



## Term of Reference (ToR) for the Recruitment of Consultants to Conduct Assessment to Strengthen Federal-Regional Judicial Cooperation

### GENERAL INFORMATION

**Services/Work Description:** Conducting Assessment to Strengthen Federal-Regional Judicial Cooperation

**Project/Program Title:** Support to Judicial Reform in Ethiopia

**Duty Station:** Addis Ababa

**Duration:** 45 Days

**Expected Start Date:** Immediately after Signing the Contract

### I. BACKGROUND / PROJECT DESCRIPTION

In November 2018 with the change of presidents and vice president, the Federal Supreme Court of Ethiopia launched a reform agenda with the objective of restoring public trust on the judiciary. The reform agenda rolled out in phases with quick win activities and a three years' reform plan. The quick win activities include re-establishing the Judicial Affairs Advisory Council (JAAC) which was part of the Legal and Justice Affairs Advisory Council (LJAC) under the Office of the Attorney General and developing a detailed action plan to guide the reform. With the reestablishment of the JAAC the FSC commissioned the revision of the Federal Courts Proclamation and the Judicial Administration Council Establishment of Proclamation. These two laws were deemed to be foundational for the reform activities. Parallel to the legislative revision the FSC embarked on implementing its three years' reform plan. The plan aims at strengthening judicial independence and accountability, increasing access to justice, legal empowerment, and enhancing court performance through effective and efficient service delivery.

Strengthening cooperation between the federal and regional judiciary is deemed to be one of the essential measures in strengthening judicial independence and accountability. Although the Ethiopian Constitution established a dual judicial system at federal and regional level, the work of federal and regional judiciary has both functional and institutional intersection. The FSC has a power of cassation over any final court decision containing basic error of law. In addition, the Federal Courts Proclamation law (the repealed and the revised new version) recognizes Federal Courts Plenum that comprises presidents of federal courts and regional states supreme courts. Under the revised proclamation presidents of Addis Ababa and Dire Dawa city courts are included



and the Plenum powers and duties is expanded. In terms of this the major change includes bestowing the Plenum the power to “deliberate on problems encountered within Ethiopia with respect to independence of the judiciary, accountability and administration of justice and work out remedies”.

Therefore, as part of its overall support to the reform agenda, the United Nations Development Programme (UNDP) in collaboration with the Federal Supreme Court, wishes to provide assistance in the implementation of the three years’ reform project plan through a project titled ‘Support to Judicial Reform in Ethiopia Project’. As part of this support, and in response to the request from the FSC, UNDP is recruiting a consultant to conduct an assessment to identify potential areas of collaboration to strengthen Federal-Regional judicial cooperation. These ToR provide a framework to undertake the assessment.

## **II. OBJECTIVES OF THE SERVICE / WORK**

The primary objective of the consultancy is conducting an assessment on federal-regional judicial interface and cooperation reviewing/implementing constitutional and legislative frameworks, federal-judicial cooperation in the past, and the reform agenda of federal courts. The assessment shall identify strengths, weakness, opportunities, and challenges in federal-regional cooperation. The assessment shall provide for practical insights from regional and federal judiciary that would be identified in the data sampling. The assessment is expected to identify potential areas for future cooperation.

## **III. SCOPE OF THE ASSESSMENT**

The scope of the consultancy work will cover the federal judiciary and regional states’ supreme courts. The consultant is expected to identify other relevant institutions that would provide input to meet the objective of the assessment. The consultants will be responsible to: -

- Prepare a work plan consisting detailed assessment methodology, time frame, and illustrative list of materials to be reviewed and stakeholders to be interviewed;
- Conduct an in-depth assessment of federal-regional judicial interface and cooperation in the past and present;
- Research on best practice of federal states in federal-regional judicial cooperation;



- Produce an assessment report showing strengths, weakness, opportunities and threats for federal-regional judicial cooperation, potential areas of cooperation, and the recommendations on how to improve the FSC subsidy system to regional courts that handle federal cases by delegation that needs to be taken to strengthen federal-regional judicial cooperation
- Present progress report and findings of the assessment for the leadership of federal and regional courts and during consultation forums;
- Document and incorporate comments and feedbacks from federal courts leadership and consultation forums;
- Submit final assessment report incorporating feedbacks.

## V. METHODOLOGY

The assessment shall be conducted using primary and secondary sources

The Consultant will be expected to carry out this assignment through:

- Assessment of existing relevant legal framework and practical application of the laws;
- Comparative study of experience of other countries with similar system;
- key informant interview with presidents of federal and regional supreme courts;
- Survey and collect relevant information and data on the operations of federal and regional courts, as well as partnership and collaboration between the courts;
- Consultation with concerned parties such as judges, lawyers and other stakeholders to collect opinions, identify gaps and strengths.

While this is indicative, it is anticipated that prospective consultant would design appropriate methodologies using his/her knowledge and experience to carry out the assignment at the required level.

## VI. EXPECTED OUTPUTS AND DELIVERABLES

No.	Deliverables / Outputs	Estimated Duration Complete Assignment to the	Review and Approvals Required
I.	Inception Report	5	



ii.	Conduct the Assessment and submit draft report	30	Federal Supreme Court President and Vice President
iii.	Incorporating Comments and submission of final report	10	

Unless otherwise provided, all deliverables shall be produced in Amharic. The final report shall be submitted in soft and hard copies.

## VII. INSTITUTIONAL ARRANGEMENT / REPORTING RELATIONSHIPS

The consultant shall be responsible to arrange her/his working environment. The consultant will be working under the overall supervision and guidance of relevant staff within the FSC and UNDP. The consultants will closely liaise with experts/focal points and the leadership of the FSC and UNDP. The consultant shall submit the required reports to the FSC and UNDP's Governance Unit. UNDP's Democratic Governance and Peace building Unit will be the primary focal point and as such it will manage the overall financial and contractual arrangement with the consultant.

The consultant is expected to review and edit the deliverables of the assignment according to feedback of the FSC/UNDP and shall respond to the FSC /UNDP questions and concerns in a timely manner.

## VIII. DURATION OF THE WORK

The overall consultancy period for all activities is 45 working days.

## VII. QUALIFICATIONS

### Technical Competencies:

- A masters or advanced degree in law or related disciplines with a minimum of 8 years in the areas of legal systems reform, and research.
- Expertise in developing legal and other relevant documents on judicial system, legal frameworks, federal arrangements, and in administration of justice in federal and regional levels.

### Functional Competencies: -

- Exhibits professionalism;
- Effective communication skills;
- Open mind and critical thinking;
- Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability
- Fulfils all obligations to gender sensitivity and zero tolerance for sexual harassment.

### Language Requirements

The consultants shall demonstrate proficiency in English and Amharic.

### **Important Note:**

Only applicants who hold the above qualifications will be shortlisted and contacted.



## VIII. CRITERIA FOR SELECTING THE BEST OFFER

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

- Responsive/compliant/acceptable, 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 is:
  - a. Technical Criteria weight is **70%**
  - b. Financial Criteria weight is **30%**

Criteria	Weight	Max. Point
<b>Technical Competence (based on CV, Proposal and interview (if required))</b>	<b>70%</b>	100
▪ <b>Criteria a.</b> Understanding the Scope of Work (SoW); comprehensiveness of the methodology/approach; and organization & completeness of the proposal		50 pts*
▪ <b>Criteria b.</b> Expertise in the areas of assignment including previous experience and team composition		20 pts
<b>Financial (Lower Offer/Offer*100)</b>	<b>30%</b>	30
<b>Total Score</b>	<b>Technical Score * 70% + Financial Score * 30%</b>	

## IX. PAYMENT MILESTONES AND AUTHORITY

The prospective consultants will indicate the cost of services for each deliverable in US dollars' **all-inclusive lump-sum contract amount** when applying for this consultancy. The consultants will be paid based on the effective UN exchange rate (where applicable), and only after approving authority confirms the successful completion of each deliverable as stipulated hereunder.

The qualified consultants shall receive his/her lump sum service fees upon certification of the completed tasks satisfactorily, as per the following payment schedule:

Installment of Payment/ Period	Deliverables or Documents to be Delivered	Approval should be obtained	Percentage of Payment
1 <sup>st</sup> Installment	Upon submission, presentation and approval of Inception Report	FSC/UNDP	30%



Installment of Payment/ Period	Deliverables or Documents to be Delivered	Approval should be obtained	Percentage of Payment
2 <sup>nd</sup> Installment	Upon submission, presentation of Draft assessment report	“	30%
3 <sup>rd</sup> Installment	Upon submission and approval of the final assessment report	“	40 %

#### **X. RECOMMENDED PRESENTATION OF TECHNICAL PROPOSAL**

For purposes of generating quotations whose contents are uniformly presented and to facilitate their comparative review, prospective Consultant are given a proposed **Table of Contents**. Therefore, prospective Consultants Proposal Submission must have at least the preferred contents which are outlined in the IC Proposal Submission Form incorporated hereto.

#### **XI. 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 service without prior written consent. Proprietary interests on all materials and documents prepared by the consultants under the assignment shall become and remain properties of FSC.