



## TERMS OF REFERENCE

### FOR SERVICES OF A CONSULTANT TO REVIEW AND AMEND THE ANTIGUA AND BARBUDA DRAFT NATIONAL WATER POLICY

#### 1.0 BACKGROUND

Freshwater is a fragile, finite and vulnerable resource vital to human, economic and environmental sustainability and influences national prosperity and quality of life. The availability, quality and reliability of a water supply are of critical importance to any country, region, community or household. With current phenomenal increases in world population as well as the rapid pace of development, water scarcity has become a real and frightening issue. The sustainability of life without water is virtually impossible.

Principle No.1 of the Dublin Statement on Water & Sustainable Development suggests that, “Freshwater is a finite and vulnerable resource, essential to sustain life, development and the environment. Effective management of water resources demands a holistic approach linking social and economic development with the protection of natural ecosystems”. Further, UNEP’s GEO-2000 concludes that water management is “inextricably linked with land issues.” “A holistic approach requires: co-ordination of the management of land and water resources, establishment of secure land and water property rights where these do not exist, reorganisation of policies at river basin level, introduction of concepts of shared and equitable water use and alternatives to the use of marginal land” (UNEP 2000).

It is necessary to re-examine previous approaches to water resources planning and management in order to ensure future sustainability. In this regard, a multidisciplinary, holistic and integrated life cycle approach to water resource planning, development and management needs to be formulated. It is also important to recognise the nexus between the watersheds and the coastal areas as they impact on each other. Inadequate management of the water resource can have a significant impact, not only on its sustainability but also on the sustainability of services derived from coastal resources. This can result in severe environmental impacts on key economic sectors such as agriculture and tourism; human health can also be compromised in cases of inadequate quantity and

quality of water. Thus, the sustainability of the health and economic development of a country relies largely on the adoption of an integrated approach to watershed and coastal area management.

Integrated Water Resources Management (IWRM) can be seen as a key solution to ensure Sustainable Development of land and water resources which as defined by the GWP is “a process which promotes the coordinated development and management of water, land and related resources in order to maximise economic and social welfare in an equitable manner without compromising the sustainability of vital ecosystems and the environment.” IWRM is the preferred approach for Antigua and Barbuda, in part because of the impact of the water sector on all other sectors in the country; and the fact that the water sector is a catalyst for economic development and a vehicle for empowerment and poverty alleviation. As such, effective management of the limited water resources is a key consideration to sustainable development.

The Public Utilities Act No. 10 of 1973 is the legal instrument under which the Antigua Public Utilities Authority (APUA) was formed and presently operates. Before the Act, water resources were managed by the country’s Ministry of Public Works. The Act transferred this responsibility to the APUA a statutory body which through its ‘Board of Commissioners’, ensures that the country’s potable water supply concerns are addressed. APUA is a monopoly and the Act (1973) makes it illegal for any other entity to provide water to the general population. This arrangement has ensured the Authority’s survival in a relatively small market. The Act and its amendments (1973, 1976, 1979, 1980, 1997) have several existing and potential constraints (James M. Montgomery Consulting Engineers Inc., 1983). For example, the Act empowers the Authority to control any/all of the islands water resources for potable use. This, it can be argued does not give proper consideration to the other potentially beneficial uses of the resource (e.g. irrigation, industry, recreational, ecosystem services).

A draft Integrated Water Resources Management Policy and Roadmap for Antigua and Barbuda was developed in July 2011. This was funded under the Global Environment Facility’s (GEF) Integrated Watershed and Coastal Areas Management Project (IWCAM) co-executed by the Caribbean Environmental Health Institute (CEHI) and the Caribbean Regional Coordinating Unit of the United Nations Environment Programme (UNEP-CAR/RCU). The document was the culmination of four years of work which commenced with stakeholder coaching and ended with the development of documents which represented their opinions and interests. The document however, has not to date been sent to the Cabinet of Government Ministers for their approval. Hence in light of the ratification of the Land Based Sources of Pollution (LBS) Protocol by Antigua and Barbuda and the IWRM considerations which must also speak to LBS issues, it would be advisable to update the existing Policy based on this concern and to include emerging issues such as Climate Change and its effects on water resources before seeking Ministerial approval.

In 2013, the Organisation of Eastern Caribbean States (OECS) under the USAID Project Reducing the Risks to Human and Natural Assets Resulting from Climate Change (RRACC) prepared a draft Model Water Policy for OECS countries. The goal of the aforementioned project was to “provide a framework to maximize the contribution of the water sector to sustainable economic, social and environmental development in an efficient and equitable manner” (CEHI, March 2013). Issues such as Climate Change and the use of ground water were incorporated within this Model Water Policy towards effective management of the resource based on the principle of IWRM. As such, it would be prudent to revise the National Water Policy 2004 with consideration of the Model Water Policy prepared for OECS countries.

Also in 2013, the Global Water Partnership-Caribbean (GWP-C) launched its Water, Climate and Development Programme (WACDEP) for the Caribbean. The WACDEP is being carried out in partnership with the Caribbean Community Climate Change Centre (CCCCC) and aims to directly support the Caribbean Community (CARICOM) agenda on climate change by facilitating water related adaptation actions as defined in the Implementation Plan for the Regional Framework for Achieving Development Resilient to Climate Change. The overall goal of the WACDEP for the Caribbean is to promote water security and climate resilience in Caribbean States as a key part of sustainable regional and national development for economic growth and human security. One of the key WACDEP objectives is to support countries in the development of appropriate legal frameworks, policies, strategies, sectoral and development plans – integrating water security and climate resilience. WACDEP emphasises an Integrated Water Resources Management (IWRM) approach towards the fulfillment of these goal.

This activity therefore seeks to review and revise the Antigua and Barbuda draft National Water Policy, with consideration of institutional changes to date, on-going processes and highlighting the evolving nature of the water sector due to climate change.

## 2.0 OBJECTIVE

The overall objective of this exercise is to review and amend the Antigua & Barbuda Integrated Water Resource Policy and Roadmap final draft July 2011.

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<sup>1</sup> Caribbean Environmental Health Institute (CEHI), March 2013. OECS Model Water Policy- Water Sector Model Policy and Model Water Act for countries within the Organisation of Eastern Caribbean States.

### 3.0 SCOPE OF CONSULTING SERVICES

The Consultant will be required to provide the following services:

- a. Utilize the report ‘Information and Legislative Review of Wastewater, Sewage Maintenance And Watershed Practices Within Antigua & Barbuda, December 2008’ to make amendments to the Draft National Water Policy of 2011;
- b. Make recommendations for amendment to the Draft National Water Policy and Road map taking into consideration the principles of IWRM, climate change effects and implementation of commitments derived under the LBS Protocol;
- c. Apply recommended amendments to the Draft National Water Policy and Roadmap taking into consideration the principles of IWRM, climate change effects and implementation of commitments derived under the LBS Protocol;
- d. Circulate draft revised National Water Policy and Roadmap to all stakeholders for feedback;
- e. Make all necessary changes and make final submission of amended Draft National Water Policy and Roadmap for approval by Cabinet.

### 4.0 SPECIFIC TASKS AND DELIVERABLES

In conducting the proposed assignment the Consultant will be expected to use all applicable tools to collect relevant information and to inform the process of policy, legislative and institutional assessment. The Consultant shall propose a methodology and timeline for approval by the Project Management Team.

The Consultant will be required to undertake the following:

#### ***Task 1: Inception meeting and preparation of a work plan***

The Consultant will have a working inception meeting with the Project Management Team in order to (i) review the process for the conduct of the research; (ii) determine roles and responsibilities; (iii) discuss the basis on which this work will be implemented; and (iv) finalize the work plan and timetable. A final work plan and report on the outcome of the inception meeting will be prepared by the Consultant and submitted no later than one week from commencement of work.

#### ***Task 2: Literature Review***

The Consultant will conduct a review of relevant documentation and background information to include but not limited to:

1. Draft National Water Policy 2011;
2. Antigua Public Utilities Act No. 10 of 1973;

3. Wastewater Management Strategy for Antigua 2008;
4. Water and Sewerage Regulations;
5. Roadmap Towards the Preparation of an Integrated Water Resources Management (IWRM) Master Plan for Antigua & Barbuda;
6. OECS Model Water Policy, 2013;
7. The Caribbean Community (CARICOM) Regional Framework for Achieving Development Resilient to Climate Change, the Framework and accompanying Implementation Plan;
8. Relevant literature and on-going initiatives related to national policy, legal and institutional arrangements for IWRM;
9. Any existing policy, legal and institutional reviews for IWRM (including lessons learnt and processes involved in any previous or ongoing review or reform processes of such arrangements).

***Task 3: Consultation with Stakeholders***

The Consultant will conduct stakeholder consultations with relevant water resource management or related agencies; Government departments; non-governmental organizations; community organisations/groups; independent consultants; and other stakeholders to obtain consensus on amendments to the Draft National Water Policy 2011. These consultations must be done in collaboration with the Project Management Team and the attendance and results of discussions must be documented for inclusion in the final report.

***Task 4: Amend the Draft National Water Policy of 2011***

Based on the results of Tasks 2 and 3, the Consultant will make amendments to the Draft National Water Policy.

***Task 5: Submission of Draft Version of Amended Draft National Water Policy***

Draft versions of the amended documents will be presented to relevant stakeholders at a facilitated consultative process and draft versions will also be circulated for feedback and recommendations prior to its finalisation.

***Task 5: Submission of Final Amended National Water Policy***

The Consultant will make all relevant changes based on feedback from consultative processes and submit the final amended National Water Policy to the Project Management Team for Cabinet approval.

***Task 6: Submission of final consultancy report***

The Consultant will submit to the Project Management Team, a final consultancy report highlighting the nature of the work undertaken noting the level of success and constraints in terms of the methodologies used, the nature and quality of stakeholder participation and any lessons learnt during the process.

## 5.0 DELIVERABLES AND TIMEFRAME

Draft and finalized copies of all documents are to be provided to both APUA and to the GWP-C. The following documents are to be provided by the consultant:

1. An Inception Report within one (1) week of signing of the contract. This report will detail the scope of the work, outline the methodology to be used, timelines in the form of a Gantt Chart and milestones of the Consultancy;
2. The Draft version of the amended National Water Policy 2011 no later than twelve (12) weeks after signing the contract;
3. The Final version of the amended National Water Policy 2011 and Roadmap capturing stakeholder feedback no later than sixteen (16) weeks after signing the contract;
4. The Final Consultancy Report no later than sixteen (16) weeks after signing the contract. This report must detail the activities undertaken during the assignment- individuals/groups consulted, lessons learned, etc.
5. Monthly Progress Reports documenting on the status of the consulting services.

## 6.0 REQUIRED QUALIFICATIONS AND EXPERIENCE

The Consultant(s) is / are expected to possess the following:

1. Advanced law degree preferably in areas related to sustainable development and environmental management. A first level university law degree from a common and/or civil law jurisdiction supported by demonstrated experience in the field of environmental law and policy; and water resources or environmental management may be accepted in lieu of an advanced degree;
2. At least ten (10) years experience in Institutional Analysis (including aspects of national/international environmental policy), Environmental Law or related field;
3. Knowledge and understanding of institutional and policy issues in the Caribbean pertaining to water resources management and climate change;
4. Fluency in oral and written English;
5. Excellent research, analytical and writing skills; and

6. Prior experience preparing reports and studies, preferably on law and policy related issues would be an asset.

The Consultant(s) should also have a demonstrated familiarity with Integrated Water Resources Management and related issues.

## 7.0 PROJECT EXECUTION AND ADMINISTRATION

A Project Management Team consisting of the Water Business Unit of the Antigua Public Utilities Authority, The Ministry of Agriculture and the Global Water Partnership-Caribbean will administer all technical aspects of this contract. All communications between the Consultant and the Project Management Team for the assigned work should be copied to the General Manager, Antigua Public Utilities Authority; and to the Permanent Secretary, Prime Minister's Office.

## 8.0 PROPOSAL SUBMISSION

Interested applicants are asked to submit a technical and financial proposal for the deliverables including any transportation costs to and from Antigua. Please note that the consultant/s will be expected to make their own arrangements for any one –on-one meeting with stakeholders but at least two group consultations/workshops are expected to be conducted. The costs associated with the two workshops will be borne by GWP-C.

**Proposals must be submitted to GWP-C using email address [wacdep@gwp-caribbean.org](mailto:wacdep@gwp-caribbean.org) by 9 a.m. Atlantic time, Monday 12<sup>th</sup> of May 2014.**

Funding for this consultancy is provided by the Global Water Partnership-Caribbean, WACDEP programme. *GWP-C partners (or teams which include a GWP-C partner) are encouraged to apply.*