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ETHIOPIA

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## TERM OF REFERENCE (ToR) FOR THE RECRUITMENT OF INDIVIDUAL CONTRACTOR (IC)

### GENERAL INFORMATION

<b>Services/Work Description:</b>	Recruitment of Consultant for a Synthesis report on the domestication levels of AU treaties
<b>Project/Program Title:</b>	Accelerating the Ratification and Domestication of AU treaties
<b>Post Title:</b>	International Consultant (IC)
<b>Consultant Level:</b>	Level C (Senior Specialist)
<b>Duty Station:</b>	Home-based
<b>Expected Places of Travel:</b>	Addis Ababa (Ethiopia)
<b>Duration:</b>	25 working days distributed over 3 months
<b>Expected Start Date:</b>	Immediately after Signing the Contract

### I. BACKGROUND / PROJECT DESCRIPTION

The African Union (AU) is the continental institution that drives the transformative Agenda of the continent. It offers an institutional basis for the attainment of the aspirations and goals stipulated in the Agenda 2063 and the 2030 Agenda for sustainable development. Through its legal instruments, the AU provides the necessary normative framework to foster greater political and economic integration, while simultaneously catalysing enhanced peace and security, poverty reduction and Sustainable Development Goals (SDGs). Since its creation, the AU and its predecessor the Organization of African Unity (OAU) have adopted 76 legal instruments. Among them, 59 are treaties which require ratification/adhesion by Member states.

The ratification/adhesion to AU treaties remain a considerable challenge, since only 35 out of the 59 treaties entered into force. However, the AU will only be able to fulfil its mandate and development aspirations if the designed treaties are ratified and domesticated by its Member states. In the absence of ratification, domestication and implementation of AU treaties, the countries' international commitments continue to be elusive and purely aspirational. In order to address the challenges and bottlenecks associated with the slow pace of ratification and domestication of AU treaties, the United Nations Development Programme (UNDP) embarked on providing a focused and coherent capacity development support to the AU through the project "Accelerating the Ratification and Domestication of AU Treaties".

The three-year multi-country and regional initiative is funded by both UNDP and the Government of Sweden. The objective of the project is to help enhance the capacity of the AU over the medium to long term to be able to manage the ratification process, and to provide tailored support to Member states with domestication-related challenges. It is anchored in a multi-dimensional approach to development which draws upon the inherent link between peace, security and economic development.

The project is implemented both at the regional and national levels and aims to leverage UNDP's presence in all AU Member states. More precisely, the project focuses on the following objectives, which are inherently linked to the outcomes of the project:

First, to ensure that the AU has legitimacy and meaning beyond its headquarters in Addis Ababa by linking the treaties it has developed at the continental level with positive impact on the lives of ordinary Africans. This will ensure that the values on which the AU is built are protected and advanced.

Second, the African continent is better enabled to meet both the objectives outlined in the Agenda 2063 and the 2030 Agenda for sustainable development by providing a robust legal framework in which they can be implemented at regional and country levels.

Third, to improve harmonization between AU treaties and the legal instruments of the different RECs on the continent, thus enhancing national planning processes and developing synergies across legal frameworks. This will contribute to fostering a harmonized approach among the RECs, which are guided by AU agreements and principles. It is also expected to have a significant impact on relations within and between the RECs, as well as to facilitate cooperation for trade and human security in border regions.

Fourth, to ensure the work of international development partners, including both bilateral and multilateral actors, is anchored in, supportive of and leveraging AU treaties.

Six priority countries have been selected jointly with the AUC and partners based on regional balance, openness to civil society, 'deeprootedness' of democratic system, legal diversity (encompassing the three-major existing legal systems on the African continent) and willingness to participate in this first phase of the project. These are Burkina Faso and Senegal (Western Africa), Kenya (East/Horn of Africa), Mozambique (Southern Africa), Sao Tome e Principe (Central Africa) and Tunisia (Northern Africa). The following six treaties have also been selected during the first phase:

1. African Charter on Human and People's Rights, adopted in 1981
2. Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol), adopted in 2003
3. African Youth Charter, adopted in 2006
4. African Charter on the Rights and Welfare of the Child, adopted in 1990
5. African Charter on Democracy, Elections and Governance, adopted in 2007
6. AU Convention on Preventing and Combating Corruption, adopted in 2003

A greater understanding of the level of domestication of these six treaties in each of the six countries is critical in order to elaborate appropriate strategies for the effective domestication and implementation of the AU treaties. It will also inform the design of future policies to fast track ratification and domestication processes.

## **II. OBJECTIVE OF THE ASSIGNMENT**

The International Consultant is expected to deliver on Output 1 of the project (The AUC Office of the Legal Counsel is enabled to support ratification). He/she will coordinate the work of the six national ICs conducting research on each of the six targeted countries (Burkina Faso, Kenya, Mozambique, Sao Tome e Principe, Senegal and Tunisia). He/she will develop the methodological outline which will guide the work of the national ICs. He/she will be responsible for producing an overall (synthesis) report that will be informed by the researches conducted in the six countries by the national ICs while identifying the particular links that inform the regional dimension.

The International Consultant will also participate in the dissemination seminar that presents the key findings from the research.

More precisely, the International Consultant will:

- Prepare the methodological template, clearly identifying the research questions, the analytical framework, methodology and data Methods;
- Draft an authoritative policy document on the levels of ratification of the six AU treaties in the six countries;
- Participate in dissemination seminar of the main findings.

### III. SCOPE OF THE WORK

The International Consultant will work under the supervision of the Project Manager in collaboration with the project teams at UNDP RSCA and the AU Office of the Legal Counsel (OLC). He/she will coordinate the work of a team composed of six national ICs and present the methodological outline during the team brainstorming workshop. The brainstorming workshop will provide the opportunity to discuss and agree upon the methodological outline. The framing questions will be determined during the meeting, a consensus reached on the timeline and the tasks clearly divided.

The research will however employ a holistic data collection model which will adopt both qualitative and quantitative research methods to provide an in-depth and contextualized understanding on the levels of domestication of AU treaties in the six countries. The following generic methods of data collection will be applied: desktop research, semi-structured interviews (including face to face), etc.

The implementation of this assignment requires engaging the national governments, civil society organizations, the AU, the RECs and think tanks.

### IV. EXPECTED OUTPUTS AND DELIVERABLES

The International Consultant is expected to deliver a high quality, well-articulated and productive synthesis report that would be useful to the AU, the UN, the RECs and the AU Member states on accelerating the ratification and domestication of AU treaties. He/she will prepare the research methodology template and the overall synthesis report from the six countries while looking at the linkages that impact the regional dimension. The report should draw, as much as possible, evidence-based conclusions and make appropriate recommendations to influence policies and decisions making both at national and regional levels.

No.	Deliverables / Outputs	Estimated Duration to Complete	Review and Approvals Required
1	Research Methodology outline	5 Working days	
2	Overall Research (synthesis) Report	15 Working days	
3	Final version of Report	5 Working days	

### V. INSTITUTIONAL ARRANGEMENT / REPORTING RELATIONSHIPS

The International Consultant will report directly to the Project Manager while effectively collaborating with the national ICs, the project teams at UNDP RSCA and the AU-OLC. He/she will update and get feedback from the Project Manager on a regular basis. He/she will also be required to report with expected agreed upon outputs.

### VI. LOGISTICS AND ADMINISTRATIVE SUPPORT TO PROSPECT IC

The International Consultant will work under the direct supervision of the Project Manager. The Project Manager will provide overall management and administrative support for this assignment. Close coordination and collaboration will be maintained with UNDP/Project teams at RSCA and the AU-OLC.

UNDP will not consider travel days as working days. The above stated working days are exclusive of travel time.

The working language of this assignment is English. Knowledge of French and/or Portuguese will be an advantage.

All necessary equipment (projectors, flipchart, stationery, etc.) related to meetings and group discussions will be provided by UNDP at the request of the International Consultant to ensure efficient delivery of the assignment. The International Consultant is however expected to use their own computer.

## **VI. DURATION OF THE WORK<sup>1</sup>**

Duration: Up to 90 days from the signing date, with completion of deliverables no later than December 31, 2019.

Expected Places of Travel: This consultancy is home based with travel to Addis Ababa (Ethiopia) to attend the team brainstorming workshop and the dissemination seminar.

## **VII. QUALIFICATIONS OF THE SUCCESSFUL INDIVIDUAL CONTRACTOR (IC)**

### **a. Education:**

- Advanced University Degree in Social or Human Sciences (Law, International Relations / Affairs, Development Management, African Studies, Community Development, Public Administration, or a Knowledge Management discipline) is required.

### **b. Experience:**

- A minimum of 10 years of demonstrated and progressive experience conducting qualitative and quantitative research in political and social sciences, peace and security, governance, human rights in Africa.

### **c. Language:**

- Fluent in English and French. Knowledge of Portuguese will be an added advantage.

### **d. Functional Competencies:**

- Sound expertise on issues related to Human Rights, peace and security, sustainable development;
- Excellent research, communication and presentation skills, both oral and written, proven ability to clearly and concisely prepare, present, discuss and defend issues, findings and recommendations;
- Demonstrated ability to interact productively and diplomatically with high level officials;
- Ability to design and conduct qualitative and quantitative research;
- Good team-building and organizational skills;
- Good computer skills: full command of Microsoft applications (word, excel, PowerPoint);
- Ability to work independently.

### **e. Core Competencies:**

- Demonstrates integrity by modelling the UN's values and ethical standards
- Promotes the vision, mission, and strategic goals of UNDP;
- Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability
- Treats all people fairly without favouritism;
- Fulfils all obligations to gender sensitivity and zero tolerance for sexual harassment.

## **VIII. CRITERIA FOR SELECTING THE BEST OFFER**

Upon the advertisement of the Procurement Notice, qualified Individual Consultant is expected to submit both the Technical and Financial Proposals. Accordingly; Individual Consultants will be evaluated based on Cumulative Analysis as per the following scenario:

- Responsive/compliant/acceptable, and
- Having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation. In this regard, the respective weight of the proposals are:
  - a. Technical Criteria weight is **70%**
  - b. Financial Criteria weight is **30%**

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<sup>1</sup> 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.

Criteria	Weight	Max. Point
<b>Technical Competence (based on CV and Proposal)</b>	<b>70%</b>	100
▪ <b>Criteria a.</b> Understanding the Scope of Work (SoW); comprehensiveness of the methodology/approach; and organization & completeness of the proposal		50 pts*
▪ <b>Criteria b.</b> Qualifications and experience: 10 years' experience conducting research on Human rights related issues		35 pts**
▪ <b>Criteria c.</b> Native Fluency in English and French, with outstanding writing and editing skills. Knowledge of Portuguese an added advantage.		15 pts **
<b>Financial (Lower Offer/Offer*100)</b>	<b>30%</b>	30
<b>Total Score</b>	<b>Technical Score * 70% + Financial Score * 30%</b>	

## IX. PAYMENT MILESTONES AND AUTHORITY

The prospective consultant will indicate the cost of services for each deliverable in **US dollars all-inclusive<sup>2</sup> lump-sum contract amount** when applying for this consultancy. The consultant will be paid **based on the effective UN exchange rate (where applicable), and** only after **approving authority** confirms the successful completion of each deliverable as stipulated hereunder.

The qualified consultant shall receive his/her lump sum service fees upon certification of the completed tasks satisfactorily, as per the following payment schedule:

Installment of Payment/ Period	Deliverables or Documents to be Delivered	Approval should be obtained	Percentage of Payment
1 <sup>st</sup> Installment	Methodology outline	Project Manager	30 %
2 <sup>nd</sup> Installment	Draft synthesis report	Project Manager	30 %
3 <sup>rd</sup> Installment	Final version of report and dissemination seminar	Project Manager	40 %

## X. RECOMMENDED PRESENTATION OF TECHNICAL PROPOSAL

For purposes of generating quotations whose contents are uniformly presented and to facilitate their comparative review, a prospect Individual Contractor (IC) is given a proposed *Table of Contents*. Therefore, prospective Consultant Proposal Submission must have at least the preferred contents which are outlined in the IC Proposal Submission Form incorporated hereto.

### Proposed Table of Contents

Page

### TECHNICAL PROPOSAL COVER PAGES

Cover Page

Cover Letter

### SECTION I. TECHNICAL PROPOSAL SUBMISSION FORM

- 1.1 Letter of Motivation
- 1.2 Proposed Methodology
- 1.3 Past Experience in Similar Consultancy and/or Projects
- 1.4 Implementation Timelines
- 1.5 List of Personal Referees
- 1.6 Bank Reference

### SECTION II. ANNEXES

Annex a. Duly Signed Offeror's Letter to UNDP Confirming Interest and Availability (use the template hereto)

Annex b. Duly Signed Personal CV's

<sup>2</sup> The term "All inclusive" implies that all costs (professional fees, travel costs, living allowances, communications, consummables, etc.) that could possibly be incurred by the Contractor are already factored into the final amounts submitted in the proposal

## **XI. CONFIDENTIALITY AND PROPRIETARY INTERESTS**

The Individual Consultant shall not either during the term or after termination of the assignment, disclose any proprietary or confidential information related to the consultancy service without prior written consent. Proprietary interests on all materials and documents prepared by the consultants under the assignment shall become and remain properties of UNDP.