



TERMS OF REFERENCE

Individual Contractor

1. Assignment Information

Assignment Title:	International Consultant to Develop National ABS Roadmap, Model on Bioprospecting and Guidelines for Community Protocols for the implementation of the Nagoya Protocol
Cluster/Project:	Programme Unit
Post Level:	Senior Specialist
Contract Type:	Individual Contractor (IC)
Duty Station:	Home-based and to be based in MoE with travel to the project targeted provinces (in-country missions within Cambodia)
Expected Place of Travel:	Phnom Penh, Cambodia
Contract Duration:	45 days (From February 2022 to April 2022)

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 large 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 project work plan, and in order to take the project implementation forward, Cambodia is looking for an experienced international consultant to develop the National ABS Roadmap for implementing national ABS policy, legislation and program. This task shall include the development of (i) models on bio-prospecting and research procedure; and (ii) guidelines for community protocols which important for sustainable use of genetic resources and equitable sharing between user and provider which compliance to the Nagoya Protocol.

3. Scope of Work and objective

Under the overall guidance and supervision of the National Project Director, the selected International Consultant (IC) will work closely with Project Coordinator, MoE and relevant institutions/stakeholders to complete the assignments.

Tasks and responsibilities of the international consultant include but are not limited to:

- A. Develop National ABS Roadmap:
 1. Review existing roadmap from developed and developing countries related to ABS, particularly from the providing countries and identify gaps and opportunities to apply in Cambodia's context;
 2. Review best practices and identify best option for the implementation of ABS policy in Cambodia, including legislation and program;
 3. Review the existing National ABS Framework, and provide update if any; and
 4. Develop National ABS Roadmap.
- B. Develop institutional framework including procedure and measure for access genetic resources defined and established for implementation of the Nagoya Protocol:
 - a) Develop models on bio-prospecting and research procedures available to national and provincial research institutions:
 1. Review stock-taking on the institutional framework conducted by national consultant, analysis and identify appropriate system in the country;
 2. Review the existing bio-prospecting models and its applications;
 3. Develop model on bio-prospecting and research procedures; and
 4. Identify and prioritize the research to demonstrate opportunities for improving the economic value of biodiversity and ecosystems.
 - b) Develop guideline for users and providers in ABS and Bio-prospecting process:
 1. Review the existing guideline to define the requirements involving in the utilization of genetic resources, particularly the process of bio-prospecting between users and providers; and
 2. Develop users and providers guideline which include rules and procedures.
- C. Develop guidelines for community protocols:
 - a) Review and analysis the existing guideline for community protocols conducted by national consultant; and
 - b) Based on the review above, develop guidelines for community protocols, including an Environmental Impact Assessment (EIA) analysis regarding the project of the utilization of GR-TK (ABS projects); and
 - c) Develop guideline for the process of negotiation and content of potential agreements between different users and providers.
- D. Participate and present in the consultation meetings and workshops, including ABS Sub-TWG meeting;
- E. Consolidate the comments, recommendations and feedback from stakeholders' consultation meeting, workshop(s) and ABS Sub-TWG meeting;
- F. Compile reports about the finding and documentation;
- G. Submit the final documents and all related references to project management unit (PMU) for reviewing and project director (PD) for approval; and

4. Expected Outputs and Deliverables

No.	Deliverables/Outputs	# working Days	Target Due Dates	Review and Approvals Required
1	Deliverable 1: Submit to PMU and UNDP the Methodology, workplan and budget-plan	3 days	1 week of February 2022	Review by Project Coordinator and approve by Project Director
2	Deliverable 2: Submit to PMU, UNDP and MoE as follows: <ul style="list-style-type: none"> - Draft – National ABS Roadmap; - Draft – documents on: (a) Models on Bio-prospecting and research procedures; and (b) Guideline for users and providers; and - Draft – Guidelines for Community Protocols, including (i) EIA analysis in ABS projects; and (ii) Guideline for the process of negotiation and content of potential agreements. 	21 days	2 nd week of March 2022	
3	Deliverable 3: Address comments and inputs provided by PMU, ABS-sub group and other relevant stakeholders and submit to PMU, UNDP and MoE as follows: <ul style="list-style-type: none"> - Final document – National ABS Roadmap; - Final document – documents on: (a) Models on Bio-prospecting and research procedures; and (b) Guideline for users and providers. - Final document – Guidelines for Community Protocols, including (i) EIA analysis in ABS projects; and (ii) Guideline for the process of negotiation and content of potential agreements. 	21 days	4 th week of April 2022	

5. Institutional Arrangement

Under the supervision of the Project Director, the International Consultant will liaise day-to-day work with the National consultant and the Project Coordinator. S/he will also work closely with the relevant institutions, development partners and academic/research institutions to ensure full operation and collaboration from all stakeholders.

The deliverables will be submitted to the Project Director for review through UNDP's Programme Analyst and share it with other relevant colleagues in MoE. Once the quality of the deliverable is satisfied by the National Project Director, the Head of Programme Unit of UNDP will subsequently approve the payment release. The International Consultant will be responsible for his/her own transportation within Phnom Penh.

6. Duration of the Work

The assignment is expected to be completed within 45 days from 1 February 2022 to 30 April 2022. In Cambodia, the working week is from Monday to Friday. The consultant is expected to reserve some days for interview with stakeholders in Cambodia and produce the documents as stated in expected outputs and deliverables of this ToR. It is expected that the final documents will be submitted by the 4th week of April 2022.

7. Duty Station

The consultant will work from home and undertake 1 mission to Cambodia for 12 working days. S/he will be based at Ministry of Environment. Among the total 12 working days in Cambodia, the consultant will work for 7 days in Phnom Penh and 5 working days at the project targeted provinces (Siem Reap, Monduliri and Preah Vihear).

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 at <https://training.dss.un.org/course/category/6>

8. Minimum Qualifications of the Individual Contractor

Education:	<ul style="list-style-type: none">• At least Master or PhD (is preferable) degree in Natural Resource and Environmental Policy and Management and Resources Development, and as well as the relevant fields such as ABS legislation development, genetic and resources science and ecosystem services.
Experience:	<ul style="list-style-type: none">• 5 years experience in developing policy, legislation and legal framework related to access and benefit-sharing and environmental/biodiversity management and conservation.

	<ul style="list-style-type: none"> • Proven experience and knowledge in ABS procedure and framework development in both user and provider countries which compliance to the Nagoya Protocol; • Specific international or country experience working on programs, projects research through any international or bilateral organization on ABS, natural resources or negotiation related to fair and equitable sharing of benefit arising from the use of natural/genetic resources of the CBD will be an asset; and • Experience working with a wide variety of development actors in Cambodia including with the Royal Government of Cambodia, international development organizations, private sector entities, and/or civil society organizations including community groups.
Competencies:	<ul style="list-style-type: none"> • Strong analytical skills and ability in development of Policy and Frameworks; • Excellent analytical capacity and ability to synthesize project outputs and relevant findings for the preparation of quality project reports; • Ability to understand ABS terminology and its concepts and to analysis/synthesize information from different sources into a coherent project log-frame and framework; • Skill in achieving results through persuading, influencing and working with others; • Ability to understand Cambodia’s context and communication; • Maturity and confidence in dealing with senior members of international, regional and national institutions; • Displays sensitivity and adaptability to different cultures, genders, religions, races, nationalities and age groups; • Good team player, self-starter, has ability to work under minimum supervision and maintain good relationships.
Language:	<ul style="list-style-type: none"> • Fluency in written and Spoken of English language required.

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 preparation and development of policy and framework related to environmental management and biodiversity conservation, particularly experience in bio-prospecting and the utilization of genetic resources in Cambodia and other similarly developing countries to ensure the compliance with the Nagoya Protocol on ABS.	30

At least Master or PhD (is preferable) degree in Natural Resource and Environmental Policy and Management and Resources Development, and as well as the relevant fields such as ABS legislation development, genetic and resources science and ecosystem services.	20
Experience in UNDP Programming cycle, applied rule and regulation, Specific international or country experience working on programs, projects research through any international or bilateral organization on ABS, natural resources or negotiation related to fair and equitable sharing of benefit arising from the use of natural/genetic resources of the CBD will be an asset; and	30
Country-specific working experience on the development of policy, framework and regulation related to ABS and/or NRM, projects and/or research supported by international or bilateral organizations.	20
Total Obtainable Score:	100

10. Payment Milestones

The consultant will be paid on a lump sum basis under the following installments.

No	Outputs/Deliveries	Payment Schedule	Payment Amount
1	Upon satisfactory completion of Deliverable 1	1 week of February 2022	20%
2	Upon satisfactory completion of Deliverable 2	2 nd week of March 2022	40%
3	Upon satisfactory completion of Deliverable 3	4 th week of April 2022	40%