



Terms of Reference

Consultant: Assessment and Review (Article 35) of the Cartagena Protocol on Biosafety

Background

Under Article 35 of the Cartagena Protocol on Biosafety, the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety (COP-MOP) is required to undertake an evaluation of the effectiveness of the Protocol, including an assessment of its procedures and annexes, five years after the entry into force of the Protocol and at least every five years thereafter. The Protocol entered into force on 11 September 2003 and its first review was due in September 2008.

In setting up the process for this review and assessment, the first meeting of the Parties to the Protocol held in February 2004, adopted in its medium-term programme of work (decision BS-I/12), a programme which included an assessment of the Protocol's procedures and annexes. This programme was to be initiated at the third meeting of the COP-MOP.

In initiating this process, the third meeting of Parties to the Protocol, in paragraph 1 of decision BS-III/15, invited Parties, other Governments as well relevant intergovernmental and non-governmental organizations and other stakeholders to submit their views to the Secretariat. These views were required to: (a) evaluate the effectiveness of the Protocol, including an assessment of procedures and annexes, taking into account the items specified in paragraph 6 (b) of the medium-term programme of work contained in the annex to decision BS-I/12; (b) assess the procedures and annexes under the Protocol, with a view to identifying difficulties arising from implementation as well as suggestions for appropriate indicators and/or criteria for evaluating effectiveness and ideas on the modalities of the evaluation. Paragraph 2 of decision BS-III/15 requested the Executive Secretary, under the guidance of the Bureau, to prepare a synthesis of the views submitted in accordance with paragraph 1 of the same decision as well as information contained in the first national reports submitted by Parties, and make it available to the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

The Parties to the Protocol had also decided to merge the consideration of some specific items with the on-going assessment and review process in the context of Article 35 of the Protocol. In this respect, the third meeting of the Parties decided (paragraph 1, decision BS-III/8) to include, in the assessment and review of the effectiveness of the Protocol, the consideration of whether there is a need for a stand alone document to fulfil the requirements of identification of living modified organisms for contained use or for intentional introduction into the environment as specified in paragraphs 2(b) and 2(c) of Article 18 based on experience on the use of a commercial invoice or other documents required or utilized by existing documentation systems. to request

Furthermore, in paragraph 1 of decision BS-III/1, the Parties decided to undertake the review of the effectiveness of the procedures and mechanisms on compliance as provided for in section VII of decision BS-I/7, including addressing the issue of measures concerning repeated cases of non-compliance as well



as rule 18 of the rules of procedure of the Compliance Committee, at their fourth meeting within the framework of the overall evaluation of the effectiveness of the Protocol under Article 35 and in accordance with the modalities established in decision BS-III/15.

The Executive Secretary in response to the requests above, prepared document (UNEP/CBD/BS/COP-MOP/4/14) for the consideration of the fourth meeting of the Parties in May 2008. The document contains the synthesis of views submitted in accordance with paragraph 1 of decision BS-III/15; a summary of observations based on information from the first national reports received by the Secretariat pertaining to the specific areas referred to in decision BS-III/15; information on the review of the effectiveness of the procedures and mechanisms on compliance pursuant to paragraph 1 of decision BS-III/1 and a synthesis of views received pursuant to decision BS-III/8 on paragraphs 2(b) and 2(c) of Article 18 with respect to documentation accompanying shipments of living modified organisms destined for contained use and those for intentional introduction into the environment.

The document (UNEP/CBD/BS/COP-MOP/4/14) also attempted to identify possible modalities that the Parties to the Protocol may wish to take into account in establishing the process to undertake the evaluation of the Protocol among which are the development and use of indicators and/or criteria for evaluating effectiveness.

It is also noted that in pursuance with paragraph 3 of decision BS-III/15, the Compliance Committee presented a report on general issues of compliance by Parties with their obligations under the Protocol, in accordance with paragraph 1(d) of section III of the Compliance Procedures and Mechanisms contained in the annex to decision BS-I/7 to the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol in document (UNEP/CBD/BS/COP-MOP/4/2).

The COP-MOP having considered all the information as presented in the documents mentioned above, in its decision BS-IV/15, requested the Executive Secretary to: (i) develop a sound methodological approach to contribute to an effective second assessment and review of the Protocol, its annexes, procedures and mechanisms, on the basis of the information contained in the first national reports, answers to the “effectiveness questionnaire”, the report of the Compliance Committee, information on the Biosafety Clearing-House and any other relevant documents; and (ii) draft criteria or indicators that could apply in the evaluation of the effectiveness of the Protocol and provide an indication of the utility. The COP-MOP further requested the Executive Secretary to present a draft strategic plan for its consideration at its fifth meeting on the basis of submissions from Parties.

Description of required services

Under the overall supervision of the Executive Secretary, CBD, and the specific supervision of the Senior Programme Officer of the Biosafety Division the consultant will:

Perform a desk review of documentation from within and outside the Secretariat of the Convention of Biological Diversity, complemented with inputs from outside the Secretariat by email and telephone communication with other major stakeholders involved in the implementation of the Cartagena Protocol on Biosafety with the aim of meeting the specific objective of this consultancy.

Specific Objectives:

The consultant will:

(i) develop a sound methodological approach to contribute to an effective assessment and review of the Protocol, its annexes, procedures and mechanisms, on the basis of the information contained in the first national reports, answers to the “effectiveness questionnaire”, the reports of the Compliance Committee, information available in the Biosafety Clearing-House and any other relevant documents;

(ii) draft criteria or indicators that could apply in the evaluation of the effectiveness of the Protocol and provide an indication of the utility;

(iii) identify the core provisions of the Protocol, its annexes, and procedures and mechanisms developed under the Protocol that may need to be subject to assessment and review using the criteria proposed;

(iv) develop a short case study demonstrating how the draft criteria or indicators developed under (ii), above, could be applied in order to carry out the assessment and review required by Article 35, by for example applying the criteria/indicators to the analyses of the information contained in the first national reports;

(v) make recommendations on:

- who should carry out the assessment and review and how; and

- the key elements of a strategic plan for the effective implementation of the Cartagena Protocol through COP-MOP/5 to COP-MOP/10 based on the outcomes of the work on the specific objectives (i) through (iv), above.

Duration and timeframe for delivery of services

The consultant will complete the work within two months starting from July 2009 and submit the final products by September 2009.

The final product to be delivered to the Secretariat should take the form of an expert study that responds to the specific objectives outlined above.

Monitoring/Progress/Task

Fortnightly telephone conference calls will be made between the consultant and the staff of the Biosafety Division on the updates of the work. Interim drafts will be submitted to the Executive Secretary, by 15 July 2009.

Terms of Payment

A lump sum payment will be made available for the undertaking the work as specified under required services in two installments: 40% at the signature of the contract, and the remaining 60% at the end after submission of the product, depending on timely and satisfactory completion of the work.

Request for proposals

Interested candidates are requested to submit an expression of interest, by 14 June 2009 stating their relevant experience and capacity to undertake the study and proposing a methodology to carry out the task.

Curriculum vitae of the person(s) who will carry out the work should be attached.

Selection criteria

The consultant will be selected based on the relevant experience and demonstrated capability.

All submissions should be made electronically to secretariat@cbd.int