

TERMS OF REFERENCE

Developing a “How to” Guide on Ratification and Implementation of International Standards Related to Labour Migration and Mobility Governance for IGAD Member States Background

1. INTRODUCTION

Ratifying, domesticating and implementing international instruments on labour migration and mobility governance including ILO conventions related to migrant workers namely Migration for Employment Convention (Revised), 1949 (No. 97) and its accompanying Migration for Employment Recommendation (Revised), 1949 (No. 86); Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) and its accompanying Migrant Workers Recommendation, 1975 (No. 151); Private Employment Agencies Convention, 1997 (No. 181) and Domestic Workers Convention, 2011 (No. 189) is critical to ensure safe, orderly, and regular labour migration and maximize the development impact of migration. Ratifying and effectively implementing these conventions helps to strengthen the existing policy and legislative gaps on labour migration since the conventions address numerous aspects of labour migration, such as protecting the rights of migrant workers, promote fair recruitment, address both regular and irregular migrants and strengthen the migration-development nexus. The conventions and recommendations further stipulate measures that need to be taken by both countries of origin and destination to prevent trafficking, smuggling, forced labour and reduce the abuse and exploitation faced by migrant workers.

Ratifying and effectively implementing these conventions will give IGAD member states an opportunity to lobby and influence the decisions of destination countries in relation to migrant workers. In addition, by ratifying and implementing these conventions, IGAD member states gain a great deal of legitimacy at the international level to promote measures on protection of migrant workers including negotiation of bilateral labour agreements with countries of destinations. Besides, ratification of these conventions also fosters international cooperation among countries and enhances their commitment to overcome challenges related to labour migration and mobility governance, including fraudulent and abusive recruitment practices.

However, despite their immense role in improving migration and mobility governance, the ratification, domestication and implementation of ILO conventions related to migrant workers is at a very infant stage in the IGAD region. Out of the seven IGAD Member States, only Somalia has ratified Convention 97, Convention 143 and Convention 181 while Kenya has ratified only Convention 97 and Convention 143 and Ethiopia and Uganda only having ratified convention 181 and convention 143 respectively. Likewise, only Uganda is a signatory to the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. In addition, none of the IGAD Member States has ratified convention 189, which is of critical importance for the IGAD member states in the context of migration since many of the labour migrants in the IGAD region, as well as those travelling further abroad to the Arab States, are engaged in domestic work. On the other hand, even in countries that ratified international instruments, domestication of these instruments, proper implementation, reporting and compliance remains a challenge.

Among other things, one of the challenges identified as a bottleneck on ratification and implementation of international standards in the IGAD region is related to lack of sufficient knowledge and understanding about the process of ratification, implementation and/or domestication, reporting and complying/following with due process at national level. In this context, the ILO in close collaboration with IGAD secretariat aims to develop a how to guide on ratifying and implementation of international standards for IGAD member states in line with national rules and regulations concerning international treaties and instruments under the framework of the project on Free Movement of Persons and Transhumance pro financed by the European Union. Once developed, the guide is expected to serve as a quick reference for government officials and other experts on ratification and implementation of international instruments and further contribute and facilitate ratification of the Draft IGAD Protocol on Free Movement of Persons once adopted by the Council of Ministers.

2. OBJECTIVE

The overall objective of the assignment is to develop a how to guide on ratification and implementation of international instruments related to labour migration and mobility governance for IGAD Member states. The guide is expected to serve as a quick reference for government officials and other experts on ratification and implementation of international instruments and further contribute and facilitate ratification of the Draft IGAD Protocol on Free Movement of Persons once adopted by the council of ministers. To this end, among other things the consultancy firm is expected to:

- analyse contextual factors such as major challenges, opportunities, and factors affecting ratification, implementation and/or adoption, reporting and compliance against international commitments for each MS
- Identify and analyze best practices and lessons learned in ratifying, implementing and complying to international instruments and
- Provide country specific step-by-step and user friendly guidance on the process of ratifying, implementing and/or adopting and complying against international instruments

3. METHODOLOGY

The consultancy firm is expected to produce the guide based on a review of existing literature and limited key informant interviews with ILO officials and experts in the IGAD Member states virtually. To this end, among other things the consultancy firm is expected to use the following methods;

- **Desk Review:** the consultancy firm is expected to review latest academic and non-academic literature in the area of international human right instruments including ILO conventions, standards and recommendations. The Consultancy firm is also expected to make use of the report of the committee of experts on application of standards and key ILO publications on international standards and instruments such as Rules of the Game.
- Key Informant interview: the consultancy firm is also expected to have limited key informant interviews with experts from IGAD member states, social partners, IGAD secretariat, ILO and other stakeholders including UN agencies and civil society organizations/ Non-government organizations working on the subject to assess challenges, opportunities and best practices and on ratification, implementation and compliance against international commitments. In addition, firm is expected to gather and analyses information on key steps and process involved in ratification, implementation/domestication of the standards in each member state.
- Presentation and style: the guide is expected to be a quick practical and user-friendly reference material for government officials, policy makers and other stakeholders working on the subject. To this end, in addition to the narrative presentation/write up, the Consultancy firm is expected to produce diagrams, charts and other visual presentation styles to illustrate and presents facts and process in a more lucid and user friendly manner.

4. MAIN DELIVERABLES

The main outputs expected from the consultancy firm are:

- **Inception report:** the consultancy firm is expected to produce an inception report which shows his/her understanding of the assignment, detailed methodology, draft outline of the guide customized to the IGAD region, and guiding research questions and workplan.
- **Draft how-to do – guide:** the consultancy firm will submit the draft guide for review and comments of the ILO and IGAD.
- **Revised draft guide:** the consultancy firm will submit a revised draft guide incorporating ILO comments and inputs for comments and inputs by key stakeholders.

- **Presentation and validation:** the consultancy firm is expected to present the draft guide to Member States and stakeholder for validation and consultation.
- **Final guide:** the consultancy firm will submit a final guide incorporating comments and inputs from the validation workshop.

5. MINIMUM QUALIFICATIONS

The consultancy firm is expected to have personnel with the following qualifications and competencies:

- Post graduate degree in social sciences disciplines such as Law, international relations, or development studies.
- Ten years of experience working on international standards, instruments, and treaties.
- Five years of experience in conducting and managing multi country research activities and providing consultancy services in developing national and regional policies and programs in field of migration.
- Excellent report writing skills and ability to communicate effectively both orally and in writing.
- Good computer application skills including use zoom, skype and other teleconferencing applications.
- Excellent knowledge and understanding about labour migration issues in Africa in general and the horn of Africa in particular and
- Experience in working with UN agencies and multi-lateral organizations and institutions such as AU, IGAD and other Regional Economic Communities (RECs)

Other skills/competencies

- Experience in similar assignments in RECs in Africa would be an added advantage.
- Experience and ability to interact with senior officials (Government and REC officials and representatives of multilateral and bilateral agencies).
- Experience and ability to navigate political processes in highly sensitive settings.
- Excellent drafting/writing and analytical skills.
- Strong interpersonal, networking and presentation skills

6. MANAGEMENT ARRANGEMENTS

The consultancy firm will work under the direct supervision of the project Chief Technical Adviser and Technical Expert based in Djibouti. They will also get technical back stopping support from other experts in the ILO Decent Work Country Team Cairo and Pretoria as well as the ILO regional Office for Africa and Headquarters.

7. TIMELINE

The assignment is expected to be completed in 7 weeks period from 7st March 2022 to 2418th April 2022.

8. EVALUATION PROCESS AND CRITERIA

The evaluation process would be as shown below. In summary, the proposals will be evaluated on a weighted score of 70/30 for Technical/Financial relative score of 70/30.

Technical proposal evaluation criteria

In evaluating the technical proposal, the score allotted in the next table shall be used.

S/N	Evaluation Dimension	Max. Score
1	Team composition and portfolio of previous works	20
	Criteria: Qualification, previous experience and team composition	
2	Methodology	30
	Criteria Quality, clarity and responsiveness of the proposed methodology, tools and process	
3	Overall quality of the Technical proposal for assignment	20
	Responsiveness to the TORs / understanding of the assignment, proposed time frame, implementation plan as well as identification of risks and mitigation strategies	
Total		70
The minimum total score required from the technical proposal to be able to proceed for evaluating the financial proposal will be 49/70 which is an equivalent of 70%		

Evaluation of the Financial Proposal

The financial proposal offers having passed the technical review will be considered. The financial offer will account for 30% of the final score. The maximum number of points assigned to the financial proposal will be allocated to the lowest priced proposal. All other price proposals receive pro-rated points according to the following formula: $p = y (x/z)$, where: p = points for the financial proposal being evaluated y = maximum number of points for the financial proposal x = price of the lowest priced proposal z = price of the proposal being evaluated. The proposal obtaining the overall highest score, after adding the score of the technical and the financial proposals, is the one that offers best value for money. The financial proposal should detail all lines of envisaged expenditure. For each line, the unit cost, the quantity of units, and the total cost should be provided.

Technical and Financial Proposal evaluation will be based on the following percentage combination

Technical Proposal	70
Financial proposal	30
Total	100

Deliverables with payment Schedule

Payments upon submission to ILO satisfaction of the deliverables and in line with the following payment tranches:

Deliverables	Payment tranches	Time frame
A) Inception report: one comprehensive inception report covering the specific objectives	First tranche: 30% of total payment	2 weeks
B) Draft how – to - guide: draft guide for review and comments of the ILO and IGAD. C) Revised draft guide: a revised draft incorporating ILO comments and inputs for comments and inputs by key stakeholders.	Second tranche: 40% of total payment up on submission of the revised draft strategy to the satisfaction of ILO	3 weeks
D) Presentation and validation: the Consultancy firm will present the draft guide to Member States and stakeholder for validation and consultation. E) Final Regional Strategy: the Consultancy firm will submit a final guide incorporating comments and inputs from the validation workshop.	Third and final tranche 30% of total payment up on submission of the final strategy to ILO	2 weeks

Note: As ILO procedure the office will not cover receiver's side bank charges

NB: The service provider should submit all reports in English in word format and necessary presentations in ppt format as per requirements.

9. APPLICATION

- Interested service providers are encouraged to submit the following to the ILO via email ADDIS_PROCUREMENT@ilo.org before 27 February 2022, 05:00pm EAT.
- Any request for clarification should be submitted to addis_procurement@ilo.org with a subject: "request for clarification: Developing a how to guide on international standards for IGAD Member States" latest by 24 February 2022, 5:00 pm East Africa Time. Response to all questions will be provided latest by 25 February 2022.
- The proposal and all correspondences and documents related to the proposal shall be written in English;

- All prices should be submitted in US Dollars. If a proposal is submitted in a currency other than USD, the ILO will convert all prices in to USD using the UN official exchange rate at the date of application to facilitate comparison and evaluation.
 - Technical and Financial Proposal
- a. Name of service provider, address and contact details
 - b. Names and resume of proposed personnel showing qualifications and experience,
 - c. Portfolio of previous work
 - d. Client testimonials of the service provider's work
 - e. A paragraph on motivation of the service provider to work on a programme seeking to provide services in relation to the development field or help refugees finding better livelihood opportunities
 - f. All prices given should be in US Dollars.