



REPORT OF PROCEEDINGS

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ABSTRACT

The 66th STON was organised by the Advocates Coalition for Development and Environment (ACODE) in partnership with CARE Uganda, Ministry of Water and Environment, National Forestry Authority and Operation Wealth Creation (OWC). It was organised against the backdrop of the rapid loss of Uganda's forest cover, proposals to degazette urban forest reserves, and the increasing forest crimes and illegalities including the trend of issuance of personal land titles in central forest reserves. Duty bearers, political leaders and security operatives are increasingly

being implicated in these crimes and illegalities. The candid discussions and interrogations that took place led to a number of recommendations that different actors should take to save Uganda from the curse of finding itself with no forests in the near future. Key among the recommendations include cancellation of all land titles in forest reserves and publication of the cancelled titles, investigation of the illegalities in forestry sector by IGG, lifting of the Presidential Order against evictions from forests reserves and strengthening the Environmental Protection Police Unit

INTRODUCTION

This dialogue report is for the 66th State of the Nation (STON) platform that focused on the emerging crisis in Uganda's forestry sub –sector. The platform brought together individual leaders, professionals in the forestry sector, the private sector, civil society, media and other interest groups to an honest, focused and bipartisan discourse on the emerging crisis in Uganda's forestry sub - Sector with the view to ignite and spiral this policy issues debate. This 66th STON was officially opened by Hon. Mary Kitutu- Minister of State for Environment. It was closed by Hon. Percis Namuganza – the Minister of State for Lands. The Key Speakers were Mr. Gershom Onyango - Chairperson National Forestry Authority, Col. Mulindwa- Operation Wealth Creation, Mr Gaster Kiyangi - CEO Tree Talk and Mr. Senyonga Derick from the Climate Change Department. The discussion panel was comprised of Mr Micheal Mugisa- Executive Director National Forestry Authority and Mr. Dennis Obbo – spokesperson Ministry of Lands, Housing and Urban Development.

The overall objective of the 66th STON was to provide an opportunity for stakeholders to discuss the issues behind the emerging crisis in Uganda's forests and come up with innovative ways of addressing them. The specific objectives were:

1. To provide a platform for STON members and other invited guests to understand the state of forests in Uganda and its implications for the present and future generations;
2. To provide a platform for the main duty bearers to share the challenges they are facing in managing the country's forest resources and the steps they are taking to address the emerging crisis in Uganda's forests;
3. To provide platform for STON members and other invited guests opportunity to interrogate the underlying issues behind the emerging forest crisis in Uganda; and
4. To generate alternative options for addressing the emerging crisis in Uganda's forests.

In addition to the STON members, the platform brought together representatives of: the Ministry of Water and Environment; Ministry of Lands, Housing and Urban Development; the Forest Sector Support Department; National Forestry Authority; District Forest Services; Members of Parliament; Resident District Commissioners; Civil Society Organisations; political parties; development partners; private sector, academia; and media.

This report summarises the issues and recommendations that emerged. The report is divided into 5 sections. Section I is the introduction. Section II is the background. Section III gives a highlight of the Presentations that were made. Section IV gives a highlight of the major steps that Government is taking to address the crisis in the forestry sector. Section V summarises the major issues and recommendations that emerged from the presentations, panel discussion and the plenary.

BACKGROUND

In the last two decades, Uganda has carried out many policy, legal and institutional reforms aimed at promoting the conservation and sustainable use of the country's forest resources. Key among the reforms include putting in place the National Forestry Policy in 2001; enactment of the National Forestry and Tree Planting Act in 2003; and putting in place new institutional arrangements especially the Forest Sector Support Department, the National Forestry Authority, and the District Forestry Services. Over this period, the Government of Uganda and its development partners have also invested significant financial resources in the forestry sector in form of programme and project funding. To address the question of law enforcement in the forestry and other Environment sub-sectors, Government also established the Environmental Protection Police Unit (EPPU).

Despite these interventions, Uganda continues to lose forest cover at a very alarming rate. The rate of tree planting and forest restoration is not matching the rate deforestation and forest degradation. Although for many years, it was reported that Uganda was losing approximately 90,000 hectares of forest cover annually,¹ recent studies indicate that forest cover loss has increased to now an estimated 200,000 hectares annually.² Unless serious interventions are made, this means that in the next 40 years, Uganda may not have any forests left. Imagine a country without forests!

'Man cannot live without the environment, development cannot take place without the environment, and poverty cannot be reduced without the environment' as stated by Col Mulindwa Operation Wealth Creation

Given the role that forests play in Uganda including providing employment and livelihood to citizens, and supporting other sectors like agriculture, water, energy, tourism, health etc., the continued rapid loss of forest cover has serious implications for national growth, development and the livelihood security of many Ugandans. In fact, with the current trend of deforestation and forest degradation, it is highly unlikely that Uganda will achieve its Vision 2040 and the objectives of other Government interventions such as Operation Wealth Creation. Arguably, without forests, it is also fool-hardy to talk of Uganda becoming a middle income country by 2020.

¹ See for instance The Republic of Uganda (2011), The National Forest Plan 2011/12-2021/22, Ministry of Water and Environment, Kampala.

² Onyango G (2015), State of Uganda's Forestry 2015, Report Prepared for FSSD, Ministry of Water and Environment, Kampala.

For the most part, the increasing deforestation and forest degradation is attributed to governance-related issues most of which point to an emerging crisis in the forestry sector. Enforcement of forestry policies, laws, regulations and standards stands out as one of the major factors undermining effectiveness and efficiency in the management of Uganda's forest resources. As a result, forest crimes and illegalities such as illegal timber cutting and trade, illegal charcoal burning, connivance and non-compliance with licences are on the increase. It is against this background that ACODE and its partners thought to engage different stakeholders and actors to come-up with lasting solutions for solving the issues behind the emerging crisis in Uganda's forests.

PRESENTATIONS

- **Highlights from the Opening Speech of Hon. Mary Kitutu - the Minister of State for Environment**



The 66th STON was officially opened by Hon. Dr. Kitutu, Minister of State for Environment. Hon. Kitutu conceded that what was happening with and in Uganda's forests was getting to crisis level but that Government was taking serious measures to address the underlying issues. She Shared the Ministry of Water and Environment's limitations in addressing the challenges in the forest sub-sector including the limited funding; institutional weaknesses, corruption and weak enforcement mechanisms.

She commended the concern that organizations like ACODE, CARE Uganda and the general public have for forests. She revealed that Government was rethinking the Governance of Uganda's forests since the reforms of early 2000 including decentralization of management of the country's forest resources was not working well .

- **Status and Trends of Uganda's Forest Cover (By Mr. Gershom Onyango)**

Before discussing the status and trends of Uganda's forest cover in the past two decades, Mr. Gershom Onyango first analysed the status of the key service delivery institutions in the forest sub-sector namely the FSSD, NFA and District Forest Services.³

³ While NFA is mandated to manage central forest reserves, DFS are responsible for management of local forest reserves and support local governments and private forest owners in managing forests.



He argued that the state of these institutions partly explains the declining forest cover and emerging crisis in the sub-sector. He for instance pointed out that FSSD which is the technical arm supposed to coordinate and oversee policy issues was operating at a staffing level of only 19 per cent.

For DFS, he pointed out that while they are mandated to manage over 70 per cent of the forest estate in Uganda, they are inadequately staffed, inadequately funded and lack basic facilities. In some district, the DFS have only one staff i.e., the DFO who also serves several other overlapping mandates e.g. a District Natural Resources Officer and or District Environment Officer. Districts without forests have no DFOs, meaning that persons who may want to access forestry services find it difficult. In many districts, the DFOs and other staff of the DFS do not have adequate facilities and in most cases use public transport which affects their efficiency. Because of such challenges which affect the supervision and timely response, he pointed out that it was not surprising that most of the forest cover loss in the country is in areas under the mandate of DFS. With respect to NFA, he pointed out that while it is fairly well staffed compared to FSSD and the DFS, it has failed to attain self-sustaining financial status and lacks adequate field logistics like the means of transport.

He also emphasised that the EPPU only has about 60 officers who share one vehicle which makes it difficult for them to ensure effective enforcement of the laws. All these issues affect the effectiveness of the NFA. With respect to the status and trend of forest cover, Mr. Onyango observed that the introduction of new institutions and other reforms seem to have worsened the rate of deforestation and forest degradation. He pointed out that Uganda's forest cover shrunk from 4.9 million hectares (24% total land area) in 1990 to 1.8 million hectares (9% of total land area) in 2015. Between 1990 and 2000 during the Forest Department Era, the annual rate of forest loss was around 86,000 hectares but between 2005 and 2015, the annual rate of forest loss was rose to 174, 000 hectares. He emphasised that most forest cover loss is from

areas under Local Government operations. The table below summarises the status and trend of Uganda's forest cover including both protected forests and private forests

Table 1: Forest Cover Change 1990-2015

| Forest ownership | Forest type | 1990 | 2000 | 2005 | 2010 | 2015 |
|----------------------|----------------------------|-----------|-----------|-----------|-----------|-----------|
| PRIVATE | THF well stocked | 172,274 | 127,022 | 79,789 | 50,662 | 20,439 |
| | THF degraded | 175,052 | 160,883 | 149,008 | 50,423 | 35,400 |
| | Woodland including montane | 2,971,763 | 2,258,873 | 1,948,534 | 945,221 | 605,146 |
| | Plantation | 12,000 | 7,000 | 11,000 | 19,000 | 37,000 |
| Sub total | | 3,331,090 | 2,553,778 | 2,188,331 | 1,065,306 | 697,986 |
| PROTECTED | THF well stocked | 419,456 | 549,140 | 419,972 | 431,259 | 410,449 |
| | THF degraded | 83,911 | 57,792 | 36,536 | 55,160 | 100,880 |
| | Woodland including montane | 1,028,027 | 842,756 | 907,752 | 703,113 | 556,464 |
| | Plantation | 18,000 | 15,000 | 21,000 | 38,000 | 64,000 |
| Sub total | | 1,549,394 | 1,464,688 | 1,385,260 | 1,227,532 | 1,131,793 |
| Grand total | | 4,880,484 | 4,018,466 | 3,573,597 | 2,292,838 | 1,829,779 |
| % of total land area | | 24 | 20 | 17 | 11 | 9 |

Source: extract from presentation by Mr. Gershom Onyango

Mr. Onyango ended his presentation by summarising what he considers to be the Key drivers of deforestation and forest degradation. These are: encroachment on forest reserves; misinterpretation of the Executive Orders stopping evictions in forest reserves; Illegal timber on the market;⁴ unregulated charcoal burning.⁵

⁴ About 80% of the timber on the market is said to be illegal. The annual expected taxes on timber is about \$ 11 million. Government however loses about UGX 23 billion in revenue (\$ 9.8 million) annually due to illegal timber trade and under collection of taxes.

⁵ Over 7 million tonnes of round wood is cut annually for charcoal production. About 463,400 tonnes of charcoal valued at UGX 141 bn. (\$79mil) are consumed annually in Uganda's urban centres.

- **Implications of the Declining Forest Cover for National Security and Wealth Creation (By Col. Mulindwa on behalf of Gen. Akandwanaho Salim Saleh)**



Col. Mulindwa started his presentation by describing what was happening with Uganda's forests as absolute carnage. He pointed out that Operation Wealth Creation (OWC)'s major objective is to address impoverishment through enhancing individual and household domestic incomes. He stated that OWC recognises forests as an economic means for wealth creation and source of livelihood security and was very concerned about the high rate of deforestation and forest degradation.

He emphasised that forest destruction affects climate which in turn impacts on agriculture on which majority of Uganda's citizens depend for income and livelihood security. He stressed that OWC recognises poverty as one of the major causes of forest destruction and that that was why OWC focuses on getting people out of poverty so as to save forests and other natural resources. He concluded by assuring the participants that OWC supports and will continue to promote tree planting, reforestation and afforestation as a means of increasing citizens opportunities for wealth creation and protection of the environment.

- **The magnitude of the crisis in Uganda's forestry sector (By Mr. Gaster Kiyingi)**

According to Mr. Gaster Kiyingi, the crisis in the forestry sector is largely due to the power of politics and how it plays out in the sector. He used a case study approach to demonstrate power and politics in the forest sector and the magnitude of the problem.

Misuse of licences and permits: A case in point is Ms. Virco Holdings. The NFA Board of Directors directed NFA's senior management team to issue a licence to Ms Virco Holdings to establish a timber drying plant and a modern artisan training centre. Accordingly, one hectare of land on the Nakawa CFR was leased to this investor. However, instead of setting up the timber drying plant, the investor acquired a freehold title to this land with the assistance of top politicians and instead set up a supermarket. This is absolute abuse of the lease and licence. Although the Executive Director NFA informed participants that NFA instituted a court case against Virco Holdings, participants were concerned that it took long for NFA to do that and that the court process was also taking too long.

The process of issuing this licence did not follow the required procedures; no advertisement contrary to PPDA procedures, no competitive bidding and minimal licence fees. On July 29th 2008, the President, issued a directive stopping issuance



of permits and licences in forest reserves. However, NFA officials signed the contract with Ms Virco Holdings on the 21st and 22nd August 2008 contrary to this directive. This depicts the prevailing corruption in the forestry sector; money exchanges hands.

Illegal issuance of licences and permits: For instance, in the case of Ms. Virco Holdings highlighted above, the process of issuing the licence did not follow the required procedures; contrary to PPDA procedures, no advertisement was made and the bidding was not competitive at all. The licence to Ms. Virco Holdings was also issued at a time when there was a Presidential directive stopping issuance of permits and licences in forest reserves. Another case of illegal issuance of licences and permits is when Adjumani District Local Government issued licences for the sale of a total of 1,570 cubic metres of Mvule and Mahogany to Wood and Living Co. Ltd and others at an under-valued rate of UGX 100,000 per cubic meter and when it knew it did not have those quantities. Adjumani District Local Government further exaggerated available volumes of merchantable timber to 60,000 cubic meters to convince the company to pay.

Illegal degazettement of forest reserves and issuance of land titles in forest reserves: The case in point is the dispute over part of Bugoma CFR where on advise of the Uganda Land Commission, Bunyoro kingdom was issued freehold land title over part of Bugoma CFR. Although the Minister of State for Lands reported that the title had since been cancelled, the issue of how a freehold land title could be issued to the Omukama yet the forest or part of it had never been degazzatted



remains a puzzling one to many citizens. Another case in point is Nonve CFR in Wakiso district, where it was reported that approximately 600 acres was converted to freehold without following due process. Area land committees are involved in this crisis of issuing titles in reserves.

Defiance and non-implementation of court orders and decisions: A case in point is Butamira CFR where ACODE successfully got court ruling against the illegal degazettement of the forest for sugar cane growing by Madivani. To-date the order has never been enforced and CFR is now a sugar cane plantation.

Involvement of NFA and DFS staff and senior army and police officers and leaders: Mr. Kiyingi pointed out that the crisis is epitomised by the fact that duty bearers like staff of NFA and DFS and high ranking Government officers in the Uganda Peoples' Defence Forces, Uganda Police, Resident District Commissioners and local and national leaders are implicated in forest illegalities like encroachment on protected forest land and illegal tree cutting and timber trade. A case in point is what is happening in Zoka CFR where many such officials have been implicated as fuelling the destruction of the forest.

Poor Institutional coordination: For instance the disagreement between FSSD and NFA over degazettement of urban forests. FSSD is against this move and instead supports utilising urban forests as urban greens/recreation centres while NFA is supporting District Local Governments in the pursuit of the degazettement of urban forests. FSSD accuses NFA of conniving with the District Local Governments to push for degazettement with individual chauvinistic interests. This portrays the lack of common ground on forestry concerns between NFA and FSSD.

- **Overview of Uganda's National Climate Change Agenda (By Mr. Erick Senyonga)**

Mr. Senyonga started his presentation by partly attributing the climate changes in Uganda to the rapid loss of forest and tree cover. He summarized the effects of climate change to include increased frequency and intensity of drought in leading to water shortages, crop failure and a reduction in grazing potential and the increased episodes of heavy rainfall shifting seasonality and flooding leading to crop loss, soil erosion, land degradation, diseases and infrastructure damage. He highlighted some of the major achievements of the Climate Change Department including: integrating climate change into the National Development Plan and Uganda's Vision 2040; adoption of the National Climate Change Policy and its coasted implementation strategy; integration of climate change content into the upper primary education curriculum in advanced stages; adoption of a National Adaptation Programme of Action and establishment of a National Climate Change Resource Centre. He ended his presentation by highlighting the major climate change agenda issues that need to be fast-tracked. These include enactment of the National Climate Change law; finalization of the Climate Change Actors Landscape; Initializing the National Adaption Plan; finalization of the Climate Change Performance Measurement Framework; finalization of Uganda's Green Growth Development Strategy.

MAJOR STEPS GOVERNMENT IS TAKING TO DEAL WITH THE EMERGING CRISIS IN THE FORESTRY SECTOR

From the two State Ministers that participated in the 66th STON and other Government officials, it became clear that Government was taking some steps towards addressing the emerging crisis in the forestry sector. The following stood out as some of the important steps that Government was taking.

- Cancellation of land titles in forest reserves including the one originally given to Omukama of Bunyoro Kingdom over part of Bugoma CFR
- Investigations into forest illegalities in ZOKA CFR. The investigations are overseen by the Prime-Minister's office
- Inclusion of a forest layer in the Land Information System developed by the Ministry of Lands, Housing and Urban Development to stop issuance of land titles in forest reserves
- Prosecution and institution of court cases such as the one against Ms. Virco Holdings in respect of Nakawa CFR
- Surveying and marking of the boundaries of CFRs
- Recruitment of more lawyers and prosecutors by NFA
- NFA partnering with CSOs and corporate entities to plant trees
- Establishment of industrial plantations and community tree planting

EMERGING ISSUES AND RECOMMENDATIONS

1. The need to strengthen the Environmental Protection Police Unit

Currently, the EPPU is constituted of only 60 police officers and lacks adequate facilities to carry out their work effectively. Government should therefore strengthen the EPPU by increasing on the number of police officers in the EPPU and providing them with adequate field operational equipment like cars, motorcycles and ammunition.

2. Revision of penalties for forest crimes

Weak penalties for forest crimes is part of the problem escalating the crisis in the forest sector. The current penalties are not punitive enough and are not commensurate to the economic value of the forest crimes. FSSD should therefore spearhead the process to revise the penalties for forest crimes to make sure that they are punitive enough.

3. Investigation of illegalities in forestry sector by IGG

The Inspector General of Government should take keen interest and investigate the illegalities happening in the forest sector. Those implicated should be prosecuted and punished severely. There is sufficient evidence

from works of organisations like WENET, Panos East Africa and ACCU on which the IGG can start its work.

4. Cancellation of all titles in forest reserves and publication of the cancellations

All titles in forest reserves should be cancelled. The cancelled titles should then be made public with the relevant details published in the Media. The FOREST Programme Partners like ACODE, ACCU and CARE Uganda are ready to support Government in publishing the cancelled titles.

5. Surveying and boundary marking of forest reserves

Surveying and boundary marking of forest reserves should be taken as a priority if Government is serious about protection of the country's forest resources. This should be done in partnership between and among the forestry mandated institutions, the Ministry of Lands, Housing & Urban Development and the District Local Governments. The layers of forest cover should be part of the Land Information System housed at the Ministry of Lands, Housing & Urban Development.

6. Information sharing between forestry mandated institutions and Ministry of Lands

There should be frequent information sharing between the Ministry of Lands, Housing & Urban Development on one hand, and FSSD, NFA and DFS on the other.

7. Operationalize the Tree Fund

To ensure long-term, predictable and sustainable financial support towards tree planting, growing and afforestation activities generally, the operationalization of the Tree Fund as established under the National Forestry and Tree Planting Act should be fast-tracked.

8. Establishment of Forest Committees

Section 63 of the National Forestry and Tree Planting Act provides for the establishment of Forest Committees. Among the functions of these committees include advising NFA about ideas, desires and opinions of the people in the respective areas on matters relating the conservation and use of CFRs and assisting local communities to benefit from CFRs. To-date, no such committee has been established. NFA should fast-track establishment of those committees.

9. The need to strengthen the forestry mandated institutions

A number of forestry mandated institutions like the DFS are almost dysfunctional due to limited funding and staffing. Government should therefore prioritize strengthening of these institutions in terms of funds, staffing and necessary facilities to enable them carry out their mandates effectively.

10. Coordination and harmonious working relations between NFA and FSSD

FSSD and NFA should strive to work harmoniously and coordinate their efforts towards the sustainable management of Uganda's forest resources. The inconsistent and contradictory positions on various issues that keep coming from these institutions is leading to loss of public confidence and could be exploited by self-seeking individuals and institutions to worsen the emerging crisis in the sector.

11. The President should lift the Executive order stopping evictions in forest reserves

To mitigate the escalation of the crisis in the Forestry Sector, the Executive Order stopping evictions in forest reserves should be lifted and persons who settled in the reserves evicted to give way to reforestation.

12. The need to up-date the Land Information System

The information in the Land Information System should be updated to include all forest reserves.

Official Closing by Hon. Percis Namuganza, Minister of State for Lands

The 66th STON was officially closed by the State Minister for Lands Hon. Percis Namuganza. Hon. Namuganza appreciated STON for being such a vibrant platform that interrogates issues of national importance and provides possible solutions.



She reiterated the importance of forests and urgent need to ensure their sustainable utilisation. She informed participants that the land title issued to the Omukama of Bunyoro over part of Bungoma CFR was cancelled. She reiterated Government's commitment to continue cancelling any land title found not only in a forest reserve but also wetlands and other protected areas. Controversially, she informed participants that due to the need to have other regions of the country to also contribute to sugarcane production, Government was planning to degazette part of Zoka CFR for sugarcane production.

The full report on these findings can be accessed on ACODE's online information center at:

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