Terms of reference – INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Position: REDD+ Expert Consultant for Corporate Criminal Liabilities (National, 1 post)

Closing date:

GENERAL INFORMATION

Title: REDD+ Expert Consultant for Corporate Criminal Liabilities (National, 1 post)
Project Name : PMU
Reports to: Coordinator of Legal and Law Enforcement of BP REDD+
Duty Station: Jakarta
Expected Places of Travel (if applicable): Riau

Duration of Assignment: September 2014 – February 2015

REQUIRED DOCUMENT FROM HIRING UNIT

- [X] 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

- [X] APPROVED e-requisition

REQUIRED DOCUMENTATION FROM CONSULTANT

- [X] CV
- [X] Copy of education certificate
- [X] Completed financial proposal
- [X] 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

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 (CO_2) 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:

One crucial issue related to the implementation of REDD+ in Indonesia is the prevention of crime and law enforcement on environment and natural resource. One strategy which needs to be implemented is the utilization of corporate criminal liability approach in enforcing law. Through this approach it is expected that we could capture the perpetrators, recover and restore the state loss. In addition, most of the forest fires in Indonesia happen in the companies' concession areas.

The corporate criminal liability approach in enforcing law should not be limited to case-by-case basis. It should be utilized to support the implementation of corporate liability in more extensive way. This is very important in promoting effective law enforcement in order to support the implementation of REDD+ in Indonesia.

To realize the implementation of corporate criminal liability approach on natural resources and environmental cases, REDD+ Agency needs to hire Expert Consultant for Corporate Liabilities

Objectives of Assignment:

The objective of this assignment is to realize the implementation of corporate criminal liability approach on natural resources and environmental cases.

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

Scope of work:
1. Reviewing the national legislation and guidance on the application of corporate criminal liabilities;
2. Supporting the compliance audit on forest fires;
3. Analyse and provide recommendation on the compliance audit on forest fires;
4. Analyse the results of Supreme Court Rules in relations with corporate criminal liabilities;
5. Provide recommendation on the draft of the rules of the Supreme Court on corporate criminal liabilities

II. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

I. Academic Qualifications:
- Doctoral degree, with 10 years' experience related to multi-door training for law enforcers, judicial reform and the criminal corporate liabilities.

II. Years of experience:
- Sound knowledge in Environmental Laws and Corporate Criminal Liabilities

- Experience in conducting research and sound knowledge of multi-door approach law enforcement.

- Ability to produce written material (reports, manuals, guidelines, concept notes), targeting a wide-range of stakeholders, both in English and Indonesian.

- Experience in handling differences and similarities of a wide range of social groups.

- Sound experience in managing programs and building national and international networking.

III. Competencies:

Corporate Competencies:
- Demonstrates integrity by modelling the UN's values and ethical standards;
- Promotes the vision, mission, and strategic goals of organization;
- Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability; and
- Treats all people fairly without favouritism.

Functional Competencies:
Knowledge Management and Learning:

- Promotes knowledge management in organizations 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.

III.	**EXPECTED RESULTS**

1. Review of national legislation and guidance on the application of corporate criminal liability;

2. Report on the compliance audit of forest fires;
3. Analysis and recommendation on the result of compliance audit on forest fires;
4. Draft of the rules of the supreme court on corporate criminal liabilities

No	Deliverables	Due Date
1	A review of national legislation and guidance on the application of corporate criminal liability in the court decision.	September 2014
2	The results of the compliance audit framework of the implementation of the provisions of the prevention and control of forest fire (karhutla)	October 2014
3	Analysis and recommendation on the result of compliance audit on forest fires	November 2014
4	Draft of the Rules of the Supreme Court on Corporate Criminal Liability	December 2014

To fulfil his duties, the expert consultant will travel to Rokan Hilir, Kepulauan Meranti, Inderagiri Hilir, Dumai and Bengkalis (all of them are in Riau Province) to conduct audit in those areas. For each travel it is estimated that the expert will spend five days.