Safeguarding the forest tenure rights of forest-dependent communities in Uganda

INSIGHTS FROM A NATIONAL-LEVEL PARTICIPATORY PROSPECTIVE ANALYSIS WORKSHOP

Key messages

- Participatory Prospective Analysis (PPA) proved to be effective for encouraging collective reflection to identify threats to forest tenure security and to develop ways for improving it at a national-level workshop in Uganda, where stakeholders identified several factors that strongly influence the forest tenure rights of forest-dependent communities.
- Factors influencing forestry tenure security that they identified were: forest resource governance; community capacity to sustainably manage forests and demand/defend tenure rights; the priority level of forestry and tenure security for development partners; local norms and beliefs that impact upon vulnerable groups’ tenure rights; forestry sector financing in national budgetary allocations; and local communities’ legal literacy on land/forest tenure.
- When analyzing the potential evolution of forest tenure security over the next 25 years, stakeholders identified some desirable potential outcomes. Among them are: forestry being prioritized in national development plans; availability of adequate financial resources; existence of capable, well-coordinated district- and national-level government structures to promote community forest tenure; availability of technical staff with capacity to equip communities with knowledge and skills to enable them to exercise their tenure rights; presence of enterprising communities with skills to innovate and adopt alternatives to forestry products; and effective enforcement of gender-sensitive forestry-related laws and policies to promote benefit-sharing equity.
- After analyzing potential future outcomes, both negative and positive, PPA stakeholders recommended prioritizing a set of actions to safeguard the future forest tenure security of forest-dependent communities. These actions were: improving coordination of key government agencies; adopting inclusive and participatory decision-making processes for tenure-related activity implementation; improving stakeholders’ technical and financial capacity with 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.

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Introduction

Forest tenure rights of forest-dependent communities in Uganda are an important issue, but several questions arise about their current and future state. What are the main threats to those rights? What will forest tenure rights of those communities look like in 25 years? What actions should be undertaken when, and by whom, to ensure that forest tenure rights of forest-adjacent communities are well protected in the foreseeable future? These questions prompted the Center for International Forestry Research (CIFOR), in partnership with the Association of Uganda Professional Women in Agriculture and Environment (AUPWAE) and Makerere University, to organize a national-level forum for collective reflection and future planning. The workshop, which applied a systematic foresighting approach known as Participatory Prospective Analysis (PPA), formed part of a series of research and engagement activities under the CIFOR-led Global Comparative Study on Forest Tenure Reform and Forest Dependent Communities (GCS Tenure, www.cifor.org/gcs-tenure). This flyer presents findings from the national multi-stakeholder forum, the final PPA workshop of a series that began with district-level workshops in three districts (Lamwo, Kibaale, and Masindi), for which flyers have also been published. It draws comparisons between results at the district and national levels.

In this flyer, forest tenure rights are broadly defined as the rules determining who can use what forest resources, for how long, and under what conditions (FAO 2012). PPA participants agreed on a definition of forest tenure security as “a situation in which undisputed rights, on any property related to forest land and resources, are guaranteed by a legal or community standard system that acknowledges and protects them, for a continuous period, against challenges from individuals or groups and the state.” PPA workshops adopted a “bundle of rights” approach, including access, use/withdrawal, management, exclusion, and alienation of rights to land and forest resources.

Uganda

Uganda, like many tropical developing countries, has experienced serious deforestation and degradation of both its private and protected forests. Private forest cover has declined from 70% to 38% since the 1990s. Similarly, protected forest cover has declined from 1,549,394 hectares (ha) in 1990 to 1,131,793 ha in 2015 (MWE 2016; NFA 2016), a decline of 41% as a result of increased demand for forest products, expansion of agriculture, and illegal settlements (Obua et al. 2010). (See Figure 1 for a distribution of forests in Uganda.) To address forest cover decline, the government embarked on forest and land sector reforms aimed at sustainable forest management, which included adopting new policies and laws, and establishing new institutions. Key policies include the new Forest Policy (2001), the National Forestry Plan (2002), and the National Forestry and Tree Planting Act (NFTPA) (2003). New institutional frameworks include the establishment of the Forest Sector Support Department (FSSD), and the National Forest Authority (NFA).

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

5 Agreement was based on the following references: http://www.fao.org/forestry/11265-0f977bb5cc6a591b2924c6443ef171d08.pdf and http://epistema.or.id/wp-content/uploads/2015/07/Working_Paper_Epistema_Institute_02-2010.pdf
Reforms have entailed new arrangements for sharing and granting rights to local people living in and around forests, in an attempt to reconcile forest conservation with livelihood improvement goals. Prior to the NFTPA, collaborative and community forest management was non-existent in Uganda. Previous forest policies emphasized centralized management without the involvement of forest-adjacent communities. The NFTPA now allows such communities to benefit from forests, via co-management through the Collaborative Forest Management (CFM) partnership with the NFA. However, more than a decade after the law was adopted, only 49 CFM agreements had been signed, covering 63,700 ha in 20 Central Forest Reserves (CFRs) (Council Dickson Langooya, personal communication), and only six community forests had been registered — four in Masindi district, two in Lamwo district, and two others elsewhere in the Northern Region. Clearly, more work is needed to extend and enhance tenure rights of forest-dependent communities, and much more is needed to explore, understand and remediate conditions that account for the slow implementation of tenure reforms.

Against this background, the PPA workshops focused on the following forest tenure reform arrangements:

- Private forests, defined as forest found on all non-gazetted land, meaning land outside protected areas (Forest Policy 2001). Private forests constitute 38% of total forest cover in Uganda, and their owners have full rights to sell, lease, or use land as collateral, including sale of all other rights. District governments hold regulatory rights, requiring owners to manage trees and forests sustainably. Despite legal provisions stipulating that private forests be registered with the District Land Board, this has not happened (MWE 2016). As a result, private forests continue to be converted to agricultural land. Owners of 50 private forests are, however, awaiting certificates of registration, having gone through the registration process (Langooya personal communication).

- Community forests, managed collectively by local groups follow a process guided by both land and forest legislation. Local groups include forest-adjacent communities, specific forest-user groups, communal land associations, cooperative societies, farmers groups, or NGOs drawing membership from the local community. The Land Act (1998) grants a community the right to communal land ownership and management through a Communal Land Association (CLA). If the CLA decides to manage its land as a community forest, NFTPA provisions apply. The NFTPA then grants management, maintenance and control of an area located within a community’s jurisdiction, and that is declared a Community Forest. After declaration, communities can generate revenues from forests to develop their area, and make independent decisions about its use. So far, the Communal Land Associations (CLAs) managing the six community forests have been registered and are awaiting declaration of their community forests by the minister.6

- Community Forests on customary lands are guided by the same policy processes as Community Forests, but differ in that for forest use and management of customary land forests, customary institutions are recognized and apply. The constitution legally recognizes customary land ownership and use, and NFA provides technical support for the customary forest tenure systems that are common in northern Uganda, where strong customary systems have survived decades of state intervention. So far, two community forests have passed through registration under the customary land tenure system.

- Collaborative Forest Management (CFM) refers to joint management by a body such as the NFA, and a local user group such as a forest-adjacent community. This arrangement is guided by CFM guidelines, where both parties agree on rights, responsibilities and obligations. Typical rights may include tree-planting, collection of non-timber forest products, and support for livelihood options outside the forest reserve to reduce pressure on protected forest.

Methodology

Participatory Prospective Analysis is a systematic foresighting process based on a co-elaborative approach that combines participatory learning with information sharing (Bourgeois and Jesus, 2004; Bourgeois et al, 2017). The participatory approach of PPA strengthens participants’ capacity to become more active decision-makers.

PPA was used to bring together national-level stakeholders to jointly identify threats to local forest tenure and the drivers of tenure security and insecurity, as well as to develop potential tenure security scenarios and elaborate a series of actions in response to the scenarios identified. The PPA process follows sequential steps guided by trained facilitators to ensure meaningful participation by all stakeholders. Definitions are as discussed and agreed by PPA stakeholders; they are not adopted from policy or scholarly references.

Twenty-two stakeholders (14 men and 8 women) participated in a five-day workshop in April 2016, in Jinja, Uganda, and a one-day consultative workshop in July 2016 to review findings and finalize recommended action plans. Participants included officials from relevant ministries, as well as local government representatives, national-level NGO representatives, academia, and political leaders.

The workshop followed the five key steps of the PPA approach:

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6 The project to pilot the registration was a joint effort by the Forest Sector Support Department, the United Nations Organization for Food and Agriculture (FAO), and the UK Department for International Development (DFID).
1. Defining the “system,” whereby stakeholders identify the issue (what), define a geographical boundary (where) and timing (when) to ensure realistic foresighting. Stakeholders defined the system as “forest tenure security in Uganda by 2040,” arguing that forestry requires long-term planning thus should be aligned to the National Development Plan. This duration of 25 years is significantly longer than the systems defined by stakeholders in workshops held in the districts of Lamwo, Masindi and Kibaale, which ranged from 5 to 10 years.

2. Identifying and defining “forces of change.” Forces of change are factors that have the ability to affect the system positively or negatively. Participants identified 27 forces of change that were categorized as internal or external. Internal forces refer to those over which stakeholders have more control, such as forest sector financing, while external forces are those over which stakeholders have little or no control, such as climate change.

3. Selecting “key driving forces” that impact forest tenure security: Key driving forces are the priority forces of change that, with limited time, financial and other resources, would yield the greatest effects on the system. Six key driving forces were selected.

4. Formulating possible future scenarios: Through facilitated discussion on possible future “states” (directions) that driving forces could take, four scenarios were formulated. Two were desirable and two undesirable.

5. Developing action plans: The PPA process ends with the participatory identification of feasible action plans to promote desirable scenarios and mitigate undesirable scenarios.

Results

Driving forces

The graph is divided into four sections:
- Drivers: have high influence on other factors but are least influenced by other forces.
- Leverages: have high influence on other forces, but are also highly influenced by other forces.
- Outliers: are forces with low influence, which are also less influenced by other factors.
- Outputs: are very dependent on other forces, and are less influential on other forces.

The national PPA workshop identified six key driving forces (presented in Table 1, along with their definitions), whereas the district-level PPAs in Lamwo and Kibaale identified eight, and in Masindi only five.

![Graph of direct influences](image_url)
Comparing driving forces identified at national and district levels

Comparing the key driving forces identified at PPA workshops at district and the national levels reveals similarities and differences. Governance is a common driving force identified by all three districts and at the national level (see Table 2). Another common driving force is the roles and capacity of local communities in making and implementing forest tenure reforms. Equally, the influence of cultural institutions was identified as a force of change in all workshops, and prioritized as a key driving force in three of four.

The national-level workshop identified two unique driving forces, namely development partner priorities and land tenure legislation. It is understandable that national-level participants identified such forces, as they are aware of the impact of these national and international factors. Although the projects that development partners finance may occur locally, they generally interact with national-level government. National ministries also handle land tenure regulation and issues, despite attempts to decentralize the process.

Unique key driving forces were also identified in each district. Kibaale identified migration and resettlement policies and enforcement of forest laws and policies,
given increasing land tensions between locals, immigrants and absentee landlords. Masindi identified oil, gas and other industries as a key driving force, given increasing land scarcity due to economic migration into the district, following oil and gas discovery. Lamwo identified the role of NGOs and market forces as key driving forces, given increasing NGO activity following the end of a ten-year civil war (see Table 3).

Comparing driving forces identified by district-level women with those of the national-level mixed gender group

Forestry management technical capacity appears as a priority for national-level stakeholders and for women in all districts. At the national level and in Kibaale and Masindi districts, the availability of finances was prioritized. While national-level stakeholders were concerned with the need to increase finances for the entire forestry sector, district-level women were specifically concerned with how women can access finances for personal forestry investments. Accessibility of land for forestry investments was also identified as a priority for women in Masindi and Lamwo districts.

Scenario building

National workshop participants then envisioned scenarios depicting what the future of forest tenure security could look like, depending on how key driving forces unfold over time. In the PPA process, the evolution of driving forces is known as “states.” Stakeholders used a combination of different states for each force to generate two desirable and two undesirable scenarios. Desirable scenarios arise when a key driving force has become supportive of

Table 2. Major driving forces of forest tenure security identified at district and national levels.

| KIBAALE DISTRICT | MASINDI DISTRICT | LAMWO DISTRICT | NATIONAL LEVEL |
|------------------|------------------|----------------|---------------|
| • peoples’ level of awareness and attitude | • role of government agencies | • community awareness and capacity-building | • capacity of communities |
| • capacity of stakeholders | • cultural norms and beliefs | • governance | |
| • political will and support in forest governance | • community participation in forest management, including the role of women | • norms and beliefs | |
| • community participation in forest management | • access to financial resources | • forestry sector financing | |
| • migration and resettlement policies | • oil and gas and other industries | • donor priorities | |
| • extent of property rights and access to forest benefits | | • land tenure regulation | |
| • enforcement of forest laws and policies | | | |

Key: Coloured text (blue, red, brown, green, orange) indicates similar forces between districts and national-level workshops

Table 3. Driving forces of forest tenure security, as identified by district-level women compared with those of the national-level mixed gender group.

| KIBAALE DISTRICT | MASINDI DISTRICT | LAMWO DISTRICT | NATIONAL LEVEL |
|------------------|------------------|----------------|---------------|
| Technical capacity | Women’s technical skills | Women’s capacity | Capacity of communities |
| Access to financial Resources | Access to finances by women | Access to land for forestry activities | Equity in land ownership |
| Implementation and enforcement of government policies and programs | Implementation of government policies | Forest governance | Governance |
| | | Cultural norms and beliefs | Norms and beliefs |
| Political influence | Political influence | Community awareness | Level of awareness |
| | | Domestic relations | Domestic relations |
| The influence of NGOs; Population dynamics; Markets and industrialization; The level of security in the district | Women’s involvement; Men’s support | Attitude of communities | Development partners’ priorities |

Key: Coloured text indicates similar forces between districts and national-level workshops
forest tenure security, while undesirable scenarios are generated when a key driving force becomes a barrier.

The first two scenarios that participants envisioned, representing desirable futures, were characterized by: adequate government and development funding; effective involvement of well-informed, local communities capable of decision-making; good coordination between state and non-state actors and across governance levels; gender equity; and respect for cultural norms and beliefs that protect forest tenure rights of forest-dependent communities. State and non-state agencies have the capacity to protect stakeholder rights, including those of forest-adjacent communities that are empowered to fight for their rights.

Conversely, the two scenarios representing undesirable futures saw changing government and development priorities impacting the sector, with poor coordination and funding leading to unsustainable forest management. This impacts negatively on the forest tenure security of forest-adjacent communities, which is no longer a priority of governments and development partners.

**Action planning**

To conclude the workshop, stakeholders engaged in an action planning exercise, aimed at facilitating desirable outcomes and preventing undesirable ones. Participants highlighted the need to actualize forest governance reforms, and draw up a viable plan of action in which sustainable financing for the sector is key, noting that without such action, forest tenure security will remain elusive. The proposed detailed action plan was organized according to key driving forces, and included a list of responsible agencies (see Table 4). Table 5 compares the national and district action plans.

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**Table 4. National-level action plan for forest tenure security of forest-dependent communities in Uganda**

| No. | DRIVING FORCE | PROPOSED ACTIONS | RESPONSIBLE AGENCY |
|-----|---------------|------------------|--------------------|
| 1   | Forest governance | Joint inter-ministerial and departmental planning to address poor coordination amongst Ministries, Departments, and Agencies (MDAs), for more synchronized plans, and vertical and horizontal reporting | • Forestry Sector Support Department (FSSD) of Ministry of Water and Environment (MWE) • Ministry of Water and Environment (MWE) | • National Forestry Authority (NFA) • District Forestry Services (DFS) • Politicians • Relevant NGOs |
|     |               | • Ensure inclusive decision making and stakeholder consultation • Regular, clear monitoring mechanisms to address lack of transparency and accountability | • FSSD of MWE • NFA | • DFS |
|     |               | Deploy adequate numbers of forestry officers to enforce forest laws and policies in gazetted areas | • MWE of FSSD • NFA | Department of Water and Environment (MWE) |
|     |               | Communities to identify areas for, formulate and pass bylaws | • Relevant NGOs | • District and Sub-County Councils |
|     |               | Recruit and train staff for professional management of forestry sector | • MWE of FSSD • NFA | • Training institutions |
| 2   | Community capacity | Address forest-adjacent communities’ inadequate knowledge and skills of forest resource management and forest tenure rights by: • Sensitizing community conservation of forestry resources and forest tenure rights through exhibitions, study tours, and IEC materials • Providing government subsidies for technologies | • MWE of FSSD • NFA • DFS • Relevant NGOs | |
|     |               | Promote cohesion of indigenous and conventional knowledge through: • research and documentation • awareness-raising • revision of forest-related policies and laws | • Research and training Institutions • Ministry of Gender, Youth and Community Development | • Relevant NGOs • FSSD of MWE • Parliament Sectoral Committee on Land Affairs |
|     |               | Revise land-related reforms and legislature in ways to promote their adoption | • Parliament | • Ministry of Lands, Housing and Urban Development |

*continued on next page*
| No. | DRIVING FORCE | PROPOSED ACTIONS | RESPONSIBLE AGENCY |
|-----|---------------|------------------|--------------------|
| 1   | No. DRIVING FORCE PROPOSED ACTIONS RESPONSIBLE AGENCY |                    |                    |
| 2   | Adopt alternative energy sources and fuel-saving technologies to reduce high community dependence on forests for fuel | Ministry of Energy and Mineral Development • FSSD of MWE • Relevant NGOs | District Community Development Offices (DCDOs) |
| 3   | Revise land-related legislation to promote adoption of land reforms | Parliamentary Sectoral Committee on Land Affairs | Ministry of Lands, Housing and Urban Development |
| 4   | Mainstream gender in all activities to address gender concerns and issues affecting mainly women, young people and other marginalized groups | Ministry of Gender, Labour and Social Development; DCDOs Relevant NGOs |
| 5   | Development partner priorities Lobby and engage development partners to prioritize the forestry sector | FSSD of MWE • NFA • Relevant NGOs | Parliamentary Sectoral Committee on Natural Resources |
| 6   | Norms and beliefs To ensure forest managers understand community perceptions and attitudes, the following was proposed: • Document and replicate positive indigenous knowledge around forest tenure security • Conduct research and adapt conventional knowledge for forest tenure security | FSSD of MWE • NFA • DFS | Relevant NGOs Training institutions Ministry of Gender, Labor and Social Development |
| 7   | Sensitize forest-adjacent communities on forest tenure security, conservation of forestry resources, and collaborative forest management | DFS | Relevant NGOs |
| 8   | Conduct sensitization meetings on gender issues in forest tenure | DFS | Relevant NGOs |
| 9   | Document intellectual property rights and make these known to stakeholders | DFS | Relevant NGOs |
| 10  | Forestry sector financing Lobby government to prioritize forestry as a primary sector in the National Development Plan | MWE • NFA • National Planning Authority | DCDOs Ministry of Finance, Planning and Economic Development |
| 11  | • Forest sector to re-invest back into forestry • Mobilize local revenue • Advocacy and lobbying • Innovative enterprises for the sector | Ministry of Lands • MWE • NFA • Relevant NGOs | Forest-adjacent communities DFS District Land Management Office |
| 12  | Land tenure legal literacy Raise awareness amongst forest-adjacent communities on existing land registration policies/laws | Ministry of Lands | Forest-adjacent communities DFS District Land Management Office |
| 13  | • Streamline and popularize land reforms (review of existing land laws) to identify gaps hindering forest-adjacent communities’ forest tenure security • Stakeholder/landowner sensitization around land laws to ensure their contribution to laws • Translate land laws/reforms for easy understanding and use by stakeholders, particularly forest-adjacent communities • Streamline processes used by communities to obtain land/forest security (e.g. land titles and certificates) | Ministry of Lands • MWE • NFA • Relevant NGOs | Forest-adjacent communities DFS District Land Management Office |
| DRIVING FORCE | NATIONAL | KIBAALE | MASINDI | LAMWO |
|---------------|----------|---------|---------|-------|
| Forest governance | Improve coordination amongst Ministries, Departments, and Agencies (MDAs) | Induction courses for leaders on role of forestry in rural development | Sensitize political leaders on their roles in forest management/conservation | Train local government agents on their roles in forest tenure security, with special attention on how to effectively serve communities | Improve coordination and collaboration between state and non-state actors, and across governance levels |
| Community capacity / awareness | Sensitize and build capacity of communities on forest conservation and forest tenure rights | Build local community capacity in forest management | Empower communities to demand accountability by raising awareness of their rights and roles in forest tenure reform implementation | Enhance women’s participation in forest tenure security activities by providing targeted capacity development programs, and increase leadership positions held by women at various government levels |
| Forestry sector financing | Allocate adequate budget to forestry sector to implement tenure security activities | 1. Lobby for increased government budget allocation for forest tenure reform activities, particularly for reforms that recognize rights of forest-dependent communities 2. Operationalize alternative funding sources to support forest tenure reform implementation, including: • The Tree Fund and Masindi Biodiversity Conservation Fund • Payment for Ecosystem Service (PES) schemes • Polluter-pays principle, whereby all investors are required to pay for their pollution • Promote establishment of commercial tree nurseries | Lobby government for increased budget allocation to district for forest management, including recruitment of District Forest and Land Officers (currently volunteers who may leave anytime) |
| Human resource/ staffing | Deploy law enforcement staff | Enhance enforcement capacity of state agencies | Popularize policies and laws related to forest/land tenure reforms and rights of local communities, by developing and disseminating popular versions and use of print and electronic media | Ensure effective enforcement of forest bylaws |
Conclusions

The PPA workshops provided a platform for multi-stakeholder consultation on the forest tenure rights of forest-dependent communities in Uganda as a whole. National-level stakeholders emphasized the importance of funding and development partners, and inter-departmental and multi-stakeholder coordination in planning and implementing policies for secure tenure rights. Conversely, district-level stakeholders emphasized locally-specific influencing factors, including the limits of rights granted, local community capacity, and the role of cultural institutions, the private sector and civil society in supporting local people’s forest tenure rights.

Reflecting on past and current realities, stakeholders were able to envisage possible future scenarios depending on the potential evolutions of key driving forces. Stakeholders were generally optimistic, contending that recent reforms and the existence of willing partners, particularly communities, politicians, civil society organizations and development partners, create an enabling environment for participatory planning and resource availability for effective implementation of forest tenure reforms.

Stakeholders made several recommendations to improve forest governance, namely: increasing financial and technical resources for effective implementation of plans to secure forest tenure rights of forest-dependent communities; simplifying and making affordable the procedure for forest and land registration; and reducing local communities’ dependence on forest resources.
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