



Belize Fund For A Sustainable Future



TERMS OF REFERENCE

“CONSULTANCY TO PREPARE DRAFT LEGAL AMENDMENTS FOR THE BELIZE COASTAL ZONE MANAGEMENT (CZM) ACT AND REGULATIONS”

1. INTRODUCTION

The Coastal Zone Management (CZM) Act, enacted by the Government of Belize in 1998, is the enabling legislation for strengthening the governance and management of resources within Belize’s coastal zone. The Act provides the legal and institutional framework for integrated coastal zone management (ICZM) and prescribes the preparation and implementation of a comprehensive national coastal zone management plan. Coastal zone management in Belize is operationalized through the mandate assigned to the Coastal Zone Management Authority and Institute (CZMAI). Additionally, the Act includes an important provision that empowers CZMAI to oversee the licensing of sport fishing activities within Belize’s terrestrial waters. In 2009, the Coastal Zone Management Authority (Sport Fishing) Regulations, Statutory Instrument #115 of 2009, were enacted. To date, these are the only CZM Regulations that have been enacted. In 2014, the CZM Act was amended to make adjustments to the composition of the Board of Directors of the Coastal Zone Management Authority.

In late 2016, CZMAI’s Board of Directors commissioned a comprehensive Institutional Assessment and detailed Legislative Review of the CZM Act and Regulations that was made possible with financial support from the Adaptation Fund via the implementation of the Marine Conservation and Climate Adaptation Project (MCCAP) in Belize. The resulting consultancy reports delivered early 2018 included recommendations for institutional restructuring to facilitate a ‘fit for purpose’ institution to deliver ICZM. Additionally, the draft proposed legal amendments primarily focused on six areas including: (i) Definitions; (ii) Objectives, Principles and General Duties; (iii) Enforcement; (iv) Composition of the Board of Directors and Advisory Council; (v) ICZM Plan and (vi) Sport Fishing Regulations. While the proposed legal amendments were not enacted, they serve as critical prerequisites to inform and guide the future trajectory of ICZM in Belize, and to aid CZMAI to better deliver its mandate.

In November 2020, Belize formed a new Ministry of Blue Economy and Civil Aviation (MBECA), which has a parliamentary mandate to deliver sustainable Blue Economy development through its mission of contributing substantially to socio-economic well-being and national economy growth through a robust science-based management regime of Belize’s ocean space. The CZMAI institution, and the Integrated Coastal Zone Management Plan, have both been identified as having extremely important roles in blue economy delivery.

On November 4th 2021, the Government of Belize signed the Blue Loan Agreement (BLA) and Conservation Fund Agreement (CFA) in collaboration with the Belize Blue Investment Company (BZBIC) and The Nature Conservancy (TNC). The BLA and the CFA are contingent on Eight Primary Conservation Commitments/Targets and time-bound milestones to be realized by the Government of Belize by the 8th anniversary of the Agreements. Clause 1 of the CFA obligates Belize to complete a legally enforceable Marine Spatial Plan (MSP). The Coastal Zone Management Authority and Institute (CZMAI), under the Ministry of Blue Economy and Civil Aviation, has been designated as the



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government's lead agency for the Marine Spatial Plan (MSP) process. The name selected for Belize's MSP is the Belize Sustainable Ocean Plan (BSOP).

Additionally, Clause 2 of the CFA outlines Belize's obligations to meet other conservation milestones and environmental commitments that are related to, but not directly addressed by, the MSP. As stipulated in Clause 2, Milestone 5 of the CFA, *"No later than four (4) years after the signing of the Agreement, the National Assembly shall approve and the Government shall formally sign into law and Gazette the revised Coastal Zone Management Act and Integrated Coastal Zone Management Plan, which shall include a chapter on marine and coastal biodiversity offsets"*.

The Government Strategic Allocation funding mechanism created under the Belize Fund for a Sustainable Future was earmarked for the Government and its agencies to support the achievement of the milestones and conservation commitments included in the CFA and is coordinated by the Blue Bond and Finance Permanence Unit (BBFP). The BBFP is tasked to successfully implement the commitments outlined within the BLA and CFA and facilitate the necessary interface and coordination with the design of the PFP. The BBFP through the GSA project titled: *"Establishing the enabling environment for the development of a Marine Spatial Plan through strengthened governance, improved management and enhanced monitoring of Belize's coastal and marine resources"* supports the development and implementation of the Marine Spatial Plan and the Integrated Coastal Zone Management.

The current Belize CZM Act is considered outdated and is in need of a comprehensive revision and modernization to strengthen the framework for ICZM delivery and incorporate marine spatial planning. Therefore, at this juncture, it has become necessary to revise and modernize the CZM Act and Regulations, which will also inform the framework within which the new ICZM Plan is to be developed, updated, implemented, and evaluated.

2. OBJECTIVES

The overall objective of the consultancy is to review the Belize Coastal Zone Management (CZM) Act and Regulations and prepare draft proposed legal amendments in order to strengthen and modernize the legal, policy and institutional framework for the delivery of Integrated Coastal Zone Management in Belize and the Belize Sustainable Ocean Plan (BSOP).

Specifically, this consultancy will:

- (i) Review the existing Belize Coastal Zone Management (CZM) Act and Regulations to understand the current relevant laws, statutes and regulations. The review will be carried out in consultation with the legal representative from the Office of the Solicitor General under the Attorney General's Ministry and the Coastal Zone Management Authority and Institute;
- (ii) Review the Institutional Assessment and detailed Legislative Review (2018) carried out on the CZMAI which address key gaps, challenges and opportunities for improving



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integrated management of the coastal zone and identify mechanisms for regulatory strengthening;

- (iii) Incorporate key requirements outlined in the Blue Loan Agreement and Conservation Fund Agreement in order for Belize to meet its obligations in a timely and effective manner;
- (iv) Review the findings and recommendations from an External Evaluation commissioned to assess the Implementation of the Belize ICZM Plan (2016-2020) to help identify the required legal mechanisms for effective implementation and enforcement of the ICZM Plan;
- (v) Consider and integrate other relevant national circumstances/needs in light of national policies that are in direct alignment with CZMAI's current and anticipated mandate, such as the legal scope for the development, implementation and enforcement of the Belize Sustainable Ocean Plan, among others; and
- (vi) Prepare draft proposed amendments to the existing CZM Act and Regulations, and prepare any newly required Regulations

3. TASKS AND ACTIVITIES

Phase 1: Inception

- 3.1.1 Organize an inception meeting with CZMAI's Board of Directors and Advisory Council, and the Blue Bond and Finance Permanence Unit to: (1) Review and discuss the Consultancy Terms of Reference and deliverables to be produced; and (2) Discuss and finalize work-plan and proposed schedule for first round of stakeholder consultation.
- 3.1.2 Conduct introductory meetings with the Drafting Section of the Office of the Solicitor General under the Attorney General's Ministry to discuss the Terms of Reference and to get their input on specific requirements for drafting and to receive guidance on the process and procedures for the preparation of draft and final deliverables.
- 3.1.3 Conduct an initial round of consultations and focus group sessions with key stakeholders to discuss the Consultancy and to get their preliminary views, ideas and recommendations for improvements to the CZM Act and Regulations.
- 3.1.4 Prepare inception report, including detailed workplan, inclusive of methodology, implementation schedule, outcome of initial consultation meetings.

Phase 2: Desktop Review and Analyses

- 3.2.1 Conduct a regulatory impact assessment, and prepare a report, for all relevant national legislation and policies that would impact, and be impacted by, the revision of the existing CZM Act and Regulations, and the development of any new Regulations. The review shall



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identify areas of overlaps, conflicts, and gaps in relevant legislation including, but not limited to, the Fisheries Resources Act, Environmental Protection Act, Land Utilization Act, proposed Blue Economy Act, etc., and provide corresponding recommendations to resolve these. In terms of national policies, the review shall consider the National Blue Economy Development Policy, Strategy and Implementation Plan 2022-2027 and assess CZMAI's anticipated role in sustainable blue economy development and how the supporting legal and institutional framework that may be required.

- 3.2.2 Conduct a review the Conservation Commitments, key milestones and obligations outlined in the BLA/CFA directly related to CZMAI's mandate, and which will need to be addressed in the revised CZM Act including, but not limited to, *Marine Spatial Planning*, and inclusive of a chapter on *Coastal and Marine Biodiversity Offsets*.
- 3.2.3 Conduct a review and prepare an assessment report on the existing regulatory framework for sport fishing in Belize, and duly consider relevant international conventions and key national policies, plans, reports, etc., and recommendations from the Ad Hoc Sport Fishing Technical Working Group that would impact the legal amendments to the CZMA (Sport Fishing) Regulations.
- 3.2.4 Conduct a review and prepare an assessment report on the existing legal and institutional structure, and financial resources and human capacity of the Coastal Zone Management Authority and Institute, with the aim of identifying factors that currently inhibit the CZMAI from fulfilling its mandate, and which would be essential to implement a modernized CZM Act and Regulations, and any new Regulations.

The assessment shall and identify gaps/needs especially in light of national developments from 2018 to current and recommend the most effective institutional structure to improve functionality and efficiency, within the context of the planned legal review of the CZM Act that gives CZMAI its mandate. The assessment shall build on the 2018 CZMAI Institutional Assessment and include, but not be limited to, the following:

- *An updated assessment of the institutional and organizational structure, and administration of the CZM Authority and Institute. This shall include an evaluation of the roles, functions, composition, operating procedures, effectiveness etc., of the CZMA Board of Directors, CZMI Advisory Council and CZMAI Staff;*
- *An updated assessment of the effectiveness of existing programmes, and the identification of gaps and needs to effectively implement these programmes;*
- *Analysis of the existing financial gaps preventing the CZMAI from fully delivering its mandate, and identification of sustainable financing mechanisms to expand and maintain core national activities for improved ICZM in Belize;*
- *Identification of human resources and training needs for improved capacity for integrated coastal zone management; and*



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- *An updated assessment of the process for the development, implementation and updating of the national integrated coastal zone management plan*

Phase 3: Preparation of Draft Recommendations

- 3.3.1 Conduct a comparison of the CZM Act with similar legislation from other countries with the aim of improving the framework for integrated coastal zone management and establishing the legal authority and scope for the development, implementation and enforcement of national marine spatial planning.
- 3.3.2 Review the status of any relevant regional and international conventions and agreements the requirements of which may need to be reflected in the revised CZM Act and Regulations (existing and new).
- 3.3.3 Identify areas of gaps/weakness in the existing CZM Act and Regulations and make recommendations for necessary legislative amendments, and any new regulations that may be required, to address the findings as per consultancy activities 3.2.1 through to 3.2.4 above.
- 3.3.4 Review and consider recommendations from key reports that would impact the legal amendments to the CZM Act and Regulations, including the CZMAI Comprehensive Institutional Assessment (IA) and draft proposed Legal Amendments to the CZM Act and Regulations (2018); Proceedings of a CZMA Board commissioned Ad Hoc Committee for the review the draft proposed legal amendments and stakeholder concerns as presented in the 2018 Consultancy Reports (2019); and External Evaluation Report on the Implementation of the Belize ICZM Plan (2021).
- 3.3.5 Identify and propose necessary adjustments to the organizational structure (including organogram) and institutional framework of CZMAI in order to improve its efficiency and effectiveness, through the development of additional core programmes and the strengthening of policy coordination by the CZM Authority.
- 3.3.6 Present draft recommendations to key stakeholders for discussion and incorporation of feedback into a revised version of the recommendations (i.e. CZMA Board of Directors, CZM Advisory Council, Ministry of Blue Economy and Civil Aviation, Blue Bond and Finance Permanence Unit, The Nature Conservancy, Office of the Solicitor General under the Attorney General's Ministry and other relevant agencies, Ministries, stakeholder groups, etc.,

Phase 4: Validation of Draft Recommendations for the preparation of Draft Proposed CZM Amendment Bill and Regulations

- 3.4.1 Conduct validation workshop with stakeholders on draft findings in the institutional assessment and draft amendments to the existing CZM Act and Regulations, and any new proposed Regulations.
- 3.4.2 Conduct a presentation to the CZM Advisory Council, CZMA Board of Directors and the Blue Bond and Finance Permanence Unit on the revised final deliverables of the consultancy.



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3.4.3 Prepare final report and deliverables of the consultancy.

3.4.4 Following consultation with relevant experts and agencies, and in coordination with the Drafting Section of the Office of the Solicitor General under the Attorney General's Ministry, prepare draft proposed amendments to the CZM Act, CZMA (Sport Fishing Regulations) and develop new Regulations as may be required.

4. OUTPUTS

The following deliverables will be submitted by the Consultant to the Board of Directors of the CZMA for review and approval of the Board and the Blue Bond and Finance Permanence Unit:

- i. Inception report (methodology, work plan, implementation schedule, outcome of initial consultation meetings);
- ii. Draft Report on updated Institutional Assessment of CZMAI (including financial and human resources) given gaps in legislation and relevant national developments from 2018-current, including, but not limited to, the specific activities outlined in 3.2.1-3.2.4 such as:
 - Evaluation of effectiveness of CZMAI;
 - Gaps in current programmes;
 - Comparative analysis of other regional and international processes for integrated coastal zone management;
 - Assessment of roles, functions, operating procedures, effectiveness etc., of CZMA Board and CZM Advisory Council;
 - Analysis of the existing financial gaps preventing the CZMAI from fully delivering its mandate, and identification of sustainable financial mechanisms to maintain and expand core national activities for improved ICZM in Belize;
 - Recommendations for adjustments to the organizational structure, human resources, and other requirements); and
 - Recommendations for amendments to other legislation.
- iii. Draft Amendments to CZM Act and Regulations, any new Regulations and other consequential amendments; this shall be accompanied by the regulatory impact assessment referenced in activity 3.2.1 and 3.2.3.
- iv. Final Report on Updated Institutional Assessment (including financial and human resources) of CZMAI and gaps in legislation (incorporating comments from consultations, validation session, etc.); and
- v. Final Draft Amendments to CZM Act and Regulations any new Regulations and other consequential amendments (incorporating comments from consultations, validation session, etc.).



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5. DURATION OF THE CONSULTANCY

The expected start of the Consultancy is December 2023. The total duration of the assignment will be approximately 120 working days over a period not to exceed seven (7) months.

6. DELIVERABLES

The deliverables for the Consultancy shall be in the form of reports (draft and final) and draft legislative amendments in the format required by the Drafting Section of the Office of the Solicitor General under the Attorney General's Ministry. All timeframes/schedules for delivery shall be outlined in an approved Inception Report with specified due dates agreed upon between the Consultant and the Client. The minimum list of Expected Deliverables/Outputs is listed in tabular form below:

Timing of Deliverables

Deliverables	Timeline (Calendar Weeks)
Inception Report	No later than 4 weeks after signing of contract
Draft Institutional Assessment Report	No later than 8 weeks after signing of contract
Draft Proposed Amendments to CZM Act and Regulations	No later than 16 weeks after signing of contract
Final Consultancy Reports for (i) Institutional Assessment and (ii) Final Draft Amendments to CZM Act and Regulations	No later than 24 weeks after signing of contract

Payment Schedule

- **15%** Payment upon satisfactory delivery and approval of the Inception Report
- **25%** Payment upon satisfactory delivery and approval of the Draft Institutional Assessment Report.
- **40%** Payment upon satisfactory delivery and approval of the Draft Proposed Amendments to the CZM Act and Regulations.
- **20%** Payment upon satisfactory delivery and approval of the Final Consultancy Reports for (i) Institutional Assessment and (ii) Final Draft Amendments to CZM Act and Regulations

7. REPORTING

Institutional Arrangements

The Board of Directors for the Coastal Zone Management Authority will oversee the consultancy along with the CZMA Chief Executive Officer. The CZMAI will contract the consultant and ensure the timely provision of required information and contact information for identified stakeholders. The CZMAI will be responsible for liaising with the Consulting Firm to provide all relevant documents, will provide technical assistance to the Consulting Firm as required for scheduling stakeholder interviews/meetings, and any required field visits.



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Submission and Approval of Reports

All draft and final reports and deliverables shall be written in English. The reports shall be submitted in the following manner: two (2) bound copies and two digital copies (Microsoft Word and PDF versions; both unsecure and editable). CZMAI's Board of Directors and the Blue Bond and Finance Permanence Unit shall be responsible for approving all deliverables for payment under the Consultancy.

8. MONITORING AND EVALUATION

The results to be achieved by the Consulting Firm are specified in Section 3 above. Progress towards achieving these results will be measured by the main Monitoring and Evaluation indicators:

- i) Timeliness of the submission of deliverables and other services provided;
- ii) Quality of Technical outputs prepared, finalized and approved by CZMA's Board of Directors and the Blue Bond and Finance Permanence Unit;
- iii) Focus Group Meetings, Consultation and Validation Sessions completed with all relevant stakeholders;
- iv) Meeting objectives and activities outlined in the ToR.

9. QUALIFICATIONS AND EXPERIENCE

Minimum Academic Qualifications, Professional Experience & Skills.

The Consulting Firm must possess the following expertise:

Lead Consultant/ICZM Expert:

- Must possess at minimum a Master's Degree with at least 10 years' experience in a discipline related to the Consultancy (i.e. coastal and marine resource management, integrated coastal zone management, environmental management or natural resource management).
- Expertise in marine spatial planning would be an asset.
- Proven experience in delivering quality outputs on time
- Proven experience in leading multidisciplinary teams.
- Experience with leading a team and coordinating the preparation of outputs, taking full responsibility for the overall technical quality of the final products, and engaging directly with the Client.
- Extensive knowledge of and experience with the environmental management context and environmental legislation in Belize and/or regionally/internationally.
- Demonstrate high professional standing and the capacity to dialogue effectively with government agencies, the private sector and civil society.



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Institutional Development Expert:

- Must possess at least a Bachelor's Degree in Institutional Development Studies (preferred), Public Administration and Management or any other relevant field.
- Must have at least five (5) years of demonstrated experience in conducting organizational/institutional and/or financial assessments.
- Knowledge of the coastal zone sector and related issues of resource use and conflict in Belize.
- Experience with participatory methodologies and proven experience collecting and analysing both quantitative and developing materials that can be used for explaining the purpose and scope of this activity in general terms, and specifically at consultation events.

Legal Expert:

- Must possess a Bachelor's Degree of Law with at least 10 years professional experience in legislative drafting, and conducting legal analysis and assessments preferably in the areas of environmental management, natural resource management/governance or sustainable development. A Master's degree in Legislative Drafting would be an asset.
- Must have at least five (5) years' specific experience in drafting and/or working within the national legislative system in Belize.

Local/International partnerships are encouraged.

10. RECOMMENDATION PRESENTATION OF OFFER

- Duly accomplished Letter of Confirmation of Interest and Availability
- A Curriculum Vitae indicating experience with similar projects, as well as the contact details (email and telephone number) of the Candidate and at least three (3) professional references.
- A brief description of why the individual considers him/herself as the most suitable for the assignment, and a methodology, on how they will approach and complete the assignment.
- Sample of previous communication materials that the applicant produced or contributed to.
- Financial Proposal that indicates the all-inclusive fixed total contract price, supported by a breakdown of costs. All envisaged travel costs, if any, must be included in the financial proposal.

11. CRITERIA FOR SELECTION OF THE BEST OFFER

The criteria which shall serve as a basis for evaluating offers will be the Combined Scoring method – where the qualifications and methodology will be weighted a max. of 70% and combined with the price offer which will be weighted a max of 30%.

* Technical Criteria weighting; 70%

* Financial Criteria weighting; 30%



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The proposal with the highest cumulative scoring will be awarded the contract. Applications will be evaluated technically, and points are attributed based on how well the proposal meets the requirements of the Terms of Reference. The award of the contract may be made to the consultant/consulting firm whose offer has been evaluated and determined as:

- a) Responsive/compliant/acceptable
- b) Having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation.

12. DEADLINE FOR PROPOSAL SUBMISSION

Interested consultants should submit a detailed technical and financial proposal by **Friday, November 17th 2023** no later than 4:00p.m.

Send Technical and Financial proposals with **Subject: Consultancy to Prepare Draft Legal amendments for the Belize Coastal Zone Management (CZM) Act and Regulations** in two separate files by email to info@coastalzonebelize.org

Or

Hand delivered in a sealed envelope to the following address:

Coastal Zone Management Authority and Institute

Princess Margaret Drive

P.O. Box 1884,

Belize City, Belize



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ANNEX A

Reporting Structure

- A. The Updated Institutional Assessment Report format shall include, but not be limited to:**

Cover Page

Table of Contents

Abbreviations/Acronyms

Executive Summary

Chapter I-Introduction

1. Overview of the Project
2. Rationale for the Assessment
3. Objectives of the Assessment

Chapter II-Methodology

Chapter III-Results

Chapter IV-Conclusions and Recommendations

Bibliography/References

Appendices (TOR, List of Focus Group Meeting Participants; Workshop Documents; Outputs of Validation Sessions, Presentations to CZM Advisory Council, Board of Directors, Proposed Adjustments to Institutional Structure of CZMA, etc.)

- B. The CZM Act and Regulations should be prepared in the format required by the Office of the Solicitor General under the Attorney General's Ministry.**