

## **TERMS OF REFERENCE**

### **Individual Contractor**

#### **1. Assignment Information**

<b>Assignment Title:</b>	International Consultant to provide technical support and develop ABS Framework for Cambodia
<b>Cluster/Project:</b>	Programme Unit
<b>Post Level:</b>	Senior Specialist
<b>Contract Type:</b>	Individual Contractor (IC)
<b>Duty Station:</b>	Home-based or be based in (DBD/GSSD) with target areas in-country missions to Cambodia
<b>Expected Place of Travel:</b>	Phnom Penh, Cambodia
<b>Contract Duration:</b>	30 working Days (1 October to 20 December 2019)

#### **2. Project Description**

Cambodia's specific geographical location and long history and complicated topographical, ecological and social features has resulted in it becoming a prosperous, rich and diverse plant genetic resource country. While diverse climatic conditions diversified the country's flora with both tropical and temperate plants, thousands of years of agricultural practice by ethnic groups enriched its crop genetic resources with great numbers of local cultivars and land races. In terms of medicinal plants, the high level of genetic diversity makes Cambodia an attractive country for bio-prospecting, especially given that there are approximately 800 known medicinal plants, many of which have associated traditional knowledge.

However, Cambodia faces a wide range of issues that threaten its biological diversity and ecological security. These threats emanate from the transition from a subsistence-based agrarian economy to a consumption-based cash economy, competing land-use from urbanization and infrastructure development, poaching of wild plants and animals, localized overharvesting of timber, fuel wood and non-wood forest products, human-wildlife conflicts, and climate change. Because of the threat to biological resources, the traditional knowledge of local communities that is associated with genetic resources is disappearing rapidly, due to the change of traditional lifestyles. A large volume of traditional knowledge, such as medicinal use of biological resources, is being replaced by modern technology. The National Biodiversity Strategy and Action Plan (NBSAP) of Cambodia was adopted in 2002. The NBSAP identified equity as the most important thing biological resources sustainably in the long run and calls for consideration of poor and economically disadvantage group to secure their access to common resources.

To counter the various threats to biodiversity, the country has planned various strategies for the conservation and sustainable use of biological resources for socio-economic development. However, making use of its biodiversity and traditional knowledge for the promotion of bio-prospecting and of access and benefit-sharing (ABS) national regime that is constrained by several factors. Cambodia has no existing policy or legislation on ABS, the government recognizes the importance of establishing innovative schemes to derive equitable benefits through economic activities that are linked to sustainable utilization of natural resources and the institutional and personal capacity to carry out bio-prospecting beyond basic level and develop and manage ABS schemes that are compliant with Nagoya Protocol.

The project aims at strengthening human resources, legal frameworks and institutional capacities on access and benefit sharing of genetic resources to facilitate the implementation of the Nagoya Protocol on Access and Benefit Sharing. The above objective would be achieved through two components, namely:

- Component 1: Creating an enabling national policy, legal and institutional framework for ABS consistent with the CBD and its Nagoya Protocol
- Component 2: Developing capacity and administrative measures for the implementation of the national ABS legal framework.

The specific problem that this project will seek to address is the lack of a functioning national legal, policy, and institutional framework that will enable the equitable sharing of benefits from the use of genetic resources and traditional knowledge (TK) between the state (national and state governments), commercial interests, and the owners and custodians of these resources and TK (such as Indigenous and Local Communities [ILCs]). This issue is compounded by the lack of trust between users and providers of genetic resources that prevents unleashing the potential of genetic resources as a source of innovation, biodiversity conservation, market development, and poverty alleviation.

Following an inception workshop organized in June 2019 and in order to take the project implementation forward, Cambodia is looking for an experienced international consultant to play an advisory role to review technical details of the project and in developing a National Access and Benefit Sharing (ABS) framework. This shall include conducting a gap analysis (legal, institutional) and measures in terms of laws, policies, institutions, regulations, etc. that are currently in place and relevant in developing new policy or ABS framework; baseline mapping of local communities, TK holders, and current ongoing research on genetic resources including universities, industrial applications, research institutes, etc. Identify capacity needs of national institutions, local government and local communities including Indigenous Peoples, and develop capacity development programs to implement Nagoya Protocol and National ABS Framework and Policy. She/he will work closely with Department of Biodiversity of the National Council for Sustainable Development and counterparts at the Ministry of Environment and UNDP.

### **3. Scope of Work and objective**

Under the overall guidance and supervision of the National Project Director, Project Director and UNDP Programme Analyst, the selected International Consultant will be responsible for reviewing the technical details of the project, updating the Project Results Resource Framework/ Prepare work Plan and Monitoring Plan, identify the key requirements for the development of National ABS Framework, Policy and, accordingly prepare the ToRs for the International and National Consultants.

#### **1. Update Project Results Resources Framework, Work Plan and monitoring plan**

- Based on the Project document:
- Revise, update/refine baseline, indicators, means of verification, assumptions and a set of concrete activities should also be verified under each output;
- Develop the project's three-year Work Plan with detail activities and timeframes;
- Develop a monitoring plan;
- Discuss the draft documents with GSSD and UNDP teams and submit for consideration.

#### **2. Develop ABS Framework for Policy, Regulations and its Procedures**

Based on Nagoya Protocol and Project Document:

- Conduct in-depth analysis of the current status of legal and institutional framework including gaps and challenges to implement Nagoya Protocol and ABS in Cambodia;
- Undertake a mapping of local communities, TK holders, and current ongoing research on genetic resources including universities, industrial applications, research institutes, etc. to understand the uses and processes for access to and benefit sharing of genetic resources.

- Assess capacity needs of national institutions, local government and communities including Indigenous Peoples to implement NP and ABS framework and, accordingly recommend capacity requirements of different stakeholders.
  - Prepare ABS Framework covering all the key elements of Nagoya Protocol and national ABS policy objectives;
  - Present the findings of the legal and institutional review, capacity assessment and the draft ABS framework to key stakeholders (through consultation workshop or TWG meeting) for comment and consideration; and update and finalize ABS framework;
  - Discuss the final ABS Framework document with GSSD and UNDP teams, and submit for consideration.
3. Develop the Term of References (ToR) for the International and National Specialists for the two components

Based on project documents:

- Prepare the ToRs for four International as following:
  - a. ABS Legal Specialist;
  - b. ABS Policy Development Specialist;
  - c. Traditional Knowledge Registration/ Management Specialist;
  - d. ABS Capacity Building and Training Specialist. Build on the assessment conducted by the first consultant and should focus on conducting specific training identified in the assessment and outlined in the project outputs.
- Prepare the ToRs for 9 National Consultants to support the work of the key International Specialists;
- Discuss with GSSD and UNDP teams related to all draft of ToRs and submit for consideration.

#### 4. Expected Outputs and Deliverables

No	Deliverables/Outputs	Target Due Dates	Review and Approvals Required
1.	Methodology and work plan presented to GSSD & UNDP	1 <sup>st</sup> week of October 2019	National Director, Project Coordinator and UNDP analyst and ARR-Programme
2.	Submit the 1 <sup>st</sup> draft to GSSD as follows: <ul style="list-style-type: none"> <li>▪ Revised Project Results Framework, Workplan and Monitoring Plan;</li> <li>▪ Analysis and mapping of regulatory and institutional framework including stakeholder analysis on the current status of NP and ABS implementation in Cambodia;</li> <li>▪ Draft ABS Framework</li> <li>▪ Present findings of the analysis and draft ABS framework to GSSD and key stakeholders for feedback; and</li> <li>▪ ToRs for 4 International and 9 National Consultants</li> </ul>	2 <sup>nd</sup> week of November 2019	
3.	Submit the final documents to UNDP as following: <ul style="list-style-type: none"> <li>▪ Revised Project Framework, Workplan and Monitoring Plan</li> <li>▪ ABS Framework for Policy, Regulation, Procedures for development and implementation</li> <li>▪ ToRs of National and Internationals specialist</li> </ul>	2 <sup>nd</sup> week of December 2019	

## **5. Institutional Arrangement**

The consultant will work closely with GSSD/ Project Director with support and guidance from Programme Analyst, UNDP Cambodia. The consultant will liaise day-to-day work with the GSSD and UNDP focal Programme Analyst. S/he will also work closely with the relevant institutions, development partners and academic/research institutions to ensure full cooperation and collaboration from all stakeholders.

## **6. Duration of the Work**

The assignment is expected to be performed within 30 days between 1 October to 20 December 2019. In Cambodia, the working is from Monday to Friday. The consultant is expected to spend 20 working days in Cambodia for interview and field visit during the mission in Cambodia. It is expected that the final report will be submitted by 2<sup>nd</sup> week of December 2019. The consultant can expect a two-working day turnaround for feedback on any material developed and submitted, except for the final report which will be at least two weeks.

## **7. Duty Station**

The consultant will work from home and undertake 2 separate missions to Cambodia. S/he will be based at Department of Biodiversity, General Secretariat of National Council for Sustainable Development, Ministry of Environment. The consultant should submit financial proposal covering the professional fee, airfare, travel and other related cost incurred when she/he is in Cambodia.

Selected individual contract(s) who is expected to travel to the Country Office (CO) to undertake the assignment in the country is required to undertake the Basic Security in the Field (BSAFE) training prior to travelling <https://training.dss.un.org/course/category/6>

## **8. Minimum Qualifications of the Individual Contractor**

<b>Education:</b>	<ul style="list-style-type: none"><li>▪ At least Master's degree in natural resource management or environmental science, genetic resources, legal, ecosystem services, and/or related field.</li></ul>
<b>Experience:</b>	<ul style="list-style-type: none"><li>▪ Experience on ABS legislation, research and development, knowledge on the institutional framework on ABS and related issues;</li><li>▪ Proven experience in ABS procedure, policy and legislation development in both user and provider countries;</li><li>▪ Proven experience in the management of projects including familiarity with logical frameworks, SMART indicators and strategic planning. ABS projects will be an asset. Knowledge about UNDP Programming cycle, applied rules and regulation is an asset;</li></ul>
<b>Competencies:</b>	<ul style="list-style-type: none"><li>▪ Strong analytical skills and ability in development of Policy and framework.</li><li>▪ Excellent analytical capacity and ability to synthesize project outputs and relevant findings for the preparation of quality project reports;</li><li>▪ Ability to understand ABS terminology and its concepts and to analysis/synthesize information from different sources into a coherent project log-frame and framework;</li><li>▪ Skill in achieving results through persuading, influencing and working with others;</li><li>▪ Maturity and confidence in dealing with senior and high-ranking members of international, regional and national institutions;</li><li>▪ Displays sensitivity and adaptability to different cultures, genders, religions, races, nationalities and age groups;</li><li>▪ Good team player, self-starter, has ability to work under minimum supervision and maintain good relationships.</li></ul>
<b>Language Requirement:</b>	<ul style="list-style-type: none"><li>▪ Fluency in English required.</li><li>▪ Ability to speak and understand Khmer is an asset.</li></ul>

## 9. Criteria for Evaluation of Level of Technical Compliance of Individual Contractor

Technical Evaluation Criteria	Obtainable Score
At least 5 years relevant work experience in the management of projects, preferably financed by the GEF (log-frame, ABS procedure, policy development, biodiversity conservation, TK, familiar with Nagoya Protocol).	60
Relevant educational background	10
Experience in UNDP Programming cycle, applied rule and regulation	15
Experience in project design and planning	15
<b>Total Obtainable Score:</b>	<b>100</b>

## 10. Payment Milestones

The consultant will be paid on a lump sum basis under the following installments. The consultant will be responsible for the travel expense to two in-country missions and local travel in Phnom Penh, Cambodia.

No	Outputs/Deliveries	Payment Schedule	Payment Amount
1.	Upon satisfactory completion of Deliverable 1	1 <sup>st</sup> week of October 2019	20%
2.	Upon satisfaction completion of Deliverable 2	2 <sup>nd</sup> week of November 2019	40%
3.	Upon satisfaction completion of Deliverable 3	2 <sup>nd</sup> week of December 2019	40%