



TERMS OF REFERENCE

FACILITATING A REVIEW OF THE UGANDA FORESTRY POLICY AND NATIONAL FOREST PLAN (Consultancy Services)

1. Introduction

The Government of Uganda carried out a Forest Sector Review (FSR) between 1998 and 2001. This review led to formulation of Uganda's Forestry Policy in 2001, the development of the National Forest Plan in 2002 and the enactment of the National Forestry and Tree Planting Act (NFTPA) in 2003. Additionally, new institutions were established: The National Forestry Authority (NFA) – a semi-autonomous agency mandated to manage Central Forest Reserves (CFRs), and the Forest Sector Support Department (FSSD) of MWE – mandated to coordinate Forestry Policy implementation and sector regulatory oversight countrywide. In addition, forest management was further restructured providing for the mandate of Districts (through District Forestry Services) to manage Local Forest Reserves (LFRs), and to supervise private forests and community forests. The Forestry Policy and the National Forestry and Tree Planting Act (NFTPA) of 2003 recognized the mandate of the Uganda Wildlife Authority (UWA) of managing the forest estate within wildlife conservation areas.

In 2010, Uganda embarked on the REDD+ Readiness process which has developed policy measures and strategies for tackling the drivers and underlying causes of the country's high rate of forest cover loss. These policy measures have been articulated in Uganda's REDD+ Strategy and Implementation Plan that was launched on 22nd March 2019¹. Strategic Option 8 of the Uganda's REDD+ Strategy emphasizes institutionalizing its implementation through directly linked national policies and institutions responsible for tackling the drivers and underlying causes of deforestation and forest degradation. It also underpins the importance of integrating mitigation arrangements into other conservation and land use policies and practices encompassing, agriculture, energy, livestock, rural development programmes and activities within the country. The strategies set out in Uganda's REDD+ Strategy and Implementation Action Plan take into account international guidelines and best practices that are suitable to Uganda's policy environment and other national circumstances such as institutional arrangements for decentralization, natural resources management and socio-economic development. International as well national policies and safeguards will be fully complied with and measures for mitigating possible negative social and economic impacts will be designed and implemented concurrently. Lastly, implementation will promote cost-effective measures to realize optimal and equitable benefits from the REDD+ investments.

Specifically, the following elements of the REDD+ Strategy require revisions in the Forestry Policy to provide measures for:

- a. Recognizing the high levels of GHG emission from deforestation and forest degradation and their contribution to Uganda's GHG emissions.
- b. Tackling drivers of deforestation and forest degradation.
- c. Tackling underlying causes of high rates of deforestation and forest degradation namely i) land and forest tenure for small landholders, community forestry, private forest management; ii) private sector engagement in forest sector investment and governance;

¹ The National REDD+ Strategy and Implementation Plan was updated in 2020.

and, iii) biomass energy development and utilization (i.e., efficient use technologies and practices).

- d. Ensuring appropriate carbon tenure and benefit sharing from REDD+ Strategy implementation (Carbon trade).
- e. Strengthening the institutional framework (mandates and collaboration), institutional performance, accountability and inter and intra- sector coordination.
- f. Strengthening forest governance and regulation (stakeholder engagement, grievances redress mechanisms, integration of social, and environmental safeguards, law enforcement and monitoring trade in forest produce).
- g. Enabling appropriate forest sector responses to macro-economic policy and frameworks (Vision 2040, NDPIII, Green Growth Strategy) and economic development.

In the same regard, Uganda completed a Forest Landscape Restoration Opportunities Assessment in 2016 that prioritizes areas for forest and landscape restoration. This was followed with an assessment of forest governance issues under FLEGT process in March 2018 and the development of a theory of change for the forest sector governance.

Collectively, these assessments and strategies identify the following critical issues that would be addressed through policy and legal changes in order to create an enabling environment for increasing investment in the forest sector and for improving its governance.

- a. Improved governance would create a sustainable and regionally competitive forest industry that provides benefits for current and future generations.
- b. Policy measures that enable development of active participation of local communities and the private sector in sustainable forest management interventions, that increase economic value (benefits) from forest resources and that result in an increased contribution to gross domestic product (GDP).
- c. Effective implementation and enforcement structures and mechanisms as well as means for achieving stakeholders' active participation in forest planning and decision-making processes.

Over-all, the assessments concluded that there is need to have effective policies, and legal and institutional frameworks for forest management in place for forest sector institutions to operate effectively. The assessments further emphasized strengthening and enforcing policy and law instruments in order to ensure effective regulation of: a) Sustainable management of forests; b) Forest tenure and associated bundles of rights; c) Incentives for the private sector and local communities; d) Sharing of benefits arising from use of the forest resources; e) Protection of community and private forests; f) Value addition; g) Public procurement of timber and other wood products; h) Institutional mandates and coordination; and, i) Penalties to ensure zero tolerance to corruption. The assessment noted that the major challenge lies in effectively implementing the designed policy, legal and institutional framework in the current political economic environment.

In addition, the Policy and Law stock taking study by FSSD in 2018 recommended the following actions to address the gaps or shortcomings in existing Forestry Policy and law:

- a. Harmonization and facilitation of Forest and Environmental Committees to enable them to function.
- b. Involvement of private sector institutions (especially civil society organizations and private service providers) in the development and implementation of different community-based approaches (CBAs) for improving forest management and accelerating the implementation benefit sharing schemes.

- c. Strengthening of DFS to function effectively by increasing their capacity especially to provide technical and supervisory services in the implementation of the REDD+ strategy.
- d. Local council courts to handle some of the REDD+ related disputes and aid strategy implementation.
- e. Institutionalization and strengthening of the Feedback and Grievance Redress Mechanisms (FGRM) and establishment of a FGRM secretariat to support implementation of the REDD+ strategy.
- f. Government and or local governments to regulate and incentivize activities in private forests in a manner that would effectively reduce destruction of private and community forests that provide ecosystem services, protect endangered and unique and migratory species, and provide corridors for mobile fauna.
- g. Government and external financing of surveying, preparation of management plans, registration, and implementation of activities such as restoration and modification of private and community forests for REDD+ opportunities, and preparation and acquisition of certificate of titles for community and private forests that contribute to sustainability of public goods and services (e.g., water catchment, control and regulation of soil erosion and floods, etc.).
- h. Customary ownership and management of forests where members of the community have traditionally managed and protected their forests communally, according to principles and rules agreed either among themselves or in accordance with their traditions
- i. Zoning of forests that are critically important for public good functions to pave the way for preparation of management measures to enhance their protection.
- j. The role of local governments in the management of central forest reserves (sharing of responsibilities between local governments and NFA).
- k. Review, harmonization and integration of roles and responsibilities of government institutions and agencies (including local government, authorities, directorates and departments), as well as civil society involved in the implementation of forest policies, strategies and plans so as to enhance sustainability.
- l. The current NFTP (2003) had envisaged that a Tree Fund would be created as a dedicated forest financing mechanism. However, for a range of reasons, this fund was never established. Instead, the Tree Fund concept should be replaced by the creation and operationalization of a forest financing window in a future climate fund (or equivalent) as developed by the Ministry of Finance, Planning and Economic Development (MoFPED). This forest financing window would help sustain the protection and restoration of the country's natural forests and promote commercial and small-scale tree growing at a national and a local level through partnerships within government and between communities, the private sector, and civil society organizations. This financing window stands to be a critical enabling mechanism for delivering on the NDC and related international climate change mitigation commitments going forward. It is important to note that the proposed forest financing window will be contingent on the completion of a national climate financing strategy and the establishment and launch of a supporting climate financing mechanism by MoFPED.
- m. An opening for independent monitoring of public/government undertakings and tracking of revenues and expenditures in the forest sector.
- n. Mechanisms to strengthen coordination of government institutions and agencies with different mandates in the management forests (NFA, UWA, DLG, NEMA, MWE, Tourism, MoLG, Office of the Prime Minister).

It is against this background that in 2020 the Ministry of Water and Environment (MWE) through the Forest Sector Support Department (FSSD) embarked on the review process for the Uganda Forest Policy (2001), National Forest and Tree Planting Act (2003) and the National Forest Plan (2012), aiming at strengthening the performance of the Forest sector growth and governance.

2. Objectives of the Consultancy

The overall objectives of the consultancy are to support Government of Uganda to undertake a review of the Uganda Forestry Policy (2001) and National Forest Plan (2012).

- a. **Objective #1: To review the outcomes and performance of the previous Forestry Policy and national forest plan.** This objective aims to identify and understand what the previous FP and NFP achieved, and where they fell short and why – in order to make recommendations for improvements to the forthcoming FP and NFP.
- b. **Objective #2: To improve and update the policy and planning framework for a better-governed and performing Forest sector.** This objective aims to create an enabling policy environment and a well formulated forest plan that adequately addresses the gaps identified in the stock-taking assessment and responds to the recommendations that will be generated from the sector performance assessment. This objective importantly aims to achieve sufficiently strong forest governance at national and local levels through the following:
 - i. Strengthening forest governance (law enforcement and monitoring trade in forest produce, stakeholder engagement, grievance redress mechanisms, integration of social and environmental safeguards, and benefit sharing, etc.).
 - ii. Strengthening the institutional framework for the sustainable management and development of forest resources (streamlining mandates and collaboration, measures for tracking and reporting on institutional performance, accountability and inter- and intra- sector coordination, tackling drivers and underlying causes of deforestation and forest degradation).
 - iii. Structured management of forest information and data, and engagement with macro-economic policy (e.g., Vision 2040, NDPIII, Green Growth Strategy, Climate Change Policy and NDC, etc.) and sector plans.

Given the central importance of forests in Uganda as a foundational biological and economic asset, their growing significance for a resilient and green economy and their dominant role in delivering the country's international climate mitigation commitments, this policy and planning process must deliver a set of outputs that set a clear road map for the forest sector unequivocally delivering on clear, ambitious, realistically attainable and meaningful targets.

3. Detailed scope and tasks of the assignment

The assignment is planned to be undertaken as follows:

3.1 Policy reform and updating Plan: this process will review the performance of the Uganda Forestry Policy (2001) and its last implementation plan (the National Forest Plan 2012-2021) through a desk-based review together with targeted key-informant interviews. This undertaking will generate reform principles, improvement areas and policy objectives together with measures for the addressing issues highlighted in section 1 above as set out in previous assessment reports. On this basis the following interventions will be implemented:

- a. **Assessment of policy and legal issues for informing the reform:** The assessment will build on the previous assessment and cover trends and emerging issues in forest resources development, management and governance since the last reforms in 2001 and make

succinct and incisive reference to national economic/development policy, sectoral policies and legal frameworks as well as issues recommended through design of NDC, REDD+ Strategy, Vision 2040, NDPIII, Green Growth Strategy, ROAM, etc. and propose policy options.

- b. **Stakeholder consultations and engagement:** Stakeholder consultations will be guided by a structured engagement process nationwide and across relevant sectors and at appropriate levels including legislators. This process will take into account stakeholder consultations that have been recently completed during the REDD+ process, ROAM process, FLEGT process and other assessments and focus on these critical aspects that may require further dialogues and or consensus.
- c. **Preparing revised policy document:** Building on consultations from activity (a) and (b) above, the Forestry Policy document will be revised and subjected to review and endorsement by the MWE and stakeholders. The presentation of the policy document for review will be led by the Policy Review Secretariat /FSSD with assistance from the service provider.
- d. **Forestry Policy implementation plan:** Building on the emerging new Forest Policy, the National Forest Plan (2012-2021) will be reviewed/updated and aligned to the new Policy. The revised National Forest Plan (*investment priorities and budget, implementation strategies, forest information management systems and processes, monitoring and evaluation framework, etc.*) will be subjected to a review and endorsement by the Programme Working Group and approval by MWE.

4. Specific tasks of the service provider

With overall guidance of the Reform Taskforce hosted by MWE/FSSD, the over-all responsibility of the service provider is to take a lead and facilitate the review of the FP and NFP and to prepare the new draft Forestry Policy and draft National Forest Plan. The Service provider will undertake the following specific tasks:

- a. Design and facilitate the reform process approach.
- b. Review relevant documentation and prepare policy reform options.
- c. Facilitate stakeholder inputs into the policy reform methodology, policy review process and review of the National Forest Plan.
- d. Carry out a desk-based and key-informant-supported performance review of the Forestry Policy and National Forest Plan.
- e. Prepare the draft Forestry Policy and draft National Forest Plan.
- f. Support MWE in engaging stakeholders to validate the draft Forestry Policy and National Forest Plan documents.
- g. Prepare final documents for approval.

5. Duration, activity schedule, reporting requirements and deliverables

Duration: This consultancy will be undertaken in seven calendar months starting in April 2021.

Activity plan: The service provider shall establish a detailed work program within the above time frame, taking into consideration the estimated expert-month requirements. This should be guided by the service provider's professional judgment of the assignment's requirements and knowledge of the local conditions and needs. The work plan will be part of the service provider's proposal. However, the final Draft Policy will be expected within the first 3 months of this assignment.

Reporting: Reporting to the Commissioner for Forestry, the service provider shall deliver the outputs set out below and shall submit them to the Commissioner for Forestry in written and electronic copies (in English) at each stage for review and / or approval. The Commissioner for Forestry shall convene a Taskforce as well as stakeholder consultation and validation meetings to review and provide inputs into the service provider's outputs/deliverables. The Service provider will be required to prepare background information/ documentation for the meetings, facilitate meeting discussions and produce meeting reports.

Deliverables: The service provider shall submit the following deliverables:

- a. Inception report.
- b. Policy and Plan performance review.
- c. Draft Forestry Policy.
- d. Revised Forestry Policy and principles for amendment.
- e. Draft National Forest Plan.
- f. Final Revised National Forest Plan.

6. Data, services, personnel and facilities to be provided by the FSSD

The Forest Sector Support Department will as much as possible provide the documents, records and literature, that would form the basis for ideas relevant to the assignment.

7. Eligibility and qualifications

The lead consultant must be a holder of at least a master's degree in forestry, natural resources management and/or natural resource economics. S/he should have proven experience in leading policy reforms/reviews or development strategies. At least 15 years' of experience is required, of which 10 years' should be relevant experience in East Africa. International experience in REDD+ and/or REDD+ environmental and social safeguards is an added advantage. Experience combining relevant work in Uganda and international experience is strongly preferred.

8. Terms and conditions

The service provider will charge professional fees based on the work done / days worked according to pro-rata daily rates for their team up to a fixed ceiling, payable in equal instalments upon submission and acceptance of the deliverables, the first of which is to be submitted and approved before the service provider proceeds to broadly engage with the full scope of work.

The service provider will report to a task force chaired by the Commissioner for Forestry, and comprising appointed members from government, the private sector and civil society who will provide overall guidance, including on the structure, content and format of each deliverable.

The service provider will be provided with logistical support and reimbursed pre-agreed reasonable receipted work-related expenses while in the field. The service provider should liaise closely with AWF (the contract manager) about the eligibility of expenses and how these expenses are to be accounted for.

The consultancy must be completed within the timeline set out in Section 5 unless otherwise agreed in writing by the steering committee chairperson.

9. Bid submission and selection

Prospective applicants should submit their bid in strict compliance with the bid instructions set out below by email to UGProcurement@awf.org by **17:00hrs Wednesday 28th April 2021** addressed to the Country Director, AWF. All bids received will be acknowledged. Prospective service provider bids should be comprised of:

1. A headed introductory cover letter of a maximum of two pages in length summarily setting out the competency and experience of the service provider together with the main points / highlights of their bid.
2. A concise and incisive assessment and response to the terms of reference, focussing on how the prospective service provider proposes to respond to the two objectives in an effective and meaningful manner, that is contextually realistic, intelligent and innovative. The analysis and summary proposal, including a preliminary work plan overview, should not exceed 8 pages in length, in a 11pt font single line spaced format, excluding any supporting annexes, title pages, tables of content, etc.
3. The curriculum(a) vitae of the consultant(s) not exceeding three pages each, together with the details of three referees for each team member. It is expected that the proposed teams should be limited to no more than two principal consultants unless otherwise clearly justified together with a limited number of supporting team members chosen at the discretion of the principal consultants. Academic and other certificates are not to be included in bid submissions but may be subsequently requested by the selection committee for inspection.
4. A financial proposal of not more than three pages definitively setting out the service provider's direct costs (professional fees) and providing an estimate of process costs and field expenses to be refunded as reimbursables. In developing their financial proposals, bidders are advised that they should bear in mind sensible public health measures in planning / costing the participation of stakeholders i.e., where necessary in-person meetings of no more than 10-15 people in appropriately spaced outdoor venues, and whenever possible a preference for internet-based interactions with key informants etc. Attendance allowances for stakeholders are not permissible but reasonable transport costs are, as are reasonable costs for food and non-alcoholic beverages for longer meetings. Service providers should also bear in mind that the **financial proposal will be treated as inclusive of all applicable taxes**, regardless of whether they have been explicitly considered in the proposal.

Bid submissions will be evaluated by a selection committee on the basis of their technical merit and financial efficacy (value for money), and the results aimed to be communicated by 17:00 hrs 12th May 2021. **Applicants are warned that failure to follow the bid guidelines as set out above will result in the disqualification of their bid, regardless of merit.** The committee reserves the right not to select any of the bids tendered.