

Terms of Reference (ToR)

Strengthening of policy and institutional capacity for integrated coastal and water management at national and state levels

1. Background

The **Government of the FSM** has received a grant from the **Adaptation Fund** under the “**Enhancing The Climate Change Resilience of Vulnerable Island Communities in FSM**” Project. The project seeks to enhance community resilience through working with communities focussing on improving water security measures in the outer islands of Yap, Chuuk and Pohnpei, and increase resilience of coastal communities to adapt to coastal hazards and risks induced by climate change in Kosrae.

The project is expected to deliver a set of targeted and interlinked economic, social and environmental benefits, as well as serve as a model for future replication throughout the four states of the country in other sectors (such as food security, and marine resource management). It will also promote a set of innovations, together with partner institutions and organisations that will help create better living conditions for the outer islands and coastal communities of FSM. The overall goal of the project is to build social, ecological and economic resilience of the target island communities of FSM and reduce their vulnerabilities to extreme drought, sea level rise and other climate risks through water resource management, coastal resource and development planning and by promoting gender perspectives and ecologically sound climate resilient livelihoods.

Component 1 of the project “Strengthening of policy and institutional capacity for integrated coastal and water management at national and state level” will require activities and tasks that will enable strengthening of policy and institutional capacity for integrated coastal and water management at national and state level.

2. Purpose of the assignment

The purpose of the assignment is to engage the services of a consultancy team or firm to undertake a review of the institutional and policy frameworks at national and state level for coastal and water management, identify gaps and address these gaps through the implementation of tasks set out under Section 4 of the ToR “Scope of Services”.

3. Objectives

The objectives of this consultancy are to:

- (3.1) Undertake the required reviews of existing coastal and water management institutional and policy frameworks at national and state levels to identify key gaps that will inform and adapt recommended actions to consider climate change risks and resilience in development of regulations on development projects;
- (3.2) Consult the views of national and state level stakeholders on best practices and lessons learnt to inform and recommend national and state level on institutional and policy strengthening;
- (3.3) Put in place an institutional and policy frameworks that are practical and provide an effective enabling environment for enhanced disaster and climate change resilience across national, states and communities of FSM;

4. Scope of Services

The selected consultancy team or firm will undertake the following tasks:

National Level:

- 4.1 Undertake a desktop review of relevant legislation and policies to guide and institutional arrangements for the regulation of climate resilient coastal and marine management and prepare a desktop review report that will clearly identify gaps and recommended actions;
- 4.2 Conduct relevant stakeholder consultation to verify findings from desktop review and recommended actions and prepare stakeholder consultation reports;
- 4.3 Develop required regulation and policy to address the gaps in the existing legislations and policy frameworks including relevant guidance document to support implementation, enforcement and monitoring of compliance with the regulation and policy;
- 4.4 Prepare relevant documents to submit the regulation, policy and guidance document for endorsement and adoption.

At the State Level (for Pohnpei, Yap and Chuuk), the consultancy team will be required to undertake the following tasks to incorporate climate change and resilience in development projects regulations in Pohnpei, Yap and Chuuk using the Kosrae Regulations for Development Project (No. 67-05) as guidance.

- 4.5 Undertake a desktop review of relevant regulations in each of the three States in particular environmental protection regulations including EIA guidelines and review processes and prepare a desktop review report that will clearly identify gaps and recommended actions;
- 4.6 Conduct relevant stakeholder consultation to verify findings from desktop review and recommended actions and prepare stakeholder consultation reports;
- 4.7 Develop required regulation, policy and guidelines to address the gaps in the existing regulatory and policy framework including relevant guidance document to support implementation, enforcement and monitoring of compliance;
- 4.8 Prepare relevant documents to submit the regulation, policy and guidance document for endorsement and adoption.

The deliverables must include the following:

1. National Level Deliverables:
 - National Level Desktop Review Report
 - Stakeholder Consultation Reports
 - Proposed Legislation/Regulation, Policy and Guidelines
 - Submission Documentation for approval of proposed Legislation/Regulation, Policy and Guidelines
2. State Level Deliverables:
 - State Level Desktop Review Reports per State
 - Stakeholder Consultation Reports per State
 - Proposed Regulation, Policy and Guidelines per State
 - Submission Documentation for approval of proposed Regulation, Policy and Guidelines per State

5. The Consultancy Team Composition

The consultancy team must include the following experts (1) a Legal Expert (2) Environmental Expert and (3) Policy and Institutional Framework Expert. The team could be from a firm or formed from a group of individual experts. The team leader could be any of the experts. However it will form, the team

must have all the relevant permits to work in FSM and must have its offices and work arrangements in place to ensure most efficient use of time and resources and achieve cost effectiveness.

6. Qualification, experience and skills

The following qualifications and skills must be met by each of the experts in order to be considered eligible to undertake the tasks laid out under the Scope of Services.

6.1 Legal Expert

- (1) A Masters' Degree in Law.
- (2) A minimum of 15 years practicing law with 7 years in environmental and climate change matters and in drafting bills and regulations with some years in the Pacific region is an advantage.
- (3) Must be a registered lawyer with country of residence and where he or she is practicing law and must be able to work in FSM.
- (4) Demonstrated experience working with a multitude of stakeholders from various disciplines and backgrounds including Government, civil societies and communities, private sector, development partners and donors.
- (5) Demonstrated analytical, reporting and communication skills.
- (6) Must be fluent in English both verbal and written. Ability to understand and or speak FSM national language is an advantage.

6.2 Environmental Expert:

- (1) A Masters' Degree in Environmental Engineering or Management
- (2) At least 15 years of work experience in environmental management including environmental impact assessment and social safeguards development, review and application with 7 years' experience in the Pacific region.
- (3) Demonstrated experience working with a multitude of stakeholders from various disciplines, background and cultures including Government, civil societies and communities, private sector, development partners and donors.
- (4) Demonstrated analytical, reporting and communication skills.
- (5) Must be fluent in English both verbal and written. Ability to understand and or speak FSM national language is an advantage.

6.3 Policy and Institutional Framework Expert:

- (1) A Masters' Degree in Public Policy and Management.
- (2) At least 15 years of work experience in policy and institutional framework development, review and strengthening with 7 years of experience in this area in the Pacific region.
- (3) Demonstrated experience working with a multitude of stakeholders from various disciplines, background and cultures including Government, civil societies and communities, private sector, development partners and donors.
- (4) Demonstrated analytical, reporting and communication skills.
- (5) Must be fluent in English both verbal and written. Ability to understand or speak FSM national language is an advantage.

7. Reporting Requirements

The selected team of experts will work under the overall direction of the Project Management Unit for the Adaptation Fund Project, which falls under the Assistant Secretary in the FSM Department of Environment, Climate Change and Emergency Management.

In addition to the deliverables listed under Section 4 of this ToR, the following reports are required:

- (1) Inception Report for the work required under this consultancy
- (2) Monthly reports on progress stating clearly the status of each of the activities, tasks and deliverables, issues encountered and how they have been addressed;
- (3) Final Report on the national level activities and state level activities including lessons learnt and best practices.

8. Duration

The selected consultancy team must complete all deliverables within 200 working days over a period of 9 months.

9. Payment Schedule

Deliverable	% of Total Cost	USD	Due Date
Contract signing	10%	TBC	14 dates from contract effective date
Inception Report	10%	TBC	1.5 months from contract effective date
National and State Level Desktop Review Report	20%	TBC	2.5 months from contract effective date
Stakeholder Consultation Report (both national and state levels)	20%	TBC	4.5 months from contract effective date
Proposed legislation, regulation or policy (post consultation versions for both national and state level) and submission documentation for approval	30	TBC	8 months from contract effective date
Final report	10%	TBC	14 days after the contract effective date

10. Work Arrangements

The following are work arrangements to ensure success implementation and delivery of the project tasks and milestones. The team of consultants

- is expected to work from their own office.
- must ensure that they are able to work in FSM and able to travel to/from FSM Capital, States and outer islands under the Project.

- must obtain all the necessary permits and approvals to enable the team to work in FSM.
- must be flexible and be able to accommodate any changes to the tasks and timeline.
- must be able to accept terms and conditions required by the Government of FSM in particular the terms and conditions of the Letter of Agreement dully signed between the Government of FSM and the Secretariat of the Regional Environment Programme (SPREP).
- Must use its own equipment and resources to deliver the tasks set out under the Scope of Services.