Assessing the Effectiveness of National Policy on Public Forest Protection in Uganda: A Case of Too Little Too Late

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1. Abstract

Sustainably managed public forests are a cherished natural endowment, which contributes to national economic development and upgraded standards of living. With a multitude of benefits, the tragedy of endowment also comes the responsibility to regulate public forests by implementing and executing policies to control rights of access and to protect such forests. Henceforth the key objective of Uganda's forests policy is to conserve and promote a balanced and diversified ecosystem, while continuously safeguarding various environmental, social and economic benefits for the present and future generations. To achieve this, the realpolitik of public forest management requires sound policy implementation and enforcement to curb the multi-layered challenges in the overall regulation process. Key policy issues and measures were identified. However, their feasibility in the institutional context is imperative. In responding to this, the study reviewed the Ugandan national forestry policy. Emerging results illuminated a mis-match between policy pronouncements and what actually happens on the ground. These included bias, corruption and interference in the regulation process. Hence, questioning the effectiveness of this forest policy is thought provoking. This diagnostic review concludes that there is a wide gap between key policy objectives and the current state of management and protection of public forest in Uganda. Policies should narrow the intraparency by taking proactive steps to implement the policy measures to address policy issues in the management of public forests in Uganda.

2. Introduction and Background

Sound conservation defies unsophisticated explanations. Despite years of legislative commitment from government, and other stakeholders, it appears poor enforcement remains a major driver of illegal exploitation of forests and biodiversity loss. This reflects the unsolidified state of forests regulation, which is experienced in most parts of the world (Counsell, 2009; Kohler & Schmithusen, 2004; Atyi, 2018). The unsustainable human behaviour engrossed in resource plunder has left a trail of deforestation and degradation of forests (Hermann et al., 2020; Colchester, 2006). Solid enforcement is a cardinal response to address weak forests regulation (Downs, 2013; ICRC, 2015; WB, 2013). However, revitalizing political-will and enforcement mechanisms to ensure the effectiveness of regulation is key. This includes detection, investigation, arrests, prosecution, conviction and application of court penalties (Smyle et al., 2016; Akella & Cannon, 2004). Although the trend has leaned towards effectiveness regulation (Howard, 2001), pernicious politics is a concern on how the relevant laws and the regulatory authority can moderate or manipulate such a force.

Uganda is empowered by the international law principle of Permanent Sovereignty over Natural Resources (UNGAR, 1962; Armstrong, 2015; Schrijver, 1997), and has the leverage to enact laws to regulate access and protect natural resources within its jurisdiction. However, the multifaceted challenges of forest regulation remain a topical issue. The paradox of forests management and protection reflects a skewed regulatory process, which largely lacks transparency and accountability (Sandbrook et al., 2010). Implicitly, the benefits derived from forests are key to society hence the need to strengthen the regulatory processes, which are largely compromised by various challenges including corruption and weak enforcement (AfriMAP, 2015; Alley, 2011).

The fact that states have rights to benefit from their forests, imposes a corresponding obligation, to regulate and protect domestic forests with a view to derive maximum benefits. However, this responsibility requires sound political-will in an ever-increasing interdependent world, which is faced with potential severe natural catastrophes due to climate change (Howard, 2001). While corruption is nauseating along the corridors of power (Kamugisha-Ruhombe, 2007), it spurs the interlinkages among office bearers; the police, the regulatory authorities and the judiciary resulting in the early acquittal of forests offenders (UNODC, 2012). The prime suspects who fund forest offences often escape arrest and prosecution because they are never near the scene of the crime (EC, 2010; Kamugisha-Ruhombe; 2007;

UNEP, 2018). To curb the interlinkages in crimes that negatively impact on the regulation and protection of forests, sound political-will is key. However, achieving sound enforcement of laws and protection of forests in corrupt conditions is very challenging. The solution is to involve local communities where these forests are; the problem will be minimized.

To illustrate the current state of public forest protection, this article focuses on the experience of Uganda, a country with vast tropical forests and, which if well managed and exploited, could translate to high economic potential for the betterment of its people and yet is one of the poor countries in Africa. In that regard, the effectiveness of protection of public forest is assessed amid policy intransparency and distortion of realisation of Uganda's sovereignty over domestic forests. Thus, Uganda provides a thought-provoking case study: Its major forest policy - the National Forestry and Tree Planting Act was promulgated and ushered as a new regulatory tool towards effective public forest protection but seemingly this was overestimated. Since Uganda is a case, introducing community engagement can assist similar cases like that of Uganda.

3. Methodology

The study reviews the National Forestry Policy of 2001 (the Forest Policy), which is the major policy dedicated to the management of forests in Uganda. However, the policy is not a stand-alone hence for reference purposes two relevant laws, namely, the National Forestry and Tree Planting Act of 2003 (NFTPA) and National Environmental Act of 2019 (NEA) were drawn in to complete the regime relevant to the management of public forests in Uganda. Together with the National Forestry Plan, the Forest Policy provide the legal regime for managing and exploiting forestry resources in Uganda. Since the Forest Policy is a strategic tool dedicated to the management of forests in Uganda, its review exposes the major multi-layered challenges or opportunities in the management of public forests.

The review focused on one key legal instrument, the Forest Policy, and the relevant empirical studies from 1990 to 2022 on forest protection at a time when the effects of climate change have intensified (Banana et al., 2014; Staff Reporter, 2018). This period is technically relevant to showcase the challenges faced in the implementation of the Forest Policy as a factual basis for policy issues (threats), and the policy measures. The recent literature is based on new scientific evidence and better understanding of the importance of forest regulation and protection through the lens of climate change discourse. The review used terms such as 'forest protection', 'regulation', 'implementation and enforcement' and 'corruption'. These terms were in the reviewed literature and in the other published works of consultants and researchers. Since the review was desktop based, it focused on the application and excluded the interpretation of statistical tables and logical techniques.

The effectiveness of policy enforcement is determined by understanding the purpose for which policy implementation takes place: Answers to the following questions (in the results section) help to assess the effectiveness of Uganda's national policy on public forest management and protection: The study assessed the purpose of the policy; what policy measures are identified to address the policy issue? What Happened in practice? What were the results of the policy implementation - were there unintended effects? What are the challenges to implementation of forest laws? Is the current forest policy technically feasible in the institutional context? These questions are critical in addressing the major challenges to and opportunities for the forest sector policy in Uganda. Hence analysing the findings of the review and interpreting them is fundamental to derive insights.

The study assessed the effectiveness of Uganda's forest policy. How the data was collected and analysed places ethical issues 'at the intersection of the data collection circle, [and emphasizing] the need to attend to ethical considerations across the phases' (Creswell & Poth, 2018). The option for other practical research generation tools was influenced by geographical positioning, economic and ethical issues like the right to access to the relevant communities - are all key reasons why carrying out interviews with the local communities was not feasible. The advantages of the chosen approach made it easier to undertake the study based on legal and documentary analysis in research of this nature. Thus, data collection tools involved desktop research and document (legal and empirical evidence) analysis.

This article proceeds as follows: Since the second section highlighted the methodology and key questions, the third section provides the results of the review and the flaws in the implementation of forest laws, and the weaknesses in the management of forests have entrenched corruption and lawlessness debacle. The fourth section discusses the research findings, and then conclusion.

4. Results

4.1   Policy Issues - Threats to Uganda's Forests

Uganda is a landlocked country of which 11% is made up of national parks or protected areas and about 6% forest reserves (NSOER, 2019). Uganda is one of the most bio-diverse countries on the African continent, (Nyehita & Sinclair, 2019). However, human interference disrupts the natural ecosystems of the domestic forests. Loss of forests in Uganda, due to deforestation or degradation accounts for 15% of the emission of global greenhouse gases (C2ES, 2022). The reduction of emission from deforestation and forest degradation (REED) is a topical issue for global climate change policy. Thus, the protection of forests is vital amid a multitude of threats to their existence (Castley & Kerley, 1996).

Further, human activities like demand for more agricultural land as rural population grows is a catalyst to, unsustainable agricultural practices (Masiga et al., 2013). Moreover, there is an increase in demand for wood fuel and timber extraction. Consequently, deforestation and degradation of forests occurs. Not only that but over-grazing and veld-fires are some of the activities interfering with the ecosystem (Anaya & Williams, 2001). Associated with Uganda's public forests destruction have been diversity declines (Castley & Kerley, 1996). More, linked to Uganda's ecosystem destruction are declines in biodiversity due to plunder of forests (Rotberg, 2003).

Undeniably, there are alterations and losses of the natural forest habitat through planting of exotic plantations. Similarly, loggings and harvesting of timber and agricultural pressure and grazing does not only lead to local declines in biological diversity (Marcot & Vander-Heyden, 2001), but negatively affects biodiversity of adjacent areas. This reflects a decline in migrating populations of various species of birds, in particular, neotropical birds due to degradation of breeding grounds.

The degradation of forests and conversion to other forms of land-use are threatening the existence of Uganda's forests. Influencing this negative trend on domestic forests are diversified human needs. These are expansion of agricultural activities and environmental mismanagement. In addition, there are harmful activities such as forest fires, uncontrolled browsing and inadequate anti-poaching control mechanisms. These are exacerbated by lack of sound and adequate fires control mechanisms; inadequate anti-poaching control mechanisms for both fauna and flora. Worsening the situation is, illegal and unsustainable logging, in particular firewood collection, charcoal burning and other illegal forests harvesting activities (Kayanja & Byarugaba, 2001).

The state of forests and conservation of biodiversity is only 30% of the forested land, which is about 1.5 million hectares or equivalent to 7% of the total territory of Uganda (FOSA, 2020). This shows that forests are threatened from various spheres due to unsustainable human activities. As the rural population grows, pressure and demand for more agricultural space and other resources are related to land increases as well. With deforestation projected to be 1% per year, the reduction of Uganda's forests is notable and expected to yield above 1.2 million hectares by 2022 (Banana et al., 2014). However, forests in protected areas relatively enjoy less interference from human activities, and deforestation is less experienced than in public forests but encroachment cannot be ruled out although it has been less due to fear of prosecution (Banana et al., 2014). However, fear of legal sanctions may not be a long-term solution due to population growth, which leads to an increase in the demand for wood fuel, forest produce and agricultural land. Instead, the inclusion of stakeholders and community participation in forest and land management may provide permanent sustainable solutions. In my view, tapping from indigenous knowledge systems may be key because the solutions towards mitigating these heinous activities on the forest may be curbed through home grown solutions. However, legal tools should be allowed to work hand in glove with sound communal customary practices for a lasting solution.

Forest density and basal cover has been reduced by more than 20% (FOSA, 2020), which is about 4.9 million hectares of the total land area in the last few decades. The National Forestry Authority of Uganda projected a low deforestation rate of less than 1% in well stocked tropical high forests (MWE, 2016), predominately located in protected areas, such as national parks, where the Uganda Wildlife Authority is actively involved (with the assistance of boundary management village committees and mutual cooperation to enforce wildlife park rules). Although collaborative forests management has largely been practised in public forest reserves and successful to a certain extent, however, deforestation in these areas is estimated at 1.76% annually (NFA, 2022; Kayanja & Byarugaba, 2001). In these areas, large-scale modifications due to human activity are a threat to forests and biodiversity loss. Besides enacting forest laws and enforcing them of the people, schools, local communities and civil society organizations should be part of the solution. Tree planting days alone are not enough but educating children from primary to high school will be part of the solution. When they grow up knowing the importance of forests management and protection, they will educate each other and the community on good conservation practices. Hence broadening partnerships to restore much longleaf as possible is key (AL, 2022).

Along the same lines, habitat loss is also noted through subtle impacts across the country and exacerbated in many rural areas, where communities rely on forests for most of their resources. The demand for, and extraction of wood fuel, predominately caused a decline in species diversity and habitat loss, and forests degradation in most parts of the country. Also, selective logging of traditional forests has a tremendous deleterious effect (Kayanja & Byarugaba, 2001). Thus, the uncontrolled utilization and exploitation of these forests has negatively affected their existence and bio-diversity.

The effects of forest destruction for biodiversity are equally challenging to ascertain due to lack of adequate quantitative data. Since most evidence is anecdotal and only in extreme cases of extinction can declines in diversity be demonstrated (NFA, 2022). It is difficult to quantify the consequences of forest destruction for biodiversity.

From the above threats to public forests in Uganda, the following are some of the key factors; corruption, political interference in forestry decision making, population growth leading to an increased demand for agricultural land, demand for wood fuel (due to lack of wood substitutes), and increasing demand for grazing land. Lack of active private sector participation in public forestry formations is a drawback, which is fomented by conflicts between sovereign policy constrains (Kamugisha-Ruhombe, 2007). Conflicts of this nature may be a result of unclear policies between the government in partnership with the private sector and the community. Such conflicts raise uncertainties in private investors' financial commitment (which is largely lacking in the forest protection) vis-a-viz the ability of the NFA to actively manage public forests on a long-term basis. These types of conflicts appear to be a common occurrence in Africa because of corruption and government suppression of communities' interests through bribery of chiefs and other community leaders. Similarly, a development partner may question whether there was a genuine need to invest in public forest management when Uganda does not clearly prioritize national interests in the regulation and protection public forests. Local communities adjacent to public forests ought to benefit from such forests hence every business involved in or operating in such forests should pronounce community share ownership in clear terms or how the community will benefit. However, it appears there is dishonest in the prioritization of national interests but looking across Africa, corruption and vices are the drawbacks towards meaningful public participation.

Regardless of the above, to invigorate the existing regulatory mechanisms and enforcement to control unsustainable human activities in public forests remains fundamental. This comes on the backdrop of

increasing population and those living in poverty, uncontrolled agricultural activities, illegal logging, demand for wood fuel and corruption as some of the key drivers of deforestation and forests degradation. As such, the oversight role of parliament is under immense scrutiny to push for sound management of domestic forests. In my view, parliament should collaborate with the community and work as a collective. There should be no dichotomy between the parliament and the community because the parliamentary representatives are elected by the people for the people.

4.2   Policy Measures: National Forestry Policy, Forest Plan and Regulations

Three key policies in the management of forests are the Forestry Policy, NEA and NFTPA. Together with the Forestry Strategic Plan, they forge a sound and vital legal framework for the management of forests in Uganda. Of these policies, the Forestry Policy and Forestry Strategic Plan are directly relevant to address the immerging multi-layered policy issues in the management of public forests in the country (MWLE, 2001). Moreover, the inclusion of environment provisions in the Constitution of Uganda reflects supremacy, a significant policy shift from the auspices of the dysfunctional and archaic forest policy of 1929. Thus, providing a cohesive, ecosystem-oriented legal regime that permits a universal view of the ecosystem of the inter-relationships and inter-actions in the environmental linkages (Iqbal, 1999; Nel & Du Plessis, 2001). Accordingly, the three key policies provide the much-needed legal framework and the distinct but interconnected thread, which marks public +forest protection as an essential priority.

Being an empowering forest law, NFTPA ushers in new and inspiring prospects for sound management of public forests in Uganda. It breaks away from previous forest regulatory practices by introducing a new flavour in the management of public forests. Its key objectives focused on ensuring sound conservation practices, sustainable and development of forests for the benefit of Ugandans. Following, the NFTPA declared forest reserves key in the production of forests and forest produce. Further, it introduced sustainable use of forest resources to enhance the productive capacity of forests. Again, it has been imperative to promote tree planting and consolidate the law relating to the forest sector, and trade in forest produce (NFTPA, 2003). In the same vein, the NFTPA established institutional roles and a distinction between public and private forests. In particular, privatizing of certain sections of domestic forests spared them from the oversight of Parliament and National Forest Authority (NFA) because private forests are treated differently from public forests (Kaboggoza, 2011).

As a reactionary policy measure (to a multitude of challenges facing the forestry sector), Uganda launched a number of forests management initiatives, which include reform of the public sector in order to divest various departments of government, including the Forestry Department (MWLE, 2001). New institutions were established, namely, the National Forestry Authority (NFA) - a semi-autonomous entity was empowered to regulate the management of Central Forests Reserves (CFRs); the Forest Sector Support Department (FSSD) under the Ministry of Water and the Environment was responsible for coordinating the implementation of the Forestry Policy and forestry regulatory oversight (MWE, 2016). Under the new reforms, the management of forests was reorganized: The District Councils were to manage specific forests through District Forestry Services (DFS) with specific mandate to manage Local Forest Reserves (LFR), and the Local Forest Communities (LFCs). The DFS was also to oversee private forests and community forests. Additionally, the Poverty Eradication Action Programme was launched as a comprehensive strategy for eradication of poverty in the country (PEAP, 1997). Within this strategy was a Plan for Modernization of Agriculture (PMA), which sets out an integrated management structure on how to eradicate poverty through multi-sector interventions (PMA, 2000). The forestry sector was co-opted in the PMA for its key role to the livelihoods of those living in poverty (PMA, 2000). Imperatively, effective parliamentary oversight role promotes transparency and accountable governance, and at the same time curb political interference. Improving the oversight role of civil society and sector-wide approaches to eradicate poverty in communities adjacent to forests is key. Other key issues are the prevalence of illegal logging and veld fires, which require attention as such activities threaten the existence of species diverse.

The policies and the initiatives identified above seek to balance the conventional function of the State by allowing collaboration with relevant sectoral partners, civil society and private sector in the management of public forests. The collaboration brings a wealth of ideas to transform the dysfunctional traditional State regulation. A paradigm shift from the State's orthodox approach to the regulation of forests was the matrix that was missing. Embracing partnerships in the functional area that was purely the domain of the State is a progressive step in the right direction. Hence the structural and functional realignment, and the reconfiguration provided the much-needed reforms in the regulatory processes of public forests. Together with the national initiatives, the NEA, NFTPA and the Forest Policy were well-thought-out problem-solving tools, and necessitated the much needed and prioritized reforms of the forestry sector.

4.3   Implementation of Forest Policy Measures in Uganda

The purpose of the policy and the issues have been enunciated; it is imperative to examine the implementation of the policy measures (identified above) to ascertain whether they are technically feasible in the institutional context, and to address policy issues. The review reveals that major policy issues were experienced in public forests, which are largely non-protected areas due to both local and global drivers. The reforms of the forest sector initially responded to a need for sound and sustainable forests management in order to improve livelihoods. However, the reforms were biased towards forests protection, instead of also securing and strengthening community forests and rights of tenure. The policy measures were intended to curb activities that adversely spur deforestation and forests degradation, however, key implementation challenges such as the sustainability of the policy initiatives was a major stumbling block. Hence, progress of the policy initiatives has been negatively affected by inordinate delays and inadequate funding (Kamugisha-Ruhombe, 2010). Although budgetary limitations were a major economic hurdle to implement the reforms, however, the review established that the conduct of politicians obstructed rather than supporting the implementation of the reform processes (Kamugisha-Ruhombe, 2007; Acema et al., 2021). Some politicians derived economic benefits through corruption, or by manipulating the implementation of processes and coercing the implementation and technical staff to engage in, and shield, illegal activities.

The implementation of policy measures has been stalled by inconsistencies and poor administrative processes (Nel & Du Plessis, 2001). This has been exacerbated by disagreements on the extent of the civil society involvement and development partners in the management of public forests. The major question of who should take responsibility for safeguarding community forests rights between the state and the partners, after the former failed to fund the initiatives is a drawback. Regardless of this, some civil society organizations and development partners embarked on activities to support some policy measures and to secure community forests rights, resource mobilization, raising awareness and dispute resolution in natural resources. Such endeavours were key to forge compliance with policy objectives, notwithstanding the efforts being temporary and localized (Banana et al., 2014). Despite State and civil society being involved in the implementation of the policy measures, there is limited formal engagement between them. Certainly, this affects the efficacy and extent of the implementation of the reforms and the overall policy objectives.

The review established that there are three avenues for the administration of justice in domestic forests, namely, court litigation, administrative processes and voluntary compliance (Kazoora & Carvalho, 2005). Voluntary compliance entails that a party performs in terms of the law on the basis of the available information and acquired knowledge, as well as the benefits and fear of criminal sanctions. In the event of violation of the relevant provisions of the law, internal administrative processes are pursued by the relevant authority to resolve the alleged violation or complaint(s). Where there is an agreed dispute settlement mechanism, the parties pursue such a mechanism until a mutual settlement of the dispute. In cases of minor offences, the wrongful party may admit to the wrong and pay compensation or fine to the NFA in terms of the law. However, where the parties to the dispute are not in agreement to resolve the problem, litigation in the courts could be the last resort to the impasse.

4.4   The Effectiveness of the Policy Measures

The implementation of the forest policy measures established the major finding/ results: First, the implementation of the policy was characterized by contradictions between the policy measures, on the one hand, and traditional norms and practices of the local communities, on the other hand. Traditional norms and practices entitle inhabitants of the communal areas to exploit any forest and forest produce for domestic use. The communities used the forest and reserved trees (for traditional medicines and special rituals), on any land which they have rights of access and use. However, the circumstances under which the exploitation of forests is allowed are wide and it is difficult to determine, for legal purposes, what falls outside the exceptions. Thus, the contradictions between policy and traditional practices have serious implications on the implementation of the policy measures at the local level.

Second, the policy measures that were identified to address the policy issues included reforming of the public service, establishing a regulatory authority (NFA, DFSs and LFCs) to reinvigorate the implementation and regulatory process. Further, it was established that the implementation process lacked coordination and sound implementing structures, shortage of skilled human capital, budgeting constraints, insufficient detail in the action programmes, and the overall rolling out process. These were a major drawback that affected the overall process and low institutional morale. Citing lack of political will and the shrinking support base, the implementation of the policy has been problematic, an unintended consequence affecting overly the effectiveness of the policy.

Third, corroboration with relevant stakeholders including local communities was key. However, in practice local communities were not part of the implementation and regulatory processes; a major setback on community representation and participation on issues that have adverse effect on their livelihood. The majority of the rural population irk a living through selling charcoal and firewood, and without constructive engagement, the policy was an affront to the community's livelihood.

Fourth, local communities were not fully informed or aware of the policy and its implementation, hence reluctant to participate in a process they never took part. Again, local communities rely on forests on daily basis and are entitled to relevant and adequate information to make informed decisions on forest management activities that affected them. The absence of information and meaningful engagement created disparities between the policy implementation, on the one hand, and communities' legitimate expectations, on the other hand.

Along similar lines, institutionalized irregularities, interferences and corruption in the implementation and regulatory process affected the detection and suppression of illegal activities on the forest. Administratively, problems such as lengthy and tiresome administrative processes to obtain authorizations, or rights formalized, local communities' inability to obtain forests rights, limited community participation in forest management constrained the implementation of the policy. These weaknesses and challenges affected the policy operation and the overly management of public forests.

Correspondingly, three ways for administering justice were identified, namely, litigation, administrative process and voluntary compliance. Depending on the nature of the dispute and the degree of administrative or legal complexities, the effectiveness of each method had its pitfalls compromised by interferences and bribery, and incompetent judiciary that is affected by gaps in training and lack of knowledgeable of environmental issues, and how they have become an integral part of development in the era of climate change.

The results of the policy implementation reflected multilayered challenges, irregularities and issues, which are inconsistent with achieving key forest policy objectives, namely, tackling the causes of forest degradation and deforestation, and to ensure environmental sustainability. At the heart of the weaknesses and shortcomings are administrative challenges, lack of political will and meaningful partnership with stakeholders, and community involvement on a win-win basis and corruption. These are some of the barriers to sound implementation of the forest policy. Lack of transparency and accountability

in implementation processes were vices that advanced parochial partisan interests at the expense of forest protection.

4.5   Challenges to Sound Implementation and Enforcement of Forest Policy

Knowledge is power, and knowledge of the subject-matter is key to constitute a team of experts in forestry management. One major challenge to implementing and enforcing forest policies and regulations was political connections and influence at the expense of merit or competence based considerations. It is difficulty to circumvent political interferences. On different occasions, the Government ignored advisory opinions from NFA, a body of experts that is entrusted to regulate forests in Uganda (Hönig, 2014; Kavuma, 2011). The danger is that politics may manipulate and misinform the general public to derive its agenda. It is a challenge that needs confrontation, 'to name and shame them' in order to reclaim forest management from political bias (Macura et al., 2011).

Leaving the regulation and management of forests in the hands of experts is vital than trusting politics to influence the course of events. When politicians are in charge of forests, the management and protection of such forests is most likely to fail than when in the hands of forestry experts (Magunda et al., 2003). Hence NFA's failure to convince the Government of Uganda against converting forests land into sugarcane plantation shows how weak the regulatory authority is compared to the political muscle (Kavuma, 2011; Lewton, 2020). Thus, allowing political decisions on forest affairs over expert opinion is disastrous and a serious traverse of environmental justice. Further, it is disturbing that the same Government which enacted forest laws and established a forestry authority, neither honour its laws nor the decision of the regulatory authority (Magunda et al., 2003). Such hypocrisy is on the spotlight (Tacconi, 2003). If Uganda was to maximize the economic benefits of its forests, then decisions based on expert knowledge on the management and future of public forests should be considered.

The NFA has failed to eliminate all forms of political miscellanies and unsustainable influence on public forests management (Kamugisha-Ruhombe, 2010). It is prudent to have an independent body with less political interference on decision making processes. The proposal for pre-emptive amendments to the forest provisions in the Constitution would compel every Ugandan to protect public forests. Henceforth, the granting of property rights to the peoples without corresponding obligations is questionable. Does such a proposed amendment to the Constitution make any meaningful difference against the backdrop that the majority of the citizens use wood fuel? Arguably not. The intention can generally compel attitude

towards forests, a sense of belonging and ownership but falls short of creating the desired entitlement. Giving the citizens a general responsibility and care for the forests does not mitigate their plight for improved standards of living. As long as there is no alternative and reliable source to wood fuel, communities will continue to use forests as a source of firewood regardless of how much they value such forests. Thus, collective ownership of forests does not provide sufficient incentives for the individuals to equally contribute to the protection of forests. Over the years, illegal human activities on the forests have continued unabated despite the obligation to stop anti-forests conservation and protection abuses (Tacconi, 2003). Perhaps, to change this attitude and ensure effective protection of domestic forests, the State should provide for, and motivate communities of the tangible benefits they get and at the same time, provide effective and sound incentives to promote the change of attitude.

Despite having a sound forest policy, the anticipated effective management and protection of public forests has faded. Since the forest policy is a statement of intent to change human behaviour on forest management, it is a step in the right direction. The community's attitude towards forests did not change regardless of an attempt to implement the policy measures to translate intention into action. The review established that conflict of interest between the regulator and the communities on the forest widened. The conflict affected the morale to live up to the national objective, to sustainably manage and protect public forests. The realpolitik of forest management was marred by a myriad of wrongdoings, which made it difficult to curb interferences in the absence of political-will (Smyle et al., 2016; Simmons et al., 2018).

Weak management was widely acknowledged as a major problem in the protection of forests and the complexities underlying the cause are frequently understood (Akalle & Cannon, 2004). Understanding the strengths and weaknesses in Uganda's public forest governance and its challenges is useful to discover the problems and to track the progress of reforms. A broad diagnostic serves in the first instance, to help identify problems and point toward options for addressing them. For Uganda's enforcement mechanisms and system to effectively curb forestry crimes, one has to consider the following key factors, namely, awareness, investigation, arrest, prosecution, convictions and sentencing trends (Akalle & Cannon, 2004).

The prevalence of illegal forest activities have contributed to public forest degradation, deforestation, loss of the economic contribution of such forest. Thus, promoting sound rule of law in strengthening implementation and enforcement is a vital aspect to improve public forest management. Nevertheless, effective implementation and enforcement of the law frequently fail the wider systems of illegal forest

activities. Corruption is a major cause for policy failure and unnecessary political interference in decision-making (Downs, 2013). As such, efforts to effectively implement and enforce forests laws should also focus on how corruption and politics could interfere with detection and suppression of all forms of illegal forest activities. Regardless, it remains a challenge to effectively enforce forests laws in corrupt situations. Despite the forestry laws identifying the weaknesses and mechanisms that yield to best returns in enforcement, there is no positive or tangible evidence in practice. Since one of the objectives of this study was to determine why enforcement of forest laws was weak and failure contribute meaningfully to the development of cost-effective mechanisms. Cost effective strategies help in solidifying enforcement and protection of public forests. However, this was being delayed by corruption and lack of sound political-will in Uganda. A holistic strategy which is grounded on sound understanding that implementation and enforcement does not depend on detection alone but a chain of events.

Owing to weak enforcement and interferences, illegal logging in public forests continue unabated, a clear violation of the guidelines for timber harvesting and conversion for timber (Banana et al., 2014). Notwithstanding the violations of the guidelines, which form part of the operating license, the violators continue to operate freely (UNODC, 2012). As a result of political links, some individuals are shielded from arrest and prosecution. This disempowers the regulatory authority to enforce the laws against the violators. As such, corruption causes uncertainties in the application of the law. This is a serious challenge to strong implementation and enforcement of forest policy in corruption situations (Simmons et al., 2018). The absence of arrests and successful prosecution and public censure from higher offices has negatively promoted forest plunder; a major setback in the protection of public forests for the benefit of all Ugandans.

The policy measures that were to address the policy issues were largely expected to be a panacea to the much-needed cohesive management tool. This was necessary to achieve sustainability, social and environmental benefits from domestic forests, especially those living in poverty (MWLE, 2001) in line with Uganda's Vision 2025. Hence sound management of public forests through partnerships, scientific education support or sharing and collaborative forest regulation and protection is vital (MWLE, 2001). However, implementation and overall regulation of public forests have been negatively affected by a number of challenges discussed above. The gap between the effectiveness of the forest policy and what actually happened on the ground reflects multilayered disparities. The results and challenges to the

implementation of the forest policy raise a key question: Is the current Uganda's forest policy technically feasible in the institutional context?

5. Discussion

The review identified some causes of forest degradation, which are consistent with pressures that are associated with human activities on tropical forests. They are dotted with disturbing evidence of the adverse influences of uncertainty, which are concomitant with forest management and conservation policy. While the broad implementation of the forest policy anticipated changes in public forest management in Uganda, the unintended effects of policy implementation without adequate preparation to address the causes of the policy issues and effectively engaging the affected parties, uncertainly diminished the potential benefits of the regulation. Implementing a forest policy without sufficiently addressing the key causes of the policy issues negates the objectives and benefits of an otherwise good forest conservation policy. Some consistencies were established between trends in public forest loss (deforestation and forest degradation) on the one hand, and the living standards (irking a living through use of the forest), on the other hand, adversely affects the quality of the forests (due to loss of biodiversity, ecological functions and habitat quality). The findings climax and justify strong policy interventions and consistency in the management and protection of public forests in Uganda.

Uganda's forest policy is more of a hypothesis: Its implementation was expected to convert the policy measures to address key policy issues. How the policy measures were implemented and the community's reaction is key in determining the success or failure of the policy. Policies are a product of the state, enacted in consultation with the local communities. Against this background, the current forest policy lacks flavour of the governed. Local communities were not fully engaged or consulted before the policy was imposed on them (Counsell, 2009; Kohler & Schmithusen, 2004; Atyi, 2018). Transparency in the implementation of a policy through consultation and communication with the interested and affected communities is of cardinal importance. In my suggestion, transparency in policy implementation is an essential pillar to effective regulation, supporting accountability, sustained confidence in the legal and operational environment (Sandbrook et al., 2010). Contextually, the policy implementation was a hasty process. The effectiveness of the policy could be enhanced, but for not engaging communities, the policy was devoid of value and opinion form the public, and negotiated consensus of the affected communities (Smyle et al., 2016; Akella & Cannon, 2004). Thus, non-cooperation in the implementation phase by local communities is a justified protest: A direct consequence of a policy devoid of community grown solutions. Or simply put, the communities were not connected to the strategy. In my view, let communities create their own strategic goals, and the NFA should capture their ambition and preference. Then the NFA aligns

with the good that the community does, shifting the focus from a regulator to an agent working inside the community towards Uganda's strategic goal as part of a tactical team. In doing so, the NFA may align the forest policy goals with the organizational structure and the culture at local level. This could create an enabling environment at community level where the policy strategy can succeed.

One of the research questions focused on what happened in practice. It was established that the forest policy implementation was characterized by contradictions between the policy measures and traditional practices of the local communities. This affected the management and protection of public forests at the local level (Kamugisha-Ruhombe, 2007; Acema et al., 2021). The success or failure of the forest policy is based on the results of the implementation of the policy measures on the ground. Thus, the mis-match between the forest policy and current state of public forests reflects the weaknesses of the policy implementation. Devoid of the influential role of traditional community stewardship, weakness in the implementation is a challenge on the management of public forests. Instead, harnessing and charming traditional authorities is a potential key strategy but often overlooked. The argument for a relentless push for unimpeded participation of local traditional leaders and their institutions in mobilizing local communities to adopt forest sustainable management and protection practices is key. Given the uniqueness and complexities in forest management, state regulation alone can hardly foster change in attitude at the local level and in communities. Instead, traditional leadership, which has had a long and sustained role in the governance of local communities play a pivotal and supportive role in the implementation of the policy measures and the overall regulation process (Musarandega et al., 2018). Apart from serving as governance authorities, traditional leaders are known for traditional strategies to manage and protect forests. Notwithstanding interferences of a political nature and technological advancement, there is much that can still be done to buttress the role and authority of traditional leadership at community level. Such authority has the power and influence to manage grassroots communities and therefore can be used as drivers in the use of traditional methods of management and protection of forests. The Mhondoro-Ngezi experience in Zimbabwe is a case in point that illustrates the fundamental role and influence of traditional leadership in the management and protection of forests at community level (Ngawru & Niboye, 2020).

The restructuring of the public service and the introduction of NFA and its agents to manage public forests resulted in a new institutional arrangement and, shift of power and relationships. However, the

decentralization in the management of public forests did not devolve meaningful power without key traditional constituencies and representation at community level. Instead, the new regulatory institutions are upward accountable than they were to local communities. The problem is that evaluating the effectiveness of the forest policy becomes difficult. It is hard to separate the influence of the individual agents and the different levels of public forest management on policy decisions and the consequences, that is, the significance of bureaucratic accountability (Banana et al., 2014). Hence, the top-down arrangement does not favour accountability at local level, but brings uncertainties, which are counterproductive. Forests become battlegrounds where state interests wrest with the community's interests. The conflict of this nature does not benefit the forest but exacerbate the regulatory challenges (Downs, 2013). This is a reminder, that the balance of power at community level determines the success or failure of the policy in managing and protecting public forest.

The decentralization of the management of public forest, which established the NFA and its agents created hurdles. The preconditions that were established at the national level were not present at the time of implementing the forest policy (Kamugisha-Ruhombe, 2007; Acema et al., 2021). This affected the originality of the policy: The policy changed as it was being implemented at the local level because the preconditions where not met prior to rolling out the policy. Thus, the implementation of the forest policy adopted the perspectives of those in higher levels or at national level of government and ignored relevant roles of other key actors in the value chain, such as the community at the local level (Alley, 2011; Gibbs et al., 2018; OXFAM, 2002). This risked the over-estimation of the regulatory impact of government action, which neglected other minor but key factors in the implementation and management of public forests in Uganda.

Besides imposing the law on the community, the forest policy did not restrain the destruction of forests. Veld fires, increased poaching and deforestation of forests have been witnessed across the country (NFA, 2022; Banana et al., 2014). Conflict of interests exist: The communities' attitude and the difficulty of trying to manage public forests without communities policing (UNEP, 2018). The daunting effects of the unintended policy consequences are so visible, but calls for a workable plan on a win-win basis with local communities remains part of the solution. In the reconfiguration, public forests are effectively protected because of communal policing. It is all about shared responsibilities between the relevant agents of the state and the community. As the owners of, and daily consumers of the resources, their participation in

public forests management is key to avoid conflicts - the unwarranted tragedy of natural endowment (Kamugisha-Ruhombe, 2007).

Strategic implementing structures and chronological flow was key but missing or not even available. The top-down approach did not work in the absence of strategic structures across all the levels. The Uganda experience epitomized the difficulty to implement a forest policy where the intended structures were missing or the agents were not involved. Lack of congruency from NFA and commitment from the supporting agencies lacked by-in from the lower structures across the country. Coupled with dwindling support at the local level, the policy implementation faced constraints at the local communities, including failures by the state to boost community morale, by alleviating poverty (MWLE, 2001). Normatively, Uganda's forest policy does not succeed or fail on its merit but depends on the progress of implementation at community level. In the absence of the critical structures, a top-down view of the forest policy and how it can be implemented cannot be easily projected on the usual three debatable assumptions: A chronological order in which the forest policy goals precede action; a hierarchy within which the forest policy formation is vital than its implementation; and a linear casual logic in which the forest policy goals determine the tools and tools determine the results (Creswell & Poth, 2018). To correctly understand the Ugandan context and how to improve support for the forest policy at the implementation level, it is imperative to appreciate the nature and reasons for the forest policy's failure. Logically, the causes of failure of the forest policy can guide NFA and its agents towards potential solutions. Having formulated the forest policy at national level, the policy faces some challenges in consistency at the implementation level; a process that is fraught and where the subnational and local levels of implementing the policy have varying degree of political influence. Another difficulty that those operating at the NFA or higher-level face is that they cannot succeed without clear knowledge of what indeed happened on, or near, the frontline of the policy implementation, where local communities share boundaries with public forests. This is where real issues are practically defined and not in office (Counsell, 2009; Kohler & Schmithusen, 2004; Atyi, 2018).

Partnerships with different stakeholders and the community is key in the management of public forests. Failure to empower local communities further weakened the effectiveness of the policy measures at community level; a major obstacle to policing public forests. Consequently, communities located in remote areas and rural people are the hardest hit by the policy developments. The majority of the rural

population irk a living by selling charcoal and firewood (MWE, 2016). State failure to wean communities from wood fuel, by providing alternative sources back-stabs the forest policy. The absence of alternative, reliable and affordable sources of power such as liquefied petroleum gas (LPG) used for home heating, cooking and hot water, leaves local communities without options but to turn to the forest. Charcoal production has been a traditional way of life for many Ugandans (NAFORRI, 2011; ITFC, 2022). It is a traditional practice that is not easy to forego, hence the implementation of policy measures on the forest has not been well received by local communities. Threats on the forests do not end by imposing policy measures on the communities, and forget about the causes. Threats on public forests cannot be curbed by fear of legal sanctions alone. Grassroots campaigns, sensitization, sustained anti-deforestation approaches are some key programmes, whose impact can make a difference in the face of multifaceted threats on the forest.

How Uganda implemented the forest policy without proper structures and capacity is a compelling concern. The mis-match between key policy objectives and the current degradation of public forest indicates the unintended policy consequences (Kamugisha-Ruhombe, 2010). Due to such factors as the actors' parochial partisan interests, capacity – both human and capital, informational, temporal and institutional straits were the multilayered challenges that constrained the key objectives of the forest policy. This included vital process of how to execute the policy (Banana et al., 2014; Staff Reporter, 2018). Hence public forest management connotes human positive interventions to curb an avalanche of destructive forest activities, which are barriers and setbacks to sound forest management.

The implementation and enforcement of the forest policy was crippled by induced irregularities and corruption. It undermines the confidence of the local communities in the NFA and harms the DFS and LFC's morale; destroyed respect of the forest policy and undercut the forestry sector. The political attitude towards corruption is disturbing and shocking, and hardened by years of exposure to Uganda's political and economic culture. Fully inured to the nature and extent of corruption in the forestry sector, culturally ingrained and widespread, and after more than 35 years of corrupt and military repression, almost morally acceptable as well (Masiga et al., 2013). As hard as it was to get rid of corruption in the management of domestic forests, that does not mean it must be ignored.

The inability curb corruption is an oncogenic threat to the protection of public forest. Exacerbated by the rent-seeking attitude of state officials, who compromised the processes on forest management, local community leadership easily become midwives to corruption (Simmons et al., 2018). They become conduits to dirty money hence the management and protection of public forests becomes problematic (Nel & Du Plessis, 2001). The effect is unsustainable management of public forests, which is a serious unintended policy consequence. To ameliorate the unintended policy consequence, however, the solution lies in local community involvement in the affairs of forests; corruption may be minimized through shared responsibility with the local communities (Hetemaki, 2019).

It is crystal clear that the efficacy of the policy implementation did not yield to the expectations but much of the unintended policy effects. The myriad of irregularities, challenges and weaknesses in the implementation of the forest policy affected the extent of protection of public forests due to systematic interferences, corruption, shortage of resources, lack of cooperation at community level, among other reasons. The multilayered challenge caused by these factors meshed together, do not provide a mix vis-a-vis the policy objectives to sustainably protect domestic forests for the benefit of present and future generations.

6. Conclusion

The effectiveness of the national forest policy of Uganda was determined by the manner in which the policy was implemented and enforced to address the policy issues. A multitude of vices, weaknesses and irregularities were identified, and dovetailed the success of the policy in addressing the policy issues. The implementation of the forest policy failed to properly address key policy issues affecting the management and protection of public forests in Uganda. The endemic failure was attributed to the growing threats to Uganda's forests (due to poverty and unemployment, deforestation and forest degradation, demand for wood fuel and illegal loggings, unsustainable agricultural methods and demand for agricultural land), and aggravated by the lack of cooperation by stakeholders, lack of political will, corruption and the ability to regulate effectively the affairs of public forests. A myriad of pressures and challenges in the implementation of forest laws affected the overall regulation process. The inconsistencies between the policy measures and the current state of public forests reflect a skewed and polarized implementation, and enforcement process. Also, lack of transparency and accountability, and interference in the regulation process affect the overall effectiveness of the policy. The meshed effect is reflected in the mis-match between policy objectives and the current degradation of public forests. Hence, the effectiveness of the national forest policy is technically unfeasible in the institutional context.

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