

United Nations Development Programme

Terms of Reference for a Local Legal Expert to carry out an in-depth review of the Environment Protection Act

TITLE	In-depth review of the Environment Protection Act (EPA)
COUNTRY	Mauritius
REGION	Africa
DUTY STATION	Port-Louis
REPORTING TO	Head of Environment Unit
CONTRACT TYPE	IC - National
DURATION	20 person days
STARTING DATE	16 October 2020
END DATE	31 December 2020

A. Project Description

Background

Environmental governance has evolved during the past decades to embrace complex challenges with respect to sustainable development, climate change and green economy, amongst others. In this context, the Republic of Mauritius (ROM) is developing new policy instruments and engaging into innovative measures to achieve an ecological transition. To this effect, the Ministry of Environment, Solid Waste Management and Climate Change (MESWMCC) has initiated the formulation of a master plan for the environment in the ROM, which will also address the environmental dimension of the Sustainable Development Goals (SDGs).

This so-called “Master Plan on the Environment for the Republic of Mauritius (2020 – 2030)” comprises a 10-year policy and strategy, as well as a 5-year Action Plan. This master plan aims at defining new approaches, new strategic partnerships, enhanced cooperation among government bodies/private sectors/ NGOs, amongst others, through holistic, coherent and enhanced policies, strategies and action plans for the environment.

The development of the master plan started in December 2019 through national consultations undertaken with the “Assises de l’Environnement”, which were followed by more in-depth discussions with relevant local stakeholders. As at date, the formulation of the master plan is nearing its finalisation stages, the implementation of which will require strengthening of the institutional and legal framework for environmental management in the ROM. This framework will need to be strengthened to cater for new approaches and models which include, amongst others, new governance mechanisms such as collaboration and participation of the private sector and the civil society in public /private partnership initiatives; a structure to formalize a proposed science-to-policy interface and to support collection of environmental data in a systematic manner for monitoring progress towards sustainable development; and mechanisms to ensure the mainstreaming of the environmental dimension of the SDGs in all the wakes of life.

In this context, it is proposed to conduct two complementary consultancy studies, with the Institutional Expert assuming the role of overall Team Leader, to address the following key tasks:

(a) Consultancy Study 1 (Institutional Expert):

- (i) to undertake an institutional assessment of the MESWMCC and the Department of Environment; and

- (ii) to edit the draft master plan, highlight key deliverables and prepare a succinct summary for policy makers.
- (b) *Consultancy Study 2 (One International Legal Expert and one Local Legal Expert)*:
to undertake an in-depth review of the Environment Protection Act (EPA) and make recommendations to strengthen the EPA and assess the need for another overarching law to cater for sustainable development.

Objectives

The objectives of this assignment (*Consultancy Study 2*) are to undertake an in-depth review of the Environment Protection Act (EPA) and make recommendations to strengthen the EPA so that it improves response to the current and emerging challenges identified in the master plan. The recommendations shall also assess the need for another overarching law to cater for sustainable development and thereby make appropriate proposals.

Scope of Work

The UNDP Mauritius Country Office seeks to procure the services of a Local Legal Expert, who will work in close consultation with and under the lead of the International Legal Expert, to provide consultancy services as follows:

- i) Carry out consultations with all relevant stakeholders, including the State Law Office and relevant Governmental Institutions, academia, NGO's, civil society, the private sector and development institutions;
- ii) Carry out an in-depth review of the Environment Protection Act and environment-related legislations, including the identification of gaps and weaknesses with respect to the existing legal provisions and with respect to recommendations in the master plan;
- iii) Formulate regulatory provisions for new and emerging issues with respect to environmental sustainability, including concepts such as green and circular economy, nature-based solutions, sustainable consumption and production, resource efficiency, etc;
- iv) Make recommendations on possible legal and institutional frameworks that could facilitate the domestication of the provisions of Multilateral Environmental Agreements to which the ROM is a party (to ensure compliance to Regional and International commitments);
- v) Undertake a desk review of international best practices regarding the mainstreaming of Sustainable Development principles and the implementation of Sustainable Development measures into legal frameworks;
- vi) In line with the recommendations of the institutional expert, advise on potential legal provisions to address the coordination of Sustainable Development in the ROM in line with the environmental dimension of the SDGs; and
- vii) Act as resource person for the validation sessions.

The Local Legal Expert, together with the International Legal Expert (*Consultancy Study 2*), shall work in close collaboration with the Institutional Expert (*Consultancy Study 1*) to harmonise outputs and integrate the recommendations of the Institutional Expert in the EPA. The physical presence of the Local Legal Expert is expected for coordination meetings with the UNDP / MESWMCC and the validation session.

B. Expected outputs

The consultant (Local Legal Expert) will work in close coordination with the International Legal Expert, to provide high quality services to the UNDP and its stakeholders. S/He will prepare necessary deliverables,

to be sent to the UNDP Head of Environment. Deliverables have to be presented to the UNDP and its stakeholders. All deliverables shall be paid only after approval by the UNDP and the MESWMCC.

The consultants will be remunerated in accordance with the following time schedule and deliverables.

SN	Outputs / Deliverables	Tentative deadline	Fee (%)	Means of verification
1	Inception Report and Workplan	20 October 2020	10 %	Approved workplan
2	Draft Report on the review of the Environment Protection Act and environment related legislations (inclusive of gaps and needs, and recommendations formulated)	30 October 2020	15%	Approved Draft Report
3	Draft report on proposed Legal Framework(s) to address the coordination of Sustainable Development in the ROM (inclusive of the desk review of best practices and recommendations)	17 November 2020	15%	Approved Draft Report
4	Final Report of the review of Environment Protection Act and environment-related legislations (including drafting the formulation of a new Environment Protection Act)	30 November 2020	40%	Approved Final report
5	Final report on proposed Legal Framework to address the coordination of Sustainable Development in the ROM, inclusive of drafting a new framework Bill to address Sustainable Development	15 December 2020	20%	Approved Final Report
	Total		100%	

C. Institutional Arrangement

All deliverables shall be in **English** and submitted in appropriate format, in MS Word and in PDF as per requirement of the Client to the following address:

Mr Satyajeet Ramchurn, Head of Environment Unit, UNDP Mauritius CO at satyajeet.ramchurn@undp.org and Mr J Seewoobaduth, Ag Director of Environment, at jseewoobaduth@govmu.org, with copy to zboodoo@govmu.org and aallock@govmu.org

The designated officer / focal point of the MESWMCC will be responsible for further distribution. The deliverables should be of high quality in form and substance and with appropriate professional presentation. The consultants should fully comply with the requirements of UNDP in terms of content and presentation and respect UNDP visibility guidelines, since unsatisfactory performance may result in termination of contract. A joint UNDP / MESWMCC technical committee will be set up to follow-up and monitor, as well as to assess the quality of the deliverables and provide feedback to the consultants.

D. Duration of the work

The services of the consultant shall be required for a duration of 20 person days spread over 3 months, up to 18 December 2020.

E. Duty Station

Home-based for the consultant.

The Local Legal Expert is expected to participate in person for coordination meetings with the UNDP / MESWMCC and the validation session.

F. Competencies and Qualifications

Education

Minimum Master's in Law (LLM) (or equivalent) / Environmental Law. Must be a registered lawyer.

Experience

A minimum of 10 years practising law with 5 years in the fields of environment and sustainable development;

Demonstrated experience in drafting bills, regulations and environmental laws;

Specific experience of drafting high quality written legal documents, and policies related to the environment and sustainable development

Skills

Good interpersonal and communication skill with the ability to effectively interact at senior levels of Government in a multi-disciplinary and multi-cultural environment;

Strong drafting and reporting skills

Language:

Fluency in English (both written and verbal) and a good knowledge of French is an advantage.

Corporate Competencies:

- Demonstrates commitment to UNDP's mission, vision and values;
- Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability;
- Ability to work effectively with counterpart staff at all levels and with all groups involved in the project; and
- Highest standards of integrity, discretion and loyalty.

Technical Competencies:

- Preferably conversant with the environmental laws and institution framework for environmental management in the ROM;
- Good knowledge of sustainable development and sustainability issues.

Development and Operational Effectiveness

- Ability to report analytical outputs in a clear, concise manner to a non-technical audience;
- Ability to maintain appropriate records / uphold quality assurance integrity;
- Strong drafting, presentation and reporting skills, excellent written communication skills;
- Strong IT competencies.

Leadership and Self-Management

- Focuses on result for the client and responds positively to feedback; and
- A good personality with strong leadership skills.

G. Scope of bid price and schedule of payments

The financial offer is a lump sum amount, all-inclusive (professional fee, insurance, all travel costs, per diem, etc.). In general, UNDP does 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. Note that travel is not anticipated for this assignment. Payments will be effected based on deliverables as per above.

H. 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 or P11**, indicating all past 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, 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.

I. Criteria for selection of best offer

Individual consultant will be evaluated based on the following methodology:

Cumulative analysis

The award of the contract will be made to the candidate whose offer has been evaluated using the "Combined Scoring Method" whereby the selection will be based on a Combined Scoring Method where the technical proposal will be 70 per cent and combined with the price offer which will be weighted 30 per cent.

When using this 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 technical proposal; and
- b) Having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation.

Technical evaluation criteria:

Criteria	Max. Point
Relevant education	15
Proven technical experience in the completion of similar successful projects	20
Ability to report analytical outputs in a clear, concise manner	10

Suitability of technical approach	30
Experience in dealing with Governments	10
Experience of working with international funding agencies	10
Language (English mandatory/French is a plus)	5
TOTAL max.	100

Candidates scoring a minimum of 70% of the maximum marks on the above criteria will be considered for the financial evaluation.

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 technical score and the financial score:

Criteria	Weight	Max. Point
• Technical score	70%	100
• Financial score	30%	30

The candidate ranking highest shall be selected.

This TOR is approved by:

Satyajeet Ramchurn

Signature: _____

Designation: Head of Environment Unit

Date of Signing: