



## **LEAD EXPERT AND EVALUATOR ACCESS AND BENEFIT-SHARING OF BIOLOGICAL RESOURCES**

### **TERMS OF REFERENCE**

#### **BASIC CONTRACT INFORMATION**

**Location:** Home-based with travel to Putrajaya, Kuala Lumpur and States of Kedah, Perak, Sabah and Sarawak, Malaysia

**Application Deadline:** 20 April 2018

**Additional Category:** Sustainable Development and Poverty Reduction

**Type of Contract:** Individual Contract

**Post Level:** International Consultant

**Languages Required:** English

**Starting Date:** 1 May 2018

**Duration of Initial Contract:** 60 working days over 7 months (1 May 2018 – 30 November 2018)

**Expected Duration of Assignment:** 60 working days over 7 months (1 May 2018 – 30 November 2018)

#### **BACKGROUND**

In accordance with UNDP and GEF monitoring and evaluation policies and procedures, all full and medium-sized UNDP supported GEF financed projects are required to undergo a terminal evaluation upon completion of implementation. These terms of reference set out the expectations for a Terminal Evaluation (TE) of the *Developing and Implementing A National Access and Benefit-Sharing Framework in Malaysia* (ABS II) (PIMS# 5191).

#### **Project Summary**

Project title: Developing and Implementing a National Access and Benefit-Sharing Framework in Malaysia

GEF financing: USD 1,970,000

Co-financing: USD 5,800,000

Implementing partner: Ministry of Natural Resources and Environment (NRE), Malaysia

Project start date: 7 January 2014

Project closing date: 6 January 2018 (original), 6 January 2019 (actual)

#### **Objective and Scope**

The project was designed to strengthen the conservation and sustainable use of biological and genetic resources in Malaysia through developing the national framework for the implementation of Access and Benefit Sharing under CBD. The project will achieve the project objective through the implementation

of three inter-connected components. Component 1 addresses the need for a national regulatory and institutional framework on ABS, including a financial mechanism to reinvest funds from ABS agreements back into biodiversity conservation. The operationalization of this framework will be supported by the strengthening of national institutional and stakeholder capacity in Component 2, including measures for the documentation and protection of traditional knowledge; and through demonstration of pilot ABS agreements, Prior Informed Consent (PIC) processes and a PIC/community protocol regarding ABS of indigenous and local communities' traditional knowledge in Component 3, which will provide experience and lessons learned to inform refinement of the framework and implementation processes. The three components will result in the following project outcomes:

Outcome 1: An operational national regulatory and institutional framework on ABS.

Outcome 2: Strengthened national institutional and stakeholder capacity for implementation of the national ABS framework.

Outcome 3: Best practice ABS processes (three) are demonstrated recognizing the principles of PIC and Mutually Agreed Terms (MAT) including the fair and equitable sharing of benefits.

Project document can be referred at [http://www.my.undp.org/content/malaysia/en/home/operations/projects/environment\\_and\\_energy/developing-and-implementing-a-national-access-and-benefit-sharing.html](http://www.my.undp.org/content/malaysia/en/home/operations/projects/environment_and_energy/developing-and-implementing-a-national-access-and-benefit-sharing.html).

The TE will be conducted according to the guidance, rules and procedures established by UNDP and GEF as reflected in the UNDP Evaluation Guidance for GEF Financed Projects. The objectives of the evaluation are to assess the achievement of project results, and to draw lessons that can both improve the sustainability of benefits from this project, and aid in the overall enhancement of UNDP programming.

### Evaluation Approach and Method

An overall approach and method<sup>1</sup> for conducting project terminal evaluations of UNDP supported GEF financed projects has developed over time. The evaluator is expected to frame the evaluation effort using the criteria of **relevance, effectiveness, efficiency, sustainability, and impact**, as defined and explained in the *UNDP Guidance for Conducting Terminal Evaluations of UNDP-supported, GEF-financed Projects* at <http://web.undp.org/evaluation/documents/guidance/GEF/UNDP-GEF-TE-Guide.pdf>. A set of potential questions covering each of these criteria can be referred to Annex 4 of the *UNDP Guidance for Conducting Terminal Evaluations of UNDP-supported, GEF-financed Projects*. The evaluator is expected to amend, complete and submit this matrix as part of an evaluation inception report, and shall include it as an annex to the final report.

The evaluation must provide evidence-based information that is credible, reliable and useful. The evaluator is expected to follow a participatory and consultative approach ensuring close engagement with government counterparts, in particular, GEF operational focal point, UNDP Country Office, project team, UNDP GEF Regional Technical Adviser based in Bangkok and key stakeholders. The evaluator is expected to conduct a field mission to Putrajaya, Malaysia including the following project sites – States of Perak, Sabah and Sarawak. Interviews will be held with the following organizations and individuals at a minimum: Biodiversity and Forestry Management Division of NRE, Forest Research Institute Malaysia, Sabah Biodiversity Centre, Sarawak Biodiversity Centre, UNDP Malaysia Country Office and local &

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<sup>1</sup> For additional information on methods, see the [Handbook on Planning, Monitoring and Evaluating for Development Results](#), Chapter 7, pg. 163

indigenous communities of Orang Asli Kintak and Kensui, Bidayuh, Lun Bawang, Kelabit and Lundayeh. Detailed list of stakeholders will be given upon confirmation of assignment.

The evaluator will review all relevant sources of information, such as the project document, project reports – including Mid-Year Progress Report, Annual Project Report, Project Implementation Review (PIR), project budget revisions, midterm review, progress reports, GEF focal area tracking tools, project files, national strategic and legal documents, and any other materials that the evaluator considers useful for this evidence-based assessment. The project team will provide a list of documents to the evaluator for review.

### **Evaluation Criteria & Ratings**

An assessment of project performance will be carried out, based against expectations set out in the Project Logical Framework/Results Framework (see Project Document), which provides performance and impact indicators for project implementation along with their corresponding means of verification. The evaluation will at a minimum cover the criteria of: **relevance, effectiveness, efficiency, sustainability and impact**. Ratings must be provided on the following performance criteria. The completed table must be included in the evaluation executive summary. The obligatory rating scales are in page 34 of the *UNDP Guidance for Conducting Terminal Evaluations of UNDP-supported, GEF-financed Projects*.

### **Project Finance/Co-finance**

The Evaluation will assess the key financial aspects of the project, including the extent of co-financing planned and realized. Project cost and funding data will be required, including annual expenditures. Variances between planned and actual expenditures will need to be assessed and explained. Results from recent financial audits, as available, should be taken into consideration. The evaluator(s) will receive assistance from the Country Office (CO) and Project Team to obtain financial data to complete the co-financing table below, which will be included in the terminal evaluation report.

### **Mainstreaming**

UNDP supported GEF financed projects are key components in UNDP country programming, as well as regional and global programmes. The evaluation will assess the extent to which the project was successfully mainstreamed with other UNDP priorities, including poverty alleviation, improved governance, the prevention and recovery from natural disasters, and gender.

### **Impact**

The evaluators will assess the extent to which the project is achieving impacts or progressing towards the achievement of impacts. Key findings that should be brought out in the evaluations include whether the project has demonstrated: a) verifiable improvements in ecological status, b) verifiable reductions in stress on ecological systems, and/or c) demonstrated progress towards these impact achievements.<sup>2</sup>

### **Conclusions, Recommendations and Lessons**

The evaluation report must include a chapter providing a set of **conclusions, recommendations and lessons**.

### **Implementation Arrangement**

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<sup>2</sup> A useful tool for gauging progress to impact is the Review of Outcomes to Impacts (ROtI) method developed by the GEF Evaluation Office: [ROTI Handbook 2009](#)

The principal responsibility for managing this evaluation resides with the UNDP CO in Malaysia. The UNDP CO will contract the evaluators and ensure the timely provision of per diems and travel arrangements within the country for the evaluation team. The Project Team will be responsible for liaising with the Evaluators team to set up stakeholder interviews, arrange field visits, coordinate with the Government etc.

## **DUTIES AND RESPONSIBILITIES**

### **Scope of Work**

The Lead Expert and Evaluator, Access and Benefit-Sharing of Biological Resources will perform the key tasks as follows:

- Lead and assign division of work for a team of two independent experts including National Expert in Indigenous Peoples & Traditional Knowledge and Environmental Legal Specialist who will conduct the Terminal Evaluation.
- Conduct a document review of project documents i.e. Country Programme Action Plan (CPAP) 2016 – 2020 between UNDP and Government of Malaysia, Project Identification Form (PIF), UNDP Initiation Plan, Project Document, Environmental and Social Safeguard Policy (ESSP), Project Inception Report, Project Implementation Reviews, Finalized GEF focal area Tracking Tools, Project Appraisal Committee meeting minutes, Financial and Administration guidelines used by Project Team, project operational guidelines, manuals and systems, etc.; provided by UNDP Malaysia Country Office and Project Team.
- Prepare the TE inception report detailing evaluation approach and method, evaluation questions and criteria matrix, list of stakeholders, field mission schedule, overall work plan and TE report outline and content.
- Plan and facilitate in a TE inception workshop during the field mission to clarify their understanding of the objectives and methods of the TE.
- Conduct field mission with TE team that consist of interviews with stakeholders who have project responsibilities and site visits to States of Perak/Kedah, Sabah (Long Pasia and Long Mio) and Sarawak (Kampung Kidding in Kuching, Pa' Lungan and Pa'Ukat in Bario, Long Telingan and Long Kerebangan in Lawas).
- Assess the following four categories of project progress based on the *Guidance for Conducting Midterm Reviews of UNDP-Supported, GEF-Financed Projects* for requirements on ratings. No overall rating is required.
- Produce a draft final TE report with TE team members.
- Plan and conduct the TE concluding workshop.
- Finalize and submit the TE report to UNDP.

## **DELIVERABLES**

- TE Inception Report: TE team clarifies objectives and methods of the Midterm Review no later than 4 weeks before the field mission. To be sent to UNDP Malaysia Country Office and project management. Approximate due date: 31 May 2018
- Field mission: 9 – 27 July 2018

- PowerPoint Presentation: Initial Findings presented to project management, stakeholders and UNDP Malaysia at the end of the TE field mission. Approximate due date: 25 July 2017
- Draft Final Report: Full report with annexes within 5 weeks of the TE field mission. Approximate due date: 31 August 2018
- TE concluding workshop: 10 – 12 September 2018
- Final Report\*: Revised report with annexed audit trail detailing how all received comments have (and have not) been addressed in the final TE report. To be sent to the UNDP Malaysia within 2 weeks of receiving UNDP and stakeholders' comments and feedback from the TE concluding workshop. Approximate due date: 5 October 2018

\*The final TE report must be in English. If applicable, UNDP Malaysia may choose to arrange for a translation of the report into Malay language – the official language more widely shared by national stakeholders.

## **Timeframe**

The total duration of the assignment will be 60 working days starting 1 May 2018, and shall not exceed 7 months from when the Lead Expert@Evaluator is hired.

- 1 – 15 May: Prep the TE Team (handover of project documents)
- 16 – 31 May: Document review and preparing TE Inception Report
- 1 June – 8 July: Finalization and validation of TE Inception Report, and preparation of field mission
- 9 – 25 July: Field mission: stakeholder meetings, interviews, field visits
- 26 – 27 July: Mission wrap-up meeting & presentation of initial findings
- 28 July – 31 August: Preparing draft report
- 1 – 9 September: Preparing for TE concluding workshop
- 10 – 12 September: Conduct TE concluding workshop
- 13 September – 5 October: Incorporating audit trail on draft report/Finalization of TE report
- 6 October – 15 November: Further feedback and acceptance of TE report by UNDP
- 30 November: Expected date of full TE completion

## **TERMS OF PAYMENT**

The payments will be performance-based and regularly assessed by UNDP Malaysia Country Office. The breakdown of payment is as follow:

1. 10% upon submission and acceptance of detailed work plan
2. 20% upon submission and acceptance of the inception report
3. 40% upon submission and acceptance of the 1<sup>st</sup> draft terminal evaluation report
4. 30% upon submission and acceptance of the final terminal evaluation report by UNDP Country Office and UNDP Regional Technical Adviser

## **DUTY STATION**

All travel within Malaysia will be arranged and provided by UNDP Malaysia and Project Team except international travel from home base to Kuala Lumpur, Malaysia. Accommodation and meals will be provided for in-country travel.

### **Travel:**

- International travel will be required to Kuala Lumpur, Malaysia during the field mission;
- The Basic Security in the Field II and Advanced Security in the Field courses must be successfully completed prior to commencement of travel;
- Individual Consultants are responsible for ensuring they have vaccinations/inoculations when travelling to certain countries, as designated by the UN Medical Director.
- Consultants are required to comply with the UN security directives set forth under <https://dss.un.org/dssweb/>.

## **COMPETENCIES**

The Lead Expert@Evaluator cannot have participated in the project preparation, formulation, and/or implementation (including the writing of the Project Document) and should not have conflict of interest with project related activities.

Functional competencies:

- Extensive knowledge in biodiversity and ecosystems;
- Familiar with Convention on Biological Diversity (CBD) and proficiency in Nagoya Protocol
- Sound analytical and organisational skills;
- Excellent communication and writing skills.

**Corporate Competencies:**

- Demonstrates integrity by modelling the UN's values and ethical standards;
- Promotes the vision, mission, and strategic goals of UNDP;
- Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability
- Treats all people fairly without favouritism;
- Fulfils all obligations to gender sensitivity and zero tolerance for sexual harassment;
- Demonstrates integrity by modelling the UN's values and ethical standards.

**Education**

Minimum Master's Degree or equivalent in conservation biology, ecology, environmental studies (science and/or management), environmental economics, environmental law or policy, natural resources or biodiversity conservation or related fields.

**Experience**

- Experience with result-based monitoring and evaluation methodologies for at least 10 years;
- Experience working with the GEF or GEF-evaluations for at least 5 years;
- Experience working in Malaysia, South-East Asian or Asia-Pacific region;
- Technical knowledge in access and benefit-sharing of genetic/biological resources for at least 10 years.

**Language**

Excellent command of English.