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

GENERAL INFORMATION

Services/Work Description:	Recruitment of Consultant to prepare a Policy Paper on the level of domestication of six AU treaties in Tunisia
Project/Program Title:	Accelerating the Ratification and Domestication of AU Treaties
Post Title:	National Consultant (NC)
Consultant Level:	Level B (Specialist)
Duty Station:	Home-based
Expected Places of Travel:	Addis Ababa (Ethiopia)
Duration:	30 working days distributed over 3 months
Expected Start Date:	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 national IC 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 conduct extensive research to inform a high-quality Policy Paper on the status of ratification and domestication levels of the six targeted AU treaties in Tunisia as well as contribute to the dissemination of the main findings. More precisely, the national IC will:

- a. Identify main challenges hindering the ratification of the African Charter on the Rights and Welfare of the Child and the African Charter on Democracy, Elections and Governance;
- b. Assess the levels of domestication of the six AU treaties;
- c. Analyze the main findings on the domestication of AU treaties;
- d. Identify and document best practices related to domestication of AU treaties;
- e. Identify Policy options and recommendations;

- f. Determine clear criteria to support the policy options;
- g. Develop a Policy Paper on the status of domestication of the six AU treaties;
- h. Participate in the dissemination seminar.

III. SCOPE OF THE WORK

The national IC will work under the supervision of the Project Manager and close guidance of the International Consultant. He/she will also collaborate with the project teams at the UNDP Country Office (CO) in Tunisia and RSCA; as well as the AU Office of the Legal Counsel (OLC).

The national IC is part of a team composed of six national ICs working under the coordination of an International Consultant. He/she will participate in the team brainstorming workshop during which the methodological outline of the research will be discussed and agreed upon. 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 Tunisia. 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 national IC is expected to deliver a high quality, well-articulated and productive policy paper 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 also participate in the seminar dissemination of the overall report on the six countries. The policy paper will draw evidence-based conclusions and make appropriate recommendations to influence policies and decisions making both at national and regional levels.

The Policy Papers will follow the tentative outline:

1. Executive Summary
2. Introduction highlighting the main issues to be discussed and background
3. Methodology (such as questions used for the rationale)
4. A summary comparative analysis of status ratification in Tunisia
5. Analysis of findings and Evidence
6. Case studies and Best Practices
7. Policies options and recommendations
8. Implementation and Next Steps
9. Conclusions
10. Comprehensive bibliography containing all major literature, reports and policy documents
11. Appendices

No.	Deliverables / Outputs	Estimated Duration to Complete	Review and Approvals Required
1	Research Plan	5 Working days	Team Leader Governance
2	Draft Policy Paper	15 Working days	Team Leader Governance
3	Final version of Policy Paper	10 Working days	Team Leader Governance

V. INSTITUTIONAL ARRANGEMENT / REPORTING RELATIONSHIPS

The national IC will report directly to the Project Manager but will work under the guidance of the International Consultant. He/she will work closely with the project team in UNDP CO, RSCA and the AU-OLC.

The national IC will update and get feedback from the Project Manager and the International Consultant 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 (if any)

The national IC 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 CO as well as 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 languages of this assignment are Arabic and English. The national IC will deliver its Policy Paper in both languages.

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

VI. DURATION OF THE WORK¹

Duration: Up to 90 days from the signing date.

Expected Places of Travel: This consultancy is home based with expected 02 travels to Addis Ababa (Ethiopia) the first one to attend the methodology development workshop and the second one for the dissemination of findings

VII. QUALIFICATIONS OF THE SUCCESSFUL INDIVIDUAL CONTRACTOR (IC)

a. Education:

- Master's Degree in Social or Human Sciences, Law, International Relations / Affairs, Development Management, African Studies, Community Development, Public Administration, or any related field is required.

b. Experience:

- At least 7 years of proven research experience in political and social sciences, peace and security, governance, human rights in Africa. Applications from young experts are encouraged.

c. Language:

- Fluent in English and Arabic, including the ability to set out a coherent argument in presentations and group interactions.

d. Functional Competencies:

¹ 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.

- Sound expertise on issues related to Human Rights in Tunisia;
- Academic and practical research experience;
- Excellent communication skills, including demonstrated ability to interact productively and diplomatically with high level officials;
- Outstanding drafting /editing skills and ability to articulate ideas in a clear, concise style to a variety of audiences;
- 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.

Important Note:

The Consultant is required to have the abovementioned professional and technical qualifications. **Only the applicants who hold these qualifications** will be shortlisted and contacted.

V. SUBMISSION OF APPLICATIONS

Interested candidates should send :

1. A technical offer including :
 - a. A detailed CV clearly mentioning relevant experience,
 - b. A methodological note (not exceeding two pages) explaining the proposed working method. This note will be written in **English**,
 - c. One paragraph of 10 lines each in English in which the candidate will freely express his/her views on the AU treaties.
2. A financial offer, in Tunisian dinars clearly mentioning the daily rate of fees.

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%**

Criteria	Weight	Max. Point
Technical Competence (based on CV and Proposal)	70%	70
<ul style="list-style-type: none"> • Master's Degree Prerequisite 		
<ul style="list-style-type: none"> ▪ Criteria a. Understanding the Scope of Work (SoW); comprehensiveness of the methodology/approach; and organization & completeness of the proposal 		15 pts*
<ul style="list-style-type: none"> ▪ Criteria b. Qualifications and experience: 7 years of technical experience in conducting research on issues related to human rights, political and social sciences and governance. 		20 pts**

- 04 years of relevant technical experience 10 pts - 06 years of relevant technical experience 15 pts - +07 years of relevant technical experience 20 pts		
Criterion c. Number of expert missions: Expert missions and consultancy to international organizations, NGOs, or participation in ministerial committees and public study or reform bodies: - 1 to 3 missions 10 pts - 3 to 5 missions 15 pts - + 5 missions 20 pts		20 pts**
Criteria d. Publications (including reports and papers prepared for national and international bodies and NGOs) - 1 publication/report 5 pts - 2 articles and more 10 pts - 1 book and more 15 pts		15 pts **
Financial (Lower Offer/Offer*100)	30%	30
Total Score	Technical Score + Financial Score	

IX. PAYMENT MILESTONES AND AUTHORITY

The prospective consultant will indicate the cost of services for each deliverable 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 st Installment	Submission of research Plan / Methodology	Team Leader Governance	20 %
2 nd Installment	Draft Policy Paper	Team Leader Governance	40 %
3 rd Installment	Final version of Policy Paper	Team Leader Governance	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.

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.

XII. ANNEXES TO THE TOR

Existing literature or documents that will help Offerors gain a better understanding of the project situation and the work required should be provided as annex/es to the TOR, especially if such literature or documents are not confidential.

This TOR is approved by:

Name: Oumama Ennaifer

Designation: Team Leader Cluster Gouvernance

Signature:

Oumama Ennaifer
Team Leader
Portefeuille gouvernance démocratique
Programme des Nations unies
pour le développement

Date :