



INDIVIDUAL CONSULTANT

CONSULTANCY SERVICES FOR THE DEVELOPMENT OF A TOOLKIT ON CLIMATE CHANGE AND BIODIVERSITY LEGAL INTERVENTIONS IN WEST AFRICA

Contracting Authority	Institute for Human Rights and Development in Africa (IHRDA)
Funding	This consultancy is within the framework of a grant from Stichting Foundation for International Law for the Environment (FILE) to IHRDA for implementation of activities in the Action for Justice (A4J) <i>Climate Change and Biodiversity Law in Africa</i> project.
Duration of Consultancy	Five (5) Weeks
Expected Start Date of Consultancy	15 January 2024

TERMS OF REFERENCE

Introduction

The Institute for Human Rights and Development in Africa (IHRDA) is seeking an expert consultant to develop a toolkit on climate change and biodiversity legal interventions in West Africa.

The resource is a key output of the A4J Climate Change and Biodiversity Law in Africa Project, based in The Gambia. The user-friendly toolkit will facilitate the Project’s work on public interest litigation in the region and improve access to justice through practical knowledge, legal empowerment, and education for communities, lawyers and CSOs.

IHRDA invites eligible Individual Consultants to indicate their interest in providing expert consultancy services to produce this toolkit. Consulting firms may propose an Individual Consultant, but only the experience and qualifications of the individual shall be used in the selection process, and the contract would be signed with the proposed individual.

Background

The phenomenon of climate change is one of the most pressing existential threats to human beings. It has been recognized for decades that the climate of earth is changing at an alarming rate, with devastating consequences for life forms on the planet. From toxic air pollution and chemicals to an unprecedented global biodiversity loss, environmental exposures pose grave and systemic threats to collective and individual human rights.

Climate change has disproportionate impact on least developed and developing countries, which most African countries fall into. This is, among other factors, due to relatively limited capacity to respond to climate change and high reliance on land and water resources for survival. Various African countries already face a problem of water scarcity, with millions of children living in areas of high or extremely high-water scarcity.

The impact of climate change and biodiversity loss affects several rights that are enshrined in both international and regional treaties and domestic laws. Climate change and biodiversity impacts have compelled communities, activists, civil society organizations and lawyers to resort to the use of law through both judicial and non-judicial mechanisms to hold governments, companies and shareholders to account.

Several legal interventions have been used around the world in efforts to push the several actors to respect and protect biodiversity and combat climate change. These strategies include administrative, substantive, procedural, constitutional, and human rights litigation. Most of the strategies are centered around mitigation and adaptation to raise the ambition of the governments in their commitments to address climate change issues. In some cases, the strategies seek to stop projects from proceeding because the climate impacts from the projects far outweigh the benefits.

There have been a lot of developments in the use of legal interventions to protect biodiversity and combat climate change in the United States of America and Europe. There has been significant improvement in Africa, with similar interventions in South Africa, Nigeria, Uganda, and Kenya. However, the African regional platforms have been used sparingly, with few cases registered at the African Commission on Human and Peoples' Rights, the African Court on Human and People Rights, as well as the East African Court of Justice. For a holistic approach to using legal interventions in this space, it is. Therefore, important to strengthen the use of the law to combat climate change and biodiversity through legal interventions that are suitable, and which would work for, Africa.

The terms and conditions for this consultancy work are set out below.

2. Objective of the Consultancy

- The purpose of this consultancy is to undertake the development of three handbooks that will be compiled into a toolkit on legal interventions against climate change and biodiversity loss in West Africa. The objectives of the toolkit include:
 - To strengthen the use of the law in protecting biodiversity and combating climate change in the region.
 - To outline the legal strategies that can be relied on by communities, lawyers, and civil society organizations to hold states, companies, and institutions to account.
 - To be a resource in influencing the growth and improvement that is needed in the region in climate change and biodiversity loss litigation.

3. Scope of the Consultancy

In developing the toolkit, the Consultant will offer expert advice on the structure, methodology and content of the toolkit. The Consultant will conduct an in-depth analysis of data, research, and laws, recognizing that it is a regional toolkit that explores and

canvasses legal strategies and practical legal solutions applicable to addressing climate change and biodiversity loss.

The toolkit will be divided into three handbooks:

- a. Basic concepts on climate change and biodiversity.
- b. Legal advocacy strategies for addressing climate change and biodiversity.
- c. Step-by-step guide on using different legal strategies with case studies.

The handbooks will need to be significantly customized to the West African context and made more usable/accessible by target communities and organisations, so they are able to undertake legal advocacy efforts where they face climate change impact and biodiversity loss. This would include examples of domestic and regional litigation, quasi-judicial platforms (e.g. Independent Accountability Mechanisms), and non-judicial actions such as advocacy and lobbying, as well as participation in public procedures, such as participation of NGOs in various parliamentary committees to review a draft legislation or in a local law or policy on the management of natural resources, etc.

The Consultant will then present the draft handbooks to IHRDA for review and comments before finalization into the toolkit.

Duration

The duration of the consultancy is five (5) weeks.

Deliverables and Timeframe

This consultancy is expected to be completed within five (5) weeks. Key milestones to note are as follows:

Deliverable	Timeframe
Consultation with IHRDA Focal Point to clarify scope and expectations for the consultancy and agree on the methodology, content and structure.	1 day prior to commencement of the consultancy.
Develop draft handbooks/toolkit.	Three (3) weeks from start of consultancy.
Review of draft handbooks/toolkit by IHRDA.	Within one (1) week of receipt of the first draft of the of the handbooks/toolkit.
Incorporation of comments and observations from IHRDA and submission of final toolkit.	One (1) week after receipt of IHRDA comments and observations.

Profile of Consultant

The suitable consultant must meet the following criteria:

- Holds relevant academic and professional qualifications;
- Demonstrates extensive knowledge of climate justice, climate change and biodiversity, especially in the (West) African context.
- Excellent knowledge of and/or experience in advocacy (including litigation) with emphasis on climate change, environment and biodiversity;
- Excellent skills in legal and policy analysis;

- Knowledge of and familiarity with the African human rights system, its organs and their procedures and processes;
- Knowledge of and familiarity with the legal systems and frameworks in West Africa;
- Knowledge of – and networks within - the governance structure, institutions, policy environment, civil society and human rights community in Africa;
- Demonstrate the ability to deliver to satisfaction within tight deadlines;
- Good interpersonal skills;
- Excellent proficiency in English. Knowledge of other official languages in West Africa, notably French, would be an added advantage.

Reporting

The consultant will report to the Executive Director of IHRDA or a delegate.

Submission of Applications

Submission of application is as follows:

- The complete application should include:
 - A cover letter (demonstrating an understanding of the terms of reference and the personal capacity relevant to the assignment);
 - A CV;
 - A proposed methodology and structure for the handbooks/toolkit document;
 - A proposed budget, showing breakdown of costs;
 - Contacts of at least 2 referees, preferably from organizations for which similar assignments have been accomplished by the applicant;
 - Samples or links to relevant work product developed by the applicant would be an advantage;
 - Any other material/information deemed necessary to support the application;
- All files should be in PDF format;
- Complete applications should be submitted via email to ihirda@ihirda.org and copied to lkembabazi@ihirda.org , with the subject line: “CONSULTANCY SERVICES FOR DEVELOPMENT OF A CLIMATE JUSTICE TOOLKIT”, no later than Thursday, 31 December 2023 at 1700hrs GMT.

NB: Only shortlisted candidates will be contacted.