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ETHIOPIA

SECTION 3: TERMS OF REFERENCE (TOR)

GENERAL INFORMATION

Services/Work Description:	International Consultancy Firm for Finalizing its strategy and building its technical capacity in transitional justice and reconciliation for supporting the Ethiopian Reconciliation Commission (ERC)
Project/Program Title:	Governance and Democratic Participation Programme
Duty Station:	Home based
Type of the Contract:	International Consultancy Firm / Academic Institution / Foundation / NGO
Duration:	68 working days distributed over 5 months
Expected Start Date:	Immediately after signing the contract

I. BACKGROUND / RATIONALE

In 2018, Ethiopia undertook a serious reform following the coming to power of the Prime Minister Dr. Abiy Ahmed. In addition to lifting the state of emergency; the Prime Minister has taken a number of legal and administrative reforms in the country. The establishment of the national reconciliation commission under the proclamation no. 1102/2018 is one of these significant achievements of the Prime Minister.

The ERC is an independent commission is mandated to reconcile the lingering disagreements and different societal, ethnic and political conflicts between Ethiopians. The Commission determines the cause and dimension of repeated gross violation of human rights and suggests realistic recommendations aligned with the Federal Constitution, regional and international agreements. The Commission has three years of mandate out of which one year is dedicated to preparation and strategic plan development as well as the installation of necessary infrastructure for reconciliation, data gathering and further investigation.

The ERC was formally established in February 2019 consisting of 41 prominent individual members appointed by the parliament upon recommendation of the Prime Minister. The Commissioners are voluntary and serve on a part-time basis. The commission has also organized itself in to five main standing committees and the chairs of these committees constitute the executive committee of the reconciliation added up with the chair and vice chair of the commission appointed by the parliament upon recommendation of the Prime Minister. The five committees are 1) public communications, education and relations committee; 2) documentation of public submissions committee; 3) truth and complaints investigation committee; 4) reconciliation committee; and 5) administrative and partnership committee. The secretariat is headed by a Chief Executive Officer, who reports to the Chairperson of the Commission, oversees the day to day running of the Commission's activities. The Secretariat is structured into seven departments and units aligned to its core mandate. Heads of the departments will form a part of the Secretariat. They report to the Chief Executive Officer, who in turn reports to the Commission. To date however, the ERC only has been granted budget for the Chair,

deputy Chair and a few administrative officers. It is crucially lacking the means for the human resources needed to staff its seven departments who are responsible for moving the daily work of the five standing committees forward.

Over the past months, the ERC has held a series of consultations in view of developing its reconciliation strategy. Having a clear strategy would greatly help the Commission to have a clear set of priorities, roadmap for implanting them, as well as the basis for mobilizing the resources and expertise it needs to jump start its work. It would be instrumental for the Commission to start delivering tangible progress on truth and reconciliation issues that would then help to build trust, confidence, subsequently acceptance and legitimacy of the ERC to achieve its mandate. In this regard, a clear reconciliation strategy as well as capacity building of its secretariat staff and commissioners on transitional justice and reconciliation would help ensure that the Government of Ethiopia's policies on peace and reconciliation take hold and limit the risk of social conflict – particularly around the electoral period. The legal framework of the ERC has also to be reviewed and strengthened for the Commission to have the means to effectively implement its Truth and Reconciliation mandate. To this effect, the Ethiopian Lawyers Association will conduct an assessment and provide recommendations for improving the text of the proclamation which established the ERC in 2018.

To ensure the successful implementation of the above-mentioned vision and initiatives, UNDP Ethiopia, is seeking to recruit a team of Technical Experts on Transitional Justice and Reconciliation on a short-term basis who will be working remotely while COVID-19 restrictions remain in place, but should be disposed to travel to Addis Ababa for a short mission if those are lifted during the period of the consultancy (UNDP would cover travel costs to and from the consultants place of residence). The UNDP support fall under our ongoing Governance and Democratic Participation Programme.

II. OBJECTIVES OF THE SERVICE / WORK

The main objectives of the consultancy are to provide technical support to the ERC for it to have a clear strategic plan, that its staff and Commissioners have increased knowledge of Transitional Justice and Reconciliation, that the ERC has basic procedures, tools and systems in place for collecting evidence and/or testimonies, and that it receives expert guidance to draft a reconciliation covenant.

III. SCOPE OF THE SERVICE / WORK

The Technical Experts on Transitional Justice and Reconciliation will be responsible for helping the ERC Secretariat to finalize the institution's strategy (jointly with two national reconciliation Technical Advisers based in the Secretariat), deliver trainings on transitional justice and reconciliation, and develop tools systems and procedures for conducting investigations, collecting testimonies and gathering evidence.

IV. EXPECTED OUTPUTS / DELIVERABLES

The Team of Technical Experts will be responsible for coordinating their deliverables closely with the Peacebuilding and Reconciliation Adviser and the Governance Team within UNDP, as well as the ERC Secretariat.

He/She will be under the supervision of the UNDP Governance and Capacity Development Team Leader and closely working with UNDP Peacebuilding and Reconciliation Advisor.

Summary of Key Functions:

The Technical Experts on Transitional Justice and Reconciliation will undertake the following key activities:

- Provide technical expertise to help improve the ERC strategy and annual work plan.
- Provide technical expertise and advice to the ERC for drafting a reconciliation covenant.
- Build the capacity of the ERC in Transitional Justice and Reconciliation
- Develop the tools, systems, and procedures for collecting, recording and storing testimonies, evidence, and conducting investigations.
- Provide technical feedback on the communication strategy of the ERC.

Specific deliverables:**3-day Training on Transitional Justice & Reconciliation for ERC secretariat & commissioners (max 15-20 persons)**

- Planning of training concept based on consultation with the ERC, UNDP Ethiopia and other relevant stakeholders
- Design of training sessions, including training presentations and other materials
- Provision of training sessions as planned in coordination with ERC and UNDP Ethiopia

Develop the tools, systems and procedures for collecting testimonies and gathering evidence

- Provide technical assistance to design the Database system (the ICT part will be done by another national IT consultant).
- Develop the standard operating procedures for collecting testimonies, gathering evidence and conducting investigations
- Train the ERC Knowledge Management Technical Adviser and members of the Documentation of Public Submissions, Truth and Complaints Investigation and Reconciliation Committees in the protocols for using the data base and procedures for storing information (max 7 persons).

Remote assistance of expert to support strategy finalization and annual work plan

Experts will provide support to finalization of strategy of the ERC, which is envisaged to include:

- Shared understanding of the concept of reconciliation and the ERC's contribution to it
- Review the strategic model of the commission and make recommendations to improve its institutional set up (with three options considering limited, moderate and full budget resource allocations).
- Statement of goals and outcomes of the work the commission is expected to achieve
- Development of a theory of change
- Mechanisms for delivering on the strategy, i.e. indications of how the strategy will be operationalized, incl. process flow for its key activities
- Overview of structure (organigram) and required positions
- Review of annual work plan

Remote assistance of expert support to advise ERC on National Reconciliation Covenant

- Give technical guidance to support ERC in providing options to MPs, elites and traditional authorities on international best practices, particularly on how to include women and youth, and what potential components could form part of a national reconciliation process in Ethiopia
- Provide mediation and negotiation skills training to the ERC secretariat and commissioners.
- Support the ERC to draft a Reconciliation Covenant.

V. METHODOLOGY / APPROACH OF THE SERVICE (WORK)

- a. The Technical Experts on Transitional Justice and Reconciliation should first review all relevant legal and policy frameworks related to the ERC, review the ERC strategy, and meet virtually with the ERC secretariat and members of the ERC's Truth and Complaints Investigation and Reconciliation Committees to get a full briefing on work done so far and their expectations.
- b. Then, the Technical Experts on Transitional Justice and Reconciliation should virtually meet, and regularly exchange information, with the ERC Chair, the two National Reconciliation Experts and the Knowledge Management Technical Adviser in the ERC secretariat.
- c. This period will constitute the preparatory phase during which the Technical Experts on Transitional Justice and Reconciliation will adapt the training curricula, methodologies and tools to the Ethiopian context.
- d. Hereafter, Technical Experts on Transitional Justice and Reconciliation should conduct the trainings, develop the tools and systems, and provide the remote technical assistance.

VI. LOCATION, DURATION AND TIMEFRAME OF THE WORK /DELIVERABLES/OUTPUT

- a. The Technical Experts on Transitional Justice and Reconciliation will work remotely from their homes/offices and conduct the trainings, provide technical assistance and coaching through online videoconferencing services (e.g. Zoom, Skype, etc), online chats and email.
- b. The preparatory work, trainings and technical assistance should take place over a 5 months period and start immediately after contract signature.

This consultancy assignment will be home-based.

No.	Deliverables	Implementing Partners (IP)	Location and Action to be Undertaken	Duration (approx.)
1	3-day Training on Transitional Justice & Reconciliation for ERC secretariat & commissioners	ERC / UNDP	Addis Ababa / Desk Review	20 working days
2	Develop the tools, systems and procedures for collecting testimonies and gathering evidence	ERC / UNDP	Addis Ababa / Technical Coordination	30 working days
3	Remote assistance of expert to support strategy finalization and annual work plan	ERC / UNDP	Addis Ababa / workshop and dialogue series curriculum	6 working days
4	Remote assistance of expert support to advise ERC on National Reconciliation Covenant and review of ERC strategy	ERC / UNDP	Addis Ababa / Mobilization of influential decision makers	10 working days
5	Final narrative and financial report	ERC/ UNDP	Addis Ababa / report writing	2 working day
Total Working Days				68 working days

VII. INSTITUTIONAL ARRANGEMENT / REPORTING RELATIONSHIPS

- a. The Technical Experts on Transitional Justice and Reconciliation will functionally report to the ERC's Justice and Reconciliation Standing Committee. Administratively, they will report to the UNDP Governance Team Leader. For technical implementation of their activities the TSP experts' primary focal points will be the Chair of the ERC and the UNDP Peacebuilding and Reconciliation Adviser.
- b. The Technical Experts on Transitional Justice and Reconciliation will be required to submit a final narrative report detailing the outcome of the assignment and recommendations for future capacity building of the ERC. The narrative report will be accompanied by a detailed financial report.
- c. The Technical Experts on Transitional Justice and Reconciliation will be required to take part in bi-weekly technical coordination meetings with other ERC staff and consultants hired by UNDP to support national reconciliation efforts.
- d. UNDP will provide the software license for videoconferencing (e.g. Zoom).

VIII. PAYMENT MILESTONES AND AUTHORITY

Prospective Service Provider will indicate the cost of services for each deliverable in **US dollars** when applying for this consultancy. The Proposer will be paid **based on the effective UN exchange rate (in case of other currency denomination), and** only after **approving authority** confirms the successful completion of each deliverable as stipulated hereunder. In accordance with UNDP rules, the lump sum contract amount to be offered should consider the **professional fee inclusive of travel, living allowances, communications, taxes, out of pocket expenses, and other ancillary costs.**

A winning Proposer shall then be paid the lump sum contract amount upon certification of the completed tasks satisfactorily, as per the following payment schedule:

Payment Schedule (Payment trenches)	Deliverables or Documents to be Delivered	Approval should be obtained from:	Percentage of Payment
1 st Instalment	1. Training Report on Transitional Justice & Reconciliation 2. Tracked changed inputs, comments and recommendations on ERC strategy and annual work plan	ERC Justice and Reconciliation Standing Committee / UNDP Peacebuilding and Reconciliation Advisor	30%
2 nd Instalment	3. Report on the initial development of data base protocols, tools and systems 4. Draft National Reconciliation Covenant	"	40%
3 rd Instalment	5. Final narrative and financial reports	"	30%

IX. MINIMUM ORGANIZATION AND CONSULTANCY TASK FORCE REQUIREMENTS

9.1 Minimum Organization Requirements

- a. The successful Service Provider would be a Team of at least 3 individual consultants: Team Leader, Lead Consultant, Associate Consultant;
- b. The Lead Consultant should have at least 10 years of experience in dialogue and reconciliation.
- c. The Team Leader and Lead Consultant should have experience in conducting workshops – ideally also using videoconferencing tools.
- d. The Team of experts should have specific expertise on and working experience working with Truth and Reconciliation Commissions (TRCs).
- e. The Team of experts should have a combination of peacebuilding, reconciliation, transitional justice and legal backgrounds.
- f. The Team of experts should have experience in developing information management and archiving systems for TRCs.

The multi-disciplinary team should comprise members with the following educational qualifications; experience and competencies:

9.2 Task Manager / Team Leader

Academic Qualification:

- At least Master's degree (preferably a PhD) in International Law, Conflict Resolution, Peacebuilding, Transitional Justice or related fields.

Experience:

- A professional experience of over 7 years in Peacebuilding, Conflict Resolution, Dealing with the Past, Transitional Justice, or Truth and Reconciliation.
- Experience supporting Truth and Reconciliation Commissions in similar contexts is a requirement.
- Experience working in similar contexts in Sub-Saharan Africa is a must, in Ethiopia would be an added advantage.
- Experience in providing trainings on transitional justice, reconciliation, conflict prevention and/or peacebuilding to practitioners, policy makers and civil society representatives.
- Experience in liaising and engaging different stakeholders, including national governments, in a complex environment and in managing partners expectations;
- Experience in designing and implementing, capacity building initiatives.
- Experience working within a UN agency and/or other international organizations would be added advantage.
- Experience in the use of computers and office software packages, including experience in handling web-based teleconferencing platforms and systems (e.g. Zoom, Microsoft Teams, etc); and

Competencies:

- Ability to provide general leadership and direction to the study/research analysis and report writing;
- Excellent research and advocacy skills relating to Transitional Justice, Truth and Reconciliation;
- Experienced Trainer in Transitional Justice, Truth and Reconciliation.
- Strong organizational skills;
- Strong communication skills;
- Willingness to travel in Ethiopia as and when required / possible due to COVID-19 restrictions;
- Able to work both independently and within teams;
- Able to work under pressure; and
- Excellent oral and written communication and reporting skills both in English.

9.3 Lead Consultant / Senior Expert

Academic Qualification:

- A PhD or at least a Master's degree in Transitional Justice, Reconciliation, International Law or a related disciplines.

Experience:

- A minimum of 10 years of proven experience of working in peacebuilding and reconciliation.
- Experience supporting Truth and Reconciliation Commissions in similar contexts is a requirement.
- Experience working in similar contexts in Sub-Saharan Africa is a must, in Ethiopia would be an added advantage.
- Experience in liaising and engaging different stakeholders, including national governments, in a complex environment and in managing partners expectations;
- Experience in designing and implementing, capacity building initiatives.
- Experience working within a UN agency and/or other international organizations would be added advantage,
- Experience in the use of computers and office software packages, including experience in handling web-based teleconferencing platforms and systems (e.g. Zoom, Microsoft Teams, etc); and

Competencies:

- Excellent leadership, coordination and relationship building skills;
- Gains trust of peers, partners, and clients by demonstrating substantive and technical abilities including presenting authoritative advice to partners and other stakeholders.
- Demonstrated engagement with diverse donors and development partners;
- An effective and energetic team player, with the ability to work in a multidisciplinary and multicultural environment;
- Strong self-motivation and innovative skills, with capacity to work independently and meet deadlines.
- Ability to provide general leadership and direction to the study/research analysis and report writing;
- Excellent research and advocacy skills relating to Transitional Justice, Truth and Reconciliation;
- Experienced Trainer in Transitional Justice, Truth and Reconciliation.
- Strong organizational skills;
- Strong communication skills;
- Willingness to travel in Ethiopia as and when required / possible due to COVID-19 restrictions;
- Able to work both independently and within teams;
- Able to work under pressure; and
- Excellent oral and written communication and reporting skills both in English.
- Writes clearly and concisely.

9.4 Associate Consultants / Team Members

Academic Qualification:

- A minimum of a University Master's Degree in International Relations, Human Rights, History, Documentation, Conservation and Archives or a relevant area.

Experience:

- A minimum of 10 years of professional experience and proven expertise and experience in a human rights, transitional justice, archiving, information and data management for international organizations, international tribunals, and Truth and Reconciliations Commissions, and/or for international organizations such as UN agencies.
- Experience in developing database systems for TRCs, developing SOPs, managing records and archives systems and tools.

- Experience advising governmental, independent commissions, international tribunals, international organizations or non-governmental organizations in collecting testimonies of victims of human rights abuses, gathering and storing evidence, and preserving sensitive information.
- Experience in training and building the capacity of TRCs in information management, archives, records management, archiving tools and systems.

Competencies:

- Gains trust of peers, partners, and clients by demonstrating substantive and technical abilities including presenting authoritative advice to partners and other stakeholders.
- Demonstrated engagement with diverse donors and development partners;
- An effective and energetic team player, with the ability to work in a multidisciplinary and multicultural environment;
- Strong self-motivation and innovative skills, with capacity to work independently and meet deadlines.
- Ability to provide general leadership and direction to the study/research analysis and report writing;
- Excellent research and advocacy skills relating to Transitional Justice, Truth and Reconciliation;
- Experienced Trainer in Transitional Justice, Truth and Reconciliation.
- Strong organizational skills;
- Strong communication skills;
- Willingness to travel in Ethiopia as and when required / possible due to COVID-19 restrictions;
- Able to work both independently and within teams;
- Able to work under pressure; and
- Excellent oral and written communication and reporting skills both in English.
- Writes clearly and concisely.

X. CRITERIA FOR SELECTING THE BEST OFFER

Upon the advertisement of the Procurement Notice, qualified Consultancy Firm is expected to submit both the Technical and Financial Proposals. Accordingly; the firm will be evaluated based on Cumulative Analysis as per the following conditions:

- Responsive/compliant/acceptable as per the Instruction to Bidders (ITB) of the Standard Bid Document (SBD), 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%

XI. LOGISTICAL SUPPORT

List logistical support the Requesting Unit will offer to prospect Service Provider such as:

- The UNDP Governance and Capacity Building Team will ensure that the Consultancy Firm receives access to the [ECA/RSCA Compound in Addis Ababa, Ethiopia](#). When required and feasible, the Firm will be provided with [workspace and phone/internet access within UNDP](#).

XII. RECOMMENDED PRESENTATION OF TECHNICAL PROPOSAL

For purposes of generating proposals whose contents are uniformly presented and to facilitate their comparative review, a Service Provider advised to use a proposed Table of Contents. Hence, your Technical Proposal document must have at least the preferred content as outlined in the respective RFP Proposal Submission Form.

XIII. CONFIDENTIALITY AND PROPRIETARY INTERESTS

The consultants shall not either during the term or after termination of the assignment, disclose any proprietary or confidential information related to the consultancy or the Government without prior written consent. Proprietary interests on all materials and documents prepared by the consultants under the assignment shall

become and remain properties of ERC and of UNDP. This assignment will be administrated by the United Nations Development Programme (UNDP), and all relevant UNDP rules, policies and procedures will apply.

XIV. ANNEXES TO THE TOR (if any)

Existing literature or documents that will help Offerors gain a better understanding of the project situation and the work required should be provided as annex/es to the TOR, especially if such literature or documents are not confidential.

PROPOSED STANDARD TECHNICAL PROPOSAL EVALUATION CRITERIA

Herewith please find the **Standard Technical Proposal Evaluation Criteria** along with respective allocated weight template for Requester's subsequent review. As per the relevance of the proposed criteria it can either:

- Redistributed the allocated weight;
- Delete specific criteria if you find it irrelevant or less relevant; or
- Replace with new criteria along with corresponding allocated weight

Summary of Technical Proposal Evaluation Forms		Score Weight	Points Obtainable
1	Expertise of Firm / Organization	30%	300
2	Proposed Methodology, Approach and Implementation Plan	40%	400
3	Management Structure and Key Personnel	30%	300
TOTAL		100%	1000

Technical Proposal Evaluation (FORM I)		
Expertise of the Firm / Organization		Points Obtainable
1.1	Reputation of Organization and Staff / Credibility / Reliability / Industry Standing	50
1.2	General Organizational Capability which is likely to affect implementation - Financial Stability - Loose consortium, Holding company or One firm - Age/size of the firm - Strength of the Project Management Support - Project Financing Capacity - Project Management Control	90
1.3	Extent to which any work would be subcontracted (subcontracting carries additional risks which may affect project implementation, but properly done it offers a chance to access specialized skills.)	15
1.4	Quality assurance procedure, warranty	25
1.5	Relevance of: - Specialized Knowledge - Experience on Similar Programme / Projects - Experience on Projects in the Region - Work for UNDP/ major multilateral/ or bilateral programmes	120
SUB TOTAL		300

Technical Proposal Evaluation (FORM II)		
Proposed Methodology, Approach and Implementation Plan		
2.1	To what degree does the Proposer understand the task?	30
2.2	Have the important aspects of the task been addressed in sufficient detail?	25
2.3	Are the different components of the project adequately weighted relative to one another?	20
2.4	Is the proposal based on a survey of the project environment and was this data input properly used in the preparation of the proposal?	55
2.5	Is the conceptual framework adopted appropriate for the task?	65
2.6	Is the scope of task well defined and does it correspond to the TOR?	120

2.7	Is the presentation clear and is the sequence of activities and the planning logical, realistic and promise efficient implementation to the project?	85
SUB TOTAL		400
Technical Proposal Evaluation (FORM III)		
Management Structure and Key Personnel		
3.1	Task/Project Manager / Team Leader / General Qualification Suitability for the Project	
	- International experience	25
	- Training experience	20
	- Professional experience in the area of specialization	45
	- Knowledge of region	30
	- Language qualification	20
SUB TOTAL		140
3.2	Senior Expert(s) / Lead Consultant(s) General Qualification Suitability for the project	
	- International experience	15
	- Training experience	15
	- Professional experience in the area of specialization	45
	- Knowledge of the region	25
	- Language qualification	20
SUB TOTAL		120
3.3	Project Staff/ Associate Consultants General Qualification Suitability for the project	
	- International experience	5
	- Training experience	5
	- Professional experience in the area of specialization	10
	- Knowledge of the region	10
	- Language qualification	10
SUB TOTAL		40
SUB TOTAL - KEY PERSONNEL		300
Aggregate		1000