



TERMS OF REFERENCE

Full title	Protected Area Environmental and Social Due Diligence (ESDD) for the Caucasus Nature Fund (CNF)
Duration of assignment:	July 2023- April 2024
Type of contract	Technical assistance; delivery based
Application procedure	The full Application Package should be sent via email recruiting@caucasus-naturefund.org, marked as “ Protected Area Environmental and Social Due Diligence (ESDD) for the Caucasus Nature Fund (CNF)-Georgia
For additional information:	Please, contact Sopo Tvaradze at stvaradze@caucasus.naturefund.org

BACKGROUND

The Caucasus Nature Fund (CNF) was initially established in 2007, by the German Government (BMZ), Conservation International and the World Wildlife Fund (WWF) and is today a multi-stakeholder organization. The aim of the CNF is to ensure that national parks and other important protected areas in the Caucasus Ecoregion conserve and restore the unique flora, fauna and ecosystems for future generations – and in doing so contribute to the sustainability of the lives and livelihoods of local people who in turn support them. The CNF provides long-term financial and technical support to protected areas as well as matching grants and management assistance in Armenia, Azerbaijan and Georgia. The CNF further finances and carries out related activities, working in close cooperation with civil society, local communities, governments and other actors and builds up capacity to sustain the parks for future generations. In addition, the Fund supports the development of management plans, biodiversity monitoring systems and ecotourism program that support sustainable development and livelihoods in the local communities. CNF works through public-private partnerships with the three governments, each side committing to long-term support for the Protected Areas. Following a “50 percent principle”, CNF can match but does not exceed state budgets – potentially doubling a specific park’s operating funds. CNF is governed by a Supervisory Board.

1. REQUIREMENT FOR SITE-LEVEL ESDDs

CNF is supported by several donor programmes, principally the BMZ (through KfW), also the United Nations Development Programme (UNDP), Global Environment Facility (GEF) and the US based private charitable Foundation. In line with KfW’s Sustainability Guideline (2019) and CNF’s Environmental & Social Commitment Plan (ESCP),



Grantees (individual protected areas/management units within CNF’s geographic scope) are required to comply with the CNF Environmental & Social Management System (ESMS)¹, which aligns with KfW’s safeguards reference framework.

The CNF ESMS requires CNF to commission an independent Environmental & Social Due Diligence (ESDD) prior to renewing existing and launching new three to six-year Grant Agreements² with individual protected areas / management units. New sites entering the CNF portfolio will similarly require an independent ESDD to be conducted.

CNF is therefore seeking experienced consultants/organizations to complete ESDDs for up to 13 management units across Georgia throughout 2023-2025. Initial contract will cover first round of ESDDs (9 management units) under CNF’s ESMS and is planned to take place during the period of July 2023-April 2024 with potential contract extension subject to performance. Table 3 summarises the list of renewals and the expected timeline for ESDD completion for the period 2023-2025.

Table 3: CNF Grant Agreement renewals in Georgia to inform the phasing of site-level ESDDs

Management Unit		Size in hectares	IUCN Category	Expected timing of launching grants renewal	Expected timing for ESDDs/ESMPs	
1	Batsara-Babaneuri Protected Area	11,461 ha	I, IV	September-October, 2023	July-August, 2023	
2	Racha Protected Area ³	50, 835 ha	II, VI	September-October, 2023	July-August, 2023	
3	Truso Protected Landscape	7,007 ha	V	September-October, 2023	July-August, 2023	
4	Algeti National Park	10, 225	II, III	March-April, 2024	Sept.2023 - March 2024 (tbc)	
5	Javakheti Protected Area	24 ,169.42	II, IV		Sept.2023 - March 2024 (tbc)	
6	Kazbegi National Park	78,548	II, III		Sept.2023 - March 2024 (tbc)	
7	Kintrishi Protected Area	13,514	I, II		Sept.2023 - March 2024 (tbc)	
8	Tusheti Protected Area	81,616	I, II		Sept.2023 - March 2024 (tbc)	
9	Vashlovani Protected Area	35,292	I, II, III		Sept.2023 - March 2024 (tbc)	
10	Tusheti Protected Landscape	32,035	V		tbc	tbc
11	Borjomi-Kharagauli National Park	107,649	I, II, III, IV		tbc	tbc
12	Mtiral National Park	15,699	II		tbc	tbc
13	Pshav Khevsureti Protected Area	77,818	II, III, IV, VI	tbc	tbc	

¹ In development. Final approved version expected in June 2023

² From 2023 onwards, note that renewed / new Grant Agreements will run for 6 years.

³ New Grant Agreement



2. OBJECTIVE OF THE ASSIGNMENT

In order to manage environmental and social issues in line with the national laws and regulations in Georgia and in line with the requirements of international Environmental and Social Safeguard Standards, CNF is implementing an ESMS starting from July 2023. The ESMS Manual and Annexes provide guidance on how to screen proposals for CNF funding, categorize projects based on their Environmental and Social (E&S) risks, conduct Environmental and Social Due Diligence during the pre-financing phase and identify appropriate management measures, monitor Grantees' E&S performance and track environmental and social management activities at the project-level. The ESMS includes safeguard tools that Grantees will require to integrate into their protected area management processes.

The objective of this assignment is to conduct an independent ESDD for each of the 9 upcoming Grants in 2023-2024 in Georgia through a combination of desk-based and field-based work, in cooperation with the responsible CNF ESMS Coordinator supported by CNF team. The Consultants will also receive support, mentoring and oversight from CNF external ESMS advisors on the application of the ESMS tools and ESDD approaches.

3. REFERENCE FRAMEWORK FOR THE ESDDs

The Assignment will be conducted in line with the provisions of the following relevant standards and guidelines:

- National environmental, social, occupational health and safety and labor laws as well as legislation related to law enforcement in the conservation context in Georgia of CNF projects, including requirements for public disclosure and engagement established therein.
- International law including conventions and treaties adopted by the host countries and applicable to CNF projects.
- Sustainability Guidelines of the KfW Development Bank 2019 and therewith:
 - World Bank Environmental and Social Standards (WB ESS 1-10) and Corresponding Guidance Notes;
 - World Bank Group's General Environmental and Health and Safety Guidelines and Industry Specific Guidelines, as applicable.
 - ILO Core Labour Conventions.
- Good Practise Note: Addressing Gender Based Violence in Investment Project Financing involving major Civil Works (WB, 2018):



<http://pubdocs.worldbank.org/en/399881538336159607/Good-Practice-Note-Addressing-Gender-Based-Violencev2.pdf>

- [Good Practise Note: Assessing and Managing the Risks and Impacts of the Use of Security Personnel](http://documents.worldbank.org/curated/en/692931540325377520/Environment-and-Social-Framework-ESF-Good-Practice-Note-on-Security-Personnel-English.pdf), WB 2018:
<http://documents.worldbank.org/curated/en/692931540325377520/Environment-and-Social-Framework-ESF-Good-Practice-Note-on-Security-Personnel-English.pdf>
- [Use of Security Forces: Assessing and Managing Risks and Impacts](https://www.ifc.org/wps/wcm/connect/ab19adc0-290e-4930-966f-22c119d95cda/p_handbook_SecurityForces_2017.pdf?MOD=AJPERES) (IFC 2017):
https://www.ifc.org/wps/wcm/connect/ab19adc0-290e-4930-966f-22c119d95cda/p_handbook_SecurityForces_2017.pdf?MOD=AJPERES
- UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials:
www.ohchr.org/EN/ProfessionalInterest/Pages/UseOfForceAndFirearms.aspx
- UN Code of Conduct for Law Enforcement Officials:
<https://www.ohchr.org/en/professionalinterest/pages/lawenforcementofficials.aspx>
- Voluntary Principles (VPs) on Security and Human Rights (2010):
https://docs.wixstatic.com/ugd/f623ce_60604aa96d1c4bdcb633916da951f25.pdf
- [Addressing Security and Human Rights Challenges in Complex Environments](http://www.securityhumanrightshub.org/sites/default/files/publications/ASHRC_Toolkit_V3.pdf), 3rd edition (DCAF/ICRC 2016):
http://www.securityhumanrightshub.org/sites/default/files/publications/ASHRC_Toolkit_V3.pdf
- Regarding involuntary displacement impacts, the UN Basic Principles and Guidelines on Development-based Evictions and Displacement, namely §§ 42, 49, 52, 54 and 60);
- The [Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security](http://www.fao.org/cfs/cfs-home/activities/vggt/en/) (FAO 2012) known as the VGGT⁴ will be integrated into the ESMS.

4. SCOPE OF WORK AND TASKS

Proposal and Work Plan development

In the course of developing a proposal for this assignment, the Consultants will familiarize themselves with the available documentation and shall critically verify the scope of services indicated and extend, reduce or amend those services wherever such is deemed necessary according to their own professional judgement and knowledge. The proposals shall also comprise the outline of a preliminary Work Plan

⁴ <http://www.fao.org/cfs/cfs-home/activities/vggt/en/>



for this assignment, indicating activities, schedules and outcomes in the course of the assignment, based closely on the Scope of Work and Tasks described in this section.

The assignment is completed in two phases, a shorter Inception Phase followed by the main Implementation Phase. At the end of the Inception Phase, the Work Plan as well as the approach, any questions and suggested amendments to the Proposal will be discussed and agreed during an Inception Call to be undertaken by the Consultant with CNF management, KfW and CNF external ESMS advisors. The Inception call will also cover related topics, including availability of information, planning and scheduling of the Implementation Phase, and approach to communication during the assignment. The agreed overall approach and final Work Plan for the assignment and any resulting changes to the Proposal will be part of the deliverables upon completion of the Inception Phase.

A. Inception Phase – capacity-building in CNF ESMS tools and approaches

In order to provide continuity between the CNF ESMS Manual development and the conduct of the ESDDs and to ensure consistency across the CNF project portfolio, CNF will provide the Consultants with support, mentoring and oversight in the application of the ESMS Manual and piloting of the ESDD tools and approaches (see section B. Implementation Phase) at the Management Unit level. For this purpose, CNF will contract external ESMS advisor(s) to provide:

- Remote support with E&S risk screening for one pilot site-level ESDDs and planning of stakeholder engagement and field methods. This will include familiarization with the requirements in the reference framework that are applicable to the CNF portfolio.
- *In situ* capacity-building of the Consultants during joint conduct of one/site-level ESDDs (target period July 2023).
- Remote support with ESDD reporting and ESMP development.

Following the completion of the Inception Phase, the external ESMS advisors will be contracted to continue to provide remote support and oversight, including quality assurance review of the Consultants' ESDD processes and deliverables, throughout the Implementation Phase.

Deliverables Inception Phase

- Kick-Off Call
- Follow up calls with CNF Management / ESMS advisors as required
- CNF ESDD Tool and ESDD Report completed for pilot site(s)
- Final Work Plan and Proposal following the Inception Call



B. Implementation Phase – completion of site-level ESDDs

Task 1a: Desk-based E&S risk screening

The Consultants will conduct an initial screening of potential E&S risks and negative impacts caused by, contributed to or directly linked to CNF funding provision to the Grantee for the Management Unit. The screening will be based on a desk-based document review and will be conducted using the screening questionnaire in the CNF ESDD Tool, based on the KfW Checklist – Nature Conservation.

A list of project documentation is given below. The review will also make reference to the Legal Gap Analysis for Georgia to identify areas where the project requires additional management measures⁵ not covered by national legislation in order to comply with the reference framework.

This phase of work will serve to familiarize the Consultant with the project and context, deepen understanding of risk issues⁶ identified during CNF's project portfolio ESDD⁷ and identify further issues, information gaps, and informing the planning of the fieldwork (Task 1b). The scope and depth of the field-based ESDD will be commensurate with the risks identified during this desk-based review stage. For ease of reference, the CNF ESDD Tool structures the screening process according to the World Bank E&S Safeguards and related topics in the KfW Sustainability Guidelines:

- WB ESS1. Environmental and Social Risks and Impact
 - Legacy Issues and Conflict
 - Recognition of human rights (including substantial and procedural rights)
 - Gender equality (including gender-based violence)
 - Cumulative Impacts
- WB ESS2. Labour and Working Conditions
- WB ESS3. Resource efficiency, pollution prevention and management of chemicals and wastes
- WB ESS4. Community health and safety risks
 - Human-Wildlife Conflict
 - Law Enforcement Personnel
- WB ESS5. Involuntary Resettlement & Access Restrictions
- WB ESS6. Biodiversity Conservation and Sustainable Use of Natural Resources

⁵ Also referred to as 'mitigation measures'

⁶ 'Risk issues' are areas of risk associated with conservation programmes, such as involuntary access restrictions, stakeholder engagement, human-wildlife conflict, law enforcement, etc., that can lead to unintended negative impacts on people and/or the environment.

⁷ Completed in March 2023



- WB ESS8. Cultural Heritage
- WB ESS10. Stakeholder Engagement
- Any other environmental or social risks
- Negative media coverage, NGO accusations or any other activity that has resulted in adverse attention of outside parties with regards to the protected areas
- Consideration of project alternatives that are available to reach the project objectives avoiding certain E&S risks, that may require project redesign (e.g. scope, location).

Available documents

CNF management will share available documentation with the Consultants, comprising, but not be limited to:

- CNF ESMS Manual and Annexes
- CNF Portfolio-level ESDD Summary Report
- CNF ESDD tool, incorporating the KfW E&S Checklist – Nature Conservation
- List of key stakeholders and any available contact details in each Management Unit
- Management Plans and other relevant documentation related to CNF Grantees
- Any other relevant documentation, such as project documents for UNDP/GEF funded project implemented by CNF on financial sustainability of PAs system in Georgia
- Analysis of gaps between national legislation of Georgia and the KfW / World Bank safeguards frameworks
- KfW Sustainability Guideline (2019) and other references standards (see section 4)

The Consultant is advised to use other information sources beyond those provided by CNF, where available online, if applicable. All material contributing to the ESDD screening findings must be appropriately referenced.

Deliverables Task 1a

For each site:

- Completed CNF ESDD Tool (Tab 1 – screening checklist)
- Reference list (documents reviewed) for inclusion in ESDD Report (see Task 3)

Task 1b: Preparation of a stakeholder engagement plan for the assignment

For each site, following the completion of Task 1a, a call with CNF Management and external ESMS advisors will be organized to verbally present initial findings and present the proposed fieldwork methodology. At this point in the assignment it will be important to decide on the focus for the in-field evaluation and agree on methods to be used and sites to be visited.



In order to identify rights holders, stakeholders and affected peoples to be included in the in-field assessment, a desk-based stakeholder identification will be conducted to complement any pre-existing CNF stakeholder information and to contribute to a Grantee stakeholder engagement database. This will form the basis for deciding on the sampling strategy and ensuring that (i) stakeholder engagement is representative of key groups affected by the project and (ii) Vulnerable Groups are included in the ESDD process. CNF country staff can contribute information and perspectives to assist the sampling process.

Coordination of the field visit will be conducted directly with the Grantee, with the support of CNF team for introductions to partner agency personnel, securing any necessary permissions/formalities and other logistical aspects. Planning at this stage will also aim to optimize coordination between the Consultants and any pre-existing stakeholder engagement on E&S issues at the target sites (e.g. KfW SPPA and BSLD projects at Racha, Kazbegi, etc., UNDP GEF etc.) to minimize duplication of methods that may lead to stakeholder confusion and fatigue.

Deliverables Task 1b

For each site:

- Stakeholder identification
- Field schedule and stakeholder engagement plan
- Field methodologies, adapted from the Inception Phase

Task 2: Field-based ESDDs

Following the approval of the fieldwork plan by CNF team, a site investigation will be conducted, consisting of *in situ* observation of relevant areas directly and indirectly affected by the CNF funding and meetings with relevant individuals/communities/entities/NGOs/local authorities associated with the project to discuss environmental and social issues, obtain any additional information required to fill any information gaps identified during Task 1a, assess gaps in compliance with the reference framework, check on progress of any risk management measures in the Management Plan or related projects, and formulate recommendations for management measures to be integrated into protected area management plans, Annual Operational Plans and/or third parties' support/buffer zone project plans.

These measures will be presented in tabular format as a site-level Environmental and Social Management Plan (ESMP) in the reporting phase (Task 3).

The assignment Proposal should include a description of any methodology that the Consultants plan to apply in stakeholder consultations that will ensure all focal groups have been consulted. Methodologies are expected to include direct observations, semi-structure interviews, group discussions, focus group discussions (on specific, pre-selected risk topics), workshops and transect walk/participant observation.



In addition to assessing risks and management measures, a key aspect of the ESDD field visit will be to assess and report on Grantee capacity to implement safeguard measures so that these can be introduced progressively into Annual Operational Plans match-funded by CNF and that CNF can ensure new activities are accompanied by capacity-building.

The ESDD is furthermore an opportunity for information disclosure and capacity-building of Grantee and other stakeholders on the purpose and content of the CNF ESMS Manual and the implications for protected area managers. ESMS advisors will provide induction on this aspect during the Inception Phase.

The Consultants will collate information generated from field activities in a cohesive and logical system that will enable easy interrogation during report writing and subsequent quality assurance review by external ESMS advisors. The information generated from the field visit will serve as the justification for the level of compliance with the reference framework, and so will need to be carefully managed. To ensure this, simple, appropriate data structures will be provided by the ESMS advisors to collate information from the range of field activities.

Deliverables

For each site:

- Completed CNF ESDD Tool (Tab 3)
- Completed field data forms

Task 3: ESDD Reporting

The Consultant will provide a full ESDD report in the English and Georgian languages, describing working approach; project description; reviewed information and documentation; methodology applied in stakeholder engagement, visited sites and interviewed peoples and entities; due diligence findings and recommendations, fully reflecting the scope of work requested in Tasks 1a, 1b and 2.

The report will include a clear compliance overview table, providing for each relevant aspect of the applicable KfW/WB E&S Standards with at least the following information per key requirement:

- Brief description of the relevant requirements;
- Compliance status, differentiating between minor and major gaps to completion;
- Description of the observed situation/compliance gap;
- Existing management measures;
- Recommended management measures;
- Capacity for implementation;

The Consultant will give a qualitative judgment about the feasibility of selected



opportunities for improvement. The report will include a non-technical executive summary with the key findings and key recommendations, as well as an Environmental and Social Management Plan with the actions required to achieve compliance with the reference framework, mitigate project risks and take advantage of project opportunities.

Deliverables

- ESDD Report for each Management Unit (excel files in English; reports in English and Georgian languages)
- ESMP for each Management Unit (Annex to the Report) in English and Georgian languages

5. SCHEDULE AND DURATION OF ASSIGNMENT

The Assignment is expected to commence in **July 2023** and be completed by **30 April 2024**, with potential for contract extension to cover additional sites subject to performance.

Inception Phase – total effort

Task	Time input (person days)
Remote capacity-building on ESDD screening	5
<i>In situ</i> capacity-building on ESDD fieldwork	6
Remote capacity-building on ESDD reporting	4
Work Plan and Proposal updating to cover Implementation Phase	2
Total input	17

Implementation Phase - estimated effort (each ESDD)

Task	Time input (person days)
Task 1a and 1b: Screening and stakeholder engagement plan	4
Task 2: Field-based ESDD	6
Task 3: ESDD report and ESMP	4
Total input per site	14

6. REQUIRED EXPERTISE FOR THE ASSIGNMENT

The Consultant shall propose a qualified team or individual consultant, with the following expertise:

Required qualification:

- Master’s degree in natural or social sciences, environmental management, policies or law, sociology, anthropology or comparable qualification;
- Minimum of 5 years of relevant professional experience, improving socio-economic benefits and addressing and managing environmental and, in



particular, social risks in the context of conservation or natural resource management projects;

- Documented experience in working on environmental and social dimensions of protected area management in Georgia;
- Expert knowledge and practical experience in carrying out environmental and social assessments and the application of safeguards/performance standards (e.g. World Bank, IFC etc), in designing and implementing safeguard tools and technical and organizational solutions; familiarity with international and national safeguards requirements in the region; certified social and environmental impact experts will have an advantage;
- Documented skills in stakeholder engagement techniques, including facilitation of group discussions on complex/challenging issues;
- Excellent data management and reporting skills;
- Strong analytical skills, diligent working style and ability to quickly evaluate complex situations;
- Very good inter-personal skills and high degree of cultural sensitivity;
- Fluency in Georgian and English

Desired qualification:

- Practical experience in engaging with marginalized, vulnerable or minority groups and local communities, addressing gender risks desired; familiarity with addressing risks related to environmental law enforcement will be an advantage;
- Familiarity with the application of the ESMS reference framework to conservation programmes;
- Documented skills to work efficiently with partners/grantees who are not familiar with the typical requirements, procedures and routines of an ESMS;

7. **MODE OF APPLICATION**

Applicants – National Consultants/Companies registered in Georgia - are requested to submit a full Application Package in the English language, including the following:

- Detailed Description of Approach to deliver the outcomes sought, including an understanding of the work required, comments on the TOR and activities proposed (if any), description of proposed approach and methodology, main implementation activities, the team composition etc. as considered relevant;
- Full CV's of the main members of the team and/or organization which includes references of implemented work related to the subject of the proposed assignment;
- Detailed Financial Proposal, including a breakdown of costs – all-inclusive consultancy fees (in days and stating unit rate), per individual team member, travel (in-country roundtrips and per diem as appropriate), field work costs, any applicable VAT or other taxes, other costs (to be specified in detail), etc. - in EUR;



8. OTHER PROVISIONS

Advance payment maximum of 20% of the total costs can be requested.

Final Payment will be affected after successfully providing all deliverables mentioned above and written acceptance of CNF