



INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date 20.04.2020

Consultancy Title: Consultant to prepare a Policy Paper on the level of domestication of six AU treaties in Sao Tome e Principe

Project name: Accelerating the Ratification and Domestication of AU Treaties

Description of the assignment: The role of the Consultant (IC) is to prepare a Policy Paper on the level of domestication of six AU treaties in Sao Tome e Principe.

Duty station: Sao Tome, Sao Tome and Principe

Period of assignment/services (if applicable): 30 working days distributed over 3 months

Proposal should be submitted by email to procurement.st@undp.org no later than 6 May 2020 at 5h30 PM. Any request for clarification must be sent in writing, or by standard electronic communication to the e-mail: aderito.santana@undp.org with cc/ antonia.daio@undp.org; claudio.vicente@undp.org. Procurement Unit will respond in writing or by standard electronic mail and will send written copies of the response, including an explanation of the query without identifying the source of inquiry, to all consultants.

1. BACKGROUND

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 Sao Tome e Principe as well as contribute to the dissemination of the main findings. More precisely, the national IC will:

- a. Assess the levels of domestication of the six AU treaties;
- b. Analyze the main findings on the domestication of AU treaties;
- c. Identify and document best practices related to domestication of AU treaties;
- d. Identify Policy options and recommendations;
- e. Determine clear criteria to support the policy options;
- f. Develop a Policy Paper on the status of domestication of the six AU treaties;
- g. Participate in the dissemination seminar.

2. SCOPE OF WORK, RESPONSIBILITIES AND DESCRIPTION OF THE PROPOSED ANALYTICAL WORK

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 Sao Tome e Principe 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 Sao Tome e Principe. 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 Sao Tome e Principe
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 <i>(Indicate designation of person/Unit who will review output and confirm acceptance)</i>
1	Research Plan	8 Working days	ARR/P
2	Draft Policy Paper	12 Working days	ARR/P
3	Final version of Policy Paper	10 Working days	ARR/P

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 Portuguese 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.

VII. DURATION OF THE WORK

Duration: Up to 90 days from the signing date, with completion of deliverables no later than August 31, 2020.

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

3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

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.

c. Language:

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

d. Functional Competencies:

- Sound expertise on issues related to Human Rights in Sao Tome e Principe;
- 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.

4. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS.

Interested individual consultants must submit the following documents/information to demonstrate their qualifications:

1. Proposal:

- (i) Explaining why they are the most suitable for the work
- (ii) Provide a brief methodology on how they will approach and conduct the work
- (iii) Fill annex 1 Offeror's Letter to UNDP attached

2. Financial proposal

3. Personal CV including past experience in similar projects and at least 3 references

5. FINANCIAL PROPOSAL

- **Lump sum contracts**

The financial proposal shall specify a total lump sum amount, and payment terms around specific and measurable (qualitative and quantitative) deliverables (i.e. whether payments fall in installments or upon completion of the entire contract). Payments are based upon output, i.e. upon delivery of the services specified in the TOR. In order to assist the requesting unit in the comparison of financial proposals, the financial proposal will include a breakdown of this lump sum amount (including travel, per diems, and number of anticipated working days).

- **Contracts based on daily fee**

The financial proposal will specify the daily fee, travel expenses and per diems quoted in separate line items, and payments are made to the Individual Consultant based on the number of days worked.

Travel:

All envisaged travel costs must be included in the financial proposal. This includes all travel to join duty station, as well as travels inside the country if applicable.

In general, UNDP should not accept travel costs exceeding those of an economy class ticket. Should the IC wish to travel on a higher class he/she should do so using their own resources.

In the case of unforeseeable travel, payment of travel costs including tickets, lodging and terminal expenses should be agreed upon, between the respective business unit and Individual Consultant, prior to travel and will be reimbursed

6. EVALUATION

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
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Technical Competence (based on CV and Proposal)	70%	70
▪ Criteria a. Education	15%	15 pts*
▪ Criteria b. Qualifications and experience: 7 years' experience conducting research on Human rights related issues ▪ Native fluency in Portuguese and English with excellent writing skills	35%	35 pts**
▪ Criteria c. Understanding the Scope of Work (SoW); comprehensiveness of the methodology/approach; and organization & completeness of the proposal	20%	20 pts **
Financial (Lower Offer/Offer*100)	30%	30 pts
Total Score	Technical Score * 70% + Financial Score * 30%	

<u>Technical</u>	70%	70
<i>Criteria A</i> <ul style="list-style-type: none"> 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. 	15%	15
<i>Criteria B</i> <ul style="list-style-type: none"> At least 7 years of proven research experience in political and social sciences, peace and security, governance, human rights in Africa. (25) Native fluency in Portuguese and English with excellent writing skills (10) 	35%	35
<i>Criteria C</i> <ul style="list-style-type: none"> Understanding the Scope of Work (SoW); (7.5) Comprehensiveness of the methodology/approach (7.5) Organization & completeness of the proposal (5) 	20%	20
<u>Financial</u>	30%	30

IX. PAYMENT MILESTONES AND AUTHORITY

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	Project Manager	20 %
2 nd Installment	Draft Policy Paper	Project Manager	40 %
3 rd Installment	Final version of Policy Paper	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.

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 IX. PAYMENT MILESTONES AND AUTHORITY

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Installment of Payment/ Period	Deliverables or Documents to be Delivered	Approval should be obtained	Percentage of Payment
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XII. ANNEXES TO THE IC DOCUMENT

ANNEX 1- OFFEROR'S LETTER TO UNDP CONFIRMING INTEREST AND AVAILABILITY

ANNEX 2- INDIVIDUAL CONSULTANT GENERAL TERMS AND CONDITIONS

ANNEX 3- BREAKDOWN OF COSTS SUPPORTING THE AL-INCLUSIVE FINANCIAL PROPOSAL

Signature: _____

Date Signed: 09/03/2020