# Description: UN_Women_English_Blue

**Terms of Reference**

**International Consultant for the Office of the Legal Advisor to mainstream gender into concession awarding process**

**Duty Station/Location**: Monrovia, Liberia

**Application Deadline:**  06 December 2019

**Type of Contract:** Contract for Consultant (CFC)

**Language required:** English

**Starting Date:** 10 December 2019

**Expected duration of the assignment**: 10 December 2019 to 10 October 2020

1. **Background**

UN Women, grounded in the vision of equality enshrined in the Charter of the United Nations, works for the elimination of all forms of discrimination against women and girls; the empowerment of women; and the achievement of equality between women and men as partners and beneficiaries of development, human rights, humanitarian action and peace and security.

UN Women’s goal in Liberia is to promote women’s human rights and gender equality which are key in sustaining and furthering achievements in stability and development. In this regard, its programming in the Country is connected to four corporate priority areas: women’s leadership and political participation; enhancing women’s economic empowerment (WEE); and engaging women in all aspects of peace and security processes, advancing women’s rights to live free from violence (VAW) and Gender Responsive Governance. In addition, UN Women also coordinates and promotes the UN system’s joint work in advancing gender equality.

In the framework of the Women Peace and Security corporate priority area, UN Women Liberia provides support to increase the participation of women in decision making at all levels across the social, political and economic spectrum including on peace and security. In this regard, UN-Women Liberia is supporting the Government in the implementation of the Liberia National Action Plan on Women Peace and Security 2019-2023 (NAP WPS). The NAP WPS integrates concrete actions to address land dispute issues in a gender sensitive manner.

A nation-wide conflict mapping exercise undertaken in 2016 by the Liberia Peacebuilding Office (PBO) revealed three key conflict drivers that pose a significant threat to national peace and stability, namely, land/property disputes, corruption and border/boundary disputes. Another exercise further revealed that land/property disputes were the most predominant conflict drivers present in all 15 counties of Liberia, thereby calling for a fit-for-purpose and concerted effort to ensure their resolution. More generally, land disputes are frequent and occur at all levels due to multiple reasons that are mainly rooted in the country’s history, including the underlying tensions and mistrust between citizens and the Government. The latter claims ownership of large tracts of traditional land which has fueled disputes that have been recurrent, especially over overlapping boundaries, rightful ownership, conflicting claims and land grabbing. Among those, land-related conflicts between concessionaries and communities are distinct. Communities in general are affected by concessions due to a lack of transparency on concessions made by the government. Most of the concession contracts are negotiated in Monrovia with little or no consultations, neither are the agreements shared with local communities. Liberia’s legal framework regulates concessions and the process of allocating concessions, through both constitutional provisions and statutes. There are two key investment statutes; the Public Procurement and Concessions Act (PPCA) which was approved in 2005 and the Investment Act (IA) that was approved in 2010.

The process of awarding concession contracts is complex, and it is described in the PPCA. Multiple actors are involved and requires consultation with communities prior to the bidding process. The Inter-Ministerial Concessions Committee (IMCC) which is chaired by the head of the National Investment Commission (NIC) represents the Liberian government in negotiations with concession companies. In this role, the IMCC is responsible for reviewing and evaluating concession bids. The criteria that is used in this evaluation includes the feasibility of the project, its likely environmental impact, its employment potential, and the financial benefits that will accrue to the government. The IMCC is also responsible for submitting negotiated concession agreements to the executive branch for comments and review, prior to sending to the national legislature. The Office of the Legal Advisor to the President (OLA) represents the President in the IMCC. As identified by a research conducted by USAID, the PPCA and IA seem to be insufficient in terms of providing a gender-responsive, socially responsible legal framework for investment in land. The PPCA, for example, does not require the concession entity to include men, women, and other vulnerable land users in the consultation processes.

In addition, in 2018 the Government set up a new mechanism at the highest political level to resolve conflicts between concessionaries and communities and to oversee the implementation of the agreements. This mechanism is the Special Presidential Review Committee (SPRC) and it is composed of the OLA, the Ministry of Justice and Liberian Land Authority (LLA).

In order to prevent and address the existing land related conflicts, UN Women, UNDP and WPF will manage and implement the joint project “Sustaining Peace and Reconciliation through Strengthening Land Governance and Dispute Resolution Mechanisms” funded by the Liberia Multi Partner Trust Fund (LMPTF). The project will support the implementation of the Land Rights Act (LRA) and Local Government Act (LGA), with the objective of contributing to a reduction of land-related disputes in the most conflict-prone counties.

In light of the above, UN Women Liberia seeks to hire an International Consultant (IC) to support the OLA to mainstream gender into the concession awarding process and the SPRC dispute resolution process and support the implementation of the joint project “Sustaining Peace and Reconciliation through Strengthening Land Governance and Dispute Resolution Mechanisms” . The IC is further expected to provide advice on concession prospective contacts with a view to improve their gender responsiveness as well as support the resolution of conflicts.

**Objectives of the assignment**

The main objective of this consultancy is to support the Government of Liberia in mainstreaming gender into the concession awarding process and land dispute resolution process. In addition, the consultancy will also provide support in the implementation of the LMPTF project “Sustaining Peace and Reconciliation through Strengthening Land Governance and Dispute Resolution Mechanisms” in close collaboration with the LLA.

**Scope of work and tasks**

Under the overall guidance and management of the UN Women Deputy Country Representative and supervision from the UN Women Peace and Security Specialist, the IC will perform the following tasks:

**Task 1. Desk Review and development of the consultancy plan**

1. Conduct a desk review of existing relevant documents;
2. Conduct preliminary consultations with the Ministry of Gender, Children and Social Protection (MGCSP), concession companies, OLA, LLA, IMCC, members of the SPRC;
3. Develop a consultancy work plan.

**Task 2. In collaboration with LLA, review from a gender lenses the out-grower scheme[[1]](#footnote-1) and present recommendations for improvement**

1. Conduct a desk review and develop a gender responsive out-grower scheme plan for Grand Cape Mount;
2. Conduct consultations with private companies and community members including women;
3. Review findings of the consultations conducted with communities on the out-grower scheme;
4. Submit the proposed scheme for approval by the Legal advisor in the Office of the President and to the Ministry of the State for Presidential Affairs (Office of the President).

**Task 3. Conduct a gender assessment of the concession awarding process and National Bureau of Concessions (NBC)/SPRC dispute resolution process to inform the development of a gender strategy to mainstream gender in both the processes**

1. Conduct a desk review;
2. Develop data collection tools;
3. Collect data from major stakeholders including concession companies and relevant policy makers;
4. Develop a well-structured report. Ideally, the report should be structured as follows:
5. Introduction
6. Table of Contents
7. Background information
8. Proposed research design (Description of research methodology and research questions, research tools etc.)
9. Research findings (including existing gender gaps and challenges)
10. Recommendations
11. Annexes: list of persons interviewed

**Task 4. Support the LLA in convening regular land stakeholder meetings including, the Ministry of Internal Affairs (MIA), NBC, Environmental Protection Agency (EPA), MGCSP**

1. Support the LLA to convene quarterly land stakeholder meetings;
2. Write meeting reports outlining tasks distribution, updates, challenges and recommendations;
3. Share meeting reports with stakeholders.

**Task 5. Develop a gender strategy to mainstream gender into concession awarding process and SPRC dispute resolution process and raise awareness about the importance of mainstreaming gender in concession processes**

1. Based on the gender assessment results, develop a gender strategy and a policy brief. The strategy should state clear activities, roles and responsibilities and envisage a monitoring and reporting framework and an indicative budget.
2. Share the gender strategy and a policy brief with major stakeholders including members of the National Bureau of Concessions (NBC), IMCC, SPRC, LLA, Ministry of Finance and Development Planning, MGCSP for comments and incorporate their feedback and recommendations;
3. Submit the revised gender strategy and policy brief for approval by the Legal Advisor to the President and the Ministry of State for Presidential Affairs (Office of the President)

**Task 6. Analyze proposed investments, and expansions, highlighting the need for gender impact assessment**

1. Support the NBC to develop a framework for gender responsive ‘due diligence’ for business plans;
2. Submit the framework for approval by the Legal Advisor to the President and the Ministry of State for Presidential Affairs (Office of the President);
3. Develop a policy brief with recommendations for amendment of legislation to ensure that gender impacts assessment is conducted prior to awarding concession contracts.

**Task 7. Support the SPRC/NBC/LLA to address land disputes between concessionaries and communities in four counties (Sinoe, Maryland, Nimba and Grand Cape Mount)**

1. In close collaboration with LLA, NBC, and concessionaries, convene meetings with communities – multi stakeholders’ platforms-ensuring that women and youth are well represented, and their concerns are heard.
2. Develop strategies to mitigate the exiting land disputes in a gender sensitive manner;
3. Support the NBC, SPRC to closely monitor concession agreements
4. Develop monitoring reports that will be shared with communities and concessions involved in disputes.

**Task 8. Develop a gender responsive performance monitoring matrix to support contact renegotiation between the Government and concessionaries and enhance transparency**

1. Support the LLA, NBC and in coordination with the MGCSP, create a ranking of concession companies based on past performance across a variety of indicators;
2. Liaise with NBC to disseminate results;
3. Develop gender responsive monitoring matrix.

**Task 9. Support the SPRC to convene multi-stakeholder dialogue with LLA, MIA, MGCSP, MOJ, NBC, Multi Stakeholder platforms (MSP), to raise awareness on the importance of Free, Prior and Informed Consent (FPIC) principles and develop a policy brief with recommendations for policy makers to apply the FPIC principles.**

1. Convene at least one multi-stakeholder dialogue with LLA, MIA, MGSCP, MOJ, member of the IMCC, members of the SPRC, NBC
2. Write a report and a policy brief with concrete recommendation about how the government could start applying the FPIC
3. Share the policy brief with stakeholders for comments and incorporate feedback;
4. Submit the policy brief to the Legal Advisor at the office of the President and to the Ministry of the State for Presidential Affairs (Office of the President)

**Duration of the assignment**

The total duration of the assignment will be from 16 December 2019 to 16 October 2020.

1. **Expected Deliverables**

The International Consultant will produce the following deliverables:

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| **#** | Deliverables | **Indicative Deadline** |
| 1 | **Detailed consultancy activity plan agreed upon with UN Women** | 13 December 2019 |
| 2 | **A gender responsive out-grower scheme plan** | 28 December 2019 |
| 3 | **Report of the gender assessment.** The report should be structured as follows:   1. Introduction 2. Table of Contents 3. Background information 4. Research design (Description of research methodology and research questions, research tools etc.) 5. Research findings (including existing gender gaps and challenges) 6. Recommendations   Annexes: list of persons interviewed | 31 January 2020 |
| 4 | **Report of the stakeholder meetings** | 20 February 2020 |
| 5 | **A framework for gender ‘due diligence’ for business plans approved by the** Legal Advisor to the President and the Ministry of State for Presidential Affairs | 20 March 2020 |
| 6 | **A gender strategy for mainstreaming gender into concession awarding processes and in SPRC dispute resolution processes; which should be approved by the** Legal Advisor to the President and the Ministry of State for Presidential Affairs | 15 April 2020 |
| 7 | **Monitoring report on the implementation of agreements between concessionaries and communities** | 15 May 2020 |
| 8 | **A gender responsive performance monitoring matrix which will be utilized for supporting contract renegotiation and for enhancing transparency** | 30 June 2020 |
| 9 | **Report of the multi-stakeholder dialogue with LLA, MIA, MGCSP, MOJ, NBC, MSPs. The report will facilitate awareness raising on the importance of Free, Prior and Informed Consent (FPIC) principles** | 15 July 2020 |
| 10 | **A policy brief with recommendations for policy makers on how to implement the FPIC principles.** | 10 August 2020 |
| 11 | **Final consultancy report which include a summary of results achieved and a description of support provided to the NBC, LLA, and SPRC** | 20 September 2020 |

All the deliverables, including annexes, notes and reports should be submitted in writing in English.

Upon receipt of the deliverables and prior to the payment of the first installment, the deliverables and related reports and documents will be reviewed and approved by UN Women. The period of the review is one week after receipt.

1. **Inputs**

* UN Women will provide the Consultant with background materials relevant to the assignment
* The IC is expected to work using his/ her own computer.
* When in Country, the Consultant will be based at OLA
* OLA shall facilitate consultations/meetings between the consultant and relevant stakeholders

1. **Performance evaluation:**

The IC’s performance will be evaluated based on timeliness, responsibility, initiative, communication, accuracy, and quality of the products delivered.

1. **Required experience and qualifications**

The IC should fulfill the following requirements:

1. **Education**

Master’s degree in Gender Studies, law, public administration or other related fields

1. **Experience:**

* At least 10 years of experience in the field of concession agreements
* Proven experience facilitating high level consultative workshops for Governmental Institutions and CSOs
* At least 5 years of experience in providing policy advice and technical assistance to government institutions in the area of concessions;
* Knowledge and previous experience working in Liberia would be an asset;
* Proven experience in conducting research in the area of gender equality and women empowerment would be an asset;

**Language and other skills:**

* Proficiency in oral and written English
* Computer literacy and ability to effectively use office technology equipment, Internet and email.
* Excellent facilitation and training skills

1. **Submission of application**

Interested candidates are requested to submit electronic application to liberia.procurement@unwomen.org no later than **09 December 2019.**

**Submission of package**

1. Cover letter;
2. CV, including contact information for 3 references;
3. Financial proposal. The financial proposal shall specify a total lump sum amount per each deliverable, including any travel, per diem and administrative fees, based on the template in Annex 1. **The lump sum costs must be accompanied by a detailed breakdown of costs calculation.**

All applications must include (as an attachment) the CV and the financial proposal. Applications without financial proposal will be treated as incomplete and will not be considered for further processing.

**Please note that** only short-listed candidates will be invited to the interview**.**

**Selected candidates will need to submit prior to commencement of work:**

1. A copy of the latest academic certificate
2. UN Women P-11 form, available via <http://www.unwomen.org/en/about-us/employment>
3. A statement from a medical doctor of ‘good health and fit for travel’
4. Before any travel outside of Monrovia, the consultant will need to provide proof (certificate) of “Basic and Advanced Security in the Field” (which can be accessed here: undss.trip.org)
5. **Evaluation**

Applications will be evaluated based on the Cumulative analysis.

* Technical Qualification (100 points) weight; [70%]
* Financial Proposal (100 points) weight; [30%]

A two-stage procedure is utilised in evaluating the proposals, with evaluation of the technical proposal being completed prior to any price proposal being compared. Only the price proposal of the candidates who passed the minimum technical score of 70% of the obtainable score of 100 points in the technical evaluation will be further evaluated.

**Technical qualification evaluation criteria:**

The total number of points allotted for the technical qualification component is 100. The technical qualification of the individual is evaluated based on following technical qualification evaluation criteria:

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| **Technical Evaluation Criteria** | **Obtainable Score** |
| Experience and skills | 90 % |
| Language and other skills | 10 % |
| **Total Obtainable Score** | **100 %** |

Only the candidates who fit the minimum requirements will be longlisted, and additional documentation may be requested. Candidates with a minimum of 70% of total points will be considered as technically qualified candidates and will be shortlisted for potential interview.

**Financial/Price Proposal evaluation:**

* Only the financial proposal of candidates who have attained a minimum of 70% score in the technical evaluation will be considered and evaluated.
* The total number of points allotted for the price component is 100.
* The maximum number of points will be allotted to the lowest price proposal that is opened/ evaluated and compared among those technical qualified candidates who have attained a minimum of 70% score in the technical evaluation. All other price proposals will receive points in inverse proportion to the lowest price.

**Annex I: Financial Proposal**

**BREAKDOWN OF COSTS SUPPORTING THE ALL-INCLUSIVE FINANCIAL PROPOSAL**

**Breakdown of Cost by Components:**

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| **Deliverables** | **Percentage of Total Price (Weigh) for payment)** | **Fixed price** | **Due Date** |
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**The lump sum costs should include all administration costs, per diem and expenses related to the consultancy. All prices/rates quoted must be exclusive of all taxes. The lump sum costs must be accompanied by a detailed breakdown of costs calculation.**

1. Schemes that provide production and marketing services to farmers on their own land [↑](#footnote-ref-1)