



# Preparing legal drafting instructions for national Marine Spatial Planning legislation in Vanuatu

## Consultancy opportunity

### Background

The Government of Vanuatu is in the process of implementing a nation-wide Marine Spatial Plan which will include multiple, different types of ocean zones, including national networks of ecologically representative Marine Protected Areas.

The vision for Vanuatu's Marine Spatial Plan is to:

*To conserve and sustain a healthy and wealthy ocean for the people and culture of Vanuatu, today and tomorrow.*

Vanuatu's Marine Spatial Planning objectives include:

1. Protecting social and economic ocean values
2. Protect marine ecosystems
3. Build resilience in the marine environment to climate change impacts as well as to other natural and man-made disasters
4. Reflect and support traditional management practices inshore
5. Separates conflicting uses
6. Identify priority areas for development

The ocean zones which will be put in place with the Marine Spatial Plan will control which human activities will be permitted in which parts of each nation's ocean in order to achieve the nation's stated vision and objectives.

Previously, an in-country expert partnered with an external consultant to conduct a national legal review which explored the legal basis for integrated ocean governance in general and a national Marine Spatial Plan, specifically. This review provided an overview of the legislative environment of each country and will inform the delivery of this consultancy.

### Task

This consultancy requires a marine spatial planning legal expert to work with partners in-country and IUCN to prepare highly detailed drafting instructions for in-country, government legal drafters to use in preparing the legal underpinnings for the national Marine Spatial Plan.

The drafting instructions should refer to the national review of legislation which was conducted and collate and assess relevant legislation/policies that have been implemented since those reviews. This includes legislation that may be relevant from a general administration point of view.

The drafting instructions will address the requirements of the Ocean Policy, the Marine Spatial Plan and the ocean zoning which will be implemented.



The deliverables must be developed in close and iterative consultation with the lead government department(s) responsible including in-country, government legal drafters.

## Deliverables

1. Workplan for the development of legal drafting instructions (including ensuring government protocols are followed, estimating the numbers of rounds of iteration that will be required, the process to be followed and the key elements of the process) to be approved by lead government department(s) responsible including in-country, government legal drafters and IUCN.
1. First draft of legal drafting instructions provided for lead government department(s) responsible including in-country, government legal drafters and IUCN review. The drafting instructions should provide drafting suggestions as well as parallel explanatory notes as to the rationale/purpose of each provision.
2. Revised drafting instructions based upon input from reviewers.
3. Final legal drafting instructions approved by lead government department(s) responsible including in-country, government legal drafters and IUCN.

## Selection criteria

1. Formal legal qualifications in the area of environmental law
2. At least 5 years' experience in drafting environmental law, ideally including ocean law and/or spatial planning law
3. A demonstrated ability to efficiently and effectively review and analysis relevance of existing laws and policies in a nation to the development of new laws and policies
4. Excellent team work and flexibility
5. Very good lateral thinking and problem solving skills
6. Reliability in terms of on-time delivery
7. Experience working in small island states.

The consultant must be able to travel to Vanuatu to participate in multiple rounds of iteration in the development of the drafting instructions and, ideally, supporting their implementation.

## Application requirements

Interested applicants must provide:

- a letter which addresses each of the selection criteria individually,
- a *curriculum vitae*,
- a sample of relevant legislation (or drafting instructions for legislation) that they have prepared,
- names of three referees.

It is envisaged that this project will take about six months.

Questions may be addressed to Mr Toney Tevi ([ttevi@vanuatu.gov.vu](mailto:ttevi@vanuatu.gov.vu)) or Dr Leanne Fernandes ([Leanne.Fernandes@iucn.org](mailto:Leanne.Fernandes@iucn.org)).



Applications must be delivered to Mr Toney Tevi ([ttevi@vanuatu.gov.vu](mailto:ttevi@vanuatu.gov.vu)) AND Dr Leanne Fernandes ([Leanne.Fernandes@iucn.org](mailto:Leanne.Fernandes@iucn.org)) by Sunday 9th June 2019.