

**Marine Biodiversity and Support of Coastal Fisheries in the Coral Triangle
Environmental and Social Management System Consultants
Terms of Reference (ToR)**

Requirement	: 2 – 3 Environmental and Social Management System (ESMS) Consultants (as one group of individual consultants or as a single company) <ul style="list-style-type: none">• 1st position: Planning, Coordination and Reporting Consultant (International or National)• 2nd position: Training and Implementation Consultant (National Position)• 3rd position: Implementation and Reporting Consultant (National Position) – it is also possible to combine the 2nd and 3rd positions
Project Name	: Marine Biodiversity and Support of Coastal Fisheries in the Coral Triangle
Key internal relations	: KfW Marine Project Coordinating Unit
Location	: Bogor, with travel to the project sites, as required

Background

The Wildlife Conservation Society (WCS) works in over 60 countries to save wildlife and wild places through science, conservation action, education, and inspire people to value nature. WCS has worked in Indonesia for over 20 years. The WCS Indonesia Program (WCS IP) spans the Indonesian archipelago and covers all aspects of conservation, from wildlife protection and law enforcement, to policy development, research, education and outreach, to large field-based operations covering both marine and terrestrial ecosystems. WCS partners closely with the Indonesian Government, local communities, universities, and the private sector.

Background to this TOR

With funding from the European Union and supervision by the German development bank (KfW), WCS is implementing the project entitled, “Marine Biodiversity and Support of Coastal Fisheries in the Coral Triangle” project that will run from 2020 - 2025. The project will work in the Philippines (location to be determined) and the Indonesian provinces of North Sulawesi and North Maluku. This ToR solely focuses on the Indonesian component of the project (referred to as the Project hereafter).

WCS is responsible for the preparation, implementation, and operation of the Project. All KfW projects must comply with KfW’s Sustainability Guideline (2016), which includes the project implementing organization are expected to apply the interim GCF Safeguard System, the Project must be in compliance with International Finance Corporation (IFC) Performance Standards (PS) as well as with applicable World Bank Operational Policies, the World Bank Group General, and sector-specific Environmental Health and Safety (EHS) Guidelines. The objective of these safeguard systems is to support the assessment of risks and potential impacts resulting from the Project by setting out the principles, guidelines, and procedures to assess, avoid, reduce, mitigate, and/or offset potential adverse environmental and social impacts and to enhance positive Project impacts and opportunities. This is to ensure that potential adverse environmental and social impacts that may be generated as a result of each project activity are identified, and appropriate safeguard instruments are prepared to avoid, minimize, mitigate and, in such cases where there are residual impacts, offset adverse environmental and social impacts.

The Project will develop an Environmental and Social Management Framework (ESMF) with the sub-components of:

- Environmental and Social Management Plans (ESMP) for the two sites in North Maluku and North Sulawesi

- Environmental and Social Codes of Practice (ESCOP) for avoiding, mitigating and managing environmental and social impacts potentially stemming from any infrastructure investment or civic work activities financed under the Project
- A Grievance Redress Mechanism which is accessible to general public
- A Stakeholder Engagement Plan (SEP)
- A Process Framework (PF) in line with World Bank Environmental and Social Standards (ESS) 5 and IFC PS 5 in order to appropriately assess and mitigate any negative impacts from the protected area (PA) management on the livelihoods of communities living in the Project Area and/or using its territory and natural resources as well as for the purpose of designing appropriate livelihood restoration measures. The PF shall:
 - a. Document the informed consultation process that will (i) capture both men's and women's views, if necessary through separate forums or engagements, and (ii) reflect men's and women's different concerns and priorities about impacts, mitigation mechanisms, and benefits, where appropriate.
 - b. Be developed in conjunction with an Indigenous Peoples Planning Framework (IPPF) in line with IFC PS 7 and World Bank ESS 7
 - c. Develop the establishment of requirements for the Free, Prior and Informed Consent (FPIC) from Indigenous Peoples in the context of the development of the PA Management Plan and/or any other plans/activities for the PA that would affect their livelihoods.
 - d. Develop the Livelihood Restitution Framework (LRF) for the project

The Consultants/Company will develop the ESMF, ESCOP, LRF, PF, IPPF, and SEP.

ESMF Structure

The ESMF shall be elaborated and structured by considering the following elements:

a) Overarching Policy

The Consultant will analyze the existing environmental and social policies and legislation, including directives for environmental and social impact assessment, and assess needs for strengthening of such relevant policies and regulations in Indonesia and/or in each site. Together with the Project Partners, the consultant will establish an overarching policy defining the environmental and social objectives and principles that guide the project to achieve sound environmental and social performance. The policy provides a framework for the environmental and social assessment and management process. For example, it shall specify that the project will comply with the applicable laws and regulations of the jurisdictions in which it is being undertaken. The Framework should assess whether environmental and social issues are adequately covered by current procedures

b) Pre-assessment of risks (environmental and social screening and scoping) of baseline conditions

The initial stage of the Consultants' intervention will be the scoping of the project's field of influence, activities and impacts that will have to be studied in the Framework. The consultant will undertake a pre-assessment of risks according to the IFC Performance Standards 2-8 based on desk review. The environmental and social-economic baseline conditions, if available, shall be generated by WCS.

c) Environmental and social risk assessment

The Consultant will undertake a risk assessment of the planned project according to the IFC Performance Standards 2-8 once the concrete activities of the project and their locations have been determined. The consultant will identify the risks, describe their nature and categorize them according to the IFC criteria.

As a response to activities with the risk magnitude B the consultant shall develop management plan which will describe mitigation and performance improvement measures and actions that address the identified risks. The updated management plan should recommend feasible and cost-effective measures to prevent or

reduce such significant impacts to acceptable levels. The consultant shall estimate the impacts and costs of those measures. He/she shall describe the institutional and training requirements to implement them and describe/estimate costs of other necessary support services. Institutional responsibility for mitigation and monitoring should be clearly specified and articulated.

d) Institutional Framework

Strengthening of institutions and building of capacity to mitigate and monitor the environmental and social impacts of the project activities will be essential. The framework will address institutional tasks and cover the project process from initiation and reviews to monitoring during project implementation.

e) Process Framework (PF)

The PF describes the process for impact identification, design, implementation and monitoring of relevant project activities and mitigation measures of Project Affected People (PAP). Specifically, the PF will:

- Identified PAP in the Project.
- Describe the mechanisms for participation of PAP of how their interests and concerns can be recognized, documented and protected.
- Describe activities that may involve new or more stringent restrictions on use of natural resources in the project area.
- Establish the mechanism through which the local communities can contribute to the project design, implementation and monitoring.
- Identify the potential negative impacts of the restriction on the surrounding communities.
- Describe the mitigation measures required.
- Describe the LRF for the PAP
- Describe the grievance procedure or process for resolving disputes to natural resource use restrictions.
- Describe how the engagement of communities and their members shall be documented and monitored

f) Stakeholder Consultations

Stakeholder consultation is an integral part of ESMF process and should follow an FPIC process as per the KfW Sustainability Guideline. Since the ESMF is conducted before most of the sub-project decisions are made, the most feasible form of consultation can be implemented with target communities, indigenous people leader, religious leader, community leader, local NGOs, and relevant government agencies. The stakeholder consultations must also capture views and concerns that are gender disaggregated.

g) Stakeholder Engagement Plan (SEP)

Identified stakeholder of Project in all levels in sites in regional, provincial, and national and provide engagement plan including principles and methods of engagement. Describe an appropriate emergency and response mechanism and the resources needed for establishing such system.

h) Indigenous People Planning Framework (IPPF)

Describes the potential social and environmental impact Indigenous People Framework of the project on their socio-economic situation, details on indigenous people characteristic and livelihood on each site. The safeguards require a free, prior and informed consent (FPIC) process for project affect indigenous people at each stage of project. The FPIC and IPPF shall be in line with the IFC PS 7 and World Bank ESS 7.

i) Grievance Redress Mechanisms (GRM)

Provide grievance redress mechanisms procedure that can be accessible to cover complaints related to Project. Grievance handling mechanism shall reflect the process for each site from local to national level.

j) Human Rights

Identify human rights assessment risks on the Project.

k) Monitoring and Evaluation (M&E)

Provide the M&E requirements to Project activities that has environmental and social impacts. The M&E has to ensure the mitigations requirement are being done based on ESMF, ESCOP, LRF, PF, IPPF, and SEP.

Planning, Coordination and Reporting Consultant

Lead on,

- All aspects of the ESMF, ESCOP, LRF, PF, IPPF, and SEP Planning stage and coordinate with WCS Project Coordinating Unit.
- Review project documents and project safeguard documents, including the KfW proposal, work packages and indicators. Compile and review an extensive selection of ESMF, ESCOP, LRF, PF, IPPF, and SEP project documents from similar projects. [2 days]
- Develop field methodologies that are suitable to the situations across the KfW marine project landscapes, and which are in accordance with the IFC Performance Standards and World Bank Group EHS Guidelines. [3 days]
- Develop a road map for completing the ESMF, ESCOP, LRF, PF, IPPF, and SEP through the four stages, which specifically includes a work plan that describes the required field activities, stakeholder groups to engage, and types of data to collect, and an accompanying timeframe for completing the Implementation stage. [2 days]

Provide support to the other Consultants for,

- The training of WCS KfW marine team [2 days]
- Selection of the target villages and fieldwork [1 day]
- Revisions (two times) of the Safeguard Plans upon comments from KfW [6 days]
- A final review of the ESMF, ESCOP, SEP, LRF, PF, IPPF including GRM. [6 days]

Outputs: 2 provincial field survey designs for identifying and developing project safeguards, 1 road map for completing the document development and 1 ESMF report (with PF, ESCOP, IPPF, SEP, and LRF incorporated into the reports)

Training and Implementation Consultant

Lead on,

- All aspects of the ESMF, ESCOP, LRF, PF, IPPF, SEP, FPIC, and GRM training stage in coordination with the PCU.
- Develop a training schedule and materials, based on those developed by International Consultant #1, which cover the fieldwork components of the safeguard Plans. [2 days]
- Run a 5-day training workshop for the WCS KfW EU marine team. [5 days]
- All aspects of the Safeguard Plans Implementation stage and coordinate with the WCS KfW Project Coordinating Unit [10 days]
- Develop the criteria for village selection in the ESMF, ESCOP, LRF, PF, IPPF, and SEP and support the WCS KfW marine teams to then identify and select the final set of villages to engage in the field. [2 days]
- Provide technical assistance to the field teams during their data collection and stakeholder consultations, including checking preliminary reports. [8 days]

Provide support to the other Consultants for,

- The Report Writing stage, including the compilation of data and overseeing data analysis and the final metrics required for producing the final ESMF, ESCOP, LRF, PF, IPPF, and SEP [6 days]

- Revisions (two times) the draft versions of the reports and provide technical inputs based on KfW [3 days]

Outputs: 1 training schedule and materials; 1 village selection criteria and list of villages to target and a summary report of the data products supported; and 1 ESMF report (with SEP, ESCOP, LRF, PF and IPPF incorporated into the reports)

Implementation and Reporting Consultant

Lead on the following:

- All aspects of the ESMF, ESCOP, LRF, PF, IPPF, and SEP Implementation and Report Writing stages and coordinate with the PCU.
- Oversee the compilation, cross-checking and analysis of all field data. [6 days]
- Write the ESMF, ESCOP, LRF, PF, IPPF, and SEP and gather inputs from the WCS KfW marine project field teams and other consultants, as required. [24 days]
- Revision the draft versions of the reports and provide technical inputs based on KfW for two revisions [18 days]

Outputs: 1 dataset of field data analysis and 1 ESMF report (with ESCOP, SEP, LRF, PF and IPPF incorporated into the reports)

Time Schedule and Budget

The duration of the consultancy work shall not encompass more than 104 days. This covers desk research, field visits, briefings and report preparation/revision. The Consultancy work will start on 20 April 2020 and end on 1 February 2021. The first submission of the complete ESMF and accompanying documents due on 20 September 2020, with a draft version ready by 20 June 2020. The remaining months shall include the revisions upon comments from the donor. For this time period, the Consultant will prepare a work plan with detailed time schedule for preparation of the study and include this in his/her offer.

	April	May	June	July	August	Sept	Oct	Nov	Dec	Jan	early Feb
Detailed workplan	30-Apr-20										
Initial draft of report ESMF			10-Jun-20								
Presentation draft of ESMF, PF, IPPF			15-Jun-20								
Final Report of ESMF, PF, IPPF						10-Sep-20					
Presentation final report of ESMF, PF, IPPF						15-Sep-20					
1st Revision of ESMF, PF, IPPF report											
Submit final report of ESMF, PF, IPPF									15-Dec-20		

PAYMENT TERMS

Schedule of Payments to Team Leader

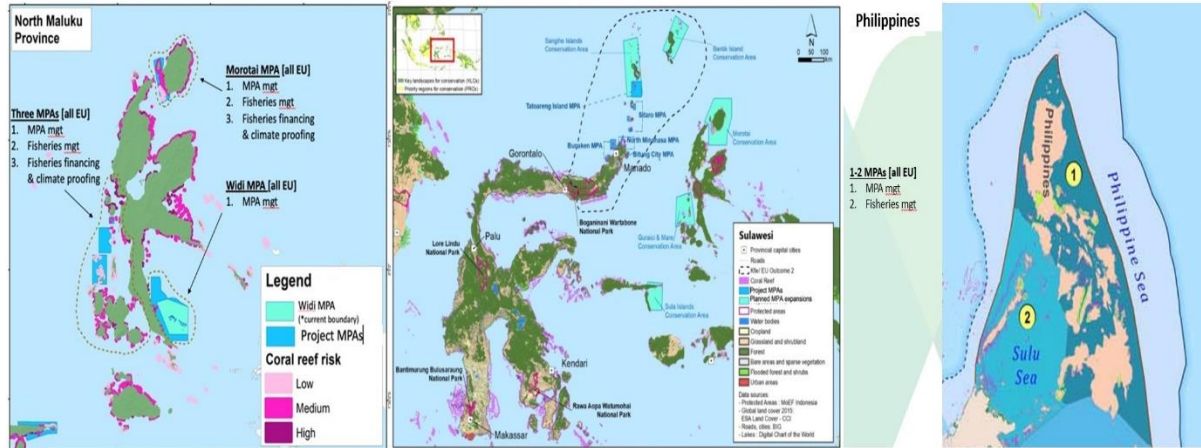
After contractual signature	25%
After submission of Draft final report	50%
After approval and submission of final report	25%

Profile and qualifications of the consultancy

The service of a firm/consultant will have experience of at least 15 years; experience in the preparing environment baseline and social assessment studies such as ESMFs and/or other Environment Assessments and Process Frameworks instruments. Very good knowledge of written English.

Annex A: Project Description and Site Description

Marine Biodiversity and Support of Coastal Fisheries in the Coral Triangle project



Sites of the Marine Biodiversity and Support of Coastal Fisheries in Coral Triangle project in North Maluku, North Sulawesi and the Philippines

The project Marine Biodiversity and Support of Coastal Fisheries in the Coral Triangle (“Project”) concerns the protection of diverse marine ecosystems and important coastal fisheries in Indonesia, Philippines and throughout the Coral Triangle region. The Outcome of the Project is to contribute to the conservation of Coral Triangle’s biologically diverse marine ecosystems and important fisheries through the creation and improvement of selected marine protected areas (MPAs) and MPA networks, improved management of some commercially and ecologically important, particularly small-scale, fisheries, improved management linked to selected terrestrial ecosystems, underpinned by sustainable finance models. The Project builds upon the ongoing KfW-IKI/BMU project "Marine Biodiversity and Support of Coastal Communities in Sulawesi/ Coral Triangle".

Scope of work and target groups

In North Maluku, Indonesia, the project will work directly with 20 villages (10% of total villages in the project) adjacent to 5 MPAs (Rao Island–Cape Dehegila, Pulau Mare, Kepulauan Guraici, Gugusan Pulau Widi, Pulau Makian and Pulau Moti). It will support fisheries management and make an impact to the local communities in 220 villages in 5 districts (Ternate, Tidore Kepulauan, Halmahera Tengah, South Halmahera, Pulau Morotai of which around 10% are fishers. The project will establish two near-shore snapper/grouper fisheries, and support the emerging MPA marine tourism sector; both of which are threatened by illegal and unsustainable resource extraction

In North Sulawesi, Indonesia, the project will with 3 MPAs in 3 districts (North Minahasa, Sitaro and Sangihe), with approximately 38,000 living in or adjacent to the MPAs. It will pilot an integrated land-sea management approach at the northern Sulawesi landscape of Bogani Nani, which includes the Bogani Nani-Wartabone National Park, and watersheds.

In both provinces, the project will engage directly with the provincial-level government and its agencies and community surveillance groups (POKMASWAS) to survey and monitor for violations of fisheries and MPA regulations. It will develop community agreements at appropriate scales to ensure that project-related commitments from government, communities and project partners are clear. In addition, it will ensure that women have equitable access to the economic opportunities presented by fisheries.

Output I - Improved management of selected coastal fisheries and MPAs in North Maluku

Work Package A: Establish new fisheries management systems in North Maluku, Indonesia

- Activity I.1: Collaborate on the introduction of participatory fisheries management and sustainable fisheries practices and livelihoods at two fisheries units in North Maluku
- Activity I.2: Assist relevant authorities in reducing illegal fishing and trafficking of ETP species in North Maluku province
- Activity I.3: Develop science and modelling tools to inform fisheries management planning
- Activity I.4: Enhance fisheries management planning through introduction of ‘climate-smart’ and ‘economic upside’ approaches
- Activity I.5: Enhance fisheries through targeted investment and finance

Work Package B: improve and expand new MPA networks in North Maluku province

- Activity I.6: Collaborate with government agencies, local communities and other relevant stakeholders to improve the protection and management of existing MPAs in North Maluku
- Activity I.7: Ensure that communities within or adjacent to existing MPAs are supported by livelihood development strategies
- Activity I.8: Ensure that management of selected coastal MPAs is supported by sustainable financing mechanisms and agreements

Output II - Improved management of selected MPAs in North Sulawesi

Work Package C: MPA management, Fisheries in MPA, livelihood, Ridge to Reef

- Activity II.1: Support MPA management and stakeholder participation [in North Minahasa, Sitaro and Sangihe MPAs]
- Activity II.2: Support MPA management through the creation of fisheries harvest control rules within appropriate MPA zones
- Activity II.3: Ensure that communities within or adjacent to existing MPAs are supported by livelihood development strategies
- Activity II.4: Collaborate with government agencies, local communities and other relevant stakeholders to pilot an integrated management (‘Ridge to Reef’) approach in the northern Sulawesi KLC#3
- Activity II.5: Scope options for a new Marine Protected Area adjacent to the northern Sulawesi KLC#3 Ridge to Reef site

North Maluku-Project Site Description

The islands of North Maluku lie within the broad divide between Southeast Asia and Melanesia, resulting in diverse communities and cultures. In North Maluku province, the project will work directly with approximately 20 villages (10% of total villages in the project) located in 3 target districts (South Halmahera, Tidore Kepulauan, Pulau Morotai) and in or adjacent to 5 MPAs (Rao Island–Cape Dehegila, Pulau Mare, Kepulauan Guraici, Gugusan Pulau Widi, Pulu Makian and Pulau Moti).

Additionally, the project will support fisheries management by communities which will have an impact on approximately 220 villages in 5 districts (Ternate, Tidore Kepulauan, Halmahera Tengah, South Halmahera, Pulau Morotai). Overall, these five districts support a human population of 179,410 people, of which around 10% are fishers. The project will support the establishment and then enhance the management of these five MPAs to conserve habitat and threatened species and support sustainable livelihoods. It aims to work with two near-shore snapper/grouper fisheries, and support the emerging MPA marine tourism sector; both of which are threatened by illegal and unsustainable resource extraction.

In general, fisheries in North Maluku province will be improved through the establishment of data systems, the development of management regimes and plans, regulations and co-management systems, the enhancement of market opportunities, and the development of capacity for climate-smart fisheries management with a strong focus on social and economic goals alongside ecological sustainability. The management of selected fisheries and MPAs will also be supported through the brokering of finance solutions that are cognisant of long-term ecological, social and economic goals, and that can support transitions to sustainable management.

North Sulawesi–Project Site Description

In North Sulawesi, the project will work with 3 MPAs in 3 districts (North Minahasa, Sitaro and Sangihe) to conserve habitat and threatened species and support sustainable livelihoods; all districts where the PEA currently works under the BMU/IKI project. These existing BMU investments will be enhanced through the addition of fisheries harvest control rules within MPA regulations, and the strengthening of specific MPA institutional capacities related to planning, management and administration. The three districts have a total population of approximately 300,000 people, with approximately 38,000 living in or adjacent to the MPAs. In addition, the project will pilot an integrated land-sea management approach at the northern Sulawesi landscape of Bogani Nani, which includes the Bogani Nani-Wartabone National Park, and watersheds providing essential ecosystem services to 152,000 people living along the southern coast.

In both provinces the PEA engages directly with the provincial-level government and its agencies. At local level, local community-led surveillance groups (POKMASWAS) are also key partners, and work with DKP and law enforcement agencies to surveil and monitor for violations of fisheries and MPA regulations. In both Indonesian provinces, the project will develop community agreements at appropriate scales to ensure that project-related commitments from government, communities and project partners are clear. Particular attention will be paid to ensure that women have equitable access to the economic opportunities presented by fisheries; where necessary, livelihoods support strategies and grants will be used strategically to ensure this.



Pernyataan Kesanggupan

Declaration of Undertaking

We underscore the importance of a free, fair and competitive procurement process that precludes abusive practices. In this respect we have neither offered nor granted directly or indirectly any inadmissible advantages to any public servant or other person nor accepted such advantages in connection with our bid, nor will we offer or grant or accept any such incentives or conditions in the present procurement process or, in the event that we are awarded the contract, in the subsequent execution of the contract. We also declare that no conflict of interest exists in the meaning of the kind described in the corresponding Guidelines.

We also underscore the importance of adhering to minimum social standards ("Core Labour Standard") in the implementation of the project. We undertake to comply with the Core Labour Standards ratified by the country of Indonesia.

We will inform our staff about their respective obligations and their obligation to fulfil this declaration of undertaking and to obey the laws of the country of Indonesia.

We also declare that our company/all members of the consortium has/have not been included in the list of sanctions of the United Nations, nor of the EU, nor of the German Government, nor in any other list of sanctions and affirm that our company/all members of the consortium will immediately inform the client and/or WCS if this situation should occur at a later stage.

We acknowledge that, in the event that our company (or a member of consortium) is added to a list of sanction that is legally binding on the client and/or WCS, the client is entitled to exclude our company/ the consortium from the procurement procedure and, if the contract is awarded to our company/the consortium, to terminate the contract immediately if the statements made in the Declaration of Undertaking were objectively false or the reason for exclusion occurs after the Declaration of Undertaking has been issued.

.....
.....

(Place)

(Date)

(Name of company)

((Signature(s)

Kami mengutamakan akan pentingnya proses pengadaan yang bebas, adil dan kompetitif tanpa disertai praktek-praktek pelanggaran. Dalam hal ini, kami tidak menawarkan maupun memberikan secara langsung atau tidak langsung setiap keuntungan yang tidak boleh diterima oleh setiap pegawai negeri atau orang lain ataupun tidak menerima keuntungan tersebut sehubungan dengan penawaran kami, kami tidak akan menawarkan atau memberikan atau menerima insentif atau keuntungan selama proses pengadaan ini, selama diberikannya kontrak, dan selama pelaksanaan kontrak berikutnya. Juga kami menyatakan bahwa tidak ada konflik kepentingan dimana penjelasannya dapat dibaca dalam Panduan yang ada.

Juga Kami mengutamakan akan pentingnya mematuhi standar sosial minimum ("Core Labour Standard ") dalam pelaksanaan proyek. Kami berusaha untuk mematuhi Core Labour Standard yang disahkan oleh Pemerintah Republik Indonesia.

Kami akan menginformasikan staf kami tentang kewajiban masing-masing, dan tentang kewajiban untuk memenuhi surat pernyataan kesanggupan ini dan untuk mematuhi hukum Negara Republik Indonesia.

Kami juga menyatakan bahwa perusahaan kami/ semua anggota konsorsium tidak termasuk dalam daftar sanksi PBB, Uni Eropa, Pemerintah Jerman, atau dalam daftar sanksi lain dan menegaskan bahwa perusahaan kami/ semua anggota konsorsium akan segera menginformasikan klien dan atau WCS jika adanya perubahan.

Kami menyetujui bahwa, bila perusahaan kami (atau anggota konsorsium) termasuk dalam daftar sanksi yang mengikat secara hukum pada klien dan / atau WCS, klien berhak untuk mengeluarkan perusahaan kami/ konsorsium dari prosedur pengadaan dan bahkan ketika kontrak telah diberikan kepada perusahaan kami/ konsorsium. Selain itu, kontrak akan diakhiri segera jika pernyataan yang dibuat dalam Pernyataan Kesanggupan ini ternyata palsu atau hal-hal pengecualian dibuat setelah surat Pernyataan Kesanggupan telah diterbitkan.

.....
.....

(Tempat)

(Tanggal)

(Nama Perusahaan)*

(Tanda tangan)

