

# **PART I**

## **CENTRAL GOVERNMENT FORESTRY**

# 1 Policy and Legislation

## Policy

The general policy of the Department remained unchanged until 1964 on the lines of the official statement made by the Governor in 1948 (Appendix G). In brief, the policy aims were:

- (a) the reservation of an adequate forest estate for protective and productive purposes;
- (b) the management of this estate to obtain the best returns consistent with the above objectives;
- (c) fostering among the people of Uganda a real understanding of the value of forests;
- (d) encouraging the practice of sound forestry by Local Authorities and private enterprise – and to educate selected Africans in technical forestry.

Generally aims (a) and (b) were achieved within the period (1951–65) of this history but in spite of efforts to publicise the aims and work of the Department, objective (c) was far from being realised.

The first part of aim (d) was carried out successfully until 1964 when, as a result of Uganda becoming a republic in 1963 and of constitutional changes in 1964, the control of Local Forest Reserves and trees on public land was transferred to the Uganda Government Forest Department by statutory instruments enacted in 1964, although the transfers were not carried out until 1967/68.

With regard to the education of Africans in technical forestry, the output of Forest Rangers and Assistant Foresters from the Forest School played a large part in the development of the Department and of the Local Authorities. By 1964, five Ugandans had completed their professional training successfully and thirteen others were under training or had been selected for it.

An important statement, 'Land Policy of the Protectorate Government in Uganda', was issued in 1950. It reaffirmed that rural lands were being held in trust for the use and benefit of the African population.

In 1954 the most important event of the year was the setting up by the Government of the Agricultural Productivity Committee to consider agrarian (including forestry) produc-

tivity. Development proposals were submitted by the Department which resulted in the Committee recommending additional expenditure by the Department of some £234,000 for the five-year period July 1955–June 1960. This was approved by Government. The Department's proposals covered many of its ongoing activities but emphasis was directed to ensuring that:

- (a) the productive capacity of the 1,500 square miles (3,885 km<sup>2</sup>) of high forest reserves should be systematically developed as they were likely to be the main source of sawn timber in the long run;
- (b) financial provision should be made for the regeneration of high forest reserves at the rate of 8,000 acres (3,240 ha) a year;
- (c) about 500 acres (200 ha) of softwoods should be planted over five years in areas remote from rail or adjacent to mining development – this was additional to the existing programme;
- (d) labour lines should be provided to stabilise the labour forces employed on fuel and pole plantations;
- (e) research in silviculture, forest entomology and timber utilisation should be expanded;
- (f) the Forest School should be enlarged to train the increased number of staff required for the expanded forestry programme.

Progress reports on the above are given below.

The report of the Royal Commission on Land in East Africa was under consideration during 1955. It did not appear that any significant change in the status or management of forest reserves was involved although the Department was interested in many of the problems raised.

The revised Bunyoro Agreement, 3rd September 1955, included the following clause:

*The control of all areas gazetted as Central Forest Reserves is invested in the Governor subject to the rights of the people of Bunyoro-Kitara to take forest produce in accordance with the procedure laid down from time to time by Protectorate Laws. So long as Bunyoro-Kitara has an adequate forest estate, the control of all other forests including hill forest reserves, is vested in the Native Government of Bunyoro-Kitara.*

The Department warmly welcomed the setting up of the Natural Resources Committee by the Government in May 1955. The terms of reference of the committee, one of whose members is the Chief Conservator of Forests, are:

*To keep under review and advise the Minister of Natural Resources on the policy and legislation affecting land utilisation and the conservation and improvement of natural resources: to ensure co-ordination of activities as between Departments dealing with natural resources: and to satisfy itself that policy is being implemented.*

Two policy directives affecting the Department were issued by the Ministry of Natural

Resources in 1955. The first dealt with forestry extension service and laid down that 'it is the function of the Agricultural Department through its field staff to encourage the establishment of farm wood lots and small scale private planting generally in agricultural areas.' The response from the farmers to this attempt at self-help was mixed, the best results coming from areas with little remaining bush.

The planned phase of forest development based on a programme laid down for 1947–56 was pursued steadily and the approved priorities for the remaining three years of this phase were re-emphasised in a Departmental Standing Order as:

- (1) the attainment of an adequate (minimum) forest estate;
  - (1a) the consolidation of reserve boundaries;
- (2) the enumeration of all productive forests prior to exploitation;
- (3) preparation of working plans for all forest reserves.

It was considered possible that these objectives could be attained, possibly with minor exceptions, and that the emphasis for the following decade would be on:

- (a) the scientific and intensive management of the potentially productive forest estate – which would be of limited area – and the securing of maximum production of timber and other forest products;
- (b) the development of African Local Government forest services so that they could provide for the needs of fuel and poles, etc. for a diffused rural population;
- (c) the training of Africans at all forestry levels.

It was apparent that this programme would move from the extensive to the intensive and would continue to call for a professional and sub-professional cadre of the highest quality. Training facilities for Africans would be expanded both for Protectorate Government and African Local Government services.

In 1956 consideration was given to some revision of the Forest Policy Statement to bring it into line with recent political and administrative development. It was obvious that the Department should be attempting to assess with greater precision the probable future demands for forest produce in the Protectorate. Studies were begun on an estimate of probable population trends and future consumption trends, coupled with a re-appraisal of the potential productivity of the permanent forest estate in the light of silvicultural research of the last few years.

A detailed and crucial study of the country's probable future requirements was made in 1957–59, which indicated that the requirement of saw-logs was likely to be at least 30 million Hoppus ft (38.4 million ft<sup>3</sup>, 1.08 million m<sup>3</sup>) by the end of the century and might be a good deal more. This figure required further checking, but meanwhile it was taken as a basis for departmental planning. It was also estimated that to supply these requirements, the out-turn of the permanent forest estate would have to be at least quadrupled. (*See Present wood consumption and future requirements in Uganda*, FAO, Rome, Report 1287; S.L. Pringle and

J.E.M. Arnold, 1960. A convenient summary is provided in Appendix I, taken from pp. 48–52 of 'The forests and forest administration of Uganda', paper prepared for the 8th British Commonwealth Forestry Conference.)

As it was unlikely that this amount of saw-logs could be produced within the time available by the natural forest alone, it would be necessary to undertake a great deal more timber planting than had hitherto been done – but this would be expensive. It was decided to expand research on planting aiming principally at raising quick-growing species suitable for general construction and joinery purposes.

Also research had shown that under the system of polycyclic selective felling practised previously, the yield from the high forest could not be raised beyond a certain figure, largely because of felling damage, but that it could be raised a good deal further by adopting a monocyclic system approaching more to clear felling. It was decided, therefore, to apply the latter system to productive high forest wherever possible.

These changes were begun in 1958 but unfortunately this coincided with a time of increasing financial stringency. At this time they had not been affected significantly by lack of funds but it was difficult to foresee how far it would be possible to maintain their momentum.

During the period 1959/60, much study continued to be given to the question of how far the forest estate could be made adequate to fulfil the productive functions laid down in point (a) of the policy. As a fundamental part of this, a survey of current timber consumption and forecast of future needs was carried out by a FAO team. Its forecast was that saw-timber requirements in the round would be between 12½ million cubic feet (0.35 million m<sup>3</sup>) and 14½ million cubic feet (0.41 million m<sup>3</sup>) in 1980 and between 23 and 29 million cubic feet (0.65–0.82 million m<sup>3</sup>) by the end of the century, depending on the rate of growth of African consumption. These predictions confirmed substantially the previous Forest Department forecast of about 30 million cubic feet (0.85 million m<sup>3</sup>) requirements at the end of the century (see Appendix I).

The FAO team also forecast that from about 1980/85 onwards, Uganda would be faced with a considerable and growing shortage of timber which might reach a figure of 15–20 million cubic feet (0.42 million m<sup>3</sup> to 0.57 million m<sup>3</sup>) in the round by the year 2000. This shortage, unless it was met, would appreciably impede the rise in living standards which was the declared general objective of the Government.

At the Constitutional Conference in London in September/October 1961, with Uganda approaching independence, it was agreed that the administration of Crown Forests, i.e. Central Forest Reserves (CFRs), should be transferred to local governments when the Central Government was satisfied that the local governments had the resources and staff to administer them properly. By 1963/64, no action had been taken on the transfer because the Government considered that the local governments did not have the money or the staff with which to manage these important national assets efficiently.

In 1963, Uganda became a republic and as a result of constitutional changes the control of Local Forest Reserves (LFRs) and trees on public land was transferred to the Uganda Government Forest Department by statutory instruments enacted in 1964, although the transfers were not effected until 1967/68.

The main development of 1962 in relation to the Government's Forest Policy was the publication of the Report of the World Bank Economic Survey Mission and the Government's Sessional Paper No 2 setting out its proposals for implementing the main recommendations of the Mission. Broadly, the Mission recommended that investment in production forestry should be continued at its present level but that expansion should only take place if the additional funds required for it could be raised by way of grant or soft loan. The Government accepted this and provision was included in the Five Year Development Plan for a programme for expanded timber planting and natural forest improvement treatment subject to the necessary finance being obtainable. The programme amounted to about £142,000 in addition to the current rate of capital investment of about £30,000 a year. If finance could not be obtained by way of low interest loan or grant, the Government intended to review the programme.

The Departmental Development Plan was revised and recosted in 1964 as a result of substantial wage increases awarded to Government employees. The total cost for the ten-year period was estimated at approximately £855,000, of which about £500,000 was for expansion of the current programme. Capital was still not available for expansion but hopes were high at the end of the year that it would be forthcoming in 1964/65.

These hopes were not fulfilled but the annual targets in the Development Programme for 1964/65 were reached. The priorities laid down to cover the Development Plan period (up to mid-1966) were:

- (1) completion of regazetting of all forest reserves;
- (2) preparation of working plans or working plan reports for all reserves without valid plans or reports;
- (3) the maintenance of existing softwood and fuel and pole plantations;
- (4) the tending of exploited or adolescent natural forest;
- (5) the continuation of current planting programmes which, for softwoods, was between 900 and 1,000 acres (364 and 405 ha) per annum;
- (6) provided additional funds were forthcoming, expansion of the softwood planting programme to 15,000 acres (6,070 ha) per annum and silvicultural treatment of high forest from 12,000 (4,850 ha) to 17,000 acres (6,880 ha) per annum;
- (7) the attainment of an adequate forest estate in Lango and Karamoja Districts.

Concurrent with the above priorities, the highest priority should be given at all times to protection of the estate against the greatest danger to it, human encroachment.

The Republican Constitution for Uganda (1963) brought about several changes, including the transfer in 1964 of forestry services formerly under District Administrations, and integrated them within the Uganda Government Forest Department. This important change in policy was welcomed by everyone interested in forestry, including most of the staff of the former District Administration forestry services, as it would ensure efficient and rational development of forest resources throughout the country.

## Legislation

In 1951, Legal and General Notices (LN and GN) were gazetted prescribing the use of standard trade names for timber intended for export, the imposition of an embargo on timber exports with certain exceptions, and the freeing of timber from price control. In 1952, Notices covered the reclassification of tree species and minimum felling limits, the prescribing of preservative treatment for timbers susceptible to beetle attack, and the hygiene and proper stacking in timber yards. The embargo on all exports of mvule and on 75% of mahogany production was maintained but all other exports were freed.

Between 1953 and 1956, Notices covered the declaration of central and local forest reserves, the notification of boundaries of reserves, the membership of the Timber Industry Committee, etc. In addition to these the following Notices were gazetted:

GN No 53 of 1954 – declaration of adequate forest estate for Acholi, Teso, Ankole

GN No 618 of 1955 – declaration of adequate forest estate for Bukedi

GN No 1445 of 1955 – declaration of adequate forest estate for Busoga

GN No 793 of 1956 – declaration of adequate forest estate for Buganda.

Such a declaration resulted in the transfer of control of forestry on public land from the Forest Department to the Local Government, sometimes resulting in a substantial rise in its revenue.

No forest legislation was enacted or revised during 1957 nor were any legal notices concerning forestry published. One General Notice – No 643/57 – notified membership of the Timber Industry Committee.

In 1958, Legal Notice No 324 – Jurisdiction of Native Courts – empowered native courts in Eastern, Northern and Western Provinces (EP, NP and WP) to administer certain sections of the Forest Ordinance. These sections were mainly concerned with offences and the effect of this legislation was to facilitate and speed up the hearing of cases in which Africans were involved. General Notice No 672/1958 appointed the District Forest Officer South Mengo as a Public Prosecutor.

Three important items of forest legislation were enacted during 1959/60:

- The Forests (Amendment) Rules 1959 (LN No 150/1959) revised the timber fees;
- The Timber Industry (Repeal) Ordinance 1959 (No 23/1959) wound up the Cess Fund;
- The Forests (Amendment) Ordinance 1960 (No 9 of 1960) widened the powers of native authorities to make rules in respect of forests which they administer; at the same time certain loopholes in regard to unlawful cultivation in forest reserves were closed, to strengthen the law against encroachment in forest reserves.

The amendments to the Forests Ordinance brought to a close protracted negotiations over the rule-making powers of native authorities and made the way clear for them to make forest rules of a substance and in a form acceptable to them. The first such rules, those of Bunyoro, were passed by the native authority and the Minister of Natural Resources (the Forests

(Bunyoro) Rules (LN No 14 of 1961)). These were the first comprehensive Local Government rules to be made law.

General Notice No 953/1960 declared the West Nile District to have an adequate forest estate.

The Forests (Amendment) Rules (LN No 78 of 1961) streamlined licence forms reducing the number from 14 to 7.

Jurisdiction of African Courts in the Toro District (LN No 18 of 1961). This gave African courts in Toro District jurisdiction to administer the provisions of certain sections of, *inter alia*, the Forests Ordinance.

More Local Government forest rules were enacted in 1962:

The Forests (Acholi) Rules – LN No 46

The Forests (Kigezi) Rules – LN No 76

The Forests (West Nile) Rules – LN No 187

African courts in Bunyoro, Acholi, West Nile and Madi were given jurisdiction during 1962, by order under the African Courts Ordinance, to administer and enforce sections 14, 19, 21, 22 and 23 of the Forests Ordinance. The central forest reserves of Buganda were regazetted by LN No 79 of 1962, issued under section 4 of the Forests Ordinance.

The following legislation concerning forestry was enacted during 1962/63:

- (1) regazetting of LFRs in Bugisu, Sebei and Mbale Township Districts and Ankole Kingdom (LN No 8/1963);
- (2) regazetting of CFRs in the Northern, Eastern and Western Regions (LN No 11/1963);
- (3) regazetting of LFRs in Buganda Kingdom (LN No 167/1963).

African courts in Sebei District were given jurisdiction to administer and enforce certain sections of the Forests Ordinance (LN No 223/1962).

The Forests (Madi) Rules 1964 – Statutory Instrument No 119/1964 were enacted. Only five districts, Bunyoro, Kigezi, Acholi, West Nile and Madi, have their own forest rules to date.