



TERMS OF REFERENCE

1. Key information

Functional title	<u>Advice on law enforcement and related risks within Blue Action Fund's ESMS</u>
Duty station:	Remote
Duration of assignment:	3 months
Starting date:	December 2021 or January 2022; exact date tbd
Type of contract	Consultancy
Level of engagement	Individual contractor
Application procedure:	Limited Competitive Bidding
Application deadline:	22 nd October 2021, 23.59 pm CEST (Berlin time)
For additional information:	Laura Werner, Programme Coordinator lwerner@blueactionfund.org

2. Background

Blue Action Fund is a non-profit foundation established under German law. It was created by the German Federal Ministry for Economic Cooperation (BMZ) and Development) and KfW Development Bank in 2016. Sweden joined by the Swedish Ministry for Foreign Affairs in 2017 and France by the French Agence Française de Développement (AFD) in 2018.

Dedicated to supporting marine protected areas and the most sensitive coastal waters of Africa, Latin America and Asia, Blue Action works through a program of medium- to large- sized grants to NGOs working on marine/coastal conservation (grants are typically in the range from € 1 – 5 million, typically to NGOs working in partnerships with local actors).

Blue Action's overall goal is to contribute to reducing the dramatic loss of marine biodiversity and stabilizing incomes in coastal fishing communities. Blue Action Fund concentrates on projects - on projects with measurable outcomes in two areas:

- Newly established or better managed MPAs or networks of MPAs that result in conservation of biodiversity;
- Enhanced livelihood conditions and food security.

In addition, Blue Action aims to contribute to evidence-based knowledge exchange on MPA development and management and to promote the sustainable financing of marine protection by private, public and non-governmental sources.

Special attention is given to the alignment between the Programme approach and national priorities as well as existing strategies and policy frameworks.

Blue Action has been launching at least one call for proposal per year since 2016. More calls are expected in the near future. There are currently 16 running [grants](#), with several more expected to start in the near future.

Blue Action's Environmental and Social Management System

Within its nature of public funding Blue Action Fund has developed and implements an Environmental and Social Management System (ESMS) to assess and manage the environmental and social (E&S) risks and impacts of the activities it funds in accordance with international standards and best practices (Annex 1).

[Blue Action's ESMS](#) was developed by Environmental Resources Management (ERM) with support of KfW, and subsequently adopted by the Supervisory Board in May 2019. Blue Action's ESMS was also an essential part of a funding application submitted to the Green Climate Fund (GCF). The proposal was approved by GCF's Board in November 2019. Since April 2020, The Landscapes & Livelihoods Group (TLLG) has been supporting Blue Action in a comprehensive revision of the tools and templates of the ESMS, including a switch from the IFC Performance Standards to the World Bank Environmental and Social Framework.

The ESMS provides a description of processes to ensure that E&S topics are duly addressed as part of the activities funded by Blue Action Fund in line with World Bank ESF and the Sustainability Guidelines of KfW Development Bank (2016). The ESMS defines procedures, tools and responsibilities for assessing, managing and monitoring environmental and social risks and impacts associated with projects supported by the Blue Action Fund throughout the entire project lifecycle. The ESMS is applicable for all projects receiving funding from the Blue Action Fund.

Law enforcement and Blue Action Fund projects

Blue Action Fund's support to NGOs includes delivery of support to improve law enforcement within existing, expanded, or new Marine Protected Areas. As Blue Action Fund projects are implemented by a lead NGO, the law enforcement support is often delivered to collaborating government partners who are most often the management authorities of the Protected Area in question. Law enforcement in this context includes surveillance, patrolling, and law enforcement itself, and support provided ranges from training and capacity development, and technical and material support to monitoring and surveillance activities. In addition to collaborating and supporting management authorities, lead NGOs often work with local communities who can have a role in law enforcement, often through their activities in monitoring, patrolling and surveillance, and sometimes in their role in working directly with Protected Area rangers.

With this in mind, lead NGOs are not direct agents causing risks and impacts in relation to law enforcement but are often contributing to existing or newly introduced law enforcement arrangements. This can occur in contexts where there are high levels of dependence on natural resources by local communities and high levels of non-compliance, where there are vulnerable natural resource users, and legacy issues in relation to the establishment of the Protected Area. In some instances, illegal fishing in off-shore waters also includes international, transboundary and organized crime. In most contexts, there are also other entities involved in the law enforcement system, including, for example, the local Police and the Navy.

3. Objectives and Tasks of the Assignment

The key objective is to assess Blue Action's current grant portfolio regarding law enforcement-related risks and to advise Blue Action Fund and its main ESMS consultant on further development and adaptation of its ESMS to include relevant safeguards.

The Terms of Reference as outlined below describe the scope and tasks for the assignment of a Consultant for such support to the Blue Action Fund.

Deliverables

- Assessment of law enforcement risks through a sample of projects in current grant portfolio (e.g. 5 out of 16 running grants),
- Assessment of the current ESMS risk identification, assessment and management system in place regarding law enforcement,
- Recommendations on further development of the Blue Action Fund ESMS to include safeguards for law enforcement/security risks.

While not included in this contract, there might potentially be follow up work, which Blue Action Fund might request:

- Based on recommendations, develop necessary template(s), tool(s) and guidance to strengthen Blue Action Fund's ESMS with regards to law enforcement,
- Support grantees and Blue Action Fund in the implementation of safeguards/management measures related to law enforcement.

4. Qualifications

- University degree or higher academic credentials in a relevant field,
- Extensive experience in security risk and law enforcement risk assessment and development of security management plans,
- Strong track record of similar mandates,
- Experience applying the Voluntary Principles on Security and Human Rights and World Bank ESS4/IFC PS4 (security personnel) in practice,
- Experience in working with different stakeholders, such as NGO staff, local communities and international organisations,
- Experience of working on safeguarding in nature conservation projects,
- Ability to draft clear and concise assessment reports and good writing skills for drafting guidance documents or templates;
- Fluency in English.

5. Submission of Proposal

Please submit your proposal until 22nd October 2021, 23.59 pm CEST to Laura Werner at lwerner@blueactionfund.org.

Annex 1: Standards and Guidelines referred to in Blue Action Fund ESMS Manual V3.

ID	Title	Date	Standard/ Guideline
1	The World Bank Environmental and Social Framework (ESF). ESS1-10.	2017	Standard
2	ILO Core Labor Standards ¹	Various	Standard
3	KfW Sustainability Guideline - Assessment of Environmental, Social, and Climate Performance: Principles and Process ²	2021	Guideline
4	The World Bank Group's Environmental, Health and Safety (EHS) Guidelines, including General EHS Guidelines and Industry Specific Guidelines, as applicable.	2007	Guidelines
5	BMZ's Guidelines on Incorporating Human Rights Standards and Principles, Including Gender, in Programme Proposals for Bilateral German Technical and Financial Cooperation.	2013	Guidelines
6	"Workers' Accommodation: Processes and Standards: A Guidance Note by IFC and the EBRD"	2009	Guidelines
7	FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT).	2012	Guidelines
8	FAO Code of Conduct for Responsible Fisheries (CCRF).	1995	Guidelines
9	FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries (VGSSF).	2015	Guidelines
10	UN Code of Conduct for Law Enforcement Officials	1979	Guidelines
11	Basic Principles on the Use of Force and Firearms by Law Enforcement Officials	1990	Guidelines
12	The Voluntary Principles on Security and Human Rights	2000	Guidelines

¹ ILO defines eight labor standards as fundamental, including: 87) Freedom of Association and Protection of the Right to Organize (1948) 98) Right to Organize and Collective Bargaining (1949) 29) Forced Labor (1930) 105) Abolition of Forced Labor (1959) 138) Minimum Age (1973) 182) Worst Forms of Child Labor (1999) 100) Equal Remuneration (1951) 111) Discrimination (1958).

² This includes KfW Bankengruppe's Declaration on the Consideration of Human Rights in its Business Operations. Available at <https://www.kfw.de/nachhaltigkeit/Dokumente/Sonstiges/Menschenrechtserkl%C3%A4rung-en.pdf>