

Terms of Reference for International Consultant (Framework Agreement)

Assignment Title:	Legal Advisor (Anti-Corruption, Rule of Law & Human Rights)
Type of Contract:	Individual Contract (International) as Framework Agreement
Start/End Dates:	1 May 2020 – 30 April 2021
Estimated working days:	200 days
Supervisor:	SARL Project Manager
Duty Station	Nay Pyi Taw (minimum three days per week) Yangon (two days per week)

1. BACKGROUND

The Strengthening Accountability and Rule of Law (SARL) Project supports the Government of Myanmar to address low public trust in state institutions at a critical time in Myanmar's transition. Building on the clear initiative of all three branches of the Government of Myanmar to promote transparency and accountability, the project helps to strengthen institutional frameworks and capacities for good governance. SARL is organized into three thematic components: (1) Anti-Corruption, (2) Parliament, and (3) Rule of Law & Human Rights.

Under the Anti-Corruption and Rule of Law & Human Rights components SARL accommodates activities under two UNDP regional projects "*Promoting a Fair Business Environment in ASEAN*" (Fair Biz) and "*Business and Human Rights in Asia: Enabling Responsible Trade & Investment through the Protect, Respect and Remedy Framework*" (B+HR).

Through SARL and the regional initiatives, UNDP Myanmar supports institutional capacity of key accountability institutions such as the Anti-Corruption Commission (ACC), Corruption Prevention Units (CPUs) of line ministries, the Union Attorney General's Office (UAGO), the Myanmar National Human Rights Commission (MNHRC), and the Directorate of Investment and Company Administration (DICA) to strengthen justice and watchdog mechanisms in Myanmar and enable these institutions to better implement their mandate. In addition, UNDP's interventions thematically focus on the private sector's role in accountability processes, promoting the United Nations Guiding Principles on Business and Human Rights (UNGPs) and stressing the importance of involving businesses in anti-corruption efforts. Accountability aspects related to housing, land and property (HLP) rights is a further area of activity in SARL, including protection of land rights through legislation, policies, and private sector initiatives, as well as redress mechanisms and advocacy. Regarding supporting Rule of Law in Myanmar SARL has a long-standing relationship with the UAGO, which includes support for strengthening fair trial and legislative drafting standards, legislative vetting, and justice sector coordination.

UNDP is seeking a **Legal Advisor** to provide technical advice in the planning and implementation of human rights, anti-corruption, and rule of law activities under SARL, FairBiz, and B+HR. It includes, among other elements, guiding the ACC, UAGO, and CPUs to conduct Corruption Risk Assessments of private sector and public service relevant legislation and procedures and to support DICA, MNHRC and private sector to protect and respect the UNGP's specifically in the area of HLP rights. S/he will provide technical inputs for SARL, FairBiz and B+HR activities in these areas, working closely with other UN agencies, private sector, and Government institutions.

2. OBJECTIVES OF THE ASSIGNMENT

The aim of the assignment is to provide strategic and technical advice on the design and implementation of UNDP's programme interventions in anti-corruption, rule of law and human rights as part of the SARL, Fair Biz and B+HR projects. This will involve working closely in an advisory capacity with key government counterparts, CSOs, and businesses.

3. SCOPE OF WORK

The Legal Advisor's assignment will be to provide technical advice and coordination support in two areas:

- The planning and implementation of human rights and rule of law activities, with a focus on the partnership with UAGO and the area of business and human rights
- The planning and implementation of anti-corruption activities, with a focus on corruption risk assessments

3.1 Provide quality technical advice in the planning and implementation of human rights and rule of law activities, with a focus on the partnership with UAGO and the area of business and human rights

- a. Providing **quality technical assistance and advice to the UAGO** in order to:
 - Enable UAGO to strengthen adherence to fair trial rights, improve legislative drafting and vetting processes, and improve justice sector coordination
 - Lead development and delivery of capacity development on fair trial rights and legislative drafting
 - Support UAGO to develop research materials, and design and develop policy/options papers and proposals to further justice sector reform
 - Provide strategic advice and mentoring to justice officials as required.
- b. Providing **quality technical assistance on business and human rights to counterparts** in order to:
 - Support businesses' and business associations abilities to respect human rights in accordance with pillar II of the UNGPs, particularly in business operations with a land dimension, through workshops, training and toolkits.
 - Support key government counterparts to better protect and promote the UNGPs with a focus on land related human rights issues, through coordinating development of policy briefs, consultation reports, legal advice, workshops, and strategic roadmaps.
 - Support development of redress mechanisms for human rights issues, through round tables with relevant government and private sector stakeholders, briefs on policy coherence, and improved coordination
- c. Provides advice to further effective **planning and implementation of activities relating to rule of law and business and human rights**:
 - Provides technical inputs and supports planning and implementation of SARL human rights and rule of law activities focusing on UAGO, business and human rights, and coordination with other private sector involving projects within UNDP Myanmar
 - Supports coherence of rule of law, human rights, private sector and land rights related programming and exchanges of lessons and approaches between partner institutions in these areas

3.2 Provides quality technical advice in the planning and implementation of anti-corruption activities, with a focus on corruption risk assessment (CRA)

- a. Provides **high quality technical assistance on anti-corruption to counterparts** in order to:
 - Enable ACC, CPUs and UAGO to conduct CRA of laws, regulations, and procedures
 - Strengthen ACC Prevention Department and CPUs capacity to fulfill their mandate
 - Reinforce businesses' and business associations abilities in corporate governance and business integrity through workshops, trainings, and toolkits
 - Sensitize local government bodies on corruption prevention, corruption risk assessments, and business integrity.
 - Assess anti-corruption complaints mechanism and legal framework.
- b. Ensuring effective **planning and implementation of activities relating to anti-corruption and business integrity**, including:
 - Providing technical inputs and supporting planning and implementation of SARL anti-corruption activities, including year three of Fair Biz Project initiatives, and coordination with other private sector involving projects within UNDP Myanmar
 - Supporting coherence of governance, private sector and accountability related programming and exchanges of lessons and approaches between accountability partner institutions

4. ADMINISTRATIVE AND LOGISTICAL ARRANGEMENTS

4.1. Reporting line:

- The consultant will report progress against deliverables on a weekly basis to the SARL Project Manager in Yangon

4.2. Contract administration:

- UNDP will develop terms of reference for the provision of specific services within the scope and duration of the Framework Agreement. These terms of reference will include the deliverables against which payments will be made.
- Once these are agreed with the consultant, UNDP will issue a contract to activate the provision of the services.

4.3. Logistical arrangements:

For all international travel, where applicable:

- Candidates are requested to include international travel costs from possible origins of travel in the financial proposal and arrange flights. The travel cost should be based on the economy class fares, with most direct routes.
- UNDP will provide support the visa process and reimburse the visa fee, based on the actual receipt.
- UNDP will provide terminal charges at the rate of US\$ 80 per mission.

For all in-country travel:

- When in-country missions are requested by UNDP, UNDP will arrange and cover costs related to all domestic travels – such as transportation between the agreed in-country duty stations and living allowances - in accordance with UNDP's regulations and policies.
- UNDP will facilitate security clearances required to travel in-country (where applicable).

Other logistical matters:

- The contractor will arrange their accommodation in the agreed duty stations, and for his/her own transportation to/from the places of work. Field-based transport will be arranged by UNDP.
- UNDP will not consider travel days to/from the duty station as working days. The above stated working days are exclusive of travel time.
- The working language of this assignment is English. Interpreters will be engaged by UNDP as and when required.
- UNDP will assist in the facilitation of introduction letters and/or requests for meetings upon request with stakeholders and beneficiaries.

5. REQUIRED QUALIFICATIONS AND EXPERIENCE

Education:	Master's university degree in Law. Admission to the Bar an advantage.
Experience:	<ul style="list-style-type: none"> • Minimum 5 years of relevant professional experience in law, law related international development projects or programmes, including at least 2 years working on anti-corruption, rule of law and human rights in countries in transition or affected by conflict. • Experience conducting corruption risk assessments, and in designing and implementing training and capacity building in a development country context in the areas of human rights & rule of law and anti-corruption and/or business integrity • Experience working with senior public officials in Myanmar • Strong understanding of Myanmar's legal system and specifically Myanmar's legal institutions, the law-making process, and Myanmar's overall context and culture
Language Requirements:	Very high standard of spoken and written English is essential

6. RECOMMENDED PRESENTATION OF OFFER

Candidates should submit the following documents:

- Duly completed Letter of Confirmation of Interest and Availability using the template provided by UNDP
- 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 at least three (3) professional references
- Brief description (max. ½ page) of why the individual considers him/herself as the most suitable for the assignment
- Financial Proposal that indicates the all-inclusive fixed total contract price, supported by a breakdown of costs, as per template provided. *Note:* If the candidate is employed by an organization /company /institution, and he/she expects his/her employer to charge a management fee in the process of releasing him/her to UNDP under Reimbursable Loan Agreement (RLA), the candidate must indicate at this point, and ensure that all such costs are duly incorporated in the financial proposal submitted to UNDP.

7. CRITERIA FOR SELECTION OF THE BEST OFFER

UNDP will use a combined scoring method, in which the technical proposal (the candidate's CV + sample writing material + short technical interview) will be weighted at 70% and the financial proposal at 30%. Scoring for the technical proposal will be:

Criteria	Points (total = 70)
Relevant educational background: Master's university degree in Law. Admission to the Bar an advantage.	10
Minimum 5 years of relevant professional experience in law, law related international development projects or programmes, including at least 2 years working on anti-corruption, rule of law and human rights in countries in transition or affected by conflict.	20
Experience conducting corruption risk assessments, and in designing and implementing training and capacity building in a development country context in the areas of human rights & rule of law and anti-corruption and/or business integrity	20
Experience working with senior public officials in Myanmar	10
Strong understanding of Myanmar's legal system and specifically on anti-corruption, human rights, and HLP issues, Myanmar's legal institutions, the law-making process, and Myanmar's overall context and culture	10

Financial Evaluation: All technically qualified proposals will be scored out of 30. The maximum of 30 points will be assigned to the lowest financial proposal.