



Terms of reference Consultancy

Propose a global strong framework on law and legislation for creating and managing deep sea marine protected areas in Lebanon

Support to develop the MPA designations and management guidelines

BACKGROUND / INTRODUCTION

The overall aim of the “Deep-sea Lebanon project” is to increase the surface of MPAs in Lebanon with the intention of generating suitable management plans to maintain those protected zones. This objective will be achieved through a range of activities that go from scientific data collection to stakeholder workshops and policy briefings, in order to promote the restoration and further management of threatened marine ecosystems and species.

The “Deep-Sea Lebanon” project is funded by MAVA Foundation and lead by OCEANA in cooperation with IUCN and UNEP/MAP-SPA/RAC as executing partners; the Lebanese Ministry of Environment as key member of the Steering Committee; and ACCOBAMS, GFCM and CNRS as Supportive Partners.

The specific objectives and main activities of the project are:

Objective 1: Increase the surface of MPAs in Lebanon by providing national government and regional bodies with scientific evidence and information collected in the field via at-sea research.

- Scientific expedition for data collection;
- Habitats and species identification;
- Mapping;
- Scientific report and pre-selection of MPAs;
- Communication strategy

Objective 2: Contribute to reaching Aichi Target 11 by 2020 and strengthen the natural marine biodiversity corridor in the Eastern basin, supported by proper ecosystem-based management measures

- Preliminary management guidelines;
- Stakeholder workshops and meetings;
- Management plans;
- MPA designations follow-up and advocacy.

To achieve the final objective of increasing and developing the MPA surface in Lebanon, the steering committee highlight the need for a law and legislation review, analyses and recommendation to prepare and strengthen the capacity of efficiently create and manage those designated new areas.

OBJECTIVES

The objective of this consultancy is to develop a draft on Deep Sea Regulations (Protection and Management of the Deep Sea Habitats and Species) to enable creation and effective management of the Deep Sea in an effort to ensure long terms conservation and use of these sites according to sustainable best practices norms.

The services of this consultancy include the review of the global law and legislation framework in Lebanon regarding marine conservation and the development of a draft national strategy for deep sea conservation and management to support the development of marine planning initiatives by different stakeholders in Lebanon.

This Lebanon deep sea draft on law and legislation should be in line with the Lebanon's Marine Protected Area Strategy and based on:

- (1) A legal analysis and research on various legal matters in relation with the current state of marine deep seas environments biodiversity knowledge management, and main impacts of human activities incorporating future trends affecting deep sea ecosystem health,
- (2) Actively involve all the main actors (authorities and policy drivers) identified by the project team in preparing different acts and legal submissions. To draft the authoritative legal opinions based on the lessons learned and potential gaps and opportunities on designing and implementing strategies for sustainable deep sea conservation and management in Lebanon, and
- (3) A proposal of objectives and scope for the strategy and priority actions for future development

EXPECTED OUTPUTS AND DELIVERABLES

The following deliverables will be submitted by the consultants to the Project Team:

- 1- Inception report: discussion and final detailed implementation plan and time-frame
- 2- Report on review of existing legislation and consultation on the existing marine environment policies and legislation for assessing gaps:
 - Review the relevance of international, regional and national institutions, instruments and legal regimes that might serve as exemplars for a legal framework or other instrument or arrangement for the creation of a deep sea MPA network inside Lebanon's territorial waters;

- Review relevant legislation policies, and strategies governing the management of marine and coastal areas particularly the integrated coastal zone management, the marine protected area strategy and legal review on all ratified convention agreements related to the conservation and management of deep sea habitats in general or specific protected emblematic species (*draft Fishing Law which is not enacted yet, Lebanon Coastal Zone regulations and relevant legislations, Environmental Impact Assessment Regulations, Oil and Gas extraction regulations, as most of the potential exploration sites overlap with the canyon or are in proximity, , World Heritage Convention and the Convention on Biological Diversity, etc.*) to ensure complementarity;
- 3- Draft Deep Sea (Protection and Management of Deep Sea Habitats and species) Regulations and supporting cabinet papers: revise protected areas legislation and suggest updated to the outdated parts to include provisions for the zonation at the sea, as the legislation was drafted on the terrestrial approach to protected areas.
- 4- Report on the outcome of Consultation Sessions with stakeholders (including with ministries) during the consultancy period:
- 5- Final report: advice a scope to reform marine environmental legislation in Lebanon

Revise suggested draft regulations and prepare relevant supporting documentation, draft law bill, and cabinet paper in Arabic in support of the newly drafted regulations.

TASKS AND ACTIVITIES

The Consultants are expected to work closely with the Project Coordinator (focal point), the project team and especially our expert based in Lebanon, personnel from the Department of Ecosystem Services at the Ministry of Environment, personnel from the Department of Wildlife and Fisheries at the Ministry of Agriculture and identified all relevant stakeholders.

They are also expected to compile and review all relevant documents pertaining to marine and coastal conservation and management to ensure consistency and avoid overlap and/or disconnect among the previously mentioned documents, with extra emphasis on any legal gaps related to the deep sea management.

The final product is the property of the Department of Ecosystem Services and the Government of Lebanon. Below are the tasks to be done by the Consultant (including but not limited to):

- i. Attend an initial meeting with the Project team (including the project coordinator) to discuss project.
- ii. Work along with the Project Team to define the scope of work to be done and develop a work plan, which outline roles, responsibilities, and timelines;
- iii. Throughout the consultancy work closely with the Project Team to ensure the outputs are consistent with their needs;

- iv. Consultants proposed draft regulations with relevant stakeholders to identify and validate additions and/or deletions to draft: the consultant will work with IUCN to identify the main stakeholders for the consultation, orientation of the work and feedback. It could also have to participate in a workshop to solicit input and feedback to improve

SCHEDULE OF DELIVERABLES

This schedule will be precise and up-dated if needed, regarding the first deliverable, the inception report that will be prepare by the consultants.

| Deliverables | Tentative Timeline |
|---|--|
| Inception report | 25 of September |
| Report on review of existing legislation and consultation on the existing regulations and assessed gap | 6 of October |
| Draft Deep Sea (Protection and Management of Deep Sea Habitats) Regulations and supporting cabinet papers | 10 of November |
| Report on the outcome of Consultation Sessions with stakeholders during the consultancy period | End of November/ beginning of December |
| Final Report | End of December |

QUALIFICATIONS AND EXPERIENCE

A Team of an International and a Lebanese experts

A team of two consultants will be proposed to work together and with the project team:

- An expert in Lebanon law and legislation regarding the scope of the topic (ie deep sea): strong experience in drafting and/or working within the national legislative system in Lebanon; experience in environment, marine and coastal legislation is required.
- An expert in regional and international law and legislation on environment and marine activities (especially in fisheries, transport and oil/gas extraction regulations) : strong experience in drafting legislation, legal analysis and assessment in the areas of environmental management, natural resources management or sustainable development and asset, marine and coastal legislation experience is required .The consultants should have interdisciplinary background in environmental planning (particularly focused on deep sea biodiversity and ecosystem services); sustainable development, international conventions, private sector and public policy.
- The team must have good reporting and writing skills, experience in mediation, negotiation, consensus building, and in participatory consultation.
- Demonstrated ability to work with diverse stakeholders in a collaborative way
- Documents will have to be produced in English

- All Legal documents should be provided in Arabic

Cost for the team of consultants: 12 000 euros excluding VAT

MAXIMUM BUDGET AVAILABLE

The maximum budget available for this assignment for both experts is 12.000 EUR (including all taxes).
Logistical support: including in the budget

SCOPE OF COST PROPOSAL

The experts will be paid through a lump sum amount which is all costs inclusive. All costs (professional fees, travel costs, living allowances, communications, consumables, etc.) that could possibly be incurred by the contractor must be factored into the final amounts submitted in financial proposal. Note that the contract price is fixed regardless of changes in the cost component.

TIMING

The expected timeframe for the project is 5 months

SUBMISSIONS

1.1 Technical proposal

For individual consultants:

- a) **Personal CV** indicating all past experience in the field of law and legislation on environment and marine activities, as well as the contact details (email and telephone number) of the Candidate and **at least three (3) professional references**.
- b) **Brief description** of why the individual considers him/herself as the most suitable for the assignment, a **methodological note**, on how they will approach and complete the assignment, and a **time schedule**.

For firms:

- a) The **firm's references** regarding similar studies.
- b) The **CV of the experts** with their qualifications, experience/references; indicating all past experience in the field of **law and legislation on environment and marine activities**.
- c) A **methodological note** on how they will approach and complete the assignment and a **time schedule**.

1.2. Financial proposal

Financial Proposal in Euros that indicates the all-inclusive fixed total contract price, supported by a breakdown of costs.

DELIVERABLES

The consultant shall submit the following deliverables:

- Inception Report
- Report on review of existing legislation and consultation on the existing regulations and assessed gap
- Draft Deep Sea (Protection and Management of Deep Sea Habitats) Regulations and supporting cabinet papers
- Report on the outcome of Consultation Sessions with stakeholders during the consultancy period
- Final report

All report deliverables shall be submitted in English and Arabic (for all legal documents) in hard and electronic versions

MONITORING, CONTROL AND VALIDATION OF THE WORK

The consultants will work under the supervision of IUCN - SPA/RAC and the Lebanese Ministry of Environment (monitoring committee). The service provider will submit a draft report for each of the phases. The service provider will hand in the final version 15 days after the monitoring committee has made its observations and comments on the draft report.

HOW TO APPLY?

Interested candidates, who meet the criteria for this consultancy, may send their resume and cover letter to: marieaude.sevin@iucn.org and ziad.samaha@iucn.org and also provide copies of relevant degrees and certificates, not later than the 25 of August, 2017. Only selected candidates will be contacted for interviews.

Annex

Evaluation Criteria for the offer

The offer will be evaluated by using the **best value for money approach** (combined scoring method). Technical proposal will be evaluated on 80% whereas the financial one will be evaluated on 20%.

Technical offers totalling less than 70 points (out of 100) will be rejected.

Financial offers of the candidates having a technical score of at least 70 points are examined.

Financial offers exceeding the maximum budget available for the contract are considered unacceptable and are eliminated.

Below is the breakdown of technical proposal on 100% which will be brought to 80%:

Expert in Lebanon law and legislation:

| Evaluation Criteria | | | Maximum Point |
|--|---|--|---------------|
| General experience and technical references | | | (50 points) |
| Experience in Lebanon law and legislation | Nature and number of studies | Presented over 3 studies | 20 points |
| | | Presented 2 to 3 studies | 10 points |
| | | Presented 1 study | 5 points |
| | | No study | 0 points |
| | Completion date of the most recent work | Less than or equal to 3 years | 5 points |
| | | Over 3 years | 2 points |
| Experience in developing regulations and supporting cabinet papers for marine conservation | Nature and number of studies | Presented over 2 studies | 10 points |
| | | Presented 1 or 2 studies | 3 points |
| | | No study | 0 points |
| | Completion date of the most recent work | Less than or equal to 3 years | 5 points |
| | | Over 3 years | 2 points |
| Methodology, organisation and planning | | | (40 points) |
| Methodology, organisation and planning | Methodology | Methodology clearly presented and meets the terms of reference and the study's objectives | 30 points |
| | | Methodology fairly presented and partially meets the terms of reference and the study's objectives | 15 points |
| | | Methodology not clearly presented and does not meet the terms of reference and the study's objectives | 0 points |
| | Organization and planning | A clear and well worked-out organization of the work and a realistic planning that respects the deadline | 10 points |
| | | A clear enough organization of the work and a planning that respects the deadline | 5 points |
| | | A poor organization of the work <u>or</u> a planning that does not respect the deadline | 0 points |
| | | | |
| Language proficiency | | | (10 points) |
| | Language proficiency | Fluency (both verbal and written) in English or Arabic with a good knowledge (both verbal and written) of the other language (French or English) | 10 points |
| Total | | | 100 points |

Expert in regional and international law and legislation on environment and marine activities:

| Evaluation Criteria | | | Maximum Point |
|--|---|--|---------------|
| General experience and technical references | | | (50 points) |
| Experience in regional and international law and legislation | Nature and number of studies | Presented over 3 studies | 20 points |
| | | Presented 2 to 3 studies | 10 points |
| | | Presented 1 study | 5 points |
| | | No study | 0 points |
| | Completion date of the most recent work | Less than or equal to 3 years | 5 points |
| | | Over 3 years | 2 points |
| Experience in developing regulations for marine conservation in deep sea areas | Nature and number of studies | Presented over 2 studies | 10 points |
| | | Presented 1 or 2 studies | 3 points |
| | | No study | 0 points |
| | Completion date of the most recent work | Less than or equal to 3 years | 5 points |
| | | Over 3 years | 2 points |
| Methodology, organisation and planning | | | (40 points) |
| Methodology, organisation and planning | Methodology | Methodology clearly presented and meets the terms of reference and the study's objectives | 30 points |
| | | Methodology fairly presented and partially meets the terms of reference and the study's objectives | 15 points |
| | | Methodology not clearly presented and does not meet the terms of reference and the study's objectives | 0 points |
| | Organization and planning | A clear and well worked-out organization of the work and a realistic planning that respects the deadline | 10 points |
| | | A clear enough organization of the work and a planning that respects the deadline | 5 points |
| | | A poor organization of the work <u>or</u> a planning that does not respect the deadline | 0 points |
| | | | |
| Language proficiency | | | (10 points) |
| | Language proficiency | Fluency (both verbal and written) in English or Arabic with a good knowledge (both verbal and written) of the other language (French or English) | 10 points |
| Total | | | 100 points |