



# giz

## Terms of Reference for the drafting of a model Memorandum of Understanding for service providers in the mineral value and traceability chain in ICGLR Member States

### Background

The Heads of State and Government of the International Conference on the Great Lakes Region (ICGLR) have provided the Regional Follow-up Mechanism of the ICGLR with extended and important functions in regards to managing and safeguarding peace, security and stability in the Great Lakes Region. The Conference Secretariat, as a crucial component of this follow-up mechanism, is tasked with organizing and providing the necessary services to ensure that the Regional Follow-up Mechanism can execute its mandate.

*The Regional Initiative on Natural Resources is derived from Article 9 of the Pact on Security, Stability and Development as well as the Protocol on the fight against the illegal exploitation of natural resources. The Protocol recommends the implementation of regional mechanisms and measures aimed at fighting against the illegal exploitation of natural resources.*

Within the framework of its support program to the ICGLR, the GIZ provides advisory services to the Technical Unit in the implementation of the Regional Initiative on Natural Resources. The Regional Certification Mechanism is an instrument that includes mine site inspections, traceability and audit systems. The objective of these three components is to ensure transparency of the Regional Certification with current governance standards.

The Member States are receiving offers from service providers to sign MOUs with regards to the implementation of traceability systems in their respective States. The role of the ICGLR Secretariat, the Technical Unit in particular, is to identify a model memorandum of understanding that is beneficial to Member States and takes into account their interests.

### 1. Objective

The Objective of the consultancy is to provide a model memorandum of understanding to the ICGLR Secretariat as well as a checklist of best practices on the drafting of a memorandum of understanding with service providers in mineral value chain in ICGLR Member States.

The aim of the consultancy is to provide the Executive Secretariat of the ICGLR with a model memorandum of understanding that can be submitted to technical service providers working in the area of mineral value and traceability chains. As a result, in order to better monitor and assess the performance of service providers, a service agreement will be attached to the memorandum of understanding. The Executive Secretariat of the ICGLR, through its Technical Unit, assists the Member States in their identification of a service provider on regional certification.

- 1.1 Expected outcome** - A model memorandum of understanding drafted and validated; - A legal tutorial in checklist format identifying the best practices in drafting memorandum of understanding with service providers; - Both documents should be in French and English.

- 1.2 Deliverables** - A work plan detailing the methodology of the study; - A mid-term report on the legal tutorial (not more than 2 pages); - A draft model memorandum of understanding; - A tutorial, finalized and validated, on the best practices in drafting memorandum of understanding; - A model memorandum of understanding finalized and validated.

### 2. Tasks

- Draft and submit the work/research methodology; - Analyze the existing MOUs between the Executive Secretariat and other organizations (MOUs regarding the implementation of the Regional Initiative on Natural Resources); - Propose and outline the possible improvements of the content of existing MOUs; - Identify and document the best practices in the area of memorandum of understanding between a regional organization and a technical service provider; - Draft a model tutorial with best practices in the area of MOUs that could be applied by the technical departments of Member States; - Draft a model MOU that can be applied by the Member States of the ICGLR to the service providers in the area of ICGLR Certification.

### 3. Qualifications and Experience

- 3.1 Qualifications** - Hold a Law degree from a recognized university; - Practicing law for at least 7 years and registered with the bar association of the country where the law firm is established; - Five years experience in the drafting of public private partnership contracts; - Proven experience in the drafting and analysis of legislations of at least 4 Member States of the ICGLR.

- 3.2 Experience** - Recognized experience of at least 5 years in contract advisory, drafting and management services; - Recognized experience of at least 5 years in public private international law; - Very good knowledge on transparency initiatives for conflict minerals in the African Great Lakes Region; - Recognized experience of at least 5 years in the drafting and analysis of legislations of Burundi, D.R Congo, Rwanda and Uganda would be an asset; - A very good knowledge of offers from service providers in the mineral value chain; - Oral and written fluency in English and French.

### 4. Implementation

The consultancy will begin on March 15th and conclude on April 15th 2016. The study is budgeted for 30 working days. The consultant will submit technical and financial offers in separate envelopes by post mail:

GIZ, B.P. 41, Croisement JRR/Av. P.L. Rwagasore 48, Bujumbura, BURUNDI or by email: giz-burundi@giz.de .

The deadline for the receipt of the offers is **March 4th 2016 at 17h00**