

TERMS OF REFERENCE INDIVIDUAL CONSULTANT(S)

Assignment:	Underwater Cultural Heritage (UCH)-related legislation and programme review in the five countries in Micronesia
Organization:	United Nations Educational Scientific and Cultural Organizations (UNESCO)
Duration of assignment:	Approximately 30 days (between 1 June and 30 September 2018)
Place of assignment:	Home-based
39 C/5 Element:	n°1052: “Building capacity for UCH safeguarding for sustainable development in Pacific SIDS”
Budget Operation Request:	NA
Budget Code:	9240144011API

Introduction:

UNESCO strives towards promoting sustainable development, democracy and peace globally through work in thematic priority areas of education, culture, social and human sciences, natural sciences and communication and information. Other specific priorities that the UNESCO pursues include youth, gender equality and Small Island Developing States (SIDS).

The UNESCO Cluster Office to the Pacific States based in Apia, Samoa extends UNESCO’s work in the five thematic areas across 16 Member States (Australia, Cook Islands, Fiji, Kiribati, Marshall Islands, Micronesia, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu) and 1 Associate Member.

General background:

The Convention on the Protection of the Underwater Cultural Heritage (UCH) (2001 Convention) was adopted in 2001 by UNESCO to fight against the extensive pillage, commercial exploitation and illicit traffic or unethical recovery of UCH. The 2001 Convention considerably increases the legal protection of UCH. It also responds to the need for scientific guidance and facilitates inter-state cooperation. The 2001

Convention is becoming more and more relevant at a time when the destruction, pillage and commercial exploitation of UCH as well as the industrialization of the seabed are increasing.

The Samoa Accelerated Modality of Action (SAMOA) Pathway Outcome adopted at the 3rd UN International Conference on Small Island Developing States (SIDS) (Samoa, 2014) supports SIDS's efforts to conserve their valuable UCH (paragraph 54) and invites SIDS to become parties to the 2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage (paragraph 58).

The 2030 Agenda for Sustainable Development (2015-2030) recognizes the transversal role of culture as an enable for sustainable development. SDG 11 on Sustainable Cities and Communities covers the protection of World natural and cultural heritage, while SDG 14 on Ocean aims to increase the economic benefits to SIDS from the sustainable use of marine resources including tourism, among others.

Beneath the depths of the waters of the Pacific Ocean lie traces of human existence that span across history from the Stone Age to the Atomic Era. UNESCO publication "[Underwater Cultural Heritage in Oceania](#)" (2010) presents an overview of the diverse UCH in the Pacific, ranging from underwater caves, traditional fish weirs, ships of explorers, and World War-related wrecks and aircrafts.

UNESCO has been assisting Pacific SIDS to build capacity for UCH safeguarding through workshops and educational activities under the UNESCO University Twinning and Networking (UNITWIN) programme for maritime archaeology. Addressing the potential risks of ocean pollution, UNESCO published a report "[Safeguarding UCH in the Pacific: Report on Good Practice in the Protection and Management of World War II-related UCH](#)" in 2017.

Finally, the Pacific Heritage Workshop held in Palau in 2017 had a session dedicated to the UCH Convention. On that occasion, the delegates from the Micronesian region have expressed keen interest in joining the 2001 Convention in the near future, making a request for UNESCO's assistance to support this process.

The above efforts have resulted in the ratification of the Federated States of Micronesia (FSM) in March 2018.

Basic work practices and assumptions:

- Two consultants to work as a team. A lead consultant has the responsibility to ensure: i) the reports of two consultants are synthesized in one report in a logical manner, ii) quality of research is kept high, and iii) deadline for delivery of the output are adhered to.
- During the course of the assignment, the consultants will be under the direct supervision of the Programme Specialist for Culture at the UNESCO Office in Apia.

- The report preparation should be based on desk study and electronic consultations (Skype, and emails) with the Culture Focal Points in the countries concerned. UNESCO will provide a list of the Culture Focal Points in the countries concerned.

Objectives:

Under the overall goal to enhance the capacity for the UCH safeguarding, the objectives of this consultancy are to support the national process towards ratification (or implementation) of the UCH Convention by developing recommendations based on analysis on the two aspects; i) UCH-related policies/laws/legislation and ii) UCH-related programmes/initiatives, in the five countries (Federated States of Micronesia, Kiribati, Nauru, Palau Republic of the Marshall Islands) in Micronesia.

The Assignment:

The Assignment involves the following;

Consultant A:

1. To map the current UCH-related policies/laws/legislation in the five countries in Micronesia;
2. To identify gaps to be addressed in order to strengthen the UCH safeguarding for sustainable development and to join (or implement) the UCH Convention;
3. To provide recommendations as a way forward.

Consultant B:

1. To map the current UCH safeguarding programme/projects both in the public and civil society sectors in the five countries in Micronesia;
2. To identify gaps to be addressed in order to strengthen the UCH safeguarding for sustainable development and to join (or implement) the UCH Convention;
3. To provide recommendations as a way forward.

In the process of developing a report would require the following consideration:

1. Diverse types of UCH that exist in the countries concerned and their tangible and intangible aspects;
2. Policies/laws/legislation and Programmes/Initiatives pertaining to UCH safeguarding for sustainable development beyond the culture/heritage sector (eg. fishery, education, ocean transportation, environment, tourism, customs, climate change, etc.)
3. Programmes/initiatives both in the government and civil society sectors;
4. Linkage of UCH safeguarding to national sustainable development plan;

5. Link to the regional and sub-regional development cooperation and partnership frameworks.

Outputs or Deliverables:

The report would include:

- A list of current UCH-related policies/laws/legislation and programmes/initiatives in the five Micronesian countries;
- Enforcement and implementation of the above, including challenges and opportunities;
- Gap to be addressed in order to strengthen the UCH safeguarding for sustainable development and to join (or implement) the UCH Convention;
- Recommendations; and
- Funding and leveraging strategy.

Final Product:

The consultants will produce a report of no more than 100 pages including recommendations.

Language of the document:

English.

Travel and transportation:

The tasks of the assignment are home-based and no travel is foreseen.

Payments:

The payments will be made as below:

First payment: Upon delivery of the list of current UCH-related policies/laws/legislation in the five countries in Micronesia.

Second and final payment: Upon delivery of the final version of the report including recommendations.

Review of the outputs or deliverables:

UNESCO will review the outputs / deliverables for quality, relevance and viability.

Expected profile of the consultant, including specialized knowledge:

- Minimum Master degree in cultural heritage laws, international laws of the sea, international culture conventions;
- Professional background on cultural and ocean policy research;
- Excellent verbal and written communication skills in English;
- Availability for telephone, email or video-link discussion during the full duration of assignment;
- Experience in consultancy work in the area of cultural heritage laws focusing on underwater cultural heritage in Pacific island states is a major advantage.