



## TERMS OF REFERENCE (ToR)

### Legal Evaluation and Revision of the State Decree on Environmental Inspectors

(Pursuant to Articles 62 and 63 of the Environmental Framework Act – Milieu Raamwet 2024)

#### 1. PROJECT CONTEXT AND RATIONALE

The Environmental Framework Act (Milieu Raamwet 2024) establishes the National Environmental Authority (NMA) as the central regulatory and enforcement authority for environmental governance in Suriname.

Articles 62 and 63 of the Act provide the statutory basis for:

- Appointment of Environmental Inspectors (Milieucontroleurs);
- Administrative supervisory powers;
- Criminal investigative authority;
- Cooperation with prosecutorial and judicial authorities.

To operationalize these provisions, a State Decree on Environmental Inspectors was drafted. Given the significant enforcement powers involved — including entry, inspection, seizure, and coordination with criminal authorities — it is essential to ensure:

- Full legal conformity with Articles 62–63;
- Clear separation between administrative enforcement and criminal investigation;
- Compliance with rule-of-law principles (proportionality, legality, due process);
- Institutional coherence within the NMA;
- Transparent oversight and accountability mechanisms.

This consultancy supports institutional strengthening of the NMA by ensuring that the enforcement framework is legally robust, operationally clear, and aligned with international regulatory governance standards.



## 2. OBJECTIVE OF THE ASSIGNMENT

The overall objective is to conduct a comprehensive legal, institutional, and procedural review of the State Decree on Environmental Inspectors and to prepare a revised, legally sound draft that:

1. Fully aligns with Articles 62 and 63 of the Environmental Framework Act ;
2. Clarifies the scope and limits of enforcement authority;
3. Strengthens safeguards for proportionality and due process;
4. Enhances accountability and internal oversight;
5. Ensures operational clarity and enforceability.

## 3. SCOPE OF WORK

The Consultant shall perform the following tasks:

### 3.1 Legal Compliance Assessment

- Conduct article-by-article review of the current State Decree.
- Assess conformity with:
  - Article 62 (designation, authority, and legal status of inspectors);
  - Article 63 (criminal investigative powers and prosecutorial interface) .
- Review compatibility with:
  - Criminal Procedure Code;
  - Regulations governing special investigative officers;
  - Administrative law principles.

### 3.2 Mandate and Powers Analysis

- Evaluate scope and limits of inspection and investigative powers;
- Assess coercive measures and legal thresholds;
- Clarify evidentiary standards and documentation requirements;
- Introduce safeguards based on:



- Proportionality;
- Subsidiarity;
- Legal certainty;
- Due process.

### **3.3 Institutional and Governance Review**

- Assess organizational positioning within NMA;
- Review reporting lines and chain of command;
- Clarify separation between:
  - Policy formulation;
  - Regulatory decision-making;
  - Enforcement operations.
- Strengthen conflict-of-interest safeguards.

### **3.4 Operational Procedures and SOP Review**

- Define legal status of Standard Operating Procedures (SOPs);
- Ensure legally defensible documentation processes;
- Strengthen chain-of-custody procedures;
- Clarify cooperation mechanisms with police and prosecutors.

### **3.5 Oversight and Accountability Mechanisms**

- Review disciplinary procedures;
- Evaluate complaint handling systems;
- Strengthen reporting obligations;
- Reinforce ministerial oversight and judicial review safeguards.



#### 4. EXPECTED OUTPUTS AND DELIVERABLES

Output	Description	Timeline
<b>Output 1: Inception Report</b>	Methodology, compliance matrix, work plan	Week 2
<b>Output 2: Draft Legal Evaluation Report</b>	Legal analysis, risk assessment, governance review	Week 6
<b>Output 3: Draft Revised State Decree</b>	Consolidated legal text with article-by-article amendments	Week 8
<b>Output 4: Validation Workshop/Consultation</b>	Legal-policy validation session	Week 9
<b>Output 5: Final Package</b>	Final report, revised decree, executive decision memorandum	Week 10

#### 5. PAYMENT SCHEDULE

Deliverable	Payment (%)
Inception Report	20%
Draft Evaluation + Draft Decree	40%
Final Deliverables	40%

#### 6. IMPLEMENTATION ARRANGEMENTS

**Executing Partner:** National Environmental Authority (NMA)

**Responsible Ministry:** Ministry responsible for Environment

**Decision Authority:** Council of Ministers / President

The Consultant will report to the designated focal point within the NMA and coordinate with legal and policy counterparts.



## 7. DURATION OF ASSIGNMENT

- Total Duration: 25–30 working days
- Implementation Period: Approximately 3 months

## 8. MONITORING AND QUALITY ASSURANCE

Progress will be monitored through:

- Submission and approval of milestone deliverables;
- Validation meeting at Draft Decree stage;
- Compliance checklist against Articles 62–63;
- Quality review against UNDP governance standards.

Acceptance of deliverables will be subject to formal approval by the Executing Partner.

## 9. RISKS AND MITIGATION MEASURES

Risk	Mitigation
Overlap between administrative and criminal powers	Clear delineation in revised draft
Institutional resistance to safeguards	Structured validation workshop
Ambiguity in prosecutorial interface	Legal clarification and coordination clauses
Capacity constraints	Practical drafting with operational guidance



## 10. ETHICAL AND SAFEGUARD CONSIDERATIONS

The Consultant shall:

- Maintain independence and objectivity;
- Avoid conflicts of interest;
- Maintain confidentiality;
- Comply with UNDP anti-corruption standards;
- Ensure rights-based and due process considerations in drafting.

## 11. REQUIRED QUALIFICATIONS

**Education:** Advanced university degree in Environmental Law, Administrative Law, or Criminal Law.

**Experience:**

- Minimum 10 years in legislative drafting and regulatory governance;
- Demonstrated experience in enforcement systems;
- Experience with UNDP/GEF frameworks is an asset.

## 12. SELECTION CRITERIA

Proposals will be evaluated based on the following weighted criteria:

- **Relevant Professional Experience (30%):** Minimum 10 years in legislative drafting, enforcement systems, and regulatory governance.
- **Qualifications (25%):** Advanced university degree (Master's) in Environmental Law, Administrative Law, or Criminal Law.
- **Experience with UNDP/GEF Frameworks (15%):** Proven experience with international regulatory or multilateral organization procedures.
- **Financial Evaluation (30%).** Based on the competitiveness and transparency of the all-inclusive daily fee.



### 13. APPLICATION PROCESS

The Consultant must submit:

#### 1. Technical Proposal

- Indicating the consultant's understanding of the TOR and a description of how he/she proposes to carry out the tasks and achieve the deliverables.
- Statement of why the consultant considers her/him suitable for this consultancy.
- CVs of the Consultant, indicating all past experience, as well as the contact details and at least three (3) professional references.

#### 2. Financial Proposal

- Applicants must submit their financial proposals in **Suriname Dollars (SRD)**. Selected candidates who submitted a US Dollar quotation will be paid in SRD at the prevailing UNORE rate at the time of payment (Ref: <https://treasury.un.org/operationalrates/OperationalRates.php#S>).
- Financial proposals must indicate an all-inclusive daily fee, covering professional fees, communications, insurance, and all other relevant expenses.

### 14. SUBMISSION AND OPENING OF PROPOSALS

All proposals must be submitted to: [info-EMSAGS@nimos.org](mailto:info-EMSAGS@nimos.org) , with the subject reading as follows: **“Application for Environmental Inspectors Legal Revision – NMA”**.

- Submission Deadline: Friday, April 17, 2026, 15:00h Suriname Time.
- Please ensure that the Application letter, CV, Technical Proposal, and Financial Proposal are submitted as **SEPARATE FILES** in one email.
- Any proposal that arrives after the deadline for submission shall not be considered.