



Indigenous Peoples' Alliance for Rights and Development - IPARD
Cooperation Agreement No. 7200AA20CA00013

REQUEST OF PROPOSAL
TECHNICAL ASSISTANCE FOR THE FOLLOW-UP OF THE
STRENGTHENING OF THE INDIGENOUS AGENDA IN
PANAMA

AUGUST, 2023

I. CONTEXT

A. BACKGROUND

In 2019, the Forest Stewardship Council (FSC) established the FSC Indigenous Foundation (FSC-IF) as the operational office of the Permanent Indigenous Peoples Committee (PIPC). The FSC-IF is a private interest foundation in accordance with Law No. 25 of June 12, 1995, of the Republic of Panama. The mission of FSC-IF is to enable an enabling environment to guarantee the rights of Indigenous Peoples and promote sustainable forest-based solutions within 300 million hectares of indigenous forests on the planet. The vision is that Indigenous Peoples' global values, rights, livelihoods, ecosystem services, natural capital and communities are incorporated into forest governance, climate change governance and market systems.

Indigenous Peoples' Alliance for Rights and Development

The FSC-IF is the implementing partner of the five-year Global Development Alliance (GDA) program funded by USAID and FSC: Indigenous Peoples Alliance for Rights and Development (IPARD). The IPARD Program is guided by three development objectives:

- Objective 1: To organize and convene a capacity building program for Indigenous Peoples' organizations and stakeholders.
- Objective 2: To foster an enabling environment for the recognition, effective participation and joint decision-making by Indigenous Peoples in matters affecting them, and
- Objective 3: Promote the sustainable development of Indigenous Peoples based on sustainable economic models.

IPARD uses three interconnected approaches to support Indigenous Peoples in overcoming their development challenges:

A. **Multi-Sectoral Approach (MSA):** under the strategic guidance of IPARD's Steering Committee (SC), the Program convenes and leverages the expertise of multi-sectoral partners to ensure that the needs of Indigenous communities are considered across a wide range of sectors.

B. **Country-Focused Approach (CFA):** IPARD's programmatic strategy is guided by a country-focused approach, driven by specific national contexts related to Indigenous Peoples. IPARD implements a structured process to identify, evaluate and select countries for its programs. FSC-IF works in conjunction with the IPARD Steering Committee, and according to the guidelines of the multi-sectoral approach, in order to select countries and identify key priorities and strategies.

C. **Indigenous Project Management Approach (IPMA):** Leveraging FSC-IF's networks and relationships with Indigenous leaders and organizations around the world, IPARD seeks ongoing dialogue, consultation, and feedback with Indigenous Peoples to inform the Program. IPARD supports a forum through which the FSC-IF Indigenous Foundation serves as a bridge between Indigenous Peoples, technical partners, national governments, and the

private sector. IPARD invests in best practice conservation and effective approaches and methodologies to ensure long-term development of Indigenous Peoples Organizations on multiple management areas to allow them to develop, negotiate, manage, and implement their own programs, projects and other initiatives.

Through these three approaches, IPARD aims to empower Indigenous Peoples' organizations and catalyze an enabling environment where Indigenous Peoples can pursue their development.

B. IPARD PROGRAM – GLOBAL CONTEXT

The FSC-IF is committed to supporting the rights of the indigenous communities and its rights and to promote rights-promoting public policies through close collaborations with the governments, mainly through the nation's institutions for indigenous affairs.

IPARD works in partnership with Indigenous Peoples around the world to support them in the management, governance, and development of their territories based on their priorities, traditional knowledge, natural resource management and respect for their rights, consistent with national and international laws. To achieve this goal, IPARD builds global networks to serve Indigenous Peoples' organizations, facilitates dialogues and strategic plans with government entities, the private sector, non-governmental organizations, civil society organizations, universities, UN agencies, multilateral and bilateral agencies, and the donor community to generate collective benefits for Indigenous Peoples in countries in Latin America, Africa, and Asia.

Despite managing almost a quarter of the earth's surface, Indigenous Peoples face major challenges that limit their ability to secure their customary rights, strengthen their livelihoods and consolidate sustainable development in their territories. To address this situation, IPARD works to enhancing and diversifying the capacities of Indigenous Peoples' organizations to develop, maintain and lead collaborative actions based on their vision and interests will help create positive and lasting impacts for their communities. the national level, IPARD to integrate Indigenous Peoples and their organizations into the development of national development strategies and work plans.

IPARD is committed to supporting and working with Indigenous Peoples in a spirit of partnership as guided by, based on national and international laws. Through a participatory planning process, IPARD provides technical assistance to Indigenous Peoples' organizations to develop national Indigenous plans in collaboration with other sectors to:

1. Strengthen their capacity and institutional development.
2. Promote an enabling environment with the participation and inclusion of Indigenous Peoples.
3. Strengthen Charters and/or By-Laws of Traditional Authorities to create business partnership opportunities to foster Indigenous self-development through new Indigenous economic models in close coordination with Obj3.

C. OBJECTIVE OF THE CONSULTANCY

General Objective:

The objective of the consultancy is to support effective coordination among AMARIE, the IPARD program of FSC-IF and the 12 indigenous territories and implementation of the preliminary activity to follow-up to the strengthening the Indigenous Agenda of Panama, supported the IPARD Project, to ensure the project achieves its purpose and results, with the available resources and within the agreed timeframe.

Specific objectives:

1. Strengthen Indigenous Women Organization (AMARIE's) technical team so that activities established in the project are executed. This will be based on a contract service that IPARD will provide to Amarie for next two years (Y4 and Y5).
2. Strengthen the governance of the General Congress of the Naso Tjër Di Comarca, the Kuna de Madungandi Comarca, the National Congress of the Wounaan People and the Emberá and Wounaan Collective Territory by providing technical support towards implementation of the organic charters, for the development of regulations for the administration of justice and economic development activities.
3. Support the political capacities of indigenous women territorial leaders in Panama by promoting the implementation of the Indigenous Women Development Agenda”, which correspond to the “Expansion of the project - Strengthening of Panama's indigenous agenda". and the political and leadership training module, which will be conducted by the consultant. Both, the Indigenous Women Development Agenda and the training modules will allow indigenous women leaders to influence the National Plan for the Integral Development of Indigenous Peoples (PNDIPI) with a concrete agenda.
4. Provide legal and administrative advice and strengthen governance to strengthen the capacities of the comarcas and territories to promote and facilitate investment in economic activities (tourism, handicrafts, cultural, etc.) and other activities between the private sector and the comarcas and territories, as well as provide training on the special legal regime of indigenous peoples, among other related activities.
5. Strengthen working mechanisms between the indigenous justice system and the ordinary justice system to promote access to justice in indigenous territories.
6. Support the FSC-IF to present a financing proposal to strengthen and guarantee the sustainability of the organization's mission and vision.

D. ACTIVITIES

Specifically, he/she will have the following functions:

1. Coordinate the successful implementation of all project activities.
2. Lead the preparation of the Annual Operating Plans (AOP), all in coordination with AMARIE.
3. Supervise, monitor, and evaluate the physical and financial execution of the project in accordance with the project budget.
4. Responsible for aiding and monitoring of contracts with project consultants.
5. Preparation of monthly, quarterly, and annual technical reports.
6. Oversee the execution of financial reports.
7. Supervise the registration, control of contracts, payment procedures and project

- personnel file.
8. Coordinate with the financial administrative assistant the processes of consultancy tenders, which are carried out under the project.
 9. Coordinate the visibility of the project with the project communication assistant.
 10. Support technically and financially the process of review and approval by the State of Panama of the Organic Charter of the Naso Tjër Di Comarca.
 11. Train the authorities and the technical team of the Kuna de Madungandi Comarca to ensure the application of the internal regulations of the General Congress (two workshops),
 12. Support technically and financially the process of revision and approval by the State of Panama of the Organic Charter of the National Congress of the Wounaan people.
 13. Provide technical support for the development of the draft organic charter of the Emberá and Wounaan Collective Territory of Darién.
 14. Train indigenous women leaders in Panama in political and leadership training.
 15. Hire a consultant to carry out documentary research to map the governance systems of the authorities and traditional institutions of the Kuna region of Madungandí.
 16. Incorporate substantive political-administrative information of the structure of the Kuna de Madungandí Comarca on the framework of rights, status of statutes and organic charters that will allow the development of contracts, agreements and/or agreements for national and international private investment within the comarca.
 17. Analysis of the traditional government of the Kuna Comarca from the perspective of economic development.
 18. Identify laws and public policies directed to the Indigenous Peoples at national and international level adopted and ratified by the Government of Panama linked to the economic development of the comarca.
 19. Conduct face-to-face meetings with the highest authorities of the comarca and national or international private actors that could be relevant for the validation of the work plan.
 20. Coordinate and facilitate a face-to-face workshop for the presentation of the results of the study.
 21. Recommendations to strengthen coordination between IPARD and indigenous peoples in Panama.
 22. Develop 5 multicultural, interdisciplinary workshops to develop a draft bill that considers the existing legal pluralism in Panama between the ordinary state system and the indigenous justice systems.

E. EXPECTED RESULTS

1. Planned and executed the AOP of the follow-up project to strengthen the Indigenous Agenda in Panama, complying with the schedule and its expected results.
2. Progress is being made in the management of the territorial governance of 2 comarcas and three collective territories in Panama.
3. Prepared a diagnostic and/or analysis study that identifies international, national and comarca norms that allow for contracts, covenants and agreements between the authorities and traditional institutions of the comarca and national and international private investors.
4. Elaborated a case study of a successful contract, agreement, or arrangement between an indigenous people and national or international private investors.
5. Developed a model contract that can be used as a general reference for the joint and

consensual construction of investment agreements between the traditional authorities and institutions of the comarca and national and foreign private investors.

6. Strengthened access to justice in the indigenous territories of Panama, by promoting inter-institutional coordination between the twelve representative structures of the seven indigenous peoples of Panama and the ordinary justice system of the state, specifically with the preparation of a draft bill on the application of indigenous restorative justice.
7. Trained partners and beneficiaries on all international and national laws that recognize the right of indigenous peoples to administer justice.
8. Consolidated a gender agenda of the Advisory Committee of Indigenous Women of Panama (CAMIP) of the National Council for the Integral Development of Indigenous Peoples of Panama (CONDIPI) in coordination with the Ministry of Women.
9. Developed a training process for indigenous women leaders in Panama.
10. Visibility of all project activities.

F. CONTRACT CONDITIONS:

Type of Consultancy:	Individual consultancy with payments according to the deliverables indicated in the payment schedule.
Type of contract:	Lump sum.
Duration of the contract:	12 months
Location:	The consultant will carry out his/her work virtually at his/her country with face-to-face actions in Panama City and in the different comarcas and indigenous collective territories where the field activities will be carried out.
Responsible person:	Program Leader for Objective 2

G. MINIMUM REQUIREMENTS AND REQUIRED COMPETENCIES

Consultant must comply with the following:

Academic background:

- Bachelor's degree in social sciences, anthropology, law or sociology, social sciences, sociology, or other related disciplines.

General experience:

- Demonstrated experience of at least 10 years in projects related to indigenous peoples and local communities, especially regional projects in Mesoamerican countries.

Specific experience:

- At least 10 years of experience in participatory research methodologies.
- At least 7 years of experience working in Panama with indigenous peoples.
- At least 7 years of experience in organizing events and logistical planning of participatory activities.
- At least 10 years of experience and demonstrated capacity for social and political work with indigenous peoples and local communities, with participatory methods and social inclusion.

Competencies and skills

- Knowledge and mastery of the subject matter related to development consulting, preferably with indigenous peoples and local communities in Panama and the rest of the Central American countries.
- Knowledge in social transformation processes based on recognition and exercise of rights, as well as in knowledge management.
- Knowledge of indigenous peoples' governance instruments.
- Coordination with multidisciplinary and multicultural work teams, to align their contributions around the objectives of the consultancy.
- Highly developed initiative and maximum persistence to obtain results and impact, derived from the achievement of objectives.
- Ability to analyze complex information to detect trends, relationships, and patterns, as well as to identify solutions to complex or unforeseen problems.
- Good personal relationships with community-based organizations, state entities and diverse work teams.
- Availability to work and travel in influence for this consultancy.
- Ability to organize, coordinate and facilitate activities related to this consultancy.
- Communication skills both at formal levels and in day-to-day interaction with groups, communities, state entity personnel and work teams.
- Training and experience in inter-ethnic conflict resolution.

H. METHODOLOGY AND DELIVERABLES

The consultants will deliver a **Work Plan and Schedule of Activities** to be carried out during the consultancy period five (5) calendar days counted from the business day following the signing of the service agreement, without payment.

This Work Plan must detail the activities and estimated time to conduct the consultancy, including sources of information, research methodology.

For the development of this consultancy, it is required to comply with the activities established in the Work Plan between FSC-IF and the consultant. In this sense, the following products must be delivered:

Deliverables	Outcomes	Delivery time	Payment percentage (%)
1	Annual Operating Plan (POA), including the activities, descriptions, amounts and dates of the phases of i) preparation or planning, ii) procurement, if applicable, and iii) execution.	15 calendar days from the date of signature of the service agreement	5
2	Monthly and quarterly progress report (12 reports), which will contain: i) Determination of the requirements of the following activities of the POA and the methodology or requirements needed for each activity in the preparation stage prior to the contracting or / and logistic process.	Every 30 calendar days from the signing of the service agreement for the first report; sixty for the second report and so on until reach the twelfth month.	84 (7% each progress report)

	<p>ii) follow-up of the procurement process iii) follow-up of the implementation process iv) progress of each activity in the preparation, contracting and/or implementation phases, and iv) coaching in the implementation of the activities to be executed (each progress report must include text and Excel spreadsheets) Each quarterly report must present the following products: 1. An analysis study that identifies the international, national and comarcal norms that allow contracts, covenants and agreements between the authorities and traditional institutions of the Kuna de Madungandi comarca and national and international private investors. 2. A case study of a successful contract, agreement, or arrangement between an indigenous people and national or international private investors. 3. A model contract that can be used as a general reference for the joint and consensual construction of investment agreements between the traditional authorities and institutions of the comarca and national and foreign private investors. 4. A preliminary draft of the Indigenous Justice Law.</p>		
3	<p>Final report on the results of each of the activities, monthly and quarterly products, lessons learned and recommendations considering the comments received by the IPARD Program. This final report should be presented in word, excel and power point formats. The presentation should be executive with no more than 5 slides.</p>	365 calendar days from the signing of the service agreement (52 weeks)	11
TOTAL		365 calendar days	100

I) COORDINATION

The consultant will coordinate the expected work with the FSC-IF IPARD Program Director based in Panama, through the Global Manager of Advocacy, Rights and Social Participation of the program the FSC-IF IPARD Deputy Program Director, who will review the products with a maximum period of five (5) calendar days to make observations and/or comments, if any. For its part, the contractor will have a term not exceeding five (5) calendar days to make the necessary adjustments or changes and deliver the corrected product/ deliverable.

- **Conditions for payments of the products:**

The products must be authorized by the FSC-IF Managing Director and the IPARD Program Manager to proceed with payment. All products must be delivered in English and Spanish, two written copies and in editable digital format. Payments will be made within thirty (30) calendar days counted from the satisfactory approval of the products by the designated authorities.

J) COPYRIGHT AND INTELLECTUAL PROPERTY:

All the information generated because of the consultancy will be the exclusive property of FSC-IF.

K) CONFIDENTIALITY:

The consultant agrees that all the information or documentation provided and/or produced for the purpose of the consultancy will be kept confidential, and it will not be disclosed in any case by it, without the prior authorization of FSC-IF during the execution of the consultancy and after it has been completed.

Likewise, it is agreed that, during the term of the contract, the consultant will refrain from issuing concepts on behalf of FSC-IF in the media, carrying out actions or making representations that directly or indirectly could negatively affect FSC-IF.

L) CONFLICT OF INTEREST

When a potential conflict of interest arises, management will gather all relevant information and may ask questions of the parties involved. If management determines that a conflict of interest exists, steps will be taken to address the conflict. If a conflict of interest is not identified, the inquiry.

M) ETHICAL PRINCIPLES AND CODE OF CONDUCT

All consultants must be familiar with and sign the acceptance of the organization's Ethical Principles, which include the following policies: Code of Ethics; Gender Equality Policy; Guidelines for the detection and prevention of sexual harassment and sexual abuse or exploitation; Anti-corruption Policy; Security Protocol and Safeguards Policy.

II) TECHNICAL AND FINANCIAL PROPOSAL

Applications need to include the following documents:

- a) A **technical proposal** to address the general and specific objectives of the consultancy and a timeline to complete the deliverables listed above.
- b) **CV of the consultants**, two professional references or background of consultancy firm.
- c) **Financial proposal** for the services and payment conditions proposal including all local taxes.

Instructions to offerors

a) Proposal Submission Deadline

Deadline for submission is October 4, 2023 (5:00 p.m. Panama Time).

b) Submission Address

Both the Technical Proposal and Cost Proposal must be submitted via e-mail to: procurement.fscif@fsc.org with the subject line – “Technical Assistance for the Follow-up of the Strengthening of the Indigenous Agenda in Panamá ”.

c) Offer Validity

Offers must be valid for up to three months after the date of submission.

Annex I

FORMAT FOR PRESENTATION OF TECHNICAL AND COST PROPOSAL

TECHNICAL PROPOSAL

Interested consultants should provide the proposal in English including the below information and not exceeding 25 pages. The technical proposal format should consist of the following sections:

- a) EXECUTIVE SUMMARY
- b) BACKGROUND OF OFFEROR
- c) OBJECTIVES
- d) PROPOSED METHODOLOGY
- e) DRAFT WORK PLAN - ACTIVITIES/TASKS
- f) DRAFT PROGRAM SCHEDULE

Please insert table with Gantt Chart with activities/tasks and insert the Deliverables Timeline

- g) PAST PERFORMANCE

Please include a list of executed assignments like this consultant activity and references of clients served.

COST PROPOSAL

The cost proposal format should consist of the following sections:

Cost Breakdown

Please provide a detailed breakdown and explanation of all charges to execute the activity, including all local taxes