

Terms of Reference for the National Consulting Firm to develop a Feedback and Grievance Redress Mechanism (FGRM) for National REDD+ program in Bhutan

1. Background

Reducing Emissions from Deforestation and Forest Degradation and enhancement of forests carbon stocks, conservation of forests and sustainable management of forests (REDD+) is designed under the United Nations Framework Convention on Climate Change (UNFCCC) negotiations to use market and financial incentives to reduce the emissions of greenhouse gases (GHG) from deforestation and forest degradation. REDD+ plus (REDD+) aims to deliver enhanced carbon stocks and "co-benefits" that includes biodiversity conservation and poverty alleviation. With support from the UN-REDD Program and the World Bank Forest Carbon Partnership Facility (FCPF), participant countries are implementing a program of activities aimed at developing their readiness to avail of future resources and financing for REDD.

As a participating country, the Royal Government of Bhutan (RGoB) has received an amount of US\$3.8 million from the FCPF for implementing its REDD+ Readiness as stipulated in the FCPF Readiness Preparation Proposal (R-PP). Bhutan envisages that participation in REDD+ mechanism has potential to generate carbon revenues as well as non-carbon co-benefits. REDD+ implementation can contribute to Bhutan's sustainable development through improved management of forest resources, forest law enforcement and governance. Being "ready" for REDD+ will entail increased capacity to coordinate and harmonize sector policies with the view of mitigating future impacts on forest cover, while ensuring that benefits from forests flow to forest dependent communities and stakeholders that are vested in actions to address deforestation and forest degradation. REDD+ architecture will also help in achieving Bhutan's obligation to contribute to global low carbon emission development and sustainable development agenda while responding to commitments under the Nationally Determined Contributions.

As part of the World Bank FCPF support for REDD+ Readiness, Bhutan is currently in the working towards developing its REDD+ National Strategy-Action Plan (NS-AP) document. In addition, to the REDD+ NS-AP which will include the Policies, Measures and Actions (PAMs) to be implemented for REDD+, the Readiness process will also develop National Forest Monitoring System, Forest Reference Emission Level and safeguard measures, measures for equitable sharing of REDD+ benefits, fund mobilization and grievance redress mechanism for the identified REDD+ policies and measures. The Drivers of Deforestation and Degradation study is currently ongoing.

The implementation of the REDD+ Strategy is expected to generate benefits through “Result Based Payments” scheme post 2020. However, the REDD+ strategy should consider addressing and respecting safeguards throughout the REDD+ implementation. The SESA (Strategic Environmental and Social Assessment) and ESMF (Environmental and Social Management Framework) requirements of the World Bank projects are deemed to be an adequate tool that will allow incorporation of environmental and social considerations into the REDD+ Readiness process at a strategic level, and offer a platform for consultation to integrate social and environmental concerns into the upstream policy-making process. In developing the SESA, the safeguard related work carried out under UN-REDD support particularly the Road Map document on REDD+ Safeguards would be complementary both in terms of articulating country-specific needs for safeguard information systems in addition to the World Bank safeguards requirements, developing a foundation for what could be shared under UNFCCC requirements, and for providing information to national and international stakeholders on non-carbon benefit, benefit sharing and governance. The SESA will be complemented by an Environmental and Social Management Framework (ESMF), which will guide potential investments in REDD+ Demonstration Activities to adequately manage potential environmental and social impacts in compliance with safeguards policies.

To ensure effective REDD+ implementation, a mechanism needs to be in place to address any potential grievances that may be associated with implementation such as a shift in existing trends of forest resource uses, limitations to access and pressure on agriculture crop production, human wildlife conflict challenges, or limitations on traditional rights. This Feedback and Grievance Redress Mechanism (FGRM) will help identify and address potential problems, prevent recurring or escalating grievances, and ensure timely achievement of REDD+ objectives through the promotion of accountability among REDD+ stakeholders. An effective FGRM will build trust and confidence among REDD+ stakeholders.

2. Objectives of the Consultancy

The objective of the consultancy is to develop a national Feedback and Grievance Redress Mechanism (FGRM) for REDD+ and other forest-related activities that will be made available to all relevant stakeholders during the course of the REDD+ Readiness and implementation phases.

In parallel with the various pieces of work on SESA to develop ESMF and the Safeguard Information System (SIS) based on the REDD+ Strategy Options identified in the study on Drivers of Deforestation and Forest Degradation, this consultancy will contribute to strengthening the capacity of relevant stakeholders in Bhutan for raising and resolving grievances related to the overall implementation of the REDD+ and other forest programs of Bhutan. The selected firm should specifically build upon the SESA’s identification of likely issues, grievances and complaints that may arise from the REDD+ and other forest-related and identify relevant measures to effectively respond to these issues. The design of the FGRM should

address national circumstances, be consistent with UNFCCC requirements, and World Bank safeguards following the principles of transparency, completeness, consistency, compatibility and applicability, and ensuring robust consultations with key stakeholders. The proposed FGRM will be flexible and responsive to address any potential conflict-related issues associated with implementation of Bhutan's national REDD+ program and other forest-related activities. The design of the FGRM should build on relevant existing national or local level grievance redress or conflict resolution mechanisms, and consider promising FGRM in other countries. The FGRM is expected to be easily accessible, collaborative, responsive and effective in resolving concerns through dialogue, joint fact finding, negotiation, and problem solving. The design process of the FGRM should follow an inclusive consultative process involving relevant sectors, stakeholders and communities to ensure ownership and effective implementation. The FGRM will follow FCPF/UN-REDD guidelines on establishing and strengthening effective feedback and grievance redress mechanisms¹.

The selected firm will report to the REDD+ Secretariat and work closely with the REDD+ Technical Working Group on Safeguards, Governance and Benefit Sharing and will collaborate with other partners involved in the development of the REDD+ National Strategy-Action Plan, the SESA Report and ESMF, and other key deliverables supported through the REDD+ Readiness process.

3. Proposed Tasks and Key Deliverables

The consultancy will assess existing FGRMs and develop an Action Plan for strengthening the mechanisms and/or setting up new ones that are REDD+ appropriate. The work is expected to specifically address but is not limited to the following:

- Carry out a desktop assessment and case studies of existing feedback, complaints and grievance redress mechanisms or equivalents, both formal and informal, at the national level giving particular focus on mechanisms related to natural resource management, forestry and wildlife conservation.
- Identify good practices and lessons at national and international levels relevant to the Bhutanese context.
- Identify the current institutional strengths and capacity gaps for feedback and grievance resolution in Bhutan (i.e. gaps may relate to policy gaps, institutional and regulations, decision making processes, etc.;
- Identify in-country stakeholders to be involved in the REDD+ FGRM and their roles and responsibilities.
- Define the goal(s) and scope for a national FGRM for REDD+.
- Develop 2-3 options for a FGRM for Bhutan with key characteristics and features including the conditions under which each option would best operate.

¹ https://www.forestcarbonpartnership.org/sites/fcp/files/2015/September/FCPF_UN_REDDWebReady.pdf

- Present proposed process for resolving disputes, complaints and grievances of different stakeholders in relation to REDD+ and other forest-related activities.
- Consult on viable options and validate final option for the FGRM with relevant stakeholder groups.
- Deliver a final FGRM document for REDD+ in Bhutan with the agreed option for the FGRM, including an Action Plan for the implementation of the recommended option that meets the needs of both the REDD+ Readiness and implementation phases. The Action Plan should present a step-by step guidance on the proposed FGRM would made to be operational, including necessary goods and services to be procured (e.g. technology), capacity development/training packages, timeline, budget, administrative arrangements, and a dissemination plan on the final FGRM to stakeholders. The Action Plan should also highlight the reporting, monitoring, compliance procedures to be adopted and the linkages to the monitoring protocol in the ESMF and to the SIS.

4. Required Experience and Competencies

Interested consulting firms should submit an Expression of Interest responding to the TOR. The firm should cover the following expertise:

Expert & qualification	Experience	Knowledge
<p>Legal expert.</p> <p>Should have a minimum of graduate degree in Law</p>	<ul style="list-style-type: none"> • Minimum 10 years of practical experience in national and/or international environmental law and policy • Good understanding and/or experience working with government institutions in Bhutan. • Experience in high-level legal analysis through different legal analytical frameworks • Experience with policy frameworks for REDD+, challenges and related processes • Experience in contributing to the process of legislative reform; • Experience in litigating conflicts arising from natural resources conflicts 	<ul style="list-style-type: none"> • Understanding of legislative processes and legal systems of Bhutan • Understanding of the Bhutan’s institutional system and actors. • Working knowledge of one or more of the following areas: human rights, environmental, and legal reform processes. • Knowledge of the problems of climate change and environmental governance in Bhutan • Understanding of natural resource use and management in Bhutan, especially forest resources
<p>Natural Resource Management expert.</p> <p>Should hold a minimum of post-graduate degree in the field of natural resource management</p>	<ul style="list-style-type: none"> • More than 20 years of working experience in the NRM sector and particularly in forestry sector • REDD+ development and implementation with particular working experience on REDD+ in Bhutan • Solid experience in policy and socio-economic analysis related to NRM, especially forestry and land use dynamics • Experience in social and environment assessment and in the application of safeguards policies 	<ul style="list-style-type: none"> • Knowledge on climate change and REDD+ • Understanding of REDD+ in general and within the Bhutanese context • Understanding governance and institutional system of use of natural resources, including forests in Bhutan • Conflict management skills in natural resource use

<p>Social expert.</p> <p>Should have a graduate or post-graduate degree in social or related sciences</p>	<ul style="list-style-type: none"> • Minimum of 10 years working experience in field of social aspects • Good understanding and/or experience working with government institutions in Bhutan • Expertise in conflict resolution, including setting up grievance mechanisms and negotiate solutions • Expertise in participatory approaches to NRM, including managing land use conflicts 	<ul style="list-style-type: none"> • Specialized in social risks and issues related to conflicts over land use and natural resources management • Understanding of traditional or customary means of conflict resolution and/or grievance redress at the village level in Bhutan
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5. Selection Process:

WMD will review received EoI and requests all short-listed consulting firms to prepare a full proposal with a detailed work plan and budget. The proposal will have to respond to the ToR and be consistent with the procedures set out in the World Bank’s Consultant Guidelines².The interested consulting firms will be evaluated and selected based on the approved evaluation criteria. The proposal shall consist of a Technical part and a Financial part. Based on the recommendation of the evaluation committee, WMD will select and contract a firm to carry out the consultancy.

Evaluation Criteria:

Evaluation criteria will be based on the quality of the proposal and the efficiency and effectiveness of the proposed budget. The Technical and Financial parts of the proposal will carry 50% weightage respectively.

For the technical proposal, following criteria will apply:

1. Statement of competence indicating capacity to carry out the consultancy
2. Technical proposal to carry out the study, including approach, details of methodology, work plan and deliverables.
3. Team strength: CV of all the three experts (including professional experience statement, list of recent assignments of similar nature (including budget) and references from employers for similar assignments that have been carried out in the past)

After selection of the firm, if any of the three experts withdraws from the assignment, the firm has either to appoint a new team member with similar qualifications or the bid of that firm will be terminated and awarded to the next bidder.

² Selection and Employment of Consultants under IBRD Loans and IDA Credits & Grants by World Bank Borrowers, January 2011 (adopting selection method of “Quality- And Cost- Based Selection (QCBS))

6. Duration, Reporting and Payment

The work will have to be completed by no later than March 2017. The payment schedule is as follows:

- Upon signature of contracts: 10%
- Upon approval of the approach paper acceptable to WMD: 20%
- Upon submission of a first draft report: 20%
- Upon approval of final report by WMD: 50%

The selected firm will be supervised by WMD/REDD+ Secretariat and work closely with the REDD+ task force, Technical Working Group (TWG) members and other stakeholders.

The selected firm is expected to report to WMD on a regular basis by phone, video conference or in person.

7. Other Considerations

The work shall link and complement with the works of other components of the national REDD+ process, particularly works on SESA/ESMF/SIS to ensure consistency and avoid duplication. The consultant should attend and present the document to REDD+ TWG meetings for feedbacks and comments on the documents as and when prompted and necessitated by the REDD+ secretariat.

The final document should be acceptable to all key REDD+ stakeholders including bilateral and multilateral donors and other climate finance instruments for making decision on investment in REDD+ in Bhutan. In addition to the study report and Action Plan on REDD+ FGRM, the consultant should submit all the records and reports of workshops, meetings and discussions held at various levels during the consultancy work. The international consultants hired for undertaking the work on REDD+ Safeguards will provide technical guidance and support to the national consultant in its completion of the final draft of the FGRM report and Action Plan. The ownership of the all the work outputs and reports will rest with WMD, DoFPS, MoAF.