

Terms of Reference



Empowered lives.
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GENERAL INFORMATION

Title: National Consultant for Conducting Mapping of the Maritime Crime Law Enforcement Framework and Practice

Project Name: Global Maritime Crime Programme

Reports to: Mr. Shanaka Jayasekara (Programme Coordinator for Southeast Asia and the Pacific) and UNODC Indonesia Country Manager

Duty Station: Home Base

Expected Places of Travel (if applicable): Indonesia and Malaysia

Duration of Assignment: 43 working days within April - August 2020

	TERMS OF REFERENCE
4	CONFIRMATION OF CATEGORY OF LOCAL CONSULTANT, please select: (1) Junior Consultant (2) Support Consultant (3) Support Specialist (4) Senior Specialist (5) Expert/ Advisor CATEGORY OF INTERNATIONAL CONSULTANT, please select: (6) Junior Specialist (7) Specialist (8) Senior Specialist
<input checked="" type="checkbox"/>	APPROVED e-requisition

REQUIRED DOCUMENTATION FROM CONSULTANT

<input checked="" type="checkbox"/>	CV
<input checked="" type="checkbox"/>	Copy of education certificate
<input checked="" type="checkbox"/>	Completed financial proposal
<input checked="" type="checkbox"/>	Completed technical proposal

Need for presence of IC consultant in office:

partial (explain): The consultant will be homebased during his/her consultancy. No requirement for daily attendance at the office. However, she/he should be available for any meeting requested by the supervisor.

intermittent (explain):

full time/office based (needs justification from the Requesting Unit)

Provision of Support Services:

Office space: Yes No

Equipment (laptop etc.): Yes No

Secretarial Services Yes No

If yes has been checked, indicate here who will be responsible for providing the support services:

< Enter name >

I. BACKGROUND

The UNODC Global Maritime Crime Programme (GMCP) supports member states to respond to maritime crime challenges. As part of this work, the GMCP provides technical assistance to member states to ensure that their laws and cooperation agreements are well suited to enable effective on-water interdictions, investigations and prosecutions.

The GMCP has expanded its work in the Southeast Asia and Pacific region in the past two years, working on a range of regional-level maritime law enforcement engagements. In this work, the GMCP has identified some opportunities to further enhance the maritime law frameworks that apply to maritime crime and the instruments that enable cooperation between regional players.

The maritime crime scenario in Southeast Asia is complex. The region is, by geographic nature, a maritime region. Historic licit routes for trade are used similarly for criminal intention including trafficking of drugs and precursors, weapons, persons and contraband. Illegal fishing is rampant and perpetuates a number of disputes over maritime zones, including the South China Sea. Piracy, armed robbery at sea and kidnaping for ransom continue to plague the region – particularly in the Sulu and Celebes seas where there are links to terrorism.

There are a multitude of ready and able maritime law enforcement entities to help respond to these current and evolving challenges, however, lack up to date, clear and effective national frameworks to carry out their role. A multitude of cooperation agreements also exist; however, many are unused, underused or have been forgotten all together.

II. SCOPE OF WORK, ACTIVITIES, AND DELIVERABLES

Scope of Work and Methodology

The GMCP is seeking a national consultant to assist the international consultant to carry out a critical mapping and analysis of the current maritime crime law enforcement framework and practice in Southeast Asia particularly in Indonesia and Malaysia.

The purpose of the assignment is to enhance maritime law enforcement activities and effective prosecutions of maritime crime. In this regard, the consultant under this assignment will be required to develop a comprehensive mapping and gap assessment of laws and cooperation agreements that relate to the current and evolving maritime crime situation in and between two key Southeast Asian countries Malaysia and Indonesia. The resulting mapping and gap assessment will be used to further educate GMCP and national counterparts on the current legal frameworks as they relate to critical operational issues associated with work at sea and in the prosecution chain. The outcome product will also inform recommendations for legislative amendments or cooperation agreements that will support on-water operations and effective prosecutions of maritime crime.

Cooperation and participation of targeted countries during the research process will be necessary as of in situs visits. The visits will consist of detailed and specialized interviews with maritime law enforcement operators, legal advisors, prosecutors, judges and relevant ministries. The national consultant will participate in country visit in Indonesia and Malaysia, including by assisting with the facilitation of meetings and taking notes of interviews.

Specific task to be performed by the national consultant:

Under the supervision of Mr. Shanaka Jayasekara, Programme Coordinator-UNODC of GMCP for Southeast Asia and the Pacific and overall supervision of the County Manager of Indonesia, the consultant will carry out the following activities:

- Deliverable A

1. Conduct desk-based research in preparation for in-country visits on the current maritime crime law enforcement framework and practice in Indonesia and Malaysia: Prior to the visit to Indonesia and Malaysia, the consultant will gather all relevant national legislations and guidelines and conduct desk review against the implementation of it in both Indonesia and Malaysia. In addition to the national legislations and guidelines, different national reports from counterparts, data/statistic of crime and relevant publications will be also secured and reviewed.
2. Identify law enforcement agencies to meet with and interview during in-country visits in Indonesia and Malaysia.
3. Assist with preparation of the first draft of two mapping reports and identify gaps in research prior to in-country visits.

- Deliverable B:

Assistance with the interview in Indonesia and Malaysia including taking notes. Result of interview with maritime law enforcers, legal advisors, prosecutors, judges and relevant ministries in Jakarta of Indonesia and Kuala Lumpur of Malaysia in English will be submitted.

- Deliverable C

Assistance with consolidation and finalisation of the draft mapping reports on Malaysia and Indonesia, including by inputting information obtained through the in- country visits into the draft reports.

Expected Outputs and Deliverables

- Submission of outline of the mapping reports.
- Submission of list of law enforcement agencies to be met and interviewed during in country visits in Indonesia and Malaysia including tentative programme for the in-country visits.
- Submission of first draft of mapping report.
- Submission of inputs for consolidation and finalisation of draft mapping report papers of Malaysia and Indonesia

III. WORKING ARRANGEMENTS

Institutional Arrangement

The consultant will perform his work under the supervision of the Regional Programme Coordinator of Southeast Asia and the Pacific of the Global Maritime Crime Programme of UNODC. In addition, the UNODC Country Manager of Indonesia will provide overall guidance and supervision to the consultant. Additional support will be provided under the guidance of National Programme Officer of Global Maritime Crime Programme.

During the contract period, the consultant is expected to work closely with international consultant and coordinate closely and liaise with key counterparts both in Indonesia and Malaysia.

Duration of the Work

43 working days, April 2020 – August 2020

Deliverables/ Outputs	Estimated number of working days	To be accomplished by (date)	Reviewed and Monitored by
Deliverables A			
1) Submission of an outline of the mapping reports based on the desk-based research on the current maritime crime law enforcement framework and practice in Indonesia and Malaysia.	6	April 2020	Regional Programme Coordinator and NPO
2) List of law enforcement agencies to be met and interviewed during in-country visits in Indonesia and Malaysia including tentative programme for the in-country visits.	4		
3) Submission of first draft of mapping report.	10	May 2020	
Deliverables B			
1) Result of interviews with maritime law enforcers, legal advisors, prosecutors, judges and relevant ministries in Jakarta of Indonesia and Kuala Lumpur of Malaysia	15	July 2020	Regional Programme Coordinator and NPO
Deliverable C			
1) Inputs for consolidation and finalisation of draft mapping report papers of Malaysia and Indonesia.	8	August 2020	Regional Programme Coordinator and NPO

Travel Plan

Location	Number of Days	Frequency
Jakarta	5	1
Kuala Lumpur	5	1

Duty Station

The consultant will be home based during this consultancy with periodic meetings in UNODC offices as requested.

IV. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

Academic and Work Qualifications:

- Master's degree or equivalent in law, international and comparative law, law enforcement or security studies
- Minimum five (5) years of combination working experience in research preferably in maritime security, legislative frameworks, international maritime crimes, or law of the sea subject.
- Proven experience in drafting and finalising research report or paper.
- Experienced working with national stakeholders.

Competencies and special skills requirement:

- *Communication and openness to feedback:* The Consultant will be working under the supervision of and in consultation with UNODC staff members. The Consultant is also expected to collaborate and coordinate with the international consultant in order to produce the deliverables under this consultancy. He or she should be able to maintain direct and frequent communication on the progress of the work as well as be open to feedback.
- *Planning and organising:* Given the workload of this consultancy, the Consultant should be able to: develop clear goals that are consistent with the overall project objectives; identify priority activities and assignments; adjust priorities as required; allocate appropriate amount of time and resources for completing tasks; foresee risks and allow for contingencies when planning; adjust plans and actions as necessary; and use time efficiency. The Consultant should be able to work independently with minimal supervision.

V. EVALUATION METHOD AND CRITERIA

Individual consultant will be evaluated based on the following methodology:

Cumulative analysis

When using this weighted scoring method, the award of the contract should be made to the individual consultant whose offer has been evaluated and determined as:

a) responsive/compliant/acceptable, and

b) Having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation.

** Technical Criteria weight; [70%]*

** Financial Criteria weight; [30%]*

Only candidates obtaining a minimum of 70 point would be considered for the Financial Evaluation

Criteria	Weight	Maximum Point
a		
<u>Technical</u>		

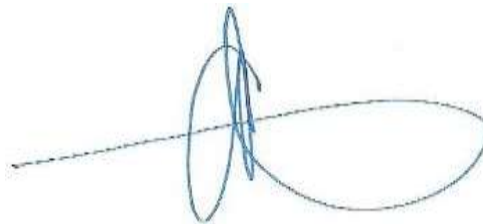
Criteria A: qualification requirements as per TOR:	40%	40
1. Master's degree or equivalent in law, international and comparative law, law enforcement or security studies	15 %	15
2. Minimum five (5) years of combination working experience in research preferably in maritime security, legislative frameworks, international maritime crimes, or law of the sea subject.	10 %	10
3. Proven experience in drafting and finalizing research report or paper.	10 %	10
4. Experienced working with national stakeholders.	5 %	5
Criteria B: Brief Description of Approach to Assignment.	60%	60
• Understand the task and applies a methodology appropriate to the task as well as strategy in a coherent manner.	20%	20
• Important aspects of the task addressed clearly and detailed.	20%	20
• Logical, realistic planning for efficient project implementation.	20%	20
Criteria C: Further Assessment by Interview (if any)	-	-

Prepared by



Fatimana Agustinanto
National Programme Officer

Approved by



Collie Brown
Country Manager