



Terms of Reference for the development of MAR Fund Institutional Environmental and Social Management System (ESMS)

1. BACKGROUND

The Mesoamerican Reef Fund (MAR Fund) is a regional, private environmental fund with the objective of supporting the protection of the Mesoamerican Reef (MAR) ecoregion, shared by Mexico, Belize, Guatemala and Honduras. Its mission is to drive regional funding and partnerships for the conservation, restoration and sustainable use of the MAR.

MAR Fund was established by four pre-existing environmental funds, one from each country of the region: Fondo Mexicano para la Conservación de la Naturaleza (Mexico), Protected Areas Conservation Trust (Belize), Fundación para la Conservación de los Recursos Naturales y de Ambiente en Guatemala and Fundación Biósfera (Honduras). MAR Fund operates as a regional planning and coordination mechanism that prioritizes projects and distributes funding. In its 15 years, it has raised US\$26.2 million in project funding and manages an endowment of US\$29.6 million as of November 2020. MAR Fund has provided funding to partners in the region through different channels, such as small grants and large, multiannual projects. MAR Fund grantees include community organizations, NGOs, governmental organizations, academia and individuals. The last two must have the administrative support of an NGO, which is responsible for the grant. To be eligible, organizations must have their headquarters established in any one of the four MAR countries.

MAR Fund has also supported the establishment and operation of regional networks, such as the Connectivity Network, the Reef Restoration Network, the Sustainable Fisheries Network and the Fish Spawning Aggregations Network. It is also part of the Healthy Reefs Initiative, an international effort that measures and tracks the health of coral reefs in the region, and the MAR Leadership Program, a capacity- building initiative that strengthens leadership skills of young conservationists in the four MAR countries and scales impact through support of their strategic projects.



The Fund carries out its mission through five programs, as follows:

1. Saving our protected areas: a legacy of caring. Establishment and protection of an interconnected network of priority coastal and marine protected areas in the region.
2. Fishing for the future: sustainable fisheries for a thriving reef. Community participation in co-management of their fisheries, establishment of fish replenishment zones and monitoring and protection of fish spawning aggregations.
3. Climate Change: the need is now. Supporting adaptation to climate change and its impacts on the reef.
4. Belize Marine Fund: enhancing marine conservation in Belize with the participation of local stakeholders, for wider regional benefit.
5. Clean water for the reef: improving sewage and solid waste management for a healthier ecoregion and its people.

The purpose of the MAR Fund Environmental and Social Management System (ESMS) is to provide its Board of Directors, donors, staff members and project implementers with procedures to avoid (or minimize) adverse environmental and social impacts, and to enhance positive impacts of MAR Fund investments to the maximum extent possible in the MAR region.

The application of these policies/procedures/tools/ and criteria will be mandatory for all, including the Board of Directors, staff, and recipients of donations from any of MAR Fund's mechanisms for distribution of funds.

MAR Fund will develop an ESMS to identify social and environmental risk and incorporate gender equity in the activities it develops and supports and to avoid, minimize and/or mitigate risk. The framework will be approved by the Board of Directors through an affirmative resolution. This framework will include policies, procedures and tools that set forth how the MAR Fund will apply social and environmental safeguards in all its financing windows and through projects it implements.

The ESMS will provide guidance for preparing calls for proposals so that they clearly explain the MAR Fund approach to social and environmental safeguards.

More information about the MAR Fund can be found at <https://marfund.org>



2. OBJECTIVE OF THE CONSULTANCY

General: Develop the MAR Fund Institutional Environmental and Social Management System (ESMS) to adequately identify, evaluate, manage and minimize risk in communities and the environment in the MAR region, based on international standards and best practices.

The ESMS will provide mechanisms for sound and structured decision making by the MAR Fund on safeguard matters and inform which safeguard instruments will be developed and implemented for its activities in order to diligently address risk areas which would be triggered by MAR Fund funded projects and activities.

The consultant will establish MAR Fund's procedures for identifying, assessing and managing potential direct and indirect risk around its programmatic activities in the region, taking into consideration the legal frameworks (e.g. environmental and social) of the four countries in the MAR region and the international frameworks related to the social and environmental safeguards and human rights.

The ESMS will address the identified risks of each of the policies and programs and strengthen their positive impact. They will define decision-making processes, describe the roles, responsibilities and capacity needs of staff in the context of environmental and social management, and will set the documentation and recordkeeping requirements.

This consultancy will develop the procedures and tools to apply the ESMS framework, to provide guidance on the screening of proposals, categorization and monitoring tools for different types (e.g. topic, size) of projects, track environmental and social management activities at the target community level, as well as a grievance mechanism.

An action plan will be also developed to guide MAR Fund through the implementation of its ESMS that will contain as a minimum: diligently aggregated description of the required actions and why they are required; prioritization of actions; definition of responsibilities; setting of realistic deadlines and timeframes for the completion of the actions, and required resources (staff and budget) as well as a monitoring system. This must also include a capacity building framework for MAR Fund Board, staff and grantees.



The consultancy will consider MAR Fund’s current structure as well as its continued evolution, including but not limited to additional financial instruments such as a technical assistance facility for blue economy market projects.

The activities and projects funded by MAR Fund may include biodiversity conservation measures, which in some occasions may be based on restrictions of access to natural resources for local communities. The ESMS will provide guidance for the development of adequate safeguard tools, namely of Process Frameworks on the level of the individual projects. To support the development of projects, specific measures to address impacts from access restrictions (involuntary and voluntary/based on community-based natural resource management and land use planning processes), the consultant will assess and determine the requirement of the following aspects, for which guidance notes will be developed under and integrated into the ESMS: a) Management of impacts from access restrictions; b) Due Diligence for law enforcement procedures and systems and Human Rights. The consultancy will also assess if additional guidance notes need to be developed and the next steps. The consultant will identify the need for developing plans for the distribution of benefits.

3. AVAILABLE DOCUMENTS

MAR Fund will share available documentation with the consultant such as:

- a. KfW Sustainability Guidelines (available at https://www.kfw.de/PDF/Download-Center/Konzernthemen/Nachhaltigkeit/FZ-Nachhaltigkeitsrichtlinie_E-2.pdf);
- b. MAR Fund documents such as the Strategic Plan, Grant Agreement formats, Due Diligence Process, Project Cycle Manual, Declaration of Interest Statement, manuals, reports, and other documentation that provides information on scope of activities, geographic location, programs, partners, others;
- c. Guidance shall be taken from KfW’s ESMS Info Sheet attached to these ToR;
- d. E&S Checklist Nature Conservation as attached to these ToR shall be integrated into the ESMS processes and routines as appropriate;



- e. Guidance Note – Standard on Involuntary Resettlement and Access Restrictions, Access Restriction Mitigation Process Framework, Jan 2019, https://www.iucn.org/sites/dev/files/iucn_esms_process_framework_guidance_note.pdf;
- f. Any other relevant documentation as needed.

4. RELEVANT STANDARDS AND GUIDANCE

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

- National environmental, social, occupational health and safety standard and guidelines and labor laws as well as legislation related to law enforcement in the conservation context in the four countries of the Mesoamerican Reef, including requirements for public disclosure and engagement established therein.
- International law including conventions and treaties adopted by the host countries and applicable to MAR Fund projects.
- Sustainability Guidelines of KfW in their latest version and therewith:
 - World Bank Environmental and Social Standards (WB ESS 1-10) and Corresponding Guidance Notes; WB ESS 9 specifically is guiding the management of E&S risks and impacts for financial intermediaries;
 - World Bank Group's General Environmental and Health and Safety Guidelines and Industry Specific Guidelines, as applicable;
 - ILO Core Labour Conventions;

The following guidance notes should also be taken into consideration to guide the work of the consultant:

- Good Practice Note: Addressing Gender Based Violence in Investment Project Financing involving major Civil Works (WB, 2018): <http://pubdocs.worldbank.org/en/741681582580194727/ESF-Good-Practice-Note-on-GBV-in-Major-Civil-Works-v2.pdf>



- Good Practice Note: Assessing and Managing the Risks and Impacts of the Use of Security Personnel, 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 (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_60604aa96d1c4bdcbb633916da951f25.pdf
- Addressing Security and Human Rights Challenges in Complex Environments, 3rd edition (DCAF/ICRC 2016):
https://www.securityhumanrightshub.org/sites/default/files/2020-04/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 (FAO 2012) known as the VGGT will be integrated into the ESMS;
- Voluntary FAO guidelines on food security.



- UN Declaration of Indigenous People's rights

The consultant will also review the environmental and social safeguard standards of the donors/international organizations listed below with the aim of aligning and adapting the MAR Fund ESMS with their requirements whenever possible.

- Global Environment Facility (GEF) Environmental and Social Safeguard Standards
- Green Climate Fund
- UNDP Social and Environmental Standards
- UNEP
- IUCN's ESMS : <https://www.iucn.org/resources/project-management-tools/environmental-and-social-management-system>
- Conservation International's ESMS for the Critical Ecosystems Protection Fund : <https://www.cepf.net/grants/before-you-apply/safeguards>

Other ESMS frameworks, especially those of other environmental funds, taking into consideration the size and scope of work of MAR Fund.

5. SCOPE OF WORK

Task 1a: Familiarization with documentation and inception call

In the course of developing their proposals for the assignment, tenderers will become familiar 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 judgment and knowledge. The proposals shall include the outline of a Work Plan for this assignment, indicating activities, schedules and outcomes in the course of the task.

The work plan of the selected consultant, the approach and any questions and suggested amendments to the ToR will be discussed and agreed during a Kick Off Call, to be undertaken by the consultant with MAR Fund staff, shortly after the start of the



assignment. Other topics during this call may relate to availability of additional and specific information and to the planning and scheduling of the inception meeting.

Details regarding communication, development of additional guidance notes, engagement of and collaboration with the different parties involved in the ESMS development will be agreed upon by the commencement of this assignment and the overall approach for communication and collaboration will be updated as appropriate in the course of the assignment.

The agreed overall approach (including document reviews/desk studies, any remote or direct focus group discussions, interviews, etc. and collaboration between different assignments) and final work plan and any resulting changes to the ToR will be part of the deliverables upon completion of Tasks 1a and 1b.

Task 1b: Preparation and Implementation of an Inception Meeting

The consultant will work directly with the MAR Fund strategic advisor and executive director and with relevant E&S experts.

After the completion of Task 1a, the consultant will acquire and evaluate additional and specific information regarding, but not limited to, the following aspects:

- Relevant national environmental, social, occupational health and safety and labor legislation for MAR countries (Mexico, Belize, Guatemala, Honduras).
- Any management plans, operational manuals or other relevant documentation from protected areas/conservation areas or grants being implemented by the MAR Fund through its programs.
- MAR Fund grant cycle and design of calls for applications, eligibility criteria for applicants and for proposed activities, existing risk management procedures as well as any other procedures and routines as relevant in the E&S management context.
- Information regarding E&S risk management from (potential) MAR Fund funding applicants and fund-receivers.
- Rapid assessment of requirements from other donors not listed above.



- Records of serious incidents and accidents, law enforcement, conflict in the context of access restrictions, community protests or any other relevant incidents and accidents.
- Existing procedures, routines and formats which could be used for the ESMS;
- Identification of key risks and potential impacts from MAR Fund funded activities based on the risk areas outlined above;
- Proposed approach for E&S risk screening of MAR Fund applications;
- Key requirements to be covered by MAR Fund ESMS including guidance documents, templates, checklists and other supporting documents (except the guidance on the management of impacts from access restrictions and for law enforcement due diligence);
- Training and capacity building needs for the implementation of the ESMS;
- Proposed outline of a MAR Fund E&S Exclusion List, based on the KfW Exclusion List

NOTE: MAR Fund will support the acquisition of information from relevant partners.

Based on the analysis of available information and on the requirements for the development of the ESMS as per Task 2 below, the Consultant shall prepare the inception meeting with MAR Fund or, depending on the current situation due to the COVID-19 crisis, a remote meeting. Meeting agenda, material and any presentations will be shared in advance. The logistical organization of the meeting in case of a direct meeting is not part of the assignment.

The Consultant will prepare, implement and document the inception meeting. Based on the results of the inception meeting, the ToR for the assignment may be updated and amended if required.

Deliverables Task 1:

- Inception meeting, including a Kick-Off call, inception meeting agenda, meeting materials as appropriate, and follow-up calls as required.
- Work plan, updated work plan after inception meeting. Updated ToRs as needed.
- Inception report, the objective is to undertake an environmental screening exercise for the MAR Fund in order to summarize any key environmental or social issues



that should be taken into account when considering and comparing options. Identify “fatal flaws” or “red flags” and environmental authorizations associated with MAR Fund operation and projects. A fatal flaw would be an environmental or social impact that is not possible to mitigate and significant enough to prevent the scheme from being able to be implemented. An analysis of available documentation.

Task 2: Development of the MAR Fund ESMS

The objective of this ESMS is to effectively anticipate and avoid, minimize, mitigate or compensate as appropriate for E&S impacts by appraising and managing the environmentally and socially derived risks and opportunities, associated with MAR Fund funded activities.

MAR Fund activities are mostly aimed at the protection of biodiversity, its restoration and sustainable use and management of natural resources. Anticipated risks from MAR Fund operations would rather be related to the area of social risks and its potential impacts. Environmental risks and its potential impacts could arise as well, but would rather be limited to the establishment of infrastructure and other physical interventions at the project level, with most likely moderate impacts limited to the respective site and manageable with standard mitigation measures. For such infrastructure, the ESMS shall comprise requirements and templates for applicants to guide the development of Environmental and Social Management Frameworks, Environmental and Social Impact Assessment, if required, and for the development of Environmental and Social Management Plans. Such templates may be based on existing examples which could be adapted to the MAR Fund context. KFW and potentially other partners may share relevant good practice examples.

The operation of the ESMS shall ensure:

- Screening of Environmental and Social Risks: the approach for E&S risk screening will be tailored to the activities which are eligible for MAR Fund funding and the institutional capacity as well as that of the recipients. Screening results will determine the type and scope of E&S safeguard documents to be developed and implemented for a given project/activity. Note that the “E&S checklist nature



conservation” as attached to these ToR shall be linked to the E&S risks screening, scoping and categorization process, including determination of required safeguard documents; risk screening and scoping may be undertaken on different levels (institutional level/PA level, project/field activity level), depending on the planned activities;

- Categorization of the environmental and social risks and potential impacts associated with MAR Fund funded projects and grantee activities respectively, including risks on the level of beneficiary communities;
- Risk-appropriate appraisal of the capacity of grantees and beneficiary communities to responsibly/appropriately manage the E&S risks associated with their activities/local activities in the context of MAR Fund funded interventions/projects;
- Development of sufficient and appropriate information regarding E&S risks to allow MAR Fund to make an informed decision about the acceptability of those E&S risks (this may include, but will not be limited to, on-site assessment of grantee operations, e.g. along the “E&S checklist nature conservation”, establishment of baseline information for (a representative set of) target communities) and development of E&S safeguard documentation in line with the applicable standards; responsibilities for the development of documentation and safeguard instruments may be split between different entities for certain project- and institutional settings;
- Implementation of necessary risk control actions and –tools/safeguard instruments required by the relevant standards to ensure that grantees and target communities avoid, mitigate and/or compensate environmental and social risks and impacts and to manage MAR Fund exposure to unreasonable E&S risks in a project activity, thereby avoiding unexpected environmentally or socially derived reputational risks and liabilities
- Development of and adherence to a MAR Fund Specific Exclusion List (activities which will not be funded, risk settings where the development of sustainable projects is deemed not possible).



The ESMS shall be established consistent with the requirements of WB ESS 9 and shall be built using the elements mentioned below. The Environmental and Social Policy (see below), the E&S Procedures, -guidelines, templates and other relevant documentation and provisions regarding the MAR Fund ESMS are important to communicate to potential applicants/the public and will be integrated into the Project Cycle Manual of the MAR Fund. The development of the ESMS will require the following sub-tasks:

a) Environmental and Social Policy

The Consultant shall, together with MAR Fund management, develop an Environmental and Social Policy Statement, declaring MAR Fund's commitment to sustainable development and management of E&S issues including any risks and impacts on local communities, indigenous peoples, and livelihoods from restriction of access to natural resources and from operation of law enforcement personnel. It is assumed that the Policy Statement can be established in close conjunction with already existing policy statements. Note that the Policy Statement shall incorporate language related to MAR Fund grievance mechanism policies to be developed as part of this consultancy. The consultant will also develop the gender policy for MAR Fund.

The Policy –as the central frame of the ESMS– is to be integrated into the MAR Fund Project Cycle Manual. The Policy and background information on the ESMS should be disclosed on the MAR Fund website.

b) MAR Fund Grievance Mechanism

The Consultant shall, jointly with MAR Fund management, develop an institutional grievance mechanism for the MAR Fund. The grievance mechanism shall be made public on the MAR Fund website, including information regarding eligible grievances, procedures for grievance resolution, grievance templates and other relevant information. In the case of communities or indigenous peoples that do not have access to the Internet, a printed form will be prepared and distributed to communicate the Grievance Mechanism more widely.

c) Environmental and Social Procedures



The Consultant shall, jointly with MAR Fund management, establish procedures that detail how MAR Fund addresses E&S and sustainability issues as part of its operations. The Procedures shall be described as detailed step-by-step instructions focusing on what needs to be done and by whom at various stages of the grant/-project cycle (including monitoring & supervision and reporting, and requirements for MAR Fund grantee legal grant agreements) and incorporated into the MAR Fund Project Cycle Manual.

The Procedures shall detail the various stages of risk appraisal from initial project development stage (including risk screening and risk categorization, determination of required safeguard instruments) to project preparation (including development of baseline information and safeguards instruments) up to project implementation (including monitoring, supervision, reporting and evaluation). When incorporated into the project appraisal process, the Procedures shall ensure the environmental and social risk assessment is commensurate to the environmental and social risks associated with the projects.

The Procedures will comprehensively take into account the questions related to the different risks areas along the WB ESSs as comprised in the “E&S checklist nature conservation” attached to these ToR.

Special attention will be given to procedures related to risks from restrictions on the use of natural resources, e.g. risks in the context of access restrictions from protected areas and resulting impacts on livelihoods of communities. Special attention as well will be given to procedures in the context of indigenous populations in relevant jurisdictions, and any requirements to obtain Free, Prior and Informed Consent, in the context of activities related to law enforcement and in the context of human wildlife conflict/-coexistence management, fisheries conflict or other conflicts.

Please note that the ESMS shall comprise a system of clear triggers for the requirement to undertake specific risk assessments and to develop specific safeguard documents, to be then established by the respective applicants/grantees, if appropriate jointly with third entities (e.g. managements of PAs). These triggers shall be based on the specific E&S risks related to a proposed project in combination with the specific risk setting of the protected area and areas outside of protected areas relevant to biodiversity conservation where the project is planned to be implemented; the latter would be identified e.g. through a high



level E&S risk screening, based on the questions as per “E&S checklist nature conservation” (e.g. a protected area characterized by high frequency of conflicts with local communities related to enforcement of access restrictions or protected areas where the military would be involved). Such safeguard documentation and –instruments– may comprise Process Frameworks (WB ESS 5), specific requirements for diligent process for community-based natural resource management- or land use planning activities, Due Diligence and Action Plans related to Law Enforcement Systems, but could as well go beyond such plans and in the direction of an overall E&S Due Diligence for the management and operation of a specific protected area. Such special and comprehensive sets of safeguard instruments would be required for example where applicants would plan to implement projects which would comprise the development of general management plans for entire protected areas and hereby would be involved in the management of the whole range of the typical risk areas as outlined in these ToR.

The development of the ESMS shall be undertaken in close cooperation with MAR Fund management, shall comprehensively take into account existing management procedures and shall be tailored to the specifics of MAR Fund projects (including grantees and local level specifics).

The ESMS and its procedures shall be linked to the E&S Policy Statement and contained in the Safeguards section of the MAR Fund Project Cycle Manual. The ESMS will also comprise procedures for regular updates and reviews of the ESMS to reflect any changes and new requirements in the E&S regulations, relevant policy developments of KfW, and/or international best practices that affect MAR Fund operations. It is important to note that the ESMS with all relevant procedures has to be closely linked to the overall MAR Fund management procedures, the specifics of the project cycle including sequencing of activities and overall requirements, such as contents of applications and project proposals or reporting formats.

d) Environmental and Social Guidelines

The Consultant shall develop tailored guidance to responsible staff on how to carry out the various steps outlined in the E&S Procedures and on what to look for when conducting an E&S review. The Guidelines shall encompass useful tools, e.g. a Risk Screening checklist and a Risk Categorization tool, to facilitate preparation for site



visits/project scoping and identifying key potential E&S risks, for each project activity of medium, substantial or high risk, or Checklists with Appraisal Requirements; Questionnaires for grantees and other tools as appropriate. Note that the “E&S checklist nature conservation” shall be part of the tools and that the Consultant shall in this context develop a “Users Guide” for this checklist, including an overall non-technical introduction into the specific E&S risk areas and settings of conservation projects.

The Guidelines shall encompass specific guidance for the management of projects, which may result in voluntary restrictions to the use of natural resources or which would address impacts from access restrictions to protected areas and/or which may affect indigenous communities. Specific approaches will have to be identified for restriction of access through legal provisions on the one hand and self-imposed/commonly agreed restrictions by local communities aiming at an overall more sustainable use of resources, entirely based on the on the output of the separate assignment for the Guidance Note on Management of Impacts from Access Restrictions.

Specific guidance and –requirements for risk avoidance and –mitigation will also be developed for the area of human wildlife conflict/-coexistence management.

Assessment and recommendations on the need for other specific guidance and the development of corresponding practical tools shall cover, but may not be limited to:

- o Support for gender sensitive planning of activities,
 - o Guidance for the development of Environmental and Social Management Frameworks for Infrastructure (ESMF)
 - o Guidance for ESMP development (for planning, construction and operation of infrastructure),
 - o Guidance for cases where an overall ESDD for a given protected area is required,
- Information and guidance shall be provided regarding tools and methods that could be applied for the development of certain safeguard instruments for social assessment;



- The ESMS Guidelines shall as well encompass specific guidance for consultations and stakeholder engagement with local communities, corresponding to the risk category and to expected impacts of the respective project to be financed.
- The ESMS shall comprise specific guidance on how to undertake the process of Free, Prior and Informed Consent if required by the Applicable Standards and how to develop an Indigenous Peoples Plan (including determination of when an IPP is required as a standalone document and information of required type of assessments/processes and plans in case potential impacts on IP would be identified during the screening process.
- The ESMS shall also comprise guidance regarding the development of project level grievance mechanisms (including guidance on how to link these to existing grievance mechanisms or on use of existing grievance mechanisms, including a checklist for due diligence of existing mechanisms).
- The Consultant shall also, jointly with MAR Fund management, adapt the Exclusion List as per the KFW Sustainability Guidelines to fully reflect MAR Fund operations.

e) Documentation and Record Keeping

The Consultant shall, in cooperation with MAR Fund team, develop a documentation system to ensure that the review and analysis conducted and the required mitigation or corrective measures, as applicable according to the E&S Procedures, are:

- Integrated into the MAR Fund Project Cycle Manual
- Integrated into the Grant Agreements (contracts with grantees), integrated into plans for mid-term and final evaluations,
- Integrated in relevant programs/action plans/capacity building plans or other procedures on the target community level,
- Available in a structured and transparent MAR Fund database (this database is part of the scope of work of this assignment).

The Consultant shall, as well, develop a MAR fund E&S monitoring system which shall cover the entire project cycle of a given project supported by MAR Fund and which



should be integrated into the overall monitoring system of the institution to be revamped in parallel to the establishment of the ESMS.

f) Development of an Overview of Relevant National Legislation

The Consultant shall develop –for each country– a structured overview on the relevant national and sub-regional environmental, social, occupational health and safety and labor legislation, legislation related to law enforcement and legislation related to establishment of access restrictions, legislation regarding indigenous peoples and others, as needed. The overview shall highlight any important gaps against the requirement of the Applicable Standards. The overview shall support applicants in the efforts to undertake their own analysis as required by the provisions of the ESMS.

g) Fact Finding in the course of ESMS Development

In order to inform the development of the ESMS, the Consultant shall undertake a fact-finding mission of about 10-15 days, focusing on information gathering meetings with key potential applicants and with the management of protected areas.

NOTE: With a view to the current situation in the context of the COVID - 19 crisis, fact finding could as well be undertaken through digital meeting platforms.

h) Training and Capacity Building Plan

The establishment, operation and maintenance of the ESMS will result in additional responsibilities for E&S risk management and additional staff capacity may be required for operation of the ESMS. In order to facilitate decisions on the way forward, the Consultant will develop a detailed overview of tasks and responsibilities and required professional qualification for the implementation of the ESMS. As part of this process, MAR Fund will designate a representative/compliance officer to have overall responsibility for environmental and social issues who is also suitably trained and responsible for day-to-day implementation.

Based on the decision of the MAR Fund regarding the implementation of the ESMS, the Consultant shall develop a detailed training plan on the application of the ESMS and shall provide such training to the responsible personnel/consultants for ESMS implementation and operation. The training plan will cover 3 training courses of 3-5 days each to



introduce participants into the ESMS, to follow up on questions during the first phases of ESMS implementation and to assist with updating the ESMS after a reasonable period of operation. The training courses will subsequently be tailored to the respective stage of ESMS implementation and the Consultant will maintain flexibility in order to integrate lessons learned, specific training needs and updates from MAR Fund operation into the training plans for the different stages.

Current and prospective MAR Fund grantees, will also benefit from the training. The consultant will also develop a training concept and potential plan for implementing partners (e.g. managers and co-managers of protected areas, local NGOs, academia, local communities).

During training events and in the course of communication in the context of preparation of training events, the Consultant will identify any needs for additional tools for the operation of the ESMS, for updates of the ESMS or any other support. The Consultant shall respond to such requests as per estimate of efforts below.

i) Draft ESMS

Along the requirements listed above and in line with WB ESS 9 and the Applicable Standards, the Consultant shall prepare a Draft ESMS. This Draft will be submitted to MAR Fund for revision and discussion.

j) Draft ESMS Validation Workshop

The Consultant will prepare a validation workshop for the discussion of the Draft ESMS with MAR Fund management and any relevant stakeholders. Alternatively, the workshop will be organized as a remote meeting, depending on the development of the situation due to the COVID-19 pandemic. The workshop agenda, workshop material and workshop presentations will be agreed upon with MAR Fund Management.

k) Final Version of ESMS

Based on the Draft ESMS and the results of the Validation Workshop, the Consultant shall establish the Final Version of the ESMS, including all supporting documents as described above. In addition, the Consultant shall develop a practical format for an ESMS database



to support the structured operation of the ESMS as well as the overall monitoring of its implementation.

Deliverables Task 2

- ESMS Documentation, including, but not be limited to:
 - E&S Policy, covering Indigenous Peoples and local communities, Gender Equity, Access Restrictions and others as needed
 - E&S Operational Manual and Procedures
 - Country Annex with overview of related laws, access restrictions, etc., for each MAR country
 - Environmental and Social Guidelines
 - MAR Fund Grievance Mechanism and guidance for project level grievance mechanisms
 - Exclusion List
 - Guidance to develop Indigenous Peoples and local communities Planning Frameworks
 - Guidance to develop Gender Sensitive Projects in compliance with gender policy to be developed
 - Additional tools e.g. Risk Screening Checklists, Questionnaires, Monitoring Templates, guidance for social surveys, sample ToR for ESIAs, examples for ESMPs, Templates for E&S requirements in Grant Agreements, Templates for E&S management procedures/routines on the level of target communities.
 - Provisions for review and update of the ESMS
 - Preparation of materials to be published on the MAR Fund website or printed for local communities and indigenous peoples with no access to the Internet.
- Capacity Building–and Training Plans for ESMS Operation and tentative schedule for training and capacity building
- Documentation and material on ESMS Validation Workshop

All deliverables will be submitted in a draft version for comments and no objection to MAR Fund. The final version will require MAR Fund Board approval.

Task 3: Implementation of the Training and Capacity Building Plan



The Consultant will deliver the trainings as per agreed training and capacity building plan along a schedule to be agreed upon with MAR Fund. The Consultant, prior each training event, will submit an updated training plan/curriculum to MAR Fund and will submit a training report including and outlook for the subsequent training event.

Deliverables Task 3

- Updated training plans and training curricula
- Updated tools and guidance documents, additional guidance documents which may be developed based on requirements identified during training events
- Training reports.

6. SUPERVISION AND COORDINATION

The consultancy will be implemented mostly as desk-based work in the consultant's home office. The MAR Fund strategic advisor/COO will act as focal point for this consultancy. He will coordinate with the MAR Fund team in order to provide all the information that may be required for the successful development of this work. Key stakeholders will be included in the process, such as MAR Fund grantees, relevant regulatory institutions, other cooperation agencies, local environmental and social experts, and other partners, as considered necessary through calls and email exchanges.

Interim products and reports will be revised and approved by the Strategic Advisor and the Executive Director. The consultant is expected to be available to undertake continuous dialogue as necessary with MAR Fund, and any technical advisors to the process. The final products and report will be approved by the Board of Directors.

Due to COVID-19 response measures, meetings and workshops will most possibly be carried out through joint calls or internet-based remote meeting platforms.

7. PRODUCTS AND PAYMENTS

Payments will be made upon approval of deliverables: 30% after completion of task 1, 40% on the completion the draft versions of the deliverables in task 2, and 30% on the completion and MAR Fund approval of final version of all documents and task 3.



8. DURATION OF THE CONSULTANCY

This consultancy is expected to start in March 2021. The draft version of the ESMS is expected to be submitted by the end of June 2021, and final version fully developed and implemented by August 2021.

9. PLACE OF WORK

Place of residence of the consultant.

10. CONFIDENTIALITY AND COPYRIGHT

10.1. CONFIDENTIALITY

The consultant commits to carrying out the assigned tasks with the highest standards and ethical considerations. MAR Fund reserves the right to instruct the consultant on the information that must be treated with confidentiality.

10.2. COPYRIGHT

MAR Fund holds the copyright to the products generated through this consultancy.

11. QUALIFICATIONS OF THE CONSULTANT

- Master's/"Licentiate" in political science, public policy, environmental science.
- At least 5 years of experience with ESMS development, including work for conservation funds; expertise has to include in depth familiarity with the application of the Applicable Standards on the level of individual institutions and/or projects and on the level of ESMS.
- At least 3 years of experience in regional technical work. Experience in the Mesoamerican Reef is desirable, with emphasis on coastal and marine resource management and social and environmental safeguards.
- Excellent and documented skills to work efficiently with partners who do not have in depth knowledge of the typical requirements, procedures and routines of an ESMS.
- Excellent reporting skills, including the ability to develop most practical formats and guidance for the application of an ESMS.
- Experience in the implementation of the gender concept and considerations.
- Excellent oral and written communication skills in English and Spanish.



- Demonstrated ability to work in multidisciplinary teams and to establish working relations with people from different sectors.

12. REQUIRED DOCUMENTATION FOR PRELIMINARY PROPOSAL (1ST STAGE)

1. Curriculum vitae.
2. Letter of interest incorporating experience in the object of these terms of reference.
3. Preliminary proposal, no longer than 5 pages, indicating how the MAR Fund institutional ESMS will be developed and the overall cost.

From these preliminary proposals, a short list will be obtained and full proposals will be requested.

13. REQUIRED DOCUMENTATION FOR FULL PROPOSALS (2ND STAGE)

1. Outline of a work plan for this assignment, indicating activities, schedules and outcomes in the course of the task.
2. Budget indicating cost of Tasks 1 and 2, and separately, Task 3.
3. Three reference letters

14. DEADLINE AND CONTACT

The consultant must submit the required information by Friday, March 19, 2021 to the following email address: lsoto@marfund.org