

BLACK MONDAY

Citizen Action Against theft of our money without SHAME!

Editorial

Uganda is endowed with 3,604,176 hectares of natural forest cover. Forestry is one of the driving sectors contributing 3.4% annually to the GDP and ecosystem services. 76% of Ugandan households depend on firewood, 18% on charcoal and 6% on Kerosene, electricity and gas

The challenges being experienced in the forestry sector are a consequence of the broader development challenges facing the country. Even though many actors have contributed to the problem, the inability to curb the degradation of forests is attributed to gaps in stewardship and the manner in which forest resources are managed.

Forestry Governance is characterized by a lack of transparency and accountability, insufficient participation of key stakeholders in decision-making processes and poor coordination of forest management agencies. These have contributed to the high levels of corruption in the sector; illegal logging; illegal and unplanned forest conversion and conflicts over ownership and access rights. Corruption and rent seeking in the forestry sector has created an environment for both grand corruption and rent seeking. The different kinds of corruption include: undue influence from political elite, administrative corruption, procurement kick-backs and misappropriation of funds and revenue. Corruption is most prevalent in issuance of logging permits, valuation of timber, collection of revenue and de-gazetting of forest reserves and provision of illegal land titles.

Illegal logging and timber trade is costing government huge revenue/ tax losses; affecting provision of social services; affecting livelihoods of resources adjacent communities and is likely to lead to negative long term economic impacts caused by environmental degradation and climate change.

This Black Monday Newsletter illuminates the impact of corruption in the forestry sector which has led to huge economic losses and how citizens can play their part in curbing the vice. This Black Monday Newsletter shares the power and politics that plays at different levels, its impact to the sector and how it transcends to impact the ordinary citizen. We therefore call upon State and non-state actors to develop mechanisms of fighting corruption by establishing e-payments for all forest related transactions; Operationalizing the client's charter to increase accountability and transparency; Increasing commitment to promote community participation in monitoring compliance and be more responsive to community demands; Operationalizing the Tree Fund; Finalizing and gazettement of the forest regulations; and taking action against forest staff implicated in corruption.

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Power and politics at play in the Forest Sector

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Uganda's forests have faced bigger threats than just encroachment. The case in point is of government through ministerial and presidential directives de-gazetting and allocating natural forests to investors and other displaced people. There has also been deliberate forest land grabbing by alleged army veterans who have directly and/or indirectly fuelled unprecedented destruction of several of Uganda's forests. Mabira, Butamira, Namanve, Bugoma, Itwara and Matiri Central Forests are living examples. Below is a synopsis of cases of outright abuse of power and misuse of political muscle, both at central and local levels to effect decisions that have had disastrous effects on the country's forest estate.

The Namanve Case

In late 2010, the Ministry of Lands, and that of Water and Environment, then headed by Ministers Michael Werikhe and Maria Mutagamba, disregarded policy and authorized the de-gazettement of compartments 6 and 7 of Namanve Central Forest Reserve (CFR) about 12 km to the east of Kampala city. The intention was to resettle slum dwellers and displaced residents of Naguru and Nakawa housing estates. The demarcated

plots of land had by then already been sold to individuals as opposed to resettling slum dwellers. The move sparked off a wave of unprecedented encroachment on the reserve as scores of alleged army veterans and nearby communities descended on the remaining part of the reserve and cleared it for settlement. Ever wondered which individuals acquired plots in this CFR?

The Mabira case

In an unprecedented show of might, President Museveni in 2006 revealed a plan to give away one third of Mabira Forest to Mehta Group for sugarcane growing.

He had full support of cabinet as one minister revealed at the time, "We have agreed in Cabinet to proceed systematically and go through the legal process of de-gazetting part of the forest for sugar(cane) growing,"

But the 'Save Mabira Crusade' mounted by civil society and people power reinforced by, some political, religious, cultural leaders and donors was a manifestation that power, except in divine form, can be challenged and successfully so. This is the only case registered of Ugandans positively reasserting and exercising

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NOT FOR SALE

Power and politics at play in the Forest Sector

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their constitutional power to protect the national treasure. It was a case of “Presidential power versus people power”, but the President was not about to give up.

In 2011 President Yoweri Museveni was quoted as saying in one of his addresses on the issue, “Lugazi Sugar Works should expand by getting part of the Mabira Forest reserve which they had asked for. They were stopped by riots which were led by Beatrice Anywar and since they were stopped from growing [more sugar cane], the country is short of sugar and it is going to import sugar. Imagine how Uganda can import sugar?”

So how can such power and politics work in favor of conserving our natural resources?

Bugoma Case

The uncontrolled encroachment of Bugoma Central Forest Reserve since October 2010 has led to extreme cases of abuse of entrusted power by the mandated agencies. The encroachment mainly occurred in the production zone in Muhangaizima block. It was sparked off by the

“...we have a common goal with NFA, but if the DFO who is supposed to protect the forests, I start clearing illegally, stealthily getting timber from the reserve, what type of person would I be, writing letter-letters at my level! With this experience I have, I give letters, can't I get a receipt? I have many receipt books by the way, which I get from the Local Government, I can write a paper receipt or put a carbon at least other than writing a letter, 'that dear sir, am annoyed'. That is stupid, very hopeless, I can't do that, that is stealing hopelessly”
James Kihika DFO Hoima.



alleged involvement of National Forestry Authority (NFA) officials in illegal pit sawing.

As if to confirm that power and political connections are key for one to gain access to land in a Forest Reserve, Charles Asimwe one of the encroachers in Bugoma CFR said, “...no illegal activity can take place in a reserve or wildlife area without the knowledge of relevant staff, local political leaders and the police. Money always exchanges hands”.

Power play at local government

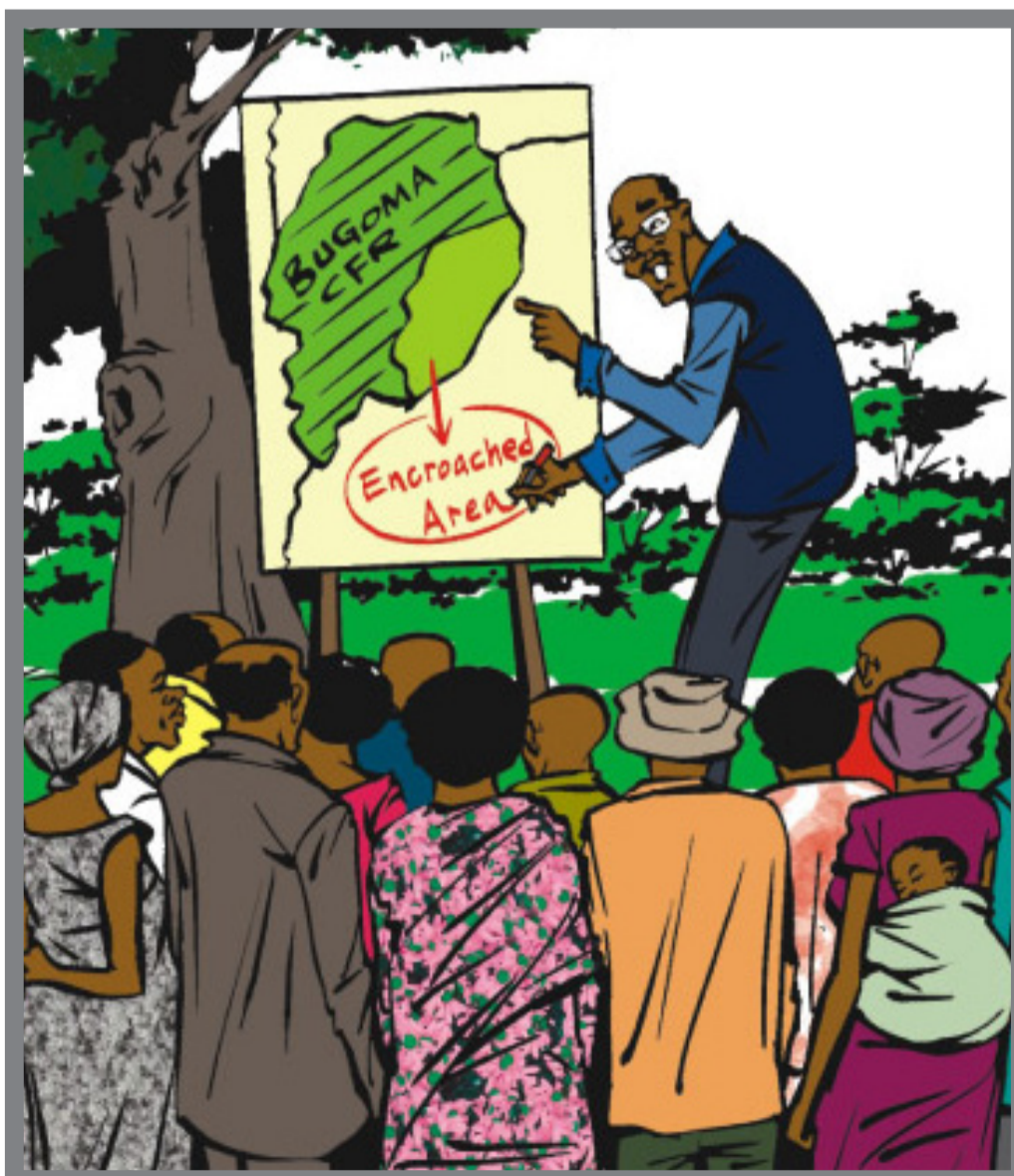
Issues at the Local Government are not any different. The District Forestry Services is mandated by law to manage Local Forest Reserves and advise private landowners on how to sustainably manage forests on their land. It's however, mind boggling when those mandated to manage forest resources use their power to engage in acts that promote forest degradation.

At that level, allegations of forgery of permits, giving out the hammer seals to unauthorized individuals and under declaration of timber volumes involving District Forest Officers (DFOs), have cropped up in different parts of the country. Although, some DFOs have out rightly dismissed such claims.

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District Land boards have equally come in the spotlight. In May 2014 Luwero District Land Board was accused of illegally giving away part of Nyibwa Forest Reserve to an investor before it could be de-gazatted. Apprehending, investigating and prosecuting such cases involving institutions and individuals has proven rather challenging due to the spy network, power and influence that they have built over time.

The power and politics that plays out at all levels, has more often than not been misused to the detriment of the forestry sector and if not checked its anticipated that by 2050, Uganda will have lost all its forest cover.



Can People Power Become Ultimate Power?

By ACCU Project Team



Illegal pit sawyers arrested in Kibego CFR, Kyenjojo District

Communities are often criminalized for any deforestation in local, central and private forests around them. But is it true that communities are drivers of deforestation?

The National Forestry and Tree Planting Act, 2003 provides for community participation in forestry through access to and sharing resources. Should the rights to participate stop at this?

The community mandate stops at arresting suspects who are handed over to NFA and police for action. Lately, communities have gone beyond negotiating with National Forestry Authority on access to resources to stepping up the vigilance to fight corruption, abuse and mismanagement of forest resources. Communities mobilize themselves with simple tools such as spears, pangas but

in most cases relying on the power of numbers to arrest illegal pit sawyers.

The biggest challenge faced by communities is limited response from NFA, District forest staff and the police.. Every time communities arrest pit sawyers, forest authorities give excuses that they are unable to respond because of lack of fuel. This is worsened by the fact that there is no clear feedback to the communities and the community based monitors of the cases/suspects that they continuously hand over to the forestry authorities. Whereas communities are willing to conserve the forests, the laxity in the enforcement of laws leaves them frustrated.

Is The President Shifting Goal Posts?

In 2006 President Yoweri Museveni issued an executive order suspending evictions of encroachers from forest reserves, the same year in which he revealed his plan to give away part of Mabira.

Six years later on February, 22nd 2013, President Museveni issued a directive restraining any person from encroaching on forest reserves, wetlands and ranches. NFA moved to implement the presidential directive by cancelling all Land Titles and Lease offers issued by Local Governments, Uganda Land Commission and district land boards in Central Forest Reserves. A number of farmers and retired civil servants had for instance applied for leases and were granted 30 year leases to plant trees in Namanve CFR, and therefore cancellation meant that, NFA

had to pay costs for breach of the lease offers.

Just this month –August 2014, President Museveni asked the Ministry of Finance and Economic Planning and NFA to set aside UGX 3 billion to compensate over 1500 people evicted from Luwunga Forest Reserve in Kiboga district. The group (who entered into the forest reserve in the early 1970s after a decree by the late President Idi Amin) had petitioned the President seeking his blessing for them to stay in the reserve. He politely said no but offered to have them resettled smoothly. Now that is the spirit! So is the President for preserving forests? Perhaps, is it time for us to celebrate a ‘possible change in mindset’ by our President over forests and their management?

The story behind Uganda



*A group of people arrested for illegally harvesting pine from Kagoora CFR without official permission from NFA. **Where did they get the power?***



*Forest conversions to Agricultural land; **Can***



*Developments that have been un lawfully established in Central forest reserves. **Should we compromise our environment for such development?***

Uganda's reducing forest cover



Bugoma Forest Reserve grossly encroached; Failure to open forest boundaries caused irreversible damage.



we have food without trees?



District Officials on a fact finding mission in Bugoma CFR; Getting concerned after damage has been caused.

The Forestry Sector: Where Powerful Policies Meet With Powerless Enforcement

The National Forestry and Tree Planting Act 2003, mandates the Ministry of Water and Environment to formulate policy, guidelines and regulations for the sector, among which are to determine fees, species of trees to be harvested from Central and Local Forest Reserves and their movement. It also provides for the manner of sale of forest products and certification of forests and labeling of forest products to verify their origin among others. So is it by commission or omission that, 11 years since the

Act came into force in August 2003 the ministry has not fully developed all regulations to operationalize it?

While technocrats at the Ministry of Water and Environment drag their feet, demand for forest land and products is steadily growing and powerful business people with strong political connections have developed sophisticated networks that continue to prey on Uganda's forests often eluding surveillance and intelligence mechanisms employed

by both government agencies and the powerless communities adjacent to the forests.

One of the initiatives under NFA is the Private Plantation Development strategy, through which individuals are licensed to plant trees in the forest reserves however, NFA has had its fair share of challenges under this initiative. Licensed individuals have continued to violate the terms in the concession offers, either by planting other types of trees, changing the

land use and at worst cutting trees in leased areas without replanting.

For examples the 2010 Auditor General's report indicated that a total of 5,837 hectares previously licensed in Bujawe and Nyakunyu areas in Budongo, have not been planted while the land licensed in Namatale and Sala Central Forest Reserves, has since been put to other use.

The Tusky's Case

Situated on the outskirts of Kampala; Tusky's Super market Bugolobi branch was constructed on land which is part of Nakawa Central Forest Reserve. Six years ago, NFA gave out a license for one hectare of land in this reserve to businessman Sadrudin Virani -Direc-

tor of Virco Holdings Limited to set up a timber drying plant for value addition, a modern artisan training center that would help Uganda's unemployed youth acquire practical vocational skills, as well as construct a library and office store for the entity. How he

was able to violate the terms of the license and with impunity is the big question! Then Minister for Water and Environment Maria Mutagamba and then Minister for Lands Daniel Omara Atubo's are strongly cited in this case. So has NFA made attempts

to enforce penalties for breach of licensing terms? Is NFA even concerned that the business man has instead set up some semblance of plant and is processing imported soft wood timber and not locally produced timber?



Good Practice: Using ICT to Fight Corruption in the Forestry Sector

By: Ephrance Nakiyingi ACCU

With the moral authority that the citizens have to conserve natural resources and the prevailing legal frameworks, communities adjacent to forest reserves especially those in the Bunyoro and Rwenzori regions have embraced innovative options that would help in promoting evidence based reporting of any illegal tendencies in the forest sector. One such innovation is the use of Information and Communication Technology (ICT) in promoting good governance in the forestry

sector under the Forest Community Based Monitoring (FCBM) platform that is implemented by Anti Corruption Coalition Uganda (ACCU) in partnership with Joint Efforts to Save the Environment (JESE).

This ICT platform is supported by Community Based Monitoring (CBMs) structures that promote citizens' participation through monitoring and reporting any suspicious forestry activity observed within their vicinity as well as providing practical solutions.

Apparently, the project operates in 26 Sub-Countries in the districts of: - Kibaale, Hoima, Kyenjojo, Mubende, Kyegegwa and Kabarole with 190 Community Based Forest Monitors who are volunteers. These monitors report any suspicious activity that they observe by sending an SMS to 6006.

The FCBM platform also provides an alternative of a mobile application which provides real time evidence to ACCU and responsible duty bearers

in form of images and location where suspected illegal activity is witnessed.

All the information is collected centrally through the server and later analyzed and plotted on graphs and Google maps to show the most affected areas according to the type of cases reported. This information is availed and shared with the responsible duty bearers through direct access to the website. Issues are thereafter discussed during dialogue and follow up meetings with authorities in the forestry sector.

Counting gains

Public participation, competence and confidence are increasing on matters concerning the sector. Citizen led actions evidenced through their vigilance has not only resulted in arrests and impounding of illegally acquired forest products but has also exposed the loopholes within the forestry system.

Transparency

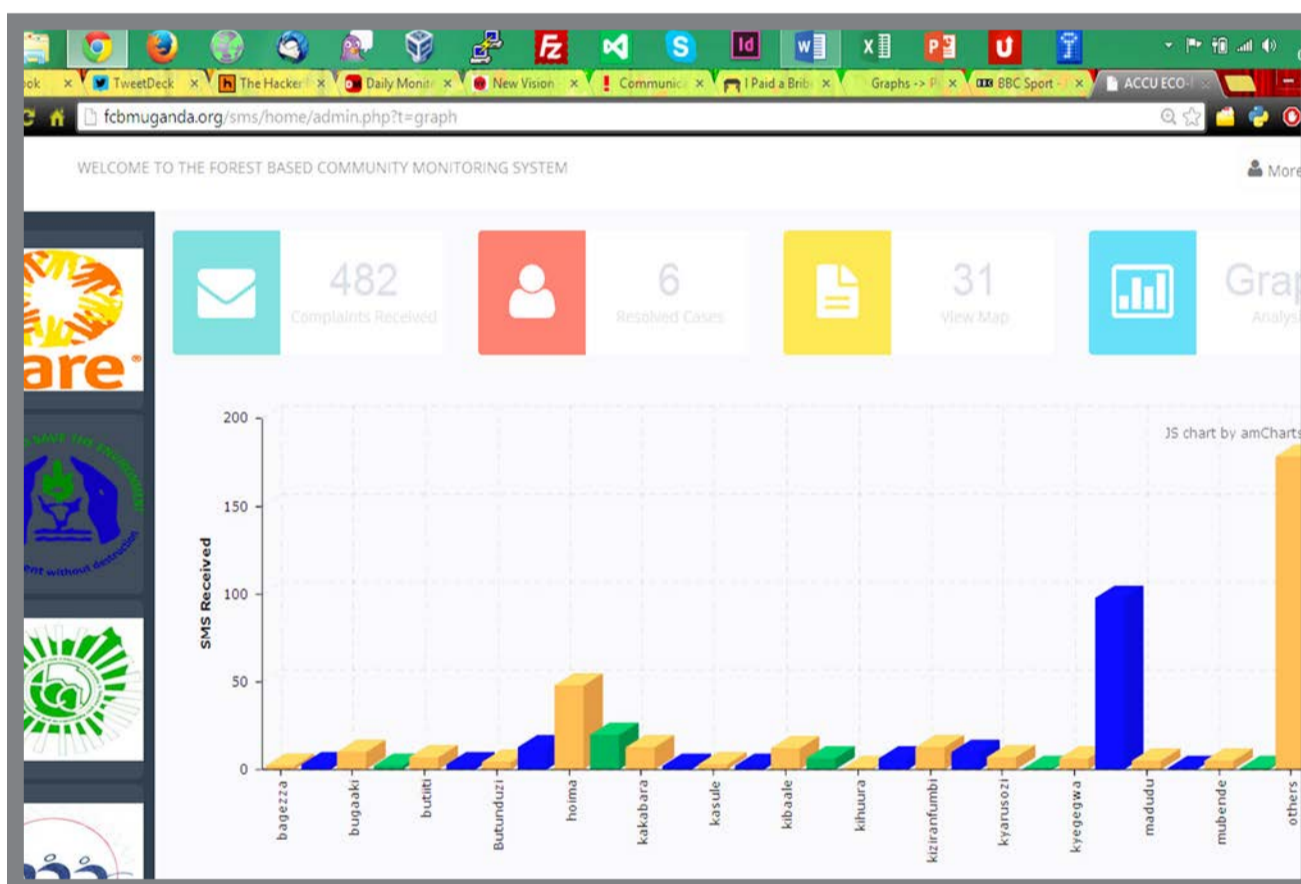
The forest sector mandated agencies are no longer working in isolation of other key stakeholders and as

such there is evidence of improved information sharing amongst the actors.

Evidence based Advocacy and Awareness

Mobile phones are being used to aid in collection of real time evidence since the smart phones are used to capture pictures. The pre-paid text messages have triggered responses from the duty bearers especially those

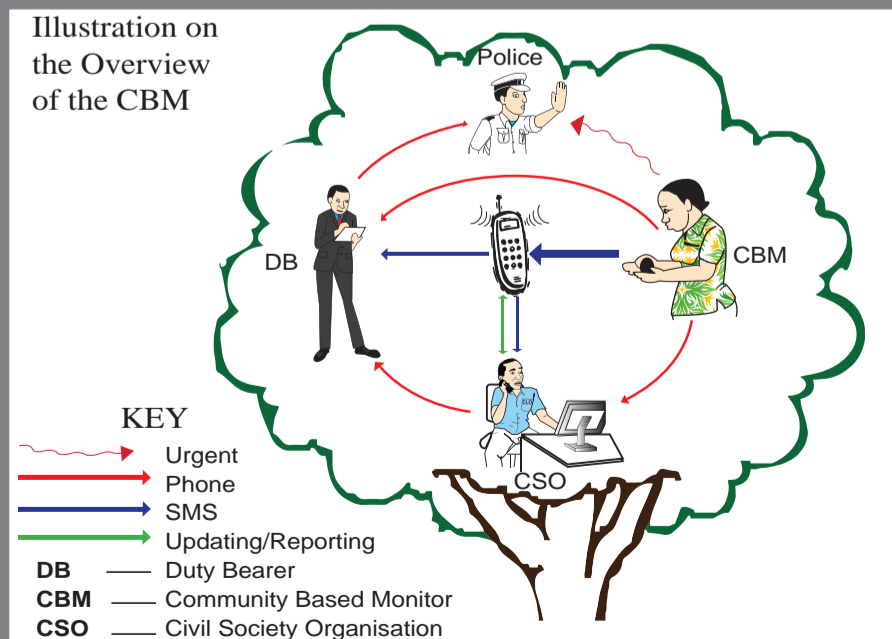
in National Forestry Authority and the District Forestry Officers hence providing timely feedback to or clarifications from the person who has reported the forestry case.



Summary of the reported cases as they appear on the FCBM website (www.fcbmuganda.org)

How the FCBM works

Illustration on the Overview of the CBM



- ⇒ CBM observes a suspicious activity
- ⇒ CBM writes a report and sends it by sms to 6006 or
- ⇒ Fill an online form through a mobile application and submit it to the server(Powered by Internet)
- ⇒ The server receives the sms it, then scatters it to a broader list of Duty-Bearers(DB) within the specified region.If its sent by a mobile application,then its recieved by the server and the administrator follows up with a call to verify
- ⇒ The duty Bearer responds by quoting the ID of the message and makes a response to the short code 6006

You too can **BLOW THE WHISTLE** by reporting any suspicious forestry activity in your area to **6006**

This service is free to Airtel and Warid customers

SUMMARY OF CORRUPTION SCANDALS TO LOOK BACK AT



What must we do to get our money back?

Wear only black clothes every Monday to show you are tired of theft.

Demand political action from the President

Isolate every thief implicated in a theft scandal. Don't invite them to your burials, weddings.

Do not buy goods or services from businesses owned by thieves. Support Ugandans working honestly to make a living.

Until all the thieves have returned our money.

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