

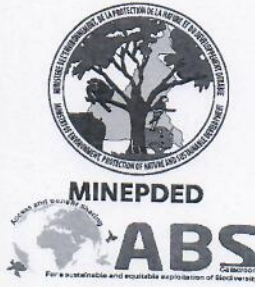
REPUBLIQUE DU CAMEROUN  
*Paix – Travail – Patrie*

MINISTRE DE L'ENVIRONNEMENT,  
DE LA PROTECTION DE LA NATURE  
ET DU DEVELOPPEMENT DURABLE

CONVENTION SUR LA DIVERSITE BIOLOGIQUE

PROTOCOLE DE NAGOYA SUR APA

DIRECTION NATIONALE DU PROJET APA



REPUBLIC OF CAMEROON  
*Peace – Work – Fatherland*

MINISTRY OF ENVIRONMENT,  
PROTECTION OF NATURE AND  
SUSTAINABLE DEVELOPMENT

CONVENTION ON BIODIVERSITY

NAGOYA PROTOCOL ON ABS

NATIONAL DIRECTORATE OF ABS PROJECT



Projet " Appui à la mise en œuvre du Protocole de Nagoya et à la recherche-développement sur la chaîne de valeur de la biodiversité pour les petits exploitants dans les Régions du Sud-Ouest et de l'Extrême-Nord, du Cameroun."

### **TERMS OF REFERENCE CONSULTATION N°03**

#### **Development of a manual for the negotiation process of the Mutually Agreed Terms (MAT)**

*Reference in the annual workplan 2024: activity 18 and 19*

#### **I. CONTEXT**

Following obligations regarding access and benefit-sharing, the States Parties to the Convention on Biological Diversity (CBD) adopted in October 2010 the Nagoya Protocol on Access to Genetic Resources (GR) and Fair and equitable Sharing of Benefits arising from their utilization (ABS), that entered into effective in 2014.

In 2016 Cameroon ratified the Nagoya Protocol on ABS and adopted in 2021 the Law N° 2021/014 of July 9, 2021, governing access to genetic resources (GR), their derivatives, associated traditional knowledge (aTK), and the fair and equitable sharing of the benefits arising from their utilization; and in 2023, Decree N° 2023/07526 of October 6, 2023 establishing the terms of application of the said law.

To facilitate its application, the Nagoya Protocol on ABS, in article 22, emphasizes capacity building. Parties are required among others, to (i) develop the capacity to negotiate Mutually Agreed Terms (MAT), (ii) promote fairness and justice in the negotiations, of these MATs.

In the course of an ABS procedure, both the supplier and the potential user of a GR or aTK must participate in good faith in the negotiations relating to the ABS. A lack of trust between the parties involved in an ABS negotiation will reduce the chances of reaching a satisfactory agreement that will benefit them mutually. As ABS negotiations are complex, the negotiating parties must equip themselves with certain specific skills to negotiate and make good decisions. A manual that would serve as an orientation and training tool on ABS contracts and the right approach to their negotiation is therefore needed.



Within the framework of the pilot ABS projects, several MATs have been negotiated between certain communities and users, in a learning-by-doing approach. Several guides have been produced, including a supplier's guide, a user's guide, and other guides on best practices in the use of GRs. These existing guides have the merit of informing both suppliers and users of the procedures involved. However, negotiation is an art that requires broad knowledge and skills that go beyond mastery of procedures. To this end, a negotiation process manual would be an important tool to provide more detailed information and instructions and to capitalize on the lessons learned from these pilot initiatives to guide the negotiation process, both for indigenous local communities and for members of MINEPDED's ABS Taskforce and the National ABS Committee.

Translated with DeepL.com (free version) A manual on the negotiation process would be an important tool to capitalize on the lessons learned from these pilot initiatives to guide the negotiation procedure both for indigenous local communities and for members of the ABS Taskforce of the Ministry of Environment, Protection of Nature and Sustainable Development (MINEPDED).

As part of the efforts to sustain the ABS framework in Cameroon, the project entitled "Support to Nagoya Protocol implementation, research, and development, on Biodiversity value chain for smallholders in the South-West and Far North Regions of Cameroon ", has been approved by the Global Environment Facility (GEF). The project aims to support the operationalization of the ABS national framework, by enabling access to genetic resources and associated traditional knowledge that accrue tangible national and local economic benefits from their commercial utilization in a fair, equitable, and sustainable manner.

Thus, component 1 of the above-mentioned project concerns the implementation of the legislative, regulatory, policy and institutional framework in matters of ABS. As part of the implementation of said component, it is planned to develop manuals to guide the negotiation process, for use by local communities and the ABS Taskforce. These Terms of Reference have been developed to address this issue. The project is looking for a consultant to carry out this assignment.

## **II. OBJECTIVE**

The objective of this assignment is to:

- stocktaking assessment of the current negotiation processes as a case study to capture lessons learned and best practices to be shared;
- develop a manual for the negotiation process of the Mutually Agreed Terms (MAT) in Cameroon.

## **III. RESULTS**

- the current negotiation processes are reviewed to capture lessons learned and best practices to be shared
- A manual for the MATs negotiation process in Cameroon is developed and adopted.

## **IV. DELIVERABLES AND SCHEDULE**



Deliverables	Deadline
<b>Deliverable 1:</b> Based on the documentation provided by the Project Management Unit (PMU), the consultant will propose a methodological note and a schedule for carrying out the service. These documents will be submitted for amendment and validation by the PMU.	No later than 1 week after signing the contract.
<b>Deliverable 2:</b> A report on the current negotiation processes highlighting lessons learned and best practices to be shared.	02 week after validation of the methodology.
A manual for the negotiation process of Mutually Agreed Terms (MAT) for the use of ABS Taskforce and Indigenous Local Communities.	No later than 03 weeks after submission of deliverable 2.
A report of the validation workshop of the manual.	02 weeks after submission of the manual.

## VI. METHODOLOGY

The methodological approach which will be validated by the project team will take into account the following steps:

### Preparation

The consultant will work closely with the project team. To this end, before starting the mission, he must develop his methodological approach to enable the achievement of the desired objective.

### Document review

The consultant will carry out a literature review of existing manuals, guides, and other relevant tools, including but not limited to the ABS guidelines, the supplier's guide, the user's guide, the ABS Law, and its implementing decree, previous MAT signed, etc. The synthesis arising from this review should highlight lessons learned from previous MAT negotiation experiences.

### Stakeholder consultation

- organize consultation meetings with representatives of indigenous local communities who have already negotiated MATS;
- Development of a draft negotiation manual;
- Facilitation of the manual proofreading and validation workshop

### Development of the content of the manual

The manual must be designed in such a way as to:

- enlighten the targets on the ABS mechanism and the key stages of an ABS procedure in Cameroon;
- enlighten targets on the key elements of the ABS contract or MAT;



- describe the important elements of the negotiation process;
- state the principles and rules to be respected by the targets during the negotiations;
- determine local and external stakeholders in the negotiation process;
- present a model MAT;
- etc.

## VII. CONSULTANT PROFILE

Applicants must:

- have a minimum Msc degree in law with a specialization in the following areas: environmental law, international development, environmental and natural resources management, indigenous peoples' rights, ethics and intellectual property law;
- additional training in negotiation, mediation or project management would be an asset;
- have experience in the field of natural resource management, and in particular in issues relating to ABS;
- have significant experience in contract negotiations and support to indigenous local communities;
- have experience in national and international policies on biodiversity, biotrade and intellectual property;

## VIII. APPLICATION FILE

The application file consists of:

- a cover letter highlighting your specific abilities that will help you succeed in your mission, as well as your interest in this mission;
- certified copies of the diploma(s) dating from less than three months;
- proof of previous experience;
- a technical proposal including the methodology for carrying out the mission;
- an updated and signed Curriculum Vitae (CV);
- an administrative file including a photocopy of the ID card, a Unique Identifier Number and Banking Information.
- a financial proposal.

## XII. DURATION OF THE CONSULTATION

The duration of the consultation is 20 man/days spread over a period of 2 months.

Date **17 6 MAI 2024**

Approved by:



*Dr. Dingom Aurélie  
Taylor Patience*