

## TERMS OF REFERENCE

### Consultancy for Preparation of Planning and Development Policies with Options for Economic and Fiscal Instruments

#### 1.0. BACKGROUND INFORMATION

##### 1.1. Geographic area to be covered

The North-East Coast extending from Point du Cap in the North of the island to Mandele Point in Dennery, also referred to as the North- East Coast Iyanola Region (NEC-IR) of Saint Lucia is the project area and the focus of this Terms of Reference. The NEC-IR falls within the registration quarters of Gros Islet, Dennery and Castries and comprises twenty five (25) communities.

##### 1.2. Contracting Authority

The Government of Saint Lucia acting herein and represented by the Ministry of Education, Innovation, Gender Relations and Sustainable Development, (hereinafter referred to as the “Contracting Authority”), Norman Francis Building, Balata, Castries, Saint Lucia, West Indies.

##### 1.3. Current state of affairs in the North East Coast

The NEC-IR is an area of high environmental sensitivity and conservation significance<sup>1</sup>. The area is rich in natural resources and is home to many rare plants and animal species that are endemic to Saint Lucia. However, economic activities within the NEC-IR are centred on use of these natural resources, with fishing and agriculture being the main activities.

Most of the land in the NEC-IR is privately owned, thereby contributing to the challenge for Land Management, which remains a major sustainable development issue in Saint Lucia, and particularly so in the NEC-IR. If managed in a sustainable way, the current land use in the NEC-IR could be adequately leveraged to enhance the livelihoods of the people and impart substantive benefits to their respective communities.

In the absence of a National Land Use Plan to provide a more comprehensive approach to development planning, the pursuit of developments have not always been done in accordance with stipulated planning procedures, and oftentimes with very little focus given to the value of ecosystem services and important biodiversity to the island. To this end, clear policy which guides land administration and management, cognisant of natural capital values of the area, socioeconomic benefit sharing and issues of sustainability is needed.

Component 1 of the Iyanola Natural Resources Management of the North East Coast Project, seeks to facilitate deeper integration of an ecosystems approach into the national policy and legislative framework for development planning, with a primary focus on land use (both terrestrial and marine resources), using

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<sup>1</sup> ibid

the NEC-IR as a platform. Under this Component, the project will facilitate capacity building for land use planning through enhancements to the policy and regulatory frameworks to consider and value ecosystem services and important biodiversity in future development planning processes. The primary tasks will be achieved through the delivery of 3 output areas:

1. Review of the National Policies related to Land Management and administration including physical and economic development as fiscal and economic mechanisms/instruments.
2. Development of a Land Use Plan for the NEC-IR, based on the valuation of ecosystem goods and services<sup>2</sup>.
3. Through a process of “learning by doing” enhanced capacity of national and local primary stakeholders to incorporate ecosystem services value considerations in planning and in decision making.

## **2.0. OBJECTIVES**

### **2.1. Overall objective**

The overall objective of this consultancy is to review economic mechanisms or instruments as well as national planning and development policies for land administration/management in the NEC-IR and propose relevant national policy and legislative framework. The NEC-IR will therefore be used as a platform to establish an effective enabling environment to increase conservation and management effectiveness of terrestrial and coastal marine ecosystems.

### **2.2. Specific objectives**

The specific objectives of this consultancy are to:

- i. Review national planning and development policies, guidelines and other documented policy positions, as well as fiscal and economic mechanisms/instruments and propose new policies, fiscal and economic mechanisms/instruments or relevant changes.
- ii. Review the current legislative framework, and make recommendations for the most appropriate legislative and regulatory framework (comprising new or existing legislation), to support the adoption of proposed policies, fiscal and economic instruments or relevant changes.
- iii. Enhance capacity of primary stakeholders through a process of “learning by doing” to incorporate ecosystem services value considerations in planning and in decision making.
- iv. Incorporate best fit practices which will be socially and culturally equitable, gender sensitive, ecologically effective, economically efficient and reflective of stakeholder needs and economic interests

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<sup>2</sup> This task will be undertaken under a separate consultancy.

### **3.0. SCOPE OF SERVICES**

#### **3.1. General Services**

This consultancy is expected to:

- i. Review national planning and development policies, guidelines and other documented policy positions, as well as fiscal and economic mechanisms/instruments and propose new policies, fiscal and economic mechanisms/instruments or relevant changes.
- ii. Review the current legislative framework, and make recommendations for the most appropriate legislative and regulatory framework (comprising new or existing legislation), to support the adoption of proposed policies, fiscal and economic instruments or relevant changes.
- iii. Demonstrate enhanced capacity of primary stakeholders through a process of “learning by doing” to incorporate ecosystem services value considerations in planning and in decision making.

In delivering this, the Consultant is expected to incorporate best fit practices which are socially and culturally equitable, gender sensitive, ecologically effective, economically efficient and reflective of stakeholder needs and economic interests for land use and development planning. Consequently, an environment within which all stakeholders, including environmental resource users, land owners, the private sector, academic institutions, CBO's and NGO's can participate in joint policy formulation and resources management will be created. The Consultancy includes amending existing or formulating new national planning policies, regulations, guidelines, and economic and fiscal regimes. These actions should catalyse decision-makers to firmer commitment, coordinated and sustained action in advancing current efforts to increase conservation and management effectiveness of terrestrial and coastal marine ecosystems in the NEC-IR. This will lead to the achievement of output C1.1.1 of the Project Document.

This Consultant is also required to engage and collaborate with all relevant stakeholders (marine and terrestrial) and liaise with other Project Consultants to ensure that necessary outputs feed into, and are informed by one another. Other Iyanola Project Consultants include those conducting the following assignments:

- i. Preparation of a Land Use Plan for the NEC-IR.
- ii. Conduct Biodiversity Livelihoods Market Research and Needs Assessments.
- iii. Conduct Ecosystems Service Valuation.

The Consultant is expected to compile electronically any documents that will serve to enhance the knowledge base for preparation and implementation of the project Component 1.

### 3.2. Scope of Services

#### **Task 1: Prepare Work Plan and Inception Report**

##### Key Activities:

- i. Conduct inception meetings with the Contracting Authority and partners upon commencement of the project to (i) review the process for conducting all activities within the project, (ii) determine roles and responsibilities, (iii) discuss the basis on which this work will be implemented, and (iv) finalize the work plan and timetable to include measures for demonstrating enhanced capacity among key stakeholders. A draft work plan and report on the outcome of the inception meeting will be prepared by the Consultant, and submitted to the client no later than 2 weeks from signing of consultancy contract.
- ii. Comments in response by the the Contracting Authority and partners should reach the Consultant no later than 10 days after receipt of the *Draft Inception Report and Work Plan*.
- iii. Submit Final Inception Report with comments included within 1 week of receipt of comments.

#### **Task 2: Policy and Fiscal Regimes Appraisal**

##### Key Activities:

- i. Undertake a rapid assessment of national planning and development policies, guidelines and statements and other documented policy positions<sup>3</sup> to identify and confirm gaps, weaknesses, priority needs for policy to address existing and potential development planning conflicts/challenges within the NEC-IR. This should include review of fiscal and incentive regimes in relevant sectors, and propose measures for enhancing land use planning policies in particular, to the issue of land classification for different development categories. The appraisal should give strong emphasis to ecological concerns related to, but not limited to, land use, sustainable land management, sustainable forests management, environmental management and conservation and sustainable use of biodiversity, *inter alia*;
- ii. Collaborate with the relevant Consultants identified in 3.1 above, to inform recommendations for policy and fiscal regimes in the NEC-IR, cognisant of critical ecosystems of global economic value.
- iii. Collaborate and participate in stakeholder consultations convened under the other consulting assignments under the Project, including Livelihood Selection Workshop under Project Component 4, to map stakeholder interest in their own terms, with respect to requirements for an ecologically-sensitive policy. From these consultations:

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<sup>3</sup> Including but not limited to the Proposed Revised National Land Policy for Saint Lucia, the Physical Planning and Development Act Chapter 5.12, the draft Environmental Impact Assessment (EIA) regulations, the draft Building Code and Guidelines

- a. Validate policy priorities of Saint Lucia that intersect with livelihoods/businesses, biodiversity and ecosystem services.
  - b. Validate biodiversity and ecosystem services that intersect with the above livelihood/business and policy space.
- iv. Recommend appropriate actions (modification, revision or inclusion of new provisions) to existing relevant policies, guiding principles and statements.
- v. Develop proposed management plan, inclusive of a management structure for the NEC-IR to incorporate and facilitate the implementation of the deliverables from all of the consultancies.
- vi. Recommend options for applicable/appropriate economic and fiscal instruments and regimes; and other comparable options to promote effective management of lands in the NEC-IR, such as but not limited to: biodiversity (BD) offsets, land lease/purchase, conservation easements, private nature reserves, conservation incentives, payment for ecosystem services, timber and NTFP production, tax incentives and other concessions for BD businesses (to be piloted for NEC-IR) in consultation with the Ministry of Finance and any other ministries responsible for the administration of incentives which includes the Departments of Commerce, Tourism, and Agriculture; with a view towards exploring how such prospective instruments can be ultimately legislated. This aspect of the work will build on the experience gained by the Ministry of Finance in the GEF supported Sustainable Financing of Marine Protected Areas Project, and Department of Fisheries (as lead on the Sustainable Fisheries component).
- vii. Identify and recommend suitable guidelines to be applied in undertaking land valuations and appraisals that will enable the revision and/or formulation of a policy for valuing of private lands, Crown Lands (including Queen's Chain), state lands and Forest Reserves to include considerations for ecosystem services valuations.
- viii. Prepare and submit Policy and Fiscal Regimes Appraisal Report, inclusive of output from i) through to viii).

### **Task 3: Legislative Appraisal**

#### **Key Activities:**

- i. Assess the adequacy of legislative recommendations provided under the PPG phase, within the current legislative framework, as well as imminent legislation, to identify potential problems, interests and jurisdictional conflicts.
- ii. Undertake an appraisal of national legislation to identify potential problems, interests and jurisdictional conflicts, and propose appropriate amendments to existing legislation, including provisions to repeal.
- iii. Collaborate and participate in stakeholder consultations convened under the other consulting assignments under the Project, to map stakeholder interest in their own terms.

- iv. Assess the current effectiveness of applicable legislation enforcement.
- v. Make recommendations for drafting new or amending existing relevant legislation<sup>4</sup>, as well as streamlining the roles of and coordination across agencies.
- vi. Prepare and submit the policy document, as well as drafts and Bills, inclusive of regulations; of proposed actions for i to v above, according to legal drafting formats and public sector management framework for the country.

#### **Task 4: Application of Priority Options**

##### Key Activities:

- i. Propose policy options<sup>5</sup> and commence testing of recommendations, through consultations, of priority policy and fiscal mechanisms, considering predominant land use and ecosystem services of the area. This activity will give primary consideration to recommendations on appropriate reforms required for policy and other types of instruments (e.g. economic and fiscal), to support the development of biodiversity friendly livelihoods/businesses to comply with biodiversity friendly practices.
- ii. Prepare and submit report on policy options and feedback from consultations.

#### **Task 5: Preparation of Concept Note**

##### Key Activities:

- i. Prepare a Draft Concept Note based on outputs of tasks 2, 3 and 4. Recommendations should be practicable in the near to medium term (6 to 18 months), giving emphasis to the following:
  - a. Demonstrating the strong inter-relationship between resource conservation and income generation using information from the NEC-IR Research Agenda proposed by the Ecosystem Services Valuation Consultant (demonstrating both critical marine and terrestrial ecosystems in the NEC-IR e.g. sand mining issues and impacts on leatherback turtle, sustainable production of charcoal.)
  - b. Recommending new development strategies and rehabilitation actions (based on the NEC-IR Research Agenda proposed by the Ecosystem Services Valuation Consultant), in particular strategic entry points and recommended measures for the enhancement/integration of proposed ecological considerations into the national planning and development policy framework.

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<sup>4</sup> Listed in 6.2 below

<sup>5</sup> Inclusive of costing, implementation schedule, requisite training and equipment needs

- c. Specifying the practical implications of any new strategies, in terms of costs, cash flow, finance, procurements, other guidelines and standards.
- d. Identifying opportunities for improved efficiencies and economies accruing to various actors in the value chain;
- e. Developing capability within the Department of Physical Planning and other partner agencies to replicate the work covered by this consultancy in other parts of Saint Lucia and to assist in the implementation of the proposals and recommendations. This should be accompanied by a clearly articulated action plan.
- f. Quantifying the financial impact of the proposed priority options for the various actors.
- g. Streamlined roles and functions of stakeholder agencies.
- h. Quantify financial resources required and develop funding plan for implementation of proposed measures.
  - i. Submit Draft Concept Note for review by Focal Points.
  - ii. Submit Revised Draft Concept Note which incorporates feedback from the review.

**Task 6: Closeout Report**

The Consultant is required to submit to the contracting authority a Closeout Report. This report will be prepared to highlight the full gamut of work undertaken, noting the level of success and constraints in the methodologies used, the nature and quality of stakeholder participation, limitations in the scope of the consultations and meetings, any potential constraints which are anticipated in the deliverables effective application and any other lessons learnt during the process.

**4.0 DELIVERABLES**

The deliverables will be developed, presented and adopted based on the following:

<b>Deliverables</b>	<b>Due Date after Contract Signing</b>
<b>TASK 1: Prepare Work Plan and Inception Report</b>	
Draft Inception Report and a detailed Work Plan	2 weeks
Final Inception Report which will incorporate comments from Contracting Authority and relevant partners.	4 weeks
<b>TASK 2: Policy and Fiscal Regimes Appraisal Report</b>	12 weeks
<b>TASK 3: Legislation Appraisal</b>	16 weeks
<b>TASK 4: Report on policy options with feedback from consultations.</b>	20 weeks

<b>TASK 5: Concept Note</b>	<b>22 weeks</b>
<b>TASK 6: Closeout Report</b>	<b>24 weeks</b>

## **5.0 SUBMISSION**

In submitting their proposal, the consultant must:

- i. Carefully review and comment on the Terms of Reference, recommending potential refinements where necessary, including making such recommendations as deemed appropriate to enhance the quality of the assignment and outputs/deliverables.
- ii. Review all other documentation that may be relevant to this assignment paying close attention to UNEP-GEF guidelines on programming, in particular GEF tracking tools and standards for UNEP-GEF cooperation monitoring and evaluation.
- iii. Submit a detailed methodology and work-plan including a time schedule, the name, professional status and biographic data of the professional key experts to be employed in this assignment, as well as a corresponding budget.
- iv. Signed proposals should be submitted in a sealed envelope marked **CONFIDENTIAL**. Submissions should be received **by 12:00 noon on 13<sup>th</sup> September 2017**. Proposals should be clearly marked **“Consultancy for Preparation of Planning and Development Policies with Options for Economic and Fiscal Instruments”** and addressed to:

*The Secretary  
Central Tenders Board  
Office of Director of Finance  
Ministry of Finance, Economic Growth, Job Creation External  
Affairs and Public Service  
Finance Administrative Centre, Point Seraphine  
Castries, Saint Lucia.*

- v. Further information required to assist in the submission of proposal, please contact Ms. Francillia Solomon at email francillia.solomon@govt.lc or cell phone (1 758) 520-0565.

## **6.0 Engagement**

### **6.1 Legislative Review**

The legislation considered for purposes of this review includes, but is not limited to those Acts which apply directly to environmental management. The Revised Edition of the Laws of Saint Lucia is the relevant edition, showing the laws as at December 31, 2008 with consideration for subsequent amendments; are set out below in chronological order:

- i. Forest, Soil and Water Conservation Act (1945) CAP 7.09
- ii. Saint Lucia National Trust Act (1975) CAP 6.02
- iii. Wildlife Protection Act (1980) CAP 6.03
- iv. Fisheries Act (1984) CAP 7.15



- v. Land Conservation and Improvement Act (1992) CAP 5.10
- vi. Water and Sewerage Act (1995) CAP 9.03
- vii. National Conservation Authority Act (1999) CAP 6.01
- viii. Physical Planning and Development Act (2001) CAP 5.12
- ix. Beach Protection Act (1967) CAP 6.04
- x. Crown Lands Act (1945) CAP 5.02
- xi. Land Acquisition Act (1945) CAP 5.04
- xii. The Saint Lucia Constitution Order 1979
- xiii. Maritime Areas Act (1984) CAP 1.16

## **6.2 TARGET GROUPS**

The target groups include, *inter alia*:

- i. Land Owners
- ii. Law Enforcement Agencies
- iii. Office of Crown Lands regarding Queen's Chain
- iv. Producers and Producer Associations
- v. Agri and Eco Tourism Ventures
- vi. Environmental resource users
- vii. CBO's and NGO's (including local communities & groups e.g. Grande Anse Sea Turtle Nature Defenders (STAND), Babonneau Youth Synergy)
- viii. Collaborating Project Partners
- ix. Private Sector
- x. Invest Saint Lucia

## **7.0. PROJECT MANAGEMENT**

### **7.1. Responsible Body**

The Contracting Authority is the Department of Sustainable Development in the Ministry of Education, Innovation, Gender Relations and Sustainable Development. The National Development Unit of the Ministry of Finance, Economic Growth, Job Creation, External Affairs and the Public Service, will be hosting the Consultant and Key Experts. The Departments with responsibility for Forestry, Physical Planning and Tourism will provide other requisite technical support.

### **7.2. Management Structure**

The contract will be between the Ministry of Education, Innovation, Gender Relations and Sustainable Development (Department of Sustainable Development) and the Consultant. The Consultant shall be supervised by and report to the Director of Economic Research and Planning in the Ministry of Finance. The National Iyanola Project Coordinator through the Iyanola Project Steering Committee will be responsible for endorsing all deliverables under this contract. Payments will be facilitated by the National Iyanola Project Coordinator.

Changes in the TORs may be made only in accordance with needs and subject to mutual written agreement between the Consultant and the Department of Sustainable Development through the National Iyanola Project Coordinator.

### **7.3. Value of the Contract**

The total value of the contract is **US\$70, 000** representing costs associated with the deliverables of the consultancy.

## **8.0. LOGISTICS AND TIMING**

### **8.1. Commencement date & Period of implementation**

The commencement date will be the day of the signing of the contract and implementation will be **over a six (6) month period**, to facilitate the integration of outputs from other inter-linked consultancies for Preparation of a Land Use Plan, Ecosystems Services Valuation and Sustainable Bio-Livelihoods; all within the NEC-IR.

## **9.0. REQUIREMENTS**

### **9.1. Personnel**

**All personnel should have:**

- i. Excellent command of written and spoken English.
- ii. Familiarity with the local language, Kweyol.
- iii. Sound knowledge and wide experience in the development and use of participatory approaches in natural resources management.
- iv. Knowledge of and experience in the Small Island Developing States, and in particular the Caribbean region and at least five (5) years working experience in Saint Lucia.
- v. Knowledge and experience of the UNEP-GEF guidelines and standards, and/or its associated Conventions would be an asset.
- vi. Experience in developing strategies and initiatives utilizing field work and research work to respond to environmental and natural resources management challenges
- vii. Working knowledge of Microsoft Office including Word, Excel, PowerPoint; and relevant GIS software.

### **9.2. Key expert**

Key Expert 1: Development Planning Policy Specialist and Team Leader

The ideal candidate(s) should possess the following qualifications and experience:

- i. Educated to Post graduate degree level in Planning, Geography, Environmental or Natural Resources management, or related field.
- ii. At least 5 years work experience in land use planning and/or development planning and/or project management.
- iii. Experience in policy dialogue, analysis and formulation and implementation in a consultant role.

- iv. Extensive knowledge and understanding of the land management issues and ecosystem land driven development planning in Caribbean small island developing states.
- v. Familiarity with Public Sector procedures in Saint Lucia.
- vi. Experience in learning-by-doing approaches in working with public sector technocrats.
- vii. Experienced in team leadership and coordination.

Key Expert 2: Legal Expert

- i. Educated to Master's Degree in Law or equivalent.
- ii. At least 5 years work experience in legislative drafting with proven ability in devising environmental and natural resource legislation for Small Island developing states.
- iii. Knowledge of land management and development planning issues within the Saint Lucia legal landscape.

Key Expert 3: Environmental Accounting Specialist or Finance/Economics

- i. Educated to Master's Degree in Environmental Accounting or Economics, Finance related field.
- ii. At least 10 years work experience in economics and /or finance with proven ability in the application of environmental and natural resource accounting approaches in Small Island developing states.
- iii. Familiarity with ecosystem services valuation concepts and approaches.
- iv. Sound knowledge and experience in undertaking cost benefit analysis
- v. Demonstrable knowledge on land management and development planning issues.

**9.3. Other experts, staff & backstopping**

The Consultant shall be required to provide the curriculum vitae for all experts referred to in the consultancy as part of their tender.

**9.4. Working Arrangement and Logistics**

The Contracting Authority will:

- i. Ensure timely review of reports submitted by the consultant and facilitate the provision of feedback within two weeks of receipt of reports.
- ii. Initiate the consultation and co-operation of other agencies and consultants required to provide support to the consultant for realization of the relevant aspects of the assignment.
- iii. Provide office accommodation for the consultant.
- iv. Provide access to relevant existing information

The Consultant will:

- i. Execute the duties and tasks outlined in Section 4 above with due diligence and efficiency and in accordance with the highest standards of professional competence, ethics and integrity.
- ii. Be responsible for the collection and analysis of all data and information to assist in the timely completion of the assignment.

- iii. Submit reports and plans within the stipulated timeframes stated in the Terms of Reference for review by the Client.
- iv. Be responsible for the provision of software, equipment, materials and transportation required to undertake the consultancy.
- v. Execute the services in accordance with the laws, customs and practices in Saint Lucia and use the appropriate international/regional standards for preparation of technical information.

#### **9.5. Equipment Purchase**

No equipment is to be purchased by the Consultant on behalf of, or transferred to the Contracting Authority as part of this consultancy. Any equipment acquired by the Consultant for use in this consultancy shall not be charged to the Contracting Authority.

#### **9.6. Provision of Facilities**

The National Development Unit of the Ministry of Finance, Economic Growth, Job Creation, External Affairs and the Public Service–will facilitate accommodation for the Consultant/key experts and shall ensure that the key experts are adequately supported for the execution of the consultancy.

Additionally, the Consultant shall ensure that there is sufficient administrative, secretarial and interpreting provision to enable experts to fulfil all of their responsibilities under this assignment.

### ***Attachment 1 – Project Document***