Chapter 8:
REDD+ and benefit sharing: an examination of the legal framework in Uganda

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1 Introduction

Reducing Emissions from Deforestation and Forest Degradation, as well as Conservation, Sustainable Management of Forests and Enhancement of Forest Carbon Stocks (REDD+) is a voluntary initiative established under the United Nations Framework Convention on Climate Change (UNFCCC) to create financial incentives for developing countries to reduce forest-related greenhouse gas emissions.[1] REDD+ activities have the potential to deliver a wide range of benefits to the climate, to biodiversity and to communities that depend on forests. By the same token, REDD+ poses risks of negative impacts, particularly if the rights of local communities are not respected, if a gender-sensitive approach is not taken and if REDD+ activities are not embedded in the overall framework of the environment.[2]

Uganda's REDD+ Programme, which is implemented as a National REDD+ Process, is a national effort to contribute to the mitigation of climate change, and improve the livelihoods of local, indigenous as well as forest-dependent communities. Uganda's REDD+ Readiness process aims to design a socially and environmentally viable national strategy for reducing emissions from deforestation and forest degradation, and a national reference scenario of emissions from deforestation and forest degradation. This takes into account the national circumstances and the emerging guidance from the global climate change convention.

Benefit sharing refers to a commitment to channel some returns, whether monetary or non-monetary, back to the range of designated participants or affected communities.[3] A proportion of revenue earned by the State is returned to local communities through indirect and direct benefit-sharing arrangements. Direct benefit sharing refers to cash payments to individuals or communities, and indirect benefit sharing includes other non-cash benefits, including infrastructure or community facilities, and grassroots development activities.

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1 Decision 2/COP13.
2 UNEP (2015).
3 IUCN (2012: 6); also see Lindhjem et al. (2010).

Benefit sharing is attracting increasing attention worldwide as a uniquely powerful, practical and adaptable conservation tool in natural resource management. It serves to underpin the sort of partnerships needed to involve people in development decisions that affect them genuinely and is a practical way for REDD+ and sustainable forest management to contribute to sustainable development.

REDD+, which includes the conservation of forest carbon stocks, conservation and sustainable management of forests, and enhancement of forest carbon stocks, is one of the most important climate initiatives of the 21st century and is being developed into an incentive-based conservation programme. It has the potential to contribute to low-carbon sustainable development and poverty reduction while reducing emissions and sequestering carbon.[4] For REDD+ to result in lasting emission reductions and realise sustainable benefits for forest management communities and avoid making vulnerable people worse off, a system of equitable, effective and efficient benefit sharing is imperative through policy, and legal and institutional arrangements.

REDD+ initiatives are increasingly taking forest governance issues into account, which helps to make it an effective instrument to slow, halt and reverse forest cover and carbon loss. Uganda is both a party to the UNFCCC, and a signatory to the Kyoto Protocol and the Paris Agreement that resulted out of the COP21 decisions in Paris, France.

2 The conceptual and theoretical basis of this chapter

It is widely recognised that the conservation of tropical forests largely depends on incentivising and supporting the countries that host these forests and the people who live and work in them.[5] It is also recognised that incentive mechanisms such as REDD+ can quite substantially increase benefit flows to forest managers.[6]

The central principle underlying REDD+ is the transfer of financial incentives from developed to developing countries to reduce deforestation and forest degradation. The scale of the benefits is usually linked to the rates of 'forest manager' defined here as any group or individual that depends upon the forest to generate income or to subsist, including private landholders. In this regard, REDD+ can provide substantial financial benefits to developing tropical countries. The way in which these benefits are to be distributed has become a persistent problem in REDD+. Particular concerns are that the benefits may not be equitably shared between stakeholders and that people with less power in the benefit-sharing decision-making processes could lose out.[7]

4 Ibid.
5 Wollenberg & Springate-Baginski (2009).
6 Agrawal & Angelsen (2009).
7 Griffiths (2008); Costenbader (2011).

Peskett et al.[8] and Griffiths[9] argue that equity in benefit-sharing mechanisms is a fundamental condition if REDD+ is to be effective and that this, in turn, depends on the degree of local participation in the process of developing and implementing benefits. However, despite concerns raised in the literature about the impact of benefit-sharing mechanisms on the effectiveness of REDD+, as reflected in overall reductions in deforestation,[10] scholars have been unable to agree on how to make benefit-sharing mechanisms more equitable.[11] Indeed, still lacking is a clear understanding of what benefit-sharing mechanisms entail; the types of benefits REDD+ will deliver and the processes by which the organisation will deliver them.

The term 'benefit sharing' relates to many different instances (e.g. governance structures and institutions set up to collect compensation and rents from the provision of the ecosystem services of carbon sequestration and storage; and distribution of the direct and indirect benefits among affected stakeholders), which hampers efforts to identify the main issues and the optimum approach.[12] In particular, it is not always clear what types of benefits need to be shared; how 'legitimate' beneficiaries should be identified, particularly in cases where deforestation is the result of illegal activities; or how benefit-sharing systems can be managed at the various levels of government (i.e. national, sub-national, local).

According to the Bali Action Plan, benefit-sharing mechanisms and the related benefits will be created as part of the policy approaches and measures for REDD+. Two types of policies and standards related to benefit-sharing mechanisms have been identified: those that aim to generate compensation (benefits designed to cover the foregone opportunity costs of deforestation) and those that generate incentives (benefits designed to encourage positive behaviours).[13] Both incentives and compensation can be delivered up front, to enable REDD+ to commence, or, dispensed over time, to ensure that REDD+ actions continue according to performance.

In this chapter, compensation is considered as a type of incentive, because it serves to encourage conservation behaviours. Another category of policies and measures related to benefit-sharing mechanisms consists of those that aim to generate interventions.[14] In this context, interventions are actions designed to create legal, administrative and technical benefits and include the regularisation of land tenure, institutional arrangements, monitoring systems and other activities that are necessary to facilitate and guarantee positive outcomes from REDD+.

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8 Peskett et al. (2008).
9 Griffiths (2008).
10 Luttrell et al. (2007).
11 Agrawal & Angelsen (2009); Johns & Schlamadinger (2009).
12 Costenbader (2011).
13 Brown (2008); and Peskett et al. (2008).
14 Ibid.

Another critical consideration is the process by which the mechanisms distribute the benefits: directly or indirectly.[15] Direct benefit sharing involves giving benefits directly to forest managers (e.g. payment for environmental services or PES; and technical materials); whereas indirect benefit sharing encompasses benefits that aim to foster broader development and adaptation actions that enhance co-benefits (e.g. access to education and health services).

Mechanisms would involve the delivery of benefits at both national and local levels. The choice of policies and measures to establish benefit-sharing mechanisms will affect the whole structure of a REDD+ scheme by determining who is to be given incentives to do what, and the kinds of interventions that are needed to facilitate the successful implementation of the process.

2.1 Local participation

It has been argued by some scholars that active local involvement is necessary to identify beneficiaries, appropriate benefits, the timeframe for implementation and how benefits will be received, as part of the design and implementation of benefit-sharing mechanisms for REDD+ schemes.[16] For this chapter, it is important to define 'local participation'. The Food and Agriculture Organisation (FAO) of the United Nations describes participatory forestry as those processes and mechanisms that enable people with a direct stake in forest resources (i.e. local people) to take part in decision-making in all aspects of forest management, from managing resources to formulating and implementing institutional frameworks.[17] More specifically, community forestry refers to a component of participatory forestry that focuses on local communities as key stakeholders for sustainability.

However, the meaning of 'local' itself is controversial.[18] Definitions of local people and forest-dependent communities, for example, are usually specific to their geographical area, and various terms are used for people who live in or near forest areas or who are from such areas.[19] In this chapter, 'local' is defined as any group that depends on the forest to generate income or to subsist, including private landholders. These people, referred to in this chapter as 'forest managers,' derive substantial benefits from the forest and therefore are more inclined to manage and take care of it. They will be the first to feel the impact of any changes in the forest cover or the quality of the forest and the services it provides.

15 Peskett et al. (2008); and Luttrell et al. (2012).
16 Santilli et al. (2005); Nepstad et al. (2007); Griffiths (2008); and Peskett et al. (2008).
17 See <http://www.fao.org/forestry/participatory/en/> (accessed 1-8-2018).
18 Raffles (1999).
19 Gebara (2013).

'Participation' too can have different meanings depending on the context. Whatever the definition, participation is highly context-specific, and its effects range from coercion to full local control. There are two distinct perspectives for participatory approaches: participation as a means, i.e. to improve the effectiveness of specific interventions; and participation as an end, i.e. as a necessary tool for equity and the empowerment of marginalised groups.[20] Furthermore, according to Pimbert and Pretty,[21] there are different levels of participation, from simple sharing of information to transfer of power.

The crucial role of local participation in the design of benefit-sharing mechanisms is to develop approaches that are flexible, suitable and able to ensure the effectiveness of forest managers' efforts to reduce deforestation and forest degradation.[22] Such methods are most likely to result from interactive and self-mobilisation participation because these types of engagements involve forest managers taking control of local decisions and resources. There is a risk, however, that benefit-sharing mechanisms will end up reinforcing the status quo and that the power of the benefits will remain in the hands of project developers or central governments, to be distributed according to their criteria,[23] producing unfair outcomes.

Local participation has also been found to have significant implications for related aspects of REDD+, such as monitoring activities.[24] Fry, for example, argues that national systems should be built, at least partly, on community-based monitoring, reporting and verification (MRV) protocols that maximise local people's involvement in forest monitoring and the assessment of social impacts.[25]

Hajek et al.[26] demonstrate the potential for technological and organisational innovation when a diverse group of local and international for-profit and not-for-profit actors come together to design and implement a project.[27]

The literature contains a range of findings indicating the necessity of local knowledge and engagement when creating and enforcing rules for forest management.[28] Overall, the results show that the design of national policies and measures should include flexible approaches for benefit-sharing mechanisms, which can be adapted to the needs of forest managers and to the area in which the REDD+ scheme is to be developed. Moreover, if changes in forest management and forest conditions are to be achieved, social change at all levels will first be necessary. Policies and measures should, therefore, include tools and subsidies to achieve such social change.

20 Cleaver (1999); Diamond (2002).
21 Pimbert & Pretty (1995).
22 Ibid: 22.
23 Griffiths (2008).
24 Corbera & Schroeder (2011).
25 Ibid.
26 Hajek et al. (2011)
27 Corbera & Schroeder (2011).
28 Gibson et al. (2005).

2.2 Equity

Equity is a critical element in the design and implementation of benefit-sharing mechanisms for schemes such as REDD+.[29] The literature contains a range of equity discourses on REDD+ benefit sharing,[30] and these discourses, along with ideologies and definitions associated with benefit sharing, concern a variety of objectives, ranging from the need to provide compensation for costs incurred, the need to ensure co-benefits (e.g. biodiversity) and the need to recognise legal rights and ensure fair outcomes.

A significant concern when incorporating equity into REDD+ schemes is that, in order to meet the inclusion criteria (as defined in the Clean Development Mechanism), REDD+ must provide benefits to the vast majority of landowners that are likely to be responsible for the bulk of emissions from deforestation and forest degradation and this would be unfair to those who have been conserving the forests for a long time, such as indigenous communities.[31]

Most of the various definitions of equity are based on ideas of distributive and procedural justice,[32] which are as varied as the cultures from which they originate.[33] Therefore, the definition of equity will always vary from one REDD+ country to another and may change with time. Another important consideration is the way in which equity is analysed, both in the outcomes of a distributional scheme and in the process of agreeing on such a scheme.[34] This distinction is described by Brown and Corbera[35] as, respectively, equity in outcomes and equity in decision making,where the first refers to the distribution of project outcomes among project participants,[36] and the latter concerns procedural fairness within the project framework and considers the issues of recognition and inclusion in strategic management decisions.[37]

Another form of representing these concepts is found in the definition of McDermott et al.[38], who describe local equity as a global value of ecosystem services. They identify three interrelated dimensions of distributive equity, procedural equity and contextual equity.

29 Pagiola & Platais (2007); Grieg-Gran (2008); Peskett et al. (2008); Pascual et al. (2010); and McDermott et al. (2012).
30 Luttrell et al. (2013).
31 Griffiths (2008); and Bond et al. (2009).
32 Rawls (1971); Dobson (1998); and McDermott et al. (2012).
33 Sachs & Santarius (2007).
34 Lind & Taylor (1988).
35 Brown & Corberal (2003).
36 Corbera et al. (2007).
37 Fraser (1997); and Corbera et al. (2007).
38 McDermott et al. (2012).

For McDermott et al.[39], distributive equity is concerned with outcomes in the allocation among stakeholders of the costs, risks and benefits resulting from environmental policy or resource management decisions and hence primarily represents the economic dimension of equity. In this context, the equitable distribution of benefits can be justified by one of the various principles: equality, social welfare, merit and need.

Procedural equity, according to McDermott et al.[40], refers to fairness in the political processes that allocate resources and resolve disputes. It involves representation, recognition/inclusion, and voice and participation in decision-making.

Contextual equity links the other two dimensions, state McDermott et al.,[41] by taking into account the pre-existing conditions under which people engage in procedures and benefit distributions and which limit or enable their capacity to do both. This concept builds on Brown and Corbera's idea of 'equity in access' by incorporating context, capabilities and power.

In terms of distributive equity, Pascual et al.[42] summarise different economic fairness criteria that could be applied in PES schemes, including: (i) 'compensation', where payments compensate landholders for the foregone benefits related to the provision of environmental services; (ii) 'common goods', where payments are invested in common goods, so all providers benefit indirectly; (iii) 'egalitarian', where funds are distributed equally among all providers; (iv) 'maxi-min', where the aim of payments is to maximise the net benefit to the poorest landholders; (v) 'actual provision', where payments to landowners correspond with the actual outcome level of provision of environmental services; (vi) 'expected provision', where payments to landholders depend on the expected level of provision of services for a given land use; and (vii) status quo, where payments maintain previous standards of relative distribution of income among providers.

This chapter adopts the view that equity in decision making will directly influence equity in outcomes, as argued by Corbera et al.,[43] and employs this distinction to analyse the way in which benefit-sharing mechanisms were designed and implemented in several projects.

To analyse equity in the decision-making process, the author uses Pimbert and Pretty's[44] typologies of participation to examine how local forest managers were engaged in the design and implementation of benefit-sharing mechanisms. To analyse equity in the outcomes, the author looks at the fairness of the benefits distributed.[45]

39 Ibid.
40 Ibid.
41 Ibid.
42 Pascual et al. (2010).
43 Corbera et al. (2007).
44 Pimbert & Pretty (1995).
45 Muller (2001).

This permits the inclusion of a range of economic fairness criteria,[46] without the need to choose just one specific approach. Therefore, a contextualised assessment of forest managers' needs and of the interventions that are necessary in each case appears to be a critical step in determining equity parameters when identifying the benefits and optimum benefit-sharing mechanisms for REDD+ schemes at the local level. Furthermore, as shown by Corbera et al.[47], a more contextually informed definition of the benefits is critical for achieving equity in benefit sharing.

3 The forestry sector and REDD+ benefit-sharing governance in Uganda

Uganda's forests may be categorised into four broad types: well-stocked Tropical High Forests (THF) (430,888 ha); degraded THF (136,280 ha); woodland (including montane) (1,161,610 ha); and plantation forest (107,608 ha). Together they cover 1.84 million ha, approximately 10% of the country's land area.[48] Well-stocked THF are found mainly in central forest reserves (CFRs) in the west (Bugoma, Budongo, Kalinzu-Maramagambo, Katsyoha-Kitomi) and national parks (Bwindi Impenetrable, Mgahinga, Mount Rwenzori, Mount Elgon, Kibale and Semuliki). Low-stocked THF are found around the shores and islands of Lake Victoria, while woodland is found mainly in the northern, central and western regions. The eastern part of the country is largely forest-poor, except for Mount Elgon.

The forestry sector in Uganda faces many challenges due to continued destruction and degradation of forests; loss of forest cover; increased pressure on forests in protected areas due to rapid degradation of forests on private lands; inadequate enforcement of forest laws; uncontrolled encroachment on forests in protected areas, especially in the central forest reserves; unclear land rights that result in issuance of land titles for land in the protected areas and disputes over land use; growing population pressures on the remaining forests; weak sector governance; political interference in the management of protected forest estate; and a resultant failure to contribute to improving livelihoods and forest-based development to the levels expected in the Forestry Policy and the National Forest Plan.

According to UNEP World Conservation Monitoring Centre Uganda is among the few countries with the highest deforestation rate globally. The natural forest cover has experienced a steady decline in the area in the past decades. In 1990, forest cover was estimated at 24% of the total land area. In 2000, forests were expected to have covered

46 Pascual et al. (2010).
47 Corbera et al. (2007).
48 FIPU (2017: xii).

3.12 million hectares but had declined to 2.42 million hectares in 2015, about 11.8% of the total land area.[49]

According to Uganda's (Intended) Nationally Determined Contributions (INDC),[50] forestry sector priorities include enhancing forest ecosystems resilience through promoting intensified and sustained restoration efforts (afforestation and reforestation programmes); biodiversity and watershed conservation (including re-establishment of wildlife corridors) and encouraging agro-forestry; and supporting and encouraging efficient biomass energy production and utilisation technologies. The Government of Uganda is in an advanced stage of developing a national REDD+ strategy as a long-term measure for tackling deforestation and forest degradation, ensuring sustainable forest management, and enhancing carbon stocks and forest biodiversity conservation,[51] while meeting the demands for energy and other forest products. The intended REDD+ strategy options have to be developed for enhancing positive impacts of strategy options, and reducing any likely adverse social and environmental effects on forest-dependent communities and the communities overall.

Uganda has participated in REDD+ preparatory activities, e.g. institutional setup, strategy preparation, capacity building and awareness since 2008 in partnership with the Forest Carbon Partnership Facility (FCPF) of the World Bank. As a REDD+ participating country, Uganda submitted its Nationally Determined Contributions (NDCs) to the UNFCCC way before the COP21 and efforts are underway to have these implemented. The Uganda REDD+ national focal point and team are in an advanced stage of drafting the country's national REDD+ strategy.

REDD+ is part of the National Climate Change Policy (NCCP) that aims for a harmonised and coordinated approach towards a climate-resilient and low-carbon development path for sustainable development in Uganda. It is both a mitigation and adaptation action under Uganda's Climate Change Policy (2015). The REDD+ process recognises and seeks to collaborate with a variety of climate change initiatives and programmes of government, non-governmental organisations (NGOs), civil society organisations (CSOs), private sector, forest-dependent communities and the general public to ensure that appropriate strategies for reducing emissions from deforestation and forest degradation are developed and effectively implemented. The REDD+ Readiness process also interacts with and utilises areas of synergy and complementarities with ongoing climate change initiatives at national and local levels.

Since July 2013, Uganda has been implementing the REDD+ Readiness phase under the National Climate Change Advisory Committee (policy level coordination) and Ministry of Water and Environment (technical and management). The Forestry Sector

49 GoU (2017: 5).
50 Uganda made the first submission to the UNFCCC Secretariat in January 2017.
51 See <https://www.forestcarbonpartnership.org/sites/fcp/files/2014/June/Uganda%20FCPF%> (accessed 30-3-2018).

Support Department of the Ministry of Water and Environment serves as the REDD+ Secretariat. The REDD+ Readiness activities are derived from the Readiness-Preparedness Proposals (R-PP). By the end of 2017, Uganda had made important progress in elaborating on its nationally agreed strategies and actions for reducing deforestation and forest degradation, sustainable forest management, enhancing the role of conservation of biodiversity, and enhancing carbon stocks. These strategies will be packaged into Uganda's REDD+ Strategy and Action Plan document. Additionally, the following baselines and measures will have been developed: the National Reference Emission Level/Forest Reference Level, National Forest Monitoring System, National Forest and Safeguards Information System, Benefit Sharing Arrangements, Environmental and Social Management Framework, Forest Grievances and Redress Mechanism, and Standards for REDD+ Field activities in Uganda. In addition to the list above, Uganda's capacity to implement the National REDD+ Strategy will have been strengthened at various scales and across different sector and players.

Examples of REDD+-related projects in Uganda include: Uganda Carbon Bureau, Katoomba Group Incubator, Katoomba Group REDD+ Opportunities Scoping Exercise, the International Small Groups Tree Planting Project, and the Nile Basin Reforestation Project, among others.

Benefit sharing has been highlighted as a critical aspect of all the REDD+ processes such as the Readiness-Preparedness Proposals (R-PPs). For example, most of the R-PPs and National Program Documents refer to the importance of developing benefit-sharing systems and some also make commitments to transparent and equitable benefit sharing.

Benefit- or revenue-sharing mechanisms in the context of REDD+ are defined as agreements between stakeholders, such as private sector, local communities, government and non-profit organisations, about the equitable distribution of benefits related to the commercialisation of forest carbon. Schroeder[52] suggests the following definition for non-human genetic resources: "Benefit sharing is the action of giving a portion of advantages or profits derived from the use of non-human genetic or traditional knowledge to the resource providers to achieve justice in exchange". In other words, benefit sharing is not an act of charitable giving – if we use resources we do not own, justice demands some form of compensation in return.

Uganda's NDC prioritises adaptation. The country continues to work on reducing its vulnerabilities and addressing adaptation in agriculture and livestock, forestry, infrastructure (with an emphasis on human settlements, social infrastructure and transport), water, energy, health and disaster risk management sectors. Sustainable Land Management (SLM) and Climate Smart Agriculture (CSA) will be scaled up to increase resilience at the grassroots level while fostering gender and social equity.

52 Schroeder (2007).

At the sectoral level, efforts are still underway to ensure climate change is mainstreamed into governmental policies and institutional frameworks through sectoral policies. Some of these sectoral policies were developed before climate change became the subject of a high-level policy and development priority, and although they align with the NDP II, they have not been systematically aligned with the country's NDC and climate change objectives. Local level policies also include District Development Plans (DDPs) that are aligned with NDP II and reflect the priorities of each of the 135 districts and local governments in Uganda. The DDPs provide the main entry point for climate change priorities, particularly the integration of the NDC into local government decision-making systems.

As the country moves towards activating these policies, it is in the process of: (i) establishing institutional frameworks that will disseminate action across levels of government; (ii) coordinating relevant actors (including those outside the government, such as the private sector, multilateral and bilateral partners, and civil society organisations) to rally behind the country's climate ambitions; (iii) identifying and articulating roles and responsibilities for each actor; and (iv) establishing monitoring and evaluation (M&E) frameworks for increased accountability and transparent reporting of progress towards future goals.

Already significant work is being done to articulate national objectives on climate change mitigation and adaptation. To respond to climate change impacts, the Government of Uganda has successfully leveraged international support to better understand its risks and vulnerabilities to projected climate change impacts.[53] While more attention has been given to adaptation efforts, work is also being done to limit increases in greenhouse gas (GHG) emissions as the country prioritises economic development strategies. This is reflected in the country's NDC commitment to reduce emissions by 22% (including land use, land use change and forestry (LULUCF)) by 2030, and potentially by 30% with assistance from the international community.

In addition to policy frameworks, strategic plans and budgeting processes focused on priority sectors, there are other longer-term ideas being explored for future implementation. Over time, Uganda is pursuing several ambitious projects for climate action implementation. It is very close to finalising both a Green Growth Development Strategy (GGDS) and a Climate Change Bill (still in draft form). Beyond these items, there are other aims being considered and analysed to consider feasibility, general structure, delegates and partnerships to champion these items. Another initiative currently under consideration is a national budget tagging and tracking system that will allow national budget planners to identify and track expenditure on climate-related projects and

53 These policies include the National Environmental Management Policy, the National Policy for the Conservation and Management of Wetland Resources, the National Water Policy, the National Forest Policy, the National Agricultural Policy, the Energy Policy for Uganda, the Renewable Energy Policy, the Oil and Gas Policy and Transport Policy, and the Disaster Preparedness and Management Policy, among others.

identify gaps in funding. Through coordinated efforts with development partners and international communities, the country will be better able to fill funding gaps quickly with a better understanding of project needs and potential sources.

At the local government level, the district natural resources officer (the district focal point on climate change) supports the integration of climate change policies into District Development Plans and budgets. These officers sit on the district technical planning committee, as well as on the district risk reduction and management committees and the environment committees. These committees are critical for planning local government participation in NDC implementation.

Uganda has gained experience with benefit-sharing mechanisms in the environment sector,[54] and in joint forest management, and the country has forest legislation that provides for community forestry. Despite the apparent rationale for benefit sharing, there is still very little clarity on what benefit sharing means in the context of REDD+.

3.1 The international regulatory framework for REDD+ and benefit sharing

At the international level, Uganda ratified the United Nations Framework Convention on Climate Change (UNFCCC) on 8 September 1993 and the Convention on Biological Diversity (CBD), the Kyoto Protocol, Nagoya Protocol on Access and Benefit Sharing,[55] and the Paris Agreement of the COP21 in which Article 5 legitimises REDD+. The UNFCCC obliges all parties explicitly to cooperate in preparing for adaptation to the impacts of climate change and to develop an elaborate, appropriate and integrated plan for water resources and agriculture.[56] The UNFCCC also obliges all parties to take climate change considerations into account in their relevant social, economic and environmental policies and actions.

The Paris Agreement allows parties to make unconditional and conditional pledges to reduce emissions. Clarity will be needed regarding whether REDD+ actions included in an NDC are considered conditional emissions reductions.

Uganda is effectively engaged with the international community to carry forward NDC implementation and climate change work collaboratively. Uganda joined the NDC Partnership during the United Nations Climate Change Conference in 2016 (COP22). Since then, the country has actively engaged with the NDC Partnership to identify areas of intervention, such as challenges and opportunities, available for NDC implementation. In June 2017, the NDC Partnership and implementing partners facilitated the Strategic Dialogue on Achieving Uganda's Climate Goals, to identify ways forward for NDC implementation and corresponding Sector Strategic Investment

54 IUCN (2015).
55 Party since 12 October, 2014.
56 Article 2 of the UNFCCC.

Plans that connect financing with action plans to get projects off the ground. In August 2017, a follow-up mission was organised to build on previous conversations and prioritise initial support activities from the NDC Partnership to Uganda on NDC implementation.

Some work between development partners is already organised by sector. The World Resources Institute (WRI) has done extensive research to uncover linkages between sustainable development goals (SDGs) and NDCs. As members of the NDC Partnership, they have the opportunity to provide assistance in ensuring that these international sustainable development and climate targets are reflected in national and sub-national performance indicators.

Other members within the NDC Partnership also have a strong local presence in Uganda on climate planning activities. Since the Climate Change Department (CCD) was established, the United Nations Development Programme (UNDP), through the Low Emissions Capacity Building (LECB) Project, has built institutional and technical capacity in key sectors; supported the development of the GHG inventory unit and the national GHG inventory system; supported the development of the GGDS; and designed several Nationally Appropriate Mitigation Actions (NAMAs) through highly consultative stakeholder engagement processes. Finance has been accessed to implement two NAMAs, namely a project on wastewater treatment with funding from the Global Environment Facility (GEF) and a project to support greening public schools with funding from the NAMA Facility.

In its planned support to Uganda on NDC-related activity, UNDP will focus on implementing mitigation actions, strengthening the national GHG inventory system and creating systems for gender-responsive NDC implementation.

Finally, to build information systems on climate change impacts and monitoring systems, Uganda secured USD4 million from the Least Developed Country Fund, with support from UNDP, to implement the Strengthen Climate Information and Early Warning Systems in Uganda to Support Climate Resilient Development Project. Aligned with Uganda's National Adaptation Programme of Action (NAPA), this project will allow Uganda to monitor long-range climate impacts, detect extreme events, and more quickly deliver response mechanisms that protect local people and economies.[57]

Building on the momentum of these existing efforts, there are several ambitious climate projects that the Government of Uganda is seeking to move forward now, including:[58] the passage of a climate change bill; the establishment of a climate levy with revenues to be earmarked for financing climate action or the creation of an

57 See <http://www.greenclimate.fund/-/building-resilient-communities-wetlands-ecosystems-and-associated-catchments-in-uganda> (accessed 1-8-2018).

58 See <http://adaptation-undp.org/projects/ldcf-ews-uganda NOVEMBER 2017> (accessed 1-8-2018).

(autonomous) climate fund, which could receive funds from development partners, the private sector, and the government; the development of robust green sectoral investment plans; and development of an expenditure tracking system to monitor resource allocation and use for climate action and NDC measures.

Some groundwork has already been laid for these projects and some are at an advanced stage (including the Climate Change Bill). Ongoing support, which can be provided through the NDC Partnership, will be needed to ensure that each project is funded, implemented and monitored en route to achieving its intended objective.

At the regional level, Uganda is party to the East African Community (EAC) Treaty,[59] EAC Protocol on Environment and Natural Resources Management and the East African Community Climate Change Policy (EACCCP). EAC Protocol on Environment and Natural Resources Management provides that states shall develop and harmonise their laws, policies and strategies for mitigating the effects of greenhouse gas emissions and the manner and procedures for benefiting from climate change adaptation and mitigation activities and strategy. The EAC Secretariat is currently developing the East African Climate Change Strategy and Master Plan (EACCCMP) which attempts to define the region's priority actions to address climate change.

Uganda is also a party to regional treaties that could add value to the implementation of REDD+, including the New Partnerships for African Development (NEPAD), 2001; Common Market for Eastern and Southern Africa (COMESA) Treaty, 1993; and the Inter-Governmental Authority for Development (IGAD), 1986. Others include the 2001 Constitutive Act of the African Union (AU), Pan African Parliament and Africa Court of Justice, 1981; African Charter on Human and Peoples' Rights, 2003; Maputo Convention-African Convention on conservation of nature and natural resources, and 1991 Bamako Convention on control of transboundary movement and management of hazardous wastes in Africa. Implementation of the REDD+ will benefit from experiences and lessons learned from implementation of these regional treaties.

3.2 The national regulatory framework for REDD+ and benefit sharing in Uganda

The legal framework for the environmental sector is based on the Constitution of the Republic of Uganda (1995).[60] For example, the Constitution obliges the State to protect critical natural resources including land, water, wetlands, minerals, oil, fauna and flora on behalf of the people of Uganda. The government of Uganda has a constitutional duty to protect forests in their natural sites from destruction by all, including private investors. The Constitution mandates Parliament to enact legislation: to preserve and

59 Articles 111, 112, and 114 of the EAC Treaty provide for the cooperation in environment and natural resources.

60 Part XIII of the Constitution of Uganda of 1995.

protect the environment from abuse, pollution and degradation; to manage the environment for sustainable development; and to promote environmental awareness.[61]

Uganda's parliament has enacted several laws to further these constitutional objectives. They include the National Environment Act, Cap 153 (1995),[62] National Forestry Policy (2002), and National Forestry and Tree Planting Act (2003). The law classifies forests into central, local, community and private forest reserves.[63] Central and local forest reserves are held in trust by the national and local governments respectively. The governments are legally mandated to protect the forests for ecological, forestry and tourism purposes, for the benefit of the people of Uganda.[64] However, collaborative forest management arrangements can be entered into between a respective government and a local community for the management of central and local forests.

Though community forests are designated as such by the Minister in consultation with a District land board and a local community,[65] the law still gives immense powers to the Minister. The powers include: to appoint a responsible body to manage a community forest and to consent to the use of community forests for any purpose other than forest conservation. It is through such provisions that those local communities lack tenure to the forests in their territories.

The Uganda Forest Policy (UFP), the National Forestry and Tree Planting Act (NFTPA) and the 2016 regulations made thereunder, provide an enabling legal framework for a variety of community groups to participate in forestry and forestry management, including community forests and ownership of trees on private land. The Policy provides for improved management of forestry on land outside state control through raising awareness on land and tree ownership. The NFTPA and regulations provide for the declaration, management and use of community forests (CFs) and private forests (PFs). The forestry regulations do promote collaborative arrangements with private sector and communities including carbon sequestration credits.

Other policies include the National Adaptation Plan (NAP), National Adaptation Programme of Action for Climate Change (NAPA), Second National Development Plan (NDPII) and National Climate Change Policy (NCCP) (2015).

The Uganda Wildlife Act provides for the promotion of community conservation of wildlife resources which are essential for the management of wildlife in CFs.

The Land Act (1998) provides a framework for recognition of community land rights as it recognises customary land tenure[66] applicable to a specific area of land and

61 Article 245 of the Constitution of Uganda of 1995.
62 Section 18(1) of the National Environment Act, Cap 153 of 1995.
63 Section 1 of the National Forestry and Tree Planting Act of 2003.
64 Section 5(1) of the National Forestry and Tree Planting Act of 2003.
65 Section 17(1) of the National Forestry and Tree Planting Act of 2003.
66 Section 2 of the Land Act of 1998.

particular description or class of persons.[67] Under the Act, the customary land is managed according to conventional regulations.

The Land Act and its regulations regulate the establishment of Communal Land Associations (CLAs) and communal ownership and management of land-based resources therein by the other laws. The National Environment Act (NEA) provides for the protection of traditional uses of forests which are indispensable to the local communities.[68] However, to make these effective, there are still several provisions for the government to operationalise.

Other environmental related laws include: the Local Governments Act (1997); the Uganda Wildlife Act Cap 200 (of 1996);[69] the Agricultural Seeds and Plant Act (1994); and the Regulations on Access to Genetic Resources and Benefit Sharing 2005. The policies include: the National Energy Policy (2002); the National Environment Policy (1995); the National Wetlands Policy (1994); the Climate Change Policy (2012); the Renewable Energy Policy for Uganda (2007); and the Uganda Wildlife Policy (2003). The policy and law are reflected in the National Forest Plan (2011).[70]

Also, Uganda's National Development Plan (2010/11-2014/15) categorises forestry as a primary growth sector with prospects for investment both from the national budget and the private sector. The National Development Plan emphasises "sustainable development through preservation of natural resources such as forests".[71] The National Development Plan (NDP) also aims to increase forest cover from 3,604,176 ha to 4,933,746 ha by 2015 and has committed itself to enhance capacity for: (i) enforcing forestry law; (ii) private tree planting; and (iii) farm forestry.[72] Likewise, the objectives of Uganda's Second National Development Plan (2015/16-2019/20)[73] include to increase afforestation and reforestation for sustainable forestry.

Uganda's Vision 2040 is explicit on carbon trading as a means of conserving forests for climate change mitigation. It provides that Uganda will promote carbon trade that will increase forest cover, as well as incomes of the rural communities. It further provides for the promotion of conservation programmes that will not only restore but also sustain an optimum level of forest cover in the country.[74]

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67 Section 3(1) of the Land Act of 1998.
68 Section 17(4) of the National Environment Act, Cap 153 of 1995.
69 Provides for revenue sharing where 20% of the park entry fees collected from a Protected Area (PA) is given to the local government(s) of the areas surrounding such Protected Areas.
70 See <https://www.forestcarbonpartnership.org/sites/fcp/files/2017/Sep/Uganda%20FCPF%2> (accessed 30-3-2018).
71 GoU (2010: 41).
72 Ibid: 95.
73 GoU (2015: 170).
74 GoU (2013: 99).

3.3 Institutional arrangements for REDD+ benefit-sharing governance in Uganda

Governance can be described as being about the use of power to make and enforce decisions. Decisions regarding how forests are managed and used involve a wide range of stakeholders. In Uganda, the government is responsible for management of forests in protected areas and therefore it is a government which decides on how the forests are managed and how the local communities are engaged in the decision-making process. Nevertheless, the communities use the forests for their livelihoods, and thus there are often running conflicts on access. In areas where Collaborative Forest Management (CFM) or Collaborative Resource Management (CRM) is being practised, both sides have moved closer in reconciling their perceptions on resource use.

The critical forestry sector institutions include the Community Forest Management Unit under the National Forestry Authority (NFA) which is in charge of managing the 506 CFRs and providing specific technical services; the Community Conservation Division under Uganda Wildlife Authority (UWA) which manages the forests in the National Parks and Wildlife Reserves; the Climate Change Unit and the Forest Sector Support Department under the Ministry of Water and Environment which is in charge of policy, sector coordination and support to districts; and the District Forest Services which provide decentralised forestry services in all districts and manage local forest reserves.

Other key actors in forest management include the National Environment Management Authority which coordinates and supervises all environmental issues in the country. The Ministry of Finance, Planning and Economic Development is responsible for directing national development and allocating the necessary financial resources.

Donors, NGOs and the private sector (landowners and forest owners) contribute actively to forest management especially by implementing those activities constrained by funding or whose management is not suitable for government service institutions. One of the challenges is the short-term cycle of their projects and duplication of activities due to poor coordination. Also, there is tenure insecurity among land and forest owners that can provide a disincentive to forestry investment.

3.4 Case examples of benefit sharing mechanisms in Uganda

The Uganda Wildlife Authority (UWA) is obliged to share 20% of its park entry fees with the local governments adjacent to the forest reserves. This obligation is based on the acknowledgement that communities on the frontline of protected areas endure a disproportionate burden of the costs associated with the conservation of protected areas.[75] The Uganda Wildlife Act is operationalised by the Uganda Wildlife Authority

75 Katoomba Group (2009); REDD-net (2010).

Revenue Sharing Guidelines (2012). These guidelines identify the tripartite aims of benefit sharing as:

- providing an enabling environment for establishing good relations between the protected areas and their neighbouring local communities;
- demonstrating the economic value of protected areas and conservation in general to communities neighbouring protected areas; and
- strengthening the support and acceptance for protected areas (PAs) and conservation activities from communities living adjacent to these areas.

The guidelines also provide the criteria for the selection of community projects to fund, using the money received. The requirements comprise two parts: i) contribution to the reduction of human–wildlife conflict; and ii) contribution to the improvement of livelihoods of households in frontline local council.

The Mount Elgon Regional Conservation Programme (MERECP) uses the concept of community revolving funds (CRFs) to distribute benefits to communities based on performance, measured by their contribution towards the enhancement of planted forests. CRFs are extended to community groups, non-government organisations (NGOs) and community-based organisations.[76]

CSOs like the Environmental Conservation Trust of Uganda (ECOTRUST) are implementing payments for ecosystem service (PES) schemes that have benefit-sharing arrangements that could provide lessons for future REDD+ community projects.

4 Key issues arising

Poor law enforcement – despite the existence of sound policies, laws and regulations – has resulted in an illegal cross-border timber trade in contravention of Uganda's international commitments on trade in wild fauna and flora, in deforestation for charcoal and firewood and in unsustainable harvesting of timber.

Poor standards of governance in Uganda's public administration are recognised as a significant concern by the Government of Uganda across all sectors, including forestry.[77] Poor governance lowers compliance with environmental and other regulations and is compounded by the lack of coordination between key actors in related sectors like forestry, agriculture and wetlands, trade and investment. Conflicting decisions are often made, for example with those seeking development investments nearby or within forest and wetlands areas which are incompatible with conservation objectives.

Gaps remain in Uganda's policy and legal frameworks about REDD+. For example, inadequate licensing of the carbon trade and definitions of carbon rights could potentially affect implementation of the REDD+ strategy. Unclear laws may allow

76 Mwayafu & Kimbowa (2011).
77 GoU (2010).

landowners to make land use choices (for instance a return to commercial agriculture) based on market opportunities rather than on REDD+ contractual obligations that may emphasise forest conservation.

There is no standard benefit-sharing mechanism in Uganda. Some benefit-sharing mechanisms are currently being used in natural resource management (NRM), but until the benefit-sharing mechanism is harmonised at the national level, implementation of REDD+ projects and programmes will remain problematic owing to lack of guiding principles to address sociocultural, economic and ecological concerns, high coordination costs owing to a lack of established mechanisms for government institutions to collaborate, the existence of bureaucratic red-tape, differing approaches and conception of issues due to different professions and conflicting roles. This results in separate ministries with well-protected territories buttressed and prioritised by development partners.

There is concern that many of the proposals to tackle the drivers of deforestation and forest degradation do not take into account or seek to address the economic aspects of the trade in illegal charcoal, firewood and timber; including the provision of economic alternatives for those engaged in these activities. These proposals could be more useful if they incorporate more technology transfer options (like improved charcoal kilns and selection of suitable tree species) and skills and entrepreneurship development for nature-based activities that are compatible with forest conservation.

There is little understanding among citizens of what implications REDD+ might have at the national and local levels. While the process of developing the R-PP involved stakeholder consultations, many people remain unaware of the REDD+ mechanism. For example, the R-PP consultations turned out to be mostly REDD+ awareness sessions. Therefore, there is a need to ensure that the next steps – like the development of the REDD+ strategy – build in robust awareness creation alongside the consultation processes to secure meaningful participation and the views of forest stakeholders.

There are several challenges cited in the implementation of the CFM arrangements, which should serve as learning points for REDD+ architecture. The most significant challenge is that the law does not provide for benefit-sharing mechanisms for the communities participating in CFM arrangements. That is, for the higher-ranked resources like poles and timber, without apparent benefit guidelines, NFA cannot provide proportionate returns to the communities from the different concessions. Till the present, NFA has used an unstructured case-by-case method to offer returns to participating communities. As a result, some of the communities reported some levels of dissatisfaction with the way NFA has implemented the signed agreements. It may serve as a disincentive for the currently enrolled Community Best Organisations (CBOs) to meet their obligations, but also a deterrent for any new CBOs to engage in CFM arrangements. NFA, on the other hand, reported that CFM arrangements carry high transaction costs for negotiating and enforcement.

Further, the CBOs reported that the groups had not been supported to start up alternative livelihood activities and this makes them still dependent on forest resources. Also, they stated that the CFM/NFA agreements had never been reviewed (since 2002) and yet some essential elements were missed out in the first document. But also several socioeconomic changes warrant revisions of some sections in the documents.

Although CFM and CRM as known under the Uganda Wildlife Act for central management of forests and wildlife protected areas (national parks and reserves) in Uganda are well-embedded in policy and practice, CFM has no adequate provision for benefit sharing. Also, there is no role of local governments in the management of Central Forest Reserves (CFRs). The Forestry Act recognises community forests (CFs), but there has not been an active registration of CFs. There are guidelines for registration, declaration and management of community forests which regulate access to the CFs through setting up community institutions for equitable governance, registration and planning for sustainable management of the CFs. The guidelines provide that CFs should develop a management plan that reflects the needs of all stakeholders in the CFs, including non-members.

There are also guidelines for registration and management of private natural forests which help private forest owners (PFOs) to bring their natural forests under responsible forest management. The instructions enable PFOs to advocate for incentives for improved management of natural forests and the accompanying flow of benefits to the stakeholders. However, the procedure and requirement for developing Forest Management Plans (FMPs) are deemed complicated and too technical for community or private forest owners. The Forest Management Plans are linear on paper but cyclical in practice, hence the need to better translate and explain how regulations work in practice.

The NFTPA allows domestic use of forest produce by local communities but still does not define tenure rights. The rights and benefits are left to be established in individual CFM agreements merely as interests to recognise in the FMP. The NFA developed guidelines for CFM that provide for public participation in forest management. However, these policy frameworks do not provide guidance on the publicity of information on access to land for forest plantation establishment. The Uganda Wildlife Act provides clear terms for historical rights of individuals in Wildlife Conservation Areas (WCAs), but there are no guidelines for recognition and formalisation of these rights.

The Forestry law provides for a national tree fund meant to provide a financing mechanism to promote tree planting and growing efforts of a non-commercial nature, among others; however, the fund is yet to be established.

While the procedures for responsible forest management, including partnerships with the local communities, are provided for in the policies and laws of Uganda, the practice on the ground often falls short of these policy ideas. In a study titled "The Effectiveness of Collaborative Forest Management as a Means of Engaging Local Communities in Forest Conservation", 30% of the respondents expressed little or no

satisfaction with the CFM arrangements.[78] At the top of the list is corruption, which is intimately connected with the appropriation of benefits intended for the local communities by the wealthy. For example, in Budongo Central Forest Reserve (CFR), CFM communities had been promised that they would be allowed to convert into charcoal the branch wood left by timber harvesters. However, the top leadership of the National Forestry Authority (NFA) did an about-turn and sold the branch wood to the same timber cutters without the knowledge of the local community partners. In another incident in Bugoma CFR, CFM groups reported a local wealthy timber businessman who had been licensed to grow trees in the grassland within the CFM area. The CFM agreement had provided that land for tree growing in the CFR would be one of the benefits accruing to the local community partners, but the NFA went against this provision in the agreement.[79]

Therefore governance in the forestry sector is an essential consideration for the design of REDD+ benefit-sharing mechanisms. This is especially important regarding benefits intended for local people, because they may not be able to marshal sufficient power to fight for their contractual rights unless their capacity to this effect is built.

5 Conclusions and recommendations

5.1 Conclusions

Although there are some provisions on benefit sharing in the different instruments, specifically in Uganda's forest legal and policy frameworks, they are weak in respect of benefit-sharing issues. The institutional gaps and implementation challenges make this situation worse. The major policy, legislative and institutional gaps and implementation challenges include: a lack of a comprehensive policy on costs and benefit sharing with clear mechanisms and approaches for benefit sharing; a lack of benefit-sharing guidelines to guide the effective implementation of existing legal and policy provisions; a lack of full information on the benefits available for sharing; weak community institutions that cannot negotiate for adequate benefits and enforce rights; weak linkages of government institutional frameworks with other stakeholders; limited participation of communities in benefit-sharing decision-making processes; and unwillingness by the forest authorities to give real power or authority for forest management to the local communities. Furthermore, in the context of collaborative forest management arrangements, governments transfer their role and responsibilities to communities adjacent to forests without enough support and corresponding benefits.

78 Nsita (2012).
79 IUCN (2012).

The benefit sharing that takes place in Uganda has not had any significant impact on either the livelihoods of people or the forests. The arrangements and processes in their current form are ineffective in ensuring sustainable forest management and improved community livelihoods. There is a need for serious adjustment. Although the communities living adjacent to forests receive some benefits, they do not feel they are adequate. The poor people, who constitute the majority of those who live near the forests, are getting mainly firewood, herbal medicines, crafts materials, etc. for domestic consumption as benefits. These do not provide sufficient incentive to communities to focus on conservation. The communities know that valuable forest products like timber and land for tree planting are often enjoyed by those who are relatively better off, usually well connected politically and socially, and often staying far away from the forest and thus removed from the threats to livelihoods that originate from the forest, such as crop raiding, human injury and insecurity. The impact of benefit sharing on livelihoods is perceived as insufficient, because the anticipated increased incomes are unrealised and do not reflect any investment in changing lifestyles, e.g. investments in economic activities, such as local transport and small to medium enterprises. Only a few local forest people feel the impacts tied to food security and change in nutrition habits, which help to maintain healthy households.

Regarding institutions, the Government of Uganda has made efforts to escalate climate change as one of its priority areas on the development agenda.[80] This is demonstrated by its commitment to creating an institutional-enabling set up to manage and monitor climate change issues – which, in turn, serves as an excellent opportunity for implementation of the REDD+ projects. For example, in 2008, the Government of Uganda with financial support from the Royal Danish Embassy created the Climate Change Unit (CCU) in the Ministry of Water and Environment, to coordinate all issues concerned with climate change in Uganda. However, the CCU is understaffed, and this presents a challenge at grassroots level. The staffing gap is expected to be filled by employing other teams in the local governments, and by integrating climate change adaptation and mitigation in their sector plans. There is a willingness to incorporate a climate change unit within government structures. It is necessary that the local government and central government teams have their capacities developed to handle deforestation and forest degradation issues.

Where broad jurisdiction mechanisms are involved, distribution of REDD+ benefits through regular government (central and local) budget processes could be used, because the policies and procedures are well established. However, reflection on challenges that affected the implementation of the policies and procedures makes this a problem. Widespread corruption, lack of transparency, misappropriation of public funds, inherent bureaucracies and inflexible systems of procurement and financial management – which are characteristic of otherwise well-intentioned programmes –

80 GoU (2016).

will impact negatively on REDD+ benefit sharing. It will be quite a task to design REDD+ benefit-sharing arrangements that will be free from these vices if the methods are based on standard budgeting processes.

5.2 Recommendations

There is a need to set up a statutory national REDD+ institution. It should either be constituted as a separate law, or the institution could be placed, distinctly, within the Tree Fund which is already provided for in the NFTP Act and the accompanying Forestry Regulations. A semi-autonomous institution could be designed to overcome most of the drawbacks that characterise implementation of the normal government budgets.

The development of an enabling environment for forestry management could include: community forest management groups, forest law enforcement and governance, and strengthening forest institutions responsible for forest management and development.

Experiences of the current benefit-sharing initiatives in the forestry sector make it clear that REDD+ payments alone will not be enough to give sufficient motivation to all parties involved in working efficiently towards responsible forest management (RFM). Unless a clear rationale for distributing the benefits is developed, conflicts among eligible beneficiaries will arise around how benefits and interest are distributed.

To ensure equitable sharing of benefits and participation through mechanisms designed for payments to be made in such a way that the best performers get more, and the nation-performers get nothing, the REDD+ implementation programmes should be designed to build the capacity of the local people, so that all eligible stakeholders can play their roles efficiently, and thus equitably share the benefits that accrue. This will minimise the frustration among the poor people who may have capacity inadequacies and thus be unable to attain what REDD+ considers best performers compared to the benefit-sharing arrangements prescribed by law. CFM and CRM are legally recognised but not overly prescriptive about what to do or not to do. This provides a flexible mechanism in which to deal with matters of equity.

There should be sharing arrangements specifying in broad terms as to the benefit-sharing principles and a framework within which benefit-sharing agreements can be negotiated. To the extent that the policies and agreement framework should be included in the Forestry Regulations, the passing of the Climate Change Bill into law is long overdue.

The decision-making bodies should be intimately involved in the channelling of REDD+ cash payments to eligible beneficiaries. Also, the capacities of the communities involved should be built to enable them to spearhead community-based advocacy when their rights are threatened. Frameworks that provide space for communities' voices and participation in the process need to be made very clear and enhanced.

Land/forest tenure lies at the heart of legitimate and equitable benefit-sharing arrangements. Tenure systems are recognised legally or by custom in Uganda, but the holders of the ownership/use rights are not as vigilant as it seems at first sight because they are multi-layered. This will therefore affect how REDD+ programmes are implemented, and thus how the benefits are shared. The land and forestry policies and laws provide general guidance on ownership and user rights/privileges. The forestry rules and statutory guidelines should specify what accrues to whom, especially in tenure types where ownership/use is multilayered. The poor people and local communities should be assisted with forming legal entities with titled/registered owner of land and forest holdings. However, it should be kept in mind that the carbon benefits may trigger a scramble for land grabbing by those who can secretly process land titles. Sufficient safeguards should be included in the registration process to ensure transparency.

The deliberate and demonstrable commitment of politicians at local and national levels should be generated before REDD+ programmes can be rationally effective. This also calls for an early start on concretising the conflict and grievous mechanism included in the REDD+ National Strategy.

What is required is an analysis of the NDC to establish baselines and cost implementation strategies (mirroring the NCCP Cost Implementation Strategy), the establishment of an improved data collection system linked with the National Statistics Office and the establishment of a robust MRV system that can be equally applied to goals and targets within the SDGs, NAP, NDCs, GGDS, NCCP and NDP II, as well as across sub-levels of government.

There is also a need to ensure that the various policies are aligned with each other so that efforts to implement any one of them are not redundant. This is especially true of the SDGs, NAP, NDCs and GGDS where effects are economy-wide and have large implications across sectors and ministries. As this work gets underway, the NDC Partnership members are already planning and implementing several projects that are working towards the country's NDC goals.

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