

## Terms of Reference

### United Nations Development Programme Terms of Reference for the recruitment of a National Consultant for the creation of Biocultural Community Protocols under the ABS Project in Seychelles

**Type of Contract:** National Consultant (SC)  
**Duration:** estimated work input of 30 days over 2 and a half months  
**Location:** Seychelles  
**Duty station:** UNDP Seychelles Country Office

#### **A. Project Title: Strengthening human resources, legal frameworks and institutional capacities to implement the Nagoya Protocol**

#### **B. Introduction**

The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization (ABS), an agreement under the Convention on Biological Diversity, was adopted on 29 October 2010 in Nagoya (Japan) and entered into force on 12 October 2014. The Protocol provides a transparent legal framework for the effective implementation of the 3rd objective of the Convention on Biological Diversity (CBD). It applies to genetic resources that are covered by the CBD and to the benefits arising from their utilization. It also covers associated Traditional Knowledge (aTK) associated with Genetic Resources (GR) held by local communities. As a contracting party to the Nagoya Protocol, Seychelles needs to fulfil core obligations to take measures in relation to access to genetic resources, benefit-sharing and compliance.

Article 8(j) of the CBD states “Each contracting Party shall, as far as possible and as appropriate: Subject to national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge innovations and practices”.

The UNDP-GEF Project “Strengthening human resources, legal frameworks, and institutional capacities to implement the Nagoya Protocol” (Global ABS Project) is a 3-year project that specifically aims at assisting 24 countries in the development and strengthening of their national ABS frameworks, human resources, and administrative capabilities to implement the Nagoya Protocol. The project seeks to achieve this through its 4 components namely:

- Component 1: Strengthening the legal, policy and institutional capacity to develop national ABS frameworks;
- Component 2: Building trust between users and providers of genetic resources to facilitate the identification of bio-discovery efforts; and
- Component 3: Strengthening the capacity of indigenous and local communities to contribute to the implementation of the Nagoya Protocol.
- Component 4: Implementing a Community of Practice and South-South Cooperation Framework on ABS.

Under Component 3, Output 3.2.1 Biocultural community protocols\*, model contractual clauses constitute the basis for clarifying Prior Informed Consent (PIC) and Mutually Agreed Terms (MAT), requirements between users and providers of Traditional Knowledge and biological resources.

**\*Biocultural Community Protocols (BCPs)** are instruments that set out clear terms and conditions to governments and the private, research, and non-profit sectors for engaging with indigenous and local **communities** (\*\*ILCs) and accessing their local resources and knowledge. **\*\*ILCs do not exist in Seychelles,**

### C. Context of the Project

The Republic of Seychelles is a Party to the Nagoya Protocol since its entry into force (ratification) on October 12, 2014. Seychelles has an ABS Policy but does not have a comprehensive legislative/regulatory ABS framework in place to regulate access to Genetic Resources (GR) and associated Traditional Knowledge (aTK), as well as a mechanism for benefit-sharing.

The Seychelles Bureau of Standards (SBS), through its parent the Ministry of Industries and International Business, has a facilitator role as a hub where all the stakeholders and research partners can bring their documents and or seek additional information. Other line ministries such as the Ministry of Environment, Energy and Climate Change (MEECC), the Ministry of Fisheries and Agriculture and now the National Institute of Science Technology and Innovation (NISTI) have more of the decision-making roles. The Department of the Environment of the MEECC is the designated institution where the Nagoya Protocol on ABS focal point is hosted.

With the support of the UNDP-GEF Global ABS project, the ABS policy and the Traditional Knowledge guidelines to preserve and valorize Seychelle's traditional knowledge were undertaken in 2018. National consultations and awareness raising activities were undertaken with key stakeholders and the political profile of ABS. A country delegation has already attended knowledge sharing workshops such as the Pan-African ABS workshop alongside ABS experts and practitioners to share experiences and key innovations in implementing the Nagoya protocol in Africa and, present good practices while strengthening critical ABS capacities and disseminating state-of-the-art knowledge. Further capacity building interventions were undertaken, and expertise shared at the 2019 Pan-African ABS Workshop hosted in Seychelles, July 2019.

With this background, the ABS Project is seeking a national consultant to develop a Bio-cultural Community Protocol (BCP) for the traditional herbalists (herein referred to as the community) in collaboration with the Culture Department. This BCP should assist the traditional herbalists to:

- Assert and defend their customary rights in relation to their surrounding biodiversity;
- Assert and defend their customary rights in relation to TK and practices
- Promote and facilitate constructive dialogue and equitable partnerships with external stakeholders;
- Prescribe a manner in which external stakeholders communicate with the community;
- Improve organization, representation and cohesion between and within community;
- Set out conditions for granting access to their lands, resources and knowledge, such as procedures for Prior and Informed Consent (define rules for access to traditional knowledge/indigenous knowledge, plant materials, animal materials, microorganisms and benefit sharing agreement); and
- Highlight the communities' aspirations as well as the challenges and possible solutions.

#### **D. Objectives of the assignment**

The main objective of the assignment is to develop a Bio-Cultural Community Protocol for the traditional herbalists in collaboration with the Culture Department and in doing so, achieve the following:

- Provide external stakeholders (such as Industries and Researchers) with a means and guidelines to communicate and engage with the community;
- Promote community's environmental, social and economic development;
- Improve the organizational arrangements within the community in relation to their surrounding biodiversity;
- Establish set processes for ABS related agreements;
- Document the diversity and uses of the flora, fauna and microorganism of the community/chiefdoms;
- Demonstrate the valorization of natural resources found within the community;
- Document the communities Traditional Knowledge associated with the flora, fauna and micro-organisms;
- Set out rules and procedures to assist the communities when interacting with external stakeholders (such as Industries and Researchers)
- Protect their customary rights, biocultural heritage and Traditional Knowledge/Indigenous Knowledge.

#### **E. Deliverables:**

Deliverable	Percentage of payment	Tentative due date	Approvals
Submission of work plan	10%	Third week-September 2019	UNDP, ABS FP, NPC, Regional Specialist
Deliverable 1 Create inventory or mapping of existing / practicing traditional herbalists and liaising with NISTI on how this could be located in the CHM platform	20	Mid -October 2019	UNDP, ABS FP, NPC, Regional Specialist, Culture Department, NISTI
Deliverable 2 - Draft a BCP together with the identified community and a consultation	30	15 <sup>th</sup> November 2019	UNDP, ABS FP, NPC, Regional Specialist, Culture Department

workshop with the community. *			
**Deliverable 3 – Validation/Capacity Building workshop	15	Friday 29 <sup>th</sup> November 2019	UNDP, ABS FP, NPC, Regional Specialist, Culture Department
**Deliverable 4 - Disseminate the lessons learned and results of the BCP development process to other stakeholders in an innovative way having consulted with the community and culture department on the best way of doing this	25	Friday 6 <sup>th</sup> December 2019	UNDP, ABS FP, NPC, Regional Specialist, Culture Department
Total	100		

**\*The national consultant must ensure** he/she does not collect/record any aTK without documented prior informed consent from the herbalists.

\*\*Deliverable 3 and 4 may be done in conjunction if the ABS Team and Consultant agrees upon.

**F. Duration:**

- The consultant is expected to work app. 30 days over 2 and a half months;

**G. Duty Station:**

Seychelles (Home-based)

**H. Qualifications**

**a. Academic Qualifications/Education:**

- Minimum Undergraduate degree in Social Sciences, environmental law is an asset

**b. Experience:**

- Previous experience in development of similar protocols/guidelines
- Previous work experience with UNDP and/or government Departments on similar projects will serve as an advantage
- Previous experience liaising with stakeholders, government departments and national institutions

**c. Competencies:**

- Knowledge of community dynamics
- Negotiation skills
- Stakeholder Engagement
- Project management
- Fluent communication in English and Creole

**d. Professionalism:**

- Demonstrates openness to change and ability to manage complexities;

- Demonstrates strong oral and written communication skills;
- Remains calm, in control and good humored even under pressure.

**e. Language skills:**

Excellent writing, editing, and oral communication skills in Creole and English

**I. Scope of Price Proposal and Schedule of Payments**

The financial offer should be quoted as a lump sum amount, all-inclusive (professional fee, insurance). The contract price is fixed regardless of changes in the cost components. Payments will be effected based on deliverables as per section E above.

**J. Recommended Presentation of Offer**

The following documents are requested:

- a) Duly completed **Letter of Confirmation of Interest and Availability** using the template provided by UNDP;
- b) **Personal CV or P11**, indicating all past experience from similar projects, as well as the contact details (email and telephone number) of the Candidate and at least three (3) professional references;
- c) **Financial Proposal** that indicates the all-inclusive fixed total contract price, supported by a breakdown of costs, as per template provided by UNDP.

**L. Criteria for Selection of the Best Offer**

Individual consultants will be evaluated based on the following methodology:

Cumulative analysis

When using this weighted scoring method, the award of the contract should be made to the individual consultant whose offer has been evaluated and determined as:

- a) Responsive/compliant/acceptable, and
- b) Having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation.

Short-listing criteria:

All applicants will be requested to submit a price offer indicating their daily rate fee for the assignment. Following UNDP procurement rules, both technical competence and the consultants daily fee rate will be taken into account in the selection process. The technical evaluation will be based on the following evaluation criteria

Minimum Undergraduate degree in Social Sciences, Law, Environmental Science or related fields	Previous work experience showing negotiation skills and stakeholder engagement	3 years' experience in facilitation and able to lead discussions involving key experts and stakeholders from relevant national institutions	<ul style="list-style-type: none"> <li>Knowledge of Environmental/ Human rights/ Commercial Law</li> </ul>	Excellent writing, editing, and oral communication skills in English and Creole	Total,
20 marks	20 marks	20 marks	20	20 marks	100

Candidates scoring 70 or above will be short-listed.

The financial offers will be evaluated giving the lowest price proposal 30 marks and marking the other more expensive proposals reverse proportionally to the cheapest offer.

The final scoring of short-listed candidates will take into account the technical Evaluation and the financial score:

Criteria	Weight	Max. Point
• Technical score	70%	70
• Financial score	30%	30

The candidate ranking highest shall be selected.

#### Annexes to the TOR

The approved Prodoc is available for download if requested, from the NPC.

#### L. Approval

This TOR is approved by:

Signature

  
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Roland Alcindor  
Programme Manager -UNDP

Name and Designation Roland Alcindor, Programme Manager

Date of signing 02/09/2019

**Payments** will be made only upon confirmation of UNDP on delivering on the contract obligations in a satisfactory manner.

Individual Consultants are responsible for ensuring they have **vaccinations**/inoculations when travelling to certain countries, as designated by the UN Medical Director. Consultants are also required to comply with the UN **security directives** set forth under [dss.un.org](http://dss.un.org)

General Terms and conditions as well as other related documents can be found under: <http://on.undp.org/t7fJs>.