Terms of reference

GENERAL INFORMATION

Title: PGA Expert Panel for Forest Governance
Project Name : Participatory Governance Assessment (PGA)
Reports to: Project Manager
Duty Station: UNDP office
Expected Places of Travel (if applicable):
Duration of Assignment: 5 Months (50 Working Days)

REQUIRED DOCUMENT FROM HIRING UNIT

v	TERMS OF REFERENCE
5	**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

v	APPROVED e-requisition

REQUIRED DOCUMENTATION FROM CONSULTANT

v	CV
v	Copy of education certificate
v	Completed financial proposal
v	Completed technical proposal (if applicable)

Need for presence of IC consultant in office:
☐partial (explain),
☐intermittent (explain, meetings at UNDP office if required)
☐full time/office based (needs justification from the Requesting Unit)
The nature of work should be working closely with the hiring manager, ensuring his/her work meets the expected results

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: N/A

Signature of the Budget Owner:

I. BACKGROUND

Indonesia has the third largest tropical forest coverage in the world. What happens to Indonesia's forests not only affects the quality of life and economic well-being of all Indonesians, but it also affects the entire global community. It is for this reason that, when the President of Indonesia made a global commitment to cut greenhouse gas emissions by 26% by 2020 using the country's own

resources, or by 41% with international support, the world took note.

Partly because of this, in late 2010 the Government of Indonesia signed a Letter of Intent with the Government of Norway to embark on an ambitious program to halt deforestation and forest degradation, while at the same time ensuring that the country continues to grow. In other words, the collaboration is intended to support Indonesia in its quest for a greener path towards growth and prosperity.

In order to address deforestation and land degradation, it is also important to address critical issues on forest governance. Good forest governance is critical to the success or failure of the implementation of REDD+[1] in particular, and forest and land management in general. In the context of forest and land management, the existing structure and practices of forest governance directly affect how issues are defined, policies are made and later implemented to reach set goals.

Although there are good initiatives to address forest governance issues i.e. forest moratorium, one map policy, timber certification, sustainable palm oil, law enforcement on forest related crimes, the overall score of the 2012 Indonesia Forest, Land and REDD+ Governance Index indicates that there is a lot of room for improvement. The report uses a scale of 1 to 5 to calculate an overall index value of forest, land and REDD+ governance. The result was an index of 2.33 in 2012, which is still below the ideal score of 3.5 and above. This value is derived from the average Forest Governance Index at the central level (2.78) combined with the average index value calculated for the 10 provinces with the largest forest areas (2.39), and the average index value of 20 districts surveyed within these provinces (1.8).

The inadequate forest governance, problems with protected forest and forest conservation management, huge gaps in the management of state forest areas have been recognized by the government. Several initiatives have been launched to complement existing ones. The latest one saw 12 ministries and agencies sign a Memorandum of Understanding to accelerate forest gazettement in state forest areas, which is expected to clarify the status of state forest areas. At the same time, it will also function to resolve forest related conflicts and overlapping rights among forest users. The MoU was initiated by KPK (the Corruption Eradication Commission) and UKP4 (the Presidential Delivery Unit for Development Monitoring and Oversight).

Following Constitutional Court Ruling No. 35/2012 on Customary Forests, a series of actions are being implemented. To ensure a strong legal basis, the Parliament and Government are legalizing the Protection and Recognition of the Customary Law Community. The Coordinating Ministry of People's Welfare along with relevant ministries and agencies have also set up several agendas i.e. identification of good practices on the recognition of customary forests in Indonesia; preparation of the Instruction Letter of the Minister of Home Affairs on Customary Forests (including an information package for existing regulations and policies on customary communities, government social welfare programs and conflict resolution mechanisms).

In the Ministry of Forestry, a series of efforts have been undertaken to strengthen forest governance. They are the establishment of a one-roof forestry permit system - including an online system - which aims to reduce direct interface between clients and government officers in the ministry. The Ministry of Forestry also signed a MoU with law enforcement institutions to apply a multi-door approach in dealing with organised forest crimes. In addition, the Ministry of Forestry is also working closely with KPK to monitor corruption practices at the ministry. Several ministerial regulations have also been issued. They are related to forest partnerships with the community, establishment of forest boundaries and the simplification of the forest permit process. There is also an action plan for corruption prevention and an MoU with 12 ministries and agencies.

---

[1]REDD+ is a global commitment which provides financial incentives to developing countries for the reduction of greenhouses gases from deforestation and forest degradation as well as conservation of carbon stock, sustainable management of forests and enhancement of forest carbon stocks.

Context of this ToR:

The Indonesian PGA Report which was launched on May 6, 2013 was well-received by national and sub-national stakeholders. UKP4 and REDD+ Task Force (Now REDD+ Agency) took part in this initiative, and we are very happy to see that both the key findings and the policy recommendations of the report are now being seriously considered and used by government agencies to improve their planning processes for forest-related issues. Since the dissemination of the main report, the project has worked closely with key stakeholders such as the Ministry of Forestry, Forest Concession Holders Association (APHI) and the PGA Expert Panel to undertake additional analyses to enrich our understanding of the challenges. For example, one such study was on the high economic costs of forestry policies, from which concrete policy recommendations were made to the Ministry of Forestry to reform their policies.

The PGA initiative in Indonesia has developed a policy paper on the financial options available to local governments for accelerating community access to forests in the province of South Sumatra. This is a direct result of the PGA process and draws on analysis that was done on the sources of tenurial conflicts and the limitations in the regulations that should protect and recognise the customary rights of communities. This work is being undertaken with the support of the United Nations Indigenous Peoples' Partnership (UNIPP), and is expected to lead to a Draft Law on the Protection and Recognition of the Customary Rights of Communities. Similarly, the PGA team is also now assisting the Jambi Government to develop a province-specific forest governance index for each district and to develop a forest conflict database and map as a basis for provincial-level decision makers.

Our objective in 2014 is to build on the PGA initiative in order to put in place a stronger basis for REDD+ and forest governance. We aim to refine the methodology, publish the 2014 PGA Index, support both national and sub-national governments and partners to adopt the PGA and implement its recommendations, conduct the auditing of the Ministry of Forestry's seven online permit systems and addressing main drivers of deforestation and forest degradation such as mining. We will also use 2014 to work through an appropriate long term institutional arrangement for the PGA after further consultations between the newly established REDD+ Agency, the Ministry of Forestry, Bappenas, UNDP, and other partners.

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

The forest governance condition in Indonesia will be measured through four aspects, namely (1) certainty over forest areas, (2) fairness over forest resources, (3) transparency over forest management and (4) capacity of law enforcement. Each aspect is consisted of three variables, namely regulation and policy framework, actors' capacity and forest governance performance and each variable is consisted of indicators.

The selected researchers will analyse the submitted and compiled relevant data and information from 37 locations across Indonesia so it is ready to be examined further by expert panel. In addition, there are several initiatives being taken e.g. the study of the effectiveness of forestry online permit system preventing corruption practices and good extractive industries governance. Therefore, it is a must to have forest governance adviser to do the following consultancy work:

- Analysing PGA data and scoring made by the researchers particularly on government capacity
- Contributing to develop the 2014 forest governance index report and policy recommendation formulation based on the main findings
- Analysing the collected data of the study of the effectiveness of forestry online permit system preventing corruption practices
- Reviewing draft report of the study results of the effectiveness of forestry online permit system preventing corruption practices, made by the hired consultant
- Providing inputs for the development of good extractive industries governance initiatives being

made by PGA Project.

Deliverables:
- Written inputs concerning with PGA data and scoring made by the researchers particularly on government capacity is provided to PGA Project Manager
- Analytical report of government capacity related 2014 forest governance index and policy recommendation is provided and will be integrated into the full report
- The reviewed report of the study results of the effectiveness of forestry online permit system preventing corruption practices is provided to the writer of the report
- Written inputs concerning with the development of corruption risk assessment on the mining sector, the initial study of the good and clean institutional arrangement of extractive industries and the initial study of sovereign wealth fund for extractive industries.

III. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

The Participatory Governance Assessment (PGA) for REDD+ Implementation invites qualified candidate having specialization in forest governance with the following required qualifications:
- Education: Bachelor degree in relevant fields;
- Experience: Ten (10) years of experience in forest governance related issues as reflected in the applicant's CV;
- Competency: Good knowledge on policy analysis and government institutional arrangement;
- Experience in working with government and multi stakeholder forum.

IV. EXPECTED RESULTS

Review/approval time required to review/approve the outputs prior to authorizing payments.
The report submitted will be in MS, with following deliverables.

Deliverables	Due Date	Payment
• Written inputs concerning with the initial of collected PGA data and scoring made by the researchers particularly on government capacity	August 2014	10%
• Final score against indicators related to government capacity is produced based on scores made by the researchers and the validation meeting with wider stakeholders	September 2014	12.5%
• The revised report of the study results of the effectiveness of forestry online permit system preventing corruption practices based on the submitted report by the researcher	October 2014	20%
• Analytical report of government capacity chapter is produced and will be part of the 2014 Forest Governance Index report • Written inputs concerning with the development of corruption risk assessment on the mining sector	November 2014	30%
• Written inputs concerning with the initial study of the good and clean institutional arrangement of extractive industries	December 2014	13%
• Written inputs concerning with the initial study of sovereign wealth fund for extractive industries	January 2015	12.5%