

Terms of Reference

Service Contract

To provide expert advice on issues of IP and CSO participation for the implementation of the UN-REDD Programme

Background

The forestry sector, mainly through deforestation and forest degradation, accounts for about 17% of global greenhouse gas emissions, larger than the entire global transport sector. Tropical developing countries, home to much of the world's forest carbon, cannot currently benefit under the Kyoto Protocol for most actions to reduce emissions from deforestation or forest degradation. The need to address these challenges by establishing an international REDD finance mechanism as part of a post-2012 global climate change framework is reflected in the Bali Action Plan and UNFCCC COP13 Decision 2/CP.13.

In response to this decision and requests from countries and donors, FAO, UNDP, and UNEP developed the UN Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (UN-REDD Programme). The UN-REDD Programme consists of two sets of activities:

- (i) Country actions which will assist developing countries prepare and implement national REDD strategies and mechanisms;
- (ii) International support functions which will enable the development of normative solutions and standardized approaches based on sound science for a REDD instrument linked with the UNFCCC¹.

Nine countries have been selected for 'quick start' support (up to \$5 million USD/country) with REDD Readiness – Bolivia, Democratic Republic of Congo, Indonesia, Panama, Papua New Guinea, Paraguay, Tanzania, Viet Nam, and Zambia.

'International support functions' have been initiated to support country actions and provide the international community with confidence and understanding of the technical and social aspects of a post-2012 REDD mechanism. One of the major components of this work is to increase the engagement of stakeholders in the REDD agenda based on the recognition that REDD will succeed only with the full engagement of civil society (CSO) and Indigenous Peoples (IP), especially at the local level where land and other natural resource management decisions are ultimately made.

In response, the UN-REDD Programme has developed a strategy to ensure the full participation and engagement of civil society, Indigenous Peoples and other forest dependent communities. This strategy includes representation in UN-REDD Programme governance (ie. UN-REDD Programme Policy Board), the establishment of a CSO Advisory Group to provide independent advice and guidance to the Programme, and global and national outreach and consultation to ensure that the interests and concerns of civil society and Indigenous Peoples are reflected in the activities and outcomes of the UN-REDD Programme, internationally as well as nationally.

The UN-REDD Programme has adopted, in consultation with civil society and Indigenous Peoples, the UN-REDD Programme Operational Guidance on the Engagement of Indigenous Peoples and other Forest Dependent Communities. The Operational Guidance is intended to inform the design, implementation, monitoring and evaluation of UN-REDD Programme activities at the global and national level. The Guidance provides background and context on the inclusion of Indigenous Peoples in UN programmes and activities, identifies the guiding principles in order to respect and support the rights of

¹ See www.un-redd.net

Indigenous Peoples and other forest dependent communities, and outlines the operational guidelines for the design and implementation of UN-REDD Programme activities at the global and national scale. The Guidance also provides best practice advice on how to consult with Indigenous Peoples and other forest dependent communities and links to resources for further information. The Guidance is intended to be used by UN-REDD Programme staff, UN Country Team staff, and national government and civil society counterparts who are involved in any UN-REDD Programme activities that may impact upon the rights and livelihoods of Indigenous Peoples or other forest dependent communities

Against this background, the UN-REDD Programme is committed to engage an Expert Consultant to perform the following tasks:

- **Review relevant background material on UN-REDD Programme and Indigenous Peoples and other forest dependent communities, including:**
 - UN-REDD Programme Operational Guidance on the Engagement of Indigenous Peoples: http://www.un-redd.org/Portals/15/documents/events/Montreux/UN_REDD_IP_Guidance_20_April_2009_Working_draft.pdf
 - World Bank FCPF Guidelines for stakeholder consultation: <http://wbcarbonfinance.org/Router.cfm?Page=FCPF&FID=34267&ItemID=34267&ft=DocLib&CatalogID=43591>
 - World Bank Operational Policy 4.10: <http://web.worldbank.org/WBSITE/EXTERNAL/PROJECTS/EXTPOLICIES/EXTSAFEPO/L0..contentMDK:20543990~menuPK:1286666~pagePK:64168445~piPK:64168309~theSitePK:584435,00.html>
 - UN-REDD Framework Document: <http://www.undp.org/mdtf/un-redd/overview.shtml> (with other general background info)
 - United Nations Declaration on the Rights of Indigenous Peoples <http://www2.ohchr.org/english/issues/indigenous/declaration.htm>
 - UNDP and Indigenous Peoples: A Policy of Engagement <http://www.undp.org/partners/cso/publications.shtml>
 - United Nations Development Group Guidelines on Indigenous Peoples' Issues <http://www2.ohchr.org/english/issues/indigenous/docs/guidelines.pdf>
- **Provide analysis and advice on practical approaches for implementation of the *UN-REDD Operational Guidance on the Engagement of Indigenous Peoples and other Forest Dependent Communities* in UN-REDD pilot countries:**
 - Assess the application of Free, Prior and Informed Consent, as described in the UN Declaration on the Rights of Indigenous Peoples, to the activities of the Programme, analyze widely accepted understanding of FPIC (within the UN system and elsewhere), existing practical applications of FPIC relevant to REDD, identify best practice in the application of FPIC, and recommend how and at what level of national program activities FPIC can be best applied to the UN-REDD Programme.
 - Analyze UN system mechanisms for complaints and recourse, assess practical application to the UN-REDD Programme and recommend possible program specific solutions, including role of the UN-REDD Programme Secretariat and Policy Board and UN Country Teams.
 - Assess implications of harmonization of the UN-REDD Programme Operational Guidance on the Engagement of Indigenous Peoples with the Forest Carbon Partnership

Facility's Guidance Note on Stakeholder Engagement, analyze legal and practical ramifications of compromises under consideration and recommend text for a commonly articulated approach.

Outputs:

The Service provider will be asked to provide:

- 1) A report on the options and best practice for application of Free, Prior, and Informed Consent to the UN-REDD Programme National Programme activities.
- 2) A report on the options and best practice for receiving and addressing complaints or concerns arising from the activities of the UN-REDD Programme, and options for delivering appropriate mitigation and recourse.
- 3) Oral and written advice on issues concerning the harmonization of the UN-REDD Programme Operational Guidance on the Engagement of Indigenous Peoples and the FCPF Stakeholder Engagement Guidance Note.

Duration/Payment:

Payment will be given for services rendered upon completion of the deliverables, as follows:

- 1) \$12,000 upon delivery of Output 1 before 1 October 2009
- 2) \$12,000 upon delivery of Output 2 before 1 October 2009
- 3) Invoice on an hourly basis for oral and written input to Output 3 at a rate of \$87/hour to a maximum total of 60 hrs (\$5,220) until 31 December 2009

Competencies:

- 1) Expertise on Civil Society processes, the UN System, and the World Bank with a special focus on the rights of Indigenous Peoples
- 2) Expertise on Indigenous Peoples issues, especially with regard to the delivery of UN and World Bank programmes in the environment sector.
- 3) Expertise in the issues related to Free, Prior, and Informed Consent, and experience in the analysis of approaches to apply FPIC.
- 4) Expertise in UN system and World Bank recourse mechanisms and the ability to compare and assess different approaches to recourse.