

Terms of reference

REF. Act. 1.2 – Consultancy on Analysis of stakeholders

1. Background

INCA has received a grant from Prespa Ohrid Nature Trust (PONT) to support the implementation of the project “Good governance for effective and equitable conservation”.

The project promotes comprehensive governance of natural resources in and around protected areas through the use and adaptation of good governance principles in order to achieve the objectives of sustainable use and conservation and protection of natural values of Albanian Alps National Park and Korab - Koritnik Managed Nature Reserve (Nature Park) and surrounding areas that serve as important ecological corridors for charismatic species. The improved knowledge and better understanding of local legal and customary rights, interests, concerns and capacities for conservation and sustainable livelihoods will definitely contribute to the improved governance quality, in line with the IUCN principles of good governance for protected areas. The project aims to enhance the role of the Management Committee for Protected Areas as a relevant forum at regional level to adequately address issues related to conservation and wise use of natural resources. Networking and capacity building activities will facilitate the transfer of lessons learned to the stakeholders and exchange about good governance practices between managers and other stakeholders.

2. General considerations

As biodiversity becomes rarer and increasingly precious, protected areas—are becoming an ever more important focus of interest and concern, delight and conflict. Managing any protected area engages different actors, instruments and powers and is embedded in multiple levels of rules and decision-making – from international policy frameworks to national budgetary agreements, from regional land use plans to day-to-day decisions affecting the livelihoods of people resident in and near the protected areas.

Protected areas “governance¹” is a relatively new field of analysis, but it is central in dealing with threats to nature and the rapidly evolving social context in which they need to be addressed. Indeed, many crises are, and will be, exacerbated by poor governance, and will only be solved through governance that is equitable and effective. Governance that is both appropriate to the context and “good” is crucial for effective and equitable conservation.

A governance setting is appropriate only when tailored to the specifics of its context and effective in delivering lasting conservation results, livelihood benefits and the respect of rights. In terms of governance quality, it is important to understand the processes of decision- making. The power and the capacity to take decisions have a major influence on

¹ Governance refers the interactions among structures, processes and traditions that determine how power and responsibilities are exercised, how decisions are taken and how citizens or other stakeholders have their say

the achievement of protected area objectives, the sharing of responsibilities, rights, costs and benefits, and the generation and maintenance of support – be it financial, political, or from the communities in and around the protected areas in question. The process of understanding and, where necessary, improving governance is at the heart of effective conservation.

There is no “ideal governance setting” for all protected areas, nor an ideal to which governance models can be compared, but a set of “good governance” principles can be taken into account. These principles provide insights about how a specific governance setting will advance or hinder conservation, sustainable livelihoods and the rights and values of the people and country concerned.

3. The assessment and evaluation approach

Assessing and evaluating the governance of protected areas should help establish which governance arrangements will:

- best fit the local history, culture and society, and deliver conservation of the protected areas and sustainable livelihoods for the people who live in or near them;
- best promote the full use of available resources and capacities, and deliver decisions likely to be widely understood, appreciated and respected;
- make the current distribution of the costs and benefits of conservation more equitable and thus more acceptable;
- best affirm rights, including the rights of indigenous peoples and local communities, according to national and international legislation and commitments;
- engage rightsholders and stakeholders more at different levels, including through dialogue and collaboration between traditional and modern institutions;
- be the most flexible, resilient and capable of responding to uncertainties and emerging threats, such as global financial crises and climate change.

Assessment² and evaluation³ should always take account of the dynamics of social change in the area concerned. It is important to link effectively with the landscape/seascape and make sure that governance action is considered beyond the protected area borders.

Besides addressing such important issues, the actual process of assessing and evaluating governance should in itself reveal new understandings about conservation, livelihoods and their interdependence, and encourage new ways to support them.

There is a growing recognition of, and value placed upon, the rights, responsibilities and capacities of rightsholders and stakeholders in conservation. It is crucial that all legitimate representatives can effectively participate. It may be necessary to hold preliminary meetings with the rightsholders and stakeholders’ groups (e.g., farmers’ associations,

² Assessment is a process by which:

- relevant information is identified and shared, and more information is collected, as needed;
- the situation is understood in relation to its context;
- the situation is analyzed, identifying problems and opportunities.

³ Evaluation is a process by which:

- the results of the assessment are examined vis-à-vis specific objectives, goals and values;
- needs for change are identified;
- a clear set of recommendations is developed to move closer to the desired situation.

women's groups, scientists. Moving beyond simple "consultation" and engaging such actors in decision-making can broaden social support for protected areas and thus improve management. Similarly, the perspectives of diverse rightsholders and stakeholders can bring new information to light about governance issues, problems and opportunities.

A key factor in success is the willingness to work with integrity and transparency, and to document clearly and share widely the results of the exercise. Such openness will increase confidence and improve the understanding of governance in general. The careful documentation of the information, problems, opportunities, questions, answers and uncertainties that will surface throughout the process is crucial and will be extensively used in planning and implementing the action that may need to follow.

4. Objective and scope of work

This consultancy will aim to elaborate a stakeholders analysis, identifying local legal and customary rights, interests, concerns and capacities for conservation and sustainable livelihoods. (Activity 1.2)

5. Specific tasks

Task 1

The consultant should identify the actors and institution(s) directly concerned with the protected area and its natural resources, and distinguish them on the basis of their legal and customary rights, interests, concerns and capacities. The consultant should address issues answering questions like:

- What actors and institution(s) are concerned about the protected area?
- Who, among them, has socially recognized rights to the relevant land and natural resources?
- Who has legitimate interests and concerns, and possibly unique relevant capacities, but cannot claim socially recognized rights?

The legal recognition of customary rights and social acceptance of the legitimacy of legal rights vary greatly, but it is important to understand them. As for all complex social concepts, grey areas abound. The checklist in Annex 1 is designed to help to identify the actors and institutions directly concerned with the protected area, which can subsequently be grouped as rightsholders or stakeholders on the basis of an open discussion among the workshop participants.

Task 2

Once a list of rightsholders and stakeholders has been compiled, the consultant should analyze further their key characteristics, including:

- Time period associated with the protected area (years since establishment)
- De jure access, use and tenure with respect to the natural resources in the protected area
- De facto access, use and tenure with respect to the natural resources in the protected area
- Main interests, concerns, type of interaction with the protected area (e.g., cultural, subsistence- oriented, scientific, economic)

- Key capacities for governing or managing the protected area
- Current role in governing or managing the protected area
- Unresolved issues and claims with respect to the protected area

This will offer insights on their governance and management capacities and the potential for them to take more or less active roles in governing the site. This discussion should be carried out with the help of maps of the site, a process that may reveal sub-units within the site with which certain rightsholders and stakeholders have special affiliation, and where they might be willing to take-on additional responsibilities.

Task 3:

Based on the above analysis, the consultant will develop a report on the stakeholders analysis, identifying local legal and customary rights, interests, concerns and capacities for conservation and sustainable livelihoods. A first draft of the document will be shared with INCA project Coordinator. The consultant will then review the document to integrate comments and suggestions.

The consultant will get in touch and will cooperate and create synergy with other experts of this project in charge for “historical, socio-cultural and legal context for the governance” and “spatial analysis of the status of conservation” according to the activities 1.1 and 1.3. Relevant contact details will be provided at the beginning of the consultancy by INCA.

Task 4

The consultant has to participate and discuss the main milestones of the assessment report in 12 consultations and information meetings with local stakeholders, focusing on user groups and managers of protected areas in both target areas. (Activity 1.4))

Task 5

The consultant has to participate and present the main findings of the assessment report in 2 workshops (one for each pilot protected area) with local stakeholders to present/discuss findings of the "spatial analysis of the status of conservation of nature and associated values". (Activity 1.5)

6. Coordination with INCA

The consultant will work in close cooperation and coordination with INCA project staff. A first scoping meeting will be held with the INCA team in order to discuss the methodology proposed by the consultant and to clearly define the direction and the expectations. Virtual meetings will be held with INCA team, as needed, to monitor the progress of the service.

7. Timeframe and deliverables

The consultancy will be conducted in the period 01.04 – 30.11.2023, for a total of 30 working days. The consultant should provide a clear calendar of activities within the first month of the assignment.

The consultant will provide the following expected deliverables:

- Preparation of a database of all interested stakeholders to be involved-in Albanian
- Stakeholders' map-in Albanian
- Report identifying local legal and customary rights, interests, concerns and capacities for conservation and sustainable livelihoods- in English
- A summary of the assessment (report) in PPP - in Albanian

The deliverables will be reviewed and finally approved by the INCA project coordinator.

8. Key qualifications

The consultant should present a team of minimum 2 experts with proven experience on protected areas governance and related issues. At least one of the experts should have some experience in using GIS tools.

Required expertise (NGO or consultancy firm) (50 point)

- Evidence of relevant experience in nature conservation and with the relevant institutions in Albania gained by consultants during the past five years (experience of the firm/NGO)
- Experience in handling similar projects (protected area management planning, forest or river basin planning)
- Experience in stakeholders' data analysis and evaluation
- Experience in participatory methods and approaches

Pool of experts (maximum 2 expert) (50 point)

General qualifications (20 point)

- Present the project with dignity internally and to outsiders;
- Cooperate with the project team members for the interest of the work if needed;
- Full availability to provide services within timeframe and with high standards.
- Respect confidentiality of the materials and discussions.

Specific qualifications (30 point)

- Master's Degree in social sciences , nature conservation, ecology or a related field;
- At least 10 years of practical work experience with protected areas, including active participation in management planning processes
- Similar experience on stakeholder analyses
- Good knowledge of existing legislation on protected areas and relevant institutional structure
- Proven experience in developing and facilitating participatory processes / discussions
- Good analytical and reporting skills
- Proven communication and reporting skills;
- Good command of English, both spoken and written, is essential.
- Mapping and GIS skills

Annex 1: Checklist for identifying rightsholders and stakeholders for a protected area site

Are there institutions, organizations, user groups, local communities or individuals who:

- possess substantive legal rights (e.g., property, usufruct) over the land, water and/or natural resources?
- possess customary rights to the land, water and/or natural resources (e.g., traditionally recognized rights to access and use)?
- are mobile or absentee holders of legal or customary rights, for instance nomadic, semi-nomadic or transhumant peoples and communities who may use the resource episodically or as a safety-net at difficult times (during droughts or harsh winters)?
- possess a specific mandate from the government (e.g., from a government agency) regarding the protected area?
- live in close contact or proximity to the protected area (e.g., residents, including relevant subgroups such as women, minorities, the youth)?
- directly depend for subsistence on the natural resources (e.g., for food, medicine, housing or basic family income)?
- possess strong historical, cultural or spiritual connection with the area and its resources (e.g., ancestral domains of indigenous peoples)?
- have demonstrated a long-term positive relationship with the protected area (in particular because of their sustainable use of its natural resources)?
- represent the rights and concerns of residents in the protected area who wish to remain in voluntary isolation from the rest of the world?
- claim a role in governing the protected area because of equity considerations (e.g., it would be fair to provide them with access to the natural resources or a share in the benefits from their use because they have been expropriated and wronged in the past)?
- claim a role in governing the protected area because of democratic principles (e.g., they represent a large number of people with common interests and concerns, such as the residents of a nearby town who use the area as recreational visitors)?
- claim a role in governing the protected area because of their unique knowledge and skills which are invaluable for the management of natural resources (e.g., experts and researchers, traditional leaders, organized women groups, conservation NGOs)?
- claim an interest in the protected area because of losses and damages previously incurred in the management process (e.g., a community that had to stop all resource extraction)?
- claim a role in governing the protected area because this is specified in the country 's policies and body of law (e.g., Freedom of Information Act, special rights of indigenous peoples) and/or in international agreements (e.g., the CBD, the Ramsar Convention, the UN Convention to Combat Desertification)?
- claim a role in governing the protected area because their perspective is recognized as valuable (e.g., they made a commitment to avoid irreplaceable harm to biodiversity)?
- demonstrate an unusual degree of commitment, effort and resources invested in the protected area or in related conservation initiatives (e.g., a group of "friends of the protected area" that carried out voluntary surveillance or clean-up jobs; a community that preserved a forest that includes important habitats and species; a women's or a youth group that developed rules of sustainable use for given species)?
- undertake activities that have a significant impact on the protected area (e.g., pollutants upstream) or, vice-versa, likely to be importantly impacted (positively or negatively) by the existence of the same (e.g., water users downstream)?