



## TERMS OF REFERENCE

### **PROYEK *INVESTING IN THE KOMODO DRAGON AND OTHER GLOBALLY THREATENED SPECIES* *IN FLORES***

Development of the Draft Regulation on Fund Distribution Instruments for Conservation Strategy and Action Plan (SRAK) Implementation and the Draft Regulation on Small Grant Disbursement – A National Policy Review

#### **I. Background**

The Investing in the Komodo Dragon and Other Globally Threatened Species in Flores (IN-FLORES) project is a strategic initiative aimed at protecting endangered species and improving ecosystem integrity on Flores Island through a sustainable landscape and seascape approach. This project is implemented by UNDP in partnership with the Ministry of Forestry (MoF), with support from the Global Environment Facility (GEF) and local partners in East Nusa Tenggara (NTT) Province. One of the key components of the project is strengthening governance and regulatory frameworks for species and ecosystem conservation, including the development of supportive financing schemes.

To ensure long-term conservation success, the IN-FLORES project is developing Conservation Strategies and Action Plans (SRAK) at the provincial and district levels through a multi-stakeholder process involving government agencies, customary communities, civil society organisations, and the private sector. The SRAK is designed as an operational document outlining priority conservation activities and their associated funding needs. However, for the SRAK to be effectively implemented, regulatory instruments are required to facilitate the distribution of funds to actors at the grassroots level, including local governments, village-based organisations, customary groups, and other implementing partners.

In practice, a significant obstacle to effective conservation effort is the absence of a strong and operational legal framework for allocating conservation funds. Existing regulations tend to be normative, lacking detailed mechanisms, performance indicators, criteria, and accountability measures for the allocation of funds. This weakens the effectiveness of conservation programmes and fosters opportunities for inefficiency and poor accountability. Therefore, a regulation is urgently needed to explicitly govern the distribution of conservation funding instruments in support of SRAK implementation.

Furthermore, the IN-FLORES project encourages community empowerment through a small grant scheme aimed at community groups, local communities, and civil society organisations that support the sustainable management and protection of natural resources. However, to date, there is no clear national policy framework that explicitly and technically governs the distribution of community-based conservation small grants, especially within the context of government

programmes. This creates legal uncertainty, challenges in maintaining financial accountability, and limited participation from local communities due to administrative barriers.

Therefore, the IN-FLORES project requires the creation of two essential regulatory documents:

- a. Draft Regulation on the Instrument for Distributing Funds for SRAK Implementation to establish a legal basis for the allocation and disbursement of conservation funds among stakeholders.
- b. Draft Regulation on the Distribution of Small Grants – A National Policy Review, which offers legal and technical guidance for the implementation of small grants to communities and Indigenous groups.

These two regulations are expected to serve as references at both national and sub-national levels, addressing legal gaps related to community-based conservation funding mechanisms, enhancing transparency and accountability, and ensuring the sustainability of SRAK implementation in Flores and other regions.

## **II. Objectives**

### *Conduct a Legal and Policy Analysis*

- a. Identify and review applicable legal frameworks, including statutory regulations, sectoral policies, and institutional practices, that govern conservation funding, SRAK implementation, and community grant schemes.
- b. Evaluate the sufficiency and constraints of current regulations in facilitating the allocation of conservation funds and the distribution of small grants.

### *Develop a Draft Regulation on Fund Distribution for SRAK Implementation*

- a. Draft a regulatory document that details the procedures for the distribution of the conservation fund, including planning, allocation, execution, monitoring, and financial accountability.
- b. Ensure the regulation clearly specifies the roles of stakeholders (KLHK, local governments, implementing partners, communities) and establishes technical criteria for funding conservation activities in accordance with the SRAK.

### *Develop a Draft Regulation for Small Grant Disbursement*

- a. Prepare a regulatory or technical guidance document that facilitates the legal and efficient disbursement of small grants from the government or partners to local communities.
- b. Draft standard procedures covering recipient selection, disbursement processes, financial reporting, and auditing.
- c. Align the grant scheme with principles of inclusion, participation, accountability, and sustainability.

### *Develop an Advocacy and Implementation Strategy*

- a. Formulate recommendations for the legalisation process of the regulations (at the MoF or regional government level).
- b. Design a policy advocacy strategy that identifies target audiences (policy makers, technical partners, communities), communication channels, and dissemination agenda.

- c. Prepare communication tools such as executive summaries, presentations, and policy briefs to enhance stakeholder understanding and commitment to the significance of these regulations.

#### *Strategic Benefits of These Objectives*

- a. Establish a solid legal basis for programme and community-led conservation financing.
- b. Promote more transparent, structured, and targeted financial governance in conservation.
- c. Ensure that SRAK implementation is effectively supported by the government and partners through responsible fund distribution.
- d. Establish legal access for local communities and grassroots organisations to funding sources, thereby strengthening community ownership of conservation efforts.
- e. Serve as a model for conservation regulations that can be adopted in other priority areas across Indonesia.

### **III. Expected Outputs & Deliverables**

1. Output 1: Review of Relevant National Laws and Policies on Conservation Funding and Grant Disbursement  
Deliverable:  
National Policy Review Report (10–15 pages), including:
  - a. Identify the national and sectoral regulations related to conservation, environmental funding, and grant mechanisms (e.g. Laws, Government Regulations, Ministerial Regulations, Director General Decrees).
  - b. Analysis of the strengths and legal gaps within the existing framework.
  - c. Mapping regulations relevant to the SRAK mechanism and small grants.
2. Output 2: Draft Regulation on Fund Distribution for SRAK Implementation  
Deliverable:  
Draft Regulatory Document (e.g., Director General Regulation of KSDAE, Governor/Regent Regulation, etc.), including:
  - a. Draft of the article-by-article in a formal regulatory format.
  - b. Explanatory notes (academic manuscript or legal considerations).
  - c. Matrix of fund distribution, performance indicators, verification and reporting mechanisms.
  - d. Simulated flow of fund distribution based on the SRAK implementation plan.
3. Output 3: Draft Regulation on Community-Based Small Grant Disbursement  
Deliverable:  
Draft Regulation/Technical Guideline on Small Grant Disbursement, including:
  - a. Regulation manuscript (such as Director General Regulation, Ministerial Regulation, or Technical Guideline).
  - b. Procedures for application, selection, disbursement, and monitoring of small grants.
  - c. Eligibility guidelines for recipients (e.g. CBOs, community groups, Indigenous villages).
  - d. Framework for oversight and financial accountability.
4. Output 4: Advocacy and Dissemination Strategy for Stakeholders Regarding the Regulations  
Deliverable:

Policy Advocacy Package, comprising:

- a. Executive Summary (up to 3 pages) for policymakers (KLHK, local government).
- b. Presentation slides (.pptx) for regulation outreach and socialisation.
- c. Brief paper (max. five pages) explaining the urgency of the regulation and a roadmap for its adoption.
- d. Advocacy strategy recommendations: target audiences, communication channels, timeline and approach.

#### **IV. Scope of Work**

The scope of work covers all phases of analysis, drafting, and development of regulatory documents that support the implementation of conservation funding and community empowerment within the IN-FLORES project framework. The activity will be conducted over two months and will include the following components:

##### **1. Literature Review and Policy Analysis**

Conduct a comprehensive desk review of relevant legal and policy frameworks at both national and regional levels, including but not limited to:

- a. Laws (*Undang-Undang*) related to conservation, environmental protection, state finance, and regional financial management.
- b. Government Regulations (PP), Presidential Regulations, Ministerial Regulations (Permen), and Decrees of the Director General concerning mechanisms for distributing public funds and grants.
- c. Related sectoral policies (e.g., community empowerment, village governance, social forestry, and grant disbursement to NGOs).
- d. Regulatory practices from other countries (where relevant) for comparative benchmarking.

Objective: To develop a comprehensive understanding of the current regulatory landscape, identify legal gaps, and explore opportunities for regulatory harmonisation.

##### **2. Targeted Consultations (Key Informant Interviews)**

Conduct technical consultations, either online or in person (where feasible), with key stakeholders, including:

- a. Directorate General of Natural Resources and Ecosystem Conservation (KSDAE) and Directorate General of Forestry Planning and Environmental Management (PKTL), Ministry of Forestry (MoF),
- b. Secretariat General of KLHK (Legal and Planning Bureaus),
- c. National Development Agencies (Deputy for Environment and Forestry),
- d. East Nusa Tenggara Provincial Government and relevant district governments,
- e. IN-FLORES PMU team and UNDP Indonesia,
- f. Civil society organisations or grant implementers.

Objective: To gather practical insights, institutional needs, and challenges related to fund distribution and small grant disbursement.

##### **3. Drafting of the Regulation on SRAK Fund Distribution**

Draft a regulatory document (such as a Director General Regulation, Ministerial Regulation, Governor/Regent Regulation, or technical guideline) that includes:

- a. Objectives, scope, and legal basis;
- b. Funding mechanisms for conservation activities under the SRAK: allocation, execution, reporting, monitoring and evaluation;
- c. Accountability schemes, such as internal audits and transparency mechanisms;
- d. Inter-agency coordination frameworks among implementing institutions.

Objective: To provide a legal and operational guide for implementing the SRAK through a transparent, accountable, and enforceable funding mechanism.

#### 4. Drafting of the Regulation on Small Grant Disbursement

Prepare a regulation or technical guideline document for the implementation of small grants, including:

- a. Eligibility criteria for recipients (CBOs, customary communities, local NGOs);
- b. Registration and selection procedures;
- c. Fund disbursement mechanisms, including phased disbursement;
- d. Systems for monitoring results and evaluating fund usage;
- e. Mechanisms for reporting and fund recovery (if required);
- f. Standardised templates (grant application forms, MoUs, activity reports, financial reports).

Objective: To develop an inclusive and clear framework that enables local communities to access funding legally and transparently.

#### 5. Development of an Advocacy and Regulatory Implementation Strategy

Develop an advocacy package to promote the adoption and utilisation of the regulations, comprising of:

- a. Executive summary written in policy language;
- b. Presentation materials for stakeholders;
- c. Recommendations for the adoption and outreach phases by MoF and project partners;
- d. Communication strategy for engaging local authorities and grassroots stakeholders.

Objective: To ensure that the regulations are not only drafted but also implemented and adopted by relevant institutions.

#### 6. Submission of Final Deliverables

All outputs will be submitted in both .docx and .pdf formats, along with editable templates that project partners can use for replication in other regions. The activity will conclude with:

- a. Finalisation of documents following feedback from project partners and MoF.
- b. Submission of the final report to the IN-FLORES Project Management Unit (PMU).

## **V. Methodology**

The methodology to be applied will be participatory, analytical, and evidence-based, combining legal and policy review approaches with multi-stakeholder consultations. The process will consist of four interconnected main stages:

### **1. Desk Review and Legal-Policy Analysis**

A thorough review and analysis will be carried out on relevant laws, regulations, and policies at both national and sectoral levels, especially those related to:

- a. Governance of conservation funding programmes (e.g., State Budget/APBN, Special Allocation Funds, trust funds, etc.);
- b. Mechanisms for distributing government funds to non-governmental partners (NGOs, communities, Indigenous groups);
- c. Regulatory instruments for managing public grants, environmental grants, or direct financial assistance;
- d. SRAK documents, IN-FLORES project materials, and GEF/UNDP guidelines on financing schemes.

Analysis Techniques:

- a. Legal gap analysis → to identify regulatory gaps or overlaps;
- b. Policy coherence check → to evaluate consistency across sectoral policies.

### **2. Stakeholder Consultation**

Limited consultations and in-depth key informant interviews will be conducted with:

- a. Ministry of Forestry (Directorate of KSDAE, PKTL, Legal Bureau);
- b. National Development Planning Agencies (Deputy for Environment and Forestry);
- c. East Nusa Tenggara Provincial Government and relevant district governments;
- d. UNDP and the IN-FLORES Project Management Unit (PMU);
- e. NGO practitioners, grant managers, or grant recipients.

Objectives:

- a. To gain practical insights into established fund and grant distribution schemes.
- b. To align the drafted regulations with the institutional and administrative contexts of implementing partners.
- c. To strengthen the legitimacy of the documents by involving key actors.

Techniques:

- a. Structured and semi-structured interviews;

- b. Focus Group Discussions, if necessary and feasible.
- c. Validation of initial findings and essential regulatory articles.

### 3. Drafting of Regulatory Documents

Two regulatory documents will be drafted following this structure:

- a. Draft Regulation on SRAK Fund Distribution — potentially in the form of a MoF Director General Regulation or a Governor/Regent Regulation, covering: legal considerations, objectives, principles, allocation mechanisms, verification, reporting, and administrative sanctions.
- b. Draft Regulation/Guideline on Small Grant Disbursement → outlining recipient selection schemes, administrative requirements, disbursement mechanisms, reporting, and M&E procedures.

Drafting Principles:

- a. Based on official government regulatory formats;
- b. Prioritising simplicity, traceability, and applicability;
- c. Ensuring the instruments can be used as implementation tools for similar projects in other regions.

### 4. Development of Advocacy and Dissemination Strategy

Preparation of advocacy documents and materials for policy-makers and implementation partners, including:

- a. Executive Summary – concise policy overview for senior ministry officials or regional leaders.
- b. Policy Brief – legal and strategic arguments supporting the adoption of the regulation;
- c. Presentation slides – for coordination meetings or outreach forums.

Delivery Methods:

- a. Online or face-to-face coordination meetings (where feasible);
- b. Presentations to the PMU, MoF, UNDP, and local partners;
- c. Finalisation of the regulations based on feedback from dissemination forums.

Supporting Tools and Approaches:

- a. Government regulation drafting templates (e.g. Perdirjen, Pergub, Technical Guidelines);
- b. Matrix of existing regulations and gaps;
- c. Stakeholder validation forms and interview findings;
- d. SWOT analysis of the local small grant scheme;
- e. Flow diagrams illustrating fund allocation and accountability procedures.

## **VI. DURATION AND LOCATION**

Duration: 2 months from the signing of the contract (August – September)

Location: National (Jakarta)

## **VII. QUALIFICATIONS – LEGAL AND POLICY CONSULTANT**

### **1. Education**

- a. Minimum Master's degree (S2) in Law, Environmental Law, Public Policy, Development Studies, or other relevant fields.
- b. A Bachelor's degree in Law (S1) is acceptable if supported by a minimum of 7 years of relevant professional experience in public policy formulation or environmental law.

### **2. Professional Experience**

#### **a. At least 5 years of experience in:**

- Developing public policies, regulations, technical guidelines, or legal instruments in the fields of environment, conservation, or public finance.
- Analysis of legal and sectoral policies, especially concerning government programme funding mechanisms, the distribution of public funds, or grant management.
- Policy consultation with government ministries, agencies, local authorities or development partners (e.g., UNDP, GEF).

#### **b. Preferred experience includes:**

- Drafting regulations related to conservation, forestry, social forestry, environmental fund governance, or community-based natural resource management.
- Working on projects funded by GEF, UNDP, or other international donors.

### **3. Technical Skills**

- a. Ability to draft legislative and regulatory documents, including academic manuscripts, legal considerations, article-by-article content, and technical annexes.
- b. Proficiency in conducting legal gap analyses and evaluating intersectoral policy coherence.
- c. Capability to develop policy advocacy materials such as policy briefs, executive summaries, and policy presentation slides.
- d. Knowledge of participatory methods, consultation-led regulation drafting, and engagement with Indigenous and local communities.
- e. Strong understanding of the national legal framework (Laws, Government Regulations, Ministerial/Directorate General Regulations) and public/government grant financing mechanisms.

### **4. Communication and Language Skills**

- a. Strong communication and writing skills in Bahasa Indonesia.
- b. Ability to produce concise documents in English is an advantage for dissemination to international partners.

- c. Able to facilitate consultations with central and local government, civil society, and development partner organisations.

5. Additional Competencies (Preferred)

- a. Work experience in East Nusa Tenggara or within landscape and seascape conservation contexts in eastern Indonesia.
- b. Understanding the implementation context of Conservation Strategy and Action Plans (SRAK) or conservation financing schemes.
- c. Experience working in multidisciplinary teams (finance, conservation, social, institutional).

**VIII. BUDGET PLAN**

The total budget allocated for the activity, Development of the Draft Regulation on Fund Distribution Instruments for SRAK Implementation and the Draft Regulation on Small Grant Disbursement – National Policy under the IN-FLORES project, is set at IDR 100,000,000 (one hundred million rupiah).

<b>Deliverable (in English and Bahasa)</b>	<b>Reporting Timeline</b>	<b>Payment Term</b>
<b>1. Output 1:</b> Review of national laws and policies relevant to conservation funding and grant disbursement.		
<b>2. Output 2:</b> Draft Regulation on Fund Distribution for SRAK Implementation.	Second Week of August 2025	20%
<b>Output 3:</b> Draft Regulation on Community-Based Small Grant Disbursement.	Second Week of September 2025	40%
<b>Output 4:</b> Advocacy and dissemination strategy for the regulations to stakeholders.	Fourth Week of September 2025	40%

**IX. CLOSING**

This Terms of Reference has been prepared as a guideline for implementing the Draft Regulation on Fund Distribution for SRAK Implementation and the Draft Regulation on Small Grant Disbursement – National Policy Review, in support of the strategic objectives of the Investing in the Komodo Dragon and Other Globally Threatened Species in Flores (IN-FLORES) project.

It is expected that this activity will result in regulatory documents that are legally robust, technically applicable, and responsive to stakeholder needs, particularly in strengthening the governance of conservation financing and community empowerment in priority areas. The outputs of this activity will serve as important instruments to ensure the sustainability of SRAK implementation and to expand community access to legally recognised, transparent, and accountable conservation grant support.

In light of this, the successful implementation of the activity will require full support and collaboration from all parties at both national and sub-national levels. This will ensure that the outcomes are not merely administrative but also generate tangible impacts on conservation governance in Indonesia, particularly in Flores and its surrounding regions.