



Terms of Reference

Analysis of Related Policies and Legal Framework Hindering Sustainable Charcoal Value Chain Promotion in Tanzania.

April 8, 2024

1. Introduction

Charcoal is the preferred cooking and heating fuel in urban areas for a large section of Tanzania's population because it is relatively affordable and accessible compared to alternative cooking energy. It is estimated that over 85% of Tanzania's population relies on biomass energy for cooking. The country is making efforts to transition towards clean cooking energy services, but charcoal remains a significant cooking energy option for the foreseeable future for many urban households during this transition. However, the unsustainable production and utilization of charcoal are highly linked to environmental degradation. Poor management of wood resources and inefficient production, marketing, and use of charcoal are identified as key drivers of forest degradation and deforestation nationally. Considering that the annual deforestation rate is estimated to be approximately 460,000 ha/year, the environmental costs due to the current piecemeal intervention approach leading to an unsustainable charcoal value chain are enormous.

TaTESO -SESO is an organization for developing sustainable energy services to increase energy access for rural and urban communities and in collaboration with the Tanzania Natural Resources Forum (TNRF) is implementing the EU-funded project on Integrated Sustainable Charcoal Value Chain Promotion in the Coastal Region of Tanzania. This is a three-year project that aims at improving capacities, commitments, and social-economic well-being of local communities in the five districts of the Coastal Region to improve productivity along the charcoal value chain, by sustainably managing wood resources, harvesting, improving charcoal production technologies, improving packaging and local marketing forests, towards sustainable charcoal value chain. The five districts selected for this project are Kisarawe, Kibiti, Nkuranga, Bagamoyo, and Rufiji of the Coastal Region. The project will address the problem of unsustainable charcoal value chains by enhancing forest management, harvesting, charcoal production, livelihood, sustainable land use in villages, and other practices along the charcoal value chains in the project areas. One of its components requires the assessment of conflicting policies and legal frameworks and shortcomings in related policies and legal frameworks that hinder Sustainable Charcoal Value Chain development in the country.

Considering the situation described above, and the needs of the EU-funded project, technical assistance is required to analyze related policies and legal frameworks hindering sustainable charcoal value chain promotion in Tanzania. The study will assess policies along the charcoal value chain and come up with policy options that could address challenges contributing to an unsustainable charcoal value chain and then recommend policy and legal framework options required to enhance a sustainable charcoal value chain. If need be, the analysis will also identify and recommend areas of improvement to strengthen the implementation of village land use plans and forest management plans of the shared forest resources for sustainable forest management and charcoal production in Tanzania.

2. The Concept of the Charcoal Value Chain

The charcoal value chain involves the management of wood resources, cutting of wood mostly from the forest or miombo woodlands - carbonization of wood to get charcoal, local marketing, transport, urban marketing and distribution of charcoal, and finally domestic consumption. The charcoal value chain is made up of different nodes, which include land tenure, tree tenure, forest tenure, woodlots, plantations, leftovers in the process of timber harvesting, wood harvesting, charcoal producers, local selling, traders, wholesalers, retailers, and end-users. If charcoal production and its use are required to be sustainable, the entire charcoal value chain interventions need to be addressed in an integrated way and holistically including proper implementation of village land use plans and development and or implementation of forest management plans. The consultant through this study will assess the entire charcoal value chain to identify gaps, shortcomings, and conflicting policies and legal frameworks in different chain nodes, which affect sustainability.

3. Rationale of the Analysis

Conflicting Policy and legal frameworks are situations where one economic objective through one policy is achieved at the cost of another objective in the same or another policy. In Tanzania, there are shortcomings in policies and legal frameworks, which have negative effects on different nodes of sustainability of the charcoal value chain. , For instance, the Village Land Act (VLA) of 1999 outlines fundamental principles of the National Land Policy of 1995. Section 3, states that land is to be used productively and that any such use must comply with principles of sustainable development. At the same time, the VLA, under part IV, section 14, requires any forest area to be recognized and must be lawfully declared a forest reserve. These statements depress the status of forests on village lands that are not in village forest reserves.

Without legislation that specifically recognizes and effectively manages nodes on a sustainable charcoal value chain such as land tenure, tree tenure, forest tenure, woodlots, plantations, and leftovers in the process of timber harvesting, charcoal producers, traders, wholesalers, retailers, and end-users, it will be difficult to secure multiple benefits obtained along the charcoal value chain. If the legal frameworks and policy fail to address the node of productive land use for the forest resource base, villagers will prefer to clear forests and cultivate or construct buildings on the land as a way of claiming their rights of occupancy. The incoherent areas create ambiguity in tenure and ownership between the Forest Act of 2002 and the Village Land Act of 1999. Nevertheless, unused land/future land within the villages is under the jurisdiction of the village councils. The unreserved forestlands in villages are perceived to have relatively low value when compared to other land uses. President Dr. Samia Suluhu Hassan has allowed the Government to open a consultative legal frameworks review process and the CSOs consortium is participating in the process including a review of legal frameworks governing forestry, natural resources, and biodiversity management. The study in the forest sector is required to identify areas within policies that need to be reviewed, harmonized, and strengthened to increase the capacities of sustainably managing wood resources, aimed at contributing to sustainable charcoal value chain promotion.

3.0 The Objective and the Scope of the Work

This study is intended to review related policies, and legal frameworks to identify gaps, shortcomings, and conflicting areas that require interventions at various nodes of the charcoal value chain and come up with recommendations to improve synergy and address prevailing challenges toward the sustainable charcoal value chain and land use and forest management in Tanzania.

4.0 Specific Objectives

- i). Assess and describe the charcoal value chain in detail to identify policy gaps hindering sustainable charcoal value chain promotion.
- ii). Analyze the extent to which charcoal-related policies, strategies, and legislative framework are implemented to enhance engagement of local communities to sustainably manage forest resources towards a sustainable charcoal value chain in Tanzania,
- iii). Conduct a detailed review to assess gaps in the charcoal-related and forest management policies and legal frameworks that undermine the engagement of stakeholders and benefits at different nodes of the sustainable charcoal value chain and its effects on the management of forest resources,
- iv). Indicate how the gaps within the policies and legal framework will be reviewed, harmonized, and strengthened to improve synergy and address prevailing challenges in fostering the sustainable charcoal value chain.
- v). Provide recommendations from the study findings on how to ensure policies and legal frameworks explicitly support the principle of sustainability of charcoal value chains in Tanzania.

5.0 Expected Output and Deliverables

The consultant at the onset of the study will prepare and submit an Inception Report showing how the assignment will be implemented. The inception report will ensure mutual understanding of the consultant's plan of action and timeline for conducting the analysis. It will also provide an additional guarantee of adherence to and interpretation of what is required by TaTEDO-SESO and TNRF through this study.

TaTEDO-SESO and TNRF at the end of the study will receive a well-referenced and comprehensive report on the Analysis of related Policies and Legal Frameworks hindering Sustainable Charcoal Value Chain Promotion. This report will provide details of the charcoal value chains, and policies supposed to be reviewed, enhance engagement of local communities to sustainably produce charcoal, map out charcoal hotspots, and provide recommendations for ensuring policies explicitly support the principle of sustainability of the charcoal sub-sector and charcoal value chains in Tanzania.

A policy brief document will be another output expected from this study as a tool for summarizing the policy options required to enhance the sustainable charcoal value chain, increase local engagement and representation, and policy support the principle of sustainability of the charcoal sub-sector in Tanzania. The deliverable schedule will be as shown in the table hereunder:

Reporting Schedule (from the date of signing the contract)

S. No.	Deliverables	Due Date
1	Inception Report	Two (2) Weeks
2	First Draft Report of Related Policies and Legal Framework Analysis	Three (3) Weeks
3	Second Draft Report of Related Policies and Legal Framework Analysis	One (1) Week
4	Final Report of Related Policies and Legal Framework Analysis Report with key policy recommendations from the review processes to address policy gaps, legal framework shortcomings, and conflicting policies hindering integrated sustainable charcoal value chain promotion and forest management in Tanzania	One (1) Week
5	One policy brief prepared and approved by TaTEDO-SESO and TNRF ready for printing	Two (2) Weeks

The second draft will be discussed in the stakeholder validation workshop which will be organized by TaTEDO-SESO after addressing the comments and inputs of the first draft from TaTEDO-SESO and TNRF. The consultant will present and discuss the findings of the study in the stakeholder validation workshop and incorporate inputs from the stakeholders in the final report. The policy brief will be reviewed by the project team and approved by TaTEDO and TNRF.

6.0 Study Approach

This is desk work that requires the review of charcoal-related sector policies, regulatory framework, and other related documents; however, it might require consultation with a few key stakeholders, therefore the consultant(s) will identify the best appropriate methods and techniques to solicit and collect as much and necessary information and data as possible. The consultant(s) will be also required to design appropriate methods to develop, prepare, organize, and deliver/ conduct a stakeholders' validation workshop to review the draft study document and get inputs for improving it from the stakeholders.

The assignment will start with the preparation of the inception report and a brief inception meeting with the TaTEDO SESO and TNRF project team. The approaches and processes that will be adopted by the consultant will be discussed and approved at this meeting. The processes that will be adopted for this assignment shall include the following among others:

- i. Prepare an inception report and submit it to the TaTEDO-SESO to agree on the best execution framework, scope, approach, methodology, and roles of key players in the review process. TaTEDO and TNRF will discuss and approve the inception report with the execution framework.
- ii. Undertake the literature review of the related policies and regulatory framework documents, national energy strategies and guidelines, and other available charcoal-related assessment reports.

- iii. Conduct interviews with key partners such as Government Ministries, sector departments, and agencies as might be necessary.
- iv. Prepare and share the first draft report with TaTEDO-SESO for teaming up with TNRF intended for review and comments.
- v. Organize and prepare a validation workshop/meeting to share and get inputs for improving the second draft report.
- vi. Use the findings from the study report to prepare the Policy Brief (1) (that will be printed later by TaTEDO-SESO 500 Copies) and used for advocacy of sustainable charcoal value chain policies and legal frameworks.

6.2 Work Plan

The consulting firm consortium or individual is expected to prepare a detailed work plan which will be part of the inception report and that shall guide the process. This work plan will describe how the study will be carried out including the work schedule, methodology to be used for data collection analysis, and reporting.

7.0 Qualification/Experiences and Competency of the Consultant (Selection Criteria)

The consulting firm or individual to be involved in this assignment should demonstrate the ability to carry out this study with sufficient experience in similar studies. The firm must have a proven capability of:

- (i) undertaking studies and producing consistent high-quality reports
- (ii) demonstrating experience in the analysis of sustainable charcoal value chains related policies and legal framework and their relation to drawbacks in sustainable charcoal development streams
- (iii) understanding of the charcoal sub-sector of Tanzania, and experiences with the land use and forest management plans in Tanzania
- (iv) a clear understanding of policies and legal frameworks (Laws, regulations, guidelines, and bylaws that guide woodlot charcoal production and marketing, land use, forest management, and energy in Tanzania.

Minimum Qualifications of the Team Leader of the Consulting Firm or Individual

Education	Advanced university degree in energy and charcoal-related forestry, natural resources management policy, economics, policy, or other related fields in social sciences
Experience	At least five (7) years of experience in economic and policy analysis in the field of natural resources management, preferably about tropical forest and wood-energy issues. Prior experience in production and consumption analyses of natural resources products particularly on wood fuels in developing countries. Knowledge of Tanzania's wood fuel situation will be considered as an added advantage.
Competencies	Proven capacities in conducting value-chain and related policy analyses, market assessments, local-level community mobilization, engagement, and induced representation.

8.0 Duration of Work

This assignment will have to be completed within a period of 9 weeks (63 days) after the contract signing. The assignment will commence immediately after securing the consultant. However, a schedule of specific tasks and timelines of delivery will be determined and agreed upon at the inception stage. The consultant(s) will be required to develop a work plan, appropriate methodology, and tools for undertaking the tasks which will form part of the inception report. The expected start date will be 6 May 2024. The consultant(s) will be expected to respond to other related requirements falling within the process of the work, which may arise within the reasonable scale and consistent with the objective. The study is to be completed by 12 July 2024.

9.0 Confidentiality and Proprietary Interests

The consultants shall not either during the term or after completion of the assignment, disclose any proprietary or confidential information related to the consultancy without prior written consent. Proprietary interests in all materials and documents prepared by the consultants under the assignment shall become and remain properties of TaTEDO-SESO. This assignment will be administrated by the TaTEDO-SESO through the EU-funded project team, and all relevant TaTEDO-SESO rules, policies, and procedures will apply.

10.0 Mode of Application

This is an individual or consortium consultancy work, and therefore interested candidates should send expressions of interest to: energy@tatedo.or.tz. The expressions of interest should include the following:

- Cover letter, maximum one page,
- A technical proposal including an understanding of the TOR, proposed plan and methodology of how the assessment will be carried out, and timeline,
- Financial proposal and budget for the assessment which includes costs of consultant fee and travel,
- A comprehensive CV of the team leader and summary CVs of the other team members detailing relevant experience if it is a team of consultants.

Technical and financial proposals should be submitted separately to the email above and hard copies at **TaTEDO-SESO Head Office**, indicating the title of the assignment “Analytical Study of Related Policies and Legal Framework Hindering Sustainable Charcoal Value Chain Promotion in Tanzania.” and the type of proposal (Technical or Financial) on the envelope, and the Subject for those submitted through emails. Please, submit your expression of interest to the following physical address: Chief Executive Officer, TaTEDO-SESO, House no 28, TaTEDO Road, P. O. Box 32794, Dar es Salaam. The application should be submitted to the above email or physical address within 10 days after the first appearance of the advert (The deadline for Submission will be 22 April 2024, 23:55 Hrs.).