

TERMS OF REFERENCE

Assignment:	Development of the Circular guiding the implementation of the new Decree on the management of wetlands
Position:	National individual consultants (03 Experts)
Work location:	Hanoi and provinces when required
Project code and name:	00088048/Conservation of Critical Wetland Protected Areas and Linked Landscapes
Work duration:	6 months (from April, 2018 to October 2018)

1. Introduction

The project “Conservation of Critical Wetland Protected Areas and Linked Landscapes’ (Wetland Project) is a four- year project (2015-2018) funded by the Global Environment Facility (GEF) through UNDP. The project’s immediate objective is to provide support to the Government of Viet Nam in establishing new wetland Protected Areas, and create systemic, institutional and organizational capacity for the effective management of wetlands to mitigate existing and emerging threats to biodiversity from connected landscapes.

The project document was approved by the Ministry of Natural Resources and Environment of Viet Nam (MONRE) in Decision No. 837/QD-BTNMT dated April 13, 2015. The Institute of Strategy and Policy on Natural Resources and Environment (ISPONRE) is the project’s National Implementation Partner and the Biodiversity Conservation Agency (BCA) is the Co-Implementing Partner, responsible for implementing the project component on consolidating the legal framework on wetlands, strengthening capacity for wetland conservation and sustainable use, and establishment and operation of the wetland Protected Area in Thai Thuy, Thai Binh Province.

In 2017, the project component has developed a draft decree on wetland conservation and sustainable use. Under the current TOR, the project is seeking experienced consultants in the field of legislative aspects of biodiversity conservation/environmental protection and management in Viet Nam to conduct the project activity “Development of the Circular guiding the implementation of the new Decree on the conservation and sustainable use of wetlands” (the Circular guiding the implementation of the new Decree on the management of wetlands). This activity contributes to the achievement of project output 1.1 “New and updated national policy, regulatory and planning frameworks for wetland conservation”.

2. Background:

Wetlands in Viet Nam are diverse in type, covering an area of over 12 million hectares (including man-made wetlands), distributed in almost all ecological zones, and playing a huge role in people's life and socio-economic development as well as environmental protection and biodiversity conservation. The Government of Viet Nam has issued many documents that include reference to the conservation, sustainable use and management of wetlands in order to protect the values of wetland ecosystem services and their resources, including Decree No. 109/2003/ND-CP dated 23 September 2003 on the conservation and sustainable development of wetlands; Circular No. 18/2004/TT-BTNMT dated 23 August 2004 guiding the implementation of Decree No. 109/2003/ND-CP; Decision 04/2004/QD-BTNMT dated 5 April 2004 approving the Action Plan for the Conservation and Sustainable

Development of Wetlands for the period 2004-2010; Prime Minister Decision No. 131/2004/QĐ-TTg dated July 16, 2004 approving the program on protection and development of aquatic resources up to 2010; Decision No. 1479/QĐ-TTg dated Oct 13, 2008 and Decision No. 742/QĐ-TTg dated May 26, 2010 of the Prime Minister on the planning of inland water areas and marine conservation zones; Law on Biodiversity 2008 (Article 35 stipulates the sustainable development of natural ecosystems on natural wetland areas); Decision No. 1250/QĐ-TTg of July 31, 2013 approving the national strategy on bio-diversity up to 2020 with a vision to 2030; Law No. 16/2017/QH14 dated Nov 15, 2017 on Forestry, and Law No. 18/2017/QH14 dated 21 Nov 2017 on Fisheries and guiding documents; Resolution No. 35/NQ-CP dated March 18, 2013 of the Government on some urgent issues in the field of environmental protection and Resolution No. 24/NQ-TW dated June 3, 2013 of the National Executive Board on active response to climate change and strengthening the management of natural resources and environment protection. Since 1989 Viet Nam is also a Party to the Ramsar Convention, which affirms the country's interest and commitment to the conservation and sustainable use of wetlands in Viet Nam. However, given the current pressures from socio-economic development and impacts of global climate change, the remaining natural wetlands in Viet Nam are facing a decline in their surface area, as well as the value of biodiversity, environmental quality, and ecological services.

Within this context, between 2015 and 2017, the Wetlands project has conducted the analysis and assessment of the scientific and practical basis of the current status and legal system of wetland management in Viet Nam, and developed recommendations for strengthening the legal framework on wetland management, and proposed the basic contents of a new Decree replacing Decree 109/2003/ND-CP. To date, the new draft Decree on the conservation and sustainable use of wetlands has been developed, and in 2017 MONRE has submitted to the Government the proposal for elaborating this new Decree .

However, some contents of the draft Decree have not been specified in detail, requiring further guidance. Therefore, in 2018, the Wetlands project plans to develop a new Circular, replacing Circular No. 18/2004/TT-BTNMT dated 23 August 2004, to guide the implementation of the new Decree on the conservation and sustainable use of wetlands. This will contribute to the strengthening of legal documents on wetlands in order to meet the objective of national sustainable development and implementing international commitment on conservation and wise use of wetlands in Viet Nam.

3. Objectives of the assignment

Under this assignment, a team of 3 consultants shall draft the new Circular guiding the implementation of the Decree on the Conservation and Sustainable Use of Wetlands, in order to effectively implement wetland management and protect biodiversity values in natural wetlands of Viet Nam.

4. Specific tasks

- Develop the inception report demonstrating consultants' understandings about the terms of reference, including the description of methodology and approach for development of the new Circular. The Inception Report also shall include a work plan and outline of the draft final report, as well as an in-depth description of specific tasks and work assignment for individual consultants involved;

- Propose the contents of the draft circular as required in the draft Decree such that it contributes to effective wetland management and conservation in Viet Nam, in line with

international best practice and making use of previous review results of legal framework on wetland management (implementation effectiveness, gaps and overlaps, specifically with reference to documents listed in section 2 above) done by the project;

- Draft the Circular guiding the implementation of the Decree on the conservation and sustainable use of wetlands;
- Participate in and present at technical meetings and consultation workshops;
- Develop final report on the implementation of the consultancy package;
- Finalize all deliverables according to inputs and requirements of the project and stakeholders.

5. Required deliverables and work progress

The consultant is expected to start working in March 2018 and finish in November 2018 with the implementation progress and deliverables as follows:

TT	Deliverables	Deadline
1	Inception Report	April 2018 (within 10 days after signing the contract)
2	Draft Circular guiding the implementation of the Decree on the Conservation and Sustainable Use of Wetlands (1 st draft)	August 2018 (within 4 months after signing the contract)
3	Final draft Circular guiding the implementation of the Decree on the Conservation and Sustainable Use of Wetlands (completed based on comments from stakeholders)	October 2018 (within 6 months after signing the contract)
4	Final report, including summary description of tasks, studies, reviews and assessments conducted by the Consultants' team, other topics as relevant	October, 2018

All deliverables will be submitted in both the English and Vietnamese language, to be reviewed and endorsed by sub PMU, PMU and UNDP in terms of quality.

6. Qualifications of Consultants

The project commissions a consultant team of three members including:

❖ Team leader (40 days):

➤ Responsibility:

- Manage and coordinate all work of the team, work directly with and be responsible before the Project for the assignment progress and results;
- Develop the inception report;
- Review and propose the contents or subjects in the draft Decree that need further guidance;
- Propose the main contents of the draft circular in line with actual conditions of Viet Nam and international wetland management trend;
- Identify the legal basis, scope of regulation and basic contents of the draft circular;
- Develop the final report on the implementation of the package;

- Present at technical meetings/consultation workshops at the request of the Project Component Management Board;
- Responsible to the sub PMU on work progress and deliverable quality, and performance and deliverables of each member in the group as agreed.

Qualifications and experiences requirement

- Minimum Master degree in Law, Environmental Management, Ecology, Biodiversity, Agriculture, Fishery, Natural Resource Management or relevant fields; Doctorate degree is preferable;
 - At least 15 years of work experience in areas of developing legislation and policies, environmental management, biodiversity and/or wetlands, specifically in Viet Nam;
 - Profound understandings about Viet Nam wetlands and relevant legislation, policies and plans on biodiversity and wetlands conservation and sustainable use;
 - Experienced in management or equivalent position (head of units, team leader, key consultant or project manager);
- Excellent analytical, synthetical and report writing skills in the field of biodiversity, in both Vietnamese and English;
- Experienced working for ODA projects and international donors, especially UNDP/GEF is an advantage;
 - Good communications, organization and presentation skills, capable of guiding and managing a team of experts;

❖ Team member (Consultant 2) (45 days):

➤ Responsibility:

- Support the development of the inception report;
- Assess the status and enforcement of the proposed contents/issues which shall serve as basis for proposing specific contents of the Circular;
- Work under the coordination of the Team leader in the following tasks:
 - + Propose detailed contents of the draft circular in line with the practical conditions of Viet Nam and international wetland management trend;
 - + Support developing the final report on the implementation of the package;
 - + Present at technical meetings/consultation workshops at the request of the Project Component Management Board;
 - + Support finalizing all deliverables according to inputs and requirements of the project and stakeholders.

➤ Qualification and experiences:

- Minimum Master degree in Law, Environmental management, Ecology, Biodiversity, Agriculture, Fishery, Natural Resource Management or relevant fields;
- Minimize 10 years of experiences in developing legal and/or policy documents in the field of environmental management, biodiversity, wetlands, preferably in Viet Nam;
- Profound understandings about Viet Nam wetlands and relevant policies on biodiversity and wetlands;

- Experienced in developing legal document related to wetland/biodiversity conservation;
- Good communications, organization and presentation skills;
- Good command of English, capable of working with international experts;
- Ability to work as a team member.

❖ **Team member (Consultant 3) (45 days):**

➤ **Responsibility**

- Support the development of the inception report;
- Study national and international experiences related to the proposed contents in the circular;
- Work under the coordination of the Team leader in the following tasks:
 - + Propose detailed contents of the draft circular in line with the practical conditions of Viet Nam and international wetland management trend;
 - + Support developing the final report on the implementation of the package;
 - + Present at technical meetings/consultation workshops at the request of the Project Component Management Board;
 - + Support finalizing all deliverables according to inputs and requirements of the project and stakeholders.

➤ **Qualification and experiences requirement:**

- Minimum Master degree in Law, Environment, Ecology, Biodiversity, Agriculture, Fishery, Natural Resource Management or relevant fields;
- Minimize 10 years of experiences in areas of law and policy development, environment/biodiversity/wetlands;
- Profound understandings about Viet Nam wetlands and relevant policies on biodiversity and wetlands;
- Experienced in developing legal document related to wetland/biodiversity conservation;
- Good communications, organization and presentation skills;
- Good command of English, capable of working with international experts;
- Ability to work as a team member.

7. Payment conditions

Issuing of a payment is subject to formal approval of any deliverables by the project and UNDP.

Costs for travel (if any) related to the implementation of the consultancy, specifically for information and data collection, shall be borne by the Consultants. Costs related to the participation in technical meetings and workshops to gather stakeholder comments on the circular shall be borne by the project. Any costs for translations shall be borne by the Consultants.

- Payment of 20% of the contract value after the project formally accepts the Inception Report;

- Payment of 40% of the contract value after the project accepts the 1st draft Circular guiding the Decree on the conservation and sustainable use of wetlands;

- Payment of 40% of the contract value after the project accepts the final draft Circular guiding the Decree on the conservation and sustainable use of wetlands (stakeholders' comments and inputs are integrated) and the final report.

The project will sign an individual contract with each individual consultant.

The detailed payment schedule and conditions will be finalized in the Consultancy contract.

8. Support from the Project:

- Organize technical meetings to gather inputs to deliverables and other logistical supports to facilitate and implement the assignment;

9. Applications: Signed Curriculum Vitae (CV) that indicates specific positions that they apply for (Team member/consultant 1; consultant 2, consultant 3).