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TERMS OF REFERENCE

Title	Individual consultancy for Preparation of the Indigenous People's plan for sustainable Financing of Papua New Guinea's Protected Area Network.
Reference	IC/2020/009
Location:	Port Moresby, Papua New Guinea
Type of contract:	Individual Contract
Project:	Sustainable Financing for PNG's Protected Area Network
Languages Required:	English
Starting Date:	1 April 2020
Duration of Initial Contract:	50 Days over 3 months starting on 1 April 2020

1. Project Background

The project, **Sustainable Finance of Papua New Guinea's Protected Area Network**, will extend Government of PNG's ability to fulfil its protected area mandate and implement the Protected Area Policy: (i) secure stable and long-term financial resources for the management of protected areas across the country; (ii) ensure that these financial resources are allocated to contribute to improving effectiveness of the management of the protected areas across the country; and (iii) ensure that they are managed cost-effectively and efficiently with respect to their conservation and other complementary development objectives. In recognition of this need, the project will assist with the development of a diversified mix of conventional and innovative funding sources and consolidate revenues to finance the ongoing costs of establishing and managing protected areas, and assist the Government to establish a Biodiversity Fund – that will be built on a secure, accountable and transparent financial mechanism, for receiving, administering and disbursing funds. The project will, therefore, result in a system that will provide catalytic and long-term financial support that will lead to stable ecosystems (both within and outside of protected areas), coupled with the social transformations to make that happen (including transforming institutions to become supporters/facilitators of that process, and the establishment of long-term partnerships).

In line with UNDP and GEF implementation procedures, if the proposed Project may affect the rights, lands, resources or territories of indigenous peoples, an "Indigenous Peoples Plan" (**IPP**) needs to be elaborated and included in the Project documentation. The **IPP** is to be elaborated and implemented in a manner consistent with the UNDP Social and Environmental Standards and have a level of detail proportional to the complexity of the nature and scale of the proposed Project and its potential impacts on indigenous peoples and their lands, resources and territories.

The IPP needs to be in place and mitigation measures taken prior to the conduct of any activity that may cause adverse impacts on indigenous peoples, including the existence, value, use or enjoyment of their lands,

resources or territories. The Project will also be implementing a Social and Environmental Safeguards Assessment and Gender Action Plan.

2. Objective

The objective of the consultancy is to develop the IPP for the Project, in line with UNDP's quality standards, policies and Social and Environmental Safeguards procedure. The appointed consultant will work alongside the Project's Social and Environmental Safeguards Specialist.

3. Scope of consultancy

The main tasks of the assignment consist of the following:

1. Participate in an inception meeting with UNDP and CEPA to clarify the objectives of the consultancy, tasks, deadlines and logistical schedule. The results of the meeting should be captured in an inception report, which should be formally approved by UNDP and CEPA before proceeding.
2. Facilitate a short workshop with CEPA to present the methodological approach for developing an IPP as well as providing previous examples of IPP used in UNDP projects.
3. Conduct sites visits to interview affected communities in Kimbe Bay, Mt. Wilhelm and Sepik Wetlands in order to address all the tasks required.
4. Description of Indigenous Peoples: A description of affected indigenous people(s) and their locations, including:
 - i. Description of the community or communities constituting the affected peoples (e.g. names, ethnicities, dialects, estimated numbers, etc.);
 - ii. Description of the resources, lands and territories to be affected and the affected peoples connections/ relationship with those resources, lands, and territories; and
 - iii. An identification of any vulnerable groups within the affected peoples (e.g. uncontacted and voluntary isolated peoples, women and girls, the disabled and elderly, others).
 - iv. Description of the tribal leadership structure(s) within the tribal grouping(s) and detailed land tenure system.
5. Summary of Substantive Rights and Legal Framework: A description of the substantive rights of indigenous peoples and the applicable legal framework, including an analysis of applicable domestic and international laws affirming and protecting the rights of indigenous peoples (include general assessment of government implementation of the same).
6. Analysis as to whether the Project involves activities that are contingent on establishing legally recognized rights to lands, resources, or territories that indigenous peoples have traditionally owned, occupied or otherwise used or acquired. Where such contingency, include:
 - i. Identification of the steps and associated timetable for achieving legal recognition of such ownership, occupation, or usage with the support of the relevant authority, including the manner in which delimitation, demarcation, and titling shall respect the customs, traditions, norms, values, land tenure systems and effective and meaningful participation of the affected peoples, with legal recognition granted to titles with the full, free prior and informed consent of the affected peoples; and

- ii. List of the activities that are prohibited until the delimitation, demarcation and titling is completed.
- 7. Analysis whether the Project involves activities that are contingent on the recognition of the juridical personality of the affected Indigenous Peoples. Where such contingency exists:
 - i. Identification of the steps and associated timetables for achieving such recognition with the support of the relevant authority, with the full and effective participation and consent of affected indigenous peoples; and
 - ii. List of the activities that are prohibited until the recognition is achieved.
- 8. Summary of Social and Environmental Assessment and Mitigation Measures
 - i. A summary of the findings and recommendations of the required prior social and environmental impact studies (e.g. limited assessment, ESIA, SESA, as applicable) – specifically those related to indigenous peoples, their rights, lands, resources and territories. This should include the manner in which the affected indigenous peoples participated in such study and their views on the participation mechanisms, the findings and recommendations.
 - ii. Where potential risks and adverse impacts to indigenous peoples, their lands, resources and territories are identified, the details and associated timelines for the planned measures to avoid, minimize, mitigate, or compensate for these adverse effects. Identification of special measures to promote and protect the rights and interests of the indigenous peoples including compliance with the affected peoples' internal norms and customs.
 - iii. If the Project will result in the relocation of indigenous peoples from their lands and territories, a description of the consultation and FPIC process leading to the resulting agreement on relocation and just and fair compensation, including the possibility of return.
 - iv. A description of measures to protect traditional knowledge and cultural heritage in the event that the Project will result in the documentation and/or use and appropriation of such knowledge and heritage of the indigenous peoples and the steps to ensure FPIC before doing so.
- 9. Participation, Consultation, and FPIC Processes
 - i. A summary of results of the culturally appropriate consultation and, where required, FPIC processes undertaken with the affected peoples' which led to the indigenous peoples' support for the Project.
 - ii. A description of the mechanisms to conduct iterative consultation and consent processes throughout implementation of the Project. Identify particular Project activities and circumstances that shall require consultation and FPIC.
- 10. Appropriate Benefits: An identification of the measures to be taken to ensure that indigenous peoples receive equitable social and economic benefits that are culturally appropriate, including a description of the consultation and consent processes that lead to the determined benefit sharing arrangements.
- 11. Identify areas of capacity support required in the project including:
 - i. Description of Project activities aimed at increasing capacity within the government and/or the affected indigenous peoples, and facilitating exchanges, awareness, and cooperation between the two.
 - ii. Description of measures to support social, legal, technical capabilities of indigenous peoples' organizations in the project area to enable them to better represent the affected indigenous peoples more effectively
 - iii. Where appropriate and requested, description of steps to support technical and legal capabilities of relevant government institutions to strengthen compliance with the country's duties and obligations under international law with respect to the rights of indigenous peoples.
- 12. Propose a grievance redress, including a description of the procedures available to address grievances brought by the affected indigenous peoples arising from Project implementation, including the remedies

available, how the grievance mechanisms take into account indigenous peoples' customary laws and dispute resolution processes, as well as the effective capacity of indigenous peoples under national laws to denounce violations and secure remedies for the same in domestic courts and administrative processes.

13. Monitoring, Reporting, Evaluation
 - i. Mechanisms and benchmarks appropriate to the Project for transparent, participatory joint monitoring, evaluating, and reporting, including a description of how the affected indigenous peoples are involved.
 - ii. Define the mechanisms put in place to allow for periodic review and revision of the IPP in the event that new Project circumstances warrant modifications developed through consultation and consent processes with the affected indigenous peoples.
14. Describe institutional arrangement responsibilities and mechanisms for carrying out the measures contained in the IPP, including participatory mechanisms of affected indigenous peoples. Describes role of independent, impartial entities to audit, conduct social and environmental assessments as required, and/or to conduct oversight of the project.
15. Incorporate the results of previous tasks into a draft report.
16. Finalise the report based on comments received from UNDP and CEPA.

See Annex A for the suggested outline of the IPP.

4. Key deliverable and schedule of payment

Reporting period and key milestones	Duration	Report due	Payment Percentage	Review and Approvals
Payment upon submission and acceptance of the following deliverables: <ul style="list-style-type: none"> Inception report delivered within 5 days of the inception meeting 	5 days	5 April 2020	20%	CTA
Payment upon submission and acceptance of the following deliverables: <ul style="list-style-type: none"> A draft report, addressing all the tasks stated and in compliance with the stated UNDP quality standards for IPPs. 	40 days	15 June 2020	50%	CTA
Payment upon submission and acceptance of the following deliverables: <ul style="list-style-type: none"> A final report, capturing all of the comments from UNDP and CEPA. 	5 days	30 June 2020	30%	CTA

5. Working Arrangement

The consultant will closely work with the GEF team while taking responsibility for deadlines and deliverables as outlined in the Terms of Reference and associated Contract.

6. Required Experiences and Skills

Education and experience

- Master's degree or higher in anthropology, social sciences, community relations, conservation management or related fields of expertise.
- Minimum 7 years' experience working with developing countries on one or more of the following: community engagement, indigenous peoples, protected area management; biodiversity conservation or related fields;
- Demonstratable experience in the conducting IPPs or similar exercises on donor-funded projects;
- Experience working in GEF financed project teams and working in challenging environments is desirable.

Competencies

- Ability to work independently and to deliver high quality programs with minimal supervision
- Excellent oral and writing communication skills

7. Evaluation

Cumulative analysis

The proposals will be evaluated using the cumulative analysis method with a split 70% technical and 30% financial scoring. The proposal with the highest cumulative scoring will be awarded the contract. Applications will be evaluated technically, and points are attributed based on how well the proposal meets the requirements of the Terms of Reference using the guidelines detailed in the table below.

When using this weighted scoring method, the award of the contract may 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 weighting; 70%

* Financial Criteria weighting; 30%

Only candidates obtaining a minimum of 49 points in the Technical Evaluation would be considered for the Financial Evaluation. Interviews may be conducted as part of technical assessment for shortlisted proposals.

Criteria	Points	Percentage
Technical criteria		70%
i. Qualification		15%
• Master's degree or higher in anthropology, social sciences, community relations, conservation management or related fields of expertise.	15	
ii. Experience		50%
• Minimum 7 years' experience working with developing countries on one or more of the following: community engagement, indigenous peoples, protected area management; biodiversity conservation or related fields;	20	
• Demonstratable experience in the conducting IPPs or similar exercises on donor-funded projects;	20	
• Experience working in GEF financed project teams and working in challenging environments is desirable.	10	

iii. Competencies		5%
• Ability to work independently and to deliver high quality programs with minimal supervision	3	
• Excellent verbal and writing communication skills	2	
Financial Criteria – Lowest Price		30%
Total		100%

Documents to be included when submitting Consultancy Proposals

The following documents may be requested:

- Duly executed **Letter of Confirmation of Interest and Availability** using the template provided by UNDP;
- P11 form** using template provided by UNDP which indicates all past experience from similar projects, as well as the contact details (email and telephone number) with at least three (3) professional references;
- Technical proposal** outlining the proposed methodology and approach for completing all the tasks outlined in the TOR.
- Financial Proposal** that indicates the all-inclusive fixed total contract price, supported by a breakdown of costs, as per template provided. If an Offeror is employed by an organization/company/institution, and he/she expects his/her employer to charge a management fee in the process of releasing him/her to UNDP under Reimbursable Loan Agreement (RLA), the Offeror must stipulate that arrangement at this point, and ensure that all such costs are duly incorporated in the financial proposal submitted to UNDP .

Lump-sum contracts

The financial proposal shall specify a total lump-sum amount, and payment terms around specific and measurable (qualitative and quantitative) deliverables (i.e. whether payments fall in instalments or upon completion of the entire contract). Payments are based upon output, i.e. upon delivery of the services specified in the TOR. In order to assist the requesting unit in the comparison of financial proposals, the financial proposal will include a breakdown of this lump-sum amount (including travel, living expenses, and number of anticipated working days).

Travel

All envisaged travel costs must be included in the financial proposal. This includes all travel to join duty station/repatriation travel. In general, UNDP should not accept travel costs exceeding those of an economy class ticket; should the IC wish to travel on a higher class, they should do so using their own resources. In the case of unforeseeable travel, payment of travel costs including tickets, lodging, and terminal expenses should be agreed upon, between the respective business unit and Individual Consultant, prior to travel and will be reimbursed.

Submission Instructions

Completed proposals should be submitted to procurement.png@undp.org , no later than 27th February 2020 . For any clarification regarding this assignment please write to procurement.pg@undp.org

Please be guided by the instructions provided in this document above while preparing your submission.

Incomplete proposals and failure to comply with proposal submission instruction may not be considered or may result in disqualification of proposal.

UNDP looks forward to receiving your Proposal and thank you in advance for your interest in UNDP procurement opportunities.

Approved by:

Edward Vrkic
Head of the Environment Portfolio, and
Senior Adviser – Climate Change
Date:

Annex A. Outline of an Indigenous People's Plan

This outline guides the preparation of an Indigenous Peoples Plan, although not necessarily in the order shown.

Executive Summary of the Indigenous Peoples Plan

This section concisely describes the critical facts, significant findings, and recommended actions.

Project Description

This section provides a general description of the project; discusses project components and activities that may bring impacts on Indigenous Peoples/Ethnic Minorities; and identify project area.

Social Impact Assessment

This section:

- a. Reviews the legal and institutional framework applicable to Indigenous Peoples/Ethnic Minorities in project context;
- b. Provides baseline information on the demographic, social, cultural, and political characteristics of the affected Indigenous Peoples/Ethnic Minorities; the land and territories that they have traditionally owned or customarily used or occupied; and the natural resources on which they depend;
- c. Identifies key project stakeholders and elaborate a culturally appropriate and gender-sensitive process for meaningful consultation with Indigenous Peoples/Ethnic Minorities at each stage of project preparation and implementation, taking the review and baseline information into account;
- d. Assesses, based on meaningful consultation with the affected Indigenous Peoples/Ethnic Minority communities, and the potential adverse and positive effects of the project. Critical to the determination of potential adverse impacts is a gender-sensitive analysis of the relative vulnerability of, and risks to, the affected Indigenous Peoples/Ethnic Minority communities given their particular circumstances and close ties to land and natural resources, as well as their lack of access to opportunities relative to those available to other social groups in the communities, regions, or national societies in which they live;
- e. Includes a gender-sensitive assessment of the affected Indigenous Peoples/Ethnic Minorities' perceptions about the project and its impact on their social, economic, and cultural status; and
- f. Identifies and recommends, based on meaningful consultation with the affected Indigenous Peoples/Ethnic Minorities communities, the measures necessary to avoid adverse effects or, if such measures are not possible, identifies measures to minimize, mitigate, and/or compensate for such effects and to ensure that Indigenous Peoples/Ethnic Minorities receive culturally appropriate benefits under the project.

Information Disclosure, Consultation and Participation

This section:

- a. Describes the information disclosure, consultation and participation process with the affected Indigenous Peoples/Ethnic Minority communities that can be carried out during project preparation;
- b. Summarizes their comments on the results of the social impact assessment and identifies concerns raised during consultation and how these have been addressed in project design;
- c. In the case of project activities requiring broad community support, documents the process and outcome of consultations with affected Indigenous Peoples/Ethnic Minority communities and any agreement resulting from such consultations for the project activities and safeguard measures addressing the impacts of such activities;
- d. Describes consultation and participation mechanisms to be used during implementation to ensure Indigenous Peoples/Ethnic Minorities participation during implementation; and
- e. Confirms disclosure of the draft and final to the affected Indigenous Peoples/Ethnic Minority communities.

Beneficial Measures

This section specifies the measures to ensure that Indigenous Peoples/Ethnic Minorities receive social and economic benefits that are culturally appropriate, and gender responsive.

Mitigative Measures

This section specifies the measures to avoid adverse impacts on Indigenous Peoples/Ethnic Minorities; and where the avoidance is impossible, specifies the measures to minimize, mitigate and compensate for identified unavoidable adverse impacts for each affected Indigenous Peoples/Ethnic Minorities.

Capacity Building

This section provides measures to strengthen the social, legal, and technical capabilities of (a) government institutions to address Indigenous Peoples/Ethnic Minorities issues in the project area; and (b) Indigenous Peoples/Ethnic Minority organizations in the project area to enable them to represent the affected Indigenous Peoples/Ethnic Minorities more effectively.

Grievance Redress Mechanism

This section describes the procedures to redress grievances by affected Indigenous Peoples/Ethnic Minority communities. It also explains how the procedures are accessible to Indigenous Peoples/Ethnic Minorities and culturally appropriate and gender sensitive. It is anticipated this would utilize the already developed Grievance Redress Mechanism established under the Indigenous Peoples Planning Framework.

Monitoring, Reporting and Evaluation

This section describes the mechanisms and benchmarks appropriate to the project for monitoring and evaluating the implementation of the Indigenous Peoples Plan. It also specifies arrangements for participation of affected Indigenous Peoples/Ethnic Minorities in the preparation and validation of monitoring, and evaluation reports.

Institutional Arrangement

This section describes institutional arrangement responsibilities and mechanisms for carrying out the various measures of the Indigenous Peoples Plan. It also describes the process of including relevant local organizations and/or NGOs in carrying out the measures of the Indigenous Peoples Plan.

Budget and Financing

This section provides an itemized budget for all activities described in the Indigenous Peoples Plan.