PRACTICE BEFORE POLICY:
An Analysis of Policy and Institutional Changes Enabling Community Involvement in Forest Management in Eastern and Southern Africa

Fred Kigenyi, Peter Gondo and John Mugabe

December 2002

Community Involvement in Forest Management in Eastern and Southern Africa

This publication is one of four publications which review various aspects of Community Involvement in Forest Management in Eastern and Southern Africa. The four reviews are:

Alden Wily L. and S. Mbaya (2001): Land, People and Forests in Eastern and Southern Africa at the beginning of the 21st century. The impact of land relations on the role of communities in forest future. Nairobi, IUCN-EARO.

Mogaka H., Simons G., Turpie J. and L. Emerton (2001): Economic Aspects of Community Involvement in Sustainable Forest Management in Eastern and Southern Africa. Nairobi, IUCN-EARO.

Kigenyi F., Gondo P. and J. Mugabe (2002): Community Involvement in Forest Management in Eastern and Southern Africa. Analysis of Policies and Institutions. Nairobi, IUCN-EARO.

Barrow E., Clarke J., Grundy I., Kamugisha Jones R., and Tessema Y. (2002): Whose Power? Whose Responsibilities? An Analysis of Stakeholders in Community Involvement in Forest Management in Eastern and Southern Africa. Nairobi, IUCN-EARO.

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Fred Kigenyi[1], Peter Gondo[2] and John Mugabe[3]

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[1] Fred Kigenyi has spent many years working with the Forest Department in Uganda, and is presently working with Makerere University as a lecturer.

[2] Peter Gondo has extensive experience with the Forestry Commission of Zimbabwe, and is presently a Deputy Director of SAFIRE, a Southern African regional NGO working with natural resources.

[3] John Mugabe has been the Executive Director of the African Centre for Technology Studies (ACTS, P.O.Box 45917, Nairobi) from 1991 to 2002, he is presently the Executive Secretary of the African Commission on Science and Technology for NEPAD.

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List of Acronyms

ADMADE	Administration Management Design Programme for Game Management Areas
CAMFIRE	Communal Areas Management Programme for Indigenous Resources
CBD	Convention on Biological Diversity
CFM	Community Involvement in Forest Management
CIFM	Community Involvement in Forest Management
FAB	Forest Association of Botswana
FAO	Food and Agricultural Organisation
FBD	Forest and Bee-keeping Department
FD	Forest Department
EAC	East African Co-operation
EIA	Environmental Impact Assessment
GOU	Government of Uganda
IUCN	The World Conservation Union
IGAD	Inter Governmental Agency for Development
IMF	International Monetary Fund
JFM	Joint Forest Management
NEMA	National Environmental Management Agency
NGO	Non-Governmental Organisation
SADC	Southern Africa Development Co-operation
SBSTTA	Subsidiary Body for Scientific, Technological and Technical and Advice
TFAP	Tropical Forest Action Plan
UNEP	United Nationals Environment Programme
UNF CCC	United National Framework Conventions on Climatic change
UWA	Uganda Wildlife Authority

ACKNOWLEDGMENTS

PREFACE

The regional profile series on ***Forests, People and Policies from around the World - Linking Learning with Policy Formulation*** provides forum to foster exchange between regions and nations regarding the rich experiences of the world's people in maintaining existing forest and regenerating degraded ones. This project is implemented by IUCN, both globally and with different IUCN regions, with funding from DFID and the Ford Foundation. By analyzing community forestry strategies, common issues and effective actions can more readily be identified. The profiles include the following types of information:

- Overviews of national forest management histories.

- Brief ecological descriptions of the region's forests

- Summaries of forest administrative systems and policy frameworks as they relate to local communities

- Case studies illustrating the roles indigenous people, local forest dependent communities, and the greater civil society play in forest management.

- Abstract of regional networking organizations

- Assessments of national strategies, needed policy actions, important lessons, and constraints.

This project of the *IUCN Working Group on Community Involvement in Forest Management (WG-CIFM)* has so far produced 4 regional profiles, namely for Canada and the USA, South East Asia, Meso America, and Europe. Two other profiles are in preparation, namely for Eastern and Southern Africa, and Western Africa. The Eastern African Regional Profile project received substantial additional funding from DFID through NRI to enable four more detailed thematic reviews to be under taken. This review is one of the four reviews carried out as part of this project. The four reviews are:

1. Land, People and Forests in Eastern and Southern Africa at the beginning of the 21st century. The impact of land relations on the role of communities in forest future.

2. Economic Aspects of Community Involvement in Sustainable Forest Management in Eastern and Southern Africa.

3. Community Involvement in Forest Management in Eastern and Southern Africa. Analysis of Policies and Institutions.

4. Whose Power? Whose Responsibilities? An Analysis of Stakeholders in Community Involvement in Forest Management in Eastern and Southern Africa.

In a review of this nature it is not possible to be comprehensive in addressing community involvement in all countries, in all ecosystems and with all different cultures, We are limited by the available literature, where some countries such as Kenya, Tanzania, Zimbabwe and South Africa are well endowed with published and "grey" literature, while there appears to be little material from other countries, for example Djibouti, Namibia and Mozambique. In addition, the authors have an experience base which is focused more on some countries than others. Clearly there are going to be omissions. However we hope that the richness of the case material included in the review will demonstrate that responsible community involvement in forest management is not a passing "fashion", but is becoming well embedded in good forest management practice at all levels.

These four reviews formed the basis for a training workshop on community involvement in forest management which was held in Uganda in June 2000 for 55 participants from 14 countries (Sudan, Somaliland, Ethiopia, Uganda, Kenya, Tanzania, Zambia, Malawi, Mozambique, Zimbabwe, Botswana, Namibia, Angola, and South Africa) in the Eastern and Southern African Regions from both the government and civil society sectors.

In addition the four reviews together with contributed papers, grey literature and case material is being produced on CD, as a resource for practioners, researchers and policy makers in the region. It is hoped that this series of publications will contribute to the ongoing debate concerning how rural people can gain more rights to, and have responsibilities for their natural resources.

POLICY BRIEF

Forest management institutions in the countries of Eastern and Southern Africa are faced with the challenge of managing forests in a way that is sustainable and will support rural livelihoods. Current regimes, which mostly exclude the participation of local communities, have proved incapable of ensuring that forests are managed sustainably. Countries in the region are beginning to respond to the need for participatory management of forests and other resources. To date, though, legislative change has not kept pace with policy reforms; in fact, in many cases participatory forestry initiatives have developed even where the supporting policy and legislation have not yet been put into place. In fact, donors and NGOs have provided the impetus for much of the new, more community-based approaches to forest management.

Natural resource management policy in Africa has developed since pre-colonial times, a period dominated by traditional resource management practices. These practices varied from place to place, depending on social organization. In general, traditional leaders were responsible for allocating resources, especially land and forests. This system worked well in an era of low populations and limited demand. Customary policies were clearly understood and created a sense of ownership among local communities. Through these practices evolved elaborate indigenous systems which were able to sustain the forest and support local people's livelihoods.

The colonial period gave rise to central government policies. These were meant to control activities by local people that were interpreted as destructive, and were also put in place to provide raw material for the colonial timber industry. The central government approach ignored the cultural and social-economic importance of forests to local communities. The resulting "command and control" policies alienated local people from forest resources and local institutions and undermined traditional management practices. The local communities' loss of power reduced their ability to participate fully and fairly in forest management.

Post-independence policies, continuing the colonial thrust of centralization, were instruments for achieving state control over land, forests, resources and socio-economic development. In some cases they increased local peoples' alienation from public forests. Governments were reluctant to develop policies that would allow communities to use or manage forest land. Subsequent policy changes tended to emphasise economic extraction even if they recognized the importance of environmental services. Policies were broadly focused on production and protection. In the few cases where policies spelled out the need to promote community involvement, they were not backed up by legislation. Legislative review was slow or absent, despite the growing evidence that communities could, and do manage forests on a sustainable basis.

While forest policies have often been blamed for failing to halt degradation and deforestation, policies relating to other sectors — including land tenure, tax-credit and pricing, resettlement, development, agriculture, decentralization, public service restructuring and energy — have tended to have a greater impact. Most of these policies failed to acknowledge or address forest–related issues. The effects of such policies were exacerbated by poor coordination of activities between these other sectors and forestry.

Most significant changes in policy and legislation have taken place in the last ten years. Common to them is a general shift to a stronger emphasis on the role and importance of local communities and other stakeholders in forest management. This change has come from a recognition of the failure of central governments to stop or reverse the loss of forest resources or to prevent their degradation. It has also evolved as a result of lessons learned from practical experience.

At the international level there has been growing interest in and support for policy and legal frameworks that will enhance community participation in natural resource management (particularly forests) through various instruments and initiatives. These include the Convention on Biological Diversity (CBD), the Forest Principles generated by UNCED, Agenda 21, the United

Nations Framework Convention on Climate Change, The Convention to Combat Desertification, and others. Eastern and Southern Africa countries are signatories to these conventions.

Unfortunately, such policy evolution has not always been well informed by local practice. Further, in many areas local initiatives in community involvement in forest management (CIFM) have developed much further and faster than government policy. Experiments and new initiatives in CIFM have tended to occur outside the existing policy and legislative context. At the moment this experimentation tends to be driven by donors or non-government organizations (NGOs), as well as community initiatives.

New policies related to community involvement in Eastern and Southern Africa share other shortcomings:
- The involvement of local communities in forest management does not fit within the model of central government management and control of forests.
- CIFM initiatives are added on to existing policies rather than being entrenched within them. This is partly due to the fact that most countries are just starting to accommodate community involvement in their activities.
- In most countries in the region, specific CIFM provisions within policies are not necessarily supported by changes to legislation.
- Most policies do not clearly set out the specific conditions and situations appropriate for CIFM.

CIFM policy is also hindered by ineffective implementation. A number of factors limit implementation: the political will and support for reform is largely absent; legal and institutional rigidities and weaknesses exist; resources are inadequate; and the demand for policy reform and implementation has been poorly articulated.

Several factors are essential for effective policy implementation, including adequate finances to translate policy into action, appropriate administrative structures (with sufficient human resources to administer policy) and supportive legislation. Implementation also requires coordination with other sectors whose policies have an impact on forestry, as well as partnerships among various stakeholders to share roles and responsibilities, and capacity-building for local institutions.

While there has been a definite change in policy to accommodate local community interests in the region, top-down planning and implementation still prevail, and bottom-up approaches are generally relegated to forest policy documents. There is still a need for stronger commitment by governments. It has been demonstrated that sustainable forest management is possible where policy provides for community involvement. Sustainable forest management contributes to both forest health, and the continued provision of goods and services to local people.

Conclusions:

1. Current policies, laws and management institutions have marginalized local communities and have not sufficiently addressed their involvement in forest management.
2. Forestry and other related management agencies are not the only providers of forest management and planning, and must coordinate effectively with other sectors that have an impact on forestry, and which have the potential to conflict with increased community involvement in forest management.
3. Although steps have been taken to address community involvement, CIFM policy in the region, with some notable exceptions, still needs to be developed, and legal provisions do not adequately deal with community-based approaches or support new policy initiatives.
4. New initiatives in CIFM have tended to occur outside the existing policy and legislative framework and tend to be driven by donors or non-government organizations (NGOs).
5. Although major steps have been taken to integrate community concerns within policy, legislation and institutional arrangements, full implementation is hampered by a number of factors.

Recommendations:

1. Identify and address contradictions and gaps in national policies, laws and regulations that restrict the full involvement of local communities in sustainable forest management.

2. Review and revise current policies and laws so as to recognize local peoples' forest and land-use rights and protect traditional use.

3. Reform policy and planning processes to enhance the participation of communities and other stakeholders in policy formulation at all levels.

4. Develop legal frameworks and instruments to empower local communities to genuinely participate in forest management.

5. Encourage NGOs and community-based organizations (CBOs) to collaborate in supporting effective policies that incorporate local participation.

EXECUTIVE SUMMARY

There is a growing recognition that centralized forest regimes, which exclude local knowledge and customary practices, have not achieved sustainable forest management. Forests are threatened by loss and degradation, a situation worsened in recent years by a rapid growth in population. Involving local communities in forest management can help meet these challenges.

During the 1990s, there was a major shift in forest management, from almost exclusive central government control and management of forests to shared control and management with community involvement or participation. In some cases, this shift involved reform of tenure arrangements to provide for community access and ownership rights.

Policy and legislative reforms to facilitate community involvement in forest management are at different stages in the various countries of the region. Some countries have formulated and adopted policies and laws that promote community involvement in forest management, and have instituted laws that provide for community ownership of forests; others are still drafting new forest policies and laws to accommodate community involvement imperatives. Still others have not even initiated policy and law reform processes. Even those countries, however, recognise that communities and rural people can make an important contribution to forest management. Lessons learned from practical experience are increasingly driving the policy debate in this field.

While there is growing support for community involvement in forest management, there are a number of policy, legal and institutional limitations, including the following:

- In many cases, CIFM is not a part of mainstream policy and law, but is an add-on to the old, more protectionist central government approach;
- Central government forest agencies have not demonstrated a capacity to develop or implement CIFM activities;
- Policy and institutional reforms do not seem to be informed by CIFM activities and experiences in the region (which are often initiated by NGOs);
- In some countries there is tension between the central government's wish to maintain control of forests and pressures to institute CIFM activities; and
- CIFM policy is not always supported by legislation.

There is a relatively long-standing public policy debate and academic discourse on the role of local communities in the management of public forests. This debate arose from the growing recognition that the institutional forest policies, laws and agencies of many developing countries are incapable of stemming the degradation and loss of forests because they do not protect communities' rights to natural resources in general, and to forests in particular. These policies also ignore the importance of local knowledge and customary practices. Institutional regimes of forest management were based on excluding people from habitat, and on top-down administration and central government control of resources. This undermined community support for forest management and eroded the livelihoods of local people.

The past several decades have seen rapid growth in human populations in many developing countries, particularly in Africa. Competition for increasingly scarce land and forest resources has intensified. Protected forest areas in many African countries have been targeted for degazettement, land allocation and deforestation, as more and more people seek access to land, fodder, fuelwood and other forest resources. Allocation of forest land to politically connected individuals, and the limited and declining capacities of central government forest management agencies are also threats. In addition, many of the management tools and approaches deployed in many countries are outdated; they tend to promote the preservation, and not necessarily the conservation, or sustainable use of forests.

Most countries in Eastern and Southern Africa are reviewing and revising policies and laws and restructuring their agencies to accommodate emerging forest management imperatives. In particular, they are instituting policies and laws to support local communities' participation in forest management, including associated decision-making processes.

Such reforms are based on the growing recognition that local people have the skills, knowledge and experience to manage public forests. In many instances these reforms have been stimulated by the work of NGOs, obligations to donors, and by international treaties such as the Convention on Biological Diversity (CBD).

The number of initiatives aimed at promoting community involvement in forest management has grown. In some countries community forest management programmes and activities are evolving even where the necessary policy and legislation do not yet exist.

This study discusses the evolution of community involvement in forest management (CIFM) in Eastern and Southern Africa. It analyses policies and laws being established by the countries of Eastern and Southern Africa to accommodate and promote community involvement in public forest management. Chapter 1 provides an introduction and background information. Chapter 2 provides an overview of the status of forests in the region, and discusses some of the sources of forest degradation and loss. Chapter 3 describes policies, laws and agencies for forest management in the region, and their inadequacies in achieving the sustainable management of forests. It also includes a discussion of the rights, responsibilities and resources that these policies and laws give to local communities to enable them to participate in the conservation and sustainable use of forests, and describes whether they create mechanisms for local authorities, NGOs and community-based organizations to participate in the development of management plans.

Chapter 4 focuses on new and emerging policies and legislation and on institutional reforms to enable and/or promote community involvement in forest management. It assesses some of these policies, laws and proposed institutional arrangements. This chapter also discusses those provisions in international and regional treaties that can be invoked to enable and/or promote the participation of local communities in forest management. Chapter 5 provides some case studies of CIFM in practice.

Chapter 6 outlines a number of measures that should be undertaken to improve the quality of forest policies, laws and agencies. It recommends the creation of national community-based conservation programmes that transfer resources, rights and responsibilities to organized village associations. The study also recommends the creation of national benefit-sharing schemes that will ensure that economic benefits derived from the management of forest resources are shared with local people in a fair and equitable manner.

The review also recommends that practical, project-based information, such as the following, be made available to assist in developing and implementing CIFM projects:

- Provide information about "best practices" in policy and legal reform and CIFM programme initiatives to government officials responsible for forest policy and law processes in the region. Eastern and Southern African countries need to learn from each other, and from countries and regions where CIFM has been integrated into policy and law.
- Facilitate and promote the sharing of information among countries of Eastern and Southern Africa. Institutions such as IUCN can be instrumental in facilitating information sharing through regional workshops on CIFM.
- To increase political support for CIFM, conservation agencies must demonstrate to politicians and policy-makers that there are many benefits to involving local people in forest management. This is particularly important in countries where policy and legislation do not accommodate and/or promote CIFM, and where poverty reduction strategies are in place.

- Capacity-building for forestry departments and other institutions around the central themes of CIFM is necessary, including a focus on participatory planning, co-management and devolution.
- NGOs and CBOs should be more active in supporting national policy and law reforms. These organizations are vital sources of information and experience related to CIFM. Their participation in national policy and law processes will be essential to ensure that new policies and legislation are grounded in practical experience.

The study concludes that, while a large body of practical experience with community involvement in forest management exists in Eastern and Southern Africa, this experience does not yet adequately inform policy and legal reforms. In addition, there are few, if any, cases where countries have shared information and experience. Many emerging forest policies and laws still vest considerable responsibilities, resources and authority in central government agencies. It is not clear how these regimes will interact with NGOs and the private sector in mobilizing communities for forests management.

CHAPTER 1: INTRODUCTION

This review is one of four theme reviews contributing to a more detailed profile on the subject of community involvement in forest management in eastern and southern Africa. It focuses on policy, legislation and institutional arrangement in relation to community involvement in forest management. The study was done in 12 countries in eastern and southern Africa including, Uganda, Tanzania, Kenya, Sudan, Mozambique, Zimbabwe, Zambia, Botswana, Malawi, Swaziland, Lesotho and South Africa, Ethiopia, Eritrea, Namibia and Somalia (Box 1).

Box 1: Map of Eastern and Southern Africa

1.1. THE CURRENT SITUATION

Many countries in eastern and southern Africa are reviewing their policies, laws and public agencies for forest management. This is largely stimulated by a variety of factors including the growing recognition that the current regimes are incapable of promoting or ensuring sustainable forest management because they are founded on principles that eschew the role of communities. While public policies contain provisions requiring community involvement in forest management, public agencies either ignore such provisions or lack the organizational capacity to implement them.

There are, however, efforts being made to institute policies and laws that explicitly provide for, or promote the involvement of local communities in the management of forests, particularly public ones. Programmes aimed at promoting community involvement are also being established and implemented. There is a relatively long-standing public policy debate and academic discourse on the role of local communities in the management of public forests. The debate and associated academic discourse were stimulated by a variety of factors including the growing recognition that one reason why orthodox forest policies, laws and agencies of many developing countries are incapable of stemming the degradation and loss of forests is that they do not protect communities' rights to natural resources in general and forests in particular. They also ignore the importance of local knowledge for, and customary practices of forest management. These regimes—policies, laws and agencies—of forest management were founded on principles of exclusion of people from habitats, top-down administration, and central government control of resources. At best they undermined communities' support to forest management, and at worst they eroded livelihoods of local people.

Over the past three decades or so there has been rapid growth in human population in many developing countries particularly those of Africa. Competition for increasingly scarce land and forest resources has intensified. Forest reserves and protected areas in many African countries have become the target for degazettement, land allocation and deforestation, as more and more people seek access to more land, fodder, fuelwood and other forest resources. They are also threatened by excisions and allocation of forestland to politically connected individuals, and the limited and declining capacities of central government forest management agencies.

Most countries of Eastern and Southern Africa are reviewing and revising their policies and laws as well as restructuring their agencies to accommodate new and emerging forest management imperatives. In particular, they are instituting policies and enacting laws to create institutional space for local communities' participation in forest management. In some countries community forest management programmes and activities are evolving in the absence of the necessary supportive national policy and legislation.

This study discusses the evolution of community involvement in forest management (the engagement of local communities in the management of public forests) in Eastern and Southern Africa. It analyses policies and laws that are being established by the countries to accommodate and promote community involvement in public forest management. A comparative review of community forest management initiatives is also provided.

1.2. SCOPE OF THE STUDY

This study provides an assessment of the efforts and a review of national policies and laws, as well as agencies, to determine the extent to which they provide for promoting community involvement in sustainable forest management in the countries of eastern and southern Africa.

In this document, for the purpose of clarity, communities are defined in spatial terms as people who live in or adjacent to forests and who rely in one way or another, on forest resources for their livelihoods. The focus of the document is on rural communities, including both settled and nomadic populations. Forests are taken to include all forms of natural forests and woodlands, but mainly excludes exotic plantations and trees that have been planted on farm. The study focuses on sustainable forest and woodland management, but also makes reference to exotic plantations and trees that have been planted on farm.

It is important to note that there is great variation, both in quantity and quality of information relating to policy, legal and institutions in respect of CIFM. There was more information on Kenya, Malawi, South Africa, Uganda, Zambia and Zimbabwe, and less on the others. This influenced the details given in this review, which, because of its nature, had to be based on available information. The study is presented in six chapters:

1. **Chapter One** examines the forest and woodland resources of the region, focusing on status (composition and distribution), use, threats and management programmes.
2. **Chapter Two** reviews the evolution and content of policy and legal framework, and assesses the extent to which it has provided for community involvement in forest management.
3. **Chapter Three** looks at the institutional arrangements, and examines the extent of involvement of key stakeholders namely government agencies, international organizations, NGOs, and the private sector in relation to local community involvement in forest management.
4. **Chapter Four** presents 4 case studies that demonstrate how CIFM policy has evolved in practice.
5. **Chapter Five** provides a synthesis of the report and research requirements.
6. **Chapter Six** lays out the conclusions and recommendations.

CHAPTER 2: NATURE OF THE FORESTRY SECTOR IN EASTERN AND SOUTHERN AFRICA

2.1. RESOURCE STATUS AND TRENDS

All types of forests in Africa have been impacted upon by human activity and a number have been lost, and others reduced in quality and quantity. Due to increasing population and demand, these negative impacts continue. The challenge for forestry management agencies is to sustainably manage forest resources to provide for rural livelihoods, forest and tree products, and environmental services. Participatory forestry management is increasingly recognized as an effective strategy to help meet this challenge.

2.1.1. Importance of Trees and Forests

Forests and trees in general are very important to the Eastern and Southern African region because of their contribution to socio-economic development and environmental protection. They provide ecological stability for agricultural production and supply most energy needs. Forests are linked to alleviation of poverty and environmental stability. There is great dependency of both rural and poor urban population on forest resources for part of their food, shelter, energy and subsistence needs. In the region about 70% to 90% of the population rely on wood energy. For example in Uganda, forest resources provide six times more energy than electricity and petroleum products put together Ministry Natural Resources- Uganda, 1996). The importance of forests in land stabilization, soil enrichment and provision of cover and fodder for grazing especially in drought prone areas cannot be overemphasized.

Forestry contributes greatly considering its full value, including the intangible benefits, to the economies of the countries in the region although there is little export of timber as much of it is absorbed in the local market. For example, in Uganda forestry contributes about 23% (FAO, 1997) to the Gross Domestic product, being one of the highest in the world. On a global scale forests generate benefits through their richness of diverse biodiversity, genetic material, carbon sequestration, watershed protection and, wildlife resources with many of the species endemic to the region (White, 1983).

2.1.2. Forest Resources Distribution and Status

The forest and woodland resources of the Eastern and Southern Africa represent a rich and diverse resource base. The diversity is a function of geology, altitude and rainfall, which ranges between 400mm in the Kalahari desert, and parts of Somalia and Ethiopia to over 2000mm in moist forests of Angola and Congo (Table 1).

There are 10 regional centers of endemism, in which the different vegetation types are represented in Eastern and Southern Africa, out of 18 represented on the African mainland (White 1983). However only 6 of the ten are important for Forest and woodland vegetation in the region (Table 2).

Table 1: Status of Forests in Eastern and Southern Africa

COUNTRY	LAND AREA	TOTAL FOREST 1995	
	'000Ha	Area '000Ha	% of Total Land
Eritrea	10,000	282	2.8%
Ethiopia	100,000	13,579	13.6%
Kenya	56,914	1,292	2.3%
Somalia	62,734	754	1.2%
Sudan	237,600	41,613	17.5%
Uganda	19,965	6,104	30.6%
Angola	124,670	23,194	19%
Botswana	56,673	14.262	25%
Lesotho	3,035	7	0.2%
Malawi	9,408	2,600	28%
Mozambique	78,409	17, 357	22%
Namibia	82,329	12,569	15%
South Africa	122,104	8,208	7%
Swaziland	1,720	146	8%
Tanzania	88,604	33,709	38%
Zambia	74,339	32,324	44%
Zimbabwe	38,667	8,981	23%
TOTAL	906,911	262,818	29%

Adapted from FAO (1999)

Table 2: Forest Distribution, Status and Threats in Eastern and Southern Africa

Phytochorion (Vegetation Type)	Extent/ Distribution	Description	Threats
The Zambezian	• Largest Major phytochorion after Sahara. • From Central and Southern Tanzania, much of Zambia, Zimbabwe, South Central Angola, Namibia, Caprivi strip, Northern Botswana, Central Mozambique and South Africa (Mpumulanga Region)	• Contain richest and most diverse flora in Africa • Dominated by Miombo woodland • Dry evergreen forest - 1200 m rainfall • Dry deciduous forest & Scrub 600-900 mm • Swamp/ riparian forest • Mopane woodland	• Cultivation • Charcoal burning • Overgrazing • Resettlement
Sudanian Area	• Northern Uganda above Lake Victoria Mosaic • Sudan South of Jabel Mara to • Foothills of Ethiopian Highlands	• Woodlands with patches of swamp forest • Outlier Guino-Congolian affinities in extreme South Western Sudan • Rising to montane areas of Southern Sudan bordering Uganda where forests exist	• Cultivation • grazing • fires
Somali - Masai	• Large area of East African mainland • Eastern and Southern Ethiopia (except the mountains) • Somalia, S.E. Sudan • N.E Uganda (Karamoja) • Kenya - Between the Highlands and the Coastal belt • Dryland areas of North and Central Tanzania south of the Great Ruaha River Valley	• Mostly deciduous bushland dominated by Acacia and Commiphora spp.. • High rate of endemism (50%) • High Fauna population	• Over grazing (both domestic and wildlife) • Charcoal burning • Increasing human population • Extension of Agricultural frontiers

The Lake Victoria Mosaic	• Uganda South of the Nile • Western Kenya • North-Western Tanzania	• Lowland forests with affinities to 5 distinct flora converging from other centres of endemism Guineo -Congolia Spp dominant • Transitional low land forests (Kakamega with afromontane Spp) • Swamp forests (Sango bay and Minziro)	• Agriculture (dating back to 400BC) • Timber harvesting • Urbanization and industrialization (Area of high urban development) • Human population • Agricultural encroachment • charcoal burning
Zanzibar - Inhambane	• Coastal Belt Somalia 1º N to Limpopo 25º S	• Low land moist forest (Lower parts of Eastern highlands of Tanzania, Coastal Mozambique & Malawi and Zambia). • Mangroves - confined to Coastal Zone from Somalia to Mozambique • Isolated on the Red Sea coast of Djibouti and Eritrea. • Undifferentiated forests on wet and dry sites in Kenya and Northern Tanzania	• Cultivation in rich volcanic soil • Fisheries and Tourism industry • Infrastructure development • Charcoal burning
Afromontane	• On all mountains and high altitude sites e.g. Rwenzoris, Mt. Elgon, Mt. Kenya, Kilimanjaro, The Eastern Arc Mountains, Mt. Mulanje, Vumba and Nyanga etc.	• Most are National parks and Forest reserves • Over 4000 spp. • over 300 endemics especially in the Eastern Arc mountains	• Surrounded by high population densities (100-400 p/km^2) • Fragmented • Timber/Fire wood exploitation • Conversion to forest and agricultural plantations

Adopted from: White (1983)

2.1.3. Deforestation

Forests in the region are subjected to severe deforestation and degradation due to a variety of reasons. The average rate of deforestation in the region ranges between 0.25% and 1% per annum (FAO, 1999), compared with a global tropical average of about 0.8%. Direct causes of deforestation and degradation include agricultural expansion, woodfuel and construction timber extraction, overgrazing and fires. Some of the underlying and indirect causes include ambiguous land tenure systems, absence of incentives for conservation, and weak public agencies contribute to the deforestation and degradation of forest ecosystems.

The afromontane forests have been cleared extensively for cultivation, and the establishment of forest plantations. For example in Kenya, Tanzania, Zimbabwe and Malawi large areas have been cleared for tea and forest plantations, whilst in Angola they have been cleared for coffee production. Half of the forests in the East Usambara mountains have been cleared for teak and eucalyptus plantations as well as tea, rubber and sisal (Clarke, 1994). The Ethiopian montane ecosystem has suffered from agricultural clearing. The miombo woodlands, especially of Tanzania, Malawi, and Zambia, have the highest deforestation rate in the region averaging 3.5% due to agricultural expansion and deforestation (Grundy, 1990). In Uganda, the Luweero and Nakasongola woodlands are under great pressure from grazing, cultivation, and charcoal production for the increasing urban population in Kampala and surrounding towns (Forest Department, Uganda 1995).

Although fuelwood accounts for as much as 70% to 90% of the total energy consumed in the region, it has been clearly demonstrated during the fuelwood crises era in Southern Africa of the 1980s that fuelwood extraction is not the major cause of deforestation in the region although it contributes significantly to forest degradation (Gondo, 2000). Overgrazing and frequent dry season fires have largely been responsible for the deforestation and degradation of savanna woodlands especially in densely populated areas. In south-central Zimbabwe and parts of Botswana, Malawi and Tanzania overgrazing and fuelwood extraction have contributed to suppression of regrowth to the extent that people now rely on crop residues and cow dung for part of their energy needs (Nhira et. al. 1998, Clarke 1994). A similar situation occurs in Sudan, Ethiopia, Eritrea, Somalia and parts of arid Kenya.

The underlying causes of deforestation for the region include, policy and market failures, rapid population growth, poverty, a lack of alternatives, and political instability. In addition, policies do not promote the participation of all stakeholders in forest resources management and, in most cases, have alienated the people from forest resources, which has led to conflicts in their management and utilization (Ochieng 1998, Ongugo and Mwangi 1998)

The region has a population of over 200 million people growing at an average rate of 2.8% per annum (WHO 1999). Between 60% and 80% of the people live in rural areas and directly depend on forests for their livelihoods. The relationship of environmental, economic and social factors arising from population growth is very complex. However rapid population growth and poverty in the absence of sustainable use technologies force rural people into excessively utilize natural resources leading to increased degradation and deforestation (Gondo 1999).

The region has been bedeviled by wars and civil strife for the last 25 years. For example, all countries of Eastern Africa (with the exception of Kenya and Tanzania), have faced long periods of civil strife since their independence. Zimbabwe, Namibia and South Africa were all fighting liberation wars during the period which resulted in an influx of refugees into neighboring countries, the breakdown of protected area systems, loss of security of tenure and a reduced expenditure on environmental issues in the face of high military expenditure. In Somalia, it has meant breakdown of all formal institutions that were managing forests, and it was suggested that much of the riverine forests have now been severely degraded due to uncontrolled timber and fuelwood extraction (Shepherd and Bird, 1989).The problem of political instability has also affected neighboring countries, where hundreds of refugees have flocked for security reasons. For

example, Tanzania has had refugees from Rwanda and Burundi, and Southern Africa for the last 30 years. Increased population pressure in refugee hosting areas has resulted in increased land pressure for agriculture and settlement. Since refugees arrive without resources, they are forced to depend on forest resources for food, shelter, fuelwood and other basic needs for survival, resulting in extensive deforestation and forest degradation. Where refugees are provided with alternative fuels, such as kerosene (e.g. Mozambicans in Malawi in the 1980's and 1990's), they tended to sell the kerosene, and still gather fuelwood for their energy needs

Forests are also being lost due to excisions by government, which often do not follow due legal processes, for development, settlements or for land speculation by well placed individuals. For example about 2,440 sq.km., equivalent to 30% of Mau forest and, 238 sq.km. (40%) of Kakamega forest reserves in Kenya were degazetted for agriculture and settlements, while in other areas forests have been degazetted for industrial development (Ole Nkako 1998). In Uganda 6000 Ha. were excised from Mt. Elgon Forest Reserve to resettle the Ndolobo (Forest Department Uganda 1995). The main reasons for the excisions has been the failure to harmonize government policies. Resettlement and agricultural policies are at variance with those of forestry. Forest land has always been looked at as underdeveloped, and therefore, open for allocation to other land uses. In most cases there is not even consultation with the forestry authorities!

Past inequalities in land tenure denied some sections of society land especially in those countries where there were colonial settlers like Kenya, Zimbabwe and South Africa. Over the years a large number of the citizens of these countries, have been squatters, Post independent governments have had to re-resettle them, in most cases in forested or woodland areas.

Currently, forests are also disappearing because of the failure of government agencies to enforce legislation. Forest Departments in the region have been negatively affected by low budgets, staff shortages, corruption and the continued use of policies that deny other stakeholders, especially local communities, a role in the management of public forests. Other factors that indirectly influence deforestation include:

- chronic slow and low growth and the predominance of subsistence agriculture;
- low economic activity;
- poor commodity prices; and
- protectionist policies of consumer countries.

2.2. FOREST MANAGEMENT REGIMES

The management of forests in Eastern and Southern Africa has been evolving overtime, from pre-colonial times to the present, reflecting changes in the political and socio-economic circumstances of the region.

The pre-colonial systems of management were simple, revolving around communities with set traditional methods of control and regulations for the benefit of members of those communities (Singh and Khare 1993). Most communities were organised along egalitarian principles and kingships (Mupanda pers comm.. 2000). Forests were managed likewise, and in many cases, there was free access to these resources for community members. Low population densities, use of simple tools and technologies, and limited or no trade in forest products allowed the forests to adequately meet the subsistence requirements of the local communities without adverse impacts on the forests. Areas of forest degradation were confined to places of concentrated populations like in some parts of Zimbabwe and Zambia where some tribes, lived in large groups around each other for protection purposes (Misana et. al. 1996). In most cases, these areas were able to recover due to the nomadic nature of most tribes and the long fallow periods possible in areas where shifting cultivation was common. The traditional management systems were characterized by the dominance of local control systems. The authority on forest resources was vested in traditional elders like chiefs and kings (Makuku 1992, Singh and Khare 1993, Gombya 1997). The traditional

management systems contained some clear control mechanisms based on shared norms and values, and regulations which helped achieve community forest management objectives. Most of the traditional management systems have been documented especially where they relate to forests protected for spiritual and other cultural purposes (Little and Brokensha 1987, Mukamuri 1987, Matose 1992, Gombya 1997).

2.2.1. Colonial Forest Management

The most profound and long lasting changes in forest management practices and policies can be traced, to the advent of colonisation for most of the countries in the region with the exception of countries like Ethiopia, Swaziland and to some extent Botswana. These changes were driven by changes in land tenure, and institutional arrangements such as governments' centralised control and management of forest resources, together with inappropriate national policies and legislation (Kamugisha 1993, Gondo et. al. 1999, Mwangi 1997).

The most distinguishing of the complex features of colonial governments' forest management policies in the region is the predominance of state ownership of forest lands and trees outside gazetted forests. In countries like Uganda and Zimbabwe, reserved forests and national parks now account for about 15% of the total land area and up to 30% of the forests (Kigenyi 1998, Gondo 2000). In order to ensure central control, a management system based on command and control legislation that relied heavily on policing, was put in place at the time of reservation of forest areas and national parks, and this is still operational today. It was applied to prohibit unauthorized entry into gazetted forests and also criminalized removal of reserved or protected trees in communally owned and even private lands. This effectively alienated local communities from forest resources, denying them access rights to some of the resources that were the basis of their livelihoods. This approach to management of forests and trees on farms pitted people against government, while not being able to prevent degradation and deforestation of public forests.

The main focus of forest management in the reserved forests was production and protection and included such activities as collection of revenue, supervising permits and licenses, silvicultural operations in both natural and planted forests, protection against illegal entry and use, reforestation and afforestation, research and extension. Management plans were developed without involving local communities and other stakeholders who had an interest in the forests, yet most of the management prescriptions affected them in one way or another. Another important feature of this period was the establishment of government owned plantations of exotic species mainly pine, eucalyptus and cypress species. In countries like Kenya, Malawi, Tanzania, South Africa, Swaziland, Uganda and Zimbabwe, plantation forests introduced during this era are now the basis of the forestry industry.

In areas outside reserved forests, the focus of government management was regulation and control of forest resources utilisation through legislation without taking into account the interests of the local communities or the existing traditional management systems. However due to limited capacity on the part of central government agencies to police and enforce the laws, this approach was generally ineffective and created conditions of open access and an institutional vacuum in most countries. In some countries this created conditions within which traditional local management systems persisted, albeit illegally. In countries like Mozambique, Tanzania, Uganda and Zambia, these now provide successful models of community based forest resources management. Where the effects of the failure of the central government dominated management approach were becoming obvious, the colonial governments introduced afforestation with exotic species to try and address deforestation and fuelwood problems which were considered to be the main cause of deforestation at the time. Unfortunately these programmes were conceived and developed by central government agencies without consulting or involving the local communities who were supposed to undertake the tree planting activities, hence these programmes were, in general a failure in most countries where this approach was adopted.

2.2.2. Post Independence Forest Management

The post independence era did not bring much change in forest policies and management practices as most governments in the region continued to try and implement the old policies and legislation. Countries like Angola, Kenya, Uganda and Zimbabwe are still using pre- independence legislation to this day. In most countries, post-independent governments have oscillated between decentralization and re-centralization of the management of local forest reserves with disastrous consequences, as in Tanzania and Uganda in the 1970's-1980's (Kamugisha 1993, Burley et. al. 1989). Because of uncertainty about the responsibilities of local level institutions to which management of the forests is transferred, there has been a tendency for them not to invest in the management of forests resulting in their misuse and over-exploitation.

Serious efforts towards community involvement in forest management in the region improved in the early years of independence as governments tried to bring immediate change to the lives of their people. But this was not been helped by delays in changes in forest policies and legislation as most national governments did not revise their forest policies immediately after independence. At the same time, forest agencies have been faced with the problem of reduced budgets and inadequate staffing levels and thus, increasingly being unable to continue with management of forest reserves and policing practices. As a result there was much rhetoric and much less action.

2.2.3. Local Communities in Forest Management

The first formal recognition of the role of communities in the region was in Malawi where the 1926 forest ordinance provided for the establishment and protection of village or community forests known as village forest areas (Jumbe et. al. 1999). Although policies and legislation related to involvement of local communities in other countries such as Zambia and Zimbabwe existed, they were paternalistic and restrictive, or largely remained on paper with little government support (Gondo et. al. 2000).

A two-tier system of management has been tried in some countries for example in Malawi (Kachule et. al. 1999, Kamugisha 1993). This has involved central government releasing some forests of local importance to be managed by local level administration. The purpose was normally the provision of small areas of natural or plantation forests to supply wood products to rural communities on a permanent basis. While the forest resources are within the local community and managed by local level institutions, they are governed under the same old legislation which limits access and use to subsistence levels.

Experience and new knowledge from the period has brought gradual changes in management over time. Realizing the multiple benefits of forests, various management options were made to manage forests for multiple purposes. Forests are no longer looked at in terms of timber only, but also includes the numerous other products and biodiversity, including non-wood products, wildlife, spiritual, recreational and environmental values. The focus of government policies for forest management is therefore shifting towards community involvement in forest management. This development is taking place within the broad context of rural development that is economically and socially viable, and environmentally sustainable. It involves confronting poverty and increasing the value of the forest to those living in and around them.

The basic driving principle in the development of community involvement in forests management is the notion that those who live in, and around and use the forests will only manage the resources when they have secure rights to reap the full benefits. This also implies that local communities have developed the requisite skills and knowledge to manage the resources through their indigenous knowledge systems.

Now there is new evolving international understanding on forest management requiring the recognition of local peoples interests, their rights and access to forest resources so as to contribute to their livelihoods (Nhira et. al. 1998). This has been supported by wider moves to reform national policies leading to a shift in forest management practices in Eastern and Southern Africa.

The process has been accelerated by decentralisation of government services in a number of countries for example in Malawi, Zambia, Uganda, Tanzania and Zimbabwe. New approaches which recognise the need to involve and benefit local people in forest management in a collaborative manner are slowly being implemented in a number of countries like Botswana, Tanzania, Uganda, and Zambia in a variety of forms. These include forest management agreements between the government and local communities, transfer of forests and/or forest management responsibilities to local communities (Wily 1998), and promoting local community forest management initiatives in communally and privately owned areas. Most of these initiatives are relatively recent, and are only now beginning to attract and receive formal support from policy makers.

More recently, there has been growing pressure to formulate policies aimed at reducing conflict by involving local people and other stakeholders in forest management and promoting sustainable use. This pressure is resulting from:

- population increases;
- democratization of governance;
- shrinking state budgets;
- institutional reforms; and
- shift to private sector based development approaches.

Currently major policy reforms focus on the incorporation of local communities as stewards and beneficiaries of forest management (Anderson and Grove 1987). In order to ensure sustainable forest management and reduce deforestation it is important to re-examine policy frameworks and formulate appropriate land and resource use policies to make them more responsive to local communities that are disenfranchised by current policies.

CHAPTER 3: POLICY AND LEGAL BASIS FOR COMMUNITY INVOLVEMENT IN FORESTRY MANAGEMENT

3.1. HISTORICAL BACKGROUND

Historically Eastern and Southern Africa have experienced two types of governance, namely the traditional systems based on family, clan and community, and colonial and post-colonial centralized governance. The two differ in their mode of decision making. However, both the state and traditional institutions play a key role in the management and conservation of natural resources, particularly forests. Through the two governance systems, various factors have been responsible for shaping present day policies in the region. Therefore to gain a deeper understanding of how forest policies for the region have evolved, it is important to trace the history of natural resources management from the pre-colonial period to the present.

3.1.1. Pre-Colonial Period

The pre-colonial period was characterized by the absence of written records and dominance of traditional or customary forest resources management systems which varied from place to place. Traditional systems of management have been widely documented (Little and Brokensha 1987, Mamaku 1992, Singh and Kharea 1993, Birgerard 1993, Gombya 1997). Essentially, the authority on forest resources was vested in traditional leaders like chiefs and headmen. The traditional leaders were responsible for land allocation and the declaration of protected or sacred forests for spiritual and cultural purposes (Gombya 1997). The demands which were being placed on the forest during this era were comparatively simple due to low human and livestock populations, abundant forest resources, and minimal trade in forest products (Misana et. al. 1996). Where it was practiced, shifting cultivation allowed for long fallow periods which in most cases allowed full recovery of the forests. Most communities were nomadic and therefore could use extensive areas to meet their needs. However, when people settled and practiced sedentary agriculture, for example where the Shona people settled around hill fortresses for defense purposes, local deforestation and forest degradation occurred (Misana et. al. 1996).

The customary management systems contained some clear norms and regulations which could be interpreted as instruments for implementation of the prevailing forest resources management objectives. For example, the Shamba in Tanzania established some protected forest areas, to which access was restricted (Hamilton and Bensted-Smith 1998). In Zimbabwe (Makuku 1992) and in Uganda (Gombya 1997) sacred forests or sacred groves were set aside and use as restricted. The Sukuma people of Tanzania established forests which they called 'Ngitili', for the protection of medicinal plants (Kaoneka 1993). The Karamajong elders of Uganda established the "Akitikit" small forests as shrines for important cultural meetings (Mupanda pers comm.. 2000). The Samburu of Kenya had strong rules which were enforced by an appointed group of elders to ensure the wise use of communal tree and forest resources (Ongugo and Mwangi 1998).

In some communities, individual trees particularly those which provided fruit and medicine were conserved and protected from felling during clearing for farms, through taboos. Mukamuri (1987) and Matose (Matose 1992) report that in Zimbabwe these taboos were based on the notion that forest resources belonged to past, present and future generations. This effectively linked the forests to ancestral spirits and took into account the principle of intergenerational equity. Similar practices have also been reported in Uganda (Gombya 1998), Malawi and Mozambique (Jumbe et. al 1999, Nhantumbo and Sota 1999). There were also rules guiding harvesting of forest produce to prevent over exploitation (Chimedza 1991, Matose 1992, Grundy 1996), for example, the amount of bark, roots and leaves to be removed from a tree, when to harvest and the size of tree to harvest. These restrictions guided the way the forest resources developed or recovered after harvesting.

Thus, whilst the regulatory framework regarding forests was not documented, it existed. The authority over the resources was clearly defined as were the rules governing use and management of such resources. These practices were based on the expression of indigenous knowledge systems which had evolved, and which were able to sustain the forest and meet the peoples forest and tree-related needs (Singh and Khare 1993, Bruce and Fortman 1989).

3.1.2. Colonial Period

The region experienced varied forms of colonial rule. For example Southern Africa experienced the most extensive European settlement of any region in Africa during the colonial era. Eastern Africa had a lesser degree of settlement ranging from a protectorate, as in Uganda to white settler community, as in Kenya. This period bought with it unprecedented changes in the lives of the people of the region, and still influences present day forest policies and management practices. The most significant development of the era was the introduction of centralized management with its attendant national policies and legislation (Mwangi 1997). It brought previously autonomous communities into national frameworks subjugating them and their resources to national perspectives, governance and role-making (Gondo et. al. 1999, Kamugisha 1993). These changes were effected by the colonial powers without the consent and involvement of the local communities.

The most profound impacts were brought about by land policies that essentially resulted in the creation of European settlements, as in South Africa, Kenya and Zimbabwe, through the displacement of local communities into crowded and marginal areas in the colonies (Ochieng 1998). In most areas this resulted in the disruption and modification of traditional institutions and customary forest resources management systems (Kamugisha and Stahl 1993). The alienation of land through the creation of "European" lands and later as areas of free-hold, the creation of National Parks and state forests alienated communities from forest resources, and created resource shortages and overcrowding in the tribal lands (or communal areas). In protectorates, land and resources were alienated through state ownership and control. The human dimension was ignored in the process.

This period also marked the emergence of formal national forestry agencies, policies and legislation and a centralized management system. For example in Malawi the colonial government established a scientific department responsible for commercial timber production on Mt Mlanje as well as research and experimental work on Mlanje, and Cedar planting on Zomba mountain. In Mozambique the Portuguese government instituted legal control and regulation of forest resources in 1944 following pressure from forestry professionals over the adverse impacts of forest exploitation for export of commercial timber. In Tanzania which was under German rule before the first world War, the forest policy was characterized by declaration of "unoccupied" lands as state property and the creation of Forest reserves (Raumolin 1990). In Uganda the scientific and forestry department was established in 1898. The Forestry Department was established in 1927 (Brasnett 1951). Similar processes took place elsewhere in the region. The legacy of this was the restriction of access to resources, and the advent of conflict between local communities and state institutions that persists up to the present day.

Centralized management was initially implemented through various ordinances. Specific policies were enacted during the second quarter of the century especially after the second World War. For example the first forest policy in Uganda was enacted in 1929 (Kigenyi 1998). The exceptions were countries such as Ethiopia and Eritrea, which were never colonized and where land and resources belonged to the aristocracy, and here development of policy occurred only recently.

Generally these policies promoted a centralized management system which specified guidelines on exploitation and highlighted the role of trees and forests in support of agriculture and environmental protection.. The revised Forest Policy of Uganda (1948), highlighted this: "*To protect in perpetuity for the benefit of the present inhabitants of Uganda, and of posterity, sufficient land to maintain climatic conditions suitable for agriculture, to preserve water supplies, to provide forest products and maintain soil*

stability. To manage this forest estate to obtain the best return on capital value and the expenses of management as far as such returns are considered with the primary aim set out".

Colonial forestry authorities were also concerned with establishing boundaries, and gazetting forest areas. This established the basis for command and control policies for forest protection and management in Eastern and Southern Africa. It is important to note that most of the present protected areas owe their existence to the colonial era. However new threats to these protected areas are important, both nationally and globally, and are caused by changing economic, social, and political conditions. But in most of the countries, the principle of reserves is as relevant now, as they were years ago, though the management has had to change significantly.

On gaining independence, most countries in the region revised the forest policies and legislation, whose content remained in most cases as originally formulated by colonial governments. Some emphasized even more exclusion of people from public forests, for example in Kenya (Juma and Ogwang 1996). The enactment of natural resource policy and legislation were seen as an instrument for achieving state control over land, the forest and forest based resources as well as the social-economic development of emerging states.

3.2. NATURE AND ADEQUACY OF CURRENT NATIONAL POLICY REGIMES

This section of the paper focuses on the nature and adequacy of current and proposed forestry policies. It specifically explores the extent to which these regimes create or enlarge institutional space for community involvement in the management of forests. Emphasis is placed on whether the policies are being effectively implemented by the mandated agencies of government.

There are a number of common features relating to the shortcomings of policy regimes of all countries surveyed in the region. First, there is an *absence of coherence in policy*—the regimes contain tension between central government control and the aspiration to involve communities in the management of forests. Second, there is an *add-on approach* in that most of the countries are just starting to accommodate community involvement in their policy instruments. For example Kenya's proposed forest policy draft of 1999 takes an add-on approach. Community involvement is added to the agenda where the goal or focus is still on centralized forest management. Third, there is a *mismatch between policy and legislation* as the analysis below shows in most of the countries of Eastern and Southern Africa there is a mismatch between policy and forest legislation in the way community involvement is treated. In most cases forest legislation contains more specific provisions on community involvement while the policies are silent on community forest management. Community involvement in forest management is however recognised in National Environmental Action Plans (NEAPs).

Kenya's forest policy contained in Sessional Paper No. 1 of 1968, provide for a centralized management system—where the central government through the Forest Department is largely responsible for both indigenous and industrial forest estates. The draft policy of 1998 contains implicit and explicit statements on community involvement in the management of forests. The draft is very general and does not demonstrate an adequate appreciation of the nature of policy and management problems that the country is faced with. It states that *"the Government of Kenya intends to allow local communities to participate in the management of forests, particularly the indigenous ones".* Section 1.3 paragraph (a) provides that *"all gazetted indigenous forest, ….should remain reserved. They will be managed by state-approved agencies which will allocate them primarily for "providing products and services mainly locally on a subsistence basis; and by community participation where appropriate."* The policy statement does not clarify the specific conditions and areas appropriate for community participation. It also does not define what the Government of Kenya means by community participation. It recognizes that *"innovative forms of indigenous forest management should be introduced on an experimental basis, including particularly those models that empower the rural communities to conserve the indigenous forests on state land and use them in a sustainable way."*

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There is a general reference to relocation of management and decision-making responsibilities from the Forest Department to other organizations including communities and individuals. This is mainly for industrial plantations and indigenous forests on public land. The relocation of authority would be done through management agreements between the Government and the respective community organizations and/or individuals. The draft policy document does not however make any statement on the nature of resources that the Government will or may provide to communities to enlarge their capacities to manage the forests.

Tanzania's first forest policy regimes—or at least codification of forest policies—emerged in the early 1900s. However, the current policy has its underpinnings in the early 1950s, and particularly in 1953. The Forest Policy of 1953 formed the basis for creating many of Tanzania's forest reserves. It provided for the establishment of state-owned and managed forests. It however also recognized the need to set aside forests for community aspirations and use. Subsequent policy changes have tended to progressively place greater emphasis on the economic benefits of extraction while recognizing environmental services. Broadly therefore, they are focused on two major areas mainly of production and protection. In the last decade the need to address biodiversity conservation and the contribution of forestry to development has been a paramount objective of emerging forest policies, but supported by outdated legislation.

However, the 1998 National Forestry Policy changed many of the previous more centralized approaches to a policy which has enhanced the principle of community involvement more, perhaps, than anywhere else in Africa. It is understood that the National forestry Policy has recently been codified in Statute. The Forest Policy allows for:

- Villages (one their own or jointly with other villages) to gazette and manage their own forests;
- Individuals (or groups of individuals) to gazette and manage their own forests; and
- Villages to enter into collaborative management agreement with Government for the joint management of reserved (Central or District) forests.

3.2.1. Major impacts of forest policy in relation to CIFM

While forest policies were enacted to promote forest conservation, some have also contributed to forest degradation and eventual deforestation (Repetto and Gillis, 1990) and marginalized local community involvement. These include:

Tenure Policy - Tenure policy focused on the centralization of property rights to forest land in state governments, usurping traditional rights of local authorities and communities (Sarin 1998). Although intended to strengthen control, such actions have often undermined local initiatives for forest conservation, and imposed on central government responsibilities beyond their implementation capacity.

The trees on public (open) land in some countries of the region for example (Sudan, Tanzania, and Ethiopia) belong to the sate and it is illegal to utilize them without authority from the relevant state agency. In other countries such as Uganda, there are reserved tree species on public and private land, which can only be utilized by permit and on payment of royalty fees to government. Governments often do not have the capacity to manage these off reserve resources. Neither have the communities had the incentives to do so, due to absence of ownership or usufruct rights. This tenure policy has affected tree planting and the maintenance of forests on farmlands, as local people believe they will be taken away from them by governments.

Production Policy - Policies have focused on economic returns from production forests which over time has involved forest agencies in licensing logging and instituting prices for logs removed. The structure of forest revenue systems has markedly affected the pattern and level of harvesting. Under-pricing of timber resources has led to excessive harvesting, wasteful logging and poor conversion methods. This has led to forest degradation as well as denying forest neighbouring communities some non-timber resources which disappear with the increasing levels of degradation.

While assigning monetary value to the protective services is difficult especially in state forests, potential production has been undervalued. Forests have generally been exploited only for two resources, namely for the wood and the agricultural land beneath them. The capacity of the natural forests to supply valuable non-wood products in perpetuity, many of which can be obtained without cutting down trees, has been overlooked. It is now realized that in certain areas, non-wood products if properly managed and marketed can provide sizeable returns, especially to rural communities neighbouring the forests.

Production policies have, in the past, been responsible for the replacement of natural forest by exotic plantations. While wood productivity is high, the total value of the natural forest including its biodiversity, and many of its environmental services are lost. But more so, the multiple values to the local communities for biomass energy, medicinal and food resources etc. are lost as plantations generally provide only a few of these benefits.

Research Policy - Research policy has supported the main objective of production and focused on the silviculture of natural forest, plantations, and the mechanical properties and use of timber trees. The socio-economic and cultural aspects of forestry were neglected. This in time implied that forestry agencies could not apply social tools in forestry practice and could explain the delay in "discovering" the importance of communities in forest management. Research has also not adequately addressed policy analysis to effect policy and institutional change.

The Extension Policy: - Extension policy has promoted social and community forestry, mainly through tree planting on peoples' own land. It did not focus on evolving partnerships in the management of both private and public forests or those forest resources on public land. This has contributed to the massive forest degradation especially outside gazetted forests.

Institutional Policy:–While forest agencies have overestimated their own capabilities for forest management, they have underestimated the value of traditional management practices and local governance over forest resources (Ochieng 1998). Where governments have overruled traditional land use rights and access to forests, local communities and individual households have been unable and so less willing to prevent destructive encroachment or over-exploitation. Plans and policies are formulated and enforced from the top, rather than discussed and implemented with local people and their institutions. One consequence of this approach is that local knowledge and local patterns of resource use are seldom reflected in official plans and policies. Traditional institutions are by-passed and undermined, while more expensive and less effective administrative systems are created in which local communities have little stake.

Revisions of policy statements have essentially restated provisions in legislation (the Forest Acts), and not resulted in new legislation or other key policies, which influence forest related activities. The policies and laws have continued to concentrate on regulation and control with functions still concentrated within the technical and regulatory sections of state and local governments.

Privatization of state-owned forests or the decentralization of their management through a variety of partnership arrangements between state agencies and local community institutions has become a significant trend in recent forest policy changes. The two-best known examples of this are user groups, and joint forest management approaches. Several types of conflict are inherent in such partnerships between small scattered and diverse community institutions and state forest bureaucracies (Amril 1998).

In some countries, for example Uganda, policy statements permit broad interpretation, which may be both an opportunity and a constraint. The opportunity is that it allows for flexibility and creativity, and the Forest Department has used this broad interpretation of policy to initiate community involvement in forest management. The constraint is that the capacity within the forest agencies and other stakeholders for interpreting the policy correctly may well be absent.

Not all traditional or community institutions and systems are necessarily appropriate to the current realities of natural resources management, but their wholesale rejection is not in itself beneficial to sustainable management of these resources. It would be beneficial to recognize what is good and useful in both systems, and aim for the creation of a policy and legal framework that builds on such positive elements. This will ensure a system that is effective and with which the people are familiar.

3.2.2.   Impact of other policies on Forestry

Non-forest policies have caused more forest destruction than misdirected and misapplied forestry policies. Most obvious are the effects of policies leading to the physical intrusion in natural forest areas.

Land tenure policies: Some land tenure policies encourage deforestation through rules that assign property rights over public forests to private parties on condition that such lands are "developed" or "improved". Such rules have facilitated small farmer extension in public forests but in some countries it has been used by wealthier, politically influential people to amass large land holdings in gazetted forested areas. Examples abound in the region – such as in Kenya with the Nyayo Tea Zone in the Mau forests.

Tax-credit and pricing policies: These policies sometimes stimulate private investment in competing land uses which can accelerate the conversion of forest lands to farming, ranching etc. through incentives that artificially lower the costs, and increase private profitability from alternative land uses. In such instances much forest is converted to other uses, and local communities normally lose out as access rights and resources are removed.

Resettlement policies: Governments have attempted with little success to draw on natural forest resources to solve fiscal, economic, social and political conflicts elsewhere in society. In a number of countries, migration to forested areas has been seen as a means of relieving overcrowding and landlessness in settled agricultural areas. For example large areas of Miombo woodlands in Tanzania, Montane forests in Kenya and Ethiopia have been allocated for resettlement. Rather than trying to solve problems of employment, rural poverty and land reform, many countries in the region have used forests as an escape valve for demographic and economic pressures.

Development policy: Governments and Development agencies have not invested sufficiently in the management of public forest resources, despite their economic value, at all levels. Development spending on the forest sector has been a fraction of that allocated to agriculture, and is decreasing. In a number of countries in the region, forestry shares less than 2.5% of the national budget.

All countries in the region have built up substantial agricultural research programmes. However none have developed similar research capabilities or activities focused on natural forest ecology and management, although research on these issues was carried out in colonial times had proven to be of value. Where there has been research it has tended to focus on timber production.

Little investment has been made in building adequate technical and economic expertise, or effective management and enforcement capabilities in forestry. This has resulted in a limited capacity for broad based policy analysis in the forest sector and allocation of funds to train, staff, equip and monitor forest administrative agencies has been inadequate.

Agricultural policies: Policy and legislation have, in the past, favored production and, in rural landscapes this means cultivation based agriculture. Agriculture has competed with, rather than complemented other forms of land uses, especially forestry. There is a tendency to view land not "under the plough" as unproductive, and not contributing to national development. Agricultural modernization policies to promote food security have often resulted in massive clearance of forested lands especially on public and communal land. In some countries gazetted forests have been converted to large cash crop plantations. For example, the Nyayo Tea plantations in Kenya

resulted from the appropriation of large areas of gazetted forests. During the military regime in Uganda, the government policy of "double production" encouraged encroachment on forests. In all cases the quick returns from agricultural investments are an incentive for government and individuals to replace forest with agricultural crops and livestock.

The decentralization policies: Decentralization of power to local government, in most countries, has not been followed with the required human and financial resources, and this has resulted in mismanagement of forests. Also with the need to raise capital for development, local authorities have tended to encourage over-exploitation of forest resources to meet short term fiscal needs without due regard for, or understanding of their proper management. In many instances the local authorities do not reinvest revenue in forest activities. While decentralization policies should be a good way to empower local communities to manage their resources, the latter are normally hijacked by lower level political institutions.

Public service restructuring policies: In most countries public service restructuring policies have resulted in reduced staff and budgets for government forestry agencies which has affected the implementation of their annual works programmes. For example in Uganda, Kenya and Zimbabwe, a lot of forests came under pressure after many staff working at the forest level, patrolling, collecting revenue, and raising nurseries were laid off. It has also affected the implementation of innovations, such as community involvement in forest management due to lack of staff and funds. These redundancies in the formal employment sectors are leading to more people relying on agriculture and forest resources for survival, putting yet more pressure on forests especially open woodlands.

Energy policies: Energy policies affecting forests include the pricing structure of petroleum and electricity. Increased taxes on petroleum products means that the majority of the people will not be able to afford the costs, and will continue to rely more on wood based fuels. On a positive side the energy policies also focus more on efficient energy conversion, by the introduction of appropriate cooking stoves and increased supply through afforestation and agroforestry, although there has been less government focus and investment in them, compared to petroleum. Afforestation and agroforestry practices increase tree cover and reduce pressure on natural forests, and also involve people.

Environmental Laws: Currently governments are pursuing a number of environmental law reforms including Environmental Impact Assessment (EIA). This calls for quantification of costs in monetary and environmental terms of any development projects, especially large-scale infrastructure investment. If implemented, these policies may limit unnecessary clearing of forests as exemplified in the case of oil palm project in Uganda. Environmental laws related to natural resources make provisions for community involvement in natural resources management (NEMA, 1998), and, as they are enforced by agencies coordinating environment management activities, they may influence practice.

3.2.3. Policy Implementation and Coordination

Most countries are committed to improving forest management practices by introducing appropriate policies and legislation. Implementation of these policies and laws, however, is often poor. Failure in the implementation of policies for forest management because of inadequate resources is widely acknowledged as a major reason for failure to achieve forest management goals. Under deteriorating social and economic conditions, especially under current poor economic performance in the region, the gap between policy statements and the quality of implementation is widening.

Enforcement of existing policies and legislation is a major issue. Forest resources are often located in isolated areas, where the daily enforcement of centrally imposed policies and regulations is impractical and socially meaningless. In other areas enforcement is not a management priority, and penalties for breaching laws are inadequate to act as a deterrent. This is often related to the fact

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that many existing forest policies and laws are not implementable, due to fiscal and human resource shortcomings. This leads to a situation where illegality is the norm, and even the good parts of the law are not adhered to

Different approaches are needed to support local people to adopt practices and controls to support forest conservation and sustainable use. The active inclusion of local people in the development and implementation of forest management policies is generally considered to increase the likelihood of effective realization and enforcement of such policies.

The forest sector is impacted upon by policies and activities of various other government and commercial actors. Many such non-forest sector polices, for example those related to regional development, resettlement, trade, structural adjustment and agriculture, have profound and mainly perverse impacts on forest conservation goals, whether intended or not. Therefore the success of efforts to achieve forest management objectives will be limited without effective cross-sectoral support and coordination.

Both cross- and intra-sectoral support for forest management are frequently hindered by poor coordination existing between existing instruments and processes, between national and local government policies, and between agencies whose roles and responsibilities impact on forest management. Even where government has the best of intentions, poor coordination and the fragmentation of roles and responsibilities in different ministries and parastatals may constrain forest conservation efforts at all levels and diminish the chances for communities to participate.

3.2.5. Limitations to Effective Policy Promoting CIFM
Many of the countries in the region face a variety of constraints in their efforts to develop and implement coherent policies aimed at increasing ownership and participation of local communities in the management of public forests, and include:

- Absence of political will and support to reform;
- Institutional rigidities and weakness;
- Resource inadequacies; and
- Poorly articulated demand for policy reform and implementation.

While there is growing recognition at least among environmental groups, of the role of local people and their institutions in the management of public forests, there is little demonstrated political interest and support to the development and implementation of policies that would transfer rights, resources and responsibilities to these local communities and the private sector to engage or participate in forest management. Community forest management issues have stayed out of the agenda of political institutions. This is despite the fact that many of the political parties in the countries claim, at least in their manifestos, that they will promote environmental management in general and sustainable use of forests in particular. The absence of political support for forest policy reform and implementation may be one of the factors accounting for slow, and in some cases no active policy processes by forest departments and other related government agencies.

The development and implementation of policies for community involvement in forest management are also affected by institutional rigidities and other weaknesses. Many of the forest departments, and related policy bodies as national environmental secretariats do not posses the necessary critical mass of expertise to review, revise and implement policies that would create the legal space for communities to participate in the management of forests. In addition, the forest policy development process of most countries of the region are centralized and exclusive. They rarely provide civil society and NGOs with space to contribute to the determination of courses of action to ensure that forest resources are effectively managed and sustainably utilized.

Institutional rigidities affecting forest policy development and implementation also relate to the lack of synergy between wildlife management bodies (responsible for a significant and growing portion of forests particularly indigenous ones in protected areas) and forest departments. In such

countries as Kenya, wildlife agencies have been more proactive at instituting community conservation than community involvement in forest management (Barrow et. al. 1995).

In many of the countries, the development and implementation of policies for community involvement in forest management are limited or constrained by financial and informational resources in addition to the human expertise inadequacies. While many of the forest departments and ministries responsible for environmental and natural resources management have established an agenda to reform existing policies and/or develop new ones, policy-making has been slow. They also do not have funds to invest in policy analysis (Moini pers. comm.. 2000). In addition, many of the forest departments have access to scanty, and largely inadequate information on how to make community forest management work. Indeed many of the national efforts at reforming and developing new forest policies are not informed by 'best practices' and experiences from other regions of the world, mainly because policy-makers do not have information on such practices and experiences.

Lastly, in countries such Kenya there is a fairly small group of NGOs that is consistently and persistently articulating demand for forest policy reform. Many groups tend to articulate demand for reform on *ad hoc* basis and do not adequately engage forest departments in informed dialogue on how to reform existing policy. So to make policy work, a number of factors must be in place, including:

- adequate finances to translate policies into action;
- proper administrative structure with sufficient human resources to administer policy;
- supportive legislation;
- established avenues for co-ordination with other sectors whose policies impact on forestry;
- creation of partnerships among the various stakeholders, each with clear roles and responsibilities; and
- capacity building of local level institutions.

3.3. LEGAL FOUNDATIONS

The earliest laws pertaining to forestry in the region are the forest regulations adopted at the beginning of the twentieth century. This was followed by ordinances and later the Forest Acts. During the period there was profound recognition of the catchment value of forests. Key activities supported by this legislation were delimitation of forest protected areas in relation to perceived degradation by local communities, shifting cultivators, and repeated bush fires by hunter and gatherer communities and pastoral societies. All subsequent laws aimed at strengthening forest protection and reinforcing policy objectives of increasing timber production.

The forest acts or legislation provide for the gazettement of forest areas on state lands and regulation on control of their use. Despite having provided the basis for forest management, laws of most countries have not been significantly revised in the last 30 years, and certain deficiencies are evident. Many of these laws ignore the role of local communities in forest management. These regulations and laws were made when population and natural resource pressures were low. While legislation allowed local people to access some resources in public forests, it was not clear that the rights to these resources were to be granted through a permit based system (Box 2). With increased commercialization, this privilege was no longer sustainable and has been abused.

Box 2: Community Use Rights and the Forests Act in Kenya

Rules and subsidiary legislation made under the provisions of the Forest Act for 1942 permitted local communities to use forest resource without license or fee by virtue of customary rights and practice. This specified that a local resident could: -

"*Take for fuel dead wood for his or her personal domestic use… collect and take wild berries and fruit for his own consumption … place and visit honey barrows… collect and take miugu creepers… enter and sleep for a period not exceeding two weeks for genuine tribal ceremonies connected with circumcision, handing over of the ruling age grade and certain dances, and at such time take such forest produce as is required by custom for those taking part…. cut and take thatching grass at places approved by a forest officer…. (take) poles and utilities required for the erection of schools and medical buildings and the requirements of paupers… (engage in) the collection and removal of pottery clay and the burning of pottery at place prescribed by a forest officer… (engage in) the collection of Mivuno leaves for medical purposed*"

Source: Government of Kenya 1942

As exemplified by Kenyan forest law, mechanisms available to local communities to acquire user rights are cumbersome, and costly. Generally, the law denies local communities opportunities to engage in forest conservation. It also denies them rights—both for their economic use and enjoyment, and for social–political stability. This situation is prevalent with most forest laws of the countries in the region. In some countries, such in Kenya most extractive forest activities and uses of forest land have been prohibited, overriding the original provisions of the Forest Act of 1942 which permitted utilization by virtue of customary right and practice. (Box 3)

Box 3: Community Forest Rights and Forest Policy in Kenya

The Forest Policy of 1957, restated in 1968, explicitly denies communities or private groups rights to gazetted forest resource ownership or management, stating that*;"……in principle the government view is that private rights in Forest Estate tends to endanger the objects for which the Government manages the Estate and such rights are therefore objectionable. The government Policy is, therefore firstly to define and limit any existing rights, secondly to negotiate or adjust on a reasonable basis the final eradication of such rights and thirdly to allow no new rights to arise ………"*

Source: Government of Kenya 1968

However, experience has now shown that the enforcement of these laws and implementation of the policies are not easy, especially where this is in conflict with peoples desire to achieve sustenance to meet their basic needs. Penalties and cash fines stipulated in the Forests Acts have lost their deterrent effect with the passage of time, due to inflation, and change from mainly domestic utilization to commercialization of many of the commonly used forest products. Although some governments have passed regulations concerning community participation, as has happened in Tanzania, compliance is uncommon and enforcement weak. Local communities are often not aware of their legal rights to forest resources, and as such do not know how to assert and defend them within the context of law.

In most countries of the region legislation empowers the Minister responsible for forests to gazette or degazette forests, and to allocate authority to a body, be it a local authority or any other to manage forests (Government of Uganda 1964). This seemingly unchangeable power has in some countries been abused. For example, Kenya stands out conspicuously by its controversial decision to degazette approximately 167,000 acres of reserved forest land in 2001. This has now become a major court issue. Public forests have been degazetted and allocated to individuals and industry in a number of cases with little or no regard for the communities that live within the vicinity, and whose livelihoods depend on the sustainable management of these forests.

Legislation, now under revision in most countries, should reflect and be supportive of the new and revised policies in place. The only problem is that it often lags behind policy revision, and tends to retain outdated regulations not in line with new policy directions. For example, the forest policy in Uganda has been revised four-times since 1964, but the Forest Act of 1964 is only undergoing

revision now. Similarly the decentralization policy of forests in Tanzania in 1972 was not immediately followed by legislative change, which undermined its proper implementation. There are several examples in the region that indicate changes in legal system to recognize the role of local communities and other stakeholders. Changes in Kenya and South Africa are described here.

A draft forest bill of October 1999 prepared by Kenya's Ministry of Environment and Natural Resources contains provisions on community involvement in forest management. It provides for the creation of a new agency—the Kenya Forest Service—that would, among several other functions, "*collaborate with other organizations and communities in the management, conservation and utilization of biodiversity*". Section 45 provides for the creation of community forests—as a category of forests that would be gazetted for management by communities. It contains some innovative provisions that if carefully implemented would provide the necessary institutional space as well as legal authority for communities to manage designated and gazetted community forests. It essentially moves beyond the general principle of involving communities in forest management by vesting rights and responsibilities in communities to manage the forests. Paragraph 2 of section 45 states that:

> "On unalienated Government land or where land adjudication has not been undertaken on trust land and upon the recommendation of the District Forest Conservation Committee, the Service or a local authority may set aside riverine, hilltops, water springs, swamps, dry season community pasture and areas of cultural significance for the use of a community as a community forest."

The proposed bill also creates community user rights. The communities are *"entitled to the use of a Community Forest without hindrance by any authority provided that guidelines jointly agreed upon between the community and the Service or a local community are strictly adhered to."* (Section 45 paragraph 3) The proposed Kenya Forests Service is expected to enter into agreements with communities for the management of Community Forests. However, this law has not yet been passed by parliament.

South Africa's forest legislation of 1984 (The Forest Act No. 122 of 1984) creates State and private forests. The law creates legal incentives for private individuals to engage in forest management. Section 4 paragraph 13, for example provides for local community representation on consultative committees established to advise the Minister responsible for forest management, particularly on matters pertaining to the creation and management of private forests. The legislation also creates user rights. Section 3 paragraph 11 (2a)(ii) states that; "a temporary right may be granted to any person for the purpose of trading, …cultivation of land, …or for the utilization of any part of a State forest for any other purpose, provided that the exercise of that right will not in any manner be detrimental to the State forest in question or any forest produce occurring in it." These provisions may be invoked to promote community involvement in forest management.

2.3.1.   Legislation and Collaborative Forest Management
Some legislation has elements that are in conflict with effective community involvement in forest management. For instance, CIFM advocates community access rights to resources. This is not guaranteed, and is taken as a privilege in Forest Acts of some countries such as Kenya (Box 3), and Uganda. Uganda's Forest Act of (1996) maintains the same statement except that the word "African" is substituted by "local communities". For example, section 15 of the Uganda Forest Act 1964 stipulates that *"African may in any forest reserve or open land cut and take for their personal domestic use in reasonable quantities any forest produce."*

CIFM also advocates equitable sharing of benefits in return for communities accepting responsibility for resource management. Some Forest Acts provide for establishment village or local community forests, where any revenue derived from such forest belongs to, and forms part of funds for the local authority devoted to the welfare of the community where a forest is situated. These are administered more under political institutions put in place by government, and benefits rarely reach the community.

If broadly interpreted some articles in forest laws of some countries present opportunities for community involvement in forest management. The problem is that foresters have continued to follow the *status quo* of state control. As exemplified by some articles in the past and revised forest legislation for Uganda, the Minister responsible for forestry has wide ranging powers to cause the gazettement of a forest under any category as central, local or village forest reserve, and may appoint any management authority be it government or local institution. He also has powers to direct dual or co-management (Box 4).

Box 4: Powers of the Minister – Draft Forest Act (Uganda) 1996

Section (4) 1.

The Minster may by statutory order, declare of any area to be: -
A central forest reserve
A local forest reserve
Any other area as may be prescribed as a forest reserve.

Section 4 (2) *may declare (a) and (b) to be dual or joint management forest.*

Section 11 (1) village forest declaration: *Any District land Board of village forests may, with approval of the Minister declare any land occupied by a community within its jurisdiction a village forest.*

Control of village forest 12 (1). *A village forest shall be managed, maintained and controlled by such body of persons as the authority shall appoint for that purpose.*

Section 12 (3). A local authority with the approval of the Minister may make laws for the protection, management, maintenance and utilization of any village forest within its jurisdiction.

Source: Government of Uganda 1996

Using the wider interpretation of legislation, local people and other stakeholders in Uganda have been allocated forest land under state control for tree planting, eco-tourism developments etc. on agreed conditions which are legally binding. The success of involving communities in forest management will depend on creating policy and legal frameworks that gives effective authority to the local institutions at the community level and which addresses tenure problem to secure community interests in forest resources. The policy and legal reforms needed are already taking place in some countries, as in the case of Tanzania and Malawi (Forest and Bee Keeping Department – Tanzania 1998, Forest Department Malawi 1997). Legislation must entail giving recognition to traditional rights and obligations relating to resource management so that they become part of the legally protected and enforced rights and duties within society.

3.4. NEW AND EMERGING POLICY AND LEGISLATIVE MEASURES

In recent years there has been a growing realization that existing policies and legislation were not effective in achieving sustainable forest management mainly because they excluded some key stakeholders from participating in forest resources management, development, conservation and utilization. There has also been improved understanding of the multiple benefits of forests, and their contribution to economic development at household, national and international levels. These developments have also led to a number of international initiatives aimed at creating enabling policy and legal frameworks for forest resource management. Countries in Eastern and Southern Africa have been reviewing natural resources policies and legislation including those relating to forest in order to revise them (Table 3). Revisions of forest policies and legislation have particularly focused on encouraging the active involvement of local communities in the management of their resources.

Table 3. Forest Policies and Laws in Mid 2000

Country	Current Forest Law	Current Forest Policy
Uganda	Forest Act Cap 246 (1964) Amendment in 1998 following Land Act, 1998, redefined certain Reserves as Central Forest Reserves and 192 Reserves as Local Forest Reserves to be held in trust by District or Lower Local Government Councils. News forests law in draft.	NEW POLICY IN DRAFT; 1999 - 2000 Likely to be approved by Parliament 2001. Will replace 1988 Forest Policy and provide basis for new Forest law.
Tanzania	Forest Ordinance Cap 389 (2957) Draft Bill for the forest Act 2000 Expected to be enacted in 2001	National Forest Policy, March 1998.
Zanzibar	Forest Resources Management and Conservation Act, No. 10 of 1996.	Forest Policy, 1995
Kenya	The Forests Act, Cap 385 (1962) with origins in 1942 Act) Draft Forestry Bill 2000 Expected to be enacted, 1994.	The Kenya Forest Policy, 1999 Drafted in 1995, replaced the Forest Policy Sessional Paper No. 1 of 1968.
Ethiopia	Forestry Conservation, Development and Utilisation Proclamation, 1994	Forest Policy (1998) Still in draft
Eritrea	Proclamation No. 192 of 1980 , New law in draft	
Malawi	Forestry Act, 1997	National Forest Policy, 1996
Zimbabwe	Forest Act, 1948 (30+ amendments since) Revised edition 1996 Communal Lands Forest Produce Act 1987	Forest Policy for Tribal Trust Lands 1968 Revised Forest Policy in the 1980s; no substantial change since
Zambia	Forestry Act, 1999	National Forestry Policy, 1998
Botswana	Forest Act, 1968 (one amendment 1980)	
Namibia	Draft Forest Bill, 1998-2000 Expected to be enacted in early 2001	Draft Forest Policy, 1998
South Africa	National Forest Act, 1998 Management of State Forest Act, 1992 Forestry Laws Rationalization and Amendment Act, 1994	Sustainable Forest Development In South Africa, White Paper, 1996 National Forestry Action Plan, 1997
Mozambique	Forest & Wildlife Act, 1999	
Swaziland	The forests Preservation Act, 1910 The Natural Resources Act, 1951 The Private Forests Act, 1961 Drafting of new planned in 2001	Drafting of new Forest Policy underway in 200 subsidiary to the National Land Policy (draft)
Lesotho	Forestry Act, 1999	National Forestry Policy, 1997

Adapted from: Alden-Wily and Mbaya, 2001

The most significant changes in forest policy and legislation measures have taken place in the last five years. During this period, Malawi, Lesotho, South Africa, Tanzania Zambia have reviewed and adopted new policies whilst Uganda, Botswana, Kenya, Namibia and Swaziland are in the process of formulating new policies. The general policy shift common to all these countries is the strong emphasis on the role of communities in forest management including recognition of local ownership of forest resources, and the need for security of tenure as an incentive for sustainable forest management. In all cases the policies recognize explicitly the role of various stakeholders including the private sector, local communities, government, local authorities and non-governmental organizations. In particular, the new forest policy of Tanzania, Malawi and that of Zambia (Taylor and Mulombwa 1998) recognize and encourage participatory and joint forest management as a means for the active involvement of local communities in the management of forest resources.

There has also been international support aimed at creating enabling policy and legal frameworks for forest resource management. In Tanzania the advent of the Tropical Forest Action Plan (TFAP) initiative, coordinated by FAO (1985) provided the country with the first serious attempt to review existing forest policy. The plan called for implementation of afforestation and conservation, strengthening at community, district and national levels, and the development of inter-sectoral cooperation and participation, as well as increased participation of the private sector and non-governmental organizations. Although the policy review exercise was conducted as part of the Tanzania Forestry Action Plan (TFAP, 1989), its implementation was hampered by lack of resources.

In Zimbabwe, a Forest Sector Policy Review was conducted with support from the World Bank, in 1990, which was aimed at identifying and recommending new policy directions for the development of the forest sector and promotion of sustainable forest management (Bradley and McNamara 1993). Some of the objectives of the new policy directions relate to enabling local communities to participate in sustainable forest management and utilization, and to decentralize decision-making on forest resources use, management and control to the local level. Although the policy recommendations from this exercise were not adopted formally, they have influenced the operations of the forestry commission to a very large extent (Nhira et. al. 1988). A major impediment however is that changes have not been accompanied by legislative change.

In addition to changes in forest policy and legislation, there are developments in policies and legislation of other sectors favouring local community involvement in natural resource management in general. In particular there has been a very significant shift towards decentralised governance. The policy encourages the active involvement of local communities in the management of their resources, through local institutions at district level in Kenya and Uganda, at the village level in Tanzania, and at the provincial level in Sudan and Ethiopia. In Zimbabwe the decentralization policy gives rural district councils, through the new Rural District Councils Act, authority to manage and develop forests and other natural resources under their jurisdiction. In addition a new Traditional Leaders Act which recognizes the role of traditional institutions has been adopted in Zimbabwe.

Although some of the governments have established policies and legislation to decentralize management of natural resources, devolution of responsibilities to lower levels of government is slow. For example in Uganda, while the policy to decentralize the management of natural resources was adopted in 1995 (Government of Uganda 1999), it is only recently that lower levels of government have been actually allowed to take up responsibilities with regards to forestry.

In the past, policies favored production, and in most local communities this meant arable farming. Agriculture competed with, rather than complemented other land uses especially with regard to forestry. This is now changing, and becoming more integrated. For example the policy to modernize Uganda's agriculture now incorporates forestry provisions to promote management of trees and forests (Government of Uganda 1999).

The emergence of environmental management agencies to co-ordinate environmental issues have provided new impetus for natural resources departments to review and enact policies and legislation that include local community consideration in management. For example the National Environment Management policy for Malawi seeks to:

> *"promote efficient utilization and management of all natural resources and to promote cooperation between government, local communities, women groups, non-government organizations and, the private sector. These environment agencies have also influenced the creation of institutions at lower levels of government to co-ordinate environmental issues including those of forestry and with focus on local communities" (NEMA 1996).*

In a number of countries, new land use polices and legislation now recognize local peoples' ownership of land and resources and their involvement in planning and decision-making. This is exemplified in the recent land law and policy changes in Uganda, Tanzania, Eritrea and Botswana. For example in Botswana and Tanzania under the new land law, Village Land Boards are vested with the authority to allocate land, control management and utilization. The Lesotho land policy places particular emphasis on secure land and tree tenure to the extent that government in consultation with local communities will return gazetted forests and the responsibility for their management to local communities (Sekalele 1988).

In many countries, non-reserved forested land has been legally and officially recognized as unused public land, and therefore under state ownership. Such lands have been subject to uncontrolled and unregulated outsider access, and immediate resource users whose livelihoods depend on this forest resource lack security of tenure of land and the forests. This has acted as a disincentive. In Tanzania, the village Land Act 1998 classifies these lands as village lands under the jurisdiction of representative village governments, and therefore available for alternative effective management vested in the village, thereby securing tenure of the forest resource and legally empowering villages to control use of forest resource within and restrict access from outsiders.

Revised constitutions of various countries stress the importance of forests, and other natural resources, especially as a heritage to be harnessed, preserved and applied towards a common good (Government of Uganda 1998). There is also recognition of the need for citizens to safeguard and protect natural resources, and to provide guidelines for their management under various institutions. Given wider interpretation, these provisions provide an opportunity to entrench constitutional guarantees for community rights with regards to forests.

3.5. REGIONAL POLICY PROCESSES

There are three major regional groups that may influence and formulate regional policy including natural resources policies. The regional bodies include the Intergovernmental Agency for Development (IGAD) comprising of countries in the Eastern Africa region, except Tanzania; the East African Co-operation (EAC) comprises the countries of Uganda, Kenya and Tanzania and the Southern Africa Development Co-operation (SADC) which comprise all countries in the Southern African region including Tanzania. All these regional organizations have developed work programmes on forestry.

IGAD besides focusing on solving political disputes and conflicts, addresses issues related to food security and combating desertification. This is mainly coordinated by agricultural ministries of the member countries.

The EAC countries have yet to evolve a common policy process, although steps have been taken by forestry agencies to develop a common stand on a number of forestry issues and collaborating in implementing shared programmes. For example those of the Global Environmental Facility including "Institutional Support for the Conservation of East African Biodiversity (1992-95) and The Cross-border Biodiversity (1998-2002). However, this has been done at agency level, and the EAC Secretariat is yet to fully put in a place a forestry agenda.

There are currently efforts to produce a SADC Forestry Protocol, which amongst other things urges member states to review their policies and legislation in order to create a conducive environment for the sustainable management of the region's forests. The region attaches a lot of importance to community involvement as the majority of their people rely on forest resources for their livelihood. A number of regional community based natural resources management programmes are currently being implemented in several of the countries.

These bodies will be important in the future to promote sharing of experience of scarce resources both human and financial and developing policies to improve on forest management.

3.6. INTERNATIONAL POLICY PROCESSES AND AGREEMENTS

Increased international concern over the environment, in particular the status and rate of depletion of the world's forests and other natural resources, which culminated in the Earth Summit held in Rio de Janeiro, 1992, helped raise the profile of forest and forestry matters.

There are a number of regional and international policy and legal instruments for the protection of forests. Most were not established with the express purpose of protecting forests *per se.* Such instruments include the Convention on Biological Diversity, the Forest Principles generated by UNCED, Agenda 21, the United Nations Framework Convention on Climate Change (UNFCCC), and the Convention to Combat Desertification. The Convention on Biological Diversity though dealing with biological diversity as a whole has given attention to forest issues. Over the past five years governments meeting through the Conference of Parties to the Convention have made a wide range of decisions on forest biodiversity. Some of these decisions have recognized the role of communities in the conservation and sustainable use of forests and other resources therein. For example, the fourth conference of parties in Bratislava, 1998 addressed issues associated with *"traditional related knowledge and the conservation of biological diversity"*. It focused mainly on the relationship between indigenous and local communities and forests. Document UNEP/CBD/SBSTTA/2/Inf.3 largely deals with local communities and forest management. It concludes that for local communities to fully participate in forest management *"they need to feel secure in their land tenure arrangements; reassured that they have been accorded equal status to the other members of the partnerships, convinced of a common purpose compatible with their cultural and ecological values"*. The Convention process has largely been based on Article 8(j) and emphasis has been put on encouraging parties to enlarge the legal basis for community involvement in forest management (Box 5).

Box 5: Article 8j of the Convention on Biological Diversity

Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyle relevant to the conservation and sustainable use of biological diversity and promote their widest application with the approval and involvement of the holder of such knowledge, innovation and practices and encourage their equitable sharing of benefits arising from the utilization of such knowledge, innovation and practices.

Source: CBD 1992

The Intergovernmental Panel on Forest (now the Intergovernmental Forum on Forests) has embraced issues associated with community forest management. Its programme of work covers activities aimed at encouraging and assisting governments to establish *"ways and means for effective protection and use of traditional forest related knowledge, innovations and practices of forest-dwellers,…local communities"* (UN-Economic and Social Council Decision No. 226 1995).

All the Eastern and Southern African countries are parties to these conventions. This has had significant changes in the direction adopted by many countries, in the last few years. There have been a number of joint initiatives, which have helped facilitate information exchange amongst the states.

Chapter 4: Institutions Involved in Forest Management

This chapter examines the extent of involvement of key stakeholders including government agencies, private sector, local communities, international organizations, NGOs and civil society in the management of forests.

An array of institutions and organizations exist in the region but one of the distinguishing features between them is how rural communities and other stakeholders are incorporated in their business. Dominated by state forest departments, other concerns such as private companies, non-governmental organization, through to local level institutions, take their cue from central governments. Central governments not only provide the policy framework but also a series of prescriptions on how state forests are to be managed. This arrangement is prevalent throughout the region but tends to leave out rural communities, and so sets the stage for resource use conflict. It is therefore clear that one of the characteristic features of forest resources management in Eastern and Southern Africa is the overall dominance of central government agencies and the general failure to meaningfully involve other stakeholders particularly local communities, though there are exceptions to this.

Local level institutions, which base their forest and woodland management strategies on indigenous knowledge acquired over time, have been supported by non-governmental organizations (NGOs), and, in some cases political support from international organizations. Equally important has been the role of the private sector with its appetite for commercially exploitable forest and woodland resources. What is clear however, is that, in spite of the existence of these institutions and organizations, there has been a continued destruction of forests and woodlands. At the centre of this destruction has been the disempowered rural communities who are unable to cope with the regulatory prescriptions of central government, nor with the power of the private sector.

4.1. TYPOLOGY OF AGENCIES

There are two forms of institutional arrangements for the management of forests in most countries of Eastern and Southern Africa. These are: informal (not established under national law) social agencies. and formal government and non-governmental institutions (grassroots, national and international). Informal social agencies generally operate as community-based groups, for example in the form of clans, women groups, land associations, resource management and product associations, and they participate in the management of forests on public, communal, and private lands. Formal governmental agencies for forest management in most of the countries are in the form of forest departments, wildlife agencies, and environmental bodies though the forest departments are the main institutions with overall policy-making and implementation responsibilities. These are usually departments or parastatals under the Ministry of Natural Resources and Environment as in the case of Zimbabwe and Zambia, or departments or small divisions under the Ministry of Agriculture as in the case of Mozambique, Angola, Swaziland, Ethiopia and Botswana. For example, in Zimbabwe the key state institutions involved in forest management is the Forestry Commission. But other agencies also have forest management responsibilities, including Department of Natural Resources, Department of National Parks and Wildlife Management and Rural District Councils (under the Ministry of Local Government, Rural and Urban Development).

Forest service departments in many countries are the oldest and most powerful land management agencies. This long tradition has facilitated a process of identity building, the development of an administrative sense of mission, which has been very effective in perpetuating conformity to, and the established norms and traditions of traditional forestry, and resisting external change.

4.2. PUBLIC SECTOR AGENCY MANDATES AND PROGRAMMATIC OUTLOOK

The government forestry agencies have a major responsibility for decision making and implementing forest policies. They generally control and regulate forestry resources management and use at the national level and have specific management responsibilities in the gazetted forest reserves under their control. They are also responsible for providing incentives, and encouraging participation of individuals and local communities, and the private sector.

Government forestry institutions have put emphasis on the management of gazetted forests areas and neglected forest resources outside. The policies and legislation developed address concerns for maintaining a permanent forest estate. Rarely do these institutions manage a forestry sector, which would permit involvement in managing forests on public, private and communal lands in a collaborative manner.

In Kenya the Forest Department is the main state agency responsible for forest management. The Department operates within the Ministry of Environment and Natural Resources. It is a legally constituted body by the Forest Act. The Department is responsible for the managing of indigenous and commercial forests in the country. There are however concerns about its effectiveness in managing forests. Several reviews of the role and capacity of the Department have questioned its ability to implement existing programmes and its continued lack of legal authority to stop degazettment of national forests (Wass 1997).

Ethiopia's Forest and Wildlife Conservation and Development Authority has as its objective to ensure that the people have a better and greater participation in the development, protection, rational utilization and management of forests and wildlife" (Article 10(3) of the Proclamation). The law does not however contain provisions requiring the Authority to contribute to the formulation of management plan for forests. The law leaves the interaction between peasant associations and the authority to administrative arrangements, to be largely established by the Authority.

The management of forests in Malawi is entrusted to two key institutions: the Department of Forestry and Village Natural Resource Management Committees (VNRMCs). The Department's functions are outlined in the Forestry Act, 1997 to include *a) promoting participatory forestry; b). "facilitating the formation of village natural resources management committees and the establishment of rules for village forest areas."; c). promoting the empowerment of local communities.* The VNRMCs are responsible for overseeing the management of village forests. It is empowered by law to *"seize and detain any forest produce or article which [it] reasonably suspects has been obtained or removed from the village forest areas in contravention of rules made by such village natural resource management committee"* (Katerere et. al. 1999).

In Zimbabwe, the Forest Commission is the state agency charged with the overall responsibility of managing and regulating the use of gazetted forests under the Forest Act of 1954. It is also responsible for regulating the use of forests in communal areas (Under the Communal Land Forest Produce Act of 1987). The Commission is responsible for advising Rural District Councils on concession agreements. The Rural District Councils (RDCs), though perceived as having the authority to manage community forests, lack the necessary technical and legal powers. They often act at the directive of central government, their autonomy is limited, and their legitimacy as forest management agencies frequently questioned (Katerere et. al. 1999). The Zimbabwe Forestry Commission has three main roles as regulator, advisors to government, and as an enterprise. As state authority it is responsible for regulatory and advisory functions which focus primarily on conservation and management of forests throughout the country. It also provides advice on, and recommends changes to forest policies and regulations, and is responsible for their implementation and enforcement. As an enterprise the Forestry Commission is responsible for managing and

conserving forests under its jurisdiction. These three functions often conflict, as in the case of its role as a forest manager where the commission has to police itself and its competitors whilst in communal areas extension officers are also responsible for the prosecution of those transgressing forest laws.

The situation is very similar in Malawi, Mozambique, Namibia and Angola. In recent years attempts have been made to separate these functions. For example in Zambia, the enterprise functions have since been transformed into a parastatal. In South Africa these functions have been privatized, whilst in Zimbabwe the separation of these functions is in progress under the public enterprise reform programme.

In most countries of Eastern and Southern Africa Forest Agencies are in flux, as they are being reformed to give them the necessary flexibility and legal capacity to address current and future problems. In Uganda the process of reform has been ongoing since the 1980's, and has acquired new impetus in the last five years. Uganda Forest Department (UFD) has, since the 1980s been grappling with how to integrate communities and their considerations into forest management policies, programmes and practices. This effort has largely revolved around zoning of certain forest areas for community use of forest resources, and so putting in place an enabling environment for communities to manage forests, have rights of access, and share in the benefits.

A briefing document on "The Collaborative Forest Management Programme for the Uganda Forest Department" observes that the Department has experimented with community forest management approaches in different forms, including those focused on involving communities in the management of identified forests. The experimentation has focused on peri-urban plantations and eco-tourism developments in several of the natural forests. The transition towards community involvement in forest management in Uganda is still in its infancy. The Department is under reorganization, and efforts so far have largely focused on enlarging the constituency for CIFM within the Department. This has been through workshops, short-term consultations to explore potentials and modalities of getting into CIFM. With assistance from NGOs, the Department is exploring and developing ways and means of enlarging its capacity to engage in CFM with various communities and private industry.

Though not directly involved in the management of forests, the departments of environment or natural resources management in most SADC countries have the supervisory mandate as the overall watchdog over all natural resources. In many cases such as in Zimbabwe, Malawi, Uganda, Sudan and Mozambique these departments do not have the capacity to effectively monitor and police the use of natural resources throughout the country.

4.2.1. Programme Content

Forestry programmes originate from colonial times to address the two major broad areas of production and protection. They have become elaborate over time. Under this broad focus, work plans have focused on forest management planning, reforestation and afforestation, silvicultural practices, revenue collection, research, extension and protection work.

Forest Management Planning: Management plans prescribe actions that have to be followed in the management of a forest. In most countries, these have been developed and formulated without consultation with local communities who live around the forests and other stakeholders who may be affected negatively or positively by the actions so prescribed. Most management plans for many of the forests have not been revised over a long period of time.

Reforestation/Afforestation: Forest agencies have planned for replanting harvested areas through enrichment planting, as in logged over natural forests, and pure plantation of mainly fast growing exotic species in areas set aside for industrial plantation development. In some cases it has resulted in the clearing of natural forests. The involvement of local people has been in form of direct labour, or indirectly through allocating them land on a temporary basis on which trees are later planted (Taungya System). In some cases local communities have been displaced causing conflict.

In many countries afforestation was taken on board early in the century as a colonial policy because of perceived shortages of supply of timber from natural forests. Another driving force was the taking advantage of fast tree growth in the tropics, and the creation of employment in rural areas. This involved planting of fast growing exotic species such as *pine, eucalyptus, and cypressus species.* This was prescriptive and did not allow communities to exercise little, if any, initiative.

Such programmes aimed at maintaining the resource supply capacity of forests in perpetuity for environmental protection. Unfortunately, it is evident from various countries that forest loss is far in excess of replacement through reforestation and afforestation. Involving people has a promise to replace the resources that are being lost. For example in Kenya, it has been recorded that replanting on farmlands has greatly increased tree and forest cover in appreciable proportion to areas deforested.

Research: The research agenda has been directed to aspects of tree growth, nursery performance and mechanical properties of timber species, especially the exotic plantations species. There has little address of the socio-economic aspects and policy issues. In some countries forest research has been removed from the forestry programme to an autonomous status, and, in certain instances combined with agriculture research. Some countries, such as Uganda and Kenya had developed a reputation in forest research, but due to reduced budgets, these programmes have nearly collapsed.

Extension*:* The objective of the extension programmes is to work with people to influence sustainable forest practices outside forest reserves. It has received mixed success as it is one area of forestry in many countries that has been neglected, understaffed and receiving limited financing. It has promoted community and social forestry programmes and is responsible for some of the community and private nurseries and woodlots seen across farming landscapes in many countries. Extension programmes have resulted in limited participation of communities in actual forestry management. However, there is evolving experience being gained from implementing CIFM programmes.

Protection Programmes: This is the largest programme of most forest agencies, implementing the command and control policies, and guarding forests against people. It has pitted forest staff against the community, and has succeeded in maintaining the gazetted forest up to a point, but has not succeeded in reducing degradation and deforestation.

Silvicultural Practices*:* Silvicultural Practices have concentrated on finding appropriate regenerative levels to restock harvested natural forest, and also the maintenance of optimum growth and health of plantations. This is a technical programme with no involvement of local communities except as laborers.

Revenue Collection: Revenue Collection is a major component of forest management, especially in production reserves and resources on off-reserve areas. While forest royalties and other fees contribute substantially to government budgets, this is not been reflected in budget allocations to forest agencies, as they continue to receive minimal share of the budget. New policies emphasize benefit sharing, including the sharing of revenue with forest adjacent local communities. For example in Uganda, the Forest Department returns 40% to District government of which 66% is meant to go back to the sub-counties where the revenue was collected. However, without monitoring much of these funds remain at district level.

Due to corruption, lack of monitoring mechanisms, and limited capacity it is estimated that less than 50% of revenues collected reach the consolidated fund of governments. In most instances forest resource are undervalued, giving poor returns on investment in forest management, which further exacerbates the problem.

While it may be assumed that forestry agencies would be responsible for the forestry sector, they have tended to concentrate on managing the forest estate, and ignoring other forest sector issues. Policy and legislative positions of the past have been formulated on this narrow basis, which has

contributed to the neglect of social, economic, and cultural aspects of forestry, denial of participation of local communities and other stakeholders which has contributed to the forest degradation and deforestation of forest on public and communal lands and consequently pressure on gazetted and other protected areas.

4.3. ASSESSMENT OF FORESTRY AGENCIES CAPABILITIES

4.3.1. Capacity to implement CIFM programmes

During the 1970's various forms of community participation in forestry activities were put in place, mainly related to encouraging local communities and individuals to plant trees as an alternative to cash crops, provision of domestic forest products such as poles and firewood, and for environmental protection. Also agroforestry practices benefited from integration of agriculture and forestry on the same area of land for soil erosion control, nutrient recycling and additional farm incomes. These were mainly extension activities as provided for in policy and did not raise conflict. They required technical input, which the foresters were well suited to provide.

However, real community involvement in forest management requires new skills, including negotiation and conflict management. Forest agencies have limited capabilities as the staff are generally trained to implement regulatory functions. The initiatives of collaborative forests management have been *ad-hoc* and foresters have used extension experience to implement pilot projects.

CIFM requires appropriately trained personnel. However, the availability of this human capacity is limited by few positions available at the agency level, as a result of limited budgets and civil service restructuring taking place in most of the countries in the region. Divisions to deal with CIFM have been created but manned by limited number of staff, and are only sufficiently staffed if supported by external funding.

Financial capacity is essential for the development of community involvement in forest management. Lack of funding greatly affects especially the implementation of CIFM activities. CIFM programmes have to compete with other management practices for limited funds within the agency budget. Donors, mainly through NGOs, have provided much of the required funding for start up activities. In the process they have dictated and influenced the implementation of the paradigm, and in certain instances with incomplete understanding of the driving forces that make the approach a success or not. Donor funding has also resulted in high costs, high infrastructure dependent structures which agencies with limited resources have to adopt, putting the sustainability of such programmes in doubt.

The development of CIFM will depend on its integration with work programmes, ethics and practices of forestry institutions. This requires change in attitudes within the institutions, more used to being exclusionary in the management of forest resources, and also change of attitudes of some local communities, who consider forests as a free-for all resource.

Capability to deal with CIFM issues will be greatly enhanced if there are significant changes in the organizational structures of forestry management agencies. These structures are often rigid, and overly bureaucratic in relation to CIFM approaches. Reorientation of these agencies is a fundamental requirement for creating favorable conditions for making the shift to CIFM. Institutional changes that encourage and provide technical, administrative and financial support for local community forest management and sustainable development are needed.

Capacity is being developed by agencies by creating special sections to deal with CIFM. For example the Uganda Forestry Department has created a special unit in the Forest Resources Management Division to make sure CIFM is fully integrated in the departmental work plans and policy. This has been made possible by financing from NORAD, while DFID are contributing to wider forestry policy reform in Uganda. The capacities of agencies to deal with CIFM is evolving

in different ways under different circumstances reflecting particular needs and opportunities in each country.

While many forest agencies have a mandate to move in the new more community friendly direction they are constrained by tradition, procedures, attitudes and incentives that resist the necessary policy and operational reform. Change in attitude is at least as important as skills building. Bringing communities formally into management is a dramatic and challenging shift of direction, and requires considerable discussion if supporting staff attitudes are to be established. Changing attitudes requires a commitment of leadership, education and new professional incentives. The challenge is equally large for changing the attitudes of local communities. History has made them believe that certain forests belong to government. It takes a change of attitude in both forestry agencies and communities to have meaningful CIFM.

In some countries, forest management agencies are trying to reorient their roles away from a centralized policing one, towards one that supports collaborative forest management approaches including capacity building, education and incentives. Many public participation and participatory approaches to-date have not been very successful, partly because they have often been processes of co-option and "rubber stamping" instead of processes of recognition and dialogue.

4.4. LOCAL INSTITUTIONS, NGOS, DONORS AND PRIVATE SECTOR

4.4.1. Local Level "recognized institutions

The development of community involvement in natural resources management and in particular of forests has resulted in the evolution of officially recognised local institutions from within the community. This has resulted in the formation of local committees referred to according to their roles. These may include, management committees, ecotourism committees and others are formed as associations through which various sections of the community are represented for example, pit sawyers, bee-keepers, hunters etc., who mainly representing distinct user groups.

Committees created at specific forest sites have mainly resulted from agency prompting, and in the long run tend to side with implementing agencies which sometimes creates mistrust from the communities they are supposed to represent. They are often given allowances, uniforms, are sponsored to visit other pilot areas, attend seminars and workshops in and outside their locations, and sometimes abroad. This has tended to align their outlook on issues with that of the management agency.

Associations as locally evolved institutions, normally develop from within the communities to address their specific needs, and therefore seek to negotiate with formal agencies on behalf of their people. Because they depend on their own resources, the role of some of these institutions has proved successful and helpful in integrating community needs and contributing to sustainable forest management (Infield and Adams 1999). Pit sawyers and Beekeepers' associations in Uganda are a good example of this (Banana 1998).

There are numerous examples in the region of successful community-based forest resources management. Most of these have built on traditional forest related knowledge, and customary rules which have evolved over time. However due to changes in socio-economic conditions and forest resources status, some traditional management systems and institutions can no longer cope and new ones are required. New resource management institutions such as village resource management committees have emerged as alternative institutions in many countries. The CAMPFIRE and ADMADE programmes in Zimbabwe and Zambia respectively are a good example of such new institutions. With the growing popularity of community based natural resources management and the policy changes that are emerging in favour of this approach, there is a need to share information and experiences, and facilitate learning across the region. The challenge that presents itself at this point is the need to formulate strategies aimed at preserving and legitimizing these traditional practices, while allowing communities to use the recent institutional opportunities that the changes offer.

4.4.2. Customary and Traditional Institutions

Despite the efficiency and diversity of traditional and customary institutions, changes have occurred to reduce and undermine their influence, prestige and effectiveness. Little and Brokensha (1997) identified the following changes including the transfer of decision making from local communities to state controlled organizations, increasing inequity in poverty and wealth distribution, the emergence of a market value for forest and range products, and increasing demographic pressure. The modern political processes have also undermined these institutions.

The role of traditional institutions is normally disregarded and misunderstood by formal institutions, and is, in most cases, in conflict with "recognized" official local institutions regarding the control of community respect and management of resources. The role of customary (traditional) institutions is built-in the society, but with no written rules and laws, they may not be obvious and recognizable, and are therefore largely underrated.

Although customary institutions have continued to play a limited role, they are still effectively in control of communities' access to, and management of resources especially in areas outside forest reserves, where government has de *jure* ownership and responsibility over public land and reserved species which it has limited or no ability to manage. There are several case studies that demonstrate the tremendous potential of traditional management systems and their contribution to sustainable resource management (Iddi 1999, Wily 1998, Gombya 1998). Some customary institutions have gained recognition and evolved into recognized official local institutions for instance the "Sungusungu of Tanzania", and "the stretcher societies" of Bwindi in Uganda.

But many customary institutions are fragmented, and have little power to influence policies directly. They could only do this by influencing their traditional following through the ballot box or choose to frustrate the good intentions of government. For example they may choose to influence their people to encroach on part of a government forest laying traditional ownership claims as is the case in some forests in Uganda, e.g. South Busoga Forest Reserve, Kibale Forest National Park, Bukaleba and Mt. Elgon.

The institutional dynamics between traditional authorities and modern political institutions may result in a stand off situation in which there are no effective tenure holding institutions effectively controlling or managing resources usage. Currently there are attempts in some countries to integrate traditional management concerns into natural resources laws.

Local institutions especially in the Southern African region have undergone various levels of modification and evolution since the colonial period. Most of them have experienced phases of empowerment and disempowerment, depending on the interests of the regime of the day. However throughout these changes in the traditional institutions of chiefs, headmen, village heads and in some cases spiritual leaders, have remained major players in natural resources management. In countries such as Swaziland and Lesotho these institutions have remained the dominant institutions to this day. The traditional institutions are the custodians of customary forest resource management strategies and values.

4.4.3. Constraints to Local Institutions in Forest Management

Decentralization is viewed as an effective measure of vesting overall planning and management authority and responsibility with the people who own and use resources as well as local institutions. However, this has failed to produce expected results in some countries. In a number of countries, for example in Kenya, the machinery of district level and local government administration has been designed to facilitate people's participation, but most local governments continue to be controlled by the centre which distributes vital resources. This is seen as a deconcentration of power, rather than decentralization.

Decentralization of the management of local forests to local government has been constrained by a number of factors. There is a lack of technical and financial capacity to manage and conserve forests at the local level. Often, a sense of commitment to sustainable forest management is limited by local authorities, who allocate higher priority to revenue generation than to conservation. Forest management plans are rarely integrated with district development plans.

Local institutions also fail to effectively manage resources for which responsibility may be devolved to them, due to lack of management skills and insufficient funding. In some areas that have been viewed as successful, the communities have depended on donor funding channeled through formal management agencies. The problem of insufficient funding is also a result of government failing to put in place equitable sharing of revenues accruing from the resources managed collaboratively.

Community institutions are sometimes responsible for large areas while their members lack the necessary understanding of the responsibilities that management agreements require of them. While there is real enthusiasm to involve community institutions, there is still a lack of clear policy environment and legal framework for them to operate which discourages their participation.

There are however signs of change. Pilot areas have been instituted by Forest Departments and other conservation agencies to test, and try out local institutional arrangements to promote responsible involvement of land and resource users in forest management and conservation, to create mechanisms for dialogue, and to establish functional and representative structures that involve a wide range of stakeholders.

The ongoing political changes resulting from the democratization process that is sweeping across the region and the continent, have brought new opportunities for empowerment of communities. Community based institutions are being reactivated, resulting in local communities becoming increasingly empowered to participate effectively in decision-making processes relating to their governance, management and access to natural resources.

4.5. NON-GOVERNMENT ORGANIZATIONS

The last 20 years have seen the emergence in most countries of non-governmental organizations (NGOs) that have provided support to rural communities in both development and natural resources management initiatives. The NGOs range from large international organizations, and national NGOs to small community-based organization operating in a village or managing a specific resource. Field-based NGOs have promoted tree planting, agro-forestry, ecotourism, development and natural resources management. Most are site specific. They also contribute to information dissemination and advocacy, influencing policy both at national and global levels through urging state agencies to adopt certain approaches. They can also complement government training and extension efforts, promote debate through criticism, and raise the necessary funds for projects.

As many forest departments face constraints in making the transition to a role that involves communities in forest management, this has resulted in an important role for NGOs in many participatory forest programmes. NGOs often act as intermediaries between state and resource users, facilitating change at a village level, and training government forest staff in community organizing skills. NGOs have also been instrumental in promoting better communication in participatory forestry through public awareness campaigns, transfer of technology, and the ability to negotiate on forest management and resources use issues on behalf of communities.

In the forestry sector, NGOs play an increasingly significant role in most countries especially in the face of dwindling support to government agencies. This has resulted in NGOs nearly replacing government agencies in some areas. In Botswana the government now provides financial support to some NGOs, for example the Forestry Association of Botswana, to enable them to complement the efforts of the Botswana Forestry Division.

Some NGOs are now collaborating with governments in community forest programmes which encourage people living near forests to carry out sustainable land use practices and manage the forests for sustainable production. NGOs tend to take a broader approach to forest related issues. They sometimes question the assumption on which forest policies are based. They are able to fill in gaps in policies, providing support and advice to local communities that official agencies may be unable to give. Some NGOs are less bureaucratic and more flexible in their approach than official agencies, which helps them to implement programmes efficiently. But NGO goals are limited because they have no statutory powers and rely entirely on persuasion of local people they work with. So they have to develop effective communication methods.

However NGOs have sometimes been impaired by a lack of financial resources to support core organizational structures and long term programmes, and hence have an over-dependence on donor interests and priorities. The small NGOs have also suffered from inadequate documentation of their research and experiences to the extent that very valuable information and lessons have not been shared with other agencies, and have not found their way into mainstream development.

In evolving and implementing CIFM some NGOs have tended to operate outside line departments creating parallel implementation structures that normally break down after the project ends. So the ownership of community initiatives tends to remain external to official national agencies that are relatively traditional in their approach, and who may see community involvement as an idea imposed from the outside.

All early projects in support of local community involvement in forest management have been piloted outside the existing framework of policies and legal provisions, although the broad nature of some policies have enabled some experimentation. This has allowed NGOs to act freely to influence the direction of implementation, which has created variability in approach from site to site, and is dependent on the focus of the NGO. It has also created a wide range of experience and this has helped to inform and influence evolving community participation policy and practice by providing examples of what has worked, and what has not in a wide variety of conditions.

But NGOs do play a very significant role, not only in community involvement in forest resources management but in mobilizing financial resources for development of community capacity, and direct support to forest resources management. There are many examples are many in the region where NGOs have contributed to forest management. They have been instrumental in highlighting and promoting community involvement in forest resources management to ensure that the management activities meet and support the needs of the local communities. NGOs have played a significant advocacy role to persuade governments and forestry extension agencies to change their policies to support community involvement in forest management. For example in Botswana, the Forestry Association of Botswana (FAB), Veld Products and Thusano Lefatsheng have been instrumental in implementing community based forest resources management projects aimed at the sustainable management through commercialization of non-timber forest products. Similar activities are being undertaken by SAFIRE, the CAMPFIRE Association and other NGO's in Zimbabwe, and organizations such as CRIAA, and the Rossing Foundation in Namibia, and numerous others throughout the region.

4.5.1. International Agencies

Development agencies international organizations such as the FAO, multilateral development banks such as the World Bank, and bilateral development agencies play a very significant role in influencing forest policy direction, institutional arrangements, forest resources management approaches and forestry programmes in Eastern and Southern Africa. Given the financial resource constraints facing many countries in the region, most forestry programmes are on a project basis, with support from various development agencies. In some countries, for example Malawi, Mozambique and Zimbabwe, Uganda, Kenya and Tanzania over 60% of the financial resources supporting forestry activities are donor funds. Whilst this is a necessary and important contribution to forest resources management and has allowed for the adoption of internationally accepted

approaches to forest management, it has also had adverse effects on the development of forest management strategies and approaches in the region. In a number of cases, recipient countries have had to conform to the interests, priorities and objectives of the supporting development agency, which may not be necessarily consistent with their own interests and priorities.

The focus of funding in the last decade has been directed to conservation type projects, and in particular to those which relate directly to community conservation, both through mandated agencies, and also working through NGO's. The relatively high level of funding for community conservation activities has provided an important financial basis for community conservation in the region, as exemplified by the four million dollar World Bank Global Environment Facility (GEF) funding of the Bwindi Trust in Uganda.

Funding agencies have influenced the shift towards involving communities in resource management by including conditionalities for the transfer of their funds. For example the World Bank put conditionalities to its support to the Uganda Wildlife Authority (UWA) to involve communities in collaborative management and revenue sharing. In this respect donors have influenced policy and legislative changes with respect to community involvement in management of natural resources. However, much of this shift is a result of a greatly increased understanding of forestry through various conventions, all of which have involving communities and other stakeholders in forest management as their focus.

The role of donors has enabled risk to be taken by individuals. On the one hand some donors have been zealous in their approach to community programmes by focusing on project outputs, rather than the longer term needs of local and national stakeholders. This over emphasis has been of some concern, as the ownership of community programmes tends to remain external to the official management agencies.

In some cases multilateral agencies have come up with conflicting policies regarding their management approaches to forest resources and the role of local communities. For example in recent years most countries have adopted economic structural adjustment programmes under the guidance of the World Bank and International Monetary Fund (IMF) which encourage cutting back the civil service and expenditure on "social" issues in favor of trade liberalization and investment in the so called productive sectors. This has undermined support to local communities, and favored the granting of timber concessions to private companies for the benefit of central governments. The short term nature of the interest and support of these organizations also militates against a focus on national strategic issues in forestry. One major problem of dependence on these agencies in the region has been the amount of time government and other agencies have to make in developing various forest planning frameworks, almost one after the other without much emphasis on implementation. For example in the 1980s', some developing countries in the region adopted the FAO sponsored Tropical Forestry Action Plan (TFAP) and supported the national development of TFAPs. Countries such as Tanzania, Malawi and Zambia adopted National plans but never received funding to implement the plans in their entirety. During the same period the World Bank was sponsoring Forest Sector Reviews with, essentially, similar objectives as the TFAP, and also suffered from the same problem of lack of support for implementation. For example Zimbabwe conducted a Forest Sector Policy Review in 1991, but did not develop and receive support for its implementation. Similar initiatives included Forest Master Plans and National Conservation Strategies. Very little came from these planning frameworks.

In recent years, there has been increasing recognition among the international development agencies of the need for policies and programmes that give emphasis and support to local communities as natural resources managers. This has given impetus to the development of community participation and community based natural resources management. This is reflected in the overwhelming incorporation of community roles in the recently reviewed forest policies, e.g. the forest policies of Malawi, Tanzania, Uganda and Zambia.

4.5.2. The Private Sector

Part of the agenda for the restructuring of most governments in the region has been to decrease the size of the government and reduce its role in activities that can be performed better by the private sector. Governments see a major role for the private sector in forestry, particularity in plantation establishment, production and processing and ecotourism, all of which are major potential employers that could be beneficial to local communities in remote areas. However, there have been a number of constraints to the active involvement of private finance and skills in forestry. These have included inadequate administrative systems for harvesting and concession agreements, the absence of clear land and tree tenure arrangements, which is a disincentive to commercial tree planting, together with other market disincentives for investment, as well as conflicting policies.

A small to medium sized private sector exists in most SADC countries and to some extent Kenya and Tanzania. The sector has some capacity across a wide range of forest production to manufactured products. The most developed industries in the region have been formed around industrial plantations of exotic species, mostly pines and *Eucalyptus* species. Examples of these are the SAPPI and Mondi plantations in South Africa and Msutu plantations in Swaziland and the plantations in the Eastern Highlands of Zimbabwe.

In the Southern African countries, the industry is dominated by a few large companies owned by multinationals such as Anglo-American and Lonhro. The primary processing industry is the most developed component of the forestry sector and has numerous players ranging from pit-sawyers in Tanzania, Zambia, Kenya and Uganda to large sawmills in Swaziland, South Africa and Zimbabwe. There is also a well-developed manufacturing sector which produces block board, plywood, veneer, pulp and paper, flooring, printing and packaging paper doors and furniture mainly in Southern Africa.

In a number of countries this sector is well organized, and is influential in the development of forest policy and management guidelines. In countries which have significant areas of commercially valuable forests such as Mozambique, Zimbabwe and South Africa a number of companies are involved in timber logging and saw-milling under a system of concessions. Most of the concessions are still granted and controlled by central government with very little consultation with, and benefits accruing to local communities. As a result most concessions are granted without the knowledge or consent of local communities, and the revenue so generated accrues to central and local governments.

4.6. THE ROLE OF OTHER PUBLIC INSTITUTIONS, NATIONAL, REGIONAL AND INTERNATIONAL ACTORS

A number of public bodies contribute to forestry management. Some do so directly as a result of a shared mandate, and others do so in an indirect way through policies. A number of these are discussed below:

Wildlife Agencies: In some countries wildlife authorities manage some public forests wholly or in a dual management system with the main forest agencies, either with or without a memorandum of understanding. This has mainly been a result of wildlife authorities being viewed as responsible for biodiversity conservation in national parks, which are considered a higher level of conservation status. Duplication of mandates has often caused agencies to conflict and compete for resources from similar sources, which in some cases affects management. This has been the case between forestry and wildlife agencies in Kenya and Uganda. While the Forest Department and other related agencies are no longer the sole sources of objective management and planning for forestry, it is equally clear that there are risks to sustainable forestry posed by the "fragmentation" of organizational responsibility without co-ordination and collaborative mechanisms.

Local Government: As a result of decentralization policies, some public forests providing mainly for local needs, have been placed under the responsibility of local authorities at district and village levels. These two institutions could be a good avenue for involving local communities in forest management if legislation and policy are revised to recognize their contribution. For example, policy and legislative developments in Tanzania now recognize community level management and ownership of village forests (Wily 1998).

National Universities: National Universities are involved indirectly by providing formal training of professionals who manage the forest sector. They also engage in both basic and applied research. Findings from research work of these institutions, especially from applied research, could influence forest policy. Little work has been undertaken in social forestry and policy analysis. However, subjects addressing community forestry have been added to the course content of most university forest department curricula.

Agriculture Ministries: Agricultural policies now, in general, recognize the contribution of forestry to sustainable agriculture, food security and alternative rural income. Despite competition for land with forestry, agricultural programmes now focus on tree planting through farm woodlots, agro-forestry, and the maintenance of natural trees in the farming landscape. This contributes to increasing tree and forest cover, and involves the farmers. Recent surveys in Kenya have recorded increasing tree and forest cover on farmlands amounting to a larger acreage than the reserved areas. Some countries have created a unified extension service, which is intended to promote co-ordination among natural resources departments, and limit contradicting messages. These institutional linkages have been missing in the past, and led to conflicts in service delivery to local communities.

Regional Bodies: Regional bodies include those of an apolitical nature addressing co-operation among nations in the region on various issues, mainly of a developmental nature. The Intergovernmental Authority and Development and the East African Corporation have forest programmes which are not yet given prominence with the national forest programmes. They may be very important in the future in addressing the management of shared resources, for example the GEF funded cross border project in East Africa, bargaining for funding for financing regional forest projects by donors, and influencing policy at regional and global level.

International Bodies: International Bodies are mainly composed of the bilateral and multilateral agencies including the United Nations bodies and agencies of developed nations. They have greatly contributed to funding forestry programmes, initiating policy change and work plans to promote sustainable forest management. They have been largely responsible for assisting countries in the region to implement programmes resulting from international conventions and agreements.

CHAPTER 5:   ILLUSTRATIVE CASES OF COMMUNITY INVOLVEMENT IN FOREST MANAGEMENT

There are many examples of practical studies of CIFM in the region (Table 4). Many of these and other examples have been documented in the other three reviews (Alden-Wily and Mbaya 2001, Mogaka et. al. 2001, Barrow et. al. 2002). Here we highlight four other case studies, which have policy relevance.

Table 4: Examples of Community Involvement in Mid 2000

Country	Initiatives Identified
Uganda	• Mount Elgon Forest and Kibale National Parks • Bwindi Forest Park • FD Pilot: Namatale and Tororo Forest Reserves • 5 other FD pilots planned
Tanzania	• 594 village Land Forest Reserves • 26 Community Forest Reserves • 881 Private Forests (households) • 26 Village Forest Management Areas in 9 National Forest Reserves
Kenya	• Arabuko-Sokoke Forest Reserve • Golini-Malunganji Reserve • Loita Trust Land Forest
Zambia	• Chinyunyu Forest • Mzama in NW Province • Chiulikile
Mozambique	• Tchuma-Tchato • Daque Project • Mozambique-Blanchard Concession • Mecula and Gorongosa Reserves • Licuati and Inhassoro Projects • Zambezi River Delta Project • Tanga Community Mgt. Project • Community For. & Wildlife Project (CFWP) • Chipanje Chetu
Zimbabwe	• Mafungabusi Forest Reserve • Pamula Block Forest • CAMPFIRE Programme • CBNRM initiatives in the communal lands of Ntabazinduna, chihota, Seke, chamatamba.
Malawi	• Chimaliro Forest Reserve • Mwanza East Project • Compass Programme
Namimbia	• Onkani and Ontanda Community Forests • Okongo and Oskani Community Forests
South Africa	• Joint Forest Management Pilots in Planning stage in six State Forests.
Ethiopia	• Menagesha-Suba State Forest • Adaba-Dordola FPA • Borana FMP • Bale Mountains NP & Harenna Forest • Kafa-sheka Project • Chilimo State Forest • Farm-Africa LUFFP.

Adapted from Alden-Wily and Mbaya 2001.

5.1. DECENTRALIZATION OF FOREST OWNERSHIP AND MANAGEMENT - THE CASE OF MOZAMBIQUE

Post independence attempts to decentralize forest management in southern Africa focused on the reorganization of forestry administrations, but this rarely involved other stakeholders especially the private sector and local communities (Kowero et. al. 2000). However, more recently promulgated forest policies and laws in the region place emphasis on decentralised forest ownership and management involving local communities and other stakeholders outside government. A major principle of the Forest and Wildlife Act of Mozambique (Government of Mozambique 1999), as stated in article 3 paragraph (e), "*is to maintain harmony with local communities and local authorities by promoting sustainable management and utilisation of forest and fauna resources, without prejudice to customary practices and within the framework of decentralization*". In article 3 paragraph (f) and article 7, the Act recognises and makes provision for the role of the private sector by adopting measures to encourage their participation in utilisation and conservation of the forest and fauna resources.

In regard to the management of protected areas, the Act stipulates that management of such areas shall be done according to the management plans drawn up with the participation of local communities. It specifically provides for participatory management based on management plans drawn up under the auspices of local resource management councils constituted by local communities, private sector, associations, NGOs and local authorities. Already a number of forests are being managed on the basis of such institutional arrangements. This trend is now apparent in many countries in southern Africa, and represents the increasing role local communities are playing in the management and conservation of the region's forests and fauna.

5.2. PROMOTING JOINT FOREST MANAGEMENT - THE CASE OF ZAMBIA

Since forest and wildlife reserves were established between 1900 and 1960, they have been exclusively managed by state agencies such as the Forestry Department and the Department of National Parks and Wildlife Management. The neighbouring communities, including people displaced to make way for the establishment of the reserves, were not involved in the management of these resources. This has tended to give rise to conflicts between state agencies and local communities who are denied access to these resources.

The new forest policy of Zambia seeks to change this situation by involving local communities and other stakeholders in the management of forest reserves. The specific objective states that *"the policy encourages joint forest management (JFM) systems with the active involvement of local communities in the protection, management, and utilisation of forest resources."* Developing the capacity of stakeholders in joint forest management and utilisation is one of the founding principles of the policy. The strategies adopted to ensure the fulfillment of this objective include:

- According high priority to the preparation and implementation of community based forest management plans;
- Revision of the 1973 Forest Act to incorporate ideas of joint forest management and facilitate the participation of local communities, traditional institutions, non-government organisations and the private sector in the management and development of the forest sector;
- Formation of committees for effective co-ordination and management of forest resources; and
- Ensuring transparency and decentralisation of licensing procedures to appropriate local authorities involved in Joint Forest Management.

The Act stipulates that JFM areas can be declared by the Minister on the recommendation of a local community, owners or occupiers of an area in a forest. The local community must however give consent. A forest management committee may be formed with the approval of the Minister,

but the composition of such a committee is stipulated by law. The major instrument for implementation is a management plan that is prepared in consultation with the relevant local authority, local community, traditional authority and other stakeholders. The Minister also has power to make regulations providing for JFM, and the development and implementation of the management plan by local communities. The Minister is also empowered to make regulations concerning the participation of local communities and traditional authorities that ensure equitable gender participation (Government of Zambia 1999).

5.3. FROM PRACTICE TO POLICY AND LEGISLATIVE REFORM - COMMUNITY INVOLVEMENT IN FOREST MANAGEMENT IN TANZANIA

The development of the management of forests in Tanzania has followed the same trend as elsewhere in Eastern and Southern Africa. The reservation strategy meant the withdrawal of valuable resources from the local or public domain into the supposedly protective hands of the state. This has been the founding strategy of natural resources management in much of the region.

The earlier forest policies in Tanzania recognized local Forest Reserves as being managed by local authorities, and this was strengthened by the 1972 decentralisation policy. However, the decentralisation policy did not bring any changes in the way forests were being managed. It instead created an administrative vacuum. The local authorities acted like the center and applied the same policies and laws. The local communities continued to regard forest resources as government owned whether centrally or locally owned.

Unlike other countries in the region Tanzania has a vast area of Miombo on unalienated or public land to which government has laid claim, but has done little to control its use and that of the forest resources there in. While the communities occupy areas within the unalienated land they have had no ownership, and therefore have exercised no responsible use or management.

In order to address the problem of degradation and deforestation of the woodlands due to uncontrolled use, the government of Tanzania intended to gazette these areas as Forest Reserves, managed by the state. This exercise went through critical scrutiny of government at a time when the international community was advocating for recognition of community involvement in natural resource management and when national resources were too stretched to sustain the management of forests in a sustainable manner. Tanzania has, within the space of five years, piloted community involvement in forest management, and this experience has provided the basis for changes in policy. This resulted in new policy, which recognized the partnership with communities and other stakeholders, and a change in the forest laws to support the new changes. There are many opportunities for evolution of community Involvement in Tanzania:

- The local government in rural Tanzania villages is well organised, having village governments, sub-village leaders and 10 cell-leaders. This structure provides a firm and reliable channel through which innovations can be communicated;
- Most unreserved forest and woodland falls within or adjacent to the land areas of rural villages;
- Villages have the unusual capacity to elect their own governments (village councils), which are independent legal persons able to "sue and be sued," hold property, make by-laws, and enter contractual arrangements;
- Local government law, dating from the 1970's endowed village councils with considerable executive and legislative powers, together with a wide range of responsibilities and rights. Village councils act on behalf of the village assembly;
- The village has the authority over village land, and this makes it the most decentralised regime of governance in Sub-Saharan Africa, where village government is firmly entrenched at village level, and is supported by local government at the District level;

- In 1983 the National Agricultural Policy enabled a programme of village titling. Through this policy, village councils were able to obtain long lease holds over their respective village areas;
- The 1998 Land Law gave village land a legal basis as one of the three land management categories;
- Much of the unreserved woodland and forest areas are found in, what is now defined as village land, and where elected village councils are now designated as lawful owners; and
- The new Land Law does not only allow villagers to earmark parts of their local environment for common use and/or natural resources management, it encourages them to do so, and provides a mechanism through which local based level jurisdiction may be reinforced.

These conditions formed the basis for a move towards community forest management, but the donor component was crucial. Donors provided funds for experimentation in places like Dura Haitemba and Gologolo in 1994, and continued such experimentation long enough to see what works and what does not. The evolution towards involving communities operates at two levels, namely Joint Forest Management in National Forest Reserves and, community forests on public village land. This approach of promoting practice before policy has provided useful experiences to the Forestry Department enabling it to adapt policies and legislation that work in practice, including the establishment of:

- Joint management agreements for government and village forest reserves with appropriate user rights and benefits for local communities; and
- Legal frameworks for the promotion of private and community-based ownership of forests and trees.

5.4. COMMUNITY INVOLVEMENT IN FOREST MANAGEMENT – UGANDA

The inclusion of community involvement in forest management in Ugandan forest policy and practice has evolved over a century. Just like in other African countries, Uganda's forest policy and practice has been one of exclusion of local communities and other stakeholders in public forest management. The development of Forest land acquisition and management in Uganda involved the use of agreements between the colonial authorities with the local leaders (kings) of organized societies like the Baganda and resources were alienated as belonging to the then Her Majesty's Government through Agreements (The Buganda Agreement 1900, followed by those of Bunyoro, Toro and Ankole, Kamugisha 1998). Elsewhere forests were established without consultation because there was no organised local administration or land ownership structure.

Forests were managed through various ordinances, which recognized the need for community requirements, but provided for their access through a permit system with state agents. The first forest policy of 1929 (Brassnet 1951) recognized the rights of local people, and the need to advise individuals and local administration on forestry matters. Without involving the individual, community or local administration, government of the day took full responsibility to provide for the vested rights for local demands through permits. However, there was an element of recognizing the need to involve local authorities and the private sector in management of forests and the policy statement of 1948 in paragraph (4) states; "*To encourage and assist the practice of sound forest management by local authorities and private enterprises and to educate Africans on technical forestry*". If this had been more elaborated in more detail, the involvement of local communities would have taken off at that moment. However, there was a positive development in that the legislation that was put in place to support the policy recognized a two-tier system of reservation as central forest reserves managed by the centre, and local and village forest reserves managed by local authorities.

Successive policies did not provide any focus on involvement of local communities but rather stressed the necessity for providing extension services to the public. This didn't provide the necessary tools for involvement of communities in managing forests except to plant trees on their farmlands in what was later referred to as community forestry or farm forestry.

The constitution of 1967 centralized the management of all local and village forest reserves. The removal of minimum authority from local authorities was followed by the loss of small village forests, and any local forest reserves larger than 10 Ha. The centre had no capacity to manage scattered small forests and did not provide sufficient funds for their protection. Local people and lower administrative structures viewed these as state forests for which they had no responsibility. Since there was no real stake in them, most were converted to agricultural use and have been lost over the years. The focus with regard to peoples' involvement continued to be "*Helping farmers, organizations and other people to grow and protect their own trees and forests* and *"educating the public about the role of forestry and forest industries for their welfare"* Section 4 (i) and (ii) of the 1970 forestry policy.

In 1988, it was realized that a new policy was required to address the mismanagement of forests. While there was more focus on better management practices, the statements regarding involvement of local people were not very clear and the policy was still being implemented through outdated legislation (Government of Uganda 1964). However, the new political governance enabled foresters to use the broad policy statement to initiate change, and to involve local people and other stakeholders in forest management.

The European Union funded a project under the World Bank Forest Rehabilitation Programme. The Natural Forest Management Conservation Project had one of its objectives to restore the integrity of the natural forest estate. It was realized early that the central Government alone, with all the constraints it faced could not manage forests without the involvement of the local communities and other stakeholders. The project then made local community involvement in various ways the focus of its interventions. The project created another category of forest designation called "Forest Parks" where the focus was on the involvement of local communities in the management of forests. The main objective of forest parks was to conserve biodiversity in partnership with local communities and share the benefits. This category was developed as a project category with no legal backing. The focus was on forests that had large populations around them, which could provide a tourism attraction, or which could be used as a basis for earning revenue, that could be shared with communities. Management and advisory committees were created, on which communities were represented.

Over the years Uganda Forestry Department has continued to develop the enabling conditions to involve communities. The peri-urban project has brought communities on board and signed agreements with them to hire land and plant trees of their own in forest reserves. This has been supported by NORAD.

Ecotourism developments have been initiated in various government forests. This was initiated by the Forestry Department by opening up eco-tourism sites managed by the department, together with local communities. Revenue was shared, and permission to local communities to access to designated areas of the forest for medicinal and other resources was granted.

Although policy and legislation have not changed to reflect the new trend in management, the Department, with the help of donors, has gone ahead to provide within its administrative and management structure a section for promoting community involvement in forest management, fully staffed and permitted to sign agreements with local communities to co-manage forests. Several agreements have been signed with communities in the districts of Tororo and Mbale, and permits have been issued to allow individuals, and the association to manage certain forest reserves at various levels.

There is now a new draft policy that recognizes the need to involve local communities, but only in a collaborative manner. Statement (5) of the new Draft Policy (2000) states that *"Collaborative partnerships with rural communities will be developed for the sustainable management of forests"*. This covers both government and private forests, and addresses the disincentives associated with a protectionist approach to forest management, and the destructive practices associated with open access to forest resources. It will also define rights, roles and responsibilities, and the basis for sharing benefits for improved forest management. The policy has strategies which address the limitations to community and other stakeholders' involvement in forest management. Legal provisions to support this development are being put in place to recognize the new provisions in the forest policy. The Draft Forest Act of 1999 to support the Draft Policy, recognizes new additional categories for forest reservation, including

1. "D*ual or joint management forest reserves"* - which refer to areas where there are other responsible agencies, such as Uganda Wildlife Authority – in National Parks which are also Forest Reserves (such as Kidepo National Park); and

2. *"Collaborative management forest, reserve"* –where communities and other stakeholders co-manage the forest with government.

These changes are coming after experimental practice has been carried out, and with the proof that the only way for maintaining the remaining forest estate and even increase on it, is to provide enabling circumstances for the involvement of local communities. In Uganda this has been strengthened by the decentralization process, the Uganda Constitution, the Land law that gives ownership of land to the people, and environment laws that recognizes community management and ownership of resources.

CHAPTER 6: SYNTHESIS AND CONCLUSION OF POLICY AND INSTITUTIONAL ISSUES

6.1. INTRODUCTION

There has been a general trend in the region towards reviewing forest policies to support and provide for community based forest management. Countries like Malawi, South Africa and Tanzania, have revised their policies using inclusive and consultative processes to incorporate community involvement, as well as the participation of other stakeholders in forest management. Unfortunately, in most countries that have adopted these new policies, related legislation has not yet been changed. There are however a number of countries where processes to revise the legislation are now underway. Countries like Malawi, South Africa and Zambia now have new forest legislation whilst the process in Tanzania has reached an advanced stage.

Whilst most of the new policies support and provide for community involvement in forest management, there are still gaps, overlaps and sometimes inconsistencies. For example, some do not have legal provisions for local community institutions in forest resources management. The issues of resource ownership by local communities are not adequately addressed, whilst most policies do not clearly articulate or provide provision for financial and other resources required to support local community institutions in forest management. In other cases, such as in Kenya and Uganda, improved access to forest resources by local communities is still seen as a privilege, whilst state ownership and control is predominant and overrides community rights. On benefits sharing, most of the new laws still provide for this to be undertaken through local government structures and not at the local community level. The most pressing issues to address now are the gaps that exist between policy objectives and implementation.

In some countries like Kenya, Uganda and Zimbabwe which have not undertaken total forest policy and legislation reviews, community participation issues have been dealt with in a piece-meal or add on approach, where community involvement aspects have been added onto the government dominated forestry agenda. Furthermore, in a number of countries forest policy and legislation changes have not been matched, by or incorporated in other key sectoral policies affecting local level natural resources management such as water, land and agricultural policies. This has resulted in policy conflicts and tension between central government agencies and local communities. Despite these limitations, there are now demonstrable changes in policy and legislation to address local community interests and facilitate their involvement in meaningful forest management.

Forest policies, laws and agencies of many eastern and southern African countries are under review to accommodate CFIM imperatives. The pace and outcome of such efforts vary from one country to another. However, there are similarities in the approaches taken by many of the countries. Firstly, many of the countries have left the responsibility of repairing forest polices and laws to traditional forest departments, though in some cases, such as Tanzania, consultative processes involving NGO's and private industry have been established. Secondly, forest policy and law reform is starting to explicitly deal with tenure questions. This, it does mainly by policy and law creating such categories of forests areas as community forest reserved (in the case of Tanzania).

The review of policies, laws and programmes for community forest management did not in any way demonstrate that eastern and southern African countries are learning from other parts of the regions, and world, or what makes CIFM work where it has worked. Essentially, the countries may not be tapping experiences and practices of other regions and countries to inform their policy development efforts. There is need for "best practices" in CIFM to be documented and made available to those responsible for reviewing and revising forest policies and laws to accommodate CIFM, as this series of reviews has tried to document.

6.2. INSTITUTIONAL AND ADMINISTRATIVE SPACE

The failures and inadequacies of old institutional arrangements, which were based on central government domination have manifested themselves in various forms including conflicts between local communities and governments, inadequate capacity of central government agencies, and continued forest degradation and deforestation. Furthermore, in countries like Tanzania, Uganda, Zambia and Zimbabwe, poor economic performance, followed by structural adjustment programmes requiring cuts in government expenditure, a reduction in staffing of government departments, and emphasizing decentralisation and devolution to local levels, have brought about the need for new institutional arrangements which allow for participation of other stakeholders in forest resources management. This has also been facilitated by the increased recognition of the role non-governmental organisations, community-based organisations and the private sector can play in effective management of forest resources at the local level. There is a definite trend away from centralised management of forest resources towards the establishment of partnerships between central government agencies, local institutions, the private sector and civic society.

There has been a tendency, in some countries like Mozambique and Zimbabwe, to create new local institutions while old ones already exist (official institutions vs. traditional ones) which has given rise to conflict. A way to integrate these would be an important step towards effective local institutional functions. It is very important to modify decision-making procedures and frameworks, to enable other actors to occupy space where decisions are made on forest resources management. In most countries in eastern and southern Africa, communities exist only as social groupings, but not as legal persons, and so are without the powers of a legal person or corporate entity. The capacity of a rural community to own property as a legal person is therefore absent in most countries of the region.

The new laws need to reflect appropriate property rights and user rights, the mandate of local communities to manage forests through legally binding by-laws, and the existence of local communities as legal entities. Positive aspects of traditional resource management and ownership rules need to be translated into modem law. This development is beginning to emerge in the new constitutions of some countries in the region for example the new Constitution of Uganda (Government of Uganda 1998), in new forest policies, e.g. Tanzania (1998), in new land laws, e.g. Tanzania and Uganda (1998), and in new or draft forest legislation like in Malawi and Tanzania'.

6.3. CAPACITY BUILDING - LEARNING FROM NEWCOMERS

The development of forest management from one of a centralized system to the involvement of local communities and other stakeholders brings into the arena newcomers. Therefore a lot of new ideas, practices and experiences can be learnt, by governments, especially the staff of those agencies that have traditionally managed forests. There are important aspects that newcomers have brought which, if incorporated, would further sustainable forest management. These include among others:

Design of management activities: While traditional management focuses broadly on protection and production, the participation of various stakeholders demands that management designs consider their wider interests, and all the possible attainable forest values. Forest management planning has now to include social, economic, cultural and non-wood use aspects in addition to merely protection and wood production.

Equitable benefit sharing: CIFM has required the recognition of rights to, and benefits, from forest resources. Lead agencies must now grapple with the identification and definition of benefit sharing procedures. It is recognized that these factors have been ignored in the past due to alienation of property rights by a centralised system of management. Benefit sharing has become an important component of management planning, as it is considered a prerequisite for community interest and active involvement in forest management.

Newcomers have helped give a voice to communities where they can direct and contribute to policy and legislative reform. They have also shown what works and what doesn't through taking risk to experiment with new ideas and ways of doing things. Newcomers have shown that commercialisation and multiple use values are possible to give greater value to forest resources and encompass wider stakeholder interests that contribute to sustainable forest management. Capacity building is necessary at both levels of government staff and local communities. This should also focus on the re-orientation and change of attitudes to reflect the new roles and responsibilities of the different stakeholders.

6.4. FROM IMPLEMENTERS TO FACILITATORS

There are numerous community forest management programmes where international organizations and donor agencies as well as national government agencies and NGOs are the key implementers, rather than facilitating local communities to implement the programmes. There is a need for these groups to review their roles, and move from being managers to providers of information, and help to build the capacity of, and to facilitate local communities to develop their own decision-making frameworks and to manage their own resources building on local knowledge and practices. Devolving natural resource management responsibilities to local communities is a long-term goal, as people take a long time to adopt to change, which requires them to change their behaviour and accept responsibility. Therefore there is a requirement for long- term support.

6.5. FROM PRACTICE TO POLICY

Policies to enable community involvement in forestry have existed for a relatively long time in some countries such as Malawi and Uganda. However, they were developed adequately to be easily interpreted and applied. Also political changes during the post-colonial era eroded even the little that was provided for to enable local level management. For example in Uganda, all local forests managed by village and local administrations were centralized in 1967. Despite these setbacks, community-based forest resources management under traditional management systems continued in a number of countries. These practices, supported by successful experimentation in community-based forest management by NGOs and some government agencies, have resulted in the increased recognition of the positive role local communities could play if allowed to.

Experimentation has resulted in a wider application and development of partnerships between government and local communities through management agreements, and, in some instances, giving ownership and full management responsibilities to local communities, as has happened in Tanzania. However most of these developments were undertaken outside and sometimes in contravention of existing policies and legislation. This was largely due to sympathetic forest authority heads and staff with no legal support. In some cases, especially around national parks and forest reserves, it took direct conflict between local communities and government agencies to bring about the need to review policies and legislation to enable local communities to participate in the management of these resources. The result has been a proliferation of new policies with particular attention to community involvement in forest management. This is a clear example of policies that have resulted from practice.

6.6. REGIONAL COLLABORATION - SHARING AND LEARNING

The current political situation in Eastern and Southern Africa is conducive for collaboration, sharing experience and learning from each other. The existing regional co-operation groupings such as the East African Co-operation (EAC) and the Southern Africa Development Community (SADC) provide frameworks for regional co-operation. For example, SADC is currently in the process of developing a Regional Forestry Protocol for enhancing co-operation between member states in various aspects including sharing information and experiences in community involvement in forest management. In addition, networking in various areas of forest resource management is already taking place and could be strengthened through both regional and international networks

such as the Forest Trees and People Programme, AFRENA of ICRAF), and the Miombo Research Network. There are examples of exchange of visits to learn from each other. For example in 1998, Malawi sent members of a council of elders and forest resource managers to visit Uganda to learn about how to set up a trust to ensure community development and conservation. In 1996 the Forest Trees and People Programme (FTPP) sponsored a visit of about 20 forest users from Mpigi District, Uganda, to Babati District, in Tanzania to learn about the process of community forestry management by local people. With the help of Ford Foundation an East African Research Network on community based institutions for forest management has been established for building a network of applied research on the kind of institutions (traditional or otherwise) that facilitate effective and sustainable forest management at the community level.

There is need to strengthen collaboration, sharing of experiences and information, to enable governments, forest management agencies and local community institutions to effect the necessary changes in policy and legislation and effect implementation without having to reinvent the wheel. Adoption of what has worked elsewhere in similar situation will enable countries to implement new approaches with minimal risk, since such approaches will have been tested.

6.7. A NEW RESEARCH AGENDA

Policy research in natural resource management is evolving as environmental concerns are given international prominence. But more so as the realization grows that the concerns of people, especially the local communities, are an important factor that has been neglected in the management of environmental resources if degradation has to be checked. Therefore, policy research is necessary to provide information that can guide policy makers or to analyse the impact and effectiveness of policy.

A key role of policy research is to influence perspectives of decision makers. It may include literature reviews, case studies, field work for empirical analysis. While policy research is often considered the monopoly of economists, it is becoming increasingly necessary to involve a broader spectrum of disciplines, both in social sciences and in technical fields, especially with issues related to natural resources use and management.

Certain areas of research with regard to policies that touch on community involvement in forest management need to be focused upon, which include:

- Research should be undertaken on the nature, function, potential and constraints of traditional natural resource management institutions and systems, in order to understand which of their components can be useful in the management of current and emerging natural resources conflicts;
- Documenting indigenous knowledge with regard to natural resource management so as to be able to incorporate such knowledge into innovative structures and mechanisms to develop functional management systems;
- Potential conflict analysis at policy formulation level so that local people do not end up being worse off than before, due to proposed community forestry interventions;
- Research on policies affecting trees and land use outside public forests in particular concerning external policy influences, and their impact on forest and land use policies;
- Research on decentralization and transfer of responsibilities for forest management from government agencies to local communities, user groups and the private sector. Related to this are issues of ownership, tenure, access, usufruct, rights and effective partnerships; and
- Much remains to be learnt about risks, benefits and successful mechanisms for implementing CIFM.

6.8. MAJOR CONCLUSIONS AND RECOMMENDATIONS

The first forest policies introduced by the colonial administration focussed on creating a centralized management system based on command and control. They created forest estates across the region with the main objectives of timber production and forest protection. These estates were protected by exclusion. This caused a rift between agencies responsible for forest management and local communities, who were alienated from resources they once managed and had access to. The post independent governments, until recently, did little to change the policies, laws, institutions and management system that had been put in place by the colonial administration. The policies and laws are still evident today despite countries in the region having gained independence decades ago.

However, there are now signs of change. The change has come about as a result of several factors including increased recognition by the forest agencies of the need for new approaches to management of forests; structural adjustment programs that have brought about reduction in government spending, restructuring of public agencies resulting in the down sizing institutional structures and democratization which has led to decentralization, and devolving central government responsibilities to lower levels of government. The change of policy has been prompted by a clear demonstration from communities that they can effectively manage their forest resources, given the right conditions especially of ownership, rights to land and resources, and benefit sharing.

Furthermore the international community, recognizing the importance of forests, and concerned about increasing degradation and deforestation and by the marginalisation of indigenous people and local communities regarding access to forest resources and their management, have pressed for the involvement of local communities and other stakeholders in forest management as one of the ways to reduce deforestation. This has been expressed in various international agreements, for example the Convention on Biological Diversity (CBD) to which all countries of the region are parties.

There has been a definite trend towards community involvement in forest management in the last ten years. Much has been experimented on outside the previous policies and legislation. Donors and non-government organizations have driven much of the experimentation. A number of countries in the region have reviewed their policies resulting in new ones that give recognition to community involvement in forest management.

It is evident in many countries that legislation has not changed along with the recent policy reforms. This still remains a major limitation, a major setback to the implementation of new policy provisions. However, there are steps being taken to provide the legal framework to enable communities to contribute to the management of forests. Tanzania and Malawi have drafted legislation that addresses community involvement. Without the backing of legislation, however, other processes have taken place, e.g. the signing of memoranda of understanding between government agencies and communities. In other cases this has led to devolution of management responsibilities and ownership of the land and the forest resources as in Tanzania, and contractual use of forest land, as in Uganda.

There are noticeable changes in the institutional arrangements with the changing role of government agencies responsible for forestry. Devolution of roles and responsibilities to local governments, the communities, the private sector, and other stakeholders is taking place in a number of countries in the region. There is clear recognition of the traditional institutions, and there is evidence that some of these traditional structures are being merged with government structures.

The political will for increased people's participation in decision making is a pre-condition for promotion of community forestry. This is shown in case of Tanzania, where there is general political will for decentralisation, and support from the forest policy (1998), the land act (1998), the village land act (1998), and the first draft for the forest act. This highlights that communities and other stakeholders have to be given clear responsibilities and the needed resources to make them accountable. As newcomers, they require skills so as to develop and create the human capital to contribute to sustainable forest management.

Specific Conclusions

1. Despite recent changes, policy, laws and management institutions continue to marginalize local communities in many countries, and their involvement in forest management is not sufficiently addressed.

2. Policies in the region continue to be generally unsupportive and legal provisions have yet to be adequately dealt with in community based approach to forestry management.

3. In the last ten years, major steps have been made to address CIFM, because it has been demonstrated that local communities are vital partners for sustainable forest management.

4. Although major steps have been taken to integrate community concerns in the policy, legal and institutional arrangements, there still exist constraints and gaps in steps to be taken for full implementation.

5. The lack of policy change and implementation has management implications from both forestry and policy, planning and practice which has resulted in sustainable forest management not being possible in many parts of the region.

6. Forestry and other related management agencies are no longer the sole source of management objectives and planning for forestry. A lot of other sectors impact on forestry, especially those which have the potential to conflict with community involvement in forest management.

Recommendations

1. Identify and address contradictions and gaps in national policies, laws and regulations that concern or otherwise negatively impact on local communities.

2. Review and revise current policies and laws to recognize local peoples' forest and land use rights and to strengthen traditional use rights and institutions.

3. Reform policy and planning processes to enhance participation of communities and other stakeholders in policy formulation at all levels.

4. Power disparity between actors is a major constraint to genuine local community participation in forest management. There is therefore a need to develop legal frameworks and instruments to empower local communities for effective participation in forest and tree resources management.

5. Encourage NGOs' and community organizations to collaborate in supporting the formulation and implementation of effective policies that incorporate local participation.

6. Provide training in conflict management for relevant groups to strengthen the institutional capacity to support conflict resolution processes.

7. Ensure that information regarding relevant policy and practices is both accessible and understandable in local contexts.

REFERENCES

Alden Wily L. and S. Mbaya (2001): Land, People and Forests in Eastern and Southern Africa at the beginning of the 21st century. The impact of land relations on the role of communities in forest future. Nairobi, IUCN-EARO, 323 p.

Amril, J. (1998) National Policy Framework and conflict Management;. An overview,: In Integrating conflict management considerations into National policy frameworks FTPP/FAO Rome 117-132.

Anderson D. and Grove R. (1987): In Conservation in Africa: People, policies and practice. Cambridge University Press.

Banana, A.Y and Turiho, P.G (1998). Participation in Use and management of forest Resources in Uganda. In: Common Property Management in East Africa: p 140-156.

Barrow, E. G. C., K. Kangwana, and D. Berger. 1995. The role of the African Wildlife Foundation in the evolution of community conservation practise and policy in Kenya. Workshop on Environmental Policy Formulation in Kenya: Private Sector/NGO Roles. ACTS, Nairobi and WRI, Washington, Nairobi, Kenya.

Barrow E., Clarke J., Grundy I., Kamugisha Jones R., and Tessema Y. (2002): Whose Power? Whose Responsibilities? An Analysis of Stakeholders in Community Involvement in Forest Management in Eastern and Southern Africa. Nairobi, IUCN-EARO, 150 p

Birgerard. U. (1993) Natural Resources Tenure: A review of Issues and Experiences in Sub-Saharan Africa, in Rural Development Studies No 31. International Rural Development Centre, Sweden University of Agricultural Centre, Swedish University of Agriculture, Centre, Swedish University of Agricultural Sciences.

Bradley, P.N. and McNamara K (eds) (1993). Living with tree: Policies for forestry management in Zimbabwe. The world Bank, Washington D.C. p 13

Brasnett N.V (1951). A History of the Uganda Forest Department. Bulletin No 3 pp26.

Bruce, J.and Johnson, L., (1998) Agroforestry: Tenure and incentive Report No 135. Madson: University of Wisconsin Land Tenure Center.

Burley et al (1989) Forestry Research in Eastern and Southern Africa. 87 pp Oxford Forestry Institute.

Chimedza, R. (1991) Energy consumption for low income rural households. Project working Document, ESMAP, World Bank, Washington, D.C.

Clarke, J. (1994) Building on indigenous natural resources management: forestry practices in Zimbabwe's communal lands. Forestry Commission Harare.

Desloges. C. (1998). Community Forestry and Forestry Resources conflicts: An Overview: Integrating conflict management Considerations into National Policy Frameworks. FPP/FAO Rome pp 29 – 30

FAO. (1997). State of the World's. FAO, Rome.

FAO (1999). State of the World's Forests. FAO, Rome. 154pp

Forest Department, Uganda (1995) Report to Parliament on Problems in Forest Management. 12pp.

Forestry and Beekeeping Division (1989). The Tanzania Tropical Forest Action Plan.

Forest Department. Uganda. (1948). Uganda Forest Policy. p2

Gondo P.C. (1999a). A review of experience with international conventions affecting forestry in Eastern and Southern Africa. A paper presented at the Eastern and Southern Africa Regional workshop of the Canada - Costa Rica Initiatives on International Arrangements and Mechanisms, Zimbabwe.

Gondo, P.C. Chipika, J. and Mabuzu. M. (1999b). Sectoral and extra-sectoral policies and their impact on management and utilization of Miombo woodlands in Zimbabwe. Draft report for modeling workshop held on 18-22 January, 1999, Mutare, Zimbabwe.

Gombya W.S. (1996) Analysis of Institutional incentives for sustainable management of tropical moist forests; A case study of Mengo forest, Uganda. Bangor UK - University of Wales. Thesis.

Gombya W.S. (1998) Conflicts in community forestry; Experiences from Uganda; integrated conflict management consideration into National policy frameworks 229-240 FTPP/FAO

Government of Uganda (1994) Uganda Forest Act.

Government of Uganda. (1995). The Decentralisation policy. 15pp

Government of Uganda. (1999). The Agricultural Modernisation policy. 12pp

Government of Uganda. (1998). The Constitution of the Republic of Uganda.

Government of Kenya. (1948) The Kenya Forests Act.

Government of Kenya. (1968) Kenya Forest Policy

Government of Malawi. (1996) National Forest Policy of Malawi. Ministry of Natural Resources 70 pp.

Grundy, I., and G. Le Breton. 1998. The SAFIRE MITI Programme: A new approach to natural resource management in communal areas of Zimbabwe. Oversees Development Institute. London.

Grundy, I (1990: The potential for management of indigenous woodlands in communal farming areas of Zimbabwe, with reference to regeneration of *Brachystegia spiciformis* and *Julbernadia globiflora*. Msc thesis, University of Zimbabwe.

Iddi S. (1999). Community involvement in forest management; first experiences from Tanzania - the Gologolo Joint Forest management Project. Paper presented at the International Workshop on comity forestry in Africa-Banjul The Gambia 26-30 April

Infield, M., and Adams, W.M. 91999): Institutional sustainability and community conservation: A case study from Uganda. Journal of International Development Vol. 11 305 – 315 p

Juma.C. and Ojwang J.B., eds. (1996). In land we trust: environment, private property and constitutional change. Nairobi, Initiatives publishers.

Jumbe, C.B.L Kachule, R.N. Mataya, C.S., (1999). The Impact of Sectoral policies on the management of Miombo woodlands in Malawi. Draft report. Agricultural Policy Research Unit, University of Malawi Lilongwe.

Kachule, R.N., Jumbe, C.B.L, Mataya, C. S. (1999). The impact of sectoral , inter-sectoral and micro-economic policies on the management and utilisation of Miombo woodlands in Malawi case studies of M'deka, Dzalanyama and Chimaliro Miombo in Blantyre, Lilongwe and Kasungu Districts. A report on the focus group discussion with communities and village leaders, APRU, University of Malawi, Lilongwe.

Kamugisha J.R. (1993) Management of Natural Resources and Environment in Uganda: Policy and Legislation 1890-1990 RSCU, Nairobi.

Kamugisha J.R. (1998) Forestry and the Decentralisation Process in Uganda. Paper presented to Uganda Forestry Association Seminar-Makerere (March 1998) 8 pp.

Katerere. Y. et al (1999). Community forest management. Lessons from Zimbabwe. International Institute for Environment and Development (IIED). Issue paper No 89.

Kigenyi F.W., (1998). Forest Policies. Nature Watch – 30 October 98 2-3p

Little, P.D, Brokensha D. N. (1987) Local Institutions, tenure and Resources Management in East Africa. In Anderson, D, and Grove R. Eds. Conservation in Africa: People, policies and practice. Cambridge University press, pp 193-269.

Ocheng Odhiambo M. (1998) Legal and institutional constraints to community participation in the management of Natural Resources conflicts in Africa: The case of Kenya: In: Integrating conflict Management in National Policy Frameworks FAO.

Ongugo. P, E. Mwangi. (1998) Common Forestry Management in Kenya: analysis of National Constraints and opportunities. In: Common property Resources Management in East Africa pp 83-112.

Ole Nkako. (1998) A Kenyan Perspective of conflict Management Strategies for sustainable Natural Resources Management. Integrating Conflict Management in National Policy Frameworks. FAO Rome 249-266

Madhu Sarim. (1998). Integrating Gender, and Equity sensitive conflict Management in country forestry policies. In: integrating conflict management considerations into National resources policy frameworks. FAO Rome pp 31-52

Makuku S.J. (1992). Community approaches in Managing Common Property Resources: The case of the Narumedzo in Bikita, Zimbabwe.

Matose, F. (1992). Villagers as Woodland Managers In: G.D Piece and P. Show (eds) Forestry Research in Zimbabwe. Forestry Commission, Harare.

Ministry of Natural Resource-Uganda. (1995). Forest Department Annual Report for 1994.

Ministry Natural Resources- Uganda (1996). The National Biomass Study-Report.

Ministry of Environment and Natural resources. (1999). The Kenya Forestry Policy 1999; Draft Sessional Paper.

Ministry of Water, Lands and Environment (2000). The Uganda Forest Policy. Draft policy.

Ministry of Environment and Natural Resources -(Kenya. (1999). Draft Forestry Bill pp 15

Ministry of Natural Resources, Uganda. (1996). Draft Forest Policy.

Ministry of Natural Resources. The United Republic of Tanzania (1998)

Misana, S. Mung'ong'o, C. and Mukamuri, B. (1996). Miombo woodlands in the wider context: Macro-economic and intersectoral influences. In Campbell, B.M (ed). The Miombo in Transition: woodland and welfare in Africa (1996). Bogor-Indonesia pp 73-99.

Mogaka H., Simons G., Turpie J. and L. Emerton (2001): Economic Aspects of Community Involvement in Sustainable Forest Management in Eastern and Southern Africa. Nairobi, IUCN-EARO, 155 pages

Monela, G.C and R.W.L. Ole Meilude. (1997). Review of forest polices in SADC region. Consultancy Report. Dept of Forest Economics – Sokoine University.

Mukamuri. B (1987). Karanga religion and Environmental Management. B.A Thesis, University of Zimbabwe. Harare.

Mwangi E. (1997). Conflict Resolutions Strategies for sustainable forest Management: a Kenyan perspective. Paper presented at 15th Commonwealth Forestry Congress, 12-17May, Harare, Zimbabwe.

National Environment Management Authority. (1998). The Environment Statute (Uganda)

Nhantumbo, I., S. Soto. (1999) Review of land, forestry and wildlife policies. Draft Report, Maputo.

Nhira., C, S. Baker, P.C. Gondo, J.J. Mangono, C. Marunda, (1998). Contesting inequality in access to forests: Policy that works for forests and people. Series No 5 Zimbabwe Centre for

Raumolin, J., (1990). The problem of forest-based development as illustrated by the development discussion 1850-1918. Department of Social Policy, University Helsinki. Research Reports 4/1990 206 pp.

Repetto, R. and Grillis, M.D. (1990). Public policies and the misuse of Forest resources. Cambridge Univeristy Press

Republic of South Africa. (1984). The Forest Act No 122.

Scott, P., (1994) Assessment of Resources, use by communities around Mt. Elgon National Park. IUCN.

Scott, P. (1994) From conflict to collaboration: people and forests at Mt. Elgon, Uganda. ICUN, Gland and Cambridge.

Shepherd, G. and Bird, N. (1989). Charcoal in Somalia: A Woodfuel Inventory in the Bay Region of Somalia. Final report of the Energy Planning Study, Overseas Development Administration, UK, prepared for the National Range Agency, Ministry of Livestock, Forestry and Range, Mogadishu, Somalia. 126 p.

Singh, S. and Khare, A., (1993) "Peoples participation in Management" In: Commonwealth Forestry Review (vol. 72 No 4 1993).

Wass, P. (1995). Kenya's Indigenous forests: Status, Management and Conservation. (Nairobi) IUCN. Forest Conservation Programme/ODA)

White. F. (1983). The vegetation map of Africa.

Wily, L.A (1998) Devolution: The critical institutional change in future resource management. A case from the forestry sector of Tanzania p17

IUCN - Eastern African Regional Programme

IUCN established the Eastern Africa Regional Office (EARO) in Nairobi in 1986. EARO facilitates the implementation of the IUCN Programme in Sudan, Eritrea, Djibouti, Somalia, Kenya, Tanzania, Comoros, Seychelles, Uganda and Ethiopia. Through its technical group, established in the early 1990s, the IUCN Programme assists members and partners in the region with capacity building through the implementation of programmes and projects, networking, and technical advice. Specific areas of expertise include: protected areas, ecosystem management, biodiversity conservation, environmental planning and strategies, and support to environmental NGOs.

IUCN – Eastern African Activities with Tree Dominated Landscapes

EARO's Forest Conservation activities evolved as a discrete theme in 1993, as part of IUCN's global Forest Conservation Programme, to assist the conservation and forest authorities in the region, and address some of these needs by building on the expertise of the Union and its membership so as to contribute to the overall regional programme. The work focuses on practical methods for conserving forests and promoting sustainable forest use and management. Through this IUCN hopes to help in influencing, encouraging and assisting the countries of Eastern Africa to conserve the integrity and diversity of forest resources and to ensure that the use of these resources is equitable locally, nationally and globally. This will be done through partnerships cooperating to address the priority themes of forest conservation and sustainable management in the region.

Tree-dominated landscapes play an important role in the provision of goods and services to local resource users, communities, and countries in the region. IUCN will work with members and partners to develop the knowledge base about these ecosystems, their importance for both biodiversity conservation and in the livelihoods of rural people. Within conservation areas, sustainable use of trees will continue to be explored through collaborative forest management. Lessons about balancing sustainable use with biodiversity conservation, will be used to inform and influence both conservation and livelihood policy processes in wider and more integrated land use.

IUCN – Eastern African Activities with Social Perspectives in Conservation

It is only recently that IUCN in Eastern Africa has become more involved in work with social issues. The range of social issues are being integrated into the IUCN portfolio of projects as part of implementation and this will enable lessons to be learnt in different ecological and social systems in the region. Such issues include, gender and stakeholders, participatory processes and tools, tenure of land and resources, economics (implemented by the Economics and Biodiversity unit), capacity building for addressing social issues, and the integration of social issues into conservation and natural resource management in the region.

Increasingly conservation has to be seen as a component of land and landscape planning. If this does not take place, conservation resources and areas are likely to be further excluded from mainstream national and local land use planning and land use. Local people and resource users need to have greater responsibility for their natural resources, and not be in conflict with natural resource managers. To achieve this they must benefit from, and have some degree of proprietorship for such resources.

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