



# **INDIGENOUS PEOPLES PLANNING FRAMEWORK FOR IMPLEMENTING THE UGANDA'S REDD+ STRATEGY AND ACTION PLAN**

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## ACRONYMS

ADRA	The Adventist Development Relief Agency
AICM	Africa International Christian Missionaries
BBCO	Bwindi Batwa Community Organization
BCHLH	Batwa Community House of Living Hope
BDP	Batwa Development Program
BMCT	Bwindi Mgahinga Conservation Trust
BSA	Benefit Sharing Arrangements
CSO	Civil Society Organization
DCDO	District Community Development Officer
DLG	District Local Government
DoR	Department of Refugees
DP	Displaced Persons
DRR	Disaster Risk Reduction
DWD	Directorate of Water Development
DWRM	Directorate of Water Resources Management
ENR	Environment and Natural Resources
ERP	Emission Reduction Program
ESMF	Environmental and Social Management Framework
FAL	Functional Adult Literacy
FAO	Food and Agriculture Organization of the United Nations
FCPF	Forest Carbon Partnership Facility
FDIP	Forest Dependent Indigenous Peoples
FDIPP	Forest Dependent Indigenous Peoples Plan
FDIPPF	Forest Dependent Indigenous Peoples Planning Framework
FGRM	Feedback & Grievance Redress Mechanisms
FIP	Forest Investment Programme
FPIC	Free, prior and informed consultation
FREL/RL	Forest Reference Emissions Levels/ Reference Levels
FSSD	Forestry Sector Support Department
GEF	Global Environment Facility
GOU	Government of Uganda
ICESCR	The International Covenant on Economic, Social and Cultural Rights
IDA	International Development association
IP	Indigenous Peoples
IPPF	Indigenous Peoples Planning Framework
IWGIA	International Work Group for Indigenous Affairs
KBTC	The Kashaija- Batwa Tukwatanise Group
KEDCA	Kanaba Echuya Development Conservation Association
LC	Local Council
LG	Local Government
LGA	Local Government Association
LGDP	Local Government Development Plans
LGI	Local Government Institutions
M&E	Monitoring & Evaluation

MAAIF	Ministry of Agriculture, Animal Industry and Fisheries
MDA	Ministry, Department and/or Agency
MEMD	Ministry of Energy and Mineral Development
MAAIF	Ministry of Agriculture, Animal Industry and Fisheries
MoFPED	Ministry of Finance, Planning and Economic Development
MoGLSD	Ministry of Gender, Labour and Social Development
MOLG	Ministry of Local Government
MoLHUD	Ministry of Lands, Housing and Urban Development
MoTIC	Ministry of Trade, Industry and Cooperatives
MRGI	Minority Rights Group International
MWE	Ministry of Water and Environment
NCCDF	Nkuringo Community Conservation and Development Foundation
NEMA	National Environment Management Authority
NFA	National Forest Authority
NGO	Non-governmental organization
NU	NatureUganda
OPM	Office of the Prime Minister
OUBDU	United Organization for Batwa Development in Uganda
OVC	Orphan and Vulnerable Children
PF	Process Framework
PROBICOU	Pro-Biodiversity Conservation in Uganda
RAP	Resettlement Action Plan
REDD+	Reducing emissions from deforestation and forest degradation and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks
RPF	Resettlement Policy Framework
SACCO	Savings and Credit Cooperative Organizations
SESA	Strategic Environmental and Social Assessment
SIS	Safeguards Information System
SLM	Sustainable Land Management
SSDSP	Social Sector Development Strategic Plan
UBOS	Uganda Bureau of Statistics
UPHOLD	Uganda Program for Human Holistic Development
UWA	Uganda Wildlife Authority
VLC	Voluntary Land Contribution
VMG	Vulnerable and Marginalised Groups
VMGP	Vulnerable and Marginalised Groups Plan
WB	World Bank

# **1 INTRODUCTION**

## **1.1 Background**

Uganda has completed its National REDD+ Strategy and Action Plan, Feedback Grievance and Redress Mechanism (FGRM), Benefit Sharing Arrangements (BSA), Strategic Environmental and Social Assessment (SESA), and the Environmental and Social Management Framework (ESMF), Safe guards Information System (SIS) and Process Framework (PF). The implementation of REDD+ National Strategy and Action Plan as a long-term measure for tackling deforestation and forest degradation, while meeting the demands for wood, energy and other forest products requires to be done in a framework with clear processes and steps in cognisance of forest dependent indigenous people. The REDD+ Strategic options have different implications and requirements to be meant during the implementation. Some options may cause displacements and others may require meeting and observing obligations and standards. This requires an inclusive planning framework that takes care of the forest dependent indigenous peoples. In absence of such a planning framework, forest dependent indigenous peoples are likely to be missed out.

The Strategic Environmental and Social Assessment points out pertinent concerns, among these are: sharing of benefits; feedback and grievance redress; and development and engagement of participatory structures. It is important to have framework on how to go about ensuring that the implementation of REDD+ interventions contributes to sustainable development. Therefore, preparation of this Indigenous People's Planning Framework (IPPF) is important for ensuring inclusivity of the forest dependent indigenous people.

The National REDD+ Strategy is a living document and the lessons from the ongoing global, national and sub-national REDD+ processes (including development of the Emissions Reduction Programme (ERP) are fed into the REDD+ Strategy and the safeguards instruments. Parties to the UNFCCC agreed at UNFCCC Conference of Parties (COP) in Cancun in December 2010 to promote seven safeguards when undertaking REDD+ activities. Uganda committed to comply with this agreement and develop a Safeguards Information System for Uganda REDD+ as an integral component of the REDD+ Strategy.

Further, Uganda's approval for the FCPF requires the country to complete Uganda's REDD+ Readiness and this is likely to trigger the following World Bank safeguard policies; i) OP4.01 Environmental Assessment; ii) OP4.36 Forests, (iii) OP 4.04 Natural habitats; (iv) OP4.10 Indigenous Peoples; and (v) OP4.12 Involuntary Resettlement. The IPPF serves as a framework within which plans for indigenous peoples are going to be undertaken.

## **1.2 Indigenous Peoples' Planning Framework**

The realization of REDD+ Strategies in Uganda requires inclusion and participation of every stakeholder that matters, affected or may be affected. However, the inclusion and participation

of the forest dependent indigenous peoples (FDIP) tend to be very limited in the current planning processes. In view of this, what would be very important for FDIP, and have impacts in their livelihoods and rights are either not captured or addressed inappropriately. The FDIP are left more on the receiving side. The consequences of what is implemented have sometimes severely impacted on their lives permanently.

The implementation of the REDD+ Strategy and Action Plan using the 8 strategic options will definitely have a bearing on FDIP and their livelihoods in different aspects. It is important to have in place a tailored planning framework that enables increased participation and engagement of FDIP right from the planning processes to the end so as to eliminate, minimize or mitigate negative impacts.

### **1.2.1 Purpose of Indigenous Peoples' Planning Framework**

The Indigenous Peoples' Planning Framework (IPPF), therefore, serves as a framework through and within which FDIP shall be constructively and inclusively engaged and participate in the REDD+ Strategy and Action Plan implementation. In addition, it identifies the structures, actors and the REDD+ Strategic Options that have implications on FDIP. The IPPF provides ways of going about handling grievances that may arise.

The IPPF serves as a practical tool to provide guidance in REDD+ Strategy projects/subprojects planning and implementation for FDIP. Among others, IPPF addresses core issues of inclusivity and participation of the FDIP in the planning processes, implementation and monitoring and evaluation of projects/subprojects.

The IPPF does the following: (i) it defines who are FDIP and where they are; (ii) what strategic options of REDD+ Strategy have more direct bearing to the FDIP; (iii) identifies policies and laws applicable to and actors involved in the planning and implementation of REDD+ Strategy in FDIP; (iv) how to go about planning and implementation of REDD+ Strategy among FDIP, risks and opportunities; (v) identifies potential mechanism for addressing grievances; (vi) identifies and defines implementers/actors; (vii) guides the preparation of site specific Forest Dependent Indigenous Peoples Plans; and (viii) defines monitoring and evaluation mechanism .

### **1.2.2 Objectives of Indigenous Peoples' Planning Framework**

The main objectives of IPPF are:

- a. Enhance and strengthen inclusive planning for the FDIP in design of REDD+ Projects and activities;
- b. Enhance participation of the FDIP in the identification and implementation of projects/sub-projects and activities;
- c. Avoid, Minimize or Mitigate negative impacts of REDD+ projects/sub-projects on the FDIP;
- d. Provide mechanism for targeting specific FDIP and addressing unique needs;
- e. Provide assurances on reaching and meeting specific needs of FDIP; and,
- f. Provide mechanism for feedback on REDD+ projects and activities.

### **1.3 Methodology for preparing the ippf**

The preparation of this IPPF was based on:

- a. Review of literature about REDD+ Strategy and Action Plan, REDD+ Implementation Frameworks, Uganda's policy and legal frameworks, and institutional arrangements (Annex 1);
- b. Community and stakeholder consultations at national, district and community level<sup>1</sup>
- c. Technical Guidance from the REDD+ Secretariat.

#### **1.3.1 Review**

Through review of literature, published and unpublished reports about REDD+ Strategy and Action Plan in Uganda and REDD+ Strategy and Implementation Action, and REDD+ Implementation Frameworks, secondary data pertinent to planning frameworks for indigenous peoples (global, national, regional and local) was reviewed and analyzed. The review covered the following documents, among others: policy, legal frameworks and other relevant documents including international (conventions, declarations), national (Constitution, policies, land tenure, regulations and strategies), REDD+ National Strategic, Social Environment Assessment and World Bank Environmental and Social Framework, a number of frameworks/reports concerning different aspects of the indigenous people (IP), among others.

#### **1.3.2 Data**

Secondary data that was generated from other literature review covered information from national, district, sub-county and community levels stakeholders, including the FDIP. Primary data was obtained from consultation with stakeholders at: (i) national institutions; (ii) communities, FDIP, farmers, herders, cooperatives, and water users who may benefit from REDD+ interventions directly or indirectly; (iii) community-based organizations and NGOs; and (vi) private sector entities.

## **2 DESCRIPTION OF THE INDIGENOUS PEOPLES**

This section provides an understanding of indigenous peoples in the context of this framework and where they live.

### **2.1 Definitions**

In Uganda, as stipulated in the 1995 Constitution of the Republic of Uganda, "Indigenous Peoples" are all the 65 ethnic groups that were in existing by February 1<sup>st</sup> 1926<sup>2</sup>. This, however,

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<sup>1</sup> REDD+ Secretariat engaged Pro-Biodiversity Conservationists in Uganda (PROBICOU) who did work on Scoping and Mainstreaming Gender into REDD+ processes and strengthening capacity of Forest Dependent Indigenous People to actively engage in REDD+ Strategy Implementation.

<sup>2</sup>Schedule 3 of the Constitution



is broad. There is also use of the term “ethnic minorities”. This used to refer to groups of people who are categorized as vulnerable and marginalized. They include the forest dependent and traditional hunters/gatherers like Batwa, Benet, Tepeth and Ik communities. These groups of people also have different distinct social and cultural characteristics as well as economic ways of living in varying degrees. However, broadly, they are woven in the following characteristics:

- a. Self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;
- b. Collective attachment to geographically distinct habitats or ancestral territories in an area and to the natural resources in these habitats and territories;
- c. Customary cultural, economic, social, or political institutions that are separate from those of the mainstream society or culture; or
- d. A distinct language or dialect, often different from the official language or languages of the country or region in which they reside.

These groups’ characteristics satisfy the World Bank’s policy for the identification of indigenous peoples as; “*people who have historically suffered, and continue to suffer disempowerment and discrimination on economic, social and cultural grounds.*” In many instances, they are among the most economically marginalized and vulnerable segments of the population. Their economic, social, and legal status frequently limits their capacity to defend their rights to, and interests in, land, territories and natural and cultural resources, and may restrict their ability to participate in and benefit from development projects. In many cases, they do not receive equitable access to project benefits, or benefits are not devised or delivered in a form that is culturally appropriate, and they may not always be adequately consulted about the design or implementation of projects that would profoundly affect their lives or communities<sup>3</sup>.

The World Bank, on other hand, in the Bank policy OP Annex 3.10 identifies these groups as indigenous While the African Commission’s Working Group on Indigenous Populations / Communities identifies indigenous peoples as peoples whose “cultures and ways of life differ considerably from the dominant society and their cultures are under threat, in some cases to the point of extinction. The survival of their particular way of life depends on access and rights to their traditional lands and the natural resources thereon.

The ILO Convention 169 (International Labor Organization), on Indigenous and Tribal Peoples, its identification of indigenous peoples include: (a) tribal peoples whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations and (b) peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.

Also used to describe these groups of people with the characteristics pointed out is ethnic minority. The UN Human Rights Committee has a working definition as: “*any disempowered group, regardless of its numerical size could be considered a minority.*”

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<sup>3</sup> The World Bank Operations Policies

The Uganda Constitution, on the other hand, refers to the category of the people the World Bank and the rest above refer as indigenous people being vulnerable and marginalized or ethnic minority. In view of these different descriptions and apparent converges in the common characteristics of these groups of peoples, therefore, the term "Indigenous Peoples" in this IPPF refers to "**Forest Dependent Indigenous Peoples (FDIP)**".

## **2.2 Policy, Legal and development planning Framework**

### **2.2.1 Legal framework**

#### **a) Uganda Constitution**

The 1995 Ugandan Constitution Chapters Annex 3 and 16 mandate the government to: *"empower communities to harness their potential through skills development, labour productivity and cultural growth."* The Constitution advocates for the protection and promotion of fundamental rights of the poor and other vulnerable groups as well as institutions of traditional or cultural leaders, Schedule 3 of the Constitution. It further mandates the state under Article 32 to take affirmative action in favour of groups who have been historically disadvantaged and discriminated against. It provides for the protection of minorities in Article 36 which grants minorities the right to participate in decision making processes and their views and interests shall be taken into account in the making of national plans and programmes. Therefore, this IPPF is in line with the provisions of the Ugandan Constitution by; providing avenue for participation and consulting FDIP on interventions meant to benefit them.

It is known in Uganda that FDIP live on the margins of society with unequal access to basic services and enjoyment of rights which have to be addressed directly or affirmatively. For instance, in 2006, African Commission report on the situation of indigenous peoples in Uganda revealed a disproportionate lack of access to services. It indicated that over 89% of Batwa were landless, and their child mortality rate was Annex 31%, infant mortality rate was 21% while for the non-Batwa it was 17% and 5% respectively."<sup>4</sup> Hence their participation in planning on what affects them is of paramount importance.

#### **b) Laws**

The following are the applicable laws:

- i. *Land Act (1998)*- the law provides for the tenure, ownership and management of land. Recognizes four tenure systems, i.e. customary, mailo, freehold and leasehold tenure systems. The recognition of a customary tenure system gives FDIP ownership of land. However, Section 3 Annex 3 provides that a person who owns land should utilize it in accordance with governing environment and forestry sectors.

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<sup>4</sup> African Commission on Human and Peoples' Rights, Report of a research and information visit to the Republic Uganda, The Gambia, 2006

- ii. *Land Acquisition Act (1965)*- The Act has provision for the compulsory acquisition of land for public purposes and for matters incidental thereto and connected. The Notice must be given to persons having an interest on the land and offers them an opportunity to describe their claims on the land that should be compensated by government. This Act guarantees compensation of FDIP in case a need arises for government need to use their land.
- iii. *National Forestry and Tree Planting Act (2013)*- The Act has provision for legal recognition to collaborative forest management. This Act enhances the survival and livelihood of FDIP as well as the sharing of forest benefits.
- iv. *Local Governments Act (1997)*- Gives effect to the decentralization of functions, powers, responsibilities and services at all levels of local governments. It provides for the local governments as the institutions responsible for the protection of the environment at the district and lower levels. This, therefore, implies that local governments shall be consulted on projects to be located within their areas of jurisdiction and on matters that affect their environment. This enables the participation of FDIP in the planning and provision of services.
- v. *Uganda Wildlife Act (1990)*- The Act provides for the promotion and conservation of wildlife throughout Uganda. The Act details the permitted activities in the National Parks that include viewing and scientific research and the prohibited activities include hunting wildlife and the disturbance of vegetation; harvesting/removal of approved resources may be authorized in designated areas. This enables among FDIP partaking of shared resources planning and management structures and plans with UWA.
- vi. *The Equal Opportunities Commission Act (2007)*- The Act makes provision in relation to the Equal Opportunities Commission pursuant to articles 32 (3) and 32 (Annex 3) and other relevant provisions of the Constitution; to provide for the composition and functions of the Commission; to give effect to the State's constitutional mandate to eliminate discrimination and inequalities against any individual or group of persons on the ground of sex, age, race, colour, ethnic origin, tribe, birth, creed or religion, health status, social or economic standing, political opinion or disability, and take affirmative action in favour of groups marginalized on the basis of gender, age, disability or any other reason created by history, tradition or custom for the purpose of redressing imbalances which exist against them; and to provide for other related matters. Regulation 1 Annex 3, 2(a) states on the functions of the commission being to investigate or inquire into, on its own initiative or on a complaint made by any person or group of persons, any act, circumstance, conduct, omission, program, activity or practice which seems to amount to or constitute discrimination, marginalization or to otherwise undermine equal opportunities. By this Act, this is an avenue through which FDIP can raise issues of marginalization against them, and also where actions for addressing issues of discrimination and marginalization can be identified and caused to be addressed.

### **c) Regulations and Guidelines**

There following are applicable regulations and guidelines for the planning, implementation and monitoring of FDIP projects.

- i. *National Forestry and Tree Planting Regulations (2013)*- Provides for encouraging supportive mechanism for tree planting.
- ii. *Guidelines for Implementing Collaborative Forest Management in Uganda, December 2003*- The guidelines provide a step by step process for the responsible body, local communities, local governments and any other interested parties in implementing collaborative forest management.
- iii. *UWA Draft regulations for implementing the community livelihoods schemes*- Provides a formal mechanism for planning, implementing and monitoring livelihoods programmes and activities in accordance with approved plan(s).

### **2.2.2 Policy framework**

The following are applicable policies in Uganda.

- a. *Uganda National Land Policy (2013)*- Addresses land governance issues including land conflicts and land evictions. Government recognizes and protects the rights to ancestral land of ethnic minority groups in the use and management of natural resources, and it provides for prompt payment, adequate and fair compensation to ethnic minority groups that are displaced from their ancestral land by any Government action. Therefore, the land policy recognizes the rights of FDIPs to their ancestral lands and an avenue for effectively addressing any challenges that may arise.
- b. *Draft Land Acquisition, Resettlement and Rehabilitation Policy (2017)*- The policy ensures that people who are impacted by any kind of development intervention, conservation, disaster and conflict, are treated in a fair and equitable way, and are not impoverished in the process. The goal of the policy is to ensure that all social, economic, and other impacts that result from land acquisition and resettlement are properly identified and mitigated by balancing the interests of national development and related land needs vis-à-vis the rights of affected people.
- c. *Uganda Culture Policy (2006)*- the policy prioritizes protection of the cultures of indigenous minorities that are threatened with extinction by internal and external influences. This goes along away, among others, in ensuring that FDIPs are consulted and their cultures respected.
- d. *Uganda Wildlife Authority, Community Conservation Policy (2019)*- The policy strengthens conservation of wildlife resources through active involvement of communities through sustainable and equitable sharing of conservation benefits and/or costs among all stakeholders. The policy harmonizes existing laws, policies, programmes and plans. It provides an enabling environment and facilitates pro-active implementation of community-based programmes that address aspirations, concerns and interests of communities and other stakeholders and helps UWA to secure the much

needed support for wildlife conservation. The essential role and contribution of community in conservation to combat wildlife crime are recognized. It strengthens collaboration especially between Law Enforcement and Community Conservation teams. This policy enables FDIP to plan and carry out programmes as well as have access to resources in a regulated manner and partake of the sharing of benefits.

- e. *Uganda Forestry Policy (2001)*- The policy recognizes development of partnerships or management agreements with local communities that improve forest management and alleviate poverty. It addresses assurance of improvement of livelihoods in all strategies and actions for the development of the forest sector. This ensure participation of FDIP, and access and sharing of benefits.
- f. *National Water Policy (1999)*- the policy underpins the importance of forests in the protection of catchments and the water quality and general survival of the water systems. This has a bearing on the FDIP on their resource utilization and settlement pattern.
- g. *Uganda Gender Policy (2005)*- The policy provides guidance on ensuring that gender perspective is taken by all stakeholders in planning, resource allocation, implementation and monitoring and evaluation of programmes. This policy is very essential for inclusive planning for resources and in particular for FDIP in their planning for ensuring women and youth participate.

### **2.2.3 Regional and International policies**

The following regional and international policies and treatises that Uganda is a signatory somehow influence or affect a regulatory framework.

- a. *East African Community Treaty (1999)*- Sets out actions to take to ensure conservation and management of forests.
- b. *International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966)*- Covenant guarantees a person's right to social security, adequate standard of living and family life. Adequate standards of living include adequate food, clothing and housing, and to the continuous improvement of living conditions.
- c. *Universal Declaration of Human Rights (19Annex 38)*- The declaration in Articles 6 and 7 provide for ensuring that everyone has the right to recognition everywhere as a person before the law and equal before the law and are entitled without any discrimination to equal protection of the law. Article provides for security of property and declares that no one shall be deprived of his/her property.
- d. *United Nations Declaration on the Rights of Indigenous Peoples (2007)*- Declaration on the Rights of Indigenous Peoples was signed to prohibit discrimination against indigenous peoples and to promote their full and effective participation in all matters that concern them and their right to remain distinct and to pursue their own visions of economic and social development. Declaration also provides for protection of

indigenous people's land. Article 10 states *inter alia* Indigenous peoples shall not be forcibly removed from their lands or territories and no relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

- e. *ILO Convention on Indigenous and Tribal Peoples, 1989 (No.169)*- Article 2 of the Convention provides that Governments shall have the responsibility for developing, with the participation of the peoples concerned, coordinated and systematic action to protect the rights of indigenous peoples and to guarantee respect for their integrity. Article Annex 3 states that special measures shall be adopted as appropriate for safeguarding the persons, institutions, property, labour, cultures and environment of the peoples concerned. Article 12 provides for safeguarding against the abuse of the rights of indigenous people and gives them authority to take legal proceedings, either individually or through their representative bodies, for the effective protection of these rights. Article 1 Annex 3 provides for the recognition of the rights of ownership and possession of the peoples concerned over the lands, which they traditionally occupy. The rights of the peoples concerned to the natural resources pertaining to their lands are safeguarded in Article 15. These rights include the right of these peoples to participate in the use, management and conservation of these resources. Article 16 states that where the relocation of indigenous peoples is considered necessary as an exceptional measure, such relocation shall take place only with their free and informed consent.
- f. *Cancun agreements* - Requires that REDD+ safeguards to be respected and promoted by the country's legal framework. The Cancun safeguards are aimed at protecting the integrity of the REDD+ Strategy and Action Plan, and protecting the rights of indigenous peoples and local communities.

In addition, Uganda will aim at applying the following internationally recognized Standards and Guidelines with respect to FDIP.

- g. *World Bank's Indigenous Peoples Policy O.P Annex 3.10* - Recognizes that indigenous peoples are linked to the lands they live and natural resources on which they depend. They are closely tied to land, forests, water, wildlife, and other natural resources, and therefore special considerations apply if the interventions affect such ties. Social assessment to be done in case of interventions to ensure: (a) the customary rights of the indigenous peoples, both individual and collective, pertaining to lands or territories that they traditionally owned, or customarily used or occupied, and where access to natural resources is vital to the sustainability of their cultures and livelihoods; (b) the need to protect such lands and resources against illegal intrusion or encroachment; (c) the cultural and spiritual values that the indigenous peoples attribute to such lands and resources; and (d) indigenous peoples' natural resources management practices and the long-term sustainability of such practices.
- h. *World Bank's Policy on Natural Habitats (Op Annex 3.0Annex 3)*- Policy is triggered by any World Bank-supported development projects/activities with the potential to cause significant conversion (loss) or degradation of natural habitats (protected or unprotected

ecologically valuable habitats), either directly through construction or indirectly through human activities induced by the project.

- i. *World Bank's Policy on Forests OP/BP Annex 3.36*- The Policy aims to reduce deforestation, enhance the environmental contribution of forested areas, promote forestation, reduce poverty, and encourage economic development.
- j. *African Development Bank Involuntary Resettlement Policy, 2003*- Ensures that when people must be displaced, they are treated equitably and have share in the benefits of the intervention that involves their resettlement.

#### **2.2.4 National Development Plan and Sectoral Development Plans**

The National Development Plan 3 (NDP) is a five-year periodic overall strategic framework for economic development of the country. The planning and design as well as the implementation of the programs and projects are within this framework. The Goal of National Development Plan (NDP III) 2020/21-202Annex 3/25 is; "*To Increase Household Incomes and Improve Quality of Life of Ugandans*". It is to be pursued under the overall theme of Sustainable Industrialization for inclusive growth, Employment and Sustainable Wealth Creation. The key objectives of the Plan are: 1. Enhance value addition in key growth opportunities; 2. Strengthen the private sector to create jobs; 3. Consolidate and increase the stock and quality of productive infrastructure; Annex 3. Enhance the productivity and social wellbeing of the population; and 5. Strengthen the role of the state in guiding and facilitating development.

These objectives are to be attained through pursuing the following key development strategies: i) Agro-Industrialization; ii) Fast-Track Oil, Gas and Mineral-Based Industrialization; iii) Import Replacement/Promotion of Local Manufacturing; iv) Export Promotion; v) Harness the Tourism Potential; vi) Provide a suitable fiscal, monetary and regulatory environment for the private sector to invest; vii) Increase local content participation; Institutionalize infrastructure maintenance; viii) Develop intermodal transport infrastructure to enhance interoperability; ix) Increase access to stable, reliable and affordable energy; x) Leverage urbanization as a driver for socio-economic transformation; xi) Improve access and quality of social services; xii) Institutionalize human resource planning for the economy; xiii) Enhance skills and vocational Development; xiv) Promote Science, Technology, Engineering and Innovation as well as ICT; xv) Increase access to social protection; xvi) Promote development-oriented mind-set; xvii) Increase government participation in strategic sectors; xviii) Increase Resource Mobilization for Implementation of National Development Programs; xix) Re-engineer the Public service to promote investment; and xx) Enhance partnerships with non-state actors for effective service delivery.

Below NDP3 are various sector development strategic investment plans. For this IPPF, it falls under Water and Environment Sector Strategic Plan, where forestry sector is under and partially under Social Sector Development Strategic Plan (SSDSP). The SSDSP takes care of the vulnerable and marginalized population. The SSDSP, among others, fosters the rights and needs of the vulnerable, marginalized and disadvantaged population, where FDIP fall, addressing gender inequalities, labour and employment, community mobilization and empowerment. Besides, it addresses the rights and needs of People with Disabilities (PWDs), the elderly, youth, orphans

and other vulnerable children and the chronically poor underpinning the core concerns of national development.

## **2.3 Recognising Forest Dependent Indigenous Peoples in Uganda**

Uganda does not have an official definition of Indigenous Peoples neither does it have a criterion for their identification. Ethnic diversity in Uganda plays a major role in shaping the behaviours and ways of life of people as their cultural and social life differ from one ethnic group to another. The term 'indigenous' as already noted and referred to in the Constitution is used to describe the different ethnic groups that have historically resided within Uganda's borders. This understanding differs markedly from the manner in which the term is used by international and regional organizations and by experts on IP's issues. Uganda uses ethnic minorities, to the exclusion of other factors, as the only method of identifying IP, where FDIP can be categorized to belong.

The FDIP of Uganda are commonly characterised by:

- a. Historical and continue suffering, disempowerment and discrimination on economic, social, cultural and political grounds;
- b. Reliance on their land and environment to sustain themselves both physically (in terms of food, fuel and habitat) and culturally;
- c. Threatened livelihoods mainly due to dwindling access to land and natural resources on which they depend as hunters and gatherers;
- d. Their economic systems exist separately from that of the mainstream or dominant community, and tend to have minimal interaction (if any) with the socio-economic and legal systems of national governments;
- e. Much lower health and education indicators than those of the dominant community, often due to difficult access. This means that they are particularly vulnerable to changes in their socio-economic and physical environments; and
- f. Social exclusion, deprivation from mainstream government services, lack of participation in development processes that affect them, and in most cases uncertainty of land and natural resource tenure.

## **2.4 Forest Dependent Indigenous People**

For purposes of the national REDD+ Strategy and Action Plan, FDIP comprises of: The Batwa, the Tepeth, the Ik and the Benet people. They are differentiated by their location, language, social organization, economic life and vulnerabilities. They all have weak political representation, and suffer discrimination and stereotyping from the mainstream society and their hosting or neighbouring community. The FDIP locations and characteristics are summarised in Annex 2.

### **2.4.1 The Batwa Community**

The Batwa are FDIP found in the South Western districts of Rubanda, Kisoro, Kasese and Bundibugyo. The Batwa live near Echuya Central Forest Reserve, Mgahinga Bwindi and Semliki National parks as their ancestral homes. However, the Batwa were evicted from Mgahinga and



Bwindi forests (1991) and Semliki (1993) when the conservation status of these forest was upgraded to national park status. Presently, access these national parks by Batwa is regulated by Uganda Wildlife Authority.

The Batwa were neither resettled nor compensated by government rendering them completely homeless. They ended up living as squatters on other people's land, whom they provide manual labour in exchange for food or little pay.

The Batwa had no concept of land ownership because they never stayed in one place for a long time. They were mobile people who were not guided by strict regulations but used to freely move from place to place hunting small game using arrows or nets and gathering plants and fruit in the rain forest.

#### **2.4.2 The Tepeth Community**

The Tepeth people are FDIP who are also referred to as the *Soo*. They live in Mount Moroto and neighbor the Turkana and the Pokot of Kenya. The Tepeth are also said to have been the original people of Moroto but due to ethnic wars with the Karimojong they were driven up the top of mount Moroto.

The Tepeth have an informal administrative structure referred to as the Council of Elders at the helm. The men and the women constitute this body and the youth too are represented. They largely depend on livestock keeping for a livelihood and hardly practice crop agriculture.

#### **2.4.3 The Ik Community**

The *Ik* people are FDIP and a small minority ethnic group that occupies *Morungole* highlands in Kamion Sub-county, Kaabong District in the Karamoja Sub-region. The Sub-county covers an estimated area of 7 Annex 3 square km. They occupy 3 parishes of Kamion Sub County, namely: Kamion, Timu, and Lokwakaramoi near the border with Kenya, along the escarpment between Timu forest in the south and Kidepo National Park on Uganda's northern frontier with South Sudan. The *Ik* are approximately Annex 38 km from Kaabong Town Council.

The *Ik* community borders with the Turkana of Western Kenya to the East, Dodoth to the West, the Toposa of South Sudan to the North and the Napore to the South. They were displaced when part of their land was converted into Kidepo National Park.

They speak a language called *Iche'tod*<sup>5</sup>, which is totally different from, not only from the widely spoken language by the Dodoth but also different from other dialects spoken in the entire Karamoja Sub-region.

The *Ik* people constitute a population of 15,000 people, about 3.8% of Kaabong population. They do not keep any livestock except a few poultry. Originally, they used to survive on

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<sup>5</sup> The *Ik* referred to their language as *Iche'tod*. However, the *Dodoth* of Kaabong district called it *Teuso*, which according to sources is a derogative term meaning 'servants' of other people.

gathering, hunting and collecting honey in the forests of Kaabong Mountains. They now supplement gathering in the forests with a little farming on a very small scale (< 0.5 acre), where the major crops grown are maize, millet, sorghum, simsim and beans.

#### **2.4.4 The Benet**

The Benet people are FDIP and part of the larger Sabinu tribe living in the Districts of Kween, Bukwa and Kapchorwa housing portions of Mt. Elgon national park. They are a pastoralist forest dwelling community, who traditionally resided in the grassland and moorland areas of Mt Elgon forest. There are mainly two groups, namely; the lowland Sabinu people and the forest-dwelling Benet people. The Benet people have lived in the Mt. Elgon forests from time immemorial, practicing a mixed livelihood system including pastoralism, hunting and gathering.

In 1983, the Government excised 7,000h of the then Mt Elgon Central Forest Reserve to resettle the Benet. However, this resettlement exercise did not benefit all Benet people and some remained living within the forest beyond the boundary of excised area. In 1993, the government evicted these people (approximately 6,000 people) when Mt Elgon forest was upgraded to a national park Status, without alternative land allocation and with no compensation.

### **2.5 Key Concerns and Issues Common to Forest Dependent Indigenous Peoples in Uganda**

There are documented and none documented concerns and issues common to FDIP in Uganda. Among these is limited explicitly recognition and identification of uniqueness of FDIP by the GoU. This results to neglect and violation of their rights. According to International Work Group for Indigenous Affairs (IWGIA), dispossession of traditional lands and territories is one of the major problems of FDIP in Africa. Dominating development paradigms in Africa perceive FDIP modes of production (pastoralist, hunting, and gathering), as primitive, non-productive and unaligned with today's modernization aspirations of African States. Therefore, many development policies are either directly or indirectly unfavourable to FDIP modes of production. In addition, IWGIA notes that only a few African States recognize and protect the basic collective rights of FDIP in their constitutions or national legislation. FDIP suffer from weak political representation, discrimination, and stereotyping from the mainstream society. These are not strange to Uganda's FDIP but what only differs is the degree of magnitude.

Some of the major challenges and concerns faced by FDIP in Uganda are:

- a. Uganda's Constitution has no express protection for FDIP, though it does provide for affirmative action in favor of marginalized groups (IWGIA, Update 2011);
- b. The Land Act of 1998 and the National Environment Statute of 1995 protect customary interests in land and traditional uses of forests. However, these laws also authorize the government to exclude human activities in any forest area by declaring it a protected forest, thus nullifying the customary land rights of FDIP. Nevertheless, the National Land Policy 2013 seeks to address the issue of dispossession of FDIP ancestral lands;

- c. Political participation of FDIP remains limited and their socio-economic rights are not adequately included by the State and society in the mainstream development frameworks;
- d. Eviction from their homelands has limited Uganda's FDIP access to natural forest food, herbal medicine and shelter, leaving some of them plagued by starvation and sickness;
- e. Frequent attacks from hostile ethnic groups, in the case of the Tepeth in Moroto District, are attacked by the Pokot and Turkana from the Kenya. Other Karamojong ethnic groups attack the Ik;
- f. Limited participation in decision making regarding forest resources use;
- g. Limited access to land and land ownership rights;
- h. Loss of access to cultural /traditional assets;
- i. Limited access to forest resources for their livelihood (Such as building materials, water, medicine, timber); and
- j. Loss of Indigenous Peoples knowledge and Languages.

Though using this IPPF for REDD+ Strategies and activities, it is hoped that the concerns and issues of FDIP will be brought into the mainstream planning. It will enrich participation, consultation and involvement of FDIP.

### 3 BRIEF DESCRIPTION OF NATIONAL REDD+ STRATEGY AND ACTION PLAN

The National REDD+ Strategy and Action Plan is the Government of Uganda's long-term measure for tackling deforestation and forest degradation, whilst meeting the demands for wood, energy, and other forest products. The National REDD+ Strategy includes policy measures and actions that address the drivers of deforestation and forest degradation. It has the potential to deliver significant social and environmental benefits. However, some of the proposed solutions may pose risks notably to FDIP and local communities that may increase vulnerability of their livelihoods.

The National REDD+ Strategy has eight Strategic Options (SOs) (Table 3-1), which are developed for their positive contribution towards the reduction of emissions from deforestation and forest degradation, and their positive environmental and social effects. The SESA study done pointed out that the formulated SOs are addressing to a high degree, the important environmental, social and institutional factors. Therefore, they can guide preparatory work or be components of the future REDD+ implementation plans. In addition, the SESA concludes that professional and well-managed implementation of the options will result in significant reductions of emissions and provide many positive impacts on both the environmental and social sides, but also potentially negative ones. However, the SESA did not identify any impacts that are of such strategic character that they would endanger possibilities for future generations, provided that the options are implemented as stated in the National REDD+ Strategy and Action Plan document. However, as far as FDIP is concern, the implementation of some of Strategic Options have a bearing on their livelihood as highlighted in Table 3-1.

**Table 3.0.1:** National REDD+ Strategy Strategic Options

Strategic Option	Likely Impact for FDIP
<b>Strategic option 1. <i>Climate smart agriculture</i> has three sub-options. This option aims at reducing the need for agricultural expansion to forest areas by intensifying and increasing agricultural production on existing agricultural land, including; sustainable land management (SLM) and agroforestry practices; rainwater harvesting with collection tank and drip irrigation; and greenhouse cultivation of vegetables.</b>	The types of the technologies whether they will be appropriate and affordable for FDIP. Lack the land on which to practice CSA
<b>Strategic option 2. <i>Sustainable fuel wood and (commercial) charcoal production</i> has three sub-options. It is aimed at reducing a need of using wood sourced from natural forest by providing energy wood, charcoal and construction materials from forest plantation, including; commercial small-holder and community bioenergy woodlots; commercial small-holder and community poles and timber plantations; and improved charcoal kilns linked</b>	Access to land for establishment of woodlots and availability of land for food production.

to bioenergy woodlots.	
<b>Strategic option 3. <i>Large-scale commercial timber plantations</i> has three sub-options. This is aimed reducing a need of wood sourced from natural forest by providing construction materials and charcoal from forest plantation, including; commercial transmission pole and timber plantation; commercial pole and saw log plantation; and improved charcoal kilns linked to plantation sites.</b>	Pressure for land from large-scale timber investors. Also access for jobs in commercial plantation that may be discriminative for FDIP, as they may be seen not likely to adjust to new life and occupation.
<b>Strategic option Annex 3. <i>Restoration of natural forests in the landscape</i> has three sub-options. These are aimed at restoring and maintaining the still existing forested areas. Aim is also to involve local people and the forest dependent communities to these activities; designated areas for natural forest regeneration; restoration of degraded protected natural forest (i.e. national parks and forest reserves and forests on privately owned land); devolution of forest management through PFM and similar set-ups; and traditional/customary forest management practices.</b>	Restoration of natural forests may cause more displacement and cause restriction of access to forest resources.
<b>Strategic option 5. <i>Energy efficient cooking stoves</i> has two sub-options aiming at making use of wood more efficient and that way reduce the pressure on natural forests; for fuel wood; and for charcoal.</b>	Adaption to new energy efficient and its affordability.
<b>Strategic option 6. <i>Integrated wildfire management</i> aims to reduce the destructive impacts of wildfires on forests.</b>	Need for training on managing wild fires and fighting it.
<b>Strategic option 7. <i>Livestock rearing in the Cattle Corridor</i> has three sub-options aiming at improving and intensifying livestock management to reduce the need for clearing up forests for pasturelands; livestock breeding programme; establishment of drinking water dams for livestock; and establishment of fodder agroforestry plantations.</b>	Increased restrictions on grazing land.
<b>Strategic option 8. <i>Strengthening of policy implementation for REDD+</i> is an over-arching option, which aims to facilitate the implementation of the other options.</b>	Designing of inappropriate interventions, training and none inclusivity of FDIP. Violation of rights and livelihoods, ineffective consultation and participation; tendency to use generalised information, unfair in addressing grievances.

The National REDD+ Strategy is not implemented as a stand-alone project. It is part of the broader national planning framework and linked to the respective financing frameworks. A 5-year costed Action Plan with a total budget of up to USD 150 million has been provided. Beyond this, the budget has indicative figures. The 20-year budget for the REDD+ implementation totals over USD Annex 320 Million.

There are several REDD+ readiness processes and others being reviewed and developed. Social and environmental safeguard assessment being reviewed, and information systems being developed as integral to the National REDD+ Strategy.

## **4 CURRENT PLANNING FRAMEWORK FOR FOREST DEPENDENT INDIGENOUS PEOPLES**

### **4.1 Overview of planning framework**

Uganda government has constitutional obligation to ensure equitable development throughout the country as well as preserving and conserving environment. The planning for the country is also constitutional. There are laws in place operationalizing planning at various levels such as Local Government Act, Physical Planning Act (2010), Forestry Act, Land Act, Wildlife Act, etc. and mandates given to ministries, Local Governments and Agencies. More so, Article 38 of the Constitution of the Republic of Uganda (1995) provides for the right to every Uganda citizen to participate in the affairs of governance individually or through his or her representative.

The current planning framework is elaborate, and also decentralized to local governments to ensure peoples' participation and democratic control in decision-making. The structures for planning are right at the community level to national level. Ideally, the structures, processes and procedures in place are supposed to facilitate participation and consultations of all stakeholders, as to include all the various socio-economic developmental needs.

The concern is, how are the issues of FDIP handled in the overall development planning for forestry, land use and other social and economic development. The FDIP involvement and engagement in what affects them, right through planning stages and levels to the implementation processes and procedures are paramount. As pointed in the Local Government Planning, *"Like all public sector planning processes in Uganda, production of local government development plans is supposed to be a political as well as a technical process. It elicits from the active roles of elected local government councils, their executive and sub-committees as well as from technical departments, Planning Committees and technocrats at different levels of local government."* Local Government Planning Guide, 201 Annex 3, P.2.

### **4.2 The Current practice**

Uganda's planning frameworks are right from the village/parish level to the national level. It is therefore important to examine how these frameworks engage FDIP, and handle the overall development planning for forestry, land use and other social and economic development activities for FDIP. Table 4-1 contains the planning stages, issues handled, engagement of FDIP and limitations, and the outputs.

As noted, at the district level and below, the participation of FDIP has no significant impact in spite of being nearer. This is partly due to funding which is conditional and targeted more to social services that local governments are traditionally mandated. Also, addressing of FDIP socio-economic needs have also remained inadequate. The higher the local government, the

diminished is the engagement of FDIP. FDIP involvement in planning for forestry and land use is hardly given attention. The planning for forestry and land use tend to be done more at the national level, except for the Central Forest Reserves and Wildlife Protected Areas. The consequences of this nature of planning to FDIP continued to be: continued restriction except for negotiated access and use of certain from forests and wildlife protected areas, benefit sharing and collaborative management arrangements, evictions, land grabbing, none compensation or inappropriate compensation, denial of rights, uncertainties, etc.



Table 4-1: Planning level and engagement with FDIP

Level	Key Issues handled	Main Structures Involved	Engagement of FDIP	Limitations for FDIP	Output
<b>Village</b>	<ul style="list-style-type: none"> <li>✓ Receiving and disseminating information regarding national Vision and national strategic direction to the community</li> <li>✓ Identifying and submitting to the Parish Chief and Parish Council development issues in the village;</li> <li>✓ Planning and mobilizing locally available materials and labour towards the village projects;</li> <li>✓ Monitoring the implementation of development activities/delivery of services within the village.</li> <li>✓ Initiating, encouraging, supporting and participating in self-help projects</li> </ul>	<ul style="list-style-type: none"> <li>✓ Village Council,</li> <li>✓ Village Chairperson</li> <li>Executive committee,</li> <li>✓ Project Management Committee</li> </ul>	At this level FDIP are involved. However, for the Batwa who are widely scattered and in some place swallowed within the host communities, there is still limitation.	What is discussed is influenced by district and sub-county priorities which not necessarily forestry resources & land. Besides, the communities are poor to fund their projects.	Village Action Plan containing village development priorities and proposals
<b>Parish</b>	<ul style="list-style-type: none"> <li>✓ Listing of development issues/priorities for submission to Sub-county councils for integration</li> <li>✓ Initiation, encouraging, supporting and participating in self-help projects;</li> <li>✓ Monitoring projects and other activities undertaken by the Government, Local Governments and NGOs in the area</li> <li>✓ Popularizing the National Vision and national strategic directions and relevant cross-cutting</li> <li>✓ Identifying parish development potentials/opportunities, development challenges, priorities;</li> <li>✓ Integrating Village development priorities and proposals into parish development priorities and proposals;</li> </ul>	<ul style="list-style-type: none"> <li>✓ Parish Council</li> <li>✓ Parish Executive Committee</li> <li>✓ Parish Development Committee</li> <li>✓ Parish Chief</li> </ul>	FDIP are involved in planning except for those staying within other communities like Batwa that limit their engagement.	Influence of the sub-county funding and district local government priorities strongly determine priorities. In most cases, their priorities are for social services.	Parish action plans and annual work plans

Level	Key Issues handled	Main Structures Involved	Engagement of FDIP	Limitations for FDIP	Output
	<ul style="list-style-type: none"> <li>✓ Allocation of parish resources for priorities.</li> </ul>				
<b>Sub-county</b>	<ul style="list-style-type: none"> <li>✓ Participating in the planning forum approving the five-year Development Plan</li> <li>✓ Development issues and priorities for submission to higher local government.</li> <li>✓ Monitoring the implementation of LGDP activities</li> <li>✓ LGDP formulation process</li> <li>✓ Giving feedback to the parish /village /community.</li> <li>✓ Liaising with the higher local government (HLG) on all technical matters regarding management and coordination of the local government development planning.</li> <li>✓ Mobilization of community actors, CSOs, private sector and FBOs to participate in the planning process</li> <li>✓ Reviewing and customizing the broad national development strategic direction; sector-specific strategies, priorities and standards; and relevant crosscutting issues;</li> <li>✓ Appraising individual projects for LGDP;</li> <li>✓ Coordinating and integrating sector plans, and lower level council priorities into the development plans of their jurisdictions</li> <li>✓ Identifying sector specific development outcomes, goals, strategic objectives, outputs, strategies and interventions to inform the LGDP</li> </ul>	<ul style="list-style-type: none"> <li>✓ Sub-County Council</li> <li>✓ Executive Committee</li> <li>✓ Sub-County chair-person</li> <li>✓ Community Development officer</li> <li>✓ Technical Planning Committee</li> <li>✓ Planning Task team</li> <li>✓ Civil society and private sector organizations (e.g. NGOs, FBOs, CBOs)</li> </ul>	FDIP represented by the elected parish councillors. For Ik, Tepeth, and Benet have representatives in the sub-county councils.	Development issues attended at this level are influenced by District and national priorities since the funding is conditional. The funding more directed to social services- roads, health, water and education.	Sub-County Development Plan, Annual Plan and Budgets

Level	Key Issues handled	Main Structures Involved	Engagement of FDIP	Limitations for FDIP	Output
<b>District</b>	<ul style="list-style-type: none"> <li>✓ Formulation of the Five Year District Development Plan</li> <li>✓ Setting strategic development objectives</li> <li>✓ Set sector goals, outcomes, outputs, strategies and Interventions</li> <li>✓ Reviewing and customizing the broad National Development Strategic direction; sector-specific strategies, priorities and standards; and relevant crosscutting issues.</li> <li>✓ Appraising projects</li> <li>✓ Coordinating and integrating Sector and Sub-County Development plans into District Development Plan</li> <li>✓ Analysing key development issues/ constraints, potentials, opportunities and challenges for the HLGs Generate baseline data and situation analysis for their respective sectors/departments</li> <li>Identifying sector specific development outcomes, goals, strategic objectives, outputs, strategies and interventions to inform the lower government developments (LGD).</li> </ul>	<ul style="list-style-type: none"> <li>✓ District council,</li> <li>✓ District Executive Committee,</li> <li>✓ District Council sector Committees,</li> <li>✓ District Chairperson,</li> <li>✓ District Technical Planning Committee,</li> <li>✓ District Departments,</li> <li>✓ District Planning Task team,</li> <li>✓ Planning Unit,</li> <li>✓ CAO,</li> <li>✓ Civil society and private sector organizations (e.g. NGOs, FBOs, CBOs, etc.)</li> </ul>	FDIP represented by the elected Sub-county councillors. For Ik, Tepeth, and Benet have representatives in the District Local Government.	Development issues attended at this level are influenced by national priorities since the funding is conditional. The funding more directed to social services- roads, health, water and education. Funding forestry is very limited integrated with the natural reasons.	District Development Plan, annual plans and annual budgets Sector plans
<b>Sectoral Ministries</b>	<ul style="list-style-type: none"> <li>✓ Ministry of Water and Environment (MWE)- carries out planning activities for forestry. NRA under the ministry is directly involved as its mandate in forestry activities. Other activities ministry does that affects FDIP are conservation and management of the natural resources to prevent degradation. Plays a restrictive role on the communities' activities that may</li> </ul>	NRA, Directorate of Forestry and other Directorates	FDIP are more on receiving side.	FDIP influence limited, if consulted to information giving	Sectoral Plans, Programs

Level	Key Issues handled	Main Structures Involved	Engagement of FDIP	Limitations for FDIP	Output
	harm environment; ensure that regional and internationally ratified conventions. MWE directly or indirectly is involved in restricting access to communities to natural resources through its agencies.				
	<ul style="list-style-type: none"> <li>✓ Ministry of Agriculture, Animal Industry and Fisheries (MAAIF)-</li> <li>✓ Responsible for inducing area ex-closures for natural resources protection and development. In cases of an outbreak of plant diseases (including in forests), to prevent expansion of the disease into other sites.</li> </ul>	Minister Director	FDIP are on receiving side.	FDIP influence limited.	Programs
	<ul style="list-style-type: none"> <li>✓ Ministry of Energy and Mineral Development- Assigning land for exploration or mining, induces planning and restriction of access to the land/natural resource by communities.</li> </ul>	Minister Director	This affects Tepeth FDIP. Engagement has been limited.	Tepeth has limited influence	Contracts, MOU
	<ul style="list-style-type: none"> <li>✓ Ministry of Tourism, Wildlife and Antiques - responsible for game parks, game reserves, cultural sites, areas of antiques. Determine their access and usages includes even imposing ex-closure. Ministry also works through UWA in inducing restriction of access to the land/natural resource by communities.</li> </ul>	Minister Director UWA	This affects Batwa, Ik, Benet FDIP. Engagement has been limited.	Has limited influence	Contract, MOU, BSA
	<ul style="list-style-type: none"> <li>✓ Ministry of Land, Housing and Urban Development- responsible for land. It supposed to observe the Rights for minorities as regards land rights through: recognizing and protecting</li> </ul>	Minister Director Land Affairs	This affects all the FDIP	Has limited influence	BSA, MOU

Level	Key Issues handled	Main Structures Involved	Engagement of FDIP	Limitations for FDIP	Output
	the right to ancestral lands; pay prompt, adequate and fair compensation people displaced.				
	✓ Ministry of Gender, Labour and Social Development- responsible for gender and marginalised group. Currently targeting older persons aged 60 years and above, taking care of their social welfare.	Minister, Director, Commissioner, District Community Development	Reaching out to FDIP above 60 years	Limited influence	Registration certificate MOU
	✓ Office of the Prime Minister- responsible for disaster preparedness and management. Plans vulnerability assessment, mitigation, preparedness, response and recovery, which constitute "comprehensive disaster management.	Minister, Commissioner	Reaching out to FDIP in times of food shortages and other disasters.	Very limited influence apart from giving information	Register of households and people affected
	✓ Ministry of Finance, Planning and Economic Development- overall responsibility of planning for the country. It does this through line ministries, agencies and local governments.	Minister, Line ministries, agencies, local governments	Not directly FDIP engagement	Limited influence	National Development Plan (NDP) 3 (2020/21-2Annex 3/25)

## 5 PROPOSED PLANNING FRAMEWORK FOR FOREST DEPENDENT INDIGENOUS PEOPLES

### 5.1 Key Issues of Forest Dependent Indigenous Peoples

The FDIP have close relationship with their lands, territories and resources in both multi-faceted and profound manner. They have dimensions that are material, social, cultural, economic, political, psychological and spiritual related in nature. This relationship is intergenerational and critical to the identity, economic sustainability and survival of FDIP as distinct communities. Denial or restriction of access to their lands, territories and resources can threaten their physical and cultural survival as well as economic and social organisation. Therefore, issues that emanate from how their relationship with land and resources has been constructed need to define FDIP planning framework that be used for REDD+ Strategy and Action Plan. The key issues are:

- a. Participation in decision making regarding forest resources use;
- b. Access to land and land ownership rights;
- c. Access to cultural /traditional assets;
- d. Loss of Indigenous peoples' knowledge and languages;
- e. Access to forest resources for livelihood (building materials, water, medicine, timber);
- f. Gender based violence;
- g. Gender marginalisation and vulnerabilities;
- h. High prevalence of poverty;
- i. Ownership of productive resources; and
- j. Low educational levels.

Some of specific issues of FDIP that need to be addressed in the planning are summarized in Table 5-1 below.

**Table 5-1:** Specific FDIP Issues Concerns in the implementation of REDD+ Strategy

Key Issues of Concern for REDD+ <b>Strategy and Action Plan</b> Implementation	
<b>FDIP- Batwa</b>	<ul style="list-style-type: none"> <li>• <b>Access to the Protected Areas (Mgahinga, Echuya, Bwindi and Semuliki) in search for Non-Timber Forest Products and/or alternate sources central to their livelihoods and wellbeing; and</b></li> <li>• <b>Substantive benefits sharing including REDD+ benefits &amp; collaborative management of ancestral lands and heritage sites.</b></li> </ul>
<b>FDIP- Benet</b>	<ul style="list-style-type: none"> <li>• <b>Access to the Protected Areas (Mt. Elgon National Park) in search for Non- Timber Forest Products and/ or alternate sources central to their livelihoods and wellbeing; and</b></li> <li>• <b>Substantive benefits sharing including REDD+ benefits &amp; collaborative management of ancestral lands and heritage site.</b></li> </ul>
<b>FDIP- Tepeth</b>	<ul style="list-style-type: none"> <li>• <b>Protection from encroachment on forested land by loggers and charcoal producers;</b></li> </ul>

- Restricting land uptake and degradation by extractives industry;
- Restricting municipal expansion;
- Resolving conflicts with neighbouring dominant ethnic groups;
- Benefits sharing especially for revenue from protected areas and mineral exploitation;
- Establish strong mechanisms for representation of all the Tepeth that are found in disparate locations; and
- Improved communication systems (telephone and radio).

#### **FDIP- Ik**

- Protection and enrichment of their cultural heritage (language) and practices attached to management and use of forests, their products and services;
- Improved delivery of social services;
- Meaningful representation in local government structures as well as improved linkages with and accountability of groups such as Ik Agenda Development Initiative, the area Member of Parliament and clan elders;
- Securing access rights to cultural heritage sites and resources within protected areas;
- Integrating Ik issues in the District Development Plan; and
- Strengthening internal and external communication (including telephone/radio systems) to deliver development among the Ik.

For the REDD+ Strategy and Action Plan, the following risks are important to be noted:

- FDIP's rights - Particular rights of FDIP are recognized in international agreements and for World Bank-supported programs/projects by the Bank's own policy. Such rights especially access to their land and use are also recognized in the National Land Policy, 2013. The planning and implementation process of the REDD+ Strategy and Action Plan will have to identify and recognize these rights to ensure that activities do not infringe on such rights.
- Loss of culture and social cohesion - Given FDIP distinct cultures and identities and their marginalization from the surrounding society, REDD+ Strategy and Action Plan interventions may run the risk of neglecting, imposing changes to or disruption of their culture and social organizations, whether inadvertently or not. While these FDIP may welcome and seek change, they can be vulnerable when such a change is imposed from external forces and when such a change is rushed. Moreover, since many FDIP's culture and social organization are intertwined with their land and natural resource use practices, changes to these practices may result in unplanned and undesired changes in the culture and social organization which may lead to social disruption and conflicts within and between communities and other stakeholders.

## **5.2 Potential Negative Impacts**

The REDD+ Strategy and Action Plan is likely to have two categories of adverse impacts on FDIP:

- Permanent effects - Permanent effects will result into an infinite loss of use of property, vegetation, or land by the affected person as a result of program activities. Therefore, participation of indigenous people in planning process is very paramount to mitigate permanent effects. The effects include:

- i. FDIP whose land is found suitable for any intervention. This can translate into either loss of land or crop cover or both. For instance, the main activity for land use among the Ik and Benet people is subsistence farming dominated by cultivation of crops, bee keeping, hunting wild animals and gathering fruits and vegetables. Where land acquisition is inevitable, the provisions in the Resettlement Planning Framework (RPF) prepared for the REDD+ Strategy and Action Plan will have to be followed.
    - ✓ Resettlement can also lead to the loss of access to communal resources:
    - ✓ Loss of land for grazing;
    - ✓ Loss of access to water;
    - ✓ Loss of forest affecting forest based activities
    - ✓ Loss of medicinal plants; and
    - ✓ Loss of trees for charcoal production and firewood.
  - ii. To address the above effects, the REDD+ Strategy and Action Plan will avoid or minimize effects of any permanent displacement and resettlement as a result of the Program interventions through insist on application of right procedures.
  - iii. FDIP health status as they may be exposed to new interactions with external people implementing interventions which may expose them to spread of infectious diseases like STIs and HIV/AIDS. Continuous sensitization about HIV/AIDS prior to Program interventions implementation and after should be carried out to prevent against IP from contracting/spreading HIV/AIDS.
  - iv. The above impacts can result in further indirect impacts, including causing FDIP to be more vulnerable as these can increase their poverty levels. The social impacts other than those related to social safeguards should be mitigated in line with the Environmental and Social Management Framework (ESMF) prepared for any REDD+ Strategy and Action Plan.
- b. Temporal impacts - Temporal impacts will result into an interruption in the current use of property or land by the affected communities or individuals as a result of REDD+ Strategy and Action Plan. REDD+ Strategy and Action Plan Intervention Risks' Analysis must be carried out.



### 5.3 Mitigation Measures

To avoid or minimize adverse impacts and, at the same time, ensure benefits for the FDIP, the REDD+ Strategy and Action Plan implementers shall apply the following basic principles in the selection of project activity:

- a. Ensure that FDIP communities in general and their organizations/local leaders are not excluded by any means in activities of planning, selection, design, and implementation processes;
- b. Provide benefits to all FDIP;
- c. MWE should ensure that FDIP in the project areas get a fair share of the REDD+ Strategy and Action Plan in their ancestral lands;
- d. MWE through the REDD+ Secretariat should carry out specific assessments of the impact of proposed REDD+ Strategy and Action Plan on the economic and social development of FDIP as an integral part of the project cycle, through a transparent process with free and informed participation of the affected communities. REDD+ Secretariat has to ensure that the REDD+ Strategy and Action Plan interventions do not unnecessarily and unintentionally exacerbate factors outside the scope of planned impacts;
- e. Together with FDIP, REDD+ Secretariat should carefully screen the activities of all its projects for a preliminary understanding of the nature and magnitude of potential impacts, and explore alternatives to avoid or minimize any adverse impacts;
- f. Where alternatives are not feasible and adverse impacts on FDIP are unavoidable, REDD+ Secretariat and the implementing agency together with FDIP and others knowledgeable of FDIP culture and concerns particularly local leadership and the local governments (district and sub-county) should immediately assess the key impact issues; and
- g. REDD+ Secretariat and implementing agency should undertake the necessary tasks in order to adopt appropriate mitigation measures. The most important in this respect is intensive consultation and engagement with the FDIP communities, district and local government leaders, community elders/leaders, CSOs/NGOs and others who have experience in working with FDIP.

## **6 STRATEGIES FOR FOREST DEPENDENT INDIGENOUS PEOPLES PARTICIPATION**

The FDIP are usually excluded from planning process because they are not sufficiently positioned to tap vital development opportunities. Below are the strategies to ensure their inclusion and participation in Strategy and Action Plan implementation.

### **6.1 Guidelines for Inclusion**

Guidelines for including IP include:

- a. Identify villages/cells;
- b. Identify and categorize subgroups such as- very poor, poor, fairly better and the better or based on gender, age, clans, especially for those at risk of exclusion;
- c. Structure project rules and procedures to promote their participation;
- d. Determine participatory techniques that can help facilitate their involvement (where existing systems of social organization are highly inequitable, new groups may need to be created to enable excluded groups to participate);
- e. Ensure that intermediaries (district, sub-county, CSOs/NGOs/CBOs, etc.) working with communities have expertise in working with these groups and using participatory techniques;
- f. Investigate how interventions can be made more responsive and inclusive of these groups e.g. inclusion of IP and their social organizational leaders in the management of projects/subprojects activity; and
- g. Include specific indicators related to these groups in monitoring and evaluation systems, and involve all stakeholders especially districts and sub-counties leadership in monitoring and evaluation.

### **6.2 Consultation and mobilization**

REDD+ projects must be designed in such a way that all segments of the community have a voice in decision-making and management. In order to enhance the positive benefits of the projects/subprojects, there should be adequate consultation and participation of FDIP leadership during projects' design and implementation to ensure that the projects adequately deal with the needs, priorities and preferences of the FDIP. Emphasis put on mobilizing communities to own, manage and sustain the projects and services so as to encourage ownership of these investments. Focus be put on providing access to information that will enable all community members not only to know their rights, demand for services and hold leaders accountable but also fulfill their duties and responsibilities as stakeholders. The REDD+ projects management should include building capacity of local leaders who will work together

with the respective District/sub-county officials and CSOs/NGOs to mobilize IP to participate in the Strategy and Action Plan implementation.

### **6.3 Working with Forest Dependent Indigenous Peoples**

The degree to which REDD+ Strategy and Action Plan and its implementing agencies will be able to collaborate, share information, and synthesize efforts will determine, to some extent, the success of REDD+ Strategy and Action Plan interventions among the FDIP areas. Engaging FDIP will help REDD+ Strategy and Action Plan to:

- a. Identify and prioritize FDIP development needs and opportunities for integration into REDD+ Strategy and Action Plan;
- b. Identify potential positive or negative impacts that REDD+ project may further leverage or help to mitigate;
- c. Encourage community members' involvement in project design, implementation, and monitoring;
- d. Identify and evaluate potential partners to implement the projects;
- e. Monitor projects impacts and ensure that the projects meet community expectations; and
- f. Mainstreaming gender through defining specific roles, requirements and contributions of women and men, youth and people with disability, at every stage of project development; establishing gender baseline; raising awareness and building capacity on gender.

### **6.4 Plan for Social Assessment**

Social assessment is very important component to be done as part of project preparation undertaking. The social assessment is a variant of what is generally known as a Social Impact assessment (SIA). This will gather relevant information on, for example, demographic data: social, cultural and economic situation; and impacts. This information will be gathered through separate group meetings within the FDIP communities, including leaders, NGOs, CBOs, and affected persons. Discussions should be held and will focus on potential positive and negative impacts of the REDD+ Strategy and Action Plan; measures to enhancing positive impacts and strategies/options to minimize and/or mitigate negative impacts.

Social assessment should include the following elements, as found needed:

- a. A review, on a scale appropriate to the project, and institutional framework applicable to IP and the target people;
- b. Gathering of baseline information on the demographics, social, cultural and economic characteristics of the affected IP's communities, the land and territories that they have

traditionally owned or customarily used or occupied, and the natural resources on which they depend

- c. Taking the review and baseline information into account, the identification of key local stakeholders and the elaboration of a culturally appropriate process for consulting with FDIP at each stage of REDD+ project preparation and implementation;
- d. An assessment, based on free, prior, and informed consultation, with the affected FDIP communities, of the potential adverse and positive effects of the relative vulnerability of, risks to land and natural resources as well as their lack of access to opportunities relative to their social groups in the communities, regions, or national societies in which they live; and
- e. The identification and evaluation, based on free, prior, and informed consultation with the FDIP communities, of measures necessary to avoid adverse effects, or if such measures are not feasible, the identification of measures to minimize, mitigate, or compensate for such effects, and to ensure that IP receive culturally appropriate benefits under the program/project.

A Social Assessment Screening guide is presented in Annex 3 and Format/contents of a project/subproject Social assessment is presented in Annex 4

## **7 FOREST DEPENDENT INDIGENOUS PEOPLES PLANS**

### **7.1 The FDIP Plans and planning process**

Derived from the social assessment and other considerations, the REDD+ projects will develop a Forest Dependent Indigenous Peoples Plan (FDIPP) that proposes appropriate mitigation measures and livelihood enhancement activities for FDIP. FDIPP should be able to address the following:

- a. Aspirations, needs, and preferred options of the effected IP;
- b. Local social organization, cultural believe, ancestral territory, and resource use patterns among the affected community of FDIP;
- c. Potential positive and negative impacts on FDIP community;
- d. Measures to avoid, mitigate, or compensate for adverse project effects;
- e. Measures to ensure project benefits will accrue to FDIP;
- f. Measures to strengthen the capacity of local authority and relevant government departments to address FDIP issues;
- g. The possibility of involving local organizations and non-governmental organizations with expertise in FDIP issues;
- h. Budget allocations; and
- i. Monitoring.

REDD+ Strategy and Action Plan implementing agency will submit the IPP to REDD+ Secretariat for review before submission is made to the World Bank for review and approval prior to commencement of project works.

The FDIP should be prepared in a flexible and pragmatic manner, and its level of detail varies depending on specific project and nature of effects to be addressed. The FDIP includes the following elements, as found needed:

- a. A summary of the social assessment;
- b. A summary of results of the free, prior, and informed consultation with the affected FDIP communities that was carried out during project preparation and that led to broad community support for the project;

- c. A framework for ensuring free, prior, and informed consultation with affected FDIP communities during project implementation;
- d. An action plan of measures to ensure that IP receive social and economic benefits that is culturally appropriate, including, if necessary to enhance the capacity of the projects implementing agency;
- e. When potential adverse effects on FDIP are identified, an appropriate action plan which includes measures to avoid, minimize, mitigate, or compensate for these adverse effects must be drawn;
- f. The cost estimates and financing plan for FDIP;
- g. Accessible procedures appropriate to the project to address grievances by the affected FDIP's communities arising from project implementation; and
- h. Mechanisms and benchmarks appropriate to the project for monitoring and evaluating, and reporting on the implementation. The monitoring and evaluating mechanisms should include arrangements for the free, prior, and informed consultation with the affected IP.

A guide to development and presentation of Indigenous People Plan is presented in Annex 5.

## 7.2 Framework for free, prior, and informed consultation

Free, prior and informed consultation (FPIC), in relation to activities taking place on FDIP lands, refers to a process whereby affected FDIP communities, freely have the choice, based on sufficient information concerning the benefits and disadvantages of the project(s), of whether and how these activities occur, according to their systems of customary decision making. A free, prior and informed consultation means are presented in Table 7-1

**Table 7-1:** Free, Prior and Informed Consultation

Free	Prior	Informed	Consulted
<b>No manipulation</b>	None of the following should be undertaken before consultation has been conducted: <ul style="list-style-type: none"> <li>✓ authorization or</li> <li>✓ commencement of activities</li> <li>✓ land acquisition</li> <li>✓ Finalization of development plans.</li> </ul>	Information to be provided should: <ul style="list-style-type: none"> <li>✓ be accurate</li> <li>✓ be in an appropriate language</li> <li>✓ include information, when available, on social, economic, environmental and cultural impacts and reasons for proposed activities, duration, affected locality, proposed benefits sharing and legal arrangements and people likely to be involved</li> </ul>	Form may vary for different communities: so may be oral or written but will always involve consultation and participation.
<b>No coercion.</b>			The process should be participatory.
<b>No incentives.</b>	Specific time requirements of the	✓ be in a form that is	Agreed decision should be by

<b>intimidation</b>	consultation/ consensus process.	understandable and that takes into account traditions of the community	consensus
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The consultations and participation of FDIP will be ensured in the formulation of the project(s) to ensure that it adequately deals with needs, priorities, and preferences. FDIP will be provided with relevant project information in languages and manner suitable to them. Separate focus group discussions will be carried out to assess the project(s) impacts and benefits. Accordingly, the project(s) will be in consultation with the beneficiaries. The outcome of Social Assessment and IPP will be presented in community workshops/meetings.

The REDD+ Secretariat will make available the following documents to the project affected FDIP and disclose to the public:

- a. A draft FDIPP before project(s) appraisal;
- b. A final FDIPP after completion of such FDIPP; and
- c. The revised FDIPP, following the detailed design or change in scope in the project.

### 7.3 Grievance Mechanism

Grievances may arise from rights of access and control of forest resources, land access and use, participation in decision-making and equitable sharing of benefits accruing from REDD+. These could be as results of unclear boundaries of the forest and game protected areas, disputed forest borders and expansion of forests, exclusion of local communities in use forest resources, exclusion of forest adjacent communities from the management of forests, and conflicting information either from political leaders or government officials.

On view of existing or potential conflicts, Feedback and Grievance Redress Mechanism is important. In addition, the gender concern needs to be included in this redress mechanism. It therefore requires having a gender-balanced grievance settling organs at whatever level.

#### 7.3.1 The FGRM

The mechanisms for addressing grievances are described here. This takes recognition of a number of laws and conventions. Among them is UN Declaration Article Annex 30 of the UN Declaration on the Rights of FDIP states that, *"Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights."*

FDIP may encounter a grievance or a complaint against the sub-project(s), its staff or contractors during project implementation. To address or resolve the grievance, a mechanism describing procedures, roles and responsibilities in grievance management process is given below. To be effective, the mechanism shall utilize existing local administrative and community

structures<sup>6</sup>. All grievances concerning non-fulfillment of contracts, levels of compensation, exclusion from project(s) benefits, or seizure of assets without compensation shall be addressed to the Local Council 1 Chairperson.

REDD+ Project management shall work with community leaders in the project area to set up an LC1 Grievance Committee to be the first point grievances are addressed. All attempts shall be made to settle grievances amicably before resort to courts of law. Grievances will be actively managed and tracked to ensure that appropriate resolutions and actions are taken. A clear time table will be defined for resolving grievances, ensuring that they are addressed in an appropriate and timely manner, with corrective actions being implemented if appropriate and the complainants being informed of the outcome. Grievances may arise from members of communities who are dissatisfied with; (i) the eligibility criteria, (ii) community planning and resettlement measures, or (iii) actual implementation.

Entities seeking redress and wishing to record grievances will do so by notifying their Local Leader (LC 1 Chairperson) who will chair a Local Grievance Committee at LC 1 level set up with guidance of REDD+ Strategy and Action Plan. The Local Leader will inform and consult with the Sub-County Administration to determine validity of claims. If valid, the Local Leader will convene a meeting of the LC1 Grievance Committee to resolve the grievance and notify the complainant of the outcome. If the complainant's claim is rejected, the matter shall be brought before the Sub-County Administration who will handle the matter and if they then the District local government authority will be contacted for settlement of the grievance.

Any objections or grievances related to exclusion/marginalization shall be made in writing, in the language that the IP understand and are familiar with, to the Local Leader. Copies of the complaint shall be sent to REDD+ Secretariat, within 20 days after the public notice. Channeling complaints through the Local Council Grievance Committee is aimed at addressing the problem of distance and cost the IP may have to face.

The Local Leaders (trained by REDD+ Program) shall maintain records of grievances and complaints, including minutes of discussions, recommendations and resolutions made. The procedure for handling grievances should be as follows:

- a. The affected person should file his/her grievance in writing, to the Local Leader. The grievance note should be signed and dated by the aggrieved person. Where the affected person is unable to write, s/he should obtain assistance to write the note and emboss the letter with his/her thumbprint. A sample grievance form is provided in Annex 6.
- b. The Local Leader should respond within 1Annex 3 days during which any meetings and discussions to be held with the aggrieved person should be conducted. If the grievance relates to valuation of assets, a valuer may need to revalue the assets. In this case, the Local Leader must notify the aggrieved person that his/her complaint is being

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<sup>6</sup> Community structure in Uganda are diverse and tend to reflect the society norms, tradition and hierarchy in management of community affairs. In most parts of northern and eastern part of the country, community /traditional systems for control and management of land and natural resources are prominent. These are notwithstanding the cross cutting tradition of community leaders being influential in dispute management at household and community level countrywide.



considered.

- c. If the aggrieved person does not receive a response or is not satisfied with the outcome within the agreed time (s)he can lodge his grievance to the Local Administration (Sub-county, District).
- d. The Local Administration will then attempt to resolve the problem (through dialogue and negotiation) within 1Annex 3 days of the complaint being lodged. If no agreement is reached at this stage, then the complaint is taken to REDD+ Projects' Grievance Committee comprising the following entities:
  - i. A Grievance Officer (REDD+ Program)
  - ii. A Local Council 1(LC1) Chairperson
  - iii. Sub-county (CDO)
  - iv. District Representative (e.g. CDO or Member of District Land Board)
  - v. A community representative in project area (e.g. religious leader)

Note that persons in ii)-iv) will be location specific. If the complainant is still dissatisfied with the handling of his complaint, then he/she can take up the complaint through the court system. A flow process of grievance mechanism is illustrated in Figure 6-1 below.

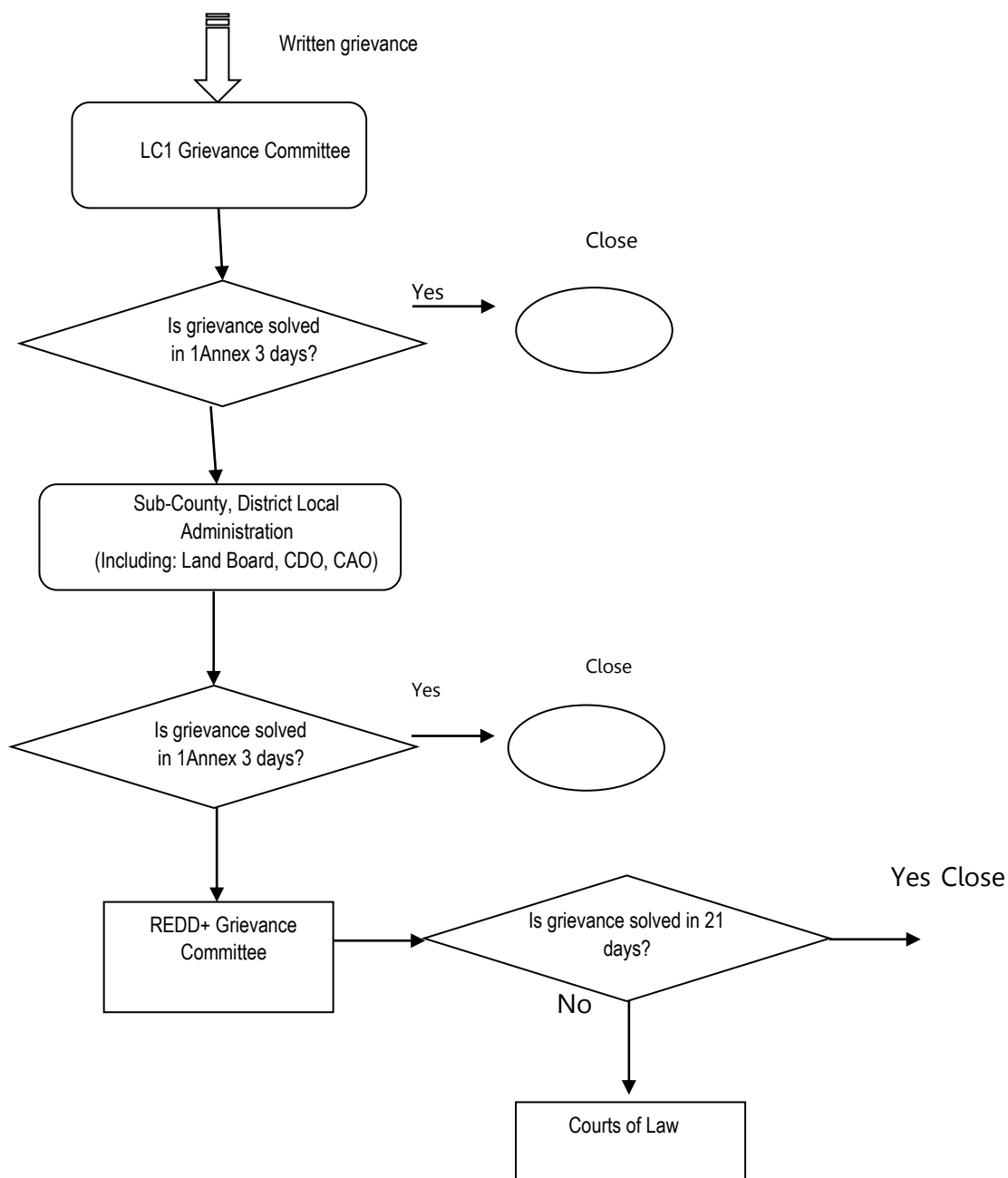


Figure 0-1: Illustration of the grievance process

### 7.3.2 World Bank Group (WBG) Grievance Redress Service

Communities and individuals who believe that they are adversely affected by a WBG supported program, may submit complaints to existing program-level grievance redress mechanisms or the WBG's Grievance Redress Service (GRS). The GRS ensures that complaints received are promptly reviewed in order to address program-related concerns. Program affected communities and individuals may submit their complaint to the WBG's independent Inspection Panel which determines whether harm occurred, or could occur, as a result of WBG non-compliance with its policies and procedures. Complaints may be submitted at any time after concerns have been brought directly to the WBG's attention, and WBG Management has been given an opportunity to respond. For information on how to submit complaints to the WBG's corporate Grievance Redress Service (GRS), please visit <http://www.worldbank.org/GRS>. For information on how to submit complaints to the WBG Inspection Panel, please visit [www.inspectionpanel.org](http://www.inspectionpanel.org)

## **8 INSTITUTIONAL AND IMPLEMENTATION ARRANGEMENTS**

### **8.1 Over-view of institutional landscape**

As a strategic multi-sectoral Government program, bringing in a number of ministries and agencies, utilizing diverse financing sources and partner support and other financing modalities to scale up actions, REDD+ Strategy and Action Plan institutional arrangement is anchored in the following principles: (i) the institutional set-up based on existing national and district local government structures; (ii) clear institutional roles, responsibilities and procedures based on existing institutional mandates and Government established procedures; (iii) extensive multi-sectoral coordination to plan and implement related projects and activities critical for REDD+ success; and (iv) coordinating and leveraging selected associated initiatives that generate verified emissions reductions.

The REDD+ institutional structure includes relevant ministries/institutions at national, district and sub-county levels with decision-making roles based on their existing mandates. REDD+ Secretariat serving as the national REDD+ implementing unit coordinates REDD+ program. REDD+ Secretariat is administratively housed in the MWE, and overseen by the Permanent Secretary.

Therefore, the implementation of IPPF will be based on the established arrangement of REDD+ Program. Specifically, for the implementation arrangements of IPP including an assessment of capacities for effective IPP implementation is described as below.

### **8.2 Roles and Responsibilities of Implementation Stakeholders**

#### **8.2.1 Ministry of Water and Environment**

The Ministry will take the overall responsibility of implementing REDD+ Strategy and Action Plan including in ensuring the effective execution of the project(s). Coordination of all social issues including on IP under the program will lie with REDD+ Secretariat. REDD+ will also be responsible for overseeing the preparation and implementation of the FDIPP. Other roles of the Ministry will include:

- a. Prepare/have the FDIP Plan for the Project and ensure that measures to address adverse impacts where they cannot be avoided are spelled out;
- b. Consult on the FDIP plan with stakeholders, with special attention paid to including affected FDIP and relevant government agencies to ensure that FDIP fully benefit in culturally appropriate ways;
- c. Provide technical assistance in implementation of the FDIP plan;

- d. Implement monitoring and reporting activities of the Plan, including arranging and paying for any independent monitoring that might be deemed necessary;
- e. Notify the World Bank of any substantial change in the course of the Plan implementation;
- f. Build capacity of the relevant LG staff (both the district and sub-county) and FDIP; and
- g. Report both to affected FDIP and WB on project progress and any unexpected and unintended events affecting IP.

### **8.2.2 Ministry of Gender, Labour and Social Development**

The Ministry is mandated to empower communities to harness their potential through cultural growth, skills development and labour productivity for sustainable and gender responsive development. The vision of the Ministry is, "a better standard of living, equity and social cohesion, especially for poor and vulnerable groups in Uganda." Its mission is, "promotion of gender equality, labour administration, social protection and transformation of communities." Therefore, the REDD+ Secretariat will work closely with MoGLSD to ensure that the FDIP participate and benefit in the program as well as supporting the Ministry. The Ministry will perform the following roles among others:

- a. Responsible for mobilization and supervision of the implementation of projects under its mandate;
- b. Support identification of projects, coordination and implementation;
- c. Responsible for annual reviews of projects;
- d. Provide support to districts and communities; and
- e. Provides items for joint annual work program and budget approval.

### **8.2.3 District Local Governments (LGs)**

Concerned LGs will support the MWE, MoGLSD and other ministries. District departments through Sub-counties will also support in selecting and implementation of projects. The LGs will devise measures during identification, to ensure IP's communities are selected to benefit from the project(s). This will be to a greater extent serve the interests of the 1995 Ugandan Constitution and other relevant legal and policy frameworks. During project(s) implementation, the District staff will guide the implementation and studies. They will:

- a. Undertake social screening of projects to confirm the presence of and enhance the participation of FDIP communities;
- b. Implement the FDIP Plan in their respective districts;

- c. Mobilize the relevant FDIP's communities and create awareness about the project(s);
- d. Monitor mitigation measures intended to enhance the participation of FDIP's communities;
- e. Monitor the implementation of the FDIP Plan on the ground and produce progress reports;
- f. Liaise with the MWE and MoGLSD plans implementation; and
- g. Providing technical personnel for review and assessing compliance, integration/mainstreaming of gender

#### **8.2.4 Communities**

Beneficiary communities will be the actual implementers of the proposed project(s). Among their roles will be:

- a. Attend and make contributions during stakeholder meetings;
- b. Participate in project(s) implementation on the ground;
- c. Participate in the monitoring of FDIP Plan implementation;
- d. Safeguard and maintain project(s) as applicable; and
- e. Reporting on progress.

#### **8.2.5 Local/Community Organisations**

If deemed necessary, active local organisations in FDIP communities may be called upon to support the district staff in such aspects of mobilising FDIP and actively participate and benefit from the project(s) as well as sharing their experiences and knowledge of working with FDIP. Current organizations supporting FDIP are listed in Annex 7.

## **9 MONITORING AND EVALUATION**

REDD+ Secretariat will establish a periodic monitoring system (monthly, quarterly) to monitor the implementation of the FDIP Plan against a set of monitoring indicators determined during FDIP Plan preparation. A survey of existing socio-economic status and cultural practices of the FDIP groups, which will be carried out during the project(s) feasibility study/design, will be the basis for establishing the baseline data to monitor the project impacts on the FDIP. REDD+ Secretariat will prepare periodic (preferably quarterly) monitoring reports, share widely through dissemination, posting on the website, and submit to the Bank for review.

To effectively monitor project(s) impacts on the FDIP, the socio-economic baseline established for the project(s) will include data on representative affected or vulnerable households. The socioeconomic baseline indicators will be used for measuring the outcomes and impacts on affected communities. Monitoring indicators will include gender and vulnerability specific indicators, and monitoring reports will present data disaggregated by gender and vulnerability. Indicators that can be monitored for this purpose can include, how many affected and also vulnerable people participated actively in project(s) activities, benefited from target assistance to enhance livelihoods, documentation of their opinions on project(s) impacts and if any of their specific concerns were addressed during implementation.

The monitoring and evaluation mechanisms adopted for the project(s) will ensure that, in addition to process and outcome indicators, appropriate impact indicators are defined related to specifically to impacts on affected groups and their livelihoods. It is recommended that an impact evaluation be undertaken about 6 months before any project completion to assess the changes in the overall living standards compared to the former living status of living for these groups.

## 10 BUDGET FRAMEWORK FOR FOREST DEPENDENT INDIGENOUS PEOPLES' PLAN

The cost for implementation of the individual FDIP Plans will be incorporated in each project cost and the administrative costs for survey, social assessment, and preparation of FDIP Plans will be financed under Project(s). Additional costs to specifically cater for FDIP may include; hire of staff such as a social scientist or FDIP Consultant to screen affected FDIP and prepare the IPP, mobilization, translation of reports, and special focus meetings and capacity building for project staff dealing with social issues including staff at district level. Estimated indicative budget is dependent on the plans. However, the FDIP budget should cater for the following item shown in Table 10-1 and more.

Table 10.0.2: Budget Template for Forest Dependent Indigenous People Plan

	Description	Affected category			Budget needed		
		Individual	Household	Community	Individual	Household	Community
1	Numbers of affected people						
2	Land loss (ha) % of the total						
	Seasonal crop land						
	Annual crop land						
	Perennial crop land						
	Residential land						
	Non-residential land						
	Business land						
	Family land						
3	Income loss						
	From use of the resource						
	From job opportunity						
	From trading on residential/business land						
Annex 3	Infrastructure (m2)						
	Description	Affected category			Budget needed		
		Individual	Household	Community	Individual	Household	Community



	Clinic						
	House						
	School						
	Office						
	etc						

## 11 ARRANGEMENTS FOR FOREST DEPENDENT INDIGENOUS PEOPLES PLAN

The final draft of the FDIP Plan will be submitted by the REDD+ Program to the World Bank for review and clearance. Once cleared, it will be disclosed in-country, in the appropriate form, manner and official language (English) in the daily newspapers. Later on, the information from the documents FDIP Plan will be made available to affected FDIP summarized in form of brochure or leaflets translated in the appropriate language for the 4 IP groups. After submitting the IPP to the Bank for review and clearance, REDD+ Program Secretariat will post the above documents on the MWE website and on the **Bank's Infoshop**. During implementation of REDD+ Program Secretariat will prepare social monitoring reports including safeguard issues, making them available to affected IP, post them on MWE website, and submit to the Bank for review. It is expected feedback from the IPs on this IPPF and implementation process will be captured through the GRM process, and vice versa for the responses to the presented issues or concerns.

## 12 ANNEXES

### 12.1 Anenx 1: References

1. Draft Resettlement Policy Framework, May 2019
2. Ministry of Education, Science, Technology and Sports, Uganda Secondary Education Improvement Project (REDD+), Draft Report Social Assessment, October 2018
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4. Strategic Environmental and Social Assessment (SESA), Working Document (Draft 0), May, 2019
5. The Republic of Uganda (201Annex 3), The Local Government Development Planning Guidelines
6. The Republic of Uganda, Ministry of Education and Sports; Draft Report Vol. 1, Vulnerable and Marginalized Groups' Framework/VMGF for the Uganda Secondary Education Expansion Project, March 2019
7. The World Bank, Final Draft Report, *Defending Our Land: An Assessment of the Law, Resettlement Policies and Practices on Land Acquisition in Uganda*, Uganda Non-Lending Technical Assistance (NLTA), April, 2017
8. Uganda's National REDD+ Programme-MWE/CONS/1Annex 3-15/00Annex 339, Draft Final REDD+ National Strategy October 2017
9. United Nations (2007). United Nations Declaration on the Rights of Indigenous Peoples, Adopted on the 107th plenary meeting on 13 September 2007.
10. United Nations Environment Programme World Conservation Monitoring Centre, UNEP-
11. WCMC, (2008). State of the World's Protected Areas: An annual review of global conservation progress, UNEP-WCMC, Cambridge.



## 12.2 Annex 2: Description of the characteristics of the FDIPs

FDIP Group	Location	Language	Land Ownership	Social Organization	Concerns and Vulnerabilities
<b>Batwa</b> also known as Bayanda in SW Uganda or Baswa (around Semliki) in Western Uganda or Twa/ Pigmies	Districts of Bundibugyo (called Baswa), Kabale, Rubanda, Kanungu, Kisoro, (called Batwa)  Estimated to be 6,200 people (UBOS, 2016)	No distinct language	Evicted from their ancestral lands in the forests of Bwindi, Mgahinga, Echuya and Semliki. Now live on public land on the fringes of the forest they once called home. The Baswa in Bundibugyo live on the outskirts of Semliki National Park	Live in distinct communities, with some sort of internal leadership. Those in Kabale, Kisoro, Kanungu have designated chairpersons in charge of mobilizing them to participate in activities of other agencies such as the Uganda Wildlife Authority (UWA), several Non-Government Organizations (NGOs) and the National Forestry Authority (NFA). Those in Bundibugyo on the outskirts of Semliki National Park have a King	<ul style="list-style-type: none"> <li>• Dis-location from customary practices and sites that were crucial for sustaining their livelihood</li> <li>• Access rights to forests &amp; heritage sites restricted without other livelihood sources/cultural attachment,</li> <li>• Unravelling intangible heritage (culture) held in different sites and language.</li> <li>• Prejudicial sharing of benefits from parks &amp; other natural resources (Bwindi, Mgahinga and Echuya).</li> <li>• Socially marginalized by dominant cultures &amp; government services</li> </ul>
<b>Benet</b> also known by its clans grouping names such Ogiek, or Mosoop	Districts of Kween, Bukwa and Kapchorwa  They are 6,500 people (UBOS, 2016)	Kumusoop	Evicted out of the moorlands in Mt. Elgon in 1983 and re-settled on the lower slopes, on 6,000 hectares of land. There are still some who are landless and live in camps and within the Mt Elgon forest/NP	They have four main communities of Kwosir/Yatui/Kisito, Kwoti, Kapsekek and Benet. Organized in 30 clans, each with clan elders responsible for community welfare. They also have prophets or foreseers from Kapchai clan responsible for advising elders on future appropriate decisions. They have varied representation/platforms, which include the Ndorobo clan systems, the Ogiek lobby group, Benet lobby group, Ngenge	<ul style="list-style-type: none"> <li>• Discrimination in resettlement as well as loss of security of tenure over land,</li> <li>• Failure by the national government to recognize the Benet as a tribe - always subsumed under Sabiny and hence failure to consider Benet issues in government systems,</li> <li>• Lack of internal coherence with the Ogiek claiming for land inside the Protected Area while the other clans want to settle outside the protected area if security of tenure is guaranteed,</li> <li>• Their varied representations and platforms presents problems for achieving unified decision making. Because they are settled in 3 districts,</li> </ul>

				development foundation, the district local government among others.	they face challenges in representation, and for establishing consensus on issues.
<b>Tepeth</b> also known as the Soo	<p>Katikekile &amp; Tapac sub-counties in Moroto District Also found in Iriri sub-county (Napak district) and Moruita sub-county (Nakapiripit district).</p> <p>Estimated to be 23,Annex 322 People (UBOS 2016)</p>	Ngakarimajong	Live on the fringes of Moroto Central Forest Reserve where they look for pasture and water for their animals. Sometimes they are denied access into the protected area.	<p>Have 20 clans all together. 8 of these live in located Katikekile &amp; Tapac sub-counties in Moroto district. An additional 22 clans are found in Iriri sub-county (Napak district) and Moruita sub-county (Nakapiripit district)</p>	<ul style="list-style-type: none"> <li>• Malicious deforestation due to logging and charcoal production licenses, which in turn threaten livelihoods of the Tepeth. This demoralizes, discourages and negates the effort of the Tepeth in implementing forest activities.</li> <li>• Loss of land to urbanization, mineral exploitation, leading to landscape degradation, Attacks/raids from neighbouring/dominant ethnic groups including the Karamajong and Turkana, makes them unstable and unable to participate in developmental activities.</li> <li>• Because they are located in three districts, their issues and concerns are not well articulated in development programs,</li> <li>• They are located in hard-to-reach remote areas with no telephone and radio systems.</li> </ul>

IK also known as Teuso	<p>Live on the edge of the Karamoja - Turkana region along the Uganda - Kenya border in Kaabong district, in the middle of the dominant rival pastoral tribes of Dodoth and Turkana, in a relatively water and pasture-rich region.</p> <p>Estimated to be 1Annex 3,000 people (UBOS, 2016)</p>	IK	Very low and no specific figures available.	<p>Lost most of their land to Kidepo National Park and Timu Central Forest Reserve (CFR). Currently occupy 7Annex 3 square Kilometers of land in Kamion sub-county, Kabong district. Land is communally owned and all Ik are free to cultivate anywhere in Ik land.</p>	<ul style="list-style-type: none"> <li>• Geographical and governance isolation that challenges the delivery of government services.</li> <li>• Attacks from neighbouring ethnic groups resulting into marginalization, Subjugation by 'the Dodoth and Turkana' that consider the Ik/Teuso as alien/foreign and therefore non-Karamojong.</li> <li>• They are denied access to livelihood sources within Kidepo National Park and Timu Central Forest Reserve</li> <li>• Continued unchecked deforestation by outsiders mainly the grazers and commercial loggers that degrade resources upon which they depend.</li> <li>• The Ik/Teuso are located in one Sub County and often find difficulties in integrating their concerns in the District Development Plans, despite having representation in the area Member of Parliament, the Local Council 3 Chairman and a woman councilor at the District Local Council.</li> <li>• Lack of telephone communication and radio systems in the area.</li> </ul>
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## 12.3 Annex 3: Forest Dependent Indigenous Peoples Screening and Impact Categorisation and form

### a) Planning for FDIPs in the subproject area

Name of District:					
Project/Subproject title:					
	Impact on FDIP				Remarks or identified problems, if any
1	Are there FDIP in the subproject locations?				
2	Do they maintain distinctive customs or economic activities that may make them vulnerable to hardship?				
3	Are there any of the following vulnerable groups in the project area? OVCs, child mothers, widows, PWDs, elderly				
Annex 3	Will the subproject restrict their economic and social activity and make them particularly vulnerable in the context of the project?				
5	Will the subproject change their socioeconomic and cultural integrity?				
6	Will the subproject disrupt their community life?				
7	Will the subproject positively affect their health, education, livelihood or social security status?				
8	Will the subproject increase conflict between IP and other communities?				
9	Will the project alter or undermine the recognition of their knowledge, preclude customary behaviours or undermine customary institutions?				
10	In case of no disruption of indigenous community life as a whole, will there be loss of housing, strip of land, crops, trees and other fixed assets owned or controlled by individual indigenous households?				

### b) Potential impacts of the Project on FDIP

	Project activity and output	Potential positive impacts	Potential negative impacts
1.			
2.			
3.			
4.			

### c) Categorisation of Projects/Subprojects

The responses to the issues outlined in (a) and (b) above will form the basis for determining whether a subproject is in category A, B or C as indicated in the table below. Tick only the appropriate one.

No	Category	Decision or Action Required
	A.	All projects/subprojects categorized under A will require to prepare an IPP
	B.	Subprojects under here will require a specific action favourable to IP and addressed through a specific provision in related plans e.g. Resettlement Plan or a general Social Action Plan
	C.	Subprojects categorized as C require no IPP or a specific action to be taken

**Assessed by:** .....  
**Officer/Consultant**

Date: .....

**Reviewed by:** .....  
**Project Officer**

Date: .....

**Approved by:** .....

Date: .....

## **12.4 Annex 4: Contents of a project/subproject social assessment**

The extent and depth of analysis required for the social assessment are proportional to the nature and scale of the proposed project's potential effects on the FDIP. The social assessment may include but not limited to the following elements, as required:

- a. A review, on a scale appropriate to the project, of the legal, policy and institutional framework applicable to FDIP.
- b. Gathering of baseline information on the demographic, social, cultural, and political characteristics of the affected FDIP communities, the land and territories that they have traditionally owned or customarily used or occupied, and the natural resources on which they depend.
- c. Taking the review and baseline information into account, the identification of key project stakeholders and the elaboration of a culturally appropriate process for consulting with the FDIP at each stage of project preparation and implementation.
- d. An assessment, based on FPIC, with the affected FDIP communities, of the potential adverse and positive effects of the project. Critical to the determination of potential adverse impacts is an analysis of the relative vulnerability of, and risks to, the affected FDIP communities given their distinct circumstances and close ties to land and natural resources, as well as their lack of access to opportunities relative to other social groups in the communities, regions, or national societies in which they live.
- e. The identification and evaluation, based on FPIC with the affected IP communities, of measures necessary to avoid adverse effects, or if such measures are not feasible, the identification of measures to minimize, mitigate, or compensate for such effects, and to ensure that the IP receive culturally appropriate benefits under the project.

## **12.5 Annex 5: Proposed Standard Outline for IPP**

The size and level of detail of IPP varies depending on the specific subproject and nature of impacts to be addressed. A typical FDIPP includes the elements below:

- a. A summary of the legal and institutional framework of Uganda applicable to IPP and a brief description of the demographic, social, cultural, and political characteristics of the affected IP communities, the land and territories that they have traditionally owned or customarily used or occupied, and the natural resources on which they depend.
- b. A summary of the social assessment.
- c. A summary of results of the free, prior, and informed consultation with the affected FDIP communities that was carried out during project preparation and whether it led to community support or rejection of the project;
- d. A Framework for ensuring free, prior, and informed consultation with the affected FDIP communities during project implementation;
- e. Formal agreements reached during the free, prior, and informed consultation during project preparation.
- f. A Grievance mechanism taking into account local dispute resolution practices.
- g. An action plan of measures to ensure that the FDIP receive social and economic benefits that are culturally appropriate, including, if necessary, measures to enhance the capacity;
- h. When potential adverse effects on Indigenous Peoples are identified, appropriate action plans with measures to avoid, minimize, mitigate, or compensate for these adverse effects;
- i. Special measures for the recognition and support of customary rights to land and natural resources may be necessary.
- j. Special measures concerning women and marginalized generational groups may be necessary to ensure inclusive development activities.
- k. Capacity building activities for the indigenous communities to enhance their participation in project activities
- l. The cost estimates and financing plan for the FDIPP;
- m. Procedures appropriate to the project to address grievances by the affected FDIP communities arising from project implementation. When designing the grievance procedures, the consultant will take into account the availability of judicial recourse and customary dispute settlement mechanisms among the IP;

- n. Mechanisms and benchmarks appropriate to the project for monitoring, evaluating, and reporting on the implementation of the IPP. The monitoring and evaluation mechanisms should include arrangements for the free, prior, and informed consultation with the affected Indigenous Peoples' communities.

## 12.6 Annex 6      Grievance Log and Resolution Form

**Name (Filer of Complaint):** .....  
**ID Number** (PAPs ID number): .....  
**Contact Information** (house number/ mobile phone):.....  
**Nature of Grievance or Complaint:** .....  
**Date    Individuals    Contacted    Summary of Discussion:** .....  
.....  
Signature..... Date: .....  
Signed (Filer of Complaint): .....  
Name of Person Filing Complaint (if different from Filer): .....  
Position or Relationship to Filer: .....

### **Review/Resolution**

Date of Conciliation Session: .....  
Was Filer Present? Yes/No  
Was field verification of complaint conducted? Yes/No  
Findings of field investigation :.....

### **Summary of Conciliation Session**

**Discussion**.....  
Issues.....  
Was agreement reached on the issues? Yes/No  
If agreement was reached, detail the agreement below/if agreement was not reached, specify the points of disagreement below:  
.....  
.....  
Signed (Councilor): ..... Signed (Filer).....  
Signed: .....  
(Independent Observer)  
Date: .....

## 12.7 Annex 7 List of organizations representing IPs in Uganda

### Some of NGOs Operating for the IPPFs

1.	<b>ADRA</b>	The Adventist Development Relief Agency
2.	<b>AICM</b>	Africa International Christian Missionaries
3.	<b>BBCO</b>	Bwindi Batwa Community Organization
4.	<b>BCHLH</b>	Batwa Community House of Living Hope
5.	<b>BDP</b>	Batwa Development Program
6.	<b>BMCT</b>	Bwindi Mgahinga Conservation Trust
7.	<b>GEF</b>	Global Environment Facility
8.	<b>KBTG</b>	The Kashaija- Batwa Tukwatanise Group
9.	<b>KEDCA</b>	Kanaba Echuya Development Conservation Association
10.	<b>MRGI</b>	Minority Rights Group International
11.	<b>NCCDE</b>	Nkuringo Community Conservation and Development Foundation
12.	<b>NFA</b>	National Forestry Authority
13.	<b>NU</b>	Nature Uganda
14.	<b>PROBCOU</b>	Pro-biodiversity Conservation in Uganda
15.	<b>UOBDU</b>	United Organization for Batwa Development in Uganda
16.	<b>UPHOLD</b>	Uganda Program for Human Holistic Development
17.	<b>UWA</b>	Uganda Wildlife Authority