



Project on “Testing a Prototype Caribbean Regional Fund for Wastewater Management (CRew)”

Terms of Reference for Conducting a Review of Policy, Legislation & Institutional frameworks for Wastewater Management in the Wider Caribbean Region

A. Background

The degradation of the Caribbean marine environment including the discharge of untreated wastewater is a serious concern for those countries whose livelihoods depend heavily on their natural marine resources. Several scientific studies, including UNEP/GPA’s 2006 report on the State of the Marine Environment, singled out untreated wastewater entering the world’s oceans and seas as the most serious problem contributing to marine pollution. In the Region, the recent Caribbean Sea Ecosystem Assessment (CARSEA) study similarly found that “sewage pollution from land-based sources and from ships has been the most pervasive form of contamination of the coastal environment”.

There is then an urgent need to increase wastewater treatment in the Wider Caribbean Region, which ‘is presently far below the required levels. UNEP/GPA estimates that as much as 85 percent of wastewater entering the Caribbean Sea is currently untreated. According to the Pan American Health Organization (2001), 51.5 percent of households in the Caribbean Region lack sewer connections of any kind and only 17 percent of households are connected to acceptable collection and treatment systems. Within Caribbean SIDS, less than two percent of urban sewage is treated before disposal; this is even lower in rural communities. On some islands (e.g. Antigua and Barbuda, Dominica and Haiti) there is no sewerage system; sewage is disposed mainly through septic tanks and pit latrines, many of which do not comply with minimum technical specifications or are not adequately maintained.

As a result of rapidly expanding populations, poorly planned development, and inadequate or poorly designed and malfunctioning sewage treatment facilities in most Caribbean countries, untreated sewage is often discharged into the environment with serious human and ecosystem health implications. Added to this is the discharge of untreated or partially treated sewage from many tourism facilities situated along the coast. Such a situation is responsible for serious health, environmental and economic impacts.

In recognition of the gravity of this situation, several countries from the Wider Caribbean Region (WCR)¹ ratified the Convention for the Protection and Development of the Marine Environment

¹ As defined in the Cartagena Convention, the *Wider Caribbean Region* comprises the marine environment of the Gulf of Mexico, the Caribbean Sea and the areas of the Atlantic Ocean adjacent thereto, south of 30 north latitude and within 200 nautical miles of the Atlantic Coasts of the United States. The countries of this Region (who are also members of the Caribbean Environment Programme) are: Antigua and Barbuda, Bahamas, Barbados, Belize, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Saint Lucia, St. Kitts and Nevis, St. Vincent and the Grenadines, Suriname, Trinidad and Tobago, and Venezuela.

in the WCR, also known as the Cartagena Convention (adopted in Cartagena, Colombia on 24 March 1983), and signed the Protocol on the Control of Pollution from Land-Based Sources and Activities (LBS Protocol), which was adopted on October 6, 1999. The LBS Protocol sets several goals to govern domestic sewage discharges into the waters of the Wider Caribbean Region.

While countries increasingly recognize the importance of improving wastewater management, obstacles exist to meeting the obligations of the LBS Protocol and taking such steps. UNEP/GPA reported in their 2006 State of the Marine Environment Report that significant financial constraints exist and that there is a lack of adequate, affordable financing available for investments in wastewater management in the Wider Caribbean Region. Smaller communities in particular often find it difficult to obtain affordable financing for making improvements in wastewater infrastructure.

In addition to financial constraints and barriers, other substantial barriers also exist. These include inadequate national policies, laws and regulations; limited enforcement of existing laws and regulations; poor communication and collaboration between various sectors and agencies which contributes to a fragmented approach to wastewater management; and limited awareness, knowledge and understanding of appropriate, alternative and low cost wastewater treatment technologies. Other limitations in technical capacity (e.g., in developing project proposals, operating and maintaining treatment systems, and monitoring and analyzing wastewater discharges and impacts) delay the progress of effectively managing wastewater.

Moreover, wastewater treatment is considered by many water utility managers and stakeholders as a low priority. In most cases, provision of a reliable and safe potable water supply generally ranks first, with the second priority being the collection of sewage by means of covered sewerage systems, and lastly wastewater treatment. Countries often engage in “opportunistic capital planning” based on the availability of funding from donors or governments, and not on best value and net economic benefit.

Developing innovative financial mechanisms, and making affordable resources available, to assist countries in the WCR to establish or expand domestic wastewater management programs and policies, to provide for the financing of cost effective, sustainable and environmentally acceptable wastewater management facilities based on community needs, constitutes a very high priority for the Region.

Based on the above, UNEP-CAR/RCU and IADB requested assistance from GEF on behalf of the countries of the Wider Caribbean Region to improve the capacity of countries in wastewater management through the development of a prototype Regional Revolving Fund as a possible modality for providing sustainable financing for wastewater management projects in the region while also addressing key capacity constraints within existing legal, institutional, educational and policy frameworks for wastewater management. A PIF was therefore designed and cleared by the CEO on 26 September 2008 and subsequently approved by Council on 12 November 2008. The baseline information available to date is not sufficient to design the most effective intervention. The following activities will be undertaken during the Preparatory Phase Grant (PPG) by UNEP-CAR/RCU in collaboration with IADB.

In order to facilitate the development of an effective capacity building programme that assists countries in the Wider Caribbean Region overcome existing constraints to improving wastewater

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management systems and to increase the effectiveness of regional and international MEAs dealing with pollution prevention such as the LBS Protocol, this project will seek to develop a prioritized programme of capacity building interventions. These will be based on readily-available information and data from relevant national, regional and international agencies on the state of wastewater management in the Region, the existing policy, legal and institutional frameworks and the development of improved mechanisms for stakeholder involvement, awareness raising and information dissemination.

B. Scope of Assignment

Task 1. Conduct detailed national reviews and gap analyses of existing policy, legislative, and institutional frameworks for wastewater management within participating pilot countries.

Task 2. Based on the outputs of Task 1, prepare national training needs assessments.

Task 3. Based on the output of Task 2, prepare TORs for the formulation of regional targeted capacity building and training activities to overcome existing policy, legislative and institutional barriers and gaps as part of a single consolidated document summarizing all outputs.

C. Expected Outputs

National Country Reports on Policy, Legislative and Institutional Frameworks:

A compilation of relevant policies, laws and regulations for each pilot country related to wastewater management. This compilation should, at minimum, include:

- Brief national summaries of all relevant policies, legislation and regulations for wastewater management;
- Analysis of gaps in policy, legislative, institutional, regulatory knowledge base ('gap analysis') in support of wastewater management;
- Assessment of adequacy of existing policies and legislation to enable national compliance with Annex III of the LBS Protocol of the Cartagena Convention.

Regional Consolidated Document:

A single report highlighting regional trends, similarities, and differences related to the review of national policies, legislation and institutional structures, gap analyses, national needs assessments, and detailed TORs for targeted capacity building activities identified during the 'gap analysis'. This report will be part of the full project proposal developed.

D. Methodology

Upon signature of the contract, a teleconference between the UNEP-CAR/RCU and the Consultant will be held to discuss the TORs. Background information will be made available to the Consultant by the UNEP-CAR/RCU. Thereafter the Consultant will work from his/her desk using a participatory approach whereby key representatives of the UNEP-CAR/RCU, the

UNEP/DGEF Task Manager, IADB and other relevant staff will be kept informed and regularly consulted throughout the process. The Consultant will liaise with the UNEP-CAR/RCU and the UNEP/DGEF Task Manager on methodological issues to properly conduct the consultancy given the circumstances and resources offered.

It is expected that a considerable amount of this work can be completed through research, literature reviews, telephone meetings and conferences, correspondence, questionnaires, group or individual discussions, and attendance at organized or scheduled meetings. The Consultant will participate in the November 2009 workshop and other teleconferences and meetings as might be deemed appropriate and present his/her work for collective review and comments. The draft report will be circulated to UNEP-CAR/RCU, IADB, and the UNEP/DGEF Task Manager. Any comments or responses related to the draft report will be sent to the UNEP CAR/RCU for review and the Consultant will be advised of any necessary revisions.

The report will be based on the following:

- A desk review of existing available information.
- Interviews with national and regional stakeholders and the UNEP/DGEF Task Manager.
- The Consultant shall determine whether to seek additional information and opinions from representatives of donor agencies and other organisations. As appropriate, these interviews could be combined with an email questionnaire.
- The Consultant shall also gain broader perspectives from discussions with relevant GEF Secretariat staff.

E. Qualifications

This assignment is ideally undertaken by a team of consultants, comprising national/regional experts and a team leader. The members of the team should possess the following qualifications:

- A Master's degree in a relevant field (law, political science, environmental studies) with at least two (2) years post-qualification and relevant experience. Alternatively, undergraduate qualifications in a relevant field with at least five (5) years relevant post-qualification experience.
- Knowledge and experience in policy analysis and needs assessments is necessary and experience with wastewater management is highly desirable.
- Experience with preparing GEF Project Proposals will be an asset.

F. Workplan, Reporting Formats and Timetables for Deliverables

UNEP-CAR/RCU will provide the template for reports required for this assignment including a Log Frame for the full project proposal. The final report submitted including all outputs will be structured to include its own Monitoring and Evaluation Plan, budget, indicators and log frame to form a specific component of the full project proposal.

Duration

The time frames allocated for the deliverable are as follows:

- Task 1 Output – 60 working days (10 days per country)
- Task 2 Output – 15 working days
- Task 3 Output - 15 working days

These working days will span a period of 4 months between Jul 1st and October 31st 2009 in accordance with the following schedule:

Deliverable	Date for Submission
Start of Assignment	Jul 1 st
First Draft of Country Policy, Institutional and Legal Reviews	Jul 31 st
Final Report of Policy, Institutional and Legal Reviews	Aug 31 st
First draft of Consolidated Report including TORs and Needs Assessments	Sep 15 th
Final Consolidated Report including TORs and Needs Assessments;	Sep 30 th

Location: Travel from place of residence to regional workshops as appropriate.

Language: English and Spanish

Cost: USD 35,000 including travel costs for participation at the regional workshop in November 2009.

G. Cost and Payment Schedule

Payment will be made on the basis of outputs as follows:

Item	Time	Payment
Final Report of Policy, Institutional and Legal Reviews	Aug 31 st	USD 70%
Final Consolidated Report including TORs and Needs Assessments;	Sep 30 th	USD 30%
	TOTAL	USD 35,000

The fee is payable under the individual CPR contract and is inclusive of all travel, accommodation and incidental expenses. The Consultant will be responsible for making his own travel and insurance (medical, travel, baggage, etc.) arrangements according to the work schedule.

H. Reporting Format:

The detailed reports for products will be presented based on the format provided by UNEP-CAR/RCU. The Executive Summaries of the same should not exceed one page. The products will be written in English and presented in electronic format in MS Word and Excel formats.

Subsequently, the report will be sent to UNEP-CAR/RCU for their review, appraisal and comments. Comments received from the local executing agencies as well as UNEP-CAR/RCU will be consolidated by UNEP-CAR/RCU and passed on to the Consultant for comments.

Intermediate and final products of the consultancy will be sent by email to Nelson Andrade Colmenares, Coordinator, UNEP-CAR/RCU (rcu@cep.unep.org) with a copy to Christopher Corbin, AMEP Programme Officer at cjc@cep.unep.org.

I. Submission Requirements

Proposal submissions are to include:

- A brief summary of approach to be taken (not more than 3 pages)
- A schedule for delivery of outputs
- Detailed CVs with information on the experience and competence of the person(s) who will undertake the assignment as well as evidence of working on similar projects.

J. Evaluation Criteria

Proposals will be evaluated based on suggested approach, qualifications and experience.

Proposals must be submitted by e-mail or in hard copy no later than 30th June 2009 to:

**Nelson Andrade Colmenares
Coordinator
UNEP CAR/RCU
14-20 Port Royal Street
Kingston
JAMAICA
Tel.: (876) 922-9267-69
Fax: (876) 922-9292**

Attn: Christopher Corbin cjc@cep.unep.org