



Developing a Comprehensive Framework for Practical Implementation of the Nagoya Protocol (ABS)



TERMS OF REFERENCE

Individual Contractor

1. Assignment Information

Assignment Title:	Develop the Preliminary ABS Legislation and its Rules and Regulations
Cluster/Project:	Programme Unit
Post Level:	Senior Specialist (National Consultant)
Contract Type:	Individual Contractor (IC)
Duty Station:	Home-based or be based in (DBD/GSSD) with target areas in-country missions within Cambodia
Expected Place of Travel:	Phnom Penh, Cambodia
Contract Duration:	15 days (from 3 rd Week of March to 4 th Week of April 2020)

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 national consultant to provide technical guidance for the project implementation, including work with DBD/GSSD in the development of the new national ABS Legislation, particularly sub-decree, Proclamation (Prakas) and circulars. This shall also include the participation in meetings and workshops, work with the international expert(s) to produce the draft of the preliminary ABS legislation and its rules and regulations; translate and consolidate the comments, recommendation and feedback from the project team and the stakeholders consultation workshop to improve and finalize the draft of its preliminary; She/he will work closely with Department of Biodiversity of the National Council for Sustainable Development counterparts at the Ministry of Environment, UNDP and relevant institutions.

3. Scope of Work and objective

Under the overall guidance and supervision of the National Project Director (PD), Project Coordinator (PC) and UNDP Programme Analyst, the selected National Consultant Specialist will work closely with the international expert(s) to produce the preliminary ABS legislation and its rules and regulations:

- a) Under the guidance of the Project Director and based on the report finding from stocktaking exercise, s/he will work closely with the international expert(s) to conduct in-depth analysis of the compatibility of the current legal status and institutional framework

with the implementation of the Nagoya Protocol and ABS mechanism in Cambodia;

- b) Work closely with the international expert(s) to produce the draft of the preliminary ABS legislation and its rules and regulations, and introduce to PMU, UNDP and stakeholders' in the consultation workshop for further inputs and recommendations;
- c) Based on the comments, recommendations and feedbacks from stakeholder consultation workshop, s/he supports the international expert(s) to translate and consolidate into draft of preliminary ABS legislation and its rules and regulations;
- d) Finalize its preliminary and submit to PMU and UNDP for review and approval;
- e) Other tasks may require.

4. Expected Outputs and Deliverables

N.o	Deliverables/Outputs	Target Due Dates	Review and Approvals Required
1	Deliverable 1: Methodology and work plan presented to GSSD	1 st week of assignment	Project Director, Project Coordinator and UNDP Programme Analyst
2	Deliverable 2: Submit to GSSD as follows: - Analysis report - 1 st preliminary ABS legislation and its rules and regulations - Activities report	4 th week of assignment	
3	Deliverable 3: Submit to GSSD as follows: - 2 nd draft of the preliminary ABS legislation and its rules and regulations - Final activities report	6 th week of assignment	

5. Institutional Arrangement

The Consultant will be performed under the supervision of the Project Director. The consultant will liaise on a day-to-day issue with the ABS PMU and UNDP focal Programme Analyst for ABS project in Cambodia. 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 15 days between (from 3rd week of March to 4th week of April 2020. It is expected that the final documents will be submitted by 4th week of April 2020.

7. Duty Station

The duty station of this assignment is a combination of home-based and/or be based in Department of Biodiversity Office, General Secretariat of National Council for Sustainable Development, Ministry of Environment in Phnom Penh. If any travel to the provinces for stakeholder

consultations, the Daily Substantive Allowance (DSA) and transportation will be covered by the project and will be arranged by PMU.

8. Minimum Qualifications of the Individual Contractor

Education:	<ul style="list-style-type: none"> • At least Master’s degree or equivalent in law, or policy relevant to natural resource management or environmental science, genetic resources, ecosystem services, and/or related field.
Experience:	<ul style="list-style-type: none"> • Proven experience in ABS procedure, policy and legislation development in both user and provider countries; • 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;
Competencies:	<ul style="list-style-type: none"> • Strong analytical skills and ability in development of legislation, policy or framework. • 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; • 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:	Fluency in Khmer and English required;

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

Technical Evaluation Criteria	Obtainable Score
At least 3 years relevant work experience in the of projects, preferably financed by the GEF (legislation development, 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
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		30%
2	Upon satisfactory completion of Deliverable 2		40%
3	Upon satisfactory completion of Deliverable 3		30%

Interested candidates should submit a letter of interest and CV with support references no later than 20th March 2020 to Department of Biodiversity, General Secretariat of National Council for Sustainable Development (GSSD)/ Ministry of Environment (MoE), Morodok Techo Building, Lot 503, Sangkat Tonle Bassac, Chamkarmon, Phnom Penh, Cambodia.

And/or email to: keosamnang.tiep@gmail.com.

For further information, please contact at: 069 393 666. Only short-listed candidates will be contact for interview.