

Terms of Reference

International Social Safeguard Consultant

Governance, Forest Landscapes and Livelihoods (GFLL) - Northern Laos

1. BACKGROUND

The Emissions Reduction (ER) Programme of Lao PDR embodies the Government of Lao PDR's (GoL) commitment to reforming land use, enhancing forest restoration and protection. The GoL embraces Reducing Emissions from Deforestation and Forest Degradation (REDD+) as the opportunity for transforming rural land use, from opportunistic revenue generation at the cost of natural resources, to strategic and efficient land use delivered through participatory and integrated planning design.

The GoL has participated in the *Forest Carbon Partnership Facility* (FCPF) since May 2008. The FCPF manages two different multi-donor funds - the Fund for REDD+ Readiness Preparation Support and the Carbon Fund. Lao PDR was provided with a REDD+ Readiness Preparation grant in November 2011, which supports analytical work including the development of the REDD+ strategy, relevant legal and regulatory frameworks, capacity development including training and workshops, stakeholder consultations, communication campaigns, and awareness-raising. The FCPF Readiness has contributed to developing Lao PDR's capacity to receive REDD+ investments. One such international investment for REDD+ is from the ER-P through results-based payments from the FCPF Carbon Fund.

The GoL has prepared Six Provincial REDD+ Action Plans (PRAPs) and an Emission Reductions Program Document (ER-PD). The ER-PD was approved by the FCPF Carbon Fund Participant Committee in June 2018, with conditional acceptance of the ER-PD into the portfolio of both Tranche A and Tranche B of the Carbon Fund. The ER-PD proposes a strategy for successfully implementing REDD+ and opportunities to receive results-based payments. The conditional acceptance of the ER-PD into the portfolio requires the GoL to address several key areas to fully comply with the Carbon Fund Methodological Framework. The Emission Reduction Purchase Agreement (ERPA) negotiations were completed in December 2020 and the Conditions of Effectiveness were met in December 2021.

The Department of Forestry (DoF) at the Ministry of Agriculture and Forestry (MAF) is the Emission Reduction Program Entity, as approved by the World Bank's FCPF for the first sub-national emission reduction program in Lao PDR titled Governance, Forest Landscapes and Livelihoods - Northern Laos (GFLL) covering an area of 8.1 million hectares of six northern provinces of Lao PDR, namely Bokeo, Huaphan, Luang Namtha, Luang Prabang, Oudomxay, and Sayaburi. The area constitutes approximately one-third of both the country's geographical and forest area, with a population of 1.8 million people and where the dominant land use designation is forest. Northern Lao PDR is characterized by mountainous topography, remote accessibility and limited public and industrial infrastructure, unique ethnic minority communities, and a persistent prevalence of poverty as well as extensive degradation and loss of forest. The area hosts important watersheds feeding major tributaries, including the Mekong River.

The GFLL is now operational and the first emissions reduction monitoring report has to be prepared for safeguards management, including capacity building of the Social and Environmental Safeguards Unit (SESU).

Safeguard Documents and Benefits Sharing Plan

A safeguards package has been developed for GFL and has been approved by the World Bank. The safeguards package includes:

- 1) Strategic Environmental and Social Assessment (SESA);
- 2) Environmental and Social Management Framework (ESMF);
- 3) Ethnic Group Policy Framework (EGPF);
- 4) Resettlement Policy Framework (RPF); and,
- 5) Process Framework (PF).

These documents have been disclosed on the DoF website (<http://dof.maf.gov.la/>). The Benefit Sharing Plan has also been finalized and disclosed.

Social and Environmental Safeguard s Unit

Social and Environmental Safeguards Units (SESUs) have been established in 6 GFL targeted provinces for the application, management, monitoring and reporting of social and environmental safeguards.

Capacity Building Programme

To support the capacity building programme, an Approach to Capacity Building, Safeguards Training Guidebook, and the SESU Capacity Self-Assessment Tool have been developed to address the safeguard capacity building needs for different stakeholders as indicated in the ESMF.

Safeguards Information System

In 2010, Parties to the UNFCCC agreed that countries seeking to implement REDD+ should have a Safeguards Information System (SIS) to demonstrate that social, environmental, and governance safeguards are being addressed and respected. In 2011 countries confirmed that an SIS must be in place to receive results-based finance for REDD+. With the adoption of the Warsaw Framework for REDD+ in 2013, Parties agreed that before receiving results-based payments, countries should provide the most recent summaries of information. The Lao SIS document has been developed and a SIS manual has been drafted and consultations with relevant stakeholders are required.

2. OBJECTIVES OF THE ASSIGNMENT

The objective of the assignment is to assist the National Project Management Unit/Province Project Management Units (PMU/PPMU) and the REDD+ Division under the Department of Forestry to implement the ESMF and monitor its compliance. The International Social Safeguard Consultant (ISC), in close collaboration with National Social Safeguard Consultant (NSC) and the other consultants, will support the implementation of the GFL activities.

3. SCOPE OF WORK AND MAIN TASKS

International Social Safeguard Consultant in close coordination with National Social Safeguard Consultant and other consultants under the GFL will perform the following tasks:

1) Policies, Laws and Regulations (PLRs):

- i. In coordination with the National Social Safeguard Consultant, undertake a review of relevant Policies, Laws and Regulations (PLRs) in Lao PDR.
- ii. Monitor the emergence of new PLRs that are relevant to the implementation of REDD+ in Lao PDR. This would include PLRs in the forestry, land and natural resources and other PLRs that would have a possible impact on the drivers of deforestation and degradation.
- iii. Consultant will also remain informed of global developments with regards to social safeguards and relevant subject areas that would have a bearing on REDD+ in Lao PDR.
- iv. Provide advice to the REDD+ Division on the possible social impacts from the related emerging PLRs on drivers of deforestation and degradation, and on global updates on REDD+.
- v. Update and undertake quality assurance of social safeguards and related documents to ensure consistency with emerging PLRs World Bank social safeguard requirement.

2) Social Safeguards Management

- i. Develop an overall approach to social safeguards and provide guidance to the national consultant to complete required tasks.
- ii. Provide technical support to enable the REDD+ Division/programme to meet the social safeguards requirements of existing and emerging projects, mechanisms, and investments.
- iii. Provide technical support to the capacity and management of the Social and Environment Safeguard Unit (SESU) and to implement the capacity building plan.
- iv. Prepare Ethnic Group Development Plan (EGDP), Gender Action Plan (GAP), Social Management Plan (SMP) or in coordination with the Environmental Safeguard Consultant contribute to the development of the Environmental and Social Management Plan (ESMP) for the 6 targeted provinces.
- v. Develop negative list of activities and potential subprojects not recommendable for support, due to their poor social safeguard performance.
- vi. Develop screening and assessment methodology for potential specific subprojects, that will include social safeguard performance criteria, allow an social safeguard risk classification and the identification of appropriate social safeguards instruments; identify all relevant potential social risks that may arise as a result of the proposed subprojects and specific investments;
- vii. Provide advice on data collection for the EGDP, GAP, SMP, PF and RPF through primary research and field visits, and consultations.
- viii. Prepare text of vital clauses for Resettlement Policy Framework (RPF) disclosure, identify and categorize civil work (if any) for the Resettlement Policy Framework (RPF) disclosure.
- ix. Conduct the first consultation and disclose the RPF, announcement of cut off-dates in the infrastructure sub-project areas, produce minutes of consultation, lists of participants and keep all filing up to date.
- x. Provide advice for social impact assessment/screening for infrastructure or civil works sub-projects in the six provinces based on the annual work plan.
- xi. The consultant will support the completion of the following safeguards products - Safeguards Information System (SIS) and SIS Manual. Specifically, the consultant will review and finalize the SIS and organize consultation on the SIS Manual with the Safeguards Technical Working Group (TWG).
- xii. Review manuals and guidance tools for the implementation of social safeguards and develop other necessary safeguards Policies, Plans, Manuals for the Forest Protection Fund (FPF).
- xiii. Provide support to the FPF in consultation with the FPF and draw up a work plan.

- xiv. Provide guidance and technical inputs to the development of social safeguards implementation manuals for FPF (i.e., related to sub-projects screening, impact assessments and studies, grievance redress mechanisms, management plans, safeguards information systems, safeguards monitoring frameworks, and other topics as required).
- xv. Support the design and establishment of institutional arrangements to implement the GFL, especially at the sub-provincial level and the implementation of SESU, and SIS.
- xvi. Facilitate monitoring and reporting Social Safeguard compliance, design safeguards monitoring and evaluation frameworks and support the establishment of a monitoring system for safeguards compliance, including a feedback and grievance redress mechanism, and support safeguards monitoring and evaluation.
- xvii. Prepare documentation, including safeguard progress reports, additional management plans and frameworks as may be required, to ensure full compliance with safeguards requirements.

3) Capacity Development

- i. Lead the design and implementation of capacity building plan for safeguards and lead its implementation.
- ii. Develop time-bound capacity building and community engagement plans for safeguards implementing entities, including the SESU, forest implementing agencies, FPF, development partners and other relevant stakeholders including communities.
- iii. Integrate safeguards into all technical approaches and implementation plans and budgets.
- iv. Lead and facilitate national and/or sub-national capacity building events including programme orientation, safeguards awareness and capacity building.

4) Research and Analysis

- i. Design and lead research studies and analytical work to support safeguards.
- ii. The consultant will lead research studies and analytical work to support the safeguards approach, management, implementation and monitoring.

5) Representation

- i. The consultant will represent the REDD+ Division in internal meetings including safeguards progress update, National REDD+ Task Force meeting preparation, and other forums related to safeguards and associated subjects or as requested by the REDD+ Division.
- ii. Represent the REDD+ Division in external meetings with development partners and other agencies including World Bank missions, and other external forums related to safeguards and associated subjects or as requested by REDD+ Division.
- iii. Facilitate and support design and organization of Technical Working Group meetings to ensure an improved understanding of safeguards and mainstreaming in all TWG plans.
- iv. Prepare debriefing notes on all meetings to inform the REDD+ Division on all meetings related to safeguards, including TWG meetings and World Bank missions.

6) Monitoring, Evaluation and Reporting

- i. Identify and describe the required instruments and procedures for managing and monitoring social safeguard risks develop monitoring instruments;
- ii. Lead the design and implementation of all monitoring and evaluation requirements related to safeguards and related subjects, including benefit sharing for the ER monitoring report required in 2022 and subsequent year/s.
- iii. Take part in the design and implementation of monitoring tools and an evaluation system for safeguards and related subjects including benefit sharing, and support the establishment of a

monitoring system for safeguards compliance including the feedback and grievance redress mechanism.

- iv. Design monitoring and evaluation frameworks and safeguard indicators for safeguards monitoring and evaluation including safeguards aspects in benefit sharing.
- v. Provide technical inputs to the preparation of all emission reduction verification reports, including MMR and its annexes related to social aspects.
- vi. Contribute to inputs related to safeguards and related subjects in all progress reports.
- vii. Ensure that ER Programme measures are being implemented in accordance with the Safeguards Plans of the ER Monitoring Report.
- viii. Provide information on the implementation of the safeguards plans as per FCPF ER Monitoring Report Guidelines.
- ix. Provide information on the implementation of the benefit sharing plan of FCPF ER Monitoring Report Guidelines).

7) Work Plans and Budgets

- i. Jointly develop a teamwork plan to complete the required tasks over a one year period and update the plan every quarter or when required based on REDD+ Division requirements.
- ii. Support and provide technical inputs to the preparation of quarterly and annual work plans.
- iii. Advise on and support the preparation of the work plans of PMU/PPMU/SESU over a one-year period and update the plan every quarter or when required.

8) Grievance Redress Mechanism

- i. Develop Grievance Redress Mechanism guidelines
- ii. Facilitate to establish the effective Grievance Redress Mechanism which can protect the rights and interests of the participants, beneficiaries, and stakeholders.
- iii. Capacity building of the GRM focal point staff for the handling of grievances in compliance with the relevant Lao Government and GCF Safeguards on social issues.
- iv. Assist to maintain database of the FGRM.
- v. Include the FGRM report in safeguard report.

4. EXPERIENCE, QUALIFICATIONS AND REQUIREMENTS

The International Social Safeguards Consultant should have the following experience and qualifications:

- At least Master's Degree in Anthropology, Sociology, Applied Social Science or in related field.
- Minimum of 8 years of experience in work related to social safeguards.
- Familiar with the World Bank social safeguards requirements, standards, and protocols and their monitoring.
- Experience in design, facilitation and delivery of capacity building programmes related to social safeguard.
- Excellent spoken and written skills in English.
- Working experience in south east Asia will be an asset.

5. MANAGEMENT OF THE ASSIGNMENT AND TIMEFRAME

The Consultant will report to the GFL Project Coordinator. The consultancy will be on a part time (intermittent) basis for a period of 132 working days spread from the date of joining until December

2023. Assignment is expected to be started from beginning of September 2022. The consultant will be based at the REDD+ Division, Department of Forestry in Vientiane Capital, Lao PDR with extensively travel to the 6 targeted northern provinces.