1. CONSULTANCY SUMMARY

Title: Navigation Legal Advisor
Consultancy Type: Special Service Agreement - home based, daily rate: one-time assignment, 1 TOR, number of consultancy days within 7 calendar months
Division: Planning Division
Duration: 08 working days from 01 June to 31 December 2022
Duty Station: Homebased and MRCS office
Reporting to: PD Director
Expected Deliverables: Please refer to Section 5

2. INTRODUCTION AND BACKGROUND

One of MRC overall objectives is to promote freedom of navigation, to increase the international trade opportunities for the MRC member countries’ mutual benefit and to assist in coordination and cooperation in developing effective and safe waterborne transport in a sustainable and protective manner for the waterway environment.

Lao PDR – Thailand harmonization of navigation safety and anti-pollution rules and regulations

For the stretches of the Mekong River which are within the scope of the Quadripartite Agreement on Commercial Navigation on the Lancang-Mekong River, harmonization of safety and anti-pollution rules and regulations are part of this Agreement. For those stretches of the Mekong which are outside the scope of this Agreement (i.e. from Luang Prabang down to the Khone Phapheng), some national navigation safety and anti-pollution rules and regulations are available but need to be harmonized to have a common risk prevention and emergency response.

A Steering Committee was set up in 2017 for the harmonization. The Memorandum of Understanding (MOU) and 12 annexes of rules on traffic safety and anti-pollution have been prepared discussed in the Steering Committee. This year the MRCS will facilitate Lao PDR and Thailand to finalize the MOU.

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3. OBJECTIVES OF THE CONSULTANCY

The objectives of this consultancy are:
- Recommend negotiating approach for the MOU for the harmonization of rules and regulations on navigation safety and anti-pollution between Lao PDR and Thailand and its implementation
- Provide legal advices on bidding document/MOU
- Provide similar examples of bidding document/MOU on the experience and international context, make comparison
- Assist and advise the MRCS in ensuring the sustainability of implementing the newly reached Navigation legal framework in the long-run, such as the Agreement on Waterborn transportation between Cambodia and Vietnam
- Attend and facilitate to regional meetings with MRCS, provide/deliver presentations.

4. EXPECTED RESULTS

- Recommendation for negotiating approach for the MOU for the harmonization of rules and regulations on navigation safety and anti-pollution between Lao PDR and Thailand and its implementation
- Legal advices on bidding document/MOU
- Similar examples of bidding document/MOU on the experience and international context, make comparison

5. DELIVERABLES AND CONCRETE TIMELINES

<table>
<thead>
<tr>
<th>Deliverables and Expected Quality</th>
<th>Number of Days/Hours</th>
<th>Deadline</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recommendation for negotiating approach for the MOU for the harmonization of rules and regulations on navigation safety and anti-pollution between Lao PDR and Thailand and its implementation</td>
<td>3</td>
<td>July 2022</td>
</tr>
<tr>
<td>Legal advices on bidding document/MOU</td>
<td>2</td>
<td>September 2022</td>
</tr>
<tr>
<td>Similar examples of bidding document/MOU on the experience and international context, make comparison</td>
<td>1</td>
<td>September 2022</td>
</tr>
<tr>
<td>Attend consultation meetings</td>
<td>2</td>
<td>Oct/Nov 2022</td>
</tr>
<tr>
<td><strong>Total Number of Days/Hours</strong></td>
<td><strong>8</strong></td>
<td></td>
</tr>
</tbody>
</table>
6. REQUIRED TASKS AND RESPONSIBILITIES
- Provide:
  o recommendation for negotiating approach for the MOU for the harmonization of rules and regulations on navigation safety and anti-pollution between Lao PDR and Thailand and its implementation
  o legal advices on bidding document/MOU
  o similar examples of bidding document/MOU on the experience and international context, make comparison

7. PAYMENT MODALITY
- A first payment (30% of total contract value) will be paid after signing the contract.
- The second payment onward will be paid after deliverables outlined in section 5. The final payment will be made based on presentation of the deliverables outlined in section 5, including all reports, a short progress report and timesheet. All deliverables must be satisfactorily accepted by the MRCS Planning Division.
- The Consultant will invoice for completed deliverables outlined in Section 5.

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. DECLARATION OF NON-FRAUDULENCE AND PROTECTION OF PERSONAL DATA
The Subscriber shall adhere to the MRC’s relevant rules and regulations of the MRC on personal data protection, business exclusion, and fraud prevention and anti-corruption principles, and shall be under strict disciplinary measures should any violation occurs.

10. WORKING ARRANGEMENT
Communication Line
The Consultant will work under the supervision of the Director of the MRCS Planning Division, the consultant will work with relevant staff of the MRCS including the Navigation Specialist. Furthermore, he/she will work in close collaboration and coordination with the National Mekong Committee Secretariats and the National Navigation Experts

11. QUALIFICATIONS AND REQUIREMENTS (select or add as appropriate)
- Master Degree or higher in maritime and transportation law/international law of the sea.
- At least fifteen (15) years of experience in the following fields:
  o Maritime and transportation law
o International law of the sea
o maritime and seaports law,
o public maritime law, in all their applications

- Broad expertise in cross-border transport agreements and protocols and their direct applications in waterborne transport, also as consultant
- Knowledge of technical fields pertaining to non-physical and physical navigation matters such as dredging, customs and immigration procedures, cargo forwarding, transportation and environment, transport of dangerous goods, rules and regulations.
- Proven capability and practical experience in providing technical assistance required for various facets of international negotiation process and dispute resolution techniques in transboundary water management in an international river basin even under strong pressure and time constraints
- Experience with MRC and Mekong work and networks in the region is a very important advantage
- Fluency in spoken and written English
- Excellent writing, presentation, and reporting skills

12. SIGNATURE BLOCK

MRCS:

Full Name: Mr. Bountieng Sanaxonh  Incumbent’s Full Name: __________________________
Title: Director of Planing Division

Signature: __________________________  Incumbent’s Signature: __________________________
Date: ______________________________  Date: ______________________________