

Terms of Reference

National Environmental Safeguard Consultant

Governance, Forest Landscapes and Livelihoods (GFL) - 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 (GFL) 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 GFL is now operational and the first emissions reduction monitoring report has to be prepared for environmental safeguards management, including capacity building of the Social and Environmental Safeguards Unit (SESU).

Safeguard Documents and Benefits Sharing Plan

An Environmental 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);

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 Environment Safeguards 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 with special focus on the environmental safeguard. The National Environmental Safeguard Consultant, in close collaboration with National Environmental Safeguard Consultant and the other consultants, will support the implementation of the GFL activities.

3. SCOPE OF WORK AND MAIN TASKS

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

- 1) **Policies, Laws and Regulations (PLRs):**

- i. Undertake a review of relevant Policies, Laws and Regulations (PLRs) related to the Environment safeguard in Lao PDR.
- ii. Facilitate and undertake review of the World Bank Policies on Environmental Assessment, Natural Habitats, Forests, Pest Management and others linked with Environmental safeguard.
- iii. Take part in monitoring 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.
- iv. Remain informed of global developments with regards to environmental safeguards and relevant subject areas that would have a bearing on REDD+ in Lao PDR.
- v. Provide advice to the REDD+ Division on the possible environmental impacts from the related emerging PLRs on drivers of deforestation and degradation, and on global updates on REDD+.
- vi. Update and undertake quality assurance of environmental safeguards and related documents to ensure consistency with emerging PLRs World Bank environmental safeguard requirement.

2) Environmental Safeguards Management

- i. Develop an overall approach to environmental safeguards as per the World Bank Environmental and Social Framework.
- ii. Provide technical support to enable the REDD+ Division/Programme to meet the Environmental 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. Provide input for the determination for eligibility for Sub-projects to be financed under ER Benefit Sharing programme, review the subproject and prepare list of projects requiring IEE and EIA;
- v. Also develop a negative list of activities and potential subprojects not recommendable for support, due to their poor environmental performance.
- vi. Develop a screening and assessment methodology for potential specific subprojects, that will include environmental performance criteria, allow an environmental risk classification and the identification of appropriate environmental safeguards instruments; identify all relevant potential environmental risks that may arise as a result of the proposed subprojects and specific investments;
- vii. Prepare Pesticide Management Plan (PMP), Environmental Management Plan (EMP) and in coordination with Social Safeguard Consultant contribute to the development of Environmental and Social Management Plan (ESMP) for the 6 targeted provinces.
- viii. Provide advice on data collection for the IEE, EIA, PMP, EMP and ESMP through primary research and field visits, and consultations.
- ix. Develop tools for the environmental safeguard compliance based on the review of the Environmental Assessment, Natural Habitats, Forests, Pest Management and others.
- x. Provide advice for environmental impact assessment/screening for sub-projects in the six provinces based on the annual work plan.
- xi. Support the completion of the Safeguards Information System (SIS) and SIS Manual.
- xii. Review manuals and guidance tools for the implementation of environmental safeguards and develop other necessary environmental 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 environmental 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 environmental 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 environmental safeguard progress reports, additional management plans and frameworks as may be required, to ensure full compliance with environmental safeguards requirements.

3) Capacity Development

- i. In coordination with the International environmental safeguard consultant design and implementation of capacity building plan for environmental safeguards and lead its implementation.
- ii. Develop time-bound capacity building and community engagement plans for environmental 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, environmental safeguards awareness and capacity building.

4) Research and Analysis

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

5) Representation

- i. Represent the REDD+ Division in internal meetings including environmental 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 environmental 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 environmental safeguards and mainstreaming in all TWG plans.
- iv. Prepare debriefing notes on all meetings to inform the REDD+ Division on all meetings related to environmental 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 environmental risks develop monitoring instruments;

- ii. Take part in the design and implementation of all monitoring and evaluation requirements related to environmental safeguards and related subjects, including benefit sharing for the ER monitoring report required in 2022 and subsequent year/s.
- iii. Provide support to the PMU, SESU and international environmental safeguard consultant in the design and implementation of monitoring tools and an evaluation system for safeguards and related subjects including benefit sharing,
- iv. Design monitoring and evaluation frameworks and environmental safeguard indicators for environmental 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 environment aspects.
- vi. Contribute to inputs related to environmental safeguards and related subjects in all progress reports.
- vii. Ensure that ER Programme measures are being implemented in accordance with the environmental Safeguards Plans of the ER Monitoring Report.
- viii. Provide information on the implementation of the environmental 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. Contribute to 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. Contribute to develop Grievance Redress Mechanism guidelines which included the environmental safeguard.
- 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 environmental issues.
- iv. Assist to maintain database of the FGRM.
- v. Include the FGRM report in environmental safeguard reports.

4. EXPERIENCE, QUALIFICATIONS AND REQUIREMENTS

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

- At least bachelor Degree in Environmental Sciences, Forestry Science or in related field.
- Minimum of 5 years of experience in work related to environmental safeguards.
- Familiar with the World Bank environmental safeguards requirements, standards, and protocols and their monitoring.

- Experience in design, facilitation and delivery of capacity building programmes related to environmental safeguard.
- Knowledge of the Lao PDR Government system/institutions and familiarity with forestry sector institutions, including the Department of Forestry/REDD+ Division would be preferred.
- Excellent spoken and written skills in English and lao languages.

5. MANAGEMENT OF THE ASSIGNMENT AND TIMEFRAME

The Consultant will report to GFL Project Coordinator. The consultancy will be on full time basis for a period of 1 year extendable based on satisfactory performance. 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.