



REPUBLIQUE DU CAMEROUN
Paix-Travail-Patrie

MINISTRE DE
L'ENVIRONNEMENT, DE LA
PROTECTION DE LA NATURE, ET
DU DEVELOPPEMENT DURABLE

CONVENTION SUR LA DIVERSITE
BIOLOGIQUE

PROTOCOLE DE NAGOYA SUR
APA

REPUBLIC OF CAMEROON
Peace-Work-Fatherland

MINISTRY OF
ENVIRONMENT,
PROTECTION OF NATURE
AND SUSTAINABLE
DEVELOPMENT

CONVENTION ON
BIOLOGICAL DIVERSITY

NAGOYA PROTOCOL ON ABS



"A Bottom-up Approach to ABS: Community level capacity development for successful engagement in
ABS value chains in Cameroon (*Echinops giganteus* and *Mondia whitei*)" AWARD N° 00090258

TERMS OF REFERENCE

FOR THE RECRUITMENT OF A CONSULTANT TO DRAFT A REGULATORY TEXT FOR THE IMPLEMENTATION OF THE ACCESS AND BENEFIT SHARING BILL WHEN ENACTED



Echinops giganteus



Mondia whitei

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[Signature]

I. BACKGROUND

The Convention on Biological Diversity (CBD) was adopted on 5 June 1992 at the Earth Summit in Rio de Janeiro and it entered into force in 1993. Its objectives are biodiversity conservation, sustainable use of its components and access to genetic resources and the fair and equitable sharing of benefits arising from the use of genetic resources (ABS). To effectively implement the third objective, there was need to negotiate an international regime that will promote and safeguard the fair and equitable sharing of benefits arising from the utilization of genetic resources. This need was further accentuated by developing countries who have for a long time been complaining of misappropriation of their genetic resources by developed countries.

In response to this situation, at the 7th meeting of the Conference of the Parties in 2004, an Ad Hoc Committee was established with the mandate to develop and negotiate an international regime on access to genetic resources and fair and equitable sharing of benefits specially to implement Article 15 (access to genetic resources) and 8 (j) (traditional knowledge) of the Convention. After 6 years of negotiations, the Nagoya Protocol on ABS was adopted in the city of Nagoya, Japan on 29 October 2010. It establishes legal certainty and transparency for both providers and users of genetic resources.

Cameroon Country, Party to this Convention has been an active member in all the negotiating processes of the protocol and thanks to its enormous biological and cultural potentials, it benefited from GEF / UNEP funds to implement this Protocol precisely by using two value chains (*Echinops giganteus* and *Mondia whitei*) to build local and national capacities as well as develop a law on ABS. Moreover, an ABS Strategy was elaborated and validated in 2012 while its action plan was validated in 2016. The strategy spells out the need to develop a specific law on ABS with its regulatory texts. It is also worth noting that these two value chains are from Lebiallem Division in the South West Region precisely from the localities of Magha-Bamumbu (*Echinops giganteus*) and Lewoh (*Mondia whitei*). Essential oils are extracted from these species by a French company V.MANE FILS for a possible use in the cosmetic industry.

In 2016, Cameroon benefitted through the Ministry of the Environment, Nature Conservation and Sustainable Development benefited from the GEF/UNDP funding, a medium sized project whose aim is to build capacities at the national and local levels to develop value chains for *Echinops giganteus* and *Mondia whitei* that are compliant with ABS principles enshrined in the Nagoya Protocol. The project will also use these value chains to elaborate a specific law on ABS in Cameroon. The law currently being drafted will be examined and if possible adopted by all stakeholders at the national level in the days ahead and then submitted to hierarchy for onward transmission. In this regard, it will be very important for it to be accompanied by regulatory instruments to facilitate its effective implementation. This is the purpose of these terms of reference.

II. GENERAL OBJECTIVE

The main objective of this assignment is to recruit a consultant to draft a regulatory text for the implementation of the access and benefit sharing bill when enacted.

III. SPECIFIC OBJECTIVES

1. Draft a regulation under the access and benefit sharing bill that will specify but not limited to:
 - Modalities for the Valorisation of GR and TK Cross Sectoral Integration
 - Access Conditions
 - Types of Access
 - Access Standards (research, commercialisation, emergencies, etc..)



- Access Procedures (PIC and MAT)
 - Benefit Sharing Conditions
 - Types of Benefits
 - Benefit Sharing Standards (GR, TK,)
 - Benefit Sharing Agreements
 - Measures for Control and Monitoring (check points),
2. To prepare the explanatory Memorandum of the Decree

IV. SCOPE OF WORK

The consultant will perform the tasks in the table within the consultancy period.

Activity	Task
Development of draft regulatory Instrument for the ABS Bill	Review and analyse the regulatory power under the Bill
	Conduct in house consultations with the ABS Focal Point and Legal Department of MINEPDED to obtain drafting instructions
	Participate in dissemination meetings to understand the context and dynamics of the proposed Regulations from the stakeholder's perspective
	Produce zero draft Regulatory Instrument
	Submit the draft RI to a stakeholder analysis technical Focus Group Discussion
	Revise the RI and submit to the ABS FOCAL POINT
	Attend follow up meetings and facilitate informal meeting to validate the draft Regulations
	Produce end of assignment report with an Explanatory Memorandum for the decree

IV. DELIVRABLES

- ✓ **Deliverable to specific objective 1 (SO1):** Draft Regulatory instrument containing an elaborate framework that facilitates the effective implementation of the ABS bill when enacted.



- ✓ **Deliverable to specific objective 2 (SO2):** End of assignment report with an Explanatory Memorandum for the decree.

V. ACTIVITIES/METHODOLOGY

1. General requirements

The consultant should provide a methodology for this work that will include questionnaires and other instruments as well as a work plan that contains at least one field visit. The methodology should demonstrate how specific objectives will be achieved. All this will be validated by the project team.

2. Activities/specific methodology

The work sequence may be broken down as follows:

- Elaboration and validation of work plan and methodology;
- Production of midterm reports and participation in working session to examine reports;
- Participation in validation workshop.

The deliverables will be examined during a midterm working session.

VI. VALIDATION OF DELIVERABLES

*J=date of signature of contract (calendar days).



Monitoring table for deliverables and deadlines

Steps	Deliverables	Quality criterion	Delivery date	Means of verification	Date de verification
1. Propose an elaborate regulatory framework (Decree) that will facilitate the effective implementation of the ABS law currently being drafted. The regulatory framework will define the modalities of access to genetic resources and associated traditional knowledge, research and development, commercialisation and elaboration of mutually agreed terms during research and commercialisation, mechanisms for an equitable sharing of benefits, capacity building as well as monitoring and evaluation, control and sanctions.	Document containing an elaborate framework (Decree) that facilitates the effective implementation of the ABS law currently being drafted.	<p>Criteria of approach To propose an elaborate regulatory framework to the ABS law currently being drafted, the consultant will have to carry out a meticulous study of the draft document article by article and point by point to identify elaborate measures to be proposed. Carry out discussions with the technical working group, ABS taskforce and committee members on the ABS law, carry out literature review on existing regulatory frameworks especially of countries very advanced in policy and regulation on ABS, as well as review the Nagoya protocol and decisions to the Conference of Parties on the Protocol.</p> <p>Criteria of form Results should be presented in text and tabular forms</p> <p>Criteria of contents In addition to the other requirements as per the draft ABS law, the contents of the regulatory framework will include modalities of access to genetic resources and associated traditional knowledge, research and development, commercialisation and elaboration of mutually agreed terms during research and commercialisation, mechanisms for an equitable sharing of benefits, capacity building as well as monitoring and evaluation, control and sanction.</p>	J+12	Examination of draft document during a working session with Project team and UNDP	

1. End of assignment report with an Explanatory Memorandum for the decree	Document containing prime Ministerial Decree and the Explanatory Note for the Decree that will explain what provisions in the decree mean, and what the decree is attempting to achieve if signed.	<p>Criteria of approach A Document containing prime Ministerial Decree and the Explanatory Note for the Decree. Carry out discussions with the technical working group, ABS taskforce and committee members on the ABS law, carry out literature review on existing regulatory frameworks especially of countries very advanced in policy and regulation on ABS, as well as review the Nagoya protocol and decisions to the Conference of Parties on the Protocol.</p> <p>Criteria of form Results should be presented in text and tabular forms</p> <p>Criteria of contents Describe the composition of the Decree the different institutions liable to be part of, the calendar of meetings, its responsibilities and if possible the type of documents to be examined, sources of funding of meeting sessions, criteria of designation of members.</p>	J+15	Examination of draft document during a working session with Project team and UNDP
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3. SUPERVISION

The consultant will work closely with the project team (National Project Director, Project Manager and Project Assistant) to whom he will report regularly on the progress of the mission. In carrying out his mission, he will be accompanied by a technical team composed of the Taskforce of the Nagoya Protocol of the Department of Standards and Control of MINEPDED.

4. CONSULTANT'S PROFILE/QUALIFICATION OR REQUIRED EXPERTISE

The consultant in charge of the mission must meet the following requirements:

- Holder of a Master's Degree in Law, Environmental law;
- Comprehension of TORs and methodology;
- At least 03 years working experience in the domain of Communication/natural resource management;
- Must have conducted a similar study;
- Good mastery of English and pidgin languages as well as good writing skills;
- Availability to execute the contract.

4.1 TECHNICAL EVALUATION TABLE

EVALUATION OF TECHNICAL OFFERS FOR THE RECRUITMENT OF A CONSULTANT IN VIEW OF THE DEVELOPMENT OF A TEXT OF APPLICATION TO THE ABS LAW CURRENTLY BEING DRAFTED							
Domains of evaluation	Highest Mark	01	02	03	04	05	06
1. Level and pertinence of training (20 pts) Holder of a Master's Degree in Law, Environmental Law	20 pts						
2. Comprehension of TORs and Methodology	10pts						
3. Experience in similar works At least 05 years working experience in the domain of regulatory framework drafting (the environment sector will be an added advantage)	20pts						
4. Conduction of similar study	20 pts						
5. Mastery of pidgin and English languages and good writing skills	20 pts						
6. Availability to execute contract	10pts						

5. CHRONOGRAM OF ACTIVITIES

The consultant will present a timetable of activities taking into account deadlines indicated in the evaluation table.

6. DURATION

The mission is scheduled for a period of 23 days from the date of signing of contract by consultant.

7. TERMS OF SUBMISSION

The consultant will be required to submit a technical bid and financial offer to be reviewed and validated by UNDP.

Technical Bid

- ❖ Observations on terms of reference;
- ❖ The proposed methodology should be accompanied with specific or appropriate tools for collecting, processing and analyzing data which will result to valid scientific, social and economic conclusions;
- ❖ Details of the activities;

- ❖ A schedule and deadlines for carrying out the various activities;
- ❖ CV + photocopy of national identity card + legalized copy of diploma;
- ❖ Confirmation that the consultant is free from any engagement during the mission period and two relevant references in the area of competence;
- ❖ A list of similar missions carried out with references by the consultant.

Financial Bid

- ❖ The Submission letter signed, dated should indicate the amount of the tender;
- ❖ The list of unit prices with detailed costs.

The financial and technical offers, written in French or English, will be placed in two separate envelopes marked "technical offer" and "financial offer". These two envelopes shall be enclosed in a single envelope bearing, to the exclusion of any other distinctive emblem, the address of the Awarder of the bid with the following:

“To be opened only in session” and **“DRAFT A REGULATORY TEXT FOR THE IMPLEMENTATION OF THE ACCESS AND BENEFIT SHARING BILL WHEN ENACTED.”**

9. REPORT

At the end of the mission the consultant will have to submit an interim report to be validated during a validation workshop and a final report which will take into account all the observations made during the national validation workshop.

The final version of the products of the study will be delivered in five (05) hard copies and an electronic file on DVD / CDROM. All data acquired remains the property of the sponsor and must be submitted at the end of the study in electronic format (.docx, .xlsx, .pptx, .pdf, .shp). However, the map data must be provided in shapefile (.shp) format.



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Environmentalist