

Terms of Reference



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Resilient nations.

GENERAL INFORMATION

Title: National Consultant for Developing and Delivering Training Programme for Prosecutor

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): Medan, Samarinda, Bandung, Yogyakarta, Surabaya and Makassar

Duration of Assignment: 70 working days within May – September 2020

REQUIRED DOCUMENT FROM HIRING UNIT

	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
✓	APPROVED e-requisition

REQUIRED DOCUMENTATION FROM CONSULTANT

✓	CV
✓	Copy of education certificate
✓	Completed financial proposal
✓	Completed technical proposal

Need for presence of IC consultant in office:

partial (explain): The contractor will be homebased during his/her consultancy. No requirement to attend daily to the office. However, to 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 expert legal and academic advice through events including capacity building events and printed documentation related to the specialist area of maritime crime and maritime law.

One of Indonesia's greatest challenges and priorities is ensuring that its vast maritime domain is safe, secure from crime threats and viable to ensure economic activity. With a variety of on-water interdicting agencies, investigation becomes complex especially when there is a lack of coordination. The prosecution of maritime crime in Indonesia is another challenge. The diversity of maritime law enforcement entities possess arrest powers deriving from different laws and which are applicable to different offences and in different jurisdictions.

This makes the prosecution of maritime criminal cases for prosecutors more complex. While Indonesia benefits from prosecutorial development cooperation from bilateral partners, there is a need to improve maritime crime-specific prosecutorial skills. Indonesia needs a leading group of prosecutors and judges who are proficient in maritime law and the nuances of maritime criminal law to ensure the on-water interdictions lead to sound legal dispositions.

While significant work is ongoing to support the development of the criminal justice system, prosecution and advocacy skills, there is room to build supplementary specialised knowledge around maritime law and maritime crime. Through opportunities for joint activities with maritime law enforcement actors, procedures and collaboration can also be improved to ensure that perpetrators of maritime crime does not avoid legal sanctions because of deficient investigation and prosecution. These legal outcomes can also be compromised from a lack of coordination between these entities.

In June 2019, the UNODC GMCP published a second edition of the manual, "Maritime Crime: A Manual for Criminal Justice Practitioners". It outlines legal regimes and practical considerations related to maritime jurisdictions, maritime law enforcement powers, various maritime crimes (piracy, drugs trafficking, smuggling of migrants, terrorism at sea) and operational tasks such as evidence collection at sea. The manual will be translated into Bahasa Indonesia and will be used as a training for Indonesia's judges, prosecutors and legal advisors.

Furthermore, mock trials are an effective way to practically learn and test laws and procedures and identify and find solutions to potential challenges to case outcomes. Mock trials will include courtroom advocacy (e.g., initial arguments, production of evidence, witness cross examination, suspect examination) and dispositions. The mock trials will be designed to test Indonesia's judicial procedures and legal frameworks for the prosecution of maritime crime cases involving a variety of complex legal issues.

II. SCOPE OF WORK, ACTIVITIES, AND DELIVERABLES

Scope of Work

The purpose of this assignment is to support the UNODC GMCP in the development and delivery of high-quality training on maritime and maritime crime law and maritime mock trials for prosecutors and lawyers.

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:

- *Development of a training module on maritime crime and maritime law*

In collaboration with the international consultant, the national consultant will be required to develop the training module on maritime and maritime crime law including mock trial session. She/he will use the

UNODC GMCP second edition manual “Maritime Crime: A Manual for Criminal Justice Practitioners” as the main reference when developing the training module. In addition, she/he will use other relevant national and international maritime laws and regulations. When necessary, she/he will also work with prosecutors from the Training and Education Center of Prosecutor and other relevant units at the Attorney General’s Office.

The table of content of the training module together with the summary, objectives, outputs and methodologies for each training session need to be submitted and approved by the supervisor. Upon the supervisor approval, the consultant needs to submit the first draft of the module for supervisor review and inputs. Final training module in English and Bahasa Indonesia will be submitted incorporating the inputs from supervisor.

- *Conduct seven trainings to prosecutors on maritime crime and maritime law including mock trial sessions.*

As facilitator, the consultant will lead the delivery of seven trainings (four to five days per training) on maritime and maritime crime law including mock trial sessions. A maximum of 30 participants will be participating per training event. Furthermore, the consultant, when requested by UNODC GMCP, will give inputs regarding the participants that will be invited to attend the training events.

- *Report on Training Delivery.*

The consultant will prepare and submit seven training reports following the completion of all seven training events. The report will contains the number of participant (disaggregated by gender), the delivery of the training and the process, highlights and observations, inputs from participants and recommendations. The template for the report will be provided by UNODC GMCP.

Expected Outputs and Deliverables

- Training module on maritime and maritime crime law including mock trial session is developed. Training module is submitted in English and Bahasa Indonesia;
- As facilitator, conduct seven training events targeted to 200 prosecutors; and
- Develop and submit seven training reports on seven training events delivered following the completion of the training events.

III. WORKING ARRANGEMENTS

Institutional Arrangement

The consultant will perform his/her 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 consultancy, the national consultant is expected to work closely and liaise with international consultant and also junior national consultant.

Duration of the Work

70 working days within May – September 2020

Deliverable	Description of task (deliverable)	Working days	To be accomplished by (date)	Reviewed and Monitored

				By	
A	- Training Module on Maritime and Maritime Crime Law. Submitted in English and Bahasa Indonesia.	35	July 2020	NPO GMCP; Regional Programme Coordinator GMCP.	
B	- Results of pre and post-test and training evaluation form from seven training programme for 200 prosecutors are analyzed.	25	August 2020	NPO GMCP; Regional Programme Coordinator GMCP.	
C	Draft seven training reports on training events conducted. Submitted in English and Bahasa.	6	September 2020	NPO GMCP; Regional Programme Coordinator GMCP.	
D	Final report on seven training events conducted. Submitted in English and Bahasa.	4	September 2020	NPO GMCP; Regional Programme Coordinator GMCP.	

Travel Plan

Location	Number of Days	Frequency
Medan	10	2
Samarinda	5	1
Bandung	5	1
Yogyakarta	5	1
Surabaya	5	1
Makassar	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 degree in Maritime Security, Law, International Development, Environmental Management or Security Studies;
- Minimum of 4 years of relevant experience in maritime security including maritime crime, legal drafting, rule of law, criminal justice system or training law enforcement officials;
- Proven experience in drafting training module and delivering training programme;
- Proven experience in dealing with counterparts from various cultural backgrounds;
- Extensive experiences in working with government such as BAKAMLA, Coordinating Ministry for Maritime Affairs and Investment, Ministry of Environment and Forestry (MoEF) and other relevant stakeholders;
- Extensive experiences in applying adult learning method.

Competencies and special skills requirement:

- Demonstrated ability to work in harmony with person of different ethnicity and cultural background;
- Strong reporting, communication and interpersonal skills;
- Ability to work under pressure and handle multi-tasking situations; and
- Excellent English and national language written and spoken skills;
- Good computer skills (including Word, Excel and Power Point);
- Strong motivation and good team player.

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
<u>Technical</u>		
Criteria A: qualification requirements as per TOR:	60%	60
1. Master degree in Maritime Security;	15 %	15
2. Minimum of 4 years of relevant experience in maritime security including maritime crime	10 %	10

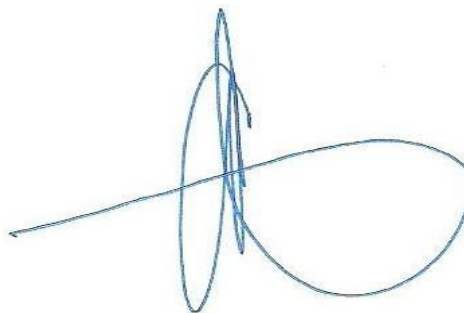
and legal drafting;			
3. Proven experience in drafting training module and delivering training programme;	10%	10	
4. Proven experience in dealing with counterparts from various cultural backgrounds;			
5. Extensive experiences in working with government such as BAKAMLA, Coordinating Ministry for Maritime Affairs and Investment, Ministry of Environment and Forestry (MoEF) and other relevant stakeholders;	10%	10	
	10%	10	
6. Extensive experiences in applying adult learning method	5%	5	
Criteria B: Brief Description of Approach to Assignment.	40%	40	
• Understand the task and applies a methodology appropriate to the task as well as strategy in a coherent manner.	15%	15	
• Important aspects of the task addressed clearly and detailed.	15%	15	
• Logical, realistic planning for efficient project implementation.	10%	10	
Criteria C: Further Assessment by Interview (if any)	-	-	

Prepared by



Fatimana Agustinanto
National Programme Officer

Approved by



Collie Brown
Country Manager