

## **TERMS OF REFERENCE**

### **CONSULTANCY**

#### **Assessment Of Regional, Continental And Global Conventions And Agreements Related To Environmental And Aquatic Biodiversity conservation to facilitate their ratification, adoption and implementation.**

##### **Background:**

The African Union Inter-African Bureau for Animal Resources (AU-IBAR), is a specialized technical office of the Department of Agriculture, Rural Development, Blue Economy and Sustainable Environment (DARBE) of the African Union Commission (AUC). AU-IBAR is mandated to support and coordinate the utilization of livestock, fisheries, aquaculture and wildlife as resources for both human wellbeing and economic development in the African Union Member States (AU-MS).

The Vision of the AU-IBAR in the Strategic Plan 2018-2023 is an Africa in which animal resources contribute significantly to integration, prosperity and peace. AU-IBAR's intervention in the fisheries and aquaculture sector is guided by the Policy Framework and Reform Strategy for fisheries and aquaculture in Africa (PFRS) which is aimed at improving governance of the sector for increased sustainable contribution to food security, livelihoods, and wealth creation within the framework of the African Union Agenda 2063.

The African Continent is adjacent to highly productive marine ecosystems including the seven African Large Marine Ecosystems (LMEs) viz., Agulhas Current LME, Benguela Current LME, Guinea Current LME, Canary current LME, Mediterranean Sea LME, Red Sea LME and Somali Current LME. The continent is also endowed with networks of freshwater rivers and lakes. The seas, oceans, lakes and rivers inhabit a significant number of biodiversity, and the ecosystems provide sources of livelihoods, food security and wealth. The African aquatic ecosystems inhabit living and non-living resources. However, the unsustainable exploitation of these resources is threatening the biodiversity, natural resources and environmental sustainability.

Several factors are threatening aquatic biodiversity in Africa's aquatic ecosystems. These include overexploitation of living species, pollution from several sources (land-based municipal and agricultural activities), uncontrolled introduction of exotic species in aquaculture systems, effluents from mining activities. Other threats to aquatic biodiversity include poorly and or unplanned urban development and resource-based industries, such as mining, coastal tourism activities, coastal infrastructure development that destroy or reduce natural habitats. In addition, air and water pollution, sedimentation and erosion, and climate change also pose threats to aquatic biodiversity.

Consequently, important aquatic resources are becoming increasingly susceptible to both natural and artificial environmental changes. Hence conservation strategies to protect and conserve aquatic life are necessary to maintain the balance of nature and support the availability of resources for future generations. The need to strengthen capacity of AU member states and regional institutions for protection and sustainable exploitation of living resources within their Exclusive Economic Zones (EEZs) is identified as

priority in conservation of aquatic biodiversity to ensure sustainable contribution to food security, livelihoods, and wealth creation.

The highest political organ of the African Union endorsed the African Blue Economy Strategy (ABES) aimed addressing some of these challenges and for the AU member states to sustainably harness the resources of aquatic ecosystems. The ABES envisioned an inclusive and sustainable blue economy that significantly contributes to Africa's transformation and growth. The Strategy incorporates key critical vectors for promoting blue economic development of the Continent, including fisheries, aquaculture and ecosystem biodiversity conservation; shipping, maritime safety and trade; climate change, environmental sustainability and ecotourism; sustainable energy and extractive mineral resources; governance, institutions and job creation.

The objective of the ABES is to guide the development of an inclusive and sustainable blue economy that becomes a significant contributor to Continental transformation and growth, through advancing knowledge on marine and aquatic biotechnology, environmental sustainability, marine ecosystem utilization, conservation and carbon sequestration, the growth of an Africa-wide shipping industry, the development of sea, river and lake transport, the management of fishing activities on these water bodies, and the exploitation and beneficiation of deep sea mineral and other marine resources.

The ABES is consolidated based on the following five thematic technical areas:

1. Fisheries, aquaculture, conservation and sustainable aquatic ecosystems;
2. Shipping/transportation, trade, ports, maritime security, safety and enforcement;
3. Coastal and maritime tourism, climate change, resilience, marine ecosystem, environment, infrastructure;
4. Sustainable energy and mineral resources and innovative industries; and,
5. Policies, institutional and governance, employment, job creation and poverty eradication, innovative financing.

Accordingly, AU-IBAR with support from the Swedish International Development Cooperation Agency (SIDA), is implementing a 3-year project on "Conserving Aquatic Biodiversity in African Blue Economy" whose overall objective is to enhance the policy environment, regulatory frameworks and institutional capacities of AU member states and regional economic communities to sustainably utilize and conserve aquatic biodiversity and ecosystems.

The specific objectives of the project are as follows:

1. To provide support to AU MS to ratify and/or align relevant international/regional instruments related to blue economy themes (with specific reference to protecting and conserving biodiversity);
2. Optimizing conservation and sustainable use of biodiversity while minimizing conflicts among blue economy sub-themes;
3. Strengthening measures for mitigating the negative impacts of coastal and marine tourism, oil, gas, deep sea mining and climate change on aquatic biodiversity and environment; and,
4. Strengthening gender inclusivity in aquatic biodiversity conservation and environmental management.

## **RATIONALE:**

There are currently in existence numerous important biodiversity and environmentally related global instruments that are yet to be fully ratified or adopted by AU member states due to variety of reasons. Some of these instruments, though ratified or adopted, their implementation faced considerable challenges. The project will conduct assessment of relevant continental and global aquatic biodiversity and environmental related instruments to identify challenges and develop priority actions to enhance ratifications, adoption and implementation. Some of the challenges include capacity in the AU member states, lack of awareness on key provisions of these instruments and their relevance. Accordingly, awareness will be created, and continental knowledge enhanced on identified key aquatic biodiversity and environmentally related continental and global instruments underlining key provisions and benefits. Some of these instruments include the following:

1. Convention on Biological Diversity in the context of Blue Economy
2. Convention on International Trade in Endangered Species of Wild Fauna and Flora
3. Basel, Rotterdam and Stockholm Conventions (BRS)
4. The Intergovernmental Platform on Biodiversity and Ecosystem Services (IPBES)
5. Ramsar Convention on Wetlands
6. International Convention for the Prevention of Pollution from Ships (MARPOL)
7. International Plan of Action (IPOA) for Conservation of sharks
8. United Nations Framework Convention on Climate Change (UNFCCC)
9. United Nations Convention on Law of the Sea (UNCLOS)
10. Lomé Charter

The AU-MS and REC's face challenges that hinder them to ratify, adopt and implement continental and international instruments related to aquatic biodiversity conservation and environmental management.

Some of the challenges include:

- i. Lack of adequate awareness on the benefits that accrue for participation and from ratification and implementation of these instruments;
- ii. Capacity to understand the procedures involved in the ratification;
- iii. Low and weak participation of AU member states in the conceptualization and formulation of these instruments;
- iv. Weak negotiation skills to enable AU-MS highlight issues of interest and common position

The above necessitates the need to carry out assessment to identify the relevant regional, continental and global aquatic biodiversity and environmental instruments, status of ratification and adoption by AU member states and RECS, assess and highlight the challenges and develop mechanisms to enhance their ratification, adoption and implementation.

AU-IBAR is seeking to recruit suitable consultants to undertake the assignment in regions that have been clustered for ease of execution. The assignment will require two consultants to conduct the studies in the following regional clusters: (i) South and Eastern Regions of Africa, and (ii) West, Central and Northern Regions of Africa

## **OBJECTIVE:**

The overall objective of this consultancy is to conduct assessment of relevant Regional, Continental and Global biodiversity and environmental instruments to develop guidelines and priority actions in order to support the AU member states and RECs in the ratification, adoption and implementation of conventions and agreements related to conservation of aquatic biodiversity and environmental management

## **TASKS:**

1. To liaise with the relevant persons at AU-IBAR for adequate briefing and clarification of tasks
2. Prepare inception report within 5 days of signature to the contract outlining methodology, approach and proposed locations for visit;
3. Identify, develop inventory and conduct assessment of (aquatic) biodiversity and environmental related instruments at regional, continental and global levels;
4. Establish the status of ratification, adoption or implementation of these instruments by AU MS and RECs outlining challenges to their ratification, adoption or implementation;
5. Highlight the regulatory instruments that require harmonization or review in relation to relevant regional, continental and international instruments related to conservation of aquatic biodiversity and environment.
6. Identify existing gaps, challenges in the legal and institutional processes in selected AU MS's and RECs for the ratification, adoption or implementation of identified continental and global instruments
7. Conduct in-depth review and develop or synthesis of each of the identified instruments, highlighting, policy related issues and develop guidelines or mechanisms for ratification, adoption and implementation,
8. Outline relevant critical steps and priority actions for AU MS and RECs for enhanced ratification and implementation of relevant actions or key provisions;
9. Undertake consultations with AU member states Regional Economic Communities, specialized regional institutions, other stakeholders relevant to aquatic biodiversity conservation and environmental management on issues of ratification, adoption and implementation of relevant regional, continental and global aquatic biodiversity conservation and environmental instruments;
10. Conduct assessment of status of selected existing initiatives on Multilateral Environmental Agreements (MEAs) at regional levels and determine lessons and best practices;
11. Propose mechanisms, policy, legal and institutional frameworks for strengthening the capacity of AU member states and regional institutions to enhance ratification and implementation of relevant global instruments in aquatic ecosystems
12. Conduct validation and awareness enhancing workshops on the findings and recommendations should any such workshop be organized during the contract period.
13. Develop comprehensive report at the end of assignment.

## **DELIVERABLES:**

1. Inception report within 5 days of signature to the contract outlining methodology, approach and proposed locations for visit;
2. Report of inventory on identified relevant regional, continental and international instruments (agreements and conventions) related to conserving aquatic biodiversity and environment

3. Report on the status of ratification or implementation of identified continental and international instruments, outlining challenges to their ratification; adoption and implementation
4. Synthesis of critical provisions of identified continental and international instruments, highlighting opportunities and benefits to AU member states and RECs
5. Report on the identified existing gaps in the regulatory frameworks and institutional processes in AU-MS's and RECs with regards to ratification, adoption and implementation of identified instruments
6. Develop guidelines or mechanisms or procedures for ratifications, adoption or domestication and implementation of identified instruments, outlining critical steps and priority actions
7. Report on the proposed mechanisms with respect to policy, legal and institutional frameworks for strengthening the capacity of AU-MS and regional institutions to enhance ratification and implementation of relevant continental and global instruments relevant to aquatic biodiversity and environment;
8. Recommendations on prioritized regional, continental and global instruments for ratification, adoption or domestication and implementation in Africa
9. Comprehensive report at the end of the assignment.

## **REQUIREMENTS FOR APPLICANTS:**

### **Qualification:**

The successful candidate should have an advanced degree in environmental law, international law and public policy; maritime law, marine affairs or ocean governance. A Ph.D. degree will be an added advantage.

### **Experience:**

#### *General Experience*

1. Familiarization with national and regional institutions with mandates in aquatic biodiversity conservation and environmental management;
2. Familiarization with continental initiatives, policies and frameworks relevant to conservation of aquatic biodiversity and environmental protection in Africa;
3. Evidence of familiarization of regional, continental global instruments relevant to conservation of aquatic biodiversity and environmental governance
4. Knowledge of experience of governance systems in shared marine ecosystems and freshwater ecosystems, transboundary issues, challenges and opportunities
5. Familiarization of issues on Multilateral Environmental Agreements (MEAs), their status of implementation, challenges and lessons in Africa

#### *Specific Experience*

1. At least 7 year working experience in research, policy and development related institutions with functions related to the conservation of aquatic biodiversity and environment management
2. At least 5 years' experience in promoting or supporting implementation of continental and international agreements, conventions or instruments towards enhancing governance of aquatic ecosystems and environment.
3. Evidence of familiarization and knowledge on processes and procedures of ratification or domestication of continental and global instruments related to natural resources and environment

4. Evidence of formulating guidelines, protocols, policies or strategies for environmental governance and biodiversity conservation
5. Demonstrated evidence of conducting policy review and gap analysis to support AU member states and RECs for improved governance systems in aquatic ecosystems

**Other Essential Skills and Experience**

1. Diplomacy and good interactive skills necessary for dealing with senior officials in Government, REC’s other regional organizations, and donor/development organizations in Africa;
2. Good networking skills and ability to maintain positive and constructive;
3. Proficiency in at least 2 AU languages.

**EVALUATION AND AWARD CRITERIA**

The applications will be evaluated on the basis of the relevant technical qualifications, experience and competence of the candidates.

**Criteria for Scores:**

<b>Criteria</b>	<b>Scores (%)</b>
Qualifications	15
General Experience	25
Specific Experience	50
Other skills	5
Proficiency in AU languages (at least in 2)	5

**Gender Mainstreaming:**

The AU Commission is an equal opportunity employer and qualified women are strongly encouraged to apply.

**DURATION**

The duration of this assignment is 45 calendar days but should be accomplished within 60 days from the date of signature of the contract.

**REMUNERATION:**

The professional fee for each of the two consultancies is USD 13,500. Expenses for approved missions will be covered separately in accordance with the applicable African Union Commission rules and regulations.

**SUPERVISION AND REPORTING**

The candidates will be under the direct supervision of the project team leader with oversight supervision by the Director of AU-IBAR. The team leader will have the responsibility of approval of reports

## **APPLICATION PROCEDURES:**

Two consultants are required to conduct this assignment as per the following regional clusters:

1. South-Eastern regions of Africa, and
2. West-Central and Northern regions of Africa.

The candidate may indicate which of the two clusters his/her application is submitted for. However, the Contracting Authority reserves the right to select the appropriate candidate for each regional cluster.

### ***Applications must include the following documents:***

- i. Detailed curriculum vitae (CV)
- ii. Copies of academic and professional certification documents
- iii. Declaration on exclusion criteria (see format attached)
- iv. Identification documents

### ***Application deadline***

The deadline for submission of proposals is 23<sup>rd</sup> May 2022, Nairobi local time.

The address for submission of applications is: [procurement-20220422-4@au-ibar.org](mailto:procurement-20220422-4@au-ibar.org)