

TERMS OF REFERENCE

Facilitation of a preparatory process for the development of SADC Common Positions for CBD COP 14/ Cartagena Protocol/Nagoya Protocol on ABS (23 May to 3 June 2019)

1. Background

Biological resources are essential for social and economic development. At the same time, the threat to species and ecosystems has never been so great as it is today. More and more species go extinct due to human activities. In response to this growing challenge, the United Nations Environment Programme (UNEP) convened the Ad Hoc Working Group of Experts on Biological Diversity meeting in November 1988 to explore the need for an international convention on biological diversity. Soon after, in May 1989, it established the Ad Hoc Working Group of Technical and Legal Experts to prepare an international legal instrument for the conservation and sustainable use of biological diversity. The Convention was opened for signature on 5 June 1992 at the United Nations Conference on Environment and Development (the Rio "Earth Summit") and it is one of the 3 Rio Conventions. It remained open for signature until 4 June 1993, by which time it had received 168 signatures. The Convention entered into force on 29 December 1993, which was 90 days after the 30th ratification. The first session of the Conference of the Parties (COP) took place on 28 November . 9 December 1994 in the Bahamas. The Convention on Biological Diversity (CBD) was inspired by the world community's growing commitment to sustainable development. It represents a dramatic step forward in the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of benefits arising from the use of genetic resources.

Further to the above, the Convention adopted two supplementary agreements, namely the Cartagena Protocol on Biosafety and the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization, also known as the Nagoya Protocol on Access and Benefit Sharing (ABS).

a) Cartagena Protocol on Biosafety

The Cartagena Protocol on Biosafety to the Convention on Biological Diversity is an international treaty governing the movements of living modified organisms (LMOs) resulting from modern biotechnology from one country to another. It was adopted on 29 January 2000 and entered into force on 11 September 2003. Its purpose is to protect biological diversity from the potential risks posed by living modified organisms resulting from modern biotechnology.

b) Nagoya Protocol on ABS

The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization is an international agreement which aims at sharing the benefits arising from the utilization of genetic resources in a fair and equitable way. It entered into force on 12 October 2014, 90 days after the date of deposit of the fiftieth instrument of ratification. Its objective is the fair and equitable sharing of benefits arising from

the utilization of genetic resources, thereby contributing to the conservation and sustainable use of biodiversity.

All 15 SADC Member States, as well as Comoros islands are signatories to the Convention on Biological Diversity. They have all appointed National Focal Points for the overall CBD as well as for the Cartagena Protocol on Biosafety and Nagoya Protocol on ABS.

The German International Cooperation (GIZ) supports the SADC Food, Agriculture and Natural Resources (FANR) Directorate through the SADC Programme . Transboundary Use and Protection of Natural Resources (TUPNR) to improve the implementation of SADC protocols and strategies for sustainable natural resource management by regional and national actors. Among other things, the programme supports the coordination of Regional Common Positions for Multilateral Environmental Agreements (MEAs). This is meant to address potential conflicts of interest between SADC Member States, as well as improve transparency of voting thereby contributing to the conservation of biological diversity across the SADC Region. A common position to CBD will further enable SADC Member States to align policies and strategies for sustainable use of biological resources and sensitise each other on the movement of LMOs across countries. As a result the TUPNR Programme has mobilized funds to convene a workshop to prepare SADC Member States for the CBD COP14. This workshop will bring together SADC National Focal Points on Main CBD, Cartagena Protocol on Biosafety and Nagoya Protocol on ABS (i.e. 3 participants per Member State).

It is against this background that the TUPNR Programme seeks the services of an **individual consultant** to guide SADC Member States through the preparatory process leading to CBD COP14 and facilitate their development of common positions for (1) the Main CBD COP14, (2) Cartagena Protocol on Biosafety and (3) Nagoya Protocol on ABS. The consultant is expected to carry out the drafting of relevant preparatory documents; support the conduct of a regional workshop and to finalize the 3 SADC common positions for CBD COP 14, under the supervision of the SADC Secretariat. The selected consultant will enter into a contract with GIZ. The consultant will be also expected to attend and support SADC Member States at the CBD COP 14 which is taking place from 10 . 22 November 2018 in Sharm El-Sheikh, Egypt.

2. Reporting

The selected consultant will report to the SADC/GIZ TUPNR Project and FANR. The output documents of the assignment are to be submitted in electronic format, in English language

3. Services to be delivered by the Consultant

The **individual consultant** will guide SADC Member States through the timetable leading to the convening of CBD COP14 and prepare all relevant pre-COP documents. He/she will support the preparations and organization of a regional workshop held in June 2018 to develop and finalize 3 SADC common positions for CBD COP 14. The consultant will undertake tasks including the following:

Task
Prepare an Inception Report which will include a work schedule with specific tasks, deliverables and time frames
Present the Inception Report to an Inception Meeting, chaired by SADC FANR; and agree upon logistical arrangements necessary for implementation of the assignment, including engagement with SADC Member States, CBD Secretariat and other relevant stakeholders
Advise on and develop a roadmap of activities leading to CBD COP14 to be undertaken by SADC Member States
Development of regional workshop design in cooperation with SADC Secretariat, based on the defined expected outputs from GIZ and SADC
Advise SADC on the processes and meeting agenda (pre-discussions, support with identifying participants and resource people)
Support the preparation of first drafts of the 3 SADC common position for Main CBD COP14, Cartagena Protocol on Biosafety and Nagoya Protocol on ABS, after the workshop
Prepare and compile relevant meeting documents in preparation of the regional workshop held in May/June 2018
Preparation and conduct of Regional Workshop held in June 2018 (leading of the consultative process between Member States)
Prepare a report of workshop proceedings and submit draft of the 3 SADC common position for Main CBD COP14, Cartagena Protocol on Biosafety and Nagoya Protocol on ABS to SADC Secretariat
Travelling and participation as resource person and presentation of the common position at the SADC Technical Committee on Wildlife/SADC Ministerial Meeting of Ministers responsible for Natural Resource Management and Wildlife to endorse the position.
Attend the CBD COP 14 to support SADC Secretariat and Member States during the negotiations and the daily consultative meetings
Summary report of SADC attendance at CBD COP14 including recommendations for the SADC Secretariat support going forward

4. Deliverables

- (i) Inception Report, including agreed roadmap of activities leading up to CBD COP14
- (ii) Discussion document to be reflecting SADC perspectives on the overall convention in preparation for the consultative workshop to be held in June 2018
- (iii) Workshop proceedings report for the regional consultative workshop

(iv) Final draft common position for CBD COP14

(v) Summary report of SADC Secretariat and Member State participation at CBD COP14

5. Qualifications of the individual consultant

The consultant will at least have long-term experience in:

- leading high- and highest level multi-partner consultative processes (including Ministers and Head of States)
- the proceedings and processes of CBD or other MEA meetings, including Member State negotiations and policy procedures
- dealing with highly complex legislative and policy issues pertaining to biodiversity, conservation and the implementation of CBD in the SADC Region and
- workshop facilitation with diverse participants with various levels of technical as well as political backgrounds
- providing impartial assistance within multi-partner consultative processes

The consultant must have the following qualifications:

(i) MSc or PhD degree in Biodiversity Management or Natural Resources; International Relations; Law; or related field;

(ii)

Citizen of SADC or Permanent Resident in the SADC region (with valid resident permit)

(iii) At least 10 years working experience in the field of biodiversity management, natural resources management, , developing policies, or strategies, and leading negotiations related to sustainable use of biological diversity;

(iv) Profound knowledge of multi-lateral environmental agreements related to natural resources, biodiversity and biosafety, in particular CBD;

(v) Good knowledge of the sustainable use of natural resources and the needs to share costs and benefits between developed and developing countries;

(vi) Good knowledge of the SADC region and its natural resources including biological conservation issues in Southern Africa;

(vii) Good knowledge of SADC policies relevant to the MEAs related to natural resources and biodiversity conservation

(viii) Demonstrated ability to establish priorities and to plan, organize the work elements in a complex, dynamic and highly politicized environment; strong coordination skills;

(ix) Excellent interpersonal relations and communications skills;

(x) High technical skills in facilitation of workshops for consultation with diverse stakeholders;

- (xi) Experience in leading negotiations, strategic planning, programme/ project and/or policy formulation
- (xii) Excellent writing and speaking skills in English, Knowledge of French or Portuguese is an added advantage.

6. Confidentiality

The consultant shall comply with the GIZ General Terms of Contract and shall be mindful of his/her duty of loyalty and confidentiality connected to this contractual relationship.

Furthermore the consultant shall not be part of any Party delegation to CBD COP 14.

7. Duty station and Travel

The individual consultant will work from his/her respective home country with visits to SADC Secretariat in Gaborone, Botswana, Windhoek, Namibia and possibly Johannesburg, South Africa. For those duty trips where the destination is not clear yet, please include both destinations in your financial bid. Furthermore the consultant will attend CBD COP14 in Sharm El-Sheikh, Egypt. The contractor will make all logistical arrangements (including for transport, accommodation, visas and permits, etc.) themselves. The proposed maximum costs for these shall be included in the financial bid and will be reimbursed against evidence. For those meetings held either in Windhoek or Johannesburg, kindly quote for both destinations. The following trips are currently planned:

- 1-day inception meeting with SADC/GIZ, Gaborone, Botswana (June 2018)
- 3-day regional consultative workshop, Windhoek, Namibia or Johannesburg, South Africa (June 2018)
- 1-day SADC Technical Committee on Wildlife meeting (if required), Windhoek, Namibia or Johannesburg, South Africa (November 2018);
- 1-day meeting with SADC/GIZ, Gaborone, Botswana (tbc, if required);
- 1-day Ministerial Meeting of Ministers responsible for Natural Resource Management and Wildlife (if required), Sharm El-Sheikh, Egypt (8 November 2018); and
- 12-days Attendance at CBD COP14 from 10-22 November 2018, Sharm El-Sheikh, Egypt.

8. Time schedule and period of the consultancy

The individual consultant will not exceed 40 working days spread over the period June 2018 to January 2019 to undertake the tasks described in Paragraph 3.