

TERMS OF REFERENCE

CARICOM-CIDA TRADE AND COMPETITIVENESS PROJECT (A-32281)

COMPONENT 300 – WIDENING THE SCOPE OF PARTICIPATION BY STAKEHOLDERS AND BENEFICIARIES IN THE PROCESS OF DECISION MAKING, IMPLEMENTATION AND OPERATION OF THE SINGLE MARKET – THE ENVIRONMENT SUB-COMPONENT

1. Diagnostic And Analytical Review Of Environmental Governance Systems
 - a. Analysis Of Existing Legal and institutional Frameworks Governing the Environment in each of the 12 participating Member States
 - b. Analysis of whether existing environmental governance frameworks are adequate to support the full and effective functioning of the CARICOM Single Market and Economy (CSME)
 - c. Assessment of priority environmental issues and respective policy responses, as well as any existing gaps in legal and institutional arrangements at the national level in support of the CSME
 - d. Assessment of common challenges and priority themes for action at the regional level through the development of a community environment and natural resource policy and regulatory framework
2. Preparation of a ***Consultation Paper*** toward the development of a ***CARICOM Environment and Natural Resource Management Policy Framework and Action programme*** for the consideration of the Council for Trade and Economic Development (COTED)

1. BACKGROUND

The Member States of the Caribbean Community (CARICOM) have responded to the economic challenges of globalisation and trade liberalisation by deepening the integration process through the creation of the CARICOM Single Market and Economy (CSME). In accordance with Paragraph 2(a) of Article 78 of the Revised Treaty of Chaguaramas establishing the Caribbean Community including the CSME, one objective is the ***“full integration of the national markets of Member States of the Community into a single, unified and open market area.”*** Even with deepened integration, the challenges facing the small states and economies of CARICOM include overcoming the constraints of small size, economic, social and environmental vulnerability, high indebtedness and inadequate legal and institutional capacity. These are exacerbated by the constraint of financial and human resources which are needed to be deployed simultaneously in many endeavors to meet the needs of a transforming economy.

The Single Market includes the free movement of goods, services, skilled people and capital among member countries, the right of establishment of CARICOM nationals anywhere in the Community. Present approaches and existing measures are not fully geared to address the investment opportunities and expected growth and development trends in Community economic activity as a result of the CARICOM Single Market and Economy (CSME). The environment is the basis for all inputs (metals, minerals, soil, forests and fisheries), and for the energy needed to process them. It also receives the waste products of economic activity. Resolution of environmental issues is therefore central to the effective functioning of the CSME, as these economies are heavily based on natural use.

Over the last three decades, environmental degradation and the unsustainable use of natural resources have continued with negative consequences for sustainable socio-economic growth and livelihoods in CARICOM countries, and there are still significant deficiencies in the quality, quantity and comparability of baseline data crucial for environment related policies and decisions, itself a symptom of environmental management neglect. The issue is further compounded by the fact that CARICOM Member States have for the most part pursued individual environmental management policies and programmes, with varying levels of progress.

Increased investment opportunities and economic growth will be unsustainable unless environmental policy considerations are taken into account particularly as an incentive to greater long-term efficiency and competitiveness, and with particular reference to the wider international market place. The CSME cannot exist without a common environmental space. Article 65 1(c) of the Revised Treaty recognizes this and thus presents an opportunity for governments to upgrade environmental performance across the region through the adoption of common initiatives. In so doing, identify opportunities for the creation of effective markets for environmental goods and services, the development of regional environmental standards, and capacity for eco-labelling, certification and regulation. In the area of trade promotion policies for example, governments and the private sector can adopt several policies and measures aimed at promoting standards and quality with a

view to enhancing competitiveness. It is therefore imperative that as development takes place, it is sustainable. Further as international trade is affected by environmental concerns, since exporters must respond to market demands for environmental friendly goods and services, the region will need to develop uniform and harmonised controls on production and consumption activities to ensure that it remains competitive. Existing environmental problems will only be exacerbated if the right environmental policies are not set and implemented at appropriate levels. It is therefore essential that the Community strengthens efforts to transform the patterns of growth in the Community in such a way as to increase productivity, ensure a healthy environment and achieve sustainable development. The issues have now become urgent as a result of the CARIFORUM-EC Economic Partnership Agreement (EPA) which will require the region to pay special attention to the environmental frameworks in place to ensure that products are produced competitively with minimum impact on the environment. Resolution of environmental issues is therefore central to the effective functioning of the CSME.

A single space for transactions will not emerge if there are as many national requirements as there are States. As part of the region's development thrust there is need for *inter alia* the adoption of a harmonized environmental Regulatory Regime which protects, preserves, enhances and manages the productive potential of the natural environment to ensure sustainable development, so that investors and other economic agents operate across the entire space of the CSME on the basis of the same policies and regulations that are publicly known and applied in a predictable and transparent manner.

2. PURPOSE

The project seeks to support the development of a draft community environment and natural resource policy framework and the creation of a harmonized environmental regulatory regime, which will provide investors and other economic agents with the opportunity to operate across the entire space of the CSME on the basis of the same policies and regulations that are publicly known and applied in a predictable and transparent manner. This component addresses the preparation of a ***Consultation Paper*** toward the development of a CARICOM Environment and Natural Resource Management Policy Framework and Action programme in the Caribbean

The objectives of this consultancy are in fulfillment of Art 65.1(C)

1. Undertake desk and field research, as required, of the existing legal and institutional arrangements governing the environment and natural resources management in Member States. This will form the baseline scenario and will provide for a comprehensive picture of the legal and institutional arrangements in each member state.
2. Using the Revised Treaty of Chaguaramus, determine whether existing environmental management frameworks, practices and procedures are adequate to support the full and effective functioning of the CSME.

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3. Identify (a) priority environmental issues and (b) any existing gaps in the legal and institutional arrangements at the national level (in relation to priority issues), with recommendations for addressing the gaps in support of the full and effective functioning of the CSME.
4. Identify (a) those environmental challenges pursuant to Article 65.1c that have a community wide dimension, or because it is a shared resource, and have a crucial bearing on environmental quality and conditions in the Community and could affect the quality of economic growth, and (b) those productive sectors (e.g. industry, agriculture, tourism etc) that will be targeted in the first instance in the development of a Consultation Paper toward the Preparation of a CARICOM Environment and Natural Resource Management Policy Framework and Action Programme for presentation to the COTED.

1. **SCOPE OF WORK**

The work to be undertaken under this study is as follows:

SUB-COMPONENTS	OBJECTIVES	OUTPUTS	ACTIVITIES
310 – Diagnostic And Analytical Review Of Environmental Governance Frameworks			
<p>311 - Analysis of existing legal and institutional frameworks governing the environment and natural resources of Member States</p>	<ol style="list-style-type: none"> 1. To identify the baseline scenario of the legal and institutional arrangements for environmental management in each member state? 2. Using the Revised Treaty determine whether these frameworks are adequate to support the full and effective functioning of the CSME 3. To identify priority environmental issues and existing gaps in the legal and institutional arrangements at the national level, with recommendations for addressing the gaps in support of the full and effective functioning of the CSME. 	<ol style="list-style-type: none"> 1. A comprehensive assessment of existing institutions, policy instruments, financing mechanisms, rules, procedures and norms that regulate the processes of national environmental protection 2. A comprehensive assessment of the adequacy of the existing legal and institutional framework to support the expected growth and development trends in Community economic activity as a result of the CSME. 3. A comprehensive legal and institutional analysis of the critical environmental issues which must be addressed in support of the full and effective functioning of the CSME including appropriate recommendations for addressing them 	<ol style="list-style-type: none"> 1. Conduct desk research on national environmental governance frameworks; 2. Conduct field research in Member States, meeting with Government Ministries and Statutory Bodies and non-State stakeholders as required 3. Prepare and make presentation of Draft Report to CARICOM Secretariat, the National Co-ordinating Committee, Government Officials and non-State stakeholders which contains the required outputs as listed; 4. Prepare a Final Report incorporating comments by the National Co-ordinating Committee, CARICOM Secretariat, Government Officials and non-State stakeholders; 5. Prepare a Cabinet Brief for each individual country’s Government containing the main findings of the study

SUB-COMPONENTS	OBJECTIVES	OUTPUTS	ACTIVITIES
<p>312 – Assessment of common challenges and priority themes and sectors for action at the Community level</p>	<ol style="list-style-type: none"> 1. To assess and highlight differences for strategic interventions (a) the specific challenges and priority themes and (b) those productive sectors (e.g. industry, agriculture, tourism etc) that will be targeted in the first instance for action at the Community level 2. To develop a Consultation paper toward the preparation of a CARICOM Environment and Natural resource Policy Framework and Action Programme. 	<ol style="list-style-type: none"> 1. Statement of regional sector specific environmental risks and suitable environmental measures to ensure the sustainability of the sector 2. A Consultation Paper with suggestions that could form the basis for a comprehensive CARICOM Environment and natural resource Policy; Present Consultation Paper for consideration of COTED and incorporate the comments/suggestions emanating from COTED 	<ol style="list-style-type: none"> 1. Review the Reports prepared under Sub-component 311 2. Identification and refinement environmental themes to be addressed in the environmental policy. These should comprise issues of particular seriousness which have a community wide dimension either because of the CSME or because they are a shared resource and because they have a crucial bearing on environmental quality and conditions in the Community 3. Conduct field research in Member States, meeting with Government Ministries, Departments and Statutory Bodies as required 4. Prepare and make presentation of Draft Report to the National Co-ordinating Committee, CARICOM Secretariat, Government Officials and non-State stakeholders; 5. Prepare a Final Report incorporating comments by the National Co-ordinating Committee, CARICOM Secretariat, Government Officials and non-State stakeholders;

4. APPROACH/METHODOLOGY

The work will be carried out at two levels.

National Consultants – Sub component 311

A local Consultant Team comprising one Environmental management policy Expert and one Environmental Legal Expert in each of the 12 beneficiary Member States. The Consultants will be recruited locally to allow greater opportunity for more detailed primary research. The Consultants will be required primarily to conduct desk research including a review of: existing research studies and reports e.g. the national capacity self assessment reports; past and current environmental and natural resource management policy documents (green papers, white papers), strategic environmental management plans and other documentation from governments, donor agencies and civil society; existing legislation governing all aspects of the natural resources and physical environment of Member States. The Consultants will also undertake field work to interview key stakeholders.

A standardised reporting format will be provided to the Consultants by the CARICOM Secretariat. The Consultants will be required to participate via video conference in a Briefing Meeting with the CARICOM Secretariat.

Regional Consultants – Sub component 312

A regional Consultant Team comprising two environmental policy experts and 1 legal expert will be recruited to review the national reports emanating from sub component 311, with a view to *inter alia* identifying the common environmental challenges and priority themes toward the development of a **Consultation Paper** toward the preparation of a Community Environment and Natural Resource Management Policy Framework and Action Programme. The Consultation Paper will provide the analytical underpinnings for the Community Policy framework. Grounded in the Revised Treaty of Chaguaramas, the Consultation paper will set out the initial views on the challenges and opportunities of environment and natural resources management in CARICOM, identify important trends that pose a threat to environmental and natural resource management and hence sustainable development in the Community and **present a policy toolkit for tackling these problems**. The Consultation Paper will not include specific objectives and measures as these will be contained in the CARICOM Secretariat's 1st Communication on an Environment and Natural Resource management policy framework to the COTED. Accordingly the paper aims to generate discussion and encourage input from member states, Community Institutions, civil society and the private sector.

The Consultant/s will be required to liaise with and discuss findings with the National Coordinators and the National Coordinating Committees, established under this Project, as a key component of the project implementation and review process. The Consultant will also be expected to participate via video conference for presentation of Draft Reports to the CARICOM and OECS Secretariats.

5. DELIVERABLES

SUB-COMPONENTS	RESULTS
311 - Analysis of existing legal and institutional frameworks governing the environment and natural resources of Member States	<ol style="list-style-type: none"> 1. Draft Report 2. Final Report 3. Presentation of Draft and Final Report to the National Co-ordinating Committee, national stakeholders and to the CARICOM Secretariat
312 - Assessment of common challenges and priority themes for action at the regional level and Development of Consultation Paper	<ol style="list-style-type: none"> 1. Development of a <i>Consultation Paper</i> toward the preparation of a Community Environment and Natural Resource Management Policy Framework and Action Programme. 2. Presentation of Consultation paper to the Co-ordinating Committee and to CARICOM 3. Presentation of Consultation Paper to the COTED

6. PROJECT EXECUTION AND ADMINISTRATION

The Technical Authority for this assignment will be the Senior Project Officer, Sustainable Development, CARICOM Secretariat. The Sustainable Development Programme, will administer the contract in accordance with procedures required by the CARICOM Secretariat.

This is a fixed price contract. The Consultants will ensure timely delivery of outputs required under this Terms of Reference.

7. QUALIFICATIONS AND EXPERIENCE OF CONSULTANTS

Execution of this Terms of Reference requires a Consulting Firm/Team having the following qualifications:

- a) Significant expertise and experience in policy development in Environmental Management and/or Natural Resources management at the national level;
- b) Familiarity with the national legislative frameworks governing environment and natural resources management
- c) A demonstrated familiarity with the issues and challenges of environmental management and development within the Caribbean

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d) Capability to manage complex technical projects and to deliver required outputs on schedule and within the resource constraints of the project.

8. CONTACTS

The following persons are authorized to provide the Consultant with project information:

NAME	PROJECT RESPONSIBILITY	TEL	FAX	E-MAIL
Garfield Barnwell Director, Sustainable Development	Project Manager	592 222 0154	592 222 0168	gbarnwell@caricom.org
Anya Thomas, Senior Project Officer, Sustainable Development	Project Leader Environment Component	592 222 0001-75 Ext. 2625	592 222 0168	anya@caricom.org
TO INSERT DETAILS	Country National Co-ordinator			

9. Budget

An attractive package will be offered.