



DEVELOPMENT OF NATIONAL GUIDELINES FOR BIODIVERSITY AND SOCIAL OFFSETS

TERMS OF REFERENCE FOR A CONSULTANT

1. Background

The Government of Uganda has demonstrated a clear commitment to fulfill her biodiversity conservation mandate in ways that promote national socio-economic development goals. It has done so by revising the legal framework to apply the mitigation hierarchy and cater for goals of No Net Loss of biodiversity by large development projects. The NBSAPII has specified roles of the private sector in investing in sustainable and environmentally sound technologies, innovative instruments such as Biodiversity Offsets, payment for ecosystem services have been proposed in the new legislation but have not been operationalized.

In 2017, an agreement to collaboration on the Conservation, Impact Mitigation and Biodiversity Offsets in Africa ("COMBO Project") and related projects or programs was signed between NEMA and WCS. The COMBO Project is a four-year project being implemented in Uganda, Mozambique, Madagascar and Guinea, funded by the Agence Francaise de Développement (AFD), the Fonds Français pour l'Environnement Mondial (FFEM) and the Mava Foundation. WCS being the lead organization is implementing the project together with Forest Trends ("FT") and Biotopie together known as the "COMBO Partners".

The primary objective of the COMBO Project is to identify lessons learnt from companies, on the various building blocks of No Net Loss ("NNL")/Net Gain ("NG") approaches which includes technical solutions as well as organizational solutions, at the project and corporate level and to involve continuous and constructive dialogue with willing companies involved in projects at any stage in a project's life-cycle, to share information and experiences.

The COMBO Partners sought to support governments in the target areas with the identification, analysis and introduction of appropriate policy to encourage investment in development projects that result in no net loss or a net gain of biodiversity through

collaboration with lead institutions to implement the COMBO Project in Uganda. NEMA being the Principal Agency in Uganda mandated to manage all activities in the field of environment was identified as a partner and has supported the project implementation. NEMA has as one of her statutory functions a duty to liaise with other Lead Agencies, Local governments, the private sector, intergovernmental organizations, non-governmental agencies and governmental agencies of other States on issues relating to the environment, hence a critical partner to achieving the objective of the COMBO project.

2. The COMBO Project

The goals of the COMBO project include:

- Supporting the Government of Uganda in the identification, analysis and introduction of appropriate policy to encourage investment in development projects that result in no net loss or a net gain of biodiversity;
- Create the enabling conditions for development projects to achieve no net loss of biodiversity by:
 - i) supporting national planning processes;
 - ii) identifying relevant biodiversity metrics; and
 - iii) developing and implementing baseline and monitoring survey methodology;
- Support the uptake of best practice in the public and private sectors, monitoring these initiatives and developing lessons learned; and
- Build national capacity by sharing lessons learned drawn from African and global experiences of no net loss activities with a wide range of involved stakeholders.

3. Development of National Guidelines for Biodiversity and Social Offsets

3.1 Introduction

The National Environment Act No. 5 of 2019 defines “biodiversity offsets” as measurable conservation outcomes resulting from actions designed to compensate for significant residual adverse biodiversity impacts arising from project development and persisting after appropriate prevention and mitigation measures have been implemented. The Act under section 115(8) mandates NEMA to issue guidelines for biodiversity offsets, other offsets and compensation mechanisms based on best practice. The new reforms in the legal framework demonstrates a clear commitment by Uganda to fulfill her biodiversity conservation and will promote national socio-economic

development goals under the NDP II and enable implementation of the NBSAPII and related strategies to address biodiversity loss.

The new law has included the mitigation hierarchy and offsets as requirement for developers when carrying Environmental and Social Impact Assessment (ESIA) for proposed project(s). The Guidelines will make it possible for NEMA when reviewing ESIA to evaluate the application of mitigation principles in the environment impact statement (EIS) before allowing application of biodiversity and social offsets. The Guidelines will assist the developer shall designing and implementing biodiversity and social offsets to address the residual impacts and to achieve measurable conservation outcomes to result in a no net loss and preferably a net gain of biodiversity or other benefits.

The Guidelines will ensure that the mitigation hierarchy is properly implemented. The mitigation hierarchy is the sequence of actions to anticipate and avoid impacts on biodiversity and ecosystem services; and where avoidance is not possible, minimize; and, when impacts occur, rehabilitate or restore; and where significant residual impacts remain, offset. The guidelines will look at options for delivering offsets and how to analyze the options, offset financing, implementation and monitoring as well as provide a step by step guide in calculating biodiversity units for offset projects.

Guided by her mandate, NEMA signed an MoU with WCS to collaborate on biodiversity conservation measures and to facilitate civil society and expert institutions contribute to the policy measures and strategies for addressing biodiversity loss. In line with the MoU NEMA is supporting the implementation of the COMBO Project under which the parties have agreed to collaborate in the development of The National Guidelines for Biodiversity and Social Offsets. The Guidelines will employ technical tools and approaches to design mechanisms for safeguarding biodiversity in project proposals. The guidelines will look at options for delivering offsets and how to analyze the options, offset financing, implementation and monitoring as well as provide a step by step guide in calculating biodiversity units for offset projects.

3.2 Overall objective

The overall objective of the assignment is to develop National Guidelines for Biodiversity and Social Offsets by identifying best practice and review relevant literature to inform the development of Biodiversity and Social Offsets.

3.3 The specific objectives of the assignment

- (i) to conduct a comprehensive study of the existing legislative framework on biodiversity offsets in Uganda, identify gaps and the best practice on how to address them;

- (ii) to develop the guidelines for biodiversity and social offsets in line with the legal provisions;
- (iii) to identify areas where the biodiversity and social offsets may apply and suggest means of implementation;
- (iv) to articulate the case for technical and financial requirements for implementation of biodiversity and social offsets, plans and tasks on the proposed development projects in line with the existing laws.

4. Tasks (scope of work)

- i) Reviewing his/her TORs and prepare an inception report;
- ii) Participating in an orientation meeting to present the inception meeting and subsequent meetings leading to the preparation of the draft guidelines; Working with NEMA and WCS to draft a detailed work plan of his/her assignment including a schedule for delivery of first draft biodiversity guidelines and a Final Draft guidelines
- iii) Conducting a comprehensive study of the existing legislative frame work on the biodiversity conservation and offsets in the country, regionally and global and identifying best practice for adoption;
- iv) Collate and review documents on the mitigation hierarchy, avoidance of impacts and offsets (i.e. best practice guidance)
- v) developing the national guidelines for biodiversity and social offsets in consultation with NEMA and WCS;
- vi) Articulating the case for technical and financial requirements for implementation of biodiversity and social offsets, plans and tasks on the proposed development projects in line with the existing laws; and
- vii) Making a presentation of the draft guidelines to a Stakeholder Workshop and NEMA Technical Staff and Management.

5. Outputs and Deliverables

- i) An Inception report that will be presented to the technical staff/Management of NEMA and WCS submitted within two (2) weeks of signing the contract;

- ii) Analysis Report on Best Practice identified and justification for its adoption;
- iii) Draft National Guidelines for Biodiversity and Social Offset presented to a high-level stakeholder workshop;
- iv) Final Draft National Guidelines for Biodiversity and Social Offset presented to the technical staff/Management of NEMA and WCS; and
- v) Workshop reports and meeting minutes.

6. Qualifications and experience

- i) Master's degree in environment and natural resources or Master's Degree in Natural Resource Economics minimum 5 years demonstrated professional experience, preferably in the biodiversity and environment management area
- ii) Knowledge of legislation in the area of the environment and biodiversity management relevant to the assignment

7. Competencies and special skills requirement

- Familiarity with government and institutional roles on biodiversity strongly desired
- Facilitated the development of offset guidelines in other countries
- Ability to interact with senior government officials
- Strong motivation and ability to work and deliver under short deadlines.
- Self-motivated and ability to work under pressure and time constraint
- Very good written and spoken English;

8. Expression of interest

The Consultant will be selected, from individuals who have been invited to express interest to undertake the assignment. The Consultant should submit a letter expressing interest in the assignment and curriculum vitae within five working days from receiving the invitation.

9. Commencement of Work

The successful Consultant shall commence the work from the date of the Contract.

10. Duration of the Work

This work will take duration of **35** days spread over 3 months starting from the official date of the contract. All expected outputs should be submitted to NEMA and WCS according to the agreed plan/schedule of activities.

11. Reporting

The successful consultant will sign the contract with WCS but be under the supervision of NEMA. The Consultant shall not release nor communicate to anyone any unpublished information made known to them in the conduct of the activity without written consent of NEMA.

12. Payment modality

WCS will pay the consultant directly after NEMA has reviewed and approved the output/deliverable submitted by the consultant.

13. Duty Station

The Consultant will hold office outside NEMA but should be available for discussion on the progress of the activities and to address any outstanding issues for the duration of the assignment and submit the reports as agreed in the plan/schedule.

Send in your proposals to the following: bkyasiimire@wcs.org , gnangendo@wcs.org, snaigaga@gmail.com by 20th December 2019.