

Guyana Forestry Commission
Guyana's Programme of Work under EU FLEGT
Terms of Reference – Assessment Report on Scoping of Impacts of the EU FLEGT
VPA in Guyana

1. Background/Context

Guyana and the European Union (EU) have commenced formal dialogue on an EU Forest Law Enforcement Governance and Trade, Voluntary Partnership Agreement (VPA). The first formal negotiations were held in December 2012 at which key timelines were agreed to, that would guide the process moving forward. In announcing its decision to commence formal negotiations with the EU on a VPA, Guyana expressed that it is aware of the benefits of the VPA such as stimulating markets, enabling Guyana's exporters to retain markets, and expanding reporting requirements and existing systems in the chain of custody management.

The commencement of formal dialogue with the EU, was preceded by a series of stakeholder engagement exercises and consultations that helped Guyana to take the decision to enter into formal negotiations. The Government of Guyana, FAO, EU and local stakeholder groups were instrumental in supporting this process of sharing information, conducting initial analyses and contemplating potential impacts and benefits of a VPA for Guyana. As part of the initial stakeholder engagement exercises, there is a broader understanding amongst Guyanese stakeholders on the major issues that needs to be addressed during the negotiation process. As recent as January to March 2012, the most updated effort was undertaken to inform the decision to enter into formal dialogue with the EU, and was supported by the EU FAO FLEGT Programme. This series of engagements saw the participation of a large number of stakeholder groups across communities, civil society, private sector, non government bodies and Government bodies.

So far, a number of steps have been taken, including the establishment of a VPA Secretariat in Guyana which is located within the Guyana Forestry Commission, the formation of a multi stakeholder steering body for the VPA negotiation and implementation efforts (called the National Technical Working Group), and the development of a Guyana Roadmap for VPA Negotiations. In September 2012, through a multi stakeholder process, Guyana collaborated with international expertise from Ghana, to develop a Guyana VPA Roadmap to guide the negotiations process in Guyana. This activity was also support by the FAO ACP EU FLEGT Programme. This effort saw the participation of various stakeholder representatives from the private sector, civil society, NGOs, Government and other groups, in shaping the Roadmap which contains both activities that Guyana will itself undertake in the process, as well as those aspects that will be jointly undertaken by Guyana and EU.

Like the process of arriving at a decision, the process of negotiations on the VPA as well, has included a strong stakeholder participation element. As part of the management structure developed to oversee the VPA negotiations in Guyana, several meetings of the NTWG have already been held, as well as meetings of the sub committees under this Steering Body. Additionally, specific stakeholder constituency meetings were also executed so far with plans to continue with these sessions throughout the process. To date, 4 meetings of the NTWG have been held, 10 meetings of separate key stakeholder constituency groups mainly targeting indigenous Groups and NGO, and private sector, and 6 meetings across the four sub committees of the NTWG.

Work on assessing Guyana's forest legality and monitoring framework is already underway in Guyana, including in areas relating to the VPA negotiations.

In December 2009, the GoG wrote to the EU and requested to be provided with information on the EU FLEGT Programme. An initial mission was conducted in March, 2010 by a team from the European Forest Institute (EFI) and the European Union Commission, which facilitated preliminary discussions the EU team and key stakeholders in Guyana including the NTC, international NGOs, Amerindian NGO, GFC, the private sector, EPA, and a number of government agencies and ministries. A field trip was also conducted to one of GFC's field stations. In September, 2010, the GFC, on behalf of the Government of Guyana, coordinated the Exploratory Workshop on the EU FLEGT Programme with the primary purpose of providing stakeholders with the opportunity to air their ideas and concerns on the potential impacts of the EU FLEGT programme.

In May 2011, the GFC requested for more specific information to be provided in the form of an assessment of Guyana forest monitoring and legality system. The European Forest Institute organized a fact-finding mission to Guyana in June, 2011 to collect data, interview several key stakeholders, visit field operations and present the preliminary findings to the Guyana Forestry Commission (GFC), the EU Delegation in Georgetown and other parties identified by GFC. The objective of this assessment was to provide Guyana with specific information on the application and relevance of the country's current systems of legality and monitoring with respect to the FLEGT VPA requirements; and to advice Guyana on ways forward to develop their Legality Assurance System (LAS). This Assessment Report completed by the EU FLEGT Facility, dated July 1, 2011, entitled: Assessment of Guyana's Forest legality and Monitoring Mechanism, Working Paper, was completed.

In addition to these initiatives, the GFC initiated a programme of Independent Forest Monitoring (IFM), in 2009. Independent Forest Monitoring has been designed in Guyana to include the use of a independent third party that, by agreement with state authorities, provides an assessment of legal compliance, and observation of and guidance on official forest law

enforcement systems. IFM was therefore developed to presents a unique approach to assessing and strengthening legal compliance in the forest sector. The first Scoping Mission was conducted over the period September – October 2011 with the final report published in December 2011. As a follow on to this, the first audit for IFM was executed in 2012 and the Report on this Audit is expected to be available before end of April 2013.

The diagnostic assessment completed by the EU FLEGT Facility and the work done under IFM so far by Guyana have been identified to be important inputs to further work in assessing Guyana’s legality and compliance framework for the forest sector.

As the VPA negotiations process moves forward in Guyana, the VPA Roadmap for Guyana has identified the conducting an Initial Scoping of Impacts as a key activity that should be conducted to inform the negotiation process. It is envisaged that this may likely be an activity that can be repeated more towards the end of the process as well.

The objective of the Assessment Report of the Scoping of Impacts of the VPA, is to have a clear and precise identification of the likely impacts of an VPA for Guyana. It is envisaged that this initial assessment will cover more a scoping type of exercise, and as the negotiation process matures, will be further revised and refined into a full Assessment of Impacts, where needed. The Scoping of Impacts of therefore seen as a necessary precursor to this next step.

Additionally, start up activities for negotiation, such as the development of the definition of legality for Guyana, also require for the likely impacts of a VPA on relevant stakeholder, particularly the forest sector and indigenous communities to be identified up front. It is only in this way, that the VPA can be designed to be appropriate to each stakeholder group, to be practical for implementation and to overall, be realistic. The Scoping Report will enable this to be achieved. Both EU and Guyana have agreed at the first negotiation session held in December 2012 that this is an important part of the process moving forward for Guyana. The Guyana EU FLEGT Roadmap, outlines this activity, as one that is planned for execution in the first half of 2013.

2. Scope of work to Conduct a Scoping of Impacts of the EU FLEGT VPA in Guyana

The GFC seeks to engage the services of an individual consultant or firm to conduct an Assessment of the Scope of Impacts of the VPA in Guyana. The methodology that will be used to develop this Strategy will include both one on one meetings with stakeholders, stakeholder group meetings, focus group meetings, and workshop sessions to share and validate the findings. The activities will be coordinated closely through the existing mechanisms: the NTWG and its Sub Committees, and importantly at the level of the key Stakeholder Constituency Groups level.

The Consultant/ Firm will be expected to complete the following:

a. **Conduct assessment of status of implementation of GFC's forest legality and monitoring framework and identify potential impacts from the VPA** - the Consultant/ Firm, will reflect on existing efforts conducted to date as outlined in the Background, as well as new assessment that may be needed, and will conclude on the status of such implementation in key areas of forest legality. The consultant / firm will completed an analysis of the potential impacts of the VPA on the various stakeholder groups. The consultant or firm will provide a work plan that will outline the methodology for completing the scoping exercises. The workplan will include at least the following aspects:

- I. Identification of possible impacted stakeholder groups
- II. Assess and define the possible impacts for each stakeholder group – including economic, social and environmental impacts effecting the stakeholder groups
- III. Evaluate the most likely impacts and the most vulnerable stakeholder groups
- IV. Evaluate opportunities to enhance positive impacts
- V. Evaluate options for mitigating negative impacts
- VI. Evaluation of knowledge gaps, areas that should be further researched, etc.

This assessment should be conducted using the available documentation on the VPA process to date and information derived from interviews, focus groups, one on one meetings within the stakeholder groups, etc.

b. **Develop a Diagnostic/Scoping Report on the Impacts that have been Identified** – this report is expected to be informed by the assessment conducted in (a) above and will categorise identified impacts, including gaps and areas for strengthening, based on the draft definition of Forest Legality designed for EU FLEGT.

c. **Design an Impact Mitigation Strategy including Implementation Plan for addressing Impacts** – this Strategy should include the following main areas and should be done separately for each stakeholder level (for example, small forest concession, large forest concessions, Amerindian areas, mining leases and agriculture areas, forest products processing, and exports):

- I. ***Mechanisms for Addressing Impacts Identified*** - This Strategy should assess the most feasible means in which Impacts may be addressed, gaps filled, and mitigation measures instituted, including options for approaching gap filling exercises. The Strategy should assess the advantages and disadvantages for each option under consideration.
- II. ***The Implementation Plan*** - that will accompany the Strategy should include an assessment of the economic, financial and human resource requirements that each

- measure for addressing identified impacts will entail. This should include, but not be limited to, equipment, human resources, financial resources, and other capabilities.
- III. **Assessment of Opportunity Costs for Implementation** – this should be conducted for each impact identified, including gaps and areas for overall strengthening, the efforts needed at each stakeholder level.
 - IV. **Schedule for Implementation** - additionally, the Implementation Plan should also include a proposed Schedule that may be used as a realistic timeline to implement various identified Options for addressing identified Impact.

3. Profile of Consultant

- a) **Qualifications:** At Least a MSc degree in Forestry, Natural Resources Management, Environmental Science, Environmental Economics, or relevant field and equivalent professional work experience in the area of forestry.
- b) **Experience:** Candidates must possess a minimum of 5 years proven experience at the national and/ or international level, specifically in working in the forest sector of Guyana. Experience working with forest based stakeholder in Guyana is preferred. Candidates with knowledge of Guyana’s forest sector sustainable forest management and forest monitoring framework.
- c) **Skills and Abilities:** Candidate must also possess excellent oral and written English communication skills and be able to articulate ideas and write reports in a clear and concise style. Preference will be given to persons being able to communicate in culturally appropriate way with forest sector stakeholders of Guyana
- d) **Technological Awareness:** Ability to make effective use of relevant computer software programme for training and preparation of training materials (MS Office), and other equipment relevant to the execution of training workshop.
- e) **Teamwork:** Good interpersonal skills and ability to establish and maintain effective working relations in a multicultural organization. Ability to provide effective support in relation to work conducted by colleagues.
- f) **Availability:** The Consultant is expected to make his/her self available throughout the duration of the project.

4. Authority and Responsibility

a. The Role of the GFC

The Guyana Forestry Commission (GFC) has full authority and responsibility for this contract which includes oversight over service provider and of the procurement process.

The GFC is a semi-autonomous organization formed in 1979 with a legal mandate to manage and control the utilization of the State Forest Estate. Its main role is to ensure the sustainable utilization of the State Forest Estate in keeping with sustainable forest management principles and guidelines captured in the Forest Act 2009. Governed by a developmental mandate, this

agency ensures that that there is a balance among the pillars of social, economic and environmental development. Over the past decade, the Commission has undergone rapid development in the implementation of sustainable forest management, legality, and environmental standards. In this regard, the GFC has been tasked with the responsibility of coordinating the process for negotiation and eventual implementation of EU FLEGT Activities in Guyana. The Guyana Forestry Commission, through its Project Coordinator will provide access to relevant personnel and information to be used in the preparation of the Assessment Report on the scoping of Impacts of the EU FLEGT VPA in Guyana. The management of GFC will, through the Project Coordinator, approve the:

- Work plan
- Diagnostic/Scoping Report on Impacts
- Strategy and Implementation Plan for Addressing Impacts

The management of GFC will identify GFC staff members whom will be collaborating with the Consultant to plan and execute the work identified under this ToR. The Consultant will receive full logistical support at pre approved level, from the GFC

b. The Role of the Consultant

- I. The Consultant will work along with the GFC, the NTWG and other relevant stakeholders in planning and executing consultation and stakeholder engagement activities for relevant stakeholders.
- II. Prepare a work plan in collaboration with the NTWG, detailing activities and outputs for the duration of the assignment based on the key points of this Terms of Reference.
- III. Develop Scoping of Impacts Report and all related elements as outlined in Section 2.
- IV. Coordinate stakeholder meetings and workshop to inform Scoping Assessment - the Consultant is expected to conduct at least 5 sessions with relevant stakeholders. The key stakeholder groups that will be targeted will include the private sector (Forest Products Association of Guyana, Guyana Manufacturers and Services Association), civil society (Indigenous NGOs, National Toshias' Council), Government agencies (Office of Climate Change, Ministry of Amerindian Affairs), and Community Forestry Representatives (Representatives of Community Small Loggers Association).

5. Modalities for Engagement with various Stakeholder Groups

There are a number of steps which should be followed as it relates to the consultation with various stakeholder groups; particularly forest based groups.

- I. Key representatives with knowledge of the communities and its workings must be integrally involved in the process
- II. Stakeholder groups must be kept informed at every stage of the process. All reports generated must be taken to groups for comments and inputs before finalising.

- III. An effective feedback mechanism must be in place to ensure that comments are received in a timely manner
- IV. Direct engagement with stakeholders in workshops, seminars and other similar engagements must be given adequate time for execution. Planned schedules must be adhered to as far as is practical.
- V. A holistic view must be used when looking at each stakeholder group for better understanding

6. Reporting & Timelines

The Outputs & Deliverables expected from this assignment are:

- a. Status Report of Implementation of Forest Monitoring and Legality Mechanism
- b. Scoping of Impact assessment methodology and work plan.
- c. Scoping Assessment of Impacts of the EU - Guyana VPA, that should include all items outlined in Section 2.
- d. Strategy and Implementation Plan for Addressing Impacts

7. Schedule and Duration

The work of the Consultation and Outreach Specialist is expected to be conducted over a 6 month period, commencing April 2013.

8. Remuneration

The fee for the implementation of activities and delivery of results for this consultancy will be negotiated between the GFC and the Consultant.