

## **United Nations Development Programme / Government of Mauritius**

**Terms of Reference for appointment of the Environmental Legal Consultant to finalise the Wetland Bill and its associated Regulations for the GOM/UNDP/GEF 'Mainstreaming Biodiversity into the Management of the Coastal Zone in the Republic of Mauritius' project**

**TITLE:** International Consultant – Environmental Legal Consultant  
**SECTOR:** Climate and Disaster Resilience  
**LOCATION:** Republic of Mauritius  
**DUTY STATION:** Ministry of Ocean Economy, Marine Resources, Fisheries and Shipping and home based  
**DURATION:** 50 person days (3 field missions if international) until October 2019 with the following breakdown: (35 field mission days and 15 days home based)  
**STARTING DATE:** November 2018  
**CONTRACT PERIOD:** 50 person days spread over 11 months.

### **A. Project title**

The GEF-funded UNDP-supported 'Mainstreaming Biodiversity into the Management of the Coastal Zone in the Republic of Mauritius' project.

### **B. Project Description**

The objective of the project is to mainstream the conservation and sustainable use of biodiversity and ecosystem services into coastal zone management and into the operations and policies of the tourism and physical development sectors in the Republic of Mauritius through a 'land- and seascape wide' integrated management approach based on the Environmental Sensitive Areas' (ESAs) inventory and assessment. More specifically, the project will achieve this through a three-pronged approach:

- support the incorporation of ESA recommendations into policies and enforceable regulations pertaining to integrated coastal zone management (ICZM), thereby mitigating threats to biodiversity and ecosystem functions and resilience with a special focus on tourism and physical development in the coastal zone;
- support the effective management of marine protected areas (MPAs) across the RM, given that they contain an important proportion of critically sensitive ESAs; and
- demonstrate mechanisms to arrest land degradation in sensitive locations, focusing on reducing coastal erosion and sedimentation and helping to restore ecosystem functions in key wetland areas.

The Project Management Unit (PMU) has been set up with the recruitment of the Project Manager and Project Assistant since June 2017. This unit is headed by a National Project Director nominated by the Ministry of Ocean Economy, Marine Resources, Fisheries and Shipping. The full team of the PMU has been reinforced by a Chief Technical Adviser for technical backstopping so as to successfully implement this project.

The Ministry of Ocean Economy, Marine Resources, Fisheries and Shipping was designated as the Implementing Partner for the project. The other responsible parties are the following:



- Ministry of Social Security, National Solidarity, and Environment and Sustainable Development;
- Ministry of Agro Industry and Food Security;
- Ministry of Tourism;
- Rodrigues Regional Assembly;
- Ministry of Housing and Lands.

The other stakeholders are Mauritius Oceanography Institute, Department of Continental Shelf, Maritime Zones Administration and Exploration, District Councils, Ministry of Arts and Culture, Reef Conservation, Shoals Rodrigues, Mauritian Wildlife Foundation, etc.

### **C. Scope of Work**

Mauritius joined the Ramsar Convention on Wetlands in September 2001 and since then has nominated three Ramsar sites of International Importance. By joining the Convention, Mauritius has committed itself to the conservation and wise use of wetlands and has to reverse the trend of converting wetlands to other uses. However, despite having no significant legal framework, some activities around or inside wetlands are being controlled. To be in line with the Convention to protect and conserve effectively the remaining wetlands in Mauritius, a fully practical and enforceable legal framework is required.

The objective of this consultancy is to review the Wetland Bill that has been developed by the National Parks and Conservation Service of the Ministry of Agro Industry and Food Security by identifying all gaps and constraints that may pose problems to its implementation and subsequently to recommend suitable and implementable measures to overcome them through a participatory and consultative approach. In doing so, it is expected that the reviewed bill can be finalized and enacted by parliament in order to protect and conserve the Wetlands in the Republic of Mauritius.

#### **Duties and Responsibilities:**

- Be responsible for organization, coordination of all consultancy work with all relevant stakeholders, compilation and timely submission of deliverables.
- Lead the consultation process at national and sectoral level to review, update and finalise the draft Wetlands Bill by putting emphasis on the gaps and limitations of the bill and recommending practical and implementable solutions to them
- Review existing legislations and policies regarding wetland protection
- Review extensively the Wetland Bill drafted by the National Parks and Conservation Service
- Identify all gaps and limitations that may hinder the implementation and enforcement of the Act
- Recommend practical solutions to all gaps and concerns for the smooth enforcement of the Wetlands Act particularly to practical solutions to wetlands occurring on private lands.
- Draft the final Wetland Bill with the setting up of the institutional framework for enforcing the law.
- Draft the associated Regulations accordingly so as to effectively protect and conserve all wetlands in the Republic of Mauritius
- Perform any other tasks as may be requested by the National Project Director and Project Manager in relation to the drafting of the main Act.



#### D. Expected Outputs and Deliverables

The Environmental Legal Consultant shall be remunerated in accordance with the time schedule and deliverables approved by UNDP. UNDP will be represented as appropriate by the Head of Environment Unit, the Regional Technical Adviser, or the Independent Evaluation Office. The National Project Director, the Steering Committee and the Technical Committees set up for the project will also review and comment on the deliverables as appropriate. The list of Deliverables is shown in Table 1.

Table 1: List of Deliverables of the Environmental Legal Consultant

Item	Project	Activity/deliverable	Time Schedule	Payment Schedule
1.		Agreed Work Plan	Nov - 18	10%
2.		Inception Report	Dec - 18	10%
3.		Draft report on the gaps and problems encountered to implement the Wetland Bill and recommendations on how to address these gaps and problems	Jan - 19	15%
4.		Final report on the gaps and problems encountered to implement the Wetland bill and recommendations on how to address these gaps and problems	Feb - 19	5%
5.		Draft copy of reviewed and updated Wetlands Bill and institutional framework	Mar - 19	15%
6.		Consultation Workshop on Wetland Bill	Apr- 19	5%
7.		Final copy of reviewed and updated Wetlands Bill and institutional framework	May - 19	10%
8.		Draft copy of the Regulations associated with the Wetlands Act	Jun - 19	10%
9.		Consultation Workshop on Regulations	Jul- 19	5%
10.		Final copy of the Regulations associated with the Wetlands Act	Sep - 19	5%
11.		Final validation workshop report and Final Report	Oct - 19	10%
		Total		100%

#### Important Note

All deliverables shall be submitted in appropriate format, in MS Word and in PDF as per requirement of the Client to the address of the Project Manager Mr P Ragen – [parmananda.ragen@undp.org](mailto:parmananda.ragen@undp.org) and with copy to the National Project Director, Dr Daniel Marie [depmarie@moi.intnet.mu](mailto:depmarie@moi.intnet.mu), as well as the UNDP Head of Environment Unit. The project manager will be responsible for further distribution. The deliverables should be of high quality in form and substance and with appropriate professional presentation. The Environment Legal Consultant should fully comply with the requirements of UNDP in terms of content and presentation and respect UNDP GEF visibility guidelines, since unsatisfactory performance may result in termination of contract. Tables of content should be cleared with the PMU before reports are produced.



### **E. Institutional Arrangement**

The Environmental Legal Consultant will provide high quality services to the Ministry of Agro Industry and Food Security of the Republic of Mauritius, and report to the National Project Director (NPD).

S/He will prepare a brief activity report on a quarterly basis, to be sent to the NPD and UNDP's Head of Environment Unit. All deliverables shall be paid only after approval by the NPD and UNDP.

### **F. Duration of the Work**

The Environmental Legal Consultant's work schedule shall be for 50 working person days until October 2019 with the following breakdown, 35 field mission days (3 missions, if international) and 15 days home based.

### **G. Duty Station**

During the field-based part of the assignment, the Environmental Legal Consultant will be based at the PMU Office, Ministry of Ocean Economy, Marine Resources and Shipping, LIC Building, Port Louis and also at the Ministry of Agro Industry and Food Security.

### **H. Qualifications of the Successful Individual Contractor**

#### Education:

The expert should hold a first degree in Law from a recognised institution.

The expert should also hold a post-graduate degree in environmental or Land laws with emphasis on Wetlands conservation and legal framework or any equivalent acceptable field of study.

#### Experience:

- At least 5 years of professional experience in environmental law;
- Experience in providing legal views on Wetlands and/or Ramsar Convention will be an advantage;
- Experience in drafting any environmental and/or wetlands laws and Regulations;
- Demonstrable experience in implementing equivalent GEF or other multilateral donor-funded projects;
- Working experience in at least one similar project
- Working experience with private sector and project national stakeholder institutions and agencies is desired;
- Experience in SIDS countries most particularly in Mauritius would be an asset.

#### Competencies:

- Ability to effectively coordinate a large, multi-stakeholder project;
- Ability to train and work effectively with counterpart staff at all levels and with all groups involved in the project;
- Strong drafting, presentation and reporting skills, excellent written communication skills;
- A good personality with strong leadership skills;
- Be an effective negotiator with excellent oral and presentation skills;
- A good working knowledge of international best practice in conservation and wise use of wetlands is desirable;

- Strong computer skills.

Language:

- Fluency in both written and spoken English is required; knowledge of French is an asset.

**I. Scope of Price Proposal and Schedule of Payments**

The financial offer should be quoted as a lump sum amount, all-inclusive (professional fee, insurance, all travel costs, per diem, etc.). In general, UNDP should not accept travel costs exceeding those of an economy class ticket. Should the consultant wish to travel on a higher class he/she should do so using their own resources.

The contract price is fixed regardless of changes in the cost components. In the case of unforeseeable travel (additional mission for example), payment of travel costs including tickets, accommodation and terminal expenses should be agreed upon prior to travel between UNDP and Individual Consultant and will be reimbursed.

Payments will be effected based on deliverables as per Table 1 above.

**J. Recommended Presentation of Offer**

The following documents are requested:

- a) Duly completed **Letter of Confirmation of Interest and Availability** using the template provided by UNDP;
- b) **Personal CV**, indicating all experience from similar projects, as well as the contact details (email and telephone number) of the Candidate and at least three (3) professional references;
- c) **Technical offer: Brief description** of why the individual considers him/herself as the most suitable for the assignment (including his/her experience using GEF Protected Areas Scorecards and Tracking Tools), and a **methodology** on how they will approach and complete the assignment;
- d) **Financial Proposal** that indicates the all-inclusive fixed total contract price, supported by a breakdown of costs, as per template provided by UNDP.

**K. Criteria for Selection of the Best Offer**

Individual consultants will be evaluated based on the following methodology:

Cumulative analysis

When using this weighted scoring method, the award of the contract should be made to the individual consultant whose offer has been evaluated and determined as:

- a) Responsive/compliant/acceptable, and
- b) Having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation.



The Evaluation Criteria for the Shortlisting of applicants is as per Table 2.

Criteria	Max. Score
Education	15
Relevant experience in the field of expertise	12
Experience in drafting environmental and/or Wetlands Laws	10
Experience working with private sector, national stakeholder institutions and agencies	10
Relevant Experience in providing Legal views on Wetlands and/or Ramsar Convention	5
Experience in working with GEF / donor funded projects	5
Experience in working in Mauritius and SIDS	5
Fluency in English (mandatory);	5
Fluency in French	3
Suitability of technical approach	30
<b>Total</b>	<b>100</b>

Candidates scoring a minimum of 70% of the maximum marks on the above criteria will be short-listed and called for a competency-based interview.

The financial offers will be evaluated giving the lowest price proposal 30 marks and marking the other more expensive proposals reverse proportionally to the cheapest offer.

The final scoring of short-listed candidates will take into account the interview score and the financial score.

The method of calculation of the final score is shown in Table 3 below.

**Table 3: Calculation of Scores for Selection of the Environmental Legal Consultant**

Criteria	Weight (%)	Max. Score
• Interview	70	70
• Financial	30	30

The candidate ranking highest shall be selected.

#### L. Approval

This TOR is approved by:

Signature:



Name and Designation: Satyajeet Ramchurn, Head of Environment Unit

Date of signing: 11/04/2018