



Annex A:

“Strengthening the National Institutional Capacity for Chemicals and Waste Management in Vanuatu”

TERMS OF REFERENCE

CONSULTANT for National Chemicals Management Policy and Costed Implementation Plan and Review and Update Legislative Framework for Chemicals and Waste Management

BACKGROUND

The objective of the Project is to support country-driven institutional strengthening at the national level, in the context of an integrated approach to address the financing of the sound management of chemicals and wastes, taking into account the national development strategies, plans and priorities of each country, to increase sustainable public institutional capacity for the sound management of chemicals and wastes throughout their life cycle. Institutional strengthening under the Special Programme will facilitate and enable the implementation of the Basel, Rotterdam and Stockholm conventions, the Minamata Convention and the Strategic Approach to International Chemicals Management (SAICM).

The first session of the United Nations Environment Assembly (UNEA-1), in June 2014, in resolution 1/5 on Chemicals and Waste, further adopted the terms of reference for a Special Programme, to be funded by voluntary contributions, to support institutional strengthening at the national level to enhance the implementation of the Basel, Rotterdam and Stockholm conventions, the Minamata Convention on Mercury and the Strategic Approach to International Chemicals Management (SAICM). The Special Programme is one of two complementary elements of dedicated external financing under the integrated approach, with the GEF being the other element.

The Special Programme is part of the sub-programme 5 on chemicals and wastes in UNEP’s Programme of Work, in particular Project 515.2 Special Programme to support institutional strengthening at the national level to enhance the implementation of the Basel, Rotterdam and Stockholm conventions, the Minamata Convention and the Strategic Approach to International Chemicals Management (SAICM). It specifically addresses expected accomplishment (a) *that countries increasingly have the necessary institutional capacity and policy instruments to manage chemicals and waste soundly including the implementation of related provisions in the multilateral environmental agreements (MEAs).*

Following the third call for applications, the Government of Vanuatu submitted their application for funding from the Special Programme Trust Fund to strengthen their capacities for national implementation of chemicals and waste related international agreements. The Executive

Board of the Special Programme, at its fourth meeting held from 29 to 31 January 2019 in Geneva, Switzerland, approved the application submitted by Vanuatu.

The following seven outputs are expected from the project:

1. **Establish project implementation and governance arrangements**
2. **Develop a National Chemicals Profile for Vanuatu**
3. **Develop a National Chemicals Management Policy and costed implementation plan**
4. **Review and update the legislative framework for chemicals and waste management**
5. **Establish a centralised national database for chemicals and waste**
6. **Develop and deliver certified training programs in chemicals and waste management.**
7. **Provide implementation and enforcement training for the Conventions**

A. OBJECTIVE

These Terms of Reference (TOR) were developed in order to recruit a qualified consultant in accordance with the approved Project Document. The Consultant for 1. The **National Chemicals Management Policy and Costed Implementation Plan** and 2. **The Review and Update Legislative Framework for Chemicals and Waste Management** will consult with relevant stakeholders in the private sector and the government sector to provide;

1. A National Chemicals Management Policy and Implementation Plan. The policy will outline the long-term national approach for the environmentally sound and sustainable life-cycle management of chemicals in line with Vanuatu's obligations under the international conventions; Basel, Rotherdam, Stockholm, Minamata and Waigani of which Vanuatu is member of. This may include, inter alia, a consistent national approach to assessment of new and existing chemicals, a licensing regime for chemical importation and management activities; non-regulatory approaches to chemical management such as guidelines, voluntary chemical stewardship schemes; sustainable financing mechanisms to support end-of-life management of chemicals and associated wastes such as chemical containers; and approaches for the ongoing collection of data to meet national reporting obligations and
2. A draft legislation for chemicals management. The legislation will be based on reviewing the existing legislations relating to chemical management to identify gaps and overlaps in the legislative framework and make legislative amendments necessary to fully implement the conventions. The amendments should support the National Chemicals Management Policy. A drafting instruction is to be produced and finalised with the country's State Law Office (SLO) and a new or amended legislation for chemicals is to be approved by Vanuatu's parliament.

B. SCOPE OF SERVICES and EXPECTED DELIVERABLES

PART 1: Develop a National Chemical Policy and Costed Implementation Plan (NCPIP)
The NCPIP should cover the following;

- (i) Establishment of a national approach to assess new and existing chemicals

- (ii) Establishment of a licensing system for chemicals that need to be licensed and their management
- (iii) Non-regulatory approaches to chemicals management

The following services are to be conducted;

- (i) Develop a draft National Chemicals Management Policy and implementation plan (NCPIP)
- (ii) Consult with the National Chemicals Co-ordinating Committee (NCCC) and other stakeholders if so required and produce a consultation report
- (iii) Finalise the NCPIP and submit through the government process for endorsement.

Part 2: Draft a draft legislation for chemicals management for submission to Vanuatu's State Law Office (SLO) and finalise it as a Bill with the SLO and write and/or review and amend archived regulations based on the Bill for certain hazardous wastes.

The following services are to be conducted;

- (i) Review existing legislation framework including outdated ones and identify gaps and overlaps and make amendments to ensure the conventions that Vanuatu is party to are included in the frame-work and that the amended legislative framework supports the National Chemicals Management Policy.
- (ii) Draft legislative review and drafting instructions for chemical management.
- (iii) Consult with the NCCC and others as necessary on the legislative review conducted and produce a report based on this
- (iv) Finalise the drafting instructions as a draft legislative bill and submit to the Vanuatu SLO and work with them to finalise the legislation as a bill for the Vanuatu government to endorse.
- (v) Work with DEPC team and prepare implementation materials for the Bill.
- (vi) Write and/or amend regulations on certain hazardous chemical waste based on the Act as agreed to by the NCCC and other relevant stakeholders.

The expected deliverables therefore are;

1. A National Chemicals Policy and costed implementation plan.
2. A published review report on the legislation framework and
3. A draft legislation on chemical management prepared as a bill for parliament approval with its implementing materials.
4. Prioritised regulation

C. COUNTERPART, WORK DURATION AND DUTY STATION

The Consultant will work with the Project Coordinator (Senior Officer [Chemical and Ozone] and Principal Officer, Environmental Protection) and report to the Director of DEPC and the National Chemical Coordination Committee.

The duration of the contract shall be for a maximum of five (5) month period and is expected to start two (2) weeks from the date of signing of contract.

The successful candidate recruited for the services can be based in their country of residence and fly in and out or can be based in country if it's a local and is expected to use his or her own laptop for work. A workstation shall be provided when he/she comes into the DEPC office for consultations and/or for any task that the Project Co-ordinator needs to discuss and/or to assist to progress work based on the agreed work schedule.

For a consultant who may be residing overseas, their schedule of work will specify number of days they would come in country to conduct components of work which would require them to be physically in country.

If the consultant resides overseas, he/she would be expected to organise virtual meetings whenever is necessary if it is not possible to be in country to conduct the necessary consultations due to CO-VID lock down.

D. SCHEDULE OF PAYMENTS

The consultant shall be paid the amount he/she provided in the response to the tender advertised. The amount acceptable by the interim committee as the amount within the range of the budget for the consultant.

A schedule of payments as per the deliverables outlined in Scope of works shall be part of the contract signed between the successful applicant and DEPC.

E. REQUIRED EXPERTISE AND QUALIFICATIONS

The minimum qualification of a degree in environmental science, law, policy and other relevant discipline is required with:

- A minimum of 3 years of professional experience in the field of environmental issues, chemical and waste management.
- Experience on policies in line with product stewardship schemes
- Experience in legal matters including drafting of legislation
- Demonstrated experience and skills in project management
- Work experience in Vanuatu or other PIC countries would be an advantage
- Demonstrated experience and skills in report writing
- Excellent organizational skills and experience
- Demonstrated ability to pass on relevant knowledge and skills used to conduct assessments and in the compiling of the report.

F. LANGUAGE

Excellent command of spoken and written English