

**TERMS OF REFERENCE – IC/014/2020
POLITICAL AND CONSTITUTIONAL AFFAIRS ADVISOR**

Project title/ Post Title:	Political and Constitutional Affairs Advisor
Location:	Tunis
Type of contract:	Individual Contract
Starting date of assignment:	16 August 2020
Duration of the contract:	Six (6) months duration for 131 working days
Payment arrangements:	Lump Sum (payments linked to deliverables)
Selection method:	Combined Scoring method –where the technical criteria will be weighted at 70% and the financial offer will be weighted at 30%;

1. Project Description

The Consultant will be engaged to perform critical tasks UNSMIL and UNDP Libya under **the Political Dialogue Project**.

Since the revolution in 2011, Libya has experienced various degrees of political instability and conflict. In December 2015, the signing of the Libyan Political Agreement (LPA) aimed at ending the political divisions and at providing a framework for a transitional process. Given the obstacles faced in the implementation of the LPA, the United Nations Support Mission in Libya (UNSMIL) has been conducting dialogue initiatives to facilitate consensus-building, national reconciliation, and a successful political transition. Since 2015 efforts by UNSMIL have been supported through Immediate Assistance to the Political Dialogue and Government of National Accord Project (the Political Dialogue Project), implemented by the United Nations Development Programme (UNDP).

In 2020, UNSMIL, consonant with its Security Council mandate and with the full authority of the UN Secretary General, operationalized a three-track **Intra-Libyan Dialogue** initiative: (1) Security/Military, (2) Political and (3) Economic. As part of the partnership established under the Political Dialogue Project, UNSMIL requested UNDP to support the organization of meetings of the 5+5 Joint Military Commission (JMC) and the Libyan Political Forum (LPF) at the United Nations Offices in Geneva as well as workshops to discuss the Libyan Expert Economic Commission (LEEC) in Tunis and Cairo.

Currently, the Project is working closely with UNSMIL and UNDP Senior Management to assess the technical and programmatic priorities of the Intra-Libyan Dialogue for the short, medium and long-term. Notwithstanding delays linked to the operational complications caused by the COVID-19 pandemic, continued project implementation remains crucial for the political process in Libya. On 1 June 2020, UNSMIL welcomed the acceptance by the GNA and the LNA to resume talks on the ceasefire and associated security arrangements based on the draft agreement submitted by UNSMIL to the parties during the JMC talks in February. Additionally, work continues through the Economic and Political Tracks.

Successful and sustainable agreements and reforms resulting from the Berlin Process will require close follow-up to ensure implementation under UNSMIL leadership with support from the United Nations Country Team (UNCT). In line with the 2019-2020 Country Programme Document for Libya (CPD), UNDP will support the UNSMIL facilitated, Libyan-led political process with a comprehensive programme of support for inclusive negotiated solutions and agreed reforms.

2. Project Outputs

The activities will serve to progress the following **Political Dialogue Project Output 1**:

- Safe and neutral platforms provided within the framework of the political dialogue, helping to foster confidence building between actors and relevant stakeholders.

3. Duties and Responsibilities

Currently, UNSMIL is fully mobilized to preserve a sustained cessation of hostilities and bringing the parties back to the negotiation table to implement relevant UN Security Council Resolutions, the outcomes of the Berlin Conference, and the LPA. This is undertaken in a context that saw increased military hostilities in the recent months and heavier internationalization of the conflict. Against this background, UNSMIL needs enhanced expertise imbedded with its political team to help convene, advise and support the LPF, particularly in the areas of Political and Constitutional Affairs.

Within delegated authority, and under the supervision of the Head of the UNSMIL Political Team and in coordination with the UNDP Political Dialogue Project Manager, the senior consultant expert shall be responsible for the following duties:

- Develop an integrated approach towards addressing the Intra-Libyan Dialogue as well as the political and constitutional processes and legal reforms. This includes analytical and strategic documents on the background of the Constitution-Drafting Assembly, its Draft Constitution and the way forward in the context of the UNSMIL-facilitated Libyan Political Dialogue;
- Participate in the discussion and formulation of political and technical strategies in the context of the UNSMIL-facilitated/UNDP-supported Libyan Political Dialogue (on all tracks).
- Provide technical advice and operational support in the mediation efforts especially in the legal and constitutional affairs;
- Actively contribute to the daily work of the Political Team in support of the senior leadership and their work linked to the Political Dialogue Process, including through drafting background and briefing notes, discussion papers, policy and strategic documents, and talking points;
- Review, monitor, and report on activities, including legal and political developments in Libya, identifying and assessing emerging trends which might affect the Libyan Political Process and recommending solutions and possible actions by UNSMIL and the international community;
- Liaise with Libyan stakeholders, including representatives of state institutions, academia, legal community and civil society.
- While imbedded with the UNSMIL Political team, actively coordinate project activities with UNDP through close cooperation with the UNDP Political Dialogue Project Manager.
- Other related duties as required, including frequent interaction with counterparts from the UNCT, the broader UN system, and liaise with representatives of International NGOs.

4. Institutional Arrangement

In the role of **Political and Constitutional Affairs Advisor**, the consultant will work primarily with the UNSMIL Political Affairs Division, reporting to the UNSMIL Political Affairs Division Director. The consultant

will also coordinate programmatic activities with the UNDP Political Dialogue Project Manager. For all administrative purposes related to the assignment, the Consultant will report to the UNDP Political Dialogue Project Manager.

5. Duration of the Work

The estimated duration of work is six (6) consecutive months for a maximum of 131 working days

6. Duty Station

The consultant will be conducting work at UNSMIL and UNDP Offices in Tunis with possible travel to Tripoli.

7. Deliverables, indicative timeframe and payment schedule

TASKS	DELIVERABLES	EXPECTED PERIOD From date of contract signing____ <i>(the timeframe will be adjusted based on the security context)</i>	PERCENTAGE PAYMENT
Formulate political and technical strategy in the context of the UNSMIL-facilitated/UNDP-supported Intra-Libyan Dialogue (on all tracks).	(1) Report on political and technical Six-month Intra-Libyan Dialogue Strategy (the Strategy) for UNSMIL/UNDP on all tracks (8-10 pages).	End of 1st month – 21st Working Day	20%
Provide technical advice and operational support in the mediation efforts especially in the legal and constitutional affairs. Devise Political Action Plan.	1) Political/constitutional Technical “Action Plan” supporting political process, including LPA amendments, executive reform and constitutional process. (5 pages).	End of 2nd month – 43rd Working Day	15%
Develop integrated approach towards addressing the Libyan constitutional process and legal reforms. This includes analytical and strategic documents on the background of the Constitution-Drafting Assembly, its Draft Constitution and the way forward in the context of the UNSMIL-facilitated Libyan Political Dialogue. Actively contribute to the daily work of the Political Team in support of the senior leadership	Strategy Paper on Constitutional Process . (5-10 pages)	End of 3rd month – 65th Working Day	25%

and their work linked to the Political Dialogue Process and all strategies and plans, including through drafting background and briefing notes, discussion papers, policy and strategic documents, and talking points in support of all strategies and action plan.			
Actively contribute to the daily work of the Political Team in support of the senior leadership and their work linked to the Political Dialogue Process and all strategies and plans, including through drafting background and briefing notes, discussion papers, policy and strategic documents, and talking points in support of the strategies and action plans.	Follow-up report on Intra-Libyan Dialogue Strategy , which should include analytical/strategic analysis of the way forward considering progress and/or other developments (5 pages)	End of 4th month – 87th Working Day.	10%
Actively contribute to the daily work of the Political Team in support of the senior leadership and their work linked to the Political Dialogue Process and all strategies and plans, including through drafting background and briefing notes, discussion papers, policy and strategic documents, and talking points in support of the strategies and action plans.	Follow-up report on Political/Constitutional Action Plan , which should include analytical/strategic analysis of the way forward considering progress and/or other developments (5 pages)	End of 5th month – 109th Working Day	10%
Actively contribute to the daily work of the Political Team in support of the senior leadership and their work linked to the Political Dialogue Process and all strategies and plans, including through drafting background and briefing notes, discussion papers, policy and strategic documents, and talking points in support of the strategies and action plans.	Follow-up report on Constitutional Process Paper , which should include a roadmap for implementation considering progress and/or other developments (5 pages).	End of 6th month—131st Working Day	20%

Payments will be made upon submission of a detailed time sheet and certification of payment form, and acceptance and confirmation by the Supervisor on days or hours worked and outputs delivered (with a “day” calculated as 8 hours of work).

8. Required Qualifications and Experience

- Advanced university degree (Master's degree or equivalent) in political science, international relations, law, or related fields.
- A minimum of 10 years of progressively responsible experience in democratic governance, rule of law, peace processes, mediation or relevant fields, with a minimum of three years of experience working on constitution-making and mediation in the Middle East and North Africa (MENA) Region.
- Experience working on Political Affairs in Libya.
- Proven advisory experience and track record of engaging on topics related to national reconciliation, conflict resolution, and peaceful dialogue.
- Proven intellectual and practical capacity to understand and interpret national and local development and political issues, particularly in recovery situation/post crisis settings. If considered how are we going to evaluate it.
- Exceptional written and verbal communications.

Languages:

- Fluency in English & Arabic (both oral and written) is required.

9. Documents to be included When Submitting the Proposals

Consultant shall submit the following documents:

- 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.
- Financial proposal in the UNDP format – Annex 3 and 3A.
- Applicants must submit a duly completed and signed Annex II Offeror's letter to UNDP confirming interest and availability for the Individual Contractor (IC) assignment.

10. Financial proposal

Lump sum contract

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 instalments or upon completion of the entire contract). Payments are based 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.

The Consultant will be responsible for all personal administrative expenses associated with undertaking this assignment. UNDP Libya (temporarily based in Tunis) will provide office accommodation, printing, stationary, incurred in this assignment.

11. Travel Costs

All envisaged travel costs must be included in the financial proposal. This includes all travel to join duty station/repatriation travel. 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.

12. Evaluation

The award of the contract shall be made to the individual consultant whose offer has been evaluated and determined as:

- Only those applications which are responsive and compliant will be evaluated;
- Offers will be evaluated according to the Combined Scoring method –where the technical criteria will be weighted at 70% and the financial offer will be weighted at 30%;
- Only candidates obtaining a minimum of 49 points (70% of the total technical points) would be considered for the Financial Evaluation;
- The top applicant with the Highest Combined Scores and that have accepted UNDP's General Terms and Conditions will be awarded the Framework Agreements.

Evaluation Criteria

EVALUATION CRITERIA			
Technical evaluation (70 points).			70 POINTS
Academic Evaluation 10 General Experience 10 Specific Experience 30 Interview 20			MAX 70 POINTS
Academic Requirement	Advanced university degree (Master's degree or equivalent) in political science, international relations, law, or related fields.	10	10 Points Maximum
General Experience	A minimum of 10 years of progressively responsible experience in democratic governance, rule of law, peace processes, mediation or relevant fields, with a minimum of three years of experience working on constitution-making and mediation in the Middle East and North Africa (MENA) Region.	10	10 Points Maximum 1-3 yrs: up to 3 points 4-8 yrs: up to 8 points 8-9 yrs: up to 9 points 10 yrs or more: 10 points
Specific Experience	A minimum of 10 years relevant experience, including (but not limited to): <ul style="list-style-type: none"> - Experience in mediation, political, legal and constitutional affairs - Experience working on Political Affairs in Libya. - Experience in project implementation especially in relation to mediation, peacebuilding and conflict resolution. Fluency English and Arabic: compliance or non-compliance.	30	30 Points Maximum 1-3 yrs: up to 5 points 4-8 yrs: up to 10 points 8-9 yrs: up to 20 points 10 yrs or more: 30 points

Interview	<p><i>Candidates obtaining a minimum of 35 points (70% of the total technical points - 50) would be considered for the Interview;</i></p> <p>Areas to consider: A minimum of five years:</p> <ul style="list-style-type: none"> - Knowledge of Libya and the current political, legal/constitutional issues. - Knowledge of the UN System and political affairs support structures, tools and processes. 	20	
Financial Evaluation			MAX 30 POINTS
<p>Candidates obtaining a minimum of 49 points over 70 points would be considered for the Financial Evaluation - 30 points Lowest Price will be qualified with the maximum of 30 points. Higher prices will be qualified according to the following calculation:</p> <div style="border: 1px solid black; padding: 10px; width: fit-content; margin: 10px auto;"> $FE = \frac{LFP}{FPI} \times 30$ </div> <p>FE= Financial Evaluation LFP = Lowest Financial Proposal FPI= Financial Proposal of bidder i</p>	30		
FINAL EVALUATION: TECHNICAL + FINANCIAL			MAX 100 POINTS

Note:

- Applications **without i) financial offer, ii) P11 form and iii) Documents mentioned under Technical Proposal will NOT** be considered for evaluation;
- Financial proposal should be on provided format (i.e Annex 3- OFFEROR'S LETTER TO UNDP);