

Terms of reference - INDIVIDUAL CONSULTANT PROCUREMENT NOTICE



Empowered lives.
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Position: Specialist on the technical implementation of the claim – verification in relations with the rights of individuals and indigenous community

(National, 1 post)

Closing date:

GENERAL INFORMATION

Title: Specialist on the technical implementation of the claim – verification in relations with the rights of individuals and indigenous community

Project Name : PMU

Reports to: Working Group Chair of Legal Review and Law Enforcement

Duty Station: Jakarta

Expected Places of Travel (if applicable): -

Duration of Assignment: 3 months, from: May – July 2014; OUTPUT Based

REQUIRED DOCUMENT FROM HIRING UNIT

☒	TERMS OF REFERENCE
☒	CONFIRMATION OF CATEGORY OF LOCAL CONSULTANT , please select :
☒	(1) Junior Consultant
☒	(2) Support Consultant
☒	(3) Support Specialist
☒	(4) Senior Specialist
☒	(5) Expert/ Advisor
☒	CATEGORY OF INTERNATIONAL CONSULTANT , please select :
☒	(6) Junior Specialist
☒	(7) Specialist
☒	(8) Senior Specialist
☒	APPROVED e-requisition

REQUIRED DOCUMENTATION FROM CONSULTANT

☒	CV
☒	Copy of education certificate
☒	Completed financial proposal
☒	Completed technical proposal

Need for presence of IC consultant in office:

☒ partial, consultant will come to office to work with team two days in a week. The consultant will spend much of his/her time on the field.

☐ intermittent (explain)

☐ 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: Roy Rahendra

I. BACKGROUND

Context of the REDD+ initiative:

Indonesia is the third largest emitter of carbon dioxide (CO₂) and the world's largest emitter from agriculture, forestry and other land use. Over the past five years, Indonesia's annual deforestation rate has averaged around 1 million hectares, which contributes to an estimated 87 percent of Indonesia's annual emissions. In response to this situation, in 2009, President Susilo Bambang Yudhoyono, made a voluntary commitment to the world to reduce emissions as much as 26 percent under a business-as-usual scenario or up to 41 percent with international support by 2020.

According to the Second National Communication from Indonesia to the UNFCCC, Indonesia is expected to emit around 2.9 million metric tons (gigatons) by 2020 under the business-as-usual scenario. A commitment to reduce that amount by 26 percent would mean a reduction of 0.8 gigatons, while 41 percent would amount to a reduction of 1.2 gigatons. A reduction from an expected 2.9 to 1.7 gigatons by 2020 is a challenging commitment for a country aiming to maintain its 7 percent annual growth rate. Nevertheless, this commitment has been translated into a comprehensive National Action Plan known as RAN-GRK (PP 61/2011).

The National Action Plan for the Reduction of Green-house Gas Emissions (RAN-GRK) estimates that 87 percent of the emission-reduction target - approximately 1 gigaton - relates directly to the forestry and peat land sectors and, to address this, the government has adopted an incentive mechanism to improve management of the country's vast forest resources while supporting climate-change mitigation. This mechanism, known as REDD+ (Reducing Emissions from Deforestation and Forest Degradation), has five primary objectives: (a) reduction of deforestation; (b) reduction of forest degradation; (c) conservation of carbon stocks; (d) sustainable forest management; and (e) enhancing carbon stocks.

On 26 May 2010 the Governments of Indonesia and Norway signed a Letter of Intent (LoI) to establish a REDD+ Partnership. The first phase of this REDD+ Partnership (Phase 1) was to establish an agency with the capacity to implement and manage REDD+ projects initially in the pilot province Central Kalimantan and progressively in other priority provinces across Indonesia. A Task Force (*Satuan Tugas*, Satgas) was established to support this initial phase and, as of June 2013 at the end of the Task Force's mandate, the following progress was achieved:

- Drafting of an integrated Presidential Regulation regarding the establishment of a REDD+ Agency and governance of REDD+ in Indonesia;
- Finalisation of a REDD+ National Strategy (Stranas) and development of Provincial Strategies and Action Plans (PSAPs) for the eleven priority provinces;
- Agreement on, and legal basis for, the structure and operations of a REDD+ Financial Instrument (FREDDI); its implementation awaits the establishment of the REDD+ Agency and the subsequent release of funding for Phase 2 of the LoI;
- A methodology for the structure and Standard Operating Procedures (SOPs) of the MRV technical unit; while international standards and an international/national REDD+ registry remain in development, the unit is ready for mobilisation following the establishment of the REDD+ Agency;
- Legal review of regulatory requirements related to REDD+ implementation in particular land tenure, forest and peat-land governance, forest monitoring and law enforcement, consolidation of land concessions, and a Moratorium on all new concessions for conversion of peat and natural forest in Indonesia; and
- Successful implementation of a wide range of projects by the REDD+ Task Force in the pilot province Central Kalimantan with a focus on developing an operational capacity and an enabling environment for REDD+ projects.

These achievements have prepared a basic foundation for a future REDD+ national programme that aims to address the emission-reduction target for the forestry and peat-land sectors and the

national long-term goals associated with sustainable economic development and poverty reduction.

Context of this ToR:

Legal certainty on the status of the forest area is one of the main issues in forest governance and land. To date, only about 12 million hectares out of the 128 million hectares of forest area in Indonesia has been determined definitively. The lack of law enforcement is one loophole that might cause corruption. This had been stated by the research of KPK on the system of management and planning of forest area. Another implication of this problem is the proliferation of conflicts in the field, since the completion of the settlement process is not yet accomplished. Therefore, in order to improve the forest governance, eradicate the corruption and conflict of tenure, it is essential to accomplish the determination of forest area immediately.

This is in accordance with the Decision of the Constitutional Court number 45/PUU-IX/2011 and Article 15 paragraph (1) of Law No. 41 of 1999 on Forestry. The gazettement of forest area covers the processes of appointment, boundary marking, mapping and determination of forest area. Thus, to establish forest area, the boundary marking and mapping should be carried out on 116 million hectares of forest.

In order to accelerate the completion of the forest gazettement in time, it is necessary for us to make a breakthrough. For this, a mechanism called 'claim-verification' should be implemented. This mechanism requires legal studies to ensure the implementation which is based on the regulations. The studies cover inventory aspect of third parties, including customary rights of indigenous communities. It is in this context that REDD+ Agency is seeking Specialist on the technical implementation of the claim – verification in relations with the rights of individuals and indigenous community.

Objectives of Assignment:

Supporting the implementation of claim and verification mechanism by developing the flowchart of technical implementation, which is related to individual rights over land, and land rights of indigenous communities and business licenses.

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

Scope of work:

To develop the flowchart of technical implementation of the claim by third party (related to individual rights over land, land rights of indigenous communities, and business licenses), which includes:

- a. Terms and evidence that must be included in the submission of claims to land rights (individual rights, land rights, and business license);
- b. The model of form and preparation of supporting documents to claim territories of indigenous communities;
- c. The mechanism of claim verification;
- d. The mapping mechanism of claimed territory;
- e. The registration mechanism to register the land rights in the state administration.

III. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

I. Academic Qualifications:

- Bachelor degree in Law with at least 10 years' experience.

II. Years of experience:

- Demonstrated experience in research on tenure rights.
- Demonstrated ability to write strategic planning based on logical framework to a wide range of different social groups.
- Ability to produce (bilingual) written material on a broad-range of REDD+ subjects, targeting a wide-range of stakeholders.
- Demonstrated ability to understand the differences and similarities of a wide range of social groups, and through this understanding prepare appropriate stakeholder engagement policies, processes and materials.
- Expertise in case and policy analysis related to Agrarian/Natural Resources, Civil/Criminal Law, Procedure Law, Law-Making Process and Legislative Drafting.

III. Competencies:

Functional Competencies:

Knowledge Management and Learning:

- Promote knowledge management in UNDP and a learning environment in the office through leadership and personal example; and
- 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 conceptualise issues and analyse data;
 - Ability to coordinate the work of others;
 - Ability to implement new systems (business side), and affect staff behavioural/attitudinal change;
 - Good knowledge of Results Management Guide and Toolkit; and
 - Ability to demonstrate good knowledge on Climate Change and/or REDD+ issues.
- 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 openness to change and ability to manage complexities;
 - Leads teams effectively and shows mentoring as well as conflict resolution skills; and
 - Demonstrates strong oral and written communication skills.

Other Requirements:

- In addition to the scope and output stated above, the incumbent will be required to undertake other *ad hoc* tasks that may arise during the contract period. These tasks should not impede on the incumbent'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 the REDD+ Taskforce and are required to be submitted to WG Coordinator for archiving.
- This assignment will require extensive communications with stakeholders from different locations and in different circumstances and, with this in mind, it may be necessary to accommodate some irregular working hours.

IV. EXPECTED RESULTS

The flowchart of technical implementation of the claim by third party (related to individual rights over land, land rights of indigenous communities, and business licenses), which includes:

- a. Terms and evidence that must be included in the submission of claims to land rights (individual rights, land rights, and business license);
- b. The model of form and preparation of supporting documents to claim territories of indigenous communities;
- c. The mechanism of claim verification;
- d. The mapping mechanism of claimed territory;
- e. The registration mechanism to register the land rights in the state administration.

No	Deliverables	Due Date
1	The Draft 1 of the flowchart on the technical implementation of the claim by the third party (related to individual rights over land, land rights of indigenous communities, and business licenses).	31 May 2014
2	The report on the trial/public testing of flowchart on the technical implementation of the claim by the third party (related to individual rights over land, land rights of indigenous communities, and business licenses).	30 June 2014
3	Final version of the flowchart on the technical implementation of the claim by the third party (related to individual rights over land, land rights of indigenous communities, and business licenses).	31 July 2014