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Terms of Reference
National Consultant on Comparison of Union Government and EAO Forest Policy Documents

Project Title:	UN-REDD/Myanmar
Type of Contract:	Individual Contract
Duration:	45 days over the period of 4 months starting in March 2019
Location:	Home based, with travel to Nay Pyi Taw and other locations as required

Background

Ethnic Armed Organizations (EAO's) are key stakeholders in the Myanmar REDD+ Programme, since the decision has been made that REDD+ will be implemented at the national scale, and significant areas of forests are under the control of EAO's. Engagement with EAO's, by its very nature, is complex and involves multiple challenges.

There are three basic categories of EAOs:

- Those which have signed the National Ceasefire Agreement (10, as of the end of 2018)
- Those which have not signed, but which have bilateral ceasefire agreements
- Those which are active combatants

Ceasefires break down, so EAO's may change categories. Some EAO's act as a *de facto* government in the areas they control, whereas others act more in the way of promoting self-interest.

From the perspective of REDD+, there is little justification to engage with EAO's holding no, or only insignificant amounts of territory, and similarly there is little point in trying to engage with those which are not interested in governing their territory. Therefore, the UN-REDD Programme has prioritized engagement with EAOs that have signed the NCA, control "significant" amounts of territory, and have internal governance structures related to forest management.

Article 25 of the NCA calls for cooperation between the Union Government and NCA signatories in a number of areas, including environmental conservation. The Pyidaungsu Accord also established a number of agreements related to the land and environment sector, including:

- A countrywide land policy that is balanced and supports people centered long-term sustainable development
- Based on justice and appropriateness
- A policy that reduces central control
- Policy on land matters should be transparent and clear
- In setting up policy for land development, the desire of the local people is a priority

In initial engagements between the UN-REDD Programme and priority EAO's, the issue of policies and regulations guiding REDD+ implementation was raised. Some EAO's have their own Forest Policy, or other environmental regulations, which may differ from those of the Union Government. However, no analysis has been conducted of the extent to which such documents may differ in substance.

Scope of Work

The Consultant will collate and compile all regulatory documents produced by EAO's (note: not necessarily limited to NCA signatories) that are pertinent to the land and natural resources sector. These include, but are not limited to Forest Policies or laws, Land Policies or laws, Protected Areas Policies, regulations or laws, Community Forestry Instructions or equivalent, and Sustainable Development Policies or regulations.

The Consultant will also collate and compile equivalent Union Government documents, including, but not necessarily limited to:

- Forest Law 2018 and draft Forest Rules 2019
- Conservation of Biodiversity and Protected Areas Law 2018 and draft CBPA Rules 2019
- VFV Land Amendment Law 2018 and Rule 2018
- National Land Policy 2016
- Community Forestry Instructions 2016

The Consultant will then develop a draft analytical framework including a tabular summary of principles or objectives that are being pursued through the Union Government policy/regulatory documents. This draft framework will be discussed and agreed with the UN-REDD Chief Technical Advisor.

The Consultant will summarize, in the approved tabular form, the principles or objectives that are being pursued in each section of the Union Government documents. The Consultant will then analyze the relevant EAO documents to identify:

- Where there are substantive differences from Union Government documents;
- Where differences are only in the form of wording;

- Where there are principles or objectives incorporated into EAO documents that are missing from Union Government documents; and
- Where there are principles or objectives in Union Government documents that are missing in EAO documents.

Expected Outputs/Deliverables

- A draft analytical framework for discussion and agreement with the UN-REDD chief Technical Advisor;
- An analysis of the areas of alignment and areas of disagreement between Union Government policies/regulations and individual EAO policies/regulations.

Institutional Arrangements

The study will be conducted as a partnership and under the co-supervision of UNDP in close collaboration with the Ministry of Natural Resources and Environmental Conservation (Forest Department). The UN-REDD National Programme will provide facilitation and technical backstopping, in connection with other related processes.

The UN-REDD Project Management Unit (PMU) will provide technical advice on the methodological approach throughout the study.

All data collected, results and outputs of the study will be transferred to UNDP by the Consultant.

Duration of the Assignment

45 working days (1st March – 30th June 2019)

Degree of Expertise and Qualifications

- Master's degree in natural resource management, economics, social science, or other closely related fields;
- At least 6 years of experience related to sustainable development;
- Demonstrated knowledge of climate change, sustainable development and environmental management issues;
- Excellence in English language is required; knowledge of one or more ethnic languages is an asset.

Scope of Price Proposal and Schedule of Payments

Payments will be made only upon confirmation of UNDP on delivering on the contract obligations in a satisfactory manner.

1. Acceptance of a draft analytical framework (20%)

2. Acceptance of a report on analysis of the areas of alignment and areas of disagreement between Union Government policies/regulations and individual EAO policies/regulations (60%)

If duty travels are expected, UNDP will provide economy class air fares where feasible, or bus fares where necessary and the UN's Daily Subsistence Allowance (DSA) rates prevailing at the time of sourcing, for the duty station and all other cities indicated in the TOR as part of duty travel destinations.

In case of any delays to achieve the expected outputs, the Consultant should notify the UN-REDD Chief Technical Advisor in advance to take necessary steps.

Evaluation of Applicants

Applicants will be evaluated based upon the offer which gives the best value for money based on the Lump Sum proposal submitted, selected by the UNDP Myanmar Country Office in consultation with the UN-REDD Chief Technical Advisor.

The Technical and the Financial Proposal submitted to by the Consultants will be evaluated on the basis of the weight of the technical criteria [70] and of the financial proposal [30].

The evaluation will be performed in two stages:

Stage One (Technical Evaluation of Proposals). All Individual Contractors proposals comprising the information/documentation provided will be evaluated to ascertain the suitability of the individual contractors to carry out the assignment. Candidates who obtain the minimum of 49 points of the full mark (70 points) will be considered technically compliant and their financial evaluations will be evaluated thereafter.

Stage Two (Financial Evaluation). The financial proposals of all the individual contractors who pass stage one will be evaluated. The maximum 30 points will be allotted to the lowest financial bid, and all other bids shall receive points in inverse proportion to the lowest fee e.g. $[30 \text{ Points}] \times [\text{USD lowest}] / [\text{USD other}] = \text{points for other proposer's fees}$

The award of contract shall be based on the individual contractor who receives the highest cumulative score.

Technical criteria

The following criteria will be used to evaluate the individual contractors' technical proposals:

Education – 10 points

- Master's degree in natural resource management, economics, social science, or other closely related fields;

Experience – 50 points

- At least 6 years of experience related to sustainable development;
- Demonstrated knowledge of climate change, sustainable development and environmental management issues;

Language Requirements – 10 points

- Fluency in written and spoken Burmese and English;
- Knowledge of one or more ethnic languages is an asset.