**TERMS OF REFERENCE**

**Ref. 28:20: Propose the contents of the biodiversity offset and related biodiversity impact assessment content in the revision of the Environment Protection Law and regulations**

Scope of work: Policy Expert/s

Place of work: Hanoi and project area

Deadline(s): July 30th 2020

Date: May 1st 2020

**1. Background**

The Vietnam Environment Protection Law (the Law) affirms that strategic environment assessment (SEA) and environment impact assessment (EIA) are the important tools to prevent environmental pollution and degradation and protect biodiversity values when developing as well as implementing plans/projects. In practice, many planning activities and projects have not paid adequate attention to biodiversity while carrying out SEAs or EIAs. In some cases, negative biodiversity impacts have been identified, but sound remedies and mitigation measures are still not in place due to limitations in the understanding of developers of the importance of the biodiversity component in the EIA process, and how to address the impacts. Recognizing the Law has proven weakness to address environmental, including biodiversity degradation, Vietnam’s National Assembly passed a decision on the revision of the Law. The Ministry of Natural Resources and Environment (MONRE) has been assigned as the leading agency for the revision, with its subordinated Biodiversity Conservation Agency (BCA) being a focal point on biodiversity impact assessment and biodiversity offsets issues.

Biodiversity offsets are a measurable way to compensate residual biodiversity impact of development projects and also still very new in Vietnam. In recent years, some development projects with huge negative impacts on biodiversity have been implemented without any compensation. It is only partially applied in the forestry sector, where the replanting of trees is required to compensate for area of forest loss caused by the projects. However, this just addresses the area of trees removed, but the actual biodiversity values of the compromised forests are not identified or accounted for.

From 2014 to 2015, in cooperation with the Asian Development Bank (ADB), BCA had initially studied and made a road map for biodiversity offsetting in Vietnam. However, the methods, rules and regulations for biodiversity offsets need to be further elaborated and some specific contents need to be updated to underpin any policy change to apply offsets consistently in Vietnam.

The WWF-CarBi project aims to effectively conserve biodiversity and ecosystems in the Central Annamites Landscape of Vietnam and Laos. This goal provides the framework for interventions

to conserve biodiversity directly, as well as the building of capacity for strengthened biodiversity conservation. The project contributes to the conservation, restoration and sustainable use of ecosystems and the preservation of biodiversity in the Central Annamites, which in turn will support the government of Vietnam in fulfilling their obligations under the Convention on Biological Diversity. Among its activities, an important focus of the project is implementing measures for averting/mitigation and compensation for biodiversity loss – biodiversity offsets.

**2. Objective of the study**

Under this task, policy expert/s will be recruited to carry out an overarching study to review relevant biodiversity offset strategies developed and applied at both international and Vietnam levels, and after considering lessons learnt and local legal imperatives/requirements, to draft the contents of the proposed Biodiversity Impact Assessment and Biodiversity Offsets Sections for the revision of the Environment Protection law and other regulations.

**3. Duties of the expert/s**

The policy expert/s will conduct the following:

* Summarising international experiences in biodiversity offsetting, including all relevant international Conventions/Treaties or other related Regulations/Guidelines.
* Summarising policies, regulations and relevant activities regarding biodiversity offsetting in Vietnam.
* Based on the above, analysing strengths, challenges, as well as the social, economic and environmental impacts which proposed biodiversity offset regulations may have once implemented.
* Proposing the biodiversity offsets input as well as the related biodiversity impact assessment (BIA) for the revision of the Environmental Protection Law, including Decrees and/or Circulars, and more specifically:
* The contents of the BIA proposal must include, but are not limited to a) the categories of projects/plans which require conducting BIA, b) the scope and scale of BIA, c) principles when conducting BIA, d) procedures to conduct BIA, and e) the contents of a BIA report.
* The contents of the biodiversity offset proposal must include, but are not limited to a) the categories of projects/plans which require biodiversity offsets, b) guiding principles for applying biodiversity offsetting, c) principles of biodiversity offsetting, d) methods and measures, e) protocols/procedures for establishing and operating biodiversity offsetting, g) financial mechanism, including ecosystem accounting protocols for biodiversity offsets in Vietnam.
* Assist in organizing a technical workshop/meeting to present and defend the results to the relevant stakeholders, and to solicit participation, input into and endorsement of the proposed modalities.
* Work closely with the Biodiversity offset component lead of the WWF-CarBi project and Biodiversity Conservation Agency (BCA) to ensure high levels of cooperation in concluding the deliverables in due time at appropriate levels of quality.

**4. Outputs**

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| **No** | **Outputs** | **Language** | **Due date and working days** | **Comments** |
| 1 | An overarching report on an international experience analysis, including lessons learnt regarding biodiversity impact assessment and biodiversity offsetting regimes applied by other countries. | Vietnamese | 15 May, 2020  15 days | To be approved by BCA and WWF |
| 2 | An overarching report on current policy frameworks, regulations and activities analysis in Vietnam, regarding biodiversity impact assessment and biodiversity offsetting, including lessons learnt, strengths and challenges as well as socio-economic impacts of biodiversity offsetting | Vietnamese | 30 May, 2020  15 days | To be approved by BCA and WWF |
| 3 | A report on proposing the contents of biodiversity offsetting and its related biodiversity impact assessment protocols/regulations for the revision of the Environmental Protection Law, including Decree, Circular or guidelines, according to the prescribed Vietnam government format | Vietnamese | 25 June, 2020  25 days | To be approved by BCA and WWF |
| 4 | Stakeholder Workshop/meeting minutes | Vietnamese | Between 5 and 20 July, 2020  2 days |  |
|  | **Total** |  | **57 days** |  |

**5. Qualifications**

The Policy Expert is required to have proven knowledge, skills and experience as follows:

* At least Master degree on environment/ environmental economics or equivalent
* Minimum 10 years in environment protection, environmental/resource economics or equivalent.
* Experience and proven track record in policies, regulation development, particularly in environmental protection
* A sound understanding of Biodiversity Offsetting and Environmental Impact Assessment protocols
* Experience in project development and implementation, particularly in environmental protection
* Working experience in implementation of similar ODA/NGO projects
* Strong interpersonal and communication skill

#### **6. Working Relationships**

##### Internal

The consultant will report to the Biodiversity offset component lead of the WWF-CarBi project

Other relevant support and input will come from WWF-CarBi project team members.

##### External

Work with all partners especially Government authorities, MONRE, and national/ international experts.

**7. WWF’s Mission and Values**

It is part of every staff member’s terms of reference to contribute to **WWF’s mission**:

WWF’s Mission is to stop the degradation of the planet’s natural environment and to build a future in which humans live in harmony with nature, by:

*- Conserving the world's biological diversity*

*- Ensuring that the use of renewable natural resources is sustainable*

*- Reducing pollution and wasteful consumption.*

It is also part of every staff member's terms of reference to embody WWF's **values**, which are: Passionate & Optimistic, Challenging & Inspiring, Credible & Accountable, Persevering & Delivering Results.