a major concern given the forest sector's contribution to national and household economies and rural livelihoods. East Africa has lost more than 22 million hectares of forest cover (Society for International Development (SID), 2012) in the past two decades as pressure on land intensifies in all the five partner states of the community. The region's 107 million hectares

of forest shrank by more than 9 per cent to 98 million hectares between 1990 and 2000, and a further 13 per cent to 85 million hectares in 2010 due to rampant deforestation. Uganda has lost its cover from 24% in 1990 to only 9% in 2015. Going by this trend Uganda may have no forests left by 2050. https://www.theguardian.com/society/katineblog/2009/jun/25/uganda-deforestation

(ii) Since the commencement of major reforms in the East African region in the 1980s and 1990s, a variety of policies and laws have been put in place but these are rarely enforced. For Uganda in particular, breakdown in law enforcement and compliance are a clear manifestation of the deterioration in governance.

(iii) There has also been major institutional reforms and institutional reorganization but these institutions are either not functioning well or at least are not functioning at the expected optimum capacity. The Kenya Forest Services, Uganda's National Forestry Authority are typical examples of Institutional underperformance.

(iv) Like many other sectors of the economy, corruption is endemic hence causing major distortions in the governance of the forest sector.

(v) Encroachment on the protected forest estate and associated evictions has escalated overtime while forests on private land are being depleted at a much faster rate than they can be replenished.

(vi) Forestry related decisions — such as those relating to land re-allocations for infrastructure development like (in Uganda's case) the Standard Gauge Railway, oil and gas infrastructure in the Albertine Graben, the Northern and Southern By-Pass in Kampala; award of permits (for forestry development) or concessions (for harvesting and utilization), directly or indirectly impact on the livelihoods of local people which are made without consulting NFA. Sometimes, deficient environmental impact assessments are made without consulting local governments.

Exercise 1: Understanding forest governance challenges
Participants work in small groups. Each group identifies a variety of governance challenges facing the forest sub-sector in Uganda. Each group examines challenges in the broader Environment and Natural Resources (ENR) Sector. Each group discusses potential actions required by the responsible entities and stakeholders. In plenary, each group presents outcomes of their group discussion and the recommendations made.

MODULE 2:
UNDERSTANDING THE CONCEPT OF GOVERNANCE

Session 2.1: The Concept of Governance and Implications for Forest Resources Management

Session Aims	The aim of this session is to: (i) Introduce the concept of governance (ii) Link general governance with forest governance (iii) Examine forest governance challenges and how these can be addressed.
Learning outcome	By the end of the this session, participants should be able to: (i) Define the basic and general concepts relevant to governance of natural resources. (ii) Explain governance challenges of the forest sector with examples from Uganda.
Content	(i) Introduction to the concept of governance (ii) Causes of governance failure (iii) Governance and public policy (iv) Introduction to forest governance (v) Forest governance challenges in Uganda
Duration (hrs.)	Lecture room	3 hrs.
Delivery Methods, data and Equipment	(a) Methods: lecture, discussions – guiding questions, use of local examples, power point presentations, lecture notes (b) Equipment and tools: computer, LCD projector, white board and pens, flip chart

2.1.1 Concept of governance

A United Nations Development Programme (UNDP) discussion paper (UNDP 1997) asserts that, governance is the *exercise of economic, political, and administrative authority in managing a country's affairs*. Along these same lines, some writers have used the term to mean formal and informal arrangements that determine how public decisions are made, who makes them, and how public actions are carried out (e.g., Kaufmann et al. 2008). Governance has also been defined as a mechanism through which citizens and groups articulate their interests, exercise their rights and obligations, and reconcile their differences.

The concept of "governance" has evolved over the last three decades to become one of the defining concepts in politics and the development policy discourse around the world. In general terms, the concept of governance is used to refer to *the nature of interactions among structures, processes and traditions that determine how power and responsibilities are exercised, how decisions are taken, and how citizens or other stakeholders engage in decision making processes that impact on their lives.* The reference to interactions, point to the fact that the operational dimensions of governance have to be conceived in a geographic community where actors can be identified and their influence and actions determined.

Governance refers to who makes decisions and how decisions are made, from national to local scale, including formal and informal institutions and rules, power relations and practices of decision making (World Resources Institute, 2010). Governance is generally considered good if it is characterized by stakeholder participation, transparency of decision making, accountability of actors and decision-makers, rule of law, and predictability. Good governance is also associated with efficient and effective management of natural, human, and financial resources, and fair and equitable allocation of resources and benefits.

At a state level, the concept of governance is used to refer to four essential elements:

a) *State capacity :* The power and ability to make and enforce rules that are consistent and predictable;

b) *Rule of law* *:* Establishing, among other things, the bundle of rights and limits to the state's discretion in manipulating those rules;

c) *Democratic institutions* that further limit the exercise of state discretion by holding governments accountable to their citizens; and

d) *An active citizenry* devoid of fear and manipulation that acts as frontline defenders of human dignity and the sanctity of public policies and programmes.

Note: Where the above elements are missing, we can say there is "Governance Failure".

2.1.2 Causes of governance failure

The quality of public policy and the implementation of public policy programmes are significantly affected by the capacity of the state to implement "smart interventions", failures and distortions resulting from market imperfections. However, state intervention without adhering to the rule of law and without limitations on discretionary authority may itself cause market imperfections inevitably undermining the implementation of public policies and programmes (Figure 1).

Figure 2: Causes of governance failure

2.1.3 Governance and public policy

In public policy, the concept of governance has assumed new meanings and dimensions as it is now used in many policy instruments and development agencies. Within the international development community, the World Bank pioneered the use of the concept way back in the 1980s particularly following the publication of its report entitled: *Sub-Saharan Africa: from crisis to Growth*, which made explicit references to a "crisis in governance" in Africa. Since then, the concept has been widely used, in many cases with varying degrees of consistence in both scope and content.

The World Bank defines governance as "the manner in which power is exercised in the management of a country's economic and social resources

for development. http://info.worldbank.org/governance/wgi/pdf/WGI.pdf. For the World Bank, the governance agenda is concerned with reforming the relationship between government, civil society, and the market in the countries receiving Bank support. Throughout its work, the World Bank identified three distinct aspects of governance:

(i)   The form of the political regime;

(ii) The process by which authority is exercised in the management of a country's economic and social resources for development; and,

(iii) The capacity of governments to design, formulate and implement policies and discharge core governmental functions.

In its 1992 World Development Report, the Bank argued that good governance was central to creating and sustaining an environment which fosters strong and equitable development, and it is an essential complement to sound economic policies.

By the end of the 1990s, the World Bank had effectively shifted from its overemphasis on pro-market policies after realizing that the State had a critical role to play in promoting development. The State is seen as playing certain critical functions such as upholding the rule of law, promoting competition and regulating the financial systems.

Taking forward this understanding, the 2002 World Development Report argued that while markets provided the best means for achieving growth and reducing poverty in the long-term, the problem of development is that markets often do not work, for example by failing to provide adequate incentive structures. In its 1994 report, the World Bank had specifically outlined four elements of governance: public sector management, accountability, legal framework for development, transparency, and access to information.

A number of other tools and indicators have been developed to enable regular assessments of governance. One of the most widely used tools is the World Governance Indicators (WGI) of the World Bank. The World Bank collects and tracks governance data on the 6 key principles of governance. The World Bank maintains a comprehensive online database http://info. worldbank.org/governance/wgi with indicators organized around six principles of governance that are also relevant to forest governance. These are:

(i) Voice and accountability: Assesses the extent to which citizens have political rights and civil liberties and are able to participate in selecting their government.

(ii) Government effectiveness : Reflects perceptions about the quality of public services, the quality of the civil service and the degree of its independence

from political pressures, the quality of policy formulation and implementation, and the credibility of the government's commitment to such policies.

(iii) Regulatory quality: Reflects perceptions about the ability of the government to formulate and implement sound policies and regulations that permit and promote private sector development.

(iv) Political stability and absence of violence: Reflects perceptions of the likelihood that the government will be destabilized or overthrown by unconstitutional or violent means, including politically-motivated violence and terrorism.

(v) Control of corruption: Reflects perceptions of the extent to which public power is exercised for private gain, including both petty and grand forms of corruption, as well as "capture" of the state by elites and private interests.

(vi) Rule of law : Assesses the ability of governments to formulate and implement policies and laws that are certain and predictable.

Box 1: Governance is conceived and defined differently as:

- The exercise of political, economic and administrative authority in the management of a country's affairs at all levels.

- The process of decision making and the process by which decisions are implemented, or   not implemented.

- The rules, processes and behaviour that affect the way in which powers are exercised particularly with regard to openness, participation, accountability, effectiveness and coherence.

- The constituent of traditions and institutions by which authority in a country is exercised. This includes the process by which governments are selected, monitored and replaced; the capacity of government to effectively formulate and implement sound policies; and the respect of citizens and the state for the institutions that govern economic and social interactions among them.

- The institutional environment in which citizens interact among themselves and with government agencies/officials.

- The values, rules, institutions and processes through which people and organizations attempt to work towards common objectives, make decisions, generate authority and legitimacy, and exercise power.

- The process whereby societies or organizations make important decisions, determine whom they involve and they render accountable.

2.1.4 Forest governance

According to CIFOR's, forest governance is *"…how decisions that affect forests and the people who depend on them are made: Who is responsible, how do they exercise their authority and how are they accountable? It encompasses decision-making processes and institutions at local, national, regional and global levels..."*

Forest governance comprises all the social and economic systems that affect the way people interact with forests, including bureaucracies, laws, policies, traditional norms and culture, patterns of land tenure and markets. Good forest governance means decisions are fair, transparent and just, rights are respected; laws and rules are enforced equitably; decision makers are accountable; and decisions are made based on the analysis of what is good for people and forests in general and not personal interest. The main objective of good forest governance is to ensure forest sustainability, fair decision making and benefit distribution. It is now broadly understood that good governance in the forest sector is vital for achieving sustainable forest management.

However, there is no universally agreed definition of forest governance. Originally, the term was understood as being almost synonymous with government or the way the government was ruling. With the changing vision of the role and responsibilities of governments, a broader vision of governance has evolved, which takes into consideration the new roles of civil society, the media, academia/research and the private sector among the wider sector stakeholders. It involves multiple actors and multiple levels (local, national and international) and acknowledges that different stakeholders have different mandates, views, values and interests. Improving forest governance to move forward towards sustainable forest management, therefore, is a complex endeavor involving the active participation of a range of stakeholders, not just forestry administrations." (FAO COFO/2010/6.2)

According to Broekhoven et al., (2012), forest governance institutions focus on five primary areas:

(i) Creating coherence between various policies, laws and regulations, customs and practices, both in the forest sector and in other sectors that define ownership and user rights and responsibilities over forests;

(ii) Increasing the degree to which people respect and abide by these laws, regulations, customs and practices;

(iii) Enhancing the motivation of private actors to behave in a responsible manner that goes beyond regulatory requirements;

(iv) Equalizing the relative power and clarifying the mandates of stakeholder groups, as well as stabilizing the institutional arrangements that join them; and

(v) Enhancing the incentives, enabling conditions and capacity of organisations and individuals to engage in forest governance practices.

Session 2.2: Pillars and principles of governance

Session Aims	The aims of this session is to: (i) Introduce the participants to the main pillars and principles of governance as used in the natural resources sector. (ii) Understand the concept of governance from an abstract notion to a set of principles and relate these to specific situations and contexts.
Learning outcome	By the end of this session, trainees/participants should be able to: (i) Understand the pillars and principles of governance (ii) Relate the principles to local situation in the forest sector in Uganda.
Content	(i) Pillars and Principles of forest governance (ii) Challenges to forest governance in Uganda (iii) Current initiatives and required reforms
Duration (hrs.)	Lecture room	3 hrs.
Methods, data and Equipment	(i) Methods: Lecture, discussions and guiding questions, power point presentations, case studies, mock debates, fieldwork excursions and reference to local examples (ii) Equipment and tools: computer, LCD projector, white board and pens, flip chart and lecture notes.

While pillars and principles of governance are ordinarily used broadly, they are found to be relevant to the governance of the forest sector. For purposes of this manual, they are customized to suit governance in the forest sector.

2.2.1 Pillars of forest governance

One way to understand the concept of governance is to imagine it as a house built around a number of principles held together by pillars. These principles are like a set of standards on the basis of which specific indicators can be developed to enable us assess whether there is good governance or bad governance.

For purposes of this training manual, the World Governance Indicators and the FAO Framework for Assessing and Monitoring forest Governance are used as illustrative examples – see Figure 3.

Figure 3: Pillars and principles of governance

(Source FAO and PROFOR, 2011)

Pillar 1: Policy, legal, institutional and regulatory framework: The long term system of polices, laws, rules and regulations within the forest sector and in other sectors that impinge on forests. This largely deals with the standard/normative rules. In this regard, the starting point to assess the forest governance regime is to look at the relevant forest laws, policies and institutional framework and whether they enable the application of these principles in the existing forest governance architecture.

The components under this pillar include: existence and quality of forest policies, laws and regulations; legal framework to support and protect land tenure, ownership and user rights; concordance of broader development policies with forest policies; and Financial incentives, economic instruments and benefit sharing

Pillar 2: Planning and decision making processes: The degree of transparency, accountability and inclusiveness of key forest governance processes and institutions. This is concerned mainly with the internal

processes of agencies responsible for forest management. The key question here is whether these institutions have the necessary rules, procedures and mechanisms that promote the governance principles. The components under this pillar include: characteristics and quality of participation of stakeholders and capacity of stakeholder groups to engage in governance processes; transparency in decision making and resource allocation; and accountability of governance mechanisms and processes.

Pillar 3: Implementation, enforcement and compliance: The extent to which the policy, legal, institutional and regulatory frameworks are implemented. This focuses on how the governance principles are applied in practice. The components under this pillar include: critical aspects of forest administration and law enforcement structures, resources and personnel; measures for dealing with corruption and administration of tenure and property rights; and coordination and cooperation across implementing and enforcement agencies.

2.2.2 Principles of forest governance

The principles of forest governance are summarized as:

(a) Transparency: Generally refers to a situation where official business of government or any entity is conducted in such a way that substantive and procedural information is available to and broadly understandable by, people and interested citizens or stakeholder groups, subject to reasonable limits protecting national security and personal privacy. In forest governance, transparency can refer to clarity and free flow of information, enabling all members of society to have access to, understand and monitor processes, institutions and information related to management of forest resources.

Transparency obtains when decisions are taken according to agreed mechanisms, all involved participate from an informed position, and information is available in formats that are understandable to even the common people who use or work in the forests. This, of course, emanates right from the policy framework through the planning of activities to implementation at the field level. Transparency includes media freedom to publish forestry issues; public being made aware of relevant plans; as well as a deliberate effort by state agencies to organise some public hearing forestry issues.

(b) Accountability: Generally exists when there is a relationship where an individual or body, and the performance of tasks or functions by that individual or body, are subject to another's oversight, direction or request that they provide information or justification for their actions. In that regard, accountability ensures that actions and decisions taken by public officials

are subject to oversight so as to guarantee consistence with stated public policy objectives and to guard against potential abuse. In forest governance, accountability constitutes governance of forests that takes into account the responsibility of political and technical actors to all members of society for their actions and decisions.

Accountability also refers to whether institutions, including government, non-governmental organisations (NGOs), private sector and individuals, are answerable to those who are affected by their decisions. For example, local people should be able to question the way things are being done, and the forest managers should act on these questions. This, however, is possible only when the stakeholders are aware of the decisions being taken.

(c) Participation is used here to mean the involvement of relevant stakeholders in the decision making process in relation to forest management. Uganda has developed a strong culture of consulting the public before important pieces of legislation, programmes and plans are put in place. Participation may be categorised into national, sub-national (mainly district) and local levels. National level participation has mainly been through routine consultation via workshops and targeted meetings. Districts are mainly consulted through workshops organised to address specific policy related issues and local level participation through implementation of already agreed work plans. Local community participation has been largely fostered mainly through an elaborate and structured collaborative forest management approach. However, there have also been other arrangements with specific user groups, like pit sawyers' associations, where the structured collaborative forest management approach was not used. Both approaches have achieved mixed results.

(d) Fairness/Equity: This principles means that a society's wellbeing depends on ensuring that all its members feel that they have a stake in it and do not feel excluded from the mainstream of society. Equity requires that all groups, in particular the most vulnerable, have opportunities to improve or maintain their well-being. Fairness/Equity refers to governance of forests that provide equal opportunities for all members of the society to improve or maintain their wellbeing, including impartial application of rules.

Equity prevails when all the citizens (including the less privileged) feel that they have an opportunity to maintain or improve their well-being in the process of management and utilisation of the forest resources. This is when all people, with rights and interests in the forest resource are treated fairly right from provisions within the forest policy and legal framework through the planning processes to implementation of on-ground activities at forest level. Equity/fairness, therefore, encompasses the sharing of roles, responsibilities and returns out of forestry management routines.

(e) Effectiveness: This means that processes and institutions produce results that meet the needs of society while making the best use of resources at their disposal. This principle also covers the sustainable use of natural resources and the protection of the environment. Effectiveness refers to governance of the forest for production of results meeting needs of forest users and all stakeholders; and production of desired results.

In this case, government in collaboration with other stakeholders should fulfill the basic duties outlined in the law such as inventories, planning needs, monitoring and evaluations. If the law envisaged the existence of subsidiary offices such as advisory boards, a tree fund, extension services, and adjudicatory panels; these must be in place and functioning. These offices should then be accompanied by detailed job descriptions and resources. If the law gives government institutions the powers but no duty descriptions and resources for identified key areas, such as conservation of biodiversity, management planning or enforcement; that would lead to a failure in implementing the laws and render the institutions ineffective. Even inadequate awareness of stakeholders about planned strategies and plans for forest management could render governance ineffective. Institutions, therefore need to be staffed with functioning with well-trained and well -facilitated staff for them to function effectively.

(f) Efficiency refers to governance of forests whereby there is maximal use of human, financial, and other resources. Efficiency includes how well staff of forest management agencies perform their work in relation to the inputs. It is really a reflection of cost effectiveness. The first point of reference to assess efficiency is the human resources. Do forest agencies really hire people with the requisite qualifications; thus, do the qualifications match advertised job descriptions? Ideally, forest management agencies should be filling posts with people well-tailored to their roles for maximum efficiency. Sustainable management of forests requires a variety of skilled people. If they are hired, are they facilitated? It is also vital to know whether performance evaluations are carried out for forest officials at both national and local levels.

Routine performance evaluations are important because they provide feedback to both employers and employees in the forest sector and so give a reflection of the agency and staff and how to improve if necessary. The results are useful to evaluate capacity and design improvement strategies.

Efficiency is also assessed in relation to the volume of tasks and forest area covered by a particular staff role. While field foresters should have the skills, equipment, budgets and the necessary support to do their jobs properly, they also need to have a well-defined management plan unit commensurate to their attendant capacity.

Session 2.3: Forest Governance in Ugandan Context

Session aim	The aim of this session is to: (i) Introduce participants to governance challenges affecting the forest sector and the building blocks for effective governance of the sector (ii) Share with participants the current initiatives and required actions to address governance challenges in the forestry sector. (iii) Introduce to students the concept of Nature, Wealth and Power and its relevance to forest governance (iv) Enable participants understand the outcomes arising from good forest governance in Uganda.
Learning outcomes	By the end of the this session, participants should: (i) Know the governance challenges in the sector and initiatives and actions to address the challenges. (ii) Know the benefits of good governance in the forest sector in Uganda.
Content	(i) The context of forest governance in Uganda (ii) The Concept of Nature, Wealth and Power (iii) Building blocks of effective forest sector management (iv) Governance challenges of the forest sector. Examples and case studies should be given to demonstrate challenges eg proposed give away of Mabira Central Forest Reserve, the alienation of Butamiira Central Forest Reserve and several others. (v) Current response mechanisms to poor governance of the forest sector in Uganda (vi) Characteristics of good governance
Duration (hrs.)	Lecture room 3 hrs.
Delivery Methods, data and Equipment	(a) Methods: Lecture, discussions – guiding question power point presentations, mock debates, field excursions, use of local examples and lecture notes (b) Equipment and tools: computer , LCD projector, white board, pens and flip chart

As already discussed under section 2.1.4, forest governance is a generic term for describing the way in which people and organizations rule and regulate forests (Nsita *et al,* 2010). This relates to how people allocate and secure access to, rights over, and benefits from forests, including the planning, monitoring, and control of their use, management, and conservation. Important aspects include:

(i)   The laws and regulations, standards and guidelines within the forest sector and in other sectors that influence forest management;

(ii) The implementation of these rules;

(iii) The decision making processes regarding rules, laws and regulations;

(iv) Clear mandates of, and arrangements between, different stakeholders (various units and levels of the government, NGO, community organisations business sector, etc); and

(v) Staff capable of executing the tasks that have been assigned to them.

There are generally three main questions that should be asked when trying to understand the concept of governance as it applies to the forest sector in Uganda. These are:

(i)   Who possesses what power and influence?

(ii) Who makes the different types of decisions that impact on forestry?

(iii) How transparent and participatory are forestry related decision-making process? How are those entrusted with decision making powers or authority held accountable.

In 2002, the United States Agency for International Development (USAID) published a report entitled: *Nature, Wealth and Power (NWP)*. The report emerged from years of research seeking to achieve better integration of the biophysical, economic and governance dimensions of rural development efforts aimed at eradicating poverty in nature-dependent economies. These three concepts as used in the NWP analytical framework, are relevant in understanding governance in the forestry sector. This is because policy makers and practitioners are confronted with balancing the needs for economic development with the need to ensure the ecological integrity of life-supporting ecosystems such as forests. Imbalances in existing power structures can have far reaching implications for policy and decision making. Understanding the three concepts and how they relate to forestry governance is important. http://pdf.usaid.gov/pdf_docs/PNACR288.pdf

Exercise 2: In a plenary session, read the extract from the NWP and discuss the meaning of the linkages between nature, wealth and power as it relates to the governance of forestry resources.

2.3.1. Forest governance challenges in Uganda

Uganda possesses very good forest policies, laws, and strategic plans, but its reputation for translating these institutional frameworks into actions that can transform the sector remains wanting. Between 2000 and 2004, the country undertook forest sector reforms with a view to creating a positive, effective, and sustainable policy and institutional framework for the forest sector, for purposes of increasing economic and environmental benefits from forests and trees, particularly for the poor and vulnerable (MWLE, 2004). However, over 15 years down the road, stakeholders are dissatisfied with the results of forest sector reforms. The institutions set up during the reform years have failed to execute their mandates due to various governance challenges: there is limited transparency and accountability whereby decision makers and implementers rarely account for their actions. Openness and access to forest information is regarded as a favour and not a right. The sector is also characterised by inefficiency and ineffectiveness in enforcement of policies, laws and administrative decisions, poor funding, poor rationalisation and utilisation of financial resources , poor mechanisms for benefit sharing, lack of political support, and poor coordination within mandated government institutions as exemplified by the issuance of land titles in gazetted forest reserves like Nonve Forest Reserve in Wakiso District *(http://www.parliament.go.ug/new/index.php/about-parliament/parliamentary-news/585-nonve-forest-reserve-probe-begins)* Bugoma CFR) and Zoka CFR) among other unwarranted activities. The President has also expressed concern over mismanagement of the sector and has issued an executive order to explore an option of switching management of core (but also tropical high forest) natural forest to Uganda Wildlife Authority. This, in itself, is a clear indication that the sector needs to re-strategize and re-think how to move forward. Some of these challenges are highlighted below:

Limited accountability and transparency

The law provides for accountability mechanisms and procedures for availing information to the public to hold forest managers and policy makers accountable. There is a lot of information which could be availed to citizens to enable them keep track of the management of forest resources they entrusted in public institutions. However, the accountability mechanisms and procedures for access to information have not been fully operationalized. As a result there is limited public oversight in the management of forest resources, which has led to widespread corruption and impunity. A documented, well publicised, and understood accountability mechanism and access to information procedure would greatly boost public confidence in the forest management institutions and enhance their credibility.

Transparency is closely linked to accountability and can only be possible if the individuals holding positions of final decision making are interested in it. Otherwise, lack of transparency in the way decisions are made erodes public trust in responsible institutions. Unfortunately, once lack of transparency becomes the norm rather than the exception, the lower levels of staff in the responsible institutions join in the fray, staff-fomented illegal activities thrive, conflicts between the governors and the governed break out, and the institution slides into governance chaos. At this point, the leaders find that they have no moral authority to reign in their staff because the staff may expose their illegal acts. Then they resort to heavy-handedness in "disciplining" the "recalcitrant" staff. The result normally is that the public joins in the illegal activities and the forests get destroyed.

Inadequate institutional coordination

Although the Uganda National Forestry and Tree Planting Act (2003) is in place and provides for coordination structures, the sector still faces challenges of institutional coordination which presents implementation and enforcement challenges. For example, control of reserved trees (such as *Milicia excelsa)* that grow on farmers' land, provision of extension services to tree farmers, protection of fragile ecosystems on private land and commercial harvesting of forest produce from private forests, is by law the responsibility of the District Forest Officers that are inadequately equipped to execute their mandate. As a result, other various agencies and institutions like the National Forestry Authority, the Uganda Police, the National Environment Management Authority and Operation Wealth Creation have tried to intervene in some aspects without proper coordination to the detriment of the sector.

Lack of efficiency and effectiveness in the sector

Efficiency is when the society needs are met in ways that make the best use of available resources, and forest goods and services are used productively and sustainably. This hinges on how well institutions work and apportion the resources available to them.

Efficiency includes how well staff of the forest management agencies perform their work in relation to the inputs. It is really a reflection of cost effectiveness. The first point of reference to assess efficiency is the human resources. Do forest agencies really hire people with the requisite qualifications; thus do the qualifications match advertised job descriptions? Ideally, forest management agencies should be filling posts with people well-tailored to their roles for maximum efficiency. Sustainable management of forests requires a variety of skilled people. If they are hired, are they facilitated? It is also vital to know

Photograph 2: Such methods of timber harvesting requires official license

whether performance evaluations are carried out for forest officials at both national and local levels. In the ACODE UFGLG State of Forest Governance Report, (2014) stakeholders expressed dissatisfaction with the level of staff facilitation and performance evaluations.

On the other hand, effectiveness refers to a situation in which an effort produces a definite result; actual and not just potential; i.e. producing a desired effect and making a striking impression. Effective management in forestry requires, for example, a common vision among stakeholders, appreciation of the desired result and a common understanding of the resources available. The result of employment of incentives and disincentives to various management aspects need to be appreciated as well. These issues, among others, were assessed in the context of forest governance in the country. To fully implement the law, for example, the government, in collaboration with other stakeholders, should fulfil the basic duties outlined in the law such as inventories, planning needs, monitoring and evaluations. If the law envisaged the existence of subsidiary offices such as advisory boards, a tree fund, extension services, and adjudicatory panels, these must be in place and functioning.

In the ACODE UFGLG State of Forest Governance Report, (2014) the stakeholders pointed out that cross-sectoral forestry planning is limited. This, coupled with inadequate periodic sectoral assessments, renders management responses ineffective.

Political interference/patronage

There is a negative political intervention in the application of standards and procedures which makes it difficult to apply provisions of the law, the standards and guidelines. As pointed out in a study commissioned by the Ministry of Water and Environment (MWE) on, *Eviction Trend from Protected areas in Uganda and implications for REDD+ process for Uganda;* the majority of the forest encroachers are protected by politicians (MWE, 2014). Politicians also tend to exert pressure on the Forest Department and National Forestry Authority staff to grant permits and licenses to indigenes but also for chauvinistic interests. This situation often worsens during elections because politicians protect forest offenders from being prosecuted as a strategy to mobilize votes from their constituencies. Local politicians are themselves engaged in illegal forest exploitation. Furthermore, there is increased pressure from some local governments onto the District Forest staff to increase revenue, hence more pressure to exploit forest resources. This situation makes the Forestry staff more vulnerable to undue pressure or even victimization should they go against the wishes of the local politicians and some state agents.

Inadequate funding of forests Sector

Over the years, there has been less prioritisation of the forest sector in terms of resource allocation - Mugyenyi O.; et.al, 2011. Generally, Environment and Natural Resources (ENR) Sector receives between 0.3 – 0.6% of total national budget and the allocation is worse at local government (district) levels. This constrains the ability of the National Forestry Authority, Forestry Sector Support Department and District Forestry Services, respectively, to fulfill their mandates. The National Forestry and Tree Planting Act provides for a Tree Fund that was intended to mobilise financial resources for financing tree planting and other related activities. But since 2003, the fund has not been operationalized.

As already alluded to, the District Forestry Service is ill-funded, yet it has the bulk of responsibility for extension service delivery. During the forest sector reforms, extension service delivery was shifted to the National Agricultural Advisory Services (NAADS). With the establishment of Operation Wealth Creation (OWC), NAADS ceased providing such services. It may be necessary to re-establish this connection by structural linking of OWC with the DFS and revising the mandate of OWC to incorporate forestry extension service delivery.

The DFS requires adequate budgetary support to fulfill its mandate to monitor and control illegal activities since they are close to the sites of incidence of these activities. The DFS currently has no source of revenue as all meaningful royalties and licenses from CFRs go to the National Forestry Authority with very low revenues left to support LFRs (arising from levies on charcoal production

and transportation). Local government councils also do not prioritise the management of forests during the budget processes probably because of lack of immediate tangible benefits that can bring political capital (Turyahabwe *et al.,* 2015).

Lack of Fairness and Equity

In forestry, fairness and equity refers to a situation when all the citizens (including the less privileged) feel that they have an opportunity to maintain or improve their well-being in the process of management and utilisation of forest resources. Fairness and equity prevail when all people with rights and interests in forest resource are treated fairly right from provisions within the forest policy and legal framework through the planning processes to implementation of on-ground activities at forest level.

Therefore, benefit sharing by forest stakeholders is an important aspect of governance. In the forest sector, there are limited benefits that accrue to communities and other stakeholders. The legal framework does not adequately provide and regulate benefit sharing in the forest sector and there is total absence of a benefit sharing policy that guides the sector. Studies show that benefits from timber and other forest produce are skewed in favour of government and commercial timber users (Turyahabwe et al. 2015).

Limited stakeholder participation

Stakeholder participation is a critical aspect of governance that ensures sustainable management of forests. The Forestry Policy 2001, the National Forestry and Tree Planting Act, 2003, and the National Forests Plan, all provide guidance and frameworks for participatory approaches in the sector. However, the implementation of participatory approaches has been sluggish. The National Forest Authority has not been able to facilitate the roll out of Collaborative Forest Management (CFMs) through the country. The previous assessment of citizen participation indicate that while there is wide consultations at the formulation of the policy and legal frameworks, there is limited consultations at the planning and program implementation levels. (Nsita, 2010)

Corruption, poor law enforcement and compliance

The forestry sector like many government sectors in Uganda is riddled with corruption. The codes of conduct that would ensure professionalism and guard against corruption are manipulated and abused and/or not applied. Despite several legislative and administrative efforts to stamp out corruption, the vice

has persisted. Corruption has weakened institutions, made law enforcement and compliance difficult. Cases have been cited of activities carried out in Forest Reserves without carrying out Social and Environmental Impact Assessments (SEIAs) as required by law. Cases have also been cited of alienating Forest Reserves and allocating land to private use without complying with the law. Several land titles have also been issued in Forest Reserves. These misdeeds have altered the landuse in forest reserves without adherence to the provisions of the National Forestry and Tree Planting Act, 2003.

There are several cases in Uganda where forest reserves have been alienated and allocated to private individuals without following established procedures. Section 8 (1), (2) and (3) of the National Forestry and Tree planting Act describe the procedures through which alienation of forest land in central forest reserves can be done. Butamira Central Forest Reserve was alienated and allocated to Kakira Sugar works without undertaking the EIA. Although in 2001 the High Court of Uganda ruled that the alienation was illegal, government has never reversed the decision. (HC Misc. Cause NO. 0100 of 2004). Part of Nakawa Central Forest Reserve, in Kampala District, has been alienated into other land uses by individuals and companies without following the provisions in the Act and EIA guidelines.

Photograph 3: Nakawa CFR where VIRCO Holding (U) Ltd owns building with a lease of 99 years!

Source: Adapted from the report of the select committee of Parliament.

2.3.2 Building blocks of effective forest sector management

Policy makers and practitioners are confronted with balancing the needs for economic development with the need to ensure the ecological integrity of life-supporting ecosystems such as forests. Structure imbalances in existing power

Photograph 4: Stone quarry established in a forest reserve without an EIA at Namurere Trading Centre. Such activities require approved EIAs

structures can have far reaching implications for policy and decision-making. Figure 3 represents a compressed summary of what may be considered as building blocks for an effective forest governance regime. It is important to note that external influencing factors such political accountability, an independent civil society and media, a dynamic and entrepreneurial private sector and an effective system of checks and balances, are essential in determining the quality of these building blocks.

Source: World Bank, http://siteresources.worldbank.org

Figure 4: Building blocks for effective forestry sector governance.

Political Accountability
- Political competition, broad-based political parties
- Transparency and regulation of party financing
- Asset declaration by legislators and parliamentarians
- Disclosure of parliamentary votes

Checks and balances
- Independent, effective judiciary
- Independent oversight institutions
- Global initiatives: UN, OECD
- Convention, anti-money laundering and asset forfeiture

Building blocks for effective forest sector management
- Adequate legislative frameworks and law enforcement capacity
- Robust institutions with a service delivery orientation
- Competent leadership based on meritocracy and technical skills
- Institutional oversight including an independent forests monitor
- Transparent forest fiscal systems based on easy-to-track revenue flows
- Sound sector policy conducive to competitive domestic markets and international trade

Civil society and media
- Freedom of press and information
- Civil society watchdogs
- Participatory country diagnostic surveys
- Report cards, client surveys

Private sector interface
- Streamlined regulation
- Public-private partnerships
- Corporate social responsibility

Ownership and decentralization
- Property and access rights
- Decentralization with accountability
- Community driven development
- Oversight by user groups and citizens organizations
- Beneficiary participation in projects

> **Exercise 3: Participants are divided in working groups of 5-10 participants (different from that in Exercise 2 above) and discuss this question: In view of Figure 4 above, assess the notion that the governance of the forest sector in Uganda is doomed.**

2.3.3 Current initiatives and required response mechanisms to poor governance of the forest sector in Uganda

Inquiry into land matters in the country

In December 2016, the president appointed a Commission of Inquiry into the Effectiveness of Land Acquision, Land Management and Land Administration in Uganda. Among other things, the Commission, chaired by Justice Catherine Bamugemereire, was tasked to investigate, inquire into and review the effectiveness of the relevant bodies in the preservation of forests, wetlands and game reserves.

Photograph 5: The members of the Commission of inquiry on Land matters pose for a photograph with the president after the swearing in Ceremony.

Source: https://www.yowerikmuseveni.com/commission-inquiry-land-matters-sworn

Establishment of the ENR Good Governance Action Plan

The Environment and Natural Resources Good Governance Action Plan (ENR-GG-ACTION PLAN) comprises a set of actions and interventions of the Government of Uganda that were designed to address the current governance challenges in the Environment and Natural Resources (ENR) Sector. The goal of this Action Plan is to promote good governance of the ENR sector as a strategy to ensure its ecological and legal integrity and optimize its contribution to social economic development of Uganda. The plan is implemented by the Ministry of Water and Environment with support from civil society, private sector and development partners.

Improving Funding to the forest sector

Government is making efforts to improve financing to the forest sector. Through the Ministry of Water and Environment, government has finalized the REDD+ Strategy and is undertaking other several activities that will enable the sector and the country benefit from global financing mechanisms that support sustainable management of forests. The 9th Government of Uganda-Development Partners Sector Joint Review for Water and Environment sector, 2017, prioritised sector financing among other issues. The sector undertook to finalise the accreditation for the Ministry of Water and Environment as a National Implementing Entity (NIE) to ease access to funds from the Adaptation Fund (AF) and Green Climate Fund

(GCF). The Ministry has also activated the operationalization of the Tree Fund. There are also increased efforts from sector agencies to lobby for increased national budget allocation to the sector. These efforts are supplemented by civil society, private sector and development partners like Food and Agriculture Organisation (FAO) and other sector stakeholders

Undertaking Sector reforms

Sector reforms, aimed at improving information management, sector coordination, benefit sharing and enforcement and compliance with the laws are desirable. Improving forest governance and reducing forest crime requires reforms in information management. Use of information technology, including remote sensing and field level applications, could be useful. The World Bank has provided the required literature that provides guidance on the use of technology to improve forest governance, (Castrén and Pillai, 2011). The report provides experiences and lessons learned on the use of Information and Communication Technology (ICT) to promote good forest governance. It also identifies ways in which modern technology can be applied to meet the challenges of improving forest governance and achieving sustainable forest management. (https://openknowledge.worldbank.org/handle/10986/17243)

The sector should undertake periodic governance assessments and implement recommendations made in the findings. The World Bank has provided the assessment frameworks and such assessments have taken place in some countries, including Uganda. Building on the Uganda Forest Governance Learning Group and ACODE Governance Assessment report of the forest Sector. (ACODE, National Forestry Authority, Forest Status Report, 2016).

The sector should also undertake periodic reviews and implement the recommendations in sector reviews. In 2010, the Ministry of Water and Environment commissioned a sector review with support from the Royal Norwegian Embassy, (MWE, 2010). It was undertaken by LTS International Limited. The study made various proposals for improving governance and effective management of the forest sector. Many of these recommendations have not been fully implemented.

Establishment and strengthening of advocacy groups and networks on forest governance

Uganda Forest Governance Learning Group (UFGLG) is a network of forest policy decision makers, leaders in forest enterprise, and champions of local community rights. It is part of the Global network of small, country-based groups of opinion-formers and decision-makers. The purpose of its work in Uganda

is threefold: to (i) spread learning about workable approaches to good forest governance; (ii) make measurable progress in improving sustainable local returns to livelihoods from law enforcement, private sector responsibility and enhanced local ownership and access rights; and (iii) build long-term capacity to spread these improvements. Activities involve participatory analysis, learning and training events, network building, supported uptake of governance tools, and taking direct opportunities for governance reforms. The Uganda group has been in existence since 2004. From mid-2005 it has been convened by a national NGO – Advocates Coalition for Development and Environment (ACODE). (www. acode-u.org)

Equally important is the Uganda Timber Growers Association. UTGA is a members' Association that brings together Commercial Tree growers in Uganda for purposes of collective action. The Association was formed in 2007 and now has a membership across the country. One of its key objectives is strengthening the commercial forestry sector through continuous forestry related research, training and capacity building. www.utga.ug

Another important network is the Uganda Forestry Working Group. The Uganda Forestry Working Group (UFWG) is a network of forestry stakeholders composed of multidisciplinary membership that cuts across several sectors of development. Current members include: National NGOs, Community Based Organisations, Forest Resource User Associations, Academia and research institutions as well as individual members engaged in the development and sustainability of the forestry sector in Uganda. UFWG was formed in 2001 to provide a platform where the various stakeholders in forestry sector would meet, deliberate on and influence developments in the sector as well as independently monitor implementation of the National Forestry Policy and National Forest Plan (NFP). Environmental Alert is the secretariat of the Network (www.envalert.org).

Strategic Litigation

Strategic litigation is a method that can bring about significant changes in the law, practice or public awareness through taking carefully-selected cases to court. The clients involved in strategic litigation have been victims of [wrongs] that are suffered by many other people. In this way, strategic litigation focuses on an individual case in order to bring about social change". "A typical feature of strategic litigation is that cases are brought by individuals to test a legal point that also applies to cases other than just their own. Hence, strategic litigation is sometimes referred to as "impact" or "test case" litigation. The aims of strategic litigation involve more than simply winning legal arguments in court: test case strategies might seek to create awareness and publicise the cause for which the strategy is designed, encourage public debate, set important precedents,

achieve change for people in similar situations, and spark policy changes.(An Introduction to Strategic Litigation - The Student Lawyer. www.thestudentlawyer. com/2014/04/211/introduction-strategic-litigation).

In Uganda, strategic litigation is not fully appreciated and used as an advocacy tool especially in forestry sector to improve governance. However, there are several cases that have been pursued in courts of law that are of significance. Some of these cases are provided in Box 2 below:

Box 2:

Advocates Coalition for Development and Environment V Attorney General H.C.Misc. Cause No. 0100 of 2004

In the 1990s, the Government of Uganda attempted to degazzette Butamira Forest Reserve for the benefit of Kakira Sugar Works Ltd. When the efforts were resisted, in 1997 the Forestry Department, instead, issued Kakira Sugar Works Ltd a 50-year permit to use the forest for cultivation of sugar cane which constituted defacto degazzettment. Local NGOs, representing small holder farmers who lost their resource use rights and the Advocates Coalition for Development and Environment (ACODE), took the matter to court and contested the action on grounds that the action was in breach of the established procedures and a violation of the right to a clean and healthy environment. In 2004, the court ruled that the change of land use of the forest contravened the Constitution, including the citizens' right to a clean and healthy environment and the Government's duty to protect the country's natural resources. The court also noted that the required project brief and environmental impact assessment had not been undertaken/prepared by NEMA and Kakira Sugar Works Limited. The court held that the community around Butamira forest reserve had a "cultural, economic, and spiritual attachment to Butamira Forest Reserve as a source of sports, worship, herbal medicine, and economy," among others. Kakira Sugar Works's private interest of growing a sugar plantation would cut off these interests, thereby violating the public trust doctrine. While the judgement was delivered long after the alienation and change of land use, the case set a precedent and has been referred to and used to stop unlawful degazzettements including the flopped degazzettement of part of Mabira Central Forest Reserve.

Edward Ronald Sekyewa t/a HUB for Investigative Media Vs. National Forestry Authority, MISC. CAUSE NO. 73 OF 2014 - Chief Magistrates Court of Mengo

The applicant requested for information regarding procurement of equipment for prohibiting, controlling and management of fires in 506 central forest reserves. This request was ignored by the Executive Director of the Respondent. The major issue was whether the Respondent was lawfully justified to refuse the request for access to information sought by the applicant. At the hearing, counsel for the respondent argued that the applicant being a private entity ought to have disclosed the reason and purpose for which the information was required since there was a possibility of jeopardizing public interest in case the information was misused. Relying on Section 6 of the Access to Information Act, 27 Court ruled that the reason for which the information is required and the belief of the officer supposed to provide the information as to the purpose for which the information is required are irrelevant considerations. Court held that whether the applicant had given any specific reasons or not, the application had to be considered on its merit. His Worship took strong exception to the fact that the Respondent never made response to the Applicant's request for information even when the applicant followed up his request after 5 months with a letter. Court ruled that the applicant was unjustifiably denied the information requested for and that the Respondent acted in blatant disregard of the law.

Edward Ronald Sekyewa t/a HUB for Investigative Media Vs. National Forestry Authority, MISC. CAUSE No.74 of 2014, Chief Magistrates Court of Mengo.

The Applicant lodged with the Executive Director of the Respondent a request for access to information regarding the implementation and operationalization of Forestry Information System under Priority 8 of the Respondent's Business Plan 2009 -2014. The Executive Director of the Respondent failed to give a decision on the Applicant's request within the statutory period of 21 days after receipt of the request form. The respondent argued that after due considerations, they declined to grant the Applicant's request because the information requested for was available on the organization's website and was accessible to the public and that the non-release of the information did not prejudice the Applicant. The Respondent never communicated its decision to the applicant in spite of his notice of reminder. His Worship Boniface Wamala agreed with counsel for the applicant that the Applicant's request was specific and precise.

It was about the "steps that had been taken to establish the forestry information system as indicated in the Respondent's Business Plan. This information was not on the Respondent's website. His Worship held that, even if the information actually requested for wad been on the organization's website, the Respondent was still duty bound to respond to the Applicant's request and deliver the information in one of the modes anticipated by the Access to Information Act. His Worship Wamala ruled that by simply declining and keeping quiet upon receiving the Applicant's request, the Respondent was not in compliance with the clear provisions of the law. The Respondent was therefore not justified to refuse his request for access to the information sought.

Advocates for Natural Resources and Development Vs Omukama of Bunyoro Kingdom and Hoima Sugar Ltd, Civil Suit No. 033 of 2016.

The plaintiff's claim against the defendants is for a declaration that the Omukama of Bunyoro Kingdom unlawfully obtained a land title for part of Bugoma Forest and unlawfully leased this piece of land to Hoima Sugar limited for sugarcane growing, The company went ahead to clear the land which the plaintiff claims infringes on the right to a clean and healthy environment.

These cases have set good precedents. The jurisprudence of strategic litigation to improve forest governance in Uganda is growing as a result of these efforts.

Working with Parliament

The Forest Governance Learning Group and other actors occasionally engage parliament with a view to bringing issues to the floor of parliament for discussion and follow-up. This presents an opportunity to leverage on parliamentary processes and instruments to improve forest governance.

2.3.4 Characteristic outcomes of good forest governance

1. Corruption decreases because the power of central government officials is reduced. The power of the local officials can also be closely scrutinised. There will be downward accountability and transparency.
2. Political meddling at the centre will decrease. Political interference at District Local Government level may also be reduced but also becomes more difficult due to institutional checks and oversights.
3. Harmonising the rights of different stakeholders will become more evident. Formal government norms, standards and guidelines become clear. Rights of forest dependent communities (Batwa, Ik, Tepeth, Benet), rights prescribed in collaborative forest management arrangement and the communally

managed forests will be protected. There will be established mechanisms for recognising these rights through registration, formalisation, memoranda of understanding, permits and licenses, among other instruments.

4. Larger share of benefits, through structures/arrangements for benefit sharing especially for communities that live in close proximity with forest resources.

5. As benefit sharing becomes more equitable, and special interests by government officials are controlled, a greater sense of local ownership of the forest resources will be developed.

6. Involvement of local people in the management of the forest resources becomes easy, especially when their requests are met and become part of the forest management plans.

7. There will be greater incentive to function as separate profit centers with decisions increasingly being subject to the discipline of the market. The District Forest Services will be able to reinvest revenue collected from permits and licenses for trade in forest produce.

8. There may be reduced bureaucratic and decision making congestion at the centre. There will be reduced inter-institutional conflicts over mandates and chauvinistic interests.

9. There will be faster decision making, particularly in the case of routines. For example, CFM arrangements will be finalised in the shortest possible time. Community forests will be registered without delays. Permits, licenses and concessions will be issued with limited delays.

10. There will be better understanding of issues and concerns of the communities hence establishment of structures on the ground (such as forest committees) that address these needs and constraints.

11. With good governance, there will be improved information flows through government, ministries, departments and agencies, the civil society, the private sector and the community.

12. There will be better opportunities and chances for establishing partnerships with organisations outside government structures. The relevance of networks, such as the Forest Governance Learning Group, the Uganda Forestry Working Group, the Environment and Natural Resources Civil Society Organisation Network, will be appreciated and multi-stakeholder partnerships enhanced.

Exercise 4: Participants are divided in working groups of 5-10 participants and discuss this question: In addition to the above responses to poor governance of the sector, what else do you consider appropriate if we are to improve the governance of the sector?

MODULE 3:
SPHERES OF FOREST GOVERNANCE

Session 3.1: Global Sphere of Forest Governance
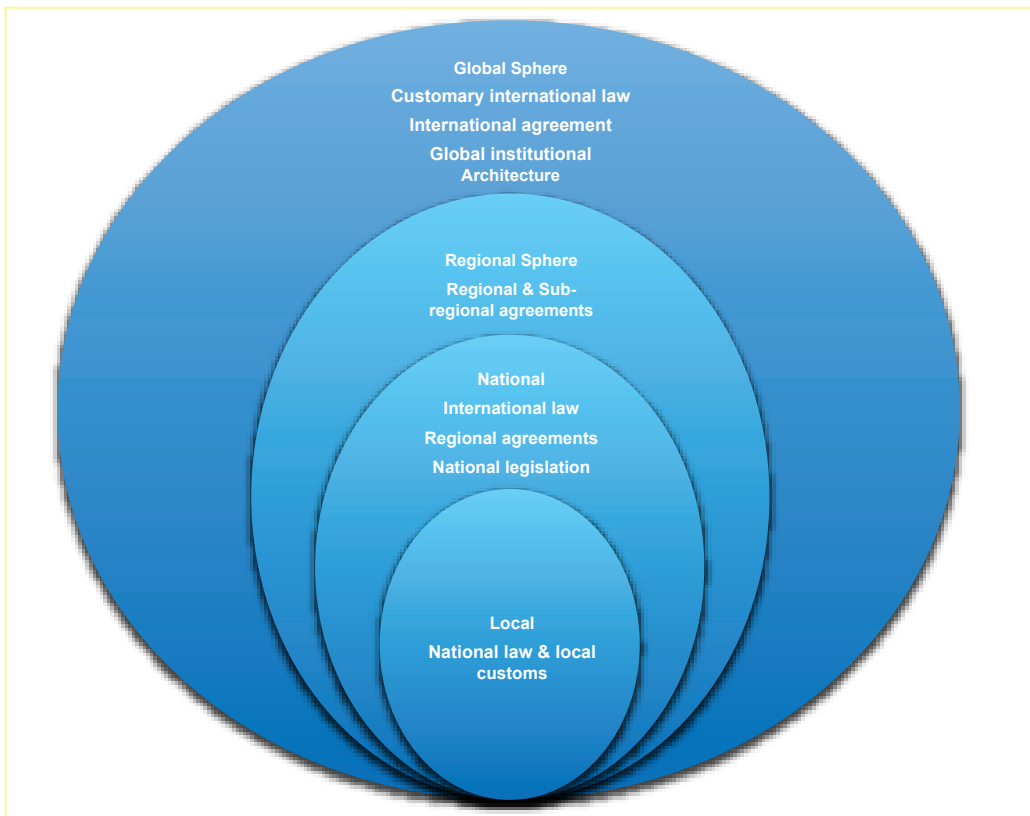
Session Aims	The aim of this session is to: (i) Introduce participants to the concepts of environmental governance as the broader conceptual frame within which forest governance is situated. (ii) Introduce participants to the major continental and sub-regional processes, instruments, norms and standards that shape the governance of forest resources at these levels and the implications for national forest governance regimes. (iii) Explore the normative framework for forest governance at the national and local level as set out in the constitution and other national laws.
Learning outcomes	At the end of this session, participants should: (i) Have attained basic knowledge about the global sphere of governance and the global processes that have shaped the governance of forests globally. (ii) Be able to identify the key forest governance processes and some of the key drivers of change in the forest governance regime on the continent. (iii) Be able to determine which provisions of the constitution (and other laws) are relevant to forest governance. (iv) Be able to relate key constitutional provisions to forest governance, including how the principles of governance are reflected in the constitution.
Content	(i) Introduction to spheres of forest governance (ii) International forest-related instruments and political commitments. (iii) Regional and sub-regional sphere of forest governance. (iv) National and local spheres of forest governance.

Duration (hrs.)	Lecture room	3 hrs.
Delivery Methods, data and Equipment	(a) Methods: lecture, discussions – guiding question, power point presentations, using local examples, lecture notes. (b) Equipment and tools: computer, LCD projector, white board and pens, flip chart.	

3.1.1 Introduction to spheres of forest governance

There are generally four main spheres of forest governance: global, regional (African continent) or sub-regional (East African Community), national, and local (Local Governments) (Figure 5). At each sphere, there are a several actors and institutions that shape and determine how forests are governed and managed.
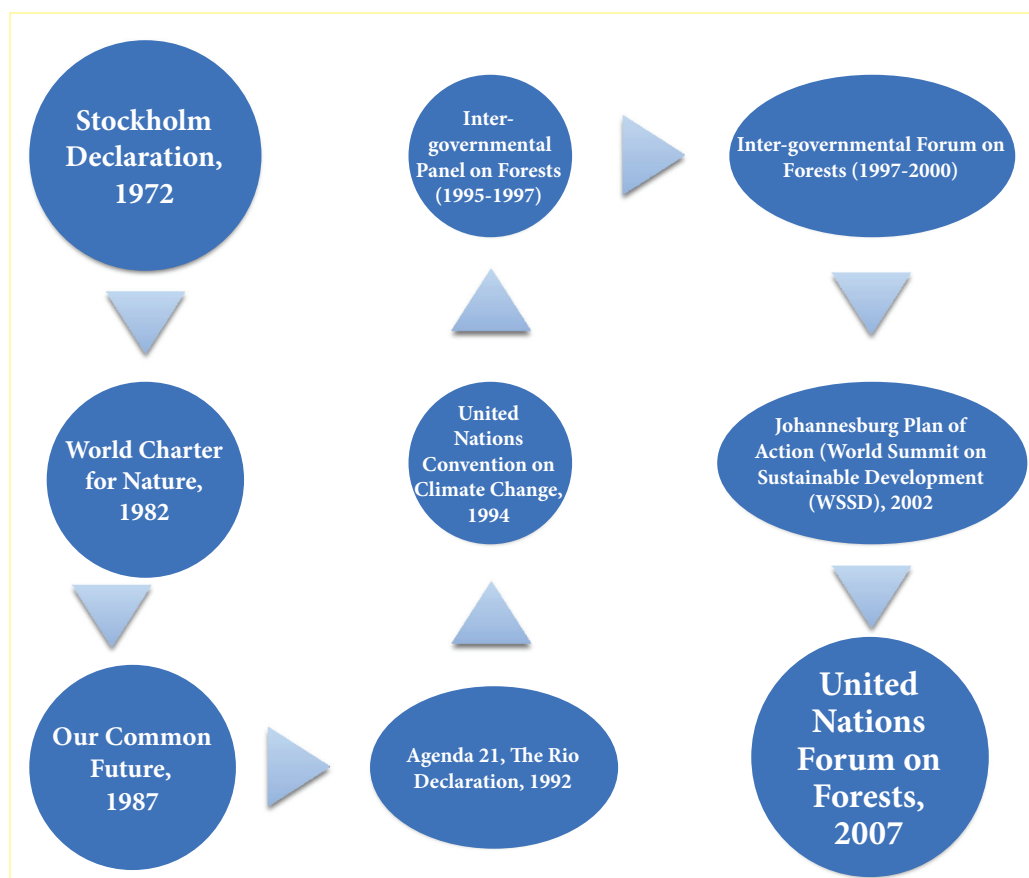
Figure 5: Spheres of forest governance

i)   *Global Sphere of Forest Governance*

At the international sphere, the global regime for forest governance can be traced from the time of the United Nations Conference on the Human Environment, which took place in Stockholm, Sweden, June 5-16, 1972. The conference produced two important instruments: the Stockholm Declaration and the Action Plan. These two instruments continue to be important references in the evolution of both the global environmental and forest governance regimes. Since 1972, the global environmental governance regime has evolved considerably changing the applicable rules and institutions. Figure 6 is a compressed summary of the major processes, legal and soft law instruments in the evolution of this regime.

Figure 6: Milestones in the evolution of global forestry governance regime

ii) *Selected International forest-related instruments and political commitments*

The above-mentioned global processes and instruments have produced the normative frameworks that have, to-date, continued to shape forest governance Uganda is a signatory to a number of regional and international treaties and conventions that call for national and local action to develop, implement and enforce policy and legislation that match international standards set in these conventions. This is required for achieving wise use and conservation of forests. These include among others:

Convention on International Trade in Endangered Species (CITES), 1973. Its aim is to ensure that international trade in specimens of wild animals and plants does not threaten their survival.

Ramsar Convention, 1971. It specifically considers forests as important in the preservation of our wetlands, which act as natural reservoirs and are extremely rich in terms of both biodiversity and the ecological services that they provide. For example, within the realms of agriculture, sanitation, and energy. Uganda boasts of a number of wetlands that have been listed as Wetlands of International Importance under the Ramsar Convention. All these sites are recognized for providing a vital habitat for threatened plants and animals.

United Nations Educational, Scientific and Cultural Organization (UNESCO) convention, 1972. Article 2 on natural heritage includes the natural features consisting of physical and biological formations or groups of such formations, which are of outstanding universal value from the aesthetic or scientific point of view; natural sites or precisely delineated natural areas of outstanding universal value from the point of view of science, and conservation or natural beauty; and forests are key among the natural areas. Article 4 mandates each party to this Convention to ensure the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage

International Labour Organisation (ILO) Convention, 1989; Indigenous people are commonly among the poorest segments of a population. They engage in economic activities that range from shifting agriculture in or near forests to wage labour or even small-scale market-oriented activities. Article 15 states that particular attention be given to the rights of indigenous peoples to use and develop the lands that they occupy, to be protected against illegal intruders, and to have access to natural resources (such as forests, wildlife, and water) vital to their subsistence and reproduction.

International Tropical Timber Agreement (ITTA), 1994. Its overarching objectives are to promote: the expansion and diversification of international trade in tropical timber from sustainably managed and legally harvested forests; and the sustainable management of tropical timber-producing forests.

Convention on Biological Diversity (CBD), 1992. The convention aims at preservation of biological diversity; sustainable use of its components; and, the fair and equitable sharing of genetic resources. All areas of biodiversity fall under these objectives, including protection of terrestrial and marine species, forests and habitats. The Convention places responsibility on States to ensure that state activities related to the exploitation of forest resources that are located within their states territories, do not impose damage beyond the limits of their national jurisdiction.

The Convention to Combat Desertification (UNCCD), 1994. This Convention aims at combating desertification and mitigate the effects of drought through national action programs that incorporate long-term strategies in those countries experiencing serious drought and/or desertification. The Convention addresses specifically the arid, semi-arid and dry sub-humid areas, known as the drylands, where some of the most vulnerable ecosystems and peoples can be found. Forests/or trees are considered to be key in maintaining and restoring land and soil productivity; reversing and preventing desertification/land degradation and in mitigating the effects of drought.

United Nations Framework Convention on Climate Change (UNFCCC), **1994** - provides the basis for concerted international action to mitigate climate change and to adapt to its impacts. It considers forestry as major land use with potential to increase the removal of GHGs from the atmosphere (e.g. by planting trees or managing forests) or reduce emissions (e.g. by curbing deforestation). It mandates parties to also consider forests as part of national inventories of greenhouse gas emissions and removals, in technology transfer and in national programmes of adaptation to climate change.

United Nations (UN) Sustainable Development Goals (SDGs)- Specifically SDG 15 whose aim is to protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss by 2020.

Kyoto Protocol on the Protection of the Ozone Layer, 1997- is a global treaty to reduce the emission of CO_2, the leading greenhouse gas, and five other gases. It commits its Parties by setting internationally binding emission reduction targets. Today it is acknowledged that planting forests can help

mitigate climate change through absorbing excess CO2 in the atmosphere. These protocols promote sustainable forest management and promote and cooperate in the conservation and enhancement of forests as sinks and reservoirs of greenhouse gases. The protocal also mandates states to promote afforestation and reforestation as well as renewable energy.

Agenda 21, Chapter 11 - the 1992 Rio Declaration on Environment and Development is a comprehensive plan of action to be taken globally, nationally and locally by organizations of the United Nations system, Governments, and major groups in every area in which humans impact on the environment. In particular, annex three: non-legally binding authoritative statement of principles for a global consensus on the management, conservation and sustainable development of all types of forests.

Rio Forest Principles, 1992- The Forest Principles is the informal name given to the non-legally binding authoritative statement of principles for a global consensus on the management, conservation and sustainable development of all types of forests. This document was produced at the United Nations Conference on Environment and Development (UNCED), informally known as the Earth Summit. It is a non-legally binding document that makes several recommendations for conservation and sustainable forestry development.

Climate change and forest governance – including Reduction of Emissions from Deforestation and Forest Degradation (REDD+). Of recent, the role of forests in mitigating climate change, maintaining biodiversity and adapting to changing environmental conditions has gained increasing recognition. Forests are taken as critical resources for climate change adaptation, mitigation, carbon trading, and payment for other environmental services. This is evident in emerging global forestry related instruments and market   initiatives such as Clean Development Mechanisms and REDD+ geared towards restoration of natural forests and other conservation and sustainable forest management (SFM) initiatives. There are also emerging global markets that are responsive to products harvested from forests under SFM standards, especially forest certification.

iii) The continental and sub-regional sphere of forest governance

Between the global sphere and the national sphere of forestry governance rest another sphere. This may be described as the continental or sub-regional sphere of governance (Figure 7). At one level, the continental organizations are engaged in some form of norm or standard setting expressed in form of treaties, protocols, declarations or action plans. In Africa, this continental norm and standard setting agenda is pursued

through the African Union (AU). At this level, some of the relevant norm and standard setting instruments include:

The Revised African Convention on the Conservation of Nature, 2003 – It states that the natural environment of Africa and the natural resources with which Africa is endowed are an irreplaceable part of the African heritage and constitute a capital of vital importance to the continent and humankind as a whole. It also recognizes the ever-growing importance of natural resources from an economic, social, scientific, cultural and environmental points of view. It states that States are responsible for protecting and conserving their environment and natural resources including forests, and for using them in a sustainable manner with the aim of satisfying human needs according to the carrying capacity of the environment.

The African Union–New Partnership for Africa's Development (NEPAD), Environment Action Plan, 2001*:* the key objective is to contribute to new partnerships for Africa's development implementation through the environment initiative, promoting sustainable use of Africa's natural resources strengthening public and political support to environmental initiatives and promoting the inclusion of environmental issues into poverty reduction strategies. Forestry is part of the AU-NEPAD implementation modalities.

The African Peer Review Mechanism (APRM) Questionnaire (Section 6 of the APRM) and specifically questions 4 & 5), established in 2003 by the New Partnership for Africa (NEPAD) Heads of State and Government Implementation Committee (HSGIC), is an instrument for monitoring performance in governance among member states. Its primary objective is to foster the adoption of policies, values, standards and practices of political and economic governance that lead to political stability, accelerated sub-regional and continental economic integration, economic growth and sustainable development.

iv) *Regional sphere of forest governance*

Besides continental norm and standard setting, the Regional Economic Communities (RECs) of Africa are also becoming important policy vehicles in two ways. First, they are important platforms through which continental norms and standards are translated into action at the sub-regional and national level. Secondly, these RECs are also engaged in norm and standard setting of their own by adopting a wide range of sub-regional treaties, protocols, action plans, development strategies, and in some cases, specific projects to implement sub-regionally or nationally. Uganda is a member of two major RECs that have influence in forestry governance norm and standard setting. These are the East African Community (EAC) and the Common Market for
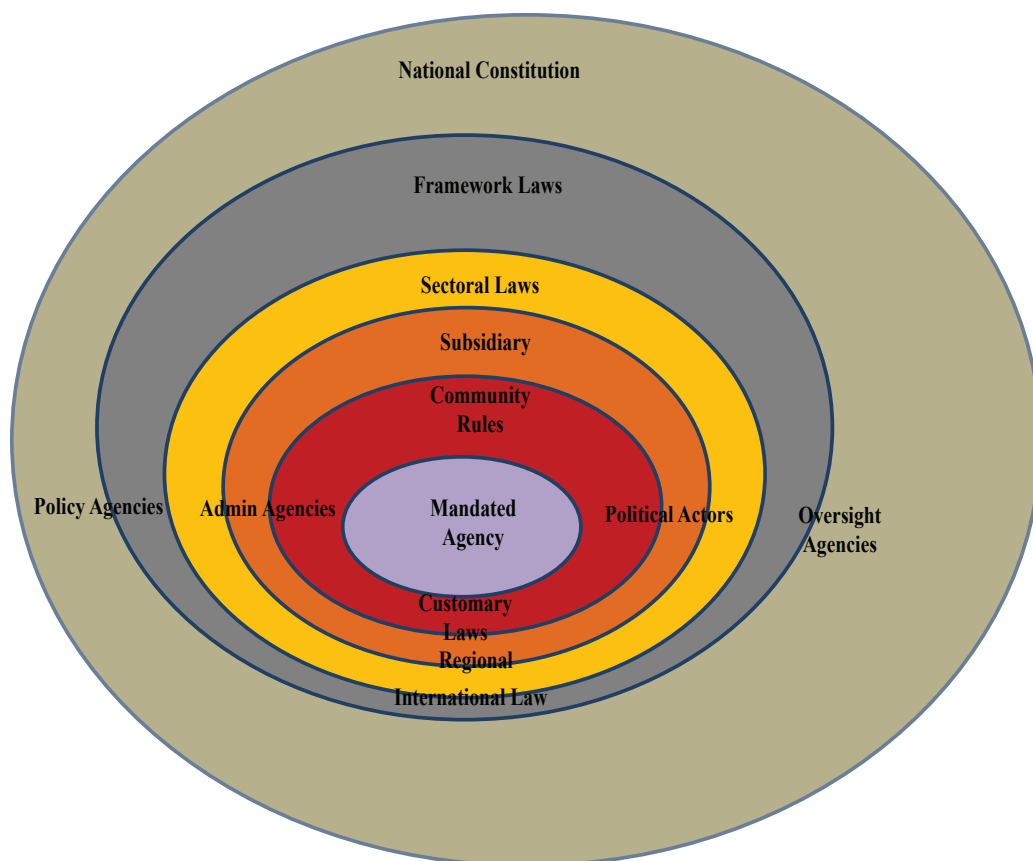
Eastern and Southern Africa (COMESA). However, the EAC has the most comprehensive norms and standards relevant to forest governance. The two key important instruments of the EAC on forest governance are:

The Treaty Establishing the East African Community, 2000 - (Chapter 19, Articles 111, 112 & 114). Article 3, of the Treaty Establishing the East African Community, mandates States to ensure sustainable utilisation of natural resources like lakes, wetlands, forests and other aquatic and terrestrial ecosystems; and the adoption of common policies for, and the exchange of information on, the development, conservation and management of natural forests, commercial plantations and natural reserves.

The Protocol on the Environment and Natural Resources, 2006 (Articles 11, on management of forest and tree resources & 34 on public participation, access to justice and information). The Partner States shall co-operate in all activities relating to development, conservation, sustainable management and utilisation of all types of forests, trees, and trade in forest products throughout the Community; and the Partner States shall adopt common policies, laws and programmes relating to access to information, justice and the participation of the public in environmental and natural resource management.

> **Exercise 5: In separate working groups, examine how the provisions (in the international conventions, treaties and protocols) create opportunities for more responsive forest governance in Uganda. The main purpose of the working groups is to ensure that participants are exposed and acquire knowledge on the scope of the norms and standards regarding the governance of forestry resources as stipulated in these international and sub-regional instruments.**

Figure 7: National and local sphere of forestry governance

National Constitution

Framework Laws

Sectoral Laws

Subsidiary

Community
Rules

Policy Agencies   Admin Agencies   Mandated
Agency   Political Actors   Oversight
Agencies

Customary
Laws
Regional
International Law

v) *The national and local spheres of forestry governance*

There are a number of instruments that establish norms, standards and mechanisms for forest governance at the national level. For purposes of the training, these can be classified into different categories. These categories are: (i) Constitutional instruments including the constitution and other related instruments such as Legal Notices, (ii) Statutes or acts enacted by parliament or any other authorized legislative body of a country, and (iii) Subsidiary legislation – mainly in the form of regulations and standards. Subsidiary legislation is enacted through delegated powers conferred upon a minister, agency, District Local Governments or other authority by Parliament.

Besides, there are other sources of normative and procedural norms and standards that may not be contained in the aforementioned instruments. These may include administrative procedures and guidelines as well as rules based on customary law and practices.

At the national sphere, Vision 2040, the second National Development Plan (NDPII), the National Forest Plan (NFP), and the District Development Plans

(DDPs) are the overarching planning frameworks for Uganda that recognize forests as natural endowments relevant for socio-economic transformation to middle income status by 2021.

Vision 2040

The National Planning Authority in consultation with other government institutions and other stakeholders developed the National Vision Statement - Uganda Vision 2040 which was launched on 18th April 2013. The Vision theme is a transformed ugandan society from a peasant to a modern and prosperous country within 30 years". Uganda Vision 2040 builds on the progress that has been made in addressing the strategic bottlenecks that have constrained Uganda's socio-economic development since her independence, including; ideological disorientation, weak private sector, underdeveloped human resources, inadequate infrastructure, small market, lack of industrialization, underdeveloped services sector, under-development of agriculture, and poor democracy, among others. The implementation of Vision 2040 will depend on the actions and measures that we undertake as Government, private sector, civil society and as individuals through short and medium-term National Development Plans. Natural resources including forestry, are fundamental resources to be harnessed for social and economic development.

The National Development Plan I & II (NDP I and II)

This National Development Plan (NDPII) is the second in a series of six five-year Plans aimed at achieving the Uganda Vision 2040. It is premised on "Strengthening Uganda's Competitiveness for Sustainable Wealth Creation, Employment and Inclusive Growth".

The goal of this Plan is to propel the country towards middle income status by 2020 through strengthening the country's competitiveness for sustainable wealth creation, employment and inclusive growth. The NDP has placed forestry at the centre of Uganda's development agenda by categorizing forestry as a primary growth sector alongside other sectors like tourism. Thus the recognition of forestry in national development today offers favorable prospects for increased funding by government and donors.

The National Forest Plan (NFP), 2011/12 – 2021/22

The National Forest Plan (NFP) is a sector-wide national instrument for managing and utilising forestry resources in Uganda. The first NFP was

developed in 2002, in order to put into effect the Uganda Forestry Policy (2001). The objectives of the NFP conform to national planning framework, the Poverty Eradication Action Plan (PEAP), that was replaced by the National Development Plan I (NDPI) and NDPII (GoU, 2015). The main focus of the first NFP, 2002 was on the management of forest resources for economic, social and environmental benefits for all the people of Uganda in line with the then pillars of PEAP:

✓ to raise the incomes and quality of life of poor people through forestry developments, targeting sustainable livelihoods amongst small-scale, mainly rural stakeholders, with strategies based on-farm, in natural forests or off-farm

✓ to increase economic productivity and employment in forest industries, targeting large-scale, commercial, investors with strategies based mainly on plantation forestry and wood processing

✓ to achieve sustainable forest resource management, targeting local, district, national and international interests in biodiversity and environmental conservation

The 2002 NFP was revised in 2011. The NFP 2011/12-2021/22 focuses on the development of products and services which have high contribution towards socio-economic transformation. The achievement of NFP objectives depends on the improvement of the resource base, its productivity to counter deforestation and forest degradation, and stepping up supply of goods and services that support enterprise development in the forest sector.

The National REDD+ Strategy

The Reduction of Emissions from Deforestation and Forest Degradation (REDD+) is an international mechanism for providing result-based payments for reducing emissions from deforestation and forest degradation. It also aspires to enhance the role of biodiversity conservation, promoting sustainable management of forests and enhancing carbon stocks. It offers an opportunity for Uganda to serve the common interest in managing its forests in a balanced way for long-term, sustainable, economic growth; to support the livelihoods of local, rural and forest dependent communities; and to ensure that the country's important natural heritage is conserved.

In Uganda, the REDD+ process is a national undertaking, well positioned within the policy framework of Climate Change Policy and national climate change initiatives as well as the National Forest Plan. Its implementation hinges on 5 main components; (a) reducing emissions from deforestation; (b) reducing emissions from forest degradation; (c) conservation of forest

carbon stocks; (d) sustainable management of forests; and (e) enhancement of forest carbon stocks.

To ensure that its implementation adheres to the principles of good governance applicable in the forest sector, REDD+ readiness packages have been developed. These are:

- The National REDD+ Strategy and Implementation Plan that details the strategic options including an option on improved governance of the forest sector;

- The Forest Reference Emission Level;

- The National Forest Monitoring System;

- The Safe-guards;

- Benefit Sharing Arrangements for REDD+ Programme;

- Strategic Environmental and Social Management Framework;

- Feedback and Grievances Redress Mechanisms for implementation of REDD+ Strategy;

- Capacity building at national, sub-national levels and among other sectors; and

- Consultation and Participation framework based on the principle of Free, Prior and Informed Consent (FPIC).

Uganda aspires to have a socially and environmentally viable national strategy for reducing emissions from deforestation and forest degradation. The National REDD+ Strategy document guides development of the nationally agreed set of policies and programs/strategic options for addressing the drivers of deforestation and forest degradation. These options are cognizant of the pillars and principles of good governance of the forest sector.

District Development Plans (DDPs)

District Development Plans are a legal requirement for all higher and lower local governments in Uganda. They form a baseline tool for tracking implementation of government programs and the basis of controlling the pace and direction of development investment.

District Development Plans are a legal requirement for all higher and lower local governments in Uganda. Section 35 of the Local Government Act (Cap 243) requires district councils to prepare comprehensive and integrated development plans incorporating plans of lower local governments. The same section also obliges lower local governments to prepare development

plans incorporating plans of lower local councils in their respective areas of jurisdiction. Development plans, therefore, form a basic tool for the implementation of decentralized development programs and service delivery by government and non-government actors in local governments. Local government development plans are the main modality through which strategies and activities of the NDP are cascaded to lower levels where citizens can participate and benefit from them.

As required by article 190 of the Constitution of the Republic of Uganda, 1995, local government development plans are supposed to inform the National Development Plan (NDP). The district's forestry staff will ensure that forestry is adequately promoted in the LG planning processes and in the districts. This will include support to community-based planning, the strengthening of forestry in the Production and Environment Committees, incorporation of forestry into Sub-county and District Development Plans (DDPs) and inclusion of forestry in District Environment Action Plans (DEAPs).

Exercise 6: In a plenary session, participants should reflect on the relevancy of frameworks at national and local level in the governance of the forest sector in Uganda, whilst highlighting the challenges and possible solutions.

Session 3.2: Public Trust doctrine and selected Principles of Environmental Law applicable to Forest Governance

Session aim	The aim of this session is to enable the training participants understand the importance of the public trust doctrine and key environmental law principles (intergenerational responsibility, precautionary principle, sustainability principle, and participation principles) in the governance of Uganda's forestry resources.
Learning outcomes	At the end of this session, participants should be a able to know the constitutional, statutory, and case law foundations of the public trust doctrine; intergenerational responsibility; precautionary, sustainability, and participation principles; and how these principles are relevant to forest governance.
Content	(i) The concept of public trust doctrine (ii) The public trust doctrine and its applicability in Ugandan law. (iii) Key environmental law principles - intergenerational responsibility, precautionary principle, sustainability principle, participation principles and Intergenerational responsibility.
Duration (hrs.)	Lecture room	3 hrs.
Delivery methods: data and Equipment	(a) Methods: lecture, discussions – guiding questions, power point presentations, using local examples, lecture notes. (b) Equipment and tools: computer, LCD projector, white board and pens, flip chart.

The Public Trust Doctrine and International Environmental Law principles are essential in understanding environmental governance in general and forest governance in particular. Most of these principles have been integrated in international treaties to which Uganda is signatory, national laws and regulations. For purposes of this manual, the public trust doctrine and four key principles (intergenerational responsibility, precautionary principle, sustainability principle, and participation principles) have been summarised. The trainees should be able to appreciate how these principles are applied in forest governance.

3.2.1 The public trust doctrine

The public trust doctrine is based on the principle that the sovereign holds in trust for public use some resources, such as shoreline between the high and low tide lines, regardless of private property ownership. These resources are preserved for public use, and the state or the government is required to maintain them for the public's reasonable use. The doctrine has its roots from the ancient Roman laws where the Roman Emperor, Justinian, held that the sea, the shores of the sea, the air and running water were common to everyone. According to Roman laws, the sea shore or the waters affected by the ebb and flow of the tides could not be appropriated for private use and were open to all.

The protection of common resources under public trust was given further prominence under the The Magna Carta rules adopted on June 15, 1215. Historically, the Magna Carta is considered the first document imposed upon the King of England by a group of his subjects, the feudal barons, in an attempt to limit his powers by law and protect their rights. The Magna Carta required King John to proclaim certain liberties and accept that his will was not arbitrary. The charter also extended limits on the will of the King while dealing with "houses, parks, fishponds, tanks, mills, and other things pertaining to land."

> *The guardian, moreover, so long as he has the wardship of the land, shall keep up the houses, parks, fishponds, stanks, mills, and other things pertaining to the land, out of the issues of the same land; and he shall restore to the heir, when he has come to full age, all his land, stocked with ploughs and wainage, according as the season of husbandry shall require, and the issues of the land can reasonable bear. - Source: The Magna Carta, 2015*

As early as 1865, the English House of Lords defined the concept of public trust in the case of Gann v. Free Fishers of Whitstable holding that the bed of all navigable rivers where the tide flows, and all estuaries or arms of the sea, is by law vested in the crown. But this ownership by the crown is for the benefit of the subject, and cannot be used in any manner so as to derogate from, or interfere with the right of navigation, which belongs by law to the subject of realm.

The United States has developed a rich jurisprudence on public trust dating back to the case of Illinois Central Railroad v. Illinois, 146 U.S 387 (1892). In that case, the Illinois legislature had granted an enormous portion of the Chicago harbor to the Illinois Central Railroad. A subsequent legislature sought to revoke the grant, claiming that original grant should not have

been permitted in the first place. The court held that the public trust doctrine prevented the government from alienating the public right to the lands under navigable waters (except in the case of very small portions of land which would have no effect on free access to navigation).

Besides Uganda's common law practice, the public trust doctrine is now firmly entrenched in the national constitution and statute law. The entrenchment of the public trust doctrine is premised on the concerns expressed by the citizens during the process of making the 1995 constitution.

According to the Odoki Commission report, citizens were concerned that governments arbitrarily expropriated or failed to protect resources that should be preserved for the common good. In this regard, the Commission recommended thus: "The Constitution should vest the ownership, control and right of exploitation of important natural resources, including land, water, minerals, oil, and forests, in the people of Uganda, with the State as a guarantor of the people's interest."(para 23.63); This spirit is reflected in Article 237(2)(b) of the Constitution and section 44 of the Land Act, 1998 (Box 2 and 3).

Box 3: Article 237 – Land Ownership

(1) Land in Uganda belongs to the citizens of Uganda and shall vest in them in accordance with the land tenure systems provided for in this Constitution.

(2) Notwithstanding clause (1) of this article—

(a) The Government or a local Government may, subject to article 26 of this constitution, acquire land in the public interest; and the conditions governing such acquisition shall be as prescribed by parliament;

(b) The Government or a local Government as determined by parliament by law shall hold in trust for the people and protect natural lakes, rivers, wetlands, forest reserves, game reserves, national parks and any land to be reserved for ecological and touristic purposes for the common good of all citizens;

(c) Non-citizens may acquire leases in land in accordance with the laws prescribed by parliament, and the laws so prescribed shall define a non-citizen for the purpose of this paragraph.

> **Box 4: The legal provisions reaffirming the public trust doctrine under the Land Act, 1998 (as amended) "44. Control of environmentally sensitive areas**
>
> (1) The Government or a local government shall hold in trust for the people of Uganda and protect natural lakes, rivers, ground water, natural ponds, natural streams, wetlands, forest reserves, national parks and any other land reserved for ecological and touristic purposes for the common good of the citizens of Uganda.
>
> (2) A local government may, upon request to the Government, be allowed to hold in trust for the people and the common good of the citizens of Uganda any of the resources referred to in subsection (1).
>
> (3) Any resource that is not covered under subsection (1) which is identified after the coming into force of this Act may, upon request to the Government and with the approval of Parliament, be held in trust for the people and for the common good of the citizens of Uganda by a local government.
>
> (4) The Government or a local government shall not lease out or otherwise alienate any natural resource referred to in this section.
>
> (5) The Government or a local government may grant concessions or licenses or permits in respect of a natural resource referred to in this section subject to any law.
>
> (6) Parliament or any other authority empowered by Parliament may from time to time review any land held in trust by the Government or local government whenever the community in the area or district where the reserved land is situated so demands.

3.2.2 Inter-generational responsibility

An important feature of a national constitution is to create what is generally referred to as inter-generational rights and responsibilities. This implies that present generations have an obligation to ensure that future generations do not inherit a world that is worse off than the one enjoyed by the present generations. In the global environmental discourse, this is what is generally referred to as inter-generational equity.

An innovative domestic court decision on inter-generational equity in both its "intra-" and "inter-" dimensions, is a 1993 Philippines Supreme Court case, Minors Oposa v. Secretary of the Department of Environment and Natural Resources. The case addressed inter-generational equity in the context of state management of public forestland. In this case, the Philippines Supreme Court permitted a class action brought by Filipino children acting as representatives for themselves and future generations. The petitioners

wanted to halt cutting, by government licensees, of the remaining national forests. Plaintiffs alleged that present and continued logging violated their right to a healthy environment under Philippine constitution and would entail irreparable damage to them and future generations of the nation. The Court considered the issue of inter-generational responsibility and decided that the petitioners had *locus standi* i.e., were qualified to bring an action on behalf of the present and future generations in the Philippines. In rendering its decision, the Court accepted the petitioners' statistical evidence regarding the amount of forest cover required to maintain a healthy environment for the present and future generations.

3.2.3. The precautionary principle

This is a major principle of environmental law which is to the effect that once an activity raises irreversible threats of harm to human health or the environment, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically. This principle is important in that it allows one to anticipate harm and take appropriate precautions even in the absence of scientific consensus that the action or policy is harmful and what might be the level of harm. As a result, policy makers are able to make discretionary decisions to delay such an action until scientific findings emerge that provide sound evidence that no harm will result. The precautionary principle recognizes a social responsibility to protect the public from exposure to harm, when scientific investigation has found a plausible risk. Its development as part of international law reflects a growing international recognition of the human responsibility to care for the environment and others and to find legal avenues to prevent actions that might cause severe or irreversible consequences to either.

The precautionary principle is, in some ways, an expansion of the English common law concept of "duty of care" originating in the decisions of the judge Lord Esher in the late 1800s. According to Lord Esher: "Whenever one person is by circumstances placed in such a position with regard to another that everyone of ordinary sense who did think, would at once recognise that if he did not use ordinary care and skill in his own conduct with regard to those circumstances, he would cause danger or injury to the person, or property of the other, a duty arises to use ordinary care and skill to avoid such danger. The first international endorsement of the precautionary principle was done by the World Charter for Nature, which was adopted by the United Nations General Assembly in 1982. The principle was implemented in an international treaty as early as the 1987 Montreal Protocol. In treaty usage, a seminal point was the use of the principle in Principle 15 of the 1992 Rio Declaration on Environment and Development (signed at the United Nations Conference on Environment and Development).

The principle has informed the development of national laws and regulations that require Environment and Social Impact Assessments before undertaking developments that may have impact on people and the environment. Such laws and regulations have provided a basis on which to challenge development projects that do not undertake EIAs as required by law. The principle can be used to limit the practice to degazzette and destroy forests.

3.2.4. Sustainable Development principle

Sustainable development is the   principle that elaborates the need to undertake development that meets human development goals while at the same time sustaining the ability of natural systems to provide the natural resources and ecosystem services upon which the economy and society depend. The desired result is a state of society where living conditions and resource use continue to meet human needs without undermining the integrity and stability of natural systems.

The modern concept of sustainable development was a topic of discussion at the 1972 United Nations Conference on the Human Environment (Stockholm Conference), and the driving force behind the 1983 World Commission on Environment and Development (WCED, or Bruntland Commission). In 1992, the first UN Earth Summit resulted in the Rio Declaration, Principle 3 of which reads: "The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations." Sustainable development has been a core concept of international environmental discussion ever since, including during the World Summit on Sustainable Development (Earth Summit 2002), and the United Nations Conference on Sustainable Development (Earth Summit 2012, or Rio+20). While the modern concept of sustainable development is derived mostly from the 1987 Brundtland Report, it is also rooted in earlier ideas about sustainable forest management and twentieth century environmental concerns.

As the concept developed, it has shifted to focus more on economic development, social development and environmental protection for future generations. It has been suggested that "the term "sustainability" should be viewed as humanity's target goal of human-ecosystem equilibrium (homeostasis), while "sustainable development" refers to the holistic approach and temporal processes that lead us to the end point of sustainability"

The principle has given rise to Sustainable Development Goals, where Goal 15, in particular, is concerned with protection, restoration and promotion of sustainable use of terrestrial ecosystems and forests. The principle of sustainable development has been integrated in Uganda's national development plans and policies.

3.2.5. Participation principle

With growing complexities of environmental issues, public participation has come to the fore in academic analysis concerning contemporary debates about environmental governance.

There have emerged a number of arguments in favour of a more participatory approach, which stress that public participation is a crucial element in environmental governance that contributes to better decision making. It is recognised that environmental problems cannot be solved by government alone. Participation in environmental decision-making effectively links the public to environmental governance. By involving the public, who are at the root of both causes and solutions of environmental problems, in environmental discussions, transparency and accountability are more likely to be achieved. This secures the democratic legitimacy of decision-making that good environmental governance depends on. Arguably, strong public participation in environmental governance could increase commitment among stockholders, which strengthens the compliance and enforcement of environmental laws.

Public participation has been included in the key principles of forest Governance. World Resources and the world Bank Forest Governance Assessment Framework recognise participation as one of the key forest governance assessment indicators. http://www.wri.org/our-work/topics/forests), http://documents.worldbank.org. Elements of access to participation include formal spaces for participation in relevant fora, use of appropriate mechanism to invite participation, inclusiveness and openness of such processes, and the extent to which gathered input is taken into account.

MODULE 4:
THE PRACTICE OF FOREST GOVERNANCE IN UGANDA

Session 4.1: Institutional framework for Forest Governance

Session Aims	The aim of this session is to enable participants get to know the full range of institutions that are responsible for effective forestry governance at the national level.
Learning outcomes	By the end of this module, participants will have: (i) Developed a comprehensive list and obligations of these institutions and the relationship of their mandates to the various forest governance principles.

Content	(i) Classification of institutions
	
	   – *Statutory versus administrative institutions*
	
	   – *Mandate or functional classification*
	
	(ii) Functions and mandates of forest sector institutions
	
	(iii) Institutional architecture and forest governance in Uganda

Duration (hrs.)	Lecture room 3 hrs.
Delivery Methods, data and Equipment	(a) Methods: lecture, discussions – guiding questions, power point presentations, using local examples, lecture notes (b) Equipment and tools: computer, LCD projector, white board and pens, flip chart

4.1.1 Classification of institutions

At the heart of any governance regime are the institutions that are mandated to discharge a wide range of governance functions. These institutions may be in the public sector, private sector or civil society including the media. Unless these institutions are enabled to discharge their respective mandates,

the normative framework for forest governance at the various levels cannot be effective. Like many other sectors of the Ugandan economy, there are a variety of institutions that are engaged in the governance of the forest sector in various ways. These institutions can be classified in a number of categories based on either their legal status or functional characteristics. Below is a checklist of some of these classifications.

i) *Statutory versus administrative institutions*

A national constitution or Act of Parliament can establish an institution and it assumes the characteristics of a legal person. In other cases, the institution may also be established through a registration or incorporation process that vests it with legal status. Such registration may happen under an existing law such as laws governing companies, trusts, NGOs, etc. In such cases, the law establishing such an institution or the instruments of incorporation describe the mandate and powers of such an entity.

On the other hand, some institutions are established through administrative action. Such institutions are more "fluid" becausethey can also be dissolved through administrative action without following any due process.

ii) *Mandate or functional classification*

Another way of understanding institutions for forestry governance is to look at them from the point of view of their functions. In this case, we are concerned with the nature of the mandate or function of the institution. The following are examples of the classifications based on mandate and functional characteristics: Constitutional bodies, statutory agencies, politically mandated organs, administrative agencies, oversight agencies, judicial and quasi-judicial agencies, law enforcement institutions, training institutions, research institutions, civil society organizations, local government institutions.

4.1.2 Functions of key forest institutions in Uganda

Selected forest institutions in Uganda and their key functions are summarized in the table below:

Institutions and their mandates	
Ministry of Water and Environment (MWE) MWE, through the Directorate of Environmental Affairs (DEA) is responsible for environmental policy, regulation, coordination, inspection, supervision and monitoring of the environment and natural resources as well as the restoration of degraded ecosystems and mitigating and adapting to climate change.	**Forest Sector Support Department (FSSD)** • Formulation and oversight of appropriate policies, standards and legislation for the forest sector • Co-ordination and supervision of technical support and training to local government • Inspection and monitoring of local government and the NFA performance in forest sector development • Co-ordination of the NFP and cross-sectorial linkages • Mobilisation of funds and other resources for the forest sector • Promotion, public information and advocacy for the forest sector
National Forestry Authority (NFA) • Management of CFRs in partnership with private sector and local communities • Advisory, research or commercial services on contract • Seed supply from the National Tree Seed Centre (NTSC) • National forest inventory and other technical services (National Biomass Studies)	**Uganda Wildlife Authority (UWA)** • Management of the forest resources in national parks, wildlife • reserves and wildlife sanctuaries (about 50% of the gazetted forests) • Joint-management with NFA of some central forest reserves under this management status

Institutions and their mandates	
Civil Society organisations (CSOs)	**District Forest Services (DFS) of the District Local Governments**
• Advocacy for increased understanding of the role of forests in national and local development • Promotion of government accountability with regard to use of resources and delivery of services • Participating in partnership arrangements for management and utilisation of forests • Public education, information dissemination, • Training of local communities, private forest owners and resource managers • Action research • Advisory service delivery • Mobilise local communities to participate in the development process	Section 48 of the National Forests and Tree Planting Act provides for the establishment by DLGs of the District Forestry Office (DFO) to function as a decentralised service under the aegis of the DFS. They are mandated with following roles and responsibilities: • Strengthen forestry in production and environment committees and District Development Plans. • Implement international and national policies on forests. • Issuance of Permits, collection of licence fees and tax collection. • Mobilise funds for forestry development • Support and quality control of forestry extension, brokering between farmers and service providers, providing market information • Manage LFRs in partnership with communities and private investors. • Surveying, approval of Community Forests • Liase with NFA and other lead agencies on matters relating to forestry. • Promote forestry awareness in the districts. • Promote tree planting. • Developing District Forestry Development Plans (DFDPs). • Manage Local Forest Reserves (LFRs). • Advise and support the management of Community Forests. • Promoting innovative approaches to forestry development in planning management and regulation of forestry practices. • Assist in the development and provision of advisory services relating to private forests, • Cause to be prosecuted, any person willfully destroying any forest resource in contravention of the National Forestry and Tree Planting Act (NFTPA, 2003).

Institutions and their mandates	
Private Sector Institutions • Forest management and tree farming investments on private land • Forest investments in CFRs on rented land • Collaborative Forest Management of CFRs • Wood and NWFP processing • Trade in forest products • Efficient use of fuel-wood	**Academic /Research institutions** • Research and development • Promotion of forestry technologies • Forestry training • Research

Exercise 7: Participants are divided into working groups of 5-10 participants to discuss the following: In addition to the above mentioned institutions, identify and discuss the roles and responsibilities of the different institutions in the forest sector and show which principle(s) of governance they are expected to contribute to. The format of the report for this exercise is shown in the table hereunder. The political institutions responsible for accountability have been shown on the table as an example. This exercise is intended to help participants understand the forestry governance mandates of key institutions responsible for forestry.

Report format for the exercise on mapping institutions for forestry governance in Uganda				
Governance Principles	Classification of institution			
	Political	Policy	Admin	Professional Body / CSO / Private Sector
Accountability	• Parliament. • Parliamentary Committee on Natural Resources.			
Transparency				

Report format for the exercise on mapping institutions for forestry governance in Uganda				
Effectiveness				
Participation				
Fairness & Equity				
Efficiency				

4.1.3 Institutional Architecture and forest governance

The forest sector governance institutions play a variety of roles as may be stipulated by the nature of the instruments by which they are established. This, they do at various levels (national, sub-national, across districts, districts, sub-counties, communities) and across sectors (forestry, agriculture, environment, wildlife, infrastructure among others).   Information intended to guide discussions on the forest governance institutions and how they relate to other Environment and Natural Resources (ENR) sector governance institutions both horizontally and vertically is summarized in Figure 8.

Figure 8: ENR institutional architecture and forest governance in Uganda

Exercise 8: Use the above approach (in Figure 7) to map out institutions (identified in exercise 8) to indicate the sector within which the institution has influence, but also the level (national, inter-district, district, sub-county or community level) at which the institutions operate.

Session 4.2: Policy and Legal framework for Forestry Governance
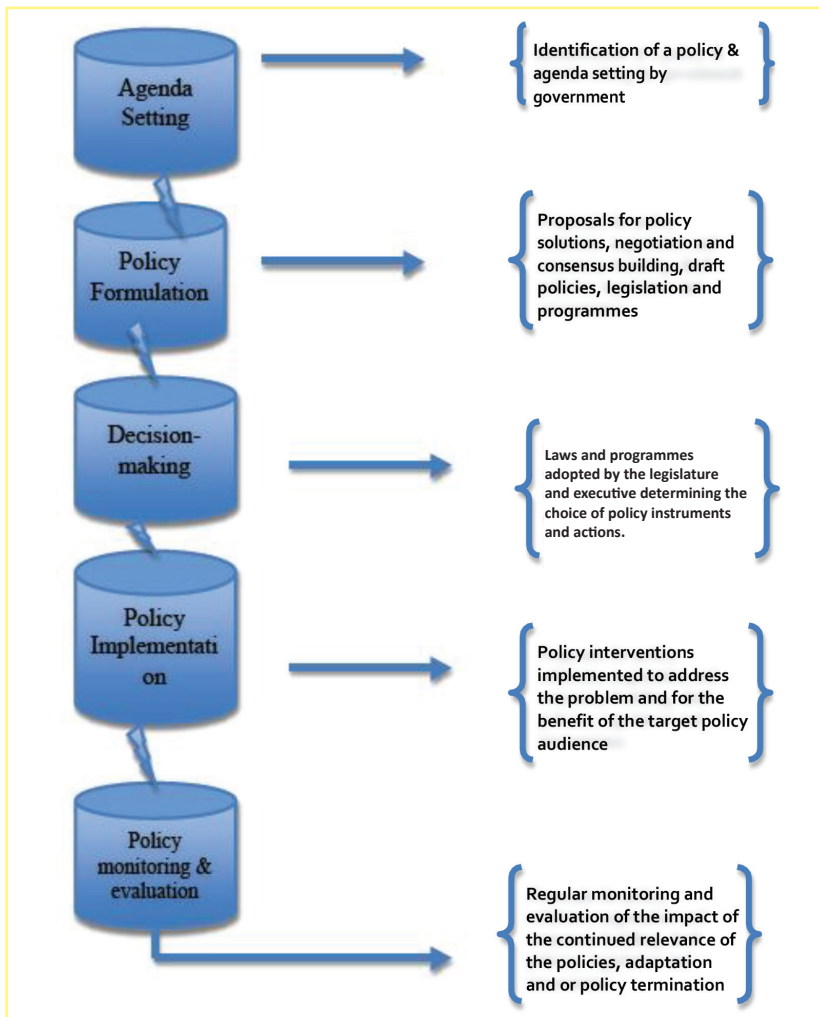
Session aim	The aim of the session will be to: (i) Expose participants to the policies and legislation governing the forest sector in Uganda. (ii) Enable participants discuss the challenges of implementing policies and laws governing the forestry sector.
Learning outcomes	At the end of training, participants are able to: (i) Articulate policies and laws governing the forest sector in Uganda
Content	(i) The policy process in Uganda (ii) Legal framework for forest governance (iii) Policies governing the forest resources in Uganda
Duration (hrs.)	Lecture room | 2 hrs.
Methods, data and Equipment	(a) Methods: lecture, discussions – guiding question , power point presentations, use local examples, lecture notes, field excursions A plenary session of at least one hour, should be dedicated to discussing the extent to which the policy statements articulated in the National Forestry Policy have been implemented. A guest speaker who is a policy maker preferably from the Forestry Sector Support Department (FSSD) or the National Forestry Authority (NFA) may also come before this session. (b) Equipment and tools: computer, LCD projector, white board and pens, flip chart

4.2.1 The process of policy formulation

Good governance of the forest sector should be premised on a solid policy foundation. This implies that public policies governing the sector should clearly articulate a clear agenda for governing the sector.

Although this Manual is not about the policy process, it is important for participants to understand the meaning of policy and the policy process. That way, they are able to analyze whether the existing forestry policies provide a good basis for ensuring effective forestry governance. A schematic diagram of an ideal linear policy process is shown in Figure 9. The scheme for categories of forest policy protection, regulation and utilization are shown in Figure 10.
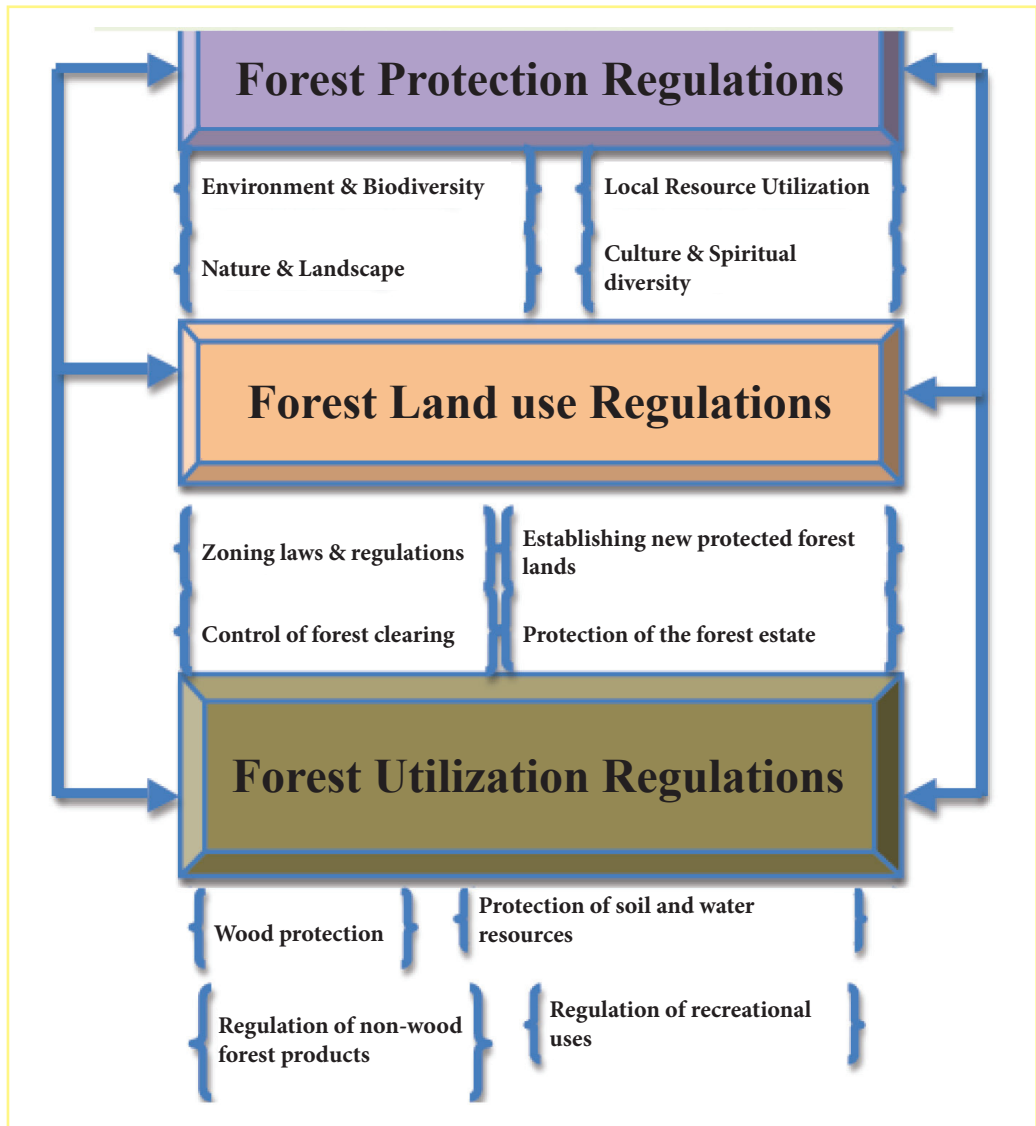
Figure 9: A Linear policy formulation process

Note:

Participants should spend some time (20 minutes) discussing the policy process with the facilitator as part of the plenary session. Since this is not designed to be a policy analysis training course, the Manual does not go into detail in this regard.

Figure 10: Forest policy protection, regulation and utilization

At a very basic level, public policy may be defined as "a course of action taken by public authorities or agencies to address a given public policy problem or interrelated set of problems." While this definition points largely to policy makers making choices and taking action, it is also important to recognize that "inaction" can also be considered as policy choice. For example, unwillingness to provide incentives for renewable energy programmes is a policy that can significantly undermine interventions in the forestry sector.

The facilitator will help participants establish any relationship between the forestry policy statements and the governance principles. This will require participants to review the strategies for each of the forestry policy statements in order to confirm if there are specific commitments to ensure good forest governance as a matter of policy.

4.2.2 Essential features for a Legal framework for forest governance

Legislation is one of the mechanisms that are used in monitoring and evaluation of the impact and continued relevance of the policies, adaptation and/or implementation of public policy. Generally, any modern legislation contains at least 4 essential features.

These include:

1. Creation of rights and obligations;
2. Institutional mechanisms for the implementation of the law;
3. Mechanisms for ensuring enforcement and securing compliance;
4. Financing mechanisms for implementing the law.

All the different features of the law outlined provide for a set of tools that may be used together or independently to implement the various aspects of the law. Broadly speaking, these tools may be divided into 5 categories

(i) Administrative instruments – such as orders, directives or administrative decisions.

(ii) Fiscal instruments – such as taxes and charges.

(iii) Regulatory instruments – such as licenses, permit or concessions.

(iv) Financial instruments – such as direct budget support, grants and loans, financial incentives (e.g. the saw log scheme), etc.

(v) Voluntary compliance schemes – such as Collaborative Forest Management (CFM), certification, etc.

Legislation is different from these other tools in the sense that laws create rights and obligations. In the majority of cases, laws are also necessary to create and enforce the use of these tools.

> **Exercise 9: With reference to the National Forestry and Tree Planting Act, 2003, discuss the essential features and tools provided for in that law on which governance of the sector hinges.**

4.2.3 Specific policies and laws for forest governance

The facilitator will utilize these selected policies and laws to illustrate that the forest governance requires a number of laws, some of which are not necessarily within the environment and natural resources sector.

Thematic area	Available laws in the governance of the forest sector
The Constitution of Uganda, 1995	• National objectives and directive principles of state policy. The objective is to; raise awareness for sustainable management of natural resource, and to promote and implement energy policies that will ensure that people's basic needs and those of environmental preservation are met. • Article 39: The right to a clean and safe environment • Article 245: Protection and preservation of the environment
Forestry	• The Uganda Forestry Policy 2001 • The National Forest Plan 2011/12 – 2021/22 • The Uganda National Forestry and Tree planting Act 2003 • The Forestry and Tree Planting Regulations, 2016 • The Forest Produce Fees and Licenses Order, 2000 S.I. No.16 • The External Trade (Export Restricted Goods) Order. Statutory Instrument 88—5. • External Trade (Export Restricted Goods) order 1987
Climate change	• Uganda National Climate Change Policy, 2015
Wildlife	• The Uganda Wildlife Policy, 1994 • Uganda Wildlife Act 2000
Energy	• The Renewable Energy Policy 2006 • The Energy Policy for Uganda (2002) • The Biomass Energy Strategy (BEST) 2013

Thematic area	Available laws in the governance of the forest sector
Land	• Land Policy 2013 • The Land Act Cap 227 • The National Soils Policy for Uganda 1999
Water and wetlands	• The National Policy for the Conservation and Management of Wetland Resources 1995 • The National Water Policy 1995 • The Fisheries Policy 2004
Environment	• The National Environment Management Policy for Uganda • The National Environment Act • The National Environment (Hilly and Mountainous Area Management) Regulations 2000 • The National Environment (Minimum Standards for Management of Soil Quality) Regulations 2000 • National Environment (Wetlands, Riverbanks and Lakeshores Management) Regulations 2000 • National Environment (Audit) Regulations of 2006 (S.I. No 12 of 2006) • National Environment (Environmental Impact Assessment) Regulations S.I. No.13 of 1998 • The Prohibition of Burning Grass Act Cap 33
Research	• The National Science, Technology and Innovation Policy of 2009 • The Uganda National Bureau of Standards Act Cap 327
Trade	• The Markets Act Cap 94 • The Sale of Goods Act Cap 82 • The Contracts Act 2010 • The Trade Secrets Protection Act 2009 • The Weights and Measures Act Cap 103 • The Traffic and Road Safety Act 1998 • The External Trade Act Cap 88 • The Trade (Licensing) Act Cap 101 • Uganda Standard: US 765:2007-Wood charcoal and charcoal briquettes for household use

Exercise 10 – For each of the above policies and laws, identify specific provision on forest governance.

Session 4.3: Impact of Public Policies on Forest Sector Development and Governance

Session Aims	The aim of this session is to: (i) Introduce participants to the factors that impact on forestry and the challenges to the forestry sector (ii) Create better understanding of the impacts of the forest sector decisions on forest governance.
Learning outcomes	At the end of this session, participants should have developed knowledge and understanding of how decisions in other sectors can impact on forestry positively or negatively.
Content	(i) The concept of public policy (ii) Sub-sectors in the ENR-sector and cross-sector impacts
Duration (hrs.)	Lecture room 3 hrs.

Delivery Methods, data and Equipment	(a) Methods:
	    • Lecture
	    • Discussions – guiding question
	    • Power point presentations
	    • Using local examples
	    • Lecture notes
	(b) Equipment and tools
	    • Computer
	    • LCD projector
	    • White board and pens
	    • Flip chart

4.3.1 What is public policy?

The term public policy connotes the contents and choices made in specific fields or sectors of the economy and society as determined by dominant plans, goals and actions which regulate important issues of public concern (Parsons, 1997: 16). Public policy may also be easily defined as "what governments do or chose not to do." In this regard, public policy analysis describes these contents and explains them in relation to the prevailing institutional settings, the political and economic context and, as influenced through political processes. Public policies and law are important facets of governance for at least four major reasons:

i)   They steer government interventions or actions in responding to societal challenges.

ii) They influence the market and market transactions.

iii) The affect the immediate decisions of consumers.

iv) They have important impacts on the behaviors of land users and landowners.

The forestry sub-sector is affected by activities in other sub-sectors that constitute the broader environment and natural resources sector and as well as those outside the sector. There are at least 8 sub-sectors that form the environment and natural resources sector. These are: forestry, land, climate and weather, fisheries, wildlife, wetlands and environment

Besides these sub-sectors, there are a variety of policy regimes covering a wide range of other sectors that have a significant direct impact on the forestry sector. For example, investment policy, fiscal and monetary policy, energy and agricultural policies, etc can have a devastating impact on forestry. The concept of "environmental governance" helps to ensure a broad discussion in the interactions between these sectors and sub-sectors at the different spheres of governance. The table below provides a fairly comprehensive checklist of typological elements for assessing the nature of cross-sectorial impacts.

Typological elements for specifying cross-sectoral impacts	
Public policy domains	**Policy instruments**
- Institutional policy framework	- Regulatory instruments
- Sector policy framework	- Incentive instruments
- Development policy framework	- Information instruments
Regional economic and ecological context	- Process-steering instruments
- Population growth and density	- Organizational instruments
- Social product and per capita income	**Direction of impacts**
- International trade relations	- Impacts from other policies on forestry policy
- Importance of forest goods and services	- Impacts from forestry policy on other policies
- Environmental conditions	- Reciprocal impacts between forestry and other policies
- Forest ecosystems	**Variance of impacts**
- Extent of forest area	- Positive impacts
Level of policy decision-making	- Negative impacts
- International	- Neutral impacts
- Supranational	
- National	
- Sub-national	

Source: Schmithüsen, Bisang and Zimmermann, 2001

> **Exercise 11: In working groups of 5-10 people, select at least 2-5 sectors or policy regimes and assess the impact of those sectors or policy regimes on forest governance in Uganda. Consider including budgetary policy as one of the policy regimes for this group exercise.**

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ANNEX1: COMPENDIUM OF SELECTED READING MATERIALS ON FOREST GOVERNANCE

Advocates Coalition for Development and Environment, and Uganda Forest Governance Learning Group December, 2014 *The state of forest governance in Uganda: Citizens Voices*	The report provides an a innovative approach developed by the Uganda Forest Governance Learning Group that utilised some internationally accepted forest governance 'pillars and principles' and asks citizens to score their perception of intention and practice against a set of indicators. This report presents the findings of the first such effort to score governance principles. The score-card covers perceptions about the whole spectrum of forest governance structures and processes from the local to the national level. Three key arenas of governance – or 'pillars–' assessed in this report are: policy, institutional and legal frameworks; planning and decision making processes; and, implementation, enforcement and compliance. These pillars are assessed through a detailed examination of six governance principles: accountability, effectiveness, efficiency, fairness/equity, participation, and transparency.
Kaufmann, D., Kraay, A., Mastruzzi, M., (2010). *The worldwide governance indicators. Methodology and analytical issues.* Policy Research Working Paper 5430. The World Bank Development Research Group, Macroeconomics and Growth Team.	This paper summarizes the methodology for the Worldwide Governance Indicators (WGI) project, and related analytical issues. The WGI cover over 200 countries and territories, measuring six dimensions of governance starting in 1996: It covers Voice and Accountability, Political Stability and Absence of Violence/Terrorism, Government Effectiveness, Regulatory Quality, Rule of Law, and Control of Corruption. The aggregate indicators are based on several hundred individual underlying variables, taken from a wide variety of existing data sources. The data reflect the views on governance of survey respondents and public, private, and NGO sector experts worldwide. It also explicitly reports margins of error accompanying each country estimate. These reflect the inherent difficulties in measuring governance using any kind of data. It is clear that even after taking margins of error into account, the WGI permit meaningful cross country and over time comparisons. The aggregate indicators, together with the disaggregated underlying source data, are available at www.govindicators.org

Agrawal, A., Chhatre, A., Hardin, R., (2008). *Changing governance of the wo'ld's forests. Science* 320 (5882), 1460–1462.	Major features of contemporary forest governance include decentralization of forest management, logging concessions in publicly owned, commercially valuable, forests, and timber certification, primarily in temperate forests. Although a majority of forests continue to be owned formally by governments, the effectiveness of forest governance is increasingly independent of formal ownership. Growing and competing demands for food, biofuels, timber, and environmental services will pose severe challenges to effective forest governance in the future, especially in conjunction with the direct and indirect impacts of climate change. A greater role for community and market actors in forest governance and deeper attention to the factors that lead to effective governance, beyond ownership patterns, is necessary to address future forest governance challenges.
Capistrano, D. (2010). *Forest Governance Indicator Development: Early Lessons and Proposed Indicators for Country Assessments.* *http://www.pcs-mtc.org*	Governance is an evolving concept whose basic elements are widely recognized although its bounds and scope remain contested. While academic debates continue, the concept is being shaped and operationally defined through various initiatives using indicators to measure, monitor and assess governance at different levels, from project site to international level. In the forest sector, similar shifts are underway at a time when forest governance quality assessments are assuming greater significance in the context of global climate change discussions. Beyond its central role in achieving sustainable forest management (SFM), good forest governance is critical to ensuring the effectiveness of schemes to reduce greenhouse gas emissions from deforestation and forest degradation in developing countries (REDD). Governance assessment and monitoring are essential tools in promoting reforms towards better forest governance. This report is available online at Food and Agriculture Organization of the United Nations (FAO).
Castrén, T; Pillai Madhvani (2011), *Forest Governance 2.0. A primer on ICTs and Governance*, PROFOR; World Bank, Washington, DC	The study provides experiences and lessons learnt on the use of information and ICT to promote good forest governance.

FAO (Food and Agriculture Organization of the United Nations) and PROFOR (the Program on Forests). (2011). *Framework for Assessing and Monitoring Forest Governance.*	Available online at www.fao. org/docrep/014/i2227e/ i2227e00.pdf. The Framework facilitates description, diagnosis, monitoring, assessment and reporting on the state of governance in a country's forest sector. It features a globally relevant and comprehensive list of the major elements that describe forest governance. It also provides a frame of reference for organizing governance-relevant information that can be used within and across countries to assess and monitor the governance of forests and forest resources. It can assist countries in reflecting on and responding to critical issues in forest governance in ways that can be measured, tracked and improved over time. By enabling informed discussions among stakeholders on governance in the forest sector. The Framework also seeks to foster opportunities for wider national discussions on overall governance beyond the forest sector.
The World Bank. (2009). *Roots for Good Forest Outcomes: An Analytical Framework for Governance Reforms.*	Available from: http://siteresources.worldbank.org/INTARD/ Resources/forest___governance_combined_web_version. pdf. This tool draws on knowledge of governance in general and forest governance in particular. It reflects the theoretical understanding of governance while being oriented toward action. It also builds upon the work that others have done, incorporating good measurement approaches and lessons learned. Finally, the framework is generic and is amenable to being customized to different forest types and specific country contexts. It emphaises that good forest governance is characterized by the prevalence of the rule of law, low levels of corruption, robust institutions, high competence of officials and other functionaries who implement rules, willingness to address forest sector issues, sanctity of critical legal elements such as enforcement of property right and voluntary contracts, etc. (World Bank 2008b).
Mayers, J., S. Bass and D. Macqueen. (2002). *The pyramid: A diagnostic and planning tool for good forest governance.* International Institute for Environment and Development.	Available online at www-wds.worldbank.org. It is a diagnostic tool providing a framework for highlighting factors that limit progress towards Sustainable Forest Management (SFM) by stimulating participatory and transparent assessment dialogue at the country level. It further aims to fill the 'forest governance gap' between the management unit and international policy level by assessing global-local links, sector-sector links, differing personal and institutional values. The tool identifies elements of good forest governance common to a wide range of countries and groups.

Chatham House and the UN-REDD Programme. (2011). *Guidance for the Provision of Information on REDD+ Governance*.	This is a response to rapid developments in relation to REDD+. It is premised on the activities, principles and safeguards underlying REDD+, including the need for systems to provide information on how the safeguards are being addressed and respected throughout the undertaking of REDD+ activities. It is based on the growing body of experience on governance monitoring and assessment in the natural resources sector. Lessons have been drawn from international and national initiatives, the latter providing the most practical lessons for collecting information on REDD+ governance.
A. J. van Bodegom, S. Wigboldus, A. G. Blundell, E. Harwell, and H. Savenije, (2012). *Strengthening Effective Forest Governance Monitoring Practice, Forestry Policy and Institutions.* Working Paper No. 29. FAO, Rome.	http://www.fao.org/docrep/015/me021e/me021e00.pdf. Forest governance is increasingly seen as a key building block for sustainable forest management (SFM). This provides the definition of "forest governance" and demonstrates how it applies to policy and planning, implementation, monitoring and improvement, including the related legislative and institutional arrangements. Due to the growing recognition of the importance of forest governance in progress towards SFM and the reduction of deforestation and forest degradation (including in the context of reducing greenhouse gas emissions, i.e. REDD+), a growing number of efforts are being taken to monitor and report the performance of forest governance. In order to be relevant, Forest Governance Monitoring (FGM) at a country level needs to first of all connect to national monitoring needs, but must also fulfill reporting requirements in relation to international conventions and agreements. The intention of this guide is by way of building on existing systems, routines, and procedures to compile existing information on forest governance. Gradually new elements can be introduced to the FGM regime. In this guide there is much emphasis on local-level data collection.

WRI (World Resources Institute), ICV (Instituto Centro de Vida) and Imazon. (2010). *The Governance of Forests Toolkit. Version 1: A framework of indicators for assessing governance of the forest Sector. pdf.wri.org/working-papers/gfi_tenure_ indicators_sep09.pdf*	The GFI Toolkit is unique in that it provides a common definition and conceptual framework for understanding the meaning of good governance of forests across different country contexts, a practical tool for civil society organizations to independently, systematically and Comprehensively diagnose the integrity of institutions and processes that govern forests in their countries, as a basis to advocate for reform and a set of measurable, reportable and verifiable indicators of good governance of forests.
Nalin Kishor and Kenneth Rosenbaum. (2012). *Assessing and Monitoring Forest Governance: A User's Guide to a Diagnostic Tool.* Washington: Program on Forests (PROFOR).	The tool consists of a set of indicators and a protocol for scoring the indicators. The indicators are in the form of multiple-choice questions about aspects of forest governance. Some cover general features of governance, some touch on specifics, and some serve as proxies for factors that are difficult to assess directly. Taken as a whole, the tool examines forest sector governance broadly, serving as a self-assessment to identify areas deserving improvement. It recognizes that local involvement is key to successful reform, The tool's protocol uses a workshop format, where stakeholders meet to discuss governance and try to come to agreement on scoring the indicators. Putting assessment in the hands of stakeholders promotes discussion, identifies areas of consensus, and builds momentum for change.

International Tropical Timber Organization. (2005). *Revised ITTO Criteria and Indicators for the Sustainable Management of Tropical Forests. www.itto.int/ policypapers_ guidelines*	The purpose of the ITTO C&I is to provide member countries with a tool for monitoring, assessing and reporting changes and trends in forest conditions and management systems at the national and FMU levels. By identifying the main elements of sustainable forest management, the C&I provide a means of assessing progress towards sustainable forest management and the ITTO Objective 2000, which is "to enhance the capacity of members to implement a strategy for achieving exports of tropical timber and timber products from sustainably managed sources". The information generated through the use of these C&I will help communicate more effectively the status of efforts towards sustainable forest management. It will also assist in developing strategies for sustainable forest management, focusing research efforts where knowledge is still deficient and identifying weaknesses.
Extract from the United Nations Conference on the Human Environment Action Plan For The Human Environment (1972)	**Recommendation 25** It is recommended that the Secretary-General takes steps to ensure that continuing surveillance, with the cooperation of member states, of the world's forest cover shall be provided for through the programmes of the Food and Agriculture Organization of the United Nations and the United Nations Educational, Scientific and Cultural Organization. (a) Such a World Forest Appraisal Programme would provide basic data, including data on the balance between the world's forest biomass and the prevailing environment, and changes in the forest biomass, considered to have a significant impact on the environment; (b) The information could be collected from existing inventories and on-going activities and through remote-sensing techniques; (c) The forest protection programme described above might be incorporated within this effort, through the use of advanced technology, such as satellites, which use different types of imagery and which, could constantly survey all forests. **Recommendation 26** It is recommended that the Food and Agriculture Organization of the United Nations co-ordinate an international programme for research and exchange of information on forest fires, pests and diseases:

(a) The programme should include data collection and dissemination, identification of potentially susceptible areas and of means of suppression; exchange of information on technologies, equipment and techniques; research, including integrated pest control and the influence of fires on forest ecosystems, to be undertaken by the International Union of Forestry Research Organizations; establishment of a forecasting system in cooperation with the World Meteorological Organization; organization of seminars and study tours; the facilitation of bilateral agreements for forest protection between neighboring countries; and development of effective international quarantines;

(b) Forest fires, pests and diseases will frequently each require separate individual treatment.

Recommendation 27

It is recommended that the Food and Agriculture Organization of the United Nations facilitate the transfer of information on forests and forest management:

(a) The amount of knowledge that can usefully be exchanged is limited by the differences of climatic zones and forest types;

(b) The exchange of information should, however, be encouraged among nations sharing similarities; considerable knowledge is already exchanged among the industrialized nations of the temperate zone;

(c) Opportunities exist, despite differences, for the useful transfer of information to developing countries on the environmental aspects of such items as: (i) the harvesting and industrialization of some tropical Hardwoods; (ii) pine cultures; (iii) the principles of forest management systems and management science; (iv) soils and soil interpretations management; (vi) forest industries pollution controls, including both technical and economic data; (vii) methods for the evaluation of forest resources through sampling techniques, remote sensing, and data-processing; (viii) control of destructive fires and pest outbreaks; and

(ix) Co-ordination in the area of the definition and standardization of criteria and methods for the economic appraisal of forest environmental influences and for the comparison of alternative uses.

	Recommendation 28 It is recommended that the Food and Agriculture Organization of the United Nations strengthen its efforts in support of forestry projects and research projects, possibly for production, in finding species, which are adaptable even in areas where this is exceptionally difficult because of ecological conditions.

Article 11 of the East African Community Protocol on Environment and Natural Resources	**ARTICLE 11: MANAGEMENT OF FOREST AND TREE RESOURCES**
	
	1. The Partner States shall co-operate in all activities relating to development, conservation, sustainable management and utilisation of all types of forests, trees, and trade in forest products throughout the Community.
	
	2. For purposes of paragraph 1 of this Article, the Partner States shall:
	
	   a). develop, publish, review and evaluate regularly the effectiveness of national forest policies, programmes and plans;
	
	   b). develop common criteria and indicators for sustainable forest management;
	
	   c). undertake regular assessment of forests encompassing all forest resources and all forested lands, regardless of ownership;
	
	   d). protect ecologically viable forests and forests that have cultural, traditional, aesthetic, historic, spiritual or religious value and also to protect endangered or threatened forest species;
	
	   e). encourage local communities to grow and conserve trees and to integrate the growing of trees into farming systems;
	
	   f). develop common guidelines for the management of forest resources;
	
	   g). regulate and control introduction of alien species, plant pests and diseases, and develop early warning systems for all types of threats to forest resources;
	
	   h). promote the growing, processing and sale of valuable medicinal plants;
	
	   i). promote the sustainable use of non-wood products;

	j). recognize, respect and protect the right of individuals and communities over their traditional forest-related knowledge and their right to benefit from the utilization of this knowledge; and
	k). Promote capacity building and public awareness on forests and forest related activities and products and strengthen research and promote data and information exchange of all types of forests and trees in the Community.
	3. The partner States shall harmonize and enforce national policies, laws and programmes to promote sustainable forest management.
	4. The Partner States shall adopt common national policies and programmes that allow local communities to effectively participate in forest management activities and to benefit from the forest resources.
	5. The Partner States shall cooperate, and where necessary, enter into agreements or other arrangements, in the management of transboundary forest ecosystems and protected areas.
Article 34 of the East African Community Protocol on the Environment and Natural Resources.	**ARTICLE 34: PUBLIC PARTICIPATION, ACCESS TO JUSTICE AND INFORMATION**
	1. The Partner States shall adopt common policies, laws and programmes relating to access to information, justice and the participation of the public in environmental and natural resources management.
	2. The Partner States shall create an environment conducive for the participation of civil society and non-governmental organizations, the public, local communities and private sector on environmental and natural resources management.
	3. The Partner States guarantee their nationals the right to a clean and health environment, access to environmental information and participation in environmental management.
	4. In order to contribute to the protection of the rights of the present and future generations to live in an environment adequate for their health and well-being, the Partner States shall –
	(a) Ensure that officials and public authorities assist the public to gain access to information and facilitate their participation in environmental management.

(b) Promote environmental education and environmental awareness among the public;

(c) Ensure that persons exercising their rights in conformity with the provisions of this Protocol are not impeded without discrimination;

(d) Not to carry out any activity that may have significant trans-boundary environmental impacts or harm without prior consultations, timely notification and provision of technical information and data; and

(e) Grant due process and equal treatment in administrative and judicial proceedings to all persons who may be affected by environmentally harmful activities in the territory of any of the Partner States.

5. Each Partner State shall ensure that owners or operators whose activities have significant impacts on the environment inform the public, in a timely and effective manner, of the environmental impact of their activities and products.

6. The Partner States agree:

(a) not to carry out any activity that may have significant trans-boundary environmental impacts or harm without prior consultations, timely notification and provisions of technical information and data; and

(b) to grant due process and equal treatment in administrative and judicial proceedings to all persons who may be affected by environmental harmful activities in the territory of any of the Partner States.

7. The Partner States shall grant the right of access to nationals of the other Partner Status to their judicial and administrative mechanisms to seek remedies for trans-boundary environmental damage.

Developing indicators for the sustainable management of mountain forests using a modelling approach. P Brang, B Courbaud, A Fischer, I Kissling-Näf, D Pettenella, Forest Policy and Economics 4 (2), 113-123	Methods to monitor the sustainability of forest management on local to regional scales are currently being developed in Europe, based on Pan-European criteria. However, current approaches to indicator development have several shortcomings. First, they fail to integrate the links among indicators. Second, they do not address the factors giving rise to specific indicator values explicitly. Third, they select indicators with an emphasis on data availability or ease of measurement rather than on informational content. To overcome these problems, we propose using a modeling approach to indicator development. What modeling and indicator development have in common is that they both try to capture the essence of real, complex systems. In this paper, we present an initial attempt to develop indicators for the sustainable management of mountain forests, using a modeling approach.
L Secco, R Da Re, DM Pettenella, P Gatto. *Forest Policy and Economics* 49, 57-71, 2004. *Why and how to measure forest governance at local level: A set of indicators*.	The methodologies and operational instruments for the assessment of forest governance are still under development. While there are some advanced initiatives focused on forest governance assessment at international/national scale, there are relatively few at local level. However, assessments of local forest governance would be useful for both policy-makers and practitioners. The paper presents and discusses an original set of indicators to measure the quality of forest governance at local administrative/spatial level and the method used to develop them. A draft list of indicators (mainly process-oriented) has been formulated with respect to seven key governance dimensions (sustainability, efficiency, effectiveness, participation, transparency, accountability and capacity).
Kamugisha-Ruhombe, J. (2007). *Forest Law Enforcement and Governance: Uganda Country Assessment and Issues Paper.* AFORNET. 59 p.;	This document provides the underlying causes of illegal logging and other crimes resulting from breakdown of rule of law, escalating corruption, political interference, population movements, shifting government position on forestry among others. It also talks about inadequate capacity and weak inter-agency cooperation, insecurity unregulated trans-boundary forest management and trade.
Mwebaza, R and Kotzé, L J., (2009). *Environmental governance and climate change in Africa: Legal perspectives;*	This document covers the impact of climate change in East Africa, gender roles, land degradation and climate change in addition to climate change and informal institutions in the Lake Victoria Basin. It also looks at adaptation policies in Africa with specific reference to regulatory mechanisms for implementing renewable energy projects in Uganda

Namirembe S., (2011). *Forest Carbon Partnership Facility (FCPF) – Readiness Preparation Proposal. Component 2a: Assessment of land use, forest policy and governance.*	This document provides an elaboration of actions for addressing the drivers of deforestation and forest degradation; development of practices for sustainable management of forests and conservation of forest stocks; implementation of Uganda's REDD-Plus Strategy; development of MRV for REDD-Plus activities; and strengthening national and institutional capacities for participation in REDD-Plus.
Banana, A.Y., Vogt, N.D., Bahati, J. & Gombya-Ssembajjwe, W. (2007). *Decentralised governance and ecological health: Why local institutions fail to moderate deforestation in Mpigi district of Uganda. Scientific Research and Essay* 2(10): 434-445.	This provides outcomes of decentralization policies on the delivery of forestry sector services and ecological health that have remained ambiguous. This paper provides an investigation of the effectiveness of local institutions crafted during the implementation of decentralization reforms of the mid-1990s in Mpigi District of Uganda to moderate forest degradation. The paper observes cases of both institutional success and failure in forestry management within the district following the decentralization reforms suggesting that decentralization of authority over forests to local user groups, traditional leaders, or officials of local governments may not always produce incentives to prevent a decline in forest extent or condition in the entire landscape. The outcomes of decentralization reforms in the forest sector may be more a function of factors such as 1) the nature of the forests, location, patchiness, and production of external environmental goods and services; 2) the level and strength of market signals for both forest products and crops grown on forest soils; and 3) the diversity of stakeholders and their values and dependence on specific extents and condition of the forest patch.
IIED, (2002), *International Institute for Environment and Development, World Wildlife Fund, and World Bank. 2002. The Pyramid - A diagnostic and planning tool for good forest governance*.	This document addresses challenges and realities in managing forest across the globe. It details the proposed world bank actions, the implementation modalities with a focus on building effective partnerships, incentives, selectivity and deliverables

Kiyingi, Gaster. (2010). *"Forest Governance Reforms in Uganda,"* *Draft Workshop Report,* PROFOR, Washington, DC.	The workshop was intended to pilot a questionnaire containing indicators for forest governance and thus establishing the baseline situation in Uganda and gaining feedback on the quality of the questionnaire; was intended to encourage exchange of views on governance issues among a wide range of stakeholders; and to identify governance areas that need to be improved as well as prioritising governance reform actions to be undertaken. The key outputs of the workshop include a baseline evaluation of forest governance in Uganda, a list of priority areas for reform, with the principal actors identified; and a critique of the questionnaire as a governance evaluation tool.
Moyini, Y. (2008). *The Economic Valuation of the proposed degazettement of Mabira Central Forest Reserve*, Kampala, Uganda.	The Government of Uganda received and tabled to parliament for discussion a proposal to degazette and change the land use of part of Mabira Central Forest Reserve to sugar cane production. The proposal proved very contentious and resulted in civil unrest and a raging debate on the merits and demerits of the proposed land use change. Whereas those in favour of degazettement have been quite eloquent in enumerating the economic benefits of sugarcane growing, the pro-conservation groups have largely focused on the physical side of the argument and presented little economic data to support their arguments. The purpose of this study was to assess and compare the economic implications of the two competing land use options.
Naluwairo, R.; and Amumpire, A.; (2017) *Enhancing Access to Justice in Uganda's Forestry Sector : A Comparative Study of Uganda and Tanzania.* ACODE Policy Research Series No 82,2017. Kampala	The paper examines the frameworks and practices of access to justice in the forestry sectors in Tanzania and Uganda.

Oksanen, Tapani, Michael Gachanja, and Anni Blasten. (2011). *"Strategy Note for Forest Governance Reform in Kenya for the 'Miti Mingi Maisha Bora—Support to Forest Sector Reform in Kenya' (MMMB) Programme,"* Helsinki: Indufor.	This report is the result of the second phase of the "Governance Assessment of the Forestry Sector in Kenya". The objective of the assessment was to analyse the main challenges and strengths of Kenyan forest governance and the way in which the Miti Mingi Maisha Bora (MMMB) programme can address the analysed governance issues and support them by operational activities. The assessment was carried out against the five major building blocks of good forest governance and their principal components, as defined by the World Bank (World Bank 2009): 1. transparency, accountability and public participation; 2. stability of forest institutions and conflict management; 3. quality of forest administration; 4. coherence of forest legislation and rule of law; and 5. Economic efficiency, equity and incentives.
Scheliha (eds.). (2012). *Moving Forward with Forest Governance.* Tropenbos International, Wageningen.	Available online: _www.tropenbos. org/publications/ etfrn+news+53: +moving+forward+with+forest+governance_. In this document, look out for the following: – Forest governance: mainstream and critical views, – Governance and large-scale investments in forested landscapes – Interactive forest governance for conflict management in Ghana – Forest governance in DRC: artisanal logging – Governance of non-timber forest products in the Congo Basin – Governance of biological and genetic resources – The impact of REDD on forest governance – Gender and REDD+ road maps in Cameroon, Ghana and Uganda – The Guate Carbon initiative and REDD+ readiness in Guatemala – REDD+ and forest governance in Nepal
White; S. (2012), *National Timber Trade and FLEGT Solutions for Uganda,* Worldwide Fund for Nature - Uganda Country Office.	The National Timber Trade Study established that timber trade is not consistently regulated. There is inadequate law enforcement. Systems of tracking of timber are not working. There is massive tax evasions and uncoordinated institutional responses. The study also established that illegal timber trade stands at 80% causing an estimated annual financial loss of 23 Billion Uganda Shillings through unpaid taxes. Much as these losses are mind-boggling. There is need for concerted efforts a starting point to improve and revitalize timber tracking mechanisms, promote accountability and transparency in the industry, ensure update of databases to enable planning and forecasting of timber resources, influence the public and institutional procurement, policies to shut out illegal timber procurement and strengthen mandated institutions to perform effectively.

ABOUT THE AUTHORS

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About ACODE

ACODE is an independent public policy research and advocacy think tank registered in Uganda. Its mission is to make public policies work for people by engaging in contemporary public policy research, community empowerment to demand for improved service delivery and advocacy. ACODE has for the last four consecutive years been ranked in the Global Go To Think Tank Index as one of the top think tanks in the world.