



TERMS OF REFERENCE
Individual Contractor

1. Assignment Information

Assignment Title:	National consultant to conduct stocktaking exercise for developing a national legislation on ABS in line with the Nagoya Protocol
Project:	Developing a Comprehensive Framework for Practical Implementation of the Nagoya Protocol (ABS)
Post Level:	Specialist
Contract Type:	Individual Contractor (IC)
Duty Station:	Home, Phnom Penh and DBD/GSSD
Expected Place of Travel:	Phnom Penh and Target Areas
Contract Duration:	4 th week of December 2019 to 1 st week of February 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 plants 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 race. In term 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 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 for 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 and 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.

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 bioprospecting and of an access and benefits-sharing (ABS) national regime that is constrained by several factors. The country currently does not have a fully functional regulatory and institutional framework for ABS, and the institutional and personnel capacity to carry out bio-prospecting beyond

basic level and develop and manage ABS schemes that are compliant with Nagoya Protocol. The project is intended to strengthen national capacities on access and benefit sharing of genetic resource to facilitate the implementation of the Nagoya Protocol on Access and Benefit Sharing. The above objective would be achieved through two components, namely: (i) Creating and enabling national policy, legal and institutional framework for ABS consistent with the CBD and its Nagoya Protocol, and (ii) Developing Capacity and administrative measure for implementation of 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 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 the inception workshop dated on 25th June 2019 and the 1st steering committee meeting dated on 8th November 2019, and to take project implementation forward, Cambodia is looking for an experienced national consultant to play a key role to conduct stocktaking exercise for developing a national legislation on ABS in line with the Nagoya Protocol. This shall include a collection of existing legal documents, institutional setting and administrative measures related to ABS in Cambodia; conduct stocktaking exercise to identify existing guiding documents, manuals and other legal instruments related to ABS implementation; and develop preliminary or draft national ABS legislation.

3. Scope of work and objective

Under the overall guidance and supervision of the National Project Director in cooperation with GSSD/MoE, the selected national consultant will work closely with PMU to fulfill the project activity: 1.1.1 and 1.1.2 of the output 1.1: developing national legislation on ABS in line with the Nagoya Protocol.

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

1. Conduct stocktaking exercise for developing a national legislation on ABS in line with the Nagoya Protocol
 - Reviewing existing national policy, law, regulation and measure guideline related to ABS
 - Reviewing international best legal practice and measure guideline related to ABS
 - Carrying out an interview with relevant stakeholders
2. Conduct stocktaking exercise to identify existing guiding documents, manuals and other legal instruments related to ABS implementation
 - Identifying gaps of the ABS legal system in Cambodia
 - Proposing legal interventions to overcome the gaps based on best practices including emerging measures developed or under development for the implementation of the Nagoya Protocol

4. Expected Outputs and Deliverables

N.o	Deliverables/Outputs	Target Due Dates	Review and Approvals Required
1	Submit detail work plan and mission for endorsement	4 th week of December 2019	Reviewed by Project Coordinator and approved by Project Director
2	Submit document to DBD/GSSD as follow: <ul style="list-style-type: none">▪ Completion of desk review with inception report including methodology, approach and workplan to conduct the assignment	1 st week of January 2020	Reviewed by Project Coordinator and approved by Project Director
3	Submit first draft to DBD/GSSD as follow: <ul style="list-style-type: none">▪ Stocktaking exercise report on reviewing related ABS regulations▪ Stocktaking exercise report on identifying gaps and opportunity for developing and implementing ABS regulations	3 rd week of January 2020	Reviewed by Project Coordinator and approved by Project Director
4	Submit final document to DBD/GSSD as follow: <ul style="list-style-type: none">▪ Stocktaking exercise report on reviewing related ABS regulations▪ Stocktaking exercise report on identifying gaps and opportunity for developing and implementing ABS regulations	1 st week of February 2020	Reviewed by Project Coordinator and approved by Project Director

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 government counterpart and ensure the government focal point endorse the deliverables under this assignment.

6. Duration of the Work

The assignment is expected to be performed from 4th week of December 2019 to 1st week of February 2020. The selected Consultant will prepare the details work plan of the assignment and in collaboration with PMU and the Project Director and the other staff of GSSD.

7. Duty Station

The duty station of this assignment is a combination of home-based and/or be based in Department of Biodiversity, 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) will be covered by the project and will be arranged by PMU and transport will be provided.

8. Minimum Qualifications of the Individual Contractor

Education:	<ul style="list-style-type: none"> At least hold a master's degree in natural resource management or environmental science, genetic resources, legal, and/or related field.
Experiences:	<ul style="list-style-type: none"> At least 5 years experiences in collecting, reviewing and analyzing data-information related to environmental, biodiversity and ABS policy and regulation; Demonstrated experience in developing a report on legal review and gap analysis; Demonstrated experience in conducting stakeholders' engagement where government ministries, NGOs, community-based organizations (CBOs) and nonaffiliated community members who contribute to decision-making; At least 5 years experiences in developing stocktaking report
Competencies:	<ul style="list-style-type: none"> Excellent English written, with analytic capacity and ability to synthesize project outputs and relevant findings for the preparation of quality project reports; Ability to speak, read and write technical and conversational English; Skill in achieving results through persuading, influencing and working with others; Good oral communication skills and conflict resolution competency to manage inter-group dynamics and mediate conflicting interests of varied actors; Good team player, self-starter, has ability to work under minimum supervision and maintain good relationships. Strong interpersonal;
Language Requirement:	Fluency Khmer and English

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 stock taking related to ABS and data-information analysis, preferably financed by the GEF (ABS procedure, TK, familiar with the Nagoya Protocol, Biodiversity conservation)	60
Relevant educational background	10
Experience in UNDP Programming cycle, applied rule and regulation	15
Experience in project design	15
Total Obtainable Score:	100

10. Payment Milestones

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

N	Outputs/Deliveries	Payment Schedule	Payment Amount
1	Upon satisfactory completion of Deliverable 1	4 th week of December 2019	30%
2	Upon satisfactory completion of Deliverable 2 and 3	3 rd week of January 2020	40%
3	Upon satisfactory completion of Deliverable 4	1 st week of February 2020	30%

Interested candidates should submit a letter of interest and CV with support references no later than 19th December 2019 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.