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TERMS OF REFERENCE FOR DEVELOPING A CONCEPTUAL FRAMEWORK FOR DESIGNING PROGRAM ON SUSTAINABLE LAND GOVERNANCE, BIODIVERSITY CONSERVATION AND POVERTY REDUCTION IN THE CONTEXT OF INDIGENOUS PEOPLE'S OWNED AND MANAGED ECOSYSTEMS/LANDSCAPES IN EAST AFRICA

1. ABOUT TEST

Traditional Ecosystems Survival Tanzania (TEST) is a registered non-profit professional organization facilitating sustainable approaches and understandings among cultures, land and wildlife through collaboration between local indigenous communities, conservation agencies and the governments. TEST is therefore established to foster friendly connection between traditional indigenous knowledge systems, proven scientific approaches and enterprise-based solutions in managing natural ecosystems and landscapes in Tanzania.

2. PROJECT BACKGROUND

The natural ecosystems and landscapes in Tanzania and Kenya comprise of terrestrial, marine, wetlands and mountains. These landscapes and ecosystems are significant in providing livelihood support for majority of indigenous peoples and local communities and the perpetuation of biological diversity. About 48.2% and 11.4% of the land in Tanzania and Kenya respectively are classified as protected lands by the states. These lands are in the form of National Parks, Game Reserves, Geo-parks and Forest Plantations. Similarly, indigenous communities own and manage vast ecosystems and landscapes that are often regarded by the state institutions as unoccupied and subjected to misappropriation for conservation purpose. Consequently, this has led to regular conflicts which are rampant in Indigenous peoples and local communities' lands. These indigenous lands have and are still currently being negatively impacted by a convergence of diverse conflicting interests mostly embedded with conservative conservation approaches.

Traditionally, indigenous, and local communities apply the traditional knowledge, practices, and customary systems to manage and protect the land for livestock, wildlife, and their culture. Indigenous people land use practices follow a seasonal calendar, in which livestock grazing are controlled by spatial distribution of resources and the magnitude of risks involved in using the resources at their availability.

In practice, indigenous peoples and local communities including the Maasai pastoralists manage land and natural resources effectively, by organizing seasonal rotational land use around smaller communities called *ngutot/irkung'* (neighbourhoods), strictly defined by territorial occupation of a single community made up of several clans.

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At the landscape level, customary institutions clearly regulate the utilization of pasture, water, and mineral licks, but with livestock and wildlife sharing same resources. The traditional and customary governance of land has ensured land availability for all uses and users year around. Resulting conflicts from land use have been settled and resolved amicably.

Therefore, Maasai community managed land strategically to allow for pasture growth and feed storage through alternative zonal grazing. Their traditional laws and taboos sustained the practice for generations and passed on to generations through folk tales, songs, proverbs, and pastoral education.

However, recently, traditional and customary land management practices of the Maasai people are being affected by introduction of formal regulations and additional land requirements for tourism, conservation and wildlife related interests including trophy hunting. Although, pastoralism and wildlife co-exist peacefully on the same pieces of land sharing pasture and water, there is a need to design sustainable land governance models to ensure this co-existence is maintained, land is sufficient for all uses and conflicts are minimized.

Currently, Indigenous Peoples and Local Communities partly own these natural ecosystems that constitute approximately 2 million hectares, (2.1% of Tanzania's landmass) and partly are protected areas. It is estimated that, over half of Kenya's land area of 57 million ha is owned under customary community arrangements. Most of this land is presently vested in county governments as trustees for communities and as group ranches (now Community under community land Act 2016). For time immemorial, these ecosystems under indigenous land management systems remained healthy and supported co-existence of wildlife, traditional cultures, and livestock. However, in recent years, the indigenous and traditional knowledge systems and management practices have been seriously undermined by the continued use of archaic conservation approaches, laws and undemocratic conservation and investment policies amplified by violence, criminalization, and serious violations of human rights of indigenous peoples. Unfortunately, these old approaches have not been at all effective and therefore have produced negative results for land governance, biodiversity conservation and livelihoods of indigenous and local communities.

Equally important is that the rangelands are deteriorating in quality and shrinking in size because of extension of protected areas that goes alongside with increasing human rights violations. Likewise, there is systematic denial of the contribution of indigenous knowledge systems in the conservation and management of natural ecosystems and land. This has bred a long-time enmity between conservation authorities and indigenous communities. It is threatening peaceful co-existence between people and wildlife as well as becoming a source of regular conflicts between different land and other natural resources users. Other notable impacts of these old approaches include conflict between indigenous traditional systems and modern contemporary systems, and negative stereotypes for the indigenous communities. These have caused tremendous habitat deterioration, human rights violations to the extent that co-existence is gradually collapsing, and immediate action is necessary to reverse this negative trend.

The above impacts are embedded to the notion of "parks without people" that excluded the Indigenous Peoples and Local Communities in the conservation processes placed the stewardship of natural resources in the hands of external custodians creating conflicts and misunderstandings. The post Biodiversity Framework has noted that the conventional conservation approaches have failed to produce sustainable results for people, nature and wildlife or efforts to increase protected areas will not halt biodiversity loss. The conventional means of conservation and protection have abandoned indigenous science and conservation modus operandi. The underlying concept that must be challenged in much of our project areas, is that our legal systems on land and conservation to date originated under a colonial system and indigenous practices were scrapped as new laws were introduced that discriminate Indigenous Peoples and Local Communities in decision-making and responsibility in the governance of land and biodiversity conservation.

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The Indigenous Peoples and Local Communities have both a responsibility and a right to participate in the conservation of biodiversity in the territories they occupy and own. The prevailing situation therefore calls for a constructive dialogue and intervention to create a strong united front of partners that considers the roles, interests, and contributions of different actors in land and biodiversity conservation.

3. THE SCOPE

Against the foregoing background TEST intends to engage a consultant to develop a conceptual framework for designing a program on sustainable land governance, biodiversity conservation and poverty reduction in the context of indigenous people's owned ecosystems and landscapes in East Africa.

4. SPECIFIC TASKS

The consultant is expected to undertake extensive analysis to generate rigorous knowledge about:

1. The historical and contemporary challenges (legal, policy and contextual) of biodiversity conservation on the ecosystems, territories and lands occupied by Indigenous Peoples and Local Communities.
2. Recommendations for community-based incentives for sustainable biodiversity conservation on the ecosystems, territories and lands occupied by Indigenous Peoples and Local Communities
3. The current legal framework and mechanisms governing land in East Africa with specific focus on lands, territories and ecosystems owned and occupied by Indigenous Peoples and Local Communities.
4. The governance model suitable for Indigenous Peoples and Local Communities' participation in biodiversity conservation
5. The extent of legal and formal recognition, role and capacity of customary institutions in land governance
6. A descriptive analysis of best practices of land governance mechanisms and approaches on indigenous land governance
7. Potential and practical models of land governance to ensure peaceful co-existence of users and uses especially pastoralism, conservation, and human land use in East Africa
8. Recommendations for establishing stakeholders' collaboration in land governance, biodiversity conservation and Livelihoods Support in East Africa as envisioning 2030
9. Recommendations for supporting poverty reduction solutions/plans among Indigenous peoples and local communities' through sustainable land governance and biodiversity conservation.

5. METHODOLOGY

The methodology for this assignment is basically extensive review of policy, laws and reports on land governance and biodiversity conservation outside core protected areas. However, the consultant may utilize additional methodology to add value to the assignment. The additional methodology will need to be approved by TEST Executive Director.

6. EXPECTED OUTCOMES (DELIVERABLES)

The consultant is expected to develop a Conceptual Framework on Sustainable Land Governance, Biodiversity Conservation and Poverty Alleviation in the context of indigenous people's ecosystems and landscapes and a PowerPoint presentation to be presented in stakeholders Forum scheduled for July 2022 in

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Arusha. A consultant is expected to produce a final revised Report incorporating the views of the participants in the Forum.

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7. DURATION OF THE ASSIGNMENT

The assignment is estimated to take a maximum of ten days (10) days (including a day for presentation in stakeholders' Forum), final draft expected to be submitted by 15th July 2022.

8. QUALIFICATIONS OF THE CONSULTANT

The consultant must have the following qualifications and experience to be eligible for this assignment:

1. Must have a technical background in Natural resource management laws, Biodiversity conservation and Forestry (at a minimum of master's degree level).
2. Must have demonstrated experience and expertise in designing and undertaking assignment of similar nature and in delivering agreed outputs on time and within budget.
3. Demonstrated experience and expertise in undertaking rigorous research using qualitative evaluation methodologies.
4. Understanding and experience working on biodiversity conservation related issues in particular policy and legal frameworks
5. Demonstration of good knowledge of biodiversity conservation in the context of indigenous peoples/pastoralist ecosystems and landscapes
6. Demonstrated ability to understand indigenous peoples' systems for biodiversity conservation

9. APPLICATION PROCEDURES

Consultants who wish to express interest in undertaking the prescribed assignment are requested to send softcopies of the following to email: info@nyanda.org

A technical proposal containing

- a) An understanding and interpretation of the TOR.
- b) Methodology to be used in undertaking the assignment.
- c) Time and activity schedule.
- d) Evidence of relevant experience in undertaking assignments of the same nature.
- e) Curriculum vitae

10. DEADLINE

Applicants are required to submit their application on 5th July 2022 before 17HRS.