

## Terms of Reference

### Design of REDD+ recourse mechanism(s) for Cambodia

Level	1 International Consultant (Individual Contract)
Practice Area:	Stakeholder engagement: Recourse mechanisms (Forests and Climate Change)
Duration:	12 days
Duty Station:	Home-based: 5 days; Phnom Penh : 5 days; Travel: 2 days
Supervisor:	Technical Specialist, Programme Coordinator and REDD+ Taskforce Secretariat
FCPF Output	1.5

#### Background:

The Cancun Agreements issued at the Conference of Parties (COP) 16 held in Mexico in 2010, and subsequently the “Warsaw Framework on REDD+”, agreed at COP 19 in 2013, provide strong support for policy approaches that deliver positive incentives for countries and their actors to engage in REDD+ (reducing emissions from deforestation and forest degradation in developing countries; and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries).

Appendix 1 of the Cancun Agreements lists safeguards that “should be promoted and supported” when implementing REDD+ actions. Two of these are:

*(b) Transparent and effective national forest governance structures, taking into account national legislation and sovereignty;*

*(d) The full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities...*

Taken together, these safeguards indicate the need to design and implement a recourse mechanism, or recourse mechanisms, that allow stakeholders to raise issue in a non-threatening environment, and have confidence in the fair and equitable resolution of disputes.

The Cambodia REDD+ Roadmap identifies a range of actual and potential disputes and conflicts that create risks for REDD+ implementation. It commits the Royal Government of Cambodia (RGC) and its partners to strengthen conflict resolution mechanisms in order to achieve REDD+ goals in Cambodia. The Roadmap states

*Conflicts have been widely documented in sustainable forestry and natural resource management in Cambodia. The NFP and 2008 Protected Area Law contain measures to manage conflicts and for conflict resolution (e.g. for community forests), however these have not yet been operationalised. Development of these mechanisms will be supported through the R-PP and their suitability for REDD+ assessed. Where possible, mechanisms mandated by existing laws and policies where possible (sic) to avoid creating duplicate or redundant structures.<sup>1</sup>*

A scoping mission, funded by the UN-REDD Global Programme in January 2013, found that most of the types of conflicts and disputes likely to be encountered in Cambodia’s National REDD+ Programme are being handled informally and *ad hoc*, rather than through formal mechanisms for dispute resolution.

In identifying options for strengthening REDD+/forest sector dispute prevention and resolution mechanisms, the scoping mission report noted that REDD+ grievance and dispute resolution mechanisms are intended primarily as “reactive” tools to respond to concerns raised by REDD+

<sup>1</sup> Cambodia REDD+ Roadmap, op.cit., p.71.

stakeholders. However, there are important opportunities for proactive dispute prevention for the pilot sites, and for Cambodia as a whole. These opportunities should be actively considered, in order to address longstanding issues and reduce the demand on grievance mechanisms. Dispute prevention options for consideration include:

- Substantially greater investment of funds and staff to accelerate participatory boundary demarcation and zoning for State Forests and Protected Areas, and for CFs and CPAs
- Continuous education for local and provincial governance bodies, communities and external stakeholders
- Joint, integrated local land use planning and zoning

At the level of **local forest governance**, options for strengthening dispute resolution include:

- clarifying the roles and responsibilities of CFMCs/CPACs and Commune Councils for dispute resolution, both for the benefit of the local governance bodies, and for community residents
- establishing joint CFMC/CPAC-Commune Council dispute resolution committees. The committees would link the two governance bodies for dispute resolution. They would have responsibility for regular communication and discussion about new and ongoing disputes, for communicating with community members where appropriate, for documenting disputes and their resolution, and for requesting assistance from higher levels of governance when necessary.

At the **provincial level of forest governance** (including Provincial government, FA Division and GDANCP Protected Area staff), it may be useful to develop an inter-agency team to receive requests for dispute resolution, and to respond to those requests with well-coordinated use of government authority and resources. Such a provincial inter-agency team or body could have the following design elements:

- mandate to resolve disputes involving CFs/CPAs and external actors when requested by local governance bodies, FA, GDANCP, or senior provincial leadership
- established under the auspices of the provincial governor, with explicit terms of reference for participation of national Ministry counterparts (FA, GDANCP), and representation from Community Forest Networks and supporting NGOs/CSOs where they are present
- authority to use a variety of means of resolution, including regulatory action by government agencies, direct dialogue, education and negotiation, and use of independent mediation where available and appropriate

At the **national level of forest governance**, options for providing significant support to local and provincial level dispute resolution include:

- Substantially expanded budget and staffing to support participatory boundary demarcation and zoning for Protection Forests, Protected Areas, CFs and CPAs
- Allocating budget and resources for local capacity building for CFMCs, CPACs, and Commune Councils, including training in dispute resolution processes, establishment of documentation and reporting capacity, and ongoing periodic evaluation
- Authorizing staff of FA Divisions/GDANCP Protected Areas, MLMUPC, and other national agencies as appropriate to participate in provincial inter-agency dispute resolution teams, and providing guidance on the ways that they can work with provincial counterparts to resolve disputes
- Designating an existing interagency body, or creating a new body, to receive and respond to requests for assistance with dispute resolution from provincial inter-agency teams and governors; and to oversee, evaluate and support ongoing local and provincial dispute resolution systems.

The report concluded that it is important to explore more deeply the findings and the options presented above, especially the potential for a “linked” system that more clearly defines procedures and supports for local government to request and receive dispute resolution assistance from the provincial level, and for the provincial level to request and receive assistance from the national level. This is the objective of the mission proposed for February, 2014.

### **Expected Outputs and Deliverables:**

**The start of the activity will depend on the successful recruiting of the international consultant.**

An options paper for presentation to the National REDD+ Taskforce and Consultation Group, outlining options for, *inter alia*:

- Joint, integrated local land use planning and zoning
- Clarified roles and responsibilities of CFMCs/CPACs and Commune Councils for dispute resolution
- Establishing joint CFMC/CPAC-Commune Council dispute resolution committees.
- Developing of provincial inter-agency teams to receive requests for dispute resolution, and to respond to those requests
- Providing significant support from the national level to local and provincial level dispute resolution mechanisms.

<b>Expected delivery/outputs</b>	<b>Estimated duration to complete</b>	<b>Target due days</b>
Work plan for the assignment	2 days	7 <sup>th</sup> February, 2014
Travel to Phnom Penh	1 day	9 <sup>th</sup> February, 2014
Consultations, meetings, etc.	4 days	10 <sup>th</sup> -13 <sup>th</sup> February, 2014
Return to home base	1 day	15 <sup>th</sup> February, 2014
Draft report for approval	3 days	21 <sup>st</sup> February, 2014
Final report with all comments addressed	1 days	6 <sup>th</sup> March, 2014
Total	12 days	

### **Duty Station**

The duty station for this assignment is home-based and Phnom Penh, Cambodia.

### **Supervision, teamwork and administrative support:**

The International Consultant will report to the FCPF National Program Director and on day-to-day basis will be supervised by Technical Specialist and the REDD+ Taskforce Secretariat.

### **Monitoring and Progress Control**

The consultancy team will be accountable for the timely and quality output and report weekly to the REDD+ Taskforce Secretariat on progress compared to the workplan.

### **Payment milestones**

Consultant will be paid on a lump sum basis under the following installments

- (20 %) 1st payment, upon submission and acceptance of work plan for the assignment
- (50 %) 2nd payment, upon submission of draft assessment report
- (30 %) 3rd payment, upon submission and acceptance of the final report

### **Application**

Applicants are requested to send CV, together with a letter of interest to REDD+ Taskforce Secretariat by either mail (N. 40, Preah Norodom Blvd. SangkatPhsarKandal 2, Khan Daun Penh, Cambodia) or e-mail (redd.secretariat@cambodia-redd.org).

**Detailed list of tasks:**

**Analyze existing recourse mechanisms in Cambodia:**

This analysis will build on the analysis undertaken during the scoping mission, and review existing recourse mechanisms in terms of:

- a) **Legitimacy:** enabling trust from the stakeholder groups for whose use they are intended;
- b) **Accessibility:** being known to all stakeholder groups for whose use they are intended;
- c) **Predictability:** providing a clear and known procedure with an indicative timeframe for each stage, and clarity on the types of process and outcome available and means of monitoring implementation;
- d) **Equitability:** seeking to ensure that aggrieved parties have reasonable access to sources of information, advice and expertise necessary to engage in a grievance process on fair, informed and respectful terms;
- e) **Transparency:** keeping parties to a grievance informed about its progress, and providing sufficient information about the mechanism's performance to build confidence in its effectiveness and meet any public interest at stake;
- f) **Rights compatibility:** ensuring that outcomes and remedies accord with internationally recognized human rights;
- g) **Enabling continuous learning:** drawing on relevant measures to identify lessons for improving the mechanism and preventing future grievances and harms;
- h) **Based on engagement and dialogue:** consulting the stakeholder groups for whose use they are intended on their design and performance, and focusing on dialogue as the means to address and resolve grievances.

**Meet with officials from FA, GDANCP, FiA, and other Ministries and Agencies, as appropriate:**

The consultant will meet with key officials from relevant ministries and agencies. The RTS will assist in setting up meetings. Identification of key officials will be through correspondence between the consultant and RTs staff.

**Provide a presentation to a meeting of FA/GDANCP/FiA and UN officials to discuss findings:**

On the final day of the mission to Phnom Penh, the consultant will provide a presentation to officials of the Cambodia REDD+ Programme, together with UN officials and staff of other development partners, highlighting the findings of the mission and outlining ideas for options for a seamless REDD+ recourse system in Cambodia.

**Prepare a synthesis report in the form of an options paper to be presented to the National REDD+ Taskforce:**

Following the mission, the consultant shall prepare a report/document in the format of an options paper to be presented to the National REDD+ Taskforce, and review by the Stakeholder Engagement Technical Team and Consultation Group. The options paper shall outline a number of options for establishing/strengthening existing recourse mechanisms so as to create a seamless REDD+ recourse system. In order to ensure consistency with other elements of the emerging REDD+ architecture for Cambodia, the consultant shall work closely with the RTS Technical Advisor.

A draft document will be prepared and circulated to RGC and UN reviewers, following which a final options paper will be prepared addressing review comments provided.

### Competency Requirements

The international Consultant shall meet the following criteria:

- A PhD degree in law, natural resource management, environmental economics and policy or a related field;
- A minimum of 15 years of relevant experience in law, dispute resolution, and natural resources policy development;
- Good analytical, writing and communication skills, including the ability to articulate ideas in a clear and concise manner;
- Good interpersonal skills and ability to work well in a team;
- Sound knowledge of disciplines relevant to international development work and climate change.

<b>Evaluation criteria</b>	<b>Obtainable score</b>
Relevant education and number of years experiences as required by the ToR	20 points
Proved relevant technical skills related to the fields of law, fund management and policy	40 points
Prior experience with REDD+	20 points
Sound knowledge of disciplines relevant to international development work and climate change	20 points
<b>Total</b>	<b>100 points</b>