



TERMS OF REFERENCE FOR A CONSULTANCY TO REVIEW THE SADC LAW ENFORCEMENT AND ANTI-POACHING STRATEGY

1. General Background

The SADC Common Agenda is the attainment of the SADC Mission to promote sustainable and equitable economic growth to fight poverty in the region and achieve deeper regional cooperation and integration. It aims at ensuring good governance, strengthened regional capacity, and durable peace and security in the region. SADC Secretariat, ensures alignment, harmonization and streamlining of operational procedures, rules and practices in the delivery of development assistance to SADC and guarantees synergies and complementariness of support at the national and regional levels.

SADC has a Regional Indicative Strategic Development Plan (RISDP 2005-2020), which is a comprehensive, poverty-reduction oriented strategy to consolidate and design the regional integration process. The goal of the RISDP is poverty reduction in SADC member countries and the integration of markets. The Revised RISDP 2015-2020 (please note that a new RISDP 2020-2030 is expected to be approved by the Council of Ministers in August 2020), priorities are as follows: (1) Industrial Development and Market Integration (2) Infrastructure in support of regional integration (3) Peace and security cooperation (4) Strategic Indicative Plan for the Organ and (5) Special programmes of regional dimension under which falls Food Security and Trans-boundary Natural Resources, as well as the Environment.

As a principle for the implementation of SADC programmes SADC notes that only those activities are being pursued that contribute to the regional integration and/or strengthen the capacities necessary to reach the SADC goals. The SADC Secretariat understands its role explicitly not as that of an implementing organization but of a coordinator and convener. Implementation of regionally agreed and adopted strategies and programmes lies with the member states.

1.1 Wildlife conservation as a contributor to the SADC Agenda: poverty alleviation and regional integration

Wildlife resources in the SADC Region have the potential to contribute significantly to the region's economic development and as part of biodiversity conservation. Pursuant to these opportunities, SADC developed the Protocol on Wildlife Conservation and Law Enforcement (1999). The Protocol is designed to establish a common framework for conservation and sustainable use of wildlife in the region.

Southern Africa is endowed with abundant wildlife resources including wild animals, forests, aquatic life, including fish, that are important for agriculture and the lucrative tourism industry and provide an opportunity to strengthen regional integration. Southern Africa is a biodiversity hotspot and stronghold for large species holding nearly world's 60% of the elephants and lion, 95% of rhino population and 55% of Africa's forest cover. These resources contribute to the socio-economic development of the Region through employment and wealth creation, food security and overall improvement of the lives of people. It is estimated that 50% of total GDP of SADC Region depends on natural resource management (e.g. agriculture, forestry, wildlife, fisheries, tourism). This nature – based tourism contributes about 8.2% of regional GDP and an estimated 6.3 Million jobs.

1.2 Historical status of wildlife conservation in the SADC Region

Despite the conservation achievements in the region, wildlife populations have also been targeted by criminals for valuable products and variable scale across the species and member states, particularly the unprecedented poaching levels of elephants and rhino. This was of particular concern as Southern Africa is home to the world's largest remaining populations of big mammals such that the increasing poaching and illegal trade trends were unattended. This trend led to the need for developing a SADC driven wildlife protection strategy also supported by the increasing global awareness of a wildlife poaching crisis threatening the survival of these species. The drivers of soaring poaching were identified as poor governance and unsustainable utilization including illegal killing and trade in wild species of fauna and flora and their products sparked by rising demand for wildlife products in consumer markets of South East Asia.

1.3 SADC Law Enforcement and Anti-Poaching (LEAP) Strategy (2016-2021)

In response to the increased levels of illegal killing and trade in wild fauna and flora, SADC with support from GIZ TUPNR Programme and other partners developed the SADC LEAP Strategy that was approved in 2015. The overall objective of the SADC LEAP Strategy is “to significantly reduce the level of poaching and illegal trade in wildlife fauna and flora and enhance law enforcement capacity in the SADC Region by 2021”. The Strategy was designed in a such a way to provide a framework for regional collaboration among SADC Member States in implementing actions towards minimizing wildlife crime and illegal trade, enforcing the law more effectively, promoting sustainable trade and use of natural resources, and reducing the root causes and enablers of wildlife crime. The SADC LEAP Strategy derives its mandate from the SADC Protocol on Wildlife Conservation and Law Enforcement (1999) and operationalises it in a significant way.

The SADC LEAP Strategy identified four priority areas:

- i) enhancement of legislation on wildlife and law enforcement;

- ii) integration of people and nature;
- iii) ensuring sustained trade in, and use of natural resources; and
- iv) improvement and strengthening of field level protection of wildlife resources.

The SADC LEAP Strategy addresses conservation issues affecting primarily rhinos and elephants but also other endangered plant and animal species, including pangolin, marine mammals and turtles, fresh- and saltwater fish and a range of bird species, including important migratory birds. The loss of important habitats and their plant species through destruction, deforestation, illegal logging and commercial timber trade was regarded as of no less importance, and therefore, wildlife crime involving one or more of these commodities being illegally traded together is expected to be addressed equally as other wildlife crimes.

1.3.1 Progress on Implementation of the Strategy

The strategy is implemented at the level of individual SADC Member States (MS). The MS are expected to have integrated LEAP activities in their national action plans and allocate resources for implementation and submit reports to the Secretariat on an annual basis. The SADC Secretariat plays a coordination, monitoring and convening role as well as facilitating cross-border and inter-agency cooperation. Some progress has been registered at both national and regional levels.

In going by its role, the SADC Secretariat has among others:

- (i) established structures to oversee and monitor the implementation of the strategy - Joint Committee of Ministers of Environment, Natural Resources and Tourism and the Ministerial Committee of the Organ (MCO);
- (ii) mobilized resources to support a training programme for wildlife managers and rangers in wildlife management and law enforcement;
- (iii) developed a regional implementation plan highlighting priority area for intervention and associated costs;
- (iv) managed to hold three progress update meetings with Member States in 2017, 2018 and 2019;
- (v) convened an International Cooperating Partners (ICP) meeting in Gaborone in 2018 to foster coordination and collaboration in various efforts already taking place in the region in combatting wildlife crime;
- (vi) jointly organized a SADC Judiciary Roundtable Discussion on combatting wildlife crime which led to the creation of a Judiciary Working Group that will champion judiciary role in fighting wildlife crime in the region;
- (vii) held a joint meeting with partners to train officials involved in investigations and prosecution in pursuing corruption, money laundering and asset recovery involving wildlife crimes; and

- (viii) initiated the establishment of a regional platform for sharing information on wildlife crimes (TWIX) among wildlife law enforcement officers (12 Member States involved, 465 registered users, 43 participating law enforcement agencies).

On the other hand, the reports received from Member States show some progress but at varying levels at national and transboundary level in the implementation of some of the activities in collaboration with ICPs) and these reported activities include:

- (i) enhancing anti-poaching efforts in protected areas, Transfrontier Conservation Areas (TFCA) and other crime hotspots such as ports of entry and exit;
- (ii) a few of them embarked on review of legislation to provide for stricter and deterrent penalties and reduce discretion of courts and these reviews included alignment of the national laws to international conventions such as CITES;
- (iii) formed and enhanced National Joint Anti-poaching or Inter agency Committees along the entire enforcement chain;
- (iv) four Member States namely Malawi, Mozambique, Tanzania and Zambia have established a sub-regional platform to counter wildlife crime;
- (v) some countries conducted coordinated, concurrent and/or joint law enforcement operations with neighbouring states, using TFCAs, regional sub-groupings and Joint Bilateral Commissions as mechanisms to facilitate collaboration to counter wildlife crime;
- (vi) establishment of systems and repositories for managing and preserving evidence, storing confiscated wildlife products/ exhibits as well as providing for forensic analysis;
- (vii) launch of the Wildlife Crime Scene Forensics Guidelines for First Responders (2019) in some countries with support from UNODC and African Wildlife Forensics Network (AWFN);
- (viii) draft KAZA Mutual Legal Assistance Agreement by the five collaborating countries (Angola, Botswana, Namibia, Zambia and Zimbabwe);
- (ix) establishment of a cadre of well-trained rangers, wildlife crime investigators and prosecutors capable of handling wildlife crime scenes and cases appropriately and effectively; and
- (x) community engagement is ongoing and a lot of progress in recorded in the development and management of community wildlife forums, community owned wildlife management areas and TFCAs.

It is against this backdrop that SADC Secretariat with support from GIZ-TUPNR Project is commissioning a consultancy to review the SADC LEAP Strategy (2021-2031) based on the priorities derived from the lessons learnt during the current implementation. The revised strategy should take into account the changing environment in combating illegal harvesting and illegal trade of wild fauna and flora species and their derived products so that it can provide further guidance to the

region for the next 10 years, for both (i) regional cooperation and international engagement as well as (ii) concerted action by SADC Member States, on wildlife crime issues.

2. Objectives of the consultancy

The overall aim of the consultancy is to review the SADC LEAP Strategy 2016-2021 and recommend a long term framework for promoting sustainable trade and use of natural resources, reducing the root causes and enablers of wildlife crime and ensure that the Framework is aligned to SADC Policies such as the protocol on Wildlife Conservation and Law Enforcement (1999) and Revised RISDP (2020-2030).

3. Tasks to be undertaken by the Consultant

- (i) Conduct desk study to review progress and challenges for the LEAP implementation; analyze and provide emerging trends in wildlife crime (poaching and illegal wildlife trade) and challenges faced by the region in combatting wildlife crime. The study should also take into consideration existing and potential collaborative efforts in combatting transnational wildlife crime in the SADC region and beyond. Some of the documents to be analysed are not limited to but include: SADC Declaration and Treaty; Protocol on Wildlife Conservation and Law Enforcement; Protocol on Forestry; The SADC Regional Indicative Strategic Development Plan (RISDP); Millennium Development Goals; SADC Regional Agricultural Investment Plan (RAIP), SADC TFCA Programme, NEPAD Environment Action Plan; CITES documents; African Elephant Management Strategy and other pertinent species specific management strategies; SADC Regional Biodiversity Strategy; SADC Regional Tourism Programme, Rio Conventions; Authentic reports on organized transnational wildlife crime written by various recognized wildlife conservation organizations such as TRAFFIC, WWF, Interpol and Environmental Investigation Agency.
- (ii) Solicit input from All SADC Member States through appropriate tools such as questionnaires, interviews etc
- (iii) Document success stories in the implementation of SADC LEAP Strategy (2016-2021) with specific focus on transnational activities in combatting wildlife crime.
- (iv) Consult relevant stakeholders, including SADC Secretariat; Directorates of Wildlife Agencies in the SADC region, ICPs, NGOs, Private Sector and other relevant stakeholders on IWT issues in the region arising from the above analysis.
- (v) Based on the above develop a revised draft of the strategy covering, among others:

- a table of content for the Strategy and discuss with FANR and ORGAN Directorates.
 - Vision, Mission, Values and Objectives, as well as revised priority areas
 - A revised 10-year logical framework: objectives, targets and programme level indicators
 - Develop a harmonized and streamlined reporting tool focusing on Key Performance Indicators.
- (vi) Present draft revised draft SADC LEAP Strategy to the SADC Secretariat for inputs and then to the Technical Committee on Wildlife for validation.

4. Output of the consultancy

The main output of the consultancy is a reviewed and revised SADC LEAP Strategy 2021-2031. Specific deliverables include the following:

- (i) An inception report on how the assignment will be conducted including the draft questionnaire and a list of stakeholders to be consulted by 6th November 2020.
- (ii) A report on the analysis of the current trends in wildlife crime and some best approaches and practices in LEAP implementation in the period under review by 16th January 2021.
- (iii) First draft of revised SADC LEAP Strategy with Logical Framework by 16th January 2021.
- (iv) Final draft revised SADC LEAP Strategy and
- (v) A streamlined monitoring / reporting tool to be used Member States and Stakeholders that also meets some reporting requirements for the SADC Protocol on Wildlife Conservation and Law Enforcement by 13th February 2021.

5. Duration and time schedule of the consultancy

The consultancy is estimated to be conducted within 50 working days spread over the period 21st October 2020 to 13th February 2021.

6. Reporting

The consultant(s) will enter into a contract with the SADC/GIZ-TUPNR Project and will report to the Director of Organ on Politics, Defense and Security Cooperation , Director of Food Agriculture and Natural Resources, the TUPNR LEAP Advisor

7. Duty station

The consultant will work from his /her home country with and will virtually contact Secretariat in Gaborone, Botswana as required.

8. Qualifications and experience

The following qualifications and experience will be required:

- MSc or PhD degree or equivalent in Wildlife Management or Natural Resources Management or equivalent qualification
- More than ten (10) years working experience in the field of Wildlife Management and law enforcement
- Citizen of SADC or Permanent Resident in the SADC region
- Long term working experience in developing policies, or strategies related but not restricted to the field of sustainable natural resource management, law enforcement related to illegal wildlife trade and anti-poaching and/or trade in wildlife species products. Working knowledge and experience in the development of Monitoring and Evaluation (M&E) tools related to the field is an added advantage
- Understand the interrelationships between poaching, sustainable and economic management of natural resources, illicit financial flows and the political economy of poaching/ anti-poaching and illegal wildlife trade
- Good knowledge on trafficking of wildlife specimens, source, transit, and destination countries
- Good understanding of Multilateral Environmental Agreements (MEAs) related to illegal wildlife trade and anti-poaching; and
- Excellent writing and speaking skills in English, Knowledge of French or Portuguese is an added advantage.

9. Confidentiality

The consultant shall comply with the GIZ Terms of Contract and shall be mindful of his/her duty of loyalty and confidentiality connected to this contractual relationship.