



## TERMS OF REFERENCE

### Undertake a national technical review to assess alignment between Other Effective Area-based Conservation Measures (OECM) definition and Kenya's existing legislation, policy and implementation frameworks.

#### **1. Background**

Other Effective Area-based Conservation Measures (OECMs), refer to geographically defined areas other than a Protected Areas, which are governed and managed in ways that achieve positive and sustained long-term outcomes for the in-situ conservation of biodiversity, with associated ecosystem functions and services and where applicable, cultural, spiritual, socioeconomic, and other locally relevant values. They achieve positive and sustained conservation outcomes in areas where conservation may not be the primary management objective. The OECM concept is embedded in the Target 3 of the Kunming-Montreal Global Biodiversity Framework, agreed at United Nations Convention on Biological Diversity (CBD) COP 15: "Ensure and enable that by 2030 at least 30 per cent of terrestrial and inland water, and of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem functions and services, are effectively conserved and managed through ecologically representative, well-connected and equitably governed systems of protected areas and **other effective area-based conservation measures**, recognizing indigenous and traditional territories, where applicable, and integrated into wider landscapes, seascapes and the ocean, while ensuring that any sustainable use, where appropriate in such areas, is fully consistent with conservation outcomes, recognizing and respecting the rights of indigenous peoples and local communities, including over their traditional territories". With spreading focus beyond the conventional protected areas, OECMs can contribute to a country's reporting against area-based conservation targets. These areas are spread across terrestrial and marine systems and can be identified by the guidelines that have been developed by IUCN World Commission on Protected Areas (IUCN WCPA).

Kenya was among the first countries to test the OECM framework at a national level, conducting an early review of the draft OECM guidelines at a workshop in Nairobi in June 2017. In 2018 a rapid review of the legislative framework in Kenya and the extent to which it supports OECMs was undertaken. IUCN Eastern and Southern Africa Regional Office (ESARO) conducted consultations with relevant Government and Non-Governmental Organization in Kenya in 2021, and hosted a stakeholder dialogue workshop in 2022. A key recommendation from this workshop is to undertake a national technical review to assess alignment of OECMs with Kenya's existing legislation, policy and implementation frameworks.

#### **2. Objectives**

Compile a technical review aimed at framing the Kenyan country context for the adoption and implementation of OECMs according to existing national legislation, policies and practice frameworks that pertain to area-based conservation; engaging with the relevant stakeholders; through stakeholder engagement, identifying existing practices that support, recognise or assess sites that may

meet the OECMs definition. A critical component will be to analyse Kenya's broader interpretation of the now-adopted Target 3 and how OECMs and other Indigenous People and Local Communities (IPLCs) aspects of the target as reflected in the final negotiated text could be addressed.

### **3. Geographical Focus**

Kenya

### **4. Deliverables**

We require the following deliverables:

1. Literature review of all existing policies and legislation concerning protected areas and conservation areas outside of formal protected areas, including the Community Lands Act 2016 as well as the Wildlife Conservation Management Act 2013 and any other relevant legislation and pending bills under consideration to help identify opportunities and challenges for the implantation of OECMs within the country.
2. Description of the current processes and/or initiatives that recognise and support conservation areas outside of protected areas such as those non-state management and resource-use approaches in Forest lands, Marine areas, Agricultural lands, Rangelands and Cultural areas, including their governance systems, stakeholder network analysis identifying all role-players and stakeholders, responsible Ministries, and the associated policy and legal frameworks underpinning this practice.
3. Conduct targeted stakeholder consultations to identify the gaps and needs for OECM identification and reporting in line the reviewed policies and legislations, and linking it to national area-based conservation targets.
4. Review on how well existing legislations, policies and practice aligns and/or supports the Target 3 of the Kunming-Montreal Global Biodiversity Framework, and conduct targeted stakeholder consultations to understand Kenya's broader interpretation of the this target and how the country could address OECMs and other IPLC aspects of the target as reflected in the final negotiated text

### **5. Requirements**

#### ***Qualification and Work Experience***

- IUCN requires a person or a team of individuals ("The Consultant") with the following qualifications and experiences;
  - A team leader holds an advanced degree (Master or PhD) with expertise in the area of environmental law, policy and governance, or other related fields.
  - A team leader with at least five years of relevant experience in supporting, designing, planning and/or conducting environmental policy and legal assessments/analysis
  - Thorough knowledge of Kenya's legal and regulatory framework related to protected and conserved area management and governance
  - Experience with Multi-lateral Environment Agreements, such as the Convention on Biological Diversity and specifically OECMs an advantage

- Previous experience working with a wide range of conservation and community practitioners in Kenya

**Language Proficiency**

- Fluency in written and spoken English

**6. Timeline and Schedule of Payments**

This assignment is expected to be conducted for a maximum of 20 consecutive working days. The timeline and payment schedule are as described below:

<b>Deliverable</b>	<b>Timeline</b>	<b>Payment</b>
Submission and presentation of the inception report consisting of; <ul style="list-style-type: none"> <li>• Proposed methodologies, sampling approach and size</li> <li>• List of documents to be reviewed and list of key informants</li> <li>• Questionnaires for data collection</li> <li>• Suggested report outline to be agreed with IUCN</li> </ul>	3 days from contract signing	40%
Submission and presentation of draft report	18 days from contract signing	30%
Submission of final report, and accepted by IUCN	20 days from contract signing	30%

**7. Management arrangement for the consultancy**

A representative from IUCN Kenya Country Office will be the contact person for this consultancy and will have the overall coordination role including facilitating the logistical requirements for consultant(s) including helping in setting up interviews where required.

**8. How to apply**

Interested firms/ independent consultant (s) are requested to submit their application including both technical and financial proposals. The technical proposal should clearly demonstrate their skills and experience of conducting policy reviews. The application should also include CV (s) of principal investigator (maximum 3 pages). Applications should be sent electronically to [info.esaro@iucn.org](mailto:info.esaro@iucn.org) no later than 22nd March 2023. Any need for clarifications on the Terms of Reference should be directed to [francis.okalo@iucn.org](mailto:francis.okalo@iucn.org).