



Ministry of Water and Environment (MWE)

Investing in Forests and Protected Areas for Climate-Smart Development (IFPA-CD) Project

Terms of Reference for Consultancy Services for Environmental and Social Audit for various field activities under the Project

August 2024

1.0 BACKGROUND

The Government of Uganda with support from the World Bank has been implementing the Investing in Forests and Protected Areas for Climate-Smart Development (IFPA-CD) Project since 2020 with an expected closing date of 30th June 2026. IFPA-CD is jointly developed and implemented by Ministry of Water and Environment (MWE) as the Lead Agency and Ministry of Tourism, Wildlife, and Antiquities (MTWA). Implementation of the project activities is led by the MWE (User Departments), National Forestry Authority (NFA), and Uganda Wildlife Authority (UWA) with the involvement of MTWA in tourism-related activities. Implementing agencies collaborate with Office of the Prime Minister (OPM) and United Nations High Commission for Refugees (UNHCR) in activities implemented in the refugee-hosting areas.

The project seeks to improve sustainable management of forests and protected areas and increase benefits to communities from forests in target landscapes. The project is structured in four main components namely:

- i. Improved management of forest protected areas;
- ii. Increased revenues and jobs from forests and wildlife protected areas;
- iii. Improved landscape management in refugee hosting areas; and
- iv. Project Management and Monitoring.

The main project area includes the Albertine Rift and West Nile Region, with focus on target protected areas and 19 refugee host districts within/bordering the Albertine Rift and West Nile Region experiencing high rates of forest cover loss.

The IFPA-CD project investments target up to 27 Central Forest Reserves (CFRs), 7 National parks (NPs) and 4 Wildlife Reserves (WRs) which are ecologically sensitive areas. These protected areas are surrounded by communities whose economic activities are dominated by subsistence small holder agriculture, with significant dependence on natural resources in these protected areas.

The project is undertaking a number of infrastructure investments in target protected areas and central forest reserves.

Section 112 of the National Environment Act No. 5 of 2019 requires that all projects or policies that are likely to or will have significant impacts on the environment be subjected to environmental and social assessments so that adverse impacts can be eliminated or mitigated. UWA and NFA, as project proponents for these infrastructure investments, have developed and continue developing required documentation, such as Environmental and Social Impact Assessments / Project Briefs.

Additionally, annual audits should be conducted in compliance with section 126 of the National Environment Act No.5 of 2019, Regulations 3 and 12 of the National Environment (Audit) Regulations, 2020 and, as per Certificates of Approval from NEMA that have already been received and are expected to be received for ESIA's / Project Briefs (PBs) currently under preparation.

This is aimed at ascertaining how far the project conforms in operations and activities with the statements made in the environmental and social impact statements and Project Briefs. In Section 126 (5) of the National Environment Act, the Environmental and Social Audits (ESAs) must be based on the Environmental and Social Management Plans, conditions contained in the Certificate of Approval of the ESIA/PB, Permits and any other requirements of NEMA or any other applicable law including compliance with the World Bank Environmental and Social Standards.

The Ministry of Water and Environment (MWE), therefore, plans to procure an independent firm to undertake Environmental and Social Audits (ESAs) for various project investments. The list of these investments and status of ESAs / PBs and NEMA approval is included as an annex to these TORs.

2.0 PURPOSE OF THE ASSIGNMENT

The purpose of the assignment is to undertake statutory environmental and social audits for project investments, as required by law and as indicated in the ESIA certificates of approval for each subproject throughout the project lifetime. The audit will evaluate environmental and social compliance of the project-financed infrastructure developments as well as assessing E&S risks and impacts that were not foreseen during the ESIA.

The ESAs will provide (i) an in-depth understanding of compliance and non-compliance levels of the construction of the various infrastructure developments to national laws and regulations and the World Bank Environmental and Social Standards; (ii) the status of implementation of the ESMP and (iii) suggest corrective actions for non-compliances and recommendations to concerned stakeholders for mitigation of residual environmental and social impacts and (iv) status of compliance with the ESIA Certificate approval conditions and (v) and status of compliance to conditions in permits, licenses, certificates and other approvals.

3.0 OBJECTIVES OF THE ASSIGNMENT

The primary objective of the audit is to evaluate the operations and environmental and social performance of the sub projects listed under annex 1 by:

- i. Determining the compliance status against National environmental policies, laws, regulations and standards, as well as World Bank Environmental and Social Standards;
- ii. Determining the compliance status against conditions in the certificates of approval of the ESAs;
- iii. Determining the compliance status against conditions of certificates from Central/Local Government Agencies or any other approvals;
- iv. Identifying significant environmental and social impacts that arose as a result of construction of the listed sub projects including short term, medium- and long-term impacts;
- v. Determining the compliance status against other tools used to ensure environmental and social risk management;
- vi. recommend appropriate corrective actions if cases of non or partial compliance are identified; and
- vii. Preparing a corrective action plan (with proposed actions, responsibilities, proposed timelines for correcting non-compliances and commitment by developer to undertake the appropriate proposed actions and prevent recurrence of non-compliance(s) to guide the implementation of the impact remedial and/or enhancement measures.

4.0 SCOPE OF THE ASSIGNMENT

The scope of work is to conduct an environmental and social audit of each subproject/Project investment for which an Environmental and Social Assessment was undertaken and prepare an audit report that meets the requirements of the National Environment Act. (No. 5 of 2019, and the National Environment (Audit) Regulations, 2020 before the project closing date. The preliminary list of investments is attached to these TOR as Annex 1. However, the list shall be updated with time.

The audit will assess the status of compliance with the NEMA approval conditions in the certificate of approval of the ESIA's of each project investment/subproject, status of implementation of mitigation measures proposed in the ESMP and other specific/supplementary environmental and social management and monitoring plans (such as the waste management plans, health and safety management plans, emergency preparedness and response plans, etc.). The audit will also assess the status of compliance with other permit/licence/certificate conditions issued by various regulatory authorities.

4.1 Description of Scope of the Services Required for Environmental and Social Audit/Audit Activities

The Consultant shall carry out environmental and social audit and prepare an environmental and social audit report in accordance with the scope of services that will include but not be limited to the following:

1. Preparation of audit checklists, audit plan, organizing opening meetings with auditee management, implementing agencies representatives, contractors, etc. to agree on the scope, methodology and specific set of criteria for the compliance audit,
2. Carry out project site inspections to assess project implementation activities including contractor management and related environmental and social risks and impacts.
3. Review and assess the compliance of operations and activities of the infrastructure development with the laws, policies, standards and guidelines, World Bank environmental and social requirements, as well as requirements of ESMP and approval conditions in the NEMA certificate.
4. Review literature and secondary data of the area's bio-physical and social environment, including any sensitive receptor systems and ecology affected or likely to be affected by the infrastructure construction. The ESMPs and baseline information and mitigation measures will be critically reviewed.
5. Assess how resource efficiency is being achieved to minimize on the amount of waste generated and identify which resources can be reused or recycled. In addition, review and evaluate if the waste management plan of the development is being adequately implemented.
6. Identify pollution sources and assess how the pollution management measures to protect the surrounding environment such as water, land and air were being implemented. In addition, highlight the types of pollutants, toxicity levels, and their sources.
7. Examine the records and documentation relating to impacts, actions taken to manage them and aspects of performance i.e. more specifically review the reports prepared by the Contractor (s).

8. Evaluate whether the mitigation actions prescribed in the ESMP have had the desired effect.
9. Identify significant environmental and social impacts as a result of the infrastructure development in terms of long- and short-term impacts.
10. In case corrective measures are required, determine the time frame and resource requirements for implementation of proposed practical corrective actions through preparation of a corrective Action Plan (CAP).
11. Assess the planning and management of OSH issues of the project.
12. Review documentation on incidences and how they have been managed.
13. Assess how the health, safety and security issues related to community well-being are being managed on the project.
14. Assess the planning and management of social issues of the project including issues related to GBV / SEA, HIV/AIDS, gender, and labour.
15. Assess the functionality and accessibility of the Grievance Redress Mechanism in place catering for both for the Project Affected Persons and Project Workers.
16. Assess the adequacy of stakeholder engagement carried out by the project proponent and the Contractor.
17. Conduct an assessment of the measures by the project put in place to prevent and respond to Gender Based Violence (GBV) and Sexual Exploitation and Abuse (SEA) of children.
18. Assess whether a system for environmental and social management has been duly followed and fully functional. These include environmental and social management processes for screening, environmental and social assessments, considerations of alternatives, risk mitigation and oversight, reporting and documentation, Feedback and Grievance Redress Mechanism (Assessing the functionality of the grievance redress mechanism and provide the status of grievances registered at the time of the audit), incident/accident recording and management etc.
19. Preparation of the comprehensive environmental and social audit reports and presentation to MWE and project proponent (UWA or NFA) for review. Share the revised E & S draft audit report with the Bank for review and approval before submission to NEMA for review and issuance of a compliance certificate
20. Prepare a corrective action plan that addresses past non-compliances, the improvement of compliance, any emerging ESHS risks/impacts and prevention of future non-compliance and end of project assessment.
21. Each E&S audit report shall include findings associated with the scope and set audit criteria and with a Corrective Action Plan (CAP) summarizing the actions for follow-up and remedial measures including specific roles and responsibilities.

5.0 ENVIRONMENTAL AND SOCIAL AUDIT METHODOLOGY

The Environmental and Social Audit will be carried out in accordance with the National Environment Act, No. 5 of 2019, and the National Environment (Audit) Regulations, 2020. The techniques and methods to be used shall include, but not limited to literature/document review, stakeholder consultations, review of grievance logs, onsite observation and assessment of the status of the physical and biological environment at the sites, photography, focus group discussions, measurement of noise, water quality and dust levels (where applicable), measurements of the efficacy of current environmental practices and systems in place, and the level of compliance of the infrastructure development with the environmental and social legal regime, laws, regulations and standards.

6.0 EXPECTED OUTPUT

For each ESIA certificate of approval issued by NEMA, an independent Environment Audit shall be required in accordance with the National Environment Act, No. 5 of 2019, The National Environment (Environmental and Social Assessment) Regulations (2020), the National Environment (Audit) Regulations, 2020 and other applicable legislation. The draft E&S audit reports shall be presented to MWE and project proponent (UWA or NFA) for review. The revised draft will be shared with the Bank for review and approval before submission to NEMA for review and issuance of a certificate of approval.

6.1 Deliverables,

ToRs shall be prepared and submitted to NEMA for approval prior to undertaking each audit. This is a requirement in the NEA, 2019 and the National Environment (Audit Regulations), 2020.

Overall duration of the assignment will be 15 months. This is a time-based contract. Each Environmental and Social Audit shall be carried out and completed within ten (10) - weeks

A detailed and acceptable Inception Report incorporating audit criteria/methodology/checklist/modalities for carrying out the consultancy and the expected outputs shall be prepared and submitted to the client for review. In addition, the report will include the recommended timelines for each step of the ESA and an audit plan attached to it

After preparation of final Terms of Reference (ToR) for each specific audit by the Consultant that will be reviewed and approved by the client and UWA, they will be submitted to NEMA by the Client for approval. After approval of ToRs from NEMA, the Consultant shall then proceed to conduct the Environmental and Social Audit and compile the draft audit reports within three (3) weeks.

The draft audit report for each required activity shall be submitted to the MWE as the overall coordinating ministry for the project and UWA / NFA as the implementing agency for review and quality assurance check of the Environmental and Social Audit processes. The Client and World Bank shall review and comment on the submitted report and thereafter, the Consultant shall prepare and submit the final environmental and social audit report. The final environmental and social audit report shall incorporate comments from the Client. Each report should be concise, with page number not exceeding 60 pages.

6.2 Chronology of Submission of Key Deliverables

S/N	Deliverable	Time Period
1	Inception Report for the entire assignment	1 Week after Contract Signing
2	Draft Report	7 Weeks after approval of inception report
3	Final Report	2 weeks after review of draft report

7.0 QUALIFICATIONS OF THE CONSULTING FIRM

The Consultant will be a consulting firm or consortium of firms with diversified technical competences in the field of undertaking environmental and social audit of development/construction projects with demonstrable experience in preparing environmental and social audit reports, together with practical mitigation measures/action plans and monitoring indicators.

The Consultancy firm shall have the following qualifications and experience:

- i. Experience of undertaking/providing environmental and social audit services for at least 10 years;
- ii. Specific experience of at least two similar environmental and social audit assignments for government agencies or large private sector firms within the last 2 years;
- iii. Should have undertaken at least 3 similar assignments in a protected area;
- iv. Experience and knowledge of Uganda ESIA laws and World Bank ESF;
- v. The Consultant shall present at least one reference per each relevant assignment to prove possession of each of the above qualifications and experience.

7.1 Key Personnel

The technical proposal of the Consultant shall be set out in detail showing the list of experts required and the duration (person/days) for which their services are required, per an average audit exercise. The Consultant shall present the staffing schedule in a manner that makes it clear as to which personnel will be involved in a specific activity.

The Consultant shall provide all personnel necessary for the completion of the Environmental and Social Audit. The following key personnel shall be included as a minimum requirement for the consultancy. All key members of the audit team shall be NEMA registered and certified environmental auditors; valid audit practicing certificates must be attached to the technical proposal.

a) Environmental Specialist (Team Leader)

Shall be a holder of a Master's Degree in Environment, Natural Resources Management or related field and with at least ten (10) years of relevant working experience in conducting Environmental and Social Audits (ESAs) for development projects. In addition, the consultant must have experience in World Bank Environmental and Social Standards. The person must be a Registered (Lead Auditor) Environmental auditor with NEMA.

b) Sociologist

Must be a holder of at least a Master's Degree in any of the following fields; sociology, social work and social administration, social sciences, anthropology or related fields. Must have at-least seven (7) years' related experience in Environmental/Social Audit or Social Impact Assessment/and social

risk management. The sociologist should have experience working with the World Bank's safeguard policies and/or Environmental and Social Standards. The person must be a certified environmental auditor with NEMA.

c) Occupational Health and Safety Expert

Should have at-least a Master's Degree in Occupational Health and Safety, or any other relevant field and must have at-least seven (7) years' related experience in implementing, supervising, monitoring or auditing Occupational, Health and Safety (OSH) aspects of infrastructure projects. NEMA certification as environmental auditor will be an added advantage for the H&S specialist.

d) Gender Expert

Should have at-least a Master's Degree in Gender Studies, or any related field and must have at-least seven (7) years' related experience in gender assessment and audits for similar assignments. S/he will audit engendering of project interventions, social risk management, stakeholders' engagement, Gender Based Violence, Child Protection, grievance management etc.

e) Zoologist/Fauna Specialist/Vertebrate Ecologist

Must be a holder of at least a Master's Degree in any of the following fields; Zoology, Conservation Biology, Forestry, Wildlife Ecology, Bachelor of Science or related fields. Must have at-least seven (7)years' related experience in Environmental and Social Audit and risk management. The Fauna Specialist should have experience working with the World Bank's safeguard policies and/or Environmental and Social Standards.

f) Botanist/ Flora Specialist/ Vegetation Ecologist

Must be a holder of at least a Master's Degree in any of the following fields; Botany, Conservation Biology, Forestry, Bachelor of Science or related fields. Must have at-least seven (7) years' related experience in Environmental and Social Audit and risk management. The Flora Specialist should have experience working with the World Bank's safeguard policies and/or Environmental and Social Standards.

g) Other Contributing Specialists

Noise and air quality Specialist

Must be a holder of at least a Degree in Environmental Engineering, training in noise and air quality assessment or related fields. Must have at-least seven (7) years' related experience in Environmental and Social Audits, and experience working with the World Bank's safeguard policies and/or Environmental and Social Standards

The Consultant may propose and have any other contributing Specialists on the Audit team.

8.0 FACILITIES, SERVICES OR RESOURCES TO BE PROVIDED BY THE CLIENT

The Ministry and UWA/NFA will provide the relevant ESISs, project progress reports, NEMA certificates and any relevant studies, maps and documents pertinent to the assignment on request. During the reconnaissance/inception field visits, UWA/NFA will introduce the Consultant to the project area and provide any other services required.

The Project has a Technical Project Coordinator and the Environmental and Social Risk Management Focal Point who will provide overall direct supervision to the consultant's team and shall be empowered to take all day-to-day decisions required for the successful implementation of the assignment and preparation of credible reports. Additionally, the Ministry and UWA / NFA have Specialists to offer direct technical supervision. Both NFA and UWA have responsible project institutional focal points.

9.0 COMMUNICATION AND REPORTING REQUIREMENTS

All official communications regarding the consultancy work shall be addressed to the Permanent Secretary, Ministry of Water and Environment with a copy to the Executive Director, UWA and Executive Director NFA. However, the Technical Project Coordinator and the Project Focal Person, UWA / NFA shall coordinate the Consultancy and will be the contact persons for day to day running of the consultancy work. Contacts of these technical persons shall be given during the inception meeting.

10.0 ENVIRONMENTAL AND SOCIAL AUDIT REPORT

10.1 TORs for the Environmental and Social Audit

Terms of Reference (TOR) shall be prepared, for each sub project, by the Consultant in consultation with the client. The TORs shall include the audit plan and shall be prepared in accordance with Regulation 13 of the National Environment (Audit Regulations), 2020. The TORs shall be modified to suit each specific sub project/ project investment at the time when each audit is due as will be indicated in the ESIA approval certificates". The TORs shall be submitted to NEMA for approval before commencement of the audit.

10.2 Audit Report

The Consultant will prepare ESA reports with consideration of/and or based on the ESIA certificate of approval issued by NEMA and in accordance with approved TORs. The Consultant will produce ESA reports in a format as provided in the National Environment (Audit)Regulations, 2020 (Regulation 15 and Schedule 2) and Annex 1 of the World Bank Environmental and Social Standard 1, and should cover but not limited to the following:

1. An Executive Summary, stating the major findings of the study.
2. Background information on the IFPA-CD Project and the project area.
3. Methodology of audit and audit team.
4. Site baseline bio-physical and sociological information, relationship of activity with existing environment, outlining any current impacts current status of the fence i.e how many kms constructed
5. A review of policies, laws, regulations and standards.

6. Public consultations and disclosure, mentioning stakeholder concerns and measures to address them.
7. Major areas of non-conformity and recommended best practices/mitigation measures and compliance schedule.
8. An environmental and social management and monitoring plan for negative impacts and assessing effectiveness of mitigation measures.
9. Make recommendations and conclusions regarding current/future use of the electric fence in an environmentally, socially and economically sustainable manner.
10. Annexes

Annex 1. INITIAL LIST OF ACTIVITIES REQUIRING STATUTORY E&S AUDIT

(other activities will be added as E&S instruments are being prepared)

S/N	Project	Date
1	Construction of the electric fence along the boundary of QEPA	By October 2024
2	Construction of the electric fence along the boundary of MFPA	By April 2025
3	Construction of Visitor Information Center – Budongo CFR	By May 2025
4	Construction of Visitor Information Center – Bugoma CFR	By May 2025
5	Construction of Visitor Information Center – Echuya CFR	By May 2025
6	Construction of Visitor Information Center – MFNP	By April 2025
7	Construction of Visitor Information Center – RMNP	By April 2025
8	Construction of Visitor Information Center – SNP	By April 2025
9	Construction of Visitor Information Center – KNP	By April 2025