Terms of Reference (ToRs)

Local consultancy to review the effectiveness of Multiple-use Programme in Mount Elgon National Park (MENP)

1   Introduction

Land use management in Africa often lacks the necessary institutional mechanisms required to facilitate local dialogue and help reconcile competing claims and interests. This presents a major obstacle to the implementation of national policies and programmes that seek to reconcile and unify national development and conservation objectives. Protected Areas (PAs) could offer such an institutional framework but in many parts of Africa tend to be understood only in terms of exclusion of local communities and associated agricultural and livelihood activities. At the same time, locally-derived institutional arrangements which can be shown to have stabilized land-use in specific localities tend to be overlooked as viable options. Community Based Natural Resource Management (CBNRM) strategies have a long and rich history in Africa but with varying levels of success in implementation.

PA categories V and VI exist as proven and inclusive mechanisms for facilitating multiple-use landscape protection and / or the protection of sustainable natural resource use, but are generally underutilized. Strengthening such approaches would also enable African countries to meet national commitments under Aichi Targets 7 &11 and could be built into countries' Nationally Determined Contributions (NDCs) or REDD+ strategies. Generally in Africa, the potential presented by IUCN Category V & VI Protected Landscapes has not been explored or utilised and the continent is thus missing the opportunities these approaches present. These categories along with the plurality of governance types under the full IUCN PA Matrix, provide opportunities for a people-centered and human rights based approach to biodiversity conservation. The aim is to enhance the role of communal or community controlled forests as Categories V & VI PAs, while enabling and deploying collaborative frameworks for multipurpose management of protected areas (PAs).

IUCN received a grant from the Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety (BMUB) of Germany to implement a project titled *"Stabilizing Land Use: Protected Area (PA) categories V and VI as landscape mechanisms for enhancing biodiversity in agricultural land, ecological connectivity and REDD+ implementation"*. The goal of the project is to demonstrate conservation and development benefits in targeted landscapes in; Ghana, DR Congo, Tanzania and Uganda through better use of protected area (PA) categories V and VI, and facilitate alignment with and integration of project outcomes, lessons and knowledge into national, sub-national and landscape policies and strategies.

The IUCN and Uganda Wildlife Authority (UWA) intend to apply part of the proceeds of this project towards payments of services for local consultancy to review the effectiveness of the category VI Multiple-use Programme at MENP and provide recommendations for improvements. The multiple use areas are not working well in Mt Elgon as they are elsewhere in the country and the reasons for this will be examined. The project will examine the functioning of extractive multiple use areas (Cat VI nested in Cat II) in MENP.

2　The context of the assignment

National Parks in Uganda provide essential goods and services to both rural and urban populations, such as craft materials, herbal medicine, water, fuel wood, fodder, timber and ecological functions like soil erosion control and improvement of soil fertility. In Uganda, rural households on average derive 40% of their incomes from forests (Wildlife Conservation Society, 2004). This calls for a dynamic understanding of the factors affecting access and use of protected areas (PAs) as productive assets not only to sustain wildlife, but also to bring in income and in-kind benefits to sustain livelihoods. The need to compliment poverty reduction efforts through access to protected area resources thus, required a more holistic view of the role of PAs in supporting community livelihood activities for poverty reduction and also reducing PA-community conflicts.

The Government of Uganda in early 1990s included better laws and policies aimed at organising and regulating access, use and management of natural resources within national parks. The current wildlife law and policy recognise the significance of resource benefit sharing, the need for good relationships with local communities and the value of regulated access to resources within PAs through a collaborative management (CM) framework. The current law and policies that regulate access to resources in national parks however, do not advance approaches that promote efficiency and learning; important attributes for the sustainable management of PAs. Instead, access and use of resources in national parks as stipulated in the law and policy has led to misrepresentation of the benefits and long term goals of CM. A misapplication of the policy has led to unmet expectations, suspicion and sometimes fears between local communities and PA managers.

The Wildlife Act of 2000 and the Wildlife Policy, recommended CM as an approach to protected area management. The policy recognised that CM arrangements contribute to improved conservation through addressing community claims to resources in protected areas. The current Community Conservation Policy of 2004 provides for collaborative resource management. Indeed the Wildlife Act Cap 2000 provides for **Class** F Wildlife Use Right: General Extraction. Protected area management plans specify resource use zones and processes for establishing collaborative management arrangements with local communities neighbouring protected areas through enforceable agreements. In this regard, UWA has a Collaborative Management Strategy (2004) that recommends approaches where agreements are developed on the basis of accessing a single resource or multiple resources. The strategy outlines criteria for selecting collaborative management areas and even proposes formats for resource agreements. However, this strategy is long overdue for review.

The Community Conservation Policy originally had established institutional arrangements for managing resource access arrangements through the Community Protected Area Institutions (CPI) and Resource User Committees. The CPIs have been replaced by decentralised structures under the Local Govermnet system. However, various community groups and resource users argue that, DLG structures have a limited role in the resource access process. The law and policy reforms that allowed community conservation and resource access in national parks were aimed at different objectives and have had varying socio-economic and ecological impacts. Addressing these and, other inadequacies in the processes of implementing resource access programs is important in order to balance the social-economic and ecological objectives of the PAs.

IUCN and UWA are, therefore, desirous of reviewing policy imperatives and directives pertaining to the implementation of benefit sharing and resource access programs in Mt. Elgon National Park with a view to determining the degree and the extent to which the implementation of different provisions of the CM Policy have affected the realisation of the social, economic and ecological goals of resource access programs. The review process should also include defining the roles of the different stakeholders through the understanding of their rights, responsibilities, benefits and their relationships.

3   The area and rationale

This assignment will be implemented on the Ugandan side of the trans-boundary Mt. Elgon ecosystem landscape that straddles Eastern Uganda and Western Kenya covering an area of about 772,300 ha[1] and the higher slopes are protected as National Parks both in Kenya (169 km^2) and Uganda (1,110 km^2) (Figure 1). The ecosystem serves as a catchment area for the drainage systems of Lakes Victoria, Turkana and Kyoga maintaining water quality, quantity and influencing the economies and livelihoods of communities in western Kenya, eastern Ugandan and the wider Nile Basin ecosystems.

Figure 1: Map of the Mt. Elgon ecosystem landscape
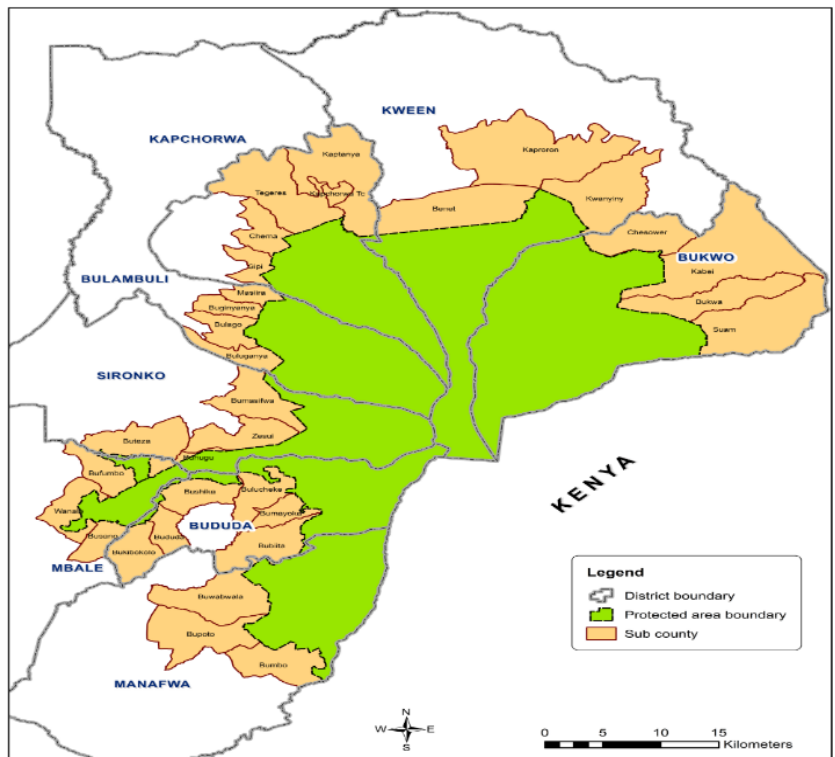
The Mt. Elgon region (9,728.2 ha) supports a high and a rapidly growing population (about 4 million[2] and growing at an average of 3.5% per year), highly dependent on agriculture and natural resources for economic growth and subsistence. The poorest people and communities in Mt. Elgon are predominantly rural and their livelihoods depend largely on access to land and natural resources.

Although UWA has generally managed to conserve Mt. Elgon's forest ecosystem and outstanding biodiversity to a great extent, the Park still faces serious problems that not only threaten the existing natural environment, but also adversely affect the poorer population and the economic growth prospects of the neighbouring communities. Forest cover in Mt. Elgon has continued to reduce due to clearing of land for agricultural production since 1973 and pressure on PA is increasingly getting high in recent years largely due to population pressure increase (IUCN, 2015).

The forests are a source of water, fuel, timber, fiber, traditional medicine and food (bamboo shoots, honey, mushrooms, fish, vegetable etc.), as well as handicraft and building materials. They also provide vital services of flood and soil erosion regulation. Because of these increasing demands and attendant pressures, the Mt.

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[1] IUCN: 2015. The Second Mount Elgon Stakeholders' Forum: 17th - 18th June, 2015; Wash and Wills Hotel, Mbale, Uganda
[2] Data derived from the latest population censuses of Kenya and Uganda (figures provided for the 8 Mountain Districts of

Elgon landscape is affected by land degradation, deforestation and forest degradation. Some wetlands and forests have been converted into farms and some riverbanks cultivated. The forest ecosystem is particularly threatened by overharvesting of forest products, encroachment for settlements and agriculture. Due to overpopulation, a debilitated ecological base, over-dependence on climate-sensitive sectors (agriculture, forestry, fisheries) and limited livelihood options, the communities in Mt. Elgon are particularly vulnerable to impacts of climate change and, have lesser adaptive capacities to cope with its shocks and impacts.

Striking a balance between the drivers of economic growth and the pressures they exert on natural resources and the environmental integrity of the PA remains a key challenge. The multiple use areas are not working well in Mt Elgon as they are elsewhere in the country. People in forested areas use the forest resources and can contribute to sustainable forest and natural resource management. However, they need income generating and employment options that are not destructive to the forest. It is therefore important that the project supports effective and improved management of the environment and natural resources for sustainable livelihoods, contributing to shared prosperity and green growth of the Mt. Elgon landscape.

4   Objective and tasks of the assignment

The core purpose of this review is to examine the functioning of extractive Multiple-use Programme in Mt. Elgon for its effectiveness and provide recommendations for improvements with a view to improve overall conservation and management effectiveness of protected areas category VI nested in Cat II in Mt. Elgon NP.

4.1   Objective

The main objective is to assess whether the policy settings and policy implementtaion and governance of Mutiple-use Areas (MAs) in Mt. Elgon National Park is a good fit with the historical and socio-cultural context of the area and is as effective as possible for conservation and as equitable as possible for sustaining livelihoods. This will include a detailed analysis of the existing policies and the way they have been developed and implemented in the current context of the MENP management, and the impacts need to be fully identified. The findings of this component of the assessment should help to point out what needs to improve in terms of policies regarding PA systems, CM programmes and management of MENP. The findings of the assessment and evaluation will also offer important information at the level of the overall protected area (PA) system and be used to: Provide one of the building blocks for the MENP Management Planning process that is already underway; Guide UWA in reviewing her Multiple-Use Programme; Help PA managers improve CM programmes through adaptive management; Influence policy to improve PA systems and management arrangements; and Raise awareness of communities and other stakeholders.

4.2   Tasks

The tasks of this asignment will be participatory and interactive, done in a sequential manner as indicated in 1-10 below. For the purposes of delivering on these tasks adequately the consultant(s) is/are advised to familiarise themselves with the IUCN Protected Area Governance Assessment methodology https://portals.iucn.org/library/sites/library/files/documents/PAG-020.pdf.

The key tasks are as follows:
1) Review and document existing good practices and community-based initiatives – regionally and within Uganda (such as Bwindi Impenetrable and Rwenzori National Parks) that have Mutiple Use (MU) programmes that demonstrate effective use of PA categories V & VI and other area based mechanisms using the IUCN PA matrix as a guiding framework.

2) Examine the national and local history, and the cultural traits and values of the local community vis-à-vis the concept and practice of the Multiple-Use Areas by assessing whether the concept and practice of multiple-use areas as applied generally in Uganda or specifically in Mt. Elgon reflects the socio-cultural traits and values of the local communities, as well as identifying any unresolved issues, grievances and untapped opportunities linked to the establishment of the multiple-use areas.The suggested approach in this tregard is Action Learning Groups with 'Community Researchers' involved in the process and the discussion of these questions will put the establishment of the Multiple-Use Areas in a cultural and historical perspective.

3) Clarify on the governance type for the Multiple–Use Areas (MAs) by analysing the processes, actors and institutions through which decisions about the multiple-use areas have been made including the underlying legal, political, social, cultural and financial considerations as well as addressing questions of authority, responsibility and accountability for the key decisions for biodiversity conservation and livelihoods. This step/task investigates formal and/or *de facto* authority, responsibility and accountability for the Multiple-Use Areas and leads to the development of a country-level and landscape governance baseline.

4) Elaborate on the components of policy design and implementation and what the land tenure arrangements are (which will serve to map out actors and distinguish them based on their legal and costumary right, or to identify the right holders with capacity to govern the management units).

5) Map out the actors and institution(s) directly concerned with the Multiple-Use Areas and its natural resources, and distinguish them on the basis of their legal and customary rights, interests, concerns and capacities. The interrogation realates to what actors and institution(s) are concerned about the Mutiple-Use Areas?, Who, among them has socially recognised rights to the relevant land and natural resources? Who has legitimate interests and concerns, and possibly unique relevant capacities, but cannot claim socially recognised rights?

6) Examine the Mutiple-Use Areas and their surroundings and identify any relevant management units and the rights-holders or stakeholders with the capacity and willingness to contribute to governing those units. This analysis offers insights on the potential for governance innovation for distinct management units of relevance for the protected area.

7) Determine how decision-making actually takes place for the key issues related to the Multiple-use Programme and Areas and assess whether authority and responsibility are exercised legitimately, purposefully, effectively, accountably and fairly. This analysis is best done graphically in a participatory manner through a visualisation of key actors, instruments, powers and levels of decision making.

8) Evaluate the governance options available to strengthen the Multiple-use Programme based on the results of the assessment and identify the governance options that exist to consolidate, strengthen and expand conservation at PA level and make recommendations on the best options that improve Multiple-use Programme effectiveness, efficiency, equity, social acceptance and capacity to withstand change.

9) Evaluate how the Multiple-use programme can be governed as legitimately, purposefully, effectively, accountably, fairly and respectfully of rights as possible based on the observations made during the whole assessment process and specifically drawing from the analysis of the decision-making process carried out in Task/Step 6, and make recommendations on how the functioning of the governance system can be improved.

10) Evaluate appropriateness and design a strategy of policy influence and engagement based on the findings of the governance analysis, explaining how policy influencing can be carried out and state actors engaged.

5   Expected outputs of the assignment and timelines

The consultant is expected to deliver the following outputs:

1) **Inception Report** explaining the <u>approach and methodology</u> to be used in executing the assignment to be approved by IUCN and UWA before commencement of the assignment and, in any case not later than 7 days from the date of signing the contract. The consultant(s) is/are encouraged to utilise the IUCN Protected Area Governance Assessment methodology https://portals.iucn.org/library/sites/library/files/documents/PAG-020.pdf among other appropriate tools.

2) **Governance Assessment and Evaluation Report:** The report on governance assessment and evaluation should indicate the governance baseline, describe the process, participants, results, conclusions and recommendations. It should synthesise information and analysis on all aspects of the governance of Multiple-Use Programme and include recommendations that can be implemented in Governance Improvement Action Plan (GIAP).

3) **Governance Improvement Action Plan.** A Governance Improvement Action Plan (GIAP) should be developed to improve the Multiple-Use Programme governance at PA level or at individual Multiple-Use Areas Sites. The GIAP should include:
   a) Recommendations/suggestions on areas that require legislative and policy reforms;
   b) Actions for improving governance and action at PA system level;
   c) Actions for improving governance and action at landscape level; and
   d) Actions for improving governance and action at individual Multiple-Use Areas level.
   e) A proposed monioring system to track implementation of the proposed actions

4) **Policy Influence and Engagement Strategy**, which responds to the 'how' these reforms or improvements in implementation or influence to decision takers can happen.

Particular attention and consideration should be given to:
- Recommendations for appropriate change in PA Category legislation and policies.
- Mechanisms for transparency, accountability and public participation.
- A system for regular information exchange and dialogue among managers, rightsholders and stakeholders.
- A fair dispute resolution mechanism that is functional and can be used where necessary.
- A monitoring and evaluation system for the governance system.
- Guidelines on PA laws and regulations.
- Areas for capacity building, learning initiatives and mechanisms for exchange of information
- Resolution of issues related to access, tenure and rights to land, water and natural resources.
- Multi-level governance systems that encourage decentralisation and subsidiarity.
- Incentives that strengthen PA governance and encouarge traditional institutions and local cultures.
- Development of land-use plans and resources management plans.
- Awareness raising and advocacy initiatives to influence decision making.
- M&E indicators on governance improvement and their impacts on community livelihoods and biodiversity conservation
- Legitimate representation of rightsholders and stakeholders in PA decision-making.

6   Qualifications and Experience

The preferred approach is to have a small team of 2-3 Experts bridging several disciplines and that should meet the following criteria:
  i.   Masters Degrees in Policy and Policy Analysis, Governance, Social Sciences, Environmental Economics, Natural Resources Management, Social Studies, or related fields.
  ii.   Minimum of ten years experience in the field of Governance, Policy and Policy Analysis.
  iii. A solid understanding of Participatory Forest Management or Collaborative Forestry Management in Sub-Saharan Africa is required.
  iv.   Past experience in management of a protected areas in Uganda or any other protected area in Sub-Saharan Africa region is highly desirable.
  v.   Demonstrated analytical skills, clarity in writing, ability in translating abstract concepts into concrete actions/recommendations are all required.
  vi.   English proficiency in writing is a requirement.

7   Duration of the assignemnt

The total duration of this assignment is a total of 30 billable man days spread over a period of about 3 months effective 1st February, 2018 and terminating by 30th April 2018 at the latest.

HOW TO APPLY

Interested individuals/organisations are requested to submit their **Application Letters** clearly demonstrating their suitable skills and experience for the tasks mentioned as supported by copies of **CVs.** The Application Letters should be accompanied by; (i) **Technical Proposal** and (ii) **Financial Proposal.**

The Technical Proposal should explain your skills and past relevant experience, understanding of the scope of the overall assignment and each of the tasks, a description of the overall approach, including the methodology and tools for each task, as well as the scheduling.

The Financial Proposal should indicate both professional and re-imbursable costs separately, as well as a statement on VAT or Withholding Tax.

Applications should be sent electronically or hand delivered to the following address by 4.30pm 25th January, 2018:

The Country Representative,
IUCN Uganda Country Office
Plot 39, Babiiha Avenue
P. O. Box 10950
Kampala, Uganda
Email: uco@iucn.org