



## Conserving biodiversity and enhancing ecosystem functions through a 'Ridge to Reef' approach in Cook Islands (Cook Islands R2R)

### REQUEST FOR QUOTES (RFQ): PROTECTED AREAS MANAGEMENT POLICY ADVISER (position #6b)

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## 1. Introduction

### 1.1 Project description

The Cook Islands Ridge to Reef (R2R) project is funded by the UNDP Global Environment Facility (GEF) in partnership with the Cook Islands Government. The project aims to enhance the capacity of the Cook Islands to effectively manage its protected areas and sustainably manage its productive landscapes at local scales while considering food security and livelihoods. This includes the operationalisation of the Cook Island Marine Park (CIMP) (covering approximately 1.1 million km<sup>2</sup> of Cook Islands southern Exclusive Economic Zone - EEZ<sup>1</sup>) and the establishment and strengthening of various forms of protected and locally managed areas within the CIMP, including protected natural areas, community conservation areas, and ra'ui sites<sup>2</sup>.

In so doing, the project will support the Cook Islands in maintaining traditional resource management and conservation systems and approaches, including a leading role for traditional and local leaders and the local communities that they represent in the declaration and management of protected areas, while also integrating these traditional systems into a formal legal and institutional system of protected areas.

The project will support the Government in tailoring policy, regulatory and institutional frameworks to suit the specific characteristics of the Cook Islands and of the new CIMP, recognising that protection and sustainable use will need to be zoned and planned carefully, and that tenure over most land areas is vested in local communities through a traditional tenure system.

The project has been designed to engineer a paradigm shift in the management of marine and terrestrial protected areas - from a site centric approach to a holistic 'ridge to reef' management approach, whereby tourism and agriculture activities in production landscapes adjacent to marine and terrestrial protected areas will be managed to reduce threats to biodiversity.

The project started in July 2015 (upon signature of the project document) and was originally intended to be completed and close in July 2019. However approval was provided in early 2019 for a no-cost project extension to 6 January 2021.

The Cook Islands National Environment Service (NES) is the lead executing agency for R2R, responsible for project management, coordination and collaboration with implementation partners.

The project has seven output areas as follows:

- Output 1.1: Strengthened legal / regulatory and policy frameworks for protected areas
- Output 1.2: Expanded and strengthened management systems for protected areas
- Output 1.3: Strengthened institutional coordination and capacities at the national and local levels for the participatory management of protected areas
- Output 1.4: Financial sustainability framework developed for system of protected areas
- Output 2.1: Ridge to Reef approaches integrated into land use and development planning
- Output 2.2: Biodiversity conservation mainstreamed into agriculture sector
- Output 2.3: Biodiversity conservation mainstreamed into tourism sector.

The Government of Cook Islands is recruiting a Protected Areas Management Policy Adviser under outputs 1.1, 1.2 and 1.3 of the Cook Islands Ridge to Reef Project.

### 1.2 Project design

The R2R project design includes a Strategic Results Framework (SRF) which forms the basis to project planning, and monitoring, evaluation and reporting (MER). The SRF defines the R2R objective as:

*To build national and local capacities and actions to ensure effective conservation of biodiversity, food security and livelihoods and the enhancement of ecosystem functions within the Cook Islands Marine Park.*

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<sup>1</sup> Since the R2R project was initially designed and commenced (in July 2015), the CIMP (renamed as Marae Moana) has been extended to cover the entire EEZ.

<sup>2</sup> Raui : traditional form of protected area as used in Cook Islands

There are two project ‘components’ (outcomes):

- Outcome 1: Strengthening protected areas management
- Outcome 2: Effective mainstreaming of biodiversity in key sectors to mitigate threats within production landscapes.

This consultancy falls within outcome 1.

The SRF has 34 key performance indicators (KPIs) with targets; these targets will be the basis upon which the performance of the project will be assessed during the R2R terminal evaluation (TE) (anticipated to be commissioned by UNDP in October 2020).

SRF indicators and targets directly related to this consultancy are:

SRF #	Description of Indicator	End of project target level
6	Updated and consolidated legal framework for management of the Cook Islands Marine Park (CIMP) and all other protected areas in the country.	Review of legislative framework for protected areas and development of a Protected and Managed Areas Policy, national protected areas classification system developed through policy.
7	Consolidated management authority for protected areas in the Cook Islands.	Legislative review and policy identifies appropriate mechanisms for coordination and management of protected areas by end of project.

Reform of the protected areas management (PAM) system forms a key part of the R2R Project. The adviser is expected to provide professional strategic and technical advice in support of the above outputs.

## 2. Background

### 2.1 Legislative design

A recent capacity needs assessment report (CNAR) and strengthening plan undertaken through R2R (Twyford 2019a, 2019b) identified significant issues that require consideration in any improvements and reforms to the Cook Islands PAM system. These issues include:

- The existing framework for protected areas and biodiversity conservation is complex, fragmented and dispersed amongst multiple pieces of legislation and organisations: NES, Marae Moana Coordination Office (MMCO), Ministry of Marine Resources (MMR), House of Ariki, Ministry of Culture, island governments and customary landowners all have responsibilities in different ways for protected areas.
- Overall organisational roles are in places unclear, duplicated or not defined at all.
- The Cook Islands has designated Marae Moana, one of the world’s largest multiple-use marine managed areas, and passed the Marae Moana Act. The Act and associated mechanisms give prospects for a strong coordination and integration framework. However responsibilities for management are diffuse and dispersed amongst three key organisations: NES, MMCO, MMR.
- There is no national protected areas legislation and protected area management responsibilities are fragmented rather than being consolidated.
- A national protected area classification system is urgently required.
- The current legislation exists as standalone instruments. There is no legislation or planning system that operates across the land-sea ecosystem, that integrates and connects Marae Moana with the islands, and that ensures land use activities do not have detrimental impacts upon adjoining marine areas.

- The situation has potential to be improved – or regress. For instance the draft Marine Resources Bill has provisions for MMR to set up marine reserves. If this proceeded it would further fragment responsibilities, dilute already limited resources, and likely create even more confusion than currently exists. MMR and NES have been directed to consult and harmonise bills – this is a positive move.
- However there does not appear to be any government policy basis for legislative design – policy that would set direction, shape design and identify a lead organisation. In this absence there is a real risk that individual agencies will continue to develop disparate legislative provisions that are disintegrated, only serve individual agency needs and interests, and perpetuate if not exacerbate conflict and confusion.
- Other important legislative issues include:
  - Lack of recognition of the need for an integrated, national protected area system across land and sea.
  - Associated with this, no organisation has been identified to be responsible for and to lead this function.
  - Imprecise role definition between organisations. Absence of a functional responsibility ‘map’ that articulates and designates responsibilities for different PAM functions between agencies is a significant capacity gap. Such PAM functions include: legislative design, system and organisational performance oversight, policy, strategy, service delivery, regulation and compliance, information management, and so forth.

Overall the absence of a coherent legislative design and functional responsibility map for protected areas is a major capacity need and gap for the country. The need for legislative reform is pressing and it is critical that design plans are developed as matter of urgency and that plans are well constructed. Significant risks exist if the status quo remains, and risks are just as significant if reforms are half-hearted and not well suited to needs.

## 2.2 Governance

The CNAR (Twyford 2019a) also identified significant issues with PAM governance.

The Cook Islands has an impressive and comprehensive system of high-level governance forums in place to oversee and coordinate government activity across the environment and protected area sector. At peak level there is the Marae Moana Council, National Environment Council and Marine Resources Council (as per draft Bill). Below this peak grouping there are a myriad of committees (statutory and non-statutory) such as Marae Moana Technical Advice Group (TAG), National Biodiversity Steering Committee (NBSC<sup>3</sup>) and Seabed Minerals Advisory Committee.

However the system has grown and developed in the absence of a clear plan and in absence of a coherent legislative framework. One could argue that when considering governance, *less is best*, and particularly so in a country like the Cook Islands with a small population and limited human resource capacity.

Much the same issues exist for governance forums as for legislative design: there are functional overlaps and gaps, lack of integration and an integrating mechanism, and lack of any overall strategic design. Although the Marae Moana Policy and Act are designed to integrate, this integration needs strengthening through amendment of the various resource use and management acts (seabed minerals, marine resources, environment). Added are issues of common membership across forums and the seniority and capabilities of forum members. For instance poor attendance levels at the NBSC and lack of seniority of some members was identified by Twyford (2019a) as a barrier to effective decision-making on this governance forum.

Current approaches to establish Environment, Seabed Minerals and Marine Resources Bills should at minimum establish the required legislative framework along the lines of the Marae Moana Policy (ie. be driven by the principles of integration, coordination and simplicity). In fact the existing Marae Moana institutional arrangements (Council, TAG) already provide a very sound basis for an integrated governance system.

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<sup>3</sup> Also functions as project board/steering committee for R2R project

To summarise, the key capacity needs in this area are:

- Thorough review of existing governance forums with a view towards introduction of greater efficacy and integration.
- If and when legislative reform is addressed, opportunity exists to redesign the 'architecture' for governance and to introduce much needed improvements in efficacy, decision making, and organisational role definition. This is a major capacity need.

### 2.3 Review of Environment Act

The NES is currently undertaking an Environment Policy and Legislation Review Project 2019-2020. Substantial work has been undertaken to assess the Environment Act, identify key policy issues, and develop possible solutions; a draft Policy is expected in mid to late-2020 that will be used to inform legislative amendments.

The review has concentrated on the Act's objectives, structure and definitions, governance, geographical coverage and application, and on specific environmental protection themes: pollution, environmental impact assessment, waste management, and biodiversity conservation.

It is recognised by NES and other government stakeholders that the breadth and complexity of issues associated with terrestrial and marine PAM is beyond the scope of the current Environment Policy and Legislation Review Project. There needs to be a separate yet closely linked PAM Policy Project that feeds into and informs the Environment Policy Project.

## 3. Key activities

The aims of this consultancy are to:

- Play a lead role in the development of the Cook Islands Protected Areas Management Policy (PAMP).
- Provide the R2R Project and government agencies with strategic and technical advice about protected areas policy and management on an as requested basis.

This consultancy will be contracted and implemented in two stages:

- Stage 1 is the subject of this ToR and procurement process. Activities will be undertaken remotely from the adviser's home base.
- Stage 2 will be the subject of either a contract extension or a separate procurement process. Activities will be a mix of in-country and home based.

The full scope of activities are described below so that consultants are aware of how stage 1 relates to the broader policy project.

### 3.1 Stage 1

**Stage 1** of the PAM Policy will have the following in scope:

- Review, assessment and analysis of the key PAM Acts<sup>4</sup>:
  - Marae Moana Act 2017
  - Environment Act 2003
  - Documents developed as part of the 2019-20 Environment Policy and Act Review project
  - Marine Resources Act 2005 and draft Marine Resources Bill
- Review, assessment and analysis of other acts and regulations that have an important bearing upon PAM. These include:
  - Island Government Act 2012-13
  - House of Ariki Act
  - Environment (Atiu and Takutea) Regulations 2008

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<sup>4</sup> Copies of Cook Islands legislation are available through the online Pacific Islands Legal Information Institute (PACLI) <http://www.pacii.org/countries/ck.html>

- Environment (Mitiaro) Regulations 2008
  - Environment (Aitutaki and Manuae) Regulations – currently being redrafted
  - Cultural and Historic Places Act 1994-95
  - Others as identified by adviser and R2R.
- Identification and assessment of other key documents that have implications for PAM including:
    - Government policies (eg. National Sustainable Development Plan 2016-20<sup>5</sup>, National Biodiversity Strategy and Action Plan (NBSAP) 2016-2020)
    - Regional and international agreements (eg. Convention on Biodiversity Conservation (CBD), United Nations Framework Convention on Climate Change (UNFCCC))
    - Previous Cook Islands legislative and policy reviews (eg. Mataki (2014), Rose (2014), CommSec (2017), Laurie (2018), Twyford (2019a, 2019b))
    - Similar processes from other developing countries (eg. PNG, Philippines, Palau, etc).
  - Based on findings from the above activities, develop a draft and final discussion paper that includes the following:
    - Identify issues, conflicts, gaps and overall observations.
    - SWOT analysis for PAM.
    - SWOT analysis for governance and organisational arrangements.
    - Priority areas required to reform protected areas legislation and institutional and governance arrangements.
    - Implementation arrangements for islands and the territorial seas (coastline to 12 nm) including options for integrated land-sea management, management planning, and zoning. Particular emphasis is required on interactions between the Environment, Island Government and Marae Moana Acts.
    - Strategic assessment and recommendations on a conceptual model for PAM policy and legislation.
    - Potential organisational arrangements including agency roles and responsibilities that might flow on from conceptual model.
    - Potential opportunities, initiatives and targets that government may wish to consider for inclusion in the National Sustainable Development Plan (NSDP) 2021-25 and to adopt as government policy positions. This might include international obligations under the CBD, UNFCCC and other treaties, as they relate to PAM.
    - Other matters as identified by the adviser and project team.
  - The draft paper will be reviewed by the project team and select other stakeholders; feedback to be considered in development of the final discussion paper.
  - Support development of an integrated classification system for land and marine protected areas – a *Protected Areas Classification System* (PACS). Eventually, this will be incorporated into changes to legislation. This is expected to be a major piece of policy work in its own right and will recognise and mitigate the considerable confusion that currently exists around protected areas terminology and concepts. The output will be a classification system that suits the Cooks Islands and accommodates the country's unique land tenure system. The PACS is already under development – the PAMP Adviser will be required to provide professional inputs and advice to this process and output.

### 3.2 Stage 2

The project may potentially continue into late 2020 and 2021 depending on progress and follow-on funding, and any changes to travel restrictions arising from the Covid-19 pandemic.

**Stage 2** of the PAM Policy may have the following in scope:

- Using the final discussion paper (from Stage 1) as the basis, undertake a comprehensive process of face-to-face consultation, dialogue and engagement with government and other stakeholders.

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<sup>5</sup> <https://www.adb.org/sites/default/files/linked-documents/cobp-coo-2017-2019-ld-01.pdf>

- Identify process for development of a comprehensive, adequate and representative network of protected areas (land and sea) across the country.
- Final PACS.
- Draft of PAM Policy for consultation with stakeholders.
- Final draft of PAM Policy for consideration by government.
- Outcomes and decisions of government regarding PAM Policy to be incorporated into legislative review deliberations: late 2020, early 2021.

### 3.3 Project management

A detailed project plan has not yet been developed<sup>6</sup> however the PAMP process will have the following features:

- Intention is to separate out PAM policy issues and consider these separately from the review of the current Environment Act 2003.
- Formal project management arrangements would be put into place:
  - Small project team to be established, led by R2R Chief Technical Adviser (already in place), the PAM Policy Adviser (the subject of this ToR), Deputy Director NES and R2R Project Manager. The project team would report to Director NES.
  - Periodic reporting to the Marae Moana Council, Marae Moana Technical Advisory Group and National Biodiversity Steering Committee.
  - Potential formation of a Project Working Group comprising representatives of key agencies (subject to government agreement on suitability of this forum and efficacy of remote communications).

## 4. Approach

The adviser is expected to:

- Review existing documentation and sources of information, and others that may be identified through his/her own research.
- Consult with R2R, NES, OPM, MMCO, MMR, Cook Islands Tourism Corporation (CITC) and other agencies and stakeholders with interests in PAM.
- Collect qualitative information through mixed methods – document review and analysis; online research; online interviews, meetings and interactions with protected area managers, tourism industry, and other stakeholders.
- Maintain close and regular contact (email, Skype, etc) with the Chief Technical Adviser (CTA) and R2R Project Manager throughout the consultancy.
- Organise and lead discussion at periodic online meetings of the project team.
- Present information and status reports to the project team and other governance forums as needed (eg. Marae Moana Technical Advisory Group, National Biodiversity Steering Committee).

## 5. Inputs and working arrangements

This is a short-term assignment with inputs as follows:

- Stage 1: up to 60 working days over a four-month duration. Inputs will be conducted through home base work. Expected duration: 1 June – 30 September 2020.
- Stage 2: Subject to change in border controls and travel restrictions associated with the Covid-19 pandemic, this contract may be extended through negotiation and involve a mix of in-country and desk-based work. Alternatively, UNDP and R2R reserve the right to retender the project.

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<sup>6</sup> A project plan is an output from this consultancy; refer to Section 5.

Reports to:

- Chief Technical Adviser (CTA) for all technical aspects.
- R2R Project Manager for all logistics and administrative aspects.

## 6. Outputs and schedule of payments

This consultancy will use output-based payments as follows:

#	Outputs	Due date	% of payment total
1	Signing of contract and lodgement of invoice	1 June 2020	10
2	Work plan	15 June 2020	10
3	Draft discussion paper	31 August 2020	40
4	Final discussion paper	30 September 2020	40
	<b>Total</b>		<b>100</b>

Notes:

- Payments subject to certification of satisfactory completion of output.
- Due dates may be adjusted to suit timing of contract signing.

## 7. Key selection criteria

Key selection criteria for this consultancy are listed below. To be considered your proposal MUST include a response against each criteria (maximum four pages total please). Relative importance of each criteria is shown by the weighting.

Criteria	Weighting
1. Tertiary qualifications in natural resources management, ecology, conservation, or related field, with a strong emphasis on protected areas.	10
2. At least 10 years of high-level experience and understanding in the development and implementation of plans, policies and programs associated with protected areas management and nature conservation; experience in review and reform of protected areas legislation and policy at national levels will be very well regarded.	45
3. Substantial work experience undertaken on island and marine protected areas, ideally in a Pacific Island country.	25
4. Demonstrated senior management experience in the provision of strategic advice regarding natural resources management policy, legislation and management.	10
5. Strong interpersonal skills and excellent verbal and written communication skills in English, including very high calibre abilities and experience in report writing and presentation skills using plain English.	10
<b>Total</b>	<b>100</b>
<b>Minimum technical score to proceed to stage 2</b>	<b>70</b>

## 8. Evaluation process

In submitting a proposal, tenderers should demonstrate a clear understanding of this ToR and how your experience, skills and qualifications make you suitable for this consultancy.

A three-step procedure will be used in evaluating the proposals:

### Step 1: Conformity

Proposals will be assessed and must comply with mandatory conditions of tender.

Proposals will then be assessed and evaluated as follows:

## **Step 2: Technical criteria (70% weighting)**

The technical proposal is evaluated on the basis of responsiveness to the key selection criteria as weighted in Section 7, information provided in the tenderers CV, and other information submitted as part of the proposal. Proposals must receive a minimum technical score of 70 of the total obtainable score (100) to proceed to Stage 3.

## **Step 3: Financial proposal (30% weighting)**

The financial proposal of those tenderers who have attained a minimum score of 70 in the technical evaluation will be assessed and compared.

The contract will be awarded to the tenderer offering the best value for money taking into account the qualitative and quantitative evaluation of technical and financial criteria.

The successful bidder will be required to sign a standard Cook Islands Government contract for the delivery of services.

## **9. How to apply**

ESSENTIAL: Applications **must** include:

1. Response against each of the key selection criteria (refer Section 7) (maximum four pages)
2. Curriculum vitae/resume including name and contact details (phone and email) of three referees
3. Financial proposal using template provided (Annex 1)
  - All prices in the proposal must be presented in New Zealand Dollars (NZD).
  - Financial proposals must include professional fees and any other costs associated with the completion of this work.
  - Travel costs do not need to be included in the financial proposal.
  - Expenses will be reimbursed at actual cost and upon submission of an invoice with valid evidence of expenditure.
4. Conflict of Interest Declaration using template provided (Annex 2).

Applications that do not address all the requirements stated above will not be considered.

Proposals should be emailed with the subject line heading '#6b: PAM Policy Adviser' to:

Ms Hayley Weeks, R2R Project Manager [Hayley.weeks@cookislands.gov.ck](mailto:Hayley.weeks@cookislands.gov.ck)  
with cc to [keith.twyford@gmail.com](mailto:keith.twyford@gmail.com)

For further information about this position, please contact:

Mr Keith Twyford  
R2R Chief Technical Adviser  
[keith.twyford@gmail.com](mailto:keith.twyford@gmail.com)

Closing date: **3.00pm, 6<sup>th</sup> May 2020** Cook Islands local time (GMT-10 hours)

**Late applications will not be considered.**

## 10. Further reading

Available online and/or upon request:

ComSec (2017) Cook Islands: Review of the Environment Act. Draft Environment Bill 2017. Oceans and Natural Resources Division, Commonwealth Secretariat, London, Marlborough House.

Independent State of Papua New Guinea (2014) *Papua New Guinea Policy on Protected Areas*. Conservation and Environment Protection Authority. Waigani, National Capital District, Papua New Guinea. [https://www.pg.undp.org/content/papua\\_new\\_guinea/en/home/library/evnvironment-and-energy/papua-new-guinea-policy-on-protected-areas-.html](https://www.pg.undp.org/content/papua_new_guinea/en/home/library/evnvironment-and-energy/papua-new-guinea-policy-on-protected-areas-.html)

Maki, J. (2014) Cook Islands Maori Tradition, Culture, By-laws and the Establishment of the Cook Islands Marine Park: Legal Analysis Report Part B. Commissioned by Te Ipukarea Society. <https://www.maraemoana.gov.ck/wp-content/uploads/2019/04/140409-PART-B-MARINE-PARK-REPORT-FINAL.pdf>

Laurie, A. (2018) Mid-term review: Conserving biodiversity and enhancing ecosystem function through a “Ridge to Reef” approach in the Cook Islands. GEF/UNDP/Government of Cook Islands.

Rose, J. (2014) The Cook Islands Marine Park: A legal review preparatory to its establishment. IUCN and Global Blue. <https://www.maraemoana.gov.ck/wp-content/uploads/2019/04/150716-Legal-Analysis-Part-A-Statutory-Legislation.pdf>

SPREP (2018) Cook Islands: review of natural resource and environment related legislation. Apia, Samoa. <https://www.sprep.org/attachments/Publications/EMG/sprep-legislative-review-cookislands.pdf>

Twyford, K. (2019a) *Capacity and Competency Needs Assessment and Strengthening for Cook Islands Ridge to Reef Approaches and Protected Area Management - Capacity Needs Assessment Report*. Report prepared for Ridge to Reef (R2R) Project and UNDP.

Twyford, K. (2019b) *Capacity and Competency Needs Assessment and Strengthening for Cook Islands Ridge to Reef Approaches and Protected Area Management - Capacity Strengthening Action Plan*. Plan prepared for Ridge to Reef (R2R) Project and UNDP.

## Annex 1. Financial proposal

Cook Islands Ridge to Reef (R2R): <b>consultant title</b> - Fee proposal			
Item	Cost/unit (NZD)	No. units	Total NZD
<b>A. Personnel Services</b>			
Daily fee rate			-
<b>B. Out of pocket expenses: itemise so cost estimates are clear</b>			
			-
			-
			-
			-
			-
			-
<b>Sub-total</b>			-
<b>TOTAL (A+B)</b>			-
<b>Bidder notes (if any):</b>			
Name			Date

This EXCEL file will be provided to all interested bidders.

**Annex 2. Conflict of Interest Declaration**

A conflict of interest arises if you or a close family member has an interest e.g. is a board or committee member or is employed in a senior position in the Government agency that wants to purchase the goods or services relating to this tender process.

In submitting this tender bid I declare:

- I understand that an actual, potential or perceived conflict of interest may arise in participating in this tender process and that I am obliged to declare any such conflict of interest.
- I confirm that in submitting this information that I have either declared any potential conflicts of interest or that I am not aware of any situation or issue that would conflict with the interest of the Principal.
- If a conflict of interest arises at any time before the selected supplier has been awarded, I will advise the Contact Officer or the Principal immediately.
- I have personally completed this declaration on behalf of the Supplier(s) and declare that the submitted tender bid provided are true and correct.

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**I declare that I have a potential conflict of interest as follows:**

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**I will manage this conflict of interest by:**

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**Declared by:**

*Signature*

*Date*

*Full Name*

*Position (if Company)*