



## **TERMS OF REFERENCE**

### **FOR INDIVIDUAL CONTRACT**

<b>POST TITLE:</b>	<b>Researcher on the Status of the Implementation of the UNGPs on Business and Human Rights and the way forward in Africa (International Consultant)</b>
<b>AGENCY/PROJECT NAME:</b>	Rule of Law, Security and Human Rights Global Programme
<b>COUNTRY OF ASSIGNMENT:</b>	Home-based

### **BACKGROUND**

The United Nations Guiding Principles on Business and Human Rights (UNGPs), adopted by the UN Human Rights Council in 2011, are the most authoritative guidelines on how to “prevent and address human rights abuses in business operations.” They present a ‘protect, respect, and remedy’ framework to address human rights risks in the context of business operations. As part of its overall strategy of support on human rights, UNDP has been working increasingly in the area of Business and Human Rights (B+HR) and seeks to scale up this workstream to be part of its integrated global offer on human rights in line with key partners. The largest part of UNDP’s B+HR work is currently being implemented through the Business and Human Rights in Asia (B+HR Asia) program, which has been operational since 2016.

UNDP is developing a global program on business and human rights with separate workstreams for each region, including one to be implemented in Africa. UNDP has been engaged in desk research to determine the scope and content of its program. The preparatory phase contains substantive consultation with the UNDP Regional Bureau of Africa (RBA) and UNDP country offices to determine the countries that will be prioritised in the region.

Against this backdrop, UNDP intends to hire an International Consultant (IC) to conduct a research study to assess and document the status of the implementation of the UNGPs in Africa and provide concrete recommendations on how to advance the BHR agenda in UNDP’s programmatic efforts in Africa. The study will build on existing assessment on challenges and opportunities for programming in Africa.

The study should provide a background of the BHR legal and policy framework, and the most common human rights concerns related to businesses in Africa, as well as main barriers at a sub-regional level. In specific, the study shall contain a chapter on developments in BHR in the West, East and Southern Africa subregions, outlining apparent trends in implementing the UNGPs. The research should place closer analysis on Kenya, Ethiopia, Ghana, Tanzania, Sierra Leone, Zambia, Zimbabwe, Mozambique, Uganda, Côte d’Ivoire, and Nigeria, considering the use of illustrative case studies. It should conclude with specific recommendations to be fed into the current process of identifying a Roadmap to the implementation of the UNGPs in the next decade. Such recommendations will be directed to the UNWG on Business and Human rights and to UNDP. They should identify both policy changes and programmatic opportunities. The analysis should present a broad set of strategic entry points for advancing the BHR agenda in Africa.

In summary, the study aims to:

1. Assess the current status of the UNGPs in the Africa region and identify emerging trends and issues, challenges and opportunities for implementation of the UNGPs;
2. Provide recommendations to promote the BHR agenda effectively in the Africa region in the next 10 years, including strategic entry points and opportunities;

3. Inform the development of a strategic framework and pilot interventions for UNDPs BHR work in the region.

## SCOPE OF WORK

The IC will work under the guidance and supervision of the Business and Human Rights Specialist in the Regional Bureau of Africa (RBA), with support from the Head of Governance in RBA and the Global Business and Human Rights Advisor. Specific results to be achieved by the IC are listed below.

1. **Produce a research plan in consultation with UNDP. This result is comprised of the following major tasks:**
  - Conduct preliminary desk research to identify gaps in data and analysis concerning the status of BHR in the Africa region;
  - Based on preliminary research, propose the different chapters to be included in the knowledge product and outline their contents;
  - Create a research methodology and structure, and outline the specific activities to be undertaken, suitable to accomplish the deliverables 2 and 3 listed below.
2. **Report on the ‘Status of the Implementation of the UNGPs on Business and Human Rights in Africa and the way forward for the next decade’. This result is comprised of the following major tasks:**
  - By consulting widely with all relevant stakeholders in different subregions, research and outline the main developments on BHR progress and the implementation of the UNGPs, following the structure outlined under deliverable 1 listed above;
  - Report on the specific themes, including legislative, social and cultural and political factors that have or have the potential to progress a BHR agenda, and the main barriers at a sub-regional level;
  - Analyse current trends, challenges and strategic entry points for BHR work in different subregions and in Africa overall;
  - Articulate concrete recommendations on how to progress the BHR agenda in Africa in the new decade of implementation of the UNGPs.
3. **Validate research findings and produce the final report**
  - Validate research findings and recommendations through engagement with rights-holders and other stakeholders. Ensure through peer-review, including by the UNDP Business and Human Rights global team and through online consultation sessions with UNDP country office staff, regional experts and others to be defined in coordination with UNDP;
  - Produce the final report, in English, a format and layout suitable for publishing (publication costs are not expected to be borne in this IC contract).

It is anticipated that research will be undertaken through a mix of desk research and (remote) key informant interviews, including with regional experts.

## OUTPUT AND DELIVERABLES:

Deliverables/ Outputs	Estimated Duration to Complete	Target Due Dates	Review and Approvals Required
1) Research plan	3 working days	01 November 2020	Business and Human Rights Specialist, Governance and Peacebuilding Team, UNDP RBA.
2) Draft study, inclusive of	20 working days	30 November 2020	Business and Human Rights Specialist, Governance and Peacebuilding Team, UNDP RBA.

recommendations, for validation			
3) Validation through peer-review and consultations	5 working days	15 December 2020	Business and Human Rights Specialist, Governance and Peacebuilding Team, UNDP RBA.
4) Final report	2 working days	15 January 2021	Business and Human Rights Specialist, Governance and Peacebuilding Team, UNDP RBA.

The consultant will use his/her own equipment and software.

### Intellectual Property

All information and production of report to the assignments as well as outputs produced under this contract shall remain the property of the UNDP who shall have exclusive rights over their use. The products shall not be disclosed to the public nor used in whatever format without written permission of UNDP in line with the national and International Copyright Laws applicable.

## INSTITUTIONAL ARRANGEMENTS

The IC will work under the overall guidance of the Business and Human Rights Specialist, Governance and Peacebuilding Team, UNDP RBA. Each deliverable shall be presented to the Head of Governance, UNDP RBA for review and approval.

## DURATION OF ASSIGNMENT, DUTY STATION AND EXPECTED PLACES OF TRAVEL

### Duration

The assignment shall be completed within a maximum of 30 working days. It is estimated to commence on 26 October 2020, and the assignment will be completed by 30 January 2021 at the latest.

### Duty Station

The consultancy will be home-based. Interviews and consultations will take place through video conference or other remote communication tools.

## DEGREE OF EXPERTISE AND QUALIFICATIONS

### Required Skills and Experience

The IC should possess the following expertise and qualifications:

#### Education and Experience

- Advanced university degree (Master's or equivalent) or PhD in law, governance, anthropology, social science, political science, business management, or related discipline(s);
- 7+ years of research on documentation on human rights/social and development issues;
- 5+ years of work experience related to business and human rights;
- Demonstrated understanding of geo-political situation and experience Africa on a range of business and human rights issues, and with various types of stakeholders (e.g. government, NHRIs, businesses, civil society);
- Demonstrated capacity to conduct multi-discipline, cross-sector and cross-country research;

- Expertise in writing and documenting research reports.

### Skills

- Demonstrable research skills;
- Results-driven, initiative-taking, ability to work under pressure and meet tight deadlines;
- Ability to work independently or with very limited guidance.
- Highly motivated with a positive attitude and problem-solving approach;
- Good interpersonal and communication skills.

### Language

- Proficiency in English. Working-level French is desirable.

## REQUIRED DOCUMENTS

### Required documents

Interested candidates must submit the following documents/information to demonstrate their qualifications.

- Duly accomplished Letter of Confirmation of Interest and Availability using the template provided by UNDP;
- Curriculum Vitae;
- One example of a previous publication;
- Brief description 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. If an Offeror is employed by an organisation/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 Offeror must indicate at this point, and ensure that all such costs are duly incorporated in the financial proposal submitted to UNDP. The consultant should also indicate any travel and related costs for meetings etc;
- copy of Medical Insurance Certificate (prior to signing of the contract).

## CRITERIA FOR SELECTION OF THE BEST OFFER

### Evaluation Method and Criteria

Only candidates which are responsive and compliant will be evaluated. Individual consultants will be evaluated based on the following methodology;

### Combined Scoring method:

The award of the contract shall be made to the candidate whose offer has been evaluated and determined as a) responsive/compliant/acceptable; and b) having received the highest score out of set of weighted **technical criteria (70%) and financial criteria (30%)**.

- The technical criteria consist of qualification review (education, experience, language) [max. 100 points]
- **Financial score** shall be computed as a ratio of the proposal being evaluated as the lowest priced qualified proposal received by UNDP for the assignment will be based on a maximum 30 points.

### Technical Criteria for Evaluation (Maximum 100 points)

- Criteria 1: Education – Max 15 points;
- Criteria 2: Working experience – Max 45 points
- Criteria 3: Analytical, research and writing abilities – Max 30 points
- Criteria 4: Excellent command of English – Max 10 points

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

For those passing technical evaluation above, offers will be evaluated per the Combined Scoring method:

- a) Technical evaluation (70%)
- b) Financial evaluation (30%)

The application receiving the Highest Combined Score will be awarded the contract.

## 9) CONSULTANT PRESENCE REQUIRED ON DUTY STATION/UNDP PREMISES

NONE

PARTIAL

INTERMITTENT

FULL TIME

## 10) PAYMENT TERMS

Candidates shall quote a **lump-sum “all-inclusive” fee** for the completion of each deliverable. The term “all-inclusive” implies that all costs (professional fees, communications, consumables, etc.) that could be incurred by the IC in completing the assignment are already factored into the lump-sum submitted in the proposal. Payments shall be done upon verification of completion of deliverables and approval by the IC’s supervisor.

The lump-sum price is fixed regardless of changes in the cost components.

- First Tranche – 10% upon submission and approval of Deliverable 1 (“Research Plan”)
- Second Tranche – 40% upon submission and approval of Deliverable 2 (“Draft study for evaluation”)
- Third Tranche – 20% upon submission and approval of Deliverable 3 (“Validation through peer-review”)
- Fourth Tranche – 30% upon submission and approval of Deliverable 4 (“Final report inclusive of recommendations”)

**This TOR is approved by:**

**David Omozuafoh, OIC Governance & Peacebuilding**

**Signature**



**Date of Signing** 02-Oct-2020