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**Request for Proposals for Selection of a Firm  
to  
Develop a National Approach to Safeguards and a Safeguards Information System for REDD+  
Implementation**

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**Terms of Reference for a firm to develop Kenya's approach to REDD+ Safeguards and  
Safeguard Information System (SIS) for REDD+ implementation in Kenya**

**1.0 BACKGROUND**

Kenya's Constitution, the National Development Plan-Vision 2030, and the Government's Priority Action Plan, which covers manufacturing, health, housing and food security, set out the development agenda for the country. The proposed Medium-Term Plan (MTP 2018-2022) prioritizes policies, programmes and projects which generate broad based inclusive economic growth, as well as faster job creation, reduction of poverty and inequality, taking into account climate change impacts, and meeting the Sustainable Development Goals (SDGs). It has identified climate change as one of the key challenges that will continue to exert negative effects on key sectors of the economy. It notes that the burden of extreme climatic events could cost Kenya's economy an annual loss of as much as 2% of the country's Gross Domestic Product (GDP). This is likely to stunt Kenya's long-term economic growth prospects as well as its ability to meet the targets set out in Kenya Vision 2030.

As a Party to the United Nations Framework Convention on Climate Change (UNFCCC), Kenya has taken bold measures to secure the country's development against the risks and impacts of climate change. Climate change related strategies have been developed, including a National Climate Change Response Strategy<sup>1</sup>, the National Climate Change Action Plan 2013-2017<sup>2</sup>, and the Green Economy Strategy and Implementation Plan<sup>3</sup>. Along with the Climate Change Act (2016) these documents all highlight forestry as one of the priority areas to move Kenya towards a low-carbon, climate-resilient development pathway. To do this, they recommend that the national forest cover must be increased to at least 10% as recommended and proposed in the Constitution of 2010. The National Forestry Programme<sup>4</sup> (2016-2030) a strategic framework for forest policy, planning and implementation to coordinate the sector's development, notes that REDD+ provides an opportunity to move towards more effective governance of the forest sector.

Kenya's forest resources are of immense importance for their contribution to economic development, rural livelihoods, and for the environmental and ecosystem services they provide. Forests help support the operations of most key economic sectors, including agriculture, horticulture, tourism, wildlife, and energy. Forests are not evenly distributed in the country. Over 80% of Kenya's land area is either arid or semi-arid with relatively low human population densities, as opposed to the wetter and more arable 20% where 70% of the population lives. According to the latest inventory undertaken in 2010 (KFS,

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<sup>1</sup> Change Response Strategy, 2010 - [NCCRS](#)

<sup>2</sup> National Climate Change Action Plan, 2013-2017 - [NCCAP](#)

<sup>3</sup> Green Economy Strategy, 2016-2030 - [GESIP](#)

<sup>4</sup> National Forest Programme [NFP](#)

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2013a), forests in Kenya cover 6.99% of the land area – 3.47 million hectares (ha) of forest and an additional 24.5 million ha of bush-land<sup>5</sup>. These forests are categorised as Montane, Western rainforest, Bamboo, Coastal and Dryland forests. The montane forest and the coastal forest regions are the most forested with 18% and 10% of total forest cover, respectively. Natural forests in Kenya are made up of montane forests, which occupy about 2% of the total land area (1.14 million hectares). A considerable area of 2.13 million hectares consists of bushland and mangroves. Public and private plantations constitute 220,000 hectares (FAO, 2015d). Much of Kenya's biodiversity and wildlife resources depend on forests and woodlands, being a major factor in attracting tourism.

Kenya loses about 12,000 hectares of forest each year through deforestation. About 12% of the land area which was originally covered by closed canopy forests has been reduced to about 1.7% of its original size, due to demand for fuelwood and charcoal, population pressure for settlements, infrastructure, demand for wood products and conversion to agriculture.

A coordinated approach, coupled with incentives for forest conservation and management, is needed to manage and conserve forests sustainably and to reduce greenhouse gas emissions to meet national targets - to increase forest cover to 10% of the land area - as set out in the Vision 2030, the National Climate Change Response Strategy and the Nationally Determined Contribution. To help realize these goals, Kenya has a grant from the World Bank's Forest Carbon Partnership Facility for REDD+ readiness (herein referred to as the REDD+ Project) to operationalize its REDD+ architecture, as per the requirements described in the REDD+ rule book prescribed by the Conference of Parties to the United Nations Framework Convention on Climate Change in various decisions (Decision 2/CP.13, the Warsaw Framework, Decision 1/CP.16 and most recently Article 5 of the Paris Agreement). These are a Strategy, Forest Reference Level, National Forest Monitoring System and a Safeguards Information System. The REDD+ Project is led by the Government of Kenya through the Ministry of Environment and Forestry

Kenya has already submitted a Forest Reference Level for Technical Assessment to the UNFCCC in December 2019 and is in the process of setting up a National Forest Monitoring System. The National REDD+ Project is in place to complete the readiness architecture and support the development of a:

- **National REDD+ Strategy (NRS) and Investment Plan.** In full, this means a national Strategy for Reducing Emissions from Deforestation and Forest Degradation and fostering conservation, sustainable management of forests, and enhancement of forest carbon stocks (REDD+). The REDD+ Strategy will identify incentives, policies, actions and measures for implementation to facilitate the country to meet the minimum 10% forest cover goal of the Constitution and Vision 2030.
- **Safeguards information system**

A coordinated and coherent approach is needed to sustainably manage and conserve forests and to reduce GHG emissions in order to meet the national target of forest cover of at least 10% of the land area of Kenya. **This will entail responding to the direct and underlying drivers of forest and land use change that emanate from both in and outside of the forest sector and providing consistent incentives for forest management for government, communities and the private sector.**

The National REDD+ Strategy which will be the official Government document for guiding REDD+ implementation in the country. It aims to improve the quality and extent of forests nationwide to provide economic, social, and environmental values. The NRS will require all stakeholders, including

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<sup>5</sup> Kenya Country Report, Country Report 180, FAO Global Forest Resources Assessment 2005

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households, communities, and the private sector, to be active in strategy implementation to reduce deforestation and degradation, and promote forest restoration and reforestation.

## **2.0 OBJECTIVES OF THE ASSIGNMENT**

The objective of this assignment is two-fold; a) present a **country approach to safeguards<sup>6</sup>** and b) **develop and operationalize a national system (Safeguard Information System- SIS) to provide information on how this national safeguards' framework is being addressed and respected.** Elements developed for Kenya's approach to addressing and respecting safeguards as per the first objective will be required for the development of the SIS.

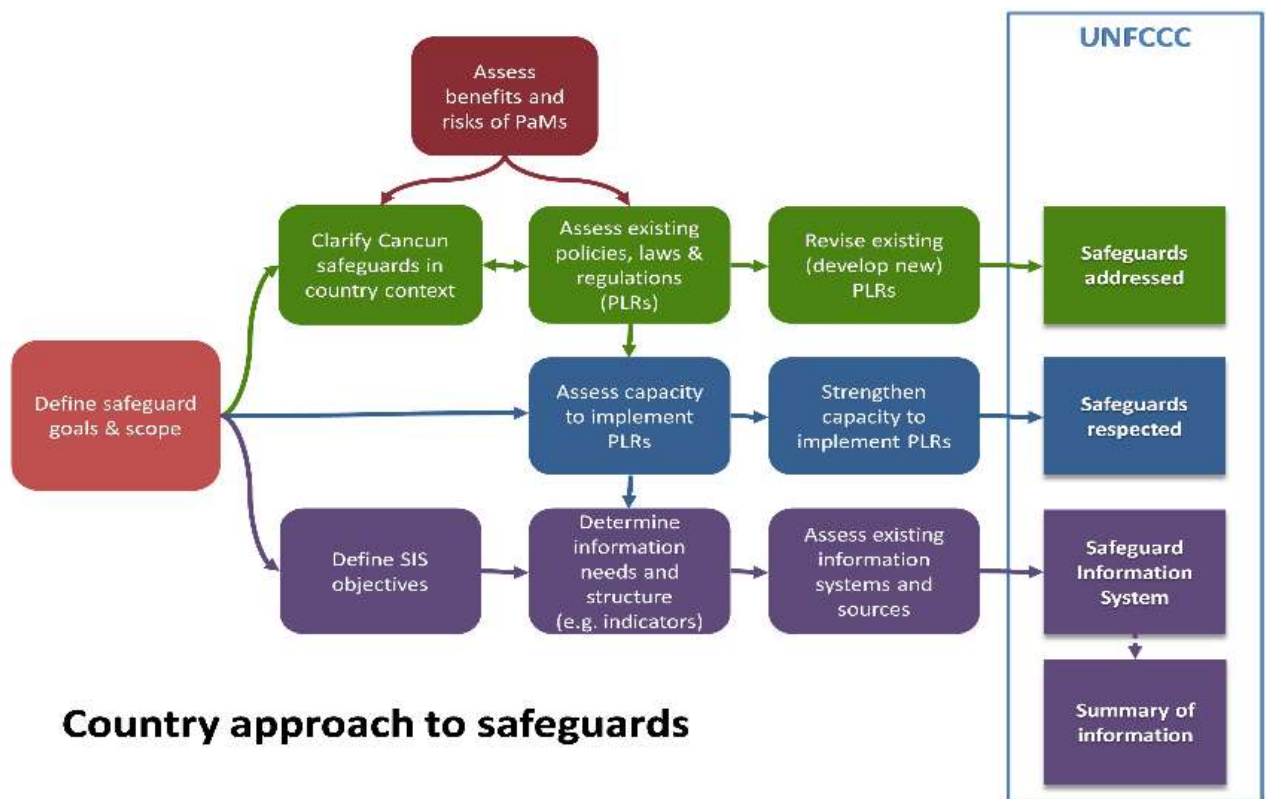
### **Output 1: Kenya's National Approach to Safeguards**

The country's approach refers to the existing governance arrangements and processes – policies, laws, regulations, institutions, etc. – that countries can draw on to respond to the international REDD+ safeguards requirements (Cancun Safeguards) in a way that is harmonious with national policy goals.

Country approaches to safeguards can help stakeholders explore what the safeguards mean in their specific context; inform the design of more sustainable REDD+ actions; engender country ownership; and build confidence among private and public investors in REDD+ actions that will benefit people and nature. There is clear guidance on how the country's approach to REDD+ safeguards can be effectively produced, building on lessons learnt and experiences from other countries and this will be duly shared at the inception meeting. The main elements of country approaches are presented in the figure below.

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<sup>6</sup> Which include the [Cancun Safeguards](#)



## **Output 2: Safeguards Information System**

In 2010, Parties 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. SIS should be country-driven, implemented at a national level, and built on existing systems, as appropriate (UNFCCC Decision 12/CP.17).

Effective REDD+ SIS is an important element of compliance and accountability, helping to promote transparency, guard against unintended social and environmental harms, and provide information on the impact of REDD+ actions. In addition, effective systems can help promote comparability of effort, incentivize quality greenhouse gas emissions reductions, and ensure that social, economic and environmental integrity is achieved in REDD+ activities.

In addition, when countries adopted the Warsaw Framework in 2013, Parties agreed that before receiving results-based payments countries should provide “the most recent summaries of information on how all the safeguards [...] have been addressed and respected.”

At least one summary of information has been submitted by 16 countries, most at national level, although some are at subnational level. These are Argentina, Brazil, Cambodia, Chile, Colombia, Costa Rica, Côte d’Ivoire, Ecuador, Ghana, Indonesia, Malaysia, Mexico, Paraguay, Peru, Viet Nam and Zambia. While the UNFCCC REDD+ web platform does not collect information about countries’ SIS, at least 13 countries are known to have such a system online: Argentina, Brazil, Chile, Ecuador, Ghana, Indonesia, Liberia, Mexico, Pakistan, Paraguay, Philippines, Suriname and Viet Nam. It is useful to look

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at, for example, Ghana SIS online - <http://www.reddsis.fcghana.org/> or Paraguay's, <http://dncc.mades.gov.py/sistema-de-informacion-de-salvaguardas>.

### 3. SCOPE OF SERVICES, TASKS AND EXPECTED DELIVERABLES

#### **Output 1. Develop the Country Approach to Safeguards**

Safeguards apply to the REDD+ actions, or policies and measures (PAMs), that a country chooses through a participatory process as means of addressing the drivers of deforestation and forest degradation and barriers to the sustainable management, conservation and enhancement of carbon stocks in its national context. The following tasks will be undertaken;

a) Set the **goal** of the approach: determining **which** safeguards Kenya seeks to apply for REDD+ – including the Cancun safeguards and any other additional safeguards requirements chosen by the country such as Green Climate Fund/World Bank Safeguards. The [Cancun Safeguards](#) can be found here in Appendix I. Defining the goal of safeguards will also be linked to the resource mobilization needs as per the REDD+ Strategy and Investment plan.

a) Set the goal and **scope of the safeguards**: determine what interventions – REDD+ actions as per those that are defined in the upcoming REDD+ Strategy, - and any other actions in forestry and land-use sectors to which the chosen safeguards will be applied. Assessing the social and environmental benefits and risks of potential policies and measures in can be an effective way of linking safeguards to REDD+ actions and of anchoring them to the Strategy.

c) **Clarify (or interpret, elaborate or contextualize) the Cancun safeguards** in accordance with national circumstances. This requires reaching a shared in-country understanding, among different stakeholder constituencies, of the rights and obligations that are embodied in the Cancun safeguards. This can be accompanied by a benefit and risk analysis carried out against the policies and measures proposed in the (upcoming) draft REDD+ Strategy. The basic requirement will be adherence to the Cancun safeguards plus those defined in the goal and scope and is the benchmark against which gaps can be analyzed.

Stakeholder consultation will be required at for this task; and will be handled through discussions with the technical working group.

#### **d) Review of PLR Framework and Gap Analysis**

Review Kenya's PLR framework (policies, laws, regulations, plans or programmes relevant for safeguards implementation- addressing) in order to ensure that the national approach and SIS is developed based on Kenya's framework pertaining to addressing drivers of deforestation and use and sustainable management of forests. Further, through the review of the legal framework, the extent to which the existing framework provides for instance, effective participation and whether key PLRS are in fact functioning, rather than just being available on paper (respecting) will be important .

e) review the institutional arrangements - the mandates, procedures and capacities of institutions responsible to ensure that the relevant PLRs are implemented in practice; and

f) The final standards for REDD+ implementation will **require indicators** which are to be used in the SIS as well. These will determine, whether a particular policy, law or regulation is being effectively

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implemented or whether an action is being carried out whilst addressing and respecting the safeguards. The indicators must be able to provide the parameters to determine what information needs to be collected and shared with stakeholders in an agreed or pre-determined manner. This information will be related to issues such as land tenure security, including customary forest use rights, access restrictions, benefit sharing/gender equity, stakeholder engagement/FPIC for IPs, disclosure, cultural heritage, biodiversity protection and access to a functioning GRM.

There are existing indicators such as those linked to forest policies, benefit sharing, community forest management etc. and it is important to draw on the rich body of knowledge here and to use existing processes and systems in place.

**g) SESA and ESMF**

Based on information collected and building on work already completed develop a social and environmental assessment -through a benefit and risk analysis of the REDD+ policies and measures in the draft REDD+ Strategy and draft environmental management framework.

Guidelines will be provided and stakeholder engagement is required for this stage.

**Output 2. Development of the SIS**

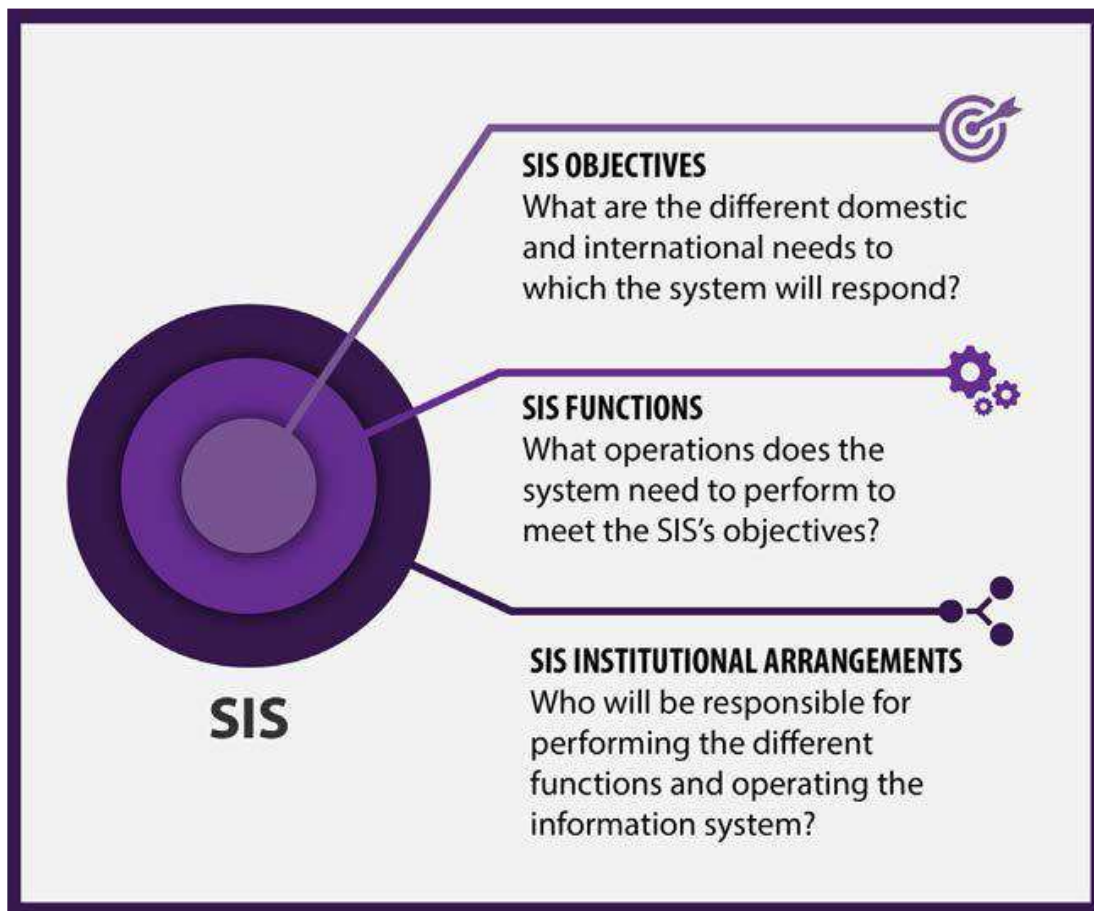
The objective of the SIS is to explain how the national safeguards set that has been identified above is being implemented – that is how they are being addressed and respected in REDD+ activities. The SIS will provide information for a summary of information; which is a prerequisite for obtaining results-based payments, and countries should periodically submit to the UNFCCC a summary of information outlining their work with respect to the safeguards ([UNFCCC Decision 12/CP.17](#) and [UNFCCC Decision 12/CP.19](#)). The structure or institutional arrangements of a SIS may vary for a particular country.

The objective of the SIS would also be to build domestic support for REDD+, and could potentially increase the returns on the investment for developing and operating the system. The provision of information on how environmental and social benefits and risks are being managed in forestry and other land-use sectors would contribute to a range of domestic objectives, as well as accessing funding for REDD+ actions. It could contribute to the improving implementation of Kenya's Nationally Determined Contributions (NDCs).

If the GCF /WB Carbon Fund compliance is an objective, for example, those would immediately set a much more defined set of criteria for the SIS. The SIS can respond to the highest safeguard standards that an expected buyer has set. The first tasks in Output 1 provide this information, as it is important these are agreed upon prior to the design and operationalization of the SIS.

Output 2 focuses on making a SIS operational. This involves setting up how information flows into a data collection system, who is responsible for the veracity of this information, and who does what to assess compliance with the safeguards, for example, by sampling forest practice on the ground throughout the country on a periodic basis, will be important to define.

The firm will conduct harmonization and gap analysis of the different initiatives in Kenya regarding existing safeguards tools. Based on this assessment, the functions and structure for the SIS will be developed.



**a) Existing Systems** Conduct a national assessment of existing information sources, and existing systems for provision of information that are relevant to the safeguards. This will include finding out how information is provided, in what form, to whom and how regularly. Development of a SIS does not require establishment of an entirely new system. It is likely to be more cost effective, in the long term, to develop a SIS from a combination of existing information systems, sources and institutional arrangements to meet desired SIS objectives. It will be crucial to build on existing systems, as appropriate when developing the SIS. For example, the Environmental Management Coordination Act, the Forest Policy (under revision), the status of Community Land Act may contain proposals made as to how safeguards, such as environmental and social assessments, are put in place.

Criteria for existing systems including the SIS itself include;

- **Transparency and Accountability** – How information is collected and provided in Kenya. Are there processes for stakeholder consultations? Is the information accurate, is there access to recourse if information is deemed not to be correct? Is the information audited or verified?
- **Consistency** – The availability of consistent and comparable information. Is information updated on a regular basis? How often does reporting take place, how, through what channels? Is the information comparable within the country and across countries?



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- Accessibility – The availability of the information and ability for stakeholders to access it. Is information publicly available? Is the information provided in a format that is readily accessible to all relevant stakeholders?
  - Flexibility – The ability to allow for improvements over time. Can the process be changed or updated over time? For example, can changes, methods or indicators be made as knowledge improves? This idea is important, as the SIS itself can be improved over time.

#### **b) Develop SIS Functions**

Drawing on experiences of information and monitoring systems outside REDD+, a number of functions might be considered during SIS design. These should include among others:

- Information compilation and management – what information needs to be included in the SIS, where it will be sourced, how it will be structured, and how will it be brought together and managed? How will it be funded and who will manage this responsibility.
- Information analysis and interpretation – what does the information tell us about how safeguards have been addressed and respected, and the attribution of outcomes to REDD+
- Information quality control and assurance – does the information reflect the reality on the ground and is the interpretation of that information acceptable to different stakeholders.
- Some methodology for checking independently through random audits/visits to programme sites to fact check reported information.
- Information dissemination and use – how will information be communicated to, and used by, different stakeholders to meet their different needs.

**c) Set up a national grievance redress mechanism** building on work already completed. See details [here](#)

#### **d) Define SIS Institutional Arrangements**

Review and analyse the institutional framework in Kenya which must include institutions or institutional arrangements at multiple levels relevant to the implementation of the safeguards.

Define who will be responsible for performing the SIS functions in, and perhaps outside, government. This should be developed through a participatory process involving all the stakeholders identified.

The existing framework of a country's policies, laws and regulations (PLRs) can help define the mandates and functions of government institutions that might contribute to the SIS. The role of non-state actors – civil society, indigenous peoples and local communities, as well as the private sector – shall complement government institutional mandates and capacities to perform different functional responsibilities within the SIS.

Review and assess these options during the institutional assessments should Kenya choose to build on existing systems, current institutional mandates of existing information systems, covering the chosen functions of the SIS.

**e) The capacity of these actors to operate a SIS** should also be assessed and a capacity building component proposed.



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#### **f) Finalise indicators for the environmental and social management framework**

Compare the REDD+ safeguards requirements as per the country approach with the information collected in the existing systems. For example, are these areas well covered; national forest governance, biodiversity, forest cover, or respecting the rights of forest dependent communities and local communities? A workshop will be held in order to confirm these indicators and the environmental and social management framework around the country's approach.

Finalise indicators and create a matrix with the following information relating to each indicator.

In the matrix provide the following information

- Data that already exists (mapping of data sources);
- Data to be collected (e.g. income data);
- Methodologies to be used (e.g. household surveys; participatory approaches, such as participatory biodiversity monitoring);
- Who is to collect data include the role of communities in collecting data;
- How often are data to be collected and how it will be tracked;
- The scale at which data are collected (e.g. at the country, local or project level);
- Quality assurance/quality control of the data collection system;
- How the data are being used and by whom
- How it is to be funded, analyzed and reported

There are existing tools that can be applied for the ESMF including UNDP's Social and Environmental Standards.

#### **e) Define how data will be stored and shared**

Design and develop an effective data storage facility or database for storage of information. Countries have in many cases found it to be most practical for this information to be held by the national institution charged with UNFCCC reporting through national communications.

#### **f) Access to SIS and dissemination of information**

Determine dissemination options, which can be tailored to reach desired target audiences, each with different information needs. Utilize the stakeholder and institutional analyses, conducted as part of REDD+ readiness processes which could be helpful in identifying target audiences for SIS information at different scales (international, national, subnational and local), across key constituencies (public, private and civil society sectors, as well as indigenous peoples and local communities).

Identify and develop coordination arrangements between local, provincial, sub-national and national entities that may be engaging in REDD+, implementing safeguards and collecting information about safeguards. This arrangement should clarify how various institutions relate to one another. The grievance redress mechanisms can be incorporated into the SIS

The information needs to be presented in a way that makes it easily understandable, accessible and actionable by country stakeholders (e.g. publication through a regularly updated web-based platform and/or in printed information in local languages). The technological solutions should be assessed against their appropriateness for reaching stakeholders who face challenges accessing online

information for example if viable, through radio announcements, posters in community centers, verbal presentations in village assemblies, and other such options for dissemination.

#### **g) Pre-test and Maintain the System**

Pretest and maintain the SIS for a period of three (3) months. This pre-testing should focus on building the capacity of the REDD+ Coordination Office and key institutions identified in the SIS staff before transferring full responsibility to the Ministry of Environment and Forestry. This pretest stage should include field visits to pilot the quality assurance function, troubleshoot the procedure and ensure this activity is clearly designed, vetted and budgeted for in the final proposed system.

#### **4. EXPECTED DELIVERABLES/OUTPUTS**

The firm will submit the following deliverables:

Deliverable	Components of the Deliverable	Due day	Time Frame	Means of Verification
Country Approach to Safeguards	Inception Report for deliverables	Day 10 from start	100 days	Inception report;
	Goal and scope of safeguards identified National approach to safeguards interpreted	Day 30		Report on Kenya's version of REDD+ safeguards discussed with the TWG
	Discussion with Technical Working Group	Day 30		SESA/ESMF drafts presented
	PLR framework analysed and presented	Day 40		Stakeholder validation of SESA/ESMF
	SESA/ESMF drafts presented and workshop agenda discussed.	Day 70		Report on stakeholder mapping
	Stakeholder engagement plan presented			Final version of country approach in a report.
	Capacity to address national REDD+ safeguards assessed and proposals to address gaps provided	Day 95		TWG meeting held
	Final version of approach to Kenya's safeguards presented including stakeholder meeting and final endorsement from the TWG safeguards group. SESA/ESMF presented for stakeholder validation	Day 120		

Safeguard Information System	SIS design and operationalization workplan	Day 10 from start of consultancy	170 days	Report of Design of SIS
	Determine needs, structure and cost	Day 30		Report of institutions managing or participating in the SIS, and capacity building plan if required
	Assess existing structures and identify key institutions and propose draft capacity building plan	Day 55		
	SIS Platform tested and in place	Day 70		Report how information will be collected, captured and presented in the SIS
	Grievance Redress Mechanism proposed and modality for integration in the SIS proposed			
	Proposals for capture, analysis and dissemination of information vetted and incorporated into the SIS	Day 110		GRM report
	SIS platform available and running, agreements made with key institutions for provision of information including links with the national forest monitoring system.	Day 140		Pre-test of SIS including field visit reports.

## 5. DURATION OF THE ASSIGNMENT

The assignment will cover 270 days.

## 6.0 REPORTING

The Consultants will work under the direct supervision of the National REDD+ Coordinator & Focal Point, Ministry of Environment & Forestry and supported by the safeguards specialist under the project management unit (PMU). Consultants will work under the day-to-day supervision of the Team Leader and collaborate with each other to deliver well integrated products. The Consultants will work in close collaboration with PMU, the REDD+ Regional Team, UNDP Country Office, and REDD+ Coordination Unit based at Ministry of Environment and Forestry, stakeholders of the REDD+ Programme and local organizations as appropriate.

## 6. LANGUAGE

The reports shall be written in English language.

## 7. CLIENT'S INPUT & COUNTERPART PERSONNEL

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The Ministry of Environment & Forestry and the Safeguards Specialist in the PMU will provide administrative and other logistical support consistent with the contract. The PMU will provide guidelines, templates and designate focal personnel to act as a sounding board and provide feedback through the different stages of the work.

## **8. QUALIFICATION AND EXPERIENCE**

### **I. Qualification and experience**

The consulting firm must possess the following experience and competencies:

- At least seven (7) years' experience in drafting regulations, guidelines and standards relating to environmental protection and management
- Must have provided consultancy services and training relating to environmental and social safeguards development and country-level approach to safeguards; experience in providing such services to Government agencies in Sub-Saharan Africa is an added advantage;
- Must be familiar with Kenya's policy, legal and regulatory frameworks and national circumstances; working with a local firm is an added advantage;
- Extensive work experience and proven record in the development of REDD+ Safeguards, standards and monitoring tools in developing countries.

### **II. Team composition:**

- a. Team Leader: Minimum graduate degree in Environmental Law, Environmental Science/Management, Environmental Economics, Sociology, Anthropology and related discipline with minimum of seven (7) years' experience as a team leader; experience working in developing countries especially in African region; Kenya is a big plus;
- b. Safeguards Specialist: Minimum graduate degree in Environmental Science/Management, Environmental Economics, Natural Resource Management, Social safeguards or related discipline with at least five (5) years' experience; experience working in developing countries especially in African region; Kenya is a big plus;
- c. Stakeholder Engagement Specialist: At least Bachelor's degree in Anthropology or Social Sciences, Mass Communication, Public Relations or related discipline with minimum of five (5) years' experience as a Stakeholder Engagement Specialist; experience working Experience working with and cultural knowledge of forest dependent, pastoralist and /or indigenous peoples. Ability to communicate in local dialects is preferred.
- d. Information Systems Specialist: At least Bachelor's degree in Information Systems Management, Information Technology or related discipline with minimum of five (5) years' experience; experience working in developing countries especially in African region; Kenya is a big plus;
- e. Legal Analyst: At least Bachelor's degree in environmental law, legal studies or related discipline with minimum of five (5) years' experience; experience working in developing countries especially in African region; Kenya is a big plus;

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