

Policy Context in Uganda

Paper presented on training community stakeholders on PES
8 April 2011, Hoima
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Presentation Outline

- Current policy
- Land tenure system in Uganda and their implications on PES.
- Opportunities for Land owners

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Current Policies

- PES benefit from a number of environmental policies/legislation
- Constitution of the Republic of Uganda,1995
- The Local Government Act (1997) and the Decentralization Act (1993)
- The National Environmental Management Policy (1994)
- Uganda Forestry Policy (2001)
- The Wetlands Policy (1994)
- The Wildlife Policy (1999)
- National Environment Act
- National Forestry and tree planting Act(2003)
- Land Act(1998) and proposed land policy

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Constitution of the Republic of Uganda,1995

- Guarantees the citizens a clean environment
- Entrusts the ownership, use and management of Uganda' s natural resources-wetlands, forests, land, water and air to its citizens.
- It places the responsibility for this with the government at both the national and local levels.
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The National Environmental Management Policy (1994)

- Sustainable social economic development
- Maintains or enhances environmental quality and resource productivity on a long term basis
- Meets the needs of the present generation without compromising the ability of future generations to meet their own needs
- Accommodates strategic development plans i.e. PMA and PEAP

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Policy objectives

- to integrate environmental concerns in all development policies, planning and activities at national, district and local levels with full participation of the people
- to conserve, preserve and restore ecosystems and maintain ecological processes and life support systems especially conservation of national biological diversity
- to promote increased forest production by the private sector and the communities

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Uganda Forestry Policy

- Policy's goal is an integrated forest sector
- that achieves sustainable increases in the economic, social and environmental benefits
- from forests and trees by all the people of Uganda,
- especially the poor and vulnerable

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Policy objectives

- Strengthen legal agreements between government and private investors for use of forest reserves, review forest and tree tenure rules, to encourage development of commercial forestry plantations
- Encourage small-medium-scale commercial plantation development to foster local economic benefits
- Strengthen private sector organisations to improve communications, access to market information and technical collaboration in the plantation industry.
- To develop standards of best practice for commercial plantations and disseminate these to the private sector

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The Wetlands Policy (1994)

- Policy outlines in its goal the need to
- conserve in perpetuity the rich biodiversity and natural habitats of Uganda
- in a manner that accommodates the development needs of the nation
- and the well-being of its people
- and the global community”.

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The Wildlife Policy (1999)

- Policy highlights the various systems of environmental protection in the country e.g. National Parks, Wildlife Reserves, Sanctuaries, Controlled Hunting Areas and National Forests.
- Policy states justification for biodiversity conservation as being for sustainable natural resource extraction and for tourism.

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Policy guiding principles

- conservation to identify and protect critical habitats and ecosystems;
- to monitor and protect important wildlife populations;
- to reintroduce trans-locate wildlife;
- to manage rare species for their value for tourism;
- and the need for ex-situ species conservation to assist in-situ conservation measures.

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National Env Act

- Mandates the district committees to identify areas to be targeted for afforestation and reforestation
- emphasis here is on hilly and mountainous areas

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The National Forestry and Tree Planting Act

- encouraging public participation in the management and conservation of forests and trees
- Collaborative Forest Management under which a responsible body goes into a mutually beneficial arrangement to share roles, responsibilities and benefits in a forest reserve or part of it
- establishment of private forest plantations
- all forest produce on such a private plantation forest belongs to the owner of the plantation

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NF Act

- The owner is free to use the forest produce in any manner he may determine
- Provides that any person may enter into a contractual or other agreement with the owner of a private forest for the right to harvest, purchase, or sale all or any part of the forest produce in the private forest.
- Government to extend technical services to a person involved in the development of private forests and forestry activities
- includes the provision of information, training and advice on the management of forests, the establishment and maintenance of nurseries and other facilities necessary for seeds and plants, materials, financial assistance and cooperative and liaising with other lead agencies in the management of forests and forest produce.

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The Land Act (1998)

- Provides for the formation of Communal Land Associations (CLAs) as bodies responsible for the ownership and management of communal forests.
- Forests on communal land form important wildlife corridors necessary for maintenance of viable wildlife populations as well as a source of forest products for the community.
- legislation thus gives communities the latitude to form CLAs as corporate entities that can develop common land management schemes to manage the common property.

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Land tenure

- Customary;
- Freehold;
- *Mailo*;
- Leasehold.

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Freehold

- Freehold involves the holding of registered land in perpetuity
- Enables the holder to exercise full powers of ownership of that land, including using and developing it, and obtaining any produce from it.
- Allows the title-holder to enter into any transaction in connection with the land, including selling, leasing, mortgaging or pledging, and subdividing.
- Most private forests owned by individuals and companies fall on freehold lands.

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Mailo

- *Mailo* involves the holding of registered land in perpetuity. It differs from freehold in that it permits the separation of ownership of land from the ownership of developments on land made by a lawful or *bona fide* occupant (lived on land for 12 years or more).
- It enables the holder, subject to the customary and statutory rights of those persons lawful or *bona fide* in occupation of the land, to exercise all the powers of ownership of land as that under a freehold title.
- *Mailo* tenure mainly includes large blocks of land owned by former chiefs and elders of cultural institutions.
- These people exercised jurisdiction in distant areas and in certain instances became absentee landlords.

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- The *mailo* tenure system also preserves woodlands or forests by restricting access through leasing/renting, especially where landlords are resident. This is because Individual land rights are strong and owners have both incentives and capacity to manage land and tree resources intensively (Place and Otsuka 2000).
- Because the claims to land by *bonafide* occupants or settled squatters overlap with those of the landlord (especially absentee landlords), ownership of carbon rights in forests on such land could be contested.
- While land and tree resource rights are to an extent clear and formally defined under *mailo* and freehold, these forms of land tenure have the disadvantage that they give the owners so much authority over their property that regulatory agencies can exercise only limited control

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leasehold

- Leasehold tenure is a form of tenure created either by contract or by operation of law; under which one person, namely the landlord or lessor, grants another person, namely the tenant or lessee, exclusive possession of land usually for a period defined, in return for a rent. On expiry of the lease, land tenure reverts to the lessor/landlord.

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- When land is leased, it is generally for purposes of development (agriculture or construction), which will create returns over the leasehold cycle (max 49yrs)
- In many cases there is little incentive for leaseholders to invest in forest conservation.
- Clearly defined resource rights under freehold and leasehold lands, these forms of land tenure lend themselves favourably into the land market, often for land development.
- Implementing PES on forests under these tenure systems would have very high opportunity costs and non-permanence risks.

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Customary tenure

- Customary tenure is a form of land tenure applicable to a specific area of land and a specific class of persons, and is governed by rules generally accepted as binding by the latter.
- It is applicable to any persons acquiring land in that area in accordance with those rules.
- Customary tenure is the most common form of land tenure in the rural parts of northern eastern and western Uganda.
- Land is owned at a tribal level held in trust for the people by a paramount chief in Masindi, Arua Hoima, Buliisa and entire northern region.
- Individuals only have user rights, but not rights of disposal without the permission of the chief/or leader.
- There is no clear system of registration of members who can lay claim to the land.

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- Individual tenure security seems to be dependent on active agriculture or settlement.
- Land is generally not officially surveyed or registered. Boundaries (marked by natural features such as trees, rivers, valleys etc.) often demarcate only the utilized (agriculture and settlement) part of the land and are mutually known among neighbors

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- Although the 1998 Land Act recognizes customary tenure and the fact that it is governed by traditional laws, the Act gave administrative power to modern institutions, stipulating issuance of Certificates of Customary Ownership (CCOs) as proof of ownership.
- The use of forests and woodlands is virtually open-access, and there is no incentive for an individual to invest in sustainable practices (Kamanyire). As such, expected profits from woodlands are low and there are strong benefits from conversion to private tenure and agriculture (Place and Otsuka 2000).

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Opportunities for land owners

- Carbon trading
- Watershed management
- Wildlife conservation
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Forest and carbon tenure in forest reserves

- Concession-holders have rights over forest resources within the forest reserves as specified in their licenses or permits
- Local communities also have access and user rights in forest reserves
- CFM provide for dev of 10-year agreements between a NFA or other forest owner and an organized community group.

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- Under CFM with NFA, the policy and the law are clear that the land and tree tenure of the CFR rests with NFA
- Carbon tenure belongs to NFA unless the community group negotiates for it and specifies it in the agreement
- CFM communities to acquire a license for 10% of the plantable area within forest reserves.

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- Under the license arrangement, communities own the trees and therefore (presumably) the carbon rights during the licensing period (25 years)
- Under the UWA Community Resource Management agreements, communities have only access and user rights to the specified forest reserve sections and have no claim on land or tree tenure.

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Forest and carbon tenure in private forests

- Private Forests are all forests outside government-protected areas
- Under freehold, leasehold, mailo and customary tenure systems
- Provided that a forest is registered, the Act states that all produce in that forest belongs to the forest owner and may be used in any manner the owner may determine

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Communal Forests

- These are a type of private forests existing on land under customary tenure that is not claimed by an individual
- These are experiencing the highest threats of deforestation especially in northern and western Uganda
- Communities have applied to gazette these as Community Forests as provided for in Section 17 of Forest Act, the Govt has not authorized any community forests
- Under Community Forests, communities claim all land, tree and carbon tenure rights

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Water shade management

- Water resource management represents one of the most viable PES .
- The waters from rivers benefits not only the up stream land users but also the multiplicity of middle and down stream water users that include power generation.
- Forests provide protection to water bodies and it is as result of their ecological effects that institutions like NWSC are able to realize sufficient water resources and thus revenue

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- Currently, the ecological services of forests in protecting watersheds is not quantified
- Private forest owners are destroying forests on their land for small incomes
- Smallholder farmers, private forest owners are potential suppliers of the watershed services

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Wildlife conservation

- Albertine Rift is endowed in wildlife .
- Wildlife life tourism and ecological research.
- Concern is that wildlife tourism is dependent on entire habitats and not disjointed elements of the ecosystem.
- Another concern is total wildlife populations in a particular locality

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Thank you

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