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ADVOCATES COALITION FOR DEVELOPMENT AND ENVIRONMENT

BENEFIT SHARING IN THE FORESTRY SECTOR IN UGANDA, KENYA AND TANZANIA: STATUS, LESSONS AND RECOMMENDATIONS FOR UGANDA

Robert Nabanyumya | Onesmus Mugyenyi
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List Of Acronyms

ACODE	-	Advocates Coalition for Development and Environment
CBFM	-	Community Based Forest Management
CFM	-	Collaborative Forest Management
JFM	-	Joint Forest Management
NGOs	-	Non-Governmental Organizations
PES	-	Payment for Environment services
PFM	-	Participatory Forest Management
REDD+	-	Reducing emissions through deforestation and forest degradation, conservation sustainable management of forests and enhancement of forest carbon stocks
UFGLG	-	Uganda Forest Governance Learning Group

1. Introduction

There is international consensus that sharing of benefits from natural resources like forests is a key tool that can be used to promote both sustainable management of natural resources and improve livelihoods of natural resource adjacent communities. Effective benefit sharing provides incentives (in form of monetary and non-monetary benefits) for the local communities to engage in sustainable management of the forest resources. The benefits like access to some resources and money also contribute to the well-being of beneficiaries.

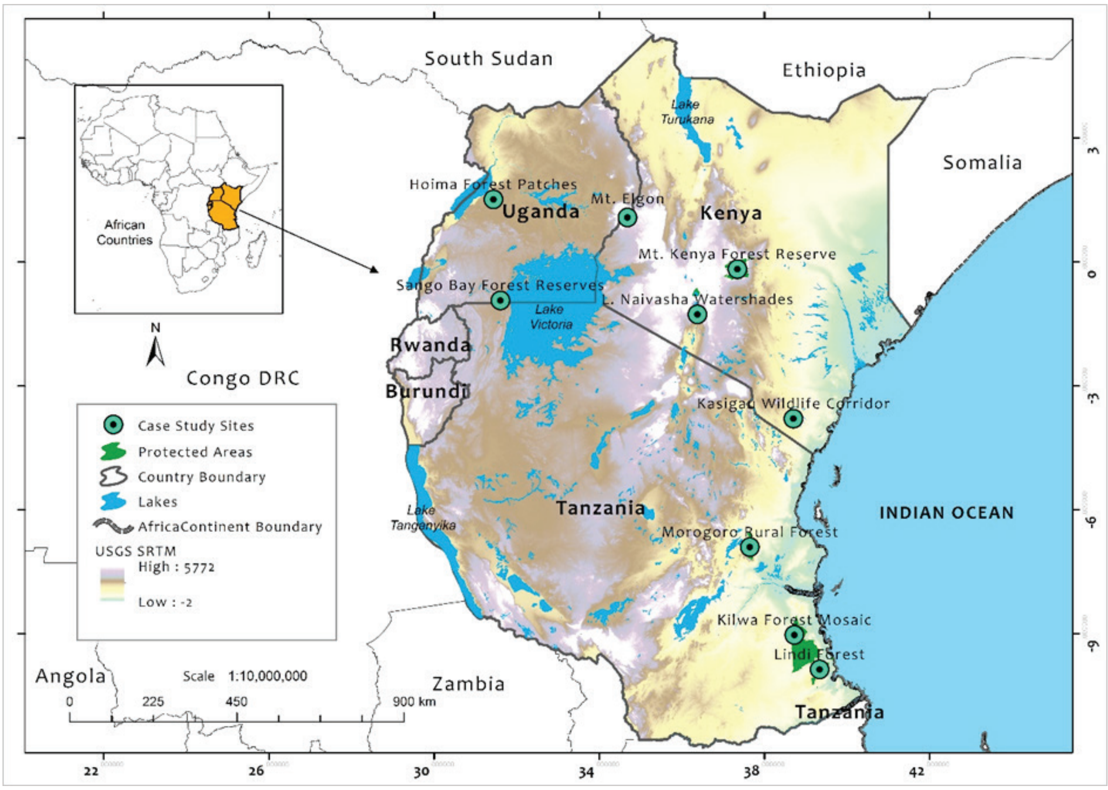
Benefit-sharing to achieve the objectives of sustainable natural resource management and improved community livelihoods is largely dependent on the policies, approaches, programmes and institutions put in place for that purpose. In East Africa, the issue of forest benefit sharing is discussed by policymakers, academics and local communities, but there has not been any comparative analysis of national forestry policies, legal frameworks and approaches. There is also little information about the extent to which benefit sharing arrangements in the East African countries has contributed to improving livelihoods and sustainable management of the forest resources. Against this backdrop, the Advocates Coalition for Development and Environment (ACODE) in 2016 in collaboration with the Uganda Forest Governance Learning Group (UFGLG) commissioned a comparative study in Uganda, Kenya and Tanzania.

The overall objective of this study was to evaluate the effectiveness of the policy and legislative frameworks for benefit sharing in the forest-sector in the three East African countries with the aim of identifying challenges and weaknesses to be addressed at policy and implementation levels to enhance forest governance for sustainable forest management and improved community livelihoods. The study had 5 specific objectives:

1. To comparatively review the robustness and relevance of the existing policy, legal and institutional frameworks for benefit sharing in the forest sectors in Uganda, Kenya and Tanzania
2. To evaluate the effectiveness of the benefit sharing towards sustainable forest management and improved community livelihoods in the three East African countries
3. To identify existing policy, legislative and institutional gaps as well as current implementation challenges of benefit sharing that should be addressed to achieve forest conservation goals and improved forest dependent community livelihoods
4. To identify best practices and lessons for Uganda
5. To make relevant and feasible recommendations for improving the benefit sharing regimes in the forest sector in Uganda in particular and East Africa in general that

will lead to sustainable forest management and improved livelihoods for forest dependent and adjacent communities.

This study was undertaken from the vintage point of cases of selected forests in Uganda, Kenya and Tanzania in 2016. The forests included: Sango Bay, Mt. Elgon and Hoima forest patches in Uganda; Mt. Kenya forest, Kasigau forest corridor and the Lake Naivasha watershed catchment in Kenya; and, Kilwa, Morogoro rural and Lindi forests in Tanzania.



Map of East Africa showing sites

The study sites were chosen with focus on forests where benefit sharing was being practiced under three forest benefit sharing regimes, namely; (i) Participatory Forest Management (PFM), (ii) Payment for Environment services (PES) and (iii) Reducing Emissions from Deforestation and Forest Degradation (REDD+) in each of the countries. At country level, the choice of sites was based on a comparative assessment of the sites in terms of how well they had been studied and the period of the benefit sharing arrangements.

In doing the study, a case study research approach was followed. The main aim for using this approach was to benefit from the in-depth analysis of benefit sharing issues within the forest sector using experiences at particular sites. The methodology also involved a) a review of the literature on forest benefit sharing practices (PFM, PES and REDD+) in the three countries, and b) primary data collection through key informant interviews, a survey (using questionnaires) and consultations with stakeholders at national and regional levels. The survey was done with randomly selected natives adjacent to selected forests. The interviews and consultations were held with key individuals from forest agencies, ministries, Local Government forest departments, wildlife agencies, and civil society to generate information and triangulate with what was provided in the questionnaires. Meetings at the national level were held to document perspectives on benefit sharing arrangements. The survey was administered to members of the forest neighbouring communities that depended on the forests. A total of three hundred and ninety one (391) households adjacent to the forests were sampled - 90 in Kenya, 114 in Tanzania and 187 in Uganda. Forty-eight per cent respondents were from Uganda, followed by Tanzania with 29% and Kenya with 23%. In the Ugandan sample, the majority (89%) of the respondents were male.

This policy briefing paper presents a summary of the major findings and recommendations especially as they relate to Uganda.

2. Major Findings

2.1. Policy, legislative and institutional gaps and implementation challenges

Although there are some provisions on benefit sharing in the different instruments, Uganda's forest legal and policy framework is weak with respect to the question of benefit sharing. This is worsened by the institutional gaps and implementation challenges. The major policy, legislative and institutional gaps and implementation challenges include: lack of a comprehensive policy on costs and benefit sharing with clear mechanisms and approaches for benefit sharing; lack of benefit sharing guidelines to guide the effective implementation of existing legal and policy provisions; lack of full information on the benefits available for sharing; weak community institutions that cannot negotiate for adequate benefits and enforce their rights; weak linkages of government institutional framework with other stakeholders; limited participation of communities in benefit-sharing decision-making processes; unwillingness by the forest authorities to give real power or authority for forest management to the local communities; and in the context of collaborative forest management arrangements, Governments transferring their role and responsibilities to forest adjacent communities without enough support and corresponding benefits.

2.2 Effectiveness of the benefit sharing in ensuring sustainable forest management and improved community livelihoods

The benefit sharing taking place in Uganda has not had any significant impact on both the livelihoods of people and the forests. The benefit sharing arrangements and processes in their current form are ineffective to ensure sustainable forest management and improved community livelihoods. There is need for serious adjustment. Although the forest adjacent communities receive some benefits, they don't feel they are adequate. The poor people, who constitute the majority of those who live near the forests, are getting mainly firewood, herbal medicines, crafts materials, etc. for domestic consumption as benefits. These are not giving enough incentive to communities to focus on conservation as observed from their responses when asked about their perceptions to benefit sharing. The communities know that valuable forests products like timber and land for tree planting are often enjoyed by those who are relatively better off, usually well connected politically and socially, often staying far away from the forest, and thus removed from the threats to livelihoods that originate from the forest e.g. crop raiding, human injury and insecurity.

Impact of benefit sharing on livelihoods is perceived as insufficient because the anticipated increased incomes are unrealized and do not reflect any investment in changed lifestyles e.g. investments in economic activities such as local transport and small medium enterprises. Only a few respondents cited impacts tied to food security and change in nutrition habits, helping to maintain healthy households.

2.3 Best practices and key lessons for Uganda

One of the best practices and lesson for Uganda from Tanzania is the ***Dividends approach***. In Kilwa for instance, benefits are directly passed on to the communities for sharing; not to local Governments or any other entity to decide the developments. The key steps within the community to effect the sharing of benefits are:

1. The village members meet in a village assembly (meeting of all villagers over the age of 18);
2. Sub-village leaders compile lists of eligible residents;
3. There is a village revenue sharing committee, and the secretary to the committee compiles the completed lists of all village members into one registry book;
4. The revenue sharing committee meets to develop budgets for village development and conservation activities. The committee also calculates the dividends by dividing all forest revenue from that year by the number of eligible residents; committee calculates cost of each development and conservation activity;
5. The village assembly meets and the revenue sharing committee presents the village forest revenue for the year. The committee presents the dividends and proposed cuts for dividends for each development and conservation activity. The village assembly votes on each proposed activity and unpopular activities are adjusted or removed; and
6. On the dividend payment day, payments are organized by sub-village and shared out as agreed.

The advantages of this approach is that individuals directly benefit and this increases the sense of community wide ownership over the forest; community members take more interest in deciding on which projects to fund; and are more likely to hold village leaders responsible for implementing the selected projects. The dividend approach provides a rare opportunity for government and civil society to reach nearly all village members; and fosters rural development. Where benefit sharing mechanisms are decided by the communities, the attitudes to forest protection are positive such as in Kilwa and Lindi. This is a lesson and so Uganda needs to strengthen village level institutional structures and also provide guidelines for such benefit sharing. This will create a sense of ownership and responsibility. The dividend approach in Tanzania that allows benefits to filter to individuals provided an insight into the extent of motivation to communities.

From within Uganda, the revenue sharing mechanism in the wildlife sector also offers good lessons that can be used to improve benefit-sharing in the forest sector. In the wildlife sector, the wildlife protected areas adjacent communities share in the monetary benefits (i.e. park entrance fees) through the local governments. Section 69 (4) of the Uganda Wildlife Act Cap 200 states: "The board shall, subject to Section 22 (3), pay 20 per cent of the park entry fees collected from a wildlife protected area to the Local Government of the area surrounding the wildlife protected area from which the fees were collected". The Uganda Wildlife Act is operationalized by the Uganda Wildlife Authority Revenue Sharing Guidelines (2012). These guidelines identify the tripartite aims of benefit sharing as: providing an enabling environment for establishing good relations between the protected areas and their neighbouring local communities, demonstrating the economic value of protected areas and conservation in general to communities neighbouring protected areas, and, strengthening the support and acceptance for Protected Areas (PAs) and conservation activities from communities living adjacent to these areas. The Guidelines also provide the criteria for selection of community projects to fund using the money received. The criteria are comprised of two parts: i) contribution to reduction of human-wildlife conflict; and ii) contribution to improvement of livelihoods of households in frontline Local Council ones (LCIs).

Since PAs are usually surrounded by multiple Local Government units, a PA perimeter, individual local government's share of the 20% gate collections is determined by the extent to which that local government's boundary touches a protected area boundary and by the extent to which that Local Government's jurisdiction contributes to the total population of all frontline parishes adjacent the Protected Area. The boundary proportions are computed in a GIS environment, while population proportions for respective districts and sub counties adjoining respective PAs are based on authentic and verifiable population statistics obtainable from district population offices and Uganda Bureau of Statistics (UBOS).

Other lessons for Uganda include: the need for deliberate capacity building at all levels for the people and institutions involved in benefit sharing especially the community stakeholders and institutions; and the need for benefit-sharing processes to be transparent and participatory.

3. Conclusion and Recommendations

The major purpose of this policy briefing paper is to present findings and recommendations of the comparative study on benefit sharing in Uganda, Kenya and Tanzania. In Uganda, it is apparent that although there is some benefit sharing taking place between the forest mandated agencies and forest adjacent communities; the contribution of the benefit-sharing arrangements towards sustainable forest management and community livelihoods is very minimal. The effectiveness of the benefit sharing arrangements is affected by a number of challenges including lack of a comprehensive natural resources cost and benefit-sharing policy; weak community institutions; weak linkages of government institutional framework with other stakeholders; limited community participation in decision-making, and overloading forest adjacent communities with forest management responsibilities without corresponding support and benefits. These and other challenges have combined to make benefit sharing processes in Uganda, Kenya and Tanzania ineffective. The lessons for Uganda from Tanzania and Kenya have been given. Additional to these lessons, the following recommendations are important for improving benefit-sharing arrangements in Uganda to ensure that they significantly contribute to sustainable forest management and community livelihoods.

- The Ministry of Water and Environment should develop and implement a comprehensive natural resource cost and benefit sharing policy with enabling legislation with clear mechanisms for benefit sharing. Kenya has a draft in place and in Tanzania, discussions are on-going.
- The Ministry of Water and Environment under the guidance of the Forest Sector Support Department (FSSD) should develop and implement a robust set of benefit sharing guidelines to operationalize the existing policy provisions for benefit sharing. While the National Forest Authority (NFA) is currently taking lead on the development of the Benefit-Sharing Guidelines in central forest reserves, there is need for the ministry to develop comprehensive Guidelines.
- FSSD and the NFA should build and enhance the capacity of all stakeholders' especially local communities and institutions. At community level, capacity building is needed to empower communities to effectively negotiate and enforce their rights. In addition to tailor-made trainings, capacity building should include exchange visits to Tanzania, particularly to the sites that are implementing the "*dividend approach*" to evaluate how to domesticate that approach to Uganda. Real situations indicate that where communities have undergone effective capacity building, better conservation approaches have been adopted with changed attitudes and transparency towards conservation and increasing sense of benefit/equity amongst poor men and women.

- The Ministry of Water and Environment should establish monitoring frameworks for the benefit sharing arrangements. This is important for measuring successes and early detection of challenges that need to be addressed.
- In any collaborative forest management/arrangement, transfer of responsibilities to local communities should be accompanied with tangible benefits to create incentives for community participation.

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