

**ANNEX I**

*Empowered lives.  
Resilient nations.*

**ETHIOPIA**

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**TERM OF REFERENCE (ToR)  
FOR THE RECRUITMENT OF INDIVIDUAL CONTRACTOR (IC)**

**GENERAL INFORMATION**

<b>Services/Work Description:</b>	Recruitment Short Term Individual Consultant for Ethiopian Reconciliation Commission (ERC)
<b>Project/Program Title:</b>	Governance and Democratic Participation Programme
<b>Post Title:</b>	Senior Researcher on Transitional Justice and Reconciliation - Consultant (National)
<b>Consultant Level:</b>	<b>C</b>
<b>Duty Station:</b>	Addis Ababa
<b>Duration:</b>	Four months (no longer than June 30 <sup>th</sup> 2021) Level of Effort spread over 4 months to a maximum ceiling of 60 days.
<b>Expected Start Date:</b>	March 1 <sup>st</sup> , immediately after signing the contract

**I. BACKGROUND / PROJECT DESCRIPTION**

In 2018, Ethiopia undertook a series of reforms 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 the significant decisions of the Prime Minister.

The Ethiopian Reconciliation Commission (ERC) was formally established in February 2019 consisting of 41 prominent individual members appointed by the parliament upon recommendation of the Prime Minister all of whom serve in a voluntary capacity. The Commission has a three-year mandate 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 Commission has also organized itself in to five main standing committees and the chairs of these committees constitute the executive committee of the Commission.

In order to enable the ERC to collect testimonies and provide reparations to citizens who have suffered injustices, it will need to partner with local actors who are present at community level throughout the country. Traditional authorities in Ethiopia are the custodians of restorative and reparatory customary justice systems which work in complement to the statutory justice system. Traditional mechanisms and authorities also enjoy the respect of and are perceived as being legitimate actors by their communities to provide redress and compensation when crimes are committed. Therefore, traditional authorities represent a local capacity for reconciliation which the ERC can capitalize on. Research needs to be carried out to determine how compatible the different traditional dispute resolution mechanisms are with international best practices on truth and reconciliation, identify the gaps, and provide policy recommendations to the ERC for capacitating traditional authorities to support its work.

As the 2019 Proclamation has been slowly bedding down it became clear that there was the need for further refinement of the legal framework to articulate the key objectives of the Commission and how best to conduct its affairs. Since its inception, the lack of clarity of the ERC's legal framework on the scope of the violations it has to investigate nor the time period it should cover, combined with absence of a mapping of gross HR violations to help it decide where it should start these investigations, and the wanting human and technical resources needed to carry them out have made it impossible for the ERC to operationalize its truth seeking its mandate to date. In December 2020, a team composed of the Office of the Attorney General, Legal and Justice Affairs Committee and the Ethiopian Reconciliation Commission came together to consider and engage in a process to redraft the ERC proclamation. The draft revised Proclamation was developed at the request of the ERC recognizing the structural limitations revealed in the founding Proclamation. This redrafting work will enable the Commission to be better able to fulfil its key role to foster greater reconciliation, healing and build resilience across communities in Ethiopia. The amended Proclamation will need to be tabled for formal deliberation by the new members of the House of Peoples' Representatives which will hopefully occur following the June 2021 election.

To ensure the successful implementation of the above-mentioned vision and initiatives, the Ethiopian Reconciliation Commission, with financial and technical support from UNDP-Ethiopia, is seeking to recruit a Senior Researcher on Transitional Justice and Reconciliation on a short-term basis who will be stationed in the Ethiopian Reconciliation Commission Secretariat. Between September 2020 and February 2021, UNDP's technical assistance has helped the ERC to review its strategy, develop a draft communication strategy, develop a statement taking form, develop a first concept of a data base, and provide PR, communications, and reconciliation technical advice to the ERC Secretariat. The UNDP support falls within the ongoing larger Governance and Democratic Participation Programme (GDPP).

## **II. OBJECTIVES OF THE CONSULTANCY**

The main objectives of the consultancy are to determine how compatible the different traditional dispute resolution mechanisms are with international best practices on truth and reconciliation, identify the gaps, and provide policy recommendations to the ERC about how best to support the traditional authorities to link with and support the work of the Commission.

The Senior Researcher on Transitional Justice and Reconciliation will be responsible for delivering a range of policy recommendations to the ERC about how traditional authorities in Ethiopia can support the Truth and Reconciliation process in line with international best practices and laws. In addition, the Researcher will also seek to help the Commission to be able to devise the necessary steps and actions associated with the expected enactment of the amended ERC Proclamation and support the Commission to plan accordingly.

### **III. Functions / Key Results Expected**

#### **Summary of Key Functions:**

The appointed consultant will be involved in supporting the legal framework revision process, conducting a mapping on gross human rights violations, and leading research assignments about traditional dispute mechanisms and transitional justice best practices to advise the ERC in how it should operationalize its mandate.

The Senior Researcher on Transitional Justice and Reconciliation will undertake the following activities:

- 1) Produce a synthesis of studies about traditional dispute resolution mechanisms in Ethiopia and subsequently.
- 2) Facilitate a consultation within the ERC to discuss and invite comments about the context and content of the revised proclamation. These inputs can then be further reflected within the draft revised Proclamation.
- 3) Draft policy recommendations together with an outline strategy for the ERC about how traditional dispute resolution mechanisms and authorities can assist the ERC in fulfilling its truth seeking, transitional justice and reconciliation mandate.
- 4) Develop training curricula on 1) statement taking and 2) on transitional justice and reconciliation for the statement takers and secretariat staff / commissioners respectively.
- 5) Conduct a joint research on "Reconciliation and Transitional Justice in Ethiopia" with ISS to identify key issues/debates/ approaches on national reconciliation efforts in Ethiopia and explore international best practices which offer insights and policy relevant lessons on enhancing current processes. This research will be formally presented to the ERC for their consideration.

- 6) In coordination with the Ethiopian Human Rights Commission, produce a report mapping of historical gross human rights violations in Ethiopia from 1974 up until 2010 (more recent HR violations being covered from the EHRC), listing their source and causes with recommendations of where the ERC could start its investigations.

#### **Specific deliverables:**

- (Work with the International Experts on Transitional Justice to develop and deliver a Transitional Justice and Reconciliation training package for the ERC secretariat (including a training manual).
- Develop/ assist in developing manual, training curriculum and protocols for statement takers (including a manual, training material and statement taking forms).
- Report documenting the different indigenous dispute resolution mechanisms in Ethiopia, analysing how compatible they are with international best practices on truth and reconciliation, identifying the gaps, and providing policy recommendations and ideas about how these could support the work of the ERC to collect testimonies and provide redress to victims.
- Jointly with ISS produce a report on international best practices in Truth and Reconciliation with policy recommendations on which ones are most relevant for the Ethiopian context. *Research questions: What are the key approaches and mechanisms for national reconciliation efforts in Ethiopia? What lessons and insights international best practices offer in enhancing different aspects of national reconciliation efforts in Ethiopia?*
- Mapping and data base of contacts of the different traditional authority representatives in Ethiopia.
- Presentation of findings to specialized audience in Ethiopia (donors, UN, INGOs, justice and rule of law actors, academics, etc).
- (Work with the International Expert on Transitional Justice to produce) Policy on Transitional Justice for Ethiopia specifying the role and institutional memory/knowledge within the traditional authorities.
- Report mapping of historical gross human rights violations in Ethiopia up until 2010, their source and causes with recommendations of where the ERC should start its investigations. The mapping should be done via desk review and interviews of key informants (academics, experts).

No.	Main Tasks/	Detailed Activities	Timeframe
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	<b>Deliverables</b>		
1.	Develop/ assist in developing a manual and protocols for statement takers,	<ul style="list-style-type: none"> <li>✓ Develop or assist in developing protocols for statement takers;</li> <li>✓ Develop manual for training statement takers</li> <li>✓ Conduct a test training and statement taking process with current ERC staff and Commissioners</li> </ul>	March 2021 (10 days)
2.	Finalize mapping past gross human rights violations in Ethiopia	<ul style="list-style-type: none"> <li>✓ Continue working on the mapping of post-<i>Derg</i> gross human rights violations</li> <li>✓ Brief survey of social and political conflicts in post-<i>Derg</i> Ethiopia;</li> <li>✓ Identifying the major's areas in which past gross human rights were perpetrated;</li> <li>✓ Conduct focus groups discussions with purposively selected individuals;</li> <li>✓ Finalize the write-up of mapping past gross human rights violations for the period covered by the report (1974 to 2018);</li> <li>✓ Organize and facilitate consultation workshop with key stakeholders on past gross human rights violations in Ethiopia;</li> <li>✓ Present findings to specialized audience and key stakeholders; and</li> <li>✓ Incorporate comments, revise and submit brief report.</li> </ul>	March 2021 (10 days)
3.	Conduct research on indigenous dispute resolution mechanisms in Ethiopia	<ul style="list-style-type: none"> <li>✓ Balanced assessment of the various conflict resolution mechanisms throughout Ethiopia;</li> <li>✓ Identify the mechanisms and specify their offering to the works of the ERC;</li> <li>✓ Identifying and specifying the roles of traditional authorities in supporting the works of the ERC;</li> </ul>	April 2021 (15 days)

		<ul style="list-style-type: none"> <li>✓ Examine into their compatibility with international standards and best practices in truth and reconciliation;</li> <li>✓ Organize consultation workshop with key stakeholders on these matters;</li> <li>✓ Make concrete recommendations on how the identified mechanisms and traditional authorities can support and play complementarity roles to the works of the ERC.</li> </ul>	
4.	Conduct research on approaches and best practices on reconciliation (in collaboration with other consultant/s)	<ul style="list-style-type: none"> <li>✓ Review literature and other relevant materials;</li> <li>✓ Identifying main approaches to reconciliation;</li> <li>✓ Specifying international best practices to truth and reconciliation processes;</li> <li>✓ Drawing lessons for the ERC;</li> <li>✓ Draft and submit report</li> </ul>	May 2021 (10 days)
5.	Deliver training sessions for statement takers (in collaboration with other consultant/s if these staff are recruited)	<ul style="list-style-type: none"> <li>✓ Deliver training sessions for statement takers (in collaboration with other individuals/consultants) on general transitional justice notions and concepts' truth-seeking, reconciliation and truth commissions;</li> <li>✓ Deliver training to statement takers on mandates of the ERC;</li> <li>✓ Deliver training to statement takers on the purposes of statement taking, protocols for taking statement, plausible challenges and protection measures and support and other related matters</li> <li>✓ Write a report detailing training outcomes about how statement takers will use the knowledge they have gained, how the quality of their work will be ensured and how they can receive expert technical support during the statement taking process.</li> </ul>	June 2021 (4 days)

6.	Deliver training sessions to ERC staff, to Commissioners and others	<ul style="list-style-type: none"> <li>✓ Deliver series of trainings to ERC staff on general notions of transitional justice, truth-seeking, reconciliation, truth and reconciliation commissions, ERC's objectives and mandates, and on other related matters;</li> <li>✓ Deliver training to ERC's Commissioners about indigenous restorative justice mechanisms and how the ERC can best utilize them;</li> <li>✓ Deliver training to Commissioners about reconciliation models; and</li> <li>✓ Write training reports documenting outcomes, where the materials are stored and how technical expertise could be provided to the Commissioners and secretariat staff beyond the trainings.</li> </ul>	During the duration of the contract  (4 days)
7.	Provision of research and other support to the ERC	<ul style="list-style-type: none"> <li>✓ Provide technical support on other transitional justice areas of priority as identified and requested by the ERC;</li> <li>✓ Organize and facilitate meetings, consultation workshops when necessary;</li> <li>✓ Collaborate with other consultants and institutions working for the ERC as necessary;</li> </ul>	During the duration of the contract  (3 days)
8.	Presentation of findings of research assignments, HR violations mapping, and legal framework revision to specialized audience in Ethiopia (donors, UN, INGOs, justice and rule of law actors, academics, etc).	<ul style="list-style-type: none"> <li>✓ Background concept note outlining main developments in areas covered by IC, challenges ahead for the ERC to fulfill its mandate, and recommendations to donors</li> <li>✓ Powerpoint presentation summarizing the concept note contents</li> <li>✓ Delivery of presentation to specialized audience</li> </ul>	June 2021  (3 days)
9.	Final Report	Prepare and submit final narrative and financial reports to UNDP.	June 2021  (1 day)
	TOTAL		60 days

**Partners support and coordination:**

- Collaborate with International Expert on Transitional Justice hired by UNDP to support the ERC.
- Collaborate with academic institutions and I/NGOs who have produced research on traditional dispute resolution systems and authorities in Ethiopia (IPSS, ISS, LPI, PDC, RVI).
- Collaborate with the Regional Councils, Regional Security Bureaus and Regional Culture Centers.
- Collaborate and share data with UNDP and other actors involved in the supporting social cohesion and peacebuilding as well as in justice Sector assessment.

#### **Knowledge Management, Communication and Outreach:**

- Mapping and data base of contacts of the different traditional authority representatives in Ethiopia to be submitted to the ERC.
- Presentation of findings to specialized audience in Ethiopia (donors, UN, INGOs, justice and rule of law actors, academics, etc).
- Ensure that all materials produced are translated in English and Amharic and available on the website of the ERC.

#### **IV. Impact of Results**

The key results of the consultant are expected to have an impact on the overall work of the Ethiopian Reconciliation Commission creating a better understanding of its mandate and work as well as establishing the ERC to better understand its mandate and fulfil the expectations contained in the Proclamation. As such, the consultant's professional input should result in improved operational capacity of the ERC to initiate the phase of collection of testimonies and investigations into past crimes.

#### **V. Competencies**

##### ***Corporate Competencies:***

- Demonstrates integrity by modelling the UN's values and ethical standards;
- Promotes the vision, mission and strategic goals of UNDP;
- Displays cultural, gender, religious, race, nationality and age sensitivity and adaptability;
- Treats all people fairly without favouritism.
- Understand Ethiopian Government Policies and strategies and demonstrate value to the same.
- Promote the vision mission strategic goals of the ERC and demonstrate integrity by modelling the ERC values.



***Core Competencies:***

- Creates new and relevant ideas and leads others to implement them;
- Models high professional standards and empowers team members to innovate and deliver;
- Understands personal and team roles, responsibilities and objectives;
- Gains trust of peers, partners, and clients by demonstrating substantive and technical abilities including presenting authoritative advice to partners and other stakeholders.

***Functional/ Technical Competencies:***

- Excellent leadership, coordination and relationship building skills;
- Current knowledge of development issues, strategies, as well as programming policies and procedures in international development cooperation;
- Proven ability to conceptualize, innovate, plan and execute ideas, as well as to impart knowledge and teach skills;
- 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.

***Client Orientation:***

- Ability to anticipate and manage the needs and interests of multiple stakeholders and balance often contradictory expectations from national partners;
- Works towards creating an enabling environment for a smooth relationship between the clients and service providers.

***Analytical Abilities:***

- Knowledge of conflict and peacebuilding concepts and the ability to apply to strategic and/or practical situations;
- Knowledge of the interaction between political actors, political processes and peace in a society, including the impact of power distribution on political stability and economic outcomes;
- Capacity to assess scope of request for advisory services, prepare detailed TORs, regular brief and engage and support a variety of technical consultants; assess quality of services provided by technical consultants and make recommendations as might be required

***Partnership and Networking:***

- Engages and fosters strategic partnerships with other stakeholders and UN agencies, funds and programs;
- Shares UNDP knowledge and activities (at UN and other venues)

***Innovation, Outreach and Communication:***

- Communicates within and at large, participates in peer communities and engages substantively;
- Makes the case for innovative ideas, documenting successes and building them into the design of new approaches and tools;
- Demonstrates effective presentation and report-writing (both in English and Amharic), and

strong analytical and strategic skills.

***Gender and Institution Development:***

- Demonstrates knowledge of systems and tools for gender mainstreaming;
- Applies gender dimension to strategic and/or practical situations, including analysis of projects from a gender perspective;
- Demonstrates knowledge of Women's Rights and Political participation/empowerment issues and concepts and applies these in strategic and/or practical situations.

***Teambuilding:***

- Works effectively with diverse groups of professionals towards common goals;
- Able to manage different personalities and motivate others while ensuring team coordination and spirit;

## **VI. Required Qualifications**

**Education:**

Advanced university degree (PhD or master's degree) in the field transitional justice, conflict resolution, mediation, anthropology, law, sociology, international relations or related studies;

**Experience:**

A minimum of at least ten years of relevant work experience, with at least five years in a senior role in the international development sector.

- A minimum of 10 years of experience with a proven professional record in working in the field of transitional justice, truth and reconciliation, peacebuilding and/or traditional dispute resolution systems.
- An experience on working, writing, reporting, researching or facilitating training on transitional justice, peace and conflict issues is an advantageous.
- A specialized knowledge transitional justice, reconciliation and traditional dispute resolution systems in Ethiopia is preferred.
- Willingness to travel as and when required;
- Able to work both independently and within teams;
- Able to work under pressure; and
- Excellent oral and written communication and reporting skills
- Experience working in Ethiopia and knowledge of Ethiopia's political historical development and current situation
- Experience in liaising and engaging different stakeholders 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 management platforms and systems; and
- Familiarity with web publishing and interactive social media

#### Language requirements:

Fluency in English and Amharic.

### VII. INSTITUTIONAL ARRANGEMENT / REPORTING RELATIONSHIPS

The IC will be based at the Ethiopian Reconciliation Commission Secretariat. Functionally, s/he will be reporting to the Chair of the ERC and to the Governance Team Leader, and closely working with the Peacebuilding and Reconciliation Adviser within UNDP.

### VIII. DURATION OF THE ASSIGNMENT<sup>1</sup>

The engagement of the IC will be through a Level of Effort contract with the maximum ceiling set for 60 days between March 1<sup>st</sup> and June 30<sup>th</sup> 2021.

### IX. CRITERIA FOR SELECTING THE BEST CANDIDATE

Applicants are expected to submit their CVs, Academic credentials, Work Certifications, Produce Two sample publications on peace and conflict related issues; and any other relevant credentials.

Qualified Individual Consultants (ICs) are expected to submit both the Technical and Financial Proposals. The technical proposal should include how the IC will deliver the expected key deliverables listed below. The financial proposal should show how the IC's proposed rate by deliverables and spread over 12 months.

The following criteria will be followed in selecting the best candidate.

Criteria	Weight	Max. Point
Technical Competence (based on Credentials and technical proposal)	70%	100
Criteria a. [Experience and skills mix]		20
Criteria b. [Methodology for undertaking assignment]		40
Criteria c. [Motivation]		10
Financial (Lower Offer)	30%	20
Total Score	Technical Score (70%) + Financial Score (30%)	

### X. ETHICAL CONSIDERATIONS, CONFIDENTIALITY AND PROPRIETARY INTERESTS

<sup>1</sup> The IC modality is expected to be used only for short-term consultancy engagements. If the duration of the IC for the same TOR exceeds twelve (12) months, the duration must be justified and be subjected to the approval of the Director of the Regional Bureau, or a different contract modality must be considered. This policy applies regardless of the delegated procurement authority of the Head of the Business Unit.

- The consultant needs to apply standard ethical principles during the course of the evaluation. Some of these must deal with confidentiality of interviewee statements when necessary, refraining from making judgmental remarks about stakeholders.
- The consultant shall not either during the term or after termination of the assignment, disclose any proprietary or confidential information related to the consultancy service without prior written consent by the contracting authority. Proprietary interests on all materials and documents prepared by the consultants under this assignment shall become and remain properties of ERC and of UNDP.

## **XI. DELIVERABLES**

- Short monthly brief reports on progress be submitted to UNDP Peacebuilding and Reconciliation Advisor.
- A report documenting the different traditional dispute resolution mechanisms in Ethiopia, analyzing how compatible they are with international best practices on truth and reconciliation, identifying the gaps, and providing policy recommendations on how they could support the work of the ERC to collect testimonies and provide redress to victims.
- A training curriculum for statement takers.
- A mapping of past gross human rights violations in Ethiopia from 1974 to 2010.
- A training curriculum for ERC secretariat staff and commissioners on basic principles and international best practices of Transitional Justice and Reconciliation.
- A report on international best practices in Truth and Reconciliation with policy recommendations on which ones are most relevant for the Ethiopian context.
- A mapping and data base of contacts of the different traditional authority representatives in Ethiopia.
- A presentation of findings to specialized audience in Ethiopia (donors, UN, INGOs, justice and rule of law actors, academics, etc).

## **XII. PAYMENT TERMS**

- Payment will be made against the submission of deliverables reviewed and approved by the ERC Gross Human Rights Violations Standing Committee and by UNDP.

<b>Payment Schedule (Payment trenches)</b>	<b>Deliverables or Documents to be Delivered</b>	<b>Approval should be obtained from:</b>	<b>Percentage of Payment</b>
1 <sup>st</sup> instalment		ERC Gross Human Rights Violations Standing Committee /	25%

<b>Payment Schedule (Payment trenches)</b>	<b>Deliverables or Documents to be Delivered</b>	<b>Approval should be obtained from:</b>	<b>Percentage of Payment</b>
	<ul style="list-style-type: none"> <li>A mapping of past gross human rights violations in Ethiopia from 1974 to 2010.</li> <li>A mapping and data base of contacts of the different traditional authority representatives in Ethiopia.</li> <li>A report documenting the different traditional dispute resolution mechanisms in Ethiopia, analyzing how compatible they are with international best practices on truth and reconciliation, identifying the gaps, and providing policy recommendations on how they could support the work of the ERC to collect testimonies and provide redress to victims.</li> </ul>	UNDP Peacebuilding and Reconciliation Advisor	
2 <sup>nd</sup> instalment	<ul style="list-style-type: none"> <li>A training curriculum for statement takers.</li> <li>A training curriculum for ERC secretariat staff and commissioners on basic principles and international best practices of Transitional Justice and Reconciliation.</li> </ul>	"	25%
3 <sup>rd</sup> instalment	<ul style="list-style-type: none"> <li>A report on international best practices in Truth and Reconciliation with policy recommendations on which ones are most relevant for the Ethiopian context.</li> </ul>	"	25%
4 <sup>th</sup> instalment	<ul style="list-style-type: none"> <li>Reports of the trainings given to statement takers, commissioners and secretariat staff.</li> <li>A presentation of findings to specialized audience in Ethiopia (donors, UN, INGOs, justice and rule of law actors, academics, etc).</li> </ul>		25%

### XIII.ANNEXES TO THE ToR

- Existing literature or documents that will help Offeror 's gain a better understanding of the assignment and the work required would be provided as annex to the ToR, especially of such literature or documents are not confidential.

#### **XIV. HOW TO APPLY**

Interested consultant with required qualification and experience must submit their applications on line as per the following email: [procurement.et@undp.org](mailto:procurement.et@undp.org).

**This TOR is approved by:**

**Name:** Cleophas Torori

**Designation:** Deputy Resident Representative  
- Programme

**Signature:** Cleophas Torori

**Date Signed:** 23-Feb-2021

**This TOR is approved by:**

**Name:** Shimels Assefa

**Designation:** Team Leader, Democratic  
Governance and Peacebuilding Unit

**Signature:** Shimels Assefa

**Date Signed:** 23-Feb-2021