



Terms of Reference for Review and Completion of Draft ASARECA Regional Intellectual Property & Data Sharing Policy

REFERENCE NO: ASAR/CONS/2025/00004

1. Introduction

The Association for Strengthening Agricultural Research in Eastern and Central Africa (ASARECA) is a not-for-profit sub-regional organization of the National Agriculture Research Institutions of fifteen countries namely: Burundi, Democratic Republic of Congo, Ethiopia, Eritrea, Kenya, Madagascar, Rwanda, Sudan, Tanzania, Uganda, Somalia, South Sudan, Republic of Congo, Cameroon and Central African Republic. ASARECA is mandated to coordinate and convene human, physical, financial and institutional capital to implement Agricultural Research for Development initiatives in Eastern and Central Africa (ECA).

The CAADP-XP4 project directly contributes to Pillar 2 of the EU Development Smart Innovation through Research in Agriculture (DeSIRA) initiative aimed at spurring a Science-led and Climate-Relevant Agricultural Transformation in Africa. The DeSIRA Pillar 2 focuses on *Research Infrastructure Conducive to Innovation*. The focus is on support to organizations in charge of the governance of research at national and regional level. The project aims at enabling agricultural research and innovation, including extension services, to contribute effectively to food and nutrition security, economic development and climate mitigation in Africa.

The CAADP-XP4 project has 5 outputs namely: (i) strengthened capacity of ASARECA to perform its mandate and work together with AFAAS, FARA and SROs; (ii) multi-stakeholder partnerships for innovation established and in operation; (iii) strengthened national policies, regional institutional arrangements and market access; (iv) knowledge management for advocacy and decision support and communication improved; and (v) effective planning, coordination, partnerships, monitoring, evaluation, learning and reporting enhanced. The development of ASARECA's regional Intellectual Property (IP)¹ policy is being supported under output (iii) of the CAADP-XP4 project.

Relatedly, ASARECA is implementing the Accelerating Impacts of CGIAR Climate Research for Africa (AICCRA) Project (<https://aiccra.cgiar.org/>) in partnership with the Alliance of Bioversity International and CIAT. The AICCRA project is funded by the World Bank and aims to strengthen the technical, institutional, and human capacity needed to enhance transfer of climate-relevant information, decision-making tools, and technologies in support of scaling efforts in IDA-eligible countries in Africa. The project focuses on 4 major components namely: (i) knowledge generation and sharing through development of

¹ Intellectual Property (IP) refers to tangible or intangible property arising from creative endeavors. Examples of IP include patents, copyrights, plant breeders' rights, trade secrets and know-how, trademarks and service marks, utility models, geographical indications and industrial designs.



climate-informed agricultural advisory services and decision-making tools; (ii) strengthening partnerships for delivery of climate-smart innovations in agriculture; (iii) validating climate-smart agriculture innovations through piloting; and (iv) project management. The consultancy assignment is supported by the CAADP-XP4 and AICCRA projects.

2. Rationale

Since its inception in 1994, ASARECA has coordinated AR4D in the ECA sub region including management of AR4D knowledge, harmonization of policies, resources and development of and access to several technologies, innovations and management practices. Over the years, ASARECA has supported projects which have generated over 400 Technologies, Innovations and Management Practices (TIMPs) which are broadly categorized under 6 categories namely: (i) Crop Management; (ii) Fisheries and Livestock Management; (iii) Value Addition and Marketing; (iv) Protocols, Manuals and Standards; (v) Institutional Innovations; and (vi) Natural Resources Management. There is increasing demand for agricultural technologies, innovations and data by farmers, private sector, public sector, researchers, and other strategic partners. However, their exchange remains a challenge among many ASARECA member countries where there are highly restrictive procedures for their import, export and transfer.

ASARECA stakeholders including scientists, private sector, policy makers from the Ministries of Agriculture and Directors General of the National Agricultural Research Institutions have continuously expressed security concerns over the transfer of agricultural technologies, innovations and data across national borders and institutions. In response, the ASARECA Board of Directors recommended that the Secretariat coordinates the formulation of a regional IP Policy to facilitate development and transfer of agricultural technologies, innovations and data across the ASARECA member countries. ASARECA Secretariat embarked on the process and prepared a draft IP policy in 2023. It is against this background that ASARECA intends to review and complete the draft regional IP and data sharing policy.

The IP and data sharing policy will provide a framework that guides effective management of IP among ASARECA member countries. Specifically, the policy will seek to: (i) provide incentives for stimulating generation and commercialization of agricultural technologies, innovations and data; (ii) promote identification and protection of IP; (iii) provide a framework for transfer of agricultural technologies, innovations and germplasm across ASARECA member countries; (iv) provide a framework for sharing of benefits accrued from generation and commercialization of agricultural technologies and innovations; and (v) provide a framework for sharing agricultural data among ASARECA member countries.

3. Objective

The objective of this assignment is to review and complete the draft ASARECA regional IP and data sharing policy.

4. Tasks

The Consultant will be expected to:

- Review relevant literature including: selected project grant agreements; and IP policies/provisions of National Agricultural Research Systems (NARS) of ASARECA member countries as well as those of Regional Economic Communities (RECs) including EAC and COMESA.
- Review similar regional IP policies and frameworks within the agriculture sector.



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- Conduct stakeholder consultations regarding IP management and the use of IP in facilitating transfer of agricultural technologies and sharing of agricultural data.
 - Review the draft regional IP policy for ASARECA and update it based on findings from the literature review and consultations from key stakeholders.
 - Prepare the final regional IP policy for ASARECA including the implementation plan.

5. Deliverables

The Consultant will be expected to deliver the following:

- i. Inception report including a detailed methodology, work plan for undertaking the assignment, proposed list of stakeholder categories for the survey and interviews, survey tool and draft outline of the IP policy.
- ii. Policy brief on the status of IP and its management in ASARECA member countries and the use of IP in facilitating transfer of agricultural technologies and sharing of agricultural data.
- iii. Revised draft regional IP and data sharing policy including the implementation plan.
- iv. Final regional IP and data sharing policy including the implementation plan.

6. Support to the Consultant

ASARECA will support the Consultant in the following areas:

- Provide the contact details of key stakeholders from member countries and partners.
- Facilitate relevant logistics to undertake the task with minimal interruptions.
- Provide relevant information/literature materials available at ASARECA Secretariat as might be required.
- Provision of an introductory letter.

7. Qualifications and work experience of the Consultant

- Master's Degree in any of the following fields – Intellectual Property/Intellectual Property Law/ Public Policy/Agricultural Sciences/Environmental Sciences.
- Experience in development of Intellectual Property Policies within the agriculture sector in ASARECA member countries.
- At least 10 years' experience working in the agriculture sector in ASARECA member countries.

8. Selection criteria

The proposal for this consultancy will be evaluated according to the following criteria:



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- Academic qualifications.
 - Experience in development of intellectual property and data sharing policies in Eastern and Central Africa.
 - Experience in managing implementation of intellectual property projects within the agriculture sector in Eastern and Central Africa.
 - Understanding of regional intellectual property issues and discourse within the agriculture sector.
 - Experience in facilitating multi-stakeholder platforms/forums on intellectual property within the agriculture sector.

9. Duration

The assignment is expected to take a total of **30 working days** spread across 3 calendar months.

10. Reporting

The Executive Director of ASARECA shall oversee the assignment of the Consultant. He will work closely with the Program Officer - Policy.