



USAID REDUCING POLLUTION PROJECT

Hanoi, May 16, 2023

RECRUIT

Provision of consultancy services to develop articles on environmental protection requirements for i) mineral master plans and strategies, and ii) mining activities for the Draft Law on Geology and Minerals

Duration: 90 working days for two national individual consultants

Duty station: Home-based and Hanoi, with travel to the field

1) BACKGROUND

Viet Nam has a potential natural mineral resources of great wealth development. On the other hand, mining exploration and exploitation in the country have posed lots of adverse impacts on the environment. For instance, coal mining operators have contaminated the local water supply or discharged coal dust in the air. Gold mining, for example, often involves the failing to complete a waste water treatment system and an air monitoring and treatment system. Many entities engaged in mining exploration and exploitation have not fulfilled their obligations on environmental protection.

The review of 13 years of implementation of the Mineral Law 2010 shows that there have been still many shortcomings. Many legal provisions of the Mineral Law 2010 are no longer consistent with the practice. Particularly, while a range of relevant provisions on environmental protection in strategies and master plans have been amended and supplemented in the newly promulgated laws such as the Law on Planning, the Law amending and supplementing a number of articles of the 37 Laws related to planning, Law on Environmental Protection..., the respective provisions in Mineral Law 2010 has not yet been revised to be consistent with related laws.

Besides, it can be observed that the Law on Minerals 2010, the Law on Environmental Protection 2020, the Law on Environmental Protection Tax, the Penal Code in 2015 and other relevant legal documents have stipulated the general requirements of environmental protection in the field of geology and minerals. Nevertheless, such regulations have not specified the detailed provisions and guidelines on environmental protection in mining activities, including mining exploration, mine construction, and mine operation. Besides, the existing provisions on environmental protection in mineral activities still has some shortcomings that need to be improved in order to strengthen the management and create favourable conditions for organizations and individuals to perform environmental protection towards the goal of sustainable development of the national mineral industry.

The coordination mechanism between the Ministry of Natural Resources and Environment (MONRE), the Ministries of Industry and Trade, Ministry of Construction, Ministry of Finance and relevant ministries and branches in the management and exploitation of minerals associated with environmental protection have not been well established and effective.

Resolution No. 10-NQ/TW dated February 10, 2022 of the Politburo on strategic orientations of geology, minerals and mining industry to 2030, with a vision to 2045 emphasizes the needs to harmonize economic development goals, ensuring political and social stability, protecting the environment, and realizing sustainable development goals in exploitation, use and management of geological resources and minerals.

The Geology and Mineral Strategy to 2030, with a vision towards 2045 was approved in the Decision No. 334/QĐ-TTg dated 1st April 2023. Accordingly, one of the key goals of the Strategy is the strict management, economical and efficient use of mineral resources, investing in mining and mineral processing technology, forming an advanced and modern mining industry that goes in line with

environmental protection and a circular, green economy, climate change adaptation and towards carbon neutrality. It is also expected to end fragmented and out-of-date mineral mining and processing establishments that pollute the environment. Specifically, the mining industry will have to comply with the planning, use advanced technology and equipment, suitable to each potential type of mineral, and maximise the recovery of useful ingredients while ensuring environmental protection. For minerals with large and concentrated reserves, mining projects must be conducted while using advanced technology, modern equipment, and sustainable environmental protection.

In order to fully implement the viewpoints, goals, tasks and solutions mentioned in the Resolution and Strategy on geology and minerals, Viet Nam Government assigned MONRE to develop the Law on Geology and Minerals that is expected to approve in October 2024.

Under the above-mentioned circumstance, MONRE/Department of Minerals of Viet Nam is seeking technical and financial supports from development partners, including Winrock, to cooperate in developing specific articles on environmental protection in mineral master plans and strategies and mining activities, thereby serving the formulation of the Law on Geology and Minerals and guiding documents for the implementation of the Law.

With plentiful experiences in collective action activities and strengthening environmental capacity of the MONRE through several technical cooperation projects, Winrock realized the importance of providing a technical support to review the current status of environmental protection requirements for the mineral master plans and strategies and for mining activities, referring to international experiences and providing options/recommendations for the development of specific articles in the Draft Law on Geology and Minerals.

2) OBJECTIVES OF THE ASSIGNMENT

The objectives of this assignment include:

- To assess the existing policies and regulations on environmental protection in mineral strategies and master plans, environmental protection in mining activities
- To analyze the current status of the integration of environmental protection in mineral strategies and master plans and existing performance of environmental protection in mining activities
- To conduct research on policies and best practices of some countries in integrating environmental protection in mineral strategies and master plans, in mining activities and provide appropriate lessons learnt for Viet Nam
- To provide articles on environmental protection requirements in mineral strategies and master plans and in mining activities in line with Viet Nam's sustainable development and climate change adaptation goals that are included in the Draft Law on Geology and Minerals

3) SPECIFIC DUTIES AND RESPONSIBILITIES

To achieve the objectives, the 02 national consultants need to collaborate with the staff assigned by Viet Nam Department of Minerals in performing the following tasks:

3.1. Detailed tasks

i. For Team leader (National Consultant 1) – Focus on mineral strategies and master plans

- ❖ Review current regulations and policies on environmental protection in mineral strategies and master plans, regarding the specific mineral strategies and master plans as follows:
 - + Mineral strategies
 - + Master plans on geological baseline surveys of minerals
 - + National master plans on mineral exploration and mining
 - + National master plans on the exploitation and utilization of each kind or group of minerals for use as construction materials
 - + Provincial master plans on mineral exploration, mining and utilization

- ❖ Conduct field surveys and interviews on the current status of integration of environmental protection in mineral strategies and master plans to identify the shortcomings and difficulties in the enforcement in Viet Nam

The survey sites are selected based on the following criteria:

- (i) The provinces are located in the key economic regions where many geological and mineral projects are concentrated
- (ii) The provinces have developed and implemented strategy or/and master plan on mineral resources

Accordingly, it is expected to conduct field surveys in 04 provinces: Lam Dong, Dak Nong, Ba Ria-Vung Tau, Kien Giang

- ❖ Review and analysis of international experiences on the integration of environmental protection in mineral strategies and master plans with a special focus on the latest policies, regulations and practices of several countries leading in the field of geology and mining (United States, Australia...); summarise lesson learnt for Viet Nam
- ❖ Develop articles on environmental protection requirements for mineral strategies and master plans that are included in the Draft Law on Geology and Minerals.
- ❖ Present the outputs at the technical meetings and seminars to share the results; facilitate participatory discussions to develop recommendations to be included in the report
- ❖ Manage the other team members, including National Consultant 2 and in coordination with the assigned supporting staff of the Viet Nam Department of Minerals; manage their contributions and specific outputs.
- ❖ Manage information sharing and day to day dialogue with donors and other stakeholders.

ii. For National Consultant 2 (team member) - Focus on mining activities

- ❖ Review current regulations and policies on environmental protection in mine planning (exploration and feasibility studies), mine construction, and mine operation, focusing some aspects as follows:
 - + Environmental impact assessment
 - + Environmental protection of land, water and air
 - + Information, statistics and reports
 - + Resources and finance on environmental protection
 - + Responsibilities of relevant stake holders
 - + Settlement of disputes, complaints and denunciations
 - + Administrative procedures
 - + Economic tools (Environmental protection fee for minerals; Environmental deposit; Environmental insurance)
 - + Environmental risks and incidents (prevention, response and remedy of risks and incidents; coordination mechanism, responsibilities of stakeholders)
 - + Environmental inspection and testing
 - + Environmental permit
- ❖ Conduct field surveys and interviews on the performance of environmental protection in mining activities to identify the shortcomings and difficulties in the enforcement in Viet Nam

The survey sites are selected based on the following criteria:

- (i) The provinces are located in the key economic regions where many geological and mineral projects are concentrated

(ii) The sites have many hot spots related to environmental issues in mining activities

Accordingly, it is expected to conduct field surveys in 04 provinces: Lam Dong, Dak Nong, Ba Ria-Vung Tau, Kien Giang

- ❖ Review and analysis of international experiences on the integration of environmental protection in mining activities with a special focus on the latest policies, regulations and practices of several countries leading in the field of geology and mining (United States, Australia...); summarise lesson learnt for Viet Nam
- ❖ Develop articles on environmental protection requirements for mining activities that are included in the Draft Law on Geology and Mineral.
- ❖ Present the outputs at the technical meeting and seminars to share the results; facilitate participatory discussions to develop recommendations to be included in the report

3.2 Degree of Expertise and Qualifications

i. National consultant 1

Education:

- PhD Degree in mineral and geological field, environmental science, or related field, is required.

Experiences and Competencies:

- Experience in development and/or appraisal of relevant strategies and master plans;
- Minimum 15-year experience working in environmental field, mineral and geological field;
- In-depth knowledge of strategies and master plans, environmental policies and regulations and/or policies and regulations on mineral and geological field in Viet Nam;
- Proven work experiences in related projects or studies;
- Experiences of working in international donor-funded projects is an advantage.

Language:

- Good oral and written communication skills in Vietnamese.

Other Desirable skills:

- Excellent communication and leadership skills;
- Effective organizational and time-management skills;
- Good interpersonal and presentation skills.

ii. National consultant 2

Education:

- PhD Degree in mineral and geological field, environmental science, or related field, is required

Experience and Competencies:

- Experience in tasks related to mining exploitation and operation;
- Minimum 15-year experience working in environmental field, mineral and geological field; expertise in policy and law development;
- In-depth knowledge of environmental policies and regulations, or policies and regulations on mineral and geological field in Viet Nam;
- Proven work experiences as a team leader or supervisor in related projects or studies;
- Experiences of working in international donor-funded projects is an advantage.

Language:

- Good oral and written communication skills in both Vietnamese.

Other Desirable skills:

- Adequate computer literacy;
- Sufficient analytical skills;

- Good interpersonal and presentation skills.

4) TIMELINE AND DELIVERABLES

4.1 Expected Final outputs

- A consolidated report in Vietnamese which reflects all findings mentioned in the Table for Team leader below and articles on environmental protection requirements in mineral strategies and master plans that provide inputs for the Draft Law on Geology and Minerals, and a short summary in English.
- A consolidated report in Vietnamese which reflects all findings mentioned in the Table for National consultant 2 below and articles on environmental protection requirements in mining activities that provide inputs for the Draft Law on Geology and Minerals, and a short summary in English.

4.2. Duration and Timing: up to 90 total days from June to September 2023

4.3. Duty station: Home based and Hanoi, and travel to the field. In case of travel, separate travel costs will be approved in advance and paid by Winrock.

4.4 Detailed timeline and Deliverables

a) For the Team leader

No	Activities	Numbers of working days (up to)	Timeline	Deliverables
1	Design a detailed work plan and methodology	01	Completed within 07 days after agreement signed	A detailed work plan and methodology for undertaking the assignment, approved by Winrock and Department of Mineral Resources of Viet Nam
2	Assess the existing policies and regulations on mineral strategies and master plans, environmental protection in mineral strategies and master plans	03	Completed by 30 June 2023	Research results on the review of existing policies and regulations on environmental protection in mineral strategies and master plans
3	Design survey plan and questionnaires	02	Completed by 30 June 2023	A detailed survey plan and questionnaires, approved by Winrock and Department of Mineral Resources of Viet Nam
4	Conduct field surveys to assess the current status of the integration of environmental protection in mineral strategies and master plans and the performance of environmental protection in mining activities (04 provinces x 03 days/province)	15	Completed by 30 July 2023	Results on field surveys including data and information collected and analysed
5	Conduct research on policies and best practices of some countries in integrating environmental protection in mineral strategies and master plans; provide appropriate lessons learnt for Viet	05	Completed by 20 August 2023	Research results on international experiences in integrating environmental protection in mineral strategies and master plans

	Nam			
6	Develop the first Draft articles and Report include all research results on environmental protection requirements in mineral strategies and master plans	09	Completed by 5 September 2023	First Draft articles and Report include all research results on environmental protection requirements in mineral strategies and master plans
7	Present the outputs at seminars to share the results; facilitate participatory discussions to develop recommendations to be included in the report	01	September 2023	
8	Develop the final articles and Report on environmental protection requirements in mineral strategies and master plans integrating reviews and comments of relevant stakeholders	04	Completed by 20 September 2023	Final articles and Report on environmental protection requirements in mineral strategies and master plan submitted to Department of Mineral Resources of Viet Nam to provide inputs for the Draft Law on Geology and Mineral Resources
	In total of working days	40		

b) For the Team member (National Consultant 2)

No	Activities	Numbers of working days (up to)	Timeline	Deliverables
1	Design a detailed work plan and methodology	01	Completed within 07 days after agreement signed	A detailed work plan and methodology for undertaking the assignment, approved by Winrock and Department of Mineral Resources of Viet Nam
2	Assess the existing policies and regulations on environmental protection requirements for mining activities	05	Completed by 30 June 2023	Research results on the review of existing policies and regulations on environmental protection in mining activities
3	Design survey plan and questionnaires	02	Completed by 30 June 2023	A detailed survey plan and questionnaires, approved by Winrock and Department of Mineral Resources of Viet Nam
4	Conduct field surveys to assess the current status of the integration of environmental protection in mineral strategies and master plans and the performance of environmental protection in mining activities (04 provinces x 03 days/province)	15	Completed by 30 July 2023	Results on field surveys including data and information collected and analysed
5	Conduct research on policies and best practices of some countries in integrating environmental protection in mining activities;	08	Completed by 20 August 2023	Research results on international experiences in integrating environmental protection in mining activities

	provide appropriate lessons learnt for Viet Nam			
6	Develop the first Draft articles and Report include all research results on environmental protection requirements in mining activities	14	Completed by 5 September 2023	First Draft articles and Report include all research results on environmental protection requirements in mining activities
7	Present the outputs at the seminars to share the results; facilitate participatory discussions to develop recommendations to be included in the report	01	September 2023	
8	Develop the final articles and Report on environmental protection requirements in mining activities integrating reviews and comments of relevant stakeholders	04	Completed by 20 September 2023	Final articles and Report on environmental protection requirements in mining activities submitted to Department of Mineral Resources of Viet Nam to provide inputs for the Draft Law on Geology and Mineral Resources
	In total of working days	50		

5) RESPONSIBILITIES OF WINROCK AND DEPARTMENT OF MINERALS OF VIETNAM

5.1 Department of Minerals of Viet Nam

Department of Mineral of Viet Nam will provide 02 competent staff members to assist the two national consultants to perform their assignments, but not necessarily limited to:

- Provide relevant documents/reviews regarding revised Law on Geology and Minerals in terms of environmental protection in mineral master plans and strategies; and in mining activities;
- Select survey sites and provide administrative support to the field survey;
- Assist the two national consultants to carry out research and develop the reports
- Monitor the contract implementation;
- Check, review deliverables and submit for acceptance.

Besides, Department of Minerals of Viet Nam will organize 02 seminars sponsored by Winrock to consult with relevant stakeholders on the environmental protection requirements for mineral master plans and strategies and mining activities; and the proposed articles that are included in the Draft Law on Geology and Minerals.

5.2 Winrock

- Monitor the contract implementation;
- Check, review the deliverables.

6. HOW TO APPLY

Interested candidates with the right qualifications and motivation are invited to send letter of interest, a full CV in English to the following email address: vietnamjobs@winrock.org with subject line of **“Your full name – LGM Team Leader or Your full name – LGM Team Member”** **no later than May 29, 2023**

We would like to thank all applicants for their interest but only candidates who meet requisite criteria and are short listed will be contacted.