



Terminal Evaluation – Cambodia ABS Project

**Developing a Comprehensive Framework for
Practical Implementation of the Nagoya Protocol**

a project of:

Royal Government of Cambodia (RGC)

United Nations Development Programme (UNDP)

Global Environment Facility (GEF)

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Basic Information of Project and Terminal Evaluation

Project

<u>Basic Items</u>	
Official Project Title:	<i>Developing a Comprehensive Framework for Practical Implementation of the Nagoya Protocol</i>
Abbreviated Project Title:	<i>Cambodia ABS Project or ABS Project</i>
Country	Cambodia
Region	Asia Pacific
UNDP PIMS ID	#9741
GEF Project ID	#5769
Executing Agency/ Implementing Partner	Cambodia Ministry of Environment (MoE)/ National Council for Sustainable Development (NCSD)
<u>GEF Focal Area/ Strategic Program</u>	
Focal Area:	Biodiversity 3
Strategic Programs:	Program 8
Focal Area Outcome:	Implement the Nagoya Protocol on ABS

Terminal Evaluation (TE)

TE timeframe

First initiation: August - September 2021

Second initiation: December 2021 – January 2022

Third initiation: April 1, 2022 – June 25, 2022

Main consultation period: April 25, 2022 – May 24, 2022

Draft report submission: June 25, 2022 [Note: The project achieved a number of additional key outputs after the submission of the draft report and almost 300 comments were submitted in the audit trail leading to significant revisions.]

Final report submission: August 26, 2022

Second submission of final report (after second round of comments): September 4, 2022

TE Team: Eugenia Katsigris (International Consultant). (Note: There was no national consultant for this TE assignment)

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Acronyms, Abbreviations, and Definitions

ABS – Access Benefit Sharing. Basic principle of Nagoya Protocol whereby benefits/ profits from commercial use of genetic resources are shared equitably between provider (e.g. community, host country) and user (e.g. foreign commercial entity).

ASEAN – Association of Southeast Asian Nations

BD – biodiversity. A GEF focal area.

CBD – Convention on Biodiversity: Multilateral treaty with three main aims: conservation of biodiversity, sustainable use of biodiversity, and fair/ equitable sharing of the benefits arising from genetic resources.

CBO – community based organization

CDR – Combined Delivery Report. A UNDP report that tracks project expenditures.

CEO – chief executive officer (in this case refers to CEO of the GEF)

CEPA – communication, education, and public awareness

CER – CEO Endorsement Request. Along with ProDoc, a key document submitted to the GEF for approval of detailed design of a GEF project.

CHM – clearinghouse mechanism. In this report ABS CHM refers to an online information base containing information on various aspects of ABS in Cambodia.

CNA – competent national authority: With regard to the Nagoya Protocol, a country's CNA(s) is (are) responsible for determining, authorizing, and certifying access to GR based on the nation's ABS framework. There may be one or more CNAs in a country.

CO – country office. In this document, refers to UNDP Country Office in Cambodia.

Covid-19 or Covid: In this document used to refer to the disease or pandemic caused by the Cov-2 virus that spread around the world causing extensive illness, death, and economic dislocation from 2020-2022.

CTA – chief technical advisor. In this document, a senior, experienced expert who has both relevant technical expertise and project management expertise and can thus provide strong guidance in the implementation of donor projects.

DBD – Department of Biodiversity. Refers to a department within MoE (or, alternatively, within NCSD).

DIM – direct implementation modality. A modality of implementation of UNDP-GEF projects in which UNDP leads implementation.

DOA – Delegation of Authority. Term for letter from UNDP to IP that delegates certain responsibilities for a project.

DPC – direct project costs: Cost of work that UNDP carries out on behalf of the project and that, by agreement with the IP, is charged to the project. These costs are separate from UNDP's project oversight work as GEF IA.

EIA – Environmental Impact Assessment. A study carried out before a physical project is implemented to assess potential impact on the environment and determine any necessary measures to prevent negative impacts.

EOP – end of project

FP – focal point. May indicate NFP.

GEF – Global Environment Facility

GEF TF – GEF Trust Fund

GIZ – German Corporation for International Cooperation

GRs – genetic resources

HACT – harmonized approach to cash transfer. A HACT micro-assessment is one that UNDP commissions to assess the IP's finance and operations procedures, systems, and controls.

HS – highly satisfactory, the top among six ratings for the relevance, effectiveness, or efficiency of UNDP-GEF projects.

IA – Implementing Agency. In this document, refers to international agency tasked with providing oversight to the implementation of GEF projects. UNDP is GEF IA for the Cambodia ABS Project.

IC – international consultant. (Can also stand for individual contractor. For UNDP projects this is a single person contractor in contrast to a contractor that is a multi-person organization. In this document, however, the meaning of “IC” is international consultant unless otherwise specified.)

INRM – integrated natural resource management. In this case, refers to an ongoing UNDP-GEF project in Cambodia, the IP of which is MoE.

IP – Implementing Partner: Used in this document to refer to the national government organization responsible for implementation of a UNDP-GEF project in NIM modality. For the Cambodia ABS Project, MoE/NCSD is the IP.

IPR – intellectual property rights

KAP – knowledge, attitude, and practice. Used to refer to a “KAP survey,” which covers these areas.

LMMA – locally managed marine area. This acronym is used in the project’s capacity scorecard (see Annex 4), but is believed to be a vestige from a prior project rather than specifically included to address the conditions of the Cambodia ABS Project.

M – million

M&E – monitoring and evaluation

MAFF – Ministry of Agriculture, Forestry, and Fisheries

MAT – mutually agreed terms. For the Kyoto Protocol, a contractual agreement between the provider and user of GRs. It covers the conditions of access and use and the benefits to be shared.

MEF – Ministry of Economy and Finance

ML - moderately likely: One of four rating levels used regarding sustainability of UNDP-GEF projects.

MoC – Ministry of Commerce

MoE – Ministry of Environment. The IP (along with NCSD) for the Cambodia ABS Project.

MoH – Ministry of Health

MoJ – Ministry of Justice

mos – months

MoWA – Ministry of Women’s Affairs

MS – moderately satisfactory: one of six rating levels used for evaluation of certain aspects of UNDP-GEF projects.

MSP – medium-sized project. Refers to GEF projects with GEF funding of less than USD 1 M.

MTR - Mid-Term Review. For full-sized UNDP-GEF projects, a required evaluation that takes place roughly half-way through the project. One of its major aims is to provide suggestions for course correction of the project, as needed.

MU - moderately unsatisfactory: one of six rating levels used for evaluation of certain aspects of UNDP-GEF projects.

NA – not available or not applicable

Nagoya Protocol – Full name: “Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity.” An international agreement under the CBD that aims for benefits from the use of genetic resources to be shared fairly between provider and user. (See also ABS.) It entered into force in October 2014.

NBSAP – National Biodiversity Strategy and Action Plan (Cambodia)

NC – national consultant

NCA – national competent authority. Alternative term for CNA used in project design documents.

NCSD – National Council for Sustainable Development. Together with MoE, IA for the Cambodia ABS Project.

NCTM – National Center for Traditional Medicine, an institute under MoH

NCW – National Council for Women

NF – national firm (informal abbreviation used in a table in this report)

NFP – National Focal Point. With regard to the Nagoya Protocol, the NFP is responsible for making information on ABS available and for being in touch with Secretariat of the Protocol.

NGO – non-governmental organization: a non-profit civil society organization

NIM – National Implementation Modality. A modality of implementation of UNDP-GEF projects in which government counterparts lead implementation.

NP – Nagoya Protocol

NPC – National Project Coordinator. In the case of the Cambodia ABS Project, the NPC is the lead member of the project team who, under direction of the NPD, coordinates project activities and carries out project management work, such as TOR preparation and management of national consultants.

NPD – National Project Director. In UNDP-GEF projects, the IP official responsible for day-to-day liaison and approvals with regard to the project.

PA – protected area

PB – Project Board

PIC – prior informed consent. In the case of the Nagoya Protocol, permission given by the CNA of the provider country to the user, prior to accessing GRs.

PIF – Project Information Form. A proposal to the GEF for a new project concept. Once approved, funds are set aside awaiting detailed project design and its subsequent clearance by the GEF.

PIR – Project Implementation Review. A required annual assessment of UNDP-GEF projects that takes place around July of each year. Due to lesser requirements of MSPs, the Cambodia ABS Project had only one PIR and that was prepared in 2021.

PMU – project management unit. In UNDP-GEF project, this refers to group of staff paid by the project to coordinate its implementation.

PPG – Project Preparation Grant. Funds from the GEF for the detailed design of projects, to be carried out after PIF approval.

prakas – In Cambodia, an official proclamation by a ministry or jointly by ministries. The *prakas* provides further details on implementation of the law or sub-decree that it supports.

ProDoc – Project Document. In the case of UNDP-GEF projects, along with CER, a key document submitted to the GEF for approval of detailed design of a GEF project.

Q1 – first quarter of the year (January – March)

QA – quality assurance. Role of UNDP in NIM projects.

RGC – Royal Government of Cambodia

RTA – Regional Technical Advisor. A UNDP official based in one of UNDP's regional headquarters and providing technical guidance for UNDP's various projects from environmental vertical funds, such as the GEF and GCF.

S – satisfactory: one of six rating levels used for certain aspects of UNDP-GEF projects.

SESP – Social and Environmental Screening Procedure. A screening form and process required of UNDP-GEF projects and typically included in an annex of the ProDoc.

SMART – specific, measurable, achievable, relevant, and time bound. An acronym to remind project designers, evaluators, etc. of the desired qualities of project indicators.

sub-TWG – sub-Technical Working Group. A working group that is subsidiary to another working group. In this document, refers to the ABS sub-TWG, which is subsidiary to the Biodiversity TWG.

TE – Terminal Evaluation. For UNDP-GEF projects, an evaluation that takes place around the time of project close. This report is the TE report for the Cambodia ABS Project.

TK – traditional knowledge. In the case of the Cambodia ABS Project, TK refers to traditional knowledge associated with the use of genetic resources.

TOR – terms of reference. A description of professional services to be provided.

UNDP – United Nations Development Program

UNDP CO – UNDP Country Office (in the case of this project, UNDP Cambodia Country Office)

UNDP-GEF: Refers to GEF-financed projects for which UNDP provides oversight as GEF IA.

UNEP – United Nations Environment Programme

USD – US Dollars

URL – uniform resource locator: address of a webpage

Executive Summary

Project Information Table

Project Title	Developing a Comprehensive Framework for Practical Implementation of the Nagoya Protocol (Cambodia ABS Project)		
Project Details		Project Milestones	
UNDP Project ID (PIMS#):	5769	PIF Approval Date:	February 2, 2018
GEF Project ID:	9741	CEO Endorsement Date:	March 4, 2019
Atlas Business Unit Award #: Project ID:	00088935 00095389	ProDoc Signature Date (date project began):	April 18, 2019
Country:	Cambodia	Date project manager hired:	July 1, 2019 (<i>start date</i>)
Region:	Asia Pacific	Inception Workshop date:	June 25, 2019
Focal Area:	Biodiversity (BD)	Midterm Review completion date:	N/A
GEF Focal Area Strategic Objectives:	BD-3: Further develop biodiversity policy and institutional framework	Planned project closing date:	April 17, 2022 (<i>original closing date before extension granted</i>)
Trust Fund:	GEF TF	If revised, proposed op. closing date:	July 13, 2022 (<i>with 3 month extension included</i>)
Executing Agency/Implementing Partner:	National Council for Sustainable Development (NCSD)/ Ministry of Environment (MoE)		
Other Execution Partners:	NA		
NGO/ CBO Involvement	NA		
Private Sector Involvement	NA		
Geospatial Coordinates of Project Sites	11° 33' 43.5888" N and 104° 53' 18.7260" E Phnom Penh 13° 21' 50.5692" N and 103° 51' 37.1268" E Siem Reap		
Financial Information			
PPG	at approval (US\$M)		at PPG completion (US\$M)
GEF PPG Grants for Project Preparation	0.070		0.070
Co-Financing for Project Preparation	NA		NA
Project	at CEO Endorsement (US\$M)		at TE (US\$M)
[1] UNDP contribution	0.0		0.13738679 (as of Aug. 10, 2022)
[2] Government	1.961062		1.978355 (as of July 31, 2022)
[3] Other multi/bi-laterals	0.0		0.0
[4] Private Sector	0.0		0.0
[5] NGOs	0.0		0.0
[6] Total co-financing [1] + [2] + [3] + [4] + [5]	1.961062		2.1157417
[7] Total GEF funding	.843242		.75513327 (as of Aug. 10, 2022)
[8] Total project funding [6+7]	2.804304		2.870875†

†GEF and UNDP spending components are as of Aug. 10, 2022. Government co-financing component is as of July 31, 2022. Project reached operational close in July, but there may be additional expenditures in the remaining months until financial close.

Project Description: The Royal Government of Cambodia (RGC)-UNDP-GEF project *Developing a Comprehensive Framework for Practical Implementation of the Nagoya Protocol* (“Cambodia ABS Project”) was designed as a three-year project. It began in April 2019 and, with three months extension, ended in July 2022. It has the overall objective of strengthening conservation and sustainable use of genetic resources (GR), while also leveraging associated traditional knowledge (TK), by developing Cambodia’s Access and Benefit Sharing (ABS) system. The system is intended to have the necessary policy, legislation, supporting instruments and guidance documents, institutional structure, and national and sub-national capacity to implement the Convention on Biodiversity’s (CBD’s) Nagoya Protocol (NP). The aim of NP implementation, in turn, is to ensure the sharing of benefits between providers (local people and RGC) and users (international and national businesses, research institutes, etc.) of GR and TK.

The project design includes two targeted outcomes: (1) National policy, legal, and institutional framework in line with the Nagoya Protocol on ABS strengthened. (2) An administrative and permitting system for ABS established and operational at the national and provincial level in compliance with the Nagoya Protocol. Project funding from the GEF is USD843,242¹ with targeted USD1,961,062 co-financing from Ministry of Environment (MoE)/ National Council on Sustainable Development (NCSD), the project Implementing Partner (IP). The project’s concrete work included a host of relevant studies, legislation and associated instrument and guideline drafting, drafting of plans, and capacity building and communications work.

Cambodia ABS Project Evaluation Rating Table² (for rating scales, please see Annex 3)

Evaluation Ratings:			
1. Monitoring and Evaluation	Rating	2. IA& EA Execution	rating
M&E design at entry	S=5	Quality of UNDP Oversight (S)	S=5
M&E Plan Implementation	S=5	Quality of Execution - Executing Agency (S)	MS=4
Overall quality of M&E	S=5	Overall quality of Implementation / Execution	MS=4
3. Assessment of Outcomes	rating	4. Sustainability	Rating
Relevance (Outcome 1. HS, Outcome 2. S)	S=5	Financial resources:	ML=3
Effectiveness (Outcome 1. S, Outcome 2. MS)	MS=4	Socio-political:	ML=3
Efficiency (Outcome 1. S, Outcome 2. MS)	MS=4	Institutional framework and governance:	ML=3
Overall Project Outcome Rating	MS=4	Environmental:	ML=3
		Overall likelihood of sustainability	ML=3

Findings and Conclusions: The most impactful work of the project has been in the area of legislation, with a finalized draft ABS sub-decree now in the pipeline for approval and associated instruments and guidelines having just recently been drafted. Project design also aimed for development and adoption of an ABS policy via the “ABS Framework” and “ABS Roadmap” work, but these in the end generated informational/ guidance documents, with the Roadmap (prepared in the closing months of the project) ironically recommending that an ABS policy be developed.³ The project also aimed to develop a financial mechanism for ABS, but the result (a draft *prakas* of just a few pages) was much more limited than anticipated. A potentially utilizable deliverable going forward is the project’s sample bioprospecting contract and guidelines for such agreements. The project has additionally had achievements in the area of ABS awareness and capacity building. Yet, there was a lack of achievement in developing the institutional structure⁴ and specific capacity needed at the sub-national level to achieve operationalization of ABS, a key aim of the project. And, many of the reports and plans generated in the first years of the project⁵ were not much utilized in subsequent work and often not targeted enough, suggesting a major

¹ Total GEF grant amount is USD923,349.99, out of which USD80,107.99 is the agency fee and the other USD843,242 is the grant for project implementation.

² While UNDP does not specify methodology for an integrated overall rating for UNDP-GEF projects, many consider the “overall project outcome rating” as the most significant rating, considering that achieving results that constitute progress towards targeted outcomes is the main reason for funding and implementing such projects.

³ The ProDoc implies that the “ABS Framework” will be a policy and that the “ABS Roadmap” will be its implementation plan. In practice, the project’s framework and roadmap are not linked in this way. And, a national policy in Cambodia requires approval by the Prime Minister, while a framework or roadmap, if limited in scope to areas of a Ministry’s purview, can be approved by the respective Minister. The project’s ABS framework was technically cleared by the ABS sub-TWG in Sept. 2020, but was not signed by the Minister. It’s guessed by the author that the roadmap (still in process) will have a similar fate.

⁴ Here “institutional structure” is used to indicate specification of the organizations/ individuals that will implement ABS at the sub-national level.

⁵ Reports and plans generated in the first years of the project and referred to here include: ABS Framework, Legislative Stocktaking, Legislative Gap Analysis, Stocktaking for Institutional Framework, Documentation of TK Associated with GR, Communications Strategy, Gender Action Plan, Review of National Instruments and Base

area of improvement for future projects. Further elaboration on these achievements and challenges is given below.

ABS sub-decree: A decision was made for the project to pursue an ABS sub-decree (which requires only Executive Branch approval) rather than ABS law (which requires Legislative Branch approval) in order to achieve more timely adoption. The finalized draft sub-decree, approved by both the ABS sub-technical working group (sub-TWG) and the National Council for Sustainable Development (NCSD) is the top achievement of the project. It has been submitted to the Committee of Policy, Economics, and Finance for approval, after which its final step before going into effect will be adoption via signature of the Prime Minister. While final adoption is not certain, it is considered likely that the sub-decree will be adopted in less than a year, given high-level support within MoE. The sub-decree is a 20-page document including detailed administrative instructions, such as how to apply for ABS permits and level of fines for non-compliance. A high-level process involving an MoE under-secretary of state and Ministry of Justice (MoJ) secretary of state was undertaken with an estimated 30 or so virtual meetings in which the draft sub-decree was reviewed and revised line-by-line. While the sub-decree might have been a shorter document, with the details left for associated guidelines, the detailed work on the sub-decree is said to increase the chances it might someday be elevated to law. Despite the success, there were some deficiencies in the process: (1) No indigenous or local communities or their network representatives, no NGOs, and no private sector entities were substantially consulted in the legislation drafting process.⁶ (2) While the draft was approved by the cross-ministerial sub-TWG that meets twice yearly, there was not much involvement of other ministries in the drafting process. This may be problematic in the future where responsibilities, such as for approval of export of genetic resources, overlap (e.g. with Ministry of Agriculture, Forestry, and Fisheries, MAFF) and related legislation is not directly addressed.⁷ (3) While there is a 70%/30% benefit split for the provider between local people who own associated land and the government, there is no clear benefit allocation for local communities living near to protected areas with GRs when they do not own the land.⁸ (4) Some complex issues, such as IPR for GR and TK, benefit sharing for TK, and benefits for women, who tend to be an important reservoir of TK, are not fully addressed.⁹

Timeline and process: While the project aimed to operationalize ABS by EOP, it instead is left near EOP with the draft sub-decree and associated draft instruments as the main achievements. This could be partly

Practices for EIA and ABS to Develop Guidelines for Community Protocols for ABS, International ABS Case Studies, and CEPA Strategy and Action Plan.

⁶ There is a government official at MoE responsible for local communities in PAs and a Ministry of Rural Development official responsible for liaison with indigenous communities that are said to have been involved in the sub-TWG. Yet, this government representation is quite different than carrying out extensive consultations with representatives of the communities. Further, as noted, the sub-TWG met only twice annually and it was a smaller group of MoE and MoJ representatives that were responsible for the revisions to the consultant-prepared draft sub-decree.

⁷ A workshop was held on the sub-decree and gender action plan Dec. 15, 2021, but proceedings show there was only one comment outside of those made by MoE/NCSD, PMU, MoJ, and UNDP and that comment was by a representative of Ministry of Economy and Finance.

⁸ A draft MOE *prakas* prepared by the project indicates that a community, person, or group of people that continuously use, manage, enjoy, or maintain in situ genetic resources on land they do not own shall be added as a provider. Yet, neither the draft sub-decree nor draft *prakas* specify what share of the benefit will accrue to such an added party, particularly when the land is owned by the government (such as would be the case for all national parks and other publicly owned land), which will then also be considered the provider.

⁹ Benefits for TK are raised the draft sub-decree and identification of TK provider raised in a draft MoE *prakas*, but there is no specification of how it will be determined what share of the benefit will accrue to the TK provider. IPR is mentioned in the draft sub-decree and *prakas* as a benefit of GR that may need to be shared, but there is no attention in the legislation to the need to expand/ refine/ elaborate the scope of protected IPR to cover the use of GR and TK as highlighted in some of the reports prepared for the project.

due to misinterpretation of the project design’s end target by the IP, but is likely also due to a late start in drafting the legislation. Work on the sub-decree was not initiated until 20 months into the 3-year project and took only 7 months of solid work, or 12 months total including some less productive time.¹⁰ Findings suggest that the cause of delay in commencing legislation drafting was a combination of the impact of the Covid-19 pandemic, difficulties in finding appropriate consultants, and too much time spent on background reports.¹¹ While workarounds (namely telecommunications and video meetings) for the pandemic are now well-known and might have been adopted earlier on and utilized to a wider extent, no one can deny that many organizations took a while to find their “Covid feet.” As for the first 20 months of the project being spent preparing reports and plans that in the end were not much utilized in subsequent activities, a lesson is that future projects of this type (which aim to achieve operationalization or piloting of legislation or other outputs that depend on finalization of draft legislation) and duration could launch more quickly, perhaps within 6 months, into legislation drafting upon which subsequent outputs will depend. At the same time, it should be ensured that early work is carefully designed to support the legislation drafting.¹²

Products of last three to four months of project: Within about three months after the draft sub-decree was finalized, the project had recruited a number of consultants and thence shifted into high gear to deliver a number of other key products in the final three to four months of implementation. UNDP and the IP are to be commended on pushing this work forward to completion. These items were finalized after the draft version of this TE report was submitted. Final findings/ conclusions on these items are: (i) The draft forms, guidelines, and instruments (65 pages) prepared to support the draft sub-decree will represent an important advancement towards an operationalizable ABS system if formally adopted. Already, on July 13, 2022, these have achieved positive technical review by the government’s ABS sub-TWG.¹³ (ii) Work on a financial mechanism (ABS Fund) was much more limited than expected yielding only a 2 ½ page MoE *prakas*.¹⁴ A description of how the fund would work is needed. Also, a joint *prakas* between MoE and Ministry of Economy and Finance was originally targeted, but not prepared. (iii) The model bio-prospecting contract (20 pages), along with guidelines of how to prepare such contracts, could potentially contribute to the success of ABS work going forward, particularly if the model contract is formally adopted as an annex to the sub-decree. (iv) The ABS roadmap was initially intended to be an implementation plan for an ABS policy, but no policy had been prepared. The recommendation in the draft version of this TE report that the roadmap assignment produce a policy was not adopted. Instead, the roadmap report lists ten fairly broad items (including preparation of a policy) that Cambodia should

¹⁰ Findings indicate the international consultant, whose contract start date was Dec. 2020, spent 1 to 2 months drafting the sub-decree and that the intensive on-line group revision process began around July 2021. During the interim, there were at first some in-person meetings (but no substantial progress) and then these were stopped due to the Covid-19 pandemic for some months until the on-line approach was adopted.

¹¹ The IP initially desired to have an international consultant that could have face-to-face meetings in Cambodia be the one to draft the sub-decree. In the end, the productive sub-decree revision meetings were all held online due to the Covid-19 situation.

¹² As has been pointed out by a reviewer of this report, some of the early work was designed as a logical process to support legislation, by starting with “stocktaking” (legislative and institutional), followed by “gap analysis” (legislative), and last legislation drafting. What this TE report is pointing out, however, is that evidence suggests the earlier items were not much utilized in the legislation drafting or other later work of the project. The evidence includes the anonymous input of stakeholders, review of the legislation and other later products of the project, and triangulation/ logical assessment of these. Please see footnote 4 for a list of the ten plans and reports drafted in the early years of the project and referred to here as “early work”/ “earlier items”.

¹³ Most of the items will need to be formally adopted by MoE. One of the *prakas* is intended to be a joint *prakas* of MoE and Ministry of Economy and Finance, so will require MoEF’s approval as well as MoE’s approval.

¹⁴ The ABS fund is understood to be intended to make use of government revenues from ABS contracts to fund conservation in the country. The draft *prakas* indicates five uses of the fund’s monies: (i) preservation/ restoration of GRs, (ii) GR investigation/data collection, (iii) dissemination of information on GRs, (iv) R&D on technology to maintain and develop GRs, and (v) education/ capacity building re GRs.

pursue to move ABS forward in the country and includes some other very general information. (v) The bio-community protocol guidelines provide background and broad suggestions on the content of such protocols. (vi) The monitoring and tracking system report was very general, mainly presenting material from prior project outputs, with only two pages on the monitoring and tracking system. (vii) The “capacity building tools” appear to be a guidance/ plan-type document outlining plans for training of different types of participants, rather than actual materials to be used in training.¹⁵ Items (i to v), prepared by international consultants, may have benefited from stronger national input (e.g. from national consultants, the IP, the PMU, etc.) to ensure they were more strongly tailored to the on-the-ground situation, rather than being somewhat generic outputs, models for which are readily available and which do not take full advantage of the potential value-add of the international consultants. Similarly, it is possible national consultant expertise (vi and vii) could have better leveraged by closer interaction with the IP, including exchange on what type of product could be directly utilizable by the government.

Capacity, awareness, and knowledge work: The project did substantial work in raising general awareness on ABS within the government, particularly within MoE.¹⁶ There was more limited involvement of provincial level officials. Involvement of local communities or their representatives and the research sector was extremely limited and there was no involvement of the private sector (which will presumably be a key player in ABS) and NGOs.¹⁷ Work includes 7 major workshops, with an estimated 499 unique persons attending, of which about 138 were provincial or local-level. The project prepared 4 brochures, distributing 800 to 900 of them. Seven 3 to 4 minute videos have just been made available, having suffered delays in approval by MoE.¹⁸ The PMU provided more specific support to MoE staff involved in the facilitation of export of GRs, though this support did not include benefit sharing for local communities, was for non-commercial purpose, and involved research institutes rather than the private sector.¹⁹ A challenge is that much of the project’s contracted work in the capacity-awareness-knowledge area is not being utilized. Neither the communications strategy prepared by a consultant nor the CEPA (communications, education, and public awareness) strategy prepared by a firm are being implemented as targeted. And, the ABS Clearing House Mechanism (CHM) website content prepared by a consultant does not yet have a home provided by the ministry, nor does it have guidelines for what type of information will be included (an aim expressed in the ProDoc).²⁰ As noted above, there was a national consultant contract in the project’s last 3 to 4 months for additional capacity building tools and training, though the “tools” appear to be general guidance rather than specific materials for trainees.

Gaps with targets: There are substantial gaps between what was envisioned in project design and what was achieved. As noted, no policy has been drafted. Further, project design envisioned operationalization of the legislation and its supporting instruments. Yet, only limited progress has been made in institutional

¹⁵ One reviewer indicates that this assignment, however, also included a workshop on July 7-8, 2022, with 60 attendees.

¹⁶ The cross-ministerial ABS sub-TWG, which meets twice yearly, may also have had its capacity built by interaction with the project and its products.

¹⁷ Information collected on large workshops indicate a small number of rangers or community leaders attended some workshops. Field trips to PAs may also have included meetings with local and indigenous communities, as indicated by a reviewer of this report and one other stakeholder. Yet, the TE consultant was unable to obtain much information about such “small workshops,” other than three back-to-office reports documenting field visits of 3-5 days each with the purpose of collecting data/ information.

¹⁸ The extent of dissemination is unverified.

¹⁹ A source indicates this support by the PMU to DBD was for temporary procedures for non-commercial GR export. The requirement to the user is only sharing of the final research result to be incorporated into databases.

²⁰ A reviewer of a draft version of this report indicates that the website utilized prior to the project was hosted by MoE, but the domain has been changed and will now be hosted by Ministry of Post and Telecommunications (MoPT). The reviewer further explains that MoE’s DBD is in the process of preparing a letter to MoPT to request incorporation of the CHM into the website.

structure at the sub-national level. The NFP (National Focal Point) and CNA (Competent National Authority), the national level structure required for ABS, were designated in Cambodia long before project launch, though the sub-decree outlines their roles more specifically. What is still needed is designation of the sub-national officials that will monitor implementation of ABS contracts at the local level and those that will carry out the check-point function to monitor the movement of valuable GRs. Further, the specific responsibilities of these officials will need to be elaborated or defined and they will need to be trained to carry out work.²¹ And, to achieve the vision of bio-community protocols for ABS, capacity will need to be built in local communities with facilitation that enables them to develop their protocols. Operationalization will also require outreach to the private sector to engage them in ABS deals and to other ministries to ensure cross-ministerial cooperation and integration of function in the export of genetic resources.

Other reports and plans: There are eight other contracts that have main outputs that are reports or plans/products.²² While some of these reports, taken together, might someday serve as a useful compendium of background information and insights, a challenge in that most of these items were not much used to support preparation of any of the project's products that can be actively utilized (e.g. draft legislation and instruments) or directly utilized themselves.²³ This background work consumed the first 20 months of the project, thus delaying the launch of legislation drafting (though Covid-19 and difficulties identifying consultants are also acknowledged as reasons for delay). The problem of lack of use of these reports and plans is two-way. First and foremost, these outputs are largely very general, not specifically anticipating and addressing hot topics that could have been expected to arise in the legislation drafting (e.g. share of benefit that should go to local communities) or preparation of other "final" products. At the same time, the subsequent work might also be faulted with not paying attention to some of the highlights in these early documents (e.g. need for special nature of GR and TK vis-a-vis IPR to be addressed). As a group, these reports have substantial overlap/ repetition in content, in areas such as review of relevant legislation, provision of international case studies of ABS, provision of examples or overviews of "mutually agreed terms" (MAT) for ABS, etc. There is clearly a need for future projects to develop much more strategic TORs and avoid generating consultant products that will merely be reports on a shelf with overlapping content. A further very concerning problem seen in some of the national consultant work (including also a report provided towards end of project) is a phenomena of direct cut and paste of segments of text from other reports and without attribution.²⁴ Preparation of outputs in Khmer instead of English (whereas English is typically required for donor projects in Cambodia), coaching on how to generate utilizable products, and clear admonition against copying the work of others are avenues to consider to address this issue.²⁵ The national consultants clearly as a group have a strong level of knowledge and expertise, but this did not always come through in the English language reports. Thus, the question becomes how to better leverage what these consultants have to offer the project.

²¹ The sub-decree's Article 48 briefly lists 5 responsibilities for checkpoints, but designation of who these checkpoints will be and elaborations of their duties will be needed. Further, designation of others responsible for monitoring of ABS implementation at the local level, as well as their duties, will be needed.

²² Please see footnote 5 for a listing of these 8 items, as well as two other plans included under the capacity building discussion that also face the challenge that they were not utilized.

²³ Please see footnote 12 for further elaboration.

²⁴ Two reports (including one submitted towards the end of the project) were documented to be either wholly or mostly copied from other outputs submitted to the project. Given time and resource limitations, these are examples; and full analysis was not carried out on all outputs.

²⁵ As mentioned earlier, improved, more strategic TORs will also be helpful in increasing the utilizability of products of both national and international consultants. As has been discussed, aside from the sub-decree and supporting instruments, many of the other products produced by consultants for the project were somewhat general and might have increased their usefulness by being more specific and supportive of subsequent products or of other practical achievements, such as direct roll-out of the ABS system.

Cost effectiveness: While the overall GEF allocation for this project is low and good cost effectiveness on certain items, particularly the ABS sub-decree and supporting instruments, was achieved, findings suggest much greater cost effectiveness could have been achieved overall. GEF funds of USD843,242 are projected by EOP to be roughly spent 1/3 on the project team salaries/ benefits, 1/3 on contracts with consultants/ consulting firms, and 1/3 on other items, such as travel, vehicle purchase, and workshops.²⁶ Having a project team of four full-time persons for a project of this size is unusual. Other projects of this size may have a full time project manager and part-time combined admin-finance person only. An alternative model, if having such a large team, would be for the team members to carry out work that would normally be carried out by consultants, but this was not done in this case. Another cost-effectiveness weakness is, as explained above, that many of the consultant outputs were not useful and/or not utilized and there were significant problems of “cut and paste” reports.²⁷ Lastly, evidence suggests that the one-third of GEF funds spent on “other items” may not have been that efficiently utilized, with funds spent, in some cases, where there were not clear needs. For example, the project purchased a vehicle for USD35,000 in Dec. 2020, twenty months into the project’s 3-year lifetime (there were before that efforts to purchase a USD57,000 Toyota Land Cruiser, but that vehicle did not meet Cambodia’s emission requirements). Field visits appear quite limited (only 3 confirmed) and a vehicle purchase was not initially approved during design. For this type of legislative project, it might be expected that co-financed government vehicles would be available. Beyond the vehicle, another USD45,834 was spent on travel for the project. And USD81,590 was spent on workshops, of which there were seven one-day events, with average participation of 89 persons per workshop, yielding an average attendee cost of around USD131.

Key Lessons Learned:

- Projects with key legislative outputs on which subsequent outputs depend should complete draft legislation early enough in the project to complete all targets by project end.
- Efforts from multiple angles (TOR preparation, management of consultants, government/ stakeholder outreach to ensure utilization) should be adopted to avoid outputs in the form of reports and plans “ending up on the shelf” instead being utilized in a way in which they will be impactful.
 - Strategic design of such work should ensure that it is highly tailored to primary, on-the-ground findings and not focused on generalities obtained from broad-audience secondary sources.
 - When broad background information is needed, but already publicly available, key pre-existing documents may be collected rather than “re-inventing the wheel” with new reports.
 - National consultant products may be delivered in Khmer and coaching provided to national consultants on achieving impactful, utilizable products.
 - Greater utilizability and customization of international consultant outputs may require integration of work of national consultant and international consultant rather than the latter working solo.
- As relevant, legislative projects should put more emphasis on involvement and buy-in of local people/ local people networks, other government agencies (beyond the IP), and the private sector.

²⁶ This analysis is focused on the end result of how funds were actually spent, rather than the designed budget. Some of the points raised (such as high project management costs) were designed into the project, whereas others (vehicle purchase) were adjustments made after project design.

²⁷ The problem of utilizability of outputs and avoiding “reports on a shelf” may be a common problem in projects of this nature (e.g. “enabling environment” projects). As has been noted, improved, more strategic TORs and closer management of consultants to deliver on those TORs, as well as avoidance of overlap among outputs, may be measures to address this kind of problem. Strong effort should be made to avoid TORs that result in very general reports that are similar to ones that can be easily obtained online and to focus on the delivery of very specific work that can have a clear benefit towards advancing the project’s aims, in this case the development and adoption of the ABS policy and the ABS legislation and the rollout of the ABS system in Cambodia. If there is a problem that quality consultants lack the time to devote to the project, adaptive management may be needed to adjust design to find another way to achieve targets. Indeed, findings suggest that independently prepared voluminous reports may not be the best mode anyway. A small expert team preparing shorter, highly applicable outputs may be preferred.

- Implementation must pay careful attention to targeted outcomes and indicator targets and be paced accordingly. For example, this project targeted operationalization of ABS, not just ABS legislation.
- Stronger expertise and involvement is needed from UNDP to ensure work products are strategically inter-linked and do not “sit on the shelf,” TORs are strategically designed, quality consultants are recruited, work is utilizable and utilized, and project is properly paced to achieve targeted outcomes.

TE Recommendations for Cambodia ABS Project

#	TE Recommendation	Responsible Entity	Timeframe
A	Building on ABS-Related Achievements	---	
A1	<u>According to status of various items, tailor to national situation, finalize, fill in gaps, start anew if needed, and/or formally adopt intended outputs of final months of Cambodia ABS Project:</u> (1) For immediate use: (i) adopt instruments/ guidelines to support sub-decree, (ii) include bioprospecting model contract as Appendix 2 of the pipeline sub-decree. (2) With substantially more work required: (iii) prepare ABS policy, (iv) design ABS fund (include descriptive analysis and joint <i>prakas</i> between MoE and MoEF); (v) prepare more specific/ more tailored bio-community protocol guidelines designed to be directly usable in working with Cambodian communities to develop their local ABS protocols.	MoE/NCSD and PMU. International consultants working with national consultants.	Aug. 2022 – Feb. 2023
A2	<u>Prepare sub-national level for roll-out of ABS legislation:</u> Designate relevant sub-national officials for PIC/MAT/ABS contract monitoring and for checkpoint work, design and/or elaborate roles/ duties, and train.	MoE/ NCSD (+possibly, future PMU)	Aug. 2022 – July 2023
A3	<u>Develop secure and confidential national GR and TK database:</u> (i) Consolidate existing information from MoH and NGOs. (ii) Conduct “road-trip” around country to collect info. Consider cooperation with research institutes and their students. Leverage knowledge of local women. (iii) Develop confidential database with strong protections and allow access only by those with special clearance.	MoE/ NCSD (+possibly, future PMU, research institute partners)	Oct. 2022 – Sept. 2024
A4	<u>Conduct outreach to private sector (both international and national) to stimulate interest in ABS deals in Cambodia.</u>	MoE/NCSD +possibly future PMU, UNDP	Oct. 2022 – Sept 2024
A5	<u>Carry out 3 ABS demos:</u> Develop at least 3 high-profile demo ABS projects with private sector and strong emphasis on community benefit	MoE/NCSD+possibly future PMU	Sept. 2023 – Aug. 2025
A6	<u>Ensure/ clarify ABS benefits to communities and women:</u> (i) Determine how to compensate communities for GR in conservation zones near to where they live. (ii) Determine how TK will be compensated. (iii) Ensure women receive benefit for their TK.	MoE/NCSD	Aug. 2022 – Jan. 2023
A7	<u>Carry out ABS capacity building for relevant communities and facilitate their development of bio-community protocols using field appropriate, detailed approach developed under Recommendation A1-v</u>	MoE/NCSD+possibly future PMU	Oct. 2022 – Sept. 2024
A8	<u>Promote adoption of sub-decree as is while in parallel pursuing improvements for version that may eventually be adopted as law:</u> (i) Carry out consultations with indigenous/ local communities and/or their representatives, NGOs, and private sector re ABS legislation. (ii) Consider/ address more complex issues in legislation: how to fairly compensate communities near conservation zones, how to ensure	MoE/NCSD+possibly future PMU and consultants	Aug. 2022 – May 2023

	women benefit for TK and how to compensate for TK, how to address overlap between ministries in approvals for export of genetic resources, how to address IPR for GR and TK. (iii) Incorporate mention of bio-community protocols in legislation.		
A9	<u>Pursue donor project to support A2-A8 above (see Annex 11 for consolidated summary of preliminarily proposed activities):</u> Consider as options: (i) INRM Project, (ii) bilateral support from South Korea, Japan, or China, (iii) multi-country UNDP ABS project funded by South Korea (2024 start). Emphasize demos after addressing other needs in first year.	MoE/NCSD, UNDP	Oct. – Dec. 2022
B	Improving Donor Projects in the Future		
B1	<u>Avoid “documents on the shelf” via more strategic TORs, more strategic implementation, and more strategic design, particularly in legislative projects:</u> (i) Map out how early work will contribute to actionable results. And, ensure legislative work integrates the difficult issues identified in pre-legislative work, rather than kick the can down the road. (ii) Avoid overly general reports and instead ensure they answer “hot topic,” specific questions for legislation and other next steps. (iii) Ensure any plans prepared will be implemented. Otherwise, do not commission them. (iv) Avoid overlap in reports. Cut through the buzz-words to identify basic content and limit number of background reports. (v) Design projects to avoid “reports on shelf” and ensure all outputs are highly utilizable.	MoE/NCSD, UNDP, other national partners, PPG team	Ongoing
B2	<u>For projects in which outputs build upon each other, such as legislative projects, strategic approach should pay strong attention to timeline.</u> E.g. for 3-year project where downstream outputs depend on legislation, commence legislation preparation by month six.	MoE/NCSD, UNDP, other national partners	Ongoing
B3	<u>Put urgent attention on improving quality of national consultant work (vis-à-vis drafting reports and plans and working with international consultants) as needed and clearly prohibit cut and paste/ plagiarized submissions:</u> (i) Design work to be very specific/ targeted and require field research, primary research, etc. (in line with Recommendation B1). (ii) Consider requiring submissions in Khmer, perhaps with use of automated translation software. (iii) Consider mentor/ national consultant training workshop where emphasis will be on producing utilizable, original work. (iv) Institute strong admonitions against plagiarism. (v) Ensure quality follow through in cooperating with international consultants when required by TOR.	MoE/NCSD, UNDP, other national partners	Ongoing
B4	<u>Keep project team costs to a smaller percentage of total project costs OR adopt a project team member specialist model whereby project team members carry out work typically done by consultants.</u>	MoE/NCSD, UNDP, other national partners	Ongoing
B5	<u>Put increased attention on cost-effectiveness and value for money via:</u> (i) Project team (as in B4). (ii) More targeted/ utilizable results from consultants (as in B1 and B3). (iii) Better attention to other expenditures. Avoid vehicle purchase when not clearly required for project. Aim to use co-financed vehicles. Pay attention to cost-effectiveness of travel and workshops.	MoE/NCSD, UNDP, other national partners	Ongoing
B6	<u>Adopt alternative model of cooperation to improve quality assurance of projects. Consider:</u> (i) Revised NIM with increased UNDP role in technical advising and QA, particularly where national expertise is	UNDP, MoE/NCSD, and other national partners	Ongoing

	<p>not available or well developed. A key option in this regard will be to have a UNDP-recruited chief technical advisor (CTA, either as national or international consultant or part-time PMU staff member), who is a subject matter expert, with responsibility for TOR design, project team recruitment, national consultant recruitment, and ensuring a more strategic approach in integrating and determining timing of all activities over the project’s lifetime to achieve project targets. This will complement the National Director’s role and will allow him/ her to focus on more strategic policy dialogue, coordination, risk management, and oversight. An alternative, if national candidates with sufficient expertise are available and the budget allows, would be that such a person be mobilized by UNDP as NPC, with the same aforementioned responsibilities. The CTA would be responsible for QA and thus would not be preparing project outputs. (ii) Hybrid project model with NIM for legislation and DIM or NGO-implementation for capacity building, supporting studies, demos/pilots, etc.</p>		
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1. Introduction to the Terminal Evaluation

This section presents background on the *Cambodia ABS* Terminal Evaluation (TE): its purpose, scope, methods and analysis, ethics, and limitations. The section further introduces the content of this TE Report.

Purpose of TE: The TE has two key purposes: (1) Transparency: Providing information on and assessment of the project, so that interested parties can know whether funds were well spent. This includes identification of achievements/ progress toward targeted results and challenges. (2) Lessons and recommendations for the future: For RGC, especially MoE, UNDP, and other interested parties, identifying: (a) Priorities for building upon project results to realize ABS in Cambodia. (b) Ways to improve donor projects more generally, particularly in Cambodia.²⁸ For further elaboration of TE purpose, please see the Section 4 of the TOR for this assignment as presented in Annex 8.

Scope of TE: The scope of the evaluation is the *UNDP-GEF Cambodia ABS Project*. The main focus is on the period of implementation of the project from April 2019 to the date of draft TE submission (June 25, 2022²⁹), but design phase work, particularly the PPG phase, from Feb. 2018 to March 2019, is also included. The work additionally aims to assess the baseline situation at start of project. The greatest focus is on the project's targeted objective and two targeted outcomes, along with their indicators, rather than on the easier-to-achieve outputs, though these are also considered. Achievement of outcomes depends on more than the project alone, so that UNDP-GEF projects aim to reach targeted outcomes not only via their own outputs, but also by influencing the outside environment. Based on UNDP's *Guidance for Conducting Terminal Evaluations of UNDP-Supported, GEF-Financed Projects* (2020) and the assignment TOR, the assessment includes a number of items across the three broad areas of design, results, and implementation. Assessment considers the various types of potential beneficiaries: national government officials; provincial and local officials; indigenous peoples, local communities, and their representatives; the private sector; and NGOs. As a national legislative, policy, and institutional project, the geographic scope is nationwide, though there is some attention to initiatives in specific geographic locales, particularly Siem Reap, which received strong emphasis from the project. Section 6 of the TOR, which is provided as Annex 8 provides more details on the scope of this TE.

Methodology, data collection, and analysis: The TE work includes both quantitative and qualitative methods. In particular, it integrates three key methodologies: (1) extensive stakeholder consultations; (2) document review; and (3) special information requests and related analysis. Annex 1 includes a full list of organizations and individuals interviewed, along with timeline. Due to the Covid-19 crisis, all interviews were conducted virtually. Based on experience, stakeholder consultations in TEs tend to be invaluable in moving beyond the document review for deeper insights on the value of what has been achieved and the challenges, lessons, and needs for the future. Thus, considerable time was invested in setting up and carrying out these consultations, most of which were one-on-one meetings. In all, a total of 28 consultation meetings were carried out: 6 with UNDP Country Office (CO), 2 with UNDP Regional Bureau for Asia Pacific, 4 with the project team (one with each team member individually), one with the National Project Director (NPD), 10 with experts and consultants to the project (including 7 national and

²⁸ UNDP's *Guidance for Conducting Terminal Evaluations of UNDP-Supported, GEF-Financed Projects*, 2020, states four aspects of TE purpose, separating out the transparency/ accountability purpose from the purpose of assessing of project results. The author of this TE report sees these two purposes as intertwined: assessment of project results provides transparency and accountability. The other two purposes listed are lessons learned (as included above) and gauging the convergence of the project with priorities of the UNDP country program. The last purpose is not mentioned above as a key purpose of this TE, though is addressed in this report in Section 5 under "Alignment with UNDP and GEF strategic priorities."

²⁹ Additional project outputs provided in July and August, 2022, were also considered in making final revisions to the draft report.

3 international), one with Academia, one with an NGO, and one with another government person from the implementing partner (IP). Government meetings were much more limited than intended. Private sector and community meetings were not carried out due to their lack of substantial involvement in the project.³⁰ Overall, the consultations provided the basis for many of the key insights included in this report. Because of the commitment to stakeholder anonymity in UNDP-GEF evaluations, however, this report does not cite which stakeholders provided which information.

For the document review, the greatest emphasis was put on the many reports and other documents produced as project outputs. These were all read in detail as a key means of assessing the relevance and quality of work. Documents were initially provided by the UNDP CO and the Project Management Unit (PMU). As the evaluation progressed, the evaluator requested additional documents, such as specific outputs not yet provided, and TORs, to better understand the work of the project. After submission of the draft version of this TE report on June 25, 2022, a number of products subsequently finalized were also provided to the evaluator. See Annex 2 for documents reviewed.

Special information requests include a number of templates, questions, and requests prepared by the TE consultant and submitted in writing to the PMU. In terms of project expenditures, annual, outcome-wise CDRs were requested. Also, the TE consultant prepared an expenditure table by major activity area and requested the Project Finance Officer to complete missing information. This tool is used as a means of understanding the main areas in which funds were spent. A complete list of project consultant contracts was also requested and reviewed. Information on co-financing by expenditure area was, in addition, requested and provided. For project communications and capacity building, tables on workshops and attendees and queries on support of MoE's GR export work were submitted to and fulfilled by the Project Communications Officer. These included some quantitative questions aimed to assist in the assessment of certain project indicators. Please see Annex 9 for the various templates used in these special information requests.

Analysis put great emphasis on whether targeted results were achieved, the quality of achievement, and explanation for achievement and lack thereof. A detailed master interview guide (see Annex 5) was prepared that includes main questions to be answered not only by interviews, but by other methodologies. Triangulation between the consultations with various stakeholders, the documents reviewed (particularly project outputs), and the additional information obtained was used to draw conclusions.

Ethics: The evaluation follows a code of conduct (see Annex 6). In particular, special care is taken not to reveal what a specific stakeholder said during consultations. Further, the evaluator must be unbiased and not allow her assessment to be influenced by relationships with UNDP, the Project Team, the IP, etc. The situation is delicate, as the UNDP CO commissions the work, but is also being evaluated. And, the Project Team typically makes arrangements for the evaluation and provides documents, but is being evaluated. Please also see Section 12 of Annex 8, which is the TOR for this assignment, regarding evaluator ethics.

Limitations to the evaluation: Evaluation of UNDP-GEF projects is by nature very challenging, as the evaluator is tasked with assessing a very large amount of information by various methodologies in a short period of time. Clear answers are not always easily available, so that the evaluator must utilize triangulation between various sources and logic to piece together the reality of what has happened and

³⁰ The TE consultant had requested consultations with members of the private sector and communities or community organizations, but was told the private sector was not involved and communities were only involved via interactions with consultants/ the PMU during information collection in the field. At the same time, findings indicate some rangers and community leaders attended some project workshops. One reviewer of this report indicates the private sector companies ACHA and Agrisod were involved in the project.

what has been achieved. Beyond this typical challenge and approach to all such evaluations, the TE of the Cambodia ABS Project faced the following more specific limitations:

- Covid-19 pandemic and virtual mission: Due to the critical situation of the Covid-19 pandemic during the planning stages of the evaluation, the TE had a virtual mission.³¹ As a result, the evaluation may not have received as much priority from the PMU as an in-person mission and faced the challenge of a 12-hour time gap. By spreading the mission over a month instead of two weeks, however, a strong set of 28 consultation meetings were achieved. At the same time, an in-person mission may have had more potential to realize some of the targeted consultations that in the end did not occur (as discussed below). Further, the virtual mission faced challenges in getting requested documents and data in a timely fashion, whereas a face-to-face mission may have expedited responses to these requests.
- Lack of national consultant on TE team: While TEs of UNDP-GEF projects are usually expected to be conducted by a team of two independent evaluators, typically one international consultant and one national consultant, this TE was conducted by an international consultant alone. The decision to recruit a single consultant for the TE was made based on the project's size and nature (e.g. very limited activities in the field). Without a national consultant, insights on the national situation might have been limited. Yet, national stakeholders, during consultations, generously shared such insights with the evaluator. Lack of national consultant may have also contributed to a lack of success in setting up a number of targeted meetings. And, there was no one on the evaluation team that could efficiently review documents in the Khmer language.
- Unavailability of government stakeholders for consultation: In the initial exchange with the PMU and UNDP regarding consultations, strong emphasis was put on some potential government interviewees. The evaluator was asked to prepare questions in advance for such consultations and prepared question lists for about eleven such interviewees. In the end, only one such consultation was realized during the period allocated to consultations. Yet, based on other findings, the involvement of most government stakeholders was assessed to be fairly limited.
- Limited beneficiaries and challenges in assessing value of outputs given lack of operationalization of legislation: The project as implemented had a lack of beneficiaries in non-government categories (such as private sector, communities/ indigenous people, and NGOs) to be consulted (please see footnote 30), although project design had intended greater involvement of such groups in the project than was realized. Also, because the project did not achieve operationalization of the legislation as intended in the design,³² there was an absence of beneficiaries (whether sub-national government officials or non-government persons) who may have been affected by the legislation (without having been project implementers). Finally, given the strong focus of the project on developing an enabling environment and the criticality of developing legislation and policy to the enabling environment, implementers of such work may have been best placed to explain achievements. It is generally important for evaluations to put strong emphasis on consulting beneficiaries and not over-focus consultations on those involved in implementation. Yet, given the aforementioned three factors, it was decided that understanding what was achieved would be best served by strong emphasis on consultation with implementers, particularly contractors. International consultants provided expert perspective from ABS and legal angles, while national consultants provided good input from the perspective of the national situation. In the end, these consultations were particularly useful, given the needs of this particular evaluation.

³¹ It is reported that there were issues in Cambodia of border closure and/or requirement of two weeks quarantine for those that entered the country at the time the TE was being planned.

³² The project design has just two outcomes. The second of these is stated as, "An administrative and permitting system for ABS established and operational at the national and provincial level in compliance with the Nagoya Protocol." This implies operationalization of the legislation (preparation of which is an aim of the first outcome) is an intended result of the project.

Structure of TE report: A summary of the main findings and recommendations of the TE can be found in the Executive Summary at the beginning of this document. The main text begins with two preliminary sections, this one, Section 1, being an introduction to the TE itself. The following one, Section 2, presents background on the project and country context, with sub-sections on: development context and baseline situation; timeline, resources, and institutional arrangements; project basic design; project stakeholders; and other topics. Section 3 presents assessment of project design, covering the relevance of the results framework, the logic and clarity of the results framework, the project indicators and indicator targets, and other design topics. Sections 4 to 6 cover findings on project results. Section 4 assesses progress towards targeted results, including progress towards objective and outcome statements, progress towards output statements, and progress toward indicator targets. Section 5 provides more details on results and assesses relevance, effectiveness, and efficiency. It divides the project into four “batches” (sub-decree; products of last 3 to 4 months of project; capacity, awareness, and information products; and reports and plans prepared in early phases of project.) It assesses the outputs associated with each batch in more detail. It then synthesizes the findings by topical area (e.g. legislation, awareness, operationalization, etc.) and assesses relevance, effectiveness, and efficiency. Section 6 assesses results in terms of sustainability and other topics as required by UNDP guidelines for TEs, such as country ownership, gender, etc. Section 7 assesses various aspects of implementation, including project finance and co-finance, M&E, UNDP oversight, IP execution, etc. Section 8 provides conclusions and recommendations. Annexes cover: persons consulted/ “mission” itinerary (Annex 1), documents reviewed (Annex 2), TE rating scales (Annex 3), capacity development scorecard – baseline and EOP assessments (Annex 4), master interview guide (Annex 5), TE code of conduct (Annex 6), signed TE clearance form (Annex 7), TE ToR (Annex 8), and templates used in requesting information (Annex 9) . Comments on the draft TE and responses to comments are provided in a separate document.

2. Background Context and Project Description

Before moving to assessment of the Cambodia ABS Project in subsequent sections, a description of relevant background and the basic project situation are provided in this section, including: (i) development context and baseline situation at time of project launch; (ii) timeline, financial resources, and institutional arrangements/ partners; (iii) description of the project’s basic design, including barriers addressed and targeted results; (iv) main stakeholders to be involved; and (v) other aspects of project design.

Development context and baseline situation: Due to a combination of its geographic location, diverse climatic and topographic features, and long history of enrichment of crop genetic resources by local communities, Cambodia is a nation particularly rich in plant genetic resources (GRs). Given this plant diversity and particularly that the nation has around 800 known medicinal plants, many with associated traditional knowledge (TK), Cambodia is considered to have high potential for “bio-prospecting,” the process via which plant and animal species are sought out for development into commercially valuable products. In terms of GRs and potential for bio-prospecting, Cambodia also has the very remarkable strength of a large portion of the nation’s area being included in its network of protected areas (PAs). Various reports between 2017 and 2020 have indicated between 50 and 57 protected areas covering 7.2 million to 7.5 million ha, around 40% of the nation’s total area.

Yet, Cambodia faces substantial threats to its biodiversity, including potentially valuable GRs, as well as threats to the associated TK for utilizing the GRs. Despite the impressive coverage of PAs, Cambodia’s biologically rich areas have suffered from land conversion, particularly conversion of forest areas to economic land concessions for agriculture and also urbanization and infrastructure development. Further, there are problems of overharvesting of timber and other forest products, which degrade ecosystems. And,

traditional knowledge is being lost both as ecosystems degrade and as modern approaches replace traditional lifestyles.

Implementation of the Nagoya Protocol and associated awareness raising presents the potential for Cambodia both to increase the protection of biodiversity and to raise incomes. The Nagoya Protocol, which is a 2010 supplementary agreement to the 1992 Convention on Biodiversity (CBD), calls for the sharing of benefits from the commercial utilization of GRs between users (e.g. international or domestic companies and research institutes) and providers (e.g. local communities and the nation as a whole). An understanding of such “access benefit sharing” (ABS) can lead local communities and government officials to more strongly promote the protection of biodiversity, given their realization of the potential commercial value of GRs.

Cambodia signed the Nagoya Protocol (NP) in 2012 and formally became a party to the Protocol in 2015. Prior to the launch of the Cambodia ABS Project (the subject of this evaluation) in April 2019, Cambodia had already designated a national institutional structure for NP implementation, with the National Focal Point (NFP, responsible for making information on ABS available in Cambodia) being the under-secretary of MoE and the Competent National Authority (CNA, responsible for regulating access to GRs) being the General Secretariat of the NCSD. Between 2010 and 2012, Cambodia participated in a UNEP ASEAN project with limited grant funding and prepared a brief ABS Framework as a sort of plan for next steps, as well as ABS capacity building tools. Cambodia also participated in a UNDP-coordinated Asia ABS regional community of practice, which held its first workshop for exchange between countries in October 2018 in Siem Reap, Cambodia. Further, MoE was known at start of project to have already an “ABS Office” with staff. It is understood this office is involved with the processing of requests for export of GRs, but that all such requests handled to date have been for research purposes only and have not included benefit sharing for local communities. Anecdotally, some sources suggest that GRs for commercial purposes are being exported from Cambodia with the main benefit going to middle men and users (companies from other countries) without much benefit for local communities and government, suggesting the importance of developing an ABS system for the country. While Cambodia lacked both legislation and an operational permitting system for ABS at the start of the project, the national intention for these was already reflected in Cambodia’s updated National Biodiversity Strategy and Action Plan (NBSAP) of 2016. This NBSAP, among its 24 aims, had 3 related to ABS: strengthening ABS public awareness, developing ABS policy/ legislation, and enhancing the enabling environment for ABS implementation.

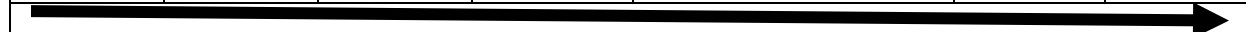
Timeline, resources, and institutional arrangements for Cambodia ABS Project: The timeline of design and implementation of the Cambodia ABS Project is shown in Exhibit 1. Compared to the situation of UNDP-GEF projects globally, the timeline is notable and laudable for its lack of substantial delays. As a medium-sized project (MSP, GEF funds of under USD1 M), the budget and scale of activities is lower than for the majority of UNDP-GEF projects, which are full-sized projects. GEF funding for the project is USD843,242.³³ Targeted co-financing at the time of design was USD1,961,602 from NCSD, all to be in the form of cash grants. As an MSP, the project was not required to undergo (and did not undergo) a mid-term review. The project did undergo an audit for the year 2021 and a spot check for 5 ½ months of 2019, both organized by UNDP. And, an additional spot check to be organized by UNDP is planned for 2022. There have been no government evaluations or audits of the project.³⁴

³³ Total GEF grant amount is USD923,349.99, out of which USD80,107.99 is the agency fee and the other USD843,242 is the grant for project implementation.

³⁴ No government evaluations or audits that the author knows of were required. The statement in the text is made only to respond to UNDP’s recommended TE background content: “How this evaluation fits within the context of other ongoing and previous evaluations, for example if a Mid-Term Review was also carried out for the project, or if

Exhibit 1: Cambodia ABS Project’s Timeline (*designed duration of project implementation: 3 years*)

PIF Approval	CER/ ProDoc clearance	ProDoc last signature	Inception Workshop	Implementation	Original Close Date	Current Close Date
Feb. 2, 2018	March 4, 2019	Apr. 18, 2019	June 25, 2019	-----	April 17, 2022	July 13, 2022



The Cambodia ABS Project is implemented under UNDP’s National Implementation Modality (NIM), with MoE/NCSD as the implementing partner (IP) responsible for execution. Under NIM, UNDP, which is the GEF Implementing Agency (IA), has the role of quality assurance. UNDP has also assisted in recruiting international consultants for the project, while MoE/NCSD recruits national consultants and firms. The National Project Director (NPD), an MoE Under-Secretary of State, is responsible for day-to-day management and decision making for the project. She is supported by the PMU, which has a project team of four full-time staff paid by GEF funds and UNDP funds: the national project coordinator (NPC), the Communications Officer, the Finance Officer, and the Administrative Officer. The cross-ministerial Project Board (PB), which is chaired by MoE/NCSD, meets once annually and approves the annual work plan, also addressing major issues that may arise. The project has worked with the RGC’s ABS sub-technical working group (sub-TWG), which is under the government’s biodiversity working group. The sub-TWG predates the project and meets twice annually. It is also cross-ministerial.

Project basic design:

Problems and barriers project design seeks to address: On a broad level, above-mentioned issues, such as competing uses of land/ land conversion, unsustainable harvesting of forest and non-forest products, loss of traditional knowledge with ecosystem degradation and modernization, are related to an undervaluing of biodiversity and TK as compared to competing needs. ABS offers a means of raising the value of GR and TK to those that may protect them. On a more specific level, in terms of rolling out an ABS system in Cambodia, a number of key barriers are identified in project design. A lack of a comprehensive legal and regulatory framework and institutional mechanisms prevent an effective ABS system to control the trade of GR. The ABS NFP and CNA had already been designated by the time of project design to be within the NCSD, which is closely linked in personnel with MoE. Yet, an institutional barrier identified is lack of clarification of the roles and responsibilities of different ministries with regard to ABS, including MAFF, MoC, Traditional Medicine Department of MoH, and Ministry of Industry and Handicraft. Further, a lack of administrative processes for issuing ABS licenses, negotiating ABS agreements, and enforcing such agreements was identified, as was a lack of identification of stakeholders that will be responsible for carrying out these processes. In addition, a lack of system to address IPR issues with regard to GR and TK was identified. And, a lack of incorporation of the Nagoya Protocol into the EIA law to ensure ABS activity does not endanger species is also noted as a barrier. Finally, the design emphasizes the barriers of weak institutional capacity and weak awareness of ABS as needing to be addressed. It notes the need for capacity of the NFP and CNA, as well as of other institutions (presumably those aforementioned) with overlapping responsibility with regard to permission to harvest and utilize GRs. It notes the need for awareness to be built among researchers as well as local communities.

Objective, Components, Outcomes, Outputs, and Indicator Targets: The project’s *theory of change* holds that addressing the main two barrier areas ((1) ABS legislative, regulatory, policy, and institutional system and (2) capacity for and awareness of ABS) through a series of targeted outputs can lead to achievement of a desired outcome in each of the two areas. This section presents the logical structure of

another implementing partner has evaluated this or a closely linked project.” *Guidance for Conducting Terminal Evaluations of UNDP-Supported GEF-Financed Projects*, UNDP, 2020.

these targeted results as background, whereas later sections assess the quality of design (Section 3) and whether targeted results were achieved (Section 4). As a general rule of thumb, projects aim to contribute to achievement of the project objective and to achieve project outcomes. Components serve as topical organizers of project content rather than targets. Outputs, which might be changed if needed during implementation, are a means of achieving targeted outcomes. Outputs are typically simpler to achieve by the project alone, whereas outcomes may require the project influence outside parties or circumstances for success in achievement.

Project's designated objective: “To strengthen the conservation and sustainable use of genetic resources and associated traditional knowledge by developing a national Access and Benefit Sharing (ABS) framework, policy and legislation consistent with the CBD and its Nagoya Protocol.”

Components and their targeted outcomes and outputs: Exhibit 2 shows the two project components, the targeted outcome of each, and each outcome's associated targeted outputs. Achievement of the outcomes and outputs is assessed in Section 4.

Exhibit 2: Project Components and their Targeted Outcomes, and Outputs

Component 1: Developing a national framework and legislation on ABS consistent with the CBD and its Nagoya Protocol
Outcome 1: National Policy, Legal, and Institutional Framework in line with the Nagoya Protocol on ABS strengthened
Output 1.1: A National Law on ABS in line with the Nagoya Protocol developed Output 1.2: Comprehensive stock taking exercise including on-the-ground assessment of lessons learned and best practices on ABS and Traditional Knowledge reviewed to inform National ABS framework Output 1.3: Institutional framework defined and established for implementation of the Nagoya Protocol Output 1.4: A system to document and safeguard Traditional Knowledge established Output 1.5: Effective financial mechanism for benefit sharing from ABS agreements established
Component 2: Building capacity for developing and implementing the national ABS framework and legislation
Outcome 2: An administrative and permitting system for ABS established and operational at the national and provincial level in compliance with the Nagoya Protocol
Output 2.1: An administrative permitting system and check-points to enable implementation of the national ABS law is established Output 2.2: Targeted training provided to National Competent Authorities (NCAs), Focal Points (FP) and related agencies on the various aspects of ABS management Output 2.3: Communications, education and public awareness (CEPA) strategy and action plan developed and implemented Output 2.4: Functional role National ABS Clearing House Mechanism extended to promote technical and scientific cooperation, knowledge sharing and information exchange Output 2.5: Gender Mainstreaming and Monitoring and Evaluation strategies developed and implemented

Indicator targets: The project design includes 7 indicators for the project objective and outcomes. The design further designates indicator targets to be achieved by end of project. Some indicators have multiple targets; and there are a total of 14 targets. These indicator targets are show in Exhibit 3. Their achievement is assessed in Section 4.

Exhibit 3: Cambodia ABS Project Objective-Level and Outcome-Level Indicator Targets

Objective indicator targets (1 target)
-Draft national law on ABS developed and presented to cabinet for approval
Outcome 1 indicator targets (2 targets)
- National ABS policy approved by the Executive Government - At least 20 point increase in national capacity for ABS implementation as measured by UNDP ABS capacity development scorecard from baseline of 21
Outcome 2 indicator targets (4 targets or 11 targets if sub-targets included)
- Administrative and permitting systems for ABS developed and approved as measured by availability of: (a) Guidance document on obtaining PIC for access to genetic resources and for TK associated to genetic resources (b) Guidance document for negotiation of agreements/contracts on use of genetic resources and associated TK and for the fair and equitable sharing of benefits (c) Dossier for application of access permit (d) Designation of 1-2 check points (e) Guidance document on procedures for use of the ABS Clearing-House Mechanism (f) Guidance document for ensuring transparency on compliance and monitoring the utilization of genetic resources and associated TK -Effectiveness of coordination and operationalization of ABS permitting system as measured by: (a) Guidelines for coordination and information sharing between FP and NCAs, and amongst the NCAs (b) Network of NCA with the involvement of the NFP fully functional using, inter alia, electronic communication mechanisms -Staff trained (a) At least 100 officials at the national level trained on ABS related topics (including at least 30% are women) (b) At least 50 provincial level staff trained on ABS (including at least 30% of women) - At least 60 percent of targeted population of researchers, local communities, and relevant private sector staff, of which at least 30% would be women, aware of key provisions of ABS legal framework

Main stakeholders to be involved: As main stakeholders to be engaged, the project design firsts lists NCSD, the Project Board, the ABS sub-TWG, and MoE. It further lists a large number of government ministries and a few of their subsidiary administrations: Ministry of Planning, MoC, MAFF (and also its Forestry Administration and Fishery Administration), Ministry of Economy and Finance (MEF), Ministry of Health (MoH), Ministry of Culture and Fine Art, Ministry of Industry and Handicraft, Ministry of Mine and Energy, Ministry of Education, Youth, and Sport, Ministry of Water Resource and Meteorology, Ministry of Rural Development, Ministry of Interior, Ministry of Tourism, and Ministry of Women's Affairs. In addition, the design lists three important categories of non-government stakeholders: indigenous people and local communities, private companies and research institutions, and local and international NGOs. It lastly lists UNDP as the GEF IA.

Other topics related to project design background: The project design also addresses a number of other topics recommended by UNDP guidance for inclusion in this section of the TE report: As for “scaling up,” the design predicts that, with the necessary ABS legal system in place, NCSD's Department of Biodiversity (DBD) will promote initiatives that will increase local income generating activities related to medicinal plants. As for *gender*, the design points out that women have a greater knowledge of flora and fauna than men. It indicates that the project will ensure policy, legal, and regulatory instruments for ABS include specific considerations for gender. It indicates that all relevant documents produced by the project will be reviewed by Ministry of Women's Affairs (MoWA) and National Council for Women (NCW) to ensure gender equality is incorporated. In terms of partnerships and coordination with other projects, the design mentions the Oct. 2018 ABS Regional Community of Practice Workshop in

Cambodia (supported by South Korea) and the potential for the project to partner with South Korea and Japan on capacity building and piloting related to ABS. The design also mentions how the project will build on an earlier UNEP regional ABS project in which Cambodia was involved, particularly building on ABS capacity assessment already done and capacity building tools already prepared. Finally, the project design acknowledges a number of *risks*, such as weak commitment of the Government to ABS, lengthy legislative process, and technical complications making ABS implementation impractical. For all three of these risks, increased capacity is conveyed as a mitigation approach.

3. Assessment of Project Design

The basic project design has been described in the foregoing section. This section assesses the appropriateness and quality of project design. In this assessment, the main emphasis is put on (a) the “results framework” (which includes the project’s objective-outcomes-output structure as well as the project indicators) and (b) the design’s more detailed description of proposed activities to support this framework. This section also, in its closing parts, addresses a number of other project design-related topics recommended in UNDP UNDP-GEF TE guidelines or otherwise believed to be of special interest.

Key findings, which are elaborated below are: The assessment of design overall is positive in that the key elements of design are relevant and needed.³⁵ At the same time, there are some important challenges in the details and organization of design, particularly in the overlap of different proposed initiatives.³⁶ Greater care to ensure clear definition of activities under the two different outcomes and each of the different outputs might have reduced the problem found of overlap in delivery. Further, greater care in defining activities such that content of upstream work (e.g. reports and plans) would, in an actionable way, feed into the project’s downstream utilizable outputs (such as the ABS law, associated instruments, sample bioprospecting contracts, etc.) would have been useful for avoiding the “reports on a shelf” phenomenon.

Results framework relevance³⁷: Evidence suggests that the overall design of the project and its result framework are highly relevant to the situation and needs of Cambodia. Key questions to assess relevance are: Is the project/ intervention needed? Is it a good fit for needs? Would the results targeted happen anyway without the project/ intervention? Is the project/ intervention new and innovative for the country? Review of the development context and baseline situation as presented in the preceding section shows the high potential of Cambodia as a GR providing country, the threats to biodiversity conservation in the country, and the potential of ABS both to increase protection of biodiversity and benefit local incomes. Thus, the project’s focus on ABS is highly suitable – a good fit for needs. Its focus on implementation of the NP also fits with country priorities as expressed by inclusion of ABS in 3 of 24 key areas of the 2016 revision of Cambodia’s NBSAP. And, evidence suggests that without the support of the Cambodia ABS Project, development of needed legislation, preparation of related items, and their rollout would probably not have occurred for a long time. As noted in Section 2, Cambodia received some donor support for its ABS framework and capacity building in 2010-2012 via a UNEP regional project. Yet, by the time of Cambodia ABS Project launch in April 2019, legislation drafting had still not been initiated. Cambodia had signed the NP in 2012 and formally became a party to it in 2015, but had not, by April 2019, taken the substantial level of action needed to set up an ABS system in the country. Based on the evidence

³⁵ “Key elements” include the project objective, outcome, and output statements and main targeted achievements of the project, such as ABS legislation, ABS policy, operationalization of ABS system, etc.

³⁶ “Initiatives” here refers to activities and detailed descriptions of outputs as provided in the ProDoc.

³⁷ This sub-section focuses on whether the project design is relevant, i.e. whether the project elements as designed are needed and have the potential to generate results that would not be achieved in the absence of the project. Relevance of project results (what was actually achieved by the project) is assessed separately in Section 5.

reviewed, neither has there in the interim been donor support at the level needed to achieve this. The project design reports a USD150,000 GIZ-DBD bio-prospecting effort to identify three plant species with commercial value, but this project does not encompass development of an ABS system for the country.

In addition to the overall theme of the project, specific items in the results framework are highly relevant to Cambodia's needs for achieving an ABS system, either addressing key items that have hardly been pursued at all or items that have not been sufficiently supported. Exhibit 4 shows the status of each of these items at start of project, along with comments on the need for them.

Exhibit 4. Relevance of Specific Items in Design of Cambodia ABS Project's "Results Framework"

Item (Each item corresponds to one of the project outputs)	Status at Start of Project (April 2019)	Need (as of April 2019)?
Drafting of ABS law/ regulations*	Not yet pursued	Needs not covered by other laws
Researching current on-the-ground situation related to GR trade and preparation of ABS Policy*	on-the-ground situation only anecdotally understood; previous "framework" by UNEP project was a short document prepared around 2012	Better understanding of on-the-ground situation could highlight key needs for ABS system in Cambodia; improved and approved policy could be helpful to move ABS forward; designated work might overlap with other items in the project's design
Institutional Framework*	Institutional responsibilities (which organizations responsible for what) preliminarily established at national level, but not at sub-national level	Needed: (1) Sub-national institutional roles for monitoring ABS agreements; (2) institutional designation for checkpoint system to control GR trade; (3) details on national roles
GR-associated TK documentation and safeguards	MoH and NGOs had carried out some documentation, but comprehensive database said to be lacking; stakeholders with relevant information hesitant to share it	Such a system could stimulate private sector interest and protect holders of TK
Financial mechanism for ABS revenues	Absent	Could be useful if government ABS revenues are to support conservation
Administrative and checkpoint systems and their rollout*	Absent	Clearly needed for effective ABS implementation
Training of relevant authorities on ABS	Not much known training on ABS since 2010-2012 project	Needed particularly at sub-national level to achieve implementation of ABS system
Communications, public awareness and education (CEPA) strategy for ABS	Absent (aside from some capacity building tools developed under UNEP project)	Needed especially to inform communities, private sector, and various sub-national, national officials
Extension of CBD Clearinghouse Mechanism (CHM) to include ABS information, scientific exchange, and knowledge sharing	ABS CHM specific to Cambodia absent	Could be promising way to disseminate information and increase exchange on ABS if well-done
Gender mainstreaming and M&E strategies for ABS designed and implemented	Both absent	Women are important holders of TK; their benefit needs to be assured. M&E of ABS agreements is needed to ensure fair implementation

On a general level, items indicated by the "" symbol are all needed. Yet, as will be discussed later, potential overlap in content of work under them suggests that more precise definition of that work with avoidance of overlap would have been helpful to the effective implementation of Cambodia ABS Project.

Results framework logic and clarity: Overall, the results framework presents a logical structure. The two outcomes (“National Policy, Legal, and Institutional Framework in line with the Nagoya Protocol on ABS strengthened” and “An administrative and permitting system for ABS established and operational at the national and provincial level in compliance with the Nagoya Protocol”) are clear means of supporting the project objective (“To strengthen the conservation and sustainable use of genetic resources and associated traditional knowledge by developing a national Access and Benefit Sharing (ABS) framework, policy and legislation consistent with the CBD and its Nagoya Protocol”). And, the five outputs under each outcome (see Exhibit 2 in the foregoing section) are means to support achievement of the respective outcome. That is, legislation, policy, institutional framework, TK documentation and safeguarding, and ABS fund support strengthening of the national policy, legal and institutional framework for ABS (Outcome 1). And, rollout of administrative and checkpoint systems, training of relevant authorities, implementation of a CEPA strategy, an ABS clearinghouse mechanism, and implementation of gender mainstreaming and M&E strategies for ABS can all contribute to operationalization of ABS (Outcome 2).

Yet, there are some areas in which the precision and logic of the framework could have been sharpened to increase the ease and effectiveness of implementation.

Component 2 topic – capacity building versus ABS system operationalization: A first item that may seem confusing (see Exhibit 2 in the prior section) is that the title (or topical area) for Component 2 is “Building capacity for developing and implementing the national ABS framework and legislation,” whereas the Outcome 2 statement is “An administrative and permitting system for ABS established and operational at the national and provincial level in compliance with the Nagoya Protocol.” While it’s true that capacity building is a key ingredient for moving towards operationalization, is it all that’s needed? The confusion created with this set-up (also raised below under indicators) becomes obvious when one notices that one of two indicators for Outcome 1 is “At least 20 point increase in national capacity for ABS implementation as measured by UNDP ABS capacity development scorecard from baseline of 21.” If Component 2 and, by relation, Outcome 2 are both the capacity building portion of the project, why is one of two indicators for Outcome 1 focused on capacity? A more appropriate division for the component topics might be “developing a national framework and legislation on ABS” (as is) for Component 1 and “rolling out implementation of ABS” (instead of “building capacity for development and implementing the national ABS framework and legislation”) for Component 2. This challenge with regard to the naming of Component 2 may have contributed to substantial confusion in implementation: In the project results framework, instead of listing the outcome statements, the component statements are instead listed.

Overlap of outcome content: Further, a clearer division between the two outcomes might alleviate some confusion. Currently Outcome 2 reads “An administrative and permitting system for ABS established and operational at the national and provincial level in compliance with the Nagoya Protocol.” Yet, Outcome 1’s first output (ABS Law) indicates clearly that the output is to include the law and “associated rules and regulations” and also has an activity on: “development of guiding documents, manuals and other legal instruments to implement the ABS law. Guidelines and protocols for access, benefit-sharing and compliance and monitoring as well as guidance for cooperation on issues of compliance and monitoring and information-sharing mechanism; checkpoints...” And, Outcome 1’s third output is “institutional framework defined and established for implementation of the Nagoya Protocol.” Thus, it’s possible that the guidelines and institutional set up for the administrative and permitting system would be carried out under Outcome 1 outputs. Yet, Outcome 2 activities include “develop tool-kits, manuals circulars, guidelines and other instruments for facilitating the establishment of the ABS permitting system.” Given the situation, Outcome 2 might instead focus on operationalization with an Outcome 2 statement such as “ABS administrative and permitting system successfully operationalized at the national and sub-national level in compliance with the Nagoya Protocol,” with various guidelines and circulars about how to implement prepared under Outcome 1. The various capacity and awareness related items under Outcome 2 could then contribute to the achievement of the outcome by preparing various parties to be involved in

operationalization of Cambodia's ABS system. In addition, operationalization via pilots could be demonstrated. Alternatively, a logical breakdown of which guidelines are to be prepared under Outcome 1 and which are to be prepared under Outcome 2 might have been enunciated in the design.

Details of results framework that may have benefited from further clarification: The ProDoc, in addition to listing outcomes and outputs, includes discussion and activities for each output. In general, it is quite beneficial to have this detail. With the benefit of hindsight of challenges vis-à-vis project results, however, there are some areas of activity description that may have benefited from more clarification. In particular, there is an issue of timeline and issues that the content of various outputs overlaps. For the latter, more precise, non-overlapping description of the outputs might have been instituted.

Operationalization of ABS system while draft ABS law is still in pipeline for adoption: One area that might have been clarified in more detail in the project design is the timewise relationship between adoption of the ABS law (as was to be pursued under Outcome 1) and the operationalization of the ABS system in Cambodia (as was to be pursued under Outcome 2). If operationalization of Cambodia's "ABS system" and other activities would have to wait for adoption of the law, then Outcome 2 would have been unlikely to be realized during the life of the project (and it would be disappointing for a project with USD843,242 in GEF funding to have as its only utilizable output a draft law (which in the end turned out to be only 20 pages, and a sub-decree). Yet, the project design indicates the intention to move forward with Outcome 2 while the ABS law is in the pipeline awaiting adoption. What would have been helpful is some further clarification of why and how the ABS system can be operationalized while the law is in the pipeline. This may have included some recognition that a case-by-case approval system for GR exports already exists, so that the draft system might have been launched and used to implement some demo cases before full adoption of the ABS law. The text does include some explanation that work on the relevant operationalization output of Outcome 2 will begin in year 2 after some of the work of Outcome 1 is completed. Yet, despite that and the Annex 1 timeline, it would have been useful for the text to emphasize that drafting of the law should be initiated by, say, month six and completed by month 18, which would be the 3-year project's halfway point, so as to leave time for pilot operationalization of the "draft" ABS system. Further, the necessity of having actual ABS cases (so, in a sense, "pilots") if the ABS system was to be operationalized should have been clarified.

Refinement of institutional framework output: Output 1.3 ("Institutional framework defined and established for implementation of the Nagoya Protocol") might have been more narrowly and specifically designed to avoid overlap with other outputs. In its broad definition, "institutional framework" might include laws, regulations, and procedures, but because these were to be included in the law and regulatory work of Output 1.1, "institutional framework" might be defined more narrowly here to focus on organizations, particularly, government organizations and which organizations and officers will have which responsibilities for implementing the "ABS system." In particular, given that the national level NFP and CNA were identified long ago, this output might have emphasized that organizations and officials at the sub-national level to be involved in ABS contract monitoring and GR transit checkpoints would be identified, with their roles spelled out. And, items such as model bio-prospecting contracts may not have been included under this "institutional" output (1.3), but instead associated with the output covering the draft law, regulations, and associated instruments and guidelines (1.1).

Clarification of the framework/policy/ roadmap output to ensure its usefulness: In retrospect, a challenge noticed in implementation is that products related to different outputs overlapped. While the design of Output 1.2 calls for an ABS framework (also referred to as a "policy") and a roadmap for carrying out that framework/ policy, it might be acknowledged that, for the time of start of project (April 2019), the project design itself was in some ways a framework of what needed to be done to develop an ABS system in Cambodia. Further, main areas of work for the ABS system include the ABS law and related regulations (Output 1.1), the institutional structures (organizations and officials to be involved and their

roles, Output 1.3), and the building of capacity/ awareness for those that will be involved to implement ABS (Outputs 2.2 and 2.3). Yet, these three items are covered in detail in other outputs, so the question arises of how the “ABS framework” will differentiate itself from the already existing project design and be more than a simple consolidation of the separate work to be conducted in the legislation, institutional, and capacity building areas. If the framework will really be only a simple consolidation of that work, this might be acknowledged in the design and budget. The project design, however, implies that the framework output will yield a policy, one that will be officially adopted. The project design indicates the “roadmap” will be a sort of action plan for carrying out the framework/ policy. In the end, with implementation, it appears the framework is not really a policy and the roadmap will be a separate item from the framework, assessing at EOP what still needs to be done. In retrospect, this approach (preparing the “policy”/ way forward at the end of the project, once the project’s progress is known) may have been preferable, though it was not designated in the design. And, in the end, the roadmap assignment also did not yield a “policy,” but only recommended that one be developed.

Clarification of the key focus areas of all project “reports” and plans and of how these will be leveraged in next steps of the project that produce utilizable products and how it will be insured that these reports do not overlap: As will be discussed, one challenge with many of the reports and plans produced by the project is that there was often not much use made of them.³⁸ They may have been useful to those few that read them in building the knowledge base of the readers (or may prove useful in the future as a compendium of knowledge), but it is less clear that they made an impact on key products of the project. As a key example, it is not clear that the draft ABS legislation made much use of the three or more studies covering legislative stocktaking and international ABS case studies. With the benefit of hindsight, these reports may have been made more useful if their content was more targeted to generate analyses and information that could be more directly utilized in legislation drafting and the preparation of other utilizable products. For example, an in-depth study of appropriate benefit sharing amounts and/or how to benefit share in conservation zones could have been more directly useful. Another challenge is that the reports often overlapped in content. More narrow definition of the outputs might have helped with this. With more narrow definition of “institutional framework,” for example, the phenomena that the associated report was mainly about legislative stocktaking, as was the associated report for the ABS legislation, might have been avoided.

Project indicators and indicator targets: Exhibit 3 in the last section shows the project indicator targets for the objective indicator and each of the outcome indicators. In general, the indicator targets roughly meet the SMART criteria (specific, measurable, attributable, relevant, and time-bound). An assessment of the SMART criteria for each indicator target is provided in Annex 10. A few key “SMART” challenges identified are summarized later in this sub-section, with the greatest among them being “S” - specificity. Beyond SMART aspects, given findings above about the need to clarify the reach of the two outcomes and various outputs and to avoid overlap, with hindsight, the design might have arranged the indicators differently. Further, considering the importance of some work in each outcome, a few other indicators might be recommended to assess progress in key areas not addressed by the current set of indicators. And, the objective indicator target may have required a broader scope that would reflect the achievement of both targeted outcomes.

An objective indicator target encompassing results of both outcomes: As it is, the objective indicator target (“draft ABS law presented to cabinet for approval”) is merely the achievement of one output under Outcome 1. Instead, something like “pilot implementation of draft ABS law at 2 sites” would have been a

³⁸ While the design may present plans for these reports as a logical sequence (e.g. ABS legislative stocktaking, then ABS legislative gap analysis, then preparation of ABS legislation), based on consultations, document review, and triangulation, it was found that, in practice, not much use was made of many of the preparatory documents of the project.

more comprehensive objective target covering the progressive work under both outcomes (first drafting regulations, then implementing them on a pilot basis), while the “draft national law” target might have been shifted to be a target under Outcome 1.

Arranging outcome indicators to reflect clarified reach of outcomes and avoidance of content overlap:

Based on earlier discussion above, an alternate organization of the project might have resulted in most instruments, guidance documents, draft contracts, and designation of organizational responsibilities being developed under Outcome 1, while Outcome 2 work would focus on rolling out the ABS system on a pilot basis (as the law awaited approval by the prime minister), with a strong emphasis on capacity building so that relevant parties could achieve this pilot implementation. As such, a number of the indicator targets under Outcome 2, such as “guidance document on obtaining PIC for access to genetic resources and for TK associated to genetic resources,” “guidance document for negotiation of agreements/contracts on use of genetic resources and associated TK and for the fair and equitable sharing of benefits,” “dossier for application of access permit,” and “designation of two checkpoints” may have instead been targets under Outcome 1. At the same time, as noted earlier, the Outcome 1 indicator target that focuses on national capacity may have been shifted to Outcome 2, given the latter outcome’s strong focus on capacity building.

Possible indicator targets to add to reflect progress in important areas of work: Given the importance of the TK database, another Outcome 1 indicator target might have been realization of an official safe/secure GR and associated TK database system, with entry of at least 100 cases of potentially commercially valuable GR and associated TK entered into the system. Further, Outcome 2 might have had at least one indicator target that reflected actual roll-out of the pilot ABS system or at least complete readiness for such.

Highlights of SMART issues as identified in Annex 10: While the project’s indicator targets are overall roughly SMART, some issues were identified in the preparation of Annex 10. The most prominent is in the specificity area (“S”). Several sub-indicator targets reference “approved” as status of a guideline document or other item, but do not state the relevant entity to approve the item. Further, in some cases such items are not defined clearly enough. Also, the training indicator target (comprised of two sub-indicator targets) might have been more specific in defining what would constitute training in determining number of persons trained. Would one day of training be enough? Would some form of achievement, such as via test be required? In terms of relevance (“R”), there are two sub-indicator targets (that comprise one indicator target) that reference coordination or communication among NCAs. Clearly, the project design assumed there would be more than one NCA designated for Cambodia during the project. Given the EOP situation of still having only one NCA (which is the same as the situation as at the time of project design), the two “NCA coordination/ communication” sub-indicator targets and the indicator target overall are rendered not relevant. While this may simply be due to lack of targeted achievement, it seems the project design may have put greater emphasis on the aim to achieve multiple NCAs and not only on the aim to coordinate among these. The capacity development scorecard indicator target is perhaps the weakest among the group across the SMART criteria. Many of the items in the scorecard are quite general; and progress may be hard to attribute (“A”) to the project in particular. Further, although a scoring system is provided, a certain level of subjectivity may be involved in determining scores (“M”, measurable). And, the items in the scorecard are less directly focused on ABS and the aims of the project than any of the other indicators (“R,” relevant).

Perhaps most challenging of all, but still potentially valuable, is the last indicator target for Outcome 2. Its measurement would have required clear designation of scope and baseline and follow up surveys to assess (reflecting challenges with “S,” specific, and “M,” measurable). The EOP target for the indicator is “at least 60 percent of targeted population of researchers, local communities, and relevant private sector staff, of which at least 30% would be women, aware of key provisions of ABS legal framework.” This is

considered a reasonable and valuable indicator target as the project design does really aim to build up awareness and capacity in an extensive way. Yet, the ProDoc does not indicate the scope of these populations. Also, while the design does include, under Activity 2.3.4, KAP surveys, it does not clearly state when these will be done and that these might be used to assess the last indicator target. For such valuable insights as would have been offered by assessment of this indicator target, it would have been worthwhile to put some effort into defining the size and scope of the targeted populations and carrying out a beginning of project and end of project survey to assess the indicator.

Other design topics recommended by TE guidelines:

Risks: As noted in the prior section, the project design lists a number of *risks*, including the three general risks of weak commitment of the Government to ABS, lengthy legislative process, and technical complications making ABS implementation impractical. As noted, capacity building is referenced in the design as a means of mitigating the three general risks. And, capacity building is well-incorporated into the project design. A key risk that is not listed in the ProDoc risk table is that different government ministries most relevant to the implementation of an ABS system may not be keen to cooperate with each other. This risk could be addressed by a strong emphasis on cross-ministerial activities. And, even though the risk is not listed in the design, review of activities associated with the project results framework show that, indeed, there is a strong effort to bring together different key ministries in a consultative process on the ABS law. As evidence, three of six activities under the ABS law output involve consultations and/or workshops with multiple ministries, particularly those most relevant to ABS. The design also includes six social and environmental risks determined via the SESP.

Lessons from other relevant efforts and linkages with other interventions in the sector: The project design documents do not specifically reference lessons from other projects as being incorporated into design. Yet, inclusion of key elements from the global experience with ABS shows that this international experience was drawn from in project design. Such items include bioprospecting model contracts, GR-associated TK database, bio-community prospecting guidelines, ABS fund, etc.

The project design does a good job referencing and, as relevant, drawing *linkages* with other interventions in the sector. In particular, as noted in the prior section, the design references previous ABS work in Cambodia funded by UNEP and asserts the project will build on this work. It also references related work underway by GIZ and the potential opportunity to partner with South Korea or Japan on ABS demos.

Planned stakeholder participation and partnership arrangements: The project design adequately addresses planned stakeholder participation and partnership arrangements. As reviewed in the prior section, the project design provides a long list of stakeholders to be involved. This list is presented as a “Stakeholder Involvement Plan,” showing mode of involvement for each of 24 organizations or groups listed. Aside from the IP (NCSD and MoE), PB, and ABS sub-TWG, the list and strategy include 17 other government ministries. While this is certainly a comprehensive approach, it may lead to a lack of strategic focus in stakeholder engagement, particularly when, as in the case of the ABS Project, a small number of ministries may play a more critical role than others. It is suggested that future efforts, if including such a long list of government ministries when a smaller handful is more critical than the rest, demarcate the top priority ministries (e.g. top two to five), so that implementers will know where to put the most focus. Based on TE findings, for example, MAFF and MoH, which both have roles in the approval of export of genetic resources, would be especially important to prioritize in ABS efforts, along with the two listed subsidiary agencies of MAFF, Forestry Administration, and Fishery Administration. While the project includes activities for consultations and workshops with a broad group of government ministries, designed activities may have in addition emphasized special one-on-one or small group meetings with priority government agencies. As far as the evaluator knows, the project did not include such focused efforts for high priority ministries vis-à-vis ABS. As for partnership arrangements, the design emphasizes

the opportunity for the project to cooperate with the ABS sub-TWG and with MoE's ABS Office. Further, it clearly identifies NCSD as the IP and UNDP as the GEF IA.

Gender responsiveness and social and environmental safeguards: The project design is responsive to gender, identifying key *gender* mainstreaming measures in the ProDoc main text as well as in an 8-page Gender Analysis and Gender Mainstreaming Action Plan (Annex Five of the ProDoc). As noted in the last section, the design indicates that the project will ensure policy, legal, and regulatory instruments for ABS will include specific considerations for gender and that all relevant documents will be reviewed by the government gender-related entities of MoWA and NCW.

The project design also pays adequate attention to environment and social safeguards. Its Annex 4 is a 14-page UNDP Social and Environmental Screening Procedure (*SESP*). For ABS in particular, the ProDoc includes an emphasis on various social safeguards, such as for the GR-related TK database. It further includes, as noted, six social and environmental risks determined via the SESP and provides mitigation measures. These risks mitigation measures are predominantly related to ensuring the relevant persons in local communities benefit from the exploitation of GRs and associated TK.

Other annexes of interest: Two other annexes of the ProDoc are of special interest for this assessment of project design. First, Annex 11 is a 12-page gap analysis of national legislation with regard to the Nagoya Protocol. It is essentially a table that summarizes the 22 articles of the Nagoya Protocol, along with the national level assessments and actions required by each article. For each article, it reviews the existing legislation in Cambodia and identifies any gaps. This one document, prepared already prior to project launch, has very well-organized information that might have served as the legislative stock-taking and gap analysis (both included in the project design to be done after project launch) to inform preparation of the draft ABS law.

Another annex of interest was prepared in title only: "Annex 8. IP Capacity Assessment and HACT assessment." The one page inserted as this annex states: "This will be done during the DOA stage." DOA stands for "Delegation of Authority" and signifies a letter of agreement between UNDP and the IP. Findings regarding results and implementation raise some question of capacity of the IP of this project. The evaluator did not find the HACT assessment among documents provided, but understands from review comments on this TE Report that a HACT micro-assessment of NCSD was conducted in 2019 and is considered to have a validity of 5 years.

4. Findings on Project Results Part I: Progress towards Targets/ Intended Results

This section is the first of three on project results. It focuses on progress towards targets/ intended results. And, it considers targets (or intended results) of two types: (a) the objective, outcome, and output statements and (b) indicator targets. Designers are tasked with carefully wording objective, outcome, and output statements such that they reflect the true intended situation that the project is to contribute to (objective) or achieve (outcomes and outputs). Review of the objective and outcome statements is an important part of assessing progress towards targets, particularly if/ when indicator targets do not provide the same insights. Because outputs can be changed via adaptive management during project implementation if it is felt changes will facilitate better progress towards targeted outcomes, outputs are generally considered less central in overall assessment of project progress during terminal evaluations. Yet, as noted in the last section, in the case of the Cambodia ABS project, the output statements express some critical aims that are not reflected in the project indicators (such as GR-associated TK database).

For this reason and because the outputs tend to most closely correlate with activities, review of progress toward output statements provides some insights that would otherwise not emerge and thus is included in this section. As for the indicator targets, progress towards their achievement is included at the end of this section in a “Progress towards Results” table. While such a table is no longer included in the UNDP requirements for UNDP-GEF evaluations, some stakeholders favor the format for a quick color-coded review of progress. In addition to assessment of progress toward project indicator targets, this table includes ratings and statements on progress toward the project objective and outcomes. While these objective and outcome assessments may consider the progress toward indicator targets, they also consider the progress towards the objective and outcome statements more generally, in line with the review of these at the beginning of this section.

Progress towards objective and outcome statements: Exhibit 5 provides a brief assessment of project progress towards objective and outcome statements. As has been noted, UNDP-GEF projects aim to contribute, along with other efforts, to achievement of the project objective. Such projects aim to more comprehensively achieve project outcomes, though it is recognized that to do so, the project cannot always depend on its actions alone, but must influence the wider environment.

Exhibit 5. Progress towards Targeted Objective and Outcomes

Notes: Assessment in each case is in the cell below the associated objective or outcome statement.

Color coding of first sentence of each progress assessment: **Green=good progress. Gold=partial progress, but significant shortcomings in terms of target. Red=no or little progress.**

<p>Objective: To strengthen the conservation and sustainable use of genetic resources and associated traditional knowledge by developing a national Access and Benefit Sharing (ABS) framework, policy and legislation consistent with the CBD and its Nagoya Protocol</p>
<p><i>Positive contribution to objective clear (via draft legislation), though not fully reaching the level intended:</i> While conservation and sustainable use has not yet benefited due to lack of rollout of the ABS system (rollout having been clearly intended via Outcome 2 statement), one of the three key preparatory aspects raised in the objective statement has a good probability of being in place soon: Draft legislation (“ABS sub-decree”) is progressing through required channels having passed the ABS sub-TWG and NCSD and having been submitted to the Economic Reform Committee. After approval by the Economic Reform Committee, the final step will be approval/ signature by the Prime Minister. Forms, <i>prakas</i>, and guidelines to support the sub-decree have been drafted and represent important progress, but have not yet been officially adopted by Moe. Differentiation between a “framework” and “policy,” both of which are raised in the objective statement, is not clear, as both might be an official government plan for moving forward with ABS. The ProDoc indicates they are one in the same, while stakeholders in Cambodia provide feedback that an ABS framework can be approved at the ministry level, while an ABS Policy must be approved at the Prime Minister level. The project prepared an ABS framework document that was technically cleared by the ABS sub-TWG in Sept. 2020, but was not signed by the MoE Minister to be adopted. The project did not prepare an ABS policy, which was one of its targets. The project prepared an ABS roadmap in its closing months. This was envisioned in project design to be an implementation plan for an ABS policy. Yet, the roadmap is neither a policy nor implementation plan for a policy, but instead a set of recommended next steps towards achieving ABS rollout in Cambodia. Among the recommended next steps of the roadmap is preparation of an ABS policy. The roadmap, which is fairly general, is likely to be cleared by the ABS sub-TWG, but unlikely to be officially adopted via signature of the MoE Minister.</p>
<p>Outcome 1: National Policy, Legal, and Institutional Framework in line with the Nagoya Protocol on ABS strengthened.</p>
<p><i>Strong progress on legal side; some work related to policy done; less progress on institutional side:</i> As noted above, a strong achievement is finalization of a draft ABS sub-decree. It was decided to pursue a sub-decree (which requires Executive Branch, but not Legislative Branch, approval) rather than law, as</p>

approval could be more expeditious. Elevation to a law might be pursued at a later date. In addition to the sub-decree, a number of instruments to support implementation of the sub-decree (forms, guidelines, etc.) have been drafted and might achieve finalization and adoption by MoE soon. As for policy, as noted above, no policy was prepared, but an ABS framework (approved in Sept. 2020 by the ABS sub-TWG, but not by the MoE Minister) and an ABS roadmap (completed in July 2022) were prepared. The term “institutional framework” can have a broad definition encompassing legislation and policy, but since those items are listed separately in the outcome statement, here it is assumed that “institutional framework” references designation of which government organizations and officials will be responsible for which roles related to ABS. National level designations (the NFP and CNA) were made long in advance of the project without any additional CNAs being designated during the project. The draft sub-decree, however, more clearly defines the roles of the NFP and CNA. Yet, designations of organizations and officials to be responsible for implementation at the sub-national level were not achieved, which is a significant gap in intended progress in the institutional area.

Outcome 2: An administrative and permitting system for ABS established and operational at the national and provincial level in compliance with the Nagoya Protocol.

Progress in developing the system, but not in operationalization: Instruments related to permitting prepared (overlapping with Outcome 1 work), but not yet adopted. Institutional progress needed at sub-national level for operationalization not achieved. As noted earlier, there is some overlap between Outcome 1 and Outcome 2 aims, namely instruments/ guidelines related to permitting and administration of the ABS system and institutional work related to designating responsible institutions at the sub-national levels and their roles in ABS implementation. Instruments and guidelines for implementation of an ABS system have been prepared and have a good chance of eventually being adopted by MoE. Institutions at the national level were designated before project start, but their roles have been elaborated in the draft sub-decree. Yet, a significant gap in preparation for operationalization is that organizations and roles at the sub-national level have not been sufficiently designated, nor has there been specific implementation-oriented training of sub-national staff. There has been no roll-out of the ABS system and no evidence of any pilot cases that would substantiate such a roll-out.

Progress toward output statements: Exhibit 6 summarizes findings on progress toward output statements. As compared to outcomes, outputs are considered more within the capabilities of the project to achieve on its own without influencing outside parties. While their achievement is less of a definitive focus in evaluations, it is still useful to review progress to understand what the project has achieved with regard to each output.

Exhibit 6. Progress towards Outputs

Notes: Assessment in each case is in the cell below the associated output statement. Color coding of first sentence of each progress assessment: **Green=good progress.** **Gold=partial progress, but target unlikely to be met by EOP or shortly after EOP.** **Red=no or little progress.**

Output 1.1: A National Law on ABS in line with the Nagoya Protocol developed
<i>Finalized draft ABS sub-decree achieved. Initial draft of supporting forms, guidelines prepared.</i> Sub-decree approved by ABS sub-TWG and NCSD and submitted to Economic Reform Committee. Once approved by Economic Reform Committee, final step is approval and signature by Prime Minister. Decision to pursue sub-decree instead of law based on concerns that approval of a law would be too slow.
Output 1.2: Comprehensive stock taking exercise including on-the-ground assessment of lessons learned and best practices on ABS and Traditional Knowledge reviewed to inform National ABS framework
<i>Stock-taking conducted, but did not include on-the-ground assessment. Draft framework and draft roadmap prepared.</i> Legislative stocktaking was undertaken under previous output and broad analysis undertaken under a framework assignment for this output. Yet, this work did not examine actual

existing, on-the-ground genetic resource deals in Cambodia as required by design. Draft framework prepared and cleared by ABS sub-TWG in Sept. 2020, but not officially adopted by MoE Minister. Draft roadmap submitted in July 2022, but also did not utilize much on-the-ground assessment. Roadmap was intended to be implementation plan for ABS policy, which was intended to be prepared under this output, but no policy was prepared. The Roadmap instead recommends an ABS policy as a future step.
Output 1.3: Institutional framework defined and established for implementation of the Nagoya Protocol
<i>Some progress on institutional framework (from organizational angle) at national level, but very limited progress at sub-national level.</i> While the broad definition of institutional framework includes legislation and policy, because those are covered via Output 1.1 and Output 1.2, it is assumed that “institutional framework” as referenced in this output is to focus on which organizations and officials will carry out ABS system implementation and what their roles will be. In this regard, at the national level, the NFP and CNA were designated prior to project launch. The draft sub-decree, however, provides specification of their duties. Only very limited progress was made in designation of responsibility at the sub-national level in terms of who will carry out work and what their roles will be. No specification of sub-national entities responsible for monitoring of contracts or their specific roles was achieved. As for sub-national checkpoint work, there is one draft, in-progress <i>prakas</i> that designates MoE generally as responsible for checkpoints, and outlines some related responsibilities, but there is a lack of designation of sub-national organizations as check-points and elaboration of their duties.
Output 1.4: A system to document and safeguard Traditional Knowledge established
<i>No evidence that a system to document and safeguard TK was established or even designed:</i> A report appearing to have been intended to address this output was prepared with 28 pages of background information, a 50-page annex listing traditional medicines as taken from MoH’s National Center for Traditional Medicine (NCTM), and a 157-page annex listing traditional medicine “formulary” (including use and dosage) of about 157 different plants, also from NCTM. Very general guidelines for bio-community protocols were also prepared.
Output 1.5: Effective financial mechanism for benefit sharing from ABS agreements established
<i>One prakas drafted, but lack of detailed analysis/explanation and lack of cross-ministerial prakas:</i> A 2.5 page MoE <i>prakas</i> on an ABS Fund has been drafted, though not yet adopted. No analysis or proposal with more detailed aspects of the rationale and plans for the fund have been prepared. Further, there is no cross-ministry <i>prakas</i> between MoE and MoEF for this fund as envisioned.
Output 2.1: An administrative permitting system and check-points to enable implementation of the national ABS law is established
<i>Draft instruments and guidance documents, but lack of designation of responsible sub-national institutions/ officials and their duties.</i> Several forms related to access permit have been prepared in draft form, such as request for access permit, access permit, request for extension of access permit, etc. MoE <i>prakas</i> “Establishment of Checkpoint to Monitor Utilization of Genetic Resource” partially drafted. The <i>prakas</i> indicates one or more MoE officials will serve as checkpoint, but states that a subsequent MoE <i>prakas</i> will specify whom will be designated. Procedures for monitoring export still to be drafted (as part of the “Establishment of Checkpoint...” <i>prakas</i> . As of yet, no clarification on which organization and which officers will monitor compliance with contracts at sub-national level.
Output 2.2: Targeted training provided to National Competent Authorities (NCAs), Focal Points (FP) and related agencies on the various aspects of ABS management
<i>General training provided, but not targeted to specific duties.</i> 7 large workshops held with general awareness raising on ABS. No training on ABS system implementation at national or sub-national level that is specifically targeted to enable officials with different roles vis-à-vis ABS to carry out their duties. One challenge in this regard is that responsible parties and duties at the sub-national level have

not yet been identified. In July 2022, the project held a workshop that included general ABS awareness raising, but that is also said to have gone through the sub-decree article-by-article, particularly explaining procedures. This training included national officials, subnational officials, NGOs, local community representatives, and women, suggesting that it took a broad, rather than targeted, approach. Aside from such general workshops, there was some more specific PMU support of DBD's ABS Office in work related to permitting for GR exports, but these were non-commercial deals and did not include benefit sharing with community.

Output 2.3: Communications, education and public awareness (CEPA) strategy and action plan developed and implemented

CEPA strategy was developed by contractor but not systematically implemented. Project did, however, carry out a number of awareness raising activities. Also, a communications strategy building on KAP survey was developed but not implemented in a systematic manner. Significant awareness building work (e.g. videos, brochures, workshops) was undertaken. Yet, plans for these items appear to predate these strategies; and this work did not represent systematic implementation of the strategies.

Output 2.4: Functional role National ABS Clearing House Mechanism extended to promote technical and scientific cooperation, knowledge sharing and information exchange

Consultant created Cambodia ABS CHM website, but MoE neither hosting nor updating the website. Website, still hosted by contractor³⁹, likely unknown to most relevant stakeholders. No evidence of dynamic technical and scientific cooperation, knowledge sharing, or information exchange as of yet. No evidence of system developed to determine what materials will be included in the ABS CHM, though website contractor has provided an IT guide on how to add materials to the website.

Output 2.5: Gender Mainstreaming and Monitoring and Evaluation strategies developed and implemented

Gender mainstreaming strategy prepared, but not implemented. Consultant prepared report on framework for tracking GR and TK, but only two pages of report addressed the main topic and the rest of the 56 pages of content was mostly repetition of other work previously prepared by the project. Gender mainstreaming strategy was presented at a workshop at which it was one of two key topics, the other being the ABS sub-decree.

Progress towards targets table, which shows progress toward indicator targets and objective and outcomes overall: The table shown in Exhibit 7 is a standard one required of UNDP-GEF mid-term reviews and that used to be required of UNDP-GEF TEs. While it is no longer required for the latter, it is deemed by some stakeholders to be useful in quickly reviewing progress towards indicator targets, given the color coding: green for good progress and achievement of target, yellow for partial progress, and red for no or little progress. In the table below, this coding is used. In a few cases, intermediate colors are used to indicate progress intermediate to the three main, aforementioned categories. In the far right column, ratings for the objective and outcomes are given, along with justification of the ratings. Notably, the objective and outcome ratings are not based solely on the progress toward indicator targets. As shown in the previous section (which assessed project design), indicator targets do not always comprehensively address progress towards the respective objective or outcome. Thus, assessment on progress towards objective and outcome statements is based on whether the aim they describe is met, along with considering the progress of the various outputs meant to support their achievement. This assessment necessarily overlaps with that in Exhibit 5. It is included in the progress towards targets table to provide a juxtaposition of the assessment of indicators to the overall assessment of the objective and outcomes assessment, which they are meant to support.

³⁹ A challenge is that the previous website hosted by DBD/MoE is no longer in use. A decision has been made to shift the website to a domain hosted by the Ministry of Posts and Telecom. It is reported that DBD/MoE has sent a request letter to Ministry of Posts and Telecom regarding hosting at the new domain.

Exhibit 7. Progress towards Results Table (Indicators and Objective/ Outcomes)

Color key of progress towards indicator target: **green=good progress/ achievement of target**; **yellow=partial progress**; **red=no or little progress**
 Colors intermediate to the above indicate intermediate levels of progress: **orange=intermediate between yellow and red**; **light green=intermediate between green and yellow**.

Strategy	Indicator	Baseline	End of Project Target	Indicator Value at time of TE	Objective or Outcome Rating and Justification for Rating
Objective: To strengthen the conservation and sustainable use of genetic resources and associated traditional knowledge by developing a national Access and Benefit Sharing (ABS) framework, policy and legislation consistent with the CBD and its Nagoya Protocol	National law on ABS strengthens the conservation and sustainable use of genetic resources and associated traditional knowledge.	Legal and regulatory framework for ABS partially exists, but not all provisions of Nagoya Protocol are incorporated in the current framework	Draft national law on ABS developed and presented to cabinet for approval	Draft national ABS sub-decree, approved by ABS sub-TWG and NCSD and submitted to Economic Reform Committee. If approved by Economic Reform Committee, sub-decree will advance to Prime Minister for final approval and signing. Sub-decree is considered to have a good chance of being fully approved. Although a law was originally targeted, the decision to pursue a sub-decree was made at the Inception Workshop as a means of expediting action. Careful work was done in revising the sub-decree; and it might one day be elevated to a law. There are a number of draft forms and instruments developed to support the sub-decree, also serving as an important achievement of the project, though they also have not been formally adopted.	Moderately satisfactory: The project objective overall is highly relevant to the situation of Cambodia, given the rich biodiversity, threats to conservation, and high potential for successful bioprospecting and commercialization cases, given the many medicinal plants and associated traditional knowledge. The project made good progress towards establishing an “ABS system,” particularly as realized by finalization of the draft ABS sub-decree. A number of supporting forms and guidelines have been drafted, though need to enter the adoption pipeline. An ABS policy was neither prepared nor adopted as intended. A draft framework and draft roadmap have been prepared and may serve as useful references, though are unlikely to be adopted by the ministry level. Most significantly, there is a lack of roll-out of the ABS system as targeted by the project and even a lack of readiness for roll-out due to the lack of a number of other targeted elements. Absent elements include: designation and tailored training of parties to be responsible at the sub-national level for ABS implementation,

					GR and TK database system, sufficient outreach to and capacity building of key stakeholder groups (especially communities and the private sector), ABS monitoring and tracking framework, etc.
Outcome 1: National Policy, Legal, and Institutional Framework in line with the Nagoya Protocol on ABS strengthened.	National ABS Policy that complies with the CBD and its Nagoya Protocol	While elements of ABS provisions exist in a multitude of national policies, there are no rules and regulations and institutional mechanisms for its implementation	National ABS policy approved by the Executive Government	The project did not prepare an ABS policy and an ABS policy was not approved by the Executive Government. The project prepared an ABS Framework. Such a framework might be approved at the ministry level, but though submitted to the Minister of Environment in late 2020, the framework has not been adopted. The project design called for an ABS roadmap that would be an implementation plan for the ABS policy. An “ABS roadmap” was prepared, but is not such a plan. Instead, it highlights the ten or so items that Cambodia should focus on next to advance its ABS work. The roadmap is high level and not detailed in its presentation of these ten or so items. Included among those items, ironically, is preparation of an ABS policy.	Satisfactory: Among <u>Outcome 1</u> aims in the policy, legal, and institutional areas, the very strong progress on the legal side makes this outcome stand out as well-performing despite disappointing progress in the other two areas. Finalization of the draft sub-decree, which has been making marked progress through the different steps toward approval, is the project’s strongest achievement. Although a law as originally intended was not pursued, a sub-decree (which requires only Executive Branch approval) is considered more expeditious and has the potential of eventual elevation to a law. As for policy work, the project never drafted an ABS policy and no such policy achieved Executive Branch approval. An ABS Framework and an ABS Roadmap have both been prepared and, in theory, could be approved at the level of the MoE Minister, but such official adoption looks unlikely and these documents are not expected to make much of an impact. As noted, the term “institutional framework” can have broad scope, but here is assumed to more narrowly reference the designation of government entities responsible for ABS implementation. The
	Change in capacities of national competent authority (Department of Biodiversity of the National Council for Sustainable Development) for ABS implementation as shown by an increase in UNDP ABS capacity development scorecard	Limited national capacity for ABS implementation as shown by UNDP ABS capacity development score of 21	At least 20 point increase in national capacity for ABS implementation as measured by UNDP ABS capacity development scorecard from baseline of 21	Findings suggest some improvement in capacity of DBD, but not at the level targeted. Capacity building via workshops was general, rather than specific training on how to implement ABS. At the same time, there was some specific assistance of the two to three staff in the DBD’s ABS Office by the PMU in carrying out GR export permitting work for research institutes (though this did not include benefit sharing for communities). While some mid-level managers were also said to be involved in ABS efforts, they did not respond to requests for consultation for the Cambodia ABS Project’s TE. By TE estimates, the UNDP ABS capacity score increased by 8 points from 21 to 29 (target was 42), which in terms of percentage of a “full score” is an increase from 32% to 44% (target was 64%). See Annex 4 for explanation.	

					national level designations of NFP and CNA were already in place at start of project, though the sub-decree clarified NFP and CNA responsibilities. Unfortunately, sub-national designations of institutions responsible for monitoring ABS contracts and checkpoint work were not achieved and progress definition of roles at the sub-national level is extremely limited.
Outcome 2: An administrative and permitting system for ABS established and operational at the national and provincial level in compliance with the Nagoya Protocol	Extent to which administrative and permitting system for ABS developed and implemented	No guidance, circulars or manual exists for the ABS permitting and monitoring system	Administrative and permitting systems for ABS developed and approved as measured by availability of:	Overall assessment of this indicator: Considering the six below sub-targets and other findings, progress towards administrative and permitting systems for ABS having been developed and approved is partial. In support of the draft sub-decree, a number of forms, <i>prakas</i> , and a guidance document have been prepared, but have not yet been formally adopted by MoE. These items cover at least 3 of the 6 items targeted below. For the other 3 items, some related work has been undertaken, but fell far short of the indicator sub-targets.	Moderately satisfactory: Operationalization of Cambodia's ABS system as targeted by <u>Outcome 2</u> has not been achieved and, further, a number of steps to make the system "operationalization ready" have not been taken. Instruments have been prepared (though not adopted). Yet, institutional progress in determining who will implement at the sub-national level (which is assessed to be a target under Outcome 1), defining their roles, preparing manuals, and training them has not been achieved. In terms of capacity building which is a major thrust of Outcome 2, plans (CEPA strategy and communications strategy) were made, but not implemented. Yet, awareness of ABS was improved by a number of workshops and dissemination of hundreds of brochures. Also, seven videos have recently been prepared that may be disseminated in the future. To
			(a) Guidance document on obtaining PIC for access to genetic resources and for TK associated to genetic resources	There is information on the PIC process, forms for applying for and approving PIC, some guidance for providers on PIC, and an overall guidance document on ABS that includes PIC content. Most of this has not been officially adopted by MoE, though the relevant article in the sub-decree (which will require approval by the Prime Minister) has clearly advanced in the approval pipeline. The items are: -Article 16 of the draft ABS sub-decree has a ½ page explanation of the procedure for requesting prior informed consent. - Project has prepared a ¾ page form entitled "Request for Prior Informed Consent" and ½ page form entitled "Reply to the Request for Prior Informed Consent." -A separate document "Decision to Commence the Process for Access to Genetic Resources and Associated Traditional Knowledge" has a 1 ¾ page annex entitled "Instructions for the Provider" -A 13-page document "Guidelines to Facilitate Access Benefit Sharing Procedures" includes information on PIC in addition to other steps in the ABS process.	

			(b) Guidance document for negotiation of agreements/contracts on use of genetic resources and associated TK and for the fair and equitable sharing of benefits	<p>The project has prepared a number of items that can serve as guidance for ABS contracts/ agreements or as models for such. None of these has been formally approved by the Government. It is recommended that the Government consider adopting one or more model contracts as annexes to the sub-decree, which is in the pipeline for approval. Items prepared include:</p> <ul style="list-style-type: none"> -Bioprospecting contract guidelines (submitted July 2022). -Bioprospecting model contract (20 pages, submitted July 2022). It is said this might be used for bio-prospecting agreements or modified to be used for benefit sharing agreements for GRs already with verified commercial value. - Model MAT (mutually agreed terms) of 8 pages, a sort of sample contract. -Bio-community protocol guidelines (submitted July 2022). These are quite general/ high-level. More specific guidelines may be needed to define a process whereby communities can determine protocols for how they will in the future negotiate agreements on the use of GR and TK -A 13 page “Guidelines to Facilitate Access and Benefit Sharing Procedures” includes some guidance on negotiations for both provider and users. 	move towards the outcome’s aim and prepare Cambodia for ABS operationalization, more tailored training for those that will play a role in implementation will be needed. So far, all training has been general and more in the realm of awareness raising, rather than of implementation readiness.
			(c) Dossier for application of access permit	<ul style="list-style-type: none"> -The finalized draft sub-decree designates in its Article 5 (1/2 page) the information to be include in the Application for Access to Genetic Resources or Associated Traditional Knowledge. In its Article 6 (1/2 page), it lists the documents to be attached to the application. -A draft 12 ½ page Application to Obtain Permission for Access to Genetic Resources and Associated Traditional Knowledge has been prepared, awaiting approval by MoE. It includes blanks for the required information and a section on documents to be attached. 	
			(d) Designation of 1-2 check points	No checkpoints designated; A weakness of project is lack of designation (and relatedly, lack of role-specific training) of who has which sub-national responsibilities for ABS implementation	
			(e) Guidance document on procedures for use of the ABS Clearing-House Mechanism	A CHM website was prepared by a contractor, but is still being hosted by the contractor, lacking a URL provided by the government (please see footnote 39). While the contractor provided instructions on how to add items to the website, the guidance referenced in this indicator target is interpreted to cover what types of documents will be uploaded to the clearinghouse and what kind of exchange will occur on the	

				CHM platform. No evidence of a guidance document of this type was obtained.	
			(f) Guidance document for ensuring transparency on compliance and monitoring the utilization of genetic resources and associated TK	<p>-There is an in-progress draft 2-page-so-far MoE <i>prakas</i> on the Establishment of Checkpoint to Monitor Utilization of Genetic Resources. The <i>prakas</i>' Article 5 ("Procedures of Monitoring the Export of Genetic resources from Cambodia") had not yet been drafted.</p> <p>-Monitoring of compliance with contracts is also needed, but responsibility for this is not yet designated</p> <p>-A national consultancy prepared an ABS Monitoring and Tracking Framework report with 56 pages of content, but only two pages addressed the monitoring and tracking framework and the rest of the report was mainly a repeat of content that had already been submitted via other project outputs.</p>	
	Extent of coordination for the operationalization of the ABS permitting system among the different national authorities involved on ABS	No coordinating system exists currently	Effectiveness of coordination and operationalization of ABS permitting system as measured by:	Overall assessment of this indicator: Considering the two below sub-targets and other findings, there has been little if any progress towards coordination and operationalization of the ABS permitting system as: (i) sub-national responsible parties have been neither designated nor trained; (ii) Cambodia has only designated one NCA and this has overlap with the FP;	
			(a) Guidelines for coordination and information sharing between FP and NCAs, and amongst the NCAs	No such known guidelines. So far, there is just one FP, who is within NCSD and MoE. Further there is just one NCA, which is NCSD (or MoE). No further designations of organizations and officials responsible for implementation has been made.	
			(b) Network of NCA with the involvement of the NFP fully functional using, inter alia, electronic communication mechanisms	As noted above, there is only one NCA; and no clear sub-national designations of officials responsible for implementation of the ABS system have been made. There is thus not the possibility of a network of NCAs with established communications mechanisms.	
	Number of staff of national and provincial competent authorities trained in ABS to facilitate the implementation of the national	Limited number of staff trained in ABS	----	Overall assessment of this indicator: Considering the overall indicator statement, which emphasizes the training is "to facilitate the implementation of the national ABS framework," and the progress towards the two sub-targets, progress is assessed as partial. Training did occur and a large number of officials, particularly at the national level, were trained, but training was general awareness raising and did not specifically raise capabilities to implement Cambodia's ABS framework, though in one case the sub-decree is said to have been reviewed article-by-article in a diversified training	

	ABS framework			group (officials, NGOs, community representatives, etc.). More tailored training will be needed, particularly at the sub-national level once the sub-national officials responsible are designated.	
			(a) At least 100 officials at the national level trained on ABS related topics (including at least 30% are women)	Achieved via seven project workshops, including the inception workshop. Unique national attendees are estimated at 360 persons of which 127 (or 35%) were women.	
			(b) At least 50 provincial level staff trained on ABS (including at least 30% of women)	For the seven project workshops, in terms of provincial-level staff, an estimated 50 unique persons of which 23 (or 46%) were women were trained.	
	Percentage of the population of researchers, local communities and relevant private sector targeted by the awareness campaign of the legal framework	Perception survey in year 1 to establish the baseline	At least 60 percent of targeted population of researchers local communities, and relevant private sector staff, of which at least 30% would be women aware of key provisions of ABS legal framework	While total targeted population is not defined and year 1 survey was not carried out, it is concluded that little to no progress was made towards this ambitious target. The project did not reach out to the private sector and the involvement of researchers and local communities was extremely limited. As the ABS sub-decree has not been disseminated outside of workshops, the only persons in these categories that would be aware of the key provisions of the ABS sub-decree might be those attending workshops. Across the 7 workshops, about 21 unique community leaders are said to have attended and about 40 rangers, who may interact with communities, are said to have attended, though the evaluator was unable to verify these numbers or interview any such participants.	

5. Findings on Project Results Part II: Details on Results and Assessment of Relevance, Effectiveness, and Efficiency

This section will provide more details and insights on results and also assess relevance, effectiveness and efficiency of those results. To provide the further details and insights, the section divides the overall work of the project into major batches of items that share certain characteristics. These are: (1) reports/ plans (items that do not generate a utilizable output in and of themselves, but are meant to contribute to such outputs); (2) ABS sub-decree; (3) capacity building, awareness raising, and information building work; and (4) “race to the finish” - work initiated and carried out in the last 3 to 4 months of the project. This last group may overlap with some of the prior categories in nature, but its items are grouped separately because of their timing. The “race to the finish” items were not finalized until after the draft version of this TE report had been submitted, so are now addressed more fully in this final version of the TE Report. The four categories/ batches and very brief assessment are shown together in Exhibit 8 to give readers an overview. The items are then discussed by batch below, followed by some cross-cutting insights. Last, ratings and assessment across all results/ activities are offered for the areas of relevance, effectiveness, and efficiency.

Exhibit 8. Overview of Main “Batches” of Work into which the Analysis of this Section Subdivides Project Activities

Note: Color coding indicates overall assessment of utilizable potential/ potential impact of items as a group in each batch. **Green** = strong positive impact, **yellow** = middling impact, **red** = very weak impact. Intermediate color indicates intermediate potential: **light green**=intermediate between green and yellow.

Reports/ plans: 10 items (see footnote 5 for listing). This is background and planning work. Not much use was made of these in developing the project’s utilizable outputs.	ABS Sub-Decree: Major potentially utilizable output of the project. Good chance of being adopted via signature of Prime Minister.
Capacity building, awareness raising, and information building work: This work has generally expanded awareness of ABS among government stakeholders, though (i) there is a need for capacity building more specific to implementation and (ii) work with other groups (e.g. private sector) would have been desirable. (iii) Some items need further work/ dissemination.	“Race to the finish” products: Prepared last 3 to 4 months of project. Main potentially utilizable output is 60 or so pages of forms, <i>prakas</i> , and guidelines to support implementation of the sub-decree and a 20 page model bio-prospecting contract. Some other items may face the same “not much used” fate as “reports/plans” in upper left corner of this exhibit.

ABS-sub-decree: The draft ABS sub-decree, finalized in Nov. 2021, has 20 pages and 9 chapters, the latter subdivided into 62 articles. Exhibit 9 shows the chapter titles and, where relevant, chapter part titles. As reflected in these titles, much of the content of the sub-decree is quite specific and administratively-related. For example, the sub-decree covers: the process for applying for access to GRs, how to get an extension on this process, and level of fines for various types of non-compliance with the sub-decree.

Process of preparation of sub-decree and timeline: The process and timeline for preparation of the ABS sub-decree (see Exhibit 10) began in Dec. 2020 when the international consultant, working on his own, prepared the first draft of the sub-decree in English. This took one to two months. After this, either the national consultant or MoE staff translated the sub-decree into English (feedback on who carried out this step varied). For a period of about 5 months (from around Feb. to June 2021), there were some in-person meetings held on the sub-decree, but no particularly notable progress. Then, from around July to November, 2021, a period of about 5 months, a very intensive process of sub-decree revision was carried

out. During this period, there were online video (“Zoom”) meetings, roughly once per week, with a total of around 30 meetings. These meetings were attended by an MoE leader (undersecretary of state) and 5 or more colleagues from MoE, a Ministry of Justice leader (secretary of state) and two assistants, and the international consultant and his personal interpreter. The national consultant is believed to have attended at least some of the meetings. Meetings were conducted in Khmer and were essentially a line-by-line review of the sub-decree, with real-time revisions made during the meetings when needed. Noting changes made to the Khmer version, the international consultant made analogous changes in the English version. After completion in around Nov. 2021, the ABS sub-TWG approved the draft sub-decree in Dec. 2021 and NCSD approved it in May 2022. Findings suggest, taking out “lost time,” the main process to produce the final draft sub-decree was 7 months. If the “lost time” is included, the total time to produce the final draft sub-decree was about 1 year.⁴⁰

Exhibit 9. ABS Sub-Decree Chapter and Chapter Part Titles

Chapter. 1 General Provisions

Chapter 2 Requirements and Procedures for Access to Genetic Resources

Part 1: Requirements

Part 2: Application for Access to Genetic Resources or Traditional Knowledge

Part 3: Decision

Part 4: Procedures after Obtaining a Decision to Commence the Process

Chapter 3. Obligations of Users, Information, and Data Updating

Part 1. Obligation of Users

Part 2. Information

Chapter 4. List of Names of Providers of Genetic Resources, Preparation of Policy and National Report, and Dissemination of Capacity Building

Part 1. List of Names of Providers of Genetic Resources, Preparation of Policy and National Report

Part 2. Dissemination, Training, and Cooperation

Chapter 5. Benefit-Sharing Modalities and Procedure

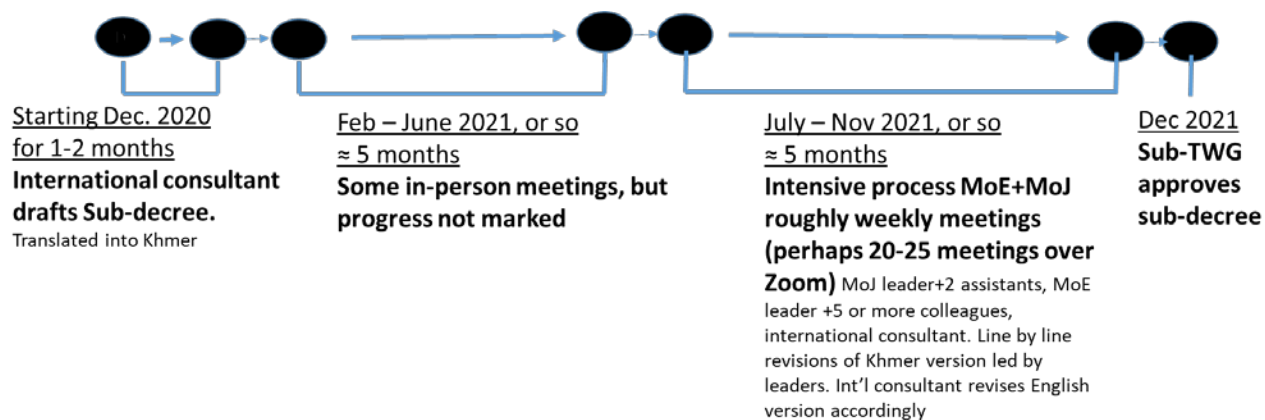
Chapter 6: Check and Confirmation

Chapter 7: Sanctions

Chapter 8. Transitional Provisions

Chapter 9. Final Provisions

Exhibit 10. Process and Timeline for Preparing ABS Sub-Decree (7 months focused time; 12 mos total)



⁴⁰ The Covid-19 pandemic is likely to account for some of this “lost time,” while MoE shifted from an in-person to online format. At the same time, it’s not clear why the initial in-person meetings were not productive.

Sub-decree strengths, weaknesses, and next steps: As described above, the sub-decree underwent a careful process of revision under high-level leadership. ABS is a complex topic and a careful process is warranted, as countries would not want to make mistakes in the process and as a result, say, share rights to their resources too cheaply. At the same time, a briefer sub-decree, which left more of the details to be developed in supporting guidelines, could have been possible and moved the process along more quickly. Yet, a benefit of the quality and completeness of the current draft sub-decree is that it may have the potential in the future to be elevated to law, which would give it more enforcement potential.

Progress towards and likelihood of approval: The sub-decree has made good progress towards approval and has a good outlook for full adoption. As noted, both the sub-TWG (in Nov. 2021) and NCSD (in May 2022) have approved the sub-decree, which has not been submitted to the Economic Reform Committee (approval by which is required because the sub-decree has economic relevance). The last step in the process will be approval by the Prime Minister. While approval of the sub-decree is not assured, the outlook for timely adoption (within 1 year or even by end of Q1 2023) is considered good. The key factor in determining how approval will progress is believed to be that of whether leadership sees urgency (such as GRs being exported now without benefit to the country). The sub-decree is said to have strong support of the MoE minister, who may serve as an important advocate towards achieving full approval.

Need to move forward with approval and perhaps address process and content concerns in parallel process of elevating to law: Some concerns with the process of preparing the sub-decree and with its content were identified via TE consultations and document review. Yet, it seems very important for the overall benefit of the nation to move forward with the process of getting the draft sub-decree, which is of good quality, approved as is. In the meantime, a parallel process may aim to address the concerns, with any progress incorporated into the legislation once the time comes to elevate it to a law.

Lack of consultation with key groups in sub-decree preparation: In terms of process, there was a lack of substantial consultation of key groups in preparation of the sub-decree. That is, they were not asked for their input on the draft sub-decree in a meaningful way. (Please see footnote 7.) Key groups that were not substantially consulted and that may be consulted in preparation of elevating the sub-decree to a draft law in the future include: indigenous and local communities, NGOs, and the private sector. Because local communities and the private sector are slated to become key players in the ABS process, it will be especially important to have their input. While it may be difficult to liaise with individual local communities on an extensive level, there are groups or representatives, such as representatives of indigenous people networks, that might have been consulted. Cambodia does not require consultations for preparation of a sub-decree, but the nature of this sub-decree suggests that consultations would have been highly valuable. And, such consultations were called for in project design. There was some limited inclusion of rangers, community leaders, and medicine men in project workshops, though this was not the same as soliciting their input for draft legislation. (Please see footnote 17.) Further, it has been noted that government officials responsible in some way for indigenous or local communities were involved with the project. While this is desirable, it is certainly not the same as direct consultation with these groups for their input on the ABS legislation.

Lack of sufficient consultation with other key ministries in sub-decree preparation: There also appears, with respect to sub-decree preparation, a lack of sufficient consultation with other ministries (please see footnote 7). As noted, the sub-decree preparation process involved only MoJ and MoE. The ABS sub-TWG, which approved the sub-decree, is cross-ministerial. Yet, it meets only twice yearly and does not appear to have been a source of substantial consultation regarding the content of the ABS sub-decree. Findings in one of the reports prepared for the project show how more than one ministry may have purview over the export of certain plants, so that users may choose from which organization to seek approval. And, certainly, more than one ministry has purview over the export of GRs, when GRs of various categories or various locations of origin are considered. Because of this, the legislation would

have ideally proactively sought the input and buy-in of other relevant ministries. And, full implementation of the sub-decree as is may require development of joint *prakas* with other ministries, such as with MAFF. While MoE now has purview over not only conservation areas, but also protection forest, MAFF has purview over agricultural areas, which may be important to ABS with regard to crop-related GRs developed by indigenous and local communities.

Issue of benefit sharing for land not owned by the community, but traditionally used by it: In terms of content, some challenging areas are noted that might also be addressed after the sub-decree is adopted, once it is in the process of being elevated to law. One is related to benefit sharing on non-community owned land. For community-owned land, the sub-decree clearly states that, of whatever break-down of benefit is agreed with the commercial user, provider share will be split 70% for the community and 30% for the government. Yet, there is no clear such allocation in cases where communities live in the vicinity of land they do not own, though may have used such land traditionally.⁴¹ This is the case, for example, with conservation zones in protected areas. When the PA and its conservation zone were set up, the community may have been told it can no longer use this land that it might have traditionally used. And, they may be complying. Yet, if that land is later utilized for economic benefit, would it be fair to exclude the community or offer them only a very small share of the provider benefit?

Ensuring benefit to women who are holders of TK: Another question that is not addressed in the draft ABS legislation is how to ensure benefit to women. The project's gender analysis found that women tend to be holders of TK for GR, knowing much more than men about plants that have medicinal benefits. While determining the manner in which to ensure women benefit may be challenging, the sub-decree currently lacks even basic recognition of the importance of women with regard to TK. Absence of this type of recognition in the sub-decree may weaken the potential for women to realize deserved benefits for their TK.

Project background reports as source of information for special topics that may be included in sub-decree: Other items that may be considered for upgrading the content of the sub-decree once efforts to elevate it to law are commenced are highlighted in some of the reports prepared for the project. As will be discussed, these reports appear to have been intended as input for the sub-decree work, but were not really used in that way. This lack of utilization was probably in large part due to the reports' lack of specificity, but lack of inclusion in the sub-decree of some key topics mentioned in these reports may also suggest lack of sufficient attention to the content of the reports. (Please see footnote 12.)

IPR for GR and TK: One area emphasized in such reports is that of IPR – IPR for TK and GR. Standard IPR policies do not always cover GR and TK to the extent needed for an effective ABS regime. While Cambodia's seed policy may cover some of the GR IPR needs, there may be other areas related to GR and TK in an ABS system that are not sufficiently addressed by existing IPR legislation. The sub-decree addresses the sharing of benefits from IPR achieved by the user, but does not appear to address IPR measures to protect the GR and TK of the provider. (Please see footnote 9.) In particular, because TK is generally collective, rather than individual, and TK may have other differences with items than can be patented, there may be a need for an innovative approach to protecting TK. This is reflected in the project design's aim to develop a system for documenting TK, but does not appear in the legislation or supporting instruments.

Relevant legislation and purview of other ministries, such as over export of GR: Another area emphasized in such reports is legislation related to ABS and, relatedly, purview of various ministries over ABS-

⁴¹Supporting documents for the sub-decree appear to suggest that communities substantially involved with GRs may be "added" as providers, but there is no indication how benefits will be shared with the initial provider, the landowner, which in the cases described may be the government. Please see also footnote 8.

related topics, particularly export of GR. As noted earlier, findings in one report suggest there is overlap in purview over export of genetic resources, such that an exporter might choose which entity it prefers to make application to. The report identifies related legislation. To make the ABS system run smoothly, there may be a need in ABS legislation to acknowledge the pre-existing related legislation and describe its role or how it will be dealt with. Or, alternatively, the ABS legislation might at least describe the roles of various entities, such as MAFF and MoH, in the export of GR and how these roles will be integrated with the ABS system laid out in the ABS legislation. Yet, the current sub-decree does not acknowledge any other existing legislation (aside from the Law on Non-Suit Civil Case, the Criminal Code, and the Civil Code) and does not acknowledge the role of other ministries in the export of GR.

Reference to bio-community protocols: As discussed later in this section, the project has commissioned work on guidelines for bio-community protocols. A bio-community protocol is a methodology or system developed by the community for negotiating ABS contracts with potential users. Developing a protocol for each relevant community may require extensive facilitation work. At present, the sub-decree does not mention bio-community protocols. Yet, if development of such protocols will be an important aspect of the ABS system to be adopted by Cambodia, it may be worthwhile for the ABS legislation, when elevated to law, to include reference to the importance of developing and implementing bio-community protocols.

“Race to the finish” - work initiated and carried out in the last 3 to 4 months of the project: As will be discussed in more depth later, a late start to sub-decree work and other delays resulted in the project, as of early 2022, with just a few months left in the original implementation period, having as its main utilizable product the sub-decree and some awareness building items and events. With approval of a 3-month extension, the project arranged for what is in this report called “race to the finish.” It commissioned four contracts with significant total budget for the last 3 to 4 months of the project: one contract for the period of March to June, 2022, and three contracts for the period April to June, 2022. Description of the outputs of these four contracts and assessment of them is provided in the text below (organized by contract), with findings on the 7 individual outputs summarized in table form in Exhibit 12. The draft version of this TE Report had provided recommendations on preparation and utilization of some of these items. Now that the items are completed, however, the focus is more on assessment, though there are recommendations for a few of the items. The highest potential of the items are the instruments in support of the sub-decree and the model bio-prospecting contract and guidelines. Other items may not be as utilizable, facing similar challenges to the early work of the project, which will be discussed later in this section. These other items include a monitoring and tracking framework report, an ABS roadmap, bio-community protocol guidelines, capacity building tools, and work on an ABS financial mechanism.

1. Preparation of national ABS instruments, administrative measures, and procedure guidelines to support the implementation of the Nagoya Protocol, also including the financial mechanism output – international consultant: This assignment involves preparation of 23 items, including a range of forms, form letters, *prakas*, and one guidance document, to support implementation of the ABS sub-decree. The 23 items are mostly finalized, with content covering about 65 pages, though a few gaps waiting for input from MoE remain. All items were prepared by the international consultant without input from any national consultant, though there is a national consultant contract with the contract period of Dec. 2021 – June 2022 with the same “instruments” topic as the international consultant’s contract has. The national consultant may have translated the instruments into Khmer and then worked with the PMU and DBD on revisions. Exhibit 11 lists the included items of the international consultant’s work. These items have been “cleared” by the ABS sub-TWG, but need to be officially adopted by the government. It is understood that most of the items may be adopted via signature of the MoE Minister. If officially adopted, they will be a valuable contribution to progress in Cambodia towards implementation of an ABS system, because they build on the sub-decree, providing various items that will be utilized in implementation. Evidence that MoE has not yet provided its input is found in Article 5 of the draft Checkpoint *Prakas*, which (as of July 13, 2022) indicates it is still awaiting MoE input.

Exhibit 11. Items Drafted under “ABS Instruments, Measures, Guidelines” Assignment

1. Application for Access to GR and TK	15. Decision to Deny Access Permit
2. Decision to Commence the Process	16. Decision to Revoke Access Permit and Impose Administrative Fine
3. Request for Extension of Validity Period of Decision to Commence the Process	17. Letter to Impose Administrative Fine
4. Decision to Extend the Period of Decision to Commence the Process	18. Joint <i>Prakas</i> (MoE and MoEF) on filing fee of application for Access to GR or a Traditional Knowledge (TK) and extension of Access Permit
5. Decision to Request Further Submission	19. <i>Prakas</i> (MoE) on the guideline for determination identification of providers
6. Decision to Conduct Further Investigation	20. <i>Prakas</i> (MoE) on Establishment and Management of Access and Benefit Sharing Fund
7. Decision to Deny the Application	21. <i>Prakas</i> (MoE) on establishment of checkpoint to monitor utilization of Genetic Resources
8. Prior Informed Consent (PIC)	22. <i>Prakas</i> on Detailed Modalities regarding Monetary Benefit Sharing
9. Mutually Agreed Terms (MAT) (<i>sample</i>)	23. Guideline to facilitate Access and Benefit Sharing Procedures
10. Request for Access Permit	
11. Access Permit	
12. Request for Extension of Access Permit	
13. Decision for Extension of Access Permit	
14. Decision to Request Further Submission	

The TOR for this assignment indicates it is to cover three areas: (1) ABS legislation, (2) administrative and permitting system, and (3) ABS financial mechanism. While the first item is quite straightforward, requiring preparation of a number of instruments that appear to have been prepared, the other two items may allow some room for interpretation and seem to have been carried out with a relatively narrow interpretation. In particular, the TOR for the financial mechanism includes in its steps: (a) undertaking a legal analysis and (b) reviewing legal options for setting up of the financial mechanism. Yet, the required outputs, which are to cover provisions and procedures for establishing financial instruments, fund flow arrangements, guidelines for use of these funds, and financial reporting procedures are more limited, including just: (i) Detailed modalities regarding benefit sharing; (ii) *Prakas* (MoE) on ABS Fund; and (iii) Joint *Prakas* (MoE and MoEF) on the Establishment and Management of Biodiversity Conservation Fund. The last of these, which seems important, does not appear to have been prepared, while the other two were prepared, but are quite brief (the first being 1 ¼ pages, the second being 2 ½ pages). And, the first item is not really about the ABS fund/ ABS financial mechanism as the rest of this portion of the assignment is. To undertake such a major step as establishing an ABS fund, it seems that a more detailed explanation of the plans for and nature and operations of this fund than the 2 ½ pages drafted so far would be needed. As for the administrative and permitting system, while the required outputs (“(i) PIC; (ii) MAT (*sample*); (iii) *Prakas* (MoE) on check point establishment; and (iv) guideline documents to facilitate the accessing of GR-TK, obtaining PIC, MAT establishing, and check-point”) were met (the last with a single guidance document of 12-13 pages, the next to the last with a 2 ¼ page document), it seems that some of the gaps raised earlier might have been addressed here with more extensive elaboration in the outputs. In particular, even with these documents, it is unclear which local level officials will be responsible for monitoring ABS contracts and carrying out checkpoint duties. Their specific roles in these regards are also not that clear.

2. Preparation of National ABS Roadmap, Model on Bioprospecting, and Guidelines for Community Protocols for NP Implementation – international consultant: The consultant, who is an ABS legal expert, made a two work-week visit to Cambodia prior to commencing preparation of outputs, though may have not received much additional input from national sources beyond that trip. Findings and thoughts regarding the three outputs are as follows:

- The bioprospecting models output includes: (i) a 20-page model bio-prospecting agreement; (ii) 8 international case studies of ABS deals over 18 pages (with emphasis on the terms of the “deal”); (iii)

input on model contracts and negotiating strategies, listing of key elements for bioprospecting agreements, and guidelines for users and providers in bioprospecting activities (about 20 pages). The output is considered among the more useful of the project, particularly the 20-page model bio-prospecting agreement. It is suggested this agreement could be attached to the ABS sub-decree as an annex. The product could be used not only as a model for bio-prospecting but also, with revisions, for agreements for already commercialized products. One point worth noting, however, is that the 8-page sample MAT, done as a part of the prior “instruments” assignment, is also a sort of sample agreement, so may also be used in this way. Thus, there might be some redundancy between the two items. The other elements of this assignment and the assignment overall is appreciated for its specificity in focusing tightly on ABS agreements. This specificity may make item (iii) in particular useful to stakeholders involved in ABS, though it’s unclear how the product will be preserved for and promoted to potential future users.

- The ABS Roadmap output includes: (i) 10 recommended next steps for Cambodia in moving its ABS system forward (10 pages); (ii) a table with main provisions of Nagoya Protocol and corresponding national actions needed (18 pages); (iii) discussion of ABS policy options (about 2 pages). The first item should be quite useful for Cambodia, though an earlier version of this TE Report had hoped the “Roadmap” would be the ABS Policy targeted in the project’s ProDoc. The ProDoc had indicated the ABS Framework would be the policy and the ABS Roadmap, its implementation plan. In the end, though, the framework was not a policy; and now it can be seen that roadmap is also not a policy. The roadmap, instead, recommends Cambodia develop an ABS policy, ironically showing there really hasn’t been much progress towards this key aim of the project. Indeed, other steps among the ten proposed are also items that it was intended the project would have achieved during its lifetime.⁴² The evaluator notes that USD70,000 was invested in the PPG phase to design the project. The results in some ways are like the framework that was prepared towards the beginning of implementation or this much briefer roadmap. At the same time, the ten items in the roadmap are based on the consultant’s findings from a two-week visit to Cambodia and reflect current needs, so might be incorporated into a policy once one is prepared. The 18-page table of the output is quite similar to a table in the ProDoc.
- The guidelines for bio-community protocols output is brief, about 10 pages, with the first 4 pages providing background on what bio-community protocols are and the last 6 pages being the guidelines for developing the bio-community protocols. The latter covers objectives, benefits, steps, guiding principles, and potential content. While this guidance is a good starting point, it seems that Cambodia could benefit from more tailored, more specific guidelines that are practical to take to the field to run a community workshop in which a community will begin to develop its own protocols.

3. Development of framework for tracking and monitoring GR and TK – national consultant: The output is a 56 page report. There are just two pages on “Monitoring and Tracking Framework” and the vast majority of the report copies content from prior outputs of the project, including the sub-decree itself. Thus, this output is not useful.

4. Development of “tools” and provision of capacity building – national consultant: The output is a 22-page document in Khmer, which may be equivalent to 12 pages in English. The document appears to be general guidance for capacity building, rather than specific training materials, which may have been more useful, particularly if targeted at preparing sub-national officials for their roles in implementing ABS. The consultant also reportedly facilitated a training workshop.

⁴² The ten items in the Roadmap are: (1) Approval of the sub-decree (legal framework); (2) ABS policy; (3) Strengthening of national coordinating bodies (emphasizes the sub-TWG); (4) Strengthening of capacity of NCA and other relevant officers for ABS implementation; (5) Capacity building and awareness raising for all stakeholders; (6) Addressing of emerging issues (such as digital sequence information); (7) TK protection, including documentation of TK and bio-community protocols; (8) Dealing with checkpoints (compliance and monitoring); (9) Complementary measures (model contracts, code of conduct, etc.); (10) Review and update of the sub-decree.

Exhibit 12: Race to the Finish: Content and Assessment of Work Items Carried out Last 3 to 4 Mos of Project

Color code: **Green** = strong product and/or good chance of impact; **yellow** = acceptable product and/or chance of impact; **red** = weak product and/or limited potential for impact

Targeted Output of Last 3-4 Months	Content	Comments
1. Instruments/ Guidelines to Support ABS Sub-Decree	-About 65 pages of draft forms/ guidelines; 22 items prepared	-If finalized/ adopted, this will be a key achievement to support ABS implementation -MoE input needed for finalization; formal adoption by MoE also needed -There is overlap between 8-page MAT prepared and bioprospecting contracts (separate output) – not clear if both are needed
2. ABS Financial Mechanism	-2.5 page MoE <i>Prakas</i> on ABS fund	-To develop an ABS fund, more analysis and explanation is needed -Assignment also required joint <i>prakas</i> between MoE and MoEF, but this was not prepared.
3. ABS Model Bio-prospecting Contract	-model bio-prospecting agreement (20 pages) -8 international case studies of ABS deals (with emphasis on the terms of the “deal”) (18 pages) -input on model contracts/ negotiating, listing of key elements for bioprospecting agreements, and guidelines for users/ providers in bioprospecting agreements (20 pages)	-Model agreement could be attached to sub-decree as appendix (if the above MAT is not used instead or perhaps the two could be used together). Or, it might be separately approved by MoE. If utilized, the model contract could make strong contributions to future development of actual ABS contracts. -The input on model contracts, negotiating, key elements for agreements, and user/ provider guidelines for agreements is focused material that could be useful in the future, though there is a challenge once projects end that materials may “end up on the shelf.”
3. ABS Roadmap	-10 recommended next steps for Cambodia in moving its ABS system forward (10 pages) -table with main provisions of Nagoya Protocol and corresponding actions needed (18 pages) -discussion of ABS policy options (about 2 pages)	-Project targeted for the earlier prepared “framework” to be an adopted policy and for the “roadmap” to be an implementation plan for the policy. In the end, a policy was not prepared and the roadmap includes among its 10 recommendations preparation of the policy -The 10 next steps are useful as an expert’s analysis of Cambodia at EOP and what needs to be done next for ABS. Unlikely to be officially adopted, but might feed into a future policy -The long table is generic and similar to a table provided in the ProDoc
4. Bio-community Protocol (BCP) Guidelines	-background on what bio-community protocols are (4 pages) - guidelines for developing the bio-community protocol (6 pages)	-Each involved community in Cambodia will eventually develop its own BCP of how to negotiate ABS deals. This output is meant to be guidelines of how they can do so. Yet, it is general and high level, so that a more practical, Cambodia-focused guide may be needed to effectively carry out workshops with communities to develop their protocols -It’s not clear whether this document will be used in the future -When sub-decree elevated to law, it may make specific reference to BCPs to promote them
6. Framework for tracking GR and TK	-56 pages of content with just about 2 pages on monitoring and tracking framework;	-Most of report is copied from previously submitted project outputs including large parts copied from the sub-decree itself -Product is not useful as it is not focused on the topic at hand and mainly copies other product outputs -Product could have been useful if specifically addressing needs with regard to sub-national officer monitoring of ABS contracts and ABS related trade.
7. Capacity building tools	-23 page report in Khmer (may be equivalent to 12 pages in English) -Participation in training workshop	-Unable to assess; appears the tools are not specific content for training, but instead guidance/ outlines regarding training. Actual training materials might be more useful -If tailored to sub-national official role in ABS implementation would be especially useful

Capacity building, awareness raising, and information sharing products: For this batch of project results, potential for utilization and impact are mixed. Overall, these products have already or are expected in the future to have a positive impact on ABS awareness. What is lacking as compared to what was intended is more specific capacity building in the skills needed to implement ABS at the sub-national level. Further, awareness work or capacity building carried out so far has been mainly targeted at government officials. Work in building awareness in the private sector and with NGOs has been absent or very limited, while such work with regard to communities has been relatively limited. Specific items included in this batch are discussed below and summarized in Exhibit 13. Two contracts that developed plans related to communications and capacity building are not included in this batch, but instead in the next batch to be discussed, “reports and plans.”

- **Awareness and capacity building workshops:** It is impressive that the project, despite the Covid-19 pandemic, was able to hold seven large one-day workshops (including the project inception workshop). These workshops had an average of almost 90 persons per workshop, 38% of which were women. The project is said to have made a special effort to ensure different persons attended each workshop, with an estimate that 80% of attendees at the workshops were unique. The vast majority of attendees were government officials, some from the provincial level. There was an effort to include some village community leaders, rangers that work in communities, and medicine men (“kru khmer”), but numbers were usually limited. The project also leveraged the holding of workshops for other projects, presenting at four of these. One stakeholder mentioned that, in addition to the large workshops, there were a number of small group workshops, but this was not confirmed.
- **Specialized capacity building of government staff:** While this area fell short, particularly with regard to preparing sub-national officials to implement ABS, findings suggest that the PMU assisted the DBD’s ABS office, which has 2 to 3 officers, in certain aspects of processing GR export applications. This work did not involve benefits sharing with the community and also did not involve the private sector, being focused on research institute cooperation. The “deals” with the international partners are focused on sharing information / research results. In some cases, the PMU assisted in researching local information on available GRs.
- **Brochures, videos, and posters:** The project developed 4 brochures (some by contractors and some by the project team) and distributed 800 to 900 of these. The project developed 7 videos to introduce ABS and ABS case studies to the public. Yet, these faced a number of delays and were only finalized in June or July of 2022. The quality is attractive. Due to project close in July, dissemination may be a challenge if not assigned to someone who can follow up after the project has ended. Some information obtained suggests there may be plans to develop simple posters on ABS for communities, featuring drawings rather than text due to possible challenges in literacy, but no evidence of progress on these posters was obtained.
- **Social media and CHM:** In terms of social media, web postings were limited to the MoE’s Facebook page, though ABS information was also circulated to MoE, Biodiversity TWG, and ABS sub-TWG via WhatsApp and Telegram groups. The ABS CHM website was intended to be a site not only for sharing key documents, but a platform to promote information exchange on ABS. Yet, as noted, the government has not yet provided a URL for this website, so that it is still being hosted by the vendor. There is a challenge in that oversight of MoE’s website is transitioning from MoE to Ministry of Post and Telecommunications (MoPT). Recently, MoE has written a letter to MoPT about hosting the website that will house the ABS CHM. An additional key issue is that, beyond the vendor’s technical guidelines of how to add content, there are no other guidelines as intended in project design of what will be added to the website and how the website will operate in terms of information exchange.

Exhibit 13. Capacity Building, Awareness Raising, and Information Sharing Products*

Color code of level of achievement/ impact by EOP: **Green** = strong positive impact; **yellow** = middling impact; **red** = very weak impact (**light green**=intermediate between green and yellow)

Output	Achievements and/or Comments
Large workshops by project	7 one-day workshops: average of 89 persons per workshop, avg. 38% women; 5 held in Phnom Penh, 2 in Siem Reap; estimated 499 unique persons total, of which about 138 were provincial or local-level
Workshops by others: project presented	4 workshops: average 51 persons per workshop, avg. 17% women, 1 held in Phnom Penh, 2 in Monduliri, 1 in Siem Reap.
Brochures	4 brochures (1 for each of national level, local authority, students, and community). 800-900 distributed so far.
Videos	Delayed by change in plans and internal MoE approval. 7 videos recently made available in June and July, 2022 (project close date is July 13, 2022). Of the total, 5 are on benefits of certain plants, one on bats and natural pollination, and one is simple animation to explain ABS and Nagoya Protocol. Quality is attractive. Challenge: There has not been much time for extensive dissemination. Responsibility for post-project continued dissemination should be assigned.
DBD targeted training; GR export support	9 DBD personnel targeted for training; PMU supported 9 cases of GR export permission work by DBD's ABS Office of 2-3 staff, but financial benefit sharing for communities not included and cases did not involve private sector. Instead, focus was on research institutes with the “deal” being that the foreign institutions will share data from their research.
Social media	Only website project is allowed to use is MoE's Facebook page (389 likes, 37 shares for ABS achieved). ABS information is also shared by the project to MoE, Biodiversity TWG, ABS sub-TWG via WhatsApp and Telegram.
ABS CHM	Website consultant created attractive website, but MoE has not provided URL due to transition in government website hosting from individual ministries to central management. MoE has written letter to Ministry of Post and Telecommunications to request website hosting. Technical guidelines of how to add content to CHM prepared, but no guidelines prepared on what content to add or how to facilitate on-line information exchange among interested parties

*Assignment producing “capacity building tools” is included in the prior sub-section and table on products generated the last 3 to 4 months of the project, rather than being included here. One of the workshops indicated in this table, however, includes work by the consultant carrying out that assignment.

Reports and plans: The TE evaluator finds the batch of work that may be classified as reports and plans prepared in the first 2.5 years of the project to be the least impactful of the four batches as defined in this report. This assessment is based on results of consultations, document review, and triangulation thereof. The “reports and plans” batch entails 10 contracts, including 8 with national consultants/ consulting firms and 2 with international consultants. Please see footnote 5 for a listing of the 10 reports and plans associated with these assignments. Not included in this batch are those reports and plans included in the “race to the finish/ last 3 to 4 months of project” batch discussed above. Review of the prepared items in this earlier batch found that, as a group, these reports and plans offer useful insights and may serve as a compendium for building the information base of interested stakeholders if the reports/ plans were to be accessed and used for that purpose in the future. In particular, the ABS framework and the ABS legislative gap analysis provide strong information on key elements of ABS systems, as well as reviews of international experience. And, the institutional framework provides very strong stocktaking of Cambodian legislation and institutions with relevance to ABS. Examples of interesting insights provided by this work include: The gender mainstreaming assessment and action plan found women to be the main holders of TK in villages, knowing much more than men about medicinal plants. The communications plan, looking at literacy and local capabilities, makes the suggestion that diagrams/ drawings may be the

best way to convey ABS concepts to local communities. And, the ABS framework related outputs emphasize the importance of IPR and need for innovative IPR approaches for GR and TK. Yet, overall, TE findings suggest the real impact of all the reports and plans prepared vis-à-vis what the project is targeting to achieve is quite disappointing. The project delayed getting started on the ABS legislation for 20 months while many of these reports/ plans were being prepared.⁴³ Yet, these reports and plans seem to have had little positive impact on the utilizable outputs of the project discussed above, with the top utilizable output being the ABS sub-decree. Examination of these assignments and their impact or lack thereof raises five concerns as below:

- *General rather than focused content:* In many cases, content of the reports was quite general. And, this content was not much utilized in subsequent project products. For example, although several reports were prepared prior to drafting of the ABS sub-decree, it was found that the sub-decree drafting did not utilize/ leverage these earlier reports. It is believed that more focused TORs and tighter management of consultant work might have been able to generate more useful content for subsequent work. For example, for pre-legislation work (such as legislative stocktaking and legislative gap analysis), identifying “hot topics,” on which legislation writers would need more information, might have been a better approach. Hot topics might have included, for example, benefit sharing proportions adopted across a number of other countries or specific examples of how other countries address IPR for GR and TK and how this might be incorporated into Cambodia’s ABS legislation. As it was, the work done was not targeted enough to be utilized, though there may also have been some deficiencies in the legislative drafting process not fully considering the pre-legislation work done. (Please see footnote 12 for further explanation.) Such “preparatory work” assignments for future projects may do well to require primary, on-the-ground research. Indeed, the ProDoc’s design of the “framework output” implies that on-the-ground case studies of GR agreements in Cambodia will be reviewed, but this did not happen.
- *Lack of utilization –documents on a shelf problem:* Plans were not implemented and content of reports were mostly not utilized in follow up work. As for the plans (Communications Plan, Gender Mainstreaming Plan, and Capacity-Education-Public Awareness Plan), there is no evidence of an effort to comprehensively implement these documents, though some awareness activities were carried out (as discussed above) and one workshop combined presentation on the ABS sub-decree with presentation of the project’s gender action plan. As for the reports, as noted above, the problem is believed to be largely related to the general nature of the reports, while at the same time, effort in legislation drafting to follow up on key findings of these reports may also have been lacking. Related to the issue of general nature of the reports, there may have been a lack of effort in TOR preparation to integrate different assignments to ensure that earlier ones are truly useful to later ones. Lastly, as discussed below, there is also a quality issue with some of the work that may have impacted its usefulness.
- *Quality issues:* The TE found quality issues with regard to some of the reports of the national consultants. On first review, one may wonder if it is a language issue, as these reports were all delivered in English, but sometimes hard to understand. Yet, in some cases, the English was fine -- it was just that the content of the reports did not seem to be focused on the topic at hand. It was later discovered that there is a problem of “copy and paste” in which reports simply copy and pasted work from existing documents (such as online sources or even other outputs of the project). There is thus a need to encourage greater focus of content and more original work to address the specific on-the-ground needs of the project.
- *Overlap of content among reports:* Another problem with the many reports prepared is that there is quite a bit of content overlap between reports. Exhibit 14 lists the 7 reports (but not the 3 plans) and shows some of the content discernable from a quick review of their tables of contents. It color codes

⁴³ As has been acknowledged elsewhere, the Covid-19 pandemic and challenges in finding appropriate consultants also contributed to delays.

certain content items, such as international case studies, MAT, or PIC, to show overlap in content between reports. More careful TOR work and more specific tasks and aims for each report writer may help avoid so much overlap in the future.

- *Issues with assistance/ working closely with international consultant:* In one case, a national consultant was required to assist an international consultant, but findings suggest the national consultant provided no direct input to the international consultant. In fact, this also happened with two of the legislative assignments discussed above. In those two cases, the international consultant directly drafted the legislation or instruments without input from the national consultant. Though the national consultant may have provided inputs after the legislation was drafted by the international consultant, such as translation and support with revisions, it seems important in the future that there is collaborative exchange between the national and international consultant prior to drafting.

Exhibit 14. Quick Summary of Report Content, Showing Overlap between Reports via Color Coding

Topic*	Main content, comments
Analysis for Framework, ABS Framework (IC)	Legal context, institutional context and actors, IPR for ABS, sample application, sample PIC and MAT, 2 international case studies, objectives and action plan across communications, legislation, and enabling environment
Stocktaking of legislation (NC)	International legal framework, establishment of MoE NCSD, legislation on: indigenous people rights, copyrights, and contracts. Related policies. 4 international case studies, list of relevant Cambodian legislation
Gap analysis legislation (IC)	4 international case studies, proposed outline for ABS legislation, sample application, outline of element in MAT
Develop preliminary legislation (NC)	8 international case studies (word-for-word the same as those in prior reports)
Stocktaking institutional (NC)	Overview of biodiversity and Nagoya Protocol, Cambodian legal instruments for genetic resource management, institutional arrangements for Nagoya Protocol, gaps and recommendations, listing of relevant legal instruments. Earlier version included: info on PIC, MAT, compliance, monitoring, and drafts of application, contract, license, license renewal, etc.
Documentation of GR and TK (NC)	TK in Cambodia, Regulatory Measures/Safeguards for TK, PIC and MAT. List of Traditional Medicine from NCTM. List of Traditional Medicine Formular from NCTM.
EIA and guidelines for community protocols (NC)	EIA in Cambodia, Nagoya Protocol in Cambodia, national instruments for EIA and ABS, EIA case studies, barriers to best practice of EIA and ABS, legal instruments related to EIA and ABS

*Note: IC here indicates international consultant and NC indicates national consultant.

Synthesis of findings on results and assessment of relevance, effectiveness, and efficiency: This sub-section will first present some synthesis findings. In doing so, it will aim to give an overview of the achievements and potential usefulness of different areas of project work and highlight those items that will be utilizable post-project. It will also present insights on the project timeline, given the different “batches” of work conducted. Lastly it will assess the different batches, the two project outcomes, and the results as a whole in terms of the required rating areas of relevance, effectiveness, and efficiency.

Overview of achievements by topical area: Exhibit 15 aims to show the main areas of work of the project topic-wise, what was achieved, and an assessment of the level of achievement. Pluses or minuses shown by the topic area aim to give a rough overall impression of achievements in the category. To quickly run through the categories, achievement in the area of legislation and associated instruments and guidelines is considered very strong, with the ABS sub-decree in the pipeline for adoption and a good chance that the supporting instruments will adopted by MoE. This category might be further enhanced if the draft bio-

prospecting contract is annexed to the sub-decree and related guidance is properly maintained and utilized. The ABS fund is a weak area, given that: only a 2 ½ page MOE *prakas* was prepared, a joint *prakas* between MoE and MoEF was not prepared as intended, and there is no documented analysis justifying fund design and no description of the fund operation envisioned. The bio-community protocol guidelines are fairly limited and high-level, so that more field-ready ones may be needed in the future. There may be a benefit to mentioning bio-community protocols in future versions of the ABS sub-decree or law. As for the capacity/awareness/ knowledge area, as discussed, there have been positive achievements of workshops, capacity building of ABS Office staff, and brochure dissemination. Seven videos that appear to have good quality were prepared in the last two months of the project, so there is a need for wide dissemination post-project. An attractive ABS CHM website has been designed, but the government is not yet hosting the site and no guidelines of what should be included in the site and how discussion boards will operate have been prepared. And, there has been a lack of developing capacity at the sub-national level in specific areas needed for rollout of ABS implementation. In terms of roll-out and institutional needs, while national level entities to be involved in ABS were designated pre-project, their duties are elaborated in the sub-decree, Yet, there is a lack of clear designation of responsibilities at the sub-national level and no rollout of implementation as intended. The project targeted preparation and adoption of an ABS policy, but no policy was prepared. The ABS Roadmap, prepared near the end of the project, identifies 10 areas for next steps as a way forward on ABS for Cambodia. This document might be useful as input to policy preparation, but is unlikely to itself be formally adopted. Finally, as noted, the 10 reports and plans prepared in the first 2.5 years of the project were not much utilized in developing the other, more directly impactful outputs. Content was too broad in many cases; and quality was lacking in some. The documents together might serve as a useful compendium on ABS for building the reader's knowledge base, but steps would need to be taken to ensure they are used as such.

Exhibit 15. Overview of Achievement of Project Topic-Wise

+ indicates strength in topic-area, - indicates weakness

color code: **green**=achievement realized with good potential for impact; **yellow**=achievement partially or fully realized – may have potential for impact, though further action needed; **red**=either achieved but not utilized/ poor potential for utilization or not achieved. (**Lighter green** indicates achievement/ potential intermediate between green and yellow.)

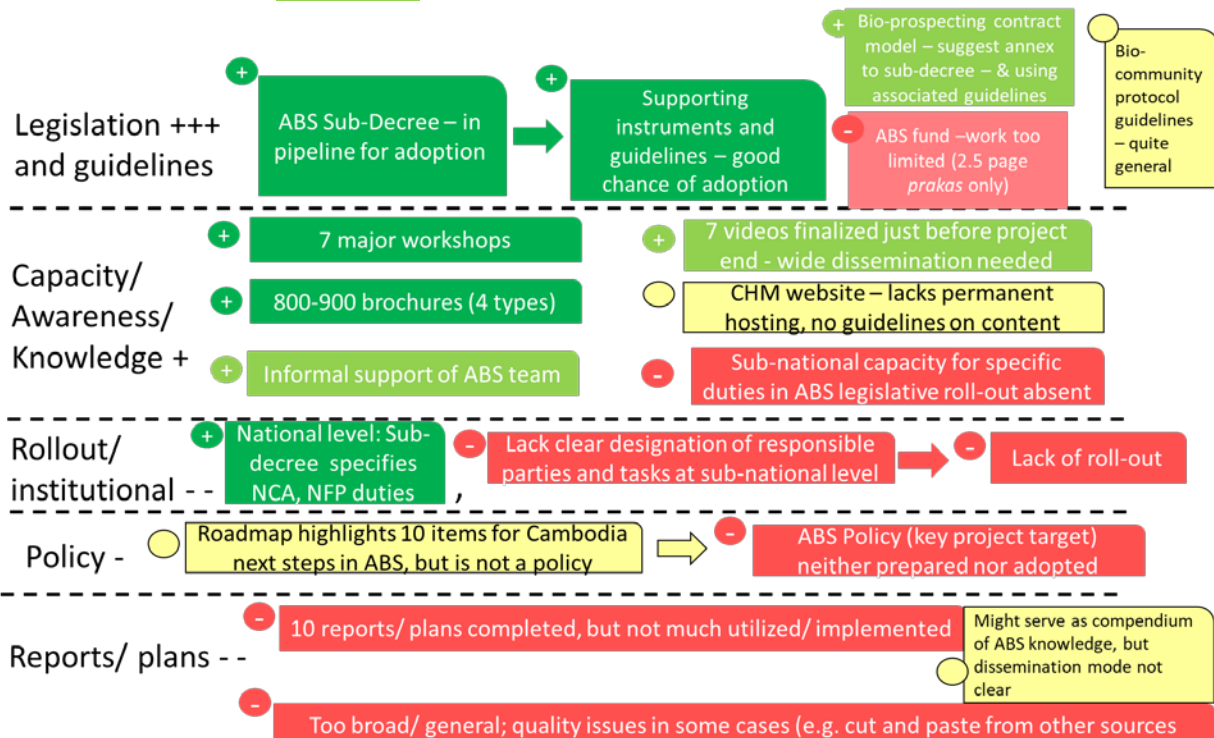
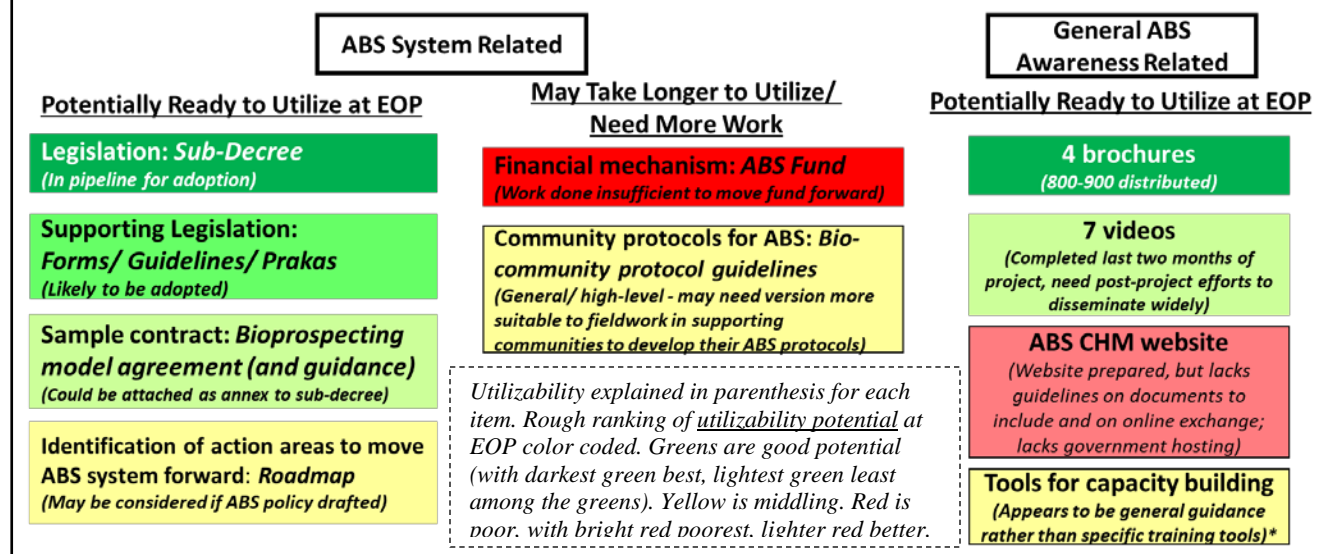
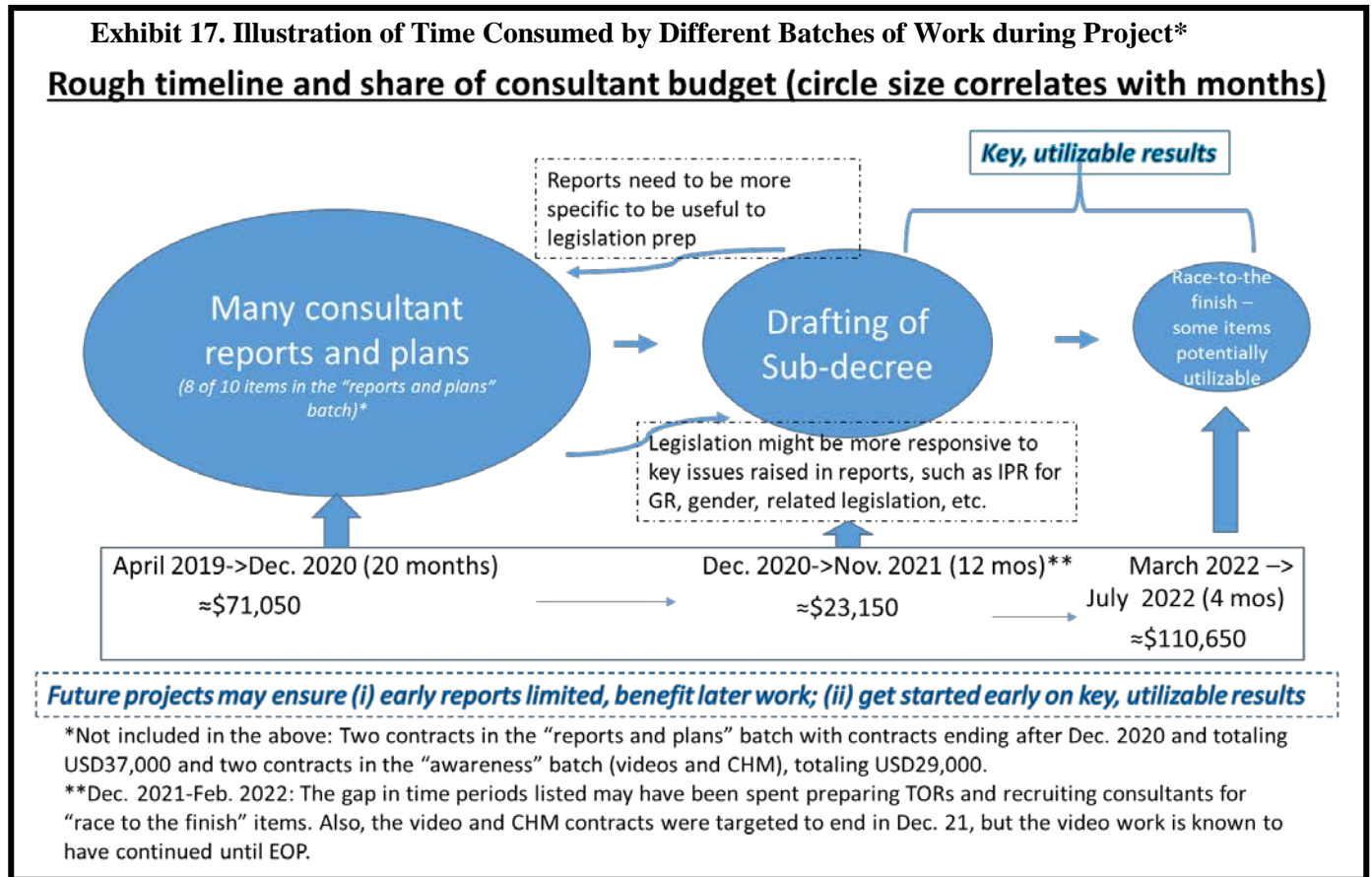


Exhibit 16. Summary of Project Products that will be or may be Utilizable Post-Project

Overview of achievements that are potentially utilizable post project: Exhibit 16 takes an alternative approach to displaying project achievements. The focus is on sustainability and post-project utilizability. It thus shows only those project products that are either potentially utilizable in the near-term post-project (e.g. within the next year) or those that are potentially utilizable in the longer-term (e.g. over the next two to three years). The main focus is on outputs related to Cambodia achieving a well-operating ABS system, though the general ABS awareness raising products are depicted as well. Color coding aims to show the rough likelihood of utilization, also considering the quality and appropriateness for utilization of the output. Green items are highly likely to be utilized post-project; and light green ones have a good chance of being utilized, whereas the utilization of yellow ones is more uncertain. Red ones seem unlikely to achieve utilization in their EOP current state.

Insights on project timeline considering the batch categorization: When looking at the different “batches” of project activities/ products discussed earlier, it can be seen that there is a rough time sequence of batches when considering 3 of the 4 batches. Most of the items in the “reports/ plans” category were done early in the project, during its first 20 months⁴⁴. The sub-decree (treated as its own batch) was initiated after those first 20 months and took about one year to complete. Then, three to four months after completion of the draft sub-decree, the “race to the finish products” were initiated, being carried out in the last three or four months of the project. This timeline is illustrated in Exhibit 17, where the size of ovals for each batch are meant to give a rough idea of the time elapsed. The finding is that too much time elapsed prior to initiation of sub-decree work in carrying out the background reports, which ended up not being used much in terms of feeding into utilizable outputs of the project. Then, much of the rest of the project’s work got held up during the year spent on the sub-decree, as subsequent products were said to depend on the sub-decree. In retrospect, it might have been much better if the background reports (which had a great deal of overlap) were limited to the first six months (and designed to be more specifically useful to legislation preparation), so that legislation could be started within six months of project start and completed at latest halfway through the project, leaving a year and a half for the remaining products. At the same time, the impact of the Covid-19 pandemic on the progress of this project should be recognized and is discussed in Section 7. Also, the project faced some challenges in recruiting suitable consultants.

⁴⁴ Of the ten reports and plans listed in footnote 5 and included in the batch referred to as “report and plans,” 8 of 10 items, according to contract duration, were completed by Dec. 2020, when sub-decree work began.



Assessment of relevance, effectiveness, and efficiency: Relevance, effectiveness, and efficiency are three key areas of assessment of results of UNDP-GEF projects. Each is covered in turn below with an explanation of the key assessment area, review of assessment on the basis of the batches as defined above, assessment on the basis of each of the project’s two outcomes, and overall assessment. Last, the overall project outcome rating is given.

Relevance: According to UNDP’s GEF TE Guidelines (2020), “Relevance is the extent to which the project’s objectives are consistent with beneficiaries’ requirements, country needs, global priorities and partners’ and donors’ policies.” Section 3 of this report, which assesses project design, has already covered relevance to some extent and found that the project design is highly relevant, addressing true needs. The design can be seen to address beneficiary needs (via livelihood potential of ABS agreements), country needs (such as demonstrated by alignment with the NBSAP), and global priorities/donor policies (via potential benefits to biodiversity). Key questions that are sometimes asked to assess relevance of actual results are: “Did the project in implementation address needs?” “Did the project achieve needed results that would not have been achieved in the absence of the project?” “Was what the project was doing innovative and different than what was already being done?” Exhibit 18 shows ratings on relevance of results for each of the batches into which this report has divided project activities, indicates which of the two outcomes are addressed by the batch, and then provides ratings on relevance for each outcome and the project overall.

While some of the activities, namely the “reports and plans” batch are deemed less relevant, due to their overly broad nature and lack of evidence that they made a real difference as compared to the “no project” situation, an overall view still gives the project good marks for relevance, considering:

- Alignment with national priorities: The sub-decree and last 3 to 4 months products are highly aligned with national priorities for ABS as expressed in the NBSAP and are delivering results that would not have happened in the near term without the project.
- Alignment with UNDP and GEF strategic priorities: The sub-decree and last 3 to 4 months products are similarly highly aligned with: (i) UNDP’s Cambodia country program target of a “safer, healthier, more secure and ecologically balanced environment with improved livelihoods” by 2023 and (ii) GEF’s Biodiversity Objective 3’s Program 8, which targets the outcome “implement the Nagoya Protocol.”
- Stakeholder engagement: The awareness/ capacity building work, particularly the workshops engaged government stakeholders. At the same time, this work was weaker in relevance than it might have been, due to extremely limited engagement of the private sector and NGOs and limited engagement of communities. Legislative work was also weaker than in might have been due to lack of engagement of the private sector and communities and insufficient engagement of other key ministries overseeing GR exports. Please see footnote 7.

Exhibit 18. Relevance Ratings by Activity Batch and by Outcome

BY BATCH			
Sub-Decree	Last 3-4 mos products	Awareness/ Capacity Building Work	Reports and Plans
HS=6	HS=6	S=5	MU=3
Directly needed for ABS implementation	Directly support ABS implementation	General awareness raising for ABS (though not specific)	General nature addresses needs only in limited way
Outcome 1 only	Mostly Outcome 1, some Outcome 2	Mostly Outcome 2, some Outcome 1	Mostly Outcome 1, some Outcome 2
BY OUTCOME OR OVERALL			
Outcome 1 National Policy, Legal, and Institutional Framework in line with the Nagoya Protocol on ABS strengthened	Outcome 2 An administrative and permitting system for ABS established and operational at the national and provincial level in compliance with the Nagoya Protocol	Overall	
HS=6	S=5	S=5	
Sub-decree, some of last 3-4 mos products highly relevant (despite low relevance of most of report products)	Awareness raising products relevant (but general, so don’t provide specific skills for ABS operationalization)	Considers highly relevant batches (sub-decree and last 3-4 mos products), average relevance awareness products, and low relevance reports	

Effectiveness: According to UNDP’s GEF TE Guidelines (2020), “Effectiveness is the extent to which the project’s objectives were achieved or are expected to be achieved.” “Objectives” is here interpreted broadly to include the project objective, outcomes, outputs, and related indicator targets. Section 4 of this report provides assessment of progress towards targeted results from all of these angles and can be largely drawn upon in the assessment of effectiveness. Further, earlier parts of this section, Section 5, provide more details on the quality of various project results. Indeed, assessment of effectiveness may pose the question: “What was the quality of results achieved and how well do these contribute towards achievement of the targeted outcomes?” Exhibit 19 shows ratings on effectiveness of results for each of the batches into which this report has divided project activities, provides explanation, indicates which of

the two outcomes are addressed by the batch, and then provides ratings on effectiveness for each outcome and the project overall, along with explanation.

The overall rating for effectiveness relies strongly on findings discussed so far of progress towards outcomes, outputs, and indicator targets and of quality of these results. It also considers the following factors, per UNDP's GEF TE Guidelines (2022):

- Contribution of project to national development priorities, UNDP targets/goals, and GEF priorities: As noted in the discussion on relevance, pursuit of an operational ABS system for Cambodia is highly relevant to the goals and priorities of Cambodia, UNDP, and GEF. In terms of actual achievement, the project, particularly via its ABS sub-decree and associated instruments (which all are assessed to have good likelihood of adoption), has taken Cambodia closer to achievement of such a system.
- Extent to which achievements are commensurate with what was planned: As discussed in the above bullet, the Cambodia ABS project certainly made important progress towards establishing an ABS system in Cambodia. Yet, achievements fell far short of what was targeted – an operational ABS system. The greatest shortcoming may have been in the area of designating which officials at the sub-national level were to do what, in training them accordingly (with specific, tailored capacity building), and in testing out an operationalized system with pilot ABS agreements. Also, the project targeted to achieve adoption of an ABS policy, but an ABS policy was not prepared. Two assignments, “framework” and “roadmap,” were meant by the project design to be associated with developing a policy and policy implementation plan, respectively. While the outputs provide substantial guidance on ABS and next steps, they are not considered draft policies. The roadmap, in fact, recommends development of an ABS policy as an important next step.
- Areas of greatest and least achievement: The strongest achievements were in the area of legislation and supporting instruments. Results were weaker in the area of developing a very specific plan (again, who will do what) for operationalization and having tailored training for this. Operationalization and preparation for operationalization are the weak areas, which the project simply did not address, partly due to time constraints, but perhaps partly due to lack of political will to take ABS to the operational stage during this project, despite it being clearly targeted by Outcome 2. Another weak area was in carrying out broad consultation for the legislation. This may reflect common practice in Cambodia, though a donor project is an opportunity to go beyond common practice and address the broad consultation that was called for in the project design. And a third weak area was (as noted above) in not developing an ABS policy as intended.
- Extent of achievement of targeted results: As reviewed in Section 4, achievement (or expected achievement) of targeted results is strongest for the ABS sub-decree (ABS legislation). Some of the products of the last 3 to 4 months, namely supporting instruments for the sub-decree and the bio-prospecting model contract and associated guidance were also strong, though others less so (e.g. financial instrument for ABS). In terms of awareness and capacity related targeted results, achievements were partial. Awareness was certainly raised among government officials, but lack or limitation of outreach to other important segments, including the private sector, researchers, and communities, resulted in awareness targets in those segments not being met. Further, as noted, the target of preparing and adopting a policy, institutional targets, operationalization targets, and targets with regard to a system for documenting GR/TK and a system for monitoring/tracking GR/TK were not achieved. While some degree of lack of achievement may be attributed to the Covid-19 pandemic and challenges in finding suitable consultants, weaknesses in terms of strategic planning of the project overall and its timeline also played a role.
- Constraining factors: One of the biggest challenges the project faced was overcoming the challenges of operating within a bureaucratic government ministry environment. Among the simpler manifestations of this challenge is that it took quite a while to get the project videos approved and the ABS CHM website still lacks a government URL. The environment may also explain the lack of or

limited outreach to the private sector and other groups in developing legislation and carrying out awareness raising activities. While this environment also presents high *risk* for slow development and approval of legislation, this important challenge was overcome by taking a high-level approach, with the NPD, an under-secretary of state at MoE, personally leading review and revision of the ABS sub-decree in cooperation with a secretary of state from Ministry of Justice.

- Alternative strategies to more effectively achieve targets: For future projects, instituting a more comprehensive strategy linking earlier project products (e.g. reports and plans) to products/ activities later in the project will be important. Early reports need very specific TORs and results that can be utilized in later products. Also, for projects with a legislative result that is a prerequisite to later results, the legislation drafting should begin early, perhaps at latest six months from project start and, regardless, should be finished within the first 1.5 years when project duration is 3 years. Finally, projects that target roll-out related to legislation may need to specify that roll-out might be on a pilot basis if that legislation is not yet approved and describe how the pilot roll-out would work. End targets, such as operationalization, as in this project's Outcome 2, need to be kept top of mind and frequently communicated among the IP, PMU, and UNDP, so that strategic planning and use of time will consider how to achieve this target before project close.

Exhibit 19. Effectiveness Ratings by Activity Batch and by Outcome

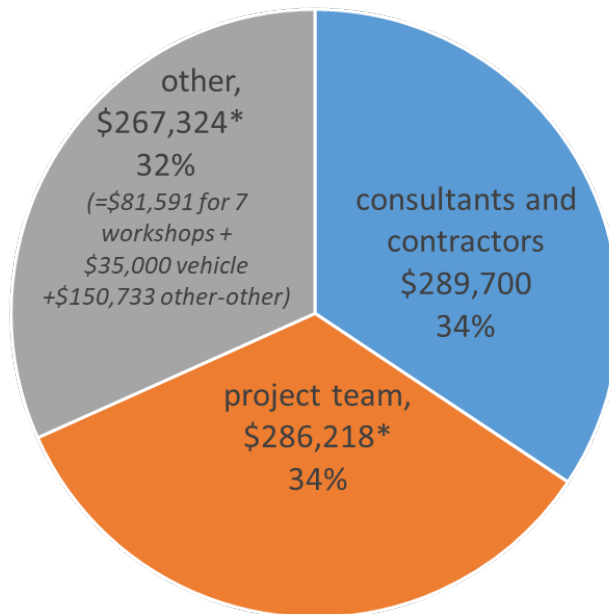
BY BATCH			
Sub-Decree	Last 3-4 mos products	Awareness/ Capacity Building Work	Reports and Plans
S=5	S=5	MS=4	MU=3
Sub-decree carefully revised and advancing towards adoption. Some gaps in consultation and content.	Instruments cover many different types of needed forms. Bio-prospecting sample contract and guidance provide potentially very useful content. Roadmap and community protocol guidelines more limited, but potentially useful. ABS Fund work too limited - needs additional attention. Monitoring framework work did not add value.	7 large workshops had strong attendance and were good for awareness raising. 700-800 brochures distributed. 7 videos finalized last two months of project, but wider dissemination post-project needed. ABS CHM website not yet hosted and lacks guidelines of what should be included. Lack of or limited outreach to private sector, NGOs. Limited outreach to communities. Lack of job-specific training for ABS implementation at sub-national level, though this is a key need.	Content general and in most cases not targeted enough to be widely used, though could be considered a useful "compendium" for building the information base of readers. Also, some reports were of low quality. "Cut and paste" from other documents is a problem.
Outcome 1 only	Mostly Outcome 1, some Outcome 2	Mostly Outcome 2, some Outcome 1	Mostly Outcome 1, some Outcome 2
BY OUTCOME OR OVERALL			
Outcome 1: National Policy, Legal, and Institutional Framework in line with the Nagoya Protocol on ABS strengthened	Outcome 2 An administrative and permitting system for ABS established and operational at the national and provincial level in compliance with the Nagoya Protocol	Overall	
S=5	MS=4	MS=4	
Draft sub-decree and some last 3-4 mos products effective at bringing Cambodia closer to implementation-ready for ABS system. Reports and plans were not much utilized. Reports were generally broad.	Awareness, capacity building products/ activities at mixed level of completion. ABS system not operationalized and not even operationalization ready	Project legislation, supporting instruments, and model contract are marked progress towards ABS implementation, but project fell short in delivering target of operationalized ABS system. General awareness on ABS in Cambodia raised substantially among officials, but specific training related to implementation limited. Utilization of much work done in the first 20 mos (background reports, plans) was lacking.	

- **Gender:** While the project commissioned a *gender* mainstreaming assessment and action plan, there was no attempt made by the project to implement the plan other than presenting the plan at a workshop. Further, while the assessment identified women as important holders of TK associated with GR, the legislation developed does not make any special mention of the need to ensure women are properly compensated for their TK, much less outline how this will be achieved. The project did aim to have a significant portion of women at its workshops (at least 30%) and, at this, it succeeded.

Efficiency: The UNDP guidelines for TE of UNDP-GEF projects (2020) define efficiency as “a measure of how economically resources and inputs (funds, expertise, time, etc.) are converted to results.”

Efficiency is more commonly referred to as “cost effectiveness” or sometimes as “value for money.” With GEF funds of only USD843,242, Cambodia ABS Project has a relatively low budget. One might look at the main results and ask if they provide good value for the money in terms of what inputs are expected to cost. The main positive outputs of the project in terms of potentially sustainable ongoing utilization are the sub-decree and associated instruments. General awareness and capacity on ABS built among government officials, though less measurable, can also provide benefits on into the future. Some stakeholders suggest that the sub-decree alone is a sufficient result for a project of this time-scale (3 years) and GEF budget to be considered cost-effective. And, they argue that, due to time constraints, not much more could be achieved, since the sub-decree has not yet been adopted. Yet, with the lens of cost-effectiveness or value for money, a counterargument would be that a project that only aims to generate a sub-decree, associated instruments, and general awareness work might be better off working with a small grant of just USD50,000 to 100,000, with the rest of the project funds saved for a later date, after the sub-decree is adopted, when a project that can really achieve operationalization is viable.

Exhibit 20: Rough breakdown of estimated full project GEF funds expenditures (USD843,242) – projected to EOP



*Estimated out to EOP based on PMU input

Indeed, while cost effectiveness/ efficiency of some particular outputs (such as the sub-decree) is good, overall, efficiency seems weak. This is due partly to the cost of outputs that are not really that useful (or at least not utilized) towards the end aims of the project (i.e. reports that are not used and plans that are not implemented). Yet, another issue is that there is large “overhead,” where overhead is defined as funds not used directly towards project activities. Exhibit 20 shows a breakdown of three categories of project costs: (i) Contracts with consultants or firms. These costs are considered to be spent directly on project activities aimed at achieving project results. (ii) Project team salaries. These costs are, for the most part considered “overhead” costs. In most cases, the project team was not directly carrying out activities that led to project results, though there may be some exceptions, such as their role in organizing awareness building workshops. (iii) Other costs. This category’s breakdown of costs directly contributing to project activities versus more indirect or overhead costs is not fully understood, but it is estimated that USD81,591 went toward workshops (direct to activity), while the other USD150,733 is overhead.

What is surprising is that the majority of costs do not appear to be in the first category (or the first category plus the aforementioned workshop costs) as would be expected in a low overhead project. Instead, the costs are distributed roughly equally between the three categories. Or, combining the consultant costs with workshop costs, direct activity costs account for USD371,291 or just about 44% of GEF funds, while overhead accounts for 56% of GEF funds used/ to be used.

Project team costs, at about 34% of total GEF funds, does not seem cost effective by standards usually pursued of 10% or less, when the team is performing mainly project management function. A GEF project of this size, instead of four full-time staff, might have one and a half full-time staff – a full-time project coordinator and a half-time person carrying out both admin and finance functions. The author has seen examples in the past of projects where there is such a high proportion cost (as compared to total GEF funds) of the project team, but, in such cases, specialist project team members perform the tasks usually performed by consultants. That is, they carry out results-producing project activities. In the case of the Cambodia ABS project, this sort of model might have entailed having a project team member who is a legal specialist and handled the legal assignments instead of them being contracted to consultants. If there were a capacity building and communications specialist, that person would similarly carry out the tasks in that area (that would otherwise be given to consultants), starting with preparation of a communications and CEPA strategy and then being responsible for carrying out that strategy, such as by liaising with the media, etc. Consultants would only be hired when absolutely necessary due to the need for accessing specialized skills out of the officer’s scope (e.g. such as for video preparation). Indeed, such a model, if the right experts are hired to be part of the project team as full-time or half-time staff members, can be more effective than a model of one-off consultancies, as the experts become familiar with the project and can build on previous work more effectively as they carry out subsequent work.

Findings suggests that the roughly one-third of GEF funds spent on “other items” (the combination of those categorized as “other” and “car” in Exhibit 20) may not have been that efficiently utilized, with funds spent, in some cases, where there were not clear needs. While not approved during project design, plans for vehicle purchase were made at the time of inception. The project ended up purchasing a vehicle for USD35,000 twenty months into the project’s 3-year timeline. Before that, there were efforts to purchase a USD57,000 Toyota Land Cruiser, but that vehicle did not meet Cambodia’s emission requirements. Given the nature of the project with its legislative and policy focus, it is quite surprising a vehicle purchase was included. The rationale used was that the project budget in the ProDoc had a large enough allocation for travel via vehicle rental that it would be more cost-effective to purchase the vehicle rather than rent. The TE consultant asked for the written rationale – the math justifying this – but nothing of this sort was available. Review of the ProDoc shows the ProDoc allocates a surprising USD122,350 for travel, but does not provide any detail about car rental or details of travel that would justify the car purchase. Further, for a small project such as this with limited field trips, the question arises of whether a ministry vehicle could have been made available so as to dispense with the need for vehicle rental. Back-

to-office reports for field trips were requested by the TE consultant, but only three field trips were confirmed by this method. Beyond the vehicle, another USD45,834 was spent on travel for the project. And USD81,590 was spent on workshops, of which there were seven one-day events, with average participation of 89 persons, suggesting an average workshop cost of around USD11,707 and USD131 per person.

Assessment of a number of items recommended for the efficiency analysis by UNDP guidelines for TEs of GEF projects (2020) are given briefly below:

- Resource allocation:
 - Efficient allocation of funds: As discussed above, findings suggest that the project spent too much of GEF funds on overhead-type items and not enough of GEF funds on activities that would contribute directly to achievement of targeted project outcomes.
 - Completion level: As revealed in the assessment of progress toward project outcomes, outputs, and targeted indicators, the project fell short in achieving all that it set out to do. In particular, it did not achieve full implementation readiness for Cambodia's ABS system and did not operationalize the system.
 - Comparison to similar projects: It is difficult to compare this project to similar projects, as each country carrying out such an ABS project begins with a different baseline and each country has different levels of capacity and challenges in developing legislation. Yet, review of a project in Bhutan with similar GEF budget (less than USD1 million) and timeline (3 years) suggests more in terms of tangible, useful outputs might have been achieved with this budget. While the Cambodia project began without draft ABS legislation, the Bhutan project began with draft ABS legislation that had not been finalized. The Bhutan project was able to get the legislation adopted, develop a TK/GR database via road trips across the country, and roll out three ABS demos. On the other hand, a five-year project in Vietnam with GEF budget of USD5 million (and still underway) is rolling out its legislation (which was already adopted at start of project) and carrying out ABS demos.
 - Gender equality/ human rights measures and allocation to marginalized groups: As noted, consultation to communities or groups representing them was not sufficient in the process for drafting the legislation. And, there may be a need to more fully designate in the legislation benefits to community for cases of GRs in their traditional land areas that they do not formally own. (Please see footnote 8.) Further, women's benefits were not addressed in the draft ABS legislation itself, although the project had a gender mainstreaming strategy prepared and included a limited amount of community outreach. It would not have cost much for the legislation to more adequately address these issues, though the preparatory work might have been more focused in assisting the legislation and instrument drafters in doing so.
- Project management and timeliness
 - Extent to which project extension could have been avoided: As has been discussed, the project did not start the key activity of drafting the ABS legislation until 20 months after project start. Had the drafting begun earlier (such as 6 months after project start) and less resources and time allocated to background work, extension might have been avoided. At the same time, it should be acknowledged that Covid-19 presented great challenges in how to realize project aims given the tradition of face-to-face interaction. In a sense, the overhead costs associated with extension might be assumed to be a cost due to the pandemic. At the same time, according to some stakeholders, the IP understood that the project did not formally begin until July 2019 (instead of ProDoc signature date of April 2019), as July 1, 2019 is indicated as the project start date on the cover page of the ProDoc. The project team was hired in June 2019 and the inception workshop was held in late June 2019, so it is also true that project team overhead costs did not begin in April 2019. Last, it should be noted that challenges in identifying appropriate consultants are also said to have been a reason for delays in implementation.

Exhibit 21. Efficiency (=Cost Effectiveness) Ratings by Activity Batch and by Outcome

BY BATCH			
Sub-Decree	Last 3-4 mos products	Awareness/ Capacity Building Work	Reports and Plans
HS=5	S=5	MS=4	MU=3
Key result of project: consultant costs \$23,150 (including overhead factor of 2.3x->\$53,245 total cost)	Critical towards achieving ABS implementation readiness – ABS instruments and model contract along with some other items that may potentially be utilizable: consultant costs \$104,900 (including overhead factor of 2.3x->\$241,270)	Positive results, though costly, especially if overhead considered: Videos (\$20,000) finished just before EOP so dissemination limited, CHM website (\$9000) – no clear plan for materials to be added and government not yet hosting, and 7 workshops (\$81,590) costs total \$110,590 (including overhead factor of 2.3x->\$254,357). [Note: Printing costs of \$31,400 not included as this would be \$37 per leaflet, so is likely to include substantial non-activity costs]	10 assignments, 3 of which included plans and most of which included background report aspects, total cost \$108,050 (including overhead factor of 2.3x->\$248,515). Due to low utilization level and general nature of many of the reports, value for money is low in terms of ultimate results.
Outcome 1 only	Mostly Outcome 1, some Outcome 2	Mostly Outcome 2, some Outcome 1	Mostly Outcome 1, some Outcome 2
BY OUTCOME OR OVERALL			
Outcome 1: National Policy, Legal, and Institutional Framework in line with the Nagoya Protocol on ABS strengthened	Outcome 2: An administrative and permitting system for ABS established and operational at the national and provincial level in compliance with the Nagoya Protocol	Overall	
S=5	MS=4	MS=4	
Expected expenditures by EOP \$423,007. Assuming “race to the finish” products are prepared with quality and adopted, this outcome provides most of the post-project utilizable products of the project that take Cambodia closer to ABS implementation readiness: Draft sub-decree, most of the instruments/ forms prepared, and draft bioprospecting contract. Utilization of roadmap, bioprospecting agreement guidance, bio-community protocols uncertain. Financial mechanism work weak and monitoring framework report not useful. Despite this and despite that other reports and plans were not utilized, balance of above items raises cost effectiveness.	Expected expenditures by EOP \$367,018. Compared to Outcome 1, less achieved in terms of post-project utilizable products that take Cambodia closer to ABS implementation readiness: Some of the forms from the “instruments” assignment are counted towards this outcome. Also, some general awareness building carried out (7 workshops averaging 89 persons per workshop), as well as general awareness building products (7 videos completed near EOP, though dissemination may be limited, and four brochures disseminated to 800 to 900 persons). Two plans that were not utilized.	Full project GEF budget of \$843,242 expected to be spent by EOP, with results/outputs of: (i) main utilizable output of draft ABS sub-decree; (ii) key additional products of extensive instruments to support sub-decree and perhaps model bio-prospecting agreement; (iii) products whose future use is uncertain, but that might be useful (roadmap, bio-community guidelines, bio-prospecting agreement guidance) and work in ABS fund design that is much more limited than expected; (iii) lack of achievement of targeted implementation ready ABS system, rollout of ABS system, system for documenting TK related GR; and system for monitoring ABS; (iv) achievement of general awareness raising via workshops, brochures that were disseminated, and seven videos that might be further disseminated post-project, but lack of specific training for ABS implementation; (v) large set of reports and plans that were not much utilized.	

- Project management structure: As noted, the project management structure is high-cost for this size project. With a team of four full-time persons, cost effectiveness could have been raised if team members were experts responsible for carrying out project activities typically carried out by consultants.
- Timeliness of delivery of project activities: Lack of timeliness of delivery of activities substantially hurt both the effectiveness and efficiency of the project. Had work been more timely, the project would not have “run out of time” and may have achieved ABS implementation readiness and pilot operationalization as targeted in Outcome 2. As noted, the pandemic and challenges in hiring consultants may partially explain some of the delays.
- M&E systems as means to efficient project management: M&E systems do not appear to have fully addressed some of the identified weaknesses in efficiency. First, the problem of significant funds spent on background reports and plans that were not utilized and had a great degree of overlap was not rectified. And, great delay in launching legislative work still occurred. On the other hand, UNDP in its QA role detected delays and, working with the agreement of the IP, pushed to expedite hiring of international consultants that have moved forward some of the important utilizable deliverables of the project.

Exhibit 21 shows ratings on efficiency of results for each of the batches into which this report has divided project activities, provides explanation, indicates which of the two outcomes are addressed by the batch, and then provides ratings on efficiency for each outcome and the project overall, along with explanation. The assessments show actual costs of directly related activities, but also gives total costs including overhead by using a multiplier of 2.3 times.

Exhibit 22 summarizes the relevance, effectiveness, and efficiency ratings for the project overall. It also provides the “overall project outcome” rating, which is determined following guidelines regarding the three aforementioned ratings.

Exhibit 22: Summary of Overall Project Ratings

Relevance	Effectiveness	Efficiency (=Cost Effectiveness)
S	MS	MS
Overall Project Rating		
MS		

6. Finding on Project Results Part III: Sustainability and Other Aspects

This section covers a number of remaining areas recommended by UNDP GEF TE Guidelines (2020) to be covered in the assessment of project results. These areas are sustainability, country ownership, gender, other cross-cutting issues, catalytic role/ replication effect, and progress to impact.

Sustainability: Sustainability is defined by UNDP GEF TE Guidelines (2020) as “the continuation or likely continuation of positive effects from a project after it has come to an end, and its potential for scale-up and/or replication.” The assessment of results in the prior two sections has already implicitly conveyed that quality or desirable results are those that will be utilizable post-project or those that contribute to other outputs that will be utilizable post-project. Exhibit 16 explicitly depicts those project products that will be or may be utilizable post-project, dividing them into ABS system relevant products and general ABS awareness relevant products. The associated findings show that the project has built up good sustainability potential through the finalized draft sub-decree, which has a good chance of being adopted.

Some of the items prepared in the last 3 to 4 months of the project also have sustainability potential. The extensive instruments prepared towards end of the project have a particularly good chance of being adopted, and thus supporting sustainability of project results. The model bio-prospecting contract, though having less certainty for adoption, could be annexed to the sub-decree, so has potential for sustainability. Other items from the last 3 to 4 months of the project may have some potential to be used in the future, though that potential is weaker than that of the foregoing items. And, general awareness built on ABS, though its future impact is harder to measure, may also contribute to sustainability of results. UNDP guidelines recommend sustainability be assessed from the four angles of financial, socio-political, institutional, and environmental sustainability. This is done below.

Financial sustainability: There is some *risk* that financial resources will not be available to continue the benefits of the project. Particularly because of costs associated with the Covid-19 pandemic, there has been a reduction in government resources for other purposes. Yet, the cost of adopting the ABS sub-decree is not high. And, assuming the government sees the priority and potential economic benefit of the sub-decree, resources may be set aside for implementation. Importantly, there is international interest in supporting ABS and, as noted in the recommendations, a few potential sources of funding for follow-up projects to support completion of ABS implementation readiness and rollout with pilots have been identified.

Socio-political sustainability: There is a risk that relevant government leaders will lose interest in ABS and the sub-decree will not be adopted. Yet, the risk of this seems low as momentum for the sub-decree is good and currently there is said to be high-level support from the MoE minister. And, awareness of ABS within the key ministry, MoE, is relatively good due to the project workshops. At the same time, awareness of the benefits of ABS among communities and the private sector are weak due to lack of enough attention to broader dissemination beyond the government during the project.

Institutional: The project has focused on developing legislation for ABS, but did not prepare an ABS policy as intended. Thus, there is some risk that work will not be continued on other needed items to realize ABS implementation. Lack of an adopted policy will make it less likely, that is, that outstanding needs are identified and followed up upon. Further, as pointed out elsewhere, sub-national institutional responsibilities for ABS implementation have not been designated and sub-national officers have not been trained in how to carry out these responsibilities. Further, the private sector and community representatives have not been significantly consulted in the process of ABS legislation development. And, other key ministries, such as MAFF also did not play much of a role in ABS sub-decree developed.

Environmental: The project is focused on promoting ABS in the country; and ABS in turn has a benefit of encouraging conservation of natural resources and biodiversity. Yet, by promoting commercial interest in GR, such as medicinal plants, there is some risk that resources will be overexploited. Because the designers were aware of this risk, the project design called for and the project commissioned some work related to EIA. Yet, the idea of EIA to support environmental protection in ABS is not reflected in the draft legislation. More attention may be needed on this topic.⁴⁵

Ratings: Exhibit 23 offers project ratings on the various areas of sustainability covered above and on sustainability overall.

⁴⁵ A reviewer of this report suggests that Articles 30 to 34 of the draft sub-decree serve to protect GR and TK. Review of these articles shows that Article 32 includes a possible obligation of users to keep the location of GR they access confidential in the case that the CNA deems this necessary to conserve the GR and associated TK. Yet, there may be more room to ensure that the user and local providers themselves do not overexploit GRs in the case of successful commercialization.

Exhibit 23. Sustainability Ratings

Note: See Annex 3 for explanation of ratings

Financial Sustainability	Socio-Political Sustainability	Institutional Sustainability	Environmental Sustainability
ML=3	ML=3	ML=3	ML=3
Funds are limited, but adoption of legislation low cost. Good chance of follow-up donor project as well. Yet, the chance that funds will be unavailable to continue needed work is not negligible.	Good support at high-level means sub-decree likely to be adopted. Good awareness among MoE staff. Awareness of private sector, communities weak, as not a focus of project work. While sub-decree likely to be adopted, the chance that it will not be adopted, as indicated by stakeholders, is not negligible.	Legislative outputs of project strong, but ABS policy neither formulated nor adopted and sub-national designations and training for ABS implementation absent. Further, consultation with private sector, communities, and other ministries for legislation was lacking or too limited.	ABS has environmental benefit of increased natural resource conservation due to recognition of the value of GRs. Yet, realization of commercial value also presents some risk of overexploitation and project did not incorporate EIA into ABS process as targeted, though sub-decree does have clause about the user keeping location of at-risk resources confidential.
Sustainability Overall: ML=3			

Country ownership: *Country ownership* of the project was strong. As noted, developing an ABS system for Cambodia is highly in-line with the country's NBSAP, though, as also noted, an ABS policy has not been adopted yet as a result of the project. The project's NPD, an under-secretary at MoE, was very actively involved in the project, particularly, as noted, in review and revision of the draft ABS legislation. A cross-ministerial ABS sub-TWG, which meets twice annually and predates the project, was involved with the project. The ABS sub-decree is now in the pipeline for adoption. Ideally, though, other ministries would have been consulted more extensively regarding the sub-decree's content.

Gender equality and women's empowerment: The project's achievements with regard to gender equality and women's empowerment are not as strong as hoped. As noted, the project commissioned a gender assessment and action plan, but did not proactively work to implement the plan, other than making presentation of the plan one of two topics at one of its workshops. The key finding that women are holders of TK regarding medicinal plants was not acted upon. Ideally, the ABS legislation might mention women's role and ensure they benefit accordingly, but the sub-decree lacks mention of women. ABS implementation presents a risk that women as the holders of TK will not benefit justly from their TK. Thus, it is important that future legislative steps incorporate assurances that women will benefit fairly.

The project design also had a gender analysis and action plan. It targeted to achieve a 30% proportion of women at workshops; and this was achieved. It further targeted that ABS policy has specific provisions about women, but since no ABS policy has been either drafted or adopted, this was not achieved.

Other cross-cutting issues: Assessment of *cross-cutting issues* recommended in UNDP GEF TE guidelines (2020) are:

- The project hasn't yet had much of a positive impact on local population, but ABS, if implemented, does have the potential for income generation for local communities.
- Project design addresses the UNDP Cambodia country program targeted outcome of: "By 2023, women and men in Cambodia, in particular the marginalized and vulnerable, live in a safer, healthier, more secure and ecologically balanced environment with improved livelihoods, and are resilient to

natural and climate change related trends and shocks.” This kind of positive impact has not yet been achieved, but the ABS system pursued by the project could someday provide this kind of benefit.

- Women and marginalized groups were not addressed to the extent envisioned. Yet, while the draft ABS sub-decree does not mention women, it does mention indigenous peoples.

GEF additionality: UNDP GEF TE guidelines (2020) define GEF additionality as “the additional outcome (both environmental and otherwise) that can be directly associated with the GEF-supported project.” The Cambodia ABS project provides clear GEF additionality as the measures taken to develop an ABS system for the country would not have happened in the absence of the project. As noted, Cambodia had the aim to develop ABS in its NBSAP since 2016 and had preliminary donor support for ABS in 2010-2012 (UNEP regional project), but took no action since. In the end, this additionality should manifest as “specific environmental additionality,” as ABS is intended to increase the protection of natural resources. Yet, in the near-term, it is “legal/regulatory additionality” that has been achieved, as the project facilitated preparation of the draft sub-decree and related instruments and forms. These achievements are the result of inputs of consultants paid by the project. The government then built on these consultant inputs with revisions. Therefore, it is clear that the results are attributable to the project.

Catalytic role/ replication effect: The project did not advance enough towards its targets to achieve a *catalytic role* or *replication effect*. Had it achieved pilot operationalization of the ABS system, as targeted, there may have been this type of effect via pilot ABS deals. It is suggested that any follow-up to this project include ABS pilots that will allow stakeholders to see actual examples of ABS and its benefits in action. It is possible that the project videos and ABS CHM website, if disseminated well, could lead to replication through knowledge transfer. The videos were completed in the last month of the project, so dissemination is guessed to have been limited. And, the ABS CHM is not yet hosted by the government, so has not yet been disseminated. Thus, catalytic role in the knowledge area has probably not yet been achieved via these tools.

Progress to impact: The ABS legislation and supporting instruments represent the key progress towards impact of the Cambodia ABS project. If post-project follow up work is done, not only to adopt these items, but to develop at the sub-national level the institutional framework and capacity to implement the sub-decree, implementation of an ABS system in Cambodia might successfully be achieved. And, if this occurs, there may, in turn, begin to be progress towards impact in terms of environmental protection and livelihoods. The main *risk* to progress is that political will is reduced, the legislation is not adopted, and the further steps needed to be taken are not carried out. Securing funding from a follow-up donor project may assure needed funds are available, but it is important that such a project will take activities all the way through to pilot ABS deals, so that a catalytic/ replication effect can be achieved.

7. Assessment of Project Implementation

This section provides an assessment of project implementation. Because some key topics related to project implementation have already been covered in the discussion of results, they may be only briefly discussed here. Per UNDP GEF TE guidelines (2020), the following key topics will be discussed: adaptive management, stakeholder participation, project finance and co-finance, M&E, oversight and execution, and risk management.

Adaptive management: The main change to the project post-design was a decision to pursue an ABS sub-decree (requiring approval only by the Executive Branch) rather than an ABS law (requiring approval by the Legislative Branch). This decision was made as it was believed a sub-decree could be approved more expeditiously leading more quickly to full implementation of an ABS system in Cambodia. This

change was made at the inception workshop in writing via a change to the project results framework. Yet, while the indicator description was changed, the end of project target (probably due to error) was not and remained: “Draft national law on ABS developed and presented to cabinet for approval.” Strangely, neither the indicator description nor the target show any change reflected in the PIR’s version of the project results framework. Involved stakeholders were quite clear, however, that it was a sub-decree (requiring Executive Branch approval only) that was being pursued. As an MSP, the project did not have a mid-term review. There seemed to be some other changes during project implementation that were not formally made and probably weakened the project. These were that the scope of awareness raising was limited mainly to government rather than widely including research institutes, communities, and the private sector as targeted in the design. And, as noted, consultations with key groups for input on the ABS legislation as targeted in the design were either not carried out or not substantial enough. It is guessed that with more extensive consultations with key stakeholder groups, the resulting draft sub-decree may have had significant differences with what was prepared.

To elaborate on the issue of stakeholder consultations targeted prior to revisions to the draft sub-decree, the ProDoc Activities 1.1.2 and 1.1.3 state that, after preparation of a preliminary draft ABS law, an inception workshop (not the inception workshop of the project) will be held for broad consultation on the draft.⁴⁶ And, then, the ProDoc indicates, a number of other consultative workshops will be held as necessary and include broad representation.⁴⁷ The final version of the draft law was to then be prepared, capturing the input of the “national inception workshop and the subsequent consultative workshops.” What happened instead is that the draft sub-decree was prepared by the international consultant, translated into Khmer, and then revised via a series of around 30 online meetings involving MoE and MoJ and, to a lesser extent UNDP, but not other groups of stakeholders. Once the final draft was prepared, there was one workshop at which some consultation was conducted but this elicited just one comment from parties other than MoE, MoJ, and UNDP. The evaluator did not find that changes to the plan of how to prepare the legislation were articulated in writing nor that the changes were approved by the Project Board or RTA.

Stakeholder participation: As noted elsewhere in this report, there were both strengths and weaknesses in stakeholder participation. Government participation in awareness raising was strong, but the project did not include the private sector, communities, or research institutes to the extent expected. And, for the sub-decree, MoE and MoJ were the main government entities that provided input. Consultations did not much involve entities such as MAFF or other key ministries. And there was no substantial consultation for the sub-decree with the private sector, NGOs, or community representatives. (Please see footnote 7.) Country-drivenness, as has been noted, was quite strong. The project was implemented by MoE; and detailed participation by MoE at a high level in legislation review/revision is notable. The Covid-19 pandemic, as will be discussed, had a negative impact on stakeholder participation as, for many months, face-to-face meetings as were targeted could not be held. The main adaptive management measure vis-à-vis Covid was the 30 virtual meetings held to revise the ABS sub-decree. As noted, the project’s gender mainstreaming plan was not implemented, though the targeted proportion of women at workshops (30%) was met and the gender plan was presented at a workshop. The project design had the intention that project documents (particularly legislation it is presumed) would be reviewed by government bodies

⁴⁶ About the “ABS Law Inception Workshop,” which was to occur prior to revisions of the draft ABS Law, the ProDoc says, “The workshop will involve officials dealing with policy, planning and legal matters in relevant ministries and their line agencies, private and public entities as well as representatives from the judiciary, parliament, academia and private sector companies and local communities.”

⁴⁷ About the follow up consultative workshops on the preliminary draft ABS law, which were also to occur as needed prior to revisions to the draft, the ProDoc says, “Target participants will include agriculture, forestry, environment, judiciary, researchers, academia, private sector and local business community involved with genetic resource use.”

responsible for gender, but this did not happen; and, as noted, the draft ABS legislation contains no reference to women.

The ProDoc includes a Stakeholder Involvement Plan and states that the project will prepare in its early days a Stakeholder Engagement Plan. The Stakeholder Involvement Plan lists 24 groups, their roles/responsibilities, and how they will be involved in the project. The project did not, as far as the evaluator knows, prepare a Stakeholder Engagement Plan. The project did commission a “Communications Strategy,” but this was not prepared until 2021 (about 2 years into the 3 year project) and is focused more generally on building awareness and capacity on ABS. So, it does not seem a suitable replacement for the Stakeholder Engagement Plan that was to be prepared at the beginning of the project and would have had the aim of ensuring good engagement of stakeholders in the project throughout its lifetime.

Project finance and co-finance: Section 5 provides a fairly extensive discussion of project efficiency, otherwise known as “cost effectiveness” or “value for money.” One of the main issues raised is that the project has a very high proportion of funds that are not spent directly on activities and thus might be considered “overhead costs.” Project team costs projecting forward to EOP are 34% of the total budget for GEF funds. And, only 44% of total GEF expenditures (projected to EOP) can clearly be attributed to direct project activities. While only 4% of project costs (at USD35,000, though original intent was to spend US\$57,000), the purchase of a project vehicle on Dec. 21, 2020, which is 20 months into this 3-year project, is another example of what is assessed to be not a very cost effective use of funds, as also discussed in Section 5. The vehicle purchase, in addition, represents a variance from planned expenditures in the ProDoc. Those involved in the design recognized that purchase of a vehicle would not be cost effective. Another issue raised vis-à-vis cost effectiveness is lack of utilization of the many reports and plans prepared early in the project, where overlap between reports was also an issue. In this sub-section, further background on expenditures of GEF funds is provided. Co-financing reported by the PMU is also shown.

Exhibit 24 shows annual expenditure of GEF funds by outcome and by year, while Exhibit 25 shows expenditures of GEF funds to date by outcome as compared to total allocation at the design stage. From Exhibit 24, it can be seen that there was a somewhat slow ramp-up of spending in 2019 (inception workshop was held in late June, leaving 6 months for implementation). This is likely typical and to be expected of spending in such projects, given that spending may lag activities to some extent (e.g. consultant is typically paid after delivering work). Expenditures for 2020, 2021, and 2022 (to Aug. 10) show relatively strong and steady usage of funds, both overall and for each outcome. Input from the PMU suggests that all remaining funds will be spent by financial close. As of Aug. 10 (almost a month after project operational close), about USD88,000 of GEF funds remain.

Exhibit 24. Expenditures of GEF Funds by Outcome and Year (to Aug. 10, 2022)
(based on CDRs, in USD)

Outcome	2019	2020	2021	2022 (to Aug. 10)	Grand Total
Outcome 1	35,180.07	132,675.38	111,463.33	84,725.43	364,044.21
Outcome 2	25,425.06	84,095.31	124,856.11	105,013.01	339,389.49
Project Management	6,575.50	16,983.52	15,654.40	12,466.15	51,679.57
Grand Total	67,180.63	233,754.21	251,973.84	202,204.59	755,113.27

Exhibit 26 shows a list of individual and company contracts of the project as provided by the PMU and UNDP. As noted in Exhibit 20, these make up about 34% of the total GEF budget for the project. As also noted, this seems quite low, given that most of the activities and the outputs of the project were generated by such contracts. In most cases, the contract topics shown in Exhibit 26 are those provided by the PMU, though adjustment has been made by the TE for one case as indicated in the table, because findings

suggest the work did not correspond to the original topic as stated. While many consultants were hired for just one assignment, the anonymized information in Exhibit 26 shows that one national consultant held five contracts, another held two contracts, the national firm held two contracts, and one IC held two contracts. Overall, 14 distinct consultants or consultancies were hired across the 21 assignments.

Exhibit 25. Expenditures of GEF Funds (to Aug. 10, 2022) as Compared to CER Allocation
(based on CDRs, in USD)

Outcome	Realized to Aug. 10, 2022	CER Allocation	% CER allocation spent	Funds remaining in allocation
Outcome 1	364,044	397,084	91.7%	33,040
Outcome 2	339,389	369,500	91.9%	30,111
Project Management	51,680	76,658	67.4%	24,978
Total	755,113	843,242	89.5%	88,129

Exhibits 27a, 27b, and 27c show rough breakdown of expenditures by topic area, whereas Exhibits 27d and 27e compare expenditures realized/ expected to be realized with budget plans in the ProDoc. The templates for Exhibits 27a, 27b, and 27c were prepared by the TE consultant with the aim of giving a rough idea of expenditures on different topical or functional areas. After preparing the template, the consultant populated much of it with information from the consultant list (Exhibit 26) and UNDP-provided CDRs. The result was then shared with the PMU (see Annex 9 for version provided to the PMU), which filled in the gaps and included projected spending to EOP. The TE consultant then adjusted a few items based on understanding of the outcome that seemed most appropriate for various expenditures and addressing a discrepancy between the contract list and this later provided information. For example, the PMU included the KAP survey under Outcome 1, but given that its focus is on information to develop a communications strategy, it was shifted to Outcome 2. The tables provide a good overview of spending of the project; and this was used to inform the cost effectiveness (“efficiency”) analysis in Section 5. The tables reflect the finding that the activity expenditures are split across a range of topics. They also reflect the finding that items not directly supporting activities, such as staffing, are a large part of expenses as well. Much of project team salaries are charged to the two outcome budgets rather than to project management. While this practice may be acceptable for cost of time of project team members spent carrying out activities, it is not considered appropriate for work doing pure project management function. And, under almost no circumstances should the admin and finance officers’ work be charged to the outcomes, as that work is most clearly related to project management rather than specific project activities and outcomes. Yet, in this case, the full expense of the finance officer and half of the expense of the admin officer are allocated in the ProDoc budget to the outcomes.

Exhibit 26. List of Individual and Company Contracts of the Project

Consultant†	Title of Assignment	Start Date	End Date	Contract/ Budget (USD)
NC A	Preparation the Inception Workshop	Jun-19	Jul-19	2,100
IC A	Provide technical support and develop ABS Framework	Nov-19	Feb-20	14,900
NC B	Conduct stocktaking exercise for developing a national legislation on ABS in line with the Nagoya Protocol	Dec-19	Feb-20	7,000
NC B	Support Gap Analysis, Prepare International Case Studies*	May-20	Sep-20	9,100
IC B	Develop Gap Analysis of ABS legislation in Cambodia in Compliance with the Nagoya Protocol	May-20	Aug-20	8,250
NC C	Stocktaking exercise to develop Institutional Framework for the implementation of the Nagoya Protocol	May-20	Aug-20	6,900
NC D	Documentation of genetic resource associated with traditional knowledge in Cambodia and in line with the Nagoya Protocol	May-20	Aug-20	12,000
NC E	Develop Communication Strategy and networking platform for the implementation of the Nagoya Protocol	Aug-20	Dec-20	10,500
NC F	Develop Gender mainstreaming Action Plan including Monitoring and Evaluation Strategy	Oct-20	Dec-20	2,400
NC C	Review existing national instruments and base practices of EIA and ABS to develop guideline for community protocols on ABS	Dec-20	Mar-21	12,000
NC B	Develop draft national ABS Legislation and its Rules, Regulations	Dec-20	May-21	10,500
IC C	Develop draft national ABS Legislation and its Rules, Regulations	Dec-20	Apr-21	12,650
NF A	Develop Communication, Education and Public awareness (CEPA) Strategy and Action Plan for Access and Benefit Sharing (ABS) and education materials and short videos	Jun-21	Oct-21	25,000
NC G	Expand and Develop Central Portal, and Support the Maintenance of ABS Clearing House Mechanism (ABS-CHM)	Jun-21	Dec-21	9,000
IC D	Evaluation	Aug-21	July-22	22,500
NF A	Design and produce short videos to enhance public awareness related to the NP on ABS and the value and utilizations of genetic resources associated with traditional knowledge	Nov-21	Dec-21	20,000
NC B	Develop National ABS Instruments, Guidelines, Procedures and administrative Measures to support the implementation of the NP	Dec-21	Jun-22	25,900
IC C	Develop national ABS instruments, administrative measures and procedure guidelines to support the implementation of the NP	Mar-22	Jun-22	35,750
IC E	Develop National ABS Roadmap, Model on Bioprospecting and Guidelines for Community Protocols for the implementation of NP	Apr-22	Jun-22	19,000
NC B	Develop tools and provide capacity building	Apr-22	Jun-22	12,250
NC H	Develop framework for tracking GR-TK and MoE	Apr-22	Jun-22	12,000
---	Total	---	---	289,700

Source: PMU and UNDP

†Abbreviations are: NC=national consultant; IC=international consultant; NF=national firm. A lettering system is used to differentiate between distinct consultants.

*Original topic was “Develop Preliminary ABS Legislation and its Rules Regulation,” but TOR indicates assignment focus is to support the international consultant preparing the gap analysis and to prepare international case studies on ABS.

Exhibit 27a. Expenditures by Major Activity Area or Functional Area for Outcome 1. National Policy, Legislative, and Institutional Framework (in USD)

Major Activity Area or Functional Area	Expenditures to Date (roughly May 4, 2022)	Planned Expenditures (to July 2022)	Total Expected Expenditure by EOP (by Financial Close)
1. ABS Framework (analysis and framework) - International Consultant	14,900	---	14,900
2. ABS Roadmap – 1/3 International Consultant	---	8,334	8,334
I. Sub-total Policy	14,900	8,334	23,234
1. Legislative stocktaking – National Consultant	7,000	---	7,000
2. Legislative gap analysis support/ international case studies – National Consultant	9,100	---	9,100
3. Legislative gap Analysis – International Consultant	8,250	---	8,250
4. Legislative stocktaking – 2 nd National Consultant (supposed to be institutional stocktaking, but main focus was legislative stocktaking)	6,900	---	6,900
II. Sub-total Stocktaking and Gap Analysis for Legislation	31,250	---	31,250
1. Draft Legislation, Rules and Regulations – National Consultant (sub-decree)	10,500	---	10,500
2. Draft Legislation, Rules and Regulations – International Consultant (sub-decree)	12,650	---	12,650
III. Sub-total Legislation	23,150	---	23,150
1. Instruments, Guidelines, Procedures, Measures (& Financial Mech.) – 2/3 NC	5,180	12,087	17,267
2. Instruments, Guidelines, Procedures, Measures (& Financial Mech.) – 2/3 IC†	4,767	19,067	23,834
IV. Sub-total Instruments, Guidelines, Procedures, Measures (& Financial Mech.)	9,947	31,154	41,101
1. EIA and Community Protocols – National Consultant	12,000	---	12,000
2. EIA and Community Protocols – 1/3 International Consultant	---	8,333	8,333
V. Sub-total EIA and Community Protocols	12,000	8,333	20,333
1. Documentation of Genetic Resources associated with Traditional Knowledge – NC	12,000	---	12,000
2. Framework for Genetic Resources and Traditional Knowledge tracking – NC	3,600	8,400	12,000
VI. Sub-Total Genetic Resource and Traditional Knowledge Work	15,600	8,400	24,000
VII. Bioprospecting Model (1/3 International Consultant)	---	8,333	8,333
1. National Project Coordinator	47,190	5,382	52,572
2. Finance Officer and Admin Officer	69,340	7,492	76,832
VIII. Sub-Total Project Team (cross-topic for the outcome)	116,530	12,874	129,404
IX. Travel	15,664	11,009	26,673
X. Meetings of sub-TWG and Project Board	1,688	---	1,689
XI. Workshops charged to this Outcome	27,211	20,061	47,273
XII. Visual Printing for Dissemination	16,808	7,297	24,105
XIII. Miscellaneous	1,361	896	2,258
GRAND TOTAL of ABOVE ITEMS FOR OUTCOME 1	271,209	108,357	379,569
Total of CDRs to May 4, 2022 (and expected to spend down to GEF approved target)	297,457	99,627	397,084
Gap between total accounted for in this table and CDRs for Outcome 1	-26,248	+8,730	-17,515

†PMU input for this and the next table suggest the IC “instruments” contract was for USD47,856, whereas the contract list provided by the PMU and UNDP suggest this contract is for USD35,750. This table maintains the USD35,750 contract value. This contributes a gap of USD12,106 between total expected expenditures and GEF grant size, as the grand total of the totals provided for the PMU for these three tables matches the total GEF allocation exactly.

Sources: PMU and UNDP provided list of consultant contracts, CDRs, input from PMU on TE prepared template

Exhibit 27b. Expenditures by Major Activity Area or Functional Area for Outcome 2. Operational Admin and Permitting System (in USD)

Major Activity Area or Functional Area	Expenditures to Date (roughly May 4, 2022)	Planned Expenditures (to July 2022)	Total Expected Expenditure by EOP (by Financial Close)
1. KAP Survey and Communications Strategy - National Consultant	10,500	---	10,500
2. Communications, Education, and Public Awareness Strategy – firm	25,000	---	25,000
I. Sub-Total Strategies: CEPA and Communications Strategies	35,500	---	35,500
1. Videos – firm (5 videos)	20,000	---	20,000
2. Tools for capacity building –national consultant	3,675	8,575	12,250
II. Sub-Total Outreach Materials	23,675	8,575	32,000
1. Gender Analysis – national consultant	2,400	---	2,400
III. Sub-Total Gender and Monitoring	2,400	---	2,400
1. Upgrading of CHM website	9,000	---	9,000
IV. Sub-Total Knowledge and Information Sharing	9,000	---	9,000
1. Instruments, Guidelines, Procedures, Measures (& Financial Mech.) – 1/3 NC	2,590	6,043	8,633
2. Instruments, Guidelines, Procedures, Measures (& Financial Mech.) – 1/3 IC	2,383	9,533	11,917
V. Sub-total Instruments, Guidelines, Procedures, Measures (& Financial Mech.)	4,973	15,576	20,550
VI. Sub-Total Printing (indicated not to be posters and brochures)	---	7,274	7,274
1. National Project Coordinator	47,190	5,382	52,572
2. Admin Officer	27,488	2,957	30,445
3. Communications Officer	27,960	4,968	32,928
4. Driver	5,841	1,380	7,221
5. Cleaner	2,913	522	3,435
VII. Sub-Total Project Team for Outcome 2 (cross-cutting within outcome)	111,391	15,210	126,602
VIII. Vehicle	35,016	--	35,016
IX. Fuel	1,157	320	1,477
X. Travel	9,358	5,266	14,624
XI. Meetings of sub-TWG and Project Board	12,489	---	12,489
XII. Workshops charged to this Outcome	4,742	29,576	34,318
XIII. Furniture and Equipment	16,471	375	16,846
XIV. Terminal Evaluation	4,500	18,000	22,500
XV. Miscellaneous	896	375	1,271
GRAND TOTAL of ABOVE ITEMS FOR OUTCOME 2	271,568	100,547	371,867
Total of CDRs to May 4, 2022 (and expected to spend down GEF approved target)	255,046	114,454	369,500
Gap between total accounted for in this table and CDRs for Outcome 2	+16,522	-13,907	+2,367

Sources: PMU and UNDP provided list of consultant contracts, CDRs, input from PMU on TE prepared template

Exhibit 27c. Expenditures by Major Activity Area or Functional Area for Project Management (in USD)

Major Activity Area or Functional Area	Expenditures to Date (roughly May 4, 2022)	Planned Expenditures (up to July 2022)	Total Expected Expenditure by EOP (by Financial Close)
Inception Workshop Consultant	2,100	---	2,100
Admin Officer (1/2)	29,504	708	30,212
Domestic Travel	1,760.16	1,300.00	3,060.16
Supplies	4,074.41	137.85	4,212.26
UNDP Services to Project (DPC – direct project costs)	12,121.05	2,845.66	14,966.71
Miscellaneous	317.90	448.17	766.07
GRAND TOTAL of ABOVE ITEMS FOR Project Management	49,878	5439.68	55,317
<i>Total of CDRs to May 4, 2022 (and expected to spend down to GEF approved target)</i>	<i>45,528</i>	<i>31,130</i>	<i>76,658</i>
Gap between total accounted for in this table and CDRs for Outcome Project Mngt	+4,350	-25,690	-21,341

Sources: PMU and UNDP provided list of consultant contracts, CDRs, input from PMU on TE prepared template

In comparing the ProDoc's budget plan to actual expenditures, the variance in the three major overall categories of expenditures (consultants and subcontractors, project team salaries, and other) is not that great. On a more micro level some differences in planned consultancies as listed in the budget notes differ from what was realized. Exhibit 27d compares the ProDoc budget sub-totals for the three major overall categories of expenditure to the expenditure amounts expected to be realized in these categories.

Exhibit 27d. ProDoc Planned versus Rough Realized Expenditures in Major Expenditure Category (in USD)

Major Area	ProDoc Plan	Rough Realized Expenditure	Gap = Realized – Planned (and gap as % of planned)
Project Team Salaries	244,800	286,218	+41,418 (=+17%)
Consultants and Sub-Contractors	306,700	289,700	-17,000 (-5.5%)
Other	291,742	267,324	-24,418 (-8.4%)
Total	843,242	843,242	0.0

Some variances were found in individual topics of contracts as indicated in the notes of the ProDoc as compared to final outputs. Also, in the “other” category, there was no plan to purchase a vehicle in the ProDoc budget notes, but in the end, as decided at the inception workshop, a vehicle was purchased. The allocation as of inception workshop was USD57,000, but as the targeted vehicle was not available, eventually a USD35,000 vehicle was purchased.

Exhibit 27e shows the targeted expenditures for various consultant and contractor assignments, as well as for workshops and consultations, as compared to what the assignments ended up delivering. The middle column is the “title” of the consultant assignment carried out, while the right column (comments) explains how what was actually delivered and how this differs from what was targeted in the ProDoc budget. There are a number of instances of variances, more so in nature of content than in amount of allocation. The differences are often in-line with the theme that the project was designed to deliver utilizable outputs and achieve not only an ABS law, policy, and institutional framework, but also to

operationalize the ABS system before EOP, whereas in practice the project mainly targeted the sub-decree and instruments alone (in place of a law) as utilizable outputs and much of the other work became background reports, but not utilizable materials.

Exhibit 27e: Variances between what was Planned for Consultant, Subcontractor, and Workshop Expenditures and what was Realized

Planned Expenditure (vis-à-vis ProDoc Budget Notes)	Title of Actual Assignment(s) or Workshop	Comments on Variance between what was Actually Delivered and what was Planned
International Consultants		
Guide ABS Law Development \$54,000	Develop draft ABS legislation rules and regulations \$12,650 + Develop ABS instruments \$35,750 = total of \$48,400	Similar output, but a more interactive process had been envisioned for this work. Instead, international consultant prepared full initial drafts of both sub-decree and instruments without input from national consultant
Facilitate manuals, tools, protocols for partnership building and establishing admin and permitting system for ABS \$9,600	Develop Gap Analysis of ABS legislation in Cambodia in Compliance with the Nagoya Protocol \$8,250	The item that was prepared does not really correlate with any of the items in ProDoc budget and it is more of a background report, whereas the item or items it may have replaced had more potential for direct utilization in Cambodia's ABS system
Develop process for bio-community protocols and model for GR and TK registers \$12,000 + Training materials on ABS permitting and monitoring \$12,000 = total of \$24,000	Develop National ABS Roadmap, Model on Bioprospecting and Guidelines for Community Protocols for the implementation of the Nagoya Protocol \$19,000	General bio-community protocol guidelines and background prepared, no model for GR and TK registers, and no training materials on ABS permitting and monitoring. Instead, an "ABS roadmap" and model bio-prospecting contract were prepared. The missing items could have been quite useful towards the target of admin/ permitting system operationalization, which was not met.
Facilitate development of ABS Policy and Framework \$9,600	Provide technical support and develop ABS framework \$14,900	This was not a facilitation, but instead a drafting by the international consultant. No policy was drafted, but a framework was.
National Consultants		
Support int'l consultant to develop ABS laws and guidelines \$35,000 + Prepare and edit legal documents (law and supporting items) \$21,000 = total of \$56,000	Develop Preliminary ABS Legislation and its Rules Regulation \$9,100; Develop draft national ABS Legislation and its Rules and Regulations \$12,650; + Develop ABS Instruments \$25,900 = total of \$47,650	National consultant did not support international consultant(s) in preparing first drafts of legislation and instruments, but is believed to have translated sub-decree and instruments into Khmer and assisted in their revision. He also prepared 9 international case studies, but these were simply copied from other project reports.
Support the International Consultant to develop protocols, guidelines and manuals for permitting \$10,500	Documentation of genetic resource associated with traditional knowledge in Cambodia and in line with the Nagoya Protocol \$12,000	The assignment doesn't really correlate, but is included here due to rough match in budget and lack of suitable partner for the designed item. The prepared item may have been an aim to develop a documentation system for GR and TK, but the report prepared is general, not providing such an item, though does provide extensive listings of GR in Cambodia that have medicinal properties
Supportive analysis and assessments for law and supporting items \$24,500	Stocktaking on Legislation \$7,000	Review of legislation that might be relevant to ABS prepared, but lacked targeted assessments that may have assisted preparation of law and instruments
Document ABS best practice \$12,000	Stocktaking exercise to develop Institutional Frame	This product includes legislative stocktaking and institutional

	work for implementation of Nagoya Protocol \$6,900	background
Assist in development of community protocol process and TK \$15,000	Review existing national instruments and base practices of EIA and ABS to develop guideline for community protocols on ABS \$12,000	Report has a lot of background on EIA. It includes some recommendations on community protocols, but does not provide a utilizable process
ABS monitoring and tracking protocols \$12,000	National consultant to develop framework for tracking GR-TK and MoE \$12,000	Product is report that mainly copies from other product outputs and does not provide tracking system
Clearing House Mechanism development \$9,000	Expand and Develop Central Portal, and Support the Maintenance of ABS Clearing House Mechanism (ABS-CHM) \$9,000	This ended up being an IT/ website development assignment only. ProDoc discusses guidance to determine what to include in CHM, but this was not addressed
CEPA Strategy Preparation: \$6,000	Communication Strategy and Networking Platform \$10,500	Strangely, an international firm was hired to do the CEPA strategy (see below), but this communication strategy ended up being similar
Action plan for training CA, NCA, and others \$4,500	Develop tools and provide capacity building \$12,250	In the end, the product looks more like a plan (as envisioned) rather than specific tools.
----	Gender mainstreaming action plan \$2,400	Not found in ProDoc budget
National Firm		
Production of public awareness materials and organize CEPA events \$30,000	Develop Communication, Education and Public awareness (CEPA) Strategy & Action Plan for Access and Benefit Sharing (ABS) and education materials and short videos \$25,000; Develop 7 short (e.g. 3 to 4 minute) ABS videos \$20,000 = total of \$45,000	Strangely, the firm provided a large document of CEPA strategy, which was supposed (per ProDoc budget) to be done by a national consultant (see above). The firm did not organize CEPA events but it did prepare one or two brochures. It received a second contract to prepare the videos, so total exceeds plan by 50% (= \$15,000)
Training Workshops, meetings, consultation		
Outcome 1: range of workshops and consultations related to: (i) development of new ABS law, (ii) preparation of guidelines for implementation of ABS law, (iii) preparation of supporting policy documents, (iv) dissemination and extension of new ABS law and launch workshop \$43,000 + Outcome 2: Workshops, trainings, meetings and consultations with key agencies and local stakeholders on issues related to permit agreement, protocols, guidelines and manuals for NCA and Focal Point on their duties relating to the ABS legislation development and implementation \$45,000 = Total of \$88,000	7 workshops: (i) Inception workshop; (ii) Consultation workshop on “The draft national framework on ABS”; (iii) Training and Capacity Building on “Analysis and Research for the presenting of living modify-organisms (LMOs) in plant crops and bioprospecting”; (iv) Dissemination workshop on “Gender and ABS;” (v) Consultation workshop on “Gender mainstreaming and action plan, communication strategy, and draft sub-degree on ABS”; (vi) Training workshop on “Access and Benefit Sharing Clearing-house (ABS-CH) and Dissemination on CEPA Strategies and Action Plans”; (vii) Capacity Building workshop on “Draft Sub-Degree on Access and Benefit Sharing and Its Related Provisions for support the implementation of the Nagoya Protocol” \$81,591	Planned workshops, meetings, and consultations appear more focused on (a) getting input on the ABS law/ instruments prior to revised draft and (b) providing training related to implementation. In practice, the project did not seem to gather input during the pre-revision period for the legislation. Workshop (ii), however, occurred before the international consultant who drafted the sub-decree was hired. Also, because specific roles and entities for implementation of the ABS sub-decree at the sub-national level have not been determined, their training on their detailed roles on implementation was not achieved as envisioned.

Exhibit 28. Co-Financing from MoE from 2019-July 31, 2022 as reported by the PMU

Description of Expenditure Item	Type of Co-Financing	Amount (in USD)
Outcome 1		
Project Director	In-Kind	24,500
Project Chair of Board	In-Kind	34,300
Steering Committee	In-Kind	52,500
Resource Assessment in PKNP (Bamboo, Honey, Black Ginger)	In-Kind	120,000
Feasibility Study Namlyr-Geopark	In-Kind	70,000
LAND Scap management in Northern Pas (Bio Research-Livelihood development)	In-Kind	300,000
Research on Spices used in Cambodia, DBD	In-Kind	50,000
DBD Staffs for facilitate	In-Kind	105,000
Field work	In-Kind	160,000
Meeting on sub-Degree ABS Project	In-Kind	46,000
Total Outcome 1		962,300.00
Outcome 2		
Project Director	In-Kind	73,500
Project Chair of Board	In-Kind	77,175
Utilities and Internet Expenses	In-Kind	10,500
Gender Mainstreaming and policy develop in Eastern Pas	In-Kind	40,000
DBD Staffs for facilitated	In-Kind	135,000
NCSD Meeting on Sub-Decree	In-Kind	262,500
Sub-Technical working Group	In-Kind	131,250
Meeting on Sub-Decree	In-Kind	200,000
Gender workshop	In-Kind	21,250
Total Outcome 2		981,175
Project Management		
Communication	In-Kind	7,880
Office Rental	In-Kind	12,000
Meeting room fee	In-Kind	15,000
Total Project Management		34,880
GRAND TOTAL	---	1,978,355

Exhibit 28 shows project co-financing from MoE (the top source of reported project co-financing) broken down by various types of items (e.g. staff time, meetings, field work etc.) as provided by the PMU. All items are indicated to be in-kind rather than cash grant. This means that no cash was provided to project activities, but instead other expenditures of the government or its donors are counted as co-financing. The total is USD1,978,355, which surpasses by a bit the target USD1,961,602. Yet, it should be noted that the targeted co-financing is, in the CER, indicated to be 100% grant, or cash, rather than in-kind. Further, a number of questions arise as to the strength of co-financing in terms of being really on-target expenditures to support the aims of the Cambodia ABS project versus being simply roughly related expenditures.

To better understand and validate the co-financing, the TE consultant asked the PMU a number of questions when requesting information on co-financing (questions that were not answered) and again asked a number of questions after the PMU submitted a co-financing table, but did not receive a response. The second set of queries included four main areas: The first is whether the resource assessment (USD120,000), feasibility study (USD70,000), livelihood development (USD300,000), research on spices (USD50,000), and gender mainstreaming for policy in Eastern Pas (USD40,000) are funds spent on donor projects or are instead purely government funded initiatives. It would also be useful also to know how these activities are deemed to be supporting the aims of the Cambodia ABS project. A second area raised was whether the USD160,000 in field work expenses was funded by other donor projects or is pure

government funding. It was also asked what the purposes of the field trips were to try and get insight into how and whether they relate to the aims of the Cambodia ABS project. And the number of trips and duration were also asked about to get a better overall view. Third, questions were asked about how the PMU computes the in-kind co-financing attributed to expense of high level persons: the NPD, Project Chair, and Steering Committee. It was asked whether the cost was computed based on hourly rates related to the individuals' salaries and number of hours of time input into the ABS project. And, the exact computation used (hours they put in times hourly rate) was requested if indeed this was the method used to compute the referenced co-financing. These questions relate to in-kind co-financing expenses reported of USD98,000 for the Project Director and USD111,475 for Chair of the Project Board. They were also raised regarding the USD52,500 in co-financing attributed to Steering Committee costs. Considering the Chair of the Project Board for a moment, while this person's time is certainly valuable, evidence suggests he did not put a whole lot of time into the project that would justify USD111,475 in co-financing. Thus, it is guessed that a broader definition of co-financing than specific inputs to the project alone was used. The last question area raised about co-financing to the PMU was regarding how a number of other line items were computed. These include USD240,000 for DBD staff. It was asked if this number is based on hourly rates associated with salaries and, if so, how many hours and what hourly rates were used. For the sub-TWG co-financing expense of USD131,250 and the sub-decree meetings expense of USD246,000, it was asked what the component costs are and, if also attributed to staff time, what the hourly rates and total hours are. (Note the foregoing figures have been updated to include 2022 expenditures since the time the unanswered queries were submitted. Another new claimed co-financing expenditure for 2022 is USD262,500 for "NCSD Meeting on Sub-Decree" which seems incredibly high, though of course it is quite positive that NCSD "adopted" the sub-decree so it could move on to the next step in the approval process.

Exhibits 29 and 30 summarize project co-financing in table formats recommended by UNDP GEF TE guidelines (2020). There are just two sources of co-financing, MoE and UNDP. UNDP's co-financing was not committed at the design phase, but was realized as cash grant co-financing from UNDP TRAC funds and agreed upon by UNDP's senior management upon the request of MoE after the ProDoc was signed. It totals around USD 137,000 and 76% went towards direct project costs (such as UNDP support of the project in recruiting consultants, etc.). Another 22% went towards a greenhouse at the Wild Orchid Farm. Exhibit 30 divides entries into recurrent expenditures (also known as operational expenditures) and investment mobilized. While the TE consultant asked the PMU for this information regarding MoE co-financing, it was not provided. Thus, entries for MoE are based on the TE consultant's best guess of recurrent expenditure versus investment mobilized categorization of expenses shown in Exhibit 28. One challenge in this regard is that it is not clear whether in-kind co-financing costs for meetings are actually considered to be staff time (a recurrent expenditure) or a one-time mobilized investment. Because all co-financing is indicated to be in-kind, however, it is guessed that such funds are recurrent expenditures. Thus, the main co-financing funds that are considered investment mobilized are those that appear to be project-oriented in nature and may well be a part of other donor projects.

Exhibit 29. Co-Financing Table Comparing Planned and Actual Co-Financing

Co-financing type	UNDP		Government (USD)		Total (USD)	
	Planned	Actual	Planned	Actual	Planned	Actual
Grants	0.0	137,386	1,859,136	0.0	1,859,136	137,386
Loans	0.0	0.0	0.0	0.0	0.0	0.0
In-Kind	0.0	0.0	0.0	1,978,355	0.0	1,978,355
Other	0.0	0.0	0.0	0.0	0.0	0.0
Total	0.0	137,386	1,859,136	1,978,355	1,859,136	2,115,741

Note: Government co-financing is through July 31, 2022. UNDP co-financing is as of Aug. 16, 2022.

Exhibit 30. Confirmed Sources of Co-Financing at TE Stage (showing breakdown of recurrent expenditure versus investment mobilized)

Source of Co-financing	Name of Co-financier	Type of Co-Financing	Recurrent expenditure or investment mobilized?	Amount (USD)
Recipient Country Government	MoE	In-kind	Recurrent expenditure	1,388,355
Recipient Country Government	MoE	In-kind	Investment mobilized	590,000
GEF Agency	UNDP	Grant	Investment mobilized	137,386
Total Co-financing				2,115,7421

Note: Government co-financing is through July 31, 2022. UNDP co-financing is as of Aug. 16, 2022.

Audits and spot checks, including observations: Based on documents reviewed, the project underwent one financial audit for the year 2021 (carried out by Lochan and Co.). The project also underwent a spot check for the period June 1, 2019, to Nov. 15, 2019 (carried out by BDO). Both were commissioned by UNDP. MoE did not commission any additional audits or spot checks. Another UNDP commissioned spot check is expected in 2022.

One purpose of the spot check was to validate financial information in the FACE Forms and accounting records of the IP. It is based only on that information provided to the assessor by the IP. The spot check found that, while there is an Internal Auditor Group for MoE, no audits of NCSD, which was officially implementing the Cambodia ABS Project, have ever been conducted. And, BDO could not confirm whether donor projects implemented by NCSD would be subject to audits by the Internal Auditor Group. It was confirmed that external auditors from other government agencies do not conduct audits of NCSD donor-funded projects. BDO further notes NCSD has no anti-fraud policy that staff are required to sign. Lastly, BDO noted a lack of sufficient attendance system to monitor staff attendance at work.

The audit for 2021 found some items of concern on the finance side with regard to travel. Namely, DSA expenses, hotel expenses, consumables purchased for workshop or mission, etc., while listed in accounting software, are not clearly associated with any specific trip. It is recommended by the audit that, in the future, specific trips are referenced and the details of those trips provided. As explained by the audit report, with the current accounting system for trips, it is not possible to monitor travel and mission related expenses. As a result, single expenses might be entered multiple times. Another problem found is that the vehicle logbook does not state the purpose of travel, only the destination. Thus, it is impossible to assess whether associated expenses should be charged to the project.

Need for greater oversight: Based on some challenges noted in the transparency and quality of deliverables from NCs, it is suggested that there be increased oversight on the part of UNDP of NC and national firm outputs to ensure funds are well spent. Challenges include a case of a national consultant being responsible for supporting international consultants on three different assignments, but this support not being realized. It also includes an issue of cut and paste from documents prepared by others for some submitted reports, which appears to be a very low value for money in the case of the involved contracts.

M&E: In terms of M&E design at entry, findings suggest there may have been some room for improvement of project indicators, though other aspects of M&E design and planning (such as budget and specific M&E work to be carried out) are deemed adequate. Section 3, which covers assessment of project

design, include a sub-section entitled “Project indicators and indicator targets.” The sub-section makes several points about how the project indicators might have been improved. Areas discussed include: (i) The need for a more comprehensive indicator to assess progress towards the project objective. (ii) The need for some additional indicators to assess progress on certain key topics, such as an indicator to confirm a system for documenting GR and TK and an indicator to confirm rollout of the ABS system. (iii) Avoidance of content overlap between the indicators of Outcome 1 and Outcome 2. Both outcomes have capacity/ awareness indicators, though Outcome 2 is designed to be the outcome addressing this area. Likewise, guidance documents targeted in indicators for Outcome 2, might well have been part of the work described for Outcome 1. (iv) The need for project activities to include a survey to assess the last indicator in the project results framework. For an assessment of “SMART” criteria for each project indicator, please see Annex 10.

As for M&E implementation, findings suggest good diligence in preparing all required reports, though some shortcomings in assessing indicators. In particular, the Capacity Development Scorecard provided to the TE consultant did not include a complete EOP assessment and explanations for the rating of each included item. And, a survey was not carried out as intended to assess the last indicator in the project results framework. Yet, since outreach to the relevant parties listed in this indicator was low, this may not have been worthwhile anyway. As for reporting, it was found that both quarterly reports and annual reports were prepared, the latter featuring progress at the output level. The 2021 annual report shows a good number of items were delayed while waiting for finalization of the draft sub-decree. It appears that this and/or other reporting was noted by UNDP in its QA role. UNDP then worked hard to push for delivery of key outputs by EOP, resulting in what this report has termed “race to the finish.” There was one PIR prepared for the project as required. This PIR has similar overall ratings for effectiveness and implementation to those of the TE, suggesting the M&E work was indeed on-track.

Considering the above findings, the M&E ratings of the project are as shown in Exhibit 31.

Exhibit 31. Project M&E Ratings

M&E Design	M&E Implementation	M&E Overall
S=5	S=5	S=5

Note: See Annex 3 for rating scale.

Oversight and execution:

UNDP oversight: TE findings on UNDP’s oversight role are quite favorable. First, UNDP managed the development of a quality ProDoc that provided a roadmap for activities to bring Cambodia to ABS implementation readiness and rollout. During implementation, UNDP appears to have had a high attention to detail of the project at the program officer level and also valuable attention at the higher levels of the Country Office to help drive this important project forward. Compared to other projects that the evaluator has assessed, she found UNDP CO’s pro-activeness and input to be both more thorough and of higher quality than average. Because this project faced a lot of challenges moving forward in a timely fashion, there was a need for a very strong effort in the last months of the project. UNDP came to bat in this regard and pushed the project to commission key products. As a result, achievement may be higher than it otherwise would have been if the project would have stopped with the ABS sub-decree alone as its main utilizable output. In this regard, the draft instruments to support sub-decree implementation are the most important item prepared in the closing months of the project.

One concern noted elsewhere in this document is relevance and sometimes quality of products prepared during the first 20 months of the project. The TE consultant has learned that, based on the project’s NIM status, the IP is responsible for recruiting of the project team, preparation of TORs for national consultants, and supervision, monitoring, and payment of national consultants. Because of the issues

noted, it seems that there is a need for UNDP to play a stronger quality assurance role with oversight of these national TORs and products, as well as national consultant and project team recruiting.⁴⁸ The TE consultant learned that earlier in the project's lifetime, UNDP provided to the project access to a technical expert that could provide advice as needed and considers this a positive measure. Yet, this expert had no official responsibility for requiring improvements to TORs, assessing selection decisions on consultants, or approving consultant products. In order for UNDP to achieve comprehensive QA in the future as a GEF IA, it seems that there will need to be an adjustment of how NIM cooperation is carried out. As suggested in the recommendations and given the shared difficulty in identifying good experts, one option may be such a technical advisor (e.g. CTA of either national or international origins) that reports to UNDP and has responsibility for approving TORs, guiding the project to achieve a strategic approach throughout its duration, approving consultant and project team selection, and reviewing consultant products for their final acceptance. Another option, if national candidates with sufficient technical expertise exist and the budget allows, is that UNDP mobilize a person with similar responsibilities as NPC.

IP execution: Findings suggest that the IP has been very closely involved in the project. With the NPD personally overseeing the many meetings on the sub-decree, the IP was able to push that important achievement forward. Further, the IP has been successful at pushing forward the many national contracts to address outputs outlined in the project design. Yet, implementation fell short in some ways. The timing issue has already been discussed at length. For the project to achieve what it was designed to do, it was important for the legislation work to start much earlier – at latest six months into the project instead of the twenty months it took to get started in the end. Further, findings suggest that international consultant outputs in many cases did not receive as much input from national sources prior to first drafts as they could have. Greater inputs from the national side may have resulted in international consultant outputs that are more tailored to the situation on-the-ground and that better leverage the ABS expertise of the international consultants, rather than produce outputs that are somewhat generic and thus with less value-add, considering the amount of publicly available information on ABS. In some cases, national consultant input (for international consultant outputs) was designed into national consultant assignments/ TORs but did not materialize prior to first drafts.⁴⁹ And, as also noted, usefulness of consultant work during those first 20 months and quality of some products had weaknesses. There is a need for improving TORs to be specific enough so that outputs will be truly utilizable and that overlap between assignments is avoided. In terms of recruiting and selecting national consultants, there may be a need for improving the evaluation process. Further, there may be a need for attention to direct selection without competition. In the case of this project, one national consultant, after being hired once via competitive bidding, received four subsequent contracts with no competition. While there was some rationale for continuity between two of the contracts (the two that involved legislation drafting) this rationale is less obvious in adopting direct contracting in the three other cases. Other problems, as noted, are “cut and paste,” where content submitted by national consultants is merely copied from other reports, and the over-general nature of

⁴⁸ In theory, the Project Board, of which UNDP is a member, is supposed to review TORs and grant approval of them to the project during the recruitment process. And, the Project Board is responsible for technical and financial oversight of the project. In practice, it seems it would be very difficult for the Project Board, which has limited time to devote to the project and typically meets just once per year, to understand the project at a level that would allow for it to detect the sort of shifts from more utilizable outputs to background type work discussed above. As noted by one reviewer, future project design might call for increased responsibilities of UNDP, but this would need to be included in the design that is then approved by the GEF.

⁴⁹ Cases in which national consultant input is understood to have been designated, but did not occur prior to first drafts by international consultants include: Legislative Gap Analysis; ABS Sub-decree; Forms, Instruments, and Guidelines to Support Sub-Decree. Other assignments that may have resulted in more tailored products had there been more national consultant input would be: ABS Financial Mechanism; ABS Roadmap; Bio-Prospecting Guidelines and Model Contract; and Bio-Community Protocol Guidelines.

reports. Stronger oversight from UNDP and particularly involvement of a UNDP-hired CTA with the needed expertise may be a means of addressing the issues.

Covid-19 pandemic: While discussing implementation and time delays, it is important acknowledge the very large impact of the Covid-19 pandemic on this project and others. The project had its first 11 months pre-Covid, but its last 28 months were during Covid. In terms of lockdown in Cambodia, the project experienced about 19 months out of its total duration of 39 months with lockdown. During the lockdown period (June 2020 to Dec. 2021), it was difficult to do field work. The project began in April 2019, about 14 months prior to lock down. No one can deny that many organizations took time to get their “Covid feet” and learn how to operate remotely in the Covid environment. The project clearly faced this challenge as progress slowed down at first during lockdown. Despite the challenges of Covid, however, telecommunications was a viable option that could have been leveraged more, particularly for a project of this nature. Cell phones are widespread in Cambodia. And, NGOs that have good connections in the field are available via email as well. Thus, in retrospect, despite Covid, the project could have worked/ exchanged/ shared information with NGOs, perhaps via the NGO network linked to MoE’s DBD. The project could also have reached the private sector via telecommunications and email methods. One overall finding with regard to the early reports/plans of the project is that this work may have been made more relevant if more specific and having a higher degree of communications with “the field,” including NGOs, the private sector, and community/ indigenous peoples’ organizations.

Implementation ratings: Oversight and implementation ratings are given in Exhibit 32.

Exhibit 32. Oversight and Implementation Ratings

Quality of UNDP Implementation/ Oversight	Quality of Implementing Partner Execution	Overall quality of Implementation/Oversight and Execution
S=5	MS=4	MS=4

Note: See Annex 3 for rating scale.

Risk management and social and environmental standards: As has been discussed, the project design identified both *risks* and mitigation measures. Design work included an *SESP*; and risks from the SESP were incorporated into the project risk log. The project’s one PIR (prepared in summer of 2021) includes a section on risk management. That section focuses solely on the risk of Covid-19, how this has negatively impacted the project, and how the project will try and move as much work online as possible as a mitigation approach. The impact of Covid-19 is discussed in more detail above. It is notable that after not making too much progress for some months, the ABS sub-decree work shifted to weekly Zoom meetings and, from that time on, good progress was made. In terms of risks that were overlooked, a key issue is lack of or insufficient inclusion of various key groups (communities or their representatives, the private sector, and other key ministries) in the legislation preparation process to the extent needed to obtain and consider their input early in the process. This presents a risk as the legislation may later face challenges due to dissatisfaction from or lack of interest by these groups or due to lack of understanding of their roles.

8. Main Findings, Conclusions, Recommendations, and Lessons

Main findings and conclusions are presented below, followed by recommendations and lessons.

Main Findings and Conclusions

Basics on project: Cambodia ABS Project was designed as a 3-year project with USD843,242 in GEF funding, MoE as IP, and UNDP as GEF IA. It launched in April 2019, had its inception workshop June 25, 2019, and, with three months extension, will close in July 2022. The overall aim is to strengthen conservation in the country by developing an ABS system. There are two targeted outcomes: (1) development of the national policy, legal, and institutional framework for ABS and (2) establishment and rollout of an operational ABS system at the national and provincial levels. The PMU has a staff of four full-time persons: a national project coordinator, communications officer, finance officer, and administrative officer. An NPD from MoE oversees work. The project board meets once annually to approve the budget and take up any key issues as needed. The project is also said to work with the nation's ABS sub-TWG, that predates the project, is cross-ministerial, and meets twice yearly.

Introduction to “batches of work” concept: TE analysis found that the conceptual division of work carried out by the project into four “batches” is a useful tool for reviewing and assessing project results. The four batches are: (1) draft ABS sub-decree (begun in month 20 of the project and finalized within about a year); (2) “race to the finish” – products begun in the last 3 to 4 months of the project; (3) awareness raising, capacity building, and information sharing products/ events (carried out at different times during the project's lifetime); and (4) reports and plans (most carried out in the first 20 months of the project).

Sub-Decree: The finalized draft ABS sub-decree, now in the pipeline for approval, is the most impactful work of the project. Baseline situation review shows Cambodia had no specific ABS legislation prior to project start and had only the intention to develop an ABS system as stated in its 2016 revised NBSAP and as briefly outlined in a preliminary “ABS framework” (of 8 or so pages) prepared via a regional UNEP project between 2010 and 2012.⁵⁰ The sub-decree is a 20-page document (in its English version) that has 9 chapters and 62 articles. Much of its content appears quite specific and administrative in nature, such as how to apply for an ABS access permit, how to extend the application time, fines for various non-compliance issues, etc. While the sub-decree might have been shorter (and thus prepared more quickly), with various topics then developed via associated instruments, the current version is considered something that may one day be elevated to law, which, in turn, would allow for stronger enforcement. The original intention of the project design was to prepare a law (which must be approved by the Legislative Branch), but a decision to pursue a sub-decree (which only requires Executive Branch approval) instead was made in hopes of expediting the approval process.

Work on the sub-decree began in Dec. 2020 (20 months into the project's 3-year lifetime, much of the prior time having been spent on background reports and plans). First, an international consultant drafted the first version in English over a period of 1 or 2 months, without input from the corresponding national consultant.⁵¹ Next, after a period of 5 or so months without much progress,⁵² the project began a very intense period of 5 or so months of weekly online meetings, holding 30 or so such meetings. Meetings were led at a high level by the NPD, an MOE under-secretary of state (with 5 or more other MoE staff also in attendance and the national consultant at some or all meetings) and an MoJ secretary of state (with 2 MoJ assistants also in attendance). The two leaders were the most active persons in the meetings, which

⁵⁰ The UNEP/GEF Project was entitled: “Building capacity for regionally harmonized national processes for implementing CBD provisions on access to genetic resources and sharing benefits” (ABS Asean). It was carried out from Aug. 2011 to Dec. 2014 and had a budget of USD1,926,653, including “leveraged funding.” Eight countries, including Cambodia, received funding.

⁵¹ ProDoc design implies national consultant and DBD will work together with international consultant to prepare the draft.

⁵² At this point, the draft sub-decree had been prepared by the international consultant. Some in-person meetings were held, but not much progress was made until 5 or so months later when the online meetings began.

were all devoted to reviewing and revising the draft sub-decree (Khmer version) line by line. The international consultant and his interpreter also attended, with the former revising the English version to correspond to revisions in the Khmer version. Altogether, the main productive work on the sub-decree utilized about 7 months. Including less productive time as well, the full process took about one year. Because the process was begun late in the project (20 months after project launch)⁵³ and other outputs were said to depend on finalization of the draft sub-decree, the project ended up in a situation at the end of 2021 without much time left and many items left undone. Had the project started the sub-decree process six months after project launch as planned in project design (and taken one year to complete the sub-decree, the time actually taken in practice), it would have finalized the draft sub-decree by mid-project, leaving another 18 months for other items. The Covid-19 pandemic began about 11 months after project launch and, understandably, contributed to delays, as the nation both dealt with the pandemic and learned how to work remotely.⁵⁴

The sub-decree has been approved by both the ABS sub-TWG (as of Dec. 2021) and the NCSD (May 2022). It will need to be approved by the Economic Reform Committee, to which it has already been submitted, given that ABS has economic relevance. It will last need to be approved and signed by the Prime Minister in order to go into effect. The sub-decree is said to have high-level support within MoE. Thus, although adoption is not certain, it is considered likely to be achieved within a year or, possibly, even by end of Q1 2023.

Despite the success represented by the draft sub-decree, there are some possible deficiencies in its preparation process and content, which might be addressed if and when elevation to a law is pursued:

- Indigenous or local communities or their network representatives, NGOs, and private sector entities were not substantially consulted in the legislation drafting process, though communities and the private sector, in particular, are envisioned to be key players in future ABS deals.⁵⁵
- Other ministries (besides MoE and MoJ) were not substantially involved in the drafting process.⁵⁶ This may be problematic as responsibilities, such as for approval of export of genetic resources, may overlap (e.g. MAFF's role in agricultural areas) and related legislation is not directly addressed. (There was a single meeting of the cross-ministerial ABS sub-TWG, which meets twice annually, at which the sub-TWG approved the finalized sub-decree.)

⁵³ Reasons for late start on the sub-decree are that: (i) many other reports were carried out before the sub-decree work started; (ii) Covid-19 delayed travel of international consultants to Cambodia (and face-to-face meetings with the international consultant were preferred by the IP until it was realized this would not be possible due to the pandemic); and (iii) it was challenging to recruit suitable consultants.

⁵⁴ The project document was signed in April 2019. The Covid-19 pandemic began to be noticed internationally in January or February 2020; and became a critical concern in March 2020 in many locations, and, in Cambodia, became a critical concern in April 2020.

⁵⁵ A stakeholder has noted that, while involvement of indigenous and local communities was limited, officials with responsibilities related to such communities were involved in the ABS sub-TWG. While this is a positive factor, the evaluator suggests that non-government representation of these groups in consultations for the sub-decree is also important.

⁵⁶ As discussed, the ProDoc called for a broad cross-ministry, cross-sector consultation process once the initial draft sub-decree was prepared and prior to revisions, so that revisions could be informed by these broad consultations. In practice, instead, revisions were carried out prior to consultation by a closed group including MoE and MoJ and, sometimes, UNDP. The final resulting draft was then shared at a workshop, but only one comment from an entity other than MoE, MoJ or UNDP was elicited. The sub-decree was also shared with the sub-TWG, which is cross-ministerial, but this body only meets twice yearly, so it is concluded the draft was shared/ discussed at just one meeting after the aforementioned closed process of revisions and was “cleared” at that meeting without an in-depth comment and revision process. (The closed group revisions were completed around Nov. 2021 and the sub-TWG “cleared” the sub-decree at its semi-annual meeting in Dec. 2021.)

- There is no clear benefit allocation for local communities living near to protected areas with GRs when they do not own the land, though they may have had historical involvement with the land. (There is a clear 70%/30% provider benefit split between local people and the government in the case that local people formally own the associated land. Also, a draft instrument indicates that significant involvement in GRs on land they do not own will qualify local communities to be added as a provider, but their share of the benefit in such cases is not clarified.)
- Some complex issues, such as IPR for GR and TK, benefit sharing for TK, and benefits for women, who tend to be an important reservoir of TK, are not fully addressed.

Race to the Finish: By early 2022, the main products of the project that were potentially utilizable post project were the draft sub-decree and limited awareness products (brochures and then still-in-the-pipeline videos and ABS CHM website). Many targeted items had not been achieved. The project then made a big push to commission work to be carried out over its last 3 to 4 months to address a number of key items. UNDP has played a very important role in promoting this progress. And, the IP/PMU have been very busy and industrious pursuing the dual purposes of promoting the draft sub-decree and supporting the completion of these “race to the finish” products. A few of these items are notable for having good potential for future utilizability/ contribution to the progress of Cambodia’s ABS, while others are less certain to play a role. The items and findings regarding them are as follows:

- *Guidelines and instruments to support the ABS sub-decree:* About 65 draft pages of instruments have been prepared by the same international consultant who prepared the first draft of the sub-decree. These are mostly finalized, though there are some gaps that need to be addressed by MOE. These instruments have not been adopted, but, along with the sub-decree, likely have a good chance of adoption. If adopted, they will be an important advancement towards realizing operationalization of Cambodia’s ABS legislation and, as such, are considered one of the top achievements of the project.
- *Bioprospecting model contract and guidance:* A second potentially utilizable product is a model bioprospecting contract of 20 pages, prepared by an international ABS legal expert. This product could be annexed to the sub-decree, though, there may be some overlap, with an 8-page sample MAT prepared as part of the 65-page package described in the first bullet in this set. In addition to the model contract, this deliverable includes guidance on developing bioprospecting agreements. It’s not clear if/how the guidance will be maintained and promoted for utilization, but could be useful if it is, in the end, made use of.
- *ABS roadmap:* The project design intended that an ABS policy would be developed and adopted and that a roadmap would be designed to support its implementation. No policy was prepared in the earlier part of the project. An earlier version of this TE Report expressed that a strong achievement would be for the ABS roadmap, under preparation by the international ABS legal expert, to be an ABS policy well-tailored to the situation of Cambodia. In the end, the roadmap’s main contribution is identifying, at a broad level, ten next recommended steps for Cambodia’s ABS work. One of the steps, ironically, is to prepare an ABS Policy. It’s not clear if the roadmap work will be utilized, but the ten steps might be referenced if and when an ABS Policy is finally prepared.
- *Bio-community protocol guidelines:* The bio-community protocol guidelines, also prepared by the international ABS legal expert, are high level guidance on how communities can prepare guidelines for developing ABS deals. It seems that a simple, more detailed plan may be needed as a field guide for facilitators to support communities in developing their ABS protocols. Yet, this item might be utilized in the future if maintained and promoted.
- *ABS fund:* The same international consultant preparing the “instruments” had in his assignment items related to the launch of the ABS Fund. The only output truly focused on the fund is a draft 2 ½ page MoE *prakas*. While the assignment indicated some assessment would be carried out, it did not require this as a written output. A joint *prakas* between MoE and MoEF with regard to the ABS fund was required, but somehow not prepared. Setting up a specialized ABS fund/ financial mechanism would

seem to require more than a 2 ½ page *prakas*. Ideally, an explanatory document, justifying the fund features chosen and explaining how the fund would operate, would be provided. The single, short *prakas* prepared may be a starting point, but it does not seem sufficient. The idea of the fund is that it will use government revenues from being a “provider” in ABS deals to establish a fund that will be used to support conservation efforts and other GR related needs.

- *ABS Monitoring and Tracking Framework*: The evaluator had expected this national consultant product would provide concrete design for a monitoring and tracking framework for GRs and TK that could be used in ABS implementation. In the end, a report that was mainly copied from other sources and did not address the design of the monitoring and tracking framework head on, was submitted.
- *ABS Capacity Building Tools*: The evaluator had expected this national consultant product would provide actual training materials (“tools”) to train relevant stakeholders on ABS. Ideally, the tools would be focused on training sub-national officials on their roles in implementing ABS, a project gap towards ABS sub-decree implementation readiness that had not yet been addressed. In the end, the product appears to be more of a general guidance document for training of various groups, rather than actual training materials.

Awareness Raising, Capacity Building, and Information: The project had a number of events and products related to awareness raising, capacity building, and information. It held 7 major one-day workshops, including its inception workshop. Assuming that 80% of attendees are not repeat persons, these had an estimated 499 unique persons in total attending, of which about 50 were provincial or local-level. Attendees at workshops were largely government officials, though some community leaders, rangers, academics, students, and medicine men (*kru khmer*) attended. The project also took advantage of the opportunity of presenting at 4 workshops of other projects as a way to get the word out about ABS. In addition, the project prepared 4 brochures (1 for each of national level, local authority, students, and community), distributing 800 to 900 of them. The project contracted a firm to prepare 7 short videos, one introducing ABS and the others brief case studies of GR with practical uses. The contract period was to be Nov. to Dec. 2021, but there were delays in the process of approving the scripts, so that the full set of 7 videos (which are each around 3 to 4 minutes long) were not ready until near project operational close in July 2022. Due to this late finalization date, it is likely that dissemination has not been as extensive as would be hoped to fully leverage the investment in the videos. The project commissioned a consultant to design a website for its ABS CHM, which is to provide information on ABS in Cambodia and also serve as a platform for exchange between different parties. The website design is ready, but, due to a shift in website oversight to Ministry of Posts and Telecommunications, the Government has not yet provided a URL for the hosting of the website. Also, there is no guidance, as intended in project design, for what materials should be added. Beyond these activities, the PMU provided some specific support to MoE staff involved in the facilitation of export of GRs for nine cases of export requests, though this support did not include benefit sharing for local communities and involved research institutes rather than the private sector.⁵⁷ The PMU assisted in some of these cases in connecting with locales that have GR of interest.

Overall findings suggest that the project did substantial work raising the general awareness on ABS within government, particularly within MoE, and that these stakeholders are indeed more aware of and knowledgeable about ABS as a result. There was some involvement of provincial officials, but it was more limited.⁵⁸ There is an unmet need for more specific training of sub-national officials once it is determined which subnational organizations and which officials will be responsible for monitoring ABS contracts and doing checkpoint work. Beyond government officials, awareness raising was quite limited. There were some attendees at events from local communities or their representatives and from research

⁵⁷ These ABS “deals” require the “user” to provide research results/ data to Cambodia.

⁵⁸ While exact numbers are difficult to estimate due to inconsistencies in data and lack of firm information on repeat attendees at workshops, it is estimated that 360 unique national officials attended project workshops, while just 50 unique provincial officials attended project workshops.

institutes, but not many. There was no or extremely limited involvement of the private sector (which will presumably be a key player in ABS) and NGOs. The unprecedented Covid-19 pandemic, which began 11 months into this 39-month project, presented challenges for face-to-face events, particularly given there were 19 months of lock-down in the country during the lifetime of the project.

Reports and Plans: This batch refers to 10 contracts of national consultants/ consulting firms (8 contracts) and international consultants (2 contracts), with all ten products listed in footnote 5. Most of the work was carried out in the first 20 months of the project, before the drafting of the sub-decree was initiated and indeed might be part of the reason there was such a delay in initiating work on the legislation. The products are a combination of background reports and plans. As a group, these outputs might serve as a compendium of background on ABS for building the information base of readers. And, there are some especially useful insights in these reports and plans, such as regarding the role of Cambodian women in TK, the best strategy for raising awareness in indigenous and local communities, and the challenges of addressing IPR for GR and TK. Yet, TE findings suggest this batch of work to be the least impactful part of the project. Detailed review of the documents of this batch and comparison to later work of the project suggest the reports had little positive impact on the utilizable products of the project discussed above (e.g. sub-decree and instruments). And, the plans were not implemented. Overall, there are five key concerns about this batch of work:

- *General rather than focused content:* In many cases, content of the reports was quite general. It is believed that more focused TORs might have generated more utilizable content. For example, for legislation, identifying “hot topics,” on which legislation writers would need more information, might have been a better approach. At the same time, there may also have been some deficiencies in the legislative drafting not fully considering the work done. Future projects may do well to require primary, on-the-ground research for such assignments. Indeed, the design of the project’s “framework output” implies that on-the-ground case studies of GR agreements in Cambodia would be reviewed, but this did not happen.
- *Lack of utilization – documents on a shelf problem:* As for the plans (Communications Plan, Gender Mainstreaming Plan, and Capacity-Education-Public Awareness Plan), there is not evidence of efforts to comprehensively implement these documents. As for the reports, as noted above, the problem is believed to be largely related to the general nature of the reports. Further, there may have been a lack of effort in TOR preparation to integrate different assignments to ensure that earlier ones are truly useful to later ones. Lastly, as discussed below, there is also a quality issue in some cases.
- *Quality issues:* Quality issues were detected in some national consultant reports. On first review, it seemed some content of the reports was not very focused or useful. It was later discovered that there is a problem of “copy and paste” in which reports simply copy and pasted work from existing documents (such as online sources or even other outputs of the project). This may explain the lack of focus and usefulness detected: Instead of having the targeted result drive the direction of content, the authors may have sometimes been driven by content that was already available/ drafted.
- *Overlap of content among reports:* There is quite a bit of content overlap between reports. For example, four reports review existing legislation. In particular, both the legislative stocktaking assignment and the institutional stocktaking assignment, in their final versions, focus most on existing legislation. Four assignments include international country case studies of ABS. In fact, one report simply copies its case studies from two other reports of the project (one of which had, in turn, copied its case studies from an online report). Four reports to varying degrees include information or sample formats for access permits, PIC, and/or MAT. Three reports review the existing institutional structure for ABS.
- *Issues with assistance/ working closely with international consultant:* While assignments and TORs imply an intention in at least three cases for a national consultant to “assist and work closely with” or “assist and support” an international consultant, in all three cases it appears the international consultant produced draft products with no inputs from or even interaction with the national consultant.

Progress towards targeted results: Overall, the project's progress toward stated targeted outcomes, its objective and outcome-level indicator targets, and its stated targeted outputs is assessed as partial. As for Outcome 1 ("National Policy, Legal, and Institutional Framework in line with the Nagoya Protocol on ABS strengthened"), strong progress in the legislative area was clearly made via the draft sub-decree and, hopefully, via the supporting instruments, if they are finalized and adopted. Progress on policy was not satisfactory, as an ABS policy was neither drafted nor adopted, as targeted. The national level institutional framework of NFP and CNA were in place before the project started, though the sub-decree adds definition to their roles. Yet, lack of sub-national designation of organizations and officers responsible for ABS system implementation and lack of detailed definition of their roles is an important institutional structure gap not addressed by the project. As for Outcome 2 ("An administrative and permitting system for ABS established and operational at the national and provincial level in compliance with the Nagoya Protocol"), while draft instruments address the administrative and permitting aspects of ABS, there is, as noted, a lack of designation at the sub-national level of who will implement the ABS system and, relatedly, there has been no training on specific roles. Instead, capacity building has been general. Lastly, the ABS system has not been rolled out – it is not operational.

As for objective-level and outcome-level indicator targets, there was similarly a mix of progress levels. Considering the "green, yellow, red" rating system, for the 7 indicators, two were assessed to have good or fairly good progress/ be achieved or mostly achieved (one green and one light green), three were assessed to have partial progress (two yellow and one orange), and two were assessed to have little or no progress (red).

As for the ten stated targeted outputs, one is assessed to have good progress/ be achieved (green), eight were assessed to have partial progress (yellow), and one was assessed to have little or no progress (red). It should be noted that less emphasis is put on achievement of outputs in TEs, as outputs are considered mainly a means to achieving targeted outcomes and thus may be adjusted by adaptive management during the project. Yet, in the case of Cambodia ABS project, review of progress towards outputs (which in this case were not formally changed) may provide a useful overview of what was accomplished. Abbreviated output statements, each followed by brief assessment, follows: (1.1) Development of ABS law: considered achieved – draft sub-decree finalized (note: plan to prepare sub-decree instead of law agreed upon at inception workshop). (1.2) On-the-ground assessment of ABS and TK to inform ABS framework: partial achievement – draft framework prepared, but on-the-ground assessment of existing GR and TK related deals/ activity in Cambodia not carried out. (1.3) Institutional framework for ABS defined: partial progress – NFP and CNA (national level institutions for ABS) already designated pre-project, though their roles better defined via ABS sub-decree; yet, no designations of officials/ institutions and their roles in ABS implementation at the sub-national level. (1.4) System to designate and safeguard TK established: no or little progress – no evidence of such a system. A background report was prepared, but did not clearly provide design for such a system. (1.5) ABS financial mechanism established: partial progress – 2 ½ page *prakas* towards this end drafted – more work would be needed to truly support establishment of such a fund. (2.1) Administrative permitting and check-point system established: partial progress – draft instruments prepared, but sub-national designations for responsibility and related targeted training on specific roles of sub-national entities in ABS implementation not carried out. (2.2) Targeted training to NCAs, focal points, and related agencies on ABS management: partial progress – general awareness raising workshops, but lack of specific training aside from targeted support by PMU of DBD's ABS Office. (2.3) CEPA strategy/plan developed and implemented: partial – both CEPA plan and a separate communication plan developed, but neither implemented in comprehensive way. (2.4) ABS CHM promotes cooperation, knowledge-sharing, and exchange: partial-progress – website designed, but no government URL available yet, exchange functions not operational, and no guidance on how to determine what documents will be added over time. (2.5) Gender strategies developed and implemented and project

M&E implemented: partial progress – gender plan prepared but no evidence of implementation; M&E plan of project implemented.

Cost Effectiveness: GEF funds are projected by EOP to be fully spent, with roughly spent 1/3 on the project team salaries/ benefits, 1/3 spent on contracts with consultants/ consulting firms, and 1/3 spent on other items, such as travel, vehicle purchase, and workshops. While USD843,242 is considered a relatively low budget for a GEF project, one may look at the main results and ask if they provide good value for that amount of money. Some argue that the draft sub-decree (and perhaps associated instruments) is sufficient result in and of itself for this project size and that the project could not have been expected to get much further than that given the time required to prepare the sub-decree and the dependence of subsequent actions on finalization of the sub-decree. The counter-argument, however, might be made that it would have been better to provide a USD50,000 to 100,000 grant for sub-decree and instrument development and wait until the sub-decree with instruments were finalized to initiate another project with all the other desired outputs, thereby making more efficient use of funds. As is, however, the post-project potentially utilizable outputs also include the model bio-prospecting agreement, 7 videos, 4 brochures, CHM website, and general capacity built on ABS. There are also some other items that might be used in the future, though their path for utilization is unclear (e.g. bioprospecting agreement guidance, bio-community protocol guidelines, and ABS roadmap).

As the contracts are the main expenditures associated with activities, it is quite surprising they comprise just about 1/3 of total expenditures. When the workshop expenses (also assumed to have direct association with activities) are added to the contract costs, the total expenditures towards activities make up just 44% of total project costs. Thus, the Cambodia ABS project seems burdened with heavy overhead costs or costs not directly associated with project activities designed to contribute toward output and outcome achievement. It is estimated that every direct activity cost should be multiplied by 2.3 to come up with the activity's true overall cost including overhead.

A key aspect of this high overhead are project team costs. At about 1/3 of total project costs, they are very high. It would be more typical for a UNDP-GEF project of this size to have a project team of one full-time project coordinator and a half time finance and admin officer. The exception may be if the project team members include experts (e.g. legal expert, communications expert, etc.) who are carrying out activities that would otherwise be carried out by consultants. This model can be attractive and provide continuity between various activities, but was not the model used by the Cambodia ABS project.

Some individual contracts costs (not considering overhead) seem quite reasonable, while some other costs seem high or not fully warranted. For example, the consultant costs for the sub-decree (both international and national consultant combined), was only USD23,150. Further, this work leveraged a lot of direct input from government stakeholders. Workshops, on the other hand, of which there were seven one-day events, had a total cost of USD81,590, suggesting about USD11,650 per one-day workshop, with average participation of around 89 persons per workshop. Vehicle and travel expenses are also of concern. While not approved during project design, plans for vehicle purchase were made at the time of inception. The project ended up purchasing a vehicle for USD35,000 twenty months into the project's 3-year timeline. Before that, there were efforts to purchase a USD57,000 Toyota Land Cruiser, but that vehicle did not meet Cambodia's emission requirements. The TE was able to confirm only 3 field trips of the project with back-to-office reports. The question arises of whether a ministry vehicle could have been used to deal with this limited travel. Beyond the vehicle, another USD45,834 was spent on travel for the project.

Key gaps: Despite some very positive results, particularly the draft sub-decree and associated instruments, there are still substantial gaps between what was envisioned in project design and what was achieved. Namely, project design envisioned operationalization of the legislation and its supporting instruments. What is still needed for operationalization is designation of the sub-national officials that will monitor

implementation of ABS contracts at the local level and those that will carry out the check-point function to monitor the movement of valuable GRs. Further, the specific responsibilities of these officials will need to be defined in detail and they will need to be trained to carry out work. And, to achieve the vision of bio-community protocols for ABS, capacity will need to be built in local communities with tailored facilitation that enables them to develop their protocols. Operationalization will also require outreach to the private sector to engage them in ABS deals and to other ministries to ensure cross-ministerial cooperation and integration of function in the export of genetic resources. In the end, any kind of operationalization requires initial ABS cases carried out under the new ABS system to be realized. These might be called “demos” and could be carried out prior to adoption of the finalized draft legislation on a “pilot” basis. And, the development of these real cases could be facilitated by the documentation of GR and TK via a national database, design of which was targeted by the project but not achieved. Finally, as discussed, eventual elevation of the sub-decree to a law should consider addressing some identified gaps in the sub-decree preparation process: incorporating extensive consultation with indigenous/local community organizations/ networks, the private sector, NGOs, and other relevant government organizations. It should further consider refinement vis-à-vis some of the key items raised earlier in this section, such as clarification of certain aspects of benefits (e.g. for GRs on conservation land) and other challenging topics (e.g. IPR for GR and GK). A drafted and adopted ABS policy (essentially the government’s approved plan on ABS), as was targeted by the project but not achieved, could lay out the path and timeline for moving ABS forward in Cambodia.

Lessons Learned: Key lessons learned that may be applied to future projects include the following:

- Projects with key legislative outputs on which subsequent outputs depend should complete draft legislation early enough in the project to complete all targets by project end.
- Efforts from multiple angles (TOR preparation, management of consultants, government/ stakeholder outreach to ensure utilization) should be adopted to avoid outputs in the form of reports and plans “ending up on the shelf” instead being utilized in a way in which they will be impactful.
 - Strategic design of such work should ensure that it is highly tailored to primary, on-the-ground findings and not focused on generalities obtained from broad-audience secondary sources.
 - When broad background information is needed, but already publicly available, key pre-existing documents may be collected rather than “re-inventing the wheel” with new reports.
 - National consultant products may be delivered in Khmer and coaching provided to national consultants on achieving impactful, utilizable products.
 - Greater utilizability and customization of international consultant outputs may require integration of work of national consultant and international consultant rather than the latter working solo.
- As relevant, legislative projects should put more emphasis on involvement and buy-in of local people/ local people networks, other government agencies (beyond the IP), and the private sector.
- Implementation must pay careful attention to targeted outcomes and indicator targets and be paced accordingly. For example, this project targeted operationalization of ABS, not just ABS legislation.
- Stronger expertise and involvement is needed from UNDP to ensure work products are strategically inter-linked and do not “sit on the shelf,” TORs are strategically designed, quality consultants are recruited, work is utilizable and utilized, and project is properly paced to achieve targeted outcomes.

Recommendations: Exhibit 33 provides recommendations and lessons of the Cambodia ABS Project TE in a table that includes each recommendation, who will be responsible for carrying it out, and timeline for implementation of that recommendation. The table is divided into two sections. The first section provides recommendations specific to ABS, addressing how Cambodia and its partners may build on the success of the Cambodia ABS project to achieve ABS system implementation readiness and ABS system rollout in the country. The second section of the table provides recommendations emerging from lessons learned from the Cambodia ABS Project that may be applied to future donor projects.

According to status of various items, tailor to national situation, finalize, fill in gaps, start anew if needed, and/or formally adopt intended outputs of final months of Cambodia ABS Project: (1) For immediate use: (i) adopt instruments/ guidelines to support sub-decree, (ii) include bioprospecting model contract as Appendix 2 of the pipeline sub-decree. (2) With substantially more work required: (iii) prepare ABS policy, (iv) design ABS fund (include descriptive analysis and joint *prakas* between MoE and MoEF); (v) prepare more specific/ more tailored bio-community protocol guidelines designed to be directly usable in working with Cambodian communities to develop their local ABS protocols.

Exhibit 33. TE Recommendations and Lessons – Cambodia ABS Project TE

Recommendations Building on ABS-Related Achievements	
1. <u>According to the status of various items, tailor to national situation, finalize, fill in gaps, start anew if needed, and/or formally adopt intended outputs of final months of Cambodia ABS Project:</u> (1) For immediate use: (i) adopt instruments/ guidelines supporting sub-decree with MoE input as needed and achieve formal MoE adoption of these items; (ii) after assessing suitability, include, as relevant, bioprospecting model contract as Appendix 2 of sub-decree and determine means of preserving and promoting additional guidance prepared on bioprospecting agreements for future reference of stakeholders. (2) With substantially more work required: (iii) prepare and adopt ABS policy, possibly making use of the ten steps included in ABS Roadmap and perhaps some of the findings and recommendations in this TE Report – policy should be tailored to national situation and include strong input from national stakeholders; (iv) design ABS fund (include analysis of options, detailed description of operation, and joint <i>prakas</i> between MoE and MoEF) to add to the existing short draft MoE <i>prakas</i> ; (v) prepare more specific/ more tailored bio-community protocol guidelines designed to be directly usable in working with Cambodian communities to develop their local ABS protocols.	
Who: MoE/NCSD and PMU, with UNDP CO QA support. International consultants working with national consultants.	
When: August 2022 – February 2023	
2. <u>Prepare sub-national level for roll-out of ABS legislation:</u> Designate relevant sub-national government organizations and specific officials for PIC/MAT/ABS contract monitoring and for checkpoint work. Provide in writing with detail their specific roles and duties. Develop a handbook with this information and other training information. Carryout live, in-person (pandemic permitting) role-specific training for sub-national entities/officers.	
Who: MoE/NCSD (+ possibly, future PMU if there is a follow up donor project), relevant sub-national officers	
When: August 2022 – July 2023	
3. <u>Develop secure and confidential national GR and TK database:</u> (i) Consolidate existing information on Cambodia’s GR and TK from MoH and NGOs that have developed their own databases. (ii) Conduct “road-trip” around country to collect information on Cambodia’s GR and TK from local communities. Consider cooperation with research institutes and their students to collect such information. Leverage knowledge of women in local communities, as they are known to be the keepers of traditional knowledge on medicinal plants. (iii) Develop confidential database system with strong protections and allow access only by those with special clearance. This work will involve determining structure/ type of information to be included for each entry and also procedures for entering data and protecting the information. Enter consolidated information from items i and ii into database.	
Who: MoE/NCSD (+ possibly, future PMU, research institute partners)	
When: October 2022 – September 2024	
4. <u>Conduct outreach to private sector (both international and national) to stimulate interest in ABS deals in Cambodia:</u> The success of an ABS system in Cambodia in bringing income to local communities and the government for conservation will depend largely on interest by the private sector to invest in the nation’s GR and TK opportunities. As such, develop and implement a campaign for outreach to the private sector, determining target entities and modes of engagement. For international targets, the campaign may include both high potential companies and industry associations or relevant government entities in countries that may have an interest in the specific areas of GR and TK that Cambodia has to offer (e.g. medicinal plants). Develop and disseminate promotional materials that both show the types of attractive resources available and explain in simplistic terms the	

process for applying for access and negotiating sharing agreements. For very high potential companies, carry out direct discussions and provide follow up information as they request on Cambodia's relevant genetic resources.
Who: MoE/NCSD + possibly future PMU, UNDP, relevant companies (international and domestic)
When: October 2022 – September 2024
5. <u>Carry out 3 ABS demos</u> : Develop at least 3 high-profile demo ABS projects with private sector and strong emphasis on community benefit. These demos can be developed once other steps towards ABS system implementation readiness are achieved (especially as in Recommendations 1 and 2). If the sub-decree is not yet approved, the demos can still be carried out under the draft version, treating it as pilot legislation. The work of Recommendation 4 in reaching out to the private sector can help secure investor partners and that of Recommendation 3 may be relevant in determining GR and TK opportunities for them. The cooperation should be carefully monitored using the sub-national system developed under Recommendation 2. Results should be documented and promoted through various means to build political will for enhanced legislation (such as elevating the sub-decree to law) and to attract more private sector investors to ABS opportunities in Cambodia. Selection of demos may feature 3 distinctly different types of products and/or partners or, alternatively, feature different local conditions (e.g. one in a protected area, one in a protection forest, and one in an agricultural area) or be in different geographic areas of the country.
Who: MoE/NCSD + possibly future PMU, sub-national officials with ABS duties, private sector companies
When: September 2023 – August 2025
6. <u>Ensure/ clarify ABS benefits to communities and women</u> . (i) Determine how to compensate communities for GR in conservation zones near to where they live. This will address the issue that, while community-owned land has (via the draft sub-decree) clear provider benefit sharing with the government (70% of provider share of benefit to community and 30% to the government), non-community owned land that is still associated with communities lacks clear provider share benefit breakdown. Consider the communities' historical access to resources in these areas prior to conservation zone designation. Address current situation of vague, undetermined benefit-sharing for such cases to give local communities more clarity on their rights. (ii) Determine how TK will be compensated. While this may be a complex issue requiring case by case negotiation, at least identify different categories of cases and develop some rough parameters for determining benefit-sharing for each different category. (iii) Ensure women receive benefit for their TK. Given that women are the main repository of community TK on medicinal plants, propose language that recognizes women's role. Ideally, identify specific steps for ensuring women receive their due with regard to TK contributions. [Note: Recommendation 8 suggests incorporation of the foregoing clarifications into the ABS Law, once it is pursued.]
Who: MoE/NCSD
When: August 2022 – January 2023
7. <u>Carry out ABS capacity building for relevant communities and facilitate their development of bio-community protocols</u> : Utilize the field-appropriate, detailed bio-community protocol guidelines developed under Recommendation 1-v. Develop capacity building programs for communities that have resources with good potential for ABS deals. Programs should be very specific so that communities learn how to ensure their resources and TK are protected and they benefit. Provide facilitators with expertise in rural development to facilitate community dialogue in select locations so that each village can develop its own bio-community protocol.
Who: MoE/NCSD + possibly future PMU, possibly NGOs with experience facilitating community meetings
When: October 2022 – September 2024
8. <u>Promote adoption of sub-decree as is while in parallel pursuing improvements for version that may eventually be adopted as law</u> : (i) Carry out consultations with indigenous/ local communities and/or their representatives, NGOs, and private sector regarding ABS legislation. Get their input on how legislation might be revised to better facilitate their involvement and fairly represent their interests. (ii) Consider/ address more complex issues in legislation: how to fairly compensate communities near conservation zones, how to ensure women benefit for TK, and how to compensate for TK (see results of Recommendation 6 regarding the foregoing 3 issues); how to address overlap between ministries in approvals for export of genetic resources (for this issue, also carry out consultation with key ministries to get their input on the proposed legislation); how to address IPR for GR and TK (such as through

innovative approaches to IPR that reflect the special characteristics and needs of GR and TK assets). (iii) Incorporate mention of bio-community protocols (such as developed via Recommendation 7) in legislation.
Who: MoE/NCSD + possibly future PMU and consultants (community representatives, NGOs, private sector, ministries)
When: August 2022 – May 2023
9. <u>Pursue donor project to support Recommendations 2-8 above (see Annex 11 for consolidated summary of preliminarily proposed activities):</u> Donor project should, among other items, achieve ABS system implementation readiness in Cambodia and then carry out 3 ABS demos under the draft legislation on a pilot basis (if legislation not adopted yet). Because of the history of support in this 3-year Cambodia ABS project, it will be important that the next donor project achieves completion of the ABS system and operationalization with demos that can in turn be used to highlight additional needs and attract both investors and politicians to ABS. Consider and assess best options for financing follow-up donor-supported ABS work including: (i) INRM Project (ABS system might be finalized and rolled out in demos as an activity under this broader project); (ii) bilateral support from South Korea, Japan, or China (all of which may have strong interest in their commercial sectors in plants that can be used as traditional medicines); (iii) multi-country UNDP ABS project funded by South Korea (currently in the formulation phase, with expected 2024 start if approved – Cambodia is considered one of South Korea’s priority countries for its aid program). Project may emphasize final implementation readiness work for Cambodia’s ABS system in year one and, after that, focus on the demos. Full project duration may be up to 5 years.
Who: MoE/NCSD, UNDP, various potential donors
When: October – December 2022
Recommendations for Improving Future Donor Projects – Derived from Lessons Learned from ABS Project
10. <u>Avoid “documents on the shelf” via more strategic TORs, more strategic implementation, and more strategic design, particularly in legislative projects:</u> (i) At the start of project implementation, map out how early work will contribute to actionable results, with early outputs feeding into later ones. And, ensure legislative work integrates the difficult issues identified in pre-legislative work, rather than kick the can down the road. (ii) Ensure every TOR is strategically designed. In particular, avoid overly general reports and insist commissioned reports (if any) answer “hot topic,” specific questions for legislation and other next steps. (iii) Ensure any plans prepared will be implemented, including both plan preparation and its implementation in the project timeline and budget. If plan implementation will not be possible, do not commission the plan, except for very special circumstances (e.g. a plan specifically designed for post-project work). (iv) Avoid overlap of reports through clearly defining what all components of assignments will be. Cut through the buzz-words (which often confuse matters with the existence of more than one buzz-word that describe the same or similar things) to identify basic content and limit number of background reports. (v) In project design process, recognize the risk of “documents on a shelf” and design specifically to avoid this and ensure all outputs are highly utilized.
Who: MoE/NCSD, UNDP, other national partners, PPG team /project design team
When: Ongoing
11. <u>For projects in which outputs build upon each other, such as legislative projects, strategic approach should pay strong attention to timeline.</u> Carefully map out project timeline with regard to project outputs on which other outputs depend and ensure these “prerequisite outputs” are initiated and completed early in the project. For example, for a 3-year project where downstream outputs depend on legislation, commence legislation preparation by month six and complete the final draft by at latest mid-project (month 18).
Who: MoE/NCSD, UNDP, other national partners
When: Ongoing
12. <u>Put urgent attention on improving quality of national consultant work (vis-à-vis drafting reports and plans and working with international consultants) and clearly prohibit cut and paste/ plagiarized submissions:</u> (i) Design work to be very specific/ targeted and require field research, primary research, etc. Explicitly state the requirement for such specific work and methodology in the TOR (in line with Recommendation 10). (ii) Consider requiring submissions of reports or plans in Khmer instead of English (the latter currently being common practice for donor projects), perhaps with use of automated translation software, so reports can be translated roughly and quickly for

donors. If such software that translates Khmer to English well is available on the market (and superior to free versions), it may be purchased for the purpose of automatically translating reports. (iii) Consider, for each project, holding a national consultant training workshop led by a mentor. The aim will be to coach national consultants on producing utilizable, original work and doing primary research, with special attention for each consultant regarding the specific content required by their TOR. (iv) Institute strong admonitions against plagiarism, recognizing that Cambodia is gradually becoming more aware of this issue. Emphasize that the project requires original work that is highly utilizable. (v) Ensure quality follow through in cooperating with international consultants when required by the national consultant's TOR. For each such case, require the international consultant to submit feedback on what kind of NC support was provided and whether it met expectations vis-à-vis the national consultant's TOR.
Who: MoE/NCSD, UNDP, other national partners, coach/ mentor for national consultants, international consultants
When: Ongoing
13. <u>Keep project team costs to a smaller percentage of total project costs OR adopt a project team member specialist model whereby project team members carry out work typically done by consultants.</u> For projects with under USD 1 million in GEF funding, the PMU may be comprised of only a national coordinator (full-time) and a part time admin/finance officer. In the alternative model, a larger team will have team members who are experts and contribute specific content expertise, carrying out assignments in place of consultants. For example, a legal officer may carry out legislative assignments and a communications officer may design and implement the communications strategy.
Who: MoE/NCSD, UNDP, other national partners
When: Ongoing
14. <u>Put increased attention on cost-effectiveness and value for money via:</u> (i) Adjustments to project team strategy (as in Recommendation 13). (ii) More targeted/ utilizable results from consultants (as in Recommendations 10 and 12). (iii) Better attention to other expenditures. Avoid vehicle purchase when not clearly required for project. Aim to use co-financed vehicles. Pay attention to cost-effectiveness of travel and workshops. Ensure travel expenditures are well documented in their association with specific project trips for specific project purposes.
Who: MoE/NCSD, UNDP, other national partners, future PMUs
When: Ongoing
15. <u>Adopt alternative model of cooperation to improve quality assurance of projects. Consider:</u> (i) Revised NIM strategy with increased UNDP role in technical advising and QA, particularly where national expertise is not available or well developed. A key option in this regard will be to have a UNDP-recruited chief technical advisor (either national or international consultant or part-time PMU staff member), who is a subject matter expert, with responsibility for TOR design, project team recruitment, national consultant recruitment, and ensuring a more strategic approach in integrating and determining timing of all activities over the project's lifetime to achieve project targets. This will complement the National Director's role and will allow him/ her to focus on more strategic policy dialogue, coordination, risk management, and oversight. An alternative, if national candidates with sufficient expertise are available and the budget allows, would be that such a person be mobilized by UNDP as NPC, with the same aforementioned responsibilities. The CTA would be responsible for QA and thus would not be preparing project outputs. In this revised NIM model, the Government of Cambodia still leads implementation, but there is more valuable UNDP technical advising throughout the project and QA-support in national recruitments. This is really needed as the current NIM approach leaves a gap in UNDP's QA for such recruitments and associated TORs, although such items may end up being key factors in how well the project performs. (ii) Hybrid project model with NIM for legislation and DIM or NGO-implementation for capacity building, supporting studies, pilots/demos etc. This hybrid model recognizes that the government should be the key player in any legislation drafting. Yet, it also recognizes that NGOs and UNDP itself have a strong track record in delivering quality and impactful capacity building, awareness raising, studies, community facilitate, various tools, and pilots/demos in a timely and cost-effective fashion.
Who: UNDP, MoE/NCSD, and other national partners
When: Ongoing

Annex 1. Terminal Evaluation Interviews – Realized Schedule and Persons Consulted

This annex shows the realized interview schedule for the virtual TE mission, as well as the persons consulted in each interview meeting. Due to the Covid-19 pandemic, all interviews were conducted remotely, mostly by video or audio call, though a few were by written exchange. When the interview was by written exchange rather than by video or audio call, it is noted. The main virtual mission was held from April 25 to May 24, 2022, though a couple of calls were held in late August/ early September, 2021, and a couple more in December, 2021, as the main TE “mission” consultations had initially been targeted to take place in September and then later been expected to occur in January and February, before finally being shifted to April/ May.

August 30, 2021 (Monday)
1. UNDP Cambodia Country Office launch call: Ms. Ratana Norng, Head of Result Based Management Unit; Ms. Lida So, Programme Officer responsible for ABS Project Quality Assurance (QA); Mr. Phat Phy, UNDP Programme Assistant responsible for ABS project QA (≈ 1 hour)
September 3, 2021 (Friday)
2. UNDP Cambodia Programme Officer responsible for ABS Project: Ms. Lida So (≈1 hour)
December 20, 2021(Monday)
3. Deputy Resident Representative (DRR) of UNDP Cambodia Country Office: Ms. Sonali Dayaratne. Also participating: Dr. Rany Pen, Assistant Resident Representative, Ms. Ratana Norng, Head of Results Based Management, and Ms. Lida So, Programme Officer responsible for ABS Project QA (≈1 hour)
December 23, 2021 (Thursday)
4. Project Coordinator of UNDP-GEF Cambodia ABS Project: Mr. Yourk Sothearith (≈2 hours)
April 24, 2022 (Monday)
5. UNDP Cambodia CO and ABS Project Mission Planning Meeting: Ms. Ratana Norng, Head of Result Based Management Unit, UNDP CO; Ms. Lida So, Programme Officer responsible for ABS Project Quality Assurance (QA), UNDP CO; and Mr. Yourk Sothearith, Project Coordinator, UNDP-GEF Cambodia ABS Project (≈2/3 hour)
6. Resident Representative (RR) of UNDP Cambodia Country Office: Ms. Alissar Chaker. Also participating, Ms. Lida So, Programme Officer responsible for ABS Project QA and Ms. Hamkallyan Huy, Results Based Management Unit (≈2/3 hour)
April 26, 2022 (Wednesday)
7. Undersecretary of State, Ministry of Environment; Chair of ABS Sub-TWG; and for the Project: Vice Chairman of Board and National Project Director: Her Excellency (HE) Somaly Chan with Mr. Yourk Sothearith, Project Coordinator, UNDP-GEF Cambodia ABS Project and (for introductions only) Ms. Lida So, Programme Officer responsible for ABS Project Quality Assurance (QA), UNDP CO (≈1 hour)
April 29, 2022 (Friday)
8. Regional Technical Advisor (RTA) responsible for Cambodia ABS Project in UNDP Climate, Nature, and Energy Team at UNDP’s Bangkok Regional Hub: Mr. Bipin Pokharel (≈1 hour)
9. Assistant Resident Representative (ARR) and Head of Programs and Results Unit, UNDP Cambodia Country Office: Ms. Rany Pen (≈1 hour)
May 2, 2022 (Monday)
10. International Expert that prepared analysis for ABS Framework and ABS Framework for Cambodia ABS Project: Dr. Mariam Matilla (≈2/3 hr)

11. National Expert that prepared both (a) analysis for Institutional Framework and (b) report on instruments and base situation for EIA and ABS to inform ABS community protocol: Mr. Ros Bansok (≈1 hr)
May 4, 2022 (Wednesday)
12. Prior Regional Technical Advisor (RTA) responsible for Cambodia ABS Project in UNDP Climate, Nature, and Energy Team at UNDP's Bangkok Regional Hub: Mr. Tashi Dorji (≈1 hr)
13. Representatives of company preparing Communication Education and Public Awareness (CEPA) Strategy and videos: Mr. William Louey, Founder and CEO of Brotherhood, parent company of BroDigiMedia and Mr. Dara Chen, Project Manager for these assignments at BroDigiMedia (The companies are Cambodia-based.) (≈1 hr)
May 5, 2022 (Thursday)
14. PPG National Expert for Design of Cambodia ABS Project and Inception Workshop Expert: Mr. Kan Vibol (≈1hr)
15. National Expert that both (a) carried out KAP survey and (b) prepared Communications Strategy and Networking Platform: Ms. Channa Choun (≈1hr)
May 6, 2022 (Friday)
16. Communications Officer, UNDP-GEF Cambodia ABS Project: Mr. Sam Oeurn Sothy Roth (≈1 hr)
17. National Legal Consultant carrying out assignments on Legal Stocktaking; Support for Legal Gap Analysis Draft Legislation, Instruments and Guidelines; and Capacity Building Tools: Mr. Mom Shokcha, Legal Support for Children and Women and Children (LSCW, a Cambodian NGO) (≈1 hr)
May 9, 2021 (Monday)
18. Finance Officer of UNDP-GEF Cambodia ABS Project: Ms. Sothara Min (≈1 hr)
19. PPG International Team Lead for Design of Cambodia ABS Project: Mr. Malcolm Jansen (≈1 hr)
May 11, 2022 (Wednesday)
20. National Expert that prepared gender analysis and action plan for the project: Ms. Menh Navy (≈1 hr)
May 12, 2022 (Thursday)
21. International Expert that prepared ABS sub-decree and related guidelines/ instruments and will prepare financial mechanism: Mr. Masao Shimanuki (≈1 1/3 hour)
May 14, 2022 (Saturday)
22. National Expert that prepared website for ABS Clearinghouse: Chin Saorin (<i>This consultation was conducted via email queries and response with one round of follow up queries and responses, as well.</i>)
May 16, 2022 (Monday)
23. Administrative Officer, UNDP-GEF Cambodia ABS Project: Ms. Tiep Keosamnang
24. Researcher with expertise in genetic resources, Dr. Chhin Sophea, Royal University of Phnom Penh
25. NGO representative: Mr. Donal Yeang, lead for Conservation International in Cambodia and formerly biodiversity technical advisor to UNDP Cambodia, providing advice to Cambodia ABS Project
May 20, 2022 (Friday)
26. Representative of MoE's Gender TWG: Ms. Ly Sophorn, General Office of MoE (≈1 hr)
May 24, 2022 (Tuesday)
27. National Consultant carrying out work on documentation of GR and associated TK: Mr. Chak Sokhavicheaboth (≈1 hr)
28. International Consultant carrying out work on ABS Roadmap, Bio-Prospecting Model Contracts, and Guidelines for Bio-Community Protocols: Mr. Jorge Cabrera Medaglia, Lead Counsel for Biodiversity at the Centre for International Sustainable Development Law (≈1.5 hrs)

Annex 2. Documents Reviewed

1. Presentations (all prepared in Powerpoint format)

1. Introduction to ABS and the Importance of the Nagoya Protocol (*presented Sept. 8, 2020 at Tonle Bassac II Restaurant, Phnom Penh, English version*)
2. Annual Project Results 2019-2020 and Proposed 2021 Work Plan (*presented Dec. 14, 2020 at Ministry of Environment during 2nd Steering Committee Meeting of ABS Project by Yourk Sothearith, Project Coordinator*)
3. Draft National ABS Framework (*presented at the 2nd ABS Sub-Technical Working Group, Himawari Hotel, Phnom Penh, Sept. 28, 2020, English version*)
4. Gap Analysis of Relevant National and International Legislation to Guide the Development of Policy and Legislation to Implement the Nagoya Protocol on ABS (*presented at the 2nd ABS Sub-Technical Working Group, Himawari Hotel, Phnom Penh, Sept. 28, 2020, English version by the International Consultant*)
5. Project Overview 2019 (*presented at the 1st Steering Committee Meeting of ABS Project at Hotel Cambodiana, Phnom Penh, November 8, 2019 by Yourk Sothearith, Project Coordinator*)
6. Project Progress (*presented at the 1st Steering Committee Meeting of ABS Project at Hotel Cambodiana, Phnom Penh, November 8, 2019 by Yourk Sothearith, Project Coordinator*)
7. The Nagoya Protocol on ABS and its Importance (*Presented at Consultation Workshop on Sub-Decree, Communication Strategy, and Gender Action Plan, Dec. 15, 2021 by Yourk Sothearith, Project Coordinator, at Angkor Paradise Hotel, Siem Reap Province*)
8. Draft Sub-Decree to Stipulate the Formalities, Procedures, and Requirements for Sharing of Benefits Arising from Access to Genetic Resources and Associated Traditional Knowledge (*Presented by Masao Shimanuki, International Consultant, at Consultation Workshop on Sub-Decree, Communication Strategy, and Gender Action Plan, Dec. 15, 2021 at Angkor Paradise Hotel, Siem Reap Province*)
9. ABS Communication Strategy and Networking Platform (*Presented by Ms. Channa Choun, National Consultant, at Consultation Workshop on Sub-Decree, Communication Strategy, and Gender Action Plan, Dec. 15, 2021 at Angkor Paradise Hotel, Siem Reap Province*)
10. Women in Nature Conservation and Biodiversity Protection (*Presented by Ms. Ly Sohorn, Deputy Director General and Vice Chair of Gender TWG, Ministry of Environment, at Consultation Workshop on Sub-Decree, Communication Strategy, and Gender Action Plan, Dec. 15, 2021 at Angkor Paradise Hotel, Siem Reap Province*)
11. ABS Gender Mainstreaming Action Plan (*Presented by Attorney Mom Sokcha, National Consultant at Consultation Workshop on Sub-Decree, Communication Strategy, and Gender Action Plan, Dec. 15, 2021 at Angkor Paradise Hotel, Siem Reap Province*)
12. Annual Project Results 2021 and Proposed Budget and Work Plan for 2022 (*presented at 3rd Steering Committee Meeting of ABS Project, Dec. 22, 2021 at Borei Angkor Hotel Siem Reap Province by Yourk Sothearith, Project Coordinator*)

2. Outputs and Result Reports by Consultants

ABS Framework and Roadmap Related

1. Analysis prior to drafting the ABS Framework for The Kingdom of Cambodia, by Mariana Mattila, PhD, International Consultant, March 2020.
2. ABS Framework for The Kingdom of Cambodia – *two versions*:
 - 2a. March 2020 draft by Mariana Mattila, PhD, International Consultant
 - 2b. 2021 version as revised by Ministry of Environment*Note: Both versions are significant and were reviewed in full, as 2a provides some additional detail and ideas, whereas 2b is the official version of MoE/ NSSD.*
3. ABS Roadmap, prepared by Jorge Cabrera, July 2022.

ABS Legislation Related

4. Stocktaking for Developing a National Legislation on ABS in line with the Nagoya Protocol, by Mom Shokcha, May 2019. [Note: Date may be in error, but is that indicated on title page of document.]
5. Gap Analysis of ABS legislation in Cambodia in compliance with the Nagoya Protocol, by Olivier Rukundo, Senior Specialist and International Consultant, date uncertain.
6. ABS Cases Collection, October 2020, by Mom Shokcha
7. Sub-Decree on Access to and Sharing of Benefits Arising from Utilization of Genetic Resources, version approved by ABS Sub-TWG in Dec. 2021.
8. Instruments and guidelines to support ABS sub-decree, prepared by Mr. Masao Shimanuki, July 13, 2022

ABS Institutions Related

9. Stocktaking Exercise to Development Cambodia Institutional Framework for the Implementation of the Nagoya Protocol on Access and Benefit Sharing, by Ros Bansok, August 31, 2020.

Community and Gender Related

10. Assessment Report on National Instruments and Base Practices of EIA and ABS (for the assignment: Review Existing National Instruments and Base Practices of EIA and ABS to Develop Guidelines for Community Protocols on ABS), by Ros Bansok, March 30, 2021.
11. Gender Mainstreaming Action Plan, by Menh Navy, 2021.
12. Guidelines for Bio-Community Protocols, by Jorge Cabrera, July 2022.

Communications and Knowledge Management Related

13. Communication, Education, and Public Awareness (CEPA) Strategy and Action Plan for Access and Benefit Sharing, prepared by BroDigiMedia (subsidiary of Brotherhood), 2021.

14. KAP (Knowledge, Attitude, and Practice) Report, Channa Choun, 2021.
15. ABS leaflets in Khmer, BroDigiMedia (subsidiary of Brotherhood), 2021. Also leaflets prepared by the project.
16. Communication Strategy and Networking Platform, Ms. Channa Choun, 2021.
17. Final Report on Develop Central Portal, And Support the Maintenances of Clearing House Mechanism, on Access and Benefit Sharing (ABS-CHM), Chin Saorin, August 2021.
18. ABS Capacity Training Tools for National Level User and Local Communities, 2022 (in Khmer), prepared by Mr. Mom Shokcha.
19. Seven short videos on ABS or GRs of interest, prepared by BroDigiMedia (subsidiary of Brotherhood), June and July 2022.

Other

22. Documentation of Traditional Knowledge Associated with Genetic Resources, Mr. Chak Sokhavicheaboth, undated.
23. Access and Benefit Sharing Monitoring and Tracking Framework, by Dr. Keo Piseth, June 2022.
24. Model Bio-prospecting Contract and Associated Guidance on Bio-prospecting Agreements, by Jorge Cabrera, July, 2022.

3. Project Design Documents

1. Project Document: Developing a Comprehensive Framework for Practical Implementation of the Nagoya Protocol, 2019, including 14 annexes
2. CEO Endorsement Request: Developing a Comprehensive Framework for Practical Implementation of the Nagoya Protocol, 2019
3. Inception Report Workshop Report for *Developing a Comprehensive Framework for Practical Implementation of the Nagoya Protocol*, July, 2019
4. GEF Secretariat Review for Full Sized Project, Feb. 8, 2019 (from GEF website)
5. Minutes of LPAC Meeting, Jan. 8, 2019.
6. Letter appointing NPD and Project Board Chair, April 24, 2019, Minister of Environment

4. Project Reporting and Monitoring Documents

1. PIR, July 2021
2. Quarterly reports: Q1, Q2, and Q3, 2020; Q1, Q2, and Q3 2021; Q1, 2022

3. Annual reports: 2019, 2020, and 2021
4. Steering Committee/ Project Board Meeting Minutes: Nov. 8, 2019, Dec. 14, 2020, and Dec. 22, 2021
5. ABS Sub-TWG Meeting Report: Dec. 22-23, 2021

5. Finance Related Reports

1. 2021 Project Audit Report, Lochan & Co., March 25, 2022
2. Project Spot Check for June 1 – Nov 15, 2019, by BDO, April 2020
3. Initial Budget: Oct. 2019
4. Budget revisions: Dec. 2019, Feb. 2021, Nov. 2021, and March 2022
5. Annual Work Plans for 2021 and 2022 and Initial Project Budget

6. Other Documents of Cambodia ABS Project

1. TORs for: (i) ABS Instruments (international consultant); (ii) ABS Roadmap, Model Bioprospecting Agreement, and Bio-Community Protocol Guidelines (international consultant); (iii) Legislative Stocktaking (national consultant); (iv) TOR for “Preliminary ABS Legislation” (national consultant); (v) Draft Legislation (national consultant); (vi) Documentation of GR (national consultant)
2. Back to Office Reports (PMU Travel): Aug. 4, 2021, Aug. 24, 2021, and Nov. 15, 2021

7. ABS-Related Documents on Regional or Global Level or Covering Projects in Other Countries

1. Report of the 1st Asian Regional Workshop on ABS Community of Practice, 22 – 25 October 2018, Empress Angkor Hotel, Siem Reap, Cambodia
2. TE of global UNDP-GEF ABS project: “Terminal Evaluation of UNDP-GEF Project: Strengthening human resources, legal frameworks and institutional capacities to implement the Nagoya Protocol,” by Roland Wong, Aug. 2021.
3. Documents related to Bhutan UNDP-GEF ABS Project “Implementation of the Nagoya Protocol on Access to Genetic Resources and Benefit Sharing in Bhutan”: (i) TE by Nidup Peljor, Dec. 2018; (ii) PIF, 2013; (iii) ProDoc, 2014.
4. *Access to Genetic Resources and Benefit Sharing: Theory to Practice under the Nagoya Protocol*, by UNDP, 2021.
5. *ABS is Genetic Resources for Sustainable Development*, UNDP, 2018.
6. *Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits arising from their Utilization to the Convention on Biological Diversity*: Text and Annexes, by Secretariat of the Convention on Biodiversity, Montreal, 2011.

Annex 3. Rating Scales

(Based on Guidance for TE of UNDP-GEF Projects)

Ratings for Outcomes, Effectiveness, Efficiency, M&E, Implementation/Oversight, Execution, Relevance

6: Highly Satisfactory (HS): The project had no shortcomings in the achievement of its objectives in terms of relevance, effectiveness, or efficiency

5: Satisfactory (S): There were only minor shortcomings

4: Moderately Satisfactory (MS): There were moderate shortcomings

3: Moderately Unsatisfactory (MU): The project had significant shortcomings

2: Unsatisfactory (U): There were major shortcomings in the achievement of project objectives in terms of relevance, effectiveness, or efficiency

1: Highly Unsatisfactory (HU): The project had severe shortcomings

Sustainability

4. Likely (L): negligible risks to sustainability

3. Moderately Likely (ML): moderate risks

2. Moderately Unlikely (MU): significant risks

1. Unlikely (U): severe risks

Annex 4. ABS Capacity Development Scorecard

(start of project baseline assessment compared to EOP assessment)

Notes: Baseline assessment prepared by Consultant Mr. Kan Vibol with DBD; EOP assessment prepared as part of TE.

Assessment Unit: NCSD and MoE

Strategic Area of Support	Issues	Outcome Indicators	Baseline Score	Target Score for EOP	Assessed EOP Score	Explanation of Baseline and EOP Scores
1. Capacity to conceptualize and formulate policies, legislations, strategies and programs	1. The ABS agenda is being effectively championed/ driven forward	0: There is essentially no ABS agenda 1: There are some persons or institutions actively pursuing an ABS agenda but they have little effect or influence 2: There are a number of ABS champions that drive the ABS agenda, but more is needed 3: There are an adequate number of able "champions" and "leaders" effectively driving forwards an ABS agenda	1	2	2	<i>Baseline:</i> Department of biodiversity (DBD) is actively pursuing an ABS agenda, but an ABS policy is still in draft stage <i>EOP:</i> There is still no draft ABS policy. Aside from NPD, who was ABS champion prior to project, other ABS champions were not identified. Some with relevant responsibilities were sought out for TE consultations but did not respond or were not available, suggesting ABS is not a high priority for them. It is said, however, that the MoE minister is supportive of the draft ABS sub-decree and that the sub-decree is likely to be adopted within a year, suggesting markedly stronger support than at a high level than at the time of project launch.
	2. There is a strong and clear legal mandate for ABS in the country that is consistent with the Nagoya Protocol	0: There is no legal framework for ABS 1: There is a partial legal framework for ABS but it is fragmented 2: There is a legal framework for ABS but it has a few weaknesses and gaps 3: There is a strong and clear legal mandate for the establishment and management of ABS	1	3	2	<i>Baseline:</i> There is only partial legal framework for ABS in the country that does not fully address the requirements of the Nagoya Protocol <i>EOP:</i> There is now a finalized draft ABS sub-decree that has a good chance of being adopted within a year. It has a few weaknesses, such as lack of consultation with communities and private sector in its preparation, lack of clarity on benefit share for communities when GR is in conservation areas, lack of clarification of IPR for GR and TK, and lack of involvement of some key ministries (such as MAFF) in its preparation.
2. Capacity to implement policies, legislation, strategies and programs	3. There is a legally designated institution responsible for ABS able to strategize and plan	0: There is no institution(s) responsible for ABS 1: ABS institution(s) have limited personnel and planning and management skills 2: ABS institution(s) have personnel, but limited expertise 3: ABS institution(s) have sufficient personnel and planning/management skills	1	2	1	<i>Baseline:</i> While the DBD/NCSD is responsible for ABS related issues, it needs dedicated staff and planning and management skills to be effective <i>EOP:</i> No change from baseline detected. ProDoc indicates there was an ABS Office at baseline in MoE. Findings suggest 2 persons work in this office, but expertise is limited.

4. ABS institutions are effectively led	0: ABS institutions have a total lack of leadership 1: ABS institution exist but leadership is weak and provides little guidance 2: Some ABS institutions have reasonably strong leadership but there is still need for improvement 3: ABS institutions are effectively led	1	2	1	<i>Baseline:</i> The DBD under NCSD has leadership, but as ABS system not defined as yet, there is room for creation of a mandate and institutional structure within DBD to led the ABS effort <i>EOP:</i> No change from baseline was detected. Besides the NPD, a few leadership persons with regard to ABS were pointed out, but did not respond to requests for consultation.
5. Human resources are well qualified and motivated	0: Human resources are poorly qualified and unmotivated 1: Human resources qualification is spotty, with some well qualified, but many only poorly qualified and not fully motivated 2: Human Resources in general reasonably qualified, but need further improvements 3: Human resources are well qualified and motivated	1	2	2	<i>Baseline:</i> Human resources for ABS are extremely limited and limited expertise <i>EOP:</i> Project assisted ABS Office in GR export permitting cases and thus helped raise their capabilities.
6. The ABS institution(s) is audited and publicly accountable	0: The ABS institution(s) is not being held accountable and not audited; 1: The ABS institution(s) is occasionally audited without being held publicly accountable; 2: The ABS institution(s) is regularly audited and there is a fair degree of public accountability but the system is not fully transparent; 3: The ABS institution(s) is highly fully audited, and publicly accountable.	2	2	2	<i>Baseline:</i> All established central government agencies and ministries in Cambodia are regularly audited, but the system can be improved <i>EOP:</i> No change from baseline detected.
7. Enforcement of ABS regulations	0: No enforcement of regulations taking place 1: Some enforcement of regulations taking place, but it is largely ineffective 2: ABS regulations are regularly enforced, but not fully effective 3: ABS regulations are highly effectively enforcement	1	2	1	<i>Baseline:</i> Some pieces of ABS-related legislation exist in various legal instruments, but enforcement is limited in the absence of clear rules and checks and balances. <i>EOP:</i> There were no findings to indicate an improvement in enforcement of ABS regulations. A draft sub-decree has been prepared, but has not been rolled out/ implemented.
8. Individuals are able to advance and develop professionally	0: No career tracks are developed and no training opportunities are provided; 1: Career tracks are weak and training possibilities are few and not managed transparently; 2: Clear career tracks developed and training available; HR management however has inadequate performance measurement system; 3: Individuals are able to advance and develop professionally.	1	2	1	<i>Baseline:</i> Although DBD has organized several training workshop on ABS for officials, but there is limited time and limited people. <i>EOP:</i> No change in professional development opportunities was detected. The project organized four workshops, but these were one-off and do not represent adoption of a long-term training program.
9. Individuals are	0: Skills of individuals do not match job requirements	1	2	2	<i>Baseline:</i> A few individuals are reasonably skilled but many others do not have specific technical skills related to ABS

	appropriately skilled for their jobs	1: Individuals have some or poor skills for their jobs 2: Individuals are reasonably skilled but could further improve for optimum match with job requirement 3: Individuals are appropriately skilled for their jobs				<i>EOP:</i> As noted, the project team assisted in developing the skills of the two to three officers in the ABS Office.
	10. Individuals are highly motivated	0: No motivation at all 1: Motivation uneven, some are but most are not 2: Many individuals are motivated but not all 3: Individuals are highly motivated	1	2	2	<i>Baseline:</i> Complexity of ABS matters interferes with motivation. But only some individuals are motivated. Capacity development and establishment of ABS framework and institutional systems may improve this <i>EOP:</i> Workshops on ABS may have increased awareness and motivation with regard to ABS.
	11. There are appropriate systems of training, mentoring, and learning in place to maintain a continuous flow of new staff	0: No mechanisms exist 1: Some mechanisms exist but unable to develop enough and unable to provide the full range of skills needed 2: Mechanisms generally exist to develop skilled professionals, but either not enough of them or unable to cover the full range of skills required 3: There are mechanisms for developing adequate numbers of the full range of highly skilled LMMA professionals	1	2	1	<i>Baseline:</i> At the higher central government level people are clear and some mechanism exist, but at lower and decentralized levels additional mechanisms are needed. <i>EOP:</i> No long-term training mechanisms developed. There is a need to identify sub-national officers that will carry out ABS on the ground and provide training for them.
3. Capacity to engage and build consensus among all stakeholders	12. ABS have the political commitment they require	0: There is no political will at all, or worse, the prevailing political situation runs counter to the interests of ABS 1: Some political will exists, but is not strong enough to make a difference 2: Reasonable political will exists, but is not always strong enough to fully support ABS 3: There are very high levels of political will to support ABS	1	2	2	<i>Baseline:</i> Given that ABS is a recently new topic and there is limited awareness on the subject, political commitment varies across the political set up <i>EOP:</i> With finalization on the sub-decree, there is reported to be stronger awareness and willingness to support adoption of the sub-decree than before it was prepared
	13. Degree of public support for ABS	0: The public has little interest in ABS and there is no significant lobby for ABS 1: There is limited support for ABS 2: There is general public support for ABS and there are various lobby pushing them 3: There is tremendous public support in the country for ABS	1	2	1	<i>Baseline:</i> The issue has not been discussed in public media widely. <i>EOP:</i> So far, not much information for ABS awareness raising has reached the general public. In the last month of the project, 7 videos were finalized, but wider dissemination is needed.
	14. ABS institutions are mission oriented	0: Institutional mission not defined 1: Institutional mission poorly defined and generally not known and internalized at all levels	0	1	1.5	<i>Baseline:</i> As national ABS framework has yet to be developed, the institutional mission is not clearly defined. <i>EOP:</i> Institutional mission clarified via draft ABS sub-decree, but not yet internalized/ understood by all.

		2: Institutional mission well defined and internalized but not fully embraced 3: Institutional missions are fully internalized and embraced				
	15. ABS institutions can establish partnerships needed to achieve their objectives	0: ABS institutions operate in isolation 1: ABS institutions have facilitated some partnerships in place but significant gaps and existing partnerships achieve little 2: The ABS institutions have facilitated many partnerships in place with a wide range of agencies, NGOs etc., but there are some gaps, partnerships are not always effective and do not always enable efficient achievement of objectives 3: The ABS institutions establish effective partnerships with other agencies and institutions, including provincial and local governments, NGO's and the private sector to enable achievement of objectives in an efficient and effective manner	1	2	1	<i>Baseline:</i> Some coordination is being undertaken by the DBD institutional facilitation, but needs time and opportunity to achieve and enhance this coordination <i>EOP:</i> Partnerships were not formed with NGOs and other agencies to a significant extent beyond what existed at start of project. The ABS sub-TWG is the best example of partnership of ABS related institutions, but it already existed at start of project
4. Capacity to mobilize information and knowledge	16. ABS institution(s) have the information they need to develop and monitor strategies and action plans for the management of the LMMA system	0: Information is virtually lacking 1: Some information exists, but is of limited usefulness, or is very difficult to access 2: Much information is easily available and mostly of good quality, but there remain some gaps in quality, coverage and availability 3: ABS institution(s) have the information they need to enforce national legal/policy frameworks and facilitate ABS agreements	1	2	1.5	<i>Baseline:</i> Information is scattered. There is a need to organize and coordinate it. <i>EOP:</i> The project has commissioned a website designer to prepare a website for Cambodia's ABS clearinghouse mechanism (CHM). The website has been designed, but is not yet hosted by the Ministry. Further, a system for adding new materials to the website (including how to determine what qualifies as content to be added) has not yet been adopted.
	17. Individuals from the ABS institution(s) work effectively together as a team	0: Individuals work in isolation and don't interact; 1: Individuals interact in limited way and sometimes in teams but this is rarely effective and functional 2: Individuals interact regularly and form teams, but this is not always fully effective or functional 3: Individuals interact effectively and form functional teams.	1	2	1	<i>Baseline:</i> Individuals working in current ABS institutions interact in limited ways. But interact is always a problem in many institutions for a large team. <i>EOP:</i> No improvement in this area was detected or highlighted.
5. Capacity to monitor,	18. There is a legally	0: There is no ABS policy	0	1	0	<i>Baseline:</i> No approved ABS policy exists.

evaluate, report and learn	designated institution(s) responsible and able to update the ABS national framework	1: Policy exists, but is only reviewed at irregular intervals 2: Policy is reviewed regularly but not annually 3: National ABS policy is reviewed annually				<i>EOP:</i> No ABS policy drafted and, accordingly, no ABS policy approved.
	19. Society monitors the state of ABS projects	0: There is no dialogue at all 1: There is some dialogue going on, but not in the wider public and restricted to specialized circles 2: There is a reasonably open public dialogue going on but certain issues remain taboo. 3: There is an open and transparent public dialogue about the state of the ABS projects	1	2	1	<i>Baseline:</i> With no ABS regulation, this response is based on the need for future development. <i>EOP:</i> Project did not engage the public substantially, so awareness of ABS by the general public remains low.
	20. Institutions are highly adaptive, responding effectively and immediately to change promoted by implementation of national ABS framework	0: There is no national framework or implementation of the national ABS framework at the moment 1: Institutions do change but only very slowly 2: Institutions tend to adapt in response to change but not always very effectively or with some delay 3: Institutions are highly adaptive, responding effectively and immediately to change	1	2	1	<i>Baseline:</i> As ABS framework is being developed, the institutions need to change for adaption for implementation of ABS framework. <i>EOP:</i> No adaptation of institutions as a result of the draft ABS framework was detected.
	21. ABS Institution(s) have effective internal mechanisms for monitoring, evaluation, reporting and learning	0: There are no mechanisms for monitoring, evaluation, reporting or learning 1: There are some mechanisms for monitoring, evaluation, reporting and learning but they are limited and weak 2: Reasonable mechanisms for monitoring, evaluation, reporting and learning are in place but are not as strong or comprehensive as they could be 3: Institutions have effective internal mechanisms for monitoring, evaluation, reporting and learning	1	2	1	<i>Baseline:</i> A series of activities related to ABS have been undertaken, although more work on this issue is needed. <i>EOP:</i> The project commissioned a national consultant to prepare an ABS monitoring and tracking system (or a report about this topic), but the report mainly copies information from other project outputs and does not represent any progress from baseline in terms of monitoring and tracking ABS.
	22. Individuals from ABS institutions are adaptive and	0: There is no measurement of performance or adaptive feedback 1: Performance is irregularly and poorly measured and there is little use of feedback	1	1	1	<i>Baseline:</i> There are shortage of mechanism for measurement of individuals' performance in most institutions in Cambodia <i>EOP:</i> There is no known improvement in the measuring of performance of individuals from ABS institutions.

	continue to learn	2: There is significant measurement of performance and some feedback but this is not as thorough or comprehensive as it might be 3: Performance is effectively measured and adaptive feedback utilized				
Total		Maximum total possible: 66	21	42	29	
% of Max		100%	32%	64%	44%	

Annex 5. Master Interview Guide

Below is a draft master interview guide outlining the various different open-ended questions that may comprise qualitative stakeholder consultations. For each stakeholder, only those queries of relevance to the stakeholder will be asked. Depending on their answers, the consultation may then expand into additional queries as relevant. The interview guide is developed based on the requirements for UNDP-GEF evaluations as well as experience in carry out such evaluations.

1. Project Overall: Relevance, Design, Outstanding Results, Main Challenges

We'll go into each outcome and specific activities in detail later, but for now would like to get your overall view on the following:

Relevance

1. Need and attribution: Is project needed? Would the things it has done, such as ABS legislation, have happened anyway without the project? What's the evidence that these things would not have happened without the project? Can what has occurred really be attributed to the project?
2. Innovativeness: Is the project innovative? Have the things it has done, such as capacity building, gap analysis, legislation, ABS framework already been done before? If certain aspects are innovative, which ones?
3. Scale-up or setting the stage for ABS "deals"/ future potential for such deals: For aspects that are not innovative/ brand new, is the project achieving substantial scale-up (e.g. capacity building)? How does the scale-up or enabling environment achieved compare to what was on the ground before? Is Cambodia now ready for ABS deals? Are ABS deals going to happen in the future due to the project? Where do you see the potential for future ABS deals? What has the project does to facilitate such deals in the future?
4. Replication: Has the project stimulated replication or pipeline plans of ABS activities that are likely to be realized? What is the evidence of this? Who is replicating/ scaling-up activities? Where are they getting the funds to do so?

Top achievements/ top impacts:

5. Top achievements: In your view, what are the most outstanding achievements of the project? What are you most proud of? Why?
6. Lasting change: What kind of lasting change or long-lasting achievements has the project resulted in? Do you think the sub-decree is going to be adopted? Is it going to be influential? That is, what impacts of the project will continue in the future and continue to have positive effects? What about the framework? Will it be adopted? What will be its impact?
7. Overall degree of impact: How big do you expect the impact to be? In terms of ABS deal volume in the future? In terms of conservation effect?
8. Evidence of progress towards objective: What evidence are we seeing that progress has been made towards the project objective? (*"To strengthen the conservation and sustainable use of genetic resources and associated traditional knowledge by developing a national Access and Benefit Sharing (ABS) framework, policy and legislation consistent with the CBD and its Nagoya Protocol,"*) Is conservation and use of genetic resources strengthened already as a result of the project? Or will it be? What about traditional knowledge – is that strengthened? Are these achieved via ABS framework, policy, and legislation? And can you differentiate between the policy and the framework? Are these to be two different efforts?
9. Recommendations related to successes: Based on the most outstanding results of this project, do you have recommendations of how other projects or the Government of Cambodia can draw from methods used or build on results?

Main concerns/ shortcomings and problems:

10. Main concerns/shortcomings: What are your main concerns about this project? What are its main shortcomings? What could it have done better? What should it have addressed that it didn't? Would there have been a way for the project to progress more quickly towards its targets? Could more work have been carried out in parallel?

11. Special challenges: Were there special challenges (expected or unexpected) that the project faced that impeded progress/ results? Could something have been done that wasn't to overcome these?

12. Recommendations related to challenges: Based on the problems, do you have recommendations for future projects or future Government of Cambodia activities to overcome such challenges?

2. Background on Implementation

1. Project structure and roles: (a) Could you please review the national project team? What is it today and has it been stable throughout? What are the roles of team members? How active are they with regard to on-the-ground field work, and monitoring/ indicator work? Or direct work on advocacy, policy, and capacity building? Is most work contracted out or handled in-house? (b) Who are the partners that the project team works with? Are there partners at the village level? (c) Has the PSC played an active role? (d) Has UNDP played an active role? How has UNDP supported you? Any major contributions on a technical level? On an administrative level?

2. Project history: Please review the project history as you know it from concept, PPG, through implementation. Have there been major delays?

3. Covid: How has this affected the last 24 months of the project (February 2020 – January 2022)?

3. Outcome 1 Results – National Policy, Legal, and Institutional Framework

Outcome 1. National Policy, Legal, and Institutional Framework in line with the Nagoya Protocol on ABS strengthened. TA: USD397,084 [Note: This is the ProDoc outcome statement. The one used in the PIR is actually the first component statement in the ProDoc.]

General comments/queries:

-Before we go into the specific outputs, are there any general comments about the success or challenges of this outcome that have not been raised already?

-What had already happened at baseline? The ProDoc indicates there was already a legislative framework. Could you explain? How is this different than what the sub-decree does? It has also been indicated that an institutional framework was already in place. Is that correct?

-On the legislative side, can you explain how a law and sub-decree will differ? Can a sub-decree, given that it does not get legislative approval be enforced by the courts? Do you think a sub-decree is sufficient, or is an ABS law eventually needed?

-Can you explain the difference between policy, legal, and institutional framework?

-Was any work done on policy? Or is this considered the same as what is being called ABS framework now?

-Can you discuss what kind of approval process is required for the framework in order for it to be impactful? How will it be used?

-What's the impact of this work?

-How did you decide the approach?

a. National Law: Output 1.1. A National Law on ABS in line with the Nagoya Protocol developed

-activities and status under this output?

-What about the indicators that seem related to this output? (See below – what is their status and what is the real baseline and the achievement?)

Indicator 1.1: A draft national law on ABS developed and presented to Cabinet for approval

b. On-the ground stock taking and ABS framework: Output 1.2. Comprehensive stock taking exercise including on-the-ground assessment of lessons learned and best practices on ABS and Traditional Knowledge reviewed to inform National ABS framework

- What was baseline before the project – what had been done? Could you explain the difference between the legislative gap analysis and the analysis for the framework?
- Were on the ground assessments done? What about best practices? What was done in the area of traditional knowledge and how did that affect the framework?
- activities and status?
- contribution/ meaningfulness?
- How does this really contribute to the framework
- And how is the framework different from the roadmap that is now underway? Do you consider the framework to be a draft policy?

Indicator 1.2: A national policy for ABS approved by the Executive Government

c. ABS institutional framework: Output 1.3. Institutional framework defined and established for implementation of the Nagoya Protocol

- baseline situation? I have read there was already an institutional framework pre-project. Is this correct?
- activities and status? How much due to the project – how much due to other things?
- how is this going to be used in the future?
- how would you define institutional framework, if policy and legislation are not included?

d. GR and TK documentation system: Output 1.4: A system to document and safeguard Traditional Knowledge established

- baseline situation?
- activities and status? How much due to project – how much due to other things?
- how is this going to be used in the future?

e. Financial mechanism for ABS benefit sharing. Output 1.5 Effective financial mechanism for benefit sharing from ABS agreements established

- baseline
- what did project do?
- how are the financial benefit sharing deals going to be figured out?

Indicator 1.3: Increase in national capacity for ABS implementation as measured by UNDP ABS capacity development scorecard by 20 points

- why is this under Outcome 1? Perhaps it made sense before the outcome wordings were changed? What are the main things in the scorecard?
- what has been achieved and why?
- do you like the scorecard – or how would you change it?

4. Outcome 2 Results – Administrative and Permitting System

Outcome 2: An administrative and permitting system for ABS established and operational at the national and provincial level in compliance with the Nagoya Protocol as measured by: TA: \$369,500 [Note: This is the ProDoc outcome statement. The one used in the PIR is actually the Component 2 statement in the ProDoc.]

a. Administrative permitting system and checkpoints: Output 2.1 An administrative permitting system and check-points to enable implementation of the national ABS law is established.

- Baseline
- Activities and results

- What's due to the project?
- Longer term impact expected?

Indicator 2.1: Administrative and permitting systems for ABS developed and approved

- Baseline status
- What was achieved by project? Evidence?
- What's going to be the impact in five years?

Indicator 2.2: Effectiveness of coordination and operationalization of ABS permitting system

- Does this one associate most with Output 2.1?
- Baseline
- What was achieved? Is it operationalized? Effectively?
- Long-term impact?

b. Training to national competent authority, focal points, and related agencies in ABS management:

Output 2.2 Targeted training provided to National Competent Authorities (NCAs), Focal Points (FP) and related agencies on the various aspects of ABS management.

- Baseline
- Activities and results
- What's due to the project?
- Longer term impact expected?

Indicator 2.3: 150 of staff trained to facilitate implementation of national ABS framework, with at least 30% women

- Does this indicator associate with Output 2.5 on gender, as well?
- Baseline
- Activities and results: Was there more than one workshop? Was there a formal training program? If you are just developing the program, when will it be completed? Will you implement the training?
- What's due to the project?
- Longer term impact expected?

c. Communication/ education/ public awareness: Output 2.3 Communications, education and public awareness (CEPA) strategy and action plan developed and implemented

- Baseline
- Activities and results
- What's due to the project?
- Longer term impact expected?
- I understand this is included in the framework. Have any elements been implemented?

Indicator 2.4: 60 % of targeted population of researchers local communities, and relevant private sector staff, of which at least 30% would be women aware of key provisions of ABS legal framework

- Does this output associate with Output 2.3, 2.4 and 2.5?
- Baseline
- Activities and results
- What's due to the project?
- Longer term impact expected?
- If this was not pursued, what is the reason?

d. technical/ scientific cooperation, knowledge sharing/ info exchange via National ABS Clearing House:

Output 2.4 Functional role National ABS Clearing House Mechanism extended to promote technical and scientific cooperation, knowledge sharing and information exchange

- Baseline – was this “Clearing House” already there – what was it?
- Activities and results
- What’s due to the project?
- Longer term impact expected?

e. gender mainstreaming and M&E: Output 2.5 Gender Mainstreaming and Monitoring and Evaluation strategies developed and implemented

- What is this all about? Is it M&E for the project or M&E for ABS?
- Baseline?

5. Consultation with local people

- a. What kind of consultation was there with local people vis-à-vis policy development?
- b. Were efforts made to ensure consultation was broad or was it always the leaders?

6. Sustainability and Post Project Viability

1. Please discuss, for main achievements, whether each will be sustainable after the project. What do you see as lasting beyond the project? And what are the main barriers to sustainability for each
 - the policies?
 - the capacity building?
 - traditional knowledge work?
 - other work?
- What will happen if the sub-decree and framework are not adopted during the project lifetime?
2. What recommendations do you have so each main achievement will be sustainable?
 - What should Government of Cambodia do next?
 - What should UNDP do next?

7. Design (if not discussed above)

1. Do you have comments on the strength of project design?
2. The weaknesses of project design? Do you think it should have had more field activities? Would there be a way to do things in parallel?
3. How do you feel about the project indicators? How would you design differently to highlight true achievements?

8. Management Arrangements and Implementation (if not already discussed)

1. Any comments on composition of project team? Do you need other types of team members?
2. UNDP contribution?
3. What about partners? (the IP?)
4. Was the PSC useful?
5. What major examples of adaptive management can you think of?
6. How did you carry out M&E? Who was responsible for determining indicator values? For tracking tools?
7. What reporting did you have to do?
8. Tell us more about how you engaged stakeholders. And about your communications strategy?
9. Tell us about your communications strategy and achievements.
10. Tell us about your gender strategy. Also, about your gender indicators?

9. Cost Effectiveness

1. A budget of USD 843,242 seems quite high if the main output is only the sub-decree. How are the funds to be spent? Is budget justified?
2. What aspects of the projects were the worst deal/ the least cost effective? Were you able to get good deals for the services you purchased? Good?

10. Co-financing

1. What co-financing was provided organization?

11. Recommendations

1. Do you have any recommendations that did not come out from our discussion so far?
 - a. What should Cambodia do next on ABS? Is it going to bear fruit?
 - b. What should UNDP or other donors do in the future for ABS? To build on this project? To finish up things not finished?
 - c. Do you think ABS is going to be big business in Cambodia some day? Or just a few deals here and there?
 - d. Ideas for next projects?
 - e. Ideas for project organization and management?

Annex 6. Evaluation Consultant Agreement Form

UNEG Code of Conduct for Evaluators/ Midterm Review Consultants

Evaluators/Consultants:

1. Must present information that is complete and fair in its assessment of strengths and weaknesses so that decisions or actions taken are well founded.
2. Must disclose the full set of evaluation findings along with information on their limitations and have this accessible to all affected by the evaluation with expressed legal rights to receive results.
3. Should protect the anonymity and confidentiality of individual informants. They should provide maximum notice, minimize demands on time, and respect people's right not to engage. Evaluators must respect people's right to provide information in confidence, and must ensure that sensitive information cannot be traced to its source. Evaluators are not expected to evaluate individuals, and must balance an evaluation of management functions with this general principle.
4. Sometimes uncover evidence of wrongdoing while conducting evaluations. Such cases must be reported discreetly to the appropriate investigative body. Evaluators should consult with other relevant oversight entities when there is any doubt about if and how issues should be reported.
5. Should be sensitive to beliefs, manners and customs and act with integrity and honesty in their relations with all stakeholders. In line with the UN Universal Declaration of Human Rights, evaluators must be sensitive to and address issues of discrimination and gender equality. They should avoid offending the dignity and self-respect of those persons with whom they come in contact in the course of the evaluation. Knowing that evaluation might negatively affect the interests of some stakeholders, evaluators should conduct the evaluation and communicate its purpose and results in a way that clearly respects the stakeholders' dignity and self-worth.
6. Are responsible for their performance and their product(s). They are responsible for the clear, accurate and fair written and/or oral presentation of study limitations, findings and recommendations.
7. Should reflect sound accounting procedures and be prudent in using the resources of the evaluation.
8. Must ensure that independence of judgement is maintained, and that evaluation findings and recommendations are independently presented.
9. Must confirm that they have not been involved in designing, executing or advising on the project being evaluated and did not carry out the project's Mid-Term Review.

International Terminal Evaluation Consultant Agreement Form

Agreement to abide by the Code of Conduct for Evaluation in the UN System:

Name of Consultant: Eugenia Katsigris

I confirm that I have received and understood and will abide by the United Nations Code of Conduct for Evaluation.

Signed at Dallas, Texas, USA (Place) on June 21, 2022 (Date)

Signature: Eugenia Katsigris (electronic signature)

Annex 7. TE Report Clearance Form

Terminal Evaluation Report for *Developing a Comprehensive Framework for Practical Implementation of the Nagoya Protocol (ABS) project (PIMS ID 9741)* Reviewed and Cleared By:

Commissioning Unit (M&E Focal Point)

Name: Ratana Norng

DocuSigned by:



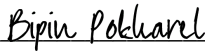
Signature: _____
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Date: 01-Sep-2022

Regional Technical Advisor (Nature, Climate and Energy)

Name: Bipin Pokharel

DocuSigned by:



Signature: _____
96CB6E05AF0B449...

Date: 04-Sep-2022

Annex 8. Terms of Reference for Cambodia ABS TE Assignment

Note: Not including Annexes

TERMS OF REFERENCE Individual Contractor

1. Assignment Information

Assignment Title:	International Consultant for Terminal Evaluation
UNDP Practice Area:	Programme Results Cluster
Cluster/Project:	Integrated Natural Resource Management
Post Level:	Senior Specialist
Contract Type:	Individual Contractor (IC)
Duty Station:	Home based
Expected Place of Travel:	N/A
Contract Duration:	30 working days from 26 August to 30 November 2021

BACKGROUND

2. Introduction

In accordance with UNDP and GEF M&E policies and procedures, all full- and medium-sized UNDP-supported GEF-financed projects are required to undergo a Terminal Evaluation (TE) at the end of the project. This Terms of Reference (ToR) sets out the expectations for the TE of the *medium sized* project titled *Developing a Comprehensive Framework for Practical Implementation of the Nagoya Protocol* (PIMS 5769) implemented through the Ministry of Environment (MoE)/*National Council for Sustainable Development (GSSD)*. The project started on 18 April 2019 *and it is in its third year of implementation*. The TE process must follow the guidance outlined in the document “Guidance For Conducting Terminal Evaluations of UNDP-Supported, GEF-Financed Projects” (“Guidance of GEF financed projects”).

3. Project Description

Cambodia’s specific geographical location and long history and complicated topographical, ecological and social features has resulted in it becoming a prosperous, rich and diverse plant genetic resource country. While diverse climatic conditions diversified the country’s flora with both tropical and temperate plants, thousands of years of agricultural practice by ethnic groups enriched its crop genetic resources with large numbers of local cultivars and land races. In terms of medicinal plants, the high level of genetic diversity makes Cambodia an attractive country for bio-prospecting, especially given that there are approximately 800 known medicinal plants, many of which have associated traditional knowledge. However, Cambodia faces a wide range of issues that threaten its biological diversity and ecological security. These threats emanate from the transition from a subsistence-based agrarian economy to a consumption-based cash economy, competing land use from urbanization and infrastructure development, poaching of wild plants and animals, localized overharvesting of timber, fuel wood and non-wood forest products, human-wildlife conflicts, and climate change. Because of the threat to biological resources, the

traditional knowledge of local communities that is associated with genetic resources is disappearing rapidly, due to the change of traditional lifestyles. A large volume of traditional knowledge, such as medicinal use of biological resources, is being replaced by modern technology. The National Biodiversity Strategy and Action Plan (NBSAP) of Cambodia was adopted in 2002. The NBSAP identified equity as the most important thing biological resources sustainably in the long run and calls for consideration of poor and economically disadvantaged group to secure their access to common resources. To counter the various threats to biodiversity, the country has planned various strategies for the conservation and sustainable use of biological resources for socio-economic development. However, making use of its biodiversity and traditional knowledge for the promotion of bioprospecting and of access and benefit-sharing (ABS) national regime that is constrained by several factors. Cambodia has no existing policy or legislation on ABS, the government recognizes the importance of establishing innovative schemes to derive equitable benefits through economic activities that are linked to sustainable utilization of natural resources and the institutional and personal capacity to carry out bio- prospecting beyond basic level and develop and manage ABS schemes that are compliant with Nagoya Protocol.

The project aims at strengthening human resources, legal frameworks and institutional capacities on access and benefit sharing of genetic resources to facilitate the implementation of the Nagoya Protocol on Access and Benefit Sharing. The project's goal is to contribute to the conservation and sustainable use of globally significant biodiversity in Cambodia. The project's development objective is ***to strengthen the conservation and sustainable use of genetic resources and associated traditional knowledge in Cambodia by developing a national Access and Benefit Sharing (ABS) framework, policy and legislation consistent with the Convention on Biological Diversity (CBD) and its Nagoya Protocol.*** The above objective would be achieved through two components, namely

Component 1: Developing a national framework and legislation on Access and Benefit Sharing consistent with the Convention on Biological Diversity and its Nagoya Protocol

Component 2: Building capacity for developing and implementing the national Access and Benefit sharing framework and legislation

The project is a UNDP supported and funded by the Global Environment Facility (GEF) with a total grant of US\$ 843,242 with a co-financing of US\$ 1,961,062 from National Council for Sustainable Development. The project duration is for 3 years (from April 2019 – April 2022). The Project implementing partner is Department of Biodiversity of the National Council for Sustainable Development

COVID-19 has seriously impacted the progress project in view of restrictions imposed on travel of project team and consultants to conduct consultations with the stakeholders while developing ABS legislation. However, this also provided opportunity to implementing partner and project team to adopt virtual mode of conducting meetings.

4. TE Purpose

The TE report will assess the achievement of project results against what was expected to be achieved and draw lessons that can both improve the sustainability of benefits from this project, and aid in the overall enhancement of UNDP programming. The TE report promotes accountability and transparency and assesses the extent of project accomplishments and its progress vis-à-vis the coherence, relevance, effectiveness, efficiency, impact and sustainability.

Since the project is coming to an end by April 2022, UNDP has planned to conduct the terminal evaluation to learn and produce the knowledge for future approaches in terms of similar interventions. It is expected that the national and other relevant partners and institutions will use the knowledge and

recommendations developed through this TE for future enhance of their approaches. The TE of this project is planned in the Cambodia Country Office overall evaluation plan and approved by senior management. It will further produce evidence, lessons, recommendations and knowledge for the upcoming Mid-term evaluation of the Cambodia Country Programme.

DUTIES AND RESPONSIBILITIES

5. TE Approach & Methodology

The TE must provide evidence-based information that is credible, reliable and useful.

The TE International Consultant will review all relevant sources of information including documents prepared during the preparation phase (i.e. PIF, UNDP Initiation Plan, UNDP Social and Environmental Screening Procedure/SESP) the Project Document, project reports including annual PIRs, project budget revisions, lesson learned reports, national strategic and legal documents, and any other materials that the team considers useful for this evidence-based evaluation. The TE International Consultant will review the baseline GEF focal area Core Indicators/Tracking Tools submitted to the GEF at the CEO endorsement and midterm stages and the terminal Core Indicators/Tracking Tools that must be completed before the TE field mission begins.

The TE International Consultant is expected to follow a participatory and consultative approach ensuring close engagement with the Project Team, government counterparts (the GEF Operational Focal Point), Implementing Partners, the UNDP Country Office, the Regional Technical Advisor, direct beneficiaries and other stakeholders.

Engagement of stakeholders is vital to a successful TE (see Stakeholder Engagement Section of Evaluation Guidelines). Stakeholder involvement should include interviews with stakeholders who have project responsibilities, including but not limited to Implementing Partner, the indigenous People and Local Communities, Ministry of Environment, UNDP as the GEF implementing Agency for the project, senior officials and task team/component leaders, key experts and consultants in the subject area, Project Board, project beneficiaries, academia, local government and CSOs, etc. If a data collection/field mission is not possible due to the current COVID context and/or any other circumstances, the remote interviews may be undertaken through telephone or online (skype, zoom etc.). International consultant can work remotely with national evaluator who will provide support in the field, if it is not safe for them to operate and travel.

The specific design and methodology for the TE should emerge from consultations between the TE International Consultant and the above-mentioned parties regarding what is appropriate and feasible for meeting the TE purpose and objectives and answering the evaluation questions, given limitations of budget, time and data. The International Consultant must, however, use gender-responsive methodologies and tools and ensure that gender equality and women's empowerment, as well as other cross-cutting issues and SDGs are incorporated into the TE report.

The final methodological approach including interview schedule, field visits and data to be used in the evaluation should be clearly outlined in the inception report and be fully discussed and agreed between UNDP, stakeholders and the TE International Consultant.

The final TE report should describe the full TE approach taken and the rationale for the approach making explicit the underlying assumptions, challenges, strengths and weaknesses about the methods and approach of the evaluation.

The current COVID crisis has imposed restrictions on travel globally. Cambodia also has imposed travel restrictions which restrict travel to and within Cambodia. Therefore the TE expects the consultant should carefully examine the current context as of the application date and propose possible methodology to execute the TE. If there is a requirement to execute this entire TE virtually based on the context, the TE International Consultant is expected to use of remote interview methods and extended desk reviews, data analysis, surveys and evaluation questionnaires. This should be detailed in the TE Inception Report and agreed with the Commissioning Unit. The TE further expects the consideration to be given for the stakeholders' availability, willingness and capacity of using virtual means/equipment while conducting the virtual interviews.

6. Detailed Scope of the TE

The TE will assess project performance against expectations set out in the project's Logical Framework/Results Framework (see TOR Annex A). The TE will assess results according to the criteria outlined in the Guidance for TEs of UNDP-supported GEF-financed Projects.

The Findings section of the TE report will cover the topics listed below. A full outline of the TE report's content is provided in ToR Annex C. The asterisk “(*)” indicates criteria for which a rating is required.

Findings

i. Project Design/Formulation

- National priorities and country driven-ness
- Theory of Change
- Gender equality and women's empowerment
- Social and Environmental Safeguards
- Analysis of Results Framework: project logic and strategy, indicators
- Assumptions and Risks
- Lessons from other relevant projects (e.g. same focal area) incorporated into project design
- Planned stakeholder participation
- Linkages between project and other interventions within the sector
- Management arrangements

ii. Project Implementation

- Adaptive management (changes to the project design and project outputs during implementation)
- Actual stakeholder participation and partnership arrangements
- Project Finance and Co-finance
- Monitoring & Evaluation: design at entry (*), implementation (*), and overall assessment of M&E (*)
- Implementing Agency (UNDP) (*) and Executing Agency (*), overall project oversight/implementation and execution (*)
- Risk Management, including Social and Environmental Standards

iii. Project Results

- Assess the achievement of outcomes against indicators by reporting on the level of progress for each objective and outcome indicator at the time of the TE and noting final achievements
- Relevance (*), Effectiveness (*), Efficiency (*) and overall project outcome (*)

- Sustainability: financial (*), socio-political (*), institutional framework and governance (*), environmental (*), overall likelihood of sustainability (*)
- Country ownership
- Gender equality and women's empowerment
- Cross-cutting issues (poverty alleviation, improved governance, climate change mitigation and adaptation, disaster prevention and recovery, human rights, capacity development, South-South cooperation, knowledge management, volunteerism, etc., as relevant)
- GEF Additionality
- Catalytic Role / Replication Effect
- Progress to impact

iv. Main Findings, Conclusions, Recommendations and Lessons Learned

- The TE team will include a summary of the main findings of the TE report. Findings should be presented as statements of fact that are based on analysis of the data.
- The section on conclusions will be written in light of the findings. Conclusions should be comprehensive and balanced statements that are well substantiated by evidence and logically connected to the TE findings. They should highlight the strengths, weaknesses and results of the project, respond to key evaluation questions and provide insights into the identification of and/or solutions to important problems or issues pertinent to project beneficiaries, UNDP and the GEF, including issues in relation to gender equality and women's empowerment.
- Recommendations should provide concrete, practical, feasible and targeted recommendations directed to the intended users of the evaluation about what actions to take and decisions to make. The recommendations should be specifically supported by the evidence and linked to the findings and conclusions around key questions addressed by the evaluation.
- The TE report should also include lessons that can be taken from the evaluation, including best and worst practices in addressing issues relating to relevance, performance and success that can provide knowledge gained from the particular circumstance (programmatic and evaluation methods used, partnerships, financial leveraging, etc.) that are applicable to other GEF and UNDP interventions. When possible, the TE team should include examples of good practices in project design and implementation.
- It is important for the conclusions, recommendations and lessons learned of the TE report to include results related to gender equality and empowerment of women.

The TE report will include an Evaluation Ratings Table, as shown in the ToR Annex.

7. Expected Outputs and Deliverables

The TE International Consultant shall prepare and submit:

Deliverables	Estimated Duration to Complete	Target Due Dates	Review and Approvals Required
TE Inception Report: TE International Consultant clarifies objectives and methods of the TE no later than 2 weeks before the TE mission. TE International	3 working days	Approximate due date: 30 August 2021	UNDP Evaluation Manager on deliverable

Consultant submits the Inception Report to the UNDP and project management.			UNDP Head of Programme on payment
Presentation: TE International Consultant presents initial findings to project management and UNDP	7 working days	Approximate due date: 23 September 2021	
Draft TE Report: TE International Consultant submits full draft report with annexes <i>within 3 weeks</i> of the end of the TE mission.	15 working days	Approximate due date: 5 October 2021	
Final TE Report* and Audit Trail: TE International Consultant submits revised report, with Audit Trail detailing how all received comments have (and have not) been addressed in the final TE report, to the UNDP <i>within 1 week</i> of receiving UNDP comments on draft.	5 working days	30 November 2021	
Total estimated number of days:	30 days		

*The final TE report must be in English. If applicable, the Commissioning Unit may choose to arrange for a translation of the report into a language more widely shared by national stakeholders.

All final TE reports will be quality assessed by the UNDP Independent Evaluation Office (IEO). Details of the IEO's quality assessment of decentralized evaluations can be found in Section 6 of the UNDP Evaluation Guidelines. (<http://web.undp.org/evaluation/guideline/section-6.shtml>)

8. TE Arrangement

This evaluation is managed by UNDP's Head of Results Based Management Unit. The Evaluation Manager ensures the evaluation is conducted in accordance with established policies and standards on evaluation, Project Implementing Partner, donors and relevant stakeholders are consulted throughout the evaluation process and ensure the quality of evaluation deliverables in line with evaluation policy and standards and agreed terms of reference.

The Evaluation Manager manages this exercise in close consultation with the Evaluation Reference Group (ERG) which include the National Project Director and Project Coordinator, Programme Analyst UNDP Head of Programme Unit. The roles of ERG are to provide strategic advice to the evaluation, ensure the transparency and independence of evaluation exercise and advise on evaluation's relevance and appropriateness of methodology. The consultant will work closely with the ABS PMU team.

The immediate supervisor during the assignment for the Consultant is the UNDP Evaluation Manager. The ABS Project Coordinator will be the focal point contact for day-to-day interactions and for liaisons during the assignment.

The UNDP Cambodia Country Office and Project Team will provide logistic support in the implementation of remote/ virtual meetings if travel to project site is restricted. An updated stakeholder list with contact details (phone and email) will be provided by the UNDP Cambodia Country Office to the TE International Consultant. Project will provide the national consultant to translate for the International consultant.

9. Duration of the Work

The total duration of the TE will be approximately 30 working days over a time period of (12 weeks) starting 28 August and shall not exceed five months from when the TE International Consultant is hired. The tentative TE timeframe is as follows:

- 30 August: Document review and preparing TE Inception Report
- 7 September: Finalization and Validation of TE Inception Report- latest start of TE mission
- 8 September: TE mission: stakeholder meetings, interviews, field visits
- 23 September: Mission wrap-up meeting & presentation of initial findings- earliest end of TE mission
- 25 September: Preparation of draft TE report
- 5 October: Circulation of draft TE report for comments
- 12 October: Incorporation of comments on draft TE report into Audit Trail & finalization of TE report
- 15 October: Preparation & Issue of Management Response
- 30 November: Expected date of full TE completion. The expected date start date of contract is 26 August 2021.

10. Duty Station

Due to the travel restrictions, the lead evaluator will be home-based and will work closely with the national consultant in engaging stakeholders via virtual consultations via telephone or online meetings (Zoom, Skype, etc.). The international consultant will describe the approach to collect data from the field in cooperation with the national consultant.

REQUIRED SKILLS AND EXPERIENCE

11. Minimum Required Qualifications of the International Consultant

The evaluator must not have participated in the project preparation, formulation and/or implementation (including the writing of the project document), must not have a conflict of interest with the project's related activities.

Due to the travel restrictions, the evaluator will work closely with the national consultant in engaging stakeholders via virtual consultations via telephone or online meetings (Zoom, Skype, etc.). Field missions will be conducted by the national consultant with guidance from the International Consultant and findings shared with the lead evaluator.

The selection of evaluator will be aimed at maximizing the overall International Consultant qualities in the following areas:

Education

- Master’s degree in natural resource management or environmental science, genetic resources, legal, ecosystem services, and/or related field.

Experience

- 10 years of relevant experience in the technical areas of access and benefit-sharing of genetic/biological resources.
- Minimum 10 years of relevant experience with results-based management and gender responsive evaluation methodologies.
- Experience in evaluating projects preferably GEF financed.
- Experience applying SMART indicators and reconstructing or validating baseline scenarios;
- Competence in adaptive management, as applied to Biodiversity Focal Area, particularly experience with access and benefit-sharing of genetic/biological resources;
- Experience working in Southeast Asia or Asia Pacific region;
- Excellent communication skills in English and analytical skills;
- Project evaluation/review experience within United Nations system will be considered an asset;
- Experience with implementing evaluations remotely will be considered an asset.

Language

- Fluency in written and spoken English.

12. Evaluator Ethics

The TE team will be held to the highest ethical standards and is required to sign a code of conduct upon acceptance of the assignment. This evaluation will be conducted in accordance with the principles outlined in the UNEG ‘Ethical Guidelines for Evaluation’. The evaluator must safeguard the rights and confidentiality of information providers, interviewees and stakeholders through measures to ensure compliance with legal and other relevant codes governing collection of data and reporting on data. The evaluator must also ensure security of collected information before and after the evaluation and protocols to ensure anonymity and confidentiality of sources of information where that is expected. The information knowledge and data gathered in the evaluation process must also be solely used for the evaluation and not for other uses without the express authorization of UNDP and partners.

13. Payment Schedule

N	Outputs/Deliverables	Payment Schedule	Payment Amount
1	Upon satisfactory delivery of the final TE Inception Report and approval by the Commissioning Unit	30 August 2021	20% of the total lump sum amount
2	Upon satisfactory delivery of the draft TE report to the Commissioning Unit	5 October 2021	40% of the total lump sum amount

3	Upon satisfactory delivery of the final TE report and approval by the Commissioning Unit and RTA (via signatures on the TE Report Clearance Form) and delivery of completed TE Audit Trail	30 November 2021	40% of the total lump sum amount
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Criteria for issuing the final payment of 40%

- The final TE report includes all requirements outlined in the TE TOR and is in accordance with the TE guidance.
- The final TE report is clearly written, logically organized, and is specific for this project (i.e. text has not been cut & pasted from other reports).
- The Audit Trail includes responses to and justification for each comment listed.

APPLICATION PROCESS

14. Scope of Price Proposal and Schedule of Payments

Financial Proposal:

- Financial proposals must be expressed in a lump-sum for the total duration of the contract including the professional fees, living allowances etc.; travel expenses will be reimbursed based on actual cost.
- The lump sum is fixed regardless of changes in the cost components.

15. Recommended Presentation of Proposal

- Letter of Confirmation of Interest and Availability** using the template provided by UNDP;
- CV and a Personal History Form (P11 form)**;
- Brief description of approach to work/technical proposal** of why the individual considers him/herself as the most suitable for the assignment, and a proposed methodology on how they will approach and complete the assignment; (max 1 page)
- Financial Proposal** that indicates the all-inclusive fixed total contract price and all other travel related costs (such as flight ticket, per diem, etc.), supported by a breakdown of costs, as per template attached to the Letter of Confirmation of Interest template. If an applicant is employed by an organization/company/institution, and he/she expects his/her employer to charge a management fee in the process of releasing him/her to UNDP under Reimbursable Loan Agreement (RLA), the applicant must indicate at this point, and ensure that all such costs are duly incorporated in the financial proposal submitted to UNDP.

All application materials should be submitted online. Incomplete applications will be excluded from further consideration.

Criteria for Selection of the Best Offer

Only those applications which are responsive and compliant will be evaluated. Offers will be evaluated according to the Combined Scoring method – where the educational background and experience on similar assignments will be weighted at 70% and the price proposal will weigh as 30% of the total scoring. The applicant receiving the Highest Combined Score that has also accepted UNDP's General Terms and Conditions will be awarded the contract.

Technical Evaluation Criteria	Obtainable Score
At least 8 years' experience conducting project evaluations, including 7 years' experience evaluating development projects in the field of environmental, natural resource management	50
Proven experience in data collection, analysis and evaluation report writing.	10
Proven experience in leading multi-stakeholder consultations with government and other stakeholders in developing countries;	10
Experience working in Asia as a project evaluator	10
Evaluation experience for UNDP projects	20
Total Obtainable Score:	100

16. Annex to the TE ToR

- ToR Annex A: Project Logical/Results Framework
- ToR Annex B: Project Information Package to be reviewed by TE team
- ToR Annex C: Content of the TE report
- ToR Annex D: Evaluation Criteria Matrix template
- ToR Annex E: UNEG Code of Conduct for Evaluators
- ToR Annex F: TE Rating Scales and TE Ratings Table
- ToR Annex G: TE Report Clearance Form
- ToR Annex H: TE Audit Trail template
- Annex in a separate file: Relevant TE tracking tools

Annexed in a separate file: GEF Co-financing template (categorizing co-financing amounts by source as 'investment mobilized' or 'recurrent expenditure')

Annex 9. Templates Used for Requesting Information

Template #1: Request for Data and Best Estimates Regarding Communication and Capacity Building: Cambodia ABS Project

I. Workshops

1. Small Workshops Held by the Project

For each cell please enter either the number based on data or your best estimate and please indicate “D” if based on actual data and “BG” if based on best guess.

Date	Location	Topic	Total Trainees (and how many were women?)	Among total trainees, how many provincial + local trainees? (and how many were women?)	Of provincial or local trainees, how many Traditional Healers?	Of provincial or local trainees, how many were Village Leader, Community Leader, Ranger, or their substitute?	Duration of meeting (hours or days)

For the above workshops, what’s your estimate of % of persons at each workshop that are “new” (had not attended a previous workshop organized by the Project)? _____

2. Large Workshops Held by the Project

For each cell please enter either the number based on data or your best estimate. Please indicate “D” if based on actual data and “BG” if based on best guess.

Date	Location	Topic	Total Trainees (and how many were women?)	Among total trainees how many provincial + local trainees? (and how many were women?)	Of provincial or local trainees, how many Traditional Healers?	Of provincial or local trainees, how many were Village Leader, Community Leader, Ranger, or their substitute?	Of total trainees how many are NGOs? (and of those how many provincial or local NGOs?)	Duration of meeting (hours or days)

For the above workshops, what’s your estimate of % of persons at each workshop that are “new” (had not attended a previous workshop organized by the Project)? _____

3. Workshops Held by other Projects/ Organizations at which ABS Project Made Presentation on ABS

For each cell please enter either the number based on data or your best estimate. Please indicate “D” if based on actual data and “BG” if based on best guess.

Date	Organization holding Workshop and Location	Topic	Total Trainees (and how many were women?)	Among total trainees how many provincial or local trainees? (and how many were women?)	Of total trainees, how many were NGOs? (And of those how many provincial/local?)	Of total trainees, how many were Traditional Healer?	Of total trainees, how many were Village Leader, Community Leader, Ranger, or their substitute?	Duration of meeting (hours or days)

For the above workshops, what's your estimate of % of persons at each workshop that are "new" (had not attended a previous workshop at which there was an ABS presentation)? _____

II. Other Forms of Communication

1. How many different types of brochure do you have? ____ What is the target group of each? _____

2. How many of each different type of brochure have you distributed? _____
3. The evaluator already has the brochure prepared by the consultants. Can you share a photo of the brochure(s) prepared by the project team?
4. What are the topics of the videos you have prepared that are waiting for approval?
(1) _____, (2) _____, (3) _____, (4) _____,
(5) _____, (6) _____, (7) _____
5. What are the online venues or social media accounts that you are using to promote ABS ideas? Are these the Biodiversity Department's Facebook page or main website? _____
6. Can you offer some indicators of success of website or social media posting:
(a) Number of unique visits to webpage dedicated to ABS promotion _____
(b) Number of "likes" of ABS posting on Facebook _____
7. ABS Clearing House: Number of distinct visits to ABS section of CHM: _____
8. Once your posters are prepared, how many villages do you hope to get the poster posted in prior to end of project? _____
9. If you have a draft of one or more poster can you share a photo of it with the evaluator?
10. Has the project achieved any mentions in online articles or other media? How about radio or TV? Please list mentions and provide links if the media mention was online.

III. Capacity Building via Support of Work on Actual ABS / Genetic Resource Agreements/ Permits

This section refers to building capacity in Department of Biodiversity and others by the ABS Project's support of staff, community, company, and research institute needs to develop ABS/ genetic resource agreements/ permits.

1. How many different Department of Biodiversity staff were affected/ had their capacity built by receiving the support of Project Team on access agreements and/or identification of traditional knowledge/ genetic resource locations? _____
2. How many different ABS/genetic resource access agreements did the Project support by identifying traditional knowledge/ genetic resources in the field? _____
3. How many different ABS/ genetic resource access agreements did the Project support in other ways? _____
4. What's the total number of access certificates supported by the Project? _____ And what is the total number of access certificates granted during the project lifetime both with or without support of the Project? _____ Of this total number, how many had purely research objectives? _____ And how many had intended future commercial benefit depending on research results (that is R&D, was going to be conducted on the genetic resources with hope of commercial application)? _____
5. How many different local communities or traditional healers may have had their capacity built by interacting with project staff on these specific ABS deals/ genetic resource agreements? _____
6. How many different companies may have had their capacity built by interacting with project staff on these specific ABS deals/ genetic resource agreements? _____ Of these, how many were foreign and how many were Cambodian? _____
7. How many different domestic research institutions may have had their capacity built by interacting with project staff on these specific ABS deals/ genetic resource agreements? _____ How many international research institutes? _____
8. Do the agreements/ permits developed include specific financial or other benefits to local communities? _____ If so, what kind of benefits and what scale of benefits? _____

**TEMPLATE #2: Terminal Evaluation Request for Information on Contracts
with Organizations and Contracts with Individuals**
Cambodia UNDP-GEF ABS Project

Exhibit 1. Contracts with Organizations (GEF Funds used)

Organization	Contract Amount (USD)	Amount Paid to Date (USD)	Description of Work	Start Date of Contract	End Date of Contract	Status of Contract (Closed or Open)
Outcome 1						
Outcome 2						

Exhibit 2. Contracts with Individual Consultants (GEF funds used)

Organization	Contract Amount (USD)	Amount Paid to Date (USD)	Description of Work	Start Date of Contract	End Date of Contract	Status of Contract (Closed or Open)
Outcome 1						
Outcome 2						

TEMPLATE #3: Co-Financing Information Request: UNDP-GEF Cambodia ABS Project Terminal Evaluation

Please fill in the tables, add tables as needed, and answer questions. Table I and Table III are official tables required to be filled in for the terminal evaluation. There also needs to be justification of the co-financing, which is the purpose of Section II. If you have a different preferred way to justify, please just let me know.

I. Overall Co-financing

Note: There are a number of rows here just to show the different possibilities, but a lot of them may end up being deleted. For this project, it's likely most of the co-financing will be either in-kind or cash grant.

Organization	If from another project/ donor, please list (<i>otherwise, if from government budget indicate "own funds"</i>)	Type of Co-financing (grant, in-kind, loan, equity investment, public investment, other)	Recurring Expenditure (USD)	Investment Mobilized (USD)	Total (USD)
NCSD	Own funds	In-Kind			
NCSD	Own funds	Cash Grant			
NCSD	Own funds	??			
NCSD	Own funds	??			
NCSD	Compass project – Donor?	Cash Grant			
NCSD	Other project? – Donor?	Cash Grant			
NCSD	Other project – Donor?				
Ministry of Environment		In-Kind			
Ministry of Environment		Cash Grant			
Ministry of Environment		??			
Ministry of Environment		??			
UNDP		Cash Grant			
Other??		??			
Other?					
Other?					
Other?					
Total	---	---	??	??	??

Definitions:

In-kind: Provision of goods or services rather than cash to the project

Recurrent expenditures: Routine budgetary expenditures. Operating expenditures.

Investment Mobilized: Co-financing other than recurrent expenditures. Funds specifically mobilized for the project.

II. Justification of Co-financing

Please see if the two formats below. There is one format for government's own funds (a table for each row in Table I above) and a series of questions for each row in Table I above that represents funds that are from other donor projects. The main purpose is to provide explanation/justification of how the funds indicated in Table I above were spent. Expenditures might include government staff time working on legislation or other activity areas (in-kind), office facilities (in-kind) or funds from another donor project spent on consultants related to legislation, capacity building, etc. (grant). (For the donor projects, if activities like legislation or capacity building are indicated, please also indicate the topic of the legislation or capacity building so it can be seen how these are related to the ABS project.)

II-1 Co-financing from government organization's own funds

For each main row in the table that is "own funds", please explain main expenditures

Row 1: Organization_____

What funds were spent on	Grant or co-financing	Amount (in USD)
Outcome 1		
1.		
2.		
3.		
Outcome 2		
1.		
2.		
Project Management		
Total		

Row 2: Organization_____

What funds were spent on	Grant or co-financing	Amount (in USD)
Outcome 1		
1.		
2.		
3.		

Outcome 2		
1.		
2.		
Project Management		
Total		

Etc.

II-2. Co-Financing from Other Donor Projects

For each main row in the Table I that is another donor project, please answer the questions below

Other donor project 1

1. Were all the funds of the project counted as co-financing to the ABS project or just certain parts? If only certain parts, which parts?
2. What were the activities of this other project that were counted towards ABS project co-financing? How are these related to the aims of the ABS project? What was the budget of each main activity in USD (if you know it)?
3. Was project management of the other project also counted towards ABS Project co-financing? What amount of project management cost in USD was counted?

Other donor project 2

1. Were all the funds of the project counted as co-financing to the ABS project or just certain parts? If only certain parts, which parts?

2. What were the activities of this other project that were counted towards ABS project co-financing? How are these related to the aims of the ABS project? What was the budget of each main activity in USD (if you know it)?

3. Was project management of the other project also counted towards ABS Project co-financing? What amount of project management cost in USD was counted?

Etc.

TEMPLATE #4. Outcome-Wise Expenditure Tables by Major Activity and/or Contract (Cambodia ABS Project)

Please help fill in the blanks in these tables, which show major activity areas or expenditure areas by outcome.

Outcome 1. National Policy, Legislative, and Institutional Framework

Major Activity Area or Functional Area	Expenditures to Date (roughly May 4, 2022) in USD	Planned Expenditures (from around May 5, 2022 to October 2022)	Total Expected Expenditure by EOP (by Financial Close)
1. ABS Framework (analysis and framework) - International Consultant	14,900	---	14,900
2. ABS Roadmap – 1/3 International Consultant	---	8,334	8,334
I. Sub-total Policy	14,900	8,334	23,234
1. Stocktaking – National Consultant	7,000	---	7,000
2. Stocktaking – International Consultant (“Gap Analysis”)	8,250	---	8,250
3. Stocktaking – 2 nd National Consultant (supposed to be institutional framework, but main focus was stocktaking)	6,900	---	6,900
II. Sub-total Stocktaking for Legislation	22,150	---	22,150
1. Preliminary Draft Legislation, Rules and Regulations – National Consultant	9,000	---	9,000
2. Draft Legislation, Rules and Regulations – National Consultant	10,500	---	10,500
3. Draft Legislation, Rules and Regulations – International Consultant	12,650	---	12,650
III. Sub-total Legislation	32,150	---	32,150
1. Instruments, Guidelines, Procedures, Measures (& Financial Mech.) - NC	7,770	18,130	25,900
2. Instruments, Guidelines, Procedures, Measures (& Financial Mech.) - IC	7,150	28,600	35,750
IV. Sub-total Instruments, Guidelines, Procedures, Measures (& Financial Mech.)	14,920	46,730	61,650
1. EIA and Community Protocols – National Consultant	12,000	---	12,000
2. EIA and Community Protocols – 1/3 International Consultant	---	8,333	8,333
V. Sub-total EIA and Community Protocols	12,000	8,333	20,333
1. Documentation of Genetic Resources associated with Traditional Knowledge - NC	12,000	---	12,000
2. Framework for Genetic Resources and Traditional Knowledge tracking - NC	3,600	8,400	12,000
VI. Sub-Total Genetic Resource and Traditional Knowledge Work	15,600	8,400	24,000
VII. Bioprospecting Model (1/3 International Consultant)	---	8,333	8,333
1. National Project Coordinator	?	?	?
2. Finance Officer and Admin Officer	?	?	?
VII. Sub-Total Project Team (cross-topic for the outcome)	124,555	?	?
VIII. Travel	?	?	?

IX. Meetings of TWG and Project Board	?	?	?
X. Workshops if any charged to this Outcome	?	?	?
GRAND TOTAL of ABOVE ITEMS FOR OUTCOME 1	236,275	80,130	316,405
<i>Total of CDRs to May 4, 2022 (and expected to spend down to GEF approved target)</i>	297,457	99,627	397,084
Gap between total accounted for in this table and CDRs for Outcome 1	61,182	19,497	80,679

Outcome 2. Operational Admin and Permitting System

Major Activity Area or Functional Area	Expenditures to Date (roughly May 4, 2022) in USD	Planned Expenditures (from around May 5, 2022 to October 2022)	Total Expected Expenditure by EOP (by Financial Close)
1. KAP Survey and Communications Strategy - National Consultant	10,500	---	10,500
2. Communications, Education, and Public Awareness Strategy – firm	25,000	---	25,000
I. Sub-Total Strategies: CEPA and Communications Strategies	35,500	---	35,500
1. Videos – firm (5 videos)	20,000	---	20,000
2. Tools for capacity building –national consultant	3,675	8,575	12,000
II. Sub-Total Outreach Materials	23,675	8,575	32,000
1. Gender Analysis – national consultant	2,400	---	2,400
III. Sub-Total Gender and Monitoring	2,400	---	2,400
1. Upgrading of CHM website	9,000	---	9,000
IV. Sub-Total Knowledge and Information Sharing	9,000	---	9,000
1. Small workshops (number of small workshops?)	?	?	?
2. Large workshops (number of large workshops?)	?	?	?
V. Sub-Total Workshops	?	?	?
1. Printing of brochures and posters	?	?	?
2. Other printing (please specify type of items?)	?	?	?
VI. Sub-Total Printing	?	?	?
1. National Project Coordinator	?	?	?
2. Finance Officer and Admin Officer	?	?	?
3. Communications Officer	?	?	?
VI. Sub-Total Project Team for Outcome 2 (cross-cutting within outcome)	111,392	?	?
VII. Vehicle	35,016	--	35,016
VIII. Travel	?	?	?
IX. Meetings of TWG and Project Board	?	?	?
X. Workshops if any charged to this Outcome	?	?	?
GRAND TOTAL of ABOVE ITEMS FOR OUTCOME 2	216,983	8,575	225,308
<i>Total of CDRs to May 4, 2022 (and expected to spend down GEF approved target)</i>	255,046	114,454	369,500

Gap between total accounted for in this table and CDRs for Outcome 2	38,063	105,879	144,192
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Project Management

Major Activity Area or Functional Area	Expenditures to Date (roughly May 4, 2022) in USD	Planned Expenditures (from around May 5, 2022 to October 2022)	Total Expected Expenditure by EOP (by Financial Close)
Inception Workshop Consultant	2,100	---	2,100
Terminal Evaluation	4,500	18,000	22,500
Admin Officer (1/2)	29,504	--	29,504
International Travel	?	?	?
Domestic Travel	?	?	?
?? Other?	?	?	?
?? Other?	?	?	?
?? Other?	?	?	?
?? Other?	?	?	?
Total	?	?	?
GRAND TOTAL of ABOVE ITEMS FOR Project Management	36,104	18,000	54,104
<i>Total of CDRs to May 4, 2022 (and expected to spend down to GEF approved target)</i>	45,528	31,130	76,658
Gap between total accounted for in this table and CDRs for Outcome Project Mngt	9,424	13,130	22,554

TEMPLATE #5. Final Topics/Queries for PMU (Written)

1. Please elaborate on work the PMU has done on ABS that may not be reflected in the consultant outputs that the evaluator currently has.
2. Can you add more insights on the many meetings held to review/ revise the legislation (=sub-decree). (For this topic, if you have a written record of the meetings, that would also be helpful.)
3. For each of the consultant outputs, can you explain whether and how specifically they were put to use.
4. For the outstanding consultant outputs, how far can we expect the project/ ministry to go with these by end of project?
5. Is the framework considered a formally adopted policy by the Ministry or NCSD? Does the in-progress roadmap have the potential to be formally adopted policy by the Ministry or NCSD? And for both/ either (as relevant), what is the process of adoption they went through or will go through and how are they expected to be used?

Annex 10. Assessment of S.M.A.R.T. Qualities of Indicator Targets

This annex is in support of Section 3 of the main report, Assessment of Project Design. The table below provides an indicator target-by-indicator target review for each “SMART” criteria. For those indicators that have sub-indicators, the full “SMART” review is carried out for the sub-indicator targets, while the overall indicator target is given only an overall color-coded ranking. Thus, these “composite” indicator targets can be identified as the ones that have color coded ratings only in their first column, while their sub-indicator targets directly below them are color rated in all columns.

S.M.A.R.T. Review for Cambodia ABS Project Indicator Targets

Color coding in first column is overall S.M.A.R.T. assessment for the indicator target or sub-indicator target. Color coding in other columns is the assessment for the indicator target of individual S.M.A.R.T components. **Green** is “yes” or “good.” **Yellow** is “maybe” or “so-so.” **Red** is “no” or “weak.” Shades in-between may be used to indicate intermediary results. (**Light green** is intermediary between green and yellow, though closer to green. **Light yellow** is intermediary between light green and yellow. **Light red** is intermediary between yellow and red.) Where an indicator targets has sub-indicator targets, the overall rating for the indicator target is based on the aggregate assessment of the sub-indicator targets.

Indicator	Specific (“S”)	Measurable (“M”)	Attributable (“A”)	Relevant (“R”)	Time-bound (“T”)
<i>Objective indicator:</i> Draft national law on ABS developed and presented to cabinet for approval	Yes: Specifies draft law, specifies topic of law, and specifies stage in approval process required	Yes: Can determine if presented to cabinet via official letter written and submitted	Yes: It can be determined whether the project supported preparation of the draft law	Yes: Highly relevant, as national law on ABS will propel progress on ABS in the country forward (though as noted, this would be more suitable as an Outcome 1 indicator target)	Yes: EOP time target is clear
<i>Outcome 1 indicator 1:</i> National ABS policy approved by the Executive Government	Yes: Specifies a policy is targeted, specifies topic of policy, and specifies stage in approval process	Yes: Can determine if policy has been promulgated by Executive Government	Yes: It can be determined whether the project supported preparation of the policy in draft form	Yes: Highly relevant, as national policy on ABS will propel progress on ABS in the country forward	Yes: EOP time target is clear
<i>Outcome 1 indicator 2:</i> At least 20 point increase in national capacity for ABS implementation as measured by UNDP ABS capacity development scorecard from baseline of 21	Yes: Refers to a specific scorecard and scorecard has a specific scoring scale. Indicates baseline and indicates increase over baseline targeted.	Maybe: Measurable based on criteria given in scorecard, though scoring of some items may be open to debate	Maybe to no: Some of the items in the scorecard can be influenced by various efforts and may be hard to attribute specifically to the project	Somewhat: Review of the scorecard suggests many of the capacity items are not highly focused on ABS	Yes: EOP time target is clear
<i>Outcome 2 indicator 1:</i>					

- Administrative and permitting systems for ABS developed and approved as measured by availability of:					
(2-1a) Guidance document on obtaining PIC for access to genetic resources and for TK associated to genetic resources	Yes to maybe: Specific type of document stated, requirement of approval indicated. Ideally would also state approving body.	Yes, existence of government-approved document can be assessed.	Yes: Can determine whether project prepared this	Yes, very relevant: Needed for ABS system rollout.	Yes: EOP time target is clear
(2-1b) Guidance document for negotiation of agreements/contracts on use of genetic resources and associated TK and for the fair and equitable sharing of benefits	Yes to maybe: Specific type of document stated, requirement of approval indicated. Ideally would also state approving body.	Yes, existence of government-approved document can be assessed.	Yes: Can determine whether project prepared this	Yes, very relevant: Needed for ABS system rollout.	Yes: EOP time target is clear
(2-1c) Dossier for application of access permit	Yes to maybe: Need clarification if this is the list of items required for access permit. Requirement of approval indicated. Ideally would state approving body.	Yes, existence of government-approved document can be assessed.	Yes: Can determine whether project prepared this	Yes, very relevant: Needed for ABS system rollout.	Yes: EOP time target is clear
(2-1d) Designation of 1-2 check points	Yes to maybe: Further definition of whether check point is a specific government entity or specific location would be useful. Requirement of approval indicated. Ideally would state approving body.	Yes, existence of government-approved checkpoints can be determined.	Yes, determination of whether project played role in determining checkpoint can be assessed	Yes, very relevant: Needed for ABS system rollout.	Yes: EOP time target is clear
(2-1e) Guidance document on procedures for use of the ABS Clearing-House Mechanism	Needs more definition on whether this is a document on what kinds of items will be included in the CHM (angle that would be proposed by the evaluator) or only on how to use the CHM from an IT perspective.	Yes, existence of government-approved document can be assessed.	Yes: Can determine whether project prepared this	Yes, relevant. Well prepared and official CHM (if it has the right documents) can promote success of ABS system.	Yes: EOP time target is clear

	Requirement of approval indicated. Ideally would state approving body.				
(2-1f) Guidance document for ensuring transparency on compliance and monitoring the utilization of genetic resources and associated TK	Yes to maybe: Specific type of document stated, requirement of approval indicated. Ideally would also state approving body.	Yes, existence of government-approved document can be assessed.	Yes: Can determine whether project prepared this	Yes, very relevant: Needed for ABS system rollout.	Yes: EOP time target is clear
<i>Outcome 2 indicator 2:</i> -Effectiveness of coordination and operationalization of ABS permitting system as measured by:					
(2-2a) Guidelines for coordination and information sharing between FP and NCAs, and amongst the NCAs	Yes, to maybe. Specific document stated, but, need to know whether this needs to be approved and, if so, by what entity.	Yes, existence of document can be assessed.	Yes: Can determine whether project prepared this	Maybe. Not clear on relevance. Based on current situation the FP and NCA are both associated with NCSD, so no need for coordination. Had project promoted development of multiple NCAs, this may have been more relevant, but promotion of multiple NCAs was not that clearly indicated in project design.	Yes: EOP time target is clear
(2-2b) Network of NCA with the involvement of the NFP fully functional using, inter alia, electronic communication mechanisms	Maybe. Might have been clearer if the type of electronic communication mechanisms possible were stated. As is, could range from email to a dedicated portal; and level of use required to meet target is unclear.	Yes to maybe: Existence of electronic communications can be verified, but, if there is a bar to surpass (such as amount of such communications to claim full functionality), that may be difficult to measure	Yes: It will be possible to determine if the electronic communication mechanism is developed by the project.	Maybe. Not clear on relevance. Based on current situation the FP and NCA are both associated with NCSD, so no need for communication mechanism. Had project promoted development of more NCAs, this may have been more relevant, but promotion of multiple NCAs was not that clearly indicated in project design.	Yes: EOP time target is clear
<i>Outcome 2 indicator 3</i> -Staff trained					

(2-3a) At least 100 officials at the national level trained on ABS related topics (including at least 30% are women)	Yes to maybe. The number is specific, but what counts as training? A one day workshop? And is attendance the only requirement to be trained, or should some level of achievement be acquired?	Yes to maybe. It's easy to count attendees at a workshop, but there is a problem of same persons attending multiple workshops that needs to be dealt with. And if achievement is required, there will need to be a test.	Yes: If training held by the workshop, easy to attribute.	Training on ABS is highly relevant (though ideally more detailed specification of type of training would be included in this indicator)	Yes: EOP time target is clear
(2-3b) At least 50 provincial level staff trained on ABS (including at least 30% of women)	Same comment in above cell	Same comment as in above cell	Same comment as in above cell	Same comment as in above cell	Yes: EOP time target is clear
<i>Outcome 2 indicator 4</i> - At least 60 percent of targeted population of researchers, local communities, and relevant private sector staff, of which at least 30% would be women, aware of key provisions of ABS legal framework	No: The full population needs to be defined in order to understand what is targeted	Maybe: Difficult to measure, but may be achieved via survey	Yes: Since the legal framework was to be prepared by the project, awareness of its provisions will be largely due to the project	Yes: It would be highly relevant and desirable (though challenging) to ensure a significant proportion of relevant parties are aware of the key provisions of the ABS legal framework	Yes: EOP time target is clear

Annex 11. Elements of a Future Cambodia ABS 2.0 Project

This annex provides rough inputs on a potential ABS 2.0 (2nd Phase) Project for Cambodia with donor support. It draws mainly from the recommendations in this TE Report.

Main aims: (i) Achieve ABS system implementation readiness in Cambodia and then (ii) carry out 3 successful ABS demos under draft legislation and draft policy on a pilot basis, and then (or concurrently) (iii) adopt ABS legislation (elevating sub-decree to law, if possible) and ABS policy. The demos can be used to highlight additional needs and attract both investors and politicians to ABS.

Duration and timeline of work: 5-year duration (perhaps). Project may emphasize final implementation readiness work for Cambodia's ABS system in year one (or one and two) and, after that, focus on the demos and adoption of the ABS Law and ABS Policy.

Financing of ABS 2.0 Project: Consider and assess best options for financing follow-up donor-supported ABS work including: (i) INRM Project (ABS system might be finalized and rolled out in demos as an activity under this broader project); (ii) bilateral support from South Korea, Japan, or China (all of which may have strong interest in their commercial sectors in plants that can be used as traditional medicines); (iii) multi-country UNDP ABS project funded by South Korea (currently in the formulation phase, with expected 2024 start if approved – Cambodia is considered one of South Korea's priority countries for its aid program).

A different approach may be to carry out key elements of the first part of this work (the “final implementation readiness work for Cambodia's ABS system”) as part of implementation of GEF's early access grant for post-2020 global biodiversity framework. Then, the second part (especially the demos and elevation of ABS sub-decree to an ABS law) might be carried out as a part of a larger donor project.

Preliminary Proposed Content of Cambodia ABS 2.0 Project

Some items will be following up on items initiated in the original Cambodia ABS Project. Others will address gaps in that work and, as noted, follow up with demos.

1. ABS Policy

1. Prepare National ABS Policy: Perhaps, make use of the ten steps included in ABS Roadmap and perhaps some of the findings and recommendations in this TE Report. Policy should be tailored to national situation and include strong input from national stakeholders. Initial draft should not be prepared until extensive consultations have been undertaken. Strong emphasis should be on specific, concrete, and practical steps rather than broad generalities.

2. Promote and Adopt National ABS Policy: Promote National ABS Policy to decision makers, facilitate discussions, and revisions. Target is to get the policy officially adopted at the national level.

2. ABS Legislation (current and future)

1. Promote and achieve adoption of sub-decree and associated instruments

- a. Adopt ABS instruments/ guidelines supporting sub-decree with MoE input as needed and achieve formal MoE adoption of these items (and adoption by other ministries, such as MoEF, when needed).
- b. Promote ABS sub-decree for adoption by Economic Reform Committee and Prime Minister.
- c. Include, as relevant, bioprospecting model contract as Appendix 2 of ABS sub-decree.

2. Ensure/ clarify ABS benefits to communities and women and incorporate into ABS Law, for when sub-decree is elevated to law: (i) Determine how to compensate communities for GR in conservation zones near to where they live. This will address the issue that, while community-owned land has (via the draft sub-decree) clear provider benefit sharing with the government (70% of provider share of benefit to community and 30% to the government), non-community owned land that is still associated with communities lacks clear provider share benefit breakdown. Consider the communities’ historical access to resources in these areas prior to conservation zone designation. Address current situation of vague, undetermined benefit-sharing for such cases to give local communities more clarity on their rights. (ii) Determine how TK will be compensated. While this may be a complex issue requiring case by case negotiation, at least identify different categories of cases and develop some rough parameters for determining benefit-sharing for each different category. (iii) Ensure women receive benefit for their TK. Given that women are the main repository of community TK on medicinal plants, propose language that recognizes women’s role. Ideally, identify specific steps for ensuring women receive their due with regard to TK contributions.

3. Pursue improvements to revise ABS legislation and promote it as an ABS law (for adoption after ABS sub-decree is adopted): (i) Carry out consultations with indigenous/ local communities and/or their representatives, NGOs, and private sector regarding ABS legislation. Get their input on how legislation might be revised to better facilitate their involvement and fairly represent their interests. (ii) Consider/ address more complex issues in legislation: how to fairly compensate communities near conservation zones, how to ensure women benefit for TK, and how to compensate for TK (see item 2-2 above); how to address overlap between ministries in approvals for export of genetic resources (for this issue, also carry out consultation with key ministries to get their input on the proposed legislation); how to address IPR for GR and TK (such as through innovative approaches to IPR that reflect the special characteristics and needs of GR and TK assets). (iii) Incorporate mention of bio-community protocols (such as developed via item 7) in legislation.

3. Institutional Designation and Associated Sub-National Capacity Building Specific to ABS Implementation Roles

1. Designate relevant sub-national government organizations and specific officials for PIC/MAT/ABS contract monitoring and for checkpoint work.
2. Provide in writing with detail their specific ABS implementation roles and duties. Develop a handbook with this information and other training information.
3. Carryout live, in-person (pandemic permitting) ABS role-specific training for sub-national entities/officers.
4. Develop specific ABS monitoring and tracking system to be used by sub-national officials tasked with monitoring ABS implementation and ABS check-point duties

4. Financing Mechanism Development and Launch (“ABS Fund”)

1. Design ABS fund (include analysis of options, detailed description of operation)
2. Prepare joint ABS Fund *prakas* between MoE and MoEF to add to the existing short draft MoE *prakas* on ABS fund
3. Launch ABS fund

5. Development of secure and confidential national GR and TK database

1. Consolidate existing information on Cambodia’s GR and TK from MoH and NGOs that have developed their own databases.
2. Conduct “road-trip” around country to collect information on Cambodia’s GR and TK from local communities. Consider cooperation with research institutes and their students to collect such information. Leverage knowledge of women in local communities, as they are known to be the keepers of traditional knowledge on medicinal plants.

3. Develop confidential database system with strong protections and allow access only by those with special clearance. This work will involve determining structure/ type of information to be included for each entry and also procedures for entering data and protecting the information. Enter consolidated information from items i and ii into database.

6. Negotiation Tools and Support to Facilitate Implementation of ABS System

1. Support for Cambodian entities negotiating ABS agreements: Determine means of preserving and promoting additional guidance prepared on bioprospecting agreements for future reference of stakeholders. Develop additional negotiation support documents as needed.
2. Provide training/ or one-on-one technical support to Cambodian entities in ABS contract negotiation

7. Preparing Communities for ABS Involvement

1. Prepare more specific/ more tailored bio-community protocol guidelines designed to be directly usable in working with Cambodian communities to develop their local ABS protocols.
2. Carry out ABS capacity building for relevant communities and facilitate their development of bio-community protocols: Utilize the field-appropriate, detailed bio-community protocol guidelines developed under above item (7-1). Develop capacity building programs for communities that have resources with good potential for ABS deals. Programs should be very specific so that communities learn how to ensure their resources and TK are protected and they benefit. Provide facilitators with expertise in rural development to facilitate community dialogue in select locations so that each village can develop its own bio-community protocol.

8. Outreach to Private Sector (both Domestic and International)

1. Conduct outreach to private sector (both international and national) to stimulate interest in ABS deals in Cambodia: The success of an ABS system in Cambodia in bringing income to local communities and the government for conservation will depend largely on interest by the private sector to invest in the nation's GR and TK opportunities. As such, develop and implement a campaign for outreach to the private sector, determining target entities and modes of engagement. For international targets, the campaign may include both high potential companies and industry associations or relevant government entities in countries that may have an interest in the specific areas of GR and TK that Cambodia has to offer (e.g. medicinal plants). Develop and disseminate promotional materials that both show the types of attractive resources available and explain in simplistic terms the process for applying for access and negotiating sharing agreements.
2. For very high potential companies, carry out direct discussions and provide follow up information as they request on Cambodia's relevant genetic resources.

9. ABS Demonstration in Cambodia

1. Carry out 3 ABS demos: Develop at least 3 high-profile demo ABS projects with private sector and strong emphasis on community benefit. These demos can be developed once other steps towards ABS system implementation readiness are achieved (items 1 to 9 above). If the sub-decree is not yet approved, the demos can still be carried out under the draft version, treating it as pilot legislation. The work of item 8 in reaching out to the private sector can help secure investor partners and that of item 5 may be relevant in determining GR and TK opportunities for them. The cooperation should be carefully monitored using the sub-national system developed under item 3-4. Selection of demos may feature 3 distinctly different types of products and/or partners or, alternatively, feature different local conditions (e.g. one in a protected area, one in a protection forest, and one in an agricultural area) or be in different geographic areas of the country.
2. Document and promote results through various means to build political will for enhanced legislation (such as elevating the sub-decree to law) and to attract more private sector investors to ABS opportunities in Cambodia.