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THE EAST AFRICAN COMMUNITY

**BILL SUPPLEMENT**

**No. 7**

**15th May, 2015.**

*to the East African Community Gazette No. 6 of 15th May, 2015.*

Printed by the Uganda Printing and Publishing Corporation, Entebbe, by Order of the East African Community.

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**THE EAST AFRICAN COMMUNITY**

**THE EAST AFRICAN COMMUNITY FORESTS  
MANAGEMENT AND PROTECTION BILL, 2015**

**MEMORANDUM**

The object of this Bill is to provide for the management and protection of national forests and trans-boundary forests ecosystems in the Community, to regulate national trade and cross border trade in forest products in the Community and to make general provisions for regional forests management, coordination, monitoring and evaluation and reporting.

This Bill is premised under chapter 19, specifically under Articles 111, 112 and 114 of the Treaty for the Establishment of the East African Community, in which the Partner States committed to cooperate in the management and sustainable utilisation of natural resources within the Community for the mutual benefit, and to take measures to control trans boundary air, land and water pollution arising from developmental activities.

Forests play an important role in environmental protection, have tangible development socio-economic contributions, and play an integral role in mitigating climate change. Not only are forests one of the most important carbon sinks, storing more carbon than the world's oil

reserves, they also constantly remove carbon from the atmosphere through photosynthesis, which converts atmospheric carbon to organic matter.

However, while forests are absorbing atmospheric carbon, deforestation on the other hand is putting carbon right back into the atmosphere. In other words, 60% of all of the carbon that is absorbed by forests is emitted back into the atmosphere by deforestation. Therefore, all efforts are needed to to arrest deforestation, while promoting afforestation.

The past few decades have been marked by profound policy, institutional and political changes relating to environmental problems at national, regional and international levels. Consequently, in June 1992, the Rio Earth summit saw the coming into being of many international conventions on environmental protection and biodiversity conservation. Furthermore, the international debate on forests was firmly established, thus enabling various regions of the world become aware of their stakes, and for our region this included threats to the East and Central African forests.

In the East African Community Partner States, deforestation is on the increase due to changes in land use and especially cropland expansion into forested areas, illegal logging and trade in forest products.

With respect to the above, the region needs to increase capacity for the Partner States institutions by harmonisation of relevant laws and by strengthening law enforcement, capacity for planning, implementation, monitoring, and reporting; and by providing sufficient resources and creating awareness on forestry related activities.

This bill therefore will contribute in addressing the problems relating to forest development and sustainable management of forest resources for the socio-economic development of the people of East Africa.

HON. BAZIVAMO CHRISTOPHÉ,  
*Member East African Legislative Assembly.*

THE EAST AFRICAN COMMUNITY FORESTS  
MANAGEMENT AND PROTECTION BILL, 2015.

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**THE EAST AFRICAN COMMUNITY FORESTS  
MANAGEMENT AND PROTECTION BILL, 2015**

A Bill for an act

ENTITLED

**THE EAST AFRICAN COMMUNITY FORESTS  
MANAGEMENT AND PROTECTION ACT, 2015.**

**An act to provide for the management and protection of national forests and trans-boundary forests ecosystems in the Community, to harmonise and regulate cross border trade in forest products, and to make general provisions for regional forests management, coordination, monitoring, evaluation and reporting.**

Enacted by the East African Community and assented to by the Heads of State.

**PART I—PRELIMINARY**

**1. This Act may be cited as the East African Community Forests Management and Protection Act, 2015 and shall come into force on such date as the Council may, by notice published in the Gazette appoint.**

Short title  
and  
commence-  
ment.

**2. In this Act unless the context otherwise requires—**

Inter-  
pretation.

“biodiversity” means the variability among living organisms from all sources, including the ecological complexes of which they are a part and the diversity within and among species and ecosystems;

“catchment area” means any land area drained by a river, stream, or fixed body of water and its tributaries having a common source of surface run-off;

“Community” means the East African Community;

“concession” means the right of use granted by the relevant authority in a Partner State to an individual or organization in respect of a specified forest area;

“deforestation” means the direct human induced conversion of forested land to non-forested land or the long term reduction of the tree canopy below the minimum ten percent threshold;

“firewood” includes parts of a tree made up into bundles or loads or cut up in the manner in which it is usual to cut wood for burning and all refuse wood generally, other than sound straight timber, logs or poles of any kind;

“forest” means an area of land containing a vegetation association that is predominantly composed of trees of any size, and includes—

(a) a forest classified under this Act;

(b) a natural forest, woodland or plantation;

(c) the forest ecosystem;

“forest ecosystem” means any natural or semi-natural formation of vegetation whose dominant element is trees, with closed or partially closed canopy, together with the biotic and abiotic environment;

“forestry” refers to the science of establishing, tending and protecting forest and tree resources, and includes the processing and use of forests and tree products to meet desired goals, needs, and values for human benefit;

“forest conservation” means modalities for protection, maintenance, rehabilitation and developing of forests in a sustainable manner;

“forest officer” means a person responsible or adviser for conservation, protection, management and utilization of forest resources;

“forest management” means acts aimed at setting up technical, economic, industrial, legal and administrative measures towards maintaining forests for increased productivity;

“forest control” means legal and technical mechanisms for verifying the chain of activities related to the management of forest resources;

“forest exploitation” means the removal of forest products from a forest for commercial or other use;

“forest inventory” means a survey carried out to determine, in a given area, the condition and volume of a forest;

“forest management unit” means a division into which forests may be divided according to ecological characteristics of each zone for forest management purposes;

“forest plan” means a document containing activities related to the maintenance, protection and use of forests in a specified time and space;

“forest produce” means anything which occurs or grows in a forest and includes but not limited to—

(a) trees, timber, firewood, poles, slabs, branch wood, wattle, roots, withes, sawdust, charcoal, bark, fibres, resins, gum, wood oil, latex, leaves, flowers, fruits and seeds;

(b) honey, mushrooms, grass, orchids, climbers, creepers, wood ash, litter, soil;

(c) stone, gravel, clay or sand which occurs naturally in a forest;

(d) a living organism or product or derivative of a living organism;

“forest product” means any material derived from a forest for direct consumption or commercial use;

“forest resources” means all the resources in the forest and other wooded land and trees outside the forest;

“illicit trade” means any illegal transaction related to forest products and services;

“log” means the stem of a tree or a length of the stem or branch after felling, cross-cutting and trimming;



“logging activities” means all activities related to the production, handling and transportation of logs;

“logging concession” means an authorisation by a relevant authority in a Partner State to harvest a forest or a part of a forest;

“logging title” means the agreement or authorization by a legal entity which allows one to use the forest resources in accordance with the law;

“non-timber products” means products of biological origin other than wood, derived from forest resources, and from other wooded land and trees outside forests, also known as non-wood forest products;

“reconnaissance survey” means a survey conducted in a forest using professional processes to acquire preliminary information on a given forest, to prepare for in-depth inventory or make decisions relating to its management;

“Secretariat” means the Secretariat of the Community established under Article 9 of the Treaty;

“Secretary General” means the Secretary General of the Community provided for under Article 67 of the Treaty;

“sustainable forest management” means the use of forest resources in a way that allows future generations to have access thereto and have a share in and rights to them;

“timber” includes a tree or any part of a tree which has fallen or been felled, and all wood, whether or not sawn, split, hewn or otherwise cut up or fashioned, other than firewood;

“Treaty” means the Treaty for the establishment of the East African Community;

“tree” means a perennial plant with an elongated stem or trunk, supporting branches and leaves at some distance from the ground.

Objectives

3. The objectives of this Act are to—

- (a) promote the development, protection, conservation, sustainable management and use of the forests in the Community especially trans-boundary forests ecosystems, in the interest of present and future generations;
- (b) promote forest investment and trade in forest products, as a means to fight poverty and to contribute to the socio-economic development of the people of East Africa;
- (c) prevent unplanned and illicit deforestation, forest fires, plant pests and diseases, illegal introduction and proliferation of invasive species;
- (d) promote collection, analysis and sharing of information on forests and forest products and on forest related activities in the region by the use of appropriate systems;
- (e) strengthen the technical, human, material and financial capacity to improve the forest management and control in the region;

- (f) harmonize national forestry laws and regulations as well as the implementation of existing international instruments on forests; and
- (g) promote the scientific, cultural and socio-economic values of forests.

**PART II—GENERAL MEASURES ON FOREST MANAGEMENT AND PROTECTION**

4. (1) In each Partner State, deforestation programmes shall be coupled with immediate compensatory afforestation programmes.

Forest  
management  
and  
protection

(2) To facilitate the exercise of effective forest management, each Partner State shall harmonize, strengthen or adopt laws and guidelines relating to the organization and management of its forests, in accordance with this Act.

(3) Forest land area shall be clearly mapped and forest master plans shall be regularly updated in order to have reliable data for the efficient management of forests in the Community.

(4) The Partner States shall, by appropriate legal means establish or strengthen operationalisation of forest management plans.

(5) The Partner States shall put in place appropriate measures to strengthen regulations and institutions for the prevention of massive and illicit deforestation, forest fires, plant diseases and pests, illegal introduction and proliferation of invasive species, and illegal habitation on forest land.

(6) Forests status or regime shall be clearly defined in compliance with international instruments and agreements on management of forests.

(7) The Partner States shall undertake and strengthen public awareness on forests management and forest regulations to promote forest governance.

Forest flora  
and fauna  
protection  
measures

5. The Partner States shall adopt, strengthen and implement effective local, national and trans-boundary measures for forest flora and fauna management and use, in compliance with this Act and other international instruments.

PART III—GOVERNANCE AND INSTITUTIONS OF FOREST  
MANAGEMENT AND CONTROL

Forest  
management  
and control  
institutions

6. (1) The Partner States shall update or put in place institutions tailored to forest management and protection.

(2) Notwithstanding the generality of subsection (1), a National forests authority or its equivalent shall be established, operationalised or strengthened.

(3) The Partner States shall ensure a close cooperation between national and regional institutions involved in forest management.

(4) The Partner States may facilitate the establishment and functioning of national professional forestry associations, while the Community may facilitate the establishment and functioning of a regional professional forestry association.

(5) The entities under subsection(4) shall promote professionalism and ethics within the forestry sector.

Afforestation

7. (1) The Partner States shall have in place regulations for the production, importation and exportation of forest tree seeds and forest tree seedlings for afforestation.

(2) The National forest authorities shall periodically publish the list of recognised and certified seeds and seedlings providers.

(3) The Partner State shall ensure the existence of in-country forest tree seed banks.

8. Each Partner State shall ensure that—

Logging  
activities

- (a) logging activities are exercised with prior operating license and in accordance with the laws and regulations in force in that Partner State;
- (b) logging activities are exercised subject to an appropriate management plan coupled with an adequate compensatory afforestation program;
- (c) logging activities in protected areas are prohibited, or when authorized, shall be very selective not to impair the protective functions of the forest; and
- (d) operating licenses of forest products exploitation are granted by the competent national authority.

#### PART IV — TRADE IN FORESTS RELATED PRODUCTS

9. Each Partner State shall ensure that—

Regulation  
of trade in  
forest  
products

- (a) local processing of timber and other forest products for value addition is promoted in order to increase revenues;
- (b) specific regulations for non-timber forest products are developed in order to strengthen control of their harvest to ensure their sustainable use;

- (c) wood and timber transport is regulated to prevent breaches of the peace and to promote public safety;
- (d) transport companies dealing in forest products are properly registered and given accreditation by the competent national authorities;
- (e) measures to strengthen the control of movement of germplasm and forest products across national and regional boundaries as a means to fight illegal practices and transboundary pest diseases are put in place;
- (f) trade in uncertified forest products and forest produce, uncertified tree seeds and seedlings is prohibited.

Certification,  
traceability  
and  
transparency  
on forest  
products

**10.** (1) For effective monitoring, the Partner States shall ensure that harvested forest products are clearly and fully identified and certified at the point of origin.

(2) The Partner States shall have in place a harmonized tracking system of forest products using advanced technology, in order to ensure transparency, especially with respect to their origin.

Cooperation

**11.** (1) The National forest authorities shall cooperate among themselves and with regional and international institutions to learn and share best practices in order to promote harmonisation of forest management, including planning for forest rehabilitation, re-afforestation and afforestation.

(2) The National forest authorities may establish partnerships with civil society, academic and research institutions and the private sector specializing in forestry and environmental issues in order to ensure community involvement, participation and benefit sharing.

(3) The Partner States shall establish joint control trans-boundary brigades in trans-boundary areas in order to contribute to the fight against the illegal exploitation and trade in forest products, and to maintain peace and security in the trans-boundary areas.

PART V—REGIONAL FOREST ACTIVITIES COORDINATION

12. (1) Pursuant to section 4, the Secretariat shall organise an East African Community Forest Forum to promote forest management and protection in the region.

East African  
Community  
Forest  
Forum

(2) The Secretariat shall strengthen the office in charge of forestry and operationalise an East African Community Regional Forest Information System.

13. (1) Pursuant to section 4, the Council shall establish and operationalise an East Africa Community Forests Board.

East African  
Community  
Forest  
Board

(2) The Board shall be the regional forest management coordinating body, comprising the Chief Executive Officers of the National forest authorities, and the Chief Executive Officers of key relevant institutions, to ensure proper forest management coordination, monitoring and evaluation and reporting in the Community.

(3) The Board shall meet at least once annually, prior to the meetings of the East African Community Forest Forum and among other duties provide information on the assessment of the status of the forests in the Community.

(4) The Board may, notwithstanding the provisions of subsection (3) convene extra-ordinary meetings at such times as the Board may deem necessary.



(5) The Meetings of the Board shall be convened by the Secretariat and presided over by a Chief Executive Officer of a National forest authority on a rotational basis.

Functions of  
the Board

**14.** The functions of the Board shall be to—

- (a) formulate and propose regulations to the Council on forests and trees in accordance with this Act;
- (b) organize and coordinate forest data collection and regularly update the East Africa Community Regional Forest Information System;
- (c) plan for and ensure forest staff capacity building;
- (d) coordinate activities related to forest management and use as well as those of related sensitization programmes;
- (e) identify and analyse potential irregularities and conflicts and advise on their proper resolution as well as put in place mechanisms for conflict prevention and conflict management;
- (f) propose forest policy recommendations to the Council; and
- (g) report annually to the Council on the status of forests in the Community.

#### PART VI: MISCELLANEOUS PROVISIONS

Harmonis-  
ation of  
forest laws

**15.** (1) In accordance with section 4, the Partner States undertake to harmonise forest management and forest control practices.



(2) The Partner States shall harmonise their forest laws within a reasonable time frame as the Council may direct.

16. Any dispute that may arise between the Partner States regarding the interpretation of the provisions of this Act shall be submitted by an affected Partner State to the Secretary General, who shall forward it to the Council for an amicable settlement. Settlement of disputes

17. (1) The Council may make regulations for giving effect to the provisions of this Act. Regulations

(2) Regulations made under subsection (1) may provide for—

- (a) the principles on forest concession and forest title for transboundary ecosystems;
- (b) the prohibition or regulation of trade in forest produce and genetic materials;
- (c) the trade names to be used for tree species and other forest produce;
- (d) the notification of plant and livestock pests and diseases dangerous to forests and forest produce, and the measures to be taken to control or eradicate the notified pests or diseases;
- (e) the prohibition, control and management of fires;
- (f) the introduction of alien and exotic species;
- (g) the certification and control of tree seeds and other reproductive materials;
- (h) the sustainable management or utilisation of forests;

- (i) forest utilisation practices, including joint forest management and collaborative forest management;
- (j) the compiling and maintaining of an inventory and a register of forests; and
- (k) forest transboundary brigades operations.

Act to take  
Precedence

**18.** This Act shall take precedence over the laws of the Partner States with respect to any matter to which its provisions relate.