

Terms of Reference



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GENERAL INFORMATION

Title: Senior Specialist for Multidoor Law Enforcement Intra-Agencies Coordination

Project Name: The Institutionalization of Multidoor Approach Project

Reports to: National Project Manager of Multidoor Project

Duty Station: Jakarta

Expected Places of Travel (if applicable): N.A.

Duration of Assignment: 5 Months (100 working days)

REQUIRED DOCUMENTS FROM HIRING UNIT

- | | |
|---|---|
| X | TERMS OF REFERENCE |
| | CONFIRMATION OF CATEGORY OF LOCAL CONSULTANT, please select: |
| | <ul style="list-style-type: none">• Junior Consultant• Support Consultant• Support Specialist |
| X | <ul style="list-style-type: none">• Senior Specialist [x]• Expert/ Advisor |
| | CATEGORY OF INTERNATIONAL CONSULTANT, please select: |
| | <ul style="list-style-type: none">• Junior Specialist• Specialist• Senior Specialist |
| X | APPROVED e-requisition |

REQUIRED DOCUMENTATION FROM CONSULTANT

- | | |
|---|-------------------------------|
| X | Signed P11 |
| X | Copy of education certificate |
| | Completed financial proposal |
| | Completed technical proposal |

Need for presence of IC consultant in office:

- ✓ intermittent (deliverables-based)
- full time/office based (needs justification from the Requesting Unit)

Provision of Support Services:

Office space:	Yes	No
Equipment (laptop, etc.):	Yes	No
Secretarial Services	Yes	No

If yes has been checked, indicate here who will be responsible for providing the support services:

Signature of the Budget Owner: Anna Christina Sinaga (anna.christina@undp.org)

1. BACKGROUND

UNDP Indonesia has systematically supported the Government of Indonesia in tackling environment related crimes since the beginning of reformation era. Lessons learned over the years have pointed out that weak law enforcement in the environment sector is best addressed with the use of a Multi-Door Approach. This approach was launched by the Government in 2012 under the name “Multi-Door Approach to address environment related crimes in forest areas and peatlands” (hereinafter referred to as the “Multi-Door Approach”) and is seen as a major breakthrough in handling environment related crimes in forest areas and peatlands.

In principle, the Multi-Door Approach can be understood as law enforcement authorities working together on crimes that are related to each other and can therefore be combined, such as a case of illegal logging, forest and peat fires that is related to money laundering and bribery. With the use of various regulations, including regulations related to the environment, forestry, mining, taxation, money laundering, corruption, agriculture and taxation, these crimes can be investigated from multiple angles, leading to a stronger case and more effective law enforcement. The approach is expected to:

- Minimize the possibility of perpetrator’s “escape” from more severe sanctions due to the application of only one regulation or law,
- Sanction the “mastermind” or person financing the crime and ensure corporate accountability in order to provide a deterrent effect and maximize returns on state losses resulting from these crimes.

A significant step in the process to establish the Multi-Door Approach was marked by the signing of a Memorandum of Understanding (MoU) on 20 December 2012 between the Ministry of Forestry, Ministry of Environment, Ministry of Finance, the Attorney General, the Chief of Police and the Head of the Financial Transaction Analysis and Reporting Centre on ‘Improving Law Enforcement Cooperation to Support Sustainable Natural Resources Management in the framework of implementation of REDD+’.

At the Government’s request, UNDP Indonesia conducted an initial assessment of recent progress made on the implementation of the Multi-Door Approach in 2015. The assessment looked at the effectiveness, efficiency, institutionalization, adaptability and sustainability of the Multi-Door Approach in various processes of law enforcement pertaining to NRERCs, including inquiry, investigation, collection of evidence, case hearing, pre-prosecution, verdicts and legal remedies.

Meanwhile, each law enforcement agency more or less still carries out investigations and inquiries on their own without coordinating with other relevant offices, ministries or agencies. A relatively high number of penalties were imposed, while many of them were minimal in nature. Several offenders, whose gender should be disaggregated, avoided penalties, significantly reducing the potential deterrent effect of the Multi-Door Approach. Corporate liability for recovery of state loss, including the tax sector, is still minimal. Turning this around could have a positive effect on the

reduction of emissions from forest and peatlands.

To remedy the aforementioned challenges, this project is designed to capacitate the relevant law enforcement institutions who signed the MoU of implementing Multi-Door Approach in countering natural resources and environmental cases, in particular the Ministry of Environment and Forestry, the Attorney General's Office and National Police. It will institutionalize the Multi-Door approach by improving each relevant Multi-Door Agencies' SOP and programme/performance indicators, supporting the handling of joint cases, and providing a Support Facility that will lead to the establishment of the Multi-Door Approach secretariat led by Ministry of Environment and Forestry.

Therefore, "to get back on the right track" and maximize on the above potential, one of the required aspects is redefining and enhancing coordination. Successful implementation of the Multi-Door Approach also requires regular and intensive coordination among law enforcers, experts and agency staff. This coordination is crucial from the very onset of case handling, especially in collecting evidence, during inquiry and investigation, including in relevant hearing(s), pre-prosecution, prosecution, indictment, court decision and execution of court decision.

To support the law enforcement agencies in doing a better coordination in handling natural resources and environmental related cases, UNDP Indonesia would like to hire 1 (one) independent consultant to function as liaison personnel.

2. SCOPE OF WORK, RESPONSIBILITIES AND DESCRIPTION OF THE PROPOSED ANALYTICAL WORK

Under supervision of the Multi-Door National Project Manager and the Technical Advisor for Natural Resources Governance, the consultant is tasked to conduct the following:

- To act under the authority of the Multidoor Secretariat to coordinate any related standards activities;
- shall facilitate communication between natural resources and environmental law enforcement agencies. In so doing, the consultant shall provide advice to the law enforcement agencies on Multidoor's purposes, principles, and projects;
- The consultant is expected to have an up-to-date knowledge of Multidoor and Multidoor research projects including project leadership and the stages of these projects;
- to be active in the implementation of Multidoor Law enforcement effort conducted by the related agencies and attends their key meetings;
- The consultant will support strategic partnerships by providing top-quality advice, facilitating effective knowledge management, and providing technical assistance to implement the Multidoor approach law enforcement;
- To formulate an effective communication strategy to share best practice and lesson learnt in the implementation of Multidoor approach law enforcement;
- To act as key contact point on behalf of the Multidoor Secretariat;
- To support the needs and aspirations of the multidoor secretariat to drive an increase in sustainable participation; and,
- Responsible for identifying and securing resources needed to deliver the work outlined above.

3. WORKING ARRANGEMENTS

Institutional Arrangement

The Consultant will be supervised by and report to the Results Based Management Analyst, Quality Assurance and Results Unit, who will also carry out a performance evaluation at the end of the assignment.

Duration of the Work

100 working days (30 August 2018 – 25 January 2019)

Duty Station

Jakarta

Expected Places of Travel (if applicable):

N/A

Travel Plan

Below is an indicative travel plan for the duration of the assignment. The Consultant will be required to travel to the below indicated destinations and include the relevant costs into the proposal. There may be also unforeseen travel that will come up during the execution of the contract, which will be agreed, on ad-hoc basis.

No	Destination	Frequency	Duration/days
1	N/A	N/A	N/A

4. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

I. Academic Qualifications:

- Minimum master degree on Law Studies

II. Experience:

- Minimum 5 years in programme implementation on natural resources and environmental related issues
- Experience in natural resources and environmental related programme will be highly desirable;
- Experience in environmental and forest law and practices;
- Experience in liaison between law enforcement agencies;
- Experience in liaison with international organization on environmental and law issues;
- Ability to integrate law, especially on Multidoor approach, perspective into natural resources and environmental law enforcement effort;
- Ability to be flexible and adaptable in order to contribute to problem-solving activities;
- Authorities in his/her areas of responsibilities; and,
- Ability to act in a tactful and diplomatic manner and work on sensitive issues with diverse groups of individuals.

Functional Competencies:**Knowledge Management and Learning**

- Promotes knowledge management in UNDP and a learning environment in the office through leadership and personal example
- Actively works towards continuing personal learning and development in one or more Practice Areas, acts on learning plan and applies newly acquired skills

Development and Operational Effectiveness

- Ability to lead strategic planning, results-based management and reporting
- Ability to lead formulation, implementation, monitoring and evaluation of development programmes and projects, mobilize resources
- Ability to formulate and manage budgets, manage contributions and investments, manage transactions, conduct financial analysis, reporting and cost-recovery
- Good knowledge of the Results Management Guide and Toolkit
- Good ICT skills, knowledge of Atlas
- Ability to implement new systems and affect staff behavioral/ attitudinal change

Management and Leadership

- Builds strong relationships with clients, focuses on impact and result for the client and responds positively to feedback
- Consistently approaches work with energy and a positive, constructive attitude
- Demonstrates good oral and written communication skills
- Demonstrates openness to change and ability to manage complexities

Other Requirements:

In addition to the scope and responsibilities stated above, the consultant will be required to undertake other ad hoc tasks that may arise during the contract period. These tasks will be delegated by the supervisor who will ensure that these ad hoc tasks do not impede on the consultant's ability to meet contractual obligations/deliverables.

All materials and other intellectual property produced while working under contract including, but not limited to, documents, presentations, white papers, photographs and other media, will remain the property of UNDP and are required to be submitted to UNDP Senior Management for archiving.

5. EXPECTED RESULTS/DELIVERABLES

Deliverables/ Outputs	Target Due Dates	Review and Approvals Required
1. Report on the coordination effort among law enforcement agencies/institution (the Directorate of Natural Resources and Environmental Law Enforcement – KLHK, Attorney General's Office, National Police, etc) in handling multidoor cases	27 September 2018 (20 working days)	Anna Christina Sinaga – National Project Manager Multidoor Project

2. Report on the coordination effort among law enforcement agencies/institution and related ministries (Ministry of Agriculture, Ministry of Energy and Mineral Resources, Ministry of Marine) in handling multidoor cases	26 October 2018 (21 working days)		
3. Report on the coordination effort among law enforcement agencies/institution and related institutions (namely financial institutions, audit institutions, and/or cyber forensic institutions) in handling multidoor cases	23 November 2018 (19 working days)		
4. Multidoor case reviews and analysis that are being investigated by Ministry of Environmental and Forestry.	21 December 2018 (19 working days)		
5. Recommendation on effective strategies to advancing the coordination among natural resources and environmental law enforcement agencies/institution.	25 January 2019 (21 working days)		

- Payment will be made upon certification by the National Project Manager of Multidoor Project
- Basis for payment tranches.

6. EVALUATION METHOD AND CRITERIA
<p>Individual consultants will be evaluated based on the following methodology:</p> <p>Cumulative analysis using weighted scoring method will be applied to evaluate the applicant. The award of the contract will be made to the individual consultant whose offer has been evaluated and determined as:</p> <ul style="list-style-type: none"> • Responsive/compliant/acceptable with reference to TOR, and • Having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation. <ul style="list-style-type: none"> ➤ Technical Criteria Weight: 70% ➤ Financial Criteria Weight: 30%

Only candidates obtaining a minimum of 70 point would *be considered for the Financial Evaluation*

Criteria	Weight	Maximum Point
Technical	70%	100
<i>Criteria A: qualification requirements as per TOR:</i> <ul style="list-style-type: none"> • Criteria 1: Minimum master degree on Law Studies • Criteria 2: Minimum 5 years in programme implementation on natural resources and environmental related issues • Criteria 3: Experience in environmental and forest law and practices • Criteria 4: Experience in liaison between law enforcement agencies; • Criteria 5: Experience in liaison with international organization on environmental and law issues; 		25 25 20 15 15
<i>Criteria B: Brief Description of Approach to Assignment</i>	N/A	N/A
<i>Criteria C: Further Assessment by Interview (if any)</i>	N/A	N/A