



Main findings of the Global Comparative Study on Tenure in Uganda

Esther Mwangi

Introduction

Since the adoption of the 2003 *National Forestry and Tree Planting Act* (NFTPA) in Uganda, there have been only a few assessments of how forest tenure reform is progressing.¹ Here we present the key findings of research undertaken as part of the Global Comparative Study (GSC) on Forest Tenure Reform in Uganda, which complements the work that has been done by generating lessons and insights for policy and practice, primarily by:

- a. examining how forest tenure reforms emerge, while documenting experiences and options for formally enhancing the security tenure rights for forest-adjacent communities;
- b. identifying tenure reform impacts on the rights of women, poor men and ethnic minorities, and their access to forests and trees;
- c. identifying factors that hinder support for reforms and their implementation;
- d. disseminating lessons learned and knowledge generated at district, national, regional and international levels.

Research was conducted in four districts in Uganda,² namely Kakumiro, Kibaale, Masindi, and Lamwo, which covered four types of tenure regimes that came into

effect with the 2003 NFTPA and subsidiary legislation on forest and land sector reforms (See Table 1 and Figure 1). Nsita et al. (2017) provide a full description of the bundles of rights associated with each tenure regime.

In each of the four districts, we conducted the following:

- A total of 696 intra-household surveys (comprising 296 men and 400 women). Household surveys were intended to obtain local people's individual experiences of reforms, their perceptions of tenure security, factors influencing tenure security/ insecurity, whether local people have adopted sustainable land and forestry management, and whether and how livelihoods have been affected. Household surveys also obtained demographic and asset-related information.
- A total of 52 focus group discussions, disaggregated according to gender and age. The purpose of focus group discussions was to obtain information from groups distinguished by gender and age on changes in tenure, participation / consultation in designing reforms, drivers of tenure security and insecurity, perceptions of tenure security with reform implementation, conflict and conflict resolution, and interactions with external actors, such as government officials or NGOs.

1 An important project to strengthen tenure security of Ugandan communities and smallholders, particularly to their customary forests, was undertaken between 2014 and 2016 by the United Nations Food and Agriculture Organization (FAO) and Uganda's Forest Sector Support Department (FSSD) under the Ministry of Water and Environment (MWE) with support from the Department for International Development (DfID), and in collaboration with local NGOs and communities to inform the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (VGGT).

2 One of the districts, Kibaale, was divided into two districts (Kibaale and Kakumiro) midway through the project.

Table 1. Forest regime backgrounds of research areas in four districts.

FOREST REGIME	DISTRICT	BACKGROUND
Collaborative Forest Management	<ul style="list-style-type: none"> • Kakumiro (a sub-division of Kibaale district) • Kasambya • Kihamba • Kiweeza • Ndebwe 	Over 90% of land in this area is owned by absentee landlords; as such, the majority of the community have no tenure security. Uncontrolled migration into the area has resulted in rapid population growth, with migrants clearing forests for settlement and agriculture, both inside and outside protected areas. Initiatives in the area have aimed to organize owners of private forests into associations to facilitate responsible forest management. Initiatives have also developed collaborative forest management arrangements between the National Forestry Authority (NFA) and communities living near forest reserves, to increase forest-related benefits (e.g. income from forest-related enterprises) for local people, as well as to better protect the reserves.
Private Forest Associations	<ul style="list-style-type: none"> • Kibaale • Kikuba • Kyakanyonyi • Mugarama • Nyaburungi 	
Customary Forests	<ul style="list-style-type: none"> • Lamwo • Orom Central • Orom East • Miciri Kalaki • Orom West 	Most forests are on customary land and as such are controlled by traditional institutions. Reforms ushered in under the 2003 NFTP A enabled traditional institutions to register them as community forests so they could optimize forest-related benefits.
Communal Forest Management	<ul style="list-style-type: none"> • Masindi • Alimugonza • Kaborogota • Kituka • Tantara 	Many forest patches outside protected areas were being degraded or converted to other land uses (tobacco, maize, and sugarcane) in spite of reforms. Various initiatives have worked to ensure these areas are registered as community forests, to reduce the rate of degradation and deforestation.

In all, 48 interviews were conducted with key informants, who are individuals with unique knowledge of local tenure and statutory reforms, such as village leaders, customary authorities, heads of women groups,

etc. The purpose of key informant interviews was to collate information on historical perspectives of changes in tenure, community involvement in reforms, gender inclusion, conflicts and their management/resolution.



Figure 1. Locations of researched districts.

To gain an understanding of factors that influence reform implementation, we also conducted surveys with implementing agents at district and national levels. Thirty implementing agents were interviewed, primarily from national and district-level forestry and land agencies and representing multiple levels of these, from the capital city to the forest borders.

To generate options of how best to address reform implementation and to address drivers of local tenure insecurity, we conducted Participatory Prospective Analyses (PPA) at district and national levels. PPA is a foresighting methodology that allows participants to assess a problem, identify its drivers, anticipate and build scenarios to highlight how the problem might evolve, and eventually develop action plans for dealing with the problem. PPA workshops brought together multiple stakeholders from government (local and national), NGOs, local communities, and academia. Because forestry is a male-dominated sector, women were outnumbered at those workshops and tended not to participate as actively as the men, so to investigate further and ensure that multiple views, experiences and priorities were captured, we then conducted women-only PPAs in the districts.

In this flyer, we present results from the household surveys, the survey of implementing agents, and the PPA workshops.

Participatory Prospective Analysis: A multi-stakeholder forum for generating solutions to reform implementation challenge

The PPA workshops not only identified factors that impact on local tenure security, they also used these to develop scenarios – both desirable and undesirable – of how participants expect local forest tenure security to evolve in the coming decade. They then developed action plans aimed at promoting desired scenarios and mitigating unwanted effects.

Stakeholder consensus on factors influencing tenure security

Across and between districts, some commonalities emerged in the factors that participants identified as influencing tenure security. Some factors unique to one district were also evident, as these were factors shaped by local pressures. Influencing factors commonly identified by district-level actors across the three districts of Kibaale, Masindi and Lamwo included: forest resource governance (e.g. enforcement of laws and policies); communities' lack of awareness of rights; cultural biases against women; and inadequate financial and human resources to effectively protect local tenure rights. Unique factors identified by individual districts included: increasing demand for forest products and pressures to convert forests to large-scale agriculture (Lamwo); land-use changes caused by industries such as oil and gas, and political interference (Masindi); and the influx of migrants (Kibaale).

Influences on local tenure, as identified by national level actors, had few similarities with those identified by district level actors; forest governance (e.g. enforcement / implementation and levels of legal literacy among local communities) was the only influencing factor also found by PPA in the districts. Other influences

identified by national-level actors instead reflected national-level concerns, including how forests (and in particular forest tenure security) are prioritized in terms of national development, and the extent to which the forestry sector is financed in national budget allocations. Other factors identified by national actors included: local community capacity to sustainably manage forests; local norms and beliefs that increase the vulnerability of some groups' tenure rights, such as those preventing women from owning and inheriting forest land and discourage women from making decisions on forest tenure rights; and the weakening of cultural institutions that have until now been responsible for forest land distribution among clan members.

Actions to promote local communities' tenure security

Various actions were proposed by national- and district-level stakeholders to strengthen and protect local community tenure rights. Common to all districts were two proposed actions: dissemination of laws and policies to communities (including their translation into local languages) so that communities are equipped with knowledge and skills to actively participate in the implementation of tenure form; and building the capacity of district-level officials and providing them with adequate financial resources so they can effectively conduct activities. Actions unique to each district included: the development of policies and laws to address tenure problems caused by immigration (Kibaale); more rapid and affordable processes for community forest registration and promoting environmental and socially responsible investments (Masindi); and formulating and implementing bylaws, as well as creating forest conservation committees, and regulating forest product harvesting (Lamwo).

Actions prioritized by national stakeholders had little in common with district-level proposals and focused on the following: improving coordination



among key government agencies; adopting inclusive and participatory decision-making processes during activity related to tenure implementation; improving stakeholders' technical and financial capacity through traditional and emerging innovative financing mechanisms; and implementing policies and strategies designed to provide alternative livelihood sources, thus reducing local dependence on forests and forest products where forest tenure security cannot be assured, or has been eroded.

Tenure reform implementation: key outcomes

Tenure security

Collective tenure regimes in Uganda require groups to be registered before permits can be issued. As such, both members and non-members of groups were interviewed. Interviews revealed that a local person's decision to join a tenure reform-related group was influenced by the type of tenure regime they were connected to. For instance, where land was community-owned, the tenure regime was a significant, positive driver behind local people's decisions to join a tenure reform-related group, whereas it wasn't for those associated with formalized customary land. Two other factors had a significant, positive influence on local people's decisions to join a tenure reform-related group, namely whether a person was born in the village, and whether they had contact with external actors. Respondents who were born in the village but had links to external actors who possessed information and other relevant resources, were more likely to join tenure reform-related groups.

Forest tenure security in Uganda was seen by respondents to be most positively influenced by forest land having clear boundaries, by local people having land titles, and by the absence of conflicts within the community.

Members and non-members of reform groups noted no differences between different tenure regimes in terms of the perceived tenure security they offered; i.e. no regime was seen to provide greater or less security to respondents. Similarly, there was an equal level of confidence in all regimes, in terms of their level of rights protection and enforcement.

However, there were significant differences across tenure regimes with regards to respondents' perception of the clarity and fairness of rules governing forest access and use. Members of tenure-reform groups with formalized customary lands and community-owned lands were more likely to agree that rules regarding forest access and use were easy to understand. Non-members similarly agreed that rules for formalized customary lands and individually owned lands were

clear and easy to understand. However, when it came to state land designated to communities, associated members and non-members felt that rules were unclear.

Similarly, the majority of group members across all tenure regimes agreed or strongly agreed that rules governing forest access and use were fair. The largest number of members who believed that rules were unfair were associated with state land designated to communities. A similar pattern was evident for non-members.

Just over half (56%) of all members in tenure-reform related groups participated in making rules about forest product harvesting, use and management. Numbers differed significantly across tenure regimes, however, with most participants being associated with formalized customary land and individually-owned land. As expected, a large proportion (75%) of non-members did not participate in making rules about forest product harvesting, use and management.

Compared with respondents under other tenure regimes, group members with community-owned land and individually-owned land were more confident that their rights would be protected and enforced in the event of disputes about forest use and access. Non-members with individually-owned land were most confident their rights would be protected and enforced in the event of disputes about forest use and access; non-members associated with state land designated to communities were least confident in this respect.

Livelihoods and food security

Surprisingly, members of tenure-related reform groups associated with formalized customary land and communal land perceived tenure security as negatively impacting their food security; conversely, reform group members connected to individually-owned land and state land designated to communities saw community forest management reforms as having a significant and positive impact on their food security. In addition to tenure reforms, group members also saw marital status, total assets and off-farm income as additional positive influences on their food security.

Almost half of those interviewed indicated that they had no problem at all in satisfying their food needs, with no significant differences found between men and women's responses. Half of the respondents (both men and women) indicated that their food needs had not changed with reform implementation; for those whose food needs had worsened after reforms, women said this was largely due to poor harvests, as well as poor incomes, which appear unrelated to the reforms.

Agriculture (crop farming) and keeping livestock were the main livelihood activities of respondents, with most having no alternative sources of income. Women were five times more likely to keep livestock than men.

The most important forest products were building poles, extracted by men, and thatching grass, extracted by women. However, the majority of respondents, both male and female, did not obtain commercially valuable forest products. Among those who did, men tended to harvest fuelwood for commercial purposes, while women obtained building poles for commercial purposes. However, although reform implementation resulted in tenure regimes with more restrictive forest product extraction rules for the majority (65.5%) of respondents, male and female, these rules were even more restrictive for women than for men.

Those who were not members of reform groups did not associate income and livelihood improvements with reform implementation. However, members of tenure-related reform groups with formalized customary lands perceived that their income and livelihood improvements were connected to the implementation of reforms.



Effects on forest condition and adoption of sustainable land and forest practices

Most reform group members connected to individually-owned or state land designated to communities felt that the condition of the forest to which they were adjacent deteriorated after reform implementation; conversely, those with formalized customary land felt that it had improved.

Group members associated with community-owned land were least likely to adopt new forest management activities, whereas those associated with formalized customary lands were likely to adopt or be involved in new forest management activities. A majority of non-members (67%) neither adopted nor were involved in new forest management activities, with the highest number of non-members being adjacent to state land designated for use by communities, and the second highest being adjacent to formalized customary lands.

Gender: men and women's tenure security

Tenure security

For more than half of the respondents, male and female, (54%), tenure reform implementation did not change their perceptions of tenure security; that is, they perceived that reform implementation had no effect on their tenure security. Nearly a quarter (22%) felt that their tenure security had improved with reforms, and a few (13%) felt that it was now worse.

However, there were differences in how different genders across tenure regimes perceived tenure security as a result of the implementation of tenure reform, as there also were within a single tenure regime. Notably, men perceived their tenure security to have worsened with reforms, while women perceived their tenure security to have stayed the same. Women associated with formalized customary regimes felt their tenure security had improved, but women associated with other tenure regimes felt theirs had stayed the same. Similarly, men associated with formalized customary land felt that reform implementation had improved their tenure security, while men associated with state land designated to communities and individually-owned land felt their tenure security had worsened with reform implementation.

Sources of tenure insecurity/security

Both men and women perceived forest and land tenure to be most insecure when land titles and clear boundaries were lacking, as well as in situations where land was borrowed / rented,

and thus access rights could be revoked at any time. Some differences were evident between men and women. More women than men perceived that renting / borrowing land resulted in tenure insecurity. Additional sources of tenure insecurity that women cited included infrastructure / road development, a lack of rights enforcement, and biased customary norms.

When comparing tenure regime types, the lack of clear boundaries around forested land was perceived as a significant threat by women associated with state land allocated to communities, community-owned land, and individually-owned land. The lack of land titles was seen to create insecurity by both men and women associated with state land designated for use by communities, and land owned by individuals and firms. Women in formalized customary regimes felt their tenure security was negatively impacted by competition with neighbouring villages, women and youth being excluded from land allocation, overlapping rights with government, and competition with private companies.

Both men and women saw forest tenure security as being most positively impacted by a lack of conflicts within the community and with external actors, by the existence of clear boundaries, and by the existence of land titles. Women cited the lack of conflicts within and outside the community as being of particular importance. Women also associated tenure security with the lack of overlapping rights with government. Conversely, men tended to stress that tenure security was influenced by the presence of supportive national legislation that recognizes local claims.

Overall, reasons behind forest tenure insecurity and security appear to be highly interlinked, the latter being outcomes associated with effectively addressing the former. Investing to define and clarify boundaries (e.g, through participatory mapping), and seeking ways of providing more permanent rights to tenants, would respond to both men's and women's main concerns over tenure security. Adopting low-cost, fair, conflict resolution systems that address conflicts within and between groups would also help to foster tenure security, especially for women. Addressing issues regarding the exclusion of women and youth from land allocation would also help towards this goal, as would having national systems legally recognize local, on-the-ground tenure system practices.

Participation in forest use, management and decision making

Despite reform implementation, women continue to be marginalized from rule- and decision-making forums on forest use and management. Although women tend to be involved in more mechanical, labour-intensive activities, such as monitoring forest condition, or in more risky aspects, such as monitoring rule compliance, unlike men, they have no authority to sanction those who break the rules. They are also excluded from dispute resolution; unlike men, most women have never attended meetings about forest use, management, disputes or dispute resolution. Women were mostly unaware of or not invited to such meetings. Equally, unlike men, most women had not adopted or been involved in new forest management activities.





Conclusions

Role of PPA in problem solving

Participatory Prospective Analysis proved to be an effective approach for encouraging collective reflection to identify threats to forest tenure security, as well as to develop actions, build consensus and allocate responsibilities, so as to improve local people's tenure security.

Reform implementation: challenges and opportunities

Forest tenure reforms that resulted from the 2003 *National Forestry and Tree Planting Act* responded to a need for sustainable forest management and livelihood

improvements, so activities tended to lean towards forest protection, rather than strengthening and securing community forest tenure rights. Most officials indicated that reforms responded to the need to promote responsible forest management and conservation, including restoration of degraded forests, and about two-thirds mentioned improving local people's livelihoods. Only about a third considered securing forest tenure rights and improving community access to forests as important.

Progress in tenure reform implementation has been below implementers' expectations, largely due to inadequate funding, onerous processes of registration, declaration and management of Private Natural Forests and Community Forests, or in the case of Collaborative Forest Management, negotiation of rights with Responsible Bodies.

The main economic, social and political challenges faced by government officials implementing reforms were budgetary limitations, poverty levels in forest-adjacent communities, migration and socio-cultural norms. Often, politicians impeded rather than supported reform implementation processes. Some of them derived political capital out of exerting pressure on technical staff to engage in, as well as protect, illegal activities. Several technical problems constrained the implementation of forest tenure reforms. These included the tedious processes involved in getting the rights formalized, community inability to protect and safeguard forest tenure rights, and inadequate benefits accruing to communities involved in forest management activities. Forest tenure security relies on rights being safeguarded once they are granted. However, there was no clarity among government officials as to who is primarily responsible for safeguarding community or household forest tenure rights.

Development partners and civil society organizations (CSOs) also undertook activities to support the securing of local tenure rights, such as capacity-building, resource mobilization, and awareness-raising and conflict resolution. However, such support was often short-lived and localized, and government support to prolong it was lacking.

Although government and CSOs are both involved in reform implementation, there is limited formal coordination between them. Potential future funding for Uganda's National Forestry Authority (and District Forestry Service) and the Forest Sector Support

Department for tenure-related activities and those promoting sustainable forest management can be sourced from the National Tree Fund established by the National Forest and Tree Planting Act of 2003. Funds should be ring-fenced for the securing and safeguarding of forest tenure rights.

Acknowledgements

CIFOR's "Global Comparative Study on Forest Tenure Reform" is funded by the European Commission and the Global Environmental Facility (GEF) with technical support from the International Fund for Agricultural Development (IFAD) and the United Nations Organization for Food and Agriculture (FAO). We would also like to thank FAO for their helpful reviews and comments on earlier versions. This study forms part of the Program on Policies, Institutions and Markets (PIM), led by the International Food Policy Research Institute (IFPRI); and the CGIAR Research Program on Forest, Trees and Agroforestry (FTA), led by CIFOR. This flyer has not gone through standard peer-review procedures. The opinions expressed here represent the analysis of the authors and do not necessarily reflect the views of IFPRI, CIFOR, CGIAR or the financial sponsors.

References

Nsita S, Nakangu B, Banana A, Mshale B, Mwangi E and Ojwang D. 2017. Forest tenure reform implementation in Uganda: Current challenges and future opportunities. Bogor, Indonesia: CIFOR.

Photo by Axel Fassio/CIFOR (p.1, p.7), John Baptist Wandera/CIFOR (p.6), Ollivier Girard/CIFOR (p.5), Patrick Shepherd/CIFOR (p.3)



RESEARCH PROGRAM ON Policies, Institutions, and Markets

The CGIAR Research Program on Policies, Institutions, and Markets (PIM) leads action-oriented research to equip decisionmakers with the evidence required to develop food and agricultural policies that better serve the interests of poor producers and consumers, both men and women. PIM combines the resources of CGIAR centers and numerous international, regional, and national partners. The program is led by the International Food Policy Research Institute (IFPRI). www.pim.cgiar.org



RESEARCH PROGRAM ON Forests, Trees and Agroforestry

This research was carried out by CIFOR as part of the CGIAR Research Program on Forests, Trees and Agroforestry (FTA). FTA is the world's largest research for development program to enhance the role of forests, trees and agroforestry in sustainable development and food security and to address climate change. CIFOR leads FTA in partnership with Bioversity International, CATIE, CIRAD, INBAR, ICRAF and TBI.

FTA's work is supported by the CGIAR Trust Fund: cgiar.org/funders/



cifor.org | forestsnews.cifor.org



Center for International Forestry Research (CIFOR)

CIFOR advances human well-being, equity and environmental integrity by conducting innovative research, developing partners' capacity, and actively engaging in dialogue with all stakeholders to inform policies and practices that affect forests and people. CIFOR is a CGIAR Research Center, and leads the CGIAR Research Program on Forests, Trees and Agroforestry (FTA). Our headquarters are in Bogor, Indonesia, with offices in Nairobi, Kenya; Yaounde, Cameroon; Lima, Peru and Bonn, Germany.

