

**TERMS OF REFERENCE (TOR)**  
**ACTIVITIES 1.3.5.2.7: DEVELOP REGULATION FOR OPERATION OF**  
**TENTATIVE TAM GIANG – CAU HAI WETLAND CONSERVATION AREA**

<b>Assignment</b>	Develop regulation for operation of tentative Tam Giang – Cau Hai Wetland Conservation Area
<b>Position:</b>	3 National Consultants
<b>Duty location</b>	Thua Thien Hue Province
<b>Project code and title:</b>	00088048/Conservation of Critical Wetland Protected Areas and Linked Landscapes
<b>Duration of assignment:</b>	July 2018 to October 2018
<b>Reporting to:</b>	PMU/ISPONRE, DONRE TTH

## **I. INTRODUCTION**

The Project “Conservation of Critical Wetland Protected Areas and Linked Landscapes” (Wetland Project) is being funded by the Global Environment Facility (GEF) through the United Nations Development Program (UNDP), being implemented in 4 years from 2015 to 2018. The project was approved under the Decision No. 1131/QĐ-TTg dated July 09, 2014 by the Prime Minister of Viet Nam and Decision No. 837/QĐ-BTNMT dated April 13, 2015 by the Minister of Natural Resources and Environment of Viet Nam. The Institute of Strategy and Policy on Natural Resources and Environment (ISPONRE) is assigned as the National Implementing Partner; the Biodiversity Conservation Agency (BCA) is assigned the role of Co-Implementing Partner; and two pilot provinces were selected for project implementation activities - Thua Thien Hue (TTH) Province and Thai Binh (TB) Province.

The project’s immediate objective is “*to establish new wetland Protected Areas and create capacities for their effective management to mitigate existing and emerging threats from connected landscapes*”. The project tries to achieve this by strengthening systemic, institutional and operational capacity for effective wetlands biodiversity management in Viet Nam nationally and at provincial level at selected sites, with a major thrust to strengthen national and provincial capacities for planning, administering and managing Wetland Conservation Areas (WCAs). Two WCAs - Tam Giang - Cau Hai (TG-CH) WCA, TTH Province, and Thai Thuy (TT) WCA, TB Province will be established with support of the project.

This consultancy assignment aims to “*Develop Regulation for operation of tentative Tam Giang – Cau Hai wetland conservation area*” to achieve the the Output 1.3 of the Wetland project “*Two new wetland conservation areas (WCAs) established and operational*”.

## **II. BACK GROUND**

The Wetland project is now supporting TTH province to establish the TG-CH WCA in line with the regulations as stated in the Biodiversity Law 2008. The Conservation Area Establishment Project (“Profile”), describing the biodiversity conservation purposes of the WCA, zoning, management and implementation arrangements, etc., will be submitted to the TTH Provincial People’s Committee (PPC) for approval in June 2018. To date, the draft profile for establishing the TG-CH WCA has identified the spatial zoning for the TG-CH WCA, including the proposed core zone of 2,090.35 hectares based on three existing zones including O Lau, Con Te – Ru Cha and 23 Aquaculture Conservation Areas in Quang Dien, Phong Dien, Phu Vang, Phu Loc and Huong Tra districts. Within the proposed core zone, the strict protection zone covers 834.8 ha, in Quang Thai commune (Quang Dien district) and Huong Phong commune (Huong Tra district) as well as the 23 existing Aquaculture Conservation Areas in five districts.

The wetland project has conducted a number of studies to support the WCA profile development, such as (i) a baseline survey, providing updated qualitative and quantitative information on the environmental, ecological and socio-economic conditions of the proposed TG-CH WCA; (ii) a review and quantitative assessment of the Ecological Health Index (EHI); (iii) a threats analysis and threat reduction / alternative livelihood strategy to improve wetland biodiversity and ecosystems in the planned TG-CH WCA; (iv) an ecosystem services assessment and valuation in the proposed TT WCA and the TG-CH WCA. As part of the Profile, an organizational and financial structure has been proposed for the operation of the TG-CH WCA. At the same time, the wetland project has commissioned a consultancy assignment for preparing the detailed Operational Plan (OP) of TG-CH WCA for the period 2018 to 2020. The proposed detailed OP for TG-CH WCA will be the foundation for operation of TG-CH WCA. Once the WCA is established, it is needed to have a formal regulation for operation of the WCA.

In order to support to the operation of proposed TG-CH WCA, the project is seeking a team of national consultants to develop the regulation for operation of TG-CH WCA. The draft regulation will be submitted to the TTH people committee for approval once the WCA is established.

## **III. OBJECTIVES**

Objective of the assignment is to develop a regulation for operation of the Tam Giang – Cau Hai Wetland Conservation Area.

## **IV. SCOPE OF WORK**

- Develop the Inception Report that describes the proposed methodology, a detailed work plan, specific tasks assigned to each team member and time table of the assignment.
- Review all the reports/documents provided by the Wetlands Project, including EHI, the report on threats analysis and reduction, the report on TG-CH ecosystem services assessment and valuation, the draft Profile, etc. and other documents relevant to the assignment.

- Review the legal regulations that apply to other established protected areas at both national and provincial level in Viet Nam.
- Formulate the outline of the Regulation for operation of the TG-CH WCA. The outline should include at least, but not necessarily be limited to, the following points:
  - Regulating scope
  - Applying objects
  - Citation and Definitions
  - Management Board's structure, functions and mandates
  - WCA zones and their detailed boundaries
  - Management of activities in WCA for different zones (i.e. restricted area, rehabilitation area, development area, protected belt, etc.)
  - Biodiversity Monitoring Program
  - Description of the management of economic and subsistence land and natural resources use activities in the WCA, including acceptable and prohibited activities for each zone of the WCA
  - Implementation arrangement describing specific responsibilities of relevant local authorities, resources user associations and communities in TTH province (i.e DONRE, DARD, DPI), and the communes of the five districts with land area inside the WCA
  - Financial resources for the WCA operation
  - Other relevant management arrangements necessary to ensure the effective protection and sustainable development of the TG-CH WCA.
- Develop the Regulation in line with the agreed outline and content, taking any legal instructions to structure and content of Regulations into account in consultation with PMU, TTH DONRE, profile team and other related stakeholders (DARD, DPI, etc.)
- Participate in relevant technical meetings/consultation workshops, to present the draft Regulation to a relevant stakeholder audience, and comments/suggestions received into account during revision and finalization of the Regulation.
- Provide technical support to DONRE TTH for revision and finalization of the Regulation during the approval process following submission of the Regulation to PPC TTH
- Engage in field trips and stakeholder consultation meetings as and when requested by the PMU.

## **V. EXPECTED OUTPUTS, REPORTING AND TIMING**

The consultancy will be implemented from July 2018 to November 2018. The expected outputs and reporting requirements are as follows:

1. Inception Report (IR) that describes the proposed methodology, the detailed work plan, specific tasks of each team member and time table of the assignment. The report will be submitted to the PMU within 10 days after signing of the contract.
2. The first outline of the Regulation is submitted to the PMU no later than 31 July 2018; the agreed outline no later than 15 August 2018.
3. The first draft of the Regulation is submitted to the PMU no later than 30 September 2018
4. The final draft of the Regulation is submitted to the PMU and DONRE TTH no later than 15 October 2018

All reports to be submitted in Vietnamese and English.

## **VI. PAYMENT METHOD AND SCHEDULE**

Payment method is TTR. Payment schedule is as follows:

1. Payment of 20% contract value within 07 days after acceptance of the Inception report.
2. Payment of 30% of the contract value within 07 days after acceptance of the agreed outline.
3. Payment of 30% of the contract value within 07 days after acceptance of the draft Regulation.
4. Payment of 20% of the contract value within 7 days after acceptance of the Final regulation and approval by the PPC TTH.

Issuing of any payment is subject to any deliverable being formally accepted by the Wetland project PMU and UNDP. The detailed payment schedule and conditions will be finalized in the Consultancy contract.

## **VII. REQUIREMENTS / QUALIFICATIONS**

To achieve the results as formulated in the current TOR, the Wetlands Project is aiming to engage a qualified team of 03 consultants with relevant qualifications and experience as below:

**7.1 National Consultant 1 - Team Leader (50 working days);** : Take overall responsibility for the whole assignment; coordinating the input of each team member and taking responsibility for the quality of all deliverables to the PMU and UNDP

*Specific qualification requirements include:*

- Minimum Master degree in Law, Environmental Management, Ecology, Biodiversity, Agriculture, Fishery, Natural Resource Management or relevant fields; Doctorate degree is preferable;
- At least 10 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;
- Demonstrated experience in, or extensive knowledge of, environmental and biodiversity related issues and conservation management solutions in wetlands, preferably in Thua Thien Hue province and the proposed TG-CH WCA;
- Good organizational skills, experienced as team leader and in leading a team of consultants;
- Good communication skills; Good skills in working with local stakeholders;
- Good ability to work and report in English and work independently with international experts; Good computer skills.

**7.2 National Consultant 2 – Biology specialist (40 working days):** Implementing the work under the assignment of the Team Leader, with the primary responsibility for assistance in formulating the Regulation articles related to protection, conservation, and restoration of biodiversity; monitoring program as well as the management of economic and substance land and natural resources use activities in the WCA, including acceptable and prohibited activities for each zone of the WCA and science-related issues; supporting the development of the other relevant management arrangements necessary to ensure the effective protection and sustainable development, with specific focus on protecting and conserving biodiversity; participating in stakeholder consultations as needed; providing support on additional assignment as requested by the Team Leader

*Specific qualifications requirements include:*

- Minimum Master's degree in biology, flora, fauna, environment or related fields, preferably with a PhD in relevant field;
- At least 5 years of work experience in areas of developing legislation and policies, environmental management, biodiversity and/or wetlands, specifically in Viet Nam;
- Preferably experienced in, or extensive knowledge of, environmental and biodiversity related issues and conservation management solutions in wetlands of Thua Thien Hue province;
- Good writing skills and reporting skills;
- Good communication skills and organizational skills;
- Strong team player; good English skills and computer skills.

**7.3 National Consultant 3 (30 working days) - Legal expert:** Implementing the work under the assignment of the Team Leader, with the primary responsibility for formulating the Regulation articles related to Management Board's structure, functions and mandates; implementation arrangement and financial resources for operation of WCA and additional assignment as requested by the Team Leader.

*Specific qualification requirements include:*

- Minimum Master's degree in aquatic chemistry, environmental quality or related fields, preferably with a PhD in relevant field;
- At least 5 years of work experience in areas of developing legislation and policies, environmental management, biodiversity and/or wetlands, specifically in Viet Nam;
- Proven working experience designing and implementing assessment of water quality and/or environmental monitoring, preferably in relation wetlands, intertidal aquatic zone and/or mangroves in support of biodiversity conservation in PAs;
- Preferably experienced in, or extensive knowledge of, environmental and biodiversity related issues and conservation management solutions in wetlands, including for wetlands of Thua Thien Hue province;
  - Good writing skills and making report;
  - Good communication skills and organizational skills;
  - Strong team player; good English skills and computer skills.