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|  | **UNITED NATIONS DEVELOPMENT PROGRAMME**  **TERMS OF REFERENCE (TOR)**  **Formulation of the Malawi Peace Commission Bill** |

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| 1. **Consultancy Information** | |
| **Title:** Legal Expert for drafting of the Malawi Peace Commission Bill  **Type of Contract:** Individual Contract  **Post Level:** Local Consultant  **Duty Station:** Lilongwe, at the Office of the President and Cabinet (OPC)  **Department/Unit:** NPA Secretariat  **Reports to:** The Head of the NPA Secretariat  **Expected Places of Travel:** Lilongwe, Mzuzu, Blantyre and other districts as required  **Duration of Assignment:** 3 months from the time of appointment with a maximum of 45 working days.  **Estimated commencement date:** January 2020. | |
| 2.Background Information | |
| Malawi has a reputation for being a peaceful and stable country. The peace and tranquility that the country has been enjoying over the years is due to the country’s commitment to resolving its internal conflicts using mainly traditional conflict management approaches that are usually reactive including interventions by government security agencies, judicial mechanisms, commissions of inquiry, among others. At the same time, some institutions, mainly civil society organizations, have been engaging in various forms of alternative dispute resolution mechanisms, which represent more proactive approaches to dealing with internal conflict situations.  Nevertheless, efforts of all these institutions have been hampered by two main challenges, namely; lack of enabling legislation and absence of a national peace architecture that promotes pro-active rather than reactive conflict management in the country. The absence of a long-term strategic institution for conflict transformation resulted in ad-hoc, unsustainable and uncoordinated responses to conflict situations.  The country’s commitment to continued use of non-violent means of resolving conflicts is specifically provided for in the Constitution of the Republic of Malawi under section 13(l) as one of the principles of national policy which reads: “To strive to adopt mechanisms by which differences are settled through negotiation, good offices, mediation, conciliation, and arbitration”.  In furtherance of this commitment to continue using non-violent means of resolving conflicts, the Government with support from the United Nations Development Programme (UNDP) embarked on an initiative to establish a National Peace Architecture (NPA) for Malawi. The Report on the Development of the NPA in Malawi that was published by the GoM in 2013 proposed to establish a national institutional framework for the promotion of collaborative peacebuilding mechanisms in order to prevent, manage and transform conflicts before they degenerate into violence. Based on this report, a National Peace Policy was developed, approved and launched by the GoM in 2017. The policy, under its first priority area, proposes to establish an inclusive structure with the legal mandate to proactively respond to conflicts, transform them into peaceful outcomes and coordinate peacebuilding initiatives and mechanisms among relevant stakeholders at national and district levels. This entails the establishment by statute, of the Malawi Peace Commission (MPC) and District Peace Committees (DPCs) at national and district levels, respectively.  Whereas pilot DPCs have been established and are operational in six selected districts, the MPC is yet to be established and the roll-out of DPCs to all districts has not been completed awaiting the development of legislation to formally establish these structures.  The purpose of these Terms of Reference will be to hire the local consultant, who will operate under the supervision of the NPA Secretariat and UNDP. | |
| 3. Objectives of Assignment | |
| Government in collaboration with UNDP is looking for a consultant to support the Government of the Republic of Malawi, represented by the NPA Secretariat in the Office of President and Cabinet (OPC) to draft a Bill for tabling in Parliament, proposing the legal establishment of the Malawi Peace Commission in line with the overarching framework of the NPA, the constitution and the National Peace Policy. | |
| 4.Tasks and Responsibilities | |
| The Consultant will work hand in hand with the NPA Secretariat, the National Reference Group, staff and selected key stakeholders to develop a draft Bill for the Establishment of the MPC  They will in the process specifically undertake the following major activities:     1. Produce an Inception Report which will include:   - Approach and methodology for the development of the Bill  -Suggested overall timeline for the remainder of the assignment   1. Review the relevant documentation on the NPA for Malawi, including the National Peace Policy; as well as documents pertaining to similar undertakings in other African countries and documents/reports on conflict prevention and peace building by national actors. This should enable the consultants to understand the country’s proposals on the MPC, as well as the structure and status of similar structures in other countries to inform the development of the legal instrument for Malawi. 2. Consult relevant stakeholders, including representatives of Government, Civil Society Organizations, Development Partners, Private Sector, Faith-Based Organizations, Traditional Leaders, people with disabilities, Women and Youth Groups on the proposed Bill. 3. On the basis of the above two tasks, draft a Bill proposing the formal establishment of the MPC, and providing for matters incidental thereto and connected therewith. 4. Provide regular feedback to the NPA Secretariat/National Reference Group on the entire process of drafting the Bill; and   Conduct validation workshop of the draft Bill in consultation with the NPA Secretariat, for various stakeholders. The final draft of the Bill incorporating comments from the stakeholders will be submitted at the end of the contractual period. | |
| **5.Deliverables** | |
| Based on the scope of work outlined above, the consultants will be expected to contribute to delivering the following outputs:   |  |  |  |  |  | | --- | --- | --- | --- | --- | | **Deliverables/**  **Outputs** | **Estimated working days duration to complete** | **% of payment** | **Related payments** | **Review and Approvals Required** | | **Inception Report** | 5 days | 20% | 1st payment | Head of the NPA Secretariat and UNDP Governance Portfolio | | **Draft Consultation Report & Draft MPC Bill** | 30 days | 40% | 2nd payment | | **Final MPC Bill** | 10 days | 40% | 3rd payment | |  |  |  |  |  |   **Deliverables:**   1. An inception report which details the methodology or approach to the assignment and a related detailed work plan including timelines for deliverables. This will be presented to the NPA Secretariat and will act as a monitoring tool. 2. A draft consultation report and draft MPC Bill to be presented to the NPA Secretariat. 3. Final MPC Bill that incorporate comments from all stakeholders to be submitted at the end of the assignment.   **Schedule of Deliverables and Related Payments:**  Professional fees will be paid according to the Deliverable Table in Section 5 above. | |
| **6. Recruitment Qualifications** | |
| Education | * At least a master’s degree in law from a reputable institution; |
| Experience | The consultant is expected to have:   * Demonstrated knowledge and experience in legislative drafting and law-making process for at least five years; * Those with a Bachelor of Laws Honours Degree and a minimum of seven years of experience in legislative drafting may also apply; * Qualification in legislative drafting * Experience with gender analysis and implementation of Resolution 1325 will be an added value; * Computer competence in Word, Excel, PowerPoint and Internet applications; * Extensive experience, knowledge and understanding of the alternative dispute resolution mechanisms to conflict prevention and management; and * Excellent drafting and reporting and writing skills. |
| Language Requirements | Fluency in written and spoken English is essential. |
| Additional requirements | •Ability to work with people of different religious and cultural backgrounds;  •Awareness and sensitivity of gender and social inclusion, and an ability to integrate a gender and social inclusion perspective into tasks and activities;  •Ability to work with minimum supervision and in a team |
| **Institutional arrangements** | |
| The contractor will work a maximum of 45 working days over a 3 a month period. S/he will be responsible for the drafting a Malawi Peace Commission Bill under the supervision of the NPA Secretariat and the Reference Group. Office space and limited administrative and logistical support will be provided. The contractor will use their own laptop and cell phone and make their own local travel arrangements.  The contractor will report to the **NPA Secretariat**. | |
| 1. **How to apply** | |
| Please submit the following documents:   1. **Letter of Confirmation of Interest and Availability** using the template provided by UNDP. 2. **Personal CV or P11**, indicating all past experience from similar projects, as well as the contact details (email and telephone number) of the Candidate and three (3) professional references. 3. **Brief description** (max. ½ page) of why you consider yourself as the most suitable for the assignment, and a **methodology** (max. 2 pages) for how you will approach and complete the assignment. 4. **Financial Proposal** that indicates the all-inclusive fixed total contract price, supported by a breakdown of costs, as per template provided below. | |
| 1. **Financial Proposal** | |
| The financial proposal must be expressed as an all-inclusive lump sum amount in USD, presented in the following template:   |  |  |  |  | | --- | --- | --- | --- | |  | **Unit cost (USD)** | **No.** | **Total** | | a) Daily Professional fee: |  |  |  | | b) Daily living allowance: |  |  |  | | c) Travel to/from Duty Station: |  |  |  | | d) Other costs (specify): |  |  |  | | **Total (lump sum):** | | |  |   **Notes:**   1. The information in the breakdown of the offered lump sum amount provided by the Offeror will be used as the basis for determining best value for money, and as reference for any amendments of the contract. 2. The agreed contract amount will remain fixed regardless of any factors causing an increase in the cost of any of the components in the breakdown that are not directly attributable to UNDP. 3. Approved local travel related to this assignment will be arranged and paid by UNDP Malawi. 4. Employment visa will be arranged and paid by UNDP Malawi if required. 5. The Contractor is responsible for arranging and meeting the cost of their vaccinations and medical/life insurance. | |
| 1. **Criteria for Selection of the Best Offer** | |
| Offers received will be evaluated using a Combined Scoring method, where the qualifications and proposed methodology will be weighted 70%, and combined with the price offer, which will be weighted 30%.  Criteria to be used for rating the qualifications and methodology:  **Technical evaluation criteria (total 70 points):**   * Demonstrated knowledge and experience in legislative drafting and law-making process for at least 5 years with master degree in law or seven years with bachelor degree in law from a reputable institution [25 marks]. * Qualification in legislative drafting [15 marks]. * Previous experience related to conflict management, alternative dispute resolution [10 marks]. * Proposed methodology [20 marks].   Only candidates obtaining a minimum of 49 points in the Technical Evaluation will be considered for the Financial Evaluation.  **Financial evaluation (total 30 points):**  All technically qualified proposals will be scored out 30 based on the formula provided below. The maximum points (30) will be assigned to the lowest financial proposal. All other proposals receive points according to the following formula:              p = y (μ/z)  where:   * p = points for the financial proposal being evaluated * y = maximum number of points for the financial proposal * μ = price of the lowest priced proposal * z = price of the proposal being evaluated. | |

**Approval**

This TOR is approved by:

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name:

Designation: Operations Manager- UNDP