Introduction

Since the adoption of the National Forestry and Tree Planting Act 15 years ago, there have been few assessments of how forest tenure reform implementation is progressing; empirical work exploring reform implementation processes from multiple lenses is equally scarce. Here we present the key findings of research that set out to generate lessons and insights for policy and practice, primarily through:

a. examining how forest tenure reforms emerge, whilst documenting experiences and options for formally approaching the security of forest-adjacent communities’ tenure rights.

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, covering four types of tenure regimes that came into effect following forest and land sector reforms (See Table 1 and Figure 1 below). Nsita et al. (2017) provide a full description of the bundles of rights associated with each tenure regime.

1 One of the districts, Kibaale, was divided into two districts (Kibaale and Kakumiro) midway through the project.
Main findings of the Global Comparative Study on Tenure in Uganda

At each research site, we conducted the following:

- A total of 696 intra-household surveys (comprising of 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 NGO practitioners.

Table 1. Forest regime backgrounds of researched areas.

<table>
<thead>
<tr>
<th>Forest regime</th>
<th>District</th>
<th>Background</th>
</tr>
</thead>
<tbody>
<tr>
<td>Collaborative Forest Management</td>
<td>Kakumiro (a subdivision of Kibaale district)</td>
<td>Over 90% of land in this area is owned by absent 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 in 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 and communities living near forest reserves, to increase forest-related benefits (e.g. income from forest-related enterprises) for local people, as well as better protect the reserves.</td>
</tr>
<tr>
<td>Collaborative Forest Management</td>
<td>Kasambya</td>
<td></td>
</tr>
<tr>
<td>Collaborative Forest Management</td>
<td>Kihamba</td>
<td></td>
</tr>
<tr>
<td>Collaborative Forest Management</td>
<td>Kiweeza</td>
<td></td>
</tr>
<tr>
<td>Collaborative Forest Management</td>
<td>Ndebowe</td>
<td></td>
</tr>
<tr>
<td>Private Forest Associations</td>
<td>Kibaale</td>
<td></td>
</tr>
<tr>
<td>Private Forest Associations</td>
<td>Kikuba</td>
<td></td>
</tr>
<tr>
<td>Private Forest Associations</td>
<td>Kyakanyonyi</td>
<td></td>
</tr>
<tr>
<td>Private Forest Associations</td>
<td>Mugarama</td>
<td></td>
</tr>
<tr>
<td>Private Forest Associations</td>
<td>Nyaburungu</td>
<td></td>
</tr>
<tr>
<td>Customary Forests</td>
<td>Lamwo</td>
<td>Most forests are on customary land and as such are controlled by traditional institutions. Reforms enabled traditional institutions to register them as community forests so they could optimize forest-related benefits.</td>
</tr>
<tr>
<td>Customary Forests</td>
<td>Orom Central</td>
<td></td>
</tr>
<tr>
<td>Customary Forests</td>
<td>Orom East</td>
<td></td>
</tr>
<tr>
<td>Customary Forests</td>
<td>Miciri Kalaki</td>
<td></td>
</tr>
<tr>
<td>Customary Forests</td>
<td>Orom West</td>
<td></td>
</tr>
<tr>
<td>Communal Forest Management</td>
<td>Masindi</td>
<td>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.</td>
</tr>
<tr>
<td>Communal Forest Management</td>
<td>Alimugonza</td>
<td></td>
</tr>
<tr>
<td>Communal Forest Management</td>
<td>Kaborogota</td>
<td></td>
</tr>
<tr>
<td>Communal Forest Management</td>
<td>Kituka</td>
<td></td>
</tr>
<tr>
<td>Communal Forest Management</td>
<td>Tantara</td>
<td></td>
</tr>
</tbody>
</table>

Figure 1. Locations of researched districts.
A total of 48 key informant interviews with individuals with unique knowledge of local tenure and statutory reforms, such as village leaders, customary authorities, heads of women groups, etc. The purpose of conducting 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.

We also conducted surveys with implementing agents at district and national level, in order to gain an understanding of factors that influence reform implementation. A total of 30 implementing agents were interviewed, primarily from national and district-level forestry and land agencies at multiple levels, from the capital city to the forest borders.

In order to generate options of how best to address reform implementation and how best to address drivers of local tenure insecurity, we conducted Participatory Prospective Analyses (PPA) at district and national level. 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 to eventually develop action plans for dealing with the problem. PPA workshops brought together multiple stakeholders from government (local and national), NGO, local communities, academia. In order to investigate further and ensure that multiple views, experiences and priorities were captured, we conducted women-only PPAs.

In this briefing note, we present results from the household surveys, the survey of implementing agents and the PPAs.

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

Participatory Prospective Analysis (PPA) is a foresighting technique which brought together stakeholders and actors from government, NGOs, private sector - at national and district level - to jointly identify factors that impact on local tenure security, to build scenarios of how they expect local forest tenure security to evolve in coming decades, to identify features of desired as well as unwanted scenarios, and finally to develop action plans aimed at promoting desired scenarios and mitigating unwanted effects.

Stakeholder consensus on factors influencing tenure security

Some commonalities were seen across and between districts in terms of factors influencing tenure security. Some unique factors were also evident, 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, for example, 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 different districts included: increasing demand for forest products, and pressures to convert forests to large-scale agriculture (Lamwo); land use changes 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 similar influencing factor. Other influences identified by national-level actors instead reflected national-level concerns, such as 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; and local norms and beliefs, which increase the vulnerability of certain groups’ tenure rights.

Actions to promote local communities’ tenure security

Certain actions were proposed by national and district-level stakeholders to strengthen and protect local community tenure rights. Common to all districts were the following 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 reform implementation; 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); faster, more 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).

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, however 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: whether a person was born in the village; and whether they had contact with external actors. Respondents who had been born in the village and 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, an equal level confidence was given to 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. Reform groups members 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 disagreeing that rules were fair were associated with state land designated to communities. A similar pattern was evident for non-members.

About half (56%) of all tenure reform related group members 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 to 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, some reform group members 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 reforms as having a significant and positive impact on their food security. As well as reforms, marital status, total assets and off-farm income were seen by group members to be 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 seen 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, this was cited by women to be largely due to poor harvests, as well as poor incomes.

Agriculture (crop farming) and keeping livestock were the main livelihood activities undertaken by respondents, with most having no alternative 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 fuel wood for commercial purposes, while women obtained building poles for commercial purposes. However, although reform implementation resulted in more restrictive forest product extraction rules for the majority (65.52%) 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, reform group members with formalized customary lands perceived their income and livelihoods improvements to be 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 they were adjacent to had 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. Most (67%) non-members 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 second highest being adjacent to formalized customary lands.

**Gender: men and women’s tenure security**

**Tenure security**

As well as within different tenure regime types, perceptions of tenure security as a result of reform implementation were generally uneven across genders. For most respondents, male and female, (54.31%), tenure reform implementation did not change their perceptions of tenure security, i.e. they perceived that reform implementation had no effect on their tenure security. A quarter (21.7%) felt that their tenure security had improved with reforms, and a few (13.36%) felt that it was now worse. 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**

For both men and women, forest and land tenure were perceived 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: renting/borrowing land was perceived to result in tenure insecurity more by women than men; women also cited infrastructure/road development, a lack of rights enforcement, and biased customary norms as additional sources of tenure insecurity.

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 neighboring villages, women and youth being excluded from land allocation, overlapping rights with government, and competition with private companies.
Forest tenure security was seen by both men and women 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 tenure security as being influenced by the presence of supportive national legislations that recognize 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 in defining and clarifying boundaries (for example, through participatory mapping) and seeking ways of providing more permanent rights to tenants, would respond to both men and women’s main concerns regarding tenure security. Adopting low-cost, fair, conflict resolution systems that address conflicts within and between groups will also help to foster tenure security, especially for women. Addressing issues regarding the exclusion of women and youth from land allocation will also help towards this goal, as well as 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 they tend to be involved in more mechanical, labor-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 rule breakers. They are also absent in dispute resolution; unlike men, most women have never attended meetings about forest use, management, disputes or dispute resolution, and women were mostly unaware of, or uninvited 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 (PPA) 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

Because forest tenure reforms responded to a need for sustainable forest management and livelihood improvements, activities leaned 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 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.
Although government and CSOs are both involved in reform implementation, there is limited formal coordination between them.

Potential future funding for National Forestry Authority (and District Forestry Service) 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.

References