



Terms of Reference

Consultancy for Assessment of Forest Policy Environment in Kenya

A. INTRODUCTION

The Institute for Culture and Ecology (ICE) is a national indigenous non-governmental organization that was started in 2006. Registered in Kenya under the NGO Coordination Act, ICE was founded out of a visible need to promote the inherent and natural role of culture in environmental and resource management in Kenya. ICE accompanies communities as they rediscover the value of local knowledge and naturally endowed resources/potentials in the process of livelihoods improvement and environmental conservation. The vision for this engagement is empowered communities harnessing indigenous and local knowledge for healthy people and ecosystems.

B. BACKGROUND

The COP 15 ended in December 2022 with the signing of the Kunming-Montreal Agreement (Global Biodiversity Framework - GBF) which recognized that the planet is experiencing a dangerous decline of nature because of human activity. It further acknowledged that a possible one million plant and animal species are likely to disappear in the coming years if no corrective actions are taken. Among other issues, GBF recommended putting 30% of degraded ecosystems under protection by 2030.

In Kenya, the Global Forest Watch has reported that 81% of tree cover loss between 2013 to 2021 occurred within natural forests. The loss is equivalent to 48.4 metric tonnes of carbon dioxide emissions. This happened despite the country having a broad forest policy regime based on the constitution. The government has acknowledged this loss especially in the National Biodiversity Strategy and Action Plan (NBSAP) 2019-2030, which states:

“While Kenya government recognizes the use of ecosystems approach as the best method for conserving biodiversity, her main challenge is in the enforcement and compliance, and limited resources for implementation of the legislative, regulatory, policy frameworks. Further to enforcement challenge, there is need to harmonize laws, regulations and policies as well as mainstreaming biodiversity conservation in order to realize the objectives of the CBD convention”.

National Biodiversity Strategy and Action Plan 2019 - 2030

At policy level, different policies articulate different mandates over the same forests (for instance, Water Act 2016, Forest Act 2016, Wildlife Act 2013, Heritage and Museums Bill 2021, National Biodiversity Strategy and Action Plan 2019-2030, IUCN World Heritage Sites listing), and this is a potential point of conflict and possible neglect of the ecosystems which would lead to further destruction and degradation. In Kenya, conservation of public and community forests remains weak due to top-down decision making and weak recognition and support for diverse governance systems including community protected areas.

The situation is further aggravated by political pronouncements made in 2022 which have shown the willingness to roll back the gains realized in forest protection in Kenya by allowing a return to the shamba system. This system was started by white settlers around 1925 and was inherited by the independent government. It was politicized in the period from 1980 through 1990s with disastrous loss of biodiversity and water. The laws of the

time had denied Kenyan citizens the *locus standi* to advocate for the environment. Persistent agitation by civil society led to replacement of shamba system with Plantation Establishment and Livelihoods Improvement Scheme (PELIS) through Forest Act 2005 which recommended community involvement in conservation through Community Forest Associations (CFAs) and Participatory Forest Management Plans (PFMPs).

Given the situation as described, ICE wishes to undertake research to understand how these challenges can be addressed. The following section describes the objectives of the research.

C. OBJECTIVES

- 1) To document the impacts of shamba system on biodiversity and water catchments and develop information highlights for community and duty bearers.
- 2) To document successes and challenges of Plantations Establishment and Livelihoods Improvement Scheme (PELIS) and make recommendations.
- 3) To assess the impacts of overlapping mandates on protection of forests by reviewing Forest Act 2016, Water Act 2016, Wildlife Act, Heritage and Museums Bill 2021, National Environment Coordination Act 2012, National Biodiversity Strategy and Action Plan 2019-2030, (among others) and suggest strategies to address the overlaps.
- 4) To establish management challenges in public forests, community forests and private forests and recommend actions to reduce the impacts of the challenges.

D. SCOPE OF WORK

The overall question: How effective is the current forest policy environment in promoting protection and conservation of forest ecosystems and how would policy advocacy contribute to enhanced effectiveness in the protection and conservation?

The consultant is expected to confine the work to the scope described below:

- ❖ Undertake a survey and i) document impacts of shamba system had on biodiversity and water; ii) document successes and challenges of PELIS and propose policy recommendations; and iii) document CFA and other stakeholders' perceptions on PFMP development and implementation process.
- ❖ To undertake a desktop review and analyse 1) policy gaps and overlaps and their impact on forest management and governance and provide recommendations; and 2) management challenges facing the three forest categories in Kenya (public forests, community forests and private forests), and propose policy recommendations.

E. METHODOLOGY

Stage 1: Primary data collection

This will use a combination of primary and secondary data collection and interpretation methods. Further, qualitative, quantitative, and participatory approaches which may include Focus Group Discussions, Key Informant Interviews, Observations, Document / desk reviews, Photo documentation, Most Significant Change stories, and Outcome Harvesting will be used. It is expected that the research will take a participatory approach with the community and line ministries being involved throughout. Other stakeholders such as Community based organizations, and Non-Governmental Organizations and private sector may be involved in the process.

Stage 2: Data analysis

ICE expects the consultant to develop a clear analysis framework which shall be part of the inception report. This is important to ensure clear use of primary and secondary data to generate findings and recommendations, which shall be shared with ICE to support the development of the final report.

Stage 3: Report

The consultant will develop a 50 – 60-page report (excluding annexes) which will present a summary of the main findings, conclusions, and recommendations. The report should provide evidence for each of the objectives of research. It should also offer clear and actionable recommendations for ICE and stakeholders in the forest sector.

Stage 4 - Stakeholder feedback and learning

The consultant will be required to develop:

From the final report, the consultant will develop a power point summary of the main findings, conclusions, and recommendations and present to ICE. The consultant will further develop 4 policy messages each 1 page maximum, from the four objectives of the research.

The consultant will display in the technical proposal how he/she will conduct the survey, data collection and present the findings. The consultant will also submit financial proposal alongside the expression of interest. Both the technical and financial proposals will be reviewed and approved by ICE Management before commencement of the work. The consultant will conduct the survey independent of the implementing organisation's interference.

F. DELIVERABLES

The following outputs are expected from the consultant:

- i. *Inception report containing the following:* Study approach, methodology, work plan with detailed framework of activities for ease of planning, data collection tools, and proposed content outline for the report-
- ii. *First complete draft report:* Shall be presented to Institute for Culture and Ecology (ICE)
- iii. *Second complete draft report:* Shall incorporate feedback from ICE
- iv. *Validation of findings:* Consultant to present findings to representatives of stakeholders for validation – this will be organized by ICE
- v. *Final report:* this shall incorporate stakeholders' validation feedback. The report shall include: An executive summary that can stand alone as a summary report, findings from each of the objectives, conclusions and recommendations. The report will be submitted in soft copies and 3 hard copies.
- vi. *Four 1-page policy message documents* one for each objective.
- vii. *A power point presentation:* summarizing the main findings, conclusions and recommendations from the final report presented to ICE.

G. OBLIGATIONS OF ICE AS THE CONTRACTING AUTHORITY

The contracting authority shall be obliged to;

- Provide day to day support during the assignment to ensure actualization of this assignment within given timelines.
- Provide all necessary support in organizing/mobilizing consultation meetings and forums to ensure that the research is conducted successfully.
- Facilitate travel and accommodation for the consultant.
- Pay the agreed charges - 50% at commencement and clear the remaining 50% balance after submission of final report.
- The consultant will work with ICE staff during the research period as part of exposure for staff.

H. MEDICAL AND PERSONAL ACCIDENT COVER

The consultant is expected to have their own medical and personal accident covers since ICE is not under any obligation to provide these under this contract.

I. STATUTORY DEDUCTIONS

ICE will deduct withholding tax from consultancy fee paid in accordance with its statutory obligations as provided in the Kenyan law.

J. QUALIFICATIONS AND SUBMISSION OF BIDS

Consultants Profile, Qualifications, and skills

- An individual with demonstrable experience undertaking research in the forest sector especially in the use of mixed methods approaches (integrating quantitative and qualitative data), statistical analysis and interpretation of results.
- Should have higher university degree in Natural Resource Management or other relevant disciplines such as, Forestry, Wildlife Management, Environmental Governance, and Community Development.
- Should have at least 5 years of professional experience in relevant fields, with experience in conducting project baseline surveys, evaluation or related consultancies.
- Have a good understanding of the forestry terrain in Kenya especially in the Central Kenya region.
- Experience in forest policy engagement at national level and able to link with international forest policy advocacy processes.

K. TIMEFRAME

This assignment will take place in March/April 2023 with the final approved report submitted within a timeframe of 30 days. The final work plan shall be agreed with the selected consultant before signing the contract agreement.

L. HOW TO APPLY

Qualified and interested consultants are invited to submit their expression of interest to undertake the above defined work. A technical and financial proposal to undertake the consultancy should be attached and both the EoI and the proposals should be submitted electronically through procure@icekenya.org and cc. martin@icekenya.org not later than 28th March, 2023 5pm. Please attach your CV and testimonials to your EoI. Those who have applied should not reapply.