

Terms of Reference

TITLE:	Consultant to conduct legislative, policy reviews and practices on local communities' involvement in CITES and CBD decision-making and implementations.
LOCATION:	Antananarivo, Madagascar
SUPERVISOR:	VfD Project Manager

ORGANISATIONAL CONTEXT

TRAFFIC is the leading global non-governmental organisation working globally on wildlife trade in the context of both biodiversity conservation and sustainable development.

TRAFFIC International is a UK-registered charity and limited liability company. TRAFFIC's headquarters, based in Cambridge, UK, provides global leadership, programming, interregional coordination, and management functions.

TRAFFIC's work at the local level is implemented by program offices operating under the patronage of the UK charity, which implements activities in one or more countries where TRAFFIC aims to contribute to the achievement of the program's priority outcomes. TRAFFIC works in strategic alliance with IUCN and WWF on issues related to wildlife trade.

POSITION CONTEXT

Under its Voices for Diversity (VfD) project, TRAFFIC seeks a consultant to conduct legislative and policy reviews and practices regarding communities' participation in CITES and CBD decision-making processes and implementation in Madagascar.

The VfD program, funded by SIDA (the Swedish government agency for development cooperation), aims to make biodiversity conservation policy and processes inclusive and responsive at the local, national, regional, and global levels while enhancing environmental sustainability and poverty reduction.

Indeed, research has shown that when the rights of local communities are recognized, and their leadership is respected, deforestation and biodiversity loss rates decrease, and ecosystem services improve; this is valid in the sustainable use of wild species.

There are both moral and pragmatic reasons for considering local communities' (LC') priorities and perspectives in decision-making about wild species. Perhaps the key for a Convention concerned with conservation is that IPs and LCs have valuable and unique knowledge about wildlife use, management, and conservation – knowledge that could help improve the information base for CITES decision-making.

Not only are LCs effective and knowledgeable custodians of wildlife and thus have valuable insights to offer CITES, but they also have rights, laid down in international environmental and human rights law, to participate in decision-making about issues that affect their livelihoods. The United Nations Declaration on the Rights of Local Communities, adopted by the General Assembly on 13 September 2007, calls on States to obtain the free, prior, and informed consent of people before adopting legislative or administrative measures which would affect them. Wildlife conservation and management policies, including those that apply to CITES, are among the types of measures or decisions that can profoundly affect local communities, given their close ties to forest and marine resources.

In this context, TRAFFIC is seeking a consultant to conduct a legislative, policy and practical review of the local communities' involvement within CITES and CBD decision-making processes and implementation. The communities' participation will be assessed at different levels, from the legal protection of communities rights to participation in the implementation of these conventions, for instance, the involvement in the value chain of CITES-listed species; consultation with communities on non-detriment findings; their involvement in the preparation of national positions on CITES agenda issues, and participation in CITES meetings at national and global levels.

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OBJECTIVES OF THE CONSULTANCY

The mission aims to assess local communities' participation in the decision-making and implementation processes of CITES and CBD to identify gaps and provide recommendations to decision and policymakers for more expanded space for communities to participate in decision-making processes and implementation of CITES and the CBD.

The consultant's missions will consist of:

1. Conducting legislative and policy reviews on communities' rights and participation in the decision-making process and implementation of CITES and CBD.
2. Mapping stakeholders and initiatives to promote Malagasy communities' participation in CITES and CBD-related decision-making and implementation at local, national and international levels
3. Identifying gaps and constraints that may have undermined the effective participation of communities in CITES and CBD decision-making and implementations.
4. Based on the assessment, produce an analytical report highlighting the current trends regarding communities' participation in CITES and CBD decision-making and implementation and provide recommendations to guide policy and legislative review so that CITES and CBD decision makings are more inclusive, and communities' voices and concerns are reflected, and they are more involved in the implementations.
5. Convene a technical meeting with the main stakeholders to share the main findings and recommendations from the assessment and, eventually, design a roadmap, to update existing legislative and policy frameworks, to strengthen and expand communities' participation in decision makings and implementation of CITES and CBD.

DURATION OF CONTRACT

The consultancy assignment proposed by TRAFFIC requires a part-time engagement compatible with the exercise of other part-time professional responsibilities. The contract will ideally start during the first week of April 2023 and will end on 31 July 2023, the date on which the main findings and recommendations have been shared with the main political decision-makers, including the MEDD, the Ministry of Justice (Directorate of Legislative Reforms), and with the environmental commission at the national assembly

REMUNERATION

The consultant will receive a first instalment of 25% of the total remuneration upon signature of the contract and a second payment (25%) upon receipt of the legislative and policy review report. The balance, including travel expenses, will be paid upon receipt of the final report and presentation of supporting documents for the expenses incurred during the field missions. Travel outside of Antananarivo will be covered by TRAFFIC.

DELIVERABLES

During the contract, the consultant is expected to submit the following documents:

- In the middle of April:
 - A detailed work plan and schedule
 - A list of entities and key people to be interviewed.
 - A draft questionnaire dedicated to each category of actors.
- At the end of May:
 - A draft compilation and analysis of legislative and policy frameworks on communities' rights and participation in the decision-making processes and implementation of CITES and CBD.
- At the end of June:
 - A draft assessment report including i) legislative and policy frameworks analysis on the rights and participation of local communities in CITES and CBD ii) results of surveys of policymakers, technical experts, CSOs and local communities on existing initiatives toward inclusive conservation, namely communities participation in CITES and CBD decision making and implementation iii) the main recommendations to promote and strengthen the involvement of communities and CSOs in the decision-making process on CITES and CBD.
- At the end of July
 - A summary report including the main findings and recommendations resulting from the assessment
 - A final report

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PROFILE

- Advanced university degree (Master) in environmental law, geography, forestry and related field
- Demonstrated experience in formulating and evaluating public policies in the field of biodiversity conservation.
- In-depth knowledge of laws, regulations, and policies around biodiversity conservation in general and on CITES and CBD in particular.
- In-depth knowledge of international declarations and agreements and national legislations on human rights, community rights and participation in decision-making processes and related topics.
- Strong knowledge of the challenges of biodiversity conservation and the rights of local communities and familiar with the participatory approach.
- Excellent level of French (spoken and written) and Malagasy (spoken and written). Fluency in English will be considered an asset.
- Excellent writing and reporting skills. Ability to write in a clear, concise, rigorous, and objective style without expressing personal opinions.
- Good computer skills (use of Microsoft Word, PowerPoint).
- Availability to travel within Madagascar.

Please note that TRAFFIC cannot recruit civil servants or State employees under consultancy contracts. On the other hand, candidates who are retired, on standby, on sabbatical, or who have ceased their activities within the public service are invited to apply.

SUPERVISION

The consultant will work under the supervision of the VfD Project Manager

APPLICATIONS

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Interested persons are requested to send a detailed CV, a cover letter (in French), a technical and a financial offers (Including remuneration and travel expenses), making sure to indicate a telephone number, a photo and three professional references. Applications should be sent by email to cynthia.ratsimbazafy@traffic.org with the subject line: "TRAFFIC – Consultant to conduct legislative, policy reviews and practices on local communities involvement in CITES and CBD decision-makings and implementations".

Deadline for applications: **19 March 2023** at midnight (Geneva time). Applications that do not comply with these conditions will be rejected.

The consultant must ensure beforehand that they can honor all their tax obligations and the payment of social contributions under the applicable laws of Madagascar.