



## Terms of Reference

<b>Project Title</b>	Mainstreaming biodiversity conservation into the tourism sector in synergy with a further strengthened protected areas system in Cabo Verde (Biodiversity and Tourism Project)
<b>Position Title</b>	Consultant to support strengthening of the national legal and regulatory framework to enable effective co-management of natural resources
<b>Post Level</b>	International Consultant
<b>Office</b>	UNDP-GEF- Office Cabo Verde
<b>Location</b>	Praia (Santiago Island) as duty station, with travels to Sal, Boavista, Maio and Mindelo (Sao Vicente Island), Cabo Verde.
<b>Category</b>	Biodiversity conservation and sustainable tourism
<b>Type of Contract</b>	Consultant with international experience/expertise
<b>Languages Required</b>	English, or French, or Spanish, or Portuguese.
<b>Estimated Start Date</b>	3 december 2018
<b>Duration of Contract</b>	3 months
<b>Assignment Duration</b>	40 working days, including two field missions to Cape Verde (respectively of 20 and 7 days, starting at January 2019)

### I. Background and Project Description

The consultancy will be developed in the framework of the project “Mainstreaming biodiversity conservation into the tourism sector in synergy with a further strengthened protected areas system in Cabo Verde”, executed by the Ministry of Agriculture and Environment (MAA), through the National Directorate of the Environment (DNA), in close collaboration with the Ministry of Tourism and Transport, and co-funded by the UNDP and the GEF.

The project’s main objective is to safeguard globally significant biodiversity in Cabo Verde from current and emerging threats, by enhancing the enabling and regulatory frameworks in the tourism sector and activating a critical further subset of the national protected areas (PAs) system.

The proposed alternative scenario, supported by the project, will create enabling conditions to mitigate the adverse impacts on biodiversity by the tourism sector in Cabo Verde. The frameworks will be developed at national level and tentatively rolled out in four priority islands – Santiago, Sal, Boa Vista and Maio – where immediate pressure is greatest and urgent action is required that can be replicated more widely in the future. This urgent action includes at the local level the pending operationalization of a number of critical terrestrial and marine/coastal PAs and the piloting of marine biodiversity and artisanal fisheries management together with communities in two selected sites. At the same time the project will harness the opportunities to establish more sustainable tools for PA financing, protected area management and local community development, contributing to the consolidation and diversification of Cabo Verde tourism product, and the sustainability of the destination and the sector. This will be achieved through the following two project components:

- Under Component 1, the project will develop and put in place coherent and effective enabling frameworks (i.e. legal, policy, regulatory and institutional) for enhanced multi-sectoral strategic land-use planning at the landscape level, to focus on the tourism, fisheries and associated real estate/construction and fisheries sectors. This will involve: (1) strengthening the capacity at the institutional/governmental level for integrating biodiversity into the tourism sector, including through Strategic Environmental Assessments (SEAs), Environmental Impact Assessments (EIAs) and related regulations in tourism planning and permitting, and for compliance monitoring and enforcement; (2) the setup of policy mainstreaming committees overseeing policy and planning



coherence between tourism development and environmental/biodiversity management, at the national level and on the targeted islands with significant local tourism developments (i.e. Santiago, Sal, Boa Vista and Maio); (3) the development and revision of land-use planning regulations (i.e. SEA, EIA, Special Touristic Zones (ZTEs), Zones of Integral Tourism Development (ZDTIs), Zones of Touristic Reserve and Protection (ZRPT), etc.) so they fully integrate biodiversity concerns, and to ensure their recommendations are implemented and monitored; (4) implementation of SEAs to inform tourism development plans, where there are gaps in destinations where significant tourism development pressure is predicted; (5) the revision of financial tax incentives and licensing processes to integrate biodiversity criteria; (6) the establishment and piloting of best-practice standards for sustainable tourism and voluntary certification for enterprises and destinations; and (7) the design and piloting of innovative PAs financing mechanism, through biodiversity offsets.

- Under Component 2, the project will support: (1) the operationalization of PAs through the development of management plans, ecotourism plans and supporting regulations for 7 in-operational PAs (i.e. one on Santiago, four on Boa Vista and two on Sal) to address existing and emerging threats to biodiversity; (2) identification of new potential Marine PAs (MPAs) sites for inclusion in the national PAs system, through a systematic assessment of biodiversity resources on the marine shelf, and contributing to the development of key missing marine species/habitat management plans; (3) the definition of and implementation of PAs governance, including co-management and conflict resolution mechanisms; (4) agreements on the regulation, management and enforcement of the use of land and natural resources by local communities/resource users; (5) the introduction of biodiversity-friendly and sustainable artisanal fishing in two pilot sites through the promotion and adoption of suitable gear and best practices, the designation of community-enforced no-take zones and seasonal fishing bans, etc.; (6) develop and pilot island-specific, cost-effective PAs revenue generation mechanisms in conjunction with tourism sector stakeholders – these will potentially include, inter alia, gate fees, tourism operator concession fees, ecotourism taxes, and biodiversity offset and reinvestment schemes; (7) installation of a tracking and environmental monitoring program and plan to track the impacts of tourism and fishing in PAs, using participatory approaches; and (8) the preparation and implementation of Informational Education and Communication (ICE) campaigns to promote the role of PAs and sustainable tourism.

Under Project Output 2.3. *“Co-management of MPAs demonstrated in pilot sites based on the adoption of sustainable fishing practices by local communities”* the project will support the design and establishment of a co-management system of artisanal fishery and, more in general, marine natural resources in Cabo Verde. These will be piloted in the Nature Reserve of Casa Velhas in Maio, and scaled up and broadened to include additional Marine Protected Areas in Sal or Boavista.

In order to provide suitable enabling environment to support development of these and other initiatives, the project will support an initial assessment and review of the national legal and regulatory framework on which these activities should be based on, providing proposals to adjust the current framework, and providing a set of tools to support the implementation of co-management initiatives, with special focus on marine natural resources and fisheries.

A team compounded by one international consultant and one national consultant specialized respectively on co-management of marine natural resources, and on the legal and regulatory national framework on marine natural resources and fishery management will be in charge to collaboratively elaborate and propose expected consultancy outputs.

## **II. Scope of Work**

The international consultant will support the MAA, through the DNA and the Project Management Unit (PMU) and the national consultant to:



- ⇒ Review and assess the current national legal and regulatory framework relevant for co-management of natural resources, with special emphasis on co-management of marine and fisheries-related natural resources.
- ⇒ Define and deliver practical proposals to create a viable enabling environment for the design and establishment of a co-management system of marine natural resources in Cabo Verde, exploring and incorporating in the proposals elements to enhance synergies of co-management initiatives with Protected Areas management and tourism sector activities.
- ⇒ Prepare a Road Map to develop co-management initiatives within the framework of the Biodiversity and Tourism Project and existent/adjusted legal and regulatory framework.

### **III. Key Responsibilities and Tasks**

- ⇒ Develop and agree with the UNDP Country Office (UNDP-CO) (Environment and Disaster Risk Reduction Unit) and the DNA/PMU, the workplan and methodology to carry out the whole consultancy;
- ⇒ Carry out a documental collection and analysis that will include the following documentation relevant for the objectives of the assignment:
  - Laws, Decrees and other legal documents.
  - International Conventions and Agreements ratified by the Country.
  - Regulatory documents produced by Governmental Authorities.
  - National policy, strategic and sectorial documents and plans.
  - Documents related to previous initiatives of co-management of marine and other natural resources and in Protected Areas (e.g. co-management plans).
  - Technical and scientific literature at international level on best practices to establish enabling national legal and regulatory frameworks for co-management of fisheries-related resources, natural resource in general, and co-management into Protected Areas.
- ⇒ Hold meetings with national stakeholders relevant to the assignment in order to:
  - Complete collection of relevant data and information (see point above).
  - Discuss preliminary findings from documental collection and analysis.
  - Identify and discuss with stakeholders results, constrains, lessons learnt related to previous experiences of co-management of marine and other natural resources and in Protected Areas in Cape Verde.
  - Identify existing opportunities in the national and international contexts for future implementation of co-management initiatives in Cape Verde, with special focus on: i) co-management initiatives to be developed in the framework of the Biodiversity and Tourism Project; ii) co-management initiatives to be developed inside Marine Protected Areas, and more in general into the National System of Protected Areas.
  - Discuss with actors of the tourism sector the opportunities and options available for their engagement into co-management initiatives.
  - Explore possibilities for proposals aimed to improve the national legal and regulatory framework to create enabling conditions for successful co-management initiatives.
- ⇒ Attend a meeting with UNDP-CO and DNA/PMU to discuss key inputs and results from the first field mission.
- ⇒ Prepare and deliver to UNDP-CO, DNA/PMU, and DNEM the first draft of the consultancy Progress Report.



- ⇒ In collaboration with the national consultant, review the first draft of the consultancy Progress Report, and deliver to UNDP-CO, DNA/PMU and DNEM the final draft of the Report, incorporating feedbacks from these institutions.
- ⇒ In collaboration with the national consultant, co-lead a validation workshop attended by key stakeholders, which will aim to present and discuss:
  - Key findings from the documental collection and analysis on the structure of the national legal and regulatory framework to base co-management initiatives.
  - A comparative analysis between national experiences and international – with special focus on Sub-Saharan Africa and SIDSs - best practices and lessons learnt in co-management of fisheries-related resources, natural resource in general, and co-management into Protected Areas.
  - A SWOT analysis on the national context for co-management initiatives in Cape Verde in general, and a specific SWOT analysis for each one of the project intervention sites visited during the field mission.
  - Based on the SWOT analysis indicated at the point above, provide and discuss a characterization of possible co-management activities in each one of the three project intervention sites (key stakeholders, key resources, priority sites, how to take advantage from specific opportunities, how to avoid previous mistakes, or constraints in co-management processes, etc.).
  - Select a second Marine Protected Area - within the three project intervention islands (Sal, Boavista and Maio) - as the second pilot site for marine natural resources co-management development within the framework of the Biodiversity and Tourism Project.
  - Opportunity available to reach engagement and involvement of actors from the tourism sector, to improve the likelihood of success in co-management initiatives.
  - Practical proposals that the national consultant will use to develop draft documents to improve the national legal and regulatory framework on co-management of natural resources, with special emphasis on co-management of marine and fisheries-related natural resources, and co-management into Protected Areas.
  - One, or few drafts models for marine resources co-management identified and defined with national and local stakeholders.
  - An action plan to develop co-management initiatives in the Nature Reserve of Casas Velhas and in the second selected pilot site that is compatible with current and updated legal and regulatory framework on co-management.
- ⇒ Attend a final meeting with UNDP-CO, DNA/PMU and DNEM to discuss key inputs and results from the second field mission, especially the inputs from the validation workshop.
- ⇒ Prepare and deliver to UNDP-CO, DNA/PMU the first draft of the consultancy Final Report.
- ⇒ Prepare and deliver to UNDP-CO, DNA/PMU and DNEM the final draft of the consultancy Final Report, incorporating feedbacks from these institutions.
- ⇒ Review and provide inputs on the final deliveries of the national consultant.

#### **IV. Expected Outputs and Deliverables, Scope of Price Proposal and Schedule of Payments**

The consultant will be paid based on the lump sum contract, which will include the international travel, fees, insurance, living allowance, in-town transportation, and others related costs, upon satisfactory delivery, according to the Payment structure shown in the table of this section of the Terms of Reference.

Deliverables / Outputs	Estimated Duration to Complete	Expected N° of working days	Submitted to and approved by	Payment structure
Approval of methodology and the workplan for the whole consultancy.	5 days from the contract signature	2 days home-based	UNDP-CO (Environment and DDR unit) and DNA	20% of contract amount
Approval of the final draft of the consultancy Progress Report.	Within 20 days from the completion of the first field mission.	20 days during field mission 8 days home-based	UNDP-CO (Environment and DDR unit) and DNA	40% of contract amount
Approval of the final draft of the consultancy Final Report. Approval of a brief document with inputs on the final deliveries of the national consultant.	Within 15 days from the completion of the second field mission.	7 days field mission 3 days home-based	UNDP-CO (Environment and DDR unit) and DNA	40% of contract amount

Reports provided by the consultant will have to include the minimum contents described in this section. Reasonable additional contents can be identified as relevant during the development of the consultancy and can be included within these deliverables.

**Progress Report** will have to include:

- Approved methodology and workplan.
- A brief description of the activities carried out during the first field mission.
- Key findings from the documental collection and analysis on the structure of the national legal and regulatory framework to base co-management initiatives.
- A comparative analysis between national experiences and international – with special focus on Sub-Saharan Africa and SIDSs - best practices and lessons learnt in co-management of marine and fisheries-related resources, natural resource in general, and co-management into Protected Areas.
- A SWOT analysis on the national context for co-management initiatives in Cape Verde in general, and a specific SWOT analysis for each one of the project intervention sites visited during the field mission. The SWOT analysis will incorporate a gender perspective.
- Based on the SWOT analysis indicated at the point above, provide a characterization of possible co-management activities in each one of the three project intervention sites (key stakeholders, key resources, priority sites, how to take advantage from specific opportunities, how to avoid mistakes from previous experiences, potential constrains in co-management processes, etc.).
- The identification of opportunities available for the Biodiversity and Tourism Project, including at each project site, to reach engagement and involvement of actors from the tourism sector, to improve the likelihood of success in co-management initiatives.
- Detailed practical proposals to improve the national legal and regulatory framework on co-management of natural resources, with special emphasis of co-management of marine and fisheries-related natural resources, and co-management into Protected Areas.
- A list of persons met and brief results from these meetings.
- A bibliographic list of the documents considered as relevant to develop consultancy outputs.

**Final Report** will have to include all finalised contents of the Progress Report plus:

- A brief description of the activities carried out during the second field missions.
- The final proposal for a second Marine Protected Area - within the three project intervention islands (Sal, Boavista and Maio) - selected to be the targeted of the second pilot site for marine natural resources co-management development in the framework of the Biodiversity and Tourism Project.
- Finalised detailed practical proposals to improve the national legal and regulatory framework on



co-management of natural resources, with special emphasis of co-management in marine environments, and into Protected Areas. These proposals should include all essential contents and detailed information aimed to support the national consultant to develop the proposed legal, and regulatory documents, and/or to develop proposed adaptations to existing official legal and regulatory documents.

- One, or few drafts models for marine resources co-management identified and defined with national and local stakeholders to be suitable and viable for sustainable use of marine natural resources and effective conservation in the Cape-Verdean context.
- An action plan to develop co-management initiatives in the Nature Reserve of Casas Velhas and in the second selected pilot site that is compatible with current and updated legal and regulatory framework on co-management. The action plan will include hands-on guidance to preliminary steps such as scoping, stakeholders analysis, NRM context, social communication activities to be carried out; and steps related to the proper co-management process including a set of suggested procedures for the negotiation process, and the development of agreements, zonings, plans and social institutions. Proposed action plan should be structured on the basis provided by identified co-management draft models.
- A proposal of ToR to be adopted by the DNA as reference to recruit consultants and/or firms to develop co-management processes, negotiations, agreements and plans on natural resources, and within Protected Areas.
- Overall findings from the consultancy, including i) constrains and limitations occurred during its implementation, ii) lessons learned, and iii) recommendations.
- A list of persons met and brief results from these meetings.
- A bibliographic list of the documents considered as relevant to develop consultancy outputs.
- As attachment to the Final Report, the consultant will deliver to UNDP-CO and DNA/PMU an electronic folder containing the whole set of collected documents during the appointment, or that him/her considers as important to support the development and implementation of consultancy outputs.

## **V. Institutional Arrangement**

The consultant will work under the supervision of the Energy, Environment and Climate Change Portfolio, and in close collaboration with the DNA/Project Coordinator, one national consultant, the Project Technical Adviser, and the project team. The Head of Energy, Environment and Climate Change Portfolio is in charge to approve/accept outputs and deliverables from the consultancy; decision will be based also on the positive evaluation on consultant performance made by the National Project Coordinator and the Project Technical Adviser.

The UNDP-CO and the DNA/PMU will provide the International Consultant with the following, needed for effective and timely implementation of the assignment tasks:

- logistical support during the field missions;
- project related documentation;
- contact details of stakeholders;
- in site logistical support, including the organization of validation workshops, meetings and trainings.

The consultant is expected to provide his/her own computer.

The consultancy products have to be delivered in one of the languages indicated for the consultancy, in an electronic version. Consultancy reports, as well as other non-legal/non-regulatory documents, shall include an executive summary in English. The Consultant shall be solely liable for the accuracy and reliability of the data provided, links to sources of information used.



## VI. Duration of the Work and Duty Station

The consultancy is expected to start in December 2018, and to be completed in March 2019. It requires 40 working days to be carried out within a three-month contract period. The duty station will be Praia (Santiago Island), Cabo Verde. It is also expected the consultant will visit Sal, Boavista, Maio and Mindelo (Sao Vicente Island), spending averagely three working days in each of these islands.

Proposed period	Location	N° of working days
December 2018	Home-based	2
January 2019	Praia (Santiago Island), Sal, Boavista, Maio and Mindelo (São Vicente Island).	20
February 2019	Home-based	8
March 2019	Praia (Santiago Island) and Mindelo (Sao Vicente Island).	7
march 2019	Home-based	3
December 2018 – March 2019	TOTAL	40

UNDP-CO and DNA/PMU are committed to provide review outputs and give comments, or certify approval/acceptance, within two weeks from the delivery of each Deliverable/Output.

## VII. Required Competencies and Expertise

### Corporate Competencies

- Demonstrates integrity by modeling the UN's values and ethical standards;
- Promotes the vision, mission, and strategic goals of UNDP;
- Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability;
- Treats all people fairly without favoritism.

### Functional Competencies

#### Knowledge Management and Learning

- Ability to provide top quality policy advice services on environmental issues;
- In-depth practical knowledge of inter-disciplinary development issues.

#### Development and Operational Effectiveness

- Ability to communicate effectively orally and in writing in order to communicate complex, technical information to technical and general audiences;
- Skill in negotiating effectively in sensitive situations;
- Skill in achieving results through persuading, influencing and working with others;
- Skill in facilitating meetings effectively and efficiently and to resolve conflicts as they arise.

#### Management and Leadership

- Focuses on impact and result for the client and responds positively to critical feedback;
- Encourages risk-taking in the pursuit of creativity and innovation;
- Consistently approaches work with energy and a positive, constructive attitude;
- Demonstrates strong oral and written communication skills.

#### Qualifications

- Hold an advanced degree (Master or PhD) with expertise in the area of marine natural resources management, fisheries management, environmental and natural resources law and policy, or related



- fields assessed as suitable to carry out the appointment.
- Additional relevant professional trainings and courses are a plus.

#### **Experience and Skills**

- Have at least 10 years of proven experience in marine natural resources planning and management, or fisheries management, or in developing work related to rights on natural resources.
- Relevant previous professional experience in designing and establishing co-management arrangements (negotiations, agreements, plans, etc.) in Marine Protected Areas, and/or marine/fisheries related natural resources, or other sets of natural resources and assets.
- Relevant previous professional experience in preparing or supporting preparation of legal and policy documents on co-management of natural resources, community rights on natural assets, and related fields.
- Sound understanding of tourism related opportunities for biodiversity and natural resources conservation, as well as for co-management initiatives in marine environments.
- Demonstrated track record of production of relevant publications and technical documents (papers, project proposals, guidelines, manuals, planning documents, etc.) on natural resources management into MPAs, fisheries resources management, co-management of natural resources and related fields.
- Previous working experience in MPAs and/or marine biodiversity conservation in SIDS, in archipelagos of the Macaronesian Region, or Sub-Saharan Africa is an asset.
- Previous experience with GEF project development and technical support is an advantage.

#### **Language**

It is required the working knowledge of at least one of the following languages: Portuguese, English, French, or Spanish. Working knowledge of spoken and written Portuguese is a strong competitive advantage.

### **VIII. Application Process**

Applications should be submitted to the following email address: [procurement.cv@cv.io.un.org](mailto:procurement.cv@cv.io.un.org) indicating the following reference **“Consultant to support strengthening of the national legal and regulatory framework to enable effective co-management of natural resources.”** by 23/11/2018, 04.30 pm Cabo Verde time.

Interested individual consultants must submit the following documents/information to demonstrate their qualifications:

1. Duly accomplished Letter of Confirmation of Interest and Availability using the template provided by the UNDP;
2. Personal CV and P11 form, duly signed and contact details (email and telephone number) of the candidate and at least three (3) professional references;
3. Brief description of why the candidate considers him/herself as the most suitable for the assignment;
4. Technical Proposal, proposing a methodology to carry out the assignment according to this ToR;
5. Financial Proposal that indicates the all-inclusive fixed total contract price. The term “all-inclusive” means that it has to include the international travels, fees, insurance, living allowance, in-town transportation, and others related costs. The Lump Sum Amount should not include costs related to in-country travels between duty station and Mindelo, or other project sites. The Financial Proposal has to be supported by a breakdown of costs, as per template provided. Preferred Currency of Offer: United States Dollars (US\$). If an Offeror is employed by an organization/company/institution, and he/she expects his/her employer to charge a management fee in the process of releasing him/her to UNDP under Reimbursable Loan Agreement (RLA), the Offeror must indicate at this point, and ensure that all such costs are duly incorporated in the financial proposal submitted to UNDP.

*Incomplete applications will be excluded from further consideration.*





Any request for clarification must be sent in writing, or by standard electronic communication to [humanresources.cv@cv.jo.un.org](mailto:humanresources.cv@cv.jo.un.org). A response in writing or by standard electronic mail will send written copies of the response, including an explanation of the query without identifying the source of inquiry, to all consultants.

#### Statement of Medical Fitness for Work

Individual Consultants/Contractors whose assignments require travel and who are over 62 years of age are required, at their own cost, to undergo a full medical examination including x-rays and obtaining medical clearance from an UN - approved doctor prior to taking up their assignment.

Where there is no UN office or a UN Medical Doctor present in the location of the Individual Contractor prior to commencing the travel, either for repatriation or duty travel, the Individual Contractor may choose his/her own preferred physician to obtain the required medical clearance.

#### Inoculations/Vaccinations

There are currently no required vaccines at the entrance to Cabo Verde, unless one comes from West Africa. However, immunization against yellow fever, tetanus and polio, as well as hepatitis A, is recommended.

### IX. Criteria for Selection of the Best Offer

Offers will be evaluated according to the Combined Scoring method, where the technical criteria will be weighted a max. of 70% (70 points, on a total amount of 100 points), and combined with the price offer which will be weighted a max. of 30% (30 points on a total amount of 100 points).

Applicants obtaining 49 points (70% of available points) or more of the total technical evaluation points will be considered for financial evaluation.

Financial evaluation score (max. 30 points) shall be computed as a ratio of the proposal being evaluated and the lowest priced proposal of those technically qualified.

Applicant receiving the Highest Combined Score and has accepted UNDP's General Terms and Conditions will be awarded the contract.

Selection Criteria	Weight	Max. Points
<b>Technical evaluation</b>		<b>70 points</b>
Relevant professional trainings and courses		2
Proven experience in marine natural resources planning and management, or fisheries management, or in developing work related to rights on natural resources.		6
Relevant previous professional experience in designing and establishing co-management arrangements (negotiations, plans, etc.) in Marine Protected Areas, and/or marine/fisheries related natural resources, or other sets of natural resources and assets.		10
Relevant previous professional experience in preparing or supporting preparation of legal and policy documents on co-management of natural resources, community rights on natural assets, and related fields.	<b>70%</b>	10
Sound understanding of tourism related opportunities for biodiversity and natural resources conservation, as well as for co-management initiatives in marine environments.		5
Demonstrated track record of production of relevant publications and technical documents (papers, project proposals, guidelines, manuals, planning documents, etc.) on natural resources management into MPAs, fisheries resources management, co-management of natural resources and related fields.		3



Previous working experience in MPAs and/or marine biodiversity conservation in SIDS, in archipelagos of the Macaronesian Region, or Sub-Saharan Africa is an asset.		4
Previous experience with GEF project development and technical support is an advantage.		2
Working knowledge of spoken and written Portuguese		8
Technical proposal		20
<b>Financial evaluation</b>	<b>30%</b>	<b>30 points</b>

**This TOR is approved by:**

Signature *Maria Celeste Foster Benchimol*

Name and Designation Maria Celeste Benchimol  
Programme specialist Energy, Environment and Climate Change

Date of Signing 31/10/2018