

Terms of Reference (TOR)
for the Consulting Services of a
National Legal Expert (NLE)
for the preparation of a **Wildlife Legality Compendium**

Technical Assistance and Support to DFRM for the Implementation of the PAW/LENS2 Subproject

A. INTRODUCTION

1. GOL has accessed \$6.83 million of GEF funding (from Biodiversity, Land Degradation, and Sustainable Forest Management focal areas) and \$32 million IDA funds (national and regional funding) to implement the Second Laos Environment and Social (LENS2) project. The project development objective (PDO) of PAW is: *to help strengthen selected environmental protection management systems, specifically for protected areas conservation, enforcement of wildlife laws, and environmental assessment management*. The LENS2 Project aims to create wildlife and PAs enforcement standards, develop good practice applications for PA management and reduction of illegal wildlife trade at the central level and at key sites as well as improve the implementation of environment and social impact assessments. It builds on bilateral initiatives between Lao PDR, Thailand and Vietnam to control illegal wildlife trade, as well as strengthens Lao PDR's capacity to collaborate with regional centers of knowledge and with international organizations addressing wildlife trafficking.

2. The LENS2 executing agency is the Environment Protection Fund Office (EPFO). The project will function as a financing mechanism for a suite of sub-projects implemented by various sub-project delivery agencies (SDAs), within the framework of three project components: Component 1: Institution development and capacity building; Component 2: Protected area management; and Component 3: Project administration and EPF capacity building.

3. As part of the LENS2 implementation a number of national, regional, and/or international consultants will be mobilized to assist the various SDAs to implement the sub-projects. One priority SDA is the **Department of Forest Resource Management (DFRM)**. Previously under the Ministry of Agriculture and Forestry (MAF), DFRM was formed under the Ministry of Natural Resources and Environment (MONRE) in 2012. DFRM is the national focal agency for the coordination of PA management. PAs are managed by Provincial and District lines under the DFRM. The current institutional set up for PA management in Laos is complex, especially so for the management of the National Protected Areas (the nationally designated Conservation Forests). Each national-level PA is managed by a small number of officers from the provinces and districts in which the PA is located, with a Management Unit headed by an officer from the Provincial Office of Natural Resources and Environment (PONRE). Planning and management for nationally designated Conservation Forest and Protection Forest is entrusted to the provinces and districts. With this diffuse accountability, as well as insufficient staff, equipment and training, PAs that do not receive external assistance are not actively managed. DFRM is understaffed and underequipped, and its role of coordinating and its authority in demanding results are both unclear. Further challenges to management of the PA system include a perception across Laos that environmental considerations are a hindrance to fulfilling the country's economic aspirations, a lack of capacity within DFRM and management units to track and monitor investment plans that affect the PAs, and ineffective collaboration between conservation agencies from Lao PDR and neighboring countries to enact trans-boundary management.

4. DFRM has received a \$3.3 million sub-grant to implement a subproject entitled **Institutional capacity building for protected area management and wildlife conservation**. The sub-project objective is: *to strengthen the policy and institutional framework and DFRM's capacity to protect and manage the National Protected Areas and the National Protection Forest (NPF) systems*. The activities will be implemented through the following four components:

- *Component 1: Institutional development for NPA and NPF systems* (planning and guidelines) providing technical assistance for developing the institutional development for adaptive management of PAs and improve the policy framework for NPA, NPF and wildlife management by commissioning some studies, preparing a status report and master plan for NPAs, and developing guidelines for PAs, PFs, as well as manuals for these conservation forest management practices. Key activities include (1.1) a study on optimization for NPA management system through interviews and stakeholder consultation workshops and some field visit where necessary, (1.2) development of DFRM website, (1.3) preparation of NPA Status Report, (1.4) preparation of NPA master plan, (1.5) An economic evaluation of NPAs, (1.6) Payment for Ecosystem Service (PES) and economic evaluation of NPFs and NPAs, (1.7) Suites of guidelines for protected area management (at least 5 guidelines), (1.8) a guidelines for NPF, and (1.9) Suites of Manual for NPA and NPF (at least 5 manuals).
 - *Component 2: Operation of NPA and NPF System (supervision and management)* facilitate operation and training of priority activities. Key activities/outputs include (2.1) Matrix for NPA supervision, (2.2) Protected and management wildlife species list of Lao PDR, (2.3) NPA factsheets of Lao PDR, (2.4) Category of land tenure types in NPAs, (2.5) Category of NPAs of Lao PDR, (2.6) Promote NPF management, (2.7) Cooperation with Vietnam on PAs (4 times), (2.8) Annual NPA Meeting (5 times), (2.9) Database for tracking investment in NPAs, and (2.10) Supervision of sub-projects, and (2.11) Tiger surveys and planning.
 - *Component 3: Sub-project management and capacity building* aiming to improve its capacity to manage the subproject as well as training and capacity building activities. Key activities/outputs include (3.1) Advisory Technical Working Group, (3.2) Public relations for conservation, (3.3) Staff training needs assessment, (3.4) PA Managers training, (3.5) GIS/mapping training, (3.6) English training, (3.7) In-house training, (3.8) International meetings (incl. twinning visits), (3.9) Sub-project arrangement, (3.10) Sub-project performance, and (3.11) Annual Work-plan and Budget (AWPB). Technical advisors (international and national) and a number of consultants including an accountant will be mobilized.
 - *Component 4: Sub-project management and capacity building* aiming to improve its capacity. Review and re-delineation of boundaries of all three forest categories in the country, including an assessment of forest cover and land use in and outside the three state forest land categories.
5. Under this initiative, it has been proposed to develop a Compendium on the Legal Framework for the Wildlife Sector in Lao PDR. Emphasis will be placed on documenting and describing the wildlife “supply chains” from management planning, hunting, snaring and capture, rehabilitation or business activities involving captive animals (including wildlife farms, zoos and tourism, trade, inheritance, animal welfare, import, export and trans-shipment). It should also include an assessment of the Species Red-listing, including both fauna and flora, for protected species and wildlife managed species in relation to the Law on Wildlife and Aquatic Resources (2007). It should identify repeals, omissions and inconsistencies within the wildlife legislation.

B. SCOPE OF THE SERVICE AND METHODOLOGY

7. The regulatory framework governing the wildlife sector in Lao PDR is fairly diverse, affected by different legislation on natural resources and trade sectors, and is extensive in the number of legal instruments that apply. There is a lack of clarity as to: (i) the applicable legislation (implementing legislation in particular is not easily available); (ii) provisions that have been rendered inconsistent or redundant by subsequent additions to, or abrogation in, the legislative framework; and (iii) the responsibilities of the competent authority over a specific issue (both horizontally in terms of Departments or Ministries, or vertically at different levels (national, provincial, district and village). Provinces sometimes interpret and apply the legislation differently, or issue legislation or other instructions that are not always aligned with national legislation, preventing uniform application and implementation throughout the country. The responsible Ministries may issue internal instruction on the implementation of legislation, but this may occur in isolation from or without consultation with other relevant organisations.

8. In recent years there have been partial reforms to the legal framework regarding wildlife, most notably through the revised Law on Wildlife and Aquatic Resources (2007). However, there is a need for a systematic review of the legal framework for the wildlife sector in Lao DPR that includes all legislation associated with wildlife management and the supply and wildlife arising from all sources.

Rule of law, respect for hierarchy of legislation and legislative transparency are relatively new principles in the Lao PDR legal system and the country has made strides in legal reform in recent years owing to a number of factors, including the country's accession to the World Trade Organization (2012), and the Government's commitment to become a rule of law state by 2020. Lao PDR is also reassessing its international commitments to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and other regional and international obligations that require clarity in the wildlife legal framework.

9. To support these activities an analyzed Compendium on the Wildlife Sector, which compiles and summarizes all relevant provisions will be developed. This Compendium builds on and feeds into some existing initiatives such as the Lao Wildlife Enforcement Network, and actions on wildlife farming. The formulation of the Compendium will involve extensive consultations with Government agencies, academia and the private sector. It will also involve making presentations on the draft Compendium at workshops at both the national level and provincial level. Orientation on the content and use of the Compendium will be provided to key government agencies and personnel. It will also involve coordination with the Wildlife Conservation Society.

10. DFRM seeks a highly experienced national consultant "Legal expert" to assist DFRM (and DOFI) in the preparation of a wildlife compendium for Lao PDR. The Expert will be expected to work closely with the International Legal Consultant (ILC) hired to lead the formulation of the Wildlife Legality Compendium. He/she will also be anticipated to liaise with the DFRM/project team, especially with International Technical Advisor and other technical advisors recruited under this sub-project as well as staff and technical advisers from DOFI.

C. OBJECTIVE OF THE SERVICES

11. To provide technical assistance to the International Legal Consultant (ILC) and assist DFRM and DOFI to prepare a Wildlife Legality Compendium for Lao PDR.

D. TASKS

12. The National Consultant is expected to assist the International Legal Consultant (ILC) as well as DFRM and DOFI to prepare a Wildlife Legality Compendium.

- Research and compile all legislation relevant to the wildlife sector in Lao language and in English, including texts applicable to forestry, land, water, industry, taxes, trade and exports, local administration.
- Facilitate communication and contact between the Wildlife Compendium work and the Government counterparts.
- Together with the International Legal Consultant (ILC) carry out consultations on areas requiring clarification with Government agencies, academia, communities or private sector.
- Carry out translations of: (i) the Compendium from English into Lao; (ii) ensure the quality and accuracy of available legislation collected from Lao into English
- Contribute to the Compendium as advised by the ILC, WCS, FAO LEGN officer, WB
- Organize consultation workshops, capture proposed changes to the Wildlife Compendium.
- Organize and participate in training workshops on the use of the Wildlife Compendium.

E. EXPECTED INPUTS

13. The National Consultant will be occasionally based at the DFRM Office in Vientiane with travel to the provinces as necessary. He or she will provide the service for 55 working days over a period of four months. DFRM will provide information and data, office space and facilities.

F. EXPECTED OUTPUTS

14. This consultancy will result in the following expected outputs being generated in two phases:

Output 1: to be delivered by June 30th 2017

- Assist in the Wildlife Legality Compendium drafting process
- Flow diagrams of administrative procedures and responsibilities along the supply chain.
- Draft Report of Legality Compendium (digital version).

Output 2: to be delivered by September 31st 2017

- Final report of Legality Compendium
- Report and recommendations to amend the existing Wildlife and Aquatic Law (and other laws such as the Forestry Law) and/or relevant regulations;
- An agency responsibility matrix (timber and wildlife) based on the review of agency/stakeholder responsibilities. responsibilities
- Training materials (presentation PPT, quick guides / summary report) on use of the Compendium.
- Final TOR for the development of conventional and innovative communication tools (decision making posters, pamphlets or booklets and audio visual tools) as well as online resources to deliver training about the compendium

Where relevant, these outputs will be presented in the Lao language

15. The Consultant will prepare and submit the following reports:

- Brief back to office and /trip report after missions to provincial or regional sites and meetings.

- A succinct final report describing the activities carried out during the services including achievement, issues, and lesson learnt. The draft report will be submitted to DFRM at least 10 days before the contract completion date or per the schedule as agreed with DFRM.

All proposals and reports will be submitted per the schedule as agreed with DFRM.

F. QUALIFICATION AND EXPERIENCE

16. The following lists the **key qualifications and experience** of the consultant:

- A Bachelor's Degree (or higher) in law or related subject.
- At least one similar assignment successfully completed (with reference provided).
- A minimum of five year's work experience related to legal studies, with experience relating to forestry, natural resource management and wildlife conservation particularly favoured. Experience with the World Bank and/or international financing projects advantageous;
- Experience in developing and/or reviewing environmental laws, policies, guidelines, and strategies;
- Received some formal training related to the tasks required.
- Excellent in Lao and English speaking and writing skills;
- Computer skills, including Word, Excel, Power-point and email.
- Good communication skills both in Lao and English language;
- Positive and constructive approach with working with Lao Government staff.