



TERMS OF REFERENCE

1. CONSULTANCY SUMMARY:

Title	Consultant to Support the MRC Regional Expert Group on Environmental Management in reviewing and updating Chapter 4: Guidelines for Water Quality Emergency Response and Management, of the MRC Technical Guidelines for the Implementation of the Procedures of Water Quality (TGWQ)
Consultancy/Staff Type	Level B Consultant with Special Service Agreement (SSA) Contract
Division	Environmental Management Division (ED)
Duration	31 working days from July to December 2020
Duty Station	Home-based with possible travel to MRC Secretariat and MRC Member Countries (MCs)
Reporting to	Director of the Environmental Management Division with the direct supervision of the Chief Environmental Management Officer and Water Quality Officer
Expected Deliverables	<ol style="list-style-type: none">1. A regional report on adequacy and currency of Chapter 4 “Water Quality Emergency Response and Management” and its working document, including all existing national and regional (including ASEAN) mechanisms, tools and their organizational structures within the MRC MCs that are relevant to the implementation of Chapter 4 for the Mekong River prepared and recommendations identified for updating the Chapter 4;2. A concept note for updating the Chapter 4 prepared, consulted and finalized; and3. The Chapter 4 updated, consulted and finalized.

2. INTRODUCTION AND BACKGROUND:

Pursuant to the Mekong River Commission (MRC) Council Resolution of the 18th October 1999 on Water Utilization Programme, the MRC Council approved the Procedures for Water Quality (PWQ) in 2011, with an objective of “establishing a cooperative framework for the maintenance of acceptable/good water quality to promote the sustainable development of the Mekong River Basin”. Reaffirming their commitments on sound and effective management of water quality of the Mekong River, the MRC Member Countries established the Technical Body for Water Quality (TBWQ) under the direction of the MRC Joint Committee (JC) to facilitate the implementation of the PWQ which includes the (i) preparation of a set of Technical Guidelines for the Implementation of the PWQ (TGWQ) for the Joint Committee approval, and (ii) proposing any revisions as seen appropriate to the JC following lesson learnt from implementation. In

connection with these responsibilities, in 2016, the TBWQ which consists of water quality technical experts from the four Member Countries (MCs) have collaboratively prepared and finalized the TGWQ consisting of two parts and four chapters:

- **Part A – Water Quality Management** consisting of;
 - Chapter 1 – Guidelines for the Protection of Human Health (HH);
 - Chapter 2 – Guidelines for the Protection of Aquatic Life (AL); and
 - Chapter 3 – Cooperative Framework for the Implementation of the Procedures for Water Quality with regard to HH and AL.
- **Part B – Water Quality Emergency Response and Management** consisting of;
 - Chapter 4 – Guidelines for Water Quality Emergency Response and Management (WQERM).

Part A (Chapters 1, 2 and 3) of the TGWQ were developed in response to the requirements outlined in **Section 5.1** of the PWQ, where MCs are required to “*strengthen the existing and, if necessary, establish new joint programs for monitoring and assessing the water quality of the Mekong River.*” Similarly, Part B (Chapter 4) was developed in response to the requirements outlined in **Section 5.2** which stipulates that MCs “*shall, individually, and where appropriate jointly, develop contingency plans for responding to any special water quality problem constituting an emergency that requires an immediate response*” in accordance with Article 3: Protection of the Environment and Ecological Balance; Article 7: Prevention and Cessation of Harmful Effects; Article 8: State Responsibility for Damages; and 10: Emergency Situations of the 1995 Mekong Agreement (MA). Following a series national and regional consultations, the TGWQ was finally approved by the MRC JC at its Preparatory Meeting for the 23rd Meeting of the MRC Council in November 2016, excepting the Chapter 4. With the approval, the MCs and the MRC Secretariat have also recognized that there are existing mechanisms and tools for emergency response, which the MRC MCs are already parties to. These include the ASEAN Agreement on Disaster Management and Emergency Response and the Joint Disaster Relief and Emergency Response Operation under the ASEAN cooperation framework. Furthermore, these mechanisms have already established organizational structures within the MCs, where the national mandates for emergency are placed with the line ministries outside the structure of the cooperative agreement of the Mekong River.

Therefore, an agreement was reached with the adoption of the TGWQ that MCs and the MRC Secretariat will make best use of existing national and regional relevant mechanisms and tools when implementing Chapter 4, in spite of the available MRC Working Document on Water Quality Emergency Response and Management. While the use of existing mechanisms was recognised to have a number of potential benefits, MCs agreed to continue improving the Working Document which can serve as a main reference for the implementation and improvement of Chapter 4.

With the above background and in accordance with the review requirement set out in the TGWQ and PWQ, MCs have requested the support of the MRC Secretariat and technical experts to conduct a review of Chapter 4 aiming at improving national and regional process on water quality emergency response and management in the LMB. To facilitate this review, the Environmental Management Division of the MRC Secretariat is looking for a competent consultant who has extensive knowledge and experiences in the development, cooperation and implementation of water quality emergency response and management plan of transboundary water bodies, similar to the Lower Mekong River Basin.

3. OBJECTIVES OF THE CONSULTANCY:

The objective of this consultancy is to review and update the Chapter 4 “Water Quality Emergency Response and Management” of Technical Guidelines for the Implementation of the PWQ (TGWQ) for submission to the MRC Joint Committee for consideration by the end of 2020.

4. EXPECTED RESULTS:

The expected results of this consultancy are as follows:

- A regional report on adequacy and currency of Chapter 4 “Water Quality Emergency Response and Management” and its working document, including all existing national and regional (including ASEAN) mechanisms, tools and their organizational structures within the MRC MCs that are relevant to the implementation of Chapter 4 for the Mekong River prepared and recommendations identified for updating the Chapter 4;
- A concept note for updating the Chapter 4 prepared, consulted and finalized; and
- The Chapter 4 updated, consulted and finalized.

5. DELIVERABLES AND CONCRETE TIMELINES:

The total number of working days for this assessment is 31 working days for achieving the following key deliverables and timelines.

Deliverables and Expected Quality	Number of Days	Deadline
1. A Review Report on the adequacy and currency of Chapter 4 “Water Quality Emergency Response and Management” and its working document including existing national and regional mechanisms, tools and their organizational structures within the MRC MCs that are relevant to the implementation of Chapter 4 for the Mekong River; and recommendations identified for updating the Chapter 4;	4	15 July 2020
2. A concept note for updating the Chapter 4	3	31 July 2020
3. The first draft of the updated Chapter 4	5	15 August 2020
4. Materials prepared for and attendance in the first EMEG Meeting on drafts of a regional review report, a concept note, and the first draft of updated Chapter 4	3	31 August 2020 (materials prepared on 16 August and the EMEG Meeting in the last week of August)
5. Final draft concept note and second draft of updated Chapter 4	4	15 September 2020
6. Materials prepared for and attendance in the four national meetings in the four MCs on second draft of updated Chapter 4	5	15 October 2020 (materials on 16 September and four meetings till 15 October)

Deliverables and Expected Quality	Number of Days	Deadline
7. Third draft of updated Chapter 4	3	20 October 2020
8. Materials prepared for and attendance in the final EMEG meeting on third draft of updated Chapter 4	2	15 November 2020
9. Final draft of the updated Chapter 4 (with briefing note) for submission to the MRC Joint Committee for consideration	2	
Total Number of Days	31	1 July-31 December 2020

6. REQUIRED TASKS AND RESPONSIBILITIES:

- i. Critically analyse and review the adequacy and currency of Chapter 4 “Water Quality Emergency Response and Management” including the Working Document on Water Quality Emergency Response and Management;
- ii. Review various relevant MRC guidelines, procedures and agreements including the Transboundary Environmental Impact Assessment (TbEIA), The 1995 Mekong Agreement and Procedural Rules and critically review whether Chapter 4 and its working document fulfil the emergency response and management requirements set out in these relevant documents;
- iii. Review relevant national and regional documents pertaining to emergency response and management where the MRC MCs are party to, including the ASEAN Agreement on Disaster Management and Emergency Response;
- iv. Review all existing national and regional mechanisms, tools and their organizational structures within the MRC MCs that are relevant to the implementation of Chapter 4 for the Mekong River;
- v. Based on the results of the review, prepare concept note on how Chapter 4 and its Working Document should be updated;
- vi. Update Chapter 4 and its Working Document based on the results of the reviews and recommendations ensuring that the updated chapter and its working document do not overlap the existing mechanisms, tools and structure, but rather can be used as compliment to those existing ones;
- vii. Prepare a regional review report summarizing the results of the reviews including recommendations for the revision of Chapter 4 and its Working Documents. The report should also detail pathway for
 1. strengthening cooperation between the MRC and the identified national and regional organizations that responsible for transboundary water quality emergency response and management within the Lower Mekong Basin;
 2. strengthening the capacity of the MCs for the implementation preparedness of Chapter 4 and its Working Document;
- viii. Based on the results of the required tasks (i) to (vii), draft the updates of the Chapter 4 and prepare consultation materials and participate in the regional EMEG Meetings (x2) and national meetings at the four MCs to present the results of the review report, a concept note, and the first draft of updated Chapter 4 and its Working Document;

- ix. Based on the results of the regional EMEG Meetings (x2) and national meetings (x4), finalise the updates of Chapter 4, its Working Document, and prepare a briefing note of the final updates for the JC consideration.

7. PAYMENT MODALITY:

Since there will be several key deliverables to be completed and to avoid many administrative works, payment by instalment will be selected for this assignment and it is shown below.

- The 1st payment will be paid upon signing of the Contract (20% of the total budget);
- The 2nd payment will be paid upon submission and acceptance and satisfaction by MRCS ED on the completion of key deliverables 1-6 under this given period (55% of the total budget); and
- The final payment will be paid upon submission and acceptance and satisfaction by MRCS ED on the completion of key deliverables 7-9 (25% of the total budget).

Note: Consultancy rate is defined by the MRCS consultancy rate policy and the level of consultancy. MRC is a tax-exempted agency for the work done for the MRC. Consultant, in case mission is required, will be covered with a return ticket to and from the assigned duty stations with a daily related subsistence allowance of 75% of the UN for the mission days.

8. INTELLECTUAL PROPERTY RIGHTS:

Intellectual property rights -IPR: Information, data, database, knowledge resources in the forms of briefings, reports, proceedings, articles, essays, etc. issued by and for the MRCS will be the MRCS property.

Any utility, announcement and disclosure that are without MRCS highest levels of authority' permission is considered illegal and will be charged by relevant local and international legal procedures.

9. WORKING ARRANGEMENT:

- Reporting Line:** The consultant will be working under the overall supervision of the Director of the Environmental Management Division (ED).
- Communication Line:** The consultant will be working under the direct supervision of the Chief Environment Management Officer of the MRCS ED as well as in close consultation with the MRCS ED Water Quality Officer.
- Work station:** Home-based with possible travel to MRC Secretariat and MRC Member Countries (MCs)

10. QUALIFICATIONS AND REQUIREMENTS:

- University degree (Master/ Doctoral degrees or equivalent minimum) in environmental emergency and preparedness management, natural disaster management or other relevant fields;
- Minimum 10 years of experiences in natural or environmental emergency preparedness, response, and management in regional setting, especially in water quality related issues in transboundary river basins like the Mekong River Basin;
- Demonstrate good knowledge of regional emergency response mechanisms and tools for

maintaining suitable water quality in transboundary rivers like the Mekong which the MRC Member Countries are parties to will be an advantage;

- Strong experiences in dealing with national, regional and international river basin organizations;
- Specific knowledge and experience in international development cooperation and transboundary resources management;
- International experiences and relations, and regional knowledge of the Mekong River Basin;
- Excellent inter-personal skills and able to negotiate constructively shared position in a Mekong or/and Southeast Asia institution and cultural context; and
- Fluent in English, verbal and writing and strong analytical skills.

11. SIGNATURE BLOCK:

MRCS: CEMO

Name: So Nam

Incumbent's Signature: _____

Date: _____

Date: _____

MRCS: ED Director

Name: Hak Socheat

Date: _____