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TERMS OF REFERENCE (ToR)

I. GENERAL INFORMATION

Services/Work Description: Development of a Study on Delimitation of Constituencies and options for Ethiopia

Client: UNDP Ethiopia

Post Title: National Senior Consultant for the Development of a Study on Delimitation of Constituencies and options for Ethiopia

Duty Station: Addis Ababa (Ethiopia) and potential field visits

Duration: 30 working days

Expected Start Date: Immediately after concluding contract agreement

II. BACKGROUND

Context

With the opening of the political space and the return of several opposition parties, the Ethiopian political landscape has witnessed dramatic changes. It is expected that the 2020 general elections will greatly depart from previous election rounds and will witness true and effective political competition.

The Government is committed to ensure credible, inclusive and peaceful elections; this political will has materialized in a change in the leadership of the National Electoral Management Board (NEBE) and the ongoing amendment of the NEBE law. The new law is expected to strengthen NEBE's independence and institutional arrangements, thus enabling the Board to manage the upcoming general elections in a more transparent and effective manner.

The Government also committed to introducing new Information and Communications Technology (ICT)-based solutions to improve voters' registration and the results management system (RMS), in an attempt to showcase transparency and efficiency of the electoral management process.

Additionally, the fourth Ethiopian national census was expected to be conducted in 2017¹, but it was delayed. The government has announced the census will now take place in April 2019 and there is likelihood that the country would witness political debates on the delimitation of constituencies following the new census data. "There are long-standing complaints about imbalances between the relative size of a regions' population and the level of representation in parliament. Some opposition parties [...] have called for the revision of the electoral districts before the elections. The census also threatens to worsen local conflicts over claims to separate territorial administration and disputed administrative boundaries. The most contested issues are expected to be [...] the number of members of ethnic groups in relative comparison to others [...]"².

¹ Article 103, paragraph 5 of the Constitution of the Federal Democratic states: "A national populations census shall be conducted every ten years. The House of the Federation shall determine the boundaries of constituencies on the basis of the census results and a proposal submitted to the House by the National Election Board".

² "The Emerging 2020 Ethiopian Electoral Landscape, A Political Economy Analysis", Rift Valley Institute, draft report submitted to DFID, February 2019, p. 32.

Against this backdrop and in anticipation of a standalone elections support project, UNDP intends to secure technical support to NEBE in identifying most suitable and adapted ‘solutions’ for the interim period that would ensure credible, inclusive and peaceful elections. The main objective is to assist NEBE in undertaking required analysis to support an evidence-based decision-making process.

For this reason, UNDP intends to support NEBE in recruiting a Senior Consultant for the Development of a Study on Delimitation of Constituencies and options for Ethiopia. The goal of this Study is to examine relevant political and technical issues on the delimitation of the electoral districts ahead of general elections planned for May 2020. This Study will be conducted over a period of one month starting on mid-June to mid-July for a total of 30 working days.

The Study and resulting recommendations will be presented to NEBE in a comprehensive report.

III. SCOPE OF THE STUDY

The Study will assess the current delimitations of electoral constituencies for the election of the members of the House of Peoples’ Representatives³ in relation to principles⁴ such as impartiality (the delimitation exercise to be conducted by a nonpartisan, independent, and professional body), equality (the populations of constituencies should be as equal as possible to provide voters with equality of voting strength)⁵, representativeness (constituencies should be drawn taking into account cohesive communities, defined by such factors as administrative boundaries, geographic features, and communities of interest)⁶, non-discrimination (the delimitation process should be devoid of electoral boundary manipulation that discriminates against voters on account of ethnicity, colour, language, religion, or related status), and transparency (the delimitation process should be as transparent and accessible to the public as possible).

The study will consider the potential for synergies with other relevant initiatives undertaken by the national authorities, particularly the geospatial information (enumeration areas mapping exercise) gathered by the Central Statistical Agency of Ethiopia (CSA) in the last couple of years through 200 teams of cartographers. To do so, the national Expert to be hired by UNDP is expected to consult all relevant institutions, working groups, experts, representatives of the international community and the UN system, including UNFPA, working on these and other similar initiatives, and offer concrete and specific recommendations.

As aforementioned, the Study will take into consideration the enumeration areas mapping exercise conducted by the CSA ahead of the 2019 Census, which, before the publication of the results of the census, expected in November 2019, could be used in the development of this Study. In coordination with the NEBE and the national authorities, UNDP will assist the access to the outcome of the CSA mapping exercise.

³ Article 54, paragraph 3 of the Constitution of the Federal Democratic states: “Members of the House, on the basis of population and special representation of minority Nationalities and Peoples, shall not exceed 550; of these, minority Nationalities and Peoples shall have at least 20 seats. Particulars shall be determined by law”.

⁴ See e.g. UDHR 1948 article 21; ICCPR 1966 article 25(b); the interpretation of the ICCPR by the Human Rights Committee in General Comments No. 25; Venice Commission’s Code of Good Practice on Electoral Matters Section 1.2.2 (2002); Challenging the Norms and Standards of Election Administration, IFES, 2007, p. 59-74; Venice Commission’s Report on Constituency Delineation and Seat Allocation (2017); Venice Commission’s Comparative Table on the allocation of seats to constituencies (2017) etc.

⁵ Elector parity as the prime factor in determining the electoral boundaries, and if any deviation from elector parity, then justification would be necessary (e.g. because of population density, geographical features etc.) and the variation of the estimated number of electors in each electoral district to be indicated (e.g. in percentage) above or below the estimated average number of electors per electoral district.

⁶ Further reading to be considered for the purpose of this Study, such as “Creating and crossing boundaries in Ethiopia, Dynamics of social categorization and differentiation”, a collection of essays edited by Susanne Epple with an extensive bibliography, African Studies, Volume 53, LIT Verlag, Zurich and Berlin 2014; ISBN 978-3-643-90534-5.

The Study will focus on recommendations to the NEBE on where and how the delimitation of constituencies should be revised (redrawing); it will take into account the time constraints timeline for the necessary electoral operations, including voter registration, which would need to be undertaken for conducting the general elections planned for May 2020, and it will develop a risk assessment.

IV. DELIVERABLES

The primary objective of this Study on Delimitation of Constituency Boundaries and options for Ethiopia is to produce a comprehensive Report that will assess the current delimitations of constituencies for the election of the members of the House of Peoples' Representatives in relation to international principles; it will propose options for the potential revision of the current delimitations of constituencies, taking into account the outcome of the CSA mapping exercise, the time constraints of the electoral calendar as well as an assessment of the risks. The final report will include at a minimum the following elements:

- Extensive research of available documents/literature and consultations with the NEBE, Council of Federation, Regional agencies with related responsibilities, Regional states to explore the current delimitations of constituencies for the election of the members of the House of Peoples' Representatives and the implications of the potential revisions in relation to the outcome of the CSA mapping exercise, the electoral calendar and the management of risks;
- Assess the resources (financial, technical and human) NEBE needs to mobilize if it plans to redraw constituency boundaries.
- Consultations with the CSA to explore its enumeration areas mapping exercise and the logistical challenges of the cartographers, the CSA's conduct of the 2019 Census and the socio-political challenges of its enumerators;
- Consultations with relevant national institutions, (Federation Council, regional govts dealing with related issues, Geospatial Information Agency, Newly established identity and boundary commission) working groups, experts, representatives of the international community and the UN system, including UNFPA, working on these and other similar initiatives;
- Consultation with civil society actors and political parties who have vested interest on the issue
- A baseline assessment of the current delimitations of constituencies, its underpinning principles and the approach followed to draw current boundaries in relation to international principles/standards;
- Building on the baseline, an assessment of the opportunities and risks of the potential revisions (redrawing) of (some) of the current delimitations of constituencies;
- An assessment of the legal implications and requirements of the potential revisions of (some) the current delimitations of constituencies;
- Consideration of the anthropological, political, and socio-political implications of the delimitations of constituencies, and if, where and how recommend potential revisions;
- Analysis of the potential revisions vis-à-vis the electoral calendar and the operational planning;
- Recommendations to the NEBE on where and how the delimitation of constituencies should be revised and on the available options;
- An assessment of the requirements for NEBE to adopt and manage the suggested recommendations;
- A Risk Matrix.

V. RECRUITMENT QUALIFICATIONS

Education: MA in Political Science or related fields or MSc in Mathematics or related fields.

Work Experience:

- At least 12 years of demonstrated experience in elections and/or democracy assignments;
- Proven expertise in leading analysis and assessments on constituency delineation and seat allocation;
- Proven expertise in conceptualizing and formulating recommendations for seat reallocation, and in particular constituency redrawing.

Functional Skills:

- Extensive knowledge of the international legal framework of constituency delineation;
- Ability to deal with diverse and complex issues in transitional contexts;
- Capacity to design multi-dimensional and multi-stakeholder analysis tools;
- Good leadership and analytical skills;
- Excellent listening, interpersonal, written and oral communication skills;
- Highly self-motivated and self-directed;
- Ability to effectively prioritize and execute tasks while under pressure;
- Experience working in a team-oriented, collaborative environments.

Language requirements: Fluency in English language, written and spoken.

VI. INSTITUTIONAL ARRANGEMENT/REPORTING RELATIONSHIPS

The selected Consultant will be based at the National Electoral Board of Ethiopia. The selected Consultant will operate under the direct supervision of UNDP's Governance Team Leader and overall guidance of the Chairperson of NEBE. S/he will also work in close collaboration with UNDP's Governance Team. S/he shall submit the required reports to NEBE and to UNDP as required.

In case of Field trip UNDP will cover the expenses.

VII. DURATION OF THE ASSIGNMENT⁷

The engagement of the Consultant will be for thirty working days.

VIII. PAYMENT MILESTONES AGAINST DELIVERABLES

The successful Expert shall receive his/her payments upon certification of the completed tasks satisfactorily.

<i>Deliverables</i>	<i>Estimated level of effort (in working days)</i>	<i>Payment Schedule</i>
Inception report on the methodology/approach	5	20%
Performing field survey/assessment and Analysis of data and development of preliminary report	15	40%
Consultations, presentation of the draft report and validation of findings	5	20%

⁷ The IC modality is expected to be used only for short-term consultancy engagements. If the duration of the IC for the same TOR exceeds twelve (12) months, the duration must be justified and be subjected to the approval of the Director of the Regional Bureau, or a different contract modality must be considered. This policy applies regardless of the delegated procurement authority of the Head of the Business Unit.

Final Report	5	20%
Total number of days	30	100%

IX. CRITERIA FOR SELECTION OF THE BEST OFFER

Applicants are expected to submit their CVs, Academic Credentials, Work Certifications and any other relevant credentials.

Qualified Individual Consultants (ICs) are expected to submit both Technical and Financial Proposals. The Technical Proposal should include how the IC will deliver the expected key functions listed in this ToR.

Shortlisting will be made by the Governance and Capacity Development Unit and UNDP CO Procurement Team. The following criteria will be followed in selecting the best candidate.

Criteria	Weight	Max. Point
Technical Competence (based on credentials and technical proposal):	70%	
- Criteria a) [experience and skills mix]		30
- Criteria b) [approach for undertaking assignment]		40
Financial (Lower Offer):	30%	30
Total Score	Technical Score (70%) + Financial Score (30%)	100

X. ETHICAL CONSIDERATIONS, CONFIDENTIALITY AND PROPRIETARY INTERESTS

- The IC holder needs to apply standard ethical principles during the course of the assignment. Some of these must deal with confidentiality of interviewee statements when necessary, refraining from making judgmental remarks about stakeholders.
- The incumbent shall not either during the term or after termination of the assignment, disclose any proprietary or confidential information related to the service without prior written consent by the contracting authority. Proprietary interests on all materials and documents prepared by the contract holder under this assignment shall become and remain properties of the Government of Ethiopia and UNDP.