



**Murchison-Semliki REDD+ Project**  
Free, Prior, and Informed Consent Approach

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## Acknowledgements

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## Executive Summary

The Murchison-Semliki REDD+ Project (MSREDD+) intends to work with private forest owners and communal forest groups to protect the remaining forests in the landscape, encompassing nine districts in western Uganda. This REDD+ project will engage these two types of forest owners through individual and communal contracts to protect trees on their lands by halting forest degradation and deforestation for up to 30 years. In exchange, forest owners will be able to participate in an incentive scheme that includes both monetary and non-monetary benefits. Because of the long-term duration of the contract and the complex nature of the REDD+ program, the project will voluntarily go through a Free, Prior, and Informed Consent (FPIC) process to ensure that forest owners and communal land associations clearly understand the project before giving their consent to participate. Moreover, because this project has potential positive and negative impacts on the wider community beyond the participating private forest owners, the MSREDD+ Project will also engage local leaders and village members during the FPIC process. This process will accomplish three main aims:

1. Inform local government and communities (including the poor and marginalized members of society) about the importance of forests and climate change, and the details of the REDD+ project;
2. Provide a platform for villages to contribute to the project through the participation of village stakeholder groups in project design and the development of grievance mechanisms to address concerns raised by people; and
3. Assure that forest owners and communal land associations have an informed view of the costs and benefits associated with the project in order for them to make informed decisions about if/how they want to influence the design and participate in the project.

These components will help assure that the MSREDD+ Project, upon which the communities will vote, reflects concerns raised and proposals that were developed in consultation with the communities, helping to fully integrate rural people in the area into the project.

The FPIC component of the MSREDD+ project is to be conducted in the early stages of the overall project, and includes five basic phases:

### **FPIC Development, Village FPIC, Forest Owner FPIC, Communal Forest FPIC, and the FPIC Review Process**

The FPIC Development phase (which is the beginning of the FPIC process), was initiated in April 2012 and will be completed by July 2012. Once participating NARCG members approve the process, the FPIC Protocol will be reviewed by an independent entity, most likely an international NGO with both experience in FPIC and Uganda.

The Village FPIC phase engages the NARCG FPIC team with local government representatives and villages. The FPIC team will consult with district and sub-county level offices, informing them of the project and the FPIC process. Using a variety of media to educate people about climate change, REDD+, and the project, the team will engage village stakeholder groups to develop mitigation processes for potential grievances such as human-wildlife conflict. After addressing mitigation issues and providing input on the project, village members vote on consent, wherein a majority vote results in a continuation of the project process in the area. Documentation in this phase is critical and is done through digital recording of meetings, signatures of voters, and local leader verification of the vote. Once all participating villages in a sub-county have registered their consent, the project will return to the sub-county level to present the results to local government.

The FPIC team continues with the process to the participating private forest owners (PFOs) and the associations (PFOAs) that represent them<sup>1</sup>. At this stage detailed information (and technical support to help those whose reading comprehension level necessitates) is given to the PFOAs regarding the project. Input from the forest owners and associations are solicited on how to improve the project before voting on initial consent takes place. This initial vote, accompanied with signatures from each of the interested forest owners allows the project to move forward during the longer process of developing individual contracts for private forest owners that include REDD+ carbon financing. At this stage, considerable work and documentation will take place to ensure that each person understands the significance of the contract, and that proof of land ownership is legal and uncontested. The MSREDD+ Project will work with forest owners and land tenure NGOs to provide technical support and help facilitate land issues in a transparent manner, particularly with difficulties in mailo land tenure and non-contentious challenges in land tenure processes.

In project areas where communal forests have been legally designated and the Communal Land Associations (CLAs) want to enroll the forest into the REDD+ scheme, an FPIC process must take place within the villages surrounding the forest. Once all villages with ownership claims to a communal forest complete an FPIC (as outlined above in the village FPIC process), members of the CLA will be invited to a single communal forest meeting in which details into the contractual arrangements of the REDD project will be discussed and agreed upon. The CLA management committee, who represent the association members, will serve as signatories to the REDD+ contract. During this FPIC process, the tenure of the communal forest will also be verified, and if needed the MSREDD+ Project will provide transparent technical support to help the CLA with outstanding non-contentious issues of tenure. This phase is not present in locations where private forest owners will be enrolling their land into the REDD+ scheme unless there is a specific communal forest that will also be enrolled.

The final phase of the FPIC process includes review and monitoring of the process and external review. The project will engage the same independent organization that led the initial review of the FPIC to monitor the project for mid-term and final evaluations. The FPIC manager of the project will continuously monitor the project to ensure that all processes conducted at the village level are running smoothly, including site visits for quality assurance. Assuring that interlocutors are providing adequate support is critical for overall project success. It is important to note that the FPIC process is not a one-off activity. Yearly visits over the first few years of the project to villages to assess the project's performance and expectations of both the project and the people will provide space for dialogue to address areas of concern.

The MSREDD+ Project is proposed to be one of the REDD+ pilot projects from Uganda, and will be one of the first projects that works with individual private forest owners at a large scale. As such this FPIC process will provide valuable lessons learned for both Uganda and other REDD projects on private lands; lessons to be shared most closely with the Uganda REDD National Steering Committee.

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<sup>1</sup> Note Ecotrust is working with Communal Land Associations for the inclusion of two community forests into the REDD+ program. As such they still follow a rigorous FPIC approach to document a high level of community consent.

## Acronyms

BBC	Budongo-Bugoma Corridor
CCBA	Climate, Community and Biodiversity Alliance
CIHR	Conservation Initiative on Human Rights
CLA	Communal Land Association
CSO	Civil Society Organization
CSWCT	Chimpanzee Sanctuary and Wildlife Conservation Trust
DRC	Democratic Republic of Congo
FPIC	Free, Prior, and Informed Consent
FSSD	Forest Sector Support Department
GHG	Green House Gasses
GIS	Geographic Information Systems
HH	Household
IUCN	International Union for the Conservation of Nature
JGI	Jane Goodall Institute
LC	Local Council
MAAIF	Ministry of Agriculture, Animal Industry and Fisheries
MRV	Measurement, Reporting, and Verification
MSREDD+	Murchison Semliki REDD+ Project
NAADS	National Agricultural Advisory Services
NAHI	Nature Harness Initiatives
NARCG	Northern Albertine Rift Conservation Group
NEMA	National Environment Management Authority
NFA	National Forest Authority
NGO	Non-Governmental Organization
NTFP	Non-Timber Forest Products
PDD	Project Design Document
PES	Payments for Ecosystem Services
PFO	Private Forest Owner
PFOA	Private Forest Owner Association
REDD+	Reducing Emissions from Deforestation and forest Degradation
UWA	Uganda Wildlife Authority
VCS	Verified Carbon Standards
WCS	Wildlife Conservation Society
WWF	Worldwide Fund for Nature

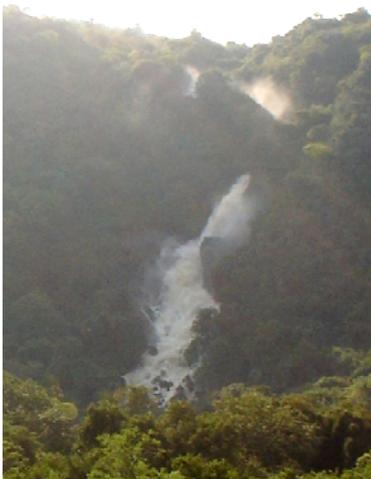
## 1 Introduction

This document on the methods to implement to obtain Free, Prior, and Informed Consent (FPIC) was developed from the recognition that REDD+ carbon projects involving rural villages need to have a transparent system that documents the agreement of villages for projects that have the potential to impact their social, cultural, and economic well-being. This document briefly outlines the Murchison-Semliki Forest Project in western Uganda and the need for voluntary FPIC, and follows with a detailed description of the method that will be used to approach stakeholders in order to ensure a socially-sensitive REDD+ process. This process will help protect some of Uganda's remaining corridor forests on private land by providing forest owners financial incentives from global voluntary carbon markets, while simultaneously addressing the potential impacts of the project on other land owners and landless village members.

### 1.1 Conservation challenges in the project area<sup>2</sup>

The Albertine Rift is home to over 1100 endemic plant and animal species, and has more registered species of vertebrates than any other part of Africa (Plumptre et al. 2010). At the northern tip of the rift, east of Lake Albert, lies the Murchison-Semliki Landscape, one of the last remaining regions of Uganda with forest outside protected areas. The Murchison-Semliki corridor forests have been disappearing but they are still relatively species-rich in birds and mammals and maintain connectivity throughout the landscape. Key mammal species still occurring in the corridor forests are chimpanzees, red-tail monkey, baboons, vervet and black and white colobus monkeys, golden cats, side-striped jackals, bushbucks, Weyn's and blue duikers, bush pigs, and African civets. Elephants and threatened bird species continue to be present only in the larger forest blocks. A total of 194 bird species were observed, but compared to observations from 2003 many more common species have declined significantly in density (ibid). This decline is representative of all biodiversity trends across the region.

The Murchison-Semliki forests are vital to the agriculturally-based economy, serving as a zone of watershed protection and catchment that provide clean water and produce hydro-electric power. Working to keep forest in the project area will help to mitigate local impacts of climate change as the cooling effect of the forest will reduce the temperature increase predicted for the region as rains in this part of the Albertine Rift become increasingly less and seasons shorter over the next 20 to 50 years.



#### Values of the Murchison-Semliki Forests<sup>1</sup>

- Watershed protection and catchment
- Soil stabilization and protection
- Protection of drinking water sources for villages
- Source of hydro-electric capacity
- Micro-climate stabilization
- Source of non-timber forest products for communities
- Reservoir for Albertine Rift Biodiversity
- Corridor for large mammals and bird species

<sup>1</sup> Leal 2012

The decline in biodiversity and ecosystem services of the Murchison-Semliki Landscape is a result of the increasing human presence in the landscape, as it is the home to an estimated 3.7 million people who depend on these natural resources. 58% (113,466 ha) of all the forests (including public forests) are privately owned by forest owners with small plots of land that they use for agricultural production

<sup>2</sup> The text in this section is borrowed from the MSREDD+ PDD (Leal 2012)

(small holders) and form essential wildlife corridors between the public forests (central forest reserves). From 2006 to 2010, forest has been lost at a rate of 8,367 ha per year. This is close to a twofold increase in the deforestation rate from 2000 to 2005, and the main driver for this deforestation is clearing for agriculture, while fuel wood harvesting, and timber production drive forest degradation. Without an intervention, it is estimated that 133,446 ha of forest – 100% of the privately owned forest in the project area – will be cleared in less than **fifteen years** under the current rates of conversion.

While Ugandan forestry laws offer some protection in theory, in practice, these forests under private and communal tenure are unprotected because of the lack of capacity to stop land conversion. Although Ugandan forestry laws stipulate 50-100 meter buffer strips along streams and rivers (depending on size), there is not enough resources within the FSSD to stop land conversion, charcoal production, and illegal timber harvesting. Despite the ecosystem services the corridor forests provide to rural farmers and communities to protect against reduced food and livelihood security, average households have little short-term economic incentives to safeguard the remaining blocks of natural forest.

## 1.2 Murchison-Semliki REDD+ Project description<sup>3</sup>

The Murchison-Semliki REDD+ Project adopts an integrated approach to curtail deforestation to reduce the loss of critical habitat, habitat degradation and fragmentation while simultaneously addressing the needs of local communities by improving household welfare, enhancing the long-term livelihood prospects of people dependent on forest resources, strengthening governance and land use, and engaging villages in the management of the corridors.

It is envisaged that the Project will be managed through an adaptive process by a “co-determination committee” – a body of elected representatives from: the Northern Albertine Rift Conservation Group (NARCG); the private forest owners in the project area; non-forest owning participants; local leadership representatives; and various levels of government (local government, forestry, UWA, etc). To ensure transparency and provide a platform for residents who do not directly participate in the REDD+ project, minutes from all meetings will be published on the Project's website and sent to the sub-county offices. Semi-annual meetings will be open to the public and announced via local government mechanisms.

The FPIC process, which will be explained in detail in later sections, provides a mechanism for members of the village and participants in the project give their input into specific aspects of design and implementation of the MSREDD+ Project. Thus in this strategy document it is important to first outline the overall project (which itself has an FPIC component) as the overall project will be the basis for the FPIC discussions in the village.

The overall project results and activities include:

1. An **implementation framework** established and accepted by relevant stakeholders that adheres to international requirements,

<sup>3</sup> The text in this section is borrowed from the MSREDD+ PDD (Leal 2012)

### Project Benefits to Individuals

In addition to the benefits from ecosystem services provided by forests, major project benefits include:

- 1) **Clarification of property rights** by registering the land and forest of small holders at local government level
- 2) **Provide households a stable income** by offering them carbon revenue in return for forest monitoring activities
- 3) **Improve agricultural practices and introducing agroforestry** by teaching them new farming techniques and cultivating forest friendly cash crops
- 4) **Access to Microcredit** will give access to entrepreneurs in the community to begin small enterprises
- 5) **Green technology** such as cook stoves will be offered to reduce dependencies on fuelwoods
- 6) **Family planning** will be offered through partnerships with health partners

*The MSREDD+ Project incentive package, which details project benefits to people, can be accessed in Appendix 6.1*

including safeguards with transparent and secure mechanisms and protocols put in place.

1.1 Obtain **free prior and informed consent** (FPIC) from the "project affected people" through a process of project design consultations, which includes villages in the project area and actual land-owning participants. FPIC is one of the safeguards which is crucial to develop a REDD+ project to ensure that the project engages with relevant villages, informs them about the project, and sees to it that they have the opportunity to participate. This activity will require four to six months of consultations with villages, associations, and local government.

1.2 **Clarify property rights** in a cost effective, but legally-sound manner. Marketing and selling carbon credits are premised on clear proof of ownership. The Government of Uganda allows registration of land at the District level to obtain a certificate of occupancy or certificate of customary ownership which is registered with the District Land Board and recognized nationally. Forest owners will be issued a certificate of occupancy or customary ownership by the Land Board after their land and forest has been mapped out in the presence of an area land committee official and neighbors to ensure that there are no overlapping claims.

1.3 **Establish a benefit sharing agreement** between all the stakeholders concerned<sup>4</sup>. Project sustainability depends on fair and adequate distribution of the carbon revenue to all stakeholders concerned, including project proponents and government agencies, with safeguards to ensure that benefits are shared equitably between male- and female-run households. The benefit sharing allocations will finance the operation costs of the project and the incentives scheme to help offset the farmer/forest owner's opportunity costs.

1.4 **Establish a governance structure to manage the project.** Representatives of major stakeholder groups will be appointed to a management committee for the MSREDD+ Project, and roles and responsibilities defined, including rules and regulations, to ensure open and transparent communication and decision making. NARCG members will be involved initially to ensure that the process is established and works well before a full handover is made. Reporting protocols between the monitoring and evaluation unit of the MSREDD+ Project, trust account custodian and village monitors will be developed, and all decisions will be posted online. A grievance handling protocol will also be established. NARCG members will submit an annual work plan and their operational expenses will be verified by a third party auditor. To avoid financial corruption the trust account custodian responsible for all the financial transactions reports back to the committee annually and will be audited by a third party. Similarly, all the monitoring data which determine the direct payments to the individual farmers will be available online and accessible for all stakeholders and the third party auditor. The exact structure of the

### Potential Project

#### Detriments to Individuals

Although there are many benefits for community members, there are some instances that may be detrimental to some :

- 1) **Crop raiding for forest-adjacent farmers** as participating forests will provide continued habitat for wildlife, there is a risk that farmers who continue to plant next to native forests will suffer damages.
- 2) **Loss of revenue from timber, charcoal, and land clearing** as participating forests will be subject to by-laws that prevent legal or illegal cutting of large trees
- 3) **Loss of new fertile lands for farmers** as participating forests are used for different forms of revenue
- 4) **Specific inherited land use** will reduce choices dependents and spouses of forest owners can make on land during contracts
- 5) **Reduced land growth options** as participating forests become unavailable for agricultural growth and land division

*The MSREDD+ Project incentive package helps to alleviate these detriments as does the FPIC process itself in working with project-affected people to mediate these potential detriments*

<sup>4</sup> This includes (but is not limited to) carbon holders, district governments, and the MSPF

management committee will be developed after consulting with stakeholders.

1.5 Establish a **carbon accounting MRV mechanism and protocols**. In order to sell carbon credits an accurate, robust and cost effective monitoring system needs to be established using village-based monitoring teams, verified by third parties for annual audits.

1.6 **Validation of the PDDs**. The CCBA PDD and V-C-S Project Document are being drafted and will soon be ready for validation by a third party.

1.7 Develop **marketing strategies to sell the carbon credits**. Carbon credits can be marketed in different ways and can command a higher price when they are linked to other ecological services such as biodiversity co-benefits to offset the impact of companies. One example is the drilling of oil by Tullow Oil and Total inside Murchison National Park and along Lake Albert; they can offset their biodiversity impacts by investing in habitat within the same landscape. NARCG will assess and propose the best options for the farmers in this landscape.

2. Signed **land-use plan contracts with project participants with existing and future natural forest** adopting sustainable forest management and farming practices with carbon and conservation milestones to mitigate the risk of reversals and deliver community benefits.

2.1 Establish **individual land-use plans** for forestry and farming, based on a WCS model in Zambia (Community Markets for Conservation - COMACO) where farmers are paid a higher price for their agricultural commodities in return for contributing to conservation objectives. Each household will design a land-use plan based on the farmer/forest owner's vision for his/her land, adopting conservation activities such as conserving carbon stock for a steady income supply and adapting sustainable farming practices to secure higher commodity prices.

2.2 Seek **collaboration with agribusiness partners**. Agribusiness partners are essential for access to a more profitable market and to mobilize the capital to buy the "green" labeled conservation commodities from the farmers.

2.3 Establish an **extension service network for land-use management**. With over 4000 households implementing their own land-use plans, intensive interaction with extension workers is required to ensure that proper practices are adhered to and that milestones are reached. To ensure that the main beneficiaries remain in the villages, local (including landless) people will be trained as extension workers and paid by the carbon revenue. This REDD+ extension network can link with NAADS (National Agriculture Advisory Services) to streamline services and avoid duplication, although the project would not be able to subsidize NAADS services.

2.4 Development of a **wildlife conflict strategic approach** for participating forest owners and neighboring farmers to provide training in mitigation techniques to reduce economic losses from wildlife, and promote effective land use planning with incentives to promote non-edible crops around forests.

3. GHG **emissions from clearing woodland for fuelwood quantified** within the Project area and a remote sensing protocol developed in collaboration with the NFA Biomass GIS lab.

3.1 Develop a **cost-effective protocol to quantify the coverage of woodland** that can be applied in Murchison-Semliki landscape and nationally as avoided deforestation carbon credits. Fuelwood collection and charcoal production are strong drivers of deforestation of woodland and woodland carbon can contribute additional revenue to farmers in addition to carbon from forest on their land.

3.2 **Calculate deforestation rates** of woodland over a historic reference period. A requirement and standard protocol for REDD+ projects is to predict the emissions of Green House Gasses (GHG) from deforestation of woodland over the project life time.

3.3 **Measure the biomass of woodland**. Measuring the biomass of woodland is necessary to calculate the carbon credits.

4. Guidance and a **strategic road map** to support the development of a REDD Readiness-Package to be able to implement REDD+ projects nationwide.
- 4.1 Produce a “lessons learned” guiding document/**manual**. All experiences will be compiled in a document to facilitate the effective implementation of future REDD+ projects elsewhere in Uganda.
  - 4.2 **Workshops** with responsible local/central government officials for National REDD process and civil society representatives. To ensure transfer of knowledge and increase institutional capacity several workshops are planned with the technical department within the government agencies, such as National Forest Authority, Ugandan Wildlife Authorities and District Forest Services.

### 1.3 NARCG Member approach

In the Murchison-Semliki Forest Project, activities are carried out by a common interest group of NGOs and Government authorities that form the Northern Albertine Rift Conservation Group (NARCG). These members each work in a defined area of the landscape with farmers, village groups, and local governance structures. Although the specific approaches may be different, they all use the same umbrella approach. Below provides a brief description of the main objectives of the different NARCG partners currently concerned with the FPIC process by working with private forest owners (PFOs) in the project area:

1. *Ecotrust*. This Ugandan NGO focuses on two community forests (Alimugonza and Ongo forests) in this project. Two legally-recognized local entities, called Communal Land Associations, form the community land management agents of each of the forests. Members of the ten surrounding villages are free to join the associations, which help regulate use and protect the forests’ future. Each Association has expressed an interest to join the REDD+ project. Ecotrust has worked in the 10 villages over the past three years in teaching people about the values of forests, climate change, and REDD+.
2. *World Wide Fund for Nature (WWF)*. WWF has worked in Buliisa, Masindi, Hoima, Kibaale, Kyenjojo and Kyegegwa districts on forests since 2008, educating rural people about climate change and the values of forests. Private farmers have been facilitated to group together to create Private Forest Owner Associations at sub-county level: three PFOAs have been formed in Kibaale District with around 2000 members. WWF also supported the formation of a regional PFO Association (ARPFOCA) which currently has around 60 members. The groups have so far mapped 2000 ha of forests of their members and are interested to participate in the REDD+ program.
3. *Jane Goodall Institute (JGI)*. Since 2010 JGI has been in Hoima and Masindi districts targeting privately and communally owned corridor forests between Budongo and Bugoma Central Forest Reserves to reduce deforestation by building awareness, capacity and governance mechanisms for private forest owners and community group to access carbon payments and benefit from REDD+ based global approaches to climate change. JGI’s efforts, so far have established and empowered 13 PFOAs and 1,541 private forest owners to manage 16,328 ha of private forests to reduce deforestation in the Budongo – Bugoma corridor (BBC). Each PFO Association is legally registered with Hoima District Local Government as a Community Based Organization (CBO) and holds a Certificate of Registration under the Local Government Act 1997.
4. *Chimpanzee Sanctuary and Wildlife Conservation Trust (CSWCT)*. Working in Hoima, Kibaale and Buliisa areas since 2009, CSWCT is implementing conservation education activities as well as a Payment for Ecosystem services scheme with National Environment Management Authority (NEMA) documenting private forest owners, assessing their forest areas and signing PES contracts with them. In addition, CSWCT is working with sub-counties for the legal registering of 5 PFOAs and teaching forest owners the importance and value of forests, as well as the challenges in managing forests.

5. *Nature Harness Initiatives (NAHI)*. NAHI promotes market based approaches for natural resources management including Payments for Environmental Services (PES), tree nurseries, and private sector engagement. Working in Hoima and Kibaale districts since 2008 developing forest measurement and monitoring methods and generating information for design and implementation of PES. NAHI has developed forest management interventions, a forest planning and monitoring frameworks guiding the implementation of a pilot scheme that is rewarding private forest owners for improved management of natural forests on private lands. NAHI partners with other stakeholders in the CSWCT PES scheme to support ecological surveys and impact monitoring in the private forests.
6. *Wildlife Conservation Society (WCS)*. Focusing in a coordination role since 2010, WCS is tasked with developing the Project Design Document, calculating carbon, monitoring building partnerships, and overseeing the FPIC and REDD+ program for the MSREDD+ Project.

These organizations will form the core group implementing the MSREDD+ Project, from outreach to PFOA group capacity building, from grievance process development to benefit sharing schemes. They will bring stakeholders together using FPIC to develop Uganda's first REDD+ project.

## 2 The FPIC Process

The origins of Free, Prior, and Informed Consent (FPIC) began with the realization that indigenous peoples do not usually have political power and power in terms of knowledge and decision-making when it comes to projects on their own lands. Whether it is extractive industries, commercial agriculture, or conservation projects, rural villages often do not have the tools to make informed decisions on outside activities that impact their culture and livelihoods. Over time, the process of FPIC was developed and used to reduce and avoid conflicts that arose in projects where rural people felt betrayed by the uninformed consent they gave--conflicts that in turn cost companies and organizations millions of dollars in compensation or losses upon their investment when projects were shut down. Issues of indigenous rights have become a very vocal part of international REDD meetings, and thus put into policy. In 2008, the United Nations adopted the Declaration of Rights of Indigenous Peoples, which strengthened the principle that indigenous people give or withhold their consent to projects which impact them. The rights-based approach born from that has been extended to the UN REDD+ program, in which rural people (both indigenous and resident) are expected to be able to freely accept or deny, and to participate in the long-term process of REDD+ initiatives at both national and project levels.

In December 2011, the UN REDD+ program developed draft guidelines for FPIC in REDD+ projects, based upon three pilot FPIC programs in Vietnam, Tanzania, and Panama. The Murchison-Semliki Forest Project FPIC strategy has been developed primarily from these UN REDD+ guidelines and the Vietnam case study, but has benefitted from numerous other examples from the conservation and human rights community, and experience from implementing stakeholders.

The UN REDD+ FPIC draft guidelines highlight relevant rights for REDD+ from the UN's Declaration of Rights of Indigenous Peoples (UNDRIP):

- “The right to participate in decision-making through representatives chosen by themselves in accordance with their own procedures (Art. 18);
- The right to be consulted in good faith, through representative institutions, with the objective of seeking free, prior and informed consent, before the adoption and implementation of legislative or administrative measures that may affect them (Art. 19);
- The right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired (Art. 26);
- The right to determine and develop priorities and strategies for the development or use of their land or territories and other resources (Art. 32);
- The right to be consulted in good faith through representative institutions, with the objective of seeking free and informed consent, prior to the approval of any project affecting indigenous peoples' lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources (Art. 32);
- The right to promote, develop, and maintain institutional structures and distinctive customs, spirituality, traditions, procedures, practices (Art. 34). (UN REDD 2011)”

Box 1 defines FPIC according to the UN REDD+ draft guidelines.

The FPIC process within the UN REDD+ program will be institutionalized in each country at national levels as countries finalize their REDD readiness plans. Uganda has not yet reached this part of their REDD+ process and thus has not developed any FPIC protocols nor made any mention of it in the Uganda REDD RPP. Therefore, the approach developed for the MSREDD+ Project will adopt the principles used in the UN REDD+ draft guidelines and serve, as the rest of the project, as a pilot for future REDD+ activities.

### Box 1: Definition of FPIC\*

#### **Free**

Free refers to a process that is self-directed by the community from whom consent is being sought, unencumbered by coercion, expectations or timelines that are externally imposed:

- Information is transparently and objectively offered at stakeholders' request;
- Process is free from coercion, bias, conditions, bribery or rewards;
- Meetings and decisions take place at locations and times and in languages and formats determined by the stakeholders;
- All community members are free to participate regardless of gender, age or standing.

#### **Prior**

Prior refers to a period of time in advance of an activity or process when consent should be sought, as well as the period between when consent is sought and when consent is given or withheld.

- Prior implies that time is provided to understand, access, and analyze information on the proposed activity. The amount of time required will depend on the decision-making processes of indigenous peoples and other local communities;
- Information must be provided before activities can be initiated, at the beginning or initiation of an activity, process or phase of implementation, including conceptualization, design, proposal, information, execution, and following evaluation;
- The decision-making timeline established by indigenous peoples must be respected, as it reflects the time needed to understand, analyze, and evaluate the activities under consideration.

#### **Informed**

Informed refers to the type of information that should be provided prior to seeking consent and also as part of the ongoing consent process. Information should:

- Be accessible, clear, consistent, accurate, and transparent;
- Be delivered in appropriate language and format (including radio, video, graphics, documentaries, photos);
- Be objective, covering both the positive and negative potential of REDD+ activities and consequences of giving or withholding consent;
- Be complete, covering the spectrum of potential social, financial, political, cultural, environmental impacts, including scientific information with access to original sources in appropriate language;
- Be delivered in a manner that strengthens and does not erode indigenous or local cultures;
- Be delivered by culturally appropriate personnel, in culturally appropriate locations, and include capacity building of indigenous or local trainers;
- Be delivered with sufficient time to be understood and verified;
- Reach the most remote, rural communities, women and the marginalized; and
- Be provided on an ongoing and continuous basis throughout the FPIC process.

#### **Consent**

Consent refers to the decision made by indigenous peoples and other local communities reached through their customary decision-making process. The collective right to give or withhold consent applies to all projects, activities, legislative and administrative measures and policies (and their associated processes and phases) that directly impact the lands, territories, resources, and livelihoods of indigenous peoples and other local communities. Consent must be sought and granted or withheld according to the unique formal or informal political-administrative dynamic of each community.

Consent is:

- A freely given decision that may be a "Yes" or a "No," including the option to reconsider if the proposed activities change or if new information relevant to the proposed activities emerges;
- A collective decision determined by the affected peoples (e.g. consensus, majority, etc.);
- The expression of rights (to self-determination, lands, resources and territories, culture); and
- Given or withheld in phases, over specific periods of time for distinct stages or phases of REDD+.

\*Definitions from UN REDD 2011

### 3 Scope of FPIC in the Murchison-Semliki Landscape

#### 3.1 Is an FPIC needed to work with private forest owners?

The Murchison-Semliki Forest Project intends to engage in REDD+ financing with forest owners in nine districts to protect the remaining forests in the region. The contract that will be designed to implement the project on their lands will heavily limit the number of trees allowed to be logged on their land for up to 30 years, in exchange for monetary and non-monetary benefits<sup>5</sup>. Because of the long-term duration of the contract and the potential positives and negatives of the project (to be discussed below) the project needs to go through an FPIC process to assure that forest owners clearly understand the project before giving their consent.

#### 3.2 Does the FPIC also need to include all members of the villages?

Free, prior, and informed consent within the context of carbon projects has been used in many

instances; most particularly in cases where communal forest land has been the focus of carbon credits. Focusing on UN-REDD+ FPIC processes, few pilot programs have been completed as of early 2012 (Vietnam, Panama, and Tanzania), and only draft guidelines for an FPIC approach at sub-national and national levels have been developed for the UN REDD+ Program. No documented carbon FPIC project has targeted private forest individuals, although there are REDD projects on private lands owned by shareholders. **Thus it remained unclear if there is a need to work with neighboring non-forest owners in a project targeting private forest owners, and if so, in what context?**

FPIC is a process that historically has been conducted with 'indigenous' people who live at the fringe of mainstream society, but more and more has been extended to forest-dependent people and rural villages. The latter is the case in the MSREDD+ Project area, and residents of these villages consist of a heterogeneous mixture of people. This is a result of Uganda's history, where over the past century there has been high mobility, emigration, and immigration into the area (Doyle 2006). The inward flux of people to the region remains true today, where residents from DRC and other areas of Uganda have settled in the area over the past decades, resulting in a complex mix of ethnicities, land ownership, and increasing land pressures.

Land tenure varies widely in the project area. Some<sup>6</sup> have customary and legal rights to land in which the legal owners of forests have *de jure* control over what is done on their land<sup>7</sup>, and their involvement in the FPIC process is clear. Other individuals are migrants or poor who have developed *de facto* agricultural renting or labor arrangements with long-term residents but remain landless, sometimes depending on the natural resources and the clearance of forest lands for their livelihoods.

#### **Box 2: Who's involved in FPIC?** (UN-REDD 2010)

*In practice [...] decision-making based on respect for the right to FPIC need to be undertaken in such a way that they respect the rights of different persons and ethnic groups within individual communities and their wider areas. While all people have the same rights in principle it does not follow that all persons have rights to exactly the same properties and areas. Thus these need to be clarified, so FPIC as a right is exercised appropriately in relation to these other rights. Practitioners also need to ensure that rights-holders are able to understand REDD+, and consider, develop and deliver their decisions based on their right to FPIC in such a way that does not discriminate against any one group but takes account of their varied rights in lands and resources.*

<sup>5</sup> Over the project lifetime the project can permit sustainable logging in contracts once their forest has reached a certain carbon density

<sup>6</sup> usually men of the dominant ethnic group as land has traditionally been passed down amongst male members of the family

<sup>7</sup> This management is sometimes undermined by illegal timber harvesters and either unclear/contested land tenure, or ill-managed communal tenure.

The percentage of households within villages that are landless and completely dependent on natural resources vary from site to site, but from research done in the NARCG network it ranges from 2% to 18% (P Hatanga, pers. comm).

Regardless if villagers have tenure or are landless, all use forest products such as firewood and water, and others have resources that will be affected by the REDD+ project; particularly crop raiding on forest-adjacent farms, or the halt of future agricultural development on what some may see as future farmland (currently forested lands). The FPIC process will enable villagers to engage in the MSREDD+ Project incentive program and address problem individuals who harvest forests on private land or in legally-protected buffer strips and public forests--activities that negatively impact whole communities by affecting communal water supplies through siltation and pollution. Given the potential for many of these stakeholders within the villages to be impacted, the Murchison-Semliki Forest Project **will seek to engage interested village stakeholders through an FPIC process based upon the pilot UN REDD+ approach to determine how the project can address concerns and obtain the consent of forest owners and acceptance by the villages at large.**

### Alimugonza and Ongo Communal Forests

In Masindi District, NARCG member Ecotrust has been working with communities to enable them to protect their communal forests--Alimugonza and Ongo. Ten villages have user rights to these communal forests, yet are concerned about the degradation of these lands. In response, Communal Land Association were developed and legal certificates have been awarded to legally recognize two groups; associations that have been elected to manage the forests. The associations themselves have about 200 members, out of a total of 1000 people in the ten villages. These members elected a board, 1/3 of which are women and includes a secretary of youth, who is responsible for the care of their respective forest.

The associations are seeking to protect these forests through the REDD+ initiative, which will also benefit the community through the incentive scheme. The REDD+ financing will be eligible for this land if it gains legal communal status, which they are still waiting for at the ministerial level. Because this forest belongs to the people of the 10 surrounding villages, the FPIC process will be unique. Detailed in Section 5.1.4, this process will draw from both the village and forest owner FPIC processes; needing consent from the village members of the association, with the management committee of the CLA being involved in the REDD+ contracting. As more communal forests become registered in the project area, they will also be able to access REDD+ funding after completing FPIC and project requirements.

The term 'villagers' can be problematic in that it encompasses many different groups within a community without highlighting vulnerable groups--the specific reason why FPICs were developed to ensure consent from those without a strong voice. Here the project identifies the different stakeholder groups within the village who will be sought in order to give feedback:

1. **Forest owners (PFOs) and Communal Land Associations (CLAs)**, who will be able to access carbon market revenue when participating in schemes
2. **Forest resource users**, who are often landless, migrants, or poor and supplement their livelihoods through resource use (poles, firewood, non-timber forest products, timber, charcoal), or farmers that take advantage of forests for swidden agriculture (a strategy that must change in forests under the REDD+ program)
3. **Forest-adjacent farmers**, whose agricultural produce will remain susceptible to crop raiding by animals living in participating forests

Target groups to be incorporated into the forest owner FPIC include:

4. **Spouses of forest owners**. Often women, the project wants to include them to ensure inclusivity to avoid gender bias in decision making particularly in the areas of tenure, income, and resource use. Male spouses will be encouraged to participate where relevant.

5. **Elder children of forest owners**--future generations who may not be incorporated into decision-making processes but over the project lifecycle are directly impacted by the REDD+ project<sup>8</sup>.

Special target groups to be incorporated into the Communal Forest FPIC include groups 1-3 above, plus:

6. **Youth** --members of the community who warrant special attention because unemployed youth are the main casual laborers on logging or forest clearing teams.

In addition to this, leaders of the both the **Bunyoro-Kitara Kingdom and the Tooro Kingdom**, which may own customary forests, (and still claim ownership of central forest reserves in the area) may be interested in preserving the remaining natural heritage of the kingdom. NARCG members will also reach out to religious and other institutions that have similar interests in protecting forests. The project will also engage with farmers who want to engage in best practices but don't own forested land.

### 3.3 Lessons learned from other REDD+ FPICs

Based on the literature from indigenous rights groups, past and ongoing REDD+ FPICs, and general FPIC experiences across the globe, there are some ideas that are important for this project to consider:

- FPIC is a process that will continue throughout the life of the project—it is not a one-off event in which people sign their consent when they are approached
- FPIC is a time-consuming process—the customary consensus process in villages is not time-bound—consent should not be asked for at the first meeting with village members. Time should be allowed for people to discuss amongst those in the village
- The FPIC process should be well documented and made publically available
- Currently in Uganda there is no national-level FPIC for their REDD+ process, but this should not prevent this project from fully supporting a process that embraces social rights and transparency
- The UN REDD+ program doesn't yet have their own set of recognized standards (unlike CCBA or VCS)—there are only draft guidelines
- Independent verification on the validity of FPIC processes can be conducted either by government or by third party. The Forest People's Program, an NGO focused on indigenous people living in tropical forests recommends that when government law requires an FPIC process that the appropriate government agency identified in the law should provide the verification. In the absence of a law, validation of the FPIC should be provided by third party auditor. In addition, Carling (2011) recommends the third party chosen must clearly understand local needs, be accessible to the villages, and have the mandate to effectively address local concerns and FPIC violations.

In addition, there are conditions to avoid during the process (based on Carling 2011--a presentation on lessons learned from the Vietnam FPIC):

- Incomplete/biased information that omits potential negative outcomes when presenting to the villages
- Subversion of grassroots institutions by implementers or political elite
- Poor implementation of FPIC process—including the lack of appropriate fora for village members to process information and deliberate on their concerns
- Fraudulent, manipulated, or coerced signatures for consent

<sup>8</sup> Experience by some NARCG implementing partners is that most of the elder children already participate in decision making about the forest by their parents. While it is important to target them separately, the MSREDD+ Project needs to ensure that the PFOs have obtained buy in of their children. During recruitment of PFOs into a pre-REDD+ PES scheme, NAHI partner has ensured that children and women are witnesses to the forest management contracts.

- Lack of community capacity—if facilitators in the FPIC notice that the decision-making structures in the village are sub-standard, there will be a need to strengthen those systems

During the training process, FPIC implementers will learn the signs of these potential conditions and how to address them effectively within the village, or if needed, at higher levels of governance.

### Box 3: Preconditions for a Successful FPIC Process

From the Vietnam REDD FPIC experience, Carling (2011) has highlighted a set of assumptions that contributed to a successful FPIC. These factors relate to empowerment and good governance, without which true free, prior, and informed consent is suspicious. In the MSREDD+ Project, interlocutors and project staff will assess these conditions and where lacking will work with village leaders to address them.

#### Village level

- Villagers should be organized and know their rights
- Strong and representative collective decision-making systems
- Capable and accountable leaders
- Village stakeholders need the relevant skills: negotiations, facilitation, documentation, etc
- Inter-community conflicts (such as land disputes) need to be resolved
- Accurate comprehensive information needs to be available and easily accessible in a simple understandable language
- During the FPIC, communities:
  - Need to understand climate change and REDD+ issues
  - Need to fully grasp FPIC to assert their rights
  - Have to know national and international agreements, policies and instruments related to REDD+ and rural communities
  - and forest owners need to understand MRV (measuring, reporting and verification process)

#### Government and NGO level

- Community's rights and individual property rights, once assigned must be respected
- Conflicts between overlapping land use or projects need to be resolved using human rights framework
- Engagement with communities must be in good faith, with transparency and accountability, and stakeholders need to respect decisions of communities and forest owners



Developing a project design that incorporates the lessons learned, guidelines from human rights organizations, and preconditions for best practices will help ensure a transparent process that can include different stakeholders, address concerns of residents, and strengthen communities' and landowner abilities to protect their lands and ecosystem processes for stronger livelihoods.

## 3.4 The Murchison-Semliki Forest Project FPIC Process

The main aims of this FPIC Process include:

1. Informing local government and communities (including the poor and marginalized members of society) about the importance of forests and climate change, and the details of the REDD+ project;
2. Provide a platform for villages to contribute to the project through the participation of village stakeholder groups in project design and the development of grievance mechanisms to address concerns raised by people
3. Assure that forest owners and communal land associations have an informed view of the costs and benefits associated with the project in order for them to make informed decisions about if/how they want to influence the design and participate in the project

The FPIC process for the Murchison-Semliki Forest Project is divided into four different components with varying numbers of activities that will be elaborated on in Sections 4 & 5 of this document. Section 4 presents the current conditions at both the site and policy levels, and the cross-cutting and human rights themes that the NARCG will implement in the FPIC process. Section 5 then outlines in detail the actions to be taken to complete the Murchison-Semliki Forest Project FPIC process. The steps of the process, in brief, are:



**Figure 1: MSREDD+ Project FPIC Process based on the preliminary UN REDD FPIC approach**

## 4 FPIC Context in Murchison-Semliki

### 4.1 Site Assessment

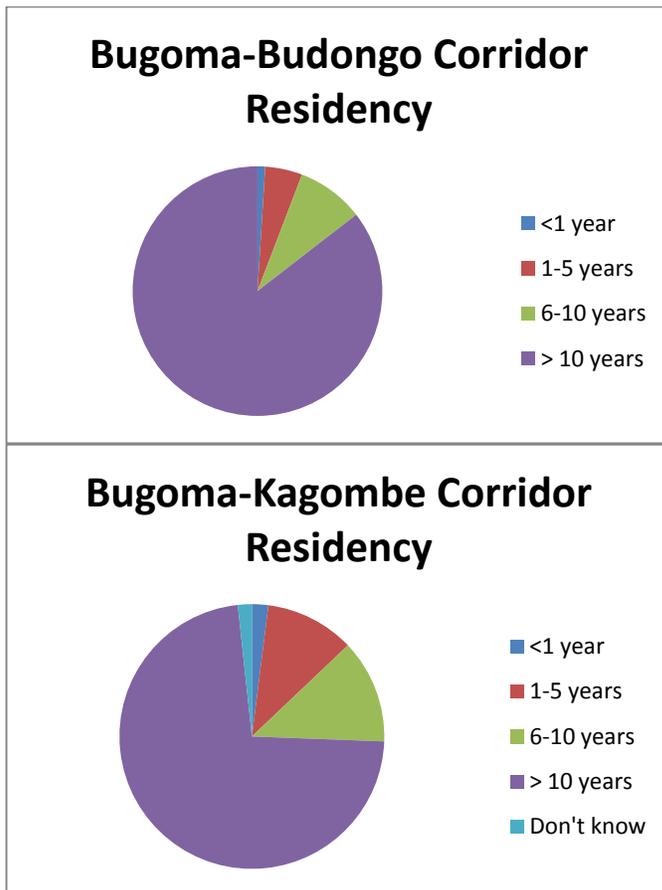
This section provides background on the project-affected people, land ownership, an impact assessment, and legal review in order to provide the background for the FPIC process.

#### 4.1.1 Project-affected people and land tenure

##### *Human Landscape*

##### Demography

There are roughly 208,000 citizens in the project areas. In the north this includes Buliisa, Kiryandongo, and Masindi, and in the south Hoima, Kibaale, Kyenjojo, Kyegegwa, Kabarole, and Ntoroko districts. Traditionally part of the Bunyoro and Tooro Kingdoms, the project area today contains people who represent a variety of ethnicities, depending on location. A 2010 socio-economic survey for this project suggests that most people in the project area are long-term residents, although the level of immigrants in the Bugoma-Kagombe region is much higher (see Figure 2).



**Figure 2: Length of residency time for village respondents in the project area. Note the two project areas have differing residency rates, showing higher immigration in the Bugoma-Kagombe Corridor.**

This immigration into the region is significant to the MSREDD+ Project initiative. Given immigrants come to an area to settle and purchase/rent agricultural land, it suggests that this area has a relatively high threat of forest-agriculture conversion and a desire by new members of the village to reduce forest cover for economic growth (S. Akampulira, pers. comm).

##### Culture

The rural and urban population in the project area today is very heterogeneous in terms of culture, language and nationality as people from other parts of Uganda, Sudan and Congo settled in the region during the last 50 years (Langoya & Long 1977). The traditional inhabitants vary across the districts,

and include Banyoro, Batoro, and Bagungu. The agro-pastoral ethnic groups practice subsistence farming and some livestock husbandry. Cash crop production has become an increasingly important economic activity and bushmeat from the corridor forests provides a supplementary source of protein (Obua et al. 1998, Howard 1991).

Forests outside protected areas in the project region have, until the past decade, been relatively large compared to other areas of Uganda. It begs the question, why have the forests in the former Banyoro kingdom remained? Culturally, the Banyoro people traditionally limited exploitation access to large standing forests, as they were seen as important in protecting spirits, reservoirs of important timber for canoes for trade links, and as part of a broader ecosystem for food security in times of need (Doyle 2006). But the reason for the remaining forests is more complex than a traditional system of conservation. In his historical anthropology of the Banyoro people, Doyle (2006) discusses the Bunyoro Kingdom, and how a once powerful people slowly lost out to colonial rule and a neighboring kingdom, the Buganda. At the turn of the 20th century famine, infertility, and decline resulted in population decline from emigration and the diminution of family size. Due to disease and raiding, cattle numbers of the Banyoro reduced to very low numbers. In addition to these health and environmental factors, the political atmosphere against the Banyoro was echoed by the colonial government providing land titles in the Bunyoro Kingdom to non-Banyoro who are today 'absentee landlords' that hold land but are unable/unwilling to use it. These factors helped increase the size of bush land in the area and the slower degradation of standing forests for swidden agriculture.

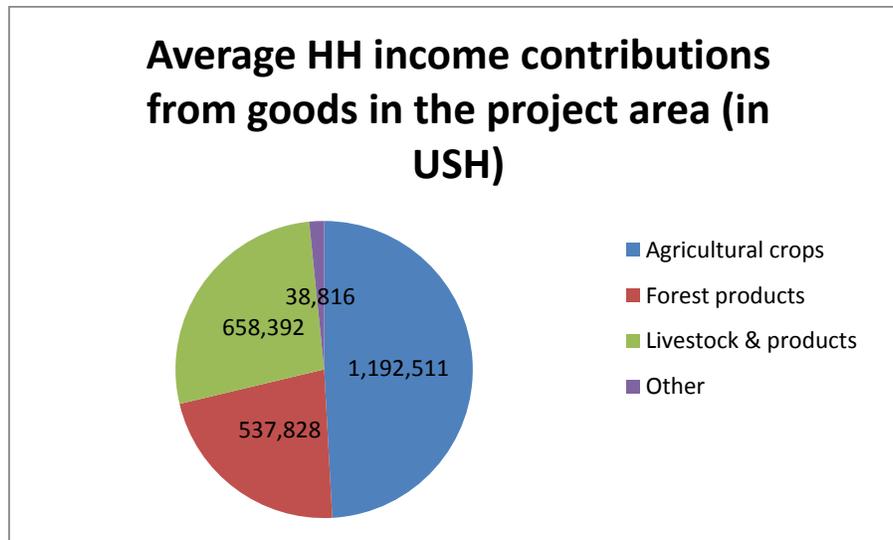
### **Forest Economy**

Today, as relative peace and development have encouraged growth over the past two decades, both new and old forms of exploitation have opened the Bunyoro forests. Population growth and immigration have greatly increased demand for forest lands that are highly fertile for short-term agricultural gains. Large trees provide quick income-generating activities opportunities for timber for local and outside entrepreneurs, and the population influx have overruled traditional forms of Banyoro land management. Changes in governance also impact the forests; in Kibaale district for example, the government has a policy of handing over absentee landlord land to people, mainly in-migrants, and is expanding the rural road network to facilitate the wider use of land. These many changes in rural Uganda have led to dramatic declines of forests in customary land.

NARCG members, who have worked with local villages in the project area, have conducted surveys with local people about the forests. Although there are no specific data about the current socio-cultural importances of the forest, there are data on the economic value of the forests to local people. Today, this value focuses mainly on the use of forests for non-timber forest products (including income), environmental services (such as household water, preventing desertification/rain formation, haven for wildlife), future agricultural land, improving tourism potential, and timber (Akampulira et al 2011; Nabanoga et al 2012; Nambogwe 2010).

In examining the changing contribution that forests play in household livelihoods after decentralization, one study (Jagger 2008) on direct forest income around forest reserves (not including consumptive values of items such as firewood) revealed that for households around Bugoma and Budongo, forest products make up between 8-18% of yearly income, with the highest percentages attributed mostly to households in the highest income quartile (resulting mainly from the income from the illegal sale of timber). Relative income for the poorest quartile from forest products decreased between 2003 and 2007, in some cases up to 40%, suggesting that although still receiving the same monetary amount of income from the forest, additions in diversified livelihood strategies has resulted in a declining overall importance of the forest as a source of revenue for poorer Ugandans.

In another study which includes non-monetary livelihood contributions, Akwetaireho et al (2011) suggest that the relative value that forests in the overall project area play as a significant contributor for household economies (see Figure 3).



**Figure 3: Survey results of average household income in 2010 in the project area from selling and consumption of major livelihood activities. Modified from Akwetaireho et al 2011.**

The implications of these studies for the MSREDD+ Project are that while agriculture is the dominant contributor to livelihoods, forests play a significant role in people's livelihoods around the project area. The protection of these forests is thus important for the region, but simultaneously the impact of a 30-year REDD+ project on livelihoods must be addressed through the FPIC process.

#### *Mapping of land tenure*

Land tenure in this REDD+ project is of utmost importance as carbon revenue can only be distributed once clear land title has been issued. Thus, one of the significant activities of the project will be to help individuals with clear land ownership by facilitating land title acquisition. However, another concern of the project, particularly for the FPIC, is to assure that this process does not unjustly impede on basic human rights of individuals, particularly those of marginalized people. This section details current knowledge on land tenure and forest use.

Land in the project area is either privately owned or communal, and private land in the various project districts have a myriad of land tenure and use. Box 4 provides definitions of the land tenure types, and is followed by information from various members of NARCG.

#### Box 4: Land Tenure in Uganda

Land tenure is formally governed by the Constitution of Uganda 1995, the Land Act 1998, the Registration of Titles Act, The Land Amendment Act of 2010, Customary Land law, and pending National Land Policy of 2011. The Constitution lays down the fundamental principles with regard to land ownership; the Land Act governs land ownership, land administration and resolution of land disputes, while the Registration of Titles Act deals with the registration and transfer of titles to land. The 2011 Land Policy will strengthen occupier rights once approved by the Cabinet.

Customary tenure is the most common type of tenure in Murchison-Semliki landscape. Most forests under customary tenure are community lands owned by traditional institutions. Members of that community have open access to the land providing that they conform to the rules and regulations of that community. The communities can convert these forests to Community Forests by complying with the provisions of section 17 of the Forest and Tree Planting Act, 2003. Under customary tenure, the use of forests and woodlands is practically open-access. The tenure security is dependent on active agriculture or settlement. Land is generally not officially registered or even properly surveyed. Boundaries often demarcate only active fields and the settlement on the land, which are mutually agreed upon among neighbors. However, customary tenure can also be in the form of 'private' land; specific land that has been inherited from parents or acquired through purchase but does not have a certificate of title. In fact this latter example is the most common in the landscape as opposed to complete open access.

Freehold tenure is not very common in the landscape and mainly applies to large commercial farms owned by companies. The owner can hold his registered land in perpetuity which enables him to exercise full powers of using and developing the land, or taking and using produce from the land, and may enter into any transaction in connection with the land, including selling, leasing, mortgaging or pledging, and subdividing. This form of ownership is also applicable to individual land owners with certificate of titles. In fact the project would be helping individual land owners to acquire free hold certificates of titles thereby converting their customary tenure to a more secure freehold tenure.

Mailo tenure is another form of tenure which allows the holding of registered land in perpetuity, but unlike freehold it permits the separation of ownership of land from the ownership of developments on land made by a lawful or bona fide occupant (who has lived on the land for 12 years or more). The holder can exercise all the powers of ownership like freehold, but he is subjected to the arrangements and statutory rights of the persons lawfully living on his land.

Leasehold tenure is a form of contractual agreement reached between the landlord or leaser and the tenant or lessee with the exclusive possession of the land for a defined period in return for a rent or premium. Under this form of land tenure the determination of carbon rights will depend on the conditions of the lease. On expiry of the lease land tenure reverts to the leaser/landlord.

- The Akwetaireho et al 2011 survey recorded the tenure rights of the households over their land including forest: "54% of all households had a strong title over their land and recognized at a local level (LC1), local free hold (43%) and gift (11%); 39% of the households have land under customary title, which may seem less strong but is recognized at a local level. 21 households refrained from answering and one household admitted to encroachment."

**Table 1: Land tenure in the Landscape, based on Akwetaireho et al 2011 survey of 342 residents across the MSREDD+ Project region**

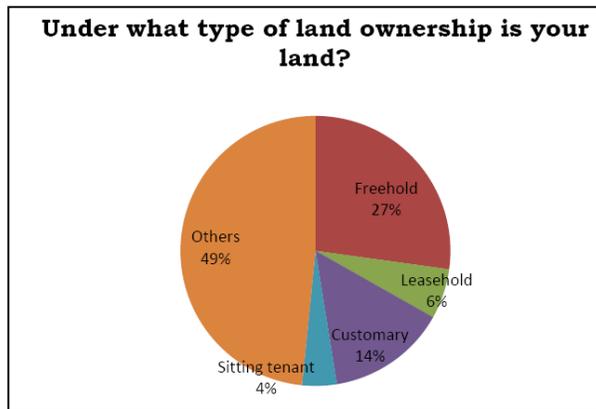
Tenure type	# of respondents	% of total
Freehold	148	43%
Customary	133	39%
Encroachment	1	0%
Gift	39	11%
No response	21	6%

- In Ecotrust's survey of 153 households in their project area, 172 'Parcels' were used by those households. Of that, 94% of households had land which can be registered as owned, 4% of households were landless and rented from individuals, and 2% illegally used land on public lands (A Kirabo, pers. comm).
- In the Hoima and Kibaale project region CSWCT survey suggested forest use/ownership varied, from 1% renting, 2% squatted, 15% cleared land and claimed it, 51% inherited land, and 31% purchased it. For those who owned land, 52% owned one parcel while 48% owned two or more parcels. Table 2 breaks down the type of land ownership by current participants in their PES scheme. What it shows is that most land tenure is on customary lands

**Table 2: Land tenure types of participants in a Payment for Ecosystem Services scheme in Hoima District. Data courtesy CSWCT**

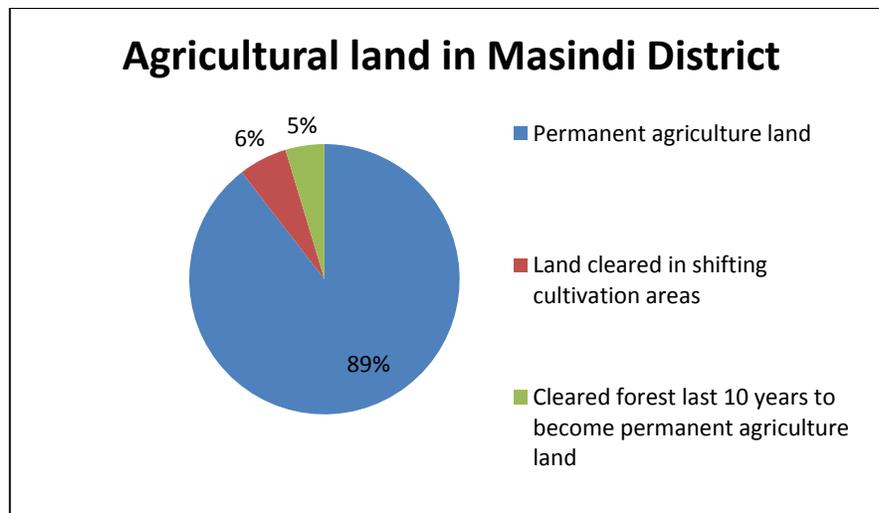
Sub County	Customary	Freehold	Leasehold
Bugambe	37	18	1
Kabwoya	27	2	0
Kitoba	51	6	5
Kiziranfumbi	43	0	0
Kyabigambire	47	1	5
Kakindo	65	0	0
Birembo	6	0	0
Kiryanga	23	1	0
<b>Totals</b>	<b>299</b>	<b>28</b>	<b>11</b>
<b>Percentage</b>	<b>88%</b>	<b>8%</b>	<b>3%</b>

- WWF's study around Kibaale and Kyenjojo, shown in Figure 4, provides an example of land tenure in one region of the project area, and highlights the challenges that local residents face to secure rights to their land.



**Figure 4: Example of land tenure in Kyenjojo and Kibaale districts. Results from respondents suggest most tenure occurs in the ‘other’ category, which is a mix of unclear use and local arrangements. Source: Nambongwe (2010).**

- A different survey on agricultural land use (rather than tenure) by Ecotrust suggests that about 11% of current lands have been cleared in the past decade; 5% of all land being used for shifting agriculture. Figure 5 suggests that shifting cultivation is not a serious problem in the Masindi area, but one should note it is not representative of the entire project area, as Masindi contains very large swaths of land that are either sugar plantations or private ranches. The implication of this is that the project will need to target this type of land use towards best practices such as conservation farming.



**Figure 5: Land use in Masindi District as surveyed by Nabanoga (2012)**

The above mentioned studies show that there is a wide variety of tenure types, for which legal documentation and registration needs to be pursued by the project participants in order to receive REDD payments. The legal procedure is clear on paper, but unknown to most land owners. The only problematic land issue is with mailo. There is a significant percentage of land in mailo tenure in which 'absentee landlords' living outside the region hold the land title for forests and agricultural lands that local residents use. The uncertainty of this specific tenure results in a lack of protection of the

forest, and the inability of land tenants to receive REDD+ payments because they do not have land title to the forests in which they live. However, Kibaale District has a policy of addressing this issue which should open up the possibility for REDD payments to the residents (A Grieser Johns, pers. comm).

As part of the incentive package, one of the benefits of the MSREDD+ Project for residents of the area is that NARCG members are helping individuals clarify the property rights through providing procedural guidelines to land tenure, helping communal forest associations to legally register communal forests, helping to map the forests of 4500 households, and to bring to the forefront large scale tenure issues that may impact rights to acquiring the legal carbon rights according to Ugandan law. The process of clarifying property rights of each household entails gathering all stakeholders to identify overlapping claims on land and usufruct rights. The land and forest of each household or village are currently being outlined with a GPS in the presence of each landowner's neighbors and a representative of the Local Council (LC1). Registration of land may be free if donor funding is found otherwise participants will need to finance this through micro-credit; and it will be available without the obligation to participate in the Project. A registration certificate is issued in cases where there is no dispute over the land, or after a dispute has been resolved. Documentation of disputes and their resolution will be the responsibility of the District Land office. For the legal text guiding NARCG members on the mapping of land, see Appendix 6.2.

#### 4.1.2 Social impact assessment review

Environmental and social impact assessments are often conducted for projects that may negatively impact the environment and communities, particularly for forest-dependent peoples whose livelihoods would be significantly impacted by the removal or restriction of rights to access forest resources. The Murchison-Semliki Forest Project has a specific goal to have net positive impacts. The protection of natural forests through payment for ecosystem services will reduce biodiversity loss and strengthen long-term ecosystem health for residents. In addition, the social and economic components of this project will positively impact agricultural practices, through soil conservation, improved yields, and improved practices, and provide income to forest owners.

The Convention on Biological Diversity adopted the *Akwe: kon Voluntary Guidelines* for conducting social impact assessments whenever developments are to take place on lands or with resources used by villages that might have potential negative impacts on culture. The MSREDD+ Project does not plan to have any developments which would negatively impact local culture<sup>9</sup> or natural resources; indeed this project aims at protecting the remaining forests in the area, which will reduce climate variability thus aiding agriculture, protect water sources, native forest flora which can still be accessed for non-timber use, and wildlife that has historically been a component of traditional life and culture. Given this project will provide net benefits there is little need to conduct a full impact assessment.

However, the project does recognize that the protection of the remaining islands of native forest will have impacts on individuals and the village. A matrix (see Table 3 below) was developed with partners working in the region to assess potential positive and negative impacts to village members' livelihoods and social welfare where the project will take place.

This process has guided the development of discussion topics during the FPIC process in terms of working with villages and related institutions for the development of strategies to address any potential negative impacts, and to improve upon beneficial components to ensure a transparent and equitable project.

<sup>9</sup> Activities during the colonial period, the first decades after independence, and capitalism have fundamentally changed the society and how rural people interact with and value nature. These forces play a much more significant role in changing culture than this REDD+ program that will give forest owners the tools to protect remnant forests for the long-term benefit of the community and forest owners.

**Table 3: MSREDD+ Project Activities and impact matrix**

<b>Goal</b>	<b>Activity</b>	<b>Positive Outcomes</b>	<b>Potential Negatives</b>	<b>Monitoring needs</b>	<b>Challenges</b>
1. An implementation framework established and accepted by all stakeholders following international requirements, and safeguards with transparent and secure mechanisms and protocols put in place.	1.1 Obtain free prior and informed consent (FPIC) from the "project affected people"	Village and individuals will have a right to express concern and help ensure a community-positive approach	Villages and individuals may not consent to the project because they do not see the incentives as being large enough for them	See FPIC Strategy document	Process will take a long time and therefore carbon benefits will take more time to trickle down to farmers
					The opportunity cost of other land uses may be higher than the REDD+ incentives leading to continuing forest clearance
					Potential for misaligned goals--FPIC process may raise the village expectations of financial gain, whereas REDD+ project prioritizes carbon and biodiversity conservation
					Current beliefs and practices in the communities may undermine effective participation of women
	1.2 Clarify property rights in a cost effective, but legally sound manner	Individuals will have access to obtain legal title to their land	Traditionally communal lands (particularly riverine forests) may become appropriated by powerful individuals who have resources and connections to claim user rights over this public/state forests out	Ensure FPIC procedures are followed to ensure a legally sound process and activities are transparent	Land conflicts may delay process Local government may not have the ability to approve applications in a time efficient manner--if this is the case the project may help local government to facilitate this process as long as it is transparent.

Goal	Activity	Positive Outcomes	Potential Negatives	Monitoring needs	Challenges
			Demarcation of land may limit access to internal Ugandan landless migrants		Demarcation of land may be time consuming, bureaucratic, and become costly;
			In case of absent landlords in Kibaale district, land titles may be issued to illegal claimants/sitting tenants/squatters leading to disputes and grievances; Historic land related ownership issues in Kibaale may undermine participation of bona fide occupants		Mailo land issues need to be resolved at the district policy level
	1.3 Establish a governance structure to manage the project	Rights, voice and transparency for all stakeholders	Representation may not be representative within the village covering all interest groups	Ensure process is open and has representation from minority groups; assure it's not hijacked by special interests in village and local govt	
		Empowerment of local village structures	The addition of forest owners who are not and may not want to be represented through the PFOA		Decision-making may be subject to different levels of knowledge and awareness
		Stakeholder buy-in and local support obtained, leading to more sustainable project outcomes	Local village may deny new arrivals or fresh migrants representation on decision making structure		
	1.4 Establish a benefit sharing agreement between all the stakeholders	Will provide income for participating farmers in forest protection	Jealousies may create conflicts within the village, impacting social cohesion	Ensure process is open and has representation from minority groups	Central government may stall the process
					If villagers perceive performance contracts to be uneconomical, PFOs may refuse to participate in the scheme

Goal	Activity	Positive Outcomes	Potential Negatives	Monitoring needs	Challenges
	1.5 Establish a carbon accounting MRV system mechanism and protocols	Adopting a participatory and community-based monitoring framework will contribute to the sustainability of the mechanisms and protocols		Ensure the process is open	
	1.6 Validation of the PDDs	<i>Not applicable to villages</i>			
	1.7 Develop marketing strategies to sell carbon credits	<i>Not applicable to villages</i>			
2. Signed land-use plan contracts with farmers/forest owners adopting sustainable forest management and farming practices with carbon and conservation milestones to mitigate the risk of reversals and deliver village benefits	2.1 Establish individual land-use plans for forestry and farming (similar to the COMACO model from Zambia or LLUPs at district level)	Large scale ecosystem services protected against further degradation, benefitting village at large	Long-term development options to current landless and young generations will be limited as 'future farmland' is locked out	Management plan should have measureable bench markers and milestones	May need forest protection teams if jealousies or opposition to project threaten forests
		Natural forests available for sustainable uses such as NTFP collection (minor); Fuel wood (major)	Potential growth options for participating forest owners is locked up in agreement	Ensure that NTFP are not overharvested	Farmers might want to maximize the agricultural side of the management plan with minor forest conservation effects
		Perhaps collaborative agreements between forest owners and landless lead to employment for marginalized		Examine attitudes, relationships, and forest activities	
		Participating farmers can earn premium price for produce in return for contributing to conservation objectives	Large supply may lower the price for premium produce	Ensure that forest is not turned into agroforestry plantation over time	
	2.2 Seek collaboration with agribusiness partners	More options for agriculture diversification and profits	Agribusiness partners can set the minimum price in their advance	Ensure that farmer income does not erode	

Goal	Activity	Positive Outcomes	Potential Negatives	Monitoring needs	Challenges
	2.3 Establish an extension service network for land-use management	Local marginalized will be offered the opportunity to learn new skills as extension officers	Extension network may introduce a new layer of corruption and lack of transparency	Assure that everyone has access to services and efforts made to avoid discrimination, support gender equality, and reach out to marginalized farmers	Assure that this extension service does not duplicate existing government services and collaborates with government agents
		All farmers, not just forest owners, can participate			
		Improved techniques protect soil and improve long-term farming			
	2.4 Wildlife conflict strategic approach	Development of a support structure to protect wildlife and farmers' interests	Project participants and non-participant neighbors will shoulder the cost burden for wildlife protection in these forest corridors	Mechanism must be fair, transparent, and accountable at all levels	Getting buy-in from non-REDD+ farmers will be difficult
		Local districts and UWA must be engaged effectively to address problems	Retaliatory killings may endanger wildlife	Create a database to record conflict events	Ensure that the system is not abused
					UWA may not have the capacity to deal with problem animal control in village areas (e.g. chimps, and other non-vermin designated wildlife); Policy for local vermin guards not implemented
3. GHG emissions from clearing woodland for fuelwood quantified	3.1 Develop a cost-effective protocol to quantify the coverage of woodland that can be applied in Murchison-Semliki landscape and nationally	Employment of people to work with the project			
	3.2 Calculate deforestation rates of woodland over a historic reference period	Employment of people to work with the project			

Goal	Activity	Positive Outcomes	Potential Negatives	Monitoring needs	Challenges
	3.3 Measure the biomass of woodland	Employment of people to work with the project			
4. An R-Package and a strategic road map developed to implement REDD+ projects nationwide	4.1 A lessons learned guiding document/manual	<i>Not applicable to villages</i>			
	4.2 Workshops with responsible local/central government officials for National REDD process and civil society representatives.				

### 4.1.3 Legal/policy review

The Murchison-Semliki Forest Project contains two legal components to highlight in the FPIC process for village members: forest stewardship with carbon rights (REDD+), and land tenure clarification and strengthening. The applicable laws are highlighted below. Appendix 6.2 contains a detailed report from the MFFP land lawyer on issues surrounding land rights in the project region.

#### 4.1.3.1 Forestry laws

National government legislation supporting REDD or Property Rights:

- The National Environment Management Policy (NEMP; 1994) to promote sustainable management of forest resources in protected areas, and on private and public land.
- The National Forestry Policy (2001) to promote public participation and partnership between governments and private companies in forest management.
- The National Forestry and Tree Planting Act (2003) to promote registration of private forests with the local government District Forestry Services and the District Land Board.
- The Ugandan government Vision for 2035 (2008) references explicitly to carbon trading as a means of conserving forests for climate change mitigation.
- The Ugandan REDD readiness Preparatory Proposal (R-PP; 2011) submitted to the World Bank Forest Carbon Partnership Facility (FCPF) to accommodate future REDD+ projects
- The National Development Plan (2010-2015) categorizes forestry as a primary growth sector with prospects for investment both from the national budget and the private sector. The National Development Plan emphasizes “sustainable development through preservation of natural resources such as forests ...”

Local government legislation:

- The Hoima Environment and Natural Resources Management Ordinance (2011) to promote sustainable natural resources management
- District ordinances (in prep.) in Kyenjojo, Kibaale, Hoima and Masindi Districts, clarifying the legal basis for managing forests on private land
- Masindi District Local Government Production, Environment, and Natural Resources Management Draft Bill, 2011 to regulate and ensure sustainable natural resource use

#### 4.1.3.2 Property laws and land/resource tenure

National laws on property and tenure:

- The Constitution of Uganda, 1995. This details changes to land tenure on communal and private non-communal lands, as most lands became privately held; it details definitions of customary, mailo, freehold, and leasehold tenure.
- Land Act of 1998. According to the Land Act (1998), land is defined as: “land and all that grows on it”. Therefore a landowner is the tree owner except in situations where additional arrangements such as leases and licenses have been made. Land ownership can be held under four basic tenure systems: customary, freehold, mailo, and leasehold. Customary tenure is the most common form of land tenure in the rural parts of Uganda, including in the Landscape. Under customary tenure, the use of forests and woodlands in a specific area is virtually open-access to a specific group of people, governed by generally accepted and binding rules. Land is owned at a tribal level held in trust for the people by a chief in this case in Masindi, and Hoima (see the RPP for Uganda for more detailed information available online at The Forest Carbon Facility Partnership [www.forestcarbonpartnership.org/fcp/](http://www.forestcarbonpartnership.org/fcp/)).
- The Land Act cap 227, details procedures for obtaining tenure on communal land
- The Land Amendment Act of 2009
- Lands Bill of 2011

#### 4.1.3.3 Governance and decision-making structures

Uganda is a highly decentralized country, with five levels of local government. Figure 6 details these levels, from District to County, to Sub-county, to Parish and finishing at the Village level.

Local council Level	Political Head	Procedure for selection of representatives	Status of LC level and Administrative Head	Technical staff	Percentage of locally generated revenue retained
LC5/District	District Council Chairman	1) Chairman elected by universal adult suffrage (UAS) 2) One councilor elected from each subcounty by UAS 3) Women make up 1/3 of council 4) Special councilors of youth and disabled	Local government Chief Administrative Officer	Full team	35% of total
LC4/County	--	--	Administrative Unit Assistant CAO	--	5 % of the 65% remainder
LC3/Subcounty	Subcounty Council Chairman	1) Chairman elected by UAS 2) Councilors elected by UAS from each parish 3) Women make up 1/3 of council	Local government Subcounty chief	Subaccountant, extension, and other technical staff	65% of the 65% remainder
LC2/Parish	Parish Council Chairman	Selected by LC1 executive members	Administrative Unit Parish Chief		5% of the 65% remainder
LC1/Village	LC1 Chairman	Direct election by UAS	Administrative Unit		25% of the 65% remainder

**Figure 6: Local governance system. Adapted from Francis and James (2003) in (Saxena et al. 2010) with clarification from S. Biryetega (pers comms).**

At the Village level (LC1), which consists of around 50-70 households, villages elect a local council—a group of 10 executive committee members led by a chairperson. This chairperson then represents the village at the Parish level (LC2). Decision-making within the village is conducted through local meetings.

Within the village there are different groups which provide support within the village and parish. There are a number of civil society and community-based organizations within the project region, a list of which is included in Appendix 6.3. These organizations have varied roles within the villages; from democracy, health and education, to the environment. Two such structures which directly relate to the REDD+ project are the PFOAs (private forest owner associations) and the Communal Land Associations. These will be described in detail in Section 4.1.4.

#### 4.1.4 Identifying appropriate decision-making institutions

The Ugandan government is in the process of developing a national REDD+ program, highlighting the interest in developing carbon markets to protect remaining forests within the country. At local levels, government officials have been very supportive of NARCG member initiatives, including payment for ecosystem services projects (PES), identifying and securing private forest tenure, and the concept of a REDD+ program. In the first phase of the FPIC process, these government officials will be consulted about the project in their area, discussing and obtaining consent on the FPIC process itself.

The FPIC process concerns garnering village support for the project. There are two levels of decision-making within the villages that relate to this project:

- Village acceptance of overall project
- Forest owner participation

For communal forests, these two levels include the Communal Land Association members and the management committee of the CLA who will act as signatory to the REDD+ contract.

To document this support from the village, the project must identify decision-making structures at these levels that can provide the acknowledgement of support and consent.

### **Village**

At this level, as highlighted in Section 4.1.3.3, the village council takes the lead in each village for making communal decisions. The project will hold meetings with higher levels of government and support them if needed in providing guidance to village councils. Each village will need to weigh the positives and negatives of the project, and through the council develop a process by which concerned stakeholder groups within the village can discuss issues of redress for negative impacts accrued to non-participants.

### **Forest owners**

*PFOAs.* These Private Forest Owner Associations are grassroots organizations that represent and support forest owners in villages. The goal behind the associations is to have a platform within the village for advocacy and management support of private forests. These associations have been encouraged by the NARCG members working in the project area. Although these groups do not provide direct decision-making for inclusion into the program, some of the roles they will perform include:

- Organize individual forest owners and provide the structure for FPIC capacity building
- Serve as witnesses for contractual agreements with individual forest owners and transparency
- Facilitate grievance issues on behalf of individual private forest owners
- Evaluate ongoing consent
- Facilitate incentive package initiatives associated with the MSREDD+ Project.

*Individual Owners.* Each forest owner will be responsible for enrolling his/her land in the project. As forest owners are not necessarily members of a PFOA, the project will reach out to them through village meetings and facilitate formation of PFOAs if desired.

*Communal Land Associations.* In the communal forests projected to participate in the REDD+ project, the forests are managed by Communal Land Associations. These associations are community based organizations open to all members of the villages surrounding the forest in question<sup>10</sup>. The CLA will have the following roles and responsibilities in REDD+ project: Forest management, forest patrols, fire protection, assisted natural regeneration, replanting, and developing and implementing livelihood plans (i.e. the income generating activities in these plans will be those in e.g. eco-tourism and out of the forest e.g. agro forestry practices).

### **4.1.5 Identifying national support structures for rights advocacy**

Uganda has a very active civil society which advocates rights for citizens. There are international, national, and local CSOs and CBOs, as was described in Section 4.1.4 and outlined in Appendix 6.3. Organizations which merit special attention for this project include Uganda Land Alliance, Women's Land Rights Movement, Global Witness, the Responsive Forest Governance Initiative C/O IUCN Uganda Country Office,

<sup>10</sup> The board of each association is nominated by members of the association in a democratic process by interested members of the communities. The process starts with an ad hoc committee formation and later a formal committee. The associations' constitutions describe office tenure and how to change when necessary, at this stage its only association members that participate. The CLA has a management committee made up of a chair person, vice chair person, secretary, treasurer, public relations officer and group members. The management committee is responsible for the day to day activities.

Ecosystem Alliance Uganda Chapter, African Institute for Energy Governance (AFIEGO), and the Uganda Wildlife Society—organizations that work on land rights and advocacy, and forest-based issues. These organizations and networks will be highlighted to individuals during the FPIC process as organizations they can reach out to for third-party advice. One organization will be chosen as the MSREDD+ Project third party observer to help ensure a transparent FPIC process.

## 4.2 Cross-cutting issues

### 4.2.1 Gender

Ensuring women are equitably engaged in the MSREDD+ Project is a key goal for the project. It is widely recognized that women of the households are the primary farmers, energy providers (primarily firewood, but also charcoal), and water collectors for household. This means women are critical to engage to ensure forest preservation yet circumvent negative economic impacts to households in the project area. However, traditionally in rural Uganda, men are the head of the household and with few exceptions sole owners of the family's land property. Thus contract signatories and direct financial beneficiaries of the MSREDD+ Project will overwhelmingly be male forest owners. Changing ownership will be difficult, and thus one of the project's significant challenges will be how to include women in meaningful and equitable ways.

In current outreach activities, women as a general stakeholder have been challenging to engage. The two primary reasons are:

- Women don't see themselves as important in the REDD+ discussions over land as their husbands have rights over property
- Women culturally typically defer to men in meetings, and aren't allowed to make decisions without the approval of their husbands, and thus are reluctant to participate in meetings.
- Most women in the village cannot read, and thus may be denied a share because either a woman's signature doesn't exist on legal documents or she was not able to read and understand documents pertaining to REDD+

To address this, NARCG member, WWF, has begun holding women-only meetings regarding natural resources. The result has been heavy engagement and discussion of women's issues surrounding the natural resource sector in their areas. Ecotrust, another NARCG member assures:

- Participation of all members of the household with specific emphasis on involvement of women & the elder children in the application process which involves land use planning,
- Specifically targeting involvement of women and ensuring that those that participate have specific plots and are registered members of village banks to which their funds are sent.
- Working with LCs to ensure that the Widows and children can take over the project/agreement in case of husband death.
- Plan the timing and location of the training/sensitization meetings to be accessible to women & other marginalized groups.

In addition to adapting the way meetings are held, women must be systemically included in the overall project. To contribute to this goal, the project promotes the equal rights of men and women to create a balanced representation in the recruitment and training of project staff, as well as representation in consultations and in funding mechanisms. NARCG members are already incorporating focal points within the PFOAs to represent women's rights to ensure that gender sensitive issues are properly dealt with and that the female-run households will have a voice in the decision making and their priorities are respected.

In addition, four major components of the incentive package will contribute to the reducing the benefits gender gap:

- Extension activities that inherently promote women as the primary beneficiaries of good agricultural practices

- Ecosystem services stabilization that will reduce losses in, and potentially augment, agricultural production
- Energy-saving measures that reduce women's needs to search for firewood
- Silverholdings, a microfinance organization that provides loans only to women to ensure that rural women get equal access and chances, has been contacted to work in the project area.

Finally, as stakeholder meetings exclusively with women through the FPIC process are completed, other grassroots strategies will be developed to address the gender gap.

#### 4.2.2 Youth

Young people in the project area are tomorrow's decision makers. Given the population structure of the region, the youth make up more than half of the population, and given the 30 year duration of the project, this makes them a critical sector of the population. Already, NARCG members have realized the need for including this stakeholder group, as they influence the decisions of their parents who own land--land that will eventually become theirs and divided amongst their siblings. One challenge for the project will be children of forest owners who will want/expect their parents forest for their own future farmland. A second challenge will be a growing sector of society who may not have access to agricultural land and who choose to use natural resources in the forest to further their livelihood ambitions.

To address this particular issue, the project uses a two-fold approach:

1. Forest resource users (including unemployed youth) will be able to participate as a focus group for discussions in the village FPIC to address alternative opportunities for livelihoods
2. Elder children of forest owners will be included as a focus group during the forest owner FPIC in order to address issues of their parents enrolling their forests in a long-term REDD+ project and how they might contribute to ideas to ensure the sustainability of the project.

#### 4.2.3 Language

Although English is the official languages of Uganda, many rural people are fluent only in their native languages. In this region, the primary language group is Runyakitara (including Runyoro, Rutooro, Runyankore, and Rukiga), with Lugbara and Alur as the minority languages, particularly in Masindi District. Given the diversity on the ground, languages will be appropriately selected for meetings depending on the location and composition of the audience. Radio broadcasts will be in Runyakitara and Kiswahili languages, and for educational materials, posters/handouts will be printed English, Runyakitara, and Kiswahili. For participants who do not understand these three languages, translators will be utilized from within the village for meetings to ensure minority groups are included in the process. In addition to this, the project will acquire and train young trainers to help carry out intensive sensitization of the villages in their local languages before signing documents. These legal and project documents will be signed in English, Runyakitara, Rukiga, or Kiswahili depending on the individual. Upon request the project can provide third-party translators identified by the individuals wanting translation to promote trust and understanding.

#### 4.2.4 Institutional Support

**Forest Sector Support Department/National Forest Authority** - As the co-chairs of the National REDD Steering Committee, FSSD and NFA have placed the MSREDD+ Project on the list of projects for endorsement by the REDD+ steering committee as a demonstration project to inform the national REDD+ process in order for Uganda to become a low-risk host country for REDD+ projects.

**Local District Authorities** – The project is in the process of engaging local authorities of the Districts of Kyenjojo, Kibaale, Hoima, Kabarole, Bulisa, Ntoroko, Kyegegwa, and Masindi through the FPIC process. Once the villages and private forest owners consent to the process, the MSREDD+ Project will move on to benefit sharing agreements with the Districts and Sub-Counties highlighted in the PDD. The interested parties include the District Forest Service, the District Environment Officer, District Community Development Office, District Production Officer (Agriculture) District Natural Resource Department, the District Land Officer, and the Chief Administrative Officer. At the sub-county level the MSREDD+ Project will engage agricultural extension officers, community development officers, sub-county chiefs, and LC3 chairperson.

**Local Village Authorities** – The MSREDD+ Project, through the FPIC process, will engage Village Councils and Private Forest Owners Associations. Once the villages and private forest owners consent to the process, the MSREDD+ Project will move on to benefit sharing agreements with individuals through the contracts.

#### 4.2.5 NARCG and human rights

Members of the NARCG who are implementing the project, although organizations focused on natural resource conservation, have approaches they take to ensure the rights of individuals and villages and promote gender equality. Below are specific approaches that highlight this commitment; Appendix 6.4 elaborates on various member positions on human rights. To ensure human rights are respected and monitored, the MSREDD+ Project will work with a third party organization (see Section 5.6) to address areas of concern.

- **WCS** and **WWF** are members of the Conservation Initiative on Human Rights (CIHR) whose first principle is to “respect internationally proclaimed human rights” and to protect against contributing to human rights infringements. Appendix 6.4 contains the human rights framework of CIHR.
- **WWF** project initiatives target grassroots level communities to provide incentives for conservation of forests and biodiversity. Within target areas WWF does not discriminate between local indigenous communities and recent settlers and takes the approach not to work on projects that force people off land. WWF has an obligation to address gender issues as required by both WWF International and donors such as UNDP, and have specific gender oriented programs within the Communications Strategy and incentives delivery.
- **CSWCT** is an indigenous National NGO with Ugandan staff, whose objectives include benefitting local communities. As part of its commitment to promoting local benefits, all community monitors in the Albertine Rift project are from the local community. In the Murchison-Semliki Forest Project, involvement of private forest owners in the PES scheme is non discriminative, and "as far as possible, involvement of different social groups such as men, women, youth, indigenous community members, and the elite will be considered when choosing the land owners, national steering committee and participation in general meetings. The PES scheme will be designed to raise incomes of participating community members while improving the environment.”
- **JGI** believes that as local populations are the immediate custodians of natural resources, there is little prospect of improving local natural resource management and achieving conservation goals if they are excluded from participating. Conservation cannot and should not be pursued against the interests and wishes of local people so that protected areas and species conservation yield an economic return for the local people and contribute to sustainable livelihoods. As an approach to addressing the above conservation issue, JGI’s community-centered conservation approach provides local communities the tools needed to manage their natural resources for long-term economic gain and environmental prosperity. With increased local capacity, responsibility, and participation in the sustainable management of natural resources, communities are much better positioned to effectively preserve the natural environment and wildlife of their area.
- **Ecotrust** incorporates gender and age equality into their work. They seek the participation of all household members, particularly women and elder children when working on land-use planning, and plan meetings and trainings such that they are accessible to women and marginalized groups. They work with the LCs to ensure these stakeholders can take over titles and projects in case of the death of the male head of house.

## 5 Murchison-Semliki FPIC Process

This section documents the FPIC procedures and guidelines that should be used for the Murchison-Semliki Forest Project. The FPIC process is comprised of five main phases: Development, Village FPIC, Forest Owner FPIC, Communal Forest FPIC, and Review. Unlike most other REDD+ FPICs, this project works

almost exclusively with private forest owners; not on communal lands<sup>11</sup>. Because of this difference, this project contains a two-phase FPIC process, in which majority consent is sought from villages, and full consent is sought with individual participants. The processes are fairly similar, with differences highlighted in the sections below (see Figure 8 in that overviews the process).

Phase 1, the development of the FPIC process, includes this entire Strategy document and planning up through to the actual FPIC processes in the village. Table 4 below outlines again the overall MSREDD+ Project goals and activities, and in the third column demonstrates how we incorporate FPIC throughout the overall project, which in turn reflects how villagers and forest owners are included in the development and functioning of the project.

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<sup>11</sup> With the exception of the NARCG member Ecotrust component that works with communal forests.

**Table 4: MSREDD+ Project activities and corresponding FPIC activities developed during Phase 1 of the FPIC process. The FPIC actions outlined are entwined throughout the strategy presented in this section.**

Goal	Project Activity	Complementary FPIC Action
1. An implementation framework established and accepted by all stakeholders following international requirements, and safeguards with transparent and secure mechanisms and protocols put in place	1.1 Obtain free prior and informed consent (FPIC) from the "project affected people"	All sub-activities will be highlighted in details in Section 5 of the FPIC Strategy
	1.2 Clarify property rights in a cost effective, but legally sound manner	Project will facilitate development of formalized rights for those who participate in the process and need assistance. Legal team documented details land tenure issues; process of land rights clarification to assure a fair and open process. Land tenure will be assigned through local government process; NARCG members facilitate only.
	1.3 Establish a governance structure to manage the project	During the FPIC community meetings, explain the governance structure mechanism that will be set up to increase transparency and local representation. During the meeting seek ideas from attendees on who should represent villages and set up a task force to determine a feasible representative structure.  Through the FPIC's second phase, assure that FPOA discussions lead to FPOAs have local representation on the governance structure, and that FPOAs themselves are representative and developed in a free and fair manner
	1.4 Establish a benefit sharing agreement between all the stakeholders	Explain what a benefit sharing scheme is to both communities and to PFOAs. Scheme must: have fair and adequate distribution; include the development of safeguards; and strive towards gender equality
	1.5 Establish a carbon accounting MRV system mechanism and protocols	Explain the MRV system to communities and to PFOAs
	1.6 Validation of the PDDs	Explanatory session for both target groups
	1.7 Develop marketing strategies to sell carbon credits	Explanation of carbon sales; explain wildlife co-benefits
2. Signed land-use plan contracts with farmers/forest owners adopting sustainable forest management and farming practices with carbon and conservation milestones to mitigate the risk of reversals and deliver community benefits	2.1 Establish individual land-use plans for forestry and farming (similar to the COMACO model from Zambia)	Lengthy discussion of what a contract will include, and why they are necessary. Also discuss with target groups potential agricultural opportunities, and how people who do not have forests can potentially benefit from the project.  Explanation of COMACO and CBARFP LLUP project to demonstrate how something like that could work here.
	2.2 Seek collaboration with agrobusiness partners	Explanatory session on what possibilities are; for example ENESCO in Kibaale
	2.3 Establish an extension service network for land-use management	During the FPIC community and PFOA meetings, discuss the idea of an extension service network and gather ideas about what the people would need, and how local community members might benefit from employment.
	2.4 Wildlife conflict strategic approach	Discussion of human-wildlife conflict and the recognition that these forests will harbor wildlife which may indirectly/directly impact farmers near the forests; mechanism of grievances/mitigation must be set up
3. GHG emissions from clearing woodland for fuelwood quantified	3.1 Develop a cost-effective protocol to quantify the coverage of woodland that can be applied in Murchison-Semliki landscape and nationally	Explanatory session during FPIC meetings
	3.2 Calculate deforestation rates of woodland over a historic reference period	Explanatory session during FPIC meetings
	3.3 Measure the biomass of woodland	Explanatory session during FPIC meetings
4. An R-Package and a strategic road map developed to implement REDD+projects nationwide	4.1 A lessons learned guiding document/manual	Explanatory session during FPIC meetings
	4.2 Workshops with responsible local/central government officials for National REDD process and civil society representatives.	Explanatory session during FPIC meetings

Once the design of the FPIC is complete and agreed to by all implementing NARCG members, the document will be shared with a human rights group for review. After successful review, the document will be shared with the districts where the project is being implemented. Subsequent meetings with the LC5 and available LC3 representatives in each district will be held to address questions and concerns regarding the FPIC

process. The result will be a recorded endorsement of the FPIC Protocol from the district contingent upon the redress of any issues brought up during the meetings. Given the extent of the project, endorsement of the FPIC process by every village is not a feasible option as the cost would be prohibitive. As local governments represent the villages, their endorsement is regarded by the project as sufficient for implementation.

## 5.1 Consent Process

Phases 2, 3, and 4 of the MSREDD+ Project FPIC focuses on the consent of villages where the project will take place, and with forest owners and CLAs who will be directly involved in the REDD+ project.

### 5.1.1 What constitutes consent

Consent will be solicited at various levels throughout the project. As highlighted in Section 4.2.4, the Government of Uganda supports the Murchison-Semliki Forest Project, which is set to be the pilot project for the Uganda REDD+ process. The REDD+ Steering Committee is a representative group of the Government of Uganda with focal points from the National Forest Authority and FSSD who will implement the Uganda RPP (REDD Preparedness Proposal); it has placed the MSREDD+ Project on the list for endorsement.

**Villages.** Villages within the project area, although not necessarily involved in the project will be affected both positively and negatively. The process for seeking and maintaining village consent rests with developing a process that concurrently:

- 1) Allows individual participants to proceed with projects on their own land
- 2) Develops a process where the entire village is aware of the positives and negatives of the process, with focus group discussions to avoid target stakeholder groups from feeling marginalized from the process, and for the village to work together to develop a proper grievance mechanism that addresses concerns of non-beneficiaries while keeping disagreements focused on constructive resolution for consent
- 3) Provides alternative opportunities for individuals whose activities rely on exploitation of the forest
- 4) Addresses historical inequalities and tenure processes. Land in Uganda is mostly owned by men, thus women and youth are marginalized in projects related to land tenure and resource use. Wives and elder children of male forest owners must understand the significance of entering into long term contracts, including how the agreements will impact forest (agricultural land) inheritance and cultivation patterns.

Informative meetings have been held at the District and Sub-County levels in most of the project area by members of the NARCG during the initial phases of the project. These local government-level consultative meetings will be conducted again for representatives from the District to Parish levels to reinforce understanding and garner political legitimacy and support from officials who represent and serve the people of the region. With decentralization in Uganda, the MSREDD+ Project will seek project-level agreements with each district outside of the FPIC process--a process that is reserved for stakeholder groups at the village level.

The process of village-level consent is detailed in Section 5.1.2.

**Villages will give consent through a set of stakeholder meetings that result in a vote, signed by leaders, contingent upon an agreed grievance process**

**PFOAs and Individual Forest Owners.** PFOAs have been established to help represent forest owners in each village and serve as a platform for discussion and trainings. However there may be instances where forest owners do not wish to be represented or have not yet established a relationship with the association. Given participation is a personal and family decision rather than a decision at the association level, ultimate consent rests with the forest owners who wish to participate in the REDD+ process. As a family decision, spouses and elder children will be included in the consent process (highlighted in Section 5.1.3). Thus, contracts and land use plans for REDD+ inclusion will be signed by individual owners witnessed by family. As PFOAs also

play a ‘watchdog’ role for forest owners within their association, their consent through acting as witness signatories will help ensure a transparent process in the region.

The process of forest owner consent is detailed in Section 5.1.3.

**Forest owners will give consent through a voting process, with subsequent enrollment in the Project by signed individual MSREDD+ Project contracts witnessed by PFOAs and the forest owner's spouse and elder children**

*Communities with Communal Forests.* Communal forests are different than private forests, and thus the consent process is unique but similar. As communal forests are registered and managed by a Communal Land Association, the villagers around the forest (often including more than one village) are invited to become members of the Association, who are then allowed to use the forest according the management plan. However, the same principles in the consent process highlighted in the Village section above will be followed.

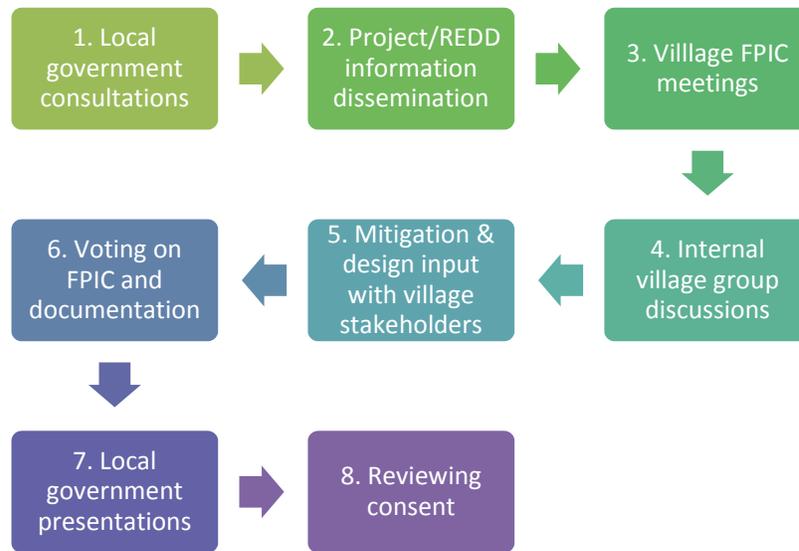
The forest itself is managed by an elected board that represents members within the association. Meetings will be held with the entire community, and consent will be sought from those villagers who choose to join the CLA.

The process of communal forest consent is detailed in Section 5.1.4.

**Villagers will provide input through stakeholder meetings and members of the CLA will vote on consent contingent upon an agreed grievance process, signed by leaders of the management committee of the CLA**

### 5.1.2 Phase 2: Village-level Consent

The consent at the village level will consist of an eight step process with a positive result ending in a majority vote of consent. The process will begin through discussions with sub-county and parish-level government officials, continue with information dissemination through a variety of media, proceed to substantive discussions and brainstorming with focus groups on how the village and the project can address conflict through mitigation efforts, ending with a vote for consent (see Figure 7).



**Figure 7: Procedure for consent at the village level**

**Step 1. Local government consultations**

NARCG members will present the REDD+ project and the FPIC process to sub-county and parish-level government officials and hand out educational materials documenting REDD, climate change information, the MSREDD+ Project, and applicable laws. At this meeting the local government will be invited to appoint a government representative to accompany the project interlocutors to contribute to political legitimacy, witness the FPIC process, and to help their constituents understand the project.

**Step 2. Information Dissemination**

Project interlocutors (a mixture of NARCG educators and PFOA leaders) will use a two-pronged communication approach to inform village members about ecosystem health, climate change, and the REDD+ program. Section 5.3 details the communications packet, including that for village dissemination in Appendix 6.5.

**Step 3. Village meetings**

After information has been distributed the Murchison-Semliki Forest Project interlocutors will come to each village to explain the project. The primary meeting will be scheduled and located centrally so that as many members of the village as possible will be able to attend the meetings. (Satellite meetings may be held to reach out to interested parties who were not able to attend the village meeting.) The meeting will highlight the **details, benefits, and negative implications** of the project, and the process of consent that will take place through working with target groups who may be negatively impacted by the project. This inclusion will be important for minority or marginalized groups such as women to assure that women's issues are addressed and that they have the opportunity to fully participate in contributing to ideas. The village will be asked to highlight major concerns, and the stakeholder groups that are impacted by those concerns. Through the social impact assessment, the Project has highlighted the following stakeholders who will be key in mitigating for consent:

- a. Resource-dependent residents (including swidden farmers)
- b. Forest-adjacent farmers
- c. Participating forest owners

Interlocutors will ensure that people understand they have the right to contribute to the project's design, which they can discuss amongst themselves in Step 4 and elaborate to project staff in Step 5.

**Step 4. Internal village discussions**

This part of the process, which takes place after the informational meeting, allows for village members, in particular the highlighted stakeholder groups, to discuss in private amongst themselves how they feel about the project without a time pressure on producing a same-day consent vote to the interlocutors. It is also the time for villages to seek outside information from civil society

organizations, government agencies, and their local government representatives. Discussion guidelines and tips for good meeting facilitation will be given to the village committees and local government representatives<sup>12</sup> who will facilitate the meetings, and are available in the FPIC training manual (Appendix 6.8).

**Step 5. Mitigation and Design input with village stakeholders**

The overall REDD+ project seeks consent from individual forest owners and majority consent from the villages. Legally the village cannot disallow participation of individuals in the REDD+ project; Ugandans are free to engage in legal activities on their own land, and the project is slated for approval by the government. However, as noted in earlier sections of this document, forest owners' participation in the project may have both positive and negative implications for non-participants. These negative implications need to be addressed, and everyone in the village needs to not only be aware, but contribute to solutions and paths to mitigating negative impacts. Thus during this second meeting with the villages, the interlocutors will work with them to lay the foundations for mitigating concerns that groups may have. The MSREDD+ Project envisions that in both instances, questions can be asked by the people to seek clarification and document ideas for improving components of the project. Section 5.1.6 focuses on addressing grievances, which will be a major component of Step 4 in the village.

**Step 6. Voting on FPIC and documenting consent**

The aforementioned steps will provide information and help villagers address concerns that may arise in the project. The village-level voting will register overall feeling in the village about the project. Votes will be registered by secret ballot at the meeting site, and those voting will sign the registrar of participants. The voting results will be recorded on a cover letter that the Village Council members present will sign and be attached to the registrar. Final documentation will tally votes for the project, chronicle voter sentiment/comments, and record village-driven processes for addressing grievances and concerns that will contribute to future approaches for the project. The document of signatures will be appended to the final FPIC document. Further details on documentation are elaborated in Section 5.4.

**Step 7. Local government presentations**

Results of the FPIC from each sub-county will be presented to local government officials as part of the information-sharing process and transparency.

**Step 8. Reviewing consent**

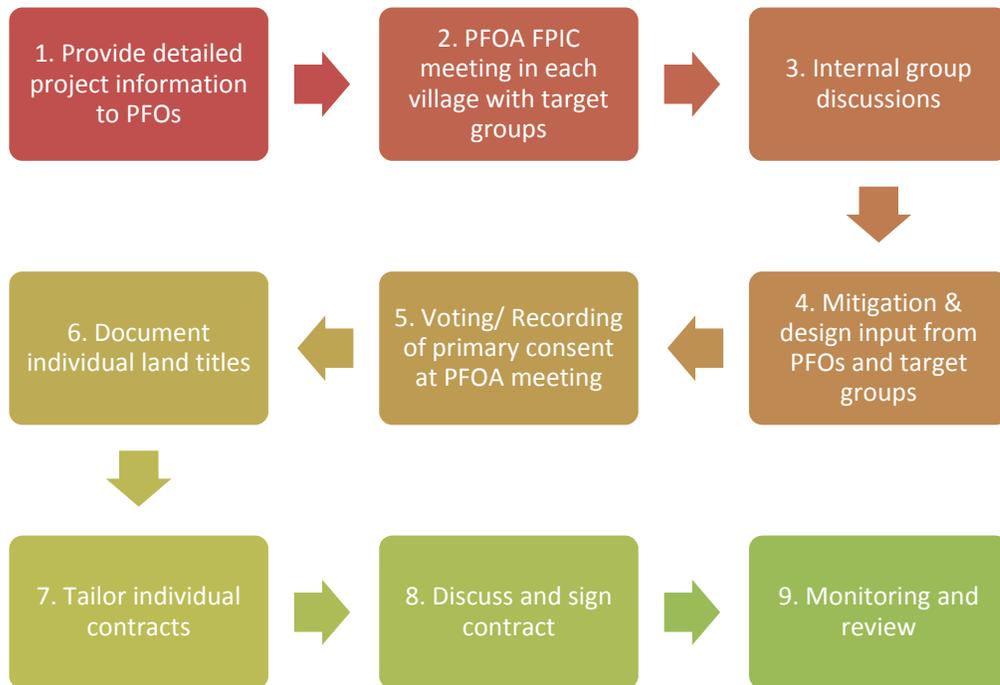
The FPIC process will be reviewed every year or earlier as needed by the village council to assure conditions agreed upon in the consent process are available and if significant components are not met, will convene the village to address the issue. To facilitate this, the project will visit the villages each year to discuss the project, and fill out the Consent review form together with the village council (see Appendix 6.8). Any sources of conflict can be mediated by the local government or the project's third party monitor.

### 5.1.3 Phase 3: REDD+ Participant Consent

The individual forest owners are the legal holders of the carbon rights and primary beneficiaries in the project. Through Phase 3 of the FPIC process, the process to clarify their property rights and confirm uncontested forest land title, and signing individual contracts, forest owners will have full rights to receive carbon revenue from the REDD+ project. The separate FPIC for individual forest owners will provide potential recipients increased project detail for which to make decisions and the ability to provide input to various stages of the project.

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<sup>12</sup> The presence of a facilitator will be suggested to the sub-county representatives, who can nominate community development officers to preside over these meetings. If unavailable, the village council will be responsible for ensuring some form of local discussion before voting for consent.



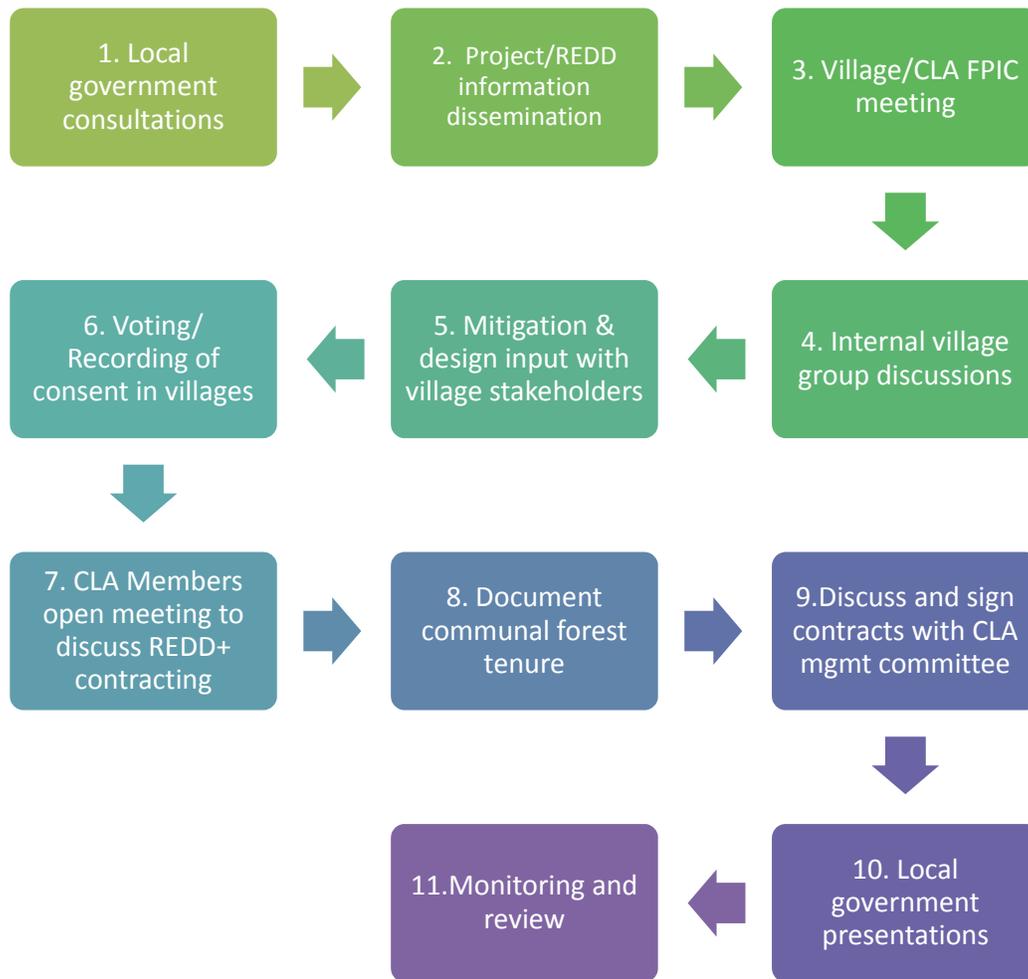
**Figure 8: FPIC process for individual forest owners (PFOs)**

The steps in this process are similar to the village level FPIC. Here, the detailed project information (Step 1) will include specific information on the contracts and details on the relationships of the PFOAs, carbon credits, and the government. Step 4 will bring the members of each PFOA together, with the concerned stakeholder groups of spouses and dependents to inherit land, to discuss any further issues to clarify or improve upon (integration of FPIC and REDD+), and will be followed by vote. Step 5 will be a major milestone for the FPIC, as individual primary forest owners vote on whether or not they want to participate in the REDD+ project and have the PFOA represent them for project activities. This procedural vote is different than the village vote in that it specifically relates to the details of the project for the forest owners and associations that directly impact them but not the village.

After the recording of primary consent (which will allow the project to move forward to negotiate a sale of carbon credits representing their interests), final consent will transpire in the following stage of the REDD+ project with individual forest owners. This consent will be in the form of individual contracts that will be signed by the forest owner with witness signatories including the forest owner's spouse and a MSREDD+ Project representative (see Section 5.4). These contracts will occur once individual titles are recognized without contestation; the individual contracts will be tailored based upon forest size, content, etc. These will be discussed between the project staff, the land owner, and an outside party such as the Uganda Land Board or Uganda Land Alliance.

#### 5.1.4 Phase 4: Communal Forest FPIC

The Communal Land Associations will be the legal holders of the carbon rights and primary beneficiaries in the project. Through Phase 4 of the FPIC process, the vote on consent and subsequent signing of contracts, CLAs will have full rights to receive carbon revenue from the REDD+ project. The separate FPIC for CLAs combines the steps in the Village and Forest Owner FPICs as the ownership of the CLA is not one individual, but the community represented by the CLA. This CLA allows members to participate in sustainable forest use as designed by elected members of the management committee and agreed upon by the Association. Villagers who are not part of the Association waive their right to legally use the forest and participate in the management process of the forest.



**Figure 9: FPIC process for Communal Forests**

The FPIC process begins with a meeting with local government leaders regarding the communal forest and the REDD+ project. In the case where the local government representatives are already familiar with the process, a short discussion will be held until the parties are satisfied. The second step includes full project information disclosure to all members of the villages, including specific information about contracts and carbon credits. Information will be distributed amongst all villages concerned with a specific communal forest, given one CLA may represent people in several villages. The third step of the process includes FPIC meetings for the entire village, including the CLA, in which the process will be discussed. At this point focus groups will be identified to ensure that various stakeholders do not feel marginalized in the process, including:

- a. Resource-dependent residents (including swidden farmers)
- b. Forest-adjacent farmers
- c. Participating Association members
- d. Youth
- e. Women

At Step 4 each village will be allowed to discuss the MSREDD+ Project amongst themselves and highlight issues that they wish to see resolved. Step 5 then brings together these stakeholder groups within each village to develop a process for addressing challenges and setting up a grievance mechanism for the CLA REDD+ project. Once discussions are complete, Step 6 results in a vote for consent at each village. At this meeting, villagers who are not members of the CLA will be invited to join, as non-members of the Association are not

involved in management decisions of the forest. Step 7 will be a major milestone for the Communal Forest FPIC, as members of the association will vote on whether or not they want the Association to participate in the REDD+ project. This will need to be a joint session of Association members from the various villages, and a central location must be chosen for this voting event. The management committee will represent the Association for project activities, and will be the signatories on the REDD+ project documents, including the final contract. This contract will occur once communal tenure is formally recognized without contestation. Results of this process will be presented to the local government, and the process will be followed up with monitoring and evaluation throughout the lifecycle of the project.

### 5.1.5 Consent review

FPIC is a long-term process that continues throughout the life of the project through the process of review. Participating forest owners and villages grant consent based upon information and benefits that arise from the project. However, the situation and resulting benefits may change over time to conditions which participants and villages would not have given consent to. Thus the process of ongoing consent gives the opportunity for participants and village groups to review and reassess consent—either choosing to reiterate or reject continued consent. This evaluation will be done at the level of PFOAs, amongst the village, and at individual signatory levels. However, this process must not be taken advantage of by villages or individuals who want to break contracts for financial gain. In the UN REDD’s review of their FPIC process<sup>13</sup>, participating experts noted:

*bearing in mind the significant commitment of time and resources that may have been invested during the process by other stakeholders, the community should not be able to withdraw its consent arbitrarily; thus, if the conditions upon which the original consent was based are being met, ongoing consent is implied.*

These experts also recommend that the decision-making institutions, in this case the PFOAs and village councils, increase their capacity on project-related activities and agreements so that they can competently evaluate benefits and that benefits are distributed fairly.

For the initial consent of villages and forest owners, consent will be achieved through discussions at both levels of the FPIC process: the overall village, and the participant/participant representative group. Secondary consent of private forest owners, as discussed in Section 5.1.3, will occur through a 5-year renewable contract. This contract will contain the option to adapt to new concerns or circumstances from either party.

### 5.1.6 “No” Votes

The MSREDD+ Project must respect the results of the voting process. Given the FPIC process is free and open, villagers have the option to opt in or opt out of the MSREDD+ project at the start of the project, effectively voting ‘no’ to the project. At the same time, the individual rights of citizens as property owners to save their own forests should also be understood in the context of this project.

Where most of the villagers decide to opt out during the voting process then additional negotiations will be needed to determine whether there is a need/sense in continuing with the minority of the private forest owners that have decided to opt in. This may involve further discussions and explanations but if following this the majority opt out then it is likely that REDD+ wouldn’t be implemented in this village. During this process the FPIC Team leader who spearheads the voting process must contact the FPIC Manager, who will assess the situation along with the team leader. This may include mediation discussions between forest owners and the village to resolve differences, and result in a second vote if the circumstances change.

<sup>13</sup> Expert workshop on UN-REDD FPIC guidelines, held February 10, 2012

## 5.2 Grievance process

The grievance process is a component to be developed during the FPIC and used as a tool throughout the life of the MSREDD+ Project to allow villages and individuals to address concerns, conflicts, contract violations, and other problems<sup>14</sup>. In this project, there are five main grievance components, which are based off the matrix developed in Section 4.1.2:

1. **Human-Wildlife Conflict.** Addressing issues of wildlife in the protected forest remnants with farmers in participant and adjacent farmlands.
2. **Development Limitations.** Mitigating what some village members may see as future economic loss by the non-development of participating forest lands. This includes engaging forest encroachers, a main potential of leakage from the project.
3. **Village Conflict Resolution.** Helping the village to develop a platform to address disagreement within the village that contains safeguards to ensure equal participation and fairness. One issue to highlight here is the challenge of migrant rights and ethnic tensions with regards to land and project benefits. Migration is a legal right amongst Ugandans, and arrangements they make with forest owners must be respected. But non-forest owning residents with longstanding roots may perceive injustice if recent immigrants receive project benefits from the forest. Using the grievance process will be an important tool in addressing this potentially damaging situation.
4. **Land Tenure.** Documenting government procedures for land titling, and documenting areas of conflict, such as challenges with migrants, absentee landlords, etc. Although as a government process this is not a direct issue for FPIC, recording procedures and activities in helping individuals to secure land title will help ensure a transparent process and socially-sensitive approach. The project will attempt to engage a Ugandan NGO whose focus area is on land rights and land issues to help provide support to aspiring land owners and the project.
5. **Project/governance transparency and miscellaneous recourse.** Issues not related to the previous four components may arise, such as complaints about project management, corruption, lack of transparency in processes, etc.

The grievance procedures to be established based on these five components will be addressed by the MSREDD+ Project Management Committee, which has representatives from each major stakeholder group who will be able to contribute to the basic design. It is not designed in entirety here as this process needs strong input from villages themselves as to how they best think a process to address these problems can be successfully implemented. However, frameworks will be developed before the Village FPIC as templates to work with, outlined in Appendix 6.6. A complete implementation strategy will be written up after the main FPIC is complete and presented to the local government representatives at all levels.

This grievance process should not be confused with the conflict mitigation process that occurs during the FPIC process itself. This mitigation process is a mechanism that the team leaders implementing the FPIC process in the villages use to document village concerns and suggestions about the MSREDD+ project and provide feedback to project designers who can incorporate changes into the project design in a way that gives villagers cause to support the project.

## 5.3 Communication strategy

The first step in both FPIC phases requires a communications campaign to get information out to the public, forest owners, and CLAs. The strategy outlined below is based upon evaluating the current methods of NARCG members in the project area to determine which ones have been effective—in terms of costs, time, and reaching to the target groups. The education campaign will be carried out by Project staff; it was determined that, as this is a project with strong potential benefits to the village, outside facilitation for this

<sup>14</sup> In this FPIC process, consensus building is not considered part of the grievance process but rather embedded in the overall FPIC process, particularly Steps 3 and 4, and 7.

activity was not needed. The project recognizes that understanding these complex issues will take time (as attendance is never 100%) and good facilitation (particularly for the illiterate). Section 5.4 outlines how independent monitors and civil society organizations will be invited to participate and learn about the project—these groups can then provide villages an independent source of information and perspective for them to decide how to engage the project. To the FPIC process' advantage, NARCG members and the kingdoms have already started communicating these matters and raising awareness within the communities. Communication documents can be found in the appendices.

### 5.3.1 Village FPIC

#### Information Dissemination (pre-FPIC meeting)

- Goal:** To provide citizens and local government information about ecosystem health, climate change, and the REDD+ program to demonstrate benefits of protecting trees and engaging in eco-agriculture
- Media:** Radio programming (REDD+ project, climate change, forest conservation)  
Posters (Benefits of forest conservation, Eco-agricultural techniques)  
Use documentaries where available to showcase successful REDD+ projects
- Mobilization:** Calls to village leaders to announce radio programming  
Radio announcements regarding programming

#### FPIC Meetings (introductory meeting in village)

- Goal:** To formally introduce REDD+ project to the village, addressing project benefits, details, rights, and challenges
- Media:** Pamphlets to handout on the REDD+ project (eco-agriculture, markets, problem animal control, land restoration after degradation, and forestry rules and regulations)  
Documents (FPIC document, REDD+ project document, relevant Ugandan laws)  
Posters (climate change, importance of forests,)
- Mobilization:** Calls to village leaders to determine best date for meeting  
Radio announcements on meeting details  
Word of mouth on the day before

#### Consent Meeting

- Goal:** To provide platform for negotiations on path to FPIC consent
- Media:** Grievance process templates  
Flip charts for brainstorming and idea recording
- Mobilization:** Radio announcements on meeting details  
Phone calls to village leaders  
Word of mouth on the day before

### 5.3.2 Forest owner FPIC

#### Information Dissemination (pre-FPIC meeting)

- Goal:** To teach forest owners about the details of the REDD+ program to demonstrate benefits
- Media:** Pamphlets for PFOAs
- Mobilization:** Phone calls and SMS technology to PFOA leaders to set up distribution time

#### FPIC Meetings

- Goal:** To formally introduce REDD+ project to forest owners, addressing project benefits, details, rights, and challenges
- Media:** Documents (FPIC document, REDD+ project document, sample agreement, relevant Ugandan laws, land registration process)
- Mobilization:** Phone calls to PFOA leaders  
Announcements at Village FPIC meetings

#### Consent Meeting

- Goal: To provide platform for negotiations on path to FPIC consent
- Media: Grievance process templates  
Flip charts for brainstorming and idea recording
- Mobilization: Radio announcements on meeting details  
Phone calls to PFOA leaders  
Word of mouth on the day before

### 5.3.3 Communal Forest FPIC

#### Information Dissemination (pre-FPIC meeting)

- Goal: To provide citizens and local government information about ecosystem health, climate change, and the REDD+ program to demonstrate benefits of protecting trees and engaging in eco-agriculture
- Media: Radio programming (REDD+ project, climate change, forest conservation)  
Posters (Benefits of forest conservation, Eco-agricultural techniques)  
Use documentaries where available to showcase successful REDD+ projects  
Documents (FPIC document, REDD+ project document, sample agreement, relevant Ugandan laws, land registration process)
- Mobilization: Calls to village leaders and CLAs to announce radio programming  
Radio announcements regarding programming

#### FPIC Meetings (introductory meeting in village)

- Goal: To formally introduce REDD+ project to the village, addressing project benefits, details, rights, and challenges
- Media: Pamphlets to handout on the REDD+ project (eco-agriculture, markets, problem animal control, land restoration after degradation, and forestry rules and regulations)  
Documents (FPIC document, REDD+ project document, relevant Ugandan laws)  
Posters (climate change, importance of forests,)
- Mobilization: Calls to village leaders to determine best date for meeting  
Radio announcements on meeting details  
Word of mouth on the day before

#### Consent Meeting

- Goal: To provide platform for negotiations on path to FPIC consent
- Media: Grievance process templates  
Flip charts for brainstorming and idea recording
- Mobilization: Radio announcements on meeting details  
Phone calls to village leaders  
Word of mouth on the day before

### 5.3.4 Ongoing Communications

- Update village committee every quarter
- Update PFOAs and CLAs every quarter
- Update village as significant milestones are achieved
- Discussions with forest owners as needed

## 5.4 Documentation and Reporting

Documenting consent is the most critical component of the FPIC process, and perhaps the most challenging. The goal with documentation is to clearly demonstrate that villages and forest owners understand the project at the moment of giving consent. By giving consent forest owners will be signing legally-binding contracts with the option to amend every five years.

### 5.4.1 Consent

Documenting consent is a complicated but necessary component to ensure that human rights are being respected and that any later challenges to agreements can be reviewed and litigated by clearly recorded consent. Examples of consent forms can be found in Appendix 6.7.

#### *Village*

At the village level, attendees will sign an attendance sheet in each village meeting. Meetings, both the educational and review leading to consent will be recorded using a digital voice recorder to document materials discussed as well as discussions had and decisions made about the project and grievance processes. To assure and document that the village has understood, the village councils (LC1) will provide a statement to the village that highlights the central activities of the project, the potential positives and negative impacts, and the agreed upon mitigation strategy outline that will be developed. These recorded discussions, along with short written summaries of what is agreed upon with attached signatures of all present, will be filed on a centralized database in Kampala each month, with access open to all stakeholders and the third party reviewer. How these will be available at the site level will be determined with stakeholders.

During the voting for consent, individuals will vote in a secret paper ballot. After voting is completed, the votes will be tallied and announced in the village. A 51% positive vote for the project will be considered consent for that village. However, if the margin of support is very low, that will be an indicator to the project that the project should revisit the consultation process and the grievance mechanism.

#### *Forest owner*

For forest owners, a vote for consent consists of two specific decision-making events. The first (steps 4 and 5 in Figure 8) focuses on forest owners as a group, where members of each PFOA will engage with the project in discussions on clarification and suggestions for the REDD+ project. Besides actual forest owners, two other stakeholder groups will be included in the discussions:

- The first target group will be women spouses of forest owners, as in the project area forest owners are often men, as women have traditionally been marginalized because of male dominance in hereditary inheritance and general property rights.
- The second stakeholder group will be forest owner's dependents who are likely to inherit part of the forest during the first ten years of the project (younger children are not likely to be effective participants). Given the long duration of the project, it is likely that some of the land that is enrolled in the project would be handed over to forest owners' children who are to start their own households. The REDD+ contracts will impact this relationship and thus gathering input from this potential group of affected youth will be of interest in project design.

Thus during Step 4 of project input from target groups discussions to address the project in detail, along with concerns by stakeholder group will be held and recorded for incorporation into the project. The project input from target groups step will be followed by a vote on general consent, when PFOA leaders will provide a statement from their members regarding their understanding of the MSREDD+ Project. This recording will be used to assure the group as a whole understands the general process. The recordings will be held in a database that is accessible by stakeholders of the project and the third party reviewer.

The second decision-making event is the individual signing of a contract which legally binds the project and the land owner to the details outlined in the REDD+ contract. In the contract, two witnesses will also be asked to sign. One witness will include the spouse of the forest owner, and the other will be the LC1 or other local government representative. The witness signatures will attest to the free and informed consent that the forest owner and family is giving to the project, and that s/he is a member of the local PFOA<sup>15</sup>. To fully

<sup>15</sup> In cases where the forest owner does not wish to participate in the PFOA, a member of the village council may act as signatory. However, individuals who do not participate in the PFOA will still be expected to follow grievance procedures that may be directed through the PFOA.

document and ensure that the land owner understands his/her rights and conditions of the project, s/he will be recorded in giving a statement of his/her own design that demonstrates a clear knowledge of the contract.

### **Communal forest**

For inclusion of a communal forest into the REDD+ project, a vote for consent will come from the Communal Land Association, which is a free and open membership to villagers interested in using the forest. The first stage of consent is a vote from CLA members (step 7 in Figure 8). During the voting for consent, individuals will vote in a secret paper ballot. After voting is completed, the votes will be tallied and announced at the CLA meeting. A majority positive vote for the project will be considered consent for that communal forest. If however the margin of support is below 80%, that will be an indicator to the project that the project should revisit the consultation process and the grievance mechanism.

The second decision-making event is the signing of the CLA contract which legally binds the project and the CLA to the details outlined in the REDD+ contract. In the contract, three ranking members of the CLA management committee and two outside CLA witness be asked to sign. To fully document and ensure that the CLA understands their rights and conditions of the project, the leader of the CLA will be recorded in giving a statement of his/her own design that demonstrates a clear knowledge of the contract.

### **5.4.2 Land title**

The MSREDD+ Project FPIC process does not include the obtaining of land title or certificate of ownership for individuals. These must be sought through proper legal channels through the local government, which the project will help facilitate as requested by PFOAs and individuals through the NARCG member activities. Although this process of land tenure resides as a local process between individuals and the local government, the MSREDD+ Project seeks to encourage and document a transparent process on land issues. Therefore, during the process of developing individual contracts, there must be a clear title to the land which is being sought for entering into the project. If there is any conflict over the land, the project will not proceed with the signing of a contract and will suggest to the parties to take up the issue with the local land board. Where the local land boards seek assistance in demarcating land parcels for the titling, NARCG members may provide technical assistance in a transparent manner that is recognized by local government authorities. In the case of mailo land where absentee landlords' lack of participation inhibits participation of long-term residents in REDD+, the project may facilitate contact with landlords for fair, transparent, and legal resolution. Appendix 6.2 details the process for forest owners to seek land titles and certificate of ownership.

### **5.4.3 Reporting**

Project progress will be recorded through quarterly reports developed by each of the NARCG members, and compiled into one overarching report that will be available to all stakeholders on the MSREDD+ Project website or by request. Hard copies of the reports will be given to each District and Sub-County for their files.

## **5.5 Capacity-building needs**

In order to successfully implement the FPIC and the overall project, skills and knowledge of stakeholder groups at various levels should be augmented. The following table highlights those areas. A strategy to address these challenges will be developed as the project moves forward. Already a Capacity Building Guide (Kyasiimire 2012) has been designed for the NARCG teams in order to work with stakeholders.

**Table 5: Capacity needs for Project stakeholders**

<b>Stakeholder group</b>	<b>Capacity development</b>	<b>Aspects</b>	<b>Approach</b>
Central government	REDD+ Experience	FPIC approach	The Murchison-Semliki project will be Uganda's first REDD+ project. Two outputs will be a 'lessons learned' guiding manual and an FPIC presentation to government officials, government agencies, and civil society representatives at various levels.
Local government	REDD+ Project knowledge	Climate change, forest benefits, environmental laws, carbon rights, project activities, human rights, grievance mechanisms, government roles and responsibilities	Workshops for each district;  REDD+ packet (including project document, Ugandan laws, and REDD+ training materials)
Government agencies (UWA, FSSD, NFA, NEMA, MAAIF)	REDD+ Project knowledge	Clarify roles and responsibilities, ensure agents understand the process to be project ambassadors	Seminar to teach local agents of the national agencies about the project; REDD+ packet (including project document, Ugandan laws, and REDD+ training materials)
Civil Society Organizations	REDD+ Project Knowledge	Climate change, forest benefits, environmental laws, carbon rights, human rights, project activities, stakeholder roles and responsibilities	Seminar to help CSOs and other local organizations understand the project and ways in which they can contribute as third party advisors to villages or be integrated with aspects of the project that tie to their core mission
PFOAs	Land tenure/ Carbon rights	Rights and responsibilities of forest owners; procedures for securing land tenure	Workshop; Tenure/Carbon rights packet
	Grievance mechanism	Process and procedures, human rights and laws	Workshop to contribute to discuss and contribute to the design of the grievance mechanism, and build capacity on how to address grievances; Packet to be handed out once developed
	REDD+ project knowledge	Climate change, forest benefits, environmental laws, carbon rights, human rights, project activities, stakeholder roles and responsibilities	Workshop to delve into project details; REDD+ packet (including project document, Ugandan laws, and REDD+ training materials)
	Governance of PFOAs	Training on good governance—equity, gender, representation, and accountability	Workshop for PFOAs to include 1 day on good management techniques
	Business		To occur in later project phase to ensure PFOAs understand their rights in selling agricultural produce and green labeling
	FPIC rights		Workshop component to ensure members understand and feel free to question
Village governance bodies	REDD+ Project knowledge	Climate change, forest benefits, environmental laws, carbon rights, human rights, project activities, stakeholder roles and responsibilities	Workshop with village leaders for them to understand the REDD+ project in terms of leadership for the village, grievance mechanisms, and good governance REDD+ packet (including project document, Ugandan laws, and REDD+ training materials)

Stakeholder group	Capacity development	Aspects	Approach
	Good governance/ strong decision-making structures	Negotiation, facilitation, documentation, accountability, transparency, representation	Training on good governance
	Village conflict resolution	REDD+ grievance aspects, envy, opportunity	Discussion and review of how leaders address conflict in their village with additional tools for addressing specific REDD+ challenges
Project management body	Good governance	Facilitation, documentation, accountability, transparency, representation	Although this body won't be formed until after the first phase of the FPIC, there will be a strong training to ensure good governance of the project
	Grievance mechanism	Human wildlife conflict, development limitations, village conflict resolution, land tenure, and recourse	Training workshop of project management team
Project implementation team	FPIC training	See Appendix 6.8	Not all will have the same background and skills, so investment in some will take more than others

## 5.6 Independent information, advice, and monitoring

The project's FPIC process strives to provide a well-balanced perspective of the benefits and potential costs for villages and participants, and will work hand-in-hand to address these concerns in the project approach. However, the project will support villages and participating forest owners in seeking advice from third party entities regarding participation in the project. It is important that citizens, if they are not comfortable with having only the project's perspective, have the opportunity to talk to independent organizations with whom they have previously worked with and trust that may be able to help them understand both the process and potential implications. The challenge in seeking independent organizations will be that there is no prior experience in Uganda on REDD+ projects; therefore independent organizations, without prior training, will not be informed to be able to give balanced perspectives.

To address the lack of knowledge about climate change, forest benefits, and the benefits/implications of REDD+ activities, NARCG will hold a workshop in each district with identified CSOs, NGOs, and government organizations in the project area. These workshops will provide an overview of REDD+, REDD+ projects in other countries, and the Murchison-Semliki Forest Project. The organizations will have access to project documentation, laws, and REDD+ publications to review. Villagers will be provided with a list of these participating organizations that can provide independent advice and perspective of the project. A list of identified organizations operating in the project area is included in Appendix 6.3.

Independent formal monitoring is necessary in REDD+ projects where there are questions about the legitimacy of the FPIC process. This independent monitor should be an institution that is agreed to by all parties, which validates the process identified in the FPIC Strategy. As highlighted in Section 3.3, in the country of Uganda where the REDD+ FPIC is a voluntary process, this process would be a non-governmental organization that would serve as an independent third party.

In the Murchison-Semliki Forest Project, the target group of participants is legitimate forest owners, and the goal is to provide financial and ecological service benefits to farmers and communities to protect the remaining forest in their areas. The FPIC process includes non-participant village members in the FPIC process in order to understand and develop approaches to address potential concerns that they may have as to any detrimental effects that protecting forest may have on their economic well-being. This project is

voluntary and in most cases will operate on privately owned land, thus is considered low risk with little contention about the validity of the project's FPIC.

However, to ensure complete transparency and good governance, this project invites a third-party organization to independently validate the process. This organization should be internationally recognized as a leader in human rights, FPIC, and have significant experience in Uganda, understanding the social and ecological challenges the country faces. This organization will be invited to examine the FPIC process during the design phase, the first-phase review, and at the end of the second phase<sup>16</sup>.

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<sup>16</sup> FPIC is an ongoing process throughout the life of the project, but the major components of the FPIC will complete with Phase 2, when land-owners sign individual contracts. After this stage, yearly reviews of FPIC will be conducted at the community level.

## 5.7 Costs and Activity Timeline

Contact was made with communities in the project area starting in 2009. Education and awareness campaigns about forest conservation, forest laws, and carbon projects were, and continue to be, conducted. Ongoing activities include awareness, land registration, and the formation of PFOAs/CLAs. As the REDD+ project is formally initiated, the activities outlined below will become implemented according to the timeframe.

Activity	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
<b>FPIC Development Phase</b>												
Background												
FPIC Design												
Training of FPIC coordinator												
Identification and training of FPIC interlocutors												
<b>Village FPIC Phase</b>												
Consultation with local governance representatives												
Media Campaign												
Awareness meeting on climate change, REDD, and MSREDD+ Project												
Meetings on project resulting in feedback and voting on consent												
Documentation												
<b>Land Owner FPIC Phase</b>												
Awareness meetings at PFOA level												
Meetings on project resulting in feedback and consent												
Land title verification												
Individual contracting												
<b>Communal Forest FPIC Phase</b>												
This process calendar is dependent on the Government of Uganda approving the legal status of the communal forests, but will follow a timeline similar to the Village FPIC process.												
<b>FPIC Review Phase</b>												
Monitoring/Evaluation												
Independent Verification												
Reinitiate procedure (yearly)												

A proper FPIC that follows the above outlined activities is a time- and resource-consuming endeavor. Assuring that all the stakeholders understand the REDD+ project is a critical component of FPIC. Particularly for rural stakeholders, whose level of formal education can be low, ensuring they are truly informed of their decisions, and have the freedom to make their own choice (are not pressured) are critical to document. The UN-REDD+ pilot program in Vietnam provides a baseline for costing out such a process.

**Table 8: Estimated costs of an operational FPIC exercise, based on lessons learned through the pilot**

Item	Unit Cost (US\$)	Units	Total Cost (US\$)
One provincial, four district, and 10 commune-level awareness raising workshops (see note 1)	20,000	1	20,000
Production and, where necessary, new translations of communications materials (see note 2)	8,000	1	8,000
Salaries of interlocutors on a per village basis (3 people, for 3 days each, @ VND 500,000/day)	225	640	144,000
Consultancy fees (initial analyses; recruitment and training of interlocutors; resource people for awareness raising events, etc.)	20,000	1	20,000
Village FPIC events on a per village basis	250	640	160,000
Travel	10,000	1	10,000
<b>TOTAL per province</b>			<b>362,000</b>

Note 1: Assumes an average of 8 forested districts per province; and 8 communes per district; but 2 districts per district-level event, and all communes combine for commune-level events

Note 2: Figure for the entire province

**Figure 10: Costs for the first Vietnam FPIC; this translates to \$1400 per village (UN REDD 2010).**

**Costs for the Murchison-Semliki Forest Project will include:**

**Item**

- Production and translation of communications materials
- Salaries of interlocutors
- Consultancy fees (initial analyses and design, training of coordinator and interlocutors, documentation)
- Media Campaign
  - Radio
  - Posters
  - Pamphlets
- Awareness raising meetings
  - Four District-level consultation workshops (Hoima, Masindi, Kibaale, Kyenjojo) (including sub-county, and parish-level government officials)
  - Village level
  - PFO level
- Village-level FPIC meetings
- Landowner FPIC meetings
- CLA FPIC meetings
- Land title verification and contract signing
- Monitoring and evaluation visits
- Independent verification
- Recording devices
- Travel and lodging

## 6 Appendices

### 6.1 Murchison-Semliki Incentive Package

#### Murchison-Semliki Forest Project Incentive Package

##### Introduction

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The REDD+ project can only generate a limited amount of carbon credits since these forests have a low carbon density. Therefore, the carbon revenue alone is insufficient to cover the opportunity costs for forest owners, making the short term alternative land uses always more profitable than protecting forests. In the long term, the REDD+ project will be a more sustainable economic option in generating a low to medium, but stable income for forest owners. This was derived from examining the 'business as usual' scenario where all forests will be cleared in 10 years time (under current deforestation rates), and forest owners risk reaching a poverty trap through agricultural decline from degraded soils and hydrological function, and increased risk to climate fluctuations.

##### Tackling deforestation

The objective of the incentive package, besides improving the livelihoods and living conditions of project affected people, is tackling two major deforestation drivers-- an unsustainable human population, and unsustainable natural resource management. The first challenge is that the current slash and burn farming practices do not produce enough food for the growing number of rural households and available land is being sub-divided amongst growing future generations. Unsustainable forest use is directly related to the inability to access (micro) financing, which limits rural households to secure investment to pursue economic opportunities. To compensate for the lack of access to financial capital, households heavily rely on capital-rich cash crops which require the conversion of natural forests.

Therefore, the incentive package aims to replace the conversion of forest as a safety net with income from carbon credits and microcredit, improve their farming practices, provide access to more profitable markets, take out the middle man to maximize the profit margin and introduce promote forest friendly cash crops such as shade coffee.

##### Community approach

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To address the opportunity cost gaps and stop any further deforestation a comprehensive incentive package has been developed with options not only for households with forest on their land but for the entire community. Community members are included in components of the incentive package for several reasons, many of which are highlighted in the Free, Prior and Informed Consent (FPIC) document. Members of the community are considered "project affected people" as the REDD+ project impacts different stakeholder groups within the community--most particularly:

- **Forest owners and their dependents.** Restriction of income from forest use and potential loss of inheritance use rights.
- **Forest-adjacent farmers.** Households with no forest on their land may start to experience more crop raiding by forest animals when animal populations recover in the forests conserved on their neighbor's land, causing economic loss.
- **Forest resource users.** Particularly landless/immigrants and swidden agriculturalists may be negatively impacted/affected by the project as their income generating activities may to varying degrees become compromised by restrictions on private forest use and potential displacement of their activities into public forests (so-called leakage) for which the project also has to account for.

Therefore, in order to

- 1) provide compensatory economic alternatives for individuals whose livelihoods are impacted by the project;
- 2) encourage conservation-friendly practices and strengthen the ecosystem services for people;
- 3) strengthen the support of the REDD+ project in the area through opportunity for all

the incentive package intends to make the REDD+ project attractive for the entire community.

## Business approach

An incentive package has been developed for Private Forest Owners (PFOs) and other project affected people to make the REDD+ project an attractive business deal and mitigate the risk of forest conversion in the future. The packages promotes to:

- 1) stabilize and increase the current income of project affected people, and
- 2) promote a sustainable crops production on existing fields

The start-up costs for the incentive package are capital intensive and its implementation has to be supplemented with donor money because of the lack of sufficient initial carbon revenue. Ultimately, the increased income and improved living conditions promoted through the incentive package should become self sufficient/sustainable. The project estimates that the donor-supported incentive activities (highlighted in Table 1) require two years to become sustainable.

## Incentives

<b>Table 1. Incentive package</b>		<b>Community</b>		
		<u>Target group</u>		
	<i>Incentive</i>	Forest owners & dependents <sup>17</sup>	Forest-adjacent farmers	Forest Resource users
1a	Income from forest conservation (REDD)	X		
1b	Income from planting forest (the plus in REDD)	X	X	
1c	Income from extension service employment (REDD-full time job)			X
2	Clarification of property rights (donor)	X	X	
3	Training in conservation farming (donor)	X	X	
4	Access to more profitable markets (donor)	X	X	
5	Access to profitable forest friendly cash crops (donor)	X		
6	Access to micro financing (donor)	X	X	X
7	Green technology development (donor)	X	X	X
8	family planning (donor)	X	X	X

<sup>17</sup> Communal Land Associations will fall in this category

### **1 Income from REDD+**

The REDD+ project will generate carbon credits from both avoiding deforestation and planting forests. Planting forest allows land owners with no forest to join the project and participate in some of the other incentive activities. The carbon revenue generated from both activities will not fully reach participants owning the carbon credits as they will have to pay some tax. A percentage of this tax will contribute to the creation of an extension service responsible for the monitoring of the carbon stock--a requirement for any REDD+ project. The extension service will also supervise and partially implement some of the other planned incentive activities. Maintaining the extension service will be the most expensive aspect of the REDD+ project and only sustainable when it is financed through this tax on carbon revenue.

The three stakeholder groups within the community that can earn an income from the REDD+ project include: PFO from conserving and planting forests, non-PFO/farmers from planting forests, and forest resource users that participate in the extension service as staff (positions that will be preferentially offered to those formerly dependent on forest utilization, such as the landless or poor).

### **2. Clarifying property rights**

Important for any REDD+ project is the clarification to whom the carbon credits belong. In the case of Uganda, this is better sorted out than in most developing countries where customary title is difficult to document and claim. The process of getting a certificate of occupancy in Uganda has been well documented, but is dependent on adequate financing and time by individuals. The project proponents will group the requests to make the process less expensive and more expedient. In addition, the MSREDD+ Project seeks to encourage and document a transparent process on land issues. Therefore, during the process of developing individual contracts, there must be a clear title to the land which is being sought for entering into the project. Where the local land boards seek assistance in demarcating land parcels for the titling, NARCG members may provide technical assistance in a transparent manner that is recognized by local government authorities. In the case of mailo land where absentee landlords' lack of participation inhibits participation of long-term residents in REDD+, the project may facilitate contact with landlords for fair, transparent, and legal resolution. Both PFOs and farmers will need to participate in this process if they want to participate in the project.

### **3. Conservation farming**

Any REDD+ project is subject the potential risk of so-called reversals--referring to forest is cleared, perhaps due to an financial emergency or destroyed due to a wildfire later during the project life time, causing unwanted green house gas (GHG) emissions and the subsequent loss of carbon credits. For validation of the project the project developer has to put a mitigation measures in place to lower this risk of occurring. This is particularly important for PFOs who risk of losing the most carbon credits. Therefore, PFOs and farmers planting forests will be trained in so-called conservation farming, which will increase yields from their existing fields, but also help them mitigate impacts from increasing climate variability from climate change. Forest resource users may also profit from this incentive either indirectly if they become part of the extension service supporting the farmers, or directly if they use the techniques themselves when renting land for agriculture.

### **4. More profitable agricultural markets**

This incentive will work with participating forest owners to develop access to more profitable markets. The project envisions engaging farmers to capture the entire value chain from supplier to buyer--taking out the middle man increases the profit margin and therefore the income of the farmers. The second component of this incentive will develop green labeling (carbon neutral or wildlife friendly) where premium prices will be sought on agricultural produce grown without clearing forest. Farmers conserving and/or planting forests will participate in the incentive, but also forest resource users may indirectly benefit as extension service staff managing part of the value chain between the farmers and commodity buyers.

### **5. Forest friendly cash crops**

Currently, farmers grow nutrient-needy cash crops (tobacco, sugar or upland rice) in cleared forest lands to earn a premium from agriculture investment. Alternative crops will be made available in this incentive to

both reduce further deforestation and utilize crops that are more adaptive to future dryer and more extreme weather conditions. Degraded forests, for example, can be turned into an agroforestry plantation with shade coffee and cocoa. Those profiting most from this incentive are the PFOs with forest, but farmers planting forests can over time make their plantation suitable for agroforestry. Forest resource users could benefit from this incentive indirectly as extension service staff.

## **6. Microfinance**

Access to microfinance will profit all three main target groups. Microfinance access to PFOs and tree planters is also a risk mitigation measure, because although they are entitled to regular annual REDD payments, a financial emergency may tempt individuals to clear forest to quickly obtain money. The availability microcredit access can annul the need to clear the forest. Forest resource users can also access microfinancing if they are part of the extension service staff.

## **7. Green Sector Development**

This incentive comprises several activities such as building a rocket cook stove to reduce fuel consumption, but also installing solar power as a group or individually financed through microcredit. This provides a great opportunity for landless/youth to get trained in a job in for instance installing and maintaining solar panels, or building stoves.

## **8. Family planning**

Last but not least this incentive is very important since ultimately it is the main deforestation driver in Uganda. All three target groups will be made aware of the importance to family planning and especially young women will profit from this incentive and can provide an alternative income from extension services. NARCG intends to collaborate with Conservation Through Public Health (CTPH) and replicate their successful approach around Bwindi Impenetrable National Park.



## 6.2 NARCG approach to land tenure facilitation and verification

The Wildlife Conservation Society (WCS) is a nongovernmental environmental organization that has been operating in Uganda for more than 50 years. WCS works to conserve biological diversity and ecosystem function through applied research, management of natural resources and providing technical support to Ugandan organizations and agencies.



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## GENERAL OVERVIEW OF LAND MANAGEMENT IN UGANDA

There are a number of institutions involved in the management of land in Uganda. These include;

*Ministry of Lands, Housing and Urban Development;* - is the lead agency for land management in Uganda and derives its powers from the constitution.

*District Council;* - is responsible for the appointment of positions (selecting members of the District Land Board) and sets up of the land management institutions at the local level.

*District Land Board;* - a body corporate with perpetual succession and a common seal set up in every district to control and manage land in its respective district. S.59 of the Land Act, states that the function of the board among others is to hold and allocate land in the district which is not owned by any person or authority and facilitate registration and transfer of interest in land.

*District Land office;*- each district has a district land office which renders technical support and advice to the District Land Board and other land management institutions in the district. A fully fledged land office consists of the following:

- a. Physical Planner (Responsible for approving and drawing lay out plans at the district such as construction plans)
- b. Land Surveyor
- c. Land Valuer
- d. Registrar of Titles
- e. Land Officer and
- f. Complementary Staff to the above officers.

*Area Land Committee;* - are established at the sub county level to ascertain land rights and make recommendations to the District Land Board.

*Office of the Recorder;* - are established at the county level to issue certificates of both customary occupancy and customary ownership. NB: Customary occupancy is tenancy on registered land such as Mailo land whereas customary ownership is on unregistered land)

*Uganda Land Commission;* - is a body corporate with a common seal set up by the constitution to control and manage land owned by the central Government.

## LAND HOLDING IN MASINDI, KIBAALE, HOIMA AND KYENJOJO

Before 1995 all land in Uganda was public land centrally vested in the Uganda Land Commission. With the land tenure reform brought by the 1995 constitution and the Land Act, most land in Uganda became privately owned in *Mailo*, *freehold* and *customary* tenure and Government ownership was limited to land in Government use.

The constitution of Uganda vests land in the citizens of Uganda to hold in accordance with the following land tenure systems;-

### ***1. CUSTOMARY LAND***

When Uganda was colonized and its borders established, not all the Land within the country was surveyed and titled; it was only the land around Kingdom areas that was surveyed. The un-surveyed and untitled land was left as customary land to be managed by the indigenous communities in accordance with their beliefs of land ownership and management, this land was termed as “customary land”.

### ***2. MAILO LAND***

In 1900, the British signed agreements with the local Kingdoms in Uganda in which the local kings agreed to be under the protection of the British Crown. In return the British divided up land in the Kingdoms and titled it.

Some land was for the Crown, called Crown Land, now Government of Uganda Land under management of Uganda Land Commission. Other land was given as gifts to local chiefs and tribal Kings, and their friends and relatives for being loyal. All this land that was given out as gifts was titled. It consisted of large pieces of land measured in square miles, and because it was measured in miles, the locals termed it mile land which was later termed “Mailo” Land by Ugandans. This land is situated in all kingdom areas, but in other kingdoms apart from the Buganda region it is also called ‘native free hold’

A particularly unique scenario exists in Kibaale and Kyenjojo Districts where the British used the Baganda Tribe to fight the Banyoro tribe (under a divide and rule policy) after which the British rewarded the Baganda with land titles of Bunyoro Land as gifts for loyalty. This resulted in Baganda owning land in Bunyoro legally with titles but not in physical possession.

The Baganda owning land in Kibaale and Kyenjojo parts (Buyaga and Bugangayizi counties ) are currently referred to as absentee Land Lords, this issue of Baganda owning Mailo Land in Bunyoro has been contentious up to today.

Mailo Land is already titled and there is no other form of document that can be obtained to prove ownership apart from lease titles which are contractual in nature between the registered Mailo owners and the tenants in possession, or by purchasing the land title from the Mailo owner.

If the Mailo owners could be traced (or their descendants) in title, establishing leases would be possible. The duration of the process and costs would be negotiable between the two contracting parties. Otherwise it is impossible at the moment for anyone residing on Mailo Land to obtain ownership in any way.

The government is in the process of trying to find a solution to the Mailo land problem, possibly by purchasing the land from the absentee Baganda landlords but this is likely to take some time to be solved.

### ***3. FREE HOLD LAND***

Freehold land is land held in perpetuity following a grant by the District Land Board with or without conditions to acquire a certificate of title. The Freehold owner effectively owns the land forever and it passes to his/her descendants. The interested party submits his / her application to the Area Land Committee which inspects and advises the Board on customary and third party interests.

### ***4. LEASEHOLD LAND***

Leasehold land is contractual in manner, regulated by terms and conditions. It can be granted by the District Land Board and a registered Mailo, freehold and customary owner to someone for a set period of time. When a lease title expires, ownership of that land reverts to the person who granted the lease, or their successors in title. On customary land the lessor is the District Land Board, and after the 49 years have expired, the land becomes the property of the District Land Board, this means that the District Land Board can allocate that land to other applicants.

But for purposes of maintaining stability, and prevention of disputes, the land amendment Act, provides that when the District Land Board wants to make any allocation (as evidenced in the report provided) priority is to be given to the sitting tenants. This is aimed at preventing other applicants from evicting the people in physical possession of the land.

The title is conclusive evidence of ownership, every thing attached to land is legally interpreted as part of the land, this is inclusive of carbon stored in the forests on the land. When the title to the land where the carbon is situate is valid, ie lease (should be not expired), free hold, Mailo or customary certificate is not encumbered (no third party claims of ownership) then the rights to the carbon stored on those forests where the title covers are intact.

Maps from the Department of Survey and Mapping in Entebbe are provided separately at a scale of 1:50,000 showing the areas in issue and how much registration has taken place to date in Masindi and Hoima Districts. Most land in Kibaale and Kyenjojo districts are Mailo land.

## **CONTROL OF LAND USE**

The central government and local governments hold land in trust for the people of Uganda. The environmentally sensitive areas which include natural lakes, rivers, ground water, natural ponds, wetlands, forest reserves and parks are reserved for ecological and touristic purposes.

Land planning in Urban Areas is a role of the urban authorities and the grant of land in Urban Areas is subject to the planning of the area.

The District Land boards are responsible for all land allocations of land that is not owned by any authority. In the districts of Hoima, Masindi, Kibaale and Kyenjojo this refers to customary land.

## **GENUINE EVIDENCE OF OWNERSHIP AND LAND ACQUISITION PROCEDURE**

In land matters, the general principle under the Registration of Title Act (whose roots are from the Australian Torrens system of land registration) is that 'which ever is attached to land becomes part of it'. Therefore in the areas of Masindi, Hoima, Kibaale and Kyenjojo all the trees, houses, stones and others are legally construed as land and belong to the owner of the land.

In determining land ownership, under the Torrens system which Uganda uses the general principle is that ' a certificate of title is conclusive evidence of ownership' it is indefeasible (meaning ultimate evidence of ownership).

There are however exceptions to the indefeasibility principle, especially on the Mailo land in Kibaale and Kyenjojo, where the people with titles are not the residents on the land due to colonial history.

In the vast parts of Masindi and Hoima customary land is the main land ownership and therefore acquired titles are indefeasible and free from the exceptions affecting Mailo land in Kibaale and Kyenjojo.

Genuine evidence of ownership is as follows:-

### **1. CERTIFICATE OF CUSTOMARY OWNERSHIP**

The constitution explicitly recognizes customary tenure and provides for customary land owners to acquire customary certificates. It provides for acquisition of registrable interests by lawful and bonafide occupants on registered land.

In Masindi and Hoima land is predominantly customarily owned whereas in Kibaale and Kyenjojo land is predominantly held under the Mailo system (which is for all intents and purposes the same as free hold or at times referred to as “native” free hold).

Under this method of ownership land is held in perpetuity following the customs of a given ethnic group. In the areas of Masindi, Hoima, Kibaale and Kyenjojo the customs of the people provide for individual ownership of small parcels of land, more commonly around the residential areas. In pastoral communities where there is seasonal immigration land is owned as a clan jointly without individual ownership and the law does allow this land to be registered under customary ownership to the clan instead of an individual although very few instances have actually taken place to date (partly because of the hurdles in registering the clan as a legal entity which must take place first).

Evidence of ownership is by possession of a certificate of customary ownership provided by the office of the recorder. The procedure of acquiring the certificate is initiated by:

A) Filling an application for a certificate of customary ownership to the Area Land Committee of the place where the land is situated (subcounty), and members of the area land committee visit the land, make observations and recommendations on the application.

The application fee is 20,000/= - a copy of the application is attached hereto for ease of reference (Appendix A)

B) The application is forwarded to the District Land Board for rejection or approval, if the application is approved it is given a minute and copy of the application is transmitted to the recorder for issuance of a certificate of customary ownership.

For issuance of a customary certificate, land need not be surveyed and deed plans issued, it is sufficient for the District Staff Surveyor to visit the place where the land is and measure it in the presence of the applicant, neighbours and members of the area land committee with a tape measure. The certificate of Customary ownership is definitive proof of ownership, the laws provide for a procedure to convert the certificate into free hold tenure if the owner thereof so desires (although this would follow the process of acquisition of a free hold title which involves the elaborate survey process), to avert the possibilities of disputes, certificates of customary ownership are awarded by recorders at sub county level in the proximity of the applicants land.

A customary certificate can be converted into free hold. S. 9 (1) of the Land Act provides that any person, family, community or association holding land under customary tenure on former public land may convert the customary tenure into free hold tenure.

S.91 (2) of the Land Act requires financial institutions to accept the certificates of customary ownerships as evidence of title.

This is the quickest and cheapest means of genuine ownership. Unfortunately, it is the least explored and implemented. In the whole of Uganda it is only Hoima district where certificates of customary ownerships are issued at the moment.

## **2. PROCEDURE OF OBTAINING A LEASEHOLD AND FREE HOLD TITLE FROM CUSTOMARY LAND IN MASINDI, HOIMA, KIBAALÉ AND KYENJOJO.**

Both leasehold and free hold applications from customary land use the same process with minor differences in costs and paper work as shall be described herein.

1. The process is originated by filling in either the lease hold or free hold application form. Samples of which are hereto attached (Appendices B and C.)

The application fee is 20,000/= payable at the district town council offices.

2. Applications are taken to the Area Land Committee for visitation of the land to make sure that the land has no adverse claims from third parties and to ascertain the boundaries.

3. The Area Land Committee advertises a notice to the public in a conspicuous place showing the sketch plan of the land for 14 days to invite the public to lodge in their claims to the application (Appendix D).

4. The Area Land Committee after the 14 days makes a recommendation to the district land board with its findings on the ground.

5. The District Land Board either grants, rejects or differs the application for further investigations.

6. If the Application is granted, the District Land Board issues either a lease or freehold offer to the applicant. A copy of the offer (Appendix E) is hereto attached for ease of reference.

7. In the offer the applicant pays the fees prescribed which is premium and ground rent, in Masindi in particular the district land board only encourages grants of free hold.

Statutory Instrument No. 55 of 2011 (Appendix F) provides that the annual ground rent (ground rent is not tax because it is contractual) for Hoima in the town council area is 30,000/= and 5,000/= (irrespective of size) in the rural area. In Masindi, Kibaale and Kyenjojo where the District Land Boards have not set the annual ground rent payable schedule 2 of the statutory instrument No. 55 of 2011 provides that for land within the city the rent should be 50,000/=, Land with in a municipality 40,000/=, Land within an urban council 30,000/= and Land within a rural area 5,000/=.

Determination of premium and ground rent take a standard time of 5 working days.

The payment is made at the district town council offices.

8. After acquisition of an offer from the District the District Staff Surveyor issues and IS (Instructions to survey) the offers contain a term stating that they are only valid subject to land being available and free from disputes at the time of survey.

The purpose of the IS is to make sure that the land is free from disputes, it is given to private surveyors to carry out the survey on behalf of the applicant at a cost negotiable between the applicant and the private surveyors and within a time frame that is negotiable between the two. The role of the District Staff

Surveyor (DSS) at this level is to oversee that surveys are done in accordance with standards and that there are no overlapping surveys to cause boundary disputes.

9. After measuring the coordinates and when finished with the computations, the private surveyors take the file to the district cartographer for plotting and giving the plot a number and production of a sketch print which is later taken to Entebbe Department of Surveys for production of a final set of deed prints.

At Entebbe, to check and process a file for surveyed land/plot up to issuance of deed plans/prints takes a standard time of 10 working days and the cost per job is Ug. Shs. 3000/= with 150/= per point measured.

10. At this level, the application is brought to the ministry of lands head quarters in Kampala for production of a title, but for a lease application the ministry first drafts up a lease agreement between the district land board and the applicant which is taken to the district for the district land board chairperson and secretary to sign and seal as well as the applicant and his/her witness before being brought back to the ministry at the valuation department to ascertain the stamp duty payable.

Valuation for stamp duty takes a standard time of 5 days (within the greater Kampala metropolitan area) and is done at no cost but for Masindi, Kibaale, Hoima and Kyenjojo transport costs and time might be needed to be taken into consideration.

11. At this level, if the applicant is an individual he/she brings two of his/her passport photos, and if the applicant is a company a certificate of incorporation, memorandum and articles, together with copies of all other earlier documentation with an instructions to prepare the land title issued by the District Land Officer to the ministry of lands, housing and urban development for title issuance.

Processing of upcountry instructions to prepare land title (both leasehold and freehold) takes a standard time of 10 working days. The registration fee is 10,000/=, issue of a certificate of title is 20,000/=, assurance of title is 5% of premium or 20,000/= in case of freehold and lastly preparation of lease is 20,000/=.

12. Issuance of a certificate of title is made. Copies of certificates of titles are hereto attached for ease of reference (Appendix G).

### **3. MAILO TITLE**

This tenure is similar to free hold only different in name and time of issuance. It is found in Kibaale and Kyenjojo. It was allotted in 1900 and held in perpetuity under a certificate of title. It can only be acquired through purchase, inheritance or gift inter vivo.

## **DISPUTE RESOLUTION**

The nature of disputes that arise in the regions of Hoima and Masindi relate to inheritance rights and boundary problems.

To avert boundary problems each district has a District Staff Surveyor who does boundary opening of registered land, to show parties where the boundaries are.

The Land Act provides that where a District Land Board enters, undertakes or concludes allocations on land with disputes in favour of any party, such transactions or allocation is null and void. Also reiterated in S.4 of the land amendment Act, 2009 this is aimed at prevention of titling of disputed land.

On this ground, if land titles are issued to people who are not the customary tenants on the land in areas of Masindi, Kibaale, Hoima and Kyenjojo, the tenants can invoke the commissioner of the Department of Land Registration to cancel such titles.

On Mailo land in Kibaale and Kyenjojo the main source of conflict is evictions. The title owners are not the ones in possessions of land and they often try to evict the tenants in possession. To avert this, lawful tenants (ie not trespassers or licencees) can only be evicted by an order of court only by failure to pay ground rent according to the land amendment Act, 2009.

NB: Historically, the British applied a divide and rule policy in Uganda. They armed the Baganda to fight their arch enemies the Banyoro in return for which they awarded them presents of land in Bunyoro Kingdom, the two contentious counties being Buyaga and Bugangayizi, these two counties are established in Kibaale and Kyenjojo. On this land the Banyoro are on the ground but the Baganda are the ones with title deeds, and quite often the Baganda want to mortgage land in banks or even evict the Banyoro from what they claim to be their land.

Land Disputes are resolved in courts of law. The High Court has unlimited original jurisdiction.

## **RECOMMENDATIONS FOR REGISTERING LAND FOR FARMERS WITH NATURAL FOREST FOR CARBON OWNERSHIP**

1. Possession of certificates of customary ownership are the cheapest and most expedient mean of ownership – it omits the elaborate and expensive survey process and is made at the grassroots level, hence minimising or even amicably solving potential disputes. The only limitation is that they are only fully issued in Hoima district at present.

2. There is need to carry out a land sensitization workshop of forest owners in the affected areas about these procedures with the involvement of the Area Land Board, Area Land Committees and district technical staff. (During the research for this report all the Land Board members, surveyors and land officers interviewed expressed great willingness of engagement into such a sensitization processes at very modest costs).

3. In the districts of Masindi, Kibaale and Kyenjojo where issuance of customary certificates is not fully implemented there is a need to engage a surveyor from a registered survey firm to carry out surveys on behalf of forest owners after initiation of the titling process referred to herein – it could be possible to negotiate affordable rates if the quantities of work are reasonable to benefit from economies of scale (during my interview with the district staff surveyors they indicated a willingness to take up this task if requested).

## **REFERENCES**

- i) The Constitution of Uganda, 1995
- ii) The Land Act cap 227
- iii) The Land Reform Decree, 1975
- iv) The Crown Ordinance of 1903
- v) The Uganda Order in Council 1902
- vi) The Republic Lands Act, 1969
- vii) Morris and Read: Uganda and the Development of it's Laws and Constitution P.46
- viii) Thomas Spencer: A History of Uganda and Surveys and the Uganda Land and Survey Department (Entebbe, Government Printer 1938 pp 52 – 55 and 63.

Appendix A. Application for Certificate of Customary ownership



The Republic of Uganda

**Regulation 28**

**THE LAND ACT, CAP 227**

**THE LAND REGULATIONS, 2004**

**Form 23**

**DEMARICATION FORM FOR CERTIFICATE OF CUSTOMARY OWNERSHIP  
(to be filled in triplicate)**

PIN

District	County/Municipal	Sub-county/ Division	Parish/ Ward	Village/ Zone	Parcel No.

Owner(s)

.....  
 .....  
 .....

Sketch (not drawn to scale)

Description of rights of way or other easements (if any):-

.....  
 .....  
 .....

We the undersigned certify that the boundaries demarcated and shown on the sketch overleaf are correct to the best of our knowledge.

		Name	Signature
1.	Customary owner(s)	(i) .....	.....
		(ii) .....	.....
		(iii) .....	.....
2.	Owners of neighbouring land	(i) .....	.....
		(ii) .....	.....
		(iii) .....	.....
		(iv) .....	.....
3.	Witnesses	(i) .....	.....
		(ii) .....	.....
		(iii) .....	.....
		(iv) .....	.....
		(v) .....	.....
4.	Members of area land committee	(i) .....	.....
		(ii) .....	.....
		(iii) .....	.....
		(iv) .....	.....
		(v) .....	.....

OFFICIAL STAMP

Date .....

Description of rights of way or other easements (if any) .....

.....

.....

Appendix B. Leasehold application form



The Republic of Uganda

*Regulation 23*

**THE LAND ACT, CAP 227**

**THE LAND REGULATIONS, 2004**

Form 18

Block: ..... Plot: .....

FRV/LRV: ..... Folio: .....

Land at .....

To: .....

.....

**LEASE/SUB LEASE\* OFFER**  
*(In case of land held by a district land board)*

1. The district land board is in receipt of your application dated.....for the above land located at .....
2. Subject to your obtaining any necessary approval or consent required by law, the board has approved a lease or sub lease\* in respect of the above land in a standard form on the following terms and conditions, subject to the Act and the Registration of Titles Act, and to payment of the required fees:-
  - a) Lease/sub lease\* for an initial/full period of ..... years from ..... and an extension to ..... years
  - b) Rent for the first ..... year(s) of lease shall be Shs ..... per annum payable in ..... (terms of payment)
  - c) Building(s) of not less than Shs ..... to be erected and completed fit for occupation and use to the satisfaction of the board (lessor) within ..... years from the date of commencement of the lease.
  - d) user to be restricted to .....
  - e) a premium of Shs ..... will be payable
  - f) the lease/sub lease\* shall include
    - i) a covenant that the lessee or sub lessee\* shall not, without the consent of the lessor in writing, deal in any way with his or her interest in the land before the lease is extended to the full term of ..... years;

of a deceased lessee.

4. The offer is conditional on the terms and conditions of the lease being accepted within forty five days of the date of this offer.

5. Acceptance shall be in writing to the commission and shall be accompanied by the following payments

- i) premium .....
- ii) survey and mark stones .....
- iii) preparation of a lease .....
- iv) assurance of title .....
- v) registration of a lease .....
- vi) issue of certificate of title .....
- vii) rent from ..... to ..... payable after survey .....

	TOTAL	Shs	
Less deposit paid (if any)		Shs	
Balance payable (if any)		Shs	

6. Stamp duty payable will be indicated on the draft lease agreement.

7. The offer is subject to land being available and free from disputes at the time of survey.

8. Minute number .....

This offer is made this day ..... of ..... year .....

.....

Name and signature  
Secretary, district land board

*(D. L. ...)*

Appendix C. Freehold application form.



The Republic of Uganda

**Regulations 10,11,12.**

**THE LAND ACT, CAP 227**

**THE LAND REGULATIONS, 2004.**

**Form 4**

**APPLICATION FOR CONVERSION FROM  
CUSTOMARY TENURE TO FREEHOLD TENURE/GRANT OF FREEHOLD\***

**PART I: (To be filled by applicant in triplicate)**

1.	Full Name (Surname first)	Sex (M/F)	Age	Nationality	Marital Status
(i)	.....	.....	.....	.....	.....
(ii)	.....	.....	.....	.....	.....
(iii)	.....	.....	.....	.....	.....
(iv)	.....	.....	.....	.....	.....
(v)	.....	.....	.....	.....	.....
	(Add as necessary)				

2. Address.....

3. Location of land the subject of application:  
 Village/Ward .....  
 Parish/Zone.....  
 Sub-county/Town.....  
 County/Division .....  
 District.....

4. PIN (where applicable) .....

5. Approximate area (ha) .....

6. a) Is the land occupied? ..... YES/NO  
 b) If occupied, by whom? .....  
 c) Claims of occupiers .....  
 .....  
 .....  
 d) State current use of the land (e.g. farming, housing, and dwelling house)  
 e) State intended use of the land .....

7. Names of owners of adjacent land  
 .....  
 .....  
 .....  
 (Add as necessary)

8. a) We wish to hold the land as individual(s)  
 b) We wish to hold the land as a family  
 c) We wish to hold the land as a community\*  
 If c) state shares (fractions or percentages)

*\*(Delete whichever is inapplicable)*

Name and signature/Thumb print of applicant (s)

- (i) .....
- (ii) .....
- (iii) .....
- (iv) .....

Date.....

**PART II: (for official use only)**

A: Remarks and recommendations of area land committee  
(attach report)

.....

.....

.....

.....

Names and signatures of members of area land committee

- (i) .....
- (ii) .....
- (iii) .....
- (iv) .....

B: Decision of district land board

The application is approved/rejected/deferred\*

The application is approved upon the following terms and conditions .....

.....

.....

.....

The application is not approved for the following reasons .....

.....

.....

.....

Minute number .....

Name and signature, Chairperson .....

.....District land board

Name and signature, Secretary .....

.....District land board

Official seal

Date .....

\* The board shall send a copy of this form to the office of titles for issuance of a certificate in accordance with section 13 (6) of

Appendix D. Notice of hearing of application for Freehold.



The Republic of Uganda

*Regulation 17*

**THE LAND ACT, CAP 227**

**THE LAND REGULATIONS, 2004**

**Form 10**

**NOTICE OF HEARING OF APPLICATION FOR  
GRANT OF FREEHOLD**

**PUBLIC NOTICE**

To: .....  
.....  
.....

..... area land committee has received an application to the district land board for a grant of freehold by ..... of ..... in respect of a piece of land located at ..... of approximately (area/size) .....(ha)

By sections 6(2) and 12(1) of the Act, power is given to the area land committee to notify any persons claiming any interest in the land which is the subject of application or adjacent land which may be affected by the application;

Notice is hereby given to you in pursuance of the sections mentioned above to attend a meeting of the committee so that you put forward your claims.

Venue .....  
Date .....  
Time .....

.....  
Name and signature of chairperson,  
area land committee

OFFICIAL STAMP

Date .....

## Appendix E. Statutory Instruments for costs of ground rent.

---

**STATUTORY INSTRUMENTS  
SUPPLEMENT No. 32**

21st October, 2011

**STATUTORY INSTRUMENTS SUPPLEMENT**  
to *The Uganda Gazette No. 63 Volume CIV dated 21st October, 2011*

Printed by UPPC, Entebbe, by Order of the Government.

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**S T A T U T O R Y   I N S T R U M E N T S**
**2011 No. 55.**

**The Land (Annual Nominal Ground Rent) Regulations, 2011**  
(Under sections 31 and 93 of the Land Act, Cap. 227)

IN EXERCISE of the powers conferred upon the minister responsible for lands by sections 31 and 93 of the Land Act, these Regulations are made this 7th day of October, 2011.

**1. Title.**

These Regulations may be cited as the Land (Annual Nominal Ground Rent) Regulations, 2011.

**2. Approved annual nominal ground rent determined by district land boards.**

The annual nominal ground rent payable under section 31 of the Land Act as determined by the respective district land boards is approved as specified in Schedule 1.

**3. Annual Nominal Ground Rent determined by the Minister.**

The annual nominal ground rent payable under section 31 of the Land Act for the areas where the district land board has not determined the rent payable is specified in Schedule 2.

SCHEDULE 1  
APPROVED ANNUAL NOMINAL GROUND RENT DETERMINED BY  
DISTRICT LAND BOARDS

No.	District	Municipality	Town council	Town board	Rural area
1.	Abim		20,000=		5,000=
2.	Amolatar		30,000=		5,000=
3.	Amuru		20,000=	20,000=	5,000=
4.	Hoima		30,000=		5,000=
5.	Isingiro		30,000=		5,000=
6.	Kabalore	30,000=	10,000=		5,000=
7.	Kamwenge		20,000=		5,000=
8.	Kaliro		30,000=		5,000=
9.	Koboko		10,000=		5,000=
10.	Kyenjojo		10,000=	10,000=	2,500=
11.	Lira	30,000=	20,000=		5,000=
12.	Luwero		20,000=		5,000=
13.	Masaka	12,000=	10,000=		2,500=
14.	Nakaseke		30,000=		5,000=
15.	Namutumba		30,000=	10,000=	5,000=
16.	Ntungamo		30,000=	30,000=	5,000=
17.	Oyam		20,000=		5,000=
18.	Pallisa		30,000=		5,000=
19.	Rakai		30,000=	20,000=	5,000=
20.	Sembabule		20,000=	15,000=	5,000=
21.	Sironko		30,000=	30,000=	5,000=

SCHEDULE 2  
ANNUAL NOMINAL GROUND RENT FOR AREAS WHERE THE  
DISTRICT LAND BOARD HAS NOT DETERMINED THE RENT PAYABLE  
UNDER SECTION 31

Land within a city	Land within a municipality	Land within an urban council	Town board	Land within a rural area
50,000=	40,000=	30,000=	20,000=	5,000=

DAUDI MIGEREKO, MP  
*Minister of Lands, Housing and Urban Development.*

Appendix G. Lease Title.

LO. REF. ....

MINUTE REF. ....

# UGANDA

## THE REGISTRATION OF TITLES ACT.

### LEASE BY DISTRICT LAND BOARD

*This Lease* made the \_\_\_\_\_ day of \_\_\_\_\_ the year \_\_\_\_\_  
under and subject to the Land Act and rules made/saved thereunder

BETWEEN \_\_\_\_\_  
a body incorporated by the Land Act (hereinafter called  
"the Lessor") of the one part, and

(hereinafter called "the Lessee/s") of the other part WITNESSETH as follows:—

1. In consideration of the sum of Shillings

(Shs. \_\_\_\_\_) paid to the  
Lessor by the Lessee/s on or before the execution of these presents (the receipt whereof the Lessor doth hereby  
acknowledge) and also in consideration of the rent hereby reserved and of the covenants and conditions  
hereinafter contained on the part of the Lessee/s to be observed and performed, the Lessor hereby demises unto  
the Lessee/s ALL THAT piece of land in the Municipality/Township of \_\_\_\_\_ and known  
as \_\_\_\_\_ Block \_\_\_\_\_ Plot

as the same is more particularly delineated on the plan annexed hereto and thereon edged with red (hereinafter  
called "the said land") TO HOLD the same unto the Lessee/s (as joint tenants/tenants in common in  
\_\_\_\_\_ ) for a term of \_\_\_\_\_ years and \_\_\_\_\_ months from the

day of \_\_\_\_\_ the year \_\_\_\_\_

YIELDING AND PAYING therefor during the said term the yearly rent of  
Shillings \_\_\_\_\_  
(Shs. \_\_\_\_\_) payable by two equal half-yearly payments in advance on the first day of January  
and the first day of July in every year.

2. THE LESSEE/S HEREBY JOINTLY AND SEVERALLY COVENANTS with the Lessor as  
follows namely:

(a) to observe and perform all the conditions and covenants implied by law in this lease or other-  
wise herein contained or referred to,

(b) to erect on the said land buildings (hereinafter called "the said buildings") of a value of not less  
than Shillings,

(Shs. \_\_\_\_\_) in accordance with plans and specifications which shall be approved by the Lessor,

(c) to complete the said buildings for occupation and use to the satisfaction of the Lessor on or before the day of the year

(d) not without the prior written consent of the Lessor to use or suffer to be used the said land and buildings or any part thereof otherwise than for

(e) not without the prior written consent of the Lessor to erect any engine or machinery on the said land or in the said buildings save and except such engine or machinery as shall be necessary to or consistent with the user of the said land or buildings as stipulated herein,

(f) in addition to any covenant implied therein the Lessee, shall not, until he/she has completed the said buildings and obtained a final occupation permit in respect thereof, sell or sublet or part with the possession of or suffer anyone to use or confer on anyone an equitable interest or in any way mortgage the said land or buildings or any part thereof without having first obtained the written consent of the lessor,

(g) to keep insured the said buildings to the full value thereof in a responsible insurance office against loss or damage by fire and upon the request of the Lessor to produce the policy of such insurance and the receipt for the last premium and to cause all sums received in respect of such insurance to be forthwith laid out and expended in rebuilding or repairing or otherwise reinstating the said buildings and to make up any deficiency in such sums out of the Lessee's own money,

(h) not to make or allow to be made any alterations or additions to any of the said buildings nor to cut, injure or demolish or allow to be cut, injured or demolished the roof or any of the walls or floors thereof without the prior written consent of the Lessor,

(i) not at any time during the said term to use, exercise or carry on or permit to be used, exercised or carried on in or upon the said land or buildings or any part thereof any noxious noisome or offensive art, trade, business occupation or calling or to allow any act, matter or thing whatsoever to be done at any time during the said term in or upon the said land or buildings which shall or may be or grow to the annoyance, nuisance grievance, damage or disturbance of the occupiers or owners of the adjoining lands and properties.

3. IT IS HEREBY EXPRESSLY declared and agreed as follows:—

(i) that if this lease be enlarged as hereinafter provided, the rent herein reserved shall be revisable by the Lessor at any time after the expiration of the first years of the said term and at intervals of not less than years thereafter,

(ii) that the cost of re-aligning, covering in or protecting any public or private services which may be on or pass under or over the said land and of any works incidental thereto shall be the liability of the Lessee/s.

4. When the Lessee/s shall have complied with the building covenant herein and if there shall not at the time be any existing breach or non-observance on the part of the Lessee/s of any of the covenants and conditions in this lease whether expressed or implied the said term shall be enlarged to \_\_\_\_\_ years and \_\_\_\_\_ months from the said \_\_\_\_\_ day of \_\_\_\_\_ the year \_\_\_\_\_ automatically and this lease shall thenceforth be read and construed as if the said term of \_\_\_\_\_ years and \_\_\_\_\_ months had been originally granted hereby.

IN WITNESS WHEREOF the common Seal of the Lessor has hereunto been affixed and the Lessee/s has/have hereunto set his/her/their hand/s caused his/her/their common Seal to be affixed hereto the day and year first above written.

The COMMON SEAL of the Lessor was hereunto affixed in the presence of us:—

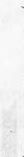


.....  
*Chairman*

.....  
*Secretary*

SIGNED by the said

in the presence of:—



AUTHORISED WITNESS:—

Name .....

Address .....

Occupation.....

DRAWN BY:—  
The Government Conveyancer,  
Office of Titles,  
P.O. Box 7061,  
Kampala

### 6.3 Community Organizations

The following table is a list of community-based organizations and civil society groups that work with villages in the project area. These groups provide various support to individuals in the community, and can help provide third-party advice during the FPIC process. The two websites below link to Uganda civil society organizations that may be available to villages.

[http://www.commonwealth-of-nations.org/Uganda/Organisations/National NGOs And Civil Society](http://www.commonwealth-of-nations.org/Uganda/Organisations/National_NGOs_And_Civil_Society)

<http://www.civilsocietyforum.org/content/uganda-national-ngo-forum>  
[ulaug.org/](http://ulaug.org/)

Organization Name	Acronym	Org Type	District of operation	Subcounty (s)	NARCG partner
African Institute of Energy Governance	AFIEGO	NGO	Hoima	Mostly in sub-counties with oil exploration: Buseruka, Kyangwali and Kigoroby	CSWCT
Action Africa Help	AAH	NGO	Hoima	Kyangwali refugee camp	CSWCT
Community Development and Conservation Agency	CODECA	NGO	Masindi & Kibaale	Budongo, Bwijanga, Pakanyi (For Masindi) and Kasambya for Kibaale	ECOTRUST/JGI/CSWCT
Care International	CARE	NGO	Masindi, Kibaale, Kyenjojo, Kabarole	Works through local CSOs	WWF/ECOTRUST/CSWCT
World Vision	WVU	NGO	Hoima and Kibaale	Hoima-Buhimba, Kyabigambire & Kiziranfumbi. Kibaale-Kakindo, Kasambya, Nalweyo and Kisita	WWF/ECOTRUST/CSWCT/JGI
Uganda Rural Development & Training Programme	URDT	NGO	Kibaale	All Subcounties of Kibaale because it owns a community Radio Station called Kibaale-Kagadi Community Radio (KKCR)	WWF/CSWCT
Advocates Coalition for Development and Environment	ACODE	NGO	National Coverage	Depends on Programatic and Projects Focus	ECOTRUST/JGI/CSWCT/WWF/NAHI
EDUCATE Uganda	EDUCATE Uganda	CSO	Hoima	Kitoba, Bugambe and Kiziranfumbi	CSWCT
Hoima District Farmers Association	HODFA	CSO	Hoima	Buhimba, Kitoba and Bugambe. Plans to expand into Kiziranfumbi, Bohanika and	CSWCT
Kibaale District Civil Society Organizations' Network	KCSON	CSO	Kibaale	The whole of Kibaale	WWF/CSWCT
Bunyoro Albertine Petroleum and Environmental Conservation Network	BAPENECO	CSO	Hoima, Kibaale, Bulisa & Masindi	Network of CSOs in the region and so no specific subcounty	WWF
Emesco Development Foundation		CSO	Kibaale	All subcounties	WWF & CSWCT
Ongo Communal Land Association	OCLA	CBO/CLA	Masindi	Budongo	ECOTRUST
Alimugonza Communal Land Association	ACL	CBO/CLA	Masindi	Pakanyi	ECOTRUST
Navigators of Development Association	NAVODA	CBO	Hoima	Kitoba, Kyabigambire and Bugambe	CSWCT/JGI/NAHI
Joint Effort for Rural Development	JEFORD	CBO	Hoima	Kitoba, Kiziranfumbi, Buseruka, Kigoroby Town Council and Kaboya	CSWCT/JGI/NAHI
Hoima Environment Project	HEP	CBO	Hoima	Whole of Hoima	CSWCT/JGI/NAHI
Kapeka Integrated Community Development Association	KICODA	CBO	Masindi	Budongo	ECOTRUST
Budongo Good Neighbors Conservation	BUNCA	CBO	Masindi	Budongo	ECOTRUST
Nyakase Environmental Conservation Development Association	NECODA	CBO	Masindi	Budongo	ECOTRUST
Association		CBO	Hoima	Kabwoya	JGI
Munteme Private Forest Owners Association		CBO	Hoima	Kiziranfumbi	JGI
Bulimya-Kidoma REDD-Plus Association		CBO	Hoima	Kiziranfumbi	JGI
Ruguse Private Forest Owners Association		CBO	Hoima	Bugambe	JGI
Katanga Private Forest Owners Association		CBO	Hoima	Bugambe	JGI
Kibanjwa Private Forest Owners Association		CBO	Hoima	Kitoba	JGI
Birungu and Budaka Private Forest Owners Association		CBO	Hoima	Kitoba	JGI
Kiryangobe-Kiragura Private Forest Owners Association		CBO	Hoima	Kitoba	JGI
Bulyango Private Forest Owners Association		CBO	Hoima	Kitoba	JGI
Kibugubya Private Forest Owners Association		CBO	Hoima	Kyabigambire	JGI
Kisabagwa Private Forest Owners Association		CBO	Hoima	Kyabigambire	JGI
Bulindi Private Forest Owners Association		CBO	Hoima	Kyabigambire	JGI
Kigoroby Private Forest Owners Association		CBO	Hoima	Kigoroby	JGI
Masindi District NGO Forum	MDNF		Masindi and Kiryandongo	Budongo, Pakanyi, Mutunda	WWF/JGI/ECOTRUST

## 6.4 Implementing NGOs' Positions on Human Rights



the Jane Goodall Institute

One of the key issues in JGI's Global Africa Program Conservation Strategy (2012 onwards) is that Lack of Community Involvement in Conservation Programs is among many other obstacles to successful Conservation. With an increasing focus on conservation priorities by the international community can backfire when local communities become resentful of inattention to their needs: access to health care, educational opportunities, alternatives to bushmeat for food or money, and development opportunities. Government initiatives to manage natural resources are often viewed by affected communities as a means to implement authoritarian policies which go against traditional laws and use rights. As local populations are the immediate custodians of natural resources, there is little prospect of improving local natural resource management (NRM) and achieving conservation goals if they are excluded from participating. Conservation cannot and should not be pursued against the interests and wishes of local people so that protected areas and species conservation yield an economic return for the local people and contribute to sustainable livelihoods.

As an approach to addressing the above conservation issue, JGI's community-centered conservation approach provides local communities the tools needed to manage their natural resources for long-term economic gain and environmental prosperity. With increased local capacity, responsibility, and participation in the sustainable management of natural resources, communities are much better positioned to effectively preserve the natural environment and wildlife of their area.

- We do not "parachute in" with defined solutions. Rather, we support communities as they identify priority development and conservation goals. As a result, our projects set is eclectic – reflecting the diversity of communities in Africa and the myriad problems they face.
- Here's an idea of what our activities look like on the ground:
- We educate farmers on sustainable farming methods such as rotating crops for soil fertility and re-cropping rather than clearing forest to make new fields
- We promote the use of fuel-efficient stoves that reduce the need for fuel wood by two-thirds and are made from local materials – saving time, money and trees
- We organize micro-credit programs that allow villagers – especially women – to obtain capital for small business ventures by pooling their own money seeded by JGI funds. The payback rate is impressive – over 85 percent.
- We work with villages to improve health through training and infrastructure development, including spring protection, shallow and bore wells, and ventilated improved pit latrines
- We place a special emphasis on girls' education, providing scholarships that have help girls complete secondary school and beyond.

## Conservation Initiative on Human Rights (CIHR)

*The following document is provided by the CIHR<sup>18</sup> (of which WWF and WCS are members) outlining their commitment to human rights.*

### Conservation and Human Rights Framework

#### **Conservation Initiative on Human Rights**

Actions to conserve nature and natural resources are closely related to the rights of people to secure their livelihoods, enjoy healthy and productive environments and live with dignity. The pursuit of conservation goals can contribute positively to the realization of many human rights, and realization of rights can enable more effective conservation outcomes. However, conservation activities may also generate negative impacts if their links with human rights and well-being are not sufficiently understood or addressed.

As conservation organisations, our objective is to maintain and enhance the long-term benefits of nature for all, including future generations. Our work is motivated by belief in the intrinsic value of the diversity of life, recognition of the responsibilities of people to the Earth and to other species that share the Earth with us, and understanding that the well-being of people everywhere is intimately dependent upon ecosystems and the biodiversity that underpins them.

At the same time, we recognize that conservation activities affect the relationships of people to lands and vital resources, and that many people in high-biodiversity areas are among the world's poorest and most vulnerable. As organizations involved in supporting the design and implementation of conservation programmes, we also recognize that we have a responsibility to address and be accountable for the social effects of our work. Furthermore, we believe that there are benefits to articulating clear principles for action and accountability on human rights as they relate to conservation, as a framework and guide for implementation actions, partnerships and shared learning.

Therefore:

#### **WE, the undersigned international conservation organizations reaffirm our commitment to:**

##### **1. Respect human rights**

**Respect** internationally proclaimed human rights<sup>19</sup>; and make sure that we do not contribute to infringements of human rights while pursuing our mission.

##### **2. Promote human rights within conservation programmes**

**Support** and **promote** the protection and realization of human rights within the scope of our conservation programmes.

<sup>18</sup> <https://community.iucn.org/cihr/Pages/conservation.aspx> Accessed June 11, 2012

<sup>19</sup> As contained in the Universal Declaration on Human Rights and other applicable international instruments.

### 3. Protect the vulnerable

Make special efforts to avoid harm to those who are vulnerable to infringements of their rights and to support the protection and fulfillment of their rights within the scope of our conservation programmes.

### 4. Encourage good governance

**Support** the improvement of governance systems that can secure the rights of indigenous peoples and local communities in the context of our work on conservation and sustainable natural resource use, including elements such as legal, policy and institutional frameworks, and procedures for equitable participation and accountability.

**To implement these principles, according to individual governance structures and operating partnership models, the undersigned organizations commit to work to achieve the following:**

### 5. Further develop these principles and implementation measures in consultation with our constituencies

Discuss and develop the principles and implementation measures with our constituencies and with support as needed from individuals and networks that have relevant experience and expertise.

### 6. Establish relevant institutional policies

Establish our own institutional policies to ensure that these principles are fulfilled; communicate our policies internally and externally and periodically review and revise them as needed.

### 7. Ensure implementation capacity is in place

Determine the competencies needed within our organizations to implement these policies and principles and ensure that the necessary capacity is in place.

### 8. Address conservation-human rights links in the design, implementation and monitoring of our programmes, including by:

- **Undertaking impact assessment and consultation in advance of conservation interventions:** Conduct prior evaluation of the scope of proposed conservation policies, programmes, projects and activities, so that the links between human rights and conservation are identified, and ensure that potentially affected persons are informed, properly consulted, and able to participate in decision making about relevant interventions. This includes respect for the right of indigenous peoples and local communities with customary rights to lands and resources to free, prior, informed consent to interventions directly affecting their lands, territories or resources.
- **Reflecting local concerns in design and implementation:** Ensure that the design and implementation of conservation interventions reflect such prior evaluation and the participatory decisions that were made.
- **Monitoring and adapting:** Monitor and evaluate interventions and their implications for human rights, as a basis for ongoing improvement.

### 9. Establish accountability measures

Establish processes to monitor and evaluate compliance with our policies and principles on a regular basis, and effective, accessible and, transparent procedures to receive and resolve complaints.

**10. Apply the policies and principles in agreements with subcontracting organizations and implementing partners**

Include appropriate provisions on compliance with these policies and principles in subcontracts, partnership agreements and capacity-building activities with other implementing organizations.



## 6.5 List of Resources for Stakeholder Groups

The following is a list of various resources that will be made available to stakeholders during the FPIC process. More documents may be added to the list as developed.

### **Laws and government policies (copies to be at the parish level)**

1. Constitution of Uganda; Section detailing land tenure
2. The Land Act of 1998
3. The Land Act cap 227; for procedures on obtaining communal land tenure
4. NEMP 1994; National Environment Management Policy on promoting sustainable management of forest resources
5. National Forestry and Tree Planting Act (2003); registration of private forests
6. Ugandan Government Vision for 2035 (2008); use of carbon trading
7. Ugandan REDD Readiness Proposal (R-PP 2011); explanation of REDD+ projects
8. The National Forest Plan of Uganda (2002)
9. Registration of Titles Act of 1924
10. The Land Regulations of 2004
11. Guidelines for Registration and Management of Private Forests-FSSD
12. Guidelines for the formulation, registration and management of Community Forests-FSSD

### **Local Government Ordinances (Locally-relevant documents to be available at parish level)**

13. District ordinances; provide sections that clarify legal basis for managing forests on private lands
14. Masindi District Local Government: Production, Environment And Natural Resources Management Bill, 2011
15. Hoima Environment and Natural Resources Management Bill (2011); sustainable NRM
16. District ordinances; clarifying legal basis for managing forests on private land

### **Educational Documents (Documents to be distributed at the village level)**

17. Climate Change Introduction
18. REDD+ Introduction
  - a. For government
  - b. For villages
19. Murchison-Semliki REDD+ PDD
20. Murchison-Semliki REDD+ PDD brochure (includes explanation of environmental challenges of the region in a format rural people understand)

## 6.6 Preliminary Grievance Framework

Whereas the Murchison-Semliki Forest Project has the potential to reduce carbon emissions, improve forest management, improve local livelihoods and ultimately promote sustainable development, its implementation like many other developments may have negative impacts on forest villagers' livelihoods and welfare. The project activities are likely to impact basic uses of forest resources (especially poles, firewood, non-timber forest products, timber and charcoal), land use and livelihoods especially to those village individuals and households who depend on forests for survival. It may also change the ways in which development of the area was envisioned, and continue tumultuous relationships between people and wildlife.

Grievances, conflicts and disputes are therefore likely to arise during the implementation of the project. Consequently, an effective framework through which all the project stakeholders are able to raise concerns, grievances and legitimate complaints throughout the project cycle can be helpful in mitigating and addressing these risks at all levels of the project.

### **Grievance Management in Uganda**

#### **Mediation**

At the local level, most grievances and conflicts are usually be solved through adequate mediation using customary approaches or local administration at the village level.

#### **The Judicial system**

Alternatively, as quoted in the Ugandan National REDD+ consultation and participation plan (IUCN 2012), disputes that cannot be solved through customary mediation may go through a more elaborate process in Uganda, highlighted in the box below.

#### **Box 1: Ugandan Judicial System (quoted from IUCN 2012)**

##### *i) Local Courts*

At the community level, the local council Courts Act, 2006 establishes the Local Council Courts. Under section 3, the law establishes a local council court at every village, parish, town, division and sub-county. These courts have jurisdiction to handle matters covered under second and third schedule which include breach of contracts, damage to property and land matters where land is held customarily. Local council courts also have jurisdiction to grant some remedies which include compensation among others.

##### *ii) Magistrate courts*

Magistrate courts are composed of Chief Magistrate, Magistrate Grade I and Magistrate Grade II. The powers and jurisdiction are governed by the Magistrates Courts Act, Cap16 Laws of Uganda. Whereas the Magistrates courts have wider powers and jurisdiction-both monetary and subject matter, than the Local Council Courts, the two are affected by limited knowledge and expertise in resolving disputes relating to REDD+ activities.

##### *iii) National Courts*

The National courts include the High Court-which has various divisions including Family and Land Division, Commercial Division and Civil and Criminal Divisions; Court of Appeal also referred to as the constitutional Court when constituted for that purpose; and the Supreme Court. The National Courts are created by the Constitution of Uganda 1995. These courts are presided over by qualified and experienced lawyers. In matters relating to contracts, management of natural resources and human rights violations, these courts have unlimited jurisdiction-both monetary and subject jurisdiction.

Resorting to the court system can result in long delays before a case is processed. This can result in significant costs to the complainant(s), and requires a complex mechanism (with lawyers and experts) that can overstep rural and marginalized groups' control. Furthermore, as REDD+ is a new mechanism, the court system staff and lawyers will need strong capacity building to be able to effectively handle REDD+ related conflicts.

### **Anticipated project conflicts and grievances**

In practice, grievances, conflicts and dispute themes that are most likely during the implementation of the MSREDD+ Project are the following:

1. **Human-Wildlife Conflict.** Contact between humans and wildlife increase with forest habitat loss and degradation. As the project works to protect the remaining corridors, one goal is to help sustaining of wildlife populations. It's therefore anticipated that there will be sustained and potentially increased cases of various forms of human-wildlife conflict occurrences with a range of negative results such as livestock depredation, crop damage, property damage, and injuries to people especially for households neighboring the forests. Accordingly, tensions between the private forest owner and the affected forest adjacent households may develop due to forests harboring wildlife.
2. **Development Limitations.** Some village members may see as future economic loss by the non-development of participating forest lands.
3. **Village Conflict Resolution**
  - o **Successions, divorces, and other family issues.** Forest land titling for a particular private forest owner may have been successfully and without contestation however, down the road of project implementation, it's likely that there will be successions, divorces and other family issues resulting in disputes between heirs and other family members, over ownership or ownership shares for forest lands already enrolled for the project.
  - o **Migrant rights and ethnic tensions with regards to land and project benefits.** Migration is a legal right amongst Ugandans, and arrangements they make with forest owners must be respected. But non-forest owning residents with longstanding roots may perceive injustice if recent immigrants receive project benefits from the forest.
4. **Land Tenure.** Documenting government procedures for land titling, and documenting areas of conflict, such as challenges with migrants, absentee landlords, etc. Although as a government process this is not a direct issue for FPIC, recording procedures and activities in helping individuals to secure land title will help ensure a transparent process and socially-sensitive approach. The project will attempt to engage a Ugandan NGO whose focus area is on land rights and land issues to help provide support to aspiring land owners and the project.
5. **Project/governance transparency and miscellaneous recourse.** Issues not related to the previous four components may arise, such as complaints about project management, corruption, lack of transparency in processes, unmet benefit sharing expectations, individual private forest owner contracts, etc.

### **Proposed MSREDD+ Project Grievance Framework**

Based on the judicial landscape outlined above, the MSREDD+ Project thus proposes to use three frameworks (including judicial and extra-judicial) for managing grievances and disputes based on explanation and mediation by third parties and also experiences from somewhat similar projects both in Uganda and outside. Each of the affected persons will be able to follow this framework, while still being able to resort to the judicial system.

This grievance framework outlined below will be proposed at the village level during the FPIC process, and suggestions from the village stakeholder groups incorporated into a final grievance framework. In addition to this, the FPIC team leaders will work together with the FPIC manager to develop a template for discussing each of the conflict themes listed above during the FPIC meetings. These discussions at the village level will help the project in considering how conflicts can be avoided through project design components.

#### **Grievances Registration**

The first phase of the grievance framework is for the project to establish a register for grievances, which will be availed to the customary mediation structure at the village level and procedures to lodge a complaint (where, when, etc.), will also be broadly communicated by the project. The grievance will be registered on online data base which will generate an automated message to the project manager who will monitor progress of the complaint and ensure it is satisfactory dealt within three months. The complainer will also be informed of his/her right to send a message to an independent third party who can also monitor the grievance resolution.

### **Grievance Management**

The Grievance mediation framework shall be at 4 levels, and is an adapted approach based on the work of the Bujagali Interconnection Project-Resettlement and Community Development Action Plan (Figure 11);

#### **1<sup>st</sup> Tier-Customary Mediation at Village Level**

This shall be the first stage of mediation of grievances, conflicts and disputes relating to the project and shall be at the village level. There shall be a village level mediation committee whose membership shall consist of village elders, some Local council one committee members and any other mutually agreed member by the Village members themselves independent of the project and the government. Complaints that cannot be closed to the complainant's satisfaction will be handed over to a mediation committee established at Sub-county Level (LC 3).

#### **2<sup>nd</sup> Tier Customary Mediation at Sub-county Level**

This shall be the second stage of mediation whereby a mediation committee at the sub county will be established and shall consist of some sub-county leaders, representatives of affected people including at least some women, chosen from LC1 Councilors and/or amongst community based organizations, elders, customary authorities and one NACG partner to offer explanation on project related issues. The purpose of this stage is to offer another alternative mediation chance at slightly higher level which is as well easily accessible and cultural Appropriate.

#### **3<sup>rd</sup> Tier Project Mediation**

Complaints that cannot be closed to the complainant's satisfaction at the second tier stage will be handed over to a project mediation committee established at District (LC5) level curved out of the "co-determination committee" –a body of elected representatives from: of the Northern Albertine Rift Conservation Group (NARCG); the private forest owners in the project area; non-forest owning participants; and various levels of government (local government, resident district commissioner (RDC) FSSD, UWA, etc). Failure of reaching an amicable solution from either party at this stage, one party or another party shall be free to seek justice from the judicial system.

### **Mitigation of potential & latent project related conflicts**

#### **Semi-annual meetings**

Leaders and members of the community can identify latent (or unseen, underlying) conflict in the community before the conflict becomes open and destructive. The project proposes to organize semi-annual meetings which will be open to the public. These meetings can also be excellent avenues for community members aggrieved by the project to speak out their mind and possible corrective solutions of negative situations collectively found.

#### **Establishment of a project community Liaison office**

As the project grows, the MSREDD+ Project will have an outreach office that interacts with PFOAs and communities on a range of project-related issues. This office will maintain regular contact with the communities, and be able to relay conflict/grievance-related issues to the MSREDD+ Project Mediation Sub-Committee.

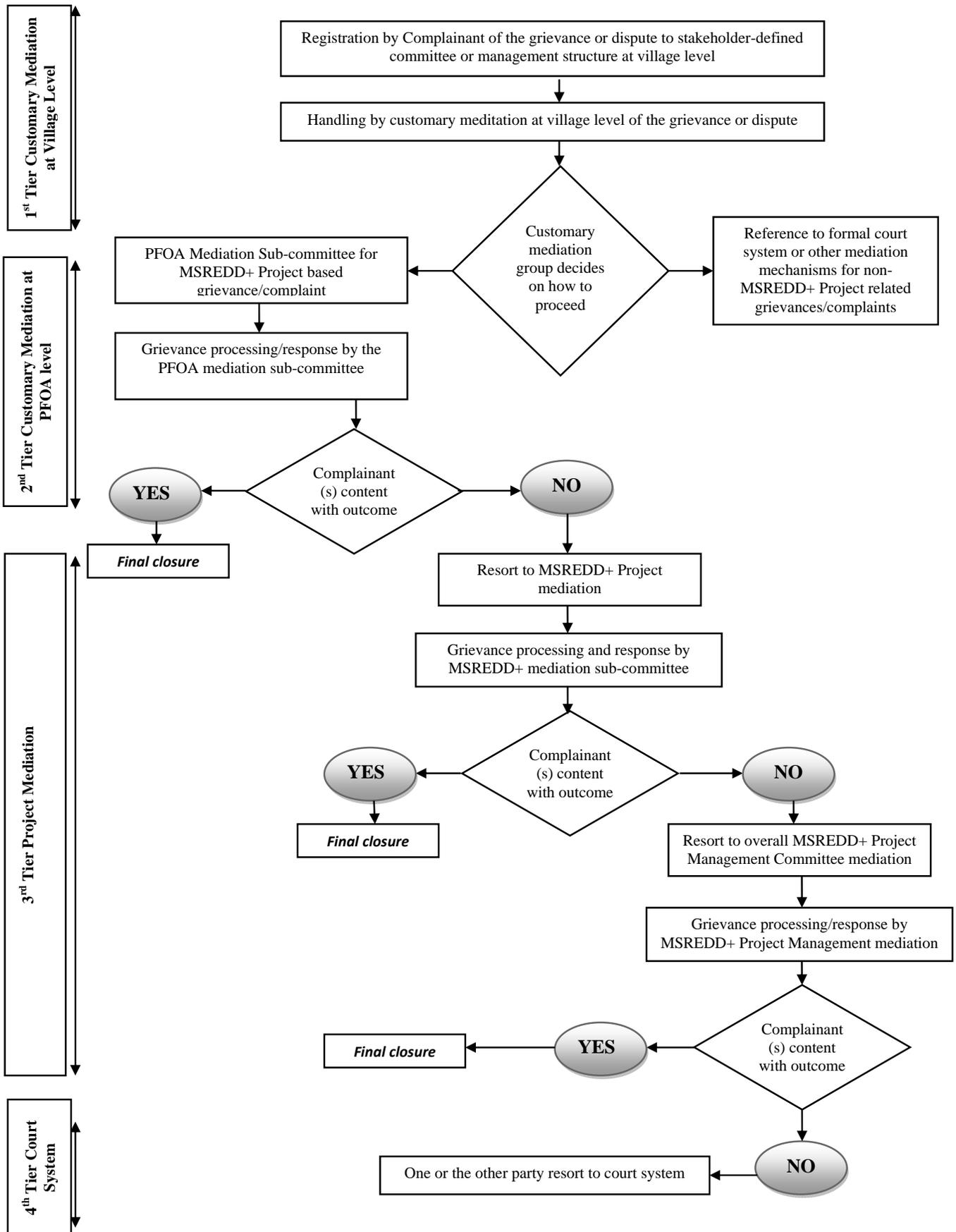


Figure 11: Proposed Grievance/Dispute Management Framework (adapted from (Uganda Electricity Transmission Company Limited 2006)

## 6.7 Consent forms

### 6.7.1 Village Consent Form

The Murchison-Semliki REDD+ Project intends to work with private forest owners to protect the remaining forests in the village. This REDD+ project will engage forest owners through individual contracts to protect trees on their lands by halting forest degradation and deforestation for up to 30 years. In exchange, forest owners will be able to participate in an incentive scheme that includes both monetary and non-monetary benefits. Because this project has potential positive and negative impacts on the wider community beyond the participating private forest owners, the MSREDD+ Project has used the FPIC process to:

1. Inform local government and communities (including the poor and marginalized members of society) about the importance of forests and climate change, and the details of the REDD+ project;
2. Assure that villagers have an informed view of the costs and benefits associated with the project in order for them to make informed decisions about if/how they want to design and implement the project
3. Provide a platform for villages to contribute to the project through the participation of village stakeholder groups in project design and the development of mechanisms to address concerns raised by people

We, the undersigned, in representation of the entire community of indigenous and migrant peoples of \_\_\_\_\_ village, confirm that the majority of village members:

- ◆ Are aware about climate change and the important functions that forests play;
- ◆ Are aware about REDD+ including but not limited to; what it is and how it does work, what it means for forests, how it affects community livelihoods as well as How it generates benefits?
- ◆ Are aware of the Murchison-Semliki Forest Project (MSREDD+ Project), its positives and negatives with regard to our livelihood strategies and current and future well-being;
- ◆ Understand that if there are any complaints or concerns relating to the project, we can use the grievance framework we are agreed to with the view to reaching agreement on an appropriate solution;
- ◆ Know that individuals who do not own or participate in the REDD scheme can still participate in some components of the incentive package of the proposed Murchison-Semliki Forest Project (MSREDD+ Project);
- ◆ Understand that participation in the project is entirely voluntary;
- ◆ By majority vote, whose results are attached herewith, consents to the project given the inclusion of our ideas for improving components of the project to mitigate the potential negatives.

This decision has been taken as checked in the table below:

	Yes	No
a) <b>Free from coercion, intimidation and manipulation;</b>	<input type="checkbox"/>	<input type="checkbox"/>
b) <b>Prior to commencement of REDD+ project activities</b>	<input type="checkbox"/>	<input type="checkbox"/>
c) <b>Have been provided all relevant information in a form we clearly understood;</b>	<input type="checkbox"/>	<input type="checkbox"/>
d) <b>Consent to the project following a culturally appropriate process of discussion and consultation in accordance with our normal decision-making practices;</b>	<input type="checkbox"/>	<input type="checkbox"/>

\_\_\_\_\_  
Name of Village LCI representative

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**One copy of this consent form will remain with the Community Local Council and one copy will be kept on file with the MSREDD+ Project, available online to interested parties**

### 6.7.2 Private Forest Owner Association Consent Form

As highlighted in the text of the FPIC Strategy document, private forest owners will sign individual contracts which will represent their final consent forms. Before reaching that stage, a meeting held amongst all private forest owners within an association will record preliminary consent amongst the forest owners and design input to address their concerns.

The Murchison-Semliki REDD+ Project intends to work with private forest owners to protect the remaining forests in the village. This REDD+ project will engage forest owners through individual contracts to protect trees on their lands by halting forest degradation and deforestation for up to 30 years. In exchange, forest owners will be able to participate in an incentive scheme that includes both monetary and non-monetary benefits.

We, the undersigned, in representation of the \_\_\_\_\_ Forest Owners Association, confirm that the forest owner members of the association:

- ◆ Understand that participation in the project is entirely voluntary;
- ◆ Are aware of the Murchison-Semliki Forest Project (MSREDD+ Project) and its positives and negatives with regard to our livelihood strategies, opportunity costs, and current and future well-being;
- ◆ Understand that if there are complaints or concerns relating to the project, we can use the grievance framework we agreed to with the view of reaching agreement on an appropriate solution;
- ◆ Know that individuals who do not own or participate in the REDD scheme can still participate in some components of the incentive package of the proposed Murchison-Semliki Forest Project (MSREDD+ Project);
- ◆ By majority vote, whose results are attached herewith, consent to the project given the inclusion of our ideas, the ideas of PFO spouses, and of future owners of private forests for improving components of the project to mitigate the potential negatives.

This decision has been taken as checked in the table below:

	Yes	No
a) <b>Free from coercion, intimidation and manipulation;</b>	<input type="checkbox"/>	<input type="checkbox"/>
b) <b>Prior to commencement of REDD+ project activities</b>	<input type="checkbox"/>	<input type="checkbox"/>
c) <b>Have been provided all relevant information in a form we clearly understood;</b>	<input type="checkbox"/>	<input type="checkbox"/>
d) <b>Consent to the project following a culturally appropriate process of discussion and consultation in accordance with our normal decision-making practices;</b>	<input type="checkbox"/>	<input type="checkbox"/>

<i>Name of PFOA representative</i>	<i>Signature</i>	<i>Date</i>
<i>Name of PFOA representative</i>	<i>Signature</i>	<i>Date</i>
<i>Name of PFOA representative</i>	<i>Signature</i>	<i>Date</i>

***One copy of this consent form will remain with the Private Forest Owner Association and one copy will be kept on file with the MSREDD+ Project, available online to interested parties***

### 6.7.3 Communal Land Association Consent Form

The Murchison-Semliki REDD+ Project intends to work with communal land associations to protect the remaining forests in the village. This REDD+ project will engage the CLA through an association contract to protect trees on their lands by halting forest degradation and deforestation for up to 30 years. In exchange, CLA members will be able to participate in an incentive scheme that includes both monetary and non-monetary benefits. In the first step in this process the association will consent to the project before engaging the secondary step of signing detailed contract. In this preliminary consent, we, the undersigned, in representation of the \_\_\_\_\_ Communal Land Association, holder of the customary rights of \_\_\_\_\_ Forest, confirm that members of the association:

- ◆ Understand that participation in the project is entirely voluntary;
- ◆ Are aware of the Murchison-Semliki REDD+ Project and its positives and negatives with regard to our livelihood strategies, opportunity costs, and current and future well-being;
- ◆ Understand that if there are complaints or concerns relating to the project, we can use the grievance framework we agreed to with the view of reaching agreement on an appropriate solution;
- ◆ Know that individuals who do not own or participate in the REDD scheme can still participate in some components of the incentive package of the proposed Murchison-Semliki REDD+ Project;
- ◆ By majority vote, whose results are attached herewith, consent to the project given the inclusion of our ideas, the ideas of PFO spouses, and of future owners of private forests for improving components of the project to mitigate the potential negatives.

This decision has been taken as checked in the table below:

	Yes	No
a) <b>Free from coercion, intimidation and manipulation;</b>	<input type="checkbox"/>	<input type="checkbox"/>
b) <b>Prior to commencement of REDD+ project activities</b>	<input type="checkbox"/>	<input type="checkbox"/>
c) <b>Have been provided all relevant information in a form we clearly understood;</b>	<input type="checkbox"/>	<input type="checkbox"/>
d) <b>Consent to the project following a culturally appropriate process of discussion and consultation in accordance with our normal decision-making practices;</b>	<input type="checkbox"/>	<input type="checkbox"/>

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<i>Name of CLA representative</i>	<i>Signature</i>	<i>Date</i>
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<i>Name of CLA representative</i>	<i>Signature</i>	<i>Date</i>
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<i>Name of CLA representative</i>	<i>Signature</i>	<i>Date</i>
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## 6.8 FPIC Training and Team Preparation

The training manuals for FPIC team leaders and interlocutors has been developed (Nyago 2012, Kyasiimire 2012) that includes educational materials and approaches to be used in the villages. A brief outline of the training and educational materials are outlined below:

### FPIC Training

#### 3 training levels

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- **NARCG FPIC team leaders.** This will comprise of 1-2 staff from each participating NGO
- **PFOAs.** This will comprise of as many PFOA leaders who desire to attend training
- **Interlocutors.** Interlocutors may be either members of the PFOAs or community mobilizers, and will be chosen by NARCG member organizations. As private forest owners are often higher status people in the community, it is doubtful that they will be able to spend the time conducting outreach amongst members of the community for a general FPIC. The skills needed for interlocutors include

#### Training Components

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##### Knowledge building

- Forest importance
- Climate Change
- REDD+
- PDD
- Background of what a PDD is
- MSREDD+ Project PDD
- Incentives package
- Carbon rights
- FPIC
- Background
- MSREDD+ Project FPIC Protocol
- Rights and responsibilities of village leaders, PFOAs

##### Capacity building

- How to train (training team leaders how to work with interlocutors)
- Mobilization and planning
- Effective meetings
- Effective communication, using media, and information dissemination
- Gender/marginalized groups/human rights sensitivity
- How to facilitate (including how to deal with meeting subverters, hijackers, make sure of inclusion of all stakeholder groups, animation, listening, observing, conflict resolution, use of digital equipment in a village setting)
- Be able to analyze community capacity, address weaknesses
- Conflict Resolution/Grievance mechanism development
- Documentation and reporting

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