



## **ANTI CORRUPTION COALITION UGANDA**

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### **TERMS OF REFERENCE**

## **INVESTIGATIVE RESEARCH ON THE EXTENT OF ENCROACHMENT AND ISSUANCE OF ILLEGAL LAND TITLES WITHIN CENTRAL AND LOCAL FOREST RESERVES IN UGANDA**

### **1.0 About Anti-Corruption Coalition Uganda:**

Anti-Corruption Coalition Uganda (ACCU) was formed in January 1999 and formally registered as an NGO under the NGO Statute in 2004. ACCU brings together like-minded entities and individual actors whose pre-occupation is publicizing, exposing and advocating for curbing corruption in Uganda. ACCU with support from different Development Partners has been implementing interventions since 1999, with the aim of creating an accountable and corruption free society. At the national level, ACCU works with Civil Society Organizations (CSOs) engaged in the accountability sector. At the local level, ACCU works with and through Regional Anti-Corruption Coalitions (RACCs) that are spread out in the various parts of the country and of recent grass root member organisation. This approach ensures that the citizens' voices are reflected into the national agenda.

### **2.0 Project background**

ACCU is implementing a project titled "Deepening Democratic Governance in the Forestry and Wildlife Sectors" with an overall objective of contributing to increased transparency, accountability and responsiveness to forest and wildlife governance challenges. The project seeks to contribute to CSOs driven change towards inclusive conservation, sustainable natural resource management, enhanced civic space and improved human wellbeing through advocacy, engagement with policy makers and networking, and by using a representative voice.

This will be achieved through advocating for increased meaningful participation of right holders in decision making processes, having increased duty bearers level of

commitment and action towards good governance, community engagement, human rights approach and participatory decision-making processes as well as enhancing community participation in management of protected areas.

### **3.0 Background to the Consultancy**

According to the annual performance report by Ministry of Water and Environment 2022, Uganda annually loses 120,000 hectares of forest cover that translates into a decrease in forest cover from 24.1% in 1990 to 13.3% in 2019, despite of a net forest cover gains from 9% in 2017 to 13% in 2020. This has contributed to severe environmental consequences like adverse weather conditions that have led to natural catastrophes like landslides, floods and excessive sunshine that has affected the food chain. Under wildlife, 77 species of mammals, 83 birds, 31 reptiles, 19 amphibians, 44 dragon flies, 184 butterflies and 99 plant species are nationally threatened and out of these, 110 species are critically endangered, 174 endangered and 253 vulnerable (State of Wildlife Resources in Uganda Report, 2018).

Uganda has a comprehensive legal regime all designed to govern the management of forests and wildlife. The government has also put in place a rich institutional framework consisting of the National Forestry Authority (NFA) with a mandate to manage Forests; Uganda Wildlife Authority with a mandate to manage wildlife, Uganda Police Specifically Environmental and Tourism Police, Directorate of Public Prosecution (DPP), Criminal Investigation Directorate (CID); the Public Procurement and Disposal of Public Assets Authority (PPDA), District Forestry Services and the recently launched specialized court to handle Wildlife and Environmental cases.

Despite the existence of this robust legal and institutional framework, implementation of environmental laws has remained weak. The weak enforcement of laws and policies has been manifested by several wildlife and forestry scandals like abuse of office by staff extorting money and accepting bribes in exchange for forest and wildlife products.

As a result, forestry and wildlife sectors continue to face overwhelming challenges that are contributing to the annual losses in terms of forest cover as well as wildlife. The underlying factors affecting forests and wildlife governance in Uganda include; impunity, low levels of transparency attributed to limited knowledge and engagement platforms among the communities surrounding protected areas, low levels of responsiveness by the duty bearers in addressing these challenges, limited

institutional capacity by the mandated agencies, and contradicting political directives. These challenges have contributed to delays in the detection and handling of offences related to environment and natural resources and escalated forest giveaways, illegal possession of land titles in central forest reserves, encroachment within Central Forest Reserves and game reserves, deforestation, poaching, human wildlife conflicts, and illegal timber trade in both local and Central Forest Reserves.

Citizen participation in forestry and wildlife governance as a complementary factor is still weak despite avenues created by NFA and UWA for Collaborative Forest Management (CFM) and Collaborative Resource Management (CRM). This is attributed to inadequate citizen capacity to monitor current systems within the forestry and wildlife sectors, articulate issues of governance and hold duty bearers accountable.

The encroachment of forest land by illegal titling have been reported by media across the country previously. Despite of government efforts to cancel illegal land titles issued within wetlands and forests, the mandated agencies like Ministry of Lands, Housing and Urban Development, District Land Boards, Area Land Committees are continuing to issue illegal titles.

#### **4.0 Rationale for the consultancy**

Land in Central Forest Reserves is only meant for forestry and forestry-related activities such as tree planting, ecotourism and other activities stipulated in section 13 of the National Forestry and Tree Planting Act 2003, that emphasizes forests to be managed in a manner consistent with the purpose for which they were declared. Relatedly, section 14 of the same Act prohibits activities such as cutting, disturbing, damaging, burning or destroying any forest product, or removing or reducing any forest product except in accordance with the regulations and after a comprehensive Environment and Social Impacts have been assessed and confirmed by issuing of certificate of approval from National Environment Management Authority.

Central Forest Reserves are gazetted by Parliament, and the process for gazetting and de-gazetting is clear in section 6, 7, 8 of the National Forestry and Tree Planting Act 2003. While the CFRs are a natural resource under the custody of National Forest Authority, enormous acres of the forests have been converted to freehold land titles illegally.

Against this background, this consultancy seeks to ascertain the levels of encroachment on Central Forest Reserves in the respect districts of Wakiso, Mukono, Mpigi, Kayunga, Kikuube, Buhweju, Bushenyi Rubirizi and Hoima. This assignment also seeks to analyze the extent of encroachment as well as establish and expose individuals or companies that possess land titles in Central Forest Reserves in the above mentioned districts and provide any additional information/insights to the process of titling as well as suggesting recommendations on how the land titling process can be streamlined.

## **5.0 General Objective of the Research.**

The general objective of this investigative study is to analyze the extent of encroachment as well as finding out individuals and companies that are in possession of land titles within central and local forest reserves in the selected districts of Wakiso, Mukono, Mpigi, Kayunga, Kikuube, Buhweju, Bushenyi, Rubirizi and Hoima

### **5.1 Specific Objectives of the Research:**

1. To ascertain the levels of encroachment of the central and local forest reserves in the aforementioned districts.
2. To establish and document individuals and companies that possess illegal ownership including licenses and land titles within central and local forest reserves in the aforementioned districts.
3. To make recommendations on streamlining the land titling process and addressing the vice of encroachment on forest reserves.

## **6.0 Nature of the Assignment**

1. The study seeks to assess the extent of encroachment on the central and local Forest reserves within the selected districts and its implication to the environment and communities within the influence of these reserves.
2. The Consultant is expected to profile, with evidence, the names of individuals/ companies, plot number, block number, volume, folio number, date of registration of title and remarks if any showing the name of the central and local Forest reserve and file number and illegal licenses.
3. Based on evidence, the Consultant is expected to suggest recommendations for streamlining legal access to forest resources including land as well as curbing down the rate of encroachment within central and local forest reserves.

## **7.0 Methodology**

The Consultant is expected to develop a clear methodology detailing how the investigative research will be accomplished with design, methods of data collection, data collection tools, data analysis and report writing. Specifically, the Consultant is expected to:

- Conduct literature review on relevant ENR legal and regulatory policies and laws.
- Conduct a stakeholder analysis to understand the various roles and responsibilities in as far land titling process is concerned.
- Conduct key informant interviews with government ministries, departments and agencies, private companies, and other stakeholders.
- Participate in technical-level meetings between ACCU and other stakeholders for the purposes of accomplishing this assignment.
- Use tables, graphs, figures, patterns and statistics to illustrate trends of encroachment.
- Use tools and any other agreed-upon methodology that will deliver the assignment in a more efficient manner.

## **8.0 Expected Outputs:**

The Consultant is expected to provide;

- An inception report detailing his/her understanding of the terms of reference. The inception report should also include a clear methodology to be used for this investigative research and a financial proposal detailing the required resources for this investigation. The inception report should be submitted to ACCU by 3<sup>rd</sup> May 2024.
- A first draft of the investigative report with clear sections on status/ level of encroachment, a detailed list of individuals and companies owning land titles within central forest reserves in the selected districts and recommendations by 10<sup>th</sup> June 2024.
- Final detailed investigative report on the extent of encroachment and illegal land titles within the Central Forest Reserves from the selected districts with all information on individuals and companies owning land titles as well as recommendations on streamlining the land titling process by 20<sup>th</sup> June 2024.

## 9.0 Timeframe for the research

- As per the project work plan, this assignment is planned to be undertaken mainly in April, May and June, 2024.

No.	Activity	Timeframe	Responsible Party
1.	Publishing of the terms of reference	29 <sup>th</sup> April 2024	ACCU
2.	Delivery of Expression of Interest/Inception Report including the methodology	3 <sup>rd</sup> May 2024	Consultant
3.	Signing of contract	10 <sup>th</sup> May 2024	ACCU & Consultant
4.	Delivery of the first draft of the investigative report	10 <sup>th</sup> June 2024	Consultant
6.	Submission of final investigative report	20 <sup>th</sup> June 2024	Consultant

## 10.0 Responsibility of ACCU:

ACCU will provide the following:

- Liaison with the consultant.
- Introductory letters to the stakeholders to be contacted.
- Communication to the respective stakeholders.

## 9.0 Relevant Skills and Experience:

The Consultant is expected to possess:

- Post-graduate training in Social Sciences, Public Policy, Natural Sciences, Law, Journalism or any other related fields.
- At least 5 years' experience in conducting similar assignments (evidence of experience will be required).
- Experience in conducting investigative research and related studies is an added advantage.
- Excellent knowledge of the legal frameworks for the ENR sector.
- Knowledge of policy analysis is required.
- Excellent knowledge and skills in document and data analysis.
- Strong research skills including analytical and report writing skills.

### **10 Supervision of the Consultancy:**

The Consultant will be supervised by the Project Officer at Anti-Corruption Coalition Uganda.

### **13. Duration of consultancy:**

The consultancy is expected to be concluded by June 20, 2024.

### **14. Submission of proposals:**

Interested individuals/firms should submit their expressions of interest (Technical and Financial Proposal) to the Executive Director, Anti-Corruption Coalition Uganda on [info@accu.or.ug](mailto:info@accu.or.ug) or [amarlon@accu.or.ug](mailto:amarlon@accu.or.ug) not later than 3<sup>rd</sup> May 2024 at 05:00pm.