

TERMS OF REFERENCE

Location	Home based – if possible, in country visits
Application deadline	17 September 2020
Type of Contract	Individual Contractor
Title	Anthropological Study Specialist - to support the Customs and Traditional Governance Bill
Languages required:	English and Pidgin
Duration of Initial Contract:	150 days within 6 months

BACKGROUND

Significant progress has been achieved in the post-conflict peacebuilding and state building processes. The key areas in these processes are the Townsville Peace Agreement between the warring parties, a national reconciliation program that deals with issues directly and indirectly related to the civil unrest of 1998 to 2003, the law and order and institutional rebuilding and strengthening efforts by the Regional Assistance Mission to Solomon Islands, the Truth and Reconciliation Commission's work, and the post-TRC activities and efforts. Much of the programs that directly relate to the above, particularly reconciliation have already been dealt with considerable achievement. This provides the policy impetus to focus more on conflict management and prevention and building the capacities of both formal and informal institutions to be able in dealing with conflict management, prevention and the pursuant of conflict sensitive socio-economic development.

In this manner successive governments, including the Democratic Coalition Government for Advancement (DCGA) have seen the importance of strengthening and formalising local governance in rural areas. This gives rise to the Traditional Governance Policy, which is deemed part of the fundamental reform program of DCGA. This is not a new realisation by successive and the current governments, but traditional leaders all over the country over the years, even during the early years after independence, have put it to successive governments that local governance at the periphery must be formally recognised to support and compliment the work of formal governance.

This call was formally reinforced through the Parliamentary Foreign Relations Committee on the work of RAMSI in 2009. This Report is the basis for the Traditional Governance Policy which is currently being implemented. Besides, the Peace and Conflict – related Development Analysis (PCDA) conducted in 2004 also noted that higher levels of violence have occurred in areas in Solomon Islands where traditional mechanisms have weakened or broken down and thus there is a need to strengthen those traditional mechanisms.

Under the previous Democratic Coalition for Change Government (DCCG) and the current Democratic Coalition Government for Advancement (SIDCCGA), the key policy area or intention was the pursuit of legislating for traditional governance systems and structures, hence the formulation of the Traditional Governance and Customs Facilitation Bill. A nation-wide consultation was conducted by the Ministry of National Unity, Reconciliation and Peace (now Ministry of Traditional Governance, Peace and Ecclesiastical Affairs) which eventually resulted in an actual Traditional Governance and Customs Facilitation Bill 2018. The bill was brought to parliament but was withdrawn so that recommendations

made by the Bills and Legislative Committee are to be addressed. Further consultations will be pursued after which a revised version will be tabled in parliament in 2020 or 2021.

Introduction

The Bills and Legislative Committee (BLC) Report have made several important recommendations as way forward to better improve the Traditional Governance proposed law (Traditional Governance and Customs Facilitation Bill 2018). One of the key recommendations, that is recommendation number two (2) of the BLC report directed that a research study into the cultural anthropology of the various traditional governance systems in Solomon Islands to be carried out. That is the basis for this proposed research study work.

During the National Symposium on Traditional Governance convened for traditional leaders across Solomon Islands by the Ministry of Traditional Governance, Peace and Ecclesiastical Affairs (MTGPEA) in September 2019, the traditional leaders have made strong emphasis on the importance of adhering to the BLC recommendations, and amongst others is the recommendation to carry out cultural anthropological study into various traditional governance systems and structures existed in Solomon Islands societies. That will properly inform the proposed bill on the diverse traditional governance systems and structures that existed in Solomon Islands societies from time immemorial.

This research study is fundamentally important for this Traditional Governance proposed law as it will inform the important areas and requirements to focus on, which will then guide the reframing of the next processes leading to the new or perfected version of the Traditional Governance and Customs Facilitation Bill 2018. This therefore sets the basis for engagement of a consultant that will work collaboratively with the Ministry's responsible team to effectively carry this research work.

Aim/Objectives:

This research study aims to-

- Explore and identify the traditional governance systems, structures and practices that exist within Solomon Islands societies, the matrilineal and patrilineal, considering the different traditional and custom practices as well as traditional enforcement mechanisms that are in place; and land, natural resource management and governance, customary law, customary rights, customary inheritance, tribes, sub-tribes, clans and other pertinent issues.
- Review and identify the place, role and voices of youth and women in traditional governance systems in the country;
- Literature review on experiences gained so far in the administration of the Land Recording Act, the effectiveness (or otherwise) of the Local Courts (&CLAC), timber rights determination process, and such other laws and mechanisms that interfere with traditional governance, customary law and customary rights
- Identify the growing jurisprudence around customary law, customary rights, customary inheritance, tribes, sub-tribes, clans, and such other pertinent issues;
- Identify the jurisdictional issues such as powers, and the boundaries of such powers, that can be conferred at provincial government legislation could better fit as part of the provincial government law. Explore how group decision making is reflected and implement by group leaders in the communities.
- Compare and explore different language groupings that existed within Solomon Islands societies.

- Identify the place, role and voice of the youth, women and churches the traditional governance systems in Solomon Islands.

Research Study Methodology

The research study will be carried out or implemented through a qualitative research approach which will include in-depth qualitative interviews using a structured set of questionnaire amongst targeted group namely the traditional chiefs and traditional leaders whether it be individual or groups within the nine (9) provinces of Solomon Islands (Guadalcanal, Malaita, Central Islands, Choiseul, Isabel, Makira-Ulawa, Rennell and Bellona, Temotu, and Western).

The data and findings collected from the research will be analysed and subjected to verification by the Consultant and research team from time to time during the research duration. After that, the research findings will be compiled for further review by the Consultant, research team, MTGPEA's PS and Executive before final submission of the finished research work to MTGPEA's PS and Executive.

DUTIES AND RESPONSIBILITIES

Scope of Work

The following are the scope of key activities to be carried out for purposes of this research work. The Consultant is expected to work with a National Consultant to:

- Do the necessary literature reviews relevant to traditional governance in Solomon Islands; and develop inception report outlining gender sensitive research methodology, propose sampling strategy, gender sensitive research questionnaires, details of data analysis and detailed field plan;
- Present the inception report to MTGPEA, UNDP and UN Women and other stakeholders involved for feedback and approval.
- Formulation of gender sensitive research questionnaires and its testing in the field in liaison with the MTGPEA officers focusing on the Bills and Legislative Committee (BLC) relevant recommendations;
- Work with the national consultant in preparation of research briefings/ trainings for research team (consisting of MTGPEA officers) about the overall research methodology and data collection and analysis protocols.
- Support the national to supervise the research study team consisting of the MTGPEA officers and inclusive of the Ministry's Legal Officer;
- The research work projected to cover all nine (9) provinces in Solomon Islands ensuring a minimum of 30% of those consulted are women, youths and other vulnerable groups;
- lead the data entry, cleaning and analysis of research;
- liaise with the Ministry of Traditional Governance, Peace and Ecclesiastical Affairs (MTGPEA) officers from time to time in the course of the research work;
- Besides liaising with the Ministry of Traditional Governance, Peace and Ecclesiastical Affairs (MTGPEA) officers, the Consultant shall work collaboratively on a regular basis with the National Consultants, MTGPEA's Legal Officer and Permanent Secretary as the focal point of contacts for purposes of this research work;
- The Consultant to provide progressive update reports on the research work to the Ministry of Traditional Governance, Peace and Ecclesiastical Affairs (MTGPEA) Executive as and when required;
- Compile the research study findings; and The reviewing of the draft compiled research findings/validation exercises, and to be followed by submission of the finalized research work from the Consultant to the MTGPEA.

Expected Outputs and Deliverables:

Expected outputs /deliverables	Payment milestones	Deadline
Conduct necessary literature reviews on TG. Develop Inception report and formulation of gender sensitive research questionnaires with field testing Facilitate briefing for the research study team (MTGPEA)	20%	After 2 weeks of signing the contract
Actual field research work / Data entry, cleaning and analysis of research and Compile the research study findings. Review/validation exercise of compiled research study findings	40%	After 3 months of contract signing
Submission of a draft research to UNDP, UNWomen and MTGPEA Executive	20%	A month before the end of contract
Submission of final research to MTGPEA Executive	20%	2 weeks before the end contract date

Institutional Arrangement

- The Consultant will be reporting to and seeking approval and acceptance of outputs from the Permanent Secretary (PS) of the MTGPEA and the Project Manager – IGNR Project and will work closely with the MTGPEA’s Legal Officer;
- The Consultant will submit Monthly update progressive reports to the PS of MTGPEA and IGNR Project Manager;
- The Consultant is expected to consult and work closely with the community leaders and Provincial Governments Ministries;
- The Consultant will be managed and supervised by the PS MTGPEA and IGNR Project Manager;

COMPETENCIES

- Interpersonal, communication and good teamwork skills;
- Openness to change and ability to receive/integrate feedback;
- Ability to plan, organize, implement and report on work;
- Ability to work under pressure and tight deadlines;
- Outstanding communication, project management and organizational skills;
- Excellent presentation and facilitation skills.
- Ability to discuss sensitive topics at any level, from village to provincial to ministerial stakeholders using various public platforms
- Familiar with current government policy and strategy in terms of Policy on Traditional Governance;
- Ability to work as part of a multi-sectorial, cross-cultural team;
- A sound comprehension of conflict and gender sensitivities;

- Excellent communication skills (both written and oral), with fluency in English and pidgin;
- Focuses on impact and results for the client and responds positively to feedback.
- Demonstrates integrity and ethical standards;
- Positive, constructive attitude to work;
- Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability.

REQUIRED SKILLS AND EXPERIENCE

Educational Qualifications:

- PhD or master's degree in Anthropological studies, Public Policy, Sociological study, Peace Studies or Law.

Experience

- At least 10 years' experience in anthropological related research work.
- Has published at least 5 reports, journals and articles relating to anthropological studies.
- Demonstrated expertise and understanding of traditional governance system and structures in the Solomon Islands.
- Strong quantitative and qualitative data analysis skills
- Excellent research and drafting skills
- Comprehensiveness knowledge on local traditional governance context
- Proficiency in the use of office IT applications and internet in conducting research

Language requirements

- Fluency of English language is required;
- Knowledge of pidgin and other local languages would be an asset.

Price Proposal and Schedule of Payments

Consultant must send a financial proposal based on **Lump Sum Amount**. The total amount quoted shall be all-inclusive and include all costs components required to perform the deliverables identified in the TOR, including professional fee, travel costs, living allowance and any other applicable cost to be incurred by the IC in completing the assignment. The contract price will be fixed output-based price regardless of extension of the herein specified duration. Payments will be done upon completion of the deliverables/outputs and as per below percentages:

- Deliverable 1: -Submit literature review, questionnaires and research team briefing report: 20% of total contract amount
- Deliverable 2 draft research finding report: 40 % of total contract amount
- Deliverable 3 and 4 final research report 40% of total contract amount

In general, UNDP shall 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 event of unforeseeable travel not anticipated in this TOR, payment of travel costs including tickets, lodging and terminal expenses should be agreed upon, between the respective business unit and the Individual Consultant, prior to travel and will be reimbursed.

Evaluation Method and Criteria: Lowest price and technically compliant offer

The award of the contract shall be made to the individual consultant whose offer has been evaluated and determined as both: a) responsive/compliant/acceptable, and b) offering the lowest price/cost.

Technical Criteria for Evaluation (Maximum 70 points)

- Criteria 1 – PhD or master’s degree in Anthropological studies, Public Policy, Sociological study, Peace Studies or Law Max 10 points
- Criteria 2 At least 10 years’ experience in anthropological related research work. - Max 10 Points
- Criteria 3 Demonstrated expertise and understanding of traditional governance system and structures in the Solomon Islands – Max 15 points
- Criteria 4 Has published reports, journals and articles relating to anthropological studies – Max 15 points
- Criteria 5 Excellent research and drafting skills – Max 10 Points
- Criteria 6 Fluency of English and knowledge of pidgin and other local languages would be an asset – Max 10 points

Only candidates obtaining a minimum of 49 points (70% of the total technical points) would be considered for the Financial Evaluation.

Documentation required

Interested individual consultants must submit the following documents/information to demonstrate their qualifications. Please group them into **one (1) single PDF document** as the application only allows to upload maximum one document:

- **Letter of Confirmation of Interest and Availability** using the template provided in Annex II.
- **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.
- **Technical proposal**, including a) a brief description of why the individual considers him/herself as the most suitable for the assignment; and b) a methodology, on how they will approach and complete the assignment.
- **Financial proposal**, as per template provided in Annex II. Note: international consultants must quote prices in USD.

Incomplete proposals may not be considered.

Annexes

- Annex I - [Individual IC General Terms and Conditions](#)
- Annex II – [Offeror’s Letter to UNDP Confirming Interest and Availability for the Individual IC, including Financial Proposal Template](#)

For any clarification regarding this assignment please write to procurement.sb@undp.org