

## Terms of Reference

<b>Title:</b>	<b>Consultant Biodiversity Crime , South Africa, Wildlife and Forest Crime Project</b>
<b>Organizational Section/Unit:</b>	<b>UNODC/DO/BMB/ET, Global Programme on Crimes that Affect the Environment (GPCAE)</b>
<b>Duty Station or home-based:</b>	<b>Home based; Pretoria, South Africa</b>
<b>Name and title of Supervisor:</b>	<b>Chijioke ONONIWU, Crime Prevention and Criminal Justice Officer/Project Manager, Wildlife and Forest Crime Project, South Africa</b>
<b>Proposed period:</b>	<b>Starting as soon as possible, and not later than from January to March 2023</b>
<b>Actual Work time:</b>	<b>25 days</b>
<b>Fee Range:</b>	<b>C</b>

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### 1. Background of the assignment:

*Wildlife and Forest Crime (WLFC)* is a serious and growing problem. The Global Programme for Combating Wildlife and Forest Crime serves to deliver a range of technical assistance activities within several thematic areas towards achieving the key project objective of strengthening capacity to prevent and combat WLFC on a regional, national, and local basis. The programme aims to improve cooperation and the capacity of Member States to work, locally, nationally, and internationally, to prevent and combat WLFC and other forms of serious and organized crime.

In efforts to combat and prevent WLFC, UNODC is working to support Member States to address these challenges from the criminal justice perspective. UNODC has provided support ‘from the crime scene to court’, and prosecutors play a key role in this process, helping to trigger more successful court cases at national level, as well as promoting legal assistance amongst countries to ensure cooperation against transnational organized criminal groups.

South Africa is home to most of the world’s rhino populations, and corruption is a facilitator for rhino horn trafficking networks who identify enforcement gaps to exploit. South Africa is also impacted by the organized illicit abalone trade which garners high profits for transnational organized criminal networks, among other illicit trade in wildlife and natural resource products.

The Environmental Management Inspectorate (EMIs), designated in terms of the National Environmental Management Act, employed in the National Department of Forestry Fisheries and the Environment (DFFE) or in the provincial environment authorities, have the designation and mandate to enforce the national and specific environmental management acts and have received the mandate to investigate biodiversity crimes. The National Prosecution Authority (NPA) becomes involved in a case when the police hand over the docket to the prosecutor. The NPA has the responsibility of deciding whether the police have adequately investigated the case and presented enough evidence for the case to be heard in

court.

In support of a holistic approach to criminal justice, other sectors must also be strengthened. Given the challenges of COVID, online solutions should be employed to provide compliance and enforcement trainings. The **training department for EMIs at DFFE** has identified a need to train and capacitate its EMIs who have the required background and designations to investigate biodiversity crimes and carry the EMI investigation case docket. The DFFE has a developed curriculum for the *training of EMIs on case docket registration* and requires the review and update, as well as development of a two-week in-person training workshop where the EMI is upskilled to be able to register and carry the EMI investigation case docket and to populate it as an EMI investigator.

The **National Prosecution Authority (NPA)** of South Africa generally becomes involved in biodiversity crime case when the police or the EMIs handover the docket to the prosecutor. The NPA has the responsibility of deciding whether the police or the EMIs have adequately investigated the case and presented enough evidence for the case to be heard in court. The NPA prosecutors can also assist the EMIs or police in projects and prosecutor led biodiversity investigations. These are all the organized and transnational organized crime cases. The NPA has identified the need to capacitate and upskill an identified group of prosecutors, who prosecute biodiversity and more especially transnational organized crime cases in the source areas of South Africa where most of these crimes start. These are so called hotspot areas. The NPA needs to upskill a group of prosecutors which will be identified by the NPA in the named areas. A need has arisen to *develop a curriculum for specialized or advanced training of these prosecutors*. This need will be fulfilled by the UNODC and a team of qualified and experienced ex prosecutors and wildlife crime investigators who will develop a specialized and more advanced curriculum to assist these prosecutors in their prosecution skills when prosecuting organized biodiversity crimes.

Based on the consultations with the national authorities and in support of the clear needs and gaps identified during the consultations, UNODC is seeking a consultant to support the National Department of Forestry, Fisheries and the Environment (DFFE), Environmental Management Inspectorate (EMI) section in providing the required expertise to review the current EMI Case docket curriculum , research and update for training purposes , develop for presentation a two-week practically based workshop to be presented in various centers in South Africa, as well as the research and development of a basic financial investigation curriculum for EMIs. This curriculum must suit the needs of an EMI specifically and must be in a format to be uploaded onto the EMI e-learning platform. Further, to support the NPA and its objectives, by upskilling its prosecutors to effectively prosecute organized biodiversity crime in SA through in-person specialized training workshops.

## **2. Purpose of the assignment:**

The purpose of this consultancy is to provide subject-matter expertise on EMI investigative case docket management, and to support the National Department of Forestry, Fisheries and the Environment (DFFE), environmental management inspectorate (EMI) section to capacitate and/or upskill the EMI designated investigators in their role of investigating biodiversity crime in South Africa; update, upgrade and integrate the learning management system into its existing e-learning platform to enable it to increase its capability to develop more training curricula for EMIs and reach more students through an expanded effort; and to assist NPA prosecutors (through specialized training) in upskilling their prosecution skills when prosecuting organized biodiversity crimes.

## **3. Specific tasks to be performed by the consultant:**

The assignment will be carried out under the overall guidance of the Representative Regional Office for Southern Africa (ROSAF), and the guidance of the Senior Programme Coordinator heading the Global Programme on Crimes that Affect the Environment, under the direct supervision of the Crime Prevention and Criminal Justice Officer (Prosecution Adviser)/Project Manager, Wildlife and Forest Crimes, South Africa, and in cooperation with the Crime Prevention and Criminal Justice Officer (Global Prosecution Adviser), based in Nairobi. More specifically, the consultant will perform the following tasks in two phases.

b The details of each phase are set out in part 3 below. The expected dates and deliverables of Phase I for this consultancy are set out in 4 below.

### **3.1. Activity 1, Phases I and II:**

Assist the UNODC, and the Legal Adviser (Consultant), to research and develop:

- a. Review the current EMI case docket curriculum.
- b. Develop a two-week in-person practical pedagogically orientated course for EMI investigators who have the designation to carry EMI investigative case dockets;
- c. Present at a minimum of two, the above mentioned two-week in-person workshops to be held at identified centers in South Africa
- d. Participate in project meetings and drafting of related notes;
- e. Perform other related tasks as may be necessary

#### **3.1.1. Expected tangible and measurable output(s)/deliverable(s), Phases I and II :**

- Fully developed curriculum for a two-week practical pedagogically orientated workshop with trainer manual for EMIs on investigative EMI case docket registration and management.
- Presentation of the developed curriculum at the identified two-week in-person practical pedagogically orientated course for EMI investigators who have the designation to carry EMI investigative case dockets
- Minimum of two pedagogically oriented 10-day in-person workshops.

### **3.2. Activity 2, Phases I and II:**

Assist the UNODC, and the Legal Adviser (Consultant), to research and develop including to:

- a. Research and develop a training curriculum and trainer manual on specialized or advanced topics to be identified by the NPA and UNODC. These topics must deal with prosecutor assisted investigations into organized and transnational organized biodiversity crime.
- b. The developed training curriculum must then be prepared into a 3-5 day course in-person training presentations and practical exercises for a group of identified prosecutors.
- c. Presentation of the developed course at the 3-5 day courses in South Africa.
- d. Participate in project meeting and drafting of notes and reports.
- e. Perform other related tasks as maybe necessary.

#### **3.2.1. Expected tangible and measurable output(s)/deliverables( Phases I and II):**

- Fully developed curriculum for a 3 - 5 day practical pedagogically orientated workshop with trainer manual for prosecutors who prosecute biodiversity crime .
- Presentation of the developed curriculum at the identified 3 - 5 day in-person workshops in the identified biodiversity hotspots in South Africa.
- Minimum of two pedagogically oriented workshops.

**6. Dates and details of deliverables/payments for Activity 1 – 2, Phases I only:**

Deliverable	Output	Working days	To be delivered by
A (Activity 1)	Inception Report of Activities 1 and 2, and deliverables under this contract	2days	Two days after signing a contract
B (Activity 1)	Phase I: Review of existing curriculum on the EMI case investigative case docket; meetings ,research and collection of material for the development of the curriculum and the trainer manual for the presentations at the two-week in-person practical pedagogically orientated course.	12days	Fourteen days after signing a contract
C (Activity 2)	Phase I: Scoping and research of identified topics and meetings and collection of material for writing and development of the trainer manual and presentations at the in-person training workshop.	10 days	Twenty-four days after signing a contract
D (Activity 1 and 2)	Final reports of deliverables B, C and D of Activities 1 and 2	1 day	Twenty-five days after signing a contract

Payments will be made upon satisfactory completion and/or submission of outputs/deliverables.

The payment fee will be paid as per the common UN rules and procedure. Payments will be made upon satisfactory completion and/or submission of outputs/deliverables for the above Activities 1– 2, and based on approval by UNODC ROSAF. Payment schedules are as follows:

- The first instalment or 20% of the total cost of the contract will be paid after the delivery and approval of the inception report by UNODC ROSAF, (Deliverable A)
- Second and final instalment or 80% of the total cost of the contract will be paid after the delivery and approval of the Deliverables and final report by UNODC ROSAF, (Deliverables B, C and D)

**8. Indicators to evaluate the consultant’s performance:**

All the outputs should be submitted in English and meet the satisfaction of UNODC according to the following indicators: quality of the materials produced; technical competence and timeliness of the delivery. Timely completion and reporting on technical assistance delivered as required by the Supervisors and/or counterparts.

**9. Qualifications/expertise sought (required educational background, years of relevant work experience, other special skills or knowledge required):**

Education:

Advanced university degree (Master's degree or equivalent) in law, international law, criminal investigation, police science or related fields is required. A combination of a first-level university degree in criminology, criminal justice, law, history, political/social science, police studies or related fields, and/or two (2) additional years of qualifying work experience in the field of criminal investigations, training, research and/or prosecution of biodiversity cases may be accepted in lieu of the advanced university degree.

Work experience:

- A minimum of 10 years' of professional experience in docket registration, population and management, investigating conservation and financial crime, investigation of crime in South Africa either as environmental management inspectorate (EMI) or police personnel is required; and/or
- Minimum of 10 years' experience in prosecuting in the criminal courts in South Africa and in prosecution of biodiversity crime is an advantage;
- Demonstrated experience in training of prosecutors and investigators in South Africa will be an advantage;
- Demonstrated knowledge and understanding of the duties and functions of a Court Prosecutor and/or investigation of transnational organized crime in South Africa is desirable;
- Demonstrated experience in research and development of curricula for presentation at an in-person workshop and e-Learning platforms is desirable;
- Experience in practical pedagogy and capacity building training is desirable;
- Ability to identify problem areas of such performance and provide solutions thereto is desirable;
- Strong research, drafting of reports, and presentation skills is required;
- Ability to work collaboratively as part of a team in a challenging and highly fluid and complex environment, flexibility and ability to handle ambiguity and constant change as well as meet team objectives is desirable;
- Demonstrated experience in project work will be an advantage;
- Ability to work under pressure to tight deadlines and to travel to deliver trainings in varied locations across South Africa will be an advantage;

Languages:

English and French are the working languages of the United Nations Secretariat. For this position, fluency in oral and written English, is required. Knowledge of another United Nations official language is an advantage.

Other special skills or knowledge required/desired:

- Good communication and interpersonal skills are required;
- Previous experience in teaching and capacity building is desirable.

Interested candidate with a relevant experience should submit the following documents” to the UNODC-ROSAF Procurement at [unodc-rosaf.procurement@un.org](mailto:unodc-rosaf.procurement@un.org) with the subject line “**Consultant Biodiversity Crime-Category (b)**” by 18 January 2023.

- 1) Cover letter explaining why they think they are the best candidate for this consultancy
- 2) Personal History Profile (UNDP P11 Form). The Personal History Profile must include past work experience and **three contactable referees with validated email and contact numbers.**

**Assessment:** Evaluation of qualified candidates may include an assessment exercise and a competency-based interview. **Short-listed** applicants may be required to undergo relevant skills tests and reference checks will be done.

For enquiries, please contact Takalani Godobedza by email at UNODC-ROSAF Procurement email.

These TORs will also be available on UNODC website: <https://www.unodc.org/southernafrika/en/consultancies-and-opportunities.html>

UNODC/UNDP is committed to achieving workforce diversity in terms of gender, nationality and culture. Individuals from minority groups, indigenous group and persons with disabilities are equally encouraged to apply. All applications will be treated with the strictest confidence.

UNODC/UNDP does not tolerate sexual exploitation and abuse, any kind of harassment, including sexual harassment, and discrimination. All selected candidates will, therefore, undergo rigorous reference and background checks.

**Note:** Failure to submit supporting documents as specified in the advertisement will result in the application being considered as “**incomplete**”, therefore this will result in the disqualification of the applicant. Due to the high volume of applications, correspondence will be limited to shortlisted candidates only. UNODC reserves the right not to make an appointment.