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## TERM OF REFERENCES

Assignment Title:	<b>National Consultant for Development of Ecotourism Prakas</b>
Ref No.:	MOE-CS-16R-2022
Project Name:	The Cambodia Sustainable Landscape and Ecotourism Project (CSLEP)
Assignment Location:	Project Implementation Unit (PIU), Ministry of Environment, Phnom Penh
Assignment Duration:	80 working days spanning over one year, starting as soon as possible
Assignment Type:	Individual, Intermittent
International recruitment:	No

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### PROJECT BACKGROUND

The World Bank and the Global Environment Facility (GEF) are supporting the Royal Government of Cambodia (RGC) on IDA-financed and GEF-additional financed project entitled “Cambodia Sustainable Landscape and Ecotourism Project”. The project commenced on October 17, 2019, with the expected closing date on December 31, 2025.

The project is implemented by the Royal Government of Cambodia, Ministry of Environment (MoE) as the Executing Agency (EA) and as the Implementing Agency (IA) for components 1-2, and the Ministry of Rural Development (MRD) as IA for component 3. The EA and IA have established their respective Project Implementation Teams with expertise on technical, administration, environmental and social safeguards, procurement, and finance. Strategic direction and guidance for the management and operation of the project is provided by a high-level Project Steering Committee, chaired by MoE.

The Project Development Objective is to improve Protected Areas (PAs) management, and to promote ecotourism opportunities and Non-Timber Forest Product (NTFP) value chains in the Cardamom Mountains-Tonle Sap (CMTS) landscape.

The CMTS landscape covers more than 3.8 million ha including one of the world’s most productive freshwater fisheries and the largest protected forest in the Indochina. The target area covers 7 provinces include Kampong Speu, Koh Kong, Kampong Chhnang, Pursat, Battambang, Siem Reap and Kampong Thom with 7 protected areas (PAs) - Tatai WS, Southern Cardamom Mountain NP, Central Mountain Cardamom NP, Phnom Aural WS, Phnom Samkos WS, Cardamom Biodiversity Corridor and Tonle Sap Multiple Use Area. With the GEF resource, the government is able to expand critical activities to PAs in the CMTS Landscape, for the sake of benefiting a number of smaller PAs neighbouring and subsequently it allows the Government to look at the CMTS Landscape in a more comprehensive manner, which will allow a more comprehensive approach on law enforcement, increase community development and socio-economic benefits, and enhance biodiversity and watershed functions of the CMTS.

Optimizing Cambodia's ecotourism and NTFP potential in CMTS lies in addressing the limited access infrastructure and connectivity of the region. Specific investments will be undertaken to improve connectivity and to build entrepreneurial skills for ecotourism and NTFP value chains. Further targeted investments will be made in strengthening the Protected Area (PA) system of the CMTS landscape as a significant proportion of the natural capital occurs within PAs via the form of engagement with active partner NGOs who are operationalizing in the targeted areas.

The project undertakes strategic investments that are well aligned with RGC's development plans, in targeted areas within this landscape, through five components: (1) Strengthen Capacity for PA Landscape Planning and Management; (2) Strengthen Opportunities for Ecotourism and NTFP Value Chains; and (3) Improve Access and Connectivity; (4) Project Management, Coordination, Monitoring and Evaluation; and (5) Contingent Emergency Response.

Along with this, five indicators were set up to measure the achievement of the project development objective: (1) Protected areas under improved management; (2) Visitors in selected community-based ecotourism sites; (3) Community groups with an increase of one or more on index of natural resources value addition; (4) Proportion of beneficiaries of business development services (BDS) that are women; and (5) Targeted community members satisfied with benefits from project.

The project will use ecotourism as a driver and strengthen the NTFP value chains to boost economic prosperity of the rural communities and enhance management of the rich natural capital of the CMTS landscape.

In component 2, Sub-Component 2.1: Strengthen Opportunities for Ecotourism Development and Sub-Component 2.2: Promotion of NTFP value chains, are highlighted in the project Environmental and Social Management Framework as potential to cause environmental and social impacts at various levels from small to moderate. The ecotourism development would involve infrastructure development such as parking lot, ecotourism center, souvenir shop, gateway center, restroom, community kitchen, café, boardwalk, trails walk, trekking and hiking trails, installation of signage, food production and processing, tourist handicraft production, resting benches and more facilities. All of these activities require proper management otherwise they would lead to increase waste generation, water pollution and disturbance to biodiversity and ecology. The project aims to establish 15 Community Based Eco-tourism (CBET) sites across the 7 provinces of the project target area. The preparation of innovative and detailed destination visions and related investment plans (DVIPs) are ongoing for the sustainable development of tourism in three selected priority destinations in the project target areas. DVIPs include (i) Cardamom Mountains in Koh Kong province; (ii) Cardamom Mountains in Pursat and Kampong Speu provinces; and (iii) Siem Reap Province. It is expected that the CBET plans align with the relevant DVIPs and it is also expected that CBET plans will be developed in accordance with relevant Protected Area (PA) and CPA management systems and other tourism and ecotourism related policy and regulatory frameworks in Cambodia. 15 CPA/CBET will be supported by the project to improve the accessibility, infrastructure and services.

To ensure the project objective will be successfully achieved and its impact can be expanded extensively and sustainably, private sector involvement in ecotourism investment is deemed as a necessary mechanism to support. Likewise, ensuring enabling environment for private sector investment in this area requires concrete, reliable and supportive legal framework. Thus, MoE-CSLEP is formulating Prakas in order to provide legal support focusing on small and large scales ecotourism investment and community-based ecotourism.

## **OBJECTIVES OF THE POSITION**

**Under supervision of and reporting to the Project Manager**, the National Legal Consultant will work closely with the Ecotourism component lead and other members of the project team to provide technical support in formulating the Prakas to provide legal support focusing on small and large scale ecotourism investment and community-based ecotourism in the project target areas of CMTS Landscape.

To ensure the process and results of Prakas formulation is robust, comprehensive and practical, the consultant will work closely with relevant government official, the World Bank, Private Sector, communities and other concerned ministries.

## **SCOPE OF WORKS**

The National Legal Consultant is expected to provide technical and legal related services and support functions pertaining to the development of two (2) inter-ministerial Prakas on (i) Prakas for Ecotourism Investment Projects in Protected Areas, and (ii) Prakas for Community-based Ecotourism Development. Furthermore, the consultant shall ensure that the two Prakas will be in full compliance with the laws and regulations of the Royal Government of Cambodia.

During the assignment period, the consultant shall also ensure that draft copies of reports, memoranda, and other written documents, as well as other legal advices, shall be prepared and provided within established periods for each agreed deliverable.

To produce and deliver the agreed deliverables, the Consultant shall consult with the government's officials as appropriate on the legal issues presented under this contract and may be given access to confidential and sensitive information that may not be released to the public and must be returned or destroyed after contract completion.

## **TASKS & DELIVERABLES**

The National Legal Consultant is expected to complete and achieve the scope of works and specific activities of the assignment as follows:

- 1) Produce an Inception Report including scoping and detailed Workplan
- 2) Produce a short report of the legal review and recommendations for improving the draft Prakas, and advice on legal-related matters pertaining to the development of ecotourism investment projects in Protected Areas,
- 3) Finalize the two (2) inter-ministerial prakas by taking full responsibilities for improving them with the following considering:
  - a. Legal authority affecting actions proposed or taken with respect to the ecotourism investment projects;
  - b. Proposed standard language for ecotourism contracts;
  - c. Proposed standard prospectus packages and processes for ecotourism investment project services;
  - d. Source selections procedures and award issues.
  - e. Ensure that the Prakas development provide conducive environment for private sector in connection with community-based ecotourism and beyond.

- f. Ensure that stakeholder consultations are comprehensively made, collect and analyze inputs for the Prakas.
  - g. Provide overall technical and administration assistance and ensure that the two Prakas are finally completed.
- 4) Provide advice on other legal related matters arising from or pertaining to the development of ecotourism investment projects in Protected Areas.

#### DESIRED QUALIFICATIONS

<b>Education</b>	<ul style="list-style-type: none"> <li>• At least Master Degree in Law, Ecotourism, Natural Resource Management, Environmental Science or Public Policies</li> </ul>
<b>Knowledge</b>	<ul style="list-style-type: none"> <li>• Have a good command of legal/policy issues in Ecotourism/Tourism in Protected Area</li> <li>• Have a good command of the Protected Areas Law, the Law on Concessions, Land Law, and Tourism Law or other related Prakas.</li> <li>• Previous involvement in the preparation of any Prakas/Regulations would be most preferred.</li> </ul>
<b>Experience</b>	<ul style="list-style-type: none"> <li>• At least 10 years of professional experience in Ecotourism/Tourism in Protected Area</li> <li>• At least 8 years of professional experience on legal work in Cambodia, including on review and development of legislation.</li> <li>• Demonstrated experience on Laws and Polices of the Royal Government of Cambodia that pertain to natural resources management, land concessions and land management.</li> <li>• Experiences in the development of related Prakas</li> </ul>
<b>Competencies</b>	<ul style="list-style-type: none"> <li>• Strong experience on legal review of legislation;</li> <li>• Strong experience on Ecotourism/Tourism in Protected Area;</li> <li>• Experiences in the development of strategic documents, including work plans and action plans.</li> <li>• Teamwork – proven ability to work effectively as part of the team and develop constructive working relationships with stakeholders</li> <li>• Organisation – proven ability to bring a highly organised approach to complex tasks</li> <li>• Problem solving – proven ability to apply practical solutions to real world problems</li> <li>• Communications – excellent skills in communication, negotiation and documentation</li> </ul>
<b>Language Requirements</b>	<ul style="list-style-type: none"> <li>• Good in spoken and written English and Khmer.</li> </ul>