

Government of Nepal

Ministry of Forests and Soil Conservation

## **REDD Implementation Centre**

Forestry Complex, Babarmahal Kathmandu, Nepal

### **Terms of Reference for**

#### **Individual National Consultant (Environmental Lawyer) for Developing a System of Feedback and Grievance Redress Mechanism (GRM): FCPF/REDD/S/IND-33**

## **1. Background**

Nepal is preparing itself for a future REDD+ mechanism, which has the potential to generate financial flows to reward countries for improved management of its forest resources, and could thus ultimately contribute to the country's sustainable development. Being "ready" for REDD+ will require increased capacity to develop and coordinate land use policies with the view of mitigating future impacts on forest cover, while ensuring that benefits from forests flow to those communities dependent on these resources and to stakeholders taking actions to address deforestation and forest degradation.

The Forest Carbon Partnership Facility (FCPF) (with the World Bank as its delivery partner) is supporting Nepal in its national efforts towards "REDD+ Readiness". The objective of the Nepal Readiness Preparation Program is to prepare Nepal to engage in and benefit from the potentially emerging performance-based system from Reducing Emissions from Deforestation and Forest Degradation (REDD+) within the context of the international climate negotiations of the UN Framework Convention on Climate Change. Such a performance-based payment system (reduction of emission) are based on environmentally and socially sound policies and programs to reduce deforestation and forest degradation, a credible and marketable reference level (forest carbon emission "baseline" scenario) and technically robust systems of forest monitoring and emissions reporting. The Program will also develop forest policy and management systems, information and data, participatory methods and other human and institutional capacity of direct use in management and development of forests in Nepal for national poverty reduction, economic development and environmental purposes.

The introduction of REDD+ in Nepal is likely to have a significant impact on the dynamics of conflicts over forest resources, and on sharing cost and benefits of REDD+. Hence, the purpose of this study is to strengthen capacity for grievance resolution in order to respond to contentious issues, complaints and disputes.

## **2. Introduction**

GRMs are defined as organizational systems and resources established by national government agencies to receive and address concerns about the impact of their policies, programs and operations on external stakeholders. The stakeholder input handled through these systems and procedures may be called “grievances,” “complaints,” “feedbacks,” or another functionally equivalent term. GRMs are intended to complement, not replace, formal legal channels for managing grievances (e.g. the court system, organizational audit mechanisms, etc.). Stakeholders always have the option to use other, more formal and potentially more complex, costly and time-consuming alternatives, including legal remedies.

It is important to emphasize that national GRMs are not intended to replace the judiciary or other forms of legal recourse. The existence of a GRM should not prevent citizens or communities from pursuing their rights and interests in any other national or local forum, and citizens should not be required to use GRMs before seeking redress through the courts, administrative law procedures, or other formal dispute resolution mechanisms. Not all complaints should be handled through a GRM. For example, grievances that allege corruption, coercion, or major and systematic violations of rights and/or policies, are normally referred to organizational accountability mechanisms for formal investigation, rather than to GRMs for collaborative problem solving.

## **3. Objectives**

The objective of the study is to develop a feedback and grievance redress mechanism to establish or improve the GRM’s institutional performance, in order to reduce negative impacts and increase the REDD+ program’s positive contributions to people’s lives.

Specific tasks expected under this consultancy include the following

- Assess existing formal & informal feedback and grievance redress mechanisms at local and national level
- identify potential grievances and conflicts that may arise as a result of REDD+, and characterize current grievance patterns and trends in forestry and REDD+
- Identify current institutional strengths and capacity gaps for grievance resolution
- Develop a framework for the feedback and grievance redress mechanism, including a plan for building on strengths and closing the gaps to strengthen grievance redressing capacity
- Propose a plan to continuously improve and strengthen GRM and communicate GRM mechanism to stakeholders.

#### **4. Expected Output**

An Environmental Lawyer will work in a team of other two experts, International Consultant on Conflict Management (team leader) and a National Sociologist in carrying out necessary research, consultation and developing a report. The REDD Implementation Centre needs to receive well referenced and comprehensive report on framework for feedback and grievance redress mechanism as specified in the objectives above.

#### **5. Study Approach**

The study will be based on desk review of available secondary information and structured interactions with key stakeholders in the field.

Some sources of Information include:

- Grievance-related legislation, policy, regulations, procedures
- GRM enabling legislation, policy, regulations, procedures
- Review of local practices, national policies, programs and actions associated with grievances
- Academic analyses, news articles, consultant and NGO studies
- UNDP guidance and references to international good practice standards
- case records/database
- Stakeholder interviews
- Field visits and consultation workshops

The Environmental Lawyer with other two experts, one in conflict management and other one in sociology need to collect information from field interviews and observations. For the collection of primary information, the team is expected to spend sufficient time on field visits. Participatory appraisal techniques can be adopted to obtain quantitative and qualitative information. The process requires information from a variety of sources that include:

- Key person interviews and discussions with local forest authority,
- local government authority,
- local communities,
- local NGOs working in forestry;
- Direct observations at group level
- GRM users (actual and potential)

- External experts (academics, journalists, consultants etc.)
- Other external stakeholders affected by REDD+ programs and operations (e.g. public interest groups, community associations, related government agencies, business associations)

## **5.1 Study Team**

The study team will be comprised of an international team leader and two national experts each of them hired separately as individual consultants. The Environmental Lawyer is expected to have knowledge and expertise on the following three areas.

- Social and environmental assessment of REDD+
- Conflict resolution and/or grievance redress
- Institution building and organizational development;

### **5.1.1 The key required skills, competencies and experience for the Environmental Lawyer**

- Minimum of a graduate degree in law and preferably a postgraduate degree in environment law and policies
- Minimum of 7 and preferably 10 years of experience in practicing law; minimum 3-5 yrs. And preferably more than 5 yrs of specific experience in grievances mechanism or conflict resolution in forestry or natural resources.
- Sound legal background and experience in forest and environmental aspects
- Experience on REDD+ and its evolution at the international and national arena
- Understanding of Nepalese government's forest and related policies and regulations
- Understanding of ongoing climate change negotiations and on the challenges facing the forest sector in developing countries.
- Ability to coordinate and work in multi-culture teams
- Good communication skills
- Good command of English
- Good publishing record, particularly on REDD+ in developing countries.

## **5.2 Work plan**

The Environmental Lawyer (Team Member), with two other experts-Conflict Management Specialist (Team Leader) and Sociologist, is expected to prepare an inception report with a

detailed work plan that shall guide the process. This work plan will describe how the study will be carried out that includes work schedule, methodology to be used for data collection related to each specific task, framework, information collection and analysis, and reporting. Based on the work plan, a detailed plan of study will be discussed and finalized jointly by the study team and the REDD Implementation Centre.

## **6. Selection Procedure**

A consultant will be selected using the World Bank's individual consultant selection method. For further details refer to the World Bank's [Guidelines: Selection and Employment of Consultants under IBRD Loans and IDA Credits & Grants by World Bank Borrowers](#) , January 2011 (Consultant Guidelines). Consultants will be evaluated and short-listed based on the approved evaluation criteria.

## **7. Duration of work**

This assignment will have to be completed within a period of three months. This study will start tentatively on March 15 and should be completed by June 15, 2015.

## **8. Consultant's Tax Obligation**

The individual consultant must be registered in value added tax (VAT) or have a PAN number within 30 days of signing the contract. The Consultant is responsible for all the taxes in the country.

## **9. Payment schedule**

REDD Cell intends to sign a lump sum contract with the consultant who secures top marks in the EOI evaluation. Each lump sum installment payment will be linked to a particular deliverable. Three time payments could be made - first installment of 20% of the contract amount against an acceptable inception report, second 50% against the draft final report and third and final 30% upon submitting an acceptable final report.

## **10. Client's input to the consultant**

The client will provide a working space in REDD IC and access to the reports submitted by different consultants, as applicable. REDD IC will also designate a focal officer who will supervise and oversee the contract and to help implement the study by providing feedback and coordination with other government agencies as necessary. The focal officer will also facilitate the consulting team to arrange consultation meeting with the relevant stakeholders at different stages of this study.

## **11. Reporting requirement (deliverables)**

A comprehensive and fully referenced report including detailed recommendations must be submitted at the end of the assignment. The report must contain an in-depth analysis of the issues described in the objectives and should propose clear, implementable recommendations in PSIR (Pressure, state, impact and response) framework. Both hard copy and soft copy of the report should be submitted to REDD Implementation Centre of the Ministry of Forest and Soil Conservation (MoFSC). The following reports or deliverables are mandatory.

- Inception report (2 weeks after signing the contract).
- Draft report on assessment and recommendations on grievances redress mechanism.
- Final report that is comprehensive and fully referenced. It should include clear recommendations and grievances redress mechanism. The report should contain an in-depth analysis of the issues described in the objectives and should propose clear, implementable recommendations in PSIR (pressure, state, impact and response) framework.

All reports should be in English. Executive summary in both English and Nepali should be included in the final report. Both hard copy and soft copies of all reports should be submitted to REDD Implementation Centre of MoFSC. Electronic files of the reports should be in an editable format using Microsoft Word. All data (raw, primary and secondary) collected during the study should be submitted as electronic files editable with Microsoft Excel. Electronic files of maps for submission may be in native software format. PDF or Jpeg files of reports, data and maps will not be accepted.

## **12. Contact person:**

Dr. Narendra Chand

REDD Implementation Centre

Babarmahal, Kathmandu, Nepal

Tel: 977-1-4239126; Fax: 977-1-4215261; E-mail: info@mofsc-redd.gov.np.