



IMPLEMENTING SUSTAINABLE LOW AND NON-CHEMICAL DEVELOPMENT IN SMALL ISLAND DEVELOPING STATES (ISLANDS)

(Antigua and Barbuda, The Bahamas, Barbados, Belize, Cuba, Dominica,
Dominican Republic, Guyana, Saint Kitts and Nevis, Saint Lucia, Suriname and
Trinidad and Tobago)

APPENDIX 1 - TERMS OF REFERENCE

LEGISLATIVE AND INSTITUTIONAL FRAMEWORK CONSULTANCY

(Reference Number: BCRC_ISLANDS+_2022_002v2)



1. BACKGROUND

The Implementing Sustainable Low and Non-Chemical Development in Small Island Developing States (ISLANDS) Programme seeks to address the sound management of chemicals and waste in Least Developed Countries (LDCs) and Small Island Developing States (SIDS). This ISLANDS Programme covers four (4) geographical regions including the Caribbean, Indian Ocean, Pacific Islands, and Atlantic Ocean Islands, and is being implemented by the United Nations Environment Programme (UNEP), The United Nations Development Programme (UNDP), The United Nations Food and Agricultural Organisation (FAO) and the Inter-American Development Bank (IDB).

The Basel Convention Regional Centre for Training and Technology Transfer for the Caribbean (BCRC-Caribbean) is currently executing two (2) Caribbean Child Projects:

- GEF 10279, which involves nine (9) countries (Antigua and Barbuda, Barbados, Belize, Dominican Republic, Guyana, Saint Kitts and Nevis, Saint Lucia, Suriname and Trinidad and Tobago)¹ and
- GEF 10472, which involves three (3) countries (The Bahamas, Cuba and Dominica)².

A summary of the Components and Activities for both Child Projects is provided in **Appendix 2 to the RFP Package – Project Briefs**.

The BCRC-Caribbean is seeking to recruit **a suitably qualified and experienced Legislative and Institutional Framework Consulting Team** to work on Activities 1.1.1 to 1.1.3 under Output 1.1.

Output 1.1: The legislative and institutional framework is developed to support the environmentally sound management of hazardous chemicals in materials, products and wastes at national and regional levels in the Caribbean.

Activity 1.1.1: Assess relevant legislation, infrastructure and institutional capacities to manage hazardous chemicals in materials, products and wastes at national and regional levels.

Activity 1.1.2: Specific hazardous chemicals and wastes policies and legislation developed to support management at national and regional levels.

Activity 1.1.3: National strategies (one per country) developed for adoption and implementation of the model policies and legislation.

¹ GEF10279 Project Document: <https://bit.ly/3R8al6o>

² GEF10472 Project Document: <https://bit.ly/3umpo8j>

2. DESCRIPTION OF REQUIRED SERVICES FOR THIS CONSULTANCY

The overall objective of this consultancy is **to assess and adapt the legislative and institutional framework in the twelve (12) Project Countries** (Antigua and Barbuda, The Bahamas, Barbados, Belize, Cuba, Dominica, Dominican Republic, Guyana, Saint Kitts and Nevis, Saint Lucia, Suriname and Trinidad and Tobago) **to support the Environmentally Sound Management (ESM) of hazardous wastes at both the national and regional levels.**

The Consulting Team will be required to achieve this objective through the following activities:

1. Conduct detailed assessments of the existing policies, legislation, and institutional capacities in the twelve (12) Project Countries established to manage hazardous chemicals and wastes, inclusive of specific waste streams such as Electrical and Electronic Equipment (EEE) and its waste, End of Life Vehicles (ELVs), plastics and mercury-added products and wastes; and to assess existing regional or sub-regional regulatory mechanisms to manage these hazardous streams. This shall include:
 - a) Participation and facilitation of discussions at a virtual Regional Introductory Meeting³.
 - b) A detailed assessment of the national legislative and institutional arrangements for waste streams including EEE and its waste, ELVs, plastics, mercury-added products and wastes and any other related hazardous waste streams which emerge through desktop review, data collection and stakeholder consultations. The assessment under this consultancy will build upon previous assessments⁴ and fill the gaps in knowledge where needed.
 - c) An assessment of the social and economic implications (positive and negative consequences) on gender and vulnerable populations (indigenous populations, women, children, the differently abled and other) based on the existing legislation, infrastructure, and institutional capacities for managing hazardous chemicals in materials, inclusive of the targeted waste streams mentioned above.

³ The BCRC-Caribbean will facilitate the logistics for the virtual Regional Introductory Meeting.

⁴ GEF/ UNIDO 5558 - [Development and Implementation of a Sustainable Management Mechanism for POPs in the Caribbean \(The Regional Model Integrated Chemical Management Act\)](#); Development of Minamata Initial Assessment in the Caribbean (Policy, Regulatory and Institutional Framework Assessments and Recommendations) - [Trinidad & Tobago, St. Kitts and Nevis and St. Lucia](#) (GEF/ UNEP 9455); [Antigua and Barbuda and Dominica](#) (GEF/UNEP 9865); [Belize](#) (GEF/UNEP 9991); [Bahamas](#) (GEF/UNEP 10585).
GEF/ FAO 5407 - [Disposal of Obsolete Pesticides including POPs, Promotion of Alternatives and Strengthening Pesticides Management in the Caribbean](#);

- d) Facilitation of a Regional Validation Workshop⁵ to present on and validate the initial findings from the detailed assessment to the National Working Group (NWG)⁶ and other key stakeholders from each Project Country.
2. Develop specific policies and legislation and /or regulations that will support the management of hazardous chemicals and wastes including EEE, ELVs, plastics and mercury-added products and wastes at regional and national levels. This shall include:
 - a) The development of a Regional Model Policy (RMP) that will promote harmonisation of cross-cutting efforts across the region. This will guide individual countries on the customisation of legislation and /or regulations to enhance their existing frameworks for the management of EEE, ELVs, plastics and mercury-added products and wastes. The RMP should take into consideration international obligations and the wider national legal frameworks, as well as the experiences of other SIDS and outputs from related regional projects.
 - b) The development of national policies (as needed/where necessary following the assessment and consultations with the Project Countries), to create the enabling environment which allows for the Project Countries to manage EEE, ELVs, plastics and mercury-added products and wastes that includes the participation from the private and financial sector.
 - c) A further assessment of the existing institutional capacities in each Project Country to support the implementation of the policies at national and regional levels. This assessment will inform the recommendations for improvement of the institutional framework required to support the policies on the management of EEE, ELVs, plastics and mercury-added products and wastes.
 - d) Development of model legislations and /or regulations in the Project Countries which are aligned with the RMP and /or national policies and the national detailed assessments of each Project Country's existing legislative and institutional capacities (refer to activity 1(b) above). The model legislations and /or regulations should be streamlined based on the enabling environment and needs of each Project Country for management of the targeted chemical and waste streams mentioned above. This will also be informed by other relevant project assessments and possible regional and international best practices that can be adopted. Consultation should take place with parties responsible for legal affairs, trade, and chemicals and waste management in each

⁵ The BCRC-Caribbean will facilitate the logistics for the Regional Validation Workshop (venue, catering, AV equipment, etc). However, the consulting team will be responsible for including travel reimbursable expenses in their financial proposal.

⁶ The National Working Group (NWG) is a project mechanism developed in each project country where key stakeholders and experts in the field of chemicals and waste management are designated to provide oversight on the project activities.

Project Country. Consideration can also be given for endorsement via the CARICOM (Caribbean Community) in order to formalise the model regulations at a regional level based on the findings.

- e) Facilitation of an RMP Regional Workshop⁷ with the NWG and key stakeholders from each Project Country to present the RMP, draft national policies and model legislations and /or regulations. This workshop can also synergise with presenting to the CARICOM for regional endorsement.
3. Develop National Strategies (one for each Project Country) including roadmaps for the adoption and implementation of the model policies and legislations and /or regulations. This shall include:
 - a) A harmonized National Strategy for each Project Country, drawing from the outputs of activities 1 and 2 above, in order to improve the national chemicals and waste management framework, which will facilitate the success of the proposed interventions by the project. The national strategy will document roles and responsibilities, description of tasks, supporting agencies, outputs and timelines.
 - b) Convening national working sessions⁸ with the various institutions which will assess the financial, material and human resources needed to implement these recommendations and legislation.
 - c) Facilitation of twelve (12) Final National Workshops⁹ with the NWGs from each Project Country to present on and validate the National Strategies and roadmaps.

3. EXPECTED OUTPUTS

The Consulting Team, under the guidance of, and reporting directly to the BCRC-Caribbean, is expected to deliver the following¹⁰:

1. A Consultancy Inception Report (including a workplan, preliminary stakeholder listing and draft data collections tools/ questionnaires for data collection) **(Deliverable 1)**.
2. Twelve (12) National Legislative and Institutional Capacity Assessment Reports, one for each Project Country **(Deliverable 2)**.
3. Twelve (12) Socioeconomic, Gender and Vulnerable Groups Assessment reports, one for each Project Country **(Deliverable 3)**.
4. A Regional Validation Workshop Report **(Deliverable 4)**.

⁷ The BCRC-Caribbean will facilitate the logistics for the RMP Regional Workshop (venue, catering, AV equipment, etc). However, the consulting team will be responsible for including travel reimbursable expenses in their financial proposal.

⁸ The modality, frequency and facilitation of logistics for the national working sessions will be the responsibility of the Consulting Team.

⁹ The BCRC-Caribbean will facilitate the logistics for the twelve (12) National Workshops (venue, catering, AV equipment, etc). However, the consulting team will be responsible for including travel reimbursable expenses in their financial proposal.

¹⁰ Further details can be referenced in the project documents accessible at footnotes 1 and 2 under Output 1.1, Activity 1.1.1 to 1.1.3).

5. A Regional Model Policy (RMP) **(Deliverable 5)**.
6. Draft National Policies for the identified Project Countries as determined following the assessment and consultations. **(Deliverable 6)**.
7. Model Legislations and /or Regulations which are aligned with the RMP and /or national policies and the national detailed assessments of each Project Country's existing legislative and institutional capacities. **(Deliverable 7)**.
8. An RMP Regional Workshop Report **(Deliverable 8)**.
9. Twelve (12) Draft National Strategies, one for each Project Country, developed for adoption and implementation of the model policies and legislation and /or regulations, including roadmaps to outline the procedure for adoption and implementation. **(Deliverable 9)**.
10. A Compiled Summary Workshop Report of the twelve (12) Final National Workshops **(Deliverable 10)**, summarising the presentations, feedback received, key points of discussions held with the NWGs of each Project Country.
11. Twelve (12) Final National Strategies, one for each Project Country, including final roadmaps, based on the review, guidance and feedback provided by the NWGs **(Deliverable 11)**.
12. **Quarterly progress reports** highlighting the consultancy activities completed, stakeholders engaged, deliverables submitted, challenges encountered, mitigation efforts and upcoming activities and expectations for the next quarter.

4. CONSULTING TEAM RESOURCES

Bidders are at liberty to define the size and structure of their consulting team to produce the expected outputs and successfully fulfil the objectives of the assignment. The roles and responsibilities of each team member should be clearly identified in the Technical Proposal and included in the Eligibility Form of the proposal package under Annex 1 "Schedule of Key Personnel" with completed CVs.

Travel will be required for the two (2) regional workshops and twelve (12) national workshops as well as any national stakeholder engagement / information gathering initiatives as determined by the consulting team's approach to work. The location for the proposed regional workshops will be determined closer to the activity. Consideration will be given for the COVID-19 situation in the respective countries.

5. QUALIFICATIONS, EXPERIENCE AND SKILLS

In order to facilitate the activities in the twelve (12) Project Countries, the following Education, Qualifications and Experience are expected within the Consulting Team (a minimum of one (1) team member must possess the following requirements):

- A Master of Laws (LLM) and/or a Bachelor of Laws (LLB) with a specialty in Environmental Law, Environmental Governance, Public Policy, or related fields;
- Project management certification (PMP, PRINCE2 etc.) as well as a minimum of five (5) years of tangible project management experience;
- A minimum of 10 years' professional experience in the area of environmental governance, national environmental policy, regulatory frameworks or related fields;

- A minimum of five (5) years professional experience in the fields of environmental or chemical and waste multilateral environmental agreements (MEAs);
- A minimum of five (5) years professional experience working on and managing multinational (including UN agencies and the GEF) and multidisciplinary team projects in the region;
- Demonstrated experience in Legislative/ Policy drafting and review;
- Experience in conducting stakeholder meetings/ trainings/ workshops; and
- Previous experience in the Caribbean with the capacity and eligibility to work in the participating countries.

NOTES:

- (i) *The working languages of the GEF 10279 and 10472 Projects are English and Spanish. **As such a bilingual team member is required.** Project correspondence, outputs and consultations are expected to be conducted with English/ Spanish interpretation and translation resources¹¹. All deliverables should be submitted in English and Spanish where needed. The ability to communicate in Dutch will be regarded as an asset.*
- (ii) *Bidders are also encouraged to use local resources/ national assistance wherever possible. Where the Bidder uses the services of one or more sub-contractor(s), the Bidder shall explicitly identify the parts of the ToR where sub-contractors are to be used.*

6. DURATION

The duration of this consultancy is **Twenty-four (24) months** and is expected to begin in December 2022 and end in November 2024.

7. REMUNERATION

- A total gross fee plus expenses to the Consulting Team inclusive of all taxes will be as agreed on and mentioned within the contract based on the financial proposal developed and negotiated cost for this consultancy.
- Expenses will be paid on a reimbursable basis where evidence of expenditure is provided in accordance with the terms and conditions of the contract agreement.
- Payments shall be made in instalments based on key deliverables identified within the contract and agreed on between the BCRC-Caribbean and the selected Consulting Team.

8. INSTITUTIONAL ARRANGEMENTS

The Consulting Team will be directly supervised by the Basel Convention Regional Centre – Caribbean with support from the National Focal Points and National Working Groups in each Project Country.

¹¹ Interpretation and Translation resources will be the responsibility of the consultant.

9. MODE OF WORK

Recognising the concerns surrounding the COVID-19 pandemic, the Consultant will be expected to conduct work virtually from their own location as far as possible. Where face-to-face engagements are required, the Consultant will be required to follow all COVID-19 safety protocols in all countries. Travel between project countries will be required and the expenses incurred from travel (i.e., travel, accommodation, per diem) will be reimbursed by the BCRC-Caribbean by mutual agreement. All health-related risks associated with travel, are the Consultant's responsibility likewise any taxes and duties arising from the consultancy.