

Terms of reference



Empowered lives.
Resilient nations.

GENERAL INFORMATION

Title: REDD+ Legal Consultant for Forest Fire (National, 1 post)

Project Name: REDD+

Reports to: Law Enforcement Officer

Duty Station: Office Based/ Jakarta

Expected Places of Travel (if applicable): Jambi, Riau, South Sumatera, West Kalimantan, and Central Kalimantan

Duration of Assignment: 4 months

REQUIRED DOCUMENT FROM HIRING UNIT

| | |
|---|--|
| V | TERMS OF REFERENCE |
| 3 | 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)
☒ full time/office based: Nature of the consultant's works and deliverables will require a full time basis.

Provision of Support Services:

| | | | | |
|-------------------------|-------------------------------------|-----|-------------------------------------|----|
| Office space: | <input checked="" type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| Equipment (laptop etc): | <input type="checkbox"/> | Yes | <input checked="" type="checkbox"/> | No |
| Secretarial Services: | <input type="checkbox"/> | Yes | <input checked="" type="checkbox"/> | No |

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

I. BACKGROUND

"UNDP partners with people at all levels of society to help build nations that can withstand crisis, and drive and sustain the kind of growth that improves the quality of life for everyone. On the ground in 177 countries and territories, UNDP offers global perspective and local insight to help empower lives and build resilient nations."

"UNDP Indonesia's mission is to be an agent for change in the human and social development of Indonesia. We aim to be a bridge between Indonesia and all donors as well as a trusted partner to all stakeholders. We work in four key areas of development: Governance Reforms, Pro-Poor Policy Reforms, Conflict Prevention and Recovery, and Environment Management, with the overarching aim of reducing poverty in Indonesia. Besides the four priority areas, UNDP Indonesia is also engaged in a variety of crosscutting initiatives focused on HIV/AIDS, gender equality, and information and technology for development."

Context of the REDD+ initiative

The Government of Indonesia has 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. The commitment was later supported by signing of a Letter of Intent (LoI) between the Governments of Indonesia and Norway to establish a REDD+ Partnership on 26 May 2010. The first phase of this REDD+ Partnership (Phase 1) was to establish the infrastructure for REDD+ implementation including establishment of an agency with the capacity to coordinate and manage REDD+ projects in the country with eleven priority provinces across Indonesia. Under the Presidential Decree number 62 of 2013 about establishment of REDD+ Agency, the Government of Indonesia with the assistance from the Government of Norway was in the process of strengthening the REDD+ implementation in the country through the National REDD+ Agency. In January 2015 with the changing of the government, the National REDD+ Agency function was integrated into the Ministry of Environment and Forestry (MoEF) to ensure that REDD+ implementation is fully function under the Government of Indonesia system and integrated with policies in the environment and forestry sectors.

For REDD+ Partnership, this means continued implementation is lead by a new Directorate General, where it is understood that REDD+, as a multi-sector programme, will be mainstreamed in policies and plans across several Directorate Generals (Echelon I) within the ministry, as well as with the requisite engagement of other relevant ministries. The new, more streamlined bureaucracy has the potential to ensure better coordination of climate change issues by one mandated body, including REDD+.

The integration of the former National REDD+ Agency into the new directorate general includes responsibility for overseeing the entirety of the former Agency's mandate, namely coordinating, synchronising, planning, facilitating, managing, monitoring, supervising, and controlling the implementation of REDD+ in Indonesia and ensuring the following:

1. Decrease greenhouse gas (GHG) emissions due to deforestation;
2. Reduction of emissions from degradation of forest and peat lands;
3. Maintenance and enhancement of forest carbon reserves through conservation, sustainable forest management and rehabilitate and restoration of degraded forest land; and
4. Improvement in environmental quality, biodiversity, and welfare of local communities and masyarakat hukum adat (MHA).

While the integration of the REDD+ Agency into the new Directorate General delayed the start of Phase 2, this period has been instrumental to ensure thorough handover of the functions and responsibilities of the former REDD+ Agency to the DG-CCC.

Transition Phase

The Interim Phase remains the implementation platform of the Partnership for nine (9) more months. Under this arrangement, the Ministry of Environment and Forestry is mandated to establish both a REDD+ funding instrument and the mechanism for Measurement, Reporting and Verification (MRV).

The Interim Phase will also focus on providing technical support to the MoEF on six priority REDD+ programs based on the foundational work completed in Phase 1 and by the former National REDD+ Agency, and in line with the objectives of Indonesia's National Medium-Term Development Plan (RPJM-N) 2015-2019. These are:

1. Forest and Peat fire prevention in fire prone provinces;
2. Law enforcement, Legal review of licenses and compliance audit for fire management;
3. Improvement of community welfare and sustainable land and forest management through social forestry;
4. Resolution of land-related conflicts;
5. Participatory mapping of territories by Masyarakat Hukum Adat and local communities; and
6. Institutional strengthening, stakeholder engagement and awareness raising on related social, economic, and environmental issues for the preparation of Phase 2.

II. SCOPE OF WORK, ACTIVITIES, AND DELIVERABLES

Under the guidance of Law Enforcement Specialist, the incumbent shall:

- o Work together with Law Enforcement Officer in categorizing the issues related to law enforcement in administration, criminal law and civil law;
- o Develop and maintain network with experts from universities;
- o Develop and maintain network with lawyers specializing in environmental law;
- o Prepare all materials related to law enforcement.

Expected Outputs and deliverables

| No | Deliverables/ Outputs | Estimated number of working days | Completion deadline | Review and Approvals Required <i>(Indicate designation of person who will review output and confirm acceptance)</i> |
|----|---|----------------------------------|---------------------|--|
| 1 | Report on the development of network with experts and lawyers specializing in environmental law. The report includes the list of experts from universities and lawyers specializing at environmental law; | 14 | 31 March 2016 | Law Enforcement Officer |
| 2 | Report on the framework of the research on the law aspect of forest fire at national and international levels; Analysis on the on-going forest fire cases in court. | 21 | 30 April 2016 | Law Enforcement Officer |
| 3 | Report on the progress of forest fire case in the courtroom; Report on the support of the development of book on law aspect of forest fire. | 20 | 31 May 2016 | Law Enforcement Officer |

| | | | | |
|---|---|----|--------------|-------------------------|
| 4 | Final report on the support of the development of the book on law aspect of forest fire; Report on the forest fire case in the courtroom, the lessons learned. | 22 | 30 June 2016 | Law Enforcement Officer |
|---|---|----|--------------|-------------------------|

III. WORKING ARRANGEMENTS

Institutional Arrangement

With the integration of the REDD+ Agency (BP-REDD+) into the Ministry of Environment and Forestry (MoEF) by the President's Regulation 16/2015, there is an urgent need to strengthen the capacity of MoEF in term of REDD+ and to ensure smooth technical knowledge transition from BP-REDD+ into MoEF. REDD+ plays an important portion in the climate change. To ensure a successful output delivery of REDD+ project particularly in relation to land based mitigation and GHG inventory issue, a support specialist of Forest and Land Use will be hired.

The consultant will be working under the supervision of Communications and Stakeholder Engagement Officer and Work Stream Coordinator. REDD+ Community Engagement Specialist will be responsible for conducting the activities with key stakeholders and communities in six provinces.

Duration of the Work

The duration of this work is expectedly for 4 months and could be extended, depending on the need of the REDD+ Project, as well as the satisfactory of the consultant's performance.

Duty Station

REDD+ Legal Consultant for Forest Fire will be stationed in REDD+ Project's Office at Mayapada Tower II.

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. | Riau | 1 time during the whole assignment | 4 overnight stays in total |
| 2. | Jambi | 1 time during the whole assignment | 4 overnight stays in total |
| 3. | South Sumatera | 1 time during the whole assignment | 4 overnight stays in total |
| 4 | West Kalimantan | 1 time during the whole assignment | 4 overnight stays in total |
| 5 | Central Kalimantan | 1 time during the whole assignment | 4 overnight stays in total |

IV. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

I. Education:

Bachelor's degree in Law.

II. Experience:

- 5 years of experience in legal research;
- Experience in legal research and familiar with judicial system;

III. Competencies and special skills requirement:

- Ability to produce (bilingual) written material, targeting a wide-range of stakeholders;
- Ability to build network with experts and advocates;
- A good team player with individual skills to support the whole team;
- Familiar with the environmental issues.

V. EVALUATION METHOD AND CRITERIA

Individual consultants will be evaluated based on the following methodologies:

Cumulative analysis

When using this weighted scoring method, the award of the contract should be made to the individual consultant whose offer has been evaluated and determined as:

a) responsive/compliant/acceptable, and

b) Having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation.

** 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 |
|---|---------------|----------------------|
| <u>Technical</u> | 70% | 100 |
| Criteria A: qualification requirements as per TOR: | | |
| 1. Bachelor's degree in Law | | 25 |
| 2. 5 years of experience in legal research | | 25 |
| 3. Familiarity and experience with environmental issues | | 25 |
| 4. Having experience in building network with experts | | 25 |

| | | | |
|---|-----|----|--|
| 5. Others / Special Skills, Language, etc. | | | |
| <ul style="list-style-type: none"> Criteria B: Brief Description of Approach to Assignment | | | |
| <ul style="list-style-type: none"> Criteria C: Further Assessment by Interview (if any) | | | |
| Financial | 30% | 30 | |